

# THE COMMUNITY SERVICE IN ROMANIA. THE FIRST COMMUNITY SERVICE WORKSHOP

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**Abstract:** *This article aims at a topical and of great interest issue for the specialists working in the Reinstatement Service and also for those who are dealing with criminally sanctioned citizens. The current system of non-custodial sanctions existing in Romania is still in its beginning, providing few alternatives for obeying this type of punishments in a non-custodial framework but which is yet well organized and supervised. The intimation of this aspect and the desire to promote the non-custodial sanctions among the persons who have violated the criminal law, in 2009, led to the establishment of the first workshop of unpaid work in Romania. The interviews, with the specialists directly involved in this project, show that a sustained effort from the public and private community institutions, the community service workshops can be efficient and viable methods of social reintegration for the criminally sanctioned citizens.*

**Key words:** *community service workshop, penal sanctioned citizens.*

## 1. Introduction

The concept of punishment expiation, under the form of a community service activity by criminally punished individuals, is not an innovation. Although “the community work” in its current formulation, is a modern form of sanction, it is found in the relative long history of the similar sanctions. England and Wales were the first countries that introduced community work in 1972, being followed by Germany, Portugal and France. Also, in the early 90s it was introduced in the Nordic countries such as Finland, Norway, Sweden and Denmark (Penal Reform International, 2002)

The experience of these countries

demonstrates that an alternative sanction, particularly community service work enjoys the highest popularity. With this new way of penalty, the offender pays for his crimes, supplying a community work, somehow indemnifying the victim for the damages.

In Eastern Europe, Hungary and Czech Republic were the first countries that have implemented this system, but also other states have followed it including Romania.

Although the penalty ordered to community work is not foreseen as such in the Romanian Criminal Code, there are provisions that enable the court to compel the defendant, major or minor, to the provision of an unpaid work. Thus, in our country, the unpaid work, provided in

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Art. 103 of the Penal Code, regulates the educational measure of the supervised freedom as criminal penalties, and it can be applied to the minor who has committed a crime when the court considers that in relation to the degree of the social danger of the committed crime, and according to his physical condition, mental and moral development, by his conduct it is necessary and sufficient for his correction. Likewise, Art. 86 governs the surveillance measures and the obligations of the criminally sanctioned person, through the coming into force of Law no. 140/1996.

As noted above, currently in Romania the community service work is not a punishment in itself determined by the court, but it is an obligation which must be discharged by the person who committed a crime, in case of penalty execution suspension under supervision or in case of educational measure which is applied to juveniles with supervised liberty.

Unpaid work is also an option which the court can resort to, if the offence is less severe as other crimes and the persons who have committed them can compensate for the crimes by performing useful work, in service of the community.

This kind of activity has a physical and also an emotional implication for the delinquent because it is limiting his freedom – but in a minimum way regarding other penalties, and it is requiring discipline and respect in his own conduct.

Unpaid work for the community service is a positive model. The convicted person performs some reparations for the crimes he had committed. This type of activity can have positive consequences because the delinquent will regain his own respect and will adjust his own personal development. So there is a double effect: for the delinquent who knows or finds out how community members are affected by

criminality, and also for the community which is realizing that the delinquent persons can have a constructive rather than destructive contribution.

To extend this obligation in order to promote the alternative sanctions to imprisonment, it was considered necessary to set up workshops for community service work.

An example of community service work is represented by the first workshop opened in Braşov, in May 2009. In this workshop the criminally sanctioned persons may carry out their obligations stipulated by the criminal law. The novelty and uniqueness of the subject in our country were the main reasons for which we decided to write about.

Because the main aim of the study was to conduct a brief assessment of the work done so far in the project, in the data collection we considered necessary to use both qualitative methods and tools, and also the semi structured interview and document analysis. The questions for the interviewees tried to capture not only the elements (whether positive or negative) of work which currently takes place within the workshop, but also the issues connected with its pre-opening. In the following we analyze tracked data on major themes using it for a better illustration of the most eloquent responses which were offered by the interviewed specialists.

## **2. The Birth of the Project**

The idea of opening an unpaid workshop in Romania arose from the European Conference on Probation from Lugano, Switzerland, an event that took place in September 2006, and which was attended by a representative of the National Probation Service from our country. Because the promotion of alternative

sanctions to imprisonment was somehow in its beginning the authorities of Romania decided to set up a foundation in order to implement this goal.

*“Thus, in August 2008 the Foundation for Community Sanctions Promotion was born, statutory body constituted after a Cooperation Protocol between VEBO and Ministry of Justice and Civil Liberties, with a role of monitoring and coordinating the activities in the first two pilot workshops.” (RS - project manager)*

The Romanian ministry of Justice informed the probation services in the country regarding the status, the scope and the mission of this foundation. Probation services across Romania had the chance to join in the race of this project, in order to set up workshops for community service. After a careful analysis of the 6-7 participants (probation services) it decided to open the first workshop in Brasov. Crucially in making this decision was the availability of identifying a suitable space in order to conduct the activities development within the workshop. This space had to fulfil at least two conditions: to be located in the city and to be large enough so that the proposed activities to take place under optimum conditions:

*“Until we got to open the workshop for community work in Brasov, the Probation Department had the task of identifying a location for the workshop ... our partners included the School Inspectorate because we established that the most appropriate space for workshop we could identify in one of the city schools, possibly an industrial school, which restricting the number of students or restricting the activity profile could have available spaces. At the same time I took into consideration the possibility of identifying a private space but the costs would have been*

*much too high. So we worked with the County School Inspectorate from Brasov in identifying the space. For this we had certain locations: The Technology High school Group Astra, the Racing High school and in the end we found a suitable space as size and city position, the Titulescu High school. (C.T. - Chief Probation Service)”*

### **3. The Community Service Workshop – Mission and Description**

Currently the workshop of unpaid work from Brasov has a maximum capacity of 13 seats, so 13 people can simultaneously perform their obligation stipulated by the court. The main purpose of the workshop activity is the manual disassembly of electrical and electronic recyclables materials. These materials are provided through a partnership agreement by a sanitation company in Brasov. Thus, a number of advantages stand in this type of activity, not only among criminally sanctioned people who can carry out their obligations in optimal conditions, but also among the wider community through recycling and greening: less waste, less pollution.

The activity is recommended for the following types of offences: drug possession, robbery, online illegal activities.

*“The main activity of the people in execution within the workshops is dismantling manually the electrical and electronic waste. WEEE sites are placed on the work bench where they are manually disassembled and placed into 10 primary categories, which are subsequently subjected to quality control procedures from which results approximately 26 different categories of materials and components. The disassembly is carried out using certain*

*hand tools which are easy to use, since those engaged in this activity have no specialized technical knowledge that may enable them to use more complex tools. It is a practical way of approach, as the work can be done fluently through the effectuation of a minimum training with minimum risks for workers. Each bench is equipped with a set of tools that each person who uses the process of dismantling can learn to use since the first day of work and with whom he is working effectively in 95% of the dismantling time process. "(RS Project Manager)"*

The main objective of this project is to compensate for the damage caused by the consumer society and to promote a new direction of protecting the environment.

*"...electronic objects destroy a big part from vegetation and fauna, for example a battery kills two hundred fishes" (AM sociologist – chief workshop)*

There's the intention to establish or to create a second workshop in Bucharest, if the project does go on.

The staff of the workshop is limited and it is constituted by: the project manager who is responsible for the PR relationship between the clients and partners, a foreman (sociologist) who is organizing and implementing the procedures and documents, a technical supervisor who is responsible for supervising the process of dissembling of old television sets, deteriorated computers, small xerox machines, vacuum cleaners and a total number of 11 probation counsellors within the Probation Service nearby the Court of Brasov, who have as primary activity the monitoring of the criminally sanctioned individuals within the workshop. The work program in the workshop is flexible, being divided into two shifts: from 8.30 to 12.30 in the morning and from 13.30 to 16.30 in the afternoon, allowing the participation of

those who are attending some form of education or have a job. The workshop is also open on Saturdays, from 8.30 to 12.30 for those who due to other obligations which they have to accomplish, can not come during the week.

Terms for those who work here:

- to be on time, not to be late;
- to be present everyday, if he cannot attend his obligations is to give notice;
- to try not to use vulgar language;
- to not discriminate the other colleagues;
- to not insult or offend the others.

#### **4. Difficulties in the Project Implementation**

All the interviewed persons specified bureaucracy as a main difficulty: papers signed approval, long waiting times, walks to public institutions, several meetings with the representatives of these institutions.

*„...all these times when we drafted piles of documentation for some seemingly trivial approvals, and also the meetings in which after hours of explanations and enthusiasm they said to me with a smile: "Oh, it can not be, it is extraordinary what you want to do, but it can not be, we have no laws for this, we have no procedure for that..." I hate the disorganized bureaucracy; I do not think there is an administrative phenomenon more damaging and more exasperating than this." (RS-project manager)*

Another difficulty noticed by the head of the probation was related to the employment at full capacity of the workshop. This was not possible due to the strike of judges and their two months vacation, which led to a reduction in the number of surveillances.

The only issue noticed by the workshop staff, in the situation of those surveyed, is

linked to punctuality, which resulted in agreeing to the rules on working hours which were much clearer and stricter.

In order for this punctuality pressure to disappear the workshop staff is always developing separate and customized procedures (changing the working hours or permission) if the beneficiaries are facing certain problems at work, school, or in the family. These procedures are performed based on a declaration or a certificate certifying the reason why the beneficiary can not be present at the workshop according to the schedule.

### 5. The Factors that Influence the Objectives Achievement

From the respondents it results that the most important factor in achieving the objectives is the human factor. The constant collaboration and communication between the workshop staff and the Probation Service advisers, the partnership with the Urban Office for taking better decisions, the supported interest of Swiss partners in providing training and know-how for the staff, the goodwill of local authorities: the Local Council which is paying the utilities, judges involvement in providing the community service obligations, a close collaboration with the project partners is evidence of the importance of human resources in guaranteeing the success of a project:

*„...we respect each other work, ideas, we communicate constantly and we find solutions together. We were a team when we carried the furniture in the workshop / washed windows, floors, etc... And I try to keep the same team spirit when it is to take important decisions for the project - their opinion always counts. I hope to keep this pace of work; it is extremely beneficial for the project.“ (RS-project manager)*

*“... so far all the partners have paid their obligations” (CT - Chief Probation Service)*

### 6. The Project Strengths

The project deserves to be continued and expanded nationally from at least three points of view:

1. The chance to execute a penalty / imposed by the court in a non-custodial framework, which is also well supervised, organized and efficient.
2. The activities, undertaken in the community service workshops, can be carried out by persons of any age and with any training.
3. The fact that the project has two components – a social and an environmental one, is a great advantage and the environmental component is not neglected at all, *“the manual dismantling of the electrical and electronic waste is a genuine community need that currently is poorly covered by the public and private institutions.”(RS-project manager)*
4. A new direction for creating other laws in this kind of system – protecting the environment and also alternative forms for penalties.
5. Saving money in the budget treasury because this job is not paid.
6. The key word in this project is not change, but development and improvement.

As for the social component, the persons who fulfil the obligation of a work provision in community service have real chances to discover their own qualities, to socialize in a safe environment among community without breaking ties with their family, with the school or with the workplace. In other words, the non-custodial sanctions increase the chances of

social reintegration and at the same time they decrease the risk of recidivism.

The experience of probation of the other states which is supported in part by the data collection and analysis which prove that the community service workshops can be effective structures for executing the non-custodial sentences and also they can be viable means of social reintegration for the criminally punished persons. This is possible as far as the legislation and the local and central authorities will support the promotion of non-custodial sanctions.

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