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Selected factors relevant to the decision-making process during the performance of diagnostic activities by the probation officer

Abstract: The article presents selected aspects of knowledge that are important for the performance of diagnostic activities by the probation officer. I pay special attention to factors that play an important role in the decision-making process of the probation officer while performing diagnostic activities. I also highlight the importance of the probation officer's understanding of the behavior of their clients and the need to take into account the context of the symptoms of social maladjustment, as this forms the basis for the preparation of appropriate plans to stop a juvenile from committing antisocial acts (Hejne 1982). The purpose of this article is also to illustrate the variety and diversity of knowledge that family probation officers should possess in order to make an objective diagnosis. The probation officers' knowledge comes from both personal and professional sources. What influences the style of a probation officer's work are their previous life experiences and what they have learned at work, i.e. practical, empirical and theoretical knowledge, professional ethics as well as established work standards. As it is impossible to discuss all the factors determining the functioning of persons placed on probation in a single article, only selected aspects of knowledge that are relevant to the performance of diagnostic activities by the probation officer will be presented.

Keywords: Probation officer, diagnosis, decision-making process.

When carrying out their diagnostic function, probation officers gather information on the situation of their clients and use it as a basis for making a number of responsible decisions concerning the selection of appropriate corrective measures. A properly made diagnosis results in a correct social rehabilitation effect. As claimed by Ewa Wysocka (2008), the diagnosis must be objective, i.e. it must be done according to strictly defined criteria which should be provided by scientists. The author argues that an essential activity in diagnosing is taking into account the dynamics of a diagnosis, and thus to consider not only the events of the past but also the current ones.

A rational approach to the situation being diagnosed is of particular importance when probation officers make decisions. When making decisions, they must have both the knowledge and diagnostic procedures that can be applied in practice. They must know why they apply particular diagnostic measures and be able to determine the functioning of themselves and others.

What constitutes the knowledge of a probation officer has long been the subject of discussion in the environment of probation officers and scientists (Paszkievicz 1999; Opora 2006; Stasiak, Jedynak 2010). All authors agree that the knowledge of a probation officer is a phenomenon that is fluid and requires constant development. It consists of the knowledge of theory, scientific research in the field of their professional work as well as experience in working in the judiciary system. All of this is reflected in the skills demonstrated by the officers and the measures they apply to their clients.

Knowledge of the phenomena of social pathology, including crime, is dynamic, ever-changing and expanding through research, diagnoses, evolving theories, and a review of examples of good practice. The evolving knowledge of probation officers is also influenced by the fact that they broaden it through their continuous experiencing of new professional situations and critical reflections on their professional experience.

It comes from both personal and professional sources. What influences the style of the officer's work is their previous life experiences, values and beliefs (Fengler 2001), as well as what they have learned at work, i.e. practical, empirical and theoretical knowledge, professional ethics and established work standards.

It is impossible to discuss all the factors determining the functioning of persons placed on probation in a single article. Therefore, only selected aspects of knowledge that are relevant to the performance of diagnostic activities by the probation officer will be presented. Special attention will be drawn to factors that play an important role in the decision-making process of the probation officer while performing diagnostic activities. I will also highlight the importance of the probation officer's understanding of the behavior of their clients and the need to take into account the context of the symptoms of social maladjustment, as this forms the basis for the preparation of appropriate plans to stop a juvenile from committing antisocial acts (Hejne 1982). The purpose of this article is also to

illustrate the variety and diversity of knowledge that family probation officers should possess.

The performance of diagnostic activities by the probation officer requires determining what information should be obtained, understanding its meaning and determining its relevance to the client's case. All these factors have an impact on the decisions made by the officer. Those decisions, in turn, are used to prepare documents containing findings that are useful for the court and other people to make subsequent decisions. The findings contained in the probation officer's documentation and subsequent decisions concerning the client should serve to establish the level and content of the intervention and be aimed at reducing the perceived risk in order to prevent the occurrence of negative consequences. The judiciary system adopts certain rules for dealing with juveniles. It assumes the need to take into account the individual needs of the juvenile and their motivation for pro-social functioning, which also translates into specific decisions on the measures to be applied to the juvenile and methods of their implementation.

Decision-making process in the diagnosis of a client's situation

There are two groups of diagnostic objectives. The first group of objectives refers to the planned collection of information. The second group concerns the types of decisions to be made by the probation officer on the basis of the information gathered.

The purpose of collecting information is:

1. To determine how problematic behavior is perceived by the client, their parents or other significant persons. To help formulate the problem in such a way that it can be changed during the social rehabilitation process.
2. To identify situations that cause anger, aggression, stress and other strong emotional reactions and maladjusted behaviors that are harmful to the individual or their environment.
3. To determine the extent and intensity of non-adaptive and adaptive (yet insufficient) reactions and the consequences of these reactions for the client.
4. To identify the physical, material and psychological capacities of the clients that are useful in the social rehabilitation process and to determine possible difficulties in the successful implementation of rehabilitation measures.
5. To determine the initial and later motivation of the client to change their behavior.

To collect the necessary diagnostic data in order to make decisions regarding:

1. Determining optimal social rehabilitation goals.
2. Preparing a plan for the implementation of the most effective corrective strategies.

3. Determining whether probation is the best means of social rehabilitation and deciding on which measures will benefit the client most.
4. Determining whether there are people around the client who may be helpful in the process of social rehabilitation.
5. Making an evaluation and answering the question to what extent the implemented social rehabilitation measures are effective, by comparing the final diagnosis with the initial one.

In order to achieve the above objectives, the probation officer usually employs a variety of diagnostic methods, the most common of which is an interview. That is why this text focuses on the use of an interview by a probation officer for the purpose of a proper diagnosis and the resulting social rehabilitation goals.

William Goldstein and Robin Hogarth (1997) distinguish the process of assessment from the decision-making process. According to them, the assessment consists of integrating a number of probabilistic and potentially conflicting suggestions in order to know a given situation, while decision-making is understood as the choice made by people in uncertain circumstances and in the presence of conflicting goals (Goldstein and Hogarth 1997). Assessments should perform informational functions in the decision-making process, which should result in the adoption of measures reducing the likelihood of renewed conflict with social norms and positive changes in the life of the juvenile. Decisions should result in action.

Eileen Munro (2008) points out that people are often reluctant to take decisions and to the resulting actions. People are afraid to take on the burden of responsibility and decide to adopt a procrastinating attitude of avoiding action in order to deal with anxiety. Among probation officers, this attitude may manifest itself in delays in making decisions or postponing action. As a result, instead of formulating conclusions, the officers are constantly at the stage of diagnostic proceedings or take routine actions, minimizing the opinions about their clients which are the source of anxiety. It seems that in the practice of the juvenile judiciary system, there seems to be a tendency to pay excessive attention to preliminary diagnoses and evaluations of the level of risk presented by the juveniles, instead of focusing on decisions on optimal corrective measures. The undertaken social rehabilitation measures are standard and give relatively little consideration to the needs of the juvenile. Even less attention seems to be paid to periodic review of the effects of previous decisions and re-diagnosis.

Background to the decision

Probation officers look at the permanence of the undesirable behavior and whether it escalates in terms of frequency of occurrence and severity. The evaluation in this respect serves to determine the educational and socio-

rehabilitative measures applied. To a large extent, it is based on the subjective perception of the probation officer.

The risk posed by the client can be estimated both on the basis of the severity of the negative behavior that may occur and the degree of control of behavior by the client according to social expectations.

The decision-making process is never a mechanical activity but a value-based process, characterized by uncertainty and anxiety. The activities undertaken by probation officers are of probabilistic, not deterministic nature.

Probation officers and judges are under the complex influence of binding regulations, social policy, serious attacks accompanied by negative criticism of social institutions in the media. This influence makes them feel under pressure to foresee the threat for the purpose of controlling it. At the same time, they may be afraid of being blamed when their decisions are negative, especially if a client under probation commits a criminal act or is seriously harmed in the future.

Also the mere fact of collecting information does not ensure the quality of the information generated. The client may be hesitant to talk about their family, but body language, emotions and emotional reactions may reveal additional information on the basis of which the probation officer can find out what is happening in the client's situation (Opora 2013). An open and trust-based relationship between the probation officer and the client helps the juvenile to understand themselves and make changes.

A strong structuring of risk factors can make it difficult to see the existing links in the client's life. Incorrect understanding of the links between risk factors in connection with the subjective narratives of the client can lead to misleading conclusions. For this reason it is important to take into account the context of these risk factors and to look at the client in an individualized way, resulting from their being in a specific context. This allows the continuous formulation of hypotheses, which become the subject of further verification while working with the client.

Diagnosis is a dynamic and ever-changing process. It usually involves searching for a narrative that explains the influence of factors and their interconnections in a given case. As an individual case we can accept, among others, a person, family or peer group. Through the diagnosis we can observe how differently the same risk factors are related to each other in different cases and thus can lead to different consequences.

The analysis of the risk factors that constitute the situation of the client is a structured process and is part of the formal report to the court. However, intuitive processes can also play an important role in recognizing the links between the factors influencing the client.

Intuitive decision-making is based on the probation officer's ability to recognize patterns with which they have already dealt with in their practice, or which coincide with known research or are the result of additional knowledge

about the offenders. Recognition of patterns also involves the ability to predict the likely consequences of a measure and taking them into account when making decisions.

Structured probation procedures can support the adjustment of cognitive patterns to the situation of an individual case. They are drawn from research and help to define the areas of analysis of the client's situation. Experienced practitioners use both their own knowledge, which is based on experience, as well as research and theory. This makes it possible to match the patterns known so far and link them to the reality of a particular case. For example, an experienced probation officer can recognize the behavior of the client manifested by excessive arousal as brave instead of rebellious. This depends, among other things, on how this behavior is linked to early childhood problems resulting from an erroneous sense of attachment. If the probation officer knows and understands in detail the research and the theory of bringing up a young person and has learned about the functioning of their family, they will be able to accurately and comprehensively diagnose the problem.

Probation officers should have high self-awareness. This will allow them to be sensitive to their own prejudices. Then adjusting the patterns will not be a mere bias or simplistic thinking.

The diagnosis process and related tools should be designed to help the probation worker focus on the most relevant risk factors by helping to collect and present evidence in support of the causal hypotheses of the specific case. In other words, the hypotheses, which constitute a kind of a story about the client, are based on evidence. Such a story is coherent but also open to evaluation and change. That is why the probation officer conducting the diagnosis should answer the following questions:

1. Are they aware of the patterns which they use during the diagnosis?
2. If so, what is helpful and what increases the probability of matching a cognitive pattern to an individual case?
3. Do they have any concerns about prejudices that affect their own or others' judgments?

From diagnosis to planning

Creating hypotheses on an individual case during a diagnosis concerns more than one aspect of the situation. It should be a step forward in solving the entirety of the difficult case. It is necessary to take into account the complex interactions in which the clients find themselves. These interactions can determine the client's understanding. A balanced approach, taking into account both the information obtained from structured procedures and the probation officer's subjective knowledge, will be useful in identifying the most relevant risk factors,

links and interactions. This will ensure that the social rehabilitation plan will be correctly adapted and individualized according to the needs of the client.

The social diagnosis made by probation officers is focused on comparison, analysis and synthesis of properly collected information typical for the presented problem and identified needs of the client. In the first phase of the contact with the client, the probation officers analyze the client's situation, i.e. they break down complex structures into very simple elements. Then they synthesize the information gathered by combining several parts or single elements to create a more complex whole.

Implications for diagnostic practice

From the moment a client is diagnosed with certain problems, they must be reconstructed in an appropriate order so that they form a complete picture of the situation in which the client finds themselves. The diagnosis and identification of direct and indirect connections leading to punishable acts should be planned in such a way as to make changes or influence those connections. In order to avoid confusion and information overload, it is useful to apply a problem-solving strategy used in cognitive-behavioral programs. This allows the identification of available options and the potential consequences of each of them. In this way, it is possible to reflect on the probability of each subsequent consequence and to see their pros and cons. Such analysis supports decision-making and risk management when planning further measures for the client. The activities undertaken by the probation officers are not always in line with previously planned expectations. Unforeseen consequences arise and then the officers must urgently take them into account. This means that probation officers often have to make intuitive decisions and rely on the first solution that comes to their mind. This can be a useful and effective ability in dealing with emergencies. In contrast, decision-making based on a considered approach seeks to achieve balance. Therefore, structured procedures for probation officers should support the most attentive and rational review of changes occurring over time. To ensure that the consequences of the decisions made are fully taken into account and the manner in which the decision is made is legitimate.

What distinguishes a creative probation officer from a strictly methodically prepared officer is the ability to switch from one perspective to another. A probation officer may adopt a specific plan but must be constantly open to new solutions. Their hypotheses have to be verified and, if necessary, changed as the situation of the client changes and new information is revealed. The hypotheses can be verified by gathering a variety of evidence from different sources. Many practitioners, on the other hand, do not get involved properly and in their reports adopt only one perspective or a few isolated and unconnected perspectives of the existing problem.

A change of perspective is difficult and time consuming. While dramatic changes can relatively easily force a change in thinking, the fact that single and residual information about a client's situation has the potential to fundamentally change the picture is ignored. In a situation of seemingly subtle differences between different perspectives of the same problematic situation, probation officers may be reluctant to face a different way of thinking. A young person may have a poor relationship with parents who do not cooperate with the probation officer. Improper parenting is part of the hypothesis that indicates a measure. Some comments and observations made during a home visit help to recognize whether the young person will be aggressive towards their parents. This would indicate a need to think about whether corrective measures should only concern the parenting skills. In a situation where the probation officer is overloaded or uncertain as to how to deal with the situation, they may be tempted to minimize the significance of the new information.

The institution of probation can support the open thinking of probation officers through discussions and exchange of views and information about decisions made by professionals. Interpersonal strategies do not always bring the intended results. Many probation officers will have the experience of being involved in systems that maintain certain patterns that become another routine process. Then, they may experience dissatisfaction while being under control, as they perceive it as verification of goals instead of help in developing their thinking.

The support for probation officers could be to enable them to benefit from supervision by a person from outside the probation officers' environment, as a closed system of professionals may not be conducive to open discussion of problem situations. In addition, this could lead to confusion of roles and difficulties in communication. The probation officers may then treat the emerging elements of the conversation in an isolated way, instead of looking at the whole context of the situation. Formalized and structured procedures may be insufficient. Therefore, intuitive responses to the situation in which they find themselves will improve the results obtained.

Structured, rational decision-making and a good system of collecting and storing information is essential if the diagnosis is to be based on evidence-based assessments, to serve creation, planning measures and to provide new answers in practice. At the same time we are dealing with a kind of art of good practice. Intuitive thinking, proper differentiation and true understanding of the narrative are also essential, while carefully avoiding bias traps at the same time. Probation officers have to balance different approaches in their work, taking into account many aspects of the situation, including professional cooperation and maintaining relations with the clients. In conclusion, I would like to stress that the development and improvement of professional competence is both the responsibility of the probation institution and of each individual probation officer.

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