

OFFENDERS UNDER SUPERVISION AND THEIR PERCEPTION ABOUT LAWYERS AND PROBATION COUNSELORS

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ABSTRACT

The study brings to discussion part of the results of a research made in 2013, at the level of supervised persons being in the custody of The Probation Service from Bucharest. The main purpose of the research was to identify the way in which supervised persons see the activity of institutions from the penal system (police departments, parquets, court houses, probation) and of professionals who work in these institutions. Although the research was quite complex, the present study focuses only on the registered results of probation counselors and lawyers.

The settled objectives targeted picking up information regarding: a) the way in which probation counselors and lawyers' activity is perceived; b) the counselors and lawyers' qualities compared to other categories of professionals from the justice system; c) identifying the factors that influence the way in which the activity of the two professional categories is seen.

The results of the research emphasized the fact that both professional categories are seen, in general, in a positive way by the supervised persons. There is a series of factors that influence the perception of the counselors and lawyers' activity: the period of time for which probationers were in the custody of Probation Service, the period of time that passed by from entering the counselor's custody, the number of counselors/ lawyers who managed the probationer's case, the type of activities run by counselors of the case (evaluation papers, supervision, counseling) or by lawyers and the type of felony.

Key words: probation counselors, lawyers, probationers, Romania.

INTRODUCTION

The analysis of specialty literature emphasizes a particular interest for making some evaluation studies for the functionality of justice systems as a whole or as components (CEPEJ 2012), or some studies regarding the activity evaluation of professional categories from the judicial system (Di Federico 2005) or some

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impact studies meant to underline the results of new judicial institutions' implementation (such as probation and mediation). Most of these studies were made in countries such as USA, Canada, but also in countries from the European space (France, the Great Britain, and the Netherlands) (Skinner and Goldhill 2013; Byrne 2012; Farrow, Kelly and Stout 2011). As a result of implementing some European norms at the level of justice systems from the South-Eastern Europe countries, we can recently notice a bigger number of studies made in this area. We are talking here especially about studies made by researchers interested to evaluate implementing restorative ideas and practices, probation and mediation being the mostly known in this area (Kalmhout and Durnescu 2008; Schiaucu and Canton 2008; Fellegi 2010; Durnescu 2011; Pitsela and Antonopoulou 2012; McNeil and Beyens 2013) and researchers interested in seeing the evolution and respect of people's rights in detention systems (Ward 2009).

In Romania the interest for evaluating the justice system's activity has been quite low for the past years. Several representative studies were still made because of the need to improve the justice system's activity in the context in which Romania was trying to respect the exigencies of European norms. Romania's integration in the European Union generated important debates regarding the justice system's weaknesses. In this context two new institutions were implemented as part of the penal system: probation and mediation. The specialists' interest for these two institutions leads to ordering studies regarding the probation and mediation's impact over the activity of classical penal system (Balahur, Littlechild and Smith 2007; Balahur, Padovani and Brutto 2007; Durnescu 2008; Balica 2011; Păroșanu, Balica and Bălan 2013).

Problems occurred due to the need to modernize and improve the justice system's activity generated studies regarding the evaluation of the activity of judges, prosecutors, criminal experts, mediators, probation counselors and lawyers. Beyond internal evaluation made at the level of each professional category, evaluation studies were also made by representatives of the academic world or of the national and international non-governmental organizations recognized for their activity in the domain.

The investigations that we started tried to be in trend with the studies centered on evaluating the activity of different professional categories from the justice system from Romania. In this way the researches program "The audience and justice from Romania. Social evaluation and perception" was initiated by The Institute of Sociology (Romanian Academy). The main purpose of this activity was to identify the way in which the persons who came in contact with the justice system see the activity of its component institutions (police, parquets, court houses, probation) and of professionals who work in these institutions. Due to the fact that the research was made for all components of the justice system, for a better organization of the results, we decided to use only data regarding the activity of two professional categories which run their activity in the justice system: probation counselors and lawyers.

The present study will bring to discussion the results of the researches already made in 2013 at the level of Probation Service from Bucharest. In the following pages we will try to present the role and place of the two professional categories, the probation counselor and lawyer, in the justice system from Romania. At the same time, we will describe the relationship between the two professional categories and the supervised persons. This activity will make the decision to associate these two professional categories in the same study more accessible.

The Probation Counselor and The Romanian Justice System

The probation counselor has become one of the professional categories that runs his activity in the justice systems from Romania due to probation institutionalization. The extension of the pilot project of probation implementation (1996, 1998) starting with 2000 at the national level created the premises of this profession newly assimilated to the justice system. Initially the probation counselors were involved in two types of activities: 1) writing evaluation papers for minors and adults who committed felonies and 2) supervising persons for whom the court house ordered respecting the measures and obligations foreseen in The Penal Code art 86³ par. 1 letters a) –d) and 86³ par. 3 letters a) – f) or minors condemned on the grounds of art. 110¹ or for whom an educational measure of supervised freedom was taken art. 103 par. 3 letters A-c Penal Code. Starting with 2006 probation counselors take part in activities of commissions of punishments individualization and of commissions of parole dismissal from penitentiaries.¹

The first two types of activities require direct contact with the offender who is already in the custody of probation services and with his family (sometimes with his group of friends as well). Writing *the evaluation papers* involves picking up information in order to identify the risk factors that might lead to repeating the felonies and also the factors that can contribute to the offender's evolution in a positive way through family, friends, school and other persons' intervention.

Supervising persons require the probation counselor's intervention in order to ensure the respect of measures mentioned by law: to regularly present themselves to the Probation Service, to inform the authorities about trips out of the place of residence longer than 8 days, or about living resources and means, reasons for changing their jobs (Penal Code, art 86³ par. 1 letters a) –d) and 86³ par. 3 letters a) – f)). Supervising also includes activities of obligations fulfillment: to have a job, to go to school classes or qualification classes, not to go to some places, not to change residence, not to pass over the space limits imposed by law, not to drive cars, to follow medical treatments needed for rehabilitation (Idem).

¹ According to Law no. 275/2006 regarding punishments execution and measures ordered by the judicial authorities during trial.

The probation counselor's role becomes more important for the activities of supervision because of intervention complexity and of length of period of time for which the probationer is under his custody (from 2 years to maximum 9 years depending on the court decision). During supervision period the counselor is a case manager and has the obligation to initiate all the necessary and legal activities so that the probationer respects the court decision (that contains the general and specific measures and obligations valid for every case). Moreover, the counselor offers assistance and counseling to every supervised person. The counselor reacts depending on the situation of each offender in order to solve needs identified over the initial or intermediary evaluation (the need to have a house, a job, to go to classes, psychological counseling, and medical assistance). The individual supervision plan made according to identified needs contains concrete objectives and activities of achieving these needs, and putting them to practice involves the intervention of more categories of persons (probationer's family members, friends, specialists). All these activities (identification of needs, making the supervising plan, identification of resources necessary to fulfill objectives) require collaboration between the probation counselor and the supervised person. The way in which the counselor will manage each case depends on the professional competencies and skills that he owns. On the other side, the supervised person's features have an important role as well: psycho-behavioral particularities, the supervised person's attitude towards the received punishment, health state, the complexity of identified needs, etc.

The probation counselor can be in contact with a supervised person before the latter receives a definitive punishment according to which he enters the custody of Probation Services. The counselor can socialize and identify factors that allow the offender's integration in society even since he starts picking up the necessary information for writing the evaluation paper. Allocating the person from the custody of probation to a counselor takes into consideration also the fact that an evaluation paper was written by a counselor. Generally the counselor who writes the evaluation paper receives the case for supervision as well. I considered all these specifications necessary in order to emphasize the moment when the probation counselor comes in contact with the supervised person and the counselor's role in the evolution of the supervised person. I insisted on the relationship between the probation counselor and the supervised person due to the fact that the present study brings to discussion the way in which the counselor's activity was seen by the supervised persons.

Lawyers and Supervised Persons

The lawyers' role over the trial is well known and is generally the same. The offenders' lawyers come in contact with them mostly as soon as the investigation of the penal case begins. Named by the judge or employed by the defendant (or his family), the lawyer offers judicial assistance until the end of the penal trial and

formulating the decision. After the defendant receives his judicial decision, the lawyer is the one who explains him the meaning of putting into practice the decision depending on concrete situations. If the defendant received a decision of adjournment of his punishment under the Probation Service's supervision, the lawyer's job finishes when the convicted person enters the probation's custody. During the penal trial the lawyer is the one who tries to ensure the respect of his clients' rights, to identify the best strategies for his client's interests, to solicit that certain evidence or witnesses be accepted in the file, to finally obtain the easiest punishment for the deed committed by his client. The lawyer – client relationship is a professional relationship which can last as long as the trial. The lawyer can assist him during the instrumentation of the case by the police, parquet and court of justice. Sometimes the lawyer is the one who visits the client in the preventive arrest from the police sections or penitentiary in order to discuss about the ongoing trial.

The lawyer is thus one of the very few persons who keeps contact with the defendant from the beginning of the trial to the formulation of the judicial decision. During this entire period the lawyer is the one who supports his client and helps him go through all the steps of the trial. After entering the custody of the Probation Service, the lawyer is replaced to some extent by the probation counselor. The reason for which I am saying "to some extent" is because the situation has not remained the same. This time the counselor is the one who assures that the probationer respects the legal decision on the one side, and on the other side the counselor is the one who helps him solve the identified needs and respect the obligations settled by the decision. The role of the two professional categories, the probation counselor and the lawyer, is different from that of other professional categories from the penal system. The police officer and the prosecutor have the role to identify evidence to prove the person's guilt and ask for taking a decision. The judge, on the basis of evidence from the file and of current law, decides the decision for the committed deed. The lawyer supports the defendant and helps him receive a small judicial decision. The probation counselor identifies in the evaluation paper the risk factors for committing one felony and can bring arguments in favor of maintaining the defendant in the community. After entering the custody of Probation Service, he also helps him adapt institutional requirements and solve his identified needs.

Probationers

Over this study I used the term "probationer" in order to designate the persons who committed a felony and who over the penal trial entered the contact/custody of probation services. Among probationers we can identify more categories of persons questioned or condemned for different felonies, generally felonies with low degree of danger. Some of these persons are under the

supervision of probation services due to judicial decision (minors sanctioned to be free but under supervision and adults for whom the court decided the adjournment of punishment execution under supervision, HIV/ TBC disease ill persons, drug consumers, persons with mental illnesses). The term *probationer* is used to designate any person who enters the evidence of Probation Service: the person for whom the Probation Service makes an evaluation paper, be it either the person condemned to execute punishment under supervision, or the person who is in the penitentiary to execute a punishment that deprives him of freedom.

Probation Service From Bucharest

At the moment there are 42 probation services in Romania. The Probation Service from Bucharest (PSB) is the one with the most complex activity, the situation being generated by the fact that this service has the biggest urban community from Romania: the country capital – Bucharest (population 1.883.425 – NIS, 2011). Probation counselors make, at the demand of judges from the competency area (six district judges, Buftea Court House and Ilfov Court House) evaluation papers for the persons who committed different felonies and for whom the court appreciates that the information presented by counselors would be useful in taking the decision regarding the decision that is to be pronounced. PSB also participates in activities specific (to parole releasing commissions and to punishment individualization commissions) run at the level of the two penitentiaries that are in its competency area: Rahova Maximum Security Penitentiary and Jilava Maximum Security Penitentiary. Moreover, PSB answers solicitations come from all 26 police sections and Railway Transports Police. PSB is also making evaluation papers for the parquets from Bucharest.

We chose to make this study at the level of Probation Service from Bucharest for many reasons: high number of cases under supervision, big volume of activities run by counselors and the cost-benefit report for our research. At 31.12.2013 the Probation Service from Bucharest had in its custody a number of 2736 files under supervision (Statistical Report The National Direction of Probation, 2014) which represents 13.4% of the total of supervised persons in the custody of probation system from Romania (20.446 persons under supervision at 31.12.2013, Idem). The 18 probation counselors who were working in the Probation Service from Bucharest had about 152 files of supervision each, situation which put them on the first place in the entire country for the volume of supervisions per counselor. The country average for the number of supervision files per counselor was of 80.8 files (Ibidem). The decision to make the research at the level of supervised persons from the Probation Service was taken in the context in which I had access, theoretically and practically, in a short period of time and with minimum expenses, to a high number of subjects.

PROBATION COUNSELORS AND LAWYERS FROM THE SUPERVISED PERSONS' PERSPECTIVE

Methodology

The main purpose of the sociological investigations that were made was to identify the way in which persons who had contact with the justice system see the activity of its component institutions (police, parquets, judges, probation) and of professionals who work in these institutions. Due to the fact that the resources that we had at our disposal were limited, we tried to reduce our investigations at the level of a category of persons who had contact with the justice system, more precisely we decided to make our study at the level of *persons under the supervision of probation services*. We chose this category of subjects because they had contact, over the penal trial, with all the institutions that are part of the justice system. In addition to that the researchers' access to this category of subjects was easier, in comparison with other categories of persons (e.g. persons from penitentiaries).

The objectives settled at the beginning of the investigation had as purpose: a) to identify the way in which supervised persons see the activity of institutions from the justice system: police, parquets, judges, courts of appeal, probation services and penitentiaries; b) to identify the degree of trust in the institutions that are components of judicial system; c) to see the probationers' perception regarding the activity of some professional categories from the judicial system; d) to identify the way in which the people's rights are respected in a penal trial in Romania.

The sociological investigations were made at the level of Probation Service from Bucharest, between June, 20 – July, 30. In this period of time the interview operators, selected and formed to put the questionnaires in application stayed at the PSB office daily. After the probationers were coming to their probation counselors, the interview operators contacted them and informed them about the research. In consequence only the persons who were scheduled to come to the Probation Service office to run the activities stipulated in the individual supervision Plan were contacted. The questionnaires were completed before or after the probationers finished the activities that they had with the probation counselors. After being informed about the purpose of the research and after being asked for their approval to participate in the study, the persons under supervision filled in the questionnaires given at their disposal. Finally 210 persons under supervision accepted to participate in the study. The filling in of the questionnaires was made in two ways: a) the probationer received a questionnaire and filled it in by himself or b) the probationer who did not know how to read and write or had difficulties of the way in which he had to fill in was helped by the interview operator. In both situations the interview operator was at the probationer's disposal in order to give explanations connected to formulating questions. Due to the fact that there were situations in which probationers gave incomplete information only a number of 176 questionnaires were introduced in the database in the end. The instrument used over investigations was structured on more sections: Probation Service – probation

counselors, Law Court – Parquets judges – prosecutors, Police Section – policemen, lawyers, Lawyers and sociodemographic data.² Each section included specific questions, through which we have tried to show the probationers' perception towards activities run by the professional categories that we had in mind: probation counselors, judges, prosecutors, policemen, lawyers and penitentiaries personnel. Moreover, we considered necessary to include some questions common to all sections in order to make some comparative analysis.

Population

The investigated population (N=176) was composed of persons under the supervision of Probation Service from Bucharest. The analysis of data picked up during the investigations showed the fact that among subjects there were persons aged between 17 and 81 years old. The majority of subjects were adults (173). More than two thirds were young people up to 35 years old (see Table 1).

Table 1

Distribution of subjects according to age

Age of subjects	Number of subjects	Percentage of the total of subjects
18 – 25 years	83	47.43%
26 – 35 years	54	30.85%
36 - 45 years	28	16%
46 – 55 years	3	1.71%
56 – 60 years	2	1.14%
61 years and more	2	1.14%
Total	176	100%

The great majority of subjects were men (N=155; 88%), women being more weakly represented in our sample of subjects (N=21; 12%). The distribution of subjects according to the education level showed the fact that almost 40% of subjects are high-school graduates (see Table 2).

Table 2

Distribution of subjects according to level of education

Level of education	Number of subjects	Percentage of the total of subjects
No education	2	1.14%
Secondary school	50	28.41%
High-school	69	39.20%
Industrial School	21	11.93%
Faculty	33	18.75%
Total	176	100%

² The questionnaire was realized by senior researcher Ecaterina Balica and assistant researcher Cristina Oală.

Regarding the year of entering the custody of PSB, the data that we had at our disposal show the fact that the subject received a judicial decision for executing the punishment under supervision between 2006–2013 (63% entered between 2011–2013).

The duration of probationers' entering the custody of Probation Service can vary between 6 months and 9 years. Probationers who participated in our study had judicial decision which imposed staying in the custody of PSB for a period of time between 1.6 – 9 years (see Table 3).

Table 3

Duration of entering the custody of PSB

Duration of decision	Number of subjects	Percentage of the total of subjects
Up to 2 years	7	3.4%
2.1 – 4 years	39	25%
4.1 – 6 years	87	48.9%
6.1 – 9 years	43	22.7%

The interviewed probationers received decisions of execution for committing some different felonies: theft, fraudulence, tax evasion, false documents, robbery, manslaughter, etc.

PROBATION COUNSELORS FROM THE PERSPECTIVE OF PROBATION SERVICE FROM BUCHAREST PROBATIONERS

The section regarding probation counselors was made in such a way so it could allow receiving some information regarding: a) the way in which the probation counselors' activity is seen in order to achieve the obligations and measures settled by justice decision; b) the counselors' availability to answer solicitations from probationers; c) the counselors' qualities compared to other categories of professionals from the justice system; d) identification of factors that influence the way in which the counselor's activity is seen.

History of Probation Counselor – Probationer's Relationship

In order to have a proper image of the way in which the probation counselors' activity is seen by the probationers, we decided to include in the structure of the questionnaire questions to allow us to receive some information regarding the age of the counselor – probationer's relationship, the moment of the probationer's coming in contact with the probation counselor (writing the evaluation paper or entering under supervision) or regarding the stability of this relationship (changing the probation counselor over the supervision). The great majority of probationers included in our sample came in contact with a probation

counselor even when the evaluation paper was written (evaluation paper Yes – 82.4%; No – 11.4%). Two thirds of probationers for whom an evaluation paper was written had the possibility to come in contact with their future probation counselor who became case manager during supervision. Thus, 68.2% of probationers had their evaluation paper made by the counselor who took care of them in their supervision period and only 5.1% of probationers had another probation counselor than the one who made the evaluation paper.

Approximately one of ten supervised persons changed his probation counselor over the supervision period. This change of counselor can be interpreted as being an indicator of the probationer counselor's relationship. In general changing the counselor is quite difficult, because each beneficiary is wanted to be under the supervision of the same counselor over the entire period. The relationship between the two should be built in such a way that it allows the probationer's reintegration and the modification of his behavior according to society's norms and values.

Changing the counselor can be made only with the service manager's approval and only after this one notices that the probationer and probation counselor cannot communicate and cannot put in practice the supervision plan. There are also situations in which the change of the counselor is made due to the change of probationer's residence, job or of leaves of child care. The quality of the counselor – probationer relationship can be affected by these changes, especially if these ones are produced more times over the supervision period. As it is seen from our investigations, most of the interviewed probationers did not change their counselor. 9.7% of the probationers changed their probation counselor once during the supervision period and 2.3% of probationers changed their counselor more times.

Probationers' Perception Regarding The Way In Which Probation Counselors Supported Them In Fulfilling Their Obligations Settled By Law Decision

According to the legislation regarding punishments execution under the supervision of the Probation Service, all probationers entering the custody of the probation system must fulfill a series of measures and obligations: regular visits to the Probation Service, informing the Probation Service about trips out of their residence town longer than 8 days (the city where they stay, length of trip, precise address where they stay), information about resources and means of living, reasons for changing their job³. In addition to this, according to each probationer's particularities, the judge can settle specific obligations such as: to have a job, not to pass over the space limits imposed by law, not to drive cars, to follow medical treatments and care needed for rehabilitation⁴.

³ Measures stipulated at art. 86³ par. 1 letter a) – d) from Penal Code.

⁴ Obligations imposed to the convict by the court of law stipulated in art. 86³ par. 3 letter a) – f) from Penal Code.

Obligations settled by judicial decision

In order to identify the way in which probationers from PSB managed to understand the supervision activity and to maintain the main elements of it, we decided to include in the questionnaire also one question regarding obligations settled by judge.

As we can see in Figure 1, most of them mentioned as obligations settled by judge the interdictions regarding change of residence and having a job. Part of the probationers received as obligation to finish their educational classes or to take qualification classes that could allow them find a job. Due to the fact that among felonies for which probationers can execute punishments under supervision we can find circulation ones, some of the probationers received the interdiction to drive cars (5.1%). In our sample of subjects there were persons who had the obligation to follow different medical treatments: rehabilitation or treatments for different diseases (hepatitis, HIV, TBC).

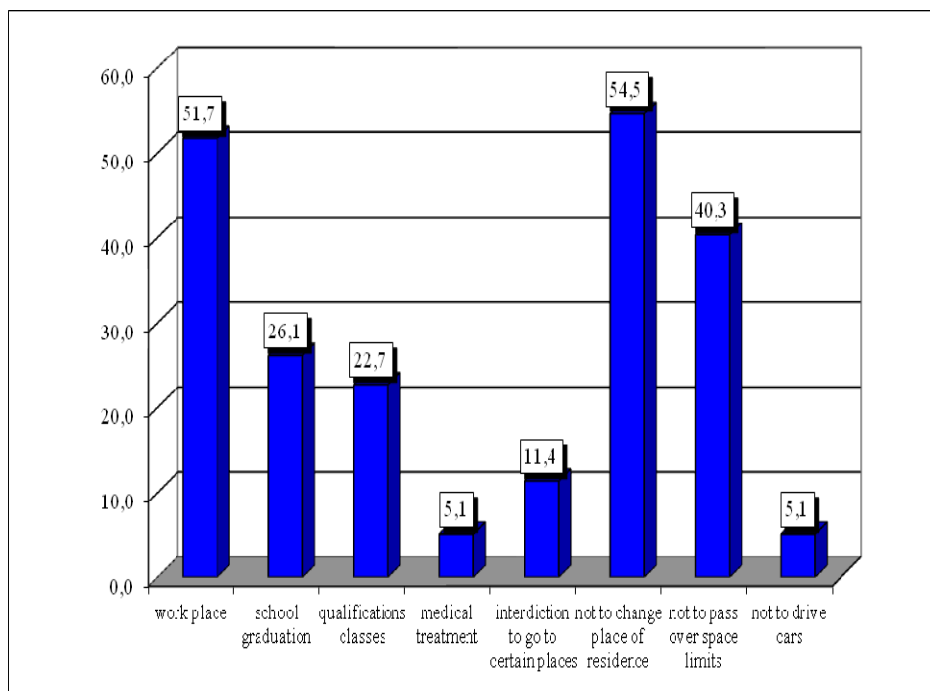


Figure 1. Obligations settled by judicial decision.

After identifying the obligations settled by law decisions, we tried to find out whether the case counselor supported them in achieving these obligations.

Identifying a job

Regarding the degree of satisfaction of probationers who had as obligation to find a job (N=93), we can say that two thirds of them say are “extremely”(31.2%) and mostly (40.8%) “satisfied”. The percentage of less satisfied (15.1%) or unsatisfied (12.9%) probationers is of approximately one third. This percentage can seem high, but if we take into consideration the fact that we had an economic crisis where many persons without penal background had difficulties in finding a job, we can analyze these results with indulgence. Moreover, our experience regarding the way in which supervised persons understand to be supported in finding a job and the supporting politics run by the Institution of Probation (the probationer is supported to identify a job on his own and encouraged to take the initiative and not to wait for someone else solve his problems) determines us to be cautious when we analyze these results.

Writing a Curriculum Vitae

An important element in finding a job is writing the CV. For many probationers from The Probation Services writing the CV is a quite difficult activity. From this reason, the probation counselors interfere and help them write their CVs so that they could convince employers they are suitable for the jobs that are at their disposal.

The probation counselors were solicited for writing their CV only by a small number of probationers (N=36). We can notice though the fact that over 40% of the interested ones were unsatisfied with the way they had been answered to. Their number is quite small (N=16), reason for which we think it would be necessary to expand our investigations to see if the percentage of unsatisfied probationers stays the same or decreases as the investigated sample increases.

Finalizing educational classes or taking qualification classes

One of the most frequent difficulty for the persons convicted for committing a felony, when they want to *continue their educational classes*, is connected to application. These persons frequently encounter the situation in which schools from their neighborhood do not organize “Second Chance” type courses or do not have places in the classes they organize. When there is an obligation settled by law decision, probationers have priority when they apply for classes and the counselor helps them identify the closest school units. Only a small part of probationers included in our sample asked for the counselors’ help for school application (N=34). Approximately half of them were satisfied with the way in which counselors were involved in supporting them. The other half were less satisfied with the counselors’ activity. We can notice the fact that the percentage of “totally unsatisfied” ones is of approximately 30%.

The probationers' high degree of satisfaction was emphasized also in the case of those who had as obligation *finalizing their school* (N=67). In this case two thirds of probationers appreciated that they had been helped in achieving this obligation "extremely (29.8%) and mostly" (43.3%). The percentage of those less satisfied remained of approximately 26%. One third of the probationers included in our sample had as obligation *taking qualification classes*. The probation counselor must help the probationers identify free (or not) qualification classes that can prepare them for a certain domain of activity (the counselors help them identify the job that suits them and that allows them earn incomes necessary for their family). Most probationers were satisfied with the way in which counselors supported them in identifying the qualification classes necessary for their professional formation (25.3% "extremely satisfied" and 44.7% "mostly satisfied"). Unlike the other groups of probationers, the group of probationers who had as obligation to take qualification classes seems to be less satisfied though. We have in this group a percentage significantly bigger of persons who said they were "totally unsatisfied" (20.9%).

Lawyers From the Perspective of Probationers

An important role in the evolution of persons who commit felonies is played by lawyers. Unlike probation counselors who interfere sometimes over the penal trial to write the evaluation paper or after the law decision is pronounced, lawyers are the ones who have the possibility to be the defendant's counselor over the entire trial. Moreover, lawyers advise and help them receive smaller punishments for the felonies they had committed. At the common sense level there are different opinions regarding the way in which lawyers understand to be involved in the specific activities, most of the probationers' opinions being formulated according to their personal experience or to their acquaintances who had different problems to solve in a court of law. There is also a group of persons who although they didn't have direct contact with the justice system formulated their opinion about the justice activity according to information and messages received from mass media.

The target group of our investigations, i.e. persons under supervision, is a category of population that had direct contact with lawyers and other professional categories from the justice system. Consequently, these ones can express their point of view based on information not on feelings. The hypothesis from which we left was the one that probationers who received a decision of punishment under the supervision of a counselor are satisfied with the lawyers' services. The probationers' degree of satisfaction regarding the lawyers' activity is influenced by: the period for which they entered the custody of PSB and the obligations settled by judge for the respective probationer.

The section regarding the lawyers' activity was made in such a way so that it could allow receiving some information regarding: a) the way in which the lawyers' activity who defended them in a court of law is seen (lawyers appointed

by judge and hired lawyers); b) the lawyers' involvement in assisting persons who committed felonies; c) the degree of satisfaction towards the activities run by lawyers; d) lawyers' qualities; e) identifying the factors that influence the way in which the lawyer's activity is seen.

Type of lawyers who were involved in assisting probationers over the penal trial

Receiving a decision of punishment execution under the custody of PSB represents to a certain extent also the result of the activity of the lawyer who took care of the defendant's defense. As we all know, when a probationer has a lawyer appointed by judge the risk is that the lawyer is less informed about his case or even to represent the probationer only once, being changed with another one after that. On the other hand, the employed lawyer has big chances to be up-to-date with the file evolution and to be more involved in building a strong defense. The idea from which we started the study was the one according to which persons under supervision are to some extent more satisfied by the way in which they were represented by employed lawyers, and most of the probationers who entered PSB had employed lawyers.

The analysis of answers given by our subjects confirmed our hypothesis according to which most of the probationers had employed lawyers (76.7%) or changed their appointed lawyer with an employed one (4.55%). On the other side, our investigations showed the fact that there is, at the level of persons interviewed by us, the practice of changing lawyers regardless of his type (appointed or employed one). Approximately one third of probationers changed their lawyer over the penal trial. Among these ones, half (15%) said that the appointed lawyers had been changed more times. This situation depends very little on the offender's opinion towards the way in which the lawyer runs his activity and more on the lawyer's availability. There is also a group of offenders under supervision who changed their employed lawyers over the trial (11.7%). This time it was about dissatisfactions regarding the way in which lawyers were involved in assisting the defendants.

Lawyers' involvement in assisting the offenders over the penal trial

In order to have an appropriate image over the way in which the lawyers' activity was seen and due to the wish to identify the factors that influence the offenders' perception, we tried to evaluate the lawyers' activity over the penal trial. In this way, we identified, in a first phase the presence/ absence of lawyers at different moments of the penal trial: case instrumentation by police departments and parquets, sending the file to the court of law and representation in the court of law, the defendant's/ the convict's entering the penitentiary system (during preventive arrest, conviction in the first instance etc.) Most of the interviewed probationers benefited from a lawyer's assistance when the file was instrumented

by the court of law (94.3%). More than half of them were assisted by lawyers from the first steps of the penal prosecution (see Figure 2).

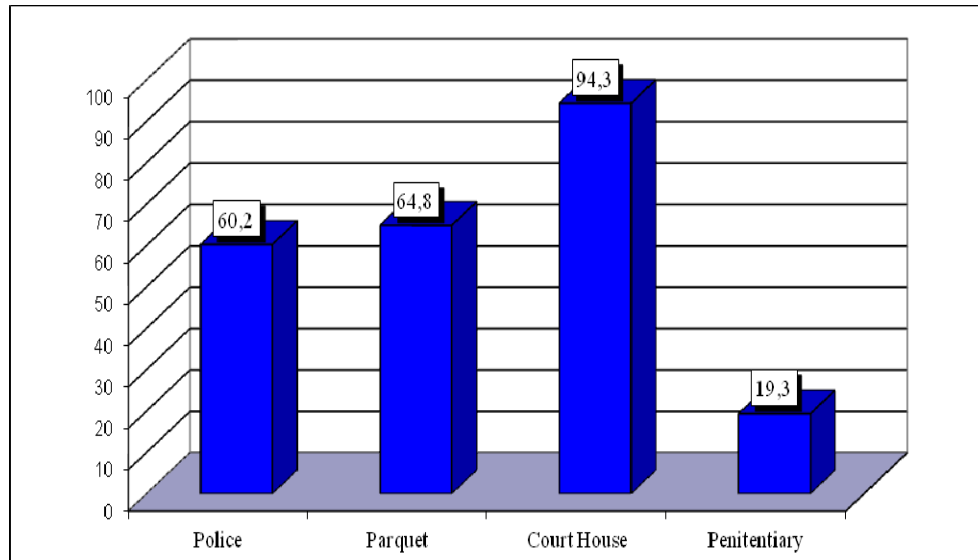


Figure 2. The lawyer was present next to you...

In general, persons who committed felonies with a low degree of social danger are sent in the custody of Probation Service, persons who present more chances of reintegration in community if being left in the custody of PSB, persons who could receive 4 years of prison at most for the committed felonies. It is less likely that a person who could enter the custody of PSB to be someone for whom preventive arrest or penitentiary internment was ordered after a first appearance in the court of law. Due to this the lawyer's presence in the period of penitentiary internment is less signaled by probationers (19.3%).

The probationers' degree of satisfaction towards the lawyers' activity during interrogations from police sections

As we have already said only approximately two thirds (N=123) of probationers were assisted by lawyers from the first moments of the investigation. Out of the probationers who had access to the lawyers' services, the great majority (76.5%) was "extremely and mostly" satisfied by the way in which they were treated by lawyers. The rest was less satisfied (17%) by the lawyers' activity. Only 6.5% of the probationers chose the variant "totally dissatisfied".

The lawyer – probationer relationship during preventive arrest

Approximately half of the probationers (N=88) answered the question about the lawyers' job regarding assuring legal conditions of detention during preventive arrest. And this time the lawyers' activity was seen in a positive way by most of the subjects (53.4% to a very big extent and 30.7% to a big extent). Only 8.8% were less satisfied by the way in which lawyers were involved in solving their problems. The percentage that opted for "not at all satisfied" remained as small as before (6.8%). It is interesting the fact that, although we would have expected that the number of unsatisfied people to be bigger, because of preventive arrest, the registered answers show that the situation was different from our expectations: the probationers' degree of satisfaction towards the lawyers' activity over the preventive arrest was bigger than the one manifested towards the lawyers' activity during interrogations.

The lawyers' activity during case instrumentation by Parquet

All the interviewed probationers experimented the case prosecutor's interrogations, reason for which the number of subjects who answered the question regarding the lawyers' activity during the interrogations from Parquet was bigger than in other situations. The given answers determine us see the existence of some significantly big percentages of probationers who are satisfied "to a very big extent" (48.1%) and "to a big extent" (34.3%) by the lawyers' activity. The percentage of unsatisfied subjects remained as small as before.

The lawyers' activity during the probationers' internment in the penitentiary

The probationers' internment in the penitentiary system, after the judging of the file in the first instance or for the period of preventive arrest, brings with itself a new step in the evolution of the condemned/ arrested person. This one is forced to adapt to the detention conditions and to the rules of the penitentiary system. The lawyer is the one who, next to the family, has access to the person who is in the penitentiary custody. Unlike his family, the lawyer can assist/ advise him from a judicial point of view in order to benefit from all the rights that are his in this period.

Approximately one third of our subjects experienced internment in one penitentiary (N=63). The great majority of subjects was satisfied by the way in which lawyers supported them during detention in a penitentiary (49.2% to a very big extent and 30.1% to a big extent). We can notice a slight increase of the percentage of the less satisfied ones (not at all satisfied – 9.5%, a little satisfied – 11.1%).

The lawyers' activity during case instrumentation in the court of law

The analysis of data shows the fact that the percentage of probationers satisfied with the way in which lawyers represented them in front of the judges is as big (48.9% - to a very big extent, 30.7% to a big extent). Only one out of ten persons was unsatisfied with the way in which he/she was represented by his/her lawyer. The results are explainable also by the fact that the lawyers of this category

of probationers managed to obtain for their clients one judicial decision through which probationers received adjournment of punishment execution under the supervision of Probation Service. In these conditions the positive reaction of probationers towards lawyers is understandable.

The probationers' satisfaction degree during the penal trial in general

Because we wanted to observe the differences of opinion towards the lawyers' activity during the trial and the opinion towards the lawyers' activity from different moments of the trial (police interrogations, parquet interrogations, preventive arrest, internment in penitentiary) we decided to include in the questionnaire one question that can help us in this way. The results confirmed the answers given to the questions regarding the lawyers' activity at different moments of the penal trial. The percentage of probationers satisfied with the lawyers' activity in general is similar to the one of probationers satisfied with the lawyers' activity during police/parquet interrogations or during preventive arrest (see Figure 3).

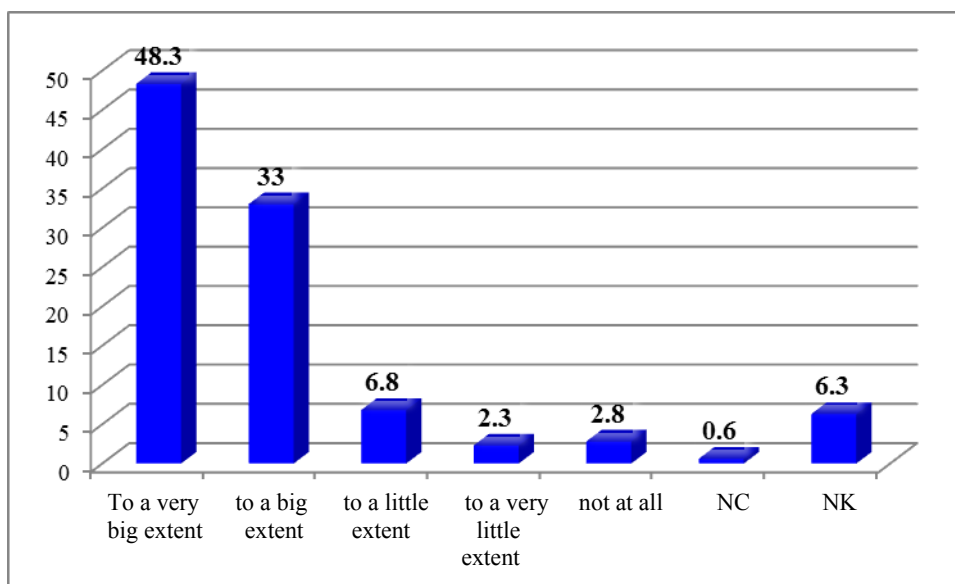


Figure 3. To what extent were you satisfied with the way in which your lawyer represented you during the trial?

The Probation Counselors and Lawyers' Characteristics From The Probationers' Point of View

Regardless the age or reason for which they entered the evidence of probation services, the probationers are treated by the probation counselors according to the values, norms and principles that are the object of European Union recommendations, and also according to other international documents that bring

under regulation the human rights: the right of self-determination, impartiality, open-mindedness and respect, honesty, avoiding discrimination on any grounds, acceptance, confidentiality of data regarding the criminal (Durnescu 2011, 185–194; Witec 2005 and 2011, 390, Deontological Code of personnel of social re-integration and supervision, art. 7 letters a-d).

At the end of sections regarding the probation counselor's activity and the lawyers' activity we inserted a question through which we have tried to identify the supervised persons' opinion regarding the qualities of the two professional categories. The first three characteristics that the supervised persons associated with the probation counselor's person were: honesty, fairness and confidentiality (see Figure 4). These three characteristics are essential in building a relationship that is meant to help probationers reorganize their life in parameters that are different from the ones that brought them in the custody of probation services. Confidentiality represents otherwise one of the principles that are at the basis of the probation institution.

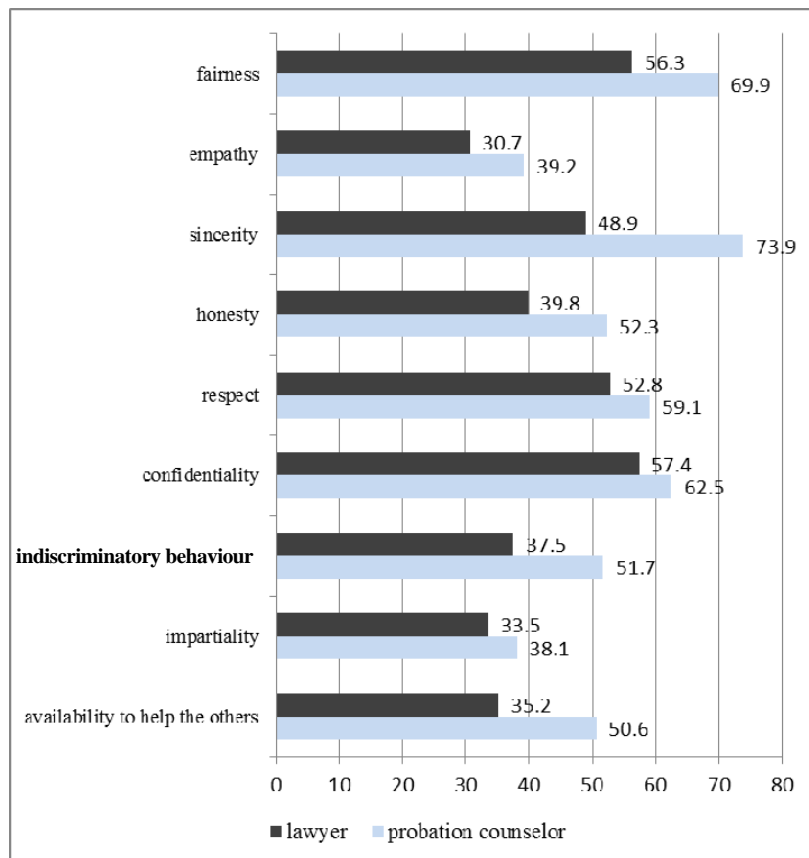


Figure 4. Which of the following characteristics do you consider to be specific to a probation counselor?

Probationers used also other characteristics in describing the counselors: respect and in-discriminatory behavior. All these are also the values that the restorative justice and implicitly the probation are trying to promote in their desire to reform the classical justice system. We could say that there are clues that the ideas promoted by the institution of probation, through probation counselors, were received by probationers and positively appreciated.

Lawyers were characterized through 3 main elements: confidentiality, fairness and respect. The results are similar to the ones registered in the case of probation counselors, both professional categories being characterized by two features: fairness and confidentiality. Moreover, probation counselors are appreciated for their honesty and lawyers for the respect shown during the judicial trial. We can notice though the percentage differences between the data obtained at this question for probation counselors and lawyers. If, in the case of lawyers, the first three characteristics registered percentages that varied between 52.8% – 57.4%, the percentages registered for the first three characteristics in the case of probation counselors vary between 62.5% – 73.9%.

CONCLUSIONS

The analysis of statistical data regarding the number of persons who are under the supervision of Probation Services emphasizes a growth of the number of supervised persons in the custody of probation services in the last three years. Taking into account that no hirings were made in the probation system we are witnesses of an overloading of the probation counselors with a big number of cases and implicitly with a big volume of specific activities. In this context the results of the research emphasize the fact that the activity run by the probation counselors seems to be positively appreciated by the probationers from The Probation Service from Bucharest.

Most of the probationers appreciated that they were supported by the counselors to fulfill their obligations settled by the court of law: to have a job, to finish school classes and to take qualification classes. Although the great majority of probationers were satisfied with the way in which counselors got involved in the assistance, counseling and supervision activities, there is a group of probationers (in some cases of approximately 30%) who express their dissatisfaction towards the counselors' activity. The counselors' involvement in some activities was less appreciated by probationers. The number of probationers who declared they were supported by counselors was smaller when we talked about activities such as: writing a curriculum vitae or applying for school units.

The study confirms the results of the researches made by specialists from other countries. There were studies which showed that probationers tend to positively evaluate the counselors who help them solve the identified needs

(Maguire *et al.* 1996 apud Shapland *et al.* 2012, 13; Shapland and Bottoms 2010), out of which finding a job seems to be the most important (Broussine and Wakefield 1997 apud Shapland *et al.* 2012, 13). Other studies emphasized the fact that supervised persons appreciate counselors who have the capacity to listen to them and to motivate them to change their behavior and lifestyle (McIvor and Barry 2000; Shapland and Bottoms 2010). On the other side, studies centered on identifying the way in which the probation counselor's activity is seen by probationers showed that probationers tend to appreciate also the counselors' perseverance in their professional activities (Ditton and Ford 1994, 189).

The probation counselor's portrait is designed in our study through 3 main characteristics: honesty, fairness and confidentiality. Probationers appreciate also other qualities at counselors, such as respect for other persons and in-discriminatory behavior. The probation counselor is better appreciated by probationers compared to other categories of professionals from the justice system, policemen being exactly the opposite of counselors (honesty – 19.3%, fairness – 27.8%, confidentiality – 14.8%, respect for a person regardless the situation 21%). The results of the researches made by us are similar to other countries this time as well. Probationers interviewed by Appleton (2010) positively evaluated probation officers as being 'experienced, respectful, non-judgmental, trustworthy, reliable, flexible, honest, supportive and encouraging' (Appleton apud Shapland *et al.* 2012, 12).

The activity run by lawyers who were involved in assisting the subjects included in our investigations seems to be appreciated in a positive way as well. The great majority of interviewed persons (81.3%) were satisfied "to a very big extent and a big extent" by the way in which they were represented by lawyers during the penal trial. The analysis of data emphasized the existence of some factors that influenced the way in which the lawyers' activity was seen: the received punishment (period of time for which probationers entered the custody of PSB, measures and obligations settled by law court) and the lawyer's presence in more moments of the penal trial. The persons who received punishment of entering the custody of PSB for a smaller period of time seem to be less satisfied by the lawyers' activity although we would have expected to exactly the contrary. Probationers who received judicial decisions regarding executing the punishment under supervision for a period of time up to 2 years are the most unsatisfied by the way in which they were assisted by lawyers during police interrogations. The most satisfied seem to be probationers who received between 2.1 – 4 years (61.4%).

Our study emphasized the fact that the supervised persons' perception about the probation counselors' and lawyers' activity is influenced by factors such as: period of time for which probationers entered the custody of PSB, the period of time that passed from entering the counselor's custody, the number of counselors who managed the case, the types of activities run by counselors (evaluation papers, supervision, counseling), how big the punishment was, the way in which the lawyer got involved in assisting the client during the penal trial.

The research made at the level of supervised persons from The Probation Service from Bucharest emphasized a series of positive aspects and also some vulnerabilities of the activities of probation counselors overloaded with supervision activities and other specific activities. The fact that this probation service instruments over 10% of the total supervision cases and the counselors have a double number of supervision files compare to the average for the entire country makes it a special case. The results of our study are limited at this moment only to the level of Probation Service from Bucharest. Future studies, focused especially on evaluating the probation counselors' activity, remain to be made at the level of all probation services or at the level of some services selected on the grounds of rigorous criteria (making one typology of probation services according to more criteria: number of supervisions per service, number of supervisions per counselor, number of counselors per service, etc.)

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