



Probation in Europe

Albania

Almir Xhangolli

Mr. Almir Xhangolli, MSc.

Member of the British Psychological Society (MBPsS)

Assistant Lecturer, Department of Psychology and Pedagogy, University of Tirana

Inspector, General Directorate of Probation Service

Clinical Psychologist

+355 685363610

almirxhangolli@gmail.com

almir.xhangolli@sherbimiproves.gov.al

almir.xhangolli@unitir.edu.al

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1. Introduction

1.1 Probation organization(s)

The Probation Service in Albania is managed by the General Directorate of Probation Service. It is a public institution under the management of the Ministry of Justice in Albania. The Probation Service is divided into the General Directorate and the Territorial Branches. The General Directorate represents the headquarters and is based in Tirana. It deals with the general management of the Probation Service and the supervision of the Territorial Branches. The Territorial Branches are the local units and are represented nationally with 22 offices, based near the District Courts.

The Probation Service main goal is to provide help with rehabilitation and reintegration of offenders, and it works closely with the courts and the prosecution. There are many tasks that involve the probation service, starting from the requests from the courts and the prosecution to draft individual assessment report in different phases of criminal proceedings, such as when a person is accused of a criminal offense and the prosecution requests the report or when a person requests to be conditionally released. The main task of the Probation Service, however, is the supervision of offenders who are given sanctions that are alternative to imprisonment: suspended sentence, house confinement, community service, half-liberty, conditional release, as well as other obligations given by the court. The Probation Service in Albania has under its organizational structure the Directorate of Electronic Monitoring as well, which helps the supervision especially in the cases of house confinement.

Recently, since the introduction of the new Juvenile Justice Code in 2018, the Probation Service has begun to deal with juveniles in conflict with the law, who are given alternative sanctions as well as diversion measures. These diversion measures are given by the prosecution and are a way for juveniles to avoid the whole criminal justice proceedings. These measures include restorative justice and mediation, individual and family counselling, verbal and written warning, continuation of high school or professional school, etc. The role of the Probation Service regarding the treatment of the juveniles is to supervise the fulfilment of these measures, to refer them to the appropriate public institution or NGO, and to provide some form of psychosocial treatment based on the Risk and Needs Assessment. The Probation Service works especially close with the Child Protection Units of the municipalities where the juvenile lives.

The Probation Service works very closely with other state institutions as well as NGOs and other international partners. These institutions include, but are not limited to, the State Police, municipalities and their administrative units, Ministry of Health and Social Support, Work Offices, the School of Magistrates, the School of Public Administration, the Academy of Security, the Centre for Countering Violent Extremism. They provide help regarding the rehabilitation and reintegration of offenders, as well as capacity building activities. Other international institutions are OSCE and Council of Europe, which throughout the years have helped and supported the Probation Service.

1.2 Probation activities in a nutshell

In a nutshell, the Probation Service supervises people who are given alternative sanctions to imprisonment and other obligations given by the court. It monitors fulfilment of diversion

measures and alternative sanctions given to juveniles within the criminal responsibility age (14-18). In addition, the Probation Service drafts assessment reports for the prosecution and the court during investigation, during trial, for juveniles in conflict with the law, and for imprisoned people who request conditional release. The Probation Service helps people under supervision to rehabilitate and reintegrate into society by cooperating with other institutions, such as employment agencies and social services, as well as NGOs and other relevant private entities.

1.3 General remarks about the implementation of Probation Rules

The Probation Service in Albania was founded in 2009, however it wasn't until 2020 that it had its own Law. During this time, it has operated under a Decision of the Council of Ministers. Currently, the national legislation, standards and practices are all updated in line with the European Probation Rules (further EPR) and the recommendations of OSCE and the Council of Europe. Most of the legal and sublegal acts are in full force, with only a few sublegal acts remaining to be drafted.

The legal and sublegal acts of the Probation Service in Albania comply with the EPR in many ways. In general, it aims to reduce reoffending, it respects the human rights of the people under supervision, it does not discriminate on any ground, and it is a public service defined by its own law. The Probation Service cooperates closely with many public and private agencies, as well as NGOs. The staff is recruited based on the current Albanian legislation, and they are given appropriate basic and ongoing training. Furthermore, the Probation Service deals with assessment reports to the court and prosecutor and works to ensure the compliance of the offenders with the decisions of the court in order to help them in their rehabilitation and reintegration process.

2. Historical Development of the Probation System

2.1 History from the origins to 2011

After the fall of the dictatorship regime in Albania, in 1995 there were the first attempts to implement alternative sanctions in the Penal Code. They included the partition¹ of prison sentence, suspended sentence, community service and conditional release. However, Albania lacked the executive structure as well as the detailed procedures to properly implement these novel alternative sanctions. Up until 2008 there were a lot of legislation reviews and changes to keep them up to date with the European standards.

Alternative sanctions were seen as a very effective way to reduce first of all prison overpopulation, as well as a tool to reduce financial, social and human costs that come with imprisonment. Experience has shown that imprisonment, especially prison overpopulation

¹ For sentences of up to one year imprisonment, in some special circumstances such as serious family, medical, professional, or social issues, decides that the sentence shall be executed with fractions not less than two days a week, i.e., the person shall spend no more than two days per week in prison. This kind of sentence shall be executed within three years.

might increase criminality, decrease the economic opportunities for the prisoners after their release, damages community relations, and ultimately increase violence in prison settings. Thus, it was seen as imperative to reform the criminal justice system and to increase the application of alternative sanctions towards a more of a restorative justice, especially for low-risk offenders.

In 2008, the government introduced a new legal framework which included changes in the Penal Code as well as the establishment of the Probation Service. The Probation Service was approved with the Decision of the Council of Ministers nr. 302 dt. 25.03.2009 “On the Approval of the Regulation ‘On the Organization and Function of the Probation Service and on the Definition of Standards and Procedures of the Supervision of the Execution of the Alternative Sanctions’”. It is a public institution under the dependency of the Ministry of Justice.

The official date of the establishment of the Probation Service is 11.05.2009. Until 2011, the Probation Service had 4 local offices and a staff of 50 people. The Probation Service was at first supported by OSCE and EURALIUS Mission II in Albania, then by other organizations such as the Council of Europe. Since the beginning, the mission of the Probation Service was to assist offenders in their efforts towards rehabilitation and reintegration to society. The Probation Service deals with all kinds of offenders who are given alternative sanctions by the court.

2.2 Recent history from 2011 to 2020

Since 2011 the Probation Service in Albania has gone under many positive changes. For starters, it was expanded from 4 local offices to 22 offices present near the First Instance Courts. It went from a staff consisting of only 50 to 147 public servants. The same structure is still in force today. The Probation mission has been the same, however there has been recent legal changes. The Probation Service now is regulated by its own Law nr. 78/2020 “On the Organisation and Functioning of the Probation Service”. Since then, the legal framework has been completed with many by-laws that regulate the activity of the Probation Service. The Probation Service acts under the Law nr. 79/2020 “On the Execution of Criminal Sanctions”.

In 2018, the Juvenile Justice Code was introduced in Albania. Under this new Code and its by-laws, the Probation Service acts as an important institution on the treatment of juveniles in conflict with the law. It monitors various measures such as diversion or alternative sanctions. The Probation Service officers who are assigned to deal with juveniles draft the assessment reports requested by the prosecution and give specific recommendations regarding actions and interventions needed to help the rehabilitation and reintegration of the juvenile, then monitor and treat them until their probation period is finished or the specific measure given by the prosecutor or the court is fulfilled.

3. Legislative Basis of the Probation System

3.1 Legislative Basis

The Probation Service in Albania is regulated first and foremost by its own law. The Law nr. 78/2020 “On the Organization and Functioning of the Probation Service” came into force in

August 2020. Before, it was regulated by a Decision of the Council of Ministers from its inception in 2009. The objective of the Law is to define the regulation and the procedures regarding: a) the organization and functioning of the probation service; b) the enforcement of court decisions and prosecution orders on the execution and monitoring of alternative sanctions, of diversion measures, of non-custodial sentences for juveniles, or other activities according to other legal acts in force; c) individualized treatment of the needs and abilities of the person under supervision for them to ensure their adaptation and reintegration into society; and d) enforcement of the obligations of persons under supervision during the time of probation. The purpose of this law is to assist the rehabilitation and social reintegration of persons under supervision, prevention of criminal offenses and reducing the risk of their recurrence, reduction of social costs, as well as to contribute to the protection of the public interest. The law defines the mission of the Probation Service as “promoting the social inclusion of persons under supervision, in order to prevent the commission of criminal offenses and to develop a sense of responsibility to society and the victim through the rules of social interaction and special interventions.” (Rule 1 and Rule 8 EPR)

The alternative sanctions are prescribed in the Albanian Penal Code. The Penal Code has its own Chapter regarding alternative sanctions. They are as follows: Article 58, Half Liberty; Article 59, The Suspension of Prison Sentence and Probation; Article 59/a, House Confinement; Article 63, The Suspension of Prison Sentence and the Obligation to do Community Service; and Article 64, Conditional Release. The other, more supportive law is the Law nr. 79/2020, “On the Execution of Penal Decisions”. This law has more detailed steps on the execution of criminal sanctions and it has its own chapter on alternative sanctions.

The Juvenile Justice Code is a more recent development. It was introduced in 2018 and was a novelty in the Albanian Legislation. Previously, Albanian juveniles from the ages of 14 to 18 years old were treated the same as older adults and the imprisonment rate of minors was very high even for lighter offenses. This new code provided a more child-friendly justice, while considering that non-imprisonment sentencing is a much better alternative for the juvenile as well as for society. The novelties of this new code are the diversion measures. These are given to low-risk and first-time juvenile offenders and aim to divert the child from the whole justice chain. Usually, these diversion measures are given by the prosecution and include restorative justice programs and mediation, verbal warning, written warning, individual and family counselling, and put under care.

The juvenile might be forbidden to: contact or meet a person, to visit a certain place, change their residence, leave the house during a certain period or schedule, to leave without permission from one place or one defined administrative region, and perform any other obstructive action its re-socialization and rehabilitation. The court may order that the juvenile in conflict with criminal law meets one or more many certain obligations, such as: to attend compulsory education or, according to occasional, an education program; to follow a training program vocational education, according to the law on vocational education; to fulfil the obligations deriving from the employment relationship provided by the programs social employment; to repair the civil damage caused; to follow a rehabilitation treatment program psychological or medical, including, as appropriate, detoxifying treatment from the use of alcohol or drugs; not to attend certain places; and to not to be associated with certain persons, to which can negatively affect behaviour and his education.

The Probation Service supervises all diversion measures and alternative sanctions for juveniles, but has a more hands-on approach in their recommendations to the prosecution and the court. The law has given the Probation Service an important role regarding the Individual Assessment Report.

The formal administrative rules and regulations are described in the Decision of the Council of Ministers nr. 421, dt. 08.07.2021, “On the Approval of the General Regulation of the Probation Service”. This regulation aims to describe all the detailed rules and regulations regarding the well-functioning of the Probation Service and its Territorial Branches. It includes detailed procedures on the organization and functioning of the Probation Service, supervision of people who are given alternative sanctions to prison, supervision of diversion measures and alternative sanctions given to juveniles in conflict with the law, rules on changing the residence of people under supervision, supporting people under supervision, treatment of the cases where the person doesn’t fulfil the obligations given by the court and/or prosecution, and the internal inspection procedures.

The Probation Service in Albania deals with all kinds of offenders who generally are low-risk and the criminal offense is punishable by less than 7 years of prison. The Probation Service deals also with juveniles who are within the age gap of criminal responsibility, from 14 years old and up.

3.2 Mission and Mission statement

The mission of the Probation Service in Albania is to defend the community and to prevent recidivism, to assist and consult people under supervision on their successful reintegration and resocialization to community by helping them overcome their difficulties and make positive changes in their lives. The mission is the same in all the territory of the Republic of Albania, meaning that it is a national mission and there is no division between different Territorial Branches.

The Probation Service strategic objectives are as follows:

- Enforcement of alternative sanctions with the aim of defending the public interest.
- Prevention of recidivism and criminality.
- Assisting the people under supervision to fulfil the obligations given by the courts and/or prosecution.
- Cooperating and reporting information to the prosecution and the court.

For the first time since its inception in 2009, the Probation Service in Albania has its own Action Plan. This Action Plan aims to have an efficient and effective probation system which is in accordance to the European standards. Given that the number of alternative sanctions in Albania has only been rising year after year, current human resources and infrastructure cannot handle the sheer amount of workload. To tackle this, the Probation Service has worked closely with the Ministry of Justice and the EURALIUS Mission V in Albania to devise a detailed 5-year plan, until 2025. This plan is included in the Cross-Sectorial Justice Strategy 2021-2025.

Given that the Probation Service in Albania supervises all kinds of alternative sanctions described in the Albanian legislation, it does not have a specific population as a target or as a

priority. However, it has been given special attention from the government and from the judiciary system regarding the treatment of juveniles in conflict with the law, since the Juvenile Justice Code was introduced in 2018. Thus, the Ministry of Justice in collaboration with the Swedish Government started applying the Albanian-Swedish Programme on Juvenile Justice, with the aims of capacity building as well as developing better instruments to help juvenile offenders.

Another priority field is the drafting of the assessment reports on people who request conditional release from imprisonment. The process of conditional release is very delicate for the simple reason that in many cases they can be high risk people who might have committed very serious crimes. The assessment report from the Probation Service is a very important document in that it is supposed to contain the most up-to-date, accurate, and extensive information on the person. The conditions for conditional release are very strict, thus leaving not much room for error. This document greatly helps the court to make the ultimate decision.

One of the main helping factors towards achieving the Probation Service's goals is experience. The institution has collected practical experience from more than 12 years of working directly with offenders. This experience means that now the Probation Service is an established institution with well-defined laws and regulations. All the practical experience has led to the fact that the Probation Service now operates with its own special law and its bylaws. The Probation Service in Albania has always had the close attention of the Ministry of Justice and has been developing since its conception.

Currently, the main factor that hinders is the workload. Given the fact that the number of alternative sanctions has been rising year by year, the workload has been increasing as well. This means that the Probation officers have much less time to actually work with the offenders and doing much more paperwork. However, this will be rectified in the future since the new Albanian Cross-Sectorial Justice Strategy 2021-2025 prescribes that the number of the Probation Service staff will be increased to match the European standards and recommendations.

3.3 Crime Prevention

One of the goals of the Probation Service in Albania is to prevent crime. This, however, is done only by tertiary prevention methods. The Probation Service works with offenders, thus working directly with them and helping them to facilitate rehabilitation and reintegration into society. The Probation Service works with many institutions, public and private, to achieve this goal. Some of the closest institutions include the State Police, employment agencies, social services, schools and Child Protection Units in cases of juvenile offenders, etc. (Rule 98 of the EPR)

3.4 Victim assistance

The Probation Service in Albania does not provide victim assistance services. However, it monitors cases where the prosecution/court gives restorative justice and mediation measures. The Probation Service supervises the progress of the mediation process, in the sense that it asks the appropriate institution and the offenders on how the process of restorative justice and mediation is going, and then informing the prosecutor. The Probation officers are not, as of

now, specifically trained in restorative justice and mediation. (Rule 97 of the EPR has been only partially implemented.)

3.5 Volunteers involvement

The Probation Service in Albania is a public institution comprised of civil servants, thus not allowed to involve volunteers in the pure sense of volunteering. However, it has close cooperation with universities, thus allowing students to do their practicum in the institution. Especially within the last years, it has seen an increase of interest from students of criminal and law psychology students, who see it as a viable career in the future. (Rule 34 EPR has not been implemented)

4. The Organization of Probation Service

4.1 Main characteristics

The Probation Service in Albania is organized into national and local levels. It is directed nationally by the General Directorate, which is comprised by the General Director, the Directorate of Inspection and Community Services, the Directorate of Electronic Monitoring, and the Directorate of Finance and Support Services.

Locally, the Probation Service has 22 Territorial Branches. They are spread in an evenly way in all the territory of the Republic of Albania, in the cities where there is a Court of First Order. These branches work directly with offenders, as well as the Directorate of Electronic Monitoring, which supervises people on probation with electronic supervision.

On the next page the map of the 22 Territorial Branches spread out across the country can be found.



4.2 Internal organization

The General Directorate consists of the General Director and a secretary. The Directorate of Inspection and Community Services consists of the Director as well 5 inspectors. The Directorate of Finance and Support Service consists of the Director and 2 Sectors. The Sector of Legal Issued and Procurement 4 specialists dealing with legal issues, human resources, statistics and legal analyses, as well as the official administration chauffeur and sanitary specialist. The Sector of Finance consists of two specialists who deal with finance and budget, and one warehouseperson. The Directorate of Electronic Supervision consists of the Director and 14 probation officers.

The Territorial Branches consists of the Director, the officers, and in some cases, a secretary and archive specialist. The number of probation officers for each branch is as follows: Tirana 25; Shkodra 8; Fier 7; Durrës and Lezha 5; Elbasan, Vlora and Lushnje 4; Korça and Berat 3; Gjirokastër, Sarandë, Krujë and Kukës 2; Mat, Dibër, Kavajë, Kurbin, Përmet, Pogradec, Pukë and Tropojë 1.

4.2.1 Probation workers

The Probation Service in Albania employs 147 entirely professional staff. It has 84 probation officers, of which 14 work at the Directorate of Electronic Monitoring and the rest are spread across the country in the Territorial Branches. The probation officers do the actual supervision of people who are given alternative sanctions.

The General Director is responsible for the direction and supervision of the whole activities of the Probation Service, from the supervision of the probationers to the financial and administrative aspects of the institution. Then the other directors direct and oversee their respective directories. The directors of the Territorial Branches direct all the activities done by the probation officers in the territorial branches.

The other administrative staff is concerned with financial, legal, logistical, human resources, and other support services, such as archiving and protocol, transportation, sanitation, etc.

The case load of the probation officers in Albania has been increasing year by year. In 2020, the Probation Service in Albania has had under supervision more than 13,000. On average, annually a probation officer has had a caseload of more than 150 probationers. (Rule 29 EPR has not been implemented yet)

One of the key structures of the Probation Service in Albania is the Directorate of Inspection and Community Services. There are 5 inspectors and the director. This structure is concerned with the inspection and control of the way the Probation Service handles the supervision of the probationers. This includes the detailed control of the paperwork. The structure is responsible for writing control reports and giving recommendations on how to improve the supervision and treatment of the probationers.

Table 1. The staff structure

| | |
|--|-----|
| Number of staff | 147 |
| Management staff | 26 |
| Executive staff | 98 |
| Supporting staff (e.g. secretary, bookkeeping staff, ICT staff etc.) | 23 |

4.2.2 Education, training requirements and opportunities

Up until 2020 there was no specific training required to work as a probation officer. The Law nr. 78/2020 “On the Organization and Functioning of the Probation Service” requires that the Probation Service employees undergo basic and advanced training. The education requirement is still the same; the Probation Service employs people with a law, psychology, sociology, and social work academic background. (Rule 23, 24, 25 of the EPR. Rule 27 has been partially implemented, only for officers who work with juveniles have some specific training)

The probation staff is recruited by the Department of Public Administration, under the provisions of the Law nr. 150/2013 “On Civil Servants”. They have detailed recruitment procedures based on competition. The applicants apply online where they upload their relevant CV. If they meet the criteria, they may go to the next stage, where they undergo a written examination. The examination tests the applicant’s knowledge on relevant laws. If they pass, they undergo a verbal exam before a panel of five people: the director, a human resources employee, a probation officer, and two other independent experts. A candidate must have at least 70% of the total points (100) to be considered winner for the position. If they pass, the candidates are ranked based on their points, and the first ones are selected based on the number of vacancies. This method of recruitment aims to remove potential biases, nepotism, bribery, etc., that might arise when recruiting directly from the institution, (Rule 22 of the EPR)

Currently there is still no approved basic and ongoing training programs. The Probation Service is working on the curricula. In the future, it will include topics such as Introduction to Probation Service in the World and in Albania, Legal Basis of the Probation Service, Albanian Penal Code, Juvenile Justice Code, Motivational Interviewing and CBT Techniques in Working with Offenders, Writing the Individual Assessment Reports, Working with Different Types of Offenders, Collaboration with Other Institutions, etc. These topics will be included as well in the ongoing training program, albeit in a much more detailed way. (Rule 23, 24, 25 of the EPR)

4.2.3 Other organizations involved in probation work

Currently, other than the Probation Service, there is no other institution or organization that deals directly with adult offenders. However, since the introduction of the Juvenile Justice Code, regarding juvenile offenders, there are many other institutions involved in probation work. Some of them include Child Protection Units, schools, mediation organizations, NGOs, etc.

Depending on the diversion from criminal proceedings measures given by the prosecution or the court, they have specific tasks in helping juvenile offenders rehabilitate and reintegrate. Child Protection Units, for example, provide individual and family counselling. Schools make

sure that the juvenile manages to finish secondary education. Mediation organizations are more involved in restorative justice and mediation. Different NGOs provide other legal, psychosocial, educational, logistical, financial, etc., support, depending on the specific NGO. (Rule 37 EPR)

4.3 Probation and offenders abroad

The Probation Service in Albania, based on its jurisdiction, supervises probationers of any nationality. The services, however, are only offered within the territory of the Republic of Albania, that is, foreign citizens are free to work and travel in their countries, however, they are obliged to respect the obligations that come from the alternative sanction, such as periodical meeting with the probation officer, not getting involved in another offense, not associate with other offenders, etc. It does not deal with nationals detained abroad, unless they are extradited to Albania and the Albanian court decides that they shall be under probation. (Rule 63 and 64 are only partially implemented, Rule 65 has not been implemented)

5. Different Stages of the Criminal Justice Process

5.1 Pre-trial/remand/trial stage

Table 2. Sanctioning system and probation involvement in the pre-trial/trial stage

| Sanctions/Measures/ Penalties/Conditions attached to a conditional decision or sentence | Provided in legislation? | Probation service involvement? | Main characteristics of the probation activity |
|---|-----------------------------|-----------------------------------|--|
| Unconditional waiver by the public prosecutor | | | |
| Conditional waiver by the public prosecutor | | | |
| Conditional suspension of the pre-trial/remand detention | | | |
| Pre-trial/remand detention | ✓ | | |
| Police custody | ✓ | | |
| Bail | | | |
| Caution | | | |

| | | | |
|--|---|---|---|
| Surety | | | |
| House arrest | ✓ | | |
| Electronic monitoring | ✓ | ✓ | The Probation Service does the Electronic monitoring. |
| Community service | | | |
| Treatment order | | | |
| Training/learning order | | | |
| Drug/alcohol treatment program | | | |
| Compensation to the victim | | | |
| Mediation | | | |
| Semi-detention | | | |
| Attending a day centre | | | |
| Liberty under judicial control | | | |
| Interdiction to leave the country | | | |
| Interdiction to enter different cities/places | | | |
| Interdiction to carry out different activities | | | |
| Interdiction to contact certain persons | | | |
| Psychiatric treatment | | | |
| Deferment of sentence | | | |
| Fine | | | |
| Other financial sanctions | | | |

In Albania, the sanctions are not given before the final sentence has passed, thus the Probation Service is not involved in any way in this phase. However, it helps supervise people under house arrest via Electronic Monitoring.

5.1.1 Pre-trial/pre-sentence report

The Probation Service in Albania is involved in devising the Assessment Reports before the sentence is given to a person on trial. They can be requested by the prosecutor or the judge, depending on the case. The prosecutor requests the Assessment Report in the investigation phase, while the judge requests it during the trial stage. The report is written within 14 days of the request, but there are cases where the prosecutor or the judge might request it to be written sooner than that. After the request is deposited, the director of the territorial branch assigns one officer. The probation officer does an initial interview, where they assess the offense, the personality of the person, the risk of reoffending, as well as other financial, familial, health, community factors, etc. They collaborate with other institutions that might have information on the person, such as local authorities, police, social services, etc., to gather some more second-hand information. The officer might do another interview with the person, depending on the case. There is no actual limit to the number of interviews. In the cases that the suspect/defendant does not want to collaborate, the report is written anyway with the refusal to cooperate in mind as an important factor that might contribute to the final sentence. In these cases, most of the information is gathered by other institutions and organizations that might have information on the person. (EPR no: 42, 44, 45, 46,)

The institutions that have access to the report are the prosecution, the court, and the Probation Service itself, with a few limitations that are imposed by the relevant law on the defending of personal data.

In the end, based on the information gathered, the probation officer hands over the Assessment Report to the prosecutor or the court, with specific recommendations for the person. These recommendations include the most appropriate sanction for the specific case, as well as other more specific measures that help the person to rehabilitate and reintegrate into society. The supervision plan, however, is not included on the report and is done after the court has sentenced the person. The Probation Service makes the reports for foreign citizens as well when they are requested. In these cases, in collaboration with the Ministry of Justice, it provides an interpreter.

5.2 Enforcement stage

In Albanian legislation, the Penal Code prescribes five types of alternative sanctions, as well as other obligations that may be given by the court in the final verdict. Thus, the chapter on alternative sanctions, includes Semi-liberty, Suspension of the execution of imprisonment and probation, House confinement, Suspension of the execution of imprisonment and Community Service, and Conditional release. The obligations that the court might give include:

1. To exercise a professional activity or receive a vocational education or training.
2. To use their salary and other income or property to meet financial obligations.

3. To repair the civil damage caused.
4. Prohibition from driving certain vehicles.
5. To not exercise professional activity when the criminal offense is related to this activity.
6. To not attend certain places.
7. To not attend places that serve alcoholic beverages.
8. To stay in their household at certain times.
9. To not be associated with certain persons, mainly convicts or accomplices of the offense criminal.
10. To not own, possess or use weapons.
11. To undergo a treatment or rehabilitation in a health institution or undergo a treatment program, medical or rehabilitative.
12. To undergo treatment, or a medical program or rehabilitation, in order to stop the use of alcohol or narcotics.

During the phase when the court makes the decision, the offender's agreement is not taken into consideration in most cases. However, the offender has to give their own consent when the court thinks on imposing obligations related to medical rehabilitation (no. 11 and 12) above and when they are deciding to decide community service. (Rule 7 partially implemented)

Under the Albanian criminal legislation, a person sentenced to imprisonment may be conditionally released only for special reasons, if his or her behaviour and work show that the punishment has achieved the goal of their education, as well as to have served:

- not less than half of the sentence given for a criminal offence
- not less than two thirds of the sentence given for crimes punishable by up to five years of imprisonment
- not less than three quarters of the sentence given for crimes punishable by more than 5 years up to the maximum provided by law, with the exception of the provisions in paragraph 3 of this article.

Probation is not allowed for a repeat convict for crimes committed intentionally and for convicts who have committed crimes such as blood feud murders, murder of public officials, murder of police, murder within the family, and sexual or homosexual relations with minors. Conditional release is revoked by the court, when the person convicted for an intentionally committed criminal offense intentionally commits another criminal offense. (Rule 59 and 61)

The court orders the convict to maintain contact with the Probation Service during the probation period and to fulfil one or some of the obligations provided in article 60 the Penal Code (mentioned above). When the convict does not hold contacts with the Probation Service or when it does not fulfil the obligations ordered by the court, the court can decide to replace the first sentence with another sentence, the extension of the term of supervision during the probationary period or the revocation of the decision for parole.

In Albania a general amnesty is given every few years, depending on many factors. Such a legal act was last done in 2020. The role of the Probation Service is to write individual assessment reports for the prosecution regarding the probationers under supervision, on whether they can profit from the amnesty.

Table 3. Sanctioning system and probation involvement in the enforcement stage

| Sanctions/Measures/ Penalties/Conditions attached to a conditional sentence | Provided in legislation? | Probation service involvement? | Main characteristics of the probation activity |
|--|-----------------------------|-----------------------------------|---|
| Imprisonment | ✓ | | |
| Suspended sentence | ✓ | ✓ | Supervision, coordination, reporting, referral. |
| Conditional sentence | ✓ | ✓ | Supervision, coordination, reporting, referral. |
| Affidimento in prova | | | |
| House arrest | ✓ | ✓ | Supervision, coordination, reporting, referral. |
| Electronic monitoring | ✓ | ✓ | Supervision, coordination, reporting, referral. |
| Community service as sanction | ✓ | ✓ | Supervision, coordination, reporting, referral. |
| Semi-liberty | ✓ | ✓ | Supervision, coordination, reporting, referral. |
| Semi-detention | | | |
| Treatment order | | | |
| Training/learning order | | | |
| Drug/alcohol treatment program | ✓ | ✓ | Supervision, coordination, reporting, referral. |
| Educational measures | ✓ | ✓ | Supervision, coordination, reporting, referral. |
| Compensation to the victim | ✓ | ✓ | Supervision, coordination, reporting, referral. |

| | | | |
|--|---|---|---|
| Mediation | ✓ | ✓ | Supervision, coordination, reporting, referral. |
| Attending a day centre | | | |
| Interdiction to leave the country | | | |
| Interdiction to enter different cities/places | ✓ | ✓ | Supervision, coordination, reporting, referral. |
| Interdiction to carry out different activities | ✓ | ✓ | Supervision, coordination, reporting, referral. |
| Interdiction to contact certain persons | ✓ | ✓ | Supervision, coordination, reporting, referral. |
| Fine | ✓ | | |
| Day fine | | | |
| Other financial penalties | | | |
| In/out patient order (psychiatric treatment) | ✓ | | |
| Security measures | ✓ | | |
| Combined order | | | |
| Community punishment | | | |
| Conditional release / Parole | ✓ | ✓ | Supervision, coordination, reporting, referral. |
| Automatic release | | | |
| Open prison | | | |
| Penitentiary program outside the prison | | | |

The most alternative sanction given by Albanian courts is the sanction, mentioned in Article 59 of the Penal Code, the Suspension of the execution of imprisonment and probation period. During the execution of this specific sanction, the role of the Probation Service is to monitor and supervise the person under probation. The probation officer assigned to monitor the person make sure that, first of all, the probationer voluntarily contacts the Probation Service. If not, the officer notifies the person by mail. If the probationer still doesn't contact the probation officer, they will notify the prosecutor and the Police. The prosecutor then decides on further

actions. There are specific time limits on every action, which are prescribed by the Law on Probation Service, as well as the internal regulation of the probation service.

The probation officer, together with the probationer, decides on the time and date when the latter will first visit the probation office for the first meeting. During this first meeting, the officer together with the person under probation does the interview. This interview usually includes questions regarding the offense itself, the personality of the person, the familial, economic, community, health, etc., situation, as well as other relevant issues related to the person. After this meeting, during the second meeting the probation officer has already assessed the risk of reoffending and discusses with the person the Individual Treatment Plan. In this plan, they discuss the frequency of the meetings, as well as the methods on how to intervene on his or her criminogenic needs. The person under probation must agree to the Individual Treatment Plan. (Rule 85 and 86)

If the court has decided to give other obligations, such as to not meet with certain persons, especially other convicts, the Probation Officer officially notifies other relevant institutions that may help in fulfilling these obligations, such as the State Police. They assist with the execution of this specific obligation.

During the probation time, the probation officer does frequent assessment on how the probation sentence is going. If the person doesn't meet the conditions, the officer must notify the probationer in-person if possible, if not then by phone and by mail. If the person still doesn't meet the obligations, the officer notifies the prosecutor, who then decides on further action. (Rule 86)

Regarding the other alternative sanctions, the main procedures are practically the same. However, there are some specifics. When executing Community Service, the probation officer notifies the place where the person will do the service, such as the administrative units within the municipalities. Together they decide on the place, the hours, and the days of the community service. (Rule 47, 48, 51, 52) When executing House confinement, all the procedures are done in the house of the person, i.e., the probation officer must visit the probationer in their house since they are not allowed to leave it. They also notify the State Police to assist with the supervision. When executing Semi-liberty, the probationer must spend half of the day in prison and the other half outside. During the period outside prison, the probation officer, together with the the probationer, devises a daily plan. This plan is devised with the individual needs of the person in mind. (Rule 12, Rules 55, 56)

Table 4. Other probation activities in the enforcement stage

| | |
|---|---|
| Providing support to the families of the offenders/detainees | |
| Coordinating volunteer prison visitors | |
| Preparing offenders for (conditional) release | ✓ |
| Preparing prisoners for home leave and/or providing support during home leave | |
| Providing support to persons that have been pardoned or amnestied | |
| Providing advisory report with respect to amnesty or pardon | ✓ |

5.3 Care and after-care outside the criminal justice system

If a person has served their full alternative sanctions and they decide that they need further support, the probation officer helps them with the proper referrals at the appropriate social services, with the specific needs of the person in mind. There is no specific timeframe imposed by the law; the officer helps the probationer until their needs are met. (Rule 62 of the EPR)

In Albania it does not happen that the probation service carries out activities with respect to clients that are not based on a decision from a public prosecutor or a court but that take place on a voluntary basis.

6. Probation Methodology

From its inception until now, the Probation Service in Albania has not had a theoretical framework to build upon that foundation. The institution at first was built under the idea that the probation service should monitor the execution of the alternative sanction, i.e., whether or not the probationer is maintaining frequent contact with the probation service and has committed another offence. However, given the experience gathered during more than a decade of operating, as well as the experience of homologue institutions around Europe, it has become clear that the most effective approach is to intervene directly with the offender. This approach is something that is being considered for the future of the whole Probation Service in Albania.

Since the introduction of Juvenile Justice Code, the Albanian government has collaborated with the Swedish government regarding treatment of juvenile offenders. This program, among other things, has trained probation officers who work with juvenile offenders to intervene within the cognitive-behavioural and motivational interviewing framework and techniques.

The interventions are exclusively individual based, i.e., probation officers work only with one person at a time. This is something that is implied by the current laws, that the probation service cannot work with groups and do group-based interventions.

The intake procedure is as follows: First of all, the court gives its verdict on the offender and the offense. It decides, according to the legal framework in force, the alternative sanction and the period of probation service, which sometimes are accompanied by certain obligations. After having decided on the sentence, the court sends it to the prosecutor of execution body, who has the duty to send the order of execution to the appropriate Territorial Branch of the Probation Service. The Territorial Branch is decided depending on the jurisdiction over the place of residence of the person sentenced on probation.

Then, within two days, the director of the Territorial Branch decides which officer will treat this specific case. The person on probation has to voluntarily contact the probation service within 7 days after the sentence is given. If the person hasn't contacted the probation service, the officer has to notify him or her via mail. In this document are included details such as time and date of the meeting, address of the probation office, name of the officer, phone number, and other relevant details that enable the person to easily try to contact the probation office. When the person has received the mail, he has to contact the probation officer within 5 days.

If he still do not show up at the probation service, the officer notifies the prosecutor who then follows the procedures prescribed by the Code of Criminal Proceedings.

In the intake meeting, the offender and the officer discuss every relevant detail about the duration of the alternative sentence. At first, the officer verifies the offender's identity, specifies the aim and objectives of the supervision, and informs them on the rights and obligations of both parties involved. This includes detailed information on the fulfilment and non-fulfilment of the sanction and other obligations from the probationer. During this meeting, the aim is, first and foremost, to develop a positive and supportive relationship with the person under supervision. The officer then tries to gather all the relevant information on all the aspect of the offense; the details of the offense itself, the attitudes of the person towards the offense, and other relevant information. Then, the officer tries to gather other important information on their personality, employment and economical situation, social and community situation, familial relationships, health, and other relevant factor that may have an impact on the supervision of the alternative sentence. Every detail discussed during this interview is documented in a written record, which is signed by both the probation officer and the person under supervision.

After the first meeting is held, the officer informs the person on the next meeting. During the first and second meeting, after all the relevant information is gathered, the officer does the risk assessment. The risk assessment has its own instrument, called the System of Risk Assessment, which aims to assess the risk of reoffending. There is no legal provision on when the second meeting is held, but usually in practice it is done a week after the first meeting. The scope of the second meeting is to devise and sign the Individual Treatment Plan. The Individual Treatment Plan is the main document on which the supervision of the alternative sentence is based upon. This plan is drafted by the probation officer after the risk assessment is finished. The plan is discussed between the officer and the person under supervision. The person has to give his approval of the plan, otherwise it has to be changed to suit the own needs.

One of the most important things in this plan is the frequency of meetings between the person and the officer. The frequency of the meetings is usually based on the risk of reoffending, the type of offense, and other special needs of the person, such as age, health status, distance between the persons residence and the probation office, etc. In some cases when the person is elderly and/or has health issued, the frequency of meetings is lower, for example every four weeks, and in many cases like these the probation officers might travel to their residence. In other cases where it is difficult to travel to the probation office, the frequency might be even rarer, for example once every two months. Of course, these are cases where the risk of reoffending is very low.

The frequency of meetings is subject to change when it is reasonable to do so. Usually, when the sentence is long, after a few weeks or months and the person has maintained regular contacts with the probation service, has not committed another offense, has fulfilled other obligations given by the court, and might have other issues such as employment, familial, or health issues, the probation officer and the person discuss the change of frequency. The officer informs the director with a memo of the frequency change and they approve it. After that, the officer adds an appendix to the Individual Treatment Plan which documents the relevant changes.

The Probation Service helps and supports the person under supervision on his or her reintegration into society, referring the probationer to institutions and competent state structures for employment, housing, vocational training and structures responsible for social services in local self-government units, based on information administered throughout the process and personality assessment and the social environment of the person under supervision. All these needs and issues are documented in the Individual Treatment Plan, as well as the ways the Probation Service will help them.

After everything is clear on the Individual Treatment Plan, the probationer has to maintain regular contact with the probation officer. During these meetings, both parties discuss the progress of the sentence and obligations and the issues that the person might have. If the person expresses concerns over something related, but not limited, to the sentence, both parties discuss the ways on how to address them.

If the probationer successfully fulfils the sentence and every probable obligation given by the court, in the end the officer writes the final report to the prosecutor. If the person does not fulfil the sentence and/or obligations, the officer writes the report on non-fulfilment of the alternative sentence and sends it to the prosecutor. They then decide on further measures.

If a person is sentenced to House Confinement, the Probation Service does the same procedures as mentioned above. However, in these cases, if the person is sentenced to electronic monitoring, the probation service monitors him with the devices. If the person is not sentenced to electronic monitoring, the probation officer does the supervision by house visits. The house visits might be planned in the Individual Treatment Plan, or unplanned whenever the Probation Service sees it appropriate. The Probation Service seeks the help of the State Police to assist in monitoring these persons, since the police have a lot more on field coverage.

In the cases when a person is sentenced to Community Service, the procedures are the same. The only difference is that the Probation Service contacts other institutions where the person can do the community service, such as administrative units in the Municipalities. All the parties agree on the time and place of the community service, as well as the timetable of the work.

In the cases of Semi-Liberty, still there are the same basic standard procedures. The Probation Service cooperates with the Prison Service to determine the most appropriate prison to spend the nights in there. Usually, they pick the nearest prison to the persons residence. The Probation Service drafts the Individual Treatment Plan outside of prison, where all the daily activities are determined.

When a person sentenced to imprisonment requests Conditional Release, firstly, the court asks the Probation Service to write an Assessment Report. In this report, the probation officer writes all the relevant information on the person and the sentence. Such information includes his or her behaviour in prison, the relations to the victim and the family members, potential employment, as well as the general risk assessment. After that, a very important factor is the special reason as to why the person wants to get conditionally released. These reasons might include health issues, family issues, or other problems that may require the person to be out of prison. Of course, there are some legal restrictions as to who might request Conditional Release, which are mentioned above. After the report is drafted, the officer must draft and Individual Treatment Plan in case that the person is released. Then, the officer sends it to the court, which has the final say in conditionally releasing or not the person.

Regarding juveniles, most of the procedures regarding alternative sanctions are the same. However, they require the company of the legal guardian during the supervision. In the cases of diversion measures, the Probation Service cooperates with the other institutions who do the specific diversion measure but does not offer that particular service. The role is merely monitoring the progress of the measure.

There have not been many changes in the tools of the Probation Service during the last decade. However, all the methodology and the procedures were formalized with the Law nr. 78/2020 “On the Organization and Functioning of the Probation Service” as well as the Internal Regulations, approved in July 2021. Most of the regulation is based on the old Decision of the Council of Ministers, which served as the main legal instrument until 2020.

Recently there have been developments of the instruments regarding juveniles in conflict with the law. Previously, before 2018, the Probation Service used the same tools used in adult cases. With the collaboration of the Albanian-Swedish Program on Juvenile Justice, the following instrument were developed: Individual Assessment Report, Report of Non-Fulfilment of the Diversion Measures, Individual Treatment Plan, and the Risk Assessment Tool YRNAS. The tools are based on the risk-needs-responsivity model, Cognitive-behavioural framework as well as Motivational Interviewing techniques.

There is currently no general system of specialization for certain tasks. The reason is that when the Probation Service was conceptualized, the number of clients was low, and it was not seen as needed. Recently, there has been a consensus within the Probation Service that the Director of the Territorial Branch appoints one officer to deal with juveniles. These officers are trained accordingly.

There is no legal definition between supervision and assistance. However, in the technical sense, the Probation Service supervises cases that the person has only a suspended sentence, with no other obligations given by the court. The term assistance comes into play when the person has other obligations by the court, as well as other needs such as employment, mediation, or health issues.

Almost all the Probation Service activities, except those required by law, as well as the court and/or prosecution, require the agreement of the person under supervision. This starts since the drafting of the Individual Treatment Plan and ends with the fulfilment or not of the alternative sanction. (From the EPR the following Rules have been implemented: Rule 6, 66, 67, 68, 69, 70, 73, 76, 80, 88,, 91 and 77 ,in dealing with juveniles,. The implementation of Rule is foreseen in the future.)

The Directorate of Inspection and Community Service is the structure that does all the monitoring within the Probation Service. It has one director as well as 5 inspectors. The Inspectors monitors the activity of the Territorial Branches as well as the Directorate of Electronic Monitoring. The inspection consists of closely looking at the files, checking that the legal procedures are done properly, and the individual treatment plans are drafted and executed correctly. It also checks the assessment reports, to see whether the recommendations are appropriate. (Rule 103)

7. Finances, Accounting, Registration Systems and Evaluation Procedures

7.1 Finances

The Probation Service in Albania is a public institution, funded by the state budget. It has its own budget item within the budget of the Ministry of Justice. The institution itself cannot raise any budget, however it can profit from donations. Still, it goes through the Ministry of Justice. The Probation Service has full discretion (within legal limits of course) on how to spend its own budget.

Table 5. Prison / Probation expenditure

| 2021 | Probation Services | Prison System |
|--|---------------------------|----------------------|
| Total current yearly expenditure | ~1.2 mil. Euro | ~45 mil. Euro |
| Average number of employed staff | 147 | 4409 |
| Daily average number of offenders/clients dealt with | ~50 | ~19 |

During the previous years, the Probation System budget has been almost the same, with very little changes. From the EPR Rule 10 has been only partially implemented because of the limited resources of the Probation Service. Rule 33 also has only been partially implemented: there is a difference in officers wages between cities despite doing the same work. Rule 104 and 105 have not been implemented)

7.2 Accounting

The Probation Service in Albania has its own Directorate of Finance and Support Services. Within this directorate, there is the finance sector. This sector is the responsible unit of managing the yearly budget. The budget is spent mostly on employees' wages, as well as other maintenance expenditure. The budget is planned yearly and is reported monthly to the Ministry of Justice. This budget covers every unit of the Probation Service, from the General Directorate Headquarters to the Territorial Branches. The finances and budget available to the public via the official website.

Internally, the Director of the Directorate of Finance and Support Service is responsible for the control of the budget. Externally, there are other units within the Ministry of Justice itself that control the dependent institutions, or other independent institutions such as High State Control. (Rule 15 of the EPR)

7.3 Registration Systems and Evaluation Procedures

The Human Resources sector within the Directorate of Finance and Support Services operates as the database of the Probation Service employees. Its responsibility starts from monitoring absences at work, to recording all the documentation of the personnel, as well as managing trainings. Regarding trainings, it has a database of the trainings that employees have undergone

and has the role of planning further trainings for the staff. This is all done in accordance with the Albanian legislation regarding the management of human resources.

So far, the only case record system is the Juvenile Justice Data System. It is obligatory to use for all the relevant institutions, not only the Probation Service. The purpose of the system is to record all the data regarding juveniles in conflict with the law, and then generate relevant data on this issue. It can also be used to track other records regarding specific juveniles, such as in instances where data is missing or difficult to find by one institution. The system is national. It is supervised by the Ministry of Justice and the institutions that have access are Police, Prosecution, Court, as well as Prison and Probation Services. The system is created in accordance with the relevant legislation regarding personal data.

As of now, there is no agreed methodology in assessing the effectiveness and efficiency of the Probation Service work. The only milestone that may evaluate it is the rate of reoffending, however it is not the most accurate measurement, since most of the people under probation are of low risk of reoffending. There has been no official study to evaluate the probation work. (From the EPR Rule 16 has not been implemented yet and Rule 21 has not been implemented fully.)

8. Societal Support and Clients' Views

8.1 Societal Support and public opinion

Since the beginning of the Probation Service in Albania there has been no survey or study on the societal views on probation work. There are no existing promotional activities carried by the probation service. (Rules 17, 106, 107 and 108 of the EPR have not been implemented)

8.2 Client's Views

There is no data.

9. Probation Clients' Rights

The offenders that are sentenced on probation have all the rights of all other citizens in Albania. Specifically, within the Probation Service, the main concern are the cases when the officer asks for bribery. Other instances might be the maltreatment of offenders, in regard to discrimination or other forms of prejudice.

Since the people under probation have the same rights as other citizens, regardless of the offense that they have committed, they are subject to the relevant Albanian legislation, beginning with the Constitution. The probation clients are informed of their rights since the first intake meeting by the probation officer. They are informed in writing. There are no specific regulations for the probation service. The data is of course confidential. The people that have access to a probationers personal file are the officer, the director of the Territorial Branch, the Inspectors, and the General Director, excluding in this case obviously the prosecution service

and the court. In some cases, the Ministry of Justice might initiate its own inspection and at that moment have access to all the data.

Probation clients have many ways to express their concerns regarding the treatment from the Probation Service. The more formal way is with the Form of Requests and Complaints. This particular form is published on the official website; however the probationers are informed during their intake as well. Within the institution, there is one person who covers the role of Coordinator of the Right to Inform. If a person under supervision has any complaints, they write The Form of Requests and Complaints, direct it to the General Directorate of Probation Service, where the Coordinator of the Right to Informs deals with the complaint.

They have other ways to express their concerns as well. They might refer to the director of the Territorial Branch, to the judge and/or prosecutor who is treating the case, to the Ministry of Justice, as well as other institutions such as the People's Advocate or other human rights agencies.

Usually, the complaint is dealt within the Probation Service, where the director of the Territorial Branch might give the officer an official warning. However, in cases where the officer might repeat these offenses, there are other procedures that are prescribed in the Law on Civil Servant. According to this law, in these cases there is a Discipline Committee with representatives from the institution itself as well as from the Department of Public Administration, who then deal with the case. In cases where the probationer deems this reaction unsatisfactory, they might refer to the aforementioned institutions, such as the judge/prosecutor, People's Advocate, the Ministry of Justice etc.

Within the Ministry of Justice there is the Directorate of Free Legal Aid. It provides free legal aid to all the citizens that might need it. This includes people under supervision of the Probation Service. The Probation Service itself does not provide formal legal aid, however the officers have the obligation to inform the person on any issue that they might have, including legal issues concerned with probation.

A person under probation has the legal right to an interpreter in cases where they are foreign and do not speak the language. This is provided by the General Directorate of Probation Service in cooperation with the Ministry of Justice. People under supervision have also the right to refer to the People's Advocate, which is the highest ombudsman in the Republic of Albania. They use their services in cases where they feel they have been maltreated in some way or another. (Rules 14, 100, 101, 41, 89 and 92 of the EPR have been implemented)

10. Developments to be expected

10.1 Developments in coming years

By the end of the year 2021, the Albanian government has plans to approve the Cross-Sectorial Strategy of Justice 2021-2025, by a Decision of the Council of Ministers. This strategy has been developed in collaboration between professionals within the Ministry of Justice, professionals in dependent institutions such as in prison and probation services, and the help

of the EU via EURALIUS Mission V in Albania. EURALIUS Mission has been helping the Albanian justice systems for many years.

The working group comprised of probation service professionals, EU professionals, as well as with the supervision of the Ministry of Justice, has been working to develop the Strategy since the beginning of 2019. During the pandemic it has been a lot more difficult especially in working with EU professionals, however the strategy has been finalized by the middle of the year 2021.

Regarding the Probation Service, the overall objective is to contribute to the reduction of crime in Albania and limit the impact of crime through enhanced probation interventions which support re-socialization, re-integration and rehabilitation, secures protected space and opportunities for juvenile offenders and offer a real alternative to prison sentences without compromising security for staff and society. Its specific objective is to build an effective and efficient probation service that uses operational standards, supervision methodologies and individualized case management, supports resocialization, reintegration and rehabilitation, and works in accordance with EU best practices and standards and is accepted by the courts and prosecution service as a good alternative to prison custody.

The objectives of this Strategy regarding the Probation Service are as follows:

- Legal framework regarding probation service updated to comply with European standards, strengthened internal institutional capacities and possession by the institution of appropriate financial resources, equipment, and infrastructure.
- Prepare and regulate pre-decision procedures (mainly reporting pre-decision evaluation, developing proposals to avoid or suspend detention by providing opportunities for change), agreements with justice sector partners, and developing practices.
- Methodologies/guidelines governing alternatives to imprisonment, e.g., suspension of the execution of the decision with imprisonment, with supervision of the probation service, work in the public interest, house arrest measure with electronic supervision, stay at home (with or without Electronic Supervision) drafted and approved and the establishment and formalization of cooperation and agreements with other justice institutions.
- Methodologies/guidelines governing the work of the probation service in relation to supervision, parole assessment reports, parole preparation, assessment of whether parole may be granted, designed and approved, and the establishment and formalization of cooperation with partners of the justice sector.
- The probation service works in connection with parole: e.g., preparation of eligibility criteria for release, supervision of probation service, assistance to the parolee and methods of intervention to overcome criminogenic needs and establishment and formalization of relevant cooperation with other institutions of the justice sector and the development of this practice.
- Probation service facilities and infrastructure suitable for working with juveniles.
- Improved coordination and communication of the Probation Service with partner organizations and institutions.

In order to achieve these goals and objectives, the following measures are predicted to take place from the Ministry of Justice in cooperation with the Probation Service:

- Conducting analysis regarding the level of applicability and the need for changes in the sub-legal framework regarding the probation service and the organizational structure of the General Staff to adapt to European standards
- Preparation of the package of legal interventions in the legal framework of the probation service / consultation and approval of the package of legal and sub-legal changes in the probation service
- Conducting human resource training needs analysis at the probation service / preparation of training plan / curricula
- Training of General Staff officers to increase performance in performing functions (basic and continuing training)
- Consolidation and finalization of twinning / cooperation agreements with European institutional partners
- Conduct analysis of the functioning of the case management system and prepare recommendations for improvement
- Design and installation of modern information technology as well as the case management system, creating connections with the integrated electronic justice system
- Improving the infrastructure and equipment for the full functioning of the regional HQ offices in accordance with European standards
- Conduct analysis on the review of specific bylaws, regulations, guidelines, standards, including timelines and formats for pre-sentence work
- Drafting a package of specific bylaws, regulations, guidelines, standards / package consultation and approval
- Development of new methodologies / guidelines / standards related to (i) supervision (individual case management and electronic supervision); (ii) parole
- Preparation of pilot programs of new surveillance methodologies and their piloting in two areas
- Conducting analysis related to the evaluation of the experience of using new surveillance methodologies in the pilot areas and preparation of the national program of electronic surveillance and parole
- Consolidation of monitoring methodologies and protocols and their operation throughout the territory
- Carrying out the analysis regarding the need for cooperation of the General Staff with the relevant institutions of justice and drafting cooperation agreements for work in the probation service in the pre-sentence phase
- Strengthening cooperation with relevant justice institutions (courts, prosecution, penitentiary system) for the work of the probation service (training / workshop)
- Preparation of a joint communication program with the general population
- Preparation of cooperation programs with the High Judicial Council, High Prosecution Council, etc., to inform about new approaches and opportunities for a modern probation service according to European standards.

The main influence factor in this new strategy is Albanian aspiration to join the European Union. It relates to Chapter 23 'Judiciary and Fundamental Rights' and Article 78 of the

Stabilization and Association Agreement between the European Communities and their Member States and the EU and, members and the Republic of Albania, "Reinforcement of institutions and the rule of law" as and the National Plan for European Integration 2021–2023, Based on the recommendations of the European Commission Report for Albania for 2020, the priorities for Chapter 23 “Judiciary and Fundamental Rights”.

This specific objective relates to Sustainable Development Objective 16 which promotes a peaceful and inclusive society that guarantees sustainable development, provides access to justice for all and aims to build effective, accountable and inclusive institutions at all levels. In particular, it relates to sub-objectives 16.3 "Promoting the rule of law at the national and international level and ensuring equal access to justice for all", 16.6 "Development of effective, accountable and transparent institutions at all levels" of 16.7 "Ensuring responsive, inclusive, participatory and representative decision-making at all levels" of the Sustainable Development Objectives.

Currently, the main influential factor is the Swedish model of probation service regarding treatment of juvenile offenders. The above mentioned Albanian-Swedish Juvenile Justice Program has had a profound impact on the probation service. The general approach to juveniles, the instruments and tools provided, the workshops and trainings, and the fact that it has always aimed to be sustainable in the future even beyond the project itself, has led to the working groups to try and implement its approach to the whole probation service. In some meetings between the experts, were invited Swedish experts as well try and figure how to properly and appropriately implement the Swedish approach to the probation system, obviously adjusted to fit the Albanian justice system.

The general outlook of the probation Service is very positive, because of three main factors:

1. The experience gathered in more than a decade by the institution.
2. The recently updated legal framework, with the law itself, regulations, and other by-laws.
3. The future government projects on improving the Probation Service in all aspects, human resources as well as infrastructure.

These factors can only be a net positive for the improvement of the Probation Service in the future, in accordance to EU standards.

11. Important Publications

There have been some publications during the early years of the Probation Service. The first was titled “Manual for the Probation Officer”, published in 2009 by OSCE with the contribution of many authors. This book includes the development of probation system in Albania, the definitions of alternative sanctions, criminological aspects, as well as the formats used by the probation officers during their work.

Another one is titled “Manual on Application of Alternative Sentences to Imprisonment, published again by the OSCE in 2010, with the contribution of many authors. This is mainly directed to judges and prosecutors, but is useful for probation officers as well. The main topics

of this book are legislation framework and the role of the probation service in executing alternative sanctions.

The latest publication is titled “Manual on Alternative Sanctions” published in 2021 by an NGO called Social Contract Institute, written by some judges and prosecutors. This book goes into more detail in analysing the legal framework regarding the execution of each alternative sanction.

Furthermore, there have been four bulletins published yearly between 2011-2014 by the General Directorate. All the aforementioned books are published only in Albanian.

Other books in English are listed below:

- Psychology in Probation Services (Forensic Practice series) (2005) – David Crighton, Graham Towl
- The Probation and Parole Treatment Planner, with DSM 5 Updates (2015) – Arthur E. Jongsma, Jr.; Bradford Bogue; Anjali Nandi
- Handbook of Probation (2013) – Gelsthorpe, Loraine; Morgan, Rodney
- What Works in Probation and Youth Justice Developing Evidence-Based Practice (2013) – Burnett, Ros; Roberts, Colin

12. Main Addresses

National/federal main offices of the probation service.

General Directorate of Probation Service Headquarters, Jordan Misja Street, near the Court of 1st Order, Tirana, Albania.

Phone: +355442227928,

E-mail: sekretariadpshp@sherbimiproves.gov.al.

- Probation Services training centres. None
- Specialized libraries. None
- Criminal statistics databases. Provided yearly by the Ministry of Justice.
- Important other organizations in the probation services field. None
- Association of probation services workers. None
- Association of probation services clients. None

ANNEX 1

| | | |
|--|---|--|
|  <p>The European Organisation for Probation</p> | <p>SUMMARY INFORMATION ON PROBATION IN ALBANIA</p> | |
|--|---|--|

General Information

- Number of inhabitants: 2.862 million
- Prison population rate per 100,000 inhabitants: 164
- Link to Probation Service: www.sherbimiproves.gov.al
- Links to websites: www.drejtesia.gov.al (Ministry of Justice), www.dpbsh.gov.al (General Directorate of Prisons), www.asp.gov.al (Albanian State Police), www.pp.gov.al (General Prosecution), www.gjykata.gov.al (Court System),
- Member of the CEP in: (2014, though not sure on the year)

Characteristics of the Probation Service

- The Probation Service in Albania executes alternative sanctions to imprisonment.
- It aims to reduce rates of reoffending by assisting low-risk offenders in their rehabilitation and reintegration process.
- It helps the prosecution and the court make better and more individualized decisions for people under investigation or on trial.
- It aims to promote alternatives to crime to people who have committed offenses and are sanctioned in community.

Tasks

- The Probation Service in Albania executes alternative sanctions, such as suspended sentence, community service, house confinement, semi-liberty, and conditional release, as well as other obligations given by the court.
- It writes individual assessment reports for people under investigation, people on trial, during the execution of the alternative sanction, before conditional release, as well as for juveniles in conflict with the law.
- It helps people sentenced to alternative sanctions to rehabilitate by referring them to relevant organizations who might help them with housing, health issues, employment, pro-social activities, etc.
- It works closely with prosecution and the court before, during, and after the execution of the sanction.
- It monitors diversion measures for juvenile offenders.

Number of staff

- Probation Officers: 84
- Probation Managers, all grades: 26
- Administrative support staff, all grades: 37
- Community Service Supervisors: n/a

Total: 147

- Daily average number of offenders dealt with: 50; annual average :150

New developments

- Cross-Sectorial Justice Strategy 2021-2021
- Development of individualized monitoring methods
- Basic and ongoing training for probation officers
- Possible enlargement of the whole service in the Republic

Probation during the different stages of the criminal procedure

| | Pre-Trial Phase | Trial and Enforcement Phase | Post Release Phase |
|---|-----------------|-----------------------------|--------------------|
| Preparing pre-sanction report | X | X | X |
| Supervising etc. sanction of probation | | X | |
| Supervising etc. conditional sentence | | X | |
| Supervising etc. special measures drug addicts | | X | |
| Supervising etc. community service | | X | |
| Supervising training or learning projects | | X | |
| Interventions with young offenders | | X | |
| Supervising etc. suspended sentence | | X | |
| Assistance/support of offenders in prison/detention | X | X | X |
| Preparing pre-release reports, prisoners | X | X | X |
| Supervising conditional release/parole | | X | X |
| Supervising post custody, sex offenders | | X | |
| Preparing victim impact reports | | | |