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Tempered Radicals: Considering Street-Level Community Corrections Officers and Supervisors' Divergence from Policies

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ABSTRACT
Every day, community corrections staff make complex decisions in an uncertain environment, affecting their workload, supervisees, and public safety. These micro-level decisions have the cumulative potential to influence the overarching goals of the organization as well as probationers themselves. While focal concerns theory is a well-developed explanation of decision-making in courts and policing, within the community corrections context, scholars have only applied the framework to specific reforms or decisions. Using ethnographic data from a community corrections agency and a grounded theory approach we extend the focal concerns perspective, and uncover how and why frontline supervisors and officers diverge from an array of policies. A spectrum of policy divergence themes emerge suggesting collective action between staff and policies. Findings reveal emergent rationale for why staff make micro-level divergent decisions, and how the collective action of officers and frontline supervisors serves as *tempered divergence*, ultimately altering the implementation and fidelity of policy.

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Focal concerns; tempered radicals; policy divergence; community corrections; qualitative research

Introduction

The introduction of street-level bureaucracy theory set the stage for a new way of thinking about policy implementation in organizations (Lipsky, 1980; Portillo & Rudes, 2014). Frontline workers were reimagined as the true policy makers; originally symbolic implementers, now instrumental conduits for policy and large scale reforms (Grattet & Jenness, 2008; see Portillo & Rudes, 2014 for a review). With this new lens, scholars have recently considered how frontline supervisors, and the interactions between frontline workers and their supervisors, shape and reshape policies and practices, and ultimately how citizens engage with the state (Kras, Portillo, & Taxman, 2018; Rudes, 2012). In the community corrections setting, these two actors must work together to navigate supervising their populations while managing large-scale reforms affecting

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norms and daily practices, such as implementation of evidence-based practices (EBPs) and/or new legislation.

Most studies examining criminal justice reforms focus only on the impact of a single legislative or organizational policy change, such as the implementation of sentencing guidelines (Hartley, Maddan, & Spohn, 2007; Koons-Witt, 2002; Wooldredge, Griffin, & Rauschenberg, 2005) or sanctioning procedures (Erez, 1992; Rudes, 2012; Steiner, Travis Iii, Makarios, & Meade, 2011). These studies make important contributions to our understanding of how street level staff interpret and use reforms on the frontlines (Portillo & Rudes, 2014); however, they tend to focus on one layer of staff and/or on the overarching focal concerns of one reform (Steffensmeier, Ulmer, & Kramer, 1998). This narrow lens suggests frontline decisions made about a single reform occur in a vacuum, and overlooks the important context of how the multitude of decisions frontline officers and supervisors must make throughout their day, both independently and together, might inform how staff interact with any one or a collection of reforms.

To this end, street-level staff make an array of decisions ranging from legislative edicts to local-level office policies, wielding influence over the experience and outcomes of both probationers/parolees and communities (Kras, Portillo, & Taxman, 2018; Lipsky, 1980; Maynard-Moody & Musheno, 2003; Portillo & Rudes, 2014). While the extant literature explores allowable discretionary decision-making by probation and parole officers (Jones & Kerbs, 2007; Kerbs, Jones, & Jolley, 2009; Slate, Wells, & Johnson, 2003; Steiner, Travis, et al., 2011), what remains unclear is why and how probation/parole officers diverge from policies when polices discourage or limit discretion. Scholars and practitioners often overlook these small and seemingly innocuous micro-decisions, but they can directly affect policy implementation and quality of supervision (Kras et al., 2018).

It is important to move beyond the street-level bureaucrat to examine how staff move away from policy aims to serve their own or larger goals. Meyerson and Scully (1995) liken this behavior to "tempered radicals," or workers who push back and behave in ways that appear *radical*, divergent, and in direct opposition of organizational goals, but *tempered* or moderated by the small, yet impactful, behaviors they employ to reshape their organization. This study aims to understand why these divergent decisions occur by considering the focal concerns important to community corrections staff, while also invoking an organizational perspective of tempered radicals (Meyerson & Scully, 1995) to explain how decision-making impacts the functioning of community corrections agencies and the work experience of frontline staff.

Community corrections decision-making and the focal concerns perspective

Justice system actors, such as police, prosecutors, and judges, make many decisions influencing the individuals under institutional or community control, their organization, and the broader community (Feeley & Simon, 1992; Savelsberg, 1992). However, unlike these decision-makers, who often lack detailed knowledge about those under their purview, community corrections staff have enormous information capital about the individuals they supervise (Rudes & Portillo, 2012). This information stems from

the structure of typical probation which demands repeated contacts with probationers[1]. While information capital enhances and informs staff decisions, community corrections staff must make a litany of decisions about aspects of case management and supervision, utilizing intermediate sanctions, issuing violations, and revocation and sentencing recommendations (Albonetti & Hepburn, 1997; Harris, Petersen, & Rapoza, 2001; Lin, Grattet, & Petersilia, 2010; Stalans, Juergens, Seng, & Lavery, 2004; Steiner, Travis, & Makarios, 2011). The volume of decisions and variability of circumstances may increase uncertainty, especially as staff must balance these decision-points within the bounds of agency rules and regulations, court conditions, and policy reform(s) (Prottas, 1978).

In the face of these complex decision points, many actors rely on bounded rationality, or a fixed menu of potential options about how to proceed (Simon, 1957). Constrained by an individual's own knowledge, habits, and perceptions, these options build over time from interacting with numerous types of people and cases (Albonetti, 1987; Simon, 1957). Thus, community corrections staff build informal typologies and schemas comprising a "perceptual shorthand," or cognitive shortcuts about similar people or situations (Steiner et al., 2011).

Informed by their bounded rationality, community corrections staff may rely on a series of explanations typifying their actions and interactions with their clients and policy. The focal concerns perspective provides an important theoretical framework to understand these rationales. Steffensmeier et al. (1998) developed the focal concerns perspective to explain court decision-making, but recently scholars applied the framework to parole boards and community corrections contexts (Huebner & Bynum, 2006; Steiner et al., 2011). This framework describes staff decision-making in the face of uncertainty by relying on three rationales: community protection, blameworthiness, and organizational constraints (Steffensmeier et al., 1998).

First, a primary outcome of justice policies and practices includes increasing public safety and criminal justice actors rely on the focal concern of *community protection* to inform their decisions (Albonetti, 1991), including appropriate sentencing (Kramer & Ulmer, 2002; Steffensmeier et al., 1998; Stemen, Rengifo, & Amidon, 2015; Ulmer, Kurlychek, & Kramer, 2007; Ulmer & Kramer, 1998) and parole release recommendations (Huebner & Bynum, 2006). For example, Steiner and Cain (2017) found parole decision-makers considered community protection by awarding good time credits for early release to inmates with children, shorter institutional misconduct histories, and lack of gang involvement.

Blameworthiness is another focal concern driving decision-making about justice-involved individuals, and reflects a retributivist orientation towards their degree of culpability (Steffensmeier et al., 1998). Generally, individuals perceived as more culpable for their offending behavior receive harsher sentencing decisions (Spohn & Holleran, 2002). Similar to decision-making processes regarding community protection, decision makers sometimes rely on extralegal factors to assess culpability. For example, studies show judges perceive women (Steffensmeier et al., 1998) and

[1]It is worth noting this characterization speaks primarily to medium to high risk individuals supervised on an "active" caseload, and does not refer to individuals on administrative cases or those who report by telephone or on a less frequent basis (who are typically assessed as low risk).

probationers with traumatic histories (Huebner & Bynum, 2006) to be less culpable, and as a result give less severe sentences or increased chances of parole. The extent to which community corrections workers deem a probationer blameworthy has not been extensively studied, but current practices and policies suggest probationer accountability is an important component of community supervision, and may influence daily decision-making by frontline officers (Viglione, Rudes & Taxman, 2015).

The third focal concern is *organizational constraints*, used when the organizational climate, culture, or structure creates a difficult setting for criminal justice staff to make consistent and equitable decisions. Ulmer and Kramer (1996) discuss the constraints prosecutors and judges experience, such as issues with access to local resources, availability of jail or prison space, and high volume of dockets, thereby expediting sentence decision-making, sometimes at the cost of due process for defendants. In fact, when discussing the frequency and reasoning for sentencing departures in Pennsylvania, Kramer and Ulmer (2002) state the local situational context, "would seem to make departures inevitable" (p. 926). Similarly, community corrections staff experience significant workload pressures because of rising caseloads and resource deprivation. These constraints may encourage quick and "satisficing" decisions producing "good enough" results ultimately undermining consistency, quality of supervision and organizational goals (Kras, Rudes, & Taxman, 2017; Schwartz et al., 2002; Simon, 1957). Although the extant literature explores the focal concerns guiding justice actors' decision-making, it neglects the potential variability across multiple decision-points. It does not consider *how* new and shifting policies and practices impact rationales, and how the culmination of decisions by all staff impacts reforms in practice.

Divergent decision-making as radical behavior

Shifting goals and philosophies of the corrections system affect how staff *should* make decisions about their probationers. In the era of mass probation, staff are experiencing a tension between accommodating more individuals diverted from incarceration while trying to supervise them under new reforms/policies (Phelps, 2013). Adherence to these policies is key for shaping the new supervision experience for probationers (Muscheno, 1986; Tyler, Callahan, & Frost, 2007; Tyler & Blader, 2005). However, prior research indicates staff do not always adhere to policies/practices as designed, particularly when frontline staff perceive their discretionary decision-making as limited (Portillo et al., 2014; Rudes, 2012; Viglione, 2017; Viglione et al., 2015). When actors operate in a space absent allowable discretion, Gofen (2014, p. 478) defines deviations from policies as divergence, or the "actions of street-level bureaucrats that go against formal policy." Scholars suggest when staff make divergent decisions, such as violating an organizational policy, they often do so to achieve self-defined goals (Morrison, 2006; Robinson & Bennett, 1995), and explain their decisions as rational, ethical, or professional choices (Kramer & Ulmer, 2002; Lynch, 1998; Maynard-Moody & Musheno, 2003).

Recently, scholars have begun to contextualize divergence on the ground in community corrections settings (Lynch, 1998; Rudes, 2012). In a study of parole officers in California, Lynch (1998) found parole officers, motivated by feelings of misalignment

between agency reforms and their daily role, diverged from new policies aimed at improving the use of actuarial assessments for parolees. Parole officers reverted to traditional and experiential notions of casework because it better aligned with their perceived daily crime-fighting role. Similarly, in her ethnographic work, Rudes (2012) observed a sample of California parole officers resisting a new rehabilitation-focused initiative aimed at reducing revocations and technical violations of parolees. In this study, parole officers, intent on sustaining pre-reform routines, informally worked within organizational procedures to partner with police to achieve custodial returns without the use of technical violations (Rudes, 2012). The organization's failure to consider the reform's fit or include supplemental information explaining how it contributed to the larger goal of rehabilitation, prompted staff to diverge from the new policy. Further, the complicity between parole and police officers reflects an informal alignment between frontline workers to continue routines despite policy reform.

Organizational theorists have described how staff in other settings use micro-decisions and behaviors to achieve goals more aligned with their own personal ideologies while remaining committed to their organizations. Meyerson and Scully (1995) characterize such staff as tempered radicals who are "individuals who contribute and are committed to their organization while also committed to ideologies that may be fundamentally different from, and sometimes misaligned with, the dominant culture and structure of their organization" (Meyerson & Scully, 1995, p. 586). These organizational personas often exist in the margins, and Meyerson (2001) describes their working space as one on a fault line where they experience co-occurring tension to adhere and rebel. Tempered radicals' ability to operate in this middle ground is the reason for their success, as their behaviors are small, incremental tactics within the bounds of organizational routines and not necessarily against them. These "small wins" and unobtrusive ways of change create eventual impact on the "organization's taken for granted, daily ways of doing business" (Carlone, Haun-Frank, & Kimmel, 2010, p. 945). Their effective grass roots behaviors create collective momentum, even in the absence of established coalitions (Meyerson & Scully, 1995).

While previous studies augment our understanding of the challenges faced by community corrections staff during policy reform, they speak more to shifts in a single policy rather than decisions across policies, and often limit the unit of analysis to a single layer of staff. This study seeks to address these gaps by examining how frontline officers and supervisors diverge from and adapt an array of policies guiding their daily work. The current study extends the focal concerns perspective to community corrections actors' micro-level decisions by explaining not only *why* staff diverge from policy, but also by relying on the organizational theory of tempered radicals to explain *how* staff adapt policies to achieve their own goals and effect change.

Study site and context

The study site is a mid-sized, Eastern state community corrections agency responsible for parole and probation supervision of over 60,000 individuals convicted of felonies and misdemeanors, and employs approximately 1200 total staff, including 600 frontline officers and 150 frontline supervisors. Akin to other bureaucratic agencies, policy

and practice dissemination occurs top-down, originating from the agency director and trickling down to frontline staff. Frontline supervisors are largely responsible for how policy reaches frontline officers, the officer is ultimately responsible for carrying out policy reform (Lipsky, 1980; Maynard-Moody & Musheno, 2003; Portillo & Rudes, 2014). In the study agency, upper-level administrators try to have similar approaches statewide and discourage frontline adaptations or use of discretion.

In the early 2000s, the agency initiated the use of EBPs including risk and need assessments, case planning, and specialized caseloads to facilitate probationer behavioral changes, increase public safety, and reduce recidivism. The use of EBPs and the agency style of supervision offered staff discretion to supervise clients based on the results of risk and needs assessments together with professional judgment. However, eight years after the start of EBP-driven supervision, a new election cycle brought forth new state leaders who facilitated a merger between community corrections and correctional institutions under a single agency head who subscribed to a strict surveillance-style monitoring more often associated with prison operations (Tyler et al., 2007). Together, these two forces altered agency operating procedures and shifted the focus of the state's community corrections division, including an abrupt departure from EBP reforms.

The merger created confusion among staff by complicating the agency's mission and vision, and substantially changing community corrections daily practice. Specifically, probationers' static risk assessments began driving supervision strategies determined by a specific number of monthly contacts under the premise that accurate risk assessment and increased surveillance would improve public safety. Additionally, the specialized caseloads no longer considered the unique needs of the population, but instead focused on criminogenic risk factors such as gang affiliation, violent behavior, and sexual offending. A core feature of the agency's shift post-merger included the reinstatement of a zero-tolerance approach to case management of specialized caseloads and limited staff discretion across most policies in the agency.

This shift created a risk-averse atmosphere where frontline staff consistently felt anxious about disciplinary action from upper management for not strictly supervising clients via a risk management approach. The focus on risk management, although designed to concentrate resources and efforts on higher risk probationers, prevailed over the department and affected staff across units, offices, and regions of the state. As a result, frontline officers and their supervisors experienced limits and constraints on their use of discretion as more policies and practices became concrete and inflexible.

Method

Data and sample

Data come from a larger ethnographic study of training and program implementation across the community corrections agency including training sessions, focus groups, field observations, and informal interviews. The current study focuses on ethnographic fieldnotes and informal interviews from intensive field observations in eight probation and parole offices located across the state. The goal of this arm of the study was to

uncover and understand how frontline staff experience reforms following the merger. As such, the intention is not to generalize the findings to other state systems, rather it is to develop substantive theories about the nature of community corrections reform in practice that might be transferable to other settings (Charmaz, 2006; Lincoln & Guba, 1986).

Over the course of six months, researchers visited each office on two occasions for an entire work day. The 8 offices were selected from 41 total offices using a maximum variation sampling approach to ensure inclusion of an array of probationer/parolees case types and reflect variation in the socio-economic and political contexts of their urban ($n = 3$), suburban ($n = 4$), or rural ($n = 1$) locales. All offices supervised probationers and parolees of all risk levels and crime types. As expected, urban offices had more specialized caseloads (e.g. sex offenders, gang offenders, and domestic violence offenders) due to volume, where the rural office had combined sex offense/domestic violence offense caseload. All offices maintained a zero-tolerance caseload. The urban and rural locations had similar poverty rates, while crime was highest in the urban location and diminished moving toward the rural office (Federal Bureau of Investigation, 2016; United States Census, 2015).

Researchers contacted the primary supervisor in the selected office to present the study, answer questions, and once agreed, design logistics of each visit. Upon arrival to each office, researchers relied on a convenience sampling approach to observe staff working that day. Prior to engaging in observations, researchers obtained participants' verbal consent.[2] Each visit consisted of sitting with officers and frontline supervisors to observe their daily tasks, including case management duties, probationer reporting, data keeping, and staff meetings. Researchers did not conduct field/home visits or attend court hearings with staff. Throughout field observations, researchers observed and interviewed 127 staff, including 83 frontline officers (65%) and 44 frontline supervisors (35%). The majority of staff in the sample are female (75%) and Black (61%). Researchers assigned staff into age groups separated by ten-year intervals and most staff (42%) were between the ages of 30 and 39. Participant demographics are representative of all community corrections employees in the organization.

During fieldwork, researchers relied on a list of focal areas developed from earlier parts of the larger study to guide the observations and informal interviews. These topics consisted of the various roles and responsibilities of different job classes, workflow within the office, and integration of changing policies and reforms. Prior to entering the field each visit, researchers reviewed these focal areas, as well as familiarized themselves with the main staff and office functions with which they would interact. Each visit lasted between six and eight hours, with researchers arriving to the offices after opening (between 8 and 9 am) and staying until late afternoon (3 or 4 pm). During each visit, researchers did not directly take notes aside from a few jottings when not in view of participants as this is a common method to preserve the rapport building process with study participants (Halliday, Burns, Hutton, McNeill, & Tata, 2008). As soon as possible upon leaving the field, researchers typed fieldnotes to

[2]Researchers obtained verbal consent as approved by IRB. Researchers informed staff of the purpose of the study, assured them all activities observed and conversations had would remain confidential, and all data would be de-identified.

Table 1. Descriptive statistics of participants observed diverging from policy ($n = 37$).

Variable	Frontline officer ($n = 21$) % (n)	Frontline supervisor ($n = 16$) % (n)
Gender		
Male	29% (6)	6% (1)
Female	71% (15)	94% (15)
Race		
White	38% (8)	31% (5)
Black	62% (13)	69% (11)
Age		
20s	19% (4)	0% (0)
30s	43% (9)	25% (4)
40s	14% (3)	31% (5)
50s	14% (2)	19% (3)
60s	10% (1)	25% (4)

Note: During data collection, researchers did not ask participants for their exact age, rather ascertained an age range from the description of their experiences, such as graduating from school or how long they worked in the agency.

retain as much detail as possible and de-identified all individuals, places, and programs identified in the fieldnotes by assigning each a pseudonym.

Analysis

Researchers relied on grounded theory (Charmaz, 2006) and constant comparative analytic approaches (Glaser & Strauss, 1967). The aim of a grounded theory approach is to develop an emergent theory tied to sensitizing concepts guided by prior theoretical work while avoiding a priori hypotheses (Corbin & Strauss, 1990). Researchers used sensitizing concepts from theoretical framing to guide the exploration of the phenomena (Bowen, 2006). The constant comparative approach enhances the rigor of grounded theory by testing emergent concepts against the data (Glaser & Strauss, 1967).

Researchers began by linking fieldnotes to the qualitative software program *Atlas.ti*, and used an inductive, open coding technique, which involves closely reading the text to categorize emergent actions, topics, and themes (Charmaz, 2006). To enhance reliability and validity of the coding approach, two researchers coded these data independently, then resolved discrepancies through consensus building (Miller, 2005). Then, researchers relied on working themes to inform subsequent data collection and analysis (Glaser & Strauss, 1967). Combined, the analytic approach allows the conditions under which phenomena occurs to emerge, and specifically allows theories of how frontline workers behave to emerge organically from the data.

While the overarching goal of the project focused on understanding community corrections workers' experiences with reforms, the coding process revealed a consistency and frequency with which researchers observed participants – or participants openly admitted to – manipulating policies and practices in multiple ways and for numerous reasons. Of all staff observed in the fieldwork study, 37 frontline staff (30%) diverged from policy at one or multiple points during field visits. Table 1 includes descriptive information about this subgroup and reflects the demographic makeup of the full sample.

Unit of analysis

Although researchers initially considered individual staff members as the unit of analysis, as divergence from policy emerged it became clear understanding the conditions under which staff diverge required shifting the unit of analysis from staff to *instances of policy divergence*. This shift allowed researchers to consider and catalog four types of conditions about policy divergence: (1) type of policy, (2) who adapted the policy, (3) how staff adapted the policy, and (4) reasons for adaptation. To determine the type of policy, researchers used agency documents and publicly available information via the department's and state government's websites. *Legislative* polices are those enacted by the state or federal government, while *agency* policies are directives generally promulgated by administrators of the corrections organization. *Local* policies are those implemented at the discretion of mid-level managers when there is a district, office, county, or city level need. In total, researchers observed 127 instances of divergence across 22 distinct policies (displayed in Table 2). Upon cataloging all instances of divergence, divergence did not appear evenly distributed across all policies. Researchers assessed this clustering by using the Pareto principle (Clarke & Eck, 2005; Shane & Magnuson, 2016) which, in this context, assumes that a small number of policies account for a large percentage of divergence.

Table 2 shows the distribution of 127 instances of divergence where five policies (20% of 22 policies observed in action) account for nearly 60% of all observed divergence. The uneven distribution of divergence signaled to researchers a need to better understand *why* and *how* staff diverge from these specific policies. Although we directly observed only one third of the total sample diverging from policy, this is likely an undercount of policy and practice divergence on any given day in this community corrections agency. This does not imply the remaining staff do not diverge from policy similarly to those observed, but did not in the instances when talking to researchers on the days researchers were in the office. The nature of data collection allowed policy divergence to emerge or occur organically and without provocation suggesting greater trustworthiness of these data in illuminating previously unseen phenomenon (Lincoln & Guba, 1986).

Findings

Examining frontline officer and supervisor policy divergence allow understanding of *why* staff diverge and explain *how* it occurs. Participants' rationales for policy divergence exemplify and extend each of the unique focal concerns, as shown in Table 3, but are not mutually exclusive; at times, staff invoke multiple rationales to validate decision-making. The ebbs and flow of when and why frontline staff invoked rationales and decided to diverge do not reflect a fixed march of action, but rather a response to contextual circumstance. This messiness makes capturing and discussing these phenomena complicated. However, as staff invoked several rationales across an array of divergence decisions, they often did so as proxies for their commitment to their organization, peers, and how best to supervise clients. In this way, they embody the tempered radical who seeks to impart fairness and restore justice in their setting (Meyerson & Scully, 1995).

Table 2. Descriptions and concentrations of observed adaptations of policies.

Policy	Level	Description	Observed divergence (*n*)	Cumulative % of divergence	Cumulative % of policies observed in action
Transfers	A	Cases transferred, via database system, between staff, units, offices and zones	13.39% (17)	13.39%	4.50%
Reporting	O	Rules and procedures guiding logistics of probationer/officer contacts to secure safety	12.60% (16)	25.90%	9.00%
Urinalysis	A	Urine testing for presence of illicit drugs	11.81% (15)	37.79%	13.00%
Case planning	A	Identifying goals with probationers based upon assessment tool's identification of needs to be addressed	10.24% (13)	48.00%	18.00%
Violent/gang	L	Unit targeting highest risk probationers with intensive supervision	9.45% (12)	57.40%	22.00%
Intake	A	Procedures regarding intake of new probationers	7.09% (9)	64.56%	27.27%
Case closing	O	Closing case procedures upon completion/ termination of probation	5.51% (7)	70.00%	31.80%
Case audits	O	Monthly reviews of case files to ensure compliance with case management procedures	4.72% (6)	74.80%	36.40%
Contact standards	A	Number of contacts required based on the probationer's risk level	3.15% (4)	77.95%	40.90%
Home visits	A	Number of home visits based on the probationer's risk level and safety procedures	3.15% (4)	81.10%	45.45%
Risk Assessment	A	Procedures for accurately completing the standard risk assessment	3.15% (4)	84.25%	50.00%
Special condition verification	A	Procedures for verifying probationer's court-ordered special conditions	2.36% (3)	86.60%	54.54%
Office duty	O	How officers are assigned a "duty day" where they take on miscellaneous tasks, like reporting for officers who are out	1.57% (2)	88.18%	59.00%
Domestic violence	L	Specific procedures for supervising probationers convicted of domestic violence, such as victim communication	1.57% (2)	89.76%	63.60%
Earned compliance credit	L	Legislated as part of the Justice Reinvestment Act of 2012 where probationers can earn "good time" off their probation	1.57% (2)	91.30%	68.18%
Time-Sheets	O	Logging and accounting for work hours including overtime	1.57% (2)	92.90%	72.72%
Sex offense probationer	L	All procedures for supervision of probationers convicted of sexual offenses, such as polygraph and treatment	1.57% (2)	94.40%	77.27%
Graduated Sanctions	A	Use of graduated sanctions matrix in response to probationer non-compliance	1.57% (2)	96.06%	81.81%
Victims	L	Policies related to disclosure of information and referral of services to victims	1.57% (2)	97.60%	86.36%
Clemency	L	Procedures for submitting probationer applications for clemency	0.79% (1)	98.40%	90.90%
Database	A	Use of the probationer data management system	0.79% (1)	99.21%	95.45%
Warrants	L	Issuance of warrants for non-compliant or dangerous probationers	0.79% (1)	100.00%	100.00%
Total	–	–	100.00% (127)	–	–

Note: L: Legislative; A: Agency; O: Office or local level.

Table 3. Policy divergence and focal concerns among frontline community corrections workers.

Divergence type	Definition	Goal/outcome	*N*	Total
Mitigated blameworthiness	Policy is inconsistent with attitudes toward probationer supervision	Increase fairness for the probationer	17	13%
Fostering efficiency	Not suitable for situational context and creating extra work	Fostering efficiency of work place tasks and climate	73	58%
Organizational Justice	Unfairly punishes or inconveniences staff	Restoring fairness for staff or reclaiming justice for self	37	29%

More importantly, the seeming erraticism of divergence first appears to be minutiae of workplace practice. However, across the state, frontline officers and supervisors regularly made similar micro-decisions to diverge from policies, often for similar rationales, but unbeknownst to each other. These behaviors emerged independently. Contrary to the original conception of tempered radicals who behave in ways that knowingly create incremental change (Meyerson & Scully, 1995), staff here appear to behave in ways they perceive to only have implications on an individual person or situation, and not necessarily on the policy or agency. In this way, staff here are not true radicals, but instead engage in *tempered divergence,* where they unknowingly, but cumulatively, reshape how a litany of policies work in practice through their divergent decision-making. The culture of *how business gets done,* or rather *gets done under reform,* is then the product of these subunits collectively working towards a common goal unbeknownst to those involved, and under the assumption that the innocuous, routine and *tempered* decision points do not impact reforms. The findings below extend focal concerns to uncover *why* rarely observed, measured, and often overlooked micro-decisions collectively work to shape, and reshape the aims of ill-fitting policies through tempered divergence.

There is a focus on divergence here to exemplify the nature of the behaviors, but researchers note cases where adherence to policy demonstrates the reasons why staff comply. Throughout the findings, researchers rely on the most representative excerpts and quotes from the fieldnotes to reflect emergent themes. When officers' and supervisors' perspectives on policy adaptations align, they are discussed collectively as "staff," otherwise we make role distinctions.

Fostering efficiency

The emergent focal concern of *fostering efficiency* appears most often as staff's rationale for policy divergence (58% of observed instances), and reflects most closely the focal concerns rationale of organizational constraints. The majority of divergence in this agency occurred because of organizational constraints impeding daily work. For example, following implementation of the new probationer management database, officers discovered they could manually transfer cases between supervision risk levels and/or their peers without supervisor approval or knowledge. Transferring allowed officers to decrease the client risk level, thereby decreasing workload. Although

supervisors addressed this glitch in the system with their officers per agency policy, many frontline officers continued to levy the database flaw to their advantage:

> When I probed [the officer] about the low numbers of high-risk probationers, he confessed to occasionally changing the risk-level when he felt like a probationer would be equally successful as a moderate level. The difference between the two levels, he clarified, is the number of times he is required to meet them in the field; a time requirement he insisted he cannot afford. He thought some probationers would be just as likely to offend having one home visit a month versus two visits a month because of their natural inclination to commit crime would not be curbed by an extra visit.

Although the officer describes, in part, his decision as a reflection of the client's dangerousness and perhaps *blameworthiness*, the true impetus for entertaining the option to downgrade stems from a need to manage his time. In this way, he is fostering his own efficiency by reserving his time for more labor-intensive responsibilities regardless of the perceived risk of his client (Lipsky, 1980; Maynard-Moody & Musheno, 2002; Steiner et al., 2011). His rationale for diverging from policy is also related to his personal view that the number of home or office visits with clients is unrelated to their actual risk of committing new offenses.

Fostering efficiency also occurred because staff feel they have no other option but to modify a policy due to office or resource constraints. The most common policy diverged due to staffing or resource constraints is the agency urinalysis (UA) testing policy. Reduced staffing in offices from budget cuts resulted in fewer or no male lab technicians to administer UAs, which was especially problematic as policy prohibits officers from conducting UAs. Based on the availability of female lab technicians, offices were bound to diverge from UA policy by either allowing female lab technicians to administer male probationer UAs unobserved (increasing chances of adulterated samples) or assigning male officers to administer and observe male probationer UAs (decreasing officer time dedicated to other work). Supervisor Charlotte explains this in the following fieldnote excerpt,

> She tells me a lot about how the UA process works in [her] region. There are more female UA techs than male ones and the have a hard time keeping male techs. Because of this, most UAs go unobserved, which she sees as a pretty big problem. She thinks that the low percent of positive [UA tests] are because people can easily adulterate their samples because they're unobserved. She has known people to put urine in medicine bottles and then hide it in the UA bathroom ceiling.

Throughout the state, satisfying agency and court-mandated UA quotas required staff to undermine, at least in part, some aspect of the UA policy. Staff discussed feeling compelled to modify, sometimes break, protocol for UAs, to satisfy the court or the agency. The inner context of the agency, including demands from upper management, personnel issues, and overburdened caseloads, led to divergence from policy aimed at fostering efficiency.

Mitigated blameworthiness

Scholars note decision-making in response to the client's perceived blameworthiness for crime (Steffensmeier et al., 1998). Similarly here, staff comment on their client's degree of culpability when making decisions to adhere to policy to achieve

community protection; however, they more often discuss this culpability in context with the harsh and overly strict policies structuring their client's time on probation thereby restoring fairness to the population they serve (Carey & Foster, 2011). Staff diverged from policy using the rationale of *mitigated blameworthiness* (13% of observed instances), or a calculation of both the blameworthiness of the probationer *and* the legitimacy of a policy (Savelsberg, 1992) when determining if clients "deserve" to be subjected to policies staff perceive as unnecessarily punitive.

The most common policy exemplified by this rationale relates to the legislative gang/violent crimes zero tolerance unit, developed with concern for community protection. Clients most at-risk for continued violent offending are assigned to the caseload based upon the results of a static risk assessment tool. The lack of information among staff about how the risk assessment tool uses these factors to assign probationers to this caseload augments staff perceptions the policy and supervision unit are unfair. In fact, many staff admit they have low confidence and growing concern that the tool inaccurately places some probationers in the gang/violence unit where "they will never make it" past the first 6 months without a violation because of the overly strict policy. In one case, Supervisor Leah re-administers the risk assessment for each new case even though her officers initially complete one. She does so to adjust for potential "errors" and confirm the accuracy of placement according to her perception of who is blameworthy enough to belong in the caseload. Although this process adds to her already burdened workload, she insists on rechecking the tool to confirm her causal attributions,

> Leah emphatically adds that she always rechecks the screener to test if a probationer actually belongs [in the zero-tolerance caseload] because she feels it's unfair to assign people to the caseload because they have little chance of being successful on it. I ask why she believes probationers aren't successful on [the zero-tolerance caseload]. She answers that the policy doesn't allow for discretion and as a result most cases result in a violation. She adds that most probationers do not make it to the six month mark that allows their case to be reassigned and receive a reduction of required reporting.

This excerpt shows an example of how staff balance their ideologies about the people they serve with their perceptions of policy. Supervisor Leah goes on to describe how she perceives a non-violent female probationer's placement in the gang/violent unit to be the result of her "risky zip code," a factor she adamantly believes is irrelevant to her risk. She indicates the risk tool unfairly penalized the probationer for living in a poorer part of town (see Byrne & Pattavina, 2017). Supervisor Leah then admits to diverging from policy by specifically changing the probationer's zip code to a less poor part of town, rendering a different risk level and changing the probationer's mandatory placement from the gang/violent unit to a general caseload.[3] In this way and reflective in the excerpt above, she is diverting probationers away from a caseload she believes sets them up for failure, and into a caseload where an officer can provide meaningful supervision.

[3]The agency relied on a machine-learning based risk assessment program that accounted for numerous variables in assessing risk, including zip code. Scholars have noted the dilemmas in including variables that may act as proxies for systemic racism (Byrne & Pattavina, 2017), and to our knowledge the agency has since discontinued used of this assessment tool.

Staff consistently discuss their empathy for probationers on this caseload due to the restrictive reporting standards (three times a week for 6 months, then once a week for 6 months) that often penalize working probationers or those without stable transportation. In one case, Officer Megan describes how she supervises clients on her caseload,

> Megan says her approach is that "you catch more flies with honey than vinegar." She treats them with respect and they often describe her as somewhat maternal. She says "there aren't too many missed appointments." She acknowledges that very few clients can meet three times a week. I ask her what she thinks zero-tolerance contact standards should look like. Megan says she thinks that clients should report three times a week for first three months then step down [in reporting]. She feels like the department "took discretion away from us."

Officer Megan reflects how the zero-tolerance policy eliminated officers' decision-making about reporting standards that are in the best interest of their clients, their circumstances, and public safety. Frustration with the reporting requirements extended beyond how the requirements impacted individual clients, to include how the volume of reporting impacted delivery of quality supervision to the caseload. In the following excerpt from a field visit with Officer Tyler, he explains how the strict policy means he is not delivering meaningful supervision,

> Tyler would sometimes share his thoughts on the gang/violent unit. After handing me the paper copy of the gang/violent policy to read (note: it was very short). I asked him what he thinks about [the unit]. At one point and he told me he wasn't really a fan. I was shocked at his honesty especially with his door open (though he did quickly glance out the door before he said anything). To him, supervision was just box checking at this point. His clients would come in and they would talk for a few minutes or so, and he would note that he saw them and then move on. He said he didn't really feel like he was able to make many changes in peoples' lives with the current policies.

Megan and Tyler's experiences suggest a confluence of issues with the structure of the caseload and policy. Even if probationers could consistently meet with officers three times a week, officers describe the inability to meaningfully connect with clients because of the volume of contacts, potentially inflating a sense of cynicism about staff effectiveness and value to community protection. In response, supervisors condoned officer divergence through verbal acknowledgment they agreed with their officers' actions, freely acknowledged approving officer downgrades to less restrictive reporting standards earlier than policy allowed, avoiding disciplining officers when they did not submit a mandatory warrant report per the zero-tolerance policy, looking for work-arounds instead of asking for warrant reports, not disciplining officers when they witnessed direct violations to the policy, and by engaging in rule-breaking themselves (Bryant, Davis, Hancock, & Vardaman, 2010).

Organizational justice

The consequence of overbearing workloads and rigid procedural policies in contrast to individual ideology led to divergent decision-making to rectify perceptions of injustices in the pursuit of *organizational justice* (29% of divergence). Decisions made to achieve fairness for employees emerged from an overarching feeling of being taken

advantage of by administration. One supervisor in this study described how she and her officers feel in response to new reforms,

> Autumn expresses that the agents "feel dumped on." She says that they get the demands from policy changes and all the requirements, plus increasing caseloads. She reflects on the recent time study for the agency finding that officers are working 11-hour days. Autumn says that's probably true.

Autumn, and other staff throughout the agency, continuously commented on their long days from new policy changes complicating and extending office procedures. At the same time, staff described how control-oriented policies, devoid of discretion, minimized or simplified their role in ways they believed undermined their effectiveness. For instance, officers supervising the zero-tolerance caseload reflected their discretion was so severely limited that they no longer made decisions about how to engage with clients aligned with best practice, rather they treated client meetings as transactions. Supervisor Owen described the policy as "somewhat 'robotic' where the officer is just filling out the same kind of report for warrants because of any kind of violation." Two other supervisors in a neighboring office, Sadie and Evelyn, agreed with this sentiment reflecting that staff perceive their role reduced to "warrant managers,"

> Sadie and Evelyn also comment about the rigidness of the zero-tolerance caseload violations and cite an example of having to write a warrant if a client misses an appointment, even if it's for work. I ask how that works within the context of a case plan. They agree that they think the zero-tolerance caseload officer's job can be simplified to a warrant filer and that they have no discretion.

Staff willingness to manage and work through unrealistic workload expectations is mediated by the perception they no longer provide meaningful supervision to clients in practice. Specifically, supervisors recognize the multitude of organizational constraints binding their staff and display "organizational empathy" toward them (Chun, 2009). Staff highlight the organizational structure post-merger as pressure for rationalizing their divergence, and supervisors actively attended to staff frustrations and anxieties. One supervisor exhibited organizational empathy by diverging from the time-keeping policies during a time when upper management redistributed caseloads to officers by a client's risk level (high, moderate, and low) rather than the mixed risk level caseloads they were previously supervising. A short timeline to reconcile reassignments complicated by increased work to some officers from inconsistent case management by previous officers, compelled supervisors to diverge from restrictions on overtime to allow officers to "flex" their time to complete the tasks. The following excerpt describes this,

> Sadie says that most staff work beyond their hours, but they have to get approval for working extra hours. There was a time when supervisors could approve overtime, but now they can't. She tells her officers to work "off the record" and flex their time later in the week. Sadie says "they don't let us supervise or deal with things. Upper management is in our business." Sadie explains they have a system working in their office to deal with time issues.

This emotional response to the agency's reorganization of caseloads characterizes supervisors' perceptions of injustice for their subordinates, and their rationales for

attempting to restore fairness back to employees through use of rewards such as "off the record" flex time. Pursuing organizational justice reflects the lack of leadership engagement within the inner context to support policy overhauls (Damschroder et al., 2009).

Tempered divergence

At first glance, policy divergence appears isolated to the individual, officers, or supervisor, but patterns reveal collective staff behavior within their offices where supervisors are complicit in divergence. Across the agency staff perceived the legislative zero tolerance policy as overly punitive and debilitating for probationers and parolees attempting to comply with supervision conditions. Zero tolerance means that any breach (such as being late for an appointment) required a warrant for the individual's arrest. Both frontline supervisors and officers perceive the increase in control-oriented policies as hindering rapport building with probationers, and see this policy changing their role to "warrant managers" rather than resource brokers or change agents for their clients (Bourgon et al., 2012). To advocate for individuals on their caseload, officers adhered to the mandatory warrant submission (per policy), but accompanied it with written narratives dissuading judges from issuing the warrant. Supervisors approved these reports and condoned the language used advocating for clients, but effectively undermined the policy:

> I ask how [the zero tolerance policy] has impacted the use of violations. Autumn says, "Officers slant reports" to judges where they write up the violation and then contrast it with all the mitigating circumstances that might avoid automatic revocation. Autumn says they have a great working relationship with the judges and the judges respect the opinions and recommendation of the officers.

This fieldnote exemplifies the intersection of multiple rationales contributing to divergent complicity. First, officers are complying with mandatory warrant report requirements, but are dimming its aim by "slanting" the report with positive narratives. Supervisors are coaching how to "slant" reports and/or are approving slanted reports with an understanding that this language can persuade a judge *not* to issue a warrant. These two levels of staff recognize their relationships with judges and role in the court community and leverage this to counteract returns to custody and circumvent policies because they perceive to be overly punitive. As a result, supervisors and officers are complicit in divergent behaviors, but do so within the constraints of organizational rules.

Importantly, both officers and supervisors in suburban and rural offices perceived this and other similar complicit behaviors as streamlining policies they perceive to be more aptly suited for "big city" problems, and as written, not applicable for their locales. However, officers and supervisors in urban offices often reported the same policy as unfair for their populations despite their "big city" setting, and participated in similar individual or complicit behaviors. This suggests not only are officers and supervisors diverging from policies within their own offices, but they are also collectively engaging in divergence across the agency. Staff are acting in what they perceive to be isolation to themselves, but unbeknownst to staff across units or officers, they

hold similar perspectives about the same policies, and are behaving in similar ways for similar reasons. We term this seemingly inconspicuous collective action *tempered divergence,* wherein each act of divergence contributes to an overall movement of change reflecting staff preferences for what policy *should* look like.

Divergent decision-making, or small wins, are occurring across the state and molding the reforms to better fit how staff perceive they should operate. Focal concerns previously explain why people make decisions about *people*; however, in this state, regardless of the socio-demographic differences across probationers and settings, staff continue to make similar decisions for similar reasons about *policies*. Staff behavior appears less motivated by the perceptual shorthand they make about people, and more heavily influenced by the fit of the policies within the organization (Taxman & Belenko, 2011). However, unlike Meyerson and Scully's (1995) tempered radicals, staff in this state are not attempting to make any monumental or purposive change outside their own workspace routines or office. These behaviors are creating new statewide patterns of change and behavior, but their innocuousness *tempers* the speed and pervasiveness typically associated with large-scale change efforts. The scope of agency-wide movement goes unnoticed and attribution of blame goes undetected due to the organization's layering of numerous competing practices. Therefore, staff are rewriting *how* policy operates via micro-decision making and are contributing to bottom-up change.

Discussion

The present study extends the focal concerns perspective and engages the organizational concept of tempered radicals to examine why and how frontline officers and their supervisors in a community corrections agency make decisions that diverge from policy. Emergent rationales show staff divergence aligns with the traditional focal concerns of organizational constraints (*Fostering Efficiency*) a derivative of blameworthiness (*Mitigated Blameworthiness*), and extends focal concerns to include divergence by staff that restores fairness (*Organizational Justice*). Policy departures emerged as a tempered divergence, reflecting complicity between officers and frontline supervisors with far-reaching effects across the agency. As staff consider the organization when making decisions, it results in perceived justice for staff and clients in micro-level ways that cumulatively advance change in the agency, but it also undermines the fidelity of policies and practices.

In previous studies, justice actors predominately make decisions based upon aggravating or mitigating circumstances of probationers (Spohn & Holleran, 2002; Steffensmeier et al., 1998). In this study, roughly 13% of observed departures "balanced the scales" for probationers and parolees, and when this occurred it was because staff perceived policies as too restrictive and beyond the scope of what is fair and just. This perspective repositions, and extends, the focal concern of blameworthiness away from probationer dangerousness toward questioning the legitimacy and fairness of policies as they pertain to probationers and parolees. Frontline officers are therefore considering issues related to social justice, citizenship, parsimony, and

proportionality when deviating from policies that they believe are unfavorable for their clients.

However, most divergence in this study site occurred as staff cope with organizational constraints and unrealistic policy demands. In many public service organizations, especially those operated by government entities that are rife with ambiguity (Albonetti, 1991), policy divergence appears less like a "guerilla government" (O'Leary, 2006), and more like coping with organizational pressures and demands (Gofen, 2014; Loyens & Measschalk, 2010). Tempered divergence within this organization reflects an undercurrent of how internal organizational change occurs via tempered radicals (Meyerson & Scully, 1995). However, unlike tempered radicals (Alston, 2005; Carlone et al., 2010; Meyerson, 2001; Meyerson & Scully, 1995), behaviors of these staff are not always ideologically centric and with the purpose of creating sustainable change. Often, their behaviors reflect a reactionary urgency to solve an immediate concern, albeit ideological or otherwise. In this sense, their inclination to ebb and flow between rationales and decision-making for similar policies reflects an adjacency to tempered radicals rather than submersion. However, the cumulative impact of their behaviors lends itself to the implications of tempered radicals.

Understanding policy divergence from the viewpoint of the frontline supervisor may also augment the scope of divergence within a particular office or unit, and enhance the harmony and legitimacy of the workplace culture (Bryant et al., 2010). Research highlights the key role middle managers play as gatekeepers of policy and practice implementation (Kras, Portillo, & Taxman, 2018; Rudes, 2012) and in this study, frontline supervisors play an active role in on-the-ground implementation by acknowledging and dismissing the seriousness of policy divergence by officers. This condoning of or complicity in divergent behavior expands understanding about street-level bureaucracy (Lipsky, 1980; Portillo & Rudes, 2014). While most organizational research, especially in criminal justice, focuses on a single layer of staff, this study demonstrates policy divergence is occurring across at least two layers of staff. Specifically, officers and their supervisors operate as internal change agents and, in the absence of sound policies, they interpret policies and incrementally establish new informal operating procedures more appropriate for their context. If isolated to a specific supervisor and their subordinates, ramifications of these actions present as modest inconsistencies and unfairness to only the probationers they supervise. In this study, staff are consistently behaving in similar ways between and across these two layers of staff. When aggregated, this creates a statewide divergence from policies and practices, albeit tempered. Stated simply, the collective action of all staff diverging from policies, even in minute ways, is moving the state to *do* policy in ways staff believe it should be done, instead of as it was written (Lipsky, 1980). This ultimately reaffirms the organization's structural inertia and contributes to the ineffectiveness of policy reforms.

The appearance of policy implementation, with divergence from and across the agency, has potentially grave consequences. First, the lack of fidelity to policies and practices renders aspects of reform, such the EBP movement in corrections, useless. As found in other research, staff in this study neglect using standardized risk assessments to categorize probationers and parolees, especially for the zero tolerance initiative (Viglione et al., 2015). Knowing this underlying focal concern in implementation provides evaluators, as well as

managers and legislators, vital information for understanding why a specific policy may not stick, why divergence occurs, and how to improve it. In the case of the agency under study, the zero tolerance policy misaligned with pre-existing EBPs in the agency and the pressure to use zero tolerance on probationers was not feasible, fair, nor viewed as effective by staff for achieving public safety.

In community corrections agencies, frontline staff who have direct interactions with probationers and parolees are often excluded from policy and pre-implementation discussions. The patterns of policy divergence support the work of other scholars who suggest staff are more than worker bees, they are implementers (Lipsky, 1980; Portillo & Rudes, 2014; Rudes, 2012). Knowing how and why staff are adapting a policy is a useful strategy for engaging local staff in the decision-making process in policy alignment and implementation to enhance organizational commitment and a collaborative culture (Lambert & Hogan, 2009; Lambert, Hogan, & Barton, 2002). Increased communication between top-administrators and street-level staff has the added benefit of fueling organizational readiness to change and collective momentum of implementation (Lurigio & Skogan, 1994; Petersilia, 1990; Taxman & Belenko, 2011).

Staff characteristics have been found to influence organizational readiness, fit and capacity (Taxman & Belenko, 2011). Unfortunately, these findings are limited in their ability to uncover relationships between divergence behavior and individual (either staff or probationer) demographics. In particular, this study did not consider the extent to which race, age, tenure, and other work-related variables might encourage staff to diverge from policy, and from which policies they diverge. This study only reflects the experience of one state agency, requiring future research to test the generalizability of this theoretical extension. These findings are also limited by the number and range of policies observed in action. Although the inclusion of both frontline officers and their supervisors contributes to the criminological and organizational bodies of literature, this work does not consider perspectives of upper management. Obtaining perspectives from a vertical slice of the organization might provide greater insight into policy alignment/misalignment and adherence/divergence decisions. Additional collection of both quantitative and qualitative data regarding policy divergence, perhaps systematically observing certain policies or gathering deeper ethnographic data of an organization over time, will enhance scholastic ability to unpack the complexities demonstrated by this study. Future research should consider if divergent behaviors reflect underlying criminal justice philosophies of staff.

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