

ANOTHER CHANCE: SOME SOCIOLOGICAL CONDITIONS  
OF JUVENILE PROBATION IN A FAMILY COURT

by

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A THESIS SUBMITTED IN PARTIAL FULFILMENT OF  
THE REQUIREMENTS FOR THE DEGREE OF  
DOCTOR OF PHILOSOPHY

in the Department  
of  
Anthropology and Sociology

We accept this thesis as conforming to the  
required standard

THE UNIVERSITY OF BRITISH COLUMBIA  
May, 1975

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ABSTRACT

Although there is an extensive professional-social scientific literature on juvenile probation, there are few empirical studies of normal work routines of probation officers. The present research was designed to examine juvenile probation in a family court bureaucracy as a practical, interactionally-based enterprise.

The thesis reports on two years of field work in a Canadian family court. The field work experience itself is treated as a topic of inquiry. The perceived identity of the researcher as 'social worker' and 'ex-probation officer' are shown to have been valuable ethnographic resources. Records of naturally-occurring interaction between probation officers and juveniles, probationers, parents, judges, etc., are presented and analysed. The ideological notions of 'help and guidance and proper supervision', 'cooperation', and the 'proper understanding of the meaning of behaviour' are studied as procedural matters of pervasive and practical concern to probation officers doing probation. The problematic status of what it termed 'the ideological perspective of the juvenile court movement' in the setting is discussed.

Competent probation work is shown to involve the continual and accountable accomplishing of cooperation and understandings adequate-for-the-practical-purposes of the probation officer. This on-going work is, in turn, shown to underpin and make possible the apparently routine, mundane and unproblematic processing of cases by the Court.

The study presents and analyzes data which display the critical status of the 'terms of probation' as a device par excellence, with which the cooperation and proper understandings are accountably pursued. The interactional uses of the document in supervision and placement are illustrated.



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### ACKNOWLEDGEMENTS

I wish to thank Roy Turner for both showing how little I knew about juvenile probation and the world in general and for introducing me to an exciting and stimulating way of proceeding with the remedial work of ethnographic discovery. He was a continual source of conceptual and practical assistance throughout the actual field work, the lengthy period of germination, and the eventual writing of the report.

Appreciation is also expressed to: Bob Ratner, Jim Ford and Elvi Whittaker for reading and commenting on the report; Mat, Gary, Rudy, Peter, Gene, Ron, Dorothy, and Bruce for their seminarial assistance; Larry, Marion and Art for their southern hospitality and encouragement; Gale for typing, and especially Masako and Shannon (and excellent day care centers in two countries) for survival.

Finally I acknowledge a particular debt to the various members of the family court bureaucracy whose help and guidance made the report possible.

## THIS APPEAL A TRIFLE LATE

TORONTO (CP) - (The defendant), 21, of Montreal, asked for a second chance "to prove that this sort of thing will never happen again" when he pleaded guilty to stealing a newspaper.

But he had stolen a newspaper once before, in Vancouver. Magistrate Hugh Foster sentenced him to 30 days.

## CHAPTER ONE

### INTRODUCTION

The following quotes reflect radically different conceptions of the tasks confronting the sociological student of deviant behaviour.

The framework...is designed to provide one systematic approach to the analysis of social and cultural sources of deviant behavior. Our primary aim is to discover how some social structures exert a definite pressure upon certain persons in the society to engage in non-conforming rather than conforming conduct. If we can locate groups peculiarly subject to such pressures, we should expect to find fairly high rates of deviant behavior in these groups, not because the human beings comprising them are compounded of distinctive biological tendencies but because they are responding normally to the social situation in which they find themselves. Our perspective is sociological. We look at variations in the rates of deviant behavior, not at its incidence (Merton, 1957: 147).

A question like "What 'forces' motivate or structure the entrance into delinquent activity?" misses the general relevance of the problem of practical reasoning that juveniles engage in when pursuing daily activities, how the police and probation officials are drawn into contact with juveniles, and how the police or probation officers decide that particular events fall under general policies or rules relevant. A simple reference to "forces" or "social structure" or "values" imposes an order instead of seeking to discover the nature of socially organized activities (Cicourel, 1968: 169).

The first statement is from Robert K. Merton's "Social Structure and Anomie", an extremely influential paper published in 1938, in which he outlined a working paradigm which informed much subsequent theorizing and research in the field. For example, a good deal of the work on 'juvenile delinquency' during the ensuing years was primarily concerned with the location of structural or cultural conditions underlying and/or producing 'delinquent' or 'criminal' behaviour.

Cicourel's much more recent statement is part of a body of theorizing and empirical research which explicitly and consciously rejects some of the presuppositions embedded in the Mertonian framework, presuppositions which are claimed to fundamentally misconceive the task of sociology and misdirect its practitioners.<sup>1</sup> The preferred topic of inquiry under the alternative paradigm developed by Garfinkel, Cicourel, and others, is the situated practical reasoning engaged in by members of society in the routine accomplishment of their everyday activities. The questions asked about the social world of everyday life differ accordingly:

How are members going about the task of investigating scenes of their actions so that they see and report patterning and structure in those scenes? By what procedures are descriptions being done so that they portray order? How is the factual character of such accounts established? and How is the sense of appearance of a world in common and common understanding concerning its shared features accomplished? (Zimmerman and Wieder, 1970: 290).

The present undertaking represents an empirical attempt to ask the above questions about the activity of 'juvenile probation' in a family court bureaucracy. The reported study is based upon field work carried out in a Canadian court. In order to describe and analyse 'juvenile probation' as a practical activity, the researcher personally observed and recorded all of the activities routinely engaged in by probation officers

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1. See Kitsuse and Cicourel (1963) and Cicourel (1968) for critiques of Merton. The earliest development of the alternative, or ethnomethodological paradigm may be found in the collected papers of Garfinkel (1967). Cicourel (1964) made an early attempt to spell out its theoretical and methodological implications. For representative examples of work informed by the ethnomethodological paradigm, see Douglas (1970), Sudnow (1972), and Turner (1974).

as probation officers. For a period of almost two years, he regularly positioned himself in the various areas where the relevant interactions routinely took place, i.e., the waiting room, hallways, courtrooms, detention facility, probation officers' offices, judges' chambers, etc. There he observed and recorded the every-day interactions of probation officers with, i.e., judges, supervisors, parents, juveniles, probationers, etc. Observations in the above locales was facilitated by the fact that the juvenile detention hall, courtrooms and all other court-probation offices were located in a single complex of attached buildings. The data gathered in these settings was supplemented by observations of interactions between probation officers and juveniles, probationers, parents, teachers, etc., at home, in school, and 'on the street'. The attempt was made, in other words, to observe and record all types of work related activities of probation officers no matter where or when they occurred or who they involved. The everyday business of determining which juveniles should be, i.e., 'released', placed on 'probation', placed, etc., was observed and recorded as fully as possible.

During one of the years of field work, 1970, the court processed 3,363 cases which were referred for their attention. Largely upon the basis of the routine 'pre-court investigation' legally required of the probation department in all cases, 294 (9%) of the cases were dropped because they were found to be legally inadequate, 951 (29%) were 'settled at the home level' a disposition which actually describes a variety of methods by which juveniles who admit to delinquencies which are not deemed to warrant formal hearings 'at this time' are processed, and 2,412 (72%)

were taken through a formal hearing of some kind. A primary focus of the present report will be the description, explication, and analysis of the work routines via which the accomplishment of such dispositions is pursued.

Before turning to the empirical materials, however, it will be necessary to discuss two matters. First, I believe it will be useful at this point to discuss certain features of the history and ideology of juvenile courts which will later be shown to powerfully and reflexively shape the accomplishment of 'probation work' in the setting. Second, I will provide an account of my field work in the setting under study.

Contemporary legal statutes differ significantly from early codes in that they mandate special judicial systems which are expressly designed to deal with troublesome youths. The juvenile court was a tribunal created by statute to determine the legal status of such children.

The creation of contemporary juvenile justice systems is generally traced to the enterprising reforms of the juvenile court movement or child savers movement,<sup>2</sup> a widespread, amorphous, and unlikely coalition of reform-minded lawyers, progressive legislators, social workers, philanthropists, and social scientists. Their efforts led to the 1899 passage of juvenile court legislation in Illinois which was widely acknowledged as<sup>3</sup> a model statute by other states and countries.

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2. See Young (1937), Tappan (1949) and Mack (1909). For a critical history of the movement see Platt (1969), also Fox (1970). See Schultz (1973) for an attempt at further revision.

3. An official government inquiry into the issues related to juvenile justice in Canada has suggested that Canadian legislation was patterned on the Illinois legislation with modifications necessitated by the British North American Act (Report of the Department of Justice..., 1967: 29-30).

Under this legislative philosophy, the administration of juvenile justice was supposed to differ from adult criminal court process in many significant ways. A child was not to be 'accused' of 'committing a crime', but a 'delinquency', and offered 'help and guidance' rather than punishment. Intervention in his life was not supposed to carry the stigma of a criminal record; the hearings, records, etc. were to be relatively private, proceedings were to be 'informal' and due process safeguards were not seen as applicable for a variety of reasons. I would now like to discuss the writings of various representative spokesmen and/or sympathetic historians of the movement in an attempt to explicate the rationale underlying the juvenile court legislation. I will later demonstrate the relevance of the ideological perspective of the juvenile court movement to the everyday activities of personnel in contemporary juvenile justice systems.

First, under the ideological perspective of the juvenile court movement and legislation, the notion of 'justice' is altered, a fact which is often marked by the use of a special term, i.e., 'individualized', 'socialized', or 'personalized' justice. Traditional precepts of 'justice' were seen as 'outmoded', 'defective' or especially 'unscientific':

The creators of the juvenile court responded to the spirit of modern social justice and regarded law as a living, progressing, social institution subject to modification in accordance with the changing conditions of life and scientific thought. Medicine, psychology, and sociology were thought of as direct aids in deciding on an adequate course of treatment. Justice in the juvenile court is not only impersonal and impartial but scientific. The goddess of justice, figuratively speaking, has taken off her blindfold in the cases of juveniles and looks at the sordid social conditions, crime-infested areas, social and biological disease, child labor, ignorance, a civilization in transition producing personal, social, and institutional disorgan-



ization. The goddess, with full vision restored, has decided that law unaided by other social sciences is not competent to decide on a course of treatment for unfortunate, wayward, and delinquent children who are largely victims of circumstances and untoward social conditions (Young, 1937: 52-53).

Note that "the goddess of justice" herself (rather than, for example, the 'progressive' legal and social scientific reformers), has seen that the law, unaided by the other social sciences is unequal to the task of identifying and dealing with the 'problems' which are taken to underly 'delinquency'.

A direct corollary of the professed inadequacy of the law in the juvenile court context was that possession of 'mere' legal training, competence, knowledge, etc., did not, in itself, prepare a person to function adequately as a member of the juvenile court staff. In response to a state supreme court decision which argued that juvenile court law "should be administered by those who are learned in the law and versed in the rules of procedure, to the end that the beneficent purposes of the law may be made effective and individual rights respected", a prominent juvenile court jurist and theoretician stated:

He must, however, be more than this. He must be a student of and deeply interested in the problems of philanthropy and child life, as well as a lover of children. He must be able to understand the boy's point of view and ideas of justice; he must be willing and patient enough to search out the underlying causes of the trouble and to formulate the plan by which, through the cooperation, oft times, of many agencies, the cure may be effected (Mack, 1909: 119).

That the juvenile court was in the business of 'saving' rather than 'punishing' delinquents was an assumption which warranted the notion that traditional legal concerns would be out of place in the juvenile court:

The problem for determination by the judge is not, Has this boy or girl committed a specific wrong, but What is he, how has he become what he is, and what had best be done in his interest and in the interest of the state to save him from a downward career (Mack, 1909: 119-120).

The judge was to be aided in these determinations by the activities of the 'probation officer' and others:

A thorough investigation, usually made by the probation officer, will give the court much information bearing on the heredity and environment of the child. This, of course, will be supplemented in every possible way; but this alone is not enough. The physical and mental condition of the child must be known, for the relationship between physical defects and criminality is very close. It is, therefore, of the utmost importance that there be attached to the court...a child study department where every child, before hearing, shall be subjected to a thorough psycho-physical examination (Mack 1909: 120).

The overriding interest of the court was to act 'in the interest' of the child. Under this perspective, the court is providing 'help' to which the juvenile is 'entitled', i.e., to which he is seen as having a 'legal right'. This philosophy was later summarized as follows:

The philosophy of correctional work may be summarized in the following terms. Every child has numerous possibilities for adjustment to society if properly trained and guided; a child grows, develops, and gains social consciousness through wholesome group participation; a child's misconduct is in response to his conditioning environment, and therefore punishment as such is futile, since the acts which he committed may be beyond his physical, mental, and moral control. Every child has a right to proper training and where parents do not and cannot give such training, the court must assume the duties of a super-parent, or parens patriae (Young, 1937: 53, emphasis added).

The ideological perspective of the juvenile court movement, therefore, idealized a version of the court process which was purged of adversarial elements. The fact that such rhetoric shaped the legal mandate of the court under present study is evidenced by the federal act from which

the court draws its powers. Note especially the act's typification of the business at hand for the juvenile court vis-a-vis the way in which a 'delinquent' is to be dealt with:

(2) How child dealt with. Where a child is adjudged to have committed a delinquency he shall be dealt with, not as an offender, but as one in a condition of delinquency and therefore requiring help and guidance and proper supervision (Juvenile Delinquents Act).

Inasmuch as such a court is seen as acting 'in the interest of the child' and ensuring that juveniles who appear before it receive the 'help and guidance and proper supervision' to which they have legal claim (rather than, for example, the 'punishment' they 'deserve'), the notion of 'conflict' between the interest of the child and the interest of the state is rendered nugatory. Instead, the 'ideal' system of justice under the ideological perspective of the juvenile court movement is perceived as operating on the basis of 'cooperation':

In short, the idea is a system of probation work which contemplates cooperation with the child, the home, the school, the neighborhood, the church, and the business man in its (the child) interests and that of the state. Its purpose is to help all it can, and to hurt as little as it can; it seeks to build character--to make good citizens rather than useless criminals. The state is thus helping itself as well as the child, for the good of the child is the good of the state (Jurist quoted in Mack, 1909: 121-122, emphasis added).

The Ideological Perspective and Its Problematic Status  
in the Ethnographic Description of Probation Work

Studies of, and writing about juvenile justice bureaucracies and probation frequently employ the ideological perspective represented in the foregoing materials in the production of their reports, analyses, and des-

criptions of the phenomena. Typically, elements of the perspective inform such enterprises in the following ways:

They may be traded upon consciously or unconsciously as an explanatory resource in the construction of an explicit or implicit idealized 'model' of 'probation'. This model is then carried into a setting where it is used to locate and display, i.e., 'bad' probation work. Thus, the everyday activities of probation officers may be seen as 'bad', 'incompetent', etc., probation work to the extent that they deviate from the ideologically prescribed versions.

Alternatively, the idealized, ideologically-preferred models of probation work may be employed in the location of, and recognition, and display of activities of probation officers which seem to correspond to those prescribed by the models. These activities are then treated as 'probation' while others, just as commonly present, may be ignored or even attacked as interfering with 'professional probation work'.

In addition, it should be noted, such ideologically preferred versions may provide the researcher and or the reader with the grounds for taking 'corrective' action to remedy whatever aspects of 'probation' or 'juvenile justice' are targeted as in need of correction.

The present study will treat the idealized, ideologically preferred versions of 'probation', and their status in the research setting as a topic of inquiry rather than an analytic resource which may be consciously or unconsciously traded upon to, for example, find probation work or correct it. First as a probation officer in another court and then as an ethnographic observer in the court under study, the researcher noted

that elements of the idealized, ideologically-preferred versions of probation work massively pervaded the normal talk of probation officers and other court personnel as they went about their everyday activities. Talk about, for example, 'help and guidance and proper supervision', 'acting in the interest of the child', the importance of 'cooperation' on the part of the child and its parents, 'the meaning' of the juvenile's behaviour and his and his parents' 'understanding' of it as a warrant for the 'services of the court', etc., was seen to constitute probation work rather than to 'merely' describe the phenomena at hand. Such elements, along with the terms of probation and notions of 'what had happened in court', 'what the judge had said', etc., were seen to provide the probation officer with a vague and heretofore unexplicated or described interpretive schema with which to interactionally manage his practical activities as a probation officer.

The competent probation officer's interactional uses of the schema are seen as similar to the uses of the 'Convict Code' made by residents in the narcotics half-way-house studied by Wieder (1969), i.e., as a reflexive, interactionally employed, ad hoc, and substantively elusive device with which they accomplish the on-going business of establishing and maintaining 'understandings' necessary to their practical tasks.

Before turning to the task of explicating and analyzing what I have suggested are, in the literature, heretofore unnoticed and/or unreported features of probation work as an on-going interactional accomplish-

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ment, I will provide the reader with a necessarily brief overview of the probation task and some remarks about my field experiences in the setting.

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4. What follows should in no way be treated as an ethnography of a juvenile court, or a complete ethnography of probation work. For useful attempts at a more general account, see Cicourel (1968) and Emerson (1969). Although (at least in my opinion) both attempted to do too much, they have provided any potential students of juvenile court bureaucracies with invaluable guidebooks. A legally sophisticated study of juvenile processing in various United States jurisdictions is reported in Barrett, *et al.* (1966). Also of relevance to the present study is the study of English juvenile court procedure provided by Cavenagh (1967). Of more direct relevance to the student of Canadian juvenile procedure is the Report of the Department of Justice... (1967), which provides extensive information on Canadian juvenile courts, delinquency statistics, etc.

## CHAPTER TWO

### OBSERVING PROBATION WORK:

#### NOTES ON SETTING, FIELD WORK AND DATA

In order to obtain an overview of probation work in this court bureaucracy, I attempted to observe and record virtually all of the various<sup>1</sup> activities with which probation officers were involved. To facilitate the systematic gathering of data, I 'targeted' individual juveniles who were dealt with differently after their initial contacts with probation officers and attempted to 'track' them through any subsequent experiences they had with the court.

Some examples of different 'types' of juvenile court 'careers' which I was able to observe more or less in toto were:

Juveniles who were dealt with 'informally' and who did not come back into contact with court personnel during the period of field work.

Juveniles initially dealt with informally who were subsequently rearrested and processed 'formally', via a court hearing.

Juveniles initially dealt with via hearing who received 'dispositions' ranging from probation in the home through placement outside the home.

Juveniles, placed on probation initially, who were subsequently removed from their homes, either with the 'understanding and cooperation' of their parents or over the objections and resistance of parents.

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1. A discussion of the methods by which I attempted to protect the 'naturalness' of observed probation work as well as a more general discussion of the setting and field work therein may be found later in this Chapter.

Probationers who were subsequently 'raised' to adult court as well as ones with whom unsuccessful attempts were made to obtain such dispositions.

The logistical problems faced by the researcher in attempting to stay abreast of the on-going developments of various cases were considerable, and yet in many senses they resembled the 'normal' temporal, scheduling, geographical, etc., pressures and organizational contingencies which must be competently managed by probation officers. Like probation officers, I needed and fortunately was able to obtain cooperation and assistance from members of the court bureaucracy (POs, clerks, officers, and judges), who notified me of developments, helped me slip into and out of courtrooms to observe specific cases, and shared their expertise generously.

The rather confusing flow of interactional events which I attempted to observe at times necessitated my 'on call' availability. On occasion I was picked up for early morning visits to homes, schools, etc. I accompanied probation officers on working visits to institutions, adult court, and other locales where their daily rounds took them. I went to the airport with them to transfer and pick up out-of-Province juveniles. I accompanied probation officers on lengthy searches for probationers who were 'running', and made many night home visits followed by beer drinking and gossip sessions with probation officers. As much as possible, I attempted to fit myself into the temporal flow of their normal activities.

I also worked to develop close working relationships with probation officers who struck me (and were talked about in the setting), as different 'types' of probation officers. In this way I was able to spend a



great deal of time with 'social worker' PO's as well as 'cop' PO's, 'old timers' as well as 'newcomers', a strategy which further ensured that I was indeed able to obtain an overview.

The Provisional and Pervasive Character of  
the Practical Matters of Intake and Disposition

The problem of 'disposition' and its practical implications pervade the activities and concerns of juvenile justice personnel. Piliavin and Briar have pointed to police disposition decisions as "...the first of a series of decisions made in the channeling of youthful offenders through the agencies concerned with juvenile justice and corrections...." (1964: 441). What is overlooked in such a characterization is the fact that police disposition decisions are quite often preceded by the decision on the part of another adult, whether citizen, school authority, parent, or whoever, to 'call the police'. The question of 'what to do' with, about, or for a problematic juvenile are not exclusively the business of juvenile justice personnel, but of 'adults' in general.

Furthermore, it should be noted that what may be taken to be a 'solution' to the problem at one level becomes a practical problem to which persons at the next level may be expected and/or legally required to attend. There are always 'options', i.e., alternative methods available for disposing of particular cases. 'Neighbours', for example, who observe a juvenile misbehaving may choose to scold him, talk to his parents, call the police, etc. The police, in turn may themselves scold or counsel the juvenile, warn him and make a note of the warning for possible future use, return him

to his parents or guardians and informally talk with them, or formally arrest him and then either release him into the custody of his parents or guardians or 'book' him into the juvenile detention facility which is both legally and physically attached to the Family Division of the Provincial Court.

Whether released or detained, once a juvenile has been arrested, the police are required to submit two copies of the arrest report, titled JUVENILE REPORT, to the Family Division. The copies are routed to the probation service's 'supervisor of intake'<sup>2</sup> and to the office of the City Attorney (the prosecutor). The more serious police disposition-decisions require that the court bureaucracy do something' about the juveniles referred to them. Again, there are alternative 'methods of dealing with the particular cases. For the probation bureaucracy, however, every JUVENILE REPORT received must be 'investigated' in order to determine the 'appropriate' course of action. The procedure by which such investigations are accomplished is as follows: the intake supervisor 'disposes' of incoming cases by 'assigning' them to individual probation officers. The supervisor first consults his 'book' to see if he has any record of a 'past contact' with the court or if, for example the juvenile has been or is presently on probation to one of the PO's. The book (as it is called by members of the bureaucracy) is a relatively new device which the intake

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2. See Wallace and Brennan (1963) for a 'professional' discussion of the 'intake function' in juvenile courts. As shall be seen, intake investigations do not invariably result in intake, but rather function to 'screen' cases and to 'sort' them into organizationally appropriate disposition tracks. For an idealized, public relations version of this process, see Appendix.

supervisor developed to facilitate the efficient and proper assigning of cases. It is actually merely a card-index which enables 'anyone' to quickly search for specific names to 'see' if they are 'active', i.e., have had a 'recent' contact, what the 'priors' are, and what probation officer, if any, 'has' the case. If the juvenile is determined by the supervisor to be on probation, the relevant probation officer is informed of the new development on his caseload by the receipt of the JUVENILE REPORT. The probation officer, in turn, is required to 'investigate' and then make a 'recommendation' as to what course of action should be taken by the court.

If, on the other hand, the juvenile is not determined to be on probation or to have 'been in recent contact with the court' in the recoverable past, the case is assigned to probation officers purportedly in terms of the 'size' of their caseload, i.e., the attempt is made to assign new cases to probation officers with the fewest probationers. During the period of my field observations, I was able to accompany four different probation officers as they attended to these investigations. The 'interviews' ranged in length from less than five minutes to more than two hours, and took place in a variety of locations, e.g., the detention facility, the juvenile's home, school, and one 'on the street'. I was typically present when the probation officer received the case, a fact which enabled me to record any 'comments' which he had about the case. After the interview, I would also have access to any 'notes' he made, remarks on the case, and the recommendation submitted. The recommendation submitted at this point should be distinguished from the later disposition recommendation which may be required if the case is dealt with through a

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formal court hearing. At this point, the practical problem at hand is to determine whether the case warrants formal processing by court hearing, or the various informal procedures which do not involve a hearing.

Important elements of the probation officer's task at this point may be usefully, if simplistically characterized in the following way: determine whether the 'facts' of the case warrant the use of scarce court time and energy at this time. If not, attempt to deal with the case in a competent and professional manner 'out of court', i.e., through counselling, admonishing, dealing with the juvenile's attitude, discussing the matter with the parents and enlisting their aid, arranging restitution, etc. If the case warrants formal processing, so recommend. In either case, display the appropriateness of the recommended action or inaction to the necessary persons and prepare them for it in any ways which seem necessary. By 'necessary persons' I mean persons who may 'make trouble' for the probation officer if such 'appropriateness' and 'preparation' are not adequately accomplished. I will now turn to some data to clarify the above remarks. First, a typical example of an 'obvious case' which the probation deals with by competently displaying 'appropriateness' after 'preparing' the principals:

Juvenile arrested for shoplifting. On the way to the juvenile's home, PO remarked that the case was 'mickey mouse', that the girl has 'probably taken the stuff on impulse'. He also said, however, that she had been lucky to have stolen from a store which did not routinely demand prosecution of all shoplifters. At the house, an interview with the girl was conducted. The PO stressed the 'seriousness' of the offense and obtained the juvenile's

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3. The accomplishment of these determinations is a complex issue in itself, one which need not be examined in detail in this study.

promise to write a letter of apology to the store involved. The girl expressed remorse. The probation officer suggested that her action had been a 'dumb mistake' and explained to her the fact that the court could take action on the matter. He said that he would wait to make his recommendation to the court until she had sent the letter and requested that he receive a copy. The probation officer then told her about what the probable consequences of any further infractions would be. The mother was then consulted and provided with roughly the same information. During their talk, the PO ascertained that the girl was 'grounded' as punishment.

Upon his return to the office, the probation officer scribbled the following note upon the JUVENILE REPORT, which he then took to the City Attorney's office:

OOO (stands for 'out of court')  
No priors  
Good family  
Apologized to complainant

The City Attorney accepted the recommendation and the matter was dropped. Notice that during the interactions the juvenile and her parents are engaged in a more or less collaborative production of a fairly specific understanding of the meaning of the particular case which had been earlier assumed to be appropriate. The juvenile, at the same time, is provided with a remedial exercise and the possibility of court action is interactionally employed to accomplish her cooperation. It is also ascertained that she is being punished, something taken to be an indicator of a 'good family' for present purposes. The juvenile and mother are also 'prepared' interactionally for the different consequences of subsequent infractions which will indicate that treatment as 'dumb mistakes' is not appropriate. Finally, note how the mundane 'obvious' character of the case as a poor candidate for the use of 'court time' is displayed in the recommendation.

That such 'obviousness' involves artful work and is an essential part of the competent accomplishment of the probation task is evidenced by cases where, for one reason or another, the 'obviousness' that a case recommendation is 'appropriate' is somehow called into question. By presenting a case which occasions a disruption of normal court proceedings and sanctioning of the PO, I hope to demonstrate the critical importance of the mundane accomplishment of 'appropriateness' for the efficient processing of cases. In doing so, I will introduce a concern, which will engage our attention throughout the dissertation, the display and analysis of the interactions during which juveniles and parents as well as court personnel are provided with proper understandings of the 'appropriateness', 'reasonableness', 'expectability', etc., of particular courses of action.

I had not been present during the intake interview on the following case, but had been alerted by a PO that a 'trial' of an extremely young juvenile was scheduled and that I might be interested. Since the case was going to trial, either the PO had recommended a trial or the City Attorney had 'overruled' an O.O.C. recommendation, an act which would be within his power. A juvenile of 7 years was being tried for taking the lunch money from a five year old and threatening to beat him up if he told anyone. After the charge is read, a 'heavy' set of infractions, the five year old victim is 'sworn in' as a witness. After his testimony, the judge recesses the trial and asks the principals to 'step out for a moment'. The judge then directed a question apparently to both City Attorney and probation officer:

Judge: Would somebody mind telling me why this case is being tried?

PO: Your honour, on the basis of my investigation we thought the seriousness of the matter justified/

Judge: /You did, did you? Well it never should have come this far! Do you think we've got an hour to waste on this thing? We're running behind now. Why didn't you just warn the kid?

PO: I didn't think he was taking the matter seriously. He didn't think it was serious.

Judge: Neither do I. Bring them back in and let's finish this damn thing. And I don't want to see any more cases like this one. We've got a hard enough time keeping up as it is.

Later in his office, the probation officer launched into an undemanded 'defense' of his recommendation for a trial. He suggested that he had screwed up during the recess by not stating the 'fact' that the school officials suspected that the offender was 'a leader' at his school and that other juveniles were involved in other, similar offenses with him. He continued:

PO: If he had known about the gang aspect, I'm sure he wouldn't have come down on me at that time, right in court. He would have understood. The kid could be dangerous. Taking him to court was the only way of making the point with that kid. Do you think that it came out in the trial enough?

Res: Yeah, I think so.

PO: Well, I'd better drop in on the judge this afternoon, make sure it got through. Thing like that is bad for business.

When the judge halted the trial, it appeared that he was genuinely puzzled about the fact that this particular case had reached trial. He provided the probation officer with an opportunity to 'fill him in', but the PO merely cited the formal, professional warrant for his recommendation. He made no attempt to display the 'facts' which he traded upon in the production of the recommendation. The judge expressed immediate dissatisfaction with the probation officer, taking the occasion as an opportunity to sternly criticize the latter's performance and, in so doing, his competence. Note that this 'backstage' exchange has been shielded from the principals in the case.

The judge seemed to 'see' the case as, e.g., a little kid picking on another little kid, a matter which 'obviously' should have been dealt with informally. The probation officer, on the other hand, was dealing with what he took to be a gang-related, assaultive robbery, a typification which warranted formal court action as a means by which a 'gang' could be controlled and a 'leader' convinced of the seriousness of his actions and their consequentiality.

The judge's lecture may be seen as an attempt upon his part to instruct the probation officer as to the inadequacy of his performance and to instruct him that he will be held accountable for such 'mistakes' in the future.<sup>4</sup> After court, the probation officer claimed that he had in fact, competently screened the case, but sensed that he had not displayed that fact when requested to by the judge. He also sensed that such matters could lead to 'problems' for him if the judge began to doubt his competence and, therefore, decided to discuss the matter with him immediately.

The following data from the same case shows us that the probation officer is held generally accountable for 'preparation' of the various principals in court hearings for their 'roles' in the daily operations of the court.

An 8 year old child is a 'witness' at the same trial. The judge is 'making sure that the juvenile 'understands' the meaning of an oath, a measure which is required by law:

Judge: And do you know what it means to lie?

Juv: Yeah, it's when you say something that isn't so.

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4. As we shall see, such an exchange closely resembles 'normal' interaction between probation officers and probationers.



Judge: And do you know what happens if you don't tell the truth when you're supposed to?

Juv: (pause) Um, I don't remember.

Judge: Mr. Brown! Didn't you talk with this young man?

PO: Yes, your honour Johnny, don't you remember that God doesn't want you to lie?

Juv: Yeah, God gets mad.

Judge: That's right Johnny, now this man (indicates City Attorney) wants to ask you some questions and you have to tell the truth.

Again, by attending to a disruption, albeit one slight and efficiently managed in a competent manner by the probation officer, we are able to catch a glimpse of some of the interactional work which underpins, and makes possible the more or less efficient operation of the court routine. We see that even the practically-adequate 'understanding of truth' by a juvenile is a matter of practical concern to the PO.<sup>5</sup>

After a discussion of my methodology and some ethnographic matters intended to credential my description and analysis, we will see that such concerns and the practical problems of disposition of particular cases are matters which must be dealt with throughout a juvenile's career with the juvenile court if and when he is rearrested or deemed to be performing inadequately 'as a probationer'. Thus, a mundane and pervasive concern with probation officers while 'working with' probationers is how to accom-

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5. One PO stated that he once forgot to 'rehearse' a very young boy 'about the oath'. When the judge asked what would happen if a boy tells a lie when he's supposed to tell the truth, the juvenile supposedly replied: "He'd probably do about five years for perjury." According to the PO his answer 'brought down the house, but was accepted as adequate'.

plish adequate performance on the part of the probationer and, at the same time, to prepare them for 'what will happen' if they do not perform adequately. Short of taking a juvenile back to court, I will be attempting to explicate and analyze the ways in which they attempt to deal with 'problems' in their caseload. If the juvenile is returned to court, either by the police on a new arrest, or by a probationer 'because probation is not working', how are the matters of selecting an 'appropriate' decision, accomplishing its appropriateness, and displaying it to the necessary parties managed as practical matters? How are the necessary 'understandings' accomplished during these interactions? What 'preparation' of principals routinely and mundanely takes place? It is to these matters that we will shortly turn.

### Biography and Identity as Ethnographic Resources

The field work upon which the present report is based was not my initial encounter with juvenile justice bureaucracies. Years earlier, as a graduate student of social work, I had spent two days a week for a nine month period working in a large urban juvenile court A as a probation officer. During that period I engaged in and was responsible for the accomplishment of many of the routine tasks routinely performed by probation officers, i.e., investigating cases by interviewing principals, preparing reports, making psychiatric referrals, appearing in court, recommending specific court actions, etc. During the following summer, I was able to spend several hours per week observing juvenile court B, a smaller, suburban

court, process juvenile cases. During that period I was able to engage in a great deal of informal interaction with probation officers, judges, and other court personnel.

During my period of tenure at juvenile court A, I was assigned a specially selected caseload of six juveniles on probation, and was supervised by a university field work supervisor. As per my instructions, I attempted to orient to my field work experience as an opportunity to 'learn about professional social work in a correctional setting'. I was introduced to various members of the court bureaucracy. I noticed but thought nothing of the fact that some of the persons I met seemed 'friendly' while others appeared to be rather 'cold' or 'brusque'. I later learned that the more extreme initial reactions to me almost invariably reflected their attitudes toward social workers which, in turn, seemed rooted in different conceptions of 'probation work'. Two of the officers were barely civil from the first meeting and became increasingly 'hostile' towards the social work student unit in general. We learned through other PO's that they joked about, criticized, and went so far as to complain to the administration about our unprofessional methods, e.g., sex education for girls in trouble, attempts to work with probationers in the community long after our critics had recommended incarceration and our unprofessional appearance, i.e., long hair for men, 'miniskirts' for women. The complaints which were duly passed down by the administration of the juvenile court bureaucracy stated that we were undermining the image of 'professional probation officers' in the court and losing 'community respect'. By doing this, we were said to be having 'negative impact as probation officers'.

The two probation officers who criticized the students most vociferously were critical of 'social work' in general and its correctional applications in particular. Social workers, or 'bleeding-hearts' were taken to be a major source or cause of what was seen to be the general failure of the juvenile justice system. Their argument seemed to be that 'liberals who run the government, the Supreme Court', etc., consciously refused to grant the 'powers' essential to successfully 'control delinquency!'. They argued that 'the system' wasted time attempting to 'rehabilitate' juveniles who 'just need a little discipline that they aren't getting from their parents' and that 'punishment' should be the goal of the correctional process in many cases. When the 'goal' of probation was mentioned by these two probation officers, it was invariably 'protection of the community from the offender'. 'Rehabilitation' and 'treatment' were treated as bitter jokes.

On the other hand of what I perceived to be a continuum, were two probation officers who greeted us warmly from the beginning, actively pursued our companionship and suggestions. Both saw themselves as professional social workers doing their best in a difficult setting. They readily gave advice on how we should go about our business as PO's and eagerly sought out advice, expressing interest in our experiences, ideas, treatment theories and methods, etc. They also talked readily of 'probation' as a dismal and almost complete failure, but located the 'causes' in such factors as undertrained, or inadequate staff, treating the symptoms instead of the problems, etc. Both expressed interest in returning to

school to get an M.S.W. The 'goal' of probation for them was 'treatment' or 'getting the kid functioning' and they were frequently attempting to try new 'group methods', 'games', etc., on their probationers. One probation officer had been dismissed because he came to work after a vacation with a beard. He later was reinstated after a lengthy court battle, but many probation officers remarked critically about his 'lack of professionalism' while others claimed that he was one of the few 'real' probation officers around insofar as he seemed to be able to develop relationships with probationers with whom other PO's had been unable to communicate.

In short, I learned that there was no clear, undisputed consensus about what 'probation' was and how probation officers should go about  
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 'doing probation'. The ways in which probation officers and other members of the court bureaucracy 'talked about' probation differed markedly. Furthermore, particular conceptions of and attitudes toward 'probation' were invoked to 'make sense' of their activities and the activities of others in the setting.

Competent probation officers had to orient to the particular conceptions of 'probation' held by other members of the court bureaucracy, particularly the judges and supervisors. This was true to the extent that those conceptions were seen to 'shape' judicial decisions about cases which a probation officer 'presents' in court, and administrative evaluations, etc., of the probation officer's performance:

6. I later discovered that such 'problems' of definition and the behavioural content of the probation task pervades the 'professional' and 'social scientific' literature on probation. See, for example, Tappan (1949), Young (1937), Diana (1960), Bates (1960), and Ohlin, et al. (1956).

In court bureaucracy B, the two judges were oriented to by probation officers as holding markedly different 'legal philosophies'. One was seen as being 'extremely legalistic' while the other was seen as 'very psychiatrically, or social-work oriented'. The former was alternately 'attacked' and 'admired' for attending to the 'legal adequacy' of cases. Social-work oriented probation officers were frequently heard 'complaining' about the fact that the judge had 'thrown out' one of their cases 'on a legal technicality', e.g., the probation officer had not 'prepared' the case according to the 'legal guidelines' which were to govern such matters, or had not 'informed' the juvenile that he was entitled to counsel, etc. For such probation officers, the judge had not attended to the 'important' features of the case as they had been formulated by them 'in court':

PO: How could he do that? I just can't believe it. The kid needs help and he just turns her loose. This isn't a criminal court for christsake - we're trying to help the kids.

The 'fact' that a PO's supervisor, a particular judge, or another probation officer was, i.e., 'basically a cop', 'social work oriented', or somewhere between was a salient practical concern which had to be attended to during informal and formal interactions, whether 'shooting the breeze' or 'reporting on a case in court'.

It should be noted that my discovery of and initial interest in such matters was not 'theoretical' but fundamentally practical inasmuch as I felt that members of the bureaucracy interpreted and reacted to my presence and actions in the setting of as those of a social-work-student-doing-and-observing-probation. Some probation officers, for example, openly and bluntly suggested that I should stay out of their way or keep my nose out of their cases because I wouldn't understand what they were doing. On one occasion a probation officer went to my supervisor with a request that I not interfere with his work by listening to his interviews with juveniles in the court waiting room. I had, in fact, been seated in

the waiting room, had seen him 'at work', but had not overheard the interaction. My supervisor suggested that even if that had been the case, that I should stay away from the concerned probation officer who had complained because his 'paranoia' might 'cause trouble' for the students.<sup>7</sup> On this and similar occasions, I learned that my 'fate' as a field work student in the setting was influenced directly or indirectly by various features of the setting and its personnel which received little or no formal recognition as relevant to my 'educational experience'.

The impressions, information, etc., which I gained through my experience and observations in juvenile court bureaucracies A and B were available to me as a resource while I subsequently planned the sociological field work in another juvenile court.

I also had available a newspaper account of a speech given by the assistant chief probation officer of the court which I was planning to study. His remarks to a local social service club were reported prominently in the local papers. His remarks reminded me of the similar rhetoric about the issues of 'delinquency' and 'probation' which had been voiced by a 'tough' juvenile court judge under whom I had earlier served. The newspaper account was titled: "Why Hoodlums Kick Ladies More Often Nowadays", and began:

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7. One year later, the field work 'contract' between the University and the juvenile court was terminated 'by mutual agreement'. Among the reasons for the termination was the fact that the relationship between many PO's and the students was one of ill-concealed 'suspicion' and 'hostility' on both sides.

Odds are good that the next little old lady whose purse gets snatched by a hoodlum will also get pushed down and kicked in the mouth.

That's how Dan Armstrong, Medium City's assistant chief probation officer sees the rising juvenile delinquency rate in the city.

"There's been a gradual increase in delinquency, especially over the last five years.

"And I note that in the last three years, there's been more in the way of violence with crimes than ever before" he told a Medium City Optimist Club meeting Wednesday night.

NO REASON.

"In the old days, a kid would snatch a little old lady's purse and that was all. Now, that lady is pushed, punched and kicked in the mouth for no reason," he said.

He said the increase in violence (sic) is a symbol of modern times.

"It's a general attitude around today," he said later when asked to explain the increase in violence.

"The youngsters resent any form of authority, which can be represented by a policeman, probation officers, courts, Uncle Johnny or Cousin Winifred, Mom, Dad, school, rules and regulations."

The assistant chief then went on, according to the account, to state that these 'facts' made the job faced by the juvenile court and its personnel difficult, and that increased understanding and support from the community was essential:

"We need more staff at our offices. There are times when a probation officer can be spread too thinly, and this has occurred," he told his audience.

According to Armstrong, Medium City probation officers average between 60 and 75 cases each. He said this was far above the international maximum average in 1968 of 40 cases a man.



Obviously, this article told me a good deal about how at least one relatively high probation authority in this court bureaucracy publicly perceived 'the problem of delinquency' and some of the practical problems of 'doing probation'. Delinquency was seen as growing worse and the solution was increased financial support for the court, especially the hiring of additional probation officers. The implication is that the additional probation officers will enable the probation bureaucracy to provide the community with greater 'protection' by 'controlling' the delinquent probationers through 'closer supervision'. This feature of the public presentation of the court bureaucracy, which I encountered constantly throughout my field experience with the court, was frequently coupled with a plea for funding for additional 'detention facilities', and/or 'treatment institutions' which were needed 'because' probation officers and judges did not have adequate resources with which to deal with juveniles and probationers.

The practical concerns expressed by members of the court bureaucracy, i.e., 'getting the word out on the bad conditions under which we function' and the importance of the court's task were, therefore, available to me as a 'researcher' before I approached them with a proposal to engage in 'research' at the court. I would like to be able to say that I had carefully and consciously thought through the implications of these concerns before I approached the chief probation officer with my proposal and request for access. I did not. Rather, I entered his office and introduced myself as a sociology graduate student who was interested in doing some

field research at the court, adding that I had worked as a probation officer and had been interested in the 'field of juvenile justice' for a long time.

After a short pause, the chief probation officer asked what I thought of probation work. I answered that I thought that the job was one of the most 'difficult' and 'challenging' that I had encountered (I did not mention my extremely limited work history). The CPO (Chief Probation Officer) then launched into what seemed to be a standard 'speech' on the matter of juvenile justice, the probation bureaucracy, and the 'need' for 'research'. The CPO, in effect, began to inform me about the need for 'getting the word out' about their needs and the problems that they encounter in attempting to provide the community with adequate probation services. The CPO explained that the probation bureaucracy itself was severely limited in its ability to do a 'proper job' of making its needs known to the 'public' or their representatives who 'held the purse-strings'. Besides having no funds to support their own research, the CPO stated that the legal proscriptions on publicizing their cases inhibited their ability to let the public know about the situation. He then told me that I would be required to respect the confidentiality of the cases. I replied that I would scrupulously shield the identity of any case materials that I found occasion to use. I also informed him that I would not be concerned with sensational cases, but rather the mundane, routine processing of typical cases. He then remarked that they did not keep 'good stats' but that I was welcome to what they did have and that they would appreciate any work that I might do in the area of organizing their evaluative data. I could

sense a bit of disappointment when I informed him that the primary focus of my study would be routine interactions that probation officers and other court personnel engaged in with juveniles and their families and that my interests, therefore, would not take me into questions of the effectiveness of dispositions. I went on to explain that I could offer no payoff for the court in terms of providing them with 'reports' which would be of direct utility in their everyday operations, whether the search for community understanding and additional funds or in providing them with ready-to-follow recipes for improving their delivery of services. I, then launched into an attack upon the existing literature and research in the field, claiming that sociologists studying delinquency and probation had not adequately attended to the routine accomplishment of probation, but rather engaged in ideological disputes over idealized versions of what they assumed happened. My intention had been to counter any suspicions that the CPO might have that I was engaged in a deliberate search for exposed material which would 'embarrass' the court and curtail community and governmental support.<sup>8</sup> By clearly stating that I would not be engaging in research which would be of critical interest to the community, however, I also made it clear to the CPO that my work might be of limited practical value to the court bureaucracy itself. By doing this, I felt that I might be able to pursue my research without encountering officials who were 'anxiously await-

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8. Much later I learned that, in fact, an earlier study of the court by a graduate social work student with whom the CPO had cooperated had been seen by the latter in just these terms, and that the CPO had at first considered refusing cooperation in my study for that reason.

ing' my findings and eager to look at my notes or discuss with me drafts, etc. At the same time, however, I was sacrificing one of the factors which might motivate their active cooperation in my study, i.e., the promise of a ready payoff for their cooperation. Since I was more interested in their acceptance of my presence in the setting than the 'active cooperation' of the high level authority probation authorities, I kept my promises to a minimum and merely asked to be granted permission to observe the everyday activities of the court.

Here, I took a cue from Melville Dalton's study of management. I wanted permission to be around the building and to talk to court personnel but was aware of the various problems which 'official sponsorship' might produce. Dalton stated:

In no case did I make a formal approach to the top management of any of the firms to get approval or support for the research. Several times I have seen other researchers do this and have watched higher managers set the scene and limit the inquiry to specific areas - outside management proper - as though the problem existed in a vacuum. The findings in some cases were then regarded as "controlled experiments", which in final form made impressive reading. But the smiles and delighted manipulation of researchers by guarded personnel, the assessments made of researchers and their, and the frequently trivial areas to which alerted and fearful officers guided the inquiry -- all raised questions about who controlled the experiments. This approach was not suited to my purposes (Dalton, 1959: 275).

My research setting and associated problems of gaining and maintaining access differed in some ways from Dalton's. I would like to now relate his remarks to my preceding account of high level official conceptions of the problem of delinquency and the problems it presents for the bureaucracy to my 'problems' as a researcher.

Dalton's goal was to study the practices of the very persons through whom official access is obtained:

...the aim is to get as close as possible to the world of managers and to interpret this world and its problems from the inside, as they are seen and felt at various points and levels (Dalton, 1959: 1).

'Managing' may include managing research and researchers in the organization, that ensuring 'approval and cooperation' opens the research enterprise to 'normal management practices' in a way that makes the research 'outcome' a product of the very impression management practices which should have been themselves examined.

From Dalton's study and reported experiences, I presumed that my study of the probation bureaucracy would have been significantly shaped by an attempt to gain 'cooperation' from the probation administrators. During my initial encounter with the administrator of the probation department, his concerns were the on-going concerns of a CPO engaged in the everyday activity of managing 'his' department. There was no 'time out' during which we 'objectively' discussed possible contribution that he and his probation officers could make to science. Rather, he was engaged in the eminently practical problem of attempting to do probation administration, and to determine the relevance of my research to that problem.

In this context, I would like to argue that his explicit inquiry as to how I 'felt about probation' and, secondly, his immediate attempt to tie my research to organizational goals were fundamentally conventional and routine methods by which administrators attempt to assess a researcher's motivation, goals, etc., to provide them with a basis for determining whe-

ther the research should be allowed, and/or actively supported by the administration. It is these considerations which induce administrators to view researchers as a potential source of 'trouble' and/or 'aid' in their everyday activities. If, for example, I had informed the administrator that I was 'shocked' by what I had read or heard about probation procedures, the CPO would, in all likelihood either have denied access to the bureaucracy or, more likely, introduced me to his assistant who would have earnestly attempted to give me 'an inside look' at the problems encountered in the attempt to provide professional probation services. I would have been subsequently introduced to selected members of the probation staff and court bureaucracy who would have been 'asked by the chief or assistant' to tell Mr. Darrough what we're up to so that he'll have a balanced idea of our operations here.'

On the other hand, if I had entered the court as a 'member of the team' (I suggest that this is the proposal that the CPO made once I had spoken of 'probation' as 'challenging', etc.), I would have been, again, provided with assistance in planning and carrying out my research which would have more or less subtly constrained to 'fit' my research to the 'needs', 'goals', etc. of the members of the bureaucracy.

I wish to emphasize the fact that I am not implying that the administrators would necessarily have been engaged in 'cynical manipulation', or that they would have been acting 'hypocritically', rather I am merely

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9. I say members of the bureaucracy rather than administrators for I will shortly show that administrators are not alone in their attempts to 'manage' research.

stating that they would have attended to my research as a potential source of trouble or aid and acted accordingly.

Now I would like to shift my focus and attempt to show that even 'completely free and uncontrolled access' to the bureaucracy which was formally sanctioned or approved by the administration would not have provided me with access to the kinds of materials and observations which, I have become convinced, are essential for the production of an adequate ethnographic description of 'probation work'. The reasons for this will enable the reader to obtain a firmer grasp of the setting.

First, the notion of completely free access does grave violence to the everyday world of the juvenile court. The administrators themselves do not have free access to all the activities of court personnel. It is, therefore, questionable whether 'it' is theirs to give. Probation officers typically viewed themselves as professionals and, therefore, attended to supervisory monitoring and administrative intervention in their professional activities as, at best, a necessary evil. In my discussion of the competing professional conceptions of probation in the court with which I was associated, I suggested that such matters were not merely theoretical, but that they were attended to, remarked upon, etc. Probation officers could be 'attacked' for being 'unprofessional' or looked upon as 'exemplary models' for other probation officers to 'learn from'. Administrative approval was, therefore, oriented to by probation officers as both a source of 'trouble or assistance' in career advancement. Probation officers could be and were fired or promoted because supervisors and/or administrators

regarded their performance favourably or unfavourably. The rather obvious, yet critical import of administrative sponsorship in the present setting for any researcher attempting to unobtrusively examine normal work routines is that the sponsorship itself will inevitably alter those routines.

Just as the CPO had attempted to 'check me out', to determine what I was up to and what I could do for or against him and his bureaucracy, so any probation officer would be orienting to my presence in similar terms. As an ethnographer, I attempted to develop a strategy which would enable me to observe and gather as much information as possible about the on-going accomplishment of normal probation work. In order to do this, I had to provide PO's with suitable and adequate 'answers' to the normal concerns that they would have about my presence during their performance of probation tasks.

One of the ways I sought to do this was to maximize my perceived independence from the administrative and supervisory personnel. I had decided that I could best achieve this independence in appearance and fact by obtaining my first line contact without the sponsorship of the CPO or his functionaries. Therefore, when I was introduced to the three line supervisors (I met the intake supervisor later), I did not ask them to introduce me to the PO's whom they supervised. Rather I gave a very brief account of my research interests, and said that I would be in touch at a later date, that I deeply appreciated their cooperation, and, finally, that I wanted to discuss probation with them in the near future. Two of them shook hands and left. The third expressed interest in my project. He invited me into his office and began to ask me about my design, background, etc.



When he expressed interest as a social worker, I informed him that I was an M.S.W. and that I had done my field placement at a juvenile court. He immediately 'warmed up', saying that he was 'happy to have me aboard'. Again, in his remarks, I took it that he was assuming that I was coming aboard as a member of a team, in this case a 'social-worker-probation officer/sociologist' who would join this supervisor in his long-term, on-going attempt to professionalize the probation bureaucracy. During our conversation, for example, he informed me that he wanted to 'upgrade' the use of the juvenile court as a field work placement by a local university's school of social work. He assumed that my professional training and experience in the other court would have prepared me for the job of upgrading the professional skills of probation staff and/or engaging in research which would provide the supervisor and the field of social work in general with new theories or applications of existing social work theory in a correctional milieu.

Just as the CPO qua administrator had attempted to enlist me as a member of the team who could contribute to the organization by 'getting our story out', the supervisor who was concerned with upgrading professional skills, recruiting more professional PO's, and training new PO's assumed that my interests qua social worker coincided with his. As with the administrator, I take it that his assumptions were based upon his in the practical tasks of training, professionalizing the field of probation as a case-work enterprise, etc. The 'probation as social work' literature shows that such concerns were not idiosyncratic to this supervisor in this setting

but reflect the on-going concerns of professionals in the field and one  
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 traditional conception of the role of research in probation settings.

Again, I would like to speculate as to the impact of perceived membership on this team on my ability as an ethnographic observer to gain access to the on-going accomplishment of probation tasks by probation officers. So membershiped, I would be able to observe, e.g., probation officers going about their business while being observed by a professional social worker with a background in probation who may be interested in checking out these probation officers in an attempt to determine their 'professional competence' as 'social workers'. From my prior experience in the other juvenile court as a social worker, I knew that my research experience and data would, in all likelihood, be shaped in at least the following ways:

First, I would be treated by some PO's as a resource for advice, etc., on how to go about doing probation. As 'an expert', I could be called upon at any time during my observations to constructively evaluate, or counsel my subjects about the competent accomplishment of the activity I was supposedly intending to merely observe, record, and report upon. At the same time other probation officers would, in all likelihood actively avoid or resist my attempts to observe their activities or shape those activities to display for me, e.g., the inadequacies of 'bleeding-heart social

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10. See, for example: Ives (1965), Kogon (1965), and Sedio et al. (1965). For discussions of members' conceptions of the 'role of research' and the 'identity of the researcher' as of both practical and theoretical concern for the ethnographic observer of settings see, for example, Cicourel (1968), Ford (1974), Mackay (1964), Stoddart (1968), Turner (1968), Wieder (1969). Of special relevance (insofar as he deals with 'sociological research-in-a-social-work-setting'), is Zimmerman (1966), note especially his "Appendix on Methodology".

work theory and method' for working in the setting. What I am suggesting is that the individual probation officer's interest in, attitudes toward, etc., 'social work' would significantly shape the probation officer's performance to the extent that they are attending to the presence of a 'professional research-social worker' who is 'here' for the express purpose of learning and/or teaching about probation-as-professional-social-work. Also, as an expert, I would be taken as one who could recognize bad or incompetent probation work, a 'fact' which could be viewed with some apprehension by probation officers who were not quite sure if what they were doing was good or competent probation work as I might define it.

Once again, therefore, I declined the invitation to join a team and once again noticed that the person who was making the offer displayed mild disappointment. I informed the supervisor that my interests 'for the moment' were oriented more toward discovering 'how probation officers are doing their work than how they should do it'. I told him that I did not think that I 'knew enough' about probation to be of much help, but that I would talk to him later if I discovered anything of use. We chatted on for a few minutes about my study. Again, he recommended that I engage in a statistical analysis of different treatment methods in order to produce an evaluation of the various methods, offering to provide me with assistance in obtaining 'outcome' information. When I informed him that I was going to attempt to do descriptive ethnography, the supervisor flatly stated that I would have "a hell of a time getting financial support for something like that. Maybe five, ten years ago you could have slipped through with

something like that, but in this day and age you've got to have numbers behind you. If you haven't got them, they won't listen to a word you say."

It had been necessary to obtain formal permission to observe court-probation work because most of the areas in which such interaction takes place were closed in some way. Also, the permission was then always available to invoke if and when it became necessary or useful, i.e., to gain access to the courtrooms themselves, to look at records, etc. What, in fact, I had been given permission to do was something which was always open to negotiation between the researcher and the various members of the court probation staff. I now, however, faced what proved to be an on-going practical problem, the routine mundane and continual accomplishing of access adequate for my purposes as an ethnographer: 'penetration' of the everyday world of the probation officer with minimum or at least delimited disruption of it.

The initial contact of a line probation officer was, therefore, accomplished in the following manner: a fellow graduate student had informed me that he 'had a friend who was a probation officer'. Furthermore, he said that the PO (Bob Smith) was a nice guy, easy to talk to, and would probably cooperate with me.. I decided to contact Smith by telephone and obtain his permission to drop by for a talk. When I was able to talk to Smith, I introduced myself as a grad student at the local university and also said that I had been a PO. I then said that I wanted to do something<sup>11</sup> about probation work for a seminar that I was taking. I then said that

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11. At the time of this contact no more was intended.

I wanted to come down to the court 'to look around' and that I had been in touch with the CPO who had said it was okay for me to be around the court. I then told him that I wanted to talk to someone who knew what was going on at the court, and that the probation officers were the ones who would know, not the supervisors who spend their days sitting in their offices. Such a remark was typical of probation officers and other social workers working in such settings and might have informed the PO that, for example, I knew what was up. I then stated that I wanted to see if things were as screwed up around this court as they had been around the one at which I had worked. In this way, I sought to convince him that I was not coming into the setting with naive, idealized notions of what it's like, or that, for example, I would be making comparisons of this court with a highly professional court, comparisons which, in effect, would negatively assess this court as opposed to that court. Rather, I recognized that being 'screwed up' was an invariant feature of court work, due to 'working conditions', etc., at the court. Smith laughed and stated that he was sure that 'things couldn't have been any worse' at the other court. He then asked what day I'd like to 'drop by'. I asked if Monday would be okay, to which he replied that I must have been kidding, asking if I'd forgotten what weekend was coming up. I replied that it was Halloween, then 'realized' what that 'fact' meant in the context of work routines and the scheduling problems

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faced by probation officers, adding jokingly, "Don't tell me the kids are

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12. Halloween is typically viewed by law-enforcement and juvenile justice personnel as a night which 'produces' a great deal of work. 'Kids' are seen as 'hell-raising' and the activities of these organizations are organized in anticipation of that fact. The police, custodial personnel, and court personnel 'get ready' for what is seen as 'the inevitable'.  
Continued . . . .

nasty around here on Halloween. How about Wednesday afternoon, think you'll have recovered by then?" He agreed to the proposed date, I wished him luck and terminated the call.

I would like to call attention to certain aspects of the above interaction which I take to be of relevance both to general problems of doing ethnographic research and to the more specific questions which I have raised pertaining to 'access' to this particular setting. First, I would like to point to the 'identity selection' or 'self-membership' activities in which I was engaged (Sacks, 1966, Turner, 1968). I would like to suggest that the 'fact' that the initial contact between myself and a probation officer (whom I hoped to observe) was a call from a 'friend of a friend' and could be so treated by the probation officer enabled the probation officer to orient to me as, i.e., 'a possible friend', 'someone to talk to', etc., rather than, for example, a researcher with whom 'the boss' expects him to cooperate. I might add that probation officer Smith and I did become friends and that as 'a friend' he was able to provide me with invaluable assistance both in gaining the 'cooperation' of other court personnel and in providing me with a great deal of information, practical assistance, etc., without which this report would have been impossible.

Before proceeding with my analysis of this contact, it would be useful to remark upon a possible misreading of it by the reader of the

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12. (Continued....) On Halloween, this particular probation department had PO's 'in the field after hours' in an attempt to monitor and aid the police in the 'control' of juvenile 'disturbances'. The Monday after Halloween would be attended to by probation officers as the day upon which 'Halloween cases' would first 'hit court', as a 'busy' day and, therefore, one which would be less than ideal for scheduling additional activities.

report. I do not want to give the reader the impression that I had completely 'planned' the interaction which I am describing or that I had engaged in a prior analysis of, e.g., 'problems of access' and then had carefully constructed a strategy by which 'friendship' could be traded upon in the accomplishment of my goals, as an ethnographer. Rather, the very fact that I made a record of the 'contact' and used it in the report is attributable to the fact that my thesis supervisor had encouraged me to treat my field work problems and activities as data for subsequent analysis. As a result (and without fully understanding the utility of such information), I conscientiously kept a record of my activities, concerns, etc., before, during, and after my initial contact with 'the court', i.e., throughout my experience in the setting.

Immediately after the phone call, for example, I jotted down as close to a verbatim account as possible and then 'filed' it. When I began to write up the research report, I discovered that such records are an invaluable resource both for general purposes of ethnographic description as well as for telling me and thus, enabling me to tell the reader how the data was gathered and hopefully, credentialing my particular uses of the data in the report. My interest in and use of such data are based upon my reading of a recommendation made by Turner regarding sociological uses of conversational materials:

...The sociologist inevitably trades on his members' knowledge in recognizing the activities that participants to interaction are engaged in....The sociologist, having made his first-level decision on the basis of members' knowledge, must then pose as problematic how utterances come off as recognizable unit acti-

vities. This requires the sociologist to explicate the resources he shares with the participants in making sense of utterances in a stretch of talk. At every step of the way, inevitably, the sociologist will continue to employ his socialized competence, while continuing to make explicit what these resources are and how he employs them. I see no alternative to these procedures, except to pay no explicit attention to one's socialized knowledge while continuing to use it as an indispensable aid. In short, sociological discoveries are ineluctably discoveries from within the society (Turner, 1970: 177, emphasis in original).

Stoddart has sought to explicate 'shared resources' in an attempt to make sense of what might have been dismissed as an aborted attempt to maintain access. He provides us with an account which nicely displays the impact of the issues of, e.g., identity and motivations of the researcher, in an occupational setting similar, in some respects, to the one with which we are presently concerned. I believe that the account warrants quotation in full:

It was originally planned that approximately one month be spent observing the police. However, on the second evening it became obvious that further observation would not be possible. What follows is a discussion of the events that led up to the termination of my observations of the drug squad.

I was introduced to the staff sergeant in charge of the Western City drug squad by the executive director of the narcotic addiction treatment center where I was employed at the time. The two had known each other for a number of years. He told the sergeant that the observations would be part of the treatment center's research program, and would enable me to "see the drug addict as the policeman does". The staff sergeant was quite receptive to this and said that on many occasions in the past probation officers, social workers, clergymen, etc., had accompanied the drug squad for this reason. One month was the agreed-upon length of the observational period. The sergeant told me to telephone him a few days before I wanted to begin the observations.

A few weeks later I telephoned the sergeant and informed him that I was ready to begin observing. He said that he would "set it up" and told me to come to the drug squad office shortly before six o'clock the following evening.



The next evening I reported to the office and introduced myself to the drug squad members who were already present. When I gave my name, one of them said: "That's very nice, but why are you here?". I explained my presence and it was obvious that they had not been informed that I would be accompanying them. One of the policemen phoned the sergeant to ascertain the legitimacy of my presence. Following this, the evening's work began.

During the evening, I explained the purpose of the observations to them exactly as it had been explained to the staff sergeant by the executive director.

At the end of the evening, the officers I had accompanied looked surprised when I said that I would be seeing them "tomorrow".

During the next evening, one of the officers asked me how much time I planned to spend with them. I replied that I had received permission to spend approximately one month accompanying them in their nightly activities. At this point one of the officers said: "Well, we're going to get rid of you as soon as we can -- like tonight". I asked if I had been "getting in their way" or hampering them and I was assured that I had not. They suggested that I see the staff sergeant for an explanation. Following this, I was told that the squad had some "special business" to take care of and I was driven to my home.

The following day, the staff sergeant told me that further observation would not be possible. He said that if I was injured during the course of observation, the police department would "...never hear the end of it". I offered to have prepared a legal document which would relieve the department of responsibility for any injury I might incur. At this point he stated that there was also a "security" or "confidentiality" issue at stake: he felt that the "hypes" might one day read my "book" and find out how the drug squad operates. He had told me earlier that drug users were well aware of the arrest-producing procedures employed by the police and I reminded him of this. However, he maintained that more observations could not be made "anyway" and refused to discuss the matter further.

The decision to discontinue further observations seems to have been made not at the administrative level but at "working" or "squad" level. The reason could have been merely that the police did not "like" me (although one member did invite me to his home to listen to recorded music) or that I hampered the performance of some of their tasks (although I was helpful on some occasions). An alter-

nate explanation is that the members of the drug squad engage in some activities that they do not want observed by an "outsider", i.e., the presence of an observer might interrupt some aspects of their normal routine.

There is often a certain amount of physical coercion involved in gathering the evidence sufficient to warrant an arrest for "possession of narcotis (sic)." (Indeed, at the time of this writing a coroner's inquest is being held to ascertain whether or not the police are responsible for the death of a drug user who suffocated during the process of being "searched" for drugs. Similar incidents have occurred in the past). A public issue is often made of this coercion by Western City civil libertarians.

I felt that some of the questions the drug squad members asked me during the evening were attempts to locate me on a liberal-conservative continuum (e.g., "I don't think smoking marijuana is really such a bad thing, do you?"). Despite my non-committal answers, it is quite likely that due to my affiliation with a treatment center they saw me as a "liberal" and a person who might react negatively to some of their methods (Stoddart, 1968: 12-14, n. 7).

I take it that this account provides at least some evidence that my earlier speculations (about what may have happened had I only cleared my entry into the setting with administrators) were sound. Note the 'checking

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13. That virtually all members of the court bureaucracy do, in fact attend to, and act to 'shield' court business from 'outsiders' is indicated by the following observation recorded shortly after I had begun 'visiting' PO Smith. As yet, I was unknown to all but one other PO:

"Bobby (Smith) had just left me in the office to go to court. He left a 'file' for a coming case, saying that I might be interested in looking it over. I had not started to read it but was looking at it when a man I recognized as a 'court officer' a person who's primary function seems to be 'page' probation officers and the principals, witnesses, etc., when they are supposed to go to court. He walked into the office and asked 'which case' I was 'on'. I answered that I was there to see 'Bobby'. He then left. After he had gone I noticed that he had covered the file I had been prepared to read."

Continued . . . .

out' done by members of the police department, the attempt to find out who the 'outsider' is, and what he's up to. Also, notice that probable complaints from the squad level apparently brought about a reversal of the administrative permission to observe work routines. Administrators might expectably act in such a manner especially when, as I had done, they were explicitly told that there would be no immediate 'pay-off' for their bureaucracy from the research. I, therefore, went out of my way to minimize the possibility of having either formal or informal 'complaints' made about my presence or activities.

I still have not provided an adequate 'explanation' of the relevance of Stoddart's experiences to mine. To do so, I would like to return to the phone call with which I made my initial contact with a probation officer. I would like to suggest that from the very beginning of my conversation, my attempt to gain access was greatly facilitated by what I recall as a rather 'offhanded' reference to the 'fact' that I had been a PO. From the moment that I so membershiped myself, our conversation became what could be described as 'shop talk' between persons who know what 'probation's all about'. Stoddart had been oriented to by the police as 'an outsider' of some sort. He offers several possible explanations for their refusal to allow him to continue observing their work routines. The

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13. (Continued....) After a few experiences such as this, including some 'hostile' stares from other probation officers, I attempted to become 'acquainted' with as many of the court personnel as practical as quickly as possible. I realized that they would start wondering about my presence and, learning that I was 'doing research', make the assumptions and attend to my presence in exactly the terms with which I had attempted to avoid.

'fact' that they may routinely engage in enforcement methods which may dismay a naive outsider or become ammunition in the hands of a 'liberal' outsider are possibilities which it is obviously in their interest to attend. On the other hand, it is also possible that naivete and politics aside, in all probability he was oriented to as a social worker or, at least, a representative of the ideology of 'treatment and rehabilitation' as 'solutions' to the problem of narcotics addiction and distribution, a perspective which systematically questions the utility of the existing enforcement methods. As I have suggested, even if such access is obtained, the status of the observed activities vis-a-vis 'normal' enforcement activities is problematic insofar as the 'attitudes' of law enforcement personnel toward 'treatment' and its practitioners and the related fact that such actors may take it that they are engaged in a heuristic exercise in which they are to 'educate' their observers, display their competence, knowledgeability, compassion, etc.

By entering the setting under study as an 'ex-probation officer' and rather quickly 'becoming friends' with at least a few of the probation officers in the court, I claim to have minimized the impact of the above factors on the activities I observed. I would like to point to other features of my field experience which warrant my claim to have observed 'normal', routine, activities of probation officers.

During early observations of probation officers, in spite of my strategy, PO's typically oriented to my presence and identity in the conventional terms which have been shown to characterize 'social work' and

'social-scientific' research. Thus, for example, a probation officer who had 'agreed to let me sit in' seemed to be 'uncomfortable' in the first observed interview with a probationer. During the interview he had glanced at me several times. Finally, he asked me if there was anything that I would like to 'ask' the probationer. I answered negatively and he dismissed the juvenile. After he had left, the probation officer asked me what I had thought of his methods, and whether or not I had any opinions about what the probationer's 'problem' was. In an attempt to put him at ease, I told him that I had thought that he had done a good job during the interview and that the kid seemed to 'respond' to him. Then, however, I informed him that I was not evaluating, or criticizing his 'methods' or 'figuring out how the job could be done better' but merely trying to see how probation officers go about 'doing a very difficult, demanding and thankless job'. After initial attempts on the part of observed probation officers to 'engage me in dialogues about probation or their methods and particular cases, they seemed to lose interest in me and my research because I did not actively enter into such discussions. If and when I was asked how things differed between probation here and in my former court, I would attempt to minimize the likelihood of being seen as a researcher making 'critical comparisons' by vaguely referring to the 'basic similarity of all probation departments'.

A feature of the offices in which most of the interviews took place which contributed to my ability to 'fit into' the research setting in an unobtrusive way was the presence of an 'extra' desk. All probation officers observed 'shared' their office with at least one other probation officer,

although they usually arranged their schedules so that they were infrequently in the office at the same time and never both engaged in interaction with probationers at the same time. Fairly often, however, a probation officer would be seated at his desk 'at work' while his office-mate interacted with a probationer or prospective probationer. Thus, the presence of a third party during probation interaction was not 'unique' to the research situation. As the researcher became well known in the setting, he was given relatively free and open access to the offices of probation officers and their files and records. He would be allowed to 'browse' through the filing cabinets in some of the offices, and to 'examine records', take notes, etc., at his leisure. As a result of this fact, he was often 'at work' in an office when one of the probation officers would enter the office with a juvenile, interview him, and leave, seemingly oblivious to the researcher's presence. These occasions provided materials which were then compared and checked against interviews during which the same probation officer had seemed more 'conscious' of the researcher's presence.

#### Techniques and Sources of Data

Much of the data upon which the following report is based consists of transcripts of naturally-occurring interaction between probation officers and the various persons with whom they routinely interact. Much of what I say about 'probation' as an interactional accomplishment is based upon my observations of such interactions and recordings thereof. I believe that some remarks about my methods of data-collection and related exper-

iences in the setting will be useful both in providing the reader with necessary ethnographic information about the setting and to underpin my claim that the transcripts, notes, etc., are equal to my uses of them in the dissertation.

In the above discussion, I have argued that I was able to gain access to relatively 'undisturbed' and therefore routine 'probation interaction'. I would now like to provide an account of my recording activities, beginning by pointing to the fact that the production of practically-adequate 'records' of activities in the setting is a non-trivial concern of members of legal settings in general.<sup>14</sup> Thus, such concerns were in no way peculiar to the researcher and it is an interesting fact that my habit of always carrying a clipboard with me and 'furiously writing' during my interactions with probation officers and while observing interactions between probation officers and probationers and other juveniles was never 'challenged' by any of the participants. Occasionally, a probation officer would 'jokingly' ask me about my 'writer's cramp' and I would reply, in kind, that writing 'kept me awake', 'forced me to pay attention', was probably 'a symptom of an early psychological problem which has produced an anal-retentive mode of adjustment', etc. The fact that I was present during several hundred 'probation contacts' ranging from brief phone calls to 'interviews' which lasted more than three hours enabled me to gather data upon a wide variety of 'activities' engaged in by various probation officers

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14. For a useful discussion of records, record keeping, and the uses of records in juvenile justice bureaucracies, see Lemert (1969).

throughout the various stages of 'probation'. My initial attempts at recording observed interactions were greatly facilitated by both my former experience as a probation officer and recording skills developed as a social work graduate student. My general familiarity with the probation task and the practicalities of doing probation enabled me to relate the observed interaction to the general structure of court-processing. I was able to 'follow' cases through the court process from 'arrest' to 'disposition', from 'original appearance' through 'probation' to 'termination of probation', 'placement', etc. I was called by probation officers when they were 'going out' on a case with which I had been involved as an observer. In this way I was able to get a sense of the 'flow' of activity, the practicalities of caseload management, and the organizational context in which probation work was accomplished. I was also able to observe and record the sequence of contacts between probation officers and juveniles at virtually all stages of processing.

Recording skills developed as a social work graduate student greatly facilitated the collection and organization of data throughout my field experience. The skills enabled me to prepare almost verbatim transcripts of many interactional exchanges which I witnessed. The social work 'skills' to which I refer are scrupulously pursued through the method of 'process recording', a teaching procedure during which the novice social worker is required to prepare an as-full-as-possible 'processual record' of selected interviews with 'clients' immediately following the interaction. Such records are then inspected by the student and/or his supervisor in order to locate and explicate the competent or incompetent use of tech-



niques, 'mistakes made', missed therapeutic opportunities, etc. The records are also seen to be useful insofar as they provide a more or less adequate documentary record from which subsequent organizationally, or educationally required 'reports' may be constructed. Purged of its fairly straightforward 'therapeutic' orientation, this preferred method of training social workers is of obvious value in ethnographic research. As a social work student, the formal 'goal' of the procedure was 'competent', 'professionally conscious' performance during interaction with clients. A method for 'recovering' relevant information about the student's performance which he had failed to include in his 'process recording' was the simultaneous tape recording of his interview which provided him and the supervisor with a yet-more-complete record of the interaction. Through 'practice' and/or 'drilling' himself by striving to achieve adequately full and accurate recording skills and 'testing' the results against the tape-recorded version of the interaction, the researcher became fairly proficient in recording.

Fortunately the 'professional' concerns which had shaped my experience as a student in social work were, as might be expected, present in the court bureaucracy now under study. Thus, many probation officers in this setting talked about and oriented to their interactions with juveniles as 'professionals-in-development' a perspective which was sanctioned by the administration both through constant verbal recommendation that the probation officers 'seek to develop their professional skills' and by the rewarding PO's for, e.g., taking relevant classes at local education institutions, engaging in 'workshops', etc. I have already suggested that record

keeping was a sanctioned activity in the setting and that that fact provided for the 'understanding' of my concern with recording interactions by members of the setting. My ability to obtain substantially accurate records of some extended interactional exchanges between probation officers and probationers, other juveniles, parents, etc., was facilitated when two PO's began to tape-record their interviews with probationers and/or their parents<sup>15</sup> after obtaining permission.

I was able, at the same time, to obtain the full cooperation of two of the three 'regular' juvenile court judges in constructing adequately accurate and full records of the 'formal' courtroom interaction which I was allowed to observe.

When one judge noticed how hard I was working at my note-taking, he said that I should 'feel free' to ask the court recorder about 'things I may have not been able to write down' during court recesses and the short intervals between hearings. Thus, I was able to take advantage, on occasion, of the 'official record' which was being kept by the court recorder<sup>16</sup> and the tape recording which was routinely made of court business.

Another source of information which I attempted to exploit as fully as possible was the 'informal' interaction which I attempted to engage

15. The probation officers carefully recorded their request for permission to record, and guaranteed that the 'confidentiality' of the interview would not be violated. Their interest, they stated, was in improving their ability to work with people. They then allowed me to 'listen' to the tapes, an opportunity which I took to 'check' my notes against a more complete record.
16. On one occasion the judge himself asked to have the tape played back 'during' a court session, because he hadn't been able to follow things during an extremely 'confusing' exchange between the City Attorney and the juvenile involved.

in with as many of the members of the court bureaucracy as possible. In addition to the information gathered during such interactions, I believe that such interaction served to allay 'suspicions' they may have had regarding my 'motives' for 'hanging around' and/or 'resentment' about my presence in the setting. I believe that if I had not engaged in repeated and sustained efforts to put various persons in the setting 'at ease', I would in all probability have been forced to drop my research in an early stage of the field work because 'complaints' would have been lodged about my 'snooping around' (i.e., my attempts at informality may have backfired if I had not been on the scene to maintain my credibility).

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17. On one occasion, however, I decided that it would be necessary to risk my 'access' to the court setting. This occurred during the final days in the field when I decided that the situation warranted risking whatever information I might be able to gain during the remaining two weeks I anticipated remaining in the setting. It is significant that the 'trouble' involved an administrator, i.e., one of the persons with whom I had consciously avoided maintaining an on-going relationship for the reasons discussed at length above. One of the probation officers informed me that he had overheard the new assistant chief probation officer (there had been a major administrative shift when the CPO resigned, the assistant CPO replaced him, and a person with whom I was only vaguely acquainted, moved in as the new assistant) inform someone that I would not be allowed to attend a 'staff meeting'. I decided that I 'needed' to attend the meeting inasmuch as I did not have sufficient data on such occasions. I hurried to the CPO's office and informed him that I was nearly finished with my 'study', thanking him for allowing me to stay after he had assumed control of the probation bureaucracy. I then explicitly asked if 'it would be okay' for me to attend the staff meeting, a request he granted without apparent hesitation. As I entered the room in which the meeting was to be held, I was approached by the assistant. Before he spoke I stated that I 'hoped' that he didn't mind me being there for the meeting, that Mr. Armstrong had 'said that it would be okay'. I stayed, and later thanked the probation officer for the 'tip'.

Finally, I conducted more formal interviews with probation officers and judges, some of which I tape recorded after obtaining their permission. I want to close this section by briefly describing one of these interviews, and my experiences both during the interaction as a participant and later, as an analyst listening to the tape recording of the interaction. I suggest that the incident quite nicely illustrates many of the conceptual and experiential complexities which I have been suggesting are intimately and inextricably faced by an ethnographer attempting to study probation:

I had spent the better part of two hours with a probation officer "waiting for" three probationers with whom he had scheduled interviews. Earlier in the week, in fact, he had approached me with enthusiasm, stating that he "thought that I would be interested" in a couple of cases he had coming in later in the week. He claimed that they would be 'good material' for my study. I did appear for the interviews both because the PO seemed to 'want' me to be present and because I thought that I would be able to 'see some probation-work'.

The PO was visibly upset, partially because he had gone out of his way to ensure my presence for something which was apparently not going to occur. Finally, he turned to me and suggested that 'at least' I interview him so that the afternoon would not be a 'dead loss' for me. I agreed, largely because I thought that he might be hurt if I did not go along with the suggestion. I was ill-prepared for an 'interview' but we were able to exchange remarks into the microphone for a few minutes when the phone rang. I forgot to turn the tape recorder off and as a result, the following exchange (we have, of course, only one side of the conversation on tape) became part of my data:

PO: Brown. (pause) Oh hi Johnnie, I thought that you were going to be here by now. What happened? (pause) Yeah, as long as you call me and have a good reason, but it's too bad, I sort of wanted to talk to you today. (pause) Umhum. (pause) What picture were you thinking of? Oh, that's supposed to be good. But what does your Mum say? (pause) Okay, and who all would be going? Fine. Everything okay at school? ((at this point, the PO covered the phone with his hand and 'whispered' rather loudly: One down, two to

go.)) Okay, well, I don't see any reason that you can't go to the movie as long as you're back by 12 sharp. You've been doing real good, keep it up, okay? (pause) And will ya try to get in here next week? Okay, see ya.

Without comment, the probation officer returned to our interview about 'probation'. Neither he nor I pointed to the phone contact which I had just observed as 'probation'. Rather, we both attended to what might have happened had the three juvenile's 'shown' for their scheduled probation interviews as 'probation'. It was only months later, when I began to notice that phone calls 'like this' routinely occur are, in fact, 'probation' par excellence, as I will attempt to show in this dissertation.<sup>18</sup> At the time of the 'interview' I did not think it 'strange', however, when the PO ended by 'apologizing' for 'not being able to do anything of interest today'.

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18. See, especially, Chapter Four.

### CHAPTER THREE

#### BECOMING A PROBATIONER:

#### THE LAYING DOWN OF TERMS

Once a juvenile is placed on probation, he frequently receives a copy of a document referred to both as his 'terms' or 'probation contract'. Since the activity of probation is, in many important respects, shaped by this document, I intend to deal with the document and its interactional uses at length. As we have seen, the legal warrant for placing a juvenile on probation is that he is seen as being 'in need of help and supervision and proper guidance'. Probation represents the family court's routine bureaucratic method of providing this help, supervision and guidance. The juvenile is instructed by both the probation officer and the judge that he is being released 'on probation', and that he is to behave and cooperate with his parents or guardian and probation officer. The following is a rather typical exchange between a judge who is placing a juvenile on probation and a 'new' probationer:

1. According to some probation officers, all probationers were supposed to be provided with terms. It became apparent, however, that this was not the case. Rather, whether or not a particular juvenile placed on probation did, in fact, receive a set of terms formally (i.e., typed out) depended on whether the PO had the time available to produce the document and whether the pre-court investigation had indicated to him that 'terms' would be necessary and/or useful 'given' the facts of the case. For example, when I asked a probation officer if there was any reason that some probationers were given terms while others were not, he replied:

Oh, I don't know, if we decide to get around to doing them. We're supposed to do them for every one of them of course. Some of them really don't need them - you know - no real problem at home.

Judge: Ok John, we're going to let you go home now. But I want to know if you've learned anything from all this.

((PO nods to juvenile, indicating that he should respond.))

Juv: Yeah. I shouldn't take things.

Judge: Steal things.

Juv: Yeah, I shouldn't steal things.

Judge: That's right. We don't want you coming back here. Mr. Smith (PO) is going to help you keep out of trouble. He doesn't want to see you back here either. I'm sure you don't want to come back, so you cooperate with him and your parents. Remember, we're all just trying to keep you out of trouble, so give us a change. You made a mistake. It was a serious mistake, a very serious one, but I don't think you're a thief. Now it's up to you to show me that I'm right about you. Ok John?

Juv: Yeah?

Judge: Understand?

Juv: Yeah.

Judge: If you have any questions, ask Mr. Smith. Good luck.  
((nods to PO who ushers mother and juvenile out of court room.))

I want to suggest, first of all, that this routinized, almost ritualized exchange is a critical stage in the interactional process by which a juvenile becomes a 'probationer'. Explicating some of the features of 'probation' as it is presented to the juvenile by the judge, as we shall see, are critical for our analysis of later probation interaction. I suggest that this exchange between the juvenile and the judge comes off quite 'efficiently'. There is no sustained argumentation or discussion. Rather, a good deal of the exchange seems to be designed to accomplish and record the 'fact' that the juvenile 'understands' the present occasion in a special way, a way which is an essential background for subsequent inference and action.

What is accomplished during this exchange? First, and perhaps most significant, the juvenile is constrained to place 'on record' what the judge takes to be the proper understanding of his prior behaviour as well as the meaning of his release. Note how the judge forces the juvenile to describe his action and the 'lesson' in explicit legal terms: that he was "stealing" rather than merely "taking things".<sup>2</sup> The judge then moves to a

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2. A British magistrate and legal writer suggests that such an exchange and the associated interaction may have a 'significant' and 'long-lasting' impact on a juvenile. I quote her at length:

It must be remembered that the appearance in court and the careful recital of what happened, the discussion with the parents and the complainant, and finally with the child himself, all build up into an experience which will become part of his life. A child who comes into court with no feeling about having done something wrong, in spite of knowing that he has done it, sometimes seems to acquire such a feeling during the proceedings, as if the gap between his private view of life and that held by society had suddenly diminished. Such a child recently charged with having picked up a number of boxes of pencils and taken them away from a locked warehouse into which he had climbed. After a finding of guilt he was called up to the Bench and the following conversation took place:

CHAIRMAN: What is a person who takes things belonging to other people called?

CHILD: (slightly self-righteously): A thief, sir.

CHAIRMAN: (after a pause): Is that what you are, then?

CHILD: (after a long pause): No sir...I just wanted the pencils...(further pause, followed by a visible internal struggle and the beginning of tears...) Yes sir!

Only the subsequent behaviour of the child will show whether this was anything more than the same intellectual perception with which he entered the court, or whether he had at that

Continued . . . .



description of probation, one which calls the juvenile's attention to one of the formally recognized goals of probation and, therefore, the probation officer: to keep the juvenile out of subsequent trouble. The juvenile is instructed to see his probation officer and his status as a 'probationer' as help proffered by the court. The judge states that the goal is one shared by all concerned, even the juvenile himself. The juvenile is asked to 'cooperate' with the PO and his parents, who are merely attempting to help him. The judge then provides the juvenile with a reason for cooperating by alluding to the provisional nature of the present decision, displaying for the juvenile the fact that his action is being treated for the present as 'a mistake' rather than an adequate indicator of his essential moral character. Thus, for now, he will be treated as a 'kid who made a mistake'. Subsequent infractions, or a lack of 'cooperation' may be taken to indicate that such a categorization was in error and provide the grounds for dealing with the juvenile as a 'real' delinquent.

2. (Continued....)

moment succeeded in finally accepting a little bit more of reality for himself. In these cases the subsequent attitude of the parents or, if necessary, of a probation officer to the offense is probably the paramount factor in consolidating or arresting any movement which may have been made (Cavenagh, 1967: 151-152, emphasis added).

Note how probation may enable the court to monitor the 'subsequent behaviour' as well as providing the probation officer with the mandate to actively seek to 'consolidate' any movement which may have been made, i.e., in the direction of a 'proper understanding'.

3. As Carl Werthman has argued, the label "juvenile delinquent" as it is used in practice by the various adult authorities who apply it in the world, is "ultimately a condemnation of moral character rather than a negative judgement about one or more specific deviant acts." (Werthman, p. 7). Briefly, his argument is that commission of deviant acts, in and of itself is insufficient to ensure treatment of a juvenile as essentially delinquent because such judgements are based upon knowledge Continued . . . .

The judge's description of 'probation' provides the juvenile with the materials with which he may construct a 'proper' understanding of the phenomenon of probation and his 'role' as a probationer. Thus, the meaning of the present offense as well as future infractions will be determined at least partially by reference to the general performance of the juvenile as probationer. On the present occasion there is no attempt by the judge to explicitly set out a set of 'rules' with which the probationer must comply. Rather, the probationer is told to show the judge that he is not a thief via his 'cooperation' with the probation officer and parents. As we shall see shortly, the probationer may be almost immediately confronted with an occasion upon which he is constrained to 'cooperate', i.e., he is asked to sign a specific set of probation terms shortly after his court appearance.

I want to suggest that 'cooperation' is not something which is seen as beginning after court appearances. Whether the juvenile 'cooper-

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3. (Continued...) of a person's fundamental attitude towards authority, of which his behaviour is merely an imperfect indicator.

The gap between character and behaviour which may render their fit imperfect presents officials and laymen alike with a practical problem of inference in any particular case where one must decide whether or not a youth is really, or essentially delinquent. The perceived adequacy of this inference may be seen to rest on the credibility of the labeler's reading of the 'real meaning' of the behaviour:

Simply to know that a boy is frequently truant, for example, tells us nothing about his general attitude towards the laws against truancy. The truant may not be responsible for his behaviour; he may be slightly rebellious; or he may be acting in a complete and willful disregard. (Werthman, 1964: 9).

The probation system functions to provide the juvenile court with perceivably adequate and credible 'readings' in the form of 'probation reports'.

ates' in pre-court interviews with the PO is, as I have shown, treated as a critical factor in the decision to 'go to court' or settle out of court. Note that in the hearing the juvenile is cooperating insofar as he is providing expected, adequate answers to the judge's questions. Earlier, the juvenile had cooperated with the PO by admitting that he had committed the delinquent act and asking to be 'given a chance' on probation. When placed on probation explicit reference is frequently made to the 'fact' that the juvenile has 'cooperated', and to the 'fact' that he 'seems to have made a mistake and is ready to face up to it'. The juvenile's cooperation enables the interaction to come off the way it does. He picks up cues from both the PO and the judge. The PO, judge, and juvenile 'team up' to get through the occasion in an efficient, nonproblematic way.

In the absence of this style of cooperation, the interaction takes on a different character, although the tasks at hand may be handled just as routinely and efficiently. Here I am speaking of the juvenile placed on probation who has, in one way or another, indicated to the Probation Officer before the hearing that he questions or challenges the 'probation-as-help' conception of probation offered by the PO during early interactions. That is to say, juveniles who show that they see court intervention as unwarranted and probation 'help, supervision and guidance' as an unjustified violation of their privacy and autonomy rather than as a resource for 'help' are typically dealt with in a style different than that outlined for 'cooperative' juveniles. A practical task for the PO in such cases is to prepare the juvenile for his appearance and then to alert the

judge to the fact that the juvenile is 'non-cooperative'. In such cases, the judge's remarks to the juvenile markedly differ from those made to most other juveniles:

The juvenile in this case has 'admitted' that he committed the delinquent act (shoplifting), but in pre-court interaction said that it "wasn't serious" and that the PO didn't have any business "telling" him what he could or could not do. While the PO speaks to disposition, the juvenile 'slumps' at the table looking at the floor.

PO: I've discussed the offense with John and think his attitude leaves much to be desired. I'm recommending probation in this case but think that he's going to have to change his entire attitude if it's going to work.

Judge: All right young man, what do you have to say for yourself?

Juv: I don't see what the big/

Judge: You stand when you address the Court! So you don't see do you? Well that's fine. I'm going to put you on probation just because Mr. Brown (PO) wants to give you a chance to make it work. He's willing to take a chance on you. But if you get into any trouble, if you step out of line - and Mr. Brown's going to keep me informed - you're coming back here so fast your head will swim! Do you understand that?

Juv: Yeah.

Judge: You'd better straighten out! And I mean right now buster! Now get out of here and don't come back, if you know what's good for you. ((closes file and turns to PO)) Mr. Brown, you keep a close eye on him. If he steps out of line I want to hear about it!

Note how 'probation-as-help' has been de-emphasized in this talk about probation. In its place is a notion of probation as more or less straightforward surveillance. The juvenile is being prepared for probation in a way which differs markedly from 'cooperative' juveniles. I suggest that this juvenile is being provided with the resources with which to 'explain'

future failure as a probationer. The PO in effect, informs the judge and the juvenile, in the above exchange, that 'failure' will be the expectable, understandable outcome of probation if his attitude does not undergo a significant change. The judge's characterization of his 'reason' for granting probation is that the PO asked for 'a chance'. The probation officer, even in this case, therefore, is presented as a person who convinced the judge to give the juvenile 'a chance', a 'fact' which may be seen as encouraging the juvenile to change his attitude about probation and the probation officer. Note that the juvenile's attitude is attacked and the probable consequences of the attitude are made available to him, but there is no extended attempt to 'convince' him, to engage him in a dialogue about 'why' his attitude is 'wrong' or the moral meaning of his offense. Rather, the primary thrust of the remarks focuses on the 'fact' that subsequent infractions or behaviour the PO deems reportable will be immediately acted upon by the court. The role of the PO in transporting discrediting information to the judge is stressed. Note how this contrasts with the benign description of probation offered to 'cooperative' juveniles, although the differences are matters of emphasis rather than kind. The different elements of 'probation', i.e., 'supervision and guidance', 'surveillance', 'help', etc., surface in all probation interaction. For example, the implicit offer of help embedded in the above description of probation may be activated by the probationer or the probation officer during subsequent interaction. At any given point, surveillance and control may become issues in the interactions between probation officers and 'cooperative' probationers. Quite obviously, 'cooperation' may be a strategy employed by the

juvenile to 'get through' a hearing. This is a possibility to which the PO must attend, and may have to deal with during later interactions.

On other occasions, the probation officer raises the issue of a specific term or set of terms in court, typically because the PO feels that the juvenile 'needs' to be instructed by the judge.

The PO in this case has asked that a girl who was before the court on a shoplifting charge be allowed to go home for three weeks....

PO: ...in order to try out living at home and to try to get a job. This would be with your honour's understanding that she doesn't hang around down town around the (department store). This will have to be one concession she makes. She knows this, I've discussed it with her thoroughly, and her parents know this - it's been discussed and I will put it down in the rules that she must/

Judge: /that she must not come to ~~thendowntōwn~~carear by herself. Are you willing to try Shirley? ((Juv nods)) You can't live by stealing and that's what this amounts to, even shoplifting. Find a job and conduct yourself properly and don't get into anymore trouble. You cooperate with Miss Smith (PO) and your parents, they're just trying to help, OK?

Juv: OK.

Here the probation officer assumed that 'hanging around downtown' was an activity causally related to the offense, shoplifting at a downtown department store. Therefore, she informs the judge that she will proscribe the activity for the juvenile. She places 'on record'<sup>4</sup> the fact that the 'rule' has been 'discussed' with both the juvenile and her parents.

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4. When a PO speaks 'to the record' or places something 'on record' they typically never expect to see the transcript, for transcripts of these hearings are almost never prepared. Rather, I see such tactics as interactional devices intended to provide juveniles with the sense that 'a record' of their activities, promises, agreements, etc., is being kept. To the extent that this is accomplished, such 'promises', 'agreements', etc., may later be traded upon by court personnel during probation interactions.

The collaborative utterance of the judge then displays to the juvenile the judicial force behind the rule, the fact that the rule is not just a matter of interest to the probation officer, but to the court. The rule as phrased by the judge differs from the one later presented to the juvenile by the probation officer. The judge stated that the juvenile was not to go downtown 'by herself', while the rule presented by the PO stated that she 'must be accompanied by a parent'. The PO thought that the judge hadn't thought about the rule as she stated it, insofar as the probationer could be in compliance with the grammar of that particular rule "if she and a friend went downtown to rip a store off. I mean, she wouldn't be by herself, would she?" The discrepancy was not pointed out to the juvenile in the subsequent interview between PO, parents, and juvenile. Under the rule as formulated by the PO, note that the future inferences that the court may make about this behaviour as well as subsequent infractions may be bolstered by reference to the fact that she is 'in violation' of at least this term of probation as well. Any treatment of 'probation' as an interactional accomplishment must carefully examine such rule-use in context.

I will shortly turn to an analysis of post-court interviews during which the 'terms of probation' are explicated. First, however, it will be necessary to describe the document around which such interaction revolves.

#### The Terms

The document "terms of probation" is prepared by the PO and typed on court stationary which cites the names of the judges, and the Chief Pro-

bation Officer as well as the address and phone number of the court. Following is a typical example:

May 12, 1974

TERMS OF PROBATION FOR JOHN SMITH

PROBATIONER MUST ABIDE BY THE FOLLOWING TERMS:

1. Probationer must be of good behaviour at home, at school and in the community.
2. Probationer must attend school regularly and must not be truant or tardy.
3. CURFEW: Probationer must be off the streets and in his home as follows:

10:00 P.M. - week nights

11:30 P.M. - weekends (Friday and Saturday only)

Probationer must respect this curfew. There will be no extension allowed on this curfew.

4. Probationer must report to his Probation Officer when requested.
5. Probationer must not associate with Larry Brown, nor with any other known delinquents, after school or at any time.

Probationer is made aware that any violation of the above Terms constitutes a Breach of Probation, and may result in his being brought back before the Court.

I have read and fully understand the above terms.

Signed: \_\_\_\_\_  
John Smith

Witness: \_\_\_\_\_  
R.S. Jones, Probation Officer

Date: \_\_\_\_\_, 1971

As we have seen, children are placed on probation when the court formally determines that they are in need of 'supervision and guidance'.



Probation has been explicitly designed by adult authorities to provide assistance to the adult 'socialization' agents, i.e., parents, teachers, etc. The document 'terms' of probation' represents the formal record of the proffered "supervision and guidance". A juvenile placed on probation is faced with a set of 'rules' by which he is instructed to live if he is to get off probation. As we shall see, the probationer is encouraged to organize his behaviour, i.e., to determine whether or not to engage in activities, associate with specific individuals, etc., according to the terms. It is through probation interaction that he is encouraged to employ the terms as a mechanism for selecting and rejecting activities and associates.

I will describe the various types of 'rules' which are typically included in the document.

1. General Behaviour Clause - this clause requires the juvenile to 'behave' at home, at school, and in the community. Note that the rule is not restricted to the specific 'area' in which the prior behaviour occurred. The juvenile is held generally accountable. Subsequent rules specify some of the critical attributes of 'good behaviour' in the three settings.
2. School Attendance Clause - regular and punctual attendance are required. Note that compliance with this rule is documentable, i.e., an adult authority in the setting may be contacted to confirm reported performance.
3. Curfew - the probationer is instructed that he must be 'off the street and in his home' by a specified time. On this particular

set of terms, the PO has ordered that there will be "no extension allowed on this curfew." On other terms the PO may allow parents and/or the PO to grant extensions. In our subsequent analysis, we shall examine the practical consequences of such formulations. The mandatory character of the present document reflects the fact that the PO does not feel the parents capable of 'saying no' to this juvenile as well as his wish to not have to 'say no' to the kid 'every week'.

What the curfew time shall be in any particular case depends upon the age of the probationer, the type of offense, and 'the family situation'. Thus, any older probationer is typically allowed to stay out later than a younger one, but the hour is usually set earlier than what the PO takes to be the local norm for non-probationers. If the delinquency involved activities during the afternoon, the PO may require the juvenile to return home immediately after school every afternoon. The probationer may be required to spend his weekend afternoons in some supervised setting or with his parents. On the other hand, a juvenile who is not seen to be 'a problem' in these respects, may not receive a curfew.

4. Appointment - the probationer is required to report when requested. Frequently the PO specifies that the probationer is to meet with him each week at a specified time. Such a term is usually accompanied by a procedure to follow in case of 'illness', etc., but the procedure typically involves a phone contact. Thus,

under this clause, the probationer must engage in face-to-face contact with the PO when the PO requests it, a requirement which facilitates adequate documentation of performance via routine interaction.

5. Association Clause - the probationer is frequently required to avoid 'association' with one or more juveniles named in the document as well as 'any known delinquent'. The juveniles specified are typically those involved in the present offense as well as, on occasion, juveniles whom the parents or others suggest are 'bad influences' on the probationer.
6. Miscellaneous Clauses - other clauses may be included with or substituted for the above clauses. For example, if the juvenile is not attending school and the probation officer and/or parents decide for one reason or another to not require attendance, the juvenile may be required to 'seek and maintain employment'. If the offense involved drugs or alcohol or if the parents or probation officer think that there is a 'drug problem', the probationer may be instructed to 'not use any drugs or intoxicants other than those prescribed by a doctor'. If the juvenile 'sniffs glue' a rule may specifically proscribe that activity. A specific locale, i.e., a park or clubhouse may be defined as off limits. The probation officer may generate additional rules, theoretically at least, ad infinitum, making them as 'specific' or as 'vague' as he feels necessary for the purposes of supervision and guidance of a specific probationer. Juveniles, for example, received the following versions of the terms:

Probationers must respect his parents' discipline, and must co-operate when asked to do any chores around the home.

Probationers must report to his Probation Officer, at a time and place designated by Probation Officer WITHOUT FAIL.

Probationers must complete the chores assigned by his parents. Probationers must either return to school or be working with Mr. Smith.

Probationers must respect his mother's curfew. He must not stay out overnight unless he has mother's permission.

Probationers must attend school regularly, and if probationers is away from school because of illness, he must produce a written explanation from his doctor explaining why he was absent.

Probationers will not associate with any known probationers or known troublemakers in the community.

Probationers MUST NOT go near the Starbuck Hotel situated at 100 S. Greenwood; this area is strictly OUT OF BOUNDS for probationers.

Probationers must be home for meals on time and must not be late unless he has permission from either his father or sister.

Probationers must not stay out overnight unless he has permission from his father.

Probationers must obey this curfew unless granted an extension by his probation officer.

As mentioned above, some juveniles do not receive terms, except for a suggestion that they 'keep their nose clean' for 'a few months', after which the PO states that he will go back to court and have probation terminated. For one reason or another, the probation officer feels that these juveniles 'don't need' terms. For the others, terms are seen as the only 'fair' way to operate. In still other cases, the terms may be seen as simply a mechanism for punitive scrutiny and control, e.g., a probation officer said of one juvenile who had insulted him during the pre-court interview:

I'll show that little bastard. His terms'll be so tight he'll have to ask me before he takes a crap.

In effect, such terms call for a massive reorganization of the everyday life of the probationer, a reorganization which has been designed by adults to keep the probationer out of trouble, while at the same time make 'infractions' more visible and accountable. It might appear that a probationer could avoid trouble 'easily' by 'merely' following the rules. For the juvenile on probation, however, the rules themselves transform the world in which he exists into one which is markedly more hazardous. What I mean by this is that heretofore 'unproblematic' or, at worst, marginally acceptable behaviour has suddenly become sanctionable. Certain 'friends' must be avoided, school must be attended, hangouts avoided, parents, teachers and probation officers disobeyed only at risk, etc. Nights are to be spent home (weekends often included), unless arrangements made, permission granted, and companions and destinations discussed and approved.

The terms are seen by probation officers on specific interactional occasions as the tools by which the 'goals' of probation may be reached. They may be perceived by both probation officers and probationers as 'help' or as 'weapons' with which the probationer's everyday life may be supervised and guided. They are, in fact, resources which are available to both officers and juveniles. In the pages which follow, we shall examine the interactional occasions during which the juvenile becomes a probationer. I would like to suggest that the process may be usefully viewed as occasioned programming, or 'socialization' insofar as the PO is consciously engaged in

an attempt to provide the juvenile going on probation with an understanding of 'probation' which will be adequate for the practical purposes of the PO.

### Interactional Laying Down of Terms

I now intend to examine some of the techniques and strategies whereby probation officers, deploying the terms, attempt to program juveniles who have been placed on probation with understandings adequate for practical purposes of the PO. The signing of the terms often takes place immediately after the court hearing, a fact which enables the PO to give the juvenile the impression that the hearing and signing of the terms are both parts of a single occasion. Valuable court time is thus saved insofar as the time-consuming 'explanation' of particulars of probation does not have to be done in court. At the same time, the formal-legal style of the PO's interaction as well as strategic invocations of 'the judge' and 'the court' provide the juvenile with the sense of being 'in court'. The judge has instructed the juvenile to 'cooperate' with the PO, who is 'here to help you keep out of trouble'. During the ensuing interaction, the probation officer attempts to adequately 'spell out' the meaning of these terms as they relate to the document 'the terms'. I wish to consider a record of one such interview which is rather typical:

A new probationer and his mother have entered the PO's office. The juvenile has been found delinquent for a series of thefts he committed as the member of a juvenile gang. The PO smiles and waves the probation contract at the boy.

PO: Well here's the bad news. Now what we're going to do is go over these and I'll read them out aloud. You stop me on any questions you have, but you've got to sign all three copies. Then after that you'll witness it Mr. Darrough, Okay?

((Juvenile and researcher both nod))

Juv: Okay.

PO: So, ((reads in a monotone)) "The probationer is to behave at school, at home, and in the community.

Juv: Yeah, I know.

The PO opens the interaction in a 'cheerful' manner yet, at the same time, explicitly refers to the terms as 'bad news'. He then provides the juvenile and his mother with a description of what they are going to do and how it will be accomplished. The terms are to be 'gone over'. The PO will 'read them out aloud' while the juvenile is invited to stop the reading for questions he might have. The juvenile is thus constrained to speak only when asking questions, the relevance of which will then be determined by the probation officer. The PO in this way provides himself with a device with which he may control the interaction. The PO then moves to undercut any notion the juvenile may have that 'to ask questions' means that the terms are open to negotiation, i.e., that a possible 'answer' to a question would be a changed term. Instead, the probationer is informed that after the reading, he must sign all three copies. The PO then asks the researcher to 'witness' the signing of the document, an ad-libbed device which both accounts for the extra person in the rather small office and trades on his presence in the accomplishment of the business at hand, i.e., to impress on the juvenile the formal-legal-consequential nature of the present occasion and the binding nature of the probation contract. He also

asks the researcher to 'witness' the signing of the document, an unrehearsed, ad-libbed strategy which both accounts for the researcher's presence and trades on it to heighten the juvenile's impression that the signing is a binding act.

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PO: So, ((reading)) The Probationer is to behave at school, at home and in the community.

Juv: Yeah, I know.

PO: No, to be perfectly honest, that's a catch-all. That gives me the power to interpret what, uh you know - if I don't consider what you're doing to be something that you should be doing - Like if I were to be driving by and see you doing something I don't think you should be doing, I could ((taps terms)) you understand?

Juv: Yeah ((quietly, looking at floor))

PO: Makes me the heavy. OK. ((all smile, juvenile laughs))

After setting up the machinery with which he may attempt to direct ensuing interaction, the probation officer shifts his interactional style when he begins 'reading the terms', adopting the monotone which is routinely employed in much courtroom talk. The first term read is the standard admonishment to "behave at school, at home and in the community". In responding to the first rule, the juvenile states that he 'knows'. This may appear to be a proper and adequate response, a signal to the PO that the juvenile does, in fact, understand the rule and that, therefore, the PO may move on to the 'next' rule. Quite obviously, the PO does not treat the utterance in this manner. I suggest that his response can tell us a good

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5. This strategy misfired when, at the end of the interview the researcher 'witnessed' the document by signing on the line marked 'witness', a line which turned out to be 'reserved' for the PO.



deal about probation as a practical activity. On this occasion, the probationer's utterance represents a rather elaborate display of what the PO would take to be at best a 'misunderstanding', and at worst the 'wrong attitude'. The PO's utterance may be seen as an attempt to 'repair' the defect. The juvenile, via his intonation, facial expression, etc., gave me the impression of being angrily impatient with the reading procedure, i.e., that he thought it was unnecessary.

The PO then switches back into a 'personal' interactional style by dropping the legalistic monotone, removing his glasses, leaning toward the juvenile and staring into his eyes. The youth is addressed in a conversational mode rather than 'read about'. In this way, the PO transforms the youth from subject into interlocutor. The opening reference implies that the juvenile is going to get the 'real story' on probation, that the PO is going to 'level' with him, i.e., give him some 'inside' information which should be useful. He underpins this particular reading of his remarks by informing the juvenile that the reading of the terms are 'news' after all insofar as it is only through the present interaction that an adequate, or 'proper' sense of their meaning may be obtained. By this, I mean that the PO subtly reveals that it is the PO who will decide whether any particular act of the juvenile's will constitute a 'breach' of the terms. That is to say, whatever the PO himself 'doesn't think the juvenile should be doing' will be sanctionable.

The practical import of this for the juvenile is that 'knowing' the grammar of the rules will not tell him what probation 'means' under this

particular probation officer. The utterance, therefore, points up the discretionary power which may be wielded by this PO, a fact which constrains the juvenile to attend to the present occasion if only as a means of determining how this PO will exercise the power, information which will be useful in dealing with the practical problems of being on probation.

The utterance also confronts the juvenile with what for him may be the practical problem par excellence, the fact that probation means that at least for the immediate future his everyday activities may be monitored, assessed, and become the basis of further action by the court. The remark displays the fact that his life has been rendered public in an important sense. What he may take to be private matters, i.e., nobody's business but his or just between him and his parents may now become the business of the probation officer. We shall see that the PO may be faced with regular attempts by probationers to shield their activities from his scrutiny through the employment of a variety of interactional strategies. In the utterance, the PO's reference to seeing the juvenile doing something 'while driving by' underscores the risk of detection involved in 'doing things' as a probationer. When the juvenile's subdued response informs the PO that the juvenile has, indeed, heard and is treating the occasion seriously he then moves to undercut the solemnity which his remark has created via a double-edged ironic reference to his 'role' in the relationship as being 'the heavy'.

I will now turn to the way that the PO may fill in a term as it is written in a way which resembles his supplementary remarks which accom-

panied the reading of the general behaviour clause. The following is a reading of a school clause:

PO: Now "the probationer is to attend school on a regular basis." And uh, the people at City High seem to think, and I agree with them John, that you've got the where-withall, if you apply it. And if I get reports that you aren't applying it you're going to talk to me. ((Juvenile chuckles, PO smiles)) OK, or at least trying.

The general behaviour clause required good behaviour 'in school' but did not mention school attendance. The school clause informs him that he must attend school 'on a regular basis'. The meaning of 'regular attendance' often becomes an issue in these interviews, but not on this occasion. Rather, I suggest that the PO concentrates on the achievement of an adequate for practical purposes at hand understanding of the school clause with this particular juvenile. Thus, regular attendance is not viewed as the topic to be addressed, rather the probation-relevant meaning of school attendance and performance is addressed. Let me examine the utterance in detail.

The PO follows the grammar of the rule with a reference to the fact that the 'school people' think that the probationer has 'the where-with-all' to perform adequately in school. I would like to discuss the introduction of this particular piece of information at this point in the 'reading of the terms' and the way in which it is introduced. What does it accomplish? First, I would like to suggest that, on the surface, it is a 'complimentary remark, it says something 'nice' about the juvenile which may undercut the probationer's view of him as 'the heavy'. Second, the PO is artfully and indirectly informing the juvenile that PO's get information about probationers from school authorities. This was information about

competence, but the probationer could assume that other kinds of information, i.e., probation-relevant information on 'trouble in school', 'truancy', 'delinquent behaviour', etc., may routinely be passed from school to probation authorities. Thus, the rule requires regular attendance and the remark by the probation officer instructs the probationer that the school will serve as a potential source of information about his 'good' or 'bad' performance. Then notice how the probation officer's reference to 'reports' explicitly underscores the fact that performance information will be collected and the probation-relevant concern of the PO will not be strictly whether the probationer is misbehaving, acting up, etc., but whether he is 'applying himself'. So the 'regular attendance' rule is quite subtly expanded here and the juvenile is instructed that compliance as interpreted here and now by this PO entails 'applying his where-with-all', or at least 'trying'. What is intended by these terms is not pursued, but the probationer is encouraged to see them as related to subsequent probation interaction and decision-making. Grades, teachers' attitudes, school deportment, etc., are rendered probation-relevant interactional resources available to the PO. We will later see how they are used in subsequent probation-work.

Probation officers and probationers frequently see 'the curfew' as a very important issue in the formulation and reading of the terms and, therefore, a good deal of interaction is frequently devoted to the fixing of a particular hour and the conditions, if any, under which the curfew may be 'extended'. Chapter Five will deal with the importance of the curfew to subsequent interactions. At present I will merely present and briefly discuss a reading of the curfew:

PO: "The probationer is to be off the streets and in his home by 9 p.m. each night of the week unless accompanied by a member of the family." Now uh, we discussed this and your mom and I felt that rather than call me each time you wanted to go to a show or something - in order to protect yourself - that if you were with a member of your family such as your brother or somebody, you wouldn't be breaking the terms of your probation. Fair enough?

Juv: Fair. Uh, as far as this weekend goes me and Joe (brother) were sort of planning on going up to the mountains and renting a cabin.

PO: You're still within the terms as I see them. You can be out if you're accompanied by a member of your family. But I want to make this very clear, I won't buy this on the basis of every evening. Seven days a week. I would consider that a straight abuse of uh, you know, a way of getting around the curfew. And then number one would come back in force.

I want to provide some background information on this case in order to demonstrate the intricacies which may be involved in formulating and invoking a specific term which is seen to mesh with the contingencies of a particular case.

This probationer was before the court on an extremely long list  
6  
of B & E's which he had committed with a group of friends. He had been the first one to be picked up and had provided the police with information which led to the apprehension of the others. The association clause was going to proscribe those juveniles, but the mother expressed concern that the probationer wouldn't have any friends left with whom to associate and that, furthermore, she was afraid that they would find out that the probationer had been the one who informed the police and attempt to punish him. At the same time, the probationer's brother was several years older than

the youth, seen as a 'good influence' by the mother and was apparently anxious to help his younger brother. How is the curfew formulated to meet the practical contingencies just outlined? The youth's curfew is designed so that the only way that he can stay out is by being in the company of his brother. This was assumed to be adequate to ensure that they would spend a good deal of time together during which, e.g., the mother would not have to worry because her son was with the 'good influence' who could, in the unlikely event of attack, protect his brother. A concern expressed by the PO to the researcher after the family had left was that the brother could keep the mother "off my back". In presenting the plan to the probationer, the PO contrasts it with an alternative model which is often employed for curfew extension, i.e., that the probationer be required to call every time he wishes to stay out past the curfew. Thus, the PO instructs the juvenile that the 'choice' is between those two alternatives, not between the present formulation of the clause and no curfew. Note, also that the PO would have access to reports from the 'helpful' brother of the probationer. The PO takes action to show the probationer that as a probationer special permission must be obtained for extending the curfew without a member of the family and that the procedure for getting permission involves personal contact, even if by phone, with the PO. The juvenile then asks if going to the mountains with his brother for a weekend would constitute a breach of the term. The PO states that it would not, but goes on to say that the occasion would have 'special' status insofar as it could not be done routinely, that to do it every day would constitute an abuse and be a breachable activity under clause one. This is merely

one indication that 'mechanical' observance of the 'letter' of the term is not viewed as 'proper' behaviour for a probationer. Rather, the habit of compliance and obedience, or cooperation is viewed as the ideal goal.<sup>7</sup>

The juvenile's 'testing' continues:

Juv: You know, he got me a telescope you know, and last night I just wanted to go to the back yard at about ten and just, you know/

PO: /Well, "off the streets". Your back yard is still in your home.

Juv: Well she ((indicates mother)) says it's not.

PO: I'm not that hard to get along with. But it's better to bring em up and get em clarified. So that there's no misunderstandings. So if you blow it, you blew it with an open mind. OK?

Juv: Yeah ((nods))

The juvenile introduces a new type of activity, asking if it would be a breach of the term to 'use a new telescope (just given to him by the good-influence-brother) after curfew'. The candidate for a breach combines a 'positive' behaviour with a proscribed hour and locates it, as the PO suggests "off the street". The PO says that the behaviour would not be sanctioned. The juvenile then reveals that he is not discussing the matter for the first time, but that his mother has already informed him that he could not engage in the activity. The PO does not 'pick up' on a topic which pervades a great deal of probation interaction, i.e., who makes the final decision, parents or PO's? We shall see in the next chapter that

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7. For another example: A female probationer was severely reprimanded for 'complying' with her curfew in the following way: she lived in a 'group home' and would return each night at exactly the prescribed minute of the curfew. She would go to her room without saying a word to the house parents and then would leave the house before anyone else had gotten up.

probationers frequently seek to avoid the terms by playing the authority of parents and PO's off against one another. On the present occasion, the juvenile merely shows his mother that the terms can be used to defend some activities as well as proscribe others.

Instead of deciding that particular issue, the PO switches to once again providing the new probationer with instructions on how he should be reading the present interaction, i.e., that he should be clearing up any 'misunderstandings' he may have of the terms. He also links the possibility of 'misunderstandings' and 'blowing it', suggesting that proper attention to present interaction will provide the probationer with the means by which he may, if he chooses, avoid 'blowing it'. The utterance stresses the choice involved in the probationer's behaviour as well as the fact that present interaction is undercutting possible later claims by the juvenile that he 'didn't understand'.

During the reading of the association clause which deals with the group of juveniles involved in the thefts:

PO: Number five is that "the probationer is not to associate with any former members of the group who formed a club which had its quarters in the garage at the rear of the probationer's home". It is understood that the club has since disbanded but the association clause still applies to each and every boy/

Juv: /What about girls?

PO: Don't split hairs with me. ((Juv laughs)) Well, it says member of the club.

Juv: OK.

PO: The group who banded together in your club. Now I have a list of them. And if you've got any doubts, phone me and talk it over. OK?



Juv: All right.

PO: If you're really interested in making this work out.

Juv: All right.

PO: You know, I don't know how to put it. If you see a doubt you shouldn't do it.

The juvenile here calls attention to the fact that there are different ways of reading a term, i.e., are girls members of the club?<sup>8</sup> What exactly constitutes 'association'?<sup>9</sup> The probation rules such questions out of order and suggests that the terms are adequately clear for the practical purposes of the juvenile, but provides the juvenile with two 'methods' by which the terms can be employed in 'proper' decision making as a probationer. They may be stated as two maxims: 1) "Call me, if you have any doubts, and through discussion I will help you decide whether any particular act, plan, etc., falls within the terms." 2) "If you have any 'doubts' regarding an activity, plan, etc., don't do it." Thus, the 'cooperative' probationer moves through the world employing the terms and his own 'doubts' as resources with which to decide on courses of action. Further, he talks

8. Girls were not seen to be bona fide 'members' of the club by the boys but were so treated by the probation during this interaction. This seemed to be attributable to the fact that he took the juvenile's question as an attempt to 'test' the probation regimen.
9. The 'meaning' of association is typically open to negotiation insofar as the form it takes on the document and in the interactions varies according to the contingencies of particular contingencies and situations. The 'fact' that 'this kid just won't listen and manipulates everybody and everything' was invoked to warrant the following atypical association clause:

The probationer will in no way associate with Peter Parker. This includes phone contact, writing, or any other kind whatsoever.

over such matters with his probation officer. This 'model' of the ideal probationer is invoked frequently and strategically throughout much probation interaction. Probationers are routinely directed to measure their own performance in such terms. 'Doubts' are carefully addressed, worked with, nurtured. A lack of 'doubts' becomes reportable, a target for discussion and action, an indicator of defective attitude, etc.

Returning to the 'reading of the terms', the juvenile, having just been invited to 'discuss' apparent rule ambiguities and doubts, takes the present occasion as an opportunity to seek clarification, introduces a question regarding a 'friend' who formally comes under the association clause:

Juv: Well. Just sort of to split hairs or something, I guess.  
 You know Steve: he's never been in trouble before you know.  
 He wouldn't/

PO: No, for the time being you're not to associate with anybody from that group of friends. In other words, I want you to stay away from them. I mean we have uh, I know, guys without a record. But he knew what was going on! And mistaking the law - this is just expediency. You know, this is like saying well, I knew they were - you know, I wasn't involved in the robbery I was standing outside. You know. It's the same thing. I didn't go steal the stuff but I knew they were stealing it. And ignorance is uh, you can't use it as a defense. The judge won't buy it. And if the judge won't buy it I can't buy it. Fair enough?

Juv: ((nods))

The juvenile is suggesting that the association clause should be interpreted to allow association with one of the juveniles who is formally included among the proscribed friends. The basis of the claim is that the juvenile 'has never been in trouble before'. The PO's response is once

again geared into the activity of providing this juvenile with a 'proper' understanding of the practical implications of being a probationer.

The PO opened his utterance by firmly ruling out the suggested interpretation and then explains the grounds upon which the proscription is based. The explanation may be seen to have general relevance for the listening probationer who is seeking understanding of probation adequate for his practical purposes. The PO portrays Steve, the friend, in terms which undercut the 'innocent' description provided by the probationer. The boy who "has never been in trouble before" becomes a juvenile who 'hasn't been caught', but was involved in the delinquencies insofar as he knew 'what was going on'. The PO is trading on the notion of 'innocence' introduced into the exchange by the probationer to display the probation-relevant characterization of Steve which warrants his inclusion in the association clause. Note that what the PO is saying about Steve is available to the probationer qua probationer. In other words, the PO is talking about the accountability of juveniles, suggesting that the common-sense notion of 'innocence' is defective in the probation context. The probation officer trades on 'the judge' and the notion of 'how the judge looks at things' for the accomplishment of purposes-at-hand in the interview. For probation officers, an important part of 'becoming' a probationer is learning to think of the possible legal import of any action before engaging in it. They also frequently ask juveniles how they would view their behaviour if they were the judge, or have one juvenile 'judge' the behaviour of another. The PO here bolsters his prior characterization of how the 'good' probationer chooses his actions, e.g., when in doubt, don't do it.

This tactic also encourages the juvenile to view judicial dispositions as 'natural' results of his behaviour. At the same time, he is constrained to attend to the 'probation relevance' of his past, present and future activities. Developing this 'sense' is viewed as an overriding goal of much probation interaction by the probation officer. One probation officer characterized the 'task' in the following way:

First, they (probationers) can't make the connections between what they did as being why they're on probation. They don't worry about the consequences if they get caught, but then when they do get caught then they'll go out of their way to forget why they were on probation and what getting into more trouble means. Some of 'em are dumb but a lot of 'em just play dumb. A big part of this job is reminding them why it is that they're on probation. Then, the other thing is that they'll go out and fool around, breach probation, or pull some B & E's, get caught again and then come in, all wide-eyed and tearful and say that they didn't even think about getting caught when they did it. They didn't think about the consequences. Consequences, that's what we're interested in. We have to make these kids see the connection between their act and the consequences.

During the reading of the terms and later probation interaction we may see the occasioned, systematic and routinized 'reminding' of juveniles on probation, the display of 'the link' between act of planned act and consequence, and the invocation of the legal or probation relevance of probationers' activities. Such, I have argued, is the machinery with which the PO instructs the juvenile qua probationer to deal with his everyday life.

The PO then concludes the reading of the terms:

PO: Now. You're to report - er "The probationer is aware that he is to report to his probation officer at the court building (address) between the hours of 3 and 5 p.m. each Friday." If it comes up that you're not, you can't make it, phone and you can leave a message and I will call your home you know - either the same day or the next day. If something comes up that you, up that you can't make it, the onus is on you to let me know. Not your mom. Not your brother, you. OK?

Juv: Right.

PO: "The probationer is made aware that any breach of the above terms will constitute unsatisfactory probation and may result in your return to the court. And is also advised that none of the foregoing terms may be altered without the express permission of his probation officer. The terms of this probation are for an indefinite period." Now - as I think I said the other day, if you cooperate, and go along, and work on this and the reports I get from school and other places are satisfactory, and you play ball with me, within six months I'll make application to court to have you released from probation. But it's going to be entirely up to you. OK?  
Any questions.

Juv: No.

The PO offers the juvenile a method by which he may 'cooperate' in the event that he is unable to comply with the reporting requirement. Note, however, that he is informed that his phone call will be followed by a call to his home, a consequence which he may not desire. Thus, the juvenile is provided with a technique for excusing himself which would tend to limit its own utility. Compliance with the rule or the call requirement put the juvenile into accountable and reportable contact with the PO.

The PO then sums up the reading with his remarks on the breaching mechanism of the document. Note how he sums up the preferred method by which the juvenile may ensure unproblematic termination of his period on probation. The juvenile is to 'cooperate and go along' and, furthermore, the 'reports' must be satisfactory. The juvenile is constrained to 'play ball' with the PO and, at the same time, to attend to the fact that his behaviour is being recorded and remarked upon and that such reporting will become the grounds upon which subsequent positive or negative inferences and actions will be based.

At the beginning of the occasion just discussed, the juvenile seemed indifferent or disinterested even mildly annoyed. The PO artfully elicited his interest by displaying the pay-off for listening. On many occasions the juvenile is angry, hostile, or sullen. PO's typically employ different interactional strategies during initial interviews with such juveniles.

A typical exchange:

During this interview, there is no parent present and the youth has been 'glaring' silently at the wall during the PO's initial remarks which were almost identical to the ones in the previous transcript. The PO is reading the terms:

PO: The probationer will not associate with Erik Monsen, Alex Bryner or Larry Kennedy.

Juv: What do you mean? Larry didn't have nothing to / do ...

PO: /I just told you you're here to listen! That's one of your problems, you don't listen! Always shooting off that mouth of yours. ((reads 'emphatically')) The probationer will not associate with Erik Monsen, Alex Bryner, or Larry Kennedy. ((The PO continues his reading of the terms. The juvenile does not speak but stares at the floor until asked to sign, signs, and leaves.))

Rather than displaying the payoff for listening and participating in the reading of the terms on this occasion, the PO chooses to address the juvenile's defective performance in a more direct way, a way which furthers his goals both within this particular interactional occasion and for later probation work. The juvenile's utterance may be seen as an attempt to question the 'fairness', or even logic of a particular rule. 'Questioning a rule' is one method by which a juvenile may seek to limit the impact of probationary control on his everyday activities. In this case the associa-

tion clause is challenged. The PO is reading the rule which is intended to make association with specified youths a sanctionable activity. Two of the juveniles named in the clause were arrested with the juvenile. The 'probation relevance' of the proscription of association with them goes unchallenged. Rather, the probationer is attempting to invoke a 'strict construction' of probation, suggesting that probation rules should only affect features of his activities directly and obviously related to his delinquent action. The association clause had been drafted to include the juvenile in question because the probationer's mother had told the PO that the friend was a 'very bad influence' on her son. The PO could have attempted to 'explain' the rule in these terms, a common practice of PO's while laying down the terms. But rather than attempting to accomplish the legitimacy of fairness of the term by displaying its grounds, the probation officer trades upon the juvenile's attack itself to display for the juvenile the inadequacy of his on-going performance as a probationer. He does this by cutting off the youth's remark mid-sentence and launching into a 'lecture' about the juvenile's violation of the rule which he had laid down to govern the present interaction. In this way the PO quite powerfully accomplishes while displaying for the juvenile a basic feature of probation interaction: the fact that it is 'owned' by the PO and that he may move to control it at any point. I say that this is at the same time accomplishment and display insofar as it is through such situated confrontations that recalcitrant juveniles are provided with a sense of the adequacy or inadequacy of their probation performance.

Via the strategy the focus of the interaction is shifted from the vague proscriptions of the terms, the relevance of which may be unclear or questionable, to the immediate, on-going, face-to-face interaction. That the juvenile will get into trouble under the terms is something which is unavailable to the interactants, whereas, that the juvenile is in trouble here and now because his present behaviour violated a 'rule' which the PO has just laid down is available. The accountability of the probationer's behaviour is underscored. Just as the juvenile in the earlier transcript learned that he would be accountable to 'his' probation officer, this probationer is directly confronted with the fact that his present behaviour is being scrutinized, evaluated, and found inadequate. Note that the PO both controls the juvenile's attempt to negotiate within this occasion and suggests that the attempt itself is symptomatic of 'his problem'. Henceforth, 'mouthing off' can be treated as a topic relevant for subsequent action and inference on the part of the probation officer both during this interview and during later interaction and reports. That this is a 'problem' makes it something which is warrantably the topic and target of probation 'supervision and guidance'.

Note that there is no explicit probation rule which instructs the probationer to listen rather than talk when interacting with the probation officer. Rather, the PO suggests that for at least this moment, that rule is operative and that the probationer is to organize his interaction accordingly. As we shall see, probation officers actually take it that probationers should both speak and listen, but that their interactions with PO's should be governed by the latter's practical and/or professional



concerns. Probationers who 'don't talk' on particular occasions will be shown to be at least as problematic as probationer's who 'interfere' with the PO's conception of how the interaction should unfold.

We have seen that PO's orient to juveniles' utterances as indications of 'understanding', 'misunderstanding', 'hostility', 'cooperation', etc., and that such readings may then be traded upon in the accomplishment of understandings and/or employed in reporting upon and working with the juvenile during later court-related activities.

It is largely via such readings that the PO is subsequently able to suggest to the judge that he 'knows' the probation-relevant meaning of a probationer's behaviour. On one occasion, for example, after an initial encounter with a 'hostile' youth, a PO wrote the following note which he then clipped into the file, thus making it an available resource for subsequent use in interpretive characterizations of the youth's performance as a probationer:

((This PO had been instructed to 'shut up and listen'. The juvenile had responded with "Fuck off!" The PO in this instance had not pursued the matter but finished the reading. After the juvenile had signed and left, the PO remarked to the researcher that he was "wasting my time" with this particular juvenile.))  
The note:

BOB HARGER - big chip on shoulder. Resents PO and everything he stands for. First interview (date) told PO off in no uncertain terms. Language unrepeatable in court.

Later, this information was employed by the PO in providing the judge with an understanding of the meaning of the subsequent infractions. Thus, not only had the probationer committed an infraction, but:

This boy's first words to me, your honour, were ones I couldn't repeat in court. He's never given me a chance to help him and I think that probation wasn't given any chance to work. He doesn't have any respect for my authority or his mother's. He won't listen to anybody - tells everybody where to go. Your honour, unless he changes his whole attitude and started to cooperate, I don't think we can do anything for him.

In the chapter which follows, we shall examine the occasions during which the terms are employed by the probation officer in the interactional location and recording of 'cooperation' or its absence, 'good or bad' attitudes, and the competitive strategies which characterize the accomplishment of probation. The critical importance of the interactional 'machinery' which we have seen layed down during early interviews will be demonstrated.

## CHAPTER FOUR

### THE TERMS-IN-USE: THE SOCIAL ORGANIZATION

#### OF PROBATION SUPERVISION

In the preceding chapter, I examined the probation officer's use of the terms in his attempt to provide a new probationer with a 'proper understanding' of his own status and that of the officer, an understanding which is adequate for the practical purposes of the probation officer, i.e., the competent and accountable accomplishment of the legally prescribed probation tasks of providing 'help and guidance and proper supervision'. In this and later chapters, I will show that the on-going interactional accomplishment of such 'proper understandings' of the 'meaning' of probation and its practical implications for the probationer is an omnirelevant concern of PO's, one which pervades their interests and shapes their activities during the various 'stages' of the probation 'process'. This on-going interactionally accomplished 'proper understanding' provides the foundation for the subsequent mundane task of providing the probationer with the legally required 'help and supervision and proper guidance' and reporting thereon. In the present chapter we will be examining their provision as an interactional enterprise. More specifically, we will be focussing upon the probation officer's use of the probation terms in the mundane activity. Before turning to the empirical materials with which we shall be concerned, however, I will briefly characterize the formal structure of the tasks facing probation officers during supervisory interactions.

As we have seen, the formal warrant for placing a juvenile 'on probation' is that he is seen as being 'in need' of 'help and supervision and proper guidance'. 'Probation', in legal terms, is seen as 'help and supervision and proper guidance'. Note the critical difference between juveniles who come before the court and probationers who come back before the court, i.e., that infractions committed by 'probationers' may be assumed to have been committed 'in spite' of court-provided 'help and supervision and proper guidance'. The competent accomplishment of probation tasks enables the probation officer to provide the court with legally adequate grounds with which to generate subsequent decisions involving a probationer, whether those decisions involve the formal termination of probationary status, the tightening or relaxation of probationary control, the placement of the juvenile in an institution, etc. The competent probation officer must, therefore, so organize his activities that he is in a position to speak 'as an expert' upon any case to which he has been assigned. That is to say, probation officers are routinely called upon to provide definitive, (at least for present-purposes-at-hand) assessments of their probationers' performances at appropriate times as well as display to the court the 'fact' that at least minimally adequate 'help and supervision and proper guidance' has been provided. The probation officer draws upon data gathered during interaction with the probationer and others to document his assessment and to achieve its acceptance as 'the way it really is' by the judge, the probationer, the parents, and others.

It must be noted that a probation officer is severely limited in the amount of time available to engage in actively 'supervising' the

activities of the probationers on his caseload via, for example, visiting their homes, schools, etc., in order to monitor their behaviour and to counsel them about probation-adequate performance. Ironically, widely held common-sense notions (held by probation officers, laymen and researchers) about 'real probation' take it that such activities constitute the essence of the phenomenon, while, in fact, information-gathering and subsequent 'paper work' involved in court preparation for juveniles consumes the bulk of a probation officer's time. From the common-sense point of view, these latter activities are seen as obstacles which get in the way of the accomplishment of 'real' probation work.

Probation officers frequently remarked upon the fact that they didn't 'have time to do probation on a particular day because of the 'bloody paper work and court appearances'. Knowing that the researcher was interested in observing probation, officers would inform him that they wouldn't be 'doing' any probation on a particular day because they were 'tied up in court', had to 'write some goddamn reports', or had to 'get some information' from a juvenile or his parents 'for court'. Indeed, upon being told of my research interest during an interview, one probation officer remarked on the nature of 'probation' as done in the setting in sarcastic terms:

If you can find anybody around here who's able to get any real probation work done don't tell anybody or you'll get him into trouble. Let's face it, you've been around here long enough to see that anybody who's trying to get any casework done, I mean even getting to know his kids, find out what they're up to and so on, out there doing what, in fact, we are supposed to be doing as probation officers - anybody who tries to do that is going to get fucked over back here (at court) because he's not

getting his papers pushed around fast enough. Granted, it's important. But most of the time it's all we can do, just keep up with the calendar. Just fight fires. And that's bad. I mean, the only time I can usually spend some real time with a kid is after the fact, when things have blown up and we're on our way back to court. Goddamn it, that's not probation, or at least not probation as we should do it.

The probation officer later suggested that the inability of probation officers to do 'real probation' was causally related to the 'fact' that so many probationers are returned to court on subsequent charges. This assumption was shared by other probation officers and court officials both in this court and the other juvenile justice bureaucracies observed. Many probation officers take it that if they were given 'more time to work with a kid' that he would have a better chance of not returning to court. Public statements by probation and other juvenile justice spokesmen frequently account for what are taken to be high rates of recidivism in terms of inadequate staffing of probation bureaucracies. Frequent references were made to this 'fact' by judges between hearings, away from juveniles and their parents. For example:

Judge: I think that we've really failed with this youngser, and I don't think that this is any reflection on you Mr. Jones. (PO) No, you've done everything you could, but you've got far too much to do. We need more PO's and we need more facilities. We're not doing the job and there's no use pretending that we are. We've got to get more support. I think that to get it we've got to make our point. Everytime I see a case like that I think that we could have helped him if we'd had more time to work with him. We've got to make the situation public. The City should know about it. It's easy to scream about delinquency and all that, but when it comes to doing something about it, well just look at us. ((sighs)) Well, I don't know. Every time I think about it I get angry. But, ha, I'm burning up time myself, we really should get on with the next case.

During the period of observation, the City was conducting a 'time and motion' study of the probation personnel. Probation officers and their superiors looked upon the survey as an opportunity to place 'on record' what was seen to be an intolerable situation. Thus, an 'informal' policy was developed which held that probation officers were to record their activities as requested by the 'efficiency experts' but, in addition, that they would also record information about the impact of excessive caseloads, fragmented work schedule, etc., which would then be passed on to the persons who were assumed to be 'in a position to do something about the mess'.

Although such critiques of 'probation' were common in the present setting they were not made during the accomplishment of court-probation business. Thus, the judge was remarking upon the process after one hearing and before the next. He did not inform the juvenile that, e.g., he had not been 'adequately helped, supervised and guided' by his probation officer. The probation officer quoted earlier did not appear in court and inform the judge on a particular case that, e.g., he had not been able to provide the juvenile with 'adequate supervision and guidance'. Rather, judges and probation officers routinely went about the practical accomplishment of various essential probation tasks.

The present report will attempt to explicate and describe the actual task structure of 'probation supervision' as a situated accomplishment. It is suggested that such a strategy will tell us more about probation-as-interaction than an examination of the proliferation of idealized

versions of the phenomenon which pervade the rhetoric of professionals, whether probation officers or researchers. Thus, my overriding concern will be with what 'help and supervision and guidance' look like in the present setting.

More specifically, I will be interested in how the probation officer seeks to accomplish supervisory probation tasks given the fact that he has limited time to devote to his caseload. How does a PO organize his activities in order to accomplish at least minimal (i.e., documentably adequate) 'help and supervision and proper guidance' during his 'contacts' with probationers, contacts which may range from extensive interviews to a few words exchanged on a telephone?

Compliance with a term of probation requiring 'contact' with the probation officer ensures access for the officer to certain essential information. During such interaction the probation terms may be used by the officer to generate topics which he may warrantably bring up or pursue at any time during his face-to-face or telephonic interaction with probationers. Frequently the probation officer draws upon the terms to methodically construct sets of questions to which the probationer is constrained to reply. Quite often an entire interview is built in this manner:

PO: OK John ((opens probationer's file on desk)) Uh, how are things going at home?

Juv: uh, oh fine.

PO: No trouble with your mom?

Juv: ((short pause)) Uh, no. No.



PO: Everything OK at school?

Juv: ((Nods positively.))

PO: Good. ((closes file)) I've got a lot to do today so uh, thanks for coming by. Keep up the good work and I'll see you next Friday. And if anything does happen before that uh, well just give me a buzz and drop by to talk. OK?

Juv: ((Nods, stands and leaves office))

((PO leaves office to get 'next' probationer.))

In this short exchange the PO has employed the terms to generate as answers reports on the youth's 'probation-relevant' performance in specific settings, i.e., his account of whether "things" are "ok" at home and school, and whether his relationships with relevant adult authorities in those settings are "ok". Such an exchange constrains the probationer to routinely engage in accountable reporting. By this I mean that the juvenile's report provides the PO with data which may be 'checked out' via contact with the relevant adult authorities. So used, the terms become a search-device for the methodical location of 'problems' or 'troubles' which may become topics to which the PO seeks to direct ensuing interaction.

I would like to suggest the fact that such use of the terms provides for the interactional treatment of matters which may commonsensically seem 'non-legal' as being of legal concern and consequentiality for the interactants 'here and now'. The PO must be prepared to deal with a probationer's claim that certain matters are 'unimportant', that they have 'nothing to do' with probation and are, therefore 'none of the PO's business'. What the PO's 'business' is becomes a matter of constant concern for both the PO and probationer. A juvenile on probation may face the

problem of limiting the impact of his special legal status upon his everyday activities. If he sees his required interaction with the PO as routinely providing the latter with the opportunity to question him about his activity, 'lecture' him, and to gather and record his talk about such activities, feelings, plans, etc., in an on-going attempt to 'control' and/or 'punish' him, the juvenile may see it as in his interest to manage his performances strategically.

In a very real sense, the interaction during probation interviews during which the PO attempts to find out if there are any 'real problems' to which he must attend may itself constitute a problem for the juvenile. In the same way, the probation programme which is ostensibly designed to keep a probationer out of trouble may be seen by the juvenile and treated during such interactions as trouble. It follows that one method of 'keeping out of trouble' which the juvenile may employ during such interactions is to interactionally contain or limit the PO's search for 'problems' to ensure that none are located during the interviews and that none are interactionally generated.

In the above transcript, the PO elicits responses from the juvenile which place 'on record' a version of the juvenile's probation-relevant performance. The information is on record insofar as it is now available both during this and subsequent interaction and reporting. If, in fact, other versions gathered from the relevant persons indicate that all is not well at home or in school, the juvenile may be seen and treated as having 'concealed' information, having 'lied' to and therefore not 'cooper-

ated' with his PO. Such 'facts' in turn become resources which the PO may employ in working with the juvenile or use to document 'breaches of probation'. Alternatively, reports of 'no trouble' may be used in recommendations for termination of probation as evidence documenting 'cooperation' or 'adjustment'.

Probation officers therefore, must frequently interact and report upon juveniles who may be reluctant for the above reasons to interact with PO's, who may see 'talk' with probation officers as an activity fraught with hazard. The following transcript is of a PO's initial supervision interview with a juvenile who seemed reluctant to talk:

PO: Well, how'd your week go?

Juv: ((pauses, then shrugs shoulders))

PO: What does that mean? Tell ya what, one shrug means everything's OK and two means things aren't too good. Uh, do you kyou know how to nod and shake your head?

Juv: ((smiles and nods))

PO: Well, we made some progress! That's fine. Don't say anything, that'd probably be a little too advanced for you at this stage. Do you talk at home and at school?

Juv: Yeah.

PO: Great! Now you go home and practice for a week. Make sure that you stay out of trouble. Then come back next Friday and see if you've got anything to say. Don't strain your vocal chords though.

Juv: OK, see you next week.

PO: Now you see, that didn't hurt a bit. If this is going to work, we've got to talk, that's the only way I can help you. ((to researcher)) Bet I can't shut him up next week.

((juvenile leaves))

The PO informs the juvenile that the 'meaning' of his shrug is unclear and that it is, therefore, an inadequate response to his initial question. The relatively humourous style in which this information is imparted to the probationer tends to undercut the suspicion or sense of forboding with which a 'new' probationer may approach a first supervisory interview.

The PO artfully tells the probationer that probation interviews cannot proceed in such a manner and that 'talk' must of necessity be the mode of discourse. Since the consequences of violating the terms of probation are a matter of concern to many youths on probation the PO exploits these anxieties in order to encourage the youth's future participation. The PO follows this with the standard description of his goal in the probation interview as being 'to help', a benevolent formulation which, as I have suggested earlier, is designed to undercut the probationer's expectable and understandable 'reasons' for non-participation.

The PO may choose to pursue 'problems' or discuss relevant matters at any time during an interview. Whether or not something is allowed to pass or targeted for discussion during an interview is something over which the juvenile may have little control:

PO: And how are things at school?

Juv: Everything's ok.

PO: You're not having any more problems with Mr. Smith ((teacher with whom the juvenile has 'had trouble'))

Juv: Nothing serious.

PO: What sort of problems?

The juvenile's 'answer', at least on the surface, is a satisfactory and complete response to the PO's question. The PO follows this 'answer' which 'locks in' on a relevant inference, i.e., if everything is ok, then the probationer's relationship with 'problems' in the past must be ok. The probation officer's utterance is not to be heard as a 'mere observation' which he just happens to make. Rather, he may be seen to be providing a new probationer with instructions on the probation-relevant meaning of his remarks. Through such seemingly mundane, uninteresting utterances, the PO moves to provide the juvenile with certain 'facts' about 'probation' which are seen as facilitating competent and adequate 'reporting' by a probationer.

PO's know that juveniles may 'conceal' information for the reasons outlined above and organize their interactions accordingly. If the juvenile is not concealing anything on this occasion, then producing an adequate answer to the PO's second question is a simple matter. If, on the other hand, things are not 'ok', that is to say, if the probationer is engaged in deception, the probation officer's probe functions to display for the juvenile the hazards involved in his use of the strategy.

I want to suggest that in an important sense the PO here is providing the novice probationer with instructions for adequate and competent reporting. He goes beyond the juvenile's gloss, 'everything's ok at school' which on the surface appears to be an adequate and complete answer to the initial question, to formulate a logically included implication. Thus, if in fact everything is 'ok' at school, if 'no problems' is a correct descrip-

tion of the juvenile's probation-relevant performance at school, then there must be 'no problems' in his relationship with Mr. Smith. The probation officer displays for the juvenile the kinds of information which are probation relevant, that is, expectably reportable during probation interviews.

Note that by sheer fact that the second question is asked, the probation officer demonstrates to the juvenile that such questions may, in fact, be asked at any time during such occasions, that it is the probation officer and not the probationer who will decide whether or not a report will 'pass' without further remark or be 'tested', or become the topic of this or subsequent interaction. Thus, the competent probationer 'learns' through such interactions, that such questions, probes, or challenges are expectable features of probation interaction and that he must organize his interactional performances accordingly.

In this chapter we will be examining the competing strategies developed by probation officers and probationers as they pursue their respective and often conflicting practical goals during probation interviews.

I have said that the very asking of such questions displays to the juvenile his lack of 'control' over the unfolding interaction. I want to suggest that the probation officer at the same time displays to the juvenile another dimension of 'probation' over which he, as probationer, also lacks 'control'. Via his introduction of Mr. Smith and his relationship with the probationer, the PO 'shows' the probationer that his version of his performance at school will not necessarily and invariably stand alone, i.e., that Mr. Smith and others who are in a position to 'know' about the

juvenile's probation-relevant performance may be treated by the probation officer as resources for information. The strategy is one routinely employed by probation officers to show probationers that in the course of their everyday accomplishment of 'probation' a probation officer elicits various accounts of his probationers' performances from persons who are in a position to 'know'. The probationer's lack of complete control of possible discrediting information is a feature of the status of probationer which probation officers frequently encourage juveniles to attend. Recall, for example, that during the laying down of the terms the probation officer filled in the practical meaning of one of the terms with the remark that:

PO: Like if I were to be driving by and see you doing something you shouldn't be doing....

During my analysis of that interview, I suggested that such remarks are employed to provide a new probationer with the sense that his actions are 'public' in an important way. 'Help and supervision and proper guidance' as provided by the court entail a loss of control by the probationer over certain information. The probationer's 'attitude' toward this loss of control may be used by the probation officer as a critical indicator of 'cooperation' or lack of cooperation. 'Acceptance' of this loss of control and the 'proper attitude' towards the loss is often taken to be the goal of much early probation interaction.

However, the probation officer's search for probation-relevant topics may be dealt with by probationers in various ways. Cooperative probationers may 'bring up' 'problems' which they have been encountering as probationers, even ask for 'help'. Others, with little prodding, may

openly 'talk' about what is happening, if anything, in the probation relevant settings. Still others, as we have seen, may have 'nothing to say'.

Probation officers, in turn, may routinely instruct probationers that such performance during interviews may be treated as lack of the expected 'cooperation':

PO: OK, suit yourself. You don't want to talk to me. Fine. But just remember uh, ((opens file on desk and taps it emphatically)) what Judge Brown said, and it's right here in your terms, that you are to report to me so that we can work things out. If you don't want to, then maybe we should go back to the Judge right now. ((stands)) Is that what you want?

Juv: No, but I/

PO: Alright then, if this is going to work we're going to have to um, understand one another. I mean, uh, you've got to cooperate with me, that's right there in black and white. That was what the Judge said, remember?

Juv: Yeah.

PO: We've got to get that straight right off. I mean we're in this thing together uh, sink or swim. OK?

Juv: Yeah. I wasn't trying to cause trouble, y'know. I'm sorry.

I would like to attend to the way in which the PO on the above occasion constrains a new probationer to engage in probation adequate reporting, in actively engaging in interaction with the PO. Rather than treating the matter in the 'good-natured' manner which characterized the probation officer's style examined earlier,<sup>1</sup> the probation officer here trades upon the legal structure of the probation relationship in a way similar to methods we have seen employed during the laying down of the

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1. See p. 104.



terms. Thus, once again, the juvenile is being instructed that as a probationer he is in a very special relationship with his probation officer. Furthermore, interaction between them is to be of a special type. The probation officer opens the exchange with the remark that it's 'fine' if the juvenile does not 'want to talk to' him. The probation officer's remark frames the immediately-appended professed 'consequence' of the probationer's performance. Just as probation officers 'refresh' new probationers' memories about 'what happened in court' during the laying down of the terms, they routinely 'activate' the 'terms' and the previously laid down 'proper understanding' of probation during subsequent interaction. The 'meaning' of probation as it applies to the present, on-going interaction is explicated for the juvenile. The PO is requesting the juvenile to recall the 'fact' that the judge has placed the juvenile on probation and requested him to 'obey' the terms and 'cooperate' with the probation officer. Here, the PO rather dramatically shows the probationer what may happen if he does not 'cooperate', i.e., they can go see the judge 'right now'. Furthermore, 'cooperation' is not something which is to be displayed merely 'at home', 'in school' and 'in the community', but also and especially during any interaction with his probation officer. The probation officer suggests that the judge is ready to deal with 'non-cooperation' here and now. The ominous consequentality of the PO's suggestion should be apparent to the probationer, given the fact that the judge has solemnly (and recently) instructed him to 'cooperate' and 'not come back' and that, furthermore, he would not 'go so easy' on the probationer 'the next time'.

In effect, the probation officer is inviting the probationer to contemplate the judge's reaction if informed that the probationer had not 'cooperated' during his first supervisory meeting with his probation officer.

On the above occasion, the strategy appears to have immediately achieved at least the temporary 'cooperation' of the probationer. The juvenile 'backs off' by treating the invocation of the judge seriously and then apologizing for his performance. During the subsequent interaction, the juvenile talked readily about the situation at home, etc. Note that once the juvenile has said that he does not wish to go back to the judge, the probation officer shifts from explicating the legal structure of the probation relationship, (i.e., the consequentiality of 'non-cooperation' during probation interviews, and the immediate availability of 'the judge' as a resource for probationary control) to a markedly different enterprise. After the juvenile relents, I am suggesting, the probation officer shifts to the more benign, supportive features of 'probation' as they had been presented during the hearing by the judge and later by the probation officer. The relevance of the 'terms' and the judge for the present occasion (and probation in general) are pointed to, but the interactional style of the PO has become less mechanical and formal. When he speaks about the two of them 'understanding one another' and how 'it' (probation) can be made to 'work', his demeanor and style are noticeably 'warmer'. The probationer is being 'invited' to join with the probation officer in a cooperative venture rather than an 'ordered' and 'threatened' one if 'cooperation' is not forthcoming. Notice how the later portrayal of the 'probation' relationship has now subtly shifted the position of the 'judge'. "Making it work" is

displayed as something to which both a cooperative probationer and his probation officer attend and seek. Adequate probation reporting is, by implication, 'merely' a means by which this shared goal may be pursued. The probation officer has transformed himself from merely the agent of judicial authority and control into the 'partner' in the relationship, one who will share the 'fate' of the probationer.

On the above occasion we have seen the probation officer successfully employ a carefully 'staged' threat to constrain a reluctant probationer to engage in adequate probation-reporting. By rather dramatically confronting the probationer with the immediate and threatening consequences of interactional 'non-cooperation', the probation officer has sought to alter the probationer's 'understanding' of the probation relationship, providing him with an understanding which both 'coerces' and 'invites' him to cooperate in probation interaction. The threat was 'staged' insofar as the probation officer never intended to go the judge, but merely sought to give that impression to the juvenile. In fact, these supervisory interviews were typically scheduled after school hours, at a time when the judges were not usually in the building.

Further evidence of the conscious staging of such threats was provided by a probation officer when I asked if he had been seriously contemplating the course of action when he used it during interaction with a probationer:

PO: Hell no! Of course I couldn't go to court. If I did, the judge'd probably be nice and polite to me until the kid was out of the room and then give me hell. I mean it would be a little ridiculous, a kid just on probation, no new charge and here I am, "Your honour, he won't talk nice to me."  
((laughs))

The probation officer's remarks tell us something about the competent accomplishment of probation tasks and reveal that, at least in certain ways, the PO and probationer are 'in this together', i.e., both are being held accountable for their respective performances. Thus, the probation officer takes it that the judge would not 'merely' attend to the fact that the probationer was not 'cooperating', but that the probation officer was not competently managing his interactions with the probationer in order to obtain the required cooperation or, in its absence, to adequately develop a 'case' so that it may be dealt with routinely, and at an appropriate time. Judges were not, therefore, considered to be readily available resources which the PO can make free and easy use of in the resolution of routine probationary supervision problems, although PO's at times carefully managed their interactions with probationers to provide them with the impression that the judge was ready, willing, indeed, anxiously awaiting word from the PO upon his performance. Probation officers would also, on occasion, suggest that he was going to have the juvenile immediately 'locked up' if he did not 'cooperate'. The following remarks indicate that the PO's ability to routinely follow through with this threat is also limited by organizational contingencies. The remarks were made by the assistant to the chief probation officer during a regular meeting of all probation officers:

"We have a bad overcrowding situation in the detention home right now. We're coming into a weekend. We're over our maximum, and about 25% of the boys in custody now are here on breaches,

2. Emerson (1969, p. 230) has similarly reported that "...frequent attempts to incarcerate probationers tend to discredit the PO in the eyes of the judge. Routine use of the surrender sanction suggests that the probation officer is not working conscientiously with his charges." Cicourel (1968, p. 229) has also observed: "Few probation officers ever wish to recommend Youth Authority commitment because it signifies they were unsuccessful in working with the juvenile."

and I think in that sense this is good because it shows that you people, at least, you know, are out in the district keeping close tabs with your caseloads, and I want to commend you for this. But, I'm just wondering, in the next three or four days anyway, if you could - ah if there are any breaches - if you could take a good close look at them and ah, if we could work out an alternative plan because we are just chock-block full at the present time...I think you know the arrangement, that with the outlying districts we have a contract with each of them, but it's on the understanding that they phone first and if we have space then we say "fine, bring the body in." But written into that contract is a nice little escape hatch and that is that if we become overcrowded ourselves we say to these districts, "Could you come and get your youngsters, we can no longer handle them." We've had to do this in the past two days. We've had to refuse a lot of probationers, and the detention home is primarily for the kids in (City) and for your probationers, you know, in custody, at least pending court appearance. So if you could keep that in mind for the next two or three days. As I say, it's just to let you know that we are kind of stuffed at the present time."

The above remarks show that probation officers must attend to  
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practical organizational contingencies as well as the problematic, or non-

3. That such organizational contingencies are invariant features of legal systems which shape 'decision' making at various levels is evidenced by Wiseman's remarks about the dependency of police action on the 'available space' or lack thereof 'in jail':

Policemen somewhat naturally like to see their arrest decisions receive the official seal of judicial approval by being translated into jail sentences, since it is frustrating and discouraging to arrest men who are released shortly afterwards. This is why the current occupancy rate of the jail and the general ideology of the judges enters consciously or unconsciously into every defining decision between police and the Skid Row drunk. There is a definite relationship between the number of men the police arrest and the level of occupancy of the jail...(Quoting an officer) "We used to handle 300 to 400 drunk cases Monday morning. Now we only have about 50. The sergeant of the city jail lets 'em out. They have it (the jail) full of hippies and civil rights demonstrators right now." (Wiseman, 1970: 71-72).

Continued . . . .

cooperative behaviour of their probationers. Competent caseload management produces only a manageable number of probationers either 'in detention' or 'in court' at any given time. Members of the court bureaucracy, (probation officers, judges, custodial personnel, and supervisors), informally and formally monitor the cases which probation officers 'take to court', or 'lock up'. Probation officers may be seen as 'incompetent', 'sloppy', 'lazy', etc., for 'cluttering up' the calendar or the detention center with probationers at inappropriate times and for what are taken to be inadequate reasons. Competent probation work, therefore, involves proper scheduling of (as well as producing organizationally-adequate-and-documented reasons for) 'custody' and/or court reappearance recommendations. A judge, supervisor, or fellow probation officer may ask a probation officer to 'explain' why he decided to 'breach' a particular juvenile if the matter seems to be one which could have been dealt with by the probation officer

3. (Continued....) Another study has located similar 'pressures' in the relationship between judges and custodial personnel as well as between judges and lawyers. The researcher quotes a judge:

"When the number of prisoners gets to the 'riot point,' the warden puts pressure on us to slow down the flow. This often means that men are let out on parole and the number of people given probation and suspended sentences increases." (Cole, 1970: 337)

"Lawyers are helpful to the system. They are able to pull things together, work out a deal, keep the system moving." (Cole, 1970: 340)

Finally, the following quote from Claude Brown's sensitive autobiography displays for us the unintended effect a probationer's informed understanding of such organizational 'facts of life' may have upon his 'hearing' of court-probation rhetoric:

The judge kept talking to us about how we had risked our lives and how we were lucky not to get hurt. He said he was going to give us another chance. We'd expected this; we'd heard that every place they could have sent us was filled up -- Warwick and Wiltwyck and Lincoln Hall. (Brown, 1966: 123)

without going to court. Thus, competent caseload management dictates that custody and breach decisions should be made only when they may be shown to be 'necessary'; alternatively, cases may be managed in order to justify the decisions when made. Barring some kind of physical assault by the probationer on the probation officer, however, it appears that probation officers will not attempt to return a juvenile to court during the early probationary period. The above discussion indicates that the reluctance is well-founded. Moreover, PO's who do employ the 'threat' of immediate judicial action in an attempt to attain 'cooperation' are vulnerable when faced with an outright challenge by a 'hostile' probationer. On one occasion, for example, I observed a probationer instruct a PO to "shove the judge up your ass", when informed that he would be returned to court immediately if he failed to cooperate. The probation officer did not immediately rush the probationer to the judge's office. The probation officer did not 'schedule' a court appearance at the earliest possible time so that the judge could take further action against the juvenile. The probation officer did, however, make a rather elaborate display of the 'fact' that he was duly recording the incident 'in the file', stating:

PO: OK. Uh, have it your way - smart guy. If that's the way you want it. We'll just see. Now get your fanny out of here. YOU - You want to play it that way, go ahead - get out of here. Course, you have to report again next Friday. And just try to step out of line. We'll see. ((waves file)) Judge Brown is going to be very interested in this.

Here, the strategy has not 'worked' insofar as the probationer has challenged the PO to follow through on the 'threat' rather than 'back-

ing off'. Note, however, that even in a case such as this, the tactic has produced recordable documentation of 'non-cooperation' and a 'bad attitude' which may be used at a later time both during subsequent supervisory interaction, and in the event that he is returned to the court on a subsequent offense or for a breach of probation, be employed as a resource with which to provide the judge with a practically-adequate interpretation of the offense or breach. Thus, the probation officer is in a position to 'make sense' of subsequent 'problems' encountered in dealing with the juvenile in terms of his never having given the probation officer a chance to 'help' him, or as having 'resisted from the very beginning'.

Note, however, that the strategy has misfired here and now inasmuch as the probation officer's straightforward control over the situation (and the probationer) has been called into question. The probation officer, in effect, 'backs off' from his threat just as the probationer on the earlier occasion had 'backed off' from his sullen non-cooperation. The PO said that he would 'get the judge' and he did not, even though the juvenile's response to the threat had been in even more open and flagrant defiance of the probation officer. Probation officers attend to the possibility of such challenges and, as a result, typically attempt to avoid them by organizing their interactions in ways which minimize the probability of such 'confrontations' unless they are sought by the probation officer.

I want to now turn to an alternative strategy with which I observed probation officers seek to obtain cooperation and adequate probation reporting on the part of new probationers. The probationer participated minimally during his first two probation supervisory interviews. His participation



throughout those occasions consisted totally of monosyllabic utterances, barely audible 'grunts', and movements of his head. The probation officer treated his performance as adequate, engaged in no probing or challenging, and terminated the interviews by remarking, to the effect that 'if that's all' the juvenile had to say, then he was free to go, adding only that he should 'stay out of trouble'. On the third meeting, the interaction is almost identical until the probation officer 'dismisses' the juvenile:

PO: How'r things John?

Juv: ((Shrugs silently))

PO: How's your mom?

Juv: OK.

PO: What about school, everything ok there?

Juv: ((nods silently))

PO: Any thing you want to talk about?

Juv: ((shakes his head negatively))

PO: Well ok, you're so talkative I think I'll let you bugger off. Maybe next week you can think of something to talk about. Stay out of trouble, ok?

Juv: Sure. ((stands)) Oh, I want to go to a, uh party tomorrow night.

PO: Remember, you didn't have anything to talk about.

Juv: But I didn't/

PO: /So that's fine with me. Fine, I mean you're on probation to me and you don't want to fill me in on anything, won't give me the time of day. But then you turn around and want me to let you go to a party. Well I'm sorry, but until I get a little cooperation I think you'd better stay in over the week-end.

Juv: Big deal, I just want to go to a party! You'd think I was ten or something. ((leaves office))

An analysis of the above transcript will carry us further in my attempt to explicate and describe the mundane accomplishment of probation 'help and guidance and proper supervision'. The interaction initially is substantially identical to the early supervisory interaction with which we have been concerned. Again, at least initially, the probation officer is dealing with a juvenile who 'has nothing to say'. We have already seen that 'having nothing to say' limits the probation officer's direct, unproblematic access to 'probation relevant topics'. While the probation officer takes it that he is involved in the business of 'locating problems', 'spelling out consequences', and 'reaching understandings', in order to ensure adequate performance on the part of the juvenile qua probationer, juveniles may seek to limit the impact of probationary status on their everyday activities by not 'freely' discussing them with their probation officers during probation interaction. We have seen that probation officers may employ various strategies to constrain the probationer to 'cooperate' by engaging in probation-adequate reporting, strategies which range from 'merely' informing the juvenile that non-participation (as defined by the probation officer) may be treated as 'non-cooperation' to 'threatening' the probationer with an immediate return 'to court'. We have also seen that the kind of 'confrontation' involved in 'threats' of that type made during early probation supervisory interaction may 'misfire' with rather devastating consequences for the 'control' that the PO may then be able to exercise either during the immediately ensuing interaction or later supervision. The probation officer who had been instructed to 'shove the

judge up his ass' subsequently told the researcher that he thought he had probably 'blown it' with the probationer and that 'probably the only thing' that he could do now, was wait for the kid to 'fuck up' so that he could take him back to court. Probation officers frequently express concern over kids who 'blew up' during interviews. Other probation officers suggested that they were extremely careful about 'threatening' probationers when they were not prepared to follow through, i.e.:

PO: Shit no, I try not to say something like that unless I'm ready to back it up. You tell em "say that again and I'll x", then they say it, or do it, and you sit back, I mean, if you're not ready to act, what do you do, tell em to say it again and so on? They're going to lose all respect for what you say. When I tell a kid I'm going to do it, it usually means that I'm ready to go to court, got it all ready, and I'm just waiting for him to give me the opportunity to go back to court. I tell him not to say "boo" again, he says "boo" and I jerk him in. Of course, then I can go to court and tell the judge all sorts of stuff, the "boo" is just part of the pattern and blah blah. But I've got it all down there and ready to do. I'm the one who decides. You go around giving kids ultimatums before you're ready and then they're going to call you on it.

Another PO voiced a similar opinion:

PO: It's easy to tell a kid that if he doesn't behave, the judge will spank. But then if the judge doesn't spank, that's it, the kid thinks that he can get away with anything. A lot of times that's the kind of thing that got a kid here in the first place uh, parents who tell them that they're gonna get into trouble if they don't straighten out, but then don't care enough to discipline the kid. I try not to fall into that trap, when I tell a kid I'm going to come down on him, it's only after I'm uh, I'm sure, 100% that he knows where I'm coming from. He knows I don't talk just to hear myself talk. If and when it gets to that point, my probationers know what's going to happen and why I'm doing it, uh, I make very sure of that. Uh, usually we've gone over and over it so that they know how and in what uh, way they're not making it, you know, the terms and so forth. And the judge will know exactly what's going on and why I'm recommending what I am. I, ah, think that it's only fair to everybody concerned.

How do probation officers attempt to pursue their short and long-term 'goals' during early probation interaction with 'reluctant' or 'non-cooperative' probationers without resorting to 'threats' which may undercut probation work? The transcript on page 118 provides us with a typical example of one strategy which was seen to be routinely employed by probation officers during supervisory interactions. I suggest that the strategy has a general utility in the accomplishment of probation tasks. I would like to begin by briefly contrasting it with the 'threat' strategy which was just examined.

First, notice that the initial exchange is identical to that which has already been examined. The probation officer methodically employs the terms to generate a series of probation-relevant questions. The juvenile, in turn, produces minimal responses to those questions, but does not provide the probation officer with direct access to any probation-relevant 'topics'. Recall that this is the third supervisory interview, that the PO has allowed the juvenile's interactional performances to pass without addressing his 'lack of cooperation' or 'threatening' to take him to court if the required 'cooperation' is not forthcoming. Indeed, just as the probationer seemed to have 'little to say', so the probation officer appeared to have little to say or do throughout such interactional exchanges. Note, however, how the exchange alters markedly with the probationer's utterance:

PO: Well, ok, you're so talkative I think I'll let you bugger off. Maybe next week you can think of something to talk about. Stay out of trouble, ok?

Juv: Sure. ((stands)) Oh, I want to go to a, uh, party tomorrow night.

PO: Remember, you didn't have anything to talk about.

Juv: But I didn't/

PO: /So that's fine with me. Fine, I mean you're on probation to me and you don't want to fill me in on anything, won't give me the time of day. But then you turn around and want me to let you go to a party. Well I'm sorry, but until I get a little cooperation I think you'd better stay in over the weekend.

I will have a good deal to say about this bit of interaction, but first would like to note that the probation officer here does not 'threaten' to draw the judge into the interaction. The matter is treated as something between the probation officer and probationer and, therefore, resolvable at that level. Thus, the probation officer does not respond to the juvenile's 'lack of cooperation' with a 'threat' which may misfire. Indeed, for the first two and one-half supervisory meetings with the juvenile, the probation officer did not say anything about the juvenile's performance. In this way, I would like to suggest, the possibility of a 'confrontation' was minimized. Of interest here, however, is the way in which a 'confrontation' finally occurs.

First, note that the PO is not the interactant who alters the pattern which has characterized their interactions. Rather, the probationer's utterance 10 is the first change. I take it that we may account for the exchange as reflecting competitive strategies via an examination of the relevance of the terms for this on-going interaction. We have already

seen that juveniles on probation frequently 'have nothing to say', a 'fact' which limits the probation officer's direct and straightforward access to probation-relevant information. We have seen that the probation officer may initiate 'criticisms' of such a performance by the probationer, and so instruct the juvenile that such performance is inadequate insofar as it may be treated as 'uncooperative' behaviour, a 'fact' which may then be shown to be potentially consequential for the juvenile's fate as a 'probationer'. Note that the terms 'as usual', are employed by the probation officer as a resource with which to accomplish such 'proper understandings' of the juvenile's status as a 'probationer'. The present strategy is also constructed in a way which constrains the juvenile to engage in probation-adequate reporting. The terms here, however, are not activated by the probation officer. The 'use' of the terms in this interaction is much more subtle. I would like to note that the utterance 10 should be treated as the juvenile's attempt to 'comply' with his terms of probation without raising the issue of the terms.

The term which I suggest is relevant is the following:

3. CURFEW: Probationer must be off the streets and in his home as follows:

9:00 P.M. - week nights

10:00 P.M. - weekends (Friday and Saturday only)

Probationer must obey this curfew unless granted an extension by his probation officer.

The terms explicitly state that the probationer will 'obey' a 'curfew' and that 'an extension' of that curfew may only be 'granted' by

the probation officer. This feature of the terms places a mechanism in the hands of the probation with which he may extend the influence he exercises on the everyday activities of his probationers. The earlier strategies involved the use of the terms and the notion of 'cooperation' or 'non-cooperation' and the consequentiality of each in terms of the ultimate 'fate' of the probationer as probationer. Thus, the 'cooperative' probationer would 'get off' probation when the probation officer went back to court in 'a few months' while the 'uncooperative' probationer would be 'taken back to court' or at least, remain on probation as a juvenile in need of 'help and supervision and proper guidance'. The existence of the curfew clause, as included in the terms of probation, on the other hand, enables the probation officer to 'reward' and 'punish' week to week 'compliance' or 'non-compliance' without resorting to 'threats' or himself 'raising' the issue of the terms and probation-adequate behaviour and/or reporting. Thus, whether or not the probation officer will 'grant permission' for the juvenile to 'attend a party' (an activity which most likely necessitates the juvenile's staying out 'after curfew') is here displayed to depend upon the juvenile's adequate probation reporting. Now the juvenile is instructed to 'see' his past and present performance as inadequate in a practical sense and terms of his goals, i.e., he has not provided the probation officer with the information which the probation officer now informs him is a necessary prerequisite for the granting of permission. In this way, the probation officer is able to display for the juvenile the consequentiality of the inadequate performance and at the same time 'depersonalize' the decision to not 'grant' an extension on the curfew. That is to say, the probation

officer's utterance is constructed in a way which provides for the probationer's proper 'understanding' of his action as a natural and taken-for-granted 'outcome' of the juvenile's inadequate performance as a probationer, rather than an action initiated by the probation officer.

Rather than displaying the 'consequence' of non-cooperation as the dramatic 'immediate' return to court for another appearance before the judge, the present strategy displays one mundane, routine 'cost' of inadequate performance or non-cooperation, i.e., non-cooperation by the probation officer 'whenever' the probationer 'wants' something that the probation officer is in a position to 'grant' or 'withhold'. The strategy enables the probation officer to 'deal with' non-cooperation in a way which does not rely upon the hollow 'threat' to call the judge or point up the adversarial or antagonistic aspects of the probation relationship. The probation officer here, as in earlier interactions, is involved in the mundane activity of explicating for the juvenile the costs and benefits of the various strategies of cooperation and non-cooperation which are available to him as a probationer. Thus, the probation officer displays for the juvenile a cost of his 'inadequate' probation reporting, i.e., he will not be granted an extension. At the same time, the probation officer is providing the juvenile with the recipe for obtaining the cooperation of the PO, i.e., an extension of the curfew, etc., 'in the future', as well as the conceptual machinery with which to make 'proper' or probation-adequate sense of the probation officer's 'strict' application of the terms of probation, e.g., to locate the 'reason' for the probation officer's refusal to grant probation in his own performance, to 'see' the probation



officer as 'merely' mechanically making the decision to not grant an extension because he has not provided the probation officer with the information necessary and to make sense of future 'tightening' of probationary control as an expectable and routine outcome of continued inadequate performance. Again, the terms are employed in the mundane and on-going accomplishment of an 'understanding' of the meaning of probation both within this and future probation officer-probationer interaction.

I would now like to return to something which I mentioned in passing earlier, that utterance 10 should be treated as the probationer's attempt to 'comply' with his terms of probation without raising the issue of the terms. What is the basis for such a claim?

First, let us note the positioning of this utterance. It comes after the probation officer has, in effect, dismissed the probationer:

PO: Well ok, you're so talkative I think I'll let you bugger off. Maybe next week you can think of something to talk about. Stay out of trouble, ok?

Juv: Sure. ((stands)) Oh, I wanted to go to a, uh, party tomorrow night.

I take it that the utterance did not 'just happen' to come when it did although I will argue that it was probably intended to be so treated by the probation officer. In other words, the probationer constructed the utterance in a way which was designed to accomplish his 'goals' within this interaction. Let us take, as a contrast, the following almost prototypical 'extension-granting' exchange between a 'cooperative' probationer, i.e., one who 'asked' if he could attend a party, and a probation officer:

PO: Anything else you want to talk about?

Juv: Yeah, I was wondering if I could go to a party on Saturday night.

PO: Well uh, let's see. How late would you be out?

Juv: Probably twelve or so.

PO: Well that's after the curfew as you know. Well now, who's giving it - where is it - and who's going to be there?

((A fairly lengthy exchange ensues during which the PO 'probes' for information about 'the party' as a probation-relevant event. The discussion 'spills over' into a discussion of how the probationer's parents 'feel about it'. The probation officer looks at the probation file which is open on his desk. He then speaks to the probationer.))

PO: OK, I don't see why uh, you can't go to the party. I mean the file's good and it sounds like you're doing ok at home. Uh, course - when I say to the party that's exactly what I mean. I want you to go straight home afterwards, uh, no running around with the gang, straight home by 12:30 sharp ok?

Juv: Um, yeah. Thanks!

PO: Don't thank me, you've earned it. Just keep up the good work.

The situation here strongly resembles the former one insofar as both probationers are faced with the 'problem' of being a juvenile 'on probation' and, consequently, subject to a 'curfew' which limits their ability to 'attend a party'. They differ in the way in which they seek to comply with the term of probation which requires them to obtain the probation officer's approval of an extension on the curfew. The 'cooperative' probationer brings up the topic at what, for the probation officer, is an appropriate place during their interaction, i.e., in response to the PO's explicit question about whether there was anything else that the probationer wanted to talk about. By doing this, the probationer displays

to the probation officer the 'fact' that betakes it that the matter is probation-relevant, that it is something which is properly and expectably a matter of concern to the latter, and, therefore, something which should be dealt with during a 'probation interview'. The probationer who is treated as 'uncooperative', on the other hand, introduces the matter at a time and in a way which shields it from being readily treated as probation-relevant. He 'mentions' the subject in a 'casual' or 'absent-minded' manner after the probation officer has signalled the 'end' of the interview. In so doing, the probationer appears to have 'just thought' of 'something' which is not really 'relevant' for 'official' recognition and treatment by the probation officer. Also, the 'uncooperative' probationer's utterance is, both grammatically, and intonationally a statement, i.e., that he 'wants' to go to a party, while the 'cooperative' probationer's remark is a question about if 'it's ok' for him to attend a party. The 'cooperative' probationer in this way explicitly displays to the probation officer an acceptance of the latter's 'authority' to decide the issue while the other juvenile merely informs him.

Notice the interaction which the probation officer builds from the 'cooperative' probationer's request. I would like to point to this as an illustration of the 'cooperative' probationer granting the probation officer an ideal occasion for engaging in warranted probing.

In other words, the 'cooperative' probationer presents the probation officer with the opportunity to gather information about probation-relevant matters 'in order to' determine whether or not his performance warrants the granting of permission. By providing the opportunity and then

cooperating in the subsequent questioning, the cooperative probationer displays his understanding of the authority of the probation officer to make such decisions and of the function of such proper and adequate reporting in the displayed decision making process.

The elegance of the mundane competitive interactional strategies under consideration is nicely illustrated by the following piece of data:

Routine Friday afternoon meeting with probationer Mark Smith, a 14-year-old who was brought before the court on numerous charges of 'breaking and entering'. Mark was charged along with two slightly older boys, Tom and Jim. His terms of probation specify that he is not to associate with them. Mrs. Smith had phoned the previous morning to ask the probation officer if he had given Mark permission to go to a party and stay out until midnight the following Saturday. The probation officer replied that he had not and that, in any event, he would have told the probationer to discuss the matter with his mother and obtain her permission before he would have granted permission. The final decision was 'up to' the mother. Mrs. Smith then informed the PO that Mark had told her that his PO had told him that he could go to the party and that he would go whether she liked it or not. The PO told Mrs. Smith that he would call her as soon as he had talked to the youth. I assumed that the probation officer was going to 'confront' the juvenile with the information provided by the mother.

During the interview Mark failed to mention a party and was reticent 'as usual'. The PO asked the standard questions about his performance, i.e., how things were going in school, how he was getting along with his mother, etc. Mark claimed that 'everything' was ok. After a few minutes, the probation officer appeared to move to close the interview with the following remarks:

PO: Well um, so I'll see you next Friday, OK? And um, I'm glad everything's ok at home. Say hello to your mum for me.

Juv: OK.

PO: and tell her I'll drop by during the week, maybe uh (checks appointment calendar) Wednesday. If she's not going to be at home would you ask her to give me a call on Monday?

Juv: Yeah, sure. (begins to leave) Oh, Mr. Jones, a girl asked me to come over Saturday night, that'd be OK wouldn't it?

PO: Ah, well it sounds ok. What does your mum say about it?

Here the probation officer deals with a probationer's deception without directly confronting him with his knowledge of that deception. By managing the interaction in the way he does, the probation officer is able to 'shield' the relationship of the probationer and his mother from the possibility that he will attend to her disclosure as, for example, a 'betrayal'.

The utterance with which the PO appears to initiate the 'closing' of the interview is constructed in a way which powerfully constrains (and at the same time enables) the juvenile to engage in further interaction.<sup>4</sup> He does this by 'summing up' the probation-relevant content of the interview, i.e., that 'everything's ok', and then displaying for the juvenile features of 'normal probation work' which will provide him with information which will discredit the carefully managed impression 'later'. Thus, the juvenile is shown that the probation officer's normal round of activities will uncover the fact that he has engaged in deception and that 'next Friday' such information will become the probation relevant topic for discussion and warrant for action on the part of the probation officer and mother. Equipped with this probation-adequate understanding of the situation, the probationer subsequently engaged in a great deal of 'negotiation' here and now over whether or not he should be allowed to go to

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4. For a useful discussion of the interactional accomplishment of 'opening up closings' and sociolinguistic features of conversation which are of direct relevance to an analysis of this exchange, see Schegloff and Sacks (1974).

the party, the role of his mother and PO in such decision making, etc.

In addition, probationers would frequently attempt to avoid probation-adequate reporting altogether by 'not showing up' for their scheduled interviews, a strategy which made them unavailable to the 'probing' which they otherwise experienced during face-to-face interaction with supervisory probation officers. Instead, they would telephone the PO with what they took to be an acceptable 'reason' for not being present. On occasion, they would attempt to 'get permission' via such phone calls. The following data represents one such occasion and the probation officer's competent management thereof:

I was discussing an interview which had just ended. The phone rang and the probation officer answered:

PO: Hello (pause) Yes, this is Mr. Jackson. (pause) Oh, hi Ted. (pause) Yeah, ok. That's ok, long as you call me. (pause) Umhum, and how late did you want to stay out? (pause) Is it ok with your mother and father? (pause) OK, hang on a minute, I'll check the file. (The PO covered the phone with his hand and continued talking to me about the earlier interview. After about two minutes, he resumed his phone conversation:) Well everything looks ok. But you be in by 12 and don't get into anything, ok. And be here next week. See you later.

Even in exchanges such as the one above, the adequate and proper understanding of 'probation' by the probationer is scrupulously cultivated. He is shown, for example, that he is being 'granted permission' because his performance is deemed adequate. The notion that contents of 'the file' produce the standard by which the probation officer 'decides' such matters is impressed upon the probationer at this moment. 'Permission' is shown to

be contingent upon a 'good file' and the consequentiality of a 'bad file' displayed by implication. The everyday accomplishment of such adequate and proper understandings enables the PO to manage his daily supervisory activities in a competent, accountable manner. Note that by managing cases in this manner, he renders the 'consequences' of inadequate probation performance expectable, reasonable, and understandable for the probationers, parents, and others who may be involved in subsequent court processing.

CHAPTER FIVECOOLING A PROBATIONER OUT: THE INTERACTIONAL ACCOMPLISHMENTOF A PROBATION-ADEQUATE UNDERSTANDING OF ANDCOOPERATION IN 'PLACEMENT'(PART ONE: THE PARENTS)

In Chapters Five and Six I will examine a practical concern of probation officers which pervades probation work from initial contact through supervision and placement or termination of probation. Specifically, I intend to show that a great deal of probation interaction can be most adequately characterized as the means by which a probation officer 'prepares' juveniles, their parents, and court personnel themselves for subsequent court action and for their necessary participation in that action. I will present data to illustrate that the consequences of inadequate or incompetent preparation may be serious and dramatic 'disruptions' of court routines. I will then show that the apparent routine, mundane and efficient processing of juveniles by the court rests upon competent 'programming' of the relevant actors by the probation officer.

The competent probation officer is responsible for producing competent probationers, ones who know, understand, expect, and accept the actions of the court. Juveniles who 'make trouble' for court personnel by asking too many questions, challenging a recommendation, arguing over 'details', insulting the judge, etc., are seen as beyond the control of the probation officer. A competent PO anticipates such problems and takes



action to eliminate or minimize their disruptive impact on court routine. A competent PO then prepares the court to deal with 'probable' outbursts efficiently:

A probation officer informed the judge that a particular juvenile had been insultingly abusive, and that he had been violent with custodial personnel in the juvenile detention centre. Before the youth was brought into the court from the holding room, the judge instructed the researcher to remain calm if there was any trouble. An 'extra' probation officer, the largest one available, was asked to sit next to the juvenile throughout the hearing, 'just in case'. The juvenile was ushered into the courtroom and set between the two probation officers. The juvenile remained quiet throughout the hearing, only answering direct questions which were necessary for adjudication. After the juvenile had been taken out, the judge thanked the PO for the 'warning' and suggested that the juvenile had probably 'behaved' because of the extra probation officer.

The probation officer on this occasion anticipated possible 'trouble' based upon his pre-court interaction with the juvenile and alerted the judge who took action to prevent a disruption of the proceedings. The PO had prepared the juvenile for the hearing by carefully discussing the sequence of events which would take place, as well as what would be required of him in terms of responses to the judge's questions. The recommendation that the PO was intending to make was revealed to the juvenile before the hearing to minimize the 'shock' the juvenile might express 'in court'. Thus, the probation officer took steps which increased the probability of a non-problematic, smooth hearing via detailed preparation of both judge and juvenile.

Shortly we will examine the interactional preparation of juveniles and their parents for court hearings. First, however, I would like to present data which indicates what may happen when the PO has not adequately

prepared the principals. The occasion also demonstrates the fragility of the court routine.

A 16 year old juvenile was before the court on a charge of rape. He had been on probation when he allegedly committed the new offense. He 'had a history' of drug use and supportive theft. The charge was considered serious enough to warrant consideration of the severe measure of 'raising' the juvenile to adult court,<sup>1</sup> a possibility which was evidently viewed by the juvenile with at least some pride. During the hearing, the PO stated that he was recommending placement in a residential treatment programme for disturbed children. When the judge accepted the recommendation, the juvenile attempted to get over the table to approach the judge. The PO intercepted him and extremely loud struggle ensued. Court personnel rushed to control the juvenile whose screams were audible throughout the court building. Proceedings in the other court were halted while the clerk was sent to check on the disturbance. Probation officers left their offices to see what was happening, as did the secretaries. The doors leading from the waiting room corridor to the court area were closed and the holding room was locked. The juvenile was then carried out, kicking, screaming and biting, by probation officers, a clerk and a representative of the hospital. He was rushed to a car where he was restrained until he stopped struggling, then driven to the treatment centre. There was a delay while the court personnel 'recovered' from the incident, but for the rest of the day persons at all levels remarked upon and talked about the 'blow-up'. There was a good deal of joking about how the PO had let the judge get 'caught with his robes down'.

A consideration of the above disruption of the court routine can tell us a good deal about that routine and the competent accomplishment of probation tasks upon which it is based. The data indicates that PO's must attend to how a juvenile 'feels' about a recommendation to be made in court for practical as well as 'therapeutic' reasons. Indeed, he may ignore those feelings only at his own peril. In this case, the probation officer

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1. 'Raising' a juvenile is the most drastic disposition available to the juvenile court judge. The rationale is that the juvenile is too 'sophisticated' to be dealt with through the resources of the juvenile court and that the holding facilities, drug programmes, etc., available to the adult courts are necessary.

did not anticipate the 'blow-up' because he assumed that the juvenile would be relieved to escape the more 'serious' disposition. He did not discuss the matter with the juvenile during their pre-court contacts and did not realize that the juvenile would react as he did to the court's categorization of him as 'a disturbed child'. As a result, neither the juvenile nor the court personnel were 'properly prepared' for the hearing.

Preparation for acceptance of and cooperation in the course of action the probation officer intends to recommend is a basic task of PO's during probation interaction. In a very real sense, the routine 'reminding' of 'what will happen' if, for example, terms are violated and the juvenile is returned to court is a common tactic which renders subsequent action expectable and understandable for probationers and their parents. I will now examine the interactional accomplishment of 'acceptance' and 'understanding' of a recommendation which is viewed with 'apprehension' by a mother and her adopted son.

The case is of analytic interest insofar as it nicely illustrates the lengths to which PO's may be forced to go during the processing of cases if and when they are dealing with cases that they have reason to believe may 'cause trouble' during court processing. The PO's apprehensions about this particular case are based on his recent experiences with it 'in court', experiences which may bring his competence into serious question if they are 'allowed' to recur. I say allowed because that is how the judge would be expected to orient to further problems which resemble the last one. The particular circumstances of that case were as follows: weeks earlier, the parents had 'agreed' (on the basis of their adopted son's failure to

adjust in the home, attend school, and his involvement in further delinquent activity), that he should be returned to court and that a recommendation for 'placement' be filed. The PO so recommended. During the hearing, however, the adoptive parents and their counsel strenuously and successfully 'objected' to the recommendation, and the judge dropped it. Their move had been unanticipated by the probation officer. When the PO sought to explain their 'change of heart' subsequently, he pointed to the father's 'ambivalence' and the mother's 'fears'. He assumed that the mother had convinced the father to give the juvenile another chance. His practical concern in accounting for their behaviour was occasioned by the fact that they had called him shortly after taking the probationer home to report that he had stolen a fairly significant amount of their 'house money' and seemed to be 'involved' in the 'wrong gang again'.

The PO is planning to recommend that he be removed from his adoptive home and placed at an institution for boys run by a large private charity organization. The PO had earlier told the researcher that the father wouldn't 'make any trouble' that he would support the action, but that the mother might 'not go for it'. During the evening, the PO first discussed the case for almost an hour with the parents, then for about half an hour with the juvenile and father. The parents ask about the timing of the proceedings.

PO: There will be a judgement tomorrow but the final disposition will come a week later after I've had a chance to work on the findings and come up with a recommendation for the court to consider. And it's a case of working out as a team, the four of us, what is you know, in the best interests of the boy. ((The PO then goes on to suggest that he is "of the opinion myself" that because of the original offense and "what has happened since", he is thinking of recommending placement in the institution. He then states that the juvenile is now behaving well 'because' he's facing court. He finishes by saying that the would "very much like to hear your opinions".))

Fa: Yes, well my wife has reservations.

Mo: Well I have mixed feelings Mr. Smith. I, I feel from what George ((their lawyer)) told me about the Dr.'s report that, uh, I'd like to read that report.

PO: I wish I had it with me.

Mo: that he has - from all people around him, he has a great sense of insecurity and he's not matured as most boys do eventually. But I feel that his main security is his home and his mother and father, and that we're the only security he has.

The PO enters this particular interview with the knowledge that the adoptive father wants the boy 'sent away' but that the adoptive mother is afraid that such an action would be harmful, i.e., that the juvenile is lonely and insecure and would interpret placement out of the home as 'rejection' by the 'parents' who had adopted him. Her concern with being a 'good parent' and with the 'meaning' of court action as perceived by the probationer were, therefore, seen by the probation officer as critical factors to be dealt with on this occasion. The officer has just finished reading a psychiatric report on the family which he has received. The report described the father as "a rigid and harsh disciplinarian" and stated that the relationship between him and the probationer was generally poor. For the PO, the report along with his past experience with the family indicated that the father didn't "really give a damn about the boy" and, therefore, "wants him out of the house". The practical problem during the present interaction, as the PO outlined it to the researcher, "is to convince the boy and his Mom that this placement is the only reasonable option open to us at this time". I call it a 'practical problem' insofar

as the PO is preparing the family for the appearance in court during which the judge will ask them to 'agree' to the disposition. Dispositions which run off smoothly do not take a great deal of court-time and are seen as being produced by competent probation work.

The probation officer immediately summarizes the business at hand for the present occasion but does so by providing the parents with a definition of the occasion which will be shown to provide for the accomplishment of the practical purposes cited above. Thus, the goal of the present interaction is presented as the development of a recommendation for court which is in the best interests of the probationer. Furthermore, the recommendation is to be the product of 'teamwork' between 'parents', the probation officer, and the judge all of whom are assumed to be seeking to act in 'the best interests of the child'. This description of the occasion provides the participants with the 'sense' of being involved in the decision-making. It also nicely undercuts any adversarial elements of the coming hearing. In so describing himself, the PO memberships himself as one who is in the business of 'helping' the juvenile and, thereby, a person who can define 'help' and the 'best interests' of the juvenile in this particular case. As we shall see, the PO makes a good deal of his background, experience, etc., in credentialing himself as 'an expert' in matters of this kind, a 'fact' which places the mother and probationer at a distinct disadvantage during the interviews. For the present, however, I merely wish to point to the fact that the notion of collaborative teamwork in the best interest of the probationer is employed to provide the parents with the 'proper understanding' of the immediately following infor-

mation, i.e., that because of the juvenile's performance, the PO is considering placement in an institution run by a large charity organization. Thus the parents are encouraged to 'understand' the PO's recommendation as in the best interests of the juvenile rather than as an attack on the juvenile and/or themselves and their competence as parents. Note that the PO also employs additional information to bolster his recommendation, one which is based on a 'serious' interpretation of the facts at hand, by referring to the original offense and the subsequent delinquent actions of the juvenile while on probation. His opening remarks are also designed to deal with any attempt the mother may make to undercut the 'seriousness' of the present charges by reference to the fact that he 'is behaving now'. That is to say, the probation officer suggests that the juvenile is 'behaving' only because he is facing court and that, therefore, present behaviour is not merely an imperfect indicator of moral character, but an artfully and intentionally managed production with which the juvenile is attempting to avoid severe court intervention.

In passing, I wish to call attention to the fact that the PO deceives the mother by stating that he 'wishes he had a copy of the psychiatric report when, in fact, he had a copy in his briefcase. By doing this, he was able to avoid the introduction of material into the discussion which would have changed its course. The material in the case may have occasioned, for example, the mother's attempt to make sense of the facts by reference to the juvenile's relationship with the adoptive parent, an issue which could have resulted in a redefinition of the 'problem' and

interfered with the desired objective, 'agreement' by all parties who would be present in court when the recommendation was made.

The PO's utterance is so structured that he ends by asking for the parents' opinions about the proposed recommendation in the context of the juvenile's best interests. The parents are constrained to speak to the recommendation as defined and shaped by the PO.

The mother's utterance treats the PO's professed interest in the juvenile's welfare seriously, but arranges the data in such a way as to arrive at a different conclusion. Her account trades on what her lawyer told her about the psychiatrist's report, that the juvenile was described as 'insecure and immature'. The delinquent's acts, in the mother's account, should be understood as reflections of that insecurity and immaturity. There is also reference to the 'fact' that boys eventually mature. The mother is suggesting that her adopted son is in trouble because he is immature and insecure, but argues that he will 'mature' if given extra time and security. Her location of 'insecurity' as a major problem provides the grounds for objecting to the PO's proposed recommendation. Removal from the home and placement in the institution is seen as taking him from 'his main security', 'the only security he has', a move which becomes an obstacle to his maturational process rather than one designed to accelerate it.

I will now turn to the interactional work of the father and probation officer as they methodically and quite artfully attack the mother's 'understanding' of the situation and the implicit solution, i.e., that the juvenile should be worked with by his parents in the home.



PO: Now I agree with you Mrs. Jones, but by the same token this can't be just sort of a passing phase. The boy - you know, instead of looking at his attitude, he said "Well, I guess it cost mother and dad a little more money again". And everything's right back to where it was.

Fa: Yes.

PO: I mean the boy is A. not going to school.

Fa: No.

PO: He's not working.

Fa: No.

PO: He's not motivated towards anything along those lines.

Fa: No.

PO: I mean, if we had something else

Fa: If he, for instance, had a job

Mo: Which he has tried. He has. I know this.

PO: Yeah, but I mean you see, I don't doubt that he has, but look at it from the standpoint of - what has he got to offer the employer? ((both parents nod)) You have got him into two or three schools, so he's not even eligible for vocational training, can't go back to school.

Mo: Umhum, he's not.

PO: No. So then this is why I've felt all along that the Boy's House, or a reasonable type of resource where he will have an opportunity to improve himself

The probation officer begins an attack upon the mother's 'understanding' of the case. The attack is designed to accomplish the 'reasonableness' of the PO's intended recommendation by undercutting and questioning the mother's implied recommendation.

The attack opens with the remark that he agrees with the mother, a useful frame insofar as it instructs her to read what follows as not in

conflict with her remarks. By opening his utterance in this way, the PO moves to minimize the appearance of 'conflict' between his remarks and those of the mother, a tactic which may reduce the probability that his remarks will be perceived and reacted to as an 'attack' on the mother's position. The probation officer then addresses her argument. First, he flatly states that "this can't be just sort of a passing phase". The PO then documents this analysis by reference to the boy's attitude toward the offense. His analysis implicitly addressed the mother's theoretical position by providing an alternative understanding. Rather than 'a stage' which the juvenile will grow out of if given 'adequate' security, the PO suggests that the 'problem' is the juvenile's attitude which is then linked to an actively harmful sense of security. Thus, the PO states, the juvenile himself has made no attempt to examine his improper attitude as the 'cause' of the delinquent acts. Rather, he is viewed as escaping responsibility for those acts via the assumption that his parents would pay for money 'stolen' from others and just 'be out' money taken from them. In other words, the sense of 'security', i.e., the 'support' provided by the parents is located in the probation officer's account as the means by which the juvenile was able to avoid 'facing up' to what he had done. Under this explanatory model, the parents' provision of 'security' is viewed as insulating the probationer from what is seen as an essential part of the 'solution' to the problem, the acceptance of responsibility and the change of attitude. Allowing the juvenile to remain in the home at this point is seen as putting everything back 'where it was' rather than adopting the preferred course, i.e., constructively

using the offense in promoting 'needed change'. A 'proper' interpretation of the 'facts' warrants placement rather than continued probation supervision in the home.

Notice the series of collaborative utterances produced by the PO and father. The father is providing the mother with a model of a good parent. Demonstrating that he 'understands' and shares the probation officer's concerns in the critical matter of what is in the juvenile's 'best interest'. The PO is able to introduce supportive 'evidence' into the conversation. The father's quick and routine agreement places him 'with' the probation officer, a 'fact' which puts the mother in the position of having to challenge PO and husband if she wishes to take issue with the evidence.

The PO substantiates his dissatisfaction with the home situation by reference to the probationer's performance in other critical probation-relevant areas, i.e., school and work. Implicit here is the shared knowledge that performance as described is part of the general categorization of the juvenile as one on whom probation has not worked, a 'fact' which becomes the warrant for more serious and drastic court intervention. Thus, the probation terms require the juvenile to be either 'in school' or 'on a job'. If the juvenile is not 'at work' or preparing for work by attending school, he may be held to be 'in violation'. The PO and father are showing that 'probation' in the home has failed insofar as the juvenile has not complied with the terms, not 'merely' because of the present offense. The PO and father locate the reason for the youth's poor probation-relevant performance in his lack of motivation, a position which implies that a probation

goal should be to 'motivate' the probationer. The mother disputes their characterization by saying that although he admittedly does not have a job, he has attempted to obtain one. The way in which she makes sense of his non-compliance undercuts his responsibility for it.

The probation officer addresses this issue in a way which once again points up the inadequacy of the mother's 'solution' and prepares the way for her acceptance of and cooperation in placement. Thus, the probation officer declares that he does not doubt that the juvenile has attempted to locate a job, but then trades on the very fact that he has been unable to locate one to 'show' the mother that the present situation as it stands in the home is inadequate and unacceptable. The mother is asked to assess the juvenile in terms of what he has to offer a potential employer. The suggested reason for the juvenile's failure is his inadequate education, a fact which is portrayed as being beyond the control of the parents due to the fact that he has been 'kicked out' of two or three schools and is, therefore, ineligible for local educational programmes. The 'fact' that the juvenile has 'gotten himself kicked out' undercuts the mother's attempt to mitigate the juvenile's responsibility for not being able to locate a job. At the same time, the situation as constructed provides for the acceptance of placement as the 'only way' of ensuring adequate job training for the youth. The PO does not inform the parents that he is in the business of locating such projects in the community for probationers he deems 'appropriate', a possible 'solution' which would undercut the status of his own recommendation as the 'only reasonable alternative'.

As well as accomplishing the acceptance of 'placement' as a needed solution to the problem of training the juvenile for a job, the probation officer and father attempt to provide a generally 'positive' typification of the phenomenon itself. Their descriptions address the multitude of common-sense notions which interpret 'placement in an institution' in terms of physical and psychological rejection, as punitive, as movement from freedom to rigid control, from a setting of love and understanding care to a cold authoritarian regimen. Note that at least some of these features of institutional placement have been provided to the youth and parents during earlier court-probation interaction. As Emerson has suggested:

Prior to his actual commitment the delinquent has undoubtedly been threatened with the specter of detention center and reform school. Court lecturing relies heavily on this threat, picturing such an eventuality as the worst imaginable fate (Emerson, 1969: 211).

In the court under consideration one of the judges would almost invariably 'lecture' juveniles going home on probation in the following manner, regardless of the charge and independent of any knowledge of the 'home life' of the particular youth and his 'relationship' with his parents:

Judge: Well, how do you like it in juvie? ((Juvenile detention center. Receiving no answer, the judge continues)) Do you think it's better than home. ((no response)) How about it, is the food better?((Juvenile shakes his head negatively)) You know, your parents do a hell of a lot for you, good food, warm bed, clothes. They must think an awful lot of you to go to all that trouble. But you like it better in a place like juvie. Well, if you want to stay I might be able to arrange it.

Juv: No. I don't like it here. I want to go home.

Judge: Oh, now you want to go home. Well Bub, you should have thought of that. You've got it pretty easy at home and I think you're crazy to risk it. Your parents do everything for you and then you go out and do something stupid like this. OK, I'm going to let you go home now. Maybe you'll appreciate it more now that you've seen this place. It's better than being locked up and marched around. Your parents want what's best for you so you cooperate with them and Mr. Jones (PO) and you won't have to come back.

Much court lecturing consists of threats and warnings that the juvenile will be removed from home and 'committed' if he does not straighten out. The strategy is intended to provide juveniles and parents with apprehensions about what will happen if things don't change. When and if the probation officer decides to remove the juvenile from the home, however, the terms in which incarceration or institutionalization are couched are altered radically. Emerson has written about the process by which delinquents are "cooled out":

With commitment the delinquent suddenly finds himself a member of what has been described to him as a despicable population of a defiling institution. Routine court procedures, therefore, endow commitment with extremely destructive and mortifying meanings for self.

Problems of simple physical control often make "cooling out" an expedient measure at this point. On an institutional level, the court's major sanction has actually been invoked; there is thus a moment stretching from the formal sentence until the actual transfer of custody to the detention center when the delinquent is between control structures. More personally, incarceration may well lead the delinquent to feel that he has fallen as low as possible and increase the likelihood of his "flooding out"... (Emerson, 1969: 211).

My analysis of the "cooling out" process differs from Emerson's insofar as I will focus on the methods by which a probation officer deals with the "extremely destructive and mortifying meanings" of institutional

commitment. Thus, I will be interested here in displaying and analyzing yet another occasioned interactional accomplishment of 'cooperation'.

According to Emerson, "cooling out" in the court he studied began with the delinquent's exit from the courtroom following sentencing. In the court under present consideration, however, the process is usually engaged in before the hearing and is viewed by probation officers as an essential part of their pre-court task.

Descriptions of institutions, at this stage of the probation process are typically constructed so as to allay the fear juveniles and their parents may feel. They also are formulated in a way which undercuts any sense of 'guilt' that the parent may have over 'cooperating' in the placement. As Emerson has pointed out:

...cooling out involves redefining the commitment in neutral terms. The court official presents incarceration as something that can be accepted and lived with. The delinquent is told that things are not really that bad in the reform school: it is out in the country, he will learn a trade, the staff will give him a fair shake, he can get along if he behaves himself. He is shown that his future is not completely hopeless, for with good behaviour he will be out in a matter of months. In this way the prior definition of incarceration as a totally degrading and despairing event is denied, as the delinquent is offered a conception of self other than the anticipated complete social outcast.

Basic to the neutralization of the immediately destructive effects of incarceration on the delinquent's self is the presentation of the institution involved in favorable terms (Emerson, 1969: 213).

What Emerson glosses as 'redefining the commitment' is actually a complicated interactional accomplishment which may involve, as we have seen, parents and child. On the occasion under present consideration, the probation officer has enlisted the help of the father in providing the

mother with the 'proper' understanding of placement, one which will enable her to 'cooperate' in the placement process. Note that her 'cooperation', or at least lack of 'resistance' becomes a resource with which the juvenile's cooperation may then be sought.

'Placement' under the probation officer's formulation is presented as the 'only way' to provide the necessary training the juvenile needs to enable himself to obtain a job. The moral meaning of 'placement' from the mother's point of view, e.g., that it is essentially 'punishment', and that it implies 'failure' of the family and herself as a mother, are matters to which the father now attends. Note how the father's 'disciplinarian' attitude is reflected in a rather confused and self-contradicting attempt to portray 'placement' in terms more acceptable to his wife:

Fa: I am inclined to agree with that. As I said to John to-night. Naturally, I don't want him to go away to a - whatever it is - if it's not necessary. But basically what I want is what's going to be good for John in the long run. Now I have tried to explain to him that, you know, he's not going to, you know, a prison or anything like that. He's going to be placed on the honour system. And I feel that if they can take him and put him in with this discipline which you get, get him away from home which I think is an important thing - I think he's had too much of mom and dad, and I think now he's got to have - be somewhere where they crack the whip in a benevolent way - if we can have it - nevertheless even if they can't, he's got to be somewhere where they crack the whip. He's got to develop a new standard of behaviour and a new standard of ideas. Now he is afraid of, and I can see this, "I don't want to be locked up again." You know, this business of being locked up is stuck in his mind. You know, you don't go to the bathroom unless you go in triplicate without about three keys - or whatever the system is. I don't know, but you know what I mean.

PO: We'll get him in and explain it to him that it's not like that.



Fa: And this, of course, is what he's afraid of. This is what he says he's afraid of. And, uh, apart from that I think that it will be a good idea, if the place is as I see it. I don't know.

Mo: I'd like to know what it's like.

The father expresses agreement with the PO's suggestion that Boy's Home is a 'reasonable placement' in which the juvenile will have a chance 'to prove himself'. He then reveals that he has 'discussed' and 'explained' the placement to the juvenile and that his son is 'afraid' of being locked up. The father's description of relevant aspects of 'placement' on the present occasion is not couched in what Emerson has called 'neutral terms', albeit they are certainly 'matter-of-fact'. Note that the description provided by the father is not designed to accomplish 'cooperation' in the manner cited by Emerson. Rather, the typification of the institution is a place where 'the whip will be cracked', albeit benevolently, if possible. He suggests that the boy must learn new rules, and that discipline is the only way to change him in the desired directions. Note that the father also argues that an 'important thing' is to get the juvenile away from home, insofar as he has had 'too much' mom and dad. This reference, like the PO's, explicitly conflicts with the mother's definition of the problem and solution. The father's description of placement is one which is not constructed so as to maximize the probability that the mother and son will 'accept' and/or cooperate in placement. I suggest that the probation officer recognizes this fact, and moves to provide the 'proper' redefinition in the ensuing interaction. Notice that as the PO subsequently discusses the offense, placement, etc., he is providing the parents with

the 'proper' understanding which is then used by both the father and PO during later 'convincing' interaction with the juvenile himself. The father states that he has attempted to 'explain' the placement to the juvenile, but has no personal knowledge of the place and is, therefore, not in a position to argue effectively. The mother then picks up on this particular line of reasoning, and says that she would like 'to know what it's like'.

The PO then provides them with the adequate-for-his-practical-purposes-description of the institution being recommended for placement:

PO: Well, the Home, it's basically a big farm. It's about sixty acres. They have chores to do there. They work, they earn free time....There's no fences, no barriers, he can walk away from there. But of course they'd put out a warrant.

((The account continues by emphasizing the availability of vocational training, and the 'fact' that 'psychologists' will be present to counsel and 'motivate' the juvenile. The probation officer emphasizes the 'fact' that the juvenile will be in a position to 'earn home visits' 'almost as soon as he gets there'.))

First, let us briefly contrast the descriptions produced by the father and probation officer of the 'institution'. As I have pointed out earlier, the father's institution is one in which the 'whip is cracked' and 'discipline' is dispensed by the persons in authority. Such a setting is viewed as a corrective for his behaviour which is viewed as uncontrollable in the present context. The probation officer's account makes absolutely no reference to whip-cracking and no explicit reference to the exercise of 'discipline' within the institution. Rather than 'whip-cracking' staff, an image which is almost certain to exacerbate any reservations the mother and juvenile have about placement, the juvenile will be 'motivated' and

'counseled' by 'trained psychiatrists'. The image is one which would perhaps be much more comforting to most mothers, if not delinquents, an institution which is 'therapeutic' and 'rehabilitative' rather than one which is 'run' on 'brute force' and 'fear'. As far as the fear supposedly expressed by the juvenile over 'being locked up', the probation officer presents a rather idyllic scene, open fields, no fences, no restraints. He adds, however, that though the juveniles may walk away from the institution, there will be further court action, the implication being that if the juvenile does walk away from the setting, the court may find one which does have 'locks'. Again, in other words, this dispositional recommendation is shown to be provisional, to depend upon the juvenile's performance in roughly the same way that 'probation' during earlier interaction was initially shown to be provisional. A great deal is made here by the probation officer of the 'chance' for the juvenile 'inside' the institution to 'prove himself'. Thus, how he is treated and what will happen, i.e., how long he will be in the institution, how much 'freedom' he will be allowed while there, etc., are all tied by the probation officer to his performance. The parents are instructed to see the setting as one in which there is sufficient 'room' for development, 'maturation', etc., rather than a 'closed', 'confining', and 'oppressive' environment. The probation officer also stresses the possibility of 'earned home visits', a feature which undercuts the sense of 'removal' from the home, while at the same time displaying it as a device for 'motivating adjustment' and 'cooperation' within the institution. In other words, it is suggested that the greater the juvenile's

'real desire to return home', the 'better' his expectable 'adjustment' and 'behaviour'.

During the ensuing exchange, the father (in what seemed like a collaborative attempt to interactionally 'persuade' the mother) asks a series of questions about the institution and is methodically 'convinced' by the probation officer that the Home would be a 'good place' for his son. He asks about the training of the staff, whether they 'assume' that a boy is 'a criminal' or let him 'prove himself'. The PO replies with a series of answers which point up the 'benevolent', 'humane', 'warm', and 'professional' character of the institution and its staff. The 'collaborative' interactional 'convincing' is staged in a way which ensures that the mother will see the father asking the 'proper' questions and reflecting the 'proper' concerns of a parent who wants to make sure that the 'placement' is in the best interest of the child. Note that the mother's silence may be taken as evidence that the placement is satisfactory. The mother did not participate in the interaction, however, and finally the PO directly addresses what he takes to be the grounds for her concerns:

PO: Basically, from your standpoint Mrs. Jones I appreciate your feelings and I think I know what's bothering you. You don't want to feel that you're sort of throwing John to the wolves.

Fa: Right. Right.

PO: But it's not like that at all.

Fa: No. No.

PO: It'll be no different than sending him away to camp. Only the fact that he's going there under court order. He must go there. And he would still be on probation and part of

the terms of probation would be that he would conform with the rules and regulations of Boy's Home.

Mo: Yes.

Fa: Well as I said to my wife tonight, "Well, you know we may not think that this is the answer - but what is the alternative?" And the alternative is certainly not to go along as we have been going along.

PO: I've thought a lot about it and I don't know of any alternative myself.

Again, what is taken to be the mother's definition of the meaning of placement is addressed in terms which are intended to provide her with the alternative way of understanding it. Rather than 'throwing her son to the wolves', the mother is instructed to 'feel' that she is, rather, sending him to a 'camp with rules'. The change of status is de-emphasized by the PO's remark that the juvenile will still be on probation, a 'fact' which conflicts with what the mother may assume to be a necessarily-associated feature of institutional placement, revocation of probation, which in turn may be seen as 'failure' in a final sense.

The perceived magnitude of the change in status is also undercut by the probation officer when he states that the juvenile may 'earn' home visits. As I have already said, such a feature of placement blurs the perceived difference between probation 'in the home' and 'in an institution'. Because of this, much is made of this 'option' in undercutting 'severe and final' characterizations of placement.

Placement at Boy's Home here and now is presented and characterized as a 'minor' change in certain non-threatening respects while being a 'major' change in certain respects which are seen to be mutually desired by the probation officer and both parents.

Along with the changed 'meaning' of placement in an institution via the generally benevolent typification of the institution and its staff, an attempt is made to provide the mother with the sense that the recommended placement is the only 'reasonable' alternative.

First I want to call attention to the way the PO moves to identify his recommended placement as the only alternative. In effect, he is supporting the father's utterance, but I would like to suggest that, by virtue of his identity as a probation officer, as an 'expert' in 'these matters', his utterance may be assigned special weight by the mother. He does not say the words in a casual or off-hand manner, and the construction of the utterance explicitly labels the recommendation as the result of 'a lot of thinking' by a probation officer. Thus, the probation officer instructs the mother to treat his recommendation as the end result of a process by which 'all' reasonable alternatives were considered and rejected for one reason or another, save the offered recommendation. By opening this way, the PO lessens the probability of having the recommendation treated as 'just a suggestion' offered as the initial gambit in a negotiating session.

The interaction which follows the probation officer's remark about 'no alternatives' focuses upon the delinquent act and its practical import for the interactants. What the family had done about the act, discussions that they have had with the youth regarding the act and 'why' he did it are matters which are discussed in depth. Competing interpretations of the act and its meaning are offered and assessed. Throughout such interaction, the PO may be seen attempting to accomplish the 'reasonableness' of his recommendation and the 'unreasonableness' of alternatives. Such

exchanges are essential to the apparently 'smooth', 'non-problematic', or 'efficient' accomplishment of various probation tasks. How parents and juveniles interpret, account for, excuse, punish, etc., delinquent behaviour of probationers are matters which may be seen to underlie and account for cooperation or conflict, and the probation officer is interested in maximizing cooperation wherever practical. The data gathered during interactions with parents may be used to ensure their cooperation both here, during the coming interaction with the son when they will be called upon to 'help explain' the recommendation to him, and during court when the judge must be provided with an adequate-for-all-practical-purposes 'understanding' of the offense and its practical import, i.e., the specific disposition recommendation. After eliciting the information that the juvenile has 'only made a token effort' to pay his parents back for the stolen money, the PO raises a question which is extremely relevant for constructing a probation-adequate 'understanding' of the offense:

PO: Have you had to remind him about the fact that he was released to you pending his trial under certain conditions?  
In other words has he been coming in on time?

Fa: Oh yeah. Well, I told you this the other day.

Mo: Yes, oh yes he's been very good.

The probation officer here calls on the parents to 'remember' the conditions of probation and the fact that the juvenile was released to them under those conditions. The 'sense' of probation-violation is thus expressly nurtured, the parents are encouraged to view the offense as well as any other 'problem' behaviour as probation relevant, as part of the 'reason'

for placement. Here the terms are employed with limited 'success' in the location of violations with which to bolster the recommendation. Note how general 'good behaviour' may not bring the recommendation into question insofar as the probation officer opened the interview by suggesting that juveniles 'facing court' may behave in order to effect the court's decision, but then get into trouble as soon as the hearing is over.

The probation officer then directs his attention to the juvenile's fear of 'being locked up', asking if they have discussed it with the juvenile. The mother says that she has talked with him about it. John told her that the father wanted him to go, but that he wanted her to ask him not to do it. He said that he would 'do anything' rather than be removed from the home. She also stated that he wanted to work, and that he didn't think that he could if he was 'locked up'. The mother then announces that she must leave for a class immediately and will, therefore, not be present during the interview with the juvenile. The mother would not be a member of the 'team' which would now attempt to 'convince' the juvenile that 'placement' would be the only reasonable disposition, but she would not be in a position to actively support the juvenile if he objected. After the interview, the probation officer expressed relief over the fact that she had not been present. He suggested that 'the kid never would have gone along' if the mother had been present to give him any support. The probation officer's strategy had worked insofar as he had been able to effectively counter the mother's resistance at least for the moment. Before she leaves, however, the probation officer engages her and the father in



additional interaction about the case, focusing increasingly on the offense and the juvenile's motivation. In so doing, he gathers useful information about these relevant matters while, once again, providing the parents in a collaborative production of the 'proper' understanding of the phenomena discussed. In an important sense, this interaction may be viewed as a 'dress rehearsal' for the immediately ensuing interaction with the juvenile, 'talks' the juvenile may have with his parents before 'placement', and court interaction.

When we turn to an examination of the subsequent interview with the juvenile, we will see how PO and father trade on the 'understandings' developed during this interaction in their construction of later utterances.

The probation officer asks if the parents have discussed the case with the juvenile. The mother answers:

MO: We've brought it up and reminded him, but we really haven't discussed it much.

PO: Well has he gotten into why he did it?

Whether or not the parents 'discussed it' with the juvenile and what they 'did about it' have been shown to be omnirelevant concerns of probation officers during their everyday activities.<sup>2</sup> Whether or not the parents 'discussed' the infraction with the juvenile may be treated as an indication of whether or not they treated it as a matter of concern. The fact that they 'really haven't discussed it' may be used by the probation officer to document the 'need' for extra-familial methods in dealing with the matter. This 'fact' becomes available for use in 'convincing' the

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2. See, for example, the discussion of initial pre-court contacts in Chapter Two.

parents and the judge that placement is warranted. By this, I mean that the parents are encouraged to 'see' their failure to 'discuss the matter' as something which undercuts any claim they may make to having provided the court prescribed 'supervision and guidance'.

I have already mentioned other practical grounds for the PO's interest in parent-child discussions. Paramount among these is the fact that the PO will be 'discussing' the matter with the juvenile and parents in the immediate future and needs the information in order to develop his interactional strategies and to prepare the parents for their 'parts'. Thus, the manner in which the matter was discussed with the juvenile and the information which they are able to provide now may be traded upon as a resource for the PO in this, and subsequent interactions. He is also now able to 'repair' understandings and interpretations of the meaning of the offense, etc., which are, from his point of view, improper or inadequate.

Both parents respond to the PO's probe about whether the juvenile had told them 'why he did it'. The father says that the juvenile had wanted money but then says that he can't understand why he 'needs so much money': "You see I can understand him needing ten, twenty dollars. I mean this last episode was fifty bucks off my wife's housekeeping money". The mother then moves to provide an 'explanation' for the need, i.e.: "But he likes nice things." This remark points up the 'normal' even 'desirable' motivational base for the delinquent act. The 'problem' under this formulation is the methods by which money for 'nice' things is obtained, but the 'things' per se are not part of the 'problem'. The formulation provides for a possible 'solution' to the problem in terms of allowing the

juvenile to 'have' more money, i.e., a bigger allowance, or helping him to obtain a job. The mother has already raised the issue of the juvenile's fear of being incarcerated along with his strongly professed desire to 'work', a legitimate and probation-adequate method of obtaining funds for 'nice things'. Although the mother will not be present during the ensuing discussion, she has once again presented an 'explanation' of the offense and now the motivation of the juvenile in terms which undercuts placement as the only solution. Also, the mother's particular understanding of the offense and the juvenile's motivation, her concerns and fears, etc., seem to correspond to the juvenile's. By collaboratively dealing with the mother's account the PO and father can be seen as preparing to deal with the juvenile. It is in this sense that the present discussion of the case and development of interpretive machinery with which to accomplish the probation-adequate understanding must be seen.

When the mother says that the juvenile 'likes nice things', the father turns to the researcher and says that he 'thinks' that the juvenile may be buying drugs with 'some' of the money. He then turns to the mother and probation officer and continues:

Fa: But you see, what does he do with a hundred bucks? And this made me very thoughtful because I just wondered whether or not that he was using this to buy drugs. So I asked quite frankly, and he said definitely no. And we've no evidence that he is.

PO: Ah, but the last time the one instance he was high. I waited here with (the lawyer) and he was high that night, when we went for the walk. He told you he had a couple of beers, but then he told me that he smoked a few joints.

Fa: I mean I wouldn't be surprised if, if at this time - you see he's worried, and I know he's worried, and his behaviour is such that he's worried, in fact he's very despondent and we've felt extremely sorry for him. Maybe especially last night, you know, it's preying on his mind. And you know he was down, depressed and bored and so forth and so on, so I felt sorry for him, you know.

The father opens this exchange by again referring to the scale of the money involved and then suggests that he 'wondered' whether the juvenile was buying drugs. The offered formulation of the offense differs markedly from the one offered by the mother. Rather than 'needing money for nice things' the juvenile is portrayed as 'perhaps' being involved with drugs, the status of the deviant behaviour becomes tied to a delinquent behaviour which would be expectably of concern to the parents. Notice how 'more money' under this explanation is definitely not a 'reasonable' solution. Even the taken-for-granted value of the juvenile's location of a job is called into question if the wages are to be used to obtain drugs. The father then immediately qualifies his utterance by saying that he has 'definitely' denied the allegation and that the parents have no 'evidence' that the juvenile is buying drugs.

The PO then introduces 'evidence'. Note the similarities between the present on-going interaction and court proceedings. The PO and parents are involved in determinations of fact, weighing of evidence, sifting of accounts, etc. The probation officer's 'evidence' is that the juvenile told him that he had smoked marijuana before one of his visits to the home. The parents are being instructed that the juvenile has smoked marijuana while 'on probation', a behaviour which is specifically proscribed in the juvenile's terms of probation. Further, the juvenile's 'denial' may now be

treated as a 'lie', a sign of non-cooperation which may underpin the sense that he is 'failing' on probation in the home.

It should be pointed out that the juvenile may have denied using 'stolen money' to buy drugs, or that he was 'stealing in order to buy drugs'. These possible interpretations are not pursued, however, and the general impression developed by the father and probation officer was that the juvenile was stealing large amounts of money to use for the purchase of 'drugs' and that he had 'lied' to his father in order to conceal the fact.

Thus, the theft is 'explained' via the introduction of 'drug buying'. Lacking in the account, however, is any attempt to locate a 'cause' for the purchase of drugs. I suggest that in this respect, the interaction thus far has not provided a probation-adequate 'explanation' of the behaviour. 'Drug use' can be taken as evidence of a wide-ranging variety of 'problems', i.e., as an activity which 'loosens' self-control and promotes hostile or aggressive behaviour, or one which reflects social-psychological withdrawal. Thus, 'mere' drug use is not an adequate indicator of 'essential moral character', to use Werthman's term, and court personnel are involved in adequate-for-practical-purposes determinations of essential moral character.

The father's utterance shields the juvenile's character from the strong negative inferences which could be drawn from the 'fact' that his son has 'stolen money from his own parents in order to buy drugs

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and then lied to his father in denying it.' Ironically, the father's utterance shields the son by trading on his status as 'probationer'. His 'drug use' is seen as a response to his situation, i.e., a probationer who is facing further court action as one who has 'failed' on probation. His behaviour, in other words, is seen as being produced by his 'worried', 'despondent', 'depressed' mental condition, which in turn is seen as being produced by concern over the possibility of being removed from his home and 'locked up'. The father's account thus warrants his 'feeling sorry' for the juvenile. The 'drug use' engaged in by this juvenile is depicted in terms which undercut any attempt to infer an essentially 'bad' moral character. In practical terms, such a characterization might be traded upon by a parent to accomplish the 'unreasonableness' or 'unfairness' of placement if placement is viewed as 'punishment'. Again, the issue which may be raised is if 'placement' as a response to this particular situation as described by the parent is going to do more 'harm' than 'good', i.e., if the juvenile is taking drugs because he is 'depressed' over the possibility of being removed from the home, then he might become more 'depressed', 'desperate', etc. when, in fact, he is removed. The 'solution' once again can be construed, when so conceived, as causing more serious problems.

Here the probation officer is confronted with an interpretation of the 'meaning' of the probationer's behaviour, 'attitude', etc., which may be expected to generate 'problems' in the future. The father will be

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3. This account of the son's actions forms a typification which contains "destructive and mortifying meanings for self", in Emerson's terms.

in a position to 'object to' or 'resist' the recommendation of the probation officer and provide 'support' for the son both during the impending attempt to 'convince' him that placement is the 'only reasonable solution' to the 'situation as it stands, and later in court'. Earlier, the probation officer attempted to redefine the concept of 'placement' in terms which would render it acceptable to the parents. Now the probation officer engages in further attempts to accomplish the singular 'reasonableness' of his planned recommendation:

PO: Well yeah, but you know we're getting into the climax. Uh, this has been going on for a length of time and it's hard on everybody. You know, I feel that we're not going to get another chance with John if we don't come up with something.

Fa: Yes. Yes.

PO: This is it.

Fa: As you say, I mean this can either make him or break him. And I feel that we've got to take that chance.

PO: That's about it. You know it would be very easy to walk into court and to say "I recommend that he go on probation, go back home and have done with it." ((pause)) Now I mean John - from my point of view - John has never really had to answer for - look - for anything because you've always protected him. Now he's finally gotten into something where he couldn't, and as far as staying home, John was only here in body.

Fa: Yes, but Mr. Smith, just a minute Mr. Smith,

PO: He was actually living in that other place.

The matter of fact way in which the probation officer speaks of 'the climax' contrasts markedly with the father's emotion-charged description of the 'desperate' mood of his son. The probation officer speaks as 'an expert' who has had a great deal of experience working with juveniles and families 'in trouble'. "Now we're getting into the climax" suggests

that there is nothing exceptional about this particular case, that it conforms to a typical pattern the PO has 'seen' in the past, i.e., the PO knows and can recognize a 'pattern'. The use of 'climax' in this way implies that the 'worry', etc., will soon be over. The parents, of course, have more or less limited 'experience' with juveniles who are in trouble and are, in this respect, at an interactional disadvantage. They are merely instructed to 'see' the 'climax' in the recommended disposition and to see it as 'the end' of a difficult period which was 'hard on everybody'.

The PO's 'expertise' also lends ominous import to the remark that 'we're not going to get another chance'. In other words, the PO implies that he recognizes the pattern and can tell here and now that, 'this is it', that if the recommended action is not taken, it will be 'too late' to save the juvenile. The impression offered to the parents is that, as the father quickly states "we've got to take that chance".

It should be noted that the way in which 'placement' is being characterized by probation officer and father has undergone a significant change during this stage in the probation interactions. One way of talking about 'placement' in lieu of continued probation in the home would be to say that the juvenile had already been given a 'last chance' by the judge and had failed. As we have seen, descriptions of 'probation' as 'one last chance' are frequently made when a juvenile is placed on probation. Indeed, providing the juvenile with the sense of having been granted a chance to 'prove himself' is a fundamental, explicitly addressed goal of



much court-probation interaction from the point of view of court personnel. Take, for example, the following typical admonition of a judge addressing a 'new' probationer:

Judge: All right young man. You're going to go home. I'm going to let you go home on probation, but if you come back, if Mr. Brown (PO) tells me that you're not obeying him and your parents or violating your terms, well I'm not going to let you off again. This is your last chance, do you understand that?

Juv: Yes sir.

We have also seen that many probationers do not, in fact, cooperate perfectly with parents and probation officers and that they violate their terms of probation on occasion without being returned to court. The threat of return to court with the concomitant recommendation of a more 'drastic' recommendation, i.e., 'placement' is quite frequently employed by probation officers in attempts to 'shake up' a probationer in order to 'straighten him out' or at least display the consequences of continued inadequate performance. Negative, forboding typifications of 'placement', 'raising to adult court', etc., are constructed and employed in the interactional provision of the probationer with a sense of apprehension over the consequences he may face.

One of the more subtle ways in which 'placement' is being 're-defined' during the present exchange is that 'placement' itself is being talked about as 'a last chance' itself rather than the final consequence of failing to take advantage of 'the last chance', e.g., 'probation in the home'. 'Placement' as a chance for the juvenile to prove himself is a topic which was earlier raised by the father and probation officer during their collaboratively-generated benign depiction of the institution.

The probation officer then, however, begins to develop a rationale for the necessity of removing the juvenile from the home in terms which, for the first time, seem to be explicitly critical of the juvenile's parents. The PO is moving to establish the 'inadequacy' of the 'supervision and guidance' provided the youth which establishes the legal warrant for 'placement'.

For the first time the father is confronted with the claim that, at least from the probation officer's point of view:

John has never really had to answer for - look - for anything because you've always protected him. Now he's finally gotten into something where he couldn't,

Here is a more explicit and, therefore, more threatening version of the PO's earlier remark that the juvenile has been able to escape feeling 'responsible' for his actions because his parents 'pay' for him. It also resembles the father's earlier remark that the juvenile has had "too much mom and dad"<sup>4</sup>. Now he suggests that 'too much mom and dad' and the 'negative sense of security'<sup>5</sup> actually constitute 'over-protection' by the the parents, a feature of the home which is portrayed as undercutting the impact of probation because, e.g., "John has never really had to answer for anything because you've always protected him".

The probation officer also describes the 'present situation' in a way which once more minimizes the perceived negative moral meaning of 'placement outside the home', especially the notions which have been shown<sup>6</sup> to be held by the mother. I am referring to the probation officer's remark

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4. See p. 149.

5. See p. 142

6. On pp. 110-118 I discussed these notions and analyzed the work done by PO and father in attempting to provide her with 'probation-adequate' notions.

that: "...and as far as staying home, John was only here in body....He was actually living in that other place". Earlier, the PO had employed the notion of 'earned home visit' to undercut the appearance of placement as a drastic and complete removal of the juvenile from the home. Now he trades on the common-sense psychological notion that a person can be one place 'in mind' and another 'in body' to argue that the juvenile's mind is not 'really' in the home at present and that that in itself is a large part of the 'problem'. The account informs the parents that they would not be removing him from the house, rather, he has already done that himself, 'at least mentally'. The parents are invited to see 'placement' as a reintegration of mind and body. The PO's Cartesian description of the juvenile also quite powerfully points up the parent's lack of 'control' over the youth 'in the home'. In perhaps an even more subtle way, it suggests that in some respects, the juvenile is in some sort of 'cognitive' violation of probation insofar as 'his mind' is not in compliance with the 'reasonable requests of his parents'. 'The other place' referred to is a community center where juveniles in the neighbourhood meet and where, evidently, some of them distribute and take drugs. The parents are provided with the interpretive machinery with which to 'explain', 'justify', etc., placement of the juvenile to themselves, the boy himself, relatives, friends, and anyone else who may have an interest in the phenomenon.

The father, however, gains the floor to challenge the probation officer's remarks about the 'protective' nature of this particular parent-child relationship:

Fa: But I - I would say no more than normal children. Children are protected merely by the fact of living at home. All children are.

The father reacts to the probation officer's claim that the 'problem' is at least partially attributable to 'overly-protective' parents by arguing that 'normal children' by virtue of the fact that they live at home are 'protected by their parents'. 'Parents' are in the routine, everyday business of protecting their children. The probation officer then cites 'probation-relevant' data to substantiate his account. The juvenile was being detained at the juvenile hall when the probation had contacted the father, who at that time did not wish to have the juvenile released into his custody. The probation officer had then planned his court appearance accordingly. The probation officer's schedule, etc., had been complicated when the father had changed his mind and decided that he did want the juvenile released. The probation officer's voice raises a bit angrily as he 'reminds' the father:

PO: Now he was released to your custody, which you didn't want in the first instance. You refused to get involved. You know, you said: "I can't get involved". Yet then you went ahead and went through the lawyer thing and everything. He was released and you were instructed by the court - and you were standing there - as to the terms he was released under. It was that same night that he saw the Barker boy, and he admitted stealing your house money - denying it first - and then gave it to the Hopkins boy. In other words his association with his peer group was so great that it was greater than his love for you - and he lied to you.

It would seem that 'over-protection' in this case is used by the probation officer to refer to the father's inconsistent court-related behaviour. The father is being sanctioned at least partially for 'fouling up' the probation officer's accomplishment of his probation tasks. The meti-

culous care with which the probation officer is dealing with these interactants reflects the 'fact' that their past behaviour has indicated that they may 'cause trouble' for court personnel as well as ensuring their 'help' in convincing the probationer to accept placement without resistance. The probation officer is undercutting the father's 'credentials' for analyzing the case by describing his 'inconsistent' involvement and almost immediate 'ineffectiveness' during the earlier 'problem'. Note how the 'terms' of probation are employed on this occasion. Earlier the PO had traded upon them to find out whether the parents had discussed the juvenile's behaviour with him in the context of 'violations' of his terms of probation. Information was gathered which is then available during the coming probation-relevant interactions with the juvenile. Now, however, the probation officer is using the machinery of the terms, and their earlier interactional 'laying down' to accomplish the 'proper' understanding of probation 'here and now' by the father. Not only were the terms 'layed down' for the probationer, but the father is also 'reminded' that "you were standing there" and that not only the juvenile, but the father himself was instructed "as to the terms he was released under". The father is provided with grounds for treating the violation as an indicator of a basic problem, as a reflection of the 'fact' that the problem here is at least partially attributable to his defective performance as the father of a probationer. Thus, the father learns that future manifestations of his past performance 'in court' may be differently interpreted by the judge and other court personnel. The probation officer's causal account of the offense is formulated in a way which 'explains' it in a way which may be seen to be threatening to the parents' 'definition of the situation':

In other words his association with his peer group was so great that it was greater than his love for you and he lied to you.

The PO here activates the association clause of the probationer's 'terms' in a way which explicitly displays its relevance for a probation-adequate understanding or interpretation of the offense, one which, 'as usual' trades upon a particular version of the events which provides for the reasonableness of placement as a 'solution'. Note that the probation officer employs the language of social science in his account, the behaviour is seen to be produced by the juvenile's interaction with a 'peer group', interaction which is seen to be 'more important', or 'greater' than his love for his parents. The routine and mundane appearance of such references in probation talk was initially accounted for by the researcher with the assumption that 'most' probation officers had at least heard of Sutherland, Cohen, Cloward and Ohlin, Matza, etc. The common-sense theories of delinquent behaviour which underlie the terms of probation and the interactional construction of probation adequate meanings of probationers' behaviour are essentially identical to sociological notions of, e.g., 'differential association', 'differential opportunity', 'drift', 'subculture', etc. Few of the court personnel, however, had been formally, or even informally exposed to such literature. Rather, their routine use must be accounted for by the fact that they may be traded upon in the efficient and unproblematic production of 'explanations' adequate for the practical accomplishment of essential probation tasks. On the present occasion, the probation officer has traded upon the juvenile's performance as documenting 'failure' on probation in the home. His description may also be seen as an attack upon the juvenile's relationship with his parents, a suggestion that he does

not 'really' love them. Note how such a reading of the 'facts' of this case can be used to construct an understanding of placement as 'rejection' albeit initial and unilateral 'rejection' by the child of the parents which may be interpreted so as to warrant 'formal rejection' by the parents, i.e., placement. I have earlier discussed ways in which such an understanding of 'placement' may be inadequate insofar as it may generate 'resistance' on the part of parents and/or probationers before, during and after court appearances during which juveniles who have 'failed' on probation are 'placed'. Typifications of placement and its explicit or implicit moral meanings are matters to which the probation officer must attend. On the present occasion, the probation officer's description and motivational explanation are attacked by the father, who argues for an alternative explanation which does not contain the negative assessment of his relationship with the juvenile and his failure to provide 'adequate and proper' supervision and control for the juvenile:

Fa: Don't tell me that - you see - because I don't know what goes on with these kids now - and in the first place I don't know why he owed money to sombody. Let's presume that he owed money to Barker which I don't know - Let's presume he did,

PO: He did.

Fa: But I imagine that they've got ways and means of putting the screws on him to get it back. Now he did - I think it was a question of Hobson's choice. I don't believe that John wanted to do it because it was done in such a way that it was obvious who did it.

PO: No, but you see what - this is the point,

Fa: So he knew that he was going to get found out. But the point was that the fear was less than the fear of his - people he owed money to. I suppose I can see this. I

don't think it's a question of whether, you know, he does like us or not like us. I think he was afraid of owing money.

PO: Yes, but is this a case of him being uh, if it was as you say, would he not have gone home and said "look Dad, I'm in a bind. This is what's happened...."

The father first states that he is not 'an expert' in these matters, an opening which instructs the hearer to treat the ensuing remarks as 'mere speculations' rather than as firm convictions based upon careful analysis and extensive 'experience'. In this way he undercuts the adversarial nature of his remarks, a strategy which enables the probation officer to read them as invitations to 'correction' and 'convincing' rather than as 'argumentative' or 'wrong-headed and stubborn', i.e., as indicators that the father is challenging his 'expertise' and/or 'authority' or that he is 'making trouble'.

The probation officer is, in other words, asked to speak about the case as an expert. By doing this, the father elicits yet another 'runthrough' of the 'proper' understanding of the situation which he may then trade upon in the immediately ensuing interaction with his son and the probation officer.

The father's remarks take issue with the probation officer's characterization of the juvenile's motivation, especially the allegation that the juvenile's behaviour indicated that the association with his peer group was 'greater' than the juvenile's 'love' for his parents. He denies thatt the characterization is accurate, offering an alternative interpretation of the facts which shields the parents and juvenile from basic culpability for the offense and, thusly, their relationship from the pro-



posed negative assessment. The father's account shifts the focus of interest from the comparative importance of association of probation with peer group as opposed to 'love' for parents, to an exclusive concern with a more acceptable description of the former association. Rather than 'caring' more about his peer group than his parents, the juvenile is claimed to be more afraid of them than of his parents. Thus, the parents' methods of 'control' are portrayed as being at a competitive disadvantage. Their efforts at controlling their son are unsuccessful because the peer group possesses the 'ways and means' of coercing him to 'steal from his parents and then lie to them', a description of the offense which radically differs from the probation officer's account in important respects. Most important is the fact that the new depiction absolves the juvenile of responsibility for his action in a way which has been described by Sykes and Matza (1957) as being a 'victim' of forces beyond his control, a billiard ball which is pushed around the table by other balls. He did not steal and lie because he wanted to, but because he was forced to. The father goes no further, merely vaguely alluding to 'the fact' that he 'is sure' that the peer group possesses such methods. In so characterizing the offense and his son's role therein, the father provides the probation officer with the opportunity to 'fill in' what is only a vague reference to methods of coercion, again, of course, as an 'expert' in 'matters such as these'. Recall that the mother who may still be ambivalent to 'placement' is still present. Under the formulation of the situation as presented by the father, again, 'placement' is seen to be motivated to 'protect' the juvenile from the peer group.

Notice that the 'challenge' of the father does not question the disposition, a fact which means that, at least in that respect, it does not represent a practical problem for the PO's accomplishment of the reasonableness of the disposition. Indeed, the father's reformulation is couched in terms which should make it more likely to effectively achieve the 'cooperation' of mother and son to the extent that they accept the description as how 'it really is'. The accomplished acceptance of the father's account is, therefore, in the interest of the probation officer. In the following pages we will be examining its negotiated acceptance by the juvenile. Now, however, we shall briefly discuss the way in which the PO 'fills in' the father's account in a way that ensures the mother's 'cooperation' while providing the father with resources to draw upon in the impending exchange with his son. After going over some of the relevant particulars with which he thinks the parents 'should' be concerned, the probation officer turns to the methods of coercion:

PO: ...now he doesn't want to be locked up yet he risked being locked up again, by doing that. (stealing and lying) Now there's far more easier ways uh, if he owed it to him for pushing, there's far more easier ways to get money out of an individual than to tell him to steal from his mother, because them guys, all they've got to do is take him down to the middle of the (large department store) and set em in the appliance floor and say "Boost something for us or we'll break your legs". And they do it, everyday in this town. You know. I mean there's far more easier ways to do it than - than to draw heat on themselves that way and I think this is the reality of the situation, that uh, that I think really in my view I think John is far more committed than you want to feel.

Fa: Yeah

PO: I can understand your feelings but I also feel that it's vital that John be removed from it for a period of time. Now what they do on this kind of thing at Boy's Home is that gradually he's brought back, he's gradually brought back into the family. I mean he starts out coming back on weekends and then he'll come back for two or three days and this type of thing. And any time he is genuinely interested to learning a trade they'll teach him one. One that he's interested in and that he's adaptable to.

Fa: Yes.

PO: Well, shall we bring him in?

The probation officer here summarizes a probation-adequate understanding of the phenomenon of 'placement' in this particular case. He systematically reviews the typification which has been constructed by the interactants during the preceding interaction while, at the same time, introduces new material which further accomplishes the specific reasonableness of the disposition which he plans to recommend.

The new information which is introduced concerns the 'methods' possessed by the peer group which have been traded upon to 'explain' the probationer's behaviour. The parents have expressed concern over the quality of the life that the juvenile will live if he is removed from the home. The PO now moves to provide them with a dramatic and frightening portrayal of the kind of life which the juvenile is now living while supposedly under their guidance and supervision. In doing this, the probation officer draws upon his knowledge of the world of the narcotics user, specifically using information from a case of a young heroin user who had recently 'explained' his shoplifting to the probation officer. This juvenile had been using heroin as well as selling it to support his habit. The young addict had

been threatened several times and claimed that he had had himself arrested on purpose, in order to escape from the 'pushers'. He asked the PO to protect him and the probation officer did have him raised to adult court so that he would have access to the adult drug programmes.

In the case under present consideration, however, the particulars differ radically. The researcher, who had not been acquainted with the facts of this case, assumed that the juvenile was involved in heroin traffic. This assumption was based upon the numerous references made to 'pushers', the fact that the probation officer drew his example from a 'heroin case', and the amount of money which was being discussed as having been used to buy drugs. It was only after the interviews were over and the probation officer and I were driving away that the PO in response to a direct question of mine as to the size of the juvenile's 'habit' revealed that the juvenile's 'habit' seemed to be confined to marijuana and that, furthermore, he seemed to be doing no more than purchasing relatively small amounts from a close friend. The probation officer had drawn upon the parents' common-sense notions of the hazards of drug use and the drug-subculture to underpin the sense in which placement was going to 'protect' their son from a very real and present danger. The vague reference to 'ways and means' by the father has been transformed into the routine breaking of legs. To the extent that 'buying a few joints' of marijuana 'from a friend' differs from the activity described by the probation officer, the probationer may be expected to question a disposition grounded therein. In other words, if the juvenile is presented with the typification of the offense which is being employed to gain his parents' cooperation,

he may be expected to take issue with it. We shall see that the ensuing interaction is quite carefully managed in order to minimize the possibility of such an eventuality.

In this manner the probation officer renders, for the parents, increasingly 'dangerous' and 'frightening' behaviour as 'expectable', indeed, 'inevitable', if the juvenile is allowed to remain in the home. These predicted events are seen to be beyond the control of parents, probationer and probation officer. Notice that the earlier statement by the PO that this would be their 'last chance' with the juvenile is now followed with the statement that it is vital that he be removed from the home. Again, I would like to point to the fact that, to the parents, these remarks are not read as the talk of 'just anyone'. Rather, they are the remarks of one who is 'an expert', who 'knows' about juvenile drug use, patterns of delinquent involvement, and the prognosis of individual cases which he seems to recognize as 'typical' examples of types of cases with which he has had a great deal of experience.

He then enters into a brief summary of the 'proper' understanding of 'placement' adequate for his practical purposes. Again, the 'fact' that 'placement' at least in this case and with regard to this particular agency, is to be seen as a process by which the juvenile may be brought back into the home rather than a process of removal and rejection, is presented. The juvenile, remember, has been characterized as not 'really' being in the home. Now placement is characterized as 'essentially' a method by which the probationer may be 'really' integrated into the home. The brief summary of the probation-adequate understanding of 'placement' is

concluded with a review of 'placement' as an opportunity for the juvenile to obtain some occupational training. The way in which the issue is re-introduced points up the importance of his 'attitude' in the process, i.e., he will only benefit by the programme to the extent that he 'co-operates' with the staff. The 'fact' that placement is an opportunity and that he must have the 'proper attitude' in the institution if he is to benefit fully from the programme are important features of the proffered probation-adequate understanding of the disposition with which the probation officer will seek to equip the probationer.

## CHAPTER SIX

### COOLING A PROBATIONER OUT: THE INTERACTIONAL ACCOMPLISHMENT

#### OF A PROBATION-ADEQUATE UNDERSTANDING OF AND

#### COOPERATION IN 'PLACEMENT'

#### (PART TWO: THE PROBATIONER)

In this chapter we will see the previously negotiated proper understanding of the situation in use as it is explicated and elaborated by PO and father in subsequent face-to-face interaction with the probationer. We will also note the interactional methods and devices with which the juvenile attempts to present and justify his own account and disposition. Once the probationer has seated himself, the probation officer launches into yet another rendition of the proper understanding of placement, explicitly addressing the reservations which the parents have stated he has expressed.

As the juvenile is brought into the room, the PO launches into a statement about what 'will happen' in court on the following day. I will not analyze the statement, insofar as it is drawn from the accounts previously constructed during the interaction with the parents. The 'proper understanding' of placement is presented by the probation officer in detail. The account emphasizes the 'fact' that the parents have informed the PO that he 'feels bad' about Boy's Home and suggests that:

PO: ...I think you have the wrong concept of the Home. Boy's Home is not a jail. Matter of fact it's a big farm. There's no locks or doors - sure there's regulations the same as anywhere - there's curfews. There's a school there, there's a vocational school, they'll have chores to do, uh, you can be taught trades, you can upgrade yourself. A lot of it depends on you.

The first order of business in the probation officer's interaction with the juvenile is to 'repair' his 'misunderstanding of the nature of the placement being discussed. The remedial information offered is drawn from the prior interaction, i.e., 'jail' becomes 'farm', no locks, 'regulations' are in force, but this is true 'anyplace', a 'fact' which blurs the distinction between 'placement' in the Home and life 'anyplace'. The opportunity for 'job training' is explicitly invoked and the probation officer opens a relatively extended exhortation of the 'fact' that what, exactly 'placement' will be is something which will 'depend' upon the juvenile himself. The notion that placement per se, reflects a 'failure' of the probationer is replaced by one which underlines the sense in which an improper understanding and/or attitude 'here and now' and 'in the future' cause the juvenile to 'fail' in the placement. Just as the probationer was earlier instructed to 'behave at home' while on probation, the probation officer now instructs him to 'behave' while in placement and displays for him the advantages to be gained via 'good behaviour', e.g., 'free time', home visits, etc. Just as good behaviour 'on probation' was sought via promises that it will result in 'shorter' probation, now good behaviour in placement is linked to a shorter period in placement. The probation officer cites an 'average' stay of nine months, but suggests that the amount of time will depend upon his performance, that "it can be longer or it can be less". He also displays for the juvenile his role in the determination of the amount of time, etc., by stating that the juvenile will "still be on probation".

By pointing to the fact that the juvenile will 'still be on probation', the probation officer undercuts what Emerson referred to as the



'mortifying' meanings for self which 'placement' may represent to the juvenile while, at the same time, activating the probationary-control machinery which has been deployed during the juvenile's prior experience as a probationer.

The probationer's father now explicitly addresses the reservations that he had earlier claimed that the juvenile had about 'placement'. This opens an exchange during which the father and probation officer collaboratively seek to 'repair' the juvenile's 'misunderstanding' of the meaning of placement.

Fa: ...Sure, uh, you've made your mistakes. Now, normally, when people make mistakes in any organized form of society, they have got to be prepared to pay for those mistakes. But I don't think in the case of juveniles that this is quite the same way. This is not the question, that because you did something, therefore you have to spend two, three, six months, or whatever it is, in jail. The thing is uh, I feel and I think Mr. Smith feels, that this would be in your best interests. So this is what we are concerned about. See, uh, sure, you don't want to go away to this because - I don't think you know what's involved there. I think you've got to take Mr. Smith's word on this. It's not, you know, you're not locked up. You have to be in at a certain time, but you have to be in at a certain time here, but you know, there's no locks on the doors....

First, I want to point to the fact that the father here refers to the juvenile's actions as 'mistakes', a reference which distinguishes the juvenile's behaviour from intentionally committed 'delinquent acts'. The distinction is not trivial, and is traded upon by the father in his attempt to portray the proposed method of dealing with them in benign terms. The father is seeking to convince the juvenile that he is not being 'punished', that the motive for placement is not 'revenge'. The use of the notion 'mistake' undercuts the sense in which a response may be treated as 'punish-

ment', i.e., people may have to pay for their 'mistakes' but they are not punished for them. Then, as he had during the interaction with the mother, the father trades upon the notion of probation officer as expert about the 'placement' to encourage the juvenile to discuss his 'misunderstanding' of the placement here and now. The father suggests that both he and the probation officer support 'placement' as 'in your best interests'. The juvenile is placed in the position of either 'accepting' or 'disputing' the definition of placement which is being offered. The father and probation officer are portrayed as operating 'in good faith' and the juvenile is being asked to 'take' the placement 'on' that faith.

The father does not, however, relinquish the floor to the probation officer. Rather, he goes on to describe the suggested institution in terms which will accomplish the juvenile's 'cooperation'. The description, in effect, consists of a 'contrast' between 'life at home' and 'life in placement'. The probationer has already been asked to treat the Home as 'a big farm' rather than 'jail'. The father now employs features of the life of a juvenile living at home under parental supervision to display for the juvenile the 'fact' that his life 'in placement' will not radically differ, at least in some respects, from his life 'at home'. The father informs the juvenile that he will not be 'locked up' at the Home. He then states that the 'curfew' in force at the Home is no different from the one which is supposedly in force in his own home, one which is formally recognized and enforceable under the terms of probation. The father then trades upon the juvenile's ambivalent feelings toward the father's efforts at control "...plus the fact it'll give you - it'll get you away from a nagging

father...." Placement, then, is offered as a way of getting away from a situation which the juvenile has frequently complained about during the probation period. That is the juvenile has stated to the parents and the probation officer that his father is "always picking on him," and that he "is sick and tired" of the "nagging". Now the father uses this complaint to his own interactional advantage. The youth's own complaint is employed as another 'fact' which bolsters the placement as a reasonable 'solution'. The fact that the juvenile's earlier utterances themselves are used in this strategy makes it more difficult for him to attack the rationale. He does not. The father continues with the suggestion that the youth is in need of additional direction and that the Home is an institution which can provide it. The description of the juvenile's everyday life is one which renders 'placement' understandable:

Fa: You see, John, as far as I can say, there's a - that is, the main main trouble, I think you know there's a little saying that the devil finds something for idle hands. And you know you haven't been to school and you haven't had a job. So you've been, you know, frankly, bumming around, is that right? With this crowd. And you've got into bad ways with a little encouragement from them and a little lack of self-determination on your own part. Now, if you don't do something like this, or if you don't get a job and go away from - somewhere from this environment. You know, I don't see an answer to it.

PO: Don't you - how do you feel about it? Don't you - as an individual - now, see this as sort of constructive?

Juv: ((after a pause)) Yeah.

PO: Be honest about it. Cause I'm going to ask you - all I'm going to ask you is the same questions the judge is going to ask you. You know. As I said to your mother and father, I'm not sure what else we can present to the judge. Now, what else can we present? You - you haven't got the education....

Having moved to undercut the youth's alleged interpretation of 'placement' as radically different from and much 'worse' than 'life at home', the father now brings into play more explicitly the rationale for 'placement' which has been negotiated, and collaboratively constructed during the prior interaction. During this exchange the father and probation officer 'team up' to gain the juvenile's cooperation during this interactional occasion. The fact that such cooperation, i.e., 'acceptance' - for-all-practical-court-purposes of the 'proper' understanding of the meaning of and necessity for placement is not 'merely' of interest to the probation officer is displayed for the juvenile by the probation officer's invocation of the judge, a matter to which I shall return shortly.

First, I wish to examine the collaborative production of the 'proper' understanding of the juvenile's 'problem' by the father and probation officer and their methodical elicitation of the juvenile's 'cooperation'. My task will be to explicate and analyze the work involved. The father rather than the probation officer opens the topic of the juvenile's probation-relevant behaviour. Note that he does not openly raise the topics of 'theft from parents' or 'use of drugs'. Rather, he begins to construct an interpretive context with which a particular 'understanding' of those events may be displayed. Thus, the 'facts' which had been worked up during the prior interaction, i.e., that he is neither 'in school' nor 'has a job', are 'probation relevant' facts insofar as they constitute technical violations of the rules of probation, a fact to which the probationer qua probationer is constrained to attend. Further, the homily about the devil

and idle hands instructs the juvenile to 'see' non-working and non-school attending as being causally related to his present situation. 'Non-working' and 'non-school attending' are then glossed as 'bumming around', a negative characterization with which the probationer is immediately invited to take issue. Note that such elicitations serve as devices with which the father and probation officer may locate and deal with 'reservations', 'objections', etc., which may disrupt family life and smooth court processing during the pre-placement and placement stages of the juvenile's probation experience. To the extent that such phenomena are located and dealt with, or at least prepared for, the probation officer assisted by the father, is engaging in the adequate-for-his-practical-purposes-accomplishment of 'probation'. Note that such elicitations pass as 'invitations' to discuss the proffered accounts. In effect, therefore, when they are not 'picked up' by the juvenile, he is placed in the position of having, albeit tacitly, agreed with the account, a 'fact' which may be later invoked to sanction subsequent challenges. The father then explicates for the juvenile the two 'direct causes' of his activities which are glossed as 'bad ways': 'encouragement from the crowd' with which he associates in combination with 'lack of self-determination' on the part of the juvenile himself. Again, note that the father is employing the interpretive machinery which was earlier discussed and negotiated. Here, he 'explains' the juvenile's actions in terms which had been mutually acceptable to him and the probation officer. Features of the situation which had been traded upon by the PO to overcome parental opposition, or interference, but which may be seen to reflect negatively on the juvenile's relationship with his parents and their 'failure'

to exercise probation-adequate supervision over the juvenile are not included in the account presented to the juvenile.

As I have pointed out earlier, the prior agreed-upon-probation-adequate-proper-understanding of the situation which is being presented to the juvenile shields the juvenile, his parents, and their relationship from final responsibility for the development of that situation. The father's remark about 'lack of self-determination' notwithstanding, the account provides for the location of at least a substantial part of the cause of the 'bad ways' as outside the juvenile's moral character and beyond the 'control' of the parents. Again, as I have said earlier, such an understanding provides for the sense that 'placement' is not to be seen, understood, or reacted to as 'punishment' or 'rejection' by the parents. Rather, (and the father once again utilizes the 'final hope' which had been introduced by the probation officer during the 'convincing' of the mother) the father suggests that he sees no 'answer' if the juvenile does not get a job or go away 'somewhere from this environment'.

Now the probation officer engages in a more elaborate attempt to elicit 'agreement' from the juvenile, asking how he 'feels' about it, whether or not he does 'see this as sort of constructive'. When the probationer haltingly assents, the PO asks him to "be honest about it. Cause I'm going to ask you - all I'm going to ask you is the same questions the judge is going to ask you." Here the probation officer all but explicitly

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1. Elsewhere I have discussed the strategy by which probation officers trade upon juvenile's practical interest in 'what will happen in court' to gain their cooperation with the probation officer in the pre-court investigations during which the juvenile is 'prepared' for the court appearance while being asked for facts relevant to the court decision-making process. Again we see how the probation officer uses his identity as an 'expert' in 'how the judge operates' to accomplish the juvenile's 'cooperation' during probation-interactions.

instructs the juvenile that his concerns will be the judge's concerns, a fact which may serve to encourage the juvenile to take the 'questions' seriously and to, in effect, treat the present occasion as an opportunity to 'express any feelings he may have', or even to 'try out' any strategy he may be contemplating employing during his court appearance or during his placement, e.g., 'running away', objecting to the placement, questioning the rationale, suggesting an alternative, escaping from the institution, etc. Again, adequate preparation by the probation officer of the juvenile for the subsequent court processing ensures that such processing will come off smoothly and efficiently. To the extent that such work is not properly accomplished, the judge may be forced to engage in at best time-consuming and at worst totally disruptive exchanges with parents and children who, for example, don't 'understand' what the court is doing or 'why' it is taking a specific action. Thus, whether the juvenile will openly state that he 'knows why' he is being placed and is able to provide a proper 'reason' when asked by the judge, is a matter to which the probation officer is constrained to attend. It is to the situated and on-going accomplishment of this 'understanding that we now return.

The probation officer asks the juvenile, as he had earlier asked the mother when she was questioning the proposed disposition, what else can "we present to the judge". Again, we see a rather powerful interactional device employed to gain the juvenile's active participation in the interaction. I have referred to the juvenile's 'tacit agreement' with the utterances of the father and probation officer which is accomplished when he did not respond to invitations to disagree. I suggest that he is quite artfully con-

strained by the strategies, along with the interactional and situational contingencies discussed above, to enter into the interaction more actively, to provide alternatives to the suggested plan if he can, for the probation officer has now explicitly asked if the probationer knows "anything else we can present" to the judge. Before the juvenile can speak if, indeed, he was, the probation officer provides some material in a taken-for-granted manner which suggests that they will be employed by the judge in weighing any proposed disposition. The information deployed by the probation officer at this point is derived from that introduced by the father earlier, that the juvenile hasn't 'got the education', a 'fact' which is now connected to the 'job' issue in the way discussed by parents and probation officer. The probation officer states that the juvenile cannot get into vocational school as the situation stands, that he'd have to work extremely hard to even get into one. The probation officer then discusses the Home in terms which nicely 'fit' the various problematic features of the situation as it stands at present, (and, it should be remembered, as he implied, as the judge will see it):

PO: ...Well, out there I mean they have teams of people who specialize in helping you do just that (bringing up his educational level so that he is eligible to enter vocational school)....And really their main objective is to give you a chance to stand on your own two feet. And let bygones be bygones. You can't tell me that uh, in the time you've been waiting for this - (the court hearing) that you haven't had opportunities come your way. Right?

As had been done earlier during the collaborative 'convincing' of the mother, the Home is depicted as being staffed by persons whose primary concern is 'helping', 'educating', 'giving the probationer a chance to stand



on his own two feet', typifications which conflict with expectable, and as we have seen, often court-provided notions which the juvenile may hold about the Home, notions which have been under constant, subtle and not so subtle attack along various dimensions throughout the occasion.

Within the present interaction the focus of attention has not been on the 'defective moral character' of the probationer. Instead, the concerns of the probation officer in the orchestration of the interaction is most directly and openly addressed to the formal requirements of the juvenile delinquency legislation, e.g., the determination and pursuit of what he takes to be the 'best interests' of the child via the legally required provision of 'adequate supervision and guidance'. The 'lecturing' and 'moralizing' which typify earlier probation interaction are not featured here. Similarly, the juvenile is instructed here that the life at the Home will not be such that he is constantly 'reminded' of his 'bad ways' or 'punished' for them. On the contrary, the main objective of the staff is portrayed as helping the juvenile to get "a chance to stand on (his) own two feet. And let bygones be bygones." What the probation officers intends by the probationer standing on his own two feet and the relationship between that concept-as-used and the probationer's 'bad ways' are matters which can reveal a good deal about the interactional accomplishment of 'cooperation' or, more precisely, the interactional cooptation of the probationer.

We have already seen the notion of the probationer's 'crowd' 'encouraging' the probationer into 'bad ways' being offered as a partial 'explanation' for his problematic behaviour. The probation officer now engages in an extended attempt to display for the probationer his need for

exactly the type of 'help' he is suggesting the Home is in a position to offer. He has suggested that the juvenile has "had opportunities come (his) way" while 'waiting for the court hearing about placement'. The reference is apparently to opportunities to purchase drugs or engage in other proscribed behaviour. The juvenile claims that he's "had a few" and then apparently begins to state that he did not take the opportunities with which he was confronted, a 'fact' which he may use to underpin a claim that he has been able to successfully deal with both crowd encouragement and his alleged lack of self-determination. Such a claim represents the juvenile's first active attempt to challenge the 'proper understanding' which he is being encouraged to adopt to explain his problems. The probation officer counters the juvenile's suggestion that he has, in fact, been standing on his own two feet with the same argument which he had used earlier with the mother:

PO: So I mean you've been playing it cool because this has been - you know you'd be a fool not to - it's hanging over your head. Hanging over your head, right?

Juv: Yeah, but I tell you I really don't want to do anything illegal anymore.

The juvenile's explanation is faulted for not recognizing the 'fact' that he was facing a court hearing. The probation officer relies on another 'external' factor, arguing that 'a court appearance', like 'his crowd' had caused his inaction. 'Good behaviour' while waiting for a court hearing is portrayed as expectable and understandably a product of 'fear' or as being motivated by the wish to 'get off easy'. During most probation interaction, such behaviour is treated as one indicator of 'moral character' which is used in disposition recommendations, etc. In this case,

however, the decision to 'place' has been made and, therefore, a 'good' pre-court performance is not treated as an indicator of fundamental change. The probationer, however, persists, claiming that there has been a change which renders 'placement' unnecessary, he no longer 'wants' to do anything illegal. With the father nodding vigorously in agreement, the probation officer attacks the probationer's claim that the mere exercising of his will, or self-determination would be sufficient when faced with a situation of "choice":

PO: Well this is terrific. You know. I mean that's fine. But, John, I'm glad to hear it. But by the same token, nobody, you know, everybody needs somebody and nobody can do it alone.

Juv: Umhum

PO: You know. It's impossible for anybody to tell you they can do it alone in this world. They're either a liar or a fool....

The probation officer has repeatedly described the Home in terms of the 'help' offered by the staff. I have already contrasted this benign description with common-sense, often court-supported 'punitive' typifications. The fact that a person is 'placed' in such an institution, whether to be 'punished' or 'helped' can be seen as informative, i.e., it 'tells' something about such a person, i.e., that they are 'in need' of punishment or help.<sup>2</sup> The probation officer here invokes a set of homilies which state that 'everyone' needs somebody. Note that such an account of 'help-giving and receiving' makes it possible for the probationer to treat 'help-accepting'

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2. Recall, for example, the juvenile who 'blew up' in court when he learned that he was being placed in a residential programme for 'disturbed children', p. 135.

as something which does not reflect a negative assessment of his moral character or competence.

Until now, the probation officer has been attempting to draw out objections to placement in order to counter them with the 'proper' understanding. Here, however, he moves to close off the juvenile's 'resistance' via a short description of the present occasion as it relates to past and future court proceedings. The probationer is instructed that his 'feelings' notwithstanding, as a consequence of his probationary status, he must comply with orders from the probation officer. Note that the juvenile has not been actively resisting or challenging the father and probation officer's explication of the 'proper understanding' of the meaning of placement. He has not been telling them, for example, to 'shove their help up their ass', as some probationers do. Like his mother, his objections have been constructed out of the 'proper understanding' itself. Both of them took the talk of 'best interests' seriously insofar as their counter-proposals have adopted the same language, turning it back upon the father and probation officer. Recall, for example, the mother's use of the notion of 'security' and the necessity of providing it in the home, his job-hunting, etc. The juvenile employs the same job-hunting rationale to counter the charge that he is not in school or at work. In doing this, he is able to claim that he is in compliance with the 'spirit' of the probation plan. The probation officer replies, just as he had with the mother that the crux of the juvenile's job-hunting failure is his lack of marketable skills. The 'solution' is, expectably, placement in a setting which will provide the juvenile with the skills necessary for success on the job market.

The mother accepted the rationale. The juvenile does, on the surface. He does not challenge the notion that he needs skills to get a job or that the Home is a place which helps juveniles learn necessary skills. He 'merely' asks a technical question about the availability of specific skills he is 'interested' in acquiring:

Juv: Just one thing that's bothering me if I went there. I've had visions for this last little while of trying - taking the test to become a ski instructor. And would that interfere in any way? ((The juvenile goes on to ask if he can take a course through a specific ski school with which he has been corresponding.))

The probation officer and father have been suggesting that the juvenile develop skills at the Home, that he prepare himself to 'stand on his own two feet', etc. The juvenile now asks a specific job-relevant question which may be seen as a 'serious' attempt to discover if the institution, in fact, can offer the kind of 'help' this juvenile feels he needs to be able to obtain the kind of job he wants.

Note how the juvenile's utterance quite artfully renders the notion of suitable and reasonable placement problematic in the very terms carefully established and systematically laid down by the probation officer and father. He does this without violating the topicality of the exchange, i.e., he, too, speaks to the question of getting himself on his own two feet, he 'merely' wants skis on those feet. The probation officer initially attempts to deal with the juvenile's utterance as presented by the juvenile. That is to say, he attempts to maintain the singular appropriateness of the proposed placement by stating that the Home could, in fact, provide the requested program:

PO: Well yeah, while you're out there I know you can be able to do it. I mean whether they have a conditioning course of that or, I mean maybe they have a night school preconditioning course out there. Now I honestly don't know. But is this something that you're thinking of in regards to make your living on? Or just for your own pleasure?

Juv: I want to - I'd like to do it for experience, and to learn to work with other people.

PO: Well, alright - this is a good thing - but don't you think, I mean, first and foremost you've got to be able to make your own living. You know, I mean let's put it another way. Uh, God forbid but suppose Mother and Dad were to drop dead tomorrow. You know,

Fa: Yes.

PO: you have to be to - what plans have you given any thinking in depth to as how you would look after yourself and your sister?

I have stated that the probation officer here initially attempts to deal with 'skiing' in the terms in which the probationer has formulated it, i.e., as a candidate 'career' for which a suitable 'placement' must be able to prepare him. The probation officer appeared a bit awkward as he attempted to state that the Home was just such a place. Faced with the task of 'selling' the juvenile on the Home, the PO attempts with difficulty in other words, to deal with the probationer's formulation as a 'serious' and 'realistic' question about a particular career.

Note the shift which the probation officer makes towards the end of the first utterance in the above exchange:

...But is this something that you're thinking of in regards to make your living on? Or just for your own pleasure?

The shift is from the use of the notion of 'ski training' as a valid and accepted criteria with which to undercut the Home as a suitable placement to

an evaluation of 'skiing-as-career'. The shift in focus enables the PO and father, I shall argue to maintain the suitability of the proposed placement, undercut the notion of skiing as a realistic career-objective (at least as conceived and presented by the juvenile), and to engage in rather extended explication and negotiation of the 'proper' understanding of 'jobs' vis-a-vis 'placement'. The probation officer could have said that the Home is not 'the best' place to learn how to become a ski-instructor and begin a search for a placement which was 'closer' to a ski area. He does not, but rather introduces a competing typification of the phenomenon of 'skiing', i.e., an activity engaged in 'for the actor's own pleasure'. In doing so, he is able to verbally share the juvenile's enthusiasm for the activity while, at the same time, undercut its career-appropriateness: "this is a good thing - but don't you think I mean, first and foremost you've got to be able to make your own living". Note how the youth has attempted to maintain his definition of the activity as career-appropriate by suggesting that he wants the experience, and to learn to work with other people rather than 'mere' pleasure.

During the ensuing exchange, the father and probation officer portray ski-instructing as a method by which the juvenile may eventually be able to 'earn a few bucks', or 'pick up some extra money', but attack the notion that it would be a viable, 'realistic' way for the juvenile to 'make a living'. Furthermore, the father declares that the cost of developing the skills via lessons is far too expensive, that he is not in a position to pay for them. This remark effectively rules out the possibility of the juvenile pursuing the proposed career 'at home', a 'fact' which displays for the youth the difficulty of obtaining the skills in either the Home or home. The com-

peting definition of 'skiing' is underpinned by the PO who refers to skiing as an 'expensive hobby'.

The probation officer and father, in effect, employ the juvenile's own 'topic' as an illustrative resource for their own purposes. Thus, skiing is transformed from a career into an expensive hobby, i.e., an activity which requires money which the juvenile, given his present lack of employment, is unable to 'afford'. If the juvenile is, indeed 'serious' about skiing as a career, the PO and father suggest, he must develop the skills to obtain the money with which to pay for ski lessons. Of course, the Home under this model becomes the resource via which the juvenile may pursue a vocation, whether his eventual goal is 'skiing' or one which is directly obtainable at the Home.

As I have said, the father and PO not only trade upon the juvenile's own proposed topic to accomplish the proper understanding of placement as necessary and helpful, but they also trade upon it to display certain probation-relevant 'facts' about 'jobs', 'money', and the 'real world'. The father questions the seriousness with which the probationer has approached 'skiing', stating that he purchased equipment for the juvenile who lost it. The son, in turn states that the equipment was stolen, a 'fact' which places its disappearance beyond his control. The father then renders the subject accountable again by suggesting that:

Fa: Yes. Yes, well now ok, so other people have things stolen so, therefore, you could have gone out and shoveled snow or mowed the lawns, cut the grass and done some trimming or done whatever it is - in order to get the bucks to go skiing, but I can't afford to send you there now.



The reader should note that one potential 'topic' which is obviously relevant to the present occasion is not explicitly addressed. The juvenile's need for money is being discussed, along with 'proper' methods by which the money can be obtained. At no point, however, is the juvenile's 'stealing money from his parents' raised here and now. In this way the 'proper', less threatening definition of the situation is maintained.

What I gloss as the 'proper' definition of the situation or understanding is a complex interpretive machinery with which the probation officer (aided by the father) attempt to interactionally accomplish 'cooperation' by the probationer. Much of the interactional explication of the machinery may be seen as programming, or 'socializing' the probationer into a new phase of the probation process, rendering potentially threatening, humiliating, etc., experiences expectable, and, more or less 'acceptable'.

Seen thusly, the final several minutes of the interview under consideration may be seen as summarizing the 'proper understanding' as well as moving to 'test for', locate, and 'repair' any 'problems' which remain which may 'surface' during court.

The summary, or review begins with the by now perhaps familiar claim that the present order of business is not punishment-detention, but rather something which should be anticipated with eagerness:

Fa: If you can regard it as maybe going away to a camp. This is what I see it as, it's an organized boy's youth camp. But it's organized, and I think that is important. You need it and I think that if you don't have it you're going to just drift further and further into trouble....

The probation officer then bolsters the analogy by stating that families who can afford paying for children committed to the Home have to pay about \$750 per month, that the probationer may later discover that the PO did him a 'favour' by recommending placement in the Home, and that, finally, 'many kids' have said "What do I have to do wrong to get to a place like that".

### Probationary Status and Performance in the Construction of Proper Understandings

We have examined interactions during which the probation officer sought to produce a 'cooperative' probationer during a specific stage of that juvenile's probation career. By so doing, the probationer would then be prepared to 'accept' the disposition of the court without resistance either during the hearing or later. In the past sections we have been examining the complex interactional process which Emerson glosses as "cooling out" a juvenile who has "failed" on probation in the home and is being "placed" in an institution. We have seen that parents' 'feelings' may be critical in the accomplishment of such situated redefinitions of the moral meaning of 'placement'. Parents can 'make trouble' by resisting a placement recommendation or help the probation officer 'convince' the probationer that such a disposition is 'necessary', 'in his best interests', or at least 'inevitable' in a particular case.

In this regard, it should be noted that parents who came to court and asked for yet 'another chance' to work with their child were frequently granted that chance even if the probation officer had asked to remove the

child from the home. The data I have presented suggests that probation officers may attend to such matters in the practical accomplishment of preparing probationers and their parents for court. We have examined an attempt by the probation officer to interactionally achieve a shared 'definition of the situation' which is adequate for his practical purposes.

Such a probation-adequate 'definition of the situation' enables parents and probationers to interpret, account for, explain, etc., 'placement' as 'the only thing that could have been done' given 'the situation as it has been shown to stand here and now'. What, exactly, 'the situation is' has been negotiated, discussed, argued about, agreed upon, etc., by the various participants in these interactions. Alternative 'explanations', 'causes', 'solutions', etc., have been introduced, altered, and dealt with by the interactants. A particular version of the events and their meaning, or what I have referred to as the 'probation adequate' or 'proper' understanding of the situation has been carefully and methodically explicated and elaborated during the interactions by the probation officer. More important for our analytic understanding of 'probation' - as interactional accomplishment, however, is my display and examination of the notion of 'proper understanding' in use as a resource for the achievement of a sense of understanding which will be adequate-for-the-practical-purposes of the probation officer as an officer of the court. The notion of 'the proper understanding of the situation' must be seen, then as a complex set of interactional devices, strategies and methods with which the probation officer 'attacks', 'works up', 'interprets', etc., alternative explanations

which may bring his disposition-recommendation into question by the parents, probation officer, judge, or other relevant parties.

'Proper understandings' of the meaning of the proposed disposition are critical prerequisites for the smooth and efficient processing of cases, a fact which makes it to the PO's advantage to ensure their existence. Keeping this in mind, the father's question may be seen as a reflection of the interest he shares with the probation officer, i.e., that the disposition hearing come off without any problems or challenges from the juvenile or the mother. The 'question' immediately follows the probation officer's summary of selected features of the Home, features which portray the institution in extremely 'attractive' terms:

Fa: You feel better about the idea?

Juv: ((after a short pause)) I really don't.

The father's question may be seen as a probe which serves to determine the extent to which the programming of the proper understanding has functioned to enable the probationer to 'accept' the placement, or 'feel better' about it. The probationer's response may be read by the father and probation officer as an indication that the probationer has retained his reservations about the plan and that those reservations, the 'bad feelings' may lead to 'problems' in court, a possibility which is anticipated and dealt with in a way which differs from the strategy which has been employed heretofore:

Juv: ((after a short pause)) I really don't.

PO: It's a, I can understand you - nobody likes the idea of being told what to do. To be told that you have to go away

or you have to do this. But, I mean there's a consequence to everything we do in life. Part of your consequence is having a fellow like me telling you what to do.

Fa: Yes

PO: Telling that this is, you know, I mean in the final analysis I'm not the fellow because the fellow sitting up there on the bench is that, and he's go under that he doesn't like it, but that's part of my function as an officer of the court is to come up with what I consider is to be in your best interest and uh, I told both your Mother and Father the last thing I want to do is to see the status quo here, because I would be willing to bet you that you, you know, it would be a matter of time before, you know, you'd be up in back up to your head. Maybe not because of your own doing, but how long can a guy fight when he's got no bucks in his pockets  
....

I want to suggest that there is a definite shift in the strategy employed by the probation officer to accomplish 'cooperation' on the part of the probationer. Perhaps the best way to characterize the shift for our purposes would be as a move to 'activate' the conventional probation machinery which we saw carefully developed during early probation-interaction when the juvenile became 'a probationer', i.e., was provided by the judge and probation officer with the raw materials and interactional aid with which to construct his identity qua 'probationer'. During such interactions and subsequent 'supervisory' interaction, the juvenile was continually and routinely encouraged to think, see, act, etc., as 'a probationer', to routinely view potential courses of action, friends, utterances, etc., in terms of their relevance to his probationary fate. He was encouraged to see the probation-relevance of his waking life, and to organize it accordingly. He was also typically provided with expectations of 'what would happen' if he 'failed' probation. My point is that, during the interaction which we have been examining, the probation officer has not focussed upon the common-

sensically expectable attempts to trade upon those background expectancies which provide the formal-legal context within which the interaction has unfolded. I have suggested, with Emerson, that such a strategy nicely fits the peculiar potentially 'mortifying' contingencies of this particular stage of the probation process with this particular juvenile in this particular family situation. I suggest that the interaction would have unfolded quite differently had the mother viewed her adopted son as essentially a 'lying, thieving little brat' and had the son 'told off' the probation officer. Indeed, in many such cases, the 'proper understanding' which is sought by the probation officer is, precisely that 'placement is punishment', that it is to be seen as a direct and expectable consequence of the 'failure' of the probationer qua probationer.

I want to argue that the probation officer on this occasion has now 'fallen back' at least partially upon an activation of these more or less conventional probation 'understandings' for which the juvenile's experience as a probationer has prepared him. The earlier strategy sought 'cooperation' through what I have termed 'repairing' the juvenile's alleged 'misconceptions' about 'placement'. Now the probation officer acts to repair what he takes to be another misconception about the situation, one which may have been produced by his strategy. This 'misconception' is that the probationer may take it that his 'bad feelings' about the proposed 'placement' will produce a changed disposition recommendation. The remedial action taken by the probation officer takes the form of a review of the status of 'probationer' and selected features of the structure of their relationship as it relates to 'the Court'.

First, the probationer is told that 'nobody likes' to be told what to do, but the fact that he is in such a position is abstractly and vaguely identified as the probationer's 'consequence'. Like any other probationer, he is being reminded that what is being done 'to' him is essentially a natural and expectable product of his actions which have been 'in violation' of the general agreement, or understanding that has been made with the Court. The disposition is presented as 'merely' a reaction by the Court to actions for which the probationer himself is finally responsible.

Next, the probationer is reminded that although it may appear that the probation officer is 'telling him what to do', the judge is the one who is actually exercising the authority through the probation officer as an officer of the Court. By doing this, the probation officer draws the 'authority' of the Court into this interaction here-and-now. Thus deployed, it shields him and the father from face-to-face accountability for the 'final decision'.

Again, the notion of probation as an impartial, professionalized location and implementation of a plan which is objectively 'in the best interest' of the probationer is activated by the PO. The PO, now carefully underscoring the 'fact' that he is speaking as a probation officer, that is, as a Court officer fully cognizant of his duties and responsibilities and specially qualified by training and experience, to reach decisions about cases 'like this one'. In the fact of such credentialling, the juvenile is at an even greater disadvantage than had been his mother. The 'status quo', or probation in the home is ruled out with finality, and this time a version

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of the logic employed is displayed to the juvenile. In order to do this, the probation officer employs an interactional device which is frequently used during probation-interaction, he constructs a scenario which 'shows' the probationer what 'will happen' if he does not remove him from the home. Note how the juvenile's attempts to re-write the script to his own advantage are handled:

PO: ...I would be willing to bet you that you, you know, it would be a matter of time before, you know, you'd be up in back up to your head. Maybe not because of your own doing, but how long can a guy fight when he's got no bucks in his pockets and argue and you get with some guy that gives you a pretty good rationale and then you say "Ah!" ((delivered as an elaborate display of disinterest)) Right?

Juv: Yeah - but I don't think I'm gonna do it.

PO: Maybe you wouldn't, but can you afford to take that chance?

Juv: I, I think so.

PO: Well we're saying you can't afford to take the chance and you're not too sure you wouldn't say no, y'know.

Juv: Well I mean I - I'm fairly sure I would say no.

PO: Alright, but even being fairly sure, you know, there is still that danger and I don't think - and I know your mother and dad feel the same way - that there're more to you than just taking the chance and then finding out that we're wrong.

Fa: Yes.

Juv: Umhum.

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3. Recall that the father has just said of the recommended placement: "You need it and I think that if you don't have it you're going to just drift further and further into trouble". Earlier, the father had also attributed the cause of the probationer's activities to "a little encouragement" from the boy's 'crowd' and his own 'lack of self-determination'. The reader should also recall that such explanatory models had been 'worked up' during the earlier interview with the mother present.



PO: You see what I mean? I mean when you happen to care enough about you to - what happens to you - to don't want to - don't want to take a chance, we discussed those things....

. . .

PO: You know, and so you say "I'm not interested in that". Fine. And the pressures you get leaned on by - and the names you get called and uh, you know uh, this type of deal. Eh? You know. I know all this happens. And it's - it's pretty hard to be - uh, to walk away from. And a guy - as I say - "Nobody can do it alone. Everybody needs somebody".

Juv: I think I'm pretty successful when I walked away from that place.

PO: Umhum, sure. But how long?

Fa: Yes, for how long?

PO: You know, now how many times did you say "no" before you did - made the first one? ((short pause)) Hum? ((pause)) See what I mean? ((pause)) OK?

Juv: Yeah.

PO: Well, I think we're - you have any more questions?

Juv: Not at the moment I guess.

## CHAPTER SEVEN

### CONCLUSION

This thesis has examined juvenile probation in a family court bureaucracy as a fundamentally practical and interactionally-based enterprise. The ideological schema of the juvenile court movement has not been used as an explanatory resource, i.e., one available to the researcher a priori for use in the recognition of 'good or bad', 'competent or incompetent', professionally preferred or proscribed probation work. In Cicourel's terms, research which so proceeds imposes order rather than "seeking to discover the nature of socially organized activities" (Cicourel, 1968: 169). Rather, the report has turned to the data of performance to examine ideological notions, especially notions of 'help and supervision and proper guidance', 'cooperation', and the 'meaning' of behaviour as procedural matters of pervasive and practical concern to probation officers doing probation. Thus, whether or not a juvenile was 'cooperating' or whether he 'properly understood' the situation at hand were matters to which probation officers were seen to continually orient their attention and interactions. Competent probation work was shown to involve the continual and accountable accomplishing of cooperation and understandings-adequate-for-the-practical-purposes of the probation officer. Such work was shown to underpin and make possible the apparently routine, mundane, and unproblematic processing of cases by the court. The thesis also demonstrated the critical status of the 'terms of probation' as a device par excellence, with which 'coopera-

tion', or the lack thereof and 'proper understanding' or its absence were at the same time pursued and displayed during interactions at various stages of probation-court processing, from pre-court investigations, through court hearings, the granting of probation, supervision, and termination. The omnirelevant or pervasive nature of such concerns throughout these various 'stages' of probation work was demonstrated.

As a final way of displaying the critical importance of the above features and/or resources which this report has suggested underlie routine probation interaction, I will turn to an analysis of data gathered on an occasion upon which a probation officer, in effect, attempted to engage in probation-like interaction in the absence of these features and resources. In this instance it is important to recognize how the described interaction differs from the normal probation interaction with which this thesis has been heretofore concerned. I want to suggest that the unavailability of what may be termed the referential context of normal probation interaction results in the more or less systematic misfiring of the probation officer's attempts to accomplish the goals he sets up for the present occasion:

Mr. and Mrs. Brown walked into the building one Monday morning and asked to speak to PO George Smith. When they entered his office they introduced themselves as friends of the parents of one of the boys on his caseload, stating that they needed some help with their own son and didn't know anyone with whom they could discuss the matter. The mother then pulled a white envelope out of her handbag and dramatically handed it to the PO. It contained what appeared to be a small amount of marijuana. Mrs. Brown tearfully repeated that she wanted help for her son, not trouble with the police. The PO attempted to calm her by saying that he was there to 'help' kids and families with problems and promised to 'drop by' to discuss the matter with them and their son Henry the following Thursday. As she left, Mrs. Brown said that her son had never been in any trouble before.

That afternoon PO Smith said that he wasn't primarily interested in the case as a legal matter on the grounds that, (1) he had no way of knowing if, in fact, the substance was marijuana. He said that such matters were for the police, not probation officers to determine unless, of course, the juvenile involved was on probation. (2) Even if the substance were marijuana, the amount involved was 'insignificant'. At the same time, the PO stated that as a caseworker he found the case quite interesting. More specifically, he expressed interest in a family situation where parents look for a probation officer rather than 'confront their kid with a little grass'. He thought that the matter could be handled by a little 'simple' family counselling:

I'll just throw a little fear of the weed into the kid. God, his mother was so upset! I mean the kid's never gotten into trouble before. She's going to jump off the deep end. I wonder how the father fits into this. Y'know, it could be interesting.

The 'dynamics' of this particular family proved even more interesting than the PO expected, a fact which became evident when the PO, accompanied by the researcher, entered the house three days later and were informed that the parents had not informed their son that the PO was coming. The PO was visibly upset when the father merely ushered him into the living room, turned off the TV which the youth was watching intently, and looked expectantly at the probation officer:

PO: You didn't have any opportunity to talk to your son at all Mr. Brown?

Fa: No. I figured well it's uh, it seemed to me that all I could do is talk but you could/

PO: /That's all I'm going to do, you know, he should have some warning. I mean, I think that's part of your responsibility eh?

Fa: Yeah

PO: Really. ((Turns from father to juvenile)) Anyway, my name is Smith. George Smith. You're Henry are you?

Juv: Yeah.

PO: This is Bill Darrough. I am from juvenile court down the road. Probation officer down there. Ominous as hell, huh? And your parents were down this Monday morning, about 11 A.M., and presented me with ((Pause while he pulls the envelope and a writing pad out of his pocket. He holds the envelope up and reads slowly from pad.)) "A green plant-like substance" to coin a phrase, or use the vernacular of most police reports, "which resembles marijuana". And your parents indicate that they found it in your desk drawer on Saturday, November 27th, at approximately 9A.M. ((The PO stops reading from his notes and looks at the juvenile who stares frowning at the floor, clenching and unclenching his fists. There is an extremely long silence before the PO resumes.)) Your folks also - when they asked me, that I would not lay a charge, which I have not done. Because they didn't want to do that - all they wanted was somebody to come and talk with you that's primarily why we're here.

The PO initially assumes that the parents have 'at least' informed the juvenile about their contact with him and, therefore, minimally prepared him for the visit. When he discovers that this has not been done he rebukes the father via a brief reference to his 'responsibility' and then turns to the business at hand. Note that because of the father's failure to notify the juvenile that they have invited the probation officer to 'visit', the 'business' itself is transformed, i.e., not only must the PO discuss the matters with the juvenile, he must also inform the juvenile that his parents discovered the substance in his desk and contacted the probation officer. As a result, not only did the PO have to provide the juvenile with information with which he could 'understand' his sudden appearance, but he was also forced to attend to the explosive nature of the situation, and to take steps to defuse it in his opening remarks.

The PO shapes the juvenile's 'understanding' of what is happening in a variety of ways. In the first part of his extended utterance, he displays the legal and serious nature of the visit through his introduction

as 'a probation officer from juvenile court' (the seriousness of which he subsequently undercuts, however, by his explicit reference to its 'ominousness') and by the content of his utterance and the interactional style with which it is delivered. He borrows the grammar of police and court reports and adopts the formal monotone of a court officer as he 'reads the charge'. In doing this, he not only marks the 'legal' nature of the occasion but moves to program ensuing interaction, i.e., a 'charge' having been read, the naturally occurring next order of business in such settings would be the 'plea'.

The probation officer then pauses for several seconds, looking at the juvenile while the juvenile 'frowns' silently at the floor. Without speaking, the juvenile makes the fact that he is 'emotionally upset' apparent to all present. When the PO resumes speaking, I suggest that his remarks can best be understood as an attempt to deal with certain feelings he takes it the juvenile might 'naturally' be experiencing, feelings which might 'interfere' with ensuing interaction. First, the PO takes steps to deal with the fact that the juvenile may be thinking that his parents 'betrayed' him by going to the legal authorities rather than first discussing the matter with him. The PO's remark after the pause can best be seen as an attempt to provide the youth with an alternative way of 'understanding' what his parents were up to, an understanding which is offered via the filling in of the earlier truncated version of what transpired between the parents and the probation officer. Specifically, the parents, or 'folks' as they now become, explicitly asked the PO not to 'lay a charge'. Note that this not only transforms the parents' role in the past, but the nature of the

present occasion, i.e., a transformation from what had been carefully displayed in 'charge-laying' format to just talk. The legal features of style as well as substance are dropped under this revised formulation. The notes and forensic monotone are replaced by what is explicitly labelled 'talk'. In doing this, the PO is undercutting the forboding machinery which is typically available to him in 'normal' probation interaction but which is used with at best mixed results on the present occasion. The legal typification of the situation which encouraged the juvenile to interact as a 'defendant' has now tactically been replaced by a less powerful implicit 'suggestion' that the juvenile 'talk about it'.

The ensuing talk resembles in many respects, the 'normal' probation interaction which we have examined. There are, however, critical, and for the probation officer, painfully frustrating and embarrassing exchanges during which he sorely misses the resources upon which he is dependent for the routine interactional handling of juveniles.

Take, for example, the following exchange:

Henry has stated that he 'did not know' what was in the envelope, that it had been given to him 'by a friend to give to another friend'. He spoke with unconcealed anger, yelling at times. When he paused, his mother began crying, and attempted to 'explain':

Mo: Henry I wish you would realize we're not/

Juv: ((Screams loudly)) AW QUIT - I wish you'd quit your damn crying! Look, I've done nothing!

Mo: OK Henry, so you've done nothing. If you could only realize we're trying to help you.

Juv: You're trying to help me? Huh! HOW?

Mo: Well we want to help you. All this arguing in the house and we planned on getting it to stop. I know everytime you and I look at one another, we argue, and I know that's been wrong. And Dad and I are blaming ourself for this. We're not blaming you for it. We know it can happen/

PO: Why-why-why are you blaming yourself? With the mouth he's giving off why should you blame yourself?

The mother's opening utterances may be seen as an attempt to provide her son with the benevolent, ideologically prescribed typification of 'probation as help' which we have seen artfully traded upon throughout the various stages of probation-interaction. Its use here is expectable insofar as we have seen it collaboratively 'worked up' as the proper understanding during the earlier meeting in a way similar to the normal probation interaction with which this study has been concerned. The juvenile's rejection of the proffered understanding of the situation is both immediate, vehement and accompanied by an attack on the fact that his mother is crying. I take it that if such a performance had occurred during the occasions examined earlier, we would expect the probation officer to take immediate steps to achieve 'cooperation' on the part of the juvenile by displaying the probation-relevant meaning of the youth's performance and the consequentiality of such displays of 'disrespect', 'hostility' and the inadequate understanding of the situation at hand. On the present occasion, however, the probation officer does not have unproblematic access to, for example, the notion that an on-going record of the present exchange is being kept for present and/or later use or that the present interaction may only be adequately 'understood' in the referential context of 'probation'. Note that the juvenile is not constrained to 'make sense' of the unfolding



interaction as legal, serious, consequential, etc., precisely because the mother and probation officer are scrupulously attempting to provide him with an understanding of the probation officer's presence as 'helpful', a typification which shields the parents' contact with the probation officer from negative assessment by the son. This is done in a way which precludes the subsequent invocation of strategies reliant upon threats of the use of escalating punitive measures.

Rather than engaging in the typical strategies which I have shown to be employed by probation officers during normal probation interaction, the probation officer attempts to deal with the situation at hand by counselling the mother on how to go about dealing with the juvenile's performance. I suggest that he realizes that his role within a situation that he has prematurely chosen to enter is ambiguous at best. Rather than attempting to speak as a probation officer with a juvenile, he chooses to trade on the mother's unproblematic status as a parent interacting with her son to deal with the situation. The strategy misfires badly when the son exploits precisely the same typification of the on-going interaction to strongly suggest that the probation officer is only a 'meddler' with no valid and accepted 'business' in the setting:

Juv: ((yelling)) You should mind your own business!

Mo: Henry please!

Juv: Will you tell him to mind his own business, OK?

Fa: That is his business.

Juv: What's his business?

PO: Hey wait a minute, in that tone of voice,

Juv: You calling me down?

Fa: He was here at our request.

Mo: The reason I blame myself is that,

Juv: Well he isn't here at my request.

Fa: You haven't got any say in the matter at all, you're a juvenile and you'll do exactly what you're told.

Juv: He thinks I'm a juvenile!

In this exchange the probation officer attempts to employ a common device which is routinely used during 'normal' probation interaction, i.e., turning the on-going performance of a juvenile into a topic for discussion and lecturing. The device misfires and the attempt fails completely. The irony is that at least in certain consequential respects, the juvenile is right, insofar as 'it' here and now is 'none of his (the PO's) business'. There is no 'court' or 'judge' to invoke in the routine ways which characterize normal probation. Interaction does continue, but the PO never really 'owns' it in the same way that he is accustomed to in his characteristic control over typical probation interaction. Later, he merely attempts to discuss the juvenile's job with him and to 'mention' the fact that marijuana use can result in the loss of his job. Throughout the interaction, the juvenile tells the PO to 'shut up', 'get out of here', 'lay off'. When challenged, insulted, etc., the probation officer would 'back off', and calmly attempt to 'reason' with the juvenile. After the visit, however, the probation officer explodes with frustrated anger which he had attempted to conceal during the encounter:

I'm surprised someone hasn't thumped him out at work. Like if I - If I could have, I might have charged him. Maybe. I'm not even sure it's marijuana myself. Kind of looks like it. It's awfully seedy, you know....If I was sure that I could have charged him, and he'd said that, that's it! I would have walked out and hauled him into court, you know. I'd say "OK, let's go prove it." He'd lose his job.

Note that the probation officer does not necessarily feel that further interaction would be 'a waste of time' due to the fact that the youth is a 'hopeless' case. Rather, the PO merely wants to meet with him under the conditions which I have tried to identify as constituting the referential context of normal probation interaction. The nature of that referential context, i.e., ideological notions and their interactional uses, organizational contingencies and practical concerns of probation officers doing probation, and its status in the setting have been the primary topics of inquiry in this study.

In my attempt to describe probation work and to explicate and analyze its mundane accomplishment, I have necessarily left much ethnographic and analytic work undone. My focus of interest and resultant strategy for obtaining access limited the data by precluding any systematic placing of such interactions in their administrative context. Additional research is needed to identify other organizational constraints operative in such settings.

This study is intended as a much-needed ethnography of probation work and, more generally, as a further investigation into the practical realities of the juvenile justice system.

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APPENDIXINTAKE PROCEDURE IN THE MEDIUM CITY JUVENILE COURT

As soon as a complaint is made or information laid against a juvenile, and before the case comes before the presiding judge, the Probation Officer immediately goes into action.

He gains first hand knowledge of the offense, including all material contained in the Police or complainants' report. The Probation Officer is the first person to have possession of the report. The next step is to interview the juvenile and his parents or guardians who are advised of the allegations. They are briefed as to their rights, and what to expect and meet when they appear in court. It is established as soon as possible whether a plea of guilty or not guilty will be entered. If in the negative, no further action or investigation is carried out by the Probation Officer assigned to the case until after the necessary trial and a finding of delinquency is made.

If, as is usually the case, the child, with the agreement of his parents or "guardians" wishes to "own" up to the allegations, a full length interview is conducted and an "intake" prepared.

The intake consists of a summarized picture of the child, covered by the following headings:

- (a) General information such as birthday, nationality, school, mental status, occupation, etc., of parents together with names and ages of siblings. Other special information included here such as previous



records, drinks, smokes, mother works, psychiatric examination, wardship, special class in school, exposure to narcotics, etc.

- (b) Complaint and child's story.
- (c) Home and family.
- (d) School.
- (e) Work.
- (f) Interests and recreation.
- (g) Health and personality.
- (h) Other agencies.
- (i) Observations.
- (j) Suggested Plan.

As the above intake outline suggests, quite a lot of information must be elicited from other sources. There are many agencies to draw on, such as the school system, other courts, hospitals, City Social Assistance Department (relief), psychiatric clinics and institutions; in fact the whole gamut of public and governmental organizations are used to provide background information, not only about the child in question, but the total family constellation. This looks like a gigantic task, but in fact it is relatively easy in our City because of a high degree of inter-agency cooperation that presently exists. A trained Probation Officer can, from his interview, obtain or pinpoint other agencies that have been or are still active with the particular family and in some cases, relatives. Furthermore, the Social Service Index, gives us a list of agencies having knowledge of "problem" families, or "multi-problem families" as we now call them, and other types of families too. All this can be started by one telephone call to the Index.

With a full intake, using the sources listed above, the pre-court intake becomes a concise social history from which the Probation Officer can make a tentative assessment of the total situation. He is then in a good position to offer suggestions, provide information, or even make a recommendation for disposition of the case, if and when the Judge requests such. In this manner, the long delays with subsequent trauma or indecisions are, for the most part, obviated. In the "average" case, an undelayed disposition can be made and justice carried out. If probation is merited or required, casework can be started officially. In fact, a certain start is made on therapy from the initial visit of the Probation Officer. It is psychologically important to "attack" the problem while it is still "hot" or the psychological climate is most favourable.