

# Chapter 3

## Research in Probation Settings: Experience and “Field Policy”



Daniel Lambelet, Jenny Ros , and Laure Kloetzer 

### 1 Introduction

In this chapter, we share our fieldwork experiences in a study conducted in the field of probation, especially the transactions between actors, and the friction involved between different approaches. This is what we mean by “field policy,” c.f. title of our contribution, or in French *politique du terrain*, in keeping with Olivier de Sardan (1995), the modes of production and treatment of empirical materials, the requirements placed upon the research in order to ensure the rigorous implementation of the chosen approach and the validation of results. All these elements are not insubstantial foam on the surface of the “real” research work, but rather “materials to be taken into account” (Darmon, 2005, p. 98), to be analyzed as part of the necessary reflexivity built into the scientific research process. We shall construct the process of our inquiry as a succession of reciprocal challenges put to the research team by the “field” on the one hand and by persons involved in the legal system, professional staff, and probation services on the other. In brief, our research aimed to understand the manner in which probation agents navigate the concept of risk.

A detailed examination of the conditions of access to the field, the construction of a methodological apparatus, the production of data, and the restitution and discussion of results serve to identify the challenges that researchers have to face. They are a source of discomfort and put the research team in the position of having to mobilize resources and support to overcome them (Martucelli, 2010, p. 101), especially in a field where certain problems have been ubiquitous for some time. In doing so, we do not claim to provide an inventory of the strategies (Monahan &

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D. Lambelet (✉) · J. Ros  
University of Applied Sciences and Arts Western Switzerland, Delemont, Switzerland  
e-mail: [daniel.lambelet@hetsl.ch](mailto:daniel.lambelet@hetsl.ch)

L. Kloetzer  
University of Neuchâtel, Neuchatel, Switzerland

Fisher, 2015) that would enable researchers to gain access to the professional domain of probation and to conduct research in it; we merely wish to question the dual dynamic of the construction of the research object, i.e., shaping of the “field” by researchers and instituting the place of research by the “field.”

## 2 Probation as a Field of Practice and as a Field of Research

### 2.1 *The Field of Probation and Its Actors in Switzerland*

Criminal justice institutions – particularly prisons – have been described as “sensitive” or “difficult” domains to research, and even termed “minefields” (de Galembert et al., 2017). Literature on the backstories and the craft of empirical research in custodial facilities underlines the constraints the prison system imposes upon detainees, custodial staff, and... researchers. Rostaing (2017) thus speaks of “observation under surveillance”; he calls for adopting a stance that considers the constraints – particularly in terms of security – of this specific social universe while refraining from any compromise on the ethical requirements of research. In addition, Jewkes (2012) draws attention to the delicate balance to be found with regard to the partition line that separates prison staff from detainees that structures all interaction: “in the prison context, researchers frequently have to position themselves (physically and ideologically) between officers and prisoners, which can be detrimental to the building of trust and rapport with both sides” (Jewkes, 2012, p. 67). As they are faced with injunctions to choose one side or the other (Becker, 1967), the attitude of researchers will strongly condition the course of their investigations and what they will be shown or told.

But what about conducting research in the field of probation? Probation is a domain that involves a control apparatus and support activities for offenders who must serve all or part of their sentence in open custody. Probation officers oversee verifying that court decisions are enforced, preventing subsequent offenses, and reinforcing social reintegration. However, the nuts and bolts of scientific research on probation have rarely been examined. In our view, this may be because probation activities in the community are viewed as an ordinary field of research that does not present specific difficulties and does not cause researchers to be confronted with the same challenges as studies conducted in the closed world of the prison.

However, it would be wrong, in our view, to stop at the simple opposition between open and closed custody. As Bourrier (2010, p. 29) points out about the risk-laden universes in which her studies take place, settings can be “simultaneously open and closed.” Our own experiences (Ros et al., 2020) certainly demonstrate that the implementation of a field investigation in a probation setting is anything but straightforward. This is particularly true when a study involves a lengthy presence in the field, involves a range of data-gathering methods (observation, interviews,

collection, and analysis of documents), and has the goal of achieving a close and in-depth understanding of cases followed by probation officers.

## 2.2 *Probation Supervision: An Unstable “Field”, a Sensitive Context*

In Switzerland, people can be put on probation supervision in cases of conditional release, suspended sentences (with partial or full suspension), or mandatory outpatient treatment. Probation services also take charge of people placed under electronic surveillance. Before turning to conditions of access to the field of probation in the context of an empirical study, we must place our study in a broader context by highlighting some aspects of the recent socio-political and institutional dynamics that characterize the field of the execution of penal sanctions in Switzerland. Among the changes that have taken place, the first to be mentioned concerns the modernization of state intervention inspired by the principles of *New Public Management*. This process has brought about an emphasis on efficiency, an increase in the formalization of work practices (procedures) as well as reinforced accountability requirements (justification of measures taken and traceability of interventions). In terms of elements specific to probation activities, the main impacts pertain to (i) a strengthening of the framework of professional actions (formal procedures), (ii) requirements for better transparency, and (iii) the implementation of controls meant to ensure that probation case work is carried out in accordance with existing rules.

Simultaneously and as a parallel trend, an inflection has been observed in criminal and penitentiary policies, strengthening some of the tendencies outlined above. From the 1970s, strong reservations – summarized under the banner of “Nothing Works” – had been voiced about the efficacy of the rehabilitation model in the treatment of crime (Martinson, 1974). Tragic events that took place in Switzerland during the past 25 years<sup>1</sup> opened a critical period of questioning the rehabilitation-oriented approaches that placed the social reintegration of offenders at the forefront. Following these events, which were as tragic as they were exceptional, and in the wake of the public outrage they caused, Swiss state authorities were led to define *risk prevention* as an overarching priority. Today, guidelines issued by cantonal heads of Justice and Police Departments (CCDJP, 2014) give it a central position. The guidelines state, for instance, that “work with the offender during the entire duration of the enforcement of the sentence must systematically be oriented towards avoiding the risk of new offenses ...” (CCDJP, 2014, p. 6). This implies an evaluation of this risk as well as the need for professional management of the

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<sup>1</sup>In 1994, a young girl scout was murdered at Zollikerberg (Zürich) by a detainee who was on furlough; in 2009, an au pair was murdered near Baden by a man who had been sentenced in 2004 for attempted homicide but freed conditionally in 2008; and more recently, in 2013, in the case of the so-called tragedy of Payerne, a man sentenced in 2000, who was serving the end of his sentence under house arrest, kidnapped, sequestered, and murdered a young woman he had recently met.

offender that serves as the basis of an “intervention plan” that the various professionals involved will have to follow (CCDJP, 2014, p. 14). These new orientations have contributed to changes in the status of “risk” in the entire professional field pertaining to the enforcement of penal sanctions – notably in probation services. *Risk* is no longer seen as an eventuality, as something that could arise in some situations; it is now posited as the primary structuring dimension of professional interventions. Instruments for risk evaluation have also been introduced in order to be able to categorize probation cases not on the basis of the “fallible” judgment of probation officers, but using objective, factual elements to orient the ways in which professionals must intervene (evidence-based practices in probation).

For our purposes, we shall thus keep in mind that while probation includes support practices as well as control of offenders, probation services and officers who must implement probation measures are now themselves under surveillance. In Switzerland, studies in the field of probation thus take place in uncertain times and the context of increased vulnerability of professionals (Lambelet, 2018). As a consequence of these new intervention principles calibrated primarily in terms of security, “risk is central to the process of accountability and the allocation of responsibility in the light of things going wrong” (Kemshall, 2000, p. 468). In other words, as Jendly (2012, p. 255) points out, professionals are made accountable for their “appropriate risk management.”

### 2.3 *A Qualitative Research Approach and Its Ethical Issues*

The study we refer to in this chapter was conducted between 2018 and 2019 in three probation services in French- and Italian-speaking Switzerland. It was part of a research project at the University of Applied Sciences and Arts of Western Switzerland (Department of Social Work) and focused on the risk management methods carried out by probation officers. The study did not require formal procedures and requirements, e.g., approval from an ethics committee. The possibility of such a committee is controverted, in view of the counterproductive effects it could have, such as the standardization of research practices and the valorization of procedural ethics at the expense of a more reflective process (Cefai, 2010). Regarding ethics, research projects are expected to abide by at least the principles of scientific integrity defined by the Swiss Academies of Arts and Sciences (2021), namely, reliability, honesty, respect, and responsibility. In our research, we considered thoroughly the ethical implications that we discuss in the next paragraphs.

In the course of our research, three methods were used for data collection. First, *non-participatory observation* (around 120 hours) within the three probation services involved in our study. In each site, we spent around 40 hours, during different half and full days. In some instances, if the probation service was far from our living place, we would spend several consecutive days. This technique gave us the opportunity to closely follow probation officers in their daily duties. The latter consisted of follow-up interviews with probationers or inmates, team meetings, collaborative

meetings outside of the service, and informal exchanges during breaks or commute time. These moments of observation lead to the taking of handwritten notes in a notebook, as well as the keeping of research logs on a safe Swiss server, meant to support our reflective process. Our findings and interrogations were also discussed with the professionals involved in an effort to invite them to elaborate their practices: the objectives pursued, the meaning behind their actions, the elements that draw their attention and seem useful to better target the follow-up, and so on. After each day of observation, we would fill in our fieldwork journal with all observations and reflections from the day.

Second, we also analyzed *probation files* aggregating heterogeneous information such as the court decisions that qualify the facts by the law, sometimes psychiatric reports or criminological assessments, behavior reports regarding the period spent in detention, reports from probationary follow-up interviews, or administrative documents. The analysis was conducted on anonymous copies of these files and aimed to examine how probation officers seize key pieces of information to target the follow-up, how links are made between the different files, and how these participate in distance communicate with other professionals or organizations.

Third, *interviews* are aimed at clarifying professional activity and making it explicit, inspired by the “instructions to a double” method (Oddone et al., 2015). In these interviews, we invited probation professionals to describe, in great depth, their interventions in cases they were following, as though we were going to replace them in the follow-up of these cases. These interviews were entirely recorded and transcribed, before being analyzed. We address these aspects further below. Naturally, collecting all these data continuously raised questions for us regarding the ethical issues posed by our approach: participation based on informed consent, commitment to the anonymity of individual data, and so on. The implementation of the principles of scientific integrity alone did not resolve everything. In fact, our ethnographic study that was conducted so close to situations of probation supervision gave us access to pieces of personal stories which had the potential to be as trivial as intimate and that can be a cause of discomfort on one side or the other. What position should we, as researchers, adopt then? For example, in the following situation, during a follow-up interview, we were taking part as observers.

Mr. R., 71 years old, was convicted to a custodial sentence of 36 months for committing acts of a sexual nature on a person incapable of acting with discretion. The execution of his sentence was suspended and he was granted a reprieve with a probation period of four years. He was placed under the supervision of a probation officer, obligated to undergo an outpatient psychotherapeutic treatment and forbidden to be alone in the presence of a child under 16 years old. He arrives in the office out of breath, which is unusual for him. When the probation officer inquires as to what is going on, Mr. R. only mentions the changes in temperature... Throughout the entire interview, as the professional brings up his hobbies, his neighborly relations, etc., to ensure he does not find himself in situations with minor children involved, his enunciation remains irregular, interrupted by loud inhalations, clearly indicating stress. (Fieldwork note 1).

During the discussion we had right after the interview, the probation officer in charge linked the state of Mr. R. with his ambivalence toward the obligations he is

subjected to and an unfinished subjective maturation toward his crime. This “translation” has a heuristic value in the context of research looking for an in-depth understanding of how professionals proceed. However, on the other hand, another hypothesis might be that the discomfort of the probationer could also arise from having to answer the professional’s intrusive questions in the presence of the researcher. How about the impact of this study on its participants then? Should the conduct of this study follow an action plan to favor “expertise,” maintaining distance, remaining insensitive to the reactions of the people under observation or “solicitude,” considering sensitive aspects (Dodier, 1993), and looking for means to reduce the negative impacts of this observation? These issues were the object of several discussions among the team.

### 3 Phases of Fieldwork

#### 3.1 *Proofs and Challenges: Conditional Access to the Field*

And yet, do probation services actually belong to these “hard-to-access criminal justice organizations” (Trulson et al., 2004), in which gaining a right of entry and sufficient openness to be able to conduct research requires great efforts? In any event, access to the field of probation is subject to obtaining various authorizations, starting with the green light from heads of probation services who act as “formal gatekeepers” (Hayes, 2005; Reeves, 2010). Their evaluation of the nature of the research and what its results may – or may not – contribute is the first challenge to be overcome and its outcome will determine the fate of the project.

In our case, even though our object of study – the ways in which probation officers take risk into account and how they ensure the security of their interventions – had the reputation of being “one of the most politically sensitive research topic” (Kemshall, 2000, p. 466), we thought we could rely on existing contacts and the collaborations established in the context of detention, in probation services, of social work trainees from the University of Applied Sciences and Arts Western Switzerland. We thus contacted three probation services – selected for their location, their size, and the diversity of their internal organizations – in order to obtain their authorization for conducting the research. After having waited for a while, getting in touch with them again, and providing clarifications and further details on various aspects of our research project, we were turned down by all three of them. See below an example of an e-mail received as a response to our request:

“Re: Request for a research project

Date: April 12, 2017

Sir,

Please forgive the late answer to your request.

After discussions with my team, I regret to inform you that we will not be able to make the necessary time available for participation in your study, despite its

clearly interesting character. However, in terms of timing, your presence will coincide with the implementation of new penal rules that will have a direct impact on my service, and as we are unfortunately understaffed, I will not be able to put time and personnel at your disposal.

I can only wish you complete success for your project and remain, of course, available for a later request from your team, to which I would hope to be able to respond positively.

In the meantime, I remain sincerely yours,  
Head of office” (Rejection email received by the research team)

The reasons used to justify these negative responses are not exceptional in any way. Other researchers in probation studies receive very similar answers: “Rather than provide definitive rejections, these institutions normally will delay making any decision, saying things like: “Now’s not a good time” or “I’ll have to check with someone else” or they simply will not respond at all” (Monahan & Fisher, 2015, p. 722). However, it would be wrong to view them solely as dilatory strategies. For instance, the reduced availability of probation officers due to the implementation of managerial reforms mentioned above does actually render the articulation of the temporalities of research and professional intervention more difficult. The fact remains that other reasons should also probably be taken into consideration when trying to understand the unanimous refusals met by our requests. In more general terms, one may wonder whether the evolution of penal policies, briefly outlined above, might not lead to social work research in the prison and probation fields being given a marginal status.

Within the economy of knowledge that currently prevails in the criminal justice realm, where scientific evidence (Burrell & Rhine, 2013) is viewed as the necessary basis for any safe intervention, “the collective capital of methods and specialized concepts” (Bourdieu, 2002, p. 129) belonging to social work does have marginal status. Moreover, qualitative research as such finds itself in a rather devalued position. In addition, our study sets up a configuration and outlines an approach far removed from studies mandated by various instances (Champy-Remoussenard, 2012) as well as from the types of evaluation research that institutional actors tend to favor. In contrast to these kinds of studies, our research does not directly answer calls from state authorities such as the Federal Office for Justice (OFJ). It does not conform to norms such as those issued by the Swiss Society for Evaluation (SEVAL) that are supposed to ensure systematic implementation on the basis of defined and transparent principles. Moreover, it is not primarily praxeological in character. In contrast to other recent studies (Rüflin et al., 2013; Schwarzenegger et al., 2013; Volet & Aebi, 2013), our priority is not to directly devise instruments for professional action, propose new practice modalities, or improve the efficacy of existing interventions. Instead, our main objective was to understand how the probation agents managed the risks in their daily practice with the probationers.

In spite of the difficulties we encountered, we intensified our efforts to find a probation service that would grant us access, rising to the challenge of being recognized and “achieving the status of an outsider trusted with ‘inside knowledge’”

(Bucerius, 2013, p. 690). During preliminary discussions with the managers of probation services, we thus had to demonstrate that we had sufficient knowledge of the legal framework, the possible paths within the criminal justice system, or the different bodies' roles and jurisdictions. We also opted to pledge that the presence of researchers would not disrupt the daily routine of the probation services that would open their doors to us. Finally, the fact that obstacles could be overcome was a coincidence. In parallel to our project, the representative organizations of probation work had asked the Faculty of Social Work of the University of Applied Sciences and Arts Western Switzerland to develop a postgraduate program for specialized workers in the field of penal justice. In the context of the implementation of a training curriculum that would meet professional needs, our research project, which aimed at apprehending the nature of probation officers' work, became more "acceptable."

These vicissitudes bring to light the fact that access to the field may sometimes depend on a combination of circumstances and that it is greatly facilitated by formal gatekeepers seeing the potential benefit for their own institution of allowing the research to proceed. However, they also demonstrate that the negotiations to gain access to probation settings and practices are part and parcel of the definition and regulation process governing the types of studies deemed legitimate in this field, as well as the conditions under which they must be conducted. One may wonder to what extent the *utilitarian agenda*, which apparently serves as an institutional filter, gives a particular tone to the production of knowledge about this professional world. Moreover, beyond the question of entry by researchers into the probation field, the challenge of maintaining this fragile agreement remains in general, and in our specific case remained as well, a cause of concern throughout the entire research process.

## 3.2 *A Methodological Sidestep*

### 3.2.1 **Selecting Methods and Adapting Them to Local Contexts**

Bauwens (2010, p. 39), in a review of existing research, reported that: "Qualitative research in probation is predominantly interview-based" or composed of evaluations of offender behavior programs in the community. Since our research objectives were focused on apprehending, in the closest proximity possible, the contextualized practices aimed at ensuring the security of interventions implemented by probation officers, the ideal method would have been to video record sequences of activity that could be used as support for individual and collective analysis. However, as the anonymity of probationers had to be guaranteed, such means could not be used. We thus had to resort to some degree of methodological creativity to get around this obstacle and to find a way to still have access to what professionals actually do.



On the one hand, it was crucial to not merely fall back on the discourse of probation officers about their work. On the other, it was also important not to fall prey to an illusion about transparency, which would have us believe that direct observation, by itself, would enable us to understand what underpins actions (goals, reasoning, meaning), and what is mobilized by them (markers, instruments, etc.). In this vein, markers were the indicators utilized by the probation agents such as the change of the probationer’s attitude or identification of contradictions during the follow-ups. The resources were defined as the instruments used during their practice such as risk evaluation instruments or the file of the probationer. This is why we opted for the method of *triangulation*, described by Bauwens (2010, p. 41) as allowing the cross-fertilization of perspectives and enriching understanding, particularly through “the combination of files analysis, interviews and observations.” In more specific terms, as well as collection and analysis of documentary sources and direct observation, we used a method of verbalization of activity known as an *instruction to a double* (Oddone et al., 2015), which entails asking professionals to give instructions to the researcher as though the latter were to act in an identical manner to the professional.

The implementation of this method is carried out under specific conditions. First, the instructions given by the professionals (in this case probation officers) do not pertain to their work in general but to a particular sequence of activity in a specific case. Second, when asking questions, researchers invite professionals to remain focused on the situation at hand, to describe in detail the concrete dimensions of the actual process, to talk about what they do and how they do it (e.g., when referring to a follow-up interview with a probationer, how do I welcome the person into my office? Where do we seat? How do I start the interview? What should the tone of our exchanges exactly be? Do I take notes about what is being said? Which ones? etc.); and, at the same time, the researcher may also submit alternative courses of action that might be taken in order to see how they are resolved by the officers. Third, the verbal material that has been collected in this way is audio-recorded and then transcribed. So doing, what has been said is seen as a trace, which can open further reflections. The research setting created by the technique of instruction to a double allows the probation officers to discuss and read again what they said, fostering individual or collective reflexive commentaries.

In two of the three study sites – the probation offices – the method of instruction to a double was deployed collectively. While one of their colleagues was giving instructions to the researcher acting as a “double,” the other probation team members were listening and writing down what they found surprising and the questions that occurred to them. Then a period of discussion was set up during which various aspects of the interventions proposed in the case that had been described were discussed. In one of the services studied, because of time constraints pertaining to the organization of the officers’ work, as well as because of the fragile state of the probation teams due to recent changes (restructuring of the service due to changes or reduction of staff, strengthened focus on risk prevention), our methodology could only be implemented on an individual basis. However, we still attempted to conserve its characteristics in terms of stepping back from interventions, confrontation

of different standpoints, and reflexive examination of one's actions. In total, this technique lasted for about half a day.

### 3.2.2 Feedback as a Means to Further Gather Materials

While Trulson et al. (2004) insist on the importance of providing feedback on the progress of the research process to develop trust, difficulties in maintaining anonymity when reporting the results within a rather small professional community also came to light. Conducting a study necessitates the direct involvement of researchers with the professionals who participate in it and requires that they anticipate possible negative consequences at different levels (personal, institutional...) of any communication. Since our observations as well as the detailed description of cases presented to us contained information that would make it easy to identify the participants, we had to think about a way to give feedback to the professionals in our study that would conform to the ethical principle of *primum non nocere* – first, do no harm. We respected this principle by taking a detour via the presentation of hypothetical cases that would challenge the participants as professionals and invite them to share their perceptions of the case, the level of risk it presented, and the ways it should be handled. On the basis of the materials we had gathered, we thus created a mediating artifact, as close as possible to situations actually encountered in the field, that could be used as the basis to launch a discussion. See the following vignette:

*Detour with a constructed case.* The head of the open custody case team has given you a new situation to follow. It concerns a man, Mr. Toby Freed, aged 34, who has been convicted for various previous infractions as a minor (including thefts as well as violations of Narcotics' Control legislation). Then, as an adult, he was condemned to a custodial sentence of three and half years – partially suspended – for a series of offences (including robbery and assault). The suspension was revoked after a new sentence for 18 months in prison (thefts, assault and battery, new Narcotics' Control infractions, etc.). The execution of this new sentence has been suspended and ambulatory treatment as well as probation support have been mandated.

When examining the case file, you find that Mr. Toby Freed was the subject of disciplinary sanctions when he was in detention because of his behavior. He was subjected to a psychiatric expert evaluation, but there is no copy of it in the file. Similarly, there is no plan of execution of the sanction in the file.

Called to a first appointment, Mr. Toby Freed does not show up. When you get hold of him on the phone, he says he forgot and brings up the highly precarious situation he lives with no fixed abode, and few financial resources... which surprises you since the file stated he was going to live at his girlfriend's flat. You give him a new appointment, about two weeks after his release. After meeting him on three occasions and having collected the required information, you fill out the risk score grid (cf. annexed document). The score obtained indicates that the situation is on the border of the threshold requiring high vigilance.

What priorities would you set for your interventions in this situation? And why?

This vignette serves as a dialogical artifact (Kostulski & Kloetzer, 2014) for triggering discussion and collective reflection among probation officers. By using this approach, we avoided undue personalization of feedback to interviewees while also

instituting a space for discussion and collective elaboration among peers in a context where each professional usually has to carry out interventions as an individual. Even though we were not in an intervention-research configuration, having the professionals participating in our study jointly reflect upon this situation and discussing markers that may orient the approaches that would be implemented in this case allowed us to reintroduce the collective level as a means to shore up each other’s intervention. This enabled us to associate them with interpretation and knowledge-building work. More than an aside to the research process, feedback became a truly constitutive element of it.

#### **4 Conducting – or Not Conducting – the Course of Research...**

As we just mentioned with regard to the methodological apparatus, having to position ourselves as researchers in a highly constrained environment can mean bringing some “play” back into a system (Winnicott, 1971) in which everything seemed already fixed and settled. This entails reintroducing creative ways to deal with this environment, to relate to it, and to act. The process of conducting field research in probation makes for a stark reminder that researchers must give up attempts to master its course from end to end. Issues of position and role provide good examples of this process. As researchers, in the eyes of participants, we occupy a kind of “no-man’s land” (Reeves, 2010, p. 323) as we are neither supervisors or officers nor probationers. This meant that probation officers as well as the persons they follow had to place us on the basis of certain markers.

During the interviews with the probationers in the office of the probation officer, we would sit on a chair slightly behind the probation agent and take notes in a notebook. Depending on our professional background, our institutional affiliation, our age, our gender identity, etc. we were associated with other familiar professional figures such as social workers, psychologists, interns, or trainees. We were thus perceived, at various times or simultaneously, as occupying different positions: a research team member sitting in during a follow-up interview alongside a woman probation officer, for instance, made a probationer irritated, as he assumed that the researcher was an intern, like the medical interns on the addiction team, who are replaced every few months and with whom he constantly has to start anew building a relationship. Also, the presence in the team of two psychologists created an expectation, among some of the officers, that they could rely on their expert knowledge to decode the attitude and the reactions of probationers who display severe psychological problems. Rather than systematically trying to rectify these misapprehensions, we opted to consider these “wrong addresses” as avenues to better understand the experience of probationers (in this case, what is difficult for them) and of professionals (in our example, what they found challenging). We then examine how this

interpretation of the professionals might influence the materials we gathered as well as the construction of new knowledge.

The unexpected aspects built into the qualitative field research process also caused the study team to gradually become more aware of risks taken by professionals and probation services who were participating in the research. Even though we knew that taking part in a study may expose participants, we had underestimated the extent to which the context of the tragic events that shaped Swiss policy mentioned earlier, the doubts cast onto professional judgment, the suspicions of possible failings, involved in terms of potential exposition to danger for professionals. As a matter of fact, as our study progressed, we recognized that probation officers were not following to the letter the rules and regulations that framed their work. We saw that, alongside the assessment and risk management procedures, their practices still displayed elements of artful expertise, based more on their experience than on actuarial logic. We even understood that, in some cases, professionals cast doubt on the parameters upon which the statistical calculation of the risks presented by a given situation are meant to rest and that are supposed to determine their professional intervention.

Our study functioned, therefore, as a kind of unveiling operation that brought to light existing deviations from the rules governing interventions. And this took place at a time when the professionals we encountered were talking to us about the unspoken burden placed on their shoulders that led them to interiorize the fact that anything that might happen in a case placed in their hands was their responsibility: “[...] it’s silly what I’m telling you but when you hear there are very grave cases going on in our canton, when there’s talk of murder or whatever, the first question you ask yourself is: is it one of my cases? [...] You still have this fear, you think: but in the end if something happens with one of my cases, for sure they are going to search who made a mistake, who didn’t notice, who didn’t react.” (Specialist in penal sanctions, Office of sanctions and probation 5, trained as a social worker, in her present job for 2 and a half years, quoted in Lambelet, 2022).

The ethical burden derived from the possible impact of our production of empirical materials and their analysis was thus even greater. The worries that bring to light the persistence of de-legitimated practices could put participants in our study at odds with officialdom or in uncomfortable positions, both within the probation service or more broadly, certainly conditioned the manner in which envisaged disseminating the results of our research. While these results were shared more widely through publications in scientific journals, not betraying the trust we were given also remained a central concern. Thus, the data were kept anonymous by deleting all identifying indications (full name, employer, location, or exact position occupied). These were stored in a secure manner, and raw data were separated from anonymous data.

## 4.1 Emotions Contained

As Genard and Roca i Escoda (2019, p. 49) noted, interaction as part of a study is “also an interpersonal relationship” saturated with effects of all sorts, which sometimes make it difficult for researchers to maintain distance from the object of study. An episode that happened in the course of our study illustrates our embarrassment face to a troubled person expressing themselves in an interview with a probation officer and highlights the ethical issues raised by this discomfort. See the following fieldwork note:

*The unconceived part of the “emotional work” (see Hochschild, 2017) of probation officers and the blindness of the researcher.* During a debriefing (with the method of instruction to a double), a probation officer told us about the situation of a 49-year-old man, sentenced for causing serious bodily injury and diverse offences under the law on drugs, to a custodial sentence of two years alongside mandatory institutional treatment as he suffered from psychiatric disorders (personality disorder with paranoid tendencies). After three requests denied due to a risk to reoffend, he was finally granted a conditional release with the obligation to pursue treatment, abstinence controls, etc. He has been placed under the supervision of a probation officer for close to four years now.

From the very beginning, just from reading the file, this case rose concern within the service (“Honestly, we felt uneasy... we thought, will he just stab us with a knife?”). This led to a decision to assign two officers to the case. And just as the professionals feared, establishing a follow-up turned out to be complicated (“He said that we treated him as a fool, that we disrespected him, that we didn’t understand anything, and this, and that... when we offered him administrative support, it was ‘no, do you think I’m stupid!’? That’s it!”).

After that, the probation officer in question pursued the supervision on his own. At times, this one had the impression that they were forming a functional relationship. (“When talking about what he likes to do: music, history, it created a link... I was glad.”) But soon after, all of that was ruined: “He flips out and throws it all away.”

During our talk, the probation officer expressed a feeling of fear (“Honestly, he loses his temper easily, uses crude words, but the last time, when suddenly he placed his feet on the table and started stamping as hard as possible, I had my hand placed on the alarm button”), a feeling of helplessness or fatigue (“I can’t stand this anymore, he got me exhausted, worn out”), and a decrease in professional self-esteem (“the situation is going nowhere... I keep thinking about it but can’t find any solution”).

Even though we could not remain indifferent to the distress expressed by this officer, our interventions during the interview maintained a certain distance face to the emotional nature of what was shared.

The reflexive analysis we conducted later on the field note mentioned above (Lambelet et al., 2021) highlighted the added difficulty of being in the presence of an individual with important psychiatric disorders. It is only after the study was completed when we heard that this same probation officer’s health was impaired (extended medical leave), which we realized how much we had neglected to take into account the efforts he had made to manage his emotions. It is as if the imperatives of scientific research had us confined in a relationship to our object “à la troisième personne [in the third person]” (Genard & Roca i Escoda, 2019, p. 26), even though listening with more sensitivity would have brought more clarity to the emotional demands of probational work, to the social expectations of control linked

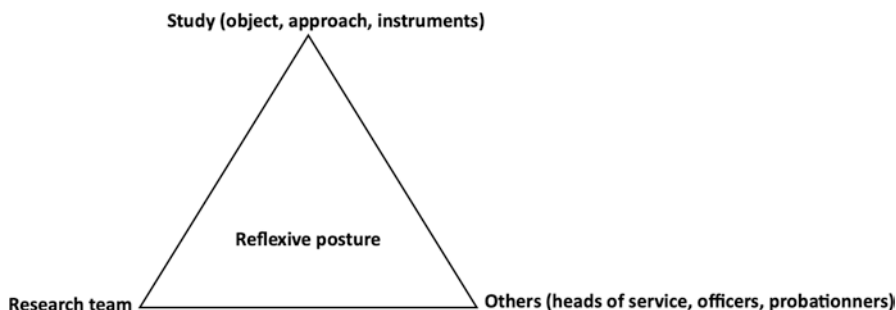
to this working environment, and the cost it represents for professionals. In addition, the follow-up interviews that we attended made us go through a whole range of emotions: compassion in relation to the precarious situation in which some found themselves, laughter when one or the other mentioned a funny event or embarrassment about details of their private life that they had to disclose to the probation agent.

As part of a research program on probation made up of several successive stages, our investigation falls within a long timeframe of two years. In the aftermath, this allows us to realize what we have missed, but also to observe the secondary effects of our investigation. For example, the fact that it is considered by the professionals involved as an expression of interest in their work and as a way to ensure better visibility if not greater acknowledgment.

## 5 Conclusion: Reflexivity in Action and Contextual Ethics in Field Studies

Our experience of research in the world of probation has led us to question whether it is appropriate to define a field of inquiry as, a priori, sensitive or difficult. Similarly, while we emphasized the negotiations conducted to enter the probation services since they condition both the very possibility of carrying out the study and the course it may take, we also insisted on the fact that any agreements reached remain precarious. As far as ethical commitments are concerned (participation based on a freely given consent, charter for guaranteeing the anonymity of data, ...) that are made based on supposedly universal normativity, they obviously cannot provide solutions for all the problems that may arise.

These pushes and pulls, these stops and starts, require that researchers remain in a reflexive posture during the entire investigative process (Panfil, 2021). As shown in Fig. 3.1, reflexivity is clearly an additional step of the research process, which would be seen as an attempt to add “extra soul” to the research per se, but a critical process all along the implementation of the research. Conducting a study in the field of probation cannot be summarized as designing a research plan and implementing



**Fig. 3.1** Reflexive posture: Intersection of elements in probation studies

it in a well-structured manner. “The craftsmanship of doing qualitative research” (Beyens et al., 2015, p. 66) means that researchers must find ways to work with the many actors involved, to interpret different representations and expectations of the research context, and to make explicit the backdrop of the study to various participants (particularly because of their interests or of their fears with regard to our research objects and our scientific activity). The course of the study permanently confronts the research team with unexpected events and reactions, with constraints, pressures, choices, arbitration, and renunciations that require “a process-oriented analysis of ethical issues that are always specific and are embedded in singular configurations and instruments” (Roca i Escoda et al., 2020, p. 17).

This process of ethical questioning, continuously unfolding during the entire course of the research, brings about new challenges, debates, and developments about the methodological choices that have been made; it leads to working on the impasses in which the study gets mired and also represents a backbone that provides limits and offers support. This open questioning may also contribute to creating a climate of trust and allow a gradual widening of the field that can be investigated. In any event, this requirement for reflexivity, involving an ongoing examination of the nature of our involvement in the field of probation and our actions as researchers was, for us, a means to not scrimp on the exigencies and rules of scientific investigation. Keeping a fieldwork journal (Lourau, 1988) enabled us to sustain this reflexive endeavor and to keep a record of the ups, downs, and unforeseen turns of the course of the study as well as the difficulties we experienced when the “hold” we thought we had on our field of research became elusive or shaky. Finally, as a mediating tool for our own relationship to the object of our research, it also enabled us to go back to these experiences with the goal of gaining a deeper understanding of probation, both as an apparatus and as a practice. We can then only regret that the usual format and codification of scientific publications give so little recognition to this reflective work – attentive to the dilemmas encountered, the hesitations, and the embarrassment felt – which is woven through the research process.

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