



FAIR AND EFFECTIVE CRIMINAL JUSTICE

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Impact of the COVID-19 Pandemic on the Use, Enforcement and Experience of Probation in Georgia

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Penal Reform International report

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List of abbreviations

COVID-19- new virus SARS-CoV-2 and related disease

GoG – the Government of Georgia

NCDC – National Centre for Disease Control and Public Health

NGO - Non-governmental organisation

PPE - Personal Protective Equipment

RNA – Risk and Needs Assessment

Introduction

At the end of 2019, a new virus SARS-CoV-2 and a related disease (COVID-19) emerged in China's Wuhan province, rapidly spreading across the globe. On 30 January 2020 the World Health Organisation (WHO) declared an international public health emergency and on 11 March declared it as a global pandemic. The first case of the coronavirus in Georgia was reported on 26 February 2020. In early March 2020, Georgia was among the 190 countries affected by the pandemic, and government efforts were focused on mitigating the impact on individuals and on the economy.¹ Measures were taken in stages, at first devoted to preventing the spread of the virus, then to targeted efforts to slow the spread of the virus (stage two) and to managing its spread (stage three).

A state of emergency was declared in the country on 21 March 2020 due to the need to restrict numerous areas of public life simultaneously, marking the start of stage three of the fight against the pandemic, which implied the management of the spread of the virus. The state of emergency was subsequently extended until 22 May 2020.

The state of emergency was declared on the basis of a decree issued by the President of Georgia on 21 March 2020, and certain rights and freedoms provided for in Chapter 2 of the Constitution of Georgia were restricted (measures that were later extended until 10 May 2020). Moreover, the decree included only those rights and freedoms the restriction of which was determined as critical to the management of the epidemiological situation. With regard to the provision of criminal sanctions, the following changes were put in place:

- The Minister of Justice of Georgia was granted the right to regulate the obligation to fulfil the conditions established by law for conditionally sentenced persons or persons released on parole, as well as the obligation to appear at the time and place determined by the probation officer, in a manner that is different from the current legislation;
- It became possible to hold court hearings remotely, via electronic means of communication, as envisaged by the Criminal Procedure Code of Georgia. When sessions were held in this manner, participants' right to refuse to hold a session remotely on the grounds of preferring an in-person session was suspended.²

During the initial phase of the pandemic, in parallel to the prevention of the spread of COVID-19, the Government of Georgia (GoG) provided social support benefits to its citizens and assistance to entrepreneurs, recognising the difficult circumstances for many affected by job loss and the shutdown of businesses. This included provision of targeted social assistance of 200 Georgian Lari (GEL), which is approximately 64 USD per month, for six months to those who lost their job or were given unpaid leave due to the spread of the pandemic (an estimated 350,000 people received this assistance). Furthermore, employers received a state subsidy for each job

¹ Government of Georgia, '*Measures Implemented by the Government of Georgia against COVID-19*', June 2020, at https://stopcov.ge/Content/files/COVID_RESPONSE_REPORT_ENG.pdf.

² Article 332⁵ of the CPC, (temporary rule in force until January 1, 2022) In the situation of pandemic and / or an epidemic particularly dangerous to public health, the court session provided for by the criminal procedure legislation of Georgia may be held remotely, using electronic means of communication, if defendants or convicted people agree; b) detention is used as a measure of restraint or the convict is sentenced to imprisonment, and / or failure to hold a court hearing in this manner may lead to the opening of a crime and violation of the public interest in criminal liability of the person. 2. In case of holding a court session in accordance with the procedure provided for in Paragraph 1 of this Article, no person participating in it shall have the right to refuse to hold the hearing remotely on the grounds of wanting to attend it directly.

maintained. One-time assistance of 300 GEL (96 USD) was provided to people who were self-employed or employed in the “informal sector”. A one-time payment of 200 GEL (64 USD) per child was provided for families with children, while families living under the poverty line received 600 GEL (189 USD) in further assistance. Financial support in the same amount was also provided to persons with severe disabilities and children with disabilities.³

At the beginning of March 2020, special conditions were introduced in penitentiary establishments by the Presidential Decree imposing a ban on all family visits until the end of the month. Prisons across Georgia were subject to strict quarantine and some staff were transferred to either remote working (including social workers, psychologists, educators) or were stationed inside prisons (780 regime and security staff in direct contact with detainees had to stay on prison premises for over two weeks at a time, taking shifts). The right of the people in prison to family visits as well as short visits outside prisons, including leave for extraordinary reasons, were suspended. In early March 2020, many government employees were switched to a remote mode of operation, including the staff of the National Probation Agency.

In line with probation staff’s move to remote working, persons serving a suspended sentence were released from the obligation of regular visits to the probation bureaus, initially for one month from 12 March to 12 April 2020. On 17 April, it was decided to prolong the term during which persons serving suspended sentences were not obliged to report at the probation bureaus. As a result of a reassessment of the epidemiological situation on 18 May, reporting at the probation bureaus resumed for those convicted of family violence offences, in response to a perceived higher risk of domestic violence due to stay-at-home orders. During this period and throughout the pandemic, meetings of the Standing Commission, which deals with issues such as cancellations of conditional sentences and lifting of convictions as well as restoration of rights stripped by the Court, have been taking place by way of videoconferencing.

2020 was marked by a number of strict measures aimed at curbing the spread of the virus and reducing death and infection rates in Georgia. Some of the measures imposed on the public included:⁴

- Closure of border crossings and suspension of international flights
- Closure of public transport (in March and again later in the year)
- GoG and all state institutions switched to remote work, with the same recommendation extended to all private organizations (12 March).
- All shopping and retail facilities throughout the country were closed, with the exception of food stores, pharmacies, gas station chains, post offices and bank branches, in order to reduce gatherings of large numbers of people and limit mobility in the country (19 March)
- A night-time curfew was imposed starting from 31 March (9 PM to 6 AM). Throughout the curfew, lockdowns were imposed in four major cities (Tbilisi, Rustavi, Batumi, and Kutaisi), including a ban on passenger car movement
- Gatherings of more than 3 people in public spaces was prohibited until mid-May, later gatherings of more than 10 people were in effect

³ Irina Guruli, EPRC, p. 8, at: https://eprc.ge/uploads/Covid19Georgia_eng.pdf.

⁴ For chronology of restrictions in 2020 and 2021, see: ‘Chronology and Preventive Measures Against the Spread of the Coronavirus in Georgia’, *Factcheck*, 28 September 2021, <https://factcheck.ge/en/story/38395-chronology-and-preventive-measures-against-the-spread-of-the-coronavirus-in-georgia>.

- The maximum number of individuals allowed to gather in public spaces was reduced to three
- Restrictions imposed on the number of passengers per vehicle on the intercity travel

At the same time, the following specific restrictions applied within the criminal justice system, impacting persons subject to non-custodial sanctions or measures or detained in the country's penitentiary institutions:

- Individuals serving probation were liberated from a duty of reporting to probation bureaus between 12 March and 18 May, with certain probation clients' obligations suspended even longer.
- Special conditions were enforced for two weeks restricting contact between penitentiary institutions and the outside world, suspending rights to family, long-term and short-term visits.

Periodic restrictions were also imposed in 2021 in connection with particular surges in the infection rate. Public transport was closed again for about a month, between 12 August and 13 September 2021,⁵ to slow down the surge in the rate of infections and deaths caused by COVID-19. An obligation to wear face masks in both closed and open public spaces remained in force, along with other restrictions pertinent to populous gatherings, etc. In addition, public institutions were instructed to continue remote working as much as possible, and the Coordination Council issued the same recommendation for private employees.

On 24 August 2021, a total of 5,128 new cases of COVID-19 infection were reported, and 49 people died within the prior 24 hours in Georgia. The daily test positivity rate was 10.4%, with a 9.6% average across the prior 14 days.⁶ By 13 September the overall number of deaths had reached almost 8,000.⁷

The reported impact of the pandemic on the country's economic situation has been manifold, as anticipated, including a reduction of aggregate demand, an increase in unemployment levels (both temporary and long-term), an increased depth and severity of poverty, pressure on the national currency and a decrease in receipts from tourism and remittances.⁸

About the project

The current research was undertaken within the remit of the project '*Addressing gaps in the implementation and management of alternatives to imprisonment and post-release support during the COVID-19 global pandemic*,' coordinated by Penal Reform International (PRI). The project aims to help understand the impacts of the COVID-19 pandemic on probation and post-release services and help criminal justice systems react and adjust better to future crises.

⁵ 'Public transport, in-person studies suspension extended in Georgia', *Agenda.ge*, 31 August 2021, <https://agenda.ge/en/news/2021/2477>, <https://agenda.ge/en/news/2021/2310>.

⁶ 'Chronology and Preventive Measures Against the Spread of the Coronavirus in Georgia', *Factcheck*, 28 September 2021, <https://factcheck.ge/en/story/38395-chronology-and-preventive-measures-against-the-spread-of-the-coronavirus-in-georgia>.

⁷ See: http://gov.ge/index.php?lang_id=geo&sec_id=556&info_id=80291.

⁸ Irina Guruli, EPRC, p. 5, at: https://eprc.ge/uploads/Covid19Georgia_eng.pdf.

The project encompasses different activities, including research into information online, discussions with experts and meetings with people who work in criminal justice or are in contact with the criminal justice system and probation services due to a conviction. While the project's in-depth research activities are taking place in four countries: Georgia, Hungary, Kyrgyzstan and Portugal, it also includes comparative research into the impact of COVID-19 on the use and implementation of non-custodial sanctions across the European Union.⁹ These activities aim to support recommendations that countries beyond the project's four focus countries can also follow to make their probation and community-sanctions processes and services better, more accessible and more helpful to those they are intended to serve – also in times of crises and national turmoil.

The project is supported by the International Penal and Penitentiary Foundation (IPPF), a non-profit foundation that deals with the prevention of crime and the treatment of offenders. The IPPF supports the project because it wants to ensure that criminal justice systems fairly and effectively deal with the impact of COVID-19 on people who are in either custodial or noncustodial settings.

Research methodology

Data collection within the remits of the research was based on a mix of methods, including initial desk research and review of documents, in-depth interviews of selected respondents and surveys, which enabled the gathering of information from both primary and secondary sources.

Desk research enabled an in-depth understanding of the legislative and situational context through an analysis of legislation, policy documents and official statistics around the use and enforcement of non-custodial sanctions and measures, alongside other relevant research documents. The desk research also looked at the news articles during 2020 and 2021, specifically about COVID-19-related measures and their impact.

Target groups were identified at the outset of the research, and **in-depth semi-structured online interviews** were conducted with 16 individuals including probation staff (probation officers, psychologists, social workers and mid-level management) from four different regional bureaus, a judge from Tbilisi City Court, two staff of the Special Penitentiary Service and three NGO representatives who have worked with the National Probation Agency and its clients (see table below). A general interview guide was developed, and relevant sections were used while interviewing the respondents. Interviews were held through video conferencing due to the high number of COVID-19 cases in the country and the need to maintain social distancing. **Surveys** were also completed by 32 probation clients either by phone call or written response to learn about their experiences during the pandemic.

These data collection methods allowed for significant insights into the first-hand experiences of those who use, enforce or serve probation and other non-custodial sanctions or who have been released from prison during the pandemic.

⁹ The focus country reports are available at: www.penalreform.org/resource/country-reports-impact-of-covid-19-on-non-custodial-measures/. For the comparative research, see: PRI and University of Coimbra, 'The impact of the COVID-19 pandemic on non-custodial sanctions and measures: Summary report of a comparative study in Member States of the European Union', January 2022, conducted as part of a larger comparative study within the context of the EU-funded project '*PRI Alt Eur: Promoting non-discriminatory alternatives to imprisonment across Europe*'.

Interviews and surveys were conducted between 27 July and 7 October 2021.

List of interviewed respondents:

STAKEHOLDER GROUP	NUMBER OF CONDUCTED INTERVIEWS
Probation staff (officers, psychologists, social workers, management)	10 interviews, representing four probation bureaus (Tbilisi, Rustavi, Kutaisi and Zugdidi)
Probation clients	32 interviews
Special Penitentiary Service representatives	2 interviews
NGO representatives	3 interviews
Tbilisi City Court judge	1 interview

Probation staff were selected for interviews based on a list of contacts provided by the National Probation Agency (Research and Services Department) after a research outline and detailed information was provided about the research and its intended goals and objectives. Some probation clients were reached through the probation staff or through NGO partners who work with them. The Special Penitentiary Service authorised interviews with its staff based on an official letter requesting permission for interviews on pre-release support for prisoners and about parole issues.

At the start of the interviews, information was shared about the goals and objectives of the research, purposes for which the gathered information will be used, and the ethical framework. Respondents were informed about the anonymous and confidential nature of the information gathering and recording. Informed consent forms were provided to all potential respondents, and interviews and surveys were only conducted on a fully voluntary basis.

Limitations

Key modes of collecting information were through online meetings or phone calls with all interlocutors. However, a sufficient number of respondents was selected for qualitative research to get insight into their experiences across target groups and in terms of geographical coverage.

As it was possible to reach out and interview only one judge at the City Court, the noted views from the judiciary’s perspective are rather limited and complemented by official statistics depicting sentencing practices and trends during the pandemic.

The study has not taken a look at issues concerning children in the justice system serving probation. Therefore, the work of the Probation Service in relation to juvenile clients impacted by the pandemic has not been reflected in this research and report.

Probation Service and alternatives to imprisonment

The National Probation Agency and its bureaus

The Probation Service of Georgia, currently named the National Agency for Crime Prevention, Execution of Non-Custodial Sentences and Probation (hereinafter, referred to as the National Probation Agency), has existed in various forms since 2003. Currently, it represents a legal entity under Public Law (i.e. a semi-autonomous body), operating under the Ministry of Justice. Its work is regulated by the Constitution of Georgia and other legal acts, predominantly the Law of Georgia on the Prevention of Crime and Procedure for Enforcing Non-custodial Sentences and Probation¹⁰ (initially adopted on 19 June 2007) and sub-legislation in the form of orders issued by the Minister of Justice.

The objective of the National Probation Agency is to ensure public safety by enforcing non-custodial sanctions and probation measures, conducting crime prevention and providing resocialisation and rehabilitation services to individuals currently serving a sentence and formerly incarcerated persons (Article 7 of the Law on Probation).

The National Probation Agency undertakes the following tasks to achieve its objectives:

- risk and needs assessment of clients;
- individual sentence planning;
- compulsory supervision and control and;
- facilitating and supporting the resocialisation and rehabilitation of clients.

The Agency closely cooperates with another entity of the Ministry of Justice, the Professional Training Centre for Convicts, in order to assist in the resettlement and resocialisation of probation clients. It is also represented on Parole boards (Local Parole Councils) and participates in the review of parole applications from people in prison. The Agency conducts assessments of family environment as part of preparation for release solely of juveniles, women and those in the country's low security prison facility for men due to limited resources.

Through its probation bureaus, the National Probation Agency ensures the organisation of **video conference calls** for detained individuals to connect with their friends and family outside prison facilities, as provided for by Article 17¹ of the Imprisonment Code (Article 3, para. 9). During these calls individuals use computers within the prison to connect with family or friends who go to a respective probation bureau to utilise the video conference facilities.

The Agency is also entitled to finance cultural, social, healthcare and other events for the purpose of fostering re-socialisation and rehabilitation of probation clients and those who have served prison sentences.

The National Probation Agency employs a staff of probation officers, psychologists and social workers to carry out its tasks.¹¹ Powers that are given by the legislation (Article 40) to probation officers and social workers reflect the supervision and support functions of the Service.

¹⁰ Law N4956, dated 19 June 2007, last amended in July 2020, available at: <https://matsne.gov.ge/en/document/view/21610?publication=26>.

¹¹ As defined by the Statute of the National Probation Agency, 31 December 2019, and in force from 1 January 2020 by the Order N485 of the Minister of Justice.

Probation officers fulfil the following tasks:

- monitor the fulfilment of the obligations imposed on a probation client by a court;
- control the behaviour of the probation client and provides assistance to him/her;
- conduct measures of an educational nature with a client;
- assist a probation client with employment, as far as possible;
- conduct other measures facilitating the re-socialisation of a client, for which, where necessary, the probation officer may establish communication with local self-government bodies and with other state and non-state bodies;
- enforce a relevant legal act based on the assessment of the risk of the client and the individual sentence plan. In performing this function, a probation officer shall cooperate with a social worker and a psychologist;
- register information on the observance of the statutory regime by clients, as well as other information on convicts, in a special electronic programme in accordance with the Instructions on the Enforcement Proceedings relating to Non-custodial Sentences and Probation Acts approved by the Minister of Justice;
- A probation officer, while supervising a client during the fulfilment by him/her of obligations imposed by a court, may:
 - a. summon the client for registration with the frequency and in the cases determined by this Law;
 - b. obtain an explanation from them;
 - c. receive information on the behaviour of the person from his/her relatives, acquaintances, place of work and educational institution;
 - d. request information on the client from relevant state and medical institutions.

Social workers of the National Probation Agency work under the Department of Rehabilitation and Re-socialisation, and their work is guided by the Law on Probation as well as Georgian Law on Social Work.¹²

Social workers employed by the Probation Service carry out a number of tasks for the purpose of facilitating re-socialisation and rehabilitation of a probationer and prevention of reoffending:

- Assess risks and needs of people on probation.
- Participate in the work of a multidisciplinary team to assess risks of harm and likelihood of reoffending and develop sentence plans together with other specialists.
- Provide a rehabilitation service to beneficiaries on the basis of individual sentence plans;
- Work with families of conditionally sentences people through family conferencing and counselling.
- Participate in designing training modules for needs-based rehabilitation of probationers.
- Connects probationers with those organisations/agencies which facilitate their rehabilitation and re-socialisation.
- As part of the coordinated work of the Special Penitentiary Service and the National Probation Agency in the process of preparing a detainee for release, and to prepare for the Parole Board (Local Parole Councils) an opinion on the assessment of the risks and needs of the family of a person serving prison sentence and their social environment.

Social workers who work with juveniles and young offenders (18-21 years) also participate in diversion and mediation schemes and the preparation of pre-trial enquiry reports for courts.

¹² Adopted on 13 June 2018, available at <https://matsne.gov.ge/en/document/view/4231958?publication=0>

Psychologists participate in Risk and Needs Assessment (RNA), individual sentence planning and case management as part of the multi-disciplinary team of specialists. They also provide rehabilitation programmes to the probationers defined as an activity focused on offending behaviour and related to offence or targeting the development of personal or social skills.¹³

Non-custodial measures and probation

In order to get an insight into how non-custodial sanctions, probation measures or release processes have been impacted by the pandemic, it merits taking a look at how these work in legislation and practice. This was examined through desk research into the relevant legislative framework, policy documents and official statistics, supplemented by existing knowledge of the local probation system, gained from continued work in the country.

The following non-custodial sanctions are included in the Criminal Code of Georgia and the Law on Probation (Article 2) which are enforced by the National Probation Agency:

- deprivation of the right to occupy a certain position or to carry out certain activities as punishment;
- deprivation of a legal person of the right to carry out certain activities as punishment;
- community service;
- correctional labour;
- house arrest and;
- restriction of rights linked to possessing arms.

Additionally, the following probation measures are stipulated by the law:

- conditional sentence;
- release on parole;
- suspension of a sentence (for women who are pregnant at the time of sentencing and for new mothers up to one year after delivery).¹⁴

These might be accompanied by requirements relating to compulsory measures of an educational and/or medical nature.

The performance of unpaid community service imposed on convicted individuals subject to diversion is also subject to enforcement in accordance with the procedure and terms laid down by this Law. The National Probation Agency and its bureaus enforce **community service orders** (Article 29) referred to by courts or parole councils. The Probation Service defines the type and daily duration of work to be performed. Work placements for community service are provided by public bodies and, if beneficial for the society, also in exceptional cases, by private companies. Agreements are signed between probation bureaus and providers of work placements defining the type of work to be performed by a probation client, the total duration and daily hours of the work, the workplace, title of the employer and address, and other relevant details. Community service may be performed at any time of the day, and probation clients are entitled to work on weekends, if they so wish and conditions allow.

¹³ Order N502 of the Minister of Justice (dated 12 March 2020) on approval of rules for risk and needs assessment, and also individual sentence planning, implementation and monitoring (case management) for the purpose of resocialisation and rehabilitation of adult convicts and former prisoners

¹⁴ Article 75 of the Criminal Code of Georgia, Deferral of serving a sentence by pregnant women, at <https://matsne.gov.ge/en/document/view/16426?publication=235>

It is the National Probation Agency's duty to ensure that clients meet the terms of their sentence, such as persons who are convicted of domestic crimes, completing compulsory training courses focused on changing violent attitudes and behaviour (as per Article 40¹ of the Law on Probation). The National Probation Agency can organise relevant training courses or refer clients to a social institution with relevant experience and services (i.e., competence), a non-commercial legal entity or an individual with relevant education on the basis of an agreement (memorandum) entered into with the Agency.

In the case when probation clients fail to fulfil their obligations (such as non-compliance with a lawful demand of a probation officer, non-fulfilment of obligations imposed by a court or refusal to fulfil such obligations, the failure of probation client to appear at least three times at a time and place determined by the probation officer or the refusal or evasion by the client to fulfil obligations, probation officers can use this as grounds for a recommendation to the court to revoke or alter the terms of non-custodial sentence, as envisaged by Article 44 of the Law on Probation.

According to the Criminal Code of Georgia (1999, Article 47¹), **house arrest** implies imposition on a convicted person of the obligation to stay in his or her place of residence during a specified period of the day. This sanction, imposed for a period from six months to two years, is only applicable to individuals with no criminal record. If a prison sentence, community service, corrective labour or fine is substituted by the house arrest, it may be imposed for a term less than six months and more than two years.

Generally, house arrest is enforced with the use of a means of electronic supervision. House arrest may not be imposed on a conscripted military servant or a person who has committed domestic violence. It is forbidden for a convicted person to cross the border of Georgia during the period of serving the house arrest.

Certain obligations might be imposed by the court in the case of a **conditional sentence**, and in the case of parole, by Local Councils, fulfilment of which is then supervised by the Probation Service (as per article 65 of the Criminal Code). These obligations might include: not being allowed to change one's permanent place of residence without the permission of the Probation Bureau, not being allowed to establish relationships with persons who may encourage engagement in anti-social activities, not to visit a particular place, to provide material support to one's family, to undergo a treatment course for alcohol or drug dependence and, if the convicted person has committed domestic violence, to undergo a mandatory training course directed at changing violent behaviour and conduct. The court may also impose other obligations in support of individual rehabilitation or re-socialisation. Parole Councils might also impose an obligation to continue educational or rehabilitation courses, started while in prison, after release.

Release on parole (as envisaged by Article 72 of the Criminal Code of Georgia)

Decisions about the release of persons serving a definite prison sentence are taken by Local Councils of the Ministry of Justice of Georgia (quasi-judicial bodies under the Special Penitentiary Service), except for persons placed in a high-security penitentiary institution (deemed of "special risk"). Parole applications are eligible for review only after an individual has served set tariff sentences, stipulated by the Criminal Code for various degrees of gravity of crimes. Parolees are then supervised by the National Probation Agency's respective territorial body – a probation bureau.

According to the Law (Code on Imprisonment, article 42.1), if a convicted individual, except for a high-risk prisoner, has served the prison term set by law for eligibility for parole, the penitentiary institution shall immediately file a relevant application with the Council and notify the convicted person about it. When reviewing an application, the Council takes into account the conduct of the convicted person during imprisonment, prior criminal acts, if any, his or her character and family status, the nature of the crime committed and other circumstances that may influence the decision of the Council. The Council conducts an oral hearing if it considers that it is necessary to obtain additional information from the convicted person to make a decision on his or her release on parole. Following the oral hearing, the Council must decide whether to deny or grant parole. If the Council decides to deny parole, an application with the same request may be considered only after six months, except when the outstanding sentence does not exceed six months and/or there is a special circumstance. The issue of the release on parole of convicted persons shall be considered every six months (Article 42.7). If the outstanding sentence does not exceed six months, the Council shall review the matter with regard to parole on the basis of a written application. In the case of releasing a prisoner on parole, the Council shall be authorised to apply to the National Agency of Probation with the recommendation to determine and impose additional conditions as part of post-release probation.

According to Article 43 of Georgian Code on Imprisonment, Local Councils on Parole also take decisions on commuting a prison sentence to alternative, non-custodial sanctions. Prisoners (except for those classified as highly dangerous) or their lawyers or other legal representatives file an application, including any additional information as needed, for the Council to consider the possibility of commutation. In these cases, Local Councils must similarly consider multiple factors and apply assessment criteria, defined by the Minister of Justice, while reviewing cases following administrative procedures. The decision on commuting the sentence of a convicted person is made by a Council only by oral hearing after having interviewed the applicant. The Council must decide on the substitution of the outstanding prison sentence with community service or house arrest only with the consent of the convicted person. A Council decision refusing to commute a sentence may be administratively appealed to a court. If, after appeal, the Council refuses to commute a sentence, an application with the same request may only be reviewed after six months, except when the outstanding sentence does not exceed six months and/or there are special circumstances.

Impact of the COVID-19 pandemic

General overview

During the first year of the pandemic there seemed to be no particular concern on the part of the authorities in Georgia to curb the spread of COVID-19 in prisons by restricting new admissions or activating release mechanisms, as the strict measures put in place from early on made it possible to manage the situation with the virus with some effectiveness. This might explain why, at least in 2020, there were no increased numbers of releases or significantly reduced use of prison sentences (please refer to Figure 1 in the Annex for comparative statistics in 2020-2021/June). According to official statistics, the median average use of imprisonment in 2020 was 27,4% of all sentences given, which reduced slightly to 22,8% in the first six months of 2021. Within the same time frame the use of conditional sentence increased slightly, from around 50% in the structure of sanctions on average in 2020 to 55% in early 2021.

COVID-19 was first officially reported in Georgia's prisons only in late 2020, with the first COVID-related death among prisoners in January 2021. A law on amnesty was passed on 11 January 2021 and concerned some of the crimes committed prior to 11 December 2020, granting release to some people in prison, or reducing their prison sentences or commuting them to non-custodial alternatives. This did not have much impact on the number of people released from prison which remained rather meagre (254 persons between January – July 2021).

The use of alternatives to imprisonment

According to the respondent judge of Tbilisi City Court no changes to sentencing were affected during the pandemic, apart from a move of most court hearings to an online format. To this end, the Supreme Council of Justice held a session to develop guidelines concerning organisational and technical issues related to holding online court proceedings. The Criminal Collegium also continued to work in the regular mode, with the only change being a switch to online hearings and the necessary development of standards and practical approaches in this regard.

Only jury trials continued to take place as in-court sessions due to the involvement of many parties and the difficulty of transferring to an online work mode given this specificity.

According to the respondent judge, conducting online court sessions has its pros and cons. On one hand, it shortens the time needed to review a case and allows wider geographical coverage, as the parties can log on from any part of the country. However, on the other hand, there are technical glitches and irregularities that interfere with the proceedings. Sometimes, parties do not have mobile phones or computers that would allow them to connect, or the Internet connection is often a problem. When defendants are remanded in custody, proceedings are often impacted by connection problems or technical issues, and sometimes judges also have to wait for prisoners to get access to the few computers each prison establishment has (as they are also used for other purposes, including video conferences, parole board online sessions, etc).

House arrest is actively applied as a sanction in relation to first-time offenders and non-violent crimes, and this continued to be the case throughout the pandemic. According to the statistics (see the Appendix) this sanction is more frequently used as a back-end sanction (as in commutation of a prison sentence) rather than during sentencing.

According to the respondent judge, the impact of the pandemic is meagre as regards the practice of suspending sentences (for those with certain ill health, pregnancy, etc) and with respect to compassionate release (due to grave health condition, elderly age) and follows usual judicial practice and standards for review of criminal case and standards. This is confirmed by the official statistics (please refer to the Annex).

Early release schemes (parole, commutation) and temporary leaves

Despite the pandemic, Local Parole Councils (parole boards) continued to work and review applications from prisoners. The Secretariat continued to receive applications from prisoners, their lawyers or their family members and respond in a timely manner. After the announcement of the state of emergency, the Minister of Justice issued an order on temporary rules for reporting by conditionally sentenced individuals and the operation of parole councils, pursuant to which the parole councils adopted specific *modus operandi*. The Councils adopted an online working format and adapted oral hearings to video calls, which has allowed Council members to maintain the possibility of interviewing prisoners for parole decision-making. The number of monthly sessions of the Councils increased within the remits of the temporary rules, which, according to the interlocutor, was proportionately reflected in release processes and related statistics.

During the pandemic two amendments were made to Order N320 of the Minister of Justice (dated 7 August 2018) about the rules for reviewing and decision-making by the local Councils of parole issues. The first amendment was made on 27 March 2020 (effective until 1 August 2020) and the consecutive one on 20 January 2021 (effective until 1 March 2021). According to the amendment, a review of each application for parole by a detained individual was authorised with periodicity fixed by the Special Penitentiary Service, with the consent of the applicant, at least every six months. In the event of a refusal of parole or a sentence commutation to a more lenient sanction, an application could be filed again after three weeks from the previous decision on refusal, rather than the usual six-month period.

Women and juveniles are considered priority groups for early release consideration, underlined by the presence of dedicated Councils for reviewing of applications by each group. Family circumstances are one of the criteria used by local Councils in their decision-making for parole or commutation. This is indeed a significant criterium, and the Councils are to assess it within the remits of their discretion. While assessing family conditions, Local Councils take an individualised approach and take into consideration an individual's attitude toward family members, whether he or she has underage children and the number of children, whether there are family members who live with disabilities, the financial status of close relatives, et cetera. During the pandemic, this criterion received additional attention, as family conditions were significantly affected by COVID-19 and its consequences.

Parole decisions are at times taken without oral hearings, which are conducted predominantly when the Local Councils need to get additional information, particularly by interviewing individuals applying for parole. However, Council sessions about the commutation of a prison sentence to community service or house arrest are only held through oral hearings.

During oral hearing sessions, the Councils generally have face-to-face interviews, however due to the pandemic the noted amendments to the general rules by the Ministerial Order allowed the oral hearings to be held through video conferencing as a safety measure against the spread of COVID-19. This form of operation has allowed the Councils to maintain the possibility of interviewing applicants for parole over the course of the pandemic despite the operational challenges and restrictions on in-person meetings.

During periods when temporary rules were in place, the number of Council sessions per month increased as reflected on the number of releases, according to the Secretariat. The proportion of releases from prison by Councils' decisions have consistently accounted for around 40% of all releases over the past three years.

According to data provided by the Secretariat of the Local Councils (see the figures below), the number of decisions Local Councils took in favour of release or commutation increased during the pandemic.

In 2018, 2,309 out of 3,213 released individuals fully served their prison sentences, while 904 (28,1 %) were released by local Councils. In 2019 and 2020, the proportion of individuals released on parole or due to sentence commutations was significantly higher: out of 3,721 individuals released in 2019, 2,199 had fully served their prison sentences, while the local Councils released 1.522 prisoners (40,9 %); in 2020, 2,091 out of 3,466 convicted individuals who were released had served their full sentences, whereas 1,375 (39,6%) were released by local Councils.

In 2020 the Local Councils ratified 1,375 out of the 9,411 received applications (including 830 of the 6,067 applications received for parole; 408 of 2,407 applications on commutation to house arrest; 137 out of 937 applications on commutation to community service). This was 9,6 percent less compared to 2019 and 52% more than in 2018.

Local Councils took decisions in favour of release at first review in 67% of considered cases, at second review in 19% of applications, and at third review in 11% of cases. Favourable decisions were reached only through further, subsequent reviews in 3% of cases.

According to the statistical data provided by the Secretariat of the Local Councils:

- In 2018 the Local Councils held oral hearings on 578 applications from detainees.
- In 2019, the number of applications reviewed on oral hearings was 571.
- In 2020, such hearings were held on cases of 798 detainees (using video-conferencing facilities in prisons/and probation bureaus).

According to the Secretariat of the Local Councils, the conducting of oral hearing sessions through video conferencing proved to be quite efficient in practice. Therefore, its official introduction as a mode for conducting oral hearings would allow more prisoners to be interviewed by the Council which would improve the quality and effectiveness of the Councils. This point merits examination vis-à-vis technical quality of video conferencing and the extent it allows for reasonable participation and full perceptions of visual and auditory data.

According to the information provided by respondents, prior to release from prison, people were provided with some information about the pandemic, measures of prevention and supplied with masks and encouraged to take care. However, it seems no particulars were given about the level of the pandemic in specific regions/areas.

Some respondent beneficiaries did not receive PPE, while some said they were provided with masks upon release and were given COVID tests (quick antigen and PCR tests). Some were provided with masks and hand sanitizers by an NGO that also provides training courses and shelter support to homeless women with lived experience of prison. One respondent said it would be good if the Probation Service also provided them with masks (like the Prison Service).

“I got information about the pandemic and was encouraged to take care.”

Interviewee released from prison during the pandemic

According to one of the respondents, **temporary leaves/releases** were banned during the pandemic, especially in 2020 when the state of emergency took effect. No prisoners were released home to attend funerals of their family members or to attend court hearings.

Impact of the pandemic on the operation of the Agency, its bureaus and delivery of services

Measures put in place to respond to and curb the spread of COVID-19

The National Agency for Crime Prevention and Probation developed an action plan in response to the COVID-19 pandemic, according to which a number of changes to the delivery of community sanctions and measures were realised. In order to inform the clients of probation of changes to services or obligations, all beneficiaries were sent a short text message, and a hotline and e-mail communications were also used. By mail, the relevant staff of the agency and bureaus were provided with the necessary information on a regular basis.

At the outset of the pandemic, when COVID-19 was first reported in Georgia, the National Probation Agency halted the reporting obligation of probation clients and transferred probation staff to online/distance working mode to minimise risks of spreading the virus. It is worth noting, however, that some probation clients, likely those who did not have communication means or did not check short text messages on their phones, sometimes reported to the probation bureaus despite being informed of the alternative processes in advance through text messages.

Enforcement of community service orders was also suspended for some time. To maintain necessary levels of support and monitoring, probation officers and social workers undertook home visits to check upon probation clients classified as high risk (particularly those charged with violent offences including domestic crimes/violence) and psychologists engaged with “crises cases”, i.e., clients with suicidal and self-harm tendencies. The Service ensured that those deemed at need of higher levels of services were visited on a weekly basis. At the initial stage only heads of probation bureaus retained the obligation to go to work, as usual, in order to address administrative tasks (including, getting mails, and ensuring running of some essential services).

Video conferencing services to prisons kept running throughout the pandemic without interruption. This was deemed essential and prioritised as the video link was the only means for many detained individuals to contact their families under the strict lockdown during the state of emergency. Visitors would even come to probation bureaus by foot for video conferencing when public transport was not running.

There were two Orders issued by the Minister of Justice to regulate the reporting by probationers and parolees to probation bureaus during the initial phases of the pandemic. First Ministerial Order N 522¹⁵, stipulated that “In connection with the declaration of a state of emergency on the entire territory of Georgia on the measures to be taken” issued by the Decree №1 of the President of Georgia on March 21, 2020, until the state of emergency is lifted on the whole territory of Georgia, conditionally sentenced convicts [probationers] and parolees will be released of the obligation established by the Law on Probation, to report and register [by finger-check] with the periodicity fixed by the probation officer. The Order also imposed duties on probation bureaus to carry out periodical control of probationers and parolees at their residential address, after a preliminary phone call by a probation officer. COVID rules and regulations, as recommended by the NCDC were to be observed during these home visits. The Order also envisaged a fine in case a probationer or parolee was not at home during the probation officer’s visit. Those probationers

¹⁵ *On determining a different rule for the observance of the regime established by law for probationers and parolees to help prevent the spread of the new coronavirus (COVID-19) in Georgia*, was issued on 16 April 2020

who were unable to return from abroad upon the expiration of the term of permission due to the global pandemic, were exempted from respective liability.

Order N545¹⁶ determined rules and an order for resuming reporting to probation bureaus by probationers and parolees convicted for certain categories of crimes until July 15, 2020, with those convicted for violent crimes, including domestic violence, to resume reporting in the first order.

At the end of September 2020, the COVID-19 situation was particularly grave in the country's Adjara region, related to the high tourist season over the summer. In connection with this, the Minister of Justice issued one more Order N637¹⁷ in order to facilitate the prevention of the further spread of the coronavirus in Georgia, defining a different rule for the observance of the regime established by law, affecting only the relevant probation bureaus of Adjara and Guria. The contents were similar to that of the Order N522. For similar reasons, Order N 680¹⁸ was issued by the Minister, covering Tbilisi, Imereti and Kvemo Kartli regions for the term of one month initially, and later shortened to 15 February 2020¹⁹), in line with the general COVID-19 measures imposed in the country.

Throughout the pandemic, Probation bureaus took into account advice and recommendations from the Ministry of Healthcare concerning safety measures and closely followed restrictions and guidelines imposed by public authorities. During the lockdown and restrictions on intercity travel and public transport closures, probation clients were released from the obligation to report to the probation on a weekly basis. However, rehabilitation work continued with them through teleworking.

In November 2020 probation bureaus were teleworking in terms of providing rehabilitation services but also for the conducting of assessment interviews. From December 2020 onwards varying levels of hybrid work was adopted with some staff teleworking while others were going to probation bureaus. Probation officers have two weekly shifts, while psychologists and social workers go to the office two days a week and do some of their work online.

Time and efforts needed for adaptation

According to the interviewed respondents from the probation service, the National Probation Agency responded immediately to the crisis situation and increasing risks, and it took roughly two weeks to make all necessary adaptations. Already in March 2020 the service transferred its staff to teleworking, and clients were relieved from their obligation to report to probation. Guidelines from the Ministry of Healthcare about safety measures and restrictions were closely followed.

As soon as new restrictions were announced by public bodies as a response to the deteriorating – or improving - epidemiological situation with COVID-19, the National Probation Agency followed

¹⁶ Order N545 of the Minister of Justice was issued on 25 May 2020, on the definition of a temporary rule, for probationers and parolees, different from the general procedures of protection of the regime established by law

¹⁷ Order N637, dated 2 October 2020, On the definition of a different rule of observing the established regime, by law for convicts and parolees, in the area of action of the Bureau of Crime Prevention and Probation of Adjara and Guria, Territorial body of the National Agency for Crime Prevention, Non-custodial Sanctions and Probation, in order to prevent the spread of the new coronavirus (COVID-19) in Georgia

¹⁸ Order N680 of the Minister of Justice issued on 2 February 2021, On the definition of a different rule of observing the established regime, by law for convicts and parolees, in the area of action of the Bureau of Crime Prevention and Probation

¹⁹ By the Order N685 dated 10 February 2021, amending the Order N680

up by determining appropriate adjustments to its work and circulating written instructions to its staff in the central and territorial offices as to the mode of operation to adopt.

The Rehabilitation Department together with the Referral Centre for Juveniles developed a small guide to regulate the process of the rehabilitation of probation clients. In parallel, the head of the Department, professional supervisors and managers maintained constant contact with specialists under their line management, to hear what challenges they faced, to provide professional communication and advice and to prevent communication breakdowns between them. Instructions were given to all staff on how to work with clients in crisis situations, specifically noting those who self-harm or are deemed at suicide risk. With such higher-need groups, the instruction was to provide support and monitoring services more intensely, conducting face-to-face meetings, in either probation bureaus or in an open space nearby, if and as needed. Besides responding to crisis cases, instructions also covered the provision of remote services to probation clients in general, including considerations of professional ethics and client privacy (including how to prevent unauthorised recording, conducting diversion and pre-trial assessment interviews strictly on a one-to-one basis).

Additionally, a series of online training workshops were conducted for social workers and psychologists of the Agency to help develop and enhance skills for teleworking with clients.

Crisis management

A management team consisting of senior level staff was put together to issue written instructions, provide professional supervision for staff in their line management, and organise supervision of clients with particular risks. Specific crisis response efforts were extended by probation staff to provide for the urgent humanitarian needs faced by some beneficiaries, including those facing socio-economic hardships and particularly destitute, unemployed people without a support network, family households of probation clients with several young children and those who had mobility problems due to disabilities or ill-health. As no institutional funding was available, crowdfunding among probation staff was conducted and money raised for these purposes.

Impact on the enforcement of community service

Adaptations made to community service orders

At the initial outbreak of the pandemic in the country, similar to probationers, clients of the probation agency serving non-custodial sanctions were transferred to a stand-by mode until further instructions in an attempt to strictly follow the initial heavy restrictions. During the later adaptation phase, in consideration of periodic closures of public transport and a restriction on public gathering in buildings, probation bureaus, providers of work placements and convicted individuals continued with community service based on mutual agreement, to enable the execution of the sanction on one hand and the protection of rights of the convicted people.

During this initial period of pandemic, significant number of imprisoned individuals got their prison sentences commuted to community service and the enforcement faced great challenges. Many of these individuals are still serving their community service orders. When restrictions were imposed by public authorities, the term of sanction was affected and the suspension caused a delay in completion.

Caution has been exercised to prevent the spread of COVID-19 due to the pandemic, including the termination of contracts with those service providers (for work placements) who engaged

probation clients in closed buildings. The Agency retained contracts with institutions that provided open space work placements. For instance, municipal mayor's offices provide placements in their services, such as municipal greening and cleaning services, where the nature of work allows workers to be on open air and maintain physical distancing. These open air work placements were maintained in order to allow those probation clients who had a certain number of hours left to be served under community service to finish their sentences. Most of them managed to complete their sentences.

Beyond limited work placement options, the enforcement of community service was significantly impacted by public transport closures as measures to curb the spread of the COVID-19. In these circumstances, it was rather difficult for probation clients as well as staff of service provider institutions to reach their workplaces. Those who could walk or drive their own cars, were given the possibility to continue serving community service to meet the requirements of their sentence. This non-standard approach is taken given the unusual situation. During public transport closures, the enforcement of the sentence can be postponed until the running of municipal transport resumes again.

“When the public transport is closed during the pandemic, we cannot oblige probation clients to continue working under the community service orders.”

Representative of the National Probation Agency

Additional flexibility was also provided by the National Probation Agency by facilitating community service opportunities during weekends, when a client was unable to work on weekdays for one reason or another, as allowed by the legislation, and permitting the changing of community service placements when a new provider emerges closer to the probation client's place of residence.

Enforcement of community service orders during the pandemic is implemented based on individual consultations with probation clients serving this non-custodial alternative. While clients on probation are generally instructed by short text messages when to report to probation and when not, in the case of community service enforcement, this individual dialogue approach is taken in order to consider all the circumstances of the client when deciding on work suitability.

“Concerning the community service, we had such an approach that once one individual on probation completed his community service order, we would send another one to the same work placement. We had such an agreement with providers of work placement. There were not enough available work placements during the pandemic which made the enforcement difficult.”

Representative of the probation service

Suspension of community service orders

For some, community service orders were suspended as the nature of work did not allow their enforcement during the lockdown or public transport closures, based on agreements between probation officers and clients. In such cases when the enforcement of community service orders was suspended, the sentence lengths were extended accordingly.

The practice followed a common policy adopted by the leadership of the National Probation Agency, as issued during one of the “waves” or surges of the COVID pandemic. When a client was serving community service, he or she should be given choice to decide whether (able) to continue serving it or have the sentence suspended until later when the circumstances and lifting of restrictions would allow to serve and complete the sentence.

Relationships and cooperation with community partners during the pandemic

Depending on the nature of work placements provided by community partners for the community service, relationships and cooperation was impacted. Community service contracts were terminated with those providers that did not provide COVID-safe work placements, where risk of spreading the virus was particularly high, or that were particularly susceptible to closures due to the pandemic (such as kindergartens).

For all those who continued serving a community sentence, measures of safety and physical distance were considered while selecting or transferring to different work placements. However, some probation bureaus reported not having been able to exercise such flexibility and instead suspending enforcement of all community service orders.

In September 2021, the Minister of Justice signed a number of Memoranda with a dozen heads of municipalities in Georgian cities and towns based on which convicted people serving community service will be provided work placements by Mayor’s offices in greening and other municipal services.

Impact of the pandemic on probation staff and their wellbeing

The working hours of probation staff were significantly affected by the various restrictions imposed in connection with the pandemic. Some found it difficult to adjust to changed work schedules while others adapted and took a more flexible approach.

Social workers and psychologists interviewed mentioned that they did their best to cater to the needs of their beneficiaries, as some of them are engaged in study or work, so teleworking allowed to shift timing of their individual interviews and sessions with clients to hours after the official working hours. Some of the staff reported improvement in their life outside work, as they are better able to manage their own time and work more efficiently in order to minimise professional burnout. However, it was admitted that during the lockdown and curfew measures it was particularly difficult to regulate schedules and find time for personal life, as they often had to work from home from early morning until late night due to high caseloads.

"It was the most positive thing that we were given freedom and choice to regulate our working schedules, as needed, and reconcile work and family needs. I no longer have a problem arranging for childcare."

Representative of the probation service

Staff with young children were affected by temporary periodic closures of kindergartens and childcare facilities during lockdowns. However, the flexibility in working hours, allowed by the management of the National Probation Agency, helped them arrange for alternative childcare. Staff of Tbilisi bureau was not affected in terms of movement restrictions, as the Agency provided vehicles and drivers who transported social workers to courts, prosecutor's offices, official meetings and home visits to beneficiaries.

During the lockdown when curfew was imposed, there were some late hour meetings at the probation bureau, and the management of the Agency obtained special official passes for staff to be able to attend them.

“At first of course, all this caused a great deal of uncertainty, as no one had the experience of working remotely, we were in shock. We thought about how a social worker could conduct an interview, or a session, generally any kind of meeting, or assessment remotely. No one expected the pandemic to last so long, we all thought we would be back at work in 2 weeks. From late April to May, at the end of each month, we thought we would be called back to work again.”

Representative of the Probation Service

For the initial two weeks after staff were called off regular office work, there was a great deal of confusion as there was no prior experience of teleworking and staff waited for instructions on how to proceed with a relatively passive approach. All the work of specialists (social workers and psychologists) was stalled, including interviews, assessments, etc., although specialist staff continued to benefit from regular professional supervision from their line managers on individual cases requiring particular urgency of action or in general regarding methods and approaches to be undertaken to assessment and rehabilitation functions they perform. At this initial stage, staff worked to identify beneficiaries who were to be immediately assessed (for pre-trial reports to be sent to courts, prosecutors, needs of juvenile clients), and planning could proceed based on these efforts. Gradually, work resumed on different fronts starting with diversion and mediation of juvenile probationers later including the resumption of pre-trial report preparations once courts resumed their work, and lastly social workers continuing their work with adult probationers.

The staff followed instructions as they were received from leadership of the Agency. According to the respondents working at the probation service, they receive clear written communication from their line managers, almost on weekly basis, and are immediately informed when public authorities impose new restrictions or regulations that result in a need to shift to a different mode of operation. This takes place across all the bureaus so there is seemingly no disparity between central and territorial bodies in terms of their awareness.

As previously noted, staff had to switch to fully remote working and maintaining online or phone communication with clients during pandemic surges and lockdowns, only responding to crises cases through home visits and face-to-face meetings. Later as the pandemic situation stabilised, the staff started working in shifts – a practices that continues to this day. Thus, for instance social workers go to work two days a week, or more often as needed. Some of the rehabilitation work is undertaken as usual (involving face-to-face communication with beneficiaries while providing

support services to them), however some other pieces of work (such as participation in parole board sessions, or assessment of family environment of potential parolees) continues to be done through online interviews and assessments. Home visits to families of parolees and probationers have resumed.

“This adaptation continues to this day and is dynamic. We adjust to the government regulations for COVID-19.”

Representative of the National Probation Agency

Provision of PPE to staff

Most of the respondents working at the probation service said they are sufficiently supplied with masks and sanitizing liquids for safe delivery of their work. During particular surges of the virus infection, probation staff were encouraged to wear gloves and face shields when face-to-face work with clients (interviews, home visits, etc.) was necessary. A protocol is in place to outline rules and measures to be observed in terms of hygiene, safe physical distancing, greeting (e.g., no handshaking with clients) in probation bureaus as well as during home visits to beneficiaries' households.

Challenges associated with shift to digital means of work

Initially, as teleworking was new, some of the staff faced challenges in terms of technical means. Not all staff had access to laptops to work from home, as probation bureaus have desktop computers only, and some did not have smartphones to allow for Zoom or Viber video conferencing in this way. Relevant skills were also lacking. Gradually all these problems were overcome, as some staff purchased smartphones or laptops, and the Agency also allowed work computers to be taken home for temporary periods. Skills were acquired for using different digital applications for communication and conferencing.

In some regions of Georgia, disruptions in the Internet service presented occasional problems, as they interrupted work and training sessions.

Similar problems were also faced by probation clients. Probation staff had to communicate by phone with those beneficiaries who did not have computers or smartphones or access to the internet. If probation clients did not have phones, neighbours rendered help providing access to their computers or phones at the fixed time. If technical means allowed, video conferencing was used to conduct online assessment interviews or online sessions of rehabilitation and support services with clients.

“It is difficult to open up a person during online communication. It hampers trust-building, there are technical glitches, the Internet shuts off occasionally. The beneficiary is trying to tell you something important but suddenly the connection breaks up and then he or she is no longer willing to talk about this. Before the pandemic, one hour was needed to conduct a session for six people, whereas now I need to conduct individual sessions for each of them.”

Representative of a probation service

COVID-19 impact on caseloads

At the onset of the pandemic social workers were overloaded with cases, as they mentioned during interviews, and the transition to a relatively relaxed mode of work due to restrictions on in-person services initially helped them to take a break. Some respondents reported having over 100 cases when they had to switch to teleworking in March 2020. As courts and prosecutor’s offices also took a break during transitioning to lockdown measures, there were less cases received by the Agency, which gave staff some breathing space. However, a new RNA system was introduced in late 2020, which shifted the responsibility of assessing medium or high risk from probation officers to case managers (social workers), leading to a significant increase in cases referred to social workers. This increased caseload and referral of high number of beneficiaries was taken into account by the leadership of the National Probation Agency, and additional staff, including 17 social workers and seven psychologists, were recruited to the Resocialisation and Rehabilitation Department.

Currently each social worker has roughly over 150 cases, leading to a need for additional staff especially in Tbilisi. According to the new RNA system, social workers take a more active role in the assessment of beneficiaries and have to refer cases to probation officers and psychologists, as needed. The provision of services online also required more time and flexibility on staff’s part as individual sessions had to often be provided to beneficiaries, instead of group sessions, as usual. While extra flexibility was called for in order to accommodate probation clients’ limited availability during regular working hours, social workers were also responsible for time-consuming case management work, including the processing and preparation of a great deal of documentation.

The new system also increased the workload for psychologists. This was not in specific connection with the pandemic, respondents explain, but with the fact that transitioning to the new work methodology coincided with the pandemic.

Probation officers also reported an increase in workloads after an initial period of reduced work. While officers continue to work in shift, alternating between teleworking and office work, the officers who go to probation bureaus for face-to-face work with clients also have to deal with cases of other officers (e.g. registering clients, helping to write applications, etc). Those who work remotely have limited possibility of engaging with and supervising their clients as the main means of communication is through phone calls. According to the available official statistics, the caseloads of probation officers decreased in 2021 whereas they were consistent largely for most of 2020 (Official statistics from National Statistics Office of Georgia, see Appendix).

The workloads of probation staff also increased following the amnesty law, as many prisoners were released to probation supervision. Staff turnover which coincided with the pandemic had its

own impact on workloads, as cases from departing staff had to be taken up by remaining staff members. The increased workload rendered frequent communication with every client difficult, particularly in light of the shifting nature of work throughout the pandemic, and probation staff had to prioritise certain groups of beneficiaries and work more intensively with them.

Impact on delivering supervision and other aspects of the job

The pandemic-related restrictions somewhat complicated the implementation of the supervision function and some other aspects of probation work. During exclusive teleworking all communication was done through digital means, which significantly limited the possibility of immediate contact and supervision of clients. Staff also had an obligation to provide documentation by digital means, which was sometimes challenging due to technical limitations. At other times, when meeting with probationers was allowed in open spaces, officers met them in groups of three or four, in which case it is not possible to ensure privacy of conversation on sensitive topics. To make up, officers had to follow up with individual clients over the phone. This duplication of efforts naturally impacted the workload of staff.

Impact of public transport closure on probation staff

During particular surges of COVID-19 and consequent lockdowns public transport was closed several times affecting a lot of people, including probation staff and clients. Staff members who were commuting to work by public transport were particularly affected by the pandemic, as closures restricted their ability to come to work, while it was rather difficult to observe safe physical distance on buses were crowded when transportation was available. In the absence of public transport, staff had to resort to more expensive private transport means such as taxis having to pay for it. Those who could walk to work due to a short distance from their place of residence were left relatively unaffected in this regard.

Management support to staff during the pandemic

In general, the respondents reported line managers at the National Probation Agency allowing flexibility to the staff and being considerate of their family caring responsibilities and the resulting needs for flexible hours. Those who belonged to risk groups due to their health status were allowed to keep working remotely.

When childcare and educational institutions (kindergartens and schools) are closed for a few months (during surges in COVID-19) those staff members of the probation who are parents face difficulties arranging for childcare or having to juggle work and caring responsibilities while working from home. This significantly increases their stress levels.

Psychologists and social workers were particularly appreciative of professional supervision and support received from their supervisors and line managers at the Rehabilitation Department of Convicts and Former Prisoners, which helped them make necessary adaptations and adjustments in their work and develop necessary skills for teleworking. They found a guide on teleworking, developed by the leadership of the Rehabilitation Department and Child Referral Centre of the National Probation Agency, particularly helpful. Training workshops, working meetings, supervision meetings and detailed written guidelines provided by UNICEF and the local NGO Initiative for Social Change, developed in cooperation with the National Probation Agency, were also meaningful in offering guidance and information on the particulars of teleworking and

providing support services to beneficiaries, conducting online assessment interviews, identifying the most vulnerable groups in terms of violence, ensuring privacy of communication with clients while using methods of distance communication, the importance of professional supervision for social workers in this process and many other useful details. The specialist staff of social workers and psychologists also enjoyed and benefitted from a workshop on preventing professional burnout, provided by external experts. The noted guidelines were developed based on a needs assessment and reflected best practices of social work case management during emergencies and in their aftermath.

“What services we were able to offer prior to the pandemic we are still able to offer now.”

Representative of the Probation Agency

Access to services used and needed by beneficiaries

The probation service runs rehabilitation programmes in which beneficiaries are engaged based on a needs assessment (including anger management courses, communication development, etc). Social workers have been able to largely sustain the provision of their services, and the interviewed staff asserted quite confidently that the pandemic did not considerably impact services provided in-house by the specialist probation staff. One notable exception was the negative impact on sessions that involved group counselling, which had to be held individually or, in some instances, smaller groups.

The Agency does not run any healthcare programmes and is thus unable to offer health services, relying on referrals to existing external services.

Some respondents noted a deterioration in ensuring quality of services during the pandemic, as many had to be delivered online or even through phone communication at worst. Besides technical glitches and barriers associated with online or phone communication, they also noted the difficulties in establishing trust with their beneficiaries and maintaining rapport during interrupted connection. Some probation clients did not have a possibility to access online platforms and to receive services remotely, in which case consultations and rehabilitation services were provided over the phone.

“There are problems with the lack of services across the country because there is neither a state nor a non-governmental entity that can provide for all the various needs of all beneficiaries. You do an assessment, identify the need and then you have to search for appropriate services. Then you have to justify to the line managers the necessity of allocating budget to purchase services as particular beneficiary needs it.”

Representative of the probation service

Availability of external services

According to the staff of the probation service, the pandemic created a shortage of external services as the restrictions imposed during the pandemic left many services unavailable. Many of the free services which used to be provided by NGOs prior to the pandemic either stopped due to lack of funding in connection with the pandemic or had transferred to exclusively online format (such as legal counselling, vocational training, support with employment or small grants seed money). This created gaps in the availability and access. It is worth mentioning, however, that some probation clients were able to benefit from continued training on life and work skills, as Women in Business NGO continued this opportunity despite the pandemic.

Some others noted the general lack of state-run or non-governmental services catering to the particular needs of their beneficiaries. They said they do assessments, identify needs, and then have to search for needed services which they cannot locate. Then they have to ask for budget allocation in order to purchase this from private service-providers.

Impact of the pandemic on probation clients

Services and support for people on probation or those released from prison

In terms of receiving pandemic-related support while serving a non-custodial sentence or probation measures, the experiences of interviewed or surveyed beneficiaries differed. The responses ranged from not receiving any support during the pandemic to receiving humanitarian aid (as a crisis aid in the form of food products and sanitary hygiene means) from the Probation Service.

Some clients participated in training workshops delivered by the National Probation Service or by NGOs based on referrals (including training on jobs skills and labour rights, job search support, vocational training courses) under donor funding. Some clients, women in particular, were supported with shelter and basic subsistence costs and provided with masks and hand sanitizers by NGOs. Out of the interviewed or surveyed beneficiaries, those who had been released from prison after serving a full prison sentence seemed to be the least supported, compared to those who were subject to post-release probation measures or serving an alternative sanction. Interviewed women probationers with domestic violence experience reported receiving psychological counselling support for their trauma – a service not related to the pandemic, but importantly continuously available during the restrictive measures and limited operation. Out of the 32 beneficiaries interviewed, a third said they did not receive any support during the pandemic.

Beneficiaries considered the provided support insufficient, explaining that they have no access to needed social services and their financial situation is difficult. Some said that while they are getting some social benefits, this is not sufficient given their circumstances (e.g. single parenthood, ill health and inability to get employed despite several offers) – particularly during the increased uncertainty and limited opportunities during the pandemic.

Women on probation expressed their gratitude to NGOs for their services, including the shelter that provided valuable support during the challenging times by offering a roof over their heads and assistance with the resettlement. Others indicated that having no obligation to report to the

probation service while the public transport was not running was already quite an advantage for them, as they did not have to incur additional costs for alternative transportation.

Some beneficiaries openly admitted that the received support was not enough for their reintegration assistance as they required more substantial support. Those who said that provided support was insufficient tended to have unmet healthcare needs, as medical care is expensive, and they could not afford to pay for it on their own. Some reported relying on kind support from their friends or relatives for re-socialisation and reintegration into society. Those clients who had received psychological care and counselling from the probation service very much appreciated this service as catering to their needs, however, they also emphasised that they needed more help, especially with job search and employment, which is consistent with the official statistics (according to the data from 2020-2021, around 80% of individuals convicted were unemployed, as demonstrated in Table 4 in the Appendix).

It was mentioned that probation bureaus had only a few support services to offer which did not meet clients' complex needs. Some beneficiaries emphasised, however, that the emotional support received from their probation officers and the attention they received were very valuable to them.

Services and support impacted by the pandemic

Some respondents said they could not partake in online training courses and other services provided virtually as they have no (free) access to the Internet and a computer, and also do not possess relevant skills.

“Unfortunately, I cannot take part in online-training courses [offered by the Probation Service or others], as I do not have access to free Internet and computer.”

Probation client

Some respondents, particularly women on probation who live in an NGO-run shelter for homeless ex-prisoners, were able to receive training by the NGO (including vocational courses, stylists, felt, sewing, business training and support with job search). Some beneficiaries said they did not have access to any social service during the pandemic, except for ambulance, as needed.

Those respondents who were employed in some production or repair shops, said they needed assistance with acquiring relevant instruments and tools. Some mentioned their access to medical services was limited requiring costly procedures for examinations (e.g., CT scan).

“It would be very helpful if medical services were provided, as it is very expensive to see a doctor, to receive medical examinations, and the prices on medications increase every day.”

Probation client

Beneficiaries noted that some training courses in which they were due to participate did not take place as planned due to the pandemic. A woman on probation with domestic violence experience said that she received psychological counselling and attended a training on domestic and gender-based violence, however courses on other topics were cancelled.

“I was informed by my probation officer about some planned training workshops to be conducted. However, due to the deterioration of the pandemic situation and the public transport closure, these training courses were not delivered. No other services were offered.”

Probation client

Impact of public transport closure on probation beneficiaries

During the public transport closure, probation clients were affected like anybody else. A majority of the interviewed beneficiaries said the lack of public transport affected them negatively, as they could not move around and access services or training courses on offer by NGOs or the Probation Service because alternative transport means (such as taxi) were unaffordable.

Many respondent beneficiaries also noted that when public transport runs, it is quite impossible to observe physical distancing, while others thought it was still possible to do so. Some said they try to observe all the regulations including physical distancing. The closure of public transport was a challenge for many respondents, who said they wished the government would have increased the number of buses instead of stopping them from running, as the public transport closure complicated their lives and made access to some services difficult if not impossible.

Beneficiaries’ views on the measures currently in place vis-a-vis challenges presented by the COVID-19 pandemic

There was recognition among the respondent beneficiaries of the government efforts to tackle the pandemic. However, some felt that the government is only partially coping with the current situation, and many considered the measures currently in place insufficient to address the challenges presented by the pandemic. Some beneficiaries noted that not enough measures are in place to help them realise their social and economic rights in terms of employment support, gaining access to healthcare services and medications, etc. Only five out of 32 interviewed beneficiaries felt that the measures in place sufficiently meet their needs, with limited access to social services leading many to rely on family and friends for support. Additional support needs that were noted included assistance with further skills building and training (some had taken courses while serving a prison sentence and were looking to follow up with booster/refresher training that was unavailable) as well as material support in terms of tools or instruments needed to start a vocation.

“Measures that are in place do not suffice. I have not been able to find a job due to societal stigma and am facing grave financial difficulties.”

Female probation client

At the time of conducting interviews and surveys with the beneficiaries in August and September 2021, the pandemic situation in Georgia was particularly grave, with unusually high mortality and high infection rates due to COVID-19. There was also criticism of the government's decision to halt public transport, which created problems for many. The inability of the government to exert control over the observance of imposed regulations was also criticised, and the beneficiaries further blamed the public for not observing the regulations in terms of wearing masks, observing social distancing guidelines and organising large-scale gatherings (weddings, funeral wakes, and other sorts of gatherings, etc).

The beneficiaries also noted a significant increase in prices of medications and food products which, combined with the loss of employment by many, lead to a worsening of the social conditions at large. Money earned with hard labour is not enough to cover necessary costs, some stressed. They mentioned that at the outset of the pandemic the management was more effective and the social benefits which the state used to provide (to cover the utility costs for instance) were quite helpful for those in need. The most significant issue of concern, however, was the dramatic increase in infection and mortality rates due to COVID-19, leading some respondents to conclude that the government could have provided more assistance to people in need.

"I am financially very desperate. My wish is to start a job but I have no occupation. Am at the mercy of kind people. When people hear that I am on probation, they become suspicious. I am aware that I did a bad thing, but I too have a right to live. It would be great if there were some vocational training courses which I could participate in."

Woman on probation with domestic violence experience

One woman on probation who is a single mother noted that she has to deal with existing adversities and challenges and that her circumstances are not considered. Those living in the shelter run by the NGO Georgian Association Women in Business, however, noted that measures were taken to consider their needs. The beneficiaries emphasized that they desired their rights to be upheld to a greater extent by duty holders than they currently are. Hence, more measures were required to be undertaken by authorities to lift them out of economic hardship, they said.

Some noted that during the pandemic the use of parole and house arrest as alternatives to imprisonment was activated. Some beneficiaries mentioned that they would appreciate if they had to report to the Probation Service less often (for instance, once every two weeks, instead of a weekly appearance) as they have to incur travel costs and they already have no financial means, whereas a failure to report will result in a fine.

One woman on probation (from a socially vulnerable family) noted that she likes the reporting frequency, but what she is not so happy about is having to stand in a queue with men while she waits for her turn at the fingerprint check feeling rather uneasy. She would appreciate a different form of reporting.

The majority of interviewed beneficiaries noted that the pandemic did not have any positive impact on their experience of probation or non-custodial sanctions. They stated that it was rather the opposite. The only two positive experiences they appreciated were that some beneficiaries

were pardoned and released from prison due to the pandemic and that during the transport lockdown those on probation did not have to go to a probation bureau for a fingerprint check.

“During the pandemic for certain periods of time I did not have to report to the Probation Service which was good as I did not have to spend money on travel due to the restriction on the running of public transport. This would have been an additional burden for me as I’m jobless.”

Probation client

Beneficiary groups disproportionately impacted by the pandemic

In terms of individuals disproportionately impacted by the pandemic, interviewed respondents particularly mentioned those **clients who had lost jobs during the crisis** period and were facing difficult financial circumstances. Some work was done by social workers to refer them to existing vacancies in their database.

Another group of individuals mentioned as particularly vulnerable were **beneficiaries with drug dependence problems**. This group of people was put under increased risk by the reduced availability of treatment and rehabilitation services as some NGOs lost their funding during the pandemic (either projects ended, or new funding was not possible) and were unable to provide their free services. The service shortage was further deepened by the repurposing of some clinics that used to offer detox and other services as COVID clinics.

Psychologists also mentioned **clients with mental health needs** as specifically vulnerable during the pandemic, the general shortage of available support and counselling services was highlighted during the pandemic, when service delivery was particularly challenging.

Some respondents from the probation service thought that the pandemic did not have relevance to the groups of clients ranking generally in specific vulnerable categories and did not affect them differently. Although, some of them mentioned that many of their beneficiaries had lost jobs and livelihoods during the pandemic, sustaining particular adverse effects. To alleviate these effects, those probation clients who were on social benefits were provided with humanitarian assistance in the form of food products, hygiene items, and formula and baby food for families with babies or young children. Money was raised through donations by probation staff.

Throughout the pandemic, probation staff took particular account of the **health status and advanced age** of some of their clients and reduced their reporting frequency to mitigate risks of infection.

Receptiveness of beneficiaries to adjustments

Despite some technical difficulties, especially at the outset of the transition to online communication, almost all client groups found remote contact and service provision comfortable as they did not have to travel to receive support services from social workers or psychologists. As such, providing some rehabilitation services in online mode should remain as one of the alternative means in the process of working with probationers beyond the period impacted by the ongoing pandemic.

Impact of the pandemic on the future of non-custodial sanctions

Interviewed probation officers found it hard to think of positive effects of the pandemic on the implementation of non-custodial sanctions and probation as they thought the situation had negatively affected possibilities of supervising probation clients.

On the other hand, psychologists and social workers thought there was some positive in the teleworking and ability to provide additional services online or conduct online assessment interviews with prisoners to save time and travel hassle. They thought that after the pandemic some online sessions should be maintained as additional services.

The online mode of working with probation clients has been sustained through surges of infection and during relatively safer periods, as the effectiveness of rehabilitation services did not diminish and in some aspects even improved outcomes, also saving material resources (transportation costs on intercity travel), as reported by some respondents from the probation service. Social workers and psychologists also seemed appreciative of maintaining electronic communication as an auxiliary mode for their work with clients, differing from probation officers who tended to see remote communication as insufficient and unfit for the needs of their job.

In August 2021 it was announced that the Ministry of Justice plans to introduce a novel, technology-based mechanism allowing for control of probationers.²⁰ The *Probbox* system, based on modern IT technology, will register and control probation clients without them having to report to bureaus in specific municipal locations. It will have video recording and finger-check functions and will be able to provide basic services related to providing different pieces of documents. The Ministry hopes that this electronic system will help save human resources, and it would undoubtedly work to support the delivery of probation services as the pandemic continues. Reportedly, the roll-out of this novelty was expedited in connection with the pandemic. While this novel mechanism can address some of the routine tasks of the probation service, however human rights and value of human contact with probation staff, as well as privacy and proportionality of obligations should not be underrated when it comes to rolling out such an electronic monitoring.

Interviewed probation staff were not aware of the broader public opinions regarding probation, or community alternatives. According to one respondent, there were some active advocacy groups demanding amnesty of prisoners in the given situation of pandemic. However, they mentioned that probation clients and their family members seemed content that a more lenient

²⁰<https://report.ge/en/society/ministry-of-justice-introducing-innovative-mechanism-for-controlling-probationers/> , see also <https://fb.watch/8JobgLdYRa/>

regime of reporting to probation bureaus was established for probationers and during surges of epidemic they could stay home and did not have to go to probation offices.

Rather than what changes or measures they would like to see continued beyond the pandemic, some of the beneficiaries described what change they would like to see after the pandemic:

- They would like to have their probation sentence removed or at least become more lenient;
- They would like to enjoy better support for addressing economic hardships and social issues, improved care and support including post-release resettlement assistance;
- One person on probation noted that it would be good if after the pandemic probationers are given the possibility to go or report to any probation bureau within a given region, rather than a specific one, as they might be in a different municipality on the day of reporting due to work or other reasons.

Conclusions and lessons learnt

A number of conclusions can be drawn on the basis of the conducted research activities, providing insight into the many ways in which the provision and experience of probation services and non-custodial measures at large was impacted by the ongoing COVID-19 pandemic.

Despite initial difficulties associated with confusion and inexperience of teleworking, as well as the technical problems and shortages that impacted the use of telecommunication means, National Probation Agency management and staff were able to make necessary adaptations to transition towards teleworking in the first phase of the pandemic responses and during consequent restrictions, later working in a hybrid format.

Some of the problems encountered by both probation staff and those subject to their supervision included a lack of technical equipment and skills required to use digital means of communication.

After an initial passive phase there was a surge of cases for probation staff once courts and prosecutors returned to work and started sentencing and referring cases to probation.

National Probation Agency and its bureaus were able to continue providing most of the in-house rehabilitation services, either face-to-face or, during surges of the pandemic, remotely (through online or phone counselling and training). However, external services were significantly affected by the pandemic as service providers (such as NGOs, private clinics) had to either transfer to online service-provision or encountered problems as a result of lacking funding or requirements to transform their work, thus either no longer able to provide regular services or able to offer them to a lesser extent.

Even though not a replacement of face-to-face meetings and interviews, remote communication and online sessions can offer an effective, supplementary means of data collection and service provision if technology is available and allows uninterrupted communication.

Those probation clients who face particular vulnerabilities due to the pandemic, in terms of unemployment and social deprivation, as well as those with medical or drug rehabilitation needs

(due to lack of services) required prioritisation and special arrangements to address their needs and vulnerabilities during the pandemic.

Recommendations

In order to make the system of non-custodial sanctions and measures in Georgia more resilient and better prepared in the event of future crises, such as the ongoing COVID-19 pandemic, a number of recommendations based on lessons from the conducted research as well as international experience and guidance are put forth.

RECOMMENDATIONS
1. In view of increased workload of staff interfering with coverage and quality of supervision and support, the National Probation Agency should consider recruiting more staff, where needed.
2. Given the pandemic persists – and in view of any future crises and added need for adaptability in probation work – the Agency should provide training on teleworking for its staff, developing their skills and capacity of using digital means. This can also support future flexibility in services.
3. The Agency should consider upgrading its technical equipment, so the computers allow using software and applications needed for digital communication.
4. The Agency should consider installing plexiglass dividers and improving ventilation of rooms where face-to-face meetings are held with a limited number of clients.
5. Face-to-face contact should be used in cases where persons in conflict with the law do not have access to telephone or Internet applications, and in these cases, all necessary and recommended means of protection against the virus should be put in place.
6. The Agency should consider developing official online courses for probation clients based on their support needs to offer increased flexibility in the provision of services and improve accessibility of rehabilitation and reintegration programming.
7. It is advisable to develop an instruction for the enforcement of community service by the relevant working group for the period of the pandemic so that there is uniform practice across bureaus. To support uniform practice across regions and bureaus and make adaptations easier in the event of future crises or other need for adjustments clear contingency plans and procedures should be developed and communicated to all staff.
8. The Agency should identify and keep a database of open-air work placements which municipal bodies and other stakeholders can provide for serving community service orders.
9. The provision of employment support to those beneficiaries who are looking for jobs should be increased. The Agency should also examine the possibility of approaching community service providers for paid jobs, too. If the Agency has limited capacity, new or strengthened partnerships could help realise the necessary level of support.

10. Where free external services are not available for probation clients, the Agency should have budget to purchase from private service providers. Another option would be for the Ministry of Justice to increase its budget for small grants to NGOs who provide rehabilitation support services to probation beneficiaries (e.g., vocational training courses, job skills development, drug dependence treatment, shelter support for the homeless, medical services, to name a few). There should also be an official fund allocated from the budget to meet crisis needs of beneficiaries.

11. Good cooperation should be maintained with the Social Services under the Ministry of Healthcare to assist those clients who require social benefit support due to extreme poverty and social exclusion.

12. Probation clients who are at risk of facing particular vulnerabilities due to the pandemic – or during future crises – including those faced with unemployment, social deprivation and individuals with drug rehabilitation needs, should be identified, prioritised, and special arrangements should be made to address their needs and vulnerabilities timely and appropriately.

Annex: Official statistics

The following data is provided by the Georgian National Statistics Office (www.geostat.ge).

Table 1. Use of custodial vs. non-custodial sanctions in 2020-2021 (June)

		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec
Number of convicted individuals	2020	1138	1455	810	432	1212	1351	1676	830	1201	1086	930	1074
	2021	462	1060	1293	1390	1072	1688						
Deprivation of liberty 27.	2020	242 (32,3%)	292 (20,1%)	227 (28,0%)	133 (30,8%)	440 (36,3%)	343 (25,4%)	378 (22,6%)	151 (18,2%)	314 (26,1%)	316 (29,1%)	282 (30,0%)	323 (30,1%)
	2021	92 (19,9%)	281 (26,5%)	301 (23,3%)	301 (23,3%)	232 (21,6%)	383 (22,7%)						
Conditional sentence	2020	476 (41,8%)	733 (50,4%)	386 (47,7%)	217 (50,2%)	544 (44,9%)	717 (53,1%)	875 (52,2%)	488 (58,8%)	619 (51,5%)	552 (50,8%)	474 (47,4%)	511 (47,46%)
	2021	270 (58,4%)	582 (54,9%)	703 (54,4%)	703 (54,4%)	592 (55,2%)	913 (54,1%)						
Fine	2020	225 (29,8%)	290 (19,9%)	141 (17,4%)	58 (13,4%)	172 (14,2%)	218 (16,1%)	302 (18,0%)	127 (15,3%)	190 (15,8%)	148 (13,6%)	129 (13,9%)	164 (15,3%)
	2021	66 (14,3%)	120 (11,3%)	169 (13,1%)	169 (13,1%)	164 (15,3%)	288 (17,1%)						
Community service	2020	109 (9,6%)	138 (9,5%)	55 (6,8%)	23 (5,3%)	53 (4,4%)	73 (5,4%)	120 (7,2%)	63 (7,6%)	76 (6,3%)	65 (6,0%)	75 (8,1%)	76 (7,1%)
	2021	30 (6,5%)	57 (5,4%)	111 (8,6%)	111 (8,6%)	80 (7,5%)	90 (5,3%)						

Table 2. Use of House arrest as a front and back-end sanction

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec
2020												
By court (sentencing)	15	17	16	15	15	12	10	12	12	12	13	13
By parole boards (commutation)	191	217	249	316	349	395	404	406	395	395	416	426
2021												
By court (sentencing)	16	19	23	23	21	22						
By parole boards (commutation)	412	363	363	369	379	354						

Table 3. Probation clients and the distribution between sanctions in 2020-2021

2020	Number of probation clients registered	Structure of probation and non-custodial sentences imposed
January	20 677 probation clients	Conditional sentence - 82.4% (17 043); Post-prison probation (13.1% (2 710); parole - 2.0% (407); community service - 1.6% (326); suspended sentence - 0.1% (11)
February	20 719	Conditional sentence - 82.3% (17 052); post-prison probation - 13.1% (2 722); parole - 2.0% (410); community service - 1.6% (336) suspended sentence – 0,1 % (11)
March	20 938	Conditional sentence - 82.5% (17 268); post-prison probation - 12.7% (2 666); parole - 2.0% (414); community service - 1.9% (393) suspended sentence - 0,04 % (10)
April	20 783	Conditional sentence - 82.6% (17 177); post-prison probation - 12.1% (2 525) ; parole - 2.1% (446) ; community service - 2.1% (437) suspended sentence - 0,05% (10)
May	20 731	Conditional sentence - 82.6% (17 129); post-prison probation - 12.1% (2 511) ; Community service - 2.2% (461); parole - 2.2% (447) suspended sentence - 0,04 (8)
June	20 641	Conditional sentence - 82.5% (17 019); post-prison probation - 12.0% (2 468) ; Community service - 2.4% (492); parole - 2.3% (482) suspended sentence – 0%
July	20 596	Conditional sentence - 82.5% (16 985); post-prison probation - 12.1% (2 501) ; Community service - 2.3% (474); parole - 2.2% (458) suspended sentence - 0,03 % (7)
August	20 699	Conditional sentence - 83.0% (17 184), post-prison probation - 12.0% (2 491); parole - 2.1% (433); Community service - 2.0% (404) - Suspended sentence - 0,03 % (7)
September	20 379	Community service - 83.1% (16 935); post-prison probation - 12.1% (2 471); parole - 2.0% (416); community service - 1.8% (376) Suspended sentence - 0,03 % (6)
October	20 180	Conditional sentence - 82.7% (16 680); post-prison probation - 12.4% (2 498) ; parole - 2.1% (418) ; Community service - 2.0% (395) Suspended sentence - 0,03 % (6)
November	20 007	Conditional sentence - 82.8% (16 557); post-prison probation - 12.4% (2 489) ; parole - 2.0% (394) ; Community service - 1.9% (378) Suspended sentence - 0,03 % (6)
December	19 995	Conditional sentence - 82.7% (16 543); post-prison probation - 12.4% (2 486) ; parole - 1.9% (387) ; Community service - 1.9% (385) Suspended sentence - 0,03 % (6)

2021	Number of probation clients registered	Structure of probation and non-custodial sentences imposed
January	19 717	Conditional sentence - 82.9% (16 344); post-prison probation - 12.5% (2 455) ; community service - 1.9% (378); parole - 1.8% (352) Suspended sentence – 0,03 (6)
February	17 752	Conditional sentence -82.4% (14 622); post-prison probation - 13.2% (2 339) ; community service - 1.8% (320); parole - 1.6% (287) Suspended sentence – 0,005% (2%)
March	17 220	Conditional sentence - 82.1% (14 130); post-prison probation - 13.1% (2 263) ; community service - 2.0% (347); parole - 1.7% (301) Suspended sentence – 0,005% (1)
April	17 052	Conditional sentence - 82.0% (13 979); post-prison probation - 12.9% (2 197) ; community service - 2.2% (376); parole - 1.9% (324) Suspended sentence - 0, 005 %(1)
May	17 105	Conditional sentence -82.0% (14 030); post-prison probation - 12.7% (2 165) ; Community service - 2.4% (406) ; parole - 1.9% (317) Suspended sentence – 0,03 %(5)
June	17 295	Conditional sentence - 82.3% (14 234); post-prison probation - 12.7% (2 204) ; community service - 2.1% (365); parole - 1.7% (290) Suspended sentence - 1 (0,2 %)

Table 4. Proportion of unemployed among those convicted of crimes – 2020 – 2021 (June)

2020	Number of convicted people	Unemployed
January	1138	923 (81,1%)
February	1455	1189 (81,7%)
March	810	647 (79,9%)
April	810	367 (85,0%)
May	869	722 (83,1%)
June	1350	1094 (81,0%)
July	1676	1354 (80,8%)
August	830	686 (82,7%)
September	1201	950 (79,1%)
October	1086	900 (82,9%)
November	930	760 (81,7%)
December	1074	884 (82,3%)
2021		
January	462	396 (85,7%)
February	1060	888 (83,8%)
March	1293	1081 (83,6%)
April	1390	1149 (82,7%)
May	1072	881 (82,2%)
June	1688	1332 (78,9%)

Table 5. Number of individuals granted amnesty in January, 2021

Number of amnestied individuals 2021	
January	147
February	76
March	13
April	9
May	2
June	5
July	2
Total	254

Caseloads of Probation Officers in 2020
(Number of cases per probation officer per region of Georgia)

2020/Months	Number of officers/Average caseload per officer in the regions of Georgia										Total Nation- wide average
	Tbilisi	Shida Kartli	Mtskheta Mtianeti	Qvemo Kartli	Kakheti	Samtskhe Javakheti	Imereti	Samegrelo- Zemo Svaneti	Racha- Lechkhumi Qvemo Svaneti	Ajara- Guria	
	40	8	5	13	10	7	17	13	3	16	132
Jan	206	133	83	146	134	70	146	182	48	139	157
	39	8	5	14	11	7	20	13	3	16	136
Feb	211	133	84	137	134	70	123	186	50	139	152
March	211	136	86	139	124	70	125	188	51	144	154
	39	8	5	12	11	7	20	13	3	16	134
Apr	209	134	85	160	122	67	124	188	50	145	155
May	208	133	87	160	119	67	126	189	50	144	155
	37	8	5	12	11	7	20	13	2	16	131
June	217	131	84	159	118	64	126	191	78	144	158
	36	8	5	12	11	7	20	13	2	16	131
July	220	133	85	159	120	68	124	197	77	142	158
	36	8	5	12	11	7	20	12	2	16	129
Aug	220	133	86	160	119	69	126	214	74	147	160
Sept	218	138	81	157	116	66	121	214	70	142	158
	38	8	5	12	11	7	20	12	2	16	131
Oct	204	137	83	154	114	68	119	211	69	143	154
	38	8	5	12	11	7	20	12	3	16	132
Nov	200	138	82	154	115	67	120	208	48	140	152
	38	8	5	13	11	7	20	13	3	16	134
Dec	200	140	81	140	116	68	119	193	49	140	149

Note: number of officers per region in shaded cells

Caseload of probation officers in 2021

	Tbilisi	Shida Kartli	Mtskheta Mtianeti	Kvemo Kartli	Kakheti	Samtskhe Javakheti	Imereti	Samegrelo Zemo Svaneti	Racha Lechkhumi Kvemo Svaneti	Ajara Guria	Total Nation- wide average
	38	8	5	13	11	7	20	13	3	16	134
Jan	195	133	79	142	114	66	119	194	51	140	147
	35	8	5	13	11	7	20	13	3	16	131
Feb	183	121	73	135	107	62	111	176	39	127	136
	34	8	5	13	11	7	20	13	3	16	130
Mar	185	118	71	134	107	63	106	165	39	118	132
	34	8	5	13	11	7	19	13	3	16	129
Apr	182	119	71	131	104	64	114	164	38	116	132
May	181	121	73	131	104	67	114	167	38	117	133
Jun	181	126	76	131	103	69	116	169	39	128	135