

Aspects of Personnel Management of the Probation Service in Albania: Under the Perspective of the Tokyo Rules

Dr. Dorina Saja (Corresponding author)

Faculty of Law, University of Tirana

8R88+VC5, Milto Tutulani Street, Tirana

E-mail: dorina.saja@fdut.edu.al

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Abstract

The Probation Service is a crucial component of state organization and operation, as this institution's purpose is to oversee alternative sentencing, thereby ensuring the rehabilitation of individuals subject to such sanctions. For the successful realization of this goal—namely, the assistance in reintegration and resocialization of law offenders into the community through contemporary methods and tools of alternative punishments—the staff of the Probation Service must be qualified. This entails that the selected personnel not only possess the requisite professional training to handle supervised individuals but also continuously undergo various processes and techniques for motivation, professional development, and performance evaluation. Consequently, and due to the scant scientific research in this field in Albania and beyond, our aim is to highlight the most crucial element of such an institution—the personnel, specifically, the so-called probation service specialists (PSS).

We have examined whether the management of PSS in Albania adheres to international standards, or the so-called Tokyo Rules, concerning personnel, starting from the selection process, motivation, performance evaluation, and professional development. To achieve this objective, firstly, it was determined whether the Albanian legal framework on the organization and functioning of the Probation Service specifies these international standards, or the Tokyo Rules, regarding personnel. Secondly, it was verified whether these international standards on personnel are applied in the management practices of PSS in Albania. Thirdly, it was ascertained that managing PSS according to international standards guarantees the effective execution of alternative sentences. In this manner, we have demonstrated the role and impact that well-managed personnel have on achieving the purpose and mission of the Probation Service, namely, the rehabilitation and reintegration of the supervised individual.

This study, from the perspective of the Tokyo Rules, has first revealed that the legal framework in Albania for managing the personnel of the Probation Service adheres to international standards, or the so-called Tokyo Rules; secondly, that the management in practice of PSS does not occur according to this legal framework and international standards. Furthermore, it has been shown that the management in practice of PSS not according to international standards has not ensured the effective execution of alternative sentences. Thus, we have identified the direct impact that well-managed personnel have on realizing the goal and mission of the Probation Service, i.e., the supervision of alternative sentences and the rehabilitation/reintegration of the supervised person.

Literature review

In Law No. 79/2020 "On the Execution of Criminal Judgments," it was stipulated for the first time that the execution of criminal judgments shall be conducted in accordance with the prevailing legislation, international standards, and in respect of the fundamental rights and freedoms of the individual. Furthermore, this law also introduces for the first time the legal concept of Probation Service Specialists (PSS), along with several elements of their management. This means, or more precisely suggests, that despite the Probation Service having been established and operational since 2008 as a specialized state

organ for supervising alternative sentences, for nearly nine years, the Tokyo Rules concerning personnel management were not implemented. This non-implementation, firstly, did not guarantee the proper execution of alternative sentences; secondly, it did not ensure their effective application—rehabilitating the convicted individual. Thus, to date in Albania, as studies show, alternative sentences have not been issued properly, or if issued, have not been effectively implemented.

Additionally, after reviewing literature on the management of personnel in penal institutions in general, the probation service, and the Tokyo Rules, it is observed that despite such institutions being dynamic and personnel being their most crucial element, the focus has predominantly been on those served by these institutions—the convicts. Less attention has been paid to the personnel, the other significant group within them (Kauffman, 1988; Lombardo, 1981; Kirton and Guillaume, 2015). Secondly, it is generally noted that working in a penal institution is not recommended as a career path to follow; the personnel are not well-paid, continuously trained, etc. Also, this category of personnel is not highly respected or recognized by the public.

On the other hand, every effort to explain what probation entails and the elements that constitute the probation service institute emphasizes the social context of crime and the role of the probation service in its prevention and combat. This type of analysis leads first to the study of the phenomenon of crime and secondly, to the exploration of the instrument for its detection, prevention, and combat. However, it does not directly analyze the role of the personnel of these institutions and their impact on crime prevention and combat.

While it is widely accepted that the causes of crime are complex, there is still debate over the impact of the Probation Service on reducing crime levels. For some authors, probation is not a factor that influences the increase in crime, nor does it have a significant impact on its reduction. Thus, probation is not a mechanism that controls crime. The crime control process extends beyond the capabilities of probation and spans the entire social structure of society. In truth, the probation service is not an organ dedicated to crime control, but as an institution of the criminal justice system that deals with the "control" of certain criminal offenders, it does impact crime control. Additionally, every institution, part of the criminal justice system, has its role: the police are responsible for arresting criminal offenders, prosecutors for

pursuing and prosecuting them, courts for sentencing offenders, and prisons/Probation Service for maintaining convicts sent by the courts. Moreover, the Probation Service has a special role in the criminal justice system, as, in direct collaboration with other criminal justice system institutions, it performs a series of specialized functions.

Lastly, in literature, there has been an increasing focus on the "personnel" element of criminal justice institutions. Consequently, researchers are increasingly recognizing the significant role of human resources in an organization, regardless of its type. As a result, the significant role of penal institution personnel in the effective implementation of sentences and consequently in guaranteeing the rehabilitation process of the convicted individual is recognized. However, the literature emphasizes that to fulfill this role, it is necessary to recruit capable and professionally prepared individuals and they must continuously develop personally and professionally.

These findings in foreign literature, which also apply to Albania, where there is a marked lack of projects or studies on the personnel of criminal justice institutions and their needs, have shown the great importance of implementing this project. By turning it into an added value for the Albanian and international scientific community, as it has sought on an element not fully studied in the administration of criminal justice institutions, such as the personnel and their management. Also, it has transferred scientific research to an almost unstudied field, like that of the Probation Service personnel.

Albanian Legal Framework on the Organization and Functioning of the Probation Service and the Tokyo Rules: Aspects of Personnel Management

The criminal justice system in Albania is primarily oriented towards the application of imprisonment sentences. Thus, today we are not only faced with the need to promote the role and importance of the probation service but also to develop the infrastructure and human resources of this institution. The organization and functioning of this relatively new institution in the criminal justice system is a lengthy process and requires, as a principal element, specialized personnel. In Albania, according to the law, the Probation Service is a public legal entity, headquartered in Tirana, operating under the auspices of the Minister of Justice. This institution, which is funded by the state budget, is organized at: a) a central level through the General Directorate of the Probation Service; b) a local level through territorial branches of the Probation Service. The employment relations of the Probation Service employees, both in the General Directorate and in the territorial branches, are regulated according to the provisions of the existing legislation for civil servants. This means that their management—from the selection process, motivation, performance evaluation, and professional development to their discharge from the service—is governed by the provisions of Law No. 78/2020 "On the organization and functioning of the probation service," as well as the provisions of the sectoral legal framework for civil service. Specifically, Law No. 78/2020 regulates elements, albeit in an undetailed manner, such as: recruitment and discharge; training, rights and duties, and conflict of interest. Regarding recruitment, this law emphasizes the specific criteria that a Probation Service Specialist must meet, such as: a) having completed the second cycle of university studies in psychology, law, social work, sociology, or a degree equivalent to these, according to the prevailing legislation on higher education in the Republic of Albania; b) having at least 1 year of professional experience. This implies that, in addition to the transparent procedures established in the civil service law mentioned above, the creation of a specialized civil servants corps must also be ensured. Since having a corps of specialized civil servants directly influences the individualized and professional handling of each individual assigned an alternative sentence.

This treatment, as needed and according to the case, in accordance with the standards of criminal law, leads to their rehabilitation and reintegration. At the same time, it demonstrates that the recruitment process of the probation service specialist should *prima facie* be in accordance with the standard anticipated in the Tokyo Rules, stating: "... persons designated to implement alternative measures to imprisonment should be suitable and always have appropriate professional training and practical

experience.” Moreover, within these rules on recruitment and maintenance of this corps of civil servants, the law stipulates: “... 3. During the exercise of his activities, the Probation Service Specialist is guided by the principles of impartiality, professionalism, and the preservation of professional and ethical-moral integrity. 4. The Probation Service Specialist may not perform other public or private functions and duties that conflict with his functional and legal duties, except for teaching, academic, and scientific activities. ...” As explained earlier, the procedural aspect of the recruitment process, such as the publication of the job vacancy, deadlines, notification, manner of competition, etc., is regulated in the civil service law. This law outlines the procedure for recruiting a civil servant in general, such as entry into civil service, lateral movements, or promotions. It also defines the principles on which the recruitment system is built, such as the principle of equal opportunities, merit, professional abilities, non-discrimination, transparency, and fairness. From a combined reading of these principles and considering their primary meaning, it results that the selection process, at all levels, is based on the evaluation of the candidates' professional abilities and is carried out through an open, meritocratic, and fair competition. This is further confirmed considering the selection method, which includes a written test, an oral test, or, according to the law, any other suitable form of ability verification, as well as the evaluation of the candidate's professional abilities. This finding is further reinforced when considering the actors involved in this process, such as: • the institution with the vacant position; • the Department of Public Administration (hereinafter DAP), which prepares the annual admission plan for state administration institutions and organizes the admission procedure for all executive category positions, etc., for the state administration; • the Permanent Admission Committee (hereinafter PAC), for admissions for every group of general/special administration.

The Permanent Admission Committee (PAC), established by the Department of Public Administration (DAP), comprises five members as follows:

- One member from the responsible unit, who chairs the PAC;
- Two members selected by the head from the institution's employees, preferably from the middle management level;
- Two field experts, depending on the evaluation area for the respective groups. These experts are chosen from academic staff of higher education institutions, licensed experts in various

fields, or professionals from regulated professions with at least five years of experience in that job position/profession.

This selection formula serves as a guarantee for recruiting the most suitable and highly qualified personnel for the probation service. It also ensures adherence to international standards on personnel recruitment. Furthermore, this body of employees must be properly maintained. Therefore, in accordance with the Tokyo Rules on staff training, the law on probation service has established a professional training system for Probation Service Specialists. This training system operates in two main directions: a) Initial training, organized for Probation Service Specialists during the probationary period; b) Continuous training, organized for Probation Service Specialists confirmed in their positions after the probationary period.

Initial training ensures that the Probation Service Specialist is clearly made aware of his responsibilities related to the position from the beginning—rehabilitating the convicted individual, securing their rights, and protecting society. It also facilitates their onboarding process within the institution. Concurrently, their professional knowledge should be updated and further developed. The law mandates that these trainings, as well as ongoing ones, are compulsory for the staff, organized and planned. This implies that the law envisages a cyclical, systematic, universal, and learning-oriented system. Thus, we have not only a soft legal guarantee but also tools for ensuring the effectiveness of this system. However, as mentioned earlier, to see if the overall system of managing the Probation Service Specialist, as well as to conclude if this management system respects international standards—the Tokyo Rules, the law No. 152/2013 "On the Civil Servant," as amended, along with the legal acts issued in its implementation, must be analyzed in entirety. For the purpose of this project, we will focus on two important elements of personnel management—work performance evaluation and professional development—and how they are regulated by this law.

From the understanding provided by the law on employee development, it is clear that the primary aim of this tool is to assist the employee in performing their job effectively. This means it is a tool aimed at improving performance at the individual level—for PSS, and at the institutional level—for the Probation

Service. However, from a combined reading of Council of Ministers' Decision No. 138, dated March 12, 2014, "On the rules of organization and functioning of the Albanian School of Public Administration and the training of civil servants," and law No. 152/2013 "On the Civil Servant," focusing primarily on professional training programs and methods specified in these legal acts, it emerges that there are also other specific goals such as:

- Improving current work results and behavior;
- Preparing for professional advancement;
- Enriching employees' CVs, etc.

Therefore, the general aim of professional training for civil servants in the Republic of Albania is to encourage continuous learning and performance improvement. Indeed, this legislative framework has also created opportunities for achieving this goal because, firstly, employee development is anticipated in the law as both a right and obligation; secondly, there is an institution designated for conducting professional training for civil servants. Thirdly, trainings organized by the Albanian School of Public Administration (ASPA) take place during work hours, and personnel receive full pay throughout the training period. Fourthly, if personnel undergo training ranging from 1 month to 2 years abroad, their job position is preserved. Thus, law No. 152/2013 "On the Civil Servant" and the Council of Ministers' Decision No. 138, dated March 12, 2014, "On the rules of organization and functioning of the Albanian School of Public Administration and the training of civil servants," provide the legal and economic infrastructure for effective professional training of personnel. This infrastructure, along with the aforementioned goals, leads to significant benefits at both the individual and institutional levels, such as conditions to maximize personnel potential, etc.

The Decision or even the Law No. 152/2013 "On the Civil Servant" does not offer specific principles on which employee development, as a crucial element of their management, is based. However, reading the law and the decision simultaneously, along with the legislative framework, it can be said that generally, this system is established and operates on the principles of legality, equal opportunities and non-discrimination, merit and transparency, and professionalism. This assertion is made by considering the general principles of the civil service, the manner and criteria of selecting trainers, the purpose of the

trainings, and their types. Careful reading reveals that the law also prescribes other professional development techniques such as:

- During the probation period, the specialist performs tasks supervised by a higher-ranking civil servant of the same category;
- Membership in professional organizations—specialists have the right to join or consult with unions or representatives of civil servants of institutions, regarding decision-making for legislative and sub-legislative acts on civil service relations and work conditions;
- Job transfer or rotation—the specialist may be temporarily transferred to another civil service position, or of the same category, to improve their work results.

Based on the analysis above, and the training/development methods of civil servants chosen from the existing legislation or implemented in institutions by ASPA, DAP, and SHP, it is suggested that the training/development of PSS should be a process characterized by several features:

1. **Planned:** ASPA or SHP approves policies, strategies, and training programs.
2. **Processual:** PSS becomes part of the civil service and subsequently undergoes professional training.
3. **Official:** Conducted in compliance with all pre-determined rules, procedures, and methods outlined in Law No. 152/2013 "On the Civil Servant" and Council of Ministers' Decision No. 138, dated March 12, 2014, "On the organization and functioning of the Albanian School of Public Administration and the training of civil servants."
4. **Individual Initiative:** Also carried out through the initiative of PSS.
5. **Multidimensional and Comprehensive:** Civil servants may undertake training at other institutions besides ASPA, with the joint proposal of their superior and the head of the human resource management unit, and with the approval of the institution's head.
6. **Open and Universal:** Available to all civil servants across all categories.
7. **Future-Oriented:** Encourages continuous learning, performance improvement, and personal growth.
8. **Workplace-Integrated:** Closely linked to the civil service job roles.

9. **Generally Cost-Free for Civil Servants:** Typically does not incur time or financial costs for civil servants.
10. **Efficient:** Designed to be effective in achieving its intended outcomes.

However, it is not a cyclical process, which would systematically repeat in a specified order and within a designated time frame. This implies that the process does not occur within a fixed time period. Additionally, it is not a systematic process, meaning that employee development does not follow a specific plan or rule, nor is it conducted in a continuous and stable manner. As for performance management in Law No. 78/2020 "On the organization and functioning of the probation service," it is not explicitly mentioned. However, this crucial assessment tool is regulated under the civil servant law.

According to section 12, Chapter II, of Decision No. 109, dated February 26, 2014, "On the evaluation of work results of civil servants," as amended, the evaluation of work results is defined as a cyclical process consisting of three main phases:

- **Planning Phase:** The reporting officer meets with the specialist to be evaluated to define the main work objectives and the corresponding professional behaviors that enable the implementation of the work plan, as well as the objectives of the institution and the fulfillment of its mission. This plan also includes the preparation of objectives and an activity plan for achieving the main objectives, and both the reporter and the evaluated specialist discuss career goals, employee aspirations, and other aspects related to professional training and development.
- **Intermediate Discussion Phase:** Held midway through the evaluation period, reporting officials meet each of the specialists being evaluated to review progress in achieving the planned objectives, express thoughts, provide feedback, and make necessary adjustments to the written plan.
- **Final Evaluation Phase:** The reporting officer conducts a comprehensive assessment of the employee being evaluated on the success of achieving the work objectives set during the planning phase and reviewed during the intermediate discussions.

During this final phase, the reporting officer completes the standard work evaluation form for executive category civil servants, assessing mistakes/accuracy in the work performed, timely completion of work, collegiality in relationships, readiness for teamwork, requests for counseling, and managerial skills for employees in lower and middle management positions. The form consists of seven parts:

- Section A – Personal data;
- Section B – Work context;
- Section C – Objectives and performance measures;
- Section D – Professional behavior;
- Section E – Signing;
- Section F – Reevaluation by the authorizing officer;
- Section G – Employee's professional development plan.

This evaluation uses four rating scales: Excellent or Grade 1, Good or Grade 2, Satisfactory or Grade 3, Unsatisfactory or Grade 4, as recognized in the literature (Arthur, 2008; DelPo, 2007). This scaling system is known to be effective in providing a final opinion on the work performed by the civil servant over a defined period, reflecting the qualities or deficiencies displayed during the work process. In reality, although not explicitly anticipated as one of the phases of this cyclical process, the work result evaluation, under Chapter V of Decision No. 109, dated February 26, 2014, also includes a fourth phase, which we have termed the review phase.

- **Review Phase:** During the review phase, when a specialist or lower or middle management category employee disagrees with the final work result evaluation, they have the right to file a complaint with the head of the institution. This officer, in the role of the authorizing officer, reviews the complaint within five days and makes the appropriate assessment, which is recorded and signed by them in the work result evaluation.

During these phases, the specialist is responsible for actively participating in the work result evaluation process; analyzing tasks defined in the job description and contributing to setting objectives that are subject to work result evaluation. This analysis highlights that Decision No. 109, dated February 26, 2014, does not foresee a specific performance management model for civil servants but a model

according to which a final opinion on the work performed by the civil servant is given, considering both good and bad qualities shown during the work process over a specified period. Referring to relevant literature, this model appears to be a hybrid model, combining features of the traditional evaluation model with elements of the ranking model and the compliance checklist model or even the defined performance standards model.

This traditional hybrid model, as anticipated in the decision, generally read in combination with civil service legislation, suggests a performance evaluation process – work result evaluation, as: a system – a set of phases, parts, and elements that are interconnected; a process – a set of phases linked together and consciously developed to achieve a specific goal, and a procedure followed to reach this goal; periodic – regularly repeated at specified intervals and according to a predetermined procedure; cyclical – a set of phases that regularly repeat; formal – conducted in accordance with predefined rules of the decision; transparent – conducted in front of other participants; one-dimensional – uses only one evaluation technique, and information for employee evaluation is provided from sources within the institution where they work; human – throughout the process, respect, care, and consideration for the employee must be shown; professional – aims to enhance the professional capabilities of the civil servant; objective and impersonal; universal – all employees should be involved in the performance evaluation process; active participation – the employee undergoing the evaluation process is involved in all phases of this process – implying a high level of participation, developed and functioning on several other employee rights such as the right to notification, information, consultation with the civil servant, as well as the right to cooperation, participation in decision-making, and empowerment; goal-oriented – at the end of the process, the goal to be achieved is clearly defined; communicative – continuous information exchange; future-oriented – provides employees with an action plan to improve their weaknesses, as well as to develop not only in their current job position but also for future positions.

However, most of the above characteristics of the work result evaluation for civil servants are not explicitly mentioned but result from a broad interpretation of the text of the decision and law. This directly affects the effective implementation of this important management and evaluation tool for civil servants (Holzer, 2015).

Performance Evaluation, Employee Development, and Their Implementation in the Albanian Civil Service: The Case of the Probation Service Specialist

In this section, we examined whether the process of work result evaluation and professional development of civil servants in the Republic of Albania, particularly the Probation Service Specialists (PSS), is effectively implemented in practice. We utilized secondary data produced by main civil service administration institutions, such as the annual reports of the Department of Public Administration, the Civil Service Oversight Commissioner, and, to the extent available, the Probation Service. Specifically, we analyzed these institutions' annual reports from 2014 to 2021. Effective implementation in practice means that the work result evaluation process or professional development process must be applied according to the principles and characteristics previously discussed, and at the end of the work result evaluation process, its primary goal of improving the civil servant's abilities and the quality of service should be achieved. The 2019 annual report, under the 2020 Objectives section, continues to highlight the Department of Public Administration's strategic goal of further developing a professional, impartial, independent, and merit-based civil service, among others through the adoption of laws and subordinate acts, within the framework of improving performance evaluation methodology, which will also impact motivation and capacity building of civil servants.

However, the Civil Service Oversight Commissioner has assessed that responsible units need to be careful with this process, to not treat it as a formality that just needs to be completed. As for employee development, it has been a process:

- Not multidimensional and inclusive – Throughout 2014 – 2021, ASPA (either alone or in collaboration with other international authors) generally used only training as a development or professional formation technique. There are no dedicated trainings for PSS;
- Not universal – During the period 2014 – 2021, ASPA's trainings were generally focused on training state administration civil servants. ASPA rarely trained local level civil servants;
- Not future-oriented – Throughout the years 2014-2021, generally the same trainings were conducted, and their themes were not changed. Only in 2019, as demonstrated, two new types

of training were conducted, i.e., the Code for Enhancing the Capacities of Public Administration and Capacity Building in the Field of Public Consultancy. There are no dedicated trainings for PSS;

DAP's reports during 2014-2021 do not contain data on trainings conducted at the request of civil servants/PSS. This also suggests that it is not considered an individual process balanced between individual and institutional needs. All the above indicate that it is also not a process oriented toward a specific goal. It should also be noted that such data are missing in the Department of Public Administration's Annual Report for 2021. Furthermore, the official website of the Probation Service does not have any annual activity report. In conclusion, from reviewing the DAP's last five years of reports, it turns out that the Probation Service, recruitment, or performance evaluation are not explicitly mentioned. These reports provide generalized information about the civil service, which, as emphasized, thanks to the standardization and computerization of many work procedures, personnel management is moving towards improvement.

These reports also reflect the ongoing strengthening of ASPA as a provider of trainings for the civil service and conducting studies and research in the field of public administration, such as: Enhancing the quality of trainings offered through: review and evaluation of existing curricula, and setting well-defined standards related to the drafting of new curricula; Performance evaluation of civil servants and existing capacities; Further development of innovative methods to improve and facilitate communication and interaction between public institutions and citizens. But again, no specific data for PSS is provided. On the other hand, in institutions supervised during 2018 by the Civil Service Oversight Commissioner, we also have the General Directorate of the Probation Service. At the end of their inspections, conclusions were drawn regarding the level of application of legal procedures during the implementation of various legal institutes, and compliance with the criteria to be a civil servant, among which, the human resources unit of the institution was required:

- To complete the process of drafting job descriptions for all civil service positions, according to the rules and procedures defined in the subordinate act that regulates this process.

- To formally request the opinion of the Department of Public Administration, on the legality evaluation of the job description form for each civil service position, whether it complies with the specific legislation of the field or the standard approved format. After receiving confirmation from the responsible unit (DAP), continue the process with the approval and signing of the job descriptions by the General Secretary of the Line Ministry, in the respective division, as provided in point 18, letter "c", of the Council of Ministers' Decision No. 142, dated March 12, 2014.
- After approval, signing, and documenting the job descriptions, a copy of them should be made part of the personnel file of every civil servant and a copy deposited at the Department of Public Administration.

It is evident that most of the above characteristics of the civil servant's work result evaluation and professional development process, not explicitly mentioned but resulting from a broad interpretation of the decision and law text, are not implemented in practice. This directly affects the effective implementation of these important personnel management tools of the Probation Service in Albania, according to the perspective of the Tokyo Rules.

1. Aspects of Personnel Management of the Probation Service in Albania - Under the Perspective of the Tokyo Rules: Praxis

2. Methodology

In this section, we discuss the methodology used to achieve the objectives of this study, focusing on details such as: the selected target group (focus group), type, size, and selection procedures; methods of data collection and analysis; validity and reliability of the study; limitations of the research and ethical issues.

3. Selected Target Group (Focus Group)

To conduct the second and third parts of this study - to ascertain whether international personnel standards (the Tokyo Rules) are applied in the management of PSS in Albania, and to verify if management according to these standards ensures the effective execution of alternative sentences - the

initial target group chosen was PSS across the entire Republic of Albania, with data collection via a questionnaire designed on the Microsoft Office platform, Google Drive. However, after the questionnaire was developed and permission sought, the General Directorate of the Probation Service did not allow its distribution. Therefore, in November 2022, both the target group and data collection method were changed. We chose as a focus group first, attorneys who have dealt with and followed clients who have been given an alternative sentence. Second, individuals who have been sentenced to an alternative punishment. The first group was selected due to their sufficient professional training to analyze aspects of SHP personnel management according to international standards or not. The second group was chosen because they are the main link in such an institution as they are served by it. The study involved 14 individuals, including 8 attorneys and 6 convicted or formerly convicted individuals. It should be noted that 2 of the 8 surveyed attorneys are former SHP personnel.

4. Selection Procedure of the Target Group

The selection of the target group was done using a two-step technique. First, the target group was divided into two subgroups, as attorneys and convicted or formerly convicted individuals. The main purpose of choosing this method was to ensure a comprehensive, fair, and proportionate representation from all subgroups of individuals in direct contact with the SHP, as well as to ensure a considerable level of participation; to collect as objective and true data as possible and to collect data in a short time.

5. Data Collection Instrument

As an instrument to collect data from the target group, a direct interview was used, with directed questions that were the same for all members of each subgroup. After the principle agreement to participate in the study, the interview questions and their purpose, before conducting, were made available to each targeted individual, and they were again asked if they were willing to respond to the interview. We chose this method of communication with the target group with the aim to be understood by them and to collect as much valuable data as possible in a short time. This considering also the fact that initially, our focus group were the PSS. The interview, specific for each subgroup, starts with a brief

introduction of the purpose and the creator of the survey, followed by two main sections. The first section aims to gather general demographic information of the target group, such as: Age, Gender, Education, Committed Act, Alternative Sentence Received, Year of Receiving, Completed or Not, and Years in the Profession, Number of Clients with an Alternative Sentence Completed or Not.

The second section, which aims to explore and analyze, is based on the following questions:

(Attorney) Specific Questions:

1. During the execution of the alternative sentence by your client, were you in contact with the probation service personnel?
2. During the execution of the alternative sentence by your client, were you asked about the design of his treatment plan or were you aware that such a plan was effectively implemented by the probation service personnel?
3. Do you think the knowledge and skills of the probation service personnel were/are sufficient to perform their work duties?
4. Do you think the probation service personnel is well-managed, including recruitment, motivation, evaluation, etc.?
5. Do you think the treatment by the probation service personnel has helped your client reintegrate into society?

(Individual) Specific Questions:

6. During the execution of your alternative sentence, were you in contact with the probation service personnel?
7. During the execution of your alternative sentence, were you asked about the design of your treatment plan or were you aware that such a plan was effectively implemented by the probation service personnel?
8. Do you think the knowledge and skills of the probation service personnel were/are sufficient to perform their duties?
9. Do you think the knowledge and skills of the probation service personnel have helped you reintegrate into society?

10. Validity and Reliability

To ensure that the collected data are stable and accurate, we have ensured adherence to the principles of reliability and validity. This means that the interviews were conducted only with the targeted group, having obtained their prior consent. Although we informally conversed with SHP personnel, they were not interviewed and were not part of this study. The interviews, conducted physically in Tirana and several other cities of Albania in April 2023, had clear and non-suggestive questions, allowing participants to freely express their opinions and ensuring that their answers are relevant over a long time. We made sure to also interview individuals - attorneys, who are well acquainted with the organization and functioning of the probation service.

11. Data Collection Procedure and Ethical Considerations

As cited, respecting the guarantee of reliability and validity principles, prior permission was obtained before conducting the interviews, and they were conducted ensuring confidentiality and privacy.

12. Data Analysis

As a technique for data analysis, we used the method of content interpretation and comparison between them. Through reading, interpreting, and comparing the answers provided, we explored whether international standards, or the so-called Tokyo Rules, are applied or not and whether the management of PSS according to international standards guarantees the effective execution of alternative sentences. To perform an objective analysis and draw conclusions as close to the truth as possible, the questions are not directly linked to the Tokyo Rules but relate to some functional tasks of PSS and the focus group's experience with PSS. Thus, indirectly, from the way PSS work is performed, we understood their management style. Initially, we used the technique of interpreting the collected data. Secondly, the data collected from each question were compared with the answers of other interviewees, mainly between the two focus groups. One subgroup is specialized and well-informed about the organization and service of probation.

13. Research Limitations

In the process of collecting and analyzing data, we considered several important factors that affected the quantity of collected data, but not their reliability and validity, such as:

- In April 2023, parliamentary elections were to be held. Such a fact, as studies have shown, makes people hesitant to express their free opinion.
- SHP personnel were not part of the study.

14. Collected Data

In this section, we present the collected data, both in relation to the demographic information of the interviewees and concerning the main research questions.

Demographic data

Table nr. 1 - Të dhënat demografike të të intervistuarve në cilësinë e avokatit

Indicator	Data
Gender	Males: 7 or 87.5%; Females: 1 or 12.5%.
Age	Average age: 38.3 years (age range from 30 to 63 years)
Years in the profession	Average tenure in the profession: 11 years (tenure range from less than 1 year to 20 years)
Education	High degree in Law / Licensed as a lawyer One of them has obtained a Doctorate in Criminal Law Two of them have completed a Professional Master's degree in Administration of Social Institutions in the Justice System

Table No. 2 - Demographic Data of the Interviewees in the Capacity of Individuals Convicted or Formerly Convicted with an Alternative Sentence.

Indicator	Data
Gender	Males 6 or 100%;
Age	Average age 39.3 years (age range from 22 to 61 years)
Criminal Act	2 Unauthorized possession of weapons 2 Illegal construction 2 Influence on persons exercising public functions
Education	1 Elementary (8 years) 5 Secondary (high school)

Findings

Findings from Interviewees in the Capacity of Lawyers. Regarding the first question, which aims to determine the level of awareness of the Probation Service by the interviewees, - During the alternative sentence period served by your client, have you been in contact with the probation service staff? All interviewees responded that generally, they follow their clients up to the point when the execution order is issued by the prosecutor and initiate contact with the Probation Service. Only in some cases do they have authorization to follow up during the execution of the alternative sentence by the Probation Service. However, they all express that they are aware of the organization and functioning of the Probation Service, due to their professional training and also because, occasionally, they are requested as lawyers by existing or new clients who have violated the terms and obligations during the probation period. In such cases, the probation service immediately reports to the prosecutor. For minor and first-time violations of conditions or obligations set by the court, the prosecutor has the right to issue a warning,

which is recorded in the personal file of the convicted. For severe or repeated violations, the prosecutor requests the court to modify the set obligation, add other obligations, replace them with another sanction, or revoke the suspension decision and order the serving of the remaining sentence in prison.

Regarding the second question, aimed at determining the professional training level of the Probation Service staff, since this plan includes the treatment, rehabilitation, and reintegration program for each convict and for special categories, an individual treatment plan is drafted considering their specific needs - During the alternative sentence period served by your client, were you asked about the drafting of his treatment plan or were you aware that such a plan was effectively implemented by the probation service staff? All interviewees responded that generally, an individual treatment plan for the convicted is not drafted. They express that even when it is drafted, mainly for minors, it is an unrealistic and formal process. This means that this plan is not effectively implemented in practice, nor does it include specific measures for the rehabilitation and reintegration of the convict, such as engaging in a professional activity or receiving education or professional training.

All interviewees were asked for their opinion on why the Probation Service does not draft such a plan. Whether this is due to their low professional training or other reasons. All interviewees stated that generally, the Probation Service staff are well-trained professionally - education in law or social sciences, and they are well acquainted with the current legal framework, such as the penal code, the law on the execution of penal decisions, the probation service law, etc. However, they lack continuous training and development for the psychosocial treatment of each individual case. They also stated that there are cases where the Probation Service staff are professionally incompetent, which means they are not well-acquainted with the legal framework. All expressed that, indeed, other reasons underlie the ineffective management of the Probation Service, related to recruitment, which is non-meritocratic and often politicized; motivation: low salaries, unpaid overtime; working conditions: lack of offices, lack of institutional vehicles, lack of office supplies; staff instability and shortage, frequent staff turnover, and many local offices not fully staffed; institutional collaboration, the Probation Service is not regarded with interest either by the Ministry of Justice or by the judicial system, an undervalued institution; the text of the law, the law pays more attention to the procedural aspect of the process of executing an

alternative sentence, or the treatment of the convicted person, than to the training and formation of the Probation Service staff. Also, the law assigns a greater role to the court than to the Probation Service in setting the obligations of the convicted under probation, which may be required by the court to fulfill one or more obligations.

Also, the interviewees, who have also worked in the Probation Service in the past, expressed that the assessment of work results, as an essential element of personnel management, is not a fully effective process in practice (real, concrete, and does not bring the desired conclusion), but is mostly used as a means of pressure or dismissal. The interviewees stated that they left this service due to the treatment and working conditions. Also, the way professional training is conducted, according to them, is not a systematic, specific, measurable, and needs-oriented process. Moreover, all interviewees, mainly in the local offices of small districts, mentioned friendly or familial acquaintances between the Probation Service staff and the convicted as a reason for the ineffective performance of duties by the Probation Service. Regarding the fifth question, which aims to highlight the role that well-managed personnel play in achieving the goal and mission of the Probation Service - the rehabilitation and reintegration of the supervised person, Do you think the treatment by the probation service staff has helped your client to reintegrate into society? Most interviewees expressed that the majority of their clients, mainly those for whom they had authorization to follow the execution of their penal decision, have not been in conflict with the law again, not because of the work done by the Probation Service, but due to the individual's personality, the minor nature of the offense committed by them, or even the work they have done to educate their client on respecting the law. They also reiterated the fact that the individual treatment plan, when drafted, does not include specific rehabilitation and treatment measures, and meetings of the convicted with the probation service are formal - they appear, are advised to appear regularly, and continually inform the probation service about meeting the conditions and obligations set by the court, and sign a minute of the meeting.

From the findings of interviewees in the capacity of lawyers, it is evident that in the practice of managing the Probation Services in Albania, international standards or so-called Tokyo Rules on personnel are not

properly implemented, resulting in a peripheral role for them in the rehabilitation and reintegration of a person convicted with an alternative sentence.

Findings from Interviewees in the Capacity of Convicted or Formerly Convicted

Regarding the first question, which aims to highlight the level of awareness of the Probation Service by the convicted or formerly convicted, During the alternative sentence period, were you in contact with the probation service staff? All interviewees stated that at the beginning of the sentence, they appeared at the Probation Service once every two weeks, then once a month or every three months. All interviewees, to reinforce the findings, were asked if they met the same or a different Probation Service staff during their appearances at the Probation Service. They stated that there are cases where they meet different staff or that the staff has changed from the beginning. Regarding the second question, which aims to assess the professional level of the Probation Service staff, - During the alternative sentence period, were you asked about the drafting of your treatment plan or were you aware that such a plan was effectively implemented by the probation service staff? With the exception of one convicted, they responded that they did not have/such a plan. In the first meeting with the Probation Service staff, they were asked about their general information, education, employment, and family situation and were informed that during the probation period, they should not commit criminal acts, should not leave their city, should not meet with suspicious persons, etc. In subsequent meetings, they appeared at the Probation Service, met the Probation Service staff, signed the appearance declaration, and left. They expressed that they were not "ordered" to engage in a professional activity or receive education or professional training.

Regarding the third question, which aims to determine, Do you think the knowledge and skills of the probation service staff were/are sufficient to perform their work duties? The interviewees expressed satisfaction with the treatment and service provided by the Probation Service staff, who properly advised them on how to behave and treated them in a familial manner. Thus, the Probation Service staff are well-prepared.

Considering the educational level of the interviewees, the role and specific duties of the Probation Service staff were explained to them again. After this clarification, they expressed that such treatment is lacking and perhaps they need continuous professional training.

Regarding the fourth question, which aims to highlight the role that well-managed personnel play in achieving the goal and mission of the Probation Service - the rehabilitation and reintegration of the supervised person, Do you think the knowledge and skills of the probation service staff have helped you reintegrate into society? After receiving information about the Probation Service, the interviewees stated that the Probation Service staff advised them on how to behave during the probation period and not what to do once they complete it.

Also, adult interviewees expressed that the Probation Service should be more active in the role of rehabilitation and reintegration of the convicted.

Even from the findings of interviewees in the capacity of convicted or formerly convicted, it is evident that in the practice of managing the Probation Services in Albania, international standards or so-called Tokyo Rules on personnel are not properly implemented, resulting in a peripheral role for them in the rehabilitation and reintegration of a person convicted with an alternative sentence.

Conclusions

In conclusion of the exploration whether, within the Albanian legal framework on the organization and functioning of the Probation Service (SHP), international standards, or the so-called Tokyo Rules, on personnel are defined or not; and whether in the practice of managing Probation Services (SSHP) in Albania these international standards on personnel are implemented and if there is a role of well-managed personnel in the rehabilitation and reintegration of the supervised person, it was found that:

1. In the Albanian legal framework on the organization and functioning of the SHP, international standards, or the so-called Tokyo Rules, on personnel are defined. It establishes a meritocratic recruitment system; suggests a performance evaluation process – assessment of work results, such as: a system, process, periodic, cyclical, formal, unidimensional, human, professional, objective, and impersonal; universal, actively participatory, communicative, future-oriented;

suggests a professional training/development process, such as: plan, process, official, individual, multidimensional and comprehensive, open and universal, future-oriented, closely related to the job in the civil service; generally without time and financial cost to civil servants; efficient, etc. However, it does not result in a cyclical and systematic process, etc.

2. In the practice of managing SSHP in Albania, international standards on personnel management are not implemented. Firstly, from the verification of their implementation practice in the Albanian Civil Service, it was found that the CSMCA (Central State Management of Civil Administration) has evaluated that responsible units should be careful about personnel management, not treating it as a formality that simply needs to be performed. Meanwhile, in the reports of DAP (Department of Public Administration) or ASPA (Albanian School of Public Administration) during the years 2014-2021, there are no data on SHP. Also, on the SHP website, no annual activity reports have been published. Secondly, from the interviews conducted, it was evident that in the practice of managing SSHP in Albania, international standards or the so-called Tokyo Rules on personnel are not properly implemented.
3. The mismanagement of SSHP in Albania according to international standards on personnel management results in their peripheral role in the rehabilitation and reintegration of the person convicted with an alternative sentence.

Bibliography

Armstrong, M. (2007). *Performance Management: Key Strategies and Practical Guidelines* (3rd ed.). Kogan Page.

Bilgin, K. U. (2007). Performance management for public personnel: Multi-analysis approach toward personnel. *Public Personnel Management*, 36(2), 93-113.

Bilgin, K. (2016). A parallel change with the new public administration approach: Human resources performance management. In *New Public Management in Turkey*. Routledge.

Coyle-Shapiro, J. A-M., & Kessler, I. (2002). Reciprocity through the lens of the psychological contract: Employee and employer perspectives. *European Journal of Work and Organizational Psychology*, 11, 1-18.

Delpo, A. (2007). *The Performance Appraisal Handbook: Legal & Practical Rules for Managers* (2nd ed.). Nolo.

Hochstetler, A., & DeLisi, M. (2005). Importation, deprivation, and varieties of serving time: An integrated-lifestyle-exposure model of prison offending. *Journal of Criminal Justice*, 33(3).

Kaufman, B. (2007). The development of HRM in historical and international perspective. In P. Boxall, J. Purcell, & P. Wright (Eds.), *The Oxford Handbook of Human Resource Management* (pp. 19-47). Edward Elgar.

Kaufman, B. (2008). *Managing the Human Factor: The Early Years of Human Resource Management in American Industry*. Cornell University Press.

Keinan, G., & Malach-Pines, A. (2007). Stress and burnout among prison personnel: Sources, outcomes, and intervention strategies. *Criminal Justice and Behavior*, 34(3), 380-398. <https://doi.org/10.1177/0093854806290007>

Marr, B. (2008). *Managing and Delivering Performance*. Elsevier Ltd.

Milton, B. (1974). Ethnic self-help groups in prison and on parole. *Crime and Delinquency*, 20(April).

Mucollari, G., Sota, M., Kaleshi, E., Ngjelina, E., Lalaj, F., Plaku, E., Kosta, H., & Bardhi, E. (2010). *Menaxhimi efektiv i Dënimeve alternative Dhe nevojat e të Dënuarve*. Tiranë.

Haines, K., Gjoka, R., Leskoviku, M., Nieuwekerk, I., Poledna, S., Graham Deering, J., Kulluri, E., Sota, M., Pieploe, L. (2009). *Manual Për Punonjësin E Shërbimit Të Provës*. Shtëpia botuese: Pegi.

Havolli, Y. (2015). *Menaxhimi i Burimeve Njerëzore*. Skriptë.

United Nations Standard Minimum Rules for Non-custodial Measures (Tokyo Rules) (Adopted by General Assembly resolution 45/110 of 14 December 1990). <https://www.ohchr.org/sites/default/files/Documents/ProfessionalInterest/tokyorules.pdf>

Penal Code of the Republic of Albania.

Law No. 152/2013 “On the Civil Servant,” as amended.

Law No. 78/2020 “On the Organization and Functioning of the Probation Service.”

Decision No. 243, dated 18.03.2015 “On the acceptance, parallel movement, probation period, and appointment in the executive category.”

Council of Ministers Decision No. 138, dated 12.3.2014, “On the rules of organization and functioning of the Albanian School of Public Administration and the training of civil servants.”

Annual reports of DAP, ASPA, KMSHC.

Additional Sources:

- <https://journals.sagepub.com/doi/full/10.1177/0032885519882342>
- <https://journals.sagepub.com/home/tpj>
- <https://www.epsu.org/sites/default/files/article/files/Prison%20staff%20perspectives%20EPSU%20survey%20June%202016%20EN.pdf>
- <https://www.euopris.org/file/council-of-europe-guidelines-regarding-recruitment-selection-training-and-development-of-prison-and-probation-staff/>
- <https://www.jstor.org/stable/pdf/41970687.pdf?refreqid=excelsior%3A5297df02e6fc591a3db26082cea7bbb6>
- <https://www.ojp.gov/ncjrs/virtual-library/abstracts/training-and-staff-development-jails-what-and-what-can-be>
- https://www.rand.org/content/dam/rand/pubs/research_reports/RR2300/RR2386/RAND_RR2386.pdf
- https://www.researchgate.net/publication/340165955_Recruitment_Training_and_Professional_Development_of_Probation_Staff
- <https://www.sciencedirect.com/science/article/abs/pii/S0047235205000164>