

The Challenges in the Protection of Ex-Prisoners and the Community

Post-penal treatment – definition

- Represents one form of crime prevention covering processes for persons released from prison which facilitate them with quality social reintegration (Mikšaj, 1982)
- Rehabilitative approach

While serving prison sentences prisoners are involved in structured programs preparing them in various life aspects for their release and social reintegration

Despite all preparations, for the adjustment to the outside world a certain period is often necessary

struggles



What does the law say?

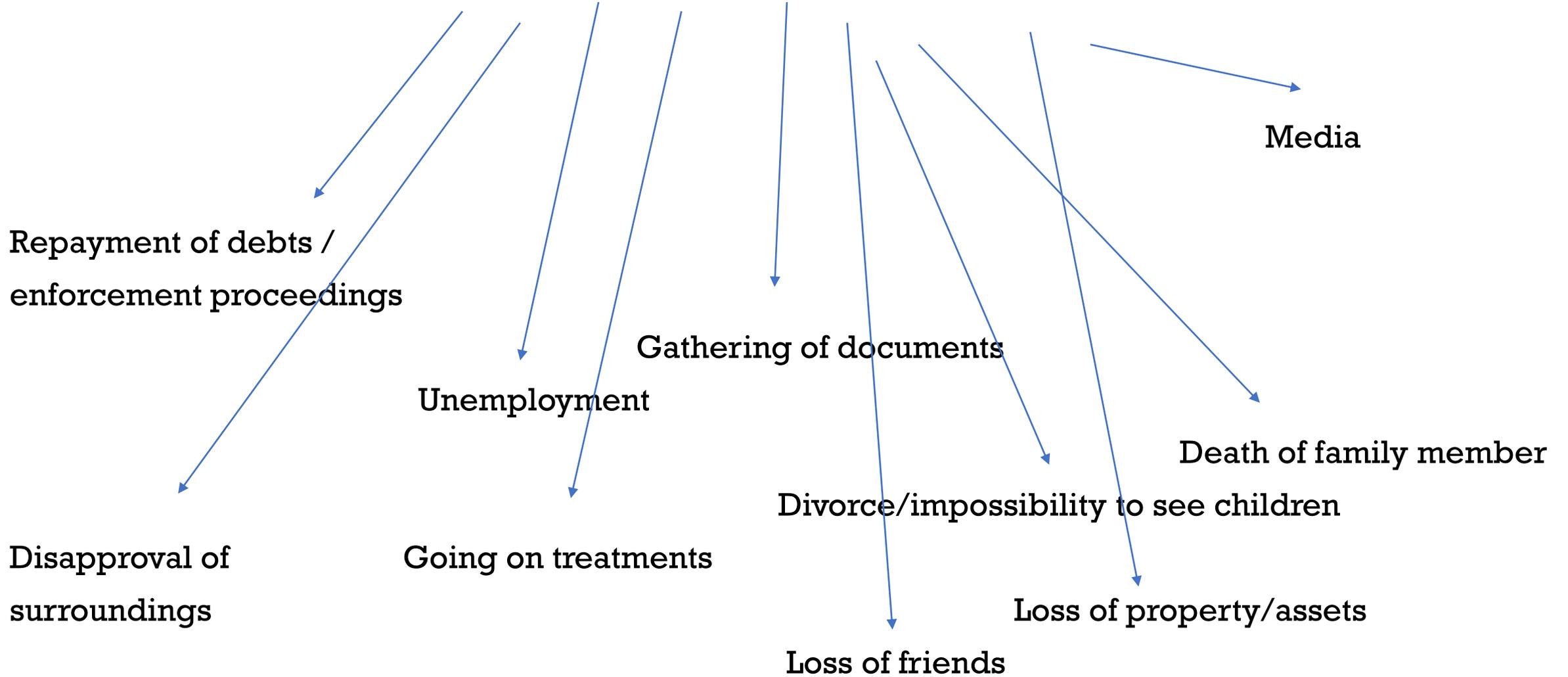
- Assistance after release in the Republic of Croatia is regulated by the Act on Prison Sentence Execution, although it has not yet completely taken root in practice (Preparation for release and assistance after release, Articles 163-165 of the Act on Prison Sentence Execution)
- According to this Act, the preparation of the prisoner for release starts with the commencement of the prison sentence, which poses the question of what is actually being done in this matter

After their release from prison prisoners may face difficulties:

- Personal problems (housing, relations with family members)
- Bureaucratic problems (application for health insurance, employment service, checking for debts, continuation of treatment etc.)
- Lack of information about their rights or whom to turn to for help
- Employment and management of finances (how and where to look for work, how to write a CV and job application, how to apply for a job vacancy, how to manage monthly income...)
- Stigmatization by the community

Those are all individual needs of a person – but the question poses itself on how to solve them and whom to turn to for help

DIFFICULTIES OF THE COMMUNITY REINTEGRATION PROCESS



Whom do ex-prisoners turn to for help?

- Centers for social welfare
- Various associations and organizations
- Probation officers

Are the services sufficiently familiar with the competencies, possibilities and difficulties of other services?

- In our opinion they are not.



Who are the employees of the system – carriers of post-penal treatment?

- Prison system
- Social welfare
- Probation service
- Police
- Enforcement judges



What is their role?

- Try to answer to the criminogenic needs of the prisoner
- Community protection

PRISON SYSTEM

- PREPARATION FOR RELEASE FOR ALL PRISONERS
- No jurisdiction after release nor feedback information

Practice:

- Three months prior to release, the penitentiary or prison contacts the competent social welfare center according to the prisoner's residence
- Continued treatment at the clubs for treated alcoholics or addicts according to their place of residence/domicile
- Preceding the release, inquire with the family whether they are prepared to take in the prisoner after release and help him/her adjust initially
- If the prisoner is not returning to the family or does not have secured housing, measures are taken to find suitable accommodation by contacting the competent social welfare center
- Penitentiaries or prisons give prisoners general information on what to expect upon their release, whom to contact, what their rights are, although this type of information is often incomplete and also incorrect

SOCIAL WELFARE

- Take advantage of rights/services available through the social welfare system
- Render assistance to socially underprivileged persons, as well as persons who face in disadvantaged personal or family circumstances (Social Welfare Act, 130/17)
- Former prisoners / offenders who are conditionally released, often are unemployed, homeless, members of minority groups and have problems adapting and reintegrating into society

RIGHTS AND SERVICES

- One-time financial aide
- Compensation for housing costs, firewood, electricity
- Counseling
- Various types of assistance

PROBATION SERVICE

CONDITIONAL RELEASE

PROTECTIVE SUPERVISION AFTER SERVING FULL PRISON SENTENCE

PROBATION SERVICE – preparation for post-penal treatment

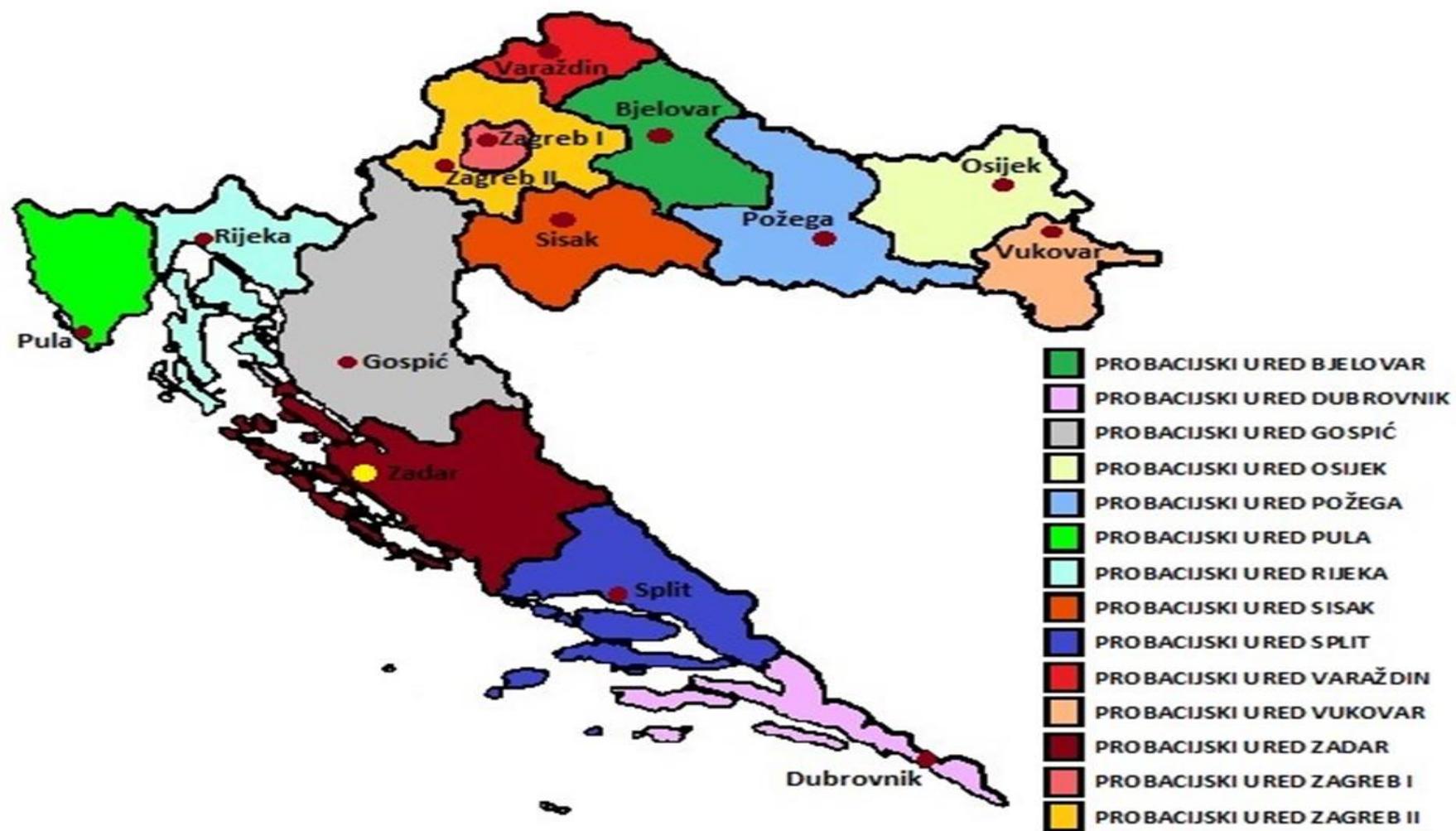
2009 until 2013 – FIRST PROBATION ACT

2011 until 2013 opening of the first 12 probation offices

2018 New PROBATION ACT

2018 opening of 2 additional probation offices

Probacijski uredi



POLICE

- Crime discovery
- Crime prevention
- Victim protection
- Community safety

ENFORCEMENT JUDGE

- Body competent for conditional release (enforcement judge/ Judges' council of the competent county court) – grants conditional release
- Supervises the offender for the duration of conditional release
 - Special obligation of regular reporting to the probation office, social welfare center, court, police station or other competent body
 - Grants conditionally released offender change of residence/domicile

- Qualitative communication and cooperation of the mentioned bodies is necessary for a qualitative preparation of the offender for his/her release from imprisonment and adequate social reintegration
- In addition, identified is the need for comprehensive monitoring of the prisoners' needs linked to post-penal treatment, as well as later needs of the released prisoners during their reintegration in to the community

PILOT – PROJECT

POST-PENAL TREATMENT – PROTECTION OF THE PRISONER AND COMMUNITY

Directorate for Prison System and Probation



PURPOSE:

Improvement of the cooperation between national institutions within the framework of post-penal treatment of the prisoner

CARRIER:

Directorate for Prison System and Probation

ACTIVITY AREAS:

- Prison sentence execution
- Preparation and supervision of conditional release
- Preparation for release after full prison sentence
- Work with released prisoners in the community



INTERDEPARTMENTAL PROJECT TEAM IS COMPRISED OF REPRESENTATIVES OF THE

- ✓ Prison system
- ✓ Probation service
- ✓ Social welfare
- ✓ Police
- ✓ Enforcement judges

PARTNERS

- Faculty of Education and Rehabilitation Sciences, University of Zagreb
- Croatian Employment Institute
- Victim and Witness Support Service
- Department of Mental Health
- Other associates when necessary

AREA: Zagreb

LEGAL BASIS

- Probation Act (Official Gazette 99/18)
- Act on Prison Sentence Execution (Official Gazette 128/99, 55/00, 59/00, 129/00, 59/01, 67/01, 11/02, 190/03, 76/07, 27/08, 83/09, 18/11, 48/11, 125/11, 56/13, 150/13)
- Social Welfare Act (Official Gazette 157/13, 152/14, 99/15, 52/16, 16/17, 130/17)
- Other laws specified by providers or associates within the framework of this pilot-project

GOALS

- Improved mutual awareness of institutions on the work of other institutions
- Gaining a comprehensive insight into the needs of the prisoners before their release, during conditional release and after serving a full prison sentence, as well as the into needs for community protection
- Enhancement of cooperation between institutions in the area of post-penal treatment
- Enhancement of post-penal treatment in general

ACTIVITIES:

1. Meetings between representatives of the carrier, provider and associates
2. Drafting of a form/questionnaire for the monitoring of prisoners to be released from prisons or penitentiaries in the area of the City of Zagreb in the period from 1 January until 31 December 2019
3. Drafting of a form/questionnaire for the monitoring of prisoners for which increased needs/difficulties are identified during the same period of time
4. Mutual analysis of single cases in which great difficulties have been identified
5. Analysis of all collected data and drafting of recommendations for the enhancement of the work of certain institutions and mutual cooperation, while identifying possible needs for amendments of certain legislature

PERIOD OF IMPLEMENTATION

1 September 2018 – 30 April 2020

(further implementation in line with project results)

PROJECT EVALUATION

- Feedback of the participants of specific activities
- Semiannual reports on the project implementation

PROJECT FINANCING

Croatian national state budget



START OF THE PROJECT

- October 2018 – first meeting of the interdepartmental project team members

2018 – 2019

- interactive workshops during which representatives of the prison system, probation service, social welfare, enforcement judges and the police presented to other participants their work, competences and challenges in their practices with post-penal treatment of prisoners and the community
- common analysis and resolution of highly challenging cases within the framework of post-penal treatment, when identified by the prison or probation system, enforcement judges or police

- Parallel to the interactive workshops – the interdepartmental team in cooperation with representatives of the academic community also drafts a comprehensive questionnaire for the needs assessment of prisoners and the community in the segment of post-penal treatment
- The questionnaire will be used in the research to be conducted of all systems included in the pilot-project

EXPECTED BENEFITS

Initial experiences gained through his pilot-project will be useful for further planning and developing of the cooperation of national institutions within the framework of prisoner post-penal treatment

PRESENTATION OF RESULTS

- Meetings of various national institution representatives
- In accordance with opportunities, presentations on theme connected round tables, symposia, congresses and other expert gatherings
- Expert papers

- ❑ The pilot-project is still underway and until now it has been evaluated by all representatives of the interdepartmental team, as well as all associates, as exceptionally useful

CONCLUSION

Case example of a high risk offender on conditional release

- NN, conditionally released to a period of 1 year and 10 months
- Offense: theft and larceny, 10 year prison sentence
- Released to the address of his parents, but soon was committed to a clinical psychiatric department
- After hospital discharge his sister did not want his return to the family home, but nonetheless the parents took him in (the parents reside on the bottom floor, on the top floor the sister with her family)
- After 6 months the parents report to the social welfare center that the offender cannot continue to live with them, and the brother-in-law writes e-mails titled „Appeal for action” to all institutions, as well as to the probation office, complaining about the offender’s behavior claiming that he harasses everyone in the house etc.
- Was hospitalized for several weeks, and afterwards released to outpatient treatment
- Homeless, does not take his medication
- The social welfare center searches for more long-term housing, but receives rejections from all institutions
- Successfully secured himself a guaranteed monthly compensation, occasionally one-time aide and food at the soup kitchen
- The offender reports to the probation office, the probation officer refers him to the Monastery of the Sisters of Mercy where homeless persons are taken in
- Comes to the probation office almost daily, often contacts the enforcement judge asking for help
- After eight months the social welfare center offers him housing at a home for mentally ill adults, but he rejects it because it is outside of Zagreb
- Next summer he will leave the Monastery and live on the street, does not take his psychiatric therapy regularly
- For the duration of the entire conditional release regularly informed of all developments/incidents was the enforcement judge, social welfare center, competent police station, hospital, Monastery and all other relevant stakeholders, in addition meetings were held between individual participants
- This case was also topic of the pilot-project interdepartmental team meetings