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SUPPORT TO JUSTICE SECTOR REFORMS IN UKRAINE

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**FINAL REPORT
ENFORCEMENT – CRIMINAL JUSTICE**

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Introduction

The EU Project "Support to Justice Sector Reforms in Ukraine" managed by JCI did not have a specific Probation component but a wide range of Probation activities were undertaken for the implementation of Chapter 11 of Judicial Reform Strategy and its Action Plan "Increasing Effectiveness in Prevention of Crime and Promoting Rehabilitation in Execution of Sanctions". These included support for aspects of organisational development, advice on laws and regulations, methodology development, work with key stakeholders, especially the judiciary and staff training. Proposals for the next period include follow-up activities in some of these work-streams and additional activities to support the next stage of Probation development in Ukraine. The range of proposed activities includes Organisational Development; Policy, Law and Regulations; Case Management; Methodology; Parole; Stakeholder and Public Engagement; and Training.

1. Organisational Development

Background and Context

The Probation Service has undergone a period of rapid development over the past two years. Further work is planned and support can be provided in various ways. There are a number of proposed donor programmes that would develop pilot probation offices or centres. These will require some co-ordination if they are to avoid the development of different operational models.

Activities to be implemented

Support in this area requires specific 'buy- in' from the beneficiary as it involves direct work with senior managers. Project activities could include the following:

1. Strategic Planning workshops for senior management team
2. Support in defining role and development of new regional (Oblast) operational support teams
3. Review and development of HR systems including recruitment , job descriptions and person specifications, performance appraisal, staff development and career planning
4. Development programme for Probation managers (see also Training)
5. Support to the beneficiary in the co-ordination and evaluation of proposed donor supported probation offices (Kyiv (Matra), Kharkiv, Bila Tserkva (Norlau) and Lutsk, Poltava, Cherkassy, Dnipro (Edge).

2. Policy, Law and Regulations

Background and Context

Since the Probation Law was enacted in 2015, there have been consequential amendments to the Criminal Code and the Criminal Procedure Code. The package of measures introduced in law N.1492_VII in September 2016 has subsequently been added to by Regulations for pre-trial reports, including amendments to the Criminal Procedure Code; Regulations for deployment of volunteers (including on an individual basis rather than through NGOs) and Regulations for Probation Programmes.

Activities to be implemented

Considerable progress has been made in the development of the required legal and regulatory framework for a Probation Service. The Project could support:

1. Development of Regulations in Probation Supervision , Co-operation with Other Public Bodies and Penitentiary Probation

2. Elaboration of Laws and Regulations on the use of Electronic Monitoring to enforce Court Sanctions or Early Conditional Release (see also Parole)

3. Case Management System

Background and Context

In Sept 2017 the Government approved development of an electronic database for convicted persons. It is envisaged that Probation Case Management should be a module of that system with would interface with the wider system. Other modules will include the Penitentiary System and Healthcare. The Ukrainian National Information Agency (NAIS) will develop the system via a tender for software, but working to a ToR, Regulations and Procedures prepared by the Probation Service and Ministry of Justice. This will include content, data protection, access and updating.

Activities to be implemented

The key to an effective case management system is that the users are closely involved in its design. Software designers need to be carefully briefed on the business or organisational requirements as they take forward each stage of the design process. Project activities in support of this development could include:

1. Support in Project Management
2. Support in Analysis of Business Needs working closely with the Beneficiary and the Software design organisation
3. Process Mapping workshops to ensure that the electronic system reflects 'real-world' circumstances.
4. Support in identifying key management information requirements that can be reflected in the reporting requirements of the database

4. Methodology

Background and Context

The Risks and Needs Assessment (RNA) was introduced in 2016. This tool assists Probation staff to assess offenders and to plan work focused on crime-related issues. It provides a means of measuring progress with individual cases and (with a case management database) can provide management information on the nature of the Probation caseload. There are both pre-trial and post-sentence versions of the RNA. Significant progress has been made in validating the short version. Data collected over the last two years show a statically significant relationship between risk category defined by the assessment and reconviction.

Probation interventions or programmes have also had some attention from donors in recent months but this is an area that needs significant further development. Electronic Monitoring is at an early stage of development but to avoid some of the mistakes made in other jurisdictions, the early development of a concept paper is a priority.

Activities to be implemented

The scope for activities in supporting methodology includes both existing and new developments:

1. Analysis of RNA data (currently entered manually into an Excel database, to date some 6000 cases) for the post-sentence version of the tool.
2. An exercise in RNA inter-rater reliability (i.e. different staff come to similar assessment conclusions).
3. Further work on refining the RNA in predicting both likelihood of re-offending and risk of harm.
4. Use of RNA data to prioritise development Programmes and Interventions that can reduce re-offending.

5. Support in design and implementation of programmes (e.g. Thinking Skills, Drugs and Alcohol, Anger Management).
6. Design of evaluation and quality assurance tools for programmes.
7. Exploration of NGO and CSO partnerships for evidence based interventions e.g. Employment skills, training.
8. Development of an Electronic Monitoring (EM) concept paper.

5. Parole

Background and Context

There are a number of initiatives from both the legislative and executive for the development of a legal framework for Parole (early conditional release from prison). The Probation Service is developing proposals for the inclusion of Probation conditions to Parole. During 2018, draft laws on Electronic Monitoring (EM) should be completed and EM might be introduced in 2019. It could make an important contribution to a credible Parole system.

Activities to be implemented

The scope of the legal framework for Parole, both in the Executive Code and in related Regulations will need to include prisoner eligibility, the application or selection process and the status of the decision making body (Judicial, Quasi-Judicial or Administrative). Transparency and Human Rights will be important underlying principles. Project activities in support of this development could include:

1. Comparative analysis of Parole arrangements in EU member states.
2. Development of a Parole Concept
3. Commentary on draft laws and regulations as they are developed
4. Development of a pre-release assessment tool based on the 'Risks and Needs' assessment tool being used in the Probation Service. (see also Methodology)
5. Assessment of scope for a multi-agency 'public protection' arrangement enlisting the support of other Government Departments, Municipalities and NGOs
6. Support for pre-release transition or resettlement activities involving prison, probation and NGO staff (possibly including a Study Visit to Resettlement Units and Halfway Houses in Member State(s)
7. Process mapping for Inclusion of parole data and analysis as a module in the database/information system (see also Case Management System)
8. Comparative analysis of EM and its use in support of Parole and Early Conditional Release in Member States (see also Policy. Law and Regulations & Methodology)

6. Stakeholder & Public Engagement

Background and Context

Successful Probation services are usually found in Criminal Justice systems where the strategies of the partner agencies are interlinked and there is close co-operation between the actors. These conditions do not yet exist in Ukraine though some progress has been made. Engagement with the public requires constant effort to support dissemination of positive news and an active communication strategy.

Activities to be implemented

The project can offer advice and expertise in both stakeholder and public engagement. Activities can include:

1. Workshops for judges and prosecutors

2. Development of information packs for courts
3. Promotion of regular communication and dialogue with courts
4. Development of training materials for Judges training school
5. Identification and dissemination of positive examples and outcomes of probation practice
6. Design and promotion of format for Probation 'Open Days'

7. Training (Continuous Professional Development)

Background and Context

A decision from the Ministry of Education to approve the current distance learning arrangements for Probation training is awaited. A second training centre has come on stream. There is a still a major challenge in training if the move to a more rehabilitative model of enforcement of community sanctions is to be further developed and sustained. The framework provided by the Council of Ministers Rules (Alternative Sanctions1992 (16); Staffing 1997 (12); Community Sanctions and Measures 2010(1) provides the context for training in Probation practice. Training for Managers has been supported by another donor but the provision to date has been very limited.

Activities to be implemented

An effective training strategy and the continuous professional development of staff at all levels in the new Probation service is probably the most important element in the creation of an organisation that can meet best European and International standards. Project activities in support could include:

1. The provision of relevant pre-entry courses in Universities and other Higher Education centres could provide an important source of recruitment of suitably prepared and motivated staff. The project could work directly with Higher Education centres in the design of 'Criminal Justice Social Work' courses at both bachelor and masters levels. Such a development would reduce pressures on Probation Training Centres.
2. Specific training support (curriculum design, training manuals, ToT etc.) could be offered for psychologists, particularly in the area of Risk of Harm
3. Support in the design and delivery of training for 'volunteer coordinators' in local Probation Offices would help to optimise the benefit of NGO, CSO and individual volunteer resources.
4. Support to the Training Centre in the review of training arrangements for new and existing staff and the development of a training strategy for the Probation service as a whole, including tools for evaluation of effectiveness. The scope of this work could be wider than the training arrangements at Bila Tserkva and the new training centre in Dnipro region. It could include proposals for a strategy of continuous professional development for all staff including practitioners (probation officers, social workers and psychologists), support staff in local offices, local (branch) managers and staff in the proposed new regional (Oblast) centres.

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