

Mass supervision Case-study - Romania



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Dubrovnik, Nov, 2016

The origin of probation

- 'As a mere substitute for imprisonment without supervision
- Next as supervision of the offenders for the purpose of learning what the probationer's conduct was.
- Then as reformatory period in which the probation officer offered advice' (Throught, 1927, 8)

Probation transformations

- Substitute for prison
- Instead of a punishment
- Judicial favour – suspended sentence with no supervision
- Judicial favour – suspended sentence with supervision (the proliferation of measures and obligations)
- Punishment in the community (CJA 1991)

However ...

- The traditional ethos of probation as alternative to prison never ceased to exist:

‘The Romanian Probation Service serves the courts and the public by supervising offenders in the community in order to reduce crime and the cost and consequences of **unnecessary imprisonment**’

(Mission statement in the inception phase)

ART. 2 (Lg. no. 252/2013)

- ‘ ...
- (3) Promoting the community sanctions and measures aims at reducing the social costs of the penal measures and sanctions **by reducing the penitentiary population**, valuing the socio-economic potential of offenders and maintaining the community safety’

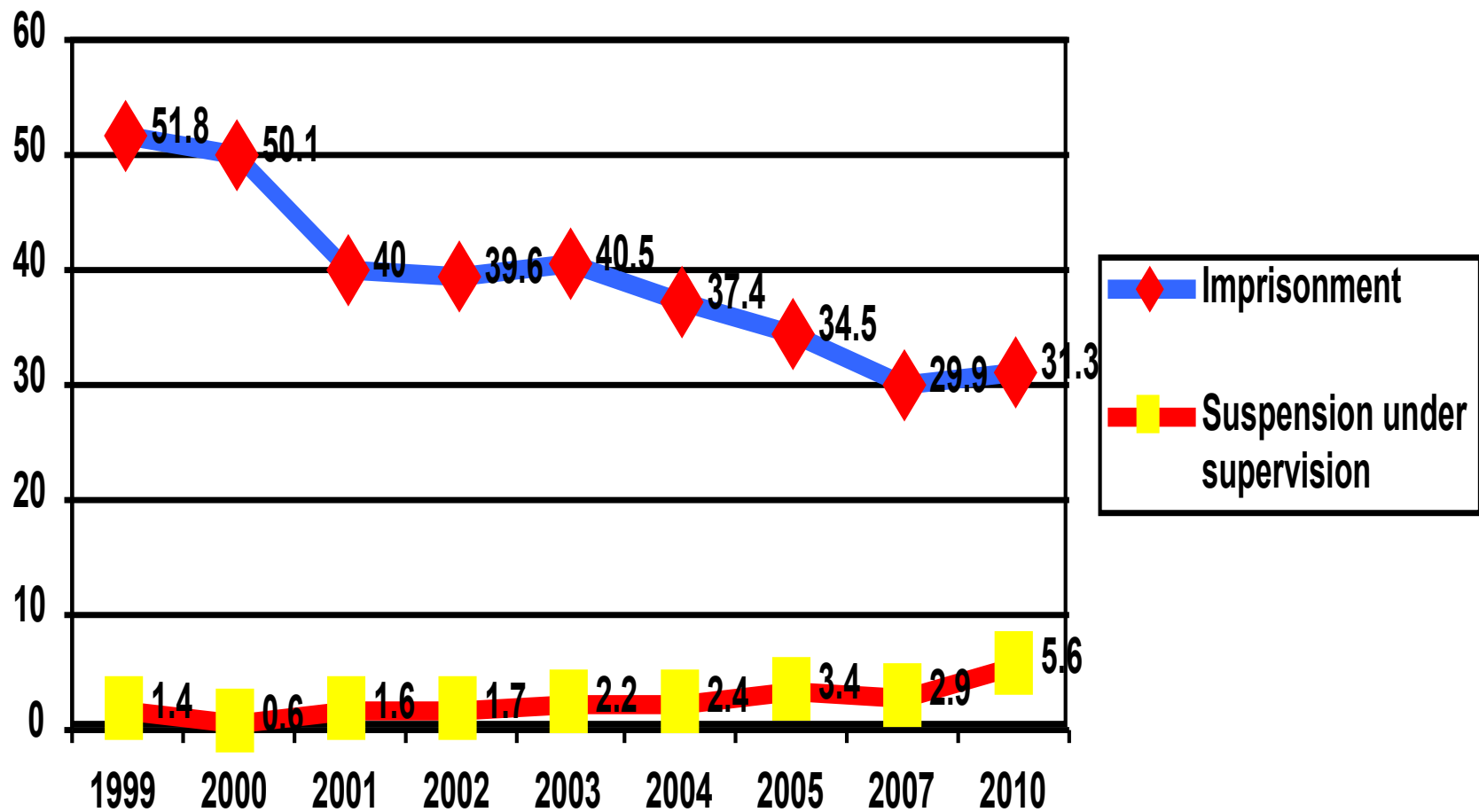
Aim of this paper

- Describe the transformations in the use of probation in Romania under the new Penal Code (entered into force in February 2014)
- Mainly for adults

Old Penal Code

- Adopted in 1969
- Modified many times but around the same prisoncentric philosophy
- Main sanctions:
 - Fine
 - Prison
 - Conditional Suspended Sentence (>3 years or fine)
 - Suspended Sentence under Supervision (>4 years)
 - Life imprisonment
- Conditional release – special case
- Sanctions and measures related to probation - adults:
 - Suspended sentence under supervision (introduced in 1992)

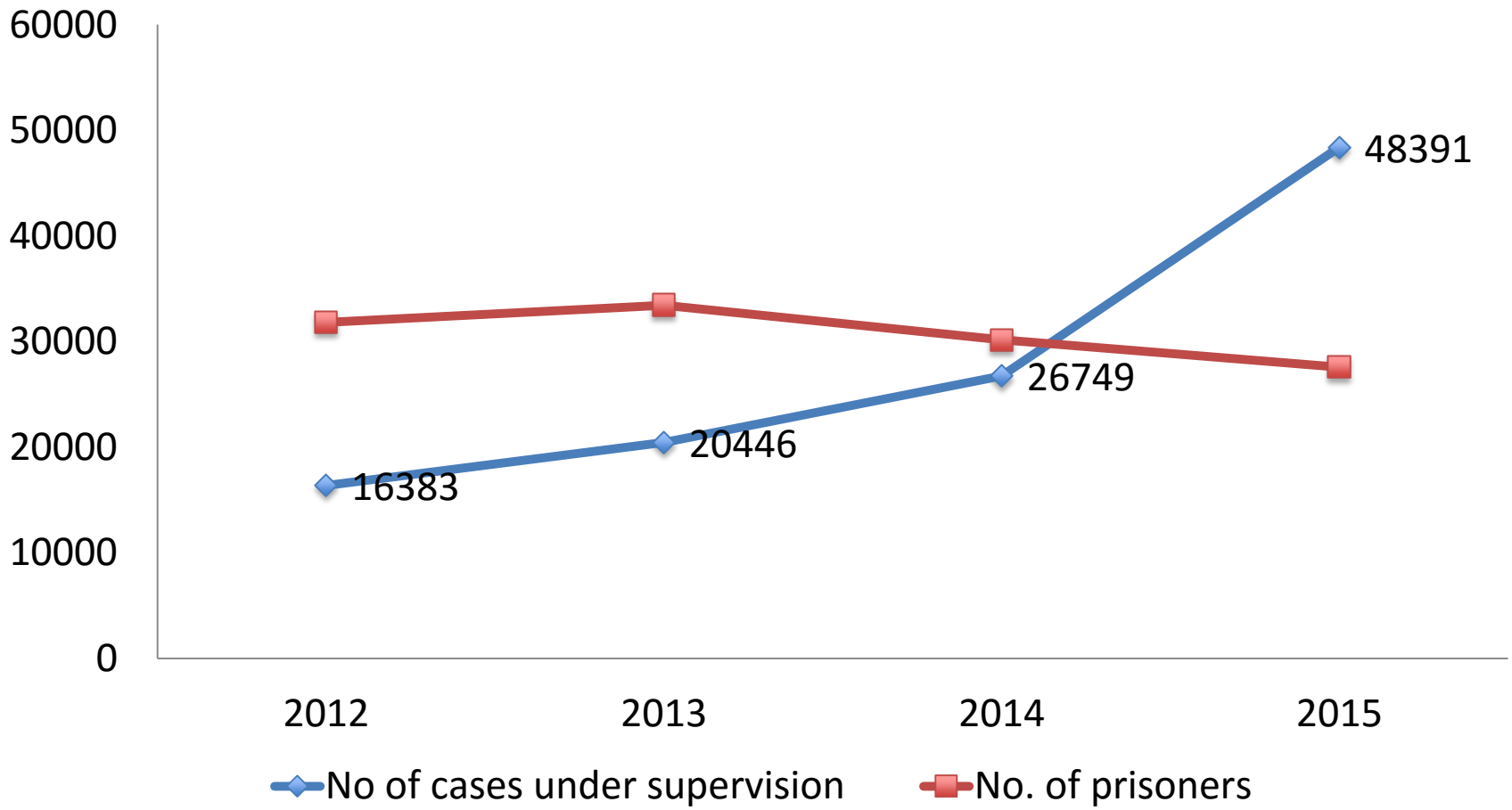
Imprisonment vs Suspended sentence under supervision

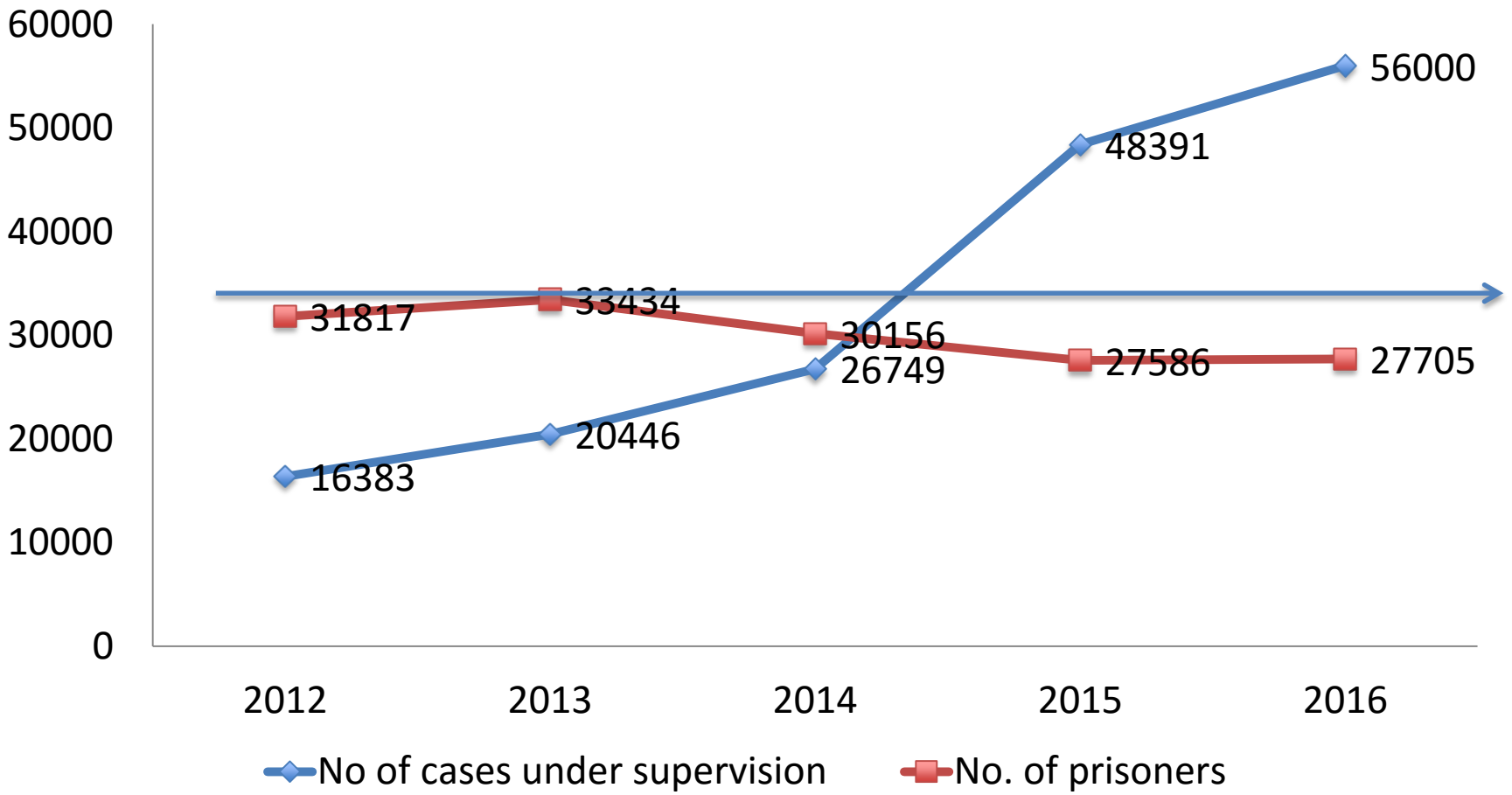


New Penal Code

- Lg. nr. 286/2009 with subsequent changes
- Entered into force 1 February 2014
- Sanctioning system (adults):
 - Fine
 - Imprisonment
 - Deferred sentence
 - Postponement of sentence (>2 years or fine)
 - Suspended sentence under supervision (>3 years)
 - Life imprisonment
- Conditional release – supervision if the term > 2 years
- Probation involvement :
 - Postponement
 - Suspended sentence
 - Conditional release

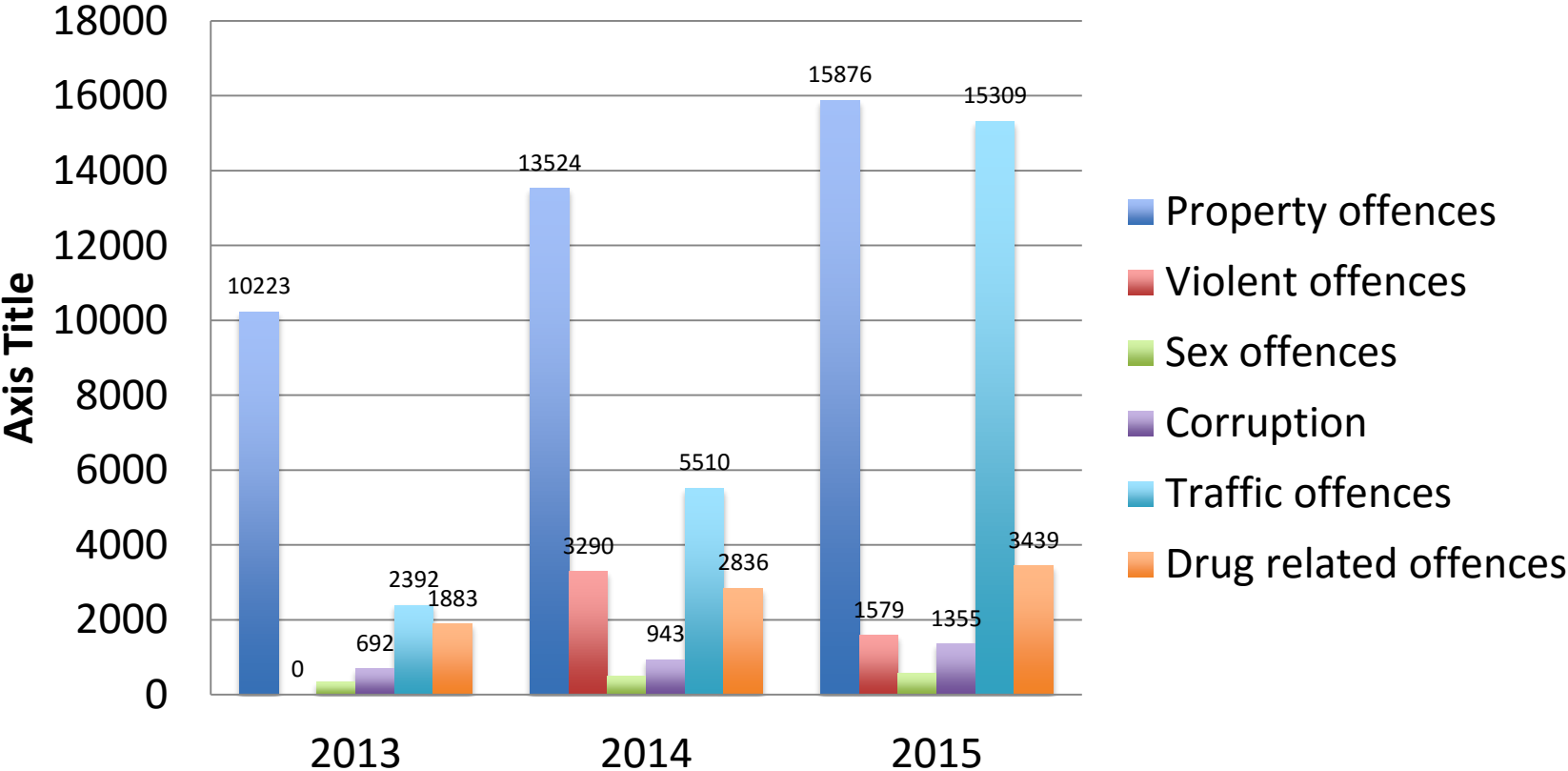
Probationers vs. Prisoners



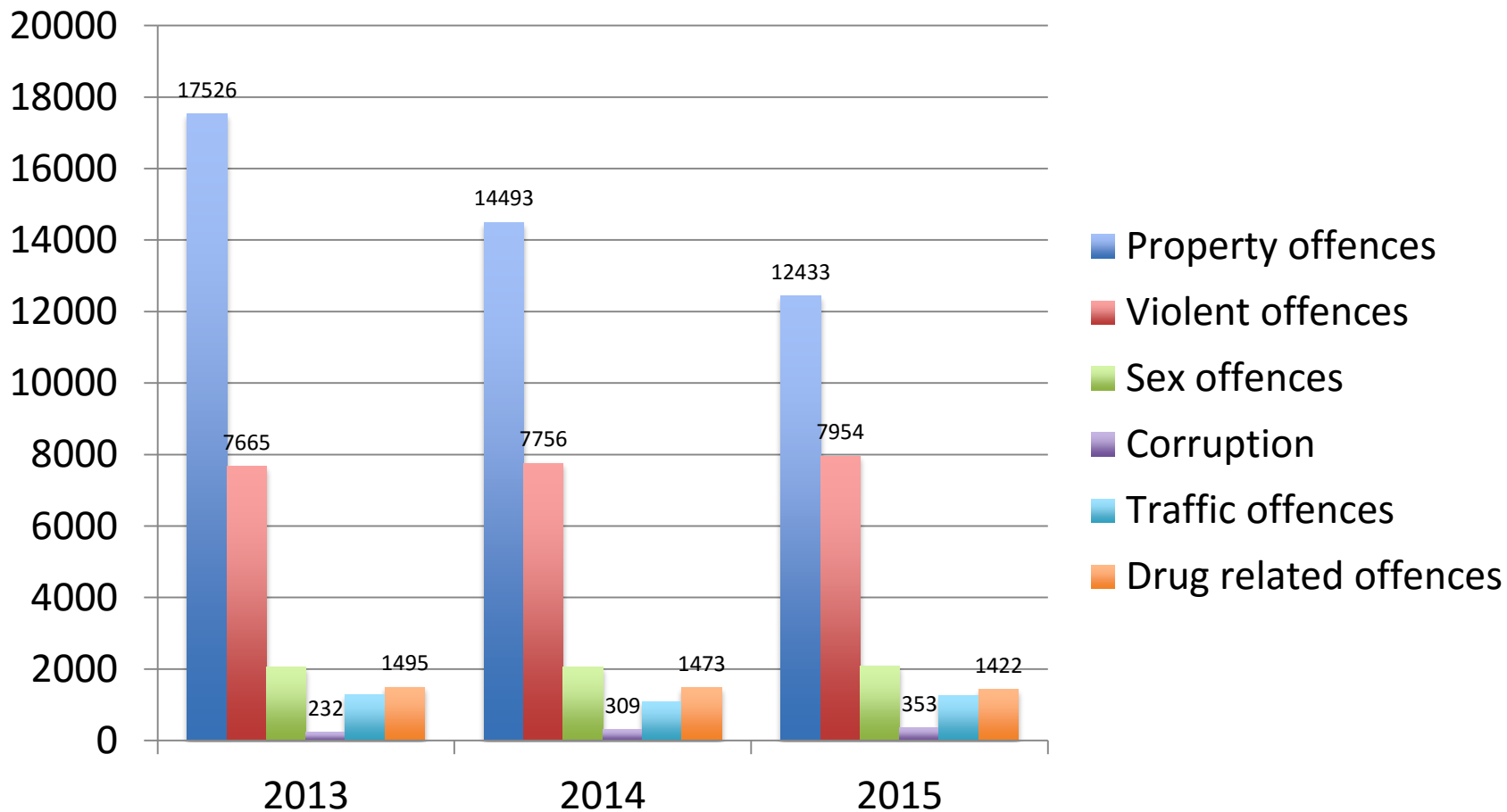


Structure of offences for probationers

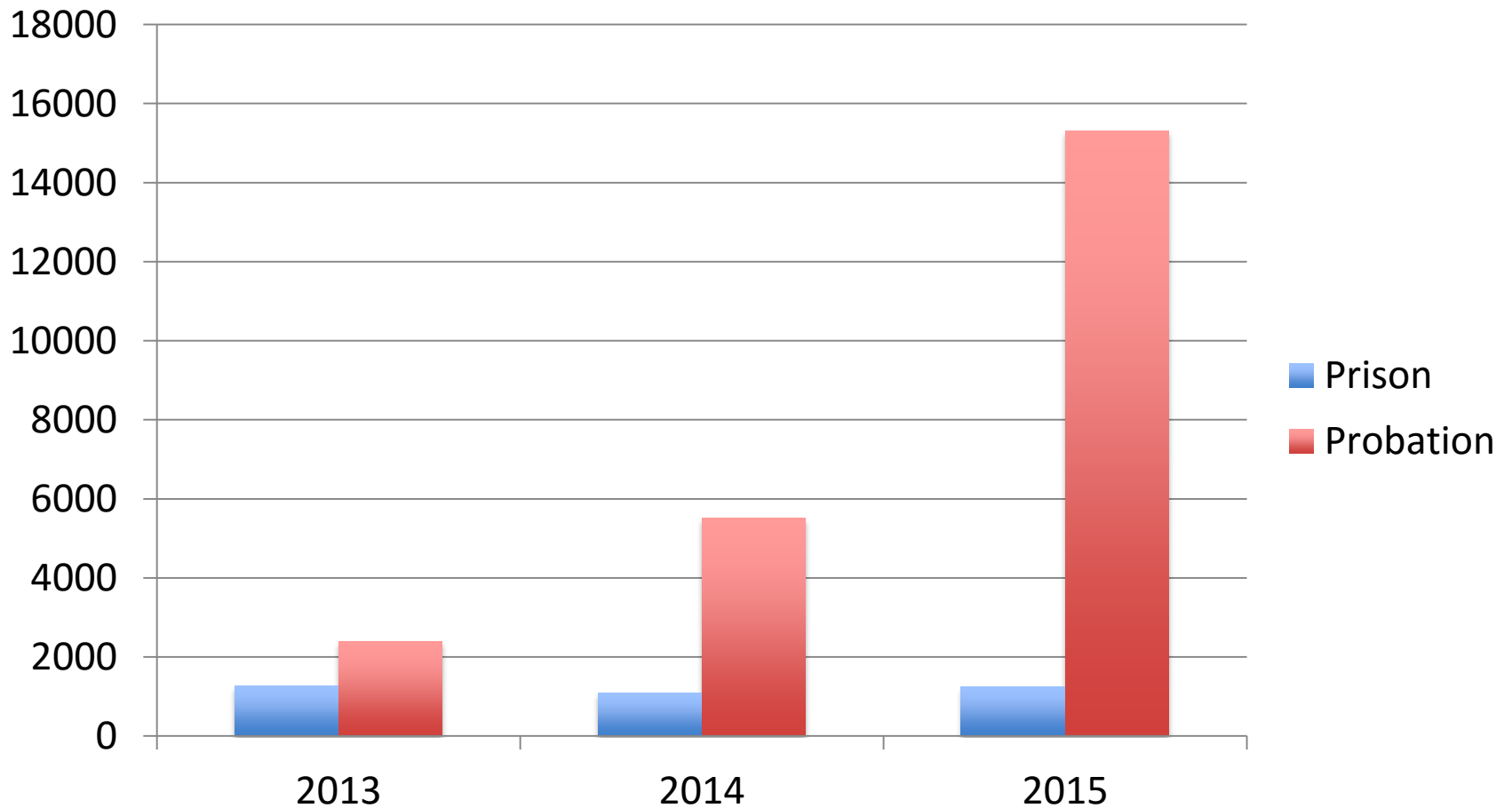
Chart Title



Structure of the offences among prisoners



Prison/Probation Traffic offences



Preliminary conclusions

The paradox of probation

- Assumption – the general structure of the offences is the same in all years
- Decrease the prison population **with 18%** by increasing the probation population by **270%**
- Probation seems to be a **powerful alternative** to prison for property offences and a **moderate alternative** for drug related offences.
- Probation seems to be **'net widening'** for traffic offences
- Violent offences were **'up tariffing'**
- **Corruption** and **sex offences** are **growing in both** statistics but faster for probation
- **Romania punishes corruption and sex offences as serious as the traffic offences.**
- More research on the length, number and types of obligations, breaching procedures etc.

Risks

- Those sentenced for traffic offences have a shorter path to imprisonment – ‘career acceleration’ – revocation or reoffending
- Hipercriminalization of a low risk offenders group – traffic offenders
- Probation overcrowding - ongoing
- Prison overcrowding on a medium and longer run

Some solutions

- ‘Down tariffing’ the traffic offences – police or prosecution measures as entry point in CJ
- Sentencers awareness or guidelines
- Wise supervision and breach policies for low risk offenders (at least!)
- Make probation more available for property, violent offences and drug related offences.

Thanks !!

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