

THROUGH OFFENDERS' EYES: A PILOT STUDY ON EXPERIENCING SUPERVISION IN SERBIAN CRIMINAL JUSTICE SYSTEM

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Abstract

Probation and parole are intended as alternatives to incarceration for eligible offenders. In various European jurisdictions research studies indicated the importance of the offenders' perspective in supervision; however, the contribution of this factor is still unclear and underexplored. In the present study, we explored the offenders' experience of the supervision process, based upon the experience of 22 convicts. To understand the offenders' experience, we used the newly constructed tool, Eurobarometer, which measures eight core domains of offender supervision. The pilot study was conducted in Belgrade and was a part of the European Cooperation in Science and Technology initiative (COST) which was implemented in eight European jurisdictions. Results confirmed that the offenders' perception of supervision can be significant in various domains of offenders' life and that Eurobarometer can be significant in capturing that experience.

Key words: offenders, supervision, probation, criminal justice, alternative sanctions.

ИЗ УГЛА ПРЕСТУПНИКА: ПИЛОТ-СТУДИЈА О ИСКУСТВУ НАДЗОРА У КРИВИЧНОПРАВНОМ СИСТЕМУ СРБИЈЕ

Апстракт

Пробација представља алтернативу затварању за подобне осуђенике. У различитим правним системима у Европи, истраживања су указала на значај посматрања надзора из перспективе осуђеника, али допринос овог фактора још увек није сасвим јасан нити довољно истражен. У овој студији истражено је на који начин преступници доживљавају процес надзора, и то на основу искуства 22 осуђеника. Како би се разумело искуство преступника, коришћен је ново-осмишљени инструмент – Еуробарометар, који мери осам кључних домена надзора преступника. Пилот-студија спроведена је у Београду и представља део Европске иницијативе за сарадњу у науци и технологији (ЦОСТ), која је приме-

њена у осам европских правосудних система. Резултати истраживања потврдили су да начин на који преступници перципирају надзор може бити значајан у различитим доменама њиховог живота, као и да Еуробарометар може допринети остваривању увида у то њихово искуство.

Кључне речи: преступници, надзор, пробација, кривично право, алтернативне санкције.

INTRODUCTION

In each contemporary stage of substantial criminal justice reform, including the progressive period, the “decarceration” movement in the 1960s, the push for “intermediate sanctions” in the 1990s, and the initial stirrings of reform in the present-day period, probation has been promoted as a cheaper and more effective alternative to custodial sanctions (Phelps, 2013). The effects of imprisonment on recidivism have been investigated in recent years in an attempt to provide further information and broaden knowledge regarding incarceration and its effect on offenders in various criminal justice systems. According to the research studies, imprisonment tends to produce recidivism with increasing effects on perpetrators compared to probation (Mitchell, Cochran, & Mears, 2016), while lengthier terms of incarceration do not reduce recidivism, but may even boost it (Mears, Cochran, & Bales, 2016).

Incarceration either exerts little influence on the offenders’ re-socialization or may even be criminogenic (Nagin & Matthew, 2013). Although the empirical evidence is inconsistent, the support for the argument that offenders placed on probation are less likely to re-offend than those sentenced to prison is confirmed across research studies (Spohn & Holleran 2002; Green and Winik, 2010; Phelps, 2013). The costs of imprisonment, prevention of recidivism and reoffending rate have contributed to the expansion of various alternative or community-based sanctions and measures in most European and worldwide jurisdictions (McNeill, 2013). Probation does not require individuals to leave their families, quit their jobs, and cycle back and forth into and out of their communities, while community sanctions improve the re-socialization through the community engagement and provide the opportunity for offenders to participate in social and pedagogical treatment (Phelps, 2013; Želeskov Đorić & Batrićević, 2014; Želeskov Đorić, Batrićević, & Kuzmanović, 2014). Additionally, the offenders’ stigmatization is minimized and elements of restorative justice are included (Ćopić, 2015, p. 7).

In the majority of jurisdictions rehabilitation, retribution and reparation are considered as the main purposes of probation (McIvor, Beyens, & Blay, 2010). Depending on national legislation, alternative sanctions may include various activities such as the fulfillment of particular obligations, drug or alcohol abuse treatment, psychological counselling, and assistance, community service, compensation of damage for the victim, etc.

Some of these activities may be accompanied by surveillance – whether electronic or through regular meetings with the supervisor (Želeskov Đorić & Batrićević, 2014, p. 76). Community sanctions are defined as "the sanctions and measures which maintain the offender in the community and involve some restriction of his liberty through the imposition of conditions and/or obligations, and which are implemented by bodies designated in law for that purpose" (Council of Europe, 1992, p.11). The term designates any sanction imposed by a court or a judge, and any measure taken before or instead of a decision on a sanction, as well as ways of enforcing a sentence of imprisonment outside a prison establishment (Council of Europe 1992, p.11). The use of the term 'measures' or 'sanctions' implies to measures imposed pre-court and/or in lieu of prosecution, rather than restricting our attention to those that are imposed by judicial or quasi-judicial bodies (McNeill, 2013). For the purpose of this research, community sanctions are defined as:

"Sanctions and measures that maintain the offender in the community and involve some restriction of his liberty through the imposition of conditions and/or obligations, which are implemented by bodies designated in law for that purpose" (Dumescu, 2013, p. 418).

These include community service, a conditional sentence with protective supervision and enforcement of imprisonment in the premises of the offender's permanent or temporary residence. Pre-trial measures and measures applied during criminal procedure designed to avoid or stop criminal procedure are not included in the definition. For the purpose of this paper, the term 'community sanctions' does not include the following measures: conditional release with protective surveillance (i.e. the cases in which the measures of protective surveillance are imposed alongside with conditional release), special measures that are imposed on the perpetrators of criminal offences against sexual freedom committed against juvenile persons in accordance with the Law on Special Measures for the Prevention of Criminal Offences against Sexual Freedom Committed against Juvenile Persons.

Community service is imposed on the offenders who committed criminal offenses for which imprisonment is up to three years or a fine is prescribed and it has been introduced to the Serbian System of criminal law in 2005, when Criminal Code, that came into force in 2006, was adopted (Želeskov Đorić, Batrićević, & Petrović, 2015, p. 81). It includes any kind of socially acceptable and useful work that does not offend human dignity and that is not performed with the intention to obtain material (financial) benefits. It cannot be shorter than 60 hours and may not exceed 360 hours. On a monthly basis, it may not exceed a 60 hours' period and has to be conducted in the term between one and six months. Community service cannot be imposed on the offender without his consent. If the offender fails to fulfill all the obligations imposed within the punishment of community

service, the court can replace it with imprisonment (Criminal Code of the Republic of Serbia, 2005, Paragraph 52).

Community Service must not endanger the health and safety of the convicted person and has to be conducted within a legal person that performs activities of public interest, particularly humanitarian, medical, environmental and communal jobs (Paragraph 39, Law on the Execution of Non-custodial Sanctions and Measures,). The convicted person is obliged to complete the community service within the agreed term and in the manner that has been determined by the program. If the convicted person severely neglects his or her working obligations, the Probation Officer shall have a conversation with him or her, give him or her necessary advice and warn him or her about the consequences of such behavior. However, if, even after the warning, the convicted person continues to seriously neglect his or her obligations, the Officer shall inform the court and the Probation Office about that fact, as well as about all relevant facts, circumstances and reasons (Paragraph 43).

Conditional sentence can be imposed if the punishment determined by the court does not exceed a two years' period. When imposing this sanction, the court takes into consideration the personality of the offender, his previous life, his behavior after offending, the degree of his guilt and other circumstances under which the offense has been committed. A conditional sentence cannot be imposed on the offenders who have committed offenses for which imprisonment exceeding 10 years' period, or a more severe punishment, is prescribed. Also, the conditional sentence cannot be imposed if less than 5 years have passed from the moment when the judgment, by which the punishment of imprisonment for an offense committed with premeditation was imposed on the offender, became legally binding. Protective supervision can be added if after taking into account the offender's personality, previous life, and behavior after committing the offense, and, in particular, his attitude towards the victim of the offense, the court estimates that protective supervision will contribute to the accomplishment of the purpose of the conditional sentence. It can be accompanied by some of the obligations, enumerated in Paragraph 73 of Criminal Code.

The execution of imprisonment in the premises of offender's permanent or temporary residence can be imposed if the imposed sentence does not exceed one year and if the offender's personality, previous life, behavior after the commission of the criminal offence, degree of guilt and other relevant circumstances suggest that the purpose of punishment can be accomplished in that way. It cannot be applied on the offender who committed a criminal offense against marriage and family if the offender and the victim live in the same household (Criminal Code of the Republic of Serbia, 2005, Paragraph 45, Subparagraph 5). Electronic supervision is applied by the Probation Office in cooperation with the police and the device for locating the convicted person is set in accordance with Paragraph 17 of

the Law on the Execution of Non-custodial Sanctions and Measures (Paragraph 22). The convicted person is not allowed to leave the premises of his or her permanent residence except in the cases enumerated by the law. However, he or she may dwell outside these premises for a maximum of 2 hours per day between 1 and 5 p.m. If the convicted person abuses his or her rights, the Director of the Administration for the Enforcement of Criminal Sanctions may ban them (Paragraph 23).

The cases in which the convicted person may leave the premises of his or her residence (after submitting an appeal to the Director of the Administration for the Enforcement of Criminal Sanctions and receiving his or her positive decision) are enumerated by Paragraph 24 of the Law on the Execution of Non-custodial Sanctions and Measures, and primarily refer to urgent situations such as medical assistance, professional engagement, education etc. The Probation Officer informs the Court if the convicted person violates his obligations, as well as about the circumstances that might avert the enforcement of the sentence (Paragraph 28, Law on the Execution of Non-custodial Sanctions and Measures). Paragraph 30 of the previously cited Law empowers the Probation Officer to check (either personally or via phone call) whether the convicted person is present in the premises of his or her residence or at another place determined within the application program, without previous warning, as well as to interview his family members and employer.

Although the aforementioned legislative framework does provide for the application of community sanctions in accordance with international standards, the Regular Annual Report of the Protector of Citizens of the Republic of Serbia suggests that “the alternative sanctions system of the Republic of Serbia still does not have sufficient capacity and scope” (Protector of Citizens, 2015, p. 135). Due to a shortage of staff and equipment needed for the implementation of alternative sentencing, those sentences that are imposed are hardly ever enforced (Protector of Citizens, 2015, p 135). In spite of these problems, the European Commission's Report on Serbia's progress towards the European Union in 2017 suggests that there has been some upgrading regarding the enforcement of community sanctions in Serbia. The Report has confirmed that pilot projects in cooperation with local self-governments and civil society on alternative sanctions and reintegration continued and proved successful in the past year. Since the Republic of Serbia is determined to further improve its system of community sanctions, conducting a series of multidisciplinary scientific research on various aspects of this part of the penal system seems inevitable. This particularly refers to the impacts of community sanctions on the reduction in the prison population, the socialization of offenders and the prevention of recidivism.

Why does the offenders' opinion matter?

It is universally accepted that punishment includes a loss, suspension or circumscription of rights. It is also undoubted that a punishment may never involve the denial of all rights and slip into cruelty and oppression. That is the reason why the Council of Europe Recommendations such as the European Prison Rules and the European Probation Rules represent valuable guidelines to clarify which rights are to be defended and promoted for people subject to punishment, and which may be taken away from them or reduced (Canton, 2016). This also affects community sanctions, in the case of which, the consent of the offender and his willingness to cooperate with the representatives of the penal system and even with the victim has special importance. Numerous legislations insist on the consent of the offender before the imposing of certain community sanctions, which makes them in this respect unique. Apart from having a strong ethical connotation, the offender's consent is also considered a sign of his readiness to comply and to cooperate actively (Canton, 2016).

The aforementioned does not refer solely to formal consent, given prior to the imposing of some community sanctions such as community service, for example, but also to the offender's willingness to play an active role throughout the entire process of the enforcement of the community sanction. The offender's willingness not only to comply with the obligations derived from his community sanction but also to truly and sincerely embrace the process of re-socialization and social re-integration and abandon his criminal behavioral pattern depends on numerous circumstances. Among them, the offender's attitude towards the imposed obligations, the circumstances under which they are to be fulfilled, the probation officer(s), the offense itself and the victim can have a serious impact on the success of the re-socialization and prevention of re-offending. Therefore, the importance to observe the entire process of supervision from the offenders' perspective is crucial. In this context, the aim of the pilot study was to explore the experiences of supervision in Serbian criminal justice system from the perspective of the offenders themselves.

METHOD

Measures and procedure

The data collected in this research were gathered through a structured pan-European quantitative survey, the Eurobarometer on Experiencing Supervision (EES) developed within the Experiencing Supervision Eurobarometer subproject under the Cost Action (IS1106) on 'Offender Supervision in Europe' (Flynn & Little, 2016). According to Durnescu, Kennefick, & Sucic (2018), the development of the survey was methodologically based on Bieker (1982) and Cornel (2000) writings. The

survey was developed and tested across eight jurisdictions (Croatia, England, Ireland, Lithuania, Norway, Romania, Serbia, and Spain) and the results of this pilot study have been published recently (Durnescu, Kennefick, & Sucic, 2018). The instrument measures eight core domains of supervision: Supervision as a human service, Offender's perception regarding the supervisor, The relationship between the offender and the supervisor, Supervision and the practical help, Supervision and compliance, Breach practice, Supervision and rehabilitation and the offender's involvement and participation (Durnescu et al., 2018). The instrument consists of 55 items, and each dimension is reflected in two or more items in the questionnaire (Durnescu & Grafl, 2015). For the purpose of this article, we re-analyze the instrument and find that the items indicate three broad dimensions of the experiencing supervision by offenders: the general experience of supervision, the perception of the relationship with the probation officer, and the Perception of the current impact of the sanction on various social life aspects.

Participants

Due to the lack of financial means and restricted Eurobarometer subproject duration, but with the aim to create a more comprehensive picture about the offenders' experiencing supervision, the data were gathered from a small convenient sample of respondents, with different backgrounds and characteristics. The sample was created through the assistance of the offender supervisors, who provided the contact between researchers and respondents available in the moment of conducting of this pilot study. The respondents were included in the study on a voluntary basis.

The sample comprises 22 persons who have been imposed one of the following alternative sanctions: 1) conditional sentence with protective supervision including protective measures (4 persons, 18%), 2) execution of imprisonment in the premises of offender's permanent or temporary residence with electronic surveillance (7 persons, 32%), 3) execution of imprisonment in the premises of offender's permanent or temporary residence without electronic surveillance (11 persons, 50%). Altogether 17 persons (77%) are male and their average age is 39 (SD=9.58, Range=22-57 years). When it comes to education, 16 persons (73%) have graduated from high school, 4 (18%) have graduated from elementary school, 2 (9%) have got higher, i.e. high education and 2 (9%) were attending school when this survey was conducted. When employment is concerned, 7 (32%) persons were employed at the time when the survey was conducted. Out of them, 6 had a full-time job (at least 35 hours a week). Only 1 person was a social services beneficiary. In total, 10 persons (45%) live alone – either as singles (8.35%) or as divorced (2.10%), whereas 12 persons (55%) live in a family, out of which 9.41% are married and 3.14% are not. One-half of the surveyed persons (11) have children – 6 of them have got 1 child and 5 have 2. When housing is considered, 13 persons (59%) live in the apartment or the house of

their family members, 8 (36%) live in their own apartment, and 1 person lives in a rented apartment. When it comes to the history of offending when they committed the first offense they were, on average, 25.8 years old although the age range of the first offense varies between 16 and 46 years. The majority of them (10.45%) have been arrested only once in their life, but 4 of them (18%) have been arrested for more than 10 times. Moreover, 10 persons (45%) have not previously been sentenced to imprisonment, whereas 2 persons (10%) have been imprisoned twice or more. They have been sentenced for committing the following offences: illegal production, keeping and circulation of narcotics, crimes against property such as theft, aggravated or compound larceny, grand larceny, and robbery, family (domestic) violence, failure to provide maintenance, mediation in prostitution, criminal offences against road traffic safety and abuse of office. In total, 8 persons (35%) have not previously been under the supervision, 10 (45%) have been once, and 4 (18%) have been under the supervision for more than 2 times.

RESULTS

The Perception of Current Sanction

The alternative sanctions on the participants have mostly been imposed for the following criminal offences: illegal production, keeping and circulation of narcotics, crimes against property such as theft, aggravated or compound larceny, grand larceny, and robbery, family (domestic) violence, failure to provide maintenance, fraud, accepting bribery, various forms of falsifying and criminal offences against road traffic safety. In average, the imposed punishment lasts for 12.95 months (SD=9.01). The shortest punishment imposed lasted for 4 months and the longest for 36 months. Most common punishments are those of 12 months (7 persons, 32%) and 6 months (5 persons, 23%). At the moment when the survey was conducted, the average duration of supervision was 6.24 months (SD=4.74). The shortest duration was 2 and the longest 22 months. The participants said that they were obliged to spend time in their house or apartment with limited free time (maximum of 2 hours), to answer the calls of the probation officer, to write appeals in case they wanted to leave the premises of their residence, to respect the obligations of "house prison". Their alternative sanctions comprised some other measures as well, including obligatory psychiatric treatment, i.e. sessions with the psychiatrist once in two months and meetings with the probation officer once a month. In total, 79% of the participants claimed that they fully agreed with their obligations within alternative sanctions. Altogether 4 persons (18%) stated that they did not find the enforcement of punishment difficult. Nevertheless, they emphasized the following as the hardest aspects of their sanctions: not being able to work and provide the same amount of financial income as they used to prior to the sanction, limited freedom of movement and spending a lot of time at home –

as one of them said: *“I can’t take my children to the park”*. Loneliness was also mentioned as one of the issues therein.

On the other hand, being able to spend their time at home with their families, having 2 hours of spare time and not being in prison were pointed out as the best aspects of the alternative sanctions. It is also important to mention that many participants highlighted the relationship with the probation officer and, as one of them stated, *“Unexpected kindness of the staff, i.e. the probation officer”*, as an easing aspect of the sanction. Moreover, it should be underlined that 3 participants did not find any aspect of their sanction difficult. Only one participant admitted that he missed the meeting with his probation officer without any justification. Also, another participant admitted that he breached his obligations related to the enforcement of sanction. In both cases, the probation officer warned the offenders about the possibility to re-initiate the criminal procedure against them.

When it comes to the inclusion of the offenders in the process of the enforcement of alternative sanctions, 76.4% of them claimed that they were involved with the development of the supervision program, 62.5% stated that they participated in the setting of supervision goals, 76.5% said that they were participating in the decision-making process pertinent to the final content of supervision program, whereas only 52.9% admitted that they were taking part in the planning of the frequency of meetings with the probation officer. It is important to mention that 29% of the offenders (i.e. 6 of them) responded they were informed about their legal right to participate in the planning of the frequency of their meetings with the probation officer. In spite of some improvement efforts in accordance with the recommendations of the European Commission, the Ombudsperson, and the non-governmental sector, the current situation in Serbian prisons including overpopulation, inappropriate physical conditions, recidivism, a high percentage of prisoners sent to closed sector etc. is still not on an appropriate level. The fact that the prisoners are isolated from their family and broader social environment, as well as their inferior position in the strict system of prison hierarchy indicate that there is a need for an extensive application of innovative alternative forms of sentencing. This particularly refers to minor (less serious) offenses and primary offenders. New forms of treatment and supervision are supposed to follow social changes and the characteristics of each individual offender such as his or her personal qualities, age, gender, educational level, type of criminal offense, family status etc. They are expected to minimize the number of harmful consequences of the conviction and enable the offenders to continue their lives without re-offending.

The data from Figure 1 show that offenders have a positive attitude towards the supervision, which they expressed through the following statements: *“a way to make me think twice before I re-offend”*; *“a way to*

make me reconsider the questions and issues related to my offence"; *"the consequence of the fact that I have committed a minor (less serious) criminal offence that does not require imprisonment"* and *"a way for me to understand my offending behavior"*. On the other hand, a part of the offenders considers supervision useless, a waste of time and a limitation of freedom.

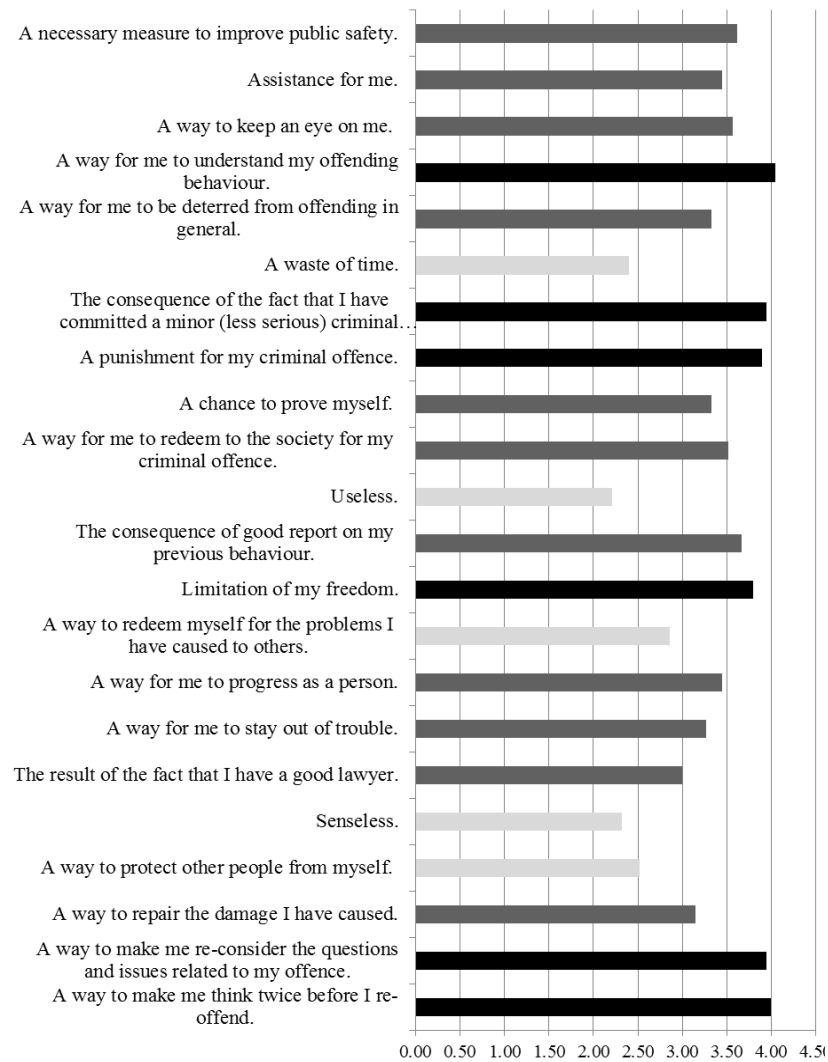


Figure 1. Perception of Supervision

The fact that 10 participants (45%) have not previously been imprisoned, should be used as a motivation to make the supervision their

“last” sanction (Figure 2). This can be achieved with the assistance and support of professionally trained probation officers and through well-designed programs, especially when it comes to education, obtaining and upgrading of professional skills and qualifications, finishing various online courses and expanding their knowledge. Probation services should be more closely connected with the partners on the national and local level, including educational, non-governmental and employment services. That would improve the social integration of the offenders.

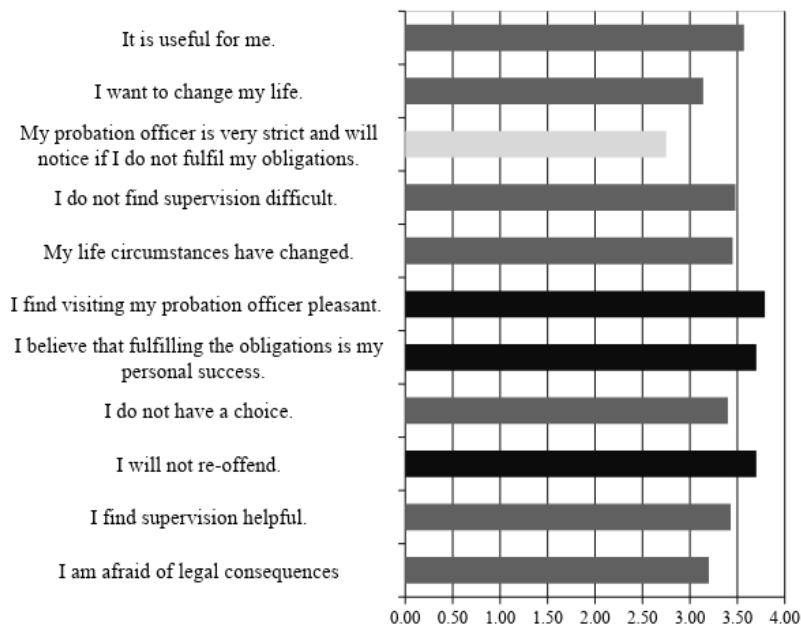


Figure 2. The Reasons for Fulfilling the Obligations within the Sanction

The Perception of the Relationship with the Probation Officer

The offenders stated that they were under the supervision of their probation officers for averagely 6.07 months (SD=4.89). The shortest period lasted for 2 and the longest for 22 months. The majority of them – 15 (68%) were under the supervision of the same probation officer throughout the entire period of the sanction enforcement, 5 persons (22%) changed the probation officer twice and 2 (10%) more than twice. 8 persons (36%) had to meet their probation officers once a month, 9 (41%) twice a month and 1 once a week. But, 4 offenders (18%) admitted that they had not met their probation officers in the past month. When it comes to the duration of the meeting with the probation officer, 7 persons (32%) said that their meetings usually lasted between 30 and 60 minutes, whereas 68% of them claimed that their meetings lasted less than 30 minutes. Offenders expressed a high level

of satisfaction when it comes to their relationship with their probation officers (AS=4.73, SD=.46, Min=4.00, Max=5.00). They perceive the role of the probation officer as advisory and supportive (10 persons or 45%) and 5 persons (23%) saw their probation officer as a friend. Some of them (4 persons or 18%) perceived the probation officer as a member of the prison staff or supervisor (2 persons or 10%). One person said that he perceived his probation officer as his counselor.

Table 1. Perception of the Role of Probation Officer

My probation officer:	M	SD
1 Dedicates to me a reasonable amount of time during our meetings.	4.27	.88
2 Works with me to help me to complete the supervision successfully.	4.23	.97
3 Treats me with respect when we meet.	4.32	.94
4 Is informed.	4.27	.98
5 Listens to me.	4.27	.98
6 Informs me about my progress during supervision.	4.00	1.02
7 Helps me to stay out of trouble.	3.82	1.40
8 Has been working together with me on defining the things I should change.	4.18	.96
9 Compliments me when I make a good decision.	4.14	.96
10 Takes care of me.	4.14	1.08
11 Understands me.	4.22	1.07
12 Is a person one can trust to.	4.32	.94
13 Is optimistic about my future.	4.41	1.18
14 Greets me in a kind and professional manner.	4.36	.95
15 Helps me with finding appropriate services.	4.32	1.09
16 Does not leave me waiting too long when visiting me.	4.16	1.34

The perception of the probation officer's role (Table 1) is more than encouraging in comparison to the attitudes of prisoners towards prison staff. It is enough to mention that in Serbian prisons, one educator sometimes has to work with around 100 prisoners, which limits his or her possibilities to implement treatment programs in a correct manner. Many prisoners do not even get the opportunity to meet their educators. In that context, statements such as: "treats me with respect when we meet", "is a person one can trust to", "is optimistic about my future", "greets me in a kind and professional manner" and "helps me with finding appropriate services" should be seriously considered and used as directions when it comes to the successful treatment of this category of offenders. A positive, honest and friendly relationship with the probation officer based on trust and cooperation should be treated in the same manner (Figure 3).

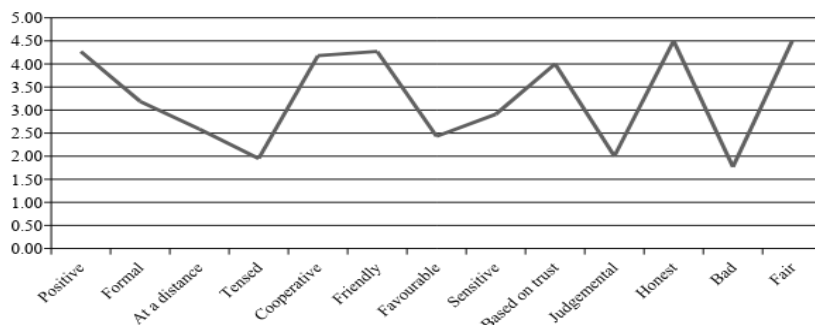


Figure 3. Relationship with the Probation Officer

Table 2 shows the needs of the offenders and the types of assistance and help that the probation officers can provide for them: to search for, find or keep a place to live, a job or a professional training or education, to avoid troubles, to resolve problems with money or debts, to obtain or maintain certain benefits such as social welfare service's help and deal with legal problems.

Table 2. The help of Probation Officer

Relationship with the Probation Officer has helped me:	f _{positive}	%
1 To search for, find or keep a place to live.	7	31.8
2 To search for, find or keep a job.	7	31.8
3 To search for, find or keep professional training or education.	8	36.4
4 With free time activities that will help me not to get into trouble.	10	45.5
5 With money or debts related problems.	7	31.8
6 To obtain or maintain certain benefits such as social welfare service's help.	7	31.8
7 To deal with legal problems.	10	45.5
8 To start or continue an appropriate rehabilitation treatment for the abuse of psychoactive substances (narcotics/alcohol).	9	40.9
9 To start or continue an appropriate psychological treatment.	11	50.0
10 To endure or control anger or other feelings.	10	45.5
11 To manage the problems with my family/partner/children.	10	45.5
12 To manage the problems with my friends or associates.	9	40.9
13 To handle my other personal issues.	11	50.0

Also, they can help with starting or continuing with an appropriate rehabilitation treatment for the abuse of psychoactive substances (narcotics/alcohol) or psychological treatment, anger management and resolving some family and personal issues.

Perception of Current Impact of the Sanction on Various Social Life Aspects

How others perceive the offenders who are serving alternative sanctions is also of great importance and can affect different aspects of their social life. Offenders themselves said that, from the beginning of

...serving alternative sanction, family members and close friends perceived them more positively (Figure 4). Toward their opinion, persons in charge of law enforcement also showed relatively positive attitudes toward them. It is very important that they do not know what their employers' and/or teachers' attitude toward them after committing the crime is and the beginning of serving alternative sanction - this finding is very important in the context of their reintegration and social inclusion after serving the sanction.

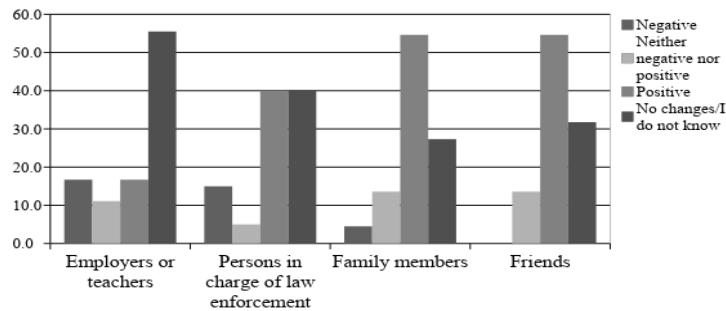


Figure 4. Perception of other people's attitude towards the offenders serving alternative sanction (%)

Offenders reported impacts of alternative sanctions on various aspects of their social life as both - positive and negative (Figure 5). They stated that relatively positive impact of serving alternative sanctions is on their future, primarily in improved family relationships and their health status, whereas more than half of participants (62%) confirmed the negative effect of serving alternative sanctions in terms of their financial and economic situation. These findings could be very important in the context of their reintegration and the potential risk of recidivism, as well as the organization of serving the alternative sanctions generally.

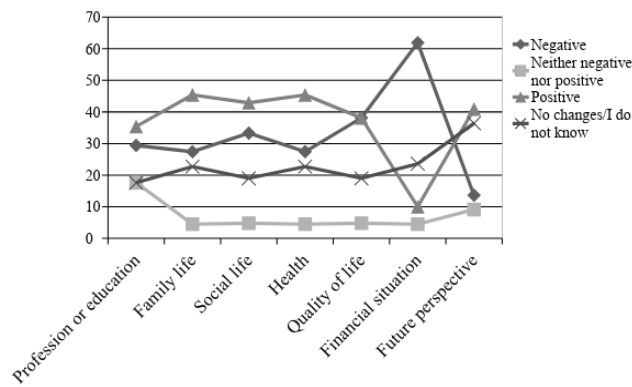


Figure 5. Perception of the impact of Current Sanction on Various Social Life Aspects (%)

DISCUSSION

Why is Probation Necessary?

There are several reasons indicating that alternative sanctions, including probation, are not only preferable but necessary measures for crime and recidivism suppression. The reality of Serbian prisons inappropriate living conditions, overpopulation, lack of professional staff members, particularly in the services for treatment, education, and employment diminishes the chances of implementing successful rehabilitation and treatment programs (Batrićević, 2011, p. 149). This contributes to a very high recidivism rate (around 60%) that has been increasing since the 1990's (Knežić, 2017, p. 191). Another factor contributing to a high percentage of re-offenders is the fact that those who have committed minor criminal offenses are often kept together with serious offenders, which increases the risk of so-called "criminal infection" (Joseph, 2013; Rosenblum, 2008; Voss, 1995).

The overpopulation of prisons is constant and the incarceration of persons serving short prison sentences only makes the prisons even more crowded. At the same time, alternative sanctions reduce the number of imprisoned persons, do not lead to the disintegration of the family, loss of friends and contacts with the social environment. Another problem affecting Serbian prisons is the fact that the number of staff members in charge of enforcing supervision is insufficient due to lack of financial resources. Furthermore, their competences and professional qualifications for working with offenders are not always appropriate. Namely, not all of them are lawyers, psychologists, andragogists or social workers. This pilot study suggests that probation officers, as well as other persons involved with the process, should treat offenders with respect, earn their trust, support and assist them in order to successfully complete the process of supervision. Without this kind of help, the majority of offenders would be exposed to the same impacts and circumstances that had led them to offending. The fact that 10 participants in this pilot study had not previously been imprisoned and that alternative sanction was their first sanction is encouraging. Namely, these persons were not and will not be exposed to "criminal infection", which, according to many researchers represent one of the key factors contributing to the increase in crime and recidivism.

The frequency of meetings between the offenders and their probation officers and the fact that the offenders are satisfied with their probation officers' approaches represent a positive example. It becomes even more important if compared with the prisoners' attitudes towards their educators, who are prison staff members. The prisons are overcrowded and the number of educators is insufficient, so there is no opportunity for prisoners to develop such relationships with their educators. The way in

which the offenders perceive their probation officers is very important for the success of their re-integration, the change of their free time activities, their professional training etc. The attitude of other persons towards alternative sanctioning and offenders who are serving them is also of great importance and can affect different aspects of their social life. This especially refers to the stigmatization or labeling of former offenders, who often face barriers to community reintegration including negative attitudes of the members of the public (Rade, Desmarais, & Mitchell, 2016). A study conducted in 2008 showed that male prisoners' (N = 450) perceived stigma was correlated with the anticipated withdrawal from society (Winnick & Bodkin, 2008). Another more recent study confirmed the positive correlation between the former prisoners' (N = 229) perceived stigma and the number of lifetime probation violations and a violent felony conviction (LeBel, 2012). This suggests that the perceived stigma is linked to the maladaptive behaviors of offenders (Moore, Stuewig, & Tangney, 2016).

Supporting the offenders to participate in various professional trainings and taking online courses during the enforcement of alternative sanction would be a very useful measure and could deter the offenders from re-offending by enabling them to obtain legal financial incomes. It is something that should be further improved and implemented in the future (Knežić, 2017, p. 170). Another problem refers to the number of probation officers and their professional qualifications. Due to the lack of prison staff and probation officers, some of them are forced to spend one part of their working hours in the prison and the other outside of the prison, with offenders under supervision. Although some of the probation officers have passed preparation training, their education should be extended, with constant upgrading of their knowledge and skills. It should also include the exchange of knowledge and experiences between colleagues on national but also on international level.

In conclusion, even though a limited number of offenders participated in this pilot study, the results are promising in terms of alternative sanctions in the criminal justice system in Serbia. The Eurobarometer is a useful tool which can capture the offenders' supervision experience and give insight into the supervision process itself, as well as provide a greater understanding of the relationship and its importance for the offenders included in the process of rehabilitation. However, future studies should try to understand the offenders' perspective and experience in the supervision process from a qualitative perspective which will definitely provide a better understanding of the areas that should be improved in the supervision process.

REFERENCES

- Batrićević, A. (2011). Zaštitnik građana i poštovanje prava zatvorenika u Republici Srbiji [Ombudsperson and the Respect of Prisoners' Rights in the Republic of Serbia]. *Branik*, 124(1–2), 135–156.
- Canton, R. (2016). Yes, no, possibly, maybe: Community sanctions, consent, and cooperation. *European Journal of Probation*, 6(3), 209–224. doi: 10.1177/2066220314549522
- CM/Rec(2010)1 of the Committee of Ministers to member states on the Council of Europe Probation Rules. Retrieved from https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016805cfc7
- Criminal Code of the Republic of Serbia, Official Gazette of the Republic of Serbia, No. 85 (2005), 88 (2005), 107 (2005), 72 (2009), 111 (2009), 121 (2012), 104 (2013), 108 (2014), and 94 (2016)
- Ćopić, S. (2015). Alternativne sankcije i mere restorativne pravde u Srbiji: analiza početnog stanja [Alternative Sanctions and the Measures of Restorative Justice: the Analysis of Initial State]. In V. Nikolić-Ristanović, & N. Vučković, (Eds.), *Stavovi građana i stručnjaka o alternativnim sankcijama i restorativnoj pravdi* [Attitudes of Citizens and Experts on Restorative Justice] (pp. 7–49). Belgrade: Fondacija Centar za demokratiju.
- Durnescu, I., Kennefick, L., Sucic, I., & Glavak Tkalic, R. (2018). Experiencing offender supervision in Europe: The Eurobarometer – Lessons from the pilot study. *Probation Journal*, 65(1), 7–26. doi: 10.1177/0264550517748360
- Durnescu, I. (2013). Community sanctions. In S. Body-Gendrot, M. Hough, K. Kerezi, R. Lévy & S. Snacken (Eds.), *The Routledge Handbook of European Criminology* (pp. 409–421). New York: Routledge.
- European Commission (2016). *Serbia 2016 Report Accompanying the document Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 2016 Communication on EU Enlargement Policy*. Retrieved from https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2016/20161109_report_serbia.pdf
- Flynn, N., & Little, R. (2016). Community Justice Files 38. *British Journal of Community Justice*, 14(1), 139–145.
- Joseph, M.M. (2013). *Seven Laws of Successful Correction and Rehabilitation: A Case against Prison*. Bloomington: Author House.
- Knežić, B. (2017). *Obrazovanje osuđenika: način da se bude slobodan* [Education of Convicts: a Way to be Free]. Belgrade: Institut za kriminološka i sociološka istraživanja.
- Law on Special Measures for the Prevention of Criminal Offences against Sexual Freedom Committed against Juvenile Persons, Official Gazette of the Republic of Serbia, No. 32 (2013)
- Law on the Execution of Non-custodial Sanctions and Measures, Official Gazette of the Republic of Serbia, No. 55 (2014)
- LeBel, T.P. (2012). Invisible stripes? Formerly Incarcerated Person's Perceptions of Stigma. *Deviant Behavior*, 33(2), 89–107. doi: 10.1080/01639625.2010.538365
- McIvor, G., Beyens, K., Blay, E., & Boone, M. (2010). Community service in Belgium, the Netherlands, Scotland and Spain: a comparative perspective. *European Journal of Probation*, 2(1), 82–98. doi: 10.1177/206622031000200106
- McNeill, F. (2013). Community Sanctions and European Penology. In T. Daems, S. Snacken, & D. Van Zyl Smit (Eds.), *European penology* (pp. 170–192). London: Hart Publishing.

- Mears, D. P., Cochran, J. C., Bales, W. D., & Bhati, A. S. (2016). Recidivism: Time served in prison. *Journal of Criminal Law and Criminology*, 106(1), 81–122. Retrieved from <http://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=7581&context=jclc>
- Ministry of Foreign Affairs of the Republic of Serbia (2016). Serbia opens negotiating chapters 23 and 24. Retrieved from <http://www.mfa.gov.rs/en/press-service/statements/15531-serbia-opens-negotiating-chapters-23-and-24>
- Mitchell, O., Cochran, J.C., Mears, D.P., & Bales, W.D. (2016). Examining Prison Effects on Recidivism: A Regression Discontinuity Approach. *Justice Quarterly*, 34(4), 571–596. doi:10.1080/07418825.2016.1219762.
- Moore, K.E., Stuewig, J.B., & Tangney, J. P. (2016). The Effect of Stigma on Criminal Offenders' Functioning: A Longitudinal Mediation Model. *Deviant Behavior*, 37(2), 196–218. doi: 10.1080/01639625.2014.1004035
- Phelps, M.S. (2013). The Paradox of Probation: Community Supervision in the Age of Mass Incarceration. *Law & Policy*, 35(1–2), 51–80. doi: 10.1111/lapo.12002
- Protector of Citizens of the Republic of Serbia (2016). Regular Annual report of the Protector of Citizens for 2015. Retrieved from <http://www.ombudsman.rs/attachments/article/1431/Annual%20Report%202015.pdf>
- Rade, C.B., Desmarais, S.L., & Mitchell, R.E. (2016). A Meta-Analysis of Public Attitudes Toward Ex-Offenders. *Criminal Justice and Behavior*, 43(9), 1260–1280. doi: 10.1177/0093854816655837
- Rosenblum, W. (2008). *Beyond the Prison Gates: Punishment and Welfare in Germany, 1850-1933*. Chapel Hill: The University of North Carolina Press.
- Voss, M. (1995). Efficiency interests and the “rule of law” in informal proceedings. In G. Albrecht & W. Ludwig-Mayerhofer (eds), *Diversion and Informal Social Control* (pp. 353–367). New York: De Gruyter.
- Winnick, T.A., & Bodkin, M. (2008). Anticipated Stigma and Stigma Management among those to be Labeled “Ex-Con”. *Deviant Behavior*, 29(4), 295–333. doi: 10.1080/01639620701588081
- Želeskov Đorić, J., & Batrićević, A. (2014). Offender Supervision in Europe – General Trends and Serbian Experience. *Nauka Bezbednost Policija*, 19(2), 75–94.
- Želeskov Đorić, J., Batrićević, A., & Kuzmanović, M. (2014). Probation in Europe: Serbia. Available at: <http://www.cep-probation.org/wp-content/uploads/2015/03/Final-chapter-Serbia1.pdf> (accessed 18 May 2018).
- Želeskov Đorić, J., Batrićević, A. & Petrović, B. (2015). Experiencing community service in Belgrade – Normative framework and general impressions. *Revija za kriminologiju i krivično pravo*, 53(2–3), 185–196.

ИЗ УГЛА ПРЕСТУПНИКА: ПИЛОТ-СТУДИЈА О ИСКУСТВУ НАДЗОРА У КРИВИЧНОПРАВНОМ СИСТЕМУ СРБИЈЕ

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Резиме

Пробација представља алтернативу казни затвора, која је намењена само осуђеницима за које је процењено да ће се сврха кажњавања у смислу специјалне и генералне превенције спровести и без лишења слободе. У том смислу, ови алтернативни видови кажњавања вишеструко су корисни – доприносе смањењу преоптерећења пенитенцијарних институција, умањењу трошкова њиховог функционисања, спречавању искључења осуђених лица из свакодневних животних токова и смањивању њихове социјалне стигматизације. Ове алтернативне санкције по правилу подразумевају вршење неког облика надзора над преступником, било уз употребу електронске опреме, било без ње, и одређени контакт са повереником као лицем задуженим да прати његово понашање и напредак на пољу ресоцијализације социјалне реинтеграције. Осим мишљења експерата и заједнице, у различитим правним системима у Европи истраживања су указала на значај посматрања надзора из перспективе осуђеника. То се односи на различите аспекте надзора, укључујући: однос са повереником, мишљење о поверенику, однос према обавезама које су осуђеном лицу наметнуте у оквиру надзора, однос према сопственом кривичном делу, али и очекивања и планове за будућност. Међутим, треба истаћи да допринос разумевања начина на који осуђеници перципирају надзор и однос са својим повереником још увек није сасвим јасан нити довољно истражен. У овој студији истражено је на који начин преступници доживљавају процес надзора, и то на основу искуства 22 осуђеника. Како би се разумело на који начин они доживљавају различите аспекте надзора, коришћен је новоосмишљени инструмент – Еуробарометар, који мери осам кључних домена надзора преступника. Пилот-студија спроведена је у Београду и представља део Европске иницијативе за сарадњу у науци и технологији (ЦОСТ), која је примењена у осам европских правосудних система. Резултати истраживања потврдили су да начин на који преступници перципирају надзор може бити значајан у различитим доменима њиховог живота, као и да Еуробарометар може допринети остваривању увида у то њихово искуство.

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