

TO WHAT EXTENT IS SOCIETY SUPPORTING CONVICTED PERSONS TO PREVENT RECIDIVISM

*Natasa Novaković **

The subject is complex and implies a whole system of measures that should be undertaken in order to achieve any measure of success. The entire mechanism is set in motion once a person is sentenced to a term in prison, albeit not limited to prison sentences since alternative, non-custodial measures may be pronounced to convicted persons for lighter criminal offences and to those without prior convictions. Consequently, there is a possibility for a convicted person sentenced to up to one year imprisonment to serve such sentence in his/her own home with or without electronic surveillance, or to perform community work over a set number of hours and thus, in a very concrete manner, “pay his/her debt” to society.

All these possibilities, if not abused, have a significant positive impact. The foremost positive effect being that the person, who although sanctioned for a criminal offence he/she has committed, does not have to be remanded in prison where he/she would be exposed to a whole specter of negative influences prevalent in custodial environment. A further crucial point is that a person serving sentence outside of prison may, under certain conditions, work – if employed, continue schooling and not lose contact with family and friends. Such an alternative manner of enforcement of sanctions gives a better chance to the convicted person not to repeat the criminal offence and to continue with a socially acceptable way of living.

The regulations being drafted by the Prison Administration, with the support of the OSCE Mission to Serbia, for several months now should contribute to more efficient, humane enforcement of sanctions but also towards reducing the problem of recidivism i.e. repeat offending. The above relates to drafts of three crucial documents. One of them is the Strategy for further developing of the system of enforcement of criminal sanctions in the period 2013 - 2020, setting out the guidelines for further modernization of the system of enforcement and its harmonization with European standard. The second is the Draft Law on

Enforcement of Criminal Sanctions, which, *inter alia*, introduces a very important novelty – appointing of an enforcement judge who will be present in each and every higher court and whose duty will be to protect the rights of persons serving prison sentences or remanded in custody. The enforcement judge would in time become a solid but also an interactive link between the court which pronounces the sentence and the prison, where the sentence is enforced, with a common goal towards more adequate treatment of the convicted person.

The third document is the Draft Law on Probation in enforcement of non-custodial sanctions and measures, which will define enforcement of alternative measures and sanctions since to date there has been no law governing this area. The law on Probation will regulate in detail the work of the probation service, which already exists in the Department for Treatment and Alternative Sanctions. This service currently has seven offices in bigger towns and there are plans to open a further seven and to have, in time, commissioners in all larger towns tasked with enforcement of alternative measures and sanctions. A realistic assumption is that opening of new probation offices will also impact on the number of pronounced alternative sanctions as judges have not always been ready to pronounce such sanctions since they were aware that many cities lacked a commissioner/probation network to implement enforcement.

The Law on Probation is finally introducing into our criminal legislation post-penal inclusion, since commissioners will have a duty to extend assistance and support to convicted person upon their release. Adaption and preparation for a life after prison should commence whilst the convicted persons are still in prison, aimed at better adaptation to a life at liberty and preventing recidivism. To that end commissioners will work closely with treatment officers in prisons. Treatment officers will supply them with information that may have bearing on their contact with convicted persons once they are released. A problem for some may be lack of documents, for another no job or means to earn a living, for others no place to live or rejection by family...

What is of importance is that treatment officers will make an evaluation in terms of which persons will need help and engagement of probation service upon

release. There are many who will not need additional support during and/or after release from prison. These are people who have families and accommodation, who will find work or have some other asserts and are, in general, financially and socially taken care of. However, there are also those who are released after a five-ten-fifteen year sentences, who are renounced by family and friends and who have had almost no contact with the outside world. But one should not live in an illusion that a commissioner will always be able to help a former convict. In line with probation services abroad, he will have the role of “pointsman” who directs the former convict to particular services that may help him resolve basic problems (welfare, food, accommodation, health care, employment etc.). Concurrently, should he need psychological or other assistance, the commissioner may refer him also to non-governmental organizations that are highly professional and specialized to provide aid in certain fields. A lot has to be done in strengthening cooperation and trust between state organs and NGOs, which would be beneficial to the state and would be “economically sound” partners in implementing programs of general social interest.

However, the readiness of commissioners to help former convicts will not always be sufficient in itself to solve the problem. For example, the issue of accommodation will not be easily solvable if it is known that in Belgrade there is only one centre for accommodation of adults with approximately 150-170 beds. Furthermore, a commissioner may refer a former convict to a welfare center, but the question is whether this institution is objectively in a position to help him. To the point, a former convict may not be privileged in respect to others who need welfare and who are, regrettably, increasing in number.

What is important in terms of successful integration of convicted person into society is the European Commission project focusing on their labor training – that they come out of prison with a profession in their hands. This project is currently underway in Pozarevac, Sremska Mitrovica and Nis, and is two pronged. One is to have certain staff in prisons trained as instructors and then to have the convicts themselves acquire basic skills and receive appropriate diploma that will be recognized in the labor market as fully regular.

That is why it is important that the treatment service and commissioner service indicate to them the possibility of potential employment, particularly in case of welders, construction workers, bakers and some other professions in demand. Of high import is to immediately point them in such direction since both theory and practice recognize that the most critical period for former convicts is immediately after release when due to confusion and failure to adapt they decide to re-offend.

However, the realization of the program with acquiring diplomas is not simple at all, particularly in so-called maximum security units which, in our larger penitentiaries, house the largest number of inmates, and it is difficult to organize training and work therein. The inmates there are sentenced for serious crimes and are multiple re-offenders, and majority does not even want to work. In open and semi-open units work with inmates is organized more easily as they can leave prison and work on jobs outside, on closed prison farms or other jobs that do not require high security measures. Furthermore, our prisons in the times before 1990s had their own, relatively successful, production (water boilers, stoves/ranges, wheel hubs, wood fabrication etc.) and now such production has mainly ceased, reflecting the fate of the entire industrial production in Serbia.

At this time it is extremely difficult to kick-start any new programs but things are gradually changing for the better and it is expected that enactment of above laws and strategies will be a significant impetus towards reducing the number of inmates in prisons themselves, towards increasing the number of alternative sanctions and more effective work with those who, whilst in prison, require help.

Hence it is important that we have good treatment and training services in prisons, that these increase in staff, with trained and motivated employees who will implement special education programs, therapies or literacy programs and skill-acquiring programs, and when convicts leave prison they should know who will meet them on the outside and extend help and support. If we help one in ten of the convicted persons to successfully integrate onto society and become a law abiding citizen, this would be a tremendous success.

**OSCE Mission to Serbia, Human Rights and Rule of Law Department*