

**“BABEȘ-BOLYAI” UNIVERSITY OF CLUJ-NAPOCA  
FACULTY OF SOCIOLOGY AND SOCIAL WORK  
FIELD OF STUDY: SOCIOLOGY**

**SUMMARY OF THE THESIS**

**VALUE AND SOCIAL DIMENSIONS OF JUVENILE DELINQUENCY. THE  
ROLE OF PROBATION SYSTEM IN CHANGING ATTITUDES AND  
BEHAVIORS OF MINORS WHO COMMITTED OFFENSES**

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<b>INTRODUCTION.....</b>	<b>1</b>
1. Preliminary considerations.....	1
2. The motivation for choosing the topic.....	2
3. The topic's novelty, actuality, and importance.....	5
4. The study's theoretical relevance and applicative value.....	7
5. The design of the study. Aim, objectives, questions, and hypotheses of the research.....	11
6. The methodology of the research.....	13
7. The research population and temporal and spatial framework.....	15
8. Accesing and analyzing the data, and interpreting the results.....	17
9. Considerații etice privind studiul efectuat.....	18
10. The structure of the thesis.....	19
<b>CHAPTER I. CONCEPTUAL DIMENSIONS.....</b>	<b>22</b>
1.1. Defining aspects of the notion of juvenile delinquency.....	23
1.2. Theoretical fundamentals of the field of juvenile delinquency.....	33
1.3. The attitudinal-value component and the development of the value system at minors.....	39
1.4. Explanatory models of minors' antisocial attitudes.....	42
1.4.1. Individual factors: biological and psychological.....	50
1.4.2. Psycho-social factors.....	53
1.4.2.1. Particularities of the family milieu in terms of the development of offending behavior to minors.....	53
1.4.2.2. School performance and offending behavior at minors.....	79
1.4.2.3. Peer group – facilitating factor in fostering delinquent behavior at minors.....	81
1.4.2.4. Mass-media consumption and the development of pro-delinquency attitudes.....	85
1.4.2.5. The dynamics of social processes and their impact upon minors.....	87
1.5. Applied research. Study No 1: Determining factors of offending behavior among minors – presentence assesment reports and case studies analysis outcome.....	94
1.6. Conclusions.....	134
<b>CHAPTER II. JUDICIAL AND PUNITIVE CONTEXT IN JUVENILE DELINQUENCY.....</b>	<b>135</b>
2.1. Deviance. Punitive act – necessity and functions.....	137
2.2. Detention – elements of prison culture.....	139
2.2.1. Restructuring the value system in prison environment.....	145
2.3. Punitive system of minors who committed offenses.....	150
2.3.1. Punishments applied to juvenile delinquents. Origins and references.....	150
2.3.2. Reforms and perspectives in the juvenile justice system. Restorative justice.....	156
2.4. Legal framework regarding sanctioning the juvenile delinquent in Romania.....	179
2.4.1. The minor who committed a penal offense and is not criminally accountable.....	182
2.4.2. The minor who committed an offense sanctioned by criminal law and is criminally accountable.....	186
2.5. Applied research. Study No 2: Methods and activities in reconfiguring the value system within the prison and the participants' perceptions.....	200
2.5.1. Investigating the attitudes of non-delinquent minors from secondary schooling.....	217
2.5.2. Exploring the perceptions of juvenile delinquents from the reeducation center. Comparison with non-delinquent minors.....	220
2.5.3. The results of interviewing imprisoned young offenders.....	225
2.5.4. The inmates' perception.....	228
2.5.5. Interviews with the educators.....	229

2.6. Conclusions.....	231
<b><u>CHAPTER III. PROBATION AS PENAL INSTITUTION AND MECHANISM OF SOCIAL CONTROL AMONG JUVENILE DELINQUENTS WHO WERE SANCTIONED WITH EDUCATIVE MEASURES</u></b> .....	<b>233</b>
3.1. Probation. Definition, history, international regulations .....	233
3.2. The institution of probation in Romania – history, development, and organizational consolidation .....	235
3.2.1. Basic concepts in probation .....	235
3.2.2 The probation system in Romania .....	236
3.3. Case management. Community facilitation and social change .....	245
3.3.1. Human resource in probation – agent of change .....	254
3.4. Applied research. Study No 3: The process and outcome of the intervention in probation – quality indicators.....	256
3.4.1. Analyzing statistical data in terms of the volume and complexity of probation work .....	260
3.4.2. Analyzing the re-offending rate and the dynamics of the risk of re-offending .....	262
3.4.3. Minimizing the costs of carrying out penal sanctions and measures.....	265
3.4.4. Assuming responsibility for offending behavior – comparative analysis between juvenile delinquents and adult offenders convicted to non-custodial sentences.....	267
3.4.5. The feedback from probationers, probation collaborators and students .....	269
3.4.6. The perception of the management and the staff regarding probation activity .....	274
IV.6. Conclusions.....	278
<b><u>CHAPTER IV. THE OUTCOME OF PROBATION ACTIVITY. THE RESULTS OF THE INTERVENTION AND OF THE RESEARCH CARRIED OUT</u></b> .....	<b>279</b>
4.1. Previous studies, European and national, on the topic of the research .....	279
4.2. Applied research. Study No 4: Reconfiguring the cognitive-behavioral system of juvenile delinquents under the influence of probation.....	285
4.3. Predicting juvenile delinquent behavior and preventing re-offending .....	306
4.4. The conclusions of research and intervention.....	311
<b><u>FINAL CONCLUSIONS AND RECOMMENDATIONS</u></b> .....	<b>313</b>
The conclusions of the research activities .....	313
Limits of the research.....	339
<b><u>Reference list</u></b> .....	<b>341</b>
<b><u>Appendices</u></b> .....	<b>358</b>

- Appendix 1 – The dimensions of the documentary content analysis – presentence assessment reports
- Appendix 2 – The dimensions of the case studies analysis
- Appendix 3 – Questionnaire regarding the attitudinal representations of minors towards criminality – applied to non-delinquent and delinquent minors and young offenders (in educative center and penitentiary)
- Appendix 4 – The dimensions of the interview guide with the inmates and the educators in the penitentiary
- Appendix 5 – The dimensions of the file analysis in penitentiary
- Appendix 6 – Assessment guide of an organization
- Appendix 7 – Questionnaire applied to probation service collaborators (judges, city hall representatives, police department and other institutions)
- Appendix 8 – Questionnaire applied to probation counsellors
- Appendix 9 – Questionnaire applied to students

Appendix 10 – Observation guides in following the attitudinal and behavioral changes at minor who benefited from counselling programs within probation service

**Key-words:**

*Juvenile delinquency; pro-criminal attitude; risk factors; offense; probation; correctional practices; penitentiary; educative and detention center; restorative justice; educative and intervention measures.*

## **Social relevance of the topic regarding the intervention of the probation system in reconfiguring the attitudes and behaviors of juvenile offenders**

The problem of juvenile delinquency is one of permanent interest, arising the concern of the researcher and making necessary to rethink the phenomenon with new insights and perspectives in full accordance with the specificity of Romanian society and with international tendencies regarding preventions and intervention measures, but also with supervising strategies.

As highlighted by recent Statistical Yearbooks of Romania,<sup>1</sup> juvenile delinquency is an increasing phenomenon. Out of the 232,659 registered offenders in 2006, 14,783 were committed by juveniles. Moreover, from this total, 14,292 were aged between 14 and 17 years old, while 491 were juveniles under the age of 14. In 2007, 26,443 persons (adults, young offenders, and minors) were convicted to custodial sentences in prisons, while in reeducation centers were 212 minors. In 2008, 23,100 persons were imprisoned while 163 minors were housed in reeducation centers.

Criminal statistics for the period 2010-2014 compiled by the National Direction of Probation<sup>2</sup> highlights that during the presentential phase of the trial, a number of 24,159 assessment reports were made by probation services for minors who committed offenses.<sup>3</sup> Moreover, as provided by the art. 481 al. 1 of the Procedural Penal Code of Romania from 1969, between 2010 and 2013, probation services participated to 2,515 sessions of listening or interviewing minor defendants who were under 16 years of age. In the trial phase, probation services participated to 333 meetings (as provided by the art. 484 al. 2 of the Procedural Penal Code of Romania from 1969). In 2014, the probation system supervised 1,727 minors who were sentenced to educative non-custodial measures<sup>4</sup> (137 – civic educational stage; 492 – supervision; 99 – weekend confinement; 488 – daily assisted supervision); 331 – parole from custodial/educative centers; 7 – non-custodial educative measure of supervision

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<sup>1</sup> The Statistical Yearbook of Romania on the years 2006-2008.

<sup>2</sup><http://www.just.ro/Sectiuni/Direc%C5%A3ii/Direc%C5%A3iadeProba%C5%A3iune/datestatisticeproba%C5%A3iune/tabid/2466/Default.aspx>

<sup>3</sup> According to art. 482 of the Procedural Penal Code of Romania from 1969, elaborating the presentence assessment reports were asked by the court (if it was not previously solicited by the prosecutors) in all cases with minors; according to art. 116 of the Romanian Penal Code, active since 1<sup>st</sup> of February 2014, the presentence assessment is mandatory in all cases where the court issues educative measures or measures regarding the changing or ceasing of the imposed obligations. This number of 24,159 represents, therefore, the total number of minors who entered the courtrooms between 2010 and 2014.

<sup>4</sup> According to the New Penal Code of Romania.

according to art. 103 from Penal Code of 1969; 173 – imprisoned with suspended sanctions or under judicial control according to art. 110 of the Romanian Penal Code of 1969.

In 2010, according to the National Administration of Penitentiaries,<sup>5</sup> the detention system was housing 72 young offenders (71 males) in maximum security regime, 247 young offenders (236 males) and 23 minors in closed regime, 674 young offenders and 90 minors in semi-open regime, and 59 young offenders and 8 minors in open regime. Under preventive arrest there were 519 young offenders (507 males) and 121 minors (115 males), while 73 young offenders (67 males) and 30 minors were not yet included into a security regime. Between 2012 and 2014, 1,272 minors, ages between 14 and 18, and 4,575 young offenders, ages between 18 and 21, were held in reeducation/educative/detention centers.<sup>6</sup>

As revealed by the dimensions of the phenomenon, we can notice the high rate of offending behaviors committed by minors in terms of the total number of registered criminal offenses. Against this background, the actuality of the topic of this study is determined by the following aspects:

- The amplitude of the phenomenon, revealed by its frequency of occurrences, its specificity, as well as by the consistency of its facilitating factors, determined as it is by social, normative, economic, and axiological problems;
- The benefits of understanding the specificities of the criminal patterns committed by minors;
- The need to coordinate social initiatives and normative regulations in the field of juvenile delinquency in full accordance with social empirical reality;
- The urgency of elaborating a set of functional strategies and efficient methods in working with minor offenders, fit on their social and criminogenic needs but also correlated to managing the risk of re-offending;
- The importance of consolidating the functionality of the probation system in order for it to respond properly and efficiently to the problem of juvenile delinquency;
- The utility of promoting institutions and services dealing with juvenile delinquency in public sector, NGO sector, and civil society.

Based on the relevant aspects presented above, we can conclude that the legal framework influences decisively the topic addressed in this study. Therefore, a sociological research of juvenile delinquency in contemporary Romania is not only useful, but it is also the case for

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<sup>5</sup> <http://anp.gov.ro/raport-de-activitate-anual>

<sup>6</sup> The effect of the law No. 254/2013 active since 1<sup>st</sup> of February 2014 was that re-education centers were re-organized into education centers, while penitentiaries for minors and young offenders into detention centers.

new actions and strategies for preventing, stopping and diminishing juvenile delinquency, creating the opportunity for relevant research.

### **Theoretic framework and practical value of the empirical research**

Regarding the research area of the investigated problem, it appears that the majority of studies provide a general image of the etiology of juvenile delinquency, and are less focused on the practical and applicative dimension, in order to develop and elaborate strategies and effective programs for preventing and control the phenomenon. Romanian research on the impact of institutions attending non-custodial sentences, such as the probation, are limited, so the present study, which aims to illustrate the attitudinal and axiological dimension of juvenile delinquency, demonstrate its utility.

The importance of the theoretical study of juvenile delinquency is given by the full analyses of the phenomenon, starting from its axiological dimension, continuing with determining factors, risk factors regarding criminal behavior, the consequences of committing offending behaviors by minors, and ending in a practical discourse related to the importance of effective implementation of criminal procedures and strategies in the field.

The theoretical and methodological dimensions of the theses underlines their usefulness in a reciprocal way, especially in the area of intervention, but also in initiating activities and developing programs based on the efforts of the community, for supporting families to prevent their children to engage in criminal behaviors. Considering the implications of this field of study, both at an individual level and as well at a micro and macro-social level, I believe that an initiation within the axiological system of juvenile delinquents is useful also for the non-practitioners, so that they have the opportunity to approached in a synthetic and illustrative manner of the problems faced by the category of juvenile delinquents, which in most cases is understood undifferentiated from adults offenders.

The thesis consists of an **introductory chapter**, followed by four chapters, divided each into subchapters based on the literature, but also in an applicative section of research and intervention. After each of them, the conclusions and proposals are presented, the limits the research and the authors own contribution for the development of the studied phenomenon.

**The first chapter** introduces and discusses the main concepts and notions that define juvenile delinquency, elements of theoretical relevance regarding our topic of interest, the dimension of values and attitudes and the process of developing the value system of minors, influenced by individual factors (biological and psychological) and factors psychosocial, such as family background

(conflictual family environment, authoritarian/abusive, careless/ disinterested, “laissez-faire – laissez-passer,” disorganized family, divergent educational methods and lack of parental authority, penal history of family members, living conditions and the socio-economic status, addictive behaviors of family members, runaway children - as a prerequisite for delinquent behavior). Other psychosocial factors analyzed are: school failure, antisocial group, mass-media consumption, the dynamics of social processes and their impact on minors. A special theory in explaining offending and antisocial behaviors is the multifactorial theory. The applicative section consists in a research on the factors influencing offending behavior among minors, by interpreting the results of presentence assessment reports and case studies.

**The second chapter** presents the legal context and punitive system for juvenile delinquency: necessity, functions and purposes of the punitive act, elements of the penitentiary culture, deviations and methods of value restructuring in prison. It has been done a detailed presentation of the sanctions and measures imposed on juvenile offenders, from its origins, in other countries and in Romania, especially after 1990 (minor offenders who are responsible or are not criminally responsible), it was presented the direction and reforms in the juvenile justice system: reparation, restorative or “friendly” measures in cases involving juvenile offenders. The applicative section illustrates methods and activities undertaken to reshape values in prison, being investigated the attitudes of non-delinquent minors from secondary schools, there were explored the perceptions of juvenile offenders from a rehabilitation center, and interviews were conducted both with young inmates and prison employees.

**The third chapter**, entitled “Probation as penal institution and mechanism of social control among juvenile delinquents who were sanctioned with educative measures, defines and frames from a historical perspective and taking into consideration the international regulations the probation system, focusing on its development and its consolidation in Romania. The term of “case management” was introduced, in the context of facilitating community involvement and social action, with an emphasis on the importance of human resource in probation, as an agent of change. The applied section discusses the process and purpose of intervention in probation, taking into consideration the quality indicators. The studies consists in: processing statistical data, depending on the volume and complexity of probation work, analyzing the reoffending risk and the evolution of the risk to involve in offending behaviors, discussing the cost reduction associated to sanctions and criminal measures. It also makes a comparative analysis between juvenile delinquents and adult who were sentenced with non-custodial sanctions, the way they are assuming their offending behaviors,



and reveals the feed-back from probation recipients, collaborators and students, as well as the perception of the management and probation staff concerning the activity of the institution.

**Chapter four** presents the final results of the research and interventions undertaken, in the context of previous studies (European and Romanian), correlated with the dimensions of the research. The applied section gives examples of the way in which the cognitive-behavioral system of the juvenile offenders was changed, under probation intervention, and asserts a predictive model of preventing reoffending in juvenile delinquent behavior.

**At the end of the thesis** are listed the bibliography, based on the documentary support, on the legislation and the area of investigation, the keywords and the appendixes.

## **Study design**

### **Scope, objective, research and hypothesis of the research**

This study aims to capture the role and influence of the determinants and inhibitors of attitudes and behavioral patterns among juvenile offenders, by making a sociological investigations, to examine their impact on the evaluated category.

It also will examine the way and the extent to which the impact of these risk factors can be diminished as a result of the intervention of the probation service (as the main penal executional institution), but also of other institutions with attributions in the field.

In order to make a comprehensive approach of the investigative subject, we choose a successive-argumentative setting, from an analysis of the determinants of juvenile delinquency, to the social reaction towards children who have committed offenses, both from a legal-punitive and recovery point of view. For an illustrative purpose of the scientific discourse, in all stages, the results of research methodology were presented.

In the research part of the thesis, were used in two ways to investigate the phenomenon: dynamic analysis and axiological analysis. There were examined, both the processes that determine the “transition,” the offending behavior and its internal mechanisms, but also the way in which juvenile delinquents interpret their own antisocial conduct, achieving a close understanding of the value system of this minors, in various legal situations, in order to explore the risk factors and attitudes, in terms of directivity and persistence. The analysis of the attitudes of juvenile delinquents was continued by repositioning the subject within the general population concern, to which any

functioning society should reflect, and the drawn conclusions find their usefulness within the intervention process, specific for probation services activity dealing with minors.

**The main objective** of the research is to capture the evolution of the punitive penal philosophies, with an emphasis on non-custodial measures applied to minors, under specific factors that motivates their criminal conduct.

**Specific objectives:**

- Outlining of explanatory models of risk factors in juvenile delinquency,
- Exemplifying the typology of juvenile offenders, according to the factors that determine their axiological system behavioral pattern, relative to their offense and to transgressing social norms,
- Capturing socio-legal measures, applicable to minors in conflict with the penal law,
- Revealing the efficiency noncustodial penal policies, in the context of previous and current legislation and in perspective of their strengthening, and their impact on the measures taken against juvenile delinquents,
- Organizational and functional analysis of Romanian probation system<sup>7</sup> (influenced by the socio-economic and legislative context), with a focus on the mission and purpose of the institution,
- Exploring the premises and directions for further streamlining the probation system,
- Analyzing the role of the probation service regarding its specific interventions on shaping and changing attitudes of juvenile delinquents.

**The general research question** motivating the investigative approach of this study seeks to capture which are the causal factors that define the positive attitude regarding criminality among juvenile delinquents in determining and justifying their offending behavior?

**As a subsidiary research question** was set:

To what extent can be diminished the possibility of reiterating offending behavior by juvenile delinquents, as a result of interventions aiming axiomatic restructuring, through probation work?

**Main hypothesizes:**

It exists a significant causal relationship between favorable attitudes towards offending behaviors and adopting a deviant conduct.

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<sup>7</sup> According to the organizational assessment guide elaborated by Nicoleta Neamțu, *Managementul serviciilor de asistență socială*, Cap. 8, Editura Motiv, Cluj-Napoca, 2001, pp. 141-155.

The attribution, by minors, of negative significance for the offending behaviors are influenced by the degree of value internalization, as a result of educational and intervention measures which they were exposed to.

**Secondary hypothesizes:**

Non-custodial measures, applied to minors, show a greater efficiency, in relation to the purpose and associated costs, compared with custodial sanctions.

Correlated to the reform in penal philosophy, there is the need of reconsidering policies and social services, in order to ensure implementation impact of the normative frameworks.

**Research methodology**

Considering the multidisciplinary dimensions of the thesis (legislative, political and social-legal, community empowerment, cognitive-behavioral psychology, health and social economy, organizational sociology), the meaning of the terms with which we operated (deviance/control, axiological system, sanctions/functions of punishment, penal philosophy, restorative justice and implications for the society: efficiency, risks and social change, social integration, community action, etc.) was explained at the time they were used, for a better fluency of the discourse. Moreover, operationalization of concepts was made through segmenting component elements (variables, indicators etc.). Furthermore, knowing that social reality consists of structures, forces and objective conditions existing outside the consciousness and the control of the individual, but also from a subjective component, which assumes that people do not respond directly to the environment, but they are doing it by building symbols, meanings and interpretations, which are not passive elements of their subjectivity, externalizing into acts of behavior, in order to reveal the subjective-interpretative dimension of social reality and relation with the objective world, methods were used (approach methods, documentation, research, interpretation and information diagnosis) in a qualitative and quantitative sociological manner. Their selection followed the principles of relevance, appropriateness and fluency of speech, being accessed, studied, and applied the following methods (attached in Appendix):

*Literature review* (court reports, conferences, workshops, seminars, initiatives and approaches of criminal justice reforms regarding minors, websites, and links) on the studied phenomenon.

*Legislation* (from Romania, Republic of Moldavia, EU and the former Soviet countries, prior and current). There were investigated socio-legal frames regarding juvenile offenders in Romania,

but also from other countries (mostly from the Republic of Moldavia), in order to capture the specific features of sanctioning and dealing with juvenile delinquency in these countries, but especially the philosophy and purpose of legislative and executional initiatives adopted to reduce the phenomenon.

Representative *statistical data*. In this respect, there were accessed yearbooks, reports and websites of the institutions responsible for archiving and processing such information, in order to capture the incidence and prevalence of the studied phenomenon.

*The method of semi-structured interview* (with its specific instrument - interview guide). As a qualitative method, it allows to examine in detail some dimensions difficult to analyze with standardized instruments. This method was used in the second research, inside penitentiary. We resorted to this method in order to avoid the impression of “false dialogue” for the subjects of this research, impression that would be installed if we would have made use of questionnaire with multiple questions, given the specific environment of detention (formal, imposed, controlled). For this reason, we believe that the most appropriate approach with the prison population is one closely resembling the external social environment, spontaneous, natural interaction. Also, discussions with penitentiary personnel had an informal structure, such as consultation.

In this context, it was used simultaneously the *observation method* (instrument: observation guide), to observe relevant aspects of body language: facial expressions, gestures, body posture, reactions.

On the same reasons, *the method of sociological survey*, which was used in the second and third research, and took the appearance of tools (questionnaires) relatively smaller in size, focused strictly on main components, important to be surprised in order to understand the addressed topic.

*Document content analysis method* was used, through conceptual categorization, in the first research (analyzing presentence assessment reports, conducted for minors between 2007-2015), in the second research (the study of the young inmates files, containing also information about reintegration programs conducted in prison), in the third research (the study of probation files of minor and major being under the supervision of the probation service) and in the fourth research (analyzing individual and group counseling programs held with beneficiaries of probation and all probation files from Cluj Probation Service, between 2014-2015, regarding minors who were sentenced to educational measures, accordingly to the New Penal Code).

*The case study method* (through dimension analysis) was used in the first and fourth research, to reveal and illustrate the research objectives, regarding the development of explicative models

concerning risk factors for juvenile delinquency and the role of probation system in changing attitudes and behavioral of minors who commit offenses.

An institution is defined as a group that has the role of making use of the collective resources and skills to achieve a common goal or objective,<sup>8</sup> reason to which an assessment of the institution of probation was processed, according to the an evaluation guide of an organization.<sup>9</sup>

## **Population, temporal and special frames of the research**

- Juvenile delinquents and young offenders (with offending behaviors committed during minority):
  - a non-representative available sample - 174 minors (assessed through presentence assessment reports) within the Gorj Probation Service (between 2007-2011) and Cluj Probation Service (between 2012-2015)
  - 30 minors, aged between 16 and 18 years old, from Buzias Reeducation Center (2010) - available experimental group
  - 17 young offenders (aged between 19 and 22 years old), convicted as minors and transferred to Prison no. 8 from Tighina, the only prison in Transnistria, under the Ministry of Internal Affairs of the Republic of Moldavia (2008) – available sample
  - 17 young offenders (aged between 19 and 22 years old), convicted and held in Târgu Jiu Prison (2009) – available sample
  - 15 case studies (11 of minors evaluated through presentence assessment reports and 4 of minors that were included in counseling programs within the probation service)
- 18 non-delinquent minors, aged between 14 and 16 years old, eighth and nine grades, middle school, Căușeni district, from the Republic of Moldavia (2008) – control sample
- Two specialists – educators from penitentiaries from Romania and Republic of Moldavia (2008)

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<sup>8</sup> K. Krogsrud Miley, M. O'Melia, B. DuBois, *Practica asistenței sociale*, Chapter 10 – section “Evaluarea organizațiilor”, Editura Polirom, Iași, 2006, pp. 313-327.

<sup>9</sup> idem

- 102 convicted adults, registered in Cluj Probation Service during 2013-2014, and 117 minors, all evaluated in the trial phase with presentence assessment reports, for identifying the accountability for their offending behaviors
- 28 beneficiaries of probation (supervised person registered in the Cluj Probation Service) - feedback regarding intervention of the probation service - sample selected based on the criteria of “significant results in the area of social and criminogenic needs, in relation to set objectives” – 2014
- 25 beneficiaries of probation - studying the evolution of reoffending risk (selection of beneficiaries being the management of author of the thesis, in alphabetical order: one beneficiary with the first letter of the name corresponding to each symbol, where a letter was not revealed, 2 subjects were selected with the corresponding first letter of the name) - 2014
- 82 probation files of minors on whom non-custodial educational measures were applied in the years 2014 and 2015, Cluj Probation Service Cluj - total sample
- 82 probation files from Cluj Probation Service Probation, active in from July 2015 – available sample (files administrated by the author of the thesis)
- 214 students, in their last year of college, from those faculties from where are recruited the probation personnel (social work, law, pedagogy, psychology, sociology), master – “Social assistance in the area of justice. Probation and Mediation” from the “Babes-Bolyai University” Cluj-Napoca (November-December 2014), after the control question, a number of 53 questionnaires were processed – available probabilistic sample
- 50 probation counselors from 20 probation services in Romania (November-December 2014) - instrument addressed to 332 active probation counselors, all responses being processed
- 10 collaborators of the Cluj Probation Service: judges, police agents, government representatives and other institutions (Cluj, 2014) – available sample

## **Accessing, processing and interpretation of results**

### **Space and method of applying the research methods and of processing and interpretation of the data**

The methods of collecting, processing and interpretation of data were applied either in the offices of probation services, in the community (city hall, school, police departments, prisons, reeducation center), at the residence of minors, relatives, or in places they were find (field, folds, etc.), at the headquarters of the faculties (for students), probation services (for probation counselors) or partner institutions (for collaborators). The type of application was direct, “face to face” or self-administration.

### **Collection and processing data**

For processing date, it was used both qualitative (content analysis, case study) and quantitative methods (data tables, Excel system and the statistical program for social science - SPSS). The variables were analyzed by descriptive statistics, comparative and inferential; being both nominal and ordinal variables, we used statistical association tests -  $\chi^2$  and correlation - Spearman test, and distribution of data in tables of frequencies.

### **Space and subject selection**

A criteria in choosing subjects was represented by the facility of accessing data, thus there were analyzed all the presentence assessment reports prepared by the author of the thesis, between 2013-2015, and all files with minors on which educative measure were applied, under the author’s management, from Cluj Probation Service, between 2014 and July 2015.

In the situation of minors from reeducation center, in middle school, and young inmates, the selection criteria was the availability of existing cases, and of those who have agreed to participate in research.

For other categories of the addressed population, random selection was used, proximity based on accessibility of data, based on the consent given by subjects.

The subjects come from both rural and urban social environment, in a proportionate measure.

## **Ethical considerations regarding the study**

The values and ethics of the social mission of probation work were considered, and also the rigors of elaborating a scientific papers. Probation activity unfolds in a space of values, so there operationalization in an important and professional act. Probation specificity is conferred by emphasizing the role of the community, with respect to “public protection, risk assessment and effective enforcement of sanctions.”<sup>10</sup>

All subjects received information about: the purposes of the research, the ways in which the methods and tools will be used, the necessity of privacy and protection of personal data.

Data processing and analysis and interpretation of the results was performed taking into consideration the principles of dignity, integrity and privacy of the person.

## **Conclusions. The results of the research and applied studies**

### **Chapter I. Conceptual dimensions**

#### **Results of research study no. 1**

The content analysis of the presentence assessment reports show that, at the time of committing the offense, 3.4% of assessed minors were between 8 and 13 years old, 8.6% were 14 years old, 19.5% had 15 years, 25.9% had 16 years and 42.6% were 17 years old. A percentage of 93.7% of the offences are committed by minors with a male gender, and girls that commit offences are in a smaller percentage - 6.3%. As for the area of origin of minors (urban versus rural area), there are no significant differences, a slight trend was observed for minors from urban areas - 55.17%, compared to those in rural areas - 44.83%.

In a significant percentage (45%), evaluated minors were not at the first violation of the law. In terms of the type committed offense, some of minors in the study were evaluated for more than one offense (they were subjects of ongoing criminal proceedings, other than those previously committed and for which they were already sanctioned). At the assessment time, it was found that 174 minors committed 35 types of offenses, in total 210 criminal acts. Another important aspect shown from the

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<sup>10</sup> Maria Marinela Mihăilă, Ion Copoeru, *Ghid pentru soluționarea dilemelor etice în serviciile de probațiune*, Ministerul Justiției, București, 2013, p. 11.



analysis is that minors are committing patrimonial offenses (thefts - 121 and robbery - 11), which represents 62.85% of the total of antisocial behaviors.

As to psychological factors, precipitators for juvenile delinquent behaviors, it appears that for 38% of the 174 evaluated minors these type of factors are significant in determining criminal behavior.

As to family factors, it appears that, 30% of the total number of investigated minors face situation of paternal neglect, and indifferent parents. Almost in equal proportions, 15% of the minors, face situations of conflict and abuse (in different forms: verbal, emotional, physical, sexual), and 14% of the minors live in an excessively permissive climate, having parents who supervises in a deficient way, are not concerned with their children, giving them to much independence and autonomy or, behave in an opposite way, buy offering hyper protection, and covering all their claims. A percentage of 9% of juvenile delinquents are confused due to divergent parenting styles, and only the 17% of evaluated minors do not identify significant problems in the family environment. Among the total number of evaluated juveniles, 34 come from families with separated parents, 30 come from families where one spouse abandoned the family or from a casual relationship of the mother, 27 from mono-parental families, 20 come from families where one or both parents died, 78 minors come from officialized relationships or have a step parent, and 17 of them were accommodated in social institutions. A special category is represented by juveniles who become parents themselves (9 cases out of 174), all coming from large families or families with various social problems, that lead to a disorganized life and thus to having an early parenting experience. 26% of the evaluated juvenile delinquents have been home runaways, without announcing their families regarding their location, hosting themselves at relatives or friends, being away long periods of time and living from money gain through committing crimes, traveling by train and other means of transport, with taxi, sheltering in train stations, building blocks, uninhabited buildings, hotels etc., being identified and returned to their families by social institutions, with police support.

A percentage of 25% of assessed minors use alcohol or other addictive substances, 10% of these children parents and 1% of their siblings use alcohol in excess. Likewise, it was found that a percentage of 41% of juvenile delinquents practice gamblers, in all forms: mechanical games, computer games, billiard, rummy, cards, having a direct or indirect relationship with criminal behavior.

It was observed that 22% of delinquent juveniles had parents with penal antecedents, and 13% of the cases their siblings were convicted for committed offences. Only 20% had no family member with priors.

The analysis of the presentence assessment reports show that a large proportion of minors are facing educational problem, 78 of them having poor school performance, massive absenteeism is found among 94 of them, 43 of them face situations of repeating grades, 58 juveniles have left school, while 3 were never included in the educational system. As shown, more than half of juvenile delinquents (67%) have friends with antisocial or unconstructive concerns, involving together in offending behaviors.

From a total of 174 juvenile offenders, 82 live in poverty, in families with a low socio-economic level, 50 of them are living in poor housing conditions, 26 have their residence in antisocial neighborhoods, and 35 come from large families (with 4 or more children) with insufficient financial conditions, in relation to the large number of family members.

The analysis of presentence assessment reports, also reveals that if 16% of minors may have involved in offending behaviors as a direct or indirect use mass-media: the antisocial behaviors were inspired by television, by internet, or by watching movies that promote violence, immorality, etc.

In the case of those who have parents working abroad, live in socially disadvantaged areas or belong to ethnic communities or ethnic minorities there is a higher probability of adopting antisocial behaviors (a percentage of 25% of the total assessed 174 minors).

## **Results of case studies**

### **Case study no. 1**

Evaluating the minor's behavioral evolution shows the development of a solid offending pattern, difficult to be deterred or restructured through institutional interventions. Significant precipitating factors are cognitive-behavioral disorders and educational deficiencies, which need specialized investigations, with little possibility of recovery and development or acquisition of skills required for the adoption of pro-social behavior. Another precipitating factor is problematic and low socio-economical status of the family, the minor being institutionalized from an early age.

### **Case Study no. 2**

Regarding the minors behavioral developments, it was observed an accumulation of social deficiencies, over time, due to a neglect and aggressive and humiliating behavior from family members towards him. These malfunctions led to the development of a fragile emotional structure,

which lead him to seek need fulfillment through affiliation in antisocial in groups, being also vulnerable to negative influences and to neglect education.

### **Case Study no. 3**

As to behavioral development of the evaluated minor, is was observed a state of high tension felt by the her in the course of conflictual events and violence within the family, culminated in a situation where the minor adopted an extreme reaction to defend the mother, by adopting an inappropriate reaction, in a critical situation.

### **Case study no. 4**

Because of the permissive environment provided in the family, the minor behaved usually improperly, in a way characterized by verbal aggression and attitudes of contempt of the valued rules in society, registering a negative development since an early age. He started with leaving home without parental consent, having poor results in school, continuing with engaging in unconstructive concerns and culminating with the involvement in criminal acts and school dropouts. It also notes the behavioral schemes and pro-criminal attitudes consisting of: developing a similar behavioral pattern in terms of offense premeditation, preparing favorable conditions for engaging into antisocial acts, disregarding the consequences of his actions.

### **Case Study no. 5**

In terms of attitude, the minor does not consider social negative labeling because of his behavior deviant. On a declarative level, he expresses the intention of not engaging in antisocial behavior, trying to strengthen his statements through a favorable conduct, but without significant progress. Factors associated with delinquent behavior are precarious economic situation of the family and its disorganized structure.

### **Case Study no. 6**

The juvenile delinquent disposes of the following resources: internal (giving up drugs and antisocial groups which influences him in a negative manner, efforts to improve his education situation and completing a program of psychological counseling), external, regarding family (moral and financial support from his parents) and institutional (support for recovering educational deficiencies and drug use, from teachers and professionals in the field). Factors associated with

offending behavior is the minor confusion as a result of parenting styles dissonant (over permissive and hyper authoritarian).

#### **Case Study no. 7**

From the analysis, it appears that the defendant had a negative behavioral development from an early age, for a considerable time, as a result of mother abandonment, neglect from the father and poor economic situation and precarious living conditions. The minor left school, got involved in a relationship with a person who had committed crimes, relationship from which a child resulted. Not having prosocial skills, she began practicing prostitution, ending up engaging in offending behaviors.

#### **Case study no. 8**

Repeated imprisonment of the father and lack of mother supervision led the minor to engage in a criminal conduct. It is noted that for the minor it was difficult to behave in the frames of valued rules in the society, and had a negative educational results and class participation.

#### **Case Study no. 9**

Examining the particular context of the evaluated minor, as to his capacity of comply social and legal rules and norms, shows the persistency of the risk factor, represented by the economic difficulties and precarious living conditions that the family faced, both in terms of facilitation and maintaining antisocial behavior. The minor dropped out of school, began to use drugs and joined antisocial groups, engaging into criminal acts with its members.

#### **Case Study no. 10**

The minor problems started in a family and social context (characterized by violence, and with a mother that left home) that facilitated their initiation and perpetuation, having various form of manifestation: school drop-out, pastoring local animals with an alcoholic father, sharing with him the harsh conditions of such living and working conditions, seeking conflicting and antisocial relations and vulnerability to their influence.

#### **Case Study no. 11**

Insecurity of early family environment, characterized by major difficulties, such as: excessive alcohol consumption of the father and his abusive behavior, health problems of the mother, lack of

income, deprivation of affection, the need for efficient supervision and concern for his care led the minor to develop adaptive strategies, such as: under considering parental figure, attempt to resolve his problems in an autonomous way, through home runaways, valorization of personal independence and freedom, adopting inadequate relaxation behaviors (such as smoking), lack in emotional capacity, confusion regarding emotions and values. All these factors have increased after the death of his parents. New stage of life, in an institutionalized settlement, brought an increasing of the negative existing elements, adding new ones: sense of loneliness and inability to relate to a family identity, need for continuous adaptation to a new social status, incapacity to accept of formal authority, reflected in the spontaneous tendency of rebellion and runaways, poor decision-making skills, building a fragile self-image, which creates the need for constant personal validation, observed through his conduct of associating himself to antisocial groups, use of alcohol, lack of future objectives, resulting in: negative situation in school, with no possibility of projecting future plans, learning patterns of negative behavior, such as behaving accordingly to personal possible achieved gratifications, aggressive reactions to challenges and use of direct confrontation, tendency to steal goods, mismanagement of the finances, involvement in criminal activities, revealing a undeveloped sense of property, in addition, we observed loss of connection with the only relative who tried to establish a relationship, health problems, and one of the major risk factors, found in almost all case of institutionalized children, after reaching the age of majority: the need of leaving the institutionalized settlements, and so losing the factors that may stop a potential antisocial conduct.

### **Conclusion interpretation of case studies**

As is clear from the analysis of the cases of minors, for whom the probation service prepared presentence assessment reports, factors that facilitate developing and maintaining a favorably definition for offending behaviors and therefore, determine the engagement in deviant behaviors, most often they do not act alone. They are in relation and are influenced by each other, the impact of each of them contributing, ultimately, in triggering delinquent behaviors.

## **Chapter II. Judicial and punitive context in juvenile delinquency**

### **Research Results for section no. 2**

#### **Conclusions for implemented programs**

##### **The program “Reducing the risk of reoffending after prison”**

Convicted persons have integrated into the group, they have solved the exercises, shown interest in acquiring new and useful information, in order to maintain a positive behavior. They have shown concern to develop prosocial skills as well: self-evaluating their needs and problems, which they will have to face after release, identifying available resources and positive aspects useful in the process of change, awareness of personal reasons that lead them to commit crimes, and the excuses they used to justify their deeds. Participants had the opportunity to set goals correlated to their former criminal activity, which were meant to help them to avoiding reoffending and built their own action plans. They established what information they needed to obtain in the session no. 6 called “Market.” It was found that recipients have absorbed the concepts, understanding their meaning and managing their translation into particular situations, tailored on their own conduct and risk factors. They have progressed in the counseling process, in terms of personal development, strengthening their skills of problem solving, reflected upon their life’s, becoming more receptive in terms of availability for solving problems they will face in the future, so not to repeat the experience of conviction, having the opportunity to further develop the acquired skills through using them in different life circumstances. In order to solve problems, anticipated by them to face after release, the group members were given the opportunity to participate to option sessions after release, recipients stating that, after completing module 1 of the program, they felt empowered to resolve, in a manner individual their problems, having also external resources: support from their families, holding a professional qualification, some of them acquiring jobs after release.

##### **Program “Self-image in relation to criminal experience”**

Beneficiaries had the opportunity to build suitable and realistic self-image, in relation to the offense they committed. They assessed their attitudes regarding criminal experience and explored their perceptions about self-image and how this it is affected by their deviant behavior, analyzed cognitive and behavioral dysfunctional patterns and identified the processes associated with motivational strategies for change. As a result, they enhance their ability of introspection and self-reflection on their own attitudinal system and conduct, acquired a reverse connection in terms of the

image of others on themselves, which they processed and integrated into their own perceptual system, they have constructed a congruence between their self-image and the perception of others and acquired integrative cognitive structures, social and practical skills, useful for conflict management and for initiate and maintain functional contacts.

### **The results of investigating the attitudes of non-delinquent minors from secondary school**

Half of the minors who have not committed offenses believe that in particular situations, deemed by personal justifications, people can break legislative barriers. Regarding the manner of affirmation in today's society, they believe that success can be achieved only by adopting a positive conduct. Attitude towards property-related offenses reveals that found that in 61% non-delinquent minors believes that removal of a good is justifiable and only 39% of them think that stealing is an offense. In a similar manner, road traffic offenses are justified by non-delinquent minors by being considered useful in certain cases (67%) and a percentage of 33% say that this act is a criminal behavior. Regarding law and morality, assessed through their opinion regarding a serious offense, such as that of rape, highlights that non-delinquent minors, blame the victim and assign to her the accountability for the offense (in 67%), only 33% say the aggressor has the entire responsibility for the crime.

### **The results of exploration the perception of juvenile offenders from a rehabilitation center, compared with sample of non-delinquent minors**

Between the responses of juvenile offenders (who are held in a reeducation center) and minors who have not committed offenses there are no differences in perceptions regarding law violation, in the case where the law violation overlaps with damage of personal interest, both categories (50% of them) have said that law violation is justified. Regarding current strategies for success, while non-delinquent minors believe that success can only be achieved by adopting a civilized behavior, 16.7% of juvenile delinquents claim that they can benefit (material, social status) by any means. While 61% of non-delinquent minors think stealing is a justifiable action in certain situations, only 36.7% of the delinquent juveniles share the same opinion, which can be explained by the fact that minors who committed offenses repeatedly (and know that a custodial educational measure is the only one applicable to this category of juvenile delinquents) had the opportunity to realize that offending behavior is not justifiable (and it leads to legal repercussions for them and their families). In addition,

this attitude can be explained through educational activities conducted in the rehabilitation center, which were meant to change their attitude towards social norms. While 67% of non-delinquent minors believes that driving a car without holding legal documents may be excusable, juveniles on whom an educative measure was applied relates more restraint regarding this issue, just 26, 7% of them giving a favorable response. As regards serious offenses (all forms of aggression that a serious offense may involve), we found that, unlike non-delinquent minors, just 30% of juvenile delinquents believes that the subject of the abuse may be liable. Following the application of statistical test  $\chi^2$ , statistical differences were found.

### **The results of questioning of young inmates in prison**

Regarding attitude towards law violations, two of the young inmates questioned states that in order to achieve their own interests, people may resort to breaking the law, unlike the rest (15) that believe the opposite. Young inmates presents in almost equal proportions, pro-crime attitudes (41.2%), considering that they can promote themselves in any way, a percentage of 58.8% responded that it is mandatory to adopt a civilized behavior and respect law if they wish have success in society. As for testing attitudes regarding certain types of offenses (theft, driving a vehicle without a license, rape), it was identified a specific feature, partly significant, for young inmates. Thus, almost all, are making use of neutralization techniques, considering that criminal behavior is justified, according to contexts. In this way, the main finding is that, as a result of having been imprisoned a longer time (the same forms of detention as adults), minors and young inmates may, contrary to the educational objective of prisons, to develop favorable attitudes towards criminality, as a way of organizing and interpreting their own existence.

### **The results of investigating the perception of inmates**

For inmates in the Republic of Moldavia there was found different type reactions, they answer after a longer period of reflecting, compared to the same category of person interviewed in Romanian prison. The first category raise allegations that the time spent in prison was an opportunity for a profound reflection and awareness of the consequences of their antisocial behaviors, aspect that contradicts the results emerged from the application of questionnaires. This may lead to the conclusion that, in an interview, this category of inmates offer desirable answers and make use of neutralization techniques of their guilt. A slightly different of perception of their own future behavior is found at Romanian inmates. Thus, more than half of them admit the possibility of recidivism, in case of some



favorable circumstances, giving answers more honestly and promptly, and the reasons are personal in nature, referring to the risk factors that might predispose the use of addictive substances, antisocial groups, and personal needs (material, and hedonistic manifestations of needs: the desire for entertainment or consumption). A common point of the two groups is that for justifying deviant behaviors they resort to higher forces in order to neutralize their guilt (blame state institutions, which indirectly determine people to engage in crimes, through social mechanisms, and the need of financial support and particularly children), so that plans after release are to seek financial support from their families and to ask housing from relatives and desire to leave the country. Also in both groups insufficient prosocial skills were found, lack of adaptation to the detention regime (embodied in misbehavior - in the case of about half of the prisoners), these results leading to the need to educate, guide them and form them as citizens able to conform legal norms after their release. In addition, there were identified the following indicators forecasting criminal behavior: committing other crimes during minority (in particular, acts of theft), unfinished studies or total absence schooling, lack of professional qualifications, lack of close and functional relationship with family members (which are deficient), not achieving a balance between mental and moral structure (capable of adopting prosocial decisions after analyzing the potential consequences).

### **The results of interviewing prison educators**

In order to redefine the axiological system and reintegrate into society the incarcerated persons, educators from the two prisons considers it important to identify and translate into practice, some concrete and practical educational methods, which to be oriented on correction and reeducation of prisoners, to take measures to improve the attitudes of prisoners, by organizing work efficiently and the quality of their assessment, and strengthen pro-social attitudes. In addition, they consider useful to undertake a personal detailed assessment of the convicts in order to monitor their progress in the correction and reeducation process, paying particular attention to the problems created in the process of rehabilitation to prisoners and motivating them to follow general studies and take vocational and qualification training courses. Taking measures to strengthen ties with civil society and organizations, in order to exercise a positive influence on prisoners, and investigating issues inmates may face at the time of the release and elaborating assessment for them - are other concerns for prisons staff. Supporting released persons to find a job, by contacting employers and subsequent monitoring of their situation, by working with the police and employers, is also an important objective.

## **Chapter III. Probation as penal institution and mechanism of social control among juvenile delinquents who were sanctioned with educative measures**

### **Results of research study no. 3**

After statistically analyzing the data, noticeable is the progressive rise of the number of persons under supervision, from 2001 until recently, from 735 beneficiaries in 2001 to 20,446 in 2013 and 26,749 supervisions in 2014, with a probation staff of 291 probation counselors in 2013 and 332 counselors in 2014. Noticeable is a major discrepancy between the probation staff and the number of beneficiaries.

The results of the probation system can be assessed through the following *efficacy indicators*:

#### **Diminishing the rate of re-offending of the probationers under supervision**

From the total number of 20,446 supervisions registered in 2013, a percent of 54,80 ended successfully. Since 21,88% represent exits caused by annulments, cassations of the initial sentences, acknowledgement of the lack of competency, it follows that only 5,19% is represented by revocations caused by the violation of the supervision measures and 16,13% by re-offending within the supervision period. In 2014, noticeable is the fact that 69,15% of supervisions ended successfully, while re-offending within the supervision period was 10,09%, violation of probation measures – 4,80%, 13,12% ending their supervision due to technical reasons (annulments, cassations, acknowledgment of the lack of competency), while 4,15% died during supervision.

After analyzing 82 probation files managed by the author of this thesis in Cluj Probation Service, in July 2015 (78 active, 4 closed), 90% of the persons conformed to the measures, as they did not commit any other offenses during the supervision period. 4% violated the measures established by court and received warnings (of these, for one person the court has been noticed), while 4 persons committed other offenses during the supervision period.

Studying 25 probation files revealed the evolution of the level of risk of committing new offenses, as assessed at the entry in the system and at the exit of it (in terms of the five levels of risks: 1) low, 2) low-to-medium, 3) medium, 4) medium-to-high, 5) high). A diminishment of the level of risk, assessed at the initial evaluation of the supervised person, occurred in 14 cases, while in 10 cases the risk level remains constant (important to highlight is that the risk maintains at a moderate level: 5 cases of medium and other 5 of low risk), a fact representing an indication of success. A rise of the

risk (from medium to high) has been identified only in one of the files under analysis. Therefore, we can point out as an indicator of analyzing the efficacy of the probation activity: *monitoring the evolution of the risk of re-offending, in the peripheral moments of the supervision* (entry point and exit point in and out of the system).

### **Reducing the costs of executing the sanction and diminishing the population from the detention units**

In the sphere of Romanian detention units, in 2013, the rate of re-offending was at 45,78% (also registered for 2012). The National Administration of Penitentiaries (ANP) has allocated in 2013 a budget of 1,005,747,000 Lei for the 33,434 inmates from prisons. The annual cost of maintenance for an inmate is 30,082 Lei, which means 2,507 Lei each month. These costs include: operative costs, heating, water, fuel, food, drugs, reparations, maintenance materials, social security contributions, staff costs. At 16.04.2013, ANP reported a rate of occupation of the penitentiaries of 119% (in terms of the criteria provided by the Order of the Ministry of Justice no 433/C/2010) and of 167% (in terms of the standards specified by the European Court for Human Rights). In comparison to the situation from the detention institutions, a calculation of the cost spent with probation activities reflects much lower costs (31 Lei per month for each probationer). Pronouncing penal sentences with non-custodial sanctions leads to diminishing the number of custodial measures.

**Capitalizing the socio-economic potential of offenders and their contribution to the moral redress of society**, for which the probation system has mechanism to act, through the educative content of the sanctions. Persons remaining in the community can get/keep a job and pay taxes, they can take care of their own families and they can satisfy their financial duties, thus preventing the pauperization and the economic burdening of the state.

### **Assuming responsibility for committing offense by minors**

The analysis of 117 assessment reports, dating from 2009 to 2014 for minors, reveals that 96 of them take full responsibility for the offense, 17 minors only partially, while in the case of 2 minors the acknowledging of the responsibility could not be established, as the legal and content exigencies did not allow for inserting such a mention in the content of the assessment report, if a meeting with the minor did not take place (2 assessment report were made in such conditions) and only 2 minors did not assume responsibility, denying categorically committing it.

By way of comparison, we can conclude that adult persons under probation (evaluated at the first meeting of the supervision process) assume less the offense, once they were sentenced, and the sentence is definitive, having the tendency of constructing criminal scenarios placing them in a positive light in the interaction with the probation counselor. Studying with great accuracy the penal sentence (all the more so of the penal file) represents a source of clarification for the probation counselor, who, by knowing the specific information regarding the offense, can come up with strategies of confronting and clarifying the neutralization techniques use by the convicted person. The study of 102 probation files from 2013 and 2014 reveals that 63% of the adults took full responsibility for the offense they done, while a significant percentage of 37% assume only partially or deny (16%) the responsibility for the offense.

### **The perception of the community partners regarding the probation system**

From the answers given by the collaborators, we can distinguish between opinions which appreciate a major social impact of the probation activity, these opinions being grounded in the success of the responsabilization of the convicted persons, the recuperation of the persons with social and behavioral problems and offering them a better alternative for improving their lives. The answers regarding the moderate impact of probation refer to the deficiencies of the probation system (insufficient staff, low visibility) or personal (not knowing in depth the domain of probation). Judges and community partners perceive the importance of the probation activity, appreciating as strong points of collaboration: promptitude, the quality of the work done, efficient dialogue, increased interest for solving problems, open attitude, availability. Moreover, they appreciate that stimulating local community in order to involve it in the social rehabilitation of convicted persons could occur through: informing campaigns regarding the positive results of probation, highlighting the benefits that the community could enjoy by involving itself in such an activity, an involvement on two levels: 1) probation staff sufficient enough as to take actions of informing the public regarding the probation service (mediatization); 2) the sustainability of public strategies (i.e., social policies of preventing unemployment).

### **The perception of students regarding the probation system**

As to the perception of students from the university environment, from the total of 214 subjects that were questioned, only 54 knew how to answer at the filter question “What is probation?” (20 reacted only when the alternative term “probation officer” was given to them). Out of those who know

probation, a single person did not submit the questionnaire, thus only 53 questionnaires were analyzed. The field of probation is more familiar among the students from the Faculty Social Work – 31 out of 32, less among the students from the faculties of Law and Psychology (10 out of 48, and 22 out of 106 respectively), at Sociology only 1 out of 16 heard of probation, while at Pedagogy, none of the 12 students enrolled in the current university year did not know what probation is and do. 81% of the students who formed our sample do not know, not even approximatively, when the probation system works in Romania, while 61% have never seen a probation counselor. In the same time, 20 students out of the 53 do not know any attribution of probation, 41 have heard tangentially of probation at the faculty courses or from mass media or other sources, while 33 students do now know where from they could get informed regarding this domain. 39 of the students' responses think that the work of probation is complex, 36 finding it captivating, 28 demanding, and 15 difficult. However, 41 respondents wish to become probation counselors, 50 of them considering the activity as important (because it facilitates changing, integrating, optimizing the behavior of the offenders through a multidisciplinary approach, preventing re-offending). 9 students do not wish to become probation counsellors, due to reasons related to fear, risks, insufficient income. Students manifest a great concern for this field, showing their wish to be informed and to organize meeting for better knowing the probation system.

### **The perception of the management and of the staff of probation regarding the activity of the institution**

From the questionnaires administered to the employees of probation results that the problems felt acutely by the counsellors between 2010 and 2013 refer to: over-agglomeration and the complexity of the tasks and cases in terms of the lack of human resources (47 respondents out of 50), the lack/insufficiency of the material means of the services: secretariat services, phone/written/electronic correspondence, maintenance and cleaning (37), the deficient image at the central level, the lack of receptivity of the deciding factors towards the problems of the system, the lack of the functional community network (30), the lack of right of the staff, in comparison to other categories of employees from the judicial system, disadvantageous positioning, the devaluation of probation work at the central level leading to the demotivation of probation counsellors (21). In 2014, besides previous problems, counselors confronted with organizational problems and issued regarding the structural reforming of the system (50 responses for each item), the lack of regulation in applying the specific law and the lack of training of counsellors regarding the new legislation (50 responses for

each item). For addressing these issues, the counsellors suggest: urgent allocation of resources (human and budgetary), institutional development along specialty compartments (46), adopting practical regulations and forming the staff on the new law (44), motivating probation counsellors through giving them rights and financial rewards corresponding to the attributes and responsibilities they have (26), promoting the visibility and the importance of the profession at the level of decision factors, adopting institutional policies meant to value probation, raising the responsibility level of the community partners (19). 49 out of the 50 counsellors appreciate a high and medium efficiency of the probation system, a single response shows a low one, due to the high volume of workload which diminishes the quality of work. Among the most important arguments regarding the high level of efficiency, we can list: protecting the community, reintegrating the offenders (18), low level of re-offending (14), reducing the costs at the budgetary level (15), avoiding prison contagion (5), the high level of satisfaction concerning the professionalism of the counsellors as appreciated by the courts and beneficiaries (15). Counsellors' arguments regarding the medium efficiency and low visibility of the system refer to the impediments of the nature mentioned above (problems of the probation system). Probation counsellors from Romania propose a series of recommendations regarding promoting the system of probation, which will be discussed in the final section, where the conclusions are drawn and we formulate further research proposals, social measures and legislative measure for the field of probation.

From the data provided by the National Direction of Probation results that, in the service with the highest workload, in 2013, the average number of supervision files per one probation counsellor was 160 (caseload), without including here the activity of assessing and the rest of specific activities.

The Ministry of Justice predicted in an impact study addressing the coming into effect of the new Codes the dynamic of the activity and the probation staff necessary, but nonetheless, the number of probation staff remained the same as before the coming into effect of the new codes. At the present time, the probation services still do not have their own auxiliary personnel (drivers, secretaries, etc.).

## **Chapter IV. The outcome of probation activity. The results of the intervention and of the research carried out**

### **Results of the research study no. 4**

#### **Results of case study no. 1**

Participating to the program has offered the beneficiary the possibility of gaining and developing skills such as: communication, interaction with other persons and work in group, the analysis of his or her own problems and the identification of solving strategies, the analysis of behavior in the light of antecedents, understanding how thoughts and feelings influence behavior, developing skills of alternative thinking, training their capacity of analyzing the results of any decision and reflecting upon the consequences, increasing the level of understanding related to factors of risk, understanding the importance of establishing objectives in the change process, analyzing his or her own social aptitudes of social interaction and the type of behavior lying at the basis of maintaining within the sphere of the prosocial, analyzing his or her own perspective regarding offending, developing skills in analyzing the victim's perspective by placing in the victim's position, developing capacities of analyzing and synthesizing and developing skill of planning activities. From the perspective of collaborating within a group, the beneficiary asserted herself through initiative, opening towards dialogue and receptivity. Throughout all the sessions of the program, the minor showed interest towards the topic debated, constantly involved and most often, by his own initiative, he offered responses, suggestions and points of view, offering support for the other members of the group and sometimes coordinating the group exercises, making summaries of the discussions or analyses of the topic addressed. From an attitudinal point of view, the minor showed positive reception of new knowledge, acknowledging their utility for himself, in the process of developing and maintaining a prosocial behavior and consolidating the motivation for change. The minor has recorded progresses in the process of counselling and assistance by participating to the counselling program, he developed his communication, analytic and synthetic skills, and his capacity of understanding concepts, which, transposed into practice, will consolidate and develop some skills and facilitated the adoption of positive attitudes.

### **Results of case study no. 2, 3 and 4**

Minors managed to internalize notions and concepts correlated with the idea of the group: communication, interaction, cooperation, setting rules associated with problematic situations, analyzing thinking and feelings, elements which can translate into criminal patterns, the assimilation of the concept of self-control in the context of motivating for change, accepting the necessity of modifying the habits of dysfunctional interaction, understanding that each person is responsible for his or her own life, for succeeding to maintain in a stage of change. They have actively participated to the group activities, showing interest for these and wishing to transpose the practical aspect into their own life situations. As a result of the programs to which they have taken part, minor solved the problems with which they have entered at the beginning of the counselling program.

### **Predicting juvenile delinquency and preventing re-offending**

**The analysis of the educative measure in the probation system** revealed that case managers face difficulties regarding the short duration of educative measures, a fact affecting the goal of their application. Another set of problems was represented by insufficient individual, family and community resources (besides the lack of staff in the probation system mentioned above), a fact that prevents the achievement of the objectives established.

At the end of the study, we have developed a table of **Predicting juvenile delinquent behavior**, from which we can deduce an approximate profile of the minor predispose to commit offenses: early criminal beginning (pre-delinquency), male gender, rural and urban residence alike (slightly favoring urban provenance), with a repetitive criminal pattern. Minors are predispose to commit group offenses and, in general, thefts. Regarding individual factors, in committing criminal offenses will be involve minors predisposed to be influenced, who are irascible, who consume addictive substances, and have a negative attitude towards prosocial norms and a low motivation to behave and change in accordance with these. It is more probable to commit offenses those minors who have friends with anti-social behavior and with a low school performance, ready to receive the influence of dysfunctional models from mass media and their peer groups. The impossibility or lack of parental supervision (due to negligence, long working program, working abroad, etc.) can determine the delinquent behavior of the child. The problematic family environment, associated with a disorganized structure with criminal antecedents of both parents and a low socio-economic status will lead to children running away from home and juvenile delinquency.



## **General conclusions. Recommendations**

As a result of the sociological analysis, the complex nature of juvenile delinquency can be revealed, in terms of the triggering factors of the beginning of the attitudinal, axiological and behavioral deviations of children, the problem of social reactance towards these, in order to ensure the punitive functions and those of social rehabilitation of the punishment, but also under the aspect of performing the legislative framework and the working strategies in the field, in order to achieve prophylaxis and to prevent the problem in cause.

Regarding the research questions and the working hypotheses advances in this thesis, we can deduce the following aspects: under the direct influence of the risk factors to which children are exposed, they will develop pro-criminal cognitions, favorable to committing penal deeds. The amplitude of these criminal behaviors is in direct link with the mechanism of intervention of the deciding factors, but also with those of the specialists with responsibilities in the field.

Noticeable is, therefore, both the specificity of the family environment, as well as other factors, such as: low school performance, peer group with bad influence, migration, low economic status and low dwelling conditions which determine the children to adopt some coping solutions starting with abandoning the family and ending with engaging in criminal offenses. The variables and factors that can be put in a direct relation with the problem of adopting deviant behaviors by minors are the dysfunctionality of the families of provenance, the lack of supervision and monitoring from the part of the parents, exposure to negative influences coming from the peer group having unconstructive preoccupations, the diversification of the triggering situations of criminal behavior, family members' criminal antecedents, but also the type of family structure and school failure, the latter aspect necessitating further research.

In this context, the problem of the form of special protection and social insertion of this category of minors becomes acute, since these minors can be engaged in programs of prevention and intervention, of support and protection in order to achieve the standards and objectives of performance, in the superior interest of the child.

In the same time, we consider as relevant the legislative dimension, regarding the aspects of judicial and psycho-social nature, as well as in terms of the minors' capacity to function as individuals who are an integral part of the community to which they belong.

In this sense, the question that arises refers to the specificity of the correctional methods of juvenile delinquent behavior, from the perspective of their efficiency, under the aspect of the finality

to which these aim at. The goal towards which the decision and intervention factors converge is the reformation of the sanctioning system in the field of juvenile justice, under the aspect of its particularization, in terms of the sanctions applied to adults.

The changes of the internal and external organizational environment determine various demands upon the judicial system which rebound upon the probation as well, which is good to be recognized in advance. It is not possible for all situations to be foreseen as to solve every problems, but some lines of action can be developed from the primary needs that were identified in this study. The internal dynamic of the institution implies development and change in order for it to achieve its goals, such as: managerial competence and excellence (technical skills, strategic/decisional abilities, human resources skills, and the aptitude of correlating the social, cultural and political-economical dimensions of management).

### **The limits of the research**

One of the limits of the research is conditioned by the impossibility of establishing the same representative sample of juvenile delinquents, as soon as from the pre-sentential stage, which could be assessed at a later time, after the imposition of educative measures custodial or non-custodial, under the aspect of the attitudinal evolution regarding criminality, as a result of institutional intervention, as well as the difficulty of following the same persons, after the end of the educative measures, in order to assess the impact and the efficiency of the intervention. An indicator by which this limit could be counteracted is represented by the rates of re-entry into the system, as a result of re-offending of minors to whom interventions were carried out for their social insertion.

Due to systemic reasons, the lots of subjects from re-education centers and from penitentiaries were small, as it was not possible to access a larger number of minors and youths. For this reason, the number of subjects making up the control group, formed out of non-delinquent minors, had to be adapted to the number of juvenile delinquents who could be accessed.

It is well know that, in artificial environments (such as detention units), an impediment for the researcher is that referring to the level of desirability in the responses returned by the subjects. This limit was counteracted by ensuring the confidentiality of the responses, by explaining that the responses do not influence, in no way (positively: by facilitating their release from prison, or negatively: by drawing disciplinary sanctions) the detention conditions of the subjects.

The limits related to data analysis concern the fact that more correlations could have been made between the risk factors that were identified and the minors' delinquent behavior. This aspect

did not present a major interest for the author of this thesis considering the large number of previous research carried out on this topic which highlighted significant causal links between risk factors and juvenile delinquent behavior. The major preoccupation consisted in identifying those factors, in illustrating their determinism in a quantitative manner but also in an detailed and in-depth analysis through concrete situations (case studies), but moreover – in highlighting the opportunity of criminal policies of rehabilitation and restorative measures in the case of minors, with a significant accent on the criminal institution responsible for coordinating the non-custodial educative measures of minors who committed criminal offenses and are penally responsible for their actions – the probation service.

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