

Challenges for Professionals in the Efficient Application of Custodial Educational Measures

Roxana UNGUREANU¹

Abstract

The institutionalization of juveniles and young offenders who perform a custodial educational measure in an educational centre raises a number of challenges both economic and social with direct consequences in terms of the effectiveness of their resocialization and reintegration into society. That is why an important change was felt in the criminal and social policies for the prevention and treatment of juvenile delinquency in Romanian society and the ways of prevention, intervention and post-intervention developed by institutions with the role of socialization, adaptation and social control of young people were considerably diversified.

This paper is part of a larger research that aimed to identify the psycho-social effects of educational measures of deprivation of liberty applied to young offenders in Romania.

The research participants (n = 12) are professionals who work in two educative centres in Romania, Târgu Ocna Educative Centre and Buziaș Educative Centre. The research method used to collect the data was the focus group.

The research conclusions show us that the educational measure of internment in an educative centre must activate processes of responsibility, favouring the change of personal lifestyles and social and family relations. The intervention of specialists, focused mainly on education, work, religion and cultural, recreational and sports activities, must respond to the principle of individualization, must be modulated by the personality needs of each, based primarily on the individual resources of each. Our research demonstrates that all these results can be achieved only through continuous and adequate training of professionals working with juvenile delinquents.

Keywords: educative centres, professionals, custodial measures, offenders

Rezumat

Instituționalizarea minorilor și tinerilor infractori care execută măsura educativă a internării într-un centru de educativ ridică probleme atât de natură economică cât și socială în ceea ce privește resocializarea și reintegrarea acestora în societate. De

¹ Research Assistant, Ph.D., International Center for interdisciplinary research on human rights – ICIRHR, West University of Timisoara, Romania, e-mail: roxana.ungureanu@e-uvt.ro

aceea s-a simțit necesară o schimbare importantă în politicile penale și sociale de prevenire și tratament a delincvenței juvenile în societatea românească și au fost diversificate considerabil modalitățile de prevenție, intervenție și postintervenție desfășurate de instituțiile cu rol de socializare, adaptare și control social a tinerilor. Această lucrare face parte dintr-o cercetare mai amplă care a avut ca obiectiv identificarea efectelor psiho-sociale ale măsurilor educative privative de libertate aplicate tinerilor delincvenți din România.

Participanții la cercetare (n=12) sunt profesioniști care lucrează în două centre educative din România, Centru Educativ Targu Ocna și Centru Educativ Buzias. Metoda de cercetare utilizată pentru colectarea datelor a fost focus-grupul.

Concluziile cercetării ne arată că măsura educativă a internării într-un centru educativ trebuie să activeze procese de responsabilizare, favorizând schimbarea stilurilor de viață personale și relațiile sociale și de familie. Intervenția specialiștilor, centrată în principal pe educație, muncă, religie și activități culturale, recreative și sportive, trebuie să răspundă principilului individualizării, adică trebuie să se moduleze pe necesitățile de personalitate ale fiecăruia, bazate în primul rând pe resursele individuale ale fiecăruia. Cercetarea ne arată că aceste rezultate pot fi atinse prin formări continue ale profesioniștilor care lucrează cu tinerii din centrele educative.

Cuvinte-cheie: centre educative, profesioniști, măsuri custodiale, delincvenți

Résumé

L'institutionnalisation des mineurs et des jeunes délinquants qui effectuent la mesure éducative d'hospitalisation dans un centre éducatif pose des problèmes économiques et sociaux en termes de resocialisation et de réinsertion dans la société.

Par conséquent, il était nécessaire d'apporter un changement important dans les politiques criminelles et sociales pour la prévention et le traitement de la délinquance juvénile dans la société roumaine et les moyens de prévention, d'intervention et de post-intervention développés par les institutions ayant pour rôle la socialisation, l'adaptation et le contrôle social des jeunes étaient considérablement diversifiés. Cet article fait partie d'une recherche plus large qui visait à identifier les effets psychosociaux des mesures éducatives de privation de liberté appliquées aux jeunes contrevenants en Roumanie.

Les participants à la recherche (n = 12) sont des professionnels qui travaillent dans deux centres éducatifs en Roumanie, Targu Ocna Educationnel Center et Buzias Educationnel Center. La méthode de recherche utilisée pour recueillir les données était le groupe de discussion.

Les conclusions de la recherche nous montrent que la mesure éducative de l'hospitalisation dans un centre éducatif doit activer des processus de responsabilité, favorisant le changement des modes de vie personnels et des relations sociales et familiales.

L'intervention de spécialistes, axée principalement sur l'éducation, le travail, la religion et les activités culturelles, récréatives et sportives, doit répondre au principe de l'individualisation, c'est-à-dire qu'elle doit être modulée par les besoins de personnalité de chacun, basés principalement sur les ressources individuelles de chacun. La recherche montre que ces résultats peuvent être atteints grâce à la

formation continue des professionnels travaillant avec les jeunes dans les Educationnel Centre.

Mots-clés: centres éducatifs, professionnels, mesures de garde, délinquants

Theoretical background

Juvenile delinquency is a major problem worldwide. A number of problems related to youth that are identified internationally, delinquent behaviour and working with young offenders are similar to those in Romania, but at the same time, differ due to internal and external factors that are particular to each country. It is important to highlight whether the results of the strategies used by other countries are similar to those that have been implemented in Europe and Romania. It is also useful to determine whether different approaches to juvenile delinquency are more or less effective than our current methods. (Kim et al., 2015, p. 546).

The current models, used for the treatment of victims and offenders are often mechanistic and marked by contradictions, inconsistencies and false perceptions. The reforms of the criminal justice system have been made many times, not because they were proven genuinely effective, but because of the trust in the superiority of Western models that have been taken mechanically, without being adapted to the profile and specific needs of the beneficiaries (Tomită, 2017).

Within the educational measures applied to juvenile delinquents in Romania, the measure of deprivation of liberty – internment in an educative centre has a deep educational foundation which, through a good knowledge of the psychosocial characteristics of young people and juveniles interned, respectively through integrated programs and individualized recovery measures, can lead to their behavioural recovery and thus to increase the effectiveness of the applied criminal sanction.

These psycho-social foundations are in total agreement with the principles and conclusions specific to the profile literature at international level.

Understanding vulnerability (or risk or adversity) is an important stage of the assessment phase in social evaluation. A significant proportion of a rigorous assessment understands the challenges clients face, and the history and context of those challenges. But there is more to a client than just their challenges, and thus a good assessment addresses not just the problem, but also the person of the client. If assessment is genuinely concerned with the dignity and rights of people, then attention should be given to the full spectrum of human experience, both negative and positive, both vulnerability and strength (Cox et al., 2014).

Research methodology

For the present research, we used the focus group method to highlight the specific aspects of juvenile delinquency in the context of applying a system of effective educational measures, through the role that professionals have in the recovery process. The focus groups were organized in the two educative centers

in Romania, the Buziaş Educative Centre and in the Târgu Ocna Educative Centre.

In carrying out the focus group, it was taken into account, in particular, the identification of the factors that support the adaptation of young people in schools, the needs of staff in the juvenile justice system and the needs of these young people after release from school.

Thus, at the level of the Buziaş Educative Centre, Timiș County, 7 people participated, and at the level of the Târgu Ocna Educative Centre, Bacău County, 5 people participated. Considering the criteria: the age category in which they fall, the gender affiliation, the seniority in the criminal justice system, the distribution of the participants in focus groups are presented according to table no. 1.

Table 1: The focus-group participants

| | | Buziaş Educative Centre | Târgu- Ocna Educative Centre |
|-------------------------|----------------|-------------------------|------------------------------|
| Total participants | | 7 | 5 |
| Age | < 40 years old | 3 | 3 |
| | > 40 years old | 4 | 2 |
| Gender | Male | 2 | 1 |
| | Female | 5 | 4 |
| Seniority in the system | < 10 years | 2 | 2 |
| | > 10 years | 5 | 3 |

In order to illustrate some of the most relevant answers obtained in the focus groups, we selectively presented some of the questions and answers of the professionals who allowed us to synthesize and process the most important results. (Table 2).

Table 2: Questions and answers selection from focus-groups

| Nr crt | Question | Answer |
|--------|---|---|
| 1 | What is your general opinion regarding the application of educational measures of deprivation of liberty? | <ul style="list-style-type: none"> - respond to social needs, but due to the dysfunction of the post-criminal care system, they do not fully achieve their ultimate goal. - effective especially for minors. - beneficial for most people hospitalized in the centre - have a greater impact on the awareness of the antisocial act committed |
| 2 | What is the professionals' role in adapting juveniles and young offenders in the educative centres? | <ul style="list-style-type: none"> - promoting a well-articulated educational approach - observance of the rights of the interned persons - promoting nonviolence |

| Nr crt | Question | Answer |
|--------|--|---|
| | | <ul style="list-style-type: none"> - application of educational and social assistance programs in relation to the needs of the internment person - maintaining the connection with the family of the internment person which is a protective factor for him. |
| 3 | What are the main problems you face in your daily work, in the application of educational measures applied to minors and young people? | <ul style="list-style-type: none"> - Limited staff number - Lack of staff training - Limited ability to provide adequate and complete assistance. - Insufficient collaboration between departments. - Individual work would be much more efficient with this age group, group work not being as efficient. |
| 4 | How do you see a possible change in the structure of the educative centre to respond as effectively as possible to its purpose? | <ul style="list-style-type: none"> - Responsibility for the professional training of professionals. - Changing the current legislative framework. |
| 5 | What do you think should be changed in the process of application custodial measures? | <ul style="list-style-type: none"> - The emergence of specialized social services on criminal assistance. - Increased share of the educational approach in relation to the custodial one. - How to design programs (adapted to the socio-cultural level). |

Results

At the time of entering the custodial facility, each person's personality suffers imbalances, due to the fact that several aspects that would ensure a normal, logical functioning are reduced. We refer here to reduced living spaces, time (the past is halted, the future becomes relative) and most importantly to human behaviour (isolation, abandonment). All these aspects form a psychology that this environment imposes over the individual one, thus mapping the direction the individual's actions will take after his release.

At the level of the penitentiary administration system in Romania, the activities regarding the assurance of the right to medical, psychological and social assistance of the persons deprived of liberty are organized and supervised. To perform this function, the penitentiary administration system uses specialized personnel, its own material base and procedures similar to the public health system. From here comes a first need identified in the focus group, namely the need for specialized staff. The need for staff is one of the big problems facing the penitentiary system in our country.

In order to perform the functions listed above, the staff within the educational centres must be selected and evaluated on the basis of criteria specific to the activity they are to carry out and benefit from continuous professional

training and improvement. Starting from the vision of the specialists in the field of professional training on what is expected to be the professional training of the staff from the educative centres, directions of action have been identified which, once reached, make possible the transformation of the vision into reality. Some of the directions for action are:

- Improving incident management by developing professional skills. Result: professionally trained staff in critical conflict management.
- Creating a partnership between the Romanian penitentiary service / educational centres and the profile structures in the European Union that would facilitate the exchange of good practices in the field of social reintegration. Result: the transfer of good practices in the field of social reintegration of persons deprived of their liberty.
- Elaboration and implementation of an annual, transparent program, for the identification and development of the managerial capacities of the employees from the educational centres, which should contribute to the improvement of the institutional management. Result: managerial staff trained to run an educational centre.

A conclusion which results within the focus groups, for the training of specialists is the proposal of training / specialization in working with the families of the young offenders interned in the educative centre.

«Any program [family work schedule] can be done as long as people are not specialized in it. In Spain, for example, professionals work on visit programme. The social worker or psychologist meets with the family and knows that if the relationship with the family is toxic or if the family may adversely affect the child, visits may be suspended.»

The identified directions of action highlighted the change of mentality regarding vocational training in the sense of raising awareness about the importance of initial and continuing training, the degree of motivation for expanding knowledge and developing skills.

Another identified need by focus group participants is the need for „reciprocity in the transmission of data between institutions. Although procedures have been carried out in this regard, only an insignificant part has been adopted so far.

«Inter-ministerial procedures have now been carried out with regard to collaboration with probation, anti-drugs and health centres. It is now to enter into force but is not done with the General Directorate of Social Assistance and Child Protection (DGASPC). Because it is quite difficult to do with DGASPC. Because the policies are given at national level and the financing is given by the County Council.

And we as a centre for half of the country for boys and for all the girls in the country is very difficult. Discussions could exist that these centres should not be so big, to be with a smaller number of children, to be closer to the boarding school, it is quite difficult to work with the family and with DGASPC. »

The specialized educators who deal with young delinquents have the mission of framing them, supporting and guiding them throughout the judicial process in order to develop together with them an educational project. The objective is social, school and / or professional reintegration; restoring the relations between the young offenders, their families and society; the implementation of educational measures and the execution of court decisions regarding the young person. This implies that, at the beginning of the practice, a repertoire of competencies adapted to the specificity of the public, contexts and desideratum is managed.

These skills may exist, but sometimes need to be questioned throughout their professional lives. The realization of a training curriculum is part of the efforts to provide quality and means starting from a dynamic and constructive reflection on what is useful to the young person, the organization in which he works, as well as to achieve social expectations.

Whenever an educator or other professional in the educative centre has to deal with a behaviour or act committed by a young person, he must ensure that he does not turn a negative behaviour into normal, considering it as a reflection of personality. Otherwise, in the face of positive behaviour, it must show without delay that it corresponds, that it is in line with expectations, therefore it is an element of complete recognition. So it is essential for the young person to realize that he has a positive potential that he can rely on. At the same time, it is essential to realize that it is not intrinsically and irreversibly influenced by negative aspects and that other positive psychological and psychosocial effects may follow. They focus in particular on self-worth, a sense of efficiency, a sense of control, a sense of recognition and self-determination.

«For example, if I consider him to be intelligent, generous and tolerant, I am obliged to check these qualities, while excluding that he can be put in a position of manipulation, conformity or self-presentation. The impression I will form about the young offender will be based on real information, which can be easily demonstrated.»

Knowing the psychosocial mechanisms working to form an opinion, we are able to better evaluate that person, based on what he is in reality, and not based on an opinion we build about him. Being in front of a young delinquent, we may have a tendency to hide certain information about his personality, whether positive or negative. In this case, the risk is to apply a procedure that may not be justified or unfounded. A project or an educational act can therefore be inefficient, and the relationship that can be established between the educator and the young person registers significant risks of being truncated. Therefore, it is convenient for the educator to ask about the relevance of the information he has regarding the young person, and to carry out the necessary checks to strengthen his educational approach or intervention.

Discussions

The juvenile delinquent must be seen differently from the adult delinquent, because there are a number of significant differences between the two categories: children go through stages of development gradually and it has been shown that only around the age of 18 they reach adulthood. The period of maturity is around the age of 20, others claiming that the age of adolescence would be extended to 25 years.

During the development process, children have characteristics, especially qualitative, totally different from adults: adults are more rational, children are more emotional, adults are more responsible, while children are irresponsible, adults have a regular sex life, while children do not have sex, etc. Therefore, the way the minor is aware and responsible for his / her behaviours differs due to his / her lower stage of psychosocial development, that of adults. This may be one of the reasons why young people over the age of 18 who have committed a crime as a minor are sanctioned with an educational measure, just like minors.

Both from the literature and from the stories of professionals working in schools, it is clear that in identifying the causes that contributed to the criminal acts, an essential role is given to the past and physical and mental health of the child. Very often, this assessment is done by involving a multidisciplinary team, consisting of a doctor, psychologist and social worker. Research shows that the resilience of professionals working with these children and young people, the ability to invest in the young people they work with, is relevant to the effectiveness of therapeutic interventions in this custodial environment.

They can develop ways to involve more people in caring relationships with youth, using mentors, older kids working with younger kids, etc. Such relationships can and should involve encouragement and high expectations for young people.

Professionals' mission (educator, social worker, psychologist, etc) in the criminal justice system could be resumed as:

- To detect the socio-educational needs of the people he will take care of and to elaborate an individualized intervention program for each of them, in accordance with the rest of the professionals from the multidisciplinary team.
- Intervene to channel the needs detected through group dynamics or individually, making the person in charge improve your chances of social reintegration.
- To inform the appropriate legal and administrative courts about each case and its evolution.
- To provide social assistance to persons who come into contact with criminal justice (defendants, criminals, victims and witnesses). To intervene in the cases of those persons and in their environment offering mechanisms of counselling, information, orientation and social and

professional integration, according to the legal requirements inherent to the institution.

The strengthening of the protection factors, supported by the educational programs developed by the professionals, resided in the promotion of a prosocial and proactive life, based on positive values and a decent life. These factors were also identified in the two focus groups and could be:

- Responding to the needs of the minor and the young person (for example, actively promoting self-esteem);
- Improving family relationships;
- Stimulating the activity of the positive social group;
- Development of community services (e.g. facilities and social structures that support involvement and attachment).

An important feature of the educative centre is the weight change of actions in holding safety, education and psychosocial support. This feature is highlighted by the effective occupation of the time of interned children through their involvement in educational programs developed in the centre or in the community (Tomită, 2014).

Conclusions

An effective knowledge system of the young person must include a complex and integrated conception of knowledge of his personality and appear as an uninterrupted process in all the phases that the young person goes through both before and after the crime.

The National Administration of Penitentiaries must permanently assess the social assistance, education and therapeutic needs of persons deprived of their liberty, this process being the basis of their social reintegration strategy. The activity of school training and qualification of persons deprived of liberty, coordination and planning of stages and educational programs are current activities carried out within the system for the realization of the educational function and psycho-social assistance.

The introduction of the young person in the process of re-education and resocialization, implies by the very nature of things, the penetration into the intimacy of his personality, where a more efficient way of communication can be found in attracting him to his own transformation, to cultivating the young man's interest in gaining personal dignity. in the perspective of a real readjustment to work and social life.

We believe that re-education, resocialization and social reintegration must continue to the extent that we can talk about measures that reflect the authentic, autonomous, real life, a universe built on the resources and potential of every young person released from an educational center.

References

Cox, S.M., Allen, J.M., Hanser, R.D., & Conrad, J.J. (2014). *Juvenile justice: A guide to theory, policy, and practice* (8th ed.). SAGE Publications Inc.

- Dubowitz, H., Thompson, R., Proctor, L., Metzger, R., Black, M., English, D., Poole, G., & Magder, L. (2016). Adversity, maltreatment, and resilience in young children, *Academic Pediatrics*, *16*(3), 233-239.
- Kim, B., Wan-Chun L. A., & Lambert, E. (2015). Comparative/International research on juvenile justice issues: A review of juvenile justice specialty journals, *Journal of Criminal Justice Education*, *26*(4), 545-562. <https://doi.org/10.1080/10511253.2015.1079330>
- Tomiță, M. (2017). *Resilience and the criminal justice system*. Editions Universitaires Europeennes
- Tomiță, M. (2014). Developing alternative understandings of conflicts that involve delinquent children through life space crises intervention, *Review of Research and Social Intervention*, *44*, 67-85.