

Prisoner Rehabilitation in Romania¹

VARSTVOSLOVJE,
*Journal of Criminal
Justice and Security*
year 12
no. 2
pp. 181-195

Ioan Durnescu, Petronel Mirel Dobrica, Catalin Bejan

Purpose:

This paper examines the construction and the reconstruction of the concept of prisoner rehabilitation in the prison context since 1874 until today taking into account the way this concept was reflected in the law or the subsequent official documents. Some figures and trends are introduced into the discussion to help a better understanding of the concept. Rehabilitation is analyzed using a three pillars model: human capital, social capital and legitimate opportunities.

Design/Methodology/Approach:

The analysis mainly takes into account the primary and the secondary legislation although in order to illustrate different points statistical figures and research reports are also used. The article starts with the legislation adopted in 1874 and examines all prison legislation up to 2006, focusing particularly on prisoner rehabilitation.

Findings:

The article concludes that although a lot of progress took place in understanding rehabilitation from all three perspectives (human capital, social capital and legitimate opportunities) there is still room for improvement in developing legitimate opportunities for ex-prisoners.

Research limitations/implications:

Although the difference between "law in theory" and "law in action" is acknowledged this article looks mainly to the law texts. This might create a different picture of reality but nevertheless reflects the general perspective used in approaching prisoner rehabilitation. Somehow surprisingly, the subject of prisoner rehabilitation was central in almost all prison legislation although it was not always in line with the prevailing ideology.

Practical implications:

As stated above, good and bad examples of behaviour transformation may be observed in the past legislation. The main policy implication is that there was a time when the issue of resettlement or aftercare was considered a penal policy issue. The current legislation is completely silent in this respect.

Originality/Value:

Prisoner rehabilitation is scrutinized from the historical perspective using a relatively new theoretical framework.

¹ This study was supported by CNCIS Romania within the program "Deculturation as an imprisonment effect. Resocialization in the context of progresiv and regresiv regime of executing the punishment of imprisonment". IDEI PCE 2008, cod ID-1977.

UDC: 343.8(498)

Keywords: prisoner, rehabilitation, social capital, human capital, opportunity system, Romania

1 INTRODUCTION

This article aims to critically describe the rehabilitation processes in Romanian prisons. In the first part of the paper the authors explore the history of construction and re-construction of the concept of prisoner rehabilitation. In the second part the Romanian prison system is described from different legal, organisational and institutional perspectives. In the third part the current concept of prisoner rehabilitation is described and compared to the three pillars model of rehabilitation.

The main method used in this study is documentation as primary and secondary prison and penal legislation are scrutinized.

Although they are considered to be important, issues like “governmentality gap”² (McNeill et al., 2009) are not addressed here. The focus of this paper is on how the concept of rehabilitation is constructed in legislation and how it is deployed in management and institutional arrangements.

The understanding of the concept of “rehabilitation” is that it is “a process, intervention or programme to enable individuals to overcome previous difficulties linked to their offending so that they can become law-abiding and useful members of the wider community” (Burnett, 2008: 243). The semantic of the concept “rehabilitation” covers more or less all the interventions aiming to reduce reoffending. From the literature (McNeill, 2009; Hucklesby and Hagley-Dickinson, 2007) it is known that reducing re-offending can be achieved by developing human capital, social capital and the system of legitimate opportunities in prisoners. This triangle can be considered as the three pillars model of rehabilitation. Enhancing skills develops human capital and capabilities that offer the prisoner the necessary requisite to become a functional member of the society. The most important prison activities aimed at developing human capital include education, vocational training and offending behaviour programmes. Social capital can be developed in prison by promoting the prisoner’s relationships with the outside world, especially with family. The system of legitimate prosocial opportunities may be developed within the prison context by linking the prisoners with society and community resources such as jobs and accommodation.

2 HISTORY OF PRISON REHABILITATION IN ROMANIA

Some of the earliest information about a prison on Romanian soil relates to Ocna Trotusului (1380), a salt mine where those who committed theft, manslaughter and

² *The difference between law in books and law in practice.*

other serious crimes were imprisoned and forced to work as miners. At that time in the view of the upper class of society monasteries were places for executing prison sentences. One of the most famous such monasteries was Snagov Monastery, built by Vlad Tepes in the XIV century nearby Bucharest. Special buildings designated to serve as prison establishments were built starting at the end of the XVIII century in Transylvania under the Austro-Hungarian Empire³.

The first prison law applicable for all the Romanian territory was adopted in 1874 under the guidance of Ferdinand Dodun de Perrieres, a French consultant with very progressive views on the prison regime (Stanisor, 2002). According to this law, near each prison a so-called "society of patronage" was created to run "moral-educational activities" inside the prison and also to provide assistance after release for accommodation and employment. The regulations attached to this law classified the rehabilitation activities into two main categories: "labour" and "vocational training, reading religious books and learning how to read" (Sterian, 1992).

The next law on "prisons and preventive institutes" adopted in 1929 was one of the most modern laws in Europe providing a progressive regime for those who "proved good behaviour". This law expressed a very complex view on rehabilitation work. For example each prisoner had to have an "anthropologic dossier" where all the information regarding rehabilitation activities had to be registered. The key philosophy of rehabilitation was "training and education". Article 27 of the law stipulated: "training and education are meant to increase the knowledge, to develop the sense of beauty and the personal character, and also to strengthen the motivation of the prisoners and the internees for a free and honest life". School was obligatory for all juveniles and for adults who had not completed elementary school. Another popular method of developing human capital was moral education by "delivering lectures with an instructive and moral message". Within the central administration a special department for "education and training" was created with a special aim to supervise the work of treatment staff in all the prisons.

The Penal Code from 1938 (the so called Carol Code) consolidates the perspective that "...punishment lost its exclusive punitive nature and aims at re-classifying offenders ... (punishment) tends to make offenders better in order to become useful members of society" (Pop, 1937: X). As it is mentioned in the Legislative Council explanatory note the punishment function is to "morally educate" the convicts. In order to reach this goal the Code provides for a progressive security regime, conditional release and rehabilitation activities. The court, upon the proposal from a "supervision committee", decides the prison regime for each prisoner. A judge, the governor, the priest, the teacher, the doctor of the prison and a representative of the "society of patronage" are the members of this commission. In order to pass from one prison regime to another the prisoner has to prove progress in his moral status. For example, to be classified for working in a penitentiary colony (similar to the semi open prison regime nowadays) the prisoner has to show signs of "working enthusiasm and good behaviour". If he wants to work outside prison or

3 www.anp-just.ro (accessed on 5th of January 2010)

to be conditionally released the prisoner has to prove he is morally recovered and re-adapted to the social life. Prison work is compulsory for all prisoners (with some small exceptions) and is seen as a re-educational tool. Work and good behaviour are the main criteria used when a prisoner applies for a better prison regime or conditional release. Conditional release may be revoked if the prisoner commits a new crime or if he has a "bad behaviour" such as a hectic lifestyle, begging, gambling or visiting prostitutes (Dongoroz, 1937: 111-112). The word used for rehabilitation in the Penal Code of 1938 is reclassification with the meaning that the prisoner has to undergo some activities in order to be reclassified as a citizen (Dobrica, 2010). It is somewhat surprising to find this view in 1938 and yet again in 1970 under the notion of the "delabeling process" (Trice and Roman, 1970), and in 1977 under the concept of "certification" (Meisenhelder, 1977). Increasingly recent research (see for instance Maruna and Le Bel, 2003) demonstrates the importance of significant others to certify or publicly announce that the offender has changed and now he can be considered as essentially non-criminal.

The concept of rehabilitation acquired new dimensions once a new regulation on executing the punishments was adopted in 1938 as a follow up of the Penal Code. A distinctive section of this regulation was dedicated to "Educative measures". Among the most important of these measures were reading, writing, labour and debates.

Once the Communist Party came into power and Romania slipped under the influence of Soviet Union the concept of rehabilitation turned into "re-education". The essence of this new philosophy was synthesised very well in "Penitentiary Issues": "re-education cannot be achieved as long as the political prisoners, the worse enemies of the working class and of the Republic, will not be treated with the just class hate and as long as the moral adjustment and the training of the other ordinary prisoners, as victims of the rulers, will be neglected" (Sterian, 1992: 28).

In order to re-educate the prisoners the prison administration had two main tools: labour and vocational training. The ultimate aim of re-education was to "raise the working productivity and educate prisoners to become useful members of society" (Standard Minimum Rules for Treatment of Prisoners, 1955: Article 96). That was probably a consequence of the dominant ideology of "work will set you free" but also a demand of the intensified industrialization movement (Cavadino and Dignan 2006).

Under the umbrella of re-education a lot of abominable human experiments took place. One well known experiment as such was the Pitesti experiment where "re-educated" prisoners turned into the most savage torturers of the other prisoners.

During that time a prisoner's relationship with the outside world was strictly forbidden. Even the body of a dead prisoner was not returned to his/her family. The only right a family was to be informed that the prisoner has died.

In 1969 a new law was adopted (Law on executing imprisonment, 1969) to incorporate a good deal of the Standard Minimum Rules for Treatment of Prisoners (1955). That was a time of a milder punitive system where prisoners started to be treated more as human beings. The procedure for intake, prisoner classification, working and accommodation conditions and so on were provided in the law and

in the methodological norms. The main educational activities provided in the law included school, vocational training and lectures. The relationship with the outside world became possible by way of prison leave or visits. Nonetheless the law provided these as incentives and not as rights and therefore they were quite *rar avis* in the prison practice. An important step forward of this law consisted in regulating the prisoner re-entry into the community. According to article 14 of this law the local councils were obliged to find jobs and accommodation for all ex-prisoners. By doing that the prosocial opportunities of the prisoners were increased significantly.

After 1989 the provisions regarding aftercare ceased to apply due to the transition to the private economy.

3 PRISON SYSTEM IN ROMANIA IN 2010

In December 2009 in Romania there were 32 prisons, 6 prison hospitals, 1 prison for females, 3 educational centres for minors and 3 prisons for juveniles and young offenders (for the geographical distribution see the Annex).

According to the national data and also to Walmsley⁴ (2008) Romanian prison population decreased significantly in the last three years. A press release issued by the International Centre for Prison Studies concluded that Romania registered the largest falls in prison population in Europe since September 2006 (down 25 %).

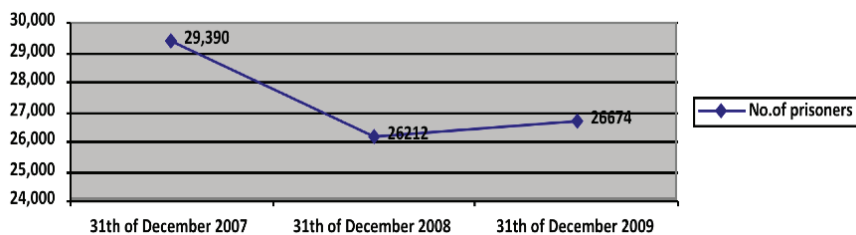


Chart 1: No. of prisoners
(Source: Prison Administration)

Therefore the custodial rate in Romania decreased from 138 prisoners /100 000 inhabitants in 2007 to 123 prisoners /100 000 inhabitants in 2008 and 124 prisoners / 100 000 inhabitants in 2009⁵.

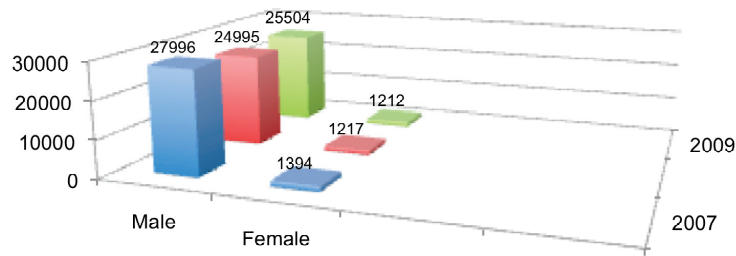
In terms of gender distribution of prisoners the data is quite stable over time:

⁴ Walmsley is a consultant to the United Nations and Director of the World Prison Brief – the online database of information on the prison systems of the world – which is part of the International Centre for Prison Studies London.

⁵ Source: <http://www.kcl.ac.uk/depsta/law/research/icps/worldbrief/> (accessed on 19th of January 2010).

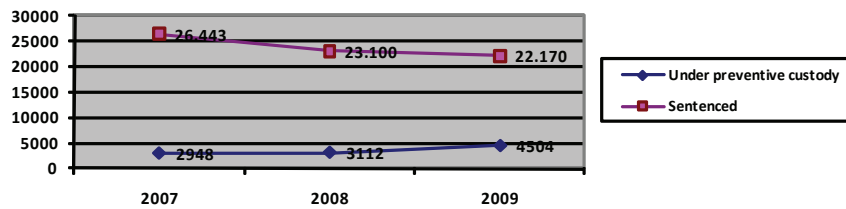
Prisoner Rehabilitation in Romania

**Chart 2:
Gender
distribution**
(Source: Prison
Administration)



Looking at the figures below one could notice that while the total number of prisoners is decreasing in the last years the number of prisoners under preventive arrest is going up:

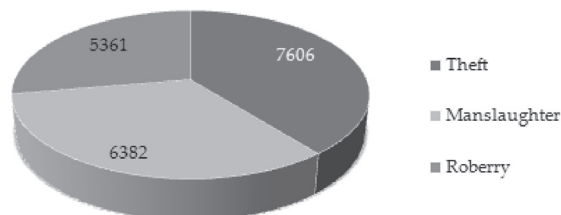
**Chart 3:
Preventive
arrest vs.
Sentenced
prisoners**
(Source: Prison
Administration)



This figure has to be taken with some caution since the prison administration registers offenders sentenced at the first level court as under a preventive custody measure. In this situation it is almost impossible to estimate who is sentenced in the first court and who is actually not sentenced at all. Nevertheless this trend needs to be analysed and explained in the current penal context.

In terms of the nature of offences the distribution is quite stable over the last there years with theft, manslaughter and robbery as the main offences committed by prisoners. For instance in 2008 the offence distribution was as follows:

**Chart 4: Offence
distribution**
(Source: Prison
Administration)



4 PRISONER REHABILITATION TODAY

In 2006 the current law was adopted (Law regarding the execution of the punishments and measures imposed by the judicial bodies during the trial, 2006) in order to incorporate the European Prison Rules (Council of Europe, 1987) and also the recommendations formulated in the CPT reports. In some instances entire rules of the European Prison Rules (ibid.) were translated in the Romanian law. For instance rule 70.1 of the European Prison Rules providing that preparing for release starts immediately after intake is entirely translated in article 87 of the Romanian law.

In terms of rehabilitation, the current law represents a significant step forward. Even from the beginning of the methodological norms it is stated that: “the execution of the prison sentence has the aim of assisting the prisoners for their social reintegration and also to prevent re-offending”. Although this might be considered as an ambitious goal for a prison administration it can also provide useful guidance and direction for the prison practices. The importance of prisoner rehabilitation is emphasised also at the level of principles. By stipulating that prisoners should serve their sentences in the nearest prison with the correspondent prison regime the legislator sent a strong message that the link between the prisoner and his family and community should be strengthened. Indeed in order to support the family contact the law and the methodological norms (approved by Governmental Decision on the implementation of Law regarding the execution of the punishments and measures imposed by the judicial bodies during the trial, 2006) regulates the rights for visit, family visit and telephone calls. Depending on the security regime they are allocated prisoners may benefit from three to five visits per month. Pregnant women and women prisoners who bring up small children inside the prison establishment are entitled to eight visits per month. Some visits may be “at the table” and some may be “through the glass” depending on the prisoner security level. Visits could last between 30 minutes to two hours. The visit duration is different for family visits. Married prisoners or those with long lasting relationships may benefit from a so-called “intimate visit” once every three months for two hours. Prisoners getting married while incarcerated may benefit from a 48 hour intimate visit. In 2008, 5.091 “intimate visits” were granted out of which 4.549 were for two hours and 542 for 48 hours. In 2009 the number of “intimate visits” increased to 6.035 (source: Prison Administration). These visits can be approved only if the prisoner has not been involved in any prison misconduct in the six months prior to the intimate visit. Granting this right is also conditional on the active participation of the prisoner in educative programs.

Prisoners with good behaviour who are actively involved in educative programs may also benefit from prison leave of one, five or 10 days. The commission for individualising the prison sentence execution may grant the first category of prison leave for one day. For the other two types of prison leave it is only the general director of the prison administration who could decide on the proposal of the commission and only for those prisoners on semi-open or open prison regime. The use of prison leave increased over the time from 1.980 in 2007 to 4.956 in 2008

and 3.505 in 2009 (source: Prison Administration). This is an encouraging trend if maintained in the next years. The reason these prison leave can be granted for are: to attend a job interview, to take an exam, to preserve family relations, to prepare social reintegration and to attend the funeral of someone close.

According to law, rehabilitation work embraces education and psychosocial interventions. Sometimes this platform is arguably replaced with the concept of reintegration although the semantics of these two concepts are not totally overlapping.

Once the offender is convicted to imprisonment different professionals (psychologist, social worker and educator) from the Educative and psychosocial department assess him or her in order to elaborate a plan for educative intervention. In the assessment process these professionals are using specific forms according to the area of scrutiny. For example, the social worker is using the *social fiche*; the psychologist is fulfilling the *psychological fiche* and so on. All these fiches are collected in one file – called *Dossier for education and psychosocial assistance*. This plan is discussed and approved by the prison commission for individualizing the prison regime. The Governor, the director of the security section, the director of the reintegration section, the chief doctor, one probation councillor and one prison psychologist sit on this commission. The decision on the prison regime to which each prisoner will be allocated is one of the most important ones for the commission. According to article 19 of the Law regarding the execution of the punishments and measures imposed by the judicial bodies during the trial (2006) there are four prison regimes available in the Romanian prisons: maximum security regime, closed regime, semi-open regime and open regime. The differences between these prison regimes consist in the freedom of movement inside and outside the prison, the way activities are conducted with them and the accommodation conditions. Initially the prison regime is decided on the basis of the sentence length. For instance, lifers and prisoners sentenced to more than 15 years will be allocated to a maximum-security regime where accommodation is usually on the system of one-cell/one prisoner and all the activities are conducted in small groups in special places inside the prison under severe surveillance. Prisoners with sentences longer than five years but less than 15 years are initially allocated to a closed regime where accommodation is usually in large dormitories and activities take place inside or outside prison under surveillance. The semi-open regime is usually available for those sentenced to more than one year but less than five years. Accommodation for this group is in large dormitories and prisoners may walk freely in different parts of the prison without surveillance. The doors of the dormitories are open all day long. For prisoners sentenced to less than one year the commission applies the open regime where accommodation is in large dormitories and the prisoners may walk freely inside and outside the prison under certain conditions. In classifying the prisoners the commission must take into account some exceptional circumstances. For instance male prisoners older than 60 and female prisoners older than 55 can not serve the sentence in maximum security regime. The same applies to juveniles, pregnant women and handicapped prisoners.

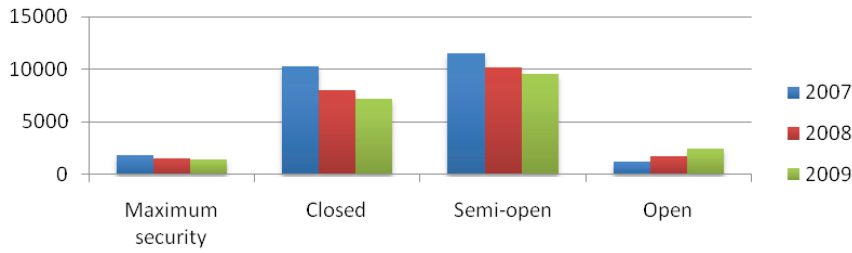


Chart 5:
Prisoners by
prison regime
(Source: Prison
Administration)

Looking at the figures one could observe that while the proportion of prisoners on maximum security, closed and semi-open regimes decreases the proportion of those on open regime increases. That might be a sign that prison administration is more and more confident in the potential of this regime.

Every prisoner is re-assessed every six months and the executional judge (like in France –*Juge de l'application des peines*) may re-allocate the prisoner to a different prison regime. In doing so the judge must take into consideration the prisoner's behaviour, his/her involvement in rehabilitation activities and also in labour. Prisoners previously involved in prison misconduct may not be transferred to a milder regime.

During the prison sentence prisoners may participate in a large menu of educative and psychosocial programs. Some of them are educative (e.g. school, prison adaptation, vocational training, education for human rights, education for health and so on). Others are targeting psychosocial needs (e.g. program for anger replacement, program for drug addicts, program for sex offenders, program for mental health prisoners and so on). In delivering these programs other specialists from the community are involved. For example school is organized in partnership with the Ministry of Education and teachers are coming inside prison from the local community. The diploma granted in prison has no prison mark on it in order to avoid social stigma. Other programs like the one on drug addiction are developed with community agencies like the centres for drug counselling, labour agency and so on. In this respect the link between prison and local community is well developed and functional. According to the Prison Administration only 28,7 % of prisoners take part in psychosocial programs delivered in the prisons. The main reason for this relatively small proportion of prisoners being involved in programs is the insufficient number of treatment staff. For example in 2007 only 615 specialists were employed in the educative and psychosocial departments, which represents about 5 % of the prison staff. Out of this number 117 are psychologists, 76 are social workers and 168 are educators.

Towards the end of the prison sentence all prisoners may participate in the preparing for release program. Although it is not compulsory for them almost all prisoners take part in it in order to increase the chances that the commission for conditional release will make a positive recommendation for conditional release. According to the Penal Code (1968) after serving a part of the sentence prisoners are eligible for conditional release. For example prisoners with sentences less than ten years may be eligible for conditional release after serving two thirds of the

sentence. Those with sentences longer than 10 years are eligible for conditional release after serving three quarters of the initial sentence. The judge takes the decision regarding the conditional release on the proposal coming from the commission for individualizing the prison sentence or straight upon the prisoner request. Most of the time the judge follow the recommendation of the commission. According to the current Penal Code (1968) the proposal of the commission is based on the time served in prison, the behaviour of the prisoner, his/her involvement in rehabilitation programs and his/ her willingness to work. From this point of view Romania has a discretionary system of conditional release as opposed to the automatic early release system.

Working in the prison either for the prison administration or for private or public enterprises is highly valued in the Romanian prison system. Although in the technology of punishment labour was considered for many years as a powerful re-education tool, the new law does not regulate it as compulsory for prisoners. The previous law (Law on executing imprisonment, 1969) imposed this perspective of compulsory work on the prisoners but the Law regarding the execution of the punishments and measures imposed by the judicial bodies during the trial (2006) regulates it only as optional and only as an indicator of the “reintegration efforts” and as a source of prison rewards. It appears that the new law replaced work with educative and psychosocial programs. From the income generated from work 30 % belong to the prisoner and 70 % belong to the prison. However, benefits obtained from prisoners’ work have severely diminished from previous years; in 2009 Prison Administration accumulated about 4,6 million Euros. Furthermore for three days of work it is considered that the prisoner executed four days of the prison sentence.

Prisoners taking part in school or in vocational training are also paid for their effort with the minimum salary.

Once the prisoner is conditionally released the only obligation imposed on him is not to commit further crimes until the initial prison term is up. Although Romania has a probation system in place no institution or agency provides assistance or supervision for these ex-prisoners. If ex-prisoners approach an institution to ask for help in the social inclusion field he/she is treated as an ordinary person in need. There are no special provisions in place except some small advantages for employers who employ young ex-prisoners with a family.

5 COMPLAINING PROCEDURE

In the Romanian prison system the dominant complaining procedure is the judicial one. When a prisoner considers that his rights were violated he/she may address the executorial judge who is based in that particular prison. After hearing the prisoners and make the necessary inquiry the judge may decide to maintain or change the measures or the situation in case. Against the executorial judge decision the prisoner may address the local court where the prison is geographically located. The local court has the final decision in that particular matter.

Apart from this judicial procedure the prisoners may also approach the Ombudsman who is dealing with all cases of citizens complaining for state abuse of

power. He/she can also approach the Human Rights Commission of the Parliament, which can investigate all allegations regarding human rights violations.

The deficiency of this system is that it can react only to individual complaints and only retrospectively. There is no preventive, systematic and independent system of consolidating human rights in prison. There are also a few NGO's, which can visit prisons and make recommendations regarding prison conditions and prisoners' treatment but they are totally dependent on external funds and cannot afford a systematic inspection system.

6 DISCUSSIONS AND CONCLUSION

Although the current law made important progress from the previous one of 1969 it still does not cover all three dimensions of effective rehabilitation work: human capital, social capital and legitimate opportunities. For instance, it does not consider at all the development of the legitimate opportunities for the prisoners. Once the prisoner is released one way or another there are no transfer arrangements between prison and the community agencies. After release the prisoner is left without any assistance and supervision to cope with all the re-entry difficulties alone. As stated above, the social inclusion agencies deal with ex-prisoners as any person in need, neglecting all the particularities of this group. Not surprisingly the level of prisoner engagement with these agencies is very low. For instance in 2008 only seven ex-prisoners attended vocational training organized by the National Agency for Labour⁶. Integration and coordination among agencies working with prisoners or ex-prisoners is often seen in the literature as key to improve their efficiency and effectiveness (Serin, 2005). The new Penal Code adopted in 2009 and due to come into force in 2011 provides for the probation service to supervise and assist conditionally released prisoners with more than two years probation time. Under a Phare project (Phare 2006 – The continuation of strengthening probation service in Romania) an integrated pre-post release programme (Durnescu et al., 2009) was created in order to bring together criminal justice and social inclusion agencies in charge of reducing re-offending after imprisonment. The program is based on a cognitive-motivational platform and includes important practical help interventions. From the theoretical viewpoint the program is based on a cognitive-behavioural theories and also on the desistance paradigm. Hopefully by applying this program on a systematic basis, prisoners' readiness for release will increase and labour / accommodation agencies will be able to connect with prisoners' prior release and provide more appropriate interventions. According to the program all these inputs will be provided under the case management of the probation service.

If one looks at the rehabilitation programs run inside the prison the conclusion is that a lot is been done in order to develop the prisoner human capital. As shown above there are educational, vocational and psychosocial programs inside the prisons. Although these programs are available in each prison the number of

⁶ www.anofm.ro (accessed on 11th of January 2010)

treatment staff is very low (as shown above) and therefore their implementation is scarce. For instance in 2008-2009, 2.981 prisoners attended school while in prison. In the same period of time only 2.666 participated in vocational training activities (source: Prison Administration). If for the other types of programs literature is rather ambivalent in terms of their impact on prison misconduct and recidivism, increasing education is seen by the vast majority of researchers (Proctor, 1994; Boe, 1998) as one of the most important factor to reduce after release recidivism.

Effective prisoner assessment and classification is another important aspect of prison management. Assessment and classification are also crucial in reducing prison misconduct and also recidivism after release. Luciani (2001) demonstrated that when using a statistically weighted custody classification scale rather than clinical opinion the number of escapes from federal prisons in Canada dropped from 13,1 % to 4,5 % while in the same time the number of transfers to minimum security increased from 12 % to 37,5 %. As shown in a monitoring report (GRADO, 2008) most of the time when deciding the prison regime criteria like the length of the prison sentence and previous convictions are prevalent over the participation to rehabilitation programs. Furthermore the criteria for assessing the “efforts towards social reintegration” provided by the law “are not detailed and precise” (GRADO, 2008: 17). There is no standardised scale or instrument to assist the prison administrators to assess and classify prisoners. These tasks are implemented differently from prison to prison according to the commission’s propensities (GRADO, 2008).

The prisoner assessment is conducted using the specialized fiches (social work fiche, psychology fiche and so on) where all the specialists are fulfilling their part. By proceeding like that there is a significant risk of not obtaining an integrated assessment. Furthermore this assessment is not linked in any way to the programming and there is no case management. In practice all specialists are working with the prisoner to cover their parts but there is no general and integrated overview of the whole process. Some more clarification should be brought into the process of intervention starting with intake, assessment, classification, programming, bridging with the community and so on.

As for the development of the social capital so crucial to prison conduct and adjustment after release the law in place is more generous than the ones before. However the fact that prison leave is regulated as rewards and not as rights granted to different prisoner categories restricted its use to the extent to which it can not be considered as a tool for assisting the prisoner for gradual return to community. As stated before the number of prisoners granted leave in 2009 was 3.505 and a number of 11.818 prisoners were released from prison in the same year. Therefore a significant number of prisoners were released without benefiting from prison leave. The implications of this discrepancy are numerous. For example it could mean that an important number of prisoners were not able to attend job interviews prior release or were not able to apply for different social benefits.

To conclude, the current picture of prisoner rehabilitation is brighter than the previous ones. However a lot of progress needs to be done in order to allocate and train sufficient treatment staff for human development programs. Interventions aimed at increasing social capital should be more extended and provided as

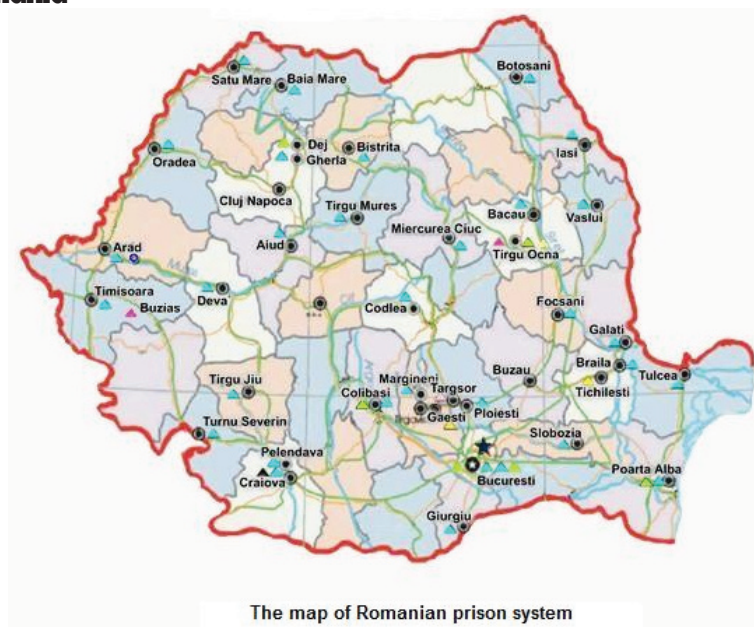
prisoner's rights and not as rewards. Developing prisoner opportunities after release should be made one of the main objectives of the prison administration in partnership with other criminal justice and social inclusion agencies. An effective way forward might be a social inclusion strategy for offenders adopted by central government.

REFERENCES

- Boe, R. (1998). *A two-year follow-up of federal offenders who participated in the Adult Basic Education (ABE) program: Research Report R-60*. Ottawa: Correctional Service of Canada.
- Burnett, R. (2008). Rehabilitation. In: *Dictionary of prisons and punishment*. Cullompton: Willan.
- Cavadino, M., Dignan, J. (2008). *Penal Systems: a comparative approach*. London: SAGE.
- Council of Europe. (1987). *Recommendation R (87)3 on the European Prison Rules*.
- Dobrica, M. P. (2010). „Progresivitatea sociabilității” în două sisteme penale: Instituția regimului progresiv de executare a pedepsei cu închisoarea. *Sociologie Romaneasca*, 8 (1), 27-40.
- Dongoroz, V. (1937). *Codul Penal al lui Carol al II lea Adnotat*. Bucuresti: Socec.
- Durnescu, I., Lewis, S., McNeill, F., Raynor, P., Vanstone, M. (2009). *Reducerea riscului de recidivă după închisoare*. Bucuresti: Lumina Lex.
- Governmental Decision on the implementation of Law regarding the execution of the punishments and measures imposed by the judicial bodies during the trial. (2006). *Official Gazette of Romania*, (14/07).
- GRADO. (2008). *Raport de monitorizare a aplicării Legii nr. 275/2006: Articolele 26 și 27*. Bucuresti: GRADO.
- Hucklesby, A., Hagley-Dickinson, L. (2007). *Prisoner Resettlement: Policy and practice*. Cullompton: Willan.
- Law on executing imprisonment. (1969). *Official Gazette of Romania*, (138/69).
- Law regarding the execution of the punishments and measures imposed by the judicial bodies during the trial. (2006). *Official Gazette of Romania*, (627/06).
- Luciani, F. (2001). Initiating safe reintegration: A decade of Custodial Rating Scale results. *Forum on Corrections Research*, 13 (1), 8-10.
- Maruna, S., Le Bel, T. P. (2003). Welcome Home?: Examining the Reentry Court Concept from a Strengths-based Perspective. *Western Criminology Review*, 3 (3), 1-37.
- McNeill, F. (2009). What Works and What's Just. *European Journal of Probation*, 1 (1), 21-40.
- McNeill, F., Burns, N., Halliday, S., Hutton, S., Tata, C. (2009). Risk, responsivity and reconfiguration. *Punishment and Society*, 11 (4), 419-442.
- Meisenhelder, T. (1977). An exploratory Study of Exiting from Criminal Career. *Criminology*, 15, 319-384.
- Penal Code (King Carol Code). (1936). *Official Gazette of Romania*, (65/36).
- Penal Code. (1968). *Official Gazette of Romania*, (79-79 bis/68).

- Penal Code (draft, not in force yet)*. (2009). Retrieved January 15, 2010, from <http://www.just.ro/Portals/0/Coduri/Proiect%20-%20Codul%20penal%20-%2025%20februarie%202009.doc>
- Pop, V. (1937). *Codul Penal al lui Carol al II lea Annotat*. Bucuresti: Socec.
- Proctor, J. L. (1994). Evaluating a modified version of the federal prison system's inmate classification model: an assessment of objectivity and predictive validity. *Criminal Justice and Behavior*, 21, 256-272.
- Serin, R. C. (2005). *Evidence-based Practice: Principles for Enhancing Correctional Results in Prisons*. Washington: US Department of Justice, National Institute of Corrections.
- Standard Minimum Rules for Treatment of Prisoners*. (1955). Office of the United Nations High Commissioner for Human Rights.
- Stanisor, E. (Ed.) (2002). *Monografia sistemului penitenciar romanesc*. Bucuresti: Oscar Print.
- Sterian, D. (1992). Repere ale activității socio-educative în penitenciarele românești. *Revista de știință penitenciară*, 11 (3).
- Trice, H. M., Roman, P. M. (1970). Delabeling, Relabeling and Alcoholics Anonymous. *Social Problems*, 17, 538-546.
- Walmsley, R. (2008). *World Prison Population List*. London: International Center for Prison Studies.

Annex: Geographical Distribution of the Prison Establishments in Romania⁷



The map of Romanian prison system

⁷ Source: www.anp-just.ro (accessed on 19th of January 2010)

About the Authors:

Ioan Durnescu is lecturer at the University of Bucharest, Faculty of Sociology and Social Work. He is also member of different professional or academic associations like: CEP, European Society of Criminology and so on. His interests lie in community sanctions, probation issues and prison rehabilitation. He is also the Editor of the European Journal of Probation (www.ejprob.ro).

Petronel Mirel Dobrica is conferencer and deputy dean at the University of Bucharest, Faculty of Sociology and Social Work. His main interests lie in the sociology of total institutions, sociology of deviance and so on. He also runs research on sociology of prisons.

Catalin Bejan is deputy director of Poarta Alba Prison responsible for the reintegration department. He also teaches European law and Community law at the Faculty of Law and Administrative Law in Constanta.