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## VISITING EXPERTS' PAPERS

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### RESOCIALIZATION AND REHABILITATION OF OFFENDERS IN THE COMMUNITY – THE CROATIAN PROBATION SERVICE

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#### I. INTRODUCTION

This paper has the aim to inform practitioners from different countries about the criminal justice system in the Republic of Croatia. The key is to present changes regarding the enforcement of the sanctions for offenders who committed a crime after the introduction of the probation service and the possibilities to work with offenders in the community.

##### A. The Republic of Croatia

The Republic of Croatia is a European country and a member state of the European Union. The Republic of Croatia became independent after the dissolution of the Socialist Federal Republic of Yugoslavia in 1991. Croatia became the 28th member state of the European Union on 1 July 2013 and is still the youngest one. The population of the Croatia is 4.3 million, and it is located in the middle of south-eastern Europe. It is a Mediterranean country with more than 1,200 islands in the Adriatic Sea.

From 1 January to 30 June 2020, Croatia took over the presidency of the Council of the European Union. Also, the Croatian city Rijeka is the European Capital of Culture in 2020, with the motto “Port of Diversity”. The capital of the Republic of Croatia is Zagreb. To the north, Croatia borders Slovenia and Hungary; to the east, Serbia; to the south, Bosnia and Herzegovina, and Montenegro, while a long maritime border separates it from Italy.

##### B. Enforcement of Sanctions

When it comes to the aspect of safety, the Republic of Croatia is a very safe country. One of the youngest workings of the Croatian criminal justice system is the probation service. In a short period of time, the probation service has become an important professional aspect for the enforcement of sanctions for persons who committed a crime, with a strong orientation to the resocialization and rehabilitation of offenders into the community. For many years, persons who committed a crime were sent to prison to serve a prison sentence. The key criminal justice laws are the Criminal Code and the Criminal Law Procedure Act, but in this paper the focus will be on the Law on the Enforcement of the Prison Sanctions and Probation Act.

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## II. HISTORY OF ALTERNATIVE SANCTIONS IN CROATIA

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 its roots. For a long period of time, dating even before the independence of Croatia, while Croatia was part of the Socialist Federal Republic of Yugoslavia, the only alternative to imprisonment was the suspended sentence. At that time, suspended sentence was a sanction where an offender received a prison sentence but was not sent to prison. Instead the offender was permitted to remain in the community provided that the offender did not commit a new crime within a certain period of time, usually a few years. However, this possibility shows that the concept of “alternative sanctions”, in a way, already existed in the Croatian legal system, though not in its present form.

It is also very important to point out that, for many years, measures were available for juvenile offenders in Croatia very similar to probation measures. As in the past, today’s measures for juvenile offenders are under the jurisdiction of the social welfare system and will not be included in this paper. Alternative sanctions under the jurisdiction of the modern, professional probation service in Croatia are for adult offenders only.

So, 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 of Yugoslavia. After becoming an independent state, Croatia’s Criminal Code of 1997 introduced the possibility of replacing prison sentences with community work orders but did not develop a probation service at the time. We can say that the system that was created at the time was a forerunner for the probation service that Croatia has today. 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. Looking to the past, we can say that first community sanctions and measures started being implemented at the end of 2001, when the changes in the new Criminal Code led to the development of the special Supervision of Suspended Sentence and Community Service Act. Under that Act, community sanctions were executed by professionals called “commissioners”. Work of the commissioners was within the jurisdiction of the Directorate for Prison System. Commissioners had university degrees mainly in social pedagogy, social work and psychology, and they were mostly employees of the Ministry of Justice–Prison System or the Ministry of Social Welfare. Commissioners had their full-time jobs in prisons, penitentiaries, correctional institutions for juvenile offenders, social welfare centres etc. and only worked part-time with offenders. However, having commissioners demonstrated that Croatia was open to the concept of alternative sanctions and was ready to work with the offenders in the community even on a larger scale. The best value of this early system was that commissioners were promoting the idea of probation in the wider community.

## III. THE IDEA OF BUILDING A PROFESSIONAL PROBATION SERVICE

After the period in which “commissioners” were enforcing some alternatives to imprisonment in Croatia, the need to establish and develop a more integral probation system was recognized by the governmental structures. 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.

As a member state of the Council of Europe and future member state of the European Union, Croatia had a duty and a strong will to reach the highest standards regarding the human rights of the persons in prisons. This period offered the possibility to learn from different countries in Europe through European projects. Starting from the year 2007, Croatia started implementing European projects orientated to building a professional probation service. During the following years, there was cooperation with many European countries in order to learn about practices conducted in Europe, what works and what to avoid when establishing a probation system. This led to the development of the modern professional probation service in Croatia.

#### **A. Prison Population at the Time**

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.

At that time, Croatia was struggling with the problem of an increasing prison population. From the year 2005 to year 2011, the prison population was increasing on a daily basis. The prison system was making all efforts to increase the capacity of prisons, but overcrowding remained. In 2005, there was capacity for 3,009 prisoners, while there were 3485 prisoners; by 2007 there was capacity for 3,267 prisoners, but there were 4,290 prisoners. The capacity in 2008 was increased to 3,351, but the number of prisoners was increasing even more: 4,891 prisoners in 2009 and 5,165 prisoners in 2010. Taking into account that many Croatian prisoners were serving short prison sentences, this was a perfect time to build a professional probation service.

#### **B. European Projects**

Looking for solutions, there was strong support for the development of probation, and it was decided to draw on European experience to help develop the best model. At the time, there were many European projects available to help and support Croatia during the negotiating time to become an EU member state.

##### 1. CARDS 2004 Project

Within the framework of the CARDS 2004 project, the Ministry of Justice, Directorate for Prison System, along with the 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 were 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. Part of this project was also a SWAT analysis – strengths, weaknesses, opportunities and threats – regarding the

future probation service in Croatia. 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.

This new strategy had two goals:

1. Development of professional probation practice;
2. Development of the professional probation service.

The strategy also included future goals:

- Prepare and present the Probation Act to the Croatian Parliament;
- Build a professional probation service with 70 probation officers;
- By the year 2012, develop a network of probation offices in the Republic of Croatia;
- Request more assistance from the EU in finding best European probation solutions.

The goals of this strategy were:

- Increasing the efficiency of the criminal justice system;
- Increasing human rights of the offenders;
- Increasing the number of offenders with whom the work will be in the community;
- Decreasing recidivism among offenders;
- Good control of alternative sanctions;
- Decreasing the prison population.

2. The Bilateral SPF Project, “Transitional Support to the Development of the Probation System in the Republic of Croatia”

The bilateral project between the United Kingdom and Croatia, “Transitional support to the development of the probation system in the Republic of Croatia”, was implemented in the period from April 2008 to March 2010. This was an “in between” project that had the purpose to assist with the development of a probation service in Croatia between the CARDS 2004 project and the new IPA2008 project. During this project, the following documents were produced:

- Analysis of the cost for the development of the probation service;
- Law on Probation draft;
- National standards for the enforcement of community sanctions;

- Assessment tool for offenders;
- Plans regarding human resources.

The IPA2008 project, “Development of Probation System in the Republic of Croatia”, lasted for two years. Partners on this project were professionals from the United Kingdom and the Czech Republic. This was the key EU project that assisted in building a modern probation service in Croatia. The project started in 2011 and was successfully completed in 2013. During this project, the following were developed and conducted:

- Standards and professional guidance for probation officers regarding all probation tasks;
- Harmonization with EU standards;
- Development of the central database – probation information system;
- Management framework;
- Comprehensive training of probation officers;
- Programme and long-term probation training strategy;
- Communication strategy;
- Proposal of a new Probation Development Strategy in the Republic of Croatia.

3. The Transition Facility Project, “Support to further development and strengthening of Probation Service in Croatia”

Under the Transition Facility in 2013, the European Commission accepted the project on "Support to further development and strengthening of the Probation Service in Croatia". The project lasted 18 months. The partners on the project were Germany and Spain. This project included:

- procurement of official cars for the probation service;
- implementation of the pilot project on “electronic monitoring”;
- education of probation officers for the implementation of special treatment.

**C. Formal Beginning of the Probation Service**

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 key year was 2009, when the first ever Probation Act was passed in the Croatian Parliament. Unfortunately, not all other aspects were ready for the start of a probation service so “the theory and practice” were timely separated for a short period of time.

If we view the growth of the Probation Service in the Republic of Croatia like the building of a house, we can say that the ground floor was the Probation Act in 2009, the main parts of the house were infrastructural preparations in 2010, consisting of staff recruitment, staff training and the preparation of the offices, followed by preparation of all relevant bylaws in 2011 and a new law in 2013. The roof of this house is the merging of the Probation Service with the prison system in 2017 and the opening of new offices in 2018.

#### **D. Challenges**

When building a new service within the criminal justice system, there are many challenges to face. First of all, you need to explain both to the decisionmakers and to the general population why we need a new system. Considering that not all people will sympathize with the offenders, talking about the new system that is “easier” for them can be very challenging. If there is a good prison system in the country, new ideas for working with offenders will not be accepted by the general population from the start. It is not only the general public; it is also a big challenge to present this system both to prosecutors and judges that have been dealing with offenders in a different way for many years. This is why it is good to present all benefits of the future service from the point of view of financial savings but also through the facts that offenders that are serving sentences in the community are less likely to be recidivists. It is also important to show examples with real statistical data from different countries, especially those countries that are similar in population, culture, type of crimes committed etc. It is important to prepare different data and statistics depending on different stakeholders you need to address.

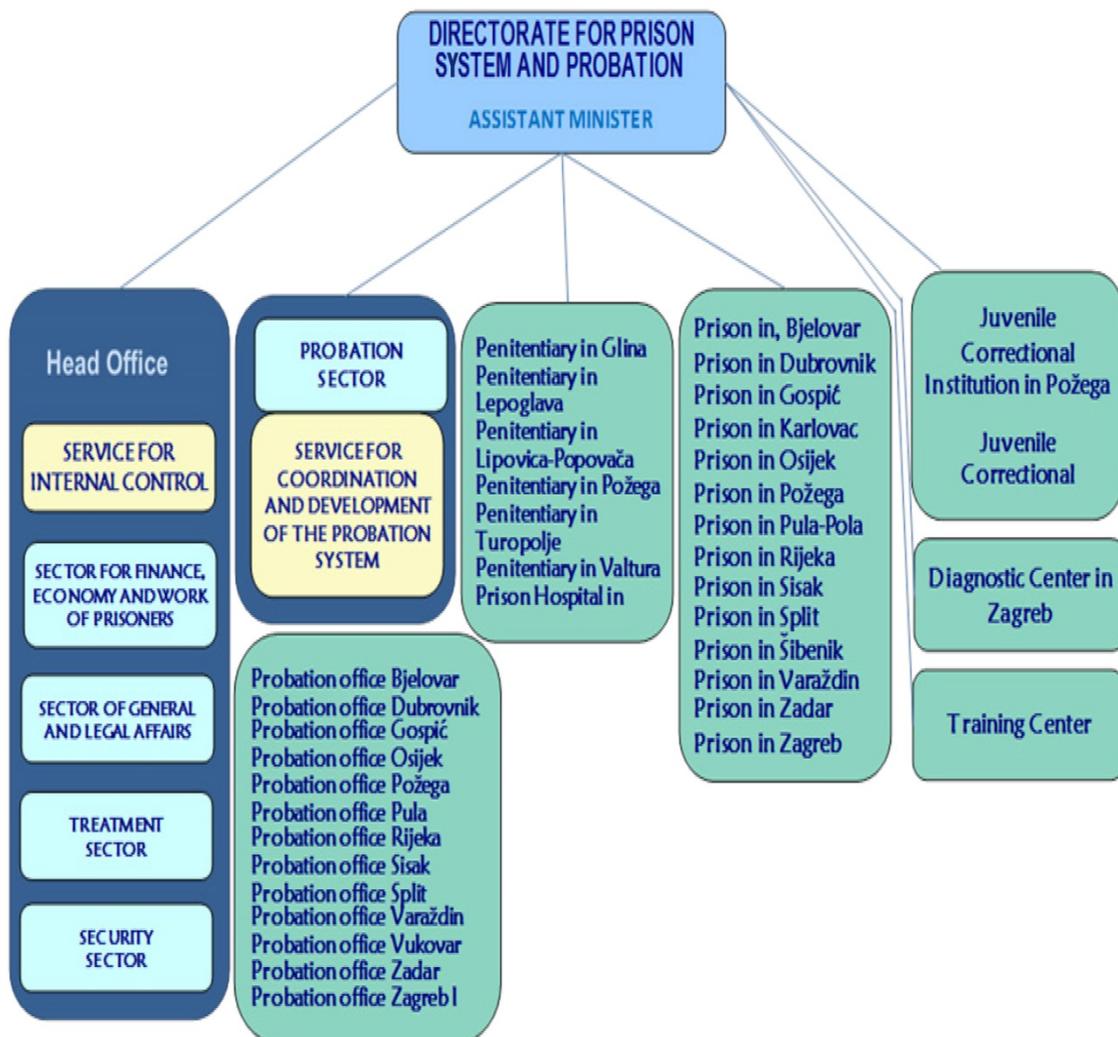
Another issue is the infrastructure of the future service. For a new service you need offices, staff, training, cars and computers, and numerous other issues need to be addressed. All this is a burden on the budget. That is why there needs to be a good prediction of the long run cost savings. Preparing an office for probation services is not easy, and it is connected with many challenges. First, an office needs to be suitable for work with offenders, an area that can be approached by offenders but bearing in mind safety issues for the staff. Some of the offices that are stand-alone can look excellent from the infrastructural point of view but will not be the best from the security point of view. In Croatia, the last two offices that we opened in 2018, after several years of work with offenders, we decided to open them in the court building, and we hope that we will be able to move the “old” offices to court buildings in the future. When it comes to staff, it is crucial to attract enthusiastic professionals willing to learn in order to “produce” a first generation of probation officers. First probation officers were employees of the prisons, homes for children and social welfare offices. It is important to bear in mind that all probation officers will do the same work with offenders; they do not work in teams. This means that there should be a good system of education with a special focus on different topics for probation officers with different educational backgrounds. For example, if you have a person with a background in psychology, this person knows very well how to conduct motivational interviews but will need more training regarding legal issues and communication with the courts. On the other hand, if you have a probation officer with an educational background from a law university, they will know all about the law but will need training regarding motivation and conducting interviews.

It is very important to prepare instructions and training that will be delivered to all probation staff. It is crucial to insist on harmonization of the treatment around the country because it is the only way to show other stakeholders what to expect from the new service.

It is always a good idea when building a new service that is treatment orientated to include academia from the start. Good research from independent experts will help in many ways: to show benefits of the service and to get ideas on how to develop it even further.

#### IV. PROBATION SERVICE TODAY

Today the probation service in Croatia is recognized as a valued and important part of the Croatian criminal justice system. The Sector for Probation is part of the Directorate for Prison System and Probation at the Ministry of Justice of the Republic of Croatia. It is a professional and specialized service within the criminal justice system. The first Probation Act in Croatia was enacted in 2009, and the first probation offices opened in 2011. Since the beginning of 2013, the professional probation service has been available to all citizens. The majority of the probation offices were opened in 2011, but during the first few years it was noticed that Croatia needed a broader net of probation offices in its territory, so two new offices were opened in 2018.



### **A. Organization of the Probation Service**

Governance of probation is the responsibility of the Sector for Probation, and its work is under the direction of the Ministry of Justice. The Sector for Probation is an administrative body. During the first years of its existence, it was separated from the prison system. However, after six successful years of probation it was decided in 2017 to merge the prison and probation systems under the same directorate in the Ministry of Justice of the Republic of Croatia – Directorate for the Prison System and Probation. The Sector for Probation consists of the Central Office and 14 local probation offices across the country. Every probation office has a head of the office, probation officers and administrative staff. The Central Office manages coordination and service development. It includes the Department for Probation Tasks, the Department for Probation Tasks During and After Enforcement of Prison Sentence and Conditional Release, the Department for Legal Support to the Probation System, and the Department for Strategic Planning, Development and Analytics. Probation supervision and direct services for the offenders are delivered through local probation offices in Bjelovar, Dubrovnik, Gospić, Osijek, Požega, Pula, Rijeka, Sisak, Split, Varaždin, Vukovar, Zadar and Zagreb (two offices). Some offices cover larger and some smaller territorial areas depending on population size and distribution.

### **B. Probation Officers**

All probation work is carried out by probation officers. Probation officers in Croatia are civil servants employed by the Ministry of Justice. Probation officers are highly educated and professional; they hold degrees in law, psychology, social pedagogy, social work, pedagogy and, exceptionally, humanities. In addition to their initial education, all persons, when employed to work as probation officers, receive initial training and are continuously trained by national and international trainers. Education of the probation staff is crucial in order to be able to respond to specific tasks related to the work with offenders. This is why probation officers have a wide range of working methods in order to fulfil the probation tasks. Probation officers perform interviews with the offenders, their families and other relevant persons. Probation officers, who have special training, also conduct group work with offenders with specific needs that have led in the past to criminal behaviour. One of the important tasks of the probation officers is also to analyse and connect different types of information and documents from various sources. Good writing skills and ability to notice details is important for probation officers when performing the task of preparing probation reports. There is special training for new employees when becoming probation officers, and there are many specific programmes to be learned.

### **C. The Mission of the Probation Service**

The mission of the Probation Service in Croatia is to provide supervision and support to the offenders in the community, thus reducing the cost of imprisonment and the risk of reoffending. It is very important to underline that whenever a probation officer is working with the offender there must be two types of work: control and support.

The hardest for the probation officers is to find the appropriate and just balance between control and support. This will always depend on many factors such as the type of probation work, type of crime, support of the family/society to the offender and the offender's willingness to fulfil all obligations requested by the probation office in accordance with the judgment.

## V. PROBATION TASKS IN CROATIA

In general, it is important to say that probation in Croatia is the conditional and supervised freedom of the offender. At this moment, we can say that Croatia has a probation service capable of delivering a wide range of high-quality services.

During conditional freedom, probation officers supervise the offender and apply professional procedures to affect risk factors, with the aim of resocialization and reintegration into the community. This reduces the cost of penal execution and the risk of reoffending. Offenders under community sanctions and measures maintain their family, work and other social relationships. In all of Europe, community sanctions and measures are an established approach to combating crime, finding the right balance between sanction, treatment, reintegration and protection of society. Once again, it is important to point out that probation service in Croatia supervises only adult offenders.

### A. Working with Offenders

The law defines the purpose of probation work as the protection of the community from an offender's criminal behaviour; re-socialization and reintegration of offenders in the community. Probation officers, when implementing probation sanctions, are expected to work closely with family members and the various institutions, NGOs and bodies in the community that can contribute to an offender's social integration.

Probation officers' work with offenders is most of the time organized by individual meetings between the probation officer and offender in accordance with the individual programme for that offender, but there are also group programmes for offenders. Probation officers, in order to have more information, also visit offenders in their homes in order to check the enforcement of community sanctions and measures.

Sometimes probation officers work with the same offender during a very long period of time; supervision can last up to five years. The key to resocialization and rehabilitation is in the skills of the probation officers to motivate, support and counsel the offenders in their resocialization process.

In Croatia, we like to say that we have a "holistic" approach to all offenders. This is because probation officers prepare an individual treatment programme for every offender to address the risk factors and criminogenic needs in order to prevent the commission of new crimes. So, there is no "copy-paste" approach to treatment. No two offenders are the same and no two crimes are the same, so no two treatment programmes are the same.

### B. Types of Probation Tasks

The Probation Service in Croatia is working with different types of offenders because probation tasks exist at all stages of the criminal proceedings.

#### 1. Tasks before the Initiation of Criminal Procedure

The first tasks of the probation service can be executed before criminal proceedings. This includes drafting reports requested by the State Attorney when deciding on criminal proceedings and later on supervision of fulfilling obligations arising from the decision issued by the State Attorney. Obligations that can arise from this type of decision are, for example, community work and drug, alcohol or other addiction treatment.

## 2. Tasks during the Criminal Procedure

During the criminal proceeding, the Probation Act gives the probation service the possibility to report to the court on the type and measure of criminal sanction. It is important to bear in mind that this report will never give an order to the court about the sanction. This report is filled with all relevant information that can assist a judge in deciding about the sanction. For example, it will have information if the offender is consuming alcohol. In this case it is to be expected that the court, if thinking of imposing an alternative sanction – a community measure – will more likely decide to give this offender alcohol treatment than community work (unpaid work). The probation service likes to say to judges that probation officers are the “eyes and ears” of the courts in the field, getting information that is not necessarily in the files. These kinds of reports are not requested very often, but in the longer term we do expect them to increase.

## 3. Community Sanctions

Most probation cases relate to the enforcement of “alternative sanctions” as part of final court judgments, namely community work and suspended sentences with protective supervision and/or special obligations. We can even call this the “core business” because the majority of all probation cases in Croatia since 2011 is the enforcement of sanctions and/or obligations in the community. These tasks are the very best way of conducting resocialization of offenders in the community, the probation service’s “heart”. These offenders would serve prison sanctions and would be taken away from their families, work and all social connections if there were no alternatives to imprisonment in Croatia. This part of the criminal procedure task is actually serving a prison sentence in the community. Under this task, the Croatian probation service has two different sanctions to supervise:

- (1) community work orders;
- (2) suspended sentence with protective supervision of the probation service or with the special obligation and/or security measures.

### *(a) Community work orders*

Community work orders are, by the numbers, the most frequent sanction in the community in the Republic of Croatia. A community work order sanction can be enforced as a substitute for a prison sentence or a fine in a way that a prison sentence of up to one year or a fine of up to 360 days’ income can be replaced with community work hours. Offenders in Croatia may be ordered to complete a maximum of 730 community work hours. At first, community work orders were “available” to all offenders, but then amendments were introduced to the Criminal Code, and now this sanction is no longer available for recidivists. In Croatia, even a community work order can be ordered together with protective supervision if the court finds it appropriate.

It is important to point out that community work is unpaid work, and it benefits the community. However, taking into account that there is no forced labour in Croatia, offenders must agree to a community work order. Probation officers, in assessing offenders for community work, are responsible for:

1. confirming the offender’s consent for replacing a prison sentence with community work;

2. organizing and supervising the enforcement of community work orders.

So, as stated, probation officers are in charge of confirming the offender's consent for the community work. This is the base for all future tasks and the connection between the probation officer and the offender. Following the consent, probation officers assess what type of work in the community would suit the offender the most based on the offender's skills, knowledge, personality and other circumstances. Offenders perform community work in legal entities and public authority bodies which include activities of humanitarian, ecological or communal importance as well as other affairs of general national interest and of the interest of the local community. We can say that offenders are "paying back" the community for the damage they caused with their crime. In the Republic of Croatia, there is a variety of community workplaces: from hospitals, schools, parks, libraries, NGOs working with persons in need, fire stations, the Red Cross, municipalities to homes for elderly and sporting places. Choosing the right placement for the offender is a very important and demanding task for probation officers. It is important to bear in mind all important information both for public safety but also for the human rights of the offender. For example, the offender who committed a crime against children cannot be placed to work anywhere within the reach of children. On the other hand, if an offender is highly educated, it would be useless not to find a place where the offender's knowledge is best put to use. For example, we had medical doctors on community work orders so we did not send them to clean the park, but we found NGOs and homes for the elderly where they could help (they did not lose their medical licence because of the crime they committed). Also, the offender must be able to come to the workplace with no money for traveling, so probation officers find work that is closest to the home of the offender.

The number of community work orders was increasing in Croatia from 2011 to 2018: from 900 to over 2,000 cases per year. But now, with the new limitations regarding recidivists, it has become steady.

The community work orders showed excellent results in Croatia. Community work orders have contributed to a decrease of the prison population in the Republic of Croatia. The decrease of the prison population was one of the goals of establishing a professional probation service. This is the goal in many countries, but not all succeeded in it. Croatia is proud that the prison population did decrease, and one of the main reasons is the alternatives to imprisonment, mainly the community work order. Back in 2012, there were over 5,000 prisoners in Croatia and, as stated before, 1,573 cases in the probation service. During 2015, the probation service and prison system had the same number of offenders, and by the next year the number of offenders under the supervision of the probation service become larger than the number of the prisoners.

Another example of excellent results of the community work is the fact that the offenders are happy to be able not to go to prison. While doing community work, offenders stay in their homes and keep their family relations and jobs. Community work is organized in a way that it does not prevent an offender from keeping the job for which he/she receives money. For offenders who are employed, the community work is organized in the afternoon and during the weekends. So, the community work can also be a new life opportunity for the offenders. Many of the offenders have shown this to us during the past years. Some offenders have been given an opportunity to work for the bodies where they initially performed community work because during that time, they

demonstrated their abilities. Some of the offenders were working in the local community, and they gained the respect they did not have before because they showed the “other side” of their personalities, i.e. helping others. It is great to know that many offenders on community work orders have worked with the homeless, with abandoned animals in shelters and with other vulnerable groups and that they have decided to stay there as volunteers after the community work was done. One more example of the best use of the community work order that Croatia is very proud of is during the serious flooding in Croatia in 2014, the probation service responded by organizing assistance in the affected areas by offenders performing their community work orders directly in the affected areas or by working with services where humanitarian aid was collected and delivered. A group of thirty offenders who provided direct assistance in the flooded areas were housed in a volunteer camp and were involved in flood damage recovery (carcass removal, cleaning streets, pumping water out of buildings etc.) until the closing of the volunteer camp. During these activities, offenders performed a total of 11,000 community work hours in flood relief work.

All good examples presented show how good the decision was to have offenders serving sentences in the community. From being an offender to being a respected neighbour by serving a sentence in the community is the best possible case of the resocialization and reintegration of offenders in the community with the assistance of the probation service.

But when talking about community work orders, of no less importance are the significant budget savings if we compare it to the offender’s time in prison. The cost of a day in prison is considerably more expensive than one day under community sanctions. This is logical because people in prison are there 24 hours a day. The prison needs to organize everything for life – food, clothes, medical assistance etc. When the probation service, with the assistance of international experts, analysed the cost of one prison day compared to one under probation, the results showed that one prisoner in Croatia costs the state budget approximately 50 Euro per day, while an offender under probation supervision costs approximately 1.5 Euro per day. In addition to these savings, when an offender is on a community work order, he/she is doing unpaid work for the local community that also helps the budget, so there is a double savings. Considering offenders in Croatia perform more than 500,000 hours of work on community work orders during the year, budget savings are significant.

*(b) Suspended sentence with protective supervision*

Suspended sentence with protective supervision is the second most represented alternative sanction – sanction in the community – in the Republic of Croatia. Suspended sentence with protective supervision is ordered as a replacement for a prison sentence if the judge considers it is important to monitor and check the behaviour of offenders without imprisonment. The average length of the probation time of suspended sentence with protective supervision is two years, but it can range from one to five years. In order to enforce this sentence, a probation officer will draft an individualized treatment programme and will be in constant contact with the offender. During the supervision, offenders are obliged to cooperate with the probation officer by visiting the office, providing information and consenting to home visits. The offender also has to fulfil the obligations imposed by the court. These special obligations can be alcohol or drug addiction treatment etc. If the special obligation is psychosocial therapy, it can be enforced in the probation office or outside the probation office but under probation

supervision. Treatments regarding the addictions are always enforced outside the probation office in relevant institutions but under the supervision of the probation officer. The probation officers support the offender in meeting the obligations. The duty of the probation officer is to report to the court about the enforcement of the supervision. The key task for the probation officer is to provide professional guidance and assistance to offenders to help them change their behaviour and reduce the risk of reoffending. Meetings with offenders on supervision are often, regular and always include motivational interviews. If a suspended sentence has a special obligation or security measure that is enforced outside the probation office, institutions and other bodies in which the offenders carry them out report the results to the probation office. When assessing the offenders for supervision and in the next phase, probation officers use the offender assessment system (SPP) to assess the risk of reoffending, the risk of serious harm to others and the treatment needs. This assessment is used to create individual treatment programmes but also to draft reports. This assessment tool is based on a comprehensive analysis of criminogenic needs and risk factors generated by the SPP and the professional judgment of the probation officers. Probation officers are specially trained to identify the static and dynamic factors which affect criminal behaviour and to identify means to address the criminogenic needs with the help of the offenders.

#### 4. Tasks during the Enforcement of the Prison Sentence

The last criminal process phase where the Probation Service is involved with its tasks is the phase of the enforcement of the prison sentence. There are two key tasks in this phase:

- (1) preparing reports for enforcement judges when reaching decisions on the termination of sentence and conditional release;
- (2) supervision of persons on conditional release.

There are also reports for the prison and penitentiary when deciding on the treatment of the inmate and cases where the inmate has to report to the probation office during prison leave, but these cases are rare so they will not be described in detail.

##### *(a) Reports for enforcement judges*

Preparing reports for enforcement judges is the most requested report in the Probation Service. Probation officers draft reports for the enforcement judge when deciding on conditional release of prisoners. For many years in Croatia, conditional release was decided by the parole board. During that time, the Probation Service was not involved in the process because it consisted of judges, prosecutors and prison staff. However, there was a change in Croatia, and today conditional release is decided by enforcement judges, judges from the second level courts. Since this change happened, the judges always ask for the probation report before taking a decision. For this purpose, probation officers assess the conditions and risks of the inmate's acceptance in the community and evaluate the possibilities for the continued enforcement of the obligations that started being enforced in prison. Also, this report always addresses specific circumstances of the conditional release request. For example, sometimes prisoners ask for conditional release in order to help with children because someone's wife is in the hospital, so the probation officer will check the information in order to find out whether the wife is in the hospital and if there is anyone else to take care of the children. Another example is if the prisoner states he has to help with the roof damage on the family house, the probation officer will

check the house and sometimes even attach a photo of the house to the report. As in other reports, the probation service will prepare all information for the court but without proposing approval or rejection of the conditional release. The decision is to be made by judges only, and the Probation Service is there to provide relevant information that can help reach a just decision.

*(b) Conditional release*

Conditional release is a possibility for the prisoner to be conditionally released before the expiration of the terms of imprisonment, but during the time till the end of the initial sentence of imprisonment this person is not “free” even if released from prison to the community. In order to maintain control but also to help persons when they get out of prison, the Probation Service supervises the offender during this time. So, after a prisoner has been approved for supervised conditional release, additional obligations or special obligations, as well as protective supervision, may be ordered for the duration of the conditional release in order to reduce the risk of reoffending. The tasks of the probation officer are to supervise the offender’s compliance with the obligations and to provide assistance and support during the process of readjustment to life in the community. During this task, probation officers will have the key role and will put all emphasis on the importance of cooperation between different institutions and the non-governmental sector in order to help with this adjustment. Persons on conditional release are very different, and it is always very individual what will be the key for good resocialization and adjustment. If a person has family, that control will be the key issue for the probation officer. If the person has no family support, then the role of the probation officer will also be to focus on support. The big difference is the fact of how long the person was in prison. If this was a short sentence, then the person is very likely to adjust in the community with no problem. However, if a probation officer is supervising a person who was in prison for a long period of time, then there will be a need for a lot of assistance in order for the person to adjust into the community. Sometimes the Probation Service needs to assist these persons to find appropriate shelter and medical help after release. How demanding this can be is best seen with this example: a young man committed a murder in his local community and was in prison for over 20 years. The changes that had happened in the “outside world” during this time were tremendous: there was a war in Croatia the last time he was free; his parents had died and he had no more family to rely on; he lost all social connections; there was no Internet and there were no bank cards and mobile phones back then. So, after being conditionally released, this person needed more support from the probation officer than he needed supervision. This is also why every probation programme is individual and every approach to each offender depends on different issues.

Supervision of conditional release is a very important task of the Probation Service in Croatia. It is also the task that brings the most dangerous criminals to the probation office. Conditionally released persons are those who committed serious crimes, including war crimes, murder, rape etc. Supervision of this kind is a hard task for every probation officer, but good results and positive changes are the best reward for it.

In this last phase, there is also a possibility of supervision of offenders by the Probation Service even after the completion of the prison sentence in its entirety, but to this day there have not been cases in practice.

### **C. Special Tasks/Tools**

For the purpose of conducting probation tasks, probation officers are making special assessments of criminogenic risk and needs for every person granted probation, when necessary. In accordance with the results of the assessment of criminogenic risk and needs for treatment, probation officers prepare individual treatment programmes for offenders.

#### **1. Assessment of Criminogenic Risk and Needs**

The Probation Service in Croatia uses the Offender Assessment System as its specific tool in the work with perpetrators of criminal offences and as the basis for planning their treatments. Using this system, which is based on the English offender assessment system OASYS, assessments of offenders' risks as well as on their criminogenic needs are made. During its application, significant changes have been made to it, and the current version was updated in 2015. The Offender Assessment System was digitalized through an EU project. This tool measures significant factors relevant to the likelihood of recidivism: information on the crime committed, the attitude of the offender, accommodation, education, financial management, relationships, lifestyle, family and friends, drug/alcohol abuse, emotional stability etc.

#### **2. Individual Treatment Programmes**

Probation officers create individual treatment programmes for the purpose of conducting probation tasks. Individual treatment programmes must comprise special obligations ordered by the competent court or the State Attorney's Office, including, when necessary, the identification of criminogenic factors affecting the perpetration of the criminal offence committed by the person on probation, determining measures aimed at elimination of these factors, defining methods and deadlines for implementation of such measures, as well as providing a list of bodies competent for certain activities. Persons granted probation take part in drafting the individual treatment programmes, which are based on their personality assessment, personal situation, health condition and expert qualifications, on the assessment of criminogenic risk and needs of the person in question, and other information important for conducting the sanction.

## **VI. BENEFITS OF THE PROBATION SERVICE**

After explaining all alternatives to imprisonment in Croatia – all probation tasks – it is easy to see that the resocialization and rehabilitation of offenders in the community in the Republic of Croatia is very efficient. There are three important components that support this:

- 1) Financial benefit of the community sanctions – during the European project, the probation service, with the assistance of international experts, made an analysis on the costs of a prison day compared to a probation day. The results showed that one day of one prisoner in prison in Croatia costs the State budget approximately 50 Euro, while one day of one offender under probation supervision costs the State budget approximately 1.5 Euro.
- 2) The number of prisoners in Croatia has decreased. Croatia had a problem with overcrowded prisons so one of the expected goals of the probation service was to lower the number of prisoners. In 2012, there were over 5,000 prisoners in Croatia

and 1,573 cases under the jurisdiction of the Probation Service. During 2015, the probation service and the prison system had the same number of offenders, and by the next year the number of offenders under the supervision of the Probation Service became larger than the number of prisoners. Today prisons in Croatia are not overcrowded.

- 3) About 90 per cent of all cases under the supervision of the Probations Service are successfully completed each year.

#### **A. The Workload of the Probation Service**

The workload of the probation service is one of the best pieces of evidence that, in a short period of time, the probation service has become a relevant professional service. During the beginning of the work of the Probation Service back in 2011, the Probation Service received 1,040 cases, and in 2012 it received 1,573 cases for enforcement. Already the next year, in 2013, a big change took place. There were new amendments to the Criminal Code that expanded the jurisdiction of the Probation Service. Following the changes to the Criminal Code, the new Probation Act was also prepared and enforced from the beginning of 2013. With this new jurisdiction and the new Probation Act, in 2013 the Probation Service received 3,304 cases. This was a big change for the probation practice, considering that the service doubled the number of cases but also had to adopt its work practices to new tasks. Over the next few years, the number of cases increased: in 2014 the Probation Service received 3,618 cases; 3,911 cases in 2015; 4,147 cases in 2016; and in 2017 the Probation Service received 4,444 cases. The number of cases over the last two years started decreasing (we believe it is better to say that they have “stabilized”). In 2018, the Probation Service received 4,211 cases and 3,851 cases 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.

#### **B. The Success of the Probation Service**

Croatia received a lot of compliments from different stakeholders worldwide and, in fact, the Croatian Probation Service has been recognized as one of the best models on how to develop a Probation Service by the Council of Europe. Also, in October 2019, Croatia was the first country ever to win the Development of National Probation Service Award by the Confederation of European Probation. Today, probation officers are experts that work on different European projects regarding probation services. Croatian probation officers helped in building the new Probation Service in the Republic of Slovenia. Many probation officers are members of working groups that are developing probation standards at the international level.

#### **C. Future Plans for the Probation Service**

The plan of the Probation Service in Croatia is to continue to develop through projects on the international level, to learn from the best and to exchange knowledge with other colleagues across the world. Further development of the Croatian Probation Service should head into two directions:

- the strengthening of its internal capacities and stronger affiliation with other stakeholders such as the prison system;

- the expansion of the scope of the tasks it performs, as well as the advancement in executing existing tasks.

The strengthening of internal capacities of the Probation Service would be realized through improvement of material-technical conditions of existing probation offices and the strengthening of human resources as the most important resource in our service, through providing continuous supervision support and the advancement of knowledge and skills by way of new training, as well as through knowledge and experience exchanged with colleagues of other European probation services. 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 wants to create a performance-led culture which values quality and continuous improvement.

With the new project under the Norway Grants, the Croatian Probation Service is preparing to introduce electronic monitoring. This is a big task that will be implemented together with the prison system and colleagues from the prosecution, the courts and the police.

## VII. CONCLUSION

Today, the Probation Service in Croatia is a well-established professional organization. The desired outcomes so far have all been accomplished:

- Full-scale and clear legal and programme frameworks for the performance of probation work;
- Infrastructure tailored to the size and the capacity necessary for the performance of all probation activities throughout the whole territory of the Republic of Croatia;
- Enough well-trained and motivated probation officers qualified for the professional performance of all probation activities;
- Effective organizational structure with clear and efficient mutual communication channels;
- Developed strategies of effective interaction with the community, along with the developed identity of probation as socially responsible and competent.

About 90 per cent of all cases during the year are successfully completed. Nevertheless, the Croatian Probation Service still uses all possibilities to grow and to get to learn good practices 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 it still is. Starting in 2019, the Croatian Probation Service started new projects through European funding. As stated with respect to future plans, Croatia also started a partnership with Norway under the Norway Grants. Having said this, and knowing that Croatia won the Development of National Probation Service Award by the Confederation of European Probation in 2019, it is justified to say that resocialization

and rehabilitation of offenders in the community by the Croatian Probation Service represent a great and effective example of criminal justice system practice.