



THE PROBLEM OF EFFICIENT RESOCIALIZATION: LEGAL REGULATIONS AND SOCIAL DEMANDS

Simona Mesoniene

Mykolas Romeris University, Faculty of Social Policy
Department of Penitentiary Law and Activities
Ateities 20, LT-08303 Vilnius, Lithuania
Phone (+370 5) 271 4608
E-mail pvk@mruni.eu

Received 1 December, 2009; accepted 29 December, 2009

Annotation. *The predominant trends in the European prison system are population growth and overcrowding of correctional facilities.¹ Recently, the level of criminal offences in Lithuania has been gradually increasing. Current statistics on repeated criminal offences and forecasts of recidivating crime are also pessimistic. The large number of convicts, the negative impact of isolation, the absence of a progressive correction system, the inadequacy of existing correctional measures, and the largely formal activity of penal institutions exacerbate the problems of ineffective resocialization of convicts and resulting recidivism. Thus, the situation demands an examination of effective methods for the elimination of the above detriments. The article emphasizes the need for an essential modernization of the system of resocialization of convicts in Lithuania by transforming formal measures into real ones directed at the reform of behaviour and thinking. The article discusses new corrective measures widely used across the European Union and other countries, such as evaluation of individual risk for repeated criminal offence and implementation of appropriate behaviour-correction programmes on the basis of clearly defined criteria of effectiveness. Unfortunately such measures have not been implemented in Lithuania, either de jure or de facto.*

The study uses systematic analysis, comparative-historical and document analysis methods.

1 Walmsley, R. *Trends in Prison Population 1995-2004*. Helsinki, 2008, p. 164.

Keywords: *evaluation of risk, resocialization, social rehabilitation, convicts, behaviour correction programme.*

Introduction

There is an abundance of evidence that correctional treatment is associated with reduced recidivism (Andrews, Wilson, Bouffard, and MacKenzie).² Scholars agree that one of the most effective strategies of post-penitentiary prevention of recidivist crime is the social adaptation of those who served a criminal sentence, especially imprisonment, to the changed living conditions in society, namely, the social macro- and micro-environment.³ Therefore, there is a need to evaluate the current effectiveness of resocialization of such persons, and to identify the components of this resocialization process to make it more effective. Such assessment firstly evokes the dilemma of compatibility between control (surveillance) and assistance (support) in the criminal justice system. Only a harmonious relationship between the two elements can facilitate the effective resocialization of convicts. The second problem is the illusory assumption, widespread in penitentiary theory and practice of the country, that social support measures can ensure successful resocialization of convicts. Social support measures are certainly necessary, but are they sufficient? The search for the answer to this question remains a constant problem for penitentiary law. By targeting criminogenic needs (also known as dynamic risk factors), such as criminal attitudes and employment skills, treatment can have a positive impact on offenders. Drop-out or expulsion from rehabilitation programmes, however, hinders the goal of safe reintegration of offenders into the community. Research has shown that offenders who drop out or are expelled from programmes recidivate at higher rates than offenders who complete their programmes.⁴ Hence, analysis continues with the assumption that successful resocialization of convicts requires not only social support, but also elimination of the underlying causes of criminal activity and reduction of the risk of recurrent criminal behaviour (risk). This can be achieved by implementing a complex of measures, such as evaluation of risk and implementation of special individualized intervention programmes directed towards the elimination of criminogenic factors.

2 Nunes, K. L., Cortoni, F. *Estimating Risk of Dropout and Expulsion from Correctional Programs*. [interactive]. Correctional Service of Canada Research Report, 2006 [accessed 2009-12-14]. <http://www.csc-ccc.gc.ca/text/rsrch/reports/r177/r177_e.pdf>.

3 Jurgelaitienė, G. *Recidyvinio nusikalstamumo prevencija Lietuvos Respublikoje*. Daktaro disertacijos santrauka. [Jurgelaitienė, G. Prevention of Recidivist Criminality in the Republic of Lithuania. Summary of Doctoral Dissertation Social Sciences (Law)]. Vilnius: Mykolo Romerio universitetas, 2001.

4 Nunes, K. L.; Cortoni, F., *op. cit.*

1. A Brief History of the Concept of Resocialization: Prerequisites for the Effective Social Rehabilitation of Offenders

The concept of resocialization of convicts can be traced back to significant transformations in penitentiary policy at the end of nineteenth century in Europe. At that time, sociologists and criminologists were actively analysing the effectiveness of punishment by imprisonment. There was also public apprehension about the lack of success in rehabilitating convicts and increased recidivism. German, Belgian, Dutch and French criminologists and lawyers (F. von Liszt, A. Prinz, G. W. van Hamel, A. Lacassagne, G. Tarde, R. Saleilles) emphasized the impact of social factors on criminality, philosophically discrediting imprisonment as an effective method of correction (resocialization). The hypothesis that imprisonment (isolation) can lead to effective correction of convicts was theoretically invalidated. The search for efficient alternatives to isolation has continued throughout the twentieth century.⁵ Firstly, several significant principles were theoretically formulated, which had an impact on the evolution of the resocialization model. The principle of punishment modulation was defined, meaning that punishment is modified in the course of serving the sentence taking into consideration the convict's individuality, obtained results, achieved progress or occurring recidivation. It was emphasized that the main objective of punishment is reformation of the criminal; it is thus desirable that each convict who demonstrates moral regeneration should regain freedom. The principle of additional institutions was also developed, requiring the provision of additional measures of control and assistance after imprisonment until the former convict fully integrates into society. Upon leaving the correctional institution, the former convict requires not only oversight, but also support and assistance.⁶ Rehabilitation, as well as reintegration into society came to be seen as the most significant measures in the area of penitentiary policy. Subsequently, essential changes took place in the philosophy of correction, which had a major impact on the resocialization of convicts. An analysis of effective oversight methods and programmes revealed some common methodical features, such as the principle of risk, the principle of criminogenic factors, the use of cognitive-behavioural therapy when working with offenders. It was ascertained that corrective measures are most effective when based on these interventional provisions.⁷ This theory, which stresses the significance of providing assistance to convicts and managing the level of risk, remains particularly important and relevant in contemporary Lithuania.

Current international instruments—United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules)—establish that “The competent authority have at its disposal a wide range of post-sentencing alternatives in order to avoid insti-

5 Morris, N.; Rothman, D. J. *The Oxford history of the prison. The practice of punishment in Western society*. New York, 1998, p. 228.

6 Foucault, M. *Discipline and Punish. The Birth of the Prison*. Vilnius, 1998, p. 319–320.

7 Gavrilovienė, M. *The Legal and Social Presumptions of Effectiveness of Alternative Punishments to Imprisonment*. Doctoral Dissertation. Social Sciences (Law). Vilnius: Mykolas Romeris University, 2009, p. 55, 57.

tutionalization and *to assist offenders in their early reintegration into society.*”⁸ Thus, as mentioned above, rehabilitation measures during the post-penitentiary period are particularly important in ensuring efficient social rehabilitation of convicts. Thus, the purpose of this article is to outline the aspects of resocialization of offenders discharged from correctional institutions ahead of the sentence term. In scholarship, social rehabilitation of prisoners is defined as a constructive *interaction* among various interested groups, i. e., correctional and probation institutions, government and municipal institutions, public organizations, legal and natural persons, and the convicts. This interaction encompasses *rehabilitation of the convict’s image, restoration of humane relations, indemnification of tangible and intangible detriment, reinstatement of rights, physical, vocational, economic and legal preparation for integration into society.* Social rehabilitation aims at *providing the convict the possibility to restore his/her social status, and become a person of value to himself/herself and society.*⁹

The main functions of probation is assessment, supervision and intervention. It should be noted that only development of assessment-based interventions may lead to significant transformations in the implementation of interventions.¹⁰ As defined by law,¹¹ the main function of the Lithuanian correctional inspectorate is to render information or consultative assistance, which essentially creates the conditions for a formal rather than real resocialization of convicts. A person discharged from the place of imprisonment usually faces long-term problems related to employment, accommodation, education, etc. According to market and public opinion polling research, the society’s negative attitude is the primary hindrance to the convicts’ employment; shortage of state support and lack of education are also significant hurdles. Therefore, the majority of convicts do not rely on state support when solving personal problems.¹² What these persons need is not one-time information aid, but assistance oriented towards the fulfilment of long-term social needs. These needs, however, are not valued in Lithuania. On the other hand, support alone is not enough. It is also necessary to identify new measures that could effect changes in the anti-social behaviour of convicts. However, Lithuanian penal laws do not include this important component of the social rehabilitation process. All of these factors necessitate further legal discussion on the optimization of the legal system regulating the resocialization of the convicts.

8 Coyle, A. *A Human Rights Approach to Prison Management*. London, 2002, p. 152.

9 Dermontas, J. The Rehabilitation of Persons Convicted to Alternative Punishment to Imprisonment. *Acta Pedagogica Vilnensia*. 2005, 5: 222–229.

10 Burnett, R., et al. *Assessment, Supervision and Intervention: Fundamental Practice in Probation*. Portland, 2007, p. 217.

11 The Order of Activities of Correctional Inspectorates. *Official Gazette*. 2003, Nr. 40-1856.

12 Beresnevičiūtė, V., et al. *Motivation and Information Program of Convicts*. Vilnius, 2006, p. 184–185, 235.

2. Theoretical Assessment of the Correctional Programmes and their Effectiveness

The social rehabilitation of paroled convicts must be conducted according to specific intervention programmes. In order for these programmes to succeed, they must be aligned with the appropriate principles of effectiveness. There are several legal acts passed by international organizations that refer to requirements for the effectiveness of social rehabilitation programmes. The Committee of Ministers of the European Council (2000) defined requirements for the effectiveness of social rehabilitation programmes in the chapter “Issuance of efficient programmes and interventions” under their recommendations to the 22 state-members seeking improvements in the application of the rules pertaining to European public sanctions and measures. According to provisions 19–23 of this recommendation, the criteria of efficacy must be presented in a way that would allow for an extensive assessment of the *benefit* of these programmes and interventions with the purpose of improving the effectiveness of these measures to the maximal extent. This requires defined *standards* of execution of the programmes and interventions as well as *performance indicators*. The programmes and interventions must be based on information obtained through *appropriate research*. Programmes and interventions designed for the integration of offenders must be based on a *variety of methods*.

When preparing programmes and interventions, particular attention must be paid to their possible effect on the offender’s basic skills (e.g., elementary and maths literacy, basic problem solving, solving of interpersonal and family-related problems, anti-social behaviour); possibilities for education and employment; risk for drug or alcohol abuse; and attitude towards social adaptation. The following clear-cut criteria must be observed at the time of enrolment of the offender in the particular programme and intervention: *relative risk to society in relation to personal or social factors associated with probability of recidivism*. In addition, *reliable assessment tools* should be developed and applied, which would facilitate the selection of the appropriate programme.¹³ In other countries, such as Canada, one of the main requirements for such programmes is the *long-term effect on positive changes in the convict’s personality*. In Sweden, intervention programmes must be *effectual and acknowledged by society at large*.¹⁴ According to R. A. Duff, the intent of therapeutic programmes is to make convicts accept responsibility and to convince them to radically change their personal qualities and character traits, which led to committing the crime. The programmes must be oriented towards the future—to prevent further infringement of the law.¹⁵ Research has proved that rehabilitation and correction programmes are quite effective at reducing recidivism. It is also proven that skill-improvement programmes can be successful in subjects on probation. There have been attempts to identify effective rehabilitation programmes and determine which

13 Recommendation No. R (92) 16 of the Committee of Ministers to Member States on the European rules on community sanctions and measures [interactive]. [accessed 2009-12-07]. <www.kdmc.lt>.

14 Sakalauskas, G., et al. *The Creation of the Probation Model in Lithuania*. Vilnius, 2000, p. 49.

15 Duff, R. *Punishment, Communication and Community*. Oxford, 2001, p. 102–103.

principles within these programmes have the greatest impact. Based on those identified principles, the goal is to create rehabilitation programmes that would have a solid theoretical basis and would thus be more effective. It is possible to set forth the following main principles, outlining the limits of efficacy in social rehabilitation programmes:

1. The needs of the offenders. This principle requires that rehabilitation programmes must consider the needs of the offenders. The goal and impact of these programmes should be directed towards the criminogenic traits related to the person's tendency to commit crime. Research by Dermontas shows that during rehabilitation of former convicts, it is important to identify their needs, and to replace their surveillance and control with solutions to their personal and social problems.¹⁶ This principle is related to the criminogenic qualities principle, which requires that the programme influence the convict's dynamic (inconstant, changeable) criminogenic characteristics, which are closely related with recidivation. The comprehensiveness principle is also related to these principles, which maintains that the totality of the rehabilitation programmes should address all needs of the offenders.

2. The differentiation of risk. This principle requires that rehabilitation programmes differ according to the individual convict's risk. Sometimes this principle is also called the principle of risk and maintains that the intensiveness of the corrective measures must correspond with the risk of recidivism. Intensive rehabilitation programmes should be directed towards persons with a high probability of repeated offence. Therefore, the same instruments cannot be applied for all persons; corrective methods should be selected based on the principle of individualization.

3. Development of skills, reform of thinking and behaviour. This principle endorses the assumption that effective programmes make the person recognize and change his/her anti-social behaviour. Rehabilitation programmes should be based on effective principles of social teaching (learning) that would lead to the development of social behaviour. Research confirms that the most efficient measures are based on the behavioural and behavioural-cognitive model. They are aimed at teaching the convicts to foresee the consequences of their actions, resolve problems of interpersonal communication more effectively, and control their emotions.

In addition to the above, the following principles should also be observed: those of compatibility and continuity; scope, duration and intensity of the programme; and the role of researchers.¹⁷ Research shows that the best corrective effect is achieved when all of the above-mentioned principles are applied. Therefore, the most effective programmes are based on the behavioural and cognitive principles.¹⁸

Currently, a special intervention programme, targeting persons discharged from correctional facilities on probation, is being implemented in Lithuania¹⁹. This programme is being carried out by the regional units of the Lithuanian correctional inspectorate.

16 Dermontas, J., p. 222–229.

17 Beresnevičiūtė, V., et al. *Motivation and Information Program of Convicts*. Vilnius, 2006, p. 115–117.

18 Justickis, V. *Criminology. Volume I*. Vilnius, 2001, p. 268–270.

19 Social Integration Program for Convicts Released on Parole or Early Discharged from the Punishment. *Official Gazette*, 2003, Nr. 48-2147.

It applies to persons released from correctional institutions on probation and those released from custodial sentence on parole. In the course of this programme, persons released on probation are educated on the legal and social security system of the Republic of Lithuania, the situation on employment, housing and shelters, the scope and forms of support available to persons returning from correctional institutions. The programme consists of various lectures (seminars) on the legal status of persons released on probation; the procedure for obtaining social assistance; regional unemployment centres and their services, occupations in demand in the labour market, and the possibilities to qualify or retrain for such employment; the role of non-governmental (religious) organizations in providing support for persons returning from their places of imprisonment. The contents of this programme reveal that it provides only information services. Even though the objectives of such programmes formally meet the attempt to correct the convict, there are reasonable doubts as to whether this can be achieved through information activities alone.

There is obvious dissonance between the contents of the said programme and the sound principles that would make such a programme effective. The contents (the activities) of the programme are not logically geared towards its objectives. Unfortunately, this fallacy unmasks the existing programme as educative only; even though it provides certain knowledge to the convict, it does not impact the convict's behaviour; it does not induce convicts to change their behaviour and does not reduce the level of risk. The most efficient rehabilitation and correction programmes are oriented towards change of behaviour and thinking. Their main goal is to change the person's needs related to his/her criminal behaviour. Research by Beresnevičiūtė, et al. shows that the success of corrective intervention depends on whether cognitive and skills-training techniques are used in changing the behaviour. Cognitive and skills-training programmes are particularly efficient if they are designed with the qualities of the persons inclined to criminality in mind. Such rehabilitation programmes must be designed with the purpose to affecting needs related to criminal behaviour.²⁰

Based on the discussion above, we may affirm that the social integration programme, provided to persons released from correctional institutions on probation and persons released from the correctional institutions on parole does not meet the principle requirements of an effective programme.

To assess the efficacy of probation for persons released from correctional institutions on probation, we conducted an observational study, i.e. a retrospective review of the convicts' personal files. The author selected and analysed a total of 100 files of persons released on probation. The majority of these convicts were assigned to the average (42) and high risk²¹ (35) for repeated criminal offence groups, and a smaller number—to the low risk (23) group. To ascertain the relation of risk dynamics and infringement of the conditions of release on probation with respect to the applied probationary measures and social integration programme, the study assessed the tendencies of change in risk and of-

20 Beresnevičiūtė, V., et al., p. 113–114.

21 The risk assessment is not based on approved methodology in Lithuania.

fending behaviour of the persons participating in said programme. A review of the files showed that 47 out of 100 convicts agreed to participate in the social integration programme, of which 35 had been assigned to the average or high level of risk groups; of these cases, 10 resulted in a decrease of risk. Of the persons who chose to participate in the social integration programme (47), 21 violated the conditions of release on probation. Compared to those who did not participate in the social integration programme, this sample demonstrates levels of risk, changes thereto and number of committed offences on a similar scale, and in some cases—even more favourable. A total of 53 convicts did not participate in the social integration programme. It should be noted that a larger proportion of convicts in this group (44) were assigned to the average or high risk groups, however, the number of convicts identified as low risk only slightly exceeded the same number of those who did participate in the programme—13 and 10, respectively. Even though the level of risk among those who did not participate in the social integration programme was higher than that of the persons who did, the level of risk declined in more than half of the cases (28 out of 57), whereas among those who participated, the level of risk fell in barely one third of the cases. Those who did not participate in the social integration programme committed the same number of offences as those who did—21. *The Following conclusions can be drawn. The data confirms the hypothesis that general non-individualized probation measures, directed towards certain groups of convicts, are ineffective. The existing measures and social integration programmes have little impact on the positive changes in the convicts' behaviour and on their rehabilitation. It also reveals the chaotic and unjustified risk management process. Therefore, essential interventions are necessary in the area of social integration of persons released from correctional institutions on probation.*

The participation of convicts in social rehabilitation programmes can be either of imperative or dispositional nature. Currently, the law specifies neither the right nor the duty of persons released from the correctional institutions on probation to participate in social rehabilitation programmes. In the opinion of the author, participation of convicts in social rehabilitation programmes should be driven by the person's own firm and wilful decision to change his/her anti-social conduct and thinking. Thus, participation in social rehabilitation programmes should be based on the person's motivation. Moreover, the successful implementation of the process of social rehabilitation of persons on probation and the successful application of effective programmes requires acquisition, adaptation and introduction of new cognitive-behavioural correction programmes, which meet the criteria of effectiveness.²² The following are examples of such programmes: "One to one", "Alternatives, Associates and Attitudes" (AAA), "Community Maintenance Program" (CMP), "Adaptive and Creative Thinking" (ACT), "Linkages Program", "Skills Link Program", "Employment preparation program", "Violence Prevention program", "Anger and Emotions Management", "Family Violence Prevention",²³ "Reasoning and

22 The Concept of the Probation System in Lithuania. *Official Gazette*, 2007, Nr. 27-989.

23 C-STEP Cognitive Skills Program. [interactive] [accessed 2009-11-27]. <<http://www.johnhowardnl.ca/cogskills/cogSJ.HTM>>.

Rehabilitation” (RRR)²⁴, etc. Furthermore, there are specific tools that can estimate the risk for drop-out or expulsion from programmes with a reasonable degree of accuracy (e.g., in Canada). This screening measure was created to help identify offenders at risk of dropping out or being expelled from correctional programmes, and is based on risk, criminogenic need, and motivation for intervention. A number of other variables, such as offender type and programme type, are also included.²⁵

There are several positive changes in Lithuania in the area of social rehabilitation. In 2008, the R. Hare methods for evaluation of the psychopathic level by the PCL:SV, well known and highly accepted worldwide, were introduced into the prison system. Since this method has certain predictive capacities, it is of particular importance when considering release on probation and implications of safety to society. Besides, this year has seen a number of programmes finalized, such as “EQUIP” (for the correction of juvenile delinquent behaviour) and “OASys” (methods of evaluating the risk of repeated criminal offence); the initial stage of adaptation is completed, and their implementation is set to begin.

In an overview of the behaviour correction programmes, it should also be noted that there is no discussions in legal scholarship regarding improvements to the contents of existing social rehabilitation measures for persons released from correctional institutions on probation. Most of the discussion centres on whether such measures should be obligatory. Thus, the leitmotif of this paper remains valid—only an implementation of cognitive programmes directed towards change of behaviour, thinking and demands of persons inclined to criminality would allow us to determine whether participation in such programmes should be mandatory for those released from the correctional institution on probation.

Conclusions

1. Both, the practical and theoretical outlook on the resocialization of convicts in Lithuania, particularly in the penal system, is decidedly static and outdated. Social rehabilitation of convicts is based on isolated measures executed out of inertia without regard for principles of effective correction. Meanwhile, effective correction and well-run resocialization of convicts must be based on efficient principles of intervention (the principles of risk, criminogenic factors, altering of behaviour and cognition).

2. National laws fail to define the contents of social rehabilitation of convicts released on probation. Punitive law should establish that the social rehabilitation of the convicts released on parole should consist of a totality of intervention measures to secure their social adaptation and reintegration.

3. The components of social rehabilitation are not sufficiently regulated in the legal acts (laws). This results in the effective failure of the resocialization work. Apart from

24 Spruance, L. M., *et al.* The Georgia Cognitive Skills Experiment. *Psychology, Crime and Law*. 2006, 12(1): 3–24.

25 Nunes, K. L.; Cortoni, F.

social support, the foremost instruments of resocialization should also include identification and elimination of criminogenic factors in convicts and the management of risk levels. This requires improvements in legal regulation. Firstly, the legal regulation mechanism should define the criteria and procedure for the evaluation of a convict's risk, which would facilitate the application of appropriate risk evaluation methods. The results of such risk evaluation would be the basis for selecting the appropriate tools for the correction of an individual person's behaviour and thinking. Secondly, penal law should establish the necessity of applying of behaviour correction programmes adequate for reducing the level of risk among convicts. Such measures would ensure a comprehensive resocialization process composed out of both, special measures directed at the management of individual risk, and elimination of criminogenic factors on the one hand, and satisfaction of individual social needs on the other.

4. Currently, Lithuania employs rehabilitation programmes that do not meet the requirements set forth for efficient programmes of this type. Thus, it would be logical to do away with them and instead implement behaviour correction (cognitive-behavioural) programmes that have proved effective in areas of penal correction and probation.

References

- Beresnevičiūtė, V., et al. *Motivation and Information Program of Convicts*. Vilnius, 2006.
- Burnett, R., et al. *Assessment, Supervision and Intervention: Fundamental Practice in Probation*. Portland, 2007.
- Coyle, A. *A Human Rights Approach to Prison Management*. London, 2002.
- The Concept of the Probation System in Lithuania. *Official Gazette*, 2007, Nr. 27-989.
- C-STEP Cognitive Skills Program. [interactive]. [accessed 2009-11-27]. <<http://www.johnhowardnl.ca/cogskills/cogSJ.HTM>>.
- Dermontas, J. The Rehabilitation of Persons Convicted to Alternative Punishment to Imprisonment. *Acta Pedagogica Vilnensia*. 2005, 5.
- Duff, R. *Punishment, Communication and Community*. Oxford, 2001.
- Foucault, M. *Discipline and Punish. The Birth of the Prison*. Vilnius, 1998.
- Gavrilovienė, M. *The Legal and Social Pre-conditions of Effectiveness of Alternative Punishments to Imprisonment*. Doctoral Dissertation. Social Sciences (Law). Vilnius: Mykolas Romeris University, 2009.
- Justickis, V. *Criminology. Volume I*. Vilnius, 2001.
- Jurgelaitienė, G. *Recidyvinio nusikalstamumo prevencija Lietuvos Respublikoje*. Daktaro disertacijos santrauka. [Jurgelaitiene, G. Prevention of Recidivist Criminality in the Republic of Lithuania. Summary of Doctoral Dissertation]. Vilnius: Mykolas Romeris universitetas, 2001.
- Nunes, K. L.; Cortoni, F. *Estimating Risk of Dropout and Expulsion from Correctional Programs*. [interactive]. Correctional Service of Canada Research Report, 2006 [accessed 2009-12-14]. <http://www.csc-scc.gc.ca/text/rsrch/reports/r177/r177_e.pdf>.
- The Order of Activities of Correctional Inspectors. *Official Gazette*. 2003, Nr. 40-1856.
- Recommendation No. R (92) 16 of the Committee of Ministers to Member States on the European rules on community sanctions and measures [interactive]. [referred 2009-12-07]. <www.kdmc.lt>.
- Sakalauskas, G., et al. *The Creation of the Probation Model in Lithuania*. Vilnius, 2000.
- Social Integration Program for Convicts Released on Parole or Early Discharged from

the Punishment. *Official Gazette*, 2003, Nr. 48-2147.

Walmsley, R. *Trends in Prison Population 1995–2004*. Helsinki, 2008.

Spruance, L. M., et al. The Georgia Cognitive Skills Experiment. *Psychology, Crime and Law*. 2006, 12(1).

VEIKSMINGOS RESOCIALIZACIJOS PROBLEMA: TEISINIS REGULIAVIMAS IR SOCIUMO POREIKIAI

Simona Mesonienė

Mykolo Romerio universitetas, Lietuva

Santrauka. Nusikalstamų veikų lygis paskutiniu metu Lietuvoje tolygiai auga. Pakartotinių nusikalstamų veikų statistikos status quo ir recidyvinio nusikalstamumo prognozės taip pat nėra optimistinės. Reikia pripažinti, kad inter alia didelis nuteistųjų laisvės atėmimo bausmė skaičius, neigiami izoliacijos efektai, pažangios elgesio korekcijos sistemos nebuvimas ir esamų pataisos priemonių nepakankamumas, formali bausmių vykdymo institucijų veikla atskleidžia neefektyvios nuteistųjų resocializacijos ir nusikalstamų veikų pakartotinumo problemas. Todėl randasi teorinis poreikis ieškoti tinkamiausių pirmiau minėtų trūkumų šalinimo būdų. Straipsnyje akcentuojama būtinybė esmingai modernizuoti Lietuvoje egzistuojančių asmenų, padariusių nusikalstamas veikas, resocializacijos sistemą, pereinant nuo formalių prie realių jų elgesio ir mąstymo reformavimo priemonių. Šiame straipsnyje aptariamos naujos nuteistųjų asocialaus elgesio keitimo priemonės, plačiai taikomos Europos Sąjungos ir kitose užsienio valstybėse, tačiau jos nei de jure, nei de facto nėra prigijusios Lietuvoje, kaip antai pakartotinio nusikalstamo elgesio rizikos vertinimas ir aprobuotų elgesio korekcijos programų, atitinkančių veiksmingoms programoms keliamus reikalavimus, taikymas.

Reikšminiai žodžiai: rizikos vertinimas, resocializacija, socialinė rehabilitacija, nuteistieji, elgesio pataisos programa.

Simona Mesonienė, Mykolo Romerio universiteto Socialinės politikos fakulteto Penitencinės teisės ir veiklos katedros lektorė, daktarė. Mokslinių tyrimų kryptys: bausmių vykdymo teisė, bausmių sistema, alternatyvos laisvės atėmimui, probacija.

Simona Mesonienė, Mykolas Romeris University, Faculty of Social Policy, Department of Penitentiary Law and Activities, lecturer, doctor. Research interests: penitentiary law, criminal punishments system, alternatives to imprisonment, probation.