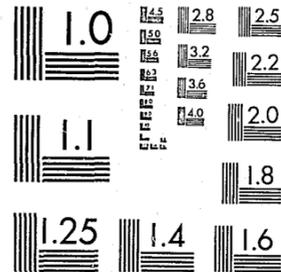


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Professionalism in Federal Probation: Illusion or Reality?

The Role of Continuing Education

BY ROBERT L. THOMAS

Deputy Chief Probation Officer, U.S. District Court, Phoenix, Arizona

THE CONCEPT of probation is only half as old as the American correctional system. The first probation law was enacted in 1878. (McGee, 1981) Probation saw its greatest advancement between 1950 and the present; its future is undiminished. The national consciousness necessary to drive that future is literally now developing. Probation as a part of the criminal justice system response to crime in the United States at any given time represents four-fifths of the entire offender population. Probation is thus, by far, this nation's major response to crime. In spite of this importance, probation is still the new kid on the block.

them there but, probation, in the public view, offers crime and the criminal a second chance.

Internally, probation lacks a professional identity. There is no widely recognized professional school to prepare leaders for probation. There are no nationally recognized scholars, practitioners or administrators who can be called eminent leaders in probation. (Fogel, p.5)

Probation is uneasy about what it actually produces in the way of measurable results. It is the only occupation that publicly talks about its failures, that is recidivism.

Probation, according to Fogel, has been far too reactive and offers very little to offset universal criticism. There are too many networks and too much fragmentation at various levels of the system; this precludes a proactive position in corrections.

Problems

Probation, despite its rate of effectiveness (Fogel, 1981) in this and other nations of between 75 percent to 90 percent, still suffers from an image of leniency. (Fitzharris, 1981) Probation costs less than incarceration in both dollars and social harm done, yet probation is widely misunderstood and viewed as a non-sentence.

The distortions of probation have been well documented by sociologists and others. According to Blumberg (1970), the probation officer has been characterized negatively as a second or third career person who may have failed in a prior occupation. Probation is viewed as social work orientated, its inadequacies rooted in the absence of a special body of technical knowledge.

Probation has neither an obvious local or national constituency or spokesperson. The lack of constituency operates to impede future professional development; it also works to make probation even more vulnerable in times of diminishing resources. Probation has fared worse than other components of the criminal justice system at the hands of politicians in proposition 13—like jurisdictions who have been reluctant to cut police, fire, and health services. The latter all have natural constituencies. (Fogel, p.4)

Probation lacks the forceful imagery which other occupations in criminal justice can claim. Police catch criminals, prosecutors try to get them locked up, judges put them in prison, guards and wardens keep

Federal Probation

As noted, the first probation law was enacted in 1878 in Massachusetts, then, voluntary services to the court provided by John Augustus and the child-saving work undertaken by the visiting agents of the board of charities were the preliminaries to the law authorizing employment of the first probation officer.

It was not until 1925, 47 years later, that an act was passed by the U.S. Congress to provide a probation service for the Federal courts. Five years later there were only 8 probation officers in 8 separate U.S. district courts. At the close of 1959 there were 508 probation officers. Upon this writer's entry into the probation system in 1965, there were 550 officers. Today there are some 1646 officers serving district courts throughout the United States, Guam, Puerto Rico, and the Virgin Islands. (Cohan, 1982)

Federal probation officers perform the functions of both probation and parole. Since 1930 they have served as agents of the U.S. Attorney General in supervising parolees. Since 1944 they have supervised army and air force military prisoners released on parole. They work closely with the U.S. Bureau of Prisons, Parole Commission, and Military Disciplinary Barracks.

The gradual development and expansion of Federal Probation reflects all the marks of an emerging or-

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ganizational profession—that is, a profession which is distinguished from the more traditional professions by its dependence upon governmental bureaucracies.

Need for Continuing Education

The lives of some men and women are structurally shaped by the fact that they are deeply versed in advanced and subtle bodies of knowledge, which they apply with dedication in solving complex practical problems. They learn by study, apprenticeship, and experience, both by expanding their comprehension of formal disciplines and by finding new ways to use them to achieve specific ends, constantly moving forward and backward from theory to practice so that each enriches the other. Such people protect one another and are sometimes extended special protection by society far beyond that granted to other citizens. The price of protection is vigilance against poor performance and unethical behavior, and that vigilance is exercised by the privileged person, by others of similar specialization, and by society. These people are called professionals. (Houle, 1981)

The most conscientious professionals have usually believed that the formal and informal means of acquiring understanding and maintaining competence have not been widely used by their colleagues. Public opinion, always actively or latently opposed to any special interest group, has also served as a constant watchdog, pointing out the inadequacies of incompetent practice, ignorance or a misguided or uninformed sense of ethics. This buzz of criticism, which increases proportionately with the power and influence of the occupation concerned, has cast a shadow on the otherwise substantial rewards of the practice of established professions. That shadow has spread and darkened since 1960, as profession after profession, among them social work, law, teaching, medicine (and criminal justice), has been viewed with increasing disillusionment. Federal, state and local legislative bodies have taken action themselves or have empowered administrative bodies to establish regulations dealing with many aspects of professional practice. Court decisions likewise judge the competence of practitioners, and the rulings handed down sometimes establish drastically different procedures and ethical principles from those previously known.

As a result of these pressures, militancy is on the rise within the professions. The creation of unions or "positive action groups" is leading to confrontations, collective bargaining, strikes, and slowdowns in occupations whose members only a few years ago would have thought such activities beneath their dignity.

According to Houle, no single course of action can resolve the difficulties encountered in all these arenas

of debate and conflict, but a pivotal need is for every professional to carry out his/her duties according to the highest possible standards of character and competence. To do less is not professional. Long-accepted ways of keeping up to date and specialized programs of continuing education appear unsatisfactory in establishing and maintaining a desirably high level of professional practice. But, as the amount of educational services has increased, under the guise of "more is better," so has legitimate skepticism.

It is easy enough to measure the number of hours spent in any particular activity, the level of satisfaction of those who have completed it, and even the intellectual gain or accomplishment. But how much of the knowledge, ability, or sensitiveness that the activity was designed to convey has been fully absorbed into the understanding and practice of the learners? How rigorously and well do they continue to use that competence as part of their practice? How readily and frequently do they continue to build on what they know? When and by what means will they undertake new learning experiences?

According to Houle, few self-appointed professionals continue to learn throughout their lives and the opportunities provided to aid and encourage them to do so are far less abundant than they should be. This learning deficiency is not, however, universal. Many practitioners have established patterns of continuous or recurrent learning for themselves that precisely suit their needs and fully meet their organizational obligations. Despite limited resources, particularly time and money, these true professionals are constantly observing, reflecting, reading, discussing and taking part in organized programs of instruction, incorporating into their performance what they learn by all such means. Some professionals go even further; they spend so much time learning that they neglect the people they are supposed to serve or become immobile because they cannot harmonize their knowledge with their practice, i.e.: The ivory tower syndrome.

In their own continuing learning endeavors, many professionals seem willing to accept simple programs of direct action. For them, continuing education often means only listening to a lecture or using a new communication technique. Such simple goals cannot be disdained but neither can they be deeply admired. Sponsors of activities frequently act as though participation is enough. The learner may not be required to demonstrate increased competence or performance; indeed, it is as if it would be undignified to suggest that he or she should have to do so. It seems to be assumed that if simple aims are sought by simple methods, improvements in complex performance will inevitably occur (Houle, 1981).

Program for Action

Houle, in his book *Continuing Learning in the Professions* (Jossey-Bass, 1981), sets forth a program for action for all people who are concerned with the maintenance and improvement of professions and professionalization, whatever the setting in which they work. The purpose of this article is to explore whether or not Federal Probation meets Houle's criteria of a profession; or is it instead, an occupation in the process of being professionalized. Do individual officers, who claim to be professionals, meet justifiable standards and goals of continuing education, or is the claim just so much lip service?

Let us now turn to the task at hand and compare Houle's seven-point program of action with Federal Probation.

For purposes of reader clarification, Houle's specific point or suggested policy is listed, followed by an author abstract; next will be composite responses from individuals surveyed.

(1) Does the primary responsibility for learning rest upon the individual officer?

It is the ideal of every profession, stated or implied, that each professional should feel a deep and continuing concern that his or her own education be carried out at a high level throughout a lifetime of practice.

In the Federal Probation System there is agreement as to where the primary responsibility rests. On the officer. Yet, while traditional, formal courses offered as part of the organizational training effort are beneficial, does mere providing of resources satisfy organization responsibility?

Is there not a greater involvement required akin to requiring mandatory participation or offering attendant incentives?

Koontz argues that Federal Probation itself offers very little motivation for an officer to continue learning, especially any learning beyond the "Nuts and Bolts" of doing the assigned job. There are no incentives, a lack of reward, either in promotion or salary to enhance much movement beyond the routine. Obviously, it is that absent motivation which enhances professionalism.

(2) Are the goals of professional education of the field, including those of continuing learning, concerned with the entire process of professionalization? Promoting a collective identity?

Every person who practices a profession needs to understand the evolving nature of its central mission, to be aware of relevant new developments in its basic discipline, to improve competence, to use the theories and techniques of innovative practice,

to apply the ethical principles required in a constantly changing work and social environment.

For Koontz, Federal Probation is fragmented by distance, organizational variables and work environment. Under such conditions, what meaning attaches to a "collective identity"? Under these constraints there is a real need for training goals to recognize continued refinement and enhancement of skills and the need to explore emotional-physical requirements of individuals engaged in what is considered stressful work.

Koontz feels, however, on the surface and in the print, a self-serving entity has developed, responsible not to individual learners but rather to rule, regulation and budget in addressing these "needs." The Federal System has and continues to be far too reactive. There are too many networks, too much fragmentation, all of which precludes a proactive stance. Under such circumstances, can individual and agency continuing education efforts realistically be concerned with the entire process of professionalization?

(3) Is continuing education within the field considered a part of the entire process of learning, a life long process?

This idea wins universal acceptance as an abstraction but is seldom thought about except in negative terms. Professional schools are often critical about the quality of the earlier education of their entrants and may impose demands intended to make it better. Those who hire credentialed practitioners often deplore the caliber of education provided in professional schools. And those who observe the performance of elder workers marvel that they have been able to stay in practice with so little evidence of having learned anything as the result of experience. Little or no action has yet been taken on the positive and creative idea that each profession should design a program of education that will occur during the whole lifespan. It holds that professional education must be reconceptualized as an activity that normally occurs through all of the life work.

In Federal Probation, an assumption is made (Koontz, 1981) that "True" professionals—those who have a grounding in an area of expertise—will take it upon themselves to constantly upgrade skills for personal reasons and in response to organizational demands. It is further assumed that such upgrading impacts on the overall performance of any probation officer. If we are to believe developmental psychologists and others who consider all learning to be a life-long process, this goal applies to Federal Probation; but the perceived lack of

breadth in the learning has a limiting effect. It restricts natural motivation and curiosity, thereby limiting professional development (Koontz, 1981).

(4) Are the patterns and methods of continuing education within the field planned and conducted in terms of one or more of the three modes of education: inquiry, instruction and performance?

Instruction, in all its myriad forms, is usually taken as being virtually synonymous with education. Individuals may find it easy to accept the idea that a policy-forming committee or a staff retreat can be considered educative, though they usually do not think very much about the fact that such forms of learning by inquiry operate on entirely different theoretical premises and follow different practices than do those based on instruction. The same fact is true of education designed specifically to improve performance; the learning activities involved may follow the purpose or form of either instruction or inquiry, but they are importantly changed by being interwoven with other methods of seeking improvement, such as the use of financial incentives, the revision of regulations, or the reorganization of personnel.

Do the educational experiences afforded personnel in the Federal Probation System make every effort to be effective and useful in the long term? Many attendees of organization seminars and programs have pondered this question. Yet, research and practical sense would tell any one that all three modes must play some part in all learning activity (Sisson-Longanbach, 1981). Inquiry, two-way communication, is often frustrated by various networks within the probation system and their unique territorial boundaries. The Federal Judicial Center often does inquire as to the field's perceived training needs and endeavors to meet some of them within the limits of "statutory responsibility and budget." But when this effort takes the form of retraining, rather than addressing new interests, dissatisfaction occurs; if training suggested is not already on the center agenda and budget approved, the chances of implementation are limited. Too often, in this writer's opinion, inquiry resembles a one-way street.

Center instruction has been good in recent years. There is a mix of practical and academic but, unfortunately, even the best efforts are affected by a perceived lack of interest and/or motivation by some calling themselves professionals, i.e.: probation officers.

Performance evaluation is a problem in Federal Probation. Traditional professions have universal

self-evaluation and established internal control operational. In our system performance evaluation is local, disparate but more often than not, external. How can Federal Probation be considered a profession when there are yet no established ongoing and uniform criteria to determine professional performance but only degrees of accountability?

(5) Does continuing education within the field pervade all aspects of professional life?

As the realization grows that continuing education can take many forms and be used for many purposes, it seems likely that the number and kind of providers and the designs for learning that they offer will continue to grow in size. Much of the fascination of education lies in the invention and adaptation of new devices, processes, and systems.

Anybody who looks out over the present terrain of continuing professional education in Federal Probation finds it filled with jurisdictional conflicts and tensions, a few of which are often more vivid and colorful than substantive in terms of questions of purpose, learning procedures, and changes in performance. On the one side (Sisson, 1981), opinion is given that within the resources and delivery system capabilities of training efforts, every attempt is made to reach all aspects of the officer's professional life. Conversely, it is stated (Fogel, 1981) this goal is not possible until probation becomes a recognized discipline and can adequately combine its multidisciplinary base into both preservice and inservice education and training. Then, perhaps, continuing education efforts will have a better chance; until then it is back to the "nuts and bolts."

(6) Does the profession collaborate with related professions for the planning and provisions of continuing education?

Greater collaboration in continuing education might achieve substantial financial economies and would almost certainly ensure higher quality and comprehensiveness of the service. Professionals should be encouraged to work together in the service of the public, cooperation could diminish competition and factionalism, resources could be shared, and, most important, the principles and methods used by one profession to solve its continuing education problems could be used by other professions.

It is generally agreed, given the poly-disciplined nature of Federal Probation's services, training efforts must rely on the expertise of many subject matter experts.

The Judicial Center has made ambitious attempts to combine related agencies through seminar and/

or video instruction. Unfortunately, budgetary problems constrain much of this effort.

It would be less than honest not to recognize the problem of how some probation officers—professionals—view the continuing education concept. Some of these officers tend to reject those disciplines which do not have a perceived direct relationship on job function. Such a closed-mind approach is evidence of a lack of intellectual motivation for new educational experiences.

The problem may be that some probation officers lack a broad educational base. Thus, there is a tendency for those individuals to have all the answers, to be extremely narrow and rejecting of disciplines viewed as unrelated to probation. In reality, what discipline is not in some way at some time not job related? Universally, probation officers have a great deal of common sense; it is a prerequisite for the role of dealing with the human condition. But, it is not a substitute for educational experience and alone will not bring about true professionalism.

(7) Does the field have a systematic, flexible and sophisticated approach to credentialization and recredentialization?

While the organized professions and the general public establish policy controls at many different points and in many different ways, credentialing and recredentialing of both individuals and institutions are the most general and conspicuous ways by which quality and public accountability are assured.

A Federal probation officer receives credentialization upon appointment. That document states in part, "and shall hold such office at the pleasure of the Court." The credential is renewed each year in the form of an efficiency rating signed by the chief probation officer.

It is recognized that being a probation officer for the Federal court brings authority, responsibility, and discretionary insulation. Do your work, stay clean and you have a job for at least 20 years with attendant benefits.

Koontz has described Federal Probation as only one subsystem and surely not the largest in probation, and quite probably not the best, at least in terms of services provided and positive outcome. It may well be the best, if "the word best reflects bureaucratic red tape, divided loyalties, just getting by, self-serving pronouncements and a facade of unified management."

Those in the system 15 years or more remember when Federal Probation was considered the elite of all probation services. Perhaps it/we have become too entrenched, conservative, and reactive. If

not so, why have we failed as a profession to offer proactive leadership in a troubled field? In reality, fragmentation, the result of district/regional differences, precludes effective national leadership efforts. So then, what would be the purpose of credentialization? To prove what? To please whom? Is this a professional attitude?

The Other Side of the Coin

Negative assessments aside, the reader should not be blinded to the positive value of emerging professionalism for Federal Probation. There are forces at work to educate the thinkers and doers who will decide the future quest for professionalism. Such education is itself a product of professionalization and one of its major functions is to contribute to it.

According to Sissons (1978) there is the emergence of an occupational subculture in probation which transcends employing agencies and jurisdictions. This subculture with shared language, problems, and ideologies will eventually promote occupational solidarity which will provide a base for the development of technical knowledge. This body of knowledge is not to be found in any one of the traditional academic disciplines; it is a distillation of several components. Universities have increasingly become aware of their responsibility to provide a continuing intellectual milieu within which probation officers who are grappling with immediate social problems might develop the conceptual and scientific resources for their tasks.

Larson (1977) noted the market for professional knowledge is determined by economic and social development and by the ideological climate of the society. There is today recognition of the need for alternatives to incarceration. This will change the traditional responsibilities of the probation officer. These new tasks translate into a catalog of the knowledge and skill which is required for successful implementation.

Probation was initially a moral cause pursued voluntarily by people committed to ethical convictions about the redeemable nature of man. This crusading ethic has given way to a morality grounded in the ethic of exemplary behavior. The individual ethic has given way to an occupational ethic in which idealism has been modified by a concern with professional standards and goals. This, according to Sissons (p. 15), separates the probation officer from the voluntary citizens groups and politicians.

Expansion of the market and formalizing of knowledge is accompanied by the necessity of upgrading job entrance requirements and the introduction of a formal professional education at both preservice and inservice levels of career development. A

characteristic of professionalism is the emergence of schools which contribute to the definition and development of knowledge through research and application.

Traditional professions encourage a licensing procedure which affirms the fitness of an individual to practice the profession. In (Federal) probation, this requirement is ambiguous, in part due to the absence of a nationally approved form of professional education, in part due to absence of consistent graduate programs, and in part because of the jealously guarded autonomy of the jurisdictions which appoint probation officers (Sissons, p. 16).

The systematization of probation, particularly at the Federal level, occurs around a number of imperatives which arise out of the changes within the criminal justice system. The systemic organization (described by Burns, 1961) or task culture (Handy, 1976) is differentiated from other organizations by its responsiveness to its environment. It is one of innovation and relevance, an attempt, however limited, to engage in processing and mediating new knowledge and challenges imposed by legislation and clients with sophisticated and complex needs.

What this means for the (Federal) probation officer is that he/she is involved in a highly sophisticated work environment, characterized by growth, adaptability and innovation. The "generalist" may be, as Sissons notes, the occupational norm, but the demand and scope for the specialist is a growing factor.

Realistically, any criticism of probation must point to the erosion of community involvement in the problems of criminal justice, the subordination of wider social values to the bureaucratic and economic concerns of involved agencies and the control over an important area of public life by increasingly elitist groups which have their own financial stakes in such control. (Sissons, p. 22)

The Average U.S. Probation Officer

After all is said and done, opinions expressed and excuses made, what do Federal probation officers consider relevant to their continuing professional education, Houles' guidelines on professionalism aside? No one knows for sure. Gooch (1977) did a survey en route to a Ph.D., the purpose of which was to "identify and examine the demographic and professional characteristics of U. S. Probation Officers;...identify their continuing education needs..." From a random sample of 371 officers with an 85 percent return rate we learn that the "average" respondent is/was: "male, 37 years old, married and has five years service in the U. S. Probation System. He has a Master's Degree with a major in one of the social sciences, plans to take additional graduate work, but is not planning to seek

an advanced (terminal) degree. The respondent participates in conferences and workshops external to the U. S. Probation System less than eight hours per year, is a relatively inactive or moderately active member of the Federal Probation Officers Association and has little interest in other organizations committed to the improvement of probation services. He reads the *Federal Probation* quarterly and considers it to be somewhat helpful to very helpful.... Regarding his level of overall professional preparation for his work, he considers himself to be well prepared to handle his responsibilities."

Elsewhere it is stated: "in general U. S. Probation Officers responding to this questionnaire are a homogeneous group in terms of their personal and professional characteristics. They are relatively young and inexperienced as Probation Officers in the System but, well educated, with over three-fourths having completed some graduate work or received an advanced degree. The highly specialized, interdisciplinary, and somewhat legalistic nature of the probation-related competencies most needed by USPO's (as indicated in the survey) tend to support the following needs and trend: (1) The need for an extensive and professionally oriented basic and continuing education program in the System. (2) A need for the development of meaningful, inter-disciplinary undergraduate and graduate programs in universities purporting to prepare students for careers in probation work. (3) The need for closer links between faculty of universities purporting to prepare students for careers in probation work and experienced probation personnel. (4) A trend away from the traditional quasi-medical 'therapeutic treatment' model previously adopted by corrections toward a 'justice' model for probation work."

The Gooch study concluded with 12 recommendations for action; however, the last recommendation said it best..."It is unlikely that the Federal Judicial Center will soon be in a financial or logistical position to provide continuing education programs in accordance with the above recommendations. Therefore, in the interim the district probation offices will continue to struggle with their task of providing large numbers of inexperienced officers with training and inadequate program assistance and limited funding..."

Some Conclusions and Questions

Do the admittedly idealistic criteria set forth by Houle fit all, some, or none of the performance goals of Federal Probation's trek to professionalism? Do we expect too much from a system suffering from the constraints outlined by Fogel? Are the excuses made for our continuing education shortfall self-serving or

a brutal fact of declining dollars? Are criticisms of the learner and trainer justified; or is Federal Probation an organization which outgrew its educational support unit? One fact is clear, or at least supported by the Gooch study; individuals within the present system possess a higher degree of professionalism than does the occupation itself. The burden for continuing education does unquestionably fall on the incumbent and this challenge is being accepted and met by the vast majority of Federal probation officers but, under ever restrictive conditions. It is, in this writer's view, the overall organizational structure that has imposed the noted constraints, which in turn curtail the advance to universal professionalism.

According to Sissons, futurology is not a very edifying activity and a prediction of the next hundred years (or considerably less) is a bold undertaking in relation to an occupation which has developed unevenly and problematically in response not only to its own values but also in responses to public opinion, legislation, and the needs of the legal system. We can be sure, however, that as the pressures upon the system continue and structural and functional changes occur, total reliance on educational self-direction will become inhibiting. A true professional's essential task is not to apply a specific fact or principle to a particular case but to deal with it by the use of a synthesis of all relevant knowledge. This is the task of the organization as well.

Federal Probation is an emerging profession that is in the process of being professionalized. A majority of the incumbents have achieved a degree of profes-

sionalism beyond that of the parent organization; if the latter can catch up then perhaps the efficiency, effectiveness, and humanity of the overall system will benefit; otherwise our framework for professionalism is incomplete.

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THE FACT that probation as a profession has failed to define its goals has and will continue to hamper any solid evaluation of the value of preservice education and inservice training upon probation work.

— CHRIS W. ESKRIDGE, PH.D.

END