

PROCEDURE FOR JUVENILES

The Probation Service, in relation to juveniles, is responsible for executing the following alternative measures to detention: *Suspension of the execution of imprisonment and placement on probation*, pursuant to Article 104 of the Juvenile Criminal Justice Code or Article 59 of the Criminal Code; *Community service*, pursuant to Article 101 of the Juvenile Criminal Justice Code or Article 63 of the Criminal Code; *House confinement*, pursuant to Article 103 of the Juvenile Criminal Justice Code or Article 59/a of the Criminal Code; Conditional release, pursuant to Article 129 of the Juvenile Criminal Justice Code and Article 64 of the Criminal Code; *Restriction of liberty*, pursuant to Article 98 of the Juvenile Criminal Code. Additionally, the Probation Service is, depending on the case, also responsible for monitoring alternative *diversion measures and compulsory measures*, in cooperation with other competent authorities.

Most juveniles placed under Probation are subject to the suspension of imprisonment and placement on probation, in accordance with Article 104 of the Juvenile Criminal Justice Code or Article 59 of the Criminal Code. The work consists usually *in supervising, coordination, reporting, and referral*. In addition to fulfilling legal obligations, particular emphasis is placed on a rehabilitative approach and the creation of referral opportunities based on the individual's identified criminogenic needs. The methodology of work is based on RNR-Risk, Need, Responsivity Model.

During the initial meeting with the juvenile and the guardian, an interview is conducted covering eight main criminogenic domains: history of antisocial behavior, antisocial personality pattern, pro-criminal attitudes, pro-criminal associates, substance abuse, family relationships, education, and leisure activities. If the court has imposed certain obligations, such as, for example, not associating with convicted persons, not frequenting certain places, not possessing or owning a weapon, or staying at home during a specific time, we request the cooperation of the local police station in monitoring these obligations. In cases they have the obligation to attend education, we require them to provide a document confirming that they are enrolled in school. If they are not registered, the minor is assisted in enrolling in school. In some cases, the cooperation that we have with the Child Protection Unit help facilitate these procedures. In cases where they are required to receive vocational education, the possibility of referring them to a Vocational Training Center or to non-profit organizations that offer professional courses is considered. After this meeting, in the second meeting, the probation officer has already carried out a risk assessment using the YRNAS tool and discusses the Individual Treatment Plan with the person. This plan determines the frequency of meetings and the methods for addressing criminogenic needs. The juvenile and also his/her guardian must give their consent to this plan. The meeting frequencies vary from once a week to once a month in cases where it is assessed that the risk is low. For minors, it is mandatory to always accompanied by a legal guardian during the probation meeting. During meetings the probation service specialist and juvenile discuss regarding their behavior, problems, achievements, progress in achieving the objectives of the plan, etc. If the minor attends meetings regularly and does not violate court duties, a final assessment report is drawn up, which is sent to the prosecution. The prosecution then, closes the case. On the other hand, if the minor is not consistent with meetings

even after warnings, breaks contact with the Probation Service, or violates the court-imposed obligations, a non-compliance report is drafted. As a result, this may lead to a warning from the prosecutor, the imposition of additional obligations, the replacement of the sentence with other penalties, or the revocation of the alternative sentence.

Also, in other alternative sentences, the initial procedure of the first meeting, assessment, and drafting of the plan is similar, but in the cases of executing community service as a sentence, the probation officer refers the juveniles to institutions which are usually administrative units in the area where the minor resides, libraries, or other suitable services. These placements are selected carefully, considering the specific needs of the minor, with the aim of avoiding exposure, stigmatization, or labeling.

When implementing *house confinement* for juveniles, all procedures are carried out at the juvenile's place of residence, as they are not permitted to leave the premises. The probation officer is required to conduct visits directly at the home to monitor compliance. In addition, the State Police are notified to provide support in the supervision process.

In cases of *conditional release* to a juvenile offender, the Probation Service is responsible for supervising the implementation of the court's decision, ensuring that the juvenile fulfills the imposed obligations. This process is carried out with due consideration for the best interests of the minor, providing support throughout the conditional release period to enable successful reintegration into society. Although no cases of conditional release for juveniles have been recorded yet, in such instances, cooperation is foreseen with the Juvenile and Youth Crime Prevention Center in the development of a reintegration plan and the provision of necessary rehabilitation services.

Regarding *restriction of liberty*, article 98 of the Juvenile Code that consist in the placement of a juvenile in a designated institution or center under supervision, without isolating them from society and the community, with the purpose of providing education and rehabilitation through specialized programs, according to information published by the Ministry of Justice, the structure for implementing this measure is currently under development, and all necessary steps have been taken to make it fully-operational.

Diversion- In cases involving diversion measures, the Probation Service cooperates with the institutions responsible for implementing the specific measure, without directly providing the service itself. Its role is primarily to monitor the juvenile's compliance and progress, ensuring that the objectives of the diversion are being met. Till now most of the collaborations have been with educational institutions and child protection units in applying specific measures

PROCEDURE FOR ADULTS

Regarding adults, similarly with juvenile the most commonly applied alternative measures by Albanian courts is the one provided in Article 59 of the Penal Code, which involves the suspension of the execution of a prison sentence and placing the offender under probation. During this period, the Probation Service is primarily responsible for supervising and monitoring the individual's conduct.

The assigned probation officer initially ensures that the offender establishes contact with the Probation Service voluntarily. If this does not occur, the officer proceeds with a formal notification by mail. The first meeting between the probation officer and the individual is scheduled by mutual agreement. During this meeting, a comprehensive interview is conducted, covering aspects such as the criminal offense, personal background, family and economic conditions, health status, and other relevant factors. This interview is carried out in order to complete the SVR (Risk Assessment Instrument).

In the second meeting, the officer presents the risk assessment regarding reoffending and jointly develops an Individual Treatment Plan with the probationer. This plan defines both the frequency of meetings and methods to address risk factors.

If the court imposes additional obligations, such as, for example, not associating with convicted persons, not frequenting certain places, not possessing or owning a weapon, or staying at home during a specific time, we request the cooperation of the local police station in monitoring these obligations.

Throughout the probation period, continuous monitoring is carried out. In cases of non-compliance, the individual is first warned directly, or alternatively via phone or mail. If violations persist, the matter is referred to the prosecutor for further action.

As for other types of alternative sanctions, the core procedures remain largely the same, although there are specific differences in implementation. For instance, in community service cases, the probation officer collaborates with the host institution to organize the workplace and schedule. In cases of house arrest, supervision takes place at the individual's residence, while in semi-liberty arrangements, a daily plan is developed to structure the time the individual spends outside the correctional institution.