

# DRUG OFFENCES WITHIN THE ROMANIAN PROBATION SYSTEM. ANALYSIS ON BUCHAREST CASES

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## ABSTRACT

The Romanian justice system has several components, one of which is the probation system. The current study presents a preliminary data analysis on persons who committed drug law offences, registered by the Bucharest Probation Service. Both protective and risk factors were considered. The results show that the drug offenders in Bucharest have recurrent offensive behavior, and the protective factors, if they exist, cannot stop the individuals committing an offence. The age at which these persons were convicted of drug law offences is between 25 and 44 years, and a proportion of them were identified mainly when committing other drug offences, as members of an organized criminal group or when driving without license or under the influence of alcohol. Last, but not least, the drug offences are associated with the offence of establishing an organized criminal group.

*Keywords: probation, drug consumption, drug trafficking, risk to reoffend, criminogenic needs, protective factors.*

## INTRODUCTION

### *The concept of probation and the probation system in Romania*

One of the fundamental concepts of the system is that of restorative justice, namely the probation system is one of the ways in which a society responds to the committing of crimes and focuses especially on repairing and recovering the damage caused by the wrong action, as much as possible.

The beginnings of the probation system reside in “social, religious and political ideologies and arguments” (Vanstone 2017, 2), which center on ideas and values of community justice. Initially, this system envisaged suspension of sentence, recognition of good behavior and “friendly” supervision (Vanstone 2017, 4) of ex-convicts and young offenders by benevolent individuals and charities, development of juvenile parole and correcting them through “constructive work” (Vanstone 2017, 4).

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In the 1820s, magistrates in Great Britain adopted the practice of leaving delinquent minors in the care of their employers (Vanstone 2017). Then, a period of informal supervision by missionaries-religious organizations, together with the police, was allowed, so that the probation system contains elements of “postponement of the sentence, supervision and reporting” (Vanstone 2017, 10).

Nowadays, at an international level, probation services are key institutions in the interaction with people who commit crimes, being those institutions in the justice system that draw up evaluation reports – which have the role of “assisting the court in making decisions” (Mair and Burke 2013, 1) aimed at punishing people who have committed crimes and are on trial; supervision of persons who have been convicted of committing crimes; including the supervision of persons who have been released from prisons. Part of the justice system, probation is an integral institution of the “social, cultural, political and economic system in which it operates” (Mair and Burke 2013, 2). In Romania, the probation system is a public service of national interest, which contributes to the execution of the act of justice and carries out its activity in order to maintain the safety of the community, the social rehabilitation of the offenders, as well as the reduction of the risk of committing new crimes.

#### *Files and offences in the records of the probation system in Romania*

Probation, as a mechanism of the justice system in Romania, occupies an increasingly important place in the management of the ways of applying the sanctions imposed by the court. In 2014, the number of managed files was constantly lower than those in the penitentiary area. Starting from 2015 (immediately after the amendment of the criminal code) their number increased constantly, exceeding even by 300% the number of files under the management of the ANP (i.e., files in which custodial sanctions were decided).

Within the Romanian probation system, the offences related to the drug regime are a growing theme, both numerically and in terms of the complexity of the cases. The complexity is given, among other things, by the number of the offences that are committed in each individual file. At the moment, their share in the total number of cases and crimes tends to be pretty low, but the trend is increasing.

In order to be able to illustrate more accurately this proportion, we will compare the total number of cases and the corresponding number of crimes managed in the national probation system in the last three years.

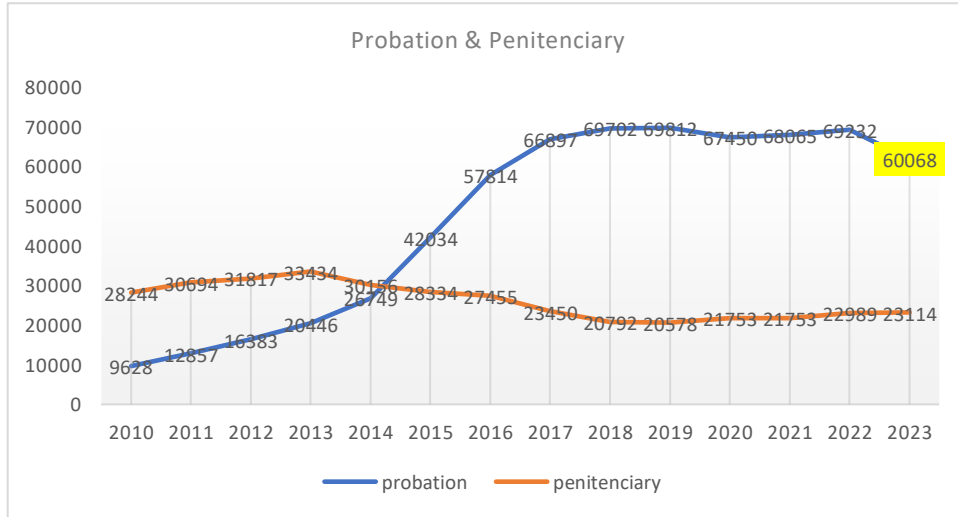


Figure 1 – The dynamics of the number of files in progress in the probation and penitentiary system. (Source: Generated by the authors, based on data from the National Probation Services Database).

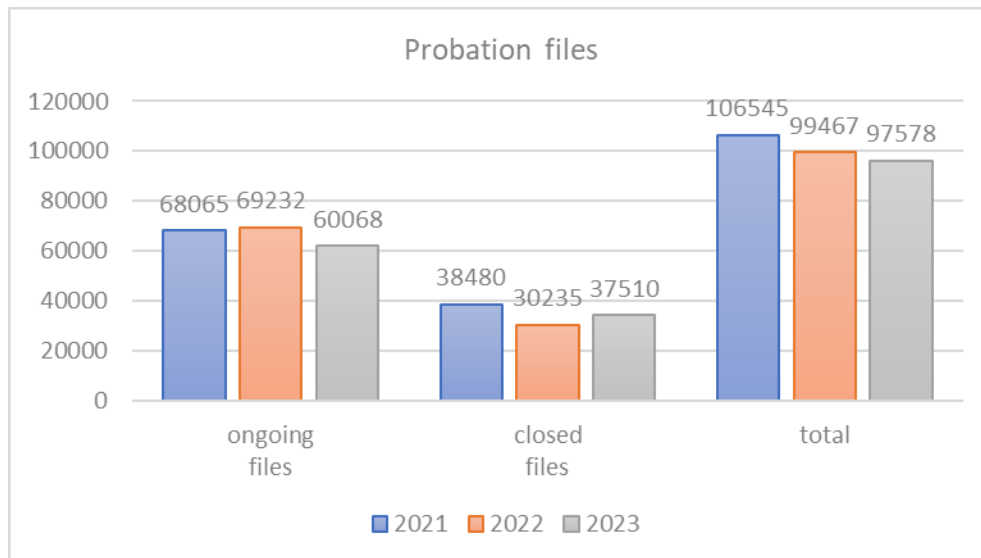


Figure 2 – No. of open and closed files managed within the Romanian probation system. (Source: Generated by the authors, based on data from the National Probation Services Database).

In the table above, the data series shows, in a little more detail, a distribution of the number of open and closed files in the records of the Romanian probation system. We can observe that the number of files that find themselves under scrutiny progress constantly, and significantly exceeds the number of closed files.

Given that the deadlines for resolving each case are relatively constant, approximately 24 months, we can draw the conclusion that the frequency of the appearance of new cases, added to those in progress from previous years, constantly exceeds the number of cases that are closed, under the conditions provided by law.

In the records of the probation services, there are people who, based on criminal sentences, have to serve different sanctions, but in many of these criminal decisions, convictions for committing several crimes are specified. Thus, a person can be on the record of the probation service based on a single criminal sentence of conviction, for committing two, three or even nine crimes, which may or may not be similar. For example, a person can be convicted of both theft and driving without a license. Also, a drug user can be convicted both for committing crimes under the drug regime, facts provided for by Law no. 143/2000, as well as for committing the crime of driving a vehicle under the influence of alcohol or other substances, an act provided for by art. 336 of the Criminal Code.

In the table below it can be noticed that the same trend is maintained in the case of the number of offences, with the specification that the differences increase significantly. Given that there is, in the analyzed period, a very slight decrease in the number of files, and each file contains a number of crimes between 1 and 9, it can be easily deduced that one can talk about a significant increase in the number of crimes per file in the probation record. The table below illustrates this situation:

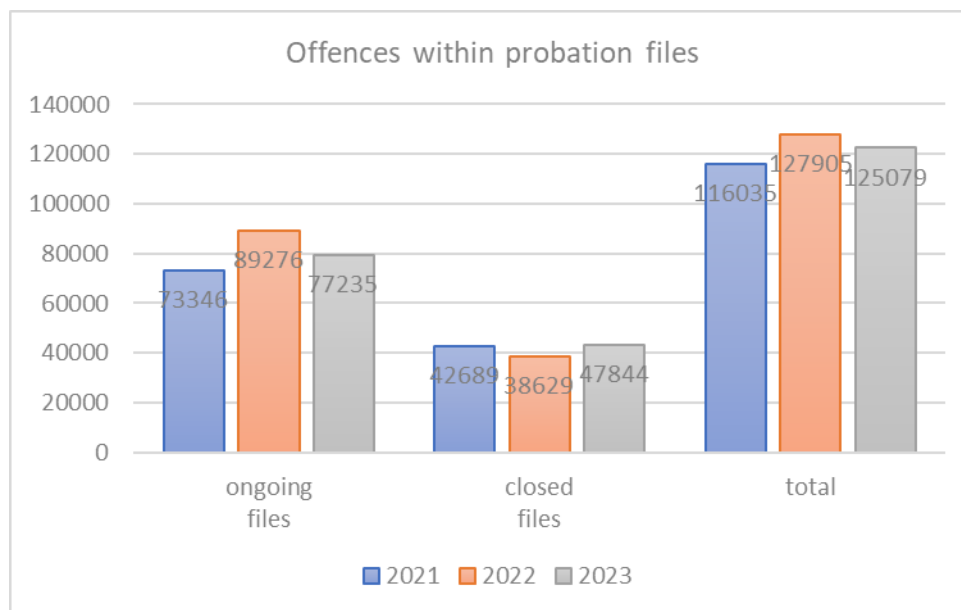


Figure 3 – The number of crimes in the files managed by the probation system in Romania. (Source: Generated by the authors, based on data from the National Probation Services Database).

Most of these crimes are those related to violations of the Highway Code, followed by those against property and those against the person.

*Drug consumption and trafficking in Romania*

A summary of the data collected and processed by UNODC shows, in brief, the following: in terms of drug consumption, Romania appears in almost all the rankings and in the south-eastern region of Europe, Romania is not among the countries with the highest consumption scores, but it registers significant percentages of the population aged between 15 and 64 years. The same data show that the consumption trend is increasing for almost all categories of drugs, in some cases the figures are doubling from one estimate to another.

Regarding the consequences of drug use, Eurostat data shows a steady increase in the number of deaths caused by drug addiction. In the last 4 years, the annual values were at 0.4% of the total active population of Romania in 2019 (i.e. approximately 49,080 people) and 0.3% (i.e. approximately 36,760 people).

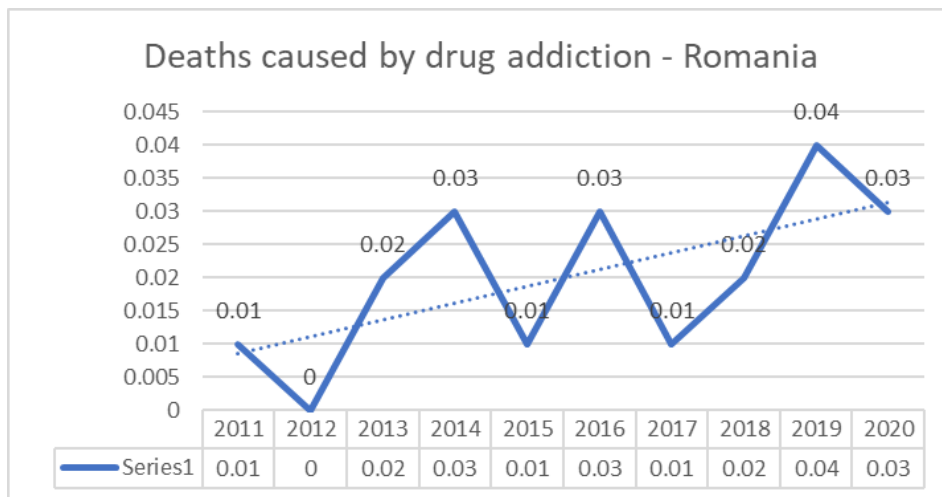


Figure 4 – Deaths caused by drug addiction Romania.  
(Source: Eurostat <https://ec.europa.eu/eurostat/databrowser/view/tps00149/default/table?lang=en>).

Regarding drug trafficking (figure 5), the data provided by DIICOT illustrates the increasing trend in the number of drug trafficking cases under responsibility. What can be noticed is the increasing gap between the ongoing files and the closed. It can be easily inferred that it either increases the number of cases, or increases the level of efficiency of specialized structures regarding the identification of criminal cases. Or, probably, it is about both situations.

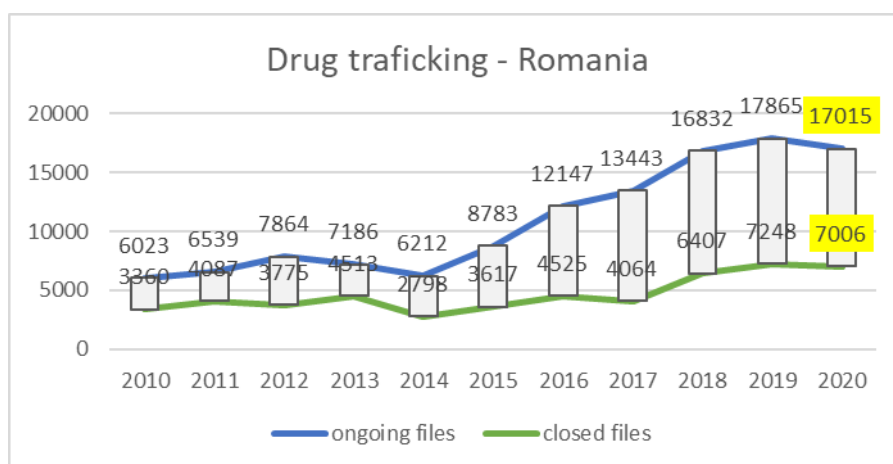


Figure 5 – The dynamics of the number of cases under the responsibility of DIICOT.  
(Source: <https://www.statista.com/statistics/1258122/romania-drug-trafficking-crimes-diicot/>)

In the table below (figure 6) can be found other significant indicators, such as are the overall numbers in terms of drug offences recorded by the Romanian Probation system. It is worth noticing that, regularly, the biggest numbers are both condemnations for circulation of drugs and for personal consumption. The second association of the drug crimes is with the establishment of an organized criminal group. So, it can be inferred that the offenders are connected with other consumers or traffickers. The third association is with the road offences, while they are driving.

Drug offences and their main associated offences	total 2023	total 2022	total 2021
446, operations regarding the circulation of drugs (art. 2 of Law no. 143/2000)	2364	2271	2206
447, import/export of drugs (art. 3 of Law no. 143/2000)	251	267	282
448, drugs for personal consumption	1264	1108	981
449, crimes provided for in Law no. 194/2011	352	308	321
Driving a vehicle without a driver's license	72	59	38
Driving a vehicle under the influence of alcohol or other substances	237	185	121
The establishment of an organized criminal group	259	225	336
Other crimes	127	140	108

Figure 6 – Drug offences and their main associated in Romanian Probation System.  
(Source: Generated by the authors, based on data from the National Probation Services Database).

## DRUG OFFENSES ON PROBATION IN BUCHAREST

### *The method*

In Bucharest, in 2023, there were 437 files within the probation system (we did not take into account the closed files) containing a number of 568 drug offences. Among them, most are drug trafficking operations – 295 offences, drugs for personal consumption – 215 offences, as well as drug import-export – 46 offences and other offences provided for by law 194 / 2011 – 12 offences.

From the 437 files, we analyzed all the available observation files prepared by the probation counselors. It is about 360 sheets containing indicators of the instrument called the Risk and Needs Assessment Scale (The Romanian probation system has adopted and implemented the Canadian assessment system called the Risk and Needs Assessment Scale – SERN), which includes the following dimensions and indicators:

#### a) Risk factors

Offense/offences committed by a minor; Previous convictions; Crime/crimes committed with violence; A non-custodial sanction was previously ordered; Pre-release technical (Revocation due to breach of measures/obligations); Pre-release failure-new crime(s) (Revocation because committing of a new offence); He was previously sentenced to prison; Escape/escape attempt/violation of the law, in the penitentiary; Disciplinary measures (in prison); Less than 6 months since last incarceration; Less than a year has passed without committing any further offences; He was convicted along with other people.

#### b) Criminogenic needs

Less than 10 classes; Less than 12th grade or equivalent; Unemployed; Lack of practical skills/skills; Limited family attachment; Family members who exhibit criminal behavior; Affiliation with criminal groups; Friends/friends who exhibit criminal conduct; Alcohol abuse; Drug use; Frequent change of residence / lack of a stable residence; Defective financial management; Reduced ability to anticipate the consequences of one's actions; Poor self-control; Negative attitude towards the legal system; Denial / neutralization of criminal behavior; Lack of respect for persons and property; It condones the use of violence

#### c) Special needs

“Special physical needs”; mental health; Security; suicidal tendencies; self-harm; other.

#### d) The level of motivation to improve behavior

Each score of each indicator was assigned by the probation counselor who was in charge of the file, based on the procedural assessment specific to the probation field. Scores assigned were 1 (risk, need, or protective factor present) or 0 (risk, need, or protective factor absent). The data thus obtained were processed in the SPSS application and we obtained a significant number of correlation coefficients.

### Analysis and interpretation of results

We took into account all the significant correlations that were highlighted by the SPSS application, but we operated an additional distinction of significance thresholds, in addition to those highlighted by SPSS, 0.01 level (2-tailed) and 0.05 level (2-tailed). Thus, we established, conventionally, 4 thresholds that distinguish between the intensity levels of the correlation coefficients as follows:

Coefficient thresholds	Intensity
.160** - .259**	„light”
.260** - .399**	„moderate”
.400** - .499**	„strong”
.500** - .999**	„very strong”

\* Correlation is significant at the 0.05 level (2-tailed)

\*\* Correlation is significant at the 0.01 level (2-tailed)

### Risk factors – Risk factors correlations

	Underage	Previous adult conviction(s)	Violent criminal offence(s)	Earlier probation term(s)	Pre-release failure-technical(s)	Pre-release failure-new crime(s)	Earlier prison term(s)	Confinement for disciplinary reasons	Less than 6 months since last incarceration	No crime-free period of one year or more	Co-convicted	Total number of risk static factors
Previous adult conviction(s)	,229**	1										
Violent criminal offence(s)	,286**	,123 <sup>†</sup>	1									
Earlier probation term(s)	,251**	,638**	,236**	1								
Pre-release failure-technical(s)	,215**	,136**	,356**	,237**	1							
Pre-release failure-new crime(s)	,135 <sup>†</sup>	,255**	,110 <sup>†</sup>	,272**	,465**	1						
Earlier prison term(s)	,212**	,513**	,144**	,390**	,206**	,210**	1					
Confinement for disciplinary reasons	-0,014	-0,022	-0,009	-0,02	-0,005	-0,007	,185**	1				
Less than 6 months since last incarceration	-0,029	,107 <sup>†</sup>	-0,018	0,038	-0,01	-0,014	,272**	,498**	1			
No crime-free period of one year or more	,118 <sup>†</sup>	,134 <sup>†</sup>	0,03	,185**	,108 <sup>†</sup>	0,06	,109 <sup>†</sup>	-0,013	0,087	1		
Co-convicted	,107 <sup>†</sup>	0,093	,148**	0,034	,140**	0,009	0,09	0,081	-0,012	0,07	1	
Total number of risk static factors	,499**	,717**	,407**	,697**	,421**	,375**	,634**	,131**	,201**	,367**	,482**	1
Risk Clinic score	,182**	,439**	,163**	,401**	,242**	,230**	,299**	0,029	0,085	,272**	,254**	,539**

\* Correlation is significant at the 0.05 level (2-tailed)

\*\* Correlation is significant at the 0.01 level (2-tailed)

### Our interpretation

The most significant correlations of the risk factors are with total number of risk factors. These correlations can be interpreted in the following way: the higher the number of risk factors is, the higher the probability that one of the mentioned factors will appear in each of the analyzed profiles. The same interpretation can be given regarding the significant correlations with the clinical risk score;



The risk factors that correlate with each other are mainly of light or moderate intensity. Our interpretation is that one risk factor is more likely to act and produce effects individually;

Those few very strong intensity correlations are related to previous sanctions or violations resulting from some sanctions (previous convictions – previous probation sentence = .638\*\*; previous convictions – previous prison sentence = .513\*\*). Most probable interpretation: previous sanctions predict future behaviors that will attract legal sanctions.

*Risk factors – criminogenic needs correlations*

	Underage	Previous adult conviction(s)	Violent criminal offence(s)	Earlier probation term(s)	Pre-release failure-technical(s)
Less than 10	0,081	,208**	,169**	,155**	,107*
Less than 12 or equivalent	,138**	,154**	,113*	,133*	0,098
Unemployed	0,036	-0,003	0,043	0,038	<b>,252**</b>
Lacks work skills	,107*	,125*	,152**	0,094	<b>,256**</b>
Family attachment limited	0,021	0,070	-0,017	0,041	0,054
Family members criminally active	0,050	0,068	,109*	0,058	,170**
Affiliated with crime groups	-0,002	-0,009	0,063	-0,081	0,043
Criminal friends	0,081	-0,008	0,030	0,026	,110*
Abuses alcohol	,122*	0,089	0,058	,190**	-0,018
Uses drugs	0,097	0,092	0,032	,137**	0,030
No fixed accommodation or changes residence frequently	0,025	0,032	0,102	,114*	,238**
Difficulties with financial management	0,025	0,078	,137**	0,098	0,056
Linking actions to consequences is limited	0,099	0,044	0,040	,178**	0,078
Has difficulty with self-control	,104*	0,052	-0,039	,136*	0,072
Negative attitude towards legal system	,106*	0,093	0,066	0,081	<b>,293**</b>
Denies crime or uses excuses to minimize	0,084	0,094	-0,030	0,050	0,042
Disrespect for persons or property	,122*	,132*	,148**	,190**	,146**
Supports use of violence	,248**	0,018	<b>,269**</b>	0,095	,250**

\* Correlation is significant at the 0.05 level (2-tailed)

\*\* Correlation is significant at the 0.01 level (2-tailed)

As expressed in the previous correlation matrix the most significant correlations of the risk factors are with total number of criminogenic needs and most of the correlations are light or moderate intensity. We analyzed a part of them:

Failure before launch-technical(s) / Revocation due to breach of obligations – Negative attitude towards the legal system = .293\*\*. This moderate correlation between the two indicators implies that the negative attitude towards legality is not a strong predictor of the re-commitment of a crime before the end of the probation term. The empirical observations reveals that some of the drug offenders are not able to respect the supervision terms and legal obligations established by the court. Due to the drug consumption, they could simply forget to join the meeting with the probation counselor or to join community service;

Violent criminal offense(s) – Supports use of violence = .269\*\*. This moderate correlation between the two indicators implies that the violent criminal offence is not a strong predictor of an attitude of support for the use of violence. So within the analyzed cases the violent behavior are not predictably followed by attitudes that support violence. The empirical observation reveal that the drug offender behavior became violent mostly when the consumer lacks resources to obtain the drug, and not necessarily to harm someone. So not all drug offenders in probation are using or support violence, but it may happen that they behave violently in order to get the drug. Specifically for the probation, the drug offenders are usually not so socially inadequate or violent. The violent drug offenders can be found mainly in penitentiary.

Pre-Launch Technical Failure(s) / (Revocation due to breach of measures – Lack of Work Skills = .256\*\* and Pre-Launch Failure(s) / (Revocation due to breach of measures - Not Employed = .252\*\*. These two light correlations implies that the lack of skills and the absence of a job is not a strong predictor for committing a new crime before the end of the supervision term. This could mean that in our cases it is less likely that breaking the legal obligations is caused by the lack of work skills or by being unemployed. Empirical observations show that the common behavior is mostly related to drug addiction rather than other social aspects of the drug offenders' life.

*Protective factors – Protective factors correlations*

	Education asset?	Employment asset?	Family Background asset?	Social Contacts asset?	Substance Abuse asset?	Community Functioning asset?	Thinking/ Behavior asset?	Criminal Attitude asset?	Value Orientation asset?
Employment asset?	,759**	1							
Family Background asset?	,639**	,697**	1						
Social Contacts asset?	,350**	,447**	,421**	1					
Substance Abuse asset?	,316**	,302**	,201**	,459**	1				
Community Functioning asset?	,445**	,424**	,418**	,519**	,470**	1			
Thinking/ Behavior asset?	,344**	,266**	,221**	,235**	,525**	,237**	1		
Criminal Attitude asset?	,392**	,291**	,406**	,300**	,322**	,709**	,443**	1	
Value Orientation asset?	,509**	,371**	,445**	,350**	,293**	,702**	,405**	,861**	1
Total number of protective factors	,782**	,800**	,752**	,655**	,583**	,801**	,504**	,705**	,731**

\* Correlation is significant at the 0.05 level (2-tailed)

\*\* Correlation is significant at the 0.01 level (2-tailed)

**Our interpretation**

All the protective factors correlate strongly between them and rather weakly with the risk and the needs factors:

The presence of a protective factor strongly predicts the existence of other protective factors;

The presence of any protective factors, one or more, cannot guarantee the risk of committing drug-related crimes. It means that in our analyzed cases the so-called protective factors are not as protective as we are intuitively tempted to believe. So one risk factor can act and do harm individually while the protective factors, if they exist, act mostly collective and most likely will not mitigate against the risk of committing crimes.

*Risk factors – protective factors correlations*

	Underage	Previous adult conviction(s)	Violent criminal offence(s)	Earlier probation term(s)	Pre-release failure-technical(s)	Pre-release failure-new crime(s)	Earlier prison term(s)	Confinement for disciplinary reasons	Less than 6 months since last incarceration	No crime-free period of one year or more	Co-convicted	Total number of risk static factors	Risk Clinic score
Education asset?	0,015	-,115*	0,052	-0,079	-0,031	-0,045	-0,098	-0,018	-0,036	-0,086	-0,008	-0,093	-0,060
Employment asset?	-0,097	-0,098	-0,007	-0,061	-0,033	0,022	-0,036	-0,019	-0,038	-0,089	-0,025	-0,101	-0,099
Family Background asset?	-0,053	-0,005	0,056	-0,047	-0,031	0,029	-0,025	-0,018	-0,035	-0,083	0,004	-0,039	0,006
Social Contacts asset?	-0,044	-0,066	-0,027	-0,062	-0,015	-0,021	-0,046	-0,008	-0,017	-0,040	-,105*	-,107*	-0,100
Substance Abuse asset?	-0,041	-0,062	-0,025	-0,058	-0,014	-0,020	-0,043	-0,008	-0,016	-0,038	-0,099	-0,100	-,136**
Community Functioning asset?	0,037	0,044	-0,040	0,019	-0,022	,163**	0,027	-0,012	-0,025	-0,059	-,155**	-0,030	0,011
Thinking/Behavior asset?	-0,039	-0,058	-0,024	-0,055	-0,013	-0,018	-0,040	-0,007	-0,015	-0,035	-0,048	-0,078	-0,093
Criminal Attitude asset?	-0,006	0,095	-0,038	0,069	-0,020	0,073	-0,014	-0,012	-0,024	0,000	-,117*	-0,004	0,066
Value Orientation asset?	-0,016	0,038	-0,041	0,014	-0,022	0,063	-0,023	-0,013	-0,026	-0,060	-0,079	-0,037	0,083
total number of protective factors	-0,027	-0,057	-0,027	-0,048	-0,028	0,042	-0,071	-0,019	-0,039	-0,078	-0,050	-0,090	-0,093

\* Correlation is significant at the 0.05 level (2-tailed)

\*\* Correlation is significant at the 0.01 level (2-tailed)

**Our interpretation**

Most of the risk factors correlate predominantly in a negative manner and insignificantly with the protective factors. This could mean that most likely the protective factors, where they exist, will diminish insignificantly or will not diminish at all the risk to commit an offence.

Pre-release failure new crime / Revocation because committing of a new offence – Community functioning asset = .163\*\*. It seems relevant that drug offenders in Bucharest that are committing a new offence during the probation period are in fact experiencing low community functioning. So, despite the fact that the protective factors are not highly effective, the most important one could be the involvement of the offender in some community activities. The most important aspect to be mentioned here is that this seems to be the only potential link to rehabilitate the offender.

*Risk – special needs correlations*

	Underage	Previous adult conviction(s)	Violent criminal offence(s)	Earlier probation term(s)	Pre-release failure technical(s)	Pre-release failure new crime(s)	Earlier prison term(s)	Confinement for disciplinary reasons	Less than 6 months since last incarceration	No crime-free period of one year or more	Co-convicted	Total number of risk static factors	Risk Clinic score
Special physical needs	,107*	0,099	-0,026	-0,059	-0,014	,128*	0,1	-0,008	-0,016	0,043	-0,099	0,033	0,101
Mental health	,124**	0,038	-0,041	0,014	-0,022	-0,032	-0,023	-0,013	-0,026	0,095	0,026	0,048	,157**
Security	-0,033	0,086	-0,02	0,095	-0,011	,170**	,146**	-0,006	-0,013	-0,03	0,026	0,089	,114*
Self-injurious	,278**	0,056	-0,024	,124*	,208**	,139**	-0,04	-0,007	,177**	,222**	-0,005	,176**	,119*
Other needs	,144**	,160**	0,016	0,007	0,042	,118*	,187**	-0,023	-0,047	0,018	0,021	,137**	0,067
NO Special needs	-,192**	-,167**	-0,019	-0,083	-0,062	-0,088	-0,032	0,038	0,021	-0,069	0,004	-,148**	-,196**
Level of motivation	-0,059	-0,08	-0,055	-0,093	-0,053	0,019	-0,05	0,046	-0,023	-,169**	0,009	-,106*	-,328**

\* Correlation is significant at the 0.05 level (2-tailed)

\*\* Correlation is significant at the 0.01 level (2-tailed)

#### Our interpretation

Underage – self injurious = .278\*\*. This correlation indicates a moderate level of probability that those who have committed a crime before the age of majority will also exhibit self-injurious behavior.

Also the self-injurious risk factor correlates significantly with other special needs factors: self-injurious – pre-release technical / (Revocation due to breach of measures) = .208\*\* and self-injurious – no crime free period of one year or more = .222\*\*. An overall interpretation might be that the self-injurious behavior is a characteristic of the probation drug offenders in Bucharest and can influence other variables. Briefly said, related to the analyzed sample, there is a moderate risk of self-harm and this aspect is worth being scrutinized by future research.

Level of motivation – clinical risk score =  $-.328^{**}$ : the higher the clinical risk score, the lower the motivation is. The clinical risk score represents a synthetic assessment made by the probation counsellor, and having the same approach with level of motivation. So most counsellors note that the higher the risk score, the lower the drug offender's level of motivation to improve behavior.

### CONCLUSIONS

In Romania, offences related to the drug regime are on an increasing trend: cases of drug trafficking, consumption of various substances and even the number of files and offences in the probation records show this trend.

The files related to the drug regime in the Romanian Probation records are associated with other drug regime. So every second condemnation for drug trafficking is associated with consumption for personal use. Other significant associated offences are tied to the establishment of an organized criminal group (one out of ten offenders were identified as drug users and or traffickers while driving).

The drug offenders in Bucharest who have been in probation previously or have previously sanctioned seems to be tempted to reoffend again.

Drug offenders in Bucharest seems to be moderately associated mainly with violent behaviors. In addition, if they are underage it is probable to have some self-injurious symptoms.

It seems that no protective factor is effective in cases where an individual has committed a crime related to the drug regime.

Despite the overall ineffectiveness of the protective factors, involving the drug offender in some community activities might provide some positive outcomes.

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