



LUND UNIVERSITY

Signs of resistance? Swedish probation officers' attitudes towards risk assessments

Persson, Anders; Svensson, Kerstin

Published in:
European Journal of Probation

2011

[Link to publication](#)

Citation for published version (APA):

Persson, A., & Svensson, K. (2011). Signs of resistance? Swedish probation officers' attitudes towards risk assessments. *European Journal of Probation*, 3(3), 95-107.

Total number of authors:

2

General rights

Unless other specific re-use rights are stated the following general rights apply:

Copyright and moral rights for the publications made accessible in the public portal are retained by the authors and/or other copyright owners and it is a condition of accessing publications that users recognise and abide by the legal requirements associated with these rights.

- Users may download and print one copy of any publication from the public portal for the purpose of private study or research.
- You may not further distribute the material or use it for any profit-making activity or commercial gain
- You may freely distribute the URL identifying the publication in the public portal

Read more about Creative commons licenses: <https://creativecommons.org/licenses/>

Take down policy

If you believe that this document breaches copyright please contact us providing details, and we will remove access to the work immediately and investigate your claim.

LUND UNIVERSITY

PO Box 117
221 00 Lund
+46 46-222 00 00

Signs of resistance? Swedish probation officers' attitudes towards risk assessments

Anders Persson¹

and

Kerstin Svensson²

Abstract

The Swedish Prison and Probation Service has been influenced by the 'What Works' agenda since the late 1990's and an orientation towards risk and risk management has gradually become visible in the organization. But there is, within the probation service, a discrepancy between two types of logics – an organizational logic and a professional logic. Although guidelines prescribe the use of risk-assessment tools, they are in reality seldom used by practitioners. Through an examination of the reasons given by the probation officers who expressed doubts or concerns about the risk-concept, we question whether this could be seen as signs of resistance based on professional logic.

Key words: Probation officers – Professionalism - Pre-sentence reports - Risk assessment

Introduction

Contemporary discussions of probation are to a large extent influenced by themes from the What Works-agenda; either as the basis for discussions focusing upon the impact and effectiveness of programme delivery, or more theoretically, as signs of a new penology, new public management and managerialism. In this context professionalism in probation, as in all human service work, is often discussed as being either increasing or decreasing. There are however alternative ways of discussing professionalism. Eliot Freidson (2001) has described professionalism as a third logic; a logic beyond the market and the bureaucracy. He argues that "market" refers to circumstances where consumers control the work people do, "bureaucracy", or organizations, where managers are in control and "professionalism" where the members of occupational groups control the work. Instead of arguing about more or less professionalism, it is the nature of the professionalism in specific practices that could be

¹ Swedish Prison and Probation Service

² Authors responsible for correspondence, reprints and proofs. Correspondence should be addressed to Kerstin Svensson, Head of Department. Lund University, School of Social Work, Box 23, SE 221 00 LUND, SWEDEN. Email: Kerstin.Svensson@soch.lu.se

analyzed. Another scholar from the sociology of professions, Julia Evetts, has argued that Freidson's concepts are difficult to apply, because of the fact that today; the logic of the market is dominating both organizations and professions (Evetts 2010). In practice, the field is blurred, but as a model for understanding professionalism, new perspectives appear when using the idea of separating the managed organization, the bureaucracy, from the performance of professionals in order to elucidate how a practice is governed. More simply, it could be said that it gives support for understanding the discrepancies between what people are told to do and what they actually do.

Pre-sentence reports could be regarded as the written end-product of a specific work process. In Sweden this work is done by probation officers who assess the social and personal situation of offenders. The report is prepared for the court as to assist the decision making process when sentencing. That means that a report is a visible product resulting from practice, and as such it could be used as a way of understanding how probation officers operate and the views they hold. Probation officers have to consider the suitability of probation as a disposal and as such the arguments they present in the reports can assist us in understanding how probation officers conceptualize probation.

In a study of pre-sentence reports in Sweden we found that there was an obvious discrepancy between guidelines and practice or, in terms of Freidson's (2001) concepts, between the organizational and the professional logic. The pre-sentence reports diverged from the given guidelines mainly by not using the prescribed tools for risk-assessment. In fact, "risk" was not seen as a concept in the vocabulary of probation officers, although it was one of the central concerns of within the organizational guidelines and management of the service (Svensson and Persson 2011) How can we make sense of this? One way could be to argue that probation officers are simply refusing to comply with given guidelines. Another way is to take the distinction between the organizational and the professional logic as a starting point and go deeper in to the understanding of the professional logic. Could the non-compliance be regarded as a professional resistance?

In this article we will examine the consistency of probation officer's professional logic from the perspectives of pre-sentence reports and risk-assessment. Many probation officers have an educational background as social workers. Does this background influence their professional logic? And if so, how do they relate this type of logic to working within a context defined by the logics of the organization? Is a failure to comply with the goals and ambitions stated in various instructions and guidelines a form of professional resistance against the organizational logics, or is it merely a consequence of the probation officers' use of discretion? We will also attempt to show how this is done by examining how they argue about the assessments they make in the process of investigation for a pre-sentence report. We will specifically examine how their assessments relate to the concept of 'risk'. We further seek to answer these questions by examining the probation officers assessments in pre-sentence reports, and especially how they relate to the concept of 'risk'. Thus, the aim of this article is to enhance our understanding of professionalism and what freedoms it retains within the organization.

Pre-sentence reports and organizational logic

The use of pre-sentence reports in Sweden dates back to 1918, when the suspended sentence was introduced into the penal system. These early types of reports were aimed at investigating the accused person's character and social situation in order to assess the feasibility of a suspended sentence. The task of conducting an investigation and writing the pre-sentence report usually fell to the Court Clerk. As the aim of these investigations developed into a more general assessment of the suitability of a specific sentence, pre-sentence report writing was

gradually transferred to civil servants, the forerunners of today's probation officers in Sweden. Over time, the information compiled in the reports also became the entry point for the Prison and Probation Service's subsequent work with the offender, in relation to the use of imprisonment or probation (Svensson and Persson 2011).

The current law on pre-sentence reports dates back to 1991ⁱ, but it has in many respects remained unchanged since 1939. Penal policy in general and correctional policy in particular can be changed without explicit changes in the legislation, especially if the organization in charge of implementing the law has a substantial degree of discretion when it comes to choosing its methods. The Prison and Probation Service has been adapting to the principles of the What Works agenda since the late 1990s. The impact of this agenda has been most visible in the development of interventions aimed at reducing substance-addiction and reoffending. Accredited programs and a strong emphasis on evaluation and performance have replaced the previous decade's trial-and-error approach to treatment programs. The 'RNR-principle', Risk-Need-Responsivity (Andrews & Bonta 2007) in particular has had a strong influence on the process of targeting individuals in order to match them with suitable interventions while serving a sentence.

The RNR-principle focuses the relationship between assessing the risk of reoffending, identifying the risk factors needed to be addressed and the understanding of who will benefit from which programme. Pre-sentence reports serve as a starting-point in this categorizing-process. Risk-assessments according to the RNR-principle were already evident in the instructions for the preparation of pre-sentence reports in 2006. However, prompted by a demand for uniformity in the reports, both in content and form, the instructions were revised in 2009. After the revision the emphasis on risk and risk-assessments became more explicit, and a standardized form on which to compile the report was (re)introduced. In 2011 further changes were made; the instructions are now less detailed, but they are to be supplemented by a relatively extensive handbook on pre-sentence investigations and reports.

In spite of these changes, both the investigation and the subsequent report follow a general design that dates back to 1918. The investigation revolves around the collection of background data, followed by an interview with the accused and references from people close to the accused. This will lead to a suggested sentence. Today, the background data is compiled from official sources, typically various branches of the social services, along with information from the Swedish Criminal Record. The interview with the accused is paramount to the investigation; various areas of his or her life must be covered, such as family, housing, occupation/economy, health issues and substance use/abuse. This is in itself of course is nothing new, but there is now a greater emphasis on the risk of reoffending. Neither the previous instructions nor the forthcoming handbook provide any explicit methodological requirements when it comes to ensuring quality and reliability in the interview with the accused. There is however a strong recommendation to use standardized risk assessment tools, although it is not compulsory.

As regarding the organizational logic, the What Works, the RNR-principle and managerial ideas of evidence-based practice dominate in contemporary practice. The Prison and Probation Service is very anxious to base their actions on scientific knowledge, to administer interventions in forms that enable evaluations and to educate staff in the specific programmes. Social work in Sweden has generally seen a shift towards evidence-based practice, and the Prison and Probation Service is at the forefront of these developments. As an organisation of national government, the provision of practice guidelines is less complicated than for other

social work agencies in Sweden. The latter operates under a legal framework with room for local adjustment. Some national guidelines are prescribed, but in the end, it is the local government that manages the practice. Since the social services are under local government in almost 300 municipalities in Sweden there is considerable variation in practice. The Prison and Probation Service on the other hand is a national authority and guidelines given are supposed to be adhered to in all parts of the organisation.

Probation officers in the Swedish context

In Sweden, probation is fully integrated into the Prison and Probation Service. This national organization is in charge of both remand and sentenced prisons, as well as of probation. It is tasked with implementing probation sentences and supervising conditionally released offenders. Preparing pre-sentence reports is another central task for probation officers and some 30.000 reports are written every year.

The Prison and Probation Service employs some 9000 people, of which about a thousand are probation officers. Employment as a probation officer requires a university degree, preferably a generic Bachelor in social work, which in Swedish has a specific title “socionom”, which is obtained after a 3.5 year university based education. This does not mean that only those trained in social work can become probation officers. It is always possible to employ someone with “other education based on behavioral or legal alignment”, in probation. Since the requirements regarding educational background have changed over time, the current workforce does not entirely match today’s requirements. Drawing on data obtained from the Prison and Probation Service’s human resource administrative system in April 2011, the educational background of 902 out of 999 probation officers were studied. The results showed that some 72 % holds a university degree; and out of this group 61 % are defined as social workers, “socionom”; making social work education the predominant form of university education among the probation officers.

As employment requirements change, so do the organization’s own post-employment education and training. The current system of education is compulsory and does not discriminate between probation officers and prison officers. 28 weeks of organization-specific theoretical education is mixed with practical training. For those without a relevant university degree, an introduction to behavioral science and criminology, equivalent to 15 ECTS or two months full-time studies, is given at universities. No specific “probation education” exists and due to the employment requirements, probation officers are by default excluded from attending the university courses. Upon completing the 28 weeks probation officers have access to various forms of specific courses and training qualifying them to deliver programs or to use assessment-tools. However, there is no specific education or training aimed at pre-sentence investigations and report writing.

Probation professionalism

There is little literature on professionalism within Swedish probation. Svensson (2001) found that probation officers claims of professionalism, were based on the fact that they were employed, not volunteers, and that they had a university degree, that made them different from the prison officers. They didn’t however claim any specific expertise or jurisdiction, but they held the values of social work in esteem. This picture of a vague and non-specific social work professionalism seems to be equally relevant for probation in many European

jurisdictions, and in at least from an historic perspective, also for the US. van Kalmthout and Durnescu (2008) have shown that as modernity changed criminal law and penal systems across Europe in the 20th century, most countries saw probation being brought under state control. The field of activity grew as the legal foundation widened, and often religious based charity was replaced with social casework and volunteers were replaced with professionals educated in social work. When the Probation Service in Sweden went from a non-governmental organization to be a governmental authority in the early 1940's, it was already agreed that an education in social work was the most suitable type of education. Over the years social work education has continued to be the main focus, and in the early 1980's there was even a serious discussion about letting the local social services manage the probation service. The late 1980's were marked by a major change in criminal policy, the focus became more on criminality than the offender. Instead, questions were raised about the sufficiency of a social work education as the basis for employment in the probation service. During this shift of perspective about 25 per cent of the probation officers left their employment and were replaced by new employees who were more amenable to working within these new ideas and guidelines (Svensson 2001).

Developments in Europe have a parallel in the United States. Jonathan Simon (1993) has described the history of parole in California through four phases. The first three aimed at normalization of the offender: "surety of good behaviour", disciplinary and clinical parole and then the contemporary managerial model of management where there is more emphasis on governing offenders as oppose to normalizing them. While volunteers carried out the work it was a question of assuring good behaviour; governmental organizations with employed social workers came in to the picture when normalization was to be implemented through discipline. The clinical period was mainly built on social work values and although practice has become more managerial, social workers continue to be employed.

Today, a generic social education is a common educational requirement for probation in Europe. In fact it is a requirement for employment in one third of the jurisdictions, although other jurisdictions accept qualifications in related fields (behavioural science, law etc.) However, there is currently a change taking place. Many probation services follow the Anglo-Saxon model, where supervision and control have replaced "advice, assist and befriend" and the previous welfare approach is now being replaced by one of risk assessment. Still, providing guidance, care and assistance can still be seen as the central value for probation officers throughout Europe (van Kalmthout and Durnescu 2008).

Most research on probation professionalism emanates from the Anglophone world. In the US, Gross (1966) found that probation officers in the state of Minnesota identified themselves more as probation officers than social workers, although their education generally was oriented towards social casework. The exception was those with a higher level degree (i.e Masters), who tended to identify more with the broader field of social work. This indicates that working as a probation officer is something different, although not entirely separate, from generic social work. Paparozzi and DeMichele (2008:279f) describe probation officers as "neither exclusively cops nor social workers – they are a blend of both." Drawing on Paparozzi and Gendreaus (2005) study of intensive supervision parolees, the authors argue that it is this unique blend of law enforcement and social casework that not only defines the probation officers, but it also makes for the best results in terms of reducing recidivism. Matthews and Hubbard (2008) offer another description, focusing probation work with juvenile offenders. In contrasting probation officers with counseling professions, the authors address the lack of interest being paid to "the specific knowledge, attitudes and skill sets that probation officers should possess to be effective change agents"; a knowledge they define as

the missing link in What Works (Matthews and Hubbard 2008: 105). This 'helping alliance' goes deeper than basic social casework; it suggests a third component in the definition of probation officers professional identity.

On the explicit topic of the probation officers own sense of professionalism, very little can be found in the international body of research on probation. However, one study (Farrow 2004) addresses probation officers in England and Wales, where the 'old' workforce (those with ten or more years of experience) describes themselves demoralized and alienated. This is seen as related to rapid changes in their organizational setting, an 'ideological' shift represented by the What Works agenda as well as a general shift in focus towards managerial accountability of performance.

Notwithstanding the differences between the US (and, various states within the US) and the disparate jurisdictions in Europe, there seems to be some support for the concept of a prevailing social and welfare oriented practice, in spite of actuarial influences. It stands to reason therefore that educational background and the juridical and organizational context contribute to the formation of professional identities as probation officers, although there seems to be some ambiguities between how the work is organized and how it is performed.

Probation officers have a professional role where control is manifest; aspects of control are not questioned when it concerns offenders. This separates probation from social work where the question of control tends to be more controversial. However, it has been shown that probation officers rewrite control as a part of the support given, while other social workers tend to either ignore control or separate their actions so that control is ascribed the organization whereas the work done by the professional practitioner is understood as support (Svensson 2009). This implies that a probation officer could be described as a social worker who takes control into consideration

Risk-assessments in a European perspective

The impact of risk assessment and managerial techniques varies between different European jurisdictions. England and Wales has seen a shift not only in practice, but also a distinctive change in the education of probation officers, where the previous connections with generic social work have been replaced with a managerial approach. However, drawing on three different studies, Annison et.al (2008) found that probation officers educated in this new regime still hold on to people-centered views on their work, akin to those of traditional social work. When summarizing their views on "the 'art' of probation work" the authors also point to a re-emerging interest in the probation officers ability to form 'therapeutic alliances' (see also Matthews and Hubbard 2008), at the same time noting the irony in that such skills are related to the now abandoned realm of social work education. In a study examining pre-sentence reports in Ireland, where a social work education still is the basis for probation practice, Fitzgibbon et.al (2010) found that the Irish probation officers retain a fair degree of discretion when it comes to applying assessment tools; and in using their discretion they "demonstrate a healthy skepticism of standardized assessment(s)" (p. 171).

On the other hand there are jurisdictions where risk assessments have not had much impact on the practice of probation and pre-sentence reports. In Denmark, where social work education is mandatory for probation officers (van Kalmthout and Durnescu 2008), a traditional welfare outlook still dominates. Wandall's (2010) study on pre-sentence reports demonstrates this by considering the instructions provided by the employing organisation (the Department of Corrections). These are devoid of any reference to the risk-concept and thus pre-sentence reports remain 'traditional' social inquiries - although Wandall notes that the subsequent use

of the reports in court may well draw on the concept of risk. In a study of Belgian pre-sentence reports, Beyens and Scheirs (2010) found that the justice assistants (i.e. the equivalent of probation officers) usually have a social work education, and that the pre-sentence reports they produce also have a social emphasis. This is seen in contrast to the courts neo-classical approach to sentencing, and the impact of the reports is shown to be marginal. However, in this study changes are noted in the justice assistant's post-employment education. Since this has become oriented towards managerial skills, the authors see signs of an emergence of a new generation that is less concerned with the welfare agenda.

A study of practice

With the aim to understand assessments and how the concept of risk is used in pre-sentence reports a study was conducted in 2009-10 (Svensson and Persson 2011). Striving to grasp both the actual work done and the discourse about the work a total of 1320 pre-sentence reports were studied, prior to and after the revision in 2009, alongside six focus groups and 18 individual interviews with probation officers. By comparing the reports of previous design with the new form, we found some differences, but generally pre-sentence reports, even after the revised guidelines, tended to be social inquiries based on short personal interviews, where information seldom is controlled or compared. The risk of reoffending should, as highlighted in the guidelines, be a central feature in the assessments made, but most reports lacked explicit considerations of this risk. The use of a standardized assessment tool is also strongly recommended, but we found that they are rarely used. Only in 3-4 per cent of the reports were such tools used. However, it should be noted that the later reports were slightly more explicit in identifying various risk factors. Still, the overall impression was that pre-sentence reports had been, and in most respects remained, relatively neutral social inquiries. In terms of professionalism we found signs that the probation officers were generally more oriented towards a social, welfare-based outlook on crime than towards a risk-based actuarial methodology. Many probation officers are of course trained as generic social workers; we believe that this educational influence reflects on their work and on their use of professional discretion. In conclusion, one key finding in our study is that the probation officers' professional rationale, or logic, is not synonymous with the organization's logic. However, their professional logic does not entirely match the logic of 'traditional' social work either, since the probation officers rely on knowledge and competence specific to the organization when describing their work with pre-sentence reports.

When viewing the adaptation of managerial techniques within correctional settings, the distance between organizational intentions and the observed outcome is sometimes understood as resistance by practitioners (Lynch 1998, Fitzgibbon, Hamilton and Richardson 2010). Resistance is commonly seen as active and informed decisions to act against the organizations ambitions. The reasons for resistance may vary; it could be for ideological purposes or in self-interest (Cheliotis 2006). In our analysis of Swedish probation officers, we regard a lacking compliance with instructions as a sign of resistance. However, at this point we would like to raise a methodological word of caution. Our material shows that resistance may not always be the result of an 'informed choice'. While gathering data for our study we encountered discussions among some of the probation officers where the changes and new instructions were solely seen as the return to a standardized form on which to write the reports. They were strongly opposed and their concerns were aimed at a perceived loss of discretion in the writing process, but they were apparently either oblivious of, or at least not concerned with, the underlying shift towards risk assessments. If these attitudes towards the new instructions were to be interpreted as a resistance against risk assessments one would miss the point – their attitude towards risk assessments is not clear, since they did not see past

the change of format. In this case 'resistance' seems to be more a case of misconceptions than an informed choice.

Experience and expertise

When examining statements and discussions from interviews and focus groups a relatively homogenous professional self-image emerges, comprised of expertise and experience. The two are intertwined, but separable entities. 'Experience' almost exclusively means experiences made while undertaking tasks within the organization, for example conducting pre-sentence reports and supervising parolees and probationers. This type of experiences often relates to balancing the integral aspects of control and support. However, we also found occasional references to a more general type of experience related to the psychology of working with humans; the ability to form (professional) relations and alliances with clients and a (perceived) ability to 'read between the lines'.

Probation officers with more employment experience tend to rely more on their own experience than the ones with shorter employment, who more often seek the guidance of their peers. Although they know that it is hard to argue about the superiority of a statement based on experience, they try to use it. In one focus group it was said that: "We have to base our statements on facts. Experience is a fragile knowledge. But we do have it." Since experience is hard to express, it is described in vague terms, and sometimes almost apologetic: "Maybe you shouldn't say so in this context, but sometimes you actually have to rely a little on gut feeling".

The probation officers claim at expertise is not only related to their experiences, it is also based on knowledge. This can be divided into two categories, one that is based on education and one that is specific to the organization. When examining the education-based knowledge we found it to be of a type generally associated with social work, i.e. knowledge related to a framework of social and psychosocial theories. The probation officers refer to social conditions and to social psychology. A critical view stems from the sociological labeling theory (see, for instance, Goffman, 1963) on deviant behavior and identity, where the probation officers argue that risk-assessments might label the accused as criminals; or reinforce an already existing criminal identity. A reoccurring statement in the interviews was that it is important not to violate the accused. One of the interviewees said "I think the Prison and Probation Service often violate their clients. I place a high value in not doing it".

Here we also found frequent references to ethical considerations. From a professional perspective ethics and knowledge are both essential parts of professional expertise. Even the theoretically grounded argument on labeling contains a strong ethical component. Social workers adhere to an ethical code of conduct, akin to the physicians 'Hippocratic Oath', where a central feature is to cause no harm. Identifying problems without helping to solve them is in conflict with this code of ethics and subsequently some probation officers consider explicit assessments of an offender's risk of reoffending as being potentially harmful. Since the investigation is conducted 'pre-sentence', the outcome of the legal process is yet to be decided by the court. It is neither certain that the accused will be found guilty, nor that a sentence will fall under the jurisdiction of the Probation Service.

The organizational-specific knowledge on the other hand is different in nature. It is usually acquired 'on the job' sometimes under supervision and sometimes simply 'learning by doing'. It is comprised of the legislative framework relevant to their work, as well as the practical

‘know-how’. Experience and expertise are the building blocks of the probation officer’s professional culture, but at the same time the culture reinforces their expertise. To seek the advice and confirmation of peers is commonplace when the probation officers describe their work with pre-sentence reports. This informal ‘peer-review’ process does not only provide a direct feedback; over time the shared experiences becomes collective points of reference in the assessment-process.

Resistance?

Pre-sentence reports are written within the Probation Service and they serve two purposes, to give information to the court and to be the initial source of information for the Prison and Probation Service, if a sentence is to be served. When talking about resistance, we have to define what the resistance is related to. In our study we found few signs of resistance aimed towards the courts. The legal professions and the court as decision maker were seldom questioned. There may be some cases when probation officers disagreed with a given sentence, but the legitimacy of the court was not questioned. Resistance should thereby be understood as related to The Prison and Probation Service, as a way of claiming professional discretion within the organization. It is not the courts who demand risk-assessments; these requirements stem from within the Prison and Probation Service organization.

Turning to the question of resistance in our study, one should first and foremost acknowledge the fact that not all the probation officers were skeptical to the concept of risk. Approximately two thirds held neutral or positive views on the subject. However, here we focus the remaining third of the interviewed and the doubts and concerns they expressed, since we are interested in *how* resistance is constructed. Some of those who expressed skepticism questioned the very idea of making predictable assessments about the future behavior of human beings. Others held a more specific critical view and questioned the actuarial emphasis on previous behavior. Instead they tended to focus upon social circumstances and internal motivation, at the same time arguing that these aspects are hard to assess. Others claim that a focus on the accused person’s history is in direct conflict with an outlook on humans as being able to change.

Other probation officers provide a supplementary type of reasons for their skepticism. This is of a more practical nature and it is related to their experiences, reflecting views of themselves and their organization. Some question their own competence to assess the risk of reoffending and relate this to insufficient support and training. The allotted timeframe for a pre-sentence report is also seen as problematic, especially when combined with an increased caseload. In some probation officer’s experience, the interaction and relationship between various aspects of an accused person’s life is notoriously hard to assess, turning the assessment of risk into guesswork, at best. Some of the more experienced probation officers also find it hard to handle suspicions about an accused person’s lifestyle, habits or attitudes, when the suspicion emanates from experience and ‘gut feeling’ - but cannot otherwise be substantiated. Such experience is of little use when filling in the pre-sentence report form.

In our interviews we often found a distance between the probation officers and their organization. It could be that they mention it in ironic words, as for example when saying “this is what the firm wants” or describing the rules and guidelines and then argue “I do not find this suitable for a welfare state”. More often there is no explicit criticism, but an action in practice where the concept of risk, more or less consciously, is turned into the concept of need. The reasons given are that the two concepts are so closely tied to each other that they

become interchangeable. These probation officers are not actively opposing the use of 'risk', but they are exchanging risk for needs in such a way that needs equals various social needs more than specific criminogenic needs. When reading the pre-sentence reports we found there to be more emphasis on social aspects, on the individual in his or her context, than on specific individual criminogenic factors. We argue that turning the demanded individual risk-assessment into a general social psychological understanding of humans in their context must be regarded as resistance, conscious or not.

The majority of the probation officers interviewed in our study were, by their own accord, trained social workers. The reasons given for not complying, or at least for expressing doubts and concerns, are derived from theoretical standpoints or ethical considerations related to traditional social work education. The pre-sentence reports investigated in our study also bear a closer resemblance to traditional social inquiries than to explicit risk assessments. Combined this strongly suggests a connection between the logic of social work, or at least social work education, and the overall performance of the probation officers when preparing pre-sentence reports. This connection is visible in spite of the fact that not all probation officers are trained social workers.

The boundaries of professional discretion

To be a probation officer in Sweden is of course a question of performing a professional practice in that specific context. Nevertheless, there are parallels with probation officers in other countries. As described, probation officers in many contexts regard themselves specifically as probation officers and not as general social workers, in spite of similar educations and a shared base of knowledge. However, probation officers tend to have a more clear perception of the aspect of control in their performance, than social workers in other types of organizations do. One general expression of their professionalism is the caution by which they handle control; a task that is performed with ethical considerations and on a base of social psychological understanding. The organizational demand builds on other considerations and other theoretical standpoints. Basically, the difference is that the influence from the What Works agenda focuses specific factors, while the probation officers focus contexts and systems. In performance this translates into a question of focussing risk or need. Ethically, both perspectives highlight the importance of not harming. But while the organizational guidelines are built on the idea that it would harm both society and the offender if criminal justice did not find and fix the individual causes of crime, the probation officer's practice is built on the idea that societal reaction could be labelling and strengthen a criminal identity. We can clearly see that ethics and scientific knowledge are important in both logics, but they differ in a way that makes the two logics separate.

In our interviews, professionalism is mainly described as behaving differently on the job, compared to the private life. To be professional is to be on duty and to handle the negotiation between the demand from the Prison and Probation Service and the needs and situation of the client. This is the classical position of a street level bureaucrat, that Michel Lipsky (2010) described where the state employees are to translate policies and state power into actions. They are the ones who are supposed to exercise the policy in practice.

There are some probation officers who find satisfaction in getting new tools and instruments for their work; they find satisfaction in doing risk-assessments based on given manuals. But here we have focussed how probation officers argue when they do not comply. We have found that the social work ideal and theories dominates their understanding. In terms of resistance we found various divergent opinions on the risk focus; but the bulk of resistance in

terms of renegotiating risk into needs, is seldom discussed openly. In spite of a relatively strong occupational identity, where peer support is a central feature, there are no signs of any explicit debate on their collective professional identity. This tends to turn professionalism into a personal issue and resistance becomes a personal option.

As Julia Evetts (2010) has said, it is not possible to make clear distinctions between organization and profession today since there is an influence from the market and from managerialism over them both. Anyhow, we can see that there are differences between guidelines and performance and that these differences can be connected to different ideas. When this has been shown, we have to reflect over the implications. We see that probation is turning towards managerial ideas, but what does that mean for the professional identity?

In Sweden there is an ongoing investigation that in 2012 will present suggestions for a new penal law. Many of the assessments made today could be superfluous in a system that may result. Separate, individual (risk) factors may come to influence the decision-making much more than social contexts. However, these changes could also lead to a fundamentally different scenario - the offenders' personal and social aspects will become completely subordinated to the crime committed. In these cases there will be many reasons to question why probation officers should have a social work education, or "similar". But if there still will be room to develop professionalism in probation, probation officers have to join together in professional organizations claiming their specific knowledge and ethics as well as further education; education that builds on their university degree and that highlight the specific role of a probation officer.

References

- Andrews, DA and Bonta, J (2007) *Risk-Need-Responsivity Model for Offender Assessment and Rehabilitation*, Public Safety Canada.
- Annison, J., Eadie, T. and Knight, C. (2008) 'People First: Probation officer perspectives on probation work', *Probation Journal* 55(3): 259–72.
- Beyens, K. and Scheirs, V. (2010). 'Encounters of a different kind: Social enquiry and sentencing in Belgium'. *Punishment & Society* 12(3): 309–328.
- Cheliotis L. K. (2006) 'How iron is the iron cage of new penology? The role of human agency in the implementation of criminal justice policy'. *Punishment & Society*. 8 (3):313-340.
- Evetts, J. (2010). 'Reconnecting professional occupations with professional organizations: risks and opportunities'. In Svensson, Lennart G. & Evetts, Julia (eds.) *Sociology of professions: Continental and Anglo-Saxon traditions*. Göteborg: Daidalos.
- Farrow, K. (2004). 'Still committed after all these years? Morale in the modern-day probation service'. *Probation Journal*. 51(3): 206–220.
- Fitzgibbon, W; Hamilton, C and Richardson, M (2010) 'A risky business: An examination of Irish probation officers' attitudes towards risk assessment', *Probation Journal*, 57(2): 163-174
- Freidson, E. (2001). *Professionalism: the third logic*. Chicago: University of Chicago Press.
- Goffman, E (1963) *Stigma: Notes on the Management of Spoiled Identity*. Englewood Cliffs, New York: Prentice-Hall.
- Gross, S. (1966). 'Biographical Characteristics of Juvenile Probation Officers,. *Crime & Delinquency*. (12): 109-116.
- van Kalmthout, A. M. and Durnescu, I. (eds) (2008) *Probation in Europe*. Nijmegen: Wolf Legal Publishers.
- Lipsky, M. (2010). *Street-level bureaucracy: Dilemmas of the individual in public services*. 30th anniversary expanded ed. New York: Russell Sage Foundation.
- Lynch, M (1998) 'Waste Managers? The New Penology, Crime Fighting, and Parole Agent Identity.' *Law & Society Review*. 32(4): 839–870.
- Matthews, B and Hubbard, D (2008) 'The Helping Alliance in Juvenile Probation', *Journal of Offender Rehabilitation*. 45(1): 105-122.
- Paparozzi, M. and DeMichele, M. (2008). Probation and Parole: Overworked, Misunderstood, and Under-Appreciated: But Why? *The Howard Journal*, 47(3): 275–296.
- Paparozzi, M. and Gendreau, P. (2005) 'An intensive supervision program that worked: service delivery, professional orientation, and organizational supportiveness', *Prison Journal*, (85): 445–66.

- Simon, J. (1993). *Poor discipline: parole and the social control of the underclass, 1890-1990*. Chicago: University of Chicago.
- Svensson, K. (2001). *I stället för fängelse?: en studie av vårdande makt, straff och socialt arbete i frivård*. Lund: Lund University.
- Svensson, K. (2009) Identity Work Through Support and Control. *Ethics & Social Welfare*. 3(3):234-248.
- Svensson, K and Persson, A (2011) *Personutredningar: Organisation, profession och (risk)bedömning*. Norrköping: Utvecklingsenheten, Kriminalvården
- Wandall, R. H. (2010) Resisting risk assessment? Pre-sentence reports and individualized sentencing in Denmark. *Punishment & Society*. 12(3): 329–347.

ⁱ "Act on pre-sentence investigation in criminal cases" (1991:2041)
(*Lagen (1991:2041) om särskild personutredning i brottmål m.m.*)