



# **Probation in Europe**

## **Croatia**

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December 2021

ISBN/EAN: 978-90-820804-0-7

This publication was funded by the Ministry of Justice and Safety of the Netherlands  
and the Dutch foundation *Stichting Nationale Reclasseringsactie*

Edited by:  
Anton van Kalmthout  
Ioan Durnescu

Published by:

CEP, Confederation of European Probation  
P.O. Box 8215  
3503 RE UTRECHT  
The Netherlands  
[www.cep-probation.org](http://www.cep-probation.org)

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## **1. Introduction**

### **1.1 Probation organization(s)**

The Probation Service in the Republic of Croatia has been structured as an organisation unit of the Ministry of Justice and Public Administration, within the Directorate for Prison System and Probation. The Sector for Probation, i.e. the Probation Service is made up of the Head Office in Zagreb and 14 regional probation offices whose competence covers the territory of the entire country. The Head Office is responsible for coordination, improvement and supervision of probation tasks at the national level, whereas the probation offices are responsible for working directly with offenders. The probation tasks are performed by probation officers who are at the same time civil servants with a university degree and educated in social pedagogy, social work, psychology, legal sciences and exceptionally, other social sciences and humanities. According to the Croatian legislation, it is not possible to execute probation measures and sanctions within the private sector, but the Probation Service can conclude cooperation agreements with different civil society organizations in relation to conducting certain segments of probation measures and sanctions. The Croatian Probation Service has a formalized cooperation with a large number of legal persons in which offenders can perform community service, and also with the police. It also cooperates closely with the prison system, social welfare system, employment service, providers of various services in the community that can respond to different needs of offenders such as employment, accommodation, addiction treatments, removal of violent behaviour, psychiatric treatment and other. The Probation Service works exclusively with adult offenders. Execution of probation measures and sanctions for juvenile offenders are in the jurisdiction of social welfare system.

### **1.2 Probation activities in a nutshell**

The probation service acts upon a request from a competent state body. That can be (1) a state attorney's office, (2) a court, (3) an enforcement judge and (4) a prison. Therefore, the performance of probation tasks (measures and sanctions) is stipulated by legal provisions in the pre-trial stage, during court proceedings, when a prison sentence is „suspended“ or replaced with community service, during the execution of a prison sentence and within a conditional release.

The probation service tasks can be divided into two groups:

1. a timely delivery of objective, relevant and verified information to state attorneys, courts, enforcement judges and penitentiaries or prisons so that they can make decisions on further action towards offenders
2. supervision of offenders in the community, within various criminal justice measures and sanctions.

By delivering its reports with relevant and verified information on the perpetrator of a criminal offence, the probation service contributes to a better quality decision making process, before, throughout and after a criminal procedure. The probation tasks can include rehabilitation (treatment) interventions or programs, measures of supervision and control, but also an offender can be obliged to meet certain restitution (compensation) obligations. The fulfillment of these obligations can then be supervised also by the probation service. Daily work of a probation officer is focused on the supervision and assistance provided to offenders, in cooperation with other stakeholders participating in the performance of probation tasks in the local community.

### **1.3 General remarks about the implementation of Probation Rules**

The Croatian probation service has been developing itself with the continuous support of EU projects which facilitated the adoption of good European practice which simultaneously became part of the legislative framework. Therefore, the current legal provisions endorse the European Probation Rules (further called Rule). Within the project that was being implemented in Croatia in 2016 and 2017, an analysis was made of the legislative framework in force then in relation to the European standards, with the objective of improving legislative solutions and probation practice. As a consequence of the implemented analysis, the new Probation Act was adopted in 2018. The current regulations define the execution of measures and sanctions in the community, as well as the structure, tasks and responsibilities of probation service. All of the legal regulations (laws and ordinances) in particular protect dignity, health and safety of offenders, in addition to the prohibition of any discrimination and protection of personal data. The probation service cannot take any steps without the offender's consent, and in case the consent is not given, a competent body is informed thereof. An assessment of offender includes a comprehensive analysis of each case, including the risk assessment by using the comprehensive instrument (Offender Assessment System – OAS). The current legal provisions stipulate also the manner in which clients can complain about the actions of probation officers and/or decisions made by probation offices. Any changes in the probation conditions can only be decided upon by the competent body – a state attorney, court, enforcement judge. Work with offenders includes supervision, guidance and assistance with focus on rehabilitation and social integration of offenders. The work of probation service is updated and documented in the prison-probation information system. The probation service focuses on partnerships with various service providers in the community for the purpose of reducing recidivism and social inclusion of offenders. Education of probation officers is stipulated in precise legal provisions. Nevertheless, in directing its work, the probation service is guided by the results obtained in empirical research.

## **2. Historical Development of the Probation System**

### **2.1 History from the origins to 2011**

The first Community Sanctions and Measures (CSM) began to be implemented in Croatia in 2001, after the new Criminal Code at that time (from 1998) entered into force. A special Supervision of Suspended Sentence and Community Service Act was adopted in 1999 as well as the relevant by-laws in 2001. At that time, only the execution of sanctions in the community was foreseen (supervision of suspended sentence and community service) and those sanctions were in the competence of the Directorate for Prison System, the Head Office, the Department for the execution of suspended sentence supervision and community service at liberty. In the period between 2001 and 2010, the tasks of execution of alternative sanctions were performed by “commissioners“. They were mostly employees of prisons and penitentiaries, as well as social welfare centres, and they were appointed for the particular task by the Minister of Justice. They directly enforced the judgments by which the convicted persons were imposed with sanctions of suspended sentence supervision and community service. At the end of 2010, about 350 commissioners were involved in the enforcement of these sanctions and community measures.

The process of creating the preconditions for the development of the probation service as a professional organization took place through a number of activities, including the EU and bilateral projects. A significant result of these projects was the adoption of the Development Strategy of the Croatian Probation Service 2008-2012. With the adoption of the first Probation Act in 2009, the Probation Directorate was formally established as an administrative organization within the Ministry of Justice. A number of employees of the Head Office of the Directorate for the Prison System were transferred into the Head Office of the new Directorate. These employees had intensively worked on finding adequate premises and equipment of the future probation offices, and also on the selection and employment of the first probation officers, as well as adoption of the first by-laws. The following by-laws were adopted that year:

1. Ordinance on the manner of enforcement of the probation tasks;
2. Ordinance on the manner of implementing inspection supervision of the Probation Office work;
3. Ordinance on the education of probation officers;
4. Ordinance on the registry and personal records of persons involved in probation;
5. Ordinance on the official identity card of probation officers.

This Directorate consisted of three Services: (1) Service for Execution of Sanctions and Community Measures (with two Departments: Department for Execution of Precautionary Measures and Pre-Trial Home Detention and Department for Execution of Suspended Sentence Supervision and Community Service at Liberty), (2) Service for

Probation Tasks during Criminal Proceedings and Execution of Prison Sentence (with two Departments: Department for Probation Tasks during Criminal Proceedings and Department for Probation Tasks in Executing Prison Sentence and Conditional Release) and (3) Service for Development, Monitoring and Analytics (with two Departments: the Department for Monitoring, Statistical Processing and Records, and the Department for Joint Tasks).

Within the comprehensive reform of the justice system, a new directorate was established in March 2010, namely the Directorate for Victim and Witness Support consisting of two sectors: (1) Sector for Probation (with four departments: Department for development and analytics, Department for suspended sentence supervision and community service at liberty, Department for probation tasks during the execution of prison sentence and conditional release, Department for probation tasks during criminal proceedings), and (2) Sector for victim and witness support (with two departments: Department for the development and coordination of system of victim and witness support, and Department for the organisation of victim and witness support).

The Sector for victim and witness support is in charge of providing support to victims during criminal proceedings and those offices are located at courts and mostly rely on the work of volunteers.

In 2011, the total of 10 probation offices opened and the first 60 probation officers were employed.

## **2.2 Recent history from 2011 to 2020**

Another two probation offices opened in 2012, and the last two offices in 2018.

Since the establishment of the Croatian professional probation service, there have been frequent changes, primarily related to the organization of the entire service, but also in relation to specific probation tasks.

From the beginning of 2012 to the middle of 2017, probation tasks are performed within the Directorate for Criminal Law and Probation, which consists of two Sectors: (1) Sector for Criminal Law and (2) Sector for Probation. The Probation Sector has one Service, which also represents the Head Office of the Probation Service, and consists of four Departments: Department for Suspended Sentence Supervision and Community Service at liberty, Department for probation tasks during the execution of prison sentence and conditional release, the Department for probation tasks during criminal proceedings, Department for Electronic Surveillance.

From 2017 until today, the Probation Service has been operating as an organizational unit in the Directorate for the Prison System and Probation of the Ministry of Justice. In mid-2020, the Ministry of Justice becomes the Ministry of Justice and Administration, and the Probation Service remains an integral part of the Directorate for the Prison System and Probation, as the Probation Sector.

Certain changes also occurred in the legislative framework, after the new Criminal Code came into force in 2013, and with it also the new Probation Act. The new laws clearly

emphasize the possibility of a much wider range of probation tasks, with a clear focus on imposing sanctions and measures in the community and strengthening the probation system. The new Criminal Code in particular points to the exceptional nature of short prison sentences. For example, it is possible to replace fines and imprisonment of up to one year with community service, while previously this was only possible for prison sentences of up to six months. However, the new laws no longer include the preparation of after-care by the probation service, as was previously prescribed, and victims of crime are also no longer clients of the probation service. While the probation service, according to the 2009 Probation Act, had the obligation to work with the victim's family, as well as with the perpetrator's family, it now contacts the victim and family members of the perpetrator only as part of performing probation tasks towards perpetrator. Furthermore, conducting pre-trial home detention is no longer a probation task. On the other hand, the new legal regulations have opened the possibility of supervision of offenders also after serving a full prison sentence, which is a new security measure.

The presented development of the new probation practice resulted in the new 2018 Probation Act which is still valid today. In one part, it simplifies the performance of probation tasks, and it is harmonized with the amendments to the Criminal Code that occurred in 2015. This gives the probation service the authority to carry out some of the security measures with treatment aspects.

### **3. Legislative Basis of the Probation System**

#### **3.1 Legislative Basis**

The work of the Probation Service, its tasks and responsibilities, are prescribed by legal provisions, which also define in more detail the methods of performing certain probation tasks (Rule 8). The Criminal Code, the Criminal Procedure Act and the Probation Act prescribe the performance of probation work when deciding on criminal prosecution, the choice of types of criminal sanctions. The Criminal Code and the Probation Act prescribe probation tasks of executing court-imposed sanctions and community measures, such as suspended sentence with protective supervision (with the possibility of special obligations and / or security measures) and community service. The Criminal Code, the Probation Act and the Prison Execution Act define probation tasks during the execution of a prison sentence and conditional release. The performance of probation work is additionally prescribed by the Ordinance on the manner of performing probation tasks.

#### **3.2 Mission and Mission statement**

According to the Criminal Code, the purpose of punishment is to express social condemnation for a crime, strengthen citizens' trust in the legal order based on the rule

of law, influence the perpetrator and all others not to commit crimes by raising awareness of the dangers of committing criminal offences, of the just nature of punishment and to enable the perpetrator to be reintegrated into society.

According to the Act on the Enforcement of Prison Sentence, the purpose of enforcing a prison sentence is, in addition to humane treatment and respect of the dignity of a person serving a prison sentence, his training to be able to live a life at liberty in accordance with law and social rules.

The Probation Act explicitly stipulates that probation tasks are performed with the aim of protecting the community from the perpetrator, his resocialization and reintegration into the community by influencing the risk factors associated with the perpetration of criminal offenses (Rule 1).

Currently, there are no legal regulations that would allow the Probation Service to be involved in restorative justice processes (Rule 97), except within the control of fulfillment of certain compensatory obligations of the perpetrator (e.g. that the perpetrator compensates for the damage or pays a certain amount of money for charitable purposes), determined by the competent authority.

### **3.3 Crime Prevention**

Conducting preventive activities is not prescribed as a specific task of the probation service (Rule 98). However, at the national and regional level, the Probation Service is involved in various prevention efforts, primarily related to combating drug abuse and addiction, and ensuring protection from domestic violence.

At the national level, there is good cooperation with the National Office for the Suppression of Drug Abuse, so the Probation Service is one of the important actors involved in the development of national plans for the suppression of drug addiction, reports and other documents. This also indirectly reduces crime related to drug abuse. At the regional/local level, there is good cooperation with local services and non-governmental organizations dealing with suppression of addiction, and in each probation office there is a special coordinator for the suppression of drug abuse, with the task of cooperating as intensively as possible with these services and organizations.

In order to improve mutual cooperation, undertake effective preventive activities of state bodies and civil society organizations in combating domestic violence and to reach effectiveness in the work of competent authorities in cases of domestic violence, the ministers responsible for family affairs and social welfare, health, justice, administration, education, the interior and foreign and European affairs signed an Agreement on Cooperation in Preventing and Combating Violence against Women and Domestic Violence. Pursuant to this Agreement, a National Team for the Prevention and Fight against Violence towards Women and Domestic Violence has been established. Teams in all counties are taking the necessary measures in a coordinated manner to improve the work of the competent state bodies and civil society organizations. This is also achieved through the implementation of joint training programs. The representative of the Probation Services is the coordinator for the implementation of measures of the

National Strategy for Protection against Domestic Violence under the authority of the Ministry of Justice and Administration.

In some areas, probation offices are involved in the work of local Councils for Municipal Prevention, whose prevention programs include combating domestic violence, delinquency of children, minors and young adults, drug abuse, suppression of violence and implementing other intentions to increase the level of security of citizens and property.

The Probation Service also directs convicts to institutions and associations whose area of work is, among other things, prevention.

### **3.4 Victim assistance**

In Croatia, the Service for Victim and Witness Support, established in the Ministry of Justice and Administration (Rule 95), is responsible for providing assistance and support to victims of crime. The Probation Service also comes into contact with victims of crime as part of conducting probation measures and sanctions, and although legal provisions do not provide for this, if necessary, the probation officer will refer a victim to the Service for Victim and Witnesses Support or to the National Call Center for Victims of Criminal Offences and Misdemeanors. This way the victim can be provided with needed help or support. Also, in direct work with the offender, it is the duty of the probation officer to take into consideration victim's safety and to confront the offender with the effects and consequences of the criminal offense on the victim. In order to ensure adequate access and respect for the rights of victims, the Probation Service continuously cooperates with the Service for Victim and Witness Support, as well as with social welfare centers, when the victims of crimes are children under 18 years of age.

### **3.5 Volunteers involvement**

Although the old 2013 Ordinance on the manner of performing probation tasks prescribed the possibility of involving volunteers in performing probation tasks, the new legal solutions from 2018 and 2019 left out these possibilities (Rule 34). Certain situations were considered in which volunteers could play a useful role in carrying out probation work (for example, assisting the perpetrator in engaging in community service and assisting in supervising the performance of such work; assisting in supervising protective supervision / special obligations / pro; moral and emotional support to the perpetrator at the beginning and during conditional release), however, the specific involvement of volunteers has not yet taken root in Croatian probation practice.

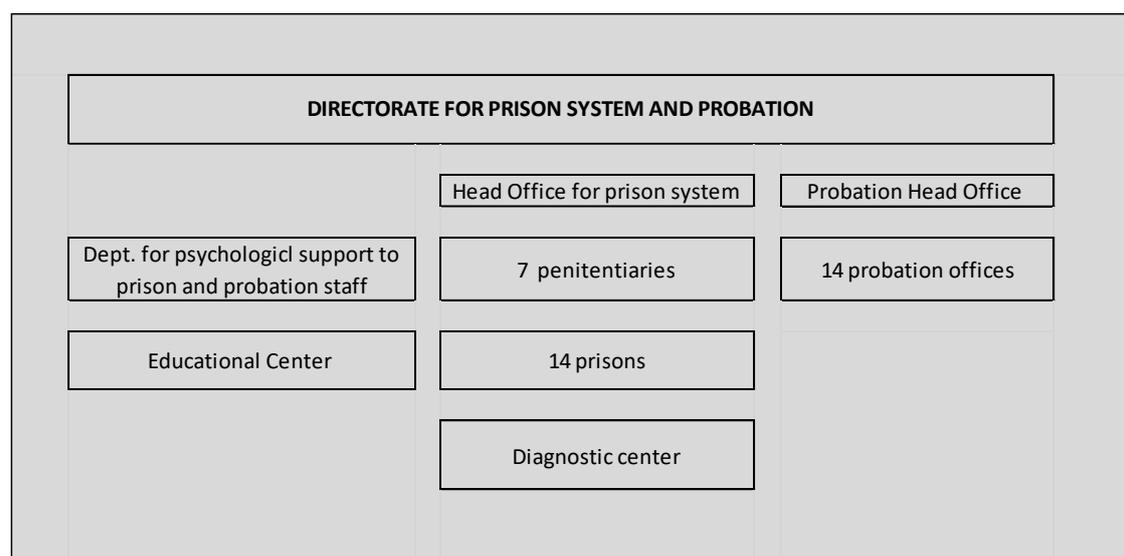
## 4. The Organization of Probation Services

### 4.1 Main characteristics

The Ministry of Justice and Administration has fifteen organizational units: Cabinet of the Minister, General Secretariat, Directorate for the Organization of Justice, Directorate for Civil, Commercial and Administrative Law, Directorate for Criminal Law, Directorate for European Affairs, International and Judicial Cooperation and Prevention of Corruption, Directorate for Political System and General Administration, Directorate for Civil Service System, Directorate for Human Rights, National Minorities and Ethics, Directorate for Prison System and Probation, Directorate for Judicial and Administrative Inspection, Independent Sector for Strategic Development and Projects, Independent Sector for Digitization of Justice and Public Administration, Independent Sector for Public Procurement, Independent Sector for Internal Audit.

The Directorate for Prison System and Probation is an administrative organization within the Ministry of Justice and Administration, and it consists of the following organizational units shown in Figure 1.

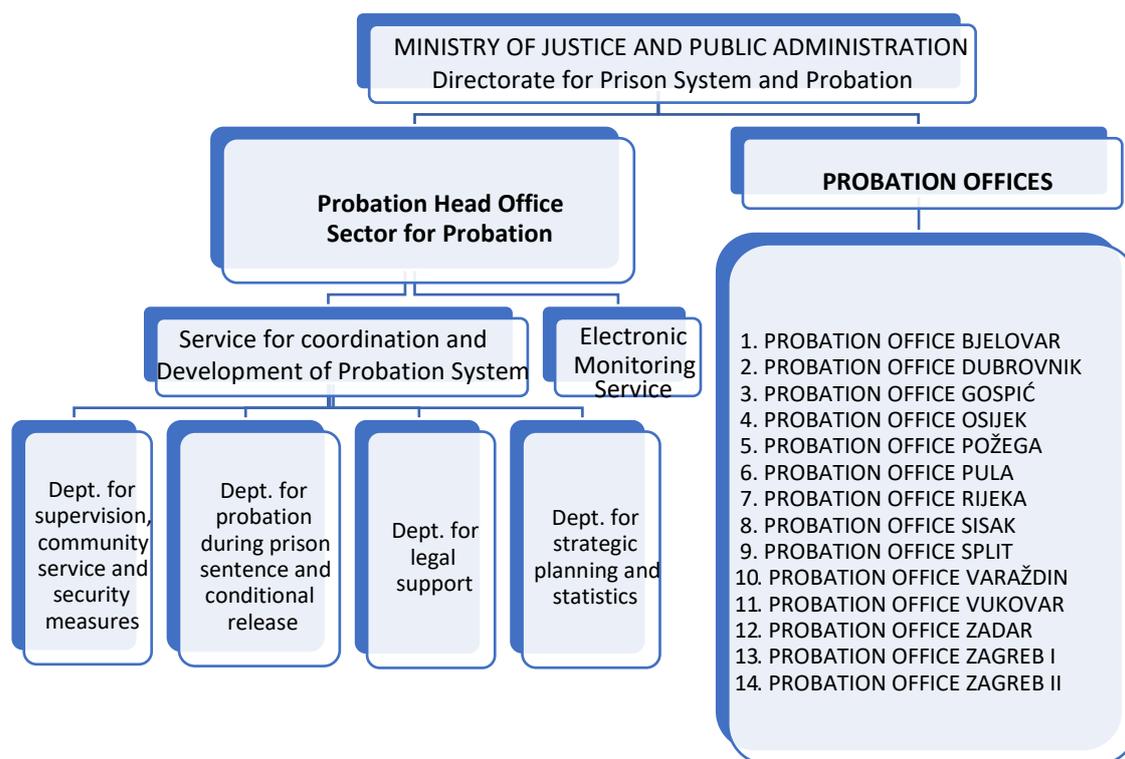
*Figure 1: Probation Service within the Directorate for Prison System and Probation*



### 4.2 Internal organization

The Croatian Probation Service consists of the Central Office (Probation Sector), which is composed of the Service for Probation System Coordination and Development and the Service for Electronic Supervision, as well as 14 local probation offices. Each probation office covers a territorially different area, from one to three counties.

Figure 2: Internal organisation of Probation Service



The Probation Head Office monitors, improves and supervises the legality of work and actions in probation offices and supervises the work of probation offices, monitors and studies the application of regulations on probation task execution, directly takes or proposes measures to improve the probation system, collects and processes statistical data and performs tasks related to electronic surveillance.

Probation officers in probation offices supervise the execution of obligations according to the decision of the State Attorney; they obtain consent; organize and supervise the execution of community service and the community service with protective supervision and/or security measures; they supervise persons who have been given a suspended sentence with protective supervision and/or special obligations and/or security measures, and they supervise conditionally released convicts. They prepare reports for the court, the state attorney's office and the prison/penitentiary. They perform field work for the purpose of conducting probation tasks. They work directly with people involved in probation, go to their homes and contact family members. They cooperate with local community bodies, state bodies, institutions and civil society organizations with the aim of completing probation tasks. They perform tasks of assessing criminogenic risks and treatment needs of perpetrators of criminal offenses involved in probation and develop individual programs for persons involved in probation. If necessary, probation officers go to prison or penitentiary to perform probation tasks, keep records of persons involved in probation in the probation information system, as well as other tasks within their scope.

#### 4.2.1 Probation workers

Probation officers in Croatia are also civil servants employed by the Ministry of Justice and Administration. In each of the 14 probation offices, there is an office head, an administrator and probation officers. The office head and probation officers in probation offices work directly with the perpetrators on the execution of sanctions and measures imposed on them.

At the national level, the work of the Probation Service is directed and supervised by the Minister of Justice and Administration, the Director of the Directorate for the Prison System and Probation, and on a daily basis by the Head of Sector, Head of Service and Heads of departments working in the Head Office for probation, as well as heads of probation offices. The Head Office develops standards, instructions and guidelines for the performance of probation tasks, it monitors and supervises their implementation, and provides support to heads of probation offices and probation officers in managing cases.

*Table 1. The staff structure - number of probation workers in probation offices*

Number of staff	104
Management staff	20
Executive staff	69
Supporting staff (secretary, bookkeeping staff, ICT staff etc.)	15

The Croatian Probation Service employs 104 officers. Of these, 12 are employees in the Service for Probation System Coordination and Development, and 92 in probation offices. There are 14 heads of probation offices, 15 administrative/professional clerks and 63 probation officers (expert associates, expert advisors and senior expert advisors) working in probation offices.

Each probation officer has an average of 57 cases pending, however this number varies between probation offices. The workload of probation officers in each probation office is monitored by the head of probation office, taking into account the distribution of new cases (Rule 29). If necessary, the head of probation office can also turn to the Head Office for help, which then seeks a solution by considering the possibility of redistributing cases to any nearby less burdened probation offices and providing additional human resources to help.

#### 4.2.2 Education, training requirements and opportunities

Pursuant to the Probation Act, the probation tasks may be performed by probation officers trained in the field of social pedagogy, social work, psychology, legal sciences, and exceptionally other social sciences and humanities. Criteria for admission of new probation officers are: completed undergraduate and graduate university study or integrated undergraduate and graduate university study or specialist graduate professional study of social pedagogy, social work, psychology, pedagogy or law, at

least 1 year of work experience in relevant jobs, passed state professional exam, computer skills and passed the driving test of "B" category (Rule 22).

The training of probation officers is regulated by the Ordinance on the manner of performing probation tasks (Rule 23, 24, 25, 27). It is organized through mandatory introductory and specialized programs based on training needs assessment. Introductory programs are intended for newly hired employees and are implemented for a period of one year from the date of employment. Specialized programs are aimed at acquiring additional specific knowledge and skills needed to strengthen professional competencies and efficiency in performing probation tasks. Specialized programs cover the following areas: implementation of community sanctions and measures, assessment methods of persons involved in probation, motivational interview, work with special groups of persons involved in probation (offenders with elements of violence, addicts, perpetrators of sexual crimes, etc.), knowledge of criminology and penology and other areas relevant to conducting probation tasks.

Training of probation officers can be organized and conducted in the country or abroad, through lectures, seminars, courses, workshops, studies, round tables, conferences, exercises, professional practice and other appropriate ways to best achieve the goals of each type of training. The training is conducted by probation officers with completed undergraduate and graduate university studies or integrated undergraduate and graduate university studies or specialist graduate professional studies and with at least four years of work experience in appropriate jobs, who are appointed lecturers, instructors and trainers by the decision of the Director. In order to ensure the required level of expertise and specific knowledge, in the implementation of training programs, certain tasks can be entrusted also to higher education institutions and other experts in certain fields.

An initial training is organized for all newly employed officers in order to get acquainted with the organization, principles of work and values of the Probation Service and to acquire appropriate knowledge and skills for work on performing probation tasks (Rule 24). All employees are initially, but also continuously educated in the field of risk and needs assessment, and the development of an Individual Action Plan. Considering the specifics of working with certain categories of perpetrators (perpetrators of violence, perpetrators of gender-based violence, perpetrators of sexual crimes), specialized trainings are organized (Rule 27).

#### **4.2.3 Other organizations involved in probation work**

Pursuant to the Probation Act, the Probation Service is obliged to cooperate in its work with state authorities, scientific and other institutions, local community bodies and other institutions or legal entities (Rule 37). According to the Ordinance on the manner of performing probation tasks, the Ministry of Justice and Administration may establish an Interdepartmental Committee for the purpose of coordinating and improving the quality of performing probation tasks. The members of the Interdepartmental Committee are representatives of probation, the prison system, the police, the courts, the state attorney's

office, the social welfare system, the academic community, and, if necessary, other relevant participants in the performance of probation tasks.

The task of the Probation Service is twofold - on the one hand, the Probation Service works on the rehabilitation and re-socialization of offenders, while on the other hand it helps protect the community from criminal behavior. In relation to community protection, the Probation Service cooperates very closely with the police and the prison system, primarily through timely exchange of information, and then through other forms of joint work. For this purpose, in 2013, a Protocol on Cooperation between the Probation Service and the Police was signed.

Regarding the reintegration and resocialization of offenders, the probation service cooperates with a number of different governmental and non-governmental organizations that can help overcome the difficulties that the offender may have (mental disorders, various forms of addiction, violent behavior). Also, in order to stop perpetration of criminal offenses, offenders are included in educational programs, programs to change qualifications and the like, and in this direction, it is necessary to cooperate with the Employment Service and various educational institutions.

Probation officers direct offenders to use all resources in the community with the of to establish their most effective social integration. In that respect the probation officers initiate, monitor and facilitate cooperation activities according to the principles of case management.

### **4.3 Probation and offenders abroad**

Legal provisions on performance of probation tasks do not prescribe special forms of treatment for perpetrators of other nationalities / citizenship, which means that they are treated in the same way as perpetrators who normally live in Croatia or have Croatian citizenship.

The Act on Judicial Cooperation in Criminal Matters with the Member States of the European Union was adopted in 2010 and entered into force on 1 July 2013, when Croatia became a full member of the European Union. This Act regulates the application of several instruments of judicial cooperation in criminal matters between domestic competent judicial authorities and the competent judicial authorities of other EU Member States, including the recognition and enforcement of judgments and decisions imposing probation measures and alternative sanctions (Rule 63). Based on a foreign verdict or probation decision, the domestic competent authorities may apply to the convict only those types of probation measures and sanctions prescribed by the criminal legislation of the Republic of Croatia. A probation measure or sanction imposed by a foreign judgment or probation decision that is, in relation to its type or measure or by specific time period of verification, inconsistent with the provisions of domestic law, the court shall harmonize it by rendering its decision and imposing a probation measure or sanction on the convict, or determining the time of verification prescribed by domestic law for the same or similar punishable act, which corresponds to the greatest possible extent to the probation measure/sanction imposed by the foreign decision. The probation

measure/sanction that exceeds the maximum measure prescribed by domestic law for the same or a similar punishable act in terms of its duration or a certain period of verification shall be harmonized by the court by imposing in its decision a probation measure or sanction, i.e. determining the maximum duration of time period verification prescribed by domestic law for a similar or the same punishable act. A probation measure/sanction imposed by a court may not be more severe in its type or measure or specific time of verification than the probation measure/sanction imposed by the judgment or probation decision in the issuing State. Any such harmonized probation measure/sanction will be carried out by the Probation Services in accordance with existing regulations and standards, with additional efforts being made to take into account the specific needs that foreign nationals may have (Rule 63, 64).

The Probation Service has so far had only a few cases of translation of foreign decisions on the basis of which probation sanctions and measures would be executed in Croatia (Rule 65).

## **5. Different Stages of the Criminal Justice Process**

The Croatian Probation Service is involved in all phases of criminal procedure. In the phase community prior to initiating criminal procedure, the Probation Service monitors the execution of obligations imposed by the State Attorney's Office. During the criminal procedure, it prepares reports for the court related to the decision-making on the choice of the type and measure of the criminal sanction. In the phase of execution of criminal sanctions imposed on the perpetrator, the Probation Service organizes and supervises the execution of sanctions executed in the - community service and suspended sentence if protective supervision and/or special obligation and/or security measure is imposed. In this phase (enforcement phase), the Probation Service is also involved in the execution of the prison sentence through preparation of reports and implementation of supervision related to the benefits of release, termination of the prison sentence and conditional release. The Act on Probation also envisages protective supervision of the Probation Service after the full execution of a prison sentence.

## 5.1 Pre-trial/remand/trial stage

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

<b>Sanctions/Measures/ Penalties/Conditions attached to a conditional decision or sentence</b>	<b>Provided in your legislation?</b>	<b>Probation service involvement?</b>	<b>Main characteristics of the probation activity</b>
Unconditional waiver by the public prosecutor	✓		
Conditional waiver by the public prosecutor	✓	✓	Reporting, help and support
Conditional suspension of the pre- trial/remand detention			
Pre-trial/remand detention			
Police custody	✓		
Bail			
Caution	✓		
Surety			
House arrest	✓		
Electronic monitoring	✓		
Community service	✓	✓	reporting, supervision, coordination
Treatment order	✓	✓	reporting, supervision, coordination, help and support
Training/learning order			
Drug/alcohol treatment program	✓	✓	reporting, supervision, coordination, help and support
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	✓	✓	reporting, supervision, coordination, help and support
Deferment of sentence			
Fine	✓		
Other financial sanctions			

The Probation Service is involved in the phase of criminal proceedings before the verdict itself is passed in two ways:

1. In the process of deciding on criminal prosecution, the State Attorney's Office may request that the Probation Service prepare a report on the perpetrator of the criminal offense.
2. In a situation where the State Attorney's Office conditionally decides not to pursue the prosecution and imposes obligations on the perpetrator, such as performing community service, undergoing drug or other addiction treatment, undergoing psychosocial treatment to eliminate violent behavior. The Probation Service then monitors the execution of certain obligations and reports to the State Attorney's Office on their implementation.

Indeed, the State Attorney may, after obtaining a prior consent of the victim or injured party, withdraw from criminal prosecution, although there is a reasonable suspicion that a criminal offense has been committed that is ordinarily prosecuted ex officio and punishable by a fine or imprisonment of up to five years, if the defendant commits to meet a certain obligation. The defendant must fulfill the undertaken obligations within the time limit ordered by the State Attorney, within a maximum of one year. If the defendant fulfills them, the state attorney's office will drop the charge.

### **5.1.1. Pre-trial/pre-sentence report**

During the criminal proceedings, the judge who renders a verdict, before making a decision on the type and measure of the criminal sanction, has the possibility to request the Probation Service to prepare a report on the perpetrator of the criminal offense.

The requested report is based on an assessment of criminogenic risk factors and needs, an assessment of the risk of harm and an assessment of the likelihood of re-offending (OAS - Offender Assessment System), but also on checking specific circumstances requested by the judge (family and material circumstances of the perpetrator, involvement, or the possibility to be included in treatments, etc.).

Although judges in Croatia very rarely use this possibility, the Probation Service considers that it is possible and meaningful to prepare such reports, given that in this way it could influence the selection of convicts who will be clients of the Probation Service in the future. This would make probation sanctions and measures more purposeful and would be executed more effectively (avoiding community service for persons who cannot enforce this sanction due to health reasons; an obligation that the perpetrator cannot enforce would not be imposed if there is no such adequate program in his local community, etc.).

## **5.2 Enforcement stage**

In this phase (enforcement stage), the Probation Service is involved in the execution of final judgments by which two sanctions can be imposed in the community. These are (1) suspended/partially suspended sentences with protective supervision and/or special obligations and/or security measures and (2) community service as a substitute for imprisonment for up to 1 year.

At this stage, the Probation Service is also involved in the execution of prison sentence as part of the preparation of reports and the implementation of supervision related to the benefits of release, termination of imprisonment and conditional release.

In addition to suspended /partially suspended sentence and conditional release, it is also possible to impose protective supervision and/or special obligations. As special obligations, the perpetrator may be imposed with the following:

1. Repair of damage caused by the criminal offense,
2. To pay a certain amount of money for the benefit of a public institution, for humanitarian or charitable purposes,
3. To continue education or training for a specific occupation of his choice with the professional assistance of the probation office,
4. Employment that corresponds to his/her qualification or level of education, training and actual ability to perform work tasks, which is advised and provided by the probation office,
5. Supervised disposal of income in accordance with the needs of persons that he is required by law to support and according to the advice of the probation office,
6. Treatment or continuation of treatment that is necessary to remove any health disorders that may stimulate the defendant towards committing a new criminal offense,
7. Alcohol, drug or other addiction treatment and rehabilitation in a health or other specialized institution or a group therapy rehabilitation,

8. Prohibition to visit certain places, facilities and events, which may be an opportunity or stimulation to commit a new criminal offense,
9. Prohibition to socialize with a particular person or group of persons who could lead the defendant to commit a criminal offense; a prohibition to employ, teach or accommodate such persons,
10. Prohibition to leave home during a certain period of the day,
11. Prohibition to carry, possess and entrust some other person with keeping weapons and other objects that could lead the defendant to commit a criminal offense,
12. Fulfill the maintenance obligation.

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

<b>Sanctions/Measures/ Penalties/Conditions attached to a conditional sentence</b>	<b>Provided in your legislation?</b>	<b>Probation service involvement?</b>	<b>Main characteristics of the probation activity</b>
Imprisonment	✓	✓	Reporting, supervision
Suspended sentence	✓	✓	supervision, coordination, reporting, help and support
Conditional sentence			
Affidimento in prova			
House arrest			
Electronic monitoring	✓		
Community service as sanction	✓	✓	supervision, coordination, reporting, help and support
Semi-liberty			
Semi-detention			
Treatment order	✓	✓	supervision, coordination, reporting, help and support
Training/learning order			
Drug/alcohol treatment program	✓	✓	supervision, coordination,

			reporting, help and support
Educational measures			
Compensation to the victim	✓		
Mediation			
Attending a day centre			
Interdiction to leave the country	✓		
Interdiction to enter different cities/places	✓		
Interdiction to carry out different activities	✓		
Interdiction to contact certain persons	✓		
Fine	✓		
Day fine			
Other financial penalties			
In/outpatient order (psychiatric treatment)	✓	✓	supervision, coordination, reporting, help and support,
Security measures	✓		
Combined order			
Community punishment			
Conditional release / Parole	✓	✓	supervision, coordination, reporting, help and support
Automatic release			
Open prison			
Penitentiary program outside the prison			

### **Sanctions and measures that are executed in the community**

A suspended and partial suspended sentence with special obligations and/or protective supervision and/or security measures may be imposed on a perpetrator who has been sentenced to imprisonment for up to two years, or to a fine when the court has estimated

that the perpetrator will not commit a new criminal offence even without serving the sentence, taking into account the personality of the perpetrator, his previous life, whether he was previously convicted, family circumstances, circumstances of the crime and behavior after the committed criminal offence, especially the attitude of the perpetrator towards the victim and efforts to repair the damage. The verification period may not be shorter than one year, nor longer than five years. The duration of special obligations and protective supervision and security measures shall not exceed the time of verification.

Community service in Croatian legislation is not an independent sanction. In principle, a prison sentence of up to one year or a fine can be replaced by community service. The Criminal Code stipulates that all imprisonment sentences of up to six months be replaced by community service, unless the purpose of the sentence cannot be thus achieved, which the judge must explain in particular. The duration of community service is determined by replacing 1 day of imprisonment with 2 hours of work, which in a concrete example would mean that a sentence of imprisonment of 1 year is replaced by 730 hours of work. This is also the maximum number of hours of work for community service. Community service is most often used for criminal offenses against property, criminal offenses against official duty and for criminal offenses against human health.

This sanction is executed in institutions and other legal entities whose activity is humanitarian, ecological, communal, i.e. of benefit to the social community, and the work performed as community service is free of charge and must not serve to achieve profit (Rule 48). In performing community service, probation officers cooperate intensively with legal entities in their region (utilities, homes for the elderly, soup kitchens, centers for occupational therapy and rehabilitation of people with mental or physical disabilities, eco centers, hospitals, Red Cross institutions, kindergartens, youth education centers, various associations), which have concluded a contract with the Ministry of Justice and Administration, i.e. the probation offices, on the performance of community service, and therefore convicts can be sent to work there (Rule 47). The diversity of legal entities also ensures the diversity of jobs that convicts can do, which in this case correspond to their level of skills and specific needs (Rule 51). When deciding on the type of work that they will do, the convict's assessment of what type of work he could and would like to do is also taken into account (Rule 52).

An Individual Sentence Plan is prepared for both mentioned sanctions. The convict participates in its drafting and accepts it with his signature (Rule 46, 52). When, in addition to the mentioned sanctions, protective supervision and/or special obligations are imposed, the Individual Sentence Plan is based on the assessment of criminogenic risk and the offender's needs (Rule 51). Probation officers regularly evaluate the progress of the execution of the sanction execution plan and report to the competent court, informing the persons involved in the probation about the content of the report and giving them the opportunity to express their opinion (Rule 46).

## Prison sentence and conditional release

During the execution of a prison sentence and conditional release, the role of the Probation Service is related to the benefits of going to the primary environment during the execution of a prison sentence, interruption during the execution of a prison sentence and conditional release.

While serving a prison sentence, the prison or penitentiary may request from the Probation Service certain specific information related to the primary environment of the prisoner, which can help them in making certain decisions, e.g. in granting the benefit of going to the primary environment (Rule 45).

In the procedure of deciding on the termination of the execution of a prison sentence, the enforcement judges, as a rule, also request a report from the competent probation office. Also, in cases when the enforcement judge deems it necessary, the Probation Service monitors also the course of the suspension of the execution of the prison sentence and informs the enforcement judge if the reasons for which the termination of the prison sentence was granted have ceased or if the convict abuses it.

In the process of deciding on conditional release, and at the request of the enforcement judge, the Probation Service also submits a report. As a rule, the report refers to the accommodation and reception of prisoners, methods of maintenance, as well as the possibility of carrying out certain obligations, such as continuing addiction treatment, education and the like. The Probation Service also supervises the conditionally released convicts, of which it regularly, and if necessary, extraordinarily, reports to the competent enforcement judge.

The Criminal Code, which entered into force in 2013, introduced the possibility of imposing protective supervision after full execution of a prison sentence, if the perpetrator was sentenced to five or more years in prison for an intentional criminal offense or for two years or more years for an intentional criminal offense characterized by violence, criminal offenses against sexual freedom or criminal offenses of sexual abuse and exploitation of a child. This security measure is supervised by the probation service and can last up to three years. By the end of 2020, no court decision on protective supervision after full execution of a prison sentence had been rendered.

*Table 4. Other probation activities in the enforcement stage*

Providing support to the families of the offenders/detainees	No
Coordinating volunteer prison visitors	No
Preparing offenders for (conditional) release	No. This is undertaken by Prison Service
Preparing prisoners for home leave and/or providing support during home leave	No.

Providing support to persons that have been pardoned or amnestied	No
Providing advisory report with respect to amnesty or pardon	No

### 5.3 Care and after-care outside the criminal justice system

In performing probation tasks, the Probation Service cooperates with various institutions, state and public bodies and non-governmental organizations. In the execution of an individual treatment program, certain treatment programs (e.g. drug and alcohol treatment, treatment of eliminating violent behavior) are not implemented by the Probation Service itself, but by health and/or social welfare systems, i.e. certain non-governmental organizations (Rule 59). On a daily basis, probation officers cooperate with social welfare centers which are competent for resolving the issues of protection of socially vulnerable groups, material support, and housing for those who are unable to meet basic living needs on their own. In order to meet the often complex needs of offenders and increase community security, it is necessary to ensure coordinated and complementary cross-sectoral and interdisciplinary work, and the Probation Service works with civil society organizations to promote social inclusion of offenders in various projects funded by the Ministry of Justice and Administration.

The Probation Service works and provides support only to conditionally released convicts, but not to those who have served their prison sentences in full (Rule 62).

## 6. Probation Methodology

Within the rehabilitation approach, the principle of individualization of punishment is applied in Croatian criminal policy and practice, already during court proceedings, as well as through the execution of imposed criminal sanctions. The Croatian Probation Service places equal emphasis on community protection and on social integration of offenders, where the primary objective is to protect the community by undertaking constructive rehabilitation interventions in accordance with the criminogenic needs of offenders, which interventions are intended to reduce the likelihood of recidivism (Rule 76). Efforts are being made to train probation officers to apply various methods and techniques of probation work. In that process, the Croatian Probation Service still relies on foreign efficiency researches (Rule 77). They focus on establishing a quality professional relationship with the offender, prosocial modeling, cognitive restructuring, motivational interview, strengthening the prosocial network and positive relationships with the community and working in the social environment of the offender.

The motivation of the perpetrator and the personal/social context in which there are obstacles to the termination of perpetrating criminal offenses are considered crucial, and special importance is given to the individual approach and relationship between the

probation officer and the offender, and an active and participatory supervision. In doing so, it is important to use and develop the strengths of the offender, and not just be guided by risks. We could say that in their work, probation officers respect both the *what works* paradigm (risk and criminogenic needs assessment, risk management, interventions directed to the cognitive-behavioral paradigm) and the *desistance paradigm* (respect and development of offender's strengths, strengthening social capital, offender-probation officer relationship, etc.).

The probation officer is obliged to acquaint the offender with his rights and obligations and the manner of execution of a particular measure or sanction (Rule 6). In order to conduct probation tasks, the probation office prepares a comprehensive assessment of criminogenic risk and treatment needs for each person involved in the supervision of the Probation Service (Rule 66). The assessment is carried out by a probation officer who has previously completed a specific training program (Rule 71). In their work, probation officers apply a special instrument (Offender Assessment System - OAS). The tool is based on evidence and research collected in other countries, and was developed from the English assessment tool, namely the Offender Assessment System (OASys). Identifying criminogenic needs includes information on the criminal offense, analysis of the offense, accommodation, education, training and employment, relations, lifestyle and social connections, drug abuse, alcohol abuse, emotional adjustment, thinking and behavior, attitudes, health. The application of the instrument also includes the self-assessment of the offender, who has the opportunity to express his own view of himself and the committed criminal offense (Rule 67). The data obtained from the perpetrator, data from the existing relevant documentation on the person involved in probation (verdicts, decisions, findings and opinions of doctors and other experts, reports of the social welfare center, reports on the course of execution of imprisonment, etc.) are used to make the assessment, and, if necessary, also the information from members of his family and other persons who may have knowledge of the data relevant to the assessment.

The offender participates in the development of the program (Rule 73), i.e. the individual treatment program is developed by the probation officer on the basis of the assessment, the interview with the person involved in probation and the documentation on the person involved in probation (Rule 67, Rule 71). The program contains information on the person involved in probation, the sanction, special obligations, the identified criminogenic factors, the procedures aimed at their elimination, activities to be taken, deadlines for their implementation and the persons responsible for individual activities. In the event that the offender does not accept the sanction or measure, the program as a whole, or one or more segments of the program, this can be appealed through existing appeal procedures, and the probation officer reports on that to the competent body that imposed the obligation/measure/sanction or that supervises it (State Attorney's Office, court or enforcement judge).

The implementation of the program is regularly assessed depending on the type of sanction or measure imposed on the person involved in probation. If necessary, the offender assessment system is revised, the Program is changed, and its implementation is reported to the competent authority in the manner prescribed by the Probation Act

(Rule 69, Rule 81). An assessment of criminogenic risks and needs is conducted (Rule 70):

- at the request of the State Attorney when deciding on criminal prosecution according to the principle of opportunity (possibility of diversion),
- at the request of the court regarding the choice of the type and measure of the criminal sanction,
- at the beginning of supervision by the Probation Service,
- at the end of each time period by the legal provisions laid down for the submission of the report to the competent authority,
- in the case of major observed changes in the behavior of convicts or in the case of difficulties in implementing an individual treatment program.

If necessary, probation officers are obliged to react urgently towards the competent authority, in order to protect the community.

The perpetrator is always informed of the purpose of the assessment and its results (Rule 68). Each offender is under the responsibility of one probation officer who works with the offender on risk and criminogenic needs assessment, program development, audits, etc. (Rule 80). The probation officer is obliged to inform the person involved in probation in a simple and understandable way about the goals of the program, which the offender accepts with own signature, and at the same time is given a summary of the program. The same probation officer contacts all other providers of interventions or services related to the offender, i.e. in performing probation activities the probation officer directly cooperates with family members of the person involved in probation, with experts, various institutions and associations in the local community where the person involved in probation lives, which are important for their social reintegration. The same probation officer (along with the administrator who opens the case) is also in charge of keeping up to date and accurate records in each case (Rule 88). If necessary, he also contacts the state attorney, court, enforcement judge or other competent body. The probation officer is expected to use effective communication techniques, to clearly set the rules and expectations, to effectively use authority, to be familiar with learning styles, transtheoretical model and motivational interviewing techniques, application of techniques based on cognitive-behavioral therapy, to have the knowledge of good lives model, prosocial modeling.

The probation officer is authorized to collect data on persons involved in probation procedures, inspect the official documentation of the competent authorities and legal entities and request the submission of documentation from them. Probation officers record and enter data into the Prison Probation Information System (hereinafter: PPIS) (Rule 88, Rule 91) for persons involved in probation in their area of competence, they save the necessary documentation in a manner that allows monitoring of work with the offender and delivering data on the work with the offender to all competent bodies, such as the State Attorney's Office or the court. Also, in accordance with the existing regulations and upon a reasoned request, part of the data and documents can be forwarded to the police and the prison system. This system provides probation officers

with records of persons involved in probation and their cases, and therefore this system represents a very comprehensive set of data, from the basic ones (name, surname, date of birth, etc.) to data on criminal offenses, measures and obligations, risk assessment, the results of the implementation of previous sanctions/measures, etc. This system is used by all probation offices and the Head Office.

The probation office keeps the registry and personal file of the persons involved in probation. The registry contains: data on the person involved in probation, data on the verdict or decision on the basis of which the person is included in probation. The personal file of the person involved in probation contains: personal data, verdict or decision on the basis of which the person is included in probation, assessment of criminogenic risk and treatment needs when prescribed by law, the individual sentence plan (when prescribed by law), reports on the course of implementation of probation tasks, expert findings, opinions and assessments. The registry, i.e. the PPIS, is managed and administered by the Head Office. Entry into the registry or PPIS is performed ex officio immediately upon the receipt of a final and enforceable judgment or decision on the imposed obligation or the request of the competent authority, and no later than within 24 hours or the first following working day. Entry into the PPIS is performed by administrative clerks, i.e. probation officers, each within their scope of work, in the probation office. In relation to the person involved in probation, the probation office keeps the personal file where data on the person is entered and the documentation necessary for monitoring the lawful execution of probation supervision activities is filed. The personal file is kept electronically, provided that at the beginning of the execution the personal file of the records is printed and all documents related to the execution of the sanction, measure or obligation are filed in chronological order, and upon completion, the map of the probation task is printed out.

The work of the Probation Service is supervised by the State Attorney's Office and the court through submitted reports and, if necessary, through direct contacts with the offenders (Rule 103). When the Probation Service enforces court decisions in its work, the enforcement judge supervises the legality of the Probation Service. The Probation Service is obliged to report on its work to the Government of the Republic of Croatia once a year through the Ministry of Justice and Administration, which is then obliged to report to the Croatian Parliament.

## **7. Finances, Accounting, Registration Systems and Evaluation Procedures**

### **7.1. Finances**

The Croatian probation system is financed exclusively from the state budget. Apart from the Ministry of Justice and Administration, other public bodies and the local community do not participate in the financing of the probation system. The probation system uses its share of the budget (Rule 10) within the budget of the Ministry of Justice and

Administration. For 2020, the probation system was allocated funds in the amount of about 2,063,000 euros (Rule 10). Of that, the amount of 5,600 euros is intended for decoration and equipment of the space used by the Probation Service, and about 107,000 euros are intended for the operation of the probation system (business trips, professional training of employees, office supplies, telephone and postal services, investment and current maintenance). About 1,950,000 euros are spent on for salaries and daily commuting of probation officers.

Compared to the prison system, which for 2019 had funds available from the budget in the amount of about 64,740,000 euros, the budget of the probation system is only 2,063,000 euros. At the end of 2020, the probation system employed 104 officers, and the prison system employed 2,607 officers (data as of 31 December 2019). The total average cost per prisoner is 54.8 euros per day.

In terms of status and income, probation officers are paid less than officers in the prison system.

*Table 5. Prison / Probation expenditure*

	<b>Probation Services</b>	<b>Prison System</b>
<b>Total current yearly expenditure</b>	2,063,000 €	64,740,000 €
<b>Average number of employed staff</b>	104 €	2,607 €
<b>Daily average number of offenders/clients dealt with</b>	3,077 €	3,533 €

## **7.2. Accounting**

The probation system is not independent in disposing with the allocated funds, but each cost is approved by the General Secretariat of the Ministry of Justice and Administration. At the end of the year, the Directorate for the Prison System and Probation plans and proposes the necessary funds for the next year, however, the final allocation depends on the decision of the Ministry Secretariat, which usually controls the spending of funds from individual probation budget items. There is also a type of external control carried out once a year by the State Audit Office (Rule 15).

## **7.3 Registration Systems and Evaluation Procedures**

The Prison and Probation Service Information System (PPSIS) was designed and launched in 2012, and in 2018 became part of a new registration system that includes the prison and probation database and the Prison and Probation Information System. It is designed as a system that, on the one hand, is a register of persons involved in

probation and their cases (case register), and on the other hand, supports all business processes in the probation system (software) related to the execution of probation sanctions and measures. Probation officers access the system through a web interface. The PPIS covers the entire life cycle of a case, from the opening of the case, the scheduling and execution, to the closure, including all situations such as assigning the case to another officer or referring the case to another office for competent action. It records all documents related to the execution of the case, so that probation officers can monitor the dynamics of the execution of the case and compliance with the prescribed deadlines in electronic form. The system records all actions performed on the case, and the authorized persons (Head Office) are enabled to review everything that happens with a particular case at any time. Thus, it is a national database of persons involved in probation, and all probation officers are required to fill it with relevant data on a daily basis. The system records a large amount of data and enables the production of various statistical reports, as well as monitoring, supervision and coordination of the work of probation offices. Only officers of the Probation Service have direct access to the system, but at the request of other bodies and institutions (e.g. prison system, police, etc.) certain information can be provided, in accordance with current legislation.

This information system facilitates the harmonization of the practice of probation officers as it contains templates for letters, probation reports and other documents. PPIS is open for further upgrades and additions of new business processes, as well as integration with other systems.

## **8. Societal Support and Clients' Views**

### **8.1 Societal Support and public opinion**

Through various forms of public appearances (media, round tables, joint website of the Ministry of Justice and Administration, etc.), the Probation Service demonstrates and emphasizes the benefits of implementing sanctions and measures in the community, emphasizing the importance of social reintegration of offenders into the community. Most of the communication of the Probation Service with the media takes place through the Information and Public Relations Service of the Ministry of Justice and Administration.

The Probation Service prepares the Annual Report on the Work of the Probation Service and regularly publishes it on its website, i.e. the website of the Ministry of Justice and Administration, so that the public is informed about the purpose of the results of the Probation Service. This Report seeks to encourage a better understanding of the role of the Probation Service in society and its values (Rule 106). At the same time, it regularly publishes news on achievements in projects, through the Probation Bulletin, which is also publicly available, and encourages other stakeholders of the Probation Service to report on cooperation with the Probation Service.

Through their work, probation officers try to overcome the prejudices and suspicions that exist in local/regional communities regarding the inclusion of offenders in the community (which is especially demanding for addicts and conditionally released prisoners, as well as for recidivist offenders). In this direction, the Probation Service is aimed at strengthening the support of its stakeholders (judges, police, social welfare system, prison system), highlighting the positive experiences presented by institutions or organizations that already act as stakeholders in performing probation tasks.

Although there is currently no empirical research to confirm or deny this, it is the experience of probation officers as well as the Head Office, that the Probation Service is now recognized by the general public. There have been no special incidents in the work of the Probation Service so far, and therefore there have been no media criticisms of the Probation Service.

## **8.2 Client's Views**

So far, there is no special research focused on the experience of probation, i.e. the work of probation officers and the service as a whole by the offenders, as the only clients of the Probation Service. The few written objections to the work of probation officers received at the Head Office mainly related to the offenders' dissatisfaction with decisions related to the execution of community service (for example, when addressing a request for termination of execution). Client dissatisfaction occasionally stems from unrealistic expectations of the Probation Service, which is sought to be overcome by clarifying the competencies and role of the Probation Service, and by additionally working with the offender. The impression is that the clients of the Probation Service are satisfied with the work of probation officers to the extent that they strengthen their sense of self-criticism and responsibility within the process of change.

## **9. Probation Clients Rights**

Pursuant to the existing legal provisions, an offender has the right to complain about the actions of the probation officer or about other irregularities to the competent office for probation, which is obliged to resolve the complaint within thirty days from the day of its receipt and inform the complaint applicant about it (Rule 101). Against the decision of the competent probation office, the person involved in probation has the right to appeal to the Head Office for Probation (Rule 14). At the same time or upon a dismissed appeal, the offender may directly appeal to the competent body that supervises the execution of the sanction or measure (state attorney, court, enforcement judge). Also, the offender may turn to the Ombudsman to protect his rights (Rule 100).

In accordance with the existing legal provisions, a person involved in probation is guaranteed the rights established by the Constitution of the Republic of Croatia, international treaties, the Criminal Code, the Criminal Procedure Act and the Probation

Act. The rights guaranteed to a person involved in probation may be exceptionally limited if this is prescribed by law and is strictly necessary in order to achieve the purpose of probation work. The person involved in probation is guaranteed with the protection of personality and the confidentiality of personal data (Rule 41). The information entered in the PPIS is an official secret. Access to the data contained in the PPIS is allowed to employees of probation offices and the Head Office, in accordance with the job description and job tasks. The Probation Service exchanges information on offenders in accordance with existing legal regulations and protocols, to the extent necessary for the purposeful performance of probation tasks (Rule 89). The offender has the right to inspect the data and documentation that the probation service has about him, except for the data that could endanger the safety of other persons (for example, data on the victim) (Rule 92).

## **10. Developments to be expected**

### **10.1. Developments in the coming years**

Various projects are currently being implemented with the aim of improving the conditions and practice of the Probation Service in the next three years. Within the project "*Strengthening human rights protection and public safety through improving the capacities of the Croatian Probation Service*" funded by the 2014 – 2021 Norwegian Financial Mechanism, it is planned to introduce electronic surveillance in Croatian criminal law practice, improve material and technical conditions for probation officers, improve cooperation between the probation and prison system and to improve the probation practice.

Through the project financed from the European Social Fund "*Further improvement of the quality of justice through continued modernization of the judicial system in the Republic of Croatia*" it is planned to further improve the use of IT technologies in the judiciary and improve the competencies and knowledge of officials and judicial officials, as well as to improve the functioning of the system. In order to strengthen professional competencies, the following activities are planned: training of probation officers for the application of basic principles, techniques and methods of reality therapy, training of prison and probation system officers in the field of database administration; conducting an analysis of the work of probation officers and officers in criminal justice bodies with the aim of reducing the recidivism rate and improving the re-socialization of convicts; improvement and harmonization of professional practice of certain categories of officers within the prison system and probation, strengthening the competencies of prison system and probation officers in the field of health care for convicts (education related to prevention of the spread of infectious diseases and administering first aid to convicts).

## 10.2 Implementation of EU Framework Decision 947

Croatia has implemented the Council Framework Decision 2008/947/JHA on the application of the principle of mutual recognition to judgments and probation decisions with a view to the supervision of probation measures and alternative sanctions under a special Law on Judicial Cooperation in Criminal Matters with EU Member States which entered into force on 1 July 2013 when Croatia became member of the European Union. The last amendment to this Law was in 2020.

In the project “*Development of Judicial Cooperation in Criminal Matters*” implemented among three countries that are involved (Latvia, Lithuania and Croatia), as a result of project activities, “*Single Report on Case Law*” was prepared, in relation to the application of EU judicial cooperation instruments: Council Framework Decision 2008/909/JHA on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union, and the Council Framework Decision 2008/947/JHA on the application of the principle of mutual recognition to judgments and probation decisions with a view to the supervision of probation measures and alternative sanctions. The report can be found at: <https://mpu.gov.hr/print.aspx?id=24980&url=print>

## 11. Important Publications from 2010 to 2020

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2. Cvitanović, L. & Glavić, I. (2011). A CRITICAL REVIEW OF INDIVIDUAL ASPECTS OF THE SUSPENDED SENTENCE AND THE NEED FOR ITS REVITALISATION IN CROATIAN CRIMINAL LEGISLATION. *Croatian Annual of Criminal Sciences and Practice*, 18 (1), 83-111. Available at: <https://hrcak.srce.hr/87020>
3. Milivojević, L. & Tomašković, R. (2011). PROBATION AND THE ALTERNATIVES TO PRISON SENTENCE IN THE REPUBLIC OF CROATIA, *Police and Security*, 20 (1), 47-58. Available at: <https://hrcak.srce.hr/79211>
4. Kovčo Vukadin, I., Maloić, S. & Rajić, S. (2012). POLICE AND PROBATION – NEW PARTNERS IN COMMUNITY PROTECTION?. *Police and Security*, 21 (4), 821-0. Available at: <https://hrcak.srce.hr/99859>

5. Maloić, S., Ricijaš, N. & Rajić, S. (2012). HISTORICAL DEVELOPMENT AND EARLY RELEASE MODELS FOR PRISONERS: THE IMPORTANCE FOR CONTEMPORARY CROATIAN CRIMINAL JUSTICE PRACTICE. *Criminology & Social Integration*, 20 (2), 29-46. Available at: <https://hrcak.srce.hr/98954>
6. Maloić, S. & Rajić, S. (2012). NEED AND IMPORTANCE OF DEVELOPMENT OF COOPERATION BETWEEN THE PROBATION AND THE SOCIAL CARE SYSTEM IN CROATIA. *Annual of social work*, 19 (1), 29-52. Available at: <https://hrcak.srce.hr/82946>
7. Koceić, V. & Šimpraga, D. (2013). INTERDISCIPLINARY COLLABORATION IN TREATING VIOLENT BEHAVIOR IN THE CONTEXT OF PROBATION MEASURES AND SANCTIONS. *Social Psychiatry*, 41 (3), 197-203. Available at: <https://hrcak.srce.hr/111283>
8. Maloić, S. (2013). MODERN APPROACHES TO SANCTIONING AS DETERMINANTS OF THE QUALITY OF LIFE IN THE FAMILY, THE NEIGHBOURHOOD AND THE COMMUNITY - NEW PERSPECTIVES ON REDUCING CRIME. *Criminology & Social Integration*, 21 (2), 45-59. Available at: <https://hrcak.srce.hr/114586>
9. Maloić, S., Mažar, A. & Jandrić Nišević, A. (2013). DRUG ABUSE - PROBATION SERVICE APPROACHES, PARADIGMS AND WORKING METHODS. *Annual of social work*, 20 (3), 481-508. Available at: <https://hrcak.srce.hr/118485>
10. Maloić, S. & Ricijaš, N. (2014). CHALLENGES TO PROBATION OFFICERS' JOB SATISFACTION - WHAT CAN WE LEARN FROM INTERNATIONAL POLICY AND PRACTICE?. *Croatian review of rehabilitation research*, 50 (1), 54-69. Available at: <https://hrcak.srce.hr/124770>
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## **12. Main Addresses, Phone & Fax Numbers, E-mail Addresses, Home Pages.**

### **Ministry of Justice and administration**

#### **Directorate for prison system and probation**

##### **Sector for probation**

Zagreb, Vukovarska 49

Phone: +385 1 3714 570

Fax: +385 1 3714 299

e-mail: [probacija@mpu.hr](mailto:probacija@mpu.hr)

Home page: <https://mpu.gov.hr/probacijska-sluzba/14652>

### **University of Zagreb**

#### **Faculty of Education and Rehabilitation Sciences**

Scientific Campus Borongaj

Zagreb, Borongajska cesta 83f

Phone: +385 1 2457 000

Fax: +385 1 2457 559

e-mail: [dekan@erf.unizg.hr](mailto:dekan@erf.unizg.hr)

Home page: <http://www.erf.unizg.hr/>

## ANNEX 1



## SUMMARY INFORMATION ON PROBATION IN CROATIA

### General Information

- Number of inhabitants: 4.07 million (2019)
- Prison population rate per 100,000 inhabitants: 87.1
- Link to Probation Service: <https://mpu.gov.hr/probacijska-sluzba/14652>
- Links to websites:
- Member of the CEP in: 2010

### Characteristics of the Probation Service

- The Probation Service is organized within the Directorate for the Prison System and Probation under the authority of the Ministry of Justice and Administration, and is financed from the state budget
- The Probation Service consists of the Head Office in Zagreb and fourteen regional probation offices
- Probation tasks are performed by probation officers, who are also civil servants, i.e. employees of the Ministry of Justice and Administration
- Probation tasks are performed with the aim of protecting the community from an offender, its resocialization and reintegration into the community by influencing the risk factors associated with the perpetration of criminal offenses

### Tasks

The Probation Service works with adult offenders. The State Attorney, the court, the enforcement judge, the penitentiary or the prison may request the performance of probation tasks towards perpetrators.

Key tasks of Probation Service are the following:

- preparation of report at the request of the state attorney, court, enforcement judge, penitentiary or prison and the body responsible for conditional release,
- supervision of the execution of obligations according to the decision of the State Attorney,
- organizing and supervising the execution of a suspended sentence and a partial suspended sentence with a special obligation and/or protective supervision and/or a security measure supervised by the probation body,

- organizing and supervising the execution of security measures within the competence of probation,
- organizing and supervising the performance of community service,
- execution of conditional release imposed together with protective supervision and/or special obligation,
- participating in the execution of termination of prison sentence,
- supervising the use of the benefit of going out while serving a prison sentence.

#### **Number of staff (average numbers in 2020)**

• Probation Officers:	69
• Probation Managers, all grades:	20
• Administrative support staff, all grades:	15
• Community Service Supervisors:	X
<b>Total:</b>	<b>104</b>

- Daily average number of offenders dealt with: 3.577
- Daily average workload per probation officer: 57 offenders

The Directorate for the Prison System and Probation is headed by the Director, and the Probation Sector is headed by the Head of Sector. The Head Office, which is in charge of coordinating and supervising the work of probation offices, is currently filled with the Service for Coordination and Development of the Probation System, which includes the head of the Service, four heads of departments, five senior advisors and a total of 12 civil servants. The electronic surveillance service is not yet staffed.

#### **New developments**

June 2020 marked the official start of the three-year project "*Strengthening human rights protection and public safety through improving the capacities of the Croatian Probation Service*" funded by the 2014 – 2021 Norwegian Financial Mechanism. The objectives of this three-year project are the introduction of electronic surveillance, improvement of material and technical conditions for the work of probation officers, improvement of cooperation between the probation and prison system, and improvement of probation practice. Also in the middle of 2020, a new project proposal financed from the European Social Fund "*Further improvement of the quality of justice through the continuation of the modernization of the judicial system in the Republic of Croatia*" was approved. The project is aimed at improving the use of IT technologies in the judiciary and improving the competencies and knowledge of civil servants and judicial officials to improve the operation of the system.

*Probation during the different stages of the criminal procedure*

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