

Evaluation Report

on

Area of Intervention 11.4: Improved Rehabilitation and Prevention of Crime Through Setting up of Fully-Fledged Probation Service and Application of Alternative Sanctions

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September 2019
Kyiv



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INTRODUCTION

This Report has been developed as a part of the overall JSRSAP evaluation exercise by the team of PJ experts with the support of the project team and concerns the results of an assessment carried out by Randel Barrows and Iuliana Carbutaru acting as international experts and Olga Sandakova¹ acting as a national expert. It has been conducted in accordance with a tailored, evaluation area(s)-specific methodology.²

The Report has benefited from the intensive co-operation extended by the Ministry of Justice, of Ukraine, the Public Institution ‘Centre of Probation’; representatives of CSOs and international donor and co-operation projects active in the area of Community Sanctions and Measures.

The focus of the report is JSRSAP intervention 11.4: *‘Improved Rehabilitation and Prevention of Crime through setting up a fully-fledged Probation Service and application of Alternative Sanctions’*. The key points and important findings from the assessment are highlighted in the text. Recommendations are developed and formulated (in bold) on the basis of relevant findings and deliberations and are summarised at the end of the Report.

¹ See experts’ profiles at annex IV.

² See the assessment-specific activities matrix attached at annex I.



ABBREVIATIONS (IN ALPHABETICAL ORDER)

CC	Criminal Code of Ukraine
CEC	Criminal Executive Code of Ukraine
CPC	Criminal Procedure Code of Ukraine
CSO	Civil Society Organisation
CEIS	Criminal-Executive Inspection Service
EDGE	The Expert Deployment for Governance of Economic Growth Project of the Canadian Government
JSRSAP	Justice Sector Reform Strategy and Action Plan of Ukraine for 2015-2020
KPI	Key Performance Indicator
MoJ	Ministry of Justice of Ukraine
NAIS	National Information Systems
MT	JSRSAP Monitoring Tool
NGO	Non-Government Organisation
NORLAU	Norwegian Rule of Law Advisers to Ukraine
PJ	EU funded Project Support to Justice-related Reforms in Ukraine (Pravo-Justice)
PMF	Performance Management Framework
PI CoP	Public Institution “Centre of Probation”
RNA	Risk and Needs Assessment
SCESU	State Criminal Executive Service of Ukraine (formerly SPS)
SPS	State Penitentiary Service



APPROACH AND SCOPE OF EVALUATION

Approach

We have used a combination of methods and a range of sources: Desk reviews of published and unpublished Ministry of Justice (MoJ) documents and data, third-party reports and relevant international and European standards; semi-structured interviews with key stakeholders and past and current reports from international experts employed by donor agencies. Two of our team also have first-hand experience of working with the MoJ as an international expert and national expert respectively.

This report content reflects the six actions in the Area of Intervention 11.4:

1. Reduction of custodial measures and development of sentencing framework;
2. Development of regulatory and institutional framework for probation service;
3. Extension of institutional capacities of CSOs in the probation system;
4. Development of human resources management in the probation system;
5. Development of pre-trial reports, risk/needs assessment and case management capacities;
6. Development of range of evidence-based interventions to reduce reoffending

Each of these actions has specific outcomes identified. The outcomes provide more detailed information on the expected developments and changes in the five-year period covered by the 5-year Strategy and Action Plan. We developed a matrix based on these *outcomes* for use in assessment of documents and the content of semi-structured interviews. (see Appendix I).

Scope

The Terms of Reference (ToR) for this assignment were to undertake an assessment aimed to evaluate the achievement of the actions, and their outputs/measures and outcomes, within normative requirements and international standards. In addition, they were designed to provide an overall picture of the functioning of the Probation organisation and its legal and institutional framework within the Justice system and a wider societal context.

We were also required to assess the *Adequacy* of the JSRSAP itself in relation to this sector and of the *Monitoring and Reporting* arrangements for the Action Plan within the MoJ and Probation institution.

We have analysed the available data at national level and where possible made comparisons with international data. We have sought to address both the quantitative and qualitative dimensions of the policy interventions concerned; measuring progress in respect of the actions of the JSRSAP Chapter 11.4.1 – 11.4.6 as set out above.

The contents of the report include:

- Baseline data/state of affairs in the areas covered by Actions 11.4.1 – 11.4.6 prior to the JSRSAP adoption;
- Adequacy of the JSRSAP measures/outputs and outcomes in relation to Actions 11.4.1 – 11.4.6





- Accuracy of monitoring and reporting in terms of JSRSAP outputs/outcomes under the actions 11.4.1 – 11.4.6;
- Assessed overall progress and maturity of the reform, based on the data available, first hand interviews and third party reports and expressed opinions
- An overall view and score as to the level of attainment of Outcomes corresponding to actions 11.4.1 – 11.4.6;
- Short-term recommendations as to the implementation of the actions 11.4.1 – 11.4.6 until the end of the current JSRSAP period;
- Medium and longer-term term recommendations for future policy, institutional and legal developments in the areas of 11.4.1 – 11.4.6 and for the overall development of an effective Probation organisation to support Justice and Criminal policy in a European direction.

³ Report, Introduction of Probation in Ukraine, Danish Helsinki Committee for Human Rights, 2015



BASELINE

Since 2002 there have been many attempts to establish a Probation Service in Ukraine by developing legislative initiatives in this area. However, due to the novelty of the envisaged concepts and the legacy of past institutional and cultural norms these initiatives had been debated but not implemented through legislation for many years. This finally changed in 2015 when the Probation Bill was put forward to Parliament, enacted and entered into force. According to a report at that time³ the documents it was noted that the main factor for slowing down this process had been a structural one: the place of the probation institution as either an independent body or continue as its predecessor, the Criminal Executive Inspection Service (CEIS) as part of the State Penitentiary Service (SPS).

Prior to 2015, the (CEIS) carried out the 'Probation' function and this organisation was part of the State Penitentiary Service (SPS). At that time all aspects of the execution or implementation of criminal sanctions, whether in prison or the community, were primarily focused on control and the structure and culture of both SPS and CEIS could fairly be described as having changed little from Soviet times. The position of Probation in Ukraine in 2015, immediately before the new law and adoption of JSRSAP, was that there were some key officials within CEIS/SPS who were committed to the concept of developing a system of alternative sanctions that could divert some convicted offenders from a prison sentence and provide methods that could effectively rehabilitate them, thus reducing re-offending and the overall rate of crime. They were supported by some NGOs, parts of civil society and the Ministry of Justice. They sought and received professional and material support from various international donors.

It is significant that the official establishment of the Probation Service in Ukraine (February 2015) coincide with the year of adoption of the JSRSAP (May 2015), and its respective Action Plan (August 2015), which represented a significant opportunity for the new institution to integrate its development priorities into the broader picture of the priorities for the entire justice system. That means that at the moment of the adoption of the JSRSAP (May 2015) the only existent pillars for implementing the reforms related to probation were: a group of motivated staff in the SPS-CEIS who had the knowledge about the functioning of probation services in other jurisdictions with different level of development, gathered through many international experiences, a law on probation and the previous activities implemented by the CEIS regarding community sanctions and measures.

In terms of organisation, in the year immediately following adoption of the JSRSAP, there was a major reform of both SPS and CEIS: they were separated from each other and made accountable directly to a Deputy Minister of the MoJ. This was part of a package of measures which had the published aims of:

- Shift the focus from control to rehabilitation based on a European model
- De-militarise the corrections system as part of that process
- Introduce new (more progressive) staff
- Reduce overheads on HQ and Regional offices - incl. absorption of prison HQ function directly into the Ministry of Justice
- Retain most front-line staff
- Increase salaries by 40% (from a very low base)

³ Report, Introduction of Probation in Ukraine, Danish Helsinki Committee for Human Rights, 2015



- Overhaul prison enterprises and increase no. of prisoners that work in them
- Construct new prisons under a private/public partnership
- Remove probation function from Prisons management and have Head of Probation reporting directly to Deputy Minister

These changes clearly represented a major potential contribution to the implementation of JSRSAP objectives within both the Probation and Prison settings. Additionally, a new Deputy Minister with a private sector background was appointed; thus, bringing a fresh perspective to the sector at strategic level. It was observed at the time that the new strategy and structure lacked a detailed implementation plan, particularly in relation to Human Resource planning. The ensuing re-organisation which included a re-selection process for all senior posts, absorbed energy and resources as happens with all such major changes, and probably adversely impacted the pace of reform. Nevertheless, the direction was clear, the enabling laws were in place and a start could be made on new institutional capacity building.

Subsequently, it became clear that some aspects of the announced reforms would be particularly challenging. De-militarisation, would have a significantly negative impact on conditions of service for the staff affected (e.g. salaries/benefits, retirement age, pensions). Direct management of large operational organisations by the MoJ would be impractical. Potential Public/Private partnerships for new prisons failed to attract interest from the private sector. Thus, the reform package was subsequently adjusted. Three new arms-length organisations for the administration of prisons, prisons healthcare and probation respectively were introduced. In Probation the de-militarisation reform was adjusted: existing staff could keep military status; newly appointed staff would be civilian grades. Thus, there were two major re-organisations within the first three years of the JSRSAP period.

In terms of legislation, after 2015, there were several consequential amendments to the Criminal Code and the Criminal Procedure Code for alignment to the Probation Law and in particular to the Law on Execution of Sanctions.⁴ In addition to primary legislation, there were new Regulations for pre-trial reports; for deployment of volunteers (including on an individual basis rather than through NGOs); and for Probation Programmes. All these changes strengthened the legal framework for the probation intervention at pre-trial and post-conviction stages.

In terms of the implementation of community sanctions and measures, the challenging baseline within the Justice system is described in Chapter 3, State of Affairs of the JSRSAP itself⁵.

Within the Chapter 11 of the Action Plan it is noted that this issue is addressed by the newly adopted law on probation envisaging three forms of probation (pre-trial probation, supervision of community sanctions, and penitentiary probation for preparing prisoners for release). At the time it was also recognised that a fourth Probation activity was needed – supervision for those release on parole, in order to tackle the problem of reoffending after release. The failure to subsequently legislate for this function is referred to later in this report.

A rehabilitation focus to these probation activities required knowledgeable and skilled staff for effective implementation. This, it was envisaged, would be through the transformation and development of the existing employees of CEIS into probation practitioners.

⁴ 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”.

⁵ a lack of individualised, evidence-based approaches in the prevention of crime, rehabilitation and re-socialisation; insufficient application of probation mechanisms, and limited use of alternative sanctions.

A significant strategic approach was necessary for integrating all the change processes – laws, structure, approach – into the life of the new probation organisation, to communicate the changes to courts, prosecutors and other justice professionals and to gain the support of other Government Departments, Municipalities, NGOs and civil society for providing relevant services to support rehabilitation and management of offenders in the community. Moreover, considering that the new probation institution was born from the reorganisation of CEIS it was necessary to address this transition, to manage staff expectations and fears and at the same time develop and deliver new services as provided by the Probation Law.

Thus, within the JSRSAP time frame the institutional development of the probation service required :

- Further improvements of the laws and regulations
- Establishment of an organisational culture of the new institution by addressing all the issues related to human resources
- Ensuring that both existing staff (former CEIS staff) and newly recruited staff were adequately trained and skilled in rehabilitation methodologies
- Development of the infrastructure for implementing probation activities (office premises, furniture, equipment and other logistics)
- Develop/acquire and implement various working tools for assessing and addressing the criminogenic needs for those under probation supervision
- Ensure the monitoring and quality assurance of probation activities
- A reliable case management system and related management information capacity to provide data on all the above aspects

All these processes are well described in the standards of the Council of Europe regarding the organisation and functioning of probation agencies and implementation of the community sanctions and measures, but applying these standards into the organizational reality is, in most situations, a challenging approach which requires significant vision, leadership and resources as well as resolute political support.

Thus, the commitment to the Actions in 11.4 *Improved Rehabilitation and Prevention of Crime through setting up a fully-fledged Probation Service and application of Alternative Sanctions* of the JSRSAP was a bold step. We have assessed the adequacy and relevance of the JSRSAP itself in driving achievement of key goals later in this report but firstly, a few more comments on the baseline regarding the overall aim in this area of intervention and related actions in the sub-sections of 11.4.

As we have already commented this was an ambitious aim. It is multi-faceted as it required an ambitious programme of internal organisational development in order to create a Probation Service, together with Ministry of Justice led actions and Parliamentary co-operation on changes to the criminal code, criminal procedure code and the law on execution of sanctions. It also required the support of other criminal justice system actors, particularly judges and prosecutors and the related success of other key chapters of the JSRSAP and last but not least the active support of civil society and the tacit support of the wider public.

Creation of a Probation Service can and should provide medium-term to long-term cost savings (generally speaking it is significantly cheaper to have someone on Probation (in law a Conditional Sentence) or Parole than it is to have them in prison). However, in the 5-year period covered by the JSRSAP an additional challenge was the extra funding required to establish and develop a Probation Service before any potential savings from having fewer people in prison.



ADEQUACY OF JSRSAP AND ITS PARAMETERS

Overall assessment

As we have already discussed, the JSRSAP was developed during the nascent period of Probation development in Ukraine. The subsequent changes to the Law and institutional re-organisations have provided a more supportive framework for Chapter 11.4 Actions in developing Probation. Indeed, the JSRSAP itself may have been one of the factors that contributed to those changes.

Chapter 11.4 covers most, but not all, the critical strategic requirements for Probation development to European standards. For example, it lacks comparative international data on community sanctions and measures, rates of imprisonment and parole and data on crime, re-offending and reconviction rates or a discussion about the prevention of crime. It also includes areas which can be directly achieved by the Probation organisation itself and others which can be influenced by Probation but are largely outside of its control. For example: *Reduction of custodial measures and sanctions and development of sentencing framework* should be an output for other actors in the Criminal Justice system who determine sentences or sentencing guidelines. The related output for Probation should be the development and communication of effective, reliably applied and credible methodologies for community sanctions that attract the support of sentencers. It is also clear that some detail is either redundant or outdated because of subsequent developments. For example, the organisational detail that refers to SPS locations.

Finally, there is some difficulty in navigating the JSRSAP document because the actions, outputs/ measures and outcomes are somewhat transposed. Our understanding of an action is that is essentially an input. For example, the provision of office furniture/equipment. A related output or measure would be the full use and deployment of that equipment in meeting organisational objectives. e.g. maintenance of records, interviewing of probationers: It is an internal output for the organisation. A related outcome should be a beneficiary or external or societal result e.g. more probationers into employment or less probationers re-offending.

11.4.1 Reduction of custodial measures and sanctions and development of sentencing framework

Overall, there is cohesion between the designed outputs and outcomes under Action 11.4.1.

The evaluators are concerned however that the Renewed Concept of Probation was not preceded by some sort of an impact or feasibility study. The strategy document did not envisage it and, as a result, the probation organisational structure, service size, human/financial resources required and eventual status as well as other parameters had to be shaped “as you go”. The approach, whether intentionally or otherwise was essentially ‘Ready, Fire, Aim!’

Another very essential output for Action 11.4.1 *Reduction of Custodial Measures*, which appear to be missing from the Action Plan is a way of preparing a wider society for this step. The public is sensitive to the changing agenda of their security and advanced public information could have saved efforts later or facilitated the process of embedding the new institution in the public mind as being an accepted part of the government and sentencing architecture. Such an output could have been formulated along the lines: *Introduction of the concept of probation into public discourse*; it could be measured through the number of

round tables at the think-tanks, posts or blogs, articles or information pieces in newspapers or interviews on TV. It is quite possible that part of this work had been done in practice, but it is not part of the strategy.

Finally, the outcome *Separate procedures or parole boards (for juveniles and other categories)* seems out of place in this section and would have fit better into the next action focusing on regulatory development of probation.

11.4.2 Development of regulatory and institutional framework for probation service

Under Action 11.4.2 there is a general correspondence between the envisaged measures/ outputs, the aim of the action and the projected outcomes.

However, there is a contradiction between the content of Output 1 and the aim of the Output 4 *Probation offices established in sub-divisions of SPS with supporting infrastructure*. Thus, on the one hand, a new concept for probation existed, but on the other hand the offices have been projected to function in sub-divisions of the SPS instead of having their own identity from the beginning. The same observation applies also for the Outcome 2 *Clear and foreseeable status of divisions in charge of probation as part of State Penitentiary Service*. This projected status for the divisions is not in line with the vision explained in the previous Action 11.4.1 “modern fully-fledged probation concepts”. This contradiction is even more visible if we analyse the content of the Outcome 4 where sub-divisions should have suitable office premises *separate from police and prisons*.

The outcomes regarding the IT systems and infrastructure are probably too detailed in comparison to the content of the other outcomes and in relation to the connected Outputs 5 and 6.

Outcome 10 is in contradiction with Outcome 1. If the aim is to have a *Viable national organisational structure for probation in place*, why is necessary to give the SPS the responsibility to perform research and analysis regarding the persons under probation supervision?

Outcome 14 regarding public opinion was too ambitious for this stage of development of the probation service. In the first years of existence the probation service cannot have a significant impact on public safety as all the efforts are aiming at the establishment of the institution and integration of various practices in the probation work.

11.4.3 Extension of institutional capacities of CSOs in probation system

Generally, this Section demonstrates the logic between output and outcomes, although there they are not consistently differentiated: for example, the Outcome *Intensive and regular consultations on development and content of volunteering in probation (meetings with CSOs, information measures) based on best international practices* would fit better under Outputs.

Even from a strategic perspective and with a five-year horizon, the Outcome *Facilitated public procurement facilities (grant) procedures for probation services to contract CSOs introducing various incentives (e.g. tax) to involve CSOs more actively in rehabilitation, re-socialisation and reintegration work in pilot regions* seems to be too ambitious. The Probation Service at the present time is too seriously underfinanced to be able to plan a grant facility. The evaluators know of some innovative ways in which the other donors' resources can support probation or how an existing option, such as Law on Procurement of Social Services could, in a limited way benefit the probation service. However, those examples and Probation Service grant facility do not fall into the same category.



Output 3 *National roll out of the pilot model for juvenile centres* do not seem to have any relation to CSOs (unless the authors had in mind some very specific aspects, but this meaning is not obvious from the formulation) and would logically fit into the previous Action on institutional development.

Finally, the evaluators had quite a predicament to understand the meaning of the Outcome *All relevant national and regional implementation Plans with specific costing provisions, to secure premise and funding*. In addition to problems in understanding its meaning, it is confusing to have this outcome in Action 11.4.3 dealing with the Extension of institutional capacities of CSOs in probation system.

11.4.4 Development of human resources management in probation system

Under Action 11.4.4 there is a general correspondence between the envisaged measures/ outputs, the aim of the action and the projected outcomes.

Nevertheless, considering the details of the outputs and the outcomes the following observations can be made:

Output 4 Design of a Performance Management Framework (PMF) is normally an HR function. In the Probation context much of its content is related to probation practice and professional standards. Thus, this outcome might be usefully Action 11.4.2. Instead of this Output it would be more appropriate to introduce the content of the Outcome 1 related to professional standards.

Output 5 is aiming for training according to the resources of the training centres. It would be preferable for training to be demand led: organised according to the identified training needs of the staff (in relation to fulfilling organisational aims) and the centres should receive the resources accordingly in order to satisfy these needs. There is also a contradiction between the content of this outcome and Outcome 6 where the aim is to have fully equipped centres.

Regarding the Outcome 3 is not clear the level of approval for these requirements if should be regulated at the level of law, bylaws, ministerial order or as decisions of the head of the probation service.

The content of Outcome 4 should have been revised to focus on annual appraisal instead of PMF standards. The annual appraisal should be developed in order to observe the level of compliance of the frontline staff with the PMF standards and not the other way around as it is explained now.

In the content of Outcome 6 and Outcome 9 it has been appropriate to use the word *new instead of future probation* employees as *future* implies a level of uncertainty and can suggest the idea of candidates for the positions of probation employee. In addition, the entire content of the Outcome 9 is unclear: the pilot projects are for training content? The pilot is established in a region The fast coverage means an intensive training in a short period of time?

In Outcome 8 it was probably too ambitious to envisage that all regional centres will have the capacity to deliver the trainings. It would have been more realistic at this stage of development to aim for only one of them to have the capacity.

As a general comment regarding the Action 11.4.4 it should have had a separate Outcome to analyse the strengths and areas for improvements regarding the decision to combine two categories of staff in the probation service (uniformed and civilians).

11.4.5 Development of pre-trial reports, risk/needs assessment and case management capacities

This Action largely demonstrates coherence between outputs and outcomes and a set of agreeable results from the measures chosen.

However, one formulation drew the attention as being totally vague, Outcome 4 *Focal points for exchange of information on probation identified*. Even if the content of information exchange on probation is defined, then its place in the column for outcomes will pose a question, why has it been categorised as outcome, if it requires a simple identification of focal points?

11.4.6 Development of range of evidence-based interventions to reduce reoffending

Though there is a general correspondence between the aim of the action, outputs and outcomes it should have been started with an Output related to an analysis of the offenders needs under probation supervision. This analysis was useful in order to establish the range and type of programs.

The content of the second part of the Output 2 it is more appropriate for an Outcome.

Related the Output 4 it is not clear why judges should be trained *together* with the probation staff on the assignment of programme. An approach that includes the aims, approach and suitability criteria of each programme being explained by Probation staff at Judges seminars would be more realistic.

Outcome 1 - we are not sure how this list of programmes was established in the absence of an analysis regarding the needs of the offenders.

The second outcome is more related to Action 11.4.2 where the agreements with other foreign probation services are envisaged.

Outcome 4 is overlapping Outcome 1. It is possible that the intention was to develop implementation manuals for the range of programs mentioned in Outcome 1.

The content of Outcome 6 and Outcome 7 is not very clear. With whom will the exchanges be organised and from whom will the regulations or practical products be borrowed?



ACCURACY OF MONITORING OF AND REPORTING ON JSRSAP IMPLEMENTATION

Monitoring Tool. The Justice Sector Reform Strategy and its Action Plans are complex multiple-sector multi-level documents featuring a set of outputs leading to outcomes and contributing to the impact sought. Following the development of the Monitoring Tool with the support of the EU Project Justice Reform Project (a predecessor of the Pravo-Justice Project), the Directorate-General on Strategic Planning and European Integration on behalf of the Ministry of Justice of Ukraine was appointed as institutional coordinator responsible for monitoring of three relevant chapters of the JSRSAP, including **Chapter 11 Area 11.4 “Improved Rehabilitation and Prevention of Crime Through Setting up of Fully-Fledged Probation Service and Application of Alternative Sanctions.”** The MT includes the data inputs from 2017 onwards. In the Ministry of Justice, a team of experts was busy following, gathering and inputting the data. The Comments columns were introduced to clarify the justification for quantitative values. The MTE team is convinced that the MoJ monitoring experts, although not experienced in the field of probation, had a good understanding of the extent of strategy implementation and demonstrated a high level of professionalism in delivery of their assignment. It is also obvious that they have created a good professional rapport with the strategy implementation stakeholders.

A closer look into the details of the monitoring discovered some minor inaccuracies or, perhaps, a different interpretation by the Ukrainian partners. The breakdown of certain measures into individual monitorable steps can at times be challenged.

Example

.....
Action 11.4.2. Development of Regulatory and Institutional Framework for Probation Service.

Measure/Output 7 Analysis of functioning divisions of probation service after reform aimed at decentralisation in Ukraine.

The activities to achieve this output:

- I. A list of local organisation providing services to probation
 - II. Recommendations for interaction with local organisations developed and delivered
 - III. Model probation centres established
 - IV. Evaluation of probation office performance continues
-

While the first two activities seem appropriate, the model probation centres here could have been appropriate solely on the condition that the model offices had been created by the local authorities to demonstrate the improved chances of cooperation in the decentralisation context. However, this is not the case: the model offices are the results of cooperation with international partners. Activity IV would better fit the output addressing the system of effectiveness of the probation service.

A more important observation concerns the problem of the development of sentencing guidelines. With appearance on the Ukrainian justice scene of a new player; the probation service, the existence of well-articulated sentencing guidelines is an important factor in the development of consistent, rationale sentencing especially in the marginal areas between custodial and community sanctions. The Monitoring Tool clearly captures the position of the probation service, “The issue of the sentencing guidelines is beyond the competencies of



probation". The statement is true but to a degree. If the Probation Service is to announce its existence, its functions and its potential impact on the entire justice system, the sentencing guidelines must be developed. This probably requires the establishment of a multi-agency working group, led by a Supreme Court representative. The Probation Service (explicitly or tacitly supported by the MoJ) should certainly be lobbying and campaigning for sentencing guidelines. It is a maxim that art of the management is making things happen through people/stakeholders we do not control. The same comment applies to the value of the development of information, teaching manuals and workbooks for judges.

Overall, the accuracy of monitoring with the help of the Monitoring Tool can be assessed as 90-95%.

The Reform Passport. The JSRSAP document was complemented by the Passport of Reform approved in March 2017 by the Collegium of the Ministry of Justice of Ukraine. Developed in a moderated session by the national implementers themselves, the Passport seemed to have stronger ownership by the national partners of the probation and prison service staff as compared with the MT for JSRSAP. With the support from a donor project the effectiveness framework with annual indicators was developed in full compliance with the Results-Based Management (RBM) principles. The monitoring of the Passport became full responsibility of the relevant units and departments of the PI Centre of Probation and State Criminal-Executive Service. The Probation administration entrusted the monitoring function to a dedicated structural unit.

The Reform Passport is an appropriate RBM tool for monitoring and the first of its kind developed in the history of penitentiary & probation management in Ukraine. Thus, the use of the RBM approach is of itself, very significant in this sphere.

While the prison and the probation services fell into a single category of the criminal-executive function of the state, it was natural to create just one single passport of reforms. However, with the creation of the separate agencies dealing with incarceration and alternative to imprisonment sanctions, it would be more logical to develop in future two separate monitorable frameworks for reforming the services. Even at this stage of development, the thoroughness, accuracy, and unflagging effort to capture the progress of development is obvious in probation.

The area for improvement in development of the next generation of the passports would be to avoid limiting indicators to key organisational outputs and outcomes and include some important aspects of staff development and capacity

Example:

Operational Objective 4.3 Society recognises the importance of the penitentiary system and trusts it.

Task 4.3.1 Communications policy for penitentiary system developed

Activity 4.3.1.1 Implementation of PR strategy

Indicator: Number of probation units that inform public about their work in media and the internet.

During the interviews with the probation personnel it became clear that appointment of the communication officers in the units is not sufficient to solve the issue of communications and PR. There is also a need to train more staff in communication skills. Therefore, to make sure the monitoring accurately reflects the level of attainment of the goal set, an additional indicator – the number of probation staff trained - could be added.



Comparison with the MT prompts a comment that the Passport for Reform template is lacking a column/space for comments or explanations.

Example:

Operational Objective 1.3 An effective support to probationers provided

Task 1.3.2 Mechanisms to support parolees and to make use of e-monitoring developed

Activity 1.3.2.3 Mechanism for e-monitoring of probationers developed.

Indicator: Mechanism developed

The degree of the mechanism development is calculated as of 01.07.2019 – 30%. The question is why is 30% and not 40% or 20%? Then an additional column Comments could be filled with a brief clarification: the e-monitoring concept has been discussed and approved. These short explanations could transform the enigmatic figures into understandable information or data.

Overall, the Passport of Reform accuracy of monitoring the progress of reform in the probation leg of the penitentiary could be calculated as 85-90%.



ATTAINMENT OF RELEVANT JSRSAP OUTCOMES

There is no doubt in our minds that there has been a serious commitment at Ministerial and Senior Management level to implement Chapter 11.4 of the JSRSAP. The Probation organisation is still under development but with the support of various donors, it is advancing well. We have commented on attainment of outcomes under each Action 11.4.1 to 11.4.6. These comments are followed by specific short-term recommendations in relation to outcome achievement and more general recommendations for medium term developments. It is difficult to highlight areas where outcomes are more important than in other areas because of the mutual dependencies that exist. However, we would highlight two critical areas in particular:

The first is in relation to staff capacity, knowledge and skills (outcomes at 11.4.4): the essence of effective rehabilitation work is the assessment, engagement, relationship building and influence of a professional Probation Officer or more accurately, a Criminal Justice Social Worker. This requires a high level of skill in recognizing risks, needs, strengths and weaknesses and balancing rehabilitation of the offender with protection of a victim, a category of victim or the public in general.

The second is relation to methodology and the development of an 'evidence based' approach to the design of assessment tools, rehabilitation programmes and other interventions. (relates to 11.4.1, 11.4.5 and 11.4.6) This requires the development of an effective offender information system; a system of quality assurance and the capacity to research and evaluate the methods used.

These two areas are clearly related but if other Criminal Justice actors are to have confidence in the Probation service and make sentencing or parole decisions accordingly and if the organisation is to have public credibility, it must become highly professionalised in both areas.

The next section looks at each Action area in turn.

Action 11.4.1 Reduction of custodial measures and development of sentencing framework

This Action has a wide selection of measures, outputs and outcomes and for assessment purposes we have divided them into two groups:

The first part of Action 11.4.1 concerns Probation systems and methodology:

Key Measure/Output: Reviewed Concept of Probation

Outcome 1. Introduction of modern fully-fledged probation concepts, reconciling community safety considerations with aims of rehabilitation and social inclusion.

There is strong evidence that the Concept of Probation has been reviewed and renewed during this period. The Probation Law in 2015, the separation and renaming of the organisation in 2017⁶ and the further development of a legal and regulatory framework are all developments that provide a modern conceptual framework. The evidenced engagement with other Criminal Justice actors shows recognition that a fully-fledged Probation service cannot be effective unless it acts in partnership – especially with the judiciary. The evidenced en-

⁶ The Decree of the Cabinet of Ministers of Ukraine dated 13.09.2017 #655-p to establish the State Institution "The Centre of Probation"



agement with other actors in the community shows recognition of the need to mobilise a wide range of resources at local level to achieve rehabilitation and social inclusion goals.

There are many areas where further effort and development are required if a modern, fully-fledged concept is to be realized and fully implemented. In particular:

The Probation Service should elaborate a more detailed organisational strategy that is subsidiary to JSRSAP, builds on the *Passport* document but aims to fully achieve its mission and develop an Action or Implementation Plan with key milestones

The Probation organisation status should be enhanced so that it has Agency or other status in Public Law in order to meet its strategic aims and objectives. This change must include elements of budgetary control so that real management decisions and choices can be facilitated.

It is not satisfactory after four years of development to have a situation where only 50% of front-line staff have received any formal training in rehabilitation methodologies.

The start-stop approach to de-militarisation is also creating anomalies and difficulties. We do not believe there is any way that a two-tier civilian-military workforce is sustainable if a 'fully fledged' probation organisation is to further develop. A robust, fair and well-resourced HRM strategy is required to resolve this.

Recommendations

Short Term

1. Acceleration of training programmes to ensure all staff have received at least initial training in rehabilitation methods linked to organisational objectives of rehabilitation and social inclusion together with development of local supervision and mentoring arrangements to sustain learning and motivation.
2. Work on a Probation Service internal strategy document that reflects JSRSAP issues but is owned by the organisation as a whole and informs the Performance Management Framework.

Medium Term

3. A review of the status and structure of Probation to provide an organisational framework to match its increasing role and range of activities in the Criminal Justice System.
4. An HR led change management approach to full demilitarisation over a 5-10-year period with reasonable transitional protections for those whose income or conditions of service would otherwise worsen.

Key Measure /Output: Reviewed regulatory framework on conditional release (parole) supervised by probation authority.

Outcome 1. Clear and transparent criteria for conditional release

Assessment

The Law of Ukraine "On Probation" adopted by the Parliament of Ukraine on 5 February 2015 envisioned three types of probation services: pre-trial, supervision of offenders in community under the court orders, and penitentiary probation preparing the sentenced prisoners for release. Subject to the passing of the proposed legislation, supervision of conditionally-released prisoners on parole would add a fourth activity to the Probation Service. Conceptually this would aim to reduce reoffending of the parolees by providing them with assistance



and support “through the gate” and during a period of resettlement into the community. The current law, as defined in Article 81 CC, stipulates a measure which may be applied, “if a sentenced person displays decent behavior and diligence in work as a proof of his/her reformation”; the conditional release arrangements have remained utterly discretionary and, hence, open to misuse or even corrupt practices.

In Ukraine Probation development demonstrates a conceptual shift in legal interpretation of the term “conditional release” towards what “parole” means in other European jurisdictions. A new legal meaning departs from just “release” accompanied by simple control actions and assumes application of more risks and needs focused and assistance-oriented measures. They concern various dimensions of conditional release solutions and were captured in two Draft Laws #7337 registered in the Parliament of Ukraine on 27 November 2017 and #10465 registered in the Parliament of Ukraine on 19.07.2019. Regrettably, these draft laws have now been removed from the parliamentary system of registration. They however captured the new approaches and interpretations of the how the early conditional release should work:

- a. prisoners are automatically eligible to submit a parole request to a court through the prison administration (or since 2012 through an advocate), once they served an appropriate proportion of the sentence (CC Article 81 (3))
- b. the terms for conditional release require use of Risks and Needs (RNA) assessment instrument and an individual sentence plan in place
- c. a wider scope of obligations imposed on offenders on parole, including the obligation to participate in the probation programmes
- d. An expanded range of responsibilities of the probation office going beyond the duty of “control” and surveillance and assuming responsibilities for supervision and support.
- e. Unfortunately, neither draft law was passed to become an effective law. However, the existence of the registered drafts is a convincing proof of commitment to an improved system.

Recommendations

Short Term

5. Review and revise text of withdrawn draft laws and re-submit improved versions to the Parliament of Ukraine to make the necessary changes in Probation and Penitentiary Laws to facilitate a conditional early release system based primarily on assessed risks of re-offending and/or risks of harm to a known victim, category of victim or the public in general.
6. Consider in these new laws whether for some categories of less-serious crime, early release with Probation supervision and other obligations might be substituted for the last x% of sentence automatically except where a risk assessment indicates otherwise.

Outcome 2. Separate parole boards procedures for juveniles, adults and other categories

Assessment

In contrast to some other CoE countries, no consideration has been given to setting up separate parole boards for different categories of prisoners, adults, juveniles and other categories. The cases for “early conditional release” are facilitated by the prison pedagog-



ical (juveniles) or disciplinary (adults) prison councils and examined by general jurisdiction courts of the first instance presided by a judge specialising in criminal offences.

Recommendation

7. A study of parole arrangements in other countries to inform consideration of next steps

Outcome 3. Reinforced use of early release through parole by developed consistent practice of courts in applying them, and special programme for preparation for release

Assessment

As mentioned above in the Assessment on Outcome 1, the legal framework needs development and improvement before it is possible to make conclusions on their application of consistent judicial practice. An example, how opportunities for parole solutions are wasted in the lack of appropriate regulatory basis, is provided by the half-year report of 2019 compiled by the Department of the Social and Educational Work of the SCESU: over the first six months of 2019 the early release procedure was applied to 1975 prisoners. This constitutes some 30 per cent of the total number eligible for parole. It is difficult to assess this figure as either high or low without a baseline and comparative data from other jurisdictions. However, a more expansive use of early release in the prison service would be possible following adoption of the appropriate legal regulations promoting automatic eligibility for parole on certain conditions, a) a pro-active introduction of risk assessment tool within the prisons, b) relevant skills mastered by the prison staff and c) a completion of pre-release preparation programme by a potential parolee.

Expansion of the early release measure is intimately linked to introduction of Penitentiary Probation; a programme of arrangements for preparation of a prisoner for release set out clearly in the Law of Ukraine “On Probation”. Development of Penitentiary Probation was characterised as the most challenging area by the MTE interviewees, both Ukrainian and international. The multiplicity of shared responsibilities of various actors (e.g. issuing a passport, identifying the place of residence and accommodation, informing ex-prisoners of their rights and providing with contact details of social, pension, medical, employment, probation organisations), create a picture of fragmentation.

The planned work is underway, for example, social and life skill courses for prisoners introduced into the curriculum of the SCESU Bila Tserkva Training Centre, the First National Conference on Penitentiary Probation successfully organised⁷, civil society organisations enter the prison zone to work with prisoners. The prison administration also makes efforts in terms of documents/passports provision, liaison with the family and the employment centres.

Effective preparation for release calls for reinforced synergy and cooperation between a number of institutions, including prison establishments, the probation service, the ministries of Social Policy and of Healthcare, CSOs, and the Supervisory Boards under the Oblast Administrations, which have been in existence since 2004 to ensure greater citizen’s control over the criminal executive bodies. The 2018 Decree⁸ of the Ministry of Justice, Social Policy, Healthcare and Interior was issued to facilitate interagency coordination. However, the lines between the responsibilities of various agencies are blurred and the definitions are

⁷ *The First National Conference on Penitentiary Probation. 2-3 July, 2019. Kyiv*

⁸ 03.04.2018 № 974/5/467/609/280 «On Approval of the Order of Interagency Cooperation of Prison Establishments, Probation and Aftercare Institutions Over the Period of Preparation for Release of Prisoners Sentenced to Limitation of Liberty or Incarcerated Prisoners for a Certain Period”



mixed: e.g., the Law on Probation envisions the introduction of the Penitentiary Probation starting 6 months before the release, while the recent interagency decree specifies that the “preparation” begins three months before the release. The Probation Service interlocutors claim that the latter are subsidiary and are concerned largely with employment and accommodation. The same function is fulfilled by the SCESU, which in their half-annual report for 2019 stated that 1,861 prisoners had been employed with their assistance; while 4397 (out of 6639 released) had been registered at places of permanent residence. The Ministry of Social Policy of Ukraine pointed out that they were also an actor in the process, pointing to increasing responsibility for the released prisoners.

Ultimately, a greater degree of clarity as to what penitentiary probation will involve in reality, at what time, with what actors with what set of responsibilities will benefit first and foremost the released prisoners, who otherwise could find themselves caught up on a life crossroad facing the multiple referrals and points of destination. A structured approach, a sense of leadership and ultimate responsibility for this complex multi-stakeholder process should be spelled out.

The penitentiary probation should ideally be built on quality social-psychological work delivered throughout the sentence of prisoners. Regrettably, there is little to rely on in terms of rehabilitation programmes or correctional-behavioural courses in the prison system. What is in place are “programmes of differentiated impact”, which require full revamping in line with European programmatic approaches. To ensure the smooth transfer of a parolee from the institution to the community, to be supervised and supported by probation, a basic toolkit for offender rehabilitation and associated training need to be developed and introduced with some sense of urgency. The successful introduction of the penitentiary probation in prison establishments will also facilitate communication and partnership ‘through the gate’ and for the critical early weeks of resettlement in the community.

In relation to further development of penitentiary probation, the MTE team would like to share an observation. To launch Penitentiary Probation the Ministry of Justice of Ukraine engaged the Charity Foundation “Free Zone” by signing a MoU for service delivery. The Memo and the launch of the 1st National Penitentiary Probation Conference initiated and organized by the “FREEZONE” leaders supported by the HIV/AIDS Global Fund was an attempt to consolidate the forces of all stakeholders and to shape a unified approach and models to be used for penitentiary probation. This is a very welcome step. However, this may also be interpreted as an illustration of a tacit recognition by the prison administration that modern skills for offender rehabilitation are sitting outside the prisons and beyond the prison staff’s skill base; it is also an illustration of missing rehabilitation and preparation for release programmes. Outsourcing services is an established practice in more advanced systems, however, at this point of time, offender rehabilitation in a prison setting needs to be conceptualised, its components developed and the vision and standards elaborated; this is a process that should be owned and managed by the responsible authority albeit with the active support of other key players.

According to the Deputy Minister a wider use of parole arrangements might be facilitated by introduction of Electronic Monitoring. To this effect the concept for Electronic Monitoring has recently been finalised and there are plans to amend the law (CC Article 395) by the end of 2019.



Recommendations

Short Term

8. Formulate within the Department of Social and Psychological Work of SCESU a strategic approach to penitentiary probation and parole and preparation for release arrangements in line with the European best practices; clarifying roles and streamline processes. (in concert with Recommendation 5)
9. Develop an offender rehabilitation toolkit for use by Penitentiary Probation with associated (RNA) assessment and sentence planning tools and rehabilitation programmes, together with an implementation plan with milestones and indicators in place.

The second part of Action 11.4.1 we have assessed has measures and outputs that relate to the courts and judges:

Measures/Outputs:

- Sentencing guidelines developed
- Greater general discretion for judges
- Reviewed powers for judges to impose obligations in probation
- Discretion introduced for judges to impose community work or additional obligations for violations of alternative sanctions

Outcomes

- Expansion of range of obligations possible under probation, including community service
- Discretion introduced for judges to impose community work or additional obligations for violations of alternative sanctions
- Rehabilitation and social integration policies and programmes developed, implemented and reviewed for various target groups, including offenders, prisoners, former inmates; relevant programmes integrated into criminal legislation as obligations⁹

Assessment

Historically the Ukrainian professional bodies have been preoccupied with regulation (and arguably overregulation) ending up with fragmented pieces of legislation, serious and multiple amendments to laws and, regrettably, outdated but non-annulled norms. Simultaneously, they often suffer from the absence of simple guidelines or sets of best practices intended for practitioners. For the judges, the latest example of something approaching 'sentencing guidelines' goes back to the Resolution of the Plenary Session of the Supreme Court of Ukraine on Sentencing Practice Regarding Criminal Punishment as of 24.10.2003¹⁰ Devised prior to the probation service establishment, it is still broadly effective but far too general to be applicable to cases that may be suitable for a community sanction. Therefore, the existing sentencing guidelines are currently not part of the enabling environment for further probation service development. The Criminal, Criminal Procedural and Criminal Executive Codes with its recent amendments remain the guiding documents for the judges in their sentencing practice and determine the boundaries of their discretion.

⁹ For this outcome the assessment was made in 11.4.6

¹⁰ <https://zakon.rada.gov.ua/laws/show/v0007700-03/ed20031024>

¹¹ <http://court.gov.ua>



The Ukraine Court Statistics in 2017 and 2018¹¹ demonstrate the following trends in sentencing practices:

Sentence	2017	2018
Imprisonment	21.2%	18.7%
Limitation of liberty	1.4%	1.2%
Arrest	3.6%	3.5%
Community service	7%	6%
Fine	24.3%	27%
Conditional sentence (with probation)	42.8%	43.3%

These numbers illustrate that the courts are using Probation in 4 out of every 10 cases. Further analysis of data is required to determine whether the cut-off point of seriousness and using prison is a matter of law or individual judicial discretion. There does appear to be scope for further application of community service sentences.

Recommendation:

10. MoJ to explore possible options for development of sentencing guidelines to improve consistency of sentencing with key stakeholders including the Supreme Court and Probation Service and to take account of the developing options for sentencing.

Key measure/outputs

Practice guides and training modules for judiciary and other stakeholders on new probation policy and institutional set-up developed, disseminated and updated regularly

Assessment

The Probation Service maintains its purposeful work across the institutional boundaries to involve other important stakeholders and to build a full-scale probation service across the criminal justice chain (the courts, prosecutors, defence lawyers, prison, probation, local communities and local councils/administrations). This is a work in progress and there is much to be done to win the hearts and minds in favour of probation among representatives from other professional communities. Initially, the prioritised format of cooperation was round table discussions and information session but with time other formats, such as knowledge- and skill-oriented joint learning events with judges and prosecutors were preferred, mostly funded by international projects, such as EDGE, EU Project Pravo-Justice, MATRA, NORLAU.

In 2019, following earlier donor supported and only partially successful attempts at meaningful engagement, the National School of Judges finally approached the Probation Service to move into a more systematic mode of cooperation and an agreement between the two institutions was signed. As a result, some 370 new entrants into the judge's corps received information on probation approaches, methods and instruments, highlighting new options for offender sentences. In a similar vein, the probation lecturers were also invited to the National Academy of Prosecution. Some useful complementary interventions were introduced: a special training video demonstrating the use of a pre-trial report, information about novelties in the probation toolkit for other stakeholders and a film interviewing the Head of the Probation Service at the Bila Tserkva Training Centre. A distance learning programme for probation staff at the same Training Centre is currently being re-formatted to provide an on-line training programme for judges.

¹¹ <http://court.gov.ua>



The challenge to consolidate the efforts across the criminal justice institutions signals to international donors the need to further assist in formulating agendas and financing joint conferences, trainings and workshops for different stakeholders, both domestic and international.

Recommendations:

Short Term

11. Further develop training modules and means of communicating and discussion of rehabilitation and risk management approaches for the needs of all criminal justice stakeholders.

Medium Term

12. Develop a means of regular dialogue and feedback at local level with the judiciary towards a Partnership approach to effective crime management

11.4.2 Development of regulatory and institutional framework for probation service

This Action has 10 measures/outputs and 18 outcomes. It is the most significant action in terms of the creation of a viable, modern Probation system that can make an impact on the criminal justice system and the outcomes of its decision making.

The first three measures concern key aspects of organisational development:

Key Measures /Outputs:

- Action Plan implementing Revised Probation Concept, determining, short-term, medium-term, long-term strategic goals and objectives of Concept, and elaborate M&E system, identifying actions, responsibilities, timelines, outputs, outcomes and performance indicators
- Organisation chart of body in charge of probation and definition of status of divisions in charge of probation
- Business plan for probation outlining financial needs of probation and available sources of funding
- These measures have three related outcomes:

Outcomes

- Viable national organisational structure for probation in place, with clear description of roles and responsibilities of bodies making part of it
- Clear and foreseeable status of divisions in charge of probation as part of State Penitentiary Service
- Evidence-based approach to identifying needs and planning business for material and technical support of functioning and development of Probation.

Assessment

The above measures/outputs and outcomes have received significant and continual attention from the MoJ and the senior management team responsible for Probation; they have also attracted interest, resources and commitments from the Parliament, from donors and from some sectors of civil society .



At an organisational level there is a viable and visible structure in place and a list that details roles and responsibilities according to the law of Probation. Most, if not all the required Regulations to support the Probation Law have been adopted' including orders related to personnel procedures: There are clear job descriptions in place and roles, responsibilities, and role requirements all contained within legal documents. There is clear organisational chart with the status and function of divisions within Probation: this is visible and accessible on the website to everyone both inside and outside the Organisation.¹²

The current status of the organisation is weak – a Probation Centre – it is neither an Agency nor a civil service department. One effect of that status is that Business Planning is extremely difficult. The current arrangements do not provide the Probation Service with its own budget: it is simply financed through the MoJ. This financing is not based on projections by the Probation Centre but rather a historical figure with an annual increase (approx. 10% per annum over the period covered by JSRPAP). Thus, the available funding must be programmed once it is allocated; it is not a Probation business plan that is funded.

In 2018 – 1 billion 40 million UAH was requested, some 50% of this sum was allocated. As with all Probation Service organisations, the lion's share of the budget covers staff salaries. Whilst the overall funding is well below that required for even modest development and improvement plans, this is not unique to Probation or the MoJ: it is a problem encountered by most Government Departments in Ukraine. Nevertheless, if the Probation service organisational status was enhanced and it had full budgetary control, there would be scope for allocating funds according to business needs and priority outcomes. This, in turn, could facilitate further de-centralisation with regions having some budgetary control and flexibility including the possibility of mutually beneficial financial partnerships with municipalities and CSOs. In addition the state budget the Probation Service has significantly benefitted from several international contributions for both material and technical support to complement the funds from the state budget (e.g.EDGE, EU Pravo-Justice, MATRA, NORLAU, USAID).

Regarding the **organisation** of the divisions of the PS at a district level these are established separately from the Prison Administration and from the Internal Affairs Ministry. In 2015 about 65% of local probation offices had shared offices with police, whereas today that figure is as low as 2%. This separation from police was not an explicit outcome but it has both a symbolic and an operational impact on Probation development and the way Probation is viewed by offenders and wider society.

From the technical point of view the first two outcomes – a viable organisation and the regional /divisional structure – are in place; albeit in a different format to that envisaged in the JSRSAP. In the medium term, the current structure of the probation system, particularly in relation to the number of operational units, should be subject to an efficiency review.

Currently the Probation Service is headed centrally by the Public Institution “Centre of Probation” (PICO), managed regionally via 24 branches and implementing probation activities through 560 district units with 3440 frontline employees. A structure with 560 local managers, 24 regional managers and a central structure can be difficult to organise and coordinate to ensure consistency and quality of probation practice. With 3440 employees and 560 units = approximately an average of 6 employees per district unit. In practice, however there are large city offices with far more staff and small rural offices with only 1 or 2 staff.

¹² <http://www.probation.gov.ua>



Recommendations:

Medium Term

13. A shift should be made from the paradigm “Probation institution exists” (*viable national organisational structure for probation in place*) to a new paradigm “Probation institution fully established in an efficient and effective manner”. This will require an analysis of the developing role of probation within the justice system and a corresponding functional review of the structure at all levels. This review could be conducted with the support of international experts and should include exploration of the options for the status and structure of the Probation organisation taking account of the various models internationally including the use of office, interviewing and group activity space in shared buildings e.g. municipal facilities, where this can meet operational needs more efficiently
14. Currently it is impossible to use an evidence-based approach for planning probation activities and required budget, considering the uncertainty of the available state budget that will be allocated. To help meet business needs careful planning of the financial and material contributions of international donors should be initiated. For this purpose, in the last quarter of each year a donor coordination meeting for probation should be organised by the PICoP. This meeting could examine the institutional priorities for the next year or in the medium term where possible. This would enable the priorities of the donors to be co-ordinated and, wherever possible, adjusted to the national priorities for probation.

The other seven key measures/outcomes under this action relate to organisational requirements for the establishment of an effective and credible probation service.

Key Measures /Outputs:

- Probation offices established in sub-divisions of SPS with supporting infrastructure
- Information Services Strategy defining collection and protection of data about offenders, methods of data storage and exchange of information between agencies. Pilot projects on implementation of Information Strategy launched
- National offender case management database/registry, including individual risk assessment tools, fully operational
- Analysis of functioning of divisions of probation service after reform aimed at decentralisation in Ukraine
- User satisfaction surveys of probation authority
- Public Relations Strategy to improve public awareness and confidence in probation in Ukraine. Probation service website fully operational. Awareness campaigns
- Cooperation agreements with foreign probation services

Outcomes

These measures have fourteen outcomes associated, as follows:

- Suitable office premises in each sub-division separate from police and prisons fully equipped with private interviewing facilities, telephones, IT equipment etc., and meeting relevant regulatory requirements for office premises
- IT needs are identified, software specifications drawn up and relevant business plan drafted to deliver products



- MOUs between relevant bodies adopted on scope and extent of automated and on-demand exchange of data on probationers
- Technical support of probation divisions provided; pilot software developed and regulatory framework for the use of data bases and software elaborated
- Practical and effective use of software, including basic case management system, and database for risk/needs assessments
- Greater interoperability of probation information systems (IS) with other national IS in justice (penitentiary, PPO, courts, bailiffs) and law enforcement (investigation bodies, migration, border control, national security)
- SPS research and analysis units regularly producing analysis of risk/needs profiles of offenders under supervision, providing guidance for probation system management with regard to aggregated probationer profiles
- Public opinion on necessity to involve local municipalities to facilitate the work with probation subjects is studied
- Participation of local municipalities in creation and functioning of probation establishments
- System for informing local municipalities and state authorities in place about activities and development of probation services
- Public opinion regarding impact of probation on public security enhanced
- Regular information campaigns on objective and perspectives of probation in Ukraine, with cooperation of local and national media
- Regular contacts for the exchange of information with probation services in EU and other countries of region
- Automated and on-line systems for measuring user satisfaction

Assessment

Each of the above-mentioned outcomes have been addressed in the last years during the implementation of the JSRSAP; however, the level of achievement varies from one outcome to another.

Suitable Office Premises

The material conditions in the offices are rather poor and are generally far from being suitable for implementing the probation activities. We observed that in the Central office and also in Bila Tserkva probation office the staff are using their own furniture, computers and other office supplies. This is also a pattern elsewhere. Only 15% of probation staff use state-provided computers; 85% operate with their own personal computers. This is not only a logistical problem but involves also issues related to data protection and security of official information.

Two of the local offices (Kharkiv and Bila Tserkva) will become model probation offices after the investments and endowments from international donors. However, in the critical financial context explained above such measures, though undoubtedly welcome, are unlikely to be replicated or rolled out nationally using state funds in the near future. It is therefore an approach that essentially lacks sustainability. We understand that the market rate for office space is much higher than the amount authorised by Government (MoJ); this means that procuring office space that meets business needs is extremely difficult. It is interesting to note that the Bila Tserkva office has been developed in a partnership with the local municipality – this meets one of the outcomes listed above and this approach may also offer a practical solution elsewhere (see Recommendation No. 13)



Probation centres in the regions do not currently have any budget control. This may inhibit the development of local innovation and partnership solutions to the procurement of affordable yet suitable office space and equipment.

It is interesting to note that elsewhere devolved decision making and financial control has been a key feature of public administration since 2014, following a Cabinet Resolution.¹³ Adoption of this resolution paved the way to the process of decentralization of power in Ukraine. By July 2019 there were 924 amalgamated hromadas (communities) in place while the financial decentralisation resulted in the growth of local budgets to spend locally raised taxes in ways that could be more responsive to local needs. For example, in 2018 the share of local taxes and fees in the local budgets constituted 26.1% compared to just 0,7% in 2014¹⁴.

In the context where policy decisions are delegated to the local people in rural and municipal communities pooled financial resources can cover the agreed local renewal strategies with enhanced levels of public security, safety and prevention of crime. This approach can include co-funding to meet the objectives of Probation – the prevention of reoffending. Arguably and evidentially, at the heart of any successful probation service is an on-going close cooperation at local level with other Government departments and local administrations. Their targeted programmes to meet identified needs of local citizens can be used as a source of funding for services for probation clients, who are first and foremost local citizens. The methodological recommendations from a donor on how to target and deliver a programme are available for all probation offices in Ukraine. 29 of them participate in the implementation of the regional target programmes in 14 oblasts of Ukraine with a total budget of 2,000 000 UAH. 315 probation offices, which constitute 55 per cent of the total, interact with the state administrations and local self-governance in search of appropriate funding and cooperation solutions for probation clients. The examples encountered illustrate various and differentiated levels of cooperation between the local probation offices, CSOs and municipalities and demonstrate different levels of engagement and achievement. Examples include (i) delivering psychological consultancy services to juveniles; (ii) providing accommodation to victims of domestic violence with children; (iii) An accommodation project for homeless probation clients in partnership with a municipality. Devolution also impacts on the work of NGOs: The charitable foundation “the Light of Hope” from Poltava state that 45% of their annual budget comes from the state and local budgets.

The process of decentralization considerably enhances the ownership of municipalities and local councils over what is happening in their town or village. Therefore, community work as a sanction is widely perceived as “doing public good” in terms of making the community environment cleaner, greener or cosier. Examples of collective “cleaning sessions” organized as components of probation awareness campaign proved very effective and have a huge potential to influence public opinion but also to convince judges in the value of alternative sanctions for both the probationers and the community. To deliver on their objectives, the Probation Centre created an algorithm to engage with the local authorities.¹⁵ This provides for a regular update of information about the probation service on the web resources of local authorities and self-governance bodies, including the merged territorial communities. In addition, the instruction recommends the updated information to be placed on the notice

¹³ Resolution of the Cabinet of Ministers of Ukraine #333-p «Concept on Reforming the Local Self-Government and Territorial Structure of Power in Ukraine” 1 April 2014

¹⁴ <https://storage.decentralization.gov.ua/uploads/library/file/434/10.07.2019.ENG.pdf>

¹⁵ Instruction #26/15/-ЯН-19 dated 08.01.2019



boards of courts, police units, regional centres of free legal aid, in the premises of local self-governance and the local units for social services provision, juvenile centres, regional employment centres, prisons and pre-trial detention institutions, civil society and faith-based organisations. For the ease of usage, the instruction is complete with templates and the patterns of information about the purpose, functions, types of probation, addresses of probation offices and their contact details.

Offender Case Management Database and related outcomes

The requirement for a database to provide management information, measure the impact of methodologies and provide analysis of the Probation caseload was universally supported. Initially the CEIS -later Probation – sought to develop an in-house system but this made slow progress. In 2018 it was decided that NAIS, which provides all MoJ data set and software development would undertake the work. These developments have been supported by donor activity. The specification and subsequent development of the software has been undertaken to the timeframe promised by NAIS once they became involved. However, the relatively low level of investment in the necessary IT equipment to effectively run the system is likely to delay its full introduction within a reasonable timescale.

The IT needs have been identified and the software has been developed to the specifications and has undergone some limited testing. Plans have been drawn up to user test and pilot the software and some consideration has been given to the actions that will be required ahead of the full roll-out of the system. It is likely that the main determinant of the time taken to roll-out the system will be the procurement of sufficient IT equipment. There is a need to check that the regulatory framework for the use of the Unified Register has been elaborated, including data protection compliance.

Whilst the need for the Unified Register to communicate with other information systems has been recognised by the both Probation and the NAIS developers, the version of the software that has been developed for initial release does not include these capabilities.

It will be some time before the Unified Register is fully operational across the whole of the country. As indicated above, the main determinant of how long this will actually take is the provision of IT equipment, although the capacity to provide the appropriate training for staff will also be a factor. A suggested plan based on a sequential roll-out region by region following a successful pilot indicates the roll-out to the regions beginning in May 2020 and proceeding for several years.

If this protracted estimate of the timescale proves accurate, it will limit the availability of data for analysis and research and availability of a full national dataset is several years away.

Public Opinion

A fundamental precondition for establishment and building up the capability of a new public service is support and trust of its clients, rank-and-file citizens, other stakeholders and other public institutions, including – for a community based service – local authorities. Over the last two years, in 2017 and 2019, two public opinion polls were undertaken by Probation Service international donors. They illustrate some positive dynamics as well as some persistent problems discernible even at this short time distance.

In 2017 the total number of ordinary citizens with an awareness of the probation service was recorded as 62%. By 2019 this figure had risen to 87%. A critical difference in the perceptions is that in 2017 72% of the respondents believed the probation service could deliver on their own (without the support and assistance from the local governance bodies and civil



society). By 2019 this figure had dropped to 19%. On another measure, the overall level of trust of the service increased from 43% in 2017 to 89% in 2019 among staff of employment centres, free legal aid offices, medical establishments, national police offices, education departments and city councillors. Thus, it can be said that Probation, or rather the rehabilitation and reintegration of offenders, is now widely perceived as a collective, society-wide challenge which needs the mobilisation of various resources at local level.

User opinion was also canvassed in this survey. It showed that 90% of service users considered that Probation differs in aim and function from the predecessor body (CEIS). Survey data from service users suggesting that Probation is offering support and assistance, or rehabilitation services is still under 50% but 60% of service users expressed the view that their own supervising officer was helping them to find solutions for their life predicament and 89% expressed trust in Probation staff. The survey data and the comparison across a short time span suggests evidence of a rapid change in public and survey user opinion. The significant improvements in perception and understanding of the purpose, role and functions of the new institution of probation owe much to the public relations efforts of the Service.

Public Relations

Although considerable advances have recently been made, probation is not yet seriously and significantly considered by the public as a factor of community security and safety. More work needs to be done to win the hearts and minds of ordinary citizens. This objective is too challenging to be delivered by the Probation Service on its own, it requires a gradual evolution and shift in mind set of the entire society.

In response to the donor recommendations the Basic Concepts of the Communication Policy Within the Framework of Probation was developed. It was followed by the action plan and numerous training activities supported by all international partner-projects aiming to recognise information management as an important professional duty, introduce positions of information officers and improve their skills and competences in communication; produce and distribute hand outs and fliers, unify communication practices across the stakeholders and run social and media campaigns. A unit for communications and information support was created, while every probation branch and office identified a communications contact person. A web-site and Facebook page are in place.¹⁶

In one year – 2018, the Probation Service published 5300 items in the internet, 687 pieces of news in the printed media, broadcasted 124 TV features and 101 radio news items. Local information campaigns considerably added to the effects of national media and networks

Information Exchange: Other Probation Services

A Memorandum of Understanding was signed in 2016 with the Correctional Services from Norway. Also, many contacts have been made with probation services and probation staff from Latvia, Croatia, The Netherlands, Romania, United Kingdom and with other European Countries. The exchange of information has also extended to North America.

2019 was the first year of membership of the PICO in the Confederation of European Probation (CEP) the only professional organisation of the probation services from Europe. The membership of Ukraine will be formalised during the CEP General Assembly organised in October 2019. In 2019 a delegation of PICO, together with an international donor attended

¹⁶ website www.probation.gov.ua Facebook account: facebook.com/probation.ua (there are also FB accounts of regional branches).



an international event on Alternatives to Imprisonment in Eurasia giving a joint presentation together with a representative of the Romanian Probation Service regarding the implementation of the Community Service (unpaid work).

The outcome related to information exchange between the Ukrainian Probation Service and other international counterparts is fully achieved as the international unit of PICO is very active in this area.

Recommendations:

Short Term

15. The timeline for implementation for a fully functioning Offender Information system should be reviewed as it is urgently needed to support an electronic case management system and to provide management information for the Service.

Medium Term

16. Regarding recommendation No. 13: the functional review of the entire structure of the service should include a focus on budget management and how part of the budget could be devolved to regions to meet local costs and encourage partnerships with other actors, including possibilities for co-location
17. In addition to IT generated data for analysis, a Research and Evaluation capacity should be developed to examine 'what works' in reducing re-offending using both quantitative and qualitative analysis. This might be achieved through partnership with university faculties and external research bodies
18. Review and further develop communications and PR strategy in Ukraine. In addition to Public Relations an internal communication and knowledge management strategy should be developed to ensure that all staff are fully up to date with professional developments.

11.4.3 Extension of institutional capacities of CSOs in probation system

This Action has four outputs/measures and five related outcomes. It is important because it recognises the essential nature of Probation work – it takes place with convicted offenders in local communities and needs the active support of those communities if reducing re-offending pathways are to be found. This essential partnership needs mechanisms and a framework.

Key Measures/Outputs

- Mechanism in place for use of volunteers and CSOs to support delivery of probation services including legal regulation and training
- Reviewed regulatory framework on partnerships. Public procurement guidelines developed for CSO services
- National roll out of pilot model for juvenile centres
- Evaluation of pilot projects and national implementation if approved.

Outcomes

- All relevant national and regional Implementation Plans with specific costing provisions, to secure premise and funding
- Intensive and regular consultations on development and content of volunteering in probation (meetings with CSOs, information measures) based on best international practices



- Facilitated public procurement facilities (grant) procedures for probation services to contract CSOs, introducing various incentives (e.g. tax) to involve CSOs more actively in rehabilitation, re-socialisation and reintegration work in pilot regions
- Juvenile Centres established and range of programmes in place for juveniles including anger management, managing emotions, life skills and cognitive behavioural interventions
- Proposals of amendments to regulatory framework on volunteering in probation developed in consultation with experienced CSOs.

Assessment

CSOs and Volunteers

In Ukraine voluntary activities are regulated by the Law of Ukraine “On Voluntary Activities” taking into account specific aspects covered by the Criminal Executive Code of Ukraine and the Law of Ukraine on Probation. Based on these legal documents an Order was issued by the MoJ concerning volunteers.¹⁷ The document outlines the directions of activities in which volunteers can be involved, the principles of their selection, their rights and responsibilities, as well as the rights and responsibilities of probation clients, when they interact. There is recognition in the senior management team that volunteers and CSOs can provide an important additional and qualitatively different resource and help to enhance understanding and legitimacy of rehabilitation work in the wider community. Presently 30% of the total number of probation offices, are working together with probation volunteers to develop a mechanism for effective model of cooperation. The recent statistics provided by the Probation Service indicate that 430 volunteers deliver their services in 230 probation offices in 22 regions of Ukraine to help and support probation clients. All of them are working on contracts with the Probation Service. Included in the volunteer numbers are psychologists, social workers, lawyers and lay citizens.

Recent CSO and Volunteer developments

At a local level several initiatives have been taken by CSOs to provide services for Probationers and these have been supported by Probation staff. However, little national development work has been undertaken until recently because of the limited resources available and the focus on other areas of development.

In 2018 it was agreed that the work plan of an international partner organisation should include a focus on further development work with CSOs and volunteers that might enhance work with offenders. With the support of an international expert two pilots have been established in Ivano Frankisk and Dnipro to test approaches. Regular consultation with the pilots has included dialogue with local CSOs and local government representatives. This has meant that experience to date has informed the thinking for a national strategy and associated implementation plan, practice guidance to include a definition of the role of volunteers according to skills and experience and a draft training package. Training for volunteers will be matched by training for probation staff in working with volunteers. The planned formal review of the pilots will further inform the final implementation plan.

The approach to all these developments has been informed by international experience, best practice and desk research from Europe and North America.

¹⁷ Ministry of Justice of Ukraine #98/5 “On Adoption of the Regulations on the “Organisation of Activities of Probation Volunteers” dated 17.01.2017



Juvenile Centres

With the support of the long-term engagement of a donor technical assistance programmes, juvenile probation has made significant advances. Collaboration of a whole range of actors has taken place: donor assistance projects, the probation service, local authorities, centres of social services for family, children and youth, free legal aid institutions, NGOs and charity providers.

There are now 14 juvenile Probation centres in operation which serve about 180 young people from among more than 900 actual juveniles registered in probation as of 2019. The sector of juvenile probation proved a testing ground for many probation tools and methods, such as pre-trial reports, risk and needs assessments, introduction of resource “banks”, networks of partners. The correctional intervention programmes now include Anger Management, Emotions Control Skills, I Choose Changes and Life Skills. Methodologically the programmes utilise the cognitive-behavioural approach and widely apply the method of motivational interviews.

The juvenile probation centres constitute but a part of the work on broad issues of juvenile justice. It started as a set of pilots back in 2010 and matured to take the form of the National Juvenile Justice Reform Strategy from 2019-2023 approved by the Cabinet.¹⁸ This strategy, among many other benefits, shapes the framework for multiple activities with juvenile offenders. It is important to underscore, that the juvenile probation centre model introduced by a project of the Canadian Government has proved its replicability. The total number of juvenile centres at present is 14 and all of them are situated in cities or towns to cater for no less than 10 young people. However In spite of the considerable efforts and progress made, it should be noted that only 20 % of Juveniles nationally are being supervised in the model centres. Should there be resources for more such centres to be opened, there is a workable and proven model that could be scaled up at the national level.

Reviewed regulatory framework for CSOs partnerships, grants& procurement

We could find no evidence of work on further development of a regulatory framework, tax incentives or public procurement guidelines for CSO engagement. However, engagement is taking place both in the provision of services to Probation clients and in the supply of individual volunteers to Probation offices.

Recommendations

Short Term

19. Completion of the strategy, implementation plan and practice guidance for volunteers

Medium Term

20. Actions to progress work on procurement and contracting regulation and facilities for grant making or contracting at national and local level.
21. Identification of resources to ensure volunteer engagement meets legal requirements, including payment of expenses.

¹⁸ Cabinet of Ministers of Ukraine Resolution#1027-p dated 18 December of 2018.



11.4.4 Development of human resources management in probation system

This action has 6 measures/outputs and 9 corresponding outcomes addressing the most important pillar of the organisation: staff.

Key Measures /Outputs:

- Research and analysis of foreign experience in recruiting human resources to effectively perform tasks of probation. Research on probation subjects' risk/needs profiles to inform staff skill requirements
- Study on needs and objectives of training and certification of penal inspection employees who will work in probation service. Job descriptions with skill requirements
- Mechanisms of professional selection and training of probation employees, including mechanism for use of donor resources, in place.
- Development of Performance Management Framework (PMF) for front-line staff.
- Determination of structure and content of training of probation staff based on the resources of educational institutions of SPS.
- Fully equipped training centres, developing, delivering and updating training programme and modules

Outcomes

These measures have nine outcomes associated, as follows:

- Professional standard of probation officer (education, professional knowledge, skills, experience, culture of communication, motivation for achievement) is designed in clear and foreseeable manner;
- Clear and foreseeable content and procedure of training and certification of probation service employees involving educational capacities;
- Requirements for professional selection and training of probation employees make emphasis on recruiting staff with backgrounds in psychology, social work and social pedagogy;
- Performance Management Framework (PMF) standards for frontline staff containing standards allowing line managers to develop and monitor their performance through annual appraisals;
- - Training programmes for employees of probation service are developed and implemented using interactive training methods, including training for line managers;
- Training delivery plan with analysis of project resources (international and national) in place to cover quickly maximum number of future probation employees with trainings on probation activities forms and application of probation instruments;
- Regular selection and training of staff and faculty of educational institutions for training of trainers to train future probation employees;
- Sufficient capacity in regional training centres to deliver training plans in reasonable time;
- Pilot projects on implementation of training modules to prepare future probation employees with fast coverage of maximum number of staff.



Assessment

Probably the most challenging aspect of the management of human resources in the Ukrainian probation service is the mixture of two types of staff: these are the staff transferred from the Criminal Execution Inspection to deliver probation activities in the newly established probation institution and the newly recruited civilian staff. Even though this mixture of staff is not a specific topic for the present assessment it has an impact on HR components such as recruitment, professional standards, training, career path, performance management and most likely on the motivation and the general organisational culture.

International comparison

There is ample evidence of research and analysis of foreign experience throughout the period covered by JSRSAP. This includes reference to CoE Ministers' Rules; Access and analysis of documents on English language websites, attendance at international conferences and engagement with international donors and experts.

Professional Standards

Senior Managers have understood the concept behind professional standards and there are positive messages about the value of standards and of inspection of these standards. The role of the prosecution in overseeing inspection is less clear but this is a wider issue about structure and reform that needs attention at legislative level. The concept of the Professional Standards of Probation Officers is included in the HR Strategy, 2019-2020. Professional standards of Probation Officer are in the process of being drafted for supervisory probation and pre-trial reports. The activity for development of professional standards for penitentiary probation is postponed pending adoption of changes to the legal framework: there is not yet significant progress in this area of practice.

The professional competences profile of the probation officer has been developed, and it is said that personal training programmes should be based on this competence profile. This competences profile is not formally approved yet by the MoJ but following approval will form the basis of further development of a professional probation concept.

The person specification document has a list of prerequisite qualifications, skills, professional experience, level of communication and description of the required responsibilities. This person specification is linked to the available evidence on the risks and needs profiles of the Probation cases. There are job descriptions which contain skill requirements for probation staff, but these are not yet officially adopted as no other MoJ staff have them in place. The donor supported work on development of the Rehabilitation Learning and Development Strategy (2019) including education, professional knowledge, skills and experience of probation officers has been directly linked to the professional standards required of probation officers. This uses the learning and knowledge model based on ASPIRE¹⁹ (Assessment, Sentence Plan, Implementation, Review and Evaluation). A statement of Professional Ethics, a broad competence framework (including engagement skills) and specification document for probation officers have been approved. A skills audit of the existing staff is being developed.

¹⁹ This loosely translates into STROBA in Ukrainian which is well-understood



Training

The broad approach to training has been to assess competency against the professional standards and to provide training to bridge the gap. However, this has been applied as a rather blunt instrument given the scale and range of the needs, the logistics and the sheer numbers of staff requiring training. Currently there is not enough capacity in the training centres to provide training for all probation staff. Even though there are 3 training centres for staff in the *Execution of Sanctions* sector, only two of them (Dnipro and Bila Tserkva) are providing training for probation staff and only Bila Tserkva provides training for civilian staff. Bila Tserkva has 12 trainers and Dnipro 6 trainers and training courses can accommodate up to 50 staff. Many basic rehabilitation skills training courses for both existing probation staff (a 12-day course) and new staff (a 30 day course) have been provided over the last 4 years.

Available statistics show that in Bila Tserkva Training Centre 3217 persons were trained between 2015-2018. In the first half of 2019, 313 people completed probation training, 239 of them in the implementation of probation programs. The current probation training curriculum includes five programmes:

- 35 days initial training for new staff; (a mixture of formal training and online distance learning
- 12-day professional upgrade programme for existing staff;
- Two 14-day programmes on online monitoring the compliance to professional competences standards for i) juveniles and ii) adults
- 14-days programme on online monitoring the compliance to professional competences standards for adults

Additionally a training program on professional development for studying the procedure of interaction between a penitentiary facility and a probation body regarding preparation for release has been approved by the Pedagogical Council of Bila Tserkva Professional Training Center.

Despite the clear recognition by senior management of training as a priority, it is estimated that only about 50% of staff have attended one of these courses, although a record of who has attended which training modules related to date of appointment has not been seen. If this estimate is correct, there are some 1500 staff working with offenders who have not received any formal training since the inception of the Probation organisation. This problem is recognised: the stated aim is to move to more on-line training given the practical and financial challenges of residential training provision but it is doubtful whether this approach can completely replace face to face training and the practicing of core skills (e.g. Interviewing and engagement) with trainers and other trainees.

There is no analysis of individual needs based on analysis of individuals competences by appraisal, supervision or assessment yet in place (see Performance Management below). Training courses are reported to contain objectives, however, there is not yet a systematic identification of required learning from day one of appointment, to requirements within the first year, to continuous professional development. There are no requirements for specific induction in the workplace prior to attendance of central training and no system for accrediting training and learning achievements. There is no recorded assessment of line managers training needs.

The content and procedures of the training that has been provided is of an internationally recognised standard. Training programmes for probation service employees are developed



and implemented using interactive training methods, a method also used in the current training for line managers. International expert assessments have suggested there should be even greater emphasis and time spent on core skills such as interviewing and motivational engagement and encouragement of offenders and managers, the professional supervision of staff. This is a particular area of need for existing staff, who have been identified as requiring a significant change in thinking and culture: change from punishment, administrative formality and control to assessment, engagement, and motivation for rehabilitation.

The variable status of Probation staff has also apparently acted as a barrier to implementation of a comprehensive training strategy as training provision for de-militarised or newly recruited civilian staff was completely overlooked recently in the MoJ when training budgets were developed and only military grades of staff have mandatory training set for the coming period.

In conclusion, the outcomes regarding staff training are partly met but require considerable further development.

Staff Selection

There are mechanisms in place for selecting the required applicants to become probation employees. An analysis of how many staff have backgrounds in psychology, social work and social pedagogy and how far this has changed over the last 5 years has not been seen. There are employees who specifically work as psychologists and social workers. 2/3 of staff however have been transferred from former CEIS roles, which mainly administered sentences and enforced conditions: many of these staff have legal backgrounds. Some but not all of these staff will have the necessary motivation and aptitude to develop the professional skills required in the new Probation organisation, but skill assessment, professional supervision, appraisal and a performance management framework are needed to identify who they are. For the remainder there may be roles in the organisation they can undertake with their existing skill set but this is a challenging organisational transformation.

Within the period of JSRSAP and with donor support steps have been taken to recruit more people with the more suitable professional backgrounds for rehabilitation work, but the current selection process needs to be based more on professional skills and competences. There is potential to increase the effectiveness and integration of staff selection and training by the development of the competence assessment framework to include more detail of requirements of staff to have underpinning professional values and skills which support the rehabilitation objectives of the new service. The HR department is currently involved in improving this process as part of the HR strategy 2019-2021 action plan.

Performance Management

There is currently no PMF in place that tracks an individual's performance against set objectives. There is no annual appraisal process currently in place. There are statistics in place that track aspects of performance, mainly in relation to compliance with the law and by-laws monitored by analysts within Probation Service. HR are not currently involved in this process. However, managers from different departments and regions give a consistent message about the importance of being a learning organisation, and of recognizing good work, not just identifying faults. There is recognition of the need to link individual objectives to organisational objectives beyond compliance with law e.g. in applying skills and methodology that supports rehabilitation and contributes to reduced re-offending. Performance Management is now included as part of the HR strategy action plan and should be implemented accordingly.



Recommendations

Medium Term

22. A specialist training Centre (a Probation Studies Institute) for the Probation Service professional knowledge and training be developed: This could be through conversion of an existing Centre or the development of a new one. The optimum arrangements would be to develop this in partnership with a faculty or faculties of Social Work, Psychology and possibly Law in one of the existing Higher Education Institutes (public university or higher education college)
23. The MoJ approach the Ministry of Education and relevant Education providers to develop pre-entry courses e.g. Bachelor or Masters options in Criminal Justice Social Work to stimulate knowledge and interest amongst potential job candidates and reduce the in-service training requirements
24. The establishment of a basic training curriculum to be applied for all probation staff (uniformed and civilians) based on international practices in the field and in line with the provisions of the CoE Guidelines regarding Recruitment, selection, education, training and professional development of prison and probation staff (approved in April 2019). These guidelines are relevant not only for the training elements required for the probation staff but also for the guidance in all the HR pillars.
25. Individual learning needs are assessed through a skills audit; that induction requirements of the first 10-20 days of appointment are developed and a central record of individual learning pathways and achievements is developed. This can be linked in due course to the Performance Management developments described above.
26. A system for follow-up of attendance on training courses is developed. This could include work-place mentoring by experienced colleagues; professional supervision by a psychologist or social workers; further online support, locally organised study days or a combination of these approaches.
27. It is recommended that the implementation of the HR strategy and Action Plan includes specific and clear links with the Training Strategy and that an Action Plan for training makes explicit links to achievement of organisational objectives and the development of skills at all levels that can further those objectives (e.g. Core engagement skills, Risks and Needs assessments, case management, intervention methodologies etc. that international evidence indicates contribute to a reduction in re-offending.
28. Human Resource Planning should include identification of the core competences required for probation work and recruitment based on these competences. In due course all existing CEIS transferred staff should attend a competence-based assessment process to determine their future roles in the organisation

11.4.5 Development of pre-trial reports, risk/needs assessment and case management capacities

This action has 3 measures/outputs and 10 corresponding outcomes for implementing the core casework activities of the probation service: assessment for various purposes and management of offenders in the community.

Key Measures /Outputs:

- Definition of scope, extent and procedures of implementation for pre-trial reports
- Reviewed regulatory framework on methods of risk and needs assessment of accused (juvenile and adult versions)



- Case management model and process for probation cases in place

Outcomes

- Regulatory framework, including substantive and procedural criminal law and practice, defining clear and foreseeable role for pre-trial report, its preparation procedure, risks assessment of reoffending and offender needs
- Training modules of judges, prosecutors and probation service employees on usage of pre-trial reports includes detailed explanation of risk/needs model
- Regular joint training events for probation service employees, judges and prosecutor on pre-trial reports preparation and application
- Focal points for exchange of information on probation are identified
- Indicators included in PMF to assess quality of application of risk/needs assessment system
- National implementation of ASSET-based risk needs assessment system for juvenile offenders
- Training package for use of assessment tool for all staff designated to prepare pre-trial reports or to be case managers
- Database in place to store completed assessments and validation study conducted on adult tool after 2 full years that data have been collected to establish actuarial predictor of risk of re-offending (expressed a percentage score)
- Revised version of adult assessment system issued after completion of validation study with accurate scoring system linked to suitability criteria for each intervention programme
- Establishment of case management process for probation cases with cycle of assessment, sentence plan, sentence execution, review and enforcement

Assessment

Court Reports

The Law of Ukraine “On Probation” adopted by the Parliament of Ukraine on 5 February 2015 codified the purpose and status of court reports.²⁰ The law states:

1. Pre-trial probation provides courts with formalized information about accused individuals for the courts to decide on his/her liability.
2. To prepare pre-trial reports, employees of the probation authorities are entitled to receive information about accused individuals from businesses, institutions, organizations or their authorized agencies and from individuals.
3. A pre-trial report about an accused individual shall include:
 - a social and psychological profile
 - assessment of risks of a repeat criminal offence
 - a conclusion whether correction is possible without restriction of liberty or deprivation of liberty for a determined period.

²⁰ Section II, Article 7 “Probation grounds include: a written request by the court to probation authorities asking to provide a pre-trial report about the accused individual” Article 9 of the same law clarifies that pre-trial report is part of pre-trial probation.



4. Accused person can take part in preparation of the pre-trial report by providing necessary information to employees of probation authorities.
5. The procedures for development of the pre-trial report shall be approved by the central executive authority that drafts the public policy of probation.

The legal regulations on pre-trial report were further elaborated in an Order of the Ministry of Justice of Ukraine.²¹ This outlines the procedure, the structure (of which reoffending risk assessment is a part), special requirements for pre-trial report on minors and requirements for storage.

However, during our evaluation interviews concerns were raised in relation to the purpose, the process of request, report quality and the timeframe for writing and submission. A senior stakeholder described pre-trial reports (PTRs) as ‘a fifth wheel on the cart – no-one knows why it is there, and it makes it more difficult to drive’.

Backed by the law and by-law, report preparation is now nevertheless one of the main tasks of the nascent probation service. Pre-trial reporting, where influential with sentencers, determines to a great extent the fairness and proportionality of court decisions, therefore, standards of a pre-trial report are ultimately a decisive factor in shaping the future of people’s lives.

All international donor projects are involved in building and improving staff capacity in this area. Recently, (23 July 2019) the Probation Centre senior managers convened an extended meeting of the relevant officers and practitioners to informally approve the format and template of reports and a guidance manual for writing a pre-trial report. The manual, prepared with inputs from international expertise, will be widely used for training of probation officer, judges and prosecutions.

From unpublished data shared with us, during a 5-month period of 2019, 12000 pre-trial reports were sent to the judiciary, in 70% of cases, the accused took part in the report’s preparation. According to the results of the survey for judges, undertaken by the Centre of Probation, 64% of the respondent-judges assessed the pre-trial reports as a useful and effective tool.

It would be fair to state, that institutionally and procedurally, the pre-trial reports have been embedded into the probation-court processes though is interesting to note that the number of report requests has declined in 2019. This may be due to a range of factors: a greater understanding of the kinds of cases where reports can assist sentencing decisions; greater understanding of the Probation options (gained through reading earlier reports) or less positively, a concern that reports are not well constructed in relation to supporting and guiding judicial decisions.

Given that court reports are largely the ‘shop-window’ of a Probation service, attention to this area is critical. Currently the joint training events for probation service employees, judges and prosecution on pre-trial reports are largely, but not exclusively, run by international projects. To make a leap forward, the practice of joint trainings would need to be expanded and institutionalised with the ownership for such events assumed by Ukrainian actors. Capacity building among probation and judicial staff and cooperation between the justice institutions concerned call for more dialogue and mutual understanding between the players. Greater attention to quality assurance and consistency of reports is also required if the perceptions reflected in the quoted comment above are to be changed. Standards for pre-trial reports

²¹ Order #200/5 dated 27.01.17 “On Approval of the Pre-Trial Report Procedure”.

are currently (Sept 2019) being developed by a working group, which suggests that the significance of the quality of reports has been recognised. Nevertheless, some staff appear to undervalue the importance of court reports and underestimate the importance of issues such as the quality of presentation.

Recommendations:

Short Term

29. Continue engagement with judiciary and prosecution to Identify, analyse and summarise the specific flaws/deficiencies in court reports which cause judicial frustration and dissatisfaction
30. Clear criteria should be agreed between judiciary and probation on adult cases where a pre-trial report is required
31. Continue capacity building of report writing techniques of probation officers through relevant training sessions (see recommendation 25 above)

Medium Term

32. Identify a cadre of “pre-trial report writing coaches”, who can provide advice to those who need to develop the skills and devise “a peer coaching system” for report writing inside the Service.
33. Evaluate the results of the pre-trial manual and related coaching scheme through a user satisfaction survey distributed to the judiciary.

Risks and Needs Assessments

A Risk and Needs Assessment (RNA) tool is a structured assessment which combines factual ‘static data’ (e.g. crime history) with ‘dynamic ‘ data (i.e factors that have contributed to the commission of crime) and aims to provide predictive information about future behavioural probabilities. Two dimensions of risk are considered: the likelihood of a further offence and the risks of serious harm that an offence would cause. The purpose of the assessment is to guide intervention strategies which may diminish the risk or reduce the harm. Risks and Needs Assessments cannot completely eradicate risk but they can identify where resources can best be used to reduce risk. While such instruments can be applied for various categories of offenders and for various purposes, the design, testing and adjustments started in Ukraine some ten year ago in the juvenile justice sector within the framework of an international technical assistance programme. The tool introduced for Juveniles was based on the ‘ASSET’ tool developed in the UK. Subsequently work with another donor began on designing a tool for use with adult offenders. With donor support two Risks and Needs Assessments (RNA) tools for adults were developed between 2014-2016. These were modelled on a UK assessment system – in this case ‘OASys’ and adapted for the Ukrainian context. These are the ‘short version’ which can be used at the pre-trial report stage and the ‘long version’ intended to be used at the commencement of a Probation sentence to form the basis of an individualised supervision plan. When the Law on Probation became effective in 2015, these risk and needs assessment tools were in place or approaching completion and were ready to support a risk-based approach to rehabilitation. Eventually the necessary regulations for use of the RNA instruments were adopted²² and there is still work in progress regarding the validation and further development of these tools.

²² (i) Methodological guidelines for re-offending risk assessment in criminal offenders aged 14-18 (Order of the Ministry of Justice of Ukraine #3787/5 dated 03.12.2018 and (ii) Methodological guidelines for re-offending risk assessment in adult criminal offenders (Order of the Ministry of Justice of Ukraine #2020/5 dated 26.06.2018).



The implementation of RNA is an impressive achievement (particularly for juveniles, where RNA is not optional, but a legally binding procedure). However, during our evaluation interviews, the issues of quality of RNA assessments were raised. Both the juvenile and adult versions are based on internationally tested assessment tools, adapted to the Ukrainian context and have a clear theoretical basis but the practical use of these assessments requires skilled interviewing techniques and ideally an understanding of Motivational Interviewing.(MI)²³ This level of skill and knowledge is still under development.

RNA Training

Training packages for use of the RNA tools have been developed with donor support and cover the subject well. However, the more general comments about core engagement and interviewing skills made above and at 11.4.4 mean that the quality and accuracy of the assessment information recorded may not always be of a high standard.

The teaching and methodological materials on RNA have recently been updated and sent by the Probation Center to the heads of branches to be implemented in practical activities and also to Bila Tserkva Center and Dnipro Professional Development Center to be taken into account in the process of training probation staff.

Validation

Validation is the testing of the statistical reliability of the assessment tool to predict re-offending patterns: it requires access to actual reconviction data. The shorter version of the adult RNA has been validated using data collected over two years. The evaluation used reconviction data gathered by probation staff because there is no national database of court appearances or conviction in Ukraine, this makes the study less robust because follow up is limited to the time that offenders are in contact with the probation service.

A similar study for the longer more complex version of the RNA (which should be used for higher risk offenders; for sentence planning following a Conditional Sentence and monitoring change while under supervision) was unsuccessful. There was no correlation between overall RNA score and actual rate of reconviction. There are a number of possible reasons for this; staff were not familiar enough, had insufficient time or were not skilled enough to complete the RNA correctly. The scoring of the longer version is less dependent on historical static data and more reliant on the assessment of social and psychological variables; the weightings given to these elements may need adjustment when the characteristics of the Ukrainian probation population are better understood; the measured reconviction rate as measured by probation sources is very low. As there are very few high-risk offenders on probation it is more difficult to predict reconviction statistically. A second validation is currently underway, and this is due to be completed by the end of October 2019. This should provide sufficient data to amend the longer version of the RNA to improve its prediction; work that should take place during the period covered by the JSRSAP. In the next period the validation and use of the 'long version' may become much more important: the proposed changes to the laws on Parole could mean many more higher risk offenders being supervised by Probation staff.

²³ Example of MI theory and practice: <https://www.aipc.net.au/articles/principles-and-techniques-of-motivational-interviewing/>

RNA and Performance Management

It is not yet confirmed but it seems probable that 'Demonstrating High-Quality Assessment Skills' will be a competence included in the new PMF (see 11.4.4)

Case-management

The by-law of MoJ 29.01.2019 regarding the regulation on supervisory probation included a requirement for a system of Assessment; Diagnosis and Sentence Planning for Supervisory Probation (conditional sentences). It is not clear from the available information how robust and universal this is.

For planning and allocation purposes low and medium risks cases now have a functioning initial assessment. Case files seen by international experts in 2016 had only formal documents from courts, third parties and the probationer. Those seen in 2019 also included assessments of the offender which suggests that the by-law was being implemented – at least in part. The Adult RNA referred to above has a section headed 'Sentence Plan goals' based on the assessment and further sections for review of these goals.

Case management is being taken forward by a working group using the ASPIRE model referred to above in relation to training. (Assessment, Sentence Plan, Implementation, Review and Evaluation). The 'implementation' part of case management appears less well developed, perhaps because only some probation staff have acquired the necessary engagement and motivation skills; access to appropriate interventions to reduce problems and meet offending - related needs is limited and variable, whether internally within Probation, from NGOs and CSOs or from other Government Departments and local authorities.

Recommendations:

Short Term

34. Implementation of RNA and a related supervision plan in all units by suitably qualified, trained and experienced staff and an initial quality assurance exercise

Medium Term

35. A differentiated level of intervention and the frequency of contact based on the level of RNA outcome should be developed as part of the Professional standards for probation (e.g. low, medium, higher risk cases). This will help in the management of staff resources and allow more experienced and skilled staff to be deployed to more difficult cases (The principle of resources following risk).
36. Undertake a further Validation exercise on the Adult RNA as soon as sufficient data is available and adjust weightings, if necessary.
37. In the longer term consider a single unified RNA tool adapted for each category (juveniles, adults, prisoners).
38. Ensure that 'Assessment Skills' to the required quality are included in the performance management framework for Probation staff.

11.4.6 Development of range of evidence-based interventions to reduce reoffending

This action has 4 measures/outputs and 9 corresponding outcomes for implementing the principles of evidence-based intervention in working with offenders.



Key Measures /Outputs:

- Range of probation programmes and interventions designed to change and improve social adaptation of offenders and to reduce reoffending;
- Identification of areas and scope of legal relationships to be settled for introduction of probation programs. Reviewed regulatory framework;
- Design of procedure of preparation and implementation of probation programs. Determination of list of required probation programs. Identification of human and financial resources for acquisition / development of programs;
- Joint training of judges and probation employees on assignment of probation programs. Development of system of licensed training on programs implementation by probation staff.

Outcomes

- Range of programmes and their implementation target criminogenic factors and behaviours such as motivation to change, addictions to drugs and alcohol, social and life skills, vocational training and employment skills, basic literacy and numeracy, anger and emotional management, domestic violence, sexual offending, drunk driving, anti-social attitudes, victim awareness;
- Gained international experience in implementing programs for subjects of probation, used by probation services in EU MS and other regions systematised;
- System of licensed training on programs implementation by probation staff in place;
- Introduction and organisation of probation programs, with list, content, procedure of probation assignment for a particular subject;
- Clear and foreseeable procedures for probation programs implementation, definition of responsibilities of parties involved in process, list of entities involved in these procedures and their functions;
- Exchange of visits for purpose of information sharing network establishment is conducted; teaching and didactic materials is exchanged;
- Agreements for educational professionals in place;
- Proposals for borrowing or development of regulations, educational, practical and methodological products in sphere of implementation of rehabilitation and correction programs in Ukraine,
- Outreach and finalising works to establish advisory body (with representatives of State authorities) for expert review of developed probation programs are carried out;

Assessment

The transformation of the CEIS of Ukraine from a surveillance and control orientated service into a modern probation service designed to challenge and change offenders' behaviour and focus on positive pathways to reduce reoffending will only be achieved by a major change in its purpose, objectives and a shift towards a general culture of support and assistance. The instruments to support these new objectives include, among other tools, probation programmes.

The probation programmes have been designed, piloted and evaluated to meet the offenders' twelve 'criminogenic' (offending related) needs in terms of employment, relationships, family ties, drug dependence, alcohol abuse, cognitive behavioural patterns, education, financial needs, pro-criminal thinking, mental state, housing, ability to change.



While prevention and social education courses constitute a much wider menu, the formally approved probation programmes at the time of the Strategy evaluation are only three:

1. Overcoming aggressive behaviour;
2. Substance abuse prevention;
3. Change in pro-criminal thinking.

The fourth programme “Life Skill Development” is under preparation and should be approved shortly. The same set of programmes are used for both adult and juvenile cases. The regulatory basis for design, development and implementation of probation programmes is defined by the various formal documents:²⁴ An interdepartmental working group has been created, gathering participants with various backgrounds, to design and develop the probation programmes. A draft probation programme is subject to review by several ministries according to the procedure in place. After a programme is approved people are trained in using the programme.

For each Programme there is a curator (responsible leading specialist) appointed from the probation service. Every programme has a manual for implementation. Out of 600 probation offices, 500 centres received training for using the programmes. Currently the HQ is working on a methodology for measuring programmes’ effectiveness and methodological recommendations on the efficiency of implementing probation programmes have been formally submitted to the Public Law Department.²⁵

The implementation of probation programmes to high standards is recognised internationally as a challenging process requiring significant capacity building. In Ukraine this is presently pursued through “the cascade method”: more than half of the probation offices (the total is 600) have at least one probation programme supervisor. 371 supervisors have been trained to deliver the programmes, but they also coordinate and supervise the probation programmes delivery in their unit. If the court has not designated a specific programme (which is usually the case), the supervisor, on the basis of the RNA, determine the most suitable programme, schedule its delivery and, should there be the need, involve other appropriate specialists, such as a doctor, a psychologist, a pedagogue or a volunteer. The probation headquarter provides back-up to the supervisors through its dedicated unit on coordination of programme delivery.

International Experience

As the Probation Service has been a beneficiary of multiple international donor projects (Canadian EDGE Programme, EU PRAVO-Justice, The Netherlands MATRA Probation and Alternative Sanctions Project, Norwegian NORLAU), it has been exposed to numerous approaches to programme design and implementation. A range of good practices are directly shared by internationally partners, who often procure short-term experts to develop a new product. The experience of other jurisdictions is summarised and systematised by the international communication department of the Probation Service through a set of thematic reports. These reports are used to help inform the future development of the service.

²⁴ Order of the Cabinet of Ministers of Ukraine #24 dated 18.01.2017 “On Approval of the Procedure for Design and Implementation of Probation Programmes”

Order of the Ministry of Justice of Ukraine #926/5 dated 28.03.2018 “On Approval of Set of Measures Regarding the Implementation of Probation Programmes”.

Orders of the Ministry of Justice of Ukraine #1798/5 and #1797/5 dated 11.06.2018 “On Approval of Probation Programme” (for juveniles and for adults).

²⁵ letter dated 03.04.2019 No. 1144/2/ЯН-19.



A number of the probation staff have had the opportunity to visit countries with more advanced level of development of probation service for learning purposes; examples are:

Canada 2016, 2017, 2018, 2019; Denmark 2017; Georgia 2016; Latvia 2017; Lithuania 2018
Moldova 2017; The Netherlands 2015, 2019; Norway 2017; Poland 2016, 2019, Romania 2017-2018; Sweden 2017.

Moreover, professional ties and cooperation are maintained through information exchange with practitioners from other jurisdictions and professional probation bodies, for example, in November 2018 the Probation Centre of Ukraine became a member of the Confederation of European Probation (CEP).

Recommendations

Short Term

39. Design a quality assurance system for assessing the targeting, preparation and delivery of the existing programmes and take remedial action as required

Medium Term

40. Continue with design and development of probation programmes and other structure group and individual interventions to cover all the RNA identified criminogenic needs
41. Continue to involve the international project partners to expand the catalogue of probation programmes and use the learning gained from other jurisdictions to cross-fertilise and inform future plans
42. Devise Staff training schedules to ensure sufficient staff are trained to the required standards for programme delivery, including external staff where required e.g. forensic psychiatrists or specialist psychologists
43. Devise Programme timetables at regional and district level to match actual and anticipated demand.
44. Evaluate the effectiveness of programmes periodically (every 5 years) using recognised international standards and supported by a panel of specialists, including academics, to assess impact and adjust either the programmes offered or the design of a specific programme.
45. Ensure that the Judiciary and especially the National School of Judges are kept fully informed at national and local levels on Programme and other methodological developments
46. Seek opportunities for joint judicial-probation Study Visits to other jurisdictions where there are strong and effective partnerships between these bodies



CONCLUSIONS

There has been considerable progress in terms of attainment of outcomes envisaged by JSRSAP for the areas tackled by the assessment and report and overall there is substantial reform in the relevant sphere(s). It is not part of our brief to attribute specific reasons for this progress or to identify the particular enabling donor resources or expertise but it is clear that there has been an extremely high level of commitment and vision within key leadership positions and a determination to harness donor support to maximum impact. The achievements are even more significant given the twin disadvantages of a constantly insufficient core budget and the distractions of two major re-organisations during the relevant time span.

Estimates from the evaluation process indicate the level of achievement against the Action Plan outcomes at a median 73%.²⁶

To ensure enhancement and sustainability of the reforms and their advancement in the justice sector of Ukraine, we have made 46 specific recommendations based on this evaluation. These are divided between short-term recommendations for actions that can or should be taken within the remaining period of the current Strategic cycle (until end of 2020) and medium-term recommendations that can/should be taken into account for the next strategic planning period.

Summary of Recommendations

Short Term

1. Acceleration of training programmes to ensure all staff have received at least initial training in rehabilitation methods linked to organisational objectives of rehabilitation and social inclusion together with development of local supervision and mentoring arrangements to sustain learning and motivation
2. Work on a Probation Service internal strategy document that reflects JSRSAP issues but is owned by the organisation as a whole and informs the Performance Management Framework
3. Review and revise text of withdrawn draft laws and re-submit improved versions to the Parliament of Ukraine to make the necessary changes in Probation and Penitentiary Laws to facilitate a conditional early release system based primarily on assessed risks of re-offending and/or risks of harm to a known victim, category of victim or the public in general.
4. Consider in these new laws whether for some categories of less-serious crime, early release with Probation supervision and other obligations might be substituted for the last x% of sentence automatically except where a risk assessment indicates otherwise.
5. A study or parole arrangements in other countries to inform consideration of next steps
6. MoJ to explore possible options for development of sentencing guidelines to improve consistency of sentencing with key stakeholders including the Supreme Court and Probation Service and to take account of the developing options for sentencing.

²⁶ Outcomes, their group-specific scoring details are suggested in the left column of the attached evaluation matrix. (Appendix 1)



7. Further develop training modules and means of communicating and discussion of rehabilitation and risk management approaches for the needs of all criminal justice stakeholders.
8. The timeline for implementation for a fully functioning Offender Information system should be reviewed as it is urgently needed to support an electronic case management system and to provide management information for the Service.
9. Completion of the strategy, implementation plan and practice guidance for volunteers
10. Continue engagement with judiciary and prosecution to Identify, analyse and summarise the specific flaws/deficiencies in court reports which cause judicial frustration and dissatisfaction
11. Clear criteria should be agreed between judiciary and probation on adult cases where a pre-trial report is required
12. Continue capacity building of report writing techniques of probation officers through relevant training sessions (see recommendation 25 above)
13. Implementation of RNA and a related supervision plan in all units by suitably qualified , trained and experienced staff and an initial quality assurance exercise
14. Design a quality assurance system for assessing the targeting, preparation and delivery of the existing programmes and take remedial action as required

Medium Term

1. A review of the status and structure of Probation to provide an organisational framework to match its increasing role and range of activities in the Criminal Justice System.
2. An HR led change management approach to full demilitarisation over a 5-10-year period with reasonable transitional protections for those whose income or conditions of service would otherwise worsen.
3. Develop a means of regular dialogue and feedback at local level with the judiciary towards a Partnership approach to effective crime management
4. A shift should be made from the paradigm “Probation institution exists” (viable national organisational structure for probation in place) to a new paradigm “Probation institution fully established in an efficient and effective manner”. This will require an analysis of the developing role of probation within the justice system and a corresponding functional review of the structure at all levels. This review could be conducted with the support of international experts and should include exploration of the options for the status and structure of the Probation organisation taking account of the various models internationally including the use of office, interviewing and group activity space in shared buildings e.g. municipal facilities, where this can meet operational needs more efficiently
5. Currently it is impossible to use an evidence-based approach for planning probation activities and required budget, taking into account the uncertainty of the available state budget that will be allocated. To help meet business needs careful planning of the financial and material contributions of international donors should be initiated. For this purpose, in the last quarter of each year a donor coordination meeting for probation should be organised by the PICoP. This meeting could examine the institutional priorities for the next year or in the medium term where possible. This would enable the priorities of the donors to be co-ordinated and, wherever possible, adjusted to the national priorities for probation.



6. Regarding recommendation No. 13: the functional review of the entire structure of the service should include a focus on budget management and how part of the budget could be devolved to regions to meet local costs and encourage partnerships with other actors, including possibilities for co-location
7. In addition to IT generated data for analysis, a Research and Evaluation capacity should be developed to examine 'what works' in reducing re-offending using both quantitative and qualitative analysis. This might be achieved through partnership with university faculties and external research bodies
8. Review and further develop communications and PR strategy in Ukraine. In addition to Public Relations an internal communication and knowledge management strategy should be developed to ensure that all staff are fully up to date with professional developments.
9. Actions to progress work on procurement and contracting regulation and facilities for grant making or contracting at national and local level.
10. Identification of resources to ensure volunteer engagement meets legal requirements, including payment of expenses.
11. A specialist training Centre (a Probation Studies Institute) for the Probation Service professional knowledge and training be developed: This could be through conversion of an existing centre or the development of a new one. The optimum arrangements would be to develop this in partnership with a faculty or faculties of Social Work, Psychology and possibly Law in one of the existing public Higher Education Institutes (University or similar)
12. The MoJ approach the Ministry of Education and relevant Education providers to develop pre-entry courses e.g. Bachelor or Masters options in Criminal Justice Social Work to stimulate knowledge and interest amongst potential job candidates and reduce the in-service training requirements
13. The establishment of a basic training curriculum to be applied for all probation staff (uniformed and civilians) based on international practices in the field and in line with the provisions of the CoE Guidelines regarding Recruitment, selection, education, training and professional development of prison and probation staff (approved in April 2019). These guidelines are relevant not only for the training elements required for the probation staff but also for the guidance in all the HR pillars.
14. Individual learning needs are assessed through a skills audit; that induction requirements of the first 10-20 days of appointment are developed and a central record of individual learning pathways and achievements is developed. This can be linked in due course to the Performance Management developments described above.
15. A system for follow-up of attendance on training courses is developed. This could include work-place mentoring by experienced colleagues; professional supervision by a psychologist or social workers; further online support, locally organised study days or a combination of these approaches.
16. It is recommended that the implementation of the HR strategy and Action Plan includes specific and clear links with the Training Strategy and that an Action Plan for training makes explicit links to achievement of organisational objectives and the development of skills at all levels that can further those objectives (e.g. Core engagement skills, Risks and Needs assessments, case management, intervention methodologies etc. that international evidence indicates contribute to a reduction in re-offending.



17. Human Resource Planning should include identification of the core competences required for probation work and recruitment based on these competences. In due course all existing CEIS transferred staff should attend a competence-based assessment process to determine their future roles in the organisation
18. Identify a cadre of “pre-trial report writing coaches”, who can provide advice to those who need to develop the skills and devise “a peer coaching system” for report writing inside the Service.
19. Evaluate the results of the pre-trial manual and related coaching scheme through a user satisfaction survey distributed to the judiciary.
20. A differentiated level of intervention and the frequency of contact based on the level of RNA outcome should be developed as part of the Professional standards for probation (e.g. low, medium, higher risk cases). This will help in the management of staff resources and allow more experienced and skilled staff to be deployed to more difficult cases (The principle of resources following risk).
21. Undertake a further Validation exercise on the Adult RNA as soon as sufficient data is available and adjust weightings, if necessary.
22. In the longer term consider a single unified RNA tool adapted for each category (juveniles, adults, prisoners).
23. Ensure that ‘Assessment Skills’ to the required quality are included in the performance management framework for Probation staff.
24. Continue with design and development of probation programmes and other structure group and individual interventions to cover all the RNA identified criminogenic needs
25. Continue to Involve the international project partners to expand the catalogue of probation programmes and use the learning gained from other jurisdictions to cross-fertilise and inform future plans
26. Devise Staff training schedules to ensure sufficient staff are trained to the required standards for programme delivery, including external staff where required e.g. forensic psychiatrists or specialist psychologists
27. Devise Programme timetables at regional and district level to match actual and anticipated demand.
28. Evaluate the effectiveness of programmes periodically (every 5 years) using recognised international standards and supported by a panel of specialists, including academics, to assess impact and adjust either the programmes offered or the design of a specific programme.
29. Ensure that the Judiciary and especially the National School of Judges are kept fully informed at national and local levels on Programme and other methodological developments
30. Seek opportunities for joint judicial-probation Study Visits to other jurisdictions where there are strong and effective partnerships between these bodies



ANNEX I ASSESSMENT-SPECIFIC MATRIX

Chapter 11: Increasing Effectiveness in Prevention of Crime and Promoting Rehabilitation in Execution of Sanctions

Area 11.4 Improved Rehabilitation and Prevention of Crime through Setting Up of Fully-Fledged Probation Service and Application of Alternative Sanctions

Action 11.4.1 Reduction of custodial measures and sanctions and development of sentencing framework

Note: We have colour coded achievement of Actions:

	Fully achieved or significantly advanced
	Progress made; satisfactory level of achievement
	Little or no progress; not achieved

Outcomes to be addressed	Desk research	Panels	Key interviews	Surveys	Data analysis	Other methods	Comments
A. Reviewed Concept of Probation:	x		x		x		<p>During the meetings with representatives of the Public Institution Centre of Probation Institution of probation it was explained that the concept itself regarding probation was taken from JSRS and expanded through the Passport for Reform (another policy document approved for strategic development of the prison and probation). Taking account of the law on probation (2015), in 2017 the Cabinet of Ministers took the decision to make Probation into separate organisation. The MoJ developed action plans for probation to review the probation concept. Passport for Reform Implementation –, indicators worked out till 2021. Currently – overall 52% of the measures from the passport achieved. Deputy Minister (in post from 2016-2019) thinks a shift in attitude is apparent</p> <p>Current Organisational state for the probation:</p> <ul style="list-style-type: none"> – 600 offices or units – 14 Juvenile Units – 3500 staff – mainly Probation Officers – 70% staff ex-CEIS inspectors; 30% new Probation staff (civilians) – Military and civil staff split – Existing staff converted to civil staff have protections (conditions, pension etc) but new staff are on basic conditions (app. 280 euros monthly salary for civilian staff and app. 350 euros for military) and are not even civil servants.



<p>A. Reviewed Concept of Probation:</p> <p>A.1. Introduction of modern fully-fledged probation concepts</p>	x		x		x	<p>Data</p> <p>Probation caseload 57,000;</p> <p>Prison population 54,000 (including 20,000 pre-trial)</p> <p>There is strong evidence that the Concept of Probation has been reviewed and renewed during this period. The Probation Law in 2015, the separation and renaming of the organisation in 2017 and the further development of a legal and regulatory framework are all developments that provide a modern conceptual framework. The evidenced engagement with other Criminal Justice actors shows recognition that a fully-fledged Probation service cannot be effective unless it acts in partnership – especially with the judiciary. The evidenced engagement with other actors in the community shows recognition of the need to mobilise a wide range of resources at local level to achieve rehabilitation and social inclusion goals.</p>
<p>A.2. Expansion of range of obligations possible under probation, including community service</p>	x		x			<p>In terms of legislation, after 2015, there were several consequential amendments to the Criminal Code and the Criminal Procedure Code for alignment to the Probation Law and in particular to the Law on Execution of Sanctions. In addition to primary legislation, there were new Regulations for pre-trial reports; for deployment of volunteers (including on an individual basis rather than through NGOs); and for Probation Programmes. All these changes strengthened the legal framework for the probation intervention at pre-trial and post-conviction stages.</p> <p>Additional obligations have been introduced in Criminal Code revisions in 2017. The Criminal, Criminal Procedural and Criminal Executive Codes with its recent amendments remain the guiding documents for the judges in their sentencing practice and determine the boundaries of their discretion.</p> <p>On Community Service there was a draft law submitted to Parliament (but now withdrawn) Additionally, amendments to CC, CPC to supervise sentenced prisoners on parole and a draft law on Penitentiary System (#7337), including Penitentiary Probation was also registered but is also now withdrawn.</p>
<p>A.3. Rehabilitation and social integration policies and programmes developed, implemented and reviewed for various target groups</p>						<p>This point is also related to area 11.4.6.</p> <p>The programmes design process is implemented through a national working group with OGDs represented. There is a methodology of probation in place to assess the risks and compiling rehabilitation plans based upon the risks identified but the aggregated data on offender risks and needs is not yet fully available</p> <p>The regulations regarding the implementation of programmes are:</p> <p>MoJ Decree as of 28.03.2018 № 926/5 “On List of Measures to Implement Probation Programmes”</p> <p>MoJ Decree as of 11.06.2018 № 1797/5 «On Approval of Probation Programmes for Juvenile Offenders on Probation”</p> <p>MoJ Decree as of 1.06.2018 № 1798/5 “On Approval of Probation Programmes for Adult Offenders on Probation”</p> <p>Engagement in partnerships with municipalities, NGOs and CSOs indicates social integration intent.</p>
<p>B. Reviewed regulatory framework on conditional release (parole) supervised by probation authority:</p>	x		x		x	<p>Presently offenders on parole have only one obligation, not to commit another crime. If criminal offence happens, another criminal case initiated.</p> <p>Conditional release is decided by courts on submissions from prison establishments. The current parole arrangements are strongly influenced by penitentiaries and highly discretionary.</p>

<p>B.1. Clear and transparent criteria for conditional release</p>	<p>x</p>		<p>x</p>		<p>x</p>	<p>In addition to pre-trial, supervisory and penitentiary probation introduced by the 2015 Probation Law ; a revised law for Probation supervision as a parole condition is needed. . Since its inception development of Probation Service thinking demonstrates a clear shift in legal interpretation of the term “conditional release” towards what “parole” means in other European jurisdictions. The Draft Law #7337 registered in the Parliament would have added that responsibility to Probation but was not enacted. The Provisions included:</p> <p>prisoners are automatically eligible to submit a parole request to a court through the prison administration, once they served an appropriate proportion of the sentence (CC Article 81 (3))</p> <p>the terms for conditional release require use of RNA assessment instrument and an individual sentence plans in progress</p> <p>a wider scope of obligations imposed on offenders on parole, including the obligation to participate in the probation programmes</p> <p>An expanded range of responsibilities of the probation office going beyond the culture of “control” and surveillance to supervision and support.</p>
<p>B.2. Separate parole boards procedures for (for juveniles, adults and other categories)</p>	<p>x</p>		<p>x</p>			<p>In contrast to some other CoE countries, no consideration has been given to setting up separate parole boards for different categories of prisoners, adults, juveniles and other categories. The cases for “conditional release” are examined by general jurisdiction courts of the first instance presided by a judge specialising in criminal offences.</p>
<p>B.3. Reinforced use of early release through parole by developed consistent practice of courts in applying them, and special programme for preparation for release</p>	<p>x</p>		<p>x</p>		<p>x</p>	<p>In terms of regulation there is the Decree of the MoJ, Social Policy, Healthcare and Interior as of 03.04.2018 № 974/5/467/609/280 «On Approval of the Order of Interagency Cooperation of Prison Establishments, Probation and Aftercare Institutions Over the Period of Preparation for Release of Prisoners Sentenced to Limitation of Liberty or Incarcerated Prisoners for a Certain Period”.</p> <p>A pre-release program is implemented by prison administration and probation is subsidiary. What probation does is to identify employment, accommodation.</p> <p>However, here are pilot projects that look at expanding the probation role by involving the NGO (under a special Memorandum of Understanding between MoJ and NGO) working on life skills in prison institutions</p> <p>According to the Deputy Minister: ‘Penitentiary Probation is the biggest challenge’</p> <p>The Draft law amendments submitted to the VR Parliamentary Sub-Committee on Penitentiary System , would make penitentiary probation meaningful and give improved risk-based legal grounds for application of conditional release. (not enacted , now withdrawn). A Working Group for prison and probation work pre-release and ‘through the gate’ is established with donor support. A National Conference on Penitentiary Probation has been organised , and there are examples of civil society organizations entering the prison zone to work with prisoners</p> <p>Preparation for release calls for reinforced synergy and cooperation between a number of institutions, including prison establishments, the probation service, the ministries of Social Policy and of Healthcare, CSOs, the Supervisory Boards under the Oblast Administrations, which have been in existence since 2004 to ensure the citizen’s control over the criminal executive bodies. The Decree of the Ministry of Justice, Social Policy, Healthcare and Interior as of 03.04.2018 № 974/5/467/609/280 «On Approval of the Order of Interagency Cooperation of Prison Establishments,</p>



<p>B.3. Reinforced use of early release through parole by developed consistent practice of courts in applying them, and special programme for preparation for release</p>	x		x		x	<p>Probation and Aftercare Institutions Over the Period of Preparation for Release of Prisoners Sentenced to Limitation of Liberty or Incarcerated Prisoners for a Certain Period” was issued to facilitate the interagency cooperation. The lines between the responsibilities of various agencies are blurred: the prisons ideally have to address resocialisation work from the first days of the sentence, the probation service is regulated by the Law on Probation, which envisions the introduction of the Penitentiary Probation starting 6 months before the release, while the recent interagency decree specifies that the “preparation” begins three months before the release. While the Probation Service claims that “they are subsidiary and are concerned largely with employment and accommodation”, the prison administration in their half-annual report for 2019 stated that 1861 prisoners had been employed; while 4397 (out of 6639 released) had been registered at places of permanent residence.</p> <p>Deputy Minister: Parole MAY include use of Electronic Monitoring for enforcement of partial house arrest (curfew) or for continuous tracking of identified very high-risk offenders (e.g child sex offenders, violent offenders). EM concept will be finalised by end 2019: cost savings compared to imprisonment? EM seen as the ‘safety balance’ in the humanisation reforms? Art.395 of proposed amendments to CC concerns EM. A wider use of parole arrangements might be facilitated by introduction of Electronic Monitoring. To this effect CC Article 395 is likely to be amended by the end of 2019, when the concept for Electronic Monitoring is said to be finalised.</p> <p>According to the Department of Social and Educational Work of the SCESU, during the first six months of 2019 the early release procedure was applied to 1975 prisoners, this is 30% of the total number of prisoners eligible for parole. A more expansive use of early release in the prison service is premised on a) the appropriate legal regulations promoting automatic eligibility for parole on certain conditions, b) pro-active introduction of risk assessment tool within the prisons and relevant skills mastered by the prison staff; and c) completion of pre-release programme by a potential parolee.</p>
<p>C. Sentencing guidelines developed: C.1. Greater general discretion for judges C.2 Reviewed powers for judges to impose obligations in probation C.3 Discretion introduced for judges to impose community work or additional obligations for violations of alternative sanctions</p>	x		x		x	<p>Historically Ukrainian professional bodies are regulated (and arguably overregulated) ending up with fragmented pieces of legislation, serious and multiple amendments to laws and, regrettably, outdated but non-annulled norms. Simultaneously, they suffer from the absence of simple guidelines or sets of best practices intended for practitioners or approved SOPs. For the judges, the latest example of something similar to the guidelines goes back to the Resolution of the Plenary Session of the Supreme Court of Ukraine on Sentencing Practice Regarding Criminal Punishment as of 24.10.2003. https://zakon.rada.gov.ua/laws/show/v0007700-03/ed20031024 Devised prior to the probation service establishment, it is still effective but by far too general to be applicable to probation cases Therefore, the sentencing guidelines are currently not part of the enabling environment for further probation service development. The Criminal, Criminal Procedural and Criminal Executive Codes with its recent amendments remain the guiding documents for the judges in their sentencing practice and determine the boundaries of their discretion. These Codes generally limit judicial discretion, especially where a violation of a Conditional Sentence is concerned.</p>

<p>D. Practice guides and training modules for judiciary and other stakeholders on new probation policy and institutional set-up developed, disseminated and updated regularly</p>	x		x				<p>Previously training for judges on issues of probation were rare. In 2019 the national school of judges approached PS to cooperate on a more systemic approach in training for judges. On-line training for judges is being developed: this incorporates components from on line training for probation. As a result of cooperation of the PS and NSJ at the territorial level 370 candidates into judicial cadre have been trained on probation issues A memorandum to make this arrangement ongoing is to be discussed. A special training video on pretrial reports for judges and prosecutors is developed.</p> <p>Simple flyers with explanations of probation content and programmes have been delivered to every court. The Probation Service maintains its purposeful work across the institutional boundaries to involve other important stakeholders and to build a full-scale probation service across the criminal justice chain (the courts, prosecutors, defence lawyers, prison, probation, local communities and local councils/administrations). Initially, the preferred format of cooperation was round table discussions and information session but with time other formats, such as knowledge- and skill-oriented joint learning events with judges and prosecutors were preferred, mostly funded by international projects, such as EDGE, EU Project Pravo-Justice, NORLAU, MATRA.</p> <p>The challenge is to consolidate the efforts across the criminal justice institutions. Co-ordinated assistance from international donors could assist in formulating the agendas and financing joint conferences, trainings and workshops for different stakeholders, both domestic and international.</p>
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Chapter 11: Increasing Effectiveness in Prevention of Crime and Promoting Rehabilitation in Execution of Sanctions

Area 11.4 Improved Rehabilitation and Prevention of Crime through Setting Up of Fully-Fledged Probation Service and Application of Alternative Sanctions

Action 11.4.2 Development of regulatory and institutional framework for probation service

Outcomes to be addressed	Desk research	Panels	Key interviews	Surveys	Data analysis	Other methods	Comments
<p>A. Action Plan implementing Revised Probation Concept:</p> <p>A.1. Viable national organisational structure for probation in place, with clear description of roles and responsibilities of bodies making part of it</p>	x		x				<p>At an organisational level there is a viable and visible structure in place and a list that details roles and responsibilities according to the law of Probation. Most , if not all the required Regulations to support the Probation Law have been adopted' including orders related to personnel procedures: There are clear job descriptions in place and roles, responsibilities, and role requirements all contained within legal documents. There is clear organisational chart with the status and function of divisions within Probation: this is visible and accessible on the website to everyone both inside and outside the Organisation.1</p> <p>On "structure of the Probation " – what is perceived as a problem is that probation centres in the regions do not have any say in financing and funding. Status of organisation is also weak – a Probation Centre – not an Agency or civil service department.</p>



<p>B. Organisation chart of body in charge of probation and definition of status of divisions in charge of probation:</p> <p>B.1. Clear and foreseeable status of divisions in charge of probation as part of State Penitentiary Service</p>	x		x			<p>Initially 2/3 of probation offices had shared offices with police, presently, maybe 2%</p> <p>Regarding the organisation of the divisions of the PS at a district level these are established separately from the Prison Administration and from the Internal Affairs Ministry. In 2015 about 65% of local probation offices had shared offices with police, whereas today that figure is as low as 2%. This separation from police was not an explicit outcome but it has both a symbolic and an operational impact on Probation development and the way Probation is viewed by offenders and wider society.</p>
<p>C. Business plan for probation outlining financial needs of probation and available sources of funding:</p> <p>C.1. Evidence-based approach to identifying needs and planning business for material and technical support of functioning and development of probation</p>	x		x			<p>According to the information received during the interviews the PICoP has own financial program for probation in the budget of the MoJ.</p> <p>This is not based on projections by the Probation Centre but rather a historical figure with an annual increase (approx10%). Thus, the available funding has to be programmed; it is not a business plan that is funded. While preparing the budget have to be taken into account the legal requirements for the national budget and also the needs and try to negotiate with the Ministry of Justice. There are challenges for covering the conditions for convicts or to develop other innovative actions financed from the state budget.</p> <p>In 2018 – 1 billion 40 million UAH was requested, some 50% of this sum was allocated. As with all Probation Service organisations, the lion's share of the budget covers staff salaries. Whilst the overall funding is well below that required for even modest development and improvement plans, this is not unique to Probation or the MoJ: it is a problem encountered by most Government Departments in Ukraine.</p>
<p>D. Probation offices established in subdivisions of SPS with supporting infrastructure:</p> <p>D.1. Suitable office premises in each subdivision separate from police and prisons fully equipped with private interviewing facilities, telephones, IT equipment etc., and meeting relevant regulatory requirements for office premises</p>	x		x		X Site visit	<p>What is perceived as a problem is that probation centres in the regions do not have any say in financing and funding. All payments are authorised in the HQ (ie over –centralisation?) .</p> <p>The material conditions in the offices are rather poor and are generally far from being suitable for implementing the probation activities. We observed that In the Central office and also in Bila Tserkva probation office the staff are using their own furniture, computers and other offices supplies.</p> <p>All of them have utilities. The only problem is the bureaucracy of the paper work. From baseline of 66% ;</p> <p>Critical – material conditions enabling PS functions: only 15% prison staff owns state-provided computers, 85% operate with their own personal computers.</p>
<p>E. Information Services Strategy. Pilot projects on implementation of Information Strategy launched</p> <p>E.1. IT needs are identified, software specifications drawn up and relevant business plan drafted to deliver products</p>	x		x			<p>Following initial interest from Probation and some business analyst donor support, in 2018 it was decided that NAIS, which provides all MoJ data set and software development would undertake the work. These developments have continued to be supported by donor activity. The specification and subsequent development of the software has been undertaken to the timeframe promised by NAIS once they became involved. However, the relatively low level of investment in the necessary IT equipment to effectively run the system is likely to delay its full introduction within a reasonable timescale.</p> <p>The IT needs have been identified and the software has been developed to the specifications and has undergone some limited testing.</p>

E.2. Technical support of probation divisions provided; pilot software developed and regulatory framework for the use of data bases and software elaborated	x		x				Plans have been drawn up to user test and pilot the software and some consideration has been given to the actions that will be required ahead of the full roll-out of the system. It is likely that the main determinant of the time taken to roll-out the system will be the procurement of sufficient IT equipment. Piloted the module related to personnel. They will take little time to complete. Other modules to be developed.
E.3. Greater interoperability of probation information systems (IS) with other national IS in justice (penitentiary, PPO, courts, bailiffs) and law enforcement (investigation bodies, migration, border control, national security)	x		x				<p>Whilst the need for the Unified Register to communicate with other information systems has been recognised by the both Probation and the NAIS developers, the version of the software that has been developed for initial release does not include these capabilities.</p> <p>It will be some time before the Unified Register is fully operational across the whole of the country. The main determinant of how long this will actually take is the provision of IT equipment, although the capacity to provide the appropriate training for staff will also be a factor. A suggested plan based on a sequential roll-out region by region following a successful pilot indicates the roll-out to the regions beginning in May 2020 and proceeding for several years.</p> <p>The plan is to start with ToR for prison, probation and health in Kyiv region as a pilot.</p>
<p>F. National offender case management database/registry, including individual risk assessment tools, fully operational</p> <p>F.1. Practical and effective use of software, including basic case management system, and database for risk/needs assessments</p>	x		x				Preparation work is advancing but this outcome is a very long way from achievement
F.2. SPS research and analysis units regularly producing analysis of risk/needs profiles of offenders under supervision, providing guidance for probation system management with regard to aggregated probationer profiles	x		x				Whilst the RNA tools are designed and in use fairly widely and there is a rudimentary data collection system in place; this outcome is a long way from being achieved ; partly because of the IT shortcomings.
G. Analysis of functioning of divisions of probation service after reform aimed at decentralisation in Ukraine	x		x		x		26 probation units are involved in community safety programs. There is an action plan until 2021 to engage secure 2million UAH from subventions developed by a certain ministry in charged with municipalities. Partners from the civil society procured social services for inmates using limited but existing mechanisms for cooperation with bodies of self-governance and regional governance. Adoption of the Resolution of the Cabinet of Ministers of Ukraine #333-p «Concept on Reforming the Local Self-Government and Territorial Structure of Power in Ukraine» as of 1 April 2014 (https://zakon.rada.gov.ua/laws/show/333-2014-%D1%80?lang=en) paved the way to the process of decentralization of power in Ukraine, which is considered a success. By July 2019 924 amalgamated hromadas (communities) were established while the strategies for financial decentralization resulted in the growth of local budgets. For example, in 2018 the share of local taxes and fees in the local budgets own revenues (general fund) constituted 26.1% compared to just 0,7% in 2014.



G.1. Participation of local municipalities in creation and functioning of probation establishments	x		x		x	<p>(https://storage.decentralization.gov.ua/uploads/library/file/434/10.07.2019.ENG.pdf). In the context when policy decisions are delegated to the local people in rural and municipal communities while the community financial resources can cover the agreed local renewal strategies with enhanced levels of public security and safety, the objectives of probation units to prevent reoffending are becoming more achievable. At the heart of a successful probation service is the on-going close cooperation with the local self-governance and local administrations. Their targeted programmes can be used as a source of funding services for the probation clients.. About 83% probation offices or 474 units work together with CSOs. Presently 312 volunteers support probation clients. The examples encountered illustrate a varying level of cooperation between the local probation offices, SCOs and municipalities and demonstrate a different degree of solution sophistication: (i) delivering psychological consultancy services to juveniles; (ii) providing an accommodation to mothers with children, victims of domestic violence, whose accommodation in the NGO-run centre of adaptation is paid from the budget of an amalgamated territorial communities; (iii) Bila Tserkva interregional probation unit in cooperation with the city council is currently busy drafting a project to use the local hostel and thus solve accommodation problems a number of clients under probation are facing.</p> <p>The charitable foundations “the Light of Hope” from Poltava claim that 45% of their annual budget comes from the state and local budgets.</p> <p>The process of decentralization considerably enhances the ownership of municipalities and local councils over what is happening in their town or village. Therefore, community service or community work as a sanction is widely perceived as “doing public good” in terms of making the environment cleaner, greener or cozier. Examples of collective “cleaning sessions” organized as components of probation awareness campaign proved very effective and have a huge potential to influence the public opinion but also to convince judges in the value of alternative sanctions for both the probationers and the community.</p>
G.2. System for informing local municipalities and state authorities in place about activities and development of probation services	x		x			<p>A communication strategy was developed and approved by the MoJ in 2017. To deliver on their objectives, the Probation Centre worked out an algorithm for providing a regular update of information. The Probation Centre Instruction #26/15/-ЯН-19 dated 08.01.2019 proposes an update of information about probation on the web resources of local authorities and self-governance, including the merged territorial communities. Such information should include the title, address, the working hours, contact details and the basic probation tasks and functions.</p> <p>In addition, the instruction recommends the updated information to be placed on the notice boards of courts, police units, regional centres of free legal aid, in the premises of local self-governance and the local units for social services provision, juvenile centres, regional employment centres, prisons and pre-trial detention institutions, civil society and faith-based organisations.</p>
G.3. Public opinion on necessity to involve local municipalities to facilitate the work with probation subjects is studied	x		x		x	<p>Good progress has been made regarding this topic.</p> <p>While the Ukrainian model of probation is making its initial advances, the two public opinion polls within the last two years 2017-2019 undertaken by international partners illustrate some positive dynamics as well as some persistent problems discernible even at this short time distance.</p>

<p>G.3. Public opinion on necessity to involve local municipalities to facilitate the work with probation subjects is studied</p>	x		x		x	<p>The total number of ordinary citizens demonstrated a higher awareness of the probation service as compared to the previous poll (62% in 2017 vs 87% in 2019). The critical difference in the perception of representatives from various organizations, including local authorities and civil society is that in 2017 72% of the respondents as compared to just 19% respondents in 2019 were of the opinion that the probation service could deliver on their own, without the support and assistance from the local governance bodies and civil society. Now it is clear that probation is a collective society-wide challenge and working across the organizational boundaries heightens the chances of rehabilitation of an offender, while reduces recidivism and enhancing the community safety.</p> <p>The overall level of trust soared twice from 43% in 2017 to 89% in 2019 among staff of employment centres, free legal aid offices, medical establishments, national police offices, education departments and city councillors.</p>
<p>G.4. MOUs between relevant bodies adopted on scope and extent of automated and on-demand exchange of data on probationers</p>	x		x			<p>Some agencies and bodies conclude MoUs while some do not. Formalisation of cooperation with binding information exchange is still an important matter of future development; particularly in relation to risk management and victim protection.</p>
<p>H. User satisfaction surveys of probation authority H.1. Automated and on-line systems for measuring user satisfaction</p>	x		x		x	<p>2017 & 2019 User Opinion surveys to assess any change in attitudes (Donor funded)</p> <p>While core probation statistics are collected in a manual mode, it seems premature to have an indicator of “user-satisfaction on-line”. However the results of the opinion survey published provide some insights concerned with user satisfaction.</p> <p>There are fewer respondents from among the probation clients, who think that the criminal executive inspections and probation offices do not differ in their aims and functions, in 2019 they constitute only 10% while 27% of clients in 2017 did not differentiate probation with the criminal executive inspection.</p> <p>Some 46% of the probation clients surveyed think that probation is more oriented to support and assistance and 42% consider probation as an instrument for their own benefit and rehabilitation rather than punishment.</p> <p>60% of the clients in this sample are of the opinion that the assigned probation officers help them to find solutions for their life predicament.</p> <p>In 2019 61% probation clients assessed the support as very good (compared to 32% in 2017) and 89% claim having trust in the probation staff in 2019, which illustrate a ten per cent growth as compared with the previous survey. 45% of the respondents perceive their visits to probation offices as an opportunity to improve their life and to get an effective assistance.</p> <p>The data and its comparison across the time span obviously reflect positive dynamics. However, there is a room for improvement and further consolidation of work to promote awareness and gain support from users</p>
<p>I. Public Relations Strategy to improve public awareness and confidence in probation in Ukraine. Probation service website fully operational. Awareness campaigns.</p>	x		x		x	<p>There are several means of implementation for this action: Communication strategy, Photo fair, Open door events, Website, FB, Interview, video films, Roadshow 2018 (‘ Myths and Truths about Probation’</p> <p>2017 & 2019 Public and User Opinion surveys to assess any change in attitudes</p> <p>The significant improvements in perception and understanding of the purpose, role and functions of the new institution of probation owes much to the public relations efforts of the Service. Despite the impressive work done, the opinion of ordinary citizens remain undecided on expediency of probation as an alternative to custody.</p>



I.1. Public opinion regarding impact of probation on public security enhanced	x		x		x	Therefore, it would be right to conclude that, although considerable advances have recently been made, probation is not yet seriously considered by the public as a factor of community security and safety. More work needs to be done to win the hearts and minds of ordinary citizens. This objective is too challenging to be delivered by the Probation Service on its own, it requires a gradual “civilisational” evolution of the entire society.
I.2. Regular information campaigns on objective and perspectives of probation in Ukraine, with cooperation of local and national media						<p>The PCIoP have an information unit. Inform general public about probation, Facebook. Use of outdoor museum as a site for community service work cited.</p> <p>In response to the donor recommendations and owing to the international partnerships the Basic Concepts of the Communication Policy Within the Framework of Probation was developed and on 23 November 2017 endorsed by the Deputy Minister of Justice. It was followed by the action plan and numerous training activities supported by all international partner-projects. These activities were built in response to the recommendations set out in the wake of the first public opinion poll, which had exposed the weakness of information provision: e.g., recognise information management as an important professional duty, introduce positions of the information officers and improve their skills and competences in communication; produce and distribute hand outs and fliers, unify communication practices across the stakeholders and run social and media campaigns. These tasks proved a real challenge to the probation service, where communication skills had to be fostered almost from scratch. Within the Probation Service a unit for communications and information support was created, while every probation branch and office identified a communications contact person.</p> <p>Presently the Probation Service has a lot to be proud of: it maintains website www.probation.gov.ua Facebook account: facebook.com/probation.ua and accounts of regional branches.</p> <p>In 2018, the Probation Service published 5300 items in the internet, 687 pieces of news in the printed media, broadcasted 124 TV features and 101 radio news items.</p> <p>Information campaigns considerably added to the effects of national media and networks. They were waged under different slogans (for example, Myths and Truths About Probation, Probation is not Police) and assumed various formats from photo exhibitions, information sessions in selected towns, collective cleaning sessions in public places to convince the public in the value of community service as a preferred sanction beneficial for the entire community, etc.</p>
<p>J. Cooperation agreements with foreign probation services</p> J.1. Regular contacts for the exchange of information with probation services in EU and other countries of region	x		x			<p>A Memorandum of Understanding was signed in 2016 with the Correctional Services from Norway. Also, many contacts have been made with probation services and probation staff from Latvia, Croatia, The Netherlands, Norway, Romania, United Kingdom and with other European Countries. The exchange of information has also extended to North America.</p> <p>2019 was the first year of membership of the PICoP in the Confederation of European Probation (CEP) the only professional organisation of the probation services from Europe. The membership of Ukraine will be formalised during the CEP General Assembly organised in October 2019. In 2019 a delegation of PicoP, together with an international donor attended an international event on Alternatives to Imprisonment in Eurasia giving a joint presentation together with a representative of the Romanian Probation Service regarding the implementation of the Community Service (unpaid work).</p>

Chapter 11: Increasing Effectiveness in Prevention of Crime and Promoting Rehabilitation in Execution of Sanctions

Area 11.4 Improved Rehabilitation and Prevention of Crime through Setting Up of Fully-Fledged Probation Service and Application of Alternative Sanctions

Action 11.4.3 Extension of institutional capacities of CSOs in probation system

Outcomes to be addressed	Desk research	Panels	Key interviews	Surveys	Data analysis	Other methods	Comments
<p>A. Mechanism in place for use of volunteers and CSOs to support delivery of probation services including legal regulation, and training:</p> <p>A.1. All relevant national and regional Implementation Plans with specific costing provisions, to secure premise and funding</p>	x		x				<p>574 units working with public entities and 481 with CSO.</p> <p>332 units 100% coverage of the 12 criminogenic needs. Memorandum of understanding signed with public institution or CSOs where need it. Mapping of the community resources was done. An IT module for monthly collecting the collaboration details. Should be followed and the resource bank will be developed.</p> <p>MoJ order to regulate the involvement of volunteers, selection. Donor project has sent a proposal to train the volunteers.</p> <p>The regulatory background is in place (The order how to work with volunteers and methodological guidelines.)</p> <p>In Ukraine voluntary activities are regulated by the Law of Ukraine "On Voluntary Activities" taking into account specific aspects covered by the Criminal Executive Code of Ukraine and the Law of Ukraine on Probation. On the basis of these legal documents the Order of the Ministry of Justice of Ukraine #98/5 "On Adoption of the Regulations on Organisation of Activities of Probation Volunteers" dated 17.01.2017 was issued. The document outlines the directions of activities in which volunteers can be involved, principles of their selection, their rights and responsibilities, as well as the rights and responsibilities of probation clients, when they interact. There is a need to clarify some legal provisions in the law.</p> <p>Presently 30% of the total number of probation offices, are working together with probation volunteers trying to develop a mechanism for effective model of cooperation. The recent statistics provided by PS is that 430 volunteers deliver their services in 230 probation offices in 22 regions of Ukraine to help and support probation clients. All of them are working on contracts with PS. There are psychologists, social workers, lawyers.</p> <p>While the work is progressing successfully, there exist some regulatory gaps, which need to be tackled and properly regulated. In addition, a strategy for volunteer engagement needs to be devised and volunteers trained.</p>
<p>A.2. Intensive and regular consultations on development and content of volunteering in probation (meetings with CSOs, information measures) based on best international practices;</p>							<p>At a local level several initiatives have been taken by CSOs to provide services for Probationers and these have been supported by Probation staff. However, little national development work has been undertaken until recently because of the limited resources available and the focus on other areas of development.</p> <p>In 2018 it was agreed that the work plan of an international partner organisation should include a focus on further development work with CSOs and volunteers that might enhance work with offenders. With the support of an international expert two pilots have been established in Ivano Frankisk and Dnipro to test approaches. Regular consultations with the pilots have included dialogue with local CSOs and local government representatives.</p>



A.2. Intensive and regular consultations on development and content of volunteering in probation (meetings with CSOs, information measures) based on best international practices;	x		x				This has meant that experience to date has informed the thinking for a national strategy and associated implementation plan, practice guidance to include a definition of the role of volunteers according to skills and experience and a draft training package. Training for volunteers will be matched by training for probation staff in working with volunteers. The planned formal review of the pilots will further inform the final implementation plan.
A.3 Proposals of amendments to regulatory framework on volunteering in probation developed in consultation with experienced CSOs	x		x				MoJ Decree as of 17.01.2017 № 98/5 “ On Approval of the Provisions on Organisation of Probation Volunteers Activities” .
B. Reviewed regulatory framework on partnerships. Public procurement guidelines developed for CSO services: B.1. Facilitated public procurement facilities (grant) procedures for probation services to contract CSOs, introducing various incentives (e.g. tax) to involve CSOs more actively in rehabilitation, re-socialisation and reintegration work in pilot regions	x		x				MOUs are in place but no funding available. Not started. Budgetary reasons. Probation cannot buy directly services but probation clients should benefit from the services. Discussion here on the legal status of the probation institutions. Depending on the organisation of the service if they will have legal capacity at the regional level.
C. National roll out of pilot model for juvenile centres: C.1. Centres established and range of programmes in place for juveniles including anger management, managing emotions, life skills and cognitive behavioural interventions	x		x			x	Centres are established in 14 locations, larger cities for working with juveniles. Out of 1000 kids on probation, 160 kids are assigned to the juvenile centres, the rest, where the centres are not established are looked after by the general probation centres. It is expedient to set up a juvenile centre if there are more than 10 young people to care about. Owing to a prior long-term engagement of donor technical assistance programmes, the juvenile probation is deemed as the most advanced area in probation service up to date . Positive results are a consequence of collaboration of a whole range of actors: donor assistance projects, the probation service, local authorities, centres of social services for family, children and youth, free legal aid institutions, NGOs and charity providers. The sector of juvenile probation proved a testing ground for many probation tools and methods, such as pre-trial reports, risk and needs assessments, introduction of resource “banks”, networks of partners. The correctional intervention programmes now include Anger -Management, Emotions Control Skills, I Choose Changes and Life Skills. Methodologically the programmes utilise the cognitive-behavioural approach and widely apply the method of motivational interviews. A fully scalable model, demonstrated its replicability.

D. Evaluation of pilot projects, and national implementation if approved: D.1. Results of pilot projects implemented at the national level	x		x				<p>The evaluation was made at the end of the pilot phase under the specific projects where they have been implemented with the donors.</p> <p>The juvenile probation centres constitute but a part of the work on broad issues of juvenile justice. It started as a set of pilots back in 2010 and matured to take the form of the National Juvenile Justice Reform Strategy till 2023 approved by the Cabinet of Ministers of Ukraine Resolution#1027-p dated 18 December of 2018. This strategy, among many other benefits, shapes the framework for multiple activities with juvenile offenders. It is important to underscore, that the juvenile probation centre model proved its replicability. Should there a demand of more such centres to be opened, there is definitely a potential for further scaling up at the national level. Currently there are no national resources for this purpose however.</p>

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Area 11.4 Improved Rehabilitation and Prevention of Crime through Setting Up of Fully-Fledged Probation Service and Application of Alternative Sanctions

Action 11.4.4 Development of human resources management in probation system

Outcomes to be addressed	Desk research	Panels	Key interviews	Surveys	Data analysis	Other methods	Comments
A. Research and analysis of foreign experience in recruiting human resources to effectively perform tasks of probation. Research on probation subjects risk/needs profile to inform staff skill requirements: A.1. Professional standard of probation officer (education, professional knowledge, skills, experience, culture of communication, motivation for achievement) is designed in clear and foreseeable manner	x		x				<p>The professional competences profile of the probation officer has been developed, and it is said that personal training programmes should be based on this competence profile. This competences profile is not formally approved yet by the MoJ but following approval will form the basis of further development of a professional probation concept.</p> <p>The person specification document has a list of prerequisite qualifications, skills, professional experience, level of communication and description of the required responsibilities. This person specification is linked to the available evidence on the risks and needs profiles of the Probation cases. There are job descriptions which contain skill requirements for probation staff, but these are not yet officially adopted as no other MoJ staff have them in place. The donor supported work on development of the Rehabilitation Learning and Development Strategy (2019) including education, professional knowledge, skills and experience of probation officers has been directly linked to the professional standards required of probation officers</p>



<p>B. Study on needs and objectives of training and certification of probation employees who will work in probation service. Job descriptions with skill requirements:</p> <p>B.1. Clear and foreseeable content and procedure of training and certification of probation service employees involving educational capacities</p>	x		x				<p>Obligatory training for the initial training for the probation. At the point of graduation a certification allow you to perform probation activities. For the probation programs is in place a different certification. Mandatory training at every 3 years for uniformed staff. For the civilian staff such a rule does not apply.</p> <p>The personal needs are not assessed due to the large number of employees which needs to be initially trained. Distance learning course was developed to improve their knowledge.</p> <p>Despite the clear recognition by senior management of training as a priority, it is estimated that only about 50% of staff have attended one of these courses, although a record of who has attended which training modules related to date of appointment has not been seen. If this estimate is correct, there are some 1500 staff working with offenders who have not received any formal training since the inception of the Probation organisation. This problem is recognised: the stated aim is to move to more on-line training given the practical and financial challenges of residential training provision but it is doubtful whether this approach can completely replace face to face training and the practicing of core skills (e.g. Interviewing and engagement) with trainers and other trainees.</p>
<p>C. Mechanisms of professional selection and training of probation employees, including mechanism for use of donor resources, in place:</p> <p>C.1. Requirements for professional selection and training of probation employees make emphasis on recruiting staff with backgrounds in psychology, social work and social pedagogy;</p>	x		x				<p>Professional competence developed. General recruitment criteria developed.</p> <p>Job descriptions in place. Professional competence profile in place . These are not formally adopted because of implications for other MoJ staff (!)</p> <p>Entry requirements – degree level but not clear whether only a relevant degree or any degree.</p> <p>There are mechanisms in place for selecting the required applicants to become probation employees. An analysis of how many staff have backgrounds in psychology, social work and social pedagogy and how far this has changed over the last 5 years has not been seen. There are employees who specifically work as psychologists and social workers. 2/3 of staff however have been transferred from former CEIS roles, which mainly administered sentences and enforced conditions: many of these staff have legal backgrounds. Some but not all of these staff will have the necessary motivation and aptitude to develop the professional skills required in the new Probation organisation, but skill assessment, professional supervision, appraisal and a performance management framework are needed to identify who they are. For the remainder there may be roles in the organisation they can undertake with their existing skill set but this is a challenging organisational transformation.</p>
<p>D. Development of Performance Management Framework (PMF) for front-line staff:</p> <p>D.1. PMF standards for frontline staff containing standards allowing line managers to develop and monitor their performance through annual appraisals</p>	x		x				<p>PMF is work in progress. First draft developed with donor support (pilot in Khmelnytskyi Oblast on Performance Management)</p> <p>There is currently no PMF in place that tracks an individual's performance against set objectives. There is no annual appraisal process currently in place. There are statistics in place that track aspects of performance, mainly in relation to compliance with the law and by-laws monitored by analysts within Probation Service. HR are not currently involved in this process.</p> <p>There is a need to make a distinction between a performance management framework (an HR mechanism) and a quality assurance/professional standards issue (an audit or inspection mechanism).</p>

<p>E. Determination of structure and content of training of probation staff based on the resources of educational institutions of SPS:</p> <p>E.1. Training programmes for employees of probation service are developed and implemented using interactive training methods, including training for line managers</p> <p>E.2. Training delivery plan with analysis of project resources (international and national) in place to cover quickly maximum number of future probation employees with trainings on probation activities forms and application of probation instruments</p> <p>E.3. Pilot projects on implementation of training modules to prepare future probation employees with fast coverage of maximum number of staff</p>	x		x				<p>The content and procedures of the training that has been provided is of an internationally recognised standard. Training programmes for probation service employees are developed and implemented using interactive training methods, a method also used in the current training for line managers. International expert assessments have suggested there should be even greater emphasis and time spent on core skills such as interviewing and motivational engagement and encouragement of offenders and managers, the professional supervision of staff. This is a particular area of need for existing staff, who have been identified as requiring a significant change in thinking and culture: change from punishment, administrative formality and control to assessment, engagement, and motivation for rehabilitation.</p> <p>The variable status of Probation staff has also apparently acted as a barrier to implementation of a comprehensive training strategy as training provision for de-militarised or newly recruited civilian staff was completely overlooked recently in the MoJ when training budgets were developed and only military grades of staff have mandatory training set for the coming period.</p> <p>We have difficulties to understand the content of E 3. It has been appropriate to use the word <i>new</i> instead of <i>future</i> probation employees as <i>future</i> implies a level of uncertainty and can suggest the idea of candidates for the positions of probation employee. In addition, the entire content is unclear: the pilot projects are for training content? The pilot is established in a region. The fast coverage means an intensive training in a short period of time?</p>
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<p>F. Fully equipped training centres, developing, delivering and updating training programme and modules:</p> <p>F.1. Regular selection and training of staff and faculty of educational institutions for training of trainers to train future probation employees</p> <p>F.2. Sufficient capacity in regional training centres to deliver training plans in reasonable time</p>	x	x	x	<p>Currently there is not enough capacity in the training centres to provide training for all probation staff. Even though there are 3 training centres for staff in the <i>Execution of Sanctions</i> sector, only two of them (Dnipro and Bila Tserkva) are providing training for probation staff and only Bila Tserkva provides training for civilian staff. Bila Tserkva has 12 trainers and Dnipro 6 trainers and training courses can accommodate up to 50 staff. Many basic rehabilitation skills training courses for both existing probation staff (a 12-day course) and new staff (a 30 day course) have been provided over the last 4 years</p> <p>Available statistics show that in Bila Tserkva Training Centre 3217 persons were trained between 2015-2018. In the first half of 2019, 313 people completed probation training, 239 of them in the implementation of probation programs. The current probation training curriculum includes five programmes:</p> <p>35 days initial training for new staff; (a mixture of formal training and online distance learning</p> <p>12-day professional upgrade programme for existing staff;</p> <p>Two 14-day programmes on online monitoring the compliance to professional competences standards for i) juveniles and ii) adults</p> <p>14-days programme on online monitoring the compliance to professional competences standards for adults</p> <p>Additionally a training program on professional development for studying the procedure of interaction between a penitentiary facility and a probation body regarding preparation for release has been approved by the Pedagogical Council of Bila Tserkva Professional Training Center.</p>
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Chapter 11: Increasing Effectiveness in Prevention of Crime and Promoting Rehabilitation in Execution of Sanctions

Area 11.4 Improved Rehabilitation and Prevention of Crime through Setting Up of Fully-Fledged Probation Service and Application of Alternative Sanctions

Action 11.4.5 Development of pre-trial reports, risk/needs assessment and case management capacities

Outcomes to be addressed	Desk research	Panels	Key interviews	Surveys	Data analysis	Other methods	Comments
<p>A. Definition of scope, extent and procedures of implementation for pre-trial reports:</p>							<p>Law of Ukraine “On Probation” 5 February 2015 stipulated (Section II, Art. 7) that: a courts could make a written request to probation authorities asking for a pre-trial report about the accused individual:</p> <ol style="list-style-type: none"> 1. Pre-trial probation provides courts with formalized information about accused individuals for the courts to decide on his/her liability. 2. To prepare pre-trial reports, employees of the probation authorities are entitled to receive information about accused individuals from businesses, institutions, organizations or their authorized agencies and from individuals.

<p>A.1. Regulatory framework, including substantive and procedural criminal law and practice, defining clear and foreseeable role for pre-trial report, its preparation procedure, risks assessment of reoffending and offender needs</p> <p>A.2. Training modules of judges, prosecutors and probation service employees on usage of pre-trial reports includes detailed explanation of risk/needs model</p> <p>A.3. Regular joint training events for probation service employees, judges and prosecutor on pre-trial reports preparation and application</p> <p>A.4. Focal points for exchange of information on probation are identified</p>	x	x	x		<p>3. A pre-trial report about an accused individual shall include:</p> <p>a social and psychological profile</p> <p>assessment of risks of a repeat criminal offence</p> <p>a conclusion whether correction is possible without restriction of liberty or deprivation of liberty for a determined period.</p> <p>4. Accused person can take part in preparation of the pre-trial report by providing necessary information to employees of probation authorities.</p> <p>5. The procedures for development of the pre-trial report shall be approved by the central executive authority that drafts the public policy of probation.</p> <p>The legal regulations on pre-trial report were further elaborated in the Order of the Ministry of Justice of Ukraine #200/5 dated 27.01.17 "On Approval of the Pre-Trial Report Procedure". The document outlines the procedure, the structure (of which reoffending risk assessment is a part), special requirements for pre-trial report on minors and requirements for storage.</p> <p>Report preparation is one of the main tasks of probation service. Pre-trial reporting determines to a great extent the fairness and proportionality of court decisions, therefore, standards of a pre-trial report are ultimately a decisive factor in shaping the future of people's lives.</p> <p>During the strategy evaluation interviews concerns were raised in relation of the purpose, the process of request, reports quality and the timeframe for writing and submission. All international TA projects are involved in building the staff capacity. Recently, to respond to this challenge, on 23 July 2019 the Probation Centre senior managers convened an extended meeting of the relevant officers and practitioners to tentatively approve the format and template of the manual for writing a pre-trial report. The manual, prepared with inputs from international expertise, will be widely used for training of probation officer, judges and prosecutors .</p> <p>According to a five-month report of the Head of the Probation Service, in 2019 to date 12000 pre-trial reports were sent to the judiciary, in 70% of cases, the accused took part in the reports preparation. According to the results of the survey for judges, undertaken by the Centre of Probation, 64% of the respondent-judges assess the pre-trial reports as useful and effective tool. .</p> <p>A film was made for pretrial reports to be promoted among the judiciary and prosecutors.</p> <p>In 2018 33,000 court reports prepared; the projected figure for 2019 is lower.</p>
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<p>B. Reviewed regulatory framework on methods of risk and needs assessment of accused (juvenile and adult versions):</p> <p>B.1. National implementation of ASSET-based risk needs assessment system for juvenile offenders</p> <p>B.2. Training package for use of assessment tool for all staff designated to prepare pre-trial reports or to be case managers</p> <p>B.3. Database in place to store completed assessments and validation study conducted on adult tool after 2 full years that data have been collected to establish actuarial predictor of risk of re-offending (expressed a percentage score)</p> <p>B.4. Revised version of adult assessment system issued after completion of validation study with accurate scoring system linked to suitability criteria for each intervention programme</p> <p>B.5. Indicators included in PMF to assess quality of application of risk/needs assessment system</p>	x	x				<p>First point regarding the juveniles is fully achieved as it has been developed, implemented and approved by the MoJ.</p> <p>Risk and Needs Assessment (RNA) is an instrument which identifies the probability of harm or reoffending, assess the impact of it and pose intervention strategies which may diminish the risk or reduce the harm. In 2015, the risk and needs assessment tool fully assumed its importance in the criminal justice system, as part of the pre-trial report procedure. Eventually, two important regulations were adopted: (i) Methodological guidelines for re-offending risk assessment in criminal offenders aged 14-18 (Order of the Ministry of Justice of Ukraine #3787/5 dated 03.12.2018 and (ii) Methodological guidelines for re-offending risk assessment in adult criminal offenders (Order of the Ministry of Justice of Ukraine #2020/5 dated 26.06.2018).</p> <p>Despite the achievements of the national implementation of RNA, particularly for juveniles, (RNA is not optional, but a legally-binding procedure), during the evaluation interviews, the issues of quality of RNA assessments were raised. Clear and non-problematic in theory or on the paper of handbooks, the practical assessments often pose difficulties and require much capacity building work in the years to come.</p> <p>The shorter version of the adult RNA has been validated using data collected over two years. The evaluation used re-conviction data gathered by probation staff because there is no national database of court appearances or conviction in Ukraine, this makes the study less robust because follow up is limited to the time that offenders are in contact with the probation service.</p> <p>A second validation is currently underway, and this is due to be completed by the end of October 2019. This should provide sufficient data to amend the longer version of the RNA to improve its prediction; work that should take place during the period covered by the JSRSAP.</p> <p>It seems probable that 'Demonstrating High-Quality Assessment Skills' will be a competence included in the new PMF (see 11.4.4)</p>
<p>C. Case management model and process for probation cases in place:</p> <p>C.1. Establishment of case management process for probation cases with cycle of assessment, sentence plan, sentence execution, review and enforcement</p>	x					<p>The by-law of MoJ 29.01.2019 regarding the regulation on supervisory probation included a requirement for a system of Assessment; Diagnosis and Sentence Planning for Supervisory Probation (conditional sentences).</p> <p>It was said that a system of Assessment; Diagnosis and Sentence Planning is in place for Supervisory Probation (conditional sentences). It is not clear from the available information how robust and universal this is.</p> <p>Case management is being taken forward by a working group using the ASPIRE model referred to above in relation to training. (Assessment, Sentence Plan, Implementation, Review and Evaluation).</p> <p>For planning and allocation purposes low and medium risks cases now have a functioning initial assessment.</p>

Chapter 11: Increasing Effectiveness in Prevention of Crime and Promoting Rehabilitation in Execution of Sanctions

Area 11.4 Improved Rehabilitation and Prevention of Crime through Setting Up of Fully-Fledged Probation Service and Application of Alternative Sanctions

Action 11.4.6 Development of range of evidence-based interventions to reduce re-offending

Outcomes to be addressed	Desk research	Panels	Key interviews	Surveys	Data analysis	Other methods	Comments
<p>A. Range of probation programmes and interventions designed to change and improve social adaptation of offenders and to reduce reoffending:</p> <p>A.1. Range of programmes and their implementation target criminogenic factors and behaviours such as motivation to change, addictions to drugs and alcohol, social and life skills, vocational training and employment skills, basic literacy and numeracy, anger and emotional management, domestic violence, sexual offending, drunk driving, anti-social attitudes, victim awareness</p>	x		x				<p>The transformation of the CEIS of Ukraine from a surveillance based service into a modern probation service designed to change offenders' behaviour and reduce reoffending will only be achieved by a major change in its purpose, objectives and a shift towards a general culture of engagement & rehabilitation to reduce re-offending risks. The instruments to support these new objectives include, among other tools, probation programme.</p> <p>The probation programmes have been designed, piloted and evaluated to meet the offenders' twelve criminogenic needs in terms of employment, relationships, family ties, drug dependence, alcohol abuse, cognitive behavioural patterns, education, financial needs, pro-criminal thinking, mental state, housing, ability to change.</p> <p>While prevention and social education courses constitute a much wider menu, the formally approved probation programmes at the time of the Strategy evaluation are only three: 1. Overcoming aggressive behavior; 2. Substance abuse prevention; 3. Change in pro-criminal thinking.</p> <p>The fourth programme "Life Skill Development" is under preparation and is about to be approved shortly. There is a draft by-law for 'Programmes Efficiency' – though this may mean effectiveness i.e does the programme work?</p> <p>The regulatory basis for design, development and implementation of probation programmes is defined by the following documents:</p> <p>Order of the Cabinet of Ministers of Ukraine #24 dated 18.01.2017 "On Approval of the Procedure for Design and Implementation of Probation Programmes"</p> <p>Order of the Ministry of Justice of Ukraine #926/5 dated 28.03.2018 "On Approval of Set of Measures Regarding the Implementation of Probation Programmes".</p> <p>Orders of the Ministry of Justice of Ukraine #1798/5 and #1797/5 dated 11.06.2018 "On Approval of Probation Programme" (for juveniles and for adults).</p>



<p>A.2. Gained international experience in implementing programs for subjects of probation, used by probation services in EU MS and other regions systematised</p> <p>A.3. Exchange of visits for purpose of information sharing network establishment is conducted; teaching and didactic materials is exchanged;</p>	x		x				<p>The implementation of probation programmes is a gradual process requiring significant capacity building, which is presently pursued through “the cascade method”: more than half of the probation offices (the total is 600) have at least one probation programme supervisor. 371 supervisors have been trained and they can deliver the programmes, but they also coordinate and supervise the probation programmes delivery in his/her unit. If the court has not designated the programme (which is often the case), the supervisor, on the basis of the RNA, can determine the programme, schedule its delivery and, should there be the need, involve other appropriate specialists, such as a doctor, a psychologist, a pedagogue or a volunteer. The probation head-quarter provides back-up to the supervisors through its dedicated unit on coordination of programme delivery.</p> <p>A number of good practices have been shared directly shared by internationally partners, who often procure short-term experts to ensure targeted support to develop a new product.</p> <p>The experience of other jurisdictions is summarised and systematised by the international communication department of the Probation Service through a set of reports categorized to the thematic heading. The benefits of such reports are used during the discussion sessions or planning meetings on issues of future development of the service.</p> <p>A number of the probation staff had the opportunity to visit the countries with more advanced level of development of probation service for learning purposes, such as:</p> <p>Moreover, professional ties and cooperation are maintained through information exchange with practitioners from other jurisdictions and professional probation bodies, for example, on 29 November 2018 the Probation Centre of Ukraine became a member of the Confederation of European Probation (CEP).</p>
<p>B. Required regulatory framework for probation programmes in place:</p> <p>B.1. Introduction and organisation of probation programs, with list, content, procedure of probation assignment for particular subject</p> <p>B.2. Clear and foreseeable procedures for probation programs implementation, definition of responsibilities of parties involved in process, list of entities involved in these procedures and their functions</p>	x		x				<p>See also information in section A.</p> <p>An interdepartmental work group was created to develop the programmes with people with various backgrounds. A draft probation is subject to review by several ministries. After a program is approved people are trained in using the programme.</p> <p>Every program provides the involvement of other specialists. A curator (responsible leading specialist) appointed from probation. The program will have 2 deliverables – compliance of the obligations and the goals of the programme. Every programme has a manual for implementation. Out of 600 probation offices, 500 centres are covered by training. The Centre is working on the draft method to measure programmes’ effectiveness. Currently, in legal terms, neither Courts nor PS have responsibility to identify what programme a probation client is allocated to. Hence, as a rule, the Court obliges the convicted person to attend a programme, and PS specifies what programme exactly to be attended.</p>

<p>C. Design of procedure of preparation and implementation of probation programs. Determination of list of required probation programs. Identification of human and financial resources for acquisition / development of programs:</p>							
<p>C.1. Proposals for development of regulations, educational, practical and methodological products in sphere of programmes C.2. Outreach and finalising works to establish advisory body (with representatives of State authorities) for expert review of developed probation programs are carried out</p>	x		x				Overlapping with B above.
<p>D. Joint training of judges and probation employees on assignment of probation programs. Development of system of licensed training on programs implementation by probation staff: D.1. System of certified training on programs implementation by probation staff in place</p>	x		x				After a program is approved people are trained in using the programme (probation staff). Despite moving in the direction of a full awareness and command of the probation institutions, its services and programmes by the judges, the reality to date is that often times the judges only decide on the alternative to imprisonment sentence and indicate the need for a probation programme, but actually do not assign/designate what programme exactly will serve the purpose.. It is an expectation that with time the established routine joint trainings of judges and probation employees will bridge this gap, while the expanded menu of the probation programmes will provide a wider choice for the judge to meet the need of the offender.

Summary of ratings:

Fully achieved or significantly advanced	Progress made; satisfactory level of achievement	Little or no progress; not achieved
11 outcomes	29 outcomes	4 outcomes



ANNEX II LIST OF REPORTS, PUBLICATIONS AND OTHER DOCUMENTS REVIEWED

CODES

1. Criminal Code of Ukraine
2. Criminal Executive Code of Ukraine
3. Criminal Procedure Code of Ukraine

LAWS AND LEGAL REGULATIONS

1. The Law of Ukraine “On Probation” adopted by the Parliament of Ukraine on 5 February 2015
2. The Decree of the Cabinet of Ministers of Ukraine dated 13.09.2017 #655-p to establish the State Institution “The Centre of Probation”
3. Draft Law #7337 registered in the Parliament of Ukraine on 27 November 2017 (unfortunately removed from registration according to the Parliamentary regulations and has to be resubmitted again)
4. Draft Law #10465 registered in the Parliament of Ukraine on 19.07.2019
5. Decree of the Ministry of Justice, Social Policy, Healthcare and Interior as of 03.04.2018 № 974/5/467/609/280 «On Approval of the Order of Interagency Cooperation of Prison Establishments, Probation and Aftercare Institutions Over the Period of Preparation for Release of Prisoners Sentenced to Limitation of Liberty or Incarcerated Prisoners for a Certain Period”
6. Resolution of the Plenary Session of the Supreme Court of Ukraine on Sentencing Practice Regarding Criminal Punishment dated 24.10.2003
7. The Ukraine Court Statistics in 2017 and 2018 (<http://court.gov.ua>)
8. Adoption of the Resolution of the Cabinet of Ministers of Ukraine #333-p «Concept on Reforming the Local Self-Government and Territorial Structure of Power in Ukraine” as of 1 April 2014 (<https://zakon.rada.gov.ua/laws/show/333-2014-%D1%80?lang=en>)
9. Law of Ukraine “On Voluntary Activities” adopted by the Parliament of Ukraine on 19.04.2011 (amended)
10. Order of the Ministry of Justice of Ukraine #200/5 dated 27.01.2017 “On Approval of the Pre-Sentence Report Issue Procedure”
11. Order of the Ministry of Justice of Ukraine #98/5 “On Adoption of the Regulations on Organisation of Activities of Probation Volunteers” dated 17.01.2017
12. National Juvenile Justice Reform Strategy till 2023 approved by the Cabinet of Ministers of Ukraine Resolution#1027-p dated 18 December of 2018
13. Order of the Ministry of Justice of Ukraine #3787/5 dated 03.12.2018. “Methodological guidelines for re-offending risk assessment in criminal offenders aged 14-18”
14. Order of the Ministry of Justice of Ukraine #2020/5 dated 26.06.2018. “Methodological guidelines for re-offending risk assessment in adult criminal offenders”
15. Order of the Cabinet of Ministers of Ukraine #24 dated 18.01.2017 “On Approval of the Procedure for Design and Implementation of Probation Programmes”
16. Order of the Ministry of Justice of Ukraine #926/5 dated 28.03.2018 “On Approval of Set of Measures Regarding the Implementation of Probation Programmes”
17. Orders of the Ministry of Justice of Ukraine #1798/5 and #1797/5 dated 11.06.2018 “On Approval of Probation Programme” (for juveniles and for adults)



18. Order of the Ministry of Justice of Ukraine #598/7 dated 22.02.2019 “On Establishment of the Working Group on Issues of Legislative Improvements in the Sphere of Execution of Punishment Alternative to Custody”
19. Order of the PI Centre of Probation #26/15/ЯН-19 dates 08.01.2019 “On Information Updates”

REPORTS AND SURVEY RESULTS

1. Monitoring Tool of the JSRS developed by PRAVO-Justice with monitoring undertaken by the Ministry of Justice Directorate-General on Strategic Planning and European Integration
2. 2019 Half –Annual Report of the Social and Education Department of the SCESU Administration
3. Report (2nd Quarter 2019) of the PI Centre of Probation to the Ministry of Justice Directorate of Strategic Planning and European Integration dated 27.06.2019
4. Annual Results Review for 2018. Probation Project Management Office under the Ministry of Justice of Ukraine in the framework of the EDGE Project
5. Probation Gap Analysis, David Perry, CoE, 2015
6. Progress reviews of the consultants of the EU PRAVO-Justice Project, Component 3.2 (Support to Probation Service in Development of Rehabilitation Learning and Development Strategy)
7. Results of the Public Opinion Survey as to the Introduction of Probation in Ukraine, 2017 undertaken by the Canadian EDGE Project
8. Results of the Public Opinion Survey as to Level of Trust to Probation Service in Ukraine, 2019 undertaken by the Canadian EDGE Project
9. Basic Concepts of the Communication Policy Within the Framework of Probation, 2017 prepared by the Project Management Office under the Ministry of Justice of Ukraine, EDGE-funded
10. NORLAU Annual Work Plan for 2019
11. Comparative Study “Risk and Needs Assessment of Prisoners in 6 Jurisdictions” , CoE, 2018, Dr Peter Nelissen and Dr Elina Steinerte

PUBLICATIONS AND INFORMATION NOTES

1. Development of Probation in Ukraine. Reform Summary of 2018. Publication in the framework of the EC Project “PRAVO-Justice” and NORLAU project
2. Information Note on Activities of the Bila Tserkva SCESU Training Centre dated 15.08.2019

WEBSITES

1. www.probation.gov.ua
2. <https://www.facebook.com/probation.ua>
3. <https://www.facebook.com/norlau.no/>
4. <http://court.gov.ua>
5. <https://www.nhc.nl/new-matra-project-probation-alternative-sanctions-ukraine/>
6. <https://www.cilc.nl/project/probation-and-alternative-sanctions-in-ukraine/>
7. <https://i-rc.org.ua/index.php/pro-centr>



ANNEX III LIST OF PERSONS INTERVIEWED/CONSULTED

1. Denys Chernyshov, Deputy Ministry of Justice of Ukraine
2. Oleg Yanchuk, Head of the Probation Service of Ukraine
3. Iryna Yakovets, First Deputy Head of the Probation Service of Ukraine
4. Olena Subbotenko, Deputy Head of the Probation Service of Ukraine
5. Vlad Klysha, Head of the International Department, Probation Service of Ukraine
6. Kostyantyn Avtukhov, Head of the Trade-Union of the Probation Service of Ukraine
7. Natalya Panchuk, Acting Director of the Directorate-General of Strategic Planning and European Integration
8. Natalya Vereshchinska, MATRA Probation and Alternative Sanctions Project
9. Andriy Alyeksyeyev, MATRA Probation and Alternative Sanctions Project, national expert
10. Frans Klubus, MATRA Probation and Alternative Sanctions Project, trainer
11. Olexiy Zagrebely, FREE ZONE Charity Foundation, Chair of the Board
12. Roman Drozd, The Light of Hope Charity Foundation, Director
13. Willy Giil, Head of NORLAU Probation Project
14. Torolv Groseth, NORLAU Probation Project, Judge
15. Anna Taranenko, NORLAU Probation Project, legal advisor
16. Kateryna Novokhatnia, EDGE Project, Senior Sector Lead
17. Olena Voynych, EDGE Project, Expert
18. Oleg Duka, Head of the SCESU Training Centre, Bila Tserkva
19. Alla Gryhorenko, Deputy Head of SCESU Training Centre, Bila Tserkva
20. Evhen Ivashev, Supervisor of the Probation Cycle Programme, SCESU Training Centre
21. Velery Dedukhov, Supervisor of the Distance Learning Programme, SCESU Training Centre
22. Olga Yakovenko, Head of the Bila Tserkva Probation Unit
23. Oksana Sulima, Deputy Director of the Directorate-General of Social Services and Integration of the Ministry of Social Policy of Ukraine
24. Iryna Pinchuk, Head of the Main Department of Integrated Social Services, Ministry of Social Policy of Ukraine
25. Olena Gladkova, Head of the Expert Group on Issues of Integrated Social Services to Families, Ministry of Social Policy of Ukraine
26. Oksana Tarhan, national consultant for communications , EU Pravo-Justice Project



ANNEX IV EVALUATION REPORT AUTHORS

Randel Barrows

Randel Barrows works as an independent trainer and consultant based in the UK. He has worked as a Probation Officer and a manager of Probation services in London and Yorkshire and as a policy adviser in the National Probation Directorate and the Ministry of Justice. He has studied Probation, Criminology and related subjects at Cambridge, London School of Economics and Newcastle Universities and is an independent member of CEP. (The European Probation Organisation)

Since 2002 he has worked as a consultant with the Council of Europe, the UK Ministry of Justice International Directorate and NGO and private sector agencies in the field of international Justice Reform and Human Rights. In 2008 -2009 he was seconded as the Resident Twinning Advisor for an EU Phare project in Bulgaria to develop alternative sanctions. He is familiar with recent criminal justice issues and challenges in a broad range of jurisdictions, particularly in Eastern Europe and the Balkans and he has completed studies to support reform of legal and institutional arrangements in Algeria and Ukraine and for the introduction of Electronic Monitoring in Jordan. He is currently Team Leader for an EU Technical Assistance project for Prison and Probation reform in Georgia and until recently was a lead expert for the EU Pravo Justice project in Ukraine.

Iuliana Carbunaru

Iuliana Elena Cărbunaru is currently probation inspector in the National Probation Directorate within the Romanian Ministry of Justice ensuring the development and implementation of the international projects and promoting the probation system at the international level.

In 2000, after graduating The Philosophy Faculty in Iași - Social Work section, she started her activity as a social worker with an NGO responsible for one of the first probation pilot projects in Romania. In 2001, after passing a competition, she was appointed within the newly developed probation service under the coordination of the Ministry of Justice. She continued her studies and graduated a Master program of the Bucharest University on Community Justice Administration. As an employee of the probation service for the past 19 years Ms. Cărbunaru has served as probation counsellor (1.5 years), seconded probation counselor within the Ministry of Justice (3.5 years), probation inspector (6 years), director of probation service (8 years).

Her international experience includes working with probation services from Europe, Middle East and North America and she acted as an expert for the Council of Europe in her area of expertise and short-term expert in projects financed by the European Union.

Olga Sandakova

Olga Sandakova is currently working as a development cooperation consultant. Olga has two degrees - MA in the English language and MSc in Development Management from the UK Open University. They are complemented by her certificate in Consultancy Skills from the UK National School of Government of the Cabinet Office.

She has over 20 years of experience managing international development projects in Ukraine supporting reforms across public administration, justice system and civil society. She also had an experience of working as a governance adviser for the DFID and, as a policy analyst, in DFID London headquarters.

Olga's work spans several international donors, cultures and approaches: DFID; the British Government Department for International Development (1996-2008), Swedish Development Cooperation Agency (2008 -2015) and the Council of Europe (2015-2018).





Evaluation Report

on

Area of Intervention 11.4: Improved Rehabilitation and Prevention of Crime Through Setting up of Fully-Fledged Probation Service and Application of Alternative Sanctions

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