

Mass, deep and lived
supervision.

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Dublin, 2019

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 trial or imprisonment
- 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)

Probation transformations

In spite these transformations – probation is still linked with imprisonment – compared, contrasted, substitutionary capacity etc.



Mass supervision in the literature:

Lowman et al (1987) – transcarceration – the symbiotic relationship between prison and probation

Phelps (2013) – probation paradox

Phelps (2017) – relationships between mass imprisonment and mass probation – none

Aebi et al (2015) – ‘csm have contributed to widening the net’

McNeill (2019) – malopticum – how the pains of supervision can be explored by visual or audio criminology means

McNeill (with Beyens, 2013, 2018) – on pervasive punishment – develop the first analytic framework to understand mass supervision – scale, effects, intensity, legitimization, shape and distribution.

Public legitimacy still linked
to imprisonment ...

- The traditional ethos of probation as alternative to prison never ceased to exist in the public rhetoric:

‘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 presentation

- Describe the transformations in the use of probation in Romania under the new Penal Code (entered into force in February 2014) – focusing on the career of road offences.
- Suggest more analytics to explore the transformations in the field of supervision - deep supervision, lived supervision
- 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 – no supervision

Sanctions and measures related to probation - adults:

- Suspended sentence under supervision (introduced in 1992)

New Penal Code

Lg. nr. 286/2009 with subsequent changes

Entered into force 1 February 2014

Sanctioning system (adults):

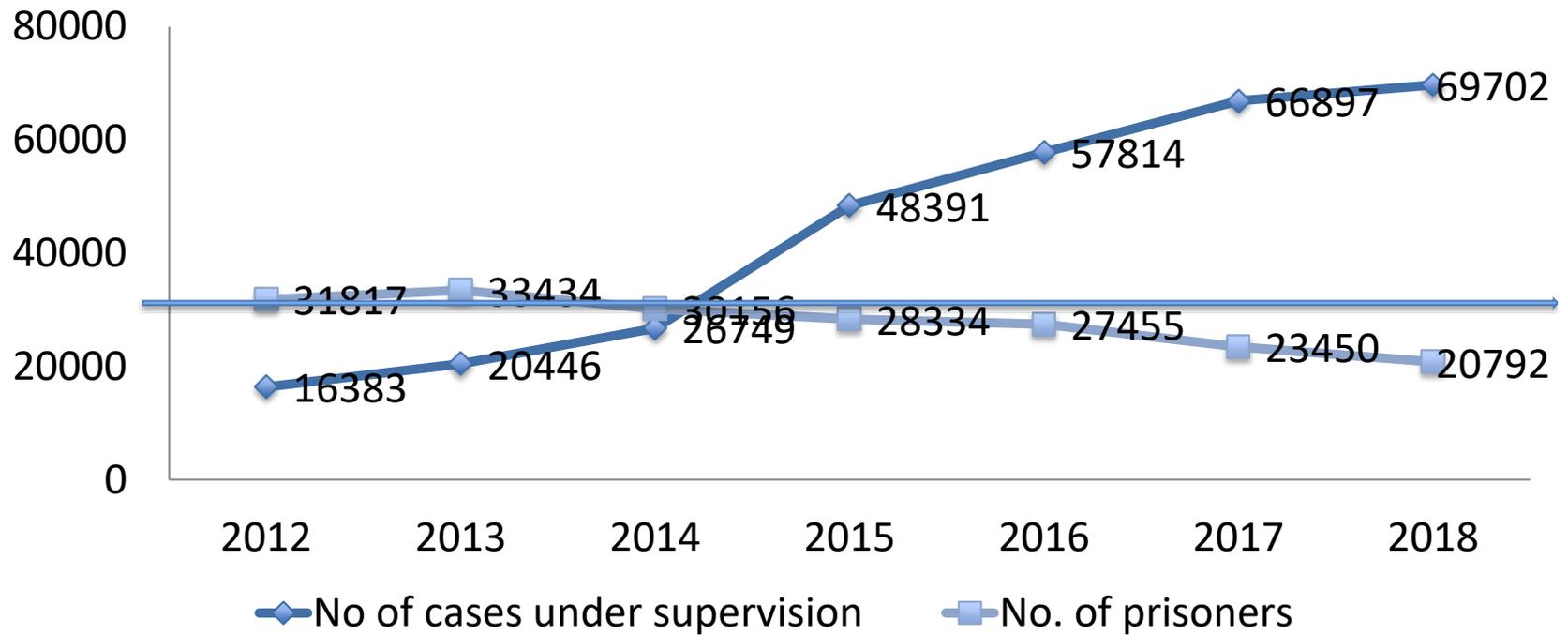
- Fine
- Imprisonment
- Deferred sentence
- Postponement of sentence (>2 years or fine)
- Suspended sentence under supervision (>3 years)
- Life imprisonment

Conditional release – supervision if the term > 2 years

Probation involvement :

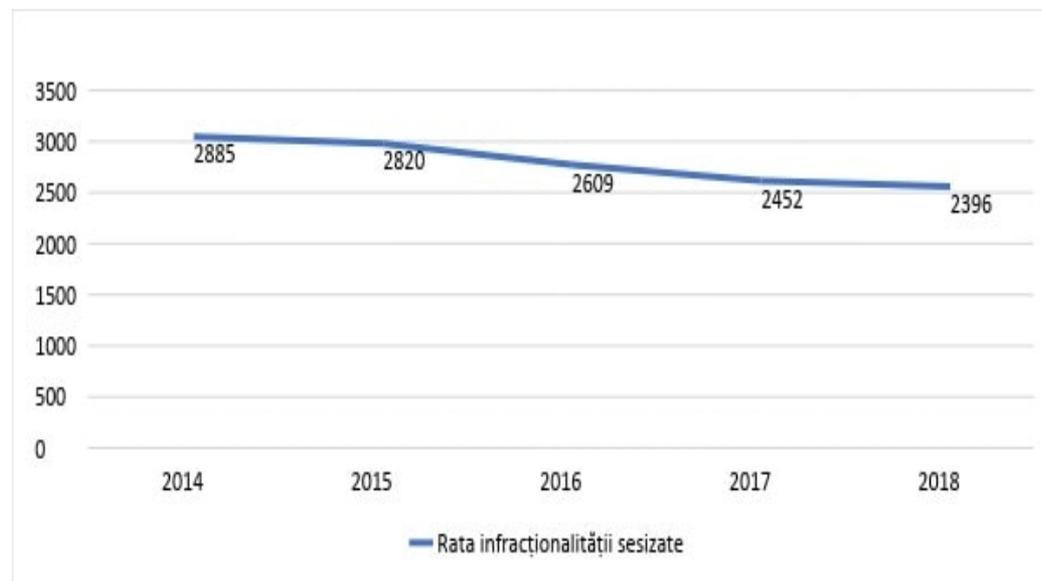
- Postponement
- Suspended sentence
- Conditional release

Probationers vs. Prisoners at 31st of December



Crime rate

- Slight decrease

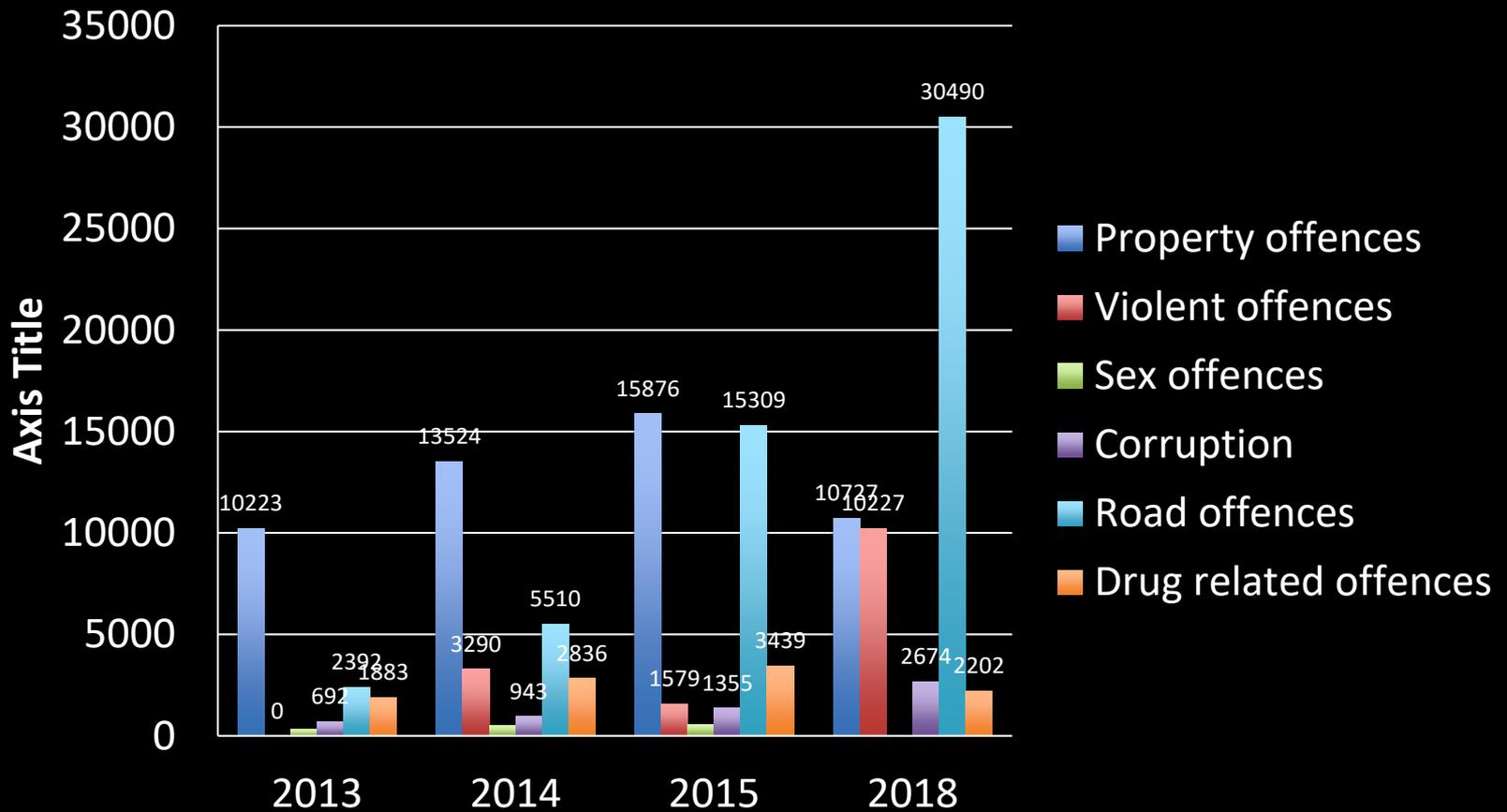




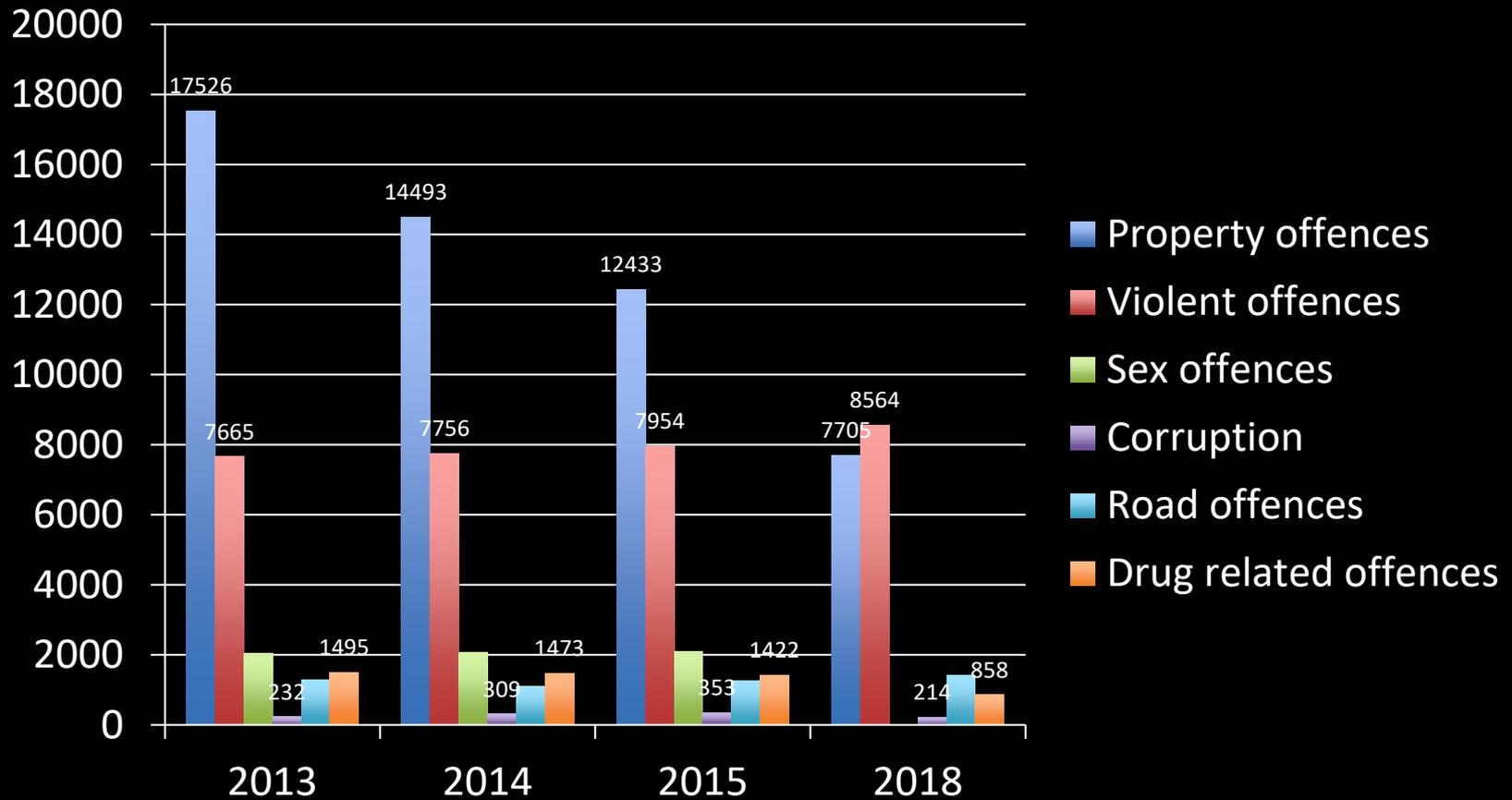
Registered road crimes

- Slight increase from 2017 to 2018:
- 27,551 – 29,220
- Maybe selective policing?

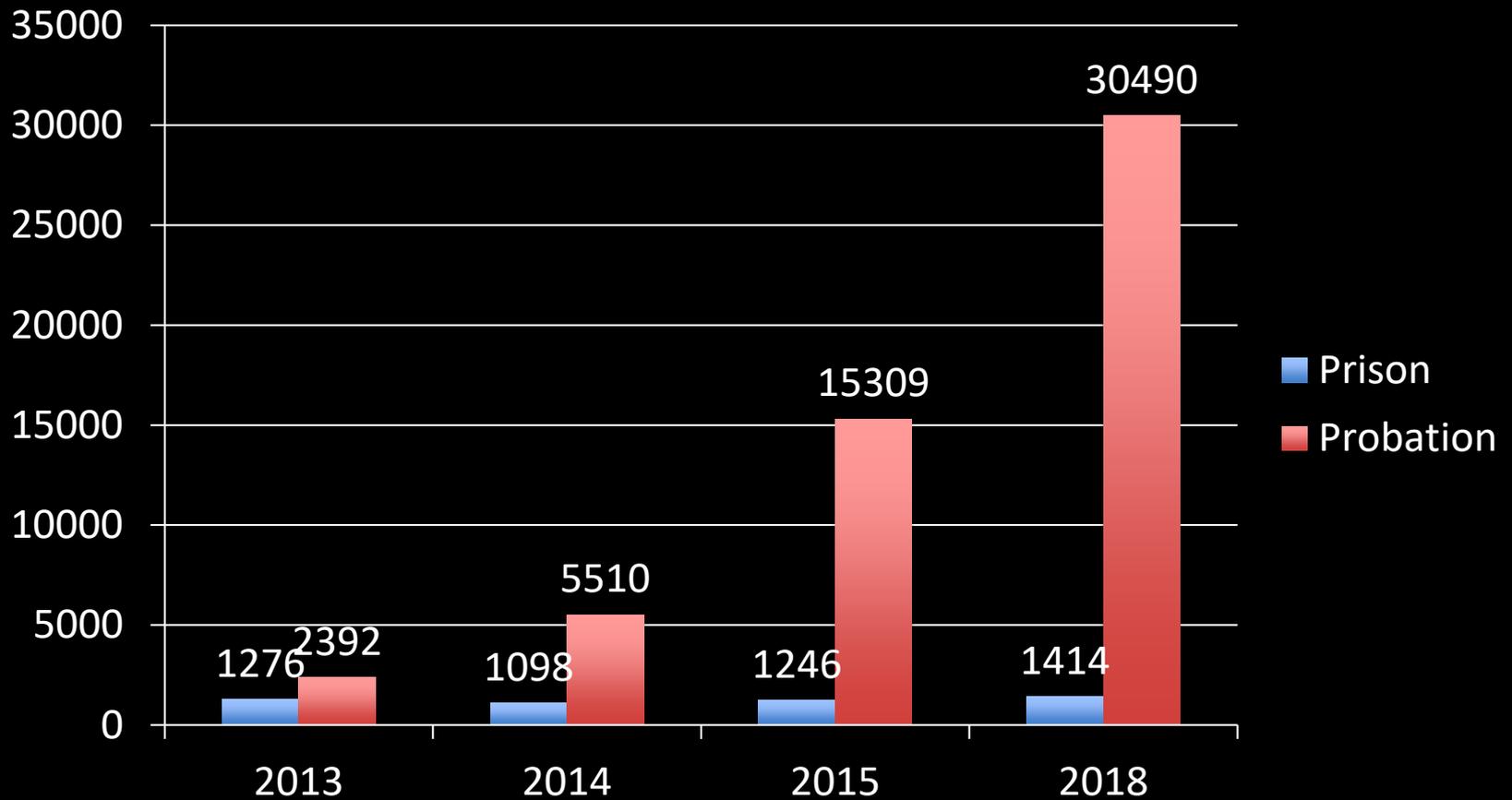
Structure of offences for probationers



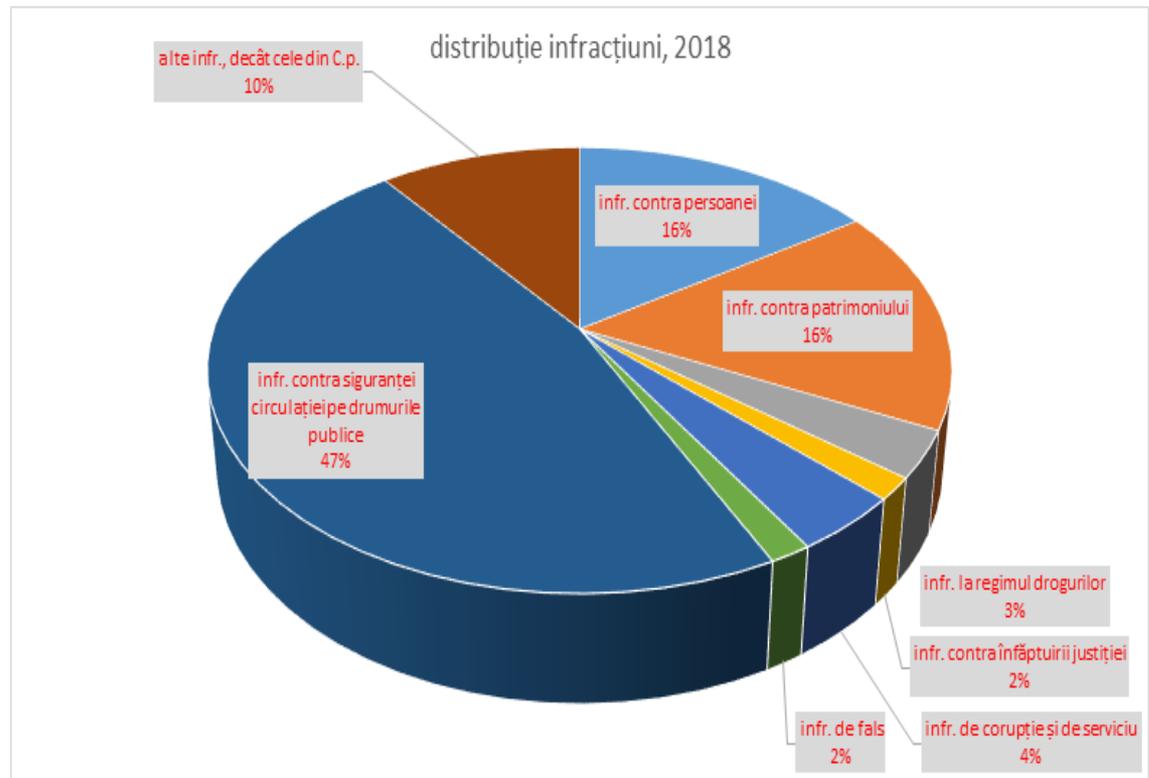
Structure of the offences among prisoners



Prison/Probation Road offences



Caseload structure for probation



Possible conclusions on the spread of supervision – mass supervision

- Probation seems to be net widening for road offences
- Probation seems to be a powerful alternative for property offences and corruption and a moderate alternative for drug related offences
- To search deeper for gender distribution



Conclusions on mass supervision

- Probation service has a net-widening effect for road offences
- How can it be explained:
 - Media pressure – ‘moral panic’
 - Selective policing ?
 - More sanctions applicable to the same offence – deferred sentence but also suspended sentence
 - Up-tariffing and hyper criminalization – increase the mandatory minimum sentence

Alcool în trafic. Șoferi prinși băuți în trafic, fără permis sau cu dreptul de conducere suspendat, prinși de poliție

2018, 17:02 de Ionela Stănilă [Devino fan](#)

Etichete: slobozia, infractiuni, rutier, politisti, dosare penal, alcool, permis

Actualizări

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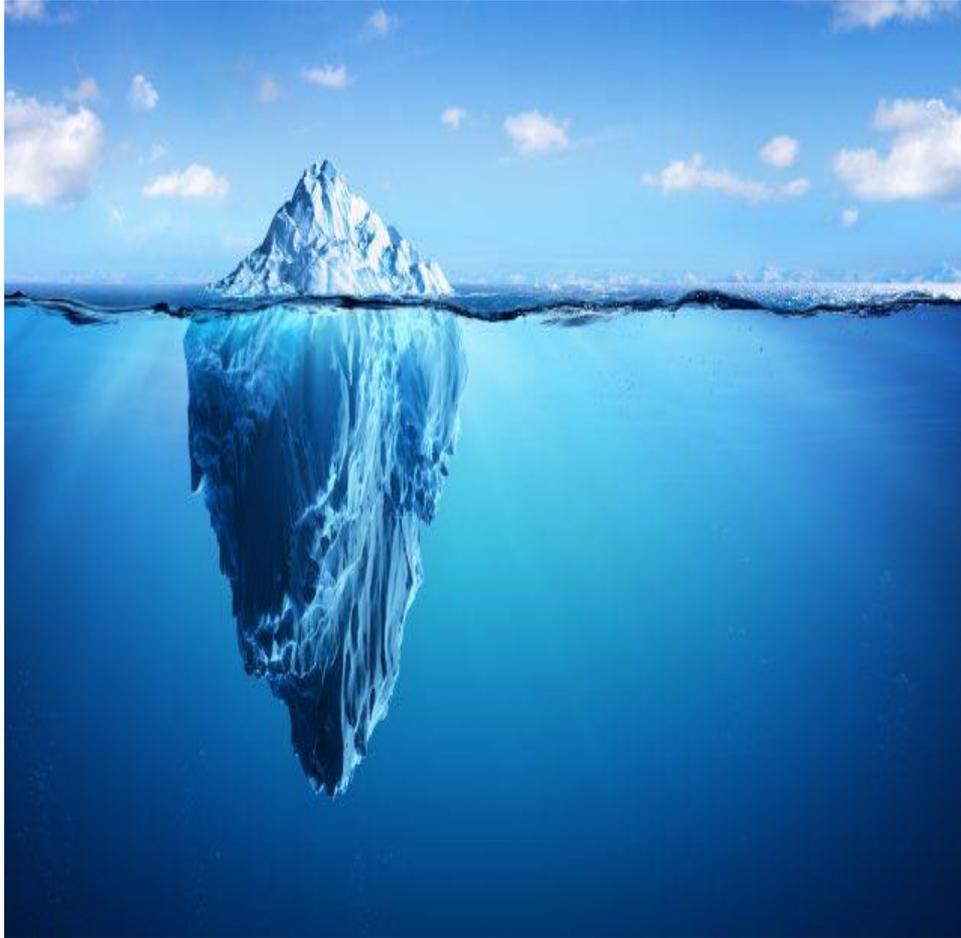
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...picior greșit FOTO Mihaea Cojocariu

But other transformations – Deep supervision / Lived supervision



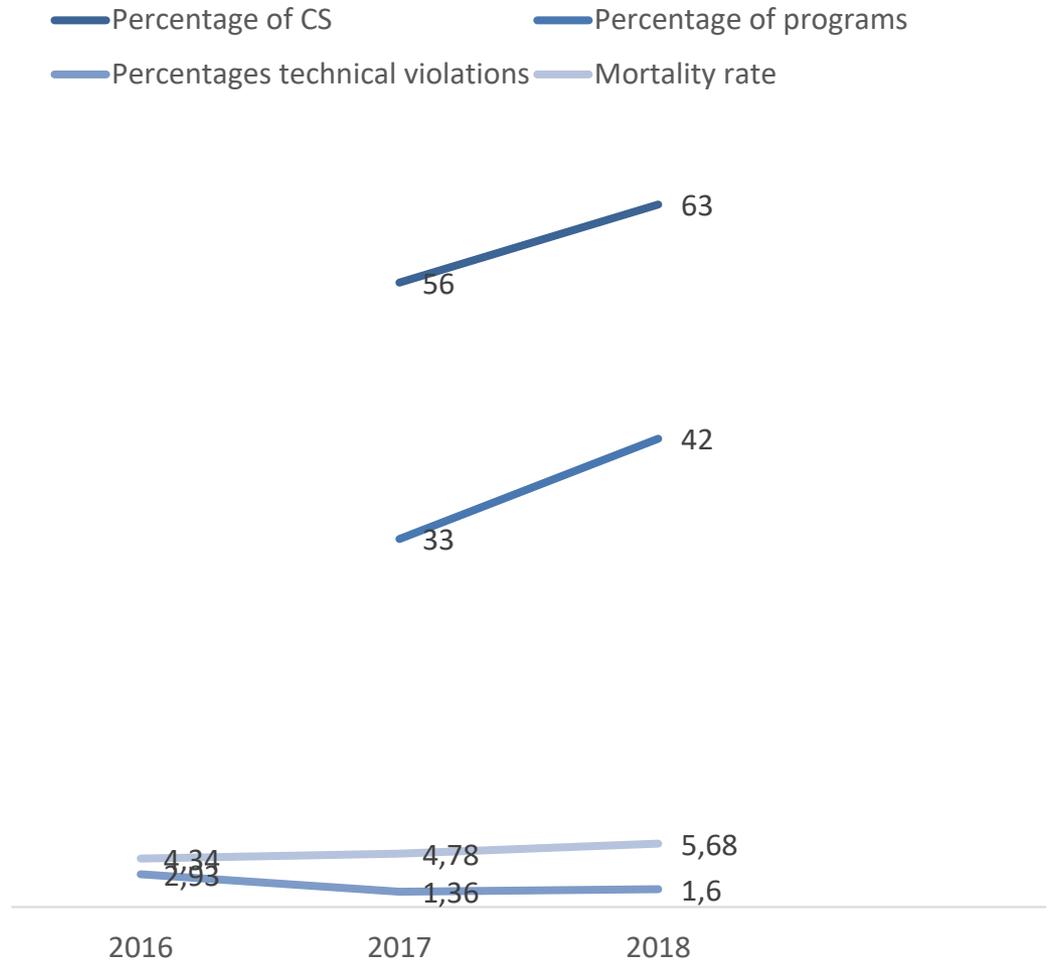
Mass supervision – the spread and the forms

Deep supervision – the depth - the way supervision is constructed and performed:

- Average length of supervision
- Average number of measures and obligations – on different types
- Average number of CS with average number of CS hours
- Average number of technical violations (or percentages)
- Use of technology – tightness of supervision
- Mortality rate

Lived supervision - the way supervision is experienced by the probationers

Romania – deep supervision





Her Majesty's
Inspectorate of
Probation

Innovation in probation: The Eurobarometer on
Experiencing Supervision

Ioan Durnescu

HM Inspectorate of Probation

Academic Insights 2019/06

Lived supervision

- Not only satisfaction but also legitimacy, quality of relationship, co-production, rehabilitation score, punishment score etc.
- <https://www.justiceinspectorates.gov.uk/hmipr/obation/wp-content/uploads/sites/5/2019/10/Academic-Insights-Durnescu.pdf>

Conclusion

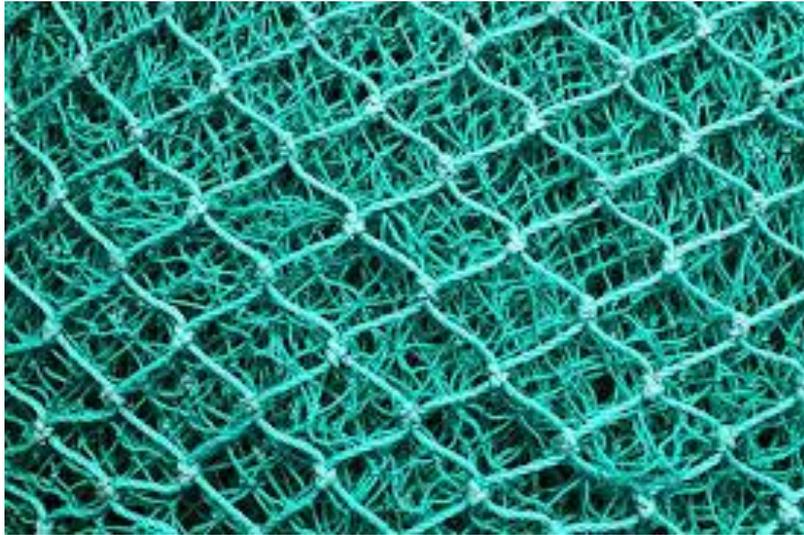
Mass supervision – yes, but de-linked from mass imprisonment

Develop a more analytic approach – sources, shapes etc. (see McNeill, 2019)

Develop more analytics to explore other transformations of supervision – not only spread but also the depths and the lived

Start collecting data according to these analytics in order to understanding the magnitude, the contours and effects of change.

Start creating an outline framework of analysis for comparative research – H2020?



Thanks !!

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