

Penal Issues

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Distinction or Exit : The Upper Echelons of the Probation Services Caught Between Institutional Vagueness and Personal Dissatisfaction

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The penal reform, with the introduction of the so-called *contrainte pénale*, has recently drawn attention to probationary sentences. Over and beyond debate over the legal contours of the various measures served within the community (including suspended imprisonment with probation, community service work, release on parole, and electronic monitoring), it is important to examine their implementation. The term 'probation', despite significant differences in sentencing and implementation modes, is used here to designate all sentences involving no imprisonment but rather, requiring some form of community-based monitoring and support. They differ, then, from both custodial sentences and from those with no supervision, such as simple suspended imprisonment or fines. These coercive measures within the community are implemented by the correctional rehabilitation and probation services (*Services pénitentiaires d'insertion et de probation - SPIP*). These units were merged at the *département* level in 1999, and represent one element of the corrections administration, over and beyond its management of custodial facilities.

In the wake of a research project on rehabilitation and probation counselors (*Conseillers pénitentiaires d'insertion et de probation*) focused on the restructuring of tools for their monitoring and support work with sentenced offenders¹, the present study examines the situation of the upper-echelon staff within these probation services. In a context where "modernization" revolves around both managerial and criminological approaches, we may postulate that the brunt of adjustment to the reforms is borne by senior probation officers, owing to their hierarchical position as go-betweens. They are not the ones who designed the reforms, at the Corrections Administration head offices, nor are they in direct contact with the offenders, in implementing them. Rather, they are "transmitters" who have some leeway for interpreting them according to both their own inclinations and the constraints imposed by their position within the institution.

Since the reform of the staffing regulations of January 1, 2011, the senior staff may have one of three different statuses: *Directeurs fonctionnels de service pénitentiaire d'insertion et de probation* (DFSPIP), who head each department, *Directeurs pénitentiaires d'insertion et de probation* (DPIP) and *Chefs de service d'insertion et de probation* (CSIP), both of whom represent the intermediate supervisory echelon in each department (the former will ultimately absorb the latter category, which is to become extinct). The numbers of these intermediate-level managers are presently expanding, rising from about 70 to over 300 over the last decade. The present paper analyzes the ability of all these senior managers to gain distinction through the possibility of upward mobility open to a handful, while emphasizing the frequent prospect of exit, since a noteworthy proportion consider leaving the Corrections Administration.

Methodology

This investigation was conducted between April and December 2012. Some fifty interviews were conducted in five diverse probation departments, including 26 with senior officials (5 DFSIP, 11 DPIP and 10 CSIP). The resulting findings were crossed with the data yielded by a questionnaire sent to all senior staff in this administration, with 75 complete responses processed (28 DFSIP, 35 DPIP and 12 CSIP). These findings were put in perspective by comparing them with the organization charts of the respective probation departments, so as to take the institutional context and local peculiarities into consideration.

Insufficient institutional anchorage

In spite of the gradual trend away from imprisonment and more toward sentence-serving within the community over the last decade or so, public opinion is still very unfamiliar with probation services, indicating a lack of clarity in criminal justice policies in this field. With positions on probation sharply divided, as revealed by the recent reform, correctional orientations thereon tend to fluctuate. For the senior staff of probation departments, this institutional instability translates locally into volatile functions and unclear criteria for promotion, and at the national level by spotty representation of the probation branch on organization charts. This insufficient anchorage of senior probation staff within the Corrections Administration makes them insecure about their career prospects.

¹ X. de Larminat, « Sentence-serving Within the Community : Caught Between Criminological Diagnosis and Flow Management », *Penal Issues* vol. 24, n° 2, May 2011

Disconnection between status and function

The senior probation department personnel is divided into three hierarchical levels or corps (see diagram), but they may also occupy three different organizational positions: head of a department, of an agency, or of a branch. One would think, then, that status and function are linked. As one executive said, speaking about his previous experience in a large Paris-area department: *"For me, that was somewhat an ideal situation, with a DFSPIP clearly defining the orientation and goals. The heads of agencies then spell them out for the CSIP"*. Logically, the hierarchy between the three levels should coincide exactly with the hierarchy of positions, but this is impossible in practice, for several reasons: first, the personnel available at each level does not correspond to the type of functions demanded (there are more DPIP, who are category A civil service personnel, than CSIP, although the latter are in category B). Next, the variety of local situations causes frequent modifications in the model organization chart, either because the unit is too small to justify two intermediate managerial levels, or because the person's experience and length of stay in the unit takes precedence, locally, over his or her corps identity for assignment to managerial functions. Last, within their own administration, senior probation staff are faced with competition from prison directors, who can apply for their positions, whereas the opposite is not authorized.

Under these conditions, civil service status and function are frequently disconnected. This may be damaging to identification with and valorization of each person's role, and may generate tension among the managerial personnel. In one of the largest departments we visited, a CSIP (category B) had been appointed agency head, in an emergency replacement following a departure, whereas a DPIP (category A) worked in a hierarchically lower position as branch head in the same unit. The former complained that his promotion had not resulted in a real improvement of his status, whereas the latter may have been somewhat frustrated at remaining in an inferior position, mitigated by awareness that she had less experience in management than her colleague.

Answers to the questionnaire provided a more general perception of this discrepancy between membership in a specific civil service corps and actual function, which is clearly one of the main symptoms of the destabilization of these managers' day-to-day working relations. The situation is relatively clear-cut at the top, where all DFSPIPs work as head of a department (unless they are appointed to the central administration or to an inter-regional head office). There are, however, occasional appointments of DPIP to department head positions, without any financial compensation, and even more frequent appointments of prison directors, including for the largest probation departments. At the lowest echelons, a real split is seen among the CSIPs, with half occupying agency head positions while the other half are mere branch heads. But the greatest variety of situations is found among DPIP, who may just as well work as head or deputy head of a department, agency head or branch

head. The DPIP status, created in 2005 and intended to eventually encompass the quasi-totality of senior probation workers, is definitely a catch-all category, entailing responsibilities that vary widely with local situations.

Given the ensuing blurring of roles, personal relations seem to be all-important for appointments as well as promotions. Within this small circle where everyone has attended the same school, the *École nationale d'administration pénitentiaire*, graduates from the same class naturally form networks, and extend them as they transfer from place to place, form friendships and possibly sympathize with fellow union members. A stint in the central administration, for instance, or within an inter-regional head office, amplifies one's network of relations and apparently acts as a definite career booster. As an outcome, when dissatisfied with their position some executives tend to translate this into latent resentment against their administration. This is particularly true of CSIPs, who feel that their promised integration in the DPIP corps is going too slowly and that the criteria applied are not transparent, not to say arbitrary. In addition, whereas the natural route for upwardly mobile DPIP is to rise to DFSPIP status, they obviously cannot all arrive there, given the few positions available and the rising numbers in their own corps. Although some "historic" department heads are now close to retirement, their replacement by colleagues who are increasingly young may well produce a throttle, particularly given the extremely small number of other, higher or equivalent-echelon administrative positions.

Dispersion of the probation branch

Under these conditions, the reactions heard during interviews about the senior probation staff's relations with their supervisory administration express a degree of distance, if not of actual distrust. As the head of one of the departments studied put it: *"For the head of office of the corrections administration we don't exist. And also, they don't give a damn... OK, I don't really know whether they don't give a damn or whether they're afraid to poke their nose into something that's unfamiliar to them. But the way the central administration treats us is still very unsatisfactory. Things are changing, that's true, but there is still a great lack of comprehension."*

To obtain an objective picture of this type of resentment, felt at different levels by many of the senior staff we met, we may look at where personnel coming from the probation branch are located within the upper echelons of the Corrections Administration. What we find is a structural dispersion of the branch, which does not represent a specific subdivision of the organization chart. There are, undeniably, two bureaus that deal specifically with probation-related questions within the custodial branch (*Sous-direction des personnes placées sous main de justice*), the bureau for the orientation, monitoring and evaluation of the activity of probation services (*Bureau des orientations, du suivi et de l'évaluation de l'activité des services de probation*) and to a lesser degree, the bureau of social policies and rehabilitation (*Bureau des politiques sociales et d'insertion*). Their respective competencies are limited however, and none is in charge of dealing with the

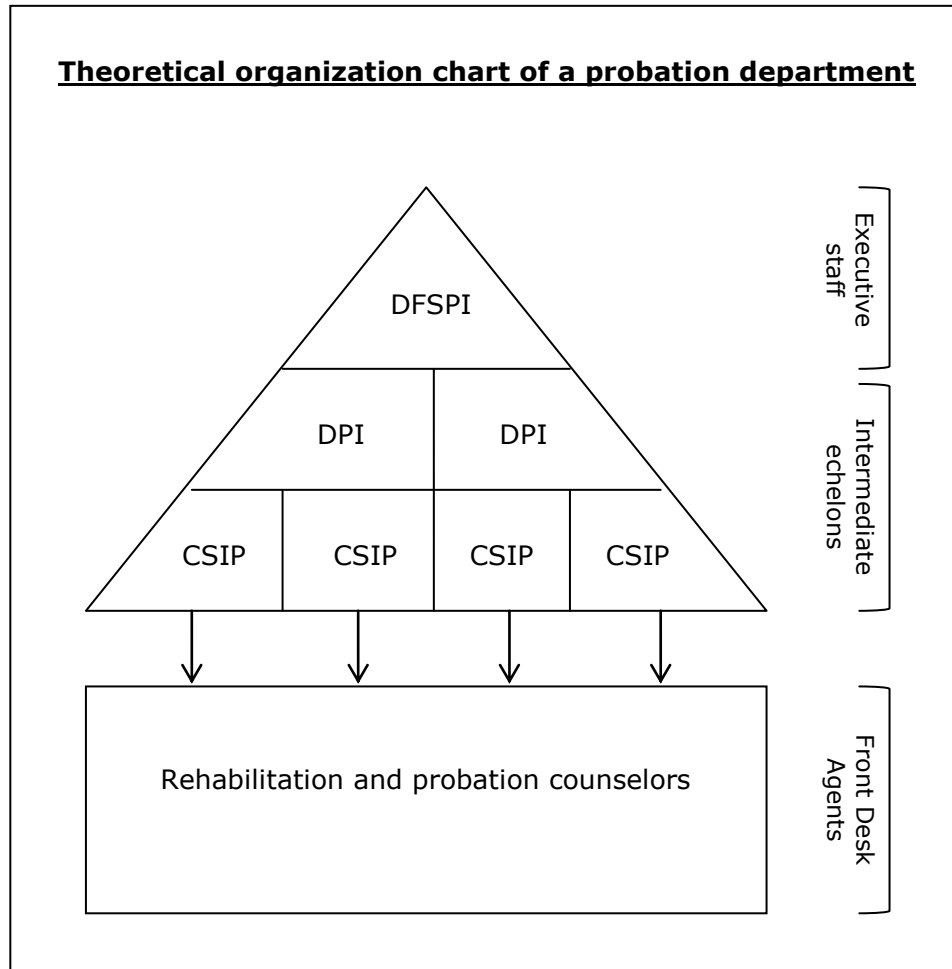
branch as a whole. The organization chart of the central administration actually amalgamates questions pertaining to imprisonment and probation, scattered among four branches with different headings: Senior staff and security (*État-major et sécurité*), Persons under criminal justice control (*Personnes placées sous main de justice*), Organization and functioning of decentralized services (*Organisation et fonctionnement des services déconcentrés*) and Human Resources (*Ressources humaines*). The outcome is that the vast majority of assistant director and other managerial positions are occupied by former prison directors, whereas senior probation personnel gets only a small share (the same situation is found at the inter-regional head office level). By the same token, issues pertaining to probation suffer from this dispersion, which is part of why they are outweighed by custodial needs.

However, some thought has been given to this problem since 2011 in an effort to revise this organization, although the process has not yet officially produced any concrete effects. Several solutions would be susceptible of relieving the hardships with which this branch is faced, and which affect its visibility and the possibility for senior probation staff to become executives. The first scenario would involve the creation of an independent head office for probation, distinct from the Corrections Administration and coming directly under the ministry of Justice. Belgium has developed this model since 2007. Recent trends in France, with the addition, in particular, of the term "correctional" to the names of most corps, so as to underline their institutional ties, are not in step with this, however. The second, less radical possibility would be to create two branches, separating prison and probation within the organization chart of the head office of the Corrections Administration, and the appointment of a deputy director specialized in probation, with all competencies spelled out in two separate branches, down to the inter-regional level. An institutional change of this sort would probably not solve the problems of lack of anchorage and visibility immediately, but would greatly reduce misunderstandings between the central administration and the senior probation staff, while providing executive-level appointment opportunities for the latter. The stakes of a revised organization chart converge, then, with the problem of career management.

Malaise in the upper echelons of probation departments

Not only may the senior probation personnel be discouraged by their narrow promotion prospects, but the day-to-day problems they face generate a malaise voiced frequently independently of the person's status. To the point where one worker spoke of an *"inconsiderate fate"* to describe what he viewed as the ordinary career of senior probation officers, which, he felt, led them to a dead end. Behind these structural causes, the malaise commonly takes the form of disillusionment as to the possibility of doing one's job properly, and the idea of perhaps leaving the Corrections Administration.

Theoretical organization chart of a probation department



A disenchanted view of their function

In addition to our interviews, most of the senior staff who filled in the questionnaire took advantage of the space left for free expression to give vent to a sort of disenchantment, complaining, for example, about “*an excessive investment compared to achievements in terms of change*”. One intermediate-level officer wonders “*how can we help to change the administration’s mentality, which is at best indifferent, at worst condescending toward probation services and their personnel?*”. The questionnaire itself, more specific and more clearly targeted, was aimed at all upper echelon personnel and asked them to state the three main sources of the difficulties encountered in their work, without listing them hierarchically. The questionnaire was opened and answers were grouped by theme, to avoid the impact of differential wording by respondents.

Irrespective of status, the main source of difficulty mentioned was by far the lack of sufficient personnel, cited by three out of four people, often in conjunction with a lack of material resources. In other words, financial issues are crucial concerns here. Conversely, remunerations, recently raised by the reform, are never mentioned, or only marginally by some heads of departments who compare

their salary with that of prison directors, their better-paid counterparts. The second source of problems mentioned has to do with institutional stakes, with perceptions depending on the person’s status. DFSPIs, who are the first local intermediaries for the central administration, are twice as prone as middle-level staff to point to the inconsistency of criminal justice and corrections policies. The latter tend more to stress what they often refer to as “*lack of recognition*” by the Corrections Administration. This is particularly true of CSIPs, who seem to feel most strongly that they have been “*taken for a ride*”: “*We didn’t ask for anything, but they made promises, and didn’t keep them*”. Last, department heads, who represent the department in relations with the outside world, are more concerned than the others with difficulties in their relations with judges in charge of enforcement of sentences and prison directors, whereas middle-level staff complain less about this issue, which affects them less. The latter, on the other hand, tend to feel isolated and alone in dealing with their more in-house job, in a context where the managerial staff is small in most departments. This is not so much the case for department heads.

These widely shared grievances elicited more or less strong reactions depending on whether the person expected them before tak-

ing the position. A rather sharp distinction is observed between executives recruited within the administration following a stint as rehabilitation and probation counselors (or educators), and those recruited by outside competitive examinations, who represent close to half of all promotions of DPIPs in recent years. Three-fourths of senior staff in-house recruits feel that in spite of the difficulties encountered, their position corresponds to their expectations. Those who took an outside competitive examination are much more disappointed, since a scant half claim that their task corresponds to what they expected when they passed the exam. These forms of disillusionment are corroborated by the fact that one third of DPIPs are thinking of taking another competitive civil service examination (magistrate, local administrator, Youth Protection Administration director or other), whereas this is less true of DFSPIs and CSIPs, whose recruitment has always been internal until now.

The temptation of departure

Over and beyond the intention to pass other competitive civil service examinations, the temptation to leave the Corrections Administration seems to be particularly strong in the upper echelons of the probation depart-

ments, to the point where the idea of “*pushing off*”, mentioned occasionally, has become a rallying point in their collective imagination. Considering leaving if their situation gets worse represents a way out, at first: “*If ever the job turns into just working on formal procedures, I won't stand it, that's for sure, and I'll take off.*” More generally speaking, two thirds of the CSIPs who answered the questionnaire claim to have already considering leaving, but the same is true of over half of DFSPiPs and DPIPs. The reasons for this state of mind, mentioned by nearly half of respondents, include the above-mentioned criticism of the Corrections Administration (need for more resources and impression of non-recognition). Others often speak of the need for a change of job, with the feeling that they “*know everything there is to know*” about the work. A handful speak of contingent problems, apparently overcome, that caused a passing temptation to leave (difficulty in getting along with colleagues, excessive pressure from the hierarchy, momentary heavy work load, or other).

To nuance these temptations to leave, often shaded with deep nostalgia (“things were better before”) or some fancied utopia (“it's not like that in other places”), managers were asked whether they actually considered leaving the corrections administration within the coming two years (after filling in the questionnaire). Unsurprisingly, the proportions were completely reversed (and the proportion of “no answer” increased). Only a handful of CSIPs and one fourth of DPIPs and DFSPiPs concretely considered leaving within the next two years. One woman DPIP, born in 1968, gives a detailed list of the reasons why she does not give a definite answer, which shows that her desire to leave the administration is not without reservations: “*Unless I'm appointed DFSPiP very shortly, I am thinking of leaving [the corrections administration] so as to achieve greater professional fulfillment.*” Be this as it may, the proportion of individuals considering a departure within the coming two years is still quite high, since it would amount to a rapid turnover in about one fifth of the senior personnel, even if one easily imagines that not all of these departures will actually occur.

Further investigation of the motivations mentioned for these departures in the relatively near future first indicates that the prospect of a new professional experience disappears almost completely (only one response). Conversely, reasons tied to dissatisfaction with working conditions, already abundantly listed, take on greater weight, representing over half of the reasons mentioned for wanting to leave. This suggests that structural factors affecting on-the-job dissatisfaction are more effective and more concrete vectors for the departure of senior managers than positive prospects for new professional activity, which represent more a far-off goal to which one clings to avoid being overwhelmed by everyday problems. Thus, the combination of a lack of resources at their disposal and the lack of recognition from which they suffer sometimes

gives senior probation officers the impression that they are “*emptying the sea using a teaspoon*”, as one young recruit, born in 1986 and appointed less than a year ago, put it.

Conclusion

Strategies for promotion implemented by senior probation personnel are difficult to implement within this administration. Given the fragmentation in this branch, which leaves them with few prospects for upward mobility, along with the disconnection between status and function, contributing to making their situation unclear, they seem to operate in an institutional haze, with no certitudes or visibility as to potential signs of distinguishing themselves. This situation is destabilizing, on the individual level, and most people feel dissatisfied with their position and attempt to redefine their professional trajectory, by various means. As a result, many are tempted by an individual strategy: exit. Temptations at departure and the dissatisfaction expressed by the senior staff of different probation departments are indications, then, of insufficient integration tied to the hazy, unclear position they occupy within the Corrections Administration. The malaise is strongest and most overt among CSIPs, who are disillusioned by what they view as betrayal by the central administration when it decided to eliminate their corps. But the chances are good that this frustration will spread to the other corps in coming years: DPIPs who will not rise to the relatively exclusive status of DFSPiP will most probably end up seeking promotion opportunities outside the corrections administration, especially since some of these positions are held by prison directors, without any possible reciprocity. The same is true of DFSPiPs, who will be appointed department heads at an increasingly early age, and whose prospects for upper mobility will then be very limited, to say the least. Caught between institutional instability and personal dissatisfaction, senior probation personnel navigate in a gray area that makes them increasingly resentful toward their own administration.

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