
**CONSOLIDATION OF THE ADMINISTRATIVE CAPACITY OF THE ROMANIAN
PRISON SYSTEM**

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Abstract: The National Administration of Penitentiaries in Romania is a public service with a particular social role, springing from its functions as guarantor of preserving a social balance, to form a correct attitude of detainees towards the social values, towards the rule of law and rules of social life. The year 2014 was marked by the entry into force of the new Codes: Criminal and Criminal Procedure, as well as the application, starting January 02, 2014, of the Law no. 254/2013[1] on the execution of sentences and custodial measures ordered by the court during criminal proceedings, subsequently amended and supplemented.

The National Administration of Penitentiaries, as the main actor in the process of applying the law in matters of sentencing, has developed and implemented normative measures for application of the new provisions both on the direction to comply with the dispositions of criminal execution law and on the direction to administrate the instruments designed to socially reintegrate the persons convicted and the persons sanctioned with the educative measure of admittance into an educational centre or place of detention.

Acquiring the new legislation has brought significant changes, which led to the reorganization of prison for juvenile offenders and young people and rehabilitation centers as well as setting up detention centers and educational centers, with all the structural and organizational changes that are required.

Keywords: *criminal execution law, Romanian prison system, administrative capacity*

Introduction

At the half of the first decade of the 21st century, the Romanian prison system, like other prison systems in Europe, is forced to manage the same global problems such as: high rate recidivism, overcrowding, rise in the introduction of drugs and banned items in prison, insufficient staff and, especially in the context of national economic insufficiency of financial resources.

In comparison with the high-performing systems, though, which have implemented the modern approach of the enforcement of sentences involving deprivation of liberty in the last century, the Romanian prison system has been forced to progressively adapt, due to budgetary austerity, to the community rules and standards and, especially, had and continues to improve the system for the social reintegration of persons sentenced to custodial sentences, to respect their rights and freedoms, in other words to transform the Romanian prison from a compelling educational project about which I spoke, in a social and administrative service found in the service of the community. This is the situation at the beginning of 2015, when we want to make a brief presentation of the administrative capacity of the modern Romanian prison system.

Definition of the problem

The analysis of the functions of penitentiary administration system from the perspective of how they are really accomplished in the majority shows that most of the activities under the ambit of the National Administration of penitentiaries are in need for increasing the efficiency and effectiveness for the development of the administrative capacity of the penitentiary system. This measure is all the more necessary as in the future both in the short term, and medium and long term, the penitentiary administration system will be subjected to the pressure of internal and external factors. Next, we are trying to analyze the internal factors of administrative nature. [1]

The internal factors that can negatively influence the activity of penitentiary administration system pertain to the administrative model, as a whole, but also to its component elements. The current administrative model requires, at the level of management, a participatory management body which includes the directors of the units. In terms of general management practices or the ones specific to the penitentiary administration system, they cannot ensure a coherent system of reporting, monitoring and follow-up of the decisions and performance, at least currently.

In terms of the components of the administrative model, they were grouped into specific functions and support functions. From the category specific functions we analyzed the safety of detention, the prison regime and social reintegration. From the category support functions we analyzed the following areas of activity: health care, internal audit, communication, cooperation and programs, administrative and economic, legal, penitentiary inspection, human resources management, management of emergency situations, organization-mobilization, prevention of corruption and criminality in the prison environment, the protection of classified information, work safety, personnel psychology, secretarial and archiving, as well as information technology and communications.

Regarding the function of safety holding and penitentiary regime, the insufficient budget does not allow for a sustainable development of the prison administration system according to the laws regarding schemes of execution of sentences involving deprivation of liberty and the creation of new accommodation. The safety, security and escort system has outdated material means and so the new technological advances in the field need to be introduced in the Romanian penitentiary system. These technological advances should enhance the safety of detention for all prisoners, protecting at the same time, the personnel system, but also the civil population. Also, the need to improve the conditions of detention for prisoners is urgent.

At the same time the rules and instructions concerning the safety of holding and prison regime requires initial and continuing training of personnel in order to apply their provisions, accompanied by a strict control from the management factors. [2]

Concerning the chapter social reintegration I could identify difficulties in ensuring the involvement of all prisoners in recuperative efforts tailored to the needs identified in the context of scarcity of specialized personnel and budgetary constraints, the quality of educational interventions, psychological support and social assistance, being in close interdependence with the existence and the degree of utilization of resources. Attractiveness of vocational training programs developed in collaboration with our authorized suppliers is

reduced, due to a lack of policy for the coherent socio-professional reintegration, adapted to the needs of prisoners and to the external environment, which allows access to a wide range of training programs and to help facilitate finding a job in the post-detention period. Standardization of social reintegration domain is a continuous process, still in progress, which requires strengthening the implementation and, if necessary, reviewing the supply of programs and activities, updating the working methodologies, as well as further preparation of a company's activities.

Specific steps of education, psychological support and social assistance are aimed at preparing prisoners for social reintegration and are exclusively conducted in the enforcement of sentences involving deprivation of liberty, and their continuation is required during the post-detention period. At the present time, the necessary steps to assume, at the governmental level, a well organized inter-institutional mechanism haven't been defined. They set forth clearly defined responsibilities for institutions and non-governmental organizations involved in the successive stages of the process of social reintegration of persons who served a custodial sentence. [3]

Another issue of concern in the Romanian penitentiary system is the human resources management aspect, particularly important in an organization, especially in terms of administrative capacity, thus passing directly to the problem, it can be said that human resource requirements is not ensured in accordance with the tasks and objectives of the penitentiary system, due to legal and financial restrictions. There is no human resources strategy on the medium term which will be developed in collaboration with the managers of the National Penitentiaries Administration and penitentiary units; the working tools to ensure the management of the career of civil servants with special status are not sufficiently developed.

In terms of their own educational institutions as well as the collaborating ones, they together, do not cover the needs of personnel training in all necessary fields for the prison system. [4]

From the presentation of the problems with which the prison system is faced with, three main areas of intervention appear:

1. Organizational Management - this area covers the remedial interventions and the anticipation of problems in the area of organizational system and support functions. The interventions of strategic nature on this field, arranged by the manager of the public institution must be subsumed under some principles such as coherence, professionalism, efficiency, effectiveness and economy.

2. The safety of holding and prison system represents the basic pillar of the execution of custodial sentences. Ensuring the safety of detention places and the correct application of the prison regime is one of the main responsibilities of the National Administration of penitentiaries. Safety of detention places is a concept that refers to all the activities carried out by the penitentiary administration for the purpose of subjecting detainees to legal restrictions regarding the freedom of movement, so as to prevent them from evading the enforcement of sanctions involving deprivation of liberty, as well as to protect the life, physical integrity and their health, that of the staff and other persons who come into direct contact with the prison administration system.

The activities carried out by the prison administration in order to ensure the safety of detention consist in taking security, escorts, support and supervision measures, as well as maintaining order and discipline among the prisoners, who follow that:

- a. all prisons must conform in terms of perimeter security systems, of the detention departments and places where prisoners have access;
- b. access and circulation of detainees inside and outside the prison must be carried out in accordance with the provisions of the law;
- c. access and circulation of other persons and motor vehicles inside the prison must be limited to the absolute minimum;
- d. places and vulnerable moments in prison must be managed efficiently;
- e. searches for the discovery of prohibited objects and deterring threats to the security of the prison must be executed at regular intervals;
- f. antiterrorist and specialty control must be carried out on all persons and vehicles entering the prison;
- g. the use of means of compulsion and restraint should be authorized only in cases strictly specified by law. [5]

The prison regime is a process in which the prisoner in a planned, organized and controlled, without discrimination based on the principles of race, color, sex, language, religion, political opinion or of other nature, national or social origin, property, birth or other status, exercises his rights, accomplishes his legitimate interests, carries out his obligations and benefits from the facilities offered for the purpose of contacting the support environment, in accordance with the enforcement regime in which he is included.

2. Social reintegration - represents the base pillar of ensuring the transition between the period of detention and the reintegration in the community. The involvement of specialists in the field of social reintegration, in organizing and carrying out educational interventions, psychological support and social assistance, in collaboration with the staff from other sectors of activity, conditions the increase of the chances of social reintegration of the beneficiaries, by lowering the risk of relapse. It takes a new approach, oriented both towards the detainee and the completion of social inclusion approaches, initiated since the time of detention, through the contribution of public institutions and non-governmental organizations, whose activity is the post-detention support. The result should be materialized into a coherent, nationwide, strategy assumed by public institutions with responsibilities or vocation to work in successive stages of the process of social reintegration of persons who have executed a custodial sentence.

Proposals for solutions

After the coming into force of law No. 254/2013, concerning enforcement of sentences and custodial measures ordered by the judicial bodies in the course of the criminal process with the subsequent modifications and additions, actions were undertaken to promote a new decision on the application of the credit system in units subordinated to the ANP. Thus, it was drafted the decision project of the general director of the ANP on the approval of

standard instruments for evaluating the activities of the persons in the custody of the National Administration of penitentiaries - Annex 1 "Working Procedure of the Commission, or , as appropriate, of the Educational council for rewards based on the Lending system of participating in activities and educational programs, psychological support and social assistance, lucrative activities, as well as in situations of risk ".

The theoretical framework of the standard instrument for evaluating the activity of prisoners has been developed, as well as the three questionnaires relating to commissions establishing the enforcement regime, changing the execution regime and the system of parole. The pre-testing stage ended in four units. It was updated the general framework that regulates the activity of the social reintegration of detainees/admitted persons, the following normative acts being reviewed:

- Order of the Minister of Justice concerning the conditions governing the organization and development of educational, psychological and social assistance activities, school education as well as university education and professional training of the convicted and admitted persons;
- The Guide of the person admitted in the educational center and the offer of activities and related programs;
- The Guide of the person admitted in a detention center and the offer of activities and related programs. [6]

As a result of the law no. 374 of December 19, 2013, the national administration of penitentiaries was authorized to purchase the services intended for blocking and interrupting radio-communications in the perimeters of the prison system. Currently technical consulting contract for filing the documentation for awarding the contract for the supply of these services is being finalized.

Another aspect particularly important is that through which were initiated the steps to implement a video conference hearing system for resolving litigations in civil matters, criminal matters and complaints formulated by the prisoners.

So far, in this framework, the implementation of the video conference hearing system was established in detention Tichilesti, Colibasi, Focsani, Galati, Giurgiu, Gaesti Margineni, Ploiesti, Poarta Alba, Slobozia, Tulcea and Targosor. The Special Telecommunication Service was asked to put to the disposal of the Romanian penitentiary system a dedicated server, which will make possible, in a short time, the organization of inmates' hearings through video conferencing in these locations. We should point out that in the prisons Bucharest Jilava, Bucharest Rahova, Giurgiu, Ploiesti, Slobozia and Targosor the endowment and arrangement activities for the spaces necessary for hearing through video conference have been completed.

In the first part of the year 2015 it is targeted the purchasing of a server for videoconference at the following locations and prisons: Braila, Colibasi, Focsani, Galati, Gaesti, Margineni and Poarta Alba, following that, by year-end, to be operational in all units found in the subordination of the ANP.

Another achievement, which has been successfully implemented at Vaslui Penitentiary, whose reception was made in December 2014, is "The integrated system of electronic surveillance ".

In terms of human resource development in the system, 687 participants were included in the year 2014, in training programs aimed to improve incident management, through the development of professional competence. Training curriculum had as its object learning procedures for resolving critical and operational incidents, and are intended for the training of penitentiary personnel fulfilling roles within incident teams, respectively: incident commanders and deputy commanders, negotiators, communications and liaison officers, incident and team psychologists, members of the intervention structures and will be personnel responsible for the management of the emergency situations. [7]

Training and perfection programs carried out during the year 2014 have targeted improving incident management on six levels, namely: room incident, the command room, negotiation, intervention, video operators and emergency situations management, through the development of professional competence and specific skills improvement in the management of incidents involving persons deprived of freedom:

- a) command - 128 people (112 officers and 16 agents);
- b) negotiation - 98 persons (40 officers and 58 agents);
- c) intervention - 319 people (19 officers and 300 agents);
- d) video operators - 70 agents;
- e) emergency situations management - 24 persons (10 officers and 14 agents).

As novelty at the penitentiary system level, in terms of increasing the operative capacity, during the period 06-10.10.2014, ANP has organized in collaboration with the National Defense University "Carol I" - Center of training through simulation, simulation exercise, called "AVALANCHE 2014". The purpose of the exercise was to train the specialized personnel on the following levels:

1. negotiate plan (real plan);
2. the plan of the incident rooms, command, negotiation and intervention detachment (for solving a fictional incident with information resulting from the negotiation plan);
3. plan of the unit in which the incident occurs.

Considering that the aim of Training Centre through Simulation is to increase the degree of interoperability of the Romanian military units with operational military structures of NATO, and also the development of the administrative capacity of the Romanian penitentiary system, the exercises performed aimed the development of the level of training of the staff who will participate in managing operational and critical incidents involving inmates, using simulation of situations that may be encountered in reality.

The exercise was attended by 48 officers and agents of the ANP and the prisons Bucharest Rahova, Bucharest Jilava, Bucharest Hospital - Jilava and Targosor.

Strictly referring to the administrative issues, overcrowding is a major challenge of the Romanian penitentiary system, reported to the goal of holding managers. At present, the shortage of accommodation - calculated at the 4 s-m.- is 11.170 seats (on December 31, 2014). To limit the effects of overcrowding, ANP has focused on developing the infrastructure of penitentiary administration system, in accordance with the legal provisions and the European rules of detention for the period of reference. It can be highlighted [8]:

1. Commencement of works at the following objectives:
 - Transforming the school pavilion into detention pavilion - Gaesti Penitentiary;

-Detention pavilion - Margineni Penitentiary.

2. Continuation of works for the Pavilion 04 (detention + food + central heating) - Codlea Penitentiary;

3. Technical projects for:

- Transformation of 2 auxiliary administrative pavilions in places of detention - Giurgiu Penitentiary;

-Transforming the stables in detention facilities - Section Isalnita - Craiova Penitentiary;

-Transforming workshops in detention facilities - Satu Mare Penitentiary.

4. Carrying out the grant with Norway concerning:

- modernization of the youth section of Penitentiary Bacau - work starts in 2015;

-the establishment of a therapeutic Centre for women in Gherla Prison - works started in 2015.

5. Modernization, through current repairs, of prison spaces in the Prison Hospital Tg. Ocna - 36 beds in the medico-social Department.

It is also taken into account the rehabilitation of a total of 1380 accommodations by completing objectives of capital repairs: Detention Pavilion - Codlea Penitentiary (100), Detention Pavilion - Margineni Penitentiary (200), Sections VII-VIII - Aiud Penitentiary (80), Detention Pavilion - Baia Mare Penitentiary (200), Detention Pavilion - Iasi Penitentiary (800).

With regard to another socio-administrative aspect, respectively the social reinsertion of convicted persons, 31 penitentiary units have organized "Local job fairs", in collaboration with the County employment agencies, local public institutions and non-governmental organizations:

-802 prisoners beneficiaries of the direct meetings with employers (submission of resumes, interviews support), of which, 47 women and 40 people hospitalized;

-846 employers participants;

-50 prisoners were registered in the records of employers, so that they could occupy a job after release. Also with regard to this aspect, were hired 32 Orthodox priests (42 posts provided) and 18 religious groups recognized by Law, whose volunteers have access to the prison, in non-discriminatory conditions developed 24.927.

From the purely administrative point of view, the occupational profile of the Specialist educator Officer in prisons was created, in order to introduce it in the Occupations' classification of Romania and has obtained the approval of the Ministry of Justice, namely the one of the Ministry of labor, family, social and elderly protection.

To lower the incidence of negative events among detainees and increase the quality of life in detention the activities, foreseen in the Plan of implementation of the strategy to reduce aggressive behavior in the prison environment, 2014, have been implemented:

- elaboration of clinical manual of risk of violence – auto-aggressive behaviors, suicidal behaviors, hetero-aggressive behaviors;

- elaboration of study regarding the prevalence of aggressive behaviors among hospitalized persons/detainees;

- elaboration of the program of training support prisoners;

- elaboration of *Hobby* Program to exploit a creative-applicative skills of the prisoners (4 modules);
- elaboration of the ergo therapy program.

Also here, the steps for the expansion and diversification of the offer of educational programs were continued: The program "*education for health*"-2 modules, the Program "*Talent4 - Program of self-awareness and vocational guidance*", The program "The Universe of knowledge" - modules I-IX (review and completion), The program "Civic education" (review and completion). The contents of five social programs for inmates have been reviewed. The collection of the moral-religious programs, accompanied by videos support was printed and promoted.

11 national thematic projects were implemented: "Multiart Festival for prisoners", "Poetry for inmates" (VI), "Job Fair", The campaign of public awareness on the issue of social reintegration of prisoners, Easter Holidays, June 1, 2014, the Holy Apostles Peter and Paul, Christmas, December 1, Talking with celebrities, The project of creative literary project "Prison Environment - introspective look."

Nine project models of activity have been developed and promoted by a decision of the general director of the ANP. The projects refer to: organizing and carrying out book reviews, organizing conferences, the production of radio and TV shows, activities for the dissemination of culture (exhibition/performances), elaboration of the Department/Unit's magazine, organization of discussions, book launches, occupational workshops and activities of the type circle.

Conclusions

In Romania, the material resources are the key for the alignment to the modern administrative standards, but, in my opinion, some elements are equally important such as: addressing a professional attitude in the workplace, of faith in the values assumed, change of personnel mentality who work in prison. Thus, when talking about the increased administrative capacity of the prison system, without wanting it we're thinking about improving the conditions of detention, which equally influence the activity of the workers.

Beyond all this it remains the great task, to design the most efficient methods of social reintegration of convicted persons and, here, the prison has to solve the administrative aspects of perception and the relationship with society, the place where they come from and where they inevitably return, persons who have been deprived of liberty[10].

The solution of developing this complex mechanism remains, though in society. Starting from this reality, I believe that the prison has, first of all, the obligation to imagine new administration approaches, innovative, through which the result of its activity can reach the citizen in a convincing and honest or enough intelligent formula, so that he can change, eventually, his perception about the detainees, about the role of prison, as a solution for the prevention of the criminal phenomenon as well as the social reintegration of sentenced persons.

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