

MASS PROBATION

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2014 - Criminal reform

2 codes:

- Criminal Code - Law no. 286/2009
- Criminal Procedure Code - Law no. 135/2010

2 laws preparing the implementation of the codes:

- - Law no. 187/2012 for the implementation of Law no. 286/2009 on the Criminal Code
- Law no. 255/2013 for the implementation of Law no. 135/2010 on the Criminal Procedure Code and amending and supplementing certain acts which would be criminal procedure

3 laws on the execution of penalties:

- Law no. 254 of 2013 on the execution of custodial sentences
- Law no. 253 of 2013 on the execution of non-custodial sentences
- Law no. 252 of 2013 on the organization and functioning probation system

Probation System Mission

The Romanian Probation System promotes non-custodial measures, sanctions and penalties, aiming towards reducing social costs of the execution of those measures, sanctions and penalties through diminishing prison population, harnessing the socio-economical potential of offenders and maintaining community safety.

The structure

- 380 probation counselors in 42 probation services all over the country (42 chiefs of service).
- 37 employees in the central administration of NPD in departments like: human resources, economic, IT and communication, international cooperation, professional training, research and strategic development, legal and inspection.
- 182 new probation counselors positions approved by the Government last month

Underage offenders in probation non-custodial educational measures

Civic traineeship

- supporting the minor in becoming aware of the legal and social consequences he/she exposes himself/herself in case of committing offenses and his/her accountability concerning his/her behavior
- based on a framework-program
- can be conducted by the probation counselor or by teachers
- in maximum 4 months from the enforcement of the decision

Supervision

- the underage offender is supervised and guided during the execution of the educational measure of supervision by his/her parents, the persons who adopted him/her or the guardian
- the daily schedule is established by parents/guardian and approved by the probation counselor
- controlling and guiding the minor regarding his/her daily schedule for 2 up to 6 months in order to ensure the attending to school classes or training courses.

Underage offenders in probation non-custodial educational measures

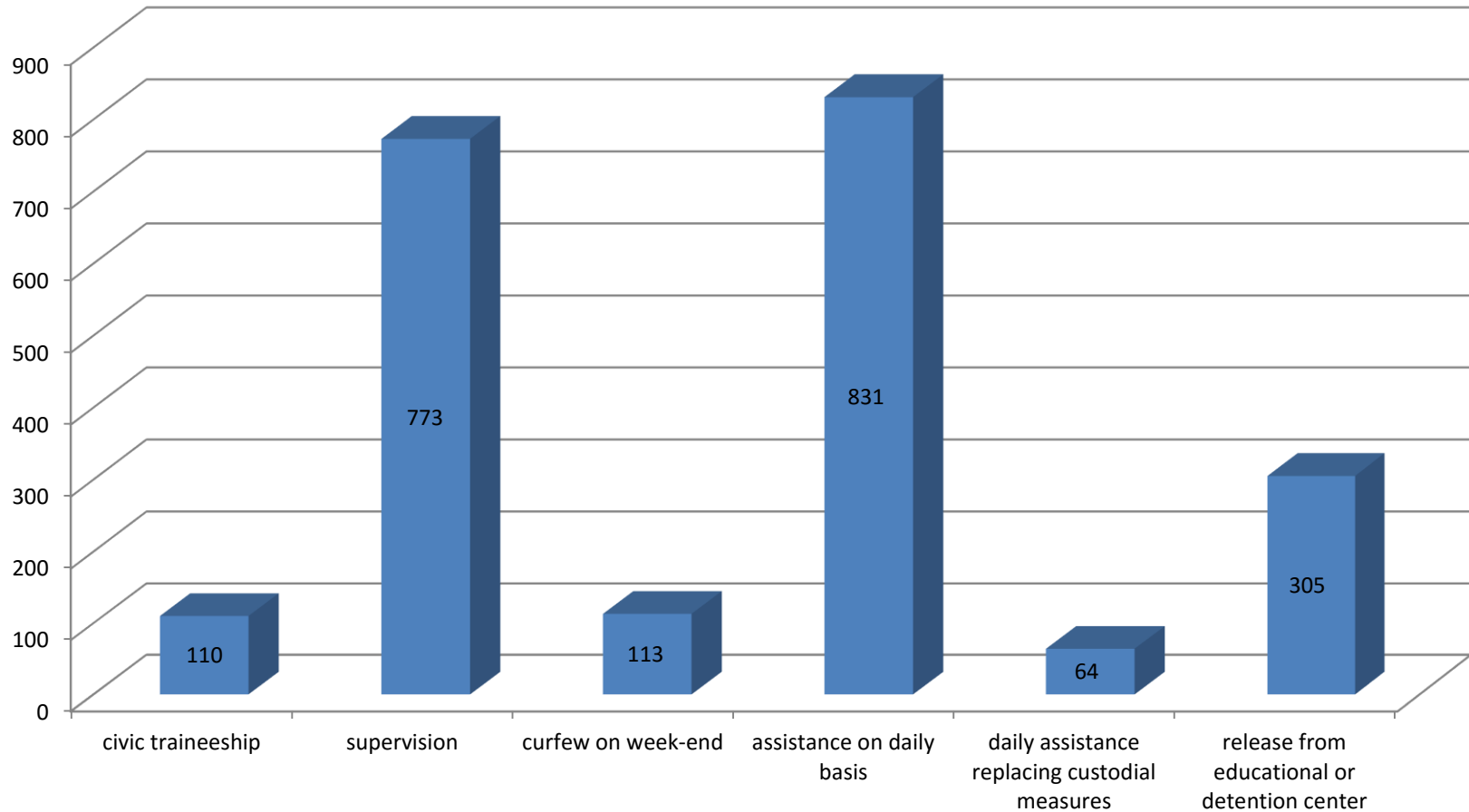
Curfew on week-end

- in order to avoid the contact of the juvenile with certain persons or his/her presence in certain places which predisposes him/her to manifest a criminal behavior
- interdiction for leaving the house between Saturday at 00:00 and Sunday at 24:00
- executed during consecutive weekends - for 4 until 12 weeks

Assistance on a daily basis

- a daily program is set up
- the juvenile must comply with the activities jointly established by the probation counselor and the parents, guardian or other person who takes care of the minor, with his/her consultation
- for a period of 3 to 6 months

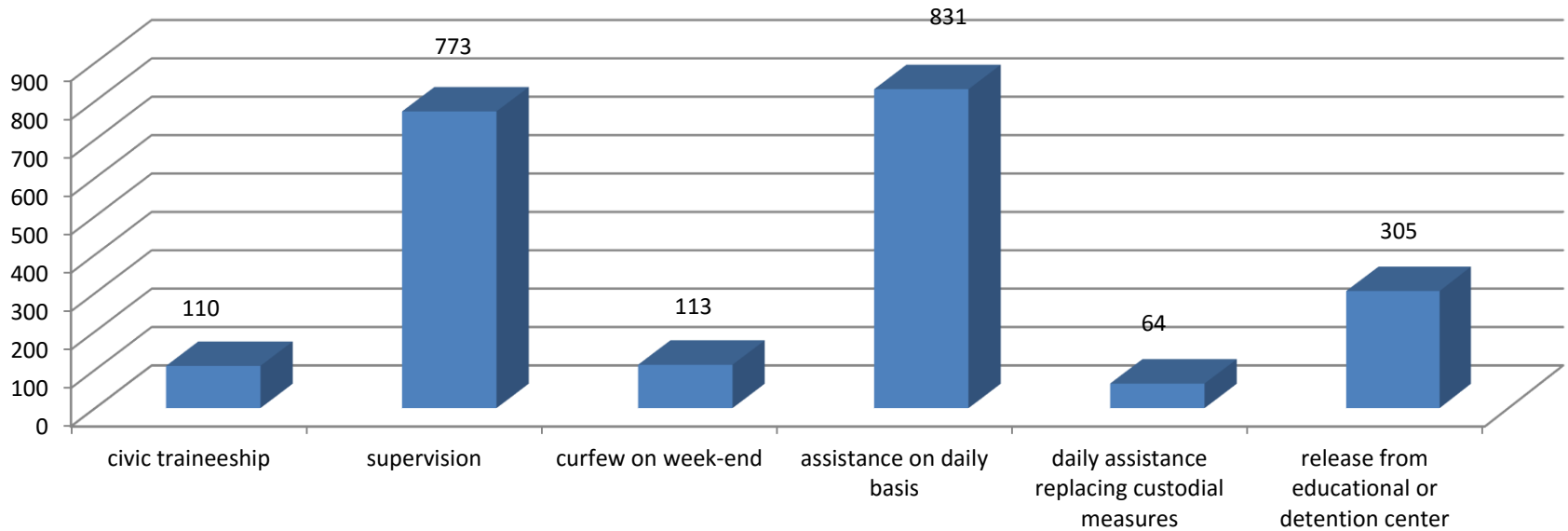
Sentences registered in probation in 2015



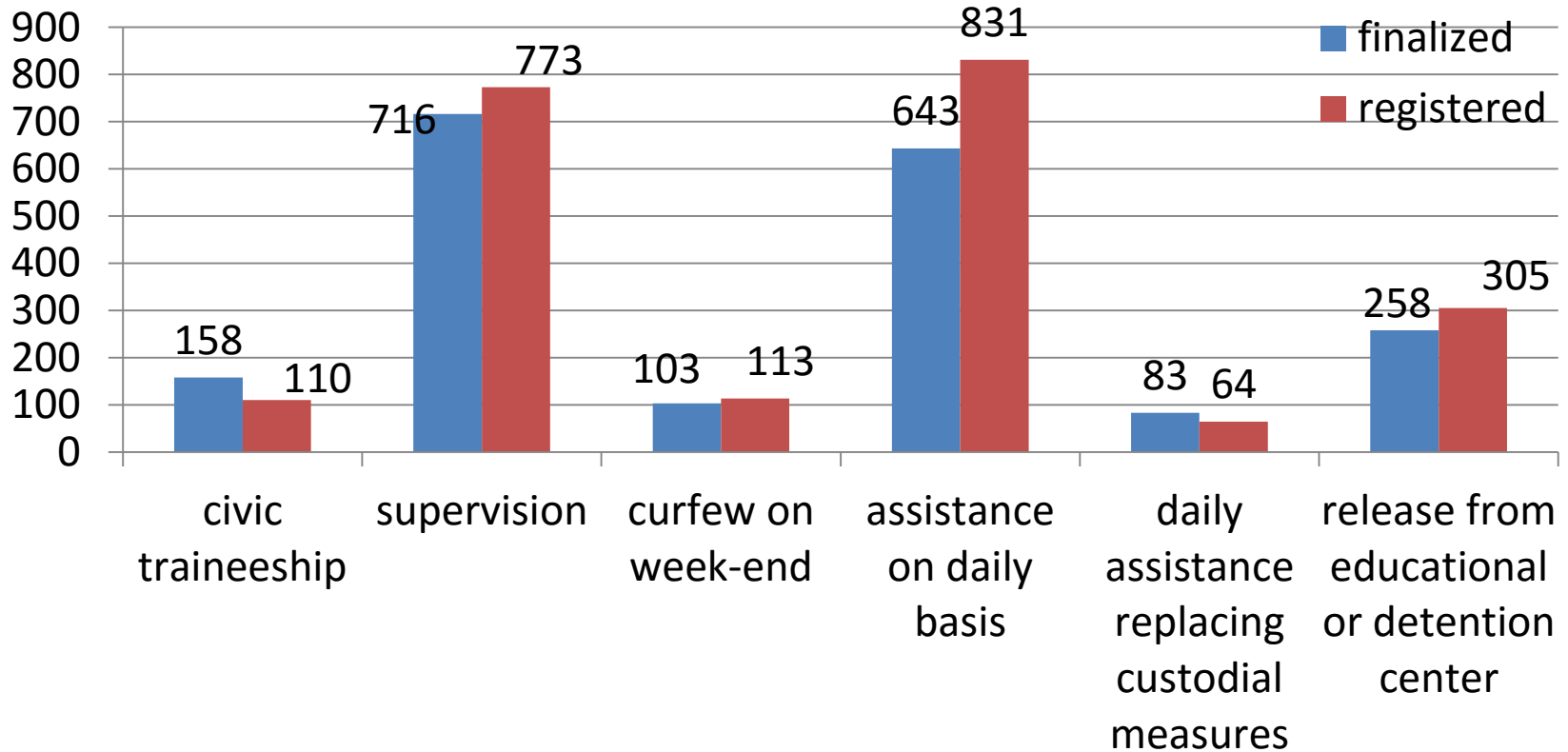
Obligations during the execution of educational measures

- established by article 121 in the Criminal Code
- may be imposed by the judge
- the probation counselor may request the termination or replacement of the obligation(s), or ask the judge to impose new obligation(s)
- juveniles may be included in reintegration programs, developed inside the probation service or by other specialized accredited institution, if the probation counselor appreciates it is necessary
- a) take classes in school or a vocational training;
- b) not to cross the territorial limit set by the Court, without the Probation Service's approval;
- c) not to be in certain places or at certain sporting cultural events or other public meetings indicated by the Court;
- d) to stay away from and not communicate with the victim or members of their family, the participants in the offense or other persons indicated by the Court;
- e) to report to the Probation Service on the dates set by the latter;
- f) to comply with medical control, treatment or care measures

Educational measures finalized in 2015



Entries and exits reports



Adult offenders in probation

Serving the penalty by fine by performing community service

- the Court can replace the obligation to pay a fine by the obligation to perform community service
- in case the whole or part of the penalty by fine cannot be served for reasons not attributable to the convicted defendant
- only with the offender's consent
- Exception - the person's health precludes them from performing such service
- One fine-day is equal to one day of community service

Adult offenders in probation

Postponement of penalty enforcement

- the sentence, including for a situation of multiple offenses, is a fine or no more than 2 years of imprisonment
- the offender does not have any previous prison sentences
- the defendant has consented to perform community service
- considering the person of the defendant, their conduct before committing the offense, their efforts to remove or minimize the consequences of their offense, and their likelihood of rehabilitation, the Court feels that enforcing a penalty immediately is not necessary, but it is nevertheless mandatory to have their conduct supervised for a determined period
- 2 years under probation supervision

Suspension of service of a sentence under supervision

- the penalty imposed, including in case of multiple offenses, is a term of no more than three years of imprisonment
- the offender was not previously convicted to imprisonment for a term exceeding one year
- the offender agreed to perform community service
- by considering the offender's person, the offender's conduct prior to the commission of the criminal offense, their efforts to eliminate or mitigate the consequences of such criminal offense and their means of reformation, the court feels that the penalty is sufficient, even without service thereof, that the convict will not commit other offenses, but that it is necessary to monitor their behavior for a limited period of time
- 2 to 4 years on probation

Adult offenders in probation

Postponement of penalty
enforcement

Suspension of service of a
sentence under supervision

Supervision measures

- report to the Probation Service on the dates set by the latter
- receive visits by the probation officer appointed to supervise them
- give notice of changing domicile and of any travel longer than 5 days, as well as of their return date
- give notice of changing jobs
- provide information and documents of a nature that will make it possible to check into their livelihood

Adult offenders in probation - obligations

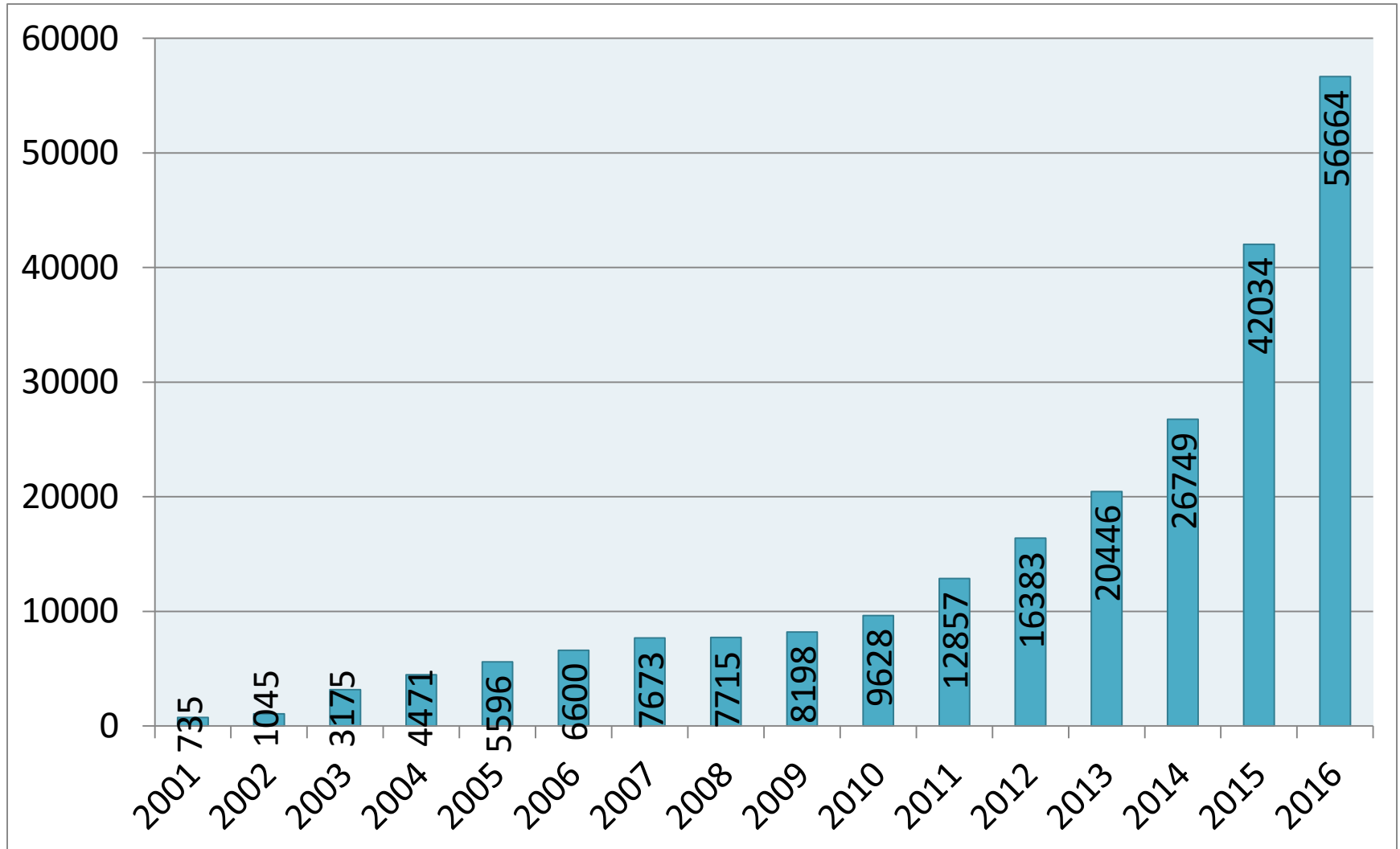
Postponement of penalty enforcement

- take classes in school or a vocational training;
- **Community service for a duration between 30 and 60 days;**
- **attend one or more social reintegration programs operated by the Probation Service or given in cooperation with community entities;**
- **comply with medical checkups, treatment or care;**
- not communicate with the victim or the victim's family, with the persons together with whom they committed the offense or with other persons as established by the Court, or to not go near such persons;
- not be in certain locations or attend certain sports events, cultural events or public gatherings established by the Court;
- not drive certain vehicles established by the Court;
- not own, use and carry any category of weapons;
- not leave Romanian territory without securing agreement from the Court;
- not take or exercise the position, profession, occupation or activity they used in the commission of the offense.

Suspension of service of a sentence under supervision

- take classes in school or a vocational training;
- **attend one or more social reintegration programs operated by the Probation Service or given in cooperation with community entities;**
- **comply with medical checkups, treatment or care;**
- not leave Romanian territory without securing agreement from the Court.
- **Community service is mandatory for a duration between 60 and 120 days**

Criminal sentences entrusted to probation since 2001



Offences against public roads safety

- Registering a vehicle as fit for traffic or driving an unregistered vehicle
- Driving a vehicle without a driving license
- Driving a vehicle under the influence of alcohol or other substances
- Refusing or avoiding to provide biological samples
- Leaving the scene of an accident or change or deletion of traces of the accident
- Hindering traffic on public roads
- Failure to perform duties related to technical checks or repairs
- Executing unauthorized works on public roads

Offences against public roads safety in probation

Offence	postponement of penalty enforcement	suspension of service of a sentence under supervision
Registering a vehicle as fit for traffic or driving an unregistered vehicle	435	418
Driving a vehicle without a driving license	1768	2429
Driving a vehicle under the influence of alcohol or other substances	4488	4179
Refusing or avoiding to provide biological samples	581	575
Leaving the scene of an accident or change or deletion of traces of the accident	18	407
Hindering traffic on public roads	2	7
Failure to perform duties related to technical checks or repairs	0	1
Executing unauthorized works on public roads	0	1
Total numbers	7292	8017

Offences against public roads safety in probation

- There is a relative similarity between the number of sentences with postponement and suspension only for three types of offences: *Registering a vehicle as fit for traffic or driving an unregistered vehicle, Driving a vehicle under the influence of alcohol or other substances and Refusing or avoiding to provide biological samples*
- Offences like *Driving a vehicle without a driving license* and *Leaving the scene of an accident or change or deletion of traces of the accident* were sanctioned in a higher proportion with suspension of service of sentence under supervision, which is the most severe non-custodial sanction for the adults.

Plans for the future

- adopting the minimum standards for probation
- increase the number of probation counselors
- **train them properly**
- raise the level of awareness and responsibility of the community towards offenders - they are part of the community
- stimulate a more active involvement of the community in the proces of reintegration of offenders

Thank you!