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ПРАВОСУДИЕ
ДЛЯ ВСЕХ

ANALYTICAL REPORT
on probation management –
recommendations
for the development
of sustainable probation services
in the Kyrgyz Republic



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ABBREVIATIONS

UNODC	– United Nations Office on Drugs and Crime
KR	– Kyrgyz Republic
PD	– Probation Department under the Ministry of Justice of the Kyrgyz Republic
NGO	– non-governmental organisation
HIV	– human immunodeficiency virus
AIS	– automated information system «Probation»

1. INTRODUCTION

This white paper has been prepared at the request of the United Nations Office on Drugs and Crime (hereinafter - UNODC) with a view to supporting implementation of the project “Support to Justice Sector Reform in the Kyrgyz Republic: Advancing Probation and Integrated Justice Information Management” (JUST4ALL).

JUST4ALL is a four-year project co-funded by the European Union and co-funded and implemented by UNODC. It promotes humanization of the criminal justice system in the Kyrgyz Republic and is geared towards scaling up the country’s capacity to implement its criminal justice reforms in line with international standards and norms as well as best European practices.

By improving access to justice and rule of law in the Kyrgyz Republic, the project contributes to the implementation of the 2030 Sustainable Development Agenda. In particular, JUST4ALL advances the progressive achievement of the Sustainable Development Goals 5 ‘gender equality’,¹⁰ ‘reduced inequalities’ and 16 ‘peace, justice and strong institutions’.

The project is divided into two main components: probation and criminal justice information management. The probation component focuses on creating a fully functional probation service that can rehabilitate its clients and aims at striking a balance between the maintenance of public order, crime prevention and social reintegration support. The criminal justice information management component aims to strengthen gender-responsive and human rights-based approaches to the administration of justice in the context of increased automation and digitalisation in the justice sector.

The recommendations are based on a review of relevant normative acts and information obtained during

an expert mission to the Kyrgyz Republic (hereinafter KR) from August 4th to August 23th 2022.

During the visit to the KR, the consultant had the opportunity to:

- conduct interviews with probation specialists of the Probation Department under the Ministry of Justice of the Kyrgyz Republic (hereinafter - PD) at several levels - PD head office specialists and management, PD regional office management and PD probation specialists working with probation clients;
- visit the PD head office and several PD regional offices (Alamedin, Suzak and Kara-Suu raions);
- participate in the quality assessment process led by the PD head office, participate in interviews with probation clients and conduct case file research on probation clients as part of this process;
- participate in a meeting of the Probation Council in Osh city;
- join discussions with judges and prosecutors;
- join discussions with representatives of NGOs working with the PD;
- participate in a conversation with experts who worked on drafting legislation during the establishment of the PD and continue to draft legislation on probation at the national level;
- hold discussions with representatives of the Faculty of Law of the KR State University;
- take part in a conversation with representatives of the Ministry of Justice of the KR;
- conduct training for PD probation specialists;
- participate in a meeting with UNODC representatives and PD management on the establishment of a working group for the implementation of a risk and needs assessment tool for probation clients in PD

2. LEGISLATION OF PD (LAWS, REGULATIONS, PROCEDURES, INSTRUCTIONS)

The scope and content of the functions delegated to probation institutions depend on the structure of the criminal process and the penal system available in the State concerned. Legislative instruments should contain rules defining the target audience, tasks and rights of probation institutions at the various stages of the criminal process. The tasks and duties of the probation institution should be clearly defined in the Criminal Law, the Criminal Procedure Law or in a special legislative act.

These laws and procedures, in accordance with the above-mentioned purpose, contain information on the rights, conditions and obligations of probation clients, the tasks of the probation service, and the procedure for keeping records of probation clients.

During the preparation of the recommendations, the consultant reviewed:

- Criminal Code of the KR of 28 October 2021, No. 127;
- Criminal-Executive Code of the KR of 31 January 2017, No. 17;
- Law of the KR “On Probation” of 24 February 2017 No. 34;
- Procedure of probation application and probation client registration (In the wording of the Resolution of the Government of the KR No. 152 of 19 April 2021, the Cabinet of Ministers of the KR No. 354 of 29 December 2021);
- PD instruction “On the organization of work with probation clients”

In general, the PD normative acts define a general framework, but they lack a detailed and structured description of the activities that a probation specialist needs to perform when working with a probation client. Chapter 3 of these recommendations describes the need for internal instructions for each type of probation, as well as

the need to review the external normative acts, which currently contain overlapping information.

Internal frameworks (rules, methodologies, instruction manuals, etc.) are important and have an impact on many other quality assurance and management processes to achieve objectives and targets. The existence of a detailed internal framework for probation tasks ensures:

- A common understanding among all probation professionals of the content of the work - what activities, when, how often, with what content and in what way should be carried out;
- Equal treatment of all probation clients;
- Objectivity on the part of the probation specialist;
- The opportunity to build a sound, evidence-based quality control process;
- The possibility of providing a training process for probation specialists on the basis of validated information;
- The possibility for the probation client to express dissatisfaction (lodge a complaint) if a probation specialist makes a mistake or fails to carry out the actions prescribed by the legal framework.

In order to ensure implementation of these standards in practice, it is necessary to establish detailed procedures for involving the probation client in programmes or other legally approved activities; to provide probation professionals with information on which criminogenic needs are addressed by existing programmes and other preventive measures; and to train staff in the use of programmes and tools. A study should be carried out on the feasibility of these standards, their practical aspects, possible pros and cons. This will help to objectively assess to what extent the implementation of the norms is hampered by available resources and what changes are needed in the normative acts to motivate convicted persons.

3. THE NEED FOR INDIVIDUALISATION OF PROBATION WORK WITH PROBATION CLIENTS

Probation authorities are expected to reduce re-offending as a result of effective interventions. In order to achieve this goal, an individual approach to each probation client and appropriate planning of the probation process are essential.

Probation institutions are directly and indirectly linked to the quality of sentences imposed.

Probation authorities provide information on offenders to courts, prosecutors' offices and parole boards during pre-trial proceedings or before the convicted person is released from custody. The quality of the information provided by the probation institution in this way influences the decisions taken on the offender's sentence, the sanctions imposed and the conditions of execution of the sentence.

The quality of the sentence execution process depends on the work interventions planned for the probation client during supervision by the probation institution. Individualised planning and the drawing up of a sentence execution plan that is tailored to the needs and risks of the individual probation client is an important element of the sentence execution process.

The approach to dealing with probation clients with the aim of reducing re-offending in the present differs from the approach taken in the former Soviet Union countries, which was usually a police approach. The difference is that the police approach was based on control only, no work was undertaken on the resocialisation or rehabilitation of the probation client or a change of probation client mindset.

The current version of the legislation of KR on probation provides for the possibility of involving probation clients in programmes aimed at rehabilitation, resocialisation, or correction of social behaviour. The law also provides for social and psychological research of the probation client's personality, preparation of a probation report, organisation and implementation of measures to prevent clients from committing repeated offences, and others, but the content of the legislation at the moment does not show what is being done to achieve these objectives, what methods are being used. It is necessary to develop an internal regulation with a detailed description of activities for PD specialists to fulfil each type of probation.

According to the European Probation Rules (CM/Rec (2010)1)¹, the aim of probation is to reduce recidivism by building positive relationships with offenders in order to supervise (and, where necessary, control), guide and assist them, and to promote their successful social inclusion. Probation thus contributes to public safety and the rule of law.

The European Probation Rules reaffirm that a professional relationship - a personalised approach - is essential to make a difference, promote rehabilitation and encourage compliance by the probation client. Evidence shows that close professional relationships are effective in changing the attitudes and behaviour of probation clients. Several studies have shown that the relationship between the case manager and the probation client has a greater impact than any single method or way of working.

1. Recommendation CM/Rec(2010)1 of the Committee of Ministers to member states on the Council of Europe Probation Rules https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016805cfbc7

Despite a number of general indications and general descriptions of working methods observed in PD normative documents (laws, procedures, and instructions) on individual work with probation clients, the assessment of the content of work in PD regional offices, the study of probation client files and interviews with probation specialists working with probation clients, it can be concluded that in the near future the development of PD work should focus on the individualisation of probation work with probation clients.

The following facts are the most striking evidence of the current lack of individual work with probation clients:

- There is no single probation specialist in charge of the probation client's case management (one permanent case manager). The meeting for the purpose of registering the probation client's arrival is conducted by any probation specialist of the regional unit. During the initial period of the probation client's case management, the case is transferred from one probation specialist to another, e.g., the person responsible for the psychological examination, then the social worker, etc., and later control measures take place without looking into the criminogenic needs of the probation client.
- PD does not have a risk and needs assessment tool for probation clients. Despite the absence of a specific tool, a probation client's risk level is used in a number of PD functions, such as the preparation of a probation report (assessment report) during pre-trial probation or the preparation of a probation supervision plan. This risk level is based solely on the fact of previous convictions and the number of convictions, and is perceived subjectively by each probation specialist according to his/her own understanding.
- Pre-trial probation reports are typically short documents with content prepared by several specialists (psychologist, social worker). This results in almost identical, formal documents for all probation clients, regardless of the individual characteristics, peculiarities and criminogenic needs of the probation client. -. The reports are not tailored to the specific actions needed by the probation client to reduce his or her risk of re-offending.
- The Probation Supervision Plan and the Individual Programme for Social and Legal Assistance do not contain an action plan tailored to the individual needs of the probation client, nor do they reflect progress or regression in the supervision process. The Probation Supervision Plan is focused only on control, while the Individual Programme for Social and Legal Assistance is, in some cases, focused on addressing basic needs in the life of the probation client, e.g. personal identification documents, humanitarian assistance. According to the PD legislation, the Individual Programme for Social and Legal Assistance should focus on the personality and needs of the probation client, which is not possible due to the absence of a risk and needs assessment tool.
- The frequency of meetings with all probation clients is the same - twice a month. The meeting with the probation client is very brief and has the purpose of recording the fact of arrival.
- No different approaches are used for specific groups of probation clients, such as minors or women.
- Different types of probation are carried out in isolation from each other. The probation report, if it was prepared in advance, is not considered during the supervision of the probation client. Also, the new KR probation information system does not foresee the storage of information on all types of probation for one probation client in one place. For example, if a probation client has previously been on probation, whether under supervision or community service, or a probation report has been produced, a new case will be created each time, regardless of the fact that this particular probation client already has several cases in the probation system and the professionals working with the probation client will not have access to information about his/her previous involvement with probation.

In order to develop probation services in line with probation objectives, PD needs to gradually move towards the individualisation of probation processes - an individual approach to work for the probation client.

The transition requires a series of large-scale measures, with a certain degree of continuity, as the feasibility of several measures depends on the success of the previous one.

3.1. Risk and needs assessment of probation clients

The first mandatory step is the implementation of a risk and needs assessment tool for probation clients.

The increase in non-isolation sentences and the need to ensure that offenders are supervised while serving their community sentences is an important aspect of the growing importance of implementing a risk and needs assessment tool. As the probation sector develops worldwide, an increasing proportion of offenders are receiving non-custodial sentences, which calls for working strategies that allow better control of the growing group of offenders who are not isolated from society. These strategies must be based on knowledge of the factors and practices that influence crime, enabling potential risks to society to be assessed and addressed.

Another aspect justifying the implementation of a risk and needs assessment tool in probation is the need to save and efficiently use the resources of the probation service. Resources are generally not sufficient to deal with all probation clients in the same way; there is a need to work more with probation clients who are at higher risk of re-offending.

The need to address the risk of crime has also been recognised by the Council of Europe. Recommendation CM/Rec (2014)3 of the Committee of Ministers concerning dangerous offenders² state that the authorities of the Member States should ensure that appropriate risk assessment tools are used to identify dangerous offenders in their jurisdiction. The Recommendations also stress that work with dangerous offenders should be evidence-based and that the tools used should be tested and appropriate. When adopting and implementing risk assessment tools and working methods from other countries, a suitability check (validity) should be ensured to identify and address the biases (cultural, gen-

der, social) that such adoption from another country may create. In the Council of Europe Recommendation CM/Rec (2010)1 on probation rules, assessment, which includes risk assessment, is recognised as an important practice in working with offenders.

Both previously mentioned Recommendations state that probation institutions should use scientifically developed methods to identify risk factors and probation client needs.

The European experience shows that several different tools are currently used to assess the risks and needs of probation clients. There are also tools suitable for certain specific target groups of probation clients, e.g. the Repeated Sexual Offence Risk Assessment Tool, the Violent Crime Risk Assessment Tool, etc.

One of the more recognised models for assessing recidivism is the 'Big Four' and 'Central Eight Factors' of risk interpretation (Andrews, Bonta, & Wormith, 2006)³. This set of eight factors contains the most predictive information about criminal offence relapse, while the 'Big Four' are the set of factors with the greatest impact on relapse (highest relapse prediction value).

Another major problem is the transfer of risk assessment practices from one environment to another. The factors that make up a risk assessment system are based on the local environment, including the social, economic, cultural and criminal justice contexts in each country. A factor may be a good predictor in one culture but may not be so in another. Risk tools/models are created and validated in a particular environment, so the facts, combinations and influences that form the basis for risk assessment in one country do not form the basis for assessment in another country if we assume that culture, environment, criminal justice

2. Recommendation CM/Rec(2014)3 of the Committee of Ministers to member States concerning dangerous offenders https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016805c649d

3. Andrews D., Bonta A., Wormith J. The Recent Past and Near Future of Risk and/or Need Assessment. https://www.researchgate.net/publication/249718755_The_Recent_Past_and_Near_Future_of_Risk_andor_Need_Assessment

practices etc. play a significant role (Maurutto, Hannah-Moffat, 2006, Scottish Executive, 2000)⁴.

Kyrgyzstan needs a risk and needs assessment tool for probation. Currently, a Working Group on Risk and Needs Assessment has been established within the PD. The group is studying international experience, such as

tools used in Latvia and Indonesia. The group should continue its work to develop a tool compatible for Kyrgyzstan in terms of legislation, policy and culture.

Following adoption, it is necessary to pilot the risk and needs assessment tool and measure its validity after a period of use.

3.2. Applying risk and needs assessment to probation work

The essence of risk and needs assessment methodologies is to identify the probation client's problems that directly affect their offending, and to differentiate probation clients according to a combination of identified problems and the probation client's potential risk.

The approach currently used by KR, where the probability of a probation client re-offending is based mainly on the history and number of previous convictions and no specific risk and needs assessment tool for probation clients is used, is not in line with the modern probation approach. Historically, the probation worker was the only person who could decide on the intensity and content of the work and interventions required for a probation client, based on his/her professional training and experience. The disadvantage of this approach is that the assessment and the content of the work depends on the practitioner's skills, perceptions and is not replicable (another assessor in an identical situation will assess and work differently). Thus, the assessment and the design of the work activities, interventions may be specific to the assessment, arbitrary or even discriminatory. Also, such assessments have low reliability rates, which is a reason to refrain from such a working approach.

It is well documented that measures to control probation clients and to support them in meeting their primary social needs do not work on their own. Addition-

al interventions of various kinds are needed to change the offender's thinking and behaviour. For this reason, many countries have carried out studies and continue to carry out regular performance analyses in order to find the most effective intervention methods that will reduce the rate and severity of re-offending.

The results of the probation client's risk and needs assessment are the basis for individual work and work with the probation client as a whole in several functions of the probation service - supervision of probation clients, preparation of probation assessment reports, provision of probation programmes.

The theoretical framework of the risk-needs model is based on the general personality and cognitive social learning theories of criminal behaviour (Andrews, Bonta, 1998)⁵. The approach recommends structuring remedial interventions around three core rehabilitation principles, i.e. risk, needs and responsivity. Andrews and Bonta (2007)⁶ explain these principles as follows:

- Risk principle – to proportion the intensity and scope of interventions, services to the risk level of re-offending.
- Needs principle – assessing criminogenic needs and focusing interventions and services on them.

4. Maurutto, P., Hannah-Moffat, K. (2006). Assembling risk and the restructuring of penal control. *British Journal of Criminology*. Vol.46(3), pp.438–54. https://www.researchgate.net/publication/31126402_Assembling_Risk_and_the_Restructuring_of_Penal_Control

5. Andrews, D., & Bonta J. (1994, 1998) *Psychology of criminal conduct*. (2nd edition) Cincinnati, OH: Andersen Publishing.

6. Andrews, D., & Bonta, J. (2007) *Risk-Need-Responsivity Model for Offender Assessment and Rehabilitation*. https://www.researchgate.net/publication/310747116_Risk-Need-Responsivity_Model_for_Offender_Assessment_and_Rehabilitation

- Responsivity – implementing services that strengthen the offender’s capacity to learn from the rehabilitation/correction intervention, through therapeutic interventions based on a cognitive-behavioural approach, adapted to the offender’s motivation, learning style and abilities, considering the offender’s strengths and weaknesses and the context in which the learning process takes place.

This model promotes a shift from a formal, administrative, “police standard” approach to a corrective one. By adapting the content and activities of probation work to the risks posed by the offender, to the identified criminogenic needs, the working model of the corrective probation approach becomes a risk management model. Thus, correction and therapeutic interventions for probation clients are meaningful not because they con-

tribute to the offender’s well-being (as is the case when working only on employment and housing problems), but because they reduce the risks of re-offending.

Once the risk and needs assessment tool has been finalised and implemented, the need to integrate it into PD working practices will emerge. The greatest impact will be on the processes of preparing the probation report and supervising probation clients, which will need to be reformed as they currently do not focus on the criminogenic needs of the probation client - the reasons why the offence was committed and the reasons that may influence and encourage the probation client to commit offences in the future..

3.3. Pre-trial probation - preparation of probation reports based on risk and needs assessment

As part of pre-trial probation, the PD prepares an assessment report (probation report).

Pursuant to article 271, paragraph 4, of the KR Code of Criminal Procedure, when imposing a sentence of deprivation of liberty for a term not exceeding five years, the judge may entrust the probation authority with the preparation of a probation report. KR law provides that a probation report is a conclusion of the probation authorities on the results of a socio-psychological study of the probation client’s personality, social and living conditions and other circumstances that contributed to the commission of the offence, and conclusions on the possibility or impossibility of applying criminal penalties not involving isolation from society and compulsory measures of criminal law influence.

During the mission, several probation client files and probation reports were examined and it was found that the probation reports for different probation clients contain very similar information and are uniform, short documents. In some cases, the probation report is prepared by several PD probation specialists (psychologist, social worker), but their work results in almost identical, formal information documents for all probation clients. The individual characteristics, specific features

and criminogenic needs of the probation client are not taken into account in the preparation of the probation report -. The information contained in the probation report is not tailored to the specific actions needed by the probation client to reduce his/her risk of re-offending. During the preparation of the probation reports, information is allegedly gathered from a number of sources - the probation client, his family members, state and local authorities - but the information gathered only provides a general description of the probation client. The information sources are asked questions about the probation client’s place of residence, place of work and other general information. In cases where a probation psychologist is involved in the preparation of the probation report, he/she includes in the report a general psychological and character assessment of the probation client, which is not related to the reasons why the probation client committed the offence.

Another important shortcoming that is worth paying attention to is the way in which information for the probation report is obtained. There are often cases when the probation client is asked to provide a written character description from family members or other persons. The probation specialist does not interview these people. In this situation, the objectivity of the in-

formation received is questionable, which has an overall impact on the quality of the probation report and the achievement of the probation objective.

In addition, it should be noted that KR does not currently focus on victim involvement in the preparation of the probation report. The victim, like the offender, is a subject of criminal justice. Criminal justice has different tasks for each subject, but its common aim is to ensure and restore justice and rights.

Recommendation R (85)11 of the Council of Europe Committee of Ministers to Member States on the position of the victim in the framework of criminal law and procedure⁷ considers that the needs of the victim should be taken into greater consideration at all stages of the criminal process.

The Recommendation states that the institution working in connection with the criminal proceedings or any institution in contact with the victim should take into account the victim's individual situation and immediate needs, age, sex, possible disability and degree of maturity, while fully respecting his or her physical, mental and moral integrity. Victims of crime must be protected from secondary and repeated victimisation, from intimidation and from retaliation, and must receive appropriate support that will contribute to their recovery. Adequate access to information from the justice system must also be ensured.

At present, KR legislation does not provide for contacting the victim and seeking his/her opinion. However, given that the pre-trial report is provided in the framework of criminal proceedings, it is important to ascertain the victim's opinion on the renewal of his/her affected rights or legitimate interests or the possibility thereof at the time of the pre-trial report.

In the preparation of the pre-trial report, the information provided by the victim is essential to better understand the offence committed and how the conflict between the probation client and the victim was resolved after the offence was committed. It is desirable to find out the relationship between the probation client and the victim before the offence, the victim's view of the offence, the impact of the offence on the victim, the relationship be-

tween the victim and the probation subject after the offence, the view of possible punishment and conditions. Attention should also be paid to the need for and possibility of the victim to be protected from the probation client. If during the preparation of the pre-trial report the victim has drawn the attention of the probation report writer to a possible future threat by the offender, the probation report will inform the court of the need to restrain the offender from approaching the victim.

Based on the practice of the probation report in most countries of the world, it must be said that the probation report is an effective instrument for the application and enforcement of penalties if it contains information reflecting the reasons for the commission of the criminal act and offers various solutions to reduce the possibility of re-offending.

At the moment, KR law provides for the mandatory preparation of probation reports only for women and minors. For other categories, it is at the discretion of the judge, who does not appear to make use of this option in practice. Taking into account the recent changes in the legislation on the extension of the target group of probation clients to persons who have committed a particularly serious crime, it is recommended that the PD propose amendments to the law extending the range of offenders for whom the PD prepares a probation report – from women and juveniles, , to cover also other categories, such as persons who have committed a particularly serious crime, in order to be able to fully participate in the more effective application of punishment through the probation report.

During the mission, interviews were conducted with judges and prosecutors who receive probation reports from the PD. They indicated that they would be interested in receiving objective information from the PD about the probation client, with a description of criminogenic needs and recommendations for further work with the probation client.

Probation reports are in place in most developed countries of the world as an instrument for the effective imposition and enforcement of sentences. A probation report is a summary of objective, verified, analysed information

7. Recommendation R(85)11 of the Committee of Ministers of the Council of Europe to Member States on the standing position of the victim in the framework of criminal law and criminal procedure <https://rm.coe.int/16804dcca>

about a probation client, assessing the probability of the probation subject's risk of re-offending (by identifying risk factors) and assessing the probation client's resources that can contribute to the probation client's successful functioning in society. Thus, the institution requesting the probation report is provided with information to help determine whether the sentence imposed or decision made will be the best for the individual.

At the moment, having studied the legislation of the KR and probation report practice in KR⁸, it can be concluded that the procedure for drafting a probation report and its structure are outlined in general terms, which increases the risk that each drafter of a probation report may interpret the provisions of the normative act differently, as the specific actions to be performed by the drafter of a pre-trial report are not prescribed by the act. This factor may create difficulties in ensuring uniform probation report preparation practices, in the quality control process, and may also affect the quality of probation reports in general.

The PD needs to revise, supplement and improve the process of preparing probation reports, adapting them to the analysis of the probation client's criminogenic needs and the description of possible solutions based on what was found during the risk and needs assessment of the probation client. It is recommended to review the involvement of specialists in the preparation of the probation report: the involvement of a psychologist and an in-depth psychological examination of the probation client is only necessary in specific cases where criminogenic needs related to emotional stability and behavioural characteristics are identified during the risk and needs assessment process.

In order to fulfil the above, a detailed analysis of the process of preparing probation reports, improvement of the existing normative base and preparation of new instructions, training of probation specialists are necessary.

3.4. Executive probation

According to KR normative acts, executive probation is a set of social and legal measures to assist probation clients who have been sentenced by a court to a non-custodial punishment and to compulsory measures of criminal and legal influence in the form of:

- community service;
- deprivation of the right to hold certain positions or engage in certain activities; correctional labour;
- restrictions on freedom;
- probation supervision;
- compulsory educational measure for minors in the form of restriction of conduct with a warning;
- released on parole from imprisonment
- penalties for offenses that have been applied by a court decision.

Executive probation consists of the following measures

for probation clients

- behavioural surveillance;
- monitoring the fulfilment of supervision requirements and probation duties imposed by the court and the duties imposed by the territorial probation authority;
- prevention of offences;
- educational work;
- support for resocialization and exit from difficult life situations.

In order to be comparable with the probation systems of other countries, the probation measures in KR can be divided into two areas.

Probation direction, which does not include activities aimed at identifying and influencing the criminogenic

8. Chapter 4 of the relevant instruction (Порядок применения probation и учёта клиентов) refers to probation reports (pre-trial probation). Methodological guidance (Методические рекомендации по подготовке probationного доклада органами probation, А.Асаналиев, Б. Сапарбаев) are available, but probation specialists are not informed about these recommendations.

needs of probation clients (community service, corrective labour, ban from certain jobs, etc.). The probation activities in this strand are aimed at monitoring a specific activity, monitoring the probation client's compliance with an obligation or restriction and may not include additional activities.

As regards the performance of community service, the following is recommended:

- employment of the probation client in work appropriate to his or her profession, skills and abilities, thus bringing closer the achievement of the purpose of the sentence;

- increased attention of the probation specialist to the control of working hours at the place of work in order to promote the effective enforcement of community service sentences and to motivate probation clients to adhere to established working hours while reducing the risk of corruption.

Probation measures, where necessary and possible to deal with the criminogenic needs of probation clients (probation supervision, probation and conditional release from prison, etc.), are the second strand and will be discussed further below as Probation supervision.

3.5. Ensuring a risk and needs-based supervision process for probation clients

The aim of probation supervision is to motivate the probation client to comply with generally accepted social, moral and legal norms, providing support in solving problems of a criminogenic nature and monitoring the fulfilment of obligations under the law regulating the execution of criminal sentences.

Social behaviour correction measures taken during the period of supervision significantly increase its effectiveness. In this process, an individual approach to each probation client and appropriate planning of the execution of the sentence are important. When planning and ensuring the supervision process, the probation service should take into account the length of the supervision period, the probation client's responsibilities, the interests of the victim, the probation client's recidivism risk level and the assessment of criminogenic problems. Together with the probation client, an individual supervision plan should be prepared to motivate the probation client to make changes in his/her life. The measures to be implemented during the supervision should be planned on the basis of the individuality of each probation client.

During the mission, after reviewing the files of probation clients and conducting discussions with probation specialists, it can be concluded that currently KR has a developed function of probation client control: the probation client has to visit the PD twice a month, and

during the meeting the probation specialist makes a note in the probation client's file about the attendance. The probation client's supervision plan and the individual programme for provision of social and legal assistance do not contain an action plan tailored to the individual needs of the probation client, and do not reflect the changes in the supervision process - progress or regression in the probation client's behaviour. The probation supervision plan is only control-oriented, while the individual programme for social and legal assistance is, in some cases, oriented towards addressing basic needs in the life of the probation client, e.g. personal identification documents, humanitarian aid.

The probation specialist's task when working with a probation client during supervision is to act in such a way as to identify the causes of the offences, to ascertain the offender's personality problems and to intervene in the probation client's life in such a way as to prevent or at least reduce the impact of the factors that have already caused the offence to be committed once. Supervision should be used to positively influence the probation client, to deactivate the probation client's psychological defences which prevent him from understanding the harm caused by his criminal behaviour, to help the offender to be able to resist in the future those circumstances and factors which may eventually lead to a new offence. Supervision should be targeted at the probation client's thinking that leads to anti-social behaviour and offending.

There is currently a lack of understanding in KR that targeted repression and control measures cannot protect society from new offences, that supervision needs to support positive actions of the probation client and reduce the influence of factors that could lead to new offences.

The philosophy of the PD should be based on the recognition that the execution of a sentence is not an end, but a tool that can contribute to the resocialisation of the probation client. When working with probation clients, the PD specialist should try to identify the circumstances that led to the offence, using a risk and needs assessment tool. During supervision, the specialist should try to teach probation clients to solve problems independently, to reduce the impact of factors that create or may create the risk of committing new offences.

At the moment, the PD does not have differentiated working methods for working with specific categories of probation clients - minors and women.

The range of services provided to women must consider their specific needs, especially in probation settings, where probation clients who are already vulnerable to deviant behaviour are referred and registered, and even more so when they need a wide range of remedial services. Women and girls registered with probation services are culturally, socially and economically more vulnerable than men. The status of a convicted woman affects a range of issues - psychological, social and spiritual. Women living in "traditional cultures" are in a more difficult situation; the gender inequality that exists in the original ethno-cultural environment reinforces their social and economic problems.

Juveniles who commit offences require different interventions from probation professionals to encourage them to refrain from such behaviour in the future. When planning and carrying out work with juveniles, their specific needs according to their maturity level must be taken into account, and the involvement of the juvenile's legal representatives in the supervision process is also important.

In order to achieve the above objectives, the PD needs to take a number of actions to develop the process of supervision of probation clients:

- implement and use a risk and needs assessment tool when working with probation clients during the supervision period;
- develop an individual approach to each probation client, assign a responsible specialist - a probation client case manager for each probation client;
- draw up an individual supervision plan for the probation client, based on the specific criminogenic needs of the probation client;
- propose amendments to the legislation to allow each probation specialist to determine the number of times a probation client should visit the PD depending on the risk of re-offending (currently the law requires all probation clients to attend twice a month);
- plan the content and scope of interventions, services and assistance for each probation client according to the identified criminogenic needs of the probation client and the determined level of risk;
- reassess the probation client's risk and needs assessment during the supervision period, and make changes to the content and intensity of supervision services accordingly, based on the probation client's criminogenic needs and risk profile;
- develop tailored working methods for women and minors.

In order to implement the above, a detailed analysis of the supervision process, improvement of the existing legislative framework, preparation of new instructions, development of working methods/tools and training of probation specialists are necessary.

3.6. Extending probation resources to work with probation clients during supervision

With the development of individual work with probation clients and the introduction of the risk and needs assessment tool, the PD will need to expand the range of services (PD resources). To support the introduction of a supervision process based on addressing criminogenic needs of probation clients, relevant tools will be needed.

At the moment, the only resource at the disposal of the PD is the existence of probation specialists - psychologists. The psychologists' work duties include assessing probation clients during the preparation of probation reports and providing psychological counselling. At present, the number of psychologists in the PD is

small, and psychologists do not have special tools at their disposal to deal with the thinking errors of probation clients that led to the offence. From the interviews with PD psychologists and other professionals working with probation clients, it can be concluded that general psychological counselling is provided, based on the subjective opinion of the professional about the content and scope of the counselling.

An integral part of the probation supervision process is working on changing the mindset of the probation client, which can include the implementation of probation programmes.

3.6.1. *The implementation of probation programmes*

Probation programmes are one of the most effective elements of supervision to work in a constructive and structured way with probation clients to change their thinking, attitudes and behaviour. Probation programmes provide probation clients with the opportunity to analyse life situations and related cause-and-effect relationships, to reduce errors in thinking, to promote responsibility-taking as well as to strengthen the probation client's resources. Probation programmes also provide an opportunity for probation clients, after a long period of imprisonment, to develop the skills needed to deal with everyday life issues in order to reduce the risk of social exclusion.

Each probation programme has its own specific objective, but all have in common the overarching goal of helping and facilitating positive changes in the probation client's thinking and behaviour so that he or she stops offending and finds healthy ways to improve his or her well-being, welfare and needs without violating the rights of others and without breaking the law.

The design and implementation of probation programmes often is based on cognitive-behavioural theory. This theory is based on the assumption that a person's behaviour is not related to the specific situation or circumstances in which they find themselves, but rather to what they think about the situation. Thus, the programmes involve identifying (recording) the thoughts

(beliefs) that lead to undesirable behaviour, modelling new thoughts (beliefs), learning and reinforcing the new behavioural pattern, both through training in the programme sessions and through real-life activities.

Probation programmes are mostly organised in small groups by two trained specialists. During the session, the group members analyse different situations, share problem-solving experiences and discuss these.

Given the current state of knowledge and development in the PD, the development and subsequent implementation of probation programmes in groups could be very challenging; on the other hand, probation professionals, especially psychologists and theologians, have a vital need for meaningful, structured working methods that address specific criminogenic needs. As a possible solution, probation programmes could initially be developed to allow for individual and group work. In regions where it is difficult to implement the group model due to lack of premises, difficult access of probation clients to the regional PD offices, the programme sessions could be implemented individually, while, for example, in Bishkek, work could start with the implementation of probation programmes in group sessions.

The most important condition in the initial development period is to develop the content of the programmes - a structured description of the activities focused on a

specific topic and goal, which could be used by PD probation specialists in their daily work, in their educational and corrective conversations with probation clients.

In order for the PD to understand the primary target group of probation clients for probation programmes, it is important to analyse statistical information on the types of offences for which probation clients are most often convicted and placed on probation (e.g. domestic violence, violent extremism, etc.).

In order to ensure that the probation programmes are implemented in practice, it is necessary to establish detailed procedures for involving the probation client in programmes and other legally approved activities; to provide probation professionals with information on which criminogenic needs are addressed by existing programmes and other preventive measures; and to train staff in the use of programmes and tools.

3.6.2. Community involvement in probation work

The effectiveness of probation work is largely linked to the involvement of members of the public in the resocialisation of probation clients. Volunteers can serve as a support to the probation client and the probation specialist at the same time. The involvement of volunteer members of the public in probation work is popular in many countries.

According to the interviews with PD specialists, the KR has started working with volunteers and has held several volunteer training events. At the same time, when interviewing probation specialists who work with probation clients, it appears there are no real cases of cooperation with volunteers in their experience.

Currently, the PD defines the following rights of a volunteer:

- to collect explanatory statements on the facts of violations, collect feedback on probation clients, draw up characteristics of probation clients on behalf of the probation authority;
- to submit demands, requests of the probation authority and its officials to state and other bodies, institutions, organizations and enterprises regardless of the form of ownership, and to receive appropriate answers, certificates and other documents;
- to require probation clients to observe public order, to avoid offences and actions that violate generally accepted norms of morality and community;
- to require probation clients to comply with the plan and programmes.

And such responsibilities:

- take part in activities organised by the probation authorities;
- assist the probation client in the implementation of the supervision plan and programme;
- comply with the lawful instructions of probation staff;
- inform the probation authority of his/her close and family ties with the probation client;
- in case of non-fulfilment of probation duties by the probation client, as well as in case of committing an offence, immediately report to the probation authority.

When assessing the duties and rights of a volunteer, it is concluded that they do not clearly and unambiguously define what is expected of a volunteer and with which category of probation clients they can work. Some of the duties and rights might rather be treated as tasks and overlap with the tasks of a probation specialist.

For the PD in KR, a better solution would be to involve volunteers as part of the supervision process, especially of minors, women and probation clients after release from prison.

The tasks of the volunteer cannot overlap with those of the probation specialist, but must be one of the measures to address criminogenic needs. The role of the volunteer in the probation supervision process is to support the probation client by being with him/her,

to encourage the probation client to improve social skills and take responsible decisions, to help with various practical issues, to promote positive leisure time and to see new opportunities in life. A volunteer can replace the influence of negatively influencing friends and acquaintances, provide an example of positive behaviour and strengthen the probation client's ability to live in the community without breaking the law. One of the most effective models of voluntary support for a probation client is considered to be the one-to-one model, where one probation client works with one volunteer. The one-to-one approach has the potential to foster deeper, more meaningful relationships and provide greater support to the probation client.

Mentorship can have a positive impact when the relationship is close, consistent and long-lasting. The closeness of the relationship refers to the bond that develops between the probation client and the mentor, which is recognised as a very important resource for the probation client. Mentorship needs to be consistent, as the relationship will only have a positive outcome if a certain

amount of time is spent with the probation client. Regular contact between both parties and a relationship of at least one year is associated with a positive outcome.

Participation in the mentorship benefits not only the person being supported, but also the volunteer. Working with probation clients develops communication skills, the ability to fit in unpredictable situations and to resolve conflicts. It is a unique opportunity not only to share your life experience, but also to learn something new, to gain insight into the probation client's thinking and understanding of life.

The PD needs to continue its work on involving volunteers in working with probation clients and further improve the normative framework governing their involvement. In the process of recruiting volunteers, training them to work with probation clients is essential, as well as training probation specialists to raise their awareness of working with a volunteer.

4. FEASIBILITY OF REENTRY RESOURCE CENTER IN THE KR AND RELEVANT GUIDELINES NEEDED TO ESTABLISH IT

After reviewing the draft Programme of the KR State Social Order for the functioning of rehabilitation centres on the official website of the PD, it can be concluded that currently the majority of probation clients in KR are deprived of access to quality social services.

This programme describes the problems probation specialists face in re-socializing probation clients: unwillingness of probation clients to cooperate with probation authorities; low motivation in re-socialization; social stigmatization; lack of centres for quality social (psychological, educational, legal) services; lack of social housing.

The programme concluded, among other things, that the above-mentioned problems minimize the impact of the probation authority's efforts to rehabilitate and re-socialise probation clients, as in the absence of housing and financial resources for minimum needs, rehabilitation work has no proper effect. The programme speaks of the need to establish specialized rehabilitation centres for probation clients.

When assessing the possibility of establishing specialised social rehabilitation centres for probation clients and in the process of their establishment, the following should be taken into account:

- There is a high probability that the establishment of centres will not solve the problems mentioned earlier in the state social order programme - low motivation of probation clients to resocialise, public condemnation, etc.
- Establishing a centre for the sole purpose of providing accommodation for probation clients without providing social behaviour correction programmes, support, education and other rehabilitation services is not effective, as the experience and research of other countries convincingly shows.
- The probation service should primarily implement a range of high quality, evidence-based practices in its work (methodical, change-oriented individual work, social rehabilitation and probation programmes in groups and individually), covering the entire target group of probation clients, i.e. services are provided to all probation clients and not only to those who are in the centre. For probation clients who will live in the centre and receive only accommodation services from the centre (if the centre is granted by a municipality or a non-governmental organisation for a certain period of time), it is recommended to provide a range of probation services outside the centre.
- After release from a custodial institution, probation clients have no mandatory obligations towards the probation service after serving their full sentence. The motivation of clients to stay voluntarily in a fixed place of residence (social rehabilitation centre) and to comply with the conditions of the centre could be extremely low. The number of persons currently scheduled for such assistance may even be halved for these reasons (no mandatory obligations, low motivation of clients, voluntary principle of staying in the social centre).
- Establishing and maintaining the centres in the long term requires a large investment of financial resources. The experience of several countries confirms that these financial resources should be sought from the

social sphere, from non-governmental organisations, and not from probation.

- Regardless of the services a probation client receives in the centre (in case the centre is under the responsibility of a municipality or a non-governmental organisation), the probation service may have doubts about the quality of the services provided by the centre in the future when developing its social rehabilitation services, as these services may be implemented for a different purpose.
- Concentrating people with criminogenic behaviour in one place of residence is not conducive to developing and reinforcing law-abiding behaviour. The probation client must be integrated into society after release from a custodial institution with the support of the probation service (counselling, education, change of thinking and behaviour).
- Preparing convicts for life in society must start in prison, and social rehabilitation services play an important role in this process. While in a custodial institution, the sentenced person has a range of legal obligations which must be complied with, even if the sentence is served in a more mitigated regime before the end of the sentence. The execution of a custodial sentence should be carried out in accordance with the principle of progressive enforcement, which consists of a gradual softening or intensification of the sentence, with a social rehabilitation centre or half-way house as the final stage, as appropriate.

In order to set up and maintain a social rehabilitation centre, the financial resources include not only the content of the social rehabilitation services, but also the costs of maintaining the premises - rent, utilities, technical support and maintenance. In addition, each country has a different set of minimum requirements - fire safety, energy efficiency, food standards, first aid coverage, etc.

For example, in Latvia, in addition to the minimum requirements for an organisation to obtain the status of a social rehabilitation centre, an organisation must meet the following general criteria for a social service provider:

- be an entrepreneur, cooperative society, association, foundation, religious organisation, state or local authority or other legal entity;
- employ people with the appropriate qualifications, either on the basis of an employment contract or an enterprise contract. The number of staff required shall be determined by the head of the institution providing the social services or by a higher authority on the basis of a proposal from the head of the institution providing the social services;
- ensure a smooth and rational distribution of work tasks among staff;
- comply with the requirements of the Law on Protection of Children's Rights and other normative acts regarding the respect and protection of children's rights and interests when providing social services to children;
- draw up and approve rules of procedure and safety, specifying the rights, duties, responsibilities and other relevant norms to be observed by the staff member during the provision of social services, and make these rules available to the staff member;
- provide first aid to clients during the provision of social services;
- at least once every three years, carry out an internal self-assessment of the quality of social services provided and compliance with the requirements laid down in the regulatory enactments, unless a quality management system has been implemented and maintained or the EQUASS (The European Quality in Social Services) certificate has been obtained;
- be registered in the register of medical establishments, if the social service involves medical treatment, unless the social service provider has a contract with a medical establishment for the provision of medical treatment.

The probation service promotes reintegration and social inclusion by supporting offenders and helping them establish or strengthen contacts with local social service providers, employers, and the local community. The probation service must cooperate with health care services, educational, employment, and social welfare services. The role of the probation service is to introduce the probation client to the possibilities of obtaining social assistance, not to provide it to him/her. This is a general reason why the establishment of "halfway houses", "in-

clusion and resource centres”, “social rehabilitation centres” within the probation service system is not effective.

There are rehabilitation centres, hostels for different categories of people in the KR, some of whom may also be probation clients. They are mostly donor funded and therefore target a specific group, such as people living with HIV, people living with tuberculosis, former male prisoners with HIV and tuberculosis, women who use drugs, women with HIV, women who have been affected by violence.

If a probation client falls under the criteria applied by the hostel, he/she can receive services in these institutions without any problems. The main services in these centres are accommodation, food, social support and counselling. There are no educational or behavioural programmes in these centres.

The PD cooperates with several centres in Bishkek in the framework of post-penitentiary probation. Several probation clients are also involved in programmes of non-governmental organisations, where probation clients have the opportunity to receive medical support, substance abuse services, job placement and document arrangement or renewal services.

There are no rehabilitation centres or resource centres for probation clients in the KR. When assessing the views expressed by the PD on the need for a centre for probation clients, it can be concluded that opinions vary. The most recent information received from the PD management indicates that, however, the establishment of such centres is not necessary, since the proportion of probation clients who do not have a place of residence is not high.

Based on the above, it can be concluded that the establishment of special centres for probation clients will not be effective in the long term, but nevertheless, the PD should not neglect the basic needs of probation clients (the need for a place to live) - the PD should strengthen its cooperation with NGOs and municipal centres in order to be able to provide support to probation clients. At the same time, a probation client's residence in a centre should include rehabilitation and behavioural correction work with him/her within the framework of probation.

5. ENHANCING THE PROFESSIONAL KNOWLEDGE CAPACITY OF PD STAFF

5.1. Selection process for probation specialists

The selection of probation specialists is not carried out by the PD itself. The process is organised at national level through an open competitive process led by the State Agency on State Service and Local Self-Governance under the Cabinet of Ministers. This selection is mostly based on general selection principles and a test of knowledge in the specific field, with a strong emphasis on knowledge of the law.

Rather than just legal knowledge, probation specialists mainly require personal competences (such as critical thinking, communication skills, etc.) to function effectively.

If this issue is compared with the experience of the Probation Service of Latvia, it should be stressed that becoming a probation specialist in Latvia does not require education in a specific field, such as social work, law or psychology. In the Latvian labour market, the professions of psychologist and lawyer have been among the most sought-after professions for a number of years, and specialists in these fields are not motivated to be employed in the field of probation due to their relatively low salaries.

Probation work is specific, and probation specialists cannot be trained at any university in Latvia. Currently, the Probation Service of Latvia employs about 310 specialists to work with probation clients, and this amount and the Latvian Probation Service's need for new specialists is not large enough to create a special probation-related programme at one of the universities. The Latvian Probation Service trains specialists

independently and has a training programme which all new employees follow during their first six months of employment, combining training with work. For this reason, there is an open system for recruiting staff: the selection of new employees requires higher education in any field and compliance with the competences required for the job, which are checked by a committee during the recruiting interviews. For example, it is important to select employees with communication skills, analytical skills and critical thinking. The competences to be selected vary between job groups, levels and the specific duties of the position. The assessment method used in recruitment is the interview or competency interview, known as the Behavioural Event Interview. The current composition of probation specialists by educational background is: 15% pedagogical background, 15% social work background, 15% psychology background, 15% law background and the largest share - 40% - of specialists with other backgrounds from different fields.

Minimum staffing requirements are also set, based on the United Nations international standards for non-custodial measures.

The PD would be advised to approach the KR government (State Agency on State Service and Local Self-Governance under the Cabinet of Ministers) with a proposal to broaden the range of selection criteria for probation specialists and to de-emphasise the role of legal knowledge.

5.2. Capacity building of PD professionals responsible for the development of probation functions

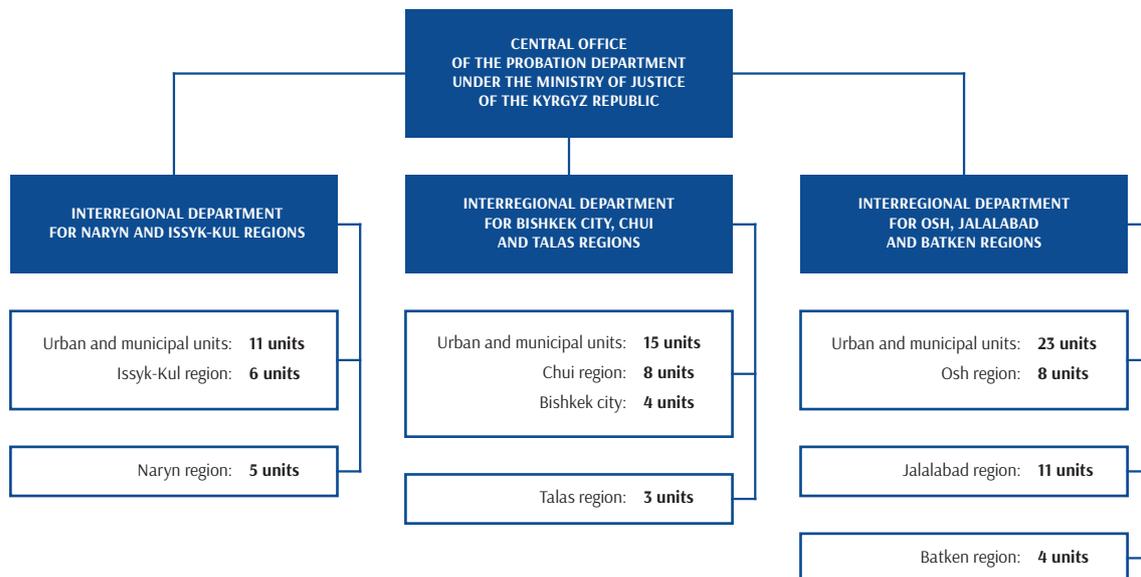
The development and sustainability of the probation functions are under the competence of several divisions in the main office of the PD:

- Social Support and Rehabilitation Division - coordinates work on interagency cooperation with State and non-State institutions to provide services to probation clients.
- Statistical and Monitoring Division - coordinates data collection, analysis, monitoring, and evaluation.
- Educational and Methodological Division - coordinates educational processes, and staff training.

In addition to the PD head office, there is a Psychologist’s Unit, which currently works with probation clients on a one-to-one basis, remotely and in person.

To ensure the full, coherent and standards-compliant development of probation functions in the country, a group of people from the main office is needed to carry out the tasks necessary for the implementation and development of probation functions. In the long term (in the future, when support from other organisations will no longer be available), this group of professionals should be embedded in the probation service, with a mandate to monitor and be responsible for the situation in the country as a whole.

Governance Structure of the Probation Department under the Ministry of Justice of the Kyrgyz Republic



Based on the nuanced differences in the functions of the probation service - supervision of probation clients, organization of community service, preparation of probation reports, etc. - there are specific directions in the performance of each function - different working methods, it is recommended to separate tasks between the specialists responsible for each function, who are engaged in the development of each function of the probation service in the country.

At the initial stage of the development of the probation service, when establishing a new service, it is extremely important to develop the content and principles of work - to analyse the experience of other experienced countries, to adopt or develop new working methods, to develop ways of performing probation functions, models, to develop normative acts describing and defining all of the above.

This is followed by other processes - training of probation specialists, followed by quality control monitoring and quality assurance throughout the country, implementation of quality improvement measures, process improvement and development. Given that the PD is currently a new institution whose development is in its very early stages, as well as the fact that the development of the probation field in the world as a whole is proceeding quite rapidly, it is extremely important to build professional capacity of specialists in the PD whose job responsibilities include such tasks. In addition, it is important to consider that these professionals must be familiar with the nuances of practical work with probation clients, be motivated to make improvements, be engaged in ensuring development processes and improve their knowledge by learning and studying the experience of other countries in the field of probation, adapting it to the needs of the PD.

Considering the above, it can be concluded that PD head office staff needs to continuously improve their knowledge in all areas of probation development.

It is extremely important, when introducing new working methods, to research evidence-based practices in the field of probation and to study successful experiences of other countries. This means that it is necessary to continuously organise various educational events for these specialists. At the same time, it should be noted that the most important thing to pay attention to at the initial stage is a change of direction, as probation is a new field in the KR and the functioning of it is still based on the “control” approach to probation work

In the future, in addition to the training regularly organised by UNODC, it could be useful to attend inter-

national events, such as conferences, where current issues and innovations in the field of probation are discussed. At present, this may be less useful due to the lack of English language skills and experience in probation work based on an individual approach and practice in addressing criminogenic needs. In the near future, especially after the completion of the risk and needs assessment tool and the transition of probation work processes and methods from a control approach to an individual work approach, it would be useful to [organise a conference in the KR, inviting speakers from other countries](#). The organisation of a conference in the KR would allow the content of the conference to be adapted to the needs of the PD and to cover a large target audience of probation professionals, including both head office staff and professionals working with probation clients. [The conference should be designed with a training orientation, with the aim to broaden the horizon of PD staff in the field of probation, as well as to create working groups within the conference, which would allow PD specialists in close cooperation with foreign experts to discuss and consider practical issues.](#)

For PD head office staff to broaden their horizons, their participation in [“shadowing” visits to probation services in other countries would be useful](#). At the same time, it is important to note that [when planning the content of the visits, they should be organised with the explicit aim of familiarising themselves with specific probation processes and not with the activities of other countries’ institutions in general](#). KR already has an established PD with its own scope and lines of action and it is important to complement these lines with methods and content.

5.3. Training of probation specialists working with probation clients

When it comes to training probation specialists to work with probation clients, the PD management is currently largely focused on the skills and knowledge acquired during the employees’ education and university studies. It is believed that the skills acquired at university are sufficient to work in the probation service with probation clients. Organised training for all probation specialists starting to work in PD is not carried out.

During the mission, several probation specialists were consulted within different PD regional offices. During the consultations, several employees mentioned that they had acquired the necessary knowledge for their work when they started performing their job duties, including already working with probation clients, either through self-study or with the support of their close colleagues. In several units, the new employee is the first and only

professional, so he/she does not have a colleague to provide training and support when taking up the position.

During the consultations, a number of probation specialists discussed a range of issues related to their previous experience, motivation and desire to work in probation. All of the interviewees indicated that they were not aware of the existence of probation when they were studying at university (which is natural, as the probation service is a new institution in the country), and that they had no understanding of the purpose, specificity and nature of probation work when they participated in the state-organised recruitment process. Those probation specialists who started working for the PD within the rotation process from other state institutions were also informed at a very minimal level before starting their work.

During the mission, having participated in the process of monitoring the quality of work in several PD regional offices, including consultations with probation specialists and familiarisation with the content of documents in probation clients' files, it can be concluded that the level of knowledge necessary for a probation specialist's work is weak. In addition, probation specialists in regional offices have a varying understanding of the performance of probation functions.

5.3.1. Development of a training programme for professionals working with probation clients

Working with probation clients requires specific knowledge in a number of areas, such as the reasons why people offend, the resources in people's lives that prevent them from committing criminal acts, the provision of support and control measures to prevent re-offending, the mindsets of different categories of offenders (women/men, minors and young people, violent, radical, sex offenders, etc.), promoting behavioural change in probation clients, and basic (core) knowledge in probation functions, which includes the rules for probation functions (assessing the risks and needs of probation clients, supervising probation clients, preparing probation reports, principles, orientations, tasks, etc.).

As in most other countries of the world, KR does not currently have a university that trains specialists suitable for probation work. *The idea of introducing probation specialisation and training probation specialists at university has more risks than benefits. This approach is not full-fledged and probation institutions, despite the knowledge obtained by their employees in acquiring a profession (psychologist, lawyer, theologian, social worker, etc.) need to develop their own training system to prepare employees to work with probation clients.* As the field of probation is evolving rapidly probation specialists need to regularly update their knowledge and skills to remain competent in their field.

During the mission, it was clarified that work is currently underway to establish a PD training centre, which is positive, but the training centre also needs a structured course of action and training programmes that the training centre will implement. Priority should be given to capacity building of PD probation specialists, taking into account the PD staff selection process (staff selection is not done by PD itself, but is organised by the State), as well as the current level of knowledge of PD probation specialists.

Taking into account the current level of knowledge and the initial stage of development of probation specialists and also of probation management (as the PD was established three years ago), it is recommended to start the training activities gradually, starting with basic level reporting and fulfilling all the conditions necessary for quality assurance of training. *When designing and organising the training programme, it is necessary to focus initially on the basic knowledge and skills, which are a priority for probation specialists.*

The knowledge and skills mentioned above, which are recommended for introduction in the PD learning system, can be divided into two blocks.

Curriculum block 1 – Basic knowledge

The first block includes basic background knowledge and covers the performance of core probation functions

- the legal framework, its nuances, the procedure for performance, the preparation of documents; clear, un-

derstandable instructions should be provided to all employees on the activities to be performed by a probation specialist, their objectives, the results to be achieved. The feasibility of such training is subordinate to and dependent on the preparation of internal instructions, and the consolidation of the grounds for probation activities in the internal regulatory framework of the institution.

The first block of training should focus on certain topics that are clearly necessary for each probation specialist in his/her daily work. The choice of the direction of the training should consider the general knowledge that every probation specialist should have and use and the knowledge necessary for the implementation of probation functions. Taking into account the nuances observed during the mission, as well as based on the KR Law on Probation (in case of future amendments to the law, changes in training directions are necessary), the following training directions are proposed:

1. General issues: preparation of documents, probation client file management, use of information (data) systems, compliance with data security conditions, confidentiality, respect for human rights, work ethics of probation specialists and prevention of corruption risks;
2. Conducting risk and needs assessments for probation clients;
3. Pre-trial probation - drafting of probation reports (pre-sentence reports);
4. Executive probation - organisation of work with clients who have been sentenced by a court to a non-custodial punishment and compulsory criminal measures in the form of: community service; deprivation of the right to hold certain posts or engage in certain activities; correctional labour; restriction of liberty; compulsory educational measures for children and restriction of behaviour with warning; exemption from criminal punishment with a suspended sentence for clients with young children; clients released on parole from serving a sentence of imprisonment and subject to supervision; clients against whom a court decision has imposed penalties for offences;
5. Penitentiary probation and post- penitentiary probation.

This list of training courses is of a recommendatory nature, based on the current KR Probation Act. In case the recommendations described in section 3 are taken into account, points 1 to 3 remain unchanged from the list of recommendations, while points 4 and 5 require content changes, given that the activities to be carried out by a probation specialist in “Executive probation” and “Penitentiary probation and post-penitentiary probation” overlap and are the same in terms of content (e.g. preparation of a probation supervision plan).

The basic - core training should include theory based on legislation, instructions and examples of working with probation clients, and practice (e.g. preparation of a supervision plan, preparation of a probation report, risk and needs assessment in the case (file) of a probation client specifically created for training purposes, etc.), knowledge self-assessment and testing tools.

The PD is characterised by frequent staff turnover and unfilled posts. A similar problem can be observed in other countries, including countries in Europe such as Latvia. Given the complexity of the work, the danger, and the level of required knowledge, skills, and provided remuneration, such problems are common in the probation field.

In addition, the logistics (territorial specificities) of the PD in particular are complicated - for an employee to attend training in the capital or in the centre of a district, he or she has to spend a long time travelling, which puts a considerable financial burden on the PD budget, and the absence of staff in several regional offices has a significant impact on the continuity of probation services, as there are regional offices with just one or two probation specialists.

The need for remote, electronic, non-contact learning has become more acute worldwide in recent years, given the situation created by the impact of the Covid-19 pandemic.

Based on the above, in order to ensure a continuous and long-term stable delivery of the training programme, independent of donor funding and relatively easy in financial terms for the PD, development and implementation of an e-learning system for basic training of probation specialists is recommended.

E-learning systems are now widely used in several fields and countries. In Latvia, e-learning has been running for a long time, alongside face-to-face training. At the onset of the Covid-19 pandemic, the e-learning system used previously allowed for uninterrupted training of new staff at a time when face-to-face training was limited. Currently, despite the normalisation of the Covid-19 situation, training for probation specialists continues remotely on the basis of a benefits assessment. In Latvia, the e-learning system is based on the open resource platform Moodle (moodle.com).

An e-learning system has several advantages and features: it can accommodate learning materials in different formats and interactivity - video, written, audio; learners can use the learning materials at any time, even after they have completed the training, to recall and refresh their knowledge as they work; the e-learning system provides various possibilities to test learners' knowledge, to provide assessment and feedback to trainers, and to monitor and record learners' progress.

More financial and human resources are needed for the implementation of the e-learning system, but less for its use and maintenance later on.

Given the specific nature of the PD and the development process, it is important to note that the e-learning system needs to be continuously updated after development, which means that the PD management needs to ensure that the e-learning system is maintained and developed by responsible specialists. This could be one of the tasks of the PD Learning Centre.

Currently, PD probation specialists are mostly informed about new orders and instructions via WhatsApp. Using WhatsApp, the PD head office also asks probation specialists to give their opinion on newly developed documents, such as instructions. The information is transferred in WhatsApp groups with many participants. However, reading and using the received mate-

rial on the phone is uncomfortable. Hence, probation specialists are not motivated to read the received information in detail and the information is not stored for long-term use. Although helpful as an auxiliary tool, overall, WhatsApp is an inconvenient channel for transferring information.

Taking into account the specifics of KR regarding the recruitment of new employees, the way in which new and existing employees are informed and familiarised with new legislation, employee turnover and rotation, the e-learning system could play an important role in providing basic knowledge to probation specialists and positively influencing other processes such as - an organised and unified employee information system, keeping all materials necessary for the work of a specialist in one place.

Preconditions for the implementation of an e-learning system:

- the current internal laws and regulations are general - the PD should draw up detailed, clear and unambiguous instructions (internal rules of the institution) for the implementation of probation functions (types of probation);
- develop a description of the training programme, define training needs, objectives, target groups of professionals to be trained;
- establish an e-learning platform, adapt it to PD needs (incl. two languages - Kyrgyz, Russian);
- develop learning content - structured, widely explained, easy to understand;
- produce learning materials;
- train those responsible for delivering e-learning (lecturers, trainers) in the use of the e-learning platform.

Curriculum block 2 – Basic skills

Considering the dual nature of probation work (control and support, rehabilitation), in order to ensure the sufficient capacity of probation specialists to work with probation clients and to achieve the objectives of probation, it is necessary to include a second block

of training in communication skills, interviewing skills, correctional skills in the list of training needs. Probation work is different from the basic psychology skills that students learn at university; probation work is mainly with probation clients who have not voluntari-

ly come forward but are under compulsory supervision by the probation service. The probation specialist's task is to motivate the probation client to change his/her behaviour, lifestyle, thinking patterns and to try to start a different life without committing offences. In order to achieve this goal, the probation specialist must be trained in this specific area of work.

Work on social behavioural correction, changing thinking and behaviour of probation clients is carried out, depending on the specificities of each country, but in principle within the framework of almost all probation functions. As regards the individual work of probation specialists with probation clients, it is unequivocally clear that it would be very useful for probation specialists to be trained in basic correctional communication skills and motivational interviewing.

The group of basic corrective communication skills includes both the ability to establish and maintain contact with people of different ages, social classes and educational levels, and the ability to manage conversations purposefully - to ask appropriate questions to understand the probation client's situation, to address issues that the probation client does not want to talk about, recognising and dealing with probation clients who lie or try to manipulate, gaining the trust of the probation client, adapting to the probation client, speaking in a language that the probation client understands, having the ability to control one's emotions and deal appropriately with conflict situations. It is also important to emphasise the different ways of obtaining information, the ethical issues of the interviewer when negotiating with both the probation client and his/her family members.

The aim of the basic correctional communication skills training is to introduce probation specialists to different theories in the field of criminal justice on how people who have committed a crime change their behaviour, to develop each probation specialist's own individual resources that can help them in their work with probation clients. During the training, the participants need to receive understanding of different theories, understand patterns in the behaviour of probation clients, understand and find explanations for different actions of probation clients, practice the skill of having a conversation with a probation client, reflect on the content of an individual conversation with a probation client.

Motivational interviewing is a skill that can be used alone or integrated with other approaches that focus on preparing a client for behaviour change.

The aim of the motivational interviewing training is to develop probation specialists' skills in using motivational interviewing as a working method. During the training probation specialists gain an understanding of the basic principles of motivational interviewing and learn how to use them in cooperation with a probation client, learn how to use motivational strategies, how to work effectively with a probation client to promote change. They are able to strengthen the probation client's commitment to change and to move towards change by helping to develop a change plan in practice. During the training, the probation specialist learns how to strengthen the motivation of probation clients in an accepting atmosphere and how to link them to specific goals by highlighting and exploring the individual's reasons for change. The role of the probation specialist in promoting awareness of the probation client's behaviour, helping the probation client to achieve behaviour change, is emphasised during the workshop.

To meet the training needs and ensure sustainability of learning implementation of motivational interviewing and basic correctional communication skills in KR, it would be necessary to engage experienced international expert trainers who could train local trainers, thus ensuring the gradual transfer of knowledge to all probation professionals in the country, as well as the embedding of methods and knowledge and the sustainability of the application of these working methods in the field of probation in the country.

When selecting local trainers, it is necessary to work with experienced international trainers who are experts in conducting motivational interviewing. During the selection process of local trainers, their capacity to understand and conduct training should be assessed, taking into account the experience of potential candidates in working with probation clients.

This training is a skills development training, it cannot be effectively delivered only on an e-learning platform, it requires face-to-face training, so when planning the training of local trainers, it is necessary to consider the

regional principle - to train trainers in each region where it is possible to organise the training groups more easily.

The role of local trainers is important, as methods need to be adapted to local communication cultures, organisational and legal contexts and other features that can impact on communication style.

At the same time, based on Latvia's experience, it is recommended to monitor the knowledge and practice of probation specialists after the training in order to avoid the tendency to work with probation clients in the usual way and to hinder the application of the newly acquired methods in practice. This means that the duties of local trainers should in the future include carrying out this monitoring and providing mentoring support.

Taking into account the specificities of KR in terms of possible staff turnover and the risk of insufficient financial resources to continue the implemented activities in the long term, in parallel with the training of trainers, it is recommended [to prepare training materials for uploading into the e-learning system - a manual and video materials that could serve as a training support during the training and at the same time somewhat solve the situation in case the local trainers for some reason do not continue conducting the training.](#)

As the PD develops, for example, by starting to run social rehabilitation or behavioural correction programmes for probation clients, training needs will evolve and there will be a need for additional training and skills development training, such as the use of cognitive-behavioural approaches to probation work, group facilitation skills, etc.

6. CONCLUSIONS

To summarise the information gathered in the recommendations to promote the development of the PD according to worldwide adopted probation standards, the following is recommended:

- To ensure a common understanding among all probation professionals of the content of each type of probation, equal treatment of all probation clients, the opportunity to build a sound, evidence-based quality control process, and to provide a training process for probation specialists based on validated information it is necessary to establish detailed normative rules for each type of probation.
- In order to develop probation services in line with probation objectives, the PD needs to gradually move towards the individualisation of probation processes - an individual approach to work with the probation client, which includes implementation of a risk and needs assessment tool.
- In the case of the adoption of the risk and needs assessment tool, it is necessary to measure its validity after a period of use.
- Once the risk and needs assessment tool has been finalised and implemented, the need to integrate it into PD working practices will emerge. The greatest impact will be on the processes of preparing the probation report and supervising probation clients, which will need to be reformed as they currently do not focus on the criminogenic needs of the probation client.
- After the implementation of the risk and need assessment tool, a detailed analysis of the process of preparing probation reports and the process of supervising probation clients, improvement of the existing normative base and preparation of new instructions, and training of probation specialists are necessary:
 - The PD needs to revise, supplement and improve the process of preparing probation reports, adapting them to the analysis of the probation client's criminogenic needs and the description of possible solutions based on what was found during the risk and needs assessment of the probation client.
- In probation client supervision, the PD has to use risk and needs assessment and identified criminogenic needs to work with them purposefully, using various kinds of methods and resources (for example, motivational interviewing, and individual probation programmes), to reduce the impact of factors that create or may create the risk of committing new offences. Tasks aimed at solving a probation client's criminogenic needs must be included in the supervision plan.
- According to the risk, needs and responsivity model, it is essential to foresee rights for the PD to determine the number of times a probation client should visit the PD depending on the risk of re-offending.
- There is a need to develop and implement different working methods for women and minors.
- To promote the effective enforcement of community service sentences and to motivate probation clients to adhere to agreed working hours while reducing the risk of corruption, it is necessary to increase probation specialists' attention to the control of execution of community service (working hours) at the place of work.
- When implementing probation programmes in practice, it is necessary to establish detailed procedures for involving the probation client in programmes and other legally approved activities; to provide probation professionals with information on which criminogenic needs are addressed by existing programmes and other preventive measures; and to train staff in the use of programmes and tools.

- For the PD to understand the primary target group of probation clients for probation programmes, and other resources, it is essential to analyse statistical information on the types of offences for which probation clients are most often convicted and placed on probation, and their most common criminogenic needs. It is necessary to foresee this statistical information to be included and processed in AIS.
- To ensure continuity and link between various probation types for one probation client, so that it is possible to monitor changes in a probation client's behaviour and obtain complete information about previous probation periods, it is necessary to constitute and maintain one probation client case for one individual with various sections for each case of probation. In order to implement the previously mentioned, it is crucial to enhance the functionality of AIS.
- The PD needs to continue its work on involving volunteers in working with probation clients. The legal framework for this should be further improved. In the process of recruiting volunteers, training them to work with probation clients is essential, as well as training probation specialists to raise their awareness of working with a volunteer.
- The establishment of special centres for probation clients will not be effective in the long term. To satisfy the basic needs of probation clients (the need for a place to live), the PD should strengthen its cooperation with NGOs and municipal centres to provide support to probation clients. If a probation client resides in such a centre, rehabilitation and behavioural correction work should be undertaken with him/her within the framework of probation.
- The PD would be advised to approach the KR government with a proposal to broaden the range of selection criteria for probation specialists and to de-emphasise the role of legal knowledge.
- It is extremely important, when introducing new working methods, to research evidence-based practices in the field of probation and to study successful experiences of other countries. Various educational events should be organized on a regular basis for this purpose.
- The PD needs to develop its own training system to prepare employees for work with probation clients.
- When designing and organising the training programme, it is necessary to focus initially on basic knowledge and skills, which are a priority for probation specialists.
- To ensure a continuous and long-term stable delivery of the training programme, independent of donor financial support and relatively easy in financial terms for the PD, it is recommended to develop and implement an e-learning system for the basic training of probation specialists.
- To meet the training needs and ensure sustainability of learning implementation, it would be necessary to engage experienced international expert trainers who could train local trainers, thus ensuring the gradual transfer of knowledge to all probation professionals in the country.

7. CHECKLIST FOR FUTURE USE BY THE PROJECT TO MONITOR THE PROGRESS TOWARDS THE RECOMMENDATIONS AND TO MEASURE THE QUALITY OF PD PROVIDED

INDIVIDUALISATION OF PROBATION WORK WITH PROBATION CLIENTS

1. Implementation of the risk and needs assessment tool for probation clients	1.1. Selection and adaptation of the most appropriate tool
	1.2. Development of the methodology for using the tool
	1.3. Training of probation specialists to use the tool
2. Applying risk and needs assessment to probation work – probation report	2.1. Revising and improving the process of preparing probation reports, adapting the analysis of the probation client's criminogenic needs and the description of possible solutions based on the risk and needs assessment of the probation client
	2.2. Including the clarifying victim's opinion about the restoration of his violated rights or legitimate interests or the possibility of it during the pre-trial report
	2.3. Development of new instructions for preparing probation reports
	2.4. Incorporate changes into legislation
	2.5. Training of probation specialists
3. Applying risk and needs assessment and risk, needs and responsivity model to probation work – probation supervision (executive probation, post-penitentiary probation).	3.1. Revising and improving the process of supervision of probation clients, adapting the process of supervision based on the risk and needs assessment, content and scope of interventions, services and assistance for each probation client according to the identified criminogenic needs of the probation client and the determined level of risk of the probation client
	3.2. Development of individual approach to each probation client by assigning a responsible specialist: an individual probation client case manager for each probation client
	3.3. Development of specific working methods for women
	3.4. Development of specific working methods for minors
	3.5. Preparing of new instructions for probation supervision
	3.6. Incorporate changes into legislation
	3.7. Training of probation specialists

4. Extending probation resources to work with probation clients during supervision – establishing probation programmes for individual and group implementing	4.1. Analysing statistical information on the types of offences for which probation clients are most often convicted and placed on probation to understand the primary target group of probation clients for establishing probation programmes
	4.2. Development of the content for probation programmes and preparing structured description of activities focused on specific topics and goals
	4.3. Establishing detailed procedures for involving the probation client in probation programmes
	4.4. Providing probation professionals with information about criminogenic needs that are addressed by existing programmes
	4.5. Staff training on probation programmes and tools
5. Community involvement in probation work	5.1. Involving volunteers as part of the supervision process
	5.2. Separating volunteers' duties and rights from tasks of probation specialists
	5.3. Preparation of instructions for volunteers; volunteers' training
	5.4. Training probation specialists to raise their awareness of working with volunteers

ENHANCING THE PROFESSIONAL KNOWLEDGE CAPACITY OF PD STAFF

6. Selection process for probation specialists	6.1. Broaden the range of selection criteria for state staff for probation specialists, include in criteria pedagogical education and de-emphasize the role of legal knowledge
7. Capacity building of PD professionals responsible for the development of probation functions	7.1. Continuously improving the professional knowledge of PD head office's staff in all areas of probation development (trainings, analyzing evidence-based practice, shadowing visits, conferences, etc.)
8. Training of probation specialists working with probation clients	8.1. Development of PD training system to prepare employees to work with probation clients
	8.2. Development description of the training programme, defining training needs, objectives, and target groups of professionals to be trained
	8.3. Providing an e-learning platform, and adapting it to PD needs
	8.4. Development of training content and producing training materials
	8.5. Training responsible specialists for delivering e-learning (lecturers, trainers) on the selected e-learning platform
	8.6. Engaging experienced international expert trainers who could train local trainers in correctional communication skills and motivational interviewing
	Preparing material for skills training to upload into the e-learning system: manuals and video materials