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**PROBATION COUNSELORS' PERSPECTIVES ON THEIR**  
**PROFESSIONAL PRACTICE**

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*Abstract*

The present paper aims to address, in an exploratory manner, the probation counsellors' perspective in Romania and the Republic of Moldova, regarding their own professional practice. The central purpose of this micro-research is to verify the plausibility and generalization of the main results of the research *Axes of the Social Construction of the Probation Counsellor's Profession* (Sandu, 2016a; Sandu, Ignătescu, 2017), and to clarify the adherence of the probation counselors in the two countries, to the model developed in their framework.

Using a quantitative methodology – we aim to answer to the following research questions “Can the model of social construction of the profession of probation counselor, inductively obtained within the research *Axes of the Social Construction of the Probation Counsellor's Profession* (Sandu, 2016a; Sandu, Ignătescu, 2017), be considered valid, or at least verisimilous?” and “Do the probation counselors in Romania and the Republic of Moldova adhere to the specific of practice proposed by the model mentioned?”.

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**Keywords:** Probation counselor, social construction of the profession, model validation, Romania, Republic of Moldova.



## 1. Introduction

Introducing probation as restorative practice aims to alter the sense of the punishment, from power strategy (Foucault, 2005), to strategy of creating consensus at social level. The current research aims to satisfy the interest for knowledge, referring to the potential impact of certain institutions newly introduced in the Romanian and Moldavian social space. Probation can be considered a non-custodial alternative to the retributive custodial paradigm. Introducing probation as an alternative to the custodial punishment aims, from a socio-economic perspective, to reduce the social costs of imprisonment. The context of the social construction is represented by the continuous changes in the last 25 years, after the fall of communism in both countries, of the institutional discourse referring to the relationship with the Alterity – hereby the people condemned.

Within the context of the complex research *The Social Construction of the Probation Counselor's Profession*, carried out between April 2016 – January 2017 in the North-Eastern Region of Romania and in the Republic of Moldova, one of the objectives of the first dimension was to identify the main discursive axes through which the process of social construction of the probation counsellor's profession is carried out. These objectives were met through the research *Axes of the social construction of the probation counsellor's profession*, based on a qualitative inductive methodology named Grounded Theory. The specific of the methodology is inverting the classic path of research, which starts from work hypotheses taken from the literature and tested through different quantitative and/or qualitative methods (Sandu, 2015). In Grounded Theory, the research starts from data collected through qualitative instruments, such as interview or focus group, and through successive inductions, it reaches an increasingly complex theory with the power to explain the phenomenon (Sandu, 2016b; 2016c). What is traditionally seen as hypotheses, is a final product for Grounded Theory, representing constituent parts of the theoretical model proposed. As such, the research doesn't aim to obtain a validation of certain hypotheses, therefore the theoretical model cannot be analysed as being valid or invalid, but plausible and generalizable or not. However, the theoretical constructions generated can have the value of hypotheses, which could be statistically verified through further research.

## 2. Problem Statement

In the above mentioned research there were developed a series of results with value of hypotheses for the current micro-research: **I1.** The Romanian and the Moldavian model is a multi and transdisciplinary one, with strong social and socially therapeutic accents. **I2.** The assistential perspective is fundamental for the professional practice of the probation counsellor. **I3.** There is no clear focus of the probation counsellor on one of the activities, each of the counsellors being able to develop any of the specific professional activities. **I4.** The success of the probation practice is defined in terms of number of reintegrated persons, and the lack of relapse. **I5.** The functioning of the probation services is based on good communication, both personally and institutionally, with the representatives of other institutions they collaborate with: the courts, the police, the prosecution, public administration, civil society, penitentiaries, etc. **I6.** The probation counsellors in Romania rather place the emphasis on the interpersonal, informal communication strategies. While their colleagues in the Republic of Moldova are

rather interested in the formal, institutionalized communication, in both cases with the full and strict observance of the law.

### **3. Research Questions**

The research questions subsume around the central question: can the model of social construction of the profession of probation counsellor, being obtained inductively, within the research *Axes of the social construction of the profession of probation counselor* (Sandu, 2016a; Sandu, Ignatescu, 2017), be considered valid, or at least verosimilous? Do the probation counsellors in Romania and the Republic of Moldova adhere to the specific of practice assumed by the aforementioned model?

### **4. Purpose of the Study**

The purpose of the micro-research *Perspectives of the probation counsellors on the professional practice* is to check the plausibility and generalization of the main results of the research *Axes of the social construction of the profession of probation counsellor* (Sandu, 2016a; Sandu, Ignatescu, 2017) and to clarify the adherence of the probation counsellors in the two countries to the model built within it.

### **5. Research Methods**

Starting from the results obtained, a survey addressed to the probation counsellors in the two countries was developed and applied on-line, using the Google platform. We have sent an invitation through e-mail to all services/offices of probation in Romania and the Republic of Moldova. The survey is formed of 18 closed questions, referring to the specific and importance of the professional formation as probation counsellor, the specific of the professional activity and the types of activities carried out, the institutional relationships between the probation services/the probation counsellor and other professionals involved in the area of justice administration, the relationship of the services/probation office with the civil society, the constitutive and operational ethical values of the profession of probation counsellor and the adherence of the professionals to the retributive/restorative model of functioning of the probation services/offices. The online survey was answered by 24 probation counsellors in Romania (14 females and 10 males), and 34 from the Republic of Moldova (25 females and 9 males).

### **6. Findings**

#### **6.1. Discussions**

The small sample size – the small number of probation counsellors who have accepted to fill-in the online form makes this micro-research not be credited with statistic validity. The way of on-line application, the small number of probation counsellors existing in the system – 350 in Romania, made the number of respondents be low, therefore not allowing a real statistical analysis of the data. However, we mention that the respondents represent approximately 7% of the number of probation counsellors in the system at the time of the survey.

## 6.2. Results

57% of the respondents in Romania and 9% of those in the Republic of Moldova have an experience in the field greater than 10 years, 30% of the respondents in Romania and 48% of those in the Republic of Moldova being in the system for a period of time between 5 and 10 years, and the rest of 13% in Romania and 41% in Moldova have an experience of less than 5 years, 2% of the respondents in the Republic of Moldova refused to answer this question. Regarding the professional preparation: 36% of the respondents in Romania and 48% of those in the Republic of Moldova stated that they are graduates of the Faculty of Law; 29% of the respondents in Romania and 5% of those in the Republic of Moldova are graduates of the Faculty of Social Work; 16% of the respondents in Romania and 11% of those in the Republic of Moldova graduated from the Faculty of Psychology; 13% of the respondents in Romania and 21% of those in the Republic of Moldova graduated from a Masters in Probation, 6% of the respondents in Romania and 7% of those in the Republic of Moldova stating that they graduated from certain short-time courses in the field of probation.

We notice a significant difference between the practitioners in Romania and in the Republic of Moldova regarding the initial training. Although in both countries, the initial training of the respondents is mainly juridical, in Moldova, the prevalence of those with legal experience is close to 50%, while in Romania, the proportion of those who declared having a background in social work is greater than in the Republic of Moldova, which can partially explain the different emphasis on the importance of communication – nonformal and interpersonal, among the respondents in Romania, namely formal, institutional and institutionalized in the case of the respondents in Moldova. The number of respondents who declare having followed a Master's programme in the field is rather low in both countries, which can support the idea of the necessity of certain programs of training in the Universities in both countries, preferably even programs based on the inter-institutional cooperation between the institutions of higher education in the two countries, such as *masters in double diploma*.

Regarding the way in which knowledge in the field of "social work" is important for the professional activity of the probation counsellor, 52% of the respondents in Romania and 69% of the respondents in the Republic of Moldova admitted that this is important or very important; 30% of the respondents in Romania and 27% of those in the Republic of Moldova said is not important, nor unimportant; 9% of the respondents in Romania and 4% of those in the Republic of Moldova said that the initial training in the area of social care is little or very little important.

The answers received to these surveys support the hypothesis – resulted from the study *Axes of the social construction of the profession of probation counsellor*, according to which the assistential perspective is fundamental for the professional practice. This interpretative coherence to the results obtained in the qualitative stage of the research constitute an element of validation of the model, and the result can partially be attributed to the autonomy of the profession of probation, both under the aspect of the methodology specific for intervention, as well as its social function. Moreover, the opinion differences may arise due to the understanding – more frequent, of social work exclusively in its side of system of administering the social benefits, side which least intersects with the practice of probation, where the assistential dimension is done from the perspective of an ethos of care, and of the systemic theories, centred on the reconstruction of the moral agency of the supervised person. Regarding the importance

given to knowledge in the legal field, for the professional activity of the probation counsellor, 91% of the respondents in Romania and 89% of those in the Republic of Moldova stated that they are important or very important, 9% of the respondents in Romania and 2% of those in the Republic of Moldova said that they are not important, nor unimportant; none of the respondents in the Republic of Moldova said that it is little or very less important.

The importance of legal knowledge is considered even greater than of that in the field of social work, the great majority of the respondents agreeing to it. Regarding the perceived importance of knowledge in the field of “psychology” for the professional activity of the probation counselors, none of the respondents in Romania and only 2% of those in the Republic of Moldova said that is little or very less important, 22% of the respondents in Romania and 5% of those in the Republic of Moldova saying that it is not important, nor unimportant; while 65% of the respondents in Romania and 93% of the respondents in the Republic of Moldova stated that this knowledge is important or very important.

We notice a significant difference in the direction of the Moldavian respondents, regarding their preference for the field of psychology, which for our respondents in Moldova, exceeds in perceived importance the knowledge in the field of law and social work. The results obtained regarding the perceived importance of knowledge in the different professional areas allows us to consider as plausible the hypothesis generated by the study *Axes of the social construction of the profession of probation counsellor* – according to which the Romanian and the Moldavian model of probation is multi and transdisciplinary, with strong assistential and social therapy accents.

The results to the three questions support the model developed, in terms of transdisciplinarity of probation and its self-empowerment. To the question referring to which of the activities specific to the probation counsellor have the respondents been involved in, they show that: 19% (RO) and 18% (MD) are involved in elaborating the reports of pre-sentential evaluation; 19% (RO) and 27% (MD) are involved in the supervision of people convicted with suspension; 8% (RO) and 15% (MD) are involved in the supervision of people released under parole; 16% (RO) and 9% (MD) are involved in the supervision of minors serving an educational penalty; 14% (RO) and 9% (MD) are involved in programs of social reintegration; 13% (RO) and 6% (MD) are involved in participating in the parole release committees; 2% (RO) and 1% (MD) are involved in mediating the victim-criminal relationship; 9% (RO) and 7% (MD) are involved in working with people in prison; 8% (MD) have not expressed their opinion.

Although the dispersion of answers can be considered significant, we must take into account that the question has multiple answers, and that practically by reporting to the number of respondents and not of valid answers, we obtain a high level of uniformity of answers, because it confirms the hypothesis according to which there is no clear specialization of the probation counsellors in one or other of the activities, each of the counsellors being able to develop any of the professional specific activities. One of the attributions, such as the participation in the committee of parole, have a smaller level of representation in the weight of the activity of counselling, precisely because they are not performed at the level of all Directorates/Offices of Probation – in our example, because in a certain county there is no prison, so they don't participate in committees of parole release.

There is, however, observed a greater specialization of the counsellors in Moldova, where at the level of the Probation Offices, there is such a distribution of tasks. Activities such those of mediating the victim-offender relationship are not represented, namely because this attribution, although specific for

probation in other countries, is not assigned to the probation counsellors in the two countries. To the question *How do you evaluate the relationship between you, as probation counsellor, and the people under supervision?* – none of the respondents in Romania and only 4% of those in Moldova declared that the relationship is little or very less good; 9% (RO) and 9% (MD) declared that the relationship is acceptably good<sup>1</sup>; 91% (RO) and 87% (MD) declared that the relationship is good or very good.

The fact that almost all respondents – probation counsellors – describe the relationships with the beneficiaries as being good or very good, may signify an appreciation of the models of communication between the counsellor and the supervised person, and allows us to consider that the number of situations of failure in the practice of probation in the two countries, is limited. The respondents evaluate the relationships with the instances of trial in appreciative terms, of which 87% (RO) and 87% (MD) considering it to be good and very good, no respondent in Romania and only 2% (MD) as being little or very less good, the rest of 13% (RO) and 11% (MD) considering that it is not good, nor less good.

Regarding the question on the relationship between the probation counsellor and the representatives of the public authorities – the respondents 4% (RO) said that the relationship is a little good; none of the respondents from the Republic of Moldova said that their relationship with the representative of other public institutions with whom they have a relationship of services, is little or very less good, 35% (RO) and 27% (MD) said that the relationship is acceptably good; 48% (RO) and 43% (MD) said that the relationship is good; 13% (RO) and 30% (MD) said that the relationship is very good.

Being asked to evaluate the relationship they have as probation counsellors and representatives of the civil society (ONG) – 78% (RO) and 63% (MD) qualified it as being good and very good, only % (RO) and 14% (MD) declaring it to be little or very less good, while 18% (RO) and 18% (MD) are undecided, choosing the middle value, coded by us as being *acceptably good*. As for the relationship with the representatives of the police – respondents 77% (RO) and 24% (MD) affirmed that the relationship is good or very good, 0% (RO) and 71% (MD) appreciated it as being little or very less good, and 23% (RO) and 1% (MD) chose the middle position, *acceptably good*.

We notice that there are differences that can be considered significant between the respondents in the two countries, regarding the relationship of the probation counsellors with the police, the respondents in Romania being reserved in a proportion of 23%, but don't express their negative opinions regarding this collaboration, while the Moldavian respondents criticize it in a significant proportion.

The relationship between the representatives of the penitentiary is seen as being good and very good by 83% (RO) and 54% (MD), while no Romanian respondents, and 54% of those from the Republic of Moldova consider it to be little or very less good, namely 14% (RO) and 24% (MD) are undecided. Again, we notice significant differences between the respondents of the two countries, the probation counsellors in Moldova being less satisfied by the communication with the representatives of the penitentiaries.

Consistently analysing the answers to the questions regarding the relationship between the probation counsellors and the representatives of other state institutions they collaborate with, in developing activities, them confirming the assumption generated in the study *Axes of the social construction of the profession of probation counsellor*, namely that the functioning of the probation

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<sup>1</sup> We coded the answers on a scale of 1 to 5, where 1 means very little and 5 very good, considering the medium value as being acceptably good.

services is based on a good communication both personally and institutionally, with representatives of other institutions that they collaborate with: courts, police, prosecutor's office, public administration, civil society, penitentiaries, etc. The few differences between the results obtained from the counsellors in Romania and in Moldova also confirm the small differences regarding the accent on institutional/interpersonal communication, highlighted in the analysis of the qualitative data. The good relationships with the representatives of other institutions ensure the frameworks of the efficient functioning of the probation services.

To the question *Which of the following statements you consider to be best fit in your relationship with the other institutions?* - 13% (RO) and 22% (MD) consider that the most important form of communication is the written one, formal and standardized; 83% (RO) and 73% (MD) consider that beyond the institutional written communication, it is also important the interpersonal relationship with the other professionals in the limits of law obedience, and 4% (RO) and 5% (MD) haven't expressed their opinion.

Although the Moldavian respondents are pronounced in a higher percentage in favour of the institutional communication, the results confirm only partially the hypothesis according to which the probation counsellors in Romania put more emphasis on the interpersonal dimension of communication, while their Moldavian counterparts, on the institutional and formal side. In fact, in both countries, the respondents questioned appreciated the importance of the interpersonal communication.

Although significant in terms of incidence, we however cannot consider that the emphasis of the written and formal dimension is characteristic for probation in Moldova, unlike the one in Romania, the Moldavian counsellors expressing themselves regarding the importance of the interpersonal and non-formal dimension of communication in the practice of probation. When asked to state which of the ethical values is considered as being the most important for the professional practice of the probation counsellors, the respondents 4% (RO) and 13% (MD) consider that the most important value is respect and encouraging the autonomy of the beneficiaries (the capacity to take and assume decisions); 8% (RO) consider that the most important value is the respect for the dignity of the beneficiaries; 25% (RO) and 29% (MD) consider that the most important value is the responsibility and accountability of the beneficiaries; 21% (RO) and 38% (MD) considers that the most important value is the efficient communication between the counsellor and the beneficiary; 20% (RO) and 4% (MD) consider that the most important value is the trust in the relationship between the counsellor and the beneficiary, and 4% (RO) haven't expressed their opinion at all.

The most important value for the counsellors in Romania is *respect and encouraging the autonomy of the beneficiaries*, 38% (RO) followed by *responsibility and accountability of the beneficiaries*, 25% (RO) and the efficient communication between the counsellor and the beneficiary, who although isn't an ethical value itself, represents a value of practice. Trust is less valued by the respondent, only 4% (RO), choosing it as being the most important. Among the respondents in the Republic of Moldova 38% (MD) place communication, and 29% (MD) responsibility and accountability of the beneficiaries, and namely 20% (MD) place trust and respect, 13% (MD), the autonomy of the beneficiaries as the most important value.

To the question which aims to evaluate the adherence of the respondents to the retributive model of the sanction, *How do you evaluate the statement: "The criminals deserve to be punished, because they*

*have committed a bad/antisocial act?"* – the respondents 4% (RO) and 7% (MD) declare that they fully disagree with this affirmation; 31% (RO) and 7% (MD) declare themselves partially in disagreement with this statement; 31% (RO) and 22% (MD) declare themselves as being not in agreement, nor in disagreement; 17% (RO) and 32% (MD) declare that they partially agree with this statement, and 17% (RO) and 32% (MD) declared to totally agree with this statement.

These answers confirm our hypothesis according to which the model of probation developed in the two countries is one centred on the retributive dimension of punishment, the level of adherence to the retributive model of justice being higher in Moldova. However, the respondents partially understand the need for founding probation on a model of alternative justice, either restorative, utilitarian or centred on human rights. The sanctioning function of the punishment remains significant, the professionals agreeing to it as a perspective on practice.

To the question *How do you evaluate the statement: "The offenders are punished in order to give an example to society?"* – the respondents 9% (RO) and 16% (MD) state that they disagree; 31% (RO) and 12% (MD) state that they partially disagree with this statement; 30% (RO) and 21% (MD) state that they don't agree, nor disagree with the statement; 17% (RO) and 21% (MD) partially agree with this statement, and 30% (RO) and 13% (MD) totally agree with it.

The exemplary function of the punishment is also important for the respondent, the ideology of the exemplarity of the punishment being also accepted as an axiological foundation of the practice of probation. The function of re-education, social reintegration, is also a component of the ideology that theoretically fundamentals the practice of probation, being part of the values centred on practice that the counsellors in the two countries adhere to. 43% (RO) and 64% (MD) of the respondents totally or partially agree with the fact that the re-education of the offender is a very important function, if not even the most important of the punishment.

31% (RO) and 18% (MD) consider that this function is not among the most important functions of the punishment, and 26 % (RO) and 55% (MD) chose a neutral opinion, translated by us as no agreement, nor disagreement. We find that the adherence to the educational function and that of re-socialization of probation is more significant to the probation counsellors in Moldova. Analysing the answers to the questions referring to the functions of the punishment, we support the hypothesis according to which the Romanian/Moldavian model of probation is one based on a theoretical breeding, being a convergence between the retributive and the restorative model, with an almost equal accent on the function of social reintegration and the retributive one to the professionals in Romania, with a slight accent on the reintegrating one to those in Moldova.

To the request of selecting the statement which best defines the professional success of the probation counsellor, the respondents 9% (RO) and 7% (MD) state that this is best defined by the supervised person who finished executing the measures and obligations imposed without an incident; 11% (RO) and 12% (MD) states that the professional success is best defined by the supervised person who hasn't relapsed; 72% (RO) and 62% (MD) state that professional success is best defined by the supervised person who has reintegrated into the community; 4% (RO) and 9% (MD) state that professional success is best defined by respecting all legal provisions in working with the beneficiary.

## 7. Conclusion

Considering the purpose of the micro-research, although the small number of respondents cannot lead to a statistical validation, we may say that the results obtained within this micro-research can be significant for supporting the verisimilitude of the model. The hypotheses of the micro-research are confirmed at the level of the sample studied. **I1.** The hypothesis *the Romanian and the Moldavian model of probation is a multi and transdisciplinary one, with strong assistential and of social therapeutic accent* checks for both countries, the differences consisting especially in the different weight of the legal component. **I2.** The hypothesis *the assistential perspective is fundamental for the professional practice of the probation counsellor*, checks for the respondents in both countries, with an increased preponderance among the respondents in the Republic of Moldova. **I3.** The hypothesis according to which *there is no clear specialization of the probation counsellors on one of the activities, each counsellor being able to conduct any of the specific professional activities*. It checks for the probation counsellors in Romania, and only partially for those in Moldova, where the answers show a higher level of specialization of practice. **I4.** *The success of the probation practice is defined in terms of the number of reintegrated persons, and the lack of relapse*. The hypothesis checks for the respondents in both countries. **I5.** *The functioning of the probation services is based on good communication both at personal level, as well as institutional with the representatives of other institutions they collaborate with: the court, police, prosecution, public administration, civil society, penitentiary, etc.* The hypothesis partially checks for the respondents in both countries, with the particularity that those from the Republic of Moldova highlighted a series of dissatisfactions referring to a collaboration with certain institutions, mainly from the police. The level of dissatisfaction suggested is small and doesn't clearly influence the institutional collaboration among the offices of probation and the police. **I6.** *The probation counsellors in Romania rather emphasize on the strategies of interpersonal, informal communication. While their colleagues in the Republic of Moldova are rather interested in the formal, institutionalized communication, in both cases with the full and strict observance of the law*. The hypothesis partially checks for the respondents in both countries, with the mention that the preponderance of one of the forms of *non-formal/formal* communication represents a tendency, not an absolute particularity.

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