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Institutional cooperation as a factor determining the effectiveness of probation officers

Abstract: The author points out that widespread critical evaluations of social rehabilitation carried out under probation result mainly from the adoption of inadequate evaluation criteria for this process. The author makes an attempt to analyse the typical meanings of the notion of social rehabilitation effectiveness, and critically examines common limitation of the meaning of this term in order to achieve a specific, usually difficult to measure, result. The author suggests that the evaluation of the effectiveness of social rehabilitation process should focus on the analysis of the degree of utilization of the opportunities that occur during its implementation. The measure of the social rehabilitation process effectiveness should be the degree of optimization of diagnostic, guardianship, counselling, educational and therapeutic activities undertaken by probation officers, and not only the result obtained from the application thereof. In his deliberations, the author devotes particular attention to the analysis of factors determining the necessity of court probation service's cooperation with state, local government and social institutions in the process of carrying out professional tasks.

Key words: Social rehabilitation, effectiveness, professional competences, probation officer.

Introduction

Among the factors determining the effectiveness of the professional functioning of probation officers, institutional conditions are of significant importance. The basic scope includes conditions and organisation of the workplace, social climate of the institution, information system and rules of information flow, level

of workload, style of management dominating in the work environment and community conditions (Jadach 2011, p. 176).

In the latter area, a significant increase in the number of institutions with which cooperation is included in the scope of duties of probation officers during the performance of their professional functions is noticeable. This results in particular from the normative regulations contained in Article 3.1 of the Act on Probation Officers of 27 July 2001 and in Article 176 of the Executive Penal Code and the Regulation of the Minister of Justice of 13 June 2016 on the manner and procedure for the performance of activities by probation officers in executive penal cases.

Cooperation with a number of institutions involved in the process of performing the probation officers' professional duties requires specific professional competences.

Professional competences are undoubtedly a factor determining the effectiveness of the professional work undertaken and its evaluation in the work environment. Acquisition of professional competences is one of the tasks of academic education, especially the one that focuses on vocational training. The knowledge, skills and social competences acquired during these studies equip graduates with a number of predispositions to function in various professional roles, including the profession of probation officer.

The Court Probation Service is made up of a professional group of about 5,200 people, and the activities of probation officers are supported by a still large group (about 20,000 people) of social workers. Normative constraints on the limit of the number of probation officers posts in individual courts require a radical change as the current workload of probation officers significantly exceeds their capabilities. Undoubtedly, there is a difference in the conditions for the professional functioning of adults and family probation officers, but at the level of system conditions it is legitimate to take a generalised view on the functioning of court probation in the area of cooperation with community institutions.

In the broadest sense, what determines the final outcome, which consists of the successful serving of criminal sentences, penal measures imposed and enforcement proceedings against juveniles and, consequently, the social evaluation of the functioning of court probation, are the competences of all probation officers.

The notion of professional competences

An attempt to assess the level of professional competences of contemporary special educators, and this group can also include probation officers, makes us recall the most important pedeutological achievements in this area.

The role of pedeutological determinants of the effectiveness of special educators' work has long been emphasized. In the literature on the subject one can often find extensive classifications, or even inventories of personal traits that

an educator, including a special educator, shall possess. Kotusiewicz distinguishes three trends of pedeutological reflection in this respect: personal, methodological and critical trend (Kotusiewicz 1997, p. 19).

In special education, the personal trend referring to inborn or acquired traits and personality predispositions such as love, goodness, sense of responsibility can be found mainly in Maria Grzegorzewska's views. The creator of Polish special education did not differentiate between the competences and personality profile of a teacher, educator and special educator. The need for such differentiation appeared much later, most fully expressed in the views of H. Borzyszkowska (Borzyszkowska 1983), who, in addition to the traits typical of an educator, mentions other ones she believed a special educator must possess:

- special attitude towards a ward,
- understanding the essence of the individuality of the subject,
- great insight and inquisitiveness of cognition,
- a sense of responsibility,
- relationship building skills,
- pedagogical optimism.

The current personal trend, which is often underestimated today, has introduced to pedagogy the idea of teaching service and the duty to the subject of education. Some very interesting works can still be found in this trend of pedeutological research (Minczakiewicz 2006). They are also reflected in the research of professional competences of social rehabilitation educators.

The methodological trend, based on methodological rationality, has replaced the issue of „who an educator is to be” with „who he/she is to become”. The development of educators' competences was identified with the increase in their school and educational skills, the idea of full professional adaptation to the implementation of, external to them, plans and educational tasks, was created (Łobocki 1974, p. 165). The acquisition of specific skills and abilities is considered a condition for effective functioning in professional roles. Scientific analyses result in creation of interesting classifications of skills that an educator must possess. J. Rejman (2000) considers that the following skills are decisive for the effectiveness of the social rehabilitation of social misfits:

- diagnostic and analytical,
- conceptual and programming,
- organizational,
- interpersonal,
- uplifting and motivating.

A very inspiring classification of skills proposed by A. Przećławska (1985, p. 41) can be placed in this research trend.

Taking into account the future tasks of an educator, A. Przećławska defined six groups of skills facilitating the realization of educational tasks that should be acquired by students during the teaching studies:

- the ability to think in pedagogical categories and perceive pedagogical problems,
- the ability to recognise educational situations and anticipate their potential development and consequences,
- relationship building skills, both with an individual and a whole group,
- the ability to organise human teams,
- the ability to transfer knowledge,
- practical skills facilitating the organisation of educational activities.

The critical trend defines education as a set of possible, changing ways of interpreting the world. The specificity of the critical approach in pedeutological research lies in the dialogue between the parties to the educational process with all its dynamics requiring specific skills in the sphere of interpersonal communication. An educator should be prepared to critically analyse different educational concepts and trends, taking into account their consequences (Denek 1996).

Pedeutological considerations gradually lead us to the possibility of defining professional competences as a certain set of predispositions, values, knowledge, skills necessary in educational work (Dylak 1995, p. 37).

In the classifications of competences of a special educator-pedagogue presented in the literature mentioned are:

- communication competences,
- autonomous and self-creative competences,
- instrumental competences,
- improving competences (Oleńska-Pawlak 1996).

It is not a coincidence that communication skills in the work of probation officers are listed first here; they determine both the successful course of interpersonal relations with wards and influence the scale and effectiveness of probation officers' cooperation with numerous community institutions.

A social rehabilitation educator works in unique situations, the competences he or she possesses are constantly insufficient and need to be changed all the time. This process includes both strictly professional skills development and personal development.

In special education, the view that an educator working with social misfits must have, beyond instrumental skills, an acceptable attitude to a particular task, objective, situation or problem, is widely endorsed. His/her professional competences should be manifested both in practical terms, i.e. mastering the methodology of proceedings, and in substantive terms, combining knowledge of the subject matter and beliefs about real possibilities and personal ability to carry out professional tasks effectively (Dylak 1995).

In most general terms, these competences determine the achievement of objectives of a criminal sentence ordered by a court, which derive from national normative laws and regulations of international law. The model of penitentiary work developed in Poland has officially normative features. In addition to national

legal regulations, international normative regulations, which define the objectives pursued by the penitentiary system and which indirectly provide criteria for assessing professional competences of probation officers, are also important in shaping the practice of social rehabilitation.

Effectiveness of probation officers' social rehabilitation interactions and its determinants

Evaluation of the achievement of the goal of social rehabilitation of convicts requires defining what we mean by social rehabilitation and what the measure of its effectiveness will be.

Almost every kind of individual and collective human activity is evaluated from the point of view of its effectiveness. In pursuing maximum performance we often lack time to consider whether it is possible to achieve it and to identify the factors that determine it. A type of activity, the effectiveness of which is the subject of an exceptionally thorough social evaluation, is the social rehabilitation of social misfits, including in particular those deprived of liberty, perpetrators of criminal acts.

The effectiveness of social rehabilitation is determined by many factors and it undoubtedly depends to a significant extent on the competences of those who decide to apply it and those who participate in its implementation.

In the social discourse on social rehabilitation, opinions are often expressed and the results of various studies pointing that this is an ineffective measure, often used as a pretext for undermining its sense, are presented.

Critical evaluations of social rehabilitation effectiveness have a long history.

At the end of the 1960s, reports by Hirsch, Bailey and Martinson, showing the results of research on the effectiveness of social rehabilitation of prisoners, gained great publicity. Using the analysis of return to crime rates, Martinson came to the "devastating" conclusion that nothing works. His research was instrumental in rejecting confidence in the social rehabilitation purpose of punishment. The concept of social rehabilitation was accused of leading to excessive use of long-term imprisonment, a huge range of sentences for similar crimes against different perpetrators, arbitrariness of the enforcement authorities, and arbitrariness of the operation of parole boards (Stańdo-Kawecka 2000, p. 35).

As a further consequence, the right of the state to intervene in the personality of the human being through forced social rehabilitation was questioned in general.

European research provides less radical conclusions on the effectiveness of social rehabilitation, but is also critical. As a result of the analysis of these research experiences, concepts are emerging to abandon the programming of social rehabilitation activities as immanently linked to the enforcement of criminal penalties and measures. However, this is not accompanied by a reflection on

the resulting consequences, leading to the conclusion that social rehabilitation activities are pointless and unfounded.

If we abandon the idea of social rehabilitation, we most often remain convinced that an effective deterrent to criminal behaviour will be the preventive effect of punishment, or isolation of the perpetrator from society. Research shows that this is an expectation devoid of rational grounds, which unfortunately does not limit the scale of punitive populism.

This should lead to a rethinking of the meaning of the notion of social rehabilitation, to an analysis of the criteria for assessing its effectiveness.

When addressing the issue of social rehabilitation effectiveness, the meaning of the term “social rehabilitation” itself must be recalled. Analysing the theoretical considerations undertaken in this area, we can identify at least several concepts and ways of understanding it. In a nutshell, they can be divided into two groups of concepts. The supporters of the first one treat social rehabilitation as a process of interactions undertaken towards the individual(s) undergoing it. The second way of understanding this notion is to identify social rehabilitation with the process of changes taking place in the person /personality/ undergoing it. In both cases, we are dealing with a complex process with a complex structure, which takes place in a certain, usually only relatively defined, timeframe. In the literature concerning the issues we are interested in, one can also encounter views whose authors identify social rehabilitation with a specifically understood result. That is, the final effect of the process of both interactions and changes. In this sense, we usually say that someone is re-socialised, so that the typical symptoms of social maladjustment no longer occur in his or her behaviour and social functioning.

Without attempting a deeper analysis of the existing concepts of social rehabilitation and their theoretical foundations, I suggest that, for purely utilitarian reasons, the first meaning of this notion presented above should be preferred in the discourse on social rehabilitation.

That is to say, to understand social rehabilitation as a process of conscious and purposeful care interactions (including assistance, control and counselling), special educational and/or therapeutic interactions, undertaken in connection with measures taken by the court against perpetrators of criminal acts or juveniles exhibiting symptoms of demoralisation.

The fact that social rehabilitation is a process of conscious and purposeful interactions does not require special justification, we are dealing here with far-reaching analogies related to the understanding of the notion of education. The key question is whether we will focus on the measure itself, its adequacy to the diagnosed phenomenon, methodical correctness and competences of those who initiate the process, or on achieving the intended goal.

Another notion that needs to be defined is the effectiveness of the process of rehabilitation. Effectiveness is an ambiguous notion, it means both the degree of utilization of the possibilities of a given system and the degree of realisation

of the assumed task. The term “effectiveness” should be used in close connection with the assessment concerning the capabilities of the person or system concerned (Obuchowski 1975, p. 5). The effectiveness of social rehabilitation process depends on several factors. We can divide them into micro-scale factors such as: the adequacy of the methods and techniques used to the characteristics of individuals undergoing social rehabilitation, in particular to the type (aetiology) and level of their social maladjustment, the skills of those who manage the process, material means and their systemic functionality safeguarding the possibility of achieving the goal; and macro-scale factors, which primarily include the criminal policy of the state, the attitude of society to crime, offender and punishment, the functioning of legal protection bodies (Ostrowska 2008).

The most important factors determining the effectiveness of custodial sentence enforcement in terms of its social rehabilitation function include:

- the level of social maladjustment of convicts,
- motivation to change one’s behaviour, authenticity of involvement in the implementation of social rehabilitation program, social readaptation,
- professional competences of the staff, including in particular penitentiary educator and probation officers,
- infrastructure, in particular working conditions, necessary to achieve the penalty objectives,
- social support for the implementation of penalty objectives during and after serving it, which is manifested in the cooperation of public and non-public institutions in the process of serving sentences and other measures ordered by the courts.

Professional competences of social rehabilitation educators, including probation officers, constitute the only factor determining the achievement of penalty objectives that can be manipulated. These competences should be assessed with the use of appropriate tools to measure diagnostic skills, competences in the selection of interaction methods adequate to personal traits of convicts, their diversity, etc. In this respect we observe a significant dynamics of development of social rehabilitation staff competences. In the recent years, about 105,000 convicts per year have participated in various social rehabilitation intervention programs addressed to convicts. On average, each convict has participated in such a program at least once, regardless of the standard penal measures applied.

The assessment of social rehabilitation effectiveness is inextricably linked to the understanding of this notion. The definition proposed above clearly indicates that in such a situation, we can mainly use the degree of utilization of the possibilities of a given system as a criterion for assessing effectiveness. This means the accuracy and reliability of the diagnosis of an individual’s social maladjustment, the selection of interaction methods adequate to the situation, competences of those who will apply these methods and the quality of

infrastructural and community conditions. With such an understanding of social rehabilitation and its effectiveness, we can safely analyse the results of relevant assessments/evaluations, as they relate to variables that in this process in the vast majority depend on the competences of those who implement the process. The infrastructure factors least susceptible to change, such as the quality of the material base, too many people undergoing readaptation proceedings per one social rehabilitation educator, the degree of pathologisation of the community, limit the possibilities of undertaking social rehabilitation interactions, but do not exclude the most important element, which is the assessment of quality of work and competences of people implementing the social rehabilitation process.

Unfortunately, the assessment of social rehabilitation effectiveness is usually limited to the analysis of the degree of task completion, i.e. it focuses on the assessment of the process of changes taking place in an individual, or rather on their final result. What is puzzling in this context is the fact that attempts to assess the effects of special educational interaction (social rehabilitation in the narrow sense) do not correlate with any measures aimed at assessing the effectiveness of education in general.

What are the reasons, therefore, for trusting that, in relation to social rehabilitation education, an assessment of its effectiveness is possible, and even absolutely necessary? The supporters of such an approach seem not to notice that they try to assess the effectiveness of the process (result), which to a limited extent is, from the educational point of view, manipulated and dependent solely on the competences of those who implement the process and the functionality of the system.

There are no theories known, nor is there any empirical evidence that could, using humanistically acceptable methods, achieve any assumed educational effect.

Views of the ineffectiveness of social rehabilitation interactions seem to completely disregard the assessment of the possibilities (limitations) of success of the process.

What are the reasons why researchers of the effectiveness of social rehabilitation interactions are extremely optimistic, on what forecasts do they base the assumption that the goal is absolutely achievable in the near future and that success must be complete? The process of deepening social maladjustment, which has been going on for years and which neither the family nor the school has been able to successfully counteract, is to be stopped, reversed and, as if by magic, a social misfit is to return to society, additionally equipped with a guarantee card that he or she will function faultlessly for at least 5 years.

Do institutions and people who undertake the effort of this specific interaction have some magical properties or are they equipped with extremely effective educational measures that are not available to others? Can they count on the integrated help of the whole society? It is not difficult to guess the answer to these questions.

Obviously, undertaking an integrated purposeful measure, with social rehabilitation undoubtedly being the one, requires the adoption of certain criteria to assess its effectiveness; in theory, there are numerous original proposals in this respect (Wysocka 2008, p. 287). A criterion is a model description or definition that is taken in given study as a reference for the phenomena sought and for judging whether and to what extent they occur. This understanding of the criterion for assessing the effectiveness of social rehabilitation requires the adoption of specific inventory of possible and expected changes in an individual subject to social rehabilitation interaction. This requires the use of subtle psychological, sociological and pedagogical diagnostic tools, and requires sufficient time (even after serving a sentence) to make appropriate observations. Such criteria, known as socio-pedagogical ones, give a chance to see the changes taking place in individuals undergoing social rehabilitation even if they themselves do not realize these changes or deny their existence. In the latter case, we can speak of a **postponed** (latent) social rehabilitation effect. Individuals undergoing social rehabilitation in isolation from their community /prisons and detention centres/, are under specific oppressive conditions. In these conditions, a completely active response to the offer of social rehabilitation assistance is not only impossible, but it is even mandatory to reject it, and often to manifest hostility to the one who made such a proposal; these attitudes are also transferred to the stage of probation proceedings and affect the effectiveness of the work of probation officers. In people serving a sentence, the symptoms of social maladjustment are not only varied, but also often so strongly established that it is utopian to expect radical change in people, especially those who have been in isolation for a long time. Human personality is both constant and changeable. However, the fixed factor, which mainly consists of normative orientation, is quite difficult to change. This makes people deprived of their liberty incapable of making radical changes to their personality and social functioning, but rather of minor adjustments to their actions. And even these minor adjustments require self-control. The reasons for the lack of susceptibility to changes in the personality of deviants most often result from the fact that the actions taken are not adjusted to a noticeably large number of social and situational requirements.

There are many reasons for this, impossible to be fully discussed here. This does not mean, however, that educational, support and therapeutic activities undertaken remain unnoticed, that educational attitudes and behaviour patterns presented by educators do not have micro-consequences.

Despite this, evaluations of social rehabilitation activities based on the return to crime criteria remain 'attractive', and the statistics still captivate researchers with the possibility to draw categorical conclusions.

However, this method of assessing the effectiveness of social rehabilitation should be used prudently, especially if it is to lead to far-reaching consequences in practice.

A social rehabilitation institution cannot be treated as a dry cleaning plant offering an almost complete guarantee that the expected service will be effectively provided. The fact that intentional activity does not bring the expected results is not a sufficient reason to abandon it. After all, we do not give up looking for effective ways to fight against AIDS, cancer or other diseases, even though the actions taken so far with huge financial outlays do not bring the expected results.

In Europe, the philosophy of social rehabilitation in its most extreme form has never been introduced into criminal law and the principle of guilt-based punishment has not been abandoned (Stańdo-Kawecka 2008, p. 39).

The results of research on the effectiveness of social rehabilitation and therapeutic interactions have shown that they reduce the level of return to crime.

However, critical evaluations of the effectiveness of social rehabilitation have been well received in Poland.

The weariness of society with growing crime, a widespread lack of knowledge about the factors determining the course of this process, but also a visible tendency to imitate someone else's solutions, especially the American ones, have influenced the change of views on the social rehabilitation function of criminal punishment. Social rehabilitation is no longer treated as an obligatory consequence of a custodial sentence, it becomes an offer made to the convict, which he or she may or may not accept according to his or her own needs and judgments.

Areas of institutional cooperation of probation officers

The analysis of the binding normative regulations concerning the court probation service indicates a tendency to socialise the problem of social rehabilitation for social misfits. In particular, the implementing acts resulting from legislative delegations contained in the Criminal Executive Code and the Act on Probation Officers provide the basis for such a statement. The scale of this phenomenon is likely to increase in view of the announced amendment of criminal, material and procedural law. For the Court Probation Service, this means the need to anticipate the resulting consequences in the form of organizational changes in the functioning of probation and the development of adequate professional competences of probation officers, especially communication ones. K. Jadach and A. Świerczek (Jadach 2011; Świerczek 2013) point to the importance of institutional conditions for probation officers work effectiveness, especially probation officers' cooperation with numerous institutions.

The research shows a considerable extent of the cooperation undertaken, but also varied quality assessments of this cooperation.

The analysis of basic normative regulations, indicating the necessity of probation officers' cooperation with various community institutions, allows to identify several dozen entities with whom such cooperation is necessary.

This catalogue includes cooperation of institutions with which by probation officers is crucial for the course of probation/supervision and whose participation is supportive, complementary to the interactions undertaken by probation officers. A general conclusion on the systemic institutional cooperation of the Court Probation Service with other actors is that there are no normative regulations or bilateral agreements that would give probation officers an equivalent, at least partnership, position in dealing with these institutions. Too often probation officers must act as a humble petitioners waiting for understanding and kindness from the people representing these institutions. The research on the issues of cooperation between probation officers and other services in the process of carrying out social rehabilitation tasks shows that the obligation for such cooperation is one-way, and these services perceive cooperation with probation officers as an additional burden which, however, is not a legal obligation (Jurczyk, Staniucha 2015). Often, the successful implementation of the cooperation undertaken by a probation officer is limited by normative obstacles resulting, for example, from regulations concerning the protection of personal data or the confidentiality of data concerning wards. There are also technical obstacles which make it difficult for probation officers to carry out their tasks in this area, e.g. difficulties in accessing court files, the possibility of copying necessary documents, etc.

Of fundamental importance is probation officers' cooperation with courts. The opinions of probation officers on this cooperation vary, often they describe it as formalised and too rare. This is of particular importance at the initial stage of entrusting the probation officer with supervision and the necessary insight into the case file and contact with the court at this stage.

Another institution cooperation with which is crucial for the effectiveness of probation is the Police. In this respect it is an exception as regards the determination of the grounds for cooperation, but it only applies to a specific category of wards. In 2010, an agreement was concluded between the Police and the Court Probation Service, signed also by the Minister of Justice and the Commander-in-Chief of the Police concerning cooperation in the enforcement of court decisions against perpetrators of threats of violence, especially family violence. For the rest, probation officers often experience a lack of sufficiently dynamic police involvement in the cooperation undertaken.

Regulating the rules of cooperation with such entities as prison service units, social welfare institutions, health care institutions, and family support units requires more in-depth analysis. Assuming the notion of social rehabilitation as a process of, in this case probation officer-ward, interactions, normative regulations on documenting the process of supervision, from the moment it is undertaken to the end, become important. It boils down to the need to fill in a report on conclusion/completion thereof and to fill in the probation activity sheet. In this context, it is worth noting that precise documenting of the activities undertaken by probation officers is of fundamental importance for the assessment of the

effectiveness of supervision, but also for the assessment of their professional competences. However, a number of questions arise in this context about the legal basis (or rather the lack thereof) for probation officers to obtain from persons or institutions the information necessary to function optimally in a professional capacity. This applies in particular to the information necessary to characterise the personal traits of the ward, his or her health, addictions, criminal record, etc.

Another area of institutional determinants for the effectiveness of probation officers' work are their working conditions. In this respect, it is necessary to disseminate and expand the scope of possibilities of functioning of the secretariats affiliated with probation teams and to reduce the number of teams. The research shows that optimal working conditions occur in small teams of 8–12 people. In this respect, it is also necessary to create elementary working conditions for probation officers, which consists of equipping workstations with appropriate technical means, computers, telephones and adequate software. Probation teams must have proper premises available for unrestricted and confidential contact between the probation officer and the ward. According to data published by the Study of the Committee for Monitoring of Working Conditions, Wages and Workload of Probation Officers, the area of rooms where probation officer work is on average 7.8 square metres per probation officer, which is only about twice as much as the minimum area per convict serving a prison sentence. A separate issue is the criteria used to calculate this average. The scale of probation officers' workload is important for the assessment of court probation effectiveness. Despite the changes indicated by the Ministry of Justice, the workload of probation officers is still too high, and the nature of the tasks performed by them is also changing dynamically, especially with regard to expanding the scale of participation of probation officers in electronically monitored curfew.

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