
VISITING EXPERT'S PAPER

THE DEVELOPMENT OF THE PROBATION SERVICE - THE SLOVENIAN EXPERIENCE

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I. INTRODUCTION

The deprivation of liberty is the most severe form of sanctioning the perpetrators of criminal offences, which should only be used for heavy criminal offences and after all other sanctions have failed to be effective. Imprisoning perpetrators, especially those with short imprisonment generally has no desired preventive effect and is at the same time one of the most costly state responses to criminality. This does not only mean suppression of criminality through repression, but above all the implementation of systematic measures to prevent criminality. Since 2002, Slovenia has recorded an increase in the number of imprisoned individuals, with the proportion rising by almost 32% in 12 years. Meanwhile, 80% of those admitted to Slovenian prisons were serving sentences of up to two years (short prison sentences).

The growing number of inmates was the main challenge facing the Slovenian Prison System and one of the most important reasons why the Ministry of Justice informed the Government of the Republic of Slovenia of the need to establish a national probation service in July 2015. The Ministry of Justice explained in its justification that deprivation of liberty should be the *ultima ratio* — to be used when no other sanction is effective. The criminal justice system in Slovenia has enabled various alternative ways of serving imprisonment sanctions for many years. This alternative method of serving a prison sentence is considered a measure that should help reduce reoffending by encouraging positive activity by the perpetrator for the benefit of society, as well as mitigating the negative effects of short prison sentences.

In July 2015, the Government of the Republic of Slovenia accepted the recommendation to establish a probation service as part of the system for enforcing criminal sanctions. The Ministry of Justice was directed to draw up an Action Plan by 31 May 2016, to include a proposal for the necessary institutional and normative changes with due regard to financial costs and comparative international developments. A task force, with representatives from the Ministry of Justice, Prison Administration, Ministry of Internal Affairs, Ministry of Labour, Family, Social Affairs and Equal Opportunities, the Supreme Court, the Office of the State Prosecutor General, and the Faculty of Law and Institute for Criminology, was set up in October 2015 to progress that plan. The main task of the group was to analyse the existing situation in the Republic of Slovenia in the field of the implementation of alternative/community criminal sanctions and to prepare the establishment plan.

An analysis of the practice current at that time showed that community sanctions were rarely applied in Slovenia even though on average between 50 and 55 per cent of those in Slovenian prisons were serving sentences of two years or less. Many of the difficulties with effective sentence management arose from role confusion and the lack of clear communication channels between the relevant bodies. Before the establishment of the state body, probation activities were carried out by a wide range of authorities: social work centres (Ministry of Labour, Family, Social Affairs and Equal Opportunities) had responsibility for most probation activities, including community service, suspended sentence with custodial supervision and conditional release with custodial supervision. The judiciary was responsible for house imprisonment, with the police service responsible for the supervision of those cases.

Within the Inter-Ministerial Task Force a smaller group of experts was established. Its main role was to focus on practice and structures in other established probation services across Europe, to inform proposals on the normative and institutional frameworks that would underpin a new national Probation Service in

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Slovenia. In May 2016, further to the proposals from the expert group, the task force agreed an action plan for the establishment of a Probation Service in the Republic of Slovenia; this was adopted by the Government at the end of July 2016. Key objectives were:

- The integrated development of work in the field of community sanctions;
- Standardized practice in the enforcement of community sanctions and measures nationally;
- The integration of services and increased engagement with judicial authorities;
- Improved staff training and qualifications;
- The introduction of specialized areas of work;
- In-depth treatment of perpetrators;
- Centralized collation and analysis of data;
- The transfer of good practices from abroad, with recognition of the service across international probation;
- More frequent decisions by prosecutors or judges to implement community sanctions, with the aim of replacing shorter prison sentences with an alternative measure;
- Professional and skilled contributions to reducing reoffending;
- A higher level of humanity in dealing with those who offend;
- The protection of human rights.¹

Following the Government's decision, the Probation Service was established within the Ministry of Justice in October 2016, with the aim of preparing and implementing all activities necessary for the establishment of the Probation Administration.

II. THE SYSTEM OF SANCTIONS IN SLOVENIA

Prior to presenting the process of establishing the probation service, it is important to provide an overview of the criminal justice system in the Republic of Slovenia. The purpose of punishment by Slovenian Criminal code² is to enable the State to safeguard the fundamental values and principles of the legal order, to increase awareness of the harm caused, to individuals and communities, by criminal behaviour and to impose an appropriate punishment that enables perpetrators to become reintegrated into their communities and wider society, allowing for individual needs and human dignity. A prison sentence may be imposed for a period of not less than one month and not more than 30 years. Its length is determined in full years and months, unless its term does not exceed a period of six months, in which case it is determined in full months. Life imprisonment may be imposed for criminal offences of homicide, genocide, crimes against humanity and war crimes, with the possibility of consideration for conditional release after 25 years. The Slovenian system of criminal sanctions includes:

- Admonitory sanctions,
- Prison sentences,
- Safety measures.

Within the admonitory sanctions, the court may suspend the sentence when the perpetrator has been punished by imprisonment for a term not exceeding two years or by a fine. A suspended sentence may not be imposed when a prison sentence of more than three years is prescribed by law. The court may decide that a perpetrator serving a suspended sentence should be subject to custodial supervision for a specific period of time and with specific conditions. Custodial supervision involves statutory supervision and can include one or more instructions relating to living arrangements, lifestyle and prosocial activities.

A prison sentence is usually served in prison, but under the Criminal Code it can also be executed in other ways – house imprisonment, weekend prison and community service. A prison sentence of up to nine months

¹ Action plan for the establishment of a probation service with a proposal for the necessary institutional and normative changes, 2016.

² Criminal Code (Official Journal of the Republic of Slovenia, No. 50/12 — Official Consolidated Text, 6/16 – Fix., 54/15, 38/16, 27/17, 23/20, 91/20, 95/21, 186/21, 105/22 – ZZNŠPP, 16/23 and 107/24 – odl. US).

may be served under house arrest if the risk of reoffending is deemed to be low and where there are strong family and social supports. The sentence can also be served in an appropriate public institution in the case of illness, disability or old age of the convicted person. A prison sentence of up to two years, except when imposed for a sexual offence, may be enforced through the performance of community service for a maximum period of two years from the enforcement of the judgment. The extent of work is defined so that one day in prison equals two hours of community service. Work placements will take account of the person's professional knowledge and skills and their commitments regarding urgent family, educational and vocational obligations. Community service is performed without remuneration. A prison sentence of up to three years, except when imposed for a sexual offence, may allow the person who meets the conditions provided by the act to continue with work or schooling and to reside at home. However, they must return to prison on work-free days and weekends.

The court may take one or more precautionary measures against the perpetrator of a criminal offence provided that the statutory conditions for it are met (safety measures). When imposing a precautionary measure (compulsory psychiatric treatment, confinement in a health institution, compulsory psychiatric treatment at liberty, the revoking of a driving licence and the confiscation of objects, a ban on performing a profession, the restraining order against the victim), the court shall, according to the principle of proportionality, take into consideration the gravity of the offence and offences which it reasonably believes might be committed by the perpetrator if no precautionary measure is taken against him or her.

III. THE ESTABLISHMENT PROCESS

The main role of the Probation Service within the Ministry of Justice was to prepare legislation and everything necessary to establish the Probation Administration. The Slovenian Probation administration (hereinafter UPRO) was officially established in January 2018 as a body of the Ministry of Justice, and the probation units started their work on 1 April 2018, when they took over the tasks from the social work centres. Certain development activities took place before the formal establishment of UPRO, while others happened after it was established.

The most significant task for the newly established Probation Service was the drafting of the Act of Probation. In order to inform the content of the Act, members of the interdisciplinary group (comprising representatives from the Probation Service, the Prison Administration and the Faculty of Law) visited the probation services across Europe. The Draft Probation Act was prepared by the second half of November 2016 and forwarded to the relevant interdepartmental and professional co-ordination units. The Bill was tabled in a government procedure in February 2017, and in March 2017 the Government adopted the Draft Act of Probation. The National Assembly adopted the Probation Act on 24 May 2017. It entered into force on 17 June 2017 and applied from 1 April 2018, with the exception of provisions relating to the establishment of a constituent body, which occurred in June 2017 when the law was passed.

Following the entry into force of the law, the Government of the Republic of Slovenia issued a Regulation amending and supplementing the Regulation on bodies composed of ministries³ and a Regulation on the number of probation units, the area of their operation and the headquarters of the central unit and probation units.⁴

In parallel with standard probation activities, work began in relation to human resources (HR) and the provision of offices, furnishings and equipment. In October 2017, the Ministry of Labour, Family, Social Affairs and Equal Opportunities issued a list of civil servants who had given their consent to transfer from social work centres to UPRO. The civil service relocation agreements, which included the transfer of financial resources, were signed in December 2017, leading to the transfer of 12 staff. An agreement was also reached with the Director General of the Prison Administration to transfer five civil servants who were selected on

³ Regulation amending and supplementing the Regulation on bodies composed of ministries (Official Journal of the Republic of Slovenia, No. 35/15, 62/15, 84/16, 41/17, 53/17, 52/18, 84/18, 10/19, 64/19, 64/21, 90/21, 101/21 and 117/21).

⁴ Regulation on the number of probation units, the area of their operation and the headquarters of the central unit and probation units (Official Journal of the Republic of Slovenia, No. 41/17).

the basis of interview. Altogether, that meant 17 staff – five assuming managerial functions with some practitioner duties, and twelve Probation Officers. From April until August 2018, administrative coordinators were recruited for all probation units, and procedures were also put in place for the recruitment of civil servants to the central unit.

The provision of appropriate office spaces was expedited from mid-January to the end of March 2018, by the Ministry of Public Administration with responsibility for premises. Premises were secured in five locations (Maribor, Celje, Ljubljana, Koper and Novo mesto) with specific arrangements. Given the confidential relationship between the counsellor and the person involved in probation supervision and/or their family, it is important that each professional has their own office with all the necessary technical supports and a designated place to conduct interviews. These standards were met in all locations. The units received computer equipment at the end of March 2018, but there were several problems in all locations that needed to be addressed in real time, and the system started to be fully operational only in May 2018. Mobile phones bridged the gap until fixed telephony was installed in August 2018. Various public contracts were issued (for the purchase of furniture and equipment for probation units and the central unit, working-time registrars, provision of postal and mobile services, followed by the purchase of company vehicles for all units). In accordance with government regulations, all staff members have been issued with a service identity card.

There have been many developments in the field of practice. The transmission of documentation to UPRO, in relation to cases previously managed in the social work centres, began in the last week of March 2018 and was completed in full in April. This included a list of community-based organizations providing a range of community-service placements. Revised agreements have been completed on the regulation of mutual rights and obligations relating to the execution of community service. In the first phase of this process, 700 signed agreements have been submitted and the list is updated according to the needs of the probation units.

A priority from the outset was to develop a guidance manual for employees to inform the execution of probationary tasks. In preparing these guidelines, national and international research was undertaken on the range of tasks required for effective probation practice and on the relevant organizational and legal documentation required to underpin that practice. Based on that research, UPRO published its Guidelines, divided into specific content sets, for full implementation in April 2018, with the aim of achieving uniform practice in all probation units. The need for ongoing monitoring was recognized for the implementation of the Guidelines and the importance of learning from the first phase of their application. Based on that learning and experience from practice, the Guidelines were amended and upgraded in 2020.

To achieve the objective of uniform practice in all units, UPRO has developed a manual system for case tracking and management. It includes: standard details of all referrals; personal plans for probation tasks (enforcement of security supervision, enforcement of community service, house arrest); court reports, information from the prosecutor's office, committees for parole release, template for tripartite agreement between the person, probation unit and relevant service provider; a scheme to record ongoing contact with the probationer, and a questionnaire relating to criminogenic need/risk (as a guidance resource until the development of the organizational Risk-Need-Responsivity (RNR) tool). The implementation of a daily data collection table was a pivotal development in the context of monitoring, reporting, evaluation, research and statistical analyses, once the state body was established. In the course of time and in consideration of experience, UPRO has developed its own information system, ProbIS, and risk-and-needs assessment tool, MOT. Implementation of these tools into practice occurred in 2023. The probation officers played a key role in this development, with the participation of both national and international experts.

The training and development of staff has been, and continues to be, a priority for UPRO, as the foundations of professional work are still in a state of development. Slovenia is working to a model of best practice, learning from longer-established and more advanced probation services across Europe. The Education Plan is adopted on an annual basis, with its adoption being contingent upon the necessity for professional work and professional development.

Since the beginning of the process, activities related to the establishment of probation have been represented both in the media and in the professional and academic world. In the media, this has happened through interviews and press conferences organized by the Ministry of Justice.

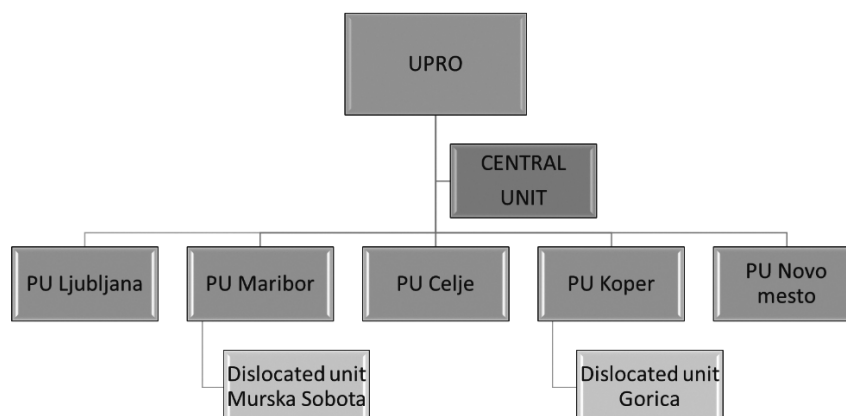
There have also been a range of professional and academic consultations and conferences, both at home and abroad. Because UPRO was a new institution working within the judicial system, presentations were initially made to representatives of the Supreme Court and the Supreme State Prosecutor's Office, with the aim of recognizing its role and its importance within judicial proceedings. This was followed by a series of meetings with judges (covering eleven district courts in Slovenia) and District Prosecutors. Promotional materials have also played a key role in increasing awareness among stakeholders. An information leaflet, Probation, was prepared for the wider community, highlighting the key components of the Probation Service. In conjunction with the Government communication office, UPRO designed and adopted the logo, "In the Right Direction". Additional promotional materials included a leaflet designed specifically for service-users, which provides key information and contact details. After the handout was produced, a demonstration promotional leaflet was produced by UPRO, which provides key information on probation, and contact details.

UPRO is involved in a variety of activities of the Confederation of European Probation (CEP), and collaborates with stakeholders from abroad, particularly in relation to the education and training of staff. The establishment of robust connections with European probation services has been facilitated through professional visits, continuous collaboration and effective liaison. The importance of international cooperation in this regard cannot be overstated. The establishment of networks with other services has been shown to facilitate enhanced development, knowledge transfer and contribute to further development.

IV. THE RESPONSIBILITY OF PROBATION ADMINISTRATION

The mission of UPRO is to enforce criminal sanctions in the community. Professional treatment of probationers under the Criminal Code will assist in identifying the factors contributing to criminal behaviour; resolving personal distress and difficulties; addressing poor living circumstances; and establishing acceptable forms of behaviour. Professional treatment may also include monitoring of the behaviour of persons in different living environments, in order to identify and eliminate those forms of behaviour that hinder successful integration into society. In addition to the above, Probation Administration organizes, conducts and supervises the execution of community service under the Minor Offences Act.⁵

UPRO consists of a central unit and five probation units – Ljubljana, Maribor with its subsidiary office Murska Sobota, Celje, Koper with its subsidiary office in Nova Gorica, and Novo mesto. Practice has shown that there is also a need for premises in the area of the Probation Unit Ljubljana and the Probation Unit Novo mesto. PU⁶ Ljubljana has an agreement on the use of premises provided by the municipality of Kočevje (for the needs of PE Ljubljana), and PU Novo mesto has an agreement with the Centre for Social Work Posavje, unit Krško.



⁵ Probation Act (Official Gazette of the Republic of Slovenia, No. 27/17).

⁶ PU is acronym for probation unit.

The Central Unit carries out the following functions:

- Coordination and guidance of the work of probation units;
- Development and financing of programmes for persons involved in probation;
- Cooperation with other competent authorities and services;
- Supervision of the work implemented by the probation units;
- Provision of education/training of probationary staff;
- Evaluation of the effectiveness of measures and programmes;
- International cooperation;
- Projects in the area of offender management;
- Keeping and managing records in accordance with the Probation Act;
- Development of a network of sanction providers and the keeping of a list of sanction providers.

The powers of the probation units relate to the execution of probationary tasks laid down in the Probation Act. Probation units shall perform the following probationary duties:

- draw up a report for the state prosecutor so that they may decide whether to refer the criminal charge or indictment proposal to the settlement proceedings and draw up a settlement agreement,
- draw up a report on the perpetrator for the state prosecutor so that they may decide whether to initiate prosecution or define the measures and duties in the event of suspended prosecution,
- outline and manage the duty of compensating or settling the damage in suspended criminal prosecution,
- draw up a report for the court so that it may decide on a criminal sanction and custodial supervision,
- implement custodial supervision in a suspended sentence with custodial supervision,
- implement custodial supervision in release on parole with custodial supervision,
- carry out house arrest,
- organize, manage and supervise the carrying out of community service,
- cooperate with the prison facility in the process of planning a release on parole with the custodial supervision.

The fundamental task of the Probation Officer relates to assistance, protection and supervision, with the aim of reducing the risk of reoffending, and reintegrating people back into the wider community. The work is challenging as many service-users have unstable lifestyles, mental health issues, and may have histories of violence. Working with people requires a specific approach, knowledge and skills, as carrying out probationary tasks is very demanding. In addition to daily administrative tasks, each Probation Officer must interview the probationer (obtaining through conversation all relevant life information) and prepare a personal plan with clear objectives that reflect the conditions identified as part of the sanction. As part of this work, the Probation Officer will engage with a number of public bodies and non-governmental organizations (NGOs) who will assist in the provision of a range of supports, including education and training, that are compatible with the abilities and family obligations of the person. In their work, the Probation Officers will regularly establish contacts with the courts, with the family, with social work centres and with other national authorities. In advance of prison releases involving custodial supervision, the Probation Officer attends multidisciplinary team meetings for the purpose of preparing a pre-release plan in collaboration with prison staff. The Probation Act and the Rules on the Execution of Probationary Tasks⁷ direct that contact between the Probation Officer and the probationer must occur at least twice a month during the first four months. Contact may be more frequent if the Probation Officer considers this necessary when drawing.

In early April 2018, UPRO assumed responsibility for 488 cases from the social work centres. The number of probation assignments received (new and active cases) increased over the years of operation of UPRO, and by the end of the 2024 it had received 12,551 cases. Of these, 10,281 cases were closed, and 2,270 cases remained active. In December 2024, the average workload for a Probation Officer was found to be 83 cases. Since the establishment of the Probation Service, there has been an upward tendency in the number of cases, with a marked increase in 2019 and a decline in the last quarter of 2019 and 2020. This decline can be attributed to an increase in the number of Probation Officers during that period. The staff workload has been increasing since 2021 due to a combination of factors, including staff downsizing (due to the termination of the contract of probation officers employed under the EU project), staff turnover and an increasing number

⁷ Rules on the Execution of Probationary Tasks (Official Gazette of the Republic of Slovenia, No. 21/18 and 73/20).

of tasks.

In its work, UPRO links closely with various organizations to support the implementation of all community sanctions, including community service. Where a person is carrying out community service, the organizations may be any legal person in the Republic of Slovenia carrying out humanitarian or municipal activities, nature-protection activities or other activities in the public interest that are not carried out solely for profit. The agreement on the execution of the community service is signed by the person, the organizations and the probation unit. Organizations that enable the execution of probation tasks play an important role in the enforcement of community sanctions, by contributing to the achievement of the objectives set out in the personal plan of probationers, thus reintegrating them into society and resocialization. Since the beginning, UPRO has been working to strengthen and develop already-established forms of cooperation and to expand the network of organizations. In addition to a number of NGOs, other public services and institutions are involved in the execution of probationary tasks, namely health centres, psychiatric hospitals, social work centres, regional units of the Employment Service and others, in particular in the work relating to the enforcement of instructions in the context of custodial supervision.

V. CONCLUSION

As stated in the initial presentation, the primary factors that led to the establishment of UPRO were the increasing number of individuals who had been imprisoned, the limited number of community sanctions that had been imposed, despite the fact that Slovenian legislation had already implemented alternatives to Criminal Law for a number of years, with some of these alternatives having been in effect for several decades. These alternatives were recognized as being of great importance in the deterrence of reoffending. The introduction of a national service, fully funded by the State, would not have been possible without the Government's adoption of this decision. It is also important to consider the role played by the support of the European Union. The European project "Effective Justice" was initiated in 2016 under the auspices of the Ministry for Justice and concluded in 2023. The project received financial support from the European Union, specifically from the European Social Fund, with additional contributions from the Republic of Slovenia. UPRO participated in the project with the key objective of establishing the conditions for the launch and effective operation of a system of probation in Slovenia. At the time of project implementation, dedicated funds were allocated for the following purposes: remuneration of ten employees (including reimbursement of work-related expenses), acquisition of hardware and software, computer equipment and mission expenses; information and communication; analysis and study; assessments; research; and education and training. In addition to employment, the development of an organizational information system, ProbIS, and the development of a dedicated risk-and-needs assessment tool, MOT, were crucial deliverables in the context of European funding. ProbIS has been implemented as a replacement for the existing manual system, thus contributing to the automation and standardization of the work process. In addition, it enables the electronic exchange of data with other data sources. The MOT is a system that functions in conjunction with organizational guidelines. It assists with the prioritization of criminogenic needs and the related targeting of resources.

The Slovenian Probation Administration is tasked with the vital mission of enforcing criminal sanctions and community-based measures. The primary objective of these measures is the resocialization and reintegration of offenders into society. In the initial years of its operation, the stated objectives have been achieved and the Administration has become an influential judicial stakeholder and accepted in society. It is estimated that approximately 90 per cent of cases are successfully completed. Furthermore, there is a constant increase in the level of trust and cooperation with the judiciary.

UPRO's stated objective for the future is to facilitate professional development and growth. It aims for probation staff to possess a high level of skill, which necessitates ongoing dedication to education and professional training. The efficient execution of probation tasks is contingent upon the presence of adequate caseloads of probation officers, with the target being to reach 20-30 cases per counsellor.

UPRO has successfully applied for funding under the European Cohesion Policy programme for the programming period 2021-2027. The European funding will be allocated towards the development of

specialized probation programmes for perpetrators of domestic violence, perpetrators of sexual offences and social skills workshops. The project also entails the recruitment of mentors within probation units, with the objective of providing assistance and support to probation officers, enforcement organizations and probation counsellors. This pilot project is intended to assess the practicality and efficacy of the newly developed post. In the event of a favourable response, the proposal would be integrated into the prevailing system of work organization.

UPRO will continue to consolidate its international relations and establish new contacts with foreign services. This is due to the fact that such relationships have been shown to have a significant impact on the knowledge transfer and professional development. With a committed staff and a clear vision for the future, we are confident that UPRO will continue to evolve in a prosperous direction, "In the Right Direction."