

PROBATION  
OFFICER SKILLS:  
SPANISH  
CONTEXT

AUTONOMOUS UNIVERSITY OF BARCELONA

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DISSERTATION

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ADVISOR: ANNA MELÉNDEZ PERETÓ

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STUDENT: NIDHI NAGDEV NAGDEV

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## **ABSTRACT**

Probation has always been conceived as a community sanction where Probation Officers accompany the convict on the path of desistance. International literature on the effectiveness of probation indicates that the skills used by Probation Officers, in the interviews, with the convicts effect on the subsequent recidivism of the offenders. These skills are related to the use of Core Correctional Practices and the Risk Need and Responsivity model, considering them the bases of the relationship between Probation Officer and offender. The aim of the research was to examine until which extent, the Probation Officers of the Spanish context, specifically Catalan, make use of these skills. The methodology used was a qualitative technique based on the observation of interviews between Probation Officers and offenders. The results of this study indicated the presence of the skills and an adequate adaptation of them to the situation of the convict, guaranteeing good practice.

*Key words: probation, community sanction, probation officer, skills, interview, Core Correctional Practices, Risk Need Responsivity.*

## **RESUMEN**

La probation siempre ha sido concebida como una medida penal alternativa donde los Probation Officers realizan un acompañamiento al penado por el camino del desistimiento. La literatura internacional sobre la eficacia de la probation, indica que las habilidades que usan los Probation Officers, en las entrevistas con los penados, afectan a la posterior reincidencia de éstos. Estas habilidades están relacionas con el uso de los Core Correctional Practices y el modelo de Risk Need and Responsivity, considerándolas como la base de la relación entre Probation Officer e infractor. El objetivo del estudio era examinar hasta qué punto, los Probation Officers del contexto Español, concretamente Catalán, hacen uso de éstas habilidades. La metodología usada es una técnica cualitativa, basada en la observación de entrevistas entre Probation Officers y penados. Los resultados de este estudio indicaron que se da la presencia de las habilidades y una adecuada adaptación de ellas a la situación del penado, asegurando una buena praxis.

*Palabras claves: probation, sanciones comunitarias, probation officer, habilidades, entrevista, Core Correctional Practices, Risk Need Resposivity*

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## 1. INTRODUCTION

In the recent decades there has been an increasing use of community sanctions, as sentences, by legislators in democratic societies around the world (McNeill and Beyens, 2013; Epperson, Canada, Thompson and Lurigio, 2014; Klingele, 2013). These penalties, also known as alternatives to imprisonment or community offender supervision, as they are executed in the community instead of prison, have emerged under various basis, which change from region to region. So it can be observed that in some countries the preamble of the law clearly speaks about its rehabilitative aim, while in others, these measures emerge in response to the preoccupying and unsustainable increase in the prison population.

The first part of this paper seeks to describe those community sanctions in which, in addition to the intervention of other justice personnel (judges, lawyers), there is the intervention of a third professional, who is the Delegate of Execution of Measures<sup>1</sup> in Spain, also known as the classic Probation Officer (henceforth PO) in places like England and the United States. Therefore, in this dissertation, the third professional will be denominated as PO because it seems to be the appropriate terminology as the paper is written in English.

The purpose of this third party, in its initials, was defined as “advise, assist and best friend” of the convicts (Raynor, 2012), which, together with the purpose of supervision of the offenders, makes up the term of probation. However, observing the evolution of the concept, these goals have been changing and being shaped according to the context of the countries and political interests.

The catalogue of community sanctions varies between countries and continents. There are countries in which the PO appears in subsequent measures to imprisonment, such as parole, but these measures will not be object of study, because in Spain the PO only appears in community sanctions that are imposed as direct (autonomous) or optional sentences to offences: suspension of the sentence with conditions and community service.

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<sup>1</sup> Delegado de Ejecución de Medidas, in Spanish

In order to understand the differences between implementation and functioning of community sanctions, or in this case, those measures that include probation, it is important to refer to the nature of the legal system of a country. This defines the discretionary power permitted to each professional in the judicial system, or in other words, defines the extension of their freedom to decide and act.

Depending on the nature of the legal system, there is, on one hand, the common law system, born in countries with Anglo - Saxon tradition, and on the other hand, the written law system that comes from Continental Europe (Reinmann and Zimmermann, 2006). The main difference between both is that the common law system is set up on the principle of proportionality, basing the decisions on the existing jurisprudence to prevent discrimination, whilst the written law system is set up on the principle of legality, basing the decision on the written laws and codes, avoiding the courts from creating new rules.

The second part of this research refers to the role performed by POs in the probation process with the offenders. Specifically, it refers to several studies and international literature that talks about the relationship between the skills and techniques of the POs and the subsequent recidivism of the offenders, relating it also, to the prevailing training of POs throughout the world.

Finally, the third part of this research explains how the study of the skills and techniques of POs has been done in the Spanish-Catalan context, shows the results, and exposes the discussion of the results.

## **2. INTERNATIONAL PERSPECTIVE OF COMMUNITY SANCTIONS**

This section will review how community sanctions, in different regions of the world, are set up, starting with the United States, followed by Europe, then it will focus on Spain, and finally, on Catalonia, taking into account the peculiarities that this region has in relation the execution of community sanctions, in comparison to the rest of Spain.

## **2.1. UNITED STATES**

In the United States, the probation emerged in the 1840s as an alternative to prison with a rehabilitative aim that was responsible for providing support and services to offenders, such as treatment for drug addiction or alcoholism, training, accommodation and other interventions to help offenders pass from criminal behaviour to productive participation in the community (Epperson et al., 2014).

Between 1977 and 2010 the prison population in the United States rose from about 300,000 to more than 1.5 million and the population on probation rose four times higher, from 800,000 to over 4,000,000 (Klinge, 2013). The use of community sanctions such as probation increased to reduce the prison population and costs since probation is cheaper. However, from the 70s, the rise in the use of probation produced the transition of the aim from rehabilitation to the supervision of offenders and maintenance of public safety (Petersilia, 1997).

Klinge (2013) defines probation as a sanction that is fulfilled in the community and is imposed as an alternative to prison or as an autonomous sentence. Thus, probation involves the compliance of a series of conditions by the offender, and these conditions are determined in the judgement sentence.

As a general rule, in most jurisdictions, judgment sentences contain mandatory conditions such as: interview a PO periodically, avoid further offences, and fines. The court may include, and sometimes must, under the influence of federal law, other conditions depending on the offence and the type of offender. Accordingly, in crimes of domestic violence, the offender is required to attend a rehabilitation program, sex offenders may be subject to electronic monitoring at certain times, may have limited access to the internet or have to undergo chemical castration.

A part of the mandatory conditions indicated in the federal law, the court and PO may impose extra conditions referring to rehabilitation and to avoid the risk of recidivism, such as: go to work and/or classes, participate in treatment programs for drug addiction or alcoholism, ban the possession of weapons, ban socializing with offender friends, among others. Administrative conditions may also appear,

as can be the delivery of financial reports with appropriate supporting documentation, ask for permission before traveling outside the state, and report changes in employment or residence (Klinge, 2013).

The imposition of the probation depends on the courts, and the sentence is based on the judgement of the proportionality done between the offence and the sanction, that is to say that in the US there is prevalence of the common law system. Still, there is a diversity of structures of probation throughout the US, as each state is influenced by local culture that defines aspects, such as, whether the probation is carried out by executive or judicial powers, how it is financed and, if it depends directly on the state or local entity (Klinge, 2013).

## **2.2. EUROPE**

A survey conducted in 2007, by Durnescu (quoted in McNeill and Beyens, 2013), on people convicted in Europe showed that there were almost 2 million people incarcerated and other 3.5 million people were complying with community sanctions. This expansion of the community sanctions, since the 80s until the present (Durnescu, Enengl, Grafl, 2013), has taken place mainly for the same reason as in the US, because of the economic costs of incarceration, but also because of the intermediate criminal policy that is predominant in Europe, as some countries tend to increase punitiveness whilst others try to stop it (Morgenstern, 2011).

Thus, this position of the European criminal policy seems to be resulting in longer sentences or supervision in the community for unlimited time, for serious offenders (note that the decision is taken referring to the type of offender and not the offence, because there is also a tendency to criminalize marginalized sectors such as drug addicts and illegal immigrants) and very mild or fine penalties for minor offenders (Morgenstern, 2011).

Specifically, the European Probation Rules (Council of Europe, 2010) define probation as: “The implementation in the community of sanctions and measures defined by law and imposed on an offender. It includes a range of activities and

interventions which involve supervision, guidance and assistance aiming at the social inclusion of the offender, as well as at contributing to community safety.”

Referring to community sanctions as sentences imposed in judgment, it is observed that in most jurisdictions they appear as a direct and autonomous sanction (apart from imprisonment). Still actually, in many jurisdictions they are applied when the prison sentence is suspended, that is, as an alternative to prison. This takes place in countries like Ireland, England and Wales, the Netherlands, Germany, France, Spain, Lithuania and Belgium (Boone, Herzog-Evans, 2013).

Conditions applied in probation in European countries are quite similar: community service or unpaid work, particular prohibitions (contact with someone specific or go to a particular place, alcohol consumption, use of internet, of certain types of jobs, practice a political job), residential obligations, work or education/training, treatment and/or behavioural intervention, victim compensation, mediation with the victim, attend meetings providing the necessary documentation as evidence and electronic control or permanent localization. It is important to take into account that there are countries such as Hungary, where mediation is an obligation determined in the judgment, Belgium, where it is mandatory to apologize to the victim, and Lithuania, where besides the apology, the victim should receive assistance (Boone and Herzog-Evans, 2013).

In all European jurisdictions, the decision of the sanction to be imposed lies within the courts. However, there are countries like France, Belgium, Germany, and the Netherlands, where sometimes these decisions are passed to other professionals of the justice, such as prosecutors. These are responsible for resolving disputes out of court, which may also include the granting of a privilege because of their post (Boone and Herzog-Evans, 2013).

Depending on the nature of the legal system of the country, if it is a written law system (France and Spain), it will be impossible to impose more conditions than those listed in law, whilst those where the common law is predominant (England and Wales), the jurisprudence indicates what limitations and obligations can be imposed on a certain type of crime, in addition to the judgement of proportionality

done for the offence, resembling to the United States (Boone, Herzog-Evans, 2013).

### **2.2.1. SPAIN**

From 1996 to 2006, there was an increase in the prison population of Spain from approximately 44,312 inmates in 1996 to about 63,248 in 2006 (Cid, 2008), despite the introduction of new community sanctions in the Spanish Criminal Code of 1995. According to the Study Group of Criminal Policy<sup>2</sup> (2005) this increase is due, among other reasons, to the insufficient application of the new community sanctions that appear in the 1995 Criminal Code.

Accordingly, there has been only use of the ordinary suspension of the sentence (when the sentence is less than two years and the offender has no criminal record), which has reduced the number of entries in prison. Nevertheless, there has been no use of intermediate sanctions between prison and ordinary suspension (applicable if the offender already has a criminal record) like the extraordinary suspension for drug addicts and the suspension with conditions. In the 1995 Penal Code also appears the penalty of community service as an alternative and direct sanction of many offences.

In spite of the context described above, it is noteworthy that in the recent years the application of the community service and suspension of the sentence with conditions has increased because of the different changes that were introduced in the 1995 Criminal Code in relation to crimes of domestic/gender violence and road safety, since both can be convicted with community service and suspension with conditions (Blay and Lurrari, 2011). So, the figures indicate that community service as a sanction has increased from 4,841 sentences in 2006 to 109,574 sentences in 2009 (INE, quoted in Blay and Lurrari, 2011).

Blay and Lurrari (2011) define as community sanctions those that do not deprive the subject of their freedom and are executed in the community, but also require probation, as a way of supervising the offender and to help the offender develop a life without committing new offences, which is carried out by a PO. In the

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<sup>2</sup> Grupo de Estudios de Política Criminal, in Spanish

Spanish context, those penalties defined as community sentences containing probation are community service, as an unpaid work of public utility and social interest, and the suspension with conditions.

Currently, in Spain, there is a situation of change as there has been a reform of the Criminal Code, with the approval of the Organic Law 1/2015, of 30 March, which modifies the Organic Law 10/1995 of 23 November, of the Criminal Code.

In this new setting, on one hand, community service can be imposed as a penalty when: the suspension and replacement of the sentence is adopted because the offender is not a habitual offender, the sentence does not exceed two years, the offender repairs the damage and pays a fine or does community service (art. 80) or when the personal subsidiary responsibility is not accomplished because of an unpaid fine (art. 53).

Community service can be also imposed on offences that can be classified in three different contexts. Firstly, in the context of domestic violence, are susceptible of community service and are accompanied by the obligation to complete a re-education program, the following offenses: occasional abuse (art. 153), minor threats (art. 171.4,5 and 7), mild coercion (art 172.2 and 3) repeated harassment (art. 172b 2) and slight and unfair injury or harassment (art. 173.4). Secondly, in the context of road safety, are susceptible to community service: theft of vehicle (art. 244), driving with excessive speed (article 379.1.), driving under the effects of drugs or alcohol (article 379.2.), driving without license (art. 384), and causing serious risk traffic (art. 385). Finally, in the context of counterfeit, are susceptible of community sanctions the itinerant or occasional sale of works and fake products with copyright (art. 270.4 and 274.3 of LO 1/2015, of March 30).

On the other hand, the application of the suspension of the sentence, may be extraordinary for drug addicts or alcoholic when the sentence is less than five years and the offender has lost the habit of drugs or is in treatment (art. 80.5), or can be with conditions (art . 83) as: the prohibition of approaching the victim, prohibition of contact with certain people or groups, prohibition to approach or live in a certain place, interview a judge or court periodically, participate in

trainings, participate in drug or alcohol dependency treatment programs, ban on driving vehicles that don't have the means that adapt to the conditions of the driver, among others. It is noteworthy that the judge or court can add other conditions that can be considered necessary for the social rehabilitation of the offender (LO 1/2015, of March 30).

Thus, according to Article 83.4, when the offender is required to participate in training programs, in drug or alcohol dependency treatment programs, or has the ban on driving certain vehicles, the control of the compliance of the conditions will be carried out by the service of alternative measures of the prison Administration. This service will also be responsible for reporting on the compliance to the judge or court (LO 1/2015, of March 30).

By having a code indicating the conditions that may be imposed on an offender during the suspension of the sentence or which offences are susceptible of community service, reflects the existence of a written law system. Here, the discretionary power of the PO is limited, and the actions taken by the PO are reviewed by a prison supervision judge in the case of community service, and by criminal judges in the case of suspensions with conditions.

### **2.2.2. CATALONIA**

The division into autonomous communities of Spain makes it easy to distinguish some of them because of the exclusive powers they possess, such as Catalonia. This region has its own competency in the administration of justice, specifically, in the execution and enforcement of the sentences, although the same Criminal Code as the rest of Spain applied.

This exclusive competence means that the administration of justice depends on the Catalan government, specifically on the Department of Justice. The management of community sanctions depends on the General Sub-direction of Reparation and Penal execution in the Community<sup>3</sup>, which includes the Area of

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<sup>3</sup> Subdirección General de Reparación y Ejecución Penal en la Comunidad, in Spanish

Alternative Penal Measures<sup>4</sup>. In relation to the POs, they come from three different non-profit organizations, which are hired by the Department of Justice to carry out probation.

Statistics from the Department of Justice of the Catalan Government (2013, 2015) indicate that the demand of community service increased from 235 in 2002 to 14,627 in 2010, but from 2010 to 2014 the figure dropped down until 9,538. In addition, they also show that the suspensions with conditions passed from 204 in 2002 to 2,403 in 2009, but in 2014 it has reduced to 1,531.

The Catalan government<sup>5</sup> (2016) indicates that community sanctions allow the courts to give a less distressing response in comparison to imprisonment, for the commitment of a minor crime, while, at the same time, the victim's rights are protected. These purposes are obtained because these sanctions combine: a compensation element that refers to an activity for the benefit of the community, the work on general and special prevention because the reasons that perpetrated the offence are treated to reduce recidivism and, finally, an educational and integrative purpose that allows the convict to combine its work, responsibilities and family life.

### **3. ROLE OF THE PROBATION OFFICER**

Currently, the PO is responsible for carrying out the control, and the social and educational support of the offender whilst it accomplishes the sentence. Control is exercised through regular interviews with the offender, and the PO has an obligation to inform the court, at least every three months, of the evolution of the convict and the compliance of the sentence. In addition, the PO can also propose changes in the conditions of the sanction if they help to achieve the social and educational goals (Generalitat de Catalunya, 2016).

When the sentence involves some other activity, as can be community service, participation in trainings or health treatment programs, the PO is responsible of establishing a regular coordination with the professionals of the institution where

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<sup>4</sup> Àrea de Medidas Penales Alternativas, in Spanish

<sup>5</sup> Generalitat de Catalunya, in Catalan

the activity takes place, seeking at the same time, the encouragement of community participation (Generalitat de Catalunya, 2016).

Thus, the role of the PO goes beyond a mere formality to the courts on the evolution of the execution of the sentence, they are responsible of the social and educational accompaniment of the offender. This includes strengthening elements such as: personal responsibility for the effective compliance of the sanction (especially sanctions like community service that involves greater responsibility), social integration, and the establishment of a relationship of help for the convicts in order to treat their personal situations in different contexts (familiar, social life and judicial aspects).

The convict's needs that should be treated during probation are defined in a first interview, as well as, the PO may establish: the formal aspects of the supervision and how it will be carried out, the responsibilities of each of the parts (both, offender and PO), and a design of an individualized plan of intervention to achieve the social and educational goals (Generalitat de Catalunya, 2016).

### **3.1. PROBATION OFFICER SKILLS**

The relationship of support that must perform a PO (Generalitat de Catalunya, 2016) is primarily developed in the interviews because it is the only moment in which the convicted person and the PO come in contact. There is huge body of literature that points to the idea that the way in which interviews are conducted by the POs affects the rehabilitation and subsequent recidivism of the offenders (Deering, 2011).

Likewise, the relationship between offender and PO must be defined by qualities and abilities of the PO, which through many studies, brought up in the Canadian context by Andrews and Kiessling (1980; quoted in Vanstone and Raynor, 2012), have been defined as the "Core Correctional Practices" (henceforth CCPs). These CCPs are the qualities required in the PO, in order to implement models of cognitive and behavioural intervention, as well as social learning, which reduce recidivism. The sufficient application of these qualities also depends on the interpersonal and intellectual capacities of the PO (Raynor and Vanstone, 2012).

Dowden and Andrews (2004) conclude that the most effective interventions are those that follow the model of Risk Need Responsivity (henceforth RNR model) combined with the CCPs. Thus, on one hand, the principle of risk refers to the intensity of the treatment, the principle of necessity indicates the criminogenic needs that should be treated, and the principle of responsivity refers to the fact that the changes in the offender should be done using the same method of learning of the offenders. Furthermore, the CCPs consist of five principles:

1. **Effective use of authority.** It refers to the ability of the PO to make understand the convict, the formal rules that should be fulfilled, and seek compliance through positive reinforcement, avoiding domination or an abusive relation.
2. **Anticriminal modelling and reinforcement.** The offender must learn prosocial behaviours and attitudes by the interactions with the PO.
3. **Problem solving skills.** The PO should provide the offender with strategies that makes him/her capable to solve their main problems that avoid them from reaching their non-criminogenic goals.
4. **Effective use of community resources.** The PO should divert the convict to those services that are necessary to work other present problems, such as addictions, joblessness, mental and physical health, among others.
5. **Relationship factors.** The PO's attitude must be characterized by elements such as warmth, enthusiasm and open communication in order to develop a mutual respect in the relationship between PO and offender.

The authors observed that there weren't still enough studies that examined the role of the PO in an effective corrective treatment, and they proposed two possible explanations for this: programs have failed to describe to the POs the correct treatments and procedures and/or there is a lack of skills in the services offered by these people. Anyway, these authors carried out a meta-analysis and the results demonstrated that even though the combination of the CCPs and the RNR model contributes to a reduction in recidivism between a 26% and 30%, there was only between a 3% and 16% of occurrence of the CCPs, which can be a result of the lack of the skills of POs.

Rex (1999) conducted a study based on interviews with 21 POs and 60 offenders convicted to probation. The results showed that the POs working in an active, participant and supervisory way were those who achieved the desistance of the offender or achieved the offenders change in relation to its criminogenic needs.

In 1996, Trotter put into practice a five-day training, which included showing POs the responsivity principle, pro-social attitudes, empathy and problem solving skills. Subsequently, the comparison between those POs that had done the training and those that didn't, the percentage of recidivism of the offenders under POs with training was 53.8% versus 64% for those that did not do the training.

Bonta et al. (2010) carried out a research with an experimental design that demonstrated that POs trained in using the RNR model performed better than those who were not trained to use this model. Likewise, the POs trained under the STICS (Strategic Training Initiative in Community Supervision), used more the RNR model and had more skills in relation to the use of cognitive techniques and establishing a relationship with the offender. The results of the study indicated that the possession of these skills was correlated to a decrease in recidivism within two years, specifically in a 15% compared to the control group.

In the same context, Vanstone and Raynor (2012) designed a checklist taking into account the CCPs and some elements considered relevant (such as non-verbal communication, physical set up of the interview) to carry out a qualitative research based on the observation of interviews between POs and convicts. The objective of the checklist was to evaluate the relationship of social and educational support performed by the POs. To validate the checklist, Raynor, Ugwudike and Vanstone (2014) executed another research in the UK, which measured the recidivism rates of those offenders whose interviews with POs were observed and assessed by the checklist. The results indicated a major recidivism rate for those convicts that were attended by a PO that had fewer skills (53% recidivism versus 31%) or used fewer techniques (58% versus 26%) in relation to the CCPs.

Trotter and Evans (2012) conducted a study in the field of probation with minors in Australia, whose aim was to see, until which extent, the POs made use of CCPs in the interviews. The results showed that the vast majority of POs only had good skills in relationship factors (transmitting warmth and enthusiasm, open communication), compared to the rest of the CCPs, which have already been proved as essential in reducing recidivism (Dowden and Andrews, 2004). The same results were observed in the research of Raynor et al. (2014), named above.

In the Spanish context, and specifically Catalan, Contreras (2013) brought up a study on community service (sanction where the figure of PO appears in Spain). In this project she does a review of the international literature on the rehabilitative elements of the sanction and finally evaluates the presence of these elements through interviews with the convicts. Two of the evaluated elements are directly related to the CCPs and the PO: the first element is the perception of the convicts on the supervision according to prosocial parameters, and the second element is the perception of the convicts on the treatment of criminogenic needs through an adequate use of community resources in the case of addictions, joblessness, lack of social skills, among others. The results proved that none of the convicts felt influenced either positively or negatively by the PO in the case of supervision under prosocial parameters, and none of the cases received intervention on the criminogenic needs through community resources.

### **3.2. TRAINING OF THE PROBATION OFFICER**

The results of the various studies that analyse the role of the PO in rehabilitating offenders and reducing recidivism rates, makes it important to relate this fact to the training that the different POs receive and the requirements that are imposed to access this position.

In the US, the rehabilitative component that was given to the probation in its starts resulted in that the POs had training in social work (Roberts and Brownell, 1999). Still, the POs don't receive any specialized training on the RNR model or CCPs, although they can assist to these types of courses, and there is recognition of the

necessity of specialized training in the case of probation of those convicts that suffer from mental illness (Lowenkamp et al., 2013).

In contrast, van Kalmthouth and Durnescu (2008; quoted in Burke, 2011) remark that there are some features in common in the trainings of POs throughout Europe. In the first place, all the countries have formal programs of training, although they differ in the way they are taught and their lengths, as well as, the vast majority of these trainings are developed on a post-graduate level. In the second place, the majority of the people who do these trainings come from social work but there are also those who come from the criminology, psychology, sociology and law. In the third place, there are continuity training programs and specialized trainings for those who already are at the post of a PO, nevertheless, it is indispensable to pass some tests to reach at the post, and there is competition. Finally, there are specialized trainings given by the probation organization itself that is supervised by its own staff.

In the case of England and Wales, since 2010, to become a PO, it is necessary to have a college degree or demonstrate that there have been a minimum of two years of preparatory studies to be agents of the probation service, which is a post dedicated to carry out auxiliary tasks of the PO. Once a person is hired as an agent of the probation service, then starts the trial period of six months in which the agent must acquire a National Professional Qualification, and if does not own a college degree, the agent will have to start the graduate studies (Burke, 2011).

In Romania, Durnescu (2013) conducted a research in which the skills of POs were evaluated and he also analysed the relationship between the skills of the POs and the training that these had received, taking into account, if they came from law studies, social work or psychology. The results showed that the POs from law were equally skilled in motivational interviewing as the POs came from social work or psychology, although law studies do not include any training in relation to it. However, the POs that came from law studies scored less in structuring, relationship or prosocial attitude skills, in comparison to the social workers and psychologists. Instead, psychologists scored higher in terms of empathy, followed by social workers and finally the POs that had law studies.

Durnescu (2013) also exposed that the vast majority of the POs said that they learned these skills in interaction with clients, college studies, interaction with POs that are colleagues and courses organized by the Ministry of Justice. Thus, it appears that professional socialization plays a big role by influencing in the way in which the probation is done, without forgetting that the majority of skills or techniques of PO are learned, formally or informally, after finishing college studies.

In contrast, Spain, follows some of the European trends listed above. The principal requirement to reach the post of an PO is to have a college degree in social sciences, namely: social education, social work, or psychology (Department of Justice of the Generalitat de Catalunya , 2012). Thus, as POs belong to private and non-profit organizations, there is no need to access the position through public examinations, so there is no competitiveness or obligation to have a specialized training, apart from the college studies named above. However, The Department of Justice gives trainings to the POs, when these get together in a group and formally petition a training on a specific topic.

#### **4. METHODOLOGY**

This part of the work will expose how the research was conducted, explaining the methodology, why this concrete technique was chosen and used, and how it was specifically developed.

##### **4.1. RESEARCH MODEL**

The purpose of this work is to verify until which extent the POs, in the Catalan context, make use of the Core Correctional Practices (CCPs), considering them as the POs skills that have been demonstrated to be effective in reducing recidivism. It also seeks to observe the different techniques used by POs and if they focus on addressing the criminogenic needs of the convict. The hypotheses of this research are:

H<sub>1</sub>: The POs make use of CCPs in the interviews with the convicts

H<sub>2</sub>: The POs use more relationship skills than structuring skills, in the interview with the convicts (Trotter and Evans, 2012; Raynor et al, 2014.)

H<sub>3</sub>: The POs address the criminogenic needs of the convicts in the interview.

The sample is accessed by the institutional system, specifically the Department of Justice of Catalonia, through contacts of the tutor of this project. The final sample is composed by seven POs, where one interview per PO is analysed, in the exception of one case, where two interviews are analysed. In relation to the sex of the POs, the majority of them were female for the exception of one male, and all offenders were male.

The chosen research technique is the observation with an analytical orientation as it searches to explain the observer's perspective, where the observer is not a participant in the analysed situation, but the PO and convict, who are having an interview, know that they are being observed.

The observation is done using a structured methodology, because a checklist is used to measure and evaluate the skills and techniques that the POs use, through predetermined categories. The checklist is composed largely by the checklist designed by Vanstone and Raynor (2012) and a small part of the checklist created by Boxtaens, Blay, Melendez and Décarpes (2015) that can be used at European level. It is important to take into account, that Raynor and Vanstone (2012) permit the use of their checklist in order to assess the probation of any country and its checklist is accompanied by a manual in which all the items are explained and discussed, in order to assure the correct use of the checklist.

#### **4.2. WHY OBSERVATION?**

Probation is a sentence whose use has increased at a worldwide level in the recent years, but still, there are many aspects of it that are unknown, referring to the “black box of community supervision” (Bonta, 2004).

The existing empirical research on how probation is done by professionals is scarce and is one of the least discussed issues at European level. Moreover, the researches tend to be qualitative, focusing on the analysis of reports, interviews with POs or surveys. Thus, most of the studies are directed to reflect what the POs

explain about their work, role or experiences and not what they do in reality (Robinson and Svensson, 2013).

A research carried out by Bauwens (2010), with the POs of Belgium, indicates that there are discrepancies between: the legal guidelines and policies that the POs receive and what they do in practice, between what the POs say and what they do in reality, and between the perceptions of the PO of how they behave in the contacts with the convicts and how they behave in reality.

One reason that explains why researches only include the PO's perspective is that few studies use observation as a research method (Bauwens, 2010; Raynor et al, 2014; Robinson and Svensson, 2013), but the resistance that may exist by the POs and offenders to participate in a research based on an observation technique, can't be neglected (Deering 2011). In the case of the present research, once the Department of Justice authorized the execution of the study, the POs offered themselves to participate in the research, permitting a major sample, but this does not necessarily imply that the POs did not have some type of resistance, because they used to ask on what concretely was studied and observed, and in some cases they did not seem to be totally convinced with the idea of observation.

#### **4.3. ITEMS OF THE CHECKLIST**

The checklist has a total of ten blocs, the first of which has been extracted from the Checklist of Boxtaens et al. (2015) and the remaining nine blocs have been extracted from the Checklist designed by Vanstone and Raynor (2012) that is focused on evaluating, in particular, the use of CCPs by POs. (Available in annexes)

The first bloc of the checklist consists of the section "Participants" of the Checklist of Boxtaens et al. (2015) because it permits collecting physical and material aspects, as informative data on the convicts and POs. The necessity of this bloc would be seen explained by the fact that the checklist of Vanstone and Raynor (2012) only assess the physical place where the interview takes place and the use of appropriate skills by the POs, but does not refer to aspects such as: training of the PO, the sex of the PO and offender, the way which both of them

dress as it influences in the establishment of a relationship of more or less confidence (Boxtaens et al., 2015), ethnicity and/or nationality, without forgetting the multicultural reality and with a marked difference in social classes that is starting to characterize the Spanish society. Thus, this bloc only provides descriptive information on the interviews, while the following bloc will assess the skills of the POs.

The second bloc assesses the set-up of the interview because, as Vanstone and Raynor (2015) indicate, the physical place where the interview is done and its set up effects on the quality of the relationship established between the PO and the convict, likewise, it must be a place that ensures privacy and where there should be minimum external disturbances. In addition, the seating in the room can vary by cultures and choices, but it is considered a way of exercising non-verbal communication, so both (PO and offender) should be seated at the same level, and the distance between them should not be excessive or too close.

The third bloc allows evaluating the quality of non-verbal communication, as this can have a direct effect on building relationships of trust (Raynor and Vanstone, 2012). Specifically, to evaluate the degree of consistency between the non-verbal communication of PO and the final objectives of the interview by observing the position in which the PO sits, which should not be too rigid or too comfortable, plus, it should be open and relaxed, not forgetting the importance of direct eye contact with the convict demonstrating attention.

The fourth bloc focuses on estimating the quality of verbal communication, as it must encourage and respect the participation of the offender. The PO should use open questions which should allow the convict to talk, and should make use of guiding questions that should allow the redirection of the conversation or the use of closed questions when there is the need to get a concrete answer about something (Raynor and Vanstone, 2012).

The fifth bloc is dedicated to the effective use of authority that the PO performs (also corresponding to one of the principles of the CCPs), by avoiding: discussions, negative criticisms, guilty feelings in the convict, negative use of

authority, and should encourage the offenders participation in the decision taking. It also includes if the PO makes a clarification of responsibilities and roles (Raynor and Vanstone, 2012).

The previous blocs try to assess the POs relational skills, namely those that affect the type of relationship established with the convict, also corresponding to the principle of relationship factors of the CCPs. The following blocks include the structuring techniques, where the PO should try to seek the change in the convict (Raynor et al., 2014).

Thus, the sixth bloc seeks to observe the skills of the PO in terms of motivational interviewing. There are also other items that focus on assessing whether the PO expresses empathy, develops discrepancy with the offender on his current situation, does not confront the possible resistance to change of the convict and demonstrates that he/she believes that change in the offender is difficult but possible (Raynor and Vanstone, 2012).

The seventh bloc evaluates whether the PO has the ability to act as a guide and not as someone who applies the law, as well as the ability of the PO to encourage the offender to reconsider its way of thinking by challenging the thinking and antisocial behaviour. In addition the PO should reward and encourage pro-social attitudes of the convict (Raynor and Vanstone, 2012), which would meet with the principle of anticriminal modelling and reinforcement of the CCPs.

The eighth bloc focuses on analysing if the PO and the convict work cooperatively to identify the problems, objectives and solutions to be applied, taking into account the principle of problem solving of the CCPs. This part also evaluates if the PO makes use of reasoning skills, informed decision taking, and helps the offender to adopt different perspectives. The problems marked as important should be those that are related to the offence committed, in other words, those problems marked as criminogenic needs, corresponding to the principle of necessity of the RNR model (Dowden and Andrews, 2004). Here the PO has to take into account aspects such as: substance abuse, employment,

education, family relationships and friendships, mental and physical health and antisocial attitudes or feelings (Raynor and Vanstone, 2012).

The ninth bloc is dedicated to cognitive restructuring, observing if the PO is able to identify irrational thoughts and replace them with alternative and prosocial thoughts. Specifically, the PO must seek the offender's agreement to think about the different problems, discuss their benefits and costs, and make the offender propose by himself/herself possible solutions or ways of behaving and less criminal thinking (Raynor and Vanstone, 2012). Notably this is also consistent with the principle of effective use of the authority of the CCPs.

Finally, the tenth and last bloc aims to make an overall assessment of the structure of the interview, taking into account if at the beginning of the interview the PO has made a summary of the topics discussed and agreements made in the previous meetings (except if it is a first interview), there has been an overview of the work done using relationship and structuring skills, feedback is given to the convict and there is an arrival on an agreement of new actions. Finally, the date and time of the next interview should be set (Raynor and Vanstone, 2012).

## **5. RESULTS**

In this section of the paper, the results that were obtained from que observation will be presented, starting from a global perspective of them, and ending with a case per case analysis, that is to say, an individualized analysis of every PO in each interview.

### **5.1. GLOBAL RESULTS**

Table 1 briefly sums up the information of the interviews that was collected in the part of details of the interview, the first bloc extracted from the Checklist of Boxtaens et al. (2015) and the scores obtained in the eight blocs of the Checklist designed by Vanstone and Raynor (2012).

The sample of the research permitted the observation of first (Fst), follow up (F) and last (L) interviews, as well as, the POs observed came mainly from three different educational branches or trainings: psychology (P), social education (SE)

or cultural anthropology (A). So, each column corresponds to a PO and each row corresponds to the eight different blocs designed by Vanstone and Raynor (2012), and the subsequent punctuation obtained, per bloc and per PO.

The table permits to distinguish between those blocs where there is a disparity in the scores obtained by the different POs, and those blocs where the scores do not variate. Therefore, the set-up of the interview and the quality of non-verbal communication was proven to be adequate in the case of all POs, because the interviews were done in little offices where the privacy was assured and the position in which the POs sat was open and relaxed. The overall structure of the interview was also observed to be appropriate and only varied very little depending on the type of interview (first, follow up or last).

**TABLE 1**

Bloc	PO 1	PO 2	PO 3	PO 4	PO 5	PO 6	PO 7
Type of Interview	F	Fst	F	F	L	F	F
Education of PO	P	P	P	A	SE	P	SE
Set up of the Interview (4)	4	4	4	4	4	4	4
<b>Relationship Skills</b>							
Quality of non-verbal communication (5)	5	4	5	5	5	5	5
Quality of verbal communication (10)	9	3	6	8	5	9	6
Effective use of authority (5)	3	5	4	3	1	1	5
<b>Structuring Skills</b>							
Motivational Interviewing (9)	3	6	6	5	3	6	7
Prosocial Modelling (5)	4	2	2	5	0	4	3
Problem-Solving (10)	5	4	4	4	8	3	7
Cognitive restructuring (7)	3	2	0	6	0	1	3
Overall structure of the interview (8)	7	5	7	6	6	6	6
Total Score (63)	43	35	38	46	32	39	46

- KEY:**
1. (total score that can be obtained)
  2. Type of interview:
    - F: Follow up interview
    - Fst: First interview
    - L: Last interview
  3. Degree:
    - P: Psychology
    - SE: Social Education
    - A: Anthropology

## **5.2. CASE RESULTS**

To analyse the results specifically, a case per case analysis has been chosen, as it seems that POs differ in scores in the different blocs, not only taking into account the extent until which they have or use the skills, but taking into account other factors that did not depend on the PO.

First, it was fundamental to know which type of sentence the convict was fulfilling, because, depending on the sentence imposed, they are taken by POs of one organization or another. The POs observed in this research are those that handle the cases of convicts whose sentences are suspended with conditions that should be respected, an educational program, drug or alcohol dependency treatment program or/and community service, that means that, those offenders that should comply only with community service are not taken by the analysed POs or the organization they proceed from.

Second, it is also important to take into account that the location on the cycle of change, the psychological and judicial condition of the offender, as well as, if the interview is a first one, a follow up one or a last one, are factors that produce variations in the skills used by the different POs. So the next sections will describe the particular situation of each offender that will be related to the skills used by each PO in the interviews.

### **5.2.1. PROBATION OFFICER 1**

The first PO had a follow up interview with an offender that had already been to prison for 24 years and now had a suspended sentence conditioned to complete with a drug dependency treatment program. The position of this offender in the cycle of change is at one of the last stages because he confessed that the reason of his desistance and continuation in fulfilling the treatment program was his daughter, as he was her caretaker.

Taking into account that the offender did not have any resistance to the treatment, the PO used mostly relationship skills, as she asked open questions, showed understanding, and was polite and respectful. She also used structuring skills by making positive comments that outweigh the negative, praising that the convict is

complying correctly with the treatment program, reinforcing the idea that he has capacities to search for new jobs and reminding him that he is at a different stage of life.

### **5.2.2. PROBATION OFFICER 2**

In this second case, it was a first interview between convict and PO. Specifically, the offender has to do an educational program in domestic violence, and has conditions in relation to the victim's protection, that have to be respected. The facts that made the difference, in relation to the rest of the interviews, were that the convict came late and that it was the first interview between the different parties.

As to be expected, this PO used equally relationship and structuring skills. The first group of skills could be seen when the interview was started by the PO by clarifying roles and responsibilities in a respectful manner that promoted flexible dialogue. The second group of skills was most observed when the statuses of many criminogenic needs were discussed (job, drug and alcohol consumption, mental health), arguments were avoided and empathic comments were made. Finally, different perspectives of thinking were modelled and suggested by the PO, and the service user became less resistant as the interview progressed.

When the interview finished, the PO told the researcher that when it is a first interview, and especially in domestic violence offenders, there is a great resistance to the situation of probation, and that it is impossible to intervene when the convict is in this condition.

### **5.2.3. PROBATION OFFICER 3**

The third PO had a follow up interview with an offender whose sentence had been suspended with conditions in relation to the victim's protection and had to do community service. However, this service user was very angry at the probation service because, three years after the sentence had been suspended, the service came into knowledge that this convict also had the obligation to do an educational program in domestic violence and was not informed or entered in the computer system. This has produced a delay in the whole process of suspension of the

sentence and in the elimination of criminal record, as the offender wanted to do, in order to not to get stigmatized in front of new job offers.

In this situation, PO 3 uses both types of skills. The relationship skills included a polite and respectful attitude as she apologized behalf the judicial service because of its own mistake, showing understanding, and she also made use of reflective questions to avoid argument. In relation to the structuring skills she made empathic comments, used reflections to counter resistance or improve understanding and adapted her approach to the probationer's location on the cycle of change which permitted to decrease the convict's resistance as the interview progressed.

After the interview finished, the PO told the researcher that she was waiting for the anger of the service user to decrease in order to intervene in cognitive restructuring and problem-solving, that is to say, use structuring skills.

#### **5.2.4. PROBATION OFFICER 4**

For PO 4, two interviews were observed. The first interview was a follow up interview with an offender whose sentence had been suspended and had the obligation to do an alcohol dependency treatment. It is important to remark that this service user has a mental health problem related to a paranoid personality. The second interview, also a follow up interview, was with a convict whose suspended sentence was also conditioned to a drug dependency treatment.

Taking into account the first interview there was a clear performance of relationship skills, such as, showing understanding, displaying warmth, optimistic about change, politeness, respectfulness and avoiding arguments. There was also the use of structuring skills, because of the presence of a mental health problem: reflections to improve understanding, examples of praise, challenging antisocial behaviour, suggesting alternatives to antisocial thinking and encouraging to practice alternative thinking.

In relation to the second interview, there was a decrease in the use of skills because in the interview it was evident that the offender did not require the use of so many relationship or structuring techniques as there was already built a good

relationship between PO and convict. The offender was also located on one of the last stages of the cycle of desistance (indicated by the PO), even though criminogenic needs such as job opportunities were discussed and the PO made referrals to agencies that could offer job opportunities and said that she would coordinate his case with the agency.

#### **5.2.5. PROBATION OFFICER 5**

In the case of the fifth PO, the observed interview was a last one, because the offender had completed the imposed educational program in domestic violence, and the only part of the suspended sentence that was left to complete, was the accomplishment of the conditions imposed in relation to the victim's protection.

The relationship skills used by the PO reflected an appropriate quality of verbal communication, as she showed understanding, displayed warmth and did open questions. As it was a last interview, there was no need of using effective use of authority techniques (except for the use of positive comments to outweigh negative ones), as the offender had already complied with the educational program and was comfortable and pleased with the situation.

The structuring skills used were more related to motivational interviewing (use of empathic comments and reflections to counter understanding) and pro-social modelling (praising specific behaviour, challenging antisocial behaviour and encouraging practicing pro-social thinking). Besides it was a last interview, other structuring skills were used, as can be the focus on the probationer's assessments of problems and criminogenic needs that were handled with optimism by the PO.

The interview finished with the PO reminding the probationer that he still has to fulfil with the conditions of the suspended sentence, in relation to the victim's protection, and also says that he can come back to meet her whenever needed.

#### **5.2.6. PROBATIO OFFICER 6**

The sixth PO was male, and had a follow up interview with an offender whose sentence was suspended with conditions to comply in relation to the victim's protection and the fulfilment of an educational program in sexual aggression. It is

important to take into account that the probationer had a mental health problem, concretely a schizoaffective disorder characterized by abnormal thoughts and mood disorder, as bipolar disorder or depression (Malaspina et al., 2013).

In this case, the PO used equally relationship skills and structuring skills. Specifically, the relationship skills were composed of an appropriate quality of verbal communication (use of open questions and no leading questions, showing understanding, promoting flexible dialogue), and a full adoption of techniques related to the effective use of authority: does not argue by changing track with reflective questions taking into account the mental health, encourages collaboration during decision making, makes positive comments that outweigh the negative comments that are product of the disorder, is firm but fair and clarifies roles.

In relation to the structuring skills, the PO used empathic comments and reflections to improve understanding that permits the probationer to become less resistant as the interview progresses, remarking that the resistance came due to its mental health. He also praises specific behaviour or thinking and challenges antisocial behaviour in a positive way, as well as, encourages the probationer to practice alternative thinking. Finally, problem solving is observed when criminogenic needs are discussed and are explained by the PO, making the offender understand its own state of mind and the work that has to be done to fully understand it, taking also into consideration the probationer's assessment of problems.

In the following feedback on the interview between PO and researcher, the PO emphasized that in these types of cases it is difficult to mark limits in the work done as a PO and as a psychologist, reason of why he supported the convict's idea of getting psychological treatment for his mental disorder.

#### **5.2.7. PROBATION OFFICER 7**

The last PO that was observed had a follow up interview with an offender whose sentence had been suspended with obligations in relation to the victim's

protection and has to comply with an educational program in domestic violence. In this case, the convict has an age of 50 and lives with his mother, of who he is the caretaker.

The relationship skills that were used by the PO were: open questions, displaying warmth, and there appears to be mutual liking that can explain a decreased performance of techniques that imply the effective use of authority. The structuring skills observed were the use of reflections to improve understanding, praising of specific thinking, encouraging probationer to practice prosocial behaviour and discussing criminogenic needs.

## **6. CONCLUSIONS**

The first hypothesis, referring to the use of Core Correctional Practices (CCPs) by the POs in the interview, has been confirmed, even though partially, because the observed interviews did indicate a use of the CCPs in the interviews, but, as they were adapted to the offender's location on the cycle of change, not all the CCP's were observed in all the interviews. The use of different CCPs also variates taking into account the mental health of the convict, where CCPs appeared in a greater extent, in form of problem solving skills.

The second hypothesis made reference to the results obtained by Trotter and Evans (2012) and Raynor et al. (2014), which concluded that the POs used more relationship skills than structural skills in the interview with the convicts. The same results have been obtained in this research, as all POs made use of relationship skills, even though they varied depending on the type of interview (first, follow up, and last), but they were more used than structuring skills. It seemed evident and logical that relationship skills could be more used than structuring skills, because they are the start of an adequate relationship between PO and probationer, and can be used even when the offender is in condition of resistance and makes impossible the use of structuring skills.

The third and last hypothesis stated that POs addressed the criminogenic needs of the offenders in the interview. This hypothesis has also been confirmed, as during the observation of all eight interviews the objective of the interview was clearly

recognizable: it looked for the offender's rehabilitation through the discussion and solving of criminogenic needs. The compliance of the community sanction could be defined almost as a secondary objective, because any topic related to it appeared at the end of the interview, except in the case of non-compliance of imposed conditions and/or absence or poor participation in the educational programs, as the goal of the educational programs is to seek the convict's acceptance of guilt.

The results of this research clearly appoint to the fact that POs are prepared in relationship and structuring skills, and used them where they were necessary. As also indicate Vanstone and Raynor (2012), the inclusion of different items in the checklist does not mean that they should appear in every interview, as well as, if they do not appear, this does not mean the existence of bad practice. This can be observed, specially, in the case of the PO where two interviews were observed, as in one interview she used more skills than in the other one, performing good practice in both and demonstrating the capacity to adapt the approach of rehabilitation to the offender's situation and needs.

In relation to the education or training of the POs, there was no outstanding difference between the three different educational bases: psychology, social education or anthropology. Even though it is remarkable that once they become POs, they receive trainings from the organization or justice department in relation to judicial concepts and measures, in order to maintain themselves up to date on all the changes in the criminal code or legislative reforms. Here, it would be important to consider the idea of giving a more criminological training to the POs to guarantee that they are fully trained in the different aspects that form the probation, and assure that there is maintenance of good practice.

The idea of giving a more criminological training to the POs, does not imply that criminologists should not receive training if they exercise as POs. In this way, all of the POs should be equalized in the different terms that comprise probation: psychology, sociology, social education, criminology and law. So, it would be interesting that, once the individuals reach at the post of a PO, they could receive

training in those fields that are not included in their educational background, as well as, reminder or continuation courses, to guarantee a long term good practice.

Finally, the results of this research are subject to the different limitations such as reactivity, as the presence of an observer can make pressure on the POs and/or convicts making them act differently in comparison to if the researcher was not there. Moreover, the fact that this study uses a qualitative technique of research that looks for meaningfulness and not representativeness, one interview per PO does not seem to be sufficient to define the skills of a PO, when it has been clearly proved that the skills variate depending on the type of interview and the situation of the probationer. Thereby, an extensive qualitative analysis is necessary to observe concretely which skills predominate in practice, as this research has given a brief introduction on how practice, in the Spanish context, concretely Catalan, seems to be.

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