



MINISTERUL JUSTIȚIEI
DIRECȚIA NAȚIONALĂ DE PROBAȚIUNE

Probation and Prison in Romania: with interagency cooperation toward reintegration

PhD Dan HALCHIN
General Director
The National Administration of Penitentiaries

Iuliana CĂRBUNARU
Probation Inspector
The National Probation Directorate

Content

- ✓ What works – from literature
- ✓ Prison and Probation in Romania
- ✓ What is in place on interagency cooperation
- ✓ What is missing on interagency cooperation

What works – from literature

RESETTLEMENT

- ✓ interventions based on the **Risk/Needs/Responsivity principles (RNR)** can reduce reoffending (Dowden and Andrews, 2004)
- ✓ the **desistance paradigm** (McNeill, 2006)
- ✓ **strength-based model** that, using elements of ‘positive psychology’, asks the question how offenders can be useful to their families or their communities and not what are their deficits (Maruna and LeBel, 2003)
- ✓ **partnership model** (England, Wales and USA - National Audit Office, 2002; US General Accounting Office, 2001)

What works – from literature

RESETTLEMENT

- ✓ Institutional Treatment (starting with reliable assessment and classification)
- ✓ Pre-Release Stage - to plan for transition into the community.
- ✓ Post-Release Stage
 - *Employment*
 - *Stigma*
 - *Financial Aid*
 - *Family and community*

What works – from literature

RESETTLEMENT - *10 points to takeaway*

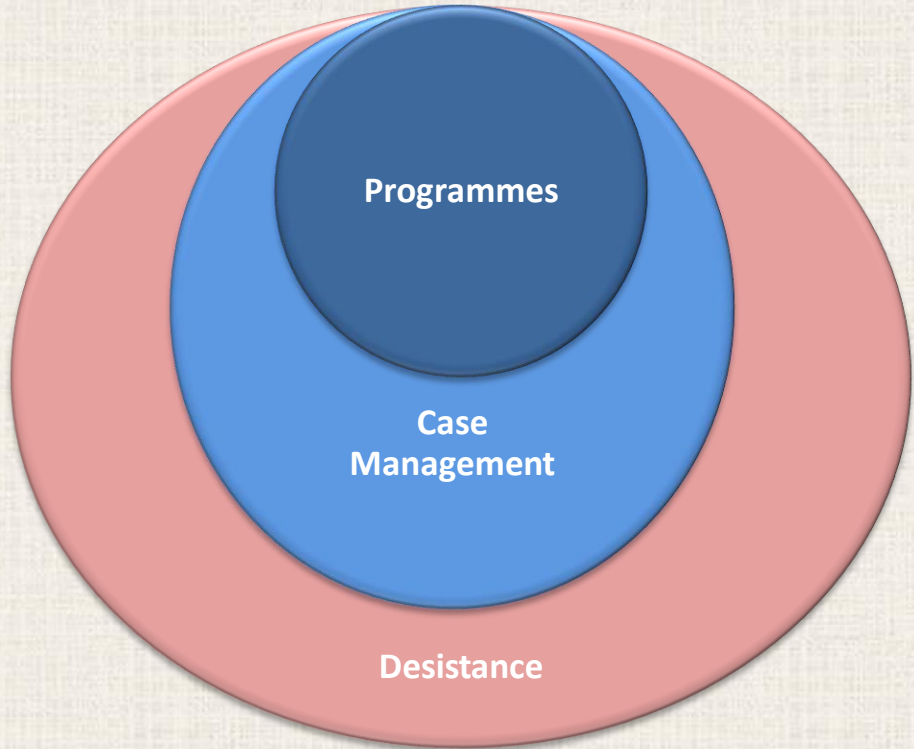
- Resettlement should start as soon as possible
- continuation and consistency between in-prison activities and post-release services
- The inmates are responsible for his/her life and that change is possible
- Motivation and agency are important
- Prison programmes should focus on developing human capital and focus on the transition mechanisms
- Pre-release and post-release programs should focus more on supporting motivation and developing social capital
- a buffering zone should be established between in-prison and post-prison work
- Communities should be made aware of the risks posed by social exclusion
- Governments should be encouraged to take a more rehabilitative approach
- The balance between the right to know and the right to private (or a new!) life should be settled

Resettlement research and practices. An international perspective (Durnescu, 2011), report commissioned by CEP

What works – from literature

SUPERVISION

✓ the **desistance paradigm** (McNeill, 2009)

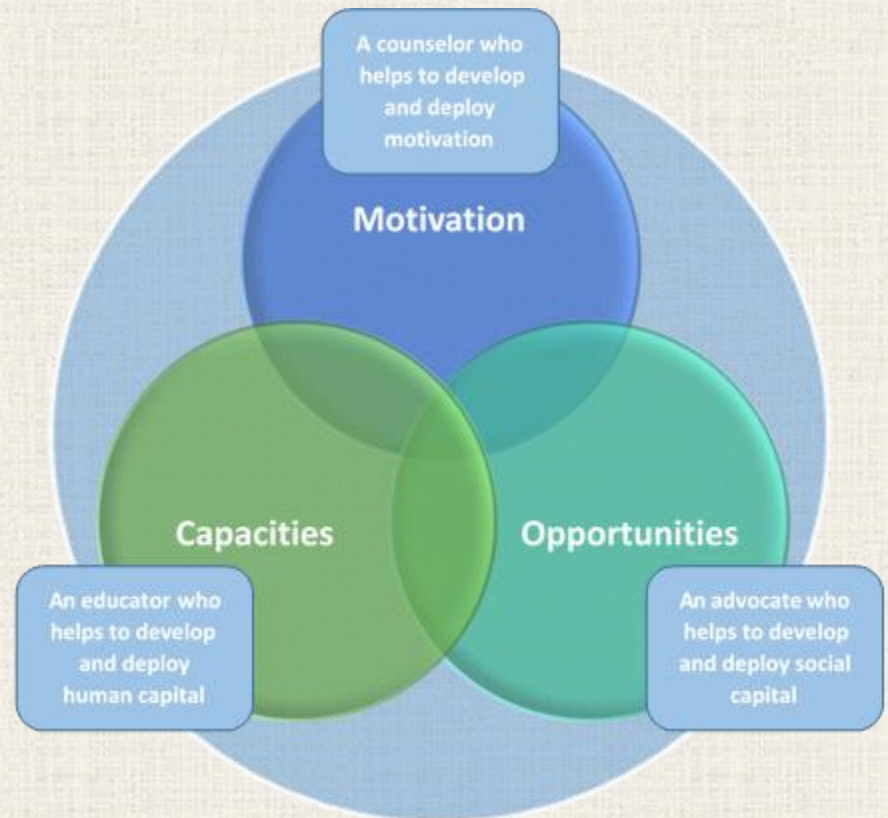


What works – from literature

SUPERVISION

- ✓ **The evidenced based intervention** - Risk/Needs/Responsivity principles (RNR) but complementary with GoodLivesModel (GLM) Ward and Maruna (2007) - the strengths based approach
- ✓ **How the process is implemented** – motivation and managing change (engagement, assessment, planning and managing the change)
- ✓ **Persons` skills and capacities**
- ✓ **Structured programme approaches**

- (McNeill, 2009). Three necessary conditions of change



Prison and Probation in Romania

Prison System

- **on central level:** National Administration of Penitentiaries (NAP) ;
- **on local level:** 34 prisons, 6 prison hospitals, 2 detention centers, 2 educational centers, The National School for Training the Agents Tg. Ocna, 4 centers for staff training, 2 rest and recovery centers, The Base for Supply, Administration and Repairs Bucharest-Jilava.

Probation System

- **on central level:** National Probation Directorate (NPD) ;
- **on local level:** 42 probation services, one in each county of Romania, under the authority of the NPD.

Prison in Romania

As a public service, NAP contributes to defense, public order and national security by taking measure of assure the guarding, escorting, supervision, enforcement of detention regimes, having a special social role due to its **educative functions and social reinsertion of the persons under custody**

Execution of custodial sentences	Execution of preventive measures involving deprivation of liberty in preventive detention centers	Execution of educational measures involving deprivation of liberty
The regimes of execution of custodial sentences: a) maximum safety regime b) closed system c) semi-open regime d) open regime	During the trial, the preventive detention is executed in the special sections of preventive detention within the penitentiaries	Against persons who have committed offences during minority age can be taken an educational measures involving deprivation of liberty

Probation in Romania

Pre-trial (prosecutors)	Trial (judges)	Enforcement of the sanctions (community and judges)	Post release (community and judges)
Reports for minors	Reports for minors	Minors - 4 educative measures	Release from a detention center
	Reports for adults	Postponement of the sanction Suspended sentence with supervision + Community Service	Conditional release ≥ 2 years

What is in place on interagency cooperation – Prison

- Law no. 254/2013 on serving sentences or measures involving deprivation of liberty issued by the court during the penal trial, with its subsequent amendments:
 - ✓ Integrated regulation of all measures involving deprivation of liberty
 - ✓ Assigning a prioritized place to the individualization process
 - ✓ Facilitating collaboration between structures involved in the assistance and/or detention of sanctioned persons and to develop common practices and procedures, in terms of continuity of treatment

What is in place on interagency cooperation – Prison

- Government Decision no. 430/2020 approving the National Strategy for social reintegration of persons deprived of liberty, in the period 2020-2024 - aims to establish an inter-institutional collaboration mechanism
- NAP collaborates with public institutions (National Probation Directorate, Ministry of Labor and Social Solidarity, Ministry of Education, Ministry of Internal Affairs, Ministry of Health, local public administration authorities) and non-governmental organizations in order to facilitate the social reintegration of detainees and to provide, as appropriate, post-detention assistance

What is in place on interagency cooperation – Prison

- Strategic objectives:
 - ✓ Development of institutional and inter-institutional capacity in the field of social reintegration of persons deprived of liberty
 - ✓ Increasing the efficiency and effectiveness of the specialized intervention carried out during the execution of custodial sanctions
 - ✓ Facilitating post-detention assistance at a systemic level

What is in place on interagency cooperation – Prison

- Services provided for persons released from prison:
 - ✓ Ensuring the continuation of school training after released (through the **educational units subordinated to the Ministry of Education**)
 - ✓ Facilitating employment after the execution of the custodial sentence (through the **territorial employment agencies**)
 - ✓ Ensuring the continuity of medical care for persons who have served a custodial sentence (through the **territorial directorates of public health**)
 - ✓ Providing specialized assistance services for people with a history of psychoactive substance use (through **territorial centres for drug prevention, evaluation and counselling**)
 - ✓ Taking over by the **social service/local public authorities**, the cases of persons released from penitentiary system identified with specific needs
 - ✓ The taking over by **non-governmental organizations**, in post-detention assistance centres, of certain cases of persons, identified in collaboration with the penitentiary administration

What is in place on interagency cooperation – Prison

- NAP geared towards attracting new social partners, development of existing partnerships, promoting joint projects and attraction of funds aimed at improving detention conditions, the means of support of people in custody and improvement of the professional staff
- Internationally, NAP is oriented towards developing and maintaining cooperation relations, exchanges of best practices with other prisons and institutions in the field of criminal law-enforcing and social reintegration - the principles of *normality, dynamic security and human ecology*

What is missing on interagency cooperation – Prison

- Involvement of local public administration authorities, in the process of social reintegration, remains a difficult resource to access, especially on housing issues
- Lack of consistent support from Ministry of Health in the case management of prisoners with serious mental health issues
- Ministry of Interior involvement in prevention towards the behavior and the type of activities in which recently released inmates are getting involved

What is in place on interagency cooperation – Probation

✓ Working on **case management principles**

- facilitates the contact with the network of services
- orientation towards the supervised person
- form of advocacy and supporting the persons through information, involvement of specialist staff and access to available resources within community institutions in fulfilling obligations and solving needs
- gathering formal and informal resources in the community
- priority oriented
- flexible
- sensitive to cultural diversity

What is in place on interagency cooperation – Probation

- **Involving institutions from the community in the probation activity**
 - Procedure to approve the institutions for implementing community sanctions and measures
 - National Database on the website of the NPD

What is in place on interagency cooperation – Probation

- ✓ Minimum standards for implementing the community service
- ✓ Minimum standards for implementing the programs
- ✓ Minimum standards for civic traineeship (for juveniles)

What is in place on interagency cooperation – Probation

- Integrating new concepts (seamless, normality – Norway Grants projects)

Two projects implemented together by the prison and probation services



What is missing on interagency cooperation – Probation

- Continuation and consistency between in-prison activities and probation activities
- An uneven level of development of community at national level
- The absence of incentives system for encouraging community participation
- A national framework for interagency participation in probation
- Improvement of the national map of agencies where persons can be referred
- Consistent involvement of volunteers/mentors

Thank you!