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REPORT

INTRODUCTION OF PROBATION IN UKRAINE

BY RESULTS OF THE UKRAINIAN-DANISH PROJECT «INTRODUCTION OF PROBATION UKRAINE»

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This publication presents up-to-date information on the implementation of the probation service in Ukraine: from determining its role and place in the system of penitentiary institutions and institutions, the preconditions for the analysis of the current state of functioning and the latest achievements. This report can be used by employees of probation bodies, social sphere, as well as in educational process and scientific activity.

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INTRODUCTIONS

The formation of a national model of probation in Ukraine began with the adoption of the Law of Ukraine «On Probation» more than three years ago and continued to this day. During this time enough international experience was collected and worked out, a legal and regulatory framework for the efficient operation of the newly established state institution created, and some essential tasks planned. However, without support and cooperation with civil society, it is much harder to achieve the state's goals.

NGOs provide both expertise, monitoring, scientific and financial assistance given the apparent need for an efficient probation service, after a successful mechanism for its implementation as a result – a reduction of the prison population, reduce recidivism and crime, saving public money and improve public safety.

The Penitentiary Association of Ukraine, together with the Danish Helsinki Human Rights Committee, implemented a joint project «The introduction of probation in Ukraine», the purpose of which is to conduct a monitoring study on the readiness of the probation service to implement a risk assessment tool and the need for the MOSAIK program.

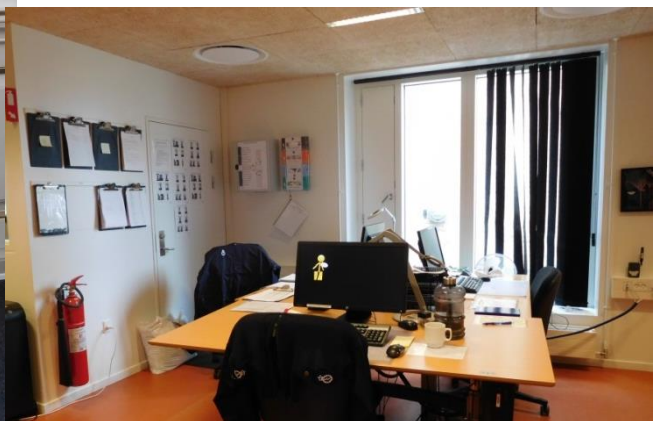
From May 8 till May 12, 2017, a joint working visit of representatives of the Ministry of Justice of Ukraine, the Institute of the Criminal Execution Service and NGO «Penitentiary Association of Ukraine» to the Kingdom of Denmark took place.



The purpose of the visit was to familiarize with the experience of the Danish probation system, study its organizational principles and tools for working with clients, as well as the possibility of introducing positive elements during the reform and creation of a national model of probation in Ukraine.



During the visit, the working group had an opportunity to get acquainted with the work of the probation office of the Fyn region (Odense town); Multifunctional Penitentiary Authority of Søbysøgård, which contains open and closed sectors, as well as a penitentiary institution «halfway» in Fyn. General information on the performance of the punishment and probation system provided during a working meeting at the headquarters of the Prison and Probation Department of the Ministry of Justice of the Kingdom of Denmark.



The main areas of study and topics for discussion were: tools for work probation, a system for assessing the risk of conduct of convicts in penitentiary and probation institutions (LS / RNR), the methodology of working with convicts on changing their behavior patterns (MOSAİK), the organization of interaction between

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enforcement agencies penalties, probation offices and civil society institutions in the process of correctional work with convicts.

During the visit, a meeting was held at the headquarters of the Danish Helsinki Human Rights Committee, during which the Memorandum of Cooperation between the Penitentiary Association of Ukraine and the Danish Helsinki Human Rights Committee was signed.



As a result of the implemented project, the Report «Introduction of probation in Ukraine» was prepared, which presents both general information (the characteristics of the system of punishment of Ukraine) and more specialized ones – the main achievements, statistical and analytical data related to probation.





During the project, representatives of the Penitentiary Association of Ukraine together with representatives of the Ministry of Justice of Ukraine not only became acquainted with the activities of the probation agencies of Denmark, but also conducted a survey of employees of the Kiev region regarding their readiness to use the tool for risk assessment and needs in their activities, held a roundtable on «Level of service/risk, need, responsivity» with the participation of Danish specialists in the field of probation.

All this, in general, gave an opportunity to collect empirical material and form conclusions and recommendations for the introduction of an assessment of risks and needs in Ukraine and analysis of the state of probation implementation in Ukraine.

***Chairman of the NGO «Penitentiary Association of Ukraine», Doctor of Law, Associate Professor, Honored Scientist of Ukraine
Yevgen Barash***

CHAPTER 1. GENERAL CHARACTERISTICS OF THE SYSTEM OF EXECUTION OF PUNISHMENTS IN UKRAINE: PURPOSES, OBJECTIVES, PROSPECTS OF ITS DEVELOPMENT

BACKGROUND

In May of 2016, the function of execution of most types of punishments was provided by the State Penitentiary Service of Ukraine (SPS of Ukraine) under the central executive body – the Ministry of Justice of Ukraine.

The search for the optimal body or agency, which would carry out the general management of the penitentiary bodies and establishments began long before Ukraine gained its independence. On January 13, 1960, the liquidation of the Ministry of Internal Affairs of the Soviet Union (from now on – the Ministry of Internal Affairs), the departments in charge of the penal establishments were merged into one body – the Department of Correctional-Labor Establishments. In June of 1974, the Department of Correctional-Labor Establishments of the Ministry of Internal Affairs of Ukraine transformed into the Main Directorate of Correctional-Labor Establishments, which caused once again the changes in its structure. In particular, the Main Directorate of Correctional-Labor Establishments included the management of material and technical supply, which was the independent structural element of the Ministry before, although penal establishments mainly served it. In

1989 the Main Directorate of Correctional Labor Establishments was reorganized into the Main Department for Correctional Issues with some structural changes. In 1991 it was renamed into the Main Department for Execution of Punishments of the Ministry of Internal Affairs of Ukraine.

In 1998 the State Department for Enforcement of Sentences of Ukraine was created by the Main Department for Execution of Punishments of the Ministry of Internal Affairs of Ukraine. Before that year the penal bodies and establishments were the structural parts of the internal affairs agencies and institutions. On April 22, 1998, by the Decree of the President of Ukraine the State Department for Enforcement of Sentences of Ukraine was officially established and on March 12, 1999, it removed from the subordination of the Ministry of Internal Affairs of Ukraine.

By the Decree No 1085/2010 of the President of Ukraine of December 9, 2010 «On the optimization of the system of the central bodies of executive power» the State Penitentiary Service of Ukraine was established for implementation of the state policy in the sphere of enforcement of the criminal sentences. By the Resolution No 343 of the Cabinet of Ministers of Ukraine of



May 18, 2016, the State Penitentiary Service of Ukraine was liquidated. Its authority was transferred to the Ministry of Justice of Ukraine.

Together with the organizational structure, the legal and regulatory framework for the execution of criminal punishments were improved. The long-term imprisonment was the most common punishment before the adoption of the new Criminal Code of Ukraine in 2001 and the Criminal-Executive Code of Ukraine in 2004. The alternative to the imprisonment punishments and the procedure for their execution were approved. At that time the alternative criminal sanctions were carried out by the Criminal-Executive Inspection, which was established on November 21, 2001. Although its primary purpose was to enforce sentences not related to imprisonment, almost all its officers had legal education and military ranks. Specific social work was carried out with the convicts. It was the Criminal-Executive Inspection became the basis for the introduction of the Probation Service of Ukraine.

CURRENT STATE

The Ministry of Justice of Ukraine, as the central executive body, which implements the state policy in the sphere of enforcement of criminal sentences and probation. Therefore, it fulfills the tasks of providing the penitentiary services in Ukraine

The system of bodies and agencies for enforcement of penalties in Ukraine

depends directly on the penal system defined by the criminal law. It is designed to achieve the purpose of punishment and implementation of the legal limitation prescribed by the current code for each of type of punishment. Its tasks are the following: deprivation of the right to occupy certain positions or be engaged in specific activities; community works; correctional work; arrest; restriction of liberty; imprisonment for the particular period; life imprisonment.

According to the Art. 1 of the Criminal-Executive Code of Ukraine the task of the of the corresponding bodies and establishments is to protect the interests of the individuals, society and the State as a whole by creating the conditions for the convicts' correction and resocialization, prevention of the repeated and new crimes both by the convicts and other persons.

CRIMINAL-EXECUTIVE BODIES

The central executive body for the implementation of the state policy in the sphere of execution of criminal punishments and probation is the Ministry of Justice of Ukraine. Since May of 2016 it carries out the following tasks: implementation of state policy in the sphere of execution of criminal punishments and probation; making proposals on formation of state policy in the that sphere; ensuring the establishment of a system of supervisory, social, educational and preventive measures applicable to the

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sentenced persons, including inmates; control over the human rights protection, requirements of legislation on execution and serving of the criminal punishments, observance of the convicts' legal rights and interests.

Administration of the State Criminal Execution Service of Ukraine (the body of the Ministry of Justice with the legal person status), which carries out general management of operational, service, financial and economic activities of six interregional departments for enforcement of sentences and probation:

- Central interregional department (the Kyiv, Zhytomyr, Cherkasy and Chernihiv regions);

- Central-Western interregional department (the Vinnitsa, Khmelnytsky and Chernivtsi regions);

- South-Eastern interregional department (the Dnipropetrovsk, Donetsk and Zaporozhe regions);

- North-Eastern interregional department (the Kharkov, Lugansk, Poltava and Sumy regions);

- Western interregional department (the Lvov, Volynska, Zakarpatska, Ivano-Frankivsk, Rivne and Ternopol regions).

- Southern interregional department (the Odessa, Kirovograd, Mykolaiv and Kherson regions).

The authorized body on probation is the Probation Service, which ensures the implementation of state policy in

the sphere of execution of certain types of criminal punishments, which are not related to imprisonment. The probation units are directly subordinated to the interregional department's enforcement of sentences and probation of the Ministry of Justice of Ukraine. They have no the legal person status.

According to the Art. 13 the Criminal-Executive Code of Ukraine the central powers of the authorized probation bodies are the following:

- supervision of the convicts on probation, who are released from serving the imprisonment sentences (pregnant women and women with children under three years old);

- enforcement of punishment related to deprivation of the right to occupy certain positions or to be engaged in specific activities; community works and correctional employment;

- implementation of the probation programs for persons released by courts from serving the imprisonment sentences;

- carrying out the social-educational work with the convicts under probation;

- carrying out the measures for preparing inmates and persons serving penalties in the form of restraint of liberty for the release;

- Transfer of the convicts, who sentenced to the restriction of their freedom, to serve their sentences at the correctional centers, as the Art



envisages it. 57 of the Criminal-Executive Code;

- carrying out the measures determined by the legislation and aimed at correcting convicts and preventing them from committing the repeated crimes.

Penitentiary establishments are the following:

- The arrest houses, which execute sentences in the form of arrest. This is a kind of short-term imprisonment with the strict isolation. Convicts are subject to restrictions imposed by the law for persons serving sentences in the form of detention.

- Criminal establishments of the open type - correctional centers. It is believed that the purpose of such punishment can be achieved in the context of the exercise of constant supervision but without isolation from the open society and with the compulsory employment.

- Criminal establishments of the closed type – correctional penal establishments. They execute punishments in the form of deprivation of liberty for the specified term and the life imprisonment. To some extent, they are personified and create the independent sub-system of the criminal-executive system. The Criminal-Executive Code provides the differentiation of such establishments for the security regimes (minimum, middle and maximum), which ensures the separation of the lif-

ers and inmates of different regimes. It provides the possibility to use the differentiated of correction measures.

Educational, penal establishments are aimed at the execution of sentences in the form of imprisonment for the specific periods in respect of the convicted juveniles, as well as adults, who are left at such establishments before the expiration of their sentences, but not longer than they are 22 years old. The different security regimes do not divide them.

Pre-trial institutions are specific establishments of the closed type, which are entrusted with the functions of carrying out the preventive measures in the form of detention. Besides, by the Criminal-Executive Code of Ukraine, they also carry out tasks of the establishments of the closed type with the minimum and medium levels of the security regimes about the convicts left to work there for the economic (logistic) purposes.

Besides, the penitentiary system includes educational institutions, healthcare institutions, paramilitary units and enterprises at the penal establishments of the closed type.

GENERAL INDICATORS AND PROBLEM QUESTIONS:

With the decision to liquidate the State Penitentiary Service the Ministry of Justice of Ukraine obtained in its structure 148 penitentiary establishments and detention centers (113 penal

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establishments, 12 detention centers, 17 pretrial institutions, 6 juvenile educational institutions), 90 industrial and 11 agricultural enterprises at the penal establishments, 18 health care facilities and some other institutions and sub-units.

The results of the analysis show that since the first half of 2015 till the first quarter of 2017 the number of inmates serving their sentences at the penitentiary penal establishments decreased by 1.4 times (from 57,396 to 41,800), while the number detainees at the pre-trial institutions, on the contrary, increased by 1.2 times from 16,035 to 18,821 persons.

As a result of the decrease of the number of the inmates during the last year's penal establishments became semi-empty (on April 1, 2017, the capacity was 88,807 beds, and the actual number of inmates was 41,800, that is 47 %). Some of them were almost empty.

At the same time, with the significant reduction in the number of inmates, the staff number remained almost the same as before for example, during 2016 and the first quarter of 2017 the number of inmates at the penal establishments in the Vinnitsa region decreased by 452 persons (from 3,631 to 3,179) and the staff remained unchanged (1,815 officials). As a result, at present, the rate is 1.75 inmates per 1 official.

The material base of the existing penal establishments and other penitentiary institutions is too old. Most of the buildings and structures are in the unsatisfactory condition. Some of them are in the emergency state. It does not provide requirements for holding prisoners: insufficiency of natural and artificial light in the cells; the lack of the forced ventilation, the lack of the constant access to the running drinking water; insufficient number of the laundry basins, poor electric supply, bad drainage of the closed water in the toilets, excessive humidity and fungal wall chambers, etc.

Besides, the efficiency of the tasks fulfillment is negatively affected by the staff turnover, which is caused by the low wages at the penitentiary establishments and institutions, the low social protection level, which makes the profession not attractive and creates conditions for corruption. Thus, during 2017 there were 30 criminal offenses committed by the officials of the State Criminal Executive-Service during their official duties execution. The aim of the offences was to obtain material benefits for specific illegal actions (misappropriation, embezzlement or seizure of property (Art. 191 of the Criminal Code of Ukraine), unlawful sale of narcotic drugs (Art. 307 of the Criminal Code of Ukraine), acceptance of proposals, promises or obtaining a wrongful act for the benefits of an



official (Art. 368 of the Criminal Code of Ukraine), abuse of influence or position (Art. 369-2 of the Criminal Code of Ukraine), etc.

Also, the complex criminogenic composition of the convicts, especially in custody, requires the complex of measures of operational and preventive nature aimed at documenting their illegal behavior and neutralizing the negative impact on the state of the operative situation at the penal establishments and pre-trial institutions.

DEVELOPMENT PROSPECTS

On September 13, 2017, the Concept of Reforming (Development) of the Penitentiary System of Ukraine for the period till 2020 was approved. It envisages the following:

- improvement of the current legislation and drafting new laws on the legal regulation of public relations in

the sphere of execution of punishments (serving of criminal sentences and probation activities);

- attracting new staff to the system at all levels (e.g., by increasing the wages);

- development of the legislation in the sphere of operating the penitentiary establishments and institutions by the standards of the European Union;

- the increase of the efficiency of 100 state enterprises at the penitentiary system (creation of the industrial associations according to the branch principle);

- construction of the new pretrial institutions and other penitentiary establishments in the big cities in the framework of the public-private partnership in Ukraine.

CHAPTER 2. PROBATION INTRODUCTION IN UKRAINE: CURRENT STATE AND PROSPECTS

BACKGROUND OF THE PROBATION SERVICE CREA- TION

The first official initiative to establish in Ukraine the Probation Service was submitted to the Cabinet of Ministers of Ukraine by the State Department of Ukraine on Execution of Punishments in May of 2002 after the visit of the Ukrainian delegation to the Prison and Probation Service of the Kingdom of Sweden.

On May 28, 2002, the Cabinet of Ministers of Ukraine forwarded to the State Department of Ukraine on Execution of Punishments the Decree No 3974/84 on approval of the proposal related to the establishment of the Probation Service in Ukraine. The first conceptual proposals for the probation introduction in Ukraine were prepared.

After examination of the relevant proposals by the Ministry of Justice, the Ministry of Internal Affairs, the Ministry of Labor and Social Policy, the General Prosecutor's Office and the Supreme Court of Ukraine, as well as the interested public organizations, scientists, the State Department of Ukraine on the Execution of Punishments, made the first vision of the necessary legislative changes. Unfortunately, due to the novelty of the proposed legislative amendments, the probation introduction in Ukraine has

been discussed for a long time (about six years).

Then the probation introduction in Ukraine was enshrined in two state concepts: The Concept of reforming the criminal justice of Ukraine, which was approved by the Decree No 311/2008 of the President of Ukraine on April 8, 2008; the Concept of improving the State Criminal-Executive Service of Ukraine, which was approved by the Decree No 401/2008 of the President of Ukraine on April 25, 2008.

On November 26, 2008, the MP Shvets V.D. registered the draft laws of Ukraine «On the Probation Service» (reg. No 3412) and «On amendments to certain legislative acts of Ukraine (regarding the humanization of the criminal legislation and organizational-legal preconditions for the probation introduction)» (reg. No 3413) at the Verkhovna Rada of Ukraine.

Another legislative initiative was the draft law of Ukraine «On amendments to certain legislative acts of Ukraine (regarding the humanization of criminal legislation through the Implementation of Probation)» of the MP Feldman O.B. It was registered on November 28, 2008, under No 3413-1 as an alternative to the previous draft law (No 3413). It proposed to determine the probation as a kind of exemption from criminal punishment. The draft law was not supported by the permanent



profile committee of the Verkhovna Rada of Ukraine due to the significant disadvantages. Nevertheless, it had a competitive effect, which initiated the constructive discussion on the probation content in Ukraine.

Unfortunately, after the discussion and promotion of two draft laws (No 3412 and No 3413), they were slowed down. One of the inhibitory factors was the interagency controversy concerning the organization of the probation activities management: either the new independent body or the structural part of the State Department of Ukraine on Execution of Punishments, which carried out the enforcement of sentences alternative to the deprivation of liberty.

On the other hand, the postponement of the adoption of the relevant laws gave the possibility to continue discussions concerning the interpretation of the probation concept, as well as to take into account the advanced foreign experience.

Then there were new views on the content of the proposed draft laws, because on January 20, 2010 the Committee of Ministers of the Council of Europe adopted the Recommendation CM/Rec (2010)1 the Council of Europe's Probation Rules, which specified the provisions on functioning of the modern probation systems in Europe.

The Concept for the Development of Criminal Justice for Minors in Ukraine, which was approved by the Decree of the President of Ukraine

dated May 24, 2011, No. 0597/2011 became the new impetus for the revival of drafting the probation legislation in Ukraine. Despite the fact that the concept referred to the probation concerning children, it was quite clear that the work on the holistic probation system would be continued.

The concept of the state policy in the sphere of reforming the State Criminal-Executive Service of Ukraine was approved on November 8, 2012, by the Decree No 631/2012 of the President of Ukraine. It identified one of six conceptual directions of reforming the Service as improving the effectiveness of enforcement of sentences not related to deprivation of liberty. It also envisages measures for creation of the legal, material and technical conditions for reforming the Criminal-Executive Inspection into the Probation Service.

On January 4, 2013 the new draft laws on probation were registered by the Verkhovna Rada of Ukraine on the legislative initiative of the MP Shvets V.D.: the draft laws «On Probation Service» (reg. No 1197) and the draft law «On amendments to some legislative acts of Ukraine (regarding the humanization of criminal legislation and organizational and legal preconditions for the introduction of a probation service» (reg. No 1198). The former draft laws of 2008 were just re-registered.

On January 18, 2013, one more draft law «On Probation» (reg. No

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1197-1) reflected the new view on the legislative basis of the probation introduction. It was elaborated by the Cabinet of Ministers of Ukraine.

On March 22, 2013, the draft laws were considered by the permanent parliamentary committee on the legislative support of the law enforcement activities. It was decided to recommend to the Verkhovna Rada of Ukraine to adopt the draft law No 1197-1 as a basis.

On October 10, 2013, the Verkhovna Rada of Ukraine adopted the Law of Ukraine «On Probation» (No 1197-1) as the basis.

More than one year later, on February 5, 2015, the Verkhovna Rada of Ukraine adopted the Law of Ukraine «On Probation» (reg. No 160-VIII). It came into force on August 27, 2015. Thus, the Verkhovna Rada of Ukraine approved the real step in an approximation of Ukraine's justice to the international standards and introduction of the fundamentally new system of the criminal-law measures - probation. It was an extended period (13 years) of hesitation and discussions in the national scientific and political circles about the suitability and timeliness of such reform in Ukraine!

Measures for the creation and development of the national model of probation were included into the Strategy for reforming the judicial system and related legal institutes for the period 2015-2020 (Presidential Decree No 276 of 20.05.2015) and the

National Strategy for the human rights protection (Presidential Decree No 501 August 25.08.2015).

NATIONAL MODEL OF PROBATION

The legal basis was created in Ukraine for the introduction of the national probation system, which is defined as a system of the supervisory and social-educational measures. According to the law, they are used both for the work with convicts and for providing courts with the information about the persons under trial.

Despite many shortcomings of the Law of Ukraine «On Probation», which is still criticized and need further improvement, the law meets the European standards of probation according to the opinion of the international experts.

The national model of probation envisages work at the trial stage (pre-trial probation provides courts with the formalized information about the accused persons).

After the sentence, which is alternative to the deprivation of liberty, is made by the court the supervisory probation starts the work. It envisages not only the control over the convicted persons but also the planned individual work on solving their problems (risk factors), which may lead to the repeated crime; provision of the necessary social, psychological, legal, medical and educational services to the convicts; implementation of the individual probation programs. The



basis of all the probation measures is the risks assessment and use of the unique probation methods, which take into account the gender and age of the probation client. The continuous monitoring of the results and adjustment of the applied measures help to achieve the maximum effect. Probation volunteers may be involved in the probation activities by the community resources.

The probation bodies also assist the prison administrations in resolving the problems and helping the released inmates. They contribute to making the corresponding document arrangements, employment, accommodation, receiving services of the social security institutions and hospitals (if needed).

The provisions of the Law of Ukraine «On Probation» are in concordance with other laws after the adoption of the Law of Ukraine (reg. No 1492-VIII of 7.09.2016) «On amendments to certain legislative Acts of Ukraine on enforcement of the criminal sentences and the convicts' rights protection». The Law makes amendments to the Criminal Code, Criminal-Executive Code and Criminal-Procedural Code of Ukraine. Besides, the authorized probation bodies are included in the list of the law enforcement authorities. The procedure of preparing the pre-trial report, implementation of the probation supervision and the probation programs, as well as the application of other penitentiary measures, are

regulated by different laws on probation.

In March of 2016, the Ministry of Justice of Ukraine initiated the reforms of the State Criminal-Execution Service. The central authority for administering probation was established as the structural element of in the Ministry of Justice, namely the Probation Department. It has the probation offices at six interregional penitentiary departments in Ukraine.

The authorized probation bodies, which form the structure of the national probation system, actually started their work on January 1, 2017.

There are 498 authorized probation bodies with 3,300 employees (lawyers, social workers, and psychologists).

At the end of 2017, there were 63,900 probation clients registered at the relevant bodies. During the last year about 158,000 offenders were clients of the Probation Service in Ukraine. During 2017 the repeated crimes were committed by 1,993 probation clients (1.75%). Besides, while on probation 587 convicts (3.1%) escaped from serving their sentences related to the probation in 2017 and 1,210 probation clients (1.3%) violated the requirements of the court sentences and the probation period was canceled for them.

During 2017 about 20.4 thousand pre-trial reports (75% of the needed ones) were prepared and forwarded to the courts, in which nearly of the

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accused participated. In 88% of the criminal cases, the opinions of the probation staff coincided with the court decisions on the appropriateness of using the punishments alternative to imprisonment.

In Ukraine, the current probation programs have been developed, in particular the national instrument for assessing the risks of committing the repeated crimes by the persons under trial or probation. The risks assessment is actively used for the preparation of the pre-trial reports and the development of the individual plans of work with the convicts.

To establish social links with the local communities and develop services for the probation clients at the community level, four model probation centers for adults have been established in Ukraine. The similar probation tools are identified and formed by these centers.

With the support of the Ukrainian-Canadian project «Reforming the juvenile justice system in Ukraine», which is implemented in 14 cities, there was created the network of the juvenile probation centers for working with the young offenders in the open civil society with saving their socially useful links, in particular, their relatives.

The issue of implementation and further development of probation is included in the medium-term plan of the state priority actions till 2020 (the Decree No 275 of the Cabinet of Ministers of Ukraine of 3.04.2017).

Probation provides the opportunities for changes! This is the slogan of the Probation Service of Ukraine. It contains the multifaceted philosophy of such possibilities: from changing the sense of justice and an offender life; changing approaches to an offender rehabilitation; as well as protecting the rights of their victims and the community interests, to improving the society and the State as a whole.

THE MAIN ACHIEVEMENTS FOR 2017.:

On 1.01.2018 there were 63,944 offenders registered at the authorized probation bodies in Ukraine:

- 57,295 persons, who were sentenced to the non-imprisonment punishments or released from serving other criminal sentences, including:

- According to the Art. 55 of the Criminal Code of Ukraine (deprivation of the right to occupy certain positions or to be engaged in specific activities) – 3,483 persons;

- According to the Art. 56 of the Criminal Code of Ukraine (punishment in the form of the community works) – 3,265 persons;

- According to the Art. 57 of the Criminal Code of Ukraine (punishment in the form of the correction employment) - 563 persons;

- According to the Art. 75, Art.79 and Art. 83 of the Criminal Code of Ukraine (exclusion from serving the criminal sentences, including persons released from serving a sentence,



pregnant women, and women with children under the age of seven - 4,976 persons.

- Administrative offenders, sentenced to the community works or correction employment – 6,649 persons.

During 2017 the probation bodies registered 158,085 persons, including 114,024 offenders and 44,061 administrative offenders (the community works or correction employment).

1,993 probation clients (1.75%) committed a repeated criminal offense while on probation; while on probation 587 convicts (3.1%) escaped from serving the probation related sentences; 1,210 probation clients (1.3%) violated the requirements of the court sentences in 2017.

By the Law of Ukraine «On Amnesty in 2016» 4,235 persons were released from serving their sentences and for 113 persons the penalties became not so strict.

In 2017 the convicts' earnings from the correction employment were UAH 2,573,882 were transferred to the state budget.

22,151 court decisions were issued in 2017 and forwarded to the authorized probation authorities in the order they prepare the pre-trial reports.

20,411 pre-trial statements were developed, including 15,128 reports (74.1%) with the conclusion that the offender correction is possible without imprisonment. The accused persons

participated in making 15,354 reports (75.2%) pre-trial reports.

In 2017 the courts made 4,601 sentences based on the pre-trial reports. 4,033 penalties (87.7%) were made taking into account the conclusion of the pre-trial report that the correction of the offender is possible without imprisonment.

FIVE MAIN ACHIEVEMENTS OF THE PROBATION DEPARTMENT:

1. The probation system was developed with the purpose of which is to ensure the security of the society through the control over the offenders who are sentenced to the non-imprisonment punishments. The probation clients were provided with necessary consultations and support. It contributed to preventing new criminal offenses. In order ensure the probation system's activity 499 authorized probation divisions and six probation departments at the interregional offices were created. On 1.01.2018 there were 3,340 officials at the local probation bodies. The probation staff training was carried out according to the programs developed with the help of international experts. 1,066 probation officials were trained during the year.

2. In the framework of the new probation system, the new judicial process was introduced in Ukraine. The pre-trial reports about the accused persons were made and forwarded to the courts by the probation staff. So, the courts are provided with the information

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about the accused persons to assist them to choose the proper punishment, which is necessary for correcting the offenders and prevent new crimes.

3. The national tool for assessing the risks of committing the repeated criminal offenses by adult offenders has been developed in the framework of the EU project «Support to reforms in the sphere of justice in Ukraine». It is used to prepare the pre-trial reports about the accused persons. The national tool for assessing such risks for juveniles has been developed with the Canadian experts' assistance in the framework of the project «Reforming the criminal, juvenile justice system in Ukraine».

4. The Juvenile Probation Centers were created in 13 cities: Kyiv, Kharkov, Lvov, Dnipro, Kryvyi Rig, Zaporozhe, Mariupol, Zhytomyr, Rivne, Odesa, Mykolaiv, Kropyvnytskyi, and Melitopol. In the framework of the above mentioned Ukrainian-Canadian project, the Government of Canada assisted us to obtain necessary technical

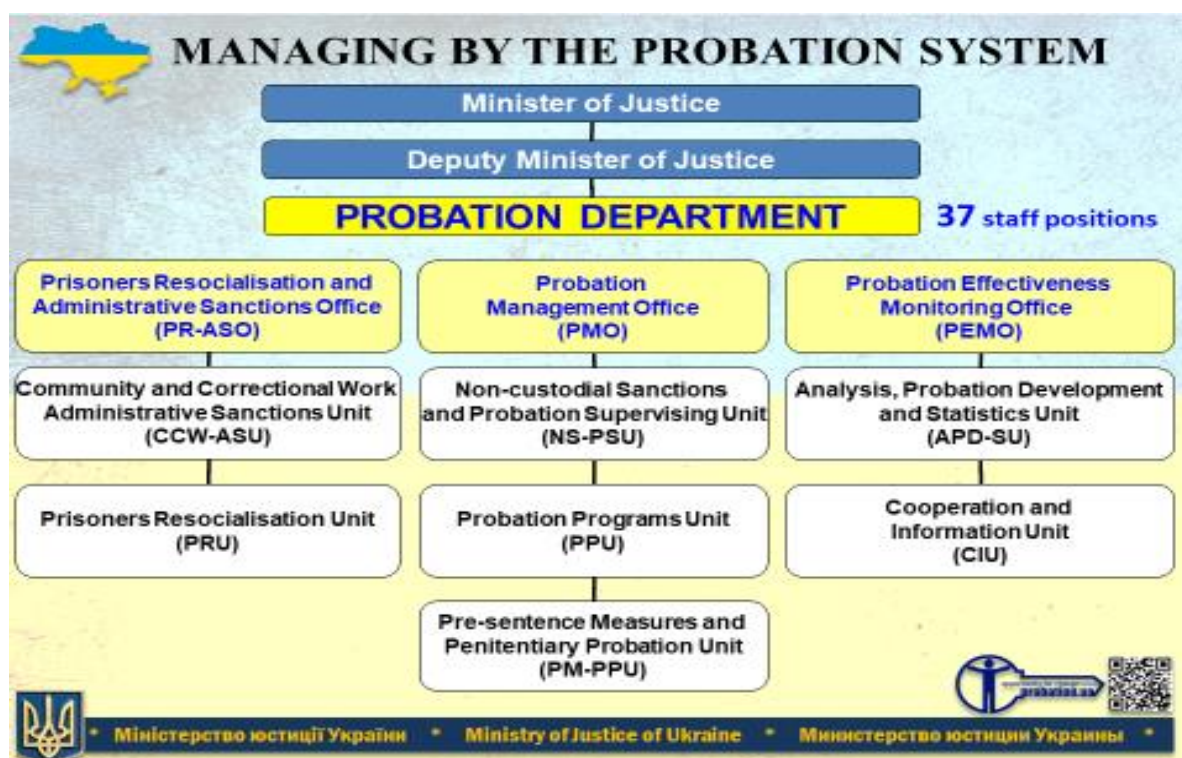
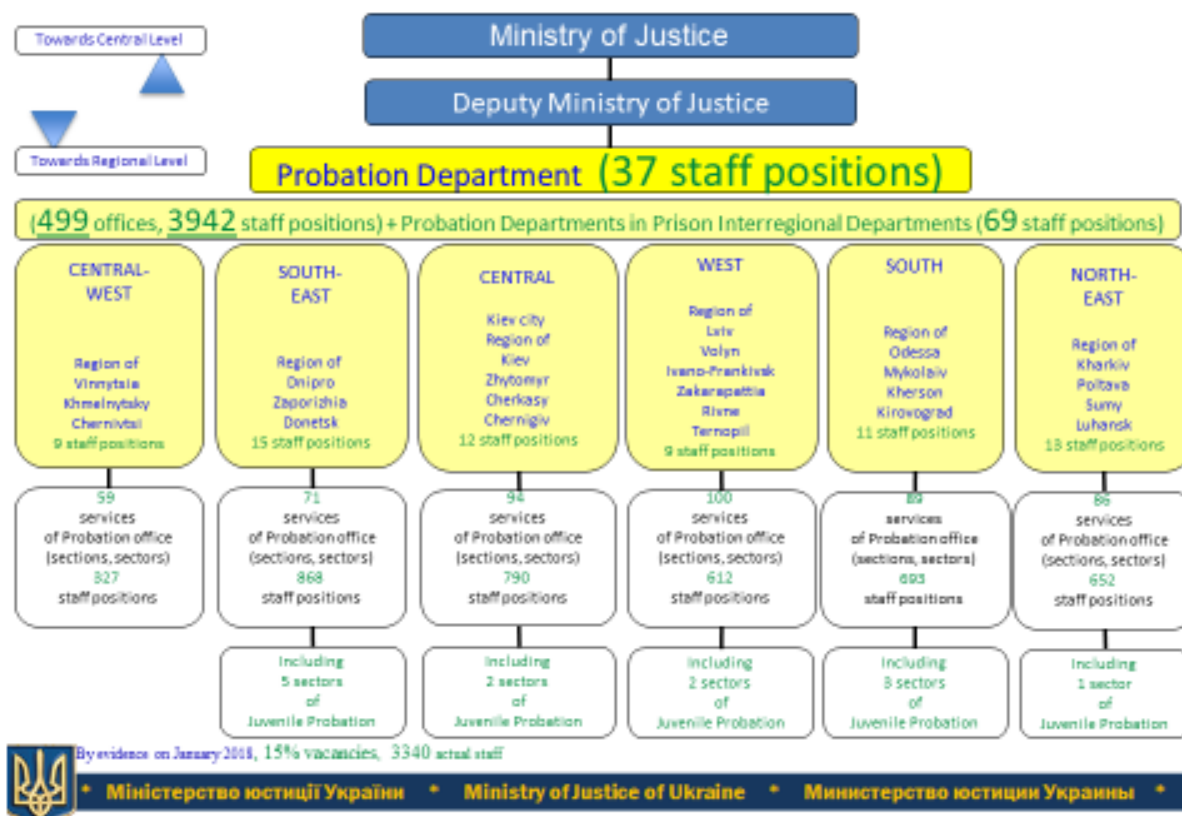
equipment for the work of the Juvenile Probation Centers by international standards.

5. To establish social links at the community level and developing the Probation Service's sectors at that level, four model probation centers for adults were identified to create the probation tools on their basis. As part of the elaboration of the model probation centers for juveniles by the probation bodies in Kropyvnytskyi, Cherkasy, and Poltava the training activities were carried out for the probation staff in the sphere of using the national risks assessment tool. Representatives of the judicial system, including the Higher Specialized Court of Ukraine on the Civil and Criminal Cases, the National School of Judges of Ukraine, the General Prosecutor's Office, the National Prosecutor Academy of Ukraine and other state authorities. In 2017 the model probation center for adults was created in Lutsk.



CHAPTER 3. POWER STRUCTURE OF PROBATION

PROBATION AUTHORITIES SYSTEM OF THE MINISTRY OF JUSTICE



CHAPTER 4. PROFESSIONAL PROFILE OF PROBATION OFFICERS IN UKRAINE

GENERAL REQUIREMENTS

An employee of the authorized probation body is the central potential and driving force for implementing reforms and improving the execution of punishment. His ability, skills, and qualifications are crucial for active work with non-prison sentenced. All requirements to the staff of the State Penitentiary Service of Ukraine of Ukraine apply to the staff of the probation body at the time of recruitment.

Hence, the service in the SPS of Ukraine is a particular service of the Ukraine, which consists in the professional activity of the citizens of the country that are suitable for her.

General requirements for personnel of the SPS of Ukraine are reflected in Part 3 of Art. 14 of the Law of Ukraine «On the State Criminal Execution Service of Ukraine». Labor law determines the age limitations for employees for work in penitentiary institutions and agencies. Requirements for the level of education of staff vary according to the position and functions that this person performs. Most of the employees of the SPS of Ukraine should have higher or secondary specialized school, since the application of criminal-executive legislation, the implementation of psychological and pedagogical influence on convicts requires a high level of qualification.

Specific requirements are put forward by the staff of the SPS of

Ukraine, and Article 12 of the Law of Ukraine «On Civil Service» states that persons who: are recognized as incapable by the established procedure cannot be elected or appointed to a post in a state body and its staff; have a criminal record that is incompatible with the occupation of the job; in case of admission to service will be directly subordinated to or subordinate to persons who are their close relatives or cousins.

The citizens of Ukraine, who are capable of efficiently fulfilling their respective official duties with their personal, business and moral qualities, age, educational and professional level and state of health, are accepted for service to the SPS of Ukraine on a competitive, voluntary, contractual basis. Qualification requirements for professional suitability are determined by regulatory, legal acts of the Ministry of Justice of Ukraine. When selecting candidates for service in the criminal-executive system, their psychological, psychophysical, business and moral qualities are taken into account. Recruitment involves its development and training.

Upon acceptance at the service, a probation period of up to six months may be set. The trial period is not configured for young professionals who came to work after graduation from the school.

A person who has not been canceled or has not been convicted for



committing an offense other than rehab, or for which during the last year an administrative penalty for committing a corruption offense has been imposed cannot be accepted for service.

Service requirements include a fairly significant range of conditions for the performance of work by the personnel of the institutions and penitentiaries: the conviction of the importance of their activities, understanding and fulfillment of official tasks, observance of legislation, discipline, authority, dignity, self-esteem, sense of duty, possession of methods of hand-to-hand combat, special tools, weapons and special equipment, cleanliness, etc.

SPECIAL REQUIREMENTS

For now, the professional profile of the probation officer has not been approved. The general rules that apply to the staff of the SPS of Ukraine are also regulated by the professional activity of the probation officer. There is no normative legal regulation regarding the requirements for a probationer. However, the project «The profile of professional competence of an employee of probation» was developed, which more clearly and precisely outlines the primary requirements that a probation officer should meet in Ukraine.

Among the requirements for recruitment, in addition to the general ones, the following are offered:

Citizens of Ukraine who have attained the age of 20, speak a state language, have a complete master's degree or specialist have the equal right to work as probationary staff on the

direction of preparation: pedagogical work, social work, psychology, law (jurisprudence), without requirements for work experience, but after training through a specially designed curriculum, internship and obtaining an assessment confirming the level of education necessary to perform professional tasks.

The project of the professional competence of the probation includes requirements for the expert knowledge of the probationer. To realize the acquired knowledge in professional activity, the theoretical training of a probation officer should be combined with practical exercises, internship in the position and practice at the workplace during the probationary period and accompanied by help, advice and evaluation of experienced specialists.

Probation officers who will work with particular categories of convicts should receive specialized training, and those who implement probation programs - special training and permission to carry out such activities by an assessment of their implementation skills.

Probation officers must periodically, but at least once in two years, take compulsory training and improve qualification.:

The primary skills of the probation officer for the given project are quite extensive and can be reduced to such:

- Knowing international and national regulatory, legal acts regulating the legal relationship related to the fundamental principles of the applica-



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tion of measures, alternatives to imprisonment, and standards for probation. To collect and analyze information on the influence of criminogenic factors on the behavior of the accused (convict).

- Conducting an assessment of the risks of committing a repeated (criminal) offender in a convicted person.

- Forming a socio-psychological characteristic for the accused (convict).

- Preparing recommendations on activities aimed at minimizing the risk of repeated criminal offenses to the accused (convicted) juvenile.

- By the analysis of information about the person accused, preparing a conclusion on the possibility of correction of the accused without restriction of freedom or imprisonment for a specified period in case of his conviction.

- Preparing and submitting a pre-trial report to the court.

- Organizing sentences not related to imprisonment.

- Establishing effective communication with subjects of probation. Be able to conduct a motivational interview with the convicted person.

- Formulating an individual plan of supervision and social work with the convicts, taking into account the assessment of the risks of re-offending criminal offenses. Ensuring the implementation of an individual plan and performance evaluation.

- Supervise prisoners.

- Conducting with the convicted individual preventive and social-educational measures.

- Organizing the provision of convicted counsel, psychological and other types of assistance necessary for their social rehabilitation

- Efficiently applying methods of motivating prisoners to participate in educational activities, programs and socially useful activities, employment, and entry into education.

- Implementing probation programs for persons exempted from serving a sentence with probation.

- Conducting training of persons serving sentences in the form of restraint of liberty or imprisonment for a specified period, before being released for their labor and domestic placement after release in their chosen place of residence

- Guiding volunteers for probation

- Ensuring compliance with the law on the protection of personal data used in the service activities.

- Setting up interactions and maintaining relations with government and non-government organizations to carry out probation aims.

- Be able using the bases of normative documents.

- Having a business language, writing documents and working with a large amount of information.

- Using information technology to the extent necessary to work.

This level of skills and abilities corresponds to the possibility of obtaining quality training for future work.



STAFF TRAINING

The training of personnel for probation of Ukraine is carried out both in departmental educational institutions and in educational institutions of other ministries and departments. One such institutional education is the Institute of Criminal Executive Service, which trains specialists with higher education for bodies and institutions of the SPS of Ukraine.

Implementation of the functions of upbringing and re-socialization of persons in conflict with the law is impossible without adequate professional training and retraining of the staff of the SPS of Ukraine, the quality of which can be ensured only by organizing the modern requirements of continuous education in specialized educational institutions according to the corresponding educational-professional programs.

The implementation of international projects plays an essential role in establishing the national system of vocational training of the personnel of the SPS of Ukraine. All developments within the framework of the projects are laid down in the contents of the curricula of departmental educational institutions, programs of annual staff training directly at the workplace.

As the example, the cooperation of the Criminal Execution Service Institute with the Danish Helsinki Human Rights Committee and the Penitentiary Association of Ukraine NGO within the framework of the implementation of the joint project «Introduction of probation in Ukraine».

Significant evidence is the fact that the result of such cooperation is a set of teaching aids for training personnel of the probation body to assess the risks and needs of the convicts.

Also, for the personnel, there is provided distance learning, in which studying of the educational material by the student, his interaction with the teacher, is carried out using modern information and communication technologies through the use of the Internet. An essential factor in the benefits of distance learning is that the employee's integrity from a professional activity is ensured.

The special feature of remote training for probation staff is to provide the learners with the opportunity to independently acquire the necessary knowledge, using the wide information resources.

Let's remind that for the first time in Ukraine a system of probation bodies of the Ministry of Justice of Ukraine was created, which is due to the improvement of the personnel management system of the probation body. But unfortunately, to date, there are not enough conditions for training personnel to work with probation subjects.

Summarizing the above, it should be noted that the staff of SPS of Ukraine is the central element of this body. International standards set the increased requirements for the personnel of the organs and institutions of the SPS of Ukraine.

CHAPTER 5. SYSTEM OF THE NON-GOVERNMENTAL PUBLIC ORGANIZATIONS, WHICH PROMOTE THE PROBATION INCIPIENCE IN UKRAINE

According to the Art. 2 of the Law of Ukraine «On the State Criminal Executive Service of Ukraine» one of the leading principles of the corresponding activities in Ukraine is interaction among the state authorities, local self-governance bodies, civil associations, charitable and religious organizations.

That principle is envisaged in the Art. 25 of the Criminal-Executive Code of Ukraine, which contains the provision on assistance to the penitentiary bodies and institutions in the sphere of the convict's correction of the civil associations, mass media, religious and charitable organizations, as well as individuals, in accordance with the procedure established by the Criminal-Executive Code of Ukraine and the corresponding laws of Ukraine.

Besides, by the Art. 21 of the Law of Ukraine «On Probation» the authorized probation bodies interact with other state bodies, local self-governance bodies, enterprises, institutions and organizations in

carrying out the probation tasks. Therefore, an essential function for probation staff in the practical realization of the social-educational work with the convicts is to interact with the public organizations.

Thus, in May of 2017 under the patronage of the Ministry of Justice of Ukraine and on the initiative of the charitable organization «Charitable Fund «International League for the rights of children and juveniles» the new national Concept on social adaptation «Let's do it together» was elaborated.

The main goal of the project was to intensify cooperation between the state authorities, public organizations, socially responsible business and individual activists for establishment and provision of the public support to the probation system in Ukraine at the national and local levels, improvement of the social work with the convicts, as well as promotion of the social adaptation of the released persons.



**The main public organizations,
which take part in the project mentioned above**

№	ORGANIZATION	SPHERE OF THE ACTIVITIES
1.	Association of the Ukrainian monitors on human rights observance in the law enforcement bodies' activities	The non-governmental organization on human rights protection, which carries out the general monitoring of the observance of human rights in the of law enforcement bodies' activities and develops recommendations for the system changes, which are necessary to improve such bodies' activities. One of the programs of the organization is «Human rights of prisoners».
2.	Charitable organization «Network of the HIV-positive persons»	The charitable organization «Network of the HIV-positive persons,» was established for the HIV-positive persons and for those who have tuberculosis and hepatitis, as well as for the representatives of the risk groups among the sentenced persons.
3.	Public organization «Information and training center of the public initiatives»	Public organization “Information and training center of the public initiatives” is an organization that brings together citizens and specialists in different spheres by voluntary and equal rights.
4.	Public organization «Union «Golden Age of Ukraine»	Assistance in the social adaptation of the persons released from prison. Prepares the implementation of the project related to the «Centre for social-psychological and labor adaptation of convicts». Large-Scale sociological research among convicts and civil population of the Donetsk region. Assists the inmates to prepare for integration into the civil society after their release.
5.	Charitable organization foundation «Charitable Fund «International League for the rights of children and juveniles»	The League supports the children and juveniles with special needs, their families, disabled persons, pensioners, unemployed, convicts and the released inmates, as well as the ATO soldiers' families with children. It promotes sectoral reforms at the local level aimed at raising the living standard of people.

6.	Public organization «Chernihiv Centre on human rights»	Organization for assistance in developing the open democratic civil society by protecting and promoting the realization of human rights and liberties in all spheres of the social life. It interacts with the State Criminal-Executive Service of Ukraine.
7.	Public organization «Charity Centre»	It prepares publications on the observance of human rights and issues related to the local self-governance, provides free legal consultations and the lawyers' services to the socially vulnerable groups of population in Ukraine.
8.	Public organization «All-Ukrainian Centre of legal assistance «Public defender»	Implementation of the project «Strengthening the role of the civil society in protecting the rights of vulnerable groups of convicts in Ukraine». The main objective of the project is to strengthen the role of the Ukrainian civil society in advancing human rights, the non-discrimination and equality principles for the vulnerable groups of population, who are in conflict with the law (minors, women, women with children, invalids, sick persons, HIV/AIDS and TB patients and their families).
9.	Public organization «Spirituality and Law»	It carries out all measures according to the current legislation to protect the legitimate human rights and interests in the sphere of religion in the places of deprivation of liberty, involves volunteers in the organization's activities.
10.	Public organization «StoTolok»	The Competence center by the Bila Tserkva training center of the State Criminal-Executive Service was created within the framework of the project «Support to the penitentiary reforms in Ukraine» funded by the Swiss Confederation.
11.	Christian Centre «Tab-ernacle»	It provides different services to convicts in the places of deprivation of liberty. Assist prisoners who are in severe living conditions.
12.	Public organization «Association of the Ukrainian monitors of the human rights protection in the law enforcement bodies' activities»	The Association of Ukrainian monitors on the observance of human rights in the events of the law enforcement bodies is the human rights protection NGO, which carries out systematic monitoring of the human rights and fundamental freedoms observance in the activities of law enforcement bodies of Ukraine.



13.	All-Ukrainian public center «Volunteer»	It is engaged in the sphere of development and self-development of a person, resolving the problems related to the integration into the civil society and adaptation to the modern life conditions of various categories of adolescents and juveniles. It promotes the education and development of the leadership qualities, creates conditions for social rehabilitation and adaptation of people with special needs, promotes the creative and gifted youth's self-realization.
14.	Organization «Health Right International» in Ukraine	Health Right International is the international public health and human rights organization, which provides health care for those persons, who are in the severe living conditions.

Thus, the Probation Service should interact with the non-governmental organizations to promote the involvement of convicts into the open society. Besides, there is a need in the coordinated and mutually comple-

mentary activities of different institutions and agencies, by involvement of various branches of science for resolving the severe problems of convicts and ensuring the security of the society.

CHAPTER 6. THE FOREIGN PROBATION EXPERIENCE

At present the probation is considered not just as an alternative measure of imprisonment, but as the primary system of the criminal justice activities in a civilized justice system.

Extension of the sanction measures and community works, which have been the probation basis for almost two centuries, is an integral part of improving the legal systems of different countries and is not aimed just at the statistical reduction of the «prison population», but at the rationalization of the criminal justice policy, taking into account the need to respect human rights, the social justice requirements and the perpetrators demands for returning to the healthy life in the society.

Their numerous benefits for the State explain the tendency to expand the probation sanctions and community measures not only in the sphere of social security but also in the social-economic field. For example, if an offender can be corrected without his/her isolation from the society, it would preserve the family relationships and positive links in the community, as well as employment and housing. The society would be secured from the repeated offenses. Besides, the fair administration of justice provides the choice of the punishment, which is necessary and sufficient for the offender correction. The State as a whole benefit from the

crime reduction. The decrease of the number of prisoners gives the positive economic effect because the probation activates much less expensive than imprisonment of the offenders. And it is more humane by the international standards and European values.

During the 20th century, the probation sanctions and measures became widespread in the European countries. In the 21st century, the active use of the probation methods became the part of reforming the judicial systems of the post-soviet states. In many countries, the legislative implementation of such sanctions and measures were followed by the creation of the authorized probation services, which, have individual differences in organization and functioning in different countries.

We offer the brief overview of the probation services in other countries.

UNITED KINGDOM

BACKGROUND AND STRUCTURE

The National Offender Management Service is the executive body in the structure of the Ministry of Justice. The Probation Service and Prison Service of Her Majesty are under the authority of that body. Both Services are independent of each other but are united by one purpose: the society protection from offenders and the reduction of recidivism.



The Probation Service in England was created more than 100 years ago. In 1907 the first Law was adopted for regulating its activities. At present, the Probation Service consists of 35 regional sub-units (so-called Probation Service Trusts) and has the budget of about 900 million pounds (UAH 11.3 billion).

Regional Trusts in their organizational and legal structure are private or combined organizations, which are formed as a result of competition among the public associations (NGOs) and provide services related to the offender's rehabilitation, their behavior correction, and preparation of the pre-trial reports.

The pre-trial reports preparation is their imperative function. It is standardized by the Ministry of Justice of England rather than the system of services for the offender's rehabilitation, which is based on the principles of competition. The Probation Service involves in the activities such NGOs, which provide better services in that sphere. Their priority task is the reduction of recidivism among the offenders. The Ministry of Justice of England pays Their activities. If any Trust does not cope with its functions, then another organizational and legal structure is selected to influence the results of its work, namely to reduce the crime recidivism.

Trust has about 20,000 officials, who deal with about 225,000 offenders, who are on probation.

The main tasks of the Probation Service are:

- supervising those persons, who are released on parole;
- ensuring the implementation of alternative types of punishment (so-called public orders).

The probation officials also work at the penitentiary institutions for preparing prisoners two weeks before their release, including the conditional early release.

RISKS AND NEEDS ASSESSMENT PROTECTION PROGRAMMES

The system of the risks and needs assessment (the risks of committing new offenses and the offenders' needs and problems, which they tried to resolve by committing crimes) is the important component of the Trusts' activities. The Ministry of Justice standardizes the system. The probation officials use the method of collecting and analysis the relevant information about the offenders for the following purposes:

- assessment of the possible re-offending;
- identification and classification of the social and personal problems, which they tried to resolve by committing crimes;
- assessment of the risk of inflicting the serious harm and other risks;
- identification of the factors, which may reduce the risk of inflicting the harm by the offenders;

- coverage of the problems to be resolved in dealing with the offenders;
- identification of the needs for further assessment by other specialists;
- revealing the offenders' changes during the period of supervision or punishment.

ENFORCEMENT OF SENTENCES NOT RELATED TO DEPRIVATION OF LIBERTY

Public orders are the combination of different types of punishments or measures aimed at reducing the risk of re-offending and inflicting damages and harm (sometimes directly to the crime victims).

During the period of serving the sentences related to the public orders, all offenders should visit the probation officers at the appointed time and discuss the issues of their rehabilitation. They should also look for the ways to solve their problems and meet their needs without committing offenses.

Offenders should comply with all imposed by the court. In case of the failure to comply with the requirements, the offenders have to submit the reasoned explanations to the Trust (for example, the medical certificates from the doctor or the letter from the employer).

Any violation of the established rules is registered as a warning. If the offenders continue to violate the court's requirements, they are summoned and the courts may make decisions concerning the stricter requirements or imprisonment.

Public orders envisage the following:

1. Works without payment («compensation to the aid society», our analog of the punishment in the form of the community works). The public orders envisage from 40 to 300 hours of the necessary work for the benefit of the community. The types of such work include the formation of the landscape, forestry, land clearing, construction, painting and decoration, garbage collection and removal of the walls graffiti.

2. Programmes for the behavioral correction. They are aimed at predicting the possible behavior of the convicts, who may commit the repeated crime. The programmes cover various types of crimes, including drunk driving, domestic violence and sexual offenses (by the way, almost half of the offenders have some sexual deviations), etc. They consist of 30 sessions (2 hours each one) and are conducted in groups of 10 persons, who committed similar crimes. Besides, the offenders are subject to the training programs, in particular for obtaining the working skills and education, which would facilitate their further employment.

3. Programmes for the rehabilitation of drug addiction. The program requires the offender to undergo treatment for at least six months to reduce or eliminate drug addiction. In this case, the person is required to undergo regular tests for the presence of narcotic drugs.



4. Programmes for the addiction rehabilitation of the offenders. The programmes include the treatment to reduce or eliminate their alcohol or drug dependence.

5. Restriction to travel. Such punishment requires that the offenders stay in the specified place for a certain period (from 2 to 12 hours per day) for up to 6 months. The electronic monitoring controls that process.

6. Participation in special programs. The court may designate the offenders to participate in the special training programs and measures for the victim's compensation and reparation. The programmes may be up to 60 days.

7. Deprivation of the right to be engaged in specific activities. The court may appoint an offender to refrain from some activity (from one day to 3 years). A convict is forbidden to visit places, where the alcoholic beverages are sold, to attend the football matches or to have contacts with children.

8. Restriction of visiting some sites. The court may designate the offenders not to visit certain areas (up to 2 years). The electronic monitoring controls that process.

9. Restrictions concerning the place of residence. The court may allow the offenders to reside only at the specified location of home: the hostel or some private address.

10. The mental disorders treatment. The court may designate the offenders to undergo the course of the

mental health treatment by the decision of doctors or psychologists.

11. Conditional correctional institution. Some offenders should visit them according to the court decisions. The offenders of 18-24 years old might be obliged to stay at such penitentiary institution only during the daytime if they had no previous imprisonment sentences. Those offenders, who had been released from the penitentiary institutions and committed the repeated crimes, should on the 24-hours permanent basis during three months. Some non-violent offenders may be assigned to visit such correctional institution on certain days while living home with their families and being employed.

FEATURES OF THE PROBATION SERVICE'S ACTIVITIES

Supervision of the dangerous offenders (MAPPA scheme).

Since 2001 in all cities of Great Britain the problem of improving the protection of society from the dangerous offenders has been resolved through the fruitful cooperation among the police units, probation service, prison service, social service, health service, mental health institutions, housing services and educational establishments.

MAPPA deals with three specific categories of offenders:

First category: registered offenders, who committed sexual offenses (about 40,000 persons under

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probation and about 84,000 inmates in Great Britain). Such crimes are rapes, pedophilia, the location of pornography in the Internet.

Second category: registered offenders, who committed other violent offenses (about 15,000 persons under probation).

Third category: other abusers, who are considered potentially ready to commit serious crimes (about 4 thousand persons under probation). This category also includes men who inflicted serious harm to their wives.

If any offender from the MAPPA categories does not comply with the supervision requirement, he/she will be subject to various sanctions, including the imprisonment.

The 2007 statistics of the Ministry of Justice show that 79 offenders (0.16%) from 50,210 persons under the MAPPA supervision committed the repeated severe crimes. Besides, several offenders were returned to places of deprivation of liberty due to their violations of the supervision conditions.

CANADA

BACKGROUND AND STRUCTURE

There are 14 correctional jurisdictions in Canada: 1 federal system, ten provincial systems, and three national systems. The provincial and territorial governments are responsible for working with all juvenile offenders; convicts, who serve the sentences in the form of deprivation

of liberty for up to two years; convicts under probation. The Federal Penitentiary System deal with other offenders, including those, who released on parole (except Ontario and Quebec). It also provides long-term community supervision of the offenders, who previously committed grave crimes.

The structural system of the Correctional Service of Canada on the federal level consists of the central unit (CSC), five regional offices (Atlantic, Quebec, Ontario, Perry, Pacific), 43 penitentiary establishments, 91 institutions for early release and 15 public correctional centers.

In 2016, there were 22,872 offenders registered on all levels (14,639 offenders registered on the federal level and 8,233 offenders registered on the community level.

Correction in the community, through the organization of the work of the probation service in the province of Ontario, is achieved through the use of conditional sentences (exemption from punishment), conditional release from prison, electronic monitoring and probation supervision. The probation is carried out at the level of ten provinces and three territories of Canada. The convicts may remain in the open society under certain conditions, with certain limitations and obligations (for reference: the first information about the probation activities in Canada is known in 1841).



For example, in 120 probation offices of the Ontario Province, about 55,000 persons are registered. The conditional probation release or conditional sentence may be attached to one of the following measures: fine; imprisonment for up to two years; conditional sentence (intermittent). A conditional probation release or conditional sentence may be attached to one of the following measures: a fine; imprisonment for up to two years; conditional sentence (intermittent). Offenders with conditional release, conditional convictions or interrupted sentences are assigned a probationary period. Those who receive a fine, imprisonment or conditional punishment may be on probation.

A conditional sentence means that the offender is found guilty of committing a crime and released on specific terms with a probationary term. If he is found guilty of committing another crime during the probationary period, the court may decide to cancel the probation decision and impose punishment. A suspended sentence means that sentencing is suspended. As in the case of conditional dismissal, there is a provision for postponing sentencing and sentencing. An interrupted sentence applies in cases where the court imposes a penalty for a term not exceeding 90 days, and the court may decide that the offender will serve a sentence from time to time (that is, on weekends).

The probation sentence cannot remain in force for more than three years, but the court may cancel the verdict ahead of time. The court may also reduce the probation period at any time. The supervisory role of a probation officer is that he/she prepares the court reports; performs the enforcement of the probation sentences; makes the comprehensive assessment of the offenders; makes the decision on the efficient management of cases and chooses the rehabilitation interventions (for example, the direction of educational, counseling or medical programmes or services).

Failure to pass the probation period without the valid reason (the probation violation) provides causes the sanctions (up to 18 months of imprisonment and the fine up to \$ 2,000).

A probation officer has the authority to supervise only those persons who have been sentenced to the probationary period. The probation convicts should regularly visit the probation service. The court can outline frequency and form of the supervision. If the registration condition is without a schedule, the probation officer carries out a comprehensive assessment to determine the required interventions and frequency based on an analysis of the risk assessment of the offender. Factors that are taken into account in determining the type of response include:

- legal requirements and conditions for probation, public

security, crime circumstances and the risk of repeated offenses;

- need, motivation and ability to use the rehabilitation services;
- availability of the relevant programs and services.

The Criminal Code allows the courts to require that the convicts to «adhere to other rational conditions, which the court deems desirable to ensure the lawful conduct of the convicts and to prevent the repeated crimes». The conditions for probation determine the behavior or actions, which are prohibited, avoiding ambiguous or contradictory wording.

It is known that specific factors are associated with the risk of the repeated crime or violation of rules, namely the following: anti-social views, anti-social environment, an anti-social model of personality, family factors, education/employment factors, lack of prosocial leisure, alcohol or drug abuse. The risks assessment taking into account the above factors is applicable both to the community-based offenders and to the inmates of the provincial prisons, who are sentenced for more than 90 days. Various rehabilitation services and support programs, which based on the risks assessment of the offenders, are offered. The proportion of persons with the higher risks affects the overall rate of recidivism.

For example, in the Ontario province the repeated crime rate was 21.4% (2 years after release) in 2013/2014.

The decent salaries and benefits for the probation personnel (5 - 8 thousand CAD per month) give the opportunity to choose the most motivated and professional staff.

RISKS AND NEEDS ASSESSMENT. PROBATION PROGRAMMES

There are four main types of the probation programs, which are used at the provincial and federal level:

- 1) life skills programs;
- 2) correction programs for solving the personal problems, such as substance abuse, anger management (designed to help offenders to correct or change their behavior);
- 3) education and literacy programs;
- 4) professional plans.

Life skills programs include the following: budgeting, goal setting, problem-solving, family relationships; employment and education. Rehabilitation programs for the correction of criminal behavior include the following: anger management; prosocial thinking, psychoactive substances abuse, domestic violence, sexual crimes.

There are several levels of the rehabilitation programs, which depend on the standards of the offenders' risks, motivations, legal status and individual characteristics, namely the initial adaptation programmes; intensive programmes; maintenance programmes. Treatment programs are available to address essential issues



related to the mental health, sexual crimes, domestic violence, substance abuse.

There are four types of educational programs: primary literacy programs for adults with no or limited reading and writing skills; school curricula for those studying to obtain the secondary school diploma; curriculum for those who wish to enter the higher school; other educational programs, such as English as a second language.

Professional programs are designed to provide the practical life skills to help inmates to prepare for their return to the society.

All penitentiary institutions provide such programs at work in the kitchen, washing, cleaning, etc. Some institutions offer such programmes such as car repair, cooking, wood, metal, textiles, etc.

SUPERVISION AND CONTROL OVER OFFENDERS ON THE COMMUNITY LEVEL

The probation officials supervise all offenders on conditional release. The degree of oversight depends on the needs and risks of the offender. The probation officials rely on a wide range of the personal information sources, including the police, families, staff of the programs to test the progress and develop the appropriate plan of the activities. Parole facilitators can always help the offenders to solve their problems and to take relevant measures if the risk increases.

According to the Canadian law, there are different types of parole (conditional) release:

- temporary release under the supervision of the penitentiary official or volunteer for contacting the family and obtaining the doctor's consultation (by the decision of the prison supervision service);

- temporary release of the low-risk offenders to participate in the programs and reintegration measures (by choice of the head of the prison supervision service);

version for one day to join in the community events outside the prison with a mandatory return to the jail for the night (or another specified period) is possible when 1/6 of the term of imprisonment is left;

- Full Dismissal (Full Dismissal) (FP) - Convicted persons have the right to be outside the prison all the time and to work outside the boundaries under the supervision of officers of the passport under certain conditions;

- Automatic Mandatory Imprisonment (SR) – Automatically applied to a specific category of convicted persons based on the legally established norm after leaving 2/3 of the sentence from the general term of imprisonment; the released are under community supervision by the conditions and restrictions of dismissal;

- Dismissal at the end of the sentence – the convicted person is released from prison when the sentence of imprisonment has expired, but has a



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high level of danger and therefore subject to community supervision by the conditions and restrictions of dismissal provided for in the Automatic Mandatory Dismissal from prison (SR);

- Long-term Surveillance Order (LTSO) is a form of non-custodial sanction, which results in an extension of the term of supervision in the community by the Armed Forces; the period of control may be up to 10 years, begins after the convict has served his sentence of imprisonment and has been released from prison;

The Advocate General's Advice Panel has the exclusive right to recommend or refuse to apply two forms of dismissal: daytime or full. Council can allow conditional release of the offender if, in her opinion: the offender does not pose unreasonable risk to the society before the expiration of the sentence, as well as during the release of the offender, priority will be given to protecting the community, promoting the reintegration of the offender in the community as a law-abiding citizen. The Council may also impose special conditions on offenders apart from standard duties.

The Sun collaborates with community correctional centers (CCCs). Non-state partners are contracted to provide accommodation services, including accommodation, private homes, dormitories, and treatment centers. The Sun is currently recruiting with non-governmental organizations to provide

accommodation services for approximately 200 sites. About 2,200 offenders are under community supervision. The Employment Services (CES) provide significant employment for suspended offenders. Federal passport officers are developing a network of contacts with the community to collect and provide accurate information on the progress and behavior of the offender to support the perpetrator in his reintegration efforts.

INVOLVEMENT OF VOLUNTEERS

Volunteers play an essential role in the probative rehabilitation of offenders at the provincial and Canadian level. Volunteers assist in providing cultural and spiritual services and act as positive role models to help offenders achieve positive change. Volunteers provide services to different groups of offenders. These services include spiritual and religious issues, groups of anonymous alcoholics, anonymous drug addicts, education, employment and life skills training, culture, translation, literacy, music, arts, low-risk control, assistance for trial subjects and early preparation pre-trial reports.

All volunteers are thoroughly examined and evaluated before working with offenders. This process may include submitting a questionnaire, interviewing, checking the police. Personnel for probation and passwords at the provincial level are



engaged in the management and coordination of volunteering activities. They also assess the status of current volunteer programs and monitor the work of volunteers.

There are many programs and services available to inmates and offenders who are under investigation or convicted in correctional facilities or who are under the supervision of conditional conviction and parole.

SWEDEN

BACKGROUND AND STRUCTURE

Probation in Sweden has established about 70 years ago and is part of the Swedish Prison and Probation Service. The Prison and Probation Service, together with the police, prosecutor's office and judicial authorities of Sweden, is subordinated to the Ministry of Justice.

The population of Sweden is 9.8 million people. About There are about 14,000 convicts under the probation in Sweden. 6% of them are females. About 5,000 inmates are imprisoned at the penal establishments. About 2,000 accused persons are held at the pre-trial detention centers. The cost of the probation services for one client is about 200 crowns per day while keeping inmates at the penal establishments is much more expensive (2,000-3,000 kronor per day).

Swedish Prison and Probation Service are managed by the Headquarters, five regional offices, and 36 local administrations. The

Headquarters provides transportation of the convicts and detainees. The number of staff of the Prison and Probation Service is about 8,000, of which about 1,5 thousand are the probation officials. Employees of the penitentiary system do not have individual ranks, as they are civil servants. In case of the necessity of using the force measures, the police units are involved. The probation activities are administered by the district offices of the Probation Service. They are subordinated to the regional groups located in the large cities. Financing of the district service of probation is carried out from the state budget (no community money is used), taking into account the regulations approved by the Ministry of Justice.

EXECUTION OF PUNISHMENTS NOT RELATED TO IMPRISONMENT

By the Criminal Law of Sweden, the types of such punishment are the following: conditional imprisonment, fine, probation supervision (up to 3 years), community works and special treatment (as an additional measure to the supervision). The probation service carries out the supervision and conditional imprisonment, which is combined with the community works. The main tasks of the probation officials are:

- conducting personal investigations;
- supervision of the parole clients;

- implementation of the probation programs (only for the certified officials);
- electronic monitoring;
- control over the performance of the community works;
- control over the individual treatment;
- work with wives and children of the adult offenders and parents of the juvenile offenders.

According to statistics, 50% of the probation clients do not commit the repeated crimes.

Prison and Probation Service, Police and the State Social Service have the standard computer network, which allows to coordinate their activities effectively and to use the associated information at all stages of dealing with the offenders in the justice system. Meetings with the client are held in the individual rooms, which are equipped with an alarm system and video surveillance. It is forbidden to meet with clients in the staff offices. During the meeting with the convicts under probation, the officials are provided with the individual alarm systems. For the security purpose, the entrance doors of the probation offices are blocked by the remote electronic call and equipped with the communication device. The video surveillance cameras assist in fixing the movement of the convicts during their stay at the probation offices.

INDIVIDUAL INVESTIGATION

It is analogous to the pre-trial probation reports in f Ukraine. The reason for conducting the individual investigation is the request from the court, which provide the probation officials with the following data: the plot of the offense; personal data of the suspect (surname, name, place of residence and employment, as well as other information, which can help in conducting the investigation (information from various state and social institutions and agencies).

During the individual investigation the probation officer finds out the criminal history of the client, his/her family status and family relationship, his/her living conditions, financial status, employment and leisure data, dependencies and addictions, physical and mental health data.

After receiving the request from the court the probation official conducts the individual investigation and forwards the message to the person under trial, informing him/her about the content of the individual inquiry and summoning him/her for the meeting at the probation office. If the accused person does not come for the conversation, the probation officer may request the police forces to bring him/her by force. During the personal meeting with the client, the 1.5-hour in-depth interview is conducted with the use of the individual equipment for the conversation.



Also, the probation official meets with other people, who know the relevant information about the client (relatives, friends and colleagues). Moreover, during the conversations, the client may inform the probation inspector about his/her criminal history, his family status, and family relations, housing conditions, employment data, financial situation, leisure time, dependencies and addictions, physical and mental health. Besides, the persons, who could describe more entirely his/her identity, are revealed after receiving the corresponding request from the court.

There is the absolute form of the interview for conducting the individual investigation, but the probation inspector may independently ask any questions, if necessary. However, the different investigations of the accused persons, who have the alcohol or drug addiction, as well as of the sexual offenders, have the special well-established procedures.

In addition to the conversation with the suspect, the probation inspector makes requests for information from various state and social institutions:

- about the financial condition (the number and amount of debts; the status of the bank accounts; the payment of alimony; the credit history, etc.);
- from the place of his/her employment;
- from the home of his/her residence;

- about his/her family;
- about bringing him/her to any liability;
- about previous convictions.

If the detention is chosen as a preventive measure to the suspect, the probation officer conducts the conversation with him/her at the detention facility. If there is the probability of further deprivation of liberty, the probation inspector by the results of the socio-psychological and criminological examination of the accused person suggests to determine better his/her security regime at the penal establishment.

By the individual investigation, the probation officer provides the court or the prosecutor with a conclusion (analogous to the pre-trial report in Ukraine) signed by the Head of the Probation Service. Besides personal data and the criminal history of the offender, it includes his/her detailed socio-psychological characteristic and recommendations regarding the type and extent of punishment for the client, as well as the appropriateness of applying the necessary special treatment. The suggestions are not mandatory for the court. However, in practice the percentage of discrepancies in the court decisions with the recommendations of the probation officials are only 5%. The conclusion also contains recommendations for application of the probation programs. If the programme is related to the psycho-therapeutic treatment, it should

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be specified, which programme should be applied to the client.

The client has the right to get acquainted with the conclusion of the individual investigation and may suggest a person (e.g., a lawyer), who will help him/her in that matter. All materials collected in the course of the individual investigation are forwarded to the corresponding prison or probation service unit depending on the court decision (sentence). It is also included in the computer database. If the client is justified by the court, the investigation information is destroyed. The average period of the individual investigation is determined by the court and usually takes 3 - 4 weeks. Individual investigations are not conducted for the citizens of other countries, for the persons without the definite place of residence, as well as for persons, who are brought to the administrative liability.

When conducting the individual investigation, the probation officials use the risk assessment tool for the RBM repeat offenses. The tool is designed to identify the risk level of the repeated offenses and the factors, which cause such risk and, if appropriate, to take measures to prevent the recidivism. The method includes 72 questions for the imprisoned client and 15 questions for the probation client, as well as the truth rating scale. There are annexes to the questionnaire for particular categories of the respondents (violent crimes,

religious crimes, etc.) The central sphere of the personality assessment is the sphere of communication, personal views and attitudes.

The questionnaire consists of 4 parts, which determine the level of risk (high, medium, low). The survey is conducted during 35 - 40 minutes, then the answers are checked within 15 - 20 minutes. The client is not informed about the results of the survey, but the risk level is possible to say him/her.

The types of supervision made by the probation offices are divided into the following categories:

- 1) regular supervision (periodic visits for the conversations);
- 2) supervision combined with the medical treatment at the open-type institution (clinic, hospital);
- 3) supervision combined with the community works;
- 4) supervision after the probation release from the penal establishments;
- 5) contract supervision (if desired, treatment from dependencies and addictions);
- 6) intensive supervision (with the use of the electronic control).

Responsibilities of the client under the probation:

- to visit the probation office periodically or to meet with the inspector at home (for persons under the intensive probation supervision);
- to have the obedient behavior;
- to be engaged in the useful activities (employment, training, etc.);



- to participate in corrective or therapeutic programs.

During the first year of supervision the meetings with the convicts are held 4 - 5 times per year, but during the second and third year, they are held less often. When the supervision is over, the case is transferred to the archive.

If the convict does not perform his/her duties and, violates the procedure for serving the sentence, the probation official applies to the supervisory commission, which consists of the chairman of the commission (the acting judge), deputy chairman (the active judge), 2-3 persons, who are appointed by the the municipality and 2 representatives of the probation office.

If the client committed a drug-related or alcohol-related crime and needed the appropriate treatment, in particular for mental disorders, such treatment is assigned only with the consent of the convict. The probation official determines the need for the treatment. The probation service also recommends him/her the corresponding health facility.

The peculiarity of intensive supervision is because it is applied to persons sentenced to imprisonment for less than six months under certain conditions with the use of the electronic control.

The person is not sentenced to the electronic monitoring. if:

1) the person has been sentenced to the term of imprisonment up to 6

months or if the expiry of the term of imprisonment is not more than in 6 months;

2) the convict expresses voluntary consent to the implementation of the electronic monitoring (if the convict under probation lives with the family, the written permission of the relatives is necessary);

3) the crime committed by the convict is not related to the domestic violence;

4) the previous electronic surveillance over the convict was less than 3 years ago;

5) the convict under probation has the permanent place of work or study.

Only for such categories of convicts under probation, the probation officials perform sudden checks at the place of their residence using the means of control of the use of alcohol and drugs.

During the period of serving such sentence, the convict should visit the probation office for the conversation once per week. For each client, the individual routine of the day is developed. The relevant information is entered into the computer server of the office of the probation service. As a reward, the convict may be allowed to have a leave for his personal needs during 2 hours on Saturdays and Sundays.

Electronic monitoring is not applicable to the children.

The convict under supervision is obliged to wear the ankle bracelet

constantly. If the person leaves the specified area, the corresponding signal is sent to the remote control.

The equipment for electronic monitoring consists of:

- 1) the battery bracelet;
- 2) the transmitter of the radio signal connected to the home phone of the convict;
- 3) the radio receiver connected to the office server of the probation office.

The equipment is manufactured in Israel. In case of its malfunction, it is sent to the manufacturer. The cost of one set of material for the implementation of the electronic monitoring is 8,000 US dollars.

Convicts, who earn more than the minimum established salary, should pay for the e-monitoring of 80 crowns per day.

According to the statistics of the Prison and Probation Service of Sweden, every twelfth convict is imprisoned for the failure to comply with the conditions of electronic monitoring.

COMMUNITY WORKS

Such works are the additional punishment that can be combined with supervision or conditional sentencing. They consist of performing free tasks at the place of the convict's residence. The probation service determines the works, but the period from 40 to 240 hours) is determined by the court (.

The probation official reveals the convict's ability to perform the

community works during the individual investigation before the court makes the sentence. It examines the professional and physical capabilities of the person, family, and other personal circumstances, which can prevent from performing the works.

The community works are not applicable to citizens who do not have a permanent residence in Sweden and cannot be trained at the place of the employment.

If the place of performance of the community works is far and the public transport is used, but necessary funds are not available for the convict, after studying such situation, the probation office may acquire the tickets for the transportation of the person.

INVOLVEMENT OF NGOs

One of the peculiarities of the Swedish model of probation is the widespread involvement of the non-professional observers (the probation volunteers) in working with the clients. Non-professional observers are those who voluntarily assist the convicts who are under the supervision of the Probation Service. They work on the contract basis and receive the cash compensation (about 500 crowns per month) to cover their travel expenses and phone calls. They also receive the cash compensation for each inspection. The non-professional observers are divided into two categories: for all clients and the specific clients.

Non-professional observers carry out two tasks: support and control of



persons under probation. The non-professional observer cannot take administrative decisions regarding the client but must forward the relevant information to the probation office. He/she has no right to duplicate the functions of the probation officer. The primary task is to be an example of behavior for the client. To become such observer, it is necessary: to have no problems with the law; two recommendations from the probation inspectors and approval by the Head of the probation office. Non-professional observers can recommend something, but the responsible official takes the final decisions on all issues.

When selecting the non-professional observer's attention is paid to their education (mainly legal and social work), his/her system of values, views on life, professional experience, etc. The non-professional observers are usually the police cadets, social workers, members of NGOs, former teachers and law enforcement officials.

Probation programs used by the Probation Service of Sweden are aimed primarily at:

- overcoming dependencies (alcohol, drugs, gambling);
- prevention of aggression and violence;
- prevention of sexual crimes;
- prevention of anti-social behavior;
- prevention of the repeated offenses.

Most programs are based on the theory of the cognitive-behavioral

interventions. The main method of working in such programmes is the motivation. All programmes involve the independent work of the client (homework).

Programs are mostly individual, but group exercises may be included.

The Swedish Probation Service has the particular sub-unit, which deals with acquisition, adaptation, development of probation programs and monitoring of their effectiveness.

If the central office decides on the need of purchasing the program in other country, representatives of the Probation Service are sent to that country and learn to work with it. After the training, the accredited staff organizes the implementation of the new probation program by comparing the results of work with two control groups of clients, one of which is involved in the programme. Total time for evaluation of the programming efficiency is 3-4 years. The officials internship training is carried out every four years. The monitoring is carried out regularly. The video recording of the work of such specialist is sent to the central office to monitor and maintain the standard methods of the program implementation. Trainers and the certified specialists and regularly increase their qualification (once per year).

At present Sweden has 12 unified official programs, which started to appear 15 years ago. In the past, about 200 methods and programmes were

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used at the discretion of the officials and the assessment of their effectiveness was impossible.

State-owned scientific institutions develop programmes. Except for the programmes from the UK and Canada.

The most commonly used programs are:

- ART (against the aggression of the convict);
- ASI (learning about the problems of the convict);
- MAPS (learning about the level of motivation of the convict);
- PBL (solving the convict's problems);
- MI (Motivation of the convict's communication).

In assessing the client's participation in the probation programmes, the probation service adheres to the principle that the probation program is aimed at helping, rather than punishing the client. The client is motivated to participate in the programmes at the pre-trial stage. So, any sanctions for the non-fulfillment or improper fulfillment of the program measures are not applied.

LATVIA

The probation in Latvia has existed for almost 15 years. The State Probation Service was created on October 17, 2003. It is subordinated to the Ministry of Justice. The Probation Department of the Ministry has 64 officials and two Deputy Head, who is responsible for the following areas:

1) community works, pre-trial reports, mediation;

2) surveillance and probation programs.

The structure of the Probation Department consists of departments: personnel, document circulation, maintenance, financing, planning, legal, training and research, projects, information technology, analytical, communications, media. In total there are 28 regional offices in Latvia, 326 officials. About 8,000 clients are supervised (20 - 30 probation clients for one inspector).

The wages of the probation officials range from 800 to 1200 euros per month

An interesting achievement of Latvia is the work of the database system, through which the work of probation is organized (customer database, probation staff database, automated system of the working time and the intensity factor, automated database of using the transport for the performance of the official duties, automated inventory base, automated database of the workflow, etc.). The databases allow performing the productive individual work with each convict. There is also the computerized system for assessing the risks and needs, for the pre-trial reports, for the probation programs implementation, for the community works and for organizing the supervision. The databases are used by the courts, police



units, prosecutor's offices, prisons and social services.

So, the software has been developed and implemented, accessed by every probation officer at the workplace. Each official includes into the database the information about the work done with the probation client, the history of his offenses, participation in the probation programs, the assessment of the risk of committing the repeated crime and so on. As a result, it makes the significant cost savings. The effectiveness of the probation activities increases. The database reflects new changes to the regulatory framework so that the staff is informed about the new requirements of their work organization. Correspondence between divisions is also carried out through the interface of that program. As a result, the exchange of information is accelerated.

After entering the relevant information about the official's work into the personal cabinet, the intensity of his/her work is calculated according to the particular formula. The result depends on the planning of the working time and tasks imposed for different categories of the probation officials. It increases the efficiency of the rational use of the working time.

The probation officials have the free transportation (public transport), the health insurance, the extended period of leaves and holidays. During their employment, the probation officials are trained in the way of the

distance learning, after which they are instructed to form and manage the client's files.

EXECUTION OF PUNISHMENTS NOT RELATED TO IMPRISONMENT

The court sentence on the application of probation to the convict is sufficient to empower the probation staff to take relevant decisions related to the performance of the corresponding duties. The probation officials decide how to use the electronic monitoring for the convict, which probation programme will be implemented, the list of duties (12 interventions are envisaged by the legislation of Latvia), the maximum number of alerts in case of the violations, after which the decision is made to send the convict to the places of deprivation of liberty. The client's personality and the educational factor are taken into account for making the corresponding decisions. For example, the client may additionally be obliged not to drink alcohol or be restricted in traveling, etc.

To check the clients' compliance with the prescribed interventions, the staff carries out visits to the place of their residence (two probation officials are engaged in such visiting). The probation officials use alcohol testers, some special means (e.g. the gas cartridges for the self-defense).

Special attention is paid to the practice of the community works. The Probation Service of the Latvian Public

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cooperates with many organizations and agencies by the cooperation agreements and contracts. Taking into account the personality of the client; the results of the risks assessment; his/her profession and specialty, the probation staff has the opportunity to choose such types of the community works, which would fit his/her skills and contribute to his/her correction.

For employers, press conferences are organized, their assistance in the placement of clients is highlighted in the media, they are awarded with diplomas and thanks to the State Probation Service.

The probation programs in Latvia were started on the basis of the Canadian experience since 2006. They have been developed in the following spheres: SAR prevention, domestic violence, and emotional management. There are nine programs, including two ones in the rehabilitation sphere (social skills development). The staff training in the implementation of the programmes includes the qualifying interview, which is carried out by the specially created commission; training itself during 1-2 months; internship and increase of qualification at the working place with the use of the relevant video materials. The commission selects for the training only those candidates, who demonstrate the ability to master the skills of implementing the programs, regardless of their specialty. Such system gives the possibility to save the state resources and time, as well as

increase the efficiency of the program implementation.

Also, the use of the risk assessment tool in Latvia during the last 2-3 years demonstrates its efficiency with about 70%. The risks assessment is carried out at least every six months and is related to the probability of committing the repeated crimes by the probation clients.

The Probation Service of Latvia has established the interaction with the courts at the sufficiently effective level; the pre-trial reports are regularly requested by courts. The opinions of the court and probation officials coincide in 95% of all cases.

Besides, the Probation Service is entrusted with the task to supervise those persons, who are released from the penal establishments.

Since 2015 the electronic monitoring in Latvia is used as the remote supervision over the convicts. It is carried out by using the electronic bracelets. The introduction of electronic control in Latvia became possible with the assistance of Norway.

The introduction of the electronic monitoring system was preceded by learning the international experience in that sphere, by the staff training, by the development of the necessary legal and regulatory basis, by the solution to the problem of obtaining the electronic bracelets and other requisites. The preparation for using the electronic monitoring system lasted about 2.5 years. During that time the staff



training and the appropriate technical support were organized. The tender for the electronic bracelets purchase was held.

Such supervision (electronic monitoring) is usually applied to those convicts, who impose the low or medium risk to the society. Before replacing the imprisonment for the electronic bracelet, the careful assessment of the previous behavior and the future intentions of the convict is carried out. After the court decision is made, the location movement of the client is monitored by the special system. The bracelet is fixed near the foot. If the convict violates the conditions and requirements or damages the bracelet, the alarm will be sent to the central office. Such person is detained and forwarded to the penal establishment for imprisonment.

Electronic monitoring in Latvia is applied only on the voluntary basis. The motivation is the reduction in his/her sentence for up to 1 year. It gives the economy of the state resources. During the period of the electronic monitoring since 2015, the repeated crime rate among those convicts resulted in the 20-25 % decrease. Also, it has been possible to save more than half a million euros. The cost of imprisonment of 1 person is about 21 euros per day. One day of the electronic monitoring costs about 4 euros for one person.

At the beginning of the electronic monitoring introduction, the bracelets

were purchased. At present they are produced in Latvia.

INVOLVEMENT OF VOLUNTEERS

Volunteers are actively involved in the probation process. They are involved in the following spheres: mediation process, work with children, work with clients who committed the violent crimes, etc. The candidates for the volunteer's positions are interviewed, the relevant agreements concluded with them, and the two-day training is carried out. Volunteers work 8 hours per month. They receive additional 30 euros for compensation of their expenses (public transport, telephone conversations).

Also, the Probation Service provides the opportunity for the victim and the perpetrator to voluntarily participate in the process of concluding the «amicable settlement» through the mediators (restorative justice). As a rule, the functions of such mediators are performed by the probation volunteers. There are specially equipped rooms for holding the video conferences with the courts at every unit of the Probation Service of Latvia. Each group has one service car. The vehicle and fuel use by the probation officials are calculated with the help of the special software. The percentage of the repeated crime among the probation clients in Latvia during the supervision period is about 3%.

CHAPTER 7. INTRODUCTION OF LS/RNR TO THE DANISH PROBATION SERVICE

1. INTRODUCTION OF LS/RNR TO THE DANISH PROBATION SERVICE

Denmark is a country of 5.7 million citizens. The average prison population in 2015 was 3,400, and by the end of that year, there were 9,000 people serving probation in the community. In 2016 there was an average of 58 people incarcerated per 100,000 populations. The Danish incarceration rate is one of the lowest in the world and is approximately one-third of that found in Ukraine.

The recidivism rate is defined as the number of persons who re-offend and receive a new prison sentence, whether suspended or not, within two years of release from prison or completion of a suspended prison sentence.

A 2016 study indicates that those released from a prison sentence in Denmark in 2013 had a recidivism rate of 35%. Meanwhile, those released from a suspended sentence of imprisonment after serving a period of probation in the community had a recidivism rate of 27%. The recidivism rates for persons released after serving sentences of electronic monitoring and community service, respectively, were 16% and 18%.

Denmark's ability to maintain a relatively low incarceration rate compared to other countries is considered to be at least partially attributable to a

well-functioning and respected probation service.

In 2010, Canadian James Bonta published research results that documented a new way of reducing recidivism. While recidivism rates were already low in Denmark, Danish authorities recognized that they might be able to cut them even further by implementing Bonta's new strategy. Bonta's strategy was characterized by a more structured, more uniform, and more evidence-based approach.

Bonta's approach begins with an assessment of the individual's risk of recidivism and his or her need for support. It then determines how the preventive efforts indicated can best be implemented. This three-step process is conducted by using Bonta's standardized risk assessment instrument, the LS/RNR (Level of Service/Risk, Need, Responsivity).

Alongside this, Denmark has developed a probationary model inspired by the Canadian model, STICS. STICS is a dialogue-based approach used with clients who have the highest risk of recidivism. The Danish version is known as MOSAIK, which stands for *Motivation Dialogue-Intervention in the Probation Service*. When initiating these efforts, the Danish Parliament was particularly guided by the notion that resources should target those at highest risk of recidivism as opposed to those



likely to overcome their difficulties on their own.

2. BREAK WITH YEARS OF WORKPLACE IMPROVISATION

The decision to implement RNR was a break with long-standing traditions. Before this, individual staff members were given the freedom to apply whatever strategies they deemed suitable based on their subjective assessment of the circumstances and their knowledge of social theories and prior approaches.

There were relatively little operational control and a strong emphasis on the fostering of therapeutic relationships. Interestingly, however, a study by the Danish Probation Service indicates that there was a tremendous similarity in the outcomes achieved by the various methods applied by different staff members. This was likely because most staff members are social workers and therefore have similar educational backgrounds.

3. WHAT IS LS/RNR?

LS stands for the level of service. It represents an assessment of the degree of intensity with which intervention should be implemented. For example, LS might dictate how frequently a client should be contacted by the Probation Service, and which actions or constraints should be required of the client.

RNR stands for risk, need, and responsivity. Each of these three aspects of this preventive crime model is based on extensive criminological research.

RNR builds on three principles:

- Risk principle: Level of service should correspond to a client's risk of recidivism. Intensive services should be provided to higher risk clients and minimal services to lower risk clients.

- Need principle: Criminogenic needs should be assessed and targeted in treatment. Criminogenic needs are the dynamic risk factors (i.e., those amenable to treatment) associated with criminal behavior.

- Responsivity principle: The client's ability to learn from a rehabilitative intervention should be maximized by providing cognitive behavioral treatment and by tailoring the intervention to the client's learning style, motivation, skills and personal strengths.

The strategy described above is not a program, but a tool for assessing *who*, *what* and *how* re-socialization efforts should target specific offenders.

The RNR tool identifies areas of risk and needs relating to pro-criminal thoughts and attitudes, as well as anti-social behavioral patterns. The assessment helps to focus attention on areas that can be addressed through, e.g., intensive psychotherapeutic efforts.

It is essential to understand that the LS/RNR is a risk/need assessment instrument. It is not designed to predict dangerousness or the specific forms of crime to which an offender is likely to recidivism.

The LS/RNR does not use prior record, sentence length, or assessments of «dangerousness» in its determination of risk and need. Instead, it uses long-term patterns of anti-social behavior and pro-criminal attitudes. The level of risk identified by the LS/RNR should, therefore, be seen as relating to an overall, general risk of recidivism as opposed to predicting the risk of a specific form of recidivism.

4. WHO AND WHAT?

Together with D.A. Andrews and the rest of his research team, Bonta has identified eight central risk factors that predict recidivism:

1. Criminal background.
2. Educational/employment history
3. Family/marital history
4. Leisure/recreational patterns
5. Peer groups
6. Alcohol/drug problems
7. Pro-criminal attitudes/orientations
8. Antisocial personality patterns

The researchers initially believed that four of the factors were particularly important. However, further investigation indicated that all eight are equally important. Of the eight, it is only the first – criminal history – that is static. The other seven are dynamic and therefore amenable to treatment. It is, therefore, possible to reduce an offender's risk of recidivism by focusing re-socialization efforts on these specific areas.

5. HOW ARE RISK FACTORS IDENTIFIED? HOW IS NEED ASSESSED?

Denmark chose to use D. A. Andrews, James L. Bonta on Stephen Wormuth's *Risk-Need Assessment Instrument (LS/RNR)*. The LS/RNR is considered one of the most valid assessment instruments on the market today.

The instrument is used to evaluate the risk of client recidivism. It places clients into one of five groups: Very high risk; high risk; medium risk; low risk; and very low risk of recidivism.

The instrument is seven pages long and contains 96 close-ended questions designed to measure general and specific *risk* and *need* factors, as well as other client-related problems, and special considerations about *responsivity*, i.e., the client's amenability to treatment.

The Probation Service is currently considering a trial implementation of an abbreviated eight-point screening questionnaire. This shorter instrument is designed to screen out clients with a low or very low risk of recidivism who therefore have a limited need for supervision. Clients that the abbreviated tool estimates to have a "medium" to "high" risk of recidivism would then be given the full 96-item questionnaire to identify their needs more clearly.

The price of the two instruments is identical, but the shorter tool is more efficient regarding those with a «low»



or «very low» risk of recidivism since it saves time in calculating results.

Before the introduction of the LS/RNR, individual caseworkers made their assessments of a client's risk of recidivism based on personal experience and information the caseworker deemed relevant and could obtain from various sources. These subjective assessments have now been replaced by the screening questionnaire which provides estimates based on systematic, structured input. There is no expectation that the questionnaire can accurately predict an offender's risk of recidivism. However, research shows that there is a strong correlation between the questionnaire scores and observed recidivism.

In addition to the *risk profile*, the LS/RNR calculates a *need profile*. The need profile indicates the overall areas of action that the client and his or her caseworker should focus on defining, describing and executing and in what order. The need profile sheds light on areas where the client has a use for assistance but does not indicate the specific actions that should be taken. The details of the re-socialization effort are worked out in a collaborative effort between the client and his or her caseworker. In addition to the risk and need profiles, the LS/RNR produces a *responsivity profile*. The responsivity profile suggests ways in which the rehabilitative effort can best be tailored to the specific client.

In Denmark, results from the LS/RNR instrument are processed elec-

tronically. Results can also be processed manually, but the job is labor intensive. Manual calculation of results for the abbreviated, eight-question tool is significantly more straightforward.

The full questionnaire was originally designed in English and later translated to Danish by the Prison and Probation Service. Two independent translators translated. The two translations were then compared and inconsistencies were discussed with the LS/RNR's original designer, James Bonta. A few of the questions had to be altered somewhat to make them relevant to the Danish context.

Use of both the full and abbreviated instruments requires a license. Denmark pays 2.69 Euro for each use of either tool. If the Ukrainian Prison Service decides to conduct a pilot project using the LS/RNR, it should contact James Bonta to discuss whether the price can be reduced.

In addition to the translation of the instrument, The Danish Probation Service has also prepared a handbook explicitly outlining the use of the LS/RNR in Denmark.

6. MOSAIK

Clients evaluated as having a «high» or «very high» risk of recidivism are placed in an intensive supervision program called MOSAIK. MOSAIK, which stands for *Motivational Conversation Intervention (Motiverende Samtaleintervention I Kriminalforsorgen)*, is a new form of conversation-based treatment.

MOSAİK was developed in Denmark in collaboration with James Bonta. It was inspired by the Canadian supervisory model STICS (Strategic Training Initiative in Community Supervision). Unlike Canada, Denmark did not previously employ any psychologists with experience with Motivational Interviewing (MI) and was therefore forced to develop its supervisory model. Denmark did, however, have social workers experienced in the fostering of therapeutic relationships, though in a non-standardized, unstructured format.

The conversations developed for MOSAİK target the client's specific set of risk factors (need principle) and uses the responsivity principle to tailor applications of cognitive behavioral therapy (CBT), social learning approaches and Motivational Interviewing (MI) to the specific client. The key to the method is to maintain the client's focus on what he or she can do to avoid committing new crimes while at the same time discouraging the caseworker from giving his or her opinion on right vs. wrong. The idea is to help the client examine his or her thought patterns and compare them with his or her goals, values, etc.

The technique applies a specific structure to the conversation including check-in, summary, teamwork and finally rounding. The cooperation can also involve an updating of a treatment plan or, talking about acute situations. An example of a conversation is

shown in the attached video. Note that the caseworker initiates various exercises with the client to identify, examining and influencing the client's criminal attitudes and values, and motivating the client to move in a pro-social direction.

One of these exercises involves the use of so-called *value cards*, where the client is asked to choose three images that symbolize a value that he or she considers important. The selected cards then become the basis for a discussion of the goals that the client and caseworker should focus on during the period of supervision. Other exercises involve learning new patterns by working with the interaction of provocations, behavior and consequences, as well as problem-solving. The Danish Parliament had initially wanted a program that focused solely on those with the highest risk of recidivism. MOSAİK was therefore initially developed to target clients with a «high» or «very high» risk of recidivism. Later on, however, the Prison and Probation Service decided to include clients with a «medium» risk of recidivism. MOSAİK currently targets all three groups.

7. WHO IS OFFERED LS/RNR?

All convicted persons in the probation service must have a risk-need-responsivity assessment initiated no later than their second meeting with the Probation Service. If a client is assessed as having a “very high”, “high” or (since August 2017) “medi-



um” risk of recidivism, he or she is placed in the MOSAIK supervision program. The length of the program corresponds to the client’s term of probation. If a client is assessed as having a “low” or “very low” risk of recidivism, he or she is placed on ordinary probation. Ordinary probation is conducted in the manner that all probation was held before the introduction of the LS/RNR. It is based on nurturing good relationships and solving acute issues. The structured LS/RNR assessment is, however, generally also

used in the planning of the ordinary probation’s content.

8. HOW ARE CLIENTS PROCESSED IN THE PROBATION SERVICE?

The LS/RNR model can be outlined as follows:

LS/RNR Model

LS/RNR

All convicted persons undergo a risk-need-responsivity assessment

Ordinary Probation

Clients in “low” and “very low” risk groups are placed in a less intensive program

MOSAIK

Clients in “medium”, “high”, and “very high” risk groups are placed in an intensive program

Once the client’s LS/RNR profile has been established, consistent re-socialization efforts will be initiated by the client’s specific set of risk factors.

LS/RNR does not indicate which specific re-socialization actions should be undertaken. LS/RNR does, however, identify broad areas of activity that can later be specified, described and implemented in the proper order as part of a collaborative effort undertaken by the client and his or her caseworker.

Below is a list of areas in which the Danish Prison and Probation Service offer re-socialization services in connection with the LS/RNR:

- MOSAIK for clients with “medium”, “high” or “very high” risks of recidivism

- Program services within areas as anger management, violence against family, etc.

- Work, education and leisure activities- Treatment (substance abuse, psychiatric problems, sexual deviance, etc.)

- Assistance from the municipality and external suppliers

All probationary efforts are based on the needs identified in the LS/RNR assessment and any special conditions specified by the court.

Means of control and sanctions designed to deter clients from committing new crimes are avoided. This is because research indicates that these types of efforts have either no effect or a counter-productive criminogenic ef-

fect. Apart from MOSAIK, the Probation Service directly administers relatively few of the programs most utilized by its clients. In the vast majority of cases, clients are referred to social services outside of the criminal justice system. The Prison and Probation Service works closely with local government in the areas of housing, education, work, and health care (e.g., alcohol and drug treatment, gambling addictions, etc.). The programs administered by the Prison and Probation Service itself are exclusively focused on modifying criminal behavior, i.e., areas that the broader social welfare system is not designed to handle. This division of labor results from the fact that local governments can offer far more in the areas of general social welfare and drug treatment than the Prison and Probation Service could ever provide. It, therefore, makes sense to cooperate on these issues as opposed to establishing redundant services.

9 THE INTERACTION BETWEEN LS/RNR AND DANISH LAW

9.1 THE IMPOSITION OF SUPERVISION AND SPECIAL CONDITIONS

Probation and special conditions are imposed by the court at sentencing when about conditional sentences. They are, however, imposed by the Prison and Probation Service when related to parole. LS/RNR assessments are never made before conviction and are therefore never used in connection

with the initial imposition of special conditions attached to conditional sentences. LS/RNR assessments are, however, frequently used as a guideline at release from prison and to establish the conditions of release, etc.

9.2 CONTACT FREQUENCY

The LS/RNR assessment determine contact frequency. If the client's risk of recidivism is estimated to be high, the rate of contact will be correspondingly high. Applicable rules concerning treatment conditions, assistance needs, a client's mental state, and the nature of the crime committed may also be grounds for the imposition of a more intensive supervisory programme.

A term of probation requires that the client stays in regular contact with caseworkers from the Probation Service. Contact frequency is initially very high but declines with time depending on the client's estimated risk of recidivism and on any special conditions that the court may have attached to the probation. Contact is face-to-face, but can also be conducted by telephone. The introduction of the LS/RNR has not changed the rules and practices for dealing with the clients who fail to comply with the stipulations of their probation. If a caseworker is forced to report a client for non-compliance, the report should include a formal assessment of the risk of recidivism and state that the estimate is based on the LS/RNR.

The Introducing LS/RNR has not changed rules and praxis for dealing



with clients, who fails to comply with the stipulations of his or her probation. Do the caseworker decide to report on the risk of new crime according to non-compliance should the report always include information about that the risk of recidivism is stated on a standardized risk- and need tool.

In cases where a client refuses to contribute information to an LS/RNR assessment, the caseworker should otherwise fill out the instrument as thoroughly as possible. The LS/RNR is a tool that helps caseworkers to prioritize resources and thereby provide the best help possible,

10. HAVE WE BEEN SUCCESSFUL?

The decision to implement the LS/RNR model in Denmark was based on a report produced by a working group composed of representatives from the Prison Service and the Probation Service. The working group suggested that a test trial be conducted in a single setting. However, the Danish Parliament rejected the working group's suggestion and pushed to implement the project on a national level from the start.

Once the decision had been made to implement LS/RNR in the Danish prison system, the Directorate for the Prison and Probation Service established a three-member "RNR Team" to oversee the process. This RNR Team was later expanded to seven members (three working with LS/RNR and four working with MOSAIK). The RNR Team collaborated with critical interna-

tional partners both before and after the initial planning stages. These partners have included several of the original Canadian researchers responsible for the RNR model (including James Bonta and Guy Bourgon), as well as the Swedish Prison and Probation Service which, like Denmark's, is also implementing RNR principles in their probation work.

The implementation of RNR is taking place in three phases:

2013 -16 Development and training

2017-20 Implementation and establishment

2021 - Sustainable operation

11. DEVELOPMENT

The introduction and development of LS/RNR in Denmark have been subject to continuous evaluation and adaptation.

As previously stated, the LS/RNR instrument has been translated to Danish and adapted to the Danish context where necessary. A particular supervision model, MOSAIK, has been developed to target clients with "medium", "high", and "very high" risks of recidivism. MOSAIK can be efficiently administered by anyone possessing an education in social work.

An abbreviated screening version consisting of 8 questions has recently been developed to reduce the need for workforce.

Ongoing evaluation has been used to develop the associated training program continuously.

A decision to limit the number of caseworkers trained in MOSAIK is cur-

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rently under consideration. The argument for this is based on the fact that it would require extensive use of resources to teach all caseworkers in MOSAIK and for all of them to maintain their skills and ensure that the methods are used correctly. In addition to this, the task of supervision outlined under MOSAIK is complex and requires a variety of skills. Last, but by no means least, caseworkers differ in their ability and intrinsic motivation to use MOSAIK. It has therefore been suggested that only half of the caseworkers in the Probation Service should be trained to work with MOSAIK. This division of labor could be expected to result in a smaller, but more competent group of MOSAIK specialists who can provide efficient use of resources and serve clients more appropriately.

12. TRAINING

During 2013, one leader and one co-worker were trained as experts in the use of LS/RNR and MOSAIK in each of the Probation Service's thirteen regional offices. All thirteen regional offices were provided with a general introduction to the new project during meetings held a few months before the start of training.

The training program outlined below was then commenced for all (circa 300) applicable employees. Most of the trainees were caseworkers. Training was given to each regional office, three offices at a time.

Start 4 days basic training in LS/RNR with a final exam that had to

be passed to continue to the next level of training.

After one year: 5 days basic training in MOSAIK

After two years: Each caseworker has:

- received feedback on three video films, where he or she is shown engaging a client in a MOSAIK dialogue

- participate in a two-day follow-up program and has

- involved in three half-day sessions that provide a comprehensive follow-up to the necessary training in MOSAIK.

All regional offices have established monthly practice groups where they practice the use of LS/RNR (and will later practice MOSAIK).

The Prison and Probation Service has allocated six-month full-time wages, but no additional resources, for the administration of these practice sessions in each of the 13 regional offices.

The RNR Team has administered training.

13. A PROCESS AND EFFECT EVALUATION

The transition to the LS/RNR program was a significant task that required support at all levels of management. The development was expected to meet some degree of resistance because it needed a change in long-standing practices. It was also clear that it would require significant oversight on the part of the administration. This is because the training of personnel is one thing, but ensuring that they apply the new techniques on a consistent ba-



sis is quite another. The fact that the Probation Service had only three years to implement the new methods was also seen as a challenge. This was exacerbated by the fact that the Prison and Probation Service was simultaneously undergoing a significant restructuring that required many employees to relocate to new workplaces and learn new assignments. This was an effort that everyone knew would be followed very closely not only by the Director of the Prison and Probation Service but also by the Minister of Justice and the Parliament.

It was therefore decided from the start that the project should be organizationally placed within the Directorate of the Prison and Probation Service. This would allow evaluation on an ongoing basis so that preliminary results and conclusions could be regularly referred to and used as a basis for adjusting the project's implementation.

14. WHERE ARE WE TODAY?

Today all caseworkers are still trained in both LS/RNR and MOSAIK.

The latest evaluation shows that many have adjusted to the new methods, though there are some that still use the old practices. The LS/RNR is widely considered time-consuming to administer, and there is a current discussion about narrowing the target group.

Evaluations have yet to show an effect of the new methods LS/RNR and MOSAIK on recidivism. This, however, is not surprising given the fact that the new tools have only recently come into full operation.

There is no doubt that the more structured nature of the LS/RNR approach is more in tune with the spirit of the times, which places ever greater emphasis on evidence-based methods.

No one had guessed that the implementation of LS/RNR would be as labor intensive as it has proven to be. It has, however, nonetheless been possible for the Prison and Probation Service to limit the RNR Team to no more than seven full-time employees and to refrain from expanding the necessary staff in the regional offices.

CHAPTER. 8 RESEARCH ON THE READINESS OF PROBATION STAFF TO IMPLEMENT OF RISKS AND NEEDS ASSESSMENT IN UKRAINE

RESEARCH METHODOLOGY

The research based on the questionnaire survey of the of authorized probation bodies officials of the city of Kyiv and the Kyiv region. The main objective of the research was to determine the level of readiness of the officials to the introduction of risks and needs assessment tool in their activities; to analyze employees' awareness in using the risk and needs assessment tool; identify the basic needs and problems associated with using that tool.

The survey was carried out during September – October of 2017 using the anonymous questionnaire with the particular selection of respondents. It was carried out in the city of Kyiv and the Kyiv region due to the following factors:

- a significant number of the probation officers in comparison with other areas;

- proximity to the Ministry of Justice of Ukraine conditionally means that the Kyiv region is more aware of the innovations and can be the first to implement them.

The target group: the officials of the authorized probation bodies of the

city of Kyiv and Kyiv region (152 – are planned, 129 – were polled).

According to the purpose the following tasks were solved during the research:

1. clarification of the purpose and tasks, making the list of respondents;
2. preparation of the research tools (development of the questionnaires);
3. determination of the survey procedure, instruction of the respondents;
4. research coordination;
5. systematization of the obtained data and creation of the analytical certificate based on the analysis results;
6. formulation proposals for the collected data.

The research results have been converted to the percentage measure:

7. 1. The employment experience of the interviewed probation officials is the following: 1) up to 3 years of employment – 46.9%, 2) from 4 to 8 years of work – 25%. 3) from 9 to 15 years of work – 18.8%. 4) over 15 years of work – 9.4%..

Thus, about half of the probation officials are young professionals who

¹ At the moment of carrying out the survey, the authorized probation bodies already had to use the risks and needs assessment tool both for making the pre-trial report and for the similar work with the convicts in the framework of the pilot project.



are not accustomed to using the old methods of work. So, it is easier for them to use the new approaches within the framework of reforming the system and working with the risks and needs assessment tool.

On the other hand, the number of those officials, who have been working for a long time (less than one-third of them have the penitentiary experience more than nine years) testify the high level of the probation staff turnover. So, we have to solve the problem of retaining the experienced officials. Besides, the staff training should envisage strengthening of their willingness to work for a long time at the probation bodies.

2. Answers to the question «Do you know the methodology of the risks and needs assessment? » are the following: «yes» – 52.7%; «only general idea» – 41.9%; «no» – 6%.

So, the overwhelming majority of the polled probation officials are aware of the risks and needs assessment tool. However, the answer “only general idea” does not allow us to say about the profound knowledge and successful use of that tool in the probation activities. The major part of the probation officials is lawyers. So, the social work qualification is needed. The probation activities require considerable efforts to have the social orientation in their work.

3. Answers to the question «Do you use the risks and needs assessment

in your work? » are the following: «yes» – 77.2%; «no» – 22.8%.

So, the majority of the probation officials to some extent use the risks and needs assessment. It explains the fact that in 2017 more than 20 thousand pre-trial reports were prepared by the probation officials. However, the problem is that the tool is seldom used for assessing risks and needs of the supervised convicts, who are released or sentenced to the non-imprisonment punishments.

22.8% of the probation officials do not use the risks and needs assessment tool in their work at all. It is preferably a high indicator of the lack of the sufficient skills, reluctance or personal rejection of the proposed methods of the probation activities. At this stage the consistent and explicit policy of the Ministry of Justice of Ukraine regarding the creation of the unified professional consciousness, which envisages the risks and needs assessment as an essential tool.

4. Answers to the question «If you use the risks and needs assessment tool in your work, what difficulties arise during its use? » are the following:

- lack of experience in that sphere – 31.1%;
- the formality of the existing risks assessment – 18.9%;
- lack of the evidence of its effectiveness – 35.2%;

- all the above-mentioned difficulties – 2%,

- there are no difficulties – 1.6%.

There are some other formulations provided in the respondents' answers:

- lack of the proper staffing;

- timeframe, which is officially envisaged for completing the risk assessment is not always sufficient to obtain the required information and determine the level of the offenders' motivation;

- the complexity of obtaining the reliable information about the convicts;

- not sincere responses of some clients to the probation officials;

- delay in responses to the requests for the corresponding data, the incorrectness of some indicators;

- rigid and formalized structure of the applied methods; insufficient variation and flexibility; high risk of subjectivity in the process of the factors assessment.

This question envisages not only the proposed options of the answers but provides the opportunity to write the own ideas. Responses demonstrate the core problems, which appeared after the tool introduction. Thus, one-third of the respondents noted that the complexity is the lack of experience in making the risk and needs assessments. More than 35% of the respondents have doubts concerning its effectiveness. That is why we need to make a clarification and persuade the probation of-

ficers in the success of the chosen tool to form such team, which apparently understands the ultimate goal and the means and measures necessary to achieve it.

A certain level of distrust to the new methods of work is the expected response from those probation officials, who have been using the old ways of work for a long time. However, the many young professionals reinforce the hope of perceiving the need to use the new tool for the risks and needs assessment.

5. Answers to the question «Are you aware of the methodology used to assess the risks and needs of the adult convicts? » are the following: «Yes» – 85.6%; «No» – 14.4% of the respondents.

At the moment of the research, the tool for assessing the risks and needs of adult convicts was not approved yet by the legislation. Such situation is still now. So, the majority of the probation officers do not distinguish the assessment for making the pre-trial report and for enforcement of sentences, which are alternative to imprisonment.

6. Answers to the question: «Is there a need for the corresponding professional training/workshop and familiarization with the new method? » are the following: «Yes» – 34.9%, «No» – 26.4%, «Possible» – 38.8%.

More than one-third of the respondents said that they need the rele-



vant training, at least within the framework of the training workshop. Besides, some indecisiveness (38.8%) proves that the professional training /workshop is needed. It is due either to the confidence in their knowledge (but it is not supported by other answers to the survey) or we can assume that they need more systematic training.

7. Responses to the question: »What is the priority in introducing the methodology for assessing the risks and needs of convicts, in your opinion?» are the following:

- learning the foreign experience – 29.7%;
- proper training of the probation bodies' staff – 55.5%;
- improvement of the legislative basis – 1.6%;
- development of the methodological recommendations – 4%.

Almost 2% of the total number of respondents gave their answers:

- proper working conditions (improvement of material and technical basis);
- the sufficient staff amount, since it is necessary to have enough time to collect, analyze and systematize the relevant information for the completion of the risk assessment;
- enough psychologists and social workers;
- interaction with other bodies, institutions, and agencies for collecting

the information about the convicts for the pre-trial reports.

During the use of the risks and needs assessment tool, the probation officers faced some problems (according to their answers). More than half of their responses are related to the staff training, which should envisage not only the work with specific exercises and techniques but also the formation of the concrete concept, the clarification of the need to use the tool mentioned above and the demonstration that it works. Thus, the extended period of reforming the system of enforcement of sentences and the lack of the proper results makes it doubtful. The officials distrust specific innovations, which change the approach to such vital issues radically as the order of execution of punishments and work with the convicts. 29.7% of the respondents said that the foreign experience is essential. This approach could be explained by the desire of employees to use the successful methods from other countries if they demonstrated excellent results.

GENERAL CONCLUSIONS AND RECOMMENDATIONS

The survey of the probation officials and the research concerning the introduction of the new types and methods of their activities we made for the first time. It helps to reveal the general mood of the probation staff, their attitude to the innovations, as well as the internal problems to be solved.

In general, the survey results prove that the probation officials have begun to use and gradually become «accustomed» to the new tool for assessing the risks and needs of the convicts. At the same time, there are still many problems, including the organizational uncertainty of the central penitentiary authorities.

All respondents of the survey noted the general problems related to the material and technical supply and staffing. They emphasized the need to establish interaction with other state institutions and agencies. The lack of psychologists and social workers, as well as the need for the proper professional training, were mentioned by many respondents.

The research also revealed the following problems:

1. The absence of the adequately approved form for the risks and need assessment of convicts means the lack of the single concept, different treatment, attitudes and approaches at the probation bodies and other state institutions, agencies.

2. Not all the officials of the authorized probation bodies know the use of the methodology for the risks and need assessment of the convicts.

3. There is an urgent need for the relevant education and the corresponding qualification improvement related to the methodology mentioned above.

4. There is no standard understanding of the necessity to use the assessment of the risks and need assessment of convicted. New methods are not apparent, and their efficiency is not evident to the majority of the respondents.

5. There is a risk of the formal use of such methodology of the risks and need assessment.

Recommendations:

1. To approve the form of risks and needs assessment for the adult convicts (at least, the temporary one). To combine that process with the inter-agency consultations, roundtables, discussions for achieving the mutual understanding and shared approaches in its use and meaning.

2. To carry out the relevant training of the probation bodies' staff in the order they learn the methodology mentioned above.

3. To carry out the equal educational work with the probation officials, as well as with the representatives of other state institutions and agencies. To organize the roundtables, briefings, training, and workshops on the specified topics.

4. To make the proper logistic support to the authorized probation bodies and selection of the relevant specialists for the employees there.



CHAPTER. 9 WORKSHOP «LEVEL OF SERVICE/RISK, NEED, RESPONSIVITY»

On November 23, 2017, by the support of the Ukrainian-Danish project «The introduction of Probation in Ukraine», a workshop for heads of authorized probation bodies of Kyiv

was held. The main objective was to familiarize probation staff with the risk and needs assessment tool of convicted of Denmark, work in the program «MOSAİK».



The main speakers were Bodil Philip, Project Manager of the Danish Helsinki Human Rights Committee, Helle Stjernholm, Karin Skammelsen, Rehabilitation Consultants.

At the beginning of the event, the head of the probation service in Ukraine, Oleg Yanchuk, made a

presentation entitled «Implementation of probation in Ukraine: state and prospects», he revealed the main achievements of probation in Ukraine during the last year and outlined the place of probation today and future steps.

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Bodil Philip, the project manager of the Danish Helsinki Human Rights Committee, spoke about the preconditions for the introduction of

LS / RNR (Risk and Needs Assessment) in Denmark and the advantages and disadvantages accompanying this process.



CHAPTER 9.



A description of the structure of the preliminary interview with the convicted by a studying film demonstrated: the workshop participants during the review could ask questions and listen to useful comments from the rehabilitation consultant of the Danish probation body Helle Stjernholm.

Karin Skammelsen described in detail the MOSAIK program (Motivational Conversation Intervention) and provided practical exercises that she uses in her work.



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The work consisted of training and bilateral communication of representatives from Denmark and practitioners of probation in Ukraine.

After a brief break-coffee, all present were acquainted with the

results of the questionnaire of the probation officers of Kyiv and the Kyiv region, to express their opinion on the issues raised in the study, which are faced by probation officers in Ukraine in their daily work



In the end, all participants took part in the discussion about the possibility of introducing the risk assessment and needs and the program «MOSAİK». The debate took place in the area of readiness of the Ukrainian model of probation for such changes and ways of solving already existing problems, such as insufficient staffing and logistical support, the need for systematic training, lack of time for the

employee and internal motivation of convicts for the new tools.

Feedback from practitioners has demonstrated the need for such events with an increase in the amount of material and time spent.

In the end, all participants received certificates that they were trained and familiarized with the assessment of risks and needs in Denmark.





CONCLUSIONS AND RECOMMENDATIONS

1. Despite the fact that probation at the legislative level fixed for three years, it is worth noting that it is still in its state of becoming. The formation of its main directions of activity takes place; the current legislation improved. It is difficult to talk about the results and effectiveness of the probation service in Ukraine, as natural functions for probation, such as risk assessment and needs, implementation of social programs, the application of electronic monitoring has not yet been put into effect or implemented within the pilot project. For a long time, the creation of probation was not of a formal nature: the functions performed did not differ from those carried out by the criminal-executive inspection. Maintaining the social content of probation is necessary. We recommend developing a concept for the further development of probation.

2. The probation officer is the person who is the driving force behind the necessary changes for the proper functioning of the probation. Although a significant proportion is made up of young specialists, the fundamental changes that take place require the re-training of the entire staff of probation. A negative factor is that probation requires social work, when most workers have a lawyer qualification. Today there is a need for social workers, practical psychologists. At the same time, it is necessary to consolidate the requirements for personnel in the selection and preparation. The ex-

isting project «Professional competence of an employee of probation» provides for too wide a range of skills and skills that should be owned by an employee. Foreign experience shows that employees can perform different functions and, accordingly, have different qualifications. Thus, not all of Denmark probation officers have the right to assess the risks and needs. First, teach a large number of employees is expensive, and secondly, this is not necessary – not all prisoners should be diagnosed by this method. When a broad range of responsibilities is required from the worker, there is a risk of low execution. Therefore, we recommend structuring the posts in the probation body and the corresponding requirements for each of them.

3. When analyzing foreign experience, it is clear that all countries are trying to attract volunteers to work with convicts. Unfortunately, in Ukraine, this is an issue that needs further consideration. On the one hand, the legal involvement of volunteers is foreseen, but on the other, there are no real mechanisms for cooperation between probation and civil society representatives. We recommend using foreign experience and foreign expert assistance in organizing collaboration with volunteers. This direction is promising regarding collaboration with international organizations.

4. Currently, the assessment of the risks and needs of the convicts is not formally approved, although pilot



projects and testing are carried out by regional probation bodies. Ukraine has decided to take the UK risk and risk assessment tool as a basis. Although, as the analysis of foreign experience shows, the vast majority of European countries use the Canadian risk and risk assessment tool, moreover, the Canadian developments are based on the assessment of risks and needs of the United Kingdom. Comparing both tools, it is worth noting that they have much in common: they based on the same criminal needs of convicts. We recommend that you take into account the risk assessment tool and the needs of convicted Canadians.

5. Countries of the world, which used the risk and need assessment tool, also presented a program within the framework of which this assessment is used. In Canada it is STICS, in Denmark it is MOSAIK. By itself, the tool determines the level of acceptability of repeat offense and the needs of prisoners, but only within the program can be implemented all these measures. It is not about rehabilitation programs aimed at satisfying individual needs of convicts, but a well-structured, phased, a unified program for all organs, the passage of which guarantees a particular result. Risk and Needs Assessment is a specific indicator that answers that the convicted person needs, but the tool alone does not provide such assistance. It seems that this is an important area of activity of the probation bodies to work with a tool for assessing the risks and needs of

convicts. We recommend to familiarize yourself with the MOSAIK program for testing and subsequent use in Ukraine.

6. The project «Introduction of probation in Ukraine» has a training and monitoring nature. We investigated the Danish probation system, evaluated the possibilities of the Ukrainian one. Taking into account the significant differences in social, political and economic life, it has concluded that probation in both Denmark and Ukraine has a common goal – reducing the rate of relapse and helping the convicted person to change the criminal mindset. The probation system in Denmark has good results for achieving the above objectives, and the use of its elements is possible and useful.

THIS PROJECT IS PROMISING TO CONTINUE IN THE FOLLOWING AREAS:

- Training of personnel of probation of Ukraine from the program «MOSAIK»
- Probation by regional probation bodies of the program «MOSAIK»
- Adaptation of the «MOSAIK» program to Ukrainian realities
- Developing an algorithm for interaction between probation staff and volunteers
- Training materials for probation workers and volunteers
- Monitoring the effectiveness of probation workers

REPORT

INTRODUCTION OF PROBATION IN UKRAINE

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