

DESISTANCE AND VICTIM PROTECTION IN ROMANIA: COLLABORATION BETWEEN PROBATION AND PRISON FROM THE PERSPECTIVE OF THE PROGRAMME ‘REDUCING THE RISK OF RELAPSE’

MARIA SANDU¹

Abstract

Criminologically, the psychosocial and educational perspectives on the person who commits acts of aggressiveness, including sexual abuse, are based on several theoretical models of intervention, which are included in the bio-pathological, psychological and sociocultural perspectives. This is the very premise of the assisted desistance as a succession of stages developed within the criminal trial, and taking risk management as the fundamental principle applied in the custodial and probation system. Firstly, this article starts from a case study conducted in the Romanian probation system, which is presented at the “Fifth International Conference Multidisciplinary Perspectives in the Quasi-Coercive Treatment of Offenders. Probation as a field of study and research: From person to society” (2016). Secondly, it reflects the collaboration between prison and probation in the primary and secondary desistance using the programme ‘Reducing the Risk of Relapse’ (RRR) after prison, which uses the complementary ‘risk, needs and responsivity’ (RNR) model with the “Good Life Model” (GLM) based on combining the principle of individual responsiveness with that of social responsibility. Our arguments are – in the sense of highlighting the importance of individualizing the sanction – focusing on the contextualized narrative identity, from secondary desistance to ensure the continuity of the post-sentence rehabilitation and the protection of the crime victim.

Keywords: Desistance; Probation; Prison; ‘Reducing the Risk of Relapse’ programme; Victim’s protection

Rezumat

Perspectiva criminologică, psihosocială și educațională asupra persoanei care comite acte de agresivitate, inclusiv abuzuri sexuale, se bazează pe mai multe modele teoretice de intervenție, care sunt incluse în abordările bio-patologice, psihologice și socioculturale. Aceasta este premisa de la care pornește desistarea

¹ Ph.D. Associate Professor, “Alexandru Ioan Cuza” University of Iași, Faculty of Philosophy and Social-Political Sciences, Department of Sociology and Social Work, Iași, Romania, e-mail address: sandum@uaic.ro

asistată, ca o succesiune de etape dezvoltate în cadrul procesului penal având managementul riscului, ca principiu fundamental aplicat în sistemul custodial și de probațiune. În primul rând, acest articol pleacă de la un studiu de caz realizat în sistemul românesc de probațiune, care a fost prezentat la cea de-a V-a conferință internațională intitulată „Perspective Multidisciplinare în Tratatamentul Quasi-Coercitiv al Delincvenților. Probațiunea ca domeniu de studiu și cercetare: De la persoană la societate” (2016). În al doilea rând, prezentul articol reflectă colaborarea dintre penitenciar și probațiune, în cadrul desistării primare și secundare folosind programul „Reducerea riscului de recidivă” (RRR) după închisoare, care se bazează pe complementaritatea modelului „risc, nevoi și responsivitate” (RNR), cu „Modelul unei vieți mai bune” (GLM), prin combinarea principiului formării responsabilității individuale, cu cel al responsabilității sociale. În acest sens, argumentele noastre evidențiază importanța individualizării executării sentinței, care trebuie să fie centrată pe identitatea narativă contextualizată, din perspectiva desistării secundare, în vederea asigurării continuității în reabilitarea post-condamnatorie și protecția victimei infracțiunii.

Cuvinte cheie: desistare; probațiune; penitenciar; programul „Reducerea riscului de recidivă”; protecția victimei

Résumé:

La perspective criminologique, psychosociale et éducative de la personne qui commet des actes d'agression, y compris des abus sexuels, se fonde sur plusieurs modèles théoriques d'intervention, qui sont inclus dans les approches biopathologiques, psychologiques et socioculturelles. C'est la prémisse à partir de laquelle la désistance assistée commence, comme une succession d'étapes développées dans le processus pénal avec gestion des risques, comme principe fondamental appliqué dans le système de garde et de probation. Tout d'abord, cet article part d'une étude de cas menée dans le système de probation roumain, qui a été présentée à la cinquième conférence internationale intitulée «Perspectives multidisciplinaires dans le traitement quasi-coercitif des délinquants. La probation comme domaine d'étude et de recherche: de la personne à la société » (2016). Dans un second temps, cet article réfléchit à la collaboration entre prison et probation dans la désistance primaire et secondaire en utilisant le programme post-prison «Réduire le risque de récidive» (RRR), qui repose sur la complémentarité du «risk, need and réactivité» (RNR), avec le «Modèle pour une vie meilleure» (GLM), en associant le principe de la responsabilité individuelle à celui de la responsabilité sociale. En ce sens, nos arguments soulignent l'importance d'individualiser l'exécution de la peine, qui doit être centrée sur l'identité narrative contextualisée, dans la perspective d'une désistance secondaire, afin d'assurer la continuité dans la réhabilitation post-condamnation et la protection de la victime du crime.

Mots-clés: désistance; probation; prison; le programme «Réduire le risque de récidive»; protection de la victime

1. Criminological approach on desistance

Nowadays, criminological research takes into consideration both the multifactorial etiology of the phenomenon of criminality under the aspect of studying the offending behaviour, the offender and the victim, and the social

reaction to the phenomenon, which affords the specificity of criminal policy and practice. Thus, a change of viewpoint imposes itself, starting with the study of anti-social phenomena from the perspective of risk factors and criminogenic needs that have to lay at the basis of a flexible, efficient criminal policy, delineating anti-criminal strategies and practices focused on the role of the public in the implementation of crime policy: the component of social prevention, general and special crime prevention with application of alternatives to custodial sentences and taking into account the victims' interests.

The ultimate purpose of the investigative undertaking should be ensuring public safety in the context of applying the principles of "restorative justice" (Balahur et al., 2007), having an important „educational role in preventing crime" (Frant, 2017).

Knowledge of crime theories is necessary in order to 'understand the fundamentals of the policies that are proposed and implemented' (Bohm & Haley, 2002) with the purpose of prevention and controlling crime. The specialist literature groups the representations, perspectives and theories about the phenomenon of crime throughout history around the three stages that mark the evolution of humankind, delineated as: the diabolic perspective on crime, specific to the Middle Ages in Foucault's vision (Sheridan, 2016), the classic utilitarian or Beccarian perspective, and the scientific perspective, which started alongside the Italian positivist school, having Lombroso (1835–1909), Garofalo (1852–1934) and Ferri (1856–1929) as exponents, and continued by a series of studies which reveal "modern theories" within "causal or etiological criminology" (Cioclei, 2019). The representatives of the Italian positivist school offered causal explanations, endorsing a determinist perspective on crime as a multifactorial phenomenon that opened the perspective of the development of the later clinical criminology from 'contemporary criminology' (Cioclei, 2019).

In such a way, the psychological factor becomes the common ground of "the modern etiological theories" classified in "the psychobiological, the psychosocial, and the psycho-moral theories" (Cioclei, 2019), within which affection plays the leading part when it comes to giving causal explanations, depending on the "bio-socio-moral accents" according to several studies (Iacobuță, 2002, 2006). As for the modern etiological theories that stress the importance of the social factors of the phenomenon of crime, they are a continuation of the old sociologic school, the factors associated with offending behaviour being explained by the specialist literature through 'socioeconomic perspectives' or otherwise, a classic content of a criminology treaty (Lazăr, 2002). In this way, the scientific literature provides us with different classifications based on either the consensual model or the conflictual model, as Becker (1963) reveals, such as, the stigmatization and the 'labelling theory' (Becker, 1973). From this point of view, Robert and Lascoumes (1973) believe that an offender is the result of the social processes of incriminating, involving, imputing, and stigmatization (Robert & Lascoumes, 1974), and, as Gassin (1990) argues, crime

constitutes a social construct during social interaction, “which constitutes in its turn the offending activity itself” (Iacobuță, 2002, 2006).

Thus, the specialized literature offers various classifications based on either the consensual model or the conflict model caused by the crisis of values of the social system in the 1960s and 1970s, the explanations being included in the interactionist current of “the social reaction against crime” (Stănoiu, 1998). By integrating the perspectives that were previously presented, placing stress on the classification of the crime theories – the etiological criminology, the criminology of the social reaction, and the dynamic criminology – defines criminology as “the totality of scientific researches which studies, on one hand, the phenomenon of crime by following the complex knowledge of it, and evaluates, on the other hand, the practices against crime, with the purpose of optimising it” (Cioclei, 2019).

As a consequence, some authors define criminology from the point of view of the ‘passing on act’ analyses as a “discipline that analyzes the etiology of the offending behaviour underlying its bio-psychological aspect and the social or legal sources of crime and deviance” including “socio-cultural and political values” (Amza & Amza, 2008). Such an approach makes clear references to the victims of crimes from the perspective of the etiological analysis, as well as from that of optimizing the practices against crime, and it is given by a criminologist of Iasi, a former prosecutor, from the perspective of defining criminology as a science which studies “the offence, the offender, and the victim, in order to establish the causes that determine and the conditions that favour or facilitate the committing of crimes and to recommend certain measures for re-educating the criminals and preventing crime” (Iacobuță, 2002).

On these lines, the victim risk may be seen from the victimization point of view, some responsibility falling on society to prevent it and protect possible victims, and also from the self-victimization point of view, expressed through raised vulnerability, defined in the special literature through concepts such as “victim incline”, “victim reception”, or “victim susceptibility” (Iacobuță, 2002). Therefore, according to the asserted behaviour, the victim contributes to their own victimization, assuming a role easy defined over a complex psychosocial and legal evaluation. Special literature defines the “victim risk” as “the victim’s provocative attitude, unamenable behaviour or lack of wisdom related to behavior” (Iacobuță, 2002).

Rather recent narrative and dialogical approaches invited psychologists, social workers and justice professionals to consider restorative justice practices going ‘beyond attempts to coerce, confront or educate a seemingly unwilling or unmotivated’ (Jenkins, 2009) man or woman (Poledna, 2014). This is a strand of work which invites the participants to assume responsibility and to embrace a journey towards respect, a process of becoming ethical, contrasting with structuralist descriptions of “being abusive” versus “being respectful” (Jenkins, 2009).

2. The paradigm of desistance and the theory of rehabilitation

The researchers in the domains of criminology and victimology, applied to the therapy of the aggressor and the victim's protection, correlate the concept of social responsibility with the degree of "dangerousness of the offender" (Barras & Bernheim, 1990). As a result, the aggressor's therapy must be correlated with the victim's assistance, which converges towards the broad sense of victim-aggressor mediation within 'restorative justice' (Loghin, 2019). In this regard, the researchers make the distinction between 'primary desistance' and 'secondary desistance' (Maruna & Farrall, 2004) or 'the social cognitive theory of change' (Giordano et al., 2002) in correlation with using the significant differences among the different categories of vulnerable groups which are constituted in terms of the criteria of 'age, sex, and ethnicity' (Durnescu et al., 2009). The 'paradigm of desistance' (McNeill, 2006) was subsequently correlated with the 'theory of rehabilitation' (Durnescu et al., 2009). As a consequence, the risk of relapse is measured by means of developing certain standardized instruments of evaluation of the criminogenic needs and of the criminal risk, and it represents a priority in the Romanian research field, which is centred on the 'standardization of the evaluation of risks' (Webster et al., 2006).

From this perspective, the criminology of the development correlated with the researches in the domain of crime career, which stresses the study of the doer as the main unit of analysis, stirred a critical reaction towards the research of the crime relapse by proposing the approach of the 'phenomenon of relapse as a complex social construction having a socioeconomic and political nature' (Durnescu et al., 2009). According to the research in Romania and abroad, the phenomenon of criminality and relapse refers to the factors within the social environment, as well as the institutional environment, which can facilitate the reiteration of the criminal behaviour. They can also be considered the predictors of the relapse, because they can give important information on the risk of relapse. Yet, the actuarial or objective evaluation of the relapse rate remains a major problem of criminological research in Romania, which requires a scientific knowledge/approach of the factors that determine the reiteration of the offending behaviour, and then these aspects contribute to the defining of the concept of 'offending career' and 'the specialization of the offender behaviour' (Dâmboeanu, 2011).

Starting from the clarification of the multiple senses of the concept of relapse made by Champion (1994) – the most frequent meanings attributed to the concept of relapse being those of 're-arresting', 'reconvicting', 'revoking', and 'reputing into jail' (Durnescu, 2006) – the specialists insist on an analysis which is primarily focused on 'repeat offending' and the 'peer contagion' (Mennis & Harris, 2011) by mentioning that the two are interdependent and they determine relapse. As a result, a series of predictive factors are identified by Andrews and Bonta (1995), by mentioning 'antisocial attitudes', 'an entourage with social interests', 'a history of the antisocial behaviour', and 'an antisocial personality' (Durnescu et al., 2009).

In 2002, Durnescu highlighted the evolution of the instruments of evaluating the risks of relapse in its three forms: the risk for public safety, the risk to commit crimes of the same type and the risk of self-injury. These are described starting with the first generation of instruments based on subjective and non-structured analyses, and going on to the second generation of instruments based on the statistical actuary analysis, and finally getting to the third generation of instruments such as the risk-need type of evaluation based on the correlation among the static and dynamic indicators in the evaluation and the management of the risk of relapse. Afterwards, the evolution of the instruments for risk evaluation was marked by combining 'the level of the risk of relapse' with 'the intensity of the rehabilitation programmes', respectively, 'the risk management' stressing 'the protective factors' or those restraining criminal behaviour, and by taking into account 'the cultural difference' (Durnescu, 2002).

Subsequently, Durnescu (2006), in his doctoral research within the Department of Sociology and Social Work of the Alexandru Ioan Cuza University of Iasi, put forward the basis of five complementary theoretical models – the theory of social control; the model of human development; the theory of differential associations; the relapse theory; and the model of criminal career – in order to evaluate by means of enquiry the crime history of subjects. In this way, starting from the hypothesis that 'the prevalence of crime grows until the age of 17, and then it suddenly diminishes' (Durnescu, 2006), the doctoral thesis realizes a review of the most important themes of discussion specific to relapse and its evaluation. The research subordinated to the intention of elaborating the instrument for risk assessment focused on two aspects: identifying 'the factors correlated with the relapse state' and the realizing 'the profile of the recidivist' (Durnescu, 2006), starting with several theoretical models which constituted the fundament of elaborating the main work hypotheses. The work instrument contained 12 sections which are composed of the specific indicators associated with static and dynamic risk factors, including 'the indicators specific to the original family and their own family', as well as 'the indicators regarding the situation of living and their proximity during the latest six months since going out of jail' (Durnescu, 2006). At the same time, the author describes the relationship between risk and danger and rejects the interchangeable use of the two concepts. Anticipating the risk of relapse is considered from the perspective of three or more generations of instruments of risk evaluation, and the passing from one generation to another is described on the basis of combining actuarial evaluation and clinical evaluation.

After completing the research, by comparing the two profiles of 'the recidivist' and 'the non-recidivist', and by utilizing advanced techniques of analysis and statistical processing, a 'scale of risk and need evaluation' (Durnescu, 2006) was developed. This can be used especially by probation services, but also by penitentiary, detention centres, educational centres and even law courts. From the perspective of forensic mental healthcare (FMH), the instruments for the actuarial and clinical evaluation of the risk of relapse contain

specific indicators regarding the state of mental health, which can be separately evaluated by means of an 'inventory for checking psychotic attributes' made by Hare (1991, 1997) and later described by Durnescu (2009).

In the applicative sense, starting from the etiological analysis of the phenomenon of relapse with an emphasis on the paradigm of desistance oriented towards rehabilitative practices (Chapman & Murray, 2015), it has been hypothesized: the present scientific approach adopts an integrative type of vision having an appreciative character on the conceptual triad: risk assessment, desistance and offender's psychosocial rehabilitation with reference to the risk of victimization (Sandu, 2016a). Consequently, the practice of rehabilitation and social inclusion of the offender must be oriented towards those significant aspects that will guide the process of desistance, so that by direct intervention it transforms the person who commits crimes into a 'desisted person' (Gheorghe, 2018).

From this point of view, by studying the approaches that tend to pathologize crime (Mihai, 2018), it can be stated that research in clinical criminology and victimology correlated with those in FMH (Mihăilă, 2018) should remain focused on the process of desistance by stressing primary desistance in correlation with secondary desistance. As such, psychosocial rehabilitation depends crucially on the 'construction of a narrative identity adapted' (Ward & Marshall, 2007) to the social, economic and cultural context. The narrative turn would suggest a restorative project, as Jenkins does (2009), promoting 'the cessation of violence and abuse; restitution for harm done to individuals, community and culture; and, reclamation of a sense of integrity for the person who has abused' (Jenkins, 2009).

3. The role of probation in risk prediction and risk reduction with reference to protection of the victim

Generally, probation gives great importance to the etiology of the crime act from the point of view of the clinical analysis in a dynamic manner on the longitudinal axis: present behaviour and consequences (Sandu, 2017). Therefore, in the primary evaluation, relevant information about the person, the deed and the socioeconomic cultural context is gathered, information that shapes the protective factors, the risk factors and the potentially criminogenic needs.

Thus, as shown in the 2016 communication (Sandu, 2016a), the probation makes the connection between the psychosocial assessment of the offending behaviour and the victim risk, namely: the therapy of the aggressor is a type of activity falling within the jurisdiction of probation, with specific programmes run by probation counsellors, within the territorial structures in the national system of probation. This type of activity represents the first step towards the social and legal assistance of the victim within the territorial structures of probation (TSP), an aspect confirmed by the law on the protection of victims of certain categories of offence. Even though the TSP in Romania do not work directly with victims, during specific activities of probation, interventions with respect to the aggressor shall respect the rights and needs of victims. For that matter, the purpose of

psychosocial intervention shall aim at increasing offenders' awareness of the harm done to victims and their taking responsibility for such harm.

Protection of the victims of certain types of crime was initiated in Romania as a specific type of activity within probation from 1 January 2005, when the reorganization of social reintegration and surveillance of offenders as services of the protection of victims and social reintegration of offenders took place. This was made possible by correcting the legislative deficiency which excludes the victim from the category of beneficiaries of reintegration through the adoption of law on measures to ensure the protection of victims of crime (2004). Subsequently, the protection of the victim within the Romanian probation system was supported by the law on the status of personnel services of probation (2006) and continued with the reform of the criminal law (2013), which maintains the protection of the victim within the TSP, namely: physical and territorial jurisdiction of psychological counselling for victims of crimes and other forms of assistance to victims of crimes. Article 11 of the law regarding the protection of victims empowers probation services to ensure victims of certain categories of offences, any form of psychosocial support to meet their needs and difficulties, leaving the service freedom to develop practice in this regard. As such, having regard to the approach aiming to introduce the victim into the assistance circuit, described above and invoked by the special law, psychosocial assessment of victim assistance is a first step. Second, the socio-legal protection of the victim initiated within the Romanian probation system correlates with the possibility of mediation between the victim and the aggressor, as provided by the law of mediation adopted in 2006. The territorial and material competence regarding the mediation between the victim and the aggressor belongs to the mediation offices organized outside the criminal justice system.

This is the very premise of the 'assisted desistance' (Rex, 1999) as a succession of stages developed within the criminal trial, and taking 'the risk management as the fundamental principle' (Durnescu et al., 2009), as shown by the Risk and Needs Assessment Scale (RNAS) used in the Romanian probation system. As for the domain of the psychosocial rehabilitation of persons who commit crimes, this has known different 'dominant models' over time, depending on the stage of development, from the 'missionary model' and 'the treatment paradigm' to 'risk management' (Durnescu, 2009). Along with the specialization of social work, and depending on the beneficiary, different distinct domains have developed, such as: 'psychosocial assistance in criminal justice' (Sandu, 2017), special attention paid to minor and young beneficiaries (Rusu, 2016), activities assisting during probation or 'social assistance in prison' (Durnescu, 2009) and activities addressing severe personality disorders (Mihai, 2018).

Certain theories of intervention are utilized depending on the purpose the rehabilitation institution has in mind. Taking into consideration the relevance and the practical character of the theories of intervention that are applicable in the domain of the social rehabilitation of the criminal, the research conducted in Romania presents two theoretical models: 'the cognitive-behavioural theories'

(Poledna et al., 2009) and ‘the paradigm of desistance’ (Durnescu et al., 2009), which are the fundament of the present programmes of rehabilitation and social inclusion of the persons who commit crimes (for example, the Reduction Risk Relapse (RRR)).

Also, we draw attention to the significant results of a complex scientific research of exploratory and descriptive or analytical type with a pronounced interdisciplinary character, which proposes the analysis of the relationship between desistance, as a determining paradigm for ending the ‘criminal career’, and the ‘rehabilitation’ model offered by probation (Gheorghe, 2018). Among the significant results of the above-mentioned doctoral research, we note the ‘additional objective’, namely, the role played by the probation service in the process of surveillance and assistance regarding the qualitative differentiation between the groups of investigated subjects. The results of the statistical analysis identify 29 variables correlating significant factors in different degrees with the desistance, these being valued within the qualitative research of the ‘life story’ type that outlines and individualizes the psychosocial and legal picture of the criminality in each of the 17 cases taken in the study (Gheorghe, 2018).

4. Discussion about alternative RRR programme intervention

To achieve these objectives, severe surveillance of the young offenders is needed through an institution empowered to: assess personality disorders in correlation with the vulnerabilities implicit in the custodial environment (Mihai, 2018), facilitate “self-report measures” over time in prison with relevance to “assessing the adjustment of young adult offenders” (Gonclaves et al., 2019), separate the young person’s negative peer group, control the consumption of alcohol and possible drug consumption. The sociologic approach brings forth the potentially criminal needs and the criminal risk of the familial environment, aspects which are demonstrated by many researches in criminology and victimology that also highlight, among some risk factors, family violence (Sandu, 2008) and the criminal antecedent of some of the family members (Mihăila, 2012), some protective factors (Poledna & Bujan, 2004), such as the manifest concern for the family, the stability of life in a couple (Poledna, 2014) and the existence of a balanced relationship between parents and their children (Sandu, 2016b).

Concurrently, the research shows ‘the effects upon family’ of the persons in jail, which is the fundament of the ‘secondary’ intervention activities, which are complementary to the ‘basic’ intervention activities in the psychological approach of the crime behaviour (Durnescu et al., 2009). In the case presented above, both the family of the young aggressor and the victim’s family could represent a considerable community resource regarding the ‘social and economic inclusion with cultural and religious values’ (Mihăilă, 2016), the protection of the victim (Sandu, 2016a) and the mediation between victim and aggressor, if the law is permissive (Dunea & Mărculescu-Michinici, 2019). At the same time, it is very important to obtain a professional qualification and to be placed on the labour market after being released (Durnescu, 2019).

4.1. Psychosocial intervention in the pre-liberatory stage from the perspective of the RRR programme

The programme entitled “Reducing Risk Relapse after prison: a Romanian system of preparation for release and post-criminal assistance” (Poledna et al., 2009) was conducted at national level in the Phare 2006 project ‘Continuing the development of the probation system in Romania’. The RRR programme consists of a basic module and a number of three optional individual modules, which have been used for groups of prisoners, during the last three months of the prison sentence. The optional modules are part of the general training programme for release and post-sentence assistance, which includes several sequential stages, from the initial enrolment in the programme to the final contact, after release, with the TSP.

The chronological development of the modules of the RRR programme, on the principle of the continuity of the psychosocial intervention, is of major importance considering that these modules practically cross the ‘critical moment’ when leaving the prison, as a result of the conditional release. Thus, the main objective of the basic module of the RRR programme is to support the individual assistance of prisoners in order to ensure the continuity of the intervention through the specialists in post-sentence assistance: probation counsellors and representatives of community institutions. Basically, the RRR programme facilitates the continuity of contact between the conditionally released persons, participants in the programme and the community service providers, respectively institutions and organizations in the field of social rehabilitation.

The efficiency of the RRR programme is conferred by its enrolment in the psychosocial and educational intervention with cultural-religious values within the preparation for liberation process. More specifically, the RRR programme contributes to the planning and management of the prison sentence by individualizing the executory regime carried out in the penitentiaries, in collaboration with the TSP and the community institutions in the field of social rehabilitation (Figure 1).

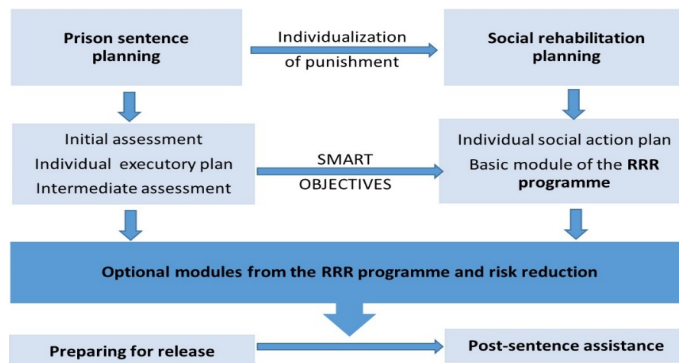


Figure 1. Prison sentence planning from the perspective of the RRR programme Programme registration, basic module, optional modules and post-sentence assistance

Thus, from the standpoint of the person in custody (custodial detainee) who agrees to take part in the programme, the case management and preparation for conditional release from the perspective of the RRR programme has several stages, as follows (Poledna et al., 2009):

a. The administrative stage of preparation of the RRR programme consists of informing at a general level all the persons in detention and, subsequently, informing at a specific level the persons eligible to participate in the RRR programme.

b. The basic module of the RRR programme contains six working sessions with the group, organized on the following types of social intervention objectives: general evaluation, specific evaluation, setting SMART objectives, drawing up social action plans and connecting personal resources to social opportunities.

c. The optional modules – associated with the risk of delinquent relapse, and the risk of criminal recidivism – applicable to the case presented above, are selected according to the action plan attached to each specific, measurable, actionable, relevant and time-bound (SMART) objective, as follows: facilitating the relationship with the family of the person eligible for conditional release; facilitating the resolution of the psycho-affective and physical health problems of the person eligible for parole; facilitating contact with specialists from psychosocial and medical services specialized in treating sexual aggression; facilitating access to educational services specialized in civic education, education for the natural relationship, friendship between man and woman including the values and principles of Christian morality.

d. The post-sentence assistance granted at the request of the person released conditionally will be outlined by the following psycho-socio-educational interventions: family assistance and reconciling the relationship of the supervised person with the family members; continuation of sexual education in the broad sense and counselling of the couple relationship, as the case may be; the protection of the victim, the mediation between the victim and the aggressor and, possibly, the negotiation of the conflicts arising in the proximity of the surveilled person; the continuation of studies and recognition of the professional qualification obtained in the penitentiary; professional engagement and involvement in constructive activities within the community.

4.2. Post-sentence surveillance and assistance from the perspective of the RRR programme

All the integrated social services specific to the post-release period include the activities of evaluating how the measures are fulfilled and the execution of the obligations imposed by the court, as well as the special procedures in case of non-compliance. The purpose pursued by the TSP in the post-release surveillance phase is to prevent relapse as well as the risk of relapse (Poledna et al., 2009) in the case of the person released conditionally. Although from a legal point of view, the post-sentence surveillance is not confused with the post-sentence assistance

(Sandu, 2011) granted at the request of the supervised person, the two types of activities carried out by the TSP are mutually conditioned, being complementary. Thus, if the control induced by the post-release supervision concerns the social competence of the supervised person with regard to accessing the opportunities that the community offers in this respect, the post-sentence assistance refers to the availability of the conditionally released person to collaborate, being motivated to assume the responsibility of changing the behaviour in a prosocial way (Sandu, 2017). As such, the provision of post-sentence assistance at the request of the surveilled persons implies a complex process of evaluation, intervention and monitoring, through cumulative activities and actions, initially carried out in the penitentiary, so that later they will be continued by the TSP, in collaboration with community institutions and organizations, for the purpose of social rehabilitation of the released person (Figure 2).

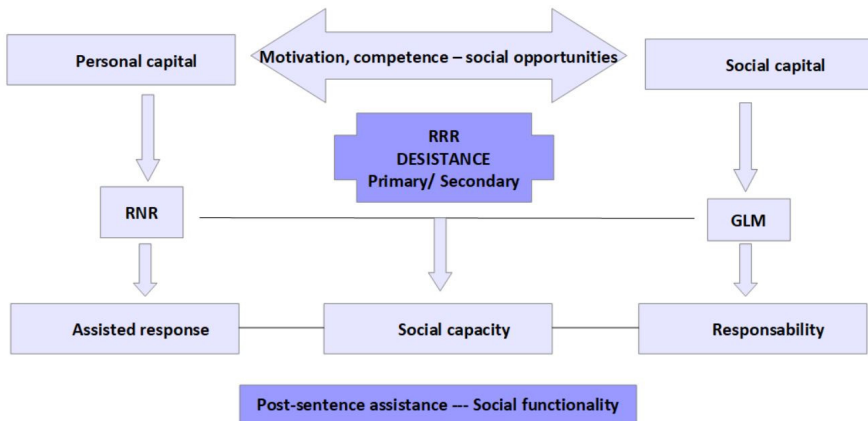


Figure 2. Paradigm of desistance from the perspective of the RRR programme Reducing the risk of relapse after prison. The process of relapse (II)

4.3. Limitation of the social intervention in the correctional field

In a recent study, Maruna & Mann (2019) make a clear distinction between the paradigm of desistance and the evidence-based practice or ‘what applies’ considering that there are similarities but also significant differences between the two approaches. More specifically, the mentioned authors consider that, while the paradigm of desistance based on the GLM model represents a theoretical and optimistic perspective, the RNR model is rather related to the practice. However, the intervention methods are multiple and can combine both styles of research (Maruna & Mann, 2019).

From this point of view, the RRR programme, whose application I have presented previously, shows the complementarity of the two intervention models, respectively RNR and GLM, but there are still some methodological limits, to which the limits regarding the community resources are added as follows (Poledna et al., 2009): insufficient human resources at the level of the penitentiary

and the territorial structures of probation, some dysfunctions regarding collaboration between the penitentiary and the probation service in the region, which determine the failure to create an integrated services circuit of psychosocial and medical type, based precisely on the partnership between penitentiary, probation and other institutions in the community.

5. Conclusion

At present, as novelty in psychosocial intervention, the 'paradigm of criminal desistance' defined by Weaver and McNeill (2007) as a process of change in the prosocial way proposes a plan of action and commuting the stress from the negative factors to the positive ones – protective or inhibitory of the criminal behaviour – by bringing forth the 'strengths' of the person who committed a crime, without neglecting the perspective of the risk of relapse (Oancea & Durnescu, 2011). So the process of change in a prosocial sense is represented by 'the process of the coming to maturity of the personality', 'the identity reconstruction', and 'their social relations' (Durnescu et al., 2009). From this perspective, the psychosocial intervention equally regards the intensifying and the valorization of the 'human resource' meaning, motivation and social competence, as well as the activating of the 'social resource' (Oancea & Durnescu, 2011), namely, the opportunity to use the capacity that the communitarian intervention net offers for the social rehabilitation of the person and the group in a situation of social risk and/or vulnerability.

In this way, the cognitive-behavioural approach (Poledna et al., 2009) harmonizes with 'assisted desistance' more actively and inclusively, and the responsiveness specific to the RNR model is complementary of individual and social responsibility with the purpose of giving back social functionality to the assisted person or group. The specificity of this type of intervention consists in the fact that it is prospective and contextualized, and its beneficiary is supported starting from their 'strengths' to aspire to a better life, or "The Good Life Model" (GLM) (Durnescu et al., 2009), by setting some specific and realistic objectives. The novelty of this approach considers the fact that desistance or 'going out' of criminal behaviour is associated from the perspective of failure in attaining the objectives of social rehabilitation with the setback which is an intermediary stage until the relapse itself, and which offers real possibilities of dismissing failure by making alternative choices at the action level.

In this way, in our opinion based on previous research (Sandu, 2016a), starting with the evaluation of the risk factors of aggressiveness in the complex psychosocial and legal evaluation realized for the prisoners (Mihai, 2018), the work instruments can be standardized with the purpose of the factors of the victim risk evaluation, which would show their usefulness afterwards in the management of the victim behaviour, stressing the mediation between the victim and their aggressor and implicitly mediating disputes at the community level. In our vision, starting from the basic premises of the symbolic interactionism described by Blumer (1969), we propose to overcome the possible bottlenecks in

the practice of probation by correlating qualitative ‘lifeworld’-type research from the perspective of phenomenology, with the intervention theories in the field of rehabilitation practices based on the desistance paradigm (Chapman & Murray, 2015).

In conclusion, the relationship between criminological research, victimology and practice in the Romanian probation system is oriented by the interest shown by the prison staff and probation counsellors in relation to the following thematic areas: the impact of changing the criminal law, respectively, the ‘prison law’s effects’ (Dâmboeanu et al., 2019); the role of the professional relationship between the probation council and the surveilled person; the efficiency of the programmes and interventions carried out during the surveillance period (Poledna, 2016). In addition, based on Maruna’s (2011) vision, according to which ‘reintegration rituals’ can outweigh ‘punishment rituals’ (Maruna, 2011), we argue in favour of the efficiency of the probation activity from the perspective of post-sentence assistance, which can be started by a functional inter-institutional collaboration between the community partners to ensure the sustainability of psychosocial interventions ‘beyond probation’.

Acknowledgements

I take this opportunity to bring warm thanks to the associate professor PhD Sorina Poledna from the Babes Bolyai University of Cluj-Napoca, Romania, for the methodological contribution in carrying out qualitative research in prison and probation, as well as for participating, as an expert, in the implementation of the RRR programme. Also, warm thanks to Professor Ioan Durnescu from the University of Bucharest, Romania, for coordinating the projects of modernization and extension of the Romanian probation system, in collaboration with European experts, of which I nominate Professor Rob Canton from De Montfort University, Leicester, which provided ongoing support on updating bibliographic references correlated with the data provided by the implementation of European Probation Rules.

References

- Amza, T., & Amza, C. P. (2008). *Criminologie. Tratat de teorie politică criminologică [Criminology: Treatise on criminological theory and politics]*. Lumina Lex Publishing House.
- Andrews, D. A., & Bonta, J.L. (1995). *The Level of Service Inventory. LSI-R* [Revised. Manual]. Multi-Health System, Inc.
- Balahur, D., Littlechild, B., & Smith, R. (Eds). (2007). *Restorative Justice Developments in Romania and Great Britain: Sociological-juridical enquiries and applied studies of social work*. „Alexandru Ioan Cuza” University Press.
- Barras, V., & Bernheim, J. (1990). The history of law and psychiatry in Europe. In Bluglass, R., & Bowden, P. (Eds.), *Principles and Practice of Forensic Psychiatry* (pp. 103-109). Churchill Livingstone.
- Becker, H. S. (1973). *Outsiders: Studies in the Sociology of Deviance*. The Free Press.
- Bonta, J., & Andrews, D. A. (2007). *Risk-Need-Responsivity Model for Offender Assessment and Rehabilitation*. Public Safety Canada.
- Blumer, H. (1963). *Symbolic Interactionism: Perspective and Method*. Englewood Cliffs, NJ: Prentice Hall.

- Bohm, R. M., & Haley, K. N. (2002). *Justiția penală. O viziune asupra sistemului american [Criminal Justice: A vision of the American system]*. Expert Publishing House.
- Bonta, J., & Andrews, D. A. (2007). *Risk-Need-Responsivity Model for Offender Assessment and Rehabilitation*. Public Safety Canada.
- Champion, D. J. (1994). *Measuring Offender Risk: A criminal justice sourcebook*. Greenwood Press.
- Chapman, T., & Murray, D. (2015). Restorative justice, social capital and desistance from offending. *Journal of Social Work*, 4, 47–60.
- Ciocei, V. (2019). *Handbook of Criminology*. All Beck Publishing House.
- Dâmboeanu, C. (2011). The phenomenon of relapse in Romania. *The Quality of Live Journal*, 3, 295–312.
- Dâmboeanu, C., Pricopie, V., & Thiemann, A. (2019). Prison law and human rights in post-communist Romania: Staff attitudes toward change. *European Journal of Criminology*. doi/10.1177/1477370819850128
- Dunea, M., & Mărculescu-Michinici, M. I. (2019). Consideration upon a side of restorative justice: the mediation in criminal cases in the Roumanian law. *Scientific Annals of "Alexandru Ioan Cuza" University of Iași (new series) "Sociology and Social Work"*, 2, 59–72.
- Durnescu, I. (2002). Estimating the risk of relapse. In Durnescu, I. (Ed.), *Handbook of Social Reintegration and Surveillance Counselor* (pp. 335-345). Themis Publishing House.
- Durnescu, I. (2006). *The Phenomenon of Recidivism in the Field of Patrimonial Crime*, PhD thesis. "Alexandru Ioan Cuza" University Press.
- Durnescu, I. (2009). *Asistența socială în penitenciar [The Social Work in the Penitentiary]*. Polirom Publishing House.
- Durnescu, I. (2019). Work as a drama: The experience of former prisoners in the labour market. *European Journal of Criminology*, 18(2), 170-191. doi/10.1177/177370819838718.
- Durnescu, I., Lewis, S., McNeill, F., Raynor, P., & Vanstone, M. (2009). *Reducing the Risk of Relapse after Imprisonment*. Lumina Lex Publishing House.
- Frañț, A. E. (2017). Conceptual delimitations regarding the role of education in preventing crime. *Acta Universitatis George Bacovia. Juridica*, 1, 147–168.
- Gassin, R. (1990). *Criminology*. Dalloz.
- Gheorghe, M. C. (2018). *Desistance from Criminal Behavior: Probation as an agent to support the desistance efforts*, PhD thesis. Cluj-Napoca: „Babes Bolyai” University.
- Giordano, P. C., Cerncovich, S. A., & Rudolph, J. L. (2002). Gender, crime and desistance: Towards a theory of cognitive transformation. *American Journal of Sociology*, 4, 990–1064.
- Gonclaves, L. C., Endrass, J., Rossegger, A., Grace, R. C., & Dirkzvager, A. J. E. (2019). Assessing prison adjustment among young adult offenders: Changes, correlates, and outcomes. *European Journal of Criminology*, 18(3), 366-385. doi/10.1177/1477370819850944.
- Hare, R. D. (1997). *The Hare psychopathy checklist – revised (PCL-R)*. Multi-Health System.
- Iacobuță, A. I. (2002, 2006). *Criminology*. Junimea Publishing Press.
- Jenkins, A. (2009). *Becoming Ethical: A parallel, political journey with men who have abused*. Russel House Publishing.
- Law no. 211 of 2004 on measures to ensure the protection of the victims of crime, updated. Available at: <https://www.law-no-211-2004-on-some-measures-for-insurance-inform-support-and-protection-crime-victims> (accessed 15 May 2021).

- Law no. 123 of 2006 on the status of personnel services of probation, updates. Available at: <http://legislatie.just.ro/Public/DetaliuDocument/71519> (accessed 15 May 2021).
- Law no. 192 of 2006 on mediation and the organization of the profession of mediator, updated. Available at: <http://legislatie.just.ro/Public/DetaliuDocument/71928> (accessed 15 May 2021).
- Law no. 252 of 2013 on the organization and functioning of the probation system, updated. Available at: <http://legislatie.just.ro/Public/DetaliuDocument/150667> (accessed 15 May 2021).
- Lazăr, C. (2002). Elements of criminology. In Durnescu, I. (Ed.), *Handbook of Social Reintegration and Surveillance Counselor* (173-215). Themis Publishing House.
- Loghin, I. C. (2019). Restorative justice concepts and models in penitentiary social work. *Scientific Annals of „Alexandru Ioan Cuza” University of Iași (new series) Sociology and Social Work*, 2, 73–87.
- Mannis, J., & Harris, P. W. (2011). Contagion and repeat offending among urban juvenile delinquents. *Journal of Adolescence*, 34, 951–963.
- Maruna, S. (2011). Reentry as a rite of passage. *Punishment & Society*, 13, 3–28.
- Maruna, S., & Farrall, S. (2004). Desistance from crime: A theoretical reformulation. *Kvlner Zetschrift fur Soziologie und Sozialpsychologie*, 43, 171–194.
- Maruna, S., & Mann, R. (2019). *Reconciling ‘Desistance’ and ‘What Work’*. HM Inspectorate of Probation: Academic Insight.
- McNeill, F. (2006). A desistance paradigm for offender management. *Criminology and Criminal Justice*, 1, 39–62.
- Mihai, C. (2018). *The Severe Personality Disorders in Persons Deprived of Liberty*. Ars Longa Publishing House.
- Mihăilă, M. M. (2012). The social and legal protection of children whose parents serve custodial sentences. *Scientific Annals of “Alexandru Ioan Cuza” University of Iași (new series), Sociology and Social Work*, 2, 34–52.
- Mihaila, M.M. (2016). The parental responsibility and the religious values transmission through family. *Scientific Annals of “Alexandru Ioan Cuza” University of Iași (new series), Sociology and Social Work*, 1, 99–110.
- Mihaila, M. M. (2018). Medical-legal and social premises regarding the individualization of taking and performing medical safety measures applicable to both psychiatric and non-psychiatric patients. *Journal of Forensic Research*, 9, 412, doi/10.4172/2157-7145.1000412
- The National Strategy for the Social Reintegration of Persons Deprived of Freedom, 2019–2024. Available at: <https://sgg.gov.ro/new/wp-content/uploads/2020/05/ANEXA-14.pdf> (accessed 15 May 2021).
- Oancea, G., & Durnescu, I. (2011). Modele de practică în sistemul corecțional [Models of practice in the correctional field]. In Durnescu, I. (Ed.), *Probațiunea. Teorii, legislație și practică [Probation: Theories, legislation and practice]* (pp. 249-262). Polirom.
- Poledna, S. (2014). Women inmates’ narrative identities and family life projects. *Contemporary Issues Facing Families: An Interdisciplinary Dialogue*, 3, 363–381.
- Poledna, S. (2016). Researching practice and practicing research in probation: Some reflections. In Tomita, M. (Ed.), *The Fifth International Conference Multidisciplinary Perspectives in the Quasi-Coercive Treatment of Offenders. Probation as a Field of Study and Research: From person to society*. Filodiritto Editore, 178–182.
- Poledna, S., & Bujan, L. (2004). *Delinquent Behaviour: Risk and protective factors*. Research Report. Didactic and Pedagogical Publishing House.

- Poledna, S., Sandu, M., Berne, A. L., Foca, L., & Palaghia, M. (2009). *Training Manual on Working with Convicted Persons to be Released from Prison*. Lumina Lex Publishing House.
- Rec (2010)1 on the European Probation Rules (EPR): Work with victims. Available at: https://www.pmscr.cz/download/mezdoken_European_Probation_Rules.pdf (accessed 15 May 2021).
- Rex, S. (1999). Desistance from offending: Experiences of probation. *The Howard Journal of Crime and Justice*, 38, 366–383.
- Robert, P., & Lascoumes, P. (1974). *Youth gangs, a theory of segregation*. Paris: Éditions ouvrières.
- Rusu, C. (2016). Minors in the probation system: Control and intervention for desistance. In Visu-Petra, G., Buta, M., & Visu-Petra, L. (Eds.), *Child Psychology in Judicial Context: Theoretical and applicative foundations* (pp. 327-366). Association of Cognitive Sciences in Romania (ASCR) Publishing House.
- Sandu, M. (2008). Family violence: Risk factor in juvenile delinquency. *Journal of Social Research and Intervention*, 23, 63–82.
- Sandu, M. (2011). Supravegherea și asistența postpenală [The surveillance and post-criminal assistance]. In Durnescu, I. (Ed.), *Probațiunea: teorii, legislație și practică [Probation: Theories, legislation and practice]*. Iasi: Polirom, 372-386.
- Sandu, M. (2016a). The victim's perspective in psychosocial assessment of the aggresional behaviour. In Tomita, M. (Ed.), *The Fifth International Conference Multidisciplinary Perspectives in the Quasi-Coercive Treatment of Offenders. Probation as a Field of Study and Research: From person to society* (221-227). Filodiritto Editore.
- Sandu, M. (2016b). *The Effects of Secularization on the Parent-Child Relationship: Case Study: The city of Iasi*. „Alexandru Ioan Cuza” University Press.
- Sandu, M. (2017). *Social Reaction about Crime: Surveillance and post-criminal assistance*. Pro Universitaria Publishing House.
- Sheridan, C. (2016). Foucault, power and the modern panopticon. *Trinity College Digital*. Available at: <http://digitalrepository.trincoll.edu/theses/548> (accessed 6 August 2020).
- Stănoiu, R. M. (1998). *Criminology*. Oscar Print Publishing House.
- Ward, T., & Brown, M. (2004). The good lives model and conceptual issues in offender rehabilitation. *Psychology, Crime & Law*, 3, 243–257.
- Ward, T., & Marshall, B. (2007). Narrative identity and offender rehabilitation. *International Journal of Offender Therapy and Comparative Criminology*, 51, 279-297.
- Ward, T., Mann, R., & Gannon, T. (2007). The good lives model of offender rehabilitation: Clinical implications. *Aggression and Violent Behaviour*, 12, 87–107.
- Weaver, B., & McNeill, F. (2007). Desistance. In Canton, R., & Hancock, D. (Eds.), *Dictionary of Probation and Offender Management* (pp. 90–92). Willan Publishing.
- Webster, C., MacDonald, R., & Simpson, M. (2006). Predicting criminality? Risk factors, neighbourhood influence and desistance. *Youth Justice*, 1, 7–22.