

**BABEȘ BOLYAI UNIVERSITY**  
**FACULTY OF SOCIOLOGY AND SOCIAL WORK**  
**DOMAIN: SOCIOLOGY**

**THE EVOLUTION OF DELINQUENT BEHAVIOR FROM  
LIFE COURSE PERSPECTIVE**

**PhD. CANDIDATE: *IOANA TOMA-BAUMGARTEN***

**PhD THESIS SUMMARY**

**SCIENTIFIC COORDINATOR:  
PROF. UNIV. DR. MARIA ROTH**

**CLUJ-NAPOCA, 2016**

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## **Abstract**

*Within the context of the social impact that the educational measures non-depriving of liberty have on the behavior of juvenile delinquents, I find it necessary to elaborate a scientific approach to better understand the delinquency phenomenon in relation to the outcomes of probation, as a form of punishment for juvenile delinquents. The importance of the implementation of measures depriving of liberty is even more acutely as the main social actors are minors and youngsters. The evaluation of the outcomes of probation as a punishment has been made by relating this study to the sociological perspective of the life course and its specific analyzing methods (event history analysis), which allowed the examination of ways to get out of probation, among the population subjected to this investigation, giving an embedded perspective on the characteristics which define the final outcome of probation.*

***Keywords: delinquent behavior, juvenile delinquents, probation outcome, life-course perspective, event history analysis.***

## **Introduction**

The delinquency phenomenon seen from the life course perspective is a path found under the impact of historical and social changes that individuals live everyday and which constantly change<sup>1</sup>. As a stage of interest, the adolescence presents a high risk for delinquency, being defined by sudden changes that adolescents go through. During this period the adolescents face new responsibilities, new social roles, the need of being independent and having thrills appear, while parental control decreases and the adolescents become more rebellious; the need of having extra resources increases, including the material ones and peer influence establishes also<sup>2</sup>, an aspect that can lead to adopting new behavioral patterns with antisocial or delinquent influences

The sociological perspective of life course within the context of this research

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<sup>1</sup> Chung *et al.*, 2002; Sampson și Laub, 1993; Hagan, 1997; Ayers *et al.*, 1999

<sup>2</sup> Agnew, 2003

doesn't include only singular characteristics in evaluating the outcome of probation as a punishment, but also analyzes a complex of characteristics on socio-familial and educational levels of the individual, which can influence differently the way of exiting probation among the subjects of this investigation.

The importance of this research consists in its actuality and the interest presented within applying educational non-depriving of liberty measures, as an alternative to depriving measures, in the context of practices that consist in restorative elements and are structured starting from the hypothesis that "human beings are happier, more cooperative, more productive and more willing to make positive changes in their behavior, when individuals in authoritarian positions do things along with them, rather than to them or for themselves"<sup>3</sup>.

**The main issue** of this doctoral thesis aims to analyze the situation of minors and youngsters that were sanctioned with an educational non-depriving of liberty measure, and that were monitored during executing the punishment, via the outcome of probation/the way of exiting the probation service. In order to assess the outcome of probation, this was evaluated as a measure/sanction applied to delinquent minors/youngsters and its efficacy among this category of subjects, in the context of the old legislative body (The old Criminal Code in force until the 1<sup>st</sup> of February 2014) as the period of research targeted the years 2001-2014.

This paper doesn't have as an aim elaborating a legislative study that analyzes this issue from the perspective of legal issues concerning delinquent minors and youngsters, but elaborating a sociological study from a sociological perspective of life course, that will underline a series of individual, socio-familial and socio-educational characteristics, that imply the monitoring period and that influences the outcome of probation (the success and failure among the population subjected to the study). In the context of sociological perspective – the research approaches the legislative body in force in the period of the investigation and uses, as an analyzing method, the event history analysis used in life course research. We evaluated the outcome of probation in relation to a series of characteristics that are associated with the success or failure of probation.

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<sup>3</sup> (Wachtel și McCold, 2004, p. 1).

In this research I chose a definition for probation as a result of a synthesis of an etymological framework. *Thus, probation is a form of punishment for juvenile delinquents and criminals, which consists in organizing and executing to monitoring of an individual that has been punished by monitoring/surveillance of one's behavior, receiving assistance and individual counseling in order to have a more law abiding lifestyle; the aim of probation is amendment, correction, re-education and rehabilitation of a person that has committed a crime, in order to prevent the risk of new crimes and to increase the security level inside a community.*

According to the definition and aim of probation, the author used in this paper the following concepts: “probation success” – with the meaning of “respecting the measures and obligations imposed by the court”; according to the legislative framework mentioned earlier, the exiting of probation of an individual takes place in ceasing moment of monitoring/surveillance<sup>4</sup>, the passing of a time period where the individual has not committed another crime, respected the measures and obligation imposed by the court, and the educational measure hasn't been revoked based on court final decisions.

The concept of “failure of probation” is used with the meaning of “the violation of measures and obligation imposed by the court or revocation”; the failure means revoking the ongoing educational measure for committing a new crime in the period of surveillance and violation of measures and obligations imposed by the court, revocation that takes place based on a court's final decision. We will mention the content of non-depriving educational measures in the second chapter of this paper, where we will discuss the legislative body of applying this kind of measures.

Approaching the analysis of the probation outcome, the analysis of the way minors and youngsters exist probation, is an opportune, current, and interest matter first of all. We consider this in terms of the study population and their needs and secondly, in terms of the need to consolidate certain social policies that should be viable in sustaining some positive outcomes that target the final outcome of probation, minimizing on the long run, the negative effects that a delinquent career can develop.

## **Chapter II Probation**

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This chapter treats probation as an object of sociological research – the birth of probation in an historical and valuable framework that is clearly defined. We approached aspects that imply defining the term probation, probation as a measure/punishment, by presenting a brief history of probation in Romania and the importance of this measure/punishment in the context of a justice system where retributive elements that have restorative accents, are prevalent. We also briefly present the legislative body in basis of which probation was consolidated as a punishment/institution. Within the same chapter we present some relevant studies that analyzed the outcome of probation and the efficiency of programs that took place internationally and we discuss the importance of risk and protective factors in the appearance or stopping delinquent behavior. These factors are discussed in the context of assessing the outcome of probation (e.g. the lack of parental control, lack of school education, the lack of material resources, etc. expose minors/youngsters to a high risk of delinquency and to failure in exiting probation in a positive manner) but also the way in which protective factors (e.g., family support, material resources, graduation, etc.) help youngsters during probation to overcome the delinquent behavior and to exist probation with success.

Thus probation, as a punishment, keeps individuals that have committed crimes, within the community where they can keep social connections that offer them support in overcoming delinquent behavior, an even more important support as we are talking about delinquent minors, becoming an alternative to prison<sup>5</sup>. Probation as a punishment aims to keep the individual within the community where he can have social activities and keep family relationships, school activities and also relations with other institutions that can help him. Having social activities and social bonding are achieved by measures and obligations imposed by the court. Probation, thus, operates in many social dimensions and offers within the sanctioning perimeter, a series of elements that meet the needs of minors and young delinquents and offer them the possibility of rehabilitation and also assures the safety of the society they live in.

Concerning the history of probation in Romania, having a retributive justice system, the first relevant forms of probation announcing the development of a system

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<sup>5</sup> Durnescu, 2008, p. 8

founded in Romania, appear at the end of the twentieth century. The year 1996 marks the debut of probation in our country through the DGP's initiative in developing a "Concerning the history of probation in Romania, having a retributive justice system, the first relevant forms of probation announcing the development of a system founded in Romania, appear at the end of the twentieth century. The year 1996 marks the debut of probation in our country through the DGP's<sup>6</sup> initiative in developing a "program of probation, which consisted in the implementation of a pilot project in the Aiud Penitentiary, for organizing and functioning of an experimental center of probation" after which more experimental centers appeared in Cluj, Gherla, Dej and Iași (year 1998), Pitești, Târgoviște și Timișoara (year 1999) and Bucharest (year 2000).

The beginning of the XIX century brings news within the legislative perimeter, due to the success of gained in operating the 11 pilot centers in Romania. Therefore, the following legislation was adopted: Governance Ordinance no 92/2000 on the organization and operation of social reinsertion and supervision of the execution of penalties non-depriving of freedom (Ordinance subsequently approved by Law no. 129/2002); Governmental Decision no. 1239/2000; Regulation implementing the provisions O.G. no. 92/2000 regarding the procedural framework of probation. The years 2001 and 2002 enjoy nationwide expansion of the probation system by setting up reintegration services, which were administratively subordinate to Courts. In the legislative framework, supervision, counseling and assisting individuals (e.g., individuals sentenced to imprisonment, suspended under supervision) under which the Court ordered compliance of measures and obligations,<sup>7</sup> minors to whom the educational measure of supervised liberty and suspension of executing the punishment under supervision or control<sup>8</sup> is applied, are priorities to probation services.

Law no. 211/2004 on the protection of victims of crime, and Law no. 272/2004 on the protection and promotion of children's rights on the assessment of juveniles who have committed criminal offenses but not criminally responsible, evaluation that aims adoption of protective measures that respect children's rights also comes to the attention of the probation service.

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<sup>6</sup> Direcția Generală a Penitenciarelor.

<sup>7</sup> Art. 86<sup>3</sup> alin. 1, lit. a-d și alin. 3 lit. a-f, Criminal Code from 1969

<sup>8</sup> Art. 103, alin. 3 lit. a-c și art. 110<sup>1</sup> Criminal Code from 1969.



A few years later, follows the adoption of new legislation to configure the Probation status (Law no. 123/2006 concerning the status of staff involved in probation services; Law no. 327/2006 on salaries and other entitlements of staff involved in probation services and Law no. 275/2006 on execution of punishments and measures ordered by the court during the criminal trial, that has elements involving probation services. In 2008 O.U.G. no. 31/2008 was adopted, on amendment of Art. 482 of the Criminal Procedure Code of 1969 emergency ordinance through which probation services were no longer required to prepare evaluation reports at the request of investigators, while the request for drafting assessment reports by the prosecution received were optional. Recently there were adopted new laws, namely, Law no. 252/2013 on the organization and functioning of probation and Law no. 253/2013 on the execution of punishments, of educational measures and other non-depriving measures, ordered by the court during the criminal trial, but also the entry in force of the new Criminal Code, at the 1<sup>st</sup> of February 2014, bringing significant changes regarding juvenile cases, namely, it eliminates penalties for minors. Within the new legislation context, minors will be punished solely on the basis of educational measures, which can also be depriving or non-depriving, issues on which the author will get back to within this chapter. According to the new legislative framework<sup>9</sup> the probation system as a public service, contributes to the administration of the act of justice, and the work of the probation system is carried out in the interest of the community, with the aim of social rehabilitation of offenders, and in diminishing the risk of committing new crimes and also increasing safety in the community. On matters related to the promotion of community sanctions and measures, they pursue, firstly, to reduce the social costs of sanctions and penal measures execution by reducing the population in penitentiaries, and secondly, exploiting the socio-economic potential of criminals and maintain community safety; strategy which aimed alike - both macro and micro level benefits. In such a legislative framework that was strengthened significantly in the first part of the nineteenth century and contributed to the insertion in the retributive justice system, restorative elements, the paradigm of punishing juvenile offenders in the local area changes. Regarding the **studies** that have evaluated the outcome of probation in Romania, the research framework is not an extended one, on the

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<sup>9</sup> In Law no. 252/2013.

contrary, there are no studies that have a longitudinal, prospectively or retrospectively design and that analyze the outcome of probation in terms of features identified in the population of minors and / or youngsters who received non-depriving of liberty measures. The analysis of risk of failure in probation using, as a method, the event history analysis, offers the possibility of developing appropriate social policies that take into account the optimization of surveillance, in order to obtain a positive final outcome in probation, highlighting at the same time the fact that the effects of educational measures non-depriving of liberty on the life course of a minor / juvenile offender are significantly reduced compared to the effects that the depriving measures produce.

The success and failure of probation are defined differently depending on the aim of the research. The findings of a pioneering study, important on the field of probation, undertaken in 1958<sup>10</sup> showed a success rate of probation (the success being measured by compliance of certain measures and obligations and avoidance of a new conviction for three years after exiting probation, but also the violation of certain measures and/or obligations without involving revocation) of 73.8% for adults and 62.4% for juvenile offenders. Obtaining favorable results in that certain period of probation (involving methodological difficulties of that era) have encouraged and supported efforts to strengthen probation both as punishment and as an institution, like society's trust to grow, and its role in the rehabilitation process of individuals who commit criminal to be an important one. Failure of probation<sup>11</sup> can be operationalized by failure in respecting measures and obligations imposed during probation, evading compliance without further notice of the probation service in charge, situation where non-depriving measures are revoked and a new measure, non-depriving or depriving of liberty, is imposed, and it involves another content of the measures and obligations.

Characteristics such as age, ethnicity, workplace, level of education, stability in a relationship, criminal record were most often associated with the outcome of probation, with success or failure of probation alike. Criminal history appears in the literature, alongside the features of surveillance period, namely, the period of surveillance and the

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<sup>10</sup> Radzinowicz (1958 *apud*. Farrall, 2013),

<sup>11</sup> Morgan (1995, p. 143 )

quality of surveillance as strong predictors of failure in exiting probation <sup>12</sup>.

Studies show that a percentage between 14% and 60% of those entering the probation are arrested again during the surveillance period, as a result of violation of measures and obligations imposed by the Court or for committing a new crime during this period<sup>13</sup>. In this respect, high rates of failure of probation draw attention to the need for exploration and deeply understanding of the recurrent characteristics of surveyed people that lead to such phenomenon, but at the same time on the protective factors that can lead to minimizing this risk, and implicitly to shaping a positive model of probation, a successful model; issues on which attention will be focused in this paper as well. According to the findings of research conducted in U.S.A., the majority of population on probation are predominantly males (76%), the female population is significantly reduced; and regarding race, most of them are Caucasian (56%), followed by African Americans (29%) and Hispanics and Latinos (13%); 48% had a previous conviction, and in terms of age, 26% were aged 18-24 years<sup>14</sup>.

Recent studies<sup>15</sup> show that there is progress in the outcome of probation, so 73% of those entering the probation supervision period end it successfully, 82% of all individuals fulfill measures and obligations; while a significantly reduced percent of 18% of the monitored people fail to complete the term of supervision and exit probation by revoking the measure (probation failure) due to violation of measures and obligations imposed. The factors influencing the outcome of the probation system by failure involve alcohol and drug consumption, psychiatric problems; and the lack of family support is among the strongest indicators of risk in exiting probation in a positive way<sup>16</sup>. At the end of the chapter we discuss a number of risk factors identified in the literature as predictors for delinquent behavior, an approach that is important in the current scientific research. The risk factors taken into consideration in this research topic involve: education and entourage of offenders, family - separation / divorce of parents and parental incarceration.

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<sup>12</sup> Taxman, 2008, 2009.

<sup>13</sup> Morgan, 1994.

<sup>14</sup> Taxman, 2009.

<sup>15</sup> Glaze and Boncazar, 2008.

<sup>16</sup> McLellan *et al.*, 2000.

### **Chapter III. Theories referring to causes of delinquency**

The third chapter "Theories referring to causes of delinquency" presents a selection of relevant theories in the context of the research topic and discusses theses of classic sociological theories in the field of delinquency, for their relevance to the analysis of delinquent behavior. The discussion of these sociological theories in the context of the current research is due to the need of anchoring the empirical research in a framework based on classic and rigorous research in the field. We punctually address theories that have analyzed delinquent behavior from different perspectives involving social, environmental, family or individual factors (e.g, the theory of social disorganization, the social control theory, the theory of differential association, the theory of routine activities, the rational choice theory, are just some of the classic sociological theories that have constituted the background of this paper). We also discuss a number of theories referring to the development of delinquent behavior, that have managed to stand out in the literature of the last decades, by exploring the way conventional and delinquent behavior influence during life and how social changes influence human behavior, both non-delinquent and delinquent. These theories took up in their structure elements of classical sociological theories in the field, and they are not an actual novelty (e.g., association with delinquent peers, low attachment, educational problems, etc.) but rather offer a more complex explanation regarding the appearance of delinquent behavior in the historical, economic and cultural processes within a society (e.g., coercive exchange, self-control theory, antisocial potential theory, etc.).

### **Chapter IV. The sociological life-course perspective and its applicability in analyzing delinquency and probation**

This chapter presents the general theoretical-conceptual of the sociological life-course perspective (principles and concepts) used in this research and its applicability in analyzing the phenomenon of delinquency and probation.

The sociological life-course perspective is currently among the most used analyzing method in longitudinal studies on individuals' lives. This perspective entered

the sphere of interest of social research in 1950 and is linked to the name Mills (1959), who proposes life course “as a distinct field of study in behavioral science that covers the study of biographies, history and problems that involve social structures”<sup>17</sup>. Life course is a theoretical orientation, a paradigm, a "theory" particularly relevant for studying human development and growing older<sup>18</sup>. In line with this position, the sociological approach to life course offers the possibility of enabling a vast research area broad to serve as a support for researchers in descriptive and explanatory demarche, to determine the necessary logical judgments in order to delineate the research area, the selection process of variables, but also the research design and methods of data analysis.

The life course is perceived as "a theoretical orientation that consists of models graded by age, embedded in social institutions and history, vision that provides insight into the consequences that social pathways have on the development process and aging in various social and historical contexts of life"<sup>19</sup>. The author further states that use of the concept of life course can be used with the meaning of life span, life history or life cycle noting that although these terms are part of the life course terminology, they are not synonymous with the concept, as each term is autonomous in relation to it.

The meaning an incursion in terms of life events analysis is linked to the need of placing investigated subjects in the research, at a time and place where they have evolved as children, then as adolescents and youngsters; reporting the life events and transitions they went through. Thus, this sociological perspective offers significant opportunities to analyze the evolution of delinquent behavior in early stages of development, by analyzing the way an individual went through schools and school dropout, all the way to being sentenced with a non-depriving of freedom measure (entering probation and the punishment of the minor/young adult with a non-depriving of freedom measure) and the evaluation of probation outcome as a measure.

The specific analyzing methods integrated in the specified paradigm analysis thus offer the possibility of studying social phenomena in a more efficient and applicable manner, than the classic ones allow it<sup>20</sup>, since conventional analyzing methods always fail

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<sup>17</sup> Mureşan, 2012, p. 15.

<sup>18</sup> Merton (1968), *apud*. Mureşan, 2012, p. 18

<sup>19</sup> Mureşan, 2012, p. 12

<sup>20</sup> Elder *et al.*, (2003)

in capturing the multitude of changes that appear in life, in a more complex and extended way concerning several dimensions of human life. These analyzing methods ideally offer the researcher the possibility of a wide and rigorous analysis, on a complex universe of features that characterize and customize each subject's life course. In this study we used as a main analyzing method, the event history analysis to evaluate the outcome probation as a measure in the context of features identified in the population of minors and youngsters in probation.

Research on life course tracks factors and variables that can contribute to shaping new perspectives on the etiology of delinquent behavior development and its cessation, which have a supportive role within the programs of prevention and intervention; the goal of these programs is the desistance of delinquent behavior or hindering the development of a criminal career. According to life course, delinquent behavior is perceived as part of the complex of pathways through which a person goes through; certain paths (e.g., education or work) can have an effect on delinquent behavior.

The principles of the sociological life course perspective, discussed in the paper are <sup>21</sup>: *the principle of agency* - people build their own life course through the choices they make and their actions in relation to opportunities, historical constraints and social circumstances; *the principle of human development* - human development and aging are long processes, running throughout life, *the principle of time and place* - the life of a person is embedded and formed by the historical time and place in which the individual lives his life; *the principle of timing* - the antecedents and consequences of transitions, events and behavioral patterns vary depending on their timing during life; *the linked lives and social ties* - lives are lived interdependent and social and historical influences are expressed through the network of interpersonal social relations.

Along with those principles we discussed key concepts of the life course perspective, namely: generations, life events, turning points, trajectories in the context of their applicability in the context of this research paper, and also we discuss issues related to the desistance, from the life course perspective and importance of this process in the lives of offenders. In the context of the sociological perspective of the life course,

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<sup>21</sup> Elder Jr. *et al.*, 2003, p. 11).

the process of desistance in its complexity occupies an important role, exiting the probation system is a major event, to which multiple forces are trained; both sanctioned individuals and authorized professionals whose role is to facilitate and optimize the finality of the surveillance process, in order to obtain favorable results, to support desistance after leaving probation. From the perspective of the surveyed person, the desistance process builds gradually, from the entering probation by a complex interaction of factors, conditions, attitudes, actions, commitment, and involvement.

An important role in this direction is the collaborative attitude manifested by the person under surveillance in relation to professionals in the probation system, and activities taking place during his presence in probation, but also the individual's motivation to change his delinquent behavior and adopt a prosocial one. The life events experienced by the surveyed person after entering probation, are also valued (e.g., employment, marriage, early parenting, etc.), events that can effectively contribute to support the motivation for changing delinquent behavior and activate the process for change and rehabilitation of the surveyed person, by assuming new social roles involving new responsibilities, which often change future perspectives (e.g., marriage).

The process of desistance<sup>22</sup> tries to diminish risks and focuses on the welfare of people under surveillance, but also on the victims and the community in general. The evaluation is a fundamental step where risks, needs, strengths, resources available to enable wellbeing among surveyed people, and the community, are assessed; followed by focus on the practical segment, step where common tasks are clearly defined, the accent falls on active participation in identifying risks, needs, existing resources, barriers, the main goal being to develop the capital in the life of the surveyed person (both human capital - motivations and capabilities, as well as social capital - networks and opportunities).

### **Chapter V. Outcomes of probation (Own researches)**

**Chapter V** presents the results of my own empirical researches (quantitative research – the event history analysis as a method in assessing the outcome of probation, and qualitative research – the impact of life events on delinquent behavior of juvenile

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<sup>22</sup> McNeil (2006)

population).

**The quantitative research. Event history analysis as a method to assess the outcome of probation** - After establishing the quantitative research design and methods of data collection, we opted for event history analysis, to process the collected data. The argument in favor of choosing this particular method is related to the fact that it enables the researcher to analyze a phenomenon/event over a long period of time and captures the impact of certain factors/features of the event studied (in the context of the present study – the analyzed event is the outcome of probation (probation failure or success), and the factors are found at the individual, socio-familial, socio-educational levels or at the ones that involve the counseling process in the surveillance period)., Regarding social data collection in this type of research (life course research)<sup>23</sup>, it is subordinated to the following principles, namely, that data must consider issues related to the socio-historical, social relationships (family, institutions), the chronology of life events, and chronological data encoding context, depending on the occurrence or time spent at a landmark event.

The argument regarding selection for investigating the population of juvenile offenders in the Cluj county stems from a desire and interest for this vulnerable group of beneficiaries who come in contact with the justice system, in order to synthesize a perspective on the recurrent type of exiting the probation system, by categorizing a series of features present among the investigated population in relation to the outcome of probation. Investigation of this category of individuals is a key issue in formulating proposals aimed to continue monitoring the risk factors regarding failure/revoked probation and focusing on complex protective factors and strengths that can enhance the success of probation, and which on long term can support the cessation.

The second argument regarding the analysis of exiting the probation system is related to the lack of a longitudinal retrospective study regarding the subject of this research, in the county of Cluj, but also in other counties, that analyzes the dynamics of exiting probation through the characteristics identified in the juvenile population that exit the probation service record by failure (violation of measures and obligations imposed by the court) or by success (compliance to measures and obligations imposed by the court).

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<sup>23</sup> Potrivit lui Giele și Elder (1998)



Such an analysis assesses the risk of failure in probation as a measure among the population of juvenile offenders and which are the characteristics of the studied population that increase the risk of failure in probation.

In this context, this paper captures the implications of individual, socio-familial, socio-educational characteristics, and those involving the length of counseling/monitoring on the risks so that both studied event, exiting by failure and success to occur; as they provide, on one hand, the proposal of models for preventive interventions to avoid minors and youngsters to exit probation by failure; on the other hand, it provides the basis for proposals to improve counseling and assistance in the probation period so that children and young people can successfully conclude the surveillance process, and the recurrent event is avoided.

**The aim** of this study is to analyze the dynamics of exiting probation, by assessing the outcome of probation in the population of juvenile offenders who have been sanctioned under the laws in force, in the period under investigation, with educational measures without deprivation of liberty, under the administrative-territorial unit of Cluj county, Probation Service Cluj. In analyzing the dynamics of exiting probation, the author sought to evaluate ways exiting the Probation Service, among subjects undergoing the investigation – successfully exiting probation or the success of probation and failure in exiting probation or failure of probation, according to the terminology set out in the introduction of the paper.

**Scientific objectives** – the general objective of the research is the study of a general framework of analysis involving: ways of exiting and length of being in the Probation Service of minors/youngsters, along with a number of characteristics of subjects undergoing the investigation that may influence exiting probation. We intended to illustrate a general overview on the length of being on probation and exiting probation by studying the characteristics of investigated subjects that could influence, on one hand, the chances of successfully exiting probation, and on the other hand, the risk of exiting probation by failure.

**Specific scientific objectives** - we intended to establish an operational framework with relevant social data, to assess the effectiveness of the measure of probation by relating it to the way individuals exit probation (through success or failure), in relation to

a number of features identified in the investigated population:

- ü Assessing the extent of the phenomenon of exiting probation by failure among minors/youngsters who entered probation;
- ü Identifying predictors that can be associated with exiting probation by failure or success
- ü Identifying categories of subjects which are more prone to exit probation by failure;
- ü Providing statistics that describe the minor's/youngster's situation in the probation system of the county;
- ü Elaborating a set of recommendations in order to improve the reintegration process by formulating proposals that focus on features of counseling, on which there were found statistically significant evidence that they impact the way of exiting the probation system.

**The research hypotheses** that have guided this research approach are:

- ü There are significant differences between subpopulations variables referring to individual, socio-familial, socio-educational and counseling characteristics, regarding being in probation.
- ü Adult male subjects, of Roma ethnicity, from urban areas, who went through the institutional child protection and come from dysfunctional families, characterized by conflicts, migration of parents, crime, who have a low education level, don't have a professional qualification, are not motivated to change and do not cooperate with the probation counselor, and are more likely to exit probation by failure
- ü Female minors, of Romanian ethnicity, from urban areas, receiving family support, have increased levels of schooling, are involved in gainful employment during the period of surveillance and collaborate with the probation officer during surveillance, are more likely to exit the probation system by success.

**Methods, instruments and research techniques used.** The research methodology was based on a selective research on a population consisting of minors and youngsters who were sentenced to non-depriving of liberty educational measures, during the years 2001-2014, and who were registered within the Probation Service. The research

had a descriptive and evaluative nature of the dynamics of record concerning exiting the Probation Service, among subjects undergoing investigation (minors and youngsters) of the administrative-territorial unit of Cluj County.

**The design for the quantitative research** was a longitudinal-retrospective type-exhaustive, data collection was possible using as a method, the analysis of social written documents - official (probation files of minors and youngsters in the records of the Probation Service) with an eye to build the database that was used in the present study and in the event history analysis. **The event history analysis** was used in the present research in order to study durations of not experiencing or "survival"<sup>24</sup> to one or more life events, over a period of exposure (...) investigating the risk of experiencing one or more events on the whole period of time in which the individual is at risk (the whole period of being in probation). In this research, the investigated subjects were at risk throughout their staying in probation, the surveillance period itself being an exposure to risk. Depending on the occurrence of an event happening or not, functions of survival were used, but also the hazard rate for a punctual interpretation of the results. Thus, each subject is observed from a start moment (entering probation), until the information truncating (exiting probation). In the case of the investigated subjects, we have one waiting time, at the end of which the studied event occurs (exiting probation by either success or failure).

Alongside the quantitative research we also used the **qualitative research** that allowed the outlining of dimensions explored in the study, which the quantitative research through its specificity would not have allowed it - in-depth analysis of certain dimensions covering the perception of the investigated subjects on their own life events, before entering probation, on the delinquent behavior, but also after this event occurred. We, thus, explored the subjective perception on life events, of situational contexts leading to their entrance into the world of delinquency (the way they lived, how they lived, when the delinquent behavior appeared – the reasons, what life events they went through, how they decided to commit delinquent acts, but also what the surveillance period means to them and how they relate to the content of the measures imposed by the court.

**Describing the investigated population** - investigated population consisted of

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<sup>24</sup> Muresan, 2012

all minors and youngsters who were registered in the Cluj county Probation Service, during the years 2001-2014. The investigated subjects in the specified timeframe were out of the Probation Service, in two ways that were analyzed in the paper, namely, by success or by failure. Cohort of entrance and also of exiting the Probation Service consists of 244 minors and youngsters. While entrance of subjects on probation takes place during 2001-2013, it is noted that exiting probation is delayed by one year, taking place during 2002-2014. Most entries and exits of the Probation Service took place in 2007. During this year 39 minors enter the evidence of the Probation Service, which represent 16% of the total number of juveniles entering probation during the years 2001-2014, and on the other hand, 37 young people exit probation, representing 15.2% of the number of young people exiting probation during 2002-2014. By 2007, 63.9% of minors enter the probation service, while only half succeed in exiting the Probation Service (31.1%), fact that draws attention to the surveillance process, bringing to the forefront factors could prolong or shorten the subjects staying in probation.

The maximum number of subjects, who manage to exit probation in 2007, represents 37 of the total number of minors. Among them, 67.6% (25 subjects) are minors aged 14-16, 10.8% (4 subjects) are 17 years old, and the remaining of 21.6% (8 subjects) are youngsters aged over 18 years. Considering minors, 32.4% stayed in the Probation Service a period of 0-12 months, while counterparts (youngsters), representing approximately 20%, spent up to 2, 3 or 4 years in the Probation Service. Regarding the maximum number of exits per age group, it appears that for the 14-16 years age group, the maximum is reached in 2007. The maximum number of subjects aged 17 years old that leave the Probation Service, is reached in 2012, representing 44.8% of those who exited probation that year, while for youngsters aged 18 -21 years, the maximum in terms of the number of exiting probation is reached in 2011, representing 54.8% (17 individuals) of the number of the ones leaving the service. We can also observe that the vast majority of subjects exiting the Probation Service, with the exception of 2014, spend up to one year on probation (31.6% of the total number of minors); while in 2010 the maximum time spent on probation is reached, 61-72 months, representing 20.8% of the total of minors leaving the service that year. Those who leave the Probation Service within 24 months represent half of the number exiting probation during 2001-2014.

Regarding the distribution of offenders by age, we can observe that 39.8% of crimes are committed by juveniles aged 14-16 years, a percentage close to the number of crimes committed by young adults (37.3%), and the ones aged 17, have committed 23% of the total number of offenses.

In all age groups, the most common offenses are grand larceny (72.1%) and robberies (14.8%). Minors aged 14 to 16 years, commit 39.8% of grand larcenies and 47.2% of burglaries, while grand larcenies are committed by 72.2% of minors who are in this age group, and robberies by 17.5%.

In the second category of subjects, the ones aged 17, 67% had committed grand larceny and 12.5% robberies. Also in this age group half of the prostitution cases are committed. 74.7% of those aged 18 and over, have committed grand larceny, and 13.2% of them have committed robberies. 38.6% of all grand larcenies and 33.3% of burglaries are among young adults major. Within this age group we can observe the highest percentage of assault cases (66.7%).

### **Variables used in the research**

**1. The dependent variable – The event studied** in the research is the exit of subjects under investigation from the Probation Service. Exiting the Probation Service has been operationalized by success (the minor/young adult has complied with measures and obligations imposed by the court and left the Probation Service when the surveillance period was over) and by failure (the minor/ young adult violated measures and obligations imposed by the court, the educational non-depriving of liberty measure was revoked). In the present study, the failure was operationalized by all forms that led to the exit of subjects from the Probation Service, before the period of surveillance was over: revocation due to violation of measures and obligations imposed by the court, arrest/imprisonment/hospitalization for committing new crimes during the test period; without particularly analyzing in this study one of the forms mentioned; this fact was due the author's attention toward the general phenomenon and the effects that certain variables have on exiting probation by failure in any form (whether revocation due to violation of measures and obligations imposed by the court or

imprisonment/hospitalization due to committing a new crime during the probation/surveillance period), which we considered important in this analysis.

**2. Independent variables:** The independent variables were grouped in 4 categories:

- Ø Socio-demographic features of the minor/young adult ;
- Ø Socio-familial features of the minor/young adult ;
- Ø Socio-educational features of the minor/young adult ;
- Ø Features of the counseling process that took place during surveillance.

The process of analyzing data obtained in this research involved two types of analysis, the **bivariate analysis and the univariate analysis**. The univariate analysis allowed a descriptive analysis of the investigated population in relation to a number of features established in subpopulations, depending on how the minors/young adults exited the Probation Service / the outcome of probation.

The selective findings of the univariate analysis show that subjects who left the Probation Service successfully and respected measures and obligations imposed by the court, represent about three quarters of the surveyed population, meaning 71.7%, while 28.3% of subjects investigated, represent the percentage of subjects who left probation by failure and violated measures and obligations imposed by the court. The investigated population consisted mostly of male subjects, 92, 6%, and 7.4% were female subjects. Regarding the age of the subjects entering probation, most of them fall into the age range of 14 to 16 years, a percentage of 39.8%, followed by the ones aged 17 - 23%, and category aged 18-21 years - 37.3%. 66.0% of subjects are Romanian, followed by Roma ethnicity - 31.6% and 2.5% - other ethnicities. 84% of investigated subjects had no criminal record when entering probation - 16% of subjects.

The bivariate analysis is the simultaneous analysis of two variables in order to determine the empirical relation between them, in addition to the univariate analysis, used in social research, it involves determining the relationship between the variables<sup>25</sup>, aspect pursued in the present study. Through the bivariate analysis we evaluated the dynamics of the two events studied, the outcome of probation through success or failure. Throughout

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<sup>25</sup> Babbie, 2010, p. 562.

being in probation, the investigated subjects were exposed to the risk of one of the mentioned events. The studied events, the successful exit and the exit by failure of the Probation Service, are two competing events, mutually exclusive that occur with different intensities in certain time intervals, aspect analyzed in the current study. To describe the ways of exiting probation, analyzed in this study, the author graphically described, through survival functions, the way the proportion of subjects that exited probation by success or failure, varies. To establish whether there are differences between the types of exiting probation among those that succeeded or failed in exiting the Probation Service, we used Log-Rank test for validation of results, to confirm whether the functions of survival differ among subpopulations, depending on the way of exiting probation.

We found it relevant to present the dependent variable **exiting probation by failure**, *time dependent* variable, which was calculated by reference to duration of residence of the juvenile / young adult on probation (duration expressed in months). The attention was focused on the mean and median indicators, which described the distribution of length in staying in the Probation Service, of the investigated subjects.

The outcomes of the bivariate analysis, regarding the dynamics of exiting probation among the juvenile population, reveal that, in subjects exiting the Probation Service by failure (28,3%), the average time spent on probation (or surveillance period) is 33.790 months (approximately 34 months per subject), unlike those leaving the Probation Service by success (71,7%) and who spent on average 51 083 months on probation (approximately 52 months per subject). A longer time spent on probation by the investigated subjects can explain the higher chances of concluding the surveillance period at term, without having to impose other measures. This is mainly due to efficiency and effectiveness that programs of intervention and /or treatment had on subjects and their perceptiveness vis-à-vis these programs. In the case of subjects leaving the Probation Service within the first 34 months from entering probation, most often, they fail to comply with long-term restrictions imposed during the surveillance period and tend to violate the measures and obligations imposed by the court, besides they don't understand their content (*e.g.*, avoiding a particular entourage, avoiding activities from the addictive category as gambling or drug abuse, attendance of school courses, *etc.*), reasons that lead to revoking the current measures and imposing new ones, most often, involving

deprivation of liberty .

The findings of the bivariate analysis show that failure of probation is a phenomenon that starts earlier and ends in the first 20 months of the subject's entrance in probation, while the success of probation is a longer phenomenon, with events occurring even after 40 months prior to entering probation. For both events, the highest rates were recorded in a period between 10 and 20 months, thus, subjects exit probation after 1 year to a year and a half of surveillance.

The lack of financial resources, lack of schooling and lack of motivation to change are characteristics that delay the exit from the Probation Service with up to 70 months, these features needing more intervention time in order to change them. On the other hand, age and a collaborative attitude towards the probation officer are factors that accelerate a successful exit of probation for minors/young adults. Most subjects aged between 14-16 years successfully exit the Probation Service in the first 10 months, and those who have a collaborative attitude towards the probation officer get out in the first 20 months after entering probation.

Regarding the influence of individual characteristics on the way of exiting probation, the results of *Log Rank* test show that subjects who were temporarily institutionalized in an orphanage are more likely to exit the Probation Service by failure, compared to those who didn't go through this protective measure ( $\chi^2 = 8,279; p=0,004$ ). In successful exiting cases there are differences between age categories, respectively, subjects aged between 14 and 16 exit probation sooner than other categories (17 years and 18-21 years) ( $\chi^2=11,105; p=0,004$ ).

As to the influence of socio-familial features on failure in exiting probation, we obtained statistically significant results for the variables "parent imprisonment/close relatives" ( $\chi^2 = 10.591, p = 0.001$ ), "parent/parents emigration" ( $\chi^2 = 4.844, p = 0.028$ ) and family support ( $\chi^2 = 16.090, p < 0.001$ ). Thus, those who have their parents incarcerated and those who do not benefit from family support during surveillance are most likely to exit probation by failure; while the lack of emigration phenomenon is associated with failure of the surveillance measure. On the other hand, regarding exiting probation by success, subjects who have parents who don't face health problems are more likely to successfully exit probation than their counterparts ( $\chi^2 = 4.067; p = 0.044$ ).



Socio-educational features have significant effects only on the phenomenon of exiting the service of probation by failure, while the chances of success are not significantly different between subpopulations. Regarding the educational level of subjects, those who were not enrolled in/or have completed the first educational level, present a higher risk of failure in exiting the Probation Service - ( $\chi^2=25,662$ ;  $p<0,001$ ). Also, individuals who have no professional qualifications are more likely to exit probation by failure ( $\chi^2 = 5.600$ ;  $p = 0.018$ ); also those who are not engaged in gainful employment during surveillance compared to those who took this responsibility during surveillance ( $\chi^2 = 12.904$ ,  $p <0.001$ ).

Regarding the characteristics of the counseling process during surveillance, subjects who are reluctant to change ( $\chi^2 = 30.806$ ,  $p <0.001$ ), who don't cooperate with the probation officer ( $\chi^2 = 125.533$ ,  $p <0.001$ ) or for which the probation advisor does not collaborate with the school ( $\chi^2 = 17.390$ ,  $p <0.001$ ) or with parents/grandparents ( $\chi^2 = 10.142$ ,  $p = 0.001$ ), are at an increased risk of exiting probation by failure compared to those in the subpopulations associated to studied variables.

On the other hand, exiting probation by success can be found in a greater number among subjects who have weekly meetings with the probation officer ( $\chi^2 = 13.898$ ,  $p = 0.003$ ), who have a collaborative attitude toward the probation officer ( $\chi^2 = 5.825$ ;  $p = 0.016$ ) and in cases where the probation officer works with the school ( $\chi^2 = 6.410$ ;  $p = 0.011$ ) or consults other sources (e.g, workplace, neighbors, etc.) ( $\chi^2 = 8.071$ ;  $p = 0.004$ ).

To conclude, the most important effect in terms of exiting probation by failure among the investigated subjects, is the lack of a collaborative attitude of minors/young adults toward the probation officer ( $\chi^2 = 125.533$ ,  $p <0.001$ ); while for successfully exiting probation, the strongest effect is represented by the frequency of meetings between the subject and the probation officer ( $\chi^2 = 13.898$ ,  $p = 0.003$ ). We can observe that the factors with the biggest influence on exiting the Probation Service are those pertaining to counseling during surveillance. Therefore, interventions on probation that aim social reintegration of minors/ young adults, and for which this measure has been applied, should be pointed in that specific direction. For the success of the surveillance process and, therefore, obtaining a favorable outcome on the minor/young adult exiting the Probation Service, it is necessary to maintain a permanent relation between the

probation officer and the minor/young adult, regardless of interaction type that occurs between the two. On the other hand, the more frequent the meetings between youngsters and the probation officer, and the contact between the two is face to face, the more likely to establish a working relationship between the minor/young adult and the probation officer, a factor that shows in this analysis output that the risk of exiting the probation service by failure can be reduced.

Alongside the analysis presented in the study we used the Cox regression, of proportional hazard rates, identifying variables that are predictors of failure in exiting the Probation Service among investigated subjects. In this analysis, we chose to study minors'/youngsters' exiting the Probation Service by failure, because we considered that the outcomes of using Cox regression are useful in identifying predictors of the risk of probation failure. In this regard, we tested **five models** that refer to individual, socio-familial, and socio-educational characteristics of the counseling process, characteristics that relate to the environment and housing characteristics of the subjects in the probation system.

To conclude, the results of the Cox analysis show that all models succeed in explaining the risk of failure among subjects in the Probation System; however, the strongest model is the one of factors involving the counseling process during surveillance. Model 4, which includes specific features of the counseling process during surveillance, succeeds in better explaining the risk of exiting the Probation Service by failure ( $\chi^2 = 132.772$ ,  $p < 0.001$ ).

For the model that includes socio-familial features we record a decrease of 32,298 of the Likelihood value ( $df=8$ ,  $p < 0,001$ ), almost equal to the result obtained for the socio-educational model ( $\chi^2= 33,344$ ,  $df=4$ ,  $p < 0,001$ ). The model that takes into account the influence of certain environmental factors indicate a decrease of 20,676 of the value - 2 *Log Likelihood* to 651,866 ( $df=5$ ,  $p=0,002$ ), while the last model, regarding housing factors, records a decrease of 27,067 ( $df=3$ ,  $p=0,001$ ) compared to the reference model.

### **Qualitative research. The impact of life events on delinquent behavior among minors and youngsters in the probation service**

The qualitative research proposes an exploratory incursion of the life of minors and youngsters on probation in order to find out their perceptions on life events that they faced until the entrance into probation and also their perception on their entrance into probation, in the context of developing delinquent behavior and the way they relate to the content of measures and obligations imposed by the court. In the qualitative research we followed a mapping of the important factors/life events that favored the incursion of the minor/ youngster into the world of crime, by which to reconstruct the route of major events in the life of subjects undergoing the investigation, that had significant impact on their delinquent behavior and on their entrance into probation, and the way they related to the content of measures and obligations imposed by the court. Our main interest was, thus, pointed to the role that different events in the subject's life (e.g., parental abandonment, parental divorce, relocation, school dropout, etc.) had on its orientation towards delinquency, and what probation meant to the subject, as a sanctioning method, in the context of compliance to measures and obligations imposed by the court; along with factors/features favoring compliance to measures and obligations imposed by the court. Through this approach, the author wanted to highlight and investigate the way subjects relate to probation as a punishment (to the measures and obligations imposed by the court).

**The aim** of this qualitative research was to determine the perception of minors/ youngsters from Cluj, under the Probation Service, on surveillance in relation to the life events they have faced before and after the entrance into probation.

**The research questions** that guided this qualitative study are:

- ü Which are the life events that minors/youngsters in the probation service, had to face?
- ü In what way did life events influence the trajectory of delinquent behavior of minors/youngsters in the probation service?
- ü When did minors/youngsters in the probation service started to engage in delinquent acts?
- ü What is the perception of minors/youngsters on the surveillance process (measures on obligations imposed by the court)?
- ü What is the perception of minors/youngsters on their own resources in relation to

the success of the surveillance process?

### **Characteristics of interviewed subjects**

Choosing the group of subjects was made based on certain criteria that targeted subjects' age and length of the period of being on probation (the duration on being on probation must not be less than three months or more than 1 year). Interviews were conducted with 5 subjects (we initially had 8 subjects for the study, but three of them refused to collaborate for this interview) which at the time of the interview were on probation. We conducted five case studies.

**Methods, techniques and research instruments** – we used the biographic method, the interview and the case study.

**To conclude**, the case studies reveal profound information on the history of each subject before and after entrance in the probation system, highlighting life events, turning points they have faced and the impact on their delinquent behavior; the way subjects engaged into the delinquency world, but also their perception of life events after entering probation and the way they related to the measures and obligations imposed by the court. At the same time, case studies highlight the role of surveillance and the meaning of probation as a punishment for each of the subjects investigated; the way they valued, in positive cases, the resources provided during probation (schooling, training courses, treatment/care programs, etc.), issues that in the quantitative research, cannot be captured on such level.

Despite the fact that each subject had different life stories, there are certain common topics. Thus, all subjects began to engage in activities with antisocial behavior due to a problematic socio-familial environment, characterized by the absence or lack of parental supervision and parental control, the occurrence of events with negative impact on, tensions in family relationships, lack of material resources. This is due to the fact that all the subjects come from separated families, where shortcomings and lack of material resources have led parents to focus their attention on these problems, rather than on children and their education. Low parental control, lack of parental supervision, family conflicts and lack of communication between parents and children, gave subjects the

liberty to do whatever they wanted, to engage in early romantic relationships, to join a delinquent entourage, to spend too much time with friends, repeatedly miss school classes, etc. Most of them did not have the chance to have activities to distract them from engaging in the world of delinquency, and no friends or other close people as role models or to help them create a positive vision of their future and on certain universal values, like good and evil.

Some of the subjects felt neglected, were physically abused, were not loved and listened, issues that caused them to rebel against their parents: "It was a revenge against them, I wanted to make them suffer as they made me, but I don't think I succeeded." (A.'s testimony about the relationship with his parents); "I was very affected, disappointed and felt betrayed by them and the fact that for them, in my opinion on their divorce didn't matter, they didn't ask me what I feel nor what I want, nothing" (B.'s testimony regarding the relationship with her parents). During probation four of the investigated subjects managed to comply with the measures and obligations imposed by the court (they continued with their education and further participated to vocational training courses, were involved in intensive counseling programs to help them overcome their delinquent behavior (e.g., psychological counseling), and also other measures that were imposed. The way they related to the measures and obligations imposed by the court and the way they perceived the probation measure, can be found in their testimonies:

- ▼ *"...for me, being on probation meant a lot (...) I was always motivated by my counsellor ... and the measures and obligations that I had to follow were not very hard or impossible to meet ... maybe at first, until I understood exactly what each measure and obligation was about; but my counsellor explained everything in order to understand so I had no problems since I regularly come here; I think I come here monthly, and at the beginning I had to be here every week (the first 3 months and after that, monthly); I received plenty of support from my counsellor which always helped me with the school ... always kept in touch with family and school...". (Testimonies of E. regarding the perception of probation, measures and obligations imposed by court – success in exiting probation)*
- ▼ *"... I have so many conditions that must be respected ... the hardest one is that I have to come here every week and I cannot, I have other things to do, it's hard*

*from where I to get here, sometimes I have no money to come here ... and I can't go to school, I've never been to school and I can't do it now... they can take me to jail because I still won't go to school ... ". (Testimonies of D. . regarding the perception of probation, measures and obligations imposed by court – failure in exiting probation)*

- ▼ *"... I realized that I was lucky, unlike my friends who went to prison, because here everyone has the patience to explain what you're allowed to do and what you're not ... what I have to respect (n. measures and obligations) is not so hard, even more, it motivates me to continue my studies in order to find a job, and the fact that I meet my counselor so often helps me tell her if I have problems with compliance to measures and obligations; she guides with what and how I have to do it ... every time I come her (every month) she guided and supported me to continue my studies so I can easily find a workplace ... I don't find it impossible to respect the obligations and measures that my counselor mentioned. And I want to respect them... the last thing I need is to be imprisoned; I have a child to raise." (Testimonies of B. regarding the perception of probation, measures and obligations imposed by court – success in exiting probation)*

- ▼ *"...i had a shock when I arrived here (...) but I had a big chance that I got here, I was not easy to do what the lady said (n. the probation officer ), to come here every month , to go every day to school and don't miss any classes, I have become more responsible since I came here and I realized I had to respect certain rules, which were not easy nor impossible to respect, I asked my counselor for help at each meeting, I meet her monthly and she always had patience to listen to me and guide me , and that meant a lot to me ... " (Testimonies of A. regarding the perception of probation, measures and obligations imposed by court – failure in exiting probation)*

Probation, as a measure, managed in the mentioned cases, to achieve it's goal, except for one case, and the content of measures and obligations imposed by the court were properly perceived by the interviewed subjects. Keeping these minors/young adults in the community and helping them solve their problems (continuing their studies, attending courses of professional qualification, following programs of therapy/treatment

regarding the control of addictive behavior, psychological counseling, parental involvement in helping children), makes this measure a priority and desirable in the case of minors and young offenders, in the expense depriving of liberty measures.

**To conclude**, this paper questions the evolution of delinquent behavior from the sociological perspective of life course by investigating the outcome of probation as a sanction reported to a population vulnerable subjects, consisting of minors and young adults. The presented arguments and research results make this research topic important, current and relevant at a national level, for the scientific community, and not only, representing a modest step in the probation research field, that uses as an analyzing method – the event history analysis.

*PhD candidate: Ioana Toma-Baumgarten*

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