

**RACE, GENDER AND THE ADMINISTRATION OF JUSTICE IN A  
COMMUNITY CORRECTIONS SYSTEM**

**by**

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## **ABSTRACT**

# **RACE, GENDER AND THE ADMINISTRATION OF JUSTICE IN A COMMUNITY CORRECTIONS SYSTEM**

**by**

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In response to the growing diversity among the criminally supervised population, some public agencies have begun targeting treatment interventions and services by offenders' race, gender and cultural group, in an attempt to better serve all offenders and ultimately reduce recidivism. Such an approach recognizes that institutional practices that fail to challenge existing race and gender hierarchies, or interrogate the ways in which sexism and racism are embedded in everyday routines, interactions and social relations tend to reproduce existing inequalities. And yet, theoretical scholarship has been largely critical of the categorical treatment of difference, arguing that such an



approach reifies categories and reinforces stereotype and stigma. Despite this controversy, little empirical work has investigated the practice.

In three chapters, each focused on a different target population supervised within the community correctional context, this study examines the meaning and consequence of this conscious attention to difference. In the first chapter, I show that categorical treatment has distinct material and symbolic implications, with material benefits but symbolic disadvantages for women, and vice-versa for men. The second chapter reveals that categorical treatment may disadvantage those who do not fall neatly within the boundaries of the group to which they appear to belong, even when the group is considered privileged, as I illustrate with fathers. In the third chapter I identify distinct forms of cultural competency that are aligned with particular racial ideologies, and suggest that the meaning of categorical treatment will hinge crucially on officers' ideological orientations and incorporation of race-positionality into their work.

Ultimately I suggest that the implications of conscious attention to difference will vary by the social context in which "difference" is defined (with distinct implications in the correctional context) and, in the absence of consensus as to the significance of particular categories, the positionality and beliefs held by those charged with responding to this difference. The significance of the practice can thus be understood to be both contextually-contingent and idio-reflexive. Successful targeting, wherein stereotype does not define practice, requires that management clearly define both what aspects of difference are to be addressed and how practice should address this difference.

## **CHAPTER ONE**

### **INTRODUCTION**

Race and gender are systems of stratification that structure society, and one's placement in these categories may significantly determine everyday lived experiences and life chances (Blau and Kahn 2000; Charles 2003; Feagin 2000; Lorber 1994; Oliver and Shapiro 2006; Pager and Shepherd 2008; Reskin 1993; Ridgeway and Correl 2004; Ridgeway and Smith-Lovin 1999; Williams and Collins 1995). Ridgeway and Correl (2004) define the concept of gender itself as "an institutionalized system of social practices for constituting people into two significantly different categories, men and women, and organizing social inequality based upon this difference." Doane and Bonilla-Silva define race as "the totality of the social relations and practices that reinforce white privilege (2003:9)." Although race and gender constitute distinct systems of meaning and forms of oppression, scholarship contends that both are structured hierarchically in reference to a normative white male standard.

In an organizational context, institutional practice that fails to challenge these hierarchies or interrogate the ways in which sexism and racism are embedded in everyday routines, interactions and social relations tends to reproduce existing social inequalities (Acker 1990; Acker 2006; Britton 2003; Kanter 1977; Pager and Shepherd 2008; Ridgeway 1997; Royster 2003; Vallas 2003; Waldinger and Bailey 1991). Systems of

race and gender stratification may be reproduced by prejudiced individuals through bias, by institutions and actors' failure to challenge existing normative standards, or simply by a commitment to treat each person "the same" and in so doing, failing to recognize the significance of group-based experiences for individual starting points and outcomes (Pager and Shepherd 2008). To pose two examples from the correctional context, ignoring the differences in needs and circumstance between an offender who is a single-mother with children and a childless offender and treating the two equally may prove disadvantageous to the parent-offender. Similarly, failure to address or recognize the historical tensions existent between African American communities and the police may risk undermining the supervisory relationship between officers and African American offenders.

Acknowledging the white, masculine bias that gender and organizations literature suggests underlies organizational dynamics and institutional practices or, alternatively, acknowledging that members of different social groups may benefit from different interventions, means that strict equality of treatment between clients will not necessarily achieve equal outcomes. Equal treatment is typically considered to be the standard and goal of bureaucratic practice (Lipsky 1983). In contrast, the alternative approach assumes that equitable practice must not simply refrain from bias and discrimination, but also proactively acknowledge group perspective, positionality and needs. In recognition, a directive to target treatment via practice that is "gender-specific" and "culturally-competent" has become common within organizations and fields that can be loosely classified as human services and public bureaucracies, from education and health care to

social work and corrections. These directives aim to tailor the nature of practice interventions to clients' needs as specified at the level of the social group.

Although targeting treatment in this way is increasingly utilized in public bureaucracies, little empirical work has investigated the specific interventions and interactional styles that constitute such practice. Thus, in spite of the increasing prevalence of the discourse across a variety of organizational contexts, we know surprisingly little about the practice that results. We do not know how actors understand and implement a managerial directive to treat diverse clients appropriately, nor do we know how clients experience officers' interpretations of this mandate.

Existing empirical work that does examine the significance of race and gender to client treatment within bureaucratic settings has focused predominantly on the negative implications of categorical differentiation, namely bias and stereotype (Bridges and Steen 1998; Erez 1992; Gooden 1998; Schram, Soss, Fording et al. 2009). This work has been motivated primarily by a desire to reveal and/or explain race and gender disparities in client outcomes.

In contrast, the current study is motivated by a desire to understand the meaning and consequence of conscious attention to difference. This study aims to uncover not just how such practice affects material outcomes, but also what I refer to as the symbolic dimensions of practice. I define symbolic as those aspects of practice that reveal a valuation of the client as evidenced in language, discourse, gesture and affect;

interactional aspects of practice that affect offenders not physically or materially, as in a longer jail stay or a higher fee, but emotionally or experientially.<sup>1</sup>

Although I group both together in this dissertation, conscious attention to difference directed towards women and that directed towards minorities arose at very different historical moments and in response to distinct social circumstances. While gender-specific treatment developed first in a correctional context in the 1800's, cultural competency developed more recently and initially in the fields of health and mental health.

### ***The Rise of Targeted Treatment***

In the criminal justice system, the movement advocating gender-specific treatment first arose in the early nineteenth century (Pitman 1884; Women's Prison Association 2004). The goal of the movement was twofold: both for women to have access to facilities and services equivalent to those offered to men, but also for treatment tailored to women's needs, that is, responsive to their ostensibly passive and child-like nature (Rafter 1985). These early efforts at justice reform were guided by essentialist notions of difference between men and women, differences that presumably drove men and women's pathways into offending and determined the appropriate form of rehabilitation.

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<sup>1</sup> See Anderson and Pildes (2000) for a discussion of the similar concept 'expression.'

The contemporary gender-specific treatment movement presumes that women differ from men in their psychological development, psychological profiles and life experiences. It is based on a theory of relational psychology (Gilligan 1982; Miller 1986) postulating that psychological development differs between boys and girls: while boys' developmental goal is to achieve autonomy and independence, girls' project is to develop a sense of connection with others. Through this connection, girls develop self-worth and a sense of self. Proponents of gender-specific treatment for women assert that because female offenders have frequently experienced victimization and trauma, often in the context of relationships, their developmental goals have been compromised. Substance abuse, criminality and dependence upon unhealthy partners are all seen as outgrowths of this developmental deficit. Gender-specific treatment in the criminal justice context must then address women's distinct psychologies and victimization histories (Bloom, Owen, and Covington 2003; Sydney 2005; Van Wormer 2010).

Targeting treatment to female offenders was formalized with the 1992 reauthorization of the Juvenile Justice Prevention Act. The Act required that states assess the adequacy of their services for girls as a condition of receiving federal funds. It also established a challenge grant that would provide funding for programs targeted to girls (Kempf-Leonard and Sample 2000). Gender-specific services as defined by the law are "services designed to address needs unique to the gender of the individual to whom such services are provided." (Reauthorization of the Juvenile Justice and Delinquency Prevention Appropriations Authorization 1992). As a result of this legislative expansion, a variety of community programs and service agencies began experimenting with gender-specific programming (Foley 2008). Calls to provide treatment targeted to female

offenders have since become relatively common in practice literature directed at social work and criminal justice professionals (Bloom et al. 2003; Greene 1998; Van Wormer 2010). Advocates assume that treatment tailored to meet women's needs will lessen the disadvantage experienced by women within the justice system, and ultimately promote more equitable outcomes.

While advocates for cultural competency were also motivated by equality goals, a different ideological orientation underlay the approach. The movement towards culturally competent practice arose in the 1980's in response to several widespread social changes. The first was the rapid growth of racial and cultural minority groups within the US population (Farley 1995; Farley and Alba 2002). For instance, between 1980 and 2000 the Hispanic population of the US more than doubled; by 2000 one of four Americans were classified as non-white (Hobbs and Stoops 2002). The second was the ideological shift away from an assimilationist ideal and towards the valuation of cultural difference, as evidenced in the "minority rights revolution" (Skrentny 2002). The third was the growing recognition that members of race and ethnic minority populations often receive inadequate services resulting in poorer health and mental health outcomes relative to whites (Lecca, Quervalu, Nunes et al. 1998; Sue 1998). These demographic and ideological shifts led to the formal adoption of cultural competency practice standards by professional human service associations such as the American Psychological Association and the Council on Social Work Education (Newsome 2004; Sue 1998). In the 1980's the US government likewise endorsed cultural competency ideals with the formation of new offices of minority and women's health within the federal health bureaucracy (Epstein 2007; Office of Minority Health).

Cultural competence has been defined somewhat differently across fields, although core components link the definitions. Sue (1998) defines cultural competence in psychological practice as “the belief that people should not only appreciate and recognize other cultural groups but also be able to effectively work with them” (440). Building upon this definition, social work guidelines incorporate the power differentials between clients and practitioners that influence interpersonal dynamics and the effectiveness of the clinical relationship (Newsome 2004; Pinderhughes 1995). The National Center for Cultural Competence at Georgetown University, an organization that specializes in translating research on cultural and linguistic competencies in the health and mental health fields into policy and practice, lists the following as factors necessary for organizational cultural competence:

“Have a defined set of values and principles, and demonstrate behaviors, attitudes, policies and structures that enable them to work effectively cross-culturally; have the capacity to (1) value diversity, (2) conduct self-assessment, (3) manage the dynamics of difference, (4) acquire and institutionalize cultural knowledge and (5) adapt to diversity and the cultural contexts of the communities they serve and; incorporate the above in all aspects of policy making, administration, practice, service delivery and involve systematically consumers, key stakeholders and communities” (National Center for Cultural Competence).

These definitions, particularly in their breadth and non-specificity, reveal cultural competency to be a manifestation of the broader diversity discourse, an increasingly prominent stream of contemporary race-thought. In contrast to the assimilationist ideal, diversity discourse and cultural competency aim to recognize the differences across groups, the one discursively, the other in terms of concrete practice interventions. Diversity discourse both acknowledges and celebrates group-differences and views



differences between members of the collective as contributing to the strength of the whole (Andersen 1999; Bell and Hartmann 2007; Glazer 1997; Kirkland and Hansen 2011; Michaels 2007; Wood 2003). As the diversity discourse has diffused into the mainstream, Americans holding varied racial beliefs and understandings are likely to encounter it, and must then make sense of the discourse, integrating it into their common-sense beliefs and everyday racial practice. Bell and Hartmann (2007) suggest that the diversity discourse may be the first racial project of the new century (Omi and Winant 1994).

Diversity began to emerge as a popular discourse first in law and education and then in the field of management in the late 1970s and 1980's, around the same time that the language of cultural competency was gaining ground. In law, the concept took on significance with the 1978 Supreme Court Decision in *Regents of the University of California v. Bakke*. In this decision, the court ruled that the pursuit of a diverse student body was a goal warranting, and making permissible, the consideration of race in university admissions decisions (Michaels 2007; Skrentny 2002; Wood 2003).

Alterations in admissions criteria initiated a line of academic research evaluating the effects of a diverse student body, which contributed to the prominence of the discourse. In the corporate world, the diversity concept took hold with the publication in 1987 of a document titled *Workforce 2000* (Johnston 1987), predicting massive growth in the minority and immigrant workforce populations. The document counseled corporations to adjust to this altered demographic reality by pursuing a diverse workforce (Kirkland and Hansen 2011).

Across these varied contexts, from health and human services to corporate management, a discourse encouraging employees and service providers to acknowledge and “accept” race and cultural differences between clients or employees and respond “appropriately” to these differences has become commonplace. While cultural difference is celebrated, details of what constitutes relevant difference (namely difference that demands culturally competent interventions) and how staff should respond to this difference is left undefined. Most fundamentally, where racial inequality fits in to such a celebratory schema is largely absent. Moreover, because diversity discourse and the management directives encouraging it are vague and broadly drawn, the discourse is left open to interpretation by actors diverse in their personal beliefs and racial understandings.

This investigation aims to address aspects of these questions by uncovering the meaning and consequence of targeted treatment as it is practiced in a correctional bureaucracy. Though, as noted previously, empirical work addressing targeted treatment is sparse, extant theoretical work provides guidance as to what may result from the categorical treatment of difference.

In what follows I first present existing research discussing the implications of categorical treatment of gender and race. Next I discuss the significance of the community corrections system as a research site. Finally I present theoretical additions to this literature based upon my research and a brief summary of each of the three chapters.

### ***Categories, Hierarchies, Inequality***

Feminist theory has been largely critical of the categorical treatment of gender difference, although recognizing that inadequate attention to gender differences also poses risks. For if men are considered the standard and women, their experiences and needs a deviation from that standard, failure to recognize and accommodate women's "difference" necessarily puts women at a disadvantage relative to men. And yet, theorists argue, because the ways in which women differ are often stigmatized or devalued, these differences will always mark them as deficient (Lorber 1994; Risman 2004). Attention to difference then not only risks reifying gender categories, but reinforcing gender stereotypes and perceived sex and/or gender differences (Jaggar 1994; Rhode 1992; Wharton 2005). Minow (1985) labels this phenomenon "the difference dilemma." The dilemma is that treating subordinated groups equally to dominant groups "leaves in place a false neutrality," and yet recognizing and responding to difference risks reinforcing the stigma of subordination.<sup>2</sup> Scott (1988) criticizes the very terms of the equality-versus-difference debate itself, noting that posing equality as the counterpart to difference reinforces the very power relationship it seeks to undo. She argues that inequality is more appropriately contrasted with equality, not difference, a discursive shift that questions and transcends the limiting debate. Though far from monolithic, much feminist theory suggests that, because gender as a category is used to justify exploitation of women, "attention to difference" will not be a useful means of resolving persistent gender inequality.

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<sup>2</sup> One example of a gender difference that may necessitate a different approach to men and women is that of maternity leave. Women may require maternity leave both biologically, due to childbirth and recovery, as well as socially, due to common gender divisions in caregiving labor. Failure to provide maternity leave in recognition of this difference may then disadvantage women who require more time off of work following the birth of a child than would men. However, the dilemma arises when women of child-bearing age are subsequently devalued in the labor market due to the expectation that they will require maternity leave.

A separate, although related, critique has come from scholars of intersectionality, who challenge the unitary or categorical concept of woman upon which the debate rests (Collins 1998; Crenshaw 1991; McCall 2008). They argue that a single concept “woman” can never represent the experiences of all women, but rather essentializes gender by assuming a white, middle class standard as normative. An intersectional approach recognizes that gender is never fixed or unitary, but rather must be understood as it intersects with identities of race, class and sexuality. From this perspective, differences within the category “woman,” by women’s age, class, race and sexuality, might make it difficult to identify characteristics and needs common to all women. The intersectional approach also suggests that positionality, both who defines relevant group-based needs and the presumed recipient of such practice, will be crucial in determining how that practice is defined. For instance, an officer raised in a poor, single-parent family may have a distinct understanding of women’s needs from that of an officer raised in a middle-class, two-parent family.

Thus much feminist theory addressing the categorical treatment of gender has focused on the reification of categories, essentializing gender, and critiquing the terms of the debate. Potential ways out of the difference dilemma are often theoretical in nature or require widespread social-change. Solutions or practical interventions at the organizational or micro-level (as in bureaucratic practice) are often left unaddressed.

Race scholars have likewise been critical of the essentializing implications of the categorical treatment of race (Loveman 1999; Wacquant 1997). It is suggested that race essentialism is problematic because race as a concept is “an unstable and ‘decentered’ complex of social meanings being transformed by political struggle” (Omi and Winant

1994). In other words, not just the meaning of race and race categories, but who “belongs” in those categories is constantly changing over time. Others have documented the shifting and contingent nature of race and racial classification, as in the US Census (Davis 2001; Harris and Sim 2002). Categorical treatment of race has also been viewed as problematic because historically when race differences across particular outcomes are identified, there has been a tendency to suggest a biological or cultural basis for these differences, rather than a social explanation. This has been explored extensively in the fields of medical research and health where, it has been argued, attention to the differences between race groups may, among other potential dangers, reinforce beliefs about the biological basis of race and health disparities (Epstein 2007; Williams 1997).

While there has been significant critique of the categorical treatment of race, race literature as a whole has focused less upon essentialism and the potential stigma that may result from attention to difference and more upon the structures and ideologies that shape the way most white Americans think about race, ideologies disposed to deny the significance of race for contemporary society.

A prominent contemporary racial ideology has been described as colorblindness, in which white Americans deny the continued existence of discrimination and differential opportunity structure between whites and “non-whites” (Bonilla-Silva 2006; Frankenberg 1993; Omi and Winant 1994). Because this perspective contends that all Americans share equal life chances, the fact that members of disadvantaged minority groups attain poorer outcomes than whites along a variety of measures is attributed to individual failure, for instance, a lack of commitment to hard work. Color-blind racism constitutes a racial ideology “a loosely organized set of ideas, phrases, and stories that help whites justify

contemporary white supremacy” (Bonilla-Silva 2006:208), yet appears on the surface to be race neutral. Part of what makes this discourse so appealing to adherents is its usurpation of elements of traditional liberalism; adherents can claim a commitment to (individual) freedom and equality even as they denounce affirmative action policies that aim to reduce inequality between individuals who are situated within disadvantaged groups.

While this racial-ideology usefully explains aspects of contemporary racial dynamics, there is a uniformity to this presentation of race-thought that seems to obscure the nuance likely to be present in many white Americans’ racial understandings and beliefs. Further, there is little suggestion as to how increasingly common alternative racial discourses are either integrated into or made sense of within this race-concept.

Given assumptions about the dominance of colorblindness in American racial thought, working towards greater racial equality thus requires overcoming this denial of the significance of race for life chances. Bonilla-Silva (2006) argues that racial progress can occur when those committed to anti-racism take responsibility for their own participation in racist practice and accept the ways in which all members of society are affected both materially and ideologically by racial structures. Concerted attention to race difference could arguably be a constructive step in this direction.

Drawing together race-specific and gender-specific treatment in a single study of difference, Epstein (2007) details and examines the rise, widespread acceptance and accompanying institutionalization of a movement away from “one-size-fits-all” medicine towards consideration of the differences between groups, what he terms “the inclusion

and difference paradigm.” He argues that, though “niche-standardization” (standardization at the level of the social group), has had positive consequences for health and social justice in some ways, unintended consequences have resulted as well. These unintended consequences result from reifying categories, which obscures both differences within groups and similarities across groups, and minimizes differences that fall outside of the named categories (class is one example). Further, a focus on the importance of identity-group as a determinant of health reinforces the notion of health disparities as biologically, rather than socially determined. Thus while a language of difference can be a useful means to argue for targeted interventions, it simultaneously obscures the social inequalities that create the very need for such group-specific interventions.

This dissertation likewise takes as its object the study of “difference” broadly defined, but focuses not on the rise and widespread acceptance of niche standardization as a concept, as per Epstein, but rather upon how the concept is incorporated into bureaucratic practice. I aim to uncover empirically how and with what implications “difference” and a managerial directive to target treatment are interpreted and made sense of in the community corrections context. Thus my focus is on how individual actors understand and incorporate beliefs about the differences between groups into their interactions with offenders. I undertake this investigation within a system arguably distinct from many other social contexts and institutions in its beliefs about gender and recognition of racial dynamics.

## *The Case of Community Corrections*

As the correctional system continues to expand, there has been increasing recognition that the system has become an active presence in the lives and communities of poor and disadvantaged Americans. Indeed for many, imprisonment has become a common or even expected part of the life course (Pattillo, Weiman, and Western 2006; Western 2006). This is all the more true of supervision in the community. In roughly the past quarter century, the population on probation and parole grew more than 3.5 million. More than five million people are now supervised in the community, or 1 in 45 US adults (Pew Center on the States 2009). Further, as state budgets are increasingly overwhelmed by the costs of incarceration, the much lower cost of community supervision is likely to lead to growth of this aspect of corrections, relative to incarceration.<sup>3</sup> Despite this substantial growth, little research has addressed community corrections, as the majority of correctional research has focused on prisons and jails. In particular, we lack an understanding of the internal dynamics of contemporary probation and parole institutions.

In this dissertation, I aim to address one aspect of community supervision, namely, officers' treatment of the gender and cultural diversity of their client/offenders. This is an important topic as racial minority populations compose a disproportionately large percentage of offenders on supervision. Nationally, African American and Latino offenders jointly compose 58% of parole entries and 43% of those on probation (Glaze and Bonczar 2006). Women, while still a minority in the system, are also increasingly represented: nearly one percent of all adult women were under correctional supervision in

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<sup>3</sup> An average daily cost of probation or parole is \$3.90, while the daily cost of imprisonment is \$78.95 (Pew 2009).



1998, a 48% per capita increase since 1990. Twenty-three percent of those on probation are women (Greenfeld and Snell 1999). In an attempt to better serve these populations and ultimately reduce recidivism,<sup>4</sup> some public agencies have begun targeting treatment and services by race, gender and cultural group.

The community corrections system is a rich case through which to examine the meaning and implications of targeted treatment, not just because of the diversity of the supervised population, but also because of the particular nature of this correctional work, located squarely at the intersection of rehabilitation and social control. The relatively broad mission assigned to officers may allow them to act more as social workers, even therapists, with some clients and more as law enforcement officers with others (Field notes, April 2009). Thus correctional officers have substantial flexibility to shape the nature of their practice to the needs (or perceived needs) of offenders, a technique known as “responsivity.” Finally, officers are tasked with monitoring very personal aspects of offenders’ lives. Officers are, in many cases, explicitly charged with monitoring offenders’ romantic and familial relationships, daily schedules, substance use, truthfulness in conversation and, materially, the insides of homes and cars. Targeted treatment employed in this context will thus reveal the significance of the practice when imbued with substantial state power.

### ***Overview of Primary Findings***

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<sup>4</sup> Recidivism is defined as habitual relapse into crime.

My work both concurs with and in other ways departs from past research that has documented and theorized about attention to difference along the lines of race and gender. I contribute to this literature in two primary ways.

First I suggest that the implications of emphasizing subordinated categories will vary by social context. In the workplace, where much of the literature on equality-versus-difference originated, masculinity and masculine traits are generally both prized and rewarded. This is true even of occupations dominated by women (Williams 1992). However, in a correctional context, because masculinity is in some ways stigmatized—associated with greater criminality and dangerousness, for instance relative to femininity—attention to gender difference will benefit women in some ways. I suggest that while women benefit materially from explicit attention to gender differences and needs, they also experience symbolic devaluation. Thus, in order to capture the implications of targeted treatment for men and women in this setting, it is necessary to separate the material from symbolic implications of practice. Recall my definition of symbolic as encompassing interactional aspects of practice such as language, discourse, gesture and affect that express a valuation of the recipient. In contrast, I find no such division for race-targeted treatment. Rather the material and symbolic are largely aligned.

Second, I suggest that, in the case of treatment that is racially targeted, the implications of treatment will be shaped by the “race-reflexivity” of the actor charged with assigning meaning to race and cultural difference. Unlike the case of gender, where there is broad consensus about the characteristic attributes and behaviors of female offenders and the nature of treatment that will meet women’s needs, there exists no such

consensus as to what members of diverse race-groups require in interaction. While some officers hold that appropriate treatment emphasizes respect and refraining from bias or judgment in interactions, other race-reflexive officers believe that appropriate treatment means acknowledging race-oppression and its structural and psychological implications. Lacking a broad, shared consensus about the meaning of race and cultural difference, officers' distinct racial ideologies are drawn upon to determine the nature of their practice.

Thus, in interrogating conscious attention to difference, it is imperative to attend both to the social context in which “difference” is defined as well as, in the absence of consensus as to the significance of particular categories, the positionality and beliefs held by those charged with responding to categorical difference. Significance of the practice can thus be understood to be both “contextually contingent” and “idio-reflexive,” shaped by the social setting and determined by the social actor (the practitioner). In other words, attention to difference should not be expected to uniformly reinforce stigma and existing inequality, nor uniformly rectify the disadvantage of subordinate group-membership, such a framing is both too clean and too narrowly drawn. In three chapters, each focusing on a different target population, I present descriptions and analyses that more accurately capture the complexity—in meaning and consequence--of targeted treatment.

### *Gender*

In my first chapter I investigate how gender-specific treatment is put in to practice by officers and lay out the distinct symbolic and material implications of this treatment for the men and women on supervision. I find that officers assign criminal men greater responsibility and agency in their criminality than they do women. As criminality is seen as a choice for men, so too is the decision to “go straight.” Rehabilitation is then conceptualized as a process of encouraging men to choose conventional over criminal goals. In contrast for women, officers assume that women are led into criminality by problematic romantic partners, or become criminally engaged as a result of victimization, trauma and/or psychological problems. Psychological transformation thus becomes central to women’s rehabilitation. While learning to follow the rules and obtain employment (agentic actions) may be longer-term goals, officers first focus on fixing the troubled selves that motivate women’s criminal behavior.

Drawing from these findings, I argue that conceptualizing men and women’s criminality and rehabilitative goals as distinct reinforces gendered beliefs about men’s greater status, competence and power relative to women; gendered beliefs that are linked with the symbolic devaluation of women in practice. And yet, because men are assumed to bear greater responsibility for their crimes, they are subject to more punitive treatment rigidly focused on adherence to formal rules and sanctioning. Thus, I suggest that categorical treatment of gender in the correctional context may have positive material but negative symbolic consequences for women, with the situation reversed for men.

### ***Family***

In the second chapter I expand upon the gendered nature of treatment, asking how offender gender and family status affect officers' sanctioning decisions under a directive to practice gender-responsivity. I investigate how gender acts as a lens, shaping officers' perceptions of offenders' family roles and their relevance to sanctioning. I argue that correctional officials sentence women as embedded in a family context, while decisions regarding men are more narrowly focused on the man as an individual, his crime and possibilities for rehabilitation. Sanctions for women, understood to affect a broad, familial sphere, are crafted in response to their impact on that sphere. For this reason, in some cases sanctions for women will be harsher to protect members of the sphere, while in others, sanctions will be more lenient. Thus, care giving responsibilities become an important part of the discussion with women, though are largely absent from discussions with men.

This finding is significant because it suggests that differential treatment in response to violations or criminal conduct is not responsive simply to differences in the characteristics of male and female offenders, as suggested by the bulk of current literature, rather differential treatment is responsive to differences in how officers see and understand criminal men as individuals, and women as situated in a social context. Thus, real differences in life circumstances and familial contexts between female and male offenders become magnified given the gendered lens with which officers bring to their work with criminal men and women.

### ***Race***

In the third chapter I investigate categorical treatment of race and cultural-minority offenders, and ask how officers' own racial ideologies and understandings crucially influence their interpretation of treatment that is race and culturally "appropriate."

I first identify three distinct forms of cultural competency aligned with particular racial ideologies: cultural practices, wrestling with race and recognition and empowerment. Cultural practices, an approach relied upon primarily by white officers, entails recognition of visible aspects of cultural difference (food, holidays), being respectful of these differences and refraining from biased treatment of race and cultural "others." White officers wrestling with race acknowledge that offenders of color face discrimination and structural disadvantage, but are unable to voice how such factors affect their clients, nor how their own work should incorporate this race-knowledge. Thus, these officers also rely upon a cultural practices approach to difference despite their, arguably superficial, recognition of structural disadvantage. In recognition and empowerment, both officers of color and some white officers recognize the oppression that affects minorities both structurally and psychologically and explicitly incorporate this recognition into their work with offenders by acknowledging their perspective, serving as an ally or bridge to communities of color, and identifying with, comforting and/or empowering clients of color, a set of strategies I term race-reflexivity. Here, culturally competent practice is focused more upon unequal access to power between members of race and cultural groups, rather than particular cultural traditions or practices.

I find that for race and cultural minorities, a group for whom there exists little consensus regarding rehabilitative needs and strategies, the meaning of categorical

treatment hinges crucially on officers' racial ideologies and worldviews and the extent to which officers incorporate their own racial positionality into their work with offenders of color.

## **CHAPTER TWO**

### **METHODOLOGY AND FIELDWORK**

This study was motivated by two primary goals. The first was to shed light on the internal dynamics and logics of contemporary community corrections, a system about which there is surprisingly little empirical research. Such an analysis was warranted both given the size and scope of the current system, as well as the fact that the supervised population is largely poor and socially marginal. The second motivation was a desire to understand the meaning and consequence of conscious attention to difference employed within a bureaucratic setting. Specifically I sought to uncover how officers made sense of a directive by management to treat gender and cultural “appropriately.” As I discussed in the previous chapter, though these terms have become increasingly common in practice literature and within organizations, there is little consensus either to their definition or how the terms should be practically implemented.

While the study was motivated by these more descriptive questions initially, the theoretical contributions of the work emerged over the course of the research. These questions include the following: Can categorical treatment of groups that are hierarchically organized be said to either reproduce or ameliorate inequality? What implications does categorical treatment hold, and do these implications differ between



groups? How do practitioners' group memberships influence their understanding and practice of group-targeted treatment?

I drew upon a variety of data sources to answer these questions including semi-structured interviews, ethnographic observations and officers' case notes. Though mixed methods are utilized, the study relies primarily upon qualitative methods to draw conclusions.

In the following section I present details of site selection and the process of data gathering.

### **Site Selection and Contact**

I initially selected Northwestern<sup>5</sup> State and Midwestern State's correctional systems as potential sites to pursue these research questions. Though substantially different, I had local knowledge of and informants in both systems, which I believed would be crucial to gaining access to these sensitive sites and data. In Midwestern State, I initially contacted a researcher at the Midwestern State Department of Corrections (MDOC) with whom I had worked in the past, while in Northwestern State I contacted a former parole board member and acquaintance. Both contacts requested a formal proposal before moving forward.

In Northwestern State, the proposal I composed was forwarded to the Community Corrections Coordinator for the state. The state's Director of Community Corrections

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<sup>5</sup> City, state and county names have been replaced with pseudonyms.

then forwarded the proposal to all county-based community corrections offices around the state, indicating that they should contact me if they were interested in participating in the project. After only a single rural county expressed interest, I sent out introductory letters to counties in the largest urban-area. Each letter presented a basic description of the research and noted that I would follow up with a phone call. Days after I sent out the letters, I received email responses expressing interest from Riverside and Greendale Counties. I scheduled phone meetings with the assistant-director of each county. In these calls, I explained the aims of the research and the logistics of data collection. Following these calls, both counties agreed to participate. In exchange, I offered to write up a policy brief detailing my study findings for use and distribution in each office.

In Midwestern State, the proposal was turned down after several months. The MDOC was open only to survey research conducted in parole offices, not interview or ethnographic research.

To learn more about the Northwestern State system, I conducted informational interviews with professionals working in or linked with corrections and law enforcement, including a former prison warden, a district attorney, a chief judge of the district court, the Director of Riverside's Immigrant Affairs and the State's Community Corrections Coordinator.

While I had received verbal approval to conduct the qualitative aspects of my study in both county offices, the Director in Greendale County requested that I meet with him in person prior to signing the Institutional Review Board release I required to begin the research. I met with the Director and key staff at the Greendale County Department of

Community Corrections and gave a short presentation detailing the goals of my research. At the conclusion of this meeting, the Director signed the necessary paperwork. At this time I scheduled the dates that I would return to the office to conduct fieldwork and interviews.

During this trip I also met with the Research and Evaluation Manager from the Northwestern State Department of Corrections. I had not yet received a response from the Northwestern State Department of Corrections as to whether I would be able to access the administrative data I had requested in my proposal. Though the Director had expressed interest in the project, he, too, asked that I meet with him and his staff before granting access to the data. Within weeks following this initial meeting, I received a disk with the data elements I requested for all 32,000 Northwestern State offenders on supervision at the time of the data draw, May of 2009.

In the Riverside County Office, getting started on the research did not go as smoothly. In large part, this reflected the more fragmented organization of the Riverside County Department of Community Justice (all Greendale County Officers work in a single office building whereas Riverside County Officers are scattered throughout the county's largest city in five separate offices). However, it also reflected the fact that Riverside County was undergoing a significant reorganization due to budget constraints resulting from the economic downturn. Eventually I was able to meet with staff in one branch of the Riverside Department of Community Justice (RCDCJ). The following winter, I received approval from the RCDCJ's Director of Research and Evaluation to begin the research in Riverside County.

## **Research Location**

I conducted this study in two county offices in Northwestern State: Riverside County and Greendale County. Riverside County includes Northwestern State's largest city and the most populous county in the state with over 700,000 residents. The second research site, Greendale County, borders Riverside County and is the second-highest population county in the state. In 2008 the county was home to over 500,000 people. Both counties are growing rapidly and have a non-white population between 25 and 30%. The white (non-Hispanic) population under community correctional supervision is 81% in Greendale County and 65% in Riverside County [See Table 2.1]. The largest minority group in both counties is Latino (US Census Bureau 2008).

Northwestern State as a whole exhibits a marked commitment to what I refer to as "targeted treatment," or the idea that officers' interventions and interactional styles should be responsive to the culture and gender category of the client-offender. These efforts can be understood as one of the variety of ways that both counties attempt to practice "responsivity" with their clients. Responsivity is one of the three core principles of the Risk-Needs-Responsivity model, a highly influential approach to working with criminal offenders (Andrews and Bonta 2003b). Responsivity aims to maximize the offender's ability to learn from a rehabilitative intervention by providing cognitive behavioral treatment tailored to the learning style, motivation, abilities and strengths of the offender. Responsivity is made up of general responsivity, which employs cognitive social learning techniques, and specific responsivity, which incorporates attributes of the

offender: strengths, learning style, personality, motivation, and what are referred to as bio-social (e.g., gender, race) characteristics (Bonta and Andrews 2007b).

Northwestern State's commitment to recognizing and responding to the group-level differences between clients range from hiring practices to team organization and, in Riverside County, include management-level efforts such as a Cultural Competency Steering Committee and a departmental Diversity Committee. [See Appendix 2.1, 2.2 and 2.3]. For instance, during hiring interviews hopeful hires are posed questions about their knowledge of and comfort with the principles of cultural competency and gender-specific treatment. They are also asked to give examples of how their work would be influenced by such knowledge. In both offices, officers may attend voluntary diversity trainings or classes as well as conferences and workshops to bolster their knowledge. Particularly in the Riverside County Office, knowledge of these approaches is considered essential for promotion.

Northwestern State's focus on responsiveness, as well as other reforms that have been implemented in the system that I will discuss later, came about in response to a Senate Bill passed in 2003, SB 267. This bill required that by the year 2009 several state agencies, including corrections, spend 75% of the funds they receive from the state on programs that could be shown to be "evidence based", that is, shown to be effective by research.

While Northwestern State ranks in the middle fifth-of states in terms of percent of population in the criminal system, approximating the national average (Pew Center on the States 2009), in other ways the state is an outlier. Only 23% of offenders released from

prison recidivate and return to prison within three years of their release. This represents a 31% decline in the recidivism rate from just five years prior, and the largest decline in the nation. The national average for recidivism is almost twice that, at 43% (Pew Center on the States 2011).<sup>6</sup> This low recidivism rate may reflect Northwestern State's unique response to probation and parole violations. Before explaining the approach to violations, I will first describe in detail how community corrections in the state is managed and organized.

Community Corrections is a function of state government managed at the county level. In all but two counties, management of community supervision comes under the jurisdiction of County Commissioners.<sup>7</sup> While each county is subject to the same state laws governing parole and probation offenders, all management issues and practices not specified by state law are determined individually within counties. This allows for some variation in the daily operation of community corrections between counties. Differences between counties reflect resource and funding disparities, political differences, differences in offender populations, whether the office is located within the sheriff's office or free-standing, and cultural differences between offices.

Northwestern State also manages parole and probation populations jointly, with relatively few distinctions made between the two populations. Those on probation and those supervised following imprisonment, known as post-prison supervision, are managed by the same officers and in the same offices. A primary distinction between the

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<sup>6</sup> Caution should be exercised when comparing recidivism rates across states, given substantial differences in correctional policies.

<sup>7</sup> In two rural counties, Northwestern State's Department of Corrections manages Community Corrections, largely for financial reasons.

two is the sentencing body: probationers are assigned to probation by a judge as an alternative to incarceration, while those on post-prison supervision and parole are released conditionally following a prison sentence by the Northwestern State Board of Parole and Post-Prison Supervision (Northwest State.gov).<sup>8</sup> Forty-two percent of those on supervision within the state are on parole or post-prison supervision, while 58% of those supervised are on probation.

The supervision designation “post-prison” replaced parole after parole was abolished in 1989, at the same time that sentencing guidelines were adopted. Those sentenced prior to 1989 remain on parole upon their release from prison, while those sentenced after 1989 are supervised on post-prison supervision. Because of parole abolition, offenders may not be revoked to prison given violations of the conditions of supervision, rather, like those on probation, offenders who commit technical violations are subject to intermediate sanctions (Rengifo and Scott-Hayward 2008).

Such an approach is in line with a national movement that increasingly seeks alternatives to incarceration in response to supervision violations (Keiser 2006). This shift reflects a change in the goals of probation and parole agencies, as they move from an emphasis on surveillance and maintaining contact standards towards interventions targeted to offenders’ particular risk and needs (Burke 2006). In Northwestern State, this

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<sup>8</sup> Prior to the implementation of Sentencing Guidelines in 1989, nearly all offenders released from prison were under the supervision of the Board of Parole. Following the implementation of sentencing guidelines, most offenders must serve the minimum of their sentence, and may not be released on parole at the behest of the Parole Board. Thus, the release date for the majority of prisoners is now set by the sentencing judge, not the Parole Board. The exception to this is those who were sentenced prior to 1989, who are known as “matrix” offenders, as well those labeled as dangerous offenders, murderers and aggravated murderers (Northwest State.gov).

mission reform led to the creation and implementation of structured intermediate sanctions.

Structured intermediate sanctions, also known as administrative sanctions, were developed to respond to violations committed by felony probationers. Legislation granting probation officers the ability to assign administrative sanctions was passed in 1993 (Taylor and Martin. 2006). At this time, the parole board already had such authority. This approach to managing violations was later rolled out to include those on post-prison supervision as well as misdemeanor probationers. In contrast to traditional sanctions, structured intermediate sanctions are administered quickly following a violation and may be either short periods of jail time or alternative sanctions such as inpatient treatment or community service (Salvo 2001). Sanctions are progressive, becoming more severe as offenders' violations accumulate, and often contain both punitive and rehabilitative elements, such as a short jail sentence combined with mandated drug treatment. Such swift and short sanctions were designed to act both as a deterrent and a treatment intervention, dependent upon the nature of the violation (Salvo 2001).

Structured sanctions are guided by a matrix that imposes upper and lower bounds to the sanction given offenders' risk level, original crime and the nature of the violation. [See appendix 4.1]. Officers impose sanctions utilizing the grid as a guide. Before the sanction can go into effect, offenders must formally accept the sanction. If offenders reject the sanction, the violation is addressed in a court hearing or before the parole board. Both the board and the judge of record may overturn a sanction recommended by a



community corrections officer, although this rarely happens in practice (Taylor, 2006). Most sanctions are accepted by offenders and go into effect shortly after being administered by the agent. Thus officers have relatively broad latitude, within the guidelines of the sanctioning matrix, to determine both whether to sanction and the type of sanction to levy upon offenders.

### **Caseload management**

Both counties manage offenders in a manner deserving mention. Officers' caseloads are divided into categories of offenders sharing a particular identity (women, Spanish-speaking, African American, mentally ill) or category of crime (drug offender, domestic violence, sex offender). These caseload categories are neither exclusive nor firm, as particular "categories" of offenders might legitimately reside in multiple categories. Thus, though the vast majority of offenders on the Sex Offender Team were men, some were women, and women were represented on all teams, not just the Women's Team. Given that offenders may fall into multiple categories, there is a measure of diversity of crime-type and identity on each of the caseloads.

Such an approach to caseload management was intended to allow officers to become familiar with the resources available to, and laws regulating, their specific populations, and to allow officers to build relationships with staff at specific treatment centers. As more than one officer explained, it was simply easier to be able to get an offender into inpatient treatment if you had an on-going relationship with staff at a particular facility. Further, specializing in a particular offense and offender "type"

allowed officers to learn the management style and techniques that worked best with their charges.

Though officers were grouped into teams in this way, because nearly all officers cycle through diverse caseloads during their tenure, they were able to speak to differences across populations. It is also important to note that most officers “matched” the identity of their caseload, that is, women were more likely to supervise women, Latinos to supervise Latinos, etc.

### **Greendale County**

Greendale County is a mixed urban and rural county known colloquially as the Silicon Forest. Major industry includes Intel, Nike and agriculture, particularly wineries. The Greendale County Department of Community Corrections is located in downtown Heathfield, the site of the county seat. Downtown Heathfield is a small walkable area with a main-street-America vibe. Businesses include those found in small towns across the US: a New York-style deli, a tanning salon, a jazzercise studio; those revealing the central role immigration has played in shaping the county: a Guatemalan bakery, a Pho shop, a Mexican restaurant; and other businesses essential to Northwestern State residents: a store selling beer and wine home-brew kits, a yoga studio, a massage studio. In the center of downtown, giant sequoia trees ring the Justice Services Building; a building that houses Community Corrections as well as the District Attorney’s Office, Volunteer Services, The Center for Victim’s Services and the County Courthouse.

On my first day in the office the Assistant Director of the Department gave me a tour of the office and introduced me to the team supervisors. I spent a little time with the head of the women's team, the head of the Hispanic team and staff in the Victim's Services Unit. The Assistant Director also took on the task of describing the intricacies of Greendale County Community Corrections to me, from the community board, to the layout of the office. Having been introduced to key staff, assigned to the office normally designated for interns, and begun the process of receiving a temporary badge, I was on my own.

Each day I would commute an hour to the office on the train, wait in line in the rain with offenders and other court-house visitors to pass through the metal detector. In the process I would absorb the quizzical looks I received from the security guards. One day a court officer asked me what I was doing there and I explained that I was working on a research project; thereafter each morning he welcomed me to my service on jury duty. Entering the Department of Community Corrections, I flashed my badge and was buzzed through the secured door that separated the waiting offenders from the staff.

Greendale County Community Corrections consists of the main office, where all of the Probation/Parole Officers are housed, Victim's and Volunteer Services, and the Work Release or Community Corrections Center. I will describe each briefly below.

The main office looked very similar to a standard social service office. On the walls posters and flyers advertised treatment groups, advice on restoring voting rights, job training programs and tips for staying safe from domestic violence. A few harried receptionists sat behind a plastic partition, directing visitors to take a seat, give a sample,

or pay their fee. A TV affixed high to the wall blared sports and news throughout the day. Offenders sat, slumped in their chairs, either staring at the TV or floor, waiting for their names to be called.

Behind the locked door, though the office looked like any other, the water-cooler-talk and the snippets heard through open doors differed tremendously, and offenders' personal lives were on full display. Walking down the hall, snatches of conversations taking place between officers and offenders about drug use, thought processes, failure to secure a job, or the results of a urinalysis trickled out. Despite the very personal nature of the discussions, every door was wide open. Officers routinely related stories or shared personal details about clients in the hallway with other officers. I found this to be particularly true of the officers on the Sex Offender Team, who "blew off steam" by joking about some of the disturbing or unsettling information they heard on a daily basis, though this was true of other teams as well.

Team members' offices were grouped together, and members seemed to share a similar style of interaction with the clients and, to some extent, with one another. For instance, the Sex Offender Team, which my temporary office was located directly next to, was more assertive in interaction with clients, grilling clients about their whereabouts or failure to attend a program as required, for instance. Team members talked and laughed loudly in the hallway with one-another, swapping anecdotes about their clients or sports they had watched or participated in. In general officers on the sex offender team seemed more "macho" to my eye. In contrast, I didn't hear the Latino Team talking and joking about clients as frequently, and client interaction was generally less aggressive.

Team members talked more about their own personal lives with one another than did officers on the sex offender team. Music often came out of these offices that were decorated with Latino Art or social service posters in Spanish. Each afternoon, members of the Spanish-Speaking Team would meet to “do stairs” together, in an informal exercise regime. Thus, the office was not the same throughout, but varied based upon the team and “type” of client served.

Victim’s Services occupied office space within the same building, but on a lower level and within easy reach of the court. The office provided counseling and social work services free to the community at-large, including both offenders on supervision and their victims. Counselors primarily consisted of psychology and social work graduate students, who worked for free, accruing hours towards their degrees. During my time in Greendale County, I was able to informally interview several graduate student counselors, formally interview both the supervisor of Victim’s Services and the supervisor of Volunteer Services and sit in on a few supervision meetings where counselors discussed their clients and issues that had arisen over the past week. I also was able to observe general office flow as I read through materials, observed and generally waited around.

A few blocks away, and across the street from the county jail the affiliated Community Corrections Center was located, a 215 bed work-release and alternative-to-incarceration facility. Upon entry, the Center gave clear visual signs of the rehabilitative nature of the work officers sought to do. The first thing that I noticed was that, unlike most correctional facilities, the lobby of the Center was flooded with light. Light streamed in from floor-to-ceiling windows set into a front wall overlooking four

blossoming tulip trees. The lobby entrance was decorated by murals portraying agricultural workers in the fields, traditional Hispanic dancers, and other scenes intended to represent the history of the county. The open, welcoming environment was further reinforced by the pale woods used in the floors and walls, the vaulted ceilings and soft lighting. I later learned from the County Director that each element of the facility had been carefully planned to calm offenders and stimulate rehabilitation. The Director explained that this approach encompassed even the food offenders ate; they were not allowed to eat refined sugar or have caffeine within the building. Though I conducted interviews in the Community Corrections Center and Victim's Services department, most of my time was spent in the main office.

Most mornings, I had an interview scheduled first thing; when this was not the case, I would go from office to office, introducing myself and asking whether the officer might be interested or willing to conduct an interview with me in the future. I also asked whether the officer would be willing to allow me to observe regular meetings with offenders. For the most part, officers were quite willing to schedule an interview, and open to allowing me to observe, though some officers responded vaguely or put me off to avoid saying 'no.' I also asked team leaders for suggestions as to which officers would best represent the breadth of approaches to the work within the office, a question I also asked other officers during interviews. This approach to sampling likely yielded a greater share of subjects who were open and friendly, and less willing to decline my request. Team leaders may also have suggested officers whose perspective on the work was more in line with their own, or officers who were more satisfied with the work style and

management of the office. However in several cases, team leaders also suggested officers who had views very different from their own.

Over the course of the month that I spent in the office, I conducted formal interviews with 27 officers, managers and staff. These interviews took place in the Community Corrections Office, in Victims' Services, and several blocks away at the nearby Community Corrections Center. I also observed over fifty meetings between officers and clients, both in the office and at a nearby drug treatment center, where meetings with drug court participants took place. In addition, because I spent a full month "in residence" in the Greendale County Office, I was able to observe daily goings-on within the office, attend meetings, participate in hallway chats, even watch offenders "cuffed" and walked to the jail. Because the office was located within the county courthouse, I was also able to observe daily life in the courthouse.

### **Riverside County**

From my first day of research in Riverside County, waiting in the lobby of the Northeast Lewiston office, I recognized differences both in the population on supervision as well as in staff from that of the Greendale County Office. The first difference I noted was that clients tended to exhibit a lower level of functioning and a higher level of need. The lower level of client functioning was particularly apparent at the downtown office, which serviced the large homeless and transient population residing in shelters downtown. Homelessness, severe drug addiction, gang involvement and mental illness

appeared to be more characteristic of Riverside than Greendale County clients. For instance, it was relatively common to go into a waiting room and find clients clearly smelling of alcohol or ripe from lack of shower, or see (and hear) severely mentally ill offenders talking to themselves. At the downtown office, there also appeared to be more socializing among clients in the lobby, offenders would chat about what crime they were on supervision for, whether they had been to prison, or people that they knew in common. Because so many offenders lived or hung-out downtown, it seems probable that offenders may have known or recognized each other from the streets, homeless shelters or residence hotels located in the downtown-area. This more social feel may also have been because the downtown office hosted a variety of services for offenders, from daily breakfast to clothing hand-outs and GED counseling; officers called it, “a one-stop shopping center.” This made the office appear to be less a place of law enforcement than social service distribution.

Another difference from Greendale County was the higher level of client diversity at the Riverside County Offices. [See Table 2.1]. This was particularly the case in the Clarkston and Northeast Offices, and less true of Southeast or downtown. While Greendale County had a substantial population of Latino clients, both immigrants and native-born, Riverside County had a larger population of African-American clients, some Latino clients, and a presence of immigrant clients, split between Russian, Asian, African and Latino. The client diversity was matched by a greater diversity among staff as well. In general, I found the Riverside County Offices to be more diverse in terms of the racial and cultural background of staff members. This was particularly true in the Northeast Lewiston Office. This contrasted rather starkly with the Greendale County Office, where



the Latino officers were found primarily on the Spanish-speaking team and there was just one African-American officer in the entire office.

This sense of diversity was reinforced on my first day of fieldwork in the Northeast office, where I was invited to participate in the staff holiday potluck; dishes at this event ranged from traditional Southern/African American foods (collards, macaroni and cheese, ribs) to Mexican dishes (tamales, salsas), Midwestern/WASP foods (Jell-O, decorated Christmas cookies, ham) and Italian-American dishes (garlic bread, lasagna). Staff diversity was not limited to line staff, but extended up the chain of command. Encouraging diversity in leadership and staff was a high priority for Riverside County. This was impressed upon me by numerous interview respondents, with some expressing satisfaction and others, frustration.

Aside from differences in the demographic profile of officers and staff, another difference I encountered was greater difficulty gaining officers' trust and finding officers willing to be interviewed. Unlike in the Greendale County Office, where I spent an entire month, hanging around, chit-chatting and meeting people, I spent no more than a week in any particular field office in Riverside County, and sometimes as little as two days. That my time in each individual office was so short likely partially explains the greater wariness I encountered when approaching some Riverside County officers. I later realized, however, that this wasn't the only reason for officers' wariness.

During my time in the field, the Riverside County Department of Community Justice was facing a serious budget crisis: many officers had already been laid off, and others had been demoted or assigned to different offices or positions. That some officers

were wary when I asked to interview them, given these circumstances, was not surprising. Second, through the course of my interviews I learned that substantial tension existed between managers and officers in the county. Because management had sanctioned my research, some officers seemed to believe that I was working either with or for management. I also learned that management had a history of imposing new initiatives upon line staff without asking for their input or consent. Each new initiative rolled out by management meant more tests, assessments and procedures for officers to undertake with clients, while no existing requirements were eliminated from officers' already packed schedules. Finally, Riverside County Department of Community Justice had been the subject of other research projects in the past, thus there may have been some research fatigue by officers who would rather simply get their work done than answer questions. For all of these reasons I generally found it more difficult to schedule interviews with officers in Riverside County than I had in Greendale County.

Because of the short time-period I was allotted in each office, upon arrival, I needed to quickly make contact and schedule the interviews. To accomplish this, at first I made a practice of checking in with each officer's supervisor; he or she knew who was on each team and could suggest a diverse array of interview respondents. When I realized that this gave officers the impression that I was working with management, I changed strategies. I either approached individuals at random, stopping by each office and asking whether they would consent to be interviewed, or asked particular officers who had been suggested by other interview subjects whether they would consent to be interviewed. When I approached officers with the statement, "Joe told me you would be a really good person to talk to," officers were much more willing to be interviewed. Despite the

difficulty establishing contact, with most officers as the interview began and it became clear that I was not serving at the behest of management, they relaxed considerably and were able to answer in what I perceived to be a thoughtful and honest manner. Because of the tensions present in the office, however, officers tended to spend a larger-share of the interview venting about management than I would have preferred.

Over the course of five weeks, I conducted a total of 23 interviews in five county offices, scattered throughout the Lewiston area. Though the feel of particular offices varied, some were quite large, others very small, some in the middle of the city, others in suburban outskirts, I found recurrent themes emerging from interviews across offices. The approach to interpreting and implementing gender-specific and culturally competent treatment also did not seem to differ substantially across the field office sites.

## **Interviews**

I interviewed 27 officers and staff in a single county office in Greendale County and 23 officers and staff across five free-standing offices in urban Riverside County.<sup>9</sup> Interviews averaged between 45 minutes and one hour. I had several goals in conducting the interviews. First, I wanted to gain a broad understanding of what it means in practice to be a community corrections officer and how officers conceptualized the mission of their job. Second, I questioned officers about the nature of their caseload: the clients they worked with (by crime type, gender, race) and why they were assigned to such a caseload. I then asked explicitly for their opinions about differences between groups of

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<sup>9</sup> In Greendale County I conducted interviews with nineteen officers, four managers who did not currently carry a caseload, and four correctional staff, who worked with clients. In Riverside County, I interviewed twenty-one officers and two correctional staff, who also worked with clients.

offenders, focusing on officers' beliefs about group-specific needs and paths to reform. One aim of the interviews was to draw out the stories officers tell about why different groups commit crimes and explore how these beliefs affect officers' perceptions about offenders' relative blameworthiness. Another aim was to discover which offenders officers believe are deserving of a second chance, and what the appropriate path to reform looks like, whether punitive or rehabilitative, given the social identity of the client. I also investigated the extent to which officers function in the role of caseworker, that is, which clients officers felt were particularly needy and/or deserving of services, and how much time they spent on tasks I would classify as social work, such as referrals and securing needed resources for clients. My questions aimed to gain an understanding of how officers conceptualized the work, their role and their relationship with offenders. [See Appendix 2.4 for interview protocol]. Each interview was audio-taped and later transcribed.

## **Observations**

Meetings between community corrections officers and offenders occur at regularly scheduled intervals, largely dependent upon the offender's assessed risk category. These meetings are intended to serve a supervisory function: officers check in with offenders' compliance on key conditions of supervision: employment and job search, police contact, drug and alcohol use and attendance at drug treatment and other mandated programs. Offenders may also be required to submit a urine sample to prove that they are substance free. The meetings are largely designed as a means of "keeping

tabs” on those sentenced to probation or released from prison onto parole or post-prison supervision. Within these meetings officers have substantial freedom to shape the form, content and tone of the encounter.

In Greendale County, I observed over 50 routine meetings between community corrections officers and their clients. These meetings averaged between 15 and 45 minutes. In each case, I approached offenders in the lobby as they waited for their appointment, and sought their consent to observe the meeting. Consent had previously been obtained from the officers. No offender declined my request to observe their meeting.<sup>10</sup> Offenders generally seemed indifferent to my presence, although some offenders inquired about the project or what I was studying in school.

The observations between client/offenders and community corrections staff were primarily intended to validate (or negate) and flesh out results obtained from the interviews and case note analysis. By observing the interactions, I was able to see first-hand what kinds of questions officers asked client/offenders, the emotional content of the meeting (good rapport, tension, animosity), the balance of supervision versus casework and, importantly, how these dimensions varied given the gender or racial group membership of each client. Observations were also intended to reveal distinctions in how officers interact with men and women or members of differing racial group that they are either unaware of and thus cannot report in an interview, or are unlikely to reveal given the possibility of social desirability bias in the interviews. In each meeting I recorded notes and observations upon conclusion of the meeting. The interview and observational data were collected between April 2009 and January 2010.

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<sup>10</sup> Offenders are likely to have little expectation of privacy in this setting.

To analyze both the observations and interviews, I used a two-part strategy. First, I read through each interview and observation description and summarized key themes and findings. I then read through these summary documents, distilling themes and identifying patterns that presented across the interviews and observations. I relied upon these summary documents to identify the primary findings and theoretical contributions of my research. I then coded the interviews and observations using the qualitative analysis software AtlasTI. I generated a code list that was informed by existing empirical research, the themes and theoretical contributions I had identified previously, and supplementary codes that emerged from this closer reading and textual analysis.

### **Case notes**

In addition to the interviews and observations, I also draw upon data that I collected from the case notes officers record about offenders' progress on supervision. I was able to access this data in partnership with Northwestern State's Department of Corrections (NDOC), which collects and maintains administrative data for offenders on supervision across the state. In case notes, officers record information about offenders that they believe to be important descriptions of their progress on supervision. Officers are required to record comments about offenders following each meeting, and may record notes at other times as well, for instance following a phone call.

I first received basic demographic, criminal history and supervision history information for all offenders on parole or probation within the state on May 8, 2009. From this data set, I then sampled the offenders whose case notes I would analyze.

Because of the sensitive nature of the case note data, I was able to access these notes only on an NDOC computer over the course of a single week. While I was able to take handwritten notes, I was not allowed to print any of the case note information or take any data with me to analyze later. These conditions meant that I was only able to access the case notes of 101 offenders.

I followed two strategies to select the sample. In the first sampling strategy, I sampled within officer. I selected two officers, one male and one female, who supervised both men and women. For each officer, I then drew a sample of ten male and ten female offenders. I also selected one female officer who supervised only women and sampled twenty offenders from her case load. I obtained twenty offenders from each of the three officers, for a total of sixty offenders. In each case I sampled offenders who had low risk scores, no criminal history, no recorded mental health concerns and a sentence of either Drug I or Theft I.<sup>11</sup> I chose those with low risk scores and sentences of Drug I and Theft I because these are frequent offense categories among both men and women. I chose those without a criminal history or recorded mental health issue because I wanted to minimize the extraneous information that officers might draw upon when recording their case notes. Sampling only offenders in these categories controls for gender differences in type of crime, criminal history, and mental health. The purpose of sampling by officer in this way was to assure that I captured variation in the type of caseload offenders were supervised on, whether all women or mixed gender. I also was interested in collecting

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<sup>11</sup> Drug I and Theft I are low-level sentences. The majority (94%) of the offenders I selected for the case note analysis were convicted of Drug I. I had initially intended to sample only drug offenders; however I had to extend the conviction to Theft I in order to find a sufficient number of offenders matched on the characteristics of interest, and in some cases, supervised by the same officer.

data for men and women paired with an opposite gender officer. Once I had obtained a sufficient sample that met these criteria, I utilized a second sampling strategy to select additional offenders. The second strategy samples offenders directly. I drew a random sample of 41 offenders with the above crime, criminal history and mental health characteristics stratified by gender such that half of this additional sample was men (20) and half women (21).<sup>12</sup> The combined sample includes a total of 101 offenders supervised by 40 officers. This hybrid sampling strategy was necessary because the offender's case notes were to be analyzed both qualitatively and quantitatively. For the qualitative analysis, it was important to have male and female offenders clustered within both male and female officers. For the quantitative analysis, it was important to have a sufficient number of officers and sufficient variation in officer gender to control for this variable.

For each offender, I began the case note review at the beginning of offender's supervision and continued reviewing the notes for the offender's first full year on supervision. I then tallied the number of notes recorded on key topics over the course of this first year as well as the total number of entries. The time periods covered by these notes are not identical, as offenders' periods of supervision began on different dates.

However, for most offenders, the initial office visit occurred between 2005 and 2010. I

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<sup>12</sup>In order to assess whether the results were sensitive to the 60 case notes selected first, I ran the analyses on just the forty-one records I obtained through the second sampling strategy (with no repeated observations of officers). I found similar coefficient estimates, but these were, in several cases, no longer statistically significant due to the smaller sample size. The results I report in the text and tables are those drawn from the full sample. I control for correlated reporting by officer using clustered standard errors by officer. However, due to the complex nature of my sampling design, standard errors may still be somewhat underestimated. Fortunately in the analyses below, almost all significant results are highly statistically significant, so slightly larger standard errors would be unlikely to change the substantive conclusions.



also recorded officers' notes referencing offenders' relationships, crime, family status, employment and other key topics. I use the counts to analyze how offender gender net of officer gender is associated with the number of notes recorded over the course of a year in topic areas of substantive interest. I use the qualitative notes to bolster findings from my interviews and observations.

In my regression models, both male officer and male offender are dummy variables equal to one for male and zero for female. As dependent variables, I use the number of times the topic of interest occurs in the offender's case notes over the course of the offender's first year on supervision. Because each dependent variable is a count of the number of times a specific topic is mentioned, I use negative binomial models.<sup>13</sup>

I use clustered standard errors to correct for the fact that multiple offenders have the same community corrections officer, and there may be similarities across the case notes recorded by a single officer. Because the total number of entries officers record over the course of the year varies between offenders, dependent upon the number of meetings or phone calls the officer and offender exchange, I adjust for this variability by specifying individual offender's differential "exposure" to text entries in the model. In each model, independent variables are the gender of the officer and the gender of the agent. For ease of interpretation, I have reported the exponentiated results in each table.

The purpose of the quantitative case note analysis, utilized only in my first chapter, is to document differences by offender gender net of officer gender in the types

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<sup>13</sup> The basic count data regression is the Poisson model. However, the Poisson model forces the mean and variance of the dependent variable (conditional on the regressors) to be the same. I tested for over-dispersion and rejected the null hypothesis that the variance and mean are equal to the alternative that the variance exceeds the mean. Over-dispersion is not surprising, as the sample contains some records with a high number of counts. Therefore, I utilize a negative binomial regression model, which allows for the mean and the variance to differ.

of topics that are recorded in case notes. I sought to determine whether the number of comments recorded about offender's crime/criminality, employment, drug and alcohol use/abuse, fee payment and romantic relationships varied based upon the offender's gender. I suggest that officers view these topic areas as more and less relevant markers of progress towards the successful completion of supervision for women and men.

### **Positionality**

Before moving to my substantive chapters, because my research is focused on race, gender and cultural category, it is important to comment briefly about my own membership in these categories, and how this membership may have shaped officers' interviews and interactions with me.

As a woman, it is possible that interview subject were more careful about stereotyping and making negative statements about female offenders in the course of interviews. While possible, I find this unlikely because many officers made very negative statement about female offenders and no officers seemed to express self-consciousness or reservation when making such remarks. Overall I was surprised at how willing officers were to talk about gender differences between men and women and their lack of self-consciousness in so-doing. While I believe this partly reflects a cultural comfort and acceptance of gender difference, as well as the fact that gender difference tends to be read less hierarchically, at least on a superficial level, than race or cultural difference, I believe it also reflects the fact that officers saw both me and female officers as substantially socially distant from female offenders, and thus did not feel that they were implicating

me as a women in their statements about female offenders. At no point did any staff member mistake me for a female offender, though I was mistaken for a juror, a social worker and a lawyer. Indeed, the one time that I saw an officer become uncomfortable talking about gender difference was when a male officer apologized to me after explaining how his larger body size meant that offenders took it seriously when he “got pissed” whereas with a small female officer, such a response might lessen her credibility. Thus, talking about the significance of gender differences between officers seemed to be more sensitive terrain. This distinction, in addition to the other factors I have identified, allowed officers the freedom to talk freely about gender difference.


In contrast with the ease of talking about gender, I found that asking officers to address issues of race, culture and their own cultural competency was often challenging, at least for white officers. As has been documented by others, race, racial discrimination and cultural difference remain among the most sensitive and difficult topics for, primarily white, Americans to discuss. My interviews reflected this reality. Officers were frequently at a loss for words with which to respond to questions about the challenges faced by people of color in the criminal justice system, or their own treatment of racial and cultural minority offenders. White officers responded to such questions with one-word answers, with silence or provided answers couched in caveats along the lines of “I don’t want to stereotype, but...” Such awkwardness in an interview is difficult to bear, not the least for the interviewer, and at times I failed to roundly follow up or challenge non-response or platitudes as I should have. Nonetheless, these strained responses themselves became useful data in the analysis phase, as I detail in the results.

Racial discussion with officers of color differed substantially. Most officers-of-color eagerly and fluently discussed their personal experiences of race and cultural difference from dominant white culture, as well as their attempts to provide culturally competent treatment to minority offenders. In one interview, it was I who stumbled in a racial discussion with an African-American officer. As a white woman, I face the same challenges of open discussion about race and cultural difference as did the white officers with whom I spoke, despite my practice with such conversations in the classroom. However, it is worth noting that although I classify my race as white, one African American officer noted, "There's always, you know, reasons why people experience racism. I'm sure you've experienced some." Thus, to this officer, and possibly others, I appeared to be non-white. It is thus difficult for me to determine what role my own race played in the interviews, although I assume that most officers perceived me as white and, thus white officers viewed me as a racial insider, while for officers of color I was viewed as a racial outsider. For instance, I believe that my racial category meant that white officers felt comfortable expressing their skepticism and frustration with management's emphasis on diversity goals, as I describe in chapter five.

**Table 2.1 Race and Ethnic Profile of Probationers, Parolees and those on Post-Prison Supervision in Riverside and Greendale County in 2010.**

| <b>Race</b>     | <b>Riverside County</b> | <b>Percent</b> | <b>Greendale County</b> | <b>Percent</b> |
|-----------------|-------------------------|----------------|-------------------------|----------------|
| Asian           | 184                     | 2.60           | 61                      | 2.38           |
| Black           | 1,731                   | 24.42          | 145                     | 5.66           |
| Hispanic        | 385                     | 5.43           | 246                     | 9.59           |
| Native American | 120                     | 1.69           | 17                      | 0.66           |
| Unknown         | 40                      | 0.56           | 5                       | 0.20           |
| White           | 4,629                   | 65.30          | 2,090                   | 81.51          |
|                 |                         |                |                         |                |
| Total           | 7,089                   |                | 2,564                   |                |

## APPENDIX 2.1



Greendale COUNTY

DEPARTMENT OF COMMUNITY CORRECTIONS

### MISSION STATEMENT

**Provide adult corrections services in Greendale County that enhance public safety by reducing repeat criminal behavior by offenders.**

### OPERATING PRINCIPLES

1. Provide a continuum of supervision, sanctions, and services that reduces criminal conduct and promotes behavioral change with the lowest necessary investment of resources.
2. Celebrate and respect the diversity, creativity, rights, and responsibilities of each member of our organization and our community.
3. Provide employee training that is consistent with the Department's Mission and Principles and reflects a responsible investment in our employees' professional development.
4. Utilize knowledge, research, and evaluation to place priorities on services and allocate resources.
5. Work in partnership with the community.
6. Create balance in the criminal justice system by focusing more attention on the reparation of harm to individual victims and the community.

## APPENDIX 2.2



The Department of Community Justice continues its forward movement through an organizational change effort that is centered on achieving culturally competence. This endeavor targets improving the skills, knowledge, and ability of staff at all levels of the Department to deliver culturally competent services. These efforts also strive to create safety and diversity in the workplace, with an appreciation of the richness of diversity within the community and clients that we serve.

### Online Resources

- African American Culture
- Asian Culture
- Hispanic Culture
- Latino Service Provider Directory
- Portland Native American Community
- Native American- Culture Card
- Russian Culture
- Generational Cultural Issues
  - AARP
  - Millenials
  - Growing Up Digital
- Religious Cultural Issues
  - National Institute of Corrections - Religious Handbook
  - Belief Net
- The National Center for Cultural Competence: The resources on this Georgetown University web site include definitions of cultural and linguistic competence and a section on self-assessment tools and processes.
- Cultural Competency: A Practical Guide for Mental health Service Providers: While this handbook is intended for mental health professionals, it contains information useful to the rest of us. The guide is a product of the Hogg Foundation for Mental Health at the University of Texas.

## APPENDIX 2.3

# African American Program



*The African American Program mission is to provide culturally specific services to assist in the successful transition of African Americans from prison to the community.*

African American male parolees account for approximately 25% of the parole violators in \_\_\_\_\_ County, while comprising only about 9.2% of the general population. As a group, their recidivism and parole revocation rates are disproportionately high compared to other segments of the population under supervision. Traditional methods of supervision have shown only marginal success with this population.

The need for culturally specific approaches to dealing with issues of employment, education, vocational training, finances, and family stability led to \_\_\_\_\_ County's development of the African American Program administered through the Adult Services Division of the Department of Adult Community Justice.

### AAP's objectives include:

- Eliminate criminal activities
- Reduce parole violations
- Decrease drug and alcohol abuse
- Stopping domestic violence
- Increase full time employment
- Improve education level.
- Provide vocational training
- Stabilize with affordable housing
- Break cycle of self-defeat
- Strengthen the family

### How AAP Works:

Beginning inside institutions and with the cooperation of institution staff, AAP identifies inmates who are scheduled for release to parole in \_\_\_\_\_ County within 180 days.

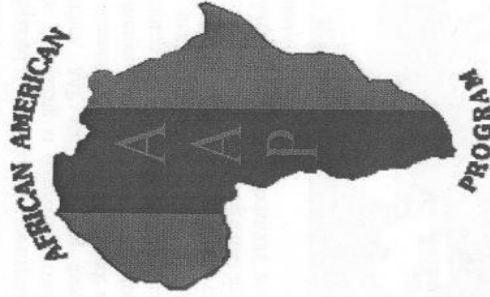
To be considered:

- Inmates volunteer to participate
- Committed to lifestyle change
- Within 6-9 months of release
- \_\_\_\_\_ County conviction release
- Minimum classification
- Letter of interest to program
- No major disciplinary restriction within six months
- No program failures
- No sex offenders
- No STG (Security Threat Group)
- No severe mental health offenders

Once found eligible, participants will be moved to the Columbia River Correctional Institution, where they will participate in individual and group counseling aimed at beginning their transition to the African American Program. Participants will receive six months of structured classes at CRCI that help build skills for transitioning to the community. AAP conducts nine weeks of Cognitive Restructuring followed by group sessions in domestic violence, employment readiness, stress management, African American history, education, parenting, anger management, relationships, family dynamics, A&D issues, HIV & STD, Mental Health, and life skills.



Those with significant criminal histories and criminogenic needs receive a comprehensive assessment prior to being release.





## Letters From Inmates:

The following are examples of some of the many letters AAP receives from inmates on a regular basis, about the benefits of this program

"I'm writing because I'm in search to find a new way to live a more positive and productive life outside of prison. I find that looking back at my life-style in reference, to the way I was living has caused me to make a lot of mistakes".

"I would like an opportunity to take part in your program to learn the positive side of Black culture. ... reason being is because your program deals with helping those who want to help themselves."

## To apply:

### Inmate:

Write a letter of interest expressing why you would like to be considered for participation in AAP/CNCL. Address letter to AAP Program and mail it to the address below.

### Counselor:

Please email inmate's full name, SID #, and recommendation to

[aap@co.muhlenberg.or.us](mailto:aap@co.muhlenberg.or.us)

## For More Information:

African American Program

Inmates must make a commitment to lifestyle and behavior changes that will enable them to deal with the issues that keep them trapped within a system. Once involved with AAP, behavior within the institution while awaiting release must reflect this commitment. Upon release, AAP immediately assumes supervision and culturally specific group meetings continue. Alcohol and drug issues are addressed within the AAP environment. Education, job skills, employment and black history are part of the program's peer support process.

## Service Orientation Groups

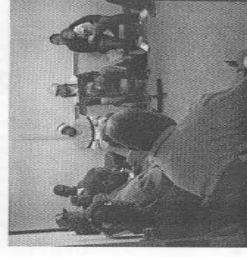
One of the greatest strengths of AAP is the peer support found in the weekly service orientation group sessions required of all participants. Members learn to share their triumphs and failures with others who share their experiences. Longer-term group members help newer members cope, and the members hold each other accountable for success. Family participation is encouraged.



Clients bring their children and family members to these group sessions.

As families grow stronger, school attendance by children improves, helping to break the cycle of failure for the next generation.

Different service providers line up to present and recruit participants at these out of custody groups. Service providers include employment agencies, A&D treatment, Mental Health counseling, the Court, government assistances agencies, colleges, ... Health Plan, and community leaders.



## Giving Back to The Community

After release from custody, clients are expected to give back to the community by participating in community service efforts. AAP staff coordinate these community service events to provide a structure and meaningful ways for participants to give back to their community. These opportunities provide a structured environment with incentives and encouragement in paving a road and direction to pro-social behaviors and lifestyle.



AAP's Back-to-School Fair

## **APPENDIX 2.4**

### **Interview Protocol:**

### **The Role of Gender in the Management of Community Corrections**

January 9, 2009

Jessica J Wyse

#### **Warm-up:**

1. Tell me a little about yourself and your background.

#### **Personal Employment History and Job Description:**

2. How did you start working in this field?
  - a. Probes: How long?
3. Is the job different than you thought it would be? How so?
  - a. Probes: What was your image of community corrections before starting the job?
4. What do you see as the mission of your job?
5. Could you walk me through a typical day?
  - a. Probes: primary responsibilities, managers, percent of time spent working with clients, recording notes, etc.
6. Do you have a “special” caseload? (all clients have a similar issue: DV, substance abuse, mental health, or all women, particular race/ethnic group)  
If so, how did you get paired with this population?

7. What kind of skills are needed to work with this population?
  - a. Probe: what skills do you have that make you the right fit to work with this population?
8. Are there some clients that take more time of your time than others? Who are these clients?
9. How do you see your role: more as a social service caseworker, or more as a corrections or surveillance officer? How do you balance these different functions in your job?

**Caseload population:**

1. Tell me a little bit about the kinds of clients you work with. What kind of background and issues do they tend to have?
  - a. Probes: Is there a “typical” client on your caseload? Could you describe this typical client?
2. What do you see to be the primary needs of the parole population you work with?
3. When you begin working with a client, do you have any idea about whether or not he or she will be successful? What characteristics often indicate a client will be successful? Unsuccessful?
4. Have you worked with women and men?
  - a. About what percent of your caseload are women?
5. Do you think that the problems and issues that face women and men in community corrections are different or the same?
  - a. Probes: if different-what are the different issues, backgrounds, challenges of men and women?
6. Do you think women in the system have different needs than men?
  - a. Probes: if so, what are the differences?

7. Do you think women and men become involved in crime for different reasons? What are some of these differences?
8. Some people say that because of women's backgrounds and histories they should be held less responsible for their crimes, other people say that men and women should be held equally responsible for their crimes, regardless of their reasons for becoming criminally involved. Where do you stand on this issue?
  - a. Probes: do you think this belief affects your work in any way?
9. About what percent of your caseload is white, black, Latino or Asian?
  - a. Do you think members of different racial groups have different issues reentering society or different challenges? What are some of these differences?

**Policies and programs:**

10. Are there policies or practices that you are aware of that call for gender specific or culturally competent treatment?
  - a. If so, what are these policies? Did you have particular training in these policies? How do people in the office tend to talk about these policies? What do you think of them?
11. To what extent do these policies affect how you do your job?
12. Could you give me an example of when you have used a gender sensitive or culturally competent practice in your work? How frequently would you say you use such strategies in your work?
13. Are these policies a challenge to implement?
  - a. Probe: are these policies a good idea? Can you give me an example?
14. Do these policies encourage you to treat women differently than you used to, and if so, how? If not, why not? What about members of different racial groups?

**Community Corrections as an institution:**

15. What are challenges you frequently face on the job? What do you find particularly rewarding about this job? Particularly frustrating?
16. How much independence do you have in the management of your caseload? How much freedom do you have to schedule your own time and make your own decisions? Can you give me an example of this?
  - a. Probes: How hierarchical do you feel this office is as an organization? Do you feel like most decisions come down from above?
17. [optional] Do you have the resources you need to do your job effectively?

**Community Resources and Social Services:**

18. In your opinion, what could the system do to cut down on rates of recidivism?
  - a. Probes: Do you feel there are sufficient social services available to meet the needs of your client load? What services are in short supply? What do you think the county is doing well?
19. How much interaction do you have with social service providers? Do you feel their job is very different from yours, or not? Do you feel their perception of the clients differs from yours? If so, how does it differ?

**Conclusion:**

20. Is there anything else that we haven't talked about that you think is important?
21. If you could, how would you change the community corrections system? What recommendations would you give? What could be done differently?
22. Do you have any questions for me?

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**Thank you!**

## **CHAPTER THREE**

### **GENDERED REHABILITATION: TARGETING TREATMENT OR REPRODUCING INEQUALITY?**

Scholars studying the role of gender in an organizational context have argued that gender neutral policy, practices and organizational dynamics disadvantage women. This occurs because policies and practices that claim to be universally applicable actually reflect the perspective and assumptions of the dominant social group (Acker 1990; Britton 2003; Young 1990). In response, human-service workers and practitioners have suggested that policy and bureaucratic practices should be tailored to respond to men and women's gender-specific needs. As Young (1990) explains, "Where social group differences exist and some groups are privileged while others are oppressed, social justice requires explicitly acknowledging and attending to those group differences in order to undermine oppression" (p. 3).

Yet others have argued that acting responsively to gender categories in this way has the effect of reifying these categories, reinforcing gender stereotypes and perceived sex difference (Jaggar 1994; Rhode 1992; Wharton 2005). This is problematic because these categories are unequal and stratified, signaling and articulating unequal relationships of power (Jaggar 1994; Lorber 1994; Ridgeway 1997; Ridgeway and Correl

2004; Risman 1998; Risman 2004; Scott 1986). Gender is “an institutionalized system of social practices for constituting people into two significantly different categories, men and women, and organizing social inequality based upon this difference” (Ridgeway and Correl 2004). Thus, gender targeted or differentiated treatment may then reinforce inequality, rather than rectifying disadvantage resulting from gender neutral treatment.

Despite these critiques, so-called gender specific treatment has been widely advocated and, increasingly, implemented across a range of human service organizations and agencies of social control. Gender specific treatment in these settings involves tailoring work practices to fit the perceived gendered and culturally specific needs of the clients served.<sup>14</sup> As programming, trainings, and even legislation advocates for a gender-specific approach, sociological research addressing this phenomenon remains lacking. We know little about how institutions and actors charged with acknowledging and attending to difference do so, the strategies actors rely upon to meet gendered needs, nor the effect these attempts have on those targeted.

This study applies these questions to gender-specific treatment occurring within the community correctional system. The community corrections system, or probation and parole, is vast, supervising one of every 45 American adults (Pew Center on the States 2009). Women represent a substantial share of this population, comprising 23 percent of probation caseloads and 13 percent of those on parole. Of criminally sanctioned women, 85 percent are supervised in the community (Greenfeld and Snell 1999). Women’s

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<sup>14</sup> Gender specific treatment is generally not directed via policy or law, rather it emerges as a discourse or organizational goal that individuals are charged with defining and putting in to practice.



representation within this system is also growing: nearly one percent of all adult women were under correctional supervision in 1998, representing a 48 percent per capita increase since 1990.<sup>15</sup>

Community corrections is an interesting case from which to examine targeted treatment for several reasons. First, community corrections officers have substantial discretion to tailor their response to individual clients, and may alternate between a law enforcement and a social work orientation, depending upon their understanding of client needs. Second, the interventions available to officers can be both deeply personal and highly significant, ranging from rights limitations to possible reincarceration (National Research Council 2007). And third, unique among correctional institutions, community corrections officers supervise men and women within the same organizational context, allowing for direct comparison of the treatment provided to male and female offenders.

The data for this study were drawn from a community corrections system in a Western State. Northwestern State is an innovator in correctional practices, actively pursuing gender and culturally sensitive treatment. The institutional commitment to targeted treatment ranges from hiring practices and team organization to diversity committees and trainings. In Northwestern State, community corrections is operated semi-autonomously at the county level. Probationers and parolees are managed together within the same organizational context, with relatively little distinction made between the two populations. The state ranks in the middle quintile of states in terms of percent of the

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<sup>15</sup> Men's per capita involvement grew 27% across this same period (Greenfeld and Snell 1999).

population in the criminal justice system, either incarcerated or serving sentences in the community, approximating the national average (Pew 2009).

Utilizing multiple methodologies, I explore the tensions of targeted treatment by examining the work practices community corrections officers enact in the service of rehabilitation. First I ask whether statistically significant gender differences exist in the frequency with which key topic areas are noted in the formal record of offenders' supervision. Results of this case note analysis suggest that officers working with men are more likely to record notes about male offenders' employment status, criminality and adherence to the formal rules of supervision, while officers working with women are more likely to record notes about female offenders' romantic relationships.

Then, drawing upon observations of meetings between officers and offenders and in-depth interviews with community corrections officers, I identify patterns in the ways gender specific treatment was put in to practice and reveal how officers conceptualized offenders' gender-specific needs. I find that gendered treatment within the community corrections setting shapes both the rehabilitative project and the nature of social control experienced by women and men. In these gendered projects, officers assign criminal men greater responsibility and agency in their criminality than they do women. As criminality is seen as a choice for men, so too is the decision to "go straight." Rehabilitation is then conceptualized as a process of encouraging men to choose conventional over criminal goals. In contrast, criminality is not understood to result from women's agentic choices, rather officers assume that women are led into criminality by problematic romantic

partners, or become criminally engaged as a result of victimization, trauma and/or psychological problems. Thus women's criminality is not an outcome of agentic choices, but flawed selves. Rehabilitation for women is then conceptualized largely as a process of psychological transformation, and necessitates intervening deeply in women's lives.

I suggest that conceptualizing men and women's criminality and rehabilitative goals as distinct in this way reinforces gendered beliefs about men's greater status, competence and power relative to women, or the association of masculinity with valued traits. And yet, because men are assumed to bear greater responsibility for their crimes, they are in some ways disadvantaged by this association. Because men are considered "real" criminals in a way that women are not, they are subject to more punitive treatment rigidly focused on adherence to formal rules and sanctioning. Thus, I suggest that within the context of a criminal justice system committed to gender-specific treatment, women's placement in the gender hierarchy may have positive material but negative symbolic consequences for women, with the situation reversed for men.

### **Gender Targeted and Women-Focused Treatment**

The movement to provide women involved in the criminal justice system with gender-specific treatment is not a new one. Such efforts first emerged in the early nineteenth century (Pitman 1884; Women's Prison Association 2004). While advocates' goal was for women to receive services and facilities equal to those offered to men, they also called for differential treatment, defined as treatment responsive to women's

believed more passive and child-like nature (Rafter 1985). These early efforts at justice reform were guided by essentialist notions of differences between men and women, differences which presumably drove men and women's pathways into offending and determined the appropriate form of rehabilitation. For instance, women were believed to be drawn into crime by material need or desperation, while men were believed to offend because of a propensity for criminality or the desire for a criminal lifestyle (Freedman 1984). In this and each penal reform movement that followed, defining what women were (in opposition to men) and what caused them to commit crimes (differently than men) would be central to determining the nature of gendered reform. Contemporary targeted or gender specific treatment is similarly premised upon understandings of who criminal women and men are, and what they require for reform.

The contemporary gender-specific treatment movement presumes that women differ from men in their psychological development, psychological profiles and life experiences. It is based on a theory of relational psychology (Gilligan 1982; Miller 1986) that holds that psychological development differs between boys and girls: while boys' developmental goal is to achieve autonomy and independence, girls seek to develop a sense of connection with others. Through this connection, girls develop self-worth and a sense of self. Proponents of gender specific treatment for women assert that because female offenders have frequently experienced victimization and trauma, often in the context of relationships, their developmental goals have been compromised. Substance abuse, criminality and dependence upon unhealthy partners are all seen as outgrowths of

this developmental deficit. According to this literature, effective rehabilitative practices for women must then address women's distinct psychologies and victimization histories (Bloom et al. 2003; Sydney 2005; Van Wormer 2010).

Targeting treatment to female offenders was formalized with the 1992 reauthorization of the Juvenile Justice Prevention Act. The Act required that states assess the adequacy of their services for girls as a condition of receiving federal funds. It also established a challenge grant that provided funding for programs targeted to girls (Kempf-Leonard and Sample 2000). As a result of this legislative expansion, a variety of community programs and service agencies began experimenting with gender-specific programming (Foley 2008). Calls to provide treatment targeted to female offenders have since become relatively common in practice literature directed at social work and criminal justice professionals (Bloom et al. 2003; Greene 1998; Van Wormer 2010). Advocates assume that treatment tailored to meet women's needs will lessen the disadvantage experienced by women within the justice system, ultimately promoting more equitable outcomes.

Despite the prevalence of advocacy efforts encouraging gender specific treatment for women, I have identified only a handful of studies addressing how such treatment is implemented in the justice system. Goodkind and Miller (2006) conduct a qualitative investigation of an art therapy program for institutionalized, delinquent girls and find that, following gender specific practices, corrections officers: police girl's sexuality, essentialize gender differences between boys and girls and focus on girl's victimization

as a primary identity, practices that ultimately reinforce gender stereotypes. Further, they suggest that these practices may have “widened the net of social control” in a Foucauldian sense, as staff took on non-criminal aspects of girls’ lives, encouraging such gender “appropriate” behavior as acting demure, non-sexual and “nice” (Goodkind and Miller 2006). In another study, Goodkind (2009) examines staff goals at a residential program for delinquent and at-risk girls. She argues that the gender specific programming she observed is best characterized as promoting a program of “commercialized feminism,” a fusion of neo-liberal and traditional feminist values. Goodkind argues that the empowerment goals advocated by program leaders placed primary emphasis on building personal independence and self-esteem, while paying little attention to the structural realities constraining girls’ lives. In one of the few studies examining gender-specific treatment aimed at an adult offending population Hannah-Moffat (1995; 2001) investigates two women-centered prisons in Canada and finds that the program goals of empowerment and therapeutic care, what she calls feminized technologies of penal governance, were ultimately incompatible with the coercive and oppressive realities of the prison environment. All three studies suggest limitations to what gender specific treatment may be able to achieve in the corrections setting.

While there are relatively few studies that examine how gender specific treatment that is founded on a relational or empowerment model is put into practice, there is a body of work that speaks to how women’s treatment within the penal system and associated agencies is gendered. In an historical investigation of the prison in Britain and the US,

Dobash, Dobash and Gutteridge (1986) document how conceptions of criminal women transformed from evil to mad, and punishments were altered in correspondence.

McCorkel (2003) investigates a prison for women implementing a drug treatment program. She finds that, despite goals of gender neutrality, the staff recognized women as different from criminal men, and thus employed gendered strategies in supervision. Specifically, these gendered strategies fused embodied surveillance techniques, wherein female offenders were constantly watched by both staff and other inmates, with a therapeutic discourse locating the source of women's criminality in deviant, non-"habilitated" selves. In work addressing a mandated, community-based drug treatment program for female offenders, McKim (2008) likewise finds that staff conceive of criminal women as lacking an adequate self; this belief then defines rehabilitation for women as a project of therapeutic governance, which she explains as monitoring self and others, therapeutic and emotional disclosure, and working through disordered emotions.

In recent work Haney (2010) uncovers the gendered nature of state regulation. She describes how correctional workers in one alternative-to-incarceration facility for women relied upon a therapeutic discourse focused on righting women's cognitive distortions and regulating appropriate desire. Building upon Foucault, these works contribute to our understanding of how contemporary punishment regimes are gendered. While Foucault (1977) suggests that the project of modern punitive systems is to produce a "willing subject" who internalizes the surveillance technologies to which *he* is exposed, this

literature implies that, for women, punishment is not just about imposing self-regulation, but also reaching into women's minds and "habilitating" the disorder that lies therein.

This study builds upon the literature on gender in corrections in important ways. First, much of the research discussed above looks specifically at correctional practices within women's prisons and alternative-to-incarceration facilities, rather than supervision in the community; it is thus unclear to what extent the findings apply outside of the "total institution" context. Second, none of this work takes as an explicit goal the comparison of treatment received by women and men. This is to be expected as the vast majority of prisons, jails and treatment facilities are gender-segregated. However, this research must then assume differential treatment between women and men is occurring without actually documenting it. Finally, none of this work focuses principally on how correctional agents explain, understand and make sense of the treatment they provide to male and female offenders. This is an important omission because the correctional interventions officers impose are motivated by particular philosophies of punishment; philosophies that help to explain the motivation underlying gendered rehabilitation regimes.

This chapter addresses these gaps, analyzing how community corrections officers tailor treatment to men and women based upon their beliefs about gender-specific rehabilitative needs. Because these needs are conceived of as distinct for men and women, the nature of social control becomes a gendered project. I first present details of the methodology used to sample and analyze officers' case notes. I then present the results of this analysis. Turning from the quantitative to the qualitative data, I next



present the fieldwork methodology. I then identify how differences in the content, structure, quality and tone of the meetings between officers and male and female offenders contribute to gendered experiences of social control. Next I discuss the logic underlying officers' reliance upon the gendered treatment strategies I have presented. In conclusion, I discuss how reliance upon gender categories to define treatment needs cannot be understood simply as either ameliorating or reinforcing gender inequality; rather I suggest that such treatment has distinct material and symbolic consequences for male and female offenders.

### **Gender Differences in the Formal Record**

Before presenting the content of and reasoning underlying gender-specific treatment, I first present gender differences found in the official record of supervision, that is, officers' case notes. In case notes, officers record information about offenders that they believe to be important descriptions of their progress on supervision. Specifically, I ask whether there is a statistically significant gender difference in the count of comments recorded in case notes regarding: employment, crime/criminality, fee payment, sanctioning, timeliness to meetings and offenders' romantic relationships.

I was able to access this data in partnership with Northwestern State's Department of Corrections (WDOC), which collects and maintains administrative data for offenders on supervision across the state. I first received basic demographic, criminal history and supervision history information for all offenders on parole or probation within the state

on May 8, 2009. From this data set, I then sampled the offenders whose case notes I would analyze. Because of the sensitive nature of the case note data, I was able to access these notes only on a WDOC computer over the course of a single week. While I was able to take hand-written notes, I was not allowed to print any of the case note information or take any data with me to analyze later. These conditions meant that I was only able to access the case notes of 101 offenders.

I followed two strategies to select the sample. In the first sampling strategy, I sampled within officer. I selected two officers, one male and one female, who supervised both men and women. For each officer, I then drew a sample of ten male and ten female offenders. I also selected one female officer who supervised only women and sampled 20 offenders from her case load. I obtained 20 offenders from each of the three officers, for a total of 60 offenders. In each case I sampled offenders who had low risk scores, no criminal history, no recorded mental health concerns and a sentence of either Drug I or Theft I.<sup>16</sup> I chose those with low risk scores and sentences of Drug I and Theft I because these are frequent offense categories among both men and women. I chose those without a criminal history or recorded mental health issue because I wanted to minimize the extraneous information that officers might draw upon when recording their case notes. Sampling only offenders in these categories controls for gender differences in type of crime, criminal history and mental health. The purpose of sampling by officer in this way

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<sup>16</sup> Drug I and Theft I are low-level sentences. The majority (94%) of the offenders I selected for the case note analysis were convicted of Drug I. I had initially intended to sample only drug offenders; however I had to extend the conviction to Theft I in order to find a sufficient number of offenders matched on the characteristics of interest, and in some cases, supervised by the same officer.

was to assure that I captured variation in the type of caseload offenders were supervised on, whether all women or mixed gender. I also was interested in collecting data for men and women paired with an opposite gender officer. Once I had obtained a sufficient sample that met these criteria, I utilized a second sampling strategy to select additional offenders. The second strategy samples offenders directly. I drew a random sample of 41 offenders with the above crime, criminal history and mental health characteristics stratified by gender such that half of this additional sample was men (20) and half women (21).<sup>17</sup> The combined sample includes a total of 101 offenders supervised by 40 officers. This hybrid sampling strategy was necessary because offenders' case notes were to be analyzed both qualitatively and quantitatively. For the qualitative analysis, it was important to have male and female offenders clustered within both male and female officers. For the quantitative analysis, it was important to have a sufficient number of officers and sufficient variation in officer gender to control for this variable.

For each offender, I began the case note review at the beginning of offender's supervision period and continued reviewing the notes for the first full year on supervision. I then tallied the number of notes recorded on key topics over the course of this first year as well as the total number of distinct text entries. The time periods covered

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<sup>17</sup>In order to assess whether the results were sensitive to the 60 case notes selected first, I ran the analyses on just the forty-one records I obtained through the second sampling strategy (with no repeated observations of officers). I found similar coefficient estimates, but these were, in several cases, no longer statistically significant due to the smaller sample size. The results I report in the text and tables are those drawn from the full sample. I control for correlated reporting by officer using clustered standard errors by officer. However, due to the complex nature of my sampling design, standard errors may still be somewhat underestimated. Fortunately in the analyses below, almost all significant results are highly statistically significant, so slightly larger standard errors would be unlikely to change the substantive conclusions.

by these notes are not identical, as offenders' periods of supervision began on different dates. However, for most offenders, the initial office visit occurred between 2005 and 2010. I use these records to analyze how offender gender net of officer gender is associated with the number of notes recorded over the course of a year in topic areas of substantive interest.

In my regression models, both male officer and male offender are dummy variables equal to one for male and zero for female. As dependent variables, I use the number of times the topic of interest occurs in the offender's case notes over the course of the offender's first year on supervision. Because each dependent variable is a count of the number of times a specific topic is mentioned, I use negative binomial models.<sup>18</sup>

I use clustered standard errors to correct for the fact that multiple offenders have the same community corrections officer, and there may be similarities across the case notes recorded by a single officer. Because the total number of entries officers record over the course of the year varies between offenders, dependent upon the number of meetings or phone calls the officer and offender exchange, I adjust for this variability by specifying individual offender's differential "exposure" to text entries in the model. In

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<sup>18</sup> The basic count data regression is the Poisson model. However, the Poisson model forces the mean and variance of the dependent variable (conditional on the regressors) to be the same. I tested for over-dispersion and rejected the null hypothesis that the variance and mean are equal to the alternative that the variance exceeds the mean. Over dispersion is not surprising, as the sample contains some records with a high number of counts. Therefore, I utilize a negative binomial regression model, which allows for the mean and the variance to differ.

each model, independent variables are the gender of the officer and the gender of the agent. For ease of interpretation, I have reported the exponentiated results in each table.<sup>19</sup>

The purpose of these analyses is to document differences by offender gender net of officer gender in the types of topics that are recorded in case notes. Results below show that there are statistically significant differences in the number of comments recorded in officers' case notes by the gender of the offender. Differences in the number of comments about the offender's crime/criminality, employment, drug and alcohol use/abuse, fee payment and romantic relationships suggest that officers view these topic areas as more and less relevant markers of progress towards the successful completion of supervision for women and men. I follow this description with qualitative data explaining how each of these topic areas is linked with gendered processes of social control and rehabilitation.

### *Results*

Model 1 of Table 3.1 shows results for mentions of crime in the case notes. Although both male and female offenders have no criminal history and I matched offenders across gender on crime-type, I nonetheless find that men's case notes more frequently discussed crime than did those of female offenders. Male offenders have 1.8

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<sup>19</sup> Because the effect of offender gender might vary dependent upon the gender of the officer with whom the offender is paired, I ran interactional models testing for differences. As the sample size for cross-gender pairings in these models was too small to make a valid comparison, I was able to compare only male officers paired with male offenders to female officers paired with female offenders. These models revealed significant differences across gender pairs for only one outcome, employment. The expected count of mentions of employment was significantly higher for male officers working with male offenders when compared with female officers working with female offenders. Because only one interaction was found to be significant, I have not included these results in the chapter. Tables are available upon request.

times as many notes that reference crime as female offenders. This greater focus on public safety likely reflects the fact that across the state as a whole, male offenders are substantially more likely to be convicted of violent crime.<sup>20</sup> This fact about the population of male offenders in the state may have affected the way officers supervised the male offenders whose case notes I examined, even though they had no prior criminal history and were not convicted of violent offenses.

Turning to drug and alcohol use/abuse, Model 2 in Table 3.1 shows that being a male offender significantly increases the number of case notes mentioning offenders' use of drugs and alcohol. Included in this category are comments about the offender's drug of choice, history of substance use, and current use, including both positive and negative results of urinalysis tests. Specifically, being male increases the number of comments recorded in the case notes by a factor of 1.48, controlling for the gender of the officer and total text entries. This difference is significant at the .05 level.

Next I turn to employment. Model 4 of Table 3.1 shows that being a male offender increases the number of comments about employment by a factor of 1.3, controlling for the gender of the officer and total text entries. This difference is significant at the .05 level.

The first three models in Table 3.2 show topics related to the formal conditions of supervision: fee payment, timeliness of arrival at supervision appointments and sanctions imposed. Being male significantly increases the number of mentions of fee payment in

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<sup>20</sup> During this time period in Northwestern State, 32 percent of male offenders were convicted of violent crimes while 16 percent of female offenders were convicted of violent crimes.

the case notes by a factor of 1.37, controlling for officer gender and total text entries. This difference is significant at the .05 level. Offender gender does not predict frequency of mention of timeliness or sanctions. Case note analysis thus suggests that officers treat only some aspects of the formal conditions of supervision as more important to male offenders' rehabilitation than they do female offenders.

Only one topic area was found to be more common in the case notes of female offenders, and that was offenders' romantic relationships. In the model of romantic relationships, Model 4 in Table 3.2, being male decreases the number of mentions of romantic relationships by a factor of .66, controlling for officer gender and total entries. This difference is significant at the .10 level.

One limitation of these data is that they cannot reveal the source of these differences. For instance, it is plausible that male offenders mention their own employment status or job seeking more frequently than do female offenders. This would then be reflected in a greater number of comments about employment in male offenders' records. While this remains a limitation, this concern is mitigated for two reasons. First, as the majority of these topics relate to important components of supervision, we would expect officers to bring them up in meetings and comment on them in the formal record, even if offenders did not bring up the topic on their own. Second, officers are unlikely to record topics in the case notes that they do not feel are importantly linked with offenders' progress on supervision. Thus, case notes do not represent simply a record of what is discussed in meetings, but officers' distillation of important themes.

These descriptive analyses suggest that officers assign priority to different topic areas in their supervision of male and female offenders. The case note analysis shows that the gender specific treatment evident in the interviews and observations I discuss below also characterized offenders' formal record. However, this quantitative analysis cannot reveal why the topic areas that officers consider important differ for male and female offenders, nor how officers explain and understand their differential treatment of men and women on supervision. For this, we turn to the qualitative data.

### **Fieldwork Methodology**

The interview and observational data were drawn from two county community corrections systems within Northwestern State. I refer to the counties as Greendale and Riverside. Riverside includes the state's largest city and is the most populous county in the state with over 700,000 residents. Greendale borders Riverside and is the second-highest population county in the state with a population of over 500,000. Both counties are growing rapidly and have a non-white population between 25 and 30 percent, with Latinos composing the largest minority group in both counties (US Census Bureau 2008).

Both counties manage offenders in a manner deserving mention. Officers' caseloads are divided into categories of offenders sharing a particular identity (women, Spanish-speaking) or category of crime (drug offender, domestic violence, sex offender, mentally ill). These caseload categories are neither exclusive nor firm, and women are represented across teams. Such management allows officers to become familiar with the



resources available to, and laws regulating, their specific populations. However, because nearly all officers cycle through diverse caseloads during their tenure, they are able to speak to differences across populations. It is also important to note that most officers “matched” the identity of their caseload in at least one respect, that is, women were more likely to supervise women, Latinos to supervise Latinos, etc.

I interviewed 26 officers and staff in a single county office in Greendale and 24 officers and staff across five free-standing offices in urban Riverside County.<sup>21</sup> Interviews averaged between 45 minutes and one hour. Interviews addressed a variety of topic, from beliefs about the causes of crime, to the personal mission of the job, to what culturally competent and gender-specific treatment meant in practice. Questions aimed to gain an understanding of how officers conceptualized the work, their role and their relationship with offenders.

In Greendale, I also observed over 50 routine meetings between community corrections officers and their clients. These meetings averaged between 15 and 45 minutes. In each case, I approached offenders in the lobby as they waited for the appointment and sought their consent to observe the meeting. Consent had previously been obtained from the officers. No offender declined my request to observe their meeting.<sup>22</sup> Offenders generally seemed indifferent to my presence, although some

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<sup>21</sup> In Greendale I conducted interviews with nineteen officers, four managers who did not currently carry a caseload, and four correctional staff, who worked with clients. In Riverside, I interviewed twenty-one officers and two correctional staff, who also worked with clients.

<sup>22</sup> Offenders are likely to have little expectation of privacy in this setting.

offenders inquired about the project or what I was studying in school. These data were collected between April 2009 and January 2010.

My experience varied somewhat between the two counties. In the first, officers were accustomed to the presence of student volunteers and interns and treated me as just another student learning about the job. In the second county, some officers seemed wary of my presence, at least initially. Through the interviews I learned that substantial tension existed between managers and officers. Because management had sanctioned my research, some officers seemed to believe that I was working either with or for management. For most officers, as the interview began and it became clear that I was not serving at the behest of management, they relaxed considerably and were able to answer thoughtfully and honestly.

In presenting the quotations in text, I have included a subscript below the quotation which identifies the gender and race of the officer. The subscripts are defined as the following: F=female, M=male, W=White, B=Black and L=Latino. I also number the interviews, but to protect the identity of the speaker, the numbers are randomly assigned and do not represent the order in which the interviews were conducted.

While I report officer race and gender in the quotes, I do not discuss race differences in the nature of gendered treatment for two reasons. First, although the racial profile of the offenders I observed matched the racial demographics of Greendale County, mostly white with some Latinos and Asians, the observational sample was simply too small to draw conclusions about race-gender interactions. From the

interviews, I concluded that race and ethnicity did not seem to determine how officers conceived of gender-appropriate rehabilitation, as Black, white and Latino officers working with racially and ethnically diverse offenders voiced similar beliefs about gender-specific needs. Thus, while it is possible that gendered rehabilitation varies across racial and ethnic categories of offenders, I did not find evidence of this and therefore do not discuss it.

### **Meeting Content and Structure**

Meetings between community corrections officers and offenders occur at regularly scheduled intervals, largely dependent upon the offender's assessed risk category. These meetings are intended to serve a supervisory function; officers check in with offenders' compliance on key conditions of supervision: employment and job search, police contact, drug and alcohol use and attendance at drug treatment and other mandated programs. Offenders may also be required to submit a urine sample to prove that they are substance free. The meetings are largely designed as a means of "keeping tabs" on those sentenced to probation or recently released from prison onto parole. Within these meetings officers have substantial freedom to shape the form, content and tone of the encounter.

Some aspects of the meetings were similar for male and female offenders. Specifically, in meetings with both men and women, officers frequently discussed alcohol and drug treatment, offenders' compliance with that treatment and the importance

of treatment to rehabilitative goals. Because of the high rates of substance abuse among the supervised population, this topic was viewed as central. Other topics frequently addressed with both men and women were housing and access to transportation. Finally, officers I observed actively encouraged both male and female offenders' efforts towards conventional goal attainment, whether in reference to offenders' job search, community service hours completed or a negative urinalysis (UA).

Despite these similarities, gender differences in treatment were substantial, reflecting differences in the primary goals officers' held for male and female clients. For instance, while officers working with both men and women were supportive and encouraging of their clients, the content areas officers highlighted for encouragement differed. Officers working with men tended to see public safety and assuring that men fulfilled the formal rules of supervision as the primary goals of their meetings. This focus reflects both officers' greater concerns about men's potential for violence, as well as the belief that imposition of formal structure, routine and assumption of conventional responsibilities were the appropriate steps towards criminal desistance and rehabilitation for men. In contrast, officers working with women more often took a holistic approach, not just addressing the crime or adherence to formal conditions, but also social networks (particularly romantic relationships) and clients' emotional lives. This focus reflects both officers' beliefs that women's criminality was influenced and affected by those they were closest to – members of their social networks – as well as the idea that women's criminality was internally located, reflecting emotional and psychological disorder.

### *Choosing Productive Citizenship*

Officers working with men focused more upon the agentic choices offenders made that led them to their present circumstance; in meetings they worked to create a dynamic in which the offender would *choose* to abstain from criminal behaviors. Officers believed that they could assist male offenders to make better choices by helping them to identify their long-term goals and encouraging them to take the initial steps necessary to advance along a non-criminal path. This was frequently accomplished by utilizing motivational interviewing (MI) techniques.

In motivational interviewing, the client's own desire for change is elicited through supportive counseling and reinforced through the clients own "change talk." The goal of this treatment is to lower client resistance and strengthen commitment to personal change (Hettema, Steele, and Miller 2005; Miller and Rollnick 2002).<sup>23</sup> Once officers have identified areas of behavioral change (that are compatible with the law) that the offender values, the officer can then work with the client towards achieving the steps that will help them to accomplish these change-goals legally.

One officer explains how he uses motivational interviewing techniques with his generic drug caseload:

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<sup>23</sup> In motivational interviewing (MI), the client's autonomy is central, that is, the client determines whether change is desired, or not, and sets the pace of change. This approach may be more fitting to the drug and alcohol treatment field where it is often employed: in the correctional field, behaviors like criminality and drug use are no longer legitimate options, thus the client's choice is substantially circumscribed. Motivational interviewing employed in the correctional context may present greater ethical complexity than MI in other settings (See Miller and Rollnick 2002: 161-175 for a discussion of ethical considerations in the use of motivational interviewing).

I'll use different techniques but one I like to use is try and find out what they like, what they want out of life and from that ask them how they expect to get it, ask them if they know what it takes to get the things that they really want in life, whether it's just having a good job or having a car or having a house or having a family, those are called common threads, things that everybody seems to want. So I work with them to figure out how they can attain those things in a legal way so they don't have to worry about losing it and then set up steps for them to be able to attain those things. If it's one thing at a time, whether it's the shirt on their back we start with the basics, the needs, and work up from there. (WM, #8)

The quote reveals how officers conceive of criminal men as agentic; men can choose to refrain from criminality and learn the skills necessary to achieve goals in non-criminal ways. It also reveals that rehabilitation for men is linked with conventional goal attainment, "having a good job or having a car or having a house or having a family. . . ." By framing the conversation in this way, the officer positions himself as a resource and guide for the offender. While these techniques were by no means exclusive to officers working with men, in interviews these techniques were brought up more frequently by these officers.

Officers also spent substantial time reviewing and enforcing the formal conditions of supervision with men. These conditions are set by statute, as implemented by administrative rules, and if violated, may lead to sanction or even revocation for the offender. Two conditions frequently stressed were those of employment and fee payment.<sup>24</sup> Officers often began the conversation by asking whether the client was up-to-date on fee payment and stressed the importance of paying these fees. Officers most

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<sup>24</sup> All offenders on supervision are required to pay monthly supervision fees, those who do not pay fees may be subject to revocation or sanction, or have their period of supervision extended. However, officers may petition the court to drop the supervision fee for clients they feel are unable to pay, and may ignore non-payment or accept only a fraction of the payment as indication of a good faith effort to pay.

frequently next turned to discussion of men's job search, whether the offender had applied for any jobs, and if so where. Discussion of the job search did not seem rancorous or punitive, rather officers tended to be encouraging and supportive, trouble-shooting ways to present the criminal record in the best light, mentioning job openings they knew of in the community and building up clients' confidence about their employment prospects. By focusing on these formal conditions, officers reinforced the notion that employment and the accompanying ability to pay fees defined the rehabilitative project for men.

While officers encouraged and supported men in their attempts to meet conditions regarding fees and employment, structural impediments to attaining these goals were not seen as sufficient reason why the conditions could not be met. For instance, officers often stressed the importance of fee payment whether the client was employed or not. One officer I observed counseled an undocumented worker who was having trouble finding a job in the recessionary economy to pick up cans by the side of the road in order to pay his supervision fees.

That officers tended to focus more upon the conditions of supervision for men than women may have significant consequences for male offenders. This is because officers agree that it is quite difficult for offenders to successfully complete all of the conditions of supervision. That is, if officers chose to enforce these conditions to the letter, offenders are much more likely to face sanction or revocation. Thus, although men and women may be subject to the same set of conditions, if officers hew more closely to

the rules when working with men, male offenders might face a higher bar to the successful completion of supervision.

Finally, officers working with men saw public safety and crime prevention as an important part of their work as well. While focus on safety was more characteristic of officers working with domestic violence and sex offenders, it was also true of officers working with caseloads of largely non-violent men. Recall the results of the case note analysis that found that officers discussed male offenders' crimes and criminality more frequently with low-level, first-time drug offenders than they did with the matched sample of female offenders.

This dual focus on encouraging rule-following and assuring public safety reflected what officers working primarily with men voiced as the mission of their job:

The mission of our job I would think is a) we have a charge to make sure that the client completes the conditions as ordered by the court, b) we should try to get clients to a point to where they are productive members of society and are not committing crimes and returning into the criminal justice system. So those are my primary goals and what I do is to make sure that they do what they're supposed to do because in the end that is my charge is to ensure that they comply with the orders of the court. (WM, #49)

I'm thinking the focus is they're kind of living this unconventional lifestyle where their rules are set up differently than what I think the rules are to be successful, my usual mission is to try to get them to understand that a more pro-social lifestyle is to have a job and to have these kind of parameters and follow rules and be successful in that way. (WF, #39)

These particular constructions of the mission of supervision were similar to those voiced by officers working with Latinos, sex offenders, and generic case loads, but all officers



working primarily with men. The mission for these officers was both public safety and encouraging men to conform to a conventionally “productive” lifestyle, defined as being part of the formal economy and paying fees regularly. Men on supervision are thus seen as capable of fulfilling the rules of supervision and making non-criminal *choices*; their criminal status doesn’t threaten officers’ conception of men’s agency and responsibility, two indicators of adult status. Yet this very responsibility means that men may have more difficulty successfully completing supervision.

#### *Holistic Treatment: Building (Emotionally) Independent Women*

While there was substantial commonality in the topics discussed with male and female offenders, meetings with women were less rule-focused and more holistic in orientation. The officers addressed diverse aspects of female offenders’ lives, rather than focusing on particular goals, such as employment. At the beginning of meetings with female offenders, officers frequently began by checking in regarding how the client was doing generally. This open format allowed the client to bring up issues of concern or recent accomplishments; topics could range from job search to children’s well-being to drug treatment. Officers also spent more time putting women at ease and engaging in casual conversation as a part of the meeting. In interviews, officers explained that successfully working with women required building rapport and forming a trusting relationship.

Women are much more into sharing, and they wanna' know they can trust you, and they want to, they love a lotta feedback. They love to talk, so it's a lot of

listening and relationship building. They wanna' know that you know their kids' names; they need that connection. Men, not so much. (WF, #35)

While officers working primarily with men worked to defuse tension and build connection with the offender through motivational interviewing techniques, officers working primarily with women used conversation and learning personal information about the offender as a way to establish trust.

Following these relationship-building conversations, officers often next turned to discussion of women's participation in substance abuse treatment programs. Officers were very attentive as to whether clients were complying with their treatment programs and whether women were attending drug and alcohol support groups such as AA or NA.<sup>25</sup> In some cases attendance at support groups could even replace a jail sanction. One officer explained how she had used a drug and alcohol support group as a sanction for a female client who had stopped reporting and going to treatment, and subsequently tested positive for methamphetamine use:

And I said well, based on what's going on, I can take you to jail or we can talk about a sanction. I said I think an appropriate sanction would be a hundred and twenty meetings in a hundred and twenty days. And she said I think that's great. She accepted the sanction, we did our little paperwork, and she's still doing it today. (WF, #35)

Thus, while AA and NA were an important part of the discussion for both men and women, officers working with women seemed to rely upon meetings to structure and

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<sup>25</sup> While the case note analysis suggested that notes regarding drug and alcohol treatment were recorded at a similar rate for male and female offenders, the qualitative analysis allows us to see how the nature of the discussion differs by gender.

supervise women between office visits and to keep them away from criminal associates, whereas with men, officers viewed employment as filling this role.

Despite these differences, when female clients were not doing well, the focus of interviews was more structured and targeted towards areas of concern, such as a positive UA or a missed appointment, as well as whether the client was paying fees and attending treatment groups as demanded by the conditions of supervision. Thus, what seemed to be normal treatment for male offenders seemed to be considered more punitive treatment for female offenders.

Female offenders' perceived emotional needs and self-esteem deficits were also key areas of concern for officers. Officers working with women mentioned that they saw the meeting as an opportunity to address and begin to work through women's emotional needs.

And I have to tell my clients every day, you have to work on your self-esteem. Every day you have to work on your self-worth, and when you start feeling that low self-esteem and low self-worth, go in the backyard, dig it outta the dumpster, put it back on, and keep pushing. (BF, #36)

One way this officer explained that she helped women build self-esteem was by discouraging her clients from using language like "babymomma" to describe themselves. Another way was to encourage her clients to wear less revealing clothing. Regardless of the technique officers used, defining criminal women's problems in this manner implies that rehabilitation will largely be defined psychologically rather than behaviorally.

Though officers working with both women and men believed that low self-esteem partially explained offender's criminal behaviors, officers working with women were more likely to see self-esteem building as an important part of their work. In contrast, officers working with men worried that criminal men's self-esteem was already too high, that their criminality resulted from a narcissistic personality. Because narcissism is one feature of "criminal thinking," these officers believed that building men's self-esteem could then prove counter-productive.

Officers working with women also seemed more attuned to the structural constraints women faced in completing the conditions of supervision, such as attaining employment and paying fees. Officers were particularly attuned to barriers posed by women's single parenthood and caregiving obligations. While women's economic barriers were acknowledged, officers' goals for women's rehabilitation were not economic but emotional. Perhaps because officers see employment as such a daunting goal for women, in meetings, officers often focused on women's emotional independence, rather than economic self-sufficiency. In response to my request to give an example of how he might tailor his approach to women, this officer responds:

M: Well you know first of all I think I would work really hard to help a female to learn how to be self-sufficient in that you don't want to be depending on some man to help you make it. And so I would probably emphasize that more, spend more time doing that.

*I: In terms of like finding a job or?*

M: Getting training or you know experiencing being on their own. I think, yeah. Because see guys you just kind of expect them to do that, but women, I think they would like to do that but it just seems like it's almost impossible. Especially if you have kids that you have to take care of. That's a huge, huge stumbling block

you know. (WM, #9)

As this quote suggests, romantic relationships were a big part of the discussion with female offenders and inquiring about boyfriends and partners, routine. Officers tried to discover whether women were romantically involved with male friends or associates they mentioned in passing and commonly asked whether men they were in relationships with were also on supervision or had a substance abuse problem. One officer explained that officers generally assumed that the men criminal women were involved with were problematic, “I mean what we call it here is that their picker is broken . . . that part of the brain that picks the man you’re attracted to, that picker is broken and you only pick bad men, either abusive or addicted or all of the above.” Officers focused on the men in women’s lives because of the widely held belief that criminal men had led women into criminality initially and were likely to do so again.<sup>26</sup> Thus, involvement in romantic relationships posed a threat to women’s rehabilitation. I found this greater attention to women’s relationships present in my observations, interviews and the case note analysis.

In addition to the more frequent mention of relationships, the tone of comments about relationships differed between the case notes of male and female offenders as well. Writing about male offenders, officers noted how girlfriends encouraged male offenders in their attainment of conventional goals, “O [offender] moved in with his GF, working at McDonalds, wants to go to college! Overall I am very impressed w/ O’s progress, by all appearances doing very well.” Case notes also frequently mentioned the resources

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<sup>26</sup> This criminal pathways argument, central to both academic and practice literature addressing women’s criminality, leaves little space for women’s agency.

girlfriends could offer male offenders, particularly housing. Officers generally assumed that partnership for men was positive, a sign of progress and conventional development, so long as girlfriends were not on supervision or co-defendants in a case. Cases in which the girlfriend was not on supervision, but nonetheless likely to be involved in or accepting of a criminal lifestyle, were not assessed cautiously. For instance, in one set of case notes, an officer reported that he had allowed a male client with a ten year history of methamphetamine use to move back in with his girlfriend with whom he had had lived for six years prior to his sentence. Presumably the girlfriend was aware of, and possibly involved in drug use herself, but the officer makes no mention of having concerns with this living arrangement.

In contrast, the notes about women's romantic relationships were largely negative. While the resources boyfriends offered were mentioned, "O moved in with BF and BF's parents after release from jail," "BF will pay supervision fees," they also frequently mentioned the boyfriends' drug use, criminal involvement, supervision history and role in encouraging the female offender's own criminality, "Told O that she could not live with a male who is also on supervision due her relapses in the past. I reviewed O's past relapses with her, how she gets lost in relationships w/males who have criminal history and then she relapses." "PO told O that any contact with husband [who continues to sell marijuana] would result in loss of custody of child." "Admits she is still with Jake, states he drinks but no law enforcement involvement." In these quotes, it is not imminent danger posed by the male partner that the officer seems to be concerned about; rather

involvement in a relationship itself seems to run counter to officers' conceptions of proper female rehabilitation.

What was remarkable about officers' interest in this topic was the extent to which women's involvement with romantic partners was considered a sign of low self-esteem or personal failure. One officer observes, "I think it's harder, harder for women to stay out of relationships. So I really admire the women that I know who are working hard on themselves and aren't getting you know tempted into 'I just need a man.' And actually are learning how to take care of themselves, that really helps their self-esteem long term."

Another concurs:

They drift around and women look for guys to take care of them. So they often will do a lot of things just to get that, you know that false sense of security I guess. And guys are very eager to pretend to give that to them just for you know the ability to be with them and use them. And so that gets perpetuated I think.  
(WM, #9)

In these quotes, women's relationships with men are viewed as suspect, a sign of weakness or personal failure and evidence of female offenders' inability to be independent. Both the men and women involved are seen as "using" one another.<sup>27</sup>

In contrast, men's relationships with women were not seen as problematic to the same extent. Indeed, some relationships were seen as a mark of male offenders' progress. Even when men were in relationships officers viewed as unhealthy, officers did not

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<sup>27</sup> It is important to note that there may well be truth in officers' understanding of how relationships affect women. However in evaluating such treatment, it remains important to consider whether regulating these relationships should be a central goal of criminal justice supervision, or whether attention might more usefully be focused elsewhere. It is also important to consider whether the benefits of this type of treatment outweigh the costs.

attempt to intervene to the same extent that they did with female offenders. After one officer explained how he counseled women to stay out of relationships and focus on their kids, I asked him if he similarly counseled men to stay out of relationships. He replied that he did but, “Of course it’s like telling somebody to not breathe, you know. Well, they’re just, men are you know (pause), they think about sex 80% of the time. You know, I mean they just do. Let’s be real.” Embedded within this quote is both the idea that relationships are more about sex for male offenders than they are for female offenders, and that, perhaps because of this, men cannot be influenced or discouraged from involvement in relationships by their officers, as women may be.

The differences in the content of interviews I outlined above were reflected in differences in how the mission of the job was framed between officers working primarily with men and those working primarily with women. While officers working with men put public safety and the formal conditions of the job first, officers working with women defined a broader mission. In response to the question “what do you see as the mission of your job?” officers working with women described a diversity of missions, from reuniting women with their children to “dig[ing] deep” into traumatic pasts to linking women up with resources and treatment programs to deal with addictions. One officer explains her mission, “With just the general woman population a lot of the women have trauma issues, abuse, lots of psychological issues, and helping the women learn how to deal with that without having to use the drug to ease the pain.” Another concurs:

I think to help the clients, I think it’s to help the clients access the treatment that will address their addictions and the crime that falls from that. And then to



encourage them because going through addiction treatment or any kind of treatment is difficult for the people that have supportive families and all of that, and these people don't usually have any of that. (WF, #7)

Public safety and the formal rules of supervision are not the priority here; rather, for these officers, treating women meant addressing the broad contexts of their lives, from substance abuse treatment to trauma recovery.<sup>28</sup>

As I have discussed, officers were more attuned to the structural challenges that marked women's lives, including barriers to the attainment of the rules of supervision, and thus more forgiving when female offenders couldn't meet goals like employment. Yet this very awareness seemed to lead officers to focus instead on women's emotional and psychological problems, thus reinforcing women's symbolic status disadvantage.

### **Quality and Style of Interaction**

Gender differences I observed in the content and structure of meetings were also present in the quality and tone of officers' interactions with men and women. Officers' interactional style similarly reflected the belief that male offenders were competent decision-makers who had chosen the wrong path, while female offenders were psychologically disordered individuals, not wholly responsible for their actions.

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<sup>28</sup> Women were not the only clients who received holistic treatment from their officer. In one meeting I observed a male offender who had just been released from the hospital for a suicide attempt. This interview was not focused on the conditions of supervision, but rather on housing, medication and the offender's mental health. I also found that discussion in meetings with young offenders was less structured and rule-focused. One officer I observed in meetings with several young adult men (perhaps 18 or 19) took a mentoring or school counseling approach, asking primarily about family, school and general life-issues. In one case the officer reminded his young charge that, were he to get involved in criminality again, "[he] would break his mother's heart." As evidenced here, offenders conceived of as particularly vulnerable (the mentally ill, juveniles) were also treated holistically, similarly to women.

Specifically, officers working primarily with men focused on forging a respectful rapport and maintaining a judgment-free encounter. In contrast, officers working with female offenders focused on empathizing with offenders, listening and engaging in a therapeutic style of interaction and cultivating a friendship or mentor-like relationship. Thus for men, officers' interactional style encouraged men to drop a combative stance and opened up the possibility for discussion about the offender's criminal thinking patterns and behaviors. For women, however, officers' style aimed to forge an emotional connection, model a healthy and supportive relationship and even work towards women's emotional healing.

#### *Rehabilitating Masculinity: Respect and Rapport*

As discussed above, officers focused on men's agentic choices that had led to criminal involvement and presumably would also lead them out. Rehabilitating men was thus primarily concerned with setting men up to make the "right" choices. While part of this process was encouraging (or insisting upon) employment and fee payment, thereby positioning men as productive citizens, the process also unfolded in the quality and style of officers' interaction with men. Officers felt that establishing trust and rapport opened up the possibility for offenders to undergo cognitive shifts. Rapport was established by breaking down barriers to engagement between the officer and the offender. Officers explained that offenders often came into the office filled with anxiety and distrust, seeming to expect the worst:

So I figure this is a very uncomfortable place. It's stressful place, a place where people come unwillingly, figuring that the worst is probably going to be assumed of them and that they're going to have this horrible PO that makes them feel small and ugly and horrible and I try to combat that a little bit with a little humor once in a while, and trying to calm their fears. . . (WM, #28)

The first office visit is a chance to put the client at ease, using humor to alleviate tension and begin to normalize the interaction. Through these initial interactions, officers attempted to show offenders that their role was to help the offender move forward, not to judge or humiliate them. One officer who had worked with sex offenders in the past explains that she learned how to defuse the fear sex offenders brought with them into initial meetings, "I began to take an approach with new clients telling them you know 'that this isn't about judgment, I'm not judging you.' And when I could get them to feel safe, to admit that they had committed their crime, I felt like I could start making some progress with them."

Officers also felt that treating clients with evident respect was an important part of rapport and trust building. One officer explains, "To me the most successful element you can work is if you can build a rapport with somebody. And the rapport is based on just a basic level of trust and respect, that I'm gonna treat you as a human being, and I expect to be treated the same. And as long as we don't violate that, then we have somewhere to work from." If the offender trusted the officer, the officer could then "start to hold up the mirror a little bit and maybe create a little cognitive dissonance" as one officer put it, utilizing motivational interviewing techniques to break down offenders' criminal thinking patterns. This quote also hints at another difference in style between officers working

primarily with men; that is, these officers tended to verbally acknowledge the power dynamics present in the supervisory relationship in a way that officers working with women did not.<sup>29</sup>

While both sets of officers worked to develop rapport, the extent to which officers working with men described listening, working through traumatic history or engaging in therapeutic discourse was quite different. Men would generally be allowed to unload feelings of anger and frustration at their circumstance for a short time, but quickly encouraged to move on to other things. One female officer working with domestic violence offenders explains:

I kind of, I let them process that, I let them kind of talk about how frustrated they are or why they shouldn't be here and "I've seen worse things, I mean there's other guys that do worse than I do." You know let them get that all out and I kind of let them be heard because I know if I don't we're never going to go anywhere. So I let them do it for a certain amount of time, but if it continues to be really unuseful and unhelpful over time I can say that "I'm going to have to stop you there, let's move forward. Ok, you're here now, let's focus on what you need to do here. Can't change that." (WF, #31)

In other words, listening was intended as a starting point to forge a positive working relationship with men, but was not generally used as a mini-therapy session or chance for the male offender to heal. One female officer working primarily with men noted that she was careful not to delve too deeply into clients' personal lives:

I want to make sure that we address the problems that are important to them, but I also want to try to manage the situation because you always have to, whatever can

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<sup>29</sup> I found that the power dynamic between officer and offender was less frequently explicitly acknowledged by officers working with women, perhaps because such recognition threatened their definition of the relationship as therapeutic or empowering for the offender.

of worms you open in a session you have to be able to close, you can't let them walk out this door raw. So if I don't have time to close them back up before they walk out then I can't let them continue with it. I try to keep it a little more superficial because um (pause), our job is not as counselors. I don't have 55 minutes to deal with his situation and put him back together and send him out the door; I don't have that. (WF, # 6)

I was able to observe several meetings between this officer and her male clients and confirmed that some men seemed to be seeking a connection with her, or attempting to engage her more deeply in their lives, however, this officer largely stuck to the script, focusing on topics centrally relevant to supervision. She maintained a business-like interactional style. The quality and tone of officers' work with men was respectful but officious; men's internal lives were largely seen as beyond the scope of the supervisory relationship.

### *Empathizing, Engaging, Empowering Women*

In contrast, many officers felt that female offenders required empathetic, emotionally responsive treatment in order to be able to engage in personal change. Expressing empathy and making women feel welcome were important aspects of these officers' style. As one officer explains, "you need empathy for both [men and women], but (pause) I think yeah, I mean women are just by nature more emotional and for a woman to come in and not feel welcome um, it's much harder for them to open up and really make the changes." Without such a reception, these psychologically troubled

women would continue to “self-medicate” with drugs or unhealthy, “addictive” relationships.

Officers also forged emotional connection by interacting less formally and more like friends than did officers working with men. Officers working with women engaged in a chatty style that minimized the social distance between client and offender, remarking upon clients’ successes at work or school as well as changes to appearance like a new haircut or color, “I’ll compliment them that they look nice. I’ll talk to them about what it is that they like about themselves.” In these ways the supervisory relationship took on aspects of a friendship or mentor relationship. One particularly engaged female officer on the drug court team spent time on the weekends and evenings with her clients, texting, taking them out to dinner, even overseeing a DHS/family visit at the zoo. Another officer on a women’s team led a knitting class for her clients once weekly.

In part, officers felt that this was an important part of working with women because their clients had so few positive role models or relationships in their lives. Officers took on this role often recognizing that women had few non-criminal friends that they could turn to for advice and support. The criminal activity that led to community supervision thus availed women of one person (their corrections officer) who could act as a caseworker or friend to them.

A number of them are grateful that, that I’m here and they want to get out of their addiction. They want me to do UAs to hold them accountable. They are desperate for something to get in their life and help them get out of the addiction. I’ve had people use me as a reference on jobs as the emergency contact number on applications and things. So sometimes there’s no one else left, so I’m like this

authoritative, responsible person they actually have a relationship with that they can refer other people to. (WF, #2)

Another officer from the women's team concurs:

I have a desire to help them. And not that I wouldn't have a desire to help men also, but I don't mind them talking. I don't mind them needing a hug at the end. I don't mind being the one person they call if I'm the one person they have right now. That doesn't bother me. And I think some POs, that would be too much or too close or too involved. So I think I enjoy the women for that. (WF, #7)

This officer explains that she is well-suited to working with women because she is not just comfortable with, but happy to provide the emotionally-engaged, close relationship she has found that women require on supervision.

Some officers even felt that meetings could be an opportunity for a mini-therapy session, or a chance to address women's trauma:

Well here's a good example, yesterday I had a client come in, um she's lost custody of all of her children. And she's appealed and she goes for her appeal hearing this morning. You know, and somebody who might not want to get into that deep emotion type conversation with her would just be you know, "good luck,..." da, da, da, da, da. (pause) But I kind of delved into it a little bit further and we talked about her needing to learn how to forgive herself and that she's a different person now than the person when she lost her children. (WF, #3)

This officer saw the supervisory meeting as an opportunity for the offender to begin to heal psychologically. In the context of explaining why she enjoys working with female clients, another officer explains that she can take on the role of a psychoanalyst:

Finally, I built a relationship with her enough that it's like come on, I mean I know your pattern. You're dating these men because of your father. You know,

her father abandoned her when she was a young child, and so she's always had this wanting to find a man. (LF, # 16)

Presumably, the officer views the chance to discuss women's troubled histories and problematic personal patterns as a benefit of court-ordered supervision.

Far from a "nail 'em and jail 'em" operation, officers conceptualized effective supervision for women as listening and being responsive to female offenders and being a resource for women who had no one to count on or talk to. The quality and tone of officers' work with women was emotionally engaged and personal; women's internal lives were seen as central to the supervisory relationship.

### **The Logic of Gendered Rehabilitation**

Community corrections officers enact the gendered treatment regimes I have described because of their beliefs that criminal men and women differ fundamentally in their pathways into crime and the root cause of their deviance, that is, officers' understandings of the psychological underpinning of offenders' criminality. These beliefs then generated the distinctly gendered processes of social control I have described.

Most officers agreed that nearly all offenders came from disadvantaged backgrounds and family situations, but that relative to men, female offenders were less agentically positioned in their descent into criminal offending. In response to the question, "Do you believe that women should be held less responsible for their crimes due to their pathways into crime?" one officer responded, "Personally, we all have



choices to make, but yes, I think women probably are put in situations where the choices for them are less, so when they make these bad choices it's outta desperation. . .” This officer voiced a sentiment expressed by many officers I interviewed, that women’s more marginalized circumstances, in terms of economic power, dependent roles within relationships, caregiving responsibilities and victimization histories, made women less responsible for their crimes and their decision to offend less blameworthy.<sup>30</sup> As one officer explains, “I mean their stories are heartbreaking. It’s phenomenal to me that they get through each day with some of the horrendous things that they’ve been through.”<sup>31</sup> Officers’ conceptions of offenders’ blameworthiness reflected their understandings of how offenders had initially become criminally engaged.

From officers’ narratives, I identified two basic types of criminal men that entered the justice system along distinct pathways: those I term Misfit Masculinity and those I term Oppressive Masculinity.<sup>32</sup> Misfit Masculinity characterized offenders officers described as immature or poorly socialized who had neither the will power nor the skills

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<sup>30</sup> Of course, the fact that women’s offending tends to be less violent and serious than men’s on average likely also contributed to this belief (Daly 1996). In fact, one female officer working with serious, repeat offenders, including women, commented the following, “We underestimate women. [Other officers] They're just kinda doing one of these to you. . . ‘oh, she's a woman, you know. Oh, she was raped, oh, she was this, oh, she was that.’ Oh yeah? Not all women that are with us did robbery, armed robbery, assault, stabbing.” Because of this officer’s exposure to more criminal women, she viewed women less as victims and more as blameworthy offenders.

<sup>31</sup> This belief was not universal among officers, several officers denied that they saw any difference between the life circumstances of men and women, and believed that treatment should not differentiate by gender category alone. Most officers, however, believed that, though men and women shared many characteristics, women faced additional barriers, hardships and circumstances that needed to be taken into consideration. Women’s single parent status was an important consideration, for instance.

<sup>32</sup> These are not officers own words, but rather categories I impose upon patterns in how officers talk about men’s criminality.

to meet their (frequently) conventional goals. Asked why he believes offenders become criminally involved, one officer responds:

Well some of it is immaturity. I think people sort of, they get stuck emotionally where they're at when they're fourteen, fifteen. . . I think it's easier to be a failure for a lot of these guys too, that it's easier to just kind of couch surf and not have responsibility and not have people relying on you because when they start feeling that sense of responsibility, that's uncomfortable for them. They're not used to that and so it's easier just to sort of self sabotage. (WM, #46)

This officer explains men's criminality as a kind of extended adolescence and way to shirk real life responsibility. Other officers working primarily with men exhibiting Oppressive Masculinity explained that they believed violent criminality emerged out of a need for "power and control" and the "criminal thinking" belief that the rules did not apply to them. "They do it because they think they can [domestic violence offending]. . . You have to be a bully and you have to be the type of bully that thinks he's not going to get caught."

While explanations for men's offending differed in some ways by the "type" of man the officers discussed, officers did not seem to similarly differentiate women's pathways into crime; women were believed to be drawn into crime for reasons of psychological deficiency, traumatic personal histories or relationships with problematic men.<sup>33</sup>

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<sup>33</sup> Although officers did not distinguish diverse pathways into crime for women as they did for men, they did identify criminal types of women. I identified two types of criminal femininities: Desperate Femininities, those women identified as excessively needy and lacking in resources (both emotional and financial), and those identified as mentally imbalanced and psychologically manipulative, what I term Disordered Femininities. While these two types exhibited different behaviors in interaction with their officers, both were understood to be emergent from similar life circumstances.

Based upon these gendered types, rehabilitation for men then meant engaging in a cognitive intervention wherein offenders learned how to meet their goals legally, learn and accept the rules of society, and adhere to them in the context of employment. To be a rehabilitated man was to be a productive worker and a contributor to society. Eventually this would mean attaining the material markers of success: a house and car and eventually, supporting a family. For women, rehabilitation meant in large part psychological transformation; becoming strong enough in oneself without the help of drugs or a romantic partner to deal with the pain and trauma that had marked their lives. It could also mean being a good mother to her children.

## **Conclusion**

While some feminist theorists have argued that gender neutral policy and bureaucratic practice will disadvantage women because neutrality masks a male bias, others argue that policy and practice that targets treatment to women simply reifies gender categories and reinforces existing inequality. While scholarship has reached something of a stand-still on this issue, practitioners are actively implementing targeted treatment across a variety of organizational contexts. Based on analysis of officers' case notes and fieldwork with community corrections agents, this research suggests that gender-specific treatment cannot be said to simply advantage or disadvantage women, but rather, has complex material and symbolic implications for the men and women targeted.

As this work has implications for gender theory, so too does it contribute to criminological literature on formal social control. While probation and parole are the most common forms of criminal justice supervision, we know relatively little about how community corrections officers conceptualize their work and less about how and why officers' work practices are gendered. Evidence presented here suggests that officers understand the root cause of deviance and criminality differently for the men and women they supervise. Because officers believe that men and women have distinct needs, they tailor their interactions and interventions along gendered lines. In fleshing out the content of these gendered strategies, this study illuminates the gendered nature of formal social control.

In this chapter I have documented ways in which the experience of supervision differs for male and female offenders in an institution committed to providing gender-targeted treatment. I have suggested that these differences reflect distinctly gendered rehabilitative practices and experiences of formal social control. These differences emerge from officers' beliefs regarding what men and women require to reform and rehabilitate into non-criminal "normal" men and women. I have described these differences as the following: greater focus on men's agency in choosing to criminally offend or abstain from offending and greater focus on men's adherence to the formal rules of supervision. For women, I found supervision to be more holistic in orientation, more personally engaged with the officer, with greater attention paid to women's emotional needs, deficits of self-esteem and problematic relationships with men.

The gender-specific rehabilitative regimes I have described suggest that targeting treatment by gender categories reinforces gendered beliefs or symbolic associations of masculinity with greater status, competence and power, and femininity with dependency, powerlessness and psychological disorder. Specifically, officers believe men to be more responsible and agentic in their criminality than are women and that women are coerced or led into crime, rather than offending by their own volition or agency. Further, consistent with past research, I find that officers locate women's criminality in emotional and psychological deficits and thus seek to rehabilitate women through interventions in these domains. For this reason, gender-targeted treatment for women infringes on women's privacy, personal freedom and freedom of association in a way not true of gender-specific treatment for men. In addition, by locating women's criminality in disordered selves rather than poor or irresponsible choices, officers further reinforce notions of women's inferiority, even relative to *criminal* men. In these ways, I suggest that the gendered treatment I have described advantages men symbolically.

However, because greater responsibility or agency for one's criminal offending may lead to more punitive treatment, men are in some ways materially disadvantaged by this association. For instance, officers may be more willing to extend a second chance to women who have violated a rule of supervision than they would to men, who are deemed both more responsible and blameworthy for their actions. Of course, I can only speculate on this matter as I do not have longitudinal data on sanctioning or revocation. However, this claim does align with past research on gender differences in judicial sentencing,

which has found that women receive more lenient treatment than criminal men (Spohn and Beichner 2000; Spohn and Spears 1997). Further, because men are held to be more competent, they are also believed to be more capable of fulfilling the formal rules of supervision, including obtaining employment and paying supervision fees. Women may be less pressured to fulfill these obligations, as officers believe they are less capable of doing so. In these ways male offenders may face real material consequences resultant from their masculine status. Thus, within the context of a correctional system committed to gender-appropriate treatment, women may experience positive material, but negative symbolic consequences, with the situation reversed for men.

Finally, while I have suggested that women may be advantaged in the short term by officers' looser commitment to assuring that women fulfill the formal rules of supervision, this may prove disadvantageous for women in the long-term. This is because gender specific treatment for women tends to take as its primary task empowering women through encouraging emotional, psychological and relational independence, rather than encouraging the steps necessary for women to attain economic independence through job training and skill building. Vocational education and job training are two interventions the "what works" literature has shown to be successful in curbing recidivism (MacKenzie 2000; Petersilia 1998; Seiter and Kadela 2003). Though it may be the case that women are indeed lacking in self-esteem and reliant upon problematic romantic partners, if women have no source of income and no place to stay (other than with this partner) self-esteem building or emotional empowerment alone will not translate

into real independence for women. In contrast, officers working with men are more likely to target employment and the structured and cognitive behavioral therapeutic interventions that have been found successful in protecting against recidivism in the context of reentry programs (Andrews and Bonta 2003a; MacKenzie 2000; Seiter and Kadela 2003).<sup>34</sup> Uncovering the long-term consequences of these gender-specific regimes remains an important topic for future research. Future work may also usefully apply the distinction I have drawn between material and symbolic advantage to other institutional settings, such as welfare offices, where the material benefits offered to women (and not men) have frequently been glossed over in favor of a focus on stigma and surveillance, aspects of symbolic experience.

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<sup>34</sup> Mackenzie (2000) and Seiter and Kadela (2003) are meta-analyses, and did not consistently report the gender of the sample from studies they drew upon. It is not possible to say definitively that these findings apply equally to men and women. Andrews and Bonta (2003) report that their findings are equally applicable to women and men.

**Table 3.1. Negative Binomial Regressions of Counts of Case Notes: Crime, Drugs & Alcohol, Treatment, Employment**

| Independent Variables | <u>Dependent Variables</u> |                           |                  |                   |
|-----------------------|----------------------------|---------------------------|------------------|-------------------|
|                       | Crime<br>(1)               | Drugs &<br>Alcohol<br>(2) | Treatment<br>(3) | Employment<br>(4) |
| Male Offender         | 1.78<br>(.39) *            | 1.48<br>(.27) *           | 0.96<br>(.15)    | 1.30<br>(.15) *   |
| Male Officer          | 0.53<br>(.20) +            | 0.81<br>(.13)             | 1<br>(.16)       | 1.47<br>(.17) *** |
| Number of Offenders   | 101                        | 101                       | 101              | 101               |

Notes:

Dependent Variables: Crime-mentions of offender's crime in case notes; Drugs-mentions of drugs & alcohol in offenders' case notes; Treatment-mentions of drug and alcohol treatment in offenders' case notes; Employment-mention of employment in offenders' case notes.

Standard errors clustered by officer. Results reported in exponentiated format. Exposure is total number of text entries recorded during the year.

Offenders matched by gender on risk score, crime, criminal history and mental health. For sample selection see text.

+ : P-value of < .10 , \* : p-value of <.05, \*\* : P-value of <.01, \*\*\* : P-value of <.001



**Table 3.2: Negative Binomial Regressions of Counts of Case Notes: Payment, Timeliness, Sanction, Relationships**

| Independent Variables | <u>Dependent Variables</u> |                   |                 |                               |
|-----------------------|----------------------------|-------------------|-----------------|-------------------------------|
|                       | Fee Payment<br>(1)         | Timeliness<br>(2) | Sanction<br>(3) | Romantic Relationships<br>(4) |
| Male Offender         | 1.37<br>(.18) *            | 1.06<br>(.32)     | 0.84<br>(.24)   | 0.65<br>(.15) +               |
| Male Officer          | 1.64<br>(.60)              | 1.32<br>(.41)     | 0.81<br>(.4)    | 1.48<br>(.26) *               |
| Number of Offenders   | 101                        | 101               | 101             | 101                           |

Notes:

Dependent Variables: Payment-mentions of supervision payment and fees in offenders' case notes; Timeliness-mentions of offenders showing up on time or missing appointments recorded in the case notes; Sanction-mentions of sanction in offenders' case notes; Romantic Relationships-mention of romantic relationship or partner in offenders' case notes.

Standard errors clustered by officer. Results reported in exponentiated format. Exposure is total number of text entries recorded during the year.

Offenders matched by gender on risk score, crime, criminal history and mental health. For sample selection see text.

+ : P-value of < .10 , \* : p-value of <.05, \*\* : P-value of <.01, \*\*\* : P-value of <.001

## CHAPTER FOUR

### SANCTIONS IN CONTEXT: THE ROLE OF GENDER AND THE FAMILY

Research has documented that men and women, subject to criminal court proceedings and sentencing, may face disparate sentencing outcomes given similar crimes, with women receiving more lenient sentences relative to men (Daly and Bordt 1995; Spohn and Beichner 2000; Spohn and Spears 1997; Steffensmeier and Demuth 2001; Steffensmeier, Kramer, and Streifel 1993). While historically explanations for this gender gap centered around judicial paternalism and chivalry (Pollak 1950; Thomas 1974), more recent work has focused on women's family responsibilities and ties (Daly 1987a; Daly 1987b; Daly 1989b; Flavin 2001) as well as differences in the nature of women's life circumstances, criminality and offending relative to men's (Spohn and Beichner 2000; Steffensmeier et al. 1993).<sup>35</sup> Implicit in these contemporary explanations is the notion that sentencing is simply responsive to differences in men and women's social contexts and characteristics--an approach suggesting that, were male offenders to have the characteristics of female offenders, they would be sentenced similarly. Yet unexamined is the way in which cultural assumptions about gender shape whether and

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<sup>35</sup> Even if the crime of record is identical, there are likely to be differences in the contexts of women's crimes, for instance women are more likely to have been abused as children and run-away from home, women are more likely to offend with others while men are more likely to offend alone, and women's violence is less frequently initiated by women, but more often a response to violence (Daly 1994; Richie 1996).

how social contexts and characteristics come to be seen as relevant to sentencing decisions. In this chapter, I investigate how gender acts as a lens, shaping officers' perceptions of offenders' family roles and their relevance to sanctioning. I will argue that correctional officials sentence women as embedded in a family context, while decisions regarding men are more narrowly focused on the man as an individual, his crime and possibilities for rehabilitation.

I extend the research on sentencing gaps to the lesser-known community correctional context, a system responsible for the majority of criminally sentenced offenders, and in which women compose a substantial share of the offending population (Greenfeld and Snell 1999; Pew Center on the States 2009). This context differs from that of sentencing in the courtroom as officers have greater discretion to tailor sanctions as they find appropriate, are more explicitly focused on rehabilitative aims and as such, may be more inclined to draw upon offenders' personal situations and contextual factors when crafting sanctioning decisions. While extending the literature on gender and sentencing, I also contribute to it, suggesting an alternative model of how gender is implicated in the correctional context.

A dominant perspective for understanding how family status affects judicial sentencing is Daly's model of social control/social costs (Daly 1987a; 1989b). Daly argued that family ties influence sentencing decisions via two distinct logical processes. First, judges are simply reluctant to sentence parents, particularly parents who are sole caregivers, to prison or jail. Incarceration from this view poses not just an individual cost to the offender him or herself, but a "social cost" that encompasses the children. And

second, defendants' family statuses influence judicial sentencing because judges view families as sites of informal social control. Thus, a familial defendant may require less formal social control, because they are subject to greater informal social control as a member of a family unit. These explanations suggest that it is not gender per se that determines lenience in sentencing, but rather characteristics associated with gender categories. Because women have more family ties and responsibilities than do criminal men, their sentences are affected in recognition of these ties. This perspective has become embedded within the characteristics and contexts approach I described previously. Family ties and responsibilities are understood to be one gender-linked characteristic that helps to explain the gender gap in sentencing (Steffensmeier et al. 1993).

While social control/social costs and the characteristics approach holds that family ties—to children and partners—will lead to greater leniency in sentencing for both women and men, I challenge this model, asking why familial women are sentenced more harshly in some cases, why family roles largely do not affect the sanctioning of men, and how gender itself shapes the way in which male and female offenders are viewed and evaluated. Drawing upon interviews with community corrections officers and observations of meetings between officers and offenders, I will argue that correctional officials' sentences and sanctions for women, understood to affect a broad, familial sphere, are crafted in response to their impact on this sphere. In some cases sanctions for women will be harsher to protect members of the sphere, while in others, sanctions will

be more lenient. Thus caregiving responsibilities become part of the discussion with women, though are largely absent from discussions with men.<sup>36</sup>

This finding is significant because it suggests that cultural assumptions about gender crucially shape officers' understandings of men and women as criminal subjects. Differential treatment in response to violations or criminal conduct is not responsive simply to differences in the characteristics of male and female offenders, but is instead responsive to the fact that officers see and understand criminal men as individuals, and women as situated in a social context. While there are clear differences in the life circumstances and situations of female and male offenders, my argument is that these differences become magnified given the gendered lens that officers bring to their work with criminal men and women. Thus, this work moves beyond asking whether women experience lenient treatment relative to men and what characteristics explain this difference, to ask how and why the gendered lens defines the very characteristics officers view as relevant to sentencing decisions.

### ***Gender, Family and Criminal Sentencing***

A body of research has found that gender affects judicial sentencing decisions, both the "in-out" decision as well as sentence length. In particular it has been suggested

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<sup>36</sup> While my focus here is the role of family, it is likely that the response to women's criminality is contextualized in a variety of other ways as well, for instance with greater attention paid to women's personal histories, health and mental health profiles and disadvantaged educational and employment profiles. While characteristics undoubtedly differ, I argue that these contextual factors are more significant for correctional officials' conceptualization of criminal women than criminal men. Thus, this perspective may usefully apply beyond the family context as well.

that women as a group receive more lenient treatment than do men (Daly and Bordt 1995; Spohn and Beichner 2000; Spohn and Spears 1997; Steffensmeier and Demuth 2001; Steffensmeier et al. 1993). For instance Steffensmeier, Kramer and Streifel (1993) analyze sentencing data from Pennsylvania and find that, even after controlling for legal and extra-legal factors, women are roughly 12% less likely to be incarcerated than are men. Some studies suggest that lenient treatment is experienced by all women, regardless of race (Spohn and Beichner 2000; Steffensmeier and Demuth 2001), while other research suggests that leniency is directed towards white women, but not black women (Steffensmeier, Ulmer, and Kramer 1998).

Although gender disparities in judicial sentencing are widely acknowledged, within criminology there has been substantial debate as to the explanations for this gap. Historically, criminologists have suggested that female offenders benefit from chivalry and paternalism at the hands of male judges and police officers, who, either dubious that women are capable of committing crimes, or attempting to protect women, fail to report or condemn women for their crimes (Pollak 1950; Thomas 1974). Although there was never particularly good evidence in support of this claim, the thesis continues to feature in criminological discourse (Britton 2000). It has fallen out of favor somewhat with the recognition that lenience varies across categories of women (with some research showing that African American women receive less chivalrous treatment than white women, and other research highlighting that single, childless women do not benefit) and offense categories (such as harsher sanctions for female than male juvenile status offenders and

female offenders whose behavior fails to conform to gender norms) (Britton 2000; Chesney-Lind 1989).

A prominent contemporary explanation for the gendered sentencing gap explains it as resultant from differences in the characteristics of men and women and their crimes. Steffensmeier, Kramer and Streifel (1993) analyze official explanations for dispositional departures for women from court records, and conduct interviews with judges to explain gendered sentencing gaps. Analyzing dispositional departures, they find that judges explain departures based upon female offenders' higher likelihood of committing minor offenses, remorse for their offenses, prior records consisting largely of non-violent crimes, mental or physical health problems and responsibilities caring for children or pregnant. Summarizing these justifications, they conclude that judges view women to be less dangerous and culpable than male defendants and more tied to the community. Their interviews with judges largely support these explanations but conclude additionally that gender "disparities" are both warranted and necessary. In other words, the apparent gender gap in sentencing reflects not bias, but judicial response to differences in personal circumstances.

Spohn and Beichner (2000) provide an alternative explanation for the gender gap, suggesting that court officials attempt to routinize decision-making by relying upon stereotypes. For women, these stereotypes portray women as less blameworthy, dangerous and at lower risk of recidivating than men, which explain women's more lenient sentences. These contemporary studies propose a variety of explanations for how

gender is read into sentencing, largely centered around the characterization of women's offending and criminality as less of a risk to public safety than men's.

A separate body of work has focused more narrowly on how family roles and attachments influence judicial sentencing decisions. Kruttschnitt (1982) and Kruttschnitt and Green (1984a) proposed an explanation for lenient treatment that rested on women's family roles. Analyzing the case files of over 1000 adult female probationers in California (Kruttschnitt 1982) and nearly 3,000 convicted men and women processed in a Minnesota court (Kruttschnitt and Green 1984b), they suggest that, because women are more likely to be economically dependent and otherwise experience greater familial social control, court officers see formal social control as less necessary in women's lives. This explanation draws upon Black's theory of law (1976), which holds that the extent of law applied in an individual case is inversely related to the extent to which other forms of social control are available.

Eaton (1983; 1986) likewise has argued that officials in British magistrates' courts view the family as a site of informal social control for both men and women. Thus, partnered male and female offenders receive more lenient treatment than their single counterparts. Court officials, believing that "a spouse will act as a guardian in preventing re-offending" (1986: 391) then prescribe lesser formal social control to familial defendants.

In an important expansion, Daly (1987a; 1987b; 1989a; 1989b) suggested that not just marriage or partnership, but additionally the family roles of breadwinner and



caregiver to children explained much of the apparent gender gap in sentencing. Daly (1987a), drawing upon pre-trial services agency data collected on over 2,000 criminal defendants prosecuted in New York City criminal courts, finds that initial gender differences in the “in-out” decision and pre-trial detention are explained by women’s family status. While she finds that men also benefit from family status, women benefit more. In contrast, non-familied men and women are treated similarly. She explains that court officials equate a higher cost to removing familied women than familied men from the community because caretaking labor is considered more essential and less easily replaceable than is breadwinning, thus focusing on men and women’s differential familial roles rather than gender per se. She proposes a social control/social costs framework to explain this family gap in sentencing and pre-trial release, suggesting that men and women are treated differently within the criminal court “on the basis of their ties to and responsibilities for others” (167). In a later interview-based study (1989b), Daly expanded upon this idea, suggesting that the social cost of incarceration reflects judicial concern with children’s psychological well-being and the care that children require (both in terms of caretaking labor and economic contribution), as well as recognition that familied men and women have greater informal social control in their lives.

Dinovitzer and Dawson (2007) challenge one aspect of the social costs logic in their study of men’s sentencing outcomes in a domestic violence court. They find that when offenders had dependent children or shared childcare responsibilities, rather than shortening the incarceration sentence or making it less likely, predicted a lengthier sanction. This study suggests that courts may incarcerate dangerous fathers in order to

protect families, an alternative conception of “social costs.” This finding highlights the surprising lack of discussion in this literature regarding how dangerous mothers are treated by courts, cases in which incarceration may not pose a “social cost.”

Finally Flavin (2001) highlights the importance of gender in a quantitative study analyzing the sentences of black male and female drug offenders. She finds that only women’s sentences are impacted by family ties, while judges sentencing men focus on offense severity and prior drug use, without considering family context. She suggests that these gender differences result from, and reinforce, patriarchal beliefs about women’s place in the home. While Flavin usefully returns to a gendered explanation of sentencing disparities, her explanation, rooted in the patriarchal beliefs of judges, does not explain why men’s family attachments are not taken into consideration in sentencing as well, as patriarchal notions place both women and men in the home, albeit in differing roles.

This brief review suggests that most current work on the gendered sentencing gap explains the gap as resultant from differences in the characteristics of male and female offenders, their criminal offenses and social contexts, for instance, the relative danger of women’s crime and women’s greater likelihood of having primary caregiving responsibilities. The characteristics approach suggests that, were a man to have the characteristics of a female offender, he would experience similar treatment. With the exception of Flavin, a strong reading of this literature might suggest that gender as an explanatory factor has fallen by the wayside.

### *The Gender System*

Gender is recognized as a fundamental structuring feature of social life that acts on the individual, interactional and institutional levels (Ridgeway and Correl 2004; Risman 2004). It can be defined as “a multilevel system of differences and disadvantages that includes socioeconomic arrangements and widely held cultural beliefs at the macro level, ways of behaving in relation to others at the interactional level, and acquired traits and identities at the individual level” (Ridgeway 1997). At each level “hegemonic cultural beliefs” about gender inform and shape social processes (Ridgeway and Correl 2004).

Focusing more explicitly on the level of interaction, scholars have documented how gender shades and shapes interactional dynamics. Ridgeway (1997) suggests that in order to initiate interaction, gender categories must first be determined. The cultural beliefs about gender or “superschemas” that are called up in this initial sex categorization then persist through the course of the interaction, influencing its meaning and content (Ridgeway 1997). For West and Zimmerman (1987) interaction not only cues gender but produces it, “gender is a routine accomplishment embedded in everyday interaction” (p. 125). Actors are both accountable for their own gender performance and monitor the performance of the other in the course of interaction, and in so doing reproduce gender hierarchy and the social order. This work suggests that dominant cultural beliefs about gender significantly inform interactions. Given what is known about gender, it would be surprising if gendered expectations and assumptions did not enter into sentencing and sanctioning decisions, and instead did emerge as relevant only via characteristics linked

with gender. Thus, though the aforementioned sentencing research effectively holds gender constant, it is probable that cultural assumptions about gender enter into sanctioning decisions in ways not well captured by the characteristics approach. I suggest that one way gendered beliefs may inform interaction is in presumptions about women and men's family contexts.

### *Community Corrections and the Northwestern State Context*

I conducted this study within a Northwestern State whose approach to supervising and sanctioning parole and probation offenders is unique and thus requires explanation. In Northwestern State, probation and parole are administered jointly at the county level in Departments of Community Corrections. Community corrections officers in these departments supervise those on probation, parole and post-prison supervision, and make little distinction between the three populations. Because parole was abolished in 1989, offenders may not be revoked to prison given violations of the conditions of supervision, rather, like those on probation, offenders who commit technical violations are subject to intermediate sanctions (Rengifo and Scott-Hayward 2008).<sup>37</sup> Such an approach is in line with a national movement that increasingly seeks alternatives to incarceration in response to supervision violations (Keiser 2006), reflecting a change in the goals of probation and parole agencies, as they shift emphasis from surveillance and maintaining contact

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<sup>37</sup> Those sentenced prior to 1989 remain on parole upon their release from prison. Those sentenced after 1989 are supervised in the community on what is known as post-prison supervision

standards towards targeted interventions focused on offenders' particular risk and needs (Burke 2006).

In contrast to traditional sanctions, structured intermediate sanctions are administered quickly following a violation and may be either a short period of jail time or an alternative sanction such as mandated drug treatment, community service, or some combination of punitive and rehabilitative elements (Salvo 2001). Sanctions are guided by a matrix that imposes upper and lower bounds given offenders' risk level, original crime and the nature of the violation. [See Appendix 4.1]. They are also progressive, becoming more severe as offenders' violations accumulate. Such swift and short sanctions were designed to act both as a deterrent as well as a treatment intervention, dependent upon the nature of the violation (Salvo 2001). Thus officers have relatively broad latitude, within the guidelines of the sanctioning matrix, to determine both whether to sanction and what type of sanction to levy upon offenders.<sup>38</sup>

What makes this setting unique also makes it a useful context for the study of gender differences in correctional response. Following the imposition of sentencing guidelines in the court context, drawing distinctions across offenders in non-guidelines criteria was discouraged. In the community corrections context, however, tailoring sanctions to what is known about the offender as an individual is viewed as appropriate, even contributing to rehabilitative aims. Thus officers in this context may be more willing

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<sup>38</sup> Officers impose sanctions utilizing the grid as a guide and offenders must formally accept the sanction in order for it to go into effect. If offenders reject the sanction, the violation is addressed in a court hearing or before the parole board. Both the board and the judge of record may overturn a sanction recommended by a community corrections officer, although this rarely happens in practice (Taylor, 2006). Most sanctions are accepted by offenders and go into effect shortly after being administered by the agent.

than would court officials to explain their decision-making processes and how they distinguish between clients along “extra-legal” criteria such as gender and family roles. In addition, because officers may choose between sanctions that are more and less punitive and rehabilitative in nature, studying the sanction chosen contributes to an understanding of how motivations for sanctioning, as a punitive or rehabilitative response, may vary by gender as well.

## **DATA AND METHODS**

The fieldwork data is drawn from two county community corrections systems within Northwestern State. I refer to the counties as Greendale and Riverside. Riverside includes the state’s largest city and is the state’s most populous county with over 700,000 residents. Greendale borders Riverside and is the state’s second-highest population county. In 2008 the county was home to over 500,000 people. Northwestern State ranks in the middle fifth-of states in terms of percent of the population in the criminal justice system, either incarcerated or serving sentences in the community, approximating the national average (Pew Center on the States 2009).

I interviewed 27 officers in a single county office in Greendale and 23 officers across four free-standing offices in urban Riverside County. Interviews averaged between 45 minutes and one hour in length. In Greendale, I also observed over 50 routine meetings between community corrections officers and their clients. These meetings averaged between 15 and 45 minutes. Finally, because I spent a full month “in residence”

at the Greendale County office, I was able to observe daily goings-on within the office, attending meetings, participating in hallway chats, even watching offenders “cuffed” and walked to the jail. Because the office was located within the county courthouse, I also observed daily life in the courthouse. The interview and observational data were collected between April 2009 and January 2010.

In presenting the quotations in text, I have included a subscript below the quotation that identifies the gender and race of the officer. The subscripts are defined as the following: F=female, M=male, W=White, B=Black and L=Latino. I also number the interviews, but to protect the identity of the speaker, the numbers are random and do not represent the order in which the interviews were conducted.

In addition to the interviews and observations, I also draw upon data that I collected through analysis of the case notes recorded by officers about offenders’ progress on supervision. I was able to access this data in partnership with Northwestern State’s Department of Corrections (NWDOC), which collects and maintains administrative data for offenders on supervision across the state. I first received basic demographic, criminal history and supervision history information for all offenders on parole, probation or post-prison supervision within the state on May 8, 2009. From this data set, I then sampled the offenders whose case notes I would analyze.<sup>39</sup> Because of the sensitive nature of the case note data, I was able to access these notes only on a NWDOC computer over the course of a single week. While I was able to take hand-written notes, I was not allowed to print any of the case note information or take any data with me to

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<sup>39</sup> A detailed description of the sampling strategy is presented in chapter one.

analyze later. These conditions meant that I was only able to access the case notes of 101 offenders.

I sampled a total of forty men and sixty-one women supervised by forty officers. In each case I sampled offenders who had low risk scores, no criminal history, no recorded mental health concerns and a sentence of either Drug I or Theft I.<sup>40</sup> I chose those with low risk scores and sentences of Drug I and Theft I because these are frequent offense categories among both men and women. I chose those without a criminal history or recorded mental health issue because I wanted to minimize the extraneous information that officers might draw upon when recording their case notes. Sampling only offenders in these categories controls for gender differences in type of crime, criminal history, and mental health.

For each offender, I began the case note review at the beginning of the offender's period of supervision and continued reviewing the notes for the offender's first full year on supervision. The time periods covered by these notes are not identical, as offenders' periods of supervision began on different dates. However, for most offenders, the initial office visit occurred between 2005 and 2010.

## **OFFENDERS THROUGH A GENDERED LENS**

### ***Sanctioning the Single Woman***

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<sup>40</sup> Drug I and Theft I are low-level sentences. The majority (94%) of the offenders I selected for the case note analysis were convicted of Drug I. I had initially intended to sample only drug offenders; however I had to extend the conviction to Theft I in order to find a sufficient number of offenders matched on the characteristics of interest, and in some cases, supervised by the same officer.



Though my argument in this chapter is that officers view offenders' familial responsibilities differently based upon offenders' gender, it is important to note that only rarely in interviews did officers acknowledge that gender played a role in their sanctioning. I suggest that officers were either circumspect about identifying gender differences in their practices, or were themselves unaware of how their reactions differed according to offenders' gender. Rather, officers explained that their sanctioning was responsive to differences in the characteristics of male and female offenders. I asked officers a variant of the following question and have included a typical response:

Some people say that because of women's backgrounds and histories, they should be held less responsible for their crimes. Other people say that men and women should be held equally responsible for their crimes, regardless of their reasons for getting involved criminally. Where would you stand on that?

"I don't see any difference. I mean I don't think they should be treated differently, no. Not, no, the only time that I think in terms of differences in how I sanction is just the individual, not their gender." (WF, #42)

This officer went on to explain that she tailored her sanctions individually to offenders based upon her knowledge of them; what would "get their attention" and keep them from violating their conditions again.<sup>41</sup>

Though the majority of officers responded similarly, two officers did report that they were less likely to sanction a female offender to jail than they would a male offender. Instead of a jail-based sanction, they were more likely to work creatively to come up with an alternative sanction. Each explained their rationale for this differently. One PO who worked primarily with drug offenders explained it this way:

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<sup>41</sup>For instance, when one client drove without a license, her sanction required the offender to get his GED. She explained that for this "not very literate" offender, this was an intimidating sanction.

We do tend to look at women and I tend to think there's a pretty good (pause) policy of trying to be practical when you're putting a woman in and out of jail all the time, especially if she's on public assistance. She's losing those benefits; you have to go through all this stuff. So maybe there's a better way to help them with violations rather than jail all the time. (WM, #28)

This officer recognized that a short jail sanction might have the unintended consequence of halting women's public assistance income. Because reapplying for public assistance can be a lengthy and involved process, he felt it best to avoid jailing women if possible, and sought alternative sanctions for women instead.<sup>42</sup> This justification for seeking a non-jail sanction parallels a justification that officers voiced about the role employment could play in sanctioning decisions as well, particularly with men. In both cases, because financial stability is an important goal of supervision, whenever possible, officers avoid imposing a sanction that threatens offenders' financial stability.

The other officer who reported sanctioning women somewhat more leniently than male offenders had a less concrete, more historically-based explanation for this differential treatment:

I'm a little soft with females. I do admit that. And I like to take into consideration their history, because women in general, I mean if you look at suffrage and how many, many years ago, hundreds of years ago, we weren't able to vote, we were property. I mean there's a whole history behind how, why women don't have the confidence that men have or don't have the same opportunities. So I always take that into consideration, but I also take that into consideration with my minority clients as well, I like to look at the big picture. (LF, #16)

In other words, because this officer knew the history of oppression that women (and members of minority groups) had encountered in the United States, she then made a practice of "softening" her sanction or decision to revoke compared to the decisions she

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<sup>42</sup> Because women generally cannot access public assistance benefits unless they are caring for dependent children, it is possible that this officer is envisioning a woman with children when he gives this example.

would make for her white male offenders. Her comment suggests that she sees women's historical disadvantage bleeding into women's contemporary opportunities and self-concepts, and reinforcing gender inequality. It is not clear whether this officer believes that women's lesser social status makes women's offending less blameworthy, or whether she is personally attempting to rectify some of this disadvantage, independent of the nature of women's crime.

She clarified, however, that such treatment was not necessarily granted to all women; if a female client posed a danger to society, she would impose sanctions "just like I would a guy." Women whose behaviors fit a profile similar to that of male offenders would be treated similarly to men. In the following quote, she gives examples of two women who had both violated conditions of supervision; one woman was ultimately sanctioned to jail, while the other was not. She explains how she came to this decision:

I will say that I have held some of my female clients less accountable than some of my males, though I've been really lenient on some of my guys, too. I have a female client that has severe mental health issues. And she came in here last week like, I was worried she was gonna kill herself. So I could've taken her to jail but that's what she thinks I'm gonna do. And she's [makes crying noises] I don't wanna go to jail. I mean she was just a mess. And I mean why take a woman like this to jail. I was like no, if I take you anywhere, it'll be to the hospital, you know. So she, I've been very lenient with because of the fact that she has a ton of mental health issues. It's her medications that she's not regular with. You know, it just depends on the case. I have another female client I've given lots of opportunities, given her lots of support. She continued to use, be sneaky, drink, commit more crimes. I put her in jail just like I would a guy. I would have handled her, I think, in the same way that I handle the males. . . and they have to be taken off the streets, and the community needs to be safe from their behavior. I don't want anyone being victimized. (LF, #16)

While this officer does admit that she is generally more lenient with female offenders when sanctioning, she highlighted the fact that community safety came first; jail was the first option for any offender, male or female, who posed a danger to the community. Her example also suggests that lenience may be reserved for women who are less responsible for their violations or otherwise face extenuating circumstances, rather than for truly “criminal” women. These two officers were unique in attributing differential sanctioning to gender alone, more commonly officers explained differential sanctioning or revocation decisions as responsive either to women’s primary parenting responsibilities or to pregnancy.

With the exception of these officers, most officers denied that gender shaped the way they viewed and dealt with offenders. However, by comparing officers’ responses to questions about family for men and women, as well as my own observations of meetings in which family was discussed, I will show that gender does shape the way officers consider and incorporate family ties into the decisions they make.

### ***Sanctioning the Familied Woman***

Officers, viewing women as situated within a familial sphere, craft sanctioning decisions attentive to the implications they hold for that sphere. Women’s caregiving was considered particularly important for the decision of whether or not to sanction a woman to jail, as officers worried about how incarceration would negatively impact the

offenders' children. This calculus reflected the belief that female offenders were nearly always the sole caregivers of their children, and that there was frequently no male partner or other family member available to care for the children while their mother was jailed.<sup>43</sup>

Officers were loathe to impose a jail sanction on female parent-offenders and used it as an option of last resort, so long as the offender's behavior did not pose a risk to the community or to her children's safety. One officer working with female domestic violence offenders explains how parenthood enters into her sanctioning decision:

What role do kids play in the decisions you make, for example with sanctioning. Does it ever change a decision to sanction or not sanction or the kind of sanction you give?

Whether or not she has children at home? Yes. It does. Before I will arrest a woman who has kids, I make sure number one that I have tried every other alternative sanction. So, I have done verbal reprimands, the community service, the day reporting center, those sorts of things. If I end up having to arrest her, I don't, the amount of time in jail is the same as it is for a man. And I can't say that men don't get the same sort of alternative sanctions, but I think I really have to think about those kids before I take her into jail. (WF, #17)

In the example given here, even when a woman (with children) has violated conditions multiple times, this officer turns to jail only as a last resort. She explains this decision as rooted in concern for the children, that jailing a mother will pose a substantial hardship for them. Notably, this officer supervises a caseload of female domestic violence offenders, though she explained that they were primarily secondary aggressors or fighting back against abusive partners. Thus, in spite of the potential dangerousness of her clients, for women with children, she relies upon jail as a sanctioning option of last resort.

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<sup>43</sup> Even were a male partner available to serve as a caregiver, a possibility suggested by the frequency with which women's romantic relationships were discussed in meetings, given the negative impression that most officers had of female offenders' romantic partners, it seems unlikely that officers would consider these men to be suitable child-care providers.

Another officer who has a caseload of both women and men explains why he imposes a lesser sanction on some women who have children than he would a male offender who had violated the same condition:

Oh, you know, based on somebody's behavior, if somebody, if I had one of my guys that was out, one of my DUI [driving under the influence] guys that's out drinking, I may sanction him to a few days in jail. But say one of my female offenders comes in and she's out drinking and has, you know, just as an example, she was out drinking, but at the same time she's going through DHS to determine if she's gonna give up her kids or not. So I can understand some of those things. Will I sanction her? Yeah, I'll give her day reporting center, a lesser sanctions that won't interrupt completely her life. (WM, #24)

In other words, this officer considers the consequences before assigning a sanction to women with children; in a situation in which the jail sanction would cause long-term, serious harm to the family, he relied upon a different, lesser sanctioning option.

Another officer explains that the length of a jail sentence as well as the decision to use jail or not, might also be influenced by the offender's caregiving responsibilities:

"We've had people that have come in and, maybe, if we were to take them in for a longer amount of time, it would cause the kids to maybe be put in a place [foster care] because they don't have enough family or somebody who could keep the kids with them long enough, so sometimes it's better because the person's not doing bad and they're actually showing some progress. So get 'em in get 'em out and keep the family together." (WM, #20)

This officer explains that the length of a jail sanction might vary somewhat based upon the offender's family resources, such as whether another family member was available to care for the children. In contrast, male offenders with children, who frequently do have a

partner available to care for the children, are unlikely to receive a shortened jail sanction for the same reason.<sup>44</sup>

Finally, many officers were aware of the financial burdens mandated treatment programs posed for women with children, whom they viewed as living very close to the edge economically. Treatment programs varied substantially, both in their cost, as well as their reputation for achieving positive results. One officer noted that she would prefer sending her clients to a particularly successful treatment provider that was also more expensive but did not do so, recognizing the financial hardship the cost would pose for the family. “If we had, if we subsidized the cost of the women’s education I would send them to Choices in a heartbeat. I would. In a heartbeat. But I can’t. I cannot do that, I can’t take food out of the kids’ mouths or have her find some [sub]standard daycare, you know, because they don’t even provide daycare for them.” This officer is keenly aware of how her service referrals impact the financial lives of her clients and their families; reflecting this knowledge, she sends female clients to the provider she feels that they can afford. Other officers explained that they would subsidize the cost of women’s treatment, or allow women to put off attending treatment until they had acquired the resources to pay.<sup>45</sup>

Because officers were primarily motivated by a desire to protect offenders’ children from undo distress (maternal absence, foster care, financial hardship), it is

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<sup>44</sup> While in these cases officers’ sanctioning decisions are responsive to women’s roles as primary caregivers and not necessarily magnified via the gendered lens, the lens may encourage officers to credit female offenders at the margin of parental involvement, caring part-time for their children or in residence with other family members, for caregiving in a way they would not for marginally involved male offenders, although this is necessarily speculative.

<sup>45</sup> As I will show in the next section, the financial implications particular programs may have had on male offenders’ families were generally not a part of the discussion.

perhaps unsurprising that children were incorporated as a lenience factor primarily when the offenders' actions did not endanger her children. In cases where officers believed that children were in danger, maternal offenders might be treated more harshly than those without children. Officers differed in how they characterized a dangerous parent, but often mentioned offenders who were suffering from severe addictions and thus unable to supervise or properly care for their children. The definition of dangerousness also varied according to individual officers' experiences. For instance, one officer recounted how seriously she took public drunkenness and DUI violations following the death of a client's young daughter in a drunk-driving accident.

One officer details his sanction response to a parent he considered dangerous, caught selling drugs out of her home while on supervision. The officer explained that selling drugs out of the home endangered the children in two ways: first because the children could potentially access or accidentally ingest the drugs stored in the home, and second because those coming to purchase drugs were likely to be "highly dangerous" individuals. For these reasons he reacted swiftly and with severity to this supervision violation. He explained, "That was just one of those things where the safety of the others including the children was higher priority than her being their parent." While for a non-parent offender, the sanction in response to this violation would have been more lenient, this offender did not get a second chance.

How parenthood influenced officers' sanctioning decisions also depended upon the offender's involvement with the child. Many officers felt that offenders could use children as pawns at times, such as bringing them into the office for the first time on a



day they might be arrested. Parent offenders, knowing that parenthood was a factor in the decision to use jail as a sanction, also sometimes protested that they couldn't go to jail because they had to care for their children. In these cases, officers had to determine whether the client had real concerns for their children, or whether offenders were simply trying to stay out of jail. Generally when officers felt that offenders were using children as "pawns" a lenient response was not forthcoming. In fact, several officers became obviously distressed in interviews when recounting situations in which offenders (particularly men) had brought children into the office in an attempt to sway a sanctioning decision. Officers must then use the information available to them to decide what weight to assign to parental obligations.

One former officer who now writes pre-sentence investigation reports, explains how she makes the decision to factor parenthood into her sentencing recommendation.

"What I try to do is look at the history of this woman with her children. What is the history? Has she always tried to be there for them, and then had just episodes of relapse? Do the kids have a strong grandparent or someplace where they can go? Oftentimes that's what you see, is you see grandchildren being raised by their grandparents, you know, because you've got the parent going back and forth to jail or on drugs, so. But I think it's a consideration. It's not an overall. Generally you can tell what kinda parent they are. You have people that say oh I need to be there for my daughter. Well, that would be a change because if you look at your history, you really haven't been there for your daughter." (WF, #23)

Thus, she assesses whether the offenders' stated concern for the children matches the case history as well as what familial resources are available to care for the children when making her recommendation to the court. Clearly, being a parent alone does not always elicit a more lenient sanctioning response.

This ability to make nuanced decisions about offenders' parental commitments is a distinctive aspect of the community corrections context. In a courtroom, judges often have limited information about offenders' children, caregiving histories and personal commitments. In contrast, in the community corrections context, where officers conduct a quasi-life history interview as part of their risk/needs assessment, meet consistently with offenders over periods of months or years and pay visits to their homes, officers may simply have more complete and reliable information to on which to draw to inform their decisions.

Another parenthood scenario that generally failed to act as a lenience factor was pregnancy. Parenthood can be understood to include pregnant women as well, as the women's criminal behaviors, in the case of substance abuse, can be experienced by and shared with her fetus. For this reason, I found that pregnant offenders did not illicit a lenient sanctioning response, as female-parent-offenders' childcare responsibilities could. There was no explicit office policy directing officers' response to violations committed by pregnant offenders, thus officers, together with their supervisors, responded on a case-by-case basis.

I found that when offenders were pregnant, officers acted strictly from the precautionary principle. For example, in one set of case notes I found that an officer increased the offender's risk score from low to high after she discovered that her client was pregnant. If officers believed that there was a chance that offenders were still using drugs or otherwise endangering the health of the fetus, jail was readily used as a sanction. Jail ensured that offenders would stop using drugs, if only temporarily. Officers also

recognized that jail offered prenatal care, nutritious food and a safe place to stay during the offender's pregnancy. For officers, knowing pregnant offenders were in jail could be preferable to having them out in the community. This was revealed through an exchange between an officer I was interviewing and another officer that stopped by the office to chat:

F: If she came up positive, why did they do a UA?

M2: Well yeah they asked the jail to do a UA. She was pregnant.

F: I know. I'm like detain her. (laugh)

M2: Well and then, so I, I'm taking her out to the car because there's only one officer so I'm taking her out. She goes, "well do I get a cigarette before I get in the car?"

F: Oh please. How far along was she?

M2: I just. She doesn't know. She goes, "I ain't ever seen a doctor, I don't know."

F: I mean did she look pregnant?

M2: Oh yeah she has a little... (indicates stomach bump)

F: Oh so she's probably at least six months or so.

M2: Yeah, she goes, "I don't know, I've never been to the doctor."

F: Isn't that sad.

M2: Just like God.

F: Aww, I'm sure she was probably, you know I said if she's hanging out with him, they said well she just got on methadone, I said you know if her boyfriend's using heroin she's probably using heroin on top of her methadone anyway so.

M2: Yeah, he supposedly, we talked to the people and they said they just know he's selling out of the house and she's there the whole time so.

F: Yeah, yeah.

M2: Sorry about that. I didn't mean to interrupt, I just wanted to, she's, because I'm thinking keep her in custody until she has the baby if that's the case.

F: Well and that's what they should do or release only to in-patient treatment or something. Yeah. I know. Isn't it the truth? Yeah, that's a hard one too, our women that use when they're pregnant... (WF, #1)

In this casual discussion, the officers reveal contempt for the risky health behaviors and lack of care a pregnant offender reports upon arrest. Though the officers in fact did not know whether this offender was using heroin, they assumed that she was using the drug, and planned to detain her either in jail or at in-patient treatment facility until the birth of

the baby, roughly three months away. Thought the PO I interviewed who engaged in this discussion was generally empathetic and social work-oriented, “being a PO you’re, you’re a financial counselor and a drug counselor and a sex therapist and a (pause) you know just have to be everything to these people”, this empathy did not extend to this pregnant client. Pregnant clients clearly fell into the category of offenders endangering the well-being of their fetuses, and thus were dealt with harshly.

However, jail was not always a clear or simple intervention in response to pregnant client’s substance use; this was the case because miscarriage could result from the substance abuse detoxification an offender might undergo in jail. One officer explained such a dilemma she had encountered when working with a pregnant client. The offender had been both addicted to heroin and pregnant at the time of her sentencing. Because offenders are not allowed to use illegal substances while on supervision, offenders must normally go through the process of detoxification in order to meet their conditions. Because this offender was pregnant, she was not required to “detox” (due to the danger it posed to her pregnancy), but was instead set up on a methadone maintenance program by the substance abuse treatment facility she attended. Unfortunately, once on methadone this offender began using heroin again in addition to the methadone. When the officer discovered what was going on, she sentenced the client to jail, forcing her to withdraw from both methadone and heroin. At our interview the officer did not think that the client had miscarried the baby, but was not certain. In this case, the officer chose to sanction the offender to jail in spite of the danger posed to her pregnancy. Perhaps she felt that the consequences of *not* sanctioning the offender to jail

might similarly endanger the fetus. This anecdote illustrates the complexity faced by the supervising officers of pregnant-offenders; within the guidelines provided by law, the officer must balance a fair and appropriate response to a violation against the likely repercussions such actions will hold for the well-being of the offender's children (or potential children). In the absence of a policy addressing these complex situations and as such, the burden of decision falls upon the officer.

### ***Sanctioning the Familied Man***

While officers routinely make decisions about women with the understanding that women are situated within a familial sphere, the same cannot be said of officers working with men. Sanctions for men were crafted with the individual man alone in mind. Officers, assuming that men are not involved with their children, do not believe that childcare obligations must be factored in to their sanctioning decisions with men. Simply stated, I rarely heard officers discuss how supervision burdened or affected male clients' parental obligations, or male clients' children. Officers believed that male offenders' parental involvement was infrequent; that primary caregiving among male offenders was rare to non-existent; and that male offenders were simply not involved in their children's lives. In response to a question about how romantic relationships influence offenders' success on supervision, one officer explains that both children and relationships with women are an afterthought for male offenders:

I'll hang out with you and get loaded with you and you know maybe we'll have a kid; it's almost more like that. Not always, but, and then see children, for women,

children are something that they can hang onto and that they have and you know they get love from their children and because often times they don't get it from the men in lives or even their relatives. And they burn a lot of bridges and at least their kids are something they have and they can hold onto. And they value. And so I think that's why sometimes babies are very important to especially the females. Guys not so much, unfortunately. (WM, #9)

Though the initial question addressed men, as soon as this officer mentions children, he begins talking about female offenders. Because most officers did not believe that children were an important part of male offenders' lives, they were unlikely to consider their parental obligations when making sanctioning decisions. This was true even though some officers did mention that their male clients were living with their children. The following exchanges hints at the very different way in which officers conceptualized male and female offenders' parental obligations:

*So what role then do you think kids play, for either men or women who have kids or are DHS involved?*

Oh, I think it can be a good influence because it provides a sense of stability, something that they have connected, they have a connection with. And it's motivation to do right for a lot of females. But for males it's just absenteeism, I mean, is chronic, obviously, nationwide. And so it's no different in our small segment of the population. (WM, #24)

Following this exchange I inquired whether most of his male clients were not living with their children and, to my surprise he responded, "Oh, some are, some aren't, you know. It's just, it runs the gamut, probably 50/50." Half of clients living with their children is a relatively high number, and suggests that male offenders' parental obligations perhaps should be considered in sanctioning decisions. Although, as I noted previously, if female partners are available to care for children, were men sentenced to jail, non-incarcerative sanctions may not be considered as necessary for fathers as they would be for single

mothers. By way of comparison, officers I spoke with suggested that between half and three-quarters of their female offenders were living with their children.<sup>46</sup>

While part of the difference in the consideration of parenthood I have identified reflects male offenders' lesser *actual* involvement with their children, it also reflects officers' beliefs about the lesser importance of male offenders' parental responsibilities or involvements, relative to those of women. The latter interpretation is supported by the way in which some officers talked about male offenders' children. One officer working with both men and women explained that, while many female clients had kids that were an important part of their lives, "my male clients, I mean they may have 10 or 20 kids scattered throughout the country, but they don't care, they're just living their own life [sic]." While this statement likely reflects an (exaggerated) reality of male clients' multi-partner fertility, it also reveals the dismissive way in which men's parenthood responsibilities were largely viewed by officers. Officers generally did not believe that men were involved in their children's lives, living with them or contributing financially. Indeed, when male offenders did bring up their children in conversation, officers were often dismissive of their concerns.

In observations of regular meetings, officers working with women commonly inquired about offenders' children, and made discussion of children a central feature of the conversation. In contrast, not only did officers working with men infrequently question them about their children, but I observed male offenders bring up parenting issues to their officer only to have the officer fail to engage the point and simply move

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<sup>46</sup> For both men and women, the likelihood of living with one's children varied based upon both supervision status (probation versus parole) and the crime of conviction.

forward in the conversation. For instance, one young Latino offender inquired as to whether he could bring his son into the office with him during regular meetings. He explained that his ex-girlfriend commonly dropped their son off at his house, expecting him to baby sit without notice. He was unsure what to do when this occurred and he had a meeting scheduled with his PO, indicating that this had happened before. In response, his white female officer, Debra, explained in excruciating detail why bringing his son in to the office was a bad idea. He simply nodded throughout this discussion repeating “It’s true” in validation of her claims about the dangers of normalizing community supervision for children. Without trouble-shooting with him what he should do in such situations or inquiring further as to how often this occurred, she moved on to discuss his employment search.

In another meeting, I observed a Latino offender, sentenced for domestic violence against his wife, inquire as to whether it would be possible to schedule additional visits with his children. This offender was working full-time, attending domestic violence treatment, paying child support and supervision fees and attending all scheduled supervision meetings on-time. In response, the officer asked whether “[seeing his children] was the only reason he wanted to get back together with his wife?” Then, without addressing the request one way or another, he moved on to discuss phone calls the officer had received from the offenders’ wife.

Similarly, in the case notes of one male offender sentenced to probation for the sale of marijuana, I saw that his requests to obtain a travel permit to cross the state line into a neighboring state to visit the young, non-biological daughter he had raised from



birth were ignored for over a year by his supervising officer.<sup>47</sup> His supervising officer wrote in her notes that she had suggested that his daughter visit him, rather than vice versa. She also noted that she had told him not to expect to be able to visit with his daughter regularly while he was on supervision. Thus, even in cases where men brought up their childcare responsibilities or their desires to be more involved parents, officers did not take these claims seriously, treating them as tangential to the real work of community supervision.

Of course, even if these male offenders desire greater involvement in their children's lives, the fact that they were not sole caregivers may explain why their requests were treated dismissively. Foster care did not loom as a threat were these men to be taken into custody. Yet, it seems clear that the child support, babysitting and care men did offer to their children would be greatly missed, were they to be incarcerated. Further, officers seemed unconcerned with the loss of child support or family income sanctioning a man to jail could result in. Thus, while past research has suggested that judicial sentencing is responsive to familial men's breadwinning (Daly 1987a; Dinovitzer and Dawson 2007), such that judges avoid sentencing an employed man to jail or prison if it might mean the loss of a family's primary breadwinner, I never heard officers explicitly link protecting men's employment with protecting family resources.<sup>48</sup> This could be because the employed man who lived with his children and/or provided for them was a

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<sup>47</sup> Crossing state lines without a travel permit is a serious violation that can result in jail time or revocation.

<sup>48</sup> Of course the fact that officers did not discuss sanctioning that was responsive to men's breadwinning does not mean that it never occurred, though the way in which officers discussed men's parental roles suggests that parental obligations were not given much consideration or assigned significant importance in officers' work with men.

relative rarity. Men whom officers saw as struggling to meet their own basic needs were not well-positioned to play the role of “provider” for a family.

While this perspective on men’s minor role in the lives of their children was the dominant perspective I heard, some officers also acknowledged that children could play a motivating role for men on supervision. For instance, one officer who worked primarily with men in drug court explained that a girlfriend’s pregnancy could, at times, encourage men “to do the right thing.” This officer recognized that children could be used as a potential “hook for change” (Giordano, Cernkovich, and Rudolph 2002) or motivation for offenders to stay crime-free. As another officer who worked primarily with gang-involved men explained, he encouraged offenders to adhere to the rules of supervision in order to be a good role model to their own children:

So when it’s appropriate you certainly want to do that because what I’m trying to emphasize, what I emphasize to most of these primarily guys is you’re a parent, you’re a role model, do you want to continue the cycle that your parents did if they were neglecting and using drugs or whatever it might have been, or do you want your kid to have a chance not to go into the freaking system like you did? (WM, #12)

Many officers relied upon a similar role-modeling argument to encourage offenders to improve their lives. While officers did mention men’s children in reference to motivating men to change, in imposing sanctions, children did not appear to be an important consideration. Perhaps this was because, for officers, responsible parenthood was part of men’s idealized non-criminal futures, not a part of their current lives. Officers remained focused on the man as an individual unit, for whom family attachments were insignificant to sanctioning decisions.

While it may have been the case that many fathers were not involved in their children's lives, as officers largely believed, this belief could have negative repercussions for those offenders who *were* trying to be involved parents while they were on supervision. Male offenders struggling to visit, care or provide for their children did not have these efforts acknowledged or administered to in the way that female offenders frequently did. Officers seemed relatively unaware of the burdens to fathers and their families posed by the rules of supervision or particular sanctioning responses, which was in marked contrast to officers' reactions to mothers.

### ***Romantic and Familial Relationships as Sources of Social Control?***

Daly's model suggests that not just social costs but familial social control influences judicial sentencing decisions and results in leniency, particularly for women. As Carlen (2002) explains, women are sentenced more leniently because criminal justice institutions reserve the harshest punishments for those not controlled by informal means, namely by kin or male-partners. While some have argued that men experience more lenient sentences in response to family roles as well (Daly 1987a; Dinovitzer and Dawson 2007; Eaton 1983; Eaton 1986), this lenience is understood to be motivated differently, by the judicial desire to protect the family unit by keeping the man in the home, rather than the belief that women are effective sources of informal social control over men. Regardless of this distinction, the perspective predicts that both men and women living with family will benefit at sentencing.

However, the notion that, particularly female, offenders will be involved in relationships with partners and families who will monitor and surveil their activities and discourage criminal behaviors is questionable. First, as many have documented, women's offending is frequently tied in with or initiated through partnership with deviant or criminal men (Chesney-Lind and Shelden 1998; Daly 1994; Richie 1996; Steffensmeier and Allan 1996). Such partnerships are then unlikely to act as sources of informal social control (Wyse, Harding, and Morenoff). Second, officers frequently describe the parents and extended families of both male and female offenders as criminally engaged, or even a cause of offenders' initial delinquency as a juvenile. This perception of family as a criminal influence is similarly incompatible with an understanding of kin as an important source of social control.

My data did not support the notion that officers viewed romantic relationships as an important source of social control, nor did I find that relationships affected sanctioning decisions. Although officers mentioned that relationships with stable, conventional partners could be positive and supportive, they felt that such partnerships were rare among their clients. As one officer working with women commented, "Who really is going to date someone who's always getting in trouble and who's an addict, except for someone who's kinda similar?" An officer working primarily with men concurs, noting, "Water sinks to its own level."

Rather, for women, as discussed in the preceding chapter, romantic relationships were often seen as contributing to women's criminality. Because women's romantic partners were frequently believed to be anti-social or criminal, residence with such a

partner was not considered an effective substitute for the formal social control of a jail sanction. While officers less frequently expressed the belief that male offenders were paired with criminal women, they nonetheless generally did not believe that conventional women had the power to curb men's offending in a serious way. Rather, officers more often worried that criminal men were preying upon their non-criminal female partners, whether financially or sexually. One officer working primarily with men explains the role he has found that relationships play in his clients' lives:

My history has been the negative piece because I'm primarily working with this demographic downtown where, you know, if they're hooking in with women, they're hooking in with criminal women. I'll suspect that when the folks out in the community that have some sort of stability and resources out there, and maybe access to different people. And I've seen it some, too, sometimes, too [a positive relationships]. But the women that they get involved with, if they are pro-social, they tend to be somewhat enabling and things like that. And these guys by nature, you know, they're kinda professional manipulators. (WM #22)

Thus, even when male offenders partnered with conventional women, the relationship did not necessarily further conventional goals.

For most officers, parents and other family members were likewise not viewed as effective sources of control or supervision. Rather, officers most frequently characterized parents as either neglectful or criminally involved. Officers were unlikely to view families as resources, because they understood offenders' criminality to be an outgrowth of their childhood experiences. As one officer explained, "family dynamics is huge, upbringing's huge, you know, core beliefs. Dad hit mom and mom used drugs." And because of this she continued, "We just have a lot of repeat, family members that come

back in the cycle, and family cycles.” While not all families were criminal, officers felt that conventional parents often enabled their children’s criminal behaviors:

They don’t understand addiction, they don’t understand what’s going on in their life, they’re willing to accept the lies that they’re being told and just continue to either provide finances or continually be the person where you can go when you’re high to crash and sleep for three days and then eat a couple meals and take off again. (WF #2)

Parents who provide for criminally engaged children without questioning their actions and even lie to the supervising officer to protect their children, as many officers reported occurred, did not help offenders stay on the straight and narrow path. Finally, officers explained that some offenders simply had no family left to turn to for assistance; they had burned their bridges long ago.

While parents and family were generally not understood to be effective sources of social control, this was not the case for all offenders’ families. For example, officers did view sex offenders’ families as facilitating supervision. One officer on a sex-offending team explains how family assists supervision:

But really our goal is to in the long run is to surround these guys with people who have enough information that they can act on [it] if the person starts acting out. Friends and family. We try to develop a network, you know we call it a supportive network, but it really is a supervision network that we want this guy to have for the rest of his life. (WM #26)

Perhaps because sex offenders’ families tended to be conventional, middle- class and often white, officers viewed these family members as important partners in supervision in a way that was true of few other offenders’ families.<sup>49</sup>

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<sup>49</sup> Another exception was family members of the severely mentally ill.

In sum, I found that officers had little faith in the power of offenders' familial relationships to constrain criminal behaviors. Because officers are working from the belief that those they supervise are embedded in criminally-engaged families and communities, they tend to view these social contexts, not as sources of informal social control, but more often, threats to offenders' success on supervision. This concurs with Simon's work (1993) detailing changes in the parole system that were responsive to deep social, economic and structural changes in communities. As one officer explained, "once you start to go to 82<sup>nd</sup>, 122<sup>nd</sup>, Gresham [a low-income area] it's just all a big cesspool." Officers, who customarily look up the criminal records of offenders' family members and romantic partners, all too often discover that they too are or have been criminally engaged. This reality, then, strongly influences officers' understandings of the familial context offenders return to, and discourages notions that the family will intervene successfully to curb criminal behaviors. A diminution in officers' understandings of the family as an important source of social control may be one collateral consequence of the mass incarceration phenomenon. Thus, despite the fact that many if not most family members are not currently criminally engaged, the higher likelihood of such involvement shapes officers' understandings of the beneficial role that family will play in what is after all intended to be supervision, "in the community."

While ties to family were not considered sources of informal social control that translated into greater leniency in sanctioning, engagement in employment, education and drug treatment often were. When offenders were tied in to these conventional or conventionalizing institutions, officers were hesitant to send them to jail if so doing might

disrupt or threaten these commitments. Because a primary goal of supervision was to engage offenders in work, school and treatment, severing those attachments in order to sanction was seen as counter-productive.

One officer explains how she chose a lenient sanction for a male offender who had committed a fairly serious violation of his conditions, but was nonetheless both working and engaged in treatment. The offender was on supervision for assaulting his wife, with whom he had a no-contact order. He had lied repeatedly both to this officer and others in the past about his residence, claiming he lived with his parents when in fact he remained with his wife. The officer responds this way:

So the whole thing was, so I violated him on not only was he having contact with his victim, but there was another condition, a general condition is that you have to answer all questions truthfully and honestly, so he was obviously not being truthful to me. So those were two violations. He's a post prison guy so I had to send the sanction to the board and they approved it. But because he's newly working, he does have a legitimate job, which I've already verified and he's in treatment, DV treatment, I don't want him to lose that by having him do a 30 day sanction just in jail. So what I did is an alternative, thank gosh we have, we have our Greendale County Community Corrections Center [day release center]... So I sanctioned him for 30 days, but he can work every day, go to treatment and then has to turn himself in in the evenings, weekends he can't leave... (WF, #31)

Following this exchange I inquired whether this would be a typical sanctioning response that she would give to her clients, the majority of whom were on supervision for domestic violence offenses. She responds, "It depends on the guy. I have a lot of guys who are not working, not even trying, not employable. I would probably just put them right in the jail, so it really depends."



Institutional attachments to school, treatment and employment were often factored into sanctioning decisions and used as rationales to sanction leniently or rely upon a non-incarcerative option. However, while employment or enrollment in school could be a mitigating factor in sanctioning for men, such lenience was not described as linked with men's responsibilities as breadwinners or providers to wives, girlfriends and children. Rather, lenient sanctioning was intended to protect the attainment of men's own rehabilitative goals.

## **CONCLUSION**

In this chapter, I sought to determine how gender acts as a lens in the community corrections context, shaping officers' perceptions of family roles, and their relevance to sanctioning. This investigation builds upon a substantial body of research documenting, and attempting to explain gender differences in the criminal court sentences received by men and women. Historically the primary explanation for this gap was the notion that decision-makers acted with chivalry and paternalism towards women in a desire to protect them from harsh criminal sentences. Officials' gender ideals played a prominent role in this explanation. More recent work has turned towards a characteristics-based explanation for differential sentencing as in Daly's model of social control/social costs. Such an approach suggests that, were a male offender in the circumstance of the average female offender, the sentence received would be similar.

I challenged this proposition, arguing that officers view male and female offenders, and their characteristics, through a gendered lens. Because officers view

women as situated within a familial sphere, they routinely incorporate women's caregiving and parental obligations into their sanctioning decisions. Sanctioning is then less strictly tied to women's behavior than is the case for men, permeably incorporating information about the consequences of particular sanctions for the family unit. This consideration of women's family roles need not lead to lenient treatment, however, as officers may be more likely to rely upon incarceration when they perceive offenders to be endangering their children, as in the case of pregnant drug users. In contrast, when officers sanction men, they view their situation more narrowly, as affecting just the man individually, and base decisions primarily upon the violation itself. When officers do factor circumstances beyond the behavior into decision-making, they tend to be men's current employment or engagement in drug treatment, institutional affiliations with which the offender is individually engaged. This is so despite the fact that a substantial number of male offenders are likely to be fathers and we would expect that at least some of these men would be living with their children. Officers, largely ascribing to a view of supervised fathers as neglectful or absent, fail to consider how supervision itself may affect fathers' families and the fulfillment of family obligations. Though consideration of family roles for women, and not for men, certainly reflects differences in the lived experiences of many male and female offenders, such considerations also reinforce particular notions of men and women as criminal subjects, regardless of their personal care giving or familial situations.

While officers commonly incorporate women's caregiving obligations into sanctioning decisions, contra Daly and others, I found no evidence that officers consider

men or women's family ties to romantic partners or other family members as sources of informal social control and potential substitutes for the formal control of jail. Because officers frequently believe that criminal engagement *stems* from relationships with criminal family and partners, they are unlikely to view these relationships as effective sources of social control. I suggest that given contemporary understandings of the causes of crime, as well as the dramatically high rates of criminal justice involvement concentrated in particular families and communities, for criminal justice practitioners, social control may no longer be seen as an important component of family life.

One discussion I've bracketed until now has been the question of fairness, that is, is the treatment of men and women as distinct criminal subjects warranted and appropriate? Should officers, responding to a managerial directive to target treatment to offenders' gendered needs draw upon women's family roles and responsibilities in sanctioning in a way that they don't for men? In cases in which men and women actually are differentially situated, with women acting as sole caregivers and men as uninvolved fathers, responding to these differences by tailoring sanctions seems sensible and appropriate. Failing to consider women's sole parenting responsibilities (and children's dependence upon them) risks effectively punishing women (and women's children) more for the same violation than those without children. However, as I have argued, officers are not responding solely to real differences between male and female offenders. Rather differences in the characteristics and circumstances of criminal men and women become magnified when viewed through the gendered lens. To the extent that men are trying to be involved fathers, and contributing to their children's lives in the ways that they can,

and these efforts are dismissed or not recognized by officers primed to view and respond to men as individuals, they, too, are affected. Failing to consider men's family commitments may then simply reinforce the very gendered family patterns that officers decry.

## APPENDIX 4.1

### MODIFIED **Greendale** Community Corrections SANCTIONS SANCTIONING GRID

| SYSTEM RESPONSE   | BEHAVIOR LEVEL I   | BEHAVIOR LEVEL II  | BEHAVIOR LEVEL III  |
|---|--|--|---|
| Fails to report truthfully or notify Probation Officer as directed.<br><br>Willfully fails to meet payment schedule.<br><br>Misses appointments (1 or 2 times) for treatment programs.<br><br>NOTE: SYSTEM RESPONSE TO BE USED WHEN OTHER RESPONSES ARE NOT APPLICABLE. | Prohibited use of alcohol and/or drugs (1 or 2 times) or fails to submit to testing.<br><br>Refuses to report to PO as directed.<br><br>Fails to recognize the authority of the Releasing Authority or Probation Officer and consistently fails to follow the directives of the Releasing Authority and Probation Officer related to conditions of supervision not otherwise listed. | Crimes with Crime Seriousness Scale of 3 and less (Sentencing Guidelines Grid).<br><br>Participates irregularly and fails to successfully complete prescribed treatment programs.<br><br>Takes prescribed psychotropic medications irregularly.<br><br>In-offensive contact with victims/survivors.<br><br>Prohibited use of alcohol and/or drugs or fails to submit to testing (3 or more times)<br><br>*Absconds supervision (see notation below).<br><br>Methamphetamine use as part of a chronic pattern (Always treat as section 1 crime seriousness) | Crimes with Crime Seriousness Scale of 4 and above (Sentencing Guidelines Grid).<br><br>Possession or use of dangerous/deadly weapons.<br><br>Offensive contact with victims/survivors.<br><br>Prohibited contact with minors.<br><br>Refusal to take prescribed psychotropic medications.<br><br>Refusal to participate in or comply with conditions of prescribed treatment programs.<br><br>**Refuses to comply with imposed sanctions (see notation below). |

Supervision Level

#### SECTION 1 CRIME SERIOUSNESS/CRIMINAL HISTORY GRID

| Supervision Level | 0-4 NON-CUSTODY UNITS | 0-7 CUSTODY UNITS | 0-10 CUSTODY UNITS | 0-20 CUSTODY UNITS |
|-------------------|-----------------------|-------------------|--------------------|--------------------|
| HIGH              | 0-4 NON-CUSTODY UNITS | 0-7 CUSTODY UNITS | 0-10 CUSTODY UNITS | 0-20 CUSTODY UNITS |
| MEDIUM            | 0-3 NON-CUSTODY UNITS | 0-5 CUSTODY UNITS | 0-7 CUSTODY UNITS  | 0-15 CUSTODY UNITS |
| LOW               | 0-3 NON-CUSTODY UNITS | 0-3 CUSTODY UNITS | 0-5 CUSTODY UNITS  | 0-10 CUSTODY UNITS |

Supervision Level

#### SECTION 2 CRIME SERIOUSNESS/CRIMINAL HISTORY GRID

| Supervision Level | 0-4 NON-CUSTODY UNITS | 0-4 CUSTODY UNITS | 0-8 CUSTODY UNITS | 0-15 CUSTODY UNITS |
|-------------------|-----------------------|-------------------|-------------------|--------------------|
| HIGH              | 0-4 NON-CUSTODY UNITS | 0-4 CUSTODY UNITS | 0-8 CUSTODY UNITS | 0-15 CUSTODY UNITS |
| MEDIUM            | 0-3 NON-CUSTODY UNITS | 0-3 CUSTODY UNITS | 0-4 CUSTODY UNITS | 0-10 CUSTODY UNITS |
| LOW               | 0-3 NON-CUSTODY UNITS | 0-3 CUSTODY UNITS | 0-3 CUSTODY UNITS | 0-5 CUSTODY UNITS  |

\* Abscond: Changed residence, do not know whereabouts; supervising officer has exhausted all reasonable means to locate and has requested a warrant.

\*\* An offender can be required to complete the balance of a previously imposed sanction that was not complied with in addition to receiving a new sanction for failing to comply with imposed sanction.

## APPENDIX 4.2

### Attachment A

#### ADMINISTRATIVE SANCTIONS SANCTIONING GRID

| SYSTEM RESPONSE   | BEHAVIOR LEVEL I  | BEHAVIOR LEVEL II   | BEHAVIOR LEVEL III  |
|---|---|---|---|
| <p>Fails to report truthfully or notify Probation Officer as directed.</p> <p>Willfully fails to meet payment schedule.</p> <p>NOTE: SYSTEM RESPONSE TO BE USED WHEN OTHER RESPONSES ARE NOT APPLICABLE</p> | <p>Prohibited use of alcohol and/or drugs (1 or 2 times) or fails to submit to testing.</p> <p>Misses appointments (1 or 2 times) for treatment programs.</p> <p>Refuses to accept personal responsibilities.</p> | <p>Crimes with Crime Seriousness Scale of 3 and less (Sentencing Guidelines Grid).</p> <p>Participates irregularly and fails to successfully complete prescribed treatment programs; takes prescribed psychotropic medications irregularly.</p> <p>Fails to take antabuse.</p> <p>Prohibited use of alcohol and/or drugs or fails to submit to testing (3 or more times).</p> <p>Fails to recognize the authority of the Releasing Authority or Probation Officer and consistently fails to follow the directives of the Releasing Authority and Probation Officer related to conditions of supervision not otherwise listed.</p> | <p>Crimes with Crime Seriousness Scale of 4 and above (Sentencing Guidelines Grid) and all Person-To-Person Crimes.</p> <p>Possession or use of dangerous/deadly weapons.</p> <p>Prohibited contact with minors/victims/survivors.</p> <p>Refusal to take prescribed psychotropic medications.</p> <p>Refusal to participate in or comply with conditions of prescribed treatment programs.</p> <p>*Refuses to comply with imposed sanctions.</p> <p>**Absconds supervision (See notation below).</p> |

**Level of Authority for Parole / PPS**

Parole/Probation Officer: 0-30 units  
 Agency/Hearings Officer: 31-60 units  
 Supervisory Authority/Board: 61-90 units

**Level of Authority for Probation**

Agency: up to 60 units  
 Court: over 60 units

| Supervision Level | SECTION 1 CRIME SERIOUSNESS/CRIMINAL HISTORY GRID (7A, 8A-8D, 9, 10, 11)          |            |            |            |
|-------------------|---|------------|------------|------------|
| HIGH              | 0-5 UNITS   | 0-25 UNITS | 0-90 UNITS | 0-90 UNITS |
| MEDIUM            | 0-2 UNITS   | 0-20 UNITS | 0-30 UNITS | 0-90 UNITS |
| LOW               | 0-2 UNITS   | 0-15 UNITS | 0-25 UNITS | 0-90 UNITS |
| Supervision Level | SECTION 2 CRIME SERIOUSNESS/CRIMINAL HISTORY GRID (4A-4B, 5A-5F, 6, 7B-7I, 8E-8I) |            |            |            |
| HIGH              | 0-5 UNITS   | 0-20 UNITS | 0-25 UNITS | 0-90 UNITS |
| MEDIUM            | 0-2 UNITS   | 0-15 UNITS | 0-20 UNITS | 0-90 UNITS |
| LOW               | 0-2 UNITS   | 0-10 UNITS | 0-15 UNITS | 0-30 UNITS |
| Supervision Level | SECTION 3 CRIME SERIOUSNESS/CRIMINAL HISTORY GRID (1, 2, 3, 4C-4I, 5G-5I)         |            |            |            |
| HIGH              | 0-5 UNITS   | 0-15 UNITS | 0-20 UNITS | 0-90 UNITS |
| MEDIUM            | 0-2 UNITS   | 0-10 UNITS | 0-15 UNITS | 0-30 UNITS |
| LOW               | 0-2 UNITS   | 0-5 UNITS  | 0-10 UNITS | 0-25 UNITS |

\*An offender can be required to complete the balance of a previously imposed sanction that was not complied with, in addition to receiving a new sanction for failing to comply with imposed sanction.

\*\*Abscond: Changed residence, do not know whereabouts; supervising officer has exhausted all reasonable means to locate and has requested a warrant.

The sanctioning units are caps only. The sanctioning authority may impose sanctions below the cap.

Version date: September 24, 1999

## **CHAPTER FIVE**

### **DIVERSITY DISCOURSE IN PRACTICE: “CULTURE” IN COMMUNITY CORRECTIONS**

Diversity has arisen as an increasingly prominent contemporary racial discourse (Andersen 1999; Bell and Hartmann 2007; Glazer 1997; Kirkland and Hansen 2011; Michaels 2007; Wood 2003). This discourse acknowledges and celebrates group differences and views differences between members of the collectivity as contributing to the strength of the whole. As the diversity discourse has diffused into the mainstream, Americans holding varied racial beliefs and understandings are likely to encounter it and must then make sense of the discourse, integrating it into their common-sense beliefs and everyday racial practice.

Yet recent work questions whether this discursive shift is evidence of real race progress or rather simply a superficial response to the problem of racial inequality (Ahmed 2007; Bell and Hartmann 2007; Kirkland and Hansen 2011). This work, which interrogates how diversity as a term is utilized, suggests that diversity language allows individuals to signal their progressive stance towards race and cultural “others” without having to interrogate notions of white privilege or normativity.

Left unanswered is whether the discourse is similarly devoid of real meaning and consequence when put into practice in the public bureaucracies and human service organizations within which it is increasingly deployed. Investigation of this question allows for further exploration of the meaning and implications of the diversity discourse, both for the clients at whom it is aimed as well as for contemporary race-thought more broadly.

While Americans are exposed to the diversity discourse in the popular media, it is often in workplaces that the discourse must be explicitly engaged. Diversity discourse in the form of trainings, mandates and directives are aimed both at interactions between employees as well as between clients and employees, in organizational goals to treat clients of diverse race and cultural memberships appropriately, or with “cultural competence.” Cultural competency can be defined as work practices that take into account race, ethnicity and cultural background, and tailor treatment in response to these factors. Thus, a managerial directive to better meet the needs of a diverse client group directs workers to acknowledge the cultural and racial affiliations of their clients, and respond to these “differences” in their work practices.<sup>50</sup> Such a directive has become common within organizations and fields that can be loosely classified as human services and public bureaucracies, from education and health care to social work and corrections.

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<sup>50</sup> As identified by the interview subjects themselves, race and cultural “difference” that warrants culturally competent treatment, is required by people of color and immigrant client/offenders inhabiting non-dominant social categories. Allowing officers to define cultural difference in this way allows me to skirt the tricky issue of distinguishing between race, ethnicity and culture, although I recognize that there is substantial debate around this topic (Bonilla-Silva 1999; Loveman 1999).



It is significant that the diversity discourse is often found within public organizations because government workers or “street-level bureaucrats,” who work directly with clients play a significant social and political role (Lipsky 1983; Watkins-Hayes 2009a). As interpreters and implementers of policy, they crucially shape the relationship between citizens and the state (Lipsky 1983). These bureaucrats are also endowed with substantial discretion in their direct-service work with clients (Brehm and Gates 1999; Lipsky 1983; Maynard-Moody and Musheno 2003; Watkins-Hayes 2009a), discretion that encompasses translating diversity discourse into practice. While diversity discourse is institutionally imposed upon officers, it is also polysemic, that is, in its ambiguity officers may interpret it in a variety of ways (Schudson 1989). Thus, diversity discourse employed in a public setting grants street-level bureaucrats the ability to make crucial decisions about the implementation of a racialized discourse and charges these decisions with some degree of state power.

The bureaucratic setting for this study is community corrections, which refers collectively to both probation and parole. This is a prime location from which to examine the implementation of diversity discourse because of the demographics of the supervised population. Nationally, African American and Latino offenders jointly compose 58% of parole entries and 43% of those on probation (Glaze and Bonczar 2006). Further, the overrepresentation of people of color within the criminal justice system is popularly recognized as a significant social issue, and one of which officers themselves are widely aware.

Despite this, little research has addressed how diversity is managed in client interactions in this racially-charged setting. The bulk of research that has addressed race in public institutions has focused on uncovering bias or discrimination, identifying how the distinctions workers make between clients based on their race and cultural membership disadvantage minority clients (Bridges and Steen 1998; Erez 1992; Gooden 1998; Schram et al. 2009). In contrast, little work has explored worker's treatment of clients that is intentionally and positively responsive to clients' race and cultural difference. This is surprising given how pervasive the diversity and cultural competency discourses have become across a variety of organizational contexts.

In my research setting, two county community corrections systems in a Northwestern State, the diversity discourse is pervasive and both systems prioritize culturally competent work practice. The institutional commitment to cultural competence ranges from hiring practices to team organization, and includes management-level efforts such as a Cultural Competency Steering Committee and a Departmental Diversity Committee.

Through analysis of interviews conducted with community corrections officers and observations of routine meetings between officers and offenders, I identify three approaches to cultural competency that are linked with particular modes of race and cultural thought. These categories of race-thought build upon and extend discursive repertoires first identified by Frankenberg (1996) in her interviews with white women. Linking officers' particular approach to practice to their racial frame helps to clarify how

officers comprehend race and culturally-based needs, and why they rely upon the approach that they do.

In the first approach, officers defined culturally competent practice as learning about easily identifiable or visible elements of cultural difference (such as holidays, foods or religious affiliations), being respectful of these types of cultural differences, and setting aside (presumably) negative biases or assumptions about “other” cultures when working with non-white and immigrant offenders. Used primarily by white officers, the cultural practices approach aligns with Frankenberg’s color-blind/power evasive notion of race and cultural difference, which translates practically into recognition of the symbolic elements of clients’ cultural differences, without recognition of the structural elements of racial inequality.

In the second approach, which I term wrestling with race, white officers acknowledged that offenders of color face discrimination and structural disadvantage, but generally could not voice how such factors affect their clients, nor how their work should incorporate this race-knowledge. Because officers in this category cannot envision a means of engaging race or cultural difference that is not “biased”, they tended to fall back upon the strategies described in the cultural practices approach. This category represents a partial step away from the color-blind/power evasive mode of race-thought in its recognition of the significance of discrimination and inequality, but inability to voice specific racial struggles or how treatment should be impacted by race-knowledge.

In the third approach, termed recognition and empowerment, both officers of color and some white officers recognize oppression that affects minorities both

structurally and psychologically, and envision cultural competence as acknowledging the perspective and worldview of clients of color, serving as an ally or bridge to communities of color, and identifying with, comforting and/or empowering clients of color. I label this bundle of strategies “race-reflexivity.” The particular strategies relied upon varied somewhat between white officers and officers of color. The approach, which builds upon Frankenberg’s racially cognizant mode of racial thought, requires recognition of the racial stratification of society, offenders’ experiences of discrimination and the historical tensions between communities of color and law enforcement. In this approach, culturally competent practice is focused more upon unequal access to power between members of race and cultural groups, rather than particular cultural traditions or practices.

The chapter proceeds as follows. First, I review literature on contemporary racial discourses, including essentialist racism, color-blindness, race cognizance and the diversity discourse. I then briefly discuss the concepts of “racially situated bureaucrats” and cultural competency. Next, I present the data and methods I use to build my argument before moving to the results. In the results, I lay out the approaches and strategies for addressing cultural competency that I identified and link each approach with a particular mode of race-thought. I then present one case that fell outside of the framework and discuss whether this case suggests the correctional context as a unique location for the implementation of diversity discourse. To conclude, I first discuss the implications for clients of color of each of these distinct approaches to cultural competency before reflecting more broadly upon the affect the diversity discourse has had on contemporary racial ideology, as evidenced in my data.

### *Shifting Racial Discourses and Ideologies*

Racial ideologies and discursive frames, while contradictory and contingent, evidence historical patterns that evolve over time. Thus, while the underlying racial structure (Frankenberg 1993) or racialized social system (Bonilla-Silva 1997) in which whites experience privilege economically, socially, politically and psychologically relative to those classified as “non-white” remain intact, the discourses relied upon to explain and justify the hierarchical positioning of racial groups within society change with the times.

Omi and Winant (1994) refer to the processes by which notions of race are transformed as racial formation, and the discursive meanings, categories and common-sense understandings about race that emerge to explain existing racial structures and dynamics, racial projects. They suggest that racial projects are relied upon to both make sense of and rationalize existing structural realities.

Building upon Omi and Winant’s descriptions of the chronology of racial thought in the US context, Frankenberg (1993) classifies three discursive stages of race-thought: essentialist racism, color-blind/power evasion and race cognizance. She explains that, while these discursive frames arose independently at particular historical moments, each remains available to be drawn upon in the contemporary period. In the first, race was understood as biologically-based and hierarchically organized. The discourse of essentialist racism was relied upon to uphold and justify the racially stratified social structure. In the second stage, beginning roughly in the 1920’s, race difference began to

be defined in social and cultural terms, though biological elements lingered. Ethnicity rather than race came to be the primary descriptor of group difference, and assimilation the primary social goal. Assimilation was thought possible because people were understood to be fundamentally “the same” under the skin, once differences in cultural practices were set aside. Thus, all members of society were thought to have the same life chances. In the third stage, which unfolded in the late 1960’s, social movements advocating cultural nationalism and radical antiracism emphasized racial and cultural minorities’ difference from mainstream white culture and sought to revalue these differences in positive terms (Skrentny 2002). Embedded within these social movements were critiques about the fundamentally racist structure of US society (Frankenberg 1993: 13-14).

Frankenberg suggests that, although elements of essentialist racism remain palimpsestically imposed upon popular conceptions of race, color-blindness is the dominant contemporary discourse that whites rely upon to explain and make sense of race-relations and realities. Other scholars as well have documented the prevalence of a “color-blind” racial discourse in the post-civil right era (Bonilla-Silva 2001; Bonilla-Silva 2006; Doane and Bonilla-Silva 2003; Frankenberg 1993; Omi and Winant 1994). Those professing color-blindness believe that, given the decline of overt racism and de jure discrimination, all Americans now have equal opportunities and life chances. Color-blind racial ideology fits neatly into Americans’ liberal, individualist worldviews, and allows Americans to explain and understand racial differences in non-racial terms, thus skirting

the uncomfortable topic of systemic racial inequality. Thus, Frankenberg (1993) suggests that the discourse is both color-blind and power evasive.

Frankenberg's race cognizance, or the positive valuation of difference, stands as a marginal counter-discourse, which is selectively drawn upon most frequently by members of minority groups and white anti-race activists. While selected elements of this third wave of race-thinking are incorporated into the color-blind racial discourse, as Frankenberg notes, "struggles between power evasion and race cognizance are being fought on the terrain of multiculturalism" (15), such discursive moves remain superficial and do not pose a challenge to the mainstream color-blind racial discourse. Frankenberg dismisses movement towards multicultural practice as largely tangential to most Americans' lives, limited and weakly claimed. Thus she views multiculturalism not as a new racial movement or discursive frame, but rather a selective appropriation of race cognizance, which saps the power of the counter-claim.

Yet, since Frankenberg's writing, the diversity discourse has continued to take hold, marking out additional discursive terrain and forcing increasing numbers of Americans, regardless of the racial ideology to which they subscribe, to wrangle with its premises and meanings.

Diversity as a popular discourse began to emerge first in law and education and then in management through the late 1970s and 1980's. In law, the concept took on significance with the 1978 Supreme Court Decision in *Regents of the University of California v. Bakke*. In this decision, the court ruled that the pursuit of a diverse student body was a goal warranting, and making permissible, the consideration of race in

admissions decisions (Michaels 2007; Skrentny 2002; Wood 2003). This decision not only set the stage for allowing the consideration of race in admissions, but also initiated a line of academic research evaluating the effects of a diverse student body. In the corporate world, the diversity concept took hold with the 1987 publication of a document titled *Workforce 2000* (Johnston 1987), which predicted massive growth in the minority and immigrant workforce population. The document counseled corporations to adjust to this altered demographic reality by pursuing a diverse workforce (Kirkland and Hansen 2011). The value of (primarily racial) diversity thus began to take hold within various organizational contexts and became a discourse characteristic of organizations perceiving themselves to be progressive and forward-thinking.

As the diversity discourse has gained ground, critique has come from scholars on both the right and left. On the right, critics contend that diversity goals undermine national unity and the American commitment to individual freedom and equality. On the left, critics claim that focus on cultural diversity draws attention away from the substantial and persistent structural inequalities that continue to mark US society, and undermines the formation of broad, coalition-based social movements (Bell and Hartmann 2007). Moving beyond work that characterizes the meaning or impact of diversity discourse on American society broadly, more recent work has explored how individuals interpret and make sense of the diversity discourse, and the tensions and ambiguities it presents.

Bell and Hartmann (2007) draw upon in-depth interviews conducted in four major metropolitan areas to explore popular conceptions of the term diversity. Their study was



motivated by the recognition that the language of diversity is increasingly used in education, law, management, business, and politics, and yet there is little concrete understanding of the meaning of the term. They find that, while the term itself elicited a positive response, Americans' conceptions of diversity are "underdeveloped and fraught with tensions and contradictions" (p. 897). Respondents stumbled over their words when attempting to explain the benefits of diversity, offering platitudes, examples of increased consumption choices such as food or music, even diverging from the question to mention the challenges of diversity. They conclude that "diversity happy talk" allows Americans to engage race superficially, while facilitating ignorance of the structural inequalities associated with racial difference. Further, whiteness remains uncontested as the normative center, to which diverse others may be "added on" or "welcomed."

Ahmed (2007), in interviews with diversity and equal opportunity practitioners working in the field of higher education in Australia asks, what does the language of diversity do? She finds that the term 'diversity' is flexibly and pragmatically applied by practitioners to a variety of cases and relied upon to meet distinct goals. For instance, though practitioners tend to define diversity in social justice terms for themselves, they may use the language of business and the bottom line to argue the benefits of diversity in conversation with senior management. Her interview subjects explain that the term is more easily integrated into existing organizational ideals than are terms like equity and justice, with their associations of historical struggle. However, because of this disconnect, the term is also limited in its ability to challenge existing structures. Thus, Ahmed

concludes that simply because organizations and practitioners speak the language of diversity need not mean that diversity work is actually being accomplished.

In another study set in the educational context, Kirkland and Hanson (2011) analyze college admissions essays addressing diversity and find, in the qualitative portion of the study, that diversity as it is discussed in the essays falls into two basic camps. The first is that of racial representationalism or “war movie diversity,” in which members of different racial groups “the Jew from Brooklyn, the white Southerner, a boisterous Italian...” are all required to complete the scene by sharing the perspective of their group. Hence diversity is experiential; students understand themselves to be either contributing to diversity via their minority group membership or learning from minorities with whom they interact. The second understanding of diversity they uncovered was an individualistic or “snowflake” account, wherein discussion of race is ignored. Rather, students’ essays claimed that, because no two people are identical, each person contributes equally to diversity and regardless of race or cultural membership. Kirkland and Hanson’s work aligns with that of Ahmed in some ways, in suggesting that the concept of diversity may be flexibly employed and understood, but additionally describes two concrete ways the term may be interpreted, as an individual or group-representational concept.

These works question whether the language and programs of diversity evidence real race progress, suggesting instead that the language of diversity provides a superficial response to the problem of racial inequality. Diversity language may be used to signal a progressive stance, but poses no challenge to white normativity or privilege. While the

research reviewed uncovers contemporary modes of race thought and discourse, it reveals little about how such beliefs play out in interpersonal dynamics. For instance, while Hartman and Bell suggest that interviewers' probes into the meaning of diversity produce stuttering, confusion or silence among interview subjects, we do not know how actors charged with putting such discourse into practice make sense of and comply with such a mandate. That is, we know little about what workplace practice might be considered the action-equivalent of stuttering.

While Watkins-Hayes (2009a; 2009b) does not set out to examine the implementation of a diversity discourse, her study, which examines the role of welfare caseworkers' professional identities and discretionary practices as they are shaped by their placement in broader social contexts (race, class, gender), provides guidance as to how racial-consciousness enters the relationship between worker and client. She finds that, although the caseworkers she studied were discouraged from differentiating between welfare clients along racial lines, they nevertheless drew upon racial consciousness as a tool in service delivery. She describes "racialized professionalism," in which caseworkers integrate racial consciousness into service delivery and goals. In interaction, the bureaucrats of color she studied forged connection to clients through shared racial identification, and used this connection both to support and challenge clients of color. Among the white workers she studied, race did not shape client interaction so explicitly, though white workers' attitudes and beliefs about community change did subtly shade the interactions and become incorporated into these officers' "discretionary toolkits."

Watkins-Hayes contributes to our understanding of bureaucratic actors as agentic, both in terms of the choices they make in the implementation of policy, as well as how they leverage their racial group membership in their work practices. Yet it remains unknown how bureaucratic actors explicitly charged with integrating a diversity discourse into their work practices do so, and how this varies based both upon the racial group membership and racial ideology of the bureaucrat. For instance, how bureaucratic actors who subscribe to a color-blind racial ideology practice cultural competence with clients of color remains largely unknown.

Before moving to the data, I will briefly review the meaning of the term cultural competence. Although I argue that bureaucratic actors take up the term, understand it and implement it in distinct respects, the term nonetheless has a core, albeit vague, definition. The National Center for Cultural Competence located at Georgetown University lists the following as factors necessary for organizational cultural competence:

“Have a defined set of values and principles, and demonstrate behaviors, attitudes, policies and structures that enable them to work effectively cross-culturally; have the capacity to (1) value diversity, (2) conduct self-assessment, (3) manage the dynamics of difference, (4) acquire and institutionalize cultural knowledge and (5) adapt to diversity and the cultural contexts of the communities they serve and; incorporate the above in all aspects of policy making, administration, practice, service delivery and involve systematically consumers, key stakeholders and communities” (National Center for Cultural Competence).

In this definition, cultural competence, both for organizations and workers, is understood to be the ability to work effectively with people of diverse cultures, to value cross-cultural differences and diversity, and to acquire and implement cultural knowledge in policy, management and service delivery. Further the Center, citing Cross et al (1998)

explains that acquiring cultural competence is a developmental process that extends over time. This definition, particularly its breadth and non-specificity, reveals cultural competency to be a manifestation of the broader diversity discourse. While cultural difference is celebrated, details of what constitutes relevant difference, namely difference that demands culturally competent interventions, how staff should respond to this difference and, most fundamentally, where racism, racial inequality, oppression and white privilege fit in to such a celebratory schema, are absent.

The research sites in this study provide an opportunity to investigate the implementation of a diversity discourse and address the lingering questions posed above, as the host-organizations are strongly committed to promoting culturally competent work practices.<sup>51</sup> Despite this organizational commitment, because this discourse is implemented by individual workers who draw upon a variety of racialized discourses, cultural competence in practice will be shaded by the racial identification of the officer.

## **DATA AND METHODS**

The interviews that provide the data for this study were drawn from two county community corrections systems within a Northwestern State. I refer to the counties as Greendale and Riverside. Greendale is a mixed urban and rural county located twenty miles from Northwestern State's largest urban center. Greendale is the second most

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<sup>51</sup> In one of the counties in which I conducted interviews, descriptions of cultural competency and resources are actually an important part of the community corrections website. In both counties, the language of cultural competency is pervasive, cited in organizational literature, trainings, addressed in hiring, etc. See Appendix 2.1, 2.2 and 2.3 for examples.

populous county in the state. Riverside is an urban county, which contains the state's largest city. Both counties are growing rapidly and have a white, non-Hispanic population between 71 and 74 percent, with Latinos composing the largest minority group in both counties (US Census Bureau 2008).

In each county, offenders are grouped within caseloads either depending upon the nature of their crime (examples include domestic violence, methamphetamine and sex offending caseloads), or by shared identity-group (examples here include caseloads of women, Spanish speakers and Latinos, African Americans and mentally ill offenders). Given that offenders may fall into multiple categories, there is a measure of diversity of crime-type and identity on each of the caseloads. The purpose of this system of caseload management is to allow officers to specialize in a particular offense and offender "type." It further allows officers to learn the management style and techniques that work best with their charges, as well as what community resources are available to serve their clients.

Across the two counties, I interviewed 27 officers and staff in a single office in Greendale County and 23 officers and staff across five free-standing offices in Riverside County.<sup>52</sup> Interviews averaged between 45 minutes and one hour. The interviews addressed a variety of topics, from beliefs about the causes of crime, to the personal mission of the job, to what culturally competent and gender-specific treatment meant in

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<sup>52</sup> In Greendale I conducted interviews with nineteen officers, four managers who did not currently carry a caseload, and four correctional staff, who worked with clients. In Riverside, I interviewed twenty-one officers and two correctional staff, who also worked with clients.

practice. Questions aimed to gain an understanding of how officers conceptualized their work, role and relationship with offenders.

While both counties encourage their staff to attend diversity trainings and practice cultural competence, the importance assigned to these activities varied between the two counties, with Riverside putting greater emphasis on diversity goals. For instance, Riverside offers a series of five day-long training sessions for staff entitled, Building Partnerships Across Differences. With the assistance of a facilitator the group discusses issues of race, culture, and privilege. The purpose of the workshop is to facilitate cross-cultural communication and understanding. Riverside also has a long-standing Cultural Competency Steering Committee, which has addressed a variety of issues, some focused on employee-offender dynamics, such as the overrepresentation of African Americans receiving jail sanctions versus alternative-to-incarceration sanctions, others focused on intra-office dynamics between officers.

In the course of my interviews, I found that asking officers to address issues of race, culture and the ways in which their practice engaged these topics was often challenging. As has been documented by others, race, racial discrimination and cultural difference remain among the most sensitive and difficult topics for, primarily white, Americans to discuss. My interviews reflected this reality. Officers were frequently at a loss for words with which to respond to questions about the challenges faced by people of color in the criminal justice system, or the specific treatment needs required by race and cultural minority offenders. White officers responded to such questions with one-word answers, with silence or provided answers couched in caveats along the lines of “I don’t

want to stereotype, but...” (See Bonilla-Silva 2003 for a discussion of the use of disclaimers and incoherent statements in white Americans’ discussions about race). Such awkwardness in an interview is difficult to bear, not the least for the interviewer, and at times I failed to roundly follow up or challenge non-responses or platitudes as I should have. Nonetheless, these strained responses themselves became useful data in the analysis phase, as I detail in the results.

Racial discussions with officers of color differed substantially. Most officers-of-color eagerly and fluently discussed their personal experiences of race and cultural difference from dominant white culture, as well as how they aimed to provide culturally competent treatment to minority offenders. In fact, in one interview, I found myself stumbling in a racial discussion with an African-American officer. As a white woman, I face the same challenges of open discussion about race and cultural difference as did the white officers with whom I spoke, despite my practice with such conversations in the classroom.

## **RESULTS**

Cultural competency, which can be understood to be a manifestation of the diversity discourse in practice, carries different meanings given the discursive frame that officers rely upon to make sense of race and culture. I identify three modes of cultural competency that are linked with particular forms of racial thought. In the results that follow I explain and present evidence for the three approaches I have identified: cultural



practices, wrestling with race, and recognition and empowerment. I then present one case that fell outside of the framework and discuss whether this case suggests that the correctional context may function differently from other contexts in its implementation of diversity discourse.

In analyzing my data I assign officers to the category of practice with which their interview suggest that they are most closely aligned; officers need not fall cleanly within a single category. For instance, several officers I classify as practicing strategies of recognition and empowerment also drew upon a cultural practices approach at times as well. Officers might shift between discursive frames within an interview and describe more than one approach to practice, though most can be classified as falling predominantly into a single category.

### ***Cultural Practices Approach***

Officers who interpreted cultural competency in a manner I term the cultural practices approach believe that good practice means becoming familiar with easily identifiable or visible differences between cultures (such as holidays, foods or religious affiliations), being respectful of these types of cultural differences, and setting aside (presumably) negative biases or assumptions about “other” cultures when working with offenders. A color-blind/power evasive racial understanding underlies this approach, as officers focus on easily visible differences between cultures, while neglecting differences in access to power and experiences of inequality.

While not exclusive to white officers, white officers were the primary proponents of this approach. Officers of color, without voicing a color-blind racial discourse, did at times also mention relying upon a cultural practices approach to address race and cultural differences between offenders, particularly when officers of color discussed working with offenders who were of a non-white race or cultural group to which the officer did not belong.

Derrick<sup>53</sup> is a white officer on the Spanish-speaking team, whose approach to cultural competency was hinted at by the objects on display within his otherwise immaculate office. On the walls hung large, Navajo-themed textiles, on his desk a small radio played Andean music, while on the shelf above his desk, a framed picture of a smiling Hispanic woman faced out. These visual representations were intended to signal his familiarity and comfort with Latino culture, despite his white skin. In the interview, he explained that clients often assumed he knew little about Latino culture; he had to prove himself to them in order to gain their trust.

It's been a struggle for me as an Anglo person who speaks Spanish and is not Hispanic at all, there is (pause) sometimes some clients have, I have felt, have looked at me like, "who are you to tell me because I'm a minority and you don't understand what I've had to go through," and so, you have to have an understanding. I, I sometimes have had to explain to clients how I may be Anglo, however I grew up in a very predominantly Hispanic community. I was the minority in the community and I have an understanding of how things are in the Hispanic culture.

Derrick explains that some of his clients contest his knowledge of Hispanic culture; they make assumptions based upon the (white) color of his skin. He clarifies for me (as he does for his clients) that in fact he has a very high level of Hispanic cultural

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<sup>53</sup> All names are pseudonyms.

knowledge, based upon his upbringing. This, in addition to his fluency in Spanish, makes him an appropriate fit for the Spanish-Speaking Team. To reassure clients, he signals knowledge through office decorations, mentioning his Latina wife and bicultural family in conversation with clients and by weaving Spanish words into his English speech. He believes these practices show his clients, “that it’s just not, for the lack of a better term, a white person telling a Hispanic person what to do.” Although he acknowledges that some clients might believe that he was “just” an Anglo, this in fact did not capture the reality of the situation because of his extensive cultural knowledge.

While not absent, power is strongly downplayed in Derrick’s account. In the quote above, he recognizes that some of his clients view their interactions with him through a lens of race hierarchy. Because for him, cultural competency is about knowledge of cultural practices, he believes that once clients know the depth of his cultural knowledge, the racial dynamic is in some sense resolved. That he does not recognize how whiteness and power are tightly linked, is further evident in his claim that *he*, a white person in the US, was a minority growing up. He thus draws upon one definition of the term minority, “the smaller in number of two groups constituting a whole,” while neglecting an alternative definition, “a part of a population differing from others in some characteristics and often subjected to differential treatment.”

Further, in identifying specific differences between Anglo and Hispanic culture, Derrick reveals that a white normative perspective underlies his beliefs. That is, he identifies that what marks Hispanic culture as different from white or mainstream American culture is the ways in which it is less than or deviant from this culture. This is

evident in his response to my question, “what do you think causes people to become involved with the criminal justice system in the first place?” Derrick responds with evident difficulty:

Um, the type of cases that I mostly supervise are Hispanic domestic violence cases. And um there is a lengthy um (pause) cultural, what do I, how do I want to say this, I want to try to be sensitive to the subject, but there is, there is a, in the Hispanic culture for many, many, many, many, many years, eons, centuries maybe, um domestic violence has been somewhat accepted if not, if not at least ignored. And many, many, many people grow up in homes where domestic violence is just how it is.

One prominent difference between Hispanic and mainstream American culture for Derrick is acceptance of domestic violence.<sup>54</sup> Indeed, in the course of the interview, Derrick voices no other concrete examples of cultural differences. Thus, the language of cultural competence becomes a veiled or coded means of expressing beliefs about the inferiority of Hispanic culture. Derrick’s earlier comment about having an “understanding” of Hispanic culture is read differently once we recognize how Derrick himself identifies a key cultural difference. Identifying domestic violence or the subjugation of women as one of the prominent “cultural” differences between mainstream American and Hispanic culture was common among my interview subjects.

Further, his obvious discomfort with this topic was in marked contrast to his fluid conversational style throughout the rest of the interview. Here Derrick runs up against the limitations of the cultural practices approach. While it is easy to signal knowledge of

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<sup>54</sup> It is worth noting that the Bureau of Justice Statistics reports that while African Americans experienced intimate partner violence at a significantly higher rate than did either whites or Hispanics, no statistically significant difference in experiences of intimate partner violence was found between whites and Hispanics (Rennison and Welchans 2002).

identifiable cultural practices that are, at least superficially, value-neutral, it is not clear how Derrick should incorporate negative beliefs about Hispanic culture into his practice. Because these beliefs clash with a major tenant of diversity discourse, that officers value diversity, it becomes not only difficult to say, but even more difficult to act upon. His solution for dealing with this “cultural” issue is to assign offenders to a culturally-based treatment program, a program run by a Latina immigrant. The tricky business of addressing negative cultural traits in practice can then be pushed off to a member of the culture, someone who is free to express, “what we all know,” as Derrick stated, about the problems in Hispanic culture.

In other interviews as well I found that the “cultural” component of management’s directive to ‘practice cultural competency’ could be used to obscure or deny differences between groups in access to power, privilege and experiences of inequality. For these officers, the “happy talk” (Bell and Hartmann 2007) of diversity discourse allowed officers to focus entirely on easily identifiable, even superficial cultural differences, while neglecting more difficult considerations about power and racial inequality. This was evident in comments made by Lane, a white officer, who contests the notion that the African American Program<sup>55</sup> should be staffed by African American officers:

One of the perceptions too is that I as a white PO couldn’t work in the African American program. And so the idea to me is that, I don’t know anyone who has said anything that these African American clients have a need or something different that these African American PO’s are able to give to them because they speak the same language or come from the same country, or eat the same [food], I

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<sup>55</sup> See Appendix 2.3 for a description of the African American Program.

mean. To me that's sort of lost on me only because one: I have a very at least personally for me, my friends, growing up; it's a very diverse background. And a lot of my family is southern. So there's a lot of things culturally that with my black friends we relate, not because I identify with anything that has to do with being black, but because it is southern culture from my mom. So there are certain things like that that people relate to or identify with.

Lane implies that the system of supervision practiced in the prisoner reentry program, a system that pairs African American officers with African American clients, is itself biased because it fails to recognize that a white officer might have the cultural knowledge necessary to make him a good fit for the team. Comparing "cultural" differences, of the type that would make an impression when visiting a foreign country, differences such as language and food, Lane fails to acknowledge less easily visible but nonetheless significant differences in racial experiences and perspective.

Later in the interview, Lane further minimizes the significance of race and culture as he explains that he finds that he has more in common "culturally" with his young clients, regardless of race, because they share knowledge of music and movies. In this comparison, bits of pop cultural knowledge are granted equal significance to differences in the lived experiences of race. Thus, the language of cultural competence, while making race and cultural difference easier for management and bureaucrats to talk about can simultaneously be relied up by color-blind officers to skirt discussion of the structural implications of difference.

Finally, the language of cultural competency can obscure in another way as well.

Jeannine, a white female officer who supervised sex offenders complained that:

Cultural competency is a big, they're buzz words that people use here all the time. And they talk about how we how need to be culturally competent in working with

our offenders and that sort of thing. But I don't think there's really been a good definition of what that means.

Jeannine found this failure by management to clearly define the concept particularly troublesome because knowledge of cultural competency was a prerequisite in hiring and promotion decisions. She felt disadvantaged for this reason, and particularly in contrast to officers of color who, she believed, did not have to prove to management that they were culturally competent, as white officers did. Further fueling her confusion was the presumption by management, as she understood it, that officers of color were inherently culturally competent. This clashed with her own understanding of culturally competent practice as practice that does not make assumptions about people based upon their race or cultural background.

In relying upon the language of “cultural competency,” to direct officers’ practice, management obscures exactly what sort of practices they desire from officers, and leave unanswered the question of why people of color may have an important role to play in enacting such practice. Lane and Jeannine, practicing culturally competent practice as they identify it: becoming familiar with the visible differences between cultures, respecting differences and eschewing biases, sense that something is missing from their understanding, but lack the language to identify what that something is. Indeed, in attempting to flesh out the content of this unknown, and seemingly unknowable term, Jeannine falls back on a biologically rooted conception of difference:

Like if you met me, you would think white female and you wouldn't really think twice about it. But I have Native American history in my family, and I've noticed that some of the ways that I think about how people either should be treated or how I treat people is actually more culturally based. And if somebody makes the assumption that, you know, oh, she's just a white female, they may not, you know,

really think about how I'm presenting myself or how I think things should work based on my culture. So if you look a certain way, they just think that's, they make assumptions, which to me, is not culturally competent. It shouldn't be kind of how that works.

Attempting to make sense of the language of cultural competency, Jeannine tries to prove her fitness for the job by falling back on her own genetic competency to think or be “cultural” in opposition to the culture-less perspective of whiteness. In so doing she draws upon her own symbolic ethnicity to bolster her claims of cultural knowledge (Waters 1990). Absent an understanding of how shared experiences of discrimination and oppression inform perspective, she concludes that non-white cultural membership signals a special, even biologically-rooted knowledge.

As a caveat, although officers in this category tended to neglect the role of power and significance of discrimination, this is not to say that the cultural practices approach is not useful in some respects. Such practice may facilitate rapport-building and begin to put offenders at ease. For instance, one officer explained that because she understood the importance of *curanderas* to Mexican culture, she understood why a poor offender on her caseload who owed court and supervision fees had given a substantial sum of money to a healer. She explained that another officer without this knowledge may have reacted with incredulity or negative judgment to such a statement. Thus learning about differences in cultural practices between offenders and striving to respect these differences may be a useful first-step in providing offenders with more equitable treatment.

In the next section, I present data showing that some white officers do recognize the significance of racial hierarchies, access to power and experiences of inequality for



their clients of color. As such, these officers are not locked into the ideology or discursive frame of color-blindness and power evasion. And yet, these white officers nonetheless struggle to make sense of how they should incorporate this knowledge into their practice.

### ***Wrestling with Race Approach***

Another approach to race-thinking and cultural competence is what I term the wrestling with race approach. In terms of practice, I suggest that officers wrestling with race tended to see the possibilities in binary terms; treatment could either be equal or biased. Rejecting bias, these officers strove to treat all offenders equally in spite of race and cultural difference. In addition, to the extent that concrete cultural practices could be identified, these officers sought to educate themselves about these differences, and reference them when called for in conversation with offenders. Thus, aside from the emphasis officers placed upon equality and respect, the basic approach to practice mirrored that of cultural practices previously described.

Difference lay in the fact that these officers verbally acknowledge the significance of discrimination, inequality and structural disadvantage for people of color and do not express the belief that all Americans face equal life chances. However in spite of this recognition, these officers are generally unable to verbalize either how these burdens affect their clients, or how this knowledge should be integrated into their own work practice. Officers became tongue-tied and nervous when responding to questions about the significance of race or cultural difference, and relied upon strategic deflection to

manage the discussion. In general, discussion of race and cultural difference was emotionally fraught. I classify this mode of race thinking as a partial step away from the color-blind/power evasive mode, though the two are by no means distinct. White officers exclusively populated this category.

The first important point to make, and why I have titled the approach “wrestling” with race was how difficult it was for these officers to answer questions about the significance of race and culture for offenders. Each time I asked the question I steeled myself for the look of discomfort, the awkward silence or the nervous giggle that so often followed. Here, Lisa, an officer on the women’s team, strongly acknowledges that discrimination affects offenders of color, but responds with puzzlement to a follow up question I pose requesting specifics:

*J: Do you think among your clients, clients of different races have different issues or challenges on probation or parole?*

F: Well, I would say absolutely yes just because I think any person of color in the United States has different issues and different difficulties because of that because discrimination is still so, so prevalent, um.

*J: But anything particular about being released from prison or anything like that that you can think of?*

F: Um (long pause) um, I don’t know, I don’t know how to answer that, um. Yeah.

Other officers as well, who were otherwise quite verbose, answered this question with one-word responses, “Probably” or “Sure,” which I had to probe to elicit additional details. Officers even viewed this question as a trap of sorts. Following up on one staff

member's response that, "Some [issues] are the same and some are different," I probed for details and she responded, laughing, "You're not going to get that from me!"

Even acknowledging the differences in experiences between groups seems dangerous to these officers, who view themselves as racially progressive. I suggest that this is because their racial understanding is shaped by a white normative worldview, a worldview that says that, to the extent that cultural or racial traits and practices differ from the white norm, these differences will largely be negative. Immersed in this culture of whiteness, the examples and explanations that officers conjure up in response to a question about race and cultural difference tend to be negative stereotypes about people of color. Lacking alternative explanations to draw upon, subjects wedded to their racially progressive narrative are left speechless. Indeed, those I press to respond do tend to voice negative stereotypes:

*J. would you think that women from different race groups have different issues or challenges that they face?*

F: Probably. (laugh)

*J: (laugh) Do you know what that might be or have any thoughts on that?*

F: Well you know women who were in the Hispanic community... Have to probably deal with um more (pause) see and I don't want to be stereotypical.

*J: No, I know it's just...*

F: You know women are viewed lower than men in the Hispanic community...

This officer responds with a belief about hierarchical gender roles in the Hispanic community. The challenges faced by Latina women that she identifies do not stem from discrimination imposed by the dominant culture or the difficulties of belonging to a minority culture in a white society, but rather her understanding of Hispanic culture and

norms. Further, the specific cultural practices that she identifies are those that mark Hispanic culture as less advanced, even backwards relative to mainstream white culture. Because such a verbal admission challenges officers' self-concepts, or at least self-presentations, as progressive racial thinkers, to the extent possible officers avoided answering this question.

Lacking an understanding of and language for the concrete ways that race and cultural difference impacted their clients, these officers likewise had difficulty understanding how directives to practice cultural competence should impact their work practice. In the following quote, white officer Deborah explains that she has pursued opportunities to learn more about cultural competency, but ultimately can say little about what she has learned aside from the vague directive to be respectful. This quote also reveals her struggle to make sense of the language of cultural competency by identifying concrete rules to guide practice:

I mean there's this really simple series of classes at Lewiston Community College and it's about the medical, (pause) medical values of different groups, like so they'll have Black Americans and they'll have Asians and Native American and Russian I think and Mexican. And so you can go and it's like four hours a piece and you learn about different things and it doesn't give you in depth anything, but it does give you an idea of what to look for, how (pause) um, how to be respectful, that I would never, ever, ever call an adult Asian by his first name, ever.

As with Deborah's rule, officers could more easily explain how *not* to treat offenders: *don't* make assumptions, stereotype, be racist; than they could how *to* treat offenders.

Though these officers endorsed statements about the realities of discrimination and the importance of acknowledging situated perspective, this recognition did not seem

to challenge their white normative worldview. While officers noted that it was important to respect offenders and offenders' perspectives, they did not necessarily view this perspective as legitimate or correct. Deborah exemplifies this:

If I'm doing, taking classes about um (pause) Black American studies, that gives me certain information or a frame of reference for working with those clients, because you know particularly with blacks, whites don't understand, um (pause) the depth of their um sense of race and racism, you know we have no comprehension about, I mean in terms of what is the most important thing about a person. For them it's always them being black, nothing else is even remotely close to that and you have to accept it that that's their frame and you have to be respectful of that.

Deborah reveals that course work has taught her about the significance of race to African Americans; yet the role whites play in constructing racial meaning is invisible in her explanation. The significance of race and racism for African Americans does not reflect social reality, but rather becomes a cultural practice to be learned. Her statement that you must "accept it" (African Americans' belief about the importance of race) implies that she feels African American clients have a false perception about the importance of race. Thus officers wrestling with race did not acknowledge their own racially formed perspective, rooted in white experience.

Because white cultural practices are considered normative for these officers, cultural differences from this standard will be devalued, and thus remain problematic to discuss. This is particularly so for differences that are not superficial or easily identifiable but value-laden and located in structural disadvantage (crime rates, high school completion, non-marital childbearing). Without real acknowledgement of race as a

fundamental structuring feature of society, these value-laden differences between groups become difficult to talk about or explain. Circumventing this treacherous terrain, officers in this category strive to refrain from negative judgments, stereotypes or biased treatment, treat offenders respectfully in spite of differences and, to the extent that differences are identifiable in cultural practice, educate themselves about these differences.

The distinction between this category of race and cultural thinking and practice and that of the color-blind cultural practices I described previously is a partial one; because officers wrestling with race often relied upon the strategies of cultural practices, it is difficult to say with certainty that they compose a distinct class. Though subtle, I believe the distinction can be located in the particular difficulty subjects expressed regarding the topic. For color-blind officers, the struggle was external: frustration with management's directive to practice cultural competency, a term they felt lacked a clear definition or internal consistency. This externally directed frustration contrasts with that of officers wrestling, who faced an internal conflict between their self-concepts of themselves as racially progressive and their inability to describe concrete differences in experiences or group realities that were not stereotypical or devalued. This conception of race and cultural difference as either less than or equal to locked these officers into a dichotomous understanding of cultural competency, in which practice could be either biased and racially-specific or unbiased and equally respectful *in spite* of difference.

Those falling into this category were all white officers. As I discuss in the following section, officers of color were generally unfazed by questions about race and cultural difference and easily able to verbalize the significance of race and cultural

categories, though officers of color did in some cases voice stereotypical views about the cultural practices of people of color as well. In addition to officers of color, some non-white officers also fell into the recognition and empowerment category, though their approach to cultural competency differed in some respects from those of officers of color.

### ***Recognition and Empowerment***

In the third approach, officers acknowledge oppression that affects minorities both structurally and psychologically, and envision cultural competence as necessitating strategies of recognition and empowerment. For these officers, culturally competent practice entailed: acknowledging and, to some extent, endorsing the worldview of clients of color, serving as an ally or bridge to individuals and communities of color, and, for some, empowering clients of color. I label this bundle of tactics race-reflexivity. This approach aligns with Frankenberg's race cognizant mode of racial thought, which emphasizes racial difference but difference as historically, politically and socially situated (p. 157). Inequality in this mode of race-thought is understood to be, not the result of cultural practice, but rather, structural realities. Both officers of color and white officers populated this category. This perspective stemmed either from personal or shared experiences of discrimination, or active interest and pursuit of racial knowledge.

While officers practicing strategies of recognition and empowerment did acknowledge visible or easily identifiable differences in cultural practice between groups, differences in cultural practice were not considered the most important source of group

difference. Rather, discrimination and experiences of oppression were considered of primary significance. Here Gloria, a Latina officer, exemplifies this as she expands upon her statement that culture can be one root cause of crime:

*You said that there's different cultural reasons you think people get involved [in crime]?*

Well, cultural reasons meaning the lack of opportunities. And for people of various cultures, and I can speak right now for the Latino culture in language issues and barriers, discrimination. And I could say that, too, for African American kids and even Asian kids, that there is discrimination. It does exist in our system and in our society.

Officers recognized that these experiences of oppression and discrimination had effects, both psychological and structural, that in important ways could contribute to offenders' likelihood of entering the criminal justice system and success in exiting it. Recognition of the importance of discrimination and inequality were of central concern for both white officers and officers of color. To inform their perspective, officers of color drew liberally upon their own experiences of racism and discrimination, whether in their childhood or currently. In interviews, officers of color told personal stories about being ignored, dismissed or discriminated against because of their race or cultural category, and explained how they carried these experiences into their work practice with offenders of color. White officers drew upon personal experiences too, as well as information culled from friends or relatives who had experienced discrimination or racial "otherness." Others drew upon knowledge gained in college classes and in trainings.

Though I group both white officers and officers of color together in this approach, there were distinctions in the nature of their practice. Among white officers this approach



to practice took the form of listening to clients, recognizing and, to some extent, endorsing their clients' perspective and worldview, learning from clients and, finally, accepting that they might have to work harder to connect with offenders of color and earn their trust. This contrasts with those white officers I classified as wrestling with race or color-blind who tended to assume, as one white officer did that, "with the whole diversity thing and everything, I kind of feel like a lot of it's covered if people are treated with respect and dignity."

Eliza, a white officer who had worked for many years in a field office located in a historically African American neighborhood, explains how she incorporates cultural competency into her work practices. She draws upon a concept of "responsivity," wherein officers target their practice to the needs of the particular offender they work with:

One big way that you're responsive is that you listen... Because, because just because this person is a woman or if just because a person is a person of color, certainly their experiences are not all the same. And so that really is by listening. If you're working with someone who feels very victimized by the system, you need to take that into account. Because whether or not [you] believe it to be true doesn't matter. Because if you want to build a relationship with this person, then you need to understand how this person is viewing themselves in society ... as a white person working in a system where I've mostly always worked in this part of Riverside...with a good part of my caseload, at least, being people of color. So you do have to understand that trust is gonna take a while to build. You can't go into thinking because, many people of color, there is a distrust for law enforcement, for police. And it's justly so. There's a lotta discrimination out there. And it certainly happens every single day. So to understand that trust is gonna take a while to build.

In addition to years working with offenders in this community, Eliza's perspective was also informed by both undergraduate and master's level training in coursework addressing race. Drawing on these sources, she acknowledges that offenders of color have historically, and continue to experience, discrimination, and that her practice must acknowledge and respond to this reality. She does this by listening to offenders and accepting that her own race has implications for her work with clients of color.

While some aspects of practice were similar across white and non-white officers, there were significant differences as well. All officers believed that listening to clients of color and acknowledging their perspective and worldview, including the realities of racial oppression and inequality, were important components of practice. Some white officers and officers of color also conceived of their role as one of serving as an ally between the community corrections system, offenders of color and minority communities. Thus, Eliza strives to bridge the historical animosity between communities of color and the correctional system through her practice. Officers of color's strategies differed in that they additionally understood culturally competent practice to mean comforting offenders of color who could more easily identify with, and connect to an officer of color and, for some officers, working to empower offenders.

Sylvia is a Latina officer on the Spanish speaking team who identifies her own competency to work with Latino offenders as stemming from her childhood growing up in a segregated Latino community. She explains, "I have an awareness of what it's like to live in a Mexican community and one where all the shopkeepers are Mexican and where there's a lot of poverty, there's a lot of struggling with bureaucracies, there's a lot of

using your children to help translate for you, there's a fear of authority and a fear of police and fear of deportation." Thus, her cultural competency signifies knowledge about the challenges faced by poor and immigrant Latinos living as minorities in a predominantly white society. She also acknowledges, though of secondary importance, that her knowledge of specific cultural practices also contributes to her cultural competency.

She explained that she had never had a desire to be a part of law enforcement, having experienced discriminatory treatment from the police herself, yet having fallen into the field, she now views her role and mission as that of acting as a liaison or bridge between community corrections and the Latino community:

And in working with the Hispanic community it's a lot about giving back to my community, and having the knowledge that many times an oppressed people can alienate themselves or cut themselves off from the majority or from the mainstream because they don't feel they have any kind of investment in...the dominant community. And I think that historically there have been things that have kept people down and kept them from exploring their potential and breaking those barriers, the actual institutional barriers that exist, that create a stronger likelihood that you're going to be pulled over by the police for example. When I was a young person, if I was in a white neighborhood I'd get pulled over by the police. And that's a female, and you can imagine if you're a black male...but I think that some people have internalized that oppression so much because it becomes family legend you learn that the cops are your adversaries and they're out to get you...I think those kind of things can create an uptake in crime and an uptake in alcoholism and an uptake in hopelessness and when you have those factors it puts you most at-risk to do impulsive things, crimes of opportunity.

Sylvia, like other officers who saw themselves as bridging the gap between law enforcement and communities of color, believed that culturally competent practice recognized the historical animosity between communities of color and law enforcement,

and consciously worked to overcome those divides, which they saw as self-defeating. An important part of this approach was also the joint recognition that people of color face greater scrutiny by the police, and that experiencing oppression itself can lead offenders of color to criminality, motivated by hopelessness.

During client meetings, I observed two officers I classified as practicing strategies of recognition and empowerment warning clients to be very careful about staying out of trouble, to “keep their nose clean” in communities in which the police had a reputation for treating minorities harshly. Voicing this tip in a meeting alerts the client that the officer is an ally in racial matters.

Officers of color employing a recognition and empowerment approach also saw their clients’ identification with them as fellow race-mates as a significant part of what made their practice culturally competent. “It’s huge” said one African American officer. Some officers expressed the belief that offenders who were supervised by someone of their own race or cultural group were comforted by this and even inspired, perhaps seeing in their officers’ middle-class status a “nugget of hope,” for their own future, as one officer explained. These officers felt that offenders identified more easily with officers of color and were more likely to form a trusting relationship with them. An officer on the Spanish speaking team, who was herself an immigrant, explained that she’d found that both offenders and their families opened up to her more quickly than they did with white officers. Because of this shared connection, the implication was that she could be a more effective community corrections officer.

I witnessed this shared connection in my observations of meetings between Richard, an African American officer, and his clients of color. While the comfort I sensed in the meetings partially reflected Richard's emotionally-engaged and caring style, I also suggest that it was a reflection of the race-reflexivity he brought with him into his practice. For example, with one young Latino gang-involved man, Richard asked who he had been "posturing" for when he had gotten into a recent fight, a question suggesting that self-esteem or pride motivated his criminal activity. Richard thus acknowledges that the young man's crime could be motivated by a need to validate his own self-esteem or prove his self-worth, given threats brought on by the larger culture. Richard also warned this young client to steer clear of the Duckton police, a police force he believed treated minority offenders more harshly than whites. In these ways, Richard acknowledges the implications of his clients' race category both for his crime and for his experience with law enforcement and in so doing builds a stronger connection with him based upon shared knowledge.

At the same time, other officers of color explained that *they* were able to connect more easily with clients of color because of their shared race and cultural identification. As Susan, an African American officer who works primarily with African American female offenders explains, she can connect and empathize with her angry clients, because she's been there herself:

They're so, you know, immersed in that trauma and in that lifestyle, they don't realize that they're angry. So then once I can get them to realize they are, then we can start working on what are you angry about... I can connect with that, 'cause there was a time when I was really angry. There was a time when I was on welfare living in low income housing, and I had to push past that. But in order for

me to do that I had to address that anger. I didn't even know where it was coming from. So that's a good connection for me with them.

As many officers recognized, connecting and identifying with clients helped to build stronger relationships with their clients and, they felt, ultimately made them better community corrections officers.<sup>56</sup>

Finally, for some officers, culturally competent treatment went beyond identification and rapport building to actively working to empower clients of color. I saw this strategy put to use more frequently by African American than Latino officers. These officers saw crime, substance abuse and addiction as outcomes of internalized oppression and discrimination. For this reason, one mission of the job for them was instilling a more positive group-consciousness in their clients of color. For instance, in Riverside's African American Program, a prisoner reentry program working exclusively with African American men, one important element of the program was teaching African American men about positive African American history. Similarly Susan, by encouraging African American offenders to reevaluate what they knew about African history and culture, encouraged clients to reevaluate their own self-understanding and beliefs about what was possible.

Another aspect of the empowerment approach was to begin to address offenders' trauma. Officers recognized first, that many clients immersed in criminal sub-cultures or raised in poor communities had experienced trauma and violence in their lives. And

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<sup>56</sup> Similarly, many officers who had histories of alcohol or drug abuse explained that these experiences, so common among their clients, helped them to connect with clients, legitimated the advice and recommendations that they gave to clients and ultimately made them more effective officers.

second, that simply living as a minority in a majority white culture could result in emotional trauma. Because these officers believed that trauma underlay many instances of criminal offending, they advocated supervision practices that addressed this trauma. The African-American Program talked extensively about trauma in process groups in prison, and even had offenders construct a genogram of their family history, detailing the intergenerational emotional relationships within their families. Empowerment strategies were considered essential by officers working with African Americans because officers believed that it was only by addressing self-defeat, trauma and internal racism that their clients would be able to heal and move forward.

Officers practicing these strategies of recognition and empowerment were united in their understanding of the complexity of race and cultural dynamics and recognized that addressing issues of race and culture was necessarily an on-going process. Latina officer Gloria exemplifies this notion of process:

And I mean I go to all the diversity trainings. I've done all the work, I've cried, I go to support groups with Latinas, I've gone, you know, crying about white people. You know, it's like I've done all this stuff. I've done my work, I keep doing my work, and it's a continual process every day. And even in the church I go to it's still a continuing process. But, you know, I, that's kind of what I expect of white people, too. Let's do our work.

Gloria's perspective on culturally competent practice contrasts sharply with the perspective of many white officers quoted earlier, for whom appropriate practice largely entailed accepting or being respectful of difference and learning about cultural practices.

In each of the strategies outlined within this approach, officers focused not on differences in cultural practices between groups, but rather differential experiences of

discrimination and oppression. Further, when cultural practices were identified by these officers, this was done with greater nuance, and the practices identified could be both positive and negative, for instance, in statements that Latino immigrants were harder workers than native born whites, or that African American women had been strengthened by the adversity they faced. In contrast, white officers identifying the significance of “cultural practices” tended to describe negative stereotypes about groups.

Central to this approach is officers’ identification with offenders’ experiences and worldviews, and recognition of both structural and psychological oppression. Whether officers practicing strategies of recognition and empowerment were white, Black or Latino,<sup>57</sup> they acknowledged that their race and cultural membership had significance for their perspective and their practice.

### *The Criminal Culture*

Not all officers who failed to see the significance of group membership had a color-blind racial orientation, rather some officers simply believed that the importance of race and cultural membership was trumped by offenders’ primary culture orientation, that of the criminal sub-culture. While not commonly voiced by officers, it is worth bringing out because of what it says about the significance of this social location for race-talk. A Latino officer I spoke with, Andreas, strongly supported the belief that culture should not play a role in supervision. For Andreas, culture was irrelevant. He explains:

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<sup>57</sup> I interviewed no Asian officers.



“Unfortunately my experience is that a lot of our offenders of different ethnic backgrounds use culture to continue in their criminal activities. By that I mean they will have the appearance of something that might be culturally specific [an] example --- Hispanics, the family. We’ll have others [offenders] that family’s just as important but that’ll be thrown up as a reason why they’re doing what they’re doing ‘to protect my family.’ And they’re scared to death of you!”

Andreas had worked with some of the toughest cases in the department during his tenure, from the Special Supervision Team, working with very serious criminal offenders and sociopaths, to his current assignment on the Sex Offender Team. That his caseloads had been violent, dangerous and very criminal undoubtedly influenced his perspective. In contrast to officers practicing strategies of recognition and empowerment who, though not excusing offenders’ criminal behaviors, acknowledged the link between racial oppression and criminal offending, for Andreas, whose clients’ crimes left victims, and often victims of color, culture became an excuse that criminals relied upon to continue in their violent behaviors.

This perspective was partially formed by his own experiences with a violent family member growing up who had claimed to be “all about the family.” Andreas, speaking from the perspective of crime victims, asks how behaviors that are supposed to be motivated by cultural membership affect other members of that culture, “You know you go into that neighborhood and ask who really appreciates what they’re doing. Show of hands! You’re not going to get too many.” Andreas suggests that culture, when brought up by offenders, is primarily used to excuse their criminal behaviors.

Rape is not part of anybody’s culture, sodomy is not part of anybody’s culture you go through this whole list of crimes that you could think of, those are not part of anybody’s culture. So when somebody comes in here and they throw out the race card I throw it right back at them. . . I ask them point blank. What does that

have to do with your culture? . . . Tell me how stealing from your grandma is part of being an African American or Hispanic, or any other you name it. You tell me how this fits.

While Andreas recognizes that culture and cultural belonging can play an important role in peoples' lives, he explains that he does not engage in discussions of culture with offenders because his clients have already abandoned their identity-group culture in favor of an affiliation with the criminal culture. Thus, while he understands why management advocates a "culturally sensitive" approach, for him, cultural sensitivity is largely beside the point. "I almost reject out of hand being culturally sensitive because that means I have to be criminally sensitive," he explained. Even once clients have moved beyond a criminal orientation, Andreas still believed that culture was so personal and family-specific that it would be difficult for an officer to discuss or engage clients' culture with them in a meaningful way. Thus, he felt that while cultural competency might be a laudable goal and potentially useful in other organizational contexts, in the community corrections context it was simply beyond the scope of the work.

While Andreas was the officer who voiced this perspective most strongly, other officers similarly noted that offenders they described as having a "criminal orientation" or simply as "criminal" might accuse their officer of racism, hoping to get a more lenient sanction, for instance. These officers similarly noted that some offenders, whether white or of color, used their race as leverage with their officer. Thus, practice that sought to recognize and validate these offenders' claims would prove counter-productive and simply reinforce offenders' criminal personalities.

### *Diversity Discourse in a Correctional Context*

As the previous section suggests, diversity discourse deployed in a correctional setting may be unique in some ways from diversity discourse applied in another organizational setting. The most obvious distinction is that every client/offender in this context has been convicted of one or more crimes and is being punished for these crimes. These are clients who would not be subject to the diversity discourse had they not failed to follow the law. Discourse which emphasizes race and cultural difference, might then be expected to highlight negative aspects of cultural difference, or prime officers to see race and cultural difference as the “cause” of offenders’ criminality. Perhaps it is understandable then, that officers often talked about the negative aspects of difference rather than the positive. For instance, it might make little sense for officers to talk about Stack’s (1975) notion of African-American resilience in the face of poverty and unemployment, when the phenomenon officers are trying to explain is criminal involvement. It could be that any form of difference made salient in such a setting would be construed as negative.

And yet, some officers did talk about the positive aspects of minority race and cultural membership as it related to the possibilities for offenders’ reformation and rehabilitation. These comments came primarily from those officers I classified as practicing strategies of recognition and empowerment. Officers mentioned that African American clients had closely tied, intergenerational families to rely upon in a way that many white clients did not, for instance. Other officers noted that their first-generation or

undocumented Latino clients were devoted workers, and always seemed to be able to find a job, regardless of how difficult the economic situation may have been. Thus, even in this particular social location, race and cultural difference were not always explained in negative terms, though they often were. Whether (non-white) race and culture were read positively or negatively was not uniform, but reflected the racial discourse in which the officer was primarily situated.

Further, it is worth noting that it was quite rare for officers to mention mainstream white culture as a “cause” of criminality, despite the fact that the majority of offenders in both offices were white. Crimes that were exceedingly common, like domestic violence, drug abuse and property crimes were not explained as outcomes of white American culture or cultural beliefs. While Latino domestic violence might result from “that culture’s” beliefs about women, white domestic violence signaled an individual offender’s beliefs about the status of women in society, not the beliefs of white culture more broadly. Rather, when officers drew upon cultural arguments to explain white offenders' actions, they blamed a sub-culture to which white offenders belonged: whether that was the criminal family or community they were raised in or the deviant peer group they consorted with. Cultural arguments encompassing whites implicated only a fraction of other white race-mates, rather than sweeping the entire racial group up in the explanation. While it is not surprising that white culture was not critiqued, as it is difficult to identify and critique what one is immersed within, it is nonetheless useful to identify how members of minority groups’ crimes were explained “culturally” while crimes perpetrated by whites largely were not.

While it may be that this setting is in some ways unique in evoking a particularly negative conception of the diversity discourse, absent a comparison site, I cannot say whether other social locations that engage diversity discourse reveal similar patterns. However, it seems plausible that practitioners' interpretations in other settings, a hospital for instance, may likewise be dependent upon their underlying racial frames, with color-blind doctors viewing a patients' failure to take her medicine as resulting from distinct cultural practices, while a racially cognizant doctor might look to power dynamics and communication strategies between herself and the patient to understand the patient's reluctance. Future work should evaluate whether my findings are unique to this particular organizational context or likewise characterize other sites that promote and engage diversity discourse. Regardless, it is certainly ironic that, at least in this context, a diversity discourse intended to celebrate, or at the very least, encourage officers to refrain from negative judgments about cultural differences in some cases has the effect of legitimating the expression of negative cultural stereotypes.

## **CONCLUSION**

This chapter was motivated by a desire to understand the meaning and consequence of the diversity discourse as it is practiced within a bureaucratic, correctional setting. I sought to determine how bureaucratic actors, charged with responding "appropriately" to cultural and racial differences, engage with and make sense of such a directive, and how these strategies of engagement varied by and reflected officers' distinct racial ideologies. I further sought to identify the implications of this

diversity discourse both for the treatment of offenders of color, as well as more broadly for contemporary racial ideologies. These questions build upon prior literature detailing the meaning—and meaninglessness—of diversity discourse, an increasingly prominent racial project.

I found that the interpretation of diversity discourse, understood as a function of individuals' discursive racial-frames, aligned with distinct practices, some of which were more empty (in terms of the recognition of power) than others. I identified three approaches to cultural competency linked with particular discursive repertoires (Frankenberg 1993). In the cultural practices approach, officers understood the directive to entail learning about the visible differences between cultures, treating offenders respectfully and withholding negative judgments or assumptions about minorities. The structural elements of inequality were not attended to in this approach, which rested upon a color-blind racial understanding. In the second approach, officers wrestling with race recognized discrimination and inequality, in a partial move away from color-blindness, but were unable to verbalize the practical effects of these realities for their clients or identify how this knowledge should impact their practice. Therefore these officers largely relied upon the cultural practice strategies discussed previously. I suggest that this is because these officers are locked into a white normative worldview that does not allow them to see possibilities for practice beyond the biased/unbiased dichotomy. In the third approach, officers acknowledge the structural and psychological implications of discrimination and oppression for offenders and interpret cultural competence as listening to and recognizing offenders' perspective, serving as a cultural bridge or ally and

empowering clients of color. Incorporating knowledge of race and cultural difference in this third approach focused more upon unequal access to power between members of race and cultural groups, rather than particular cultural traditions or practices. This approach builds upon Frankenberg's racially cognizant mode of race-thought.

I suggest that these distinct approaches to practice had real implications for offenders of color. Recall that culturally competent practice is intended to better meet the needs of racially and ethnically diverse clients by tailoring treatment to respond to the differences between groups. Such an approach arguably recognizes and attempts to correct for the white normative perspective that underlies existing organizational practices. I conclude that, in light of the substantial variability in officers' interpretations of the directive, officers' conceptualizations of the meaning of race and cultural difference crucially determine the implications of targeted treatment. Namely, when officers conceive of the differences between groups in hierarchical terms relative to white cultural practice, targeting treatment will be of little benefit to offenders of color. While it is certainly not inappropriate to learn differences in rules and norms between cultures, exclusive focus on these differences without recognition of racial stratification and power differentials will, on its own, be unlikely to substantially impact the trust and rapport of the supervisory relationship. Further, if the cultural difference to be recognized is stigmatized or devalued in the officer's mind, attention to this difference will simply reinforce existing notions of hierarchy. In contrast, when officers understand cultural difference as significant primarily in relation to offenders' experiences of discrimination and oppression, and view the directive as implicating their own racial positionality, as

was the case among officers practicing strategies of recognition and empowerment, I suggest that race and culturally targeted treatment *is* likely to result in more appropriate and ultimately equitable treatment.<sup>58</sup> Research has shown that establishing trust and a collaborative relationship between client and worker facilitates behavior change across a wide variety of outcomes, including criminal behaviors (Andrews, Bonta, and Hoge 1990; Bonta and Andrews 2007a).

In addition to understanding the implications of the diversity discourse for offenders in this particular bureaucratic location, I also sought to determine the influence of the discourse on contemporary racial ideology and racial-thought.

I drew upon Frankenberg's conceptualization of discursive racial frames to guide my own identification of race-thought. Frankenberg's work suggests that there are three prominent racial discourses circulating in the contemporary period: essentialist racism, color-blind/power-evasion and race cognizance, which she identified among her interview subjects. In my own interviews, taking place more than 15 years later, the discursive frames I identified had diverged. I found almost no discussion of essentialist racism, a continued reliance upon color-blindness, and a partial step away from color-blindness--with at least superficial recognition of the realities of discrimination and structural inequality, as well as continued reliance upon the race cognizance Frankenberg described.

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<sup>58</sup> It is not inevitable that officers' race-thought should inform the interpretation of practice in this way. Rather, as I discuss in the concluding chapter, it is the absence of specific direction by management as to what constitutes appropriate culturally competent practice that not only allows but even demands that officers draw upon individual knowledge and beliefs to inform their practice.



The partial-step away from color-blindness, which I labeled wrestling with race, represents a new strain of racial ideology that I described as a desire for a progressive racial self-concept tied to a dualistic and hierarchical racial belief system. While adherents of this ideology recognize that discrimination and structural disadvantage differentially influence life chances, because they lack the language or experiences to draw upon to explain the reasons for and significance of race-differences, they find themselves falling back upon the old stories of race hierarchy, albeit uncomfortably so. While diversity discourse and the managerial directive thus do seem to nudge officers beyond a color-blind racial understanding, on its own the directive is not enough. The gap between recognition and understanding is likely to remain in place so long as many whites lack a counter-narrative, based upon personal experiences, stories heard through friends or family or explanations learned in educational settings, by which to explain race difference in non-hierarchical terms.

## **CHAPTER SIX**

### **CONCLUSION**

The roots of this dissertation can be traced back before graduate school to the time I spent working on the fringe of the human services. I was first exposed to the language of gender-specificity and cultural competence at the Women's Prison Association and later at the Oregon Commission on Children and Families. I found the vagueness of the language puzzling and wondered, who decides what women or members of minority groups benefit from or need?

When formulating my dissertation research I was drawn back to this question, now informed by the knowledge of race and gender as hierarchical systems. From this more theoretically informed perspective, targeting treatment seemed to pose something of a dilemma. While I knew that such practice was motivated by the recognition that ignoring the real differences between people, as situated in social groups, would disadvantage those who differed from the dominant standard, this contrasted with a body of theory suggesting that attention to difference would simply reinforce existing hierarchies.

In my dissertation, I sought to address this dilemma as it was implemented within two bureaucracies. In each, management and staff strive to provide clients with the treatment interventions and an interactional style that best suits their needs, the goal of which is to provide more appropriate treatment to the diverse clients served. In my

research I aimed to uncover empirically how and with what implications “difference” and a managerial directive to target treatment were interpreted, made sense of and put in to practice within these organizations.

The bureaucratic setting I chose was that of community corrections, a system arguably distinct from many other social contexts and institutions in its beliefs about gender and recognition of racial dynamics. It is a relatively understudied criminal justice institution that supervises a large and growing share of the adult population. It is also charged with substantial authority to intervene deeply and personally in the lives of those supervised. Within this system the overrepresentation of racial and ethnic minorities and growing share of women are both recognized as significant social problems, with which the field must grapple.

In three chapters I documented how what I termed conscious attention to difference shaped officers’ interventions and interactions with three groups: female offenders, familial offenders and offenders of color. Perhaps unsurprisingly I found that the implications of targeted treatment differed between each of these groups. To reiterate these findings very briefly, in the first chapter I argued that conceptualizing men and women’s criminality and rehabilitative goals as distinct in the ways that I documented reinforces gendered beliefs about men’s greater status, competence and power relative to women; gendered beliefs that are linked with the symbolic devaluation of women in practice. And yet, because men are assumed to bear greater responsibility for their crimes, they are subject to more punitive treatment rigidly focused on adherence to

formal rules and sanctioning. Thus, I suggested that women were materially advantaged but symbolically disadvantaged by attention to difference. In the second chapter I argued that officers viewed offenders' family attachments and responsibilities through a gendered lens. Thus, real differences in life circumstances and familial contexts between female and male offenders became magnified, which could be disadvantageous for families. In both chapters I found that women were not uniformly disadvantaged by gender-specific treatment. In the third chapter I found that because there was little consensus across officers as to what constitutes appropriate treatment for offenders of color, the meaning of categorical treatment hinged crucially on officers' racial ideologies, worldviews and incorporation of their own positionality, a set of strategies I termed race-reflexivity.

Drawing back to reflect upon how these individual sets of findings inform broader theoretical conceptions of the categorical treatment of difference, I suggested that my findings modified existing understandings in two key respects. First, I suggested that my findings were shaped by the social setting in which I conducted the research. In the correctional context, normative cultural assumptions about the meaning of gender are arguably inverted. In contrast to the workplace, in which much of the research on gender and organizations has been conducted, masculinity and masculine traits are not valued and rewarded in the same way. Rather, masculinity in the criminal justice system is associated with violence, risk and danger. Rather than benefiting from their masculinity in this setting, men might then be expected to receive more punitive or harsher treatment,

the better to protect public safety. By extension, I suggested that the implications of emphasizing subordinated categories should be expected to vary by social context.

Second, unlike in the case of gender, where conscious attention to difference resulted in a relatively uniform material/symbolic division in officers' practice, I argued that no such uniformity could be said to encompass the targeting of race and cultural difference. I suggested that this was largely because officers lacked consensus as to what race and culturally "appropriate" treatment should consist of. Instead, officers' racial ideologies motivated distinct forms of practice that had differing symbolic implications for offenders of color. I saw no evidence that offenders of color were materially disadvantaged relative to white offenders, likely because officers were highly attuned to this possibility and actively worked to combat it. In sum, I suggested that, in the absence of consensus as to the significance of particular categories, the positionality and beliefs held by those charged with responding to categorical difference will inform and define the meaning of practice.

In contrast to literature arguing that categorical treatment directed towards social groups that are organized hierarchically will either rectify or reproduce unequal outcomes, I suggested that the meaning of such practice would be both contextually contingent and idio-reflexive, determined by the social context and produced by the bureaucratic actor.

***What Questions Remain?***

And yet, a nagging question remains unanswered by the preceding discussion. I suggested that the distinctions I identified in race-targeted treatment could be explained by a lack of consensus as to what sort of interventions and interactions would benefit race and cultural minorities. In contrast, I noted that there seemed to be widespread agreement as to what sorts of interventions female offenders required. Why is categorical treatment of gender not interpreted differently given variations in the gender identity or consciousness of the officer, as I find for treatment targeted by race and culture? And what might explain this difference?

While officers' racial identity category, or racial ideology, was crucial in determining how cultural competence would be conceptualized and practiced, I did not find officers' gender to be similarly determinative. Rather, I found that officers, whether men or women, interpreted gender-specific treatment in a similar manner. Underlying officers' approach were conceptions of criminal women as psychologically flawed and unagentic, traits with which female officers did not identify. Emphasis on female offenders' personal and psychological failures as explanation for criminal involvement was in marked contrast to officers' attention to the structural factors influencing members of minority groups' participation in crime and the criminal justice system, commonly expressed by officers practicing strategies of recognition and empowerment.

This distinction suggests that female officers do not share the group-consciousness with female offenders frequently voiced by officers of color working with offenders of color. While officers of color often mentioned their own past and current experiences with racism and discrimination, female officers rarely expressed similar

thoughts about the significance of gender in their lives. Rather they described women as “needy” “manipulative” and “really kind of sad.” In contrast, here a Latina female officer describes her sense of shared connection with her Latino gang clients and how it affects the way she does her job:

That’s just how I do my job. That’s just who I, how I do. I don’t know why, but it’s how I do it. Well, I actually do know why. It has to do with me. It has to do with the fact that I, as a child, was overlooked as a minority in our, in the system. Not in the criminal system, I never had that, but I could’ve easily been in the criminal system, could’ve easily been a drug addict. And I have a family history of alcoholism and addiction, so I could’ve easily. That’s why, see, I could be you, I could be any of the clients in the chair here in my office. It could’ve easily happened to me. I could be, you know, I could be deported. My husband could be. See, I put it as personal sort of thing for me.

This officer’s practice is explicitly shaped by the fact that she identifies herself and her experience in her clients of color. Female officers voiced no such mutual identification, expressing the same empathy mixed with condescension for female clients articulated by male officers.

Perhaps this can be understood to result from the substantial class barriers that often lay between officers and offenders. Most officers, including female officers, were college educated and raised in middle or working class homes. They had largely not experienced the desperation of economic dependency, lack of skills and education that were common among female offenders, and generally did not identify with female offenders and their experiences. While class barriers likewise separated officers from offenders of color, class did not shield these officers from experiences of discrimination.

Such personal experiences shaped their understandings of offenders' racialized experience.

### ***How Can This Study Inform Policy?***

I have focused thus far on how targeted treatment is put in to practice and the implications of such practice for the offenders targeted. Here, I will address a different question: how can a policy of conscious attention to difference be made more successful in the correctional context?

I am unable to address the equally important question of how targeted treatment fares in comparison to a strict equal-treatment approach. Ultimately, without a comparison site or knowledge of office functioning prior to the imposition of the targeted treatment regime, I cannot say how the practice I observed compares. Indeed, given how pervasive the discourses of gender-specificity and cultural-competency have become, it may be difficult to locate an adequate comparison site untouched by the discourse. Thus I cannot say whether the approach I document is better or worse than a hypothetical alternative approach that I did not observe. What I can do is provide recommendations for how the approach I did observe may be improved.

The recommendations I lay out below are those that I provided as part of final reports to the Greendale County Department of Community Corrections and the Riverside County Department of Community Justice. One thread linking many of the recommendations is encouraging management to be more explicit in defining the purpose



and content of targeted treatment. Many of the problematic issues I identified resulted from officers' confusion around these points.

I found that vague directives by management had two primary results. The first was that officers tended to draw upon cultural assumptions or stereotypes to flesh out the meaning of practice that was poorly defined, which in some cases led hierarchical beliefs about categories to creep into practice. The second was that lack of managerial direction led officers to believe that there was something mysterious about cultural competency in particular. Some white officers expressed frustration that officers of color seemed to simply "have" cultural competency without trying while they themselves struggled to define it and incorporate it into their practice. Because knowledge of cultural competency had implications for hiring and promotion decisions, this not only bred animosity between some white officers and management (which they discussed with me), but also likely bred animosity between these white officers and officers of color who they viewed as unfairly advantaged.

Of course, management's clarification of policy will not contribute to more appropriate outcomes if they, too, subscribe to misguided views about the meaning of particular categories or identities. For instance, both officers as well as supervisors made claims about female offenders as "personality disordered" and otherwise emotionally unkempt. In response, another thread linking my recommendations is to challenge particular problematic assumptions about groups that officers and management may draw upon to inform practice.

### ***Recommendations for Gender-Specific Practice***

1) Formalize gender specific practice recommendations. The lack of clarity and consistency regarding management's vision of gender-specific treatment makes it likely that individual officers will interpret gender-specific treatment based upon their own personal understandings of women's needs. These individual interpretations of gender specific treatment may or may not be in alignment with management's goals.

2) Recognize that men may also benefit from attention to emotional and relational issues such as histories of abuse or trauma, or psychological and emotional problems. In the course of meetings I was able to observe, it appeared that men's emotional and relational needs were not engaged as seriously as they were with women; these issues seemed to fall outside of the scope of officers' work with men. While this undoubtedly stems in part from male offender's own reluctance to engage these issues, I found that emotional or relational concerns were infrequently addressed with men even when the client seemed to invite such discussion.

3) Discourage the use of laymen's diagnoses of mental illnesses. While there may be no real implications of (informally) labeling a client personality disordered, such a practice likely reinforces the belief that women offenders as a whole are problematic and mentally unsound, and discourages officers from working with women. Such labeling also

perpetuates beliefs that female criminality is rooted in mental illness, rather than agentic choices that female offenders can work to change.

4) Recognize that stabilizing women in jobs, residences and sobriety, just as with male clients, should take priority over working through female offenders' problematic or traumatic emotional lives and relationships. If women have basic financial resources and sources of security such as stable housing and a job, this may allow women the freedom to make better choices with respect to romantic partners, and is likely to limit the stress that contributes to psychological or emotional problems. Topics addressing women's personal lives that are not intimately linked to their criminal offending should be of secondary importance.

5) Identify that some men either are, or are working to be, involved fathers in the ways that they are able. Recognize the ways in which community supervision may disrupt these attachments (whether in terms of visitation, caregiving or financially) and aim to help fathers to maintain these bonds.

### ***Recommendations for Culturally Competent Practice***

1) Provide a working definition of cultural competency and expectations regarding what culturally competent treatment should mean in practice. While some officers were confident in their understanding of the term, others worried that they may not have it

quite right, or felt they had to work it out on their own. These officers worried that their lack of clarity could hurt them in a promotional interview, for instance.

**2)** Distribute clear rules and guidelines for staff to use when faced with difficult immigration scenarios that might occur for their clients. These guidelines need not be comprehensive, but could touch upon those areas of practice that officers are likely to encounter. Guidelines could cover such topics as: What to do if your client cannot get a job because of his/her immigration status? What to do if you know that your client being jailed will lead to deportation? If it is not possible to create such a resource, it could be useful to have an occasional staff meeting in which officers would be able to talk through such scenarios as they arose.

**3)** Given the items I have identified, I see an important role for diversity training. Such training would be most beneficial if all staff members were required to go, rather than just those who are personally interested in diversity issues. Given the suspicion some officers have regarding the value of diversity training, it is essential that such training or dialogue provide officers with concrete and useful information that they can use in their daily work. One possibility might be to use the training to address culturally-specific scenarios that might arise (or that officers have themselves encountered) in their work with clients, and talk through in a large-group setting the most appropriate response to such situations. Dialogue on these topics might demystify the topic of cultural

competency, and serve as a unifying exercise for office staff, so long as the conversation takes place in an open and non-judgmental environment.

4) Some officers had complex and nuanced understandings of the meaning of cultural competency and its role in their work. Management could use the expertise of these staff members as a resource, employing officers as moderators of diversity training sessions. Such trainings would address the concern expressed by some officers that cultural competency was a skill officers were hired with, but was not taught on the job. This seems like a missed opportunity.

Though the particularities of these policy recommendations may not translate directly to other settings, the message is likely to be the same. Across policy contexts, attempts to provide more appropriate treatment to members of non-dominant groups will be thwarted or perverted by imprecise language, which allows for the imposition of cultural assumptions, hierarchical beliefs and stereotypes. Further, the use of categories as a short-hand for describing characteristics common to those categories (caregivers, needy, mentally ill—for women), casts these characteristics upon all of those within the category, while discouraging officers from identifying these same characteristics in members of other categories. In targeted treatment, as in so many life endeavors, it appears that clarity is indispensable.

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