

REPORT OF THE CONFERENCE “ALTERNATIVES TO DETENTION IN CENTRAL AND EASTERN EUROPEAN COUNTRIES”¹

DUBROVNIK, CROATIA (16-18 NOVEMBER 2016)

OPENING AND WELCOME

Ms. Vedrana Šimundža-Nikolić, Assistant Minister of the Directorate for Criminal Law and Probation

Ms. Vedrana Šimundža-Nikolić opens the conference by heartily welcoming the participants. She informs the audience that unfortunately the Minister (who had initially planned to come) had to go to a meeting on the other side of Croatia, so couldn't do this opening speech himself.

She mentions that for Croatia this is the first international conference and that therefore they are very proud to host this important event. She also praises the active Croatian probation service that, even though still very young, already treats many clients and takes part in various international projects.

Ms. Jana Spero, Head of Sector for Probation

Jana says to want to keep her speech short since she would be presenting later on also. She only mentions that she is very happy and proud to host this international event.

Mr. Gerry McNally, CEP President

Gerry mentions 2 reasons that make this conference so special and important: the aim to continue the networking & working together after the first event in Chisinau (Moldova), and the fact that exactly this autumn CEP celebrates its 35 years existence. He says: “We have grown a lot and I can say with optimism that we will continue to do so in the coming years”.

He talks about CEP's cooperation with several European bodies and the working on several EU recommendations and Framework Decisions, as well as on the handbook for Radicalization and extremist violent offenders.

HOW TO PROMOTE PROBATION

Ms. Jana Spero, Head of Sector for Probation

Jana talks about the Croatian Probation Service's work (with adult offenders only) over the past 7 years. She emphasizes that “probation” means a lot more than community work only, and needs well educated and trained staff. The purpose remains of course to punish someone, but the difference is that the offender can stay in the community instead of being excluded. This is not only much better for the offender, but also much cheaper than a prison sentence: one day probation costs € 1,50 while one day in prison costs € 60.

¹ In this report only main ideas are included. For further and detailed information please download the full presentations through the following link: <http://cep-probation.org/presentations-international-conference-on-alternatives-to-detention-in-central-and-east-european-countries-dubrovnik/>

Jana explains that their communication work is separated into internal and external communication. The latter can be divided into 2 types: communication with professional stakeholders (court, prosecution, police, NGO's – all organization that are relevant for the offender) and communication with lay public, like families of offenders or the general public that has no idea of what probation is.

To then promote probation to the press can be very helpful, but there are many other ways: show and tell about good stories, organize "open door days", present your annual results to the courts, organize project meetings and invite the press, cooperate with universities, attend external meetings and publish in (online) journals.

One participant asks for the contact that had been with parliamentarians in order to get approval from them? Jana answers that normally indeed these contacts are very important, but in the case of Croatia this has not been an issue at all since probation was developed during the process of becoming an EU member and the matter was to limit the prison numbers. This meant automatically that the idea of setting up probation was allowed and approved right from the beginning.

The entire presentation can be downloaded here: <http://cep-probation.org/presentations-international-conference-on-alternatives-to-detention-in-central-and-east-european-countries-dubrovnik/>

HOW TO PROMOTE PROBATION

Mr. Imants Jurevicius, Latvian Probation Service

Imants starts to say that his story is more or less the same as Jana's. The Latvian Probation Service was founded in 2003 and has a special division for communication.

He explains that first the work of the organization was only after-care, but then they started making reports, doing mediation and developing treatment programmes as well.

Unfortunately the crisis in 2009 had a big impact on the work – several departments had to close among which the communication one. Even when the situation became better and promises were made to the probation service for more money and personnel, it remained difficult and the situation almost led to a strike.

During the first years of the Probation Service's existence the focus was on regional media – only later also the national media got more attention. But only with the coming of a new director in 2016 communication grew to a higher level, both in media as in social media.

A social campaign on Electronic Monitoring was set up, in which journalists could try wearing a bracelet and then write about their experiences. This was a very successful campaign – the articles of the journalists were very well read and the campaign reached its goal: to show the Probation Service's investment in the offender and in the community.

Besides this campaign the probation service has used and uses many other ways to promote their work, like videos, youtube films, banners, social networks, posters and press releases.

The complete presentation can be downloaded here: <http://cep-probation.org/presentations-international-conference-on-alternatives-to-detention-in-central-and-east-european-countries-dubrovnik/>

COUNTRY PRESENTATIONS

Albania – Ms. Gisela Rembeci

Czech Republic – Ms. Andrea Matouskova

Latvia – Mr. Imants Jurevicius

Lithuania – Mr. Regimantas Mikaliunas

Macedonia – Ms. Emilija Vasilevska

Moldova – Mr. Ghenadie Ceban

Montenegro – Mr. Predrag Krsmanovic

Romania – Ms. Simona Lazar

Slovenia – Ms. Danijela Mrhar Prelic

Ukraine – Mr. Oleg Yanchuk

Each presenter described the main activities of their organization. There were large differences in type of activities, level of experience and organizational aspects. Please see below the short summaries.

The **Directorate for the Execution of Sanctions in Macedonia** is in the period of starting up probation. In 2004 the national Criminal Code introduced a special part on “alternative measures”, but only in 2013 a concrete Strategy for the development of probation service and action plan for the implementation of probation was proposed, which was adopted by the Government on 29.06.2013. The actual new Law on Probation entered into force from 1st of November 2016. This law led to several new rules and responsibilities, and it provided the establishment of 11 local offices to assist the main headquarters. In accordance with the establishment of the probation service, DES plans first of all to begin to work with the Probation office in the area of the Basic Court Skopje 1 Skopje, as a pilot project to see how the new service will function and to make the necessary improvements and adjustments in the service and its functioning in practice. After that the establishment of the other local probation offices across the country are planned, in the area of the basic courts with extended jurisdiction. The main challenge for the future, which is taken up with much optimism, is to establish a good functional system for the entire probation service.

The **Czech Probation and Mediation Service**, founded in 2001 so just over 15 years old, is unique in its sort since the services for offenders, victims and the community are sitting together in one and the same building. The emphasis of their work lies on the restorative approach. They have 8 districts in 74 court regions, of which Prague is the biggest with 40 probation officers and assistants working there. The Probation officers and assistants work in all stages of the criminal procedure and their emphasize lies on victims’ interest, community protection and crime prevention. The organization offers professional services by a highly educated and experienced staff and is part of a strong network with several other governmental institutions. Also they use their own system of qualification and have developed special programs for offenders to stimulate their NOT reoffending. The plans for 2017 are to recruit 60 new probation officers in order to lower the heavy workloads.

The **Latvian Probation Service** works with probation officers whose educational background is either in teaching, social work, law or psychology. The functions of the Latvian Probation Service include

community supervision (also electronic monitoring), community work service, assessment reports (pre-trial and parole), mediation in criminal matters between victim and offender and facilitation of various treatment programs for offenders. Interventions for the correction of behaviour of offenders are provided both in community and in prison environment.

Besides the (paid) probation officers also many volunteers are involved in the work processes. They do not substitute the probation officers, but *complement* them and thus enrich the organization's effectiveness. Furthermore the organization has a very broad so-called "tool-box" with many different risk and assessment tools (see power point slides 5 and 6).

As one of the main challenges for 2017 Imants mentions the overcoming of the resistance of the probation officers to work with volunteers.

The **Lithuanian Probation Service** exists since 2000 and is therefore 16 years old. They have agreements with Latvia and Estonia about cooperation and the sharing of information.

As their main strength they see the search for innovative solutions, Electronic Monitoring (considered as a very useful instrument), mediation, behaviour changing programs, the large network of (with) social partners and the high staff competences. They also have developed several programs for offenders with problematic behaviour, which are quite successful.

As main challenges for the future they indicate a further development of their existing work programmes and the establishment of social partnerships with municipalities.

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The **National Probation Inspectorate of Moldova** has 42 probation offices – each in one region of the country. Probation activities were started in 2001, but only since 2013 the Probation Inspectorate falls directly under the Ministry of Justice.

The organization distinguishes 5 types of probation (pre-sentence, juvenile, community sentence, penitentiary and post-penitentiary) and the numbers of clients have been growing over the years.

The work with juvenile offenders is seen as very important since juveniles are considered as being the future: if they stop reoffending then that would make the future society much safer.

Other aims for the future are the development of an automatic data system, professional development of probation counsellors and the development of new probation programmes.

The **Probation Service of Montenegro** started its official life on 1st October 2013. It now has one office in the capital Podgorica and a second one is set up in Bijelo Polje. The main competencies of the officers are to work with the "Law on enforcement of suspended sentence and community service sentence" and with the "Law on enforcement of sentence of imprisonment, fines and security measures", which entail quite a few types of work and sentences.

As main challenges for the future are identified: the upgrading of the personnel and the technical capacities ; decentralization ; more cooperation with other institutions involved in the process ; the promotion of alternative sanctions ; the creating of legal preconditions ; and the follow up of the Electronic Monitoring tendering process.

The **Romanian Probation System** was established as a public service in 2001, within the Ministry of Justice. In 2012 began the change of the criminal legislation with the adoption of the New Criminal Code and The New Criminal Procedure Code. Afterwards new laws for probation and a new law for prison were adopted. On February 1st 2014 a total of 7 new laws have come into force – the first fundamental legislative reform in half a century.

This brought major changes of the probation system: new organization, new staff, extended scale of competencies, new procedures for probation practice, change of profile of the people in probation. During the years, there had been a constant increase of case files, but after the criminal law reform the increase of the case files in probation was abrupt.

Among the plans for the future are the recruitment and training of new probation counsellors, the adjustment of the IT infrastructure, the continuation of implementing international cooperation programs and the identification of new such opportunities.

The **Probation Service of Slovenia** can call itself the youngest of all: it officially started its existence only on 1st October 2016. Under the Ministry of Justice there are the Prosecution, the Court and the Prisons, under the Ministry of Labour and Families the Centres for Social Welfare and under the Ministry of Internal Affairs the Police, all of which take part in the probation activities for more than 30 years. The country has a very low criminality rate and there are no really serious crimes and no problems with radicalization or terrorism. So... why probation? The answer is: to integrate the various services and offices into one integrated system – a real “national probation system”.

In 2016 finally a concrete action plan was drafted and prepared and now the most important and challenging task is to transfer the knowledge of the social welfare centers into the Probation system. It is planned to have an active law on Probation in April 2017, to be followed by a selection of and training for staff plus the development of tools and programmes, and to finally (in 2018) build several new probation offices in the country.

The **Ministry of Justice of Ukraine** rules over the largest territory of Europe – a country with 42 million inhabitants.

Long it has tried to develop a probation service saying that "probation is a European choice", thus stating that probation should necessarily be implemented. Since 2002 many community activities have taken place, but the actual realisation of something official was difficult because of the ignorance on what probation actually was. In fact only on 5 February 2015 the actual "Law on Probation" was adopted, with extra amendments to Acts of Law in September 2016. Since that moment one third of the staff has been well trained and several probation instruments have been developed.

Probation consists of pre-court, supervising and penitentiary probation.

In the autumn of 2016 Regional Probation Offices have been established in 6 Interregional Departments on Enforcement of Sentences and Probation – offices that will be in charge of the 489 Probation Units (PUs), among which 20 large PUs for adult offenders in large cities and 11 juvenile centres to be set up in the near future.

Besides this, the main challenges are to create a cooperation with the other partners in the judicial chain, to develop communications, probation programmes, State Registry Database and Probationers Case-management System, and to introduce Electronic Monitoring.

WORKSHOPS

Workshop A – Training of the staff: Criminal Justice Social Work

Ms. Angèle Geerts and Mr. Frank Philippart

Notes: Willem van der Brugge

Key themes and issues raised: the history and partners in the European project Criminal Justice Social Work are described. This project contains 6 modules and entails the following topics/aspects:

- Perspectives and legal context
- Working Alliance
- Assessment and Report Writing
- Working in a (learning) organization
- Developing human capital
- Social capital and social networks

The main questions during the session were about the material in general and about the use of the material. Besides that people were also very interested in the subjects that are planned to be included in the future (new modules and topics).

The workshop led to several positive reactions like “a programme like this is needed in the field”, and people very much appreciated the exchange of knowledge and good practices.

Workshop B – Mass supervision in Romania: a case study

Mr. Ioan Durnescu and Ms. Simona Lazar

Notes: Jana Spero

Key themes and issues raised: the 2 presenters explain the probation system of Romania and the changes in law and practice that have taken place since 2014. There is a growing number of cases under probation supervision, which has led to the so-called “net widening”: a higher number of people under probation, but not leading to lower prison numbers... In fact it turns out that cases which in the past were sanctioned with other measures (like fines) are now placed under probation which leads to a higher number there, but not to a lower number of inmates. The question now is: is this good or bad? After a discussion it is concluded that this situation *can* be good, but only if there is a proper reaction like programs that can help and take care of public safety. If not then this situation can be seen as problematical.

Workshop C – Building up capacity

Mr. Steve Pitts and Mr. Leo Tigges

Notes: Gerry McNally

Notes to follow as soon as possible.

REHABILITATION WORK AND CHANGING REHABILITATION CULTURES

Ms. Hannah Graham, University of Stirling

Hannah starts by saying that her presentation is not about reporting her Australian work (the country she comes from), but actually about trying to say/show how her Australian research can be helpful for Europe.

She tells that conversations about rehabilitation and supporting desistance have always been dominated by academics and policymakers, without due recognition of the experiences and knowledge of practitioners. Not enough is known about the cultures and conditions in which rehabilitation and criminal justice work occurs.

Hannah reports on the findings of the research, conducted with different types of practitioners, the researcher's observations and rehabilitation and desistance literatures – all meant to reveal compelling differences between official accounts and what practitioners actually do in practice. She gives examples of how practitioners collaborate, lead and innovate in the midst of challenging work and mentions how important practitioner humour, creativity and resilience are.

Furthermore she mentions the influence of professional ideologies and cultures in probation and other criminal justice work. In many situations and contexts the importance of valuing practitioner perspectives is underscored as an essential element for changing rehabilitation cultures in probation and community justice, including better support for those who support rehabilitation and desistance. Towards the end of her presentation Hannah describes the phenomenon of “intrapreneurship” – practitioner-led innovation from within, in which practitioners should be able to shape their own work in order to be proud of themselves. Or in other words: she emphasizes that practitioners want to be the change instead of all the time being *subject* to changes that are imposed on them.

EU TWINNING PROJECT “SUPPORT TO FURTHER DEVELOPMENT OF THE PROBATION IN CROATIA”

Ms. Esther Montero and Ms. Laura Negredo Lopez

The main objective of this project (led by the Spanish General Secretariat of Penitentiary Institutions in cooperation with the German Foundation for International Legal Cooperation, with experts from Romania and Belgium involved) is to “build something genuine, even new, together”, taking into consideration the Spanish Probation practices as well as other EU models.

In Spain prison and probation belong to the same administration and share the same databases. They have one comprehensive system that includes a wide ranges of alternatives to prison like community

services, suspended sentences, conditional release and security measures. They also offer many different workshops and programmes and have much experience with Electronic Monitoring.

The Croatian Probation system is very young but on the other hand very developed. During its development it has followed several recommendations of the Council of Europe in order to grow, and the quality of the staff is very high. Their work lies in all phases of the Penal Justice system.

Esther and Laura tell the audience that the purpose of the project is to further improve institutional capacity of the Croatian probation service and to introduce Electronic Monitoring in the country by starting up a pilot.

Up till now the analysis of the probation legislation and work practice has been done. There are several recommendations, like legal changes and organizing regular meetings with judges. Another wish/aim is to work on additional trainings for the Probation staff, both by ongoing trainings as well as by offering new modules.

Then also the introduction of the EM pilot is seen as very important because of its “philosophy”: the tool should be able to *help* the Probation service to get more effective, definitely not to substitute it.

And last but not least the project wants to work on a raised awareness and enhanced visibility of the Probation Service by proposing (and working on) several PR activities.

At the moment the implementation of the project is half way.

CLOSING WORDS

Mr. Gerry McNally, President of CEP

Mr. McNally recaptures his opening words by saying that this event has indeed very successfully been on the “building of relationships”, both personally and for business.

He describes the need for this kind of conferences, in order to “keep the conversation going” and to plan for the future.

He heartily thanks the Croatian probation Service, the speakers and workshop presenters, and calls the conference a “major success”.

Ms. Jana Spero, Head of Sector for Probation, Croatia

Jana says that she enjoyed every second of the conference and that many important topics have been discussed and treated.

She thanks the audience as all of them being part of the one big “Probation family”.