

## **“INTRODUCING A PROBATION SYSTEM THROUGH A STEP-BY-STEP APPROACH” – REPUBLIC OF CROATIA**

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The Republic of Croatia is a European country, located at the seam of central and Southeast Europe. It is a Mediterranean country with more than 1,200 islands on the Adriatic Sea. On the north it borders with Slovenia and Hungary, on the east with Serbia, on the south with Bosnia and Herzegovina and Montenegro, while a long maritime border separates Croatia from Italy. The Republic of Croatia became independent after the dissolution of the Socialist Federal Republic of Yugoslavia in 1991. After the war for independence, Croatia started to grow as a new country and today it is recognized as a successful and developing economy and State. Croatia became a member state of the European Union on 1 July 2013 and still is the youngest member state in the European Union. The capital city of the Republic of Croatia is Zagreb, and the population is 4.3 million.

One of the youngest parts of the Croatian criminal justice system is the Probation Service. In a short period of time the Probation Service became an important professional part of the enforcement of sanctions for persons who committed a crime with a strong orientation to resocialisation and rehabilitation of offenders in the community. The Probation Service in Croatia is part of the Ministry of Justice and Public Administration. It is part of the Directorate for Prison System and Probation, formed as a Sector for Probation. The Sector for Probation consists of a central office and 14 local probation offices. Probation tasks have the purpose of protecting the community from the offender by resocialization of the offender and helping him/her to be reintegrated in the community and, as such, these tasks are of special interest for the Republic of Croatia.

The prison system has a long history, and prison sentences are also based on rehabilitation. However, the purpose of probation is to make enforcement of sanctions more humane and effective and by resocialization and reintegration of the offender making the community safer. So, when deciding on introduction of the Probation Service to the criminal justice system in Croatia, it is important to point out that when it comes to success of rehabilitation, short prison sanctions should be the last option. It was also important to bear in mind the financial benefit of probation supervision. Probation supervision is less expensive than a prison sentence. Offenders on probation do not have 24/7 care of the State and must provide all life necessities on their own.

When talking about the development of the probation system in the Republic of Croatia, we must go back in history before the service was developed to see the roots of it. The concept of probation already existed in the Croatian legal system, though not in its present form. For many years measures had been available for juvenile offenders in Croatia, and these measures were very similar to probation. For adult offenders a suspended sentence with protective supervision as a sanction, though different in form from probation, was regulated in 1976 by the provisions of the Criminal Code of the Socialist Federal Republic

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of Yugoslavia. After declaring its independence, the Republic of Croatia took over this Act and the sanction was kept and developed. Croatia's Criminal Code of 1997 introduced the possibility of replacing prison sentences with community work orders.

First community sanctions and measures started being implemented at the end of 2001, after a new Croatian Criminal Code came into force. The new Criminal Code led to the development of the special Supervision of Suspended Sentence and Community Service Act. But at that time, the enforcement of these sanctions was within the jurisdiction of the Directorate for Prison System, and community sanctions were executed by professionals who had university degrees mainly in social pedagogy, social work and psychology, and who were employees of the Ministry of Justice or Ministry of Social Welfare. These persons were called "commissioners", and they had their full-time jobs in prisons, penitentiaries, correctional institutions for juvenile offenders, social welfare centres etc., so they would only work with offenders part time. The best value of this early system was that commissioners were promoting the idea of probation in the wider community. This system demonstrated that Croatia was open to the concept of alternative sanctions and was ready to work with offenders in the community.

After that initial period, the need to establish and develop a more integrated probation system was recognized by the government. This new development was supported by the Council of Europe recommendations and other positive European practices. It is also important to underline that this was a time during Croatia's accession negotiations for EU membership and related judicial reforms, so we can say that there was "a good wind" for the development of the Probation Service.

After the judicial reforms started in 2005, a strong initiative was presented to further develop the probation system. The main goals of the reform were to: reduce the number of prisoners in overcrowded prisons, make enforcement of criminal sanctions more humane and help to reintegrate offenders into the community taking into consideration its safety. During that time, the Government had concerns about the large prison population and lack of effective means to secure many early release cases.

Looking for solutions, there was strong support for the development of probation, and it was decided to get European experience as help for developing the best model. At the time, there were many European projects available to help and support Croatia during the negotiating time to become a member state of the EU. Within the framework of the CARDS 2004 project, the Ministry of Justice, Directorate for Prison System with National Offender Management System from the UK, conducted in 2007 the EU Twinning light project "Support to the Development of a Probation System in Croatia". Within this project, an array of European practices and experiences was reviewed, enabling Croatia to consider a wide range of options in the strategic planning process. Also, the gaps and needs analysis regarding the establishment of a probation system in Croatia was conducted. At the end of 2007, as a main result of the project, Croatia had a five-year strategy for the establishment of a Probation Service in Croatia.

The process of building the new service formally started after the Strategy for the Development of the Croatian Probation Service 2008-2012 was adopted. The strategy defined two main goals: (1) the development of professional practice and (2) the development of a professional organization. This short process might be called "from idea to professional service". It included aspects such as solving diverse legal matters, capacity

management, human potentials, infrastructure, partnerships, evaluation, stakeholders and communication issues.

The key year was 2009 when the first ever Probation Act was passed in Croatian Parliament. Unfortunately, not all other aspect were ready for a start of a probation service so “the theory and practice” were timely separated for a short period of time. During 2010, by-laws were prepared, infrastructure was organized (finding venues for probation offices, preparing offices) and we were conducting tenders for “future” probation officers.

So, the first Probation Act in Croatia was enacted in 2009 and the first probation offices opened in 2011. At the same time offices were opened, in 2011, a series of trainings for probation officers was organized on a regular basis. Since the beginning of 2013, the professional probation service has been available to all citizens because all anticipated probation offices were opened by then. During the first few years of practice, it was noticed that Croatia needed a broader net of probation offices, so two new offices were opened in 2018. During the first years of its existence the Probation Service was separated from the Prison System. However, after 6 successful years of probation it was decided in 2017 to merge prison and probation under the same directorate in the Ministry – the Directorate for the Prison System and Probation and this is the current organization structure.

Regarding the law, after the first Probation Act in 2009, in 2013 a big change happened. There were new changes to the Criminal Code that gave jurisdiction to the Probation Service in more tasks. Following the changes in the Criminal Code, the new Probation Act was also prepared and enforced from the beginning of 2013. With this new jurisdiction Probation Service doubled the number of cases. Five years later, in 2018, again a new Probation Act entered into force. There was no “big news” with this third law. However, it was prepared to have legal background of all the situations that probation officers have had in the probation practice since the beginning of the work of the professional Probation Service in Croatia.

If we show the growth of the Probation Service in the Republic of Croatia like the building of a house, we can say that ground floor was first Probation Act in 2009, the main part of the house was infrastructural preparations in 2010, followed by preparation of all relevant by laws in 2011 and a new law in 2013. The upper part of this house is the merger with the prison system in 2017 and a new law and two new offices in 2018. The roof consists of all the challenges during 2020: Covid-19 and earthquakes in Croatia. Also, there is the plan for future development – steps forward into introducing electronic monitoring. Considering all above, we are proud that today the Probation Service in Croatia is recognized as a valued and important part of the Croatian criminal justice system.

Introducing new services had many challenges. In order to become a professional and valued part of criminal justice we had to gain trust and respect from other stakeholders and prepare the ground for good and smooth cooperation. We had to show that we bring added value and in order to do so, we had to have motivated probation officers. We had to be professional, and we had to enforce different tasks of supervision and help for offenders in organized infrastructure of the probation service from the beginning. Also, it is always important to show the effect of the Probation Service. In Croatia, the Probation Service received more than 35,000 cases, out of which 30,000 cases are completed, 89.5 per cent completed successfully. Verification of the effect of the Probation Service can also be measured by the statistics. Taking into account that in Croatia one of the goals was to lower

the number of prisoners, it is also important to see the ratio between prison and probation. During the beginning of the work of Probation Service back in 2011, the Probation service received 1,067 cases while there were 5,084 prisoners within the Prison System at the same time. In 2012 the Probation Service received 1,573 cases for enforcement, and there were 4,741 persons serving prison sentences. In 2013 the Probation Service received 3,304 cases. Over the next few years the number of cases was increasing in probation while the number of prisoners was decreasing: in 2014 the Probation Service received 3,618 cases and there were 3,763 prisoners; in 2015 the Probation Service received 3,911 cases and there were 3,306 prisoners, in 2016 the Probation Service received 4,147 cases and there were 3,079 prisoners. From 2017 the Probation Service stabilized the number of cases (3,544 in 2017; 4,211 in 2018; 3,825 in 2019) while the number of prisoners started slowly increasing (3,190 in 2017; 3,217 in 2018; 3,533 in 2019). The numbers show that the Sector for Probation has become an important partner in the criminal justice system, acknowledged and valued by judges, state attorneys, police and the prison system. Second, an important fact for the verification of the effect of the Probation Service is the financial benefit. One day for one offender on probation costs 1.5 Euro, while one day for one prisoner costs 55 Euro. On top of this, we must consider that 500,000 to 600,000 hours of community work are performed by offenders on probation every year. This unpaid work for the benefit of the community must be pointed out when evaluating the financial benefits of probation.

Probation Officers are civil servants, employees of the Ministry of Justice and Public Administration. Every local probation office (14 in total in Croatia) has a Chief of the Office, Probation Officers and administrative staff. Probation Officers hold a degree in law, psychology, social pedagogy, social work or pedagogy, and are authorized to perform probation tasks in accordance with the Probation Act. There is also a special training for a new employee when becoming a probation officer and there are many specific programmes to be trained after. The Central Office manages coordination and service development.

At this moment, we can say that Croatia has a Probation Service capable of delivering a wide range of high-quality services. All probation cases are managed through the Information System, an electronic database accessible by all employees via a web interface. The Information System is used as a registry of all persons supervised and as a management programme supporting administrative processes. At first, this was a Probation Service system only, but after the merger, we have a new information system for prison and probation. The new system will be in the future connected with other relevant national information systems (police, health system, prosecution, courts ...).

The Sector for Probation in Croatia supervises adult offenders only, and probation tasks are performed through the entire criminal process: from pre-trial to the post-release supervision. The Probation Service is a treatment service. Treatment work starts after final judgment of the competent court. The Probation Service controls the offender and provides help to the offender. Tasks include education, support, work on learned behaviour with the special alert regarding the family situation and personal circumstances. The key idea is for the offender to adopt non-violent forms of behaviour in order to have a safe community. This process is only possible if the Probation Service has excellent cooperation with courts, police, prison service, prosecutors, social services, health institutions, NGOs, universities and other relevant institutions.

Bearing in mind that the Probation Service is still a young service, it must promote itself. There must be different types of promotion for cooperating organizations and for the lay public.

Although the Probation Service in Croatia is now a well-established professional organization, it still uses all possibilities to grow and to get to know good practice from other countries. The financial and expert assistance of the EU has been important in the development of the Sector for Probation in the Republic of Croatia from the beginning and still is. Starting from 2019 the Croatian Probation Service started new projects from the European funds. We also started a partnership with Norway under the Norwegian financial mechanism, preparing the permanent introduction of the use of electronic monitoring in the criminal justice process as a new task of the Probation Service in the future. Project are important for the growth of the service and help broaden ideas regarding the probation possibilities. Every new service should have contact with services from abroad in order to get good ideas and also to avoid mistakes.

Further development of the Croatian Probation Service should head in two directions: the strengthening of its internal capacities, stronger affiliation with other stakeholders and the expansion of the scope of the tasks it performs, as well as the advancement in executing existing tasks. Improvement of professional competencies is a continuous process, and we want to maintain a high standard of staff competence. Croatia wants the best probation service we can have and want to create a performance led culture which values quality and continuous improvement. The Croatian Probation Service has excellent results and knowledge in building new service, and we are willing to help all services in need.