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PROBATION, AFTER-CARE,
CHILD-CARE AND PROTECTION

today and in the future

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**PROBATION, AFTER-CARE, CHILD-CARE AND PROTECTION
TODAY AND IN THE FUTURE**

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by

J. Junger-Tas and L.C.M. Tigges

"The doctrines of the quiet past are
inadequate to the stormy present".

Abraham Lincoln.

Dr. Josine Junger-Tas - Drs. L.C.M. Tigges

**PROBATION
AFTER-CARE
CHILD CARE AND PROTECTION
TODAY AND IN THE FUTURE**

**Ministry of Justice
1981**

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I. INTRODUCTION

Like most countries in the western hemisphere the Netherlands has two categories of social work which deal with people who come into contact with the law: child care and protection for juveniles, and probation and after-care for adults. It is not usual practice to consider these two forms of social work under one general heading because they differ considerably - for instance they function in quite separate ways. However in this article for reasons to be indicated later¹⁾ we wish to stress their similarities.

It is perhaps best to begin by stating emphatically the difference between child care and protection and probation and after-care. The civil law plays a very considerable role in child care and protection alongside criminal law whereas probation and after-care is governed by contact between the offender and the criminal law machinery. In other words: the child care and protection system is concerned with individuals who have been or are in danger of being in need of help, it being unimportant, in principle, whether or not the law has been broken.

In such cases a care order can be made under civil law; in addition, a considerable proportion of the activities of the Child Care and Protection Boards relate to enquiries in connection with custody arrangements in respect of divorce proceedings and access arrangements.

1) Social work on behalf of mentally disordered offenders under the hospital order system, particularly outpatient care, is closely related to the types of social work discussed here. Since it is so specific, however, we felt it better to leave it out of consideration in this paper.

People only come into contact with the probation and after-care system, however, if they have committed a crime. Second, criminal law relating to children as compared to that relating to adults has its own regulations and aims. The criminal law relating to children is educational in nature and is always used as a means of protecting children. Furthermore, where criminal offences are involved, the court may make orders under civil law instead of criminal law. In criminal law relating to adults, on the other hand, the penal element is the central feature, in order to make clear to the offender and society, that certain types of behaviour are unacceptable. Third, the organization of the two systems differs. In the case of child care and protection, information is provided to the courts by the Child Care and Protection Board, while aid is given primarily by private (family) guardianship organizations and bodies. In the case of the probation and after-care system, on the other hand, information and aid are controlled by one body; the two functions are frequently performed by the same organization and people.

This is the extent of the differences between the child care and protection system and the probation and after-care system. The similarities are as follows: the two agencies operate within the legal system, where there are two markets for the product they have to offer: the clients to whom aid is given, and the criminal justice authorities to which services are supplied, such as the social enquiry report and the exercise of certain forms of supervision and counselling. The unresolved dilemma between aid and law is a result of the fact that there are two kinds of "markets" to be served. We shall return to this shortly. Second, the roots of the child care and protection system and the probation and after-care system are the same. In view of the supposed harmful effects of institutionalization, especially imprisonment imposed as a penalty, the intention was to avoid custodial sentences as much as possible. For this purpose, the concepts of the suspended sentence and release on parole were introduced as part of the criminal law relating to adults, with the probation and after-care service exercising special supervision to ensure that the conditions were complied with. Under the law relating to children, care orders were introduced in 1922 in order to enable help and support to be offered without the child having to be removed from its home. Third, the need for humanization and individualization of the treatment in the criminal justice system was bound

up with the attempt to avoid or shorten the period of institutionalization, particularly in a penal institution. This humanization pre-supposed information being available about the person and special circumstances of the offender - and this is now provided on a large scale by the Child Care and Protection Boards and the probation and after-care service. Fourth, society and the criminal justice authorities both realise that involvement in criminal proceedings can of itself cause offenders additional distress and difficulties which are in no way intended. The specialized aid agencies, such as probation and after-care and (family) guardianship agencies expressly attempt to meet this need and to promote social rehabilitation.

As already stated, an important similarity is that both the probation and after-care service and the child-care and protection system face the dilemma of choosing between aid and the law, i.e. between the welfare approach and the legal approach. In the legal model the emphasis is on the offence and the associated sanctions, individual responsibility, and protection of society's interests, while the welfare model places greater emphasis on the needs and requirements of the offender, irrespective of the reason for the proceedings brought by the criminal authorities.

It is primarily this ambivalent approach which has characterised the functioning of the two services and caused endless debate. The inescapable impression is that in recent decades the probation and after-care and child care and protection services have emphasised their welfare role rather than their strictly legal functions. The question that arises in this connection is whether this trend has actually benefited the clients. If we accept that it is generally in the clients' interest to spend as little time as possible away from home and in imprisonment, we should also realise that this can be achieved only if the judiciary have a confidence-inspiring alternative available, in other words a combination of help and social supervision. This combination is rejected, however, in the welfare model. The welfare model also has another drawback from the clients' point of view, in that it stresses the provision of psycho-social aid at the expense of aid to meet the clients' more concrete and frequently material needs. In short, it very much looks as if neither the criminal justice system nor the clients can be satisfied with the services provided. The social workers involved are therefore very much on the horns of a dilemma.

The present social situation makes it essential to re-consider the position of the probation and after-care and child care and protection services. At a time when social problems such as unemployment, and drug abuse and the problems of minorities are becoming increasingly serious, and when anti-social behaviour and crime are assuming serious proportions, greater demands will be made on the social work services in order to prevent people from being put into an institution or to reduce their length of stay there. At the same time, however, the funds required to provide an adequate contribution for this purpose will be increasingly scarce¹⁾. In determining the place of social work, we should draw up a sort of balance sheet to evaluate how the services concerned have functioned to date. Below we shall try to take stock, therefore, of the present state of affairs by reference to a study of the literature.

In so doing we shall deal with the following subjects in sequence: the information report, the supervisory function and the provision of aid. Finally, we shall discuss various ways in which the services concerned can develop in the future.

1) This problem is highlighted in the report of the Working Party on Capacity Problems in the Prison System).

II. THE SERVICES IN PRACTICE

In this Chapter an attempt will be made to consider the common problems facing the services in practice in many countries. In so doing we shall take as a basis the practical knowledge gained from empirical research. Unfortunately this means that our sources are somewhat one-sided since little research has been done in this area in the Netherlands to date and most of the research results accordingly come from the English-speaking countries. It must be borne in mind that the fundamental problems under discussion in this article also exist in other countries, even if in a somewhat modified form. Two main subjects will be discussed here:

1. The information report
2. Various forms of aid and supervision, and the effectiveness of the conventional forms of social work and of special experimental forms of aid.

A provisional balance sheet will be drawn up by reference to research results. It is provisional because our knowledge in this area is still inadequate and much of the research is marked by a weak methodological basis. Finally some suggestions will be made regarding a number of promising paths which can be followed in the future. These suggestions will be developed in the concluding chapter.

1. The information report

Information reporting plays a very important part both in the criminal law relating to adults and in child care and protection. The term is used to cover all forms of social enquiry and reporting intended to give judicial authorities background information concerning the offender's character. This information is of use to the judge in taking his decision and to the social workers since it frequently initiates the process of aid. In this connection reference should again be made to the considerable difference between criminal law relating to adults and child care and protection: in the child care and protection system the information report (by the Child Care and Protection Board) is separate from aid, but in criminal proceedings relating to adults both the report and the aid are provided by the probation and after-care service. Since, however, there has been no

research on the possible effects of this difference, it will not be considered in further detail here.

The main aspects of the information report which will be discussed in this article are the content of such reports and their effects on decision-makers. More specifically, the analysis will concentrate on the following four points:

1. Reliability
2. Validity
3. Relevance of the information offered
4. The impact of the report on the judge's decision.

1.1 By reliability we mean the fact that the findings and conclusions of a report would be the same if the report were prepared by a different social worker. The question of reliability is bound up with the personality of the social worker preparing the report and with the methodology underlying the report.

Research by Carter and by Carter and Wilkins, who studied the process whereby decisions are reached, showed that the personality of the social worker preparing the report does influence the conclusions given in the report. By means of a simulation experiment Carter examined the factors most strongly related to the final recommendation given to the judge¹. The most important factors were the nature of the offence and criminal record. Other factors, such as the offender's attitude, psychological variables, age, past employment and family background, were less important in relative terms. Even more interesting, however, was the finding that every social worker developed his own style in selecting relevant information. The recommendations which they made also differed considerably.

In another project Carter and Wilkins studied the backgrounds to these differences in greater detail². In the case of probation workers in North California the differences proved to be related to the type of education, age and professional experience. Probation workers having a social education recommended probation in 56.3% of the cases while workers with a degree in criminology or sociology made similar recommendations in 69.6% and 67.6% of the cases respectively. Those who had been working in

the profession longest recommended probation in 54% of the cases while newcomers to the profession recommended it in 68.4% of the cases.

On the basis of this and other comparable research Carter and Wilkins reached the following conclusions:

- (a) The variations are partly due to differences in training and professional experience.
- (b) The variations tend to be greater among the new recruits to the profession. As they gain experience, the differences diminish.
- (c) The longer a person has worked in the service, the less likely he is to recommend probation. This may be due to a more realistic or less optimistic view of the effect of probation.

However, even if we disregard factors related to the background of the individual social workers, there is another reason why information reports lack reliability, namely that they have no definite structure. Social workers have great freedom in this respect and are not restricted to a standardized and structured information report. This fact is of great influence on the contents of the report. An analysis by Buikhuisen *et al* of a random sample of 10% of all information reports issued in 1971 showed that out of a total of 145 variables counted 122 were mentioned in less than half the reports; 42 variables were mentioned in only 10% or less of the reports. The investigation showed that the contents of the various reports varied considerably (3).

The fact that information reports are not particularly reliable may be attributed, therefore, both to differences in the personal background of the social workers concerned and to the fact that the reports are not properly structured.

In this area, however, resistance is encountered from the social workers themselves due to their professional training. This applies particularly to countries such as England and the Netherlands, where the people concerned are professionals and not volunteers. Because of their training, which emphasises the individual case-work method, they oppose the idea of structured social reports⁴, arguing that such a method would result in their status being reduced simply to that of enqueteurs and that it would also

be impossible to achieve a satisfactory relationship with the client in this way. As a result of the research by Buikhuisen *et al*, the WODC carried out an experiment with structured information reports⁵. Although the results of the experiment were generally satisfactory - in the view of both the judiciary and the probation workers - the method has not been adopted on a broader scale.

To conclude this point, we would repeat some of the arguments put forward by Buikhuisen *et al* in favour of more systematic reports based on the use of a check list⁶:

- (a) The reports become clearer.
- (b) The reports can be compared and evaluated more satisfactorily.
- (c) Since all the subjects listed on the check list must be dealt with, there is less risk that social workers will seize on some favourite theme or hobby-horse.
- (d) The report can be supplied and read more quickly.
- (e) The reports are more suitable as a basis for research.

1.2 A second important element in the reports is the question how true they are, i.e. to what extent the facts reported agree with reality. This question of *validity* is a problem in many countries. For example, research in the United States has shown that much of the information obtained from the offender and given in the reports is never verified⁷. Previous convictions are often omitted and the nature of the offence is hardly ever mentioned. Nor are details of education checked.

Perry reached comparable conclusions in England. Complete details of the nature and circumstances of the crime were missing in 40% of the cases, while details of previous convictions were absent in 60% of the cases. Perry added that those social workers who contacted the police in order to obtain this information felt that they were better equipped to help the offender and also to offer the court more adequate information.

Questioned as to the quality of the information on which the recommendation to the judge was based, 40% of the social workers interviewed answered that the information was below standard. This did not apply to all the areas of the enquiry: information on past employment and attitudes to authority

and the offence were generally held to be accurate. They were dissatisfied with information concerning the circumstances under which the offence was committed, previous convictions, the client's early history and his current relationships. The facts given in the reports are seldom checked for accuracy and little supporting evidence is given. It is quite likely that the situation in the Netherlands is basically no different from that in the countries indicated above.

Buikhuisen *et al* also investigated whether the reports included outspoken assessments of clients with no clear indication of how they had been arrived at. Some of the examples they gave were statements such as "feeble-minded", "egocentricity", or "perverse sexual leanings", which were found in 15% of the reports. Information on the offence was inadequate in 33% of the reports and poor in 18%.

Another element which influences the validity of the information is the social worker's attitude to the information report. An investigation into attitudes and opinions of probation workers with regard to their work showed that the primary object of the information report was to "to throw light on the client's environment and views". The second object was "to provide correct information as far as possible", and the third "to enumerate the various ways in which the client can be helped".

Seen in this light it is not surprising that there is a general tendency to lay a fairly considerable degree of emphasis in the report on the client's opinion. In many cases it is left to the client to decide what is or is not to be reported to the court: Practically half the workers interviewed indicated that they used this method frequently or fairly frequently⁸. It is apparent from this state of affairs that the client's influence on the contents of the report may be considerable, that the validity of the information is of only secondary importance. Finally it should be noted that information is also provided in early assistance reports, which are drawn up when the client is first taken into police custody. Apart from the contents of such reports, an important factor is that they are usually compiled verbally⁹. Although speed is of the essence, it is probable that the correctness of the information leaves much to be desired.

1.3 What is the relevance of the information provided?

This is a difficult question which depends greatly on the purpose of the information report.

If the emphasis is on aiding the individual client, the inclusion of subjective details concerning the client's attitudes, feelings and responses may be useful. If, on the other hand, such information is considered to be irrelevant for the courts, the emphasis will be rather on details associated with the offence and criminal record.

A third factor is that the report may be accompanied by a recommendation on the action to be taken. In such cases, the social worker assumes, at least implicitly, that the information supplied is sufficient to predict the client's future behaviour.

In the USA, the most important function of the report appears to lie in the help it offers the court in deciding the sentence. Judges themselves are relatively vague concerning what they exactly expect as information: They want a kind of total picture of the client. However, the most important factors governing sentencing are the nature of the crime and criminal record^{1/2}. In addition, education, income, past employment, housing and a stable life appear to influence sentencing.

It is striking that probation workers largely agree with judges that the nature of the offence and criminal record are the major factors governing their recommendations. In addition to social factors and stability, however, they also included the client's attitudes in their assessment⁷.

In England too, the accent is on assisting the judge in reaching a decision (Criminal Justice Act 1948). According to a report by the Streatfield Committee, a report should contain the following elements¹⁰: information on the client's family life and family background, attitude to the offence and previous sentences, physical and mental health, and assessment of the client's personality and character.

In reality, however, the standard is far below expectations. Only about half of the reports in Perry's investigation gave reasonable information on family background, and only 21% on current family situation; details of accommodation were missing in 46.4% of the cases. The researcher concluded that the average information report contained no details on police record, past offences and convictions, accommodation and neighbourhood, financial position and health, and the client's personality and attitudes. The reports did contain details of education and employment, attitude to the offence, basic particulars concerning parents and brothers/sisters, and age and sex, and a recommendation.

In the Netherlands Buikhuisen found it striking that a large number of variables - approximately one-third - related to parental home and education while variables relating to physical and mental state and employment occurred relatively rarely. Just as in England, researchers in the Netherlands found that the reports primarily contained information which is readily available. The obvious question is why things such as "number of children at home" or "period at primary school" should be considered relevant when no mention is often made, for instance, of the circumstances under which the offence was committed. It was also striking that details of family background were often omitted and the question arising in both countries was whether this information is not available or is considered to be irrelevant. The information supplied is related to the nature of the offence. For example, violence against wife and children was mentioned more frequently in the case of crimes of violence than in the case of other crimes. The criteria that the social worker applies in such cases, however, are not clear. Another noteworthy finding is that reporting policy differs from area to area; opinions differ on the importance of certain variables, and reports tend to be longer in the smaller districts than in the larger. Buikhuisen *et al* compiled a list of relevant variables by category of crime on the basis of the criminological literature and compared these variables with their presence in the reports.

Most of them were not mentioned in at least half the reports. For example, in the case of offences against property, "unemployment" was mentioned in only 52% of the reports and "direct motive for the crime" in 43% of the reports. In the case of crimes of violence, "violence towards the family"

was given in less than 40% of the reports involved. And in the case of sexual offences insufficient mention was made of variables such as "perpetrator-victim relationship" and "provocation".

What conclusions may be drawn from the foregoing?

First, it is striking that a large number of details are simply omitted. This is so whether they are measured by reference to explicit criteria - as in England - or by reference to available criminological knowledge - as in the Netherlands. We do not know whether the details are omitted because the social worker considers them irrelevant in a specific case or because he did not have the correct details available.

Other criteria may also be applied. If the judiciary requests a complete picture of the client in order to arrive at a decision which takes into account the individual's circumstances, then the criterion is so vague that it is difficult for the social worker to apply it. And any attempt to provide information on which predictions as to the future behaviour of the client can be based means skating on thin ice. Neither social workers nor psychiatrists are able to make reasonable predictions in this respect (11).

We think that the problem of determining the relevance of the information is attributable to at least three factors:

- (a) Lack of clarity regarding the exact object of the information report.
- (b) Inadequate application of criminological knowledge of causes of criminal behaviour.
- (c) Inadequate knowledge of factors predicting future behaviour.

One of the solutions to the present problems is, in our view, a much more structured information report, the constituent parts of such a report being periodically tested and scientifically evaluated for their relevance to decision-makers and helpers.

1.4 Finally, one last important aspect of the information report is the effect of its recommendation on the sentence passed by the judge. All the research available to date shows that there is a very strong relationship

between the two. In their research in California, Carter and Wilkins come to the conclusion that a recommendation for probation is accepted by the courts in some 95% of the cases. Where imprisonment is recommended, the recommendation and the sentence are less likely to be identical¹². After examining research published in this field, Allen et al found that although this similarity is not equally apparent throughout the USA, the recommendations of probation workers are generally largely followed by the courts⁷. In England, Perry - like Carter and Wilkins in California - found that inexperienced officials recommended probation more frequently, while those with more experience were more cautious. No distinct recommendation was in fact made in 40% of the reports examined. This was probably due to the social worker's expectation that the court would sentence the offender to imprisonment in such cases, so that he preferred to withhold his recommendation. There was also a considerable risk that he would have this client in his case load once again if he were released on parole. If the probation worker had recommended imprisonment, it might have an adverse effect on the social worker's subsequent relationship with the client.

However, detention centres or Borstal training in the case of minors were regarded more positively and were therefore recommended by probation workers.

It is striking that only 56.7% of the positive recommendations for probation were followed by the courts while the figure was as high as 96.4% in the case of negative recommendations. All the negative recommendations comprised imprisonment or an order (in the case of minors). Hine et al examined the influence of various forms of information report on the

court's decision. They found that when the report contained a clear recommendation for probation there was a much greater chance of probation being ordered than if the report contained only social information. Probation recommendations resulted in fewer cases of imprisonment¹².

An Australian investigation into the decisions of children's courts found that the major factor in such decisions was the social worker's recommendation. When no recommendation was given, the following factors were critical: the number of previous contacts with the children's court, the nature of the offence, age, and previous police record¹³.

From the investigation in the Netherlands it was found that no recommendation was made in a fairly large number of cases (about 30%)³. In 41% of the cases the recommendations related to probation; suspended sentences and withdrawal of the proceedings were recommended in 35% and 25% of the cases respectively. In the Netherlands too, there is considerable similarity between recommendation and sentence and the question is of course why this is so. Carter and Wilkins outlined four possible explanations:

1. The courts have great confidence in the social workers' competence.
2. Some offenders are "obvious" candidates for imprisonment or probation.
3. Probation workers' recommendations anticipate the sentence.
4. Social workers and judges agree in the selection of factors relevant to the decision before them.

There is probably something to be said for all of these possible explanations, although (2) and (3) above find the least support in empirical material. The fourth theory in particular appears to be confirmed by other research. Both probation workers and courts attach considerable importance to crime variables. On the other hand, local differences in sentences indicate that there are regionally distinct differences in policy. Nevertheless, the agreement between recommendations and sentences is considerable everywhere. In view of the fact that probation workers do not always know beforehand which judge will be dealing with a particular case it appears likely that there is some degree of local consensus on policy in

this field. The data they had gathered led Hire et al to the conclusion that it is possible to point to some influence by social workers on courts. Kraus agrees and with regard to juvenile courts has even calculated the extent to which the judge - influenced by the report - takes decisions which would not be taken without it. This "degree of acceptance" was 21% in the case of probation, 65% in the case of residential treatment, 59% in that of reprimands and 67% in the case of fines.

It is nevertheless difficult to give a true estimate of the influence of social reports on judges' sentencing. Have there really been fewer custodial sentences since the introduction of the information report and can there then be said to be a causal effect? Has the information report led to sentences that are more oriented to the individual and has this in turn led to more effective rehabilitation? These are questions which we cannot yet answer satisfactorily.

We may conclude this section by noting that information reports fall short in a number of respects. There is a distinct lack of reliable and valid information. We do not know whether other social workers would provide the same information concerning the client nor to what extent the accuracy of information supplied is checked. Serious questions also arise in respect of the relevance of much of what is provided in the report.

Most of the objections to information reports relate to a lack of structure in them and to social workers' great freedom in exercising their function. There is frequently the impression that they regard their work as an art rather than a scientifically founded task.

On the other hand it must be acknowledged that the scientific basis for the entire diagnostic and treatment model is extremely weak. Diagnosis, treatment and prediction of future behaviour have led to very disappointing results when compared with practice. Nevertheless, we would argue that the courts should be provided with adequate information as they take decisions which have a far-reaching effect on people's lives.

We think, however, that this information should be improved in important respects and some suggestions for this will be discussed in the concluding chapter.

2. AID AND SUPERVISION

This section examines the way in which the system of child care and protection and the probation and after-care services try to carry out the tasks of giving aid and supervision, but without making any precise distinction between aid and supervision. The reason for this is that this distinction is not as marked in most countries as it is in the Netherlands. Although the dilemma of confusion of roles or of wearing two hats, as it is referred to in the cases of child care and protection, does occur in other countries (e.g. in England and Sweden), it has not led in those countries to such an extreme demarcation as in the Netherlands where aid is normally given solely on an absolutely voluntary basis. In addition, research literature shows that the system of child care and protection and probation and after-care services is generally - in respect of both adults and minors - "compulsory aid" in the final analysis, as Snel concluded as long ago as 1972¹⁴.

We shall now first consider the basic principles of social work, the dilemma between aid and supervision, and the working methods applied, also being discussed. This will be followed by a number of examples of experiments and new approaches, these projects being examined for their effectiveness in each case.

2.2 Basic principles of child care and protection and the probation and after-care services

As already stated, this area of social work bears the burden of the continually recurring dilemma of the division between aid and supervision (although there is no such division in Dutch legislation). This dilemma is experienced everywhere and it may be said that social workers generally hold the opinion that aid can only produce positive results when it takes place in a voluntary context.

This basic principle - or rather axiom - has been tested empirically surprisingly rarely, however, and what checks are available hardly support this assumption. Attempts have been made in the child care and protection

service to test experimentally the effects of both the division between the aid and legal aspects and their integration. This has been done as part of development projects subsidized by the Minister of Justice, the Minister for Cultural Affairs, Recreation and Social Work, and the Minister of Health and Environmental Protection¹⁵. Two projects, the Opperdan project in Zaandam and the Youth Welfare Policy Development project in Friesland evaluated separate provision of these two aspects, while a further project, carried out at the Youth and Family Association in Zwolle, evaluated integrated aid.

It is noteworthy that all the interviews with the workers concerned showed relative satisfaction with the new working method, and this applies to all three projects. Clients were interviewed in the Zaandam project only and they too proved to be in favour of the new approach.

With regard to the division between the exercise of authority and the provision of aid, it was evident that by no means all the approaches to clients could be characterised as one or the other. A considerable number of functions were performed in some cases by the juvenile protection officer and then in other cases by the aid officer depending upon the individual client and the cooperation between the two officials. The scientific evaluation of the experiments was too weak however, for clear conclusions to be reached as to the effect of these modified forms of cooperation on the quality of the aid or on the functioning of minors. Evaluation was confined primarily to examining how the new system functioned and how satisfied its users were without, however, using any pre-measurement and post-measurements, or control groups, and the random samples were very small in size. The question as to the possible effects of division or integration of aid and legal aspects on the functioning of clients, in comparison with aid systems previously used, was not approached at all. This is very regrettable as it must surely be assumed that this was the ultimate aim of the project.

The strong emphasis on the voluntary nature of the aid contact with regard to criminal law applicable to adults appears primarily to have the effect that clients will agree to rehabilitation aid only if it proves to be necessary or inevitable to promote a favourable outcome of legal procedures. Thus

Tigges and Nuyten-Edelbroek found, in their investigation of early aid, that one of its objectives, i.e. to start the aid process, was achieved in hardly any cases. Only in half the instances where early aid contacts had taken place were the contacts continued, and closer analysis of these cases showed that there was a very strong relationship between the request for an information report and continuation of the contacts. In all other cases the offenders made no further use of the probation and after-care service and the latter equally made no attempt towards outreach¹⁶.

It is a pity that there has been so little systematic research into the effects of "compulsory" aid compared with voluntary aid. All that we know at present - on the basis of wide-ranging research - is that neither one can boast of great success in terms of a permanent change in the behaviour of clients or patients.

I should like to mention some investigations in this direction. For example, Van der Linden's comparative investigation amongst medium-term prisoners found that after a follow-up period of 6 to 12 months 14 out of the 35 hard-drug addicts had kicked the habit while use had fallen off considerably in the case of 8. This is a fairly high percentage which Van der Linden attributes to two possible causes: compulsory withdrawal and a cooling-off period during detention, possibly facilitating a mental recovery¹⁷.

A recent German investigation into the effects of compulsory treatment of juvenile drug addicts concluded that they were comparable to those of voluntary treatment^{17a}. Six months after the end of the treatment approximately one-third of the subjects proved to be off drugs, while one-quarter reported some continuing drug usage and 45.5% were again addicted to hard drugs.

Since the samples contained a large number of persons in pre-trial detention and convicted persons, and both traditional crime and narcotics violations had fallen off sharply, the result can be said to be reasonable. It was also striking that two-thirds of all the clients stated that they thought the compulsory treatment was necessary and correct.

Allen et al report an investigation in Maryland in which sexual offenders and violent criminals were referred by the courts to a special clinic, after which a period of strict rehabilitation supervision followed. The program had a positive effect on the recidivism of those treated, in terms of arrests, convictions and new detention¹⁸.

An interesting investigation was carried out into the effects of compulsory and voluntary aid to girls who had been made the subject of a supervision order¹⁹. In this, 68 girls were distributed at random into an experimental group (comprising compulsory aid) and a control group (aid only if requested by the client). Significant changes in terms of improved behaviour occurred in the experimental group, but not in the control group which suggests that substantial results can be achieved with compulsory aid. Although not enough research has been done for any distinct conclusions to be drawn, the assertion that compulsory aid cannot produce any results would not appear to be proved. It is, however, no coincidence that this tension between aid on the one hand and supervision on the other is such a problem for those working in child care and protection or probation and after-care. This is related to the fact that the majority of these people have undergone social work training. Since 1968, probation officials in the Netherlands have been required to hold a diploma from a school of social work.

Social work is predicated upon the following²⁰:

- (a) People can and will change provided they receive the right help at the right time in sufficient quantities.
- (b) Individual aid is necessary, given the complexity and involved nature of the problem.
- (c) The quality of the aid relationship governs the success of such aid.
- (d) The success of the aid depends upon the client's motivation.

These basic principles are expressed in the case work method, in which the behavioural change is seen as the result of a supportive aid relationship between the social worker and his client. It is particularly the fourth principle that causes the problems, because contact with child care and protection officers or probation and after-care officers will usually be the result of involuntary contact with the criminal court machinery. The

client's motivation for behavioural change must not be over-estimated ; there may be such motivation, but it is by no means the norm.

Generally speaking, social workers see no clear solution to this problem: some of them accept in practice the compulsory framework within which they have to work while others hold firmly to the voluntary principle.

With regard to the Netherlands, some research has been carried out into the attitudes of probation and after-care officers²¹. As far as the question of freedom or compulsion is concerned , they tend to opt for the client's complete freedom but consider on the other hand that they should try to persuade clients to accept any help that is thought necessary. The supervisory function is regarded as wrong: the most negative attitudes relate to the supervision of drinking habits and supervision during week-end leave; there are also negative attitudes towards supervision during interruptions of imprisonment and supervision of a dangerous client, while opinions are divided on supervision as an alternative to pre-trial detention.

Attitudes to the work are fully in the tradition of the social work philosophy. The most important feature is considered to be aid directed at the personal functioning of the client, and the attempt is made to achieve this primarily in conversations with the client. Staff working in this area put aid directed towards material things in second place. A striking result of the investigation is that those who consider aid directed towards the client's personal functioning to be very important also attach more importance to activating the client and to the principle that the client must take the initiative himself; on the other hand those who put material aid in first place are less inclined to leave things to the client and to wait for him to take the initiative. This type of aid also proved to lead to mental stress among officials less frequently. We therefore see that the basic philosophy of criminal court aid is very much dependent upon the fact that this it is provided by social workers who have had special training directed towards individual case-work.

However, we should realise that this development is in no way essential. In view of the poor results so far achieved with individual aid - and we shall return to this later - continuation of the current model in no way appears

to be a matter of course. The argument in the USA recently has been more for an aid model in which the aide is a kind of broker in services. In this model much less emphasis is placed on a good relationship between the individual client and his aide. It is more the task of the latter to discover what the client's concrete needs are, what agencies can help him in solving these problems, and to ensure that he really obtains the services required. The object is not to change the client or his behaviour, but to ensure that the client's specific wants and needs are met as adequately as possible. Such an approach appears to be quite compatible with a supervisory task, it being possible, for example, to check the extent to which certain programs are being followed or certain aid facilities used. It is clear, however, that social work training is not an absolute requirement for fulfilling such a task; officials with different qualifications would also be able to acquire the necessary knowledge and skills. Even if social work training were considered pre-eminently suitable for the purpose, we may ask whether there should not be opportunities to specialise in "criminal court social work" in which attention is devoted, inter alia, to the above aspects.

2.2. Various forms of criminal court aid

There has already been a considerable amount of experiment in the area of criminal court aid, although the experiments have unfortunately not always been evaluated properly. This section will discuss some main features, traditional aid, a number of experiments with intensive supervision and counselling, the use of volunteers or environment-specific aides, and services provided by a team help instead of an individual officer. At the same time we shall examine in each case the extent to which the methods applied have proved effective. The following are some of the criteria applied to test effectiveness : reduced recidivism, improved social functioning - usually in terms of work performance - and improved functioning in the family group.

2.2.1 Traditional probation and after-care aid

Most of the research in this area has been carried out in the English-speaking countries. An extremely detailed investigation is undoubtedly Waller's "Men released from prison", in which he investigates 423 men who form a representative random sample of the population released from

prisons in the Canadian province of Ontario in 1968²². Approximately half of this group were considered for release on parole and were under the supervision of a probation worker. The others had to complete their full sentence and served as a control group for the group on parole.

Of the former group, 44% were re-arrested within two years of their release; the corresponding figure in the control group was 68%, the difference being due to the parole board's selection policy, as a result of which the group on parole was a better risk group. Most of the ex-prisoners had considerable difficulties on their return to society. Very few of them were met on their release from the prison. Only the police - not the probation workers - showed any interest in them in fact. The ones that fared best were those who had a family which they could go back to, and who obtained work. Age and criminal record were found to be the best predictors for subsequent arrest and conviction. Variables after imprisonment which were very closely connected to arrest or non-arrest within the 24-month period were employment, early contact with children, bad company, fights and frequently drinking habits.

The influence of supervision by the probation service was found to be very minor. Probation ensured that the ex-prisoners looked for employment and as a result more of the parole group found jobs during the first follow-up year than did men from the control group. In addition, probation appeared to reduce the risks of arrest only during the first six follow-up months. It may also be wondered whether probation can be expected to have a successful effect if it amounts on average to one or two conversations with the client per month at the agency's office. Similar results were reported by American researchers. In a Californian study failure was defined as withdrawal of a suspended sentence as a result of the special conditions imposed being violated or a new offence being committed²³. Comparison of the successful cases with the failures showed that failure was closely related to previous penal factors (criminal record, juvenile delinquency). Failures were also more likely to come from lower socio-economic groups and to have less education than the successful cases. Finally, they showed greater instability in their employment and married lives.

A striking feature in all the studies is that the criminal factors mentioned here, and the factors connected with social integration, form strong predictors for subsequent success and failure. This is in fact taken into account in the selection of candidates for parole or when giving suspended sentences. It would appear that the probation service's aid activities can do very little to assist or settle the matter.

2.2.2. Intensive supervision by the probation service

There have been numerous experiments in the area of intensive supervision, which is here generally taken to mean projects with a greatly reduced case-load and projects with special forms of supervision. The model is based on a number of presuppositions inter-related as follows²⁴.

Reduction of case-load	→ more contacts →	better services: effective treatment	→	reduction of recidivism.
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Fortunately this model has already been tested several times so that we are able to draw some conclusions from it.

IMPACT, an experiment carried out in England, measured the effect of intensive practical intervention in the employment, family and leisure situations of high-risk clients. The probation workers' case-loads were restricted to some 20 cases, and they were excused from other duties such as the preparation of information reports. The main criterion for success or failure was whether or not the client was arrested for a standard offence within one year of being put on probation. More contacts were made with the experimental group than with the control group, and it was also possible to pay more attention to such matters as looking for work, providing a holiday, and so on. In addition, fewer of such contacts took place in the probation office. No difference in the number of convictions was found between the experimental group and the control group one and two years after the start of the experiment.

Intensive supervision had a delaying effect in one of the four districts; in the first six months more people in the control group were convicted than in the experimental group, but this effect was only temporary. A typology was developed on the basis of two features of behaviour: "criminal tendencies" and "personal problems" and this produced different effects on different types of client. The type of client with moderate to pronounced criminal tendencies and average to few personal problems fared much worse in terms of convictions than under normal probation. On the other hand, the data suggest that clients with few criminal tendencies and considerable personal problems fared better in the experiment.

The authors conclude that intensive supervision has in fact no effect on recidivism but that some results point to treatment having a different effect on different types of client²⁵.

An even more ambitious experiment was carried out in Sweden between 1974 and 1978 in the Sundsvall probation district. The number of staff was tripled, two hostels each with 20 places and a socio-medical clinic were set up and an official was specially appointed to provide work for clients²⁶. Clients were free to choose their own probation worker, each of whom had a case-load of just three clients. Their main task was to sound out the client's needs and take steps to meet them. Clients with an average risk of recidivism were given intensive counselling, which meant one session a week initially. Three different results of the experiment were measured: recidivism, drinking and adjustment to work.

It was striking here as in the Waller and the Home Office studies that a reduction in recidivism in the experimental group was only temporary. After the follow-up period of two years there was no difference between the experimental group and the control group in terms of the number of offences, nature of the offence, severity of the sanction applied, alcohol abuse, or adjustment to employment. The author considers that one of the reasons for failure was the fact that contact between the client and worker was so rare, i.e. 14 hours per annum on average. The reason for this was that contact usually took place at the client's initiative and not at that of the probation worker. The results reaching us from the USA point in exactly the same direction. In an evaluation of the main projects in this

area, Banks et al decided that there was no support for the assumption that a reduced case-load would result in better social rehabilitation of clients²⁷.

The authors note in this connection that although the frequency of contacts increased in these projects, few conclusions can be drawn without knowing the quality of the contacts. The latter was not assessed in any of the projects.

On the other hand, we ought to ask how intensive intensive supervision is or can be. Even if the probation worker sees the client every week, it makes no difference whether the contact is for 1 hour or $\frac{1}{2}$ an hour. There are still 167 hours in the week that the client can fill with other things and people. Finally there is an even more fundamental problem: when a system of intensive supervision is applied to certain groups of clients, it is assumed that it will be possible to classify the clients according to their needs for different levels of supervision.

In the USA a number of classifications are used, based either on clients' risk of recidivism or on their need for counselling. Unfortunately little research has been done to validate this approach, with the exception of the Californian Base Expectancy Score, which can effectively predict the risk of recidivism of different groups of clients²⁸.

If this kind of criteria could be combined with classification of clients' needs for different types of counselling and treatment, it might be possible to achieve better results. Some of the results of IMPACT and studies by Palmer for the California Youth Authority point in that direction²⁹. It would appear that considerable experimentation and evaluation is still required in this area, since our knowledge has not kept pace with our pretensions. As the Home Office report on IMPACT states: "it has become clear that the prospects of a big and final breakthrough are remote, and knowledge is more likely to be achieved through a series of progressive approximations".

2.2.3. The employment of certain types of auxiliaries

There has always been considerable discussion about the advantages of employing volunteers in probation work or as family guardians.

The studies that we have come across on the effects of using volunteers are all American. Their scope goes beyond the purely local context, however, which is why we should like to mention them here. One investigation of extremely high quality was carried out in the State of New Mexico, where clients were allocated on a random basis ("random assignment") to two experimental groups, i.e. team supervision and volunteer supervision, and to a control group in which traditional probation supervision was carried out³⁰.

The group of volunteers consisted of 75 unpaid citizens each with a case load of from one to three clients, who had been recruited, selected and trained beforehand. After training, each volunteer was matched with a client on the basis of factors such as common interests, language, residence or district, age, needs and hours of work. The investigation showed that the volunteers had significantly more contact with clients both direct and indirect, and also more contacts on behalf of clients, than ordinary probation workers. The clients also felt they knew them better. In terms of recidivism, the group supervised by volunteers achieved the best results; their clients had the lowest number of arrests after the probation period.

Other optimistic noises come from Pennsylvania where clients with a suspended sentence or on parole were also assigned on a random basis to volunteers and to professional probation workers. Recidivism figures during a ten month follow-up period were 14.3% in the case of the volunteers' clients as compared with 25.9% in the case of probation workers' clients³¹.

In 1970 the town of Royal Oak in Michigan undertook a quasi-experimental investigation into the results of voluntary work in probation³².

A comparison was made between 310 clients helped by volunteers and 223 clients under traditional probation supervision in a neighbouring town.

Recidivism was examined, having been defined as new convictions over a period of four years.

The difference in recidivism figures was considerable: 14.9% in the case of volunteers' clients as compared with 49.8% for the control group.

Finally we should like to refer to a study by Scioli and Cook of 250 reports all evaluating projects involving volunteers³³. A first selection of the reports based on whether the report evaluated the efficacy of volunteer programs with respect to client behaviour reduced the reports for study to 35. Most of the projects related to suspended sentences for minors.

The researchers compare all the positive significant and suggestive non-significant results and then conclude cautiously that "volunteer programs performed as well as, or better than the program alternatives with which they were compared".

2.2.4. Social work in a team system

One variant already mentioned is team supervision instead of the traditional relationships of individual client and probation worker on a one to one basis. This fits in with the view of probation work as providing community facilities. Team supervision means allocating a specific case load of clients to a team of probation workers, the emphasis being on both the diversity of the clients' needs and the diversity of the workers' skills. This gives clients the best possible opportunities of receiving the help they need and maximum problem-solving capacity. Continuous supervision is also guaranteed even in the absence of one member of the team. Each worker also has the opportunity to specialise in an area where he feels he is best equipped, so that there is a breakdown by interest and special capacity. Finally, a more functional work distribution is possible, with, for example, one worker attending to intake and case load allocation while another attends to community facilities and referrals, and a third carries out the supervisory role.

An additional advantage is that the responsibility for the probation work does not rest with the individual but with the team as a unit. Unfortunately this model has not yet been tested sufficiently. The Albuquerque project to

which we have already referred³⁰, evaluated both the functioning of volunteers and the team model. The team consisted of four people; two of whom were responsible for work connected with the courts, such as information reports etc. One member mediated with regard to community facilities while another was responsible for probation supervision.

If the results of the research are examined in terms of contacts with and on behalf of clients, knowledge of clients, referrals, finding employment, violations of conditions, arrests during the supervisory period and the subsequent period, the volunteers are found to have fared best, followed by the team. Both models recorded much better results than traditional methods. This applies particularly to the number of arrests after expiry of the supervisory period.

Questioned as to the reasons for their success, the team members came up with the following explanations: the diversity of opinions concerning clients resulted in better assessment; specialisation gave more opportunity for repeated contacts with the client and hence better referrals; more effective communication between workers themselves; better conditions for a continuous learning process as a result of acquiring knowledge and experience together; and the fact that services could be performed continuously even in the event of individual workers being ill or on holiday³⁴.

2.2.5. The use of "para-professionals"

Finally we would refer to a form of counselling which has acquired some popularity particularly in the USA, i.e., the use of "para-professionals" who belong to the same socio-economic class, come from the same district, are of the same ethnic origin and speak the same language as their clients. In most cases this type of worker is used with clients who are very difficult to reach and who represent a high risk of recidivism³⁵. In a project in Philadelphia, a comparison was made - in terms of recidivism - of results achieved by ordinary professional workers and the special helpers. No difference was found where the clients involved were of minimum to medium difficulty. In the case of the very difficult clients, however, for whom intensive supervision appeared necessary, the results achieved by the special staff were consistently better. When, however, the research

distinguished between subsequent arrests and violation of the probation conditions, the difference was found to involve only the violations and not the arrests. This purely temporary difference in results is probably due to the greater frequency of contact and better relationship between the special aide and the client.

The POCA project (Probation Officer Case Aide Project) started in Chicago in 1968. 52 special aides were used for very difficult cases for a period of three years. The object of the project was to determine whether this type of aide was as effective as the professional worker in terms of social adaptation and client recidivism. No differences were found between the experimental and the control group as regards recidivism. This also applied to family relationships, work, housing, and leisure pursuits, and there was no indication of improvement of these aspects. The conclusion from the project was that this type of aide achieved in every case the same results as professional workers and could therefore be employed in the system³⁶. A variant of the above model is one in which ex-prisoners are used to aid and supervise paroled prisoners.

In 1972 a program was started in Ohio using 23 ex-prisoners as probation workers (Parole Officer Aide Program). The experiment lasted three years and was evaluated by Ohio State University³⁶. The attitude of the special staff to their work was found to be roughly the same as that of probation workers in terms of general approach to their task. Supervision of the actual work of the two groups showed an initial superiority on the part of probation workers, but this disappeared over the years. Both the team leaders and the clients were very pleased with the program. The results of the program were finally set against those of comparable projects in the state of Ohio. The results showed that the recidivism figures for people supervised by this type of special aide were significantly lower than those for clients of professional probation workers. The failure percentage of the first group was 6.32% as compared with 10.27% in the second group.

To summarise this section we may conclude as follows: as we have seen, the dilemma between aid and supervision that plays such a major role in the philosophy of social work is a product of the basic principles of the work as advanced in the training. In the final section we discuss in greater

detail some of the negative consequences of these basic principles for child care and protection and the probation system. In addition we review a number of procedures and should like to stress two promising developments in this respect:

The first is based on the team model, and involves abandoning the case work method and the unique relationship between individual client and individual probation worker. The model combines very concrete aid and directed supervision in a practical manner. The second development concerns the numerous experiments with volunteers and special categories of aides. Given proper selection criteria and adequate training, these aides fare at least as well as, and in some cases even better than, professional workers. It occurs to us that in this connection there are sources which have undoubtedly not yet been fully tapped. We in the Netherlands should certainly be able to set up more experiments in this area and in particular, investigate the factors involved in the great success of these special groups of aides.

III. Conclusions and recommendations

The impression sometimes exists that the child care and protection service and the probation and after-care service are in both a moral crisis and an impasse. It would be wrong to place too much emphasis on this type of work as "social" work since to do so would stress its ties with the values of the social worker (recognition of the client's right to decide about his own future, aid on a voluntary basis, orientation towards the individual instead of society or the penal system). Whether social workers are the most suitable people for this work is a matter of opinion. In the second part of this paper we refer to experiments with the team model and arrangements involving aides who are not social workers. Even if one takes the view that social workers should primarily be involved, the accent should in the first place be on "child care and protection work" or "probation work". In other words a combination of providing clients with help and serving the justice system without either of these elements predominating.

It is essential in this work that the needs and expectations of the criminal justice authorities should be taken into account. This may mean that staff carry out duties which do not strictly come under the heading of aid according to the code of social work. It is probably worthwhile to refer to aid, rather than social work, in the justice system because if staff working for the criminal justice authorities neglect the expectations and requirements of the justice system in favour of absolute orientation towards clients and providing aid, then the confidence that judges in the children's courts and public prosecutors have in them will decline. One of the results of this could be decisions being taken without sufficient background information on the client - decisions of a serious and far-reaching character such as the courts sending people to prison rather than passing suspended sentences. This is by no means impossible. For some time now our society has been confronted with an increasing crime rate; if policy on sentencing stays the same there will be an absolute increase in the number of sentences of imprisonment. It will only then be possible to restrict the resulting extension in the capacity of the prison system if aid in the criminal justice system is consciously directed towards the category of offenders who are likely to be imprisoned.

As has already been said, our basic principle is that in the general orientation of probation and after-care or child-care and protection neither the interests of the criminal justice authorities nor the client should predominate - if either does so it will be at the expense of the other. However, this should not mean a non-involved attitude on the part of the worker towards the offender. Certainly in cases where the offender might prove a serious nuisance to society a client who is not initially motivated to receiving aid is unsatisfactory. In short, we are of the opinion that aid rests on two important foundations: on the one hand, reliable and detailed information should be given concerning clients while on the other, the aid should have a far more out-reaching character and - if there is a threat of imprisonment - there should be readiness to combine aid with some supervision. We should like to conclude by discussing these two points.

1. Information report

As stated in the preceding section, considerable shortcomings were found in the information report as regards reliability, validity and relevance of the subjects dealt with. This applied both to our neighbouring countries and to the Netherlands. Even more impressionistic data from the judiciary show that the reports differ from one another considerably according to the person compiling the report. For example, there are complaints concerning the validity of the information. Increasingly the offender is the only person to have a say - no-one else is consulted. Detachment from the client and own judgement of him and his problem are increasingly rare. Finally we must question the relevance of the reported information. There is the impression that at the present time less information is given concerning the offence situation and the offender's criminal record, while research data show that these are the two factors which generally determine the decisions of the Public Prosecutor's Department and the courts. The social circumstances and the person of the offender, and his rehabilitation prospects, are only of secondary importance.

We would venture to say that the penal climate in the Netherlands is relatively mild both because of the relatively high quality of information reports in the past and the fact that probation and after-care service offered a confidence-inspiring alternative to imprisonment. It is certainly

thanks to the probation and after-care service that the judiciary in the Netherlands has had its attention drawn to the personal and social circumstances of offenders and the negative consequences of imprisonment. It is to be doubted however, whether the information report still has a positive effect. Increasingly there are complaints that the reports contain meaningless standard descriptions and standard recommendations: that there has been no detachment from the client; and that the independent position of the probation and after-care service is becoming increasingly jeopardised.

We would accordingly make the following suggestions in order to reinstate the information report to an important place in the judicial process:

(a) Greater reliability can be achieved by more marked structuring of the report. If this were to come up against too many objections, a check list could be used of items to be dealt with in each case. The list should be evaluated at intervals for the relevance and the prediction value of the points in connection with objectives which have been determined.

In this way the efficacy of the report could be assessed at regular intervals.

(b) In terms of the contents of reports it should be possible to check whether the information is true. Wrong information is worse than no information. The point is completely missed if the report mainly emphasises the client's experiences and views; in such cases the decision-maker is likely to ignore the report. What is required is as reasonable as possible an estimate of the chance of success of alternatives to imprisonment, and as realistic as possible an evaluation of the client and his social background.

(c) With regard to the relevance of the information, it follows from the foregoing that the offence situation and criminal record must be included in the report and, for example, the client's experiences of the crime at the time after discovery of it, direct motive and special circumstances (previous history, alcohol abuse), accomplices, structure of the group and the client's role therein, the client's own view of events, and relationship with victim.

(d) Finally it is particularly important that the report should show the specific alternatives to imprisonment available and the part the aide can play in this. The more that the justice authorities are convinced of the effort and the responsibility the aide bears in trying to make such alternatives successful, the greater there will be the tendency to accept recommendations in this direction.

2. Aid and Supervision

Relatively few offenders are put on probation in the Netherlands. Aid is given on a voluntary basis, including the majority of cases in which the judge orders compulsory contact with the probation and after-care service. It also applies to supervisory orders in childcare and protection, where little good is seen in working with unmotivated clients. The client's wish to maintain contact or have no contact with the aide is respected at all times. However, we think that it is unfortunate that so few supervisory orders are made at the present time, for an absolute refusal of aid in a compulsory context is not conducive to preventing or reducing removal from home or custodial sentences. There may be cases in which the latter can be avoided if non-residential aid has some hold over the client. This hold should arise primarily from an active, motivated and continuing approach to the client by the aide. Secondly, such a hold can be given an intensified effect by the fact that a certain degree of threat is implicit in a supervisory order (the "big stick" effect).

This does not mean, however, that we should expect miracles from aid in the criminal justice system. Child care and protection officials and probation and after-care officials are not able to work miracles and there is no point in burdening them with obligations that they cannot fulfil as this would affect their credibility and reliability. On the other hand, research has amply shown that the results that people working in these fields achieve in terms of social integration and recidivism are generally not much more impressive than those achieved by imprisonment. Even if there is a pessimistic view in this respect, however, there are still sufficient arguments in favour of non-residential aid; the client is subjected to less suffering - the measure is more humane; the harmful consequences of removal from home or imprisonment are avoided; there is no removal from family and friends; social integration remains easier; and it is less expensive for the community.

It must also be stated very emphatically that it is still too early to give in, to say that we have tried everything and nothing works. On the one hand, we have by no means tried everything yet; the previous section described some initiatives which are extremely promising, one of which is the service experiment in the Netherlands. On the other hand it should be acknowledged that evaluative investigation of policy changes is extremely difficult so that much research in this area unfortunately cannot stand up to critical reading as this tends to undermine the results. We are accordingly somewhat more optimistic concerning the possibilities of aid in the criminal justice system. We are even more strongly convinced that there is an extremely important task for this aid and that it is an essential part of our legal system. We do feel, however, that aid in the criminal justice system should adopt different and new paths if it is to demonstrate its right to exist and convince the various parts of the system of its value. In conclusion we should like to propose certain steps that could be taken in this direction. These relate both to the dilemma between aid and supervision and to the various aid procedures.

The dilemma between aid and social supervision is in essence an insoluble one: the aide must always steer between the requirements of the criminal justice system and the client's direct interests. Nevertheless we would strongly plead for a better balance between the two. Although it is in no way a simple task to combine aid and supervision, we think that it is possible nevertheless. This combination need not always be carried out as part of a formal supervisory order. In every situation it is possible that the aide can make arrangements with the criminal justice system and the client under which he judges the fulfilment of the conditions. If, however, the object of such "contracts" is to prevent or restrict removal from the home or a custodial sentence, the judiciary will require certain guarantees that the arrangements will be kept. This means that the aide must be prepared to report back on progress. Only if these conditions are satisfied will aid in the criminal justice system offer a confidence-building alternative to the increasing demand for imprisonment. In addition, this method should also be applicable to the "unreachable" - the extremely difficult groups of juveniles - who withdraw from any approach. In such cases, the initial lack of motivation of the client and his lack of willingness to change should not determine whether the child care and

protection/probation and after-care service should concern itself with him. As already stated, it has by no means been irrefutably demonstrated that treatment in a compulsory setting cannot produce results. In the case of child care and protection in particular we may wonder whether the frequent brandishing of such terms as "voluntariness" and "positive motivation" does not lead too frequently to a situation in which the difficult cases are shunted from one non-residential centre to another and finally from one institution to another. We are convinced in any case that both minors and adults will prefer a combination of aid and supervision in the community to much more radical alternatives.

We have already referred to the fact that supervision as part of a probation order has in most countries generally not resulted in great successes as regards rehabilitation or reduced recidivism. Apart from the fact that results are no worse than in the case of imprisonment, there is, however, reason for a somewhat more optimistic view. On the basis of a number of research data we feel that the following factors relating to aid procedures should be adapted and developed according to circumstances in the Netherlands and should be tested for their practicality:

(a) Research in both America and England shows that more can be achieved if it is possible to differentiate between clients more satisfactorily in terms of social and personality factors and risk factors so that appropriate aid can then be offered. Better differentiation presupposes reliable classification tools and a knowledge of the effects of a differential approach. A considerable amount of work in conjunction with the social sciences is still required in this respect, but the opportunities are real and are worth developing.

(b) An attractive approach appears to be the team model in which the one-to-one relationship is abandoned and a much more concrete, tailor-made, consistent and permanent aid package is offered. In this model supervision is organically and logically combined with aid. Specialisation by interest and the proper distribution of duties encourages skill and optimum cooperation in a team of restricted size. Good cooperation is achieved all the more readily as the objectives of the aid become clearer and more specific.

(c) The results obtained by volunteers and special aides (from the same environment, ex-prisoners) are interesting. They certainly fared no worse, and in a number of cases even better, than professional workers. We feel that the development of this type of initiative entails a different role for the professional aides. They will have to be more active in the recruitment, selection, training and supervision of others involved in this way.

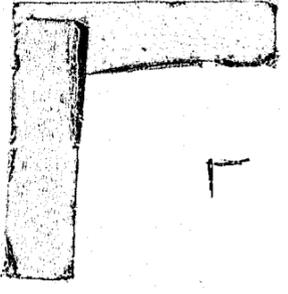
(d) As a corollary of the previous paragraph it is worth experimenting with intensive counselling and supervision. Research has shown that reducing the case-load does not produce better results of itself, even if the frequency of the contacts with the clients increases. A check should be made on the quality of such contacts. The favourable results achieved by volunteers are probably due to both a higher contact frequency and to the better quality of the contacts. More thorough investigation should be carried out to find out what exactly the operative elements are in this connection.

Times and opinions change and new ideas form. Social work in the criminal justice system must not become a synonym for helpless power and powerless help. New paths should and can be taken towards making non-residential aid a fully-fledged component of the criminal justice system.

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