



PROBATION IN UKRAINE

Ministry of Justice of Ukraine

Probation Department

Director, OLEG YANCHUK



UKRAINE



- The largest territory in Europe, **25** administrative regions, **32** place by population in the world (**42** million population).
- **142** prisons, **37** thousand of prison staff, **60** thousand of prison population.

- **77** thousand of offenders convicted to **punishments without imprisonment** (“**community sanctions and measures**”), **3,2** thousand of staff, **589** units of Criminal-Executive Inspection (as Probation State Authority in Post- Soviet countries).
- Probation is being functioned for 1 year and 7 months – 05.02.2015 the Law of Ukraine "On probation" is adopted; additional amendments to certain Laws are adopted on 07.09.2016 to ensure the running of all probation functions.





THE HISTORY OF PROBATION

Key positive tendencies on the way to start probation:

- **2001: New alternative to imprisonment** punishments are input to the Criminal Law of Ukraine: such as social work (unpaid work), release on suspension. The Criminal-Executive Inspection (CEI) was founded as a new state authority which was in charge of enforcement of new alternative to imprisonment punishments. It was included in the inner structure of the State Criminal-Executive Service of Ukraine (previously the CEI was as the part of the Ministry of Interior charge).
- **2002:** The **certain Cabinet of Ministry Decree** was issued with task to study the necessity of probation introduction in Ukraine.
- **2004: New Criminal-Executive Code** of Ukraine came into force instead to the Executive-Labor Code. The new Law formed the new system of enforcement of punishments alternative to imprisonment.
- **2006: First draft Law "On Probation Service"** was elaborated and submitted to the Parliament of Ukraine.
- **2010: White Paper on Juvenile Criminal Justice Reforms** was enacted. This document provided the legal ground to activities on introduction of juvenile probation.
- **2012: New Criminal Procedural Code** of Ukraine was adopted which cardinally changed the criminal judicial procedures (criminal procedure parties competition, imprisonment as the final extra measure etc.).





PROBATION – POWERFULL SIDES

Key positive tendencies on the way to start probation:

- **2015:** **Law** of Ukraine "**On Probation**" was adopted.
- **2016:** The certain **law amendments was adopted** to ensure full-scale probation functions introduction which are provided for in the 2015 Law of Ukraine "On Probation" (the amendments regulates such innovations as: pre-sentence report, probational supervision, probation programs, the duties and responsibilities of the probation staff are legislatively determined).
- There is **skilled CEI staff** who has knowledge and experience on enforcement of punishments without imprisonment.
- The **training programs** for probation staff are developed. **1,3 thousand** of CEI staff is **trained** on the middle of 2016 who worked in CEI.
- The **sub-law** is elaborated on the procedures of probation functions realisation. The **instruments** of probation are developed.
- The **Probation Centers** piloting **is started**: one Probation Center for adult offenders which is managed jointly with NGO (case-management of vulnerable categories of offenders) and five Probation Centers for juvenile offenders.
- **The international partnership is established.**





UKRAINIAN PROBATION

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|---|---|
| Pre-court probation | <ul style="list-style-type: none">• Risk Assessment of re-offending (brief form)• Pre-sentence report |
| Supervising probation | <ul style="list-style-type: none">• Conviction to punishments without imprisonment (community and correctional work, prohibition to be engaged at certain type of activity, supervising over the convicted persons who are on suspension);• Risk and Need Assessment of the likelihood of the re-offending (full form);• Probation supervising;• Individual case management;• Probation programs (for those who are convicted persons but released on suspension);• Volunteers involvement. |
| Penitentiary probation | <ul style="list-style-type: none">• Cooperation with prisons and social patronage entities;• Assistance in housing and getting job before being released from prisons |
| Perspectives of probation functions extension | Extension of the list of measures and sanctions which may be imposed to; Implementation of probation to conditionally released (parole) prisoners (Risk and Needs Assessment and Supervising are applied) |





OBJECTIVES OF PROBATION

- 1) to **ensure** the **public security** through the correction of the convicted persons
- 2) to **prevent** the commitment of the repeated criminal offences by convicted persons
- 3) to **provide the court with the information** about accused persons in order to take the decision on their liability

The objectives of the Ukrainian probation meet the objectives which are indicated in the European Probation Rules 2010

Law background:

05.02.2015 the Law “On Probation” is adopted (in force since 27.08.2015)

07.09.2016 additional amendments to certain Laws are adopted (in force since 08.10.2016)





TASKS OF PROBATION

- **Pre-sentence** reports prepare
- Organisation of alternative to imprisonment punishments **enforcement** (prohibition to be engaged at certain activities, free of pay work in society, part of a salary deduction into the profit of the state, release from punishment on suspension, substituting of deprivation of liberty punishment to alternative punishment)
- Probation **supervising** over offenders who are convicted to punishments without imprisonment
- **Probation programs** realisation
- Social and educational **individual activities conducting** (basing on the Risk and Need Assessment)
- **Assisting to prisoners** who are about to be released
- Realisation of other measures which influence on offenders rehabilitation and prevention of **re-offending**





MANAGING BY THE PROBATION SYSTEM

Minister of Justice

Deputy Minister of Justice

PROBATION DEPARTMENT

40 staff positions

**Prisoners Resocialisation and
Administrative Sanctions Office
(PR-ASO)**

**Probation
Management Office
(PMO)**

**Probation Effectiveness
Monitoring Office
(PEMO)**

**Community and Correctional Work
Administrative Sanctions Unit
(CCW-ASU)**

**Non-custodial Sanctions
and Probation Supervising Unit
(NS-PSU)**

**Analysis, Probation Development
and Statistics Unit
(APD-SU)**

**Prisoners Resocialisation Unit
(PRU)**

**Probation Programs Unit
(PPU)**

**Cooperation and
Information Unit
(CIU)**

**Pre-sentence Measures and
Penitentiary Probation Unit
(PM-PPU)**





PROBATION – STRUCTURE «before, after»

Till 8th October 2016

After 8th October 2016

Criminal-Executive Inspection Units (CEI-U)

Probation Units (PU)

Regional CEI Divisions in **24** Regional
Departments of the State Penitentiary
Service of Ukraine + **590** CEI-U's

Regional Probation Offices in **6**
Interregional Departments on Enforcement
of Sentences and Probation + **489** PUs

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20 Probation Centers are planed to be
established in large cities

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11 Juvenile Probation Centers are planed
to be established in large cities

3300 actual staff
(**60%** uniformed, **40%** non-uniformed
specialists)

3940 staff positions
(**70%** state servants; **30%** staff on
agreements)

Inspectors were worked in CEI-U's

Such types of staff will be recruited to PUs:
1) Probation Inspectors
2) Social workers
3) Psychologists





PROBATION – KEY PARTNERS

Since 2016: Norway, «NORLAU» project – Model of Probation Centre development:

- development of the **new modern infrastructure** of Probation Centre (convenient work conditions, staff safety, comfortable discussions with probationers, making the trust zone between staff and probationers)
- effective **management** by probation staff (distribution of **roles** and tasks)
- database forming on the state authorities and NGOs **services** list to fulfill the probation functions
- platform for probation **instruments** and methodology **piloting**
- **studying** during the **work**





PROBATION – KEY PARTNERS



2010-2016: Canadian project “Juvenile Justice Reform Project in Ukraine”:

- Drafting the law and expert assistance;
- Risk Assessment Instrument for juveniles is developed;
- Probation programs for juveniles are developed;
- Staff training programs are developed;
- Five Juvenile Probation Centres are started



Experts from
Canada and
Latvia



EU Project “Support to Justice Sector Reforms in Ukraine”

- Drafting the law and expert assistance;
- Risk and Needs Assessment Instrument for adult probationers is developed;
- Staff training programs and Online IT-correspondence staff training system are developed;
- State Registry Database and Probationers Case-management System Technical Documentation is developed
- EU Twinning Fiche project on Probation Programs elaboration is drafted



Experts from
GB and
Croatia





PROBATION – STAFF TRAINING

Training courses are being carried out on the basis of the Staff Professional Training Centre of the Criminal Executive Service of Ukraine (since 2015)

Two 12-days **“Skills Developments Training Programs”** (84 educational hours) on adult and juvenile probationers

Programs Drafting was assisted by Canadian and EU experts

30-days **“Initial Training Program”** (180 educational hours). It is consisted from the 2-weeks Entering Session, 12-weeks Guided Internship at the place of work via online IT-correspondence (so called "in-plant training") and 2-weeks Tests Session. Specialised modules are for: lawyers, social workers and psychologists

Online IT-correspondence staff training system is developed





PROBATION – CHALLENGES

- Elaboration and introduction of the **regulations** for probation staff
- Probation staff **educating** (including Online IT-correspondence staff training system)
- **Cooperation** System Introduction between probation units, courts, prosecutors, police, health care, education, social patronage entities and local self-government authorities
- Probation **Effectiveness** Monitoring Tools and **Quality** of Staff Work Assessment System elaboration and introduction
- Social **Communications** Strategy drafting and its realisation
- Probation **Programs** elaboration
- State Registry **Database** and Probationers Case-management System **Soft** development and introduction
- **Law** amendments drafting to make sure that probation is applied to conditionally released (parole) prisoners
- **Electronic** Monitoring introduction in probation
- Modern Probation **Offices** establishing
- Statistics System Introduction on Council of Europe Standards **SPACE II**





E-mail: o.yanchuk@minjust.gov.ua

Tel.: +38 (044) 4810568

