

MEĐUNARODNI NAUČNI SKUP „DANI ARČIBALDA RAJSA“
TEMATSKI ZBORNIK RADOVA MEĐUNARODNOG ZNAČAJA

INTERNATIONAL SCIENTIFIC CONFERENCE “ARCHIBALD REISS DAYS”
THEMATIC CONFERENCE PROCEEDINGS OF INTERNATIONAL SIGNIFICANCE

MEĐUNARODNI NAUČNI SKUP „DANI ARČIBALDA RAJSA“
TEMATSKI ZBORNIK RADOVA MEĐUNARODNOG ZNAČAJA

MEĐUNARODNI NAUČNI SKUP
INTERNATIONAL SCIENTIFIC CONFERENCE

„DANI ARČIBALDA RAJSA“
“ARCHIBALD REISS DAYS”

Beograd, 1-2. mart 2012.
Belgrade, 1-2 March 2012

TEMATSKI ZBORNIK RADOVA
MEĐUNARODNOG ZNAČAJA

THEMATIC CONFERENCE PROCEEDINGS
OF INTERNATIONAL SIGNIFICANCE

TOM I
VOLUME I

KRIMINALISTIČKO-POLICIJSKA AKADEMIJA
Beograd, 2012
ACADEMY OF CRIMINALISTIC AND POLICE STUDIES
Belgrade, 2012

INTERNATIONAL SCIENTIFIC CONFERENCE "ARCHIBALD REISS DAYS"
THEMATIC CONFERENCE PROCEEDINGS OF INTERNATIONAL SIGNIFICANCE

Publisher

ACADEMY OF CRIMINALISTIC AND POLICE STUDIES
Belgrade, 196 Cara Dušana Street – Zemun

Editor-in-Chief

Associate Professor GORAN MILOŠEVIĆ, PhD
Dean of the Academy

Editors

Associate Professor ŽELJKO NIKAČ, PhD
Associate Professor SRĐAN MILAŠINOVIĆ, PhD
Associate Professor DARKO SIMOVIĆ, PhD
Associate Professor GORAN BOŠKOVIĆ, PhD

Reviewers

Full Professor VID JAKULIN, PhD, Faculty of Law, Ljubljana, Slovenia
Full Professor MIODRAG SIMOVIĆ, PhD, Faculty of Law,
Banjaluka, Bosnia and Herzegovina
Full Professor VACLAV KRAJNIK, PhD, Academy of Police Force, Slovakia
Full Professor JANKO JAKUMOV, PhD, Faculty of Security,
Skopje, Macedonia

English Language Editors and Proof-Readers

IRENA PAVLOVIĆ, MA
DRAGOSLAVA MIČOVIĆ, MA
MIRJANA STOJOV, MA
VESNA ANĐELIĆ NIKOLENĐŽIĆ, MA

Computer Design

MILOŠ IVOVIĆ

Impression

200 copies

Print

SCANNER STUDIO, Belgrade

THE CONFERENCE AND THE PUBLISHING OF PROCEEDINGS WERE
SUPPORTED BY THE MINISTRY OF EDUCATION AND SCIENCE OF THE
REPUBLIC OF SERBIA

© 2012 Academy of Criminalistic and Police Studies, Belgrade

ISBN 978-86-7020-190-3
ISBN 978-86-7020-217-7

MEĐUNARODNI NAUČNI SKUP „DANI ARČIBALDA RAJSA“
TEMATSKI ZBORNIK RADOVA MEĐUNARODNOG ZNAČAJA

Izdavač
KRIMINALISTIČKO-POLICIJSKA AKADEMIJA
Beograd, Cara Dušana 196 – Zemun

Glavni i odgovorni urednik
prof. dr GORAN MILOŠEVIĆ
dekan Akademije

Urednici
prof. dr ŽELJKO NIKAČ
prof. dr SRĐAN MILAŠINOVIĆ
prof. dr DARKO SIMOVIĆ
prof. dr GORAN BOŠKOVIĆ

Recenzenti
prof. dr VID JAKULIN, Pravni fakultet, Ljubljana, Slovenija
prof. dr MIODRAG SIMOVIĆ, Pravni fakultet, Banjaluka, BiH
prof. dr VACLAV KRAJNIK, Policijska akademija, Slovačka
prof. dr JANKO JAKUMOV, Fakultet bezbednosti, Skoplje, Makedonija

Lektura
mr IRENA PAVLOVIĆ
DRAGOSLAVA MIČOVIĆ, MA
MIRJANA STOJOV, MA
VESNA ANĐELIĆ NIKOLENĐIĆ, MA

Tehničko uređenje
MILOŠ IVOVIĆ

Tiraž
200 primeraka

Štampa
SCANNER STUDIO, Beograd

ODRŽAVANJE SKUPA I ŠTAMPANJE OVOG ZBORNIKA
PODRŽALO JE MINISTARSTVO PROSVETE I NAUKE REPUBLIKE SRBIJE

© 2012 Kriminalističko-policijska akademija, Beograd

ISBN 978-86-7020-190-3
ISBN 978-86-7020-217-7

**INTERNATIONAL SCIENTIFIC CONFERENCE
ARCHIBALD REISS DAYS**

SCIENTIFIC PROGRAMME COMMITTEE

Associate Professor Goran Milošević, PhD, Dean of the Academy of Criminalistic and Police Studies, President

Full Professor Radomir Milašinović, PhD, Faculty of Security Studies, University of Belgrade

Full Professor Milenko Kreća, PhD, Faculty of Law, University of Belgrade

Full Professor Đorđe Đorđević, PhD, Academy of Criminalistic and Police Studies

Full Professor Ljiljana Mašković, PhD, Academy of Criminalistic and Police Studies

International members

Full Professor Ioan Liviu Taut, PhD, Police Academy “Alexandru Ioan Cuza”, Romania

Full Professor Vaclav Krajník, PhD, Academy of Police Force, Slovakia

Full Professor Gorazd Meško, PhD, Faculty of Criminal Justice and Security, Slovenia

Full Professor Darko Maver, PhD, Faculty of Criminal Justice and Security, Slovenia

Full Professor Janko Jakimov, PhD, Faculty of Security, Macedonia

Full Professor Vid Jakulin, PhD, Faculty of Law, Slovenia

Full Professor Mykhailo Tsymbalyuk, PhD, Lviv State University of Internal Affairs, Ukraine

Assistant Professor Mile Šikman, PhD, Head of the Directorate for Police Education, Ministry of Interior of the Republic of Srpska, Bosnia and Herzegovina

ORGANIZING COMMITTEE

Associate Professor Željko Nikač, PhD, Vice Dean of the Academy of Criminalistic and Police Studies, President

Milorad Todorović, Secretary of the Ministry of Interior of the Republic of Serbia

Saša Mitrović, Deputy Director of the Police, Ministry of Interior of the Republic of Serbia

Associate Professor Srđan Milašinović, PhD, Vice Dean of the Academy of Criminalistic and Police Studies

Associate Professor Darko Simović, PhD, Vice Dean of the Academy of Criminalistic and Police Studies

Associate Professor Goran Bošković, PhD, Vice Dean of the Academy of Criminalistic and Police Studies

Božidar Otašević, MA, Ministry of Interior of the Republic of Serbia

Lazar Nešić, National Criminalistic-Technical Centre, Ministry of Interior of the Republic of Serbia

Goran Amidžić, MA, Higher School of Internal Affairs, Republic of Srpska

Živko Šipčić, Police Academy in Danilovgrad, Montenegro

Nina Nikolić, Secretary of the Academy of Criminalistic and Police Studies

Olivera Spasović, Academy of Criminalistic and Police Studies

**MEĐUNARODNI NAUČNI SKUP
DANI ARČIBALDA RAJSA**

NAUČNI PROGRAMSKI ODBOR

prof. dr Goran Milošević, dekan Kriminalističko-policijske akademije,
predsednik
prof. dr Radomir Milašinović, Fakultet bezbednosti Univerziteta u Beogradu
prof. dr Milenko Kreća, Pravni fakultet Univerziteta u Beogradu
prof. dr Đorđe Đorđević, Kriminalističko-policijska akademija
prof. dr Ljiljana Mašković, Kriminalističko-policijska akademija

Članovi iz inostranstva

prof. dr Ioan Liviu Taut, Policijska akademija „Alexandru Ioan Cuza“, Rumunija
prof. dr Vaclav Krajník, Policijska akademija, Slovačka
prof. dr Gorazd Meško, Fakultet bezbednosnih studija, Slovenija
prof. dr Darko Maver, Fakultet bezbednosnih studija, Slovenija
prof. dr Janko Jakimov, Fakultet bezbednosti, Makedonija
prof. dr Vid Jakulin, Pravni fakultet, Slovenija
prof. dr Mykhailo Tsymbalyuk, Državni univerzitet unutrašnjih poslova u
Lavovu, Ukrajina
doc. dr Mile Šikman, Načelnik uprave za policijsko obrazovanje,
Ministarstvo unutrašnjih poslova Republike Srpske, BiH

ORGANIZACIONI ODBOR

prof. dr Željko Nikač, prodekan Kriminalističko-policijske akademije,
predsednik
Milorad Todorović, sekretar Ministarstva unutrašnjih poslova Republike Srbije
Saša Mitrović, pomoćnik direktora Policije, Ministarstvo unutrašnjih poslova
Republike Srbije
prof. dr Srđan Milašinović, prodekan Kriminalističko-policijske akademije
prof. dr Darko Simović, prodekan Kriminalističko-policijske akademije
prof. dr Goran Bošković, prodekan Kriminalističko-policijske akademije
mr Božidar Otašević, Ministarstvo unutrašnjih poslova Republike Srbije
Lazar Nešić, Nacionalni kriminalističko-tehnički centar, Ministarstvo
unutrašnjih poslova Republike Srbije
mr Goran Amidžić, Visoka škola unutrašnjih poslova, Republika Srpska, BiH
Živko Šipčić, Policijska akademija u Danilovgradu, Crna Gora
Nina Nikolić, sekretar Kriminalističko-policijske akademije
Olivera Spasović, Kriminalističko-policijska akademija

INDIVIDUAL TREATMENT IN THE ENFORCEMENT PROCESS OF CRIMINAL SANCTIONS

Jasmina Igrački¹

Abstract: The paper presents an analytical approach to treatment as a primary means of re-educational concept of convicted prisoners, with a particular reference to the period when the idea of re-socialization was predominant in penology, and the period when the idea of re-education was abandoned. All of that influenced the determination of the goals of punishment and other criminal sanctions, which reflects on the forms of application of work with prisoners. The disappointment and abandonment of the concept of re-socialization influenced the goals of punishment and the relationship with offenders, and thus, the degree of use and application of all known forms and methods of work with prisoners.

In modern Europe, a correctional practice, in spite of a high level of distrust when it comes to the concept of social reintegration, did not enter the retributive type of oppression, but preserved the healthy core of re-socialization in selecting types of penalties and sanctions, and greatly respected the principle of guilt, by which a more balanced relationship between the general and special prevention was established.

The form of individual treatment, as a form of work, as well as techniques and methods used in individual work with prisoners, are discussed in this paper. The number and variety of treatment techniques is great. Therapeutic techniques can be distinguished by the degree or level of importance of working with prisoners, on which they are carried out. Also described are the basic steps and the essence of individual work, which includes: exploring personality – testing of convicted persons from the socio – psychological, pedagogical, medical and criminological aspects; educational activities to inmates during the execution of criminal sanctions – using a method of counseling, prevention, encouragement and punishment; correction of behavior in changing negative attitudes, working habits, building and maintaining positive habits, working discipline and self – discipline, guidance through the ongoing process of prisoners' education, (either professional or general) and to assist in solving personal and family problems and other interpersonal conflicts.

All these activities are an integral part of individual work with prisoners, which is achieved by different techniques and methods of exercise.

Key words: treatment, penalty and the individualization of punishment, types of work with prisoners, methods, convict.

INTRODUCTION:

The prevention of crime, especially its severe forms is the challenge for modern civilization. By the late seventies in most Western European countries the social approach, which puts the emphasis on the perpetrator, prevailed.

Within this approach, a punishment, time spent on carrying out the sentence depended on the characteristics of the offender, successful execution of

¹ Post-graduate student at the Academy of Criminalistic and Police Studies in Belgrade.

treatment programs and assessment of the possibility of returning to crime, after release. The radical shift in penal policy and practice was made after Robert Martinson (1974) published a study on the effects of prison sentences which included a treatment of different programs compared with standard procedures executing the sentence, which were based only on sentencing, incarceration and punishment. The main conclusion of Martinson's study was that a treatment program of carrying out the punishment was equally unsuccessful in preventing crime as was the return of "normal" prison sentence. The perception of failure of a treatment approach in punishment has led to changes in policy and practice of punishment so that it emphasizes the type of the offense and its social danger and harm, the degree of guilt that is associated with a criminal offense, so that the punishment should fit primarily the degree of guilt - it is the general goal of prevention, while almost entirely neglecting the personality of the perpetrator of the offence. The tendency is to insist on the more stringent punishment of perpetrators of crime. The principle of socialization and individualization of sentence is almost entirely abandoned, which in recent years led to a multiple increase in prison population in the world. Despite these trends, the European Committee on Crime in the "European Prison Rules" keeps re-socialization, taking care of past failures of treatment procedures, stressing that the success of treatment depends on the quality of engagement of the convicts and the degree of cooperation between inmates and the outside world. The policy emphasizes the need to respect individual rights and human dignity of prisoners and to ensure humane conditions in prisons. In such circumstances, prison systems, are facing a great dilemma: whether to continue using all the forms and methods which characterized the concept of social reintegration, as a basic approach to the process of imprisonment and other institutional sanctions, or to reorient to other forms of work with prisoners, which in practice did not show significant results? If we start from the essence of the concept of re-education, which aims to improve the offender, and the ability to reorient, and respects positive social values, the application of the treatment makes sense and it may represent a mechanism for changing delinquent behavior patterns. Most systems of criminal sanctions in the world apply "modified" forms and resources in dealing with persons deprived of their liberty, which are characteristic for the concept of re-education. Unfortunately, there are no other means and forms of work that could replace the already known and applied methods of penology that have been used in practice for decades. Treatment, as the basis of re-socialization process, is most contested, but still applies in almost all national prison systems. Of course, with the specific characteristics and with a lot of innovations that reached the penological thought in its development. Certainly, we can say that after the first sharp criticism, socialization and treatment were not abandoned, but they required a different treatment models and methods of work with prisoners. They require a greater level of involvement of inmates in the programs that are to be implemented along with professional services. The abandonment of the concept of socialization also affected the sentence and punishment and the situation is substantially changed in comparison to how it was in the fifties, when a treatment ideology was at its peak. The theory emphasizes the considerable part of the increased role of general prevention, its positive, integrative sense. It requires the provision of greater importance in sentencing principle and the principle of the weight of guilt and sentencing offences. This means that the sentence reflects the gravity of the offense, the right measure for the committed crime, not that the penalty for a significant treatment - personality of the perpetrator of criminal acts, and other facts that are of importance for the treatment procedures. So, now it is insisted on the gravity of the offense and the equality of penalties for the same or similar offences. Personal characteristics of the perpetrator of

crimes come to the fore only in the extent in which they affected the execution of the crime. It can be said that in addition to high confidence in the conception of re-socialization, it did not touch the repression and retributive type of repression that is still preserved. More balanced relationship between general and special prevention is established.

TREATMENT AND INDIVIDUAL WORK IN PENITENTIARY INSTITUTIONS

The concept and the goal of treatment

The use of the term "treatment", which is a French origin (traiter) and indicates the actions, behavior, is very widely spread in penological and criminological literature. The term "treatment" has been used intensively since the fifties and the terminology is used in all international institutions, declarations, conventions, which deal with the problem of combating crime and treatment of prisoners. Term treatment covers a very wide content that may have a broader and narrower meaning. For the treatment of prisoners serving sentences commonly are used terms: treatment, re-socialization, reformation, correction, rehabilitation, reintegration, etc. Some of these terms include only measures, the process, while others contain the process and goal.²

The term treatment can be seen in the broad and narrow sense. Treatment understood in the broad sense refers to the treatment of perpetrators, as in criminal proceedings, and in the process of execution of criminal sanctions and later, in the post penal period, with what he observed at all stages from the standpoint of socialization, as the most important goals of criminal sanctions.³ Accordingly, we distinguish the judicial treatment, institutional treatment, treatment during the execution of criminal sanctions and post penal treatment. All these stages must be considered, and they act, in a unique way. If we start from Ansel's thought – that in the process of re-socialization of offenders they lose their traditional boundaries between the phases of the trial, and execution phases of post penal-phase- then leads to the widest understanding of treatments that included treatment of the delinquent mentioned in all three phases.⁴ In penology, about the treatment, is most often spoken in the narrow sense- the treatment of the persons sentenced to deprivation of liberty. The treatment, in the narrow sense, refers to taking all actions by prisoners arising from the regime of living and working in a penal institution.⁵ All procedures that are undertaken as parts of the treatment must be consistent with the goals of reeducation, because only a single action in all segments of the treatment is possible to correct offender's behavior. The treatment involves the removal of individual causes of crime, in a process that is aimed at keeping convicted through several phases, starting from the conflict with the norms of society, to accept the existing value system in society. High hopes and expectations were put in the treatment in the sixties and the seventies. It was felt that the treatment is a powerful mechanism in terms of special crime prevention. However, it soon became clear that the treatment was an extremely complex activity, and that there were numerous uncertainties and dilemmas that arose during its implementation. At the very begin-

² Davidovic, D. and others. (1970), Categorization of correctional homes and classification of prisoners in Yugoslavia, p. 171

³ Milutinovic, M. (1973), Criminology, p. 509

⁴ Atanacković, D. (1988). Penology, p.134.

⁵ Stefani-Lavasseur, (1968), *Precis de Criminologie et penitentiaire science*, Paris, p.226

ning, it became clear that treatment should be tailored to the individual personality of convicts, which is very hard for anyone to apply in practice. With a range of adverse circumstances that exist in correctional institutions at the expense of treatment, in particular, reflects the criminal infection and imprisonment and ongoing controversy between the control, protection and punishment, on the one hand, and efforts to re-socialization, on the other side.⁶

Past experiences point to the need to examine the entire spectrum of factors that influence the success of treatment and, in particular, to explore new dimensions in terms of treatment objectives. Experience shows that the treatment and training of prisoners did not give the expected results, because the inward goals were too ambitious. It is known that the main preconditions for the success of treatment depend on the desire and will power of convicts, and the level of relations between penitentiary institutions and the society. The most important thing is that prisoners adopt positive attitudes and acquire their skills, even essential, to be ready to face the problems after discharge and the need to engage actively in social life. The goal of treatment is to reduce the negative effects that prison conditions have on the personality and behavior of prisoners.⁷

FORMS OF TREATMENT

The current practice of re – education, in our country as well as abroad, made several forms of treatment, whose origins come from different areas and scientific disciplines, since the reformation is a multidisciplinary problem. Therefore, in our penitentiary (i.e. correctional) institutions and their educational practice forms of educational work are set through: individual work, group work, education of convicts, productive labor, occupational and work therapy and the participation of the convicts in reformation and leisure activities. That does not mean that this system is closed for the attendance of other possible forms of work, especially for the working methods within each of these forms, but this is the reason why the norms which regulate the operation and function of institutions for the enforcement of criminal sanctions, are not mentioned specifically by these forms.⁸

Individual form of treatment is considered the most important method in the process of re – education, but it has some advantages and disadvantages. Individual treatment is managed by an educator, whose task is to become familiar with prisoner's personality by monitoring behavior in the prison environment, the workplace, compared with the family. In this treatment there are different forms and methods used in the exercise of individual forms of work with prisoners. In practice, the individual shape is the most commonly used. The form of group treatment is applied to those offenders where the causes of crime orientation affect the result of delinquent environment.

Group counseling is used in Centers for professional orientation, so that the counseling takes place in groups of 10-15 people. Duration of group counseling is not exactly defined so that they can last from 45 minutes to 2 hours during the day, and intervals of meetings should be more than 2-3 days. The form of group work is most often used with specific populations characterized by particular psychological problems such as depressed individuals, neurotic, emotionally unstable, and individuals with other mental disorders. Group treatment approach aims to separate

6 Stevanovic, Z. (2008) Open prisons, p. 179-180.

7 Stevanovic, Z. (1993) The treatment of prisoners, Current problems of crime reduction, p.174-177.

8 Nikolic, Z., (2005), Correctional andragogy, the Institute for Criminological and Sociological Research, Belgrade, p.189.

the offender from criminal groups and that in the conditions of treatment and the quest for socialization, perform differential association in the opposite direction, by the offender to make a pro-social group.

Education as a form of treatment aims to enable prisoners to understand the conditions of life and relationships in the society, in order to understand that the problems he faces in his environment are not only the result of the disturbance of the relations in society, but represent a part of his personality, attitudes, motives and realistic goals. Effects of educational work are very important, because the convicts in the prison environment feel lost, discarded and worthless. Treatment education aims to eliminate this feeling, to regain the trust of prisoners in their own personality and society. Therefore, the education of convicts is set as a necessity and education as the needs and obligations arising from the UN Minimum Rules, or as a human right to life. Adult education is used for the purpose of training for particular professions, as a socialization factor, due to the fact that a number of convicts do not have the necessary education or elementary professional occupations. When it comes to minors, the focus is on the treatment of general education with a minimum content of the profession. The aim of education is that the sentenced, returns to the new environment after serving his sentence as a person who has a condition that is engaged in a regular occupation and not to be "forced" to return to criminal behavior. Working engagement, as a form of treatment, is a human need as any other physiological needs, just as it is aimed at offenders negatively. A very small number of people unmotivated for work, it is the case only with the idler, and rogue. As a penal measure, labor has always been the initial function of criminal sanctions. The work has long been a criminal sentence within imprisonment, and not a form of treatment. In this sense, the work, as required, and occupational therapy, in the penal system passed several stages, depending on the goals of punishment. Initially, when the target of the sentence was retribution, work was a part of their content, as well as cruel means and methods of exploitation of man as a function of force and repression, humiliation in heavy physical effort. Such peculiarities of its functions are retained until the end 18th century. By the early 20th century, penalty retains the same function, but without additional compensation becomes a means of punishment, and the early 20th century work ceases to represent both - a punishment and a means of correction, and becomes a method of re-educational treatment of prisoners.

Document of the UN on the minimum rights of prisoners, suggests some basic principles of work as therapy: the first principle refers to the contribution of inmates' work to the economic activity in the state, Document of the UN on the minimum rights of prisoners, suggests some basic principles of work as therapy: the first principle refers to the integration of the inmates' work on the economic activity of the state, which in the moral and social meaning of inmates' labor equates with the work of human freedom, as his natural and social needs; second principle, the principle of introducing compulsory occupational therapy, as well as the right of the convicts, assumes that work, as human need, cannot be seized or imprisoned, the third principle, applicable to occupational therapy, vocational guidance of prisoners, which represents a significant factor for the development of vocational training and work habits in the function of social readjustment. The fourth principle involves the creation of equal conditions of prisoners with the same conditions, economic conditions and the profession at large, safety, etc. The fifth principle relates to the principle of reward and attitude that belongs to the convicted, which gives meaning to the work of free man and a proper compensation. Work in prisons is adapted to re-socialization, and many countries recognize the right of convicts to work. There are three approaches to treatment such as: work as an obligation,

work as a right and obligation and the right to work. Regarding ways of engaging prisoners there are two kinds of systems: the system of prevailing private interests and the system of prevailing public interests. The first group includes the following models: tenure system where the prisoners are given away to private employers who pay the rent for their work, the contract system -where prisoners are made available to private employers who pay the investment account and penal institutions and the private system of work where the employer pays for inmate labor penal institution per unit. The second group of models includes: working on the behalf of the state, work for government and public works - in which the convicts are engaged outside the correctional institution under the supervision of staff. In order to realize a working treatment it's necessary to make the selection of the work duties to adapt to physical, psychological and medical capabilities of convicts. Certainly, in the area of working the principle of individualization is applied in all phases ranging from training to work engagement, deployment of a fixed place of work, evaluating work, awarding - the degree of proficiency that, upon release from imprisonment, may enable convicts to perform certain activities. Leisure and self-initiative, as a form of treatment, is a complex process and depends on the complex emotional and volitional elements that reduces feelings of alienation and deprivation of prisoners. It takes place through the initiative and participation of prisoners in work and community (social) life in the prison, as well as through their participation in the administration. This treatment encourages the initiative of self - discipline, sense of responsibility, understanding and tolerance. Treatment of people sentenced to the free time has a different sense of free time of other people. Free time is not at all facilities for all types of prisoners in the same way regulated, it depends on the structure and character of convicted in correctional institution. In some theoretical approaches- leisure is treated in three ways:

1. The compensation- to establish a balance of personality that is lost away
2. Compensation - for what is lost in the professional work
3. Substitution -new functions in prison are changed

Post penal treatment requires certain procedures to continue the process of re-socialization of convicts even after their release from prison. Reformation does not extend to the institutional-prison treatment, but there is a need to continue with the social integration of prisoners into the environment after release from prison. After serving his prison sentence it's necessary to take measures to reintegrate prisoners into the society. It is, perhaps, the most important phase in the overall process of re-socialization of convicts. In our conditions, and not only ours, post penal treatment is usually given little attention, which reversed the results of institutional treatment, In our conditions, and not only ours, post penal treatment is usually given little attention, which reversed the results of institutional treatment, which is manifested by a high percentage of returning and continuing with the criminal activities of convicts who had a chance to return a positive pattern of behavior. Post penal treatment occurs in two forms: the form of internal and external assistance. Internal support appears as the provision of advice, encouragement and guidance, while external assistance consists of providing financial assistance, providing temporary housing, securing employment, solving family problems, etc. Unfortunately, social institutions are neither financially nor staff - trained and focused enough to continue the post-corrective treatment and social services in the prison system are not developed to deal with this aspect of treatment, so in our circumstances post penal help is undeveloped.

Rewarding and punishment- stimulation as a treatment has a particularly important role in the process of correcting the behavior of offenders and represents

a special method in the individual treatment of prisoners. Stimulating measures have a significant impact on acceptance and adoption of system of values and habits of the prisoners. By stimulate measures, a formal prison system provides a response to the positive changes that the convict manifested in behavior and its relation to other inmates, prison administration, criminal act that is done, etc. Benefits and disciplinary measures are the only form of evaluation of the accomplished or unaccomplished in the process of realization. Benefits, as a tool in the work-corrective educational facility are a part of the process of socialization, and they reflect the degree of the achieved socialization on the individual level but also at the level of groups and institutions in general. There is a wide range of benefits, in general, and the level of individual institutions, depending on the type and character of the institution and the personal characteristics of prisoners, and they represent an important mechanism of individualization of treatment. What is very important in using this mechanism is that one should always try to get stimulants devised by those persons who deserve it, because it is a very stimulating act.⁹In addition to benefits that are provided by the Law on Execution of Criminal Sanctions, in individual work are used all other means of educational practices that have motivational properties. Combining the benefits and various other forms of competition among the convicts contributes to more efficient training process.

Benefits should be given respecting the principle of gradualism, steadiness and continuity. In the process of decision making should be seen the flow of re – socialization and involvement of all actors who work in the process of implementation of treatment and this is the most concrete and individual work with the convicts.

Treatment of juveniles is specific, since it is a special structure, which requires a special approach in the treatment of reeducation and re-socialization. Their treatment is takes place on the same principles as the treatment of adults, but with customized approaches in the content of the applied methods, depending on age and institution in which he is serving a criminal sentence. The aim of the special treatment of minors is to understand the need to respect the order and discipline, and to develop a sense of responsibility for themselves, their behavior and the environment in which they live. The treatment should allow the creation of habits of juveniles to use their free time creatively, in order for it to become a habit and routine practice in life at large. The exercise treatment in juvenile population can be facilitated, because there is a real possibility of changing attitudes and even personality traits in young people, but it can be difficult unless adequate methods are applied and if it does not establish the required degree of trust between the minors and the therapist-educators. Under such conditions it can cause the resistance of the young, prominent irrational stubbornness and persistence, which often leads to protests and disrespect norms of behavior.

Individual work with prisoners as a form of socialization

This form of work is considered the most important in the re-socialization of convicts. The significance of this method is reflected in the fact that it is continually implemented throughout convict's stay in prison, and after being released from prison - at the time of parole, post-corrective period, etc.

The number and variety of treatment techniques that are used in individual work with prisoners is high. Therapeutic techniques can be distinguished by a certain degree or level of importance of working with the convicts. This may be the

⁹ Jonić, Z. (1984), Individual work with prisoners and juveniles, Gazette, Belgrade, p.15.

level at which the therapist -educator actively participates in the therapeutic interaction and the degree to which the educator intervenes in activities of the convicts or participates in their environment. In penology, most often, individual work includes:

1. Analyzing and Personality-testing of convicted persons with socio-psychological, educational, medical and criminological aspects
2. Educational effect on the prisoners during the execution of criminal sanctions, by using the method of counseling, prevention, encouragement and punishment
3. Correction of behavior in terms of changing negative attitudes, work habits, building and maintaining positive habits
4. Construction of work discipline and self-discipline
5. Focusing on a continuous process of education of convicts, both on professionally and on general level
6. Assistance in solving personal, family and other interpersonal conflicts.

Understanding the personality of the convict, his features, attitudes, skills, motivation, personality traits, character, temperament and other psychological and somatic characteristics, provides a basis for the successful implementation of treatment and the achievement of positive effects of socialization. Personality testing of prisoners is done by a professional team that is made of a psychologist, social worker, teacher, doctor and criminologist, who, with all their aspects, provide the estimation of facts related to the convicts and a written report which should include the most important sectional figures with clear conclusions and where the problems are, failures in personality development, social integration, education level, criminal behavior, interpersonal relationships, etc. Based on these findings, the expert team and the teacher-therapist can draw up the operational plan for handling individual in the process of implementation of educational programs focusing on those segments in the behavior of convicts that deviates from the normal, stable and healthy behavior. The first individual contact between educators and the convict is realized, upon the internal classification of the convicted person to an educational group, the workplace and in residential building. In practice this information is called - the first interview, when the first individual contact between prisoners is accomplished and the teacher-therapists. The first interview is also significant because it makes trust between the participants. If you establish a positive attitude there is a great probability that the educator can successfully manage to lead a process of re-socialization of convicts, and vice versa. Also, in the first conversation educator is required to explain all aspects of treatment, convicts obligations, expectations of teachers, and their attitude to the teacher opens the perspective that the convicted person may, with his assistance, carry out the treatment, and obtain all kinds of benefits and shorter stay in prison, which is the most important goal for the convicted. *The educational activities of the professional teams* pay special attention to those parts of prisoners' behavior that deviate from the prescribed norms of behavior, both in society and the rules and regulations of the institution. The educator is required to monitor the work of the convicted person in his work place and to be in contact with a professional instructor, to ensure the education of the convict and to give him advice and guidance, to ensure the conduct of the convicted person and his discipline and to take appropriate measures, to monitor his relationship with the family of the convicted person, to observe and collect data on the convicted person, and that may influence the provision of facilities, probation or parole, it can prepare the prisoner and undertake other measures that are necessary for his return to the society after serving say, to take all other measures that will help

him to solve internal and external conflicts. Correction of behavior is an important element of individual work. Methods and techniques of individual work are varied and their use depends on each individual case and needs to what level is necessary to correct the behavior of convicts. The most common techniques of individual work are directive and non-directive. In directive techniques, educator is hired by the deliberate use of persuasion, suggestion, or some other form of personal effects, which will be paid to prisoner's attitude or behavior, or to the course and direction of his actions while in prison institution. Directive technique relates to the scope of proceedings in which the initiative is taken and held by the educator and not by the convicts. Non-directive procedure deliberately avoids interference with the problems of convicts, not offering solutions for them and not taking responsibility for the behavior of the convict. The initiative consists of a therapist in encouraging prisoners. The teacher intends to create an affordable, relaxed atmosphere that will not judge the actions of convicts, nor will it make criticism or advice of any kind. Non-directive methods are based on the initiative of convicts in the therapeutic process.¹⁰ Many of the actions the teacher has to take regardless of the psychophysical characteristics of the convict, so that they cannot be predetermined to some general rules. Sometimes the teacher has to take action intuitively. The creative possibilities of adapting the subtle specifics of the convicted person provide the greatest value of individual work as a method of re-socialization.

Construction of labor discipline and discipline of inmates is one of the goals of re-socialization. If we start from the assumption that most inmates come to prison with no working habits and discipline, and with very low self-discipline, then it is reasonable to expect that it is very difficult to achieve the program of re-socialization of convicts with such predispositions. So, one of the first tasks of all participants in the treatment of convicts is to build working, personal and any other discipline as a prerequisite for success in all other fields of re-socialization. Individual work makes convict to see where the rules of conduct are. Many convicts are difficult to adapt to circumstances where the behavior is strictly prescribed and where great self-control is required, because otherwise it often leads to conflict. Problems of discipline are conflicts between the aspirations, inclinations of the individual standards and seeking of external forces. It is generally assumed that the discipline is an instrument of socialization. Building a conscious discipline of the convicts is a guarantee of successful resettlement in the process of execution of criminal sanctions. Application of methods of prevention and punishment is used only in cases where encouragement, motivation, encouragement and rewards for behavior are not effective in building of positive behaviors. Directing a continuous process of education of convicts is a permanent task for all teachers and other participants in the treatment of prisoners, for educating convicts in: vocational training, educational training, and in general. Information on training is a personal guarantee of successful reintegration and training for the acceptance of positive models of behavior, and thus to leave the form of criminal behavior. In prisons there are several types of activities that have an impact on general education and training of prisoners, but unfortunately, lately, for various reasons, the number of activities that may affect the improvement of general education of convicts decreased. In our conditions, the data shows that a very small number of convicts in the prison system in Serbia are included in the educational process.¹¹ Education of convicts appears as an important component of socialization that contains the educational function. Education is a

10 Konstantinović-Vilić, S, Kostic, M. (2006), Penology, Niš, p. 175

11 According to the report of the execution of criminal sanctions in 2009 education included 319 convicts and minors and to the literacy, primary school completion and the third level of high school, which is 27% in 1183 compared to persons who are illiterate or havenot completed elementary school that were located in prisons in Serbia.

function of re – socialization of prisoners. The society's commitment to education is more declarative, as indicated by the data coverage of convict by the educational process. The situation is much better when it comes to minors. Providing assistance in solving personal, family and other interpersonal conflict is a significant segment of the individual treatment of prisoners. Educator - therapist uses a variety of methods and means of assistance to a convicted person when he finds himself in a conflict situation. Besides, in the directive style and directive counseling, the therapist uses various forms of therapy, which are intended to enable prisoners to have a rational goal in resolving conflict situations, that they can control by themselves and to approach the problem realistically, to identify the cause of the problem, to think about a possible conflict before the emergence of conflicts and to have courage to ask for help when unable to solve the problem. Of course, such level of proficiency means that the convict has to possess a lot of knowledge and skills so they can be able to cope with potential conflicts and frustrations.

The preferred methods for resolving the conflict are the psychotherapeutic techniques, which require special educational teachers, therapists, psychologists, psychiatrists or other profiles of experts, who have specific knowledge in the application of particular therapeutic techniques.

Psychological techniques and methods work best on the correction and the change of personality. In the modern world of alienation, insecurity and many conflicts, including "criminal illnesses", healing cannot be imagined without the application of the treatment of some forms of psychotherapy. There are two methods of group psychotherapy:

1. Superficial psychotherapy – has the effect of neurotic behavior and you can apply multiple profiles of experts and it is suitable for working with convicts
2. In depth – psychotherapy that seeks to find the causes of neurotic and conflict situations and for its application requires a special training, experience and knowledge.

Deep psychotherapy takes longer and is not suitable for use in the prison conditions of the classical type. The use of psychotherapy in prisons is best suited for certain categories of prisoners such as neurotic, aggressive offenders, a certain type of killer, minors and others who fall into the category of conflicting parties. These techniques are not suitable for convicts who are mentally challenged, emotionally immature, infantile and for similar categories of prisoners.

CONCLUSION

Individualization in the execution of criminal sanctions and individual work with prisoners in the process of realization of the institutional treatment is the topic that has been discussed for decades on both theoretical and practical levels. The principle of individualization of punishment and execution of criminal sanctions has a human dimension as it is derived from the principle of respect for differences of personality, the psychological, pedagogical, biological, social and other characteristics. The individualization of punishment and execution of criminal sanctions relates to the population of people who commit criminal acts. The individualization of punishment involves several phases, starting with the individualization of the investigation through the trial stage of individualization, over individualization during the execution of punishment, to individualization in post penal stage. Individualization is a particularly important stage in the process of execution of

criminal sanctions, because it offers the best opportunities to achieve correctional programs which facilitate the re – socialization of prisoners. In the process of individual treatment of prisoners, there are several methods and techniques that can be achieved by the principle of individualization in the prison systems in the world and in our system. Due to the neglect of the concept of socialization, there is a delay in the implementation of treatments and facilities that are used in the realization of treatment programs, but this situation has led to the appearance of new techniques and methods in working with individuals who violate social norms and rules of behavior. The current crisis in the prison system in the world has limited the choice in the application of new methods and forms of work with prisoners. Extreme economic crisis, a large number of prisoners addicted to drugs and a high percentage of sick prisoners, reduced the possibility of addressing the substantive issues in the correction of convicts' behavior in a comprehensive manner. There is neither financial support, nor time or appropriate conditions for such efforts. In such circumstances, it is unrealistic to expect significant improvement of correctional practice, and it will take many years to estimate the overall effectiveness of crime prevention.

REFERENCES

1. Davidovic, D. and others. (1970), Categorization of correctional homes and classification of prisoners in Yugoslavia, the Institute for Criminological and Sociological Research, Belgrade.
2. Milutinovic, M. (1973), Criminology, Modern administration, Belgrade.
3. Atanacković, D. (1988). Penology, Scientific Book, Belgrade.
4. Stefani-Lavasseur, (1968), *Precis de Criminologie et penitentiaire science*, Paris,
5. Stevanovic, Z. (2008) Open prisons, Institute for Criminological and Sociological Research, Belgrade.
6. Stevanovic, Z. (1993) The treatment of prisoners, Current problems of crime prevention, Belgrade,
7. Nikolic, Z., (2005), Correctional andragogy, The Institute for Criminological and Sociological Research,
8. Jonić, Z. (1984), Individual work with prisoners and juveniles, Gazette, Belgrade
9. Konstatinović-Vilić, S, Kostic, M. (2006), Penology, Nis.
10. Bacic, F. (1988), Individualization in the execution of criminal sanctions in light of the challenge of re-socialization in entire criminal justice, correctional issues, No.3-4.Zagreb

CIP – Каталогизација у публикацији
Народна библиотека Србије, Београд

343.9(082)
343.85(082)

**МЕЂУНАРОДНИ научни скуп „Дани Арчибалда Рајса“
(2012 ; Београд)**

Tematski zbornik radova međunarodnog značaja. T. 1 /
Međunarodni naučni skup „Dani Arčibalda Rajsa“, Beograd, 1–
2. mart 2012 ; [[organizator] Kriminalističko-policijska
akademija ; glavni i odgovorni urednik Goran Milošević] =
Thematic conference proceedings of international significance.
Vol. 1 / International scientific conference ”Archibald Reiss
Days“, Belgrade, 1–2 March 2012 ; [[organized by] Academy of
Criminalistic and Police Studies ; editor in chief Goran
Milošević]. – Beograd : Kriminalističko-policijska akademija =
Belgrade : Academy of Criminalistic and Police Studies, 2012
(Belgrade = Beograd : Scanner studio). – XIII, 477 str. : table ;
24 cm

Tiraž 200. – Preface = Predgovor: str. [VIII–IX]. – Napomene i
bibliografske reference uz svaki rad.

ISBN 978-86-7020-217-7
ISBN 978-86-7020-190-3 (za izdavačku celinu)
1. Криминалистичко-полицијска академија (Београд)
а) Криминалистика – Зборници б) Криминалитет –
Сузбијање – Зборници
COBISS.SR-ID 192446220