

PROGRAMME WORK WITH PERSONS ENLISTED IN CORRECTIONAL INSPECTION (PROBATION SERVICES) LISTS

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Abstract. *This article explores programme work with persons enlisted in correctional inspection (Probation services) lists. The article assesses the impact of social work by the correctional inspections (probation services) for offenders, the effectiveness of the implementation of social rehabilitation and social integration programmes, social rehabilitation and social integration programme content. The article shows that the lack of social integration and rehabilitation programme quality leads to inefficiency of social work with offenders, since these programmes are educational in nature, offenders aren't motivated to change their anti-social behaviour, in order to achieve their life goals in lawful ways and means as well as the fact that these programmes are the same for all offenders, although the social needs of offenders are usually different. Advanced foreign experience in social work with offenders is separately disclosed, as well as international instruments related to the provision of alternatives to detention in programme work with offenders. The article also discusses the correction inspections (probation services) carrying out the programme work principles, their importance and the effectiveness of the implementation of alternatives to imprisonment. This article provides guidelines for rehabilitation and social integration of programme content, development of implementation, and the importance of community involvement in this process.*

Keywords: programme work, offenders, correctional inspection, probation, social work.

Introduction

One of the strategic objectives of the Prison Department of the Ministry of Justice of the Republic of Lithuania (hereinafter—the Prisons Department) is to achieve effective social rehabilitation of offenders.¹ In pursuing this objective, particular attention is paid to correctional inspections (probation services), supervision of new offenders and correctional measures, as well as the application of programme work with offenders. Programme work with persons who are enlisted at the Prison Department's correctional inspections (hereinafter—correctional inspection) gradually becomes a priority. In this context, it is appropriate to examine the programme work with offenders and to evaluate the effectiveness of the implementation of work factors and proposals for improvements and conclusions.

The object of this article—programme work with persons who are enlisted at correctional inspections and the determinants of performance. The purpose of this article—the disclosure and evaluation of social rehabilitation and social integration programmes conducted by corrections inspections, rationality and efficiency, taking into account the provisions of international instruments, as well as advanced separate experience of foreign countries and to make findings and recommendations for programme work improvements. Logical, comparative and systematic analysis methods are applied in this article.

1. Social Rehabilitation and Integration Programmes Conducted by Correctional Inspections (Probation Service)

The Punishment Enforcement Code of the Republic of Lithuania (hereinafter—PEC)² and Correctional Inspection Procedures³ determine that correction of inspections

- 1 Lietuvos Respublikos teisingumo ministro 2010 m. gegužės 6 d. įsakymas Nr. 1R-101 „Dėl Kalėjimų departamento prie Lietuvos Respublikos teisingumo ministerijos 2010 – 2012 metų strateginio veiklos plano patvirtinimo [Minister of Justice of the Republic of Lithuania order No 1R-101 “On approval of the 2010 – 2012 year strategic action plan of the Prison Department under the Ministry of Justice of the Republic of Lithuania” of 6 May 2010] [interactive]. [accessed on 20-10-2011]. <http://www.kalejimudepartamentas.lt/IxSitesUpload/Upload_KDEP.LT/File/Strateginis%202010/1-1a%20forma.pdf>.
- 2 Lietuvos Respublikos bausmių vykdymo kodeksas [Penal Enforcement Code of the Republic of Lithuania]. *Official Gazette*. 2002, No. 73-3084.
- 3 Lietuvos Respublikos teisingumo ministro 2003 m. balandžio 17 d. įsakymas Nr. 107 „Dėl pataisos inspekcijų pareigūnų įgaliojimų, skiriant nuteistiesiems, atliekantiems viešųjų darbų ir laisvės apribojimo bausmes, bei lygtinai paleistiesiems iš pataisos įstaigų paskatinimo priemonės ir nuobaudas, bei jų skyrimo tvarkos, lygtinai paleistų iš laisvės atėmimo vietų itin piktybiškų viešosios tvarkos ir nustatytų pareigų pažeidimų sąrašo ir pataisos inspekcijų darbo tvarkos patvirtinimo“ [Minister of Justice of the Republic of Lithuania

officers have to help employ inmates, to inform them of the labour exchange services, social benefits upon return from prison, to initiate meetings with potential employers and help manage documents, to encourage them to get a speciality or retrain, gain a higher education, provide necessary assistance to other offenders for employment, personal and social support. All of this is implemented by correctional inspections officers not only during individual work with offenders at the time, but also as part of the social integration programme of conditional release from prison on parole and released from the prison sentence before the term. This programme was carried out since May 2003 according to the Order by the Director of the Prisons Department. The objective of the programme is to help individuals, conditionally released from prison and on parole, to apply acquired knowledge of social guidance, moral and legal education, and to provide social (legal) knowledge that would help them integrate into society and meet their social needs of legitimate ways and means.⁴ Offenders participate in the programme voluntarily. During this programme they have the possibility to study legal documents which determine their position at the time of sentence, the possibility to get social support and authorities that provide social support in their home area.

For work with persons conditionally released from prison and released from prison punishment, individual work plans are compiled, according to the Prisons Department's form and methodological recommendations on how to make it. An individual work plan is compiled considering the offender's personality, personal or social support needs and other circumstances. The plan establishes individual labour forms and mechanisms, underlines the offender's individual and social problems, provides possible solutions, and the measures necessary for re-socialization of conditionally released persons. If necessary, the individual work plan is reviewed.⁵ These plans are designed to help correctional inspection officers to develop offender's skills, increase their confidence when most required. The plan provides for the following measures: duties of persons conditionally released from prison and released from prison punishment (how an offender is preparing to comply with their duties, how a correctional inspection officer will monitor their compliance with the duties, inspection intervals, for what incentive measures may the offender be designated), personal documents (how to help the offender manage personal and other documents), housing and social support (how the offender plans to address the issue of his residence, when and where he plans to apply for social assistance) and employment (how the offender looks for employment, when

order No 107 "On approval of Power of attorney and arrangements for correctional inspections officers who designate incentive measures and penalties for persons sentenced for public works and liberty limitation punishments or on parole, and approval of the list of highly malignant public order and duties violations by persons on parole, and correctional inspections' procedure" of 17 April 2003]. *Official Gazette*. 2003, No. 40-1856.

4 Kalėjimų departamento prie Lietuvos Respublikos teisingumo ministerijos direktoriaus 2003 m. gegužės 8 d. įsakymas Nr. 4/07-79 „Dėl programos, metodinių rekomendacijų ir dokumentų formų, susijusių su pataisos inspekcijų veikla, patvirtinimo“ [Prison Department under the Ministry of Justice of the Republic of Lithuania Director's General order No 4/07-79 "On programme, methodical recommendations and documents forms verification related with practice of correctional inspections" of 8 May 2003]. *Official Gazette*. 2003, No. 48-2147.

5 *Ibid.*

or over what period of time does he visit a company or organization for a job and so on), family and friends (what problems emerge with family members after return from prison, their solutions, visiting the offender's place of residence, etc.) leisure (how an offender plans to spend his leisure time), non-governmental organizations in providing assistance to conditionally released persons (estimated offenders visit non-governmental organizations for help in solving social problems, etc.). For every measure in the plan, problems can be expected and their solutions found. Correctional inspection officers cannot apply their opinion to solutions to the offender's problems. The convicted person shall be entitled to choose his own possible solution and only after individual decisions the officer can help select the best of them. This plan also defines all the expected problems and implementation of the measures, that is to say, visits of persons released on parole or conditionally released, for example, to employment services, companies, or institutions to deal with emerging problems. Such a plan is created by a correctional inspection officer together with the offender, taking into regard his personal qualities, intelligence, sex, age, education, living conditions, behaviour, offence type and conditions, conclusions made in the past, created plans, social needs, as well being introduced to the offender's personal file, received from the prison. As can be seen, the work of correctional inspections with an individual released on parole and released from the prison sentence before their term is oriented towards provision of social support. In providing social support to these individuals, the correctional inspections implement one of their main functions, i.e. to help offenders integrate into the society.

With a goal towards realizing an optimal punishment, correctional inspections should maintain a close relationship with the sentencing and enforcement authorities, as is in many advanced foreign countries. In Lithuania the courts and the prisons can be considered as such institutions. To this day there is no connection between the penitentiary and correctional inspections, except that the correctional inspections officers participate in various legal and social education programmes taken at the correctional institutions.⁶ However, in reality, correctional inspections officers are acquainted with the offender only after the court rule on parole or conditional release before the time and reception of court documents. Information on the behaviour of the convicted persons in prison is formal, as correctional inspections officers do not communicate with the prisoners until application of conditional release. For example, in the United Kingdom, from the moment when the convicted person begins serving his prison sentence, the probation

6 Kalėjimų departamento direktoriaus prie Lietuvos Respublikos teisingumo ministerijos direktoriaus 2003 m. rugsėjo 24 d. įsakymas Nr. 4/07-174 „Dėl asmenų, kuriuos rengiamasi paleisti iš laisvės atėmimo vietų, teisinio ir socialinio švietimo programos, patvirtinimo“ [Prison Department under the Ministry of Justice of the Republic of Lithuania Director's General order No 4/07-174 "On approval of legal and social education program for persons' who are to be released from liberty deprivation institutions" of 24 September 2003]. *Official Gazette*. 2003, No. 92-4182; Kalėjimų departamento direktoriaus prie Lietuvos Respublikos teisingumo ministerijos direktoriaus 2004 m. balandžio 22 d. įsakymas Nr. 4/07-101 „Dėl pataisos inspekcijų pareigūnų dalyvavimo asmenų, kuriuos rengiamasi paleisti iš laisvės atėmimo vietų, teisinio ir socialinio švietimo programoje“ [Prison Department under the Ministry of Justice of the Republic of Lithuania Director's General order No 4/07-101 "On participation of correctional inspections officers in legal and social education programme for persons' who are to be released from liberty deprivation institutions" of 22 April 2004] (unpublished in *Official Gazette*).

specialists begin working with him, representing an individual plan of correction and, depending on the circumstances, adjusting it.⁷ The United Kingdom in such ways aims to maintain the continuity of the offender's integration into society as a continuous process.

Currently the Prisons Department approved three programs that are carried out by correctional inspection in the field of social rehabilitation of offenders. These are: 1) the social integration programme of persons conditionally released from prison on parole and released from the prison sentence before their term⁸; 2) the social rehabilitation programme of individuals who have committed criminal acts through violence⁹; and 3) social rehabilitation programme for persons who have committed criminal acts on ownership, property rights and property interests.¹⁰

Each programme, as well as any work carried out, has its own objectives to be achieved by implementation of certain measures or performance of certain actions. The programme work also has objectives to be achieved by its implementation. The principal of all the carried programmes, (both in places of detention and correctional inspections), is determined in Article 41 of the Republic of Lithuania's Criminal Code, which defines the purpose of punishment. The punishment is carried out in order to affect a person to comply with the law but not to commit new crimes.¹¹ For the implementation of the mentioned purposes of punishment, targets in each programme have been determined. One of them is successful integration into society of persons who have committed criminal acts, by helping them understand the consequences of their transgression of the law (in this case, a crime or a criminal offence), urging them to take responsibility for their actions, learning socially acceptable life skills. This is reflected in each of the above-mentioned programmes approved by Director of Prisons Department. For example, persons who have committed criminal acts of violence, the social rehabilitation programme's title alone indicates what its purpose is, precisely the social rehabilitation. This programme in the first paragraph indicates its aim, to help persons understand the consequences of the actions they committed, to strengthen the participating individuals by making them accountable for their actions and also shows that this programme is

7 Mackevičius, T. *Alternatyvos laisvės atėmimo bausmei ir jų realizacija*. Daktaro disertacija. Socialiniai mokslai, teisė (01 S) [The Alternatives for the Liberty Deprivation punishment and their realization. Doctoral Dissertation. Social sciences, law (01 S)]. Vilnius: Mykolo Romerio universitetas, 2006, p. 46.

8 *Supra* note 4.

9 Kalėjimų departamento prie Lietuvos Respublikos teisingumo ministerijos direktoriaus 2003 m. gruodžio 19 d. įsakymas Nr. 4/07-243 „Dėl socialinės reabilitacijos programų patvirtinimo“ [Prison Department under the Ministry of Justice of the Republic of Lithuania Director's General order No 4/07-243 "On approval of social rehabilitation programs" of 19 December 2003]. *Official Gazette*. 2004, No. 7-167.

10 Kalėjimų departamento prie Lietuvos Respublikos teisingumo ministerijos direktoriaus 2004 m. gruodžio 27 d. įsakymas Nr. 4/07-305 „Dėl asmenų, padariusių nusikalstamas veikas nuosavybei, turinėms teisėms ir turiniams interesams, socialinės reabilitacijos programos patvirtinimo“ [Prison Department under the Ministry of Justice of the Republic of Lithuania Director's General order No 4/07-305 "On approval of social rehabilitation program for persons who committed criminal acts of ownership, property rights and property interests" of 27 December 2004]. *Official Gazette*. 2004, No. 188-7051.

11 Lietuvos Respublikos baudžiamasis kodeksas [Criminal Code of the Republic of Lithuania]. *Official Gazette*. 2000, No. 89-274.

intended to help persons integrate into the society, as the strengthening of responsibility is one of the most important aspects of the re-socialization process of individuals.

It should be noted that, although the correctional inspection carries out the social rehabilitation work with persons under their jurisdiction, the efficiency of this raises reasonable doubt, because it is formalized, and the content analysis suggests that the offenders lack incentives to change delinquent and (or) anti-social behaviour, and to live according to acceptable community standards. All social integration and rehabilitation programmes are educational in nature, the programmes are conducted through lectures, discussions, and offenders are not motivated to participate; individual programmes themes sometimes overlap, for example, the content of the above-mentioned “Conditionally released from prison on parole and released from the prison sentence before the term social integration programme”¹² actually echoes with “Individuals, which are to be released from imprisonment, legal and social education program,”¹³ and offenders usually have already completed all educational information in prison, so they are simply not interested in participation in these programmes and consider them useless. Therefore it can be stated that the inefficiency of the programme’s work decides the lack of quality of social integration and rehabilitation programmes carried out by the correctional inspections. Programmes should be specialized, focused on real life (cognitive) skills. The implementation of such programmes must be aimed at changing the offender’s behaviour in such a way that a person’s behavioural changes would not be short-lived. The content of social integration and rehabilitation programmes in Lithuania does not meet the advanced foreign probation services practices of, for example, Austria, where the social rehabilitation of released prisoners includes consulting, support, housing, family counselling, routine enforcement of constructive activities, advice on job opportunities and professional training. In Sweden, England and Wales, in addition to these forms of rehabilitation for the released prisoners, a wide range of rehabilitation programmes are created, such as for violence and anger control, domestic violence, racist attacks, sexual offences, offences against women, criminal acts committed under the influence of alcohol, drugs and so on.¹⁴ International law also emphasizes the importance of social rehabilitation of prisoners, for example the United Nations in 1990 adopted the Standard Minimum Rules for Non-Custodial Measures (the Tokyo Rules) which provides that offenders should be given psychological, social and material assistance, as well as the opportunity to strengthen relationships with the community and facilitate their integration into society, the use of various methods, such as individual work, group therapy, programmes by place of residence and special treatment of the various categories of offenders.¹⁵ European rules on community sanctions and measures

12 *Supra* note 4.

13 *Supra* note 6.

14 van Kalmthout, A. M.; Durnescu, I. *Probation in Europe*. Nijmegen: Wolf Legal Publishers, 2008.

15 Jungtinių Tautų Organizacijos Generalinės asamblėjos rezoliucija Nr. 45/110 „Dėl standartinių minimalių, su laisvės atėmimu nesusijusių, priemonių taisyklių“ [United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules) adopted by General Assembly resolution 45/110 of 14 December 1990] [interactive]. [accessed on 27-09-2011]. <<http://www.un.org/documents/ga/res/45/a45r110.htm>>.

recommend social work with persons sentenced to alternatives to imprisonment, during which special attention should be paid to social rehabilitation programmes for offenders, the potential impact on their basic skill development (such as basic literacy and numeracy, general problem solving, matters of personal and family relationships, antisocial behaviour), education or employment conditions, a possible tendency towards drugs and alcohol use and so on.¹⁶ It is also recommended to take advantage of recent research findings, and these programmes based on cognitive behavioural methods, that is to say, teaching offenders to think about involvement in a criminal action to increase their self-understanding and self-monitoring, recognizing and avoiding situations which take place before the crime, and advance preparation for possible antisocial behaviour (*European rules on community sanctions and measures, Rules 21–23*).

It should be mentioned that institutions subordinate to the Prisons Department started two cognitive behavioural correction programmes—“One to One” and “Equip”¹⁷, which should help solve the current problematic situation, but their effectiveness in the national context, or even more scientific evaluation, is too early, since the programmes started only in the year 2010. Altogether 246 offenders were involved in programmes “One to One” and “Equip” in 2010, and 143 offenders had already completed them. Currently the programme “One to One” (for adults only) is implemented by only 13 probation officers who have completed special training. The programme conducted 12 individual sessions with the offenders. It should be noted that implementation of the “One to One” programme requires a lot of time and human resources, and because the small number of posts in the Probation Service for its implementation is quite limited. In 2010 75 offenders participated in the programme “One to One”, while 34 (45.3%) offenders fully completed the programme. Of all the offenders who participated in the programme “One to One”, as many as 28 offenders (37.3%) ranged from 21 to 30 years of age, while the graduates of this programme were mostly people aged 21–30 years (11 prisoners, 32.3%) and 31–40 years (11 prisoners, 32.3%). In “One to One” two women participated and

- 16 Europos Tarybos Ministrų komiteto rekomendacija Rec (2000) 22 „Dėl Europos bendruomeninių sankcijų ir priemonių taisyklių taikymo tobulinimo“ [Recommendation Rec(2000)22 of the Committee of Ministers to member states on improving the implementation of the European rules on community sanctions and measures] [interactive]. [accessed on 26-09-2011]. <[http://www.coe.int/T/E/Legal_affairs/Legal_cooperation/Prisons_and_alternatives/Legal_instruments/Rec.R\(2000\)22.asp](http://www.coe.int/T/E/Legal_affairs/Legal_cooperation/Prisons_and_alternatives/Legal_instruments/Rec.R(2000)22.asp)>.
- 17 Kalėjimų departamento prie Lietuvos Respublikos teisingumo ministerijos direktoriaus 2010 m. gruodžio 13 d. įsakymas Nr. V-315 „Dėl nuteistųjų mąstymo ir elgesio korekcijos programų diegimo ir plėtros Lietuvos bausmių vykdymo sistemoje aprašo patvirtinimo“ [Prison Department under the Ministry of Justice of the Republic of Lithuania Director’s General order No V-315 “On approval of schedule for prisoners’ thinking and behaviour correction programs’ implementation and development in Lithuanian punishment enforcement system” of 13 December 2010.]. *Official Gazette*. 2010, No. 149-7658; Kalėjimų departamento prie Lietuvos Respublikos teisingumo ministerijos direktoriaus 2010 m. sausio 15 d. įsakymas Nr. V-15 „Dėl kognityvinių biheioristinių korekcinų programų „Tik tu ir aš“ ir „Equip“ taikymo Kalėjimų departamentui pavaldžiose įstaigose bei Kalėjimų departamento direktoriaus 2003 m. gruodžio 19 d. įsakymo Nr. 4/07-243 „Dėl socialinės reabilitacijos programų patvirtinimo“ pakeitimo“ [Prison Department under the Ministry of Justice of the Republic of Lithuania Director’s General order No V-15 “On application of cognitive behaviourist correctional programs “One to One” and “Equip” in Prison Department’s institutions and the change of Prison Department under the Ministry of Justice of the Republic of Lithuania Director’s General order No 4/07-243 “On approval of social rehabilitation programs” of 19 December 2003” of 10 January 2010]. *Official Gazette*. 2004, No. 10-517.

one woman graduated the programme. “Equip” is a cognitive behavioural programme designed to teach young people to think and behave responsibly. Its goal is to motivate and empower young people to help one another. It applies to minors and young people in correctional institutions and correctional inspections. This programme is carried out by 15 specially trained probation service (11) and prison (4) officers. Through 2010, 171 offenders enlisted in probation services standings, participated in the programme “Equip” and 109 (63.7%) offenders fully completed the programme.¹⁸

2. Principles of Programme Work with Offenders

It should be noted that each programme’s application is directly related to the objective needs of the offenders; such needs would enable a person after punishment, especially after imprisonment, to become a full-fledged member of society, able and willing to be self-sufficient and in legitimate ways to achieve life goals and solve problems. At present, we can distinguish three main principles of the programme work with offenders in Lithuania: 1. the individualisation principle; 2. the principle of the offender’s voluntarism; 3. the principle of public participation.

The individualisation principle is based on the idea that each programme is targeted towards certain individuals, for example, persons who have committed criminal acts using violence; social rehabilitation programmes designed for persons who are under jurisdiction of correctional inspections and committed criminal offences by use of violence or administrative violations. The principle of individualisation, in fact, can be carried out not only for a group of individuals, but also individually with each person separately. However, the poor quality of social rehabilitation programs carried out by the correctional inspections leads to this principle of inefficiency. Implemented programs must be aimed to change the behaviour of the offender in the way that a person’s behavioural changes would be sustainable. In addition, correctional inspections do not target work (programme work) with high-risk offenders and specific target groups (minors, perpetrators, persons guilty of sexual offences), whose main objectives are social rehabilitation and integration into society.

Social rehabilitation programmes for persons who have committed violent criminal acts in paragraph 13 provide that “persons enlisted in correctional inspections are involved in program sessions on a voluntary basis.” This principle of offender’s voluntarism in the programme works in such way that a person participating in the programmes may be included only for one’s own personal preferences. Individuals cannot be compelled to attend, participate in programmes through violence, that is to say, through the use of both psychological and physical pressure. This principle is clearly in conflict with foreign experience in this field, such as in various foreign countries (for example, in

18 Kalėjimų departamento prie Lietuvos Respublikos teisingumo ministerijos 2011-02-19 „2010 metų veiklos ataskaita“ Nr. NV-74 [2010 Annual Report of the Prison Department under the Ministry of Justice of the Republic of Lithuania No NV-74 of 19 February 2011] [interactive]. [accessed on 27-09-2011]. <http://www.kalejimudepartamentas.lt/?item=vkl_at_mt&lang=1>.

England, USA, France, Japan, Sweden, Germany, Canada, etc.) participating in social rehabilitation programmes are mandatory, and, therefore, can even change the legal situation of the convicted.¹⁹ This can be described as a condition for the application of alternatives to imprisonment. This suggests that the programmes should be mandatory for offenders enlisted in correctional inspections.

The process of social integration into society of persons conditionally released on parole and released from their prison sentence before the term, the principle of public participation, also involves some non-governmental organizations. A number of public organizations operate in Lithuania, whose principal activity is to work with convicted persons. The first of these is the Lithuanian Prisoner Aid Association, one of their aims being to help persons who returned from prison to begin a new life. The Lithuanian Prisoner Aid Association promotes the need of the society to help former prisoners, submit to the parliament or other public authorities and institutions a variety of projects of legal instruments that protect the human rights of individuals subjects to the criminal punishment and the like. Lithuanian Prisoner Aid Association support, unfortunately, is more moral than material. Meanwhile, the Rehabilitation Centre of the Prisoner Aid Association has been providing “real” help for persons returning from prison. The centre begins work every day at 9 a.m. discussing current plans, after that the centre’s clients work for 2-3 hours in supporting the centre for which they receive remuneration: food, transport tickets, personal hygiene items, necessary medications. The centre organizes individual interviews for clients to discuss personal problems, as well as group meetings, which help shape understanding based on team spirit. The organization of care of conditionally released persons is directed exclusively towards individuals released from prison on parole. Volunteers of the organization (Vilnius University, psychology and social work students and law students) begin to prepare inmates for life outside prison in a social and psychological sense while yet in correctional institutions. After these inmates are released, the work continues in helping to manage documents, find accommodation, work, promoting pro-social behaviour, as well as practical help in overcoming psychological problems. However, there are only a few organizations that are quite active in social integration of offenders. Other community organizations and society itself are slowly becoming involved in this process, because the public is not sufficiently informed about the convict correctional system, mechanisms and processes. This problem is typical for all criminal justice and the punishment enforcement system in particular. The more the public knows about punishment enforcement, the lives of prisoners and what they think, the more adequate public provisions would be on the punishment enforcement contribution in the field of crime prevention, which in turn will expect greater public acceptance and support.

One of the objectives of Tokyo Rules is to encourage greater public participation in the criminal justice process, in particular in determining the treatment of offenders, in addition, to encourage offenders to have a sense of responsibility to society; rule 17.1 provides that the public should be encouraged to participate. The public participation

19 Mackevičius, T., *supra* note 6.

process in the correction of offenders is encouraged also by the recommendation of the Council of Europe. In the European rules on community sanctions and measures, the rule 45 states that the work of the authorities responsible for the implementation of community sanctions and measures shall be supplemented by using all appropriate resources existing in the community in order to make available to these authorities suitable ways of meeting the needs of offenders and upholding their rights. To this latter end, maximum use shall also be made of participation by organisations and individuals drawn from the community.²⁰ In paragraph 2 of article 8 of PEC there is the principle of penal law that “in the correctional process, offenders *can take part* in community-based organizations, religious communities and their members, and other natural and legal persons.” Construction of “can take part,” as has been mentioned in the rule, expresses grammatical structure, which does not have a predisposing effect (can take part and cannot), while the Tokyo Rules highlights the public, community organizations and volunteer *promotion* importance. It can be promoted in various ways: through media, organized educational campaigns and formation of public opinion on programme funding from the state budget, and so on. From this it follows that the Lithuanian legislator looks rather indifferently at the public’s participation in the process of offender correction and integration. Non-governmental organizations are also mentioned in the methodological guidelines on creating an individual work plan with the offender, stating that the offender’s interaction with non-governmental organizations should be expected in an individual work plan.²¹

However, all analysed legislation only emphasizes the offender and non-governmental organization ratio, and positive societal attitudes and the formation of wider public (especially volunteer) involvement is not mentioned, except for the fact that in 2007 the Prisons Department approved by the voluntary labour expenses.²² However, this legislation is practically null, since Lithuanian society is not encouraged to participate in the correctional and integration of offenders process. One of the main reasons underlying this situation is that public opinion in Lithuania about ex-offenders is too negative and it is difficult to include civil society organizations and volunteers in probation enforcement. Therefore, efforts should be made in attempt to change this situation, through active legal education of the population and through public awareness programmes. In order to increase the involvement of NGOs, voluntary engagement, the powers of these organizations in probation must be determined. Therefore, it reaffirms the need to create the mechanism of implication of society and volunteers in the offender re-

20 Europos Tarybos Ministrų komiteto rekomendacija Nr. R (92) 16 „Dėl Europos bendruomeninių sankcijų ir priemonių taisyklių“ [Recommendation No. R (92) 16 of the Committee of Ministers to member states European rules on community sanctions and measures] [interactive]. [accessed on 26-09-2011]. <<http://www.cm.coe.int/ta/rec/1992/92r16.htm>>.

21 *Supra* note 4.

22 Kalėjimų departamento prie Lietuvos Respublikos teisingumo ministerijos direktoriaus 2007 m. gruodžio 17 d. įsakymas Nr. V-368 „Dėl savanoriško darbo išlaidų kompensavimo tvarkos aprašo patvirtinimo“ [Prison Department under the Ministry of Justice of the Republic of Lithuania Director’s General order No V-368 “On approval of procedure for voluntary reimbursement” of 17 December 2007]. *Official Gazette*. No. 139-5708.

socialization process. In addition, it would be in line with the Tokyo Rules, Section VII, “Volunteers and other community opportunities” 17.1-19.3 Rules of recommendations, as well European Rules on Community Sanctions and Measures Rules, in Chapter VII on community involvement and participation of the 44 to 54 rules recommendations.

Conclusions

1. It is suggested that in order to improve social integration and rehabilitation programme quality, as carried out by the correctional inspections (probation services), the offender behaviour must be changed, so that the person behavioural changes are sustainable. These programmes should not be educational in nature, and should teach offenders to think about involvement in a criminal action, to increase their self-understanding and self-monitoring, recognizing and avoiding situations that take place before the crime, and preparation in advance for potential antisocial behaviour. Also, special attention should be paid to the social rehabilitation programmes for offenders, the potential impact on basic skills, education or employment conditions, a possible tendency towards drugs, alcohol abuse and so on.

2. Offender participation in the social integration and rehabilitation programmes should not be based on a voluntary basis, but as a condition for the application of alternatives to imprisonment and, in view of the fact, could change the legal situation of the convicted.

3. The promotion of community involvement and volunteer participation in offender social integration and rehabilitation programmes is suggested because it has a high potential, one of the most important factors being the strengthening of ties between offenders assigned to non-custodial measures and their families and communities.

References

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Europos Tarybos Ministrų komiteto rekomendacija Rec (2000) 22 „Dėl Europos bendruomeninių sankcijų ir priemonių taisyklių taikymo tobulinimo“

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skiriant nuteistiesiems, atliekantiems viešųjų darbų ir laisvės apribojimo bausmes, bei lygtinai paleistiesiems iš pataisos įstaigų paskatinimo priemonės ir nuobaudas, bei jų skyrimo tvarkos, lygtinai paleistų iš laisvės atėmimo vietų itin piktybiškų viešosios tvarkos ir nustatytų pareigų pažeidimų sąrašo ir pataisos inspekcijų darbo tvarkos patvirtinimo“ [Minister of Justice of the Republic of Lithuania order No 107 “On approval of Power of attorney and arrangements for correctional inspections officers who designate incentive measures and penalties for persons sentenced for public works and liberty limitation punishments or on parole, and approval of the list of highly malignant public order and duties violations by persons on parole, and correctional inspections’ procedure” of 17 April 2003]. *Official Gazette*. 2003, No. 40-1856.

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PROGRAMINIS DARBAS SU PATAISOS INSPEKCIJŲ (PROBACIJOS TARNYBŲ) ĮSKAITOSE ESANČIAIS ASMENIMIS

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Santrauka. Šiame straipsnyje vertinamas socialinio darbo su nuteistaisiais, esančiais pataisos inspekcijų (probacijos tarnybų) įskaitose, veiksmingumas, įgyvendinant socialinės rehabilitacijos ir socialinės integracijos programas, socialinės rehabilitacijos ir socialinės integracijos programų turinys. Atskleidžiama pažangi kai kurių užsienio valstybių patirtis socialinio darbo su nuteistaisiais probacijos srityje, taip pat tiriamos JTO Standartinių minimalių su laisvės atėmimu nesusijusių priemonių taisyklių (Tokijo taisyklių), Europos Tarybos Ministrų Komiteto Rekomendacijos Nr. R (92) 16 „Dėl Europos bendruomenės sankcijų ir priemonių taisyklių“, Europos Tarybos Ministrų Komiteto Rekomendacijos Rec (2000) 22 „Dėl Europos bendruomeninių sankcijų ir priemonių taisyklių taikymo tobulinimo“ nuostatos dėl programinio darbo su nuteistaisiais. Taip pat straipsnyje nagrinėjami pataisos inspekcijų (probacijos tarnybų) vykdomi programinio darbo principai, jų reikšmė ir efektyvumas, bendruomenės vaidmuo įgyvendinant alternatyvas laisvės atėmimui. Straipsnyje atskleidžiama, kad, nors pataisos inspekcijos (probacijos tarnybos) ir atlieka socialinį rehabilitacinį darbą su asmenimis, esančiais jų įskaitose, tačiau šio darbo efektyvumas kelia pagrįstų abejonių, kadangi jis daugiau formalizuotas, o programų turinio analizė leidžia teigti, kad nuteistieji nepakankamai skatinami keisti delikventinį ir(ar) asocialų elgesį bei gyventi pagal bendruomenėje priimtinas normas. Dauguma socialinės integracijos ir rehabilitacijos programų yra šviečiamojo pobūdžio, programos vedamos paskaitų, diskusijų formomis, todėl nuteistieji nemotyvuoti jose dalyvauti, taip pat atskirų programų tematika dubliuojasi, todėl nuteistieji nepakankamai motyvuojami siekti savo gyvenimo tikslų teisėtais būdais ir priemonėmis. Pažymima ir tai, kad šios programos taikomos vienodai visiems nuteistiesiems, nors nuteistųjų socialiniai poreikiai paprastai skiriasi. Straipsnyje pateikiamos gairės dėl socialinės rehabilitacijos ir socialinės integracijos programų turinio ir įgyvendinimo tobulinimo bei bendruomenės įtraukimo į šį procesą svarbos.

Reikšmingi žodžiai: programinis darbas, nuteistieji, pataisos inspekcijos, probacija, socialinis darbas.

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