The criminology of probation counsellors in Romania

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Abstract

This paper will look into how probation counsellors understand crime and offenders and also how they theoretically construct the process of change. Based on in-depth interviews with 18 probation counsellors[2] working in Romania, the paper concludes that what is most often called 'practice wisdom' may also be defined as an 'implicit theory of rehabilitation'. Furthermore, this paper demonstrates that some of the theories probation counsellors claim they use in practice are indeed employed into the current routines. Contrary to this, the use of cognitive-behavioural theories is not evidenced in practice. Implications of the attitudes and adherence to different theories for practice are discussed.

Keywords

I.   Introduction

In the last ten to twenty years, it is becoming increasingly evident that the success of the probation service is not based solely on the contents of interventions but also on the way they are being delivered. In this context, an increasing number of studies have looked at how probation officers work with their clients behind closed doors (Dowden and Andrews, 2004; Raynor et al., 2010; Rex, 1999; Trotter, 1999; Trotter and Evans, 2010; Bourgon at al., 2010). Most of these studies look at the skills and characteristics employed by probation staff during supervision sessions or how these skills are associated with re-offending. Although they provide very valuable knowledge, these studies do not inquire deeply into the motivations or the attitudes that may shape the way probation officers choose to develop or use certain skills and characteristics.

How probation officers perceive crime and offenders or how they construct interventions from a theoretical point of view are only a few questions that can set a

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new focus on how probation officers develop their daily practice. The link between attitudes and practices was theorised usefully in Cheliotis (2006). Based on Weber (1914), who noted that there is a distinction between 'instrumentally-rational' action and 'value-rational' action, Cheliotis (2006) concluded that most of the time the behaviour of the penal agents is defined by 'value - rational' action which involves an agentic behaviour where the persons put into action 'their convictions of what seems to them to be required by duty, honour, the pursuit of beauty, a religious call, personal loyalty, or the importance of some 'cause', no matter in what it consists' (Weber, 1914/1978: 25).

The first type of rationality involves a calculative analysis of different options for attaining an end. The second type of logic – the value-rational - transforms the penal agents from docile bodies that automatically execute the orders of an over-regulated criminal justice system into autonomous agents capable of 'resistance or even subverting the logics and practices of the established order' (Cheliotis, 2006:314). As we will see later in this paper, this conclusion has been confirmed in several studies that documented the 'resistance' of probation officers against the 'punitive turn'.

From the literature, it seems that certain attitudes towards people and their capacity for change influence probation officers even before they are appointed. For instance, a series of studies demonstrate that most of the candidates to become probation officers choose this profession because they want to help people change. In Knight's study (2007), for example, 95 % out of 392 respondents agreed or strongly agreed that this is the reason they want to join the service. When asked what they believe are the most important factors for the criminal justice system, they answered 'commitment to help people change' (96%) and 'ability to solve problems' (89%).

Another two studies summarized by Annison et al. (2008) were conducted in the Midlands (2000 and 2004) and in the South West (2006), after the major reform in the Probation Service in England and Wales had started. In spite of the new rhetoric and the changes in the organizational structure, trainees continued to state that 'working with people' was the most important factor in the decision to apply for the job (214 subjects out of 262). The next two highest options were 'helping offenders' and 'career development'.

Mawby and Worrall (2011) interviewed sixty former and current probation workers in England and noted that probation staff share strong beliefs that people can change and probation staff can play an important role in this process.

Another study conducted by Gregory (2011) of 15 experienced probation staff in England and Wales similarly concluded that the attitudes and beliefs of the staff helped probation officers resist the excesses of punitive managerialism.

Another set of studies looked at how probation staff constructs their occupational identity or daily practice according to the initial training they received. For instance, Beyens and Scheirs (2010) found that justice assistants (the probation officers in Belgium) have a social work background and tend to have a more social emphasis when writing pre-sentence reports.

In Sweden, in spite of clear instructions to use risk-based judgments, probation officers with a social work background seem to resist and continue to write their pre-sentence reports as social inquiry reports as before (Persson and Svensson, 2011).

A comprehensive study conducted by Deering (2010) showed that even after the Probation Service in England and Wales turned from being 'advice, assist and befriend' into 'punishment in community', trainee probation officers (TPO) chose the probation career because of its content and for helping/working with people/making a difference. When asked what they thought are the causes of crime, most of the TPOs identified drug/alcohol misuse (178), debt/poverty (162) and peer influences (77). According to the respondents, the most important values that are needed by the probation officers are 'belief in people's ability to change' (157), commitment to anti-discriminatory practice (132) and being empathic/non judgmental (128). Ninety-nine percent of all TPOs consider that with appropriate assistance and supervision, individuals can change and lead crime free lives.

As in other studies (see Annison et al., 2008), probation staff continue to share traditional attitudes towards crime and offenders in spite of the punitive and managerial discourse of the government in England and Wales. As Deering puts it:

> '*Despite some level of complexity in the data presented, the clear and generally consistent message is that this group of respondents (in total some 103 trainees) joined the probation service to engage on a humanistic level with offenders and to offer 'help' in the widest sense with a view to assisting individuals to achieve behavioural changes*' (23)

All the studies mentioned above make it clear that have clear attitudes, beliefs and opinions about crime, crime prevention etc. and this may have some influence on the decisions they make on a daily basis. In this context, becoming aware of the set of convictions and values that might direct the actions of penal agents seems to be an important and useful enterprise.

This is the aim of this paper: to contribute to a better understanding of how probation staff mentally construct crime, offenders and change. As noted above, these convictions are most likely to influence the way staff make decisions and focus their practice. Adding to the existing research, this paper also uses independent external observation to capture what probation counsellors claim they use, to what extent and what they actually put into practice.

In the next sections, the paper will focus on presenting the research on the criminology of probation staff. The last part of the article will present some of the potential implications of these findings for current and future probation practices.

II. Probation Service in Romania

Since the research for this paper took place in Romania, some contextual information might be useful for a better understanding of the conclusions.

The Probation Service in Romania is a relatively young organization, having been created in 2001. The Probation Service of England and Wales had a major influence at the beginning of the formation process (for more info see Durnescu and Haines, 2012). The main activities of the probation service in Romania are to deliver evaluation reports to the courts and to supervise offenders in the community as alternative to custody or conditionally release. When imposing a suspended sentence or a postponed sentence, the court applies different conditions (e.g. to report to the probation officer, to inform of any change in employment or domicile etc.) and may also attach some obligations (e.g. to attend different programs, to undergo medical treatment etc.).

The service is organized in each county and is under the authority of the National Department for Probation/Ministry of Justice.

By the end of 2013 when the fieldwork was conducted, each probation service employed between 5 and 20 probation counsellors. In 2013, most of them have a law degree (107), a social work degree (85), psychology degree (51), sociology degree (14) and other diplomas (35).

After being selected, most of probation staff follows a one-week or two-week introduction training where all the procedures are explained and the newcomer gets accustomed with the internal routines.

From time to time, when funds allow, the Ministry of Justice organizes different short-term training sessions on topics that are perceived as relevant (e.g. rehabilitation programs, working with drug users, anger management etc.).

III.   The research

The research was conducted between January 2011 and May 2013 with a very broad range of objectives. This paper will look only to the question of how probation staff picture crime, offenders and change. In order to analyse whether probation counsellors have a 'realistic' image of the skills or theories they use, 18 video-recorded interviews will be scrutinized. The author of this paper acted as an independent researcher. However, it should be noted that until 2006 he was a part of the probation system in Romania.

III.1 The criminology of probation staff

The main research method employed to find out what the attitudes and beliefs of probation staff are, was the in-depth interview. A number of 18 probation counsellors were interviewed from five different probation services around the country: Bucharest, Arges, Dambovita, Timis and Olt. Although the total number of probation counsellors is a lot higher, only these 18 responded positively to the invitation to participate in this survey. The demographic structure of the sample reflects in general the features of the probation staff structure: 11 probation counsellors are between 30-40 years old, 3 are under 30 and 4 are above 40 years old; 10 are social workers, 4 are lawyers and 4 are psychologists. As in the general population of probation staff in Romania, the vast majority of subjects are female (14).

The interviews took between 40 to 60 minutes and were transcribed verbatim. The data analysis employed the thematic approach by identifying and classifying the main themes within the subjects' answers (Hennink et al., 2011).

III.1.a The probationer's picture – The diverse client

When asked to use five adjectives to describe probationers, most of the probation counsellors immediately stressed that it is rather hard to conduct such an exercise due to the wide variety of people that come under the supervision. However, after some reflection most subjects were able to generate a picture that would describe an ideal-typical offender under supervision.

From the probation counsellors' descriptions it seems that most probationers are first-time offenders, male, between 30 and 40 years old, with poor education and a low level of income. This description is in line with the profile of probationers in other countries (see the Social Exclusion Unit, 2002, McNeill, 2005 etc.).

Some probation counsellors chose to describe offenders in terms of their engagement with the probation supervision. In this respect, probationers seem to comply with requirements. Adjectives like conformist, obedient, willing to cooperate, coming to supervision with pleasure, involved etc. appeared in the descriptions eight times. Exceptions to this rule are nouns like manipulators and liars, which appeared once each. Apart from that, probationers were described as wanting to be listened to (1), wishing for a clean criminal record (1), respectful (1) and punctual (1).

Some other probation counsellors described the offenders in terms of their moral qualities. We have seen above that some of them regard probationers as manipulators and liars (one description each). On the other hand, some probation counsellors describe them as honest (1) and motivated and hopeful for a better future (3). What seems to be a common description of the probationers is being immature, disorientated, vulnerable (10) and with low self esteem (1).

In terms of the features that can influence the changing process, probation counsellors picture probationers as not taking full responsibility for the offence (2), poor social skills (2), aggressive (2), poor problem solving skills (1), addicted (4) and with mental health problems (1).

Another recurrent description from the probation counsellors is 'dissatisfied with justice' or 'disappointed in justice'. These descriptions came up four times from different probation counsellors from different services. It is known from literature that these feelings can have an impact on substantive compliance and legitimacy and in the long run on re-offending rates (for more on this subject see Robinson and McNeill, 2008). It seems from these descriptions that this feeling is quite common and some probation counsellors are aware of it.

Looking at how counsellors with different educational backgrounds define offenders, we could see a lot of commonalities. All three groups tend to define offenders with adjectives that are close to each other. Perhaps the accent placed on one group of adjectives is more apparent among psychologists, who tend to use more adjectives

that characterize the personality (e.g. immature, superficial, sociable etc.) or the engagement with the supervision process (compliant, punctual etc.). The other two groups mention these personality attributes, but add also social variables like: low education, poor income and so on. Moreover, social workers seem to be more sensitive to the fact that some offenders are dissatisfied with justice. They are the only ones who mentioned that definition. It may be that social workers received anti-oppressive and anti-discrimination courses during their training and that this makes them more open to the feelings that may occur in the interaction between the state and its citizens.

III.1.b   Why do the probationers commit crimes? A rather difficult answer

When asked why people commit crimes, most of the probation counsellors provided quite sophisticated answers. To give just two examples:

> *There is always one cause. Depends on what type of offence we are talking about. Some started to commit crimes because of the drugs or for financing the addictive behaviour, if we talk about drug addicts. If we talk about property crimes then the motivation is often a financial one… it is either that they did not have enough income or they did not know how to manage it. If we talk about violent crimes or sexual offences the discussion is more complex. The difficulties they have are beyond my qualification (….) but I think they need a specialized psychologist to work with to identify the exact problem. Most often the cause may be the lack of moral values, the lack of a clear axiological system or the lack of a parental model.*

and

> *behind any offending behaviour there is actually an incremental accumulation of problems and wrong decisions that led in the end to offending.*

Almost all of the subjects structured their answer on different types of offences, admitting that different types of motivations can explain different crimes. In this sense, theft, burglary and other property crimes were explained by the lack of the legitimate means to achieve something in their life, the group of peers, the lack of parental guidance, the lack of knowledge about the law, the lack of values or an inappropriate value system etc. The lack of parental supervision, easy access to drugs and the existence of a relevant peer group most often explained drug-related crimes. All these factors were combined with the immaturity of the young offenders. White-collar crimes seem to be associated by the probation counsellors with the hope of offenders that they will never be caught. Violent or sexual offences were acknowledged as different kinds of crimes, but motivations or explanations for them were not developed. This may be explained by the fact that probation services deal mainly with less serious crimes like theft, burglary, bodily harm and so on. Not having enough contact with these categories of offenders led to a low level of theorisation around this group.

What seems to be rather constant in counsellors' explanations of how to become an offender is that family plays a crucial role. Family can be found in the counsellors' explanations in many ways: as the lack of supervision, the lack of a role-model, the negative role-model of the parents etc. From their answers, it appears that the counsellors associate family dysfunction with the lack of a value system that would guide probationers towards good decisions:

> *...there are a lot of factors that determined this behaviour or this sort of thinking. Probably their own families, the education level of the family, the fact that within the family there was not any value system or a sense of ethic or moral thinking ... all of these caused them (my own note: the offenders) not to have a sense in their life, a good direction ...*

Once again, the social workers tend to balance this individual pathology and micro-level social causality with macro-level and societal motivations. One of them, for instance, stated that the way society makes some goods or definitions of success available can lead to crime:

> *... some others become offenders because of the evolution of society in general. I talk here about those who commit drug-related crimes. Here I would also place those convicted for economic crimes because they did what they did in order to reach a certain standard, to fulfil the fake image of success: to become well-off and successful business people.*

III.1.c Which theories do probation counsellors use in their practice? Or is there no theory?

Surprisingly, when asked about the theories they use in their daily practice, seven out of 18 were not in the position to nominate any theory:

> *I don't know ... I think we use a combination of theories but honestly now I cannot recall any of them although I had exams on this subject. But I don't think there is such a thing: a perfect theory. I don't believe that the offenders are born like that ... it is rather a combination of variables.*

Others were even more elliptical:

> *I don't recall. I don't know what theories I use, I cannot tell ... because I am in a sort of routine.*

On the surface, this sort of answer may indicate that the probation practice is not based on any theory but on an empirical knowledge-base or on routine. While this may be true in some minor cases, the answers provided by the rest of the probation counsellors (11) made us think that what is more difficult for the staff is to articulate the exact theory or authority. Most of these practitioners were able to tell 'stories' about the theories they think they use:

> *I think that it is not the genetic heritage that counts but what you take from your family. Education inside the family is very important. The model you take within your family and education in general is what counts.*

From this answer it is clear that the probation counsellor was referring to social learning theory (Bandura, 1977, 1986) where behaviour would be acquired in interaction with the social world. As Bandura suggested, there are three strong sources of modelled behaviour: family members, peer group members and symbolic models (media). Drawing from the stories told by the subjects we were able to identify that this is one of the most frequently mentioned theories about crime and offenders (it was mentioned by three counsellors).

The next theory that was described rather than nominated was the idea of differential associations developed initially by Sutherland (1947) (mentioned twice). This theory seems to be especially useful to explain how the peer group can initiate and nurture the offending behaviour.

Social bonds or social control theory developed by Hirschi (1969), strain theory initiated by Merton (1938) and the criminal subculture theory (Cloward and Ohlin, 1961) were also mentioned in between the lines, once each in the probation counsellors' answers. Consistent with the way some of the probation counsellors describe crime as a situational event, one subject indirectly mentioned a useful theory - routine activity theory, stating that the crime stems from the interaction between a motivated offender, an available target and the absence of an inhibitor (Felson, 1987).

Apart from these aetiological theories, probation staff often mentioned cognitive-behavioural ones, both as explanatory and as intervention theories. All together six practitioners mentioned these.

To conclude this part, we could note that probation counsellors seem to have a clear understanding of why and how people start offending. The core explanation of offending in general rests around family, peer group and a poor value system. Although they do not point to the exact title of the theory or the author they use in their daily practice, their decisions appear to be very well grounded in a clear and coherent set of theoretical assumptions. This conclusion is supported by one of the subjects:

> It had been a long time since I studied them (our note: the theories) theoretically. I could not name them but their essence stayed in my mind. The idea is to see what triggered the offending behaviour, to study their principle of life.

Or, as was more metaphorically expressed by someone else:

> ... I understood that professionalism starts where you forget what you have learnt, when you start to think with your own head and behave as you think is best.

From their accounts, it seems that the theories (or the 'stories' of the theories) are very useful when writing pre-sentence reports and during the evaluation process. Therefore there are good reasons to believe that there are bureaucratic mechanisms in place that put the theories to work and that will ensure their use in the future. It

would be a useful to know how the other criminal justice professionals conceptualise their practice.

III.1.d How do the probation counsellors see change? What comes first: change or motivation?

When asked whether they believe that people can change, all probation counsellors answered affirmatively (18). Some of them were quite precise in their response stating that it is not the people who change but some of their behaviours. From the counsellors' account, it seems that offenders can change some forms of behaviour for many reasons. Change seems to be a rather individual process that needs to be approached case by case. There is no panacea. As one of the probation counsellors declared:

> *You have to find the right method for each of them … depending on the offence, on their personality, their environment, the motivation for the crime and so on.*

Some of the offenders arrive at the probation service's door already motivated to change something in their life because they have realised in the course of the penal process what ordeal they would have to go through again if they committed new crimes or did not follow the probation instructions.

Some other probationers need some more work on their motivation for change. Four out of 18 practitioners mentioned that change is only possible when and if the offender wishes so. Therefore, an important part of their effort is allocated to enhancing the offender's motivation for change. To do so, they tend to use different tactics, depending on the extent to which offenders accept responsibility for their crime, and on their level of education. Sometimes, the probation counsellor provides information about crimes and their definitions in the criminal code. Sometimes they stress the advantages and disadvantages of a criminal lifestyle using motivational interviewing techniques. Sometimes they tend to threaten with imprisonment in order to make the offender take them seriously. Once the minimum motivation is there, probation counsellors seem to use different intervention methods like cognitive-behavioural interventions, pro-social modelling etc. It seems that the probation counsellors with a psychological background tend to emphasize the importance of cognition in preventing re-offending. In their accounts they often mention ideas like: identifying wrong thoughts, making offenders become aware of themselves etc. Five out of 18 practitioners mentioned pro-social modelling as one of the most important methods to work with offenders. In this context, they emphasized the importance of being a good model for others and also of being respectful with offenders.

It seems that treating offenders with respect and building on their qualities can lead to an enhanced self-esteem and self-confidence that is so important in the change process. In addition to that, as one of the subjects stated: 'noblesse oblige'. If the probation counsellor treats offenders with respect and emphasises what is good in them, then a sort of reciprocal feeling is generated to motivate offenders to try their best in achieving change. This is reminiscent of the loyalty principle developed by Rex (1999) in her research.

Another important tool mentioned by the practitioners in triggering or maintaining change was the programs. "One-to-one" or "Developing social skills" were in particular identified as useful programs in helping offenders change. It seems that these programs are so much appreciated by probationers that they asked to be included in more programs like that in the future. Having said that, one of the probation counsellors mentioned that programs are quite time-consuming and demanding an extensive effort, and within the existing resources their delivery does not always seem feasible.

When asked about what a probation counsellor can do to help the change process, probation counsellors admitted that there is little they can do. The process itself is described by the probation counsellors as belonging to the offender (like in Burnett and McNeill, 2005; Weaver, 2011). If he or she does not wish to change nothing can be done. Moreover, change is described as difficult, slow and very personal. If the motivation is there, then probation counsellors can provide information, motivational interviewing, counselling, learning experiences and programs that can mostly support change. From the probation counsellors' accounts, it seems that the role of the probation service is rather to support offenders in how to make the change into their life.

Interestingly, none of the probation counsellors mentioned the environmental factors that could support or facilitate change (see Farrall, 2002). The process of change is still placed exclusively in the responsibility of the offender. Factors like family or access to legitimate opportunities were not mentioned even once. However, this should not come as a surprise since the theories mentioned as useful in the probation practice were nowhere near the environmental criminology.

III.2. Skills and characteristics

In order to understand to what extent these perceptions are reflected in practice, probation counsellors were invited to submit video-taped interviews with two different probationers. The interviews should capture the evaluation stage where probation counsellors are expected to develop the professional relationship but also to collect the necessary data to document their interventions. Due to some technical problems some of them were not able to submit two but only one interview. The decision was taken to analyze only one interview from each participant. In case two interviews were submitted the one with the highest score was selected to represent that particular counsellor.

The video-taped interviews were analysed by three independent researchers using a scoring sheet based on previous work by Raynor et al. (2010), Bourgon et al. (2009, 2010), Trotter (2009) and Dowden and Andrews (2004). The units for analysis were: interview organization (noise, proximity, psychological atmosphere, space), structuring skills (warm up, the existence of a start, middle and end, the existence of a clear direction, summarizing at the end of the interview, setting up the next meeting), relationship skills (role clarification, use of authority, empathy, enthusiasm, summarization, paraphrasing, honesty, humour, self-disclosure, open questions), pro-social modelling (rewarding, confronting, showing respect), needs evaluation (explaining the procedure and the aim, clear questions, clarification, involving the

client, prioritising the needs, identifying strong points, identifying community resources), motivational interviewing (supporting, avoiding confrontation, reflecting, amplifying discrepancies and using self-motivating statements). Apart from the items included in most of the previous scales, our coding manual explored skills such as using the client's or the community's resources and the involvement of the client in the decision-making. All these skills are strongly supported by the literature as being important either for building up a good relationship or for promoting desistance (Burnett, 1992; Farrall, 2002; McNeill, 2006; Rex, 1999). The cognitive restructuring skills set was not included in the scoring scale but observations were made as to what extent probation counsellors identified distorted thoughts, challenged these thoughts and explained probationers the relationship between thinking and behavior.

The skills were scored from 1 to 5 where 1 meant "skill not existing" and 5 meant "skill well developed and used appropriately".

As noted in the previous section, probation counsellors picture themselves implicitly as using cognitive-behavioural theories, social learning and differential association theories, pro-social modeling and motivational interviewing. For the purpose of this paper only the use of the associated skills will be presented (for more details see Durnescu, 2013).

Although cognitive behavioral theories were mentioned by six probation counsellors there was no evidence of their use in practice. No distorted thought was identified or discussed and no discussion between thoughts, feelings and behavior was observed. Most of probation counsellors use a form for the first assessment. In this form there is no section or question addressing the cognitive-behavioral side of offending behavior. Most of the sections of this assessment instrument are associated with the individual's development, schooling, work history, family and the way the crime was committed. It is possible that probation counsellors will start using the cognitive behavioral theories at a later stage but anyway there is no evidence that they will do that in a systematic way. If they are to use these theories in a systematic manner it is expected that the assessment-tool would include questions that would target this area of intervention, and it does not.

The use of the social learning and differential association theories can be evidenced mainly by assessing the extent to which probation counsellors include into their assessment questions regarding families and peer group. The 'family' factor was defined in the participants' account in an ambivalent manner. While many of them mention family as one of the most important factors in offending, none of them mentioned family as a resource in preventing re-offending. However, almost all submitted interviews included questions about family, about the parents and their jobs, about the wife, about the children offenders have in their care. The peer group was mentioned in particular in the cases when the crime was committed together with others. This factor was not necessarily associated with a particular lifestyle or a way of spending leisure time but scrutinized only if directly connected to the offence.

Both approaches – motivational interviewing and pro-social modeling – received relatively high scores in our assessment – 3.1 and 3.6. That means that we found enough evidence of their use in the submitted interviews.

To conclude this section one can observe that regarding some theories or skills there is a large agreement between what probation counsellors claim they use in their practice and the practice itself. As for other theories, like the cognitive behavioral ones, there is not enough evidence to support the claim that they really use them in practice.

IV. Conclusions and discussions

Using in-depth interviews with 18 probation counsellors, this research confirmed and advanced some of the findings of previous research. As in Knight (2007), Annison et al. (2008) and Mawby and Worrall (2011), probation counsellors in Romania share a strong belief that people can change. As we have seen above, they seem to have a quite sophisticated understanding of this process: change is not a simple enterprise, change is a process and not an event, change is linked to motivation etc. As in Deering's study (2010), probation counsellors attributed offending to a large number of factors depending of the type of offence. Poverty and peer group were among the most cited factors of this kind. Adding to that, family, the existence of a role-model, cognitive structures and specific criminogenic situations were mentioned as potential factors associated to crime. Although they were mentioned as associated to crime they were, however, not seen as necessarily important in the desistance process.

Moreover, this study emphasises that although the assumptions and the theories used in probation practice have to be read 'between the lines', it appears that probation counsellors base their decisions and practice on quite a solid theoretical basis. As noted above, some probation counsellors were not in a position to mention specific theories used in their daily practice, but they managed to tell comprehensive stories about them. Furthermore, they showed quite a coherent image of the offender under supervision. It seems clear to them that offenders follow different routes during their supervision: some of them are the victims of a distorted social learning process; some others fall under the influence of differential associations; others have poor problem-solving or decision-making skills; and some offenders simply are the victims of adverse situations.

To summarise, it can be asserted that probation practice in Romania seems to be based on a combination of theories coming from traditional criminology (social learning, differential associations, social bond theory, strain theory and routine activity) and important theories from psychology (mainly cognitive behavioural theories). Using the distinction made by Raynor (2004) between theories that see the offender as a victim of circumstances and theories that see the offender as potentially in charge of his/her life and capable of change, we can draw the conclusion that probation counsellors in Romania adhere rather to the latter set of theories. This option is very important from the viewpoint of Maruna's narrative theory (2001) that suggests that the first set of theories can reinforce recidivism narratives while the second can support desistance. It seems that probation counsellors in Romania attribute quite a lot of agency to the offenders themselves.

The extent to which these theories are put into practice is a more complex issue. As noted above, we found enough evidence that social learning, differential association and different approaches (like motivational interviewing and pro-social modelling) are indeed employed in the current practices. This was not the case for the cognitive-

behavioural theories. However, this finding should not come as a surprise. Bonta et al. (2008) after 'looking inside the black box of supervision' concluded also that pro-criminal attitudes were discussed in only 3 % of the cases. Cognitive-behavioural techniques were used in less than a quarter of the sessions. It seems that practitioners are not keen to use these theories into practice although they seem to be aware of them.

Maybe because these theories are not mentioned in the probation counsellors' discourses or in their work, some scholars have concluded that probation practice is mainly based on 'practice wisdom' or 'routine'. This paper tends to disagree with this viewpoint. From the probation counsellors' answers, it became clear that practitioners have a clear understanding of why some people commit crimes, how they change this behaviour and what probation practitioners can do to contribute to this change. As described by Ward and Maruna (2008), these three components – general principles underlying rehabilitation, aetiological assumptions and practice implication – constitute a real implicit theory of rehabilitation and not 'wisdom' or routines.

Given this sort of theoretical context, combined with the practitioners understanding of change, we could explain why probation practice in Romania is rather focused on helping offenders to change their life and refrain from offending and not on developing social opportunities for offenders. This can explain at least partly why most of the probation practice in Romania could be described as one-to-one office-based practice. Activities like community development, initiating networks of friendly employers and so on are very rarely initiated by the probation service in Romania. Furthermore, since they have such a nuanced understanding of change as a process, we could understand better why probation practice in Romania has quite a low rate of breach (less than 10%, Ministry of Justice, 2012). Acknowledging that change is difficult and takes time and effort, probation counsellors seem to tend to apply flexible mechanisms of breaching offenders who do not comply with the obligations. Based on these reflections it can be concluded that attitudes, values and adherence to different theories or approaches can significantly influence probation practice and decisions that have impact on the offenders live.

Due to the small sample and also to possible selection biases, this survey can only be considered as an exploratory study. More research is needed to confirm these conclusions and deepen the understanding of the criminology of probation counsellors. It could be useful to research whether probation counsellors have different perceptions and therefore different attitudes and values in relation to different ethnic groups of offenders, different types of offenders or even different genders. It could also be useful for future research to explain more how different types of attitudes and values could influence decisions and probation practice. Finally, it would be interesting to study to what extent these aetiological assumptions are shared with other criminal justice actors.

Acknowledgement

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