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PROBATION BETWEEN COUNSELLING AND SUPERVISION*Antonio SANDU**Stefan cel Mare University from Suceava, Romania**Universitatea de Stat din Moldova*

The purpose of this article is to highlight the perspective of the probation counsellors from N.-E. Romania on the nature and particularities of their relationship with the supervised persons. In order to conduct such an analysis, we used data collected from 12 interviews with the probation counsellors in the aforementioned region. The data was interpreted using the Grounded Theory inductive methodology. Among the most important results, there is the fact that the professionals define a dual nature of the relationship: supervision and counselling doubled by support.

Keywords: *probation counsellor, probation service, relationship, empathy, professionalism.*

PROBAȚIUNEA ÎNTRE CONSILIERE ȘI SUPERVIZARE

Scopul propus în acest articol este de a evidenția perspectiva consilierilor de probațiune din regiunea de N-E a României referitoare la natura și particularitățile relației pe care aceștia o au cu persoanele aflate în supraveghere. Pentru realizarea acestei analize au fost utilizate date obținute pe baza a 12 interviuri cu consilieri de probațiune din regiunea menționată. Interpretarea datelor s-a realizat prin intermediul metodologiei inductive Grounded Theory. Printre rezultatele cele mai importante considerăm faptul că profesioniștii își definesc o natură duală a relației cu persoanele supravegheate: supraveghere și consiliere dublată de susținere și suport.

Cuvinte-cheie: *consilier de probațiune, serviciu de probațiune, relație, empatie, profesionism.*

Introduction

The purpose of this article is to highlight the perspective of probation counsellors from N.-E. Romania on the nature and particularities of their relationship with the supervised persons. The research follows a major transformation in the practice of probation, arisen with the entry into force, in 2014, of the New Penal Code [1] and the New Code of Penal Procedure [2], but also of the Law of Probation, Law 252 from July 19, 2013 [3], the normative frameworks that radically alter the specific of the functioning of probation services, and implicitly their practice. In practice, it was noticed a special increase in the probation counsellor's case overload level, by reorganizing their tasks, being basically involved in the supervision of all people serving a non-custodial punishment, adults or minors, in parole, and in organizing certain programs of social reintegration of the offenders.

Literature review

The scientific literature [4] shows a series of characteristics of the relationship between the probation counsellor and the supervised, considered to be able to ensure the quality of the supervision process: The development of a *genuine* relationship, demonstrating care and availability of to assist the supervised person; Care and respect for the social reintegration of the offender will be more important than the simple monitoring of the supervised person; The offender getting involved in identifying his own needs and establishing certain purposes of the supervision process, including the supervision relationship; The use of active listening and good empathy during the counselling process; The probation counsellors must follow the supervised person's evolution towards their social reintegration, motivating and encouraging them in the process; The probation counsellors should encourage the supervised persons to discuss about their problems and solve them, facilitated by the probation relationship; To pay attention to the chances of *relapse* in the antisocial behaviours; To pay attention to the practical obstacles that may arise in the way of supervised person's reintegration, not just the psychological ones; To facilitate the access of the supervised person to the resources available in the community; To carry out advocacy activities in favour of the client; To directly engage in the intervention, and to transfer the beneficiary to other counsellors considering the trust relationship built, and the social capital of the offender.

The Romanian operating framework of the Probation Services

In 2003, a reform of the Probation Services was introduced by law, both from structural perspective, as well as their effective functioning. The probation services were reorganized as autonomous services in the National Probation Directorate, no longer functioning inside the tribunals. Between 2014-2015, there was a penal reform that introduced probation as central part of the system of social reintegration of the persons who have committed crimes, sentenced to noncustodial measures. The main tasks of the Probation Services in Romania are: Pre-sentential evaluation; Supervision of persons who served a sentence with suspension, and of the persons released on parole; Implementing the noncustodial educational measures in case of minors; Participating in the parole committees for inmates in prison. The probation counsellors in Romania have no skills for working with the people in prisons, and don't perform mediation activities between the victim and the offender.

Methodology

For this analysis, there were used data from 12 interviews with probation counsellors in the abovementioned region. For conducting the interviews, we obtained an initial *in principle* agreement from the National Probation Directorate, followed by the agreement of the Probation Services in that area. Following the positive answers from the management of the Probation Services, the interviews were taken at their headquarters. There were 12 people interviewed, of which 10 of feminine gender, and 2 of masculine gender, in order to respect the share on genders of the professionals in the field. Regarding the professional experience of the counsellors interviewed, this is ranging between 2 and 17 years. The interviews were recorded with the respondents' consent, transcribed, anonymized and analysed. After fully finishing the research, the original recordings are destroyed in order to ensure data confidentiality. Until that point, the content of the recordings is solely available to the research team. Among the thematic axes of the interviews, we mention: the experience as probation counsellor; the description of the professional practice/specific of practice; the meaning of the professional practice; the relationship with the beneficiaries; the specific of the practice. The other thematic axes of the interview, namely: the probation practice based on ethical values; institutional cooperation and models of probation practice are not included in this article's topics.

Discussions. The current article is part of a wider research whose purpose is to identify the particularities of the social construction of the profession of probation counsellor in N.-E. Romania. A significant axis of the social construction of the identity of probation counsellors is their perception on the nature of the professional relationship with their own beneficiaries. The proposed model of the counselling relationship is mostly seen from the perspective of the probation counsellors, but we also tried, where possible, to get the confirmation of the supervised persons during the research. Since the objective of the research is the contribution to understanding the social construction of probation, the references to the perspective of the supervised person are subject of a separate article, which specifically targets their discourse on their participation to the probation process. For this article we chose to stick to using those results obtained during the interviews with the beneficiaries, only to validate the perspective of the counsellors that converge with it. The perspective of the analysis is a social-constructionist one, as we are interested in the way in which the subjects give meaning to their own actions. As such, we will favour the *analysis of the discourse* on the counsellor-supervised relationship [5-7]. The counsellors' opinions are analysed as *social constructs*, namely of interpretative-discursive frameworks through which the subjects of the research – the probation counsellors – constitute their professional identity and to which they refer when discussing *good practice*. The interviews were conducted and analysed in Romanian, fragments from the discourse of the respondents selected for analysis were translated into English in order to give the English-speaking researcher access to the analysed data, and form their own opinion regarding the discursive specific of the respondents. There were taken all necessary measures from the point of view of respecting the research ethics on the recordings, the transcription, the data anonymization and the respondents' consent. The respondents were informed on the nature, purpose and objectives of the research, as well as the right to withdraw from the research at any given time.

The data analysis. The data were interpreted using the Grounded Theory inductive methodology [8-10]. Grounded Theory involves the systemic generating of concepts and theories based on the collected data. Following certain successive inductions, there are created conceptual categories with an increasingly higher level of generality, in order to reach a theory with a higher degree of generality in explaining the studied

social phenomenon. In our analysis, we preferred to generate a theory at regional level, that would be adequate to understanding the functioning of probation in the N.-E. Romania, and that we could compare with the models of the probation counsellor – supervised person relationship. Data coding was done in two stages: initial and selective/focused [11]. The initial coding aimed to discover the themes or significant categories, followed by a stage of focused coding, involving a categorization of data, closer to the theory. The latter one was considered in the first stage, while in the second stage we used axial coding [9].

Results

The specific of the probation counsellor – supervised person relationship. The relationship between the probation counsellor and the client is considered to be one of trust and support, based on the fact that the supervised person sees the *effective help* offered by the counsellor, and the latter one sees that the *beneficiary* fulfils his obligations imposed by the court (IRO04). The respondent shows that during working with the supervised persons through the reintegration programs, surprises may arise from their part, recounting a situation in which the person, despite de anomic environment it came from, participated in the recovery programs with openness, involvement and the desire for knowledge and self-awareness.

«Yes, right now I am working on a case that has to follow a One to one program, as an obligation imposed by the court. He is a person who surprised me in a positive way. Why? Because I noticed he has a very good potential.» (IRO06)

Analysing the nature of their own relationship with the supervised persons, the respondent considers it to be professional, based on empathy, understanding of the context of the crime and lack of any evaluative judgement on the supervised person and its crimes. The relationship counsellor – supervised is a symmetrical one, the counsellor considering him equal to himself. The relationship focuses on the objectives that target the offender's reintegration in the society. The offender being aware of the fact that all the probation counsellor's actions are in the best interest of the supervised person, is a moment of professional satisfaction for the counsellor (IRO01). The respondents consider communication to be the key element of the relationship with the supervised persons. The communication must be beyond any labelling or resentment regarding the acts for which the person was convicted (IRO02). The respondent insists on the importance of communication in implementing probation, bringing into discussion the intercultural communication – referring to the communication with the representatives of the Roma communities. The cultural particularities are described as being the manifestation of a restraint towards communicating with people outside the community, a high level of adherence to the values of the community, group unity. The lack of communication abilities involves a series of professional risks, including to arouse violent reactions in the interlocutors (IRO02). Communication planning is based on a certain degree of empathy, described by the respondent as "*good evaluation of the person*" and estimating the specific of the communication, appropriate for each interlocutor (IRO02). The ethical and behavioural values of a good relationship with the supervised persons are sincerity and consistency. In their absence, the chances of a successful intervention are considered invalid (IRO02). The respondents consider it necessary to have particular communicational skills when the counsellor approaches sensitive subjects, especially in the dialogue with the offenders who were convicted for violence (IRO03). Describing their own relationship with the supervised persons, the respondent shows that this is based on reciprocity, equality in the interpersonal relationship, assertiveness and empathy. During the process of counselling, the counsellor aims to motivate the *beneficiaries* to adhere to the requested measures, to become aware of the crime committed and its consequences. The efficiency of the relationship of help in probation starts from the need to change of the supervised person. If this doesn't exist, the intervention is close to useless.

«It depends on the sentence, because not all cases I have I want to bring to an end, the risk of relapse is higher now than years before, but I monitor, so I somehow try, through the interview I take with the person, I try to motivate him, I try to find all sorts of barriers so he will commit no further crimes, and I rely on communication very much. If a relationship of communication and trust is established, I never treat them like... I am the counsellor and you.... There is respect, and I somehow treat them as equals.» (IRO04)

Another respondent shows the primacy of respecting the law in his activity. His relationship with the supervised persons is of respect, and the equality – in order to make the relationship even – in the relationship with the beneficiaries, only in the context of respect offered by the beneficiaries as well. Regardless of the level of culture of the supervised person, it is necessary to respect his rights, with no emotional commitments, especially negative ones. The relationship is kept within the professional limits, without being transformed in

friendship (IRO04). On the contrary, in the relationship with the supervised who are minors, the respondent approaches a friendly attitude, given that they respect the obligations imposed by the court. The open, communicative attitude combined with the authoritative one only when necessary, it is more effective than an authoritative formal one (IRO04). *Mutual respect* in the counsellor – supervised person relationship is a priority for most of the respondents. Other ingredients of the relationship are *trust, empathy, sincerity* and *taking into account* what the probation counsellors transmit to the supervised person (IRO05). Empathy should be transmitted to the beneficiaries, they must notice it (IRO06). The construction of the relationship counsellor – supervised person is done gradually, based on trust. Confidence is based on the results obtained gradually by the beneficiary, in implementing the measures imposed and changing their behaviour. A good relationship between the probation counsellor and the supervised person is seen also from the perspective of a good and full informing of the offender regarding the expectations of the counsellor. Imprinting the authority is also an ingredient of the efficient relationship of probation, when the supervised persons are more recalcitrant.

«[...] *There are colleagues who have persons in supervision who are more recalcitrant, who don't understand, who are rather aggressive, and then the guardian must step in... [because] these sometimes happen, but then the idea of authority arises.*» (IRO08)

Also important is setting the limits of the communication. There is a standard of communication, for the stage of evaluation and intervention. As case managers, the counsellors oscillate between the minimum and the maximum of communication. Unlike other respondents, the IRO08 counsellor expresses his lack of trust in the importance, and even the possibility of empathy in the relationship with the beneficiaries, Instead of a relationship based on empathy, the respondent proposes one based on assertiveness, the relationship being based on authority, the counsellor being the state's representative. The relationship of help is based on respect and clearly setting the limits (IRO08).

Case management between supervision and counselling. Each probation counsellor is invested "case manager" for the persons under supervision, being the one who sets the objectives and strategies of intervention within the law and the conditions imposed by the court. (IRO04) The key for the case management in probation is respecting the law. Only in this context, the counselling relationship can become one of assistance and help. The support offered by the probation counsellor is mediating the access to resources, mainly to the information that the supervised person requires in order to reconstruct its social integration. For example, the counsellor offers information on their rights, the institutions they need to address to, how to address them, how to submit an application, etc. The only necessary condition for the supervised persons to benefit from the probation counsellor's help is to ask for it, and the request to be within the law (IRO04). Time management is considered extremely important, especially under strain. Therefore, although it is necessary to document all the counsellors' activity, which requires producing a large number of documents, this activity is time consuming, both for the counsellor, and for the courts (IRO04). Activity planning and time management are essential for the efficiency of the probation counsellor's work. In the first part of the day, the respondent schedules their most demanding interviews, usually the first interviews with people who have just entered probation. In these first interviews they conduct an initial evaluation and inform the supervised person about the measures, obligations and prohibitions they need to respect, and communicate those prohibitions to other institutions in the community. In the second part of the day, there are planned meetings with people with a longer time under probation, who have acquired a certain degree of social autonomy and a certain moral agency, which makes the interviews less difficult (IRO04).

«*We discuss in meetings, there are pre-established meetings and I am available for them as necessary. I don't have a fix deadline. I've seen this thing in foreign practitioners, the time they provide. And we have this time and we discuss. It is adapting time based on the person I am talking to, because there are persons who open up harder, or there are persons who are more communicative. And then I adapt my availability based on the other person.*» (IRO09)

The professional relationship is described as involving two sides, one of monitoring and control of implementing the sanctions and measures proposed by the court, and another one of support and counselling. The decisions regarding the case management are taken together with the beneficiary, as much as possible (IRO06). A strategy of working with the more difficult beneficiaries is appealing to the authority of the manager of Probation Service. A sort of good cop/bad cop strategy. It generally makes it possible to collaborate with the person only based on good communication and clear transmission of indications.

«When the counsellor, most of times fails to manage such a situation, he calls me because he know I see things differently, not knowing the person, I'm not saying tougher, but a bit more authoritarian, I try to tell him what is the situation, and then the counsellor can support him [...] Indeed, at some point it is tedious, but in the end we work with people. At some point it is possible that it comes to you someone you know, and you cannot not be nice to them.» (IRO08)

A professional virtue of the probation counsellor is *patience*. Asking open questions permits the beneficiary to open up to the counsellor and tell them about the experiences from the time of the offense, and before that. The supervised person's stories should be confronted with the data obtained from other sources, in order to avoid the manipulation that the beneficiary might try. Time management is also a component of the case management in the practice of probation (IRO08). A situation that the probation counsellors confront with are the client's lack of understanding of the specific of suspended sentence according to the current legislation, when the supervised person must show up periodically to the counsellor, to respect a series of measures. The supervised persons confuse parole with the lack of any constraints, being advised in this regard even by the lawyers. The role of the counsellor, at least in the first meetings, is to explain the supervised person, to make him aware of the obligations from his side (IRO09). The same problem is also raised by the respondent IRO11 who shows that is the probation counsellor's responsibility to explain the sentence for the supervised person, and motivate him to follow the steps requested by the court.

«And you, as probation counsellor, you must take time and explain and motivate the person, so that person would accept his sentence; here it is more difficult, and a lot of work, because the person is under the impression that: "But I am free." Yes, but you are not free like that, you have some obligations. And this is why you have to work.» (IRO11)

It is also the task of the probation counsellor to check the compliance of the obligations imposed by the court, and the civil obligations imposed through sentence, and the supervised person's good will in meeting those obligations (IRO11). In case the supervised person doesn't cooperate with the probation counsellor, and doesn't respect the measures imposed, including paying the civil obligation, the instance can revoke the supervision (IRO11). The management of a case of supervision involves many stages, and applying methodologies specific for each stage: notices and summonses in the first stage, initial meeting, supervision plan, notifying about the measures and obligations imposed by the court, there are documents and information requested in order to estimate the risk of relapse, further applying supervision measures based on the supervised person's level of compliance to the obligations imposed by the court, the cooperation with different community institutions for implementing the measures, and the supervision of fulfilling the obligations. In the further steps, there are systematic meetings with the supervised person, during which they monitor the implementation of the measures and perform socio-therapy. If the person doesn't respect the measures, they file a report to the court, which may lead to even the revocation of the noncustodial punishment. If everything went well, the obligations were fulfilled and the relapse didn't happen, there are a series of reports to write in order to close the case (IRO05).

The stages of probation counsellor-supervised person relationship. Regarding the evolution of the counsellor-supervised relationship, this goes through different stages, based on the depth of the offender's accountability. In the first stages of sentencing, the offender blames others for his deed, projecting the guilt upon the society. Gradually, he takes partial responsibility for the crime committed. This is how it deepens the relationship between the counsellor and the offender (IRO05). Another stage of the counsellor-supervised relationship is presented by our respondent, IRO06. He shows that the first stage is of evaluation, which may take several sessions. At the beginning, the counsellor forms a general opinion on the supervised person. For a better evaluation, the counsellor takes a certain amount of freedom in talking to the supervised, which is the lack of strictness regarding the hour he must meet the counsellor, bring certain documents in time, etc. Thus the respondent notices the beneficiary's behaviour and level of responsibility routinely. After the evaluation stage, the approach towards the beneficiary becomes stricter, in order to make him aware of the obligations, and with assuming the obligations, there comes a process of accountability. The relationship of support is in stages. At the beginning of the intervention, the relationship is more close, with frequent meetings which decrease in frequency once the person become autonomous, making their own decision towards change (IRO10). The first meeting is considered a game of power, establishing the communicational balance between the two parts. The perpetrator – many times – aims to portray himself as innocent, victim of a legal error, of

the environment he comes from, or a need that is beyond him. The counsellor should be known by the beneficiary as a representative of a public institution that implements the punishment. This struggle for *symbolic power* will be completed with accepting the counsellor's authority, or a possible failure of counselling (IRO11). Following the evaluation from the first meeting, an action plan is carried out in the second meeting, which also includes the estimated risk of relapse and the measures to fight that risk. (IRO11)

The probation counsellor – supervised person relationship as therapeutic relationship. The respondents insist on the double dimension of the practice of probation, besides that of supervision and monitoring the execution of non-custodial measures, the counsellors also conduct counselling activities and support in solving the problems that lead to committing the crime, or which might lead, in the future, to new antisocial behaviour (IRO01). Counselling and supervision are seen as activities which overlap and reinforce each other, in the purpose of the final result of integrating the offender in the society and eliminating the risk of relapse (IRO01). The respondent puts a particular emphasis on the dimension of supervision, while other respondents favour the counselling and supportive dimension. In the respondent's opinion, supervision leads to the construction of self-responsibility and moral agency of the supervised person (IRO01). The probation counsellor-supervised person relationship is seen as therapeutic, centred on *trust*, both in himself and in the counsellor. *Trust* is the premise of rehabilitation, because it leads the beneficiary to understanding the sanctioning measures and obligations imposed by the court, co-working efficiently with the counsellor in implementing the measures of supervision (IRO01). Trust is a key element of the counsellor-supervised relationship, as social intervention. Without this trust, empathy and real knowledge of the supervised person are not possible, regardless of the professionalism level the counsellor considers he has reached (IRO07). For establishing the relationship of trust, the respondent shows it is required sincerity and establishing limits for the relationship. An important element in the respondent's opinion is the perpetrator's awareness of the fact that change comes from his part, and not the counsellor's, who is neither obliged, nor responsible for the cognitive-behavioural change of behaviour of the perpetrator (IRO08). Setting the limits is based on a *limited availability* of the counsellor to engage in the relationship. However, he is available, including communicating with the supervised person, beyond the strict limits of the counselling meetings, including on the phone, if necessary. The respondent shows that this practice is widespread at the level of Probation Services (IRO09). As a communication strategy, in order to have the desired effect, the counsellor adapts his message to the communicational particularities of the supervised person (IRO10). The effective communication with the supervised should be based on quality, brevity and determination. The supervised should be aware that he is serving a sentence, only that he serves it in the community, in his own life environment, and not in prison. The conditions imposed through court order must be fulfilled, make the perpetrator be aware of their sanctioning nature, so that he can be rehabilitated at the end of the supervision period.

«An effective communication with the supervised person should be clear, concise, determined, to have a certain respect for the law and the perpetrator, to be very well understood that it is a conviction he is serving in his life environment, in the society. A communication based on respect and fulfilling certain attributions and norms in the society.» (IRO01)

Working with the person – the actual counselling activity – is considered essential for the success of the offender's social reintegration. The activity of counselling seeks to identify the traumas suffered by the individual prior to committing the crime, his environment, the peer influence, etc. The awareness of the source of anti-social behaviour may lead to changing him, more than just the simple appeal to the different state institutions (IRO05). The counselling activity focuses on developing an appreciative attitude of the beneficiary, on his good side and positive thinking. For example, the respondent recounts a sequence of counselling when he proposed the beneficiary to follow some professional training courses, in order to get a job. The respondent highlights the role of the counsellor as agent of change for the beneficiary, making him see in perspective, to take decisions for the future (IRO08). The respondents show the importance of setting a relationship of communication from the early meetings of counselling, when there are clearly established the cooperation conditions between the two parts, each one's role and limits in communication (IRO11). Of the programs of social reintegration with therapeutic purpose, described by the respondents, we mention:

- ✓ "One to one" – program of individual counselling with the purpose of preventing the risk of relapse, based on the analysis of their own behaviour, from the perspective of orientating towards the consequences;
- ✓ "Stop" – a group intervention program with the purpose of making the offender aware of the consequences of his actions;

- ✓ "Drink and drive" – a program of awareness of the risk of alcohol consumption while driving;
- ✓ "Stage of civic training" – group counselling program for minors who received as compulsory educational measure to follow a stage of civic training;
- ✓ "OTO" – program of individual empowerment;
- ✓ "DAS" – program for developing social skills;
- ✓ "STOP. Think and change".

All these programs come from the area of practicing the cognitive-behavioural change, the probation counsellors having to be trained in order to apply them (IRO08). The therapeutic dimension is validated by the beneficiary respondents of the probation services, in that they appreciated the role of the probation counsellor in their social reintegration.

Stories about practice. A narrative approach on practice is presented by one of the respondents who shows the importance of the entourage in the offender's deviant behaviour, especially minors, and the importance of the relationship of communication with the counsellor as a resource for changing that person's behaviour. It is described the case of a 15 year old minor, coming from a criminogenic environment, with a brother with criminal record, who ends up in probation after committing a crime together with his brother and the members of his group. The counsellor recounts having had a difficult communication with him in the first stages, but that it gradually improved, the young man managing to successfully finish the supervision period and reintegrating in the society, despite the difficult beginning and the resistance to change (IRO02). Another significant story referring to the counsellor-supervised relationship is the one mentioned by IRO02 respondent, which narrates his communication with a minor client, somehow emotionally overwhelmed by the situation he was in, and who managed to find resources for changing in the very communication with the probation counsellor. The success of the intervention was based on focusing on the success of the reintegration, and the strengths of the client – appreciative approach – and not exclusively centred on the crime committed, which was first denied by the minor (IRO02). One of the respondents shows that there is a correlation between own professional development and the magnitude of their work, remembering a case of supervision from 2002-2003 – before the entry into force of the current legislation on probation. The offender was also a social case, the success of the intervention depending also on applying certain measures specific to social work, namely training him in a program for people who have abandoned school, called "The second chance". For him to get the books, the counsellor helped him financially, from his own pocket. The case was a success, the person finishing the supervision period without a relapse or other incidents, socially integrating in an optimum way (IRO07). The interview with the perpetrator is supplemented with other data sources, such as: family and community. Precisely to obtain a high level of objectivity, especially with pre-sentence evaluation that have the role to help the judge in circumstantiating and customizing the punishment, it is recommended that this investigation would be conducted on the field (IRO02). The respondent complains that after the entry into force of the New Penal Code in 2014, the probation counsellor's workload has increased a lot, in the detriment of the quality of practice, which makes going on the field not to be possible all the time, anymore. They criticize the situation in which the counsellor literally spends an entire working day to participate in the hearing of a minor, who was late to come to the court, but benefited from clemency. Such situations diminish the number of field trips of the probation counsellors (IRO02). Writing the assessment reports to the Probation Services headquarters diminishes the quality of the evaluation process, as it diminishes the chance to get references from other sources in the community regarding the everyday behaviour of the offender.

«For a minor, the moment you call him to come here, you already alter your image, as long as most of them come together with that parent or relative that supports him more or less, you have a different image, he comes with a purpose. He is being told: "Behave". The moment you show up to his house, and there comes a neighbour and says: "Sir, he is not exactly a Saint". Because that's how people are, they portray what's best, what looks better for others. Well, when you go in their environment, the things change very much, and I had the surprise that, at the first interview with a minor, to meet an extraordinary kid who happened to be in a conjuncture, and the surprise was that, at a second interview, to have the opportunity to go on the field and discover he is a small gangster who terrorized people in his community, which is something no one tells you over the phone, or at the City Hall. If you don't meet him, "well, you know how adolescents are". It changes the image very much.» (IRO02)

Strategies of balancing the power. The respondent brings into discussion the judge's involvement who is in charge with serving the sentence, who somehow supervises the activity of the probation service, and who

can revoke the noncustodial measure, if the measures imposed by the court are not complied with. For the counsellor, it is very important to determine the supervised persons to understand that the sentence can be modified into a custodial punishment until the last moment of its serving (IRO11).

Working tools. The everyday working routine with clients in a regular working day targets a series of initial meetings, where it is brought to their attention the measures and obligations that were imposed by the court, and with this occasion, you write the record for serving the sentence (IRO01). For writing the evaluation report, there are a series of specific procedures: the person is summoned to the probation service in order to write the evaluation report. In case he doesn't show up, they summon the parents in case the offender is a minor, and they take measures to bring him in by force. The evaluation report is based on conducting an evaluation interview (IRO03). The initial evaluation's purpose is to determine the situations that can constitute a starting point for the process of reintegration of the offender. It focuses on evaluating the strengths and weaknesses, and the need for contacting other specialized institutions in the community, such as the communitarian psychiatry services. Because part of the reintegration programs takes place in the probation services, externalizing the services is only done when absolutely necessary (IRO06). As methodological rules of conducting an interview, there are followed: the comprehension of the information received from the beneficiary, offering feedback, checking the information from other sources in the community, where possible. Communicating with the beneficiary is based on a direct approach, asking for his opinion on the attitudes and behaviour, based on an open and sincere approach in communication (IRO04). Another attribution of the probation counsellors, for which there is a standard methodology, is carrying out programs of social reintegration. These programs are generally considered welcome, but are implemented by a relatively small number of probation counsellors, specially trained for that. There are a series of respondents among the probation counsellors, who consider that even these programs, although effective, are rather difficult to implement, being needed a longer time, which is what is missing due to a great workload for the probation counsellors (IRO03).

The failure of the probation counsellor – supervised person relationship. A situation of failure of the relationship counsellor-supervised is narrated by one of the respondents among the probation counsellors. The failure of communication is attributed by the respondent to the fact that he didn't develop the probation relationship from the very beginning, the case being taken over from a different counsellor, who went on maternity leave. The relationship of communication is established ever since the beginning, and it hardens during the development of the probation relationship. The difficulty of reconstructing the relationship is given by the counsellor's personal style, and the beneficiary's different expectations (IRO11).

Expectations of the probation counsellors from the supervised persons. The respondent shows that there is a series of expectations from the probation counsellors referring to the implication of the supervised person in the process of their own reintegration. It is given as example the enrolment to professional training classes, where it is expected that the supervised person would enrol themselves, without being accompanied by the probation officer, who has previously perfected all the necessary documents for registering the supervised person to the classes (IRO04).

Changing the attitude towards society and normativity. The respondent shows that labelling and stigmatizing the persons who have suffered from a criminal conviction is an obstacle in their rehabilitation process. The stigmatization acts on self-esteem and self-identity built, so that the subject will identify himself with the public perception: «... if people say I'm a thief...it means I am a thief.» (IRO04). The respondent shows that the efficiency of the probation system, starting from the perspective of the number of cases in the evidence of the national service (Romania), 40.000 cases to a total number of 300 probation counsellors. The rate of relapse for persons under supervision is 6-7% lower than that achieved for the incarcerated persons, which sometimes reaches 100% for some persons in prison (IRO08).

Towards a perspective of the probation counsellor on the relationship with the supervised persons. Probation is based on a relationship counsellor-supervised, based on two fundamental dimensions: *supervision* and *support, counselling*. The two dimensions are complementary, being both present in any probation relationship. Efficient supervision involves setting limits of the counsellor-supervised relationship, and the awareness of the fact that the probation relationship is serving a sentence. As such, on the side of supervision it is emphasized the execution of measures and obligations imposed by the court, while on the counselling side, it emphasizes on communicating with the beneficiary, and the strategies of interview that arise from the cognitive-behavioural therapy. The effective communication involves firstly establishing the limits of communication, and in the same time, constructing a relationship based on *sincerity, trust* and *mutual empathy*. The efficiency of building

trust is even greater, as the counsellor also uses other sources to validate the fairness of the perpetrator's statements. The model obtained is completely convergent with the models existing in the scientific literature [4]. The analogy between the probation counsellor – supervised person relationship and the therapeutic relationship is also consistent with the scientific literature [12]. Thus, in accordance with the data obtained by us, the quality of the relationship probation counsellor – beneficiary is given by the existence of the following items:

- ✓ Relationship of trust, empathy;
- ✓ Relationship of honest help, based on communication;
- ✓ Mutual respect between the counsellor and the supervised;
- ✓ Involvement of the offenders in own process of reintegration;
- ✓ Attention for the needs of the supervised persons and offering help, when required;
- ✓ Gradual building of trust, and gradual deepening of the therapeutic process;
- ✓ Conducting advocacy activities, only if the supervised persons would actively participate in the process of their own recovery.

Among the particularities through which the model identified locally is different from the one in the scientific literature, we observe the focus on *constructing the frameworks and limitations* of the interventions, even before setting the empathic answer. Setting limits is considered to be important precisely in developing trust, along with the hue of firmness of the counsellor, that foreshadows the implication in the relationship of help.

Conclusions

The probation counselling is seen as a form of *social therapy*, similar to social care. This therapeutic nature represents one of the explanations of the efficiency of probation, where does the low rate of relapse comes from, compared to the rate of relapse for those imprisoned. Among the most important results of the study is the fact that the professionals define a dual nature of the relationship with the supervised persons: supervision and counselling, doubled by support. The skills necessary for a good counselling relationship were: ability of empathic communication, mutual trust, honesty and firmness.

References:

1. LUPAȘCU, D. *Noul Cod penal: legislație consolidată, din 10 februarie 2014 [New Penal Code: consolidated legislation, from February 2014]*. București: Universul Juridic, 2014a. 313 p. ISBN 978-606-673-275-8
2. LUPAȘCU, D. *Noul Cod de procedură penală: legislație consolidată, din 10 februarie 2014 [New Code of Penal Procedure: consolidated legislation, from February 10, 2014]*. București: Universul Juridic, 2014b. 712 p. ISBN 978-606-673-295-6
3. Law No.252 from July 19, 2013, on organizing and functioning of the probation system. Issuer: Romanian Parliament. In: *Official Gazette* no.512 from August 14, 2013.
4. SHAPLAND, J. ș.a. *The quality of probation supervision – A literature review: summary of key messages*, 2012 [Accesat: 31.10.2016] Disponibil: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/217435/quality-of-probation-supervision.pdf
5. CAMPBELL, D., KINSELLA, K., COLDICOTT, T. *Systemic Work with Organizations. A New Model for Managers and Change Agents*. London: Karnak Books, 1994. 216 p. ISBN 1-85575-100-3
6. GERGEN, K.J. *Social Construction in Context*. London: Sage Publishing Inc., 2001. 240 p. ISBN 0-7619-6545-9
7. SANDU, A. *Social Construction of Reality as communicative Action*. Newcastle upon Tyne: Cambridge Scholars Publishing, 2016. 174 p. ISBN 978-1-4438-8876-9
8. GOULDING, C. Grounded Theory: some reflections on paradigm, procedures and misconceptions. In: *Working Paper Series*. Wolverhampton Business School, 1999. WP006/99. ISSN 1363-6839
9. CORBIN, J.M., STRAUSS, A. *Basics of qualitative research: techniques and procedures for developing Grounded Theory* (third edition). London: Sage Publications Inc., 2008. 400 p. ISBN: 978-1412906449
10. CRESWELL, J.W. *Qualitative Inquiry and Research Design: Choosing Among Five Traditions* (second edition). California: Sage Publication Inc., 2007. 416 p. ISBN 978-1412916073
11. ADAM, S. Profesia de cadru didactic între reprezentare socială și vocație individuală [The teaching profession, between social representation and individual vocation]. În: *Revista de Cercetare în Științe ale Educației, Sociologia educației*. November 2009. ISSN: 1454-7678
12. MANCHAK, S.M., KENNEALY, P.J., SKEEM, J.L. Officer-Offender Relationship Quality Matters: Supervision Process as Evidence-Based Practice. In: *Perspectives (American Probation and Parole Association)*, 2014, no.38(2), p.57-70. ISSN 0821-1507

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