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## **BEST PRACTICES GUIDELINES**

**For the drafting and application  
of the DRINK&DRIVE programme**

*- based on Dutch and Romanian experience -*



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## CHAPTER I. INTRODUCTION

This guide was elaborated within the project JUST/2011/JPEN/AG/2945 “*Best practices exchange and cooperation for the development of a specific rehabilitation programme for drink driving offenders (Drink & Drive)*”, funded through the 2011 “Criminal Justice” Programme of the European Commission, implemented by the Ministry of Justice, in its capacity as coordinator, in partnership with the National Probation Directorate, the Dutch Probation Service and the Dutch Association of Probation and Addictions. The main objective of the project was to reduce the reoffending risk with respect to committing traffic safety-related offences and to increase the degree of traffic safety by elaborating a specific rehabilitation programme of drink and drive offenders.

### **The context of elaborating the Drink&Drive programme**

The official statistical data showed that, at a European level, *Romania ranks 4<sup>th</sup> with respect to traffic unsafety. Also, the mortality rate<sup>1</sup> resulting from traffic accidents is the highest* in Romania, followed by Greece, Poland and Bulgaria ranked 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup>, respectively. In 2010, the number of deaths caused by traffic accidents per one million inhabitants in Romania was 111, so that, out of a population of 22 million inhabitants, the total is 2,442 deaths.

The analysis of the current situation in Romania with respect to drink-driving criminality, as compared to the cases recorded within the probation services files showed a significant number of cases, as well as the lack of a specialized intervention, which would be used in such cases within the probation services. The target group was made up of persons, for whom the court applied the suspension of the sentence under supervision, for committing a traffic offence caused by drink-driving.

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<sup>1</sup> The mortality rate refers to the number of deaths per one million inhabitants



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The next step consisted in selecting five probation services in order to pilot the Drink & Drive programme, by using the criterion of the relevant number of cases falling under the target group, by performing a statistical and demographical analysis, which showed the following:

- 32.9% of the persons on record of such probation services, who received a suspended sentence for committing various traffic offences, had a blood alcohol content higher than 2.01‰, at the time of committing the offence;
- 23.8% of the same category of persons had a blood alcohol content of 1.51‰ – 2.00‰, at the time of committing the offence;
- The age of this category of persons: 29.2% (20-30 years), 27.9% (31-40 years), 26.7% (41-50 years).

The statistical indicators and items, analyzed from a quantitative and qualitative point of view also envisaged other aspects, such as: the nature of the offence, the type of consumption, the risk of reoffending, the blood alcohol content at the time of committing the offence, taking responsibility for committing the offence, the applicable legal framework and cooperation with the judicial institutions.

On the other hand, upon analyzing the working tools used by the probation counsellors in managing cases of this type, it was noticed that, generally speaking, the approach of such situations is based on motivational interviewing techniques and methods specific to cognitive-behavioral-type interventions, yet without having a structural intervention in mind. Also, at the level of the probation services, there is no individual/group programme designed for the persons facing alcohol-related issues who have committed a drink-driving-related traffic offence.

Under these circumstances, the initially performed analysis stressed upon the need of a specialized intervention, addressed to the persons on record of the probation services, who were convicted for traffic-related offences, committed due to drink-driving. To this end, the specialized intervention was to be performed in the shape of a Drink&Drive programme, and, considering the European-wide renowned expertise of the Dutch probation service with respect to programmes destined for alcohol users, the bases of a partnership were laid down;



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this subsequently took the shape of a successful collaboration, within the aforementioned project.

### **The specific regulations and the legal framework for the application of the Drink&Drive programme**

At the time of beginning the implementation of activities set forth within the project (the end of 2012), the specific legal provisions aimed at the possibility of the law enforcement institutions (courts) to order the obligation of attending the Drink&Drive programme during the supervision period (the suspension of the sentence under supervision), as opposed to the persons who committed traffic-related offences, under the influence of alcohol. Yet, the application of the obligation to attend a programme in order to stop drink driving and to change the behavior (for instance, the Drink&Drive programme) will only be able to be carried out by the *in extenso* interpretation of certain provisions, since there was no clear provision that would allow the court of law to actually apply this programme.

Starting from February 2014, new criminal codes were effective in Romania, which brought a series of changes affecting the specific probation activities, together with a legislation part – the *probation laws* – which reshaped, redefined and reorganized the probation service.

In this context, the current situation shows significant changes, related to the types of community sanctions that may be imposed by the courts in the specific cases of drink-driving, but also related to the obligations that may be imposed to the convicted person, during the supervision period (currently, the *obligation to attend a programme of social reintegration* is expressly provided by the Criminal Code).

Currently, there are three relevant legal institutions concerning the exercise of supervision by the probation services, in what concerns adults: the postponement of the sentence, the suspended sentence under supervision and conditional release from prison, in case that the remainder of the sentence is 2 years or higher. In each of such cases, there is the possibility that the court imposes the *obligation to attend a programme of social reintegration*, namely taking part in the Drink&Drive programme, in the cases of a traffic-related offence, under the influence of alcohol. Moreover, the court, by correlation with the



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aforementioned obligation, may also impose on the supervised person the *obligation not to drive certain vehicles* (as a supervision obligation or an ancillary/complementary punishment).

An extremely relevant aspect is that, during the supervision period, the probation counsellor who is the case manager may propose the court of enforcement to change or cease the obligations set forth for the supervised person, in view of increasing or decreasing the terms of enforcement or imposing new obligations, if there are reasonable grounds. Thus, the probation counsellor shall decide, following the evaluation of that person’s situation, whether attending a Drink&Drive-type programme – for instance – would increase his/her chances of social integration and proposes the court of law to order accordingly.

Generally, during the pilot period of the Drink&Drive programme, it was applied to persons under supervision, who did not have to fulfill an obligation imposed by the court in this respect and who voluntarily took part in the programme sessions, and in case such persons refused to continue with the programme, there was no direct consequence on the sentence. Yet, in case that the court rules such an obligation to a person under supervision, the consequence of failing to fulfill the obligation may be the revocation of the applied supervision and ordering thereof under imprisonment.

In conclusion, prior to elaborating such a programme, it is essential to perform the following:

- **The analysis of the current situation in the respective state/probation system, focused on the issue of drink-driving**, the number of car accidents caused by such behavior, the number of cases registered by the probation system and the features of the beneficiaries, as well as the interventions used by the probation and the efficiency thereof, etc.
- **The analysis of the probation system regulations and provisions in order to identify the legal framework**, which allows for the programme to be applied.

## CHAPTER II.

### RELEVANT ASPECTS CONCERNING THE ELABORATION OF THE PROGRAMME



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One of the complex activities within the project “*Best practices exchange and cooperation for the development of a specific rehabilitation programme for drink driving offenders (Drink & Drive)*” was the development/drafting of the “Drink and Drive” specific rehabilitation programme.

In order to outline the shape that such a programme should have, the five counties taking part in its elaboration collected data related to the target group, the age of the persons under supervision, convicted for committing traffic-related offences caused by drink-driving, the type of offences, the type of consumption, the estimated risk of reoffending, the group dynamics (the type of beneficiaries, the level of education, the background, the socioeconomic status, criminal records). Special importance was given to the uniform application of such a programme, in order to maintain its integrity throughout all the probation services.

Starting from the experience of the five probation services in Romania, the following steps may be outlined for the elaboration of a programme that would determine a behavioral change at the level of beneficiaries and that would prevent the relapse in the case of persons who were drink-driving:

➤ **Performing an analysis with respect to the target group**

This consists in collecting the data concerning the age, gender, form of common living, education, profession, living area, criminal records, the level of alcohol consumption, potential health problems of the persons on record, who have committed offences caused by drink-driving.

➤ **Choosing the target group**

➤ It is required to establish the eligibility criteria – inclusion/exclusion of the beneficiaries (for instance: will all drink drivers be selected or just a part of them? Are the persons with a certain blood alcohol content at the time of committing the offence the only ones accepted? Are the persons that cause serious accidents with casualties excluded?)

➤ **Establishing the theoretical and methodological principles of the programme**



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Such a programme is designed to accomplish behavioral change, so that the factors with a dominant role in behavior should be approached:

- the ASE (attitude/social influence/personal efficiency) pattern is used in the “Drink & Drive programme”, as developed by Fishbein and Ajzen. According to this pattern, one needs to identify the factors with a dominant role in behavior and those that will determine an undesired behavior or that, on the contrary, will hinder the desired behavior;
- the stage of change where each participant is observed by using the “Cycle of change” pattern, as developed by Prochaska and DiClemente; this approach refers to the existence of several motivational stages that a person undergoes during the behavioral change process;
- the motivational interview is used as a basic methodology in approaching the programme participants.

➤ **Establishing the objectives for the behavioral change of the persons who are part of the target group**

For the concrete definition of the objective, one must provide the answer to the following questions:

- what knowledge is relevant in order to produce change?
- what expectations are there with respect to the behavior results?
- how does the social environment influence the beneficiaries’ behavior?
- what does personal efficiency consist in?
- what is the habitual behavior of the beneficiaries?

➤ **Establishing the educational objectives of the programme**

The educational objectives represent the conditions required to reach behavioral change and they refer to: cognitive, affective and behavioral-type changes, which may be defined by the tracked concrete results.

➤ **Elaborating the programme**

During the process of elaborating the programme, it is required to consider the following:



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- the analysis of the usefulness of a preliminary session and of the objectives that can be outlined for such a session;
- establishing the number of plenary sessions within the programme and their content;
- establishing the tools required and used in each session (methods, materials, etc.);
- the way results are monitored, throughout the implementation of the programme, but also subsequent to its completion.

In Romania, the development of a specific programme of behavioral rehabilitation – “Drink and Drive”, designed for the drink-driving offenders, has proven its usefulness by it being piloted at the level of the five probation services. The main results of the beneficiaries’ participation in this programme were both the acquiring of knowledge on the alcohol effect on the ability to drive, and the gain of strategies to avoid drink-driving.

Consequently, the development and adjustment of such programme to the specificity of a country is a challenge, but it leads to a behavioral change at the level of beneficiaries and it implicitly contributes to preventing new drink-driving-related offences from being committed and to the improvement of traffic safety.

### **CHAPTER III.**

#### **KEY ELEMENTS CONCERNING THE APPLICATION OF THE PROGRAMME**

Once the elaborating phase of the “Drink and Drive” Programme has been completed, the following natural phase was the programme piloting phase, which aimed at identifying the dysfunctional aspects, followed by their improvement through quantifying the impact of the programme, both in the beneficiaries’ and trainers’ perception. In Romania, the programme was piloted in 5 probation services, as their casuistry was used in the elaboration of the programme.

Starting from the experience of the five probation services that took part in the piloting of the programme, a series of strong points of programme piloting may be outlined, which



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may determine a cognitive-behavioral change at the level of beneficiaries and, thus, prevent the relapse in the case of persons who were drink-driving:

- in most probation services, the beneficiaries were motivated and showed availability to take part in the programme;
- at the level of all services, the beneficiaries showed interest and receptivity towards the provided information, especially towards that related to: blood alcohol level, the time required the alcohol to leave the body, the standard glass of alcohol, gender differences in blood alcohol content calculation;
- there were no cases of serious violation of the group rules in any of the services, the beneficiary fully agreed with the group rules and, generally, they complied them during the sessions;
- the times when the beneficiaries presented personal aspects were capitalized on, even if the time assigned to various activities was subsequently exceeded;
- in most probation services, the beneficiaries were actively involved in exercise-solving, in role playing games and in doing their home assignments;
- in general, the beneficiaries have a social support network;
- in all the probation services, the beneficiaries provided a positive feedback at the end of the programme, with respect to their participation, acquired knowledge and abilities;
- in some probation services, there were collaborations with different specialists in the community, in order to perform the presentation related to the alcohol effects on the human body;
  
- in some services, the programme was promoted among magistrates;
- in general, the material and human resources required for the performance of the programme were available;
- in all services, the collaboration and coordination between trainers was efficient.

Consequently, one may conclude that the programme was performed in an operational manner throughout all services and thus the established objectives were reached.



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In order to improve the programme application method, one may consider a series of improvement areas, identified by the trainers after the piloting of the programme:

- there were cases when some beneficiaries, for various reasons, did not do their home assignments or they did them in a defective manner; since there was the risk that they become a bad example for the other beneficiaries, the trainers made sure that the beneficiaries properly understood the requirements of the home assignments, by describing them and they explained, before the group, the individual importance for investing time and reflection in the assigned tasks;
  - in some services, there were working difficulties in small groups during some sessions, as the beneficiaries tended to work individually: they wrote down their opinion, without properly discussing it with the group; in this case, the trainers encouraged the teamwork and appointed one person that would present the opinions of the team members before the whole group;
  - at the level of some services, there were beneficiaries who showed a superior attitude and, thus, they inhibited the others from expressing their opinions; in this case, the trainers restated the group rules and they capitalized on every person, in order to rebalance the atmosphere of group work;
- in the case of all probation services that piloted the programme, there was the need to rephrase certain aspects comprised in the sessions, in order to adapt them to the beneficiaries' level of understanding; in this case, practical examples were given when explaining the theoretical parts of the programme and additional explanations when performing the exercises;
- in most pilot services, there were beneficiaries who showed difficulty in understanding certain terms or concepts, certain exercises or home assignments; the trainers adjusted their language to the beneficiaries' level of understanding.

As regards the programme application, the following key aspects are essential:

- **Identification of proper premises**, of the technical equipment and material resources required for the optimum performance of the programme



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- **Promoting the programme** among the magistrates and partners in the community;
- **Collaborating with various specialists in the community**, in order to provide additional information about the effects of alcohol on the human body;
- **Future adjustment of cases, related to the recorded casuistry** – designing flexible programme sessions;
- **Group uniformity** as regards the level of education;
- **Adjusting** the trainers’ **language** to the beneficiaries’ level of understanding;
- **Reminding the group rules** in cases where the beneficiaries show a superior attitude or where they tend to disturb the proper course of the programme;
- **Capitalizing on personal disclosures** made by the beneficiaries, even if this case entails the postponing of other activities performed throughout the programme;
- **Active involvement** of the beneficiaries in exercise-solving, in roleplaying games and in performing home assignments;
- **Encouraging beneficiaries** to ask for help from the persons who are part of their own social support networks.

## CHAPTER IV.

### PROGRAMME EVALUATION/MONITORING

The evaluation and monitoring processes of the programme are opportunities to set out its progress, by marking the accomplishments and main key aspects that need to be improved.

During the implementation of the project “Best practices exchange and cooperation for the development of a specific rehabilitation programme for drink driving offenders (Drink &



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Drive)”, in relation to the created behavioral rehabilitation programme, its evaluation was undertaken in several steps:

- during the period of programme design/elaboration;
- during the period of experimental application;
- during the period of adjusting working tools and upon project completion.

During **the period of programme design**, the evaluation process stresses upon:

- **the analysis of the target group features** – collecting and interpreting the statistical data of all beneficiaries with DUI<sup>2</sup> from the 5 probation services;
- **establishing the result indicators** (educational objectives) for each session. The existence of result indicators (educational objectives) within each session allows for comparisons to be made between the previous period and the period following the programme application and outlining an overview of key results and improvement areas.
- **creating evaluation tools and procedures for the beneficiaries** – an interview/evaluation sheet for the initial evaluation of potential beneficiaries, the monitoring sheet of each session, the evaluation test for knowledge and skills, the beneficiaries’ satisfaction evaluation questionnaire (final evaluation) the interim evaluation within each session by going back through the previous session and summarizing the information presented at the end of each session.

During **the period of experimental application**, the focus is laid upon the evaluation of both, the programme components and its overall functionality, as well as the beneficiaries’ and trainers’ referring to the “Drink and Drive” programme:

- **evaluation of the motivation, availability and personal features** of the beneficiaries when they join the programme;
- **evaluation of the accomplishment degree of educational objectives;**
- **constant verification of the degree of understanding and acquiring of presented information**, during each session, by clarification, summarization, recapitulation;

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<sup>2</sup> DUI means Driving under the influence



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- **comparative evaluation** of the knowledge and skills level – during the first and last session;
- **monitoring**, by follow-up, **the maintenance of behavioral objectives** acquired during the performance of the programme;
- **evaluating group processes** during the sessions;
  - o evaluating expectations with respect to the performance of the programme;
  - o evaluating the involvement degree in performing the group tasks and home assignments;
  - o evaluating the interactions between group members;
  - o evaluating the interactions between group members and trainers;
  - o evaluating the interactions between trainers.
- **evaluating the beneficiaries’ access process** (the interactions between the partners within the legal system in order to facilitate programme access for as many DUI persons as possible);
- **evaluating the available community resources** to support the beneficiaries – during and subsequent to programme application;
- **evaluating the technical possibilities of programme application** – feasibility.

During the period of adjusting work tools and upon project completion, the evaluation of the following items is taken into account:

- **used work tools** – their efficiency;
- **the programme adjustment process** – depending on the composition of the target group and legislative changes – identifying the programme development areas;
- **the process of monitoring programme quality**;
  - o Objectives – content,
  - o Trainer – training, supervision/evaluation, monitoring.
- **the programme cost-effectiveness** – the costs – benefits/results ratio – what are the programme costs;
- **Identifying alternative options** to correct drink-driving behavior. Which of the alternatives has the lowest costs as opposed to the results?



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➤ **Identifying the impact on the social, legal, mass-media environment**

Evaluating and monitoring the progress of a programme allow for the relevant data to be accumulated and analyzed, in order to understand the occurred difficulties and increase its performance degree, which determines a more efficient resource management.

## CHAPTER V. RECOMMENDATIONS AND SUGGESTIONS

The experience of programme performance in all the five probation service has shown that, for the programme application to be successful, the most important aspects to be considered are:

- **Methods and exercises used within each session;**
- **The training of the probation counsellors;**
- **The beneficiaries' initial motivation, as well as during the performance of the programme;**
- **Focus on the observance of the rules set out within the group, both by the trainers and the beneficiaries;**
  
- **Providing relevant information and correlating it with the beneficiaries' experience as regards the offending behavior or the risk situations they were faced with;**
- **The importance of consolidating by the beneficiaries of the information and skills developed during the sessions, by solving the home assignments that they have to do outside the sessions;**
- **Support provided to the beneficiaries for developing their sympathetic ability, by becoming aware of the consequences of drink-driving on the others (their own family, the victim, the victim's family, the workplace, the group of friends).**



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The most efficient methods and exercises used were those characterized by simplicity and by the lowest degree of abstraction. Most exercises were changed for the aforementioned purpose. It is recommended to adjust exercises to the beneficiaries’ level of understanding, when the use of structured worksheets that may help the beneficiaries is also found to be required.

In order to reach the objectives within each programme session, a basic condition is given by the training and professionalism of the counsellors, as found in: the way that information is submitted, so that it catches and stimulates the beneficiaries’ interest, the adjustment of language to their level of understanding, the capitalization on each group member and encouraging ideas to be expressed; efficient management of critical situations occurred during group work; creating and maintaining an active participation framework, where the beneficiaries are able to express themselves openly, to communicate their problems and life experience, thus generating learning points for the other group members. Sharing personal experience within the group favors the self-knowledge process, as the respective person expresses his/her opinions, beliefs and feelings to the group. Also, he/she has the possibility to know new insights and perspectives.

Also, the probation counsellor must show an unbiased attitude; they must reject hostile, aggressive attitudes, wrong ideas promoted by certain beneficiaries and the manipulative tendencies or those on the edge of law.

The practice showed that it is important for the beneficiaries to understand from the beginning the personal benefits that they may have by attending this programme, even when the court imposed them the obligation to follow the programme.

Following the piloting of the programme, other relevant aspects stood out:

- **monitoring the programme beneficiaries throughout the entire supervision** in order to obtain statistical indicators concerning relapse, as these are objective indicators to the programme efficiency;



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- **the opportunity to include in the programme a beneficiary who was previously sentenced** once or twice for driving under the influence or for a very high alcohol content;
- **projecting videos with car accidents** resulted in severe bodily injuries had a special impact among the beneficiaries;
- the **programme performance** is recommended to be started **as fast as possible from the beneficiaries entering on the record of the services**;
- **promoting the programme among the magistrates** (judges, prosecutors) so that they know the programme and its benefits and order the obligation of the offenders to follow the programme;
- **the opportunity of formulating a legislative proposal to include the obligation to follow the programme as a condition for regaining the driving license.**

The development of a behavioral rehabilitation programme such as the "Drink and Drive" programme is additional to the range of tools available to the probation counsellor who was called, in the light of his/her job requirements, to answer properly to a special category of beneficiaries, namely the persons on record of the probation services for drink-driving-related offences.

In conclusion, the concerted effort of all factors involved in the social reintegration process of the persons registered within the probation services files (starting with the police officers, prosecutors, magistrates, probation counsellors and, last but not least, the beneficiaries) leads to a common purpose, that of preventing new drink-driving-related traffic offences from being committed and increasing the degree of traffic safety.



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