

## The Probation Service in Romania: An Overview

**Elena Nichifor\***

**Summary:** The institution of probation is relatively new in Romania, with a structure and system that is still in a process of development. This paper provides an overview and discusses the development of the Romanian probation system, how it is organised and functions, the main activities of the service, and the counselling programmes delivered in Braşov Probation Service.

**Keywords:** Romania, Braşov, Probation Service, court, sanctions, community, Probation Counsellor, offenders, victims, supervision, counselling, programmes, rehabilitation.

### **A short history of the Romanian probation system**

The Probation Service in Romania was established under the coordination of the Ministry of Justice in the year 2000 by the Romanian Government, through Government Ordinance 92/2000, and was subsequently approved through Law no. 129/2002.

The newly established Probation Service replaced the ‘Services of Social Reintegration and Supervision’ that had previously worked with offenders. For four years prior to the finalisation of the legislation, the new probation activities were piloted in centres that provided the legal support for alternative sanctions in the community (van Kalmthout and Durnescu, 2008; Szabo, 2009). These pilots were managed by Probation Service staff and supported by community involvement, and resources from local non-governmental organisations (NGOs). In this manner the framework for the new institution was created.

However, for a better understanding of the progress made by the Probation Service in Romania, I invite you to travel back in time to 1996.

\* Elena Nichifor is a Probation Counsellor in Braşov Probation Service in Romania. Email: elena\_nichifor@yahoo.com

Due to the limited range of sanctions and also to sentencing patterns, the imprisonment rate in Romania was one of the highest in Europe (Lappi-Seppälä, 2002). The Ministry of Justice recognised the need to promote a more creative way of implementing justice. One of the first steps was to introduce an experimental centre of probation, which was established in Arad (in the west of the country).

This probation centre was the result of an initiative of the Arad Penitentiary with the help of financial and technical support from the government of the United Kingdom through the Know-How Fund.<sup>1</sup> The main purpose of this pilot was to introduce elements of probation-like pre-sentence assessment reports and post-sentence supervision into the Romanian criminal justice system.

The initial group of offenders comprised minors who had committed offences and were on bail with a condition of residence in Arad city. After a period of time the category of offenders was expanded to include adults, and services were extended to Arad County. The staff team of the experimental centre of probation was led initially by volunteers from the Europe for Europe Association<sup>2</sup> employed by Arad Penitentiary.

This model was further developed between 1997 and 2000, when 10 more experimental centres were established by order of the Ministry of Justice. Some of these used the same model as that used in the Arad pilot and were included as distinct departments in penitentiaries or re-education centres. Others were established as part of NGOs. From 1998 the British government committed itself to supporting a five-year project called 'Probation in Romania' with the goal of creating a national probation system.

Here are some examples of the 10 experimental centres of probation established by the beginning of 2000 in our country. In May 1997 the second experimental centre was established at the Gaesti Re-education Centre. In August 1997 the probation experimental centre at Focsani was created with a team made up of members from Focsani Penitentiary and from the People to People Foundation.<sup>3</sup> These early centres were under

<sup>1</sup> The Know-How Fund was a British government programme to assist Eastern European nations in the transition to free market democracies. It no longer exists. The European Union also provided financial, logistical and strategic support for the development of the Romanian probation system.

<sup>2</sup> An NGO that was involved in supporting the implementation of alternative sanctions in the community.

<sup>3</sup> An NGO founded in Iasi in 1999 that promotes and protects the rights of children and the elderly: [www.people2people.ro/index.php](http://www.people2people.ro/index.php)

the administration of the National Penitentiary Service and local NGO partners. When additional centres were established in 1998, their administration was transferred to a unit within the Ministry of Justice. These centres were funded by the Open Society Foundations<sup>4</sup> or from European Union funds.

For a clearer view of the activities in the pilot centres, I will focus on the work undertaken in Iasi in 1998. The members of the team were employed by the NGO and used the title 'Probation Counsellor'. There were three main activities: supervision in the community, preparation of assessment reports for the courts, and delivering programmes in the penitentiary. The client group was minors and young adults convicted of crimes such as robbery and theft. A smaller number had addiction issues, but the drug problem was not as serious then as it is today.

The main challenges for the team were the lack of visibility and understanding of their work at a community level and the demands of providing programmes in the penitentiary system. Despite these challenges the team was motivated by the success of interventions based on clear theoretical frameworks that continue to inform our work today.

The establishment of the pilot probation centres was a distinct period in the development of probation in Romania; this period, 1996–2000, is known as the experimental stage of probation.

The second stage in the relatively short history of probation in Romania was the development and consolidation of probation as an institution. This came as a natural step following the positive outcomes of the pilots. Clear models for the implementation of a range of alternative sanctions, consistent with models in probation around Europe, had emerged as part of the reform agenda.

In August 2001, the first Probation Services were established under the authority of the Ministry of Justice. Initially there were 28, with the name 'Services for Social Reintegration and Supervision', each established on a county basis. A further change took place in the administration in 2002 when the services were established near the main court of the county, independent of the court and coordinated by the Ministry of Justice through the probation department. The probation budget remained under the administration of the court president. Gradually the number of the Probation Services grew. We now have a Probation Service in each of Romania's 41 counties and one in the capital, Bucharest.

<sup>4</sup> An NGO established in 1997 that promotes and protects the rights and views of minority groups: [www.opensocietyfoundations.org](http://www.opensocietyfoundations.org)

In 2006, legislative changes took place that led to the consolidation of the status of the Probation Services' personnel, clearly identifying the role and competencies required as a Probation Counsellor within the Romanian criminal justice system. At the same time, by enacting Law no. 123/2006, the Ministry of Justice reverted to the initial name used during the experimental stage, the Probation Service, as is used in other jurisdictions around the world.

### **Organisation and functioning**

For a better understanding of the Romanian probation system, this section will provide some data about the structure of the organisation and the nature of its activities.

The central unit of the system is the Directorate of Probation, which is the dedicated department through which the Ministry of Justice administers, coordinates and directs the activities of the Probation Services at national level. In the Directorate of Probation the Director leads a team of seven Probation Inspectors from a range of academic backgrounds, including law, sociology, psychology and social assistance, who have been promoted from the post of Probation Counsellor.

At present we have 42 Probation Services that operate independently of each other but are accountable to the Directorate of Probation in the Ministry of Justice. Each Probation Service works with the higher and lower courts. In addition, secondary offices have been established within each of the counties and, while not yet functional, they will meet the expected increased demands arising from future legislative changes.

Each Probation Service is managed by a Chief Probation Counsellor, who is also a Probation Counsellor. The main task of the Chief is the management of the overall activities of the Probation Service and the daily tasks. The number of Probation Counsellors in each service varies, from three to as many as 14 in Braşov, Iasi and Gorj and 22 in Bucharest. The teams are multidisciplinary. The Probation Counsellors have a range of graduate degrees – social assistance, law, pedagogy, psychology, sociology. There are three professional levels of Probation Counsellor, with promotion based on the years spent in the probation system.

Even though Probation Counsellors have different academic training backgrounds, they all provide the same range and level of services (Schiaucu and Canton, 2008), which can be summarised as:

- supervising how the convicted person complies with the measures and obligations imposed by the court
- writing assessment reports, at the court or prosecutor's office's request, on an offender following conviction, or on an offender who is already under the supervision of the Probation Service (in the first example only the court can make such an order)
- providing assistance and counselling for convicted persons who have been referred to the Probation Services
- participating in the parole commission in the penitentiary
- offering psychological counselling to victims of offences
- writing reports on minors who committed an offence but have not yet reached 14 years (the age of criminal responsibility)
- participating in the hearing and adjudication of a minor who is between the ages of 14 and 16 years, to ensure that minors' legal rights are respected
- cooperating with public and private organisations by working on protocols of collaboration, to address the social needs of the supervised persons regarding education, work place, place to live or obligations imposed by the court (e.g. unpaid work in the community).

## **The main activities of the Romanian Probation Service**

### *Assessment reports*

An assessment report for minors or for adults can be requested by the court or the prosecutor's office before the sentence is given. For offenders who were minors at the time of the offence the assessment report is obligatory. A report can also be requested if an offender currently subject to Probation Service supervision commits a further offence. The Chief Probation Officer assigns the cases.

The report format is standardised and includes information, in a narrative form, which must meet the following principles: objectivity, clarity, coherence and actuality/concreteness. To achieve this goal one or two meetings will take place with the person for whom the assessment report was requested, and with other information sources such as members of the family, persons from the community – police, municipality/town hall, school, place of work – thus keeping a balance between the internal and external sources of information. The information an assessment report must contain is listed in Table 1.

**Table 1.** Information that an assessment report must contain

<i>Category of offender</i>	<i>Newly requested assessment</i>	<i>Persons already under supervision</i>
Adult	<ul style="list-style-type: none"> <li>• History of the offence</li> <li>• Social and family environment/background</li> <li>• Level of education and professional background</li> <li>• Behaviour of the offender before and after committing the offence</li> <li>• Factors that contributed to the onset of criminal behaviour</li> <li>• If relevant, how the offender responded to a previous decision by the court</li> <li>• When the Counsellor considers it necessary, the report will contain information on physical and mental conditions, as well as data regarding intellectual and moral development of the offender, provided by a specialist nominated for this purpose</li> </ul>	<ul style="list-style-type: none"> <li>• Social and family environment/background</li> <li>• Educational and professional evolution</li> <li>• Behaviour during supervision time</li> <li>• The way the offender fulfilled obligation(s) set by the order of the court</li> <li>• When the Counsellor considers it necessary, the report will contain information on physical and mental conditions, as well as data regarding intellectual and moral development of the offender, provided by a specialist nominated for this purpose</li> </ul>
Minors	<p>The information mentioned above for adults, plus:</p> <ul style="list-style-type: none"> <li>• conditions of life and living</li> <li>• the way the parents, persons with responsibility for the minor or the tutor are fulfilling their obligations regarding the minor.</li> </ul>	<p>The information mentioned above for adults, plus:</p> <ul style="list-style-type: none"> <li>• the way the parents, persons with responsibility for the minor or the tutor are fulfilling their obligations regarding the minor</li> <li>• where appropriate, the Probation Service's collaboration with the nominated person or institution supervising the minor, or the public institution in which the minor fulfils the obligation of unpaid work for the community.</li> </ul>

With reference to report writing, in 2007 new legislation brought the modification that assessment reports could be requested for the offender by the police officer during police investigation, by the prosecutor's office and, during the trial, by the judge. The subsequent increase in referrals made it very difficult for Probation Counsellors to fulfil their other duties in addition to report writing. This situation continued until March 2008 when, because it was not feasible in practice, the law was changed and reverted to reports being prepared only on court request or at the prosecutor's request, if needed for his work.

### *Supervision of offenders*

At present in Romania, the supervision term varies between two years and 15 days and a maximum of nine years for adults, and half that for minors.

In relation to adult offenders there are four distinct probation conditions:

- (a) to present oneself on planned dates at the Probation Service closest to one's residence
- (b) to advise the Probation Counsellor before any change of residence or location and before any travel that is longer than eight days, as well as the date of return
- (c) to inform of and justify any change in work place
- (d) to provide information in relation to financial income.

One or more of the following obligations can be included:

- (a) to do an activity or to attend an educational course including community service or unpaid work
- (b) not to change domicile or residence except under conditions laid down by the court, or to break the territorial limits set by the court
- (c) not to go to/attend certain places
- (d) not to contact certain persons
- (e) not to drive any vehicle or certain types of vehicles
- (f) to attend detoxification or other treatment centres.

For a minor who committed a felony, the court can direct an education measure of supervised liberty and impose one or more of the following obligations:

- not to attend certain places
- not to contact certain persons
- to carry out community service in a public institution named by the court, for between 50 and 200 hours (legislation does not state the maximum or minimum number of hours for adults or minors), maximum three hours a day, after the school programme, outside of working days or during holidays.

When supervised minors reach adulthood at the age of 18, they must comply with the four adult probation measures and the court may add an additional obligation or obligations as outlined above.

Based on the statistical data provided by the Probation Services, the Probation Directorate reported that by the end of 2012, 280 Probation Counsellors were working with 16,383 convicted persons. The average number of supervision cases per Probation Counsellor was 58. There are services where the average number of cases is higher than the national average. In Braşov, Constanta, Bihor and Bucharest the number can be around 80, 100, or even 160 files per Probation Counsellor (this situation can cause some difficulty because of the range of tasks the Probation Counsellor undertakes – counselling programs, assessment reports, family visits, administrative work and collaboration with social partners).

Another activity carried out by the Probation Service is to provide assistance to convicted persons in order to strengthen the degree of public safety and prevent reoffending. The process of assistance and counselling starts at the request of the offender. This can include convicted persons under the supervision of the Probation Service, minors subject to an educational measure of supervised liberty, and convicted persons in jail six months in advance of the date when they are eligible to apply for parole.

This kind of activity may terminate in a number of ways: at the request of the person, as a result of lack of cooperation or limited engagement from the assisted person, or at the end of the period agreed in the initial contract. The Probation Counsellor's role in providing this assistance is quite complex. He/she reviews all aspects of the offender's life, identifying needs and problems that are contributing to criminal behaviour, and then matches these problems with the objectives/tasks that will need to be addressed in order to achieve the overall goals. Meetings between the Probation Counsellor and offender are planned. Review of the activities will be undertaken periodically and the plan will be revised by reference to the initial assessment contract and the counselling plan.

Another aspect of Probation Counsellors' work, which created controversy when it was introduced in 2005, is work with the victims of crime. By law the Probation Counsellor should offer psychological assistance to the victims of the offence. This type of intervention can only be undertaken by a psychologist who has obtained a licence from the Psychologists' Association after specific training. While some Probation Counsellors have a basic degree in psychology, they cannot undertake this work as they are not licensed to do so. It is hoped that this anomaly will be addressed in the new penal code.

### **Working in Braşov Probation Service**

Braşov is a city with a population of 253,200, 160 km north of Bucharest in the Transylvania region of central Romania, surrounded by the Carpathian Mountains. With a long history as a gateway city and rapid industrialisation during the Communist era, Braşov is now a developing tourist and holiday area with summer and winter attractions.

The Probation Service has been active in Braşov since 2001. Braşov Probation Service has, at present, 14 Probation Counsellors, and by the end of the year four new colleagues will join the team. There is one Chief Probation Counsellor who is the manager. The other 13 staff are trained to deliver one, two or three of the counselling programmes to offenders on supervision. There is great interest in the Probation Service in developing a diverse body of approaches that might help the Probation Counsellor to intervene more effectively.

The Braşov Probation Service is using five programmes with offenders. These are delivered to offenders either by court order or if the offender makes a written request to participate. The following is an overview of the current programmes.

#### *One to One Programme*

This is the most widely used approach due to the numerous court orders that include the programme as a condition of supervision. Twelve Probation Counsellors are trained for this programme, which has been delivered to 75 persons since January 2008.

The theoretical background of the programme is cognitive-behavioural theory. The programme can be applied to adults, women or men, young people and minors, with a risk of reoffending that is medium to high. It is suited for offences such as theft, abuse of forbidden

substances or robbery, and cannot be delivered to people who committed offences such as family violence, murder, sexual offences, or offenders with severe mental disorders. It aims to help the offender to reduce his problems, to establish his own goals and to make plans, to take control over his life and to think before acting, in order to avoid reoffending.

The programme includes five modules and lasts 14 weeks. It contains some specific techniques of working with the offenders, such as motivational interviewing, The Circle of Change and pro-social modelling. The first module is centred on working on a cognitive-behaviour paradigm related to *thoughts/beliefs – feelings – behaviour/consequences*. The second module is oriented on problem solving. The third module is focused on reorganisation of thoughts/beliefs. The fourth module is centred on developing empathy with the victim of the offence, and in the last module, solutions for preventing reoffending are analysed and the programme is assessed.

### *Stop! Think and Change*

This is a group programme and has been developed starting from the same theoretical background as the *One to One* programme. Following staff training this programme has been delivered in Braşov on three occasions. There have been difficulties in delivering it due to the lack of sufficient group participants in the immediate area and the conflicting demands of work and availability for the group.

This programme has similar application conditions to the individual programme outlined above. It is designed for adults, women or men, young people and minors, with a low to medium risk of reoffending. The programme is made available to offenders who have issues with addiction (now stable), alcohol or gambling, and have been convicted for theft, robbery (in some circumstances), public disorder, threatening behaviour and assault.

The group programme aims to help beneficiaries change behaviour. Information and exercises are used during the sessions that identify and emphasise dysfunctional thoughts and feelings of the beneficiaries and help them to understand the necessity of changing that kind of behaviour.

It is structured in 12 (usually weekly) sessions. The first session is an introductory one and the last is for programme assessment. The programme is delivered by two Probation Counsellors who facilitate the learning. The themes covered during the sessions are problems related to offending behaviour, styles of thinking, reflecting on consequences,

finding solutions to the problems, and improving social interaction, perspectives and attitudes.

### *Developing Social Abilities*

This is a group programme designed for minors. The theoretical basis is found in operant conditioning theory (B.F. Skinner), social learning theory (A. Bandura) and self-determination theory (R. Ryan, E. Deci).

The programme seeks to develop the social abilities of minors; during the programme the participants strengthen their personal internal resources, and learn how to identify and to have access to the resources of others.

The programme accepts minors who are willing to participate, are aware that their anti-social behaviour and attitudes are a problem, have difficulties with others and authority, and have a minimum standard of reading and writing. There must be homogeneity of the participants regarding age, sex and capacity of understanding. The programme includes 10 core sessions plus an initial session and the last one which focuses on the implementation of learning.

Because adults have similar problems to minors, the Developing Social Abilities programme has been adapted for participants over 18 years of age. The adapted programme has the same theoretical background as for minors and the content is structured in 14 modules, each with four sessions. The modules can be done separately and must respond to the person's social needs. One person can therefore attend two or three modules.

### *Reducing the Risk of Reoffending after Imprisonment*

This is the most recent programme implemented by the Probation Service. It is also a group programme and is delivered in the penitentiary by a Probation Counsellor and a specialist from the penitentiary. The participants in this programme are detainees who are preparing for release, who are motivated to participate and have a minimum of three months until a possible parole release. They must also have reasonable capacity for speaking and writing, and are placed in the contemplation stage on the circle of change.

The purposes of this programme are for the detainee to develop pro-social thoughts and attitudes, learn some social abilities or competences, and learn how to access social agencies and social resources.

The programme consists of one basic group module and some customised modules. The basic module comprises six sessions with the following themes: assessment, setting tasks, making individual action plans and establishing the next steps for implementing the action plan. The customised modules respond to the social needs and the individual circumstances of the offenders. These modules can be delivered in group or individually.

### *I-MAP Anger Management*

This is a new counselling programme developed jointly by the Probation Services in Romania, Ireland and Italy as part of the international project for the implementation of the Framework Decision 2008/947/JHA, which provides for mutual recognition of judgments in probation decisions and transfer of supervision in jurisdictions across the European Union. Probation Officers from Romania, Ireland and Italy participated in joint training in the implementation of this programme in April and May 2013 in Bucharest.

I-MAP Anger Management is a one-to-one counselling programme developed for male adults, over the age of 16 years. It should be delivered at least 12 weeks before the offender completes probation supervision. The programme has nine weekly sessions, and after four weeks an assessment of the programme will take place. The techniques used are motivational interviewing, the Good Lives model, and pro-social modelling. In Braşov, two members of the team are trained to deliver this programme and we are now beginning implementation.

A pilot project is being developed in Braşov Probation Service and in another two Probation Services (Dolj and Bucharest), as a result of collaboration between the Ministry of Justice from the United Kingdom, the National Offender Management Service (UK), and the Romanian Ministry of Justice (in particular, the Probation Directorate). The project is to implement a programme that was designed and used in the UK Probation Service, called SEED (Skills for Effective Engagement and Development; Sorsby et al., 2013).

The central idea around which the programme was constructed is the relationship between the Probation Counsellor and the offender, which is essential for reducing the risk of reoffending and increased public safety. We are still in the training process, and the next steps will be planned following implementation and review.

## **Conclusion**

Every beginning is hard, as it was with this process, but each step is a small victory. The experimental phase was a very important phase for Romanian probation. The main characteristic of that phase was developing new approaches to managing offenders safely in the community. That created the framework for the next stage, the institutional phase, when the independent Probation Services emerged during 2001 and 2002 in each county. Apart from the challenges of managing human resources and office accommodation, there was the additional challenge of developing a strategy for programme implementation in 2006–2007.

Gradually, from year to year, the Probation Service has become more visible in the eyes of the justice system, our workload increased in volume, and that led to additional resources so that the work of the Probation Service had the infrastructure to support it. With time the work of Probation Counsellors has received wider appreciation and the Probation Services are increasingly acknowledged as important links between the courts and the community.

Regarding the future, the Probation Services have many new challenges to meet because a new penal code will be implemented soon (2014/2015). These legal developments will bring new tasks and responsibilities, especially in relation to minors and with released prisoners.

In these changing circumstances the Probation Services across Romania will have increased workloads, which will require the development of additional materials as well as financial and human resources. In anticipation of these developments, a national competition for the recruitment of 90 new Probation Counsellors is being held.

As a Probation Counsellor I witnessed some of these changes and I am looking forward to meeting the new challenges that lie ahead. I think that these modifications are very important for our probation system. I believe that at an individual level, what sustains the activity of a Probation Counsellor is commitment and motivation. During the important and ongoing development of probation in Romania, that motivation must be nurtured, rewarded and continuously stimulated.

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