

**Jeudi dec 17<sup>th</sup>, 2009**

**Patrick MADIGOU, directeur du SPIP Paris président de CEP**

Sentiment d'insécurité - besoin de sécurité. Opinion publique qui ne connait que la prison comme sanction. Politicians who aren't interested in anything but. Prison may be useful to neutralize, but it can be counterproductive pour prévenir la récidive à a des effets désocialisants et criminogènes. Pour la probation c'est plus complexe vis-à-vis de l'opinion de faire comprendre ce que c'est. Or c'est efficace et comme réponse à la délinquance et comme retour à la société. Meilleure prise en compte des victimes. Retour plus digne du probationnaire. C'est comme cela que la société sera plus sûre : punir sans rompre le lien social.

Donc il faut crédibiliser probation officers  
Pertinence du contrôle; Efficience. Qualité du suivi. Pour que l'opinion ait confiance

Pays de l'Europe de l'Ouest ont professionnalisé leurs personnels et services  
Pays de centre et de l'Est as well.

CEP va participer à ce mouvement. Renforcer le profil et la visibilité de la probation.  
42 members in 29 countries  
Accompagner le travail dans les institutions européennes  
Mise en oeuvre de la décision cadre JAI909 dans le cadre de l'UE - CEP y participe  
Plus établissement d'un projet de recommandation pour Conseil de l'Europe qui sera paraphé en début d'année par le Conseil des Ministres (équivalent des RPE pour la probation)  
Participation à des stats en Europe  
Nous voulons aussi favoriser la communication en Europe  
Favoriser les bonnes pratiques par l'organisation de colloques et autres workshops

**Leo TIGGES**

Secrétaire général de CEP

*What Europe means for Training and Education in Probation: consequences on recruitment and training*

Is going to focus on four things

First developments in Europe

Probation in Europe clearly shows that nearly every country in Europe is trying to improve its probation services.  
Despite the growing similarities there are still big differences.  
In every country there are differences based on the law, culture, history  
There also is a variety of maturity  
In the Netherlands it started in the middle of the 18<sup>th</sup> century thanks to J. Howard  
Surprisingly new countries are sometimes more advanced because they aren't slowed down by history

The ECHR is a very powerful system which enables cooperation and development  
The EPR have a very big impact on the European prisons. At first it was criticised for being too idealistic.  
But it did work.  
There is now an interest in the UE for these issues too.  
Also it's based on experts' advice and experience from different countries.  
There also are Probation Rules. More than 100 rules.

The essence of probation according to these rules is to :

- reduce the prison population
- Protect the public
- Rehabilitate offenders

The basis is the assumption that people can change

However there are many challenges. You need to gain the confidence of the public and also to convince politicians

We'll hold a conference in May with the core question : how to convince them ?

Another issue is how to meet the needs of non nationals

With the growing cross border criminality you have to pay more attention to this

Also you need to pay more attention to the victims

We also need to ensure offenders have genuine access to the services available to the rest of the community.

We also need to make sure that tougher community sanctions and enforcement do not lead to more imprisonment. Breach procedures are often too strict and you get more imprisonment. You need to understand that desistance is a process and that not sticking to an appointment does not mean that this path is stopped and to respond in a harsh and drastic way. That's got to be explained : tough punishment means more criminality in the end

Every country has to recognize each other's decision; See 947/JAI/2008

It should be implemented by the end of 2011

There has to be a domestic law in each country

And before you do that you must make decision on the chain of command : who's going to do what ?

Three different possibilities

- 1) the easiest part is to start on transferring the alternative sanctions
- 2) a probation as condition as a non custodial sentence
- 3) conditional release at the end of the sentence

Conditions to be transferred

Martine's note : equivalent of our French articles 132-44 and 132-45 Penal Code.

We need to work on the similar conditions and framework and to better working together

We need information on what's going on in the other countries

Judges especially need guarantees before they make a decision

### Stockholm programme

Agreed on by

EU member states

In the last version it's not as disappointing as it was at first

It's the first time that there is an assent of EU states that :

- alternatives sanctions should be developed ;
- also with finance pilot schemes

...

- also that establishing training exchange programmes and involve a substantial number of professionals by 2015

Leo TIGGES' prediction is that criminality will rise and thus also the demand for tougher punishment

But politicians will struggle even more to finance that

The consequence is that there is a probability that the demand for non custodial sentences and probation measures will grow

We have to seize the opportunity for the probation sector.

What kind of opportunity and consequences for training and education ?

One thing is sure : we'll be more visible and credible around Europe

And there'll be more financial opportunities...

He's thus calling for more involvement in CEP for academics, universities and States  
We have a good profile with the Council of Europe and the UE  
There will be a building up a section of Website on Effectiveness of Probation

#### Views of the training and education sector

What does CEP need from that sector ? And vice versa  
Today we're focusing on, what exists in Europe  
Tomorrow : should we and can we develop a common curriculum and what would the CEP role be in that respect ?

#### François Courtine

Directeur recherche et développement à l'ENAP  
*Approche d'une typologie des modèles de formation*

Réflexion macro socio pour le recrutement et la formation  
Il est aisé de considérer que ces deux mots sont des points de départ d'une carrière, d'un service, d'une professionnalisation  
Mais ces mots sont aussi d'excellents indicateurs sur des choses plus conséquentes, ie, les propitious publiques et les équilibres en place dans nos societies.

Généralement on trouve formation, recrutement au Carrefour de quatre composantes de nos societies.  
Mais ces données sont souvent contradictoires, en conflit  
Exemple *l'Etat* structure, édicte les normes. Il est da,s une logique d'organisation et d'administration  
A l'opposé, les *pratiques* mettent en oeuvre des expertises  
Les *savoirs*, regroupent des disciplines, sciences, porteuses d'incertitudes ou incertitudes.  
La *communauté*, l'opinion publique, le sentiment de crise, le rôle des media, les tentatives de privatisation, etc.  
Il y a entre tous ces éléments des influences réciproques permanentes  
Il y a des accords bilatéraux entre tel ou tel élément.  
Ex sous-traitance entre collectivité territoriales et Etat, entre Etat et détenteurs des savoirs  
La communauté peut aussi sous traiter à la communauté et les praticiens valider leurs acquis et expériences avec les savoirs  
Une bonne formation doit tout reprendre de cela

Effet centrifuge, ie tendance qu'ont les pays de tirer la formation et le recrutement vers l'un des quatre pôle  
La probation peut être tirée de l'Etat vers l'Etat : il donne le contenu, done les outils, qualifie, recrute évalue lui-même. Communauté et savoirs, pratique en sont alors éloignés.  
Dans d'autres pays au contraire on tire vers la communauté. Avec l'idée que c'est l'affaire de tous.  
On peut aussi être tenté de tire r la probation vers les savoirs, et de faire des agents de probation des criminologues, des évaluateurs, des experts, ce construit sur des champs disciplinaires bien connus  
De manière plus pragmatique, on peut enfin tirer vers le terrain, faire du transfert d'expérience, du companionage.  
Cette tendance consiste à faire le pari qu'il est possible de ce priver de certaines des composantes qui la font vivre.  
Les formations peuvent en privilégier tel ou tel pôle risquent de se construire contre les autres.

Idéalement le schema est centripète  
Il consiste à associer tous les pôles et pour le recrutement et la formation à les équilibrer de manière permanente  
C'est en reconciliant l'ensemble qu'on comprend mieux la richesse culturelle en Europe des modèles de recrutement et de formation.  
Il faut en tout état de cause faire très attention à ces équilibres à ne pas perdre de vue cette nécessité, qui n'est pas acquise une fois pour toute.  
La position de chaucun nous amène souvent à délaisser les autres pôles.

## Recruitment and training in FINLAND, the UK, FRANCE and LATVIA

### **Geneviève DANTRAS (France)**

Rappelé que sa présentation est à destination des autres pays d'Europe

Donc elle rappelle des choses basiques

Comme la date de création des SPIP : 1999

Recrutement : on recrute aisément - pas comme pour les surveillants où on est obligé de faire des campagnes de pubs

Mais le recrute de manière peu diversifiée

2545 TS

386 personnels d'encadrement

On a encore du recrutement malgré un contexte déprimé au niveau de recrutements publics avec l'idée un fonctionnaire sur deux partant à la retraite

Notre recrutement type est une jeune femme de moins de 30 ans et qui a au moins BAc4 BAc5 et qui est juriste

Les épreuves du concours sont avant tout des écrits suivis d'un oral

On a essayé de mettre moins d'épreuves juridiques dans la note de synthèse et une épreuve de validation des acquis, pour essayer de recruter ailleurs que dans les facs de droit

Mais cela ne suffit pas à diversifier les publics

On a une forte pression de réduction des coûts. Or il n'y a plus beaucoup de formations de deux ans dans la fonction publique. On a supprimé les IUEFM pour les instit... pour nous cela pourrait aussi être un jour remis en cause.

On a aussi des unités régionales formation et recrutement et qualification et accompagnement professionnel qui viennent en appui de l'ENAP

Elle décrit ensuite la formation à l'ENAP - que vous trouverez sur le site de l'ENAP

Originalité : les CIP doivent faire un stage en uniforme de surveillant

Les élèves se souviennent en général de leur tuteur de stage

Nous avons élaboré une charte élaborant les conditions minimales d'accueil dans les SPIP des stagiaires.

Au départ j'avais constaté avec étonnement que le recrutement et la formation étaient séparés. Je plaide pour qu'on rapproche les deux.

On devrait travailler ensemble et on ne le fait pas.

Par contre en positif, la reconnaissance des acquis professionnels est mieux réalisée à l'ENAP que dans les autres adm françaises

Nos jeunes juristes de moins de 30 ans ont quand même déjà un bagage et l'école fait souvent des redites par rapport à ce qu'ils ont déjà comme formation. Par exemple est-il nécessaire de refaire du droit pénal quand on est juriste ?

Pour les PPR et les groupes de parole l'ENAP a su intégrer très rapidement ces nouvelles exigences.

## **Finland**

**Mme Helie NISKANEN**

### ***The organisation of probation in Finland***

We underwent lots of changes

We have 15 districts offices

It employs 265 persons

The changes are going to be such in 2010 that she cannot describe into too many details what the system will be like in the end

There is no specific education for probation officers except for a bachelor level degree program at the University of applied sciences but only a few graduates have their placement in probation services  
It will however next year be required to have such a degree

The univ of applied sciences do what ?

They are authorised by the government

In internal affairs they have autonomy though

The degree involves 210 credits and lasts for 3 and a half years

There are on site work placements during these studies

Univ have three tasks set by law : Research and development, regional development and pedagogy

There is cooperation between these univ and probation services

Recruitment

There usually are thousands of applicants

A person usually has graduated in the field of social services

Usually they have their first placement in municipalities

There again it's mainly young women who apply and they are of Finnish origin only.

## **England and Wales**

**Martin SMITHS**

Assistant chief officer; South West region, National Probation Service

### ***Theory and practice; the ideal mix***

We too are about to embark in a major change like in Finland

### **Brief overview of the NPS as it is now**

Ministry of Justice is at the head of all this

Underneath NOMS

Under NOMS, Her Majesty's Prison Service and NPS

139 prison establishments and 42 probation services

Each intervention builds on the one before. Continuity of service and intervention from prison to release

Aims of the NOMS :

Protect the public

Reducing re-offending

Punish offenders

Rehabilitate offenders

Ensure victims feel justice has been done

The standards for the way the services are provided, the speed... even how much time they are allowed for a lunch break !

Contracts with outside providers

21?000 total staff :

7000 probation officers

6,100 probation service officers

7900 are managers, specialists, administrators and trainees

244,000 caseload

Write 140,000 reports per annum

Supervise 8,4 million hours of unpaid work

Based on the evidence of What Works

Respect the individual but expect offenders to account for their behaviour

Understand diversity (*Martine's note : non-existent in France*)

At one point the government wanted to dissociate probation service from social services

We only have two grades

Probation officers

Probation service officers;

The current grade only apply for the first

They are asked to comply to a two year program and achieve a vocational qualification

Ideal : link practice and theory

And they are tested on their competence in both areas

This is like a model. In fact nurses are supposed now to follow through

All this is monitored by a national panel

Our diploma has its flaws

It's very expensive because of the length of the program

And because the trainees are numerous and lots are dropping out

It only works for half the operation : PO and not PSO

And then the public says offenders aren't supervised by someone properly trained

The New Professional Qualifications

The difference

- it's a framework not an award

- it's open to all practitioners

- learners can join in at any time

Elements of the new formation

- stage 1 vocational qualification

- stage 2 Foundation degree

-stage 3 Vocational qualification

- stage four : ?

But there are also consistent elements to what existed before, notably the curriculum is the same, univ still play the same part

Recruitment criteria:

Evidence of understanding and interest in working with offenders and other vulnerable groups

Ability to handle difficult situations and manage under pressurised circumstances

Ability to work flexibly and cooperatively

Commitment to equality and diversity

Effective oral and written abilities

Analytical reasoning skills

Effective administrative, organisation and time management skills

**Latvia**  
**Imants JUREVICIUS**

*Training of probation officers in Latvia*

551 staff 2008

Today 370 only

Clients : 25, 921

Supervision  
Sentence reports  
Parole reports  
Mediation in criminal matters  
Community work sentence organisation  
Correction of social behaviour - programmes

We don't have probation officers  
We have « probation and penitentiary officers »  
Prison officers and probation officers' framework and training are the same - if I got it right

They will cooperate with high schools and univ by 2012- 2013  
We had some assistance from abroad, Canada, Norway...  
Our training lacks specificity, involves too much theory, is expensive  
So we made changes

We now use our internal services mainly from headquarters  
But we'll go back to the univ too

All probation officers are civil servants and have a bachelor degree  
They are lawyers, pedagogues, including social pedagogues, psychologists or social workers  
These are the ones we give preference to  
State administration school give them general training  
It's a public thing so we are dependent on state money and of course we get less and less of that  
And soon we'll get zero « which means zero in any currency » ☺

The influence of the community ? None whatsoever  
Only maybe with questions like how to deal with sexual offenders

The headquarters of the probation service decide who's going to get training  
We implemented the peer review approach from Canada  
We also are trying to get together on a regular basis to discuss amongst colleagues about different issues and difficult subjects

We still are a very new service

## Slovenia

**Slava Novak, Prison administration of the Republic of Slovenia, Head Office, Ljubljana**

We don't have one national probation service nor a unified training of probation services  
The reason is that things are organized by the two Ministers of Family affairs and Justice - *Martine's note : not sure I got the whole thing right here ?*

Some of the duties are thus carried out as well by prison officers  
But the supervision in the community is carried out by social welfare service people

Last year parliament adopted a New Penal Code

We train our PO either :  
- social chamber of Slovenia  
- the faculty for social work  
- the association of Centre for social work

They have created a model which helps assessing the PO and defining the programmes

We do seminars, workshops...  
The catalogue includes tests

Who performs alternative sanctions ?  
They complete a professional exam  
Recently we adopted regulations stating what the requirements are  
- they must be a professional from association of Centre for social work  
Or the other two  
- have 3 year experience in the field of social welfare or with offenders  
- they are appointed by judges

The social workers, what do they think ? We should not test offenders, that should be done by other professionals  
The department of Justice wants both support and supervision  
Judges would like guarantees and info about the quality and nature of the supervision

So Slovenia needs more leadership and unifying on the standards and goals

## *DEBATE*

Question to M. SMITH : What is the status of the trainers during the two years ?  
Trainees aren't responsible with their cases  
In the future they'll be accountable for some of the cases which will be their own.  
*Martine's note : translation must have been wrong because the question asked about trainers not trainees.*

Question by Ioan DURNESCU  
European framework of qualifications was adopted in the EU  
What is the implication for the training of PO ?  
In England and Wales our new programs are entirely based on the UE recommendations

Question about EM  
What do you think of that and what is the training around it?  
We are just starting with this in Poland  
Réponse pour la France : il y aura en 2010 des surveillants dans les SPIP notamment pour le suivi des PSES (by 2010 there'll be prison officers working directly inside the probation services in charge of

people under EM's supervision)

Question by Leo TIGGES

I heard 2 important things

The majority of PO are young women

Lots of trained PO leave the service after they have been trained

Is it so in other countries too ?

Finland reply that yes it's women. And she thinks they stay in the job because they're certain to keep the job (security in a time of crisis)

Same with Latvia young females too. But we are getting new types of people now

England. I'm glad that Leo picked up on that

We are all appointing young female with white background

Why is it happening ? We have looked for a reason but we don't know

*Martine's note : in France the explanation is multi-factorial but from my experience it can be attributed to several interconnected factors : 1) females are more successful in their studies and drop out less early. Given that most PO who pass the PO exam have a Master's degree and that more females go that far ; 2) we struggle to find one or two males each year in our Master's degree in criminal law specialty and even have to accept less talented men to achieve that result ; 3) the national exam for probation officers has several written tests in criminal law. Only a person who has a criminal degree and more likely Master's can succeed (90% of our trainees now are lawyers). 4) Somebody in the work shops suggested women have more interest in helping out other people professions. With the shift towards more tough on crime/control/risk blah blah paradigm, they are at high risk of being disappointed.*

Slovenia

The same. But judges are more numerous than men too

Pour la France Mme Decroix répond que le même pb se pose dans l'ensemble des personnels pénitentiaires.

Les femmes réussissent mieux les concours que les hommes

Les juristes sont mieux préparés

90% sont des juristes

Question : la formation est-elle rémunérée dans d'autres pays ? (Does one get paid as a trainee ?)

Autre : pour quoi une fuite des personnels ? (Why so many drop outs, either during training or after a few years of being a PO ?)

Autre : au Portugal on discute qui doit être civil servant. Les deux carrières de PO sont en cause actuellement si elles doivent être civil servants or not ? Il est question de privatiser ie de donner au secteur privé et l'Etat ne serait plus que régulateur. Autre question : ne faut-il pas que l'on intègre d'autres professionnels comme les militaires...

Réponse pour la France : les fuites de personnels sont relatives

Réponse de England and Wales : they are paid during their training. It's actually a way of getting more money than with a student grant. When they are fully employed they are paid by the state but aren't civil servants

In Finland they are civil servants

Latvia : civil servants too

They are paid during their training

In France they are civil servants too. We are still worried about being privatised

In Slovenia, social workers are civil servants. They are paid when they are trained



## **WORKSHOPS - Recruiting and training**

**Mira PIRKER, Austria**

See paper handout

Overall idea : they should have a good basis knowledge and then develop their other skills on site  
Average stay in the service : 15 years

Funded 100 % by the state

High education required

But there is no social sciences training by Univ so the Probation service has to teach most of what is needed for the task ahead of a SW

You import from the outside (univ etc.)

Question : vous formez par séminaires et petites périodes ( you train your PO with seminars for short periods, is that right ?)

Est-ce obligatoire pour tous ou est-ce une inscription selon les besoins ? (Is it mandatory or according to specific needs ?)

It's a Master's programme

Every manager has to make yearly an interview with his boss. To discuss tasks etc. This thus is how they are sent to further training because they can tell what they actually need

So it's not so much a compulsory but they have a say in the content of the programme

Il y a des volontaires et des PO (You said there were both volunteers and PO.. What differences in their missions ?)

Quelles sont les différences quant à leurs tâches ?

PO have a wider knowledge about the work

Volunteers only have an interest in the field so they aren't qualified

Lots of our volunteers are students

Volunteers get paid for their expenses.

Do you also refer offenders to volunteers' organizations who may specialize in a certain field or type of offenders, such, eg, as sexual offenders

Yes therapy eg for sexual offenders are handled outside the probation service.

Has there ever been a wish for probation to be taught in universities such as applied sciences

Not really because Univ already teach probation.

Debate brings the issue that we only have lawyers

In Austria there are lawyers but not too many of them

So the strong point in Austria is the adaptability of staff for a broad range of different tasks

Another question : we recruit both young people fresh out of univ and people with a previous experience

Dominated by females it was said...

In Austria there are only 50 females out of the 400 staff

33 cases per PO in Austria. Most people react by saying is total dreamland !

It is closer to what PJJ (Youth protection service) knows in France

Mrs Pirker though says that it's going to change in 2010  
They are trying to diversify their approach with offenders  
Some need stronger supervision ; others need looser supervision.  
So a full time employee will have between 45 and 55 cases in the future.

Weaker point of that system would be that in rural areas a SW typically has to deal with very different types of cases and tasks  
Still she stresses out that as far as they are concerned flexibility is the stronger point and has to be kept intact. SW need to be able to switch from one service to another and to one type of work to another.

Question : if you separate univ training in psychology, law, etc. and then you yourselves train your PO, is there a chance to develop academic research and knowledge in probation ?

In Austria you can teach at univ and be a PO any way

*Martine's note : impossible in France. For one thing, there are no such things as Applied sciences, social sciences or criminology univ. for another, where would they find the time with their monumental case-load ?*

Her wish is that cooperation with other countries develops. They are currently involved in developing cooperation with Switzerland.

She also is looking for more specialization and in order to achieve that, Austria being a small country they need cooperation with other countries

Leo TIGGESS stresses out as a conclusion that it's very positive that the education programme is revised every year following a dialogue with practitioners  
Also says the knowledge transfer is great as well since training is done via cooperation with inside and outside organizations

There alas is no possibility to have an academic position and being a PO.

## **Belgium**

### **Responsible formation partie francophone de la Belgique**

#### **Henry WATERVAL**

La formation initiale des assistants de justice

Des fondamentaux pour l'esthétique d'une intervention sociale dans un système démocratique

Il y avait un terme « agent de probation » qui a été remplacé par celui de « assistant de justice »

Nous avons trois régions et trois langues

Depuis quelques années c'est assistant de justice

On y accède par huit diplômes différents. Ce sont essentiellement des assistants sociaux, criminologues, psy et sociologues

Ily a 28 maisons de justice

Depuis 99 c'est donc dans des maisons de justice que la probation existe, parmi bien d'autres missions, comme la médiation pénale, lactéal des victimes, etc.

Pour nous PSES est avant tout un processus guignant de prise en charge of offenders

Mission : faire en sorte de vérifier que les obligations particulières sont bien respectées, mais surtout l'y aider. C'est donc plus du soutien que du contrôle

On est très clair dès le début avec un client as to who controls what, between SW and the police for instance

La formation initiale (see handout paper)

Un stage d'observation de deux mois dès le début à la fin de laquelle il rédige un rapport et selon celui-ci il est invité à suivre certains cours

Puis 8 à 10 jours de cours de base

- principes de base de méthodologie (4 jours)
  - épistémologie systémique
  - pragmatique de communication
- déontologie et secret professionnel (2 jours)
- droit pénal et procédure pénale (2 à 4 jours)

Ce sont là des cours communs à toutes les missions des maisons de justice, et donc pas seulement dans la probation

Puis 2 à 4 jours de méthodologie spécifique

Pour approfondir cette fois les connaissances cette fois selon le type de tâches qu'ils auront. Donc formation spécifique s'ils travaillent dans la probation

Puis trois ans de supervision en groupe ou individuelle

That's optional, not mandatory

They can join a supervision group during 3 years - they join groups (homogènes par mission, ex. Accueil victime, accueil pénal...ou hétérogènes) où ils viennent avec les cas difficiles qui leur posent pb et ils recherchent ensemble des solutions à leurs problèmes

Cette supervision peut se faire en interne ou en externe

Pour les extérieurs supervisors who undertake these tasks there is a cahier des charges

La supervision, toujours optionnelle, peut être individuelle

It only exists at an individual level

Formation continue

Est possible en demandant un congé, une dispense de service...

Chaque année il rédige un plan de formation spécifique qui vise à répondre à des besoins spécifiques selon les besoins

En ce moment psychopathologie for ten days which would be useful in the mandatory part of the training

Formation des fonctions dirigeantes

From his point of view the weaker points are

Manque de moyens structurels internes

Un seul formateur francophone, lui-même par exemple

Il y a en tout 1000 assistants de justice

70% pour les matières pénales

500 sont francophones

25 groupes de supervision existent

Autre pb : les enjeux propitiés des différences entre les régions francophones et non francophones se radicalisent. Il y a conséquemment une forte demande pour le séparatisme dans la probation et la supervision.

Other ob : logiques managériales - des firmes privées ont fait un travail linéaire de séquençage de toutes les activités des assistants de justice avec une charte de comment on doit intervenir dans un scandage genre chaîne de montage

Except we're dealing with human beings and our PO have little experience so they need to follow through and that's what they feel more secure (especially since they are young females dealing with male offenders) with doing. But what about the human factor and the relationship they're going to have with clients.

Autre point faible la communication avec les partenaires extérieurs et notamment les TAP

Les Tap aimeraient que l'on prenne contact avec la police pour signaler breach  
We don't want to do that. But then it means our partnership with courts are compromised  
They want more control over clients

What changes we'd like to see happen  
Un institut de formation propre aux maisons de justice would be great  
Dans la formation des juristes et des autorités mandantes nous aimerions qu'ils se forment sur l'épistémologie -  
Réflexion globale sur l'efficacité de la logique pénale comme mode de régulation des comportements

On nous demande de faire sortir des gens de prison. 10 000 détenus et 1000 PSES  
On nous demande de faire plus de PSES. Et les firmes privées attendent derrière pour prendre les marchés

### Strongers points

Adhésion importante des intervenient et des fonctions dirigeantes  
Comment amener les personnes à changer ?  
Système qui est respectueux des libertés individuelles  
Modèle d'intervention cohérent avec la vision de l'homme dans un Etat de droit

### Debate with the Belgium formateur

How many people do you have who give training  
1 in the south !

Initial training is compulsory  
How is the demand investigated ?

Il y a deux processus  
Le premier consiste à évaluer les demandes dans le cadre des formations initiales  
Puis par les groupes de supervision. On voit émerger les lacunes et donc on les intègre dans les formations  
Autre vecteur : demandes des chefs de service des maisons de justice

### Recrutement

C'est un concours  
Ils ne veulent apparemment pas de juristes  
Office de sélection pour l'administration publique organise ce concours en collaboration avec les services de formation des maisons de justice  
On se bat pour que les critères ne soient pas des critères de management mais des critères de compétence nécessaires pour la fonction  
On ne veut clairement pas de juriste. Si le travail était avant tout du contrôle OK, mais ce n'est pas ce que l'on veut  
Cependant on doit se battre de plus en plus pour maintenir l'aspect relation d'aide

### A question about assessment during the initial training

Pas d'évaluation faite par la formation  
Elles sont faites par les services sur le terrain  
Il y en a deux types.  
L'évaluation formative.  
L'évaluation de nomination.  
En clair on fait un stage d'un an et c'est sur le terrain qu'on est évalué  
Un directeur pourrait demander que l'assistant de justice suive une formation spécifique

How do PO cope when unexpected things arrive - since you're supposed to apply the linéaire cahier

des charges managerial (guidelines)

Is there a part of the training which deals with such incidents ?

Not really. We're allowed to adapt it.

The message young trainees get is to implement that managerial guidelines. But it's more often than not the surest way to ruin the whole relationship with the client. So it's part of the supervision by superiors to help them adapt the managerial parcours. So in the French part of the country we don't totally implement it otherwise they'd all be sent to court for breach and back to jail. And this is actually backed up by the French speaking administration.

So it's actually part of their training that they should actually deviate from the guidelines.

Un temps plein a environ 120 dossiers ( PO working full time have about 120 cases)

Doit rédiger environ 40 études

#### Strong points

Encourage PO to using your discretion during the process

Participation du terrain dans la formation/participation of practitioners in training

Utilisation des sciences humaines et sociales rather than droit/Use of social sciences rather than the law

Leo TIGGES asks a question ; how detailed is your methodology to work with mandated clients ?

No real answer to that one

C'est le mandat de justice qui calibre le suivi

Les justiciables se voient notifier très clairement quels sont les moyens de contrôle dont Les TS disposent.

En principe par exemple après 2 convocations sans réponse, on doit informer le Jap. Et dans le rapport on explique comment il a essayé de rentrer en contact et pour quoi cela ne s'est pas fait

#### Let's focus on the training system

We should look into recruiting./ Who do we want as PO. More diversity definitely

But skills which are needed must be defined clearly - which means you need to define clearly what is the role of the PO.

Training should follow the answers to that question

Basically what « product' do you want at the end of the process. We should thus start at the end to answer the question of the beginning

### Plenary Session

#### Anneke MENGER

##### The Netherlands

#### **Development of the professionalisation between services of probation and universities in the Netherlands**

Formation continue is needed

Especially since there are more and more scientific studies and knowledge being issued that is useful to PO

Secondary vocational education in professional colleges

Higher professional education in universities of applied sciences

This is the official level for PO

Then there is Education and research

Pos aren't academics but they are supposed to have knowledge of higher education information

Thus our POS tend to be univ graduates

10 years ago competences of social work graduates did not match properly with the requirement of probation services notably with involuntary clients

There was a general dissatisfaction with the PO

The degree univ diplomas did not match the needs of PO

So there was some change done.

What happened to allow univ to get better in the training they offered ?

Pb was we were entirely focused on helping people who were voluntary. We were adverse to patronizing

The idea of force was to be opposed at all cost

We had no general method for probation

It made it difficult for graduates to connect their training with actual work in the field

*(Martine's note : it all sounds too familiar ☺)*

It became clear that what was learnt from the univ was more a hindrance than a help at all

If you expect people to be voluntary how do you understand and address involuntary clients ?

People mostly react by resisting after all: they are forced into being clients aren't they ?

So in 2001 trainers and universities discussed their problems with probation services

The spirit was that the What Works data and agenda was to be drawn upon

Probation services asked them to develop basic methods for probation and to give them instruments for risk assessment and diagnosis

We needed a common language and methods that could be taught

Another question however needed to be solved

Dutch public opinion was shocked by crimes committed by clients of probation or youth care

One case in particular shook the country particularly

It was a wake up call for universities

The univ did coordinate and developed a single national curriculum, which was rather tricky since we have a very varied system of degrees : social work, social management, social judicial work, etc (18 different degrees existed in all)

A pragmatic solution was found in developing a little group of dedicated lecturers in four universities that were motivated

Some representatives from the professional field joined in

There were in the end two conferences involving 80 professionals.

So there is a 6 months program that's been created 3 years ago

The best is Utrecht

Now our recruits leave the service less quickly

There is a more realistic role expectation

They have a sound basic knowledge of risk assessment, behavioural problems, etc.

More universities joined in : there are 9 now

There will be all the 18 universities of applied sciences in 2010

It's a good result but it was not good enough

What about the link between practice and research ?

Problem : the Applied science social work bachelors have no research tradition

So how do we develop better and new practises without practice-based research existing ?

Based on that flaw, we decided to start to develop new research  
There has been strong investment in practice-based research over the last 7 years.  
Programmes directed by professors.  
In turn probation services created research-groups on working in a judicial context at 2 univ of applied sciences.  
Other contributions from Univ

They are mainly PhD research  
Examples the quality of effective professionals  
Moral practises : how to dialogue with a client about moral issues

In addition, the research groups are responsible for developing the curricula for probation on bachelor and master level

Strong point : intensive cooperation between universities and probation services

We always want something more in Holland. We need longer degree programme of 60 ects  
Probation services are currently playing a crucial role in coaching and assessing practical competences

Note pour les étudiants ; ce qui est remarquable c'est l'adaptabilité de ce pays, qui a su changer de fond en comble son système de formation et la capacité des universités - qui fait rêver - à changer, participer à des programmes concrets et à travailler et avec les praticiens  
*Martine's note for her students : what is remarkable is the adaptability of Holland. A country who could change drastically its whole system and where universities are willing and actually do create diplomas from scratch AND, can work hand in hand with practitioners is there again dreamland. I don't see any of this happening in France ever... unless it happens under the wing of our future criminology faculties - like Leo said when one is not a prisoner of the past, more can be done.*

Questions posées par un irlandais .  
What do you mean by 'minor' ? Sur la notion de 'minor'  
'Major' is the main training, for instance social worker. 'Minor' is an option which you can add to this major bachelor degree. So we offer probation training as a minor training  
*Martine's note : in France I can see a Master in applied criminology with a dominant in probation. Our problem would be professional placement due to the ENAP competition, unless Univ work with ENAP. Not something that could happen under the current rigid, secretive penitentiary central admin...*

We are in Holland involved in creating one of the first European degree in probation. It's not done yet but we're heading that way

Clôture de la journée

Il y aura une harmonisation des services de probation en Europe et la journée de vendredi sera consacrée à imaginer ce que sera cette formation européenne des agents de probation.

**Plenary session Friday 18**  
**Ioan DURNESCU**

European Curriculum  
It's just at exploratory stage

***What are the reasons to have such a curriculum***

We heard yesterday lots of presentations talking about cooperating together  
In Glasgow in 1582 there was the first case of a European curricula  
In the European commission there is a document presenting the mandatory skills that should be mandatory for the students  
The Lisbon Treaty, dec. 2009 it came into application. Establishes a common area for freedom of Justice and one of the aims of the treaty is to ensure a large measure of security, to prevent crime and also mutual recognition of judgements and if necessary, approximation of criminal laws  
But the UE only has mandatory intervention for major crimes such as terrorism, but admits lesser crimes could benefit from cooperation too.

The 947 décision-cadre (947/JAI./2008) renders cooperation mandatory too by 2011.

Council of Europe : Also see recommendation R(92) 16 which recommends establishing of common policies regarding common policies along with a set of standards  
Plus Draft recommendation of Probation Rule is of course the most important document  
It recommends working with foreign probationers and the necessity to work on sound scientific knowledge.

Form the criminal justice point of view there definitely is a need for cooperation and approximation of the law and practices  
It's likely the EU will play a significant role in that

Whether you like the Bologna process or not the idea is to have a unified educational system : degree, master, PhD. It also sets to make qualifications more readable across Europe and to increase mobility

Compatibility with the Framework for Qualification of the European higher education contains 8 levels. The best level place for the probation officers is level 7 which is Master's degree

In the education field we've seen that there also are aspirations to compatibility and cooperation.

I would argue that we do need a Master's degree for a European curriculum on probation.

***Positive reasons***

We would prepare for the EU law and procedures approximations  
It would be mandatory for all countries except Poland by 2011 and three years later Poland too

It would make better cooperation more possible

It would also make more equal treatment of probationers in Europe

Better use of costs. One program would be cheaper than lots of programs throughout Europe

***What are the risks***

It would limit the cultural diversity in Europe/ The Lisbon Treaty actually acknowledge the need for a respect of different legal systems » (art. 61)

Since the criminal justice laws are not yet deeply approximated there is a risk of conceptual misunderstandings

The imperialism of some theoretical models - *Is that can be limited with teaching diversity of theoretical approaches, off legal systems and thinking*

***How can we draft it ?***

It already exists apparently for border officers...v

Firs step inductive : is with identifying knowledge, skills, competences

Deductive step 2 would be starting with the international approach respecting diversity  
There could be mandatory courses for general things like criminology or crime but optional courses more adapted to their own cultural and legal environment

The program would be half theory (online) and the rest would be practise in their own country with specific learning objective. The programme should be delivered in each country.  
CEP would take the coordinating role.

It would also require more steps to model this step to train probation officers  
In the UN in 1988 there was a first step in that direction, but alas it stopped.

We have to increase Erasmus mobility

*Martine's note : it's all fantastic and even more. But we cannot pretend that there aren't major political aspects to this. For instance there is strong resistance in France against RNR group programmes and risk assessment.  
These methods have their advantages but they also have their drawbacks. What about individual face to face approach ? What about the balance between control and support ? We would have to create a program which teaches what's best on both sides...*

**Workshop n° 27**

Imaginer ce que pourrait être un agent de probation du futur

Formation initiale  
Niveau d'étude  
Contenu de la formation  
Déontologie  
Rémunération

Premier problème qui est soulevé c'est la terminologie

Let's start with **recruitment**

Latvia recruits people at bachelor's degree level  
But they are looking for teamwork abilities and other abilities like that  
And we think that certain trainings prepare better for that, eg psychology

Recruitment raises the question of what the mission is. For instance what is the mission of a Probation officer in Latvia : try and make sure the client does not re-offend, finds a job ?  
Social circumstances and what happens in his head ?  
They just give clients information and work on the motivation but don't help out directly

In Ireland our PO's requirements are honours degree and we employ social workers  
We address the behaviour, we also work in prison

In Latvia they also work in prisons

We also employ social workers. But they are putting too much energy on social support and not enough on control.

Our probation officers are universal soldiers because they work in programmes, control clients, do community work, work in prisons, with softer care, with juvenile.

In the Netherlands : reduce re-offending and create a safer society

Clients are responsible for their crimes not us.

We have specialized workers

We think it's a good thing.

Some write reports, others interview clients, others do supervision. Supervision is a separate job;

Others supervise community offenders. And we don't work in prison.

And we are independent from the ministry of Justice. You have to be independent. We don't think we should be dependent from the ministry of Justice. Because of the relationship with the client it makes a major difference if they think you are part of the criminal justice system.

We are paid by the ministry of Justice.

In the Netherlands part of it comes from municipalities

Portugal : l'agent de probation aide la justice à décider

L'agent de probation supérieur qui fait le rapport et aide le juge à prendre une décision est indépendant techniquement du ministre de la Justice. Nous avons aussi des agents de probation qui ont des formations proches des animateurs socio-culturels. Nous avons aussi des agents de probation supérieurs qui travaillent sur EM

Recrutement de ces différents agents de probation sont très différents

Lastly we have probation agents for minors. We think they should have very different skills from the ones dealing with adults. We want people with a Bachelor degree with social sciences. We don't want lots of lawyers.

Separating missions of probation officers from those of the service ?

« Agir pour intégrer » dit le droit portugais. (« Act in order to integrate »)

Pensant que toutes les personnes ont une autre chance

Diagnostic. Avoir les outils nécessaires pour diagnostiquer ceux qui ont des possibilités d'intégration et ceux qui ont des potentialités de récidive pour mieux orienter et adapter les programmes

Question is : how do we do our job ? That's bound to be drastically different

### **Second type of questioning**

Comment recruter des qualités humaines spécifiques ?

Capacité à gérer le stress- force mentale

Question : à quel niveau universities.

Concours ou autre ?

Holland does not have masters in probation

They are applied sciences bachelors and then they do one year course

Univ Master's degree is not the level of probation work

They use scientific instruments especially with risk assessment

And the focus in recruitment is more on behaviour skills

In Latvia we think that a Master's degree is too much. We need only 2 or 3 years of vocational training  
He says that the wages cannot be too great thus we cannot expect them to have a Master

In Ireland they have a Honour's but some have a Master  
We need skills like team work, capacity to write reports.  
They have mandatory training especially with risk assessment  
We do not admit that PO should only support clients  
We also believe in supervision

Intervention : il nous faut une formation adaptée à un exercice professionnel spécifique  
Dans le contenu de ces formations nous avons besoin de modules théoriques,, mais aussi des stages pratiques

Quelles seraient les matières communes/what would be the subjects taught ?

Droit /Law  
Sociologie  
Psychologie  
Psychiatrie  
Techniques de communication/communication techniques  
Maîtrise d'un langue étrangère/foreign languages

We also need to think about what type of offenders we'll have in ten years and later

### **Plenary session. Conclusion**

**Brian STOUTS**

**De Montfort University**

He worked as a probation officer in Northern Ireland  
Has developed probation training programmes in South Africa  
Led programmes for training probation officers in England  
Undertook mapping exercise for NISCC (Northern Ireland Social Care ?)  
I'm not an expert on European systems but I am a practitioner

The core tasks of a probation officer are the same overall  
The values are generally shared  
There also is a similar motivation for doing the job

The criminal justice systems clearly are different. Yet there are many similarities

However the record of successful transfer in Europe has been mixed.  
Besides the decision making processes can be complex and hard to access

Key questions for a European curriculum

1<sup>st</sup> question : is probation work social work ?

2<sup>nd</sup> what is the relationship with prisons ?

3<sup>rd</sup> : should there be one central training institution in each country doing the training ?

4<sup>th</sup> what level should probation officers trained at ?

He's then endeavouring to summarize everyone's presentation.

Countries that are in transition periods are often the one capable of the major steps towards significant changes. He gives the example of South Africa and Rwanda.

Large part of CEP's importance is the values it represents  
Eg : Social inclusion and the fact that people can change  
Self efficacy : people being responsible for their actions

Substantial number of professionals will participate in European training schemes by 2015

He says he's jealous of the fact that the training is for free in France

Communities are underrepresented and there are too many women which does not mean women don't make excellent probation officers

People attracted to social work tend to be attracted to probation work

We should not be too focused on one single probation training  
There should be diversity in the curriculum

In England it's been moved away from social work. It's definitely a mistake.  
Problem in some countries the number of people becoming PO are too small to develop a separate system for training Pos. So they should still come from different backgrounds

Perhaps we should separate recruiting and training  
« for a society investing in training it's like a person investing for his pension »  
« If you have any think training is expensive, do any idea how expensive ignorance is ? »

It was striking to hear Slovenia saying that their PO don't want to supervise offenders and say it's not their job; of course I can only disagree with that.  
That illustrates the extreme effect of defending too much the social aspect of the job.  
The other extreme (too much control and 'probation') is dangerous too.

We don't want either our PO to leave.  
But leaving is not always negative...

Lawyers - are they too many of them ?  
Any way you can adapt the training

CEP should stand strong in promoting probation values because they cannot be taken for granted. In most countries in fact they are partly different - IS they also are challenged  
CEP's role in promoting European Curriculum and Stockholm programme is paramount  
And naturally we should all be open to other countries' ideas

He idea of univ being critical friends to probation services is vital.  
For univ it can be tempted to come up with grand ideas but they need to get closer to what the services are, what the tasks mean, etc.  
So it needs to be done hand in hand with le terrain

We need to develop a project group with  
- 1<sup>st</sup> design framework units  
- 2<sup>nd</sup> acquiring funding for pilot projects not only for money but to expose our ideas for scrutiny, which forces it to be realistic  
3<sup>rd</sup>- building in training in new regulations for instance 947/JAI décision cadre  
4<sup>th</sup> What level to make this curriculum. We we're talking about Master's level. If we chose a master's level we need to be clear about why we need such a high level. Why choosing what we do now with a more expensive and high level programme  
5<sup>th</sup> Spread beyond initial five countries. Everybody needs an opportunity to participate, criticize, etc.

Questions : how do we balance competence and human skills ?  
Another : how do we address the inevitable political questions behind all this. For instance risk assessment, programmes, are rude words in certain countries and must have and do in others.

Addressing that policy diversity is definitely a challenge too.

Dans quelle langue se ferait une formation européenne ?

Les actes de la journée seront mis en ligne sur cep.org

M. Madigou ends up the conference

Nous n'avons plus le choix. Nous sommes obligés d'harmoniser les politiques et pratiques.  
Jeu subtil entre contrôle et assistance. C'est là le professionnalisme du PO

CEP Conferences :

January 27-29 réunion fermée sur la rédicalisation des délinquants

14 avril 2010 : What works - in Cambridge

28-29 mai : Efficacité de la probation, Malada en Espagne