

THE MANUAL OF THE PROBATION COUNSELOR

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INTRODUCTION

In a modern society, the criminal law is characterized by the presence of different punishment options for those who break the law. The prison sentence has been and is the most important penalty option in most countries, but we know that this penalty has grave consequences for the offender. Imprisonment should be used only when necessary and not otherwise.

For the offenses for which imprisonment is not necessary probation service plays an important role. Most Western European countries have in recent years transferred much of the total punishment volume from prison to probation.

Making the penalty under probation a credible alternative to prison, the sentences of probation must be completed professionally. The main goals of the reintegration of the offender to society, and society's protection against new crimes, must be fulfilled to the greatest extent possible.

It is our desire that this manual will contribute to the necessary high quality in the probation work. The manual is written for probation workers and is meant to be a practical tool in daily work. When a new task is received this manual will give useful help in describing the different steps in the fulfilling of the task.

There has been a pleasure and honor to collaborate with the Institute of Penal Reform (IRP) and the Central Probation Office for preparation of this manual. Their dedication and skill are as examples to follow.

NORLAM (The Norwegian Mission of Rule of Law Advisers to Moldova) is grateful for the cooperation and we wish the employees in probation best of luck. The work you do is of great importance for the individuals but also for the Moldovan society.

Hans-Gunnar Stey,
Rule of Law Adviser,
NORLAM

Chapter I

PROBATION INSTITUTE: THEORETICAL BASES

I.1. DEFINITION AND TYPES OF PROBATION

From an etymologic point of view, the term *probation* comes from the Latin *probatio* – trial period. The convicts who changed their behavior during the trial period by fulfilling the conditions, obligations and restrictions imposed, were forgiven and released.

There is no uniform and universally accepted definition of probation. Therefore, we will present several approaches of the concept *probation*:

- **a supervision program** established under the law by a competent court for the persons who have committed crimes and have been found guilty. This program implies certain limitations and restrictions that are to be fulfilled by the supervised person. At the same time, this program can be accompanied by certain additional obligations such as executing a number of hours of community work or compensating damages to the crime victim. The above definition brings together certain elements of probation but without enclosing the concept of pre-sentence probation and the assistance and psychosocial counseling side.
- probation is **a sanction**, a manner of intervention through activities having a socio-pedagogical basis, characterized by a combination of assistance and psychosocial counseling and supervision. It is imposed on offenders depending on their psychosocial characteristics, the main purpose being to give them the possibility to change their attitude to life in the society and to reintegrate in the social environment;
- it is **a manner of sanctioning** offenders that consists in organizing and executing the supervision of the accused, defendant or convict by monitoring their behavior, providing individual assistance and orienting them towards a proper lifestyle. The

purpose of probation is to rehabilitate and reeducate the persons who have committed crimes and to reintegrate the convicts in the society;

- it is **a system of activities** in the area of criminal justice: social surveys (pre-sentence probation statements), primary interventions, activities related to community sanctions and punishments, activities in the penitentiary system, supervision for preventing recidivism.
- it means **organizing and executing the supervision of the offender**, of the accused or convict, monitoring the execution of a non-custodial punishment, including of the obligations and restrictions established, also providing individual assistance to the offenders and orienting them to a proper lifestyle, to meet the conditions established by the court, hence, to remedy the legal and social relations that have been affected;
- it is **a psychosocial evaluation and supervision of the persons in conflict with the criminal law and their re-socializing**, adapting the persons released from detention facilities for preventing commission of new crimes (Law no. 8-XVI of 14 Feb 2008 on Probation);
- it is **a community rehabilitation program** that represents an alternative to detention, established for juvenile and adult offenders; a tool that courts use through the probation counselor to give the offenders the possibility to become useful to the society and to observe the law;
- it is **a status** imposed by the court with the criminal's agreement by which the latter is not deprived of freedom if he observes the conditions imposed by the court: to repair the damages caused, to do community work, counseling, attend educational programs or show "adequate behavior" etc.;
- it is **an alternative to detention** that implies freedom conditioned by the lack of subsequent antisocial behaviors of a certain offender.

Analyzing its defining elements and underlining its community character, **probation is a complex of activities, established under the law, for the evaluation, assistance, psychosocial counseling and supervision in the community of the person who is in conflict with the criminal law (accused, defendant, convict) in view of reintegrating him in the society and protecting the community against the risk of recidivism.**

Probation has strategies of intervention at all stages of criminal justice making. Thus, there are the following types of probation:

- **pre-sentence** – psychosocial evaluation of the personality of the suspect, accused, defendant;
- **sentence:**
 - in the community* – activities aimed at the social reintegration of the persons released from criminal sentence by assistance, counseling, behavior control and supervision of observance of the obligations imposed by the court, and
 - penitentiary* – socio-educational activities carried out in the penitentiary and activities for preparing the person for release from the detention facilities;

- **post-penitentiary** – assistance provided to the persons released from detention facilities in view of reintegrating them into the society.

The diversity of probation activities serves a double purpose: to ensure public safety/protection of the community from recidivism by prevention and to monitor continuously the criminal's behavior and his social reintegration. In regard to services, probation includes activities aimed at enhancing the adequacy and efficiency of the criminal justice system, and the importance of the concept of individualization of the criminal punishment.

Probation propagates the idea of moderate treatment of delinquency. Probation also appears as an important step in the context of aligning national legislations to the international standards aiming at creating an intermediary area in the punishment system and at reevaluating the repressive concept towards a curative one. The advantages of such a social reaction are obvious: not all types of crimes are so serious as to require costly detention; the persons released under probation can get or maintain their job and pay taxes; the offenders can take care of their families and fulfill their other financial obligations without becoming a burden for the state etc.

I.2. APPEARANCE AND DEVELOPMENT OF THE INSTITUTION OF PROBATION IN THE REPUBLIC OF MOLDOVA

The implementation of the institution of probation in the Republic of Moldova started in June 2003 when, at the request of the Institute for Penal Reforms (IPR), a group of international experts was created for conducting a **Needs Assessment Mission (NEM)** that aimed at the following: to assess all the aspects of the implementation of the measures of re-socialization and reintegration of offenders in the Republic of Moldova, including of those that existed at that time; to assess the legal framework and the aspects related to infrastructure, existing obstacles, the level of professionalism of the staff, society's attitude and the impact of re-socialization and reintegration.

In view of implementing the NEM recommendations, a **Working Group on Probation** was created in 2003. It was meant to draft the legal framework on probation and at the same time to serve as a consulting group. The concept of the *law on probation* was finalized in April 2004. After multiple discussions, it was suggested that the law have the structure and content of an ordinary law and be the act to introduce the concept of *probation* in the Republic of Moldova and serve as basis for all the previously adopted subordinated acts.

The practical activities for the implementation of the probation service started on 1 January 2004 through the piloting by IPR of pre-sentence probation in regard to juveniles in the Centru district of Chişinău. Under a certain aspect, the pre-sentence probation and unpaid community work found good reflection in the legal acts, and under another aspect, thanks to the piloting of this new institution in regard to

juveniles, the concept of *repressive criminal justice* became null. The utility of pre-sentence evaluations was immediately established, the court and the criminal investigation officer having the possibility to assess not only the fact and the attitude of the offender to the crime committed but also the level of danger he represented as a whole for the society. In parallel, in six districts of the country, pilot programs for the implementation of unpaid community work were carried out.

In January 2005, the piloting of pre-sentence probation was extended to the districts of Ungheni and Cahul, with launching sentence probation activities in regard to juveniles.

In June 2006, the pre-sentence and sentence probation in regard to juveniles was implemented in the districts of Bălți, Fălești and Telenești, while in Chișinău, Ungheni and Cahul such activities were supplemented with probation activities in regard to adults.

Since July 2006, there were carried out activities for piloting the process of preparation for release from detention and post-detention social reintegration in five (2006), in ten (2007), then in 15 (2008) districts.

Under those projects, multiple activities were carried out for promoting the legal framework, staff training, formation of good practices as well as for preparing pre-sentence evaluations; assistance to the persons on probation; assistance with enforcing unpaid community work; creation of working groups; development of practical guides for the specialists; organization of round tables, workshops, conferences; media coverage, monitoring and assessment activities; organization of exchange of experience, study visits.

Institutionally, the probation service was created on 12 January 2007 and fully took over the results of the pilot projects of IPR. The legal framework on probation was strengthened by the *Law no. 8-XVI of 14 Feb 2008 on Probation*. Subsequently, with the assistance of different partners of the newly created probation service, the set of legal acts subordinated to the Law on Probation, including the instructions of the Central Probation Office, were developed, with further activities for promoting probation, training probation counselors and judicial actors, for raising public awareness regarding the advantages of detention alternatives.

I.3. THE LEGAL FRAMEWORK OF THE INSTITUTION OF PROBATION IN THE REPUBLIC OF MOLDOVA

- **Criminal Code of the Republic of Moldova** no. 985 of 18 April 2002, especially art. 53 (Exemption from Criminal Liability); art. 54 (Exemption from Criminal Liability of Juveniles); art. 55 (Exemption from Criminal Liability for Administrative Liability); art. 59 (Exemption from Criminal Liability on Condition); art. 62 (Categories of Punishments Applicable to Individuals); art. 67 (Community Service); art. 89 (Definition and Categories of Exemption from Criminal Punishment); art. 90 (Conviction with a Conditional Suspension of the Execution of Punishment); art. 91 (Preterm Conditional Exemption from

Punishment); art. 92 (Substitution of the Unexecuted Part of Punishment with a Milder Punishment); art. 93 (Exemption from Punishment of Juveniles); art. 94 (Exemption from Punishment due to a Change in Situation); art. 104 (Application of Coercive Educational Measures).

- **Criminal Procedure Code of the Republic of Moldova** no. 122 of 14 March 2003, especially art. 96 (Circumstances to be Proven in a Criminal Proceeding); art. 157 (Documents); art. 176 (Grounds for Preventive Measures); art. 385 (Issues to Be Resolved when a Court Issues a Sentence); art. 469 (Issues to Be Solved by the Court when Enforcing a Punishment); art. 471 (Manner for Resolving Issues Related to Conveying Court Judgments for Execution); art. 475 (Circumstances to Be Established in Cases Involving Juveniles); art. 483 (Terminating a Criminal Investigation and Exempting a Juvenile from Criminal Liability); art. 485 (Issues to Be Resolved by the Court when Issuing a Sentence in a Proceeding Involving a Juvenile).
- **Contravention Code of the Republic of Moldova** no. 218 of 24 October 2008, especially art. 32 (Sanctions for Contraventions); art. 37 (Unpaid Community Work); art. 395 (Competence of the Court).
- **Enforcement Code** no. 443 of 24 December 2004, especially art. 173 (Institutions and Bodies Ensuring Enforcement of Punishment); art. 174 (Institutions and Bodies Ensuring Enforcement of Safety Measures); art. 189 (Body Ensuring Enforcement of Unpaid Community Work); art. 190 (Manner of Enforcement of Unpaid Community Work); art. 191 (Obligations of the Body Ensuring Enforcement of Unpaid Community Work); art. 192 (Obligations of Local Public Administration Authorities Regarding Enforcement of Unpaid Community Work); art. 193 (Obligations of Management of the Organization Where the Convict Executes the Punishment of Unpaid Community Work); art. 194 (Obligations of the Convict); art. 218 (Contacts with the Penitentiary Probation Service and with the Representatives of Civic Associations); art. 259 (Supervision of the Person in the Period for which the Enforcement of Punishment was Delayed); art. 261 (Supervision of the Person in the Period for which the Enforcement of Punishment was Suspended); art. 265 (Preterm Conditional Exemption from Punishment or Replacement of Unexecuted Part of the Punishment with a Milder Punishment); art. 268 (Supervision of the Person Exempted from Criminal Liability on Probation) art. 269 (Searching of the Person Exempted from Criminal Liability on Probation); art. 270 (Exemption from Punishment of Juveniles); art. 313 (Institutions and Bodies Ensuring the Enforcement of Sanctions under the Contravention Law); art. 317 (Enforcement of the Sanction of Unpaid Community Work).
- **Law on Probation** no. 8-XVI of 14 February 2008, Official Gazette of the Republic of Moldova, no.103-105 of 13 June 2008;
- **Law on Social Adaptation of Persons Released from Detention Facilities** no. 297-XIV of 24 February 1999, Official Gazette of the Republic of Moldova, no. 39-41 of 22 April 1999;

- **Status of Enforcement of Punishment by Convicts**, approved by the Government Decision no. 583 of 26 May 2006, especially section 36, Penitentiary Probation Service, pt. 441-444;
- **Regulation on the Manner of Enforcement of Criminal Punishment in the Form of Unpaid Community Work**, approved by the Government Decision no. 1643 of 31 December 2003, Official Gazette of the Republic of Moldova, no. 16-18 of 23 January 2004;
- **Regulations on Organization and Functioning of Probation Bodies**, approved by Government Decision no. 827 of 10 September 2010, Official Gazette of the Republic of Moldova, no. 166-168 of 14 September 2010;
- **Order of the Minister of Justice no. 560 of 31 December 2008 on Approving the Conditions and Form of the Contract for Providing Psychosocial Assistance to the Persons Released from Detention Facilities and the Rules for Preparing the Pre-sentence Evaluation of the Personality**, Official Monitor of the Republic of Moldova, no. 10-11 of 23 January 2009;
- **Instruction on Sentence Probation in the Community in Regards to Adult and Juvenile Convicts**, approved by the Order of the Head of the Central Probation Office no. 92 of 30 May 2011.

I.4. INTERNATIONAL REGULATIONS ON PROBATION

Provisions with direct incidence on probation or activities related to this area can be found especially in the following:

1. **Universal Declaration of Human Rights**, 10 December 1948;
2. **Convention on the Rights of the Child**, 20 November 1989;
3. **UN Standard Minimal Rules for the Administration of Juvenile Justice** (The Beijing Rules), 1985;
4. **UN Standard Minimal Rules for Non-Custodial Measures** (the Tokyo Rules), 1990;
5. **UN Guidelines for the Prevention of Juvenile Delinquency** (the Riyadh Guidelines), 1998.

I.5. COUNCIL OF EUROPE RECOMMENDATIONS ON PROBATION

Council of Europe

The Council of Europe (CoE) has 47 member states and thus covers the entire European continent. The main purpose of the CoE is to ensure the observance of the fundamental values, human rights, democracy and rule of law on the entire continent. An example is the capital punishment free zone. Starting with 1985, the abolition of the capital punishment has been one of the conditions for joining the CoE.

The European Court for Human Rights is an institution part of the CoE. The European Court ensures the observance of the rights guaranteed by the European Convention for Human Rights and Fundamental Freedoms.

The Republic of Moldova has been member of the CoE since 1995, Romania – since 1993, and Russia – since 1996.

The European Union (EU) and the Council of Europe are two separate entities; however, no country has joined the EU without being a CoE member.

Direct provisions about probation are found especially in the following acts:

1. **Recommendation No. R (92) 16 of the Council of Europe Committee of Ministers to the Member States on the European Rules on Community Sanctions and Measures;**
2. **Recommendation (2000) 22 of the Council of Europe Committee of Ministers to the Member States on Improving the Implementation of the European Rules on Community Sanctions and Measures;**
3. **Recommendation Rec (2003) 22 of the Council of Europe Committee of Ministers to the Member States on Conditional Release (Parole);**
4. **Recommendation CM/Rec (2010) 1 of the Council of Europe Committee of Ministers to the Member States on the Council of Europe Probation Rules.**

Recommendation CM/Rec (2010) 1 on the Rules of Probation

This recommendation became effective as from 20 January 2010 and hence is adapted to the values of modern probation. The recommendation must be regarded together with other CoE conventions and recommendations, especially with the **Recommendation Nr. R (92)16 – European Rules on Community Sanctions and Measures.**

The recommendations are not mandatory as such but the member states are expected to guide themselves by the recommendations in adopting their legislations, policies and practices.

The recommendation consists of 108 rules numbered and divided into 8 sections. It is impossible to give a full presentation of the content of those rules in this manual; however, for our purpose, we have selected some extracts that we considered the most relevant ones.

Extracts and Commentaries to the Main Principles of Probation

The first part of the rules recommends the need to have the probation bodies establish a positive relation with the beneficiary in order to supervise, guide and assist/support him in his attempts to not commit crimes and thus to contribute to the community's safety. The probation bodies must observe the rights of the beneficiaries. The tasks of probation must be defined in the national legislation and the restrictions on the convict's rights must not exceed the limits established in the legally made decisions and the needs identified in each case. To the extent possible, the probation bodies must inform the beneficiary and get his agreement on any intervention that affects him. Especially before a final establishment of the guilt, each intervention requires informing and obtaining the person's consent.

The probation bodies must take into account the characteristics and individual needs of the beneficiary/case and not discriminate him in any manner. This implies that the probation bodies can impose various restrictions depending on the risk of recidivism and not on basis of race, sex, color, language spoken, religion, handicap, sexual orientation, political or other opinions, national or social origin, affiliation to an ethnic group, ownership, birth, or another status.

A good probation activity requires cooperation and partnership with other public or private organizations and with the local public administration and the main responsibility belongs to the Probation Service. Any private institution that provides probation services to the convicts must be approved/accredited by the competent bodies in accordance with the national law.

Extracts on the Manner of Organization and the Staff of Probation Bodies

Both this and other recommendations stress the need for a structure, status and resources that would correspond to the number of tasks and responsibilities. The number of the probation staff must be high enough as to carry out efficiently the probation.

Throughout their career, training of the entire staff must be ensured, both initial and continuous, in order to maintain and improve their professional skills.

Extracts on Probation

The community sentence/unpaid community work is a sanction where unpaid work is used for actually or symbolically repairing the damages caused by the convict. The unpaid work:

- must not have a stigmatizing character;
- must include measures/tasks that support the development of skills and the social inclusion of the convict;
- must not be executed for the advantage of probation bodies, their staff or for commercial profit;
- the community's safety must be taken into account;

- must be divided into different tasks, giving the possibility to adjust the work executed to the convict's skills and needs. In particular, adequate work must exist for the female convicts, for the convicts with disabilities, for the juveniles or senior convicts.

Reintegration in the society. Since probation is responsible for supervising the convicts after release, it must closely cooperate with the penitentiary institutions, with the convict, his family and the community in view of preparing him for release and reintegration in the society. It is especially important to have cooperation between the penitentiaries and the probation bodies, giving probation counselors the necessary access to the convicts. The supervision after release is meant to respond to/satisfy the reintegration needs, such as employment, education or training, ensuring the observance of the conditions established upon release, all aiming at reducing recidivism.

Extracts and Commentaries on Keeping Records, Information and Confidentiality

The probation bodies must keep official, accurate and up-to-dated records of the beneficiaries, recording the following information:

- personal data of the beneficiaries;
- their contact/correspondence with the probation body;
- activities carried out in regard to the convicts;
- initial assessment, planning, intervention and evaluation of activities in regard to the convicts.

The records must be regularly checked by the managers. The convicts must have access to their personal files to the extent this is provided for by the national legislation and does not violate other persons' privacy.

The principles of confidentiality and protection of data are very important and must be stipulated in the national legislation. These rules reflect the importance of record keeping for ensuring the responsibility, which is significant both for the probation service and for the beneficiary/convict.

Final Commentaries

In all the European countries, the probation service is an important part of the rehabilitation system. It is known that probation gives the possibility to sanction and reduce the risk of committing new crimes with/without the use of penitentiaries. The purpose of the probation service is to teach/help the defendant live in the community without committing crimes, which is essentially different from penitentiaries, where the offender does not come in contact with the community.

In the past years in Europe probation has developed new categories of sanctions and programs: for instance, programs for drug dependants, for drivers who drive while being drunk, electronic monitoring/supervision etc. This proves that probation has the possibility to adopt modern research and technologies and that it has a dynamic approach over the concept of sanctioning.

I.6. PRINCIPLES OF PROBATION

The following probation principles can be deducted from the legal regulations and good practices of probation:

1. **observance of human rights and fundamental freedoms, observance of human dignity;**
2. **non-admission of discrimination;**
3. **immediate aid** implies that the person in conflict with the law benefits from the support of the probation counselor in limited timeframes;
4. **permanent support to and encouragement** of the subjects of probation, assisted and counseled, in view of reintegrating them in the society and assuming responsibility for their own actions by forming an adequate attitude towards legal order and social cohabiting rules;
5. **proximity** implies reducing to the maximum the geographical but also the psychological distance so that the beneficiary feels the permanent support of the probation counselor, the existence of mutual trust in order to execute adequately the assumed responsibilities;
6. **timeliness** implies dozing the intervention; getting involved as many times as necessary but without overdoing it. The principle of minimal intervention also derives from here and implies that not more constraint and monitoring should be used than necessary;
7. **individualization and continuation** imply that the interventions of the probation counselor should comply with the social needs of the person in conflict with the criminal law and that such interventions should have an organized character and be based on social reintegration;
8. **community participation** in the process of assistance, psychosocial counseling and monitoring of the behavior of the probation subject. The principle of **coordinated efforts** also derives from here, which suggests the role of the probation counselor as manager of community services;
9. **efficiency and normalization** imply that the efforts of the probation counselor must end with the full reintegration in the community of the person in conflict with the law and with the reduction to the maximum of the distance between the beneficiary of the probation service and other community members.

The observance of these principles will help the probation counselor treat adequately the beneficiaries of the probation service by finding the best solutions even when the law does not provide specific regulations.

Chapter II

PRE-SENTENCE PROBATION

II.1. THE CONCEPT OF PRE-SENTENCE PROBATION

The pre-sentence probation is the stage at which the first evaluation, assistance and psychosocial counseling of the person in the judicial system take place, and namely, when the case is at the criminal investigation stage or in a court proceeding until the sentence is issued and becomes effective.

At this stage, the role of the probation counselor consists in:

- providing to the criminal investigation body and the court accurate and relevant information about the suspect/accused/defendant, about the perspectives of his reintegration as well as the risk of recidivism or self-injury. This information is included in the pre-sentence statement of psychosocial evaluation. Representing a first evaluation of the person in conflict with the law, this document must be reflected in the decision of the criminal investigation body, in the court sentence and implicitly in the supervision plan of the probation counselor on the social reintegration of the already convicted person;
- responding to the stringent emotional and practical needs of the suspects/accused/defendants.

The statement on the psychosocial evaluation of the offender's personality includes information about the person who is in conflict with the law: his living style, family, society (neighbors, school, policlinic, workplace, friends); data related to the alleged act committed and evaluation of its severity as well as the attitude to the alleged crime and its circumstances; data about the risk of recidivism that are to contribute to individualizing the punishment and, if necessary, of the preventive measure. The pre-sentence evaluation represents an important activity that is to be carried out at the initial phase of justice making.

The statements have a consultative character, in the sense that the criminal investigation body and the courts can take into consideration the information provided and the proposals made. Thus, the evaluation statement is the tool used by the probation service to communicate with the criminal investigation body, with the prosecutor's office and with the court. Its role is to assist the court in the individualization of the punishment, offering a professional evaluation of the nature and reasons that led to the antisocial behavior as well as the measures to be taken into account to reduce the probability of recidivism. Therefore, this document must be impartial, balanced and based on factual data.

II.2. METHODS AND TECHNIQUES FOR COLLECTING INFORMATION FOR PREPARING THE PRE-SENTENCE STATEMENT

II.2.1. Documentation

Documentation is a distinct method of evaluation of the beneficiary and a process that unfolds throughout the instrumentation of the case. Documentation is carried out by the probation counselor who prepares the **documentation plan**.

Characteristics:

- in most cases, the probation counselor prepares the documentation plan after the first meeting with the beneficiary, and when he is not capable – with his biological parents or foster family; it is important to observe this order in using these two methods (the meeting takes place first and the documentation plan is prepared) because the meeting can offer important indicators for the necessary documents;
- for an efficient instrumentation of the case, the probation counselor is recommended to collect as many relevant documents as possible to get to know the beneficiary. The documents can be of different types: civil status documents, legal documents (criminal file), photographs, social surveys, “the book of life,” complaints filed with the police, audio recordings etc;
- documentation requires the probation counselor to make a deep analysis of the documents, completed by information obtained through other evaluation techniques. Otherwise, the instrumentation of the case may turn into a simple collection of documents. Most of the times, the less experienced probation counselors think that discovering an “important document” also implies identifying the solution to the case investigated;
- documentation completes other techniques and methods used in the instrumentation of a case, such as the exploration interview, observation etc.
- In the instrumentation of a case, there are three big types of documents, classified as follows:

By the source of origin:

- *direct (primary) sources* – documents and information directly from the beneficiary; these types of documents can be: civil status acts, letters, diaries, reports etc. Such documents most of the times describe the first aspects related to the existing problem;
- *indirect (secondary) sources* – documents from the extended family, legal and medical documents;

By the type of documents – for the beneficiaries who are protected within the residential system:

- *public documents* – publications, reports, acts issued by the care institutions (placement centers) or the legal institutions where the beneficiary is most often represented by persons from the residential system;
- *private documents* – diaries and letters of children to/from parents.

By the manner of issuance of the document:

- *requested documents* – these are public documents that can be requested by the probation counselor from different institutions (Commission for the Child Protection, court, police, dispensary);
- *unrequested documents* – these are documents that are part of the beneficiary's file and that subsequently, when reopened, are reanalyzed and compared to the new documents. The most frequent such documents are the medical acts, psychological evaluations, school papers, social surveys etc.

II.2.2. Observation

Observation is an investigation technique that aims at collecting information with the value of facts, which are necessary to complete/confirm what resulted from using other techniques (documentation, interview or meeting). The observation is especially important at the first stages of case instrumentation (after notification/referral, initial evaluation, complex evaluation) but it is used throughout the work on the case. In order to have an organized, coherent and logical approach of this technique, it is recommended to develop an *observation guide*.

Characteristics

- The observation is a technique that is used permanently, throughout the instrumentation of the case. It is used in the professional space of the probation counselor and in the origin/living environment of the beneficiary (family, group of friends, school/professional community etc.), in clearly determined situations (visit at home, meeting etc.) and/or in experimental situations (introducing an unforeseen factor that can affect the balance of the relationships, for instance, involving a witness to an abuse into the meeting with the abuser who denies his guilt).

- The observation implies following the verbal and nonverbal behavior of the interlocutor/beneficiary, the type and structure of the relations in the investigated environment, the attitudes, the emotional states and reactions.

The observation can be classified as follows:

- *direct observation*: the probation counselor face to face with the beneficiary;
- *indirect observation*: the probation counselor observes the aspects from the beneficiary's environment of origin. The information about the beneficiary may be obtained by observation also in his absence. For example, the probation counselor may visit the beneficiary's home in his absence and observe the condition of his dwelling, the hygiene and cleaning conditions, the aspect of his children and other members of his family etc.
- From the point of view of the purpose of the technique and planning used, the observation can be:
- *direct/anticipated/planned* – the probation counselor intends to observe one or several aspects. This mandatorily implies the existence of an observation guide;
- *accidental* – while using another technique (meeting, counseling etc.), without prior planning: for instance, during the discussion with the mother, the probation counselor can observe how she behaves with her children who interrupt the discussion.
- A special form of observation is the *participatory observation*, which takes place by involvement in social events, during which the probation counselor can investigate the structure of the interpersonal and inter-family relations, of group behaviors and attitudes.
- In general, observation implies a visual contact with the beneficiary but in certain situations, the other senses can offer more complex information than the sight (for example, the specific smell of an untidy dwelling or precarious personal hygiene can be observed only by the olfactory sense; the temperature in the house etc.).

II.2.3. Meeting

During the instrumentation of a case, from the registration of the complaint and until the closing of the case, the professional conducts a continuous process of evaluation. In order to make an evaluation both of the problem of the beneficiary and of the results obtained after the intervention, the probation counselor uses a number of methods and specific techniques that include also the meeting.

The meeting is the method by which, during an appointment between the probation counselor and the beneficiary, relations are established for obtaining primary information necessary to explore the problem and establish the methods of its resolution.

The meeting is a form of interview where the probation counselor aims at receiving certain specific and predetermined information from the beneficiary. The probation counselor asks specific questions and records only the relevant answers, often using an evaluation form. The purpose of this technique is not mainly a therapeutic one but gives the beneficiary the opportunity to express his emotions and feelings in connection with the problem.

The meeting is a technique used *to investigate the situation of the beneficiary* in order to collect as much information about his problem as possible, and based on such primary information, to outline the future directions for action. Thus, during the communication held either in the specialist's office or at the beneficiary's home, the probation counselor will conduct a verbal investigation where the communication is focused on making a more complex evaluation, which would serve as basis for preparing the intervention plan.

Depending on the complexity of the case, the meeting would take the form of a *conversation-query*, using *repetition*, as certain clarifications or completions may be necessary during the *conversation* between the specialist and the beneficiary of the probation service.

The meeting is a complex technique that by its specifics resembles to *the observation*. By using this technique, the probation counselor obtains factual information, since both the verbal information and the information about the beneficiary's conduct, facts, emotional state, beliefs etc. has the same importance.

Also, the meeting contains elements similar to *counseling* because while identifying the problem, this conversation would aim at making the beneficiary aware and responsible in regards to the implications of the resolution of the situation.

Characteristics

The meeting is an investigation technique used by the probation counselor in addition to other evaluation methods to find out the beneficiary's problem, his system of attitudes and values and to figure out how to solve it. Due to its large scope of use, the probation counselor shall use this technique to collect information, to clarify a situation, or to evaluate the results of his actions together with the beneficiary.

Analyzing the role of this technique, it is established that the meeting is used when the specialist aims to:

- *research/evaluate*, so that this technique is used during the entire process of instrumentation of cases;
- *transform the investigated social environment*, so that the meeting has an impact on the individual and his family, rendering the beneficiary responsible.
- The meeting can take place in the office of the probation service but in order to get a higher relevance of the information, this technique can be used during the home visit, at the beneficiary's request or as a result of a notification to the local authorities. Depending on this criterion, the following types of meetings can be distinguished:

- scheduled meeting:
 - at the beneficiary's request (for example, at the case evaluation stage);
 - at the request of the probation counselor (for example, in order to find out the problem and the results of the undertaken actions; it is used at all stages of the case instrumentation);
- unscheduled meeting:
 - as a result of the notification by a person/institution (for example, notification about a case of abuse).

In order to obtain the desired results, the probation counselor must prepare the meeting (create a secure environment for the beneficiary) and the content of the meeting (various types of questions).

The meeting is based on observing certain rules and principles related to the behavior and skills of the probation counselor, to the manner of holding of the meeting and of using the technique. Through his behavior and skills, the professional must lead the conversation in optimal conditions.

The system of skills and abilities includes:

- skills for building a relationship of trust and aid to the beneficiary;
- the art of listening to and supporting the presentation of the beneficiary's story;
- abilities of reducing the social barriers between the professional and the beneficiary and of eliminating the refusal of cooperation as well as the lack of trust.

From a technical point of view, in using the meeting, it is necessary to make the questions very clear and adequate to the language of the beneficiary, to get complete information and to write down accurately and fully the relevant answers. By comparison with other techniques, the meeting establishes *a relative equality between the two interlocutors*, the probation counselor being interested in *establishing a comfortable environment and a non-directive relation*, characteristics that facilitate the assistance provided to the beneficiary.

In order to get these results, the professional must hold a conversation that is based on open and non-directive questions (*for example: What do you think about...? What is the reason for your decision? How do you think to solve this situation?*). These types of questions give freedom to the beneficiary and are significant in the process of learning about and evaluating social cases.

In the meeting technique, the attitude and conduct of the probation officer are important, and they are less relevant when using other methods or techniques, such as the interview. He must show *patience, good will, tolerance and intuition*; must *avoid criticism* or other undesired actions in regards to the beneficiary – the so-called *advice, value judgments, contradictory discussions*.

It is important to remember that the meeting catches *more in-depth phenomena*, especially *emotional* ones, which are relevant aspects in the efficient resolution of cases but which cannot be followed when using other techniques, such as the directive interview or the questionnaire.

II.2.4. Interview

The interview represents one of the main tools for collecting data about the life experience of the investigated beneficiaries and, at the same time, a form of psychological and social interaction with immediate influence on the behavior of the actors involved. In the work of the probation service, the method of interview is used both for preparing psychosocial evaluation statements and for the supervision of and psychosocial assistance to the persons in conflict with the law.

During the interview, a differentiated assignment of the roles of interviewer/interviewee and of the tasks takes place – the interactions are complementary and non-mutual. The interviewer's actions must be planned and selected conscientiously in order to support the purpose of the interview, which is a communication with a planned progress. The interview usually has a formally defined and established time, place and duration.

The interview has three goals:

- to inform or socially educate;
- to evaluate or diagnose;
- to serve as a therapeutic approach or make a change.

The interview is the dynamic conscientious movement, done in successive stages, in order to achieve its goal (Kadushin, 1990). The thematic literature notes that “the interview begins before beginning...” Thus, the success of an efficient interview depends on how the entire interview starts and unfolds. This is important because it represents the basis of an adequate evaluation and intervention in providing psychosocial assistance to the beneficiary.

In order to conduct an efficient interview, the probation counselor must fulfill two conditions:

- to be aware of how his own behavior may affect his professional relationship with the beneficiary;
- to be able to understand the people – not only to be aware of the most obvious things that can motivate them but also to have the ability to explore which complex motivation (or maybe contradictory) could hide behind the beneficiary's behavior or statements.

Several suggestions are made below that can help the professional conduct an efficient interview.

First Contact

You must always take into account the importance of the first contact of the beneficiary with the institution you represent. This could be achieved via a telephone call, a beneficiary's visit to the office or when you make the first visit to the beneficiary's home. The first contact is important – it will influence how the beneficiary will perceive the specialist and the organization of which he is part and will surely mark the following interactions. It is important that all members of the team are aware of the fact that they are the “ambassadors” of their organization.

Before the Interview

It is necessary to remember the importance of preparing an interview plan before it takes place:

- What is the purpose of the interview?
- What subjects would you like to discuss?
- What do you want to achieve during the interview?
- How do you intend to approach the problems?
- If two specialists participate in the interview, what will be the role of each?
- What more difficult areas may arise and how do you intend to solve such situations?

Beginning of the Interview

You must take into account the place where the interview will take place. If in the office, try to find a quiet and comfortable place. If you are making a visit to the beneficiary's home, remember to take into account his privacy and wishes about who should be present at the interview. Make sure to pay more attention to how you arrange the seats.

When you have an interview in the office, make sure to reduce the physical barriers in the communication. For example:

- avoid the situation of having a table between you and the beneficiary;
- avoid using chairs with significant differences in size.

If you visit the beneficiary at home you may be put in the situation of not having a word to say about the arrangement of the seats. Nonetheless, remember to take into account any possibility of reducing all physical barriers in the communication. For example, if there is a place where you can sit together with the beneficiary, try to sit next to him, so that not to speak with each other from distance.

If it is your first meeting with the beneficiary, remember to:

- introduce yourself;
- explain who you are;
- explain where you are from;
- explain the role of the organization you represent.

Remind the beneficiary the reasons for which you will have to:

- collect factual information related to the beneficiary and his family (for example names, addresses, dates of birth etc.), which will help you understand his situation;
- write down some things during the conversation with the beneficiary to be sure you will accurately remember the information collected.

The questioning may pursue several goals:

- to extend the scope of the interview;
- to enhance its depth;
- to help solve the problem;
- to encourage the beneficiary to take into account the alternatives;
- to encourage the beneficiary organize his presentation, making sure he has included all the relevant information;
- to focus the interview on exploring (for example: "Can you tell me more about this?"), understanding (for example: "How do you explain that reaction that you had?") or behavior (for example: "What do you think can be done in such case?").

The questions aim to:

- explore the problem and the beneficiary's situation;
- familiarize the beneficiary with the role of being an interviewee;
- encourage the beneficiary to share current and emotional information;
- direct the beneficiary;
- create comfort during the interview.

For this, open-ended questions are mainly used, the beneficiary having thus the possibility to:

- emphasize his own reference framework;
- feel responsible and free in regard to his participation in the interview and in determining its content;
- develop an adequate motivation for positive communication.

At the same time, however, it is necessary to take into account that open-ended questions:

- have a non-directive character;
- can create discomfort to the beneficiaries with little experience in the role of interviewee or who has communication difficulties;

- are less efficient in the case of talkative, hostile or bad-tempered beneficiaries.

The close-ended questions are used:

- when a certain amount of information has already been obtained but it is necessary to obtain some extra details;
- when the beneficiary is not sure how he should proceed;
- when the situation is confusing;
- when the counselor wishes to exert a bigger control on the content;
- when the interviewer wishes to introduce contents that are not relevant to the purpose of the interview;
- when the interviewer wishes to reduce the interaction and the level of nervousness of the interview;
- when there are timeframes established for the interview.

• ***Other types of questions that is necessary to be practiced:***

- *direct*, directly implying the beneficiary's responsibility for his answer (for example: "How exactly do you feel about your new dwelling?");
- *indirect*, where the responsibility is scattered (for example: "How does your family feel about the new dwelling?");
- *centered on different periods of time* (for example: "What has happened with your health condition in the past year?" "How is your health condition now?");
- *centered on identifying thoughts* ("What did you think of before opening the car whose window remained open?"), *feelings* ("What did you feel at that moment?") or *behaviors* ("What did you do then?");
- *clarifying-specifying* – when the relevance of the content is not clear or when extra specification is needed.

The most frequent errors in formulating questions are:

- suggesting the answers – this is based on the counselor's preconception of how the beneficiary's answer should be ("You for sure love and respect your parents, don't you?", "I assume you haven't thought moving away before finding a job, have you?");
- dual questions – they appear especially with the beginners, who ask more than one question at a time; the beneficiaries usually answer the least demanding question ("How long have you had conflicts? What happens during such conflicts?"), and the counselor may forget that he got no answer to the first question.
- the question "Why?" is difficult for the beneficiary because it:
 - requires a reasonable statement about one's behavior, which he cannot do;

- encourages reasoning (justification);
- increases the feeling of frustration.

The questions should:

- be comprehensive;
- lack ambiguity;
- be sufficiently short (not more than one or two sentences).
- The counselor must plan the duration and depth of the interview by *engaged exploration skills when trying to explain the nature of the problem and the context in which the problem occurs*. Such skills are expressed through:
- the counselor's nonverbal behavior:
 - permanent eye contact;
 - body language;
- the counselor's verbal behavior:
 - encourages the beneficiary (having the role to motivate the beneficiary to speak) (for example: "I see...", "and then...", "hmm...");
 - paraphrasing (restating what the beneficiary has said but in the counselor's words) (for example: "If I understood you right...", "In other words...", "I heard you say that...").

Attention!

- should be formulated as assertions and not as questions;
- are emotionally neutral (should not indicate either approval or disapproval);
- help the counselor check whether he understood correctly what the beneficiary said;
- help the beneficiary become aware of what he said;
- summarize (they make an overview of what has been discussed).

Skills related to the profundity of the interview:

clarification – it reflects what the beneficiary has said but transposed into a less subjective language (for example, the beneficiary: "I think my mother does not love me"; counselor: "What exactly does your mother say or do that makes you think she does not love you?");

interpretation – provides a new frame of reference (for example, "Would you take into account the possibility to...", "I wonder if...");

confrontation – refers to the discrepancies between what the beneficiary said in different moments; among what he said and how he said;

support – includes assessments of the beneficiary's abilities, qualities and efforts to adapt and solve the problem.

FINAL PHASE OF INTERVIEWING

IMPORTANT: this refers both to the content and to the feelings!

Necessary Skills:

Summarizing – a short summary of what has been covered through the interview and of the decisions made/conclusions reached;

Recording data – it is important to take notes during the interview (the beneficiary's permission is asked, with the explanation of the need for this approach), that are to be completed later, immediately after its finalization.

II.2.5. Telephone Conversation

The telephone conversation is one of the most used additional techniques for collecting/confirming data and establishing the contact between the probation counselor and the beneficiary of probation services via exclusively verbal communication. The telephone conversation is not located at a certain stage of the instrumentation of the case and can take place anytime this is necessary or at any request of the beneficiary.

Attention! Telephone conversations should not be used to collect information about the beneficiary's personality or to carry out the assistance and counseling processes.

Characteristics

The most frequently encountered situations when this technique is used are when:

- *notifying about the case* – can be done by the beneficiary's self-referral or by referral/complaint filed by another person (neighbor, relative) or institution (mayor's office, nongovernmental organization, specialized public services etc.);
- *collecting information about the case* – can take place in the form of a phone conversation without aiming at interfering with the psychological state of mind of the beneficiary. Usually, in such situations, identification data and other brief information about the petitioner is being collected; if the request is done by referral/complaint, information about the institution or person is requested;
- *family visits* most of the times can be scheduled by telephone.

During the documentation and evaluation of the request, the probation counselor is recommended to use a tool for recording the telephone conversations and before finalizing them, to make a summary of the conversation together with the beneficiary in order to keep the accuracy of the information.

The peculiarity of this technique consists in the fact that it cannot be used for any type of client and in any context. Such situations may include: the persons who do

not have a phone (for example, this is a frequent situation for rural beneficiaries), the persons with psychological or behavioral disorders, the persons deprived of liberty, juveniles, persons with hearing and/or speaking deficiencies, etc.

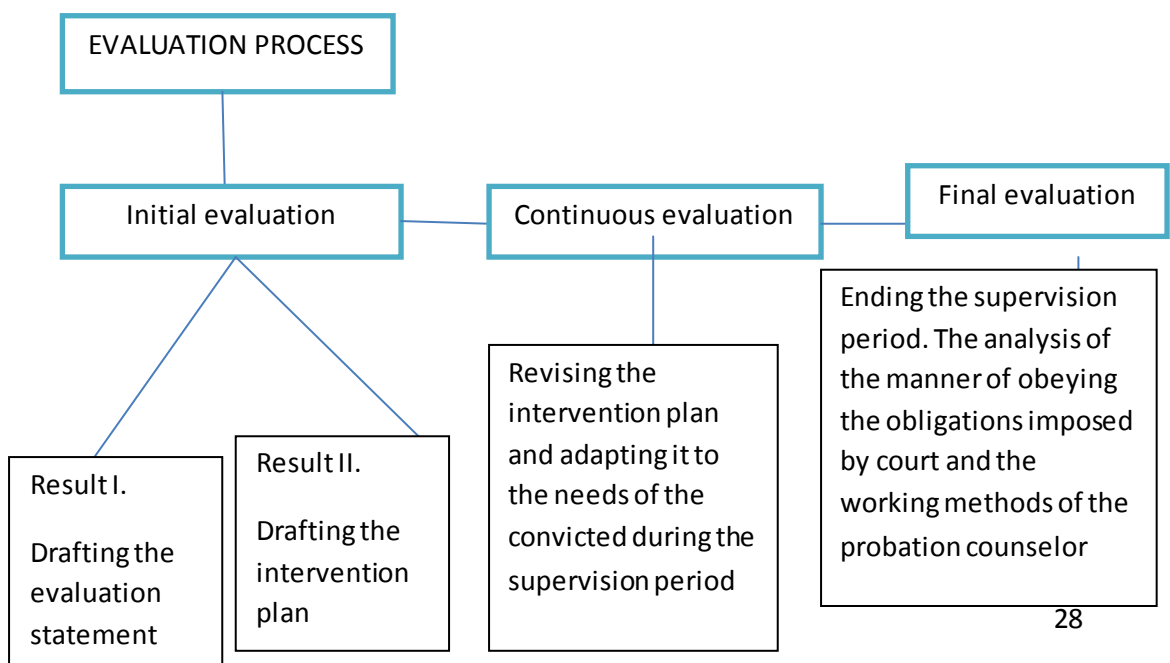
Also, the telephone conversation has limited advantages for solving the case. Even if it takes place in a short period of time and can provide urgent information, certain aspects about the beneficiary's native environment (community, family, dwelling) and his nonverbal behavior are hard to record. That is why it is recommended that probation counselors do not confuse and use this technique to the detriment of the meeting, counseling and/or interview. Any information resulted from using this technique must be confirmed and completed with data obtained via other techniques.

II.3. PSYCHOSOCIAL EVALUATION OF BENEFICIARIES

II.3.1. Evaluation Process

The evaluation is an essential part that acts as a preparation stage and establishes a firm basis for building the other stages of the probation activity. It precedes any approaches for psychosocial intervention and one must keep in mind that it is a cyclical process that takes place throughout the work with the beneficiary, regardless of the form of the intervention and respectively, it is necessary to make a permanent reevaluation of the beneficiaries, depending on the changes of the circumstances.

In the specialized literature we find three types of evaluation used in probation: *initial*, *continuous* and *final*.



II.3.2. Planning of the Evaluation

After receiving the request for making the pre-sentence statement for psychosocial evaluation, the probation counselor responsible for the case checks the information included in the request (last name, first name, address, the alleged crime etc.).

The first stage to be followed in this process is the planning of the beneficiary's evaluation, which is extremely important. Before starting the evaluation process, we must take into account several principles that underlie the efficient work with the beneficiary:

- it is necessary to take into account also the possible impact of the evaluation on the person (*and to respect the principle that minimum, and not maximum data necessary shall be collected*); the **purpose of the evaluation** is to get to know and understand the beneficiary from a certain perspective and not to find out details about his entire life;
- it is important to involve actively the beneficiary in the evaluation, the advantages of a partnership being a higher trust in the counselor and implicitly a positive working relationship, more efficient cooperation opportunities, an atmosphere that enables the beneficiary be more relaxed.

How do we actively involve the beneficiary in the evaluation process?

By being honest with him and explaining him the purpose of the evaluation, the importance of his cooperation in order to obtain a full picture about himself as well as informing him about the steps to be followed in this process and the persons/institutions we will address to obtain additional data. Also, all the principles of work with the beneficiary should be observed, having an open, honest, accepting and non-discriminatory attitude. We should not forget that all the time by everything we do as professionals we offer a model to our beneficiaries and this model must be a positive one.

Planning the Initial Evaluation

Establishing the purpose of the evaluation

In this case, the purpose is to provide to the prosecutor and to the judge an analysis of the beneficiary's criminal behavior, an overview of how certain social, psychological and medical conditions turn into criminogenic factors and of how to act in regards to such factors so that to minimize the risk of recidivism of the suspect/accused/defendant.

Choosing the working methods and techniques

Establishing the sources of information

Scheduling the available time for conducting the evaluation

The organization and operation of the probation service include several regulations on the chronological consecution of the activities. Thus, after the request for an

evaluation statement is registered, the head of the service shall appoint a probation counselor responsible for collecting the information and preparing the evaluation statement.

The counselor assigned to prepare the evaluation statement must organize his work as follows:

- immediately schedules, but *not later than 5 days* from the receipt of the request, the place, date and hour of the first meeting with the beneficiary for which the evaluation statement was requested and if he is a minor – with his legal representative;
- the first meeting with the beneficiary should take place *within 5 days* from the receipt of the request;
- submits the evaluation statement to the person who requested it *within 14 days* from the receipt of the request.

II.3.3. Collection of Information and Analysis of Data

The collection of information necessary for preparing the pre-sentence statement of psychosocial evaluation consists of two stages: consultation and collection of data.

The consultation of materials implies checking:

- the criminal file;
- the school registry;
- the medical records etc.;

The collection of information includes:

- ***The family and social environments:***
 - presentation of the family members;
 - living conditions;
 - relations with the family members;
 - family's attitude to the act committed by the beneficiary;
 - the health condition of the beneficiary and of his family members;
 - leisure time/affiliation to a group;
 - the use of alcohol/drugs, the vices of the beneficiary and his family's members;
 - the image of the beneficiary and of his family in the community;
- ***The level of school and professional training (the information collected both from the study and work place):***
 - level of education;
 - his school or professional achievements/failures;
 - his interest in education or profession (professional aspirations);

- the relations of the beneficiary and his family with his colleagues and teachers;
- his hobbies and extracurricular and professional activities;
- work places and professional stability;
- **The criminal past:**
 - his criminal record (previous convictions);
 - whether he has been investigated in a different criminal case;
- **The beneficiary's behavior before and after the alleged commission of the crime:**
 - the problems at home, at school, at the work place;
 - attitudes to the social norms and values before and after the alleged commission of the crime;
- ***The factors favoring the criminal behavior (in case of the pre-sentence statement, do not refer to the act of which he is suspected, accused, incriminated, but generally to violations):***
 - the roles (who takes the initiative, premeditation, spontaneous actions, roles taken during antisocial acts);
 - the criminal pattern (type of violations, type of crimes, type of victim, conditions for committing the crime, frequency etc.);
 - the motivation of the crime (reason for committing the act);
 - responsibility to one's own criminal behavior;
 - awareness of the consequences/attitude towards the act and the victim.

After collecting the information, it is imperative to select and analyze it depending on their relevance for the respective case. Thus, the following aspects shall be taken into account:

Analysis of current crime – its detailed evaluation	
<i>Key factors</i>	time, place, context; accomplices; reasons for the alleged crime; planning, opportunities; situational factors; cognitive factors; factors related to the victim; consequences
Criminal past – evaluation of the previous criminal behavior and how previous sentences were executed	
<i>Key factors</i>	Number and type of previous crimes; similarities in the manner of commission of crimes (context, place, planning); accomplices in committing crimes; the time

	between the crimes; changes in the manner of committing of crimes; behavior during the previous punishments; crimes committed during the supervision (if necessary); crimes committed during probation
Lifestyle and group of friends – evaluation of present lifestyle and pro- and anti-social influences in the groups of friends	
<i>Key factors</i>	extent to which the lifestyle presents opportunities for committing crimes or risk situations; motivational risk factors in the current lifestyle (need for sensation, immediate rewards); how often he meets with persons with a pro-social behavior; types of leisure activities (are they related to the commission of the crime and/or the place where it was committed?).
Relations with the family and with other close persons – evaluation of current relations and of those that can influence the future criminal behavior or can expose it to risk situations	
<i>Key factors</i>	stability of relations; social isolation (to what extent); influence of relations on the criminal behavior (pro/anti); extent to which his relations can contribute to avoiding risk situations
Dwelling and neighbourhood	
<i>Key factors</i>	the existence of a permanent dwelling; neighbors having a pro-criminal behavior; area with increased criminality; extent to which the area where he lives gives the opportunity to commit crimes and type of crimes
Work place and financial situation – evaluation of personal income, debts and work place	
<i>Key factors</i>	existence of financial problems; weak financial management skills; low personal income; absence of a long-term work place; limited employment perspectives
Mental health problems, characteristics and personality features	

<i>Key factors</i>	personality disorders or mental health problems directly related to the commission of the crime; duration of the treatment and medication; learning difficulties that influence the criminal behavior; aggressive, impulsive, hedonist attitude; low self-control
Abuse of drugs and addictions associated with the criminal behavior	
<i>Key factors</i>	current level and type of psychotropic substances used and the costs they imply for the beneficiary; the link between the abuse and the criminal behavior; physiological and psychological effects of the drugs used on the beneficiary

II.3.4. Risk Evaluation

An especially important segment in preparing the pre-sentence statement of psychosocial evaluation is the evaluation of the risk of committing another crime by the person in regards to whom the statement is made.

Risk evaluation is a complex activity. It is not a neutral application of scientific procedures but a social activity carried out with sensitivity and care according to certain values. The risk is seldom an individual attribute and rather an interaction between the individual and the social context. The evaluation is a continuous and dynamic process that implies collecting and analyzing information to identify the level and type of risk posed by a person, his criminogenic needs, capacity and level of motivation for change. The evaluation starts with the drafting of the requested evaluation statement and is permanently completed and revised during the intervention, representing the beginning of the beneficiary's engagement in the process of change of attitude and behavior. Based on the evaluation, a risk control plan shall be prepared, the intensity of supervision shall be established as well as the objectives and types of intervention programs. The risk is mainly understood in terms of its potentially negative effects, usually expressed in terms of loss or danger. The risk evaluation is understood as a calculated probability of occurrence of an event/incident/negative behavior. On the one hand, this implies the estimation of the frequency of occurrence of a future event, and the probability of that event's impact on someone/something and with what consequences. Taking into account that risk evaluation refers to eventual actions, behaviors, future events, it should not be forgotten that its evaluation is characterized by possibility, uncertainty and unpredictability.

Risk Evaluation Rules

As professionals, we must assume this and try to reduce such errors by:

- acquiring knowledge and learning risk evaluation methods;
- applying the methodology unitarily (it is important to have an individualized evaluation for each beneficiary in part);
- discussing the case with one's colleagues or supervisor.

In order to make good risk evaluation one should:

- collect complete information about the beneficiary;
- be aware of the beneficiary's level of risk, for whom and in what circumstances;
- be aware of the situational risk factors;
- communicate with all the parties involved/interested;
- identify all the potential effects and their probability;
- establish a plan for combating the identified risk and the potential dangers;
- clarify individual roles and responsibilities.

When we speak about a risk, we must refer to two distinct components we must evaluate:

- the risk of recidivism;
- the risk for the victims, for the staff that works with the offender and of self-injury.

Criminogenic Factors

The probability of committing crimes relates to the criminal factors that can be classified in ***static, dynamic, and personal***.

1. Static factors:

- *criminal records* (number of convictions, the criminal pattern);
- *the alleged committed crime* (the crime itself (time, place, circumstances), admission and denial, one's role in the alleged crime).

2. Dynamic factors:

- *living place* (status of the region/geographic region/domicile, living conditions);
- *social environment* (family relations, family values/education standards, relation with the extended family, involvement of the family in solving problems, family position in the society/neighbors' attitude towards the beneficiary;
- *friends and affiliation to a potentially criminal group* (has friends with criminal potential, his position in his circle of friends/criminal group, the crime committed in group, reason for the affiliation (interests, benefits), the relations before and after the crime);

- *work situation and the level of education* (job according to the capability, education, specialty; studies/education/training/school abandonment);
- *financial situation* (material, financial sources, the financial situation is related to the crime committed, debts);
- *alcohol consumption* (the beneficiary consumes alcohol, the volume, whether there is a relation between the consumption of alcohol and the crime committed, estimation of the risk, motivation for change, previous dealcoholization treatments (successful/unsuccessful));
- *drug use* (the beneficiary uses drugs, the type of drugs, frequency of use, age upon first use, source, with whom he uses the drugs, if there is a relation between drug use and the committed crime, estimation of the risk, motivation for change, previous treatments (registration at the Narcologic Dispensary));
- *gambling dependence* (the beneficiary gambles, the link to the committed crime, financial sources, estimation of the risk, motivation for change).

3. Personal factors:

- *emotional well-being* (psychological condition (in general), psychological condition during the interview, psychological diagnosis, psychological satisfaction);
- *attitudes* (attitude towards the victim before/after, attitude towards the crime before/after; admission, awareness, regret);
- *way of thinking* (impulsive (unplanned, spontaneous actions) or planned (planned, prepared actions), social skills; dominant (imposes his opinion), manipulating, can be influenced, pro-social/antisocial).

The estimation of the risk of recidivism necessary in describing the perspectives of reintegration in the pre-sentence statement of psychosocial evaluation of the offender's personality can be deduced from the analysis of criminogenic factors.

Model of Risk Evaluation by Analyzing the Criminogenic Factors

Sources of information		
Static factors		
Criminogenic factor	Indicators of criminogenic factors	Criminal factor's influence in increasing the risk of recidivism and social danger
Criminal records	Number of convictions (0–no convictions, 1– 1-2 convictions, 2–3	

	and more convictions)	
	Criminal pattern	
Crime committed	The crime itself (time, place, circumstances)	
	Admission/denial	
	Role played in the alleged crime	Author Organizer Instigator Accomplice
Dynamic factors		
Living place	Status of the region/geographical region	
	Domicile	
	Living conditions	
Social environment	Family relations	
	Family values /educational standards	
	Relation with the extended family	
	Family's involvement in solving problems	
	Family's position in the society/neighbors' attitude towards the beneficiary	
Friends and affiliation to a potentially criminal group	Friends with criminal potential	Yes/No
	Position in the circle of friends/criminal group	
	Group crime	No/Yes
	Reason for the affiliation (interests, benefits)	
	Relations before and after the crime	
Work situation and level of education/ training	Job according to capability, education, specialization	
	Studies/education/training (school abandonment)	

Financial situation	Material, financial sources	
	The link between the financial situation and the committed crime	
	Debts	
Alcohol consumption	The client consumes alcohol	No/Yes
	How much does he/she consumes per week	
	The link between alcohol consumption and the committed crime	
	Risk estimation	
	Motivation for change	
	Previous dealcoholization treatments (successful/unsuccessful)	
Drug consumption	The beneficiary uses drugs	No/Yes
	Type of drugs	
	Frequency of use	
	Age upon first use	
	Source	
	With whom does he/she uses them	
	There is a link between the drug consumption and the committed crime	
	Risk estimation	
	Motivation for change	
	Previous treatments (registered at the Narcologic Dispensary)	
Gambling dependence	The beneficiary gambles	No/Yes
	The connection with the committed crime	
	Financial sources	
	Risk estimation	
	Motivation for change	
Personal factors		
Emotional well-being	Psychological well-being (as a whole)	
	Psychological condition during the	

	interview	
	Psychological diagnosis	No/Yes
	Psychological satisfaction	
Attitudes	Attitude towards the victim before/after	
	Attitude towards the crime before/after	
	Admits the crime, is aware of it	Yes/No
	Regrets it	Yes/No
Way of thinking	Impulsive (unplanned, spontaneous actions) or planned (planned, prepared actions)	
	Social skills	No/Yes
	Dominating (imposes his/her opinion)	
	Manipulating	
	Temperamental	
	Pro-social/antisocial	

For these reasons, in order to evaluate the risk of recidivism, it is necessary to:

- check if the risk of crime commission is influenced by factors for which the person is responsible of or by factors over which he/she has no control;
- check if the risk of crime commission was influenced by actions of adults (in case of children);
- check if the risk of crime commission was influenced by the actions of public services and by the fact that they did not respect the rights of the person or did not make the necessary services available;
- check if the contextual factors that could have improved the person's situation from the moment of commission of the act (attending school, employment, change of dwelling etc.);
- check the contextual factors that could have been changed to reduce the risk of recidivism;
- check if the risk is caused by certain contexts or behaviors (that could be changed): acts committed as a result of alcohol consumption, precipitated by certain events.

The risk behavior is also determined by the response received. The way how the other people and the judicial system react has an impact on the probability that such behavior improves, remains the same or deteriorates. The response to the risk behavior must take into account this probability, therefore:

- check the risk you represent for the person. What might seem helpful might cause even more threats and dangers for the person. Can you be sure that your intervention is in the beneficiary's interest?
- check what risk the organization you represent poses for the person. Does it provide services that can indeed satisfy his/her needs?
- check what risk other organizations and their policies pose for the person. Are you doing anything to eliminate those risks?
- check the risk posed by the adults in whose care the person is (child, teenager, financial dependant);
- check the risk posed by the criminal justice system for the person. Are you aware of those risks and are you doing anything to eliminate them?

The contribution the probation staff can have in the probation process is to throw light on the unseen aspects of the person's life and on the factors that influence his/her behavior. The role of the probation counselor is to make suggestions to the court, suggestions that could reduce the possible risk factors and promote a positive lifestyle. In this context, the risk estimation must be:

- formulated in an unequivocal language that does not give the possibility for interpretations: make sure not to convey unwanted messages;
- balanced by positive information about the person;
- contain information about the risks to which the persons are exposed due to their age, ethnic affiliation, accommodation, etc.;
- accompanied by positive programs against any identified risks;
- supported by studies that would support the proposed actions;
- accompanied by clear statements of the risks implied with certain possible answers: for example, prison;
- supported by systems of ensuring high professional standards;
- renewed, when it is necessary to eliminate the information that is no valid anymore.

Risk Control

When reaching this point of the evaluation, we already know what the criminogenic and non-criminogenic needs are, the level of the risk of recidivism and of the risk of causing physical or psychological damages, and what is the capacity and the level of

motivation for changing the person. Having this general picture, we can decide upon the necessary intervention for reducing the risk or maintaining it at a low level.

The questions we should answer now refer to the type of the interventions necessary to provide the best chances of reducing the risk and for which of the evaluated needs are they indicated and realistic in order to contribute to a true behavioral change.

So, risk evaluation is a dangerous attempt. Therefore, it is necessary to examine carefully the danger and to use risk evaluation methods in the human behavior field. The behavior with a risk potential is a specific situation, a reaction to certain circumstances that can change if the circumstances change.

This is even more true in the case of the youth who presumably do not evaluate very well the important elements of own their circumstances – where do they live, how do they spend time and others. Thus, the youth are more vulnerable, more prone to see their own behavior modeled by others and by the events and circumstances that are beyond their own control. The risk estimation must take into account such contextual and precipitating factors.

II.3.5. Preparation of the Statement of Psychosocial Evaluation of the Offender's Personality

After collecting the necessary information, we reach the moment of preparing the evaluation statement. We must take into account the following:

- ***selecting the relevant information from the multitude and variety of collected information*** (that is related to the person's behavior and his/her current situation). Account must be taken of the difference between the evaluation statement prepared for juveniles and the one prepared for adults. While for an adult, his school behavior is not relevant if he graduated from school several years ago, his level of education or professional training is. Also, his relation with his original family is not very relevant and it is not necessary to present the situation of his brothers etc., if the person does not live with them. However, the relation with them shall be mentioned if the family is part of the person's social support network. If the person for whom the evaluation statement was requested is an adult who has created his own family, the relations within this family shall be the main object of evaluation;
- it is important ***to follow the rationale of the statement***, so that the conclusions presented in the previous sections referring to the "person's behavior before and after the alleged crime commission" and to the "perspectives of reintegration in the community" find justification in the information presented in the chapter "Data about the personality of the suspect/accused/defendant" and derive logically from them;

- ***the probation counselor that prepares the evaluation statement must avoid using a discriminatory language in the statement*** that would show his own judgments or personal beliefs, which may unleash certain prejudices to the person who reads it;
- ***the perspectives for reintegrating in the society must be realistic***, based on the person's potential and motivation for change, including the approaches that must be made, the programs in which the person must be included, the institutions that may implement them, the person's social support system and other community resources that must be activated in order to facilitate his social reintegration.

II.3.6. Structure and Content of the Pre-sentence Statement of Psychosocial Evaluation of the Offender's Personality

The pre-sentence statement includes information about:

- the personality of the suspect/accused/defendant, his family and social environment, as well as the person's education and professional development;
- the main problems/needs with which the person is confronted;
- evaluation of the risk to public safety and to recidivism.

The pre-sentence statement is structured in six chapters, as follows:

- 1) **Introduction;**
- 2) **Sources of information;**
- 3) **Data about the personality of the suspect/accused/defendant;**
- 4) **Data about the behavior of the suspect/accused/defendant;**
- 5) **Factors that influence or can influence the general behavior of the person in regards to whom the statement was requested;**
- 6) **Perspectives of reintegration in the society.**

Chapter I. The **Introduction** includes information about:

- the body that requested the drafting of the statement;
- the legal basis that allows drafting of the statement;
- name and surname of the suspect/accused/defendant;
- day, month and year of birth of the suspect/accused/defendant;
- domicile of the suspect/accused/defendant;
- legal qualification of the act of which the person is suspected, accused or incriminated;
- date of request for preparation of the statement/date of presentation of the statement;
- name of the probation counselor who prepared the statement.

Model:

I. Introduction

Under arts 8 and 9 of the Law on Probation no. 8-XVI of 14.02.2008 and art.475 para. 1 of the Criminal Procedure Code, the prosecutor M. L. from the Prosecutor's Office of district Z of Chişinău requested the preparation of the pre-sentence statement of psychosocial evaluation of a juvenile's personality. The statement is prepared in accordance with arts 8 and 9 of the Law on Probation no. 8-XVI of 14 Feb 2008 and art.475 para. 1 of the Criminal Procedure Code.

Name of the accused: V. A.

Domicile: Străşeni, Z Street

Age: 15 years old (21.10.1994)

Act of which he is accused: art.186 para. 2, art. 188 para. 2 of the Criminal Code of the Republic of Moldova

Date of request of the statement: 25 Nov 2009

Date of presentation of the statement: 05 Dec 2009

The probation counselor who prepared the statement: S. M.

Chapter II. Sources of Information:

- contacted sources;
- uncontacted sources;
- documentary sources.

The sources of information that were used in preparing the pre-sentence statement will be presented synthetically, indicating both the persons with whom he had met and the documents consulted.

The sources of information shall include:

- the number of meetings and, if applicable, the refusal to cooperate;
- the sources of information to which access was not possible.

Model:

II. Sources of information

Contacted sources:

1. interview with the juvenile V. – accused (2 meetings held);
2. interview with Mr. I. V. – father of the accused (2 meetings held);
3. interview with Mrs. E. – grandmother of the accused (one meeting held);
4. interview with Messrs C., N. C. – neighbors (1 meeting held);

5. interview with Mrs. D. C. – senior inspector, police captain of Strășeni district (1 meeting held);
6. interview with Mrs. N. O. – head of the Division of Social Assistance of the Child and Family (1 meeting held);
7. interview with Mrs. B. – teacher, gymnasium-boarding school of Strășeni (1 meeting held).

Uncontacted sources:

1. interview with Mrs. A. C. – secretary of the Commission for Juveniles.

Documentary sources:

1. the juvenile's personal file from the Division for Social Assistance of the Child and Family;
2. the juvenile's personal file from the gymnasium-boarding school of Strășeni;
3. the criminal file no. _____.

Chapter III. Data About the Personality of the Suspect/Accused/Defendant Includes:

- Family and social environment;
- Level of school education (the school situation);
- Employment;
- Circle of friends.

This chapter includes, on the one hand, a presentation of factual data related to the members of the person's family, its financial situation, living space, health problems, addictions and criminal records in the family, the person's circle of friends, neighborhood as well as an analysis of the person's place and role for whom the evaluation statement was requested within that social environment, his relations with his family, group of friends and neighbors and the impact those relations have on his behavior.

The chapter must contain information that is relevant. For this, the factors that have an impact on the criminal behavior of the suspect, accused, defendant shall be analyzed. For example, the health problems of the family members are presented only when such problems interfered with the social functioning in normal parameters of the person and took the form of frustrations or strongly felt needs, for the solving of which he resorted to illegal methods. An important aspect is the analysis of the person's system of values and the factors that contributed to the formation of that system of values: family, friends, life experiences etc. In regard to the group of friends, it is important to analyze the place that the person has within the group (for example, leader, marginalized, model etc.), the needs satisfied by the group of friends (socializing, value development, affection etc.) and how it compensates the gaps of the family environment, especially in the case of children and youth. In this connection, it is important to analyze the extent to which the person can be influenced and how the group of friends influences his decision of developing and maintaining the criminal behavior.

Model:***III. Data about the person for whom the evaluation statement was requested******Family and social environment***

The evaluation conducted in order to prepare this statement found that the juvenile V. A. lives together with his father A. Ion V. (born in 1963). He is a child born in an integral family. His father works as sweeper at the Central Market, Chişinău. During the interview with the juvenile V. it was established that tense relations and physical and verbal violence often occurred in the family. The father says that the mother G. A. (born in 1975) stole money and food from the family to help her parents who did not have jobs and abused alcohol. In 1997, the parents divorced and the child remained with the mother in the town of Străşeni. The father had to live in Chişinău (rented a flat), but often visited the child and contributed financially, buying food and clothes for the child.

The mother was hospitalized and diagnosed with an open form of tuberculosis. Since the treatment of this disease was long-term, the juvenile was placed in the Young Child Placement and Rehabilitation Center in Chişinău, on 28 May 1999. The father took advantage of that and tried to take the child home, but he was refused due to lack of a stable living place. The mother, in her turn, when finding out about the father's attempt and at the indication of the family doctor, in 2000, placed the child in the Juvenile Phtisiopneumologic Rehabilitation Center in Corneşti, district of Ungheni. Here the juvenile attended the first grade until his father took him from the Center without the consent of the administration and of the mother. In 2003, the juvenile was institutionalized in the gymnasium-boarding school no. 2 Chişinău.

The mother died in December 2003 of cardiopulmonary insufficiency. The father kept secret the mother's death. When the child found out about it, he decided to run away from home, abandoned school and got involved in illicit actions to satisfy his needs.

In 2005, the step mother B. V. (born in 1963) appeared in the A. family. During the discussions it was established that the juvenile did not accept her because she obviously neglected him and took advantage of her husband's (the juvenile's father) kindness. The father, out of respect for his wife, conscientiously neglected the child. The father periodically tried to stop the juvenile's delinquent behavior through education that were accompanied by hard beatings and fightings, threats and allegations that he had inherited his mother's behavior. The juvenile did not benefit of any support (shelter, food etc.) from his paternal grandfather because the latter was seriously sick (with open chronic tuberculosis). In 2004, the father bought an apartment in Străşeni. In 2007, the juvenile was transferred to the gymnasium-boarding school in the same town.

Therefore, it can be established that the juvenile V. detested his father because he had beaten his mother for no reason, hid her death and permanently accused him that he had inherited her behavior.

Situation at school

The juvenile V. is a pupil in the eighth grade at the gymnasium-boarding school of Strășeni. During the discussions with Mrs. A. B., class teacher, it was established that the child has learning abilities, has a violent behavior, choleric temperament, is impulsive, nonconformist, imposed himself as an informal negative leader among his colleagues and does not show any desire to study. The juvenile smokes and drinks alcohol. In fact, the child's behavior did not change radically and he was enrolled in the gymnasium-boarding school of Strășeni because he could not be closely supervised, abandoned school for no reason, was influenced by his friends, wanted to be free in his actions, had conflicts with his teachers and the school administration.

When the child was placed in this institution, his father promised to supervise and monitor the child, which he did not do.

The institution undertook a number of actions to support the child in order to prevent the risk of school abandonment and return to the previous behavior. The school administration permanently tried to get the father involved in supervising the juvenile. The juvenile showed carelessness to the assistance provided by the school administration.

In the school year 2008-2009, at the beginning of March, the juvenile V. abandoned the gymnasium without taking the evaluation tests. In the school year 2009-2010, the juvenile accepted to go to school due to the involvement of the probation counselor, of the head of the Division for Social Assistance of Child and Family of Strășeni, gymnasium teacher and his father. As a result of the efforts made by the specialists, the juvenile V. attended classes regularly only in September and starting from October he abandoned school and ran home.

Friends

The juvenile V. was always tempted to be among friends older than him. That's why he became part of a gang, out of desire to be in the spotlight both as a leader and as an executor. He accepted the role of executor because he wanted to maintain his image before his gang. His friends, in their turn, had a rather high influence on him and the consequences were not very good for the juvenile (school abandonment, increased aggressiveness, criminal behavior).

Chapter IV. Data About the Behavior of the Suspect/Accused/Defendant. The information in this regard includes:

- the criminal past;
- the person's behavior before and after the alleged crime.

An analysis of the behavior may provide a vast amount of information but it depends on the skills of the probation counselor to give a meaning to all those data.

There is a number of questions to which the probation counselor must answer during the evaluation on of the criminal behavior:

- Is this a singular behavior? Which are the factors that determined it?
- If such behavior was manifested before, were there the same factors or other that determined it?

- Is there a criminal pattern: similarities in regards to the type of the act, the manner of commission, the context, and the determining factors?
- What consequences emphasize the behavior and favor its perpetuation?
- How did he react to other sanctions?
- What sanctioning methods inhibited the behavior in the past?
- Does the person manifest such behavior in order to obtain certain results (consequences) or to avoid others?

In this case, it is important to pay attention to the manner in which the person's explanations of his behavior are connected to this hypothesis.

Sample:

IV. Data about the behavior of the accused

Criminal past

The juvenile V. A., was previously convicted by the Buiucani District Court of Chişinău of 10 July 2009 under Art.186 para.2 letter a), b), c), d) of the Criminal Code of the Republic of Moldova, to one year of imprisonment according to Art.90 of the Criminal Code of the Republic of Moldova, conditionally suspended for a period of probation of 1 (one) year.

According to the information issued by the Center for Temporary Placement for Juveniles (CTPJ) from Chişinău, the juvenile V. was placed with the CTPJ starting with 25 Oct 2006 and the last time on 16 Nov 2009, in total for 18 times, due to a defective lifestyle and vagabonding on Chişinău's streets.

During the interview with the senior inspector, police captain D. C., it was established that the juvenile V. had been in the records of Străşeni Police Station from 15 August 2007 for vagabonding and predisposition to committing crimes.

Person's behavior before and after the alleged crime

The juvenile V., until the alleged commission of the crime of which he is accused, was part of a group whose interest was to benefit from goods obtained in a relatively easy way, and namely, by committing crimes. As it was mentioned, V. played the role of author but also executed the actions planned. Thus, the juvenile overtook a criminal behavior, got the status of leader in his gang, did not react to the observations of his teachers or father, and became dominant to his friends. In such circumstances, the juvenile committed the crimes of which he is accused. In committing the illicit act he may have been mainly determined by his desire to benefit from goods for satisfying his needs and to have fun as well as to assert his position among his friends. From the discussions with the juvenile V. it was noticed that he was aware of his actions and their potential consequences.

Chapter V. Factors that Influence or Can Influence the Person's General Conduct in Regards to Which the Preparation of Statement Was Requested

This chapter will describe:

- Factors that may inhibit the development of criminal behavior;

- Factors that may enhance the development of criminal behavior.

The analysis of these factors is done in a double sense: to identify the factors that favor a criminal behavior among those social conditions and to identify the protective factors that can be engaged as resources for the person's sentence probation. These should be stressed in this analysis chapter so that their synthetic reiteration derives logically from the analysis of the social environment. It should be noted that this chapter analyses the dynamic, static and protective factors than can respond to the potential risk of either recidivism or social danger.

Sample:

V. Factors that influence or may influence the general conduct of the person for whom the probation statement was requested

Factors that may inhibit the development of the criminal behavior:

- awareness of the committed deeds;
- restoring the father-son relationship;

Factors that may accentuate the development of the criminal behavior:

- if the juvenile maintains relationships with his old friends, there is the risk that he may engage in committing criminal actions;
- engages almost immediately in illegal actions;
- can be influenced easily;
- abandons school;
- is neglected by his father;
- precarious financial situation.

Chapter VI. Perspectives of Reintegration in the Society

The perspectives of reintegration in the society derive from the data presented in the statement and must be objectively reasoned and presented briefly.

It is recommendable that if a non-custodial measure is established, the evaluation statement should include in this chapter a general plan of supervision that could be included in the court sentence. The psychosocial solutions will have to compensate the factors that negatively influence the beneficiary's general conduct and the positive factors that can compensate the negative ones shall be made known.

In case of the persons whose chances of reintegration in the society are reduced, a note only shall be made in this regard, without making recommendations to the court regarding the measure to be taken.

In order to develop the perspectives of social integration, the analysis and synthesis process of the information collected must be structured so that concrete aspects are presented, which may obviously lead to correcting the criminal behavior. In order to establish the reintegration perspectives, it is necessary to analyze:

- the person's desire for rehabilitation;
- the desire of the family members or of other close persons or organizations in supporting the person in his rehabilitation;
- the opportunities the person has or those offered by the society, such as: further education, qualification, requalification, getting a job etc.:
- educational programs in which the person can be included for his rehabilitation (detoxification, acquiring social skills and abilities);
- living conditions (family, group of friends).

Sample:

VI. Perspectives of reintegration in the society

*As a result of the psychosocial evaluation of the juvenile's personality, it was established that **the perspectives of integrating A. V. are minimal**, starting from the idea that he had been involved in committing a number of illicit acts in a short time interval. He was the author of a number of crimes planned in advance, which implies that the minor was aware of his actions and knew the consequences. The minor is not supervised; he has a deflative conduct and does not control his actions. Therefore, **I think that the minor has high chances to reoffend.***

I have taken notice of the information presented in the evaluation statement:

A.V. _____

S. N. (legal representative) _____

Probation Counselor _____

Probation Division _____

Sample Pre-sentence Statement of Psychosocial Evaluation of the Juvenile's Personality

Sample I:

I. Introduction

Under arts 8 and 9 of the Law on probation no. 8-XVI of 14 February 2008 and art.475 para.1 of the Criminal Procedure Code, the prosecutor N. C., Prosecutor's Office ____ requested the preparation of the pre-sentence statement of psychosocial evaluation of the juvenile's personality.

This statement is prepared in compliance with art. 8 and 9 of the Law on probation no.8-XVI of 14 February 2008 and art.475 para.1 of the Criminal Procedure Code.

Name of the accused: E. A.

Domicile:

Age: 16

Act for which she is accused: art.186 of the Criminal Code of the Republic of Moldova

Date of request of the statement: _____

Name of the probation counselor who prepared the statement: V. P.

II. Sources of Information

Contacted sources:

- interview with E. A – accused;
- interview with Mrs. A. A. – mother of the accused;
- interview with Mrs. A. G. – director, Lyceum _____;
- interview with Mrs. O. D. – class teacher;
- contacting Mr. V. B. – main specialist on juvenile issues, city _____, district _____.

III. Data about the Person for Whom the Evaluation Statement Was Requested

Family and Social Environment

E. A. was born on 21 March 1990 in the family of A. A. (born _____) and Mr. B. I. (born _____). The couple is divorced. The parents got divorced in _____. During the discussions with the mother, it was established that the reason for the divorce was the abusive conduct of her spouse in relation to her daughter E.

Mrs. A. A. has secondary incomplete education; she graduated from the Electromechanic College. She was employed and worked until the factory closed down. Her latest job was as cleaner at the Fitness Center “Niagara”.

The family relations are tense. The minor E. is in conflict with her mother and her younger brother V. A. (born _____). In March of _____ the mother takes her children to the city of Nikolayev, Ukraine to leave them in the care of their father, Mr. I. B. The latter showed carelessness to the children. In the end, the mother left the children at the Nikolayev City Division and returned home to Chişinău. The minors were placed in a boarding school. In the period that the children were in Ukraine (from March to September of _____), the mother never inquired about their situation. Upon the children’s return home, the mother showed dissatisfaction. From October _____ the minor E. was enrolled in school, thanks to the administration of the Lyceum _____. Her brother V. was enrolled in school no. 104 (with teaching in Russian language). There are always conflicts in the family because of the financial situation. E.’s mother was against her continuing her studies; she wanted her daughter to go to work. In the end, she accepted E. to finish the gymnasium. The conflicts increased after E. finished the ninth grade. The reason was that E. wanted to continue her studies at the lyceum. In protest, her mother refused to provide to her all the necessary things, even forbade her to eat at home and demanded that her daughter go to the vocational school, to

get employed afterwards. The minor, however, decided to go to the lyceum and to look for a job in her free time. So, in summertime, after the ninth grade, she worked at "Coca-Cola" for a while, where she received a salary of 1300 lei. During her studies, she distributed advertising materials in her free time.

School Situation

The juvenile E. A. studies at the Lyceum , in the ninth grade. During the discussions with Mrs. A. G. we found out she is a capable and responsible pupil and enjoys trust and respect from the others. When she came into the eighth grade, she did not speak Romanian. In a relatively short period of time, E. manifested herself through her desire to study. She participated in the school Olympiads where she had very good results. From the same source we found out that the mother was not interested in her daughter's school situation as she practically never came to parents meetings. The school administration encourages the juvenile and provides her financial support. Among her school colleagues, E. is a leader through her school results, respect, amiability and honesty.

Friends

The juvenile E. A. has friends at school and they spend together their free time, go to the library. Her circle of friends is a positive one; all of them display a pro-social behavior.

IV. Data about the Behavior of the Accused

Criminal Past

The juvenile E. A. does not have a criminal record.

The Person's Behavior before and after the Commission of the Alleged Crime

Both before and after the accusation, the juvenile E. A. has been concerned about maintaining her academic results and planning her free time in such a way as to manage to work occasionally, to meet with her friends.

V. Factors That Influence or May influence the General Conduct of the Person for Whom the Probation Statement Was Requested

*Factors that may **inhibit** the development of the criminal behavior:*

- support from the school administration;
- receptivity to the problems of other persons, empathy;
- shows interest in the professional training and education at the same time.

*Factors that may **enhance** the development of the criminal behavior:*

- negligence from her mother displayed through the lack of interest in the juvenile's problems.

VI. Perspectives of Reintegration in the Society

*As a result of the analysis of the data included in the evaluation statement, we notice that **E.A. has high perspectives of reintegration in the society** due to the fact that she does not have a criminal record, displays a pro-social behavior, has a serious attitude*

towards her studies, and is supported by the school administration. The criminal act of which she is accused may be characterized as an accidental one, caused by the desire to be in the vogue.

I have taken notice of the information presented in the evaluation statement:

E. A. _____

A. A. (legal representative) _____

Probation Counselor, _____

Probation Division _____

Sample II:

I. Introduction

Under arts 8 and 9 of the Law on Probation no. 8-XVI of 14 February 2008 and art.475 para.1 Criminal Procedure Code, Prosecutor S. C., Prosecutor's Office of district _____ requested the preparation of the pre-sentence psychosocial evaluation of the juvenile's personality. This statement is prepared in compliance with the provisions of arts 8 and 9 of the Law on Probation no. 8-XVI of 14 February 2008 and art.475 para.1 of the Criminal Procedure Code.

Name of the suspect: Ș. A.

Domicile: _____

Age: 16

Act of which he is suspected: art.186 para.2 of the Criminal Code of the Republic of Moldova

Data of request of the statement: _____

Name of the probation counselor who prepared the statement\: V. P.

II. Sources of Information

Contacted sources:

- interview with the juvenile Ș. A. – suspect;
- interview with Mrs. Ș.T. – mother of the suspect;
- contacting Mrs. N. P. – neighbor;
- interview with Mrs. I. S. – teacher, special school no. _____;
- contacting Mrs. N. D. – deputy director of the special school no. _____;
- contacting Mrs. A. P. – council secretary, mayor's office of city _____;
- consulting the criminal case file no. _____.

III. Data about the Person for Whom the Evaluation Statement Was Requested

Family and Social Environment

The juvenile Ș. A. was born on 27 December of _____, in municipality of Chișinău, town ____ in the family of Mrs. T. Ș. and Mr. V. Ș. The family is now raising three children: E. E. (19), born out of wedlock, A.Ș. (12) and I. Ș. (9), born out of wedlock. The father, Mr. V., abandoned the family. From the information received from Mrs. A. P., secretary of the City Council, we found out that he is in detention.

The mother of the juvenile, Mrs. Ș. T., is not employed, on the grounds that she takes care of the youngest child in the family, Ș. I., who is nine. E., her oldest son, has a job, is receptive to the family's needs and occasionally helps his younger brothers, buys them food and clothes.

The child's social network is developed maternally: the mother's brother supports him financially and emotionally. He is Mr. E. V., who works as shoemaker in the city.

The juvenile's mother abuses alcohol, does not fulfill her parental obligations, and neglects her children. The juvenile's grandmother, P.T., used to have the biggest care and responsibility for the juvenile but she has recently died.

A. has hearing defects resulted from a medical treatment. His mother did not care about the child's health conditions, which led to speaking deficiencies and a retarded psychosomatic development.

The Ș. family is seen in the community as being problematic due to the lack of financial resources and of emotional misbalance within the family.

School Situation

The juvenile Ș. A. is student in the special school no. ____ of Chișinău. The child was placed in this institution from the second grade. The child started the primary education cycle in the city school. Due to his mental, hearing and speaking deficiencies, A. was transferred to the said school where he follows a special educational program. During the discussions with Mrs. I. S., teacher in the special school, it was established that A. is friendly, wants to be loved and understood. From the same source of information we found out that the juvenile A. is deprived of his mother's attention. She came to school only 3 times since A is enrolled in that school.

Friends

All the school colleagues of A. Ș. are part of his circle of friends. In the community where he lives and spends time with younger children, he is happy that at least they respond to him. Due to his mental deficiencies (mentally retarded), A. is not aware that sometimes these children brutalize him, ignore him and consider him helpless.

IV. Data about the Suspect's Behavior

Criminal Past

The juvenile Ș. A. does not have a criminal record.

The Person's Behavior before and after the Commission of the Alleged Crime

A. has not benefited from upbringing and affection from his parents but was always supported by his grandmother who had a positive influence on his behavior, as there

was an emphatic relation between them. In general, he is an obedient, calm and emotionally stable child.

He works during his vacations, helping the head of a local store in exchange for food products that he brings to his mother.

V. Factors That Influence or May Influence the Person's General Conduct for Whom the Probation Statement Was Requested

*Factors that may **inhibit** the development of the criminal behavior:*

- support from school.

*Factors that may **accentuate** the development of the criminal behavior:*

- can be easily influenced;
- lack of control and supervision from the family;
- level of high suggestibility caused by the mental deficiencies.

VI. Perspectives of Reintegration in the Society

As a result of analysis of the date included in the evaluation statement, we estimate that the juvenile Ş. A. has average perspectives of reintegrating in the society due to the fact that he can be easily influenced by those around him. Currently, as he is being observed by the education institution, the risk that A. may be involved in illicit actions is estimated as minimal; however, the risk may grow when he is in his family where he is not supervised and his actions are not controlled.

I have taken notice of the information presented in the evaluation statement:

Ş. A. (legal representative) _____

Probation counselor _____

Probation division _____

II.3.7. Impact of the Statement of Evaluation of the Offender's Personality

The person in regards to whom the evaluation statement was prepared feels to the maximum extent the impact of this statement, in a positive or negative manner, depending on a number of elements. First of all, the evaluation by the probation counselor may be a totally different experience for this person than what he had before, as he is given the opportunity to speak about himself, to try to understand and explain his own behavior. Therefore, the interview with the probation counselor can serve as a first step to a motivationally higher stage of change of his criminal behavior.

If the probation counselor manages to establish a professional relation with the person for whom the preparation of the evaluation statement was requested, according to the criteria that have already been mentioned, where he feels valued and correctly understands the purpose of this approach, there are high chances that this impact and the entire evaluation process will be a positive one. If the person has not understood correctly the purpose of the statement and the counselor's role, and develops

unrealistic expectations (for example, the expectation of having a favorable statement prepared), he may perceive this experience as negative.

Also, for the *family* of the person for whom the preparation of the evaluation statement was requested this may be an occasion to give him attention, trying to understand his behavior, the reasons that challenged him and how that kind of behavior could be changed. At the same time, it is an occasion for the family members to become aware of the role they may play in the social reintegration of the person, to assume responsibility in this regard and to get actively involved in the process.

If the evaluation statement includes relevant information and an objective analysis thereof, it may come to support *the judge* who is trying the case, favoring a better knowledge of the defendant from a psychosocial point of view and of his possibility of reintegrating in the society, being able to use this information for individualizing the punishment.

The impact can be negative if the statement does not meet the quality standards either due to the language used or to the lack of objectivity or wrong understanding by the counselor of the role of the evaluation statement, this including estimations about the defendant's guilt or innocence, opinions or recommendations addressed to the court regarding the judgment to be made in that case or turning the statement into a pleading for the defendant.

In this regard, we must take into account that the evaluation statement has a "consultative and orientation role", and not the role of making recommendations to the court on how to settle the case. In order to maintain his objectivity, the probation counselor responsible for the case must know that it is the court to make the judgment and must avoid excessive self-responsibility for the sentence issued.

The evaluation statement is a "business card" for the probation service where it was prepared and offers a picture of the competence and professionalism of the probation counselors.

Keep in mind! The evaluation statement must be presented to the person who requested it within 14 days from the registration of the request. The judge, the prosecutor and the criminal investigation officer also have access to the sources of information, the most important of which is the offender. Thus, a subjective evaluation that takes into account only the offender's perspective, without confronting it with other relevant sources of information (except for the family that many times tends to provide only favorable information about the suspect/accused/defendant), will lead to a decrease in our credibility as professionals.

Chapter III

SENTENCE PROBATION IN THE COMMUNITY

III.1. CONCEPT OF SUPERVISION

The criminal punishment is a measure of state coercion and a means for rehabilitating and reeducating the convict that is applied by courts in the name of the law to persons who have committed crimes, imposing certain restrictions on their rights. The punishment aims at restoring social justice, rehabilitating the convict as well as preventing the commission of other crimes both by the convicts and by other persons. The execution of punishment must not cause physical sufferings, nor humiliate the dignity of the convicts. Punishments can be in the form of:

- a) fine;
- b) deprivation of the right to take certain positions or to carry out certain activities;
- c) withdrawal of a military rank, of a special title, of a classification (qualification) degree, or of state award;
- d) unpaid community work;
- e) imprisonment;
- f) life detention.

The criminal legislation of the Republic of Moldova also provides for exemption from criminal liability and exemption from criminal punishment. A person who committed an act that contains the elements of a crime may be exempted from criminal liability by a prosecutor during a criminal investigation or by a court during a case hearing in the following situations:

- a) juveniles;
- b) contravention liability;

- c) voluntary abandonment of a crime;
- d) active repentance;
- e) change of situation;
- f) probation;
- g) criminal liability limitation period.

Exemption from criminal punishment is the partial or total release of a person who committed a crime from the actual execution of criminal punishment provided by a court decision. Exemption from criminal punishment shall be done by means of:

- a) conviction with a conditional suspension of execution of punishment;
- b) conditional exemption from punishment prior to the expiry term;
- c) substitution of the unexecuted part of the punishment with a milder form of punishment;
- d) exemption from punishment of juveniles;
- e) exemption from punishment due to a change of situation;
- f) exemption from executing the punishment of seriously ill persons;
- g) deferral of the execution of punishment for pregnant women and women who have children under the age of 8.

In regards to juveniles, other sanctions can as well be imposed. The criminal legislation provides for the exemption of juveniles from criminal liability. According to Art.54 of the Criminal Code of the Republic of Moldova, *Exemption from Criminal Liability of Juveniles*, a person under the age of 18 who commits for the first time a minor or a less serious crime may be exempted from criminal liability according to the provisions of criminal procedure law provided that it was stated that the juvenile's rehabilitation is possible without criminal liability. The persons exempted from criminal liability may be imposed coercive educational measures, as provided by Art.104 of the Criminal Code of the Republic of Moldova. The persons exempted from criminal liability in accordance with Art. 54 of the Criminal Code of the Republic of Moldova may be imposed the following coercive educational measures:

- a) warnings;
- b) placing juveniles under the strict supervision of parents or persons replacing parents or specialized state bodies;
- c) obliging juveniles to repair the damage caused taking into consideration their financial conditions;
- d) obliging juveniles to follow a course of psychological rehabilitation treatment;
- e) placing juveniles in a special education/re-education institution or a medical re-education institution.

A juvenile can be imposed several coercive educational measures at the same time. If a juvenile systematically evades coercive educational measures, the court, upon the recommendation of specialized state bodies, shall cancel the measures applied and

refer the criminal case to the prosecutor or shall set the punishment according to the law based on which the person was convicted as the case may be.

Juveniles convicted for the commission of a minor, less serious, or serious crime may be exempted from punishment by the court if it is ascertained that the goal of the punishment can be achieved by placing them in a special education and re-education institution or in a medical re-education institution, or by applying other coercive measures of an educational nature specified in art.104 of the Criminal Code of the Republic of Moldova. The court shall decide on placing juveniles in a special education and re-education institution or a medical re-education institution until they reach majority. The extension of a person's stay in such an institution after the age of 18 shall be allowed only until graduation from a secondary or a professional school.

The category of persons who have been exempted from criminal liability and criminal punishment includes the persons who have committed a socially dangerous crime are given a chance to prove that they have become aware of their mistake and wish to rehabilitate. For this, a probation period is established for them. During probation, the court may require the convict:

- a) not change his/her domicile without the consent of a competent body;
- b) not attend certain places;
- c) undergo certain treatment for addiction to alcohol, drugs, toxic substances, or for a venereal disease;
- d) provide financial support to the victim's family;
- e) compensate for the damage caused within the term set by the court;
- f) other conditions or requirements.

During probation, the persons mentioned must be monitored in regards to their behavior and observance of the obligations established. ***The control of the behavior and observance by the persons exempted from criminal punishment and criminal liability, of the obligations established by the court or prosecutor under the law can be defined as supervision.*** The term of supervision shall not be interpreted strictly since supervision is a complex of activities that are in close interdependence. Supervision is an element of probation.

The objectives of supervision are:

- to protect the public/community safety;
- to prevent recidivism;
- to successfully reintegrate the convict in the community.

The probation counselor must take into consideration these objectives during probation. An efficient supervision requires observing high professional standards both on the side of the probation services and of the probation staff that generally must establish professional relations within which the offender would be advised, assisted and supported in order to:

- ensure his cooperation and compliance with the established conditions;

- assume responsibility for the committed offence and determine him to cooperate in view of avoiding committing future offences;
- support him in order to solving personal difficulties related to the offence and acquire new skills;
- motivate and assist the offender to become a responsible and peaceful member of the community;
- evaluate the risk of recidivism and/or of danger for the public and reacting adequately to such risk.

Planning Supervision Measures (Supervision Plan)

These are activities necessary for an adequate supervision. The supervision measures and activities are determined by the number and nature of the obligations set in the judgment/motion, the beneficiaries' needs and identified problems, the level of risk and the duration of probation. Probation measures refer to the cooperation with the family members, friends, community volunteers and the civil society in view of starting and implementing a re-socialization program that could provide useful data about the job available, training courses, as well as professional qualification or requalification courses. The supervision plan must especially include the frequency of meetings, the cooperation with other bodies, various verifications and interpellations etc.

III.1.1. Grounds for Supervision

As grounds for supervising the beneficiaries and carrying out probation activities can serve:

- criminal court judgments;
- contravention court judgments;
- prosecutor's motions for conditional suspension of criminal investigation;
- pardons.

The documents that serve as grounds for the supervision must have the original stamp of the court or prosecutor's office, must be signed by the responsible persons, and must not contain corrections or ambiguities. If irregularities are found, the document is returned for correction. The cover letter must indicate the reason for returning the letter and the request to correct the document in a short period of time. The probation period established shall be calculated from the moment the court judgment became final or the date indicated in the prosecutor's order, and in the case of a pardon, from the publication in the Official Gazette of the Republic of Moldova of the Decree of the President of the Republic of Moldova on pardoning¹. If the beneficiary has been convicted under art.90 of the Criminal Code of the Republic of Moldova and the

¹ Article 466 of the Criminal Procedure Code of the Republic of Moldova, no.122 of 14 March 2003.

deprivation of the right to hold certain positions or to practice certain activities (art. 65 of the Criminal Code of the Republic of Moldova) has been established as complementary punishment, the term for execution of this punishment shall be calculated from the day when the judgment remained final, and in case of preterm exemption under Art.91 of the Criminal Code of the Republic of Moldova – from the moment of liberation from the penitentiary.

III.1.2. Verifying the Observance of Requirements Established By Court/Prosecutor

The supervision can be exercised only when it is necessary to strictly execute the obligations and based on the principle of minimal intervention. The supervision shall be proportionate to the obligations and limited to the goals for which it was instituted². Periodically, but not more rare than once a month, the police station and the court check the information about the commission of offences and crimes by the beneficiaries.

If the court did not establish for the beneficiary the obligation not to leave the home, when intending to leave, he/she must give advance notice to the probation counselor about the reason for leaving and the place of destination. If the beneficiary has informed the probation counselor about his/her intention to leave his domicile temporarily³, the probation counselor may revise the frequency of meetings with his consent. In the absence of the beneficiary, the probation counselor requests information from his/her relatives, neighbors, law-enforcement bodies. Information can also be requested from the place of temporary location of the beneficiary. If the beneficiary temporarily leaves his/her domicile, the probation plan shall change to indicate the period of probation activities (the period of meetings etc). In the absence of the beneficiary, it shall be checked if he/she violated public order or committed another crime on the territory of his/her temporary location (request information from the police station and/or court).

If the court establishes certain obligations for the beneficiary, the probation counselor supervises their execution. During the supervision, the counselor shall verify how the beneficiary observes the obligations established by the court/prosecutor.

Obligation to not change the domicile without the consent of the body conducting the control (the probation body):

² Rule 74, Recommendation no.R(92) 16 of the Committee of the Ministries to the Member States on the European Rules on Community Sanctions.

³ Protocol no.4 to Convention on Protection of Human Rights, art.2; Rules 21, 22, 72, Recommendation R(92)16 of the Committee of Ministers to Member States on European Rules on Community Sanctions.

- if setting up this obligation, the probation counselor shall conduct periodically, but not more rarely than once a month, inspections at the beneficiary's home;
- the counselor shall contact the police and the local public authorities from the beneficiary's place of residence, requesting that the probation service be notified about any changes related to the beneficiary;
- if the beneficiary needs to change his residence, he must file a request and the probation counselor takes the corresponding decision;
- if the beneficiary has changed his domicile without the consent of the probation counselor, a report shall be prepared about the violation of this obligation, signed by the probation counselor, and after the new living place of the beneficiary is established, he/she shall be asked to make the necessary explanations;
- if the beneficiary systematically violates this obligation, i.e. three or more times, the probation counselor shall file in court a motion with the corresponding materials, requesting cancelation of the conviction with conditional suspension of execution of the punishment or cancelation of the preterm conditional exemption from punishment.

Obligation to not attend certain places:

- if this obligation is established, the probation counselor shall periodically request from the beneficiary, but not more rarely than once a month, information about his attendance of forbidden places;
- if necessary, he shall request information from the local public authorities, police, the person's family members and from any other individual or legal entity that can provide data;
- in case of obtaining information about the beneficiary's failure to observe this obligation, the counselor shall check its accuracy and at the same time shall request explanations from the beneficiary. If it is found that the beneficiary attended forbidden places, a report shall be prepared about the failure to observe this obligation. If the obligation has been violated three or more times, the probation counselor shall file a motion with the corresponding materials with the court, requesting cancelation of the conviction with conditional suspension of execution of the punishment or cancelation of the preterm conditional exemption from punishment.

Obligation to provide financial assistance to the victim's family or to repair the caused damages in the term established by the court:

- in case of setting this obligation, the probation counselor shall periodically request, but not more rarely than once a month, written information from the beneficiary about the actions taken in order to execute this obligation. At the same time, he is required to provide supportive documents;

- contacts shall be maintained with the victim's family or with the individual or legal entity to whom the damages were caused and information shall be requested about the execution of the obligation;
- if the beneficiary does not execute this obligation within more than 30 days, that shall be considered evasion from the execution of the obligation. In such cases, the beneficiary shall be asked to provide an explanation about the reason for his/her failure to execute the obligation. If he/she systematically violates this obligation, three or more times, the probation counselor shall file a motion with the corresponding materials to the court, requesting cancelation of the conviction with conditional suspension of execution of the punishment.

Obligation to follow treatment for alcoholism, drug use, toxicomania or a venereal disease:

- if such an obligation is established, the probation counselor shall periodically, but not more rarely than once a month, request from the institution where the beneficiary gets treatment, information about the process of the treatment and information from the police station about the beneficiary's behavior;
- the information can be requested both from the beneficiary and from his/her family members;
- after the completion of the treatment, written confirmation about the beneficiary's recovery shall be requested from the medical institution;
- if the beneficiary does not execute this obligation within more than 30 days, that shall be considered failure to fulfill the obligation. In such case, the beneficiary shall be asked to provide an explanation about the reason for his/her failure to execute the obligation. If he systematically violates this obligation, three or more times, the probation counselor shall file a motion with the corresponding materials to the court, requesting cancelation of the conviction with conditional suspension of execution of the punishment.

Obligation to execute unpaid community work:

If the obligation to execute unpaid community work has been established, the probation counselor shall take the actions provided in the Regulation on the execution of punishment in the form of unpaid community work (*also see Chapter IV*).

III.1.3. Stages of Supervision

The supervision as such shall be conducted through a number of actions, starting from observation to the direct contact with the beneficiary. Also, this can be done both by the beneficiary's appearance in the probation office or in other established places and by conducting inspections at his home, workplace or even in the places and environments that he used to attend and where his presence was forbidden under the

conditions set by court. The supervision can be conducted through close cooperation with the police, nongovernmental organizations or volunteers. The supervision has a number of stages:

A. Beneficiary's Registration and Notification of Authorized Bodies

When the final court judgment is received by the probation officer, the person responsible for registering the correspondence shall register the judgment in the incoming/outgoing registry. After that, the judgment is submitted to the head of the office. On the same day, he distributes the judgment to the counselor responsible for supervising this category of beneficiaries. After receiving the document, the counselor, on the same day, shall register it, by category, in the beneficiaries' registry. The data of the beneficiaries shall also be registered in the electronic registry.

Sample

MINISTRY OF JUSTICE OF THE REPUBLIC OF MOLDOVA
DEPARTMENT OF PENITENTIARY INSTITUTIONS
CENTRAL PROBATION OFFICE

Probation Office (district)

R E G I S T R Y

of the beneficiaries with the probation term

Nr. Crt.	Last name, first name, middle name, date of birth	Domicile, place of work/education	When and what court is trying the case	Punishment, article from the Criminal Code, probation period	Date when the sentence came into force	Date when the sentence was received for execution	Date of registration	Date of expiry of the probation period
1	2	3	4	5	6	7	8	9

After the registration, the counselor shall notify as quick as possible, but not later than within three working days from the release of the judgment/motion:

- the court or the prosecutor;
- the Moldovan President's Office, in case of pardoned persons;
- the police station, when imposing an obligation.

Sample

NOTIFICATION

To the head of the court (prosecutor)

(court, President's Office of the Republic of Moldova, prosecutor's office)

We notify you that the copy of the decision (motion)

from _____ year _____ according to
art. _____

of the Criminal Procedure Code on the

(name, surname, middle name)

was received to be executed _____ year
_____.

Head of office _____ 20

Sample

NOTIFICATION

To Mr. _____,
Commissary of the Police Office

The _____ citizen

_____,
resident

on _____ year 20_____ was liberated from
criminal liability

by the court _____ under art.
_____ of the

Criminal Code of the Republic of Moldova, with the probation term and establishing the
obligations _____

Previously _____ convicted

In case of violating the public order and the established obligations, please present the
information to the

address

tel. _____.

Head of office _____ 20

Within three working days from the registration, the counselor shall open a personal file of the beneficiary. The counselor shall collect in the personal file all the documents that serve as grounds for registering the beneficiary, probation plan, the materials on implementing the planned actions, materials about the beneficiary's behavior, observance of the established obligations, the rulings and decisions of the bodies authorized to impose contravention liability, as well as the commission of other crimes. The personal file shall be numbered according to the serial number from the registry records, and the year of preparation shall be indicated by slash. The files received for execution from other offices according to the territorial competence shall be registered in the same order.

All the materials received in regards to the beneficiary shall be sewn and numbered by the counselor. The list of documents shall be separately prepared for each part of the file. The counselor shall open just one file for the beneficiaries in regards to whom the deprivation of the right to hold certain positions or to exercise a certain activity, or the obligation to execute a certain number of hours of unpaid community work, has been established as complementary punishment.

If the beneficiary wishes to change his domicile, he files a request with the probation office. The request shall be registered and the head of the office shall distribute it to the counselor who registers the beneficiary. After receiving the request, the counselor, within maximum 3 days, shall send a letter to the probation office located in the territory of the beneficiary's new domicile with the request to confirm that he lives at the indicated address. After receiving the confirmation, within 3 working days, the counselor shall send the personal file according to the competence.

The head of the office is obliged to consult each file periodically or as many times as necessary, to check if the re-socializing program is observed, as well as any other obligations held by the counselor and the beneficiary in the probation period. If the responsible counselor cannot permanently or temporary fulfill his duties in regards to the preparation of the file, the head of the office shall appoint another counselor for the specified period who shall take over the responsibilities of the respective case.

If the beneficiary or his defender requests to consult the beneficiary's personal file, the counselor responsible for the case or the head of office shall present the file, without taking it outside the office. After examining it, a minutes shall be prepared to be signed by the person who reviewed it and by the office representative. If the court or the prosecutor sends an official written request to examine the file, the counselor shall send the file to them and register this in the office secretariat. The file can be examined with the approval of the head of the office by representatives of the legal entities whose work is related to human rights protection or protection of convicts if they have the written consent of the person for which the file was prepared. The file reference shall each time be recorded in a transcript signed by the counselor and the person who reviewed it. The personal file shall be kept in the office archive. The counselor responsible for the case is obliged to keep confidential the information included in the file.

Sample

MINISTRY OF JUSTICE OF THE REPUBLIC OF MOLDOVA

DEPARTMENT OF PENITENTIARY INSTITUTIONS

CENTRAL PROBATION OFFICE

PERSONAL FILE no. _____

of _____
(name, surname, middle name)

Convicted _____ (liberated _____ before _____ term)
to _____ year _____,
under art. _____ in accordance with art. _____ of the
Criminal Code of the
Republic of Moldova,
resident _____ on _____ -
_____.
Probation period _____
_____ year _____ year
_____.
(the beginning of the period) (the ending of the period)

B. Notifying and Summoning the Beneficiary

The notification and summoning of the beneficiary shall be done shortly but not later than within 5 working days from the date of registration of the judgment/order or Decree of the President of the Republic of Moldova. The counselor shall notify the beneficiary by summons sent by registered mail. The summons shall mandatorily include the place, date and hour of the first meeting as well as the telephone number and the address of the probation office. These data can be useful to the beneficiary if presented laconically, coherently and in an accessible language.

Sample

Citizen Popușoi Valeriu

Chișinău,

str. _____

S U M M O N S

On 01.02.2010, the Probation Office of Buiucani received for execution the sentence issued by the District Court of Buiucani of 12.01.2010 on your conviction under Arts. 90 and 186 of the Criminal Code to 2 years of imprisonment with conditional suspension of punishment for a probation period of 3 years.

In order to be registered and explained the manner of your supervision by the probation counselor, you are required, under Art. 167 of the Code of Execution, to bring your ID card on 05.02.2010, 10a.m., office no.2, Probation Office Buiucani, at the address: Chișinău, str. _____ .

Unmotivated default shall be sanctioned administratively (art. 349 Contravention Code).

Probation counselor

C. Preparation for the First Meeting

An important element of supervision is the first meeting with the beneficiary. Due to the importance of this action, the counselor must prepare for it very responsibly. The preparation for the first meeting mainly implies collecting additional information about the beneficiary and his family and social environment and other useful information. This is necessary in order to make a prior conclusion and to outline the issues that require discussion during the first meeting.

In this regard, it is very important to study the beneficiary's criminal file. The analysis of the criminal file offers data enabling to form a perspective of the case, obtain the tools necessary for collecting additional information as well as identify significant elements that if checked, contribute to determining the criminogenic needs of the beneficiary, estimating the risk of commission of new crimes and indicating the direction of intervention in his case. The counselor is obliged to check if a pre-sentence statement was prepared. He can find this out also when consulting the criminal case file⁴. If the beneficiary was tried/released by another district court or if it is found that he is charged or was previously convicted by another territorial court, the counselor

⁴ In order to review the criminal case file, the counselor shall file a motion with the judge who tried the case. The motion shall be prepared in a free form and shall be registered with the office's secretariat, then submitted to the judge. If the case was tried by a court from a different jurisdiction, the counselor shall submit the motion there.

shall request the respective probation office to check if there is an evaluation statement in place, and if there is one, to send a copy thereof, as well as other relevant data.

Preparation also means clarifying certain aspects, such as: availability of the counselor and of the space where the interview will take place; foreseeing eventual problems and avoiding them; the usefulness or necessity to conduct the interview together with a colleague; preparing some working tools; acquiring or renewing certain knowledge etc.

D. First Meeting

The first meeting with the beneficiary is very important for the entire supervision process and shall be convened within maximum 7 working days from the registration of the judgment/order or decree. The way how the meeting takes place determines to a large extent the manner the following meetings take place, the beneficiary's motivation, trust in the counselor and efficiency of the reintegration work.

Special attention must be paid to the content of the initial contract and how it is achieved. At the first meeting, the probation counselor shall:

- inform the beneficiary about the reason for summoning him to the probation service. The counselor shall introduce himself, his function, and that he will personally supervise how the beneficiary observes the measures/requirements imposed on him by the court and who will actively support him in his social reintegration;
- request from the beneficiary, for the purposes of the psychosocial evaluation, information about his living conditions, work and/or study place, relatives, friends, interests, hobbies;
- inform the beneficiary about the obligations imposed on him by the court and the consequences of the failure to observe them, his rights and obligations, and the probation activities that will be carried out by the counselor;
- explain to the beneficiary the need to observe the rules of conduct in the society and the prohibition to violate public order and to commit other crimes;
- explain the need to notify the probation counselor in writing if he changes his domicile;
- make available his contact telephone number to the beneficiary;
- record all the matters made known to the beneficiary in a report addressed to the head of the office.

The information must be made in a clear and accessible language by avoiding specialized or unfamiliar terms. After presenting the information shall take place the interview with the beneficiary.

The interview is a technique that implies a sequence of questions and answers, more or less guided by the counselor and that aims at achieving an initially clearly formulated purpose. Generally, such interviews last for approximately one hour.

The transition to the *interview per se* can be done by such a question as: “Are you ready?” “Can we start?” etc. The middle part of the interview implies an in-depth investigation of the topics of interest and the transition from one topic to another. The main techniques used at this stage are active listening, feedback, specification, clarification and confrontation.

The final part of the interview is focused on reviewing everything the beneficiary has said in order to outline what topics have been fully approached, what information is still needed, what aspects are unclear and require additional explanations.

In the end, attention is given to disengaging the beneficiary from the role of interviewee; he/she may be asked about his/her impression about the interview and about his/her feelings during the interview, for example: “What did you think about the interview?”, “How did you feel?”

After the completion of the interview, the beneficiary is asked to provide the documents necessary for the supervision. The counselor is obliged to request in writing information about his living conditions, financial situation, work place, the persons in his custody, as well as supportive documents in this regard.

The first meeting with the beneficiary finalizes with recording the data collected and setting the date for the following meeting. The following meeting must take place within maximum 10 days from the first one. In this period, the probation counselor prepares a report about the interview addressed to the head of the office. He also draft an evaluation of the beneficiary.

Some specific rules for conducting the interview can also be found in Chapter II.2. *Methods and Techniques for Collecting Information and for Preparing the Pre-sentence Statement*.

E. Nature and Frequency of Meetings between the Probation Counselor and the Beneficiary during the Supervision Period

It is important to have a balance between the level of freedom granted to the beneficiary and the seriousness he must show during the supervision. It may happen that the beneficiary, once the frequency of meetings and the intensity of the control decreases, stops showing the necessary interest in this measure.

The frequency of the meetings is variable and is established depending on a number of factors; the court judgment (has priority); the beneficiary’s needs and level of risk identified; the beneficiary’s behavior during the supervision and how the measures/obligations imposed by the court are observed; the stage of the supervision etc. As a rule, the counselor must conduct supervision actions with “beginner” beneficiaries (the persons who have been on probation for no more than 2 months) more frequently, at least once in two weeks. If the beneficiary poses a high risk, the meetings may take place each week. If the risk decreases, the beneficiary proves to be reliable and the supervision has been ongoing for some time, then the meetings may take place more rarely, with an interval of maximum 3 months between them.

As to the organization of worktime, there may be situations when the counselor has a number of meetings scheduled for one day and no meetings on another day. This would

inevitably lead to an inefficient use of the work time. Therefore, it is necessary to stipulate in the work plan the frequency of the meetings between the counselor and the beneficiary, which would ensure a good organization both of the counselors' and of the beneficiary's time.

As to the place of the interview, as it is known, it is up to the counselor to determine it. It is very important to know the living environment of the beneficiary by making visits to his community. In such case, the meeting with the beneficiary may take place at his home, at the school/work place, or in other places that he frequently attends. At each meeting the beneficiary must be asked about the manner in which he/she observes the measures/obligations imposed, issues related to his behavior in the period from the previous meeting, as well as other socioeconomic changes that have occurred in his condition. This information is useful for identifying the changes that have happened in the beneficiary's life and that may have a direct connection with the risk of committing new crimes. At each interview, the counselor informs the beneficiary about how the objectives of the probation plan are achieved. At the end of the meeting, the information received is recoded and the following meetings are scheduled.

F. Completion of Supervision

The completion of supervision is the stage of evaluation and final conclusions at which an analysis of the entire supervision period is done, as well as a balance of the results obtained in the process of social reintegration of the convict. A last meeting with the beneficiary takes place at this stage. It is the moment when, together with him/her, the entire process of supervision is reviewed in order to identify the benefits, needs and problems that have been addressed as well as those that have remained unsolved. It is very important that at the last supervision meeting the beneficiary is drawn attention to the consequences of him/her committing another crime, and he/she must be encouraged to observe the law. This is the last occasion to render the beneficiary responsible who should understand very well that if he/she commits another crime, his/her chances of getting another non-custodial sentence are low.

Also, at the last stage of supervision the counselor must prepare the *final supervision report*. It includes conclusions about the execution of the measures/obligations imposed. As the reports prepared during supervision, the final supervision report must also contain other information, such as: beneficiary's identification data; information about the criminal sentence; his/her behavior during the supervision; significant changes in the beneficiary's situation during the supervision.

III.2. ASSISTANCE AND COUNSELING

III.2.1. The Concept of Assistance and Counseling

After the first meeting and after having studied the case, within ten days until the next meeting, the counselor shall set up an assistance or counseling intervention. If necessary, corresponding measures shall be planned.

The assistance and counseling aim at:

- changing the criminal behavior by having the offender become aware of the crime committed, of its consequences and assume responsibility for the act committed;
- motivating the beneficiary in developing responsibility and self-discipline, developing and implementing efficient assistance and counseling programs, depending on the identified needs of the beneficiary;
- supporting the beneficiary in order to satisfy his/her special needs for education, professional training, work place, dwelling, group of friends etc.

Assistance is a specialized approach of providing help by a specialized person to another person who is in temporary or permanent impossibility to solve his/her problems, by facilitating his/her access to the community's resources.

Counseling is a method that facilitates knowledge, development, emotional acceptance, maturing and optimal mobilization of personal resources in order to formulate and solve specific problems and take decisions by making best use of the *counselor-beneficiary* relation. Counseling is an action carried out individually or with a number of persons, oriented towards personal development, support in crisis situations, psychotherapeutic help, solving problems. As to the *place of counseling*, the idea to hold it in the counselor's office is welcomed; however, it is widely accepted that an efficient counseling can take place in other spaces, because the counselor is not always able to pick the optimal place for his work.

III.2.2. Stages of Counseling

Stage I – becoming aware of the problem

At this stage, the beneficiary must tell himself: *"I have a problem, and I must do something about my situation."* If the people who have problems refuse to admit them, they will not be motivated to make efforts to change. No constructive changes can happen to persons who deny the existence of the problem. The counselor must find a way to convince the beneficiary that the problem exists.

Stage II – relation with the counselor

In order to have efficient counseling, the beneficiary must reach the point when he is thinking like this: *"I think that the counselor will help me."* Here are several recommendations for how to create constructive relations:

- the counselor must create a comfortable, non-threatening atmosphere where the beneficiary would feel safe to entirely communicate his problems and feel accepted as a person;
- in his initial meetings with the beneficiary, the counselor must appear as an understanding person who can help those who need help and who cares about the beneficiary's feelings;
- the counselor must have a calm and serious attitude when the beneficiary discloses his problems;

- the counselor must show respect for the beneficiary's values and not try to impose his own principles and values;
- the values that work for the counselor may not be suitable for another person in a different situation;
- the counselor must treat the beneficiary equally;
- the counselor shall use words that are known by the beneficiary and that do not offend him;
- the counselor shall keep confidential all the information received from the beneficiary.

Stage III – motivation

Beneficiaries must be brought to the situation to say: *"I think I can improve my situation, I want to be better."* If a beneficiary is not motivated to change, the change cannot take place. The counselor must try to motivate apathetic and discouraged people. Therefore, the counselor:

- fully accepts the discouraged persons and conveys the message: *"I accept you exactly as you are, without setting any conditions"* (however, a defective behavior shall not be accepted);
- has a non-blaming attitude, so that the discouraged person does not feel the need to lie, pretend, wear a mask;
- conveys empathy: he understand and up a point feels what the discouraged person feels;
- conveys to the discouraged person the message that he/she is interested in the beneficiary's progress and makes the beneficiary understand that he/she is an important person that deserves full interest;
- conveys to the discouraged person that he/she trusts his/her capacity of making progress;
- conveys honest enthusiasm in connection to the ideas, interests and actions of the discouraged person;
- has the ability to be a listener that does not judge, so that the discouraged person can freely express his/her thoughts and feelings, without fear of censorship;
- must note (especially at the beginning of the relation) any small progress (for example, if the person is wearing something new: *"It's new, isn't it? It suits you well"*);
- must motivate the discouraged person. Discouraged persons usually have a long list of failures. Thus, this requires the specialist to have enough time to listen to and to understand the beneficiary as much as possible;
- must have honest trust in the discouraged person's capacity of finding a purpose in life;

- must strengthen the efforts made by the discouraged person. The most important thing is that someone is trying and not necessarily succeeding. If the person makes efforts to progress, there is hope;
- must help the discouraged person see the falsity and negative consequences of the self-blaming statements (for example: *"I am of no good"*); each person has talents and deficiencies;
- must admit that all that can be done is to make best efforts to try to motivate the discouraged person, however the success is not guaranteed;
- must know how to notice the person's uniqueness and strength. This shall be communicated to the discouraged person so that he/she can start understanding that he/she is unique and valuable;
- must be aware of the negative consequences of addiction. In a relation when the discouraged person starts to take risks and make constructive changes, he/she must trust himself/herself and make decisions by himself/herself.

Stage IV – conceptualizing the problem

In order for the counseling to be efficient, the beneficiary must admit: *"My problem is not unusual but it has specific components."* In order to help the beneficiaries conceptualize their problem, the counselor together with the beneficiary must explore the problems in its integrity.

Stage V – exploring resolution strategies

After (or sometimes, while) a problem is analyzed in depth, the next step is to consider alternative solutions. The counselor's role is generally to indicate the possible alternatives and then to explore the beneficiary's advantages, disadvantages and consequences. Each beneficiary is unique and so are his/her problems. What works for one beneficiary may be totally unsuitable for another one. The beneficiary must be assisted in realizing that there are a number of ways to solve the problem.

Stage VI – choosing the strategy

After the counselor and the beneficiary have discussed the effects and consequences of the possible strategies, it is essential that the beneficiary draws the conclusion: *"I think this method will help me and I want to try."* If a beneficiary is undecided or refuses to make an honest choice, the constructive change will not take place. For example, if a beneficiary tells you: *"I know I have drinking problems but I don't want to take any actions to stop,"* probably the counseling process will not succeed. Usually the beneficiary has the right to self-determination, i.e. to choose a course of action among several alternatives. The counselor's role is to help the beneficiary be clearer and understand the possible (probable) consequences of each alternative but he generally does not give advice and does not choose the alternative for the beneficiary.

Stage VII – implementing the strategy (application, implementation)

The counseling will be successful only if the beneficiary follows his decision of trying a solution and concludes: *"This method starts working for me."* If a beneficiary chooses this way but says: *"I do not think this method will help me,"* the counseling does not

have effect. If this happens, the reasons must be investigated and probably another solution must be tried. Here are several recommendations in applying a strategy:

- the counselor must try to build realistic and explicit “contacts” with the beneficiary. When the beneficiary chooses an alternative, he must clearly understand the purposes, the tasks, who and how will execute them. It is usually preferable to draft an “agreement” to be consulted permanently as a timeframe established for each task;
- the counseling is done with the beneficiary and not for the beneficiary. The beneficiary must bear the responsibility for the implementation of most of the tasks for improving his own situation. A good rule to follow is that the beneficiary must assume responsibility for those tasks for which he/she has the capacity to carry out, while the counselor shall carry out those that are beyond the beneficiary’s powers. To do something for the beneficiary is similar to giving him/her advice, which involves the risk of creating dependence. Also, the successful performance of tasks leads to personal development and prepares him/her to assume other responsibilities;
- for some tasks for which the beneficiary lacks trust or experience it is better first to “take roles” (the role play ensures security).

Stage VIII – evaluation

If the constructive change can be long-term or permanent, the beneficiary must draw the conclusion: *“Although this way has taken a lot of time and effort, it was worth it!”* On the other hand, if the conclusion is: *“This way has little helped me, it is not worth making sacrifices!”* then the counseling is not efficient and the course of action must be changed. The counselor must transfer the case or at least discuss it with another counselor (psychologist) in any of the following situations:

- if he/she feels incapable to empathize with the beneficiary;
- if he/she thinks the beneficiary chooses a wrong alternative;
- if he/she feels unable to help the beneficiary;
- if he/she cannot establish a functional relationship.

III.2.3. Forms of Counseling

In practice, there are various forms of counseling:

- *couple counseling* – in the modern society, confronted with increasing social-economic and moral changes, couples often turn to a counselor in order to overcome difficult periods they are going through;
- *group counseling* – used when a number of persons are confronted with a common problem and the counselor thinks that he/she can solve it more easily if a number of persons who have similar difficulties (for example, alcohol addiction) undergo counseling at the same time. Within the group, the beneficiary feels the group’s support, notices he is not the only one to go through a difficult period;
- *systemic counseling* – this type of counseling places the beneficiary in the middle of a system of relations (community, professional, family etc.), considering that the

difficulties that come when these relations are affected and the intervention must take into account each component of the system of relations;

- *gender counseling* – the specialists who provide this type of counseling think that men have different ways of approaching the problems than women and so counseling should take certain steps for women and different steps for men.

Recommendations:

- many counselors make the mistake of suggesting solutions as soon as the problem is identified, without an in-depth investigation;
- in an in-depth investigation, the counselor and the beneficiary must take into account the importance of the problem, since when it has existed, what physical and mental capacities the beneficiary has to solve it;
- when the main problem is identified, the sub-problems to be explored are usually also identified;
- in a situation with a multitude of problems, the best way to decide what problem should be solved first is for the counselor to ask the beneficiary how he perceives to be the most pressing one. If the problem can be solved, start investigating it in depth. The successful resolution of a sub-problem will increase the beneficiary's trust in the counselor and will make their relation stronger.

III.3. EVALUATION OF NEEDS, RISK, AND MOTIVATION FOR CHANGE

III.3.1. General Aspects

After the first meeting, having analyzed the materials and results of the interview, the counselor shall prepare the questionnaire for the psychosocial evaluation of the beneficiary by establishing the risk of recidivism and the social diagnosis. Estimating the risk of recidivism is very important in for supervision and ensures the risk management, meaning that it restricts the level of freedom of the beneficiary and establishes the type and intensity of intervention.

Initial Evaluation

Evaluation made by collecting information from the beneficiary:

- personal history – name, age, health condition, significant failures, losses (parents, grandparents), learning difficulties, impulsiveness, values, etc.;
- family – family relations, type of disciplining, attachment, social isolation, marital satisfaction, etc.;
- living conditions, income, neighborhood, etc.;
- alcohol, drug, gambling addiction;

- school – success or failure, abandonment;
- friends – behavior models;
- lifestyle – taking risks, contacting with deflection persons, spending free time;
- workplace – stability at the work place, satisfaction, qualifications, etc.

Evaluation made by collecting information from other sources:

- parents – models of education, attachment, interest/disinterest;
- the person or institution under whose supervision the beneficiary is – boarding school type education institutions, foster homes;
- teachers and school documents – contacting the administration of the education institution, analyzing the school registry (grades, attendance, conduct etc.);
- workplace (boss, colleagues) – beneficiary's attitude to work, beneficiary's relations with his work colleagues;
- doctors, psychologists, social assistants and other specialists – contacting the specialists who keep track of the beneficiary;
- neighbors, group of friends and other relevant resources – community's attitude to the beneficiary.

Establishing the Social Diagnosis

At this stage, the information obtained during the social investigation is systematized and analyzed. The probation counselor draws a conclusion about how to approach the case and to establish the priorities both in regards to the problems and needs.

Continuous Evaluation of the Situation

This consists in measuring the effects produced by the implementation of the intervention plan. Two situations can derive from the evaluation: either the continuation of the intervention based on a renegotiated and better adapted to the situation plan, or total renouncement to the intervention due to success or total failure.

Final Evaluation

It is determined if the established intervention plan was efficient, if the beneficiary's problem was solved and if the beneficiary can operate efficiently further on without the support of professionals.

Finalizing the Intervention

It is the moment when one of the persons involved (or all together) thinks that the set objectives have been achieved or, on the contrary, the assistance has failed, without any chances of future success.

III.3.2. Risk Evaluation

This is done based on beneficiary's characteristics or factors that influence or can influence the behavior in a negative or positive manner. The factors related to the

evaluation of the risk of recidivism can be *static* (unchangeable, without the possibility to interfere, for example the age) or *dynamic* (that change, are variable and which are possible to be interfered with, for example, the work place).

Static Factors

The static factors can be defined as characteristics identified in a static way in most persons that belong to a target group or population and based on which predictions are made about the behavior of a person that belongs to such a group. For example, if from a static point of view it is established that the persons who have committed crimes are mainly males, it can be predicted that an individual, due to being a male, is more likely to commit a crime.

Dynamic Factors

The dynamic factors are much more important than the static factors. These represent certain aspects of the beneficiary's life that are transforming and that can change and can influence the risk of committing new crimes. These aspects can be changed by intervention. Departing from those aspects in the beneficiary's life that are behind these factors, it can be established what are the intervention needs/problems as well as the objectives of the intervention and how to make it. The revenues, relations among the family members, level of education, and consumption of alcohol are only several dynamic factors that are important in relation to the criminal behavior.

The static and dynamic factors at their turn can be protective or favoring in relation to the criminal behavior. The ***protective factors*** are those that, if found in a person, diminish the likelihood for that person to commit crimes. As an example of this can be existence of a stable work place that represents an inhibitory factor of criminal behavior, since it is based on the premise that the revenues received from work to a certain extent enable the individual to satisfy his needs, there is a certain conformity with the authority, the person is in contact with the social values, there is a certain social status that he/she wants to keep, the availability for involving in criminal activities decreases etc. The ***favoring factors*** are those that, if identified in a person, determine an increased likelihood that that person will commit a crime. By contrast with the previous example, the absence of a work place constitutes a favoring factor since the person can choose illegal ways of getting income for his own needs, he/she get away from social "censorship", the influence of social values on him/her is decreased, he/she does not have much to lose in regards to his/her social status, has a lot of free time that can be invested in criminal activities etc.

How to Estimate the Risk of Recidivism

First of all, this implies identifying the static and dynamic, protective and favoring factors by analyzing the information collected through the interview and other methods (for example, reviewing his criminal file, the previously prepared statement, answers written to a number of official addresses). These factors are evaluated from a *quality* point of view, which means that the weight and significance of each factor must be established in relation to the criminal behavior. This means that the evaluation *does not* have to be made depending on their number but by their importance. For example, although there

can be many protective factors, just one favoring factor, such as drug addiction, makes the risk to commit new crimes significantly grow.

III.3.3. Models of Questionnaires for Beneficiaries' Psychosocial Evaluation

Sample

Questionnaire for psychosocial evaluation of the adult beneficiary

I. Identification data:

Surname _____

Name _____

Date and place of birth _____

–

Domicile _____

Health condition:

Healthy/chronic diseases/hereditary diseases/venereal diseases/alcoholism/drug use/disability degree

Mentions _____

II. Education level:

Education (graduation year, locality)

• secondary _____

• incomplete higher education _____

• professional _____

• other comments _____

Work place _____

III. Data about family of origin:

Parents:

Father: surname _____ name

Mother: surname _____ name

IV. Civil status:

- single ☐
- cohabitation ☐
- separated ☐
- divorced ☐ Husband's/wife's name _____ No. of children _____
- married ☐ Husband's/wife's name _____ No. of children _____

Relationships among family members:

- tensed ☐
- conflicts, violence ☐
- balanced ☐
- social isolation of the family ☐

Other reliable persons (individuals or legal entities) with whom he/she keeps in touch:

1. _____ domicile/residence
_____ occupation _____

2. _____ domicile/residence
_____ occupation _____

V. Living conditions:

- own apartment ☐
- private sector ☐
- rented apartment ☐
- dormitory ☐
- no place of living ☐
- no. of rooms ☐
- no. of persons who live: adults ☐ minors ☐

VI. Financial condition:

Owned
goods:

Family's income:

- monthly income _____
- salaries _____
- allocations (indemnities, welfare benefits) _____
- other income _____

Management of family income _____

VII. Data about the beneficiary's behavior:

- spending free time _____
- communication _____
- the typology of the delinquent beneficiary _____
- convictions (deeds, the length and type of the conviction, period) _____

VIII. Presented documents

- identification document _____
- military service record _____
- birth certificate _____
- medical certificate on type of blood _____
- other documents _____

IX. Identified needs

- obtaining identification documents _____

- employment_____
 - _____
 - temporary place of living_____
 - legal assistance_____
 - _____
 - professional orientation_____
 -
 - other_____
 - _____
- X. Social diagnosis*
- _____
-

Questionnaire for psychosocial evaluation of the adult beneficiary

I. Data about the child's family:

Surname, name_____ date of birth

Place of birth_____ domicile_____

Identification documents: birth certificate: yes, no (please specify)

identification document: yes, no (please specify)

passport: yes, no (please specify)

Legal representative of the minor:

Mother_____

Father_____

Other
person _____

(name, address)

Family origin:
cohabitation _____

officially _____ registered _____ full
family _____

incomplete _____ due _____ to
divorce _____

incomplete due to abandonment/death: mother/father
unknown parents: mother/father

Father:
Surname _____ name _____ age _____

Domicile _____

Place _____ of
work _____

Mother:
Surname _____ name _____ age _____

Domicile _____

Place _____ of
work _____

Brothers, sisters:
1. _____ b.y. _____ occupation _____

2. _____ b.y. _____ occupation _____

3. _____ b.y. _____ occupation _____

4. _____ b.y. _____ occupation _____

Living conditions: state apartment, privatized apartment, cooperative apartment, particular sector, rent, dormitory (please underline)

No. _____ of
rooms _____

No. of persons who live: adults ☐ minor children ☐

Living
conditions _____

Monthly income:

Mother's salary _____ father's
salary _____

Mother's pension _____ father's
pension _____

Mother's allowance _____ father's
allowance _____

Other _____

II. Data about the enlarged family:

Maternal grandparents (surname, name,
domicile) _____

Paternal grandparents (surname, name,
domicile) _____

Other relatives (aunt,
uncle) _____

III. Trusted persons (surname, name, their status):

1. _____

2. _____

3. _____

IV. *School situation:* attends school: school _____, grade _____

School results: good/medium/weak attendance: good/medium/weak

Does not attend school: reasons _____

Occupation _____

employed _____

place of work _____

average monthly salary _____

Behaviour:

Aggressive <input type="checkbox"/>	Equilibrated <input type="checkbox"/>	Anxious <input type="checkbox"/>
Depressive <input type="checkbox"/>	Demonstrative <input type="checkbox"/>	Authoritarian <input type="checkbox"/>
Communicative <input type="checkbox"/>	Isolated <input type="checkbox"/>	Dependent <input type="checkbox"/>
		Other <input type="checkbox"/>

Spending time _____ *free*

- communicating with fellows _____

- attending the commissions for minors' sittings	_____
- criminal convictions (deeds, the length and type of the convictions and period):	_____
<i>V. Data on the minor and family's social network:</i>	
1. support from neighbours: specify) _____	yes no (please
2. support from relatives: specify) _____	yes no (please
3. support from friends: specify) _____	yes no (please
4. support from NGOs: specify) _____	yes no (please
5. support from other organizations specify) _____	yes no (please
6. social programs that benefited the family _____	
<i>Conclusions:</i> _____	
Prepared by the probation counsellor (surname, name) _____	

As to the methods and technics of collecting information and the beneficiaries' psychosocial evaluation process, see as well paragraphs II.2 and II.3.

III.4. INTERVENTION (PROBATION) PLAN

After determining the beneficiary's problems and evaluating the risk of recidivism, but not later than within 7 work days from day of the first meeting, the probation counselor prepares the probation plan and submits it to the head of the probation office together with the beneficiary's personal file. The latter checks if the plan was prepared in accordance with the above-said requirements and if so, approves the plan. If the plan does not stipulate the actions necessary for re-socializing the beneficiary or solving the

problems, the head of the office returns the plan to the probation counselor with the corresponding indications and the counselor, after improving it, submits it for approval.

III.4.1. Content of Intervention Plan

I. Introduction

The first chapter contains findings and evaluation data: name, date and place of birth of the convict or juvenile; the crime committed and the number of the judgment/order; sanction imposed, obligations established; period of supervision, noting its start and end dates; counselor's name and surname; needs and problems identified; the risk of committing new crimes.

This is an important chapter of the plan since a precise determination of the needs or problems that the beneficiary faces helps estimate the risk of committing other crimes, as well as establishes the direction of intervention in his case. The risk of committing other crimes and the social danger that the beneficiary represents is however the essential factor that will determine the frequency of meetings, although judgments/orders will always be a priority, since they have an execution value.

II. The Intervention Activities

In preparing and implementing the intervention plan, it is necessary to take into account that the intervention takes place with the beneficiary and never without him.

The intervention actions are planned based on the specifics of the situation:

- a) *short-term*, consists in providing immediate help to the beneficiary and his family (for example, employment etc.) in order to overcome the crisis and create premises for future adaptive processes;
- b) *long-term*, implies solving a case with a complex problem, with educational aspects and beneficiary's inability for social adaptation.

III.4.2. Size (Levels) of the Intervention Plan

1. Level of the Social Network

The probation counselor includes in the plan a number of actions in view of strengthening the social network around the beneficiary and his family, such as:

- establishing connections with the beneficiary's family and social environment (work place, neighbours, friends, professionals from the social services);
- determining the beneficiary's position in the social network: active, passive, neutral;
- identifying the gaps in the support network and support needs;
- identifying the resources through which the family can reach its objectives;
- sensitizing the network members regarding the beneficiary's situation;
- mobilizing the network around the beneficiary by finding trustworthy persons.

The social support from which the beneficiary can benefit as a rule refers to the actions undertaken by other persons to help him: for example, affective help –

listening and encouraging to expressing feelings; informative support – training or providing information, advice or help in taking a decision; financial support – lending money or goods etc.

2. Inter-Institutional and Multidisciplinary Levels

This level of intervention involves a number of organizations and specialists from the social area in solving the beneficiary's problems. Thus, the intervention will require a combination of all types of services existing at that moment:

- *charity services*, can be offered by a person (neighbour, relative, teacher) or by a charity organization. The purpose of these services consists in helping the persons that are in limit situations, such as accommodating them for a night or providing monetary help;
- *rehabilitation services*, refer especially to the psychophysical rehabilitation of the persons engaged in recovery programs. Unlike the other services, the rehabilitation services are provided by professionals from the medical, legal, psychological and social assistance fields;
- *support services*, consist in forming a support network (professional, social, extended family networks) around the beneficiary and his family to assist him in the rehabilitation process. Unlike the charity services, the support services are not occasional; they are well-organized, time oriented, with emphasis on individualizing the attention given to the person.

3. Individual Level

Preparing an intervention plan at individual level is based on the results of the multidisciplinary investigation of the case: social, psychological, forensic, and legal. The social and psychosocial approach refers to getting a picture of the family and extra-family environments. The psychological approach means diagnosing the personality, i.e. of emotions and feelings. The medical-biological approach includes, if necessary, neuropsychiatric investigations, and sometimes somatoscopic investigations. The legal approach takes place in situations related to legal aspects of the case.

Sample probation plan for adults

APPROVED:

Head of Probation Office:

_____ 20__

PROBATION PLAN

I. Introduction

- 1.1. Surname, name: Rata Vasile.
- 1.2. Date and place of birth: 15.03.1989, Chisinau.
- 1.3. Crime committed: theft, Art. 186 para. 1 of the Moldovan Criminal Code.
- 1.4. Convicted (released): by the Buiucani District Court, Chisinau, on 30.01.2011, to 3 years of imprisonment with conditional suspension of the enforcement of the punishment for one year (Art. 90 of the Criminal Code of the Republic of Moldova)/released before term by 3 years and 2 months by the Buiucani District Court on 25.02.2011.
- 1.5. Applicable obligations: prohibition to leave residence without the consent of the probation officer; 50 hours of community service.
- 1.6. Supervision period: 15.02.2011 – 15.02.2012.
- 1.7. Surname and name of the probation officer: Gasca Ion.
- 1.8. Beneficiary's needs/problems detected:
 - the beneficiary is unemployed and has criminal role models among his friends;
 - lack of a structured plan for the future (has neither a completed education nor an occupation);
 - high degree of the beneficiary's susceptibility to influence, given the fact that the crime was committed under the influence of friends who had committed similar crimes.

1.9. Risk of re-offending:

low level of risk due to the following reasons: has no criminal record, will break the connection with the negative environment, is supported by family;

1.10. Risk of threatening public security:

low level of risk due to the following reasons: the crime was committed with no violence, the youngster is not known in the local community as having aggressive behavior.

II. Supervision measures

Description of the measures aiming at fulfilling the obligation of MNFC (if any).

Execution of the community service hours at the social canteen located at Titulescu 55 Str. (peeling vegetables and cleaning); 4 hours per day, between 16:00 and 20:00.

Sample Supervision Plan for a Beneficiary with Obligations

No crt	Supervision measures	Method	Period	Supervision result	Notes
1.	Supervising the observance of the prohibition to leave the residence	<ul style="list-style-type: none">- presentation at the office;- counselor's visits to the beneficiary's home- discussions with the family members;- phone discussions with the sector police officer;- requesting information from the sector police officer about the	<p>Each Friday (once a month, once in three months etc.)</p> <p>at least once in 3 months</p> <p>at least once a month once in three days</p>		

		beneficiary's behaviour.			
2.	Supervising the observance of the obligations for community service	<ul style="list-style-type: none"> - establishing the work place together with Buiucani Praetor's office; - meeting between the counselor and the person appointed by the organization for supervising the enforcement of punishments as unpaid community service. 	once a month		
3.	Supervising the commission of contraventions and the behavior	<ul style="list-style-type: none"> - telephone conversations; - written information; - going to the police office and checking registries. 	<ul style="list-style-type: none"> - within three days from the first meeting; - at least once a week, etc. 		
4.	Monitoring the supervision process	- preparing monitoring reports.	<ul style="list-style-type: none"> - at least once in 3 days, etc.; - once a month; - once in two weeks; - once in 3 months. 		

Sample Supervision Plan for a Beneficiary without Obligations

No crt	Supervision measures	Method	Period	Supervision result	Notes
1.	Supervising the observance	- presentation at the office;	Each Friday (once a month, once		

	of the prohibition to leave the residence	<ul style="list-style-type: none"> - counselor's visits to the beneficiary's home; - discussions with the family members; - phone discussions with the sector police officer; - requesting information from the sector police officer about the beneficiary's behaviour. 	<ul style="list-style-type: none"> in three months etc.) at least once in 3 months; at least once a month; once in three days; once a month. 		
2.	Supervising the observance of the obligations for community service	<ul style="list-style-type: none"> - establishing the work place together with Buiucani Praetor's office; - meeting between the counselor and the person appointed by the organization for supervising the enforcement of punishments as unpaid community service; - telephone conversations. 	<ul style="list-style-type: none"> - within three days from the first meeting; - at least once a week; - at least once in three days. 		
3.	Supervising the commission of contraventions and the behavior	- written information;	- once a month.		

4.	Monitoring the supervision process	<ul style="list-style-type: none"> - going to the police office and checking registries; - preparing monitoring reports. 	<ul style="list-style-type: none"> - once in two weeks; - once in 3 months. 		
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Sample: Planning Assistance and Counseling

Scope of intervention: LIVING PLACE Desire to change, the person's motivation:
Primary and secondary objectives (What do we want to acquire):
Actions (What actions will be taken in order to achieve the objectives):
Who will get involved in the above-mentioned activities:
Timeframe for implementation:
Revised timeframe:

Scope of intervention: STUDIES, TRAINING Desire to change, the person's motivation:
Primary and secondary objectives (What do we want to acquire):
Plan of actions (What actions will be taken in order to achieve the objectives):
Who will get involved in the above-mentioned activities:
Timeframe for implementation:
Revised timeframe:

Scope of intervention: EMPLOYMENT Desire to change, the person's motivation:
Primary and secondary objectives (What do we want to acquire):
Plan of actions (What actions will be taken in order to achieve the objectives):
Who will get involved in the above-mentioned activities:
Timeframe for implementation:
Revised timeframe:

Scope of intervention: RELATIONS WITH THE FAMILY Desire to change, the person's motivation:

Primary and secondary objectives (What do we want to acquire):
Actions (What actions will be taken in order to achieve the objectives):
Who will get involved in the above-mentioned activities:
Timeframe for implementation:
Revised timeframe:

Scope of intervention : FINANCIAL SITUATION Desire to change, the person's motivation:
Primary and secondary objectives (What do we want to acquire):
Plan of actions (What actions will be taken in order to achieve the objectives):
Who will get involved in the above-mentioned activities:
Timeframe for implementation:
Revised timeframe:

Scope of intervention: LIFESTYLE AND FRIENDS Desire to change, the person's motivation:
Primary and secondary objectives (What do we want to acquire):
Plan of actions (What actions will be taken in order to achieve the objectives):
Who will get involved in the above-mentioned activities:
Timeframe for implementation:
Revised timeframe:

Scope of intervention: ALCOHOL ABUSE Desire to change, the person's motivation:
Primary and secondary objectives (What do we want to acquire):
Plan of actions (What actions will be taken in order to achieve the objectives):
Who will get involved in the above-mentioned activities:
Timeframe for implementation:
Revised timeframe:

Scope of intervention : DRUG ABUSE Desire to change, the person's motivation:
Primary and secondary objectives (What do we want to acquire):

Plan of actions (What actions will be taken in order to achieve the objectives):
Who will get involved in the above-mentioned activities:
Timeframe for implementation:
Revised timeframe:

Scope of intervention: MENTAL HEALTH Desire to change, the person's motivation:
Primary and secondary objectives (What do we want to acquire):
Plan of actions (What actions will be taken in order to achieve the objectives):
Who will get involved in the above-mentioned activities:
Timeframe for implementation:
Revised timeframe:

Scope of intervention : PHYSICAL HEALTH Desire to change, the person's motivation:
Primary and secondary objectives (What do we want to acquire):
Plan of actions (What actions will be taken in order to achieve the objectives):
Who will get involved in the above-mentioned activities:
Timeframe for implementation:
Revised timeframe:

Scope of intervention: BEHAVIOR, THINKING AND ATTITUDE Desire to change, the person's motivation:	
Primary and secondary objectives (What do we want to acquire):	
Plan of actions (What actions will be taken in order to achieve the objectives):	
Who will get involved in the above-mentioned activities:	
Timeframe for implementation:	
Revised timeframe:	
Date of preparation of the plan for executing the sentence	Signature:
Probation counselor	
Beneficiary	

II. Supervision Actions

Sample

PROBATION PLAN *for juveniles*

I. Introduction

- 1.1. Surname, name: Rata Vasile.
- 1.2. Date and place of birth: 15.03.1994, Chisinau.
- 1.3. Crime committed: theft, Art. 186 para. 1 of the Moldovan Criminal Code.
- 1.4. Convicted (released): by the Buiucani District Court, Chisinau, on 30.01.2011, with the application of educational coercive measures – obligation to undergo medical treatment in form of psychological rehabilitation.
- 1.5. Educational measures for a period of 3 years (Art. 90 of the Criminal Code of the Republic of Moldova)/released before term by 3 years and 2 months by the Buiucani District Court on 25.02.2011.
- 1.6. Obligations applied: none.
- 1.7. Supervision period: 15.02.2011 – 15.02.2012.
- 1.8. Surname and name of the probation officer: Gasca Ion.
- 1.9. Education: secondary school.
- 1.10. Family situation: has one parent (grandparents, legal guardians etc.)
- 1.11. Needs/problems detected:
 - the beneficiary is unemployed and has criminal role models among his friends;
 - lack of a structured plan for the future (has neither a completed education nor an occupation);
 - high degree of the beneficiary's susceptibility to influence, given the fact that the crime was committed under the influence of friends who had committed similar crimes.
- 1.13. Risk of re-offending:
low level of risk due to the following reasons: has no criminal record, will break the connection with the negative environment, is supported by family;
- 1.14. Risk of threatening public security:
low level of risk due to the following reasons: the crime was committed with no violence, the child is not known in the local community as having aggressive behavior.

II.1. Describing the execution of the obligation of community service (if applicable):
none.

II.2. Activities

No. crt.	Supervision measures	Method	Period	Result of supervision	Notes
1.	Supervision of the behavior	<ul style="list-style-type: none"> - presentation at the office; - counselor's visits at the beneficiary's home; - discussions with the family members; - phone conversations with the sector police officer; - requesting information from the sector police officer about the beneficiary's behaviour; - visits to study/work place; - discussions with the institution /company representative; - contacting the specialist at the institution; 	<p>Each Friday (once a month, once in 3 months etc.) at least once in 3 months at least once a month</p> <p>once in 3 days</p> <p>once per month</p> <p>periodically</p> <p>monthly</p> <p>within 3 days from the first meeting</p>		

		- telephone discussions with the psychologist; - requesting written information from the psychologist about the process of rehabilitation.	once in 2 weeks once a month/in the middle and at the end of the treatment course		
2.	Supervising the observation of the juvenile's obligation to undergo psychological rehabilitation treatment	- going to the police station and checking according to registries;	once a month		
3.	Supervising the commission of contraventions	- telephone discussions with the police workers	once in 2 weeks		
4.	Monitoring the supervision process	- preparing monitoring reports	once in 3 months		

III. Actions of Intervention:

Education	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
Professional orientation courses	Yes <input type="checkbox"/>	No <input type="checkbox"/>	

Employment	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
Legal action	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
Preparing documents	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Specify _____
Medical assistance	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
Social support program	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
Psychological recovery	Yes <input type="checkbox"/>	No <input type="checkbox"/>	

Form of placement: adoption ☐ tutorship ☐ guardianship ☐ institutionalization ☐

Manner of mobilizing the social network around the child _____

Notes _____

Intervention

No.	Accomplished action	Period of intervention	Results
<i>Conclusions and recommendations:</i>			

The beneficiary has taken notice of the content of the plan, understands that he must cooperate in achieving its objectives.			
Date of signing _____ 20__			
Counselor _____			
I have taken notice _____			
.....			

If significant changes in the beneficiary's situation are found, which influence the risk of committing new crimes, the level of social danger or his perspectives of reintegration, the counselor must proceed to *revising the probation plan*. In case of changing the probation plan, the same procedure must be followed: its content must be made known, a copy thereof must be handed over, and a transcript on its submission must be prepared to include the signatures of the parties.

III.4.3. Executing the Intervention Plan. Monitoring the Intervention

The process of supervision and intervention implies permanent monitoring and evaluation of the case, which means that there is permanent observation of how the beneficiary improves his behavior or solves his problems, the changes occurred in his/her status, and an assessment is done on the extent to which those changes influence the risk of committing new crimes and his perspectives of social reintegration, so that a number of corresponding measures are taken.

The most characteristic aspect of this stage is the **meetings** that take place periodically, on the date established by the probation counselor, discussions with the social partners, family members, friends etc. Here the counselor must identify and contact the persons/institutions that can provide information about the changes in the beneficiary's situation to supervise how he/she respects the actions/obligations imposed on him/her. In such case, references shall mainly be made to the family members, police, local mayors as well as to the financial administration, employment units or medical facilities. Another method is to identify at local level the education units and professional qualification institutions that organize requalification professional training courses. Another aspect is to identify at local level the medical facilities as well as the organizations, institutions or specialists that carry out recovery programs of drug addicted or alcoholics in order to include the beneficiary in such programs (how to establish partnerships with such institutions, (see Chapter VI).

The continuous evaluation of the case consists in measuring the effects produced by the implementation of the intervention plan. Two situations may derive from the evaluation: either continuing the intervention based on a renegotiated plan and better adapted to the situation; or totally renouncing the intervention because of a complete success or failure.

The final evaluation determines if the intervention plan has been efficient and effective, if the beneficiary's problem has been solved and if the beneficiary can further work efficiently without the support of professionals.

The end of the intervention is the moment when one of the actors involved (or all together) thinks that the objectives set have been achieved or, on the contrary, the assistance has failed, without having any chances of success in the future.

Chapter IV

UNPAID COMMUNITY WORK

IV.1. LEGAL FRAMEWORK. INSTITUTIONS INVOLVED IN EXECUTION

The unpaid community work is a criminal punishment established by the court for the person who has committed a crime and consists in engaging the convict in socially useful free labour besides his/her main work or studies, without causing him/her physical suffering or violating his/her dignity.

The legal regulation of unpaid community work is stipulated in the Criminal Code, Execution Code, Law on Probation, Decision of the Government of the Republic of Moldova no.1643 of 31 December 2003 on the Regulation on Enforcement of the criminal punishment in form of unpaid community work.

The punishment in the form of unpaid community work is executed within social institutions in the convict's living place. The mayor's office (praetor's office) with the agreement of the probation counselor determines the social institutions, which include organizations, institutions and companies, regardless of their organizational-legal form (hereinafter – organizations). The timeframe for unpaid community work cannot exceed 4 hours – during the days when the convict does not work at his main work place or is not at school, and 2 hours – during work days, after finishing his work or studies, or 4 hours – with the convict's agreement. The time for unpaid community work is calculated in hours during which the convict executes the punishment.

In order to achieve the purpose of unpaid community work, various public organizations are involved, each of them having its duties:

Institutions Involved in Enforcing the Punishment of Unpaid Community Work

Nr. crt.	Institution	Duties
1.	Probation Office	a) keeps track of the convicts; b) prepares supervision fiches for the convicts; c) gives explanations to the convicts about the manner and conditions for enforcing the punishment, their rights and obligations; d) coordinates with the mayor's offices (praetor's offices) the list of institutions where the convicts execute unpaid community work; e) collaborates with close relatives and with other persons who can positively influence the behavior of the convicts; f) exerts control over the manner of enforcement of the punishment by the convict at the work institution; g) keeps track of the work executed by the convicts; h) distributes the convicts to their work institutions; i) examines the convicts' complaints about violations of their rights while executing the punishment; j) takes preliminary measures of searching the convicts who do not execute their punishment; k) files with the court requests for replacing the punishment and declarations for searching the convicts; l) informs the territorial internal affairs bodies and mayor's offices (praetor's offices) about the convicts domiciled in that territory; m) draws the corresponding conclusions upon expiration of the term of punishment.
2.	Internal affairs bodies	a) undertakes operative measures of investigation in regards to the convicts declared wanted; b) carries out prevention actions among the convicts in order to avoid commission of other crimes;
3.	Mayor's office (praetor's office)	a) submits, together with the probation service, the list of work institutions for the persons convicted to unpaid community work; b) works with the organizations dislocated on their subordinated territory by identifying institutions for execution of socially useful community work and concludes contracts with them.
4.	Responsible	a) offer work places;

	persons at the organizations where the convicts execute the punishment	b) monthly inform the mayor's office (praetor's office) about the work places that can be used after executing the punishment of unpaid community work; c) inform in writing the enforcement service about the number of hours worked by the convict; d) issue letters of recommendation to the convict about his/her attitude towards his/her obligations; e) inform in writing about the convict's presence at the work institutions or about his/her unwillingness to execute the punishment.
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IV.2. SUPERVISING EXECUTION OF UNPAID COMMUNITY WORK

The registration, notification and summoning of the beneficiary, and the preparation of the first meeting shall be done as described in *Chapter III*, with some exceptions.

Stage 1

After receiving the documents, the head of the probation office distributes them to the responsible counselor who, in his turn, registers them in a special registry that is numbered and sealed.

Sample					
MINISTRY OF JUSTICE OF THE REPUBLIC OF MOLDOVA DEPARTMENT FOR PENITENTIARY INSTITUTIONS CENTRAL PROBATION OFFICE					
<hr/> Probation office (district)					
R E G I S T R Y of the persons convicted to the criminal punishment of unpaid community work					
	Surname, name, middle name, date of birth	Domicile, work/study place	When and what court examined the case	Non-custodial punishment imposed, Art. of the Criminal Code	Date of entry in force of the sentence
No. crt.					
1	2	3	4	5	6

Date of receipt of sentence for execution	Date of recording the convict	Date of expiration of the term of punishment	Workplace, organization	Notes about filing the statement with the court	Hours worked	Release (reasons)	Notes
7	8	9	10	11	12	13	14

Stage 2

After registration, but not later than within 5 working days, the counselor shall send to the court that issued the judgment and to the police station a notification about the execution of the punishment.

Sample

NOTIFICATION

To the president _____
(court)

We hereby inform you that a copy of the judgment _____
of _____ year _____ under art. _____ of the Criminal Code
on the convict _____
(surname, name, middle name)

was received on _____ year _____ and has been accepted for execution.

Head of the Office _____
_____ year _____

NOTIFICATION

To Mr. _____,

Police Officer of the Police Station _____

The citizen _____,

domiciled _____,

on _____ year _____ has been convicted by the court
_____ under Art. _____ of the Criminal Code to _____ hours of
unpaid community work.

Previously convicted _____

About the convict's behavior _____

Please submit the information to the address _____,

tel. _____

Head of the Office _____

_____ year _____

Stage 3

Within three work days from the registration, the counselor shall open a personal file of the beneficiary. In the personal file, the counselor shall collect all the documents that serve as grounds for tracking the beneficiary, the probation plan, materials about the execution of the planned measures, materials about his behavior, observance of the set obligations, rulings and decisions of the authorized bodies on holding him liable under the contravention law, as well as the commission of other crimes. The personal file shall be numbered according to the number of order from the registry and the year shall be indicated by slash. The files received for execution from other offices, by territorial competence, shall be recorded in the same order.

Sample

MINISTRY OF JUSTICE OF THE REPUBLIC OF MOLDOVA

DEPARTMENT FOR PENITENTIARY INSTITUTIONS

CENTRAL PROBATION OFFICE

Probation Office (district) _____

PERSONAL FILE no. _____

of the convicted _____

(surname, name, middle name, date of birth)	
Domiciled _____	

Convicted to _____ year _____	
under Art. _____ of the Criminal Code to _____ hours of unpaid community work	

(non-custodial punishment)	
Registered on _____ year _____	
Unregistered on _____ year _____	
Grounds _____	
_____ year _____	_____ year _____
(beginning of term)	(end of term)

Stage 4

Within ten working days from the date of registration, the counselor shall prepare the first meeting.⁵ In the period of preparation for the first meeting, the counselor shall study the materials received, shall establish contacts with the local mayor's office, and shall determine the list of works that the beneficiary can execute. If it is an urban place and the local public administration has identified works at a company/organization, the counselor shall get in touch with the responsible person from that organization. After determining the work place, the counselor shall send a notification to the administration of the organization where the beneficiary will execute the work.

Stage 5

During the first meeting, the counselor shall determine if the suggested work place is convenient to the beneficiary. If the beneficiary cannot execute those works, the counselor together with the beneficiary shall select other types of works. At the end of the first meeting, the counselor shall prepare the control fiche and the working schedule that is convenient to the beneficiary and hand him over the *order to appear at the working institution* under his signature, shall explain him/her that he/she is obliged to appear at work on the date specified in the order. At the same meeting, the counselor must obtain a commitment from the beneficiary.

⁵ The meeting shall be prepared and held according to the procedure described in Chapter III.

Sample

(name of office, district)

CONTROL FICHE

for the person convicted to the criminal punishment of unpaid community work

Surname, name, middle name _____

Place and date of birth _____

Domicile _____

Work/study place _____

Convicted to _____ year _____ by the District Court _____
under art. _____ of the Criminal Code _____ to unpaid
community work _____ for _____
(name) (term)

Was registered on

(date)

The fiche has been prepared by

(surname, name, function)

Notes:

(Verso)

Days left until the end of the term of punishment

Hours of work

Total

Unregistered

Grounds

Head of the Office

Stamp

(signature)

Sample

O R D E R
for attending the work place

no. _____ of _____ 20 ____
Personal file no. _____

In accordance with the judgment of the court

On the criminal case file _____ of _____
_____ year _____
of the convicted _____

_____ (surname, name, personal code)
is convicted to unpaid community
work _____ hours.
(in letters)

in the administrative territory _____
for providing _____

_____ (type of work)

in _____

_____ (organization, premises)

under the supervision
of _____
(surname, name of the supervising person)

Period of execution of the punishment: started on _____ 20 ____
completed on _____ 20 ____

Employee of the enforcement service _____

The back of the order shall be filled out by the employer.

Date	Time of coming to work	Time of leaving the work place	Hours worked	Signature of the supervising person	Signature of the convicted person
1	2	3	4	5	6

Sample

COMMITMENT

Personal File No. _____

In accordance with the Criminal Code of the Republic of Moldova and the Regulation on enforcing the criminal punishment in the form of unpaid community work, the undersigned, _____ convicted to _____ (in letters) _____ hours of unpaid community work, took notice of the conditions and manner of execution of my punishment, as well as of the consequences of the failure to execute it.

If I change my domicile, I undertake to inform in due time the probation office from

_____ probation service

I undertake to work _____ hours.

in the period from _____ 20 ____

to _____ 20 ____.

I undertake to work in compliance with the schedule approved and coordinated with the institution's administration and with the probation counselor, as well as to:

- observe the provisions of the legislation on enforcing criminal sanctions;
- execute the legal requirements of the probation counselor and of the representative of the organization where I work;
- observe the labor legislation and the internal rules of the organization where I work;
- appear, when summoned, at the probation service and to give explanations on issues related to the execution of the judgment;
- periodically appear at the probation service and communicate about my work;
- appear at the work place when established in the order on the work to be executed, received from the probation service;
- not to leave my domicile without the agreement of the probation service;
- not to commit crimes and offences.

The convict _____

(surname, name)

20 ____

Signature

IV.3. PROBATION (INTERVENTION) PLAN

The method of evaluating the needs, risk, motivation for change and preparation of the plan for the beneficiary who executes the punishment of unpaid community work is similar to the one described in Chapter III.

Monitoring the Execution of Punishment

The counselor shall permanently monitor the execution of work hours by the beneficiary at the established institutions. He/she shall periodically, but not more rarely than once a week, call the person responsible for the execution of works by the beneficiary. Not more rarely than once in ten days (depending on the schedule of works), the counselor shall inspect the institution. If the beneficiary is absent, the counselor shall prepare a minutes and within five days shall take actions in order to find him: the counselor shall visit his home, speak with his family members, neighbors, local public administration, the sector police officer etc. As a result of such actions, the counselor shall prepare a report addressed to the head of the probation office. If the beneficiary is found sick, the counselor together with the local public administration and the organization where the beneficiary works shall change his work schedule. If the beneficiary failed to appear for other reasons, the counselor issues the first verbal warning to him/her. If the initial search actions failed, the counselor shall file a statement with the court at the beneficiary's living place to declare him wanted.

Sample

A P P R O V E D
Head of the Probation Office

S T A T E M E N T

on the need to declare wanted the person convicted to the criminal punishment of unpaid community work

The undersigned, _____, having reviewed the materials on the convict

(surname, name, middle name, date of birth)

I HAVE CONCLUDED THAT:

The
convict _____
_____,
tried _____

(court)

Under Art. _____ para. _____ of the Criminal Code to
_____ hours of unpaid community work

_____,
deliberately evades the punishment.

As a result of the inspection, I found:

_____.

(results of convict's search)

In the connection of the above-said and taking into account that the measures taken
for finding the convict

_____.

(surname, name, middle name)

have failed, I think it is reasonable to send the materials for reviewing the possibility of
issuing a general warrant for finding him.

Probation counselor _____
_____ year _____

If the beneficiary repeatedly violates the manner and conditions of execution of the punishment, the counselor shall
warn him in writing about the consequences.

Sample

W A R N I N G
Personal File No. _____

I, the undersigned, _____,
probation counselor,
Office _____, have met and
warned the
convict _____

_____ ,
domiciled at _____,
convicted under
art. _____ of
the Criminal Code to unpaid community work and to the complementary punishment

_____ (if applicable)

The convicted person

_____ (repeated violation, when it took place)

The convicted person has been repeatedly explained in accordance with the Regulation on unpaid community work, all the conditions for the execution of the punishment, the manner and liability for failure to execute them. The convict has been repeatedly warned that, if failing to observe the conditions for the execution of the punishment, a statement for changing the punishment to imprisonment shall be filed with the court.

The warning has been made under

_____. (grounds)

The undersigned _____ have been warned that if I fail to observe the conditions of the punishment in accordance with the legislation in force, the punishment of unpaid community work shall be replaced with imprisonment.

_____ 20 _____
Signature of the probation counselor
_____ 20 _____
Signature of the convict

If the beneficiary deliberately evades or refuses to execute unpaid community work, the probation counselor shall file with the court a statement on changing unpaid work to imprisonment.

Sample

STATEMENT
on changing the criminal punishment

_____ 20_____
No. _____

President of the court

I hereby inform you that the convict

while executing the punishment of unpaid community work, established by the sentence of the Court _____ of _____ 20____ Art. _____ of the Criminal Code, has repeatedly violated the conditions and manner of executing the punishment, and namely:

In connection with the above said, I consider that the penalty established by court to unpaid community work can be changed with another more rigorous penalty stipulated by law, namely imprisonment.

Probation counselor _____

The following situations shall be considered deliberate evasion of execution of the punishment of unpaid community work:

- a) beneficiary's failure to appear two or more times during half of the term of the punishment when summoned by the probation counselor;
- b) beneficiary's violation of work discipline two or more times during half of the term of the punishment (coming to work late or leaving early, or deliberate erroneous execution of the orders and instructions of the person responsible for the execution of works etc.);

- c) beneficiary's failure to come to work two or more times during half of the term of the punishment for no grounded reasons.

If the beneficiary wishes to change his domicile, he shall file a request with the probation office. His/her request shall be registered and the head of the office shall assign it to the counselor who keeps track of the beneficiary. After receiving the request, the counselor, within maximum three days, shall send a letter to the probation office in the jurisdiction of which the beneficiary's new domicile is located with the request for confirmation that he lives at that address. After receiving the confirmation, within three working days, the counselor shall send the beneficiary's personal file by competence.

Chapter V

POST-DETENTION SOCIAL REINTEGRATION

V.1. ENSURING THE CONTINUITY OF EDUCATIONAL WORK IN PENITENTIARY

As part of the social reintegration of prisoners, probation offices carry out activities aimed at preparing them for release and at assisting and counseling them after release. In order for the community reintegration process to be more efficient, it must be organized jointly with the penitentiary system.

Stage 1

The head of the probation office shall prepare and coordinate the annual and monthly plan for collaboration with the prison administration. The plan includes programs to be implemented in the prison, participation in the work of the prison commissions etc.

Stage 2

The penitentiary administrations send to the probation offices in their jurisdictions the list of the prisoners to be released in 3 to 6 months, indicating the destination of the prisoners after release.

Stage 3

The probation counselor from the territorial office shall meet with the prisoners as a group and shall inform them about the probation service, its tasks and cooperation possibilities.

Stage 4

The probation counselor shall meet individually with each prisoner. Later, if necessary, he/she can establish a follow-up meeting with the prisoner who needs assistance and

counseling after release. The counselor shall prepare a report on the discussion where he/she shall indicate the identified problems.

Stage 5

If the prisoner wishes to receive post-penitentiary assistance, he/she shall file a request with the head of the office. The request shall be reviewed by the head of the office together with the probation counselor and assigned to the counselor responsible for that work.

Stage 6

If the request is solved positively, the probation counselor shall conclude a contract with the prisoner (Order of the Ministry of Justice no.560 of 31.12.2008 on approving the conditions and form of the contract for providing psychosocial assistance to the persons released from detention and of rules for the preparation of the presentence statement of personality evaluation, published on 23.01.2009 in the Official Gazette of the Republic of Moldova no.10-11, art. 27) and the latter becomes beneficiary of the probation service from the date of signing the contract. The contract can also be signed with persons who have already been released and are requesting assistance. In such case, the former prisoner shall file a written request with any probation office. The contract shall be concluded in two copies and shall be signed by the probation counselor and the beneficiary, and is given to both. A copy is sewn to the beneficiary's personal file. If the beneficiary is a juvenile, the contract shall be signed by his legal representative. If the juvenile's legal representative does not agree to sign a contract or insists on cancelling it, the structural unit shall file with the court a request for protecting the juvenile's rights and interests. Post-penitentiary assistance may be refused to a prisoner or person released from detention. The decision on refusal of assistance shall be made by the head of the office who must indicate the reasons. The prisoner or person released from detention shall be notified by registered mail. Such decision may be appealed to the hierarchically higher administration with review by the court.

Stage 7

If after release the beneficiary settles in a different place, his personal file shall be sent to the probation office in that place. The file shall be sent three days prior to the beneficiary's release.

Stage 8

Within 5 days from the release, the beneficiary shall appear in the territorial probation office of the place where he has arrived and together with the probation counselor shall prepare, as necessary, the post-penitentiary probation plan. The probation counselor and the beneficiary shall coordinate the level of involvement of each of them in solving the issues.

Stage 9

At this stage, an evaluation of the social network necessary for assisting the beneficiary is made and the necessary contacts are being established. The contract concluded

between the counselor and the beneficiary shall serve as grounds for the post-penitentiary assistance.

V.2. DEVELOPMENT AND IMPLEMENTATION OF THE INTERVENTION PLAN

V.2.1. Post-Penitentiary Intervention Algorithm

By spending a long period of time in detention, the beneficiary loses many social life abilities and skills. In order to establish concrete social reintegration measures, it is necessary to make an evaluation of the beneficiary's needs. The social reintegration or, in other words, post-penitentiary probation actions shall be planned based on the quality of the evaluation.

Initial Evaluation

The initial evaluation shall be made departing from the beneficiary's needs. In order to find out the beneficiary's needs, it is necessary to make his/her integral evaluation and of the psychosocial premises that underlay the formation of his/her personality. For this purpose, the probation counselor shall collect more information:

- *general and demographic data about the beneficiary* – surname and name; date and place of birth; identification document; dates of birth of his parents; telephone number; domicile; data about his friends; religion; latest hospitalizations; data about his financial expenditures, which gives the counselor the possibility to identify the resources that can support the beneficiary;
- *medical data* – previous hospitalizations; chronic diseases that can influence his life; if he constantly takes medicine; information about tobacco addiction; the importance of the medical treatment etc., which gives the possibility to identify the medical problems that require attention and must be tackled during the intervention;
- *information about education and work place* – records of education; records of previous work places; current work place (duration, if he/she likes his/her work, his/her salary); support persons at his/her work place; problems encountered at his/her work place, which help identify the problems he/she faces and the possible resources of intervention (it is necessary to indicate the beneficiary's attitude to his/her problems and his/her motivational level for change);
- *information about drug or alcohol use* – the types of substances used; frequency of use; when he/she started; how does he/she uses it; what aspects he/she considers to be the most problematic, which are necessary to establish how the need for treatment is being perceived;
- *records of the delinquent behaviour* – types of offences committed during his/her life; their frequency; criminal records; data about the latest crime; attitudes

towards the committed acts - necessary to be observed in order to assess the beneficiary's motivation to change and evaluate the risk of recidivism;

- *family history* –records of drug or alcohol use in the family, delinquent behavior, family abuse; data about his/her marital status; how does he/she live; family relations; family support network, which helps evaluate the relationship dynamics in the family, the family's attitude to drug use and to the delinquent behavior; at the same time, an observation is made of the beneficiary's concerns towards his/her family's problems and the necessary manner of solving them;
- *personal psychological issues* – if he/she has had (how many times) psychological or emotional problems for which he/she had to do treatment (depression, anxiety, psychosis, relationship difficulties, suicide attempts etc.); if he/she has been hospitalized for such problems; if he/she has been taking medicine against them; if he/she has had periods with psychological or emotional problems; how important treatment for such problems is – the severity of the psychological problems is identified (if there are psychological disorders) and the needs for a specific treatment against them; the beneficiary's attitude to them is observed.

Social Diagnosing

The social diagnosis is established based on the results of the initial evaluation, which represents the stage at which the information obtained during the social investigation is systematized and analysed. Thus, the probation counselor draws a conclusion about how to approach the case and prepare the intervention plan for social reintegration, setting the priorities both in regards to the problems and needs. The counselor has the collected information as basis and must answer the following questions:

- which are the objectives to be reached?
- which of the determining factors of the defective behaviour must be eliminated?
- what can be changed in the family dynamics?
- which are the priorities?
- what strategy or type of intervention will be used?
- which are the steps to be taken for reaching the objectives?
- what are the timeframes?
- who are the actors and what are their roles?
- which are the methods of intermediate evaluation?
- which institutions will cooperate in reaching the objectives?

Continuous Evaluation of the Situation

The continuous evaluation of the situation consists in measuring the produced effects by enforcing the intervention plan. This evaluation generates two situations: either a continuation of the intervention based on a renegotiated and better adapted plan, or total renouncement of the intervention due to a success or total failure.

Final Evaluation

This stage determines if the set intervention plan was efficient, if the beneficiary's problem has been solved, and if the beneficiary can further work efficiently without the support of professionals.

Ending the Intervention

The ending of the intervention is the moment when one of the persons involved (or all of them together) thinks that the objectives set have been reached or, on the contrary, the action has failed, without any chance of success in the future.

The social reintegration process includes a number of activities, such as assistance and counseling, involvements in different programs, or supervision of the beneficiaries released from punishment before term. In order to have efficient assistance and counseling, as said above, an evaluation of the beneficiary's needs must be made. The beneficiary's evaluation must be done through an individualized intervention, and the planning depends on the quality of the evaluation. Therefore, we can say that the planning is the process from determining the problem to its resolution. The planning must derive from two aspects which are specific to assistance: the individual – with his/her needs and desire to solve them; and the environment – with its specific features. In planning, the probation counselor must adapt the individual to the requirements of the environment and adjust the environment to the needs of the individual. The planning starts from the time when the beneficiary is still in the prison. The planning of the actions is a complex and integrated system by which the probation counselor supports the beneficiary in acquiring the necessary skills and knowledge for re-socializing through an evaluation-intervention-reevaluation process.

V.2.2. Post-Penitentiary Intervention Stages

The post-penitentiary intervention process can be schematically illustrated as follows:

Stage I	Collecting the necessary information for taking adequate decisions	The most important sources of information are: <ul style="list-style-type: none">• initial evaluation;• interview with the beneficiary;• presentence psychosocial evaluation statement (if it has been requested)	For this: <ul style="list-style-type: none">• information about the beneficiary's family and community will be collected;
			<ul style="list-style-type: none">• the community's resources will be analysed and re-socializing and rehabilitation methods will be identified;

			<ul style="list-style-type: none"> • the risk of recidivism is evaluated
Stage II	Identifying the needs	<p>Professional training /work place:</p> <ul style="list-style-type: none"> • lack of working abilities; • lack of employment possibilities; • lack of a profession or specialty; • companies' reluctance to employ persons released from detention; • poor involvement of local public authorities in employing the beneficiaries; • salary discrimination problems <p>Loss of social relationships:</p> <ul style="list-style-type: none"> • complicated relations in the family, including with the children; • lack of domicile; • loss of social life abilities; • social behaviour; • drug, alcohol addiction; • inadequate medical assistance to TB patients; • lack of identity documents. 	<p>The following will be organized:</p> <ul style="list-style-type: none"> • discussions with the beneficiary; • interviews with the family members, prison staff etc.; • studying prison documents (personal file)
Stage III	Combining the needs with the prison and community resources	Confronting the beneficiary's needs with the community's resources and opportunities in order to establish an intervention strategy	Identifying the opportunities: professional qualification, school enrolment, therapeutic programs, assistance from religious organizations
Stage IV	The planning as such	Preparing together with the beneficiary an intervention plan based on his/her legal	

		and social situation	
Stage V	Implementation and monitoring	<p>The probation counselor's role in relation to the beneficiary can be of:</p> <ul style="list-style-type: none"> • evaluator – collects and analyses the information about the beneficiary and proposes intervention plans; • teacher – teaches the beneficiary certain skills; • agent of behavioural changes – coordinates the activities related to behavioural change; • mobilizer – mobilizes the community's resources and creates new opportunities; • information depository – collects and registers information about the beneficiary; • administrator – plans and provides counseling and assistance 	Depending on how the program unfolds, it can be changed or adapted which does not mean that it can be changed each week
Stage VI	Re-evaluation	<p>Depending on how the objectives recorded in the cooperation agreement have been fulfilled and the results of a new risk evaluation, the following decisions can be taken:</p> <ul style="list-style-type: none"> • increased control; • continuation of the program; • periodic monitoring 	

V.2.3. Preparation of the Post-Penitentiary Probation Plan (Intervention)

After collecting the necessary information, the counselor shall prepare *the probation plan*. The process is similar to the one described in *Chapter III*, with some exceptions.

Depending on the category of beneficiaries (released before term or on term), the plan can contain various chapters (social assistance, behavioural rehabilitation,

supervision). The beneficiary shall take notice of the plan under signature. The plan can be changed at the beneficiary's request.

It is necessary to note that for the beneficiaries released from before term, the post-penitentiary probation plan includes supervision measures, such as:

- frequency of meetings with the beneficiary;
- visits to his home, work/study place etc.;
- requesting various information;
- cooperation with other institutions (LPA, NGOs, police station etc., see *Chapter VI*);
- materials on beneficiary's behaviour and observance of his/her obligations;
- employment;
- involvement in various programs (reduction of violence, amiability relations, etc.);
- evaluation of the risk of committing new crimes/the risk to put in danger the public safety;
- other supervision related aspects.

Evaluation of the Social Network

Assistance and counseling imply cooperating with the state and nongovernmental probation service within the community. The counselor must establish the social network and involve all the actors in the process of beneficiary's reintegration. The complexity of the beneficiary's situations of discomfort and the need to confront/solve them on a number of levels implies a specific organizational strategy, called *network*. Perceiving discomfort is a process that must include operative interventions with a well-thought strategy. Managing a serious discomfort case is a complex process, which requires various capacities and professional competences, various levels of intervention based on the specific requirements of the person. The diversity of institutional interventions (clinical, social, legal etc.) and the complexity of the necessary competences require cooperation among various structures, agents, NGOs as well as the involvement of various specialists from various areas (doctors, psychologists, lawyers, social assistants etc.).

The principles of an efficient network:

- *communication* – sharing information, interests, attitudes, opinions, feelings and ideas with another person(s);
- *sharing* – a project to be implemented, a purpose or objective to be reached;
- *being aware* – of the resources existent on a territory/territories of competence: structural, economic, professional, etc.;
- *cooperation* – participation, together with others, in implementing an action/project that takes place in common.

It is necessary to precisely define the role of each actor in the network in the individual resolution of cases. Therefore, the counselor, establishes contacts with the

organizations in his/her jurisdiction and, if possible, concludes cooperation agreements with them. If there is a specific need for intervention from an organization for a certain beneficiary, the counselor shall call or go to that organization and discuss the problem with its representative. After finding assistance opportunities, in the next meeting with the beneficiary, the counselor shall speak with him/her about the discussed opportunities and suggests him/her the proper intervention. After the beneficiary accepts the suggestion, the counselor directs him/her to that organization, with a prior notification to its representative.

In the post-detention reintegration process, the probation counselor has the role of manager who permanently monitors the beneficiary's behaviour. The probation counselor's managerial activity consists in a continuous process – from evaluation to planning (which includes the proper intervention) and again to evaluation.

V.2.4. Monitoring the Intervention

If the beneficiary agrees to use the social rehabilitation services provided by institutions and organizations or by a specialist in the area, the probation counselor shall refer him/her to the respective institution/person. The referral to the institution/specialist that provides rehabilitation services (hereinafter – the referral) shall be prepared in two copies to be signed by the head of the probation division/service, one copy for the beneficiary and the other one to be attached to his/her personal file. If the beneficiary fails to appear at the institution/specialist's office on the date specified in the referral, the responsible institution/person shall notify the probation counselor within one working day.

If the beneficiary does not appear due to grounded reasons and does not refuse to benefit from the rehabilitation services, the counselor shall take the following measures:

- coordinate with the institution/specialists a new date for receiving the beneficiary;
- make the respective changes to the plan.

If the beneficiary did not appear at the institution/specialist's office and does not wish to benefit from the services provided, the probation counselor shall include the corresponding changes in the assistance plan. The beneficiary may be suspended from the institution that provides rehabilitation (or from the specialist's office) only with the agreement of the probation counselor. The beneficiary may refuse the services in writing, notifying the probation counselor and the institution/specialist.

If the beneficiary is not satisfied with the quality of the services or if the institution/specialist has refused to provide those services, the beneficiary may file a declaration with the probation counselor. The probation counselor shall undertake all the measures for solving this case, including assigning the beneficiary, if possible, to another organization/specialist. If the beneficiary refuses the rehabilitation services or is rejected by the social rehabilitation institution/specialist, the counselor shall prepare the respective report and make the necessary changes to the plan.

All the materials shall be sewn to the beneficiary's personal file. Periodically, but not more rarely than once a month, the probation counselor shall take over from the beneficiary the information about the unfolding of the rehabilitation and shall evaluate the offers of the institution/specialist to reach the objectives established in the assistance plan. If it has been established that the services provided do not lead to reaching the objectives set in the assistance plan, the probation counselor, together with the beneficiary, shall terminate those services and change the plan. After completing the assistance, the institution/specialist shall present information in writing about the progress made in the social reintegration process.

The cooperation between the counselor and the beneficiary may include the following aspects:

Counselor	Beneficiary
<ul style="list-style-type: none"> • together with the beneficiary prepares the assistance plan; • prepares the beneficiary's personal file; • changes the plan if necessary; • notifies the beneficiary about his/her rights and obligations as well as about his/her labour rights and obligations; • provides written information to the beneficiary about his/her tasks included in the plan; • together with the beneficiary sets the place and date of the meetings; • coordinates and supervises the provided assistance, according to the competences of other structures; • provides the necessary support and assistance to the beneficiary; • depending on the set objectives, provides to the beneficiary rehabilitation services or another type of assistance 	<ul style="list-style-type: none"> • appears before the counselor within 5 working days from his/her release from detention (if the contract was concluded in detention); • gets involved and cooperates in solving the problems in accordance with the assistance plan; • provides to the counselor accurate information that can have a positive impact on his/her integration in the society; • appears at meetings or if impossible, notifies the counselor in advance about it; • observes the standards indicated in the instruction, observing the social rehabilitation requirements; • in accordance with the stipulated requirements, does not appear before the counselor under the influence of alcoholic, narcotic or psychotropic substances; • gets actively involved in the psycho-social and behavior rehabilitation programs and observes all the requirements of such programs

Chapter VI

IMPORTANCE AND NEED OF INVOLVING THE COMMUNITY IN PROBATION ACTIVITY

VI.1. IMPORTANCE OF THE PROBATION SERVICE'S COOPERATION WITH THE COMMUNITY INSTITUTIONS

United National Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) stipulate: “The member states should take positive measures that involve the full mobilization of all possible resources, including the family, volunteers and other community groups, as well as schools and other community institutions, for the purpose of promoting the well-being of the juvenile, in order to reduce the need for intervention under the law, and of effectively, fairly and humanely dealing with the juvenile in conflict with the law.”

United Nations Standard Minimum Rules for Non-Custodial Measures (The Tokyo Rules) in “*Fundamental Aims*” reiterate the importance of involving the community in the treatment of delinquency: “The Rules are intended to promote greater community involvement in the management of criminal justice, specifically in the treatment of offenders, as well as to promote among offenders a sense of responsibility towards society.” Chapter VII, *Volunteers and other community resources* stipulates: “Public participation should be encouraged as it is a major resource and one of the most important factors in improving ties between offenders undergoing non-custodial measures and the family and community. This participation should complement the efforts of the criminal justice administration. Public participation should be regarded as an opportunity for members of the community to contribute to the protection of their society.”

Conferences, seminars, symposia and other activities should be regularly organized to stimulate awareness of the need for public participation in the application of non-custodial measures. All forms of the mass media should be utilized to help to create a

constructive public attitude, leading to activities conducive to a broader application of non-custodial treatment and the social integration of offenders.

Special attention, including in the context of the shortage of permanently employed professional human resources, should be given to volunteers. According to Rule 19, “volunteers shall be carefully screened and recruited on the basis of their aptitudes for and interest in the work involved. They shall be properly trained for the specific responsibilities to be assigned to them and shall have access to support and counseling from, and the opportunity to consult with the competent authority.”

The United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines) stress the efficiency of diminishing criminogenic factors by involving a diversity of actors, such as the family, the education system, the community etc. Comprehensive prevention plans should be instituted at every level of Government and include the following: in-depth analyses of the problem and identification of programs, services, facilities and resources available; well-defined responsibilities for the qualified agencies, institutions and personnel involved in preventive efforts; policies, programs and strategies based on prognostic studies to be continuously monitored and carefully evaluated in the course of implementation; methods for effectively reducing the possibility to commit delinquent acts; community involvement through a wide range of services and programs; close interdisciplinary co-operation between national, state, provincial and local governments, with the involvement of the private sector, representatives of the citizens and the community to provide child-care and proper education; adopting laws and creating law enforcement and judicial agencies in taking concerted actions to prevent juvenile delinquency and youth crime; youth participation in delinquency prevention policies and processes, including recourse to community resources, youth self-help, and victim compensation and assistance programs; specialized personnel at all levels. According to these principles, emphasis should be placed on preventive policies facilitating the successful socialization and integration of all children and young persons, in particular through the family, the community, peer groups, schools, vocational training, as well as through voluntary organizations.

Recommendation Rec (2003) 21 Concerning Partnership in Crime Prevention⁶ recognizes that the use solely of traditional criminal justice and law-enforcement measures has not proved sufficiently effective in reducing the scale and impact of contemporary crime related problems. The criminal situation and the increasing concern about crime problems contribute to the feelings of insecurity experienced by many people in Europe, which in extreme cases may be associated with a loss of confidence in political authorities, the law and the institutions responsible for enforcing it, and which, furthermore, may give rise to intolerance, exclusion and xenophobia. Research has shown that, alongside traditional approaches, the development and implementation of crime prevention strategies involving the

⁶ Adopted by the Council of Europe Committee of Ministers on 24 September 2003 at the 853rd meeting of Prime Ministers.

community and local authorities are potentially efficient and cost-effective. An effective preventive approach to reducing crime and associated harm should involve the establishment of partnerships among the relevant key actors at all levels – national, regional and local – in order to tackle in the short, medium and long term the causes and opportunities for committing crime, to reduce the risks for potential victims and, consequently, to contribute to quality of life through increased community safety.

According to the Recommendation Concerning Partnership in Crime Prevention, the partnership is a way of enhancing performance in the delivery of a common goal, by the taking of joint responsibility and the pooling of resources by different agents, whether these are public or private, collective or individual. The partners seek to act together without loss of their separate professional identities, without unacceptable or illegal blurring of powers and interests, and without loss of accountability.

Crime prevention constitutes the intervention in criminal cases and related problems, to reduce the risk of their occurrence, their evolution and the seriousness of their potential consequences. Prevention is focused on community safety - the situation in which people, individually and collectively, are sufficiently free from a range of real and perceived risks centring on crime and related misbehaviour; are sufficiently able to cope with those risks which they nevertheless experience; or where they cannot cope unaided, are sufficiently well-protected from the consequences of these risks so that they can still lead a normal cultural, social and economic life, apply their skills and benefit from well-being and adequate services.

Social safety can be achieved only by involving partners - agents, whether individual or collective, that may jointly intervene, directly or indirectly, in cases of criminal acts and related problems, or who may facilitate those interventions.

VI.2. PREMISES OF SUSTAINABLE PARTNERSHIPS

In order to create a general adequate partnerships framework, it is necessary that each state:

- recognizes that responsibility for crime prevention should be widely shared in society, and that partnership approaches are a practical means of sharing this responsibility and using diverse resources;
- ensures that the legal context is appropriate and enables but does not constrain partnerships, and reviews new proposed legislation and regulations with impact on partnerships in crime prevention;
- develops a wider understanding among politicians, administrators, practitioners, private business, the public and the media of the diversity of causes and effects of crime; of the range of crime prevention activities;
- ensures that partnership arrangements are appropriately supported by consultation, citizen participation and democratic and professional accountability; and that the

exchange of information between members of different partnerships is consistent with the protection of human rights, including personal data protection;

- identifies the areas of public policy and practice which are typically appropriate for partnership work in crime prevention and the agencies and institutions responsible for them (for example law enforcement and the criminal justice system, social welfare, employment, health, education, culture and urban planning);
- explores the scope, and clarifies the constitutional and practical limits, for the involvement in crime prevention partnerships within the formal justice system (criminal and other);
- explores the scope, and the limits, for the involvement of the private sector in local and national partnerships, whether as umbrella organisations or individual companies;
- clarifies the boundary between what is appropriate and inappropriate for collective initiatives involving a form of “social control”, in order to avoid vigilantism and social exclusion;
- takes action to set up and stimulate partnerships at different levels (international, national, regional and local), ensures they are well-designed, according to the Constitution, kept up to date and contribute to efficient and acceptable crime prevention;
- recognizes, in particular, the need to involve local authorities and local communities in crime prevention activities, if stipulated in the Constitution, both as initiators and participants;
- supports the allocation of sufficient resources, so as to create and maintain partnerships, as well as to enhance their effectiveness and efficiency;
- forecasts the effects of new technology and social and economic change on the development of crime and at the same time recognizes the potential positive or negative impact they may have on crime prevention and partnerships, and respond appropriately;
- recognizes that the vision, philosophy and rhetoric of the notion of partnership must be practical if real crime prevention is envisaged to be achieved and sustained;
- fosters motivation, education and training of staff, and the mobilisation of social responsibility in private and public institutions, among volunteers and ordinary citizens;
- gathers and make available reliable and valid knowledge and data and facilitates the exchange of practical expertise and experience among actors of crime prevention partnerships, with respecting professional confidences and data protection;
- promotes scientific research and evaluation of the partnerships’ approach in crime prevention in terms of their operation, results and legitimacy;
- encourages the development of a systematic and rigorous knowledge database on partnerships; share, disseminate, and apply that knowledge at national and

international level; and support an evidence-based, innovative, evolutionary and improvement-oriented approach which is capable of adapting to changes.

At national level, governments should commit themselves and co-ordinate their initiatives to develop and implement policies and strategies for crime prevention and community safety (for example, by creating national crime prevention councils, adopting national crime prevention programs etc.). Governments should also facilitate a proper co-ordination among political authorities at regional and local levels. Co-ordination of the political efforts and initiatives, as well as strategic planning, is a requirement that is not confined to the initial phase of a partnership; it must be done on an on-going basis in order to provide the adaptability to develop solutions to emerging problems and even in some cases to anticipate them.

Preparations for partnerships imply innovation, creative tendency and certain risk taking. Thus, any legislative framework must rather allow than restrict the possibility for adapting to local circumstances and to changed conditions. The creation of partnerships can be practically supported at local level by developing sample agreements and contracts for executing certain initiatives.

VI.3. STAGES OF SUSTAINABLE PARTNERSHIPS OF PROBATION SERVICES

VI.3.1. Initiating Partnership Relations

The Recommendation Rec (2003) 21 concerning Partnership In Crime Prevention notes that the life-cycle of partnerships, from initiation to possible termination, should be considered. This subject is tackled in this section under the above-said recommendation.

Partnerships can begin at different stages of the cycle of identifying and tackling crime problems. When initiating a partnership it is necessary to clearly identify the nature of the problems to be tackled and to determine whether suitable methods of prevention exist or can be developed.

Later, it must be considered whether an already existing agency can take responsibility or a new agency or partnership is needed. The existence of a number of partnerships in the same area must be prudently examined so that their responsibilities do not overlap.

The criteria for choosing potential partners should relate to the goals of the partnership and should include:

- their competence and resources, including, where appropriate, the capacity for leadership;
- their access to information;
- the coverage they provide on the ground (that is, whether they correctly cover the time and the size of territory);

- their acceptability/legitimacy for carrying out the role, including a certain independence;
- their readiness to collaborate on the basis of an appropriate balance of economic or organizational power and expertise between partners;
- an appropriate balance between independence and involvement, whether in the political world or the private sector;
- the closeness of the partnership goals to their existing responsibilities;
- presence of sufficient professional or personal motivation to assume responsibility;
- their potential for flexibility to explore new ways of working both initially and throughout the life of the partnership.

Partnerships should also consider limited or *ad hoc* involvement of other individuals and organisations that might support their activities, for example, through sponsorship of specific events or sharing experience and advice. It should be recognised that effective partnerships require the prior existence of trust between partners, or development of such trust, which may take time and special effort. This is one reason why a policy of establishing short-term partnerships may be less efficient than that of a long-term ones. Ideally, there should be a combination of long-term partnerships and short-term flexible partnerships. Alternative partnership arrangements are possible at local, regional and national levels, and they may suit different crime problems and different circumstances. A single standard approach is not capable of suiting all situations.

The organizational basis of a partnership should be determined as follows (the list, however, is not intended to suggest a fixed sequence, or a particular order of importance):

- an initial analysis of the crime problems should be conducted as rigorously as possible;
- based on such analysis, both immediate and more strategic action should be considered;
- common goals for reducing the crime problems should be agreed upon, and appropriate success criteria defined (both for monitoring of partnership performance and evaluation of results);
- in appropriate circumstances, there should be consideration of the kinds of preventive intervention which falls within the remit of the partnership; however, in other cases, partners may decide on suitable preventive approaches only once they are in operation;
- the issue of fund-raising for running costs (for both overheads such as premises, and for implementing the preventive action) should be carefully considered because experience has shown that too much time can be spent by partnerships in seeking financial support;
- financing of any independent evaluation should be considered;

- the lifespan of the partnership should be considered – short, medium or long term;
- initial goals should include the ones that are quickly and easily achievable in order to demonstrate action and success, both to inspire and motivate the partners and to generate external support;
- a set of working routines should be developed, including those covering the exchange of information and knowledge within and outside the partnership, as well as the process of decision-making and handling of possible conflicts between partners. However, as a general principle, an appropriate position should be adopted on whether the partnership should seek to identify internal problems in advance and prepare procedures accordingly, or whether it should merely aim to tackle problems as they arise;
- clear definition and delimitation of partners' individual competencies should be achieved (and any role confusion avoided), and initial training needs assessed;
- ethical standards should be drawn up/adopted;
- common working terminology should be defined;
- reciprocal expectations between the partners should be discussed;
- commitment from partner organizations should be obtained;
- reasonable and appropriate distribution of partners' inputs (funding, staff numbers, term of functioning, use of premises etc.) should be agreed upon and, if appropriate, procedures should be established for resolving complaints;
- the structure of the partnership should be designed, taking into account the involved costs;
- the number of partners should relate to the scope of the partnership's goals and the practical considerations of collaboration (too many partners may be unworkable without special arrangements to facilitate co-operation);
- ground rules for dealing with the media should be developed, and a media launch strategy devised and implemented.

VI.3.2. Operation and Maintenance of Partnerships

Good management practices should be adopted concerning review, monitoring and adjustment of goals, methods, action plans for maintaining and monitoring all the beneficial conditions established under the partnership. Steps should be taken to ensure minimal (or optimal) turnover of individuals in partnerships, in order to maximize efficiency (by preserving a common pool of knowledge) and maintain trust. Training of partnership staff should be maintained to ensure competence and facilitate adaptation to considerable changes in the activities of partnership and member organizations.

There is a growing need to respect and foster both political and professional dimensions of the partnership approach to crime prevention whilst attempting to define a clear boundary between them, for example by establishing ethical rules and

frameworks. There should be broad agreement upon the principles for priority-setting by partnerships, and the administrative and democratic mechanisms behind it.

The proper exchange of information between members of particular partnerships should be facilitated through development of protocols consistent with data protection, privacy and human rights legislation, and the particular professional obligations of individual partners. Mechanisms should be developed for undertaking reviews and acting under changing conditions in consultation with all partners and others involved in the activities of the partnership.

Communication between partnerships and their member organizations should be actively monitored, both to maintain the support of colleagues and to transmit new perspectives and ideas to member organizations and relevant professional groups. The partners need to work with the media and the general public to ensure the continued acceptance of the partnership and its specific activities, in particular: reporting progress in implementation, the delivery of results and the outcome of external evaluations. National organizations should take the lead in establishing clear quality assurance standards for the content of their websites, particularly in the provision of information on partnership experiences.

The administrative and political authorities should be kept informed of the work of the partnership to ensure their continued support. Each partner should establish horizontal communications with other partnerships in order to exchange information and ideas.

Partnerships could be terminated for several reasons, for example, the goal for which they were created has been achieved; the crime situation and crime problems have changed beyond the scope of the existing partnerships to organize and deliver solutions; the partnership's cost-effectiveness or efficiency is very low and cannot be improved. Upon or prior to termination of a partnership an exit strategy needs to be designed, covering the following: assumption or transfer of remaining legal or moral responsibilities, obligations and commitments, including clients and staff; liquidation or transfer of property and other assets, including material resources and data; preservation and/or transfer of knowledge and experience etc.

VI.4. LOCAL ORGANIZATIONS AND INSTITUTIONS THAT CAN CONTRIBUTE TO REALIZATION OF PROBATION PLAN

No. crt.	Institution, organization	Services provided
1.	Local Public Administration (LPA)	data about the population; social assistance services; clarification of civil status issues; hearings for solving various local issues; cooperation with territorial employment

		<p>agencies; identifying jobs; providing help in solving issues related to residential premises</p>
2.	Territorial Employment Agency (TEA) www.anofm.md	<p>work mediation; organizing job fares; information and professional counseling; professional orientation and formation; pre-dismissal services; stimulation of labour force mobility; stimulation of employers to hire graduates; granting loans; organization of public interest works; provision of unemployment aid; allocations for professional integration or reintegration</p>
3.	Civil Status Service (CSS) www.stare-civila.gov.md	<p>registration of births /deaths; registration of marriages/divorces; legalization of civil status documents; issuing civil status certificates; changing last and first names; issuing duplicate certificates and extracts from civil status acts; restoration of civil status acts; transcription of civil status acts; annulment of civil status acts</p>
4.	Division for Social Assistance and Family Protection www.mpsfc.gov.md	<p>1) <i>in social insurance:</i> determines the mechanisms for applying the legal provisions on establishing the right to pensions, other social insurance rights and rights granted by special laws cooperates with the central and local public administration in solving common problems in the area; coordinates and monitors the implementation of policies in the area by the National House of</p>

		<p>Social Insurance; periodically checks the execution of the state social insurance budget, based on the reports received from the National House of Social Insurance.</p> <p>) <i>in social assistance:</i> develops a coherent system of programs, measures, activities for the support and protection of vulnerable categories of population; evaluates the impact of the policy in social assistance in view of reforming and enhancing the efficiency of social services and increasing access to and the quality of social services; supports and ensures the development of the database of the beneficiaries of social assistance services; develops quality standards for social services in cooperation with the relevant institutions, with specialists from the social assistance system and from the health system; monitors the activity of the social service network and provides methodological assistance to develop alternative social services at community level, in cooperation with the local public administration authorities and civil society representatives; inspects the quality of the social services provided by public and private institutions, nongovernmental organizations (civil associations), in accordance with the quality standards provided by the law, and prepares written reports, ensuring their submission to all responsible central and local public administration authorities and accredited private organizations whose services have been inspected; develops and implements, together with other central and local public authorities the</p>
		rehabilitation and social integration and

		<p>occupational policy of persons with disabilities; controls the distribution of means of locomotion for persons with disabilities and of rehabilitation tickets, as well as of all types of benefits for vulnerable categories;</p> <p>supervises fund raising at the Republican Fund for the Social Support of the Population and their distribution to the most vulnerable categories of the population;</p> <p>implements programs in partnership with international bodies and institutions in the area of social assistance.</p> <p>) <i>in protection of family and rights of the child:</i></p> <p>ensures the development of mechanisms for the social protection of the family with children, the access of the child and family to quality social assistance services;</p> <p>methodologically supports the development of community actions focused on preventing the child's entry of the residential care system and keeping him in the family environment;</p> <p>monitors the use of minimum quality standards by types of services offered to the child in need;</p> <p>coordinates tutorship and guardianship and activities of protection of the rights of orphan children and those left without parental care;</p> <p>coordinates, together with the central and local public administration authorities, with the internal bodies and nongovernmental organizations, the implementation of social family and child protection programs</p> <p>) <i>in adoption:</i></p> <p>coordinates and monitors adoption activities;</p> <p>reviews the acts necessary for the adoption procedure, as provided by law;</p> <p>ensures access to the information about children registered for adoption to the organizations providing this service;</p> <p>collects, analyses and protects the information about national and international adoptions;</p> <p>monitors the situation of the child during the adoption process and in the post-adoption period, both on the national and international levels;</p>
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		<p>supports and ensures the development of the database on adoption</p> <p><i>) in ensuring equal opportunities for men and women, prevention and combating of domestic violence and human trafficking:</i></p> <p>coordinates, together with the central and local public administration authorities, with the international bodies and nongovernmental organizations, the implementation of social programs in the reference areas;</p> <p>cooperates with the gender units within the central public administration authorities in view of ensuring gender equality in all areas of activity;</p> <p>cooperates with international bodies in view of applying at national level methodologies for implementing gender equality principles that are promoted at the international level;</p> <p>creates and develops social partnerships in view of preventing and combating domestic violence, human trafficking and of ensuring equal opportunities for men and women.</p>
5.	<p>Population Documentation Division</p> <p>www.mdi.gov.md</p>	<p>prepares and issues identity cards to Moldovan citizens;</p> <p>prepares and issues passports to Moldovan citizens;</p> <p>issues identity acts from the National Passport system to foreign citizens and stateless persons;</p> <p>issues certificates using information from the State Population Registry on paper with protection signs (on holding and cancelling Moldovan passports for persons leaving for permanent residence, on ethnical affiliation; family makeup, domiciling, changes identity cards, issues certificates confirming issue of Moldovan passports).</p>
6.	Notary Offices	<p>authenticate legal acts (wills, powers of attorney, contracts);</p> <p>make the notarial succession procedure and issue heir certificates;</p> <p>issue ownership certificates;</p> <p>certify certain acts as provided by law;</p> <p>legalize signatures on documents;</p>

		<p>prepare bills of exchange (financial documents by which the signatory undertakes to pay a certain amount of money unconditioned at a certain date);</p> <p>present cheques for payment and certifies their non-payment;</p> <p>legalize copies of documents and extracts therefrom;</p> <p>make and legalize translations of documents;</p> <p>transmit requests of individuals and legal entities to other individuals and legal entities;</p> <p>receive money deposits and securities;</p> <p>receive documents for storage;</p> <p>secure evidence;</p> <p>issue duplicates of notary acts that they prepared as well as perform other operations that do not contravene the law.</p>
		<p>notaries offer consultations in notarial matters, other than those referring to the content of notary acts that they issue and in which they participate as specialists assigned by the parties, as well as in preparing legal acts with a notarial character</p>
7.	Education Divisions www.edu.gov.md	<p>provide professional training;</p> <p>issue certificates of graduation of educational institutions</p>
8.	Police Stations	<p>track adults and juveniles in their sectors who have defective behaviour;</p> <p>provide services on their re-socialization;</p> <p>take actions for preventing crimes in their sectors;</p> <p>intervene in cases of possession, use or distribution of drugs, including among juveniles;</p> <p>prevent the risk of abuse, negligence and human trafficking</p>
9.	Business companies	<p>grant material and financial assistance;</p> <p>provide jobs;</p> <p>provide temporary dwellings</p>
10.	Placement centers	<p>provide temporary shelter;</p>

		provide psychosocial assistance (in Chişinău – Placement Center for Post-Institutionalized Youth “Vatra”, Shelter for Hosting and Orientation of Persons without a Stable Domicile, Senior People’s Shelter, Center for the Social Rehabilitation of Children “Gavroş”, Center for the Rehabilitation of Teenagers “CRAC”, Temporary Center for the Placement of Juveniles etc.)
11.	Religious groups	provide religious counseling; provide material and financial help; rehabilitate persons with addictive behavior; assist with employment; provide temporary shelters; conduct professional training (in Chişinău – Charity and Spiritual Therapy Center “Caterd”, St. Ioan Teologul Foundation etc.)
12.	Nongovernmental and Charity Organizations www.civic.md	Categories: education, research; human rights; religion, cults and ethics; social services; children and youth; community development; social development; persons with disabilities; charity
13.	Military Centers www.army.gov.md	military tracking; military service; pre-military training of youth, training in military education departments, training of citizens in civil protection units, medical facilities, Red Cross volunteers; commissions for recruitment in military and civil service; medical examinations; social and legal protection.
14.	Republican Fund for the Social Support of the	provides one-time financial aid

	Population	
15.	Attorney Offices www.cnajgs.md www.avocatul.md	provide legal assistance
16.	Family Doctors Center, medical institutions www.ms.md	conduct medical investigations and provide medical treatment
17.	Penitentiary institutions www.penitenciare.gov.md	provide indemnities; provide psychosocial and medical assistance etc.
18.	Broadcast and print media	promote community involvement; promote observance of the rights of the probation service beneficiaries

VI.5. EXAMPLES OF COOPERATION OF THE PROBATION SERVICE WITH COMMUNITY INSTITUTIONS

Below are several examples of partnerships between the probation service and community institutions (national experience).

Example I

An increase in the level of violence in schools and of delinquency among juveniles has been established. The probation service, just like the school authorities, cannot separately ensure the proper rehabilitation of juvenile behavior. At the same time, it is also the mission of the police to ensure order. In this regard, the objectives and tasks of cooperation are defined. A probation counselor is assigned and made responsible for a certain education institution.

The probation counselor reviews the information presented by class teachers about the behavioral violation of the students, school attendance and abandonment, school achievements etc. In regard to persons from the risk groups, the psychologists and other persons also present their observations. The probation counselor forms a group of persons from the risk group, carries out prevention activities with them, and consults them on certain matters.

The sector police officer presents the effects of different behaviors and their consequences.

Sometimes the probation counselor works with the beneficiaries individually, other times in group. The probation counselor also provides assistance to teachers in tackling disciplinary issues in school or conflict mediation (sharing probation experiences). In addition, the probation counselor facilitates the access of interested teachers to juvenile justice materials.

If necessary, together with the school authorities, the probation counselor makes home visits to “make more responsible” the parents of a juvenile beneficiary of the probation service. The sector police officer monitors the behavior of the conditionally convicted juvenile, as well as the behavior of other persons, in public places (at the grocery store, disco etc.). The probation counselor can participate in the regular teacher meetings presenting his observations regarding the behavior of school age probation beneficiaries. New methods of cooperation are presented at such meetings. All the actors involved may decide on a functional information flow method (telephone or internet, to exclude letters that take more time).

The private sector may also be eventually involved (lower fees for joining the sport club based on the probation counselor’s recommendations and based on the information provided by all partners regarding class attendance, current achievements, conflicts and litigations of juvenile beneficiaries etc.).

NGOs provide their daily services and programs on a priority basis. The actors involved ensure local visibility of their partnerships through the media.

Example II

The problems of convicted youth are to be tackled in the community in a partnership. The school administration and the teachers have shown their intention to facilitate the extracurricular activities of the youth. Therefore, they supported the idea of organizing an event to discuss the problems faced by the youth. They facilitated the invitation of different specialists from the community, mediated the meeting of the youth with their parents. They also offered the possibility to the youth to express their opinions during the meeting with the parents. The youth communicated in advance their discussion agenda to the probation counselor and other interested persons. Thus, the probation counselor, together with the social assistant, and, later, with the priest had the possibility to tackle issues that were treated differently by the youth and the adults. One of the immediate effects was enhanced attention and support provided to the ones who had difficult behaviors or even were using drugs, including to the beneficiaries of the probation service. Thus, giving more responsibility to the youth contributed to enhancing the level of security in the town and to a considerable decrease in violations of the law (especially, the number of cases of public order infringement decreased).

Example III

The youth try to find role models to follow. The sector police officer and the probation counselor may serve as such role models. Thus, by involving and describing the daily activities of community specialists during school meetings, the youth may be motivated to adopt a pro-social behavior and attach to social values. As a result, school attendance increased and the behavior and attitude of some of the youth changed in relation to “the teachers who insist that we learn useless things”. On the other hand, the probation counselor obtained “a favorable environment” for the social reintegration of some school age probation service beneficiaries (convicted conditionally with a probation term).

Example IV

Certain persons in the community may be willing to be volunteers of the probation service (for example, ex-mayor, psalm reader from church, school psychologist). At the same time, some offenders need immediate assistance and consulting in daily matters. The probation counselor did a short training with them and explained to them in detail the mission and role of the probation service, the cooperation with volunteers, the responsibilities of the volunteers and of the probation service beneficiary, and specified the interaction between the volunteers and the probation service. He observed that volunteers show common understanding and positive behavior models; believe that the persons, including the most “confirmed offenders” can change; have the possibility and are willing to participate in planning and discussing problems; are responsible and punctual, open and honest, respect confidentiality; have a non-discriminatory attitude and do not “judge” the beneficiaries; are able to work individually and in a team; can establish relations of support with the beneficiaries; are sociable; can be contacted at any time; are accessible. The probation counselor coordinated with the head of the probation service the manner of involvement and interaction with the volunteers. The head of the service supported the initiative, realizing that the probation counselors “are exhausted, and sometimes bored” of their work; often organize activities only in their office without giving real support in the community, where the beneficiaries live and work; some probation counselors, especially the young ones, do not have enough experience in certain areas, unlike volunteers who have rich life experience; the high number of cases does not allow them to penetrate into the essence of each case etc. The head of the probation office supported this community involvement, trying permanently to analyze the process and the results of this cooperation. Changes and adjustments were made, as necessary. As a result, none of the probation beneficiaries violated the conditions established in the probation term. Moreover, after four years, some beneficiaries (the former local agronomist) offered to provide support and consulting in agriculture to the new beneficiaries of the probation service (a new cycle of volunteering).

Example V

The probation counselor, responsible for a certain administrative territory, concluded that the level of understanding of probation in the community was superficial. Many of his colleagues said that no one was interested in providing help. Everyone was busy with their own problems and business. However, being convinced that he would have at least some impact, he decided to participate in the community meetings and to make some proposals. In addition to that, he published articles in the regional and local newspapers. At the beginning it was more difficult, but after some time journalists started to contact him for information. The probation counselor was careful not to disclose confidential information to the press but, at the same time, provided information that was of increasing interest. Moreover, without disclosing the names of the beneficiaries, he made reference to and thanked the public institutions that had been involved in the rehabilitation of probation service beneficiaries. Several enterprises supported some of the public interest actions for marketing purposes. During two years, people contacted the probation counselor regarding the behavior of some beneficiaries (in small towns people know those who “have been through courts and prisons”). It was surprising that these people did not refer to the behavior of the beneficiaries but rather to their plans for the future, they would mention that the beneficiaries had participated in cleaning wells in the village, cleaned their yards, mended their fences and did not wander drunk through the village during the night anymore. Sometimes, when going to the town market, village people stopped by the probation counselor’s office to ask for advice regarding their children.

Example VI

At a public meeting at the mayor’s office, the representatives of the local university, especially from “less popular” departments, such as social assistance and psychology, said they didn’t know how to hold the student internship programs. A probation counselor said he could hire three interns in his office, and even more interns, in the long run. He agreed with the university lecturers on the internship program. As an experiment, students were assigned to do their internships for different periods of time. They agreed on the days when the students should come to the office, made a schedule and assigned roles. Initially, the students were given simple assignments – to communicate with people from the social network of the beneficiaries and keep track of documents. Later, they “got access” to the beneficiaries. Increasingly, the probation counselors assigned more and more of their tasks to volunteers who were students in their final years at the University. Interns hoped to get employed with the probation service. Yet, only one student was employed (since there was only one position available). At the same time, the other students received good recommendations from the probation counselor, which allowed them to get employed in similar positions (two at a penitentiary, one as pedagog at the police station, and another one got involved in a project). When asked about their volunteer experience and internship with the probation service, one of the volunteers said: “There are not so many job opportunities nowadays. Everyone pays little but wants people with experience. When

I said I had graduated two months ago, I noticed scepticism on the employer's face. I told the person who reviewed the documents that I had some work experience at the probation service. The only reply I got back was that their beneficiaries were different from the probation ones, they were not "bandits or criminals", but if I had managed to work with those, then I'd be able to deal with these ones, too. And I was hired." The opinions of the probation service beneficiaries were also asked. The probation counselor asked school age children what they thought about the intern D.P.'s visit to their school. The children said she was younger than their class teacher and sometimes gave them better advice. In fact, D.P. was a student at the pedagogical department and tried to apply theory in practice with the probation beneficiaries. The children stressed the differences and the level of involvement in activities when new methods, such as interactive ones, were applied.

Chapter VII

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