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The Development of Human Resources in the Probation Services. A Qualitative Analysis

Antonio SANDU¹

Abstract: We aim to highlight the perspectives of probation counsellors on their own professional development and strategies of career development, as a dimension of the social construction of the profession of the probation counsellor. The research was based on 12 interviews with probation counsellors, a focus group, and interviews with professionals in fields other than probation. Among the most important results is the existence of a high level of professional optimism and motivation, despite the high workloads of the professionals. The activity is developed in the context of a retributive collective mentality, the refraction of restorative and/or non-custodial solutions.

Keywords: probation counsellor; probation services; human resource; professionalism; professionalization.

Introduction

This article is part of a wider research whose purpose is to identify the particularities of the social construction of the probation counsellor's profession in north-eastern Romania.

The social construction of the profession of probation counsellor takes into consideration both an *institutional* and a *human* side. The *institutional* side aims to develop the specific institutions and the role of the social alternatives of incarceration; the *human* side is represented by professionals with aspirations, beliefs and values brought to their professional practice. The human resource is a central element to the development of probation as a distinct professional practice, whose purpose is to identify and implement alternative measures to the imprisonment of people who have committed crimes.

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The purpose of this article is to highlight the perspectives of probation counsellors in north-eastern Romania on their own professional development and strategies of career development, as a dimension of the social construction of the profession of the probation counsellor. Within the research, among others, we will pursue the way in which professional socialization leaves a mark on the construction of their professional identity and the quality of practice, directly influencing the results of the probation activity.

As a hypothesis² of the research, we consider that: the institutional perspective and the professional socializing leaves its mark on the construction of their professional identity, and on the quality of their practice, directly and significantly influencing the results of the activity of probation.

A second hypothesis of the research can be: the evolution of the regulatory-institutional framework leaves a mark on the social construction of the probation counsellor's professional identity, namely by redefining certain operational definitions that the professional works with, and around which he develops his speech on practice.

The operational definitions of terms such as *punishment*, *penalty*, etc., suffer an interpretative drift, in the process of altering the interpretative and ideologic-theoretical context which underlies the professional practice. This interpretative drift can be observed starting from the comprehension of the normative and ideological frameworks that peg practice, and of the interpretative consensus that emerges in the community where the professionals operate.

Literature review on the social construction of the profession of probation counsellor

The scientific literature on the *social construction of the practice of probation* argues the dependence on the context of practice, arguing the need for analysing the historical perspective when implementing new standards regarding the practice of probation. The comparison between the American and the British system shows that the two have evolved differently based on the meaning of the term *perpetrator*. The constructionist perspective leads to the idea according to which the systemic change imposed administratively,

² The term *hypothesis* is considered unfit for the qualitative research in general, and for the one through Grounded Theory in particular, please see the chapter of discussions, where we use it with the meaning of constitutive assumption of the research.

undermines the social practice of the probation services, and should therefore refuse the requests of uniformity (globalization) of the asistential practice in the probation services.

The most recent researches show that the practice of supervising the offender by the Probation officers specially trained in this field has far more relevant results than the situation in which the officers of supervision have no studies in the field (Phillips, 2010; Chadwick, Dewolf & Serin, 2015). In the literature, we identify two definitions specific for the professional activity in the field of probation: *probation counsellor* and *supervision officer*. The difference is correlated with the perceived function of probation which focuses on supervision in the American version, and on the counselee practice in the European one.

The reflection on the nature of practice makes a significant part of the probation counsellors to identify the need for continuous professionalization and constant adapting to the everchanging professional standards. A study conducted in Great Britain after the implementation of the reform of Probation Services (Dale & Trlin, 2007) shows that practitioners with large experience, trained in the *clinical model of practice*, are in the position of reconsidering their practice in terms of identifying the „punitive managerial” mode of practice. The transformation of the interpretative paradigm on practice also alters the professionals’ speech, orienting it, in the case of the mentioned research, towards a model based on ethics of care and the social construction of responsibility, convergent with the restorative paradigm.

The same directives of orienting practice towards the values specific for the operational paradigm are found in a research in New Zealand, which describes probation as part of social care, precisely because the respondents, probation counsellors, would emphasize as fundamental values those values specific for social care: focus on the client, supportive practice etc. (Dale & Trlin, 2007). The professional formation in the area of social care represents an element of social construction of the profession, since it defines for the professional the discursive frameworks within which it operates professionally. Moreover, the article quoted discusses the construction of professional identity starting from a status based on ethical values, knowledge and skills, that contrast with the simple application, without prior reflection, of a manual of practices imposed by the administration.

The regulatory structure that regulates the practice of the profession of probation counsellor represents the limiting framework that shapes the

social construction of the practice. The changes at regulatory level modify the frameworks of practice, and along with it, the discourse on practice.

A legislative framework that imposes probation, especially in the particular sens of service of *supervision of serving the non-custodial punishments*, will generate a discourse on practice infused by the concern for supervision and control of the behaviour of the supervised persons. A legislative framework that sets the objective of the practice of probation to *restore the social ballance disturbed* by committing *acts with* potential antisocial character will generate a discourse on mediation, involvement, autonomy and responsibility.

The Romanian regulatory framework

The evolution of probation in Romania is, from an institutional perspective, on an ascending path, and seems to understand, at least at the level of public policies, the need for alternatives to imprisonment. The 2014 penal reform introduced by the New Penal Code (Lupaşcu, 2014a) and the New Penal Procedure Code (Lupaşcu, 2014b) included probation as a central social institution in the system of rehabilitation of people who have committed crimes.

The probation system in Romania currently operates based on Law 252 from July 19, 2013, regarding the organizing and functioning of the probation system, which was enforced on February 7, 2014. The law regulates the organizing and functioning of the national system of probation centrally and at the level of territorial structures, as well as their activity (Art. 1). The legislation establishes the fact that “*by his conduct, the probation system, as a public service, contributes to the administration of the act of justice*” (art. 2, alin 1) (Sandu & Unguru, 2014, p. 210).

The paradigm on which the Romanian Probation Service is based is a communitarian one, in which the organizing and functioning of probation targets the interests of the community as the social rehabilitation of people who have committed crimes, and to increase social security for the community to feel safe. Along with these interests, the legislation aims to reduce the social costs of enforcing criminal sanctions (Sandu & Unguru, 2014, p. 210).

Unfortunately, the novel nature of probation is maintained even after 15 years, since the first programmes targeting the implementation of restorative justice. The substantiation of probation is a retributive one, but the call to international standards requested by convention ensures a series of restorative elements. The restorative perspectives hardly find a place in

the current normative framework in which the purpose of punishment is still a retributive, sanctioning one.

The Romanian audience is deeply indebted to the retributive paradigm, being reluctant to the implementation of non-custodial measures. The social-economic context and the impact of the mass-media give the retributive accents a vindictive nature.

Regarding the specificity of the development of human resources working in the Probation Services, law 252/2013 targets: the principle of professional competency expressed by art. 12 which shows that the staff working in the probation system is specialized in accordance to the responsibilities established by the law, and aims to reach high standards of professionalism and compliance with the norms of ethical and professional deontology.

The probation activities carried out by the probation counsellors are regulated by Art. 32 of the Law of Probation (Law no. 252/2013). Most of the activities mentioned in this law are consonant with the legislation of other states in the European Union. The lack of attributions regarding prevention may generate, at a *discursive* level, an excessive concern for control and supervision, which may come from the internalization of the role of supervisor of the supervised person's behaviour, and not of the provider of social services for populations with an increased risk of delinquency. The lack of attributions of mediation between the victim and the offender may be discursively translated by ignoring the victim's problems and needs, the Romanian legislation making it difficult to implement probation based on the restorative justice paradigm (Sandu & Unguru, 2014).

The regulation of applying the provisions of Law 253/2013 on the execution of penalties, of educational measures and other non-custodial measures ordered by the court during the criminal trial, was only approved by the Government Decision of 24 August 2016, three years after the approval of the law. The regulation aims to systematize the methodology of implementing the regulatory framework on the activity of probation. The data collection for this research was conducted prior to this regulation to be enforced, so it does not take into account any changes on the practice of probation.

The lack of specific skills on prevention can generate an excessive concern for control and supervision, which could come from interiorizing the role of supervisor of the behaviour of the supervised person, and not of provider of social services destined to the populations with an increased risk

of delinquency (Sandu, 2016). The lack of skills for mediating the victim-offender relationship may be translated, discursively, by ignoring the victim's problems and needs, the Romanian legislation making it difficult to implement a form of probation based on the paradigm of the restorative justice (Sandu & Unguru, 2014).

The lack of concern, in the Romanian literature, for the functions of the punishment makes us consider that the retributive paradigm is dominant at the level of public discourse, so that the theorists of the field neglect the interrogation over those (functions), considering them a common fact, even if the legislative changes arising are coming from "legal imports" from the law systems that have adhered to a different penal philosophy, and implicitly to a different operational definition of the *functions of the punishment*. The process of social construction of the punishment, and implicitly of probation as an institution involved in the management of performing/not performing the punishment, suffers from a deconstruction given by the above mentioned semantic change, in whose development the society – and even most of the practitioners – is not certified. The *transparadigmatic* practice generates an incoherent discourse which tries to justify, in terms of a (restorative) paradigm, elements of social practice originated in the retributive paradigm.

The institutions of the retributive paradigm don't lose the nature of novelty, but gradually suffer from an interpretative drift as the restorative paradigm becomes stable among the practitioners. An interpretative cleavage is that suffered by the concept of punishment, and implicitly that of probation as social – professional practice. The Services of Probation are meant to supervise the performance of noncustodial punishments at the intersection between the institutions with welfare primate in the Probation Service – reintegration/recovery – and the legal ones, focused on the idea of retributive justice, and the institutions in the system of the Penitentiary Directorate, focused on a prison-centered paradigm.

This intersection of professional values creates an inequality of speech also at the level of the strategies of normalizing the power. Normalizing the relationships of power and obtaining an institutional status-quo can place the prestige of welfare services (of probation) in a strong area, or on the contrary. The professional prestige allows the probation counsellor, as institutional actor, a wider participation, or a more restricted participation in perpetuating the social negotiation of the meaning of the idea of penal justice and of punishment, as well as its functions. The social

pressure that the social institutions are facing is also variable, based on the expectations of the public opinion towards the social justice. These expectations can enrol on an axis that goes from the value of *solidarity* – which leads to restorative practices – until the value of *collective retribution* which leads to practices of retributive nature.

Methodology design

The ontological and epistemic frameworks of the research are given by the vision of the social constructionism (Gergen, 2001; 2005), concerned with explaining the processes through which humans manage to describe, explain and take act of the world in which they live, and which includes them (Campbell, Kinsella & Coldicott, 1994; Sandu & Unguru, 2014, p. 15). The constructionism – as a paradigm of social thinking – refers to the way in which the individual operates with constructs, understood as operational definitions, on the clippings from reality.

The hypotheses we presented in the introduction are actually a series of assumptions that underlie the construction of the interview guide, and the process of generating categories. The qualitative research of this kind has a predominantly exploratory nature, not being able to lead to testing certain prior hypotheses because the sampling used is not probabilistic, and doesn't concern the validity of data, but their relevance, and their power of generating new theoretical constructions with explanatory value on the phenomenon (Charmaz, 2014).

The data were collected through 12 interviews with probation counsellors and heads of probation services in North-Eastern Romania. Along with the 12 individual interviews, and in order to triangulate the data sources, a focus group was conducted, where together with representatives of the probation services in the above mentioned region, eight other professionals implicated in implementing probation (social workers, psychologists, forensic doctors) were also included. In parallel, there were three interviews with professionals from fields other than the probation service – a forensic doctor, a lawyer, and a social worker.

An agreement in principle was initially obtained from the National Probation Directorate who left it up to the probation services in the above mentioned counties to grant the interviews.

Following positive answers from the management of the probation services, the interviewers went to their headquarters to take the interviews.

In the exploratory research such as the present one, meant to create a particular understanding of the phenomenon, the random sampling is considered improper (Marshall, 1996), being preferred a theoretical sampling that would enable an iterative approach, the data analysis being conducted as they were collected, which allowed to constantly adjust the questions addressed to the respondents based on the explanatory needs of the research. The sampling that underlied our research is a theoretical one, based on the principle of saturating the sample, the saturation that occurs at the moment the data from new respondents no longer significantly contributes to the construction of the proposed theoretical model (Denzin & Lincoln, 2000).

Of the people that were interviewed, were mostly female - ten; only two were male, reflecting the distribution of gender among professionals in the field.

The professional experience of the interviewed probation counsellors ranged between 2 and 17 years; two of the respondents stated that they had participated in the development of the Romanian system of probation ever since experimental projects were undertaken between 1997 and 2001.

The qualitative, semi-structured interviews were based on Open-ended questions that enable the respondents to express themselves in their own words, that will further be the basis of the content analysis.

The thematic axes of the interviews and focus groups were: Expertise as a *probation counsellor*; Description of professional practice/specifics of practice; the meaning given to the professional practice; the relationship with the beneficiaries;

The specific of practice, the evolution of the probation practice, the meaning given to the term *good professional*, what makes a probation counsellor be considered a good professional, the greatest accomplishment and the biggest disappointment of the respondent as probation counsellor, the meaning of the term *case solved*, etc. The respondents were encouraged to answer as fully as possible to each thematic axes, and express their opinion starting from their own professional experience.

The data interpretation was done through an inductive strategy specific for Grounded Theory. *Grounded Theory* (GT) (Goulding, 1999; Corbin & Strauss, 2008; Creswell, 2007) involves a process of systematic generating of concepts and theories based on collected data. During an

inductive process, there are conceptual categories with an increased level of generality which explain the topic under research.

The theoretical construction specific for Grounded Theory is derived directly from the phenomenon studied, fact which comes in contrast with the hypothetical-deductive approach, in which case the theories are generated by clinical tests and the refining of a previously built hypothesis. In the studies conducted through Grounded Theory, the theory emerges from systematic examination of the phenomenon, starting from a local approach, to one with a higher degree of generalization (Caras, Sandu, 2014).

The methodological literature on Grounded Theory, the methodological approach chosen for conducting the research considers it necessary for the researcher to abstain from using hypotheses taken from the scientific literature, and even developing a section of literature review that would highlight the theoretical perspectives that are likely to be transformed into hypotheses. Such a literature analysis, prior to the construction of the theoretical nucleus, is considered a waste of time for a research that aims to be conducted through Grounded Theory (Christiansen, 2011).

GT involves a series of inductive steps (Goulding, 1999), starting from the information offered by the investigated subjects. This is in contrast with logical-deductive methods, as it does not aim to validate a set of prior assumptions, but to generate the theoretical corpus, including of models with value of hypothesis. GT (Corbin & Strauss, 2008; Sandu, 2010) is a research strategy that aims to generate certain theories or models starting from specific data. Data coding follows two steps: initial coding and selective/focus coding (Adam, 2009). Initial coding has the purpose to discover the themes or significant categories. This is followed by focused coding, which involves categorizing the data closer to the theory. A second step in the process of data analysis is axial coding (Corbin & Strauss, 2008).

The process of coding is followed by a process of theoretical generation, which involves progressing, from the empiric level, of raw data towards a series of generalizing constructions, with a strong explanatory nature, that would constitute the assumptions of the above-mentioned interpretative model. These assumptions may later underlie – as hypotheses – other researches, of quantitative type, that would highlight the validity of the theoretical construction obtained through Grounded Theory.

Specifics of data analysis

The results are presented as categories and subcategories generated by the process of open coding and axial coding. Generating the categories was done in two stages, starting from the analysis of the transcription of interviews and by regrouping the information provided by subjects on common topics. The common themes were grouped generating subcategories, and they were synthesized into categories that represent the thematic axes of the analysis, which are different from those initially taken into account in projecting the interviews, but this reflects the informational content transmitted by the respondents and is consistent with the specifics of the research. Information that exceeded the topic of the research was ignored, but remains available for future analysis regarding other dimensions of the social constructions of the profession of probation counsellor. The summary of the results considers their presentation one single time, in the most clear and comprehensive way. Where the results are redundant, respondents expressing the same idea in different terms, they were grouped in the analysis, presenting one single phrase, marked as such, are eventually followed in parentheses, by other respondents' indications.

The actual expressions of the respondents were played as such, where it was considered that introducing them brings greater detail, and referring to the nature of the interviewee's response, offering the reader the opportunity of their own interpretation on the information received from the respondents.

Results and data analysis

Category 1. Professional identity of probation counsellors

Professional identity is analysed from the perspective of the self-perception of the probation counsellors regarding the status of the profession, the social importance perceived or self-perceived, the professional recognition and the acknowledgment of the profession, the operational definition of professional success and what it means to be a (good) professional and/or a professional success. The most significant issue highlighted by most respondents is the insufficient number of staff for the probation services. Based on this, is the work overload of probation counsellors, which involves a bureaucratization of practices and a reduction

of the working time of each person, with the risk of lowering the quality of service.

Subcategory 1.1. The perceived importance of the profession

All respondents acknowledge the social importance of the profession of probation counsellor, which requires continuous professional self-improvement. All respondents have had an enthusiastic attitude towards their belonging to this professional category, demonstrating professional optimism despite being constantly alert to the high level of overload with daily tasks. The respondents bring into discussion the network of interdependencies between professionals, as being a key element in the social construction of the profession of a probation counsellor (IRO03).

The social importance of the profession is matched by the personal importance given to the profession, a strong identification with the professional values, and in general with an increased self-esteem related to their professional identity.

« [to be a professional probation counselor] It is very important and crucial. To be a good professional, I believe all of us make efforts to become one. We go to classes, we are self-taught.» (IRO03)

The respondents insist on the personal importance of the profession.

« For me it is very important, but it doesn't mean I am in the position to exploit this. » (IRO02)

The persons interviewed show that they are aware of their professional responsibility and the risks involved in the profession (IRO05).

An interesting discussion that emerged (FG) was regarding the change of name of the profession from *probation counsellor* to *supervision officer*. From the point of view of the respondents, changing the name would lead to the benefit of prestige of the professionals in the field. The term *officer* in Romanian has a strong military connotation, with emphasis in terms of professional prestige. The respondents suggest the existence of an advantage of authority derived from association with the military dimension of the term “officer”. From the constructionist perspective, we consider that changing the name into *probation officer* will withdraw the profession from among a welfarist one, significantly emphasizing the dimension of supervision to the detriment of the reintegrating ones. This change is coherent with the retributive perspective that is dominant in the discourse of probation counsellors. The majority of respondents show that there is a

balance between the conciliating-reintegrating side, and that of supervision, with an accent on supervision, motivated by the overload of counsellors who, therefore, have a greater difficulty in achieving their conciliating activities which require a greater amount of time.

Subcategory 1.2. Professional recognition

The professional prestige of the probation counsellors starts from the acknowledgment of the profession among other professions in the field of social care, but also in the field of justice management. The appropriate professional training is acknowledged by the professional status and the payment. However, the respondents draw the attention that the workload is an act of reducing the motivation towards professional excellence.

«Why not admit it is a certain recognition of certain studies, at least for me, with special psychopedagogy, maybe I wouldn't be able to obtain the same status or payment in a different institution. On the other hand, most of us lose most of the enthusiasm because it is one thing to be satisfied by your work, and another to feel that no matter how hard you try, you can't succeed because it is no longer about the salary, it is about how efficient you really are [...] the issue is the workload that exceeds our possibilities » (IRO02)

Referring to the significance given to professional practice, one of the respondents considers it a dream long-held and fulfilled. This answer, but also similar ones, confirms the above-mentioned professional optimism and strong attachment towards the values of the profession (IRO05), (IRO07).

Professional recognition is connected to the efficiency of practice and the acknowledgment received from other categories of professionals, especially in the area of justice administration. The fact that they are asked for their professional opinion, at first unofficially, and particularly by judges on the individualization of the punishment, is considered a professional accomplishment. The fact that this practice of proposing to the court, through the evaluation report, a solution considered as optimal by the probation counsellor, is considered proof of the growing social importance that the probation counsellor has in the criminal justice system. The lack of any uncertainties on the solutions proposed in the pre-sentential evaluation reports, but also in other documents sent to the court, is considered as proof of the professionalism and good reputation of probation counsellors.

« And I want to say that in 15 years since I have been working here, there were no concerns. On the contrary, I had judges call me and ask for my opinion on what

could they give, because up until 2 years ago, the viewfinder of probation couldn't recommend the court to sentence a punishment or educational measure. Currently, through the New Penal Code, we can. And then it is very difficult to recommend something to the judge, but mostly the courts take into account our opinion, there were no situations in which we would receive complaints from the judge or the prosecutor. » (IRO07)

Subcategory 1.3. The good professional

The probation counsellors define professionalism as being results-oriented, work efficiency being designated based on results. It is important to note that in the definition of the *professional*, a series of ethical values, such as *dignity*, *responsibility* are included. These values enable a particular attitude of the professional, allowing him to guide the person under surveillance towards the result (IRO01).

A series of the qualities of the good professional are defined: *implication*, *organizing skills*, and *commitment*, which can be considered as professionals virtues, along with personality features such as: rigor, the capacity to clarify the obligations of the supervised person, etc., which are considered necessary in order to be a good professional (IRO01).

The respondents refer to the accurate compliance of the legal framework of probation, including facilitating the completion of surveillance deadlines by persons that the counsellor is in charge of.

« [professionism] is, in my point of view, to do your job well, within the law, to respect the deadlines and the laws of the state in which you work » (IRO01).

The motivation for success and the capacity to overcome professional obstacles are considered defining elements of the good professional. Involvement in the activity, dedication towards the profession and cases, despite obstacles, is a fair attitude that the professional should approach constantly. The capacity to overcome professional obstacles and an optimistic professional vision, are the conditions of success in the practice of probation (IRO03).

Another characteristic of the good professional is professional experience. Experience allows to adequate practice to the particularities of the supervisee, a certain degree of empathy and flexibility of practice within the limits of good practice.

« We have guides of good practice, but you practice according to the man you're working with. It also depends on the experience. I mean if an interview took me

longer [in the earlier practice], 14-15 years ago, now I only look at the person, the eyes are windows to the soul. I mean I respect, I have the good practice guidelines, but after all, you approach the person based on who is in front of you at that moment. » (IRO04)

Professionalism is seen as beyond the simple fulfilment of legal obligation. It is necessary to be dedicated; meaning to have a proactive attitude, to make efforts to make the person that is supervised acknowledges the meaning of his actions and the need for a pro-social behaviour (IRO05).

Responsibility is claimed by several respondents as an exceptional operational value for the activity of the probation counsellor (IRO08).

A series of other ethical values are invoked, their practical accomplishment being a sign of professional success and an achievement which may qualify the probation counsellor as being a good professional.

Subcategory 1.4. The meaning of “case solved”

The idea of “case solved” is related to the social reintegration of the person under surveillance. For a case to be considered as “solved”, the person supervised must meet a number of conditions, among which the most important are those connected to avoiding relapse, good collaboration with the counsellor, and compliance to the supervision conditions as imposed by the court. All these defining elements of success are correlated with a change in the person’s behaviour, and reaching a pro-social cooperating attitude (IRO08), (IRO01).

An interesting perspective on the meaning of the concept of a “solved case” is that which includes solving certain issues of the supervised person, which he himself is not aware of. *Empowering* persons with their own issues, especially ones they are not aware of, leads to a more efficient and quicker social integration of the person, reducing the risk of relapse. If, as in other welfare professions, identifying issues are done with the client, the specific role of the probation counsellor may be acknowledging the issues that lead to the punished anti-social behaviour, assuming responsibility, and the autonomous decision (the moral agency of the subject) to change. The involuntary nature of participating in the probation counselling of the supervised creates a special link to the need for transforming the mandatory compliance of the supervised person into a genuine therapeutic alliance between the counsellor and client. Such an approach of *medicalization the relationship* of probation after the model of psychological counselling transfers this relationship from the area of retributive supervision into the

restorative co-construction of the social balance. Regarded as such, probation counselling becomes a socio- therapy of social reintegration. Although the attitude of one respondent (IRO04) is somehow paternalist, discussing the identification and solving of the client's problems, the reference is in fact to the co-construction of the subject's reintegration trail.

Trying to answer the question regarding the meaning of the term "case solved", the respondents also refer to the specifics of other probation activities. From the perspective of developing pre-sentential evaluations, the case is solved when the judge uses that evaluation in customizing the sentence, taking into account the solution proposed by the counsellor.

Inter-institutional cooperation is considered to be essential for the successful solving of cases under the supervision of probation counsellors (IRO08).

An important aspect highlighted by the respondent is the *sustainability of the results*. It is not enough that during the execution of the non-custodial sanction, that the subject does not relapse and violate the conditions imposed by the court. It is important that a long-lasting pro-social attitude is developed, with the risk of relapse being very low for rest of the supervised person's life. As such, the results obtained in probation must be lasting and sustainable.

« I refer to results; results refer to changes that we observe on the beneficiary, and they are fewer now because the workload is very high, because it doesn't permit an adequate intervention on each beneficiary, nor the relationship is the one that should be [currently] [...] but for 15 years, I really had remarkable results, meaning changes almost unexpected, very good feedbacks from beneficiaries, very strong acknowledges even during an evaluation interview, in an hour or two-long meeting » (IRO12)

Another important dimension of the co-construction of the practice of probation is the relationship between the counsellor and the person supervised. Successful cases are those based on trust, in which there is a therapeutic alliance, which transform surveillance into a form of socio-therapy that targets social reinsertion. The experience of surveillance becomes transforming for the beneficiary. The respondent shows that at the end of the surveillance period, some beneficiaries show that they now consider collaborating with the probation service as a stage of personal development, and consider the period of surveillance as a beneficial event in their life, from their own perspective of social integration. Transforming the sentence time into personal development, the beneficiary turns probation

into social practice from the area of retributive, fully placing it in the field of restorative. In this situation, the probation counsellor is considered an agent of change. A significant part of probation activity is seen as an exercise of a motivational and transformational leadership towards the person supervised. The idea of a team that learns is also transferred on the relationship between the counsellor and the supervised, trust and good communication generating a real behavioural change of lifestyle and thinking.

« I believe that as probation counselor, the satisfaction lies in working with the beneficiary. When he comes to you and says: „I understood something”, „look, I’m finishing the surveillance time”, „I never imagined how important is for the police to catch me taking drugs, but now, at the end of parole, I realise how wrong I was”, „now that I have graduated from college”, „I am an engineer”, for example „I am about to get married”, „the fact that I came here to you for” 4 years, or how long the parole was, „was for my personal development, and it is very good that this happened to me. And then the satisfaction of the probation counselor is that he has motivated someone to change his life. » (IRO09)

Subcategory 1.5. – Professional success

Professional success is seen in correlation with the number of solved cases – strictly defined by supervised people, who finish their supervision time, fulfilling the obligations imposed by the court and managing not to relapse.

A minimalist definition of success is the lack of complaints from people who were supervised, or from other institutions – court, prosecution – or other professionals involved (IRO04).

The respondents emphasize the small number of cases that have relapsed, or failed to comply to non-custodial measures. The extremely low level of relapse in persons under probation is compared to the – significantly bigger – one of relapse in persons who have executed a custodial sentence (IRO04, FG). This difference, although this includes the difference of the criminal profile of people who have – statistically – suffered from custodial and non-custodial sentences, clearly shows the efficiency of probation as an alternative system of sentence enforcement, but also the individual success of the counsellors involved in the case management. Even the evaluation of the risk of relapse, and implicitly of the criminal profile of the person, is a task for the probation counsellor during pre-sentential evaluation.

« [...] there are people who can be helped, I don’t have a statistics now, but as proof, from my cases, I don’t know if any of them relapsed, out of 220 files, I don’t

know if I have 3 or 4 files, the others are integrated individuals, with families. Although they practically keep the same lifestyle, working place, are free and contribute to the state budget. » (IRO04)

Referring to the efficiency of probation in the criminal executorial system, the respondents show that nationally, 350 probation counsellors have under surveillance over 40,000 cases, while the imprisonment system where there are 12,000 prisoners, has 15,000 employees. The economic savings that the state achieves by applying non-custodial sanctions is very high. Besides the material and public costs of a penitentiary to function, the generalization of non-custodial sanctions leads to avoiding the social costs of incarceration (IRO11).

The respondents insist on the role of the team in professional success. The team is united and the relationships between members help and provide constant cooperation. Cooperation inside the team is completed by a hierarchic one, with the representatives of the National Directorate of Probation, on whose support the respondents rely.

« I consider that these achievements could be done by team work and now, as both counsellor and chief, I consider [...]. I couldn't see myself as chief of service for a team other than the one I am in now, and I couldn't [...] make the machine work, [...] if my colleagues wouldn't help me. I mean if it works, it is because I am being helped by everything the team is » (IRO09).

Subcategory 1.6. The greatest achievement of the respondents as probation counsellors

Most respondents show that their greatest professional accomplishment is connected to continuous training and the improvement of professional competencies.

« [the greatest achievement as probation counselor] Involvement in programs. It is a field that I like very much and I think that on this topic, we got some good results » (IRO06).

The respondents also underline a personal, emotional dimension of professional success, which is to create a bond of trust between the probation counsellor and the supervised. This connection, when maintained after the surveillance deadline, even through the fact that the person leaving supervision remembers his counsellor and greets him when occasionally meeting, is considered a personal success of the counsellor. The therapeutic alliance is therefore validated; the formerly supervised confirming that

beyond the strictly institutional relationship, there was an interpersonal solidarity within the obligations imposed by the process of supervision. The simple gesture of greeting – mostly if followed by a conversation – confirms to the counsellor that the supervised has also perceived him as a resource for change, and not only as a jailer asked to strictly verify the enforcement of the criminal punishment.

« The greatest achievement is seeing the people I have worked with, I mean the people prosecuted after finishing the supervision, who have reintegrated and still remember me and say hi. I mean I considered it was ok. I sometimes meet them and they ask me stuff. Yes, it is a great accomplishment. » (IRO08)

Furthermore, one of the respondents considers that not only is the normal relationship between counsellor and supervised one of collaboration, but this is really the situation in most cases managed within the probation system of the area under study. An effective and efficient relationship is considered as being a characteristic of the professional activity of the counsellor.

We again note the professional optimism of the probation counsellor.

« [...] the fact that at the end of supervision, you see that the person had committed no more crimes, got a job, married, has kids, so everything went on normally, and in the end, I they say to me: „Thank you for having such a great relationship and that everything was great”. I believe this characterizes my professional activity. » (IRO11)

Professional success is defined, on the other hand, in terms of participation, an involvement in developing the work methodology of the probation service. The fact that a counsellor, being in a management position or not, may bring his contribution to the methodological contribution of the services offered, is considered a symbolic recognition of his/her own professionalism and implicitly of professional prestige (IRO08).

The success as a manager of the probation services is connected to teamwork (IRO08).

Subcategory 1.7. Motivation for practice and professional involvement

The optimism of the majority of respondents is explained through the high level of professional involvement. Motivation is intrinsic for the activity of probation, through the specifics of practice and the prestige it can bring to the professional. The high level of motivation (IRO10) is

considered by the respondent as a source of successfully overcoming the phenomenon of professional overload. The capacity to face professional stress is considered by the respondent as a constitutive dimension of the good professional in the field.

« [...] the entire system is overcrowded and the case-load is much beyond the European standards, and if we wouldn't have been good professionals, we would have given up, and probably would have searched for an alternative if we didn't like probation. As long as we work afterhours, it is like I said, intense, but not incidentally, the rhythm is very alert and if we were not professionals, noone would have resisted. » (IRO09)

Motivation produces dynamic teamwork, facilitating the development of certain activities that exceed the current tasks, activities that come towards the development of the service, and probation, in general, in Romania (IRO10).

Category 2. Dilemmas and professional issues in the practice of probation

A series of respondents showed the existence of issues that probation counsellors face in practice. Generally, the issues relate to the overcrowding of tasks following the introduction of the New Penal Code, the New Penal Procedure Code and the Law of Probation.

Subcategory 2.1. Professional overload of probation counsellor as a source of disappointment

Disappointment generated by unresolved issues related to overload erodes enthusiasm and motivation for practice. Although they maintain high optimism, the respondents show that disappointment towards working conditions starts to appear, a fact which may divert the attention of professionals towards other fields. Significantly, regarding this possible change in motivational status and the decisions regarding the career, is the professional status awarded by other professionals, of how much probation work matters for others (IRO05).

The respondents point to the fact that professional overload is likely to turn probation counsellors into simple clerks, depriving their time for communicating with the persons evaluated or supervised. Or, the very inter-human dimension is seen as fundamental for the practice of probation. The level of professional overload exceeds European standards.

*« The program is structured differently [...] when you have hundreds of folders, when you become a simple clerk, when you no longer have time to work with the person, to work afterhours, to work on changing the behavioural attitude. »
(IRO08)*

Subcategory 2.2. Lack of involvement of state institutions in the social reintegration of criminals

Another source of dissatisfaction is the lack of support from state institutions for the social reintegration of persons under supervision. The desired support is to create a framework for programmes of professional training for people who have committed crimes and have no education. Their enrolment in such courses, especially for those who have no professional qualifications, may constitute strong support from society, diminishing the risk of criminality and deterring the choice of illegitimate career opportunities (IRO06).

Certain divergences were indicated between the applicable regulatory frameworks. For example, it is stated that through criminal sentencing, some people under supervision are required to attend qualification courses. This is, however, impossible to achieve if the person has not graduated in eight compulsory years, a fact, which, in some situations, leads to difficulties or even the impossibility of implementing the measures imposed through a criminal sentence (IRO08).

Some respondents point to certain systemic deviations from what is expected from the probation system in the first stages of its implementation. The expectations of professionals in the system since the beginning of its practice in Romania, lead to a practice system centred on working with people, oriented towards the social rehabilitation of the offender, and less on the simple supervision of enforcing sanctions. For probation to constitute as an agent of change, the respondents consider it is necessary to have time and specific instruments, based on communication.

« Probation is no longer what we wanted it to be, and is going in that direction. But if our leaders don't understand that after all the person is the most important, and giving him back to the society. You no longer supervise a ton of criminals, whom will commit the crime or not; [...] For example, I am not allowed to collaborate with institutions that are not accredited. I am not allowed to implement habilitation programs, if they are not credited by the institution, and if they do and I don't have the necessary time and space, my work comes down to writing a paper, I just write the formal papers and that's my job »

The respondents insist on the discrepancies between the conditions of practice of probation from countries where the current regulatory framework was taken – the UK and Norway – and the Romanian regulatory framework of practice. Probation reform should be accompanied by a change in the frameworks of the profession, including the resources – especially the human ones – involved in the functioning of probation services.

« I don't think they are necessarily favorable [the takeovers from other legislations] because when the good practices were imported, they didn't also take the background of those countries, and I mean that ever since the taking effect of the Penal Codes and related laws in 2014, there was no specific background ensured. I mean I think that somewhere we have less resources than the countries from which we took the models of practice » (IRO09)

Subcategory 2.3. Retributive mentality dominant in the Romanian society

Another obstacle that professionals face is the Romanian mentality of the social rejection of people with criminal convictions. Current Romanian society is quite vindictive; a criminal offence leads to the almost automatic social exclusion of the person. It is reported that certain reform measures in the probation system are taken from the legislation of other states, without coherence to a specifically Romanian mentality, and without being adequate to the needs of the Romanian penal system. Therefore, there is the risk of turning probation into a new bureaucracy such as the form without content (Maiorescu, 1978).

« In order to implement what the British and French, or other people have implemented in years and reached something specific [it is necessary an open mentality]. Practically they took a system and applied it in Romania without being realistic. » (IRO08)

Another critical situation is the lack of public visibility of probation as a social practice. The measure of a sentence with suspension, for example, is widely known to the public, but not the institution that deals with fulfilling the sentence, nor the philosophy behind probation, the reasons why non-custodial measures are more efficient from the perspective of the social reintegration of the offender, the risk of relapse, avoiding stigmatization and deviant re-socialization in prison.

Some respondents draw attention to the obligation of confidentiality which is an impediment in the public visibility of the profession. Currently, there are public persons who are in non-custodial sentences, including politicians, senators and deputies, whom, by sentence, do not have the right to have their positions of public dignity withdrawn. In such cases, a greater visibility of the services of probation would implicitly bring to the attention of the mass-media the presence of public persons as supervised persons, a fact which would violate confidentiality, and an unwanted exposure with discriminating consequences (FG).

« It is frustrating for us that when they talk about suspending, nobody says what happened during that suspended time. Sir, that man doesn't suspend himself like that, doesn't remain hanging in nothingness; yes, he goes to the institution, there is an institution that has certain responsibilities and obligations, that person did things, he must do community service, there is a counselor who evaluates him. There is one there who goes and checks every day, paperwork to the police and fieldwork » (IRO11)

Other respondents emphasize the public recognition of the profession, showing that this is following an ascending trend, but it can be improved. It highlights the Romanian mentality centred on punishment and its exemplarity. The public mentality on punishment emphasizes the severity of sanctions and control over supervised persons, without taking into account the dimension of social integration and the social rehabilitation of criminals. This situation is amid the way in which public perception mainly considers a corrupt political environment, marked by incompetence and cronyism.

« The disappointment of all probation counselors from all over the country is that they were not acknowledged for their true value, nor they are now, or so to say, now we are facing a beginning of acknowledgment. [...] we weren't sufficiently supported, because the Romanian mentality is very centred on punishment, control and less on the idea of reintegration, which is poorly understood, and the fact that for us, the political climate is marked with incompetence, corruption and interests that don't refer to the interest of the community, but the personal interest. [Probation] involves a very complex work, unrecognized and poorly implemented » (IRO12).

Subcategory 2.4. Critical experiences in the profession

There were not too many expressions of negative experiences in the professional practice. However, disappointments mentioned referred to

increased work volumes, excessive bureaucratisation of the practice, and the relative lack of visibility of the profession, but are still kept within moderate limits (IRO06).

Respect for the activity of probation counsellors is a sore spot, as this activity, especially its restorative side, somehow falls in contradiction with ideas in the public mind regarding persons who have suffered from criminal convictions. The respondent emphasizes the incompleteness of the legislation under improvement (IRO04).

A series of problems were highlighted based on the functioning of the probation service as an institution of the execution of certain criminal penalties. Although the average levels of danger from persons sentenced with a suspension is lower than of those executing a custodial punishment, the profession of probation counsellor remains open to a high degree of personal risk. In these conditions, the respondents consider it unacceptable that there is no special security or control when entering the institution (IRO11).

« These [disappointments] come from the persons we have the higher expectations from, who have a certain level of understanding and doesn't respect the measures. » (IRO04)

The level of inter-institutional cooperation is a different source of professional dissatisfaction of probation counsellors.

« I fight with a person who has to no community work and I have certain difficulties on obtaining a medical document that would state whether he is fit or not for work. » (IRO06)

Even in situations when community service is mandatory, and institutions in the community sign protocols with the probation service, there are still difficulties in taking the supervised persons over, doing community work, or other imposed community sanctions (IRO08).

Subcategory 2.5. The rate of professional overload of probation counsellors

A leitmotif of the interviews with the probation counsellors is the exposure of issues raised by the degree of overload with professional tasks. The number of cases for each counsellor exceeds 150, and, according to the respondents and the overload situation, this might reach 250 cases. We do not insist on answers for this category, the implications of this professional overload have been previously discussed. We will only outline some of the

respondents' declarations that clarify perceptions over this degree of overload. Having a constructionist approach, we will aim to highlight the significance that the professionals give to the high level of case overload, namely the increased risk of human error with negative effects over the quality of the counselling and supervision process, especially in his subjective side.

« At this point, I have 182 folders and participate as counselor in the commissions of parole in penitentiaries. » (IRO01)

« Now I believe I have around 260-270 cases [in progress] » (IRO06)

« In supervision I have 105 cases, and ever since the beginning of the year, I only did 5 evaluation reports. I participated in the commissions of parole in the penitentiary. » (IRO07)

Subcategory 2.6. Protests of probation counsellors

From July 2015 to April 2016 there were a series of protests from probation counsellors, referring to the excessive workloads of certain probation counsellors. The requests of these counsellors aimed to create a number of positions in the system, to reduce the number of cases for each counsellor and reduce bureaucracy.

Regarding the causes of the protests, the respondents showed that there is an institutional impasse in the functioning of probation, and that only such protests can lead to unblocking the situation (IRO12).

Referring to the above-mentioned protests, the respondents showed that there is an understanding from the authorities, especially at Ministry level, that there are promises but no concrete results.

The measures promised by the representatives of the Ministry aim to open a number of 500 positions nationally, after the budget revision (IRO12).

The changes in the system are lasting, and issues are being solved gradually. The respondents show that personnel in the system seem to be happy with the forthcoming changes, and the way in which the Ministry solved their request (IRO07).

Another result of the protests is represented by the development of regulations in implementing the Law of Probation – at the date of the interview, the Regulation was pending at the Ministry of Justice, currently starting with August 2016, being already in force (IRO10).

Subcategory 2.7. Pleading for probation

We chose to build a separate category regarding the pleading for probation by counsellors. We present only a significant fragment in this regard, which shows that probation – applying non-custodial sanctions – is by far more efficient from the perspective of the risk of relapse, than incarceration. The alternative penalties diminish the costs of incarceration, both financially –paid for by the entire society – as well as moral and social, that along with the criminal, are paid by the family, community, etc.

« The service of probation has a risk of relaps of 6% nationally, and the incarceration system is somewhere around 45-50%. I mean, you can clearly see that we do our job, and do it well. Let's invest in this system, because this is the future. We cannot put everyone in jail, let's put only those that deserve it and are really dangerous for the society, but the person who make a mistake once, who has a family and a house, it is much cheaper for the society to send him on probation, but it only costs you the salary of that employee. It doesn't cost you to feed him for 5 years, to give him clothes, medical care, security. So it costs you nothing, it only costs you to pay that poor probation counselor, that's it. » (IRO11)

Category 3. Professional socialization

This category brought together information on basic and continuous professional training, including the result of professional training in terms of the professional competences necessary for effectively exercising the profession of probation counsellor, how to pursue a career, but also the motivation for choosing it.

Subcategory 3.1. Access to a career

Access to the career of probation counsellor is achieved through public competition, organized by the Probation Directorate in the Ministry of Justice. The competition is organized according to Law no. 123 on the status of the probation staff. The contest is open to people from the fields of: social work, psychology, sociology, pedagogy or law, who are capable medically and psychologically, have no criminal or tax record, have a good reputation and know Romanian very well. In order to participate in the competition work experience is not required. Being a position of public interest, the regulations require the positions to be filled exclusively through competition, held with maximum transparency and promoted nationally.

The respondents showed that in their case, access to the position of counsellor was through competition (IRO01, IRO03, IRO05, IRO06, IRO10, IRO11). The competition is described as:

« [...] *a very serious exam, rigorous, when I graduated.* » (IRO06)

Participation to the competition was motivated by:

« [...] *I always wanted to work with people who have violated the legislation in one way or another* » (IRO05)

For some respondents, participation to the competition was preceded by a period of volunteering (IRO03). A number of respondents were part of the development of the probation services, ever since the pilot programmes developed between 1997 and 2001 (IRO08).

Subcategory 3.2. Professional training

The professional training of the respondents is diverse, practically covering all fields of social work, law, psychology, pedagogy, allowed by the law of probation.

Some respondents mention double specialization.

« *My specialization back then was the Faculty of Philosophy, department of Social Work, followed by the Faculty of Law. At that time I didn't have a Bachelor's diploma, I finished afterwards, but back then I was hired based on the studies on social work, and in the same time, there was a preparatory school in Arad for two weeks, where we were trained to be probation counselors.* » (IRO01, IRO07)

Respondent IRO05 shows the importance of training in psychology for a probation counsellor, in his case being doubled by legal training (IRO05).

The majority of respondents are professionally trained as social workers, followed by a Masters degree in the field of probation, organized through faculties in social work. Training via pre-university courses was a solution for supplementing initial training in social work.

« *I graduated from social work in Iasi and I have three post-university courses in many fields in: criminal law, probation and social management.* » (IRO08)

Being a profession with an interdisciplinary profile, professionals come from different areas of their initial training fields and take a series of courses employed.

Subcategory 3.3. The motivation of career choice

In choosing their career, the future probation counsellors took into account a series of factors such as *novelty* and *attractiveness*, the need for no professional experience, participation in voluntary activities and the implementation of programmes in the field of restorative justice (one of the theoretical models of the first probation programmes in Romania).

The *attractiveness* of the profession, even the absence of knowledge on the exact meaning of it, led respondent IRO04 to choose the career of probation counsellor.

« I graduated from the faculty of law and studied the law and at that time, it sounded to me like something else. Probation, evidence in a file, something else, but I remained in the system for 14 years. I graduated from the Faculty of Law [...] »
(IRO04)

The lack of requesting prior experience and not taking into consideration volunteering as professional experience contributed to the choice of career for IRO02.

Initial contact with the probation service during college and elaboration of a bachelor's thesis on this subject led to respondent IRO08 to choose probation counselling as a career opportunity.

Subcategory 3.4. Continuous education

The initial training for probation counsellors is followed by specific training, in which the professional appropriates the competences that are specific for performing the main activities: *surveillance, writing evaluation reports, case management, participating in the parole process and the implementation of educational programmes for people who have committed crimes*. In addition to acquiring the competences necessary for developing such activities, continuous education targets the update of knowledge based on the evolution of specific normativity, the development of standards and professional requests, and also of the evolution of international practice. The continuous education of the professionals benefited from an international component, until 2013 mainly British, more recently – Norwegian (FG). This international component partially influenced the specifics of Romanian practices, as part of the elements specific to the British model, and the Norwegian one were considered incompatible with the legal and institutional Romanian framework: overloading the activity of Romanian probation counsellors who

have up to 250 cases, unlike Norwegian ones who only have around 25 cases, so more time to work on each case (FG). The elements of legislation are also customized, and since 2014 have eliminated the mediation victim-offender (FG) element, which is specific for restorative justice, used mainly in Great Britain. However, training with international specialists is seen as beneficial (FG), bringing the advantage of professionalism to the probation counsellors.

By attending courses and training programmes, as well as through self-improvement, the respondents have a strong interest in continuous education, realizing its usefulness for the good practice of their activities as professionals (IRO03).

The interdisciplinary nature of the practice requires a high degree of professional training:

« Of all (social worker, psychologist or lawyer), it is required as much information and experience as possible, for this job involves activities in all professional areas. »
(IRO06)

The initial professional training is considered insufficient, which is why continuous education after entering the system is absolutely necessary (IRO07).

Subcategory 3.5. The need for additional training

Most of the respondents experienced the need for customized professional training that would match the high level of inter and transdisciplinarity that the practice of probation involves. This is probably the reason why most of the respondents studied various fields at undergraduate and postgraduate level. One of the respondents even took doctoral studies in the field of sociology, on a topic in the field of probation (IRO08).

Among the reasons for the need for training raised by the respondents, we can specify the penal side of practice – integrated into the area of penal executional law, probation being based on the legislator's vision on the functions of penalty; the gravity and social danger of the acts; and the legislator's vision on the offender's social reintegration. The dimensions and limitations of expressing probation are outlined in the New Penal Code and the New Penal Procedure Code, along with the law of probation (IRO02).

The deepening and strengthening of competences in the field of social and humanistic sciences are also experienced as the need for

continuous education, beyond the initial training, either at university, post-university, or through courses organized by the National Directorate of Probation. Results, similar to those exemplified, can be found in relatively similar forms in other interviews (IRO02; IRO03, IRO04, IRO07, IRO08).

« I think he should have a profound consolidation of knowledge on the socio-humanistic side in all fields [...]: you must be empathetic, and this is something you learn, most of the times, in social work, you must know how to listen and make yourself clear, and this is something you usually learn when you graduate from psychology college, but you have to have knowledge, vast and solid, on the rights, liberties and laws, and these information mostly come from the field of law » (IRO11).

Another need for training noticed by the respondents is that connected to the programmes of working with people under surveillance.

« [...] I only heard about it from my colleagues. [probation programs] DAs, Stop! Think and change, OTO, etc. But I have only heard about them, I never attended a session. » (IRO05)

Regardless of the initial field of training, the respondents consider that, in fact, each of the probation counsellors in the system – at least in the field of the Directorates where the respondents come from – have competences in all areas of probation, having both psychological, counselling, assertive, welfare skills, as well as understanding and applying the normativity in force. This is because each counsellor benefits from continuous learning at different sides of the profession.

In our opinion, this multidimensional specialization of probation counsellors competes with the current lack of organization in departments of probation services, departments such as pre-sentential evaluation, surveillance, monitoring, parole, etc. (IRO11).

The importance of going beyond the theoretical and methodological framework gained in the initial training stage is frequently emphasized, not because it is insufficient, but because then specifics of the profession produce major changes in professional practice almost continuously.

The typology of the people under surveillance continuously changes, society itself being in a continuous dynamic, which is why there is a permanent need for professional self-actualization.

« [...] if you interfere with methods you have learned 10, 15, 20 years ago, in college, on new types of personality, controlled by the society and its dynamic [nowadays], you are no longer efficient and professional, you are no probation officer anymore. » (IRO07)

Empathic capacities, and those of analysis and synthesis, are also considered necessary for good practice as a probation counsellor (IRO12).

Discussions

Social reality is being rather interpreted as a process of permanent reconstruction of the interpretations that the social actors give the various social events. The constructionist epistemology focuses on understanding the process of meaning by which the social actors represent their social world, rather than on their objective description.

This possible bias can be partially counteracted by triangulating the researchers and of the data sources. In addition to this, an inherent limit of such research is the high level of subjectivity of interpretation. In order to make sure that the interpretations proposed by us are consonant with those of the respondents, part of the model generated by the first interview analysis was confronted with the respondents' opinions to the focus group, where there were also invited respondents from previous interviews. They have been presented as partial results as inputs for the discussion in the focus group.

Ethical aspects. The ethical aspects of the research target the confidentiality and sensitivity of the questions referring to possibly vulnerable groups. The results proposed for publication do not allow for the identification of respondents in the interview transcription, making the data anonymous. The subjects had the opportunity to withdraw at any time and could refuse to answer questions they considered embarrassing.

The research received the approval of the Research Ethics Committee of the institution organizing the research, noting that the respondents faced no risk during the research.

We have intentionally kept in the text a series of excerpts from the speech of the respondents, introduced in quotation marks (⌘), in order to illustrate the specifics of the respondents' discourse. Being a constructionist analysis, it is important for the reader to have access to the respondents' discourse in order to evaluate the message implied, including at the level of subtext and context. The interviews were conducted in Romanian. We are aware that in translation part of the Romanian specific language was lost, although we have tried to translate it as closely as possible. We chose to translate as such, even though this might cause deviations from academic English.

The theoretical model of human resources development from the Probation Services

The career of a probation counsellor

The career of probation counsellor is relatively new in Romania, the specific activity beginning in 2001, with the introduction of Probation Services in addition to the courts. Responsibilities included conducting pre-sentential evaluation, and implementing alternatives to custodial punishment, especially in the services of justice for minors. Starting from 2013, through to the new law of probation, and in 2014 with the introduction of the New Penal Code and the New Code of Penal Procedure, the importance of probation increases, widening the professional attributions of the counsellors. This makes the human resource involved in probation to be absolutely insufficient, leading to an increase in the number of tasks for each counsellor, decreasing professional motivation and also affecting the efficiency of practice.

The welfare nature of the profession was formed by the beginnings of organizing the activity of probation, especially through non-governmental institutions mostly offering social services.

Formation in social work of those who initiated the first programmes of probation somehow imprinted this care directive in the evolution of the profession; those professionals being among those that established the first methodologies and work instruments, and also among the first employees in the system, at a time when probation counsellor positions were made available through competition.

The organizing of probation master programmes in social work contributed to imprinting an welfare specific for the profession. Currently, the profession of probation counsellor is considered a profession different to a social worker, proof being access to a specialist with a different initial professional formation. Probation reform in 2013-2014 diminished the welfare side, the clutter of tasks limiting the capacity of the probation counsellor to offer support to the persons under supervision. The choice of probation as a career opportunity is based upon a series of subjective criteria among which are accessibility at some point, the lack of requirements for previous professional experience, the accessibility of the profession to graduates in many fields of initial formation: social work, psychology, pedagogy and law. Vocation and an interest in working with people, but also

with legal instruments, were also motivations for choosing probation as a career.

Continuous professional formation is seen as being absolutely necessary for acquiring the competences specific for the profession, and which are not fully learned in the initial formation.

The need felt by professionals for additional training is generally complementary to the initial one, leading to improvements in the levels of competences in fields such as social work, psychology, sociology and law, but also in those specific for probation, such as social work itself, and programmes for the social reintegration of people under supervision.

Professional duties of the probation counsellors

The professional attributions of probation counsellors obtained from an analysis of the regulatory framework of the functioning of the Probation Services (Law no. 252/2013), and also the analysis of answers offered by the interviewees are: writing evaluation reports, activities with minors that run non-custodial educational measures, supervision of people convicted with suspension under supervision, supervision of people under parole, participation in committees of parole, implementation of rehabilitation programmes.

According to the New Penal Code, one task of a probation counsellor is the supervision of people on whom the court has decided to postpone a sentence of a period of incarceration – following the traditional Anglo-Saxon model of probation. However, the respondents do not explicitly describe these tasks; on the contrary, the practice of postponing the sentence is often seen by the respondent as being beneficial for the social reintegration of people who have committed crimes. It is possible to show that the legal practice does not favour this solution of delaying the sentence for a period of incarceration, a fact which may lead to the lack of it from the casuistry of the probation services.

In summary, we can consider that Romanian practice understands the different types of probation:

- Pre-sentential – involves psychosocial evaluation of the accused (defendants);
- Sentential in the community – supervision and social reintegration of persons convicted with suspension under supervision, including programmes of social reintegration, care, control and supervision of the supervised person's behaviour;

- Imprisonment probation – reduced after 2014 to participating in committees of parole, according to the Romanian legislation which excludes probation counsellors from implementing social and educational programmes in prison, and from preparation for parole;
- Post-penitentiary – supervision of persons released on parole, in the community;
- Juvenile probation – supervision of implementing educational non-custodial measures.

The professional identity of the probation counsellors

We noted the social importance of the profession, being one of the few welfare professions whose social value is acknowledged both by the public and by professionals. One possible explanation is constituted by the association of the probation service with professions in the legal system – probation being part of the Criminal Execution System. The prestige of the judicial professions in the Romanian society is transferred upon the probation counsellor. The positive self-perception referring to the prestige of the profession of probation counsellor contributes to an increased salary level, compared to that of other professionals in the fields of welfare.

Professional optimism and a commitment are central values of the profession, the professional identity being strong; belonging to the profession of probation counsellor is considered a personal achievement. The prestige of the profession is transferred to the probation counsellor, so he/she is professionally accomplished but realizes the need for continuous training and preparation. The feeling of belonging to a prestigious profession is motivating itself, even perturbator factors as the overload of tasks and the possibility of the emergence of a *burn-out* syndrome and demotivation can emerge.

The good professional – appreciation and professional success

The professionalism of the probation counsellor is seen in strict correlation with the effectiveness of the social reintegration of the persons supervised. Professional values, including ethical ones such as *dignity* – both the dignifying attitude of the professional, and the respect for the dignity of the supervised – are sources of professional credibility. The dignified attitude the practice of probation and allows the constitution of a relationship of trust with the persons supervised, but also their guidance in lasting changes of behaviour, in the meaning of social integration.

An important coordination of professional success is the small number of cases of relapse, which could be considered as proof of the efficiency of probation as a social practice, and of the professionals as practitioners.

The social status and professional prestige offered is translated into motivation for good practice. This professional optimism is transposed in the relationship with the supervised, exceeding simple surveillance in the sense of humanizing the relationship and transforming it into support specific for probation in a restorative paradigm.

A genuine involvement in the professional activity, a fact which brings them satisfaction was noticed. The practice of a probation counsellor becomes a source of constructing one's own identity through a successful career. This happens despite the overload of tasks, the gap between the professional overload of the counsellor in Romania and the rest of the European Union, and the fact that this task overload may lead to diminishing the quality of practice.

Uncertainties, problems and dilemmas in the professional practice

A series of uncertainties were raised about the future of the profession, in the case of an excessive bureaucratization of the practice, and the transition from a welfare-specific practice to a formal one, overly focused on supervision.

The large number of cases for each counsellor (between 105 and 250 cases of supervision, to which can be added pre-sentence reports, the reports of parole, etc.) lowers the quality of practice.

There is also a series of discrepancies between the different regulatory frameworks in which it operates, such as the impossibility of executing the obligation of certain supervised people to take professional training courses, if they have not previously graduated within eight years, as the legislation specifically prohibits this.

Conclusions

Probation was developed in Romania starting from a series of experimental models for introducing restorative justice as a fundament for non-custodial punishment. In this context, the system of probation is formed of professionals whose initial training is multidisciplinary, especially in the area of welfare– social work, psychology, special psycho-pedagogy,

etc. Along with these, there are professionals in the system whose initial training is in the field of law.

The probation counsellor considers continuous formation as an element of professional success. The desire for professional development is present among all respondents, and from their observation, among all counsellors in the system.

Inter-institutional cooperation is deficient in certain situations, a fact blamed on low institutional respect, partially due to the novelty of the field, and partially due to an exacerbated retributive mentality at the level of Romanian society.

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