



Reducing the use of custodial sentences in line with European standards

QUALITATIVE AND QUANTITATIVE SURVEY: FACTORS CONTRIBUTING TO OFFENDING AND REOFFENDING IN ARMENIA

YEREVAN 2014



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The survey has been produced within the frames of the project “Reducing the use of custodial sentences in line with European standards”, which is implemented by the Council of Europe and funded by the Government of Norway through the Norwegian Ministry of Foreign Affairs (NMFA)

The views and opinions expressed in this study are those of the authors and do not engage the responsibility of the NMFA or the Council of Europe.



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CSI expresses its gratitude for their valuable comments and remarks.

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ACKNOWLEDGEMENTS

Civil Society Institute NGO expresses its gratitude to the Penitentiary Department under the Ministry of Justice of the Republic of Armenia and its Alternative Sanctions Division for their significant support in organizing interviews with relevant staff members as well as offenders and detainees, and for ensuring unhindered access to penitentiary intuitions and territorial bodies of Alternative Sanctions Division. We are also thankful to the Police of the Republic of Armenia, the General Prosecutor's Office, and the Judicial Department for their assistance in organizing expert interviews and providing statistical information, as well as to individual experts for their meaningful participation in interviews.

Table of Contents

List of abbreviations	6
I. Executive summary	7
II. Introduction.....	9
2.1 Preliminary remarks	9
2.2 Crimes committed by repeat offenders.....	12
2.3 Types of crimes committed by repeat offenders.....	15
2.4 Reoffending trends by region	17
III. Methodology	19
3.1 Objectives of the study	19
3.2 Data gathering methods and selection	20
3.3 Sampling.....	21
IV. Results	23
4.1 Factors identified as linked to offending and reoffending.....	23
4.2. Factors identified by the experts as linked to offending:	23
4.3 Factors identified by the experts as linked to reoffending:.....	25
4.4 Issues specific to juvenile and female offenders as assessed by experts	27
4.4.1 Specific issues related to Juveniles.....	27
4.4.2. Specific issues related to Women	28
4.5 Factors identified by interviewed offenders as linked to offending.....	29
4.6 Factors identified by offenders as linked to reoffending.....	30
4.7 Quantitative analysis of the interviews with offenders.....	30
V. Impact of different types of punishment on offenders and reoffending	39
5.1. Preliminary remarks	39
5.2 Impact of imprisonment	40
5.2.1 Assessment of the interviewed experts	40
5.2.2 Analysis of the interviews with offenders	41
5.3. Alternative (non-custodial) types of sanctions	43
5.3.1 Preliminary remarks	43
5.3.2 Assessment of the interviewed experts	47
5.3.3 Analysis of interviews with offenders	48
VI. Release from prison and impact on reoffending	49
6.1 Early conditional release	49
6.1.1 Preliminary remarks	49

6.1.2 Impact of ECR on reoffending as assessed by interviewed experts.....	53
6.2 Amnesty	54
6.2.1 Preliminary remarks	54
6.2.2 Impact of amnesty on reoffending risks as assessed by experts	55
VII. Assistance and desistence while serving sentence and after release.....	56
7.1 Preliminary remarks	56
7.1.1 Implementation of social, psychological and legal works towards inmates	56
7.1.2 Assessment and providing characteristics of inmate in course of implementation of social, psychological and legal activities	58
7.2 Assessment of the interviewed experts of the measures of assistance available at the moment....	59
7.3 Analysis of the interviews with offenders.....	61
VIII. Probation Service as one of the ways of prevention of reoffending	62
8.1 Preliminary remarks	62
8.2 Possible role of the Probation Service in risk management as assessed by the interviewed experts	63
8.3 Analysis of the interviews with offenders	66
IX. Conclusions.....	67
X. Annexes	73
Annex 1. Personal data of the respondent convicts	73
Annex 2. Sample of expert interview questionnaire	75
Annex 3. QUESTIONNAIRE FOR AN INTERVIEW WITH A PERSON CONVICTED FOR REOFFENDING	77

List of abbreviations

ASD –	Alternative Sanctions Division of the Penitentiary Department under the Ministry of Justice
PI –	Penitentiary Institution
NGO –	Non-governmental organisation
CSI –	Civil Society Institute
ECR –	Early conditional release

I. Executive summary

As part of its reforms in different areas of public life, Armenia has committed itself to establishing a proper legal framework, with mechanisms necessary for the effective functioning of the criminal justice system that has the rehabilitation and reintegration of offenders, as well as prevention of crime and reoffending in mind. The scarcity of research on the causes of offending and reoffending in Armenia on the impact (positive or negative) of different sanctions or measures on offenders, on recidivism or on the effectiveness of different methods or approaches to prevention and rehabilitation is an issue. The practical implementation of non-custodial sanctions and measures (including early conditional release and conditional non execution of the sentence¹) envisaged by the acting legislation of Armenia remains low. Reliable empirical information is needed to better inform the process of the creation of the Probation Service in Armenia both at grassroots and decision making levels.

In January-March 2014 “Civil Society Institute” NGO with support of the Council of Europe office in Yerevan conducted a sociological study aimed at identifying pre-requisites of committing a crime and causes for reoffending in Armenia. In the framework of this study the effects of sanctions and measures applied to offenders who committed less serious and moderately serious offences were analysed from the perspective of their impact on reoffending.

Impact of custodial and non-custodial measures, including conditional non-execution of the sentence and early conditional release, were analysed. Special attention was paid to the effect that different sanctions and measures have on reoffending and opportunities for reintegration into society. The possible role of the Probation Service to be formed in the near future in Armenia was also assessed.

Fifty three expert interviews and 179 semi-structured interviews with person who had criminal record and were held in pre-trial detention and offenders serving custodial and non-custodial sentences were conducted. Official statistics was gathered and analysed.

It was established that despite the increase in crime rate in Armenia in the recent year, reoffending rate has been decreasing and makes up only 3.7% of all crimes registered or 5.58% of all crimes where perpetrators were apprehended in 2013. Sixty five percent of all crimes committed by repeat offenders in 2013 were less serious offences (50.22%) and moderately serious offences (14.46%). There is an increase in crimes committed by young offenders at the age of 18-24. There has been an alarming increase in crimes committed by women whereas in case of juveniles the rate has been significantly decreasing.

As a result of research the following main causes of reoffending in Armenia have been identified: poverty coupled with other determinants; poor family situation; influence of social circle, both in a penitentiary institution (PI) and out of it; insufficient support from the official support agencies and social organisations, particularly in respect of the organisation of

¹ As there is no probation service in Armenia, the notion of conditional non-execution of punishment is used for release on probation after the verdict is pronounced (see Article 76 of Criminal Code).

education programmes and support to secure employment, and lack of effective measures against offending and reoffending. In addition, such factors as family situation, personal characteristics, involvement in a criminal subculture, stereotypes existing in society and drug addiction play crucial roles. Societal attitude is not considered a strong negative factor in Armenia. However, the practice of employers of avoiding persons with previous criminal record may become a precondition, additional risk factor for reoffending.

It was established that in the vast majority of cases – 78% in 2013 defendants were sentenced to imprisonment. The research shows that custodial sentences have a negative effect on almost all areas of life. Imprisonment affects the well-being and income of the offender and his or her family, and their prospects of obtaining jobs when released. In addition there can be deterioration in physical health as a result of overcrowding and insufficient available medical assistance. Negative peers have a stronger effect when the individual is incarcerated. Concerns were raised that imprisonment contributed to an increase in reoffending as inmates can learn antisocial skills and values while serving custodial sentences, this is commonly termed “the deviancy training effect”. Imprisonment under the current conditions in Armenia serves mostly to ensure the isolation of the offender and effective work aimed at rehabilitation is lacking. Serious understaffing and lack of necessary qualifications in relevant staff of the penitentiary institutions coupled with overcrowding lead to a situation where no rehabilitative activities are implemented with inmates.

Serving non-custodial sentences has significantly less negative impact on relations with friends, relatives and neighbours and the family. Such sanctions also facilitate adequate socialisation of an offender preventing increased involvement in the “criminal” subculture. The importance of using alternative sanctions more broadly, especially in case of the first offence was emphasized as they can have positive impact both from educational point of view and in terms of crime deterrence. Input from a social worker and a psychologist is not envisaged for those offenders who are serving non-custodial sentences. At the same time there is a pressing need for such activities and impact by such specialists. Alternative sanctions shall also be coupled with purposeful activities carried out with an offender by various specialists (a psychologist, social worker, social pedagogue, lawyer, etc.) and continuous support, including in ensuring access to education and occupation, shall be ensured. The most risky period in terms of probability of reoffending is first three years after release.

It was emphasized that conditional non-execution of the sentence shall be used more actively taking into account various factors. The effectiveness of the work of alternative sanctions division and the punishment itself depends on which supervision activities are implemented, during the period of enforcement of the conditional/suspended sentence.

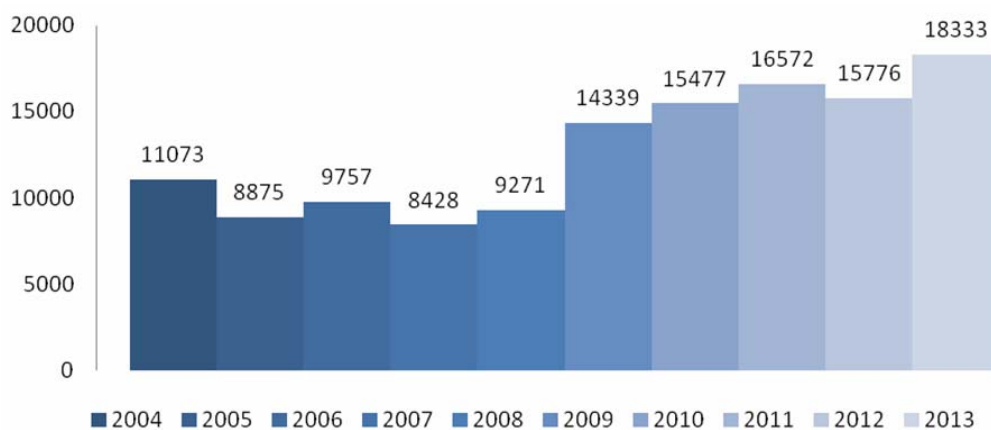
It was concluded that the probation service (to be formed in the near future in Armenia) may have its positive role in preventing reoffending. More work is needed with the offender and his/her family. Assistance shall be ensured, including in improving access to education and employment.

II. Introduction

2.1 Preliminary remarks

Analysis of the official statistics provided by the Police Information Centre² demonstrates that in the recent decade the trends in registered crime rate are quite alarming (See *Diagram 1*). Thus, if in 2004-2007 the total number of registered crimes was decreasing; in 2007-2013 it was increasing year by year.

Diagram 1. *Number of crimes registered in Armenia in 2007-2013*



Compared with 2012 it is apparent that in 2013 the registered number of crimes has grown by 16.2% (18333 vs. 15776 cases). This increase in registered crimes may be explained by the fact that in recent years police has improved crime registration system and tackled the issue of concealing, not registering crimes.

However, despite the increase in the number of crimes registered in Armenia in 2013 perpetrators were identified in 12023 of cases (66% of the registered crimes). Notably, in 2012 the rate of crimes where perpetrators were apprehended was 78% (12264 cases out of 15776 registered).

² Statistics provided by the Information Center of the Police of the Republic of Armenia with a Letter 6/15-1145 dated 17 March 2014.

Table 1. *Crime statistics for 2013*

Marz (region)	Total number of offenders held accountable	Age					Females	Previously Convicted Persons
		14-17	18-24	25-29	30-49	50 and more		
Yerevan	4658	173	922	814	1927	822	680	87
Aragatsotn	374	12	53	63	183	63	37	15
Ararat	822	21	164	142	384	171	110	15
Armavir	926	25	159	151	405	186	87	13
Gegharknik	754	18	96	97	316	227	137	9
Lori	927	29	173	139	394	192	114	60
Kotayk	876	25	132	130	392	197	117	27
Shirak	901	17	130	152	394	208	179	47
Vayots-Dzor	164	8	27	26	65	38	24	5
Syunik	457	12	79	72	199	95	47	24
Tavush	431	10	61	74	197	89	47	23
Total	11446	352	2009	1872	4903	2310	1613	327

More women have been held accountable for committing crimes (See *Diagram 2*). Thus, in 2013 in 13.4% (1613 cases out of 12023) of all crimes registered in Armenia perpetrators were identified as women. In 2012 this figure was 11.6% (1420 cases out of 12264). In the remit of this research it was not possible to identify the causes behind this trend as the information obtained was insufficient to draw objective conclusions. It might be conditioned either by social policy change in bringing female offenders to justice or increase in criminality of women or both. No research in depth on this issue is available in Armenia and may warrant further investigation.

It is noteworthy that in the last two years there was a noticeable decrease in crimes committed juveniles (See *Diagram 2*). One of the main causes for that is good preventive work carried out by community rehabilitation centres for juveniles in conflict with law where the latter are referred by police. Thus, in 2012-2013 the number of crimes committed by juveniles was around 100 instances less than in 2010-2011.

Diagram 2. *Crimes committed by women and juveniles*

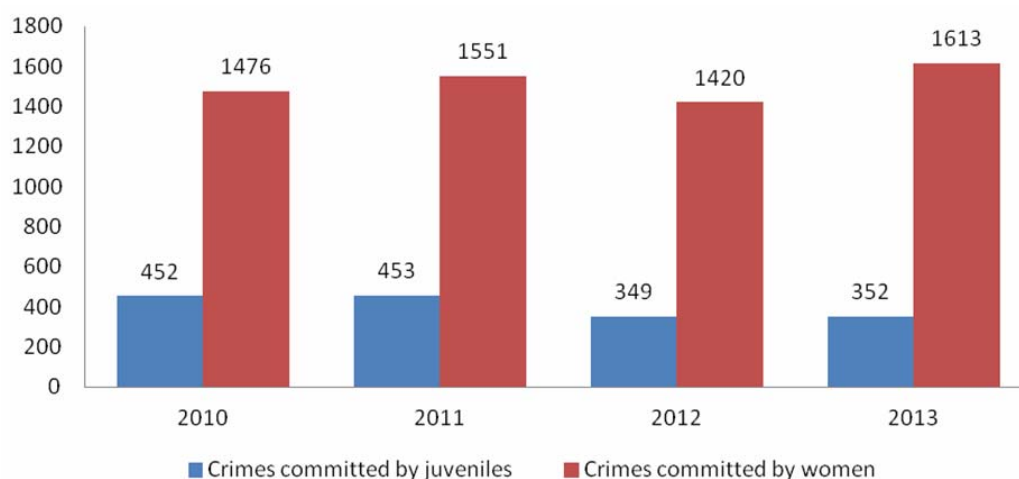
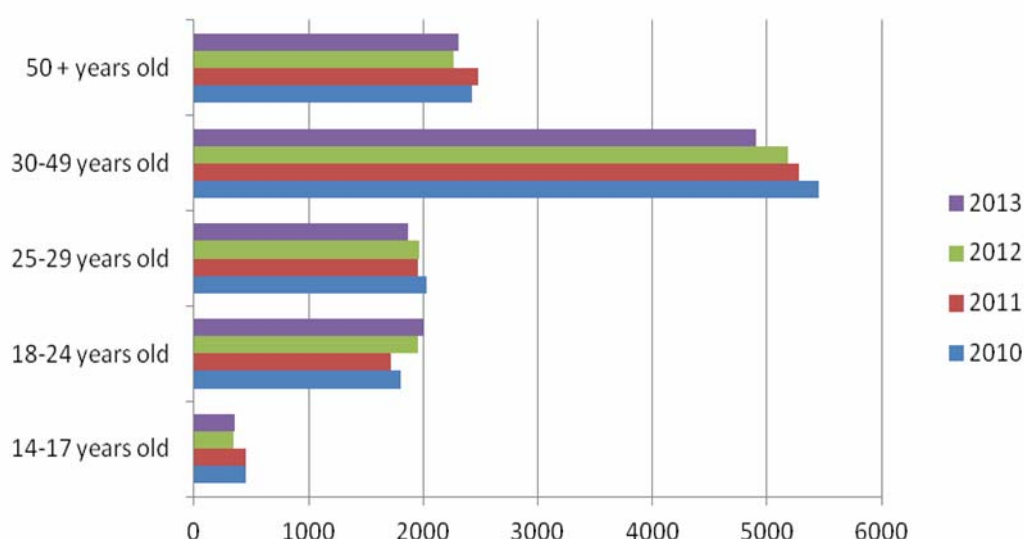


Diagram 3. *Age Breakdown of Offenders*

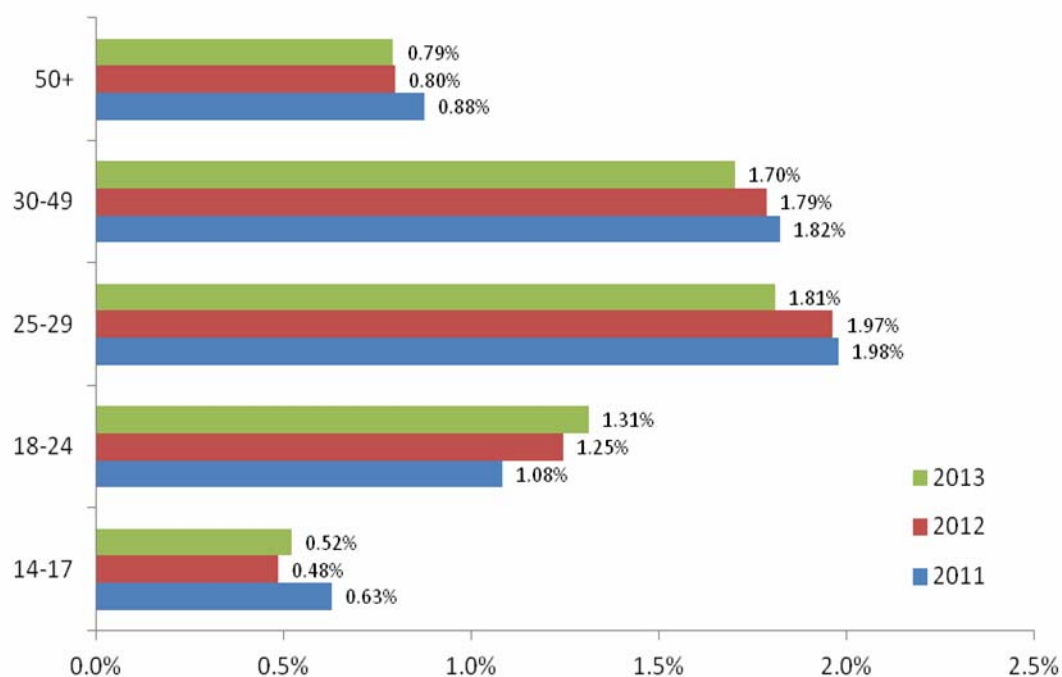
Diagram 3 below demonstrates age breakdown of offenders held accountable in 2010-2013



Despite the fact that almost half of the crimes were committed by offenders at the age 30-49, and the number of crimes committed by young offenders aged 18-24 has increased, analysis shows that there is a clear trend of the crime rate committed by offenders aged 25-29 being the highest if we compare their share in the overall population of Armenia (See *Diagram 4*)³. Thus, 103416 persons living in Armenia in 2013 were of age 25-29 whereas 1872 (1.81%) persons of that age were held accountable in 2013. At the same time there were 288035 persons at the age of 30-49 whereas 4903 (1.70% of them) of them were subjected to criminal responsibility in 2013.

³ Official statistics is available at www.armstat.am (last access 21.03.2014)

Diagram 4. *Share of offenders held accountable in the total population, age breakdown*

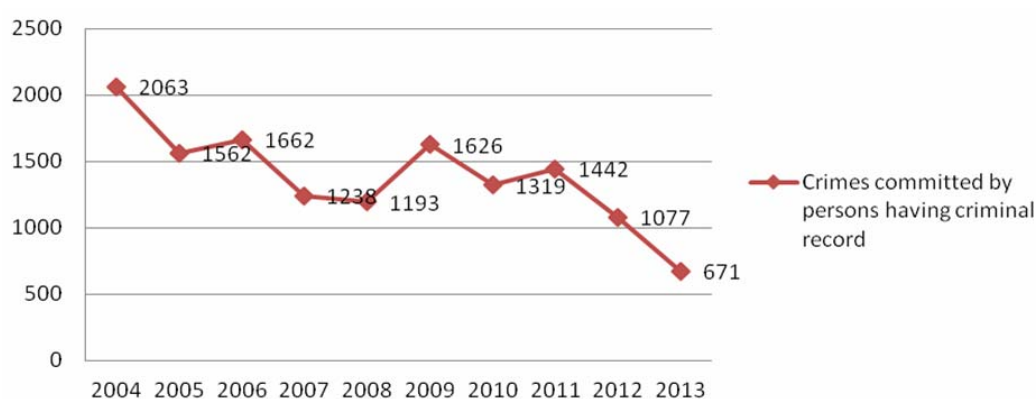


As we can see from the *Diagram 4* indeed the share of offenders at the age of 18-24 has been increasing though it is not the highest.

2.2 Crimes committed by repeat offenders

A part of registered crimes was committed by repeat offenders. Analysis demonstrates that despite the increase in crime rate in Armenia the proportion of crimes committed by repeat offenders has been decreasing as of 2004 (See *Diagram 5*).

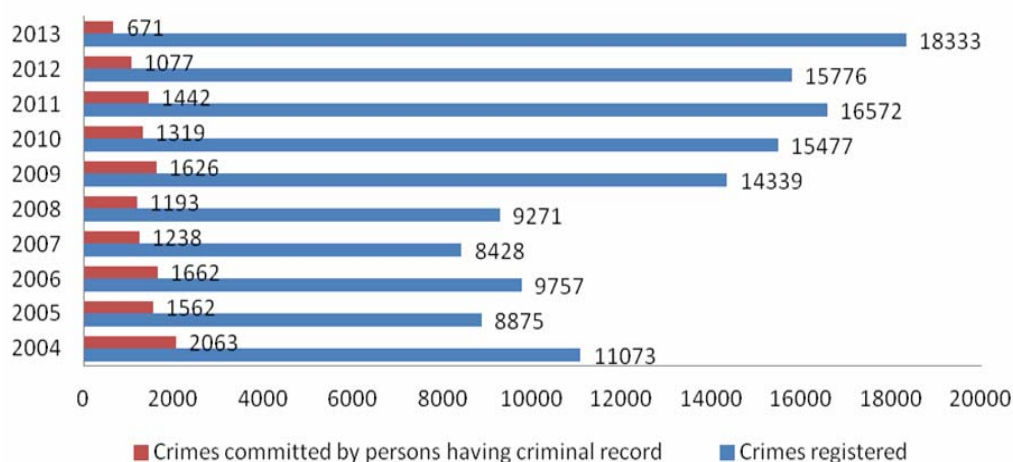
Diagram 5. *Dynamics of Reoffending in Armenia*



In particular, in 2004 the proportion of crimes committed by repeat offenders was 18.6% of all crimes committed in Armenia, in 2005 it decreased to 17.6%, then slight decrease in 2006 to 17.0%, in 2007 it was 14.7%, in 2008 decreased to 12.9%, in 2009 it was 11.3%, in 2010 another significant decrease was registered - 8.5%, in 2011 a very slight increase to 8.7%, then in 2012 again decrease to 6.8% and finally in 2013 the lowest rate in the recent decade

3.7% (See *Diagram 6*). This figures change if we compare the total number of crimes committed by repeat offenders and only those crimes where the perpetrators were identified. Thus, in 2012 the share was 8.78% (1077 out of 12264), where is in 2013 it was 5.58% (671 out of 12023). The drop in the rate of crimes committed by repeat offenders in light of overall increase in crime rate is both good and bad, as it means that every year more new people commit crimes, criminality of first offenders raises, but it also means that some who have committed offences in the past may have stopped.

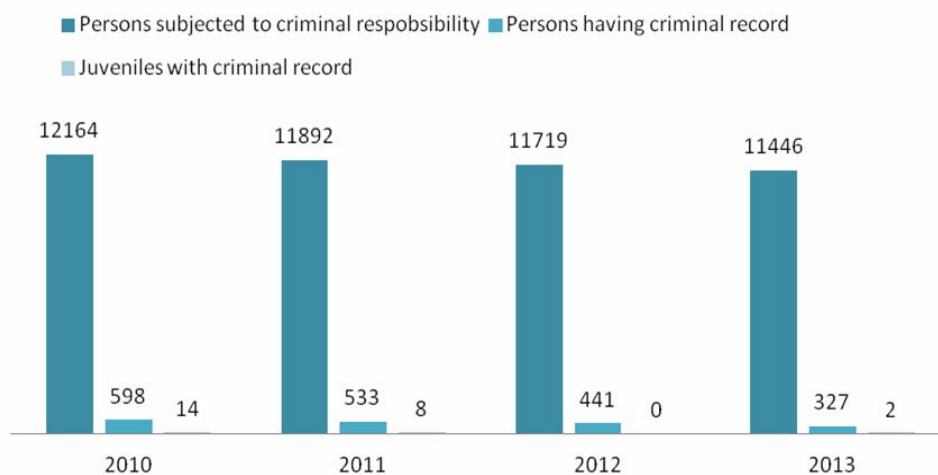
Diagram 6. *Proportion of crimes committed by repeat offenders*



Another trend is that despite the increase in crime rate the number of offenders held accountable has been decreasing in the recent years (See *Diagram 7*). Thus, in 2013 11446 offenders were held accountable, whereas in 2012 and 2011, the number reaches 11719 and 11892 offenders respectively (by 2.39% compared to 2012 and by 1.48% in 2012 compared to 2011).

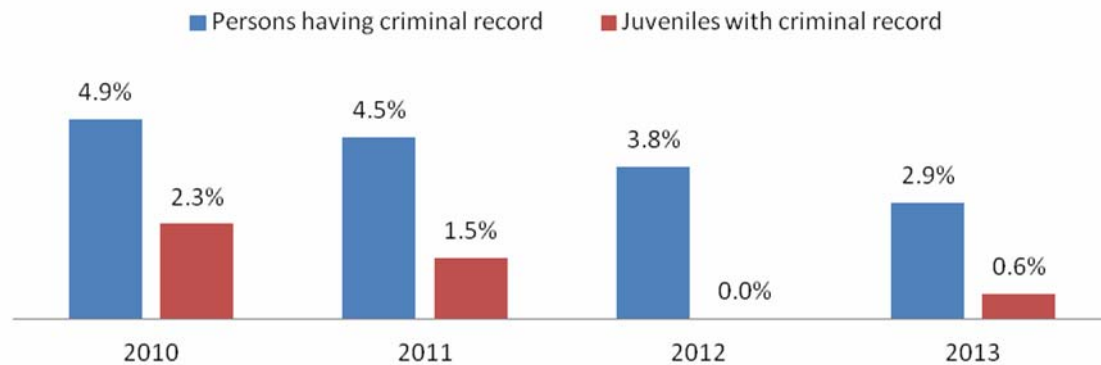
Analysis of data related to the number of offenders held accountable and share of repeat offenders among them, is outlined in *Diagram 7*.

Diagram 7. *Number of offenders held accountable among all offenders brought to justice in 2010-2013*



In 2013 the share of repeat offenders was 2.9% of all offenders held accountable (See *Diagram 8*). To compare, in 2012 3.8% of all offenders who were held accountable were repeat offenders, in 2011 – 4.5% and in 2010 their share was 4.9%.

Diagram 8. *Share of repeat offenders, including juveniles*



As we can see from *Diagram 8* in the recent two years reoffending among juveniles was almost non-existent (none in 2012 and 0.6% of all repeat offenders in 2013) which is a very positive trend and credits should go to police and rehabilitation centers working together with juveniles in conflict with law.

As regards overall decrease in reoffending rate in Armenia, there are a number of explanations for such a decrease provided by the experts. First of all, more crimes are registered due to improved police registration work but it does not necessarily mean that more crimes are committed than few years ago. As in the past fewer crimes were registered the share of crimes where the perpetrators were identified as repeat offenders proportionally was higher. In addition, various explanations were provided, including migration of criminals as well as changes in the police work and practice. It was stated that in the past police used to summon and accuse persons who had previous convictions in the first place forcing them to confess. An opinion was expressed by one of the experts that at the moment police was not interested in reporting and investigating all crimes committed by repeat offenders as the registered increase in reoffending rate might create negative opinion about the work of police in prevention of crimes in general and reoffending in particular.

Though police have improved their practice in registering crimes, investigations into 34% of crimes in 2013 were not successful as perpetrators were not identified. A proportion of these crimes might have been committed by repeat offenders who are skilled enough not to be caught. Then, another explanation is that many repeat offenders are in prison and are not released through the system of early conditional release. One of the supporting arguments for this explanation is that the crime rate rises after amnesties which would apply to offenders of this category.

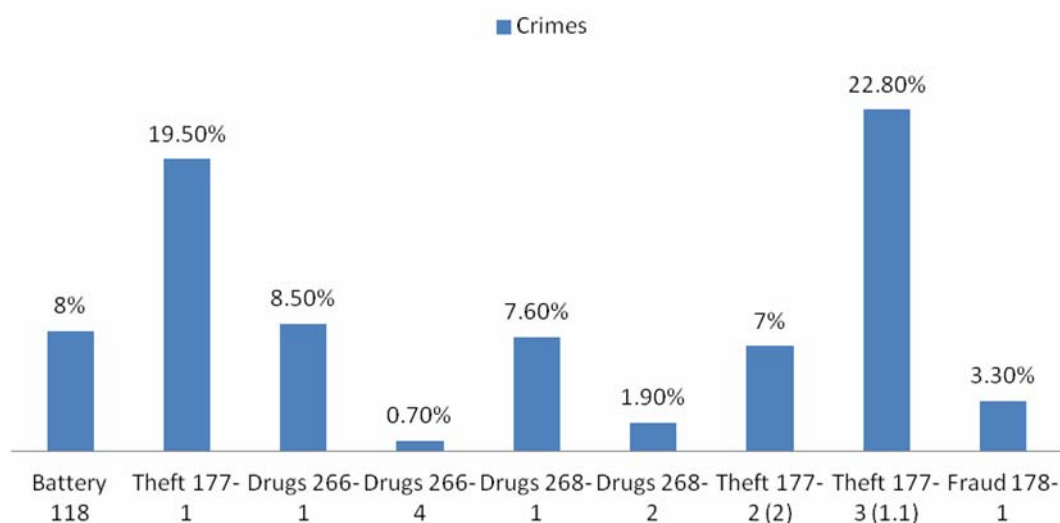
2.3 Types of crimes committed by repeat offenders

It is noteworthy that in 2013 repeat offenders committed 97 (14.46%) moderately serious offences and 337 (50.22%) less serious offences which comprises 3.6% and 4.3% respectively from the total number of crimes of such gravity registered in Armenia.

The majority of crimes committed by repeat offenders were the crimes against property, in particular thefts (Article 177) accounting for 49.5% of all crimes committed by repeat offenders. The second largest group was drug related crimes (Articles 266 and 268) accounting for 18.7%, the *crime of battery* (Article 118)⁴ was also noteworthy accounting for – 7.6% of these offences.

If the abovementioned crimes are split by gravity, then the majority of less serious offences committed by repeat offenders were the crimes against property, including thefts (Article 177 para.1) (19.5% of all crimes committed by repeat offenders and 39% of less serious offences committed by repeat offenders) and fraud (Article 178 para.1)(3.3%). Whereas among moderately serious offences thefts (Article 177 para.2) also prevailed – 7% of all crimes committed by repeat offenders and half of moderately serious offences committed by them. The second largest group of moderately serious crimes committed by repeat offenders with 2% of all crimes committed by them in 2013 comprise crimes related to drugs (Article 268 para.2) (See *Diagram 9*).

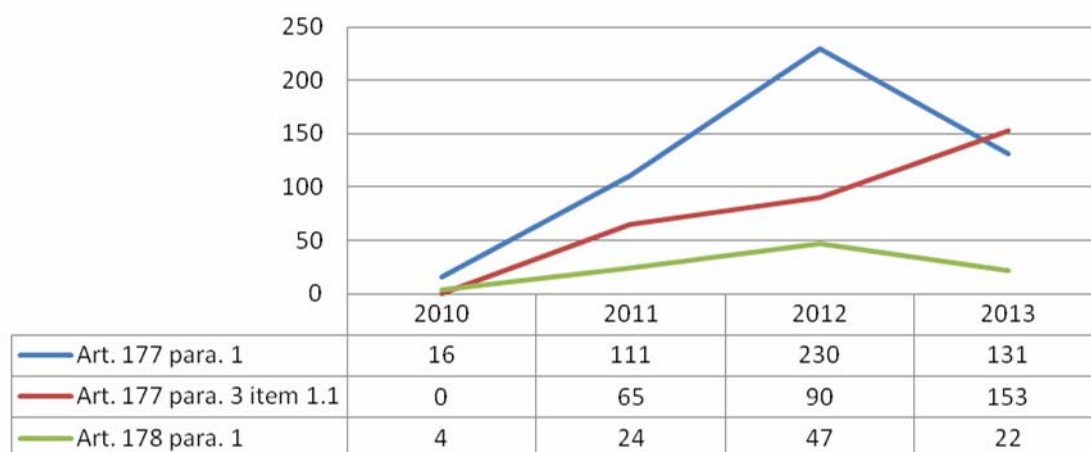
Diagram 9. Crimes committed by repeat offenders in 2013



It is noteworthy that while the number of regular thefts (Article 177 para. 1) which is a less serious offence, committed by repeat offenders decreased in 2013, the number of theft connected with breaking and entering into residential property (Article 177 (3(1.1)) which is a serious offence, increased (See *Diagram 10*). One of the explanations for a significant rise in 2011-2012 in the number of crimes committed under Article 177 para.1 is that amnesty was declared in May 2011 and most offenders convicted under this Article benefited from it as it is a less serious offence.

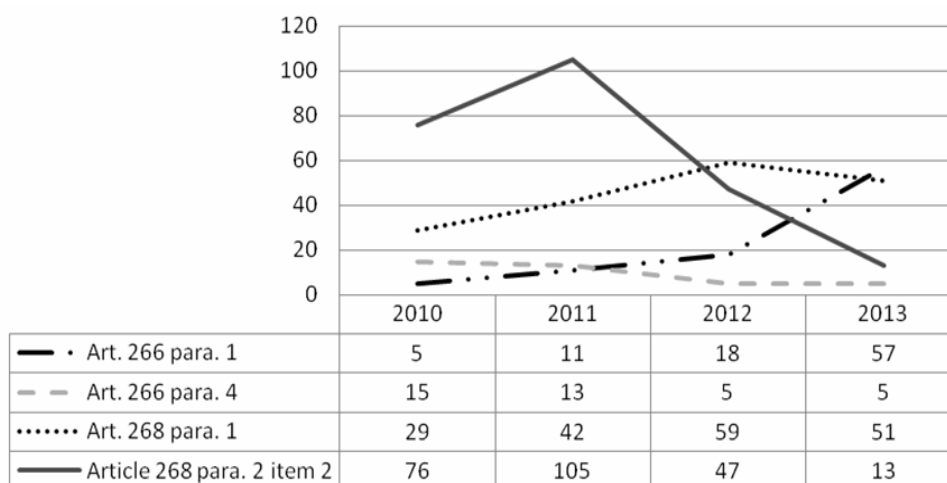
⁴ According to Article 118 of the Criminal Code, it is an act of battery or other types of physical assault if it has not caused light harm to health.

Diagram 10. Crimes against Property



Notwithstanding the fact that in 2011-2012 there was a rise in the number of the drug related less serious and moderately serious offences committed by repeat offenders, the level of such crimes has decreased in 2013. However, there has been a persistent increase in criminal activity, prohibited by Article 266 para. 1 of the Armenian Criminal Code (Illegal manufacture, processing, procurement, storing, trafficking or supplying of narcotic drugs or psychotropic materials with the purpose of sale) (See *Diagram 11*). This is quite alarming as crime stipulated in Article 266 para. 1 is considered a serious offence whereas crimes stipulated by Article 266 para.4 and Article 268 para. 1 is a less serious offence and by Article 268 para. 2 – a moderately serious offence.

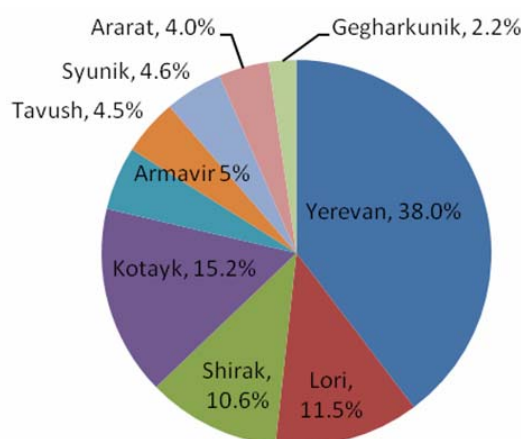
Diagram 11. Illegal Drug Distribution



2.4 Reoffending trends by region

Notably, 46% of all registered crimes in Armenia in 2013 were committed in Yerevan; there is a distinct difference between this area and the second more criminal area, Armavir marz, where 7.8% of crimes were committed. Only 3.7% of them were committed by repeat offenders. From the overall number of the crimes committed by repeat offenders 38% occurred in Yerevan, 15.2% in Kotayk marz, 11.5% in Lori marz, 10.6% in Shirak marz, and 5.1% in Armavir marz (See *Diagram 12*).

Diagram 12. *Statistics on Reoffending by region*

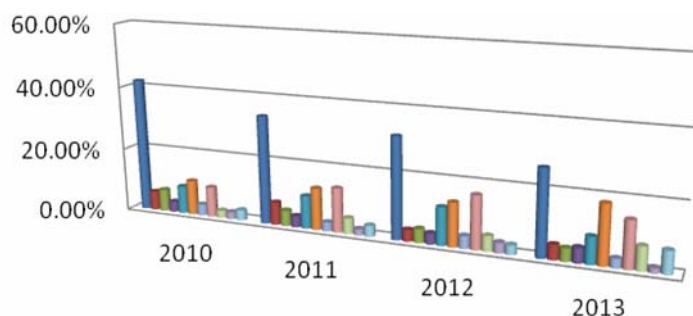


If we analyse regions where repeat offenders were held accountable, then we may conclude that around 1/3 of them occurred in Yerevan. However, if we compare reoffending rate per capita, the situation will be different. According to the official statistics, the population of Armenia in 2013 was **3026879** persons⁵ and 327 of them were held accountable as repeat offenders in 2013 (10.8 persons per 100 000 population). As regards the same rate in all regions of Armenia, the situation is as follows: in Yerevan every 8.2 per 100 000 population, in Aragatsotn marz it is 11.3 persons, in Ararat - 5.7, in Armavir - 4.9, in Gegharkunik - 3.8, in Lori - 25.6, Kotayk - 10.6, Shirak - 18.7, Syunik - 16.9, Vayots dzor - 9.6, and in Tavush - 17.9. As we can see, the highest rate is Lori and it's two and a half times higher than in the country.

⁵ Statistics available at armstat.am (last accessed 31 march 2014)

Diagram 13. *Dynamics of rate of repeat offenders held accountable*

Diagram 13 below demonstrates dynamics of share of repeat offenders held accountable in 2010-2013 by region out of all offences (100%) committed by that category of offenders in Armenia.



	2010	2011	2012	2013
■ Yerevan	42.00%	34.00%	31.70%	26.60%
■ Ararat	5.90%	7.10%	3.60%	4.60%
■ Armavir	6.90%	4.90%	4.30%	4.00%
■ Aragatsotn	3.30%	3.60%	3.40%	4.60%
■ Kotaik	8.70%	10.30%	11.80%	8.30%
■ Lori	10.90%	13.10%	13.60%	18.30%
■ Gegharkunik	3.50%	2.80%	3.90%	2.80%
■ Shirak	9.50%	13.90%	16.60%	14.40%
■ Syunik	2.30%	4.90%	4.80%	7.30%
■ Vayots Dzor	2.20%	1.90%	3.20%	1.50%
■ Tavush	3.20%	3.40%	2.90%	7.00%

As we can see from *Diagram 12*, while the number of repeat offenders held accountable in Yerevan has been significantly decreasing, in Syunik and Tavush it increased in 2013.

However, if we analyze crime trends by region by type of crime, then it appears that the largest proportion of offences committed by repeat offenders were thefts prohibited under Article 177 para. 1 which accounted for 19.5% of all crimes committed by that category of offenders. The biggest share of these crimes – 30.5% of them occurred in Kotayk marz whereas Yerevan came second with 29%. However, the analysis of the crime map shows that in 2013 in comparison to 2012 the number of regular thefts (Art. 177 para.1) committed by repeat offenders noticeably increased in Armavir (from 2 instances to 11) and in Kotayk (from 16 to 40) regions, whereas in Yerevan city it decreased (first going up from 58 in 2011 to 166 in 2012 and then decreasing to 38 in 2013).

One point of note is that the number of offences under Article 177 para. 2 (theft with aggravating circumstances), which had previously accounted for 7% of all offences committed by repeat offenders in 2012 dropped from 89 cases (8.3% of all crimes committed by repeat offenders in Armenia) in 2012 to 10 cases (1.5% of all offences committed by repeat offenders) 2013 in Yerevan. Another important point is that in Armavir region where

an overwhelming majority, 9 out of 11 crimes stipulated under Article 177 para.2 point 1, were committed by repeat offenders.

7.6% of all crimes committed by repeat offenders in Armenia in 2013 are the crimes prohibited under Article 268 para. 1, i.e. illegal distribution of drugs and psychotropic substances without the purpose of sale. 41.2% of them were committed in Shirak marz and 17.6% in Yerevan and 19.6% Lori marz respectively.

The offence of battery (the crime provided in Article 118) accounted for 7.6% of all crimes committed by repeat offenders in Armenia in 2013, of which 20% were committed in Kotayk, 18% - in Lori, 16% - in Yerevan respectively (See *Diagram 13*).

III. Methodology

3.1 Objectives of the study

The study was limited to analysing less serious and moderately serious offences, since in these cases the Armenian Criminal Code⁶ allows opting for either custodial or non-custodial measures, whereas if a serious or particularly serious offence is committed, only custodial measures may be applied.

To achieve the objectives of the study it was necessary to identify the following:

- ◆ the positive and negative impact of different sanctions and measures on offenders serving sentences for less serious and moderately serious offences in prison,
- ◆ the positive and negative impact of different sanctions and measures on offenders, serving non-custodial sentences (including early conditional release and conditional non execution of the sentence),
- ◆ the impact of custodial sentences on reoffending,
- ◆ the effect of non-custodial sentences and measures on prevention of reoffending,
- ◆ the causes of recidivism,
- ◆ possible role of the probation service in the prevention of reoffending,
- ◆ the risks of reoffending,
- ◆ the needs of offenders as relates to their reintegration in the society.

Data gathered during the research process will be used for the development of a risk assessment tool to be used by the Probation Service to be created in Armenia. The findings of the report as well as factors identified as contributing to reoffending will be used for the purposes of risk management and risk assessment.

⁶ Article 19, Criminal Code of Armenia adopted on 18 April 2003, entered into force on 1 August 2003.

3.2 Data gathering methods and selection

The above listed objectives were achieved through the following research methods.

▪ Semi-structured interviews

This method was used to gather information on the impact of different sanctions on:

- ◆ offenders serving sentences for less serious and moderately serious offences in prisons,
- ◆ persons with previous criminal record kept in pre-trial detention centers and accused of committing less serious and moderately serious offences,
- ◆ offenders serving non-custodial sentences for less serious and moderately serious offences (including early release and conditional non-execution of the sentence).

The semi-structured interviews provide data on offenders and information of offenders' experiences after serving their sentence and their understanding of the factors linked with reoffending, trends in reoffending, reoffending by those conditionally released and by those released as a result of regular amnesty, as well as data on types and duration of sentences served before reoffending.

▪ Expert interviews

The expert interviews provide the expert opinions on the impact of different sanctions on reoffending, on approaches to the use of custodial and non-custodial sanctions, expert views on how to establish a probation service and what is expected of it. The expert interviews were held with the representatives of (See *Table 2*):

- ◆ the judiciary,
- ◆ lawyers,
- ◆ prosecution,
- ◆ police
- ◆ penitentiaries,
- ◆ Alternative Sanctions Division of the Penitentiary Department under the Ministry of Justice (ASD),
- ◆ members of the Independent Commission on early conditional release,
- ◆ NGOs and academia.

Seven of the expert interviews were female, the remainder were male. All the experts were older than 30 years old. The minimum experience of the expert was 3 years in the field, on average the expert's professional experience was 17 years.

Table 2. Interviewed experts

Representatives of the judiciary	Expert interview	5
Lawyers	Expert interview	5
Representatives of penitentiaries,	Expert interview	14
Representatives of prosecution,	Expert interview	2
Members of Independent Commission	Expert interview	3
Representatives of police	Expert interview	12
Representatives of alternative sanctions division,	Expert interview	6
Representatives of NGOs	Expert interview	6
Total		53

3.3 Sampling

In the course of the study interviews were conducted with **131 offenders** serving custodial and non-custodial sentences for committing a less serious or moderately serious deliberate offences as well as **28** persons who were accused of committing such crimes and were in pre-trial detention during the interview period (See *Table 3*). Only those offenders who expressed their consent to participate in the interviews were interviewed. The offer to take part in interview process as well as initial short listing of potential respondents on the basis of criteria indicated by CSI was done by the administration of prisons and pre-trial detention facilities.

The semi-structured interviews with offenders serving sentences in prisons for less serious or moderately serious offences were held in **Kosh** (*Aragatsotn marz*) and **Sevan** (*Gegharkunik marz*) penitentiaries. **37** prisoners were interviewed in total in both penitentiaries according to random sampling principles.

In addition, the semi-structured interviews were held with women and juvenile offenders serving their sentences in **Abovyan** penitentiary (*Abovyan, Kotayk Marz*), the only penitentiary for female and juvenile offenders on the territory of Armenia. **14** prisoners were interviewed in total according to random sampling principles.

The semi-structured interviews were held with persons kept in pre-trial detention centers in **Nubarashen** (*Yerevan*), **Artik** (*Shirak marz*) and **Vanadzor** (*Lori marz*). **28** detainees with previous criminal record were interviewed in total in all three institutions according to random sampling principles.

The semi-structured interviews were held with **80** offenders serving non-custodial sentences in **Yerevan, Shirak, Kotayk, Ararat, Gegharkunik** and **Lori** marzes who voluntarily agreed to take part in interviews following offer of the relevant ASD. **26** offenders were interviewed in Yerevan, **15** offenders in Shirak, **10** offenders in Ararat, **9** offenders respectively in Kotayk and Gegharkunik marzes, whereas in Lori the number of interviewees was **11**.

The interviews were conducted in six penitentiary institutions (PIs) situated in the territory of Armenia as well as in 5 territorial and Yerevan subdivisions of ASD (See *Table 3*).

Table 3. *Locations where the survey interviews were conducted.*

Location of the interview	Respondent	%
“Abovyan” PI	14	9
“Sevan” PI	13	8
“Vanadzor” PI	10	6
“Artik” PI	7	4
“Kosh” PI	24	15
“Nubarashen” PI	11	7
Shirak ASD	15	9
Yerevan ASD	26	16
Ararat ASD	10	6
Kotayk ASD	9	6
Gegharkunik ASD	9	6
Lori ASD	11	7
Total	159	100

Table 4. *Data collection methods and sampling by respondent types*

Respondents	Data collection methods	Sample size
Offenders serving sentences for less serious or moderately serious crimes in prisons, including women and juveniles	Semi-structured interview	51
Persons kept in pre-trial detention centers	Semi-structured interview	28
Offenders serving non-custodial sentences	Semi-structured interview	80
Total		159

More information on interviewed offenders sex and age is available in Annex 1 (see *Tables 28-29*).

As the objectives of this study were to explore reoffending, the report focuses specifically on data collected from repeat offenders both about their experience when offending and reoffending. Given that the majority of prison population as well as offenders in general in Armenia are men, the study focused mostly on analysis of factors contributing to offending and reoffending by them. However, where any peculiarities in regard to female and juvenile offenders were identified, it is specifically mentioned. The study does not contain disaggregated data on female and juvenile offenders and factors specific for them as there was no sufficient number of female and juvenile repeat offenders to draw valid and representative conclusions.

For the purposes of the study priority was given to offenders serving their second (54.72%) or more sentences, up to thirteen (See *Table 5*).

Table 5.*The number of convictions*

Conviction	Respondents	%
First	17	10.69
Second	87	54.72
Third	21	13.21
Fourth	18	11.32
Fifth	7	4.40
Sixth	2	1.26
Seventh	4	2.52
Ninth	1	0.63
Tenth	1	0.63
Thirteenth	1	0.63
Total	159	100

88.7% out of 159 survey respondents (offenders) were male and 11.3% females. 51.4% of the respondents were married, 33.8% single, 12% divorced and 2.8% widowed. More information about the respondents is available at Annex 1.

IV. Results

4.1 Factors identified as linked to offending and reoffending

This section provides an overview of the expert opinion expressed in course of the research in relation to factors which are contributing to criminality and reoffending. In addition, a summary of the positions and opinions expressed by the interviewed offenders on what they saw as factors linked to engaging in criminal behaviour will be presented. The third part of this Section presents the quantitative analysis of the interview results on the issues in question.

4.2. Factors identified by the experts as linked to offending:

In interviews conducted as a part of the research process, interviewed experts identified a number of factors that they saw as being linked to offending in Armenia. They emphasized the following ones:

- *Poverty*, at times even absolute poverty, particularly in the case of crimes against property.

It was noted that as a result of complicated social-economic situation in the country, broad layers of the society are insecure, unemployment rate has been increasing, and stratification of society takes place. It was stated by several interviewed experts that in Armenia repeat offenders tend to commit crimes of theft, robbery and fraud. This opinion is also confirmed by the statistical data (See *Introduction*). The increasing number of first offenders is conditioned by the fact that broader layers of the society do not have means to survive and to cover their human needs. Examples were given when a first time offender had committed a theft, sold the stolen stuff, bought medication for his daughter who was sick and then reported to police. Other examples were given describing situation when people living in rural areas were cutting down trees unlawfully to heat up their places in winter as no heating was available or others were engaged in unlawful fishing to provide the family with food. Poverty

as a factor in offending and re-offending has been established as an important risk factor in the empirical literature and is consistent with the findings of the current research.

- *Lack of professional qualifications/education or skills.*

This factor was emphasized by a number of experts who believe that lack of education, including vocational training makes risk of offending higher, especially coupled with other factors such as antisocial behaviour and poverty. In light of deep economic crisis and high unemployment rate persons who do not have relevant education and professional experience are not competitive in the job market and are disadvantaged. It was noted that such situation, together with poverty and in light of human needs, may prompt people to engage in criminal behaviour.

- *Anti-social attitudes, values and beliefs and social circles and environment.*

Social circles both in custody and non-custodial sentencing include intrusion and spreading of the criminal ideology (the aforementioned 'deviancy training effect'). The criminal subculture formed in Soviet times has changed significantly and penetrated into wide circles of society, and does not encompass exclusively criminal world's customs. It was stated during the interviews collected under this study that the elements of this subculture exist in the army, school, political circles and this was the reason why there was absolutely no negative attitude to it in the society. In this regard it was noted that television companies and media outlets contribute to the social acceptance of the criminal subculture and even promote it⁷. Many offenders, especially young ones, who respect the authority of criminal bosses, enter PI with already formed fondness for unwritten laws of the criminal world. In light of weak rule of law in the country and distrust in the public institution and the justice system in particular this factor becomes even stronger.

- *Family.*

It was noted that a history of antisocial behavior of the family plays a role. Examples were given showing that first the mother was sentenced and while she was serving her sentence, her daughter committed a crime and was also convicted. Or the father was a repeat offender and his son also engaged in a criminal behavior.

- *Personality.*

Most of the interviewed experts believe that personality and individual characteristics also play an important role: the older the person the harder he can change his personally. It was stated that some people have temperamental characteristics that increase risk of criminal behavior such as, for example, impulsiveness. Coupled with other factors, for example, antisocial behavior or social circles, such characteristics may increase risk of offending. That's where the role of social circles and the family play a crucial role either contributing to the increase in risk or neutralizing this factor. In interviews it was stated and examples during the interviews were provided illustrating that if a person did not want to change and was inclined to commit a crime because of his/her nature, any activities carried out would be

⁷ The negative influence of the TV series produced in Armenia is meant here.

ineffective. There were cases when even a person who had committed a murder after release found a job. A year later when the employer learnt about the person's previous criminal record, he did not fire him/her taking into account the person's positive record during the last year. It was also mentioned during the interviews that depending on individual characteristics persons behave differently in stress situations such as imprisonment. In one case punishment may reach its goal from the first time, even in case of conditional non-execution of the sentence, whereas in another case it would be inefficient because of the personality of the concerned offender. In the latter case a sense of impunity would be formed and the risk of reoffending might increase.

However, some other experts stated that such approach went against Attribution theory and rather reflects its sub-component, Fundamental attribution error, according to which it was assumed that people's actions and words reflect their personality, their attitudes, or some other internal factor, rather than external or situational factors.

- Substance abuse, in particular drugs, as well as gambling.

It was stated that an increase in the number of people with substance abuse issues could serve as a significant cause of offending. Moreover, at times drug related crimes are coupled with other crimes, most often crimes against property, presumably to support a substance use problem.

- Measures against offending and reoffending are insufficient.

It was stated that measures taken by law-enforcement agencies and other relevant actors aimed at prevention of reoffending and smooth reintegration of the offender into society were not sufficient and effective.

4.3 Factors identified by the experts as linked to reoffending:

It was stated that while the main causes for reoffending are typical of offending in general, reoffending has also specifics.

- Poverty.

However, poverty on its own did not explain reoffending, and it was when it was linked with other factors. Deep social insecurity, as a rule, merges with other determinants, such as weak ties with the family or no access to job or lack of professional qualifications (see below). Examples were provided when a person reoffends in order to be placed at PI and live at public expense to ease the burden for his/her family as a result of deep poverty and lack of social services.

- Lack of professional qualification and education which lead to a situation when the person is not competitive in the job market

It was stressed by the majority of the interviewed experts that poor organisation and implementation of re-socialisation of ex-prisoners, including in respect of organisation of education programs and securing an occupation/employment, lack of attention and

indifference towards their needs lead to deepening of their psychological alienation from society. In case of long term (more than 5 years) imprisonment, the offender after having served his/her sentence loses his/her professional skills and knowledge, becomes not competitive in the job market and is not able to provide for him/herself and, therefore, he/she is compelled to go in for another crime. Lack of vocational training and/or occupation opportunities while serving sentence also increases the risks.

- *The influence of criminal subculture on reoffending*

If the offender during serving his punishment and afterwards continue to follow the criminal subculture it contributes to increase in risk of reoffending. In interviews it was noted that when offenders are sent to a PI, they find themselves in an environment which does not in reality contribute to rehabilitation. Actually propensities to commit a crime and opportunities for that get even stronger in such a case. It was stated that some prisoners while in prison start to obey these rules if they were inclined to that and had connections to the criminal world. When they are released they are more likely to commit a new crime. Some of these crimes were planned yet while in prison. It is quite alarming that a group of repeat offenders opted for that lifestyle and are loyal to it by regularly committing crimes and returning to prison. Negative impact of the environment is much stronger in prison. During the research and interviews under the present study, concerns were raised that imprisonment rather contributed to increase in reoffending as inmates learnt a lot while serving custodial sentences and peer pressure was always present. It was also noted that depending on the personality of the offender he/she either continued to follow the customs and rules of the criminal subculture after release from prison or discontinued. The risk of reoffending among the first type of ex prisoners was evaluated by the interviewed experts as higher.

- *Family situation and reoffending*

In interviews it was stated that the family situation and the quality of relationships in the family are very important for convicted person's future. It is of great importance whether the person is married or not, whether he/she has children and how good is his/her relationship with his/her immediate family and close relatives, especially during and after serving the punishment. It was stated that creation of a new family even during the period when the offender was serving his/her sentence in PI was very important and should be encouraged as having children and a family might be a deterrence for reoffending. It was noted that marriages while serving a sentence indicates the willingness of the detainee to change his/her life.

The closer and firmer relationships in the family are, the easier the process of socialisation and reintegration into the society is for the offender which in its turn affects the risk of reoffending. During the research period and interviews under this study, an opinion was expressed by one of the interviewed experts that the offender might really change and be rehabilitated by two means, in particular, the religion or the family.

The findings of the study revealed that, in any case, when the convict is released from prison, the relationships change. When an ex prisoner returns home after having served his sentence, he is under the secondary stress. It seems to him that the family has changed while it is himself who has changed. This also may lead to reoffending.

However, it was noted that depending on other factors having family may impact reoffending risks negatively. Such situation may occur when the prisoner is released and he/she is the only one providing financial support to his/her family and the family is in poor social situation. Failure to find lawful source of income may lead to reoffending.

- *The Attitude and stigmatization by the society*

It was stated that often after serving the first custodial sentence an ex prisoner was not able to re-integrate into society. In one case it is because of the concerned person, whereas in another case it is the society which does not accept an ex prisoner. When it comes to the attitude of the society towards convicted persons it was noted by the majority of interviewed experts in this field that in Armenia the stereotyping and stigmatization was not so severe. In interviews it was emphasized that the highest rate of intolerance towards offenders is typical in those social circles where crime level is very low whereas in those social segments “where the criminals come from and then return” after having served their sentences, labelling is not so harsh. It was pointed out during interviews that in Armenia there are two poles: those who start to treat ex-prisoners with greater respect after they serve their sentence and released. Lack of opportunities could prompt individuals to reoffend.

The problem of stigmatization becomes more evident from the perspective of risk of reoffending when it comes to employment issue. It was stated by a number of interviewed experts that if the fact of having previous conviction unfolds, then finding a job became more difficult, while the main measure of prevention of reoffending was securing employment after serving the sentence. Trying to avoid stigmatization, ex prisoners are forced to hide their criminal past, especially when dealing with state bodies. However, in certain professional circles, like construction, workers drivers and some others people with criminal records found a job relatively easy and did not face discrimination.

4.4 Issues specific to juvenile and female offenders as assessed by experts

4.4.1 Specific issues related to Juveniles

Impact of family

The family is even more important in case of juveniles. It is crucial to take into account the composition of the family, occupation, and financial situation. Lack of appropriate supervision of children by parents contributes to the risk of offending and reoffending by the juveniles.

Impact of negative peers and following criminal subculture

It was noted that noticeable socialisation of juveniles to criminal subculture takes place. Environment and social circles is a stronger factor in case of juveniles as compared to adults. Negative impact of the environment on a juvenile can occur both when a juvenile convicted to a custodial sentence serves his/her punishment in PI and has to communicate and socialize with offenders, as well as outside the PI, if the juvenile is surrounded by people with criminal record or criminal mentality in his social circles. From this perspective juveniles are most vulnerable. It was noted that back in the day the criminal subculture mentality formed in

prisons whereas nowadays a juvenile very often enters a PI with already formed criminal mentality and tries to behave as a member of the criminal world. Juveniles believe that unwritten laws of criminal underworld are the only genuine truth. After juvenile inmates turn 18 they are generally transferred to adult prisons where they face reality that contradicts their beliefs and for a long time they cannot become integrated into adult prison population. It turns out that juveniles are more loyal when it comes to abiding those laws and customs. Therefore, there should be a separate approach to them. It was noted that males are more vulnerable when they are juveniles from this perspective.

It was also noted that juveniles could not resist negative peer pressure as it seemed to them that otherwise they would be perceived as weak. Therefore they join their peers in engaging in criminal behaviour. Often they do not distinguish between just antisocial behaviour and criminal conduct.

Another issue is that juvenile offenders are often treated like adults when released early. It is important to explain more in detail to a juvenile offender that early conditional release is still a part of his/her punishment and there should be regular supervision by various bodies, including PI, school and other public institutions.

4.4.2 Specific issues related to Women

Age of engaging in criminal behaviour

In the research period no female juvenile offender was serving sentence. Analysis of the criminal record of interviewed female offenders demonstrated that women in Armenia commit their first offence later than men. Thus, whereas 23% of male respondents committed their first crime when they were younger than 18 years old, all female respondents committed their first crime when they were older than 25.

As it can be seen from the *Table 7*, the rate for crimes committed in a group among women and men differs. If 28.8% of male and 18.8% female respondents committed the first offence in a group, in case of the second offence the figures decrease to 19.3% and 12.5% respectively.

Impact of family ties

It was observed by the interviewed experts that conviction and even more so imprisonment affect family ties for women and men differently. It was noted that women wait patiently for their imprisoned husbands. This cannot be said about female offenders.

The contacts of female serving her term in PI with her family are often cut off. 9.1% of the female respondents stated that they did not have a family and hence they did not communicate with them either by phone or during visits. Interestingly enough, 5.6% of female respondents stated that they had committed the first crimes for the sake of love.

Adherence to criminal subculture

It was stated by all interviewed experts that impact following criminal subculture among

women is non-existent. Unlike male offenders women do not comply with these rules. However, it was noted that it is substituted by leadership factor.

4.5 Factors identified by interviewed offenders as linked to offending

The answers of the interviewed offenders on the causes of offending and reoffending are quite telling. The respondents mentioned very different reasons, from financial difficulties and a desire for revenge to misunderstanding, influence of the social circles, and attitude of the society and up to gambling problems. Some of them even mention love as a cause.

- Poverty.

Most of the interviewed offenders stated that they had not been able to meet their and their families' basic human needs and had to commit a crime. One of the offenders stated that had to steal to cover tuition fees of the daughter, whereas another one stated that as he resided in that part of the country the only way to provide for the family was to do fishing, however, it was prohibited.

- Peer pressure.

Some others explained the cause for engaging in criminal behaviours by peer pressure stating that though it was childish and stupid of them, however they could not resist it. Some other interviewed offenders though stated that committed the first offence under peer pressure though they did not realize that their conduct was criminal, for example, bride kidnapping.

The level of influence of the social circles is proved by the results of the survey, showing that the first offence is more often committed in a group, than the subsequent crimes.

- Temperamental characteristics.

A significant part of the interviewed offenders who committed a crime of battery or hooliganism as the first offence stated that it was a result of a quarrel where because of the temper they could not help but doing what they did. Some of them also stated that they did not realize they were committing a crime.

- Substance abuse or gambling.

A number of interviewed offenders stated that the cause for the first conviction was substance abuse, in particular, drug addiction. Another group of the respondents stated that as they were engaged in gambling and had debts, when the family stopped supporting them, they engaged in criminal behaviour.

- Lack of preventative measures as well as measures aimed at providing necessary assistance and desistance to offenders both while they are serving their sentence and after release.

This issue will be presented more in detail below. However, it should be stressed that lack of employment, education and recreational opportunities was stressed as a factor contributing to increase in risks of reoffending.

4.6 Factors identified by offenders as linked to reoffending

As regards factors linked to reoffending, interestingly enough, the interviewed offenders stated that the influence of the social circles had stronger impact on continuing to be engaged in criminal activities than engaging in criminal behaviour. At the same time, part of those who were convicted for the first offence as committed in a group committed the second offence alone. Some of them stated that they felt that they were skilled enough to do it alone, whereas the others noted that by opting for committing a crime alone they tried to minimize the risk of being held accountable for a mistake of the co-perpetrator.

4.7 Quantitative analysis of the interviews with offenders

Analysis of the interviews conducted with the offenders serving both custodial and non-custodial sentences demonstrate that the largest share of them consider financial difficulties and poverty as the factor linked to engaging in criminal behaviour (29.8%) or continuing to be engaged in such behaviour (31.9%). The second most frequent answer was denial of responsibility for committing a crime (19.1% and 18.5% for the first and the second offence respectively). Interestingly, the figures for this answer are almost the same in either case. The next most popular answer was committing a crime out of anger or desire for revenge with 14.9% for committing the first offence and as a factor linked to continuing to be engaged in criminal behaviour with 12.6% of all interviewed offenders. Notably, unlike the first three factors discussed, the fourth most popular factor named by the respondents differ in case of first offence and committing repeat offence. Thus, 12% of the respondents stated that they engaged in criminal behaviour because they misunderstood or wrongly assessed the conduct or were deceived, and this factor was named as the fifth most popular as a factor linked to reoffending, as the fourth most popular factor (9.6%) for reoffending the respondents stressed the role of social circles (12.6% of all interviewed offenders). It is noteworthy that this factor was the fifth most popular in case of committing the first offence (See *Table 6*).

Table 6. *What prompted you to commit a crime?*

The *Table* below contains information on what interviewed offenders reported as the causes to commit first offence and why they reoffended.

Reasons for offending	The first offence (%)	The second offence (%)
Financial difficulties	29.8	31.9
Anger, a desire to revenge	14.9	12.6
Being a victim of unconsciousness, misunderstanding, deception, trust in people	12.0	9.6
Social circle	9.9	12.6
The attitude of society	1.4	1.5
Gambling problem	0.7	0.7
Love, Grief	1.4	1.5
Attraction	2.1	2.2
The nature of work	1.4	0.7
Accident	2.8	2.2
The lack of faith	0.7	0.7
Cannot answer	8.5	8.9
I have not committed any crime	19.1	18.5

As it can be seen, among the causes mentioned by the respondents for the first offence there is a noticeable increase in only two answers (except for “cannot answer”) in regard to the causes of the second offence, that is the influence of social circle (from 9.9% to 12.6% respectively) and financial problems (29.8% and 31.9%).

Negative impact of **peer pressure** was also emphasized. It is noteworthy that according to the analysis of the interviews with offenders, if 27.7% of the respondents (39 offenders) committed their first crime as a group member, in case of the second crime this number drops to 18.5% (25 offenders). Their role in the group crimes also changes from the first crime to next ones, 10% (4 out of 39) respondents claimed that they performed as organizers when committing their first offence, and 28% (7 out of 25) respondents told that they played this role while reoffending (See *Table 7*).

Table 7. *Was your crime committed in a group (first offence)?*

First offence	Sex of the respondents		
	Male (%)	Female (%)	Total (%)
Yes	28.8	18.8	27.7
No	69.6	81.2	70.9
No answer	1.6	0.0	1.4
Total	100	100	100

Table 8. *Was your crime committed in a group (second offence)?*

Second offence	Sex of the respondents		
	Male (%)	Female (%)	Total (%)
Yes	19.3	12.5	18.5
No	80.7	87.5	81.5
Total	100	100	100

When speaking about peer pressure, the issue of **involvement in social circles where antisocial or criminal behaviour** is encouraged came up. The analysis of answers provided by the offenders demonstrates that in case of the second offence the negative impact of the circles is stronger. Thus, 10.0% of male and 5.6% of female respondents stated that they had committed their first crime under the influence of their social circles, whereas in case of the second offence 12.2% of males and 11.8% of females answered that way. Some of them noted that once they started following the rules of the criminal subculture and opted for that life style, they did not want to stop as that’s how they saw their identity.

As it was noted *supra*, the interviewed offenders stated that they had committed the first and the second offence (9.9% and 12.6% respectively) under the influence of the social circles.

In addition, the data presented below demonstrate on the one hand the strength of the impact of **unwritten laws of criminal world** on the part of the convicts and on the other hand the loyal attitude toward written laws of the other group (See *Table 9*). It appears that adhering to unwritten criminal laws authorised living off the state and behaving in accordance with a particular standard and lifestyle.

Table 9.*How would you assess your attitude towards state laws and unwritten criminal laws?*

Answer	State laws (%)	Unwritten laws of the criminal world (%)
Entirely accept	31.0	15.5
Tend more to accept than not	12.0	14.8
Both accept and do not accept	20.4	4.9
Tend more not to accept than accept	5.6	3.5
Do not entirely accept	23.2	56.3
I do not have an answer	7.7	4.9

However, the picture changes if we split the interviewed offenders who are serving custodial and non-custodial sentences (See *Tables 10 and 11*). If the vast majority of those who are serving non-custodial sentences – 79.1%, stated that they do not follow and do not accept unwritten criminal laws, 45.4% of those serving custodial sentences stated that they accept those rules. Whereas when speaking about their attitude towards state laws, only 21.4% of those respondents who were serving custodial sentences stated that they accept the state laws, and 36.0% of them absolutely do not respect these laws. The situation with the respondents serving non-custodial sentences is totally different. Thus, 67.2% of them accept the state laws and only 9% absolutely do not accept. These figures demonstrate the negative impact of criminal subculture on those who are serving punishment in prison.

Table 10.*How would you assess your attitude towards state laws?*

Answer	Prisoners (%)	Serving non-custodial sentences (%)	Total (%)
Entirely accept	14.7	49.3	31.0
Tend more to accept than not	6.7	17.9	12.0
Both accept and do not accept	18.7	22.4	20.4
Tend more not to accept than accept	10.7	0.0	5.6
Do not entirely accept	36.0	9.0	23.2
Cannot answer	13.3	1.5	7.7

Table 11.*How would you assess your attitude towards unwritten criminal laws?*

Answer	Prisoners (%)	Serving non-custodial sentences (%)	Total (%)
Entirely accept	22.7	7.5	15.5
Tend more to accept than not	22.7	6.0	14.8
Both accept and do not accept	6.7	3.0	4.9
Tend more not to accept than accept	6.7	0.0	3.5
Do not entirely accept	36.0	79.1	56.3
Cannot answer	5.3	4.5	4.9

Unfavourable family situation was mentioned as a factor which has strong impact on a person both in case of engaging in criminal behaviour and continuing it. In regard to this issue, it should be noted that 4.9% of respondents among the prisoners stated that they had bad relationship with their families, and 4.2% claimed that they did not have any family (See *Table 12*). Offenders comprising the latter group stated that they either did not have an opportunity to create a family as they were convicted when they were young and continued to be engaged in criminality or they got divorced after getting a long imprisonment sentence.

Table 12. *How would you assess your relationship with your family?*

Assessment	%
Good	57.7
Normal	28.9
Bad	4.9
I have no family	4.2
Prefer not to answer	4.2
Total	100

It is noteworthy that almost 58% of the respondents stated that they had good relationships with the family. In the framework of this study the family members of the offenders were not interviewed so it was not possible to cross check whether the relationships were indeed maintained and were good.

When explaining having bad relationship with the family the respondents mentioned the following reasons:

- Divorce;
- Verbal arguments, quarrels;
- Members of the family are left alone at home, feel themselves abandoned;
- Family lives abroad, relatives do not even know that the respondent is in prison;
- Family accuses the respondent that he/she is asking continually for financial support.

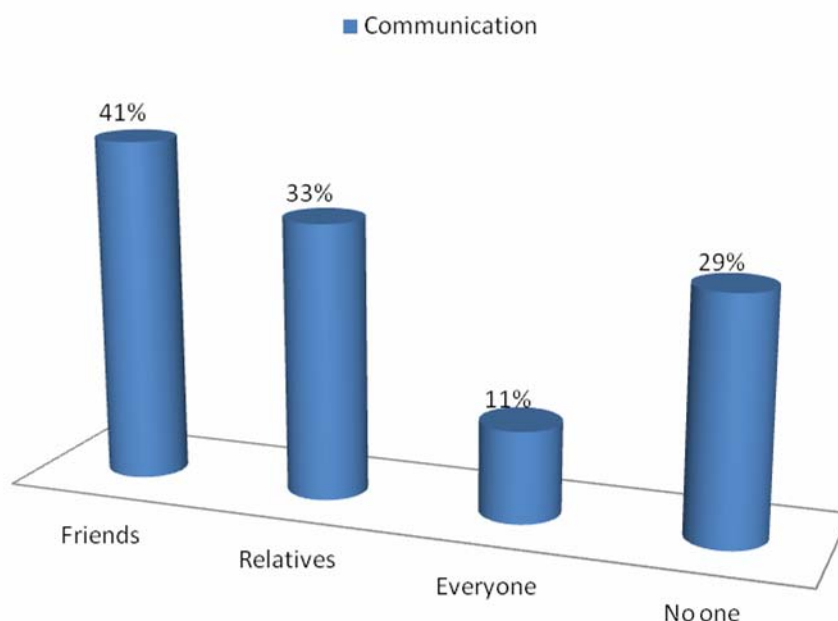
Meanwhile 17.3% of the respondents claim that they do not communicate with their relatives by phone, and 18.7% of interviewed offenders do not have any family visits. The inmates communicate with their relatives rather by phone calls than through family visits (See *Table 13*).

Table 13. *Can you describe, please, how and how often do you communicate with your family?*

Answer	By phone (%)	During Family Visits (%)
Often	61.3	32.0
Occasionally	20.0	48.0
Never	17.3	18.7
I have no family	1.3	1.3
Total	100	100

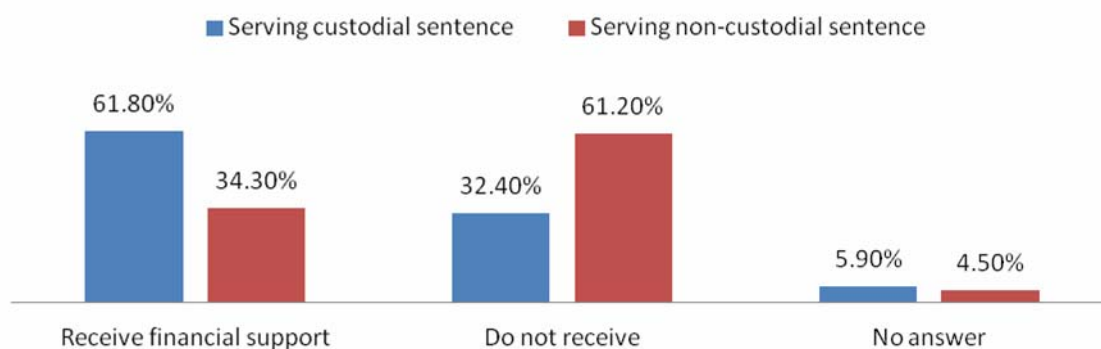
28.9 % of the respondents stated that they did not communicate with any of family members. This figure demonstrates that positive social ties necessary for re-socialization are lacking. The rest of the respondents communicate with both relatives and friends. 10.5 % of respondents said that they communicate with all friends and relatives (See *Diagram 14*). Notable, that answer was given by the respondents serving non-custodial sentences.

Diagram 14. *Whom do you communicate with besides your immediate family members?*



It is noteworthy that 61.8% of interviewed prisoners (including 66.7% male prisoners and 36.4% female prisoners) stated that their respective families provide them with material assistance while they were serving their prison sentences. This figure is different in case of respondents serving non-custodial sentences. Thus, 34.3% of them stated that they receive financial assistance from the family (See *Diagram 15*). Such answer was given by 32.3% male respondents and 60% female respondents respectively.

Diagram 15. *Financial support from the family*



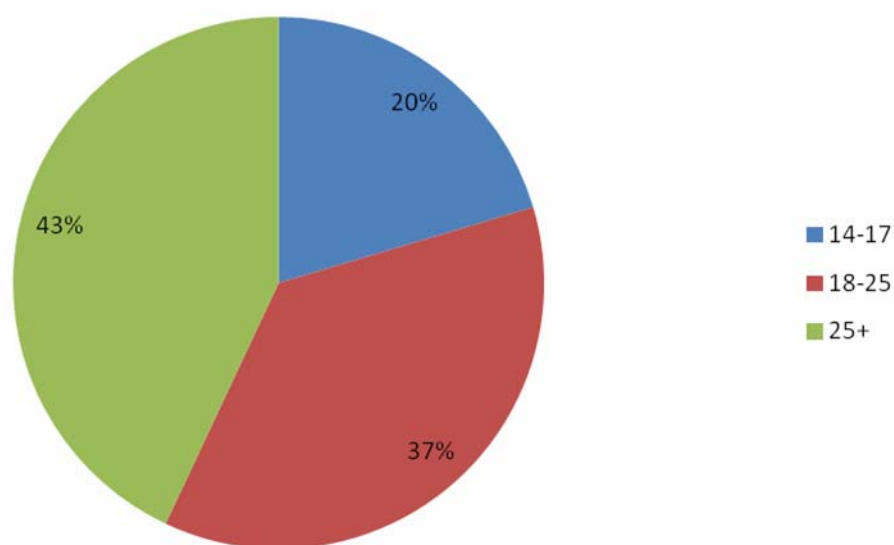
A significant part of the interviewed offenders had a **history of antisocial and criminal behaviour since childhood**. In this regard it is noteworthy that 19.7% of the respondents were supervised by police when they were juveniles, 4.9% of them were supervised for committing a theft and hooliganism (See *Table 14*).

Table 14.*What was the reason to be supervised by police when you were a juvenile?*

Answer	Respondents (%)
Theft	4.9
Hooliganism	4.9
Behaviour problems	1.4
For a fight	1.4
For stabbing a person	1.4
Violent robbery	0.7
Have no answer	4.9
Total	19.7

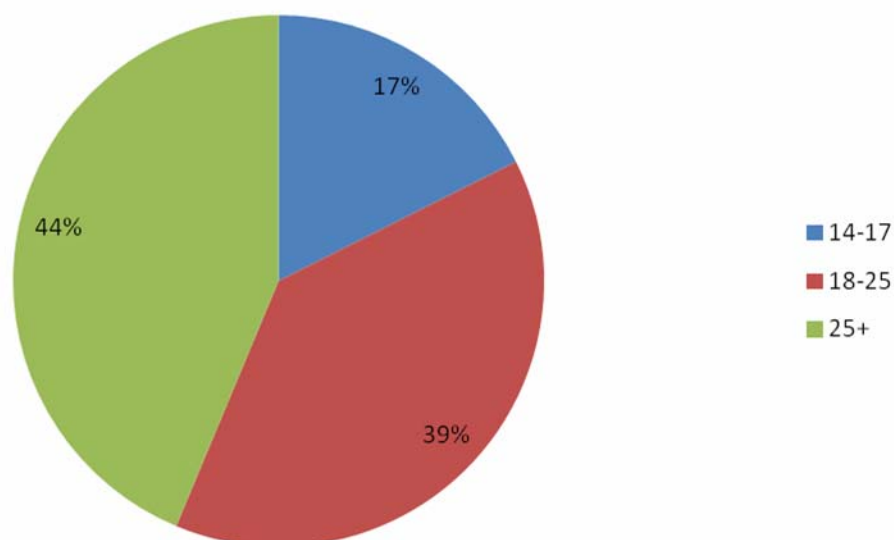
20.4% of the respondents committed their first offence when they were juveniles (from 14 to 18 years old) (See *Diagram 16*):

Diagram 16.*When did you commit your first offence?*



Moreover, 17.6% of the respondents were sentenced for the first offence when they were juveniles (See *Diagram 17*):

Diagram 17. *Age when sentenced for the first time*



Lack of employment opportunities and education was stressed by the interviewed offenders as one of the factors contributing the most for offending and even more so for reoffending.

The survey shows a solid trend of the aforesaid: if before the first conviction 26.1% of the respondents were unemployed, then at the time of the survey 57.7% of the respondents, including those serving non-custodial sentences, were unemployed (See *Table 15*).

Table 15. *Respondents' Occupation*

Occupation	Before the first conviction (%)	After the first conviction (%)	Now (%)
High School Student	8.5	2.1	0.7
Student	3.5	1.4	0.7
Unemployed	26.1	31.0	57.7
Retired	1.4	1.4	6.3
Public servant	9.9	7.0	2.8
Private company employee	16.2	19.7	9.2
Self employed	26.8	25.4	14.1
Member of the armed forces	6.3	7.0	0.7
Prefer not to answer	1.4	4.9	7.7
Total	100	100	100

It should be mentioned that 38% of the respondents stated that though they had a profession but it was not well paid. It is noteworthy that 14.8% of the respondents stated that they did not have any profession and do not want to get one and 10.6% stated that though they did not have a profession they would like to get one (See *Table 16*).

Table 16.*What is your occupation?*

Answer	Respondents (%)
I don't have a profession and don't want to get one	14.8
I don't have a profession, but would like to get one	10.6
I have a well paid profession	31.0
I have a profession which is not well paid	38.0
I have several professions	3.5
I am a student	0.7
I don't have an answer	1.4
Total	100

Impact of level of education was also touched upon. Lack of education makes them not competitive in the job market. 16.9% of the respondents obtained higher education degree, and 29.6% completed compulsory lower secondary education (8 years of school) (See *Table 17*). To compare, according to the official statistics, 9% of the population has general secondary education, 40% has high school education whereas 20% obtains higher education and 15% has vocational (professional-technical).

Table 17.*Respondents' level of education*

Education	Respondents (%)
Compulsory lower (general) secondary education	29.6
High school education	42.3
Vocational (professional-technical)	9.9
Incomplete higher education	1.4
Higher education	16.9
Total	100

Attitude towards the own criminal behaviour of the interviewed offenders is also noteworthy. The majority of respondents (61.3% in case of the first offence and 62.7% in case of the second offence respectively) stated that they felt sorry for what they had done and would not do it again (See *Table 18*). Interestingly enough the answers both for the first crime and the second one almost did not differ. There are only two cases when the figures significantly change. In the first case almost twice more respondents (offenders) stated that their punishment for the second offence was too harsh (4.5% and 2.8% respectively). Interestingly enough, while almost 5% of the respondents could not describe their attitude towards the first crime, the number drastically decreased for in relation to the second crime (1.4% only) (See *Table 18*).

Table 18.*How do you evaluate what happened*

Answer	First offence of the offender (%)	Second offence of the offender (%)
I will do it again as it was absolutely necessary	15.5	14.2
Though my act is negative but the punishment is too harsh	2.8	4.5
I feel sorry and would not do it again	61.3	62.7
“The case was made up”	9.2	9.7
I did not understand that I was committing a crime	4.9	5.2
I do not feel sorry but I would not do it again	1.4	1.5
It was an accident	0.7	0.7
Cannot answer	4.8	1.4
Total	100	100

Summing up the abovementioned, it can be concluded that while in the view of the experts both human needs and criminogenic factors, including poverty, lack of professional qualifications/education or skills, anti-social attitudes, values and beliefs and social circles and environment, family situation, personality and temperamental characteristics, substance abuse, in particular drugs, as well as gambling, strongly contribute to criminality. While it was stressed that most of the factors linked to offending had also influence on continuing to be involved in criminal behaviour, the experts particularly stressed the role of the following factors on increasing risks of reoffending: poverty, lack of professional qualification and education which lead to a situation when the person is not competitive in the job market when it is also coupled with having criminal record, personality/individual characteristics, the influence of criminal subculture, poor family situation as well as to a certain extent the attitude and stigmatization by society. Lack of preventative measures against offending and reoffending as well as measures aimed at providing assistance and desistence both while serving sentence and later on were emphasized.

At the same time the interviewed offenders stated that financial difficulties and poverty, including lack of employment opportunities, temperamental characteristics, misunderstanding about the meaning of the conduct, influence of peer pressure and social circles, gambling problems and attitude of society were among those factors prompting them to engage in criminal behaviour. Poverty, lack of employment and education opportunities, adherence to criminal subculture and social circles as well as temperamental characteristics were mentioned as factors contributing to reoffending.

V. Impact of different types of punishment on offenders and reoffending

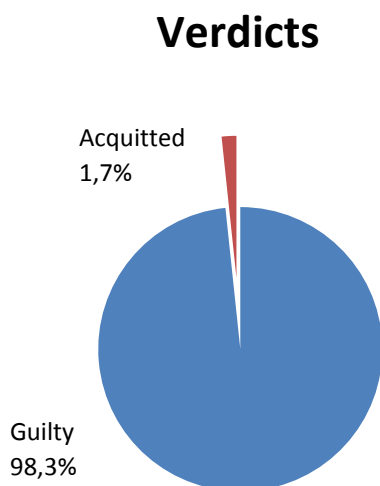
In this Section information on the use of both custodial and non-custodial sentences will be presented. The expert opinion on the impact of different types of sentences on the risk of reoffending and opportunities for socialisation and integration in society will be covered. The analysis of the opinion of interviewed offenders on how custodial and non-custodial sentences affected their lives will be summarised.

5.1 Preliminary remarks

In the frames of the study the impact of both custodial and non-custodial types of punishments on offenders and reoffending was analysed.

According to the official statistics, in 2013 the court of general jurisdiction (first instance courts) dealt with 4039 criminal cases and delivered verdicts in 3204 of them (79.3%)⁸. 3829 defendants (98.3% of all defendants) were convicted and only 65 persons were fully acquitted (1.7%) and 31 were acquitted partially (0.8%). To compare, 4099 defendants were convicted and 57 persons were acquitted fully and 27 were acquitted partially in 2012 (See *Diagram 18*).

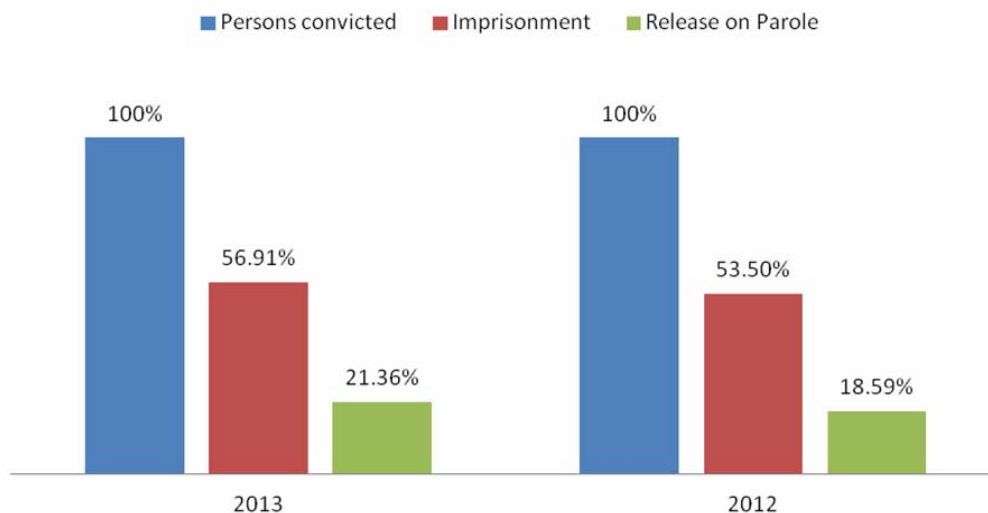
Diagram 18.*Proportion of guilty verdicts and acquittals*



From the chart below we can see that in 2013, 2997 out of 3829 defendants (78,4%) were convicted to imprisonment and 2179 (57%) of those convicted served a real custodial sentence, whereas for 818 offenders, conditional non-execution of the sentence was applied (21,4%). In 2012, out of 4099 defendants 2995 (72.1%) were convicted to imprisonment and 2193 (53.5%) of those convicted served a real custodial sentence, whereas for 762 (18.6%) offenders conditional non-execution of the sentence was applied (See *Diagram 19*).

⁸ Information available at www.court.am (last accessed 21.03.2014)

Diagram 19. Guilty verdicts



5.2 Impact of imprisonment

5.2.1 Assessment of the interviewed experts

It was emphasized on numerous occasions that imprisonment should be proportionate to the act. Nevertheless, long-term imprisonment appeared to have a negative impact and did not contribute to rehabilitation of an offender.

Imprisonment appeared to have had a negative effect both on 1) health condition of a person, 2) personal characteristics, and 3) opportunities to re-integrate into society and be competitive in the job market. It was stated that imprisonment term should be as short as possible, preferably not longer than 5 years.

It was stated by many interviewed experts that in case of the first less serious or moderately serious offence imprisonment shall not be applied because in case a person is subjected to imprisonment he/she has to wear a label of an offender and his/her propensity for crime may grow as inmates “share best practice experience” in prisons. Negative impact of the environment is much stronger in prison. During the research and interviews under the present study, concerns were raised that imprisonment rather contributed to increase in reoffending as inmates learn a lot while serving custodial sentences.

When speaking of the impact of different types of punishment the experts highlighted that the severity of the punishment did not prevent reoffending. It shows that to ensure proportionality of punishment there was a need to know the offender, his/her personality, as in one case you might achieve a result by forgiving a person whereas in another case it was possible to apply a non-custodial punishment. Depending on the personality of an offender different types of punishment shall be applied. It was highlighted during interviews that a psychologist and a social worker should work simultaneously with an investigator and a judge.

Given the existing capacity of penitentiary institutions and current conditions in Armenia it was stated that imprisonment seemingly served only one goal; to isolate a person from society.

5.2.2 Analysis of the interviews with offenders

The results of the survey demonstrate that 52.8% of the respondents, both serving custodial and non-custodial sentences, were convicted to imprisonment for the first crime committed, whereas when they reoffended already 57.5% of them got custodial sentences (See *Table 19* below).

Table 19. *What kind of sentence you are serving now and served before*

Type	First offence committed (%)	Second offence committed (%)
Imprisonment ⁹	52.8	57.7
Imprisonment but released on parole	23.2	22.5
Fine	12.0	9.9
Released from serving punishment upon amnesty from a court room	6.3	0.7
The investigation was terminated	1.4	3.5
Transferred to disciplinary battalion	1.4	0.7
Cannot answer	2.8	0.7
Total	100	100

Similar trend can be seen in the practice of application of measures of restraint. Every next time relatively stronger measure was applied (See *Table 20*):

Table 20. *What kind of measures of restraints were applied to you*

Measure of restraint	First offence committed (%)	Second offence committed (%)
Arrest	45.1	57.0
Release on bail	-	0.7
Written undertaking not to leave a place	47.9	31.7
Handing over for supervision	2.8	2.8
Cannot answer	4.2	7.8
Total	100	100

According to the official statistics provided by the Police Information Centre, in 2013, 1% of the repeat offenders reoffended during the first year after they served their sentence. For the sake of comparison it should be noted that in 2010 this figure comprised 4%. The analysis of periods between sentences of the respondents serving both custodial and non-custodial sentences demonstrates that the vast majority of them committed crime within 3 years after release from the previous sentence (See *Table 21* below).

⁹4 people who were convicted to arrest as a type of punishment are also included under the imprisonment line

Table 21.*Periods between first sentence and reoffending*

First sentence	Sentenced for the second time after serving the first sentence	
	Within 0-3 years (%)	3 years or later (%)
1. Imprisonment	63.5	24.3
2. Conditional non-execution of the sentence	51.7	27.6
3. Fine	56.2	25.0
4. Released upon amnesty	77.8	22.2
5. The investigation was terminated	50.0	50.0

Table 21 demonstrates that among interviewed offenders in case of release upon amnesty reoffending within 3 years is 77.8% whereas in case of imprisonment it is a little bit lower - 63.5% and in case of non-custodial measures reoffending within three years after serving first punishment is a little bit higher than in 50%. We may conclude that the work with ex-prisoners following their release and provision of assistance in the first years after release is crucial from the perspective of prevention of reoffending.

It was noted that there was a trend that every next crime was graver than previous. However, this opinion is not supported by analysis of crimes committed by the interviewed offenders. Thus, 51% of them were sentenced for committing the same crime or crime of the same gravity as the first offence, 32% were sentenced for graver crimes and 17% were sentenced for committing a crime of less gravity than the first one.

When evaluating the impact of imprisonment the opinion of prisoners is also important. *Table 22* below contains some examples of answers received from the prisoners on how their lives changed and various aspects of life got affected following their first custodial sentence.

Table 22.*How did your life change after the first imprisonment*

	Got better (%)	Remained the same (%)	Got worse (%)
1. Relations with family members	13.4	64.6	22.0
2. Relations with relatives	4.9	73.2	22.0
3. Relations with neighbours	9.9	70.4	19.8
4. Relations with friends	6.2	71.6	22.2
5. Material well-being	7.4	37.0	55.6
6. Income	4.9	42.0	53.1
7. Housing conditions	3.8	76.2	20.0
8. Work	6.2	46.2	47.5
9. Health condition	3.8	51.2	45.0

As we can see from the *Table* above, that the imprisonment has significant impact on all areas of life of the prisoners, mostly negative. Whereas relations with family, friends, relatives and neighbours worsened in 20% or more cases, material well-being and income was negatively affected in 55.6% and 53.1% cases respectively. This figure is high also because some of the male prisoners were the only ones providing financial support to their families and when they

got sentenced, the income of the families decreased significantly. Moreover, most of them get parcels with food from home and do not benefit from the food provided by the PI. Therefore, it is also quite costly for the family to have a family member in prison. Almost half of the prisoners complained that they lost their jobs (47.5%) and had difficulties in finding another job after release, whereas many did not work even prior to being convicted. Deteriorated health condition as a result of spending time in prison is also alarming. In this regard concerns about overcrowding and insufficient medical assistance available to inmates were raised.

It is quite alarming that offenders rather perceive custodial sanction as a way to isolate them from society but not as a way for rehabilitation. Offenders often used the following phrase: “I was locked up”. It is noted as a result of the research of this study that the impact of punishment in case of the first crime is more efficient.

5.3 Alternative (non-custodial) types of sanctions

5.3.1 Preliminary remarks

According to Article 49 of the Criminal Code of Armenia, the following kinds of punishment alternative to imprisonment may be applied:

1. Fine
2. Prohibition from holding certain positions or perform certain activities;
3. Community service
4. Deprivation of special titles or military ranks, categories, degrees or qualification class (additional punishment only)
 - 4.1. Restrictions on military service
5. Confiscation of property

According to the Criminal Code, some kinds of punishment can be applied as principal punishment whereas some others are applied only as additional. Thus, fine, community service and restrictions on military service are applied as principal punishment only. Prohibition from holding certain positions or perform certain activities may be considered both as a principal as well as an additional sanction. The following kinds of punishment are only applied as additional sanctions: deprivation of special titles or military ranks, categories, degrees or qualification class as well as confiscation of property.

The execution of the alternative sanctions is administered by subdivisions on execution of sanctions not linked to deprivation of liberty (hereinafter: subdivisions) - regional branches of ASD. The subdivision's rules of procedure for each type of sanction are secured by 2006 Decision of the Government of Armenia N 1561-N.

The subdivisions ensure the execution of the following sanctions and measures:

- Fine;
- Prohibition from holding certain positions or perform certain activities;
- Community service;

- Supervision of persons in case of conditional non-execution of sentence;
- Supervision of persons on early conditional release;
- Supervision of pregnant women or persons having children under the age of 3, in relation to whom the suspended execution of sentence is applied.

Irrespective of the type of sanction its execution is administered at the subdivision of the district where the sentenced person resides. In relation to sentenced offenders without permanent place of residence, foreign nationals, or stateless persons the supervision function is performed by the subdivision which belongs to the district where the Court of the First Instance decided on the given case. When the sentence is served in full the supervising subdivision issues a certificate stating that the offender has completed his/her punishment. The same information is sent to the respective regional department of the Police of Armenia.

The details on the rules of procedure of the subdivisions per type of sanction are presented below.

a) Fine

After having received the court's decision or other document stating that the sanction comes into effect the subdivision's officer fills in the sentenced offender's registration card.

In order to comply with the duty to pay the fine a sentenced offender is obliged to present to the corresponding subdivision the receipt proving the fine payment within 7 days from the date when the sanction came into effect; otherwise the head of the subdivision files a motion to the court with a request to substitute the fine with community service duties.

In the case that there is a court decision on either payment of fine in instalments or suspension of such, the offender is obliged to present to the subdivision the receipts, proving that the payments were made in due time and proper amounts set by the court, within 7 days from each payment date. Failing that, the head of the subdivision files a motion to the court with a request to substitute the fine with community service duties, taking into account the amount which was already paid.

b) Prohibition from holding certain positions or perform certain activities

Upon the first visit to the subdivision the sentenced offender is explained the terms and conditions of this type of punishment. In case the person does not present him/herself before the subdivision within 7 days he is sent a summons.

The copy of the sentence and notice that the sanction is in effect are sent to the organisation where the sentenced offender works, and to the competent authorities or organizations. After the first visit and registration at the subdivision the sentenced offender is obliged to present a notice from his/her work place with the information on his/her position. In case the person concerned gets a new job, within 5 days he/she has to bring a notice, containing information on the new position he/she holds. Following that, within the next 3 days, the subdivision sends to the administration of the sentenced offender's new work place a copy of the sentence and notice that the sanction is in effect. In case the sentenced offender does not have a job

he/she should inform the subdivision about that every month by a signed written statement.

Subdivision's officers are authorized to visit the work place of the sentenced offender in order to get necessary clarifications from the administration of the workplace. In case national or local authorities, commercial or other organisations do not comply with the requirements of court decision, the subdivision informs about that respective competent authorities.

c) Community service

Within 7 days from the date when the sentence came into effect the sentenced offender is obliged to present him/herself before the subdivision's officer for registration. Here the terms and conditions of the serving this type of sanction, his/her rights and obligations, as well as the responsibility for failure to perform these obligations are explained. In case the sentenced offender does not present him/herself before the subdivision he is sent a summons. Subdivision's officer sends a notice requesting the sentenced offender to appear before the administration of the assigned workplace where community service is to be performed as soon as he/she receives his/her work schedule. Offenders sentenced to community service serve their punishment within two years after the sanction comes into effect. Sentenced offender may be given an opportunity to choose from the available community service locations. The profession and place of residence of the sentenced offender are taken into account when he/she is being assigned to a particular community service job.

If the sentenced offender's retirement age is reached; or he/she is recognized as a disabled person of the first or the second degree; or he/she suffers from a serious decease preventing from serving the sentence the head of the subdivision files a motion to the court requesting to release the person from punishment. When during the community service term the sentenced offender gets pregnant or takes responsibility to take care of a child under the age of 3 the head of subdivision apply to the court for the suspension of the punishment.

When the sentenced offender breaches terms and conditions of the sanction he/she is summoned to the subdivision in order to give explanations on the reasons of the violation. The following actions are considered to be a violation of the terms and conditions of this kind of sanction:

- Not appearing at the work place within 7 days from the date when the work schedule is received from the subdivision;
- Not appearing without a valid excuse at the subdivision when summoned.

In the absence of a valid excuse the sentenced offender is warned about the possibility of a motion to the court for substitution of the community service sanction to other kinds of punishment.

In case of malicious non-compliance with the conditions of the sanction and within 15 days after the violation became known to the subdivision's personnel the head of the subdivision lodges a motion to the court requesting the substitution of the community service for another punishment and informs about that the sentenced offender and the administration of the workplace.

A person is considered having committed a malicious violation when:

- During one month period without valid excuse carried out less than 90% of the assigned community service duties provided by his/her registration card;
- During one month period committed more than two serious breaches of the Code of Conduct of the organization where he serves his sentence;
- Twice in succession not appearing at the subdivision when summoned or obliged to do so by law.

d) Supervision of persons to whom conditional non-execution of sentence is applied and supervision of persons on early conditional release

Upon his/her first visit to the subdivision a sentenced offender fills out a registration card and is informed on his/her rights and obligations, the responsibility for failure to perform this obligations as well as on the obligation to visit the subdivision at least once a month. In case the sentenced offender does not present him/herself before the subdivision within 7 days he is summoned to do so.

In case he/she is obliged by a court decision to undergo medical treatment for alcohol addiction, drug addiction, substance abuse or sexually transmitted diseases the subdivision sends a referral to the respective medical institution.

Subdivisions officer is authorized to visit the respective institution in order to get clarifications from their administration on the compliance with the requirements of the court decision. Officers of the subdivision also have the right to visit anytime the sentenced offender's work place or place of residence as well as to request from the sentenced offender to present to the subdivision monthly notices from the medical institutions on the medical treatment he/she receives.

In case the sentenced offender does not comply with his/her obligations or commits an act punishable under administrative law the subdivision notifies him/her in writing about the possibility to cancel the conditional non execution of sentence/ early conditional release.

If a sentenced offender during his parole period regularly or maliciously neglects his/her duties under the court decision or tries to abscond supervision, or does not appear at the subdivision on two or more occasions, then the head of the subdivision files a motion to the court with the request to cancel conditional non-execution of sentence/conditional release and to order the sentenced offender to serve his/her original punishment.

Breach of the obligations is considered to be regular when the sentenced offender during one year period for two or more times commits prohibited actions or does not perform his/her duties or for more than 30 days does not comply with the obligations imposed upon him/her by the court.

A sentenced offender is considered to have absconded supervision when during 30 day period his/her location is not known. If the mentioned breaches take place as well as if the sentenced offender does not appear after being summoned he/she is invited to the subdivision to clarify the reasons of the breaches.

In case the subdivision's officer is of the opinion that there is a need to increase the supervision over the concerned sentenced offender the head of the subdivision files a request to the court to impose additional obligations or limitations upon the convict.

5.3.2 Assessment of the interviewed experts

It was stressed on numerous occasions that alternative sanctions should be used more broadly, especially in case of the first offence as they have positive impact both from educational point of view and crime deterrence. Such type of punishment shall also be coupled with purposeful activities carried out with an offender by various specialists (a psychologist, social worker, social pedagogue, lawyer, etc.).

Such sanction also contributes to adequate socialisation of an offender preventing involvement into "criminal" subculture. It was stated that offenders struggle to get sentenced to alternative sanctions and in course of that period they behave quite obedient. However, when assigning alternative sanctions due regard should be made to whether the offender concerned is able to serve that particular type of punishment, which type of punishment is preferable and will be more efficient in this particular case.

However, there were also a number of concerns raised in relation to application of alternative sanctions. It was noted that when a fine is applied as a punishment, there is a risk of contributing to reoffending. A situation when the court applies a fine as a punishment, but the defendant is in no position to pay it was referred to. In such a case the offender is under pressure and in some instances is made commit another crime to be able to pay the fine.

When a defendant is sentenced to community service there is also a challenge. In most cases the sentenced offender does not have a possibility to get another, paid job while serving this sentence and earn money to provide for the family. As a result, the sentenced offender and his family find themselves in a difficult social situation and the risk of reoffending increases.

It was emphasized that conditional non-execution of the sentence shall be used more actively taking into account various factors, for example existence of a family. As regards prevention of reoffending, impact of such a punishment has rather individual nature. In such a case it is necessary to combine this measure with activities carried out with the offender concerned aimed at clarification of social danger of criminal conduct and objectives of punishment. They should also include educational programs and programs aimed at ensuring occupation of the offender. All possible negative consequences of violating the conditional non-execution rules shall be clearly explained to offenders. Otherwise, such type of punishment may contribute to creation of sense of impunity and in some instances lead to reoffending. The following example was provided: a conditional non-execution sentence was applied to a juvenile who had committed a crime for the first time. He got an impression that his conduct was not dangerous as he was not sent to jail for that. As a result, he committed another crime.

5.3.3 Analysis of interviews with offenders

Interviewed offenders who were convicted to a fine reported that paying a fine significantly affected their well being and well being of their family. Some of them did not pay the fine themselves but with the material support of the family. In such a case punishment does not fully serve its objectives.

Complaints were raised by respondents who were sentenced to community works. They complained of lack of opportunities to get a paid job while doing community service. Another challenge is that not everyone agrees to do community service for various reasons, including the fact that such service is assumed undermining the offender's dignity.

Negative impact of a certain type of punishment, in particular imprisonment, on social ties, material well-being, health and other factors is more evident if we compare answers to the same question of respondents who were serving non-custodial sentences. *Table 23* below contains answers on how first non-custodial sentence affected various aspects of their life.

Table 23. *How did your life change after the first conviction (answer only if it was non-custodial sentence).*

	Got better (%)	Remained the same (%)	Got worse (%)
1. Relations with family members	4.1	82.4	13.5
2. Relations with relatives	2.7	90.5	6.8
3. Relations with neighbours	2.7	89.2	8.1
4. Relations with friends	1.4	93.2	5.4
5. Material well-being	0.0	56.8	43.2
6. Income	0.0	62.2	37.8
7. Housing conditions	0.0	89.2	10.8
8. Work	0.0	64.9	35.1
9. Health condition	0.0	75.7	24.3

The data in *Table 23* demonstrate that even non-custodial sentences affect the life of offenders (mostly negatively), particularly such aspects as well being, income, housing conditions and work as well as health. However, the figures are still much lower than in case of imprisonment. It has significantly less negative impact on relations with friends, relatives and neighbours. As regards relations with the family though they were negatively affected in 13.5% cases, still in case of the overwhelming majority of offenders serving non-custodial sentences the relations did not change.

VI. Release from prison and impact on reoffending

In this Section the impact of various form of release from serving the punishment beforehand will be presented, including early conditional release and amnesty, on risk of reoffending.

6.1 Early conditional release

6.1.1 Preliminary remarks

In 2012 CSI conducted a study and presented a report on the issue of early conditional release (ECR) in Armenia. Though the present study does not aim at deeply analysing the current system of early conditional release in Armenia¹⁰, it is important to briefly present the situation with ECR and current challenges in the system which also have impact on reoffending.

According to the first part of Article 76 of the Armenian Criminal Code, a prisoner serving a custodial sentence may be released early, if a court finds that he/she does not need to serve the remaining part of the sentence in order to be corrected. A prisoner may be granted early conditional release only if he has already served *de facto* a specific portion of the sentence, as required by paragraph 3 of Article 76 of the Criminal Code. When granting early conditional release, the court also takes into consideration the fact of the prisoner making reparation to the victims of his crime.

In the Republic of Armenia, decisions on early conditional release are made with the involvement of the following three public bodies: administration of penitentiaries, independent commissions and courts.

According to the first part of Article 115 of the Armenian Penitentiary Code, when a prisoner has served a specific part of his sentence, as determined by law, the administration of the penitentiary is required to consider, within a month, the possibility of recommending the prisoner concerned for early conditional release, provided that he has not received any disciplinary sanctions. Procedures for the administration of the penitentiary to discuss issues related to recommending a prisoner for early conditional release or for replacement of his remaining sentence with a softer sentence are defined in accordance with the Government's Decree 1304-N of August 24, 2006.

The following conditions are required in order to discuss the issue of early conditional release of a prisoner:

- a) the prisoner is supposed to have served the minimum time required by law;
- b) the prisoner has provided his written consent;
- c) the prisoner has positive characteristics;
- d) the prisoner has not been subjected to disciplinary sanctions¹¹.

¹⁰ The system of early conditional release is regulated by Article 76 of the RA Criminal Code, Article 434 of the RA Criminal Procedure Code, Articles 114 to 116 of the RA Penitentiary Code, as well as the RA President's Decree NH-163-N of July 31, 2006, the RA Government's Decision 1304-N of August 24, 2006, and the RA Minister of Justice Order QH-46-N of September 8, 2005.

¹¹ The Minister of Justice Order QH-46-N, para. 5.

The issue is discussed in the presence of the prisoner in question, if he so wishes. Consideration is also given to social, psychological and legal work done with the prisoner and the results of correctional measures¹². Activities carried out with an inmate should prepare him/her for release and law-obedient behaviour in the community. A plan of activities shall be developed by relevant specialists, be of individual nature, standardized and measurable. If the results of activities undertaken are not measurable, then it is not possible to use them to assess the behaviour of the inmate concerned.

The group leader writes up characteristics¹³ of every prisoner, taking into consideration the conclusions of various departments¹⁴ (security, material/technical support, medical). Such characteristics should contain information on the results of assessments made in course of serving the sentence, as well as general information about the inmate: prisoner's compliance with legal requirements during the period of incarceration (incentives, disciplinary sanctions), his/her participation in work, educational, cultural, athletic or other similar activities, involvement in paid and unpaid works, reimbursement of material damage to the victim of the crime committed, communication and ties with the family, existence of persons under his/her custody, health condition, capability and disability. A report of the psychologist on behaviour of the inmate, his/her temper, psychological peculiarities, and their dynamics shall be also presented. In addition, the report of the social worker shall contain information on social security related issues of the inmate: availability of housing, work, material conditions, and plans for after release.

If the administration of the penitentiary decides to recommend for early conditional release a prisoner sentenced to a determinate term or to life imprisonment for a moderately serious, serious or particularly serious offence, the commission's chairman sends the decision, within three days, to the Independent Commission for approval and attaches the characteristics¹⁵.

Then, the Independent Commission reviews the motion and either grants it or rejects it. The decisions adopted by the Independent Commission do not contain any grounding for the decision. They are not subject to appeal in the court on merits.

If and only if the Independent Commission approves the aforementioned decision, the administration of the penitentiary sends a motion to a court within 5 days requesting early conditional release of a person sentenced to imprisonment or replacement of the remaining part of the sentence with a softer sentence. Among other information, the administration specifies existence of *previous criminal record, a fact of being early conditionally released from serving any of the previous sentences*, as well as information on behaviour of the inmate while serving his/her sentence and the fact of being rehabilitated¹⁶.

The following *Diagram 20* illustrates the dynamics of the percent of prisoners whose early conditional release was recommended by the penitentiary department's administrative commissions and the percent of prisoners actually released by court decisions.

¹²Ibid, para 6.

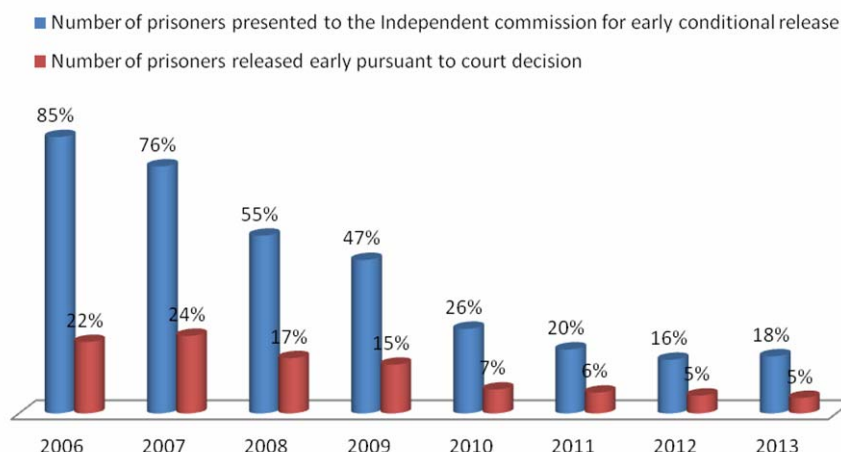
¹³The Minister of Justice Order N44-Non 30 May 2008, Chapter 7, para. 48.

¹⁴The Minister of Justice Order QH-46-N, para. 11.

¹⁵Government Decree 1304-N, para. 12.

¹⁶Ibid., para. 14.

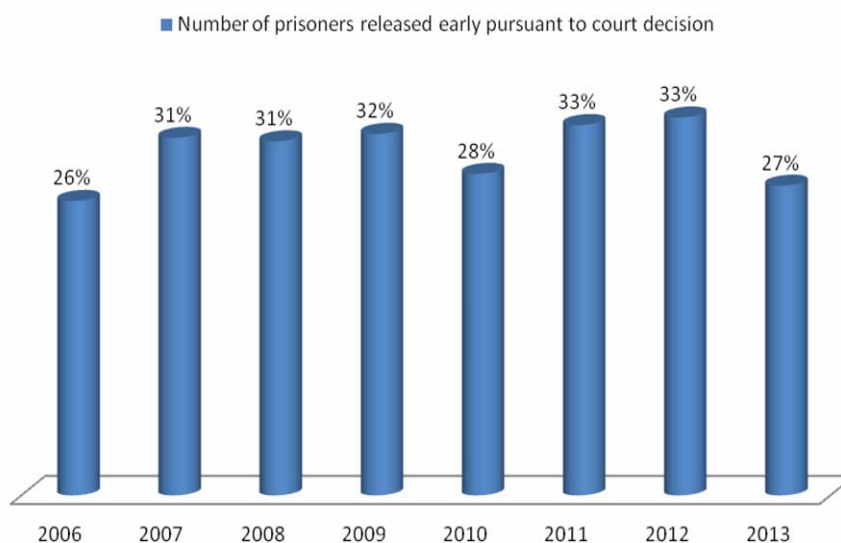
Diagram 20.*Persons granted ECR*



As we can see from the *Diagram 20*, if in 2006, 85% of inmates nominated by the Administrative Commissions were approved by the Independent Commissions and 22% of them were eventually released by a court, in 2013 the numbers are drastically different: 18% and 5% respectively¹⁷. Only 5% of inmates eligible for early conditional release were released in the last two years.

It is clear from the *Diagram 20* that the number of inmates nominated by the Administrative commissions for the review of the Independent Commissions decreases year by year. Supposedly, it may be caused by the fact that the Administrative Commissions when making decisions are guided by the “standards” used by the Independent Commissions and do not nominate inmates of such categories who are as a rule rejected by the Independent Commissions. Despite of such filtering, the Independent Commissions in any case approves only around 30% of the nominated inmates¹⁸ (see the *Diagram 21*).

Diagram 21.*Percentage of motions granted by a court regarding ECR out of all approved by Independent Commissions*

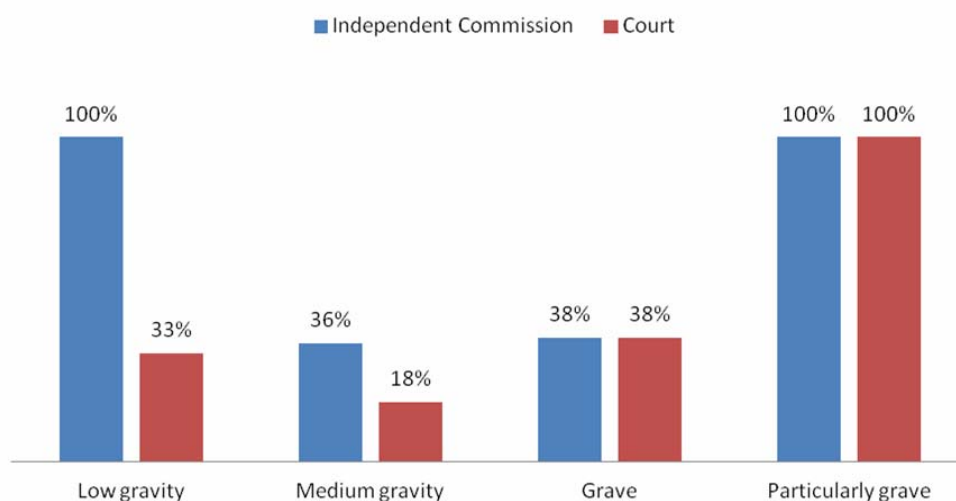


¹⁷The data is up to December 2013. The statistics was provided by the Penitentiary Department of the Ministry of Justice by Letter E40/12-2672 dated 8 August 2013 and supplement letter sent on 10 December 2013.

¹⁸Rejections by courts are rare, therefore they do not affect these statistics significantly.

Analysis of the statistics of motions submitted by the Administrative Commissions to the Independent Commissions demonstrates that mostly the cases of inmates who committed moderately serious offences are nominated but not necessarily granted ECR. For example, in 2013 the Administrative Commission of “Nubarashen” PI made 171 decisions regarding ECR, out of which 58 motions were submitted to the Independent Commission¹⁹. 33 of them were related to inmates committed moderately serious offences, 21 – serious offences, 1 motion on inmate committed particularly serious offences and 3 motions for less serious offences. At the same time, the Administrative Commission decided not to submit motions for 41 inmates committed moderately serious offences, 50 serious offences, and 17 particularly serious offences. The Independent Commission approved only 24 out of 58 submitted motions: 12 for moderately serious offences, 8 serious offences and 1 particularly serious offence. Accordingly, it rejected motions in regard to 21 moderately serious and 12 serious offences. The court in its turn granted motions in 16 cases out of 24 presented (including 3 cases for less serious offences): 1 case for a less serious offence, 6 cases for moderately serious offence, 8 cases for serious offences and 1 case for a particular serious offence. 3 more cases were withheld as amnesty decision was applied. So, as we can see out of 33 cases of moderately serious offences nominated by the Administrative Commission only 6 were released by a court, whereas out of 3 cases of less serious offences only one (See *Diagram 22*).

Diagram 22. ECR cases from “Nubarashen” PI



As we can see from the *Diagram 22*, surprisingly enough 100% (only 1 case) of particularly serious and 38% of serious offences nominated by the Administrative Commission got approved both by the Independent Commission and the court. Whereas in case of moderately serious offences only 18% of persons were eventually released by the court (1/3 got cut by the Independent Commission and half of them by the court).

To compare, in 2013 in “Vanadzor” PI 143 decisions on ECR were made²⁰. Only 14 decisions to nominate inmates for ECR or replacement of the current punishment with a softer one were made. Out of 14 cases 1 related to a less serious offence, 6 to moderately serious offences,

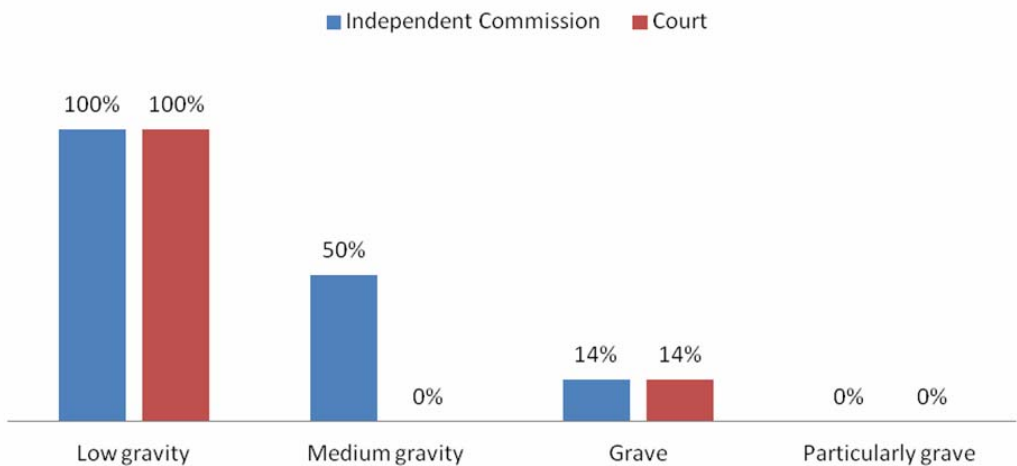
¹⁹ Information was provided by “Nubarashen” PI by Letter N 13-54 dated 10 December 2013.

²⁰ Information was provided by “Vanadzor” PI by Letter E40/20 3119 dated 24 December 2013.

and 7 to serious offences. Out of 129 rejected cases 1 was a less serious offence, 21 moderately serious offences, 56 serious offences and 51 particularly serious offences.

The Independent Commission rejected 9 motions out of 14 submitted: 3 motions for inmates committed moderately serious offences and 6 – serious offences. Accordingly, the Independent Commission approved motions in regard to inmates as follows: 1 inmate committed a less serious offence, 3 committed moderately serious offences and 1 was held accountable for committing a serious offence. The court dismissed the motions for all 3 moderately serious crimes and granted only 2 motions: 1 for a less serious and 1 for a serious offence (See *Diagram 23*).

Diagram 23.*ECR cases from “Vanadzor” PI*



As we can see, in practice the courts agree with the Independent Commission in regard to persons committed less serious, serious and particularly serious offences and disagree mostly regarding inmates committed moderately serious offences.

No break down on gravity of crimes committed is available for “Sevan” and “Kosh” PIs.

6.1.2 Impact of ECR on reoffending as assessed by interviewed experts

It was stated that by providing an opportunity of ECR, it is possible to impact on the behaviour of inmates. Though it was stated that it is less likely to be released in case of committing a serious offence, as we can see from the data available, it is not the case.

It was noted that application of such measure as ECR will be more effective if clear criteria are set and individual approach is ensured to offenders who restored damage caused by the crime and feel sorry for what they did.

In addition, a chance of being released early plays an educational role: to be eligible for ECR, an inmate is supposed not to be subjected to disciplinary sanctions. It was stated that the ECR application is most efficient in case of the first sentence. It undoubtedly contributes to prevention of reoffending, whereas in case of second and more sentences it depends more on a person.

ECR has also some psychological effects. Following release ex-prisoner is somehow deterred from committing a new crime as he/she does not want to lose freedom earned with so many difficulties. A factor that underserved part of the sentence would be added to the new one in case of committing a new crime when released on parole also plays its role as deterrence.

It was suggested that instead of applying the notion of rehabilitation of inmate it was more appropriate to use the notion of risk assessment which was measureable for the purposes of early conditional release. However, there is challenge as such assessment is not carried out at the moment. As a possible solution it was suggested that the officers of the probation service to be formed in the near future would have an opportunity to make a narrative report where all relevant information about the inmate would be presented. This will allow assessing risk of reoffending. It was stated that the risk assessment tool which would be used to draft the report should not be based on points as it was not possible to have a comprehensive and objective picture having a final point. It does not allow to correctly assessing the risk of reoffending after early conditional release of the inmate concerned.

6.2 Amnesty

6.2.1 Preliminary remarks

Given abovementioned it is noteworthy to analyse the statistical data provided by the police headquarters on reoffending rate. According to the police, out of 327 persons with previous criminal record held accountable in 2013, 3 had been released from serving the previous punishment on amnesty whereas none of them had been released on parole. To compare, the number of persons who were released on parole and re-offend has been recently decreasing. Thus, in 2010 6 ex-prisoners released on parole re-offended, in 2011 the number was 2 and in 2012 only 1. In the same period the number of ex-prisoners who were released on amnesty and reoffended has significant ups and downs. Thus, in 2010 the number was 5, in 2011 10 of them reoffended and in 2012 the number of ex-prisoners was again 5. As it was mentioned *supra*, almost 80% of the respondents who had been released upon amnesty from serving their first sentence reoffended within 3 years after release.

It is noteworthy that by 10 March 2014 9 out of 206 (4% of the released) ex inmates of “Nubarashen” PI who were released following amnesty announced on 3 October 2013 were admitted to the PI and accused of committing new crimes.

According to the official data provided by the Ministry of Justice of Armenia, the problem of overcrowding in the PI of Armenia was partially solved following granting amnesty pursuant to the decision of the parliament adopted on 3 October 2013 on “Granting Amnesty dedicated to 22-year anniversary of the Independence of Armenia”. By 1 October 2013 there were 4686 convicts and accused held in the penitentiary institutions whereas the total capacity of all penitentiary institutions in Armenia together is 4395 inmates. By 10 January 2014 following application of amnesty decision 875 inmates were released from penitentiary institutions (706 prisoners and 169 detainees in pre-trial detention). Moreover, 1212 persons serving non-custodial sentences were also released from serving their punishment, and in regard to 148 more persons the sentence was reduced.

In the recent decade a number of amnesties were declared. The most recent amnesties were declared in 2011 and 2013.

According to the Amnesty Decision of 2013 the following categories of persons serving both custodial and non-custodial sentences were released:

- 1) those in regard to whom the sentence was not applied and they were released on parole or whose sentence was delayed;
- 2) those serving non-custodial sentences;
- 3) those who were convicted to imprisonment sentence of less than 3 years²¹ □

A group of other inmates was also released from serving sentences, in particular, those convicted to imprisonment of no longer than 5 years, including people with disabilities, prisoners older than 60 years old, participants to hostilities, as well as pregnant women or women having children under age of 3.

It is noteworthy that this amnesty was also applicable to those juvenile offenders (under age of 18) who had not served a custodial sentence for a premeditated crime before or served such sentence but do not have an active criminal record.

The decision on granting amnesty contains provisions directly related to persons who re-offended or are accused of reoffending. Thus, the amnesty was not applicable to those convicts who were considered a malicious violator of the established order as well as those to whom in the recent 10 years the sentence for previous crime was reduced or lifted on the basis of the pardon granted by the President or amnesty decision adopted by the parliament or who were not prosecuted or prosecution was terminated on the basis of the amnesty decision and who is accused in or convicted for reoffending of a premeditated crime.

The amnesty decision was also not applicable to those who are accused or may be accused of or convicted for reoffending for a premeditated crime committed while serving sentence or being in pre-trial detention or while being on parole (both in case of early conditional release and parole instead of imprisonment term) as well as in case of particularly dangerous recidivism.

As we can see, the factor of reoffending and type of sentence for previous crime play a significant role in deciding on the possible release from punishment on the basis of amnesty.

6.2.2 Impact of amnesty on reoffending risks as assessed by experts

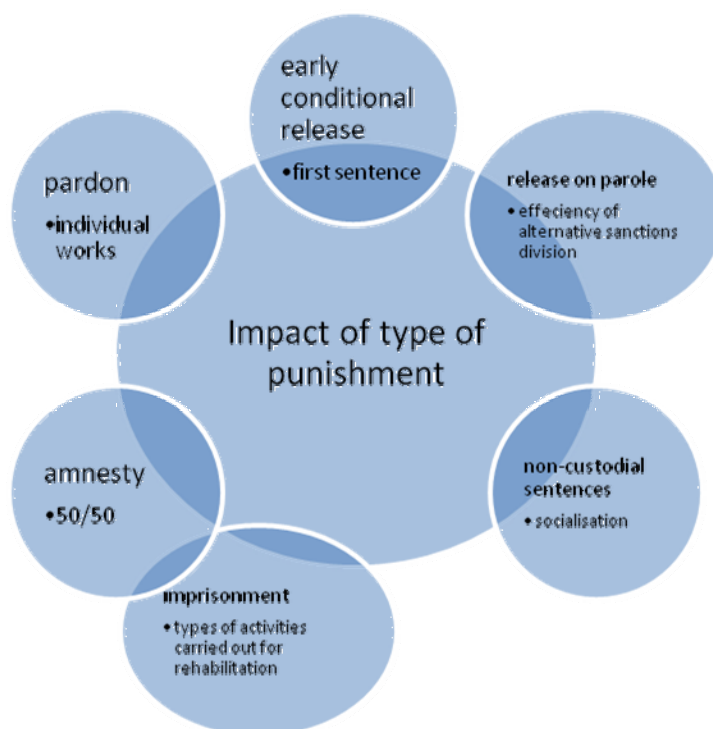
It was stated on numerous occasions that in case of release upon granting amnesty, as compared to early conditional release, the concerned prisoner had not deserved his/her freedom and did not appreciate its value. Such approach contributes to the creation of the sense of impunity on their part. Persons released on the ground of amnesty are more likely to re-offend than those conditionally released. The crime rate rises following granting amnesty. Many of those inmates released on the ground of amnesty come back to the PI (according to the estimates up to 80% of them). One of the interviewed experts described release on

²¹The Decision of the National Assembly of the Republic of Armenia on “Declaring Amnesty dedicated to 22 year Anniversary of Independence of the Republic of Armenia” adopted on 3 October 2013.

amnesty as a situation when the state told to the offender to go home, but it did not tell him not to do it again.

Both amnesty and pardon are those mechanisms which may be used to bring the person in question on the right path. According to the experts, both in case of amnesty and pardon the person concerned has to have an obligation for pardon granted. There is a need to implement individual work with the pardoned person taking into account his/her temper, character, mentality, etc. The experts believe that personal characteristics of such persons contribute more to reoffending but not pardon as such.

Image 1.Impact of punishment



VII. Assistance and desistence while serving sentence and after release

In this Section the issues of types of assistance to be provided to prisoners and offenders serving non-custodial sentences while serving punishment as well as measures needed to be provided after release or while on probation will be presented.

7.1. Preliminary remarks

7.1.1 Implementation of social, psychological and legal works towards inmates

Social, psychological and legal activities are undertaken by the staff of the units dealing with social, psychological and legal issues under the Penitentiary department in accordance with the Order N44-N issued by the Minister of Justice of Armenia on 30 May 2008. Inmates are engaged in social, psychological and legal activities on voluntary basis.

Such activities towards inmates serving custodial sentence or lifers are organized in three phases:

- 1) initial
- 2) ongoing
- 3) final²².

The initial phase starts when the inmate is admitted to the PI and finishes when he/she is transferred from the quarantine unit to a cell. The following activities are envisaged to be undertaken during this phase²³:

- 1) provision of information on the rights and duties of inmates as well as the relevant information regarding the penitentiary institution;
- 2) implementation of psychological activities aimed at preparation of the inmate concerned to serving his/her sentence;
- 3) observation of material conditions, food, medical assistance and personal hygiene of the inmate concerned after placement in the quarantine unit, as well as undertaking of necessary steps together with other units of the PI aimed at improving the situation with the above-listed issues.

*Activities undertaken during the ongoing phase include*²⁴:

- 1) studying of social and psychological characteristics, diagnosing and assessment of individual needs of the inmate concerned;
- 2) organization of visits, when all the issues the inmate is concerned of are discussed and necessary steps are undertaken to solve such issues;
- 3) assistance to inmates to establish external communication, keep it and develop;
- 4) participation in civil deals of inmates as well as provision of legal assistance in case of exercise of other rights established by law;
- 5) carrying out individual activities to inmates subjected to disciplinary sanctions which include identification of the reasons for violations and counselling aimed at prevention of violations in the future;
- 6) taking steps aimed at organization or continuation of distant learning for higher and PhD education of the inmate concerned, contribute to ensuring work occupation of inmates, as well as assistance to organization of cultural, sport and religious events aimed at effective management of rest hours of inmates.

The final phase starts three months prior to the possible date of supposed early conditional release, or when the rest part of the punishment is replaced with a softer punishment or the date when the prison term expires, and it finishes when the inmate is released.

The social, psychological and legal activities carried out with the inmate concerned in this phase include²⁵:

²² Order of the Minister of Justice N44-N, Chapter 5, para. 5

²³ Ibid., para. 41.

²⁴ Ibid., para. 42

²⁵ Order of the Minister of Justice N44-N, para. 43

1) drafting a plan to prepare an inmate for release and ensure implementation of events of organizational manner stipulated in the plan. The following issues are addressed in the plan for preparation to release:

- a. health and personal hygiene, prevention of epidemics, resistance to possible stress situations, prevention of HIV/AIDS, physical training, teaching communication skills;
- b. occupation;
- c. information on local governance bodies²⁶;
- d. personal development, marriage, family, issues and skills related to bringing up children which would help the inmate in organization of his/her life after release;
- e. informing on possible difficulties after release and preparation for that.

Inmates are provided consultation on negative social consequences of having criminal record, including possible distrust from the community after release, indifference, possible discriminatory treatment to an ex-prisoner by employers and various organizations when applying for a job. Activities are being undertaken to:

- 1) strengthen his strong-will skills, to form readiness to overcome such phenomenon and build trust;
- 2) support in employment, social issues, as well as re-integration of inmate into society after release, implementation of measures aimed at improving relations with people in his circles;
- 3) taking steps to register the inmate concerned in the former place of residence.

The staff of the social, psychological and legal activities unit is not tasked to carry out any activities towards the inmate after the latter's release from a penitentiary institution. At the same time there is no institution carrying out activities aimed at inmate's re-integration after release. However, it is compulsory to carry out social, psychological and legal activities in case of conditional non-execution of the sentence or early conditional release during the period of parole²⁷.

7.1.2 Assessment and providing characteristics of inmate in course of implementation of social, psychological and legal activities

It was emphasized that efficiency of penitentiary institutions depends on specialists working there. Low wages limit the possibility of engaging highly qualified specialists.

According to Order N44-N of the Minister of Justice implementation of any social, psychological and legal activities shall start with diagnosing an inmate aimed at revealing the causes for negative behaviour of the inmate, factors contributing to criminal behaviour, existence of risk and propensity for violence or other particular characteristics, social demands and individual psychological characteristics.

²⁶ According to the Order N44-N 10 days prior to his release the inmate is provided with detailed information on procedure for reporting to the nearest employment agency and registration there. He is informed about all services provided by the employment agency, including provision of unemployment benefits, food for work, free of charge education and opportunities to get a paid job.

²⁷ Order of the Minister of Justice N44-N, para. 51

As a result of diagnosing, criteria are set. On the basis of such criteria the degree of propensity for violence and level of risk, symptoms of mental illness, propensity for suicide and self-harming, and existence of drug or other addictions are assessed. In case the inmate's level is higher than the defined level then relevant activities are carried out with him/her. On the basis of the diagnosing a plan for rehabilitation of the inmate concerned is being developed²⁸.

In addition, assessment of inmate is done regularly while he/she is serving sentence. Assessment includes information on progress in activities undertaken with the inmate concerned, changes in behaviour of the inmate, particularly, communication with family and others is assessed, level of risk, discipline of the inmate, participation in educational, cultural and other programs, involvement in work, as well as results of implementation of rehabilitation plan.

7.2 Assessment of the interviewed experts of the measures of assistance available at the moment

Controversial opinions were expressed regarding the impact of penitentiary institutions on inmate and efficiency of imprisonment from the perspective of offender's rehabilitation. On the one hand, rehabilitation of inmates with the latter's position was linked. From this perspective the most dangerous group comprise those inmates who get used to the prison environment, conditions, order, set up and tend to come back. Serious concerns were raised in regard to the quality of activities carried out towards offenders, including aimed at rehabilitation and re-socialisation of ex-prisoners, as well as supervision and continuous impact when serving non-custodial sentences. It was noted that the spread of criminal customs is easier to control in the closed type of the confinement in penitentiary institutions, if relevant activities are undertaken.

On the other hand, though it is not possible to rehabilitate everybody, however, a lot depends on the work of penitentiary institutions. One of the experts compared a PI to a hotel stating that they were like 1 to 5 star hotels. The experts believed that the impact depended on conditions of detention whether a detainee got a good room or not, what kind of "paid" services he would benefit from. He stated that the prison administration closely cooperated with so called "criminal" world. As a result, criminal rules are quite widespread, and if the person does not obey these rules, he would have serious problems.

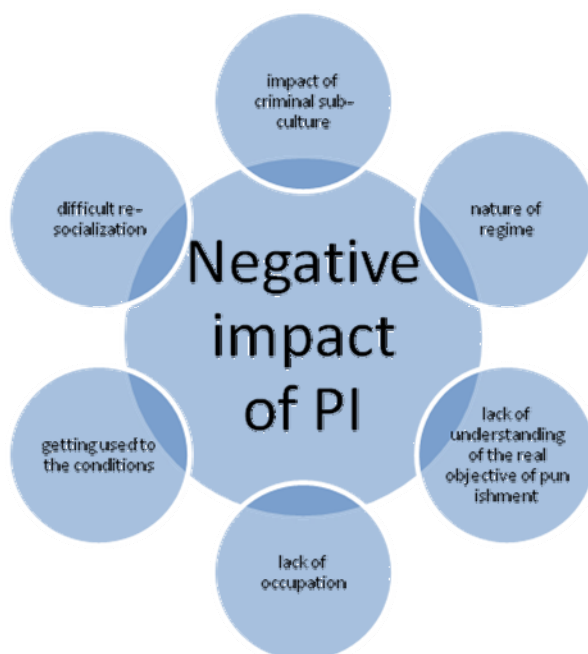
It was noted that inmates leave a prison either broken and disappointed or angry. However, it was also emphasized that if there were no prisons than crime rate would have significantly increased. When speaking about impact of penitentiary institutions it was noted that being there did not necessarily negative affected everyone. It was stressed that if an inmate wanted to rehabilitate, then he would be by no means supported and the activities would be efficient.

It was stated that activities of staff of penitentiary institutions are rather aimed at keeping the regime than rehabilitation of inmates. The experts believe that inspectors can only watch that inmates do not violate internal rules of the regime, do not commit a breach.

²⁸ Ibid, para. 45, Chapter 7.

An opinion was expressed that in exceptional cases activities of penitentiary institutions specialists can bring results, if any specialist enjoys trust and is able to impact on inmate, however the issue of the system's overall ineffectiveness still remains.

Image 2.*Negative impact of PI*



It was noted that social workers of penitentiary institutions work with inmates on the following issues: occupation, marriage and regulation of family relations, organization of sports events, etc. Social workers cooperate with employment agencies and employers in order to ensure employment of ex-prisoner after release. They also cooperate with NGOs.

When speaking about the role of prison psychologist, the experts stated that one single psychologist is not able to assist effectively to all inmates kept in the penitentiary institution. There are instances when a person who does not have educational background of a psychologist work at that position after undergoing a course on psychology. In addition, some experts expressed concerns that in most cases persons with specialization of a social worker and psychologist are female, whereas the peculiarity of the work in the PI requires rather involvement of male workers. As a result of all abovementioned, the efficiency of the work of social-psychological unit decreases and has formal nature.

It was stressed that disciplinary sanctions and rewards should be proportionate and have specific objectives. The inmate who is subjected to disciplinary punishment shall know that he deserves the punishment, and rewards are also to be deserved.

Another factor that was distinguished during the interviews with experts was the perception of the offender towards his/her criminal conduct. It was emphasized that the efficiency of work carried out with an offender for the purpose of rehabilitation largely depended on the latter's attitude. Denial of responsibility by the offender as a challenge was mentioned.

In case of conditional non-execution of punishment the staff of the ASD or Probation Service to be created has a lot to do. Effectiveness of their work and the punishment itself depends on

activities implemented aimed at ensuring supervision over the offender concerned during the period of conditional non-execution/suspended sentence.

7.3 Analysis of the interviews with offenders

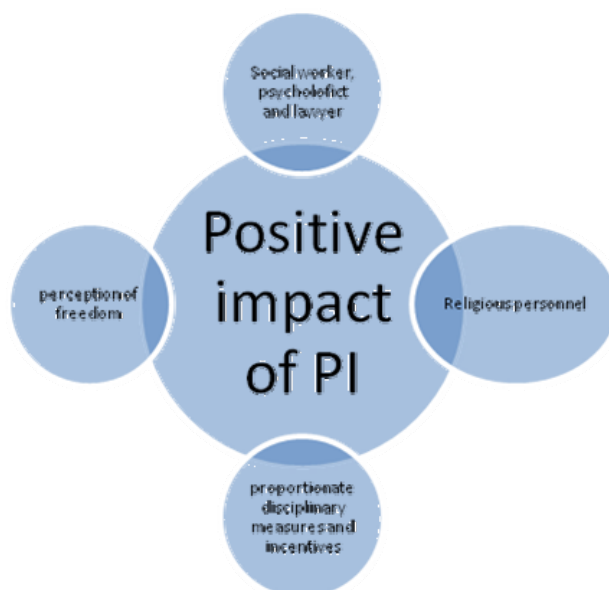
Twenty five percent of respondent offenders stated that a psychologist worked with them in the PI when they were serving their first sentence, 31.1% stated that a psychologist worked with them while they were serving their second sentence. Higher percentage in case of the second sentence may be explained by the fact that some of the interviewed offenders had served their first sentence before the psychologists' service was introduced in the penitentiaries. Assessing the work of a psychologist the majority of respondents stated that they were able to talk about any issues, discuss various questions with a psychologist, and they felt relieved after such conversations. Only one respondent expressed negative feedback and stated that the work of a psychologist "was of no use".

When speaking of the role of a social worker, 17.6% of the respondents stated that a social worker worked with them while they were serving their first sentence, whereas in course of serving the second sentence a social worker worked with 19.4% of the respondents. Respondents assessed the work of a social worker rather in a positive way and stated that a social worker's advice and recommendations were helpful and the latter facilitates keeping in touch with the family members.

Importance of work undertaken by social workers, psychologists and lawyers in penitentiary institutions was emphasized. However, it was also stressed that the role of a religious personnel is evaluated higher by inmates. The number of those inmates with whom a priest worked is much higher: 28.9% and 35.7% of inmates accordingly while serving the first and second sentences. For example, it was mentioned that in "Abovyan" PI a priest used to visit the PI once a week in the past, but now given the high demand, the priest visits the PI twice a week. However, meeting with a priest and going towards the God has often situational nature until a person is released. When speaking of the role of the religious personnel, the respondents mentioned more positive aspects of their work, including the fact that meeting with a priest eases and mentally relaxes, strengthen the belief, they pray. One of the inmates mentioned that as a result of a priest's motion she was released on parole. Only one of the respondents spoke negatively of the role of religious personnel and stated that he did not believe.

It is noteworthy that work of a social worker and a psychologist is not envisaged for those offenders who are serving non-custodial sentences. At the same time there is a pressing need for such activities and impact by such specialists. However, legal counselling for them is stipulated as a part of works to be carried out with offenders serving non-custodial sentences. Given that, quite low percentage of respondents stated that a lawyer worked with them: 23.4% while serving first sentences and 27.5% during the second sentence respectively. The respondents mentioned the following positive aspects of the work of a lawyer: clarification of some legal issues, as well as assistance in issues related to appealing the verdict.

Image 3. *Positive impact of PI*



VIII. Probation Service as one of the ways of prevention of reoffending

8.1 Preliminary remarks

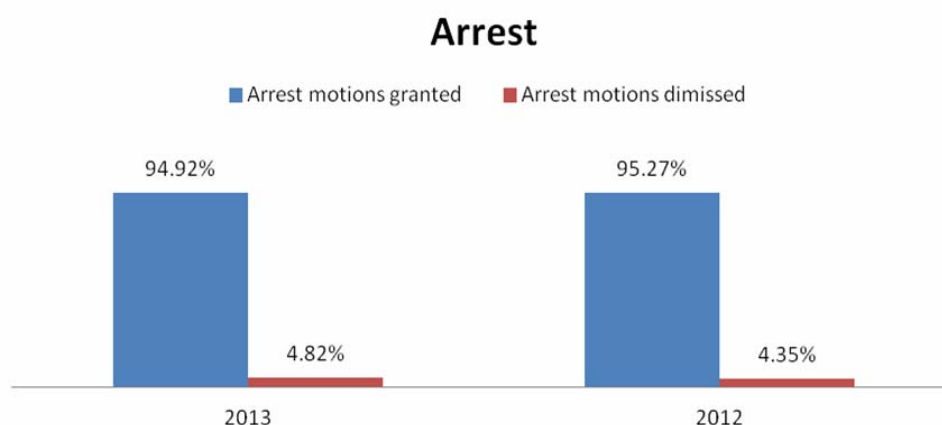
In February 2014 Concept Note on Introduction of Probation Service in Armenia²⁹ was adopted (Concept Note). The Concept Note emphasized the importance of criminal restorative justice which ensures most flexible counteraction to crime. By means of restorative justice the role of community as an important factor of fight against crimes and other violations can be increased. On top of that, it is also considered to be an affordable measure.

The Republic of Armenia presently does not have a separate probation service. However, some functions typical of a probation service are performed by the Division of Execution of Alternative Sentences of the Penitentiary Department of the Ministry of Justice of the Republic of Armenia, together with its territorial subdivisions, and the divisions carrying out social, psychological, and legal work in the penitentiary institutions.

According to the official statistics in 2013 the courts reviewed 3172 motions on application of arrest as a measure of restraint. Out of 3172 motions 3011 (94.92%) were granted and only 153 (4.82%) motions were dismissed. This is a very alarming situation. In 2013 the courts also reviewed 576 motions to replace arrest by release on bail and granted only 129 (22.4%) of them. To compare, in 2012 the courts reviewed 2621 (21%) motions to apply arrest, and granted 2497 (95.27%) of them dismissing only 114 (4.35%). In the same period the courts reviewed 441 motions to replace arrest by release on bail. The courts granted 134 (30.3%) of them and dismissed 273 (62%) (See *Diagram 24*).

²⁹ Concept Note on Introduction of Probation Service in Armenia approved by the Council of National Security on 25 February 2014

Diagram 24.*Percentage of arrest motions granted*



As we can see from the Diagram though there was a decrease of 0.35% in granting motions to apply arrest as a measure of restraint, the figures are still very high.

Under these circumstances, creating a probation service would help to reduce the number of cases in which prison sentences are unnecessarily imposed by courts, as well as the number of cases in which defendants are detained during pre-trial proceedings, thereby alleviating the problem of overcrowding in penitentiary institutions. In the present, persons in pre-trial detention and convicted to imprisonment are held in the overcrowded penitentiary institutions.

Moreover, all forms and models of the probation service have proven to be cost efficient. It is expected that expenditures on a person who is under “supervision” of the probation service would be much less than to hold a person in a penitentiary institution.

According to the Concept Note, a law on “Probation service” is to be adopted, which would regulate principles of its activity, jurisdiction, structure, state guarantees of legal and social security of probation officers as well as material and financial support and supervision issues. Then, there will be a need to adopt relevant by-laws, for example, a Decree of the Government on Formation of a state non-profit organization, etc.

In order to avoid overlap in functions between the unit dealing with social, psychological and legal activities under the Penitentiary Service and Probation Service, the Concept Note envisages that the Probation Service will deal with those persons who are serving non-custodial sentences which is out of scope of functions of the Penitentiary Service.

8.2 Possible role of the Probation Service in risk management as assessed by the interviewed experts

It was noted that effective implementation of the probation service depends on specifics of national culture and socio-economic situation. Probation service will be efficient from the perspective of prevention of reoffending as it provides a person with opportunities but do not make him/her angry. It will be most efficient in cases of situational crimes, economy related crimes, frauds, and in work with brawling youngsters.

Work of the probation service will also contribute to solving the problem of overcrowding of prisons. However, it is noteworthy that concerns were raised about the role of the probation service in pre-trial stage. It was assessed as limited as there are doubts that it would be possible to draft a comprehensive and objective report within such a limited period of time, when a person is brought before a court to decide on lawfulness of his arrest and application of arrest as a measure of restraint. A part of other respondents believe that there is no need for such a report at that stage. Concerns about increasing corruption risks were also raised. It was stressed that efficient organization of the work of probation service in marzes (provinces) of Armenia is a challenge. Everyone making a part of the community over there knows each other. It would be quite hard for a probation officer to make an objective report given the fact that the community may put pressure on the officer.

The vast majority of experts were quite positive in regard to the role of probation service in case of early conditional release and conditional non-execution of the sentence as well as serving non-custodial services. All experts agreed that when a person is released from prison there is a need to continue exercising supervision over the person concerned and provide assistance as well as a complex of services.

First of all, there was a consensus that many measures taken for prevention of crime are applicable to prevention of reoffending, though there are also some specifics. When speaking of possible ways of preventing reoffending the following factors and necessary measures were mentioned to be possibly carried out by the Probation Service:

- *Development of constructive personal characteristics;*
- *Work with the family members of the offender, formation and preservation of positive relations between the offender and his/her family;*
- *Restriction of opportunities to communicate with criminal circles;*
- *Full implementation of activities envisaged to be carried out in the penitentiary institution;*
- *Restoration of trust into the legal system;*
- *Purposeful implementation of sanctions and rewards;*
- *Ensuring occupation, which implied also awareness raising among employers about the need to hire such persons;*
- *Activities aimed at acquirement of a profession;*
- *Activities in the field of art;*
- *Activities in the field of sport;*
- *Continuous assistance of a social worker after release;*
- *Improvement of social conditions, assistance aimed at improving the level of social security and well-being of the offender;*
- *Individual approach by a court to be ensured when deciding on type of punishment and its terms taking into account a number of factors;*

- *Development of the system of alternative sanctions and implementation, replacement of punishment by softer measures.*

The need for a complex of measures in the above mentioned directions was emphasized in order prevention of future crimes be effective.

It was stressed that the role of media and educational institutions is of paramount importance from the perspective of prevention of crimes and reoffending. They have key influence on upbringing and socialization of a person. Importance of organization of occupation of juveniles and youngsters was stress.

The role of parents in this regard is not less important. In some instances there is a need in activities aimed at development of parental skills.

The issue of staffing with relevant professionals for the probation service is quite alarming. It requires a special education and professionalism; however there is a lack of such professionals in Armenia. On the other hand, it is important that people having practical experience in the field who have experience in dealing with convicts, deal with planning and creation of the probation service. An opinion was expressed that there was a need to implement probation by enforcement bodies as wearing uniform brings respect. Again, the importance of the gender aspects in staffing of the probation service was emphasized. It was noted that it was key to hire more male officers. Proponents of such opinion stated that taking into account the national mentality it is hard to imagine that an offender would obey a female probation officer. It was noted that in case the probation service was in a position to assist in access to employment, it would be really helpful. It may also help and advice to the person where to apply, how to behave.

It is also important that a probation officer has the same package of social security as an officer in the penitentiary service. They should be also provided a possibility of psychological support.

Attention was drawn to the fact that in the initial stage prior to creation of the service there is a need to do awareness raising campaigns about the probation service among the population.

It was also stressed the importance of individual approach to juvenile offenders. The need for specialization of judges, prosecutors and investigators dealing with juvenile cases was emphasized.

Adherence to the ideas and principles stipulated in the Concept Note and their transfer from the authors of the Concept Note to those in charge of its implementation is a key precondition for effective work of the probation service in order the current ideas are not misinterpreted and the reform does not fail. Staffing issue is important in this regard as well.

The staff of the PI interviewed expressed the following concerns: "in case the probation service works with those people who are serving non-custodial sentences then there is no problem with that, however, if the probation service is supposed to be an additional body over the staff of the penitentiary, then it is not appropriate".

Image 4.*Capacity of the probation service*



Image 5.*Challenges of the probation service*



8.3 Analysis of the interviews with offenders

In *Table 24* below the opinion of respondent offenders and persons accused of committing a crime is presented on possibilities of prevention of reoffending which in general corresponds to the opinion expressed by the experts.

Table 24.*In your opinion what can keep away from reoffending?*

Answer	%
Change in mentality, realization of meaning and consequences of own conduct	33.8
Family	21.8
Having a job	19.7
Lack of financial problems, normal income	13.4
Not being ignored by the state, keeping up the law	7.7
Punishment, «cell, life and conditions of prison»	7.7
Not communicating with people with criminal behavior	7.0
Appreciation of freedom	2.8
Psychological assistance	2.8
Leaving Armenia so that the police stops persecution	2.1
Not being cheated in relationships with other people	0.7
Backing off from playing cards	0.7
Nothing	4.2

Notably, while 33.8% of the respondents indicated change in mentality, realization of meaning and consequences of own conduct, 4.2% of the respondents stated that nothing would prevent reoffending.

IX. Conclusions

Crime rate in Armenia has been increasing in the recent years. One of the explanations of such trend can be improvement of the crime registration practice of police. However, in 2013 only in 66% of registered crimes perpetrators were apprehended which is a decrease in comparison to 78% in 2012. Despite the increase in crime rate, the number of persons subjected to criminal responsibility has been decreasing in the recent years (by 2.39% compared to 2012 and by 1.48% in 2012 compared to 2011).

Quite alarming is increase in crimes committed by women. Thus, in 2013 women committed almost 200 crimes more than in 2012 (1613 v. 1420 cases). Whereas crime rate among juveniles, significantly decreased in 2012-2013. Great share in this decrease is a result of joint efforts of police and rehabilitation centers for juveniles in conflict with law.

A part of the crimes registered was committed by persons having criminal record. Analysis demonstrates that despite the increase in crime rate in Armenia the share of crimes committed by persons with previous criminal record has been decreasing as of 2004. If in 2004 the share of crimes committed by persons having previous criminal record was 18.6% of all crimes registered, in 2013 the figure decreased to 3.7%. If we compare the figures of crimes where perpetrators were apprehended, then the share of crimes committed by persons having previous criminal record in 2013 is 5.58%. This trend is quite alarming as it means that more and more people get involved in criminal activity every year as the crime rate does not decrease at all.

Almost half of the crimes committed in Armenia in 2013 were committed by persons at the age of 30-49. At the same time the most noticeable increase in crime rate in the recent years took place at the age group of 18-24 years old rising from 1.25% in 2012 to 1.31% in 2013 of the total population of that age group. However, the highest share of crime rate per age group comprises persons at the age of 25-29. 1.81% of the Armenian population of that age committed crime in 2013.

65% of all crimes committed by repeat offenders in 2013 were less serious (50.22%) and moderately serious (14.46%) offences. The vast majority of less serious and moderately serious offences committed by persons in question belong to crimes against property, in particular, theft. Second large group of crimes comprises drug related crimes (around 10%) and battery (8%).

Notably, 46% of all the crimes registered in Armenia by police in 2013 were committed in Yerevan whereas Armavir is on the second place with 7.8%. 26.6% of all repeat offenders were held accountable in Yerevan, 18.3% of them in Lori, 14.4% in Shirak, and 8.3% in Kotayk.

It should be mentioned that from the total number of the crimes committed by repeat offenders 38% took place in Yerevan, 15.2% in Kotayk, 11.5% in Lori, 10.6% in Shirak, and 5.1% in Armavir.

The study demonstrated that while in the view of the experts both human needs and criminogenic factors, including poverty, lack of professional qualifications/education or skills, anti-social attitudes, values and beliefs and social circles and environment, family situation, personality and temperamental characteristics, substance abuse, in particular drugs, as well as gambling, strongly contribute to criminality. While it was stressed that most of the factors linked to offending had also influence on continuing to be involved in criminal behaviour, the experts particularly stressed the role of the following factors on increasing risks of reoffending: poverty, lack of professional qualification and education which lead to a situation when the person is not competitive in the job market when it is also coupled with having criminal record, personality/individual characteristics, the influence of criminal subculture, poor family situation as well as to a certain extent the attitude and stigmatization by society. Lack of preventative measures against offending and reoffending as well as measures aimed at providing assistance and desistance both while serving sentence and later on were emphasized.

At the same time the interviewed offenders stated that financial difficulties and poverty, including lack of employment opportunities, temperamental characteristics, misunderstanding about the meaning of the conduct, influence of peer pressure and social circles, gambling problems and attitude of society were among those factors prompting them to engage in criminal behaviour. Poverty, lack of employment and education opportunities, adherence to criminal subculture and social circles as well as temperamental characteristics were mentioned as factors contributing to reoffending.

Interviews with offenders serving sentences demonstrated that in case of almost 30% of them positive social ties necessary for re-socialization are lacking as they do not communicate with anyone while serving their sentence.

Serious concerns were raised in regard to the quality of activities carried out towards offenders, including aimed at rehabilitation and re-socialization of ex prisoners, as well as supervision and continuous impact when serving non-custodial sentences. It was stressed that Poor organization and implementation of resocialisation of ex-prisoners, lack of attention and indifference towards their needs lead to deepening of their psychological alienation from society.

Impact of custodial and non-custodial sentences was analyzed. The analysis of the official statistics demonstrates that the Armenian law-enforcement agencies and the judiciary give preferences to pre-trial detention and custodial sentences. Thus, in 2013 2997 out of 3829 defendants (78.4%) were convicted to imprisonment, whereas 57% of all defendants served a real custodial sentence, whereas 21.4% were released on parole. In 2012 72.1% of all defendants were convicted to imprisonment whereas 53.5% a real custodial sentence and for 18.6% imprisonment was replaced by conditional non-execution of the sentence.

The research shows that custodial sentences affect almost all areas of life negatively. It affects well being and income of the person and his family, jobs and prospects to obtain jobs when released, as well as deteriorated health condition as a result overcrowding and insufficient medical assistance available. In addition, negative impact of the environment is much stronger in prison. Concerns were raised that imprisonment rather contributed to increase in reoffending as inmates learn a lot while serving custodial sentences. Connections obtained while serving prison term also play a significant role. Impact of social circles is most dangerous for juveniles. Given the existing capacity of penitentiary institutions and current conditions in Armenia it was stated that it seemed that imprisonment served only one goal that was to isolate a person from society, whereas isolation from society should be a precondition for achieving other objectives of punishment. However, in any case imprisonment may have a strong positive impact if it contains not only a function of isolation of a person from society but is coupled with activities aimed at rehabilitation of a person.

Conviction and even more so imprisonment affect family ties for women and men differently. It was observed that women wait patiently for their imprisoned husbands. This cannot be said about female offenders. The contacts of female serving her term in PI with her family are often cut off.

Unlike imprisonment serving non-custodial sentences does not have so drastic negative impact. As regards income and well being of the family, the majority of the respondents serving non-custodial sentences (61.2%) stated that they provide for the family themselves or at least are not dependent on the family. Serving non-custodial sentences has significantly less negative impact on relations with friends, relatives and neighbours and the family. Such sanction also contributes to adequate socialization of an offender preventing involvement into “criminal” subculture. Importance of applying alternative sanctions more broadly, especially in case of the first crime was emphasized as they have positive impact both from educational point of view and crime deterrence. However, when assigning alternative sanctions due regard should be made to whether the offender concerned is able to serve that particular type of punishment, which type of punishment is preferable and will be more efficient in this particular case. Fine and community service may contribute to reoffending if risks are underestimated and not all factors are taken into account.

It is noteworthy that work of a social worker and a psychologist is not envisaged for those offenders who are serving non-custodial sentences. At the same time there is a pressing need for such activities and impact by such specialists. Alternative sanctions shall also be coupled with purposeful activities carried out with an offender by various specialists (a psychologist, social worker, social pedagogue, lawyer, etc.) and continuous support, including in ensuring access to education and occupation, shall be ensured. Most risky period is first three years after release.

It was emphasized that conditional non-execution of the sentence shall be used more actively taking into account various factors. Effectiveness of their work and the punishment itself depends on activities implemented aimed at ensuring supervision over the offender concerned during the period of parole. However, such measure should be combined with activities carried out with the offender concerned aimed at clarification of social danger of the conduct and objectives of punishment. They should also include educational programs and programs aimed at ensuring occupation of the offender. All possible negative consequences of violating the parole rules shall be clearly explained to offenders. Otherwise, such type of punishment may contribute to creation of sense of impunity and in some instances lead to reoffending.

The system of early conditional release does not work efficiently and there are serious flaws in the system. One of the main issues of concern is lack of risk assessment tool to be used when an inmate is eligible for release in order to assess the risk of reoffending. No clear criteria exist for decision making in the moments and decisions are not predictable for inmates.

Serious concerns were raised about practice of releasing inmates upon amnesty. It was concluded that amnesties significantly contribute to reoffending as no whatsoever supervision or assistance is envisaged for ex prisoners. On the contrary, following early conditional release ex-prisoner is somehow deterred from committing a new crime as he/she does not want to lose freedom earned with so many difficulties. A factor that underserved part of the sentence would be added to the new one in case of committing a new crime when released on parole also plays its role as deterrence.

Controversial opinions were expressed regarding the impact of penitentiary institutions on inmate and efficiency of imprisonment from the perspective of offender's rehabilitation. . It was noted that inmates leave a prison either broken and disappointed or angry. However, it was also emphasized that if there were no prisons than crime rate would have significantly increased. Concerns were expressed in regard to the staff of the PI, in particular capacity of the unit dealing with social, psychological and legal issues. In addition to the issue of lack of qualification, the issue of understaffing in these units was raised. It was stressed that the work of these specialists may be efficient provided will and openness of the inmate to work towards rehabilitation. Most difficult group of inmates for the purposes of rehabilitation comprise those who get used to the prison environment, conditions, order, set up and tend to come back. Importance of high quality work undertaken by social workers, psychologists and lawyers which would take into account individual needs of the inmate was emphasized. However, it was also stressed that the role of a religious personnel is evaluated higher by inmates.

It was concluded that the probation service to be formed in the near future may have its positive role in preventing reoffending. Among other measures the need for activities in the following directions was identified: work with the family members of the offender, and formation and preservation of positive relations between the offender and his/her family; restriction of opportunities to communicate with criminal circles; full implementation of activities envisaged to be carried out in the penitentiary institution; ensuring occupation, which implied also awareness raising among employers about the need to hire such persons; activities aimed at acquirement of a profession; continuous assistance of a social worker after release as well as improvement of social conditions, assistance aimed at improving the level of social security and well-being of the offender.

X. Annexes

Annex 1. Personal data of the respondent convicts

53.1% of the interviewed convicts mentioned that they were healthy; the others told that they suffered from chronic diseases or had disability (See *Table 25*).

Table 25. *Describe your health condition.*

Health condition	Respondents (%)
I am healthy	53.1
I suffer from chronic disease	34.0
I am a disabled person	12.9
Total	100.0

According to the result of the survey before their first conviction 10.6% of the respondents had rented their apartments, 17.6% had stayed with friends/relatives, 2.1% lived in dormitories, and 2.1% used to live in cabins. Majority of the respondents (66.9%) before their first conviction had lived in apartments, of which they were owners or co-owners (36.6% and 30.3% respectively). However, lesser percentage of the respondents told that they were planning to live in their own apartments after having served their term. At the same time the number of those planning to stay with their relatives or to rent an apartment has increased (See *Table 26*).

Table 26. *Where do you live?*

Answer	Before imprisonment (%)	At the moment (%)	After serving the sentence (%)
I my own apartment	36.6	16.9	31.0
In the apartment of which I am a co-owner	30.3	18.3	27.5
In a rented apartment	10.6	4.9	13.4
With my friend/relatives	17.6	8.5	19.0
In a penitentiary	-	50.7	-
In a dormitory	2.1	0.7	2.1
In a cabin	2.1	-	1.4
I will move from Armenia	-	-	1.4
I don't have an answer	0.7	-	4.2
Total	100.0	100.0	100.0

When deciding on punishment, the court took into account various aggravating and mitigating circumstances. According to the respondents, aggravating circumstances were taken into account in 2.8% and in 2.1% for the first and second time respectively³⁰. Mitigating circumstances were referred to by a court more often: in 37.2% for the first crime and 33.8%

³⁰These figures do not reflect the situation fully as cases when the crime itself already contained aggravating circumstances and was classified accordingly, are not shown.

for the second crime respectively. If the list of aggravating circumstances taken into account by a court is quite limited (previous criminal record, committing a crime in a group, significant damage, engaging a juvenile), the list of mitigating factors is quite broad (See *Table 27*).

Table 27. *What kind of mitigating factors were taken into account by a court on you case?*

Mitigating circumstances	Respondents (%)
Existence of underage children in the offender's custody	44.2
Being a juvenile	19.7
Disability/serious illness	18.0
Having a person with disability or retired persons in custody	14.8
Coming a crime for the first time	13.1
Guilty plea	8.2
Compensation of damage caused by a crime	4.9
Positive family or personal characterizes	4.9
The fact of doing military service	3.3
Wife's pregnancy	1.6
The fact that stolen money was used to cover the costs for burying the mother of a friend	1.6

Table 28. *Respondents' Status by Gender*

Context	Respondents' Gender		
	Male (%)	Female (%)	Total (%)
Offenders serving custodial sanctions	45.2	68.8	47.9
Arrest as a measure of restraint	5.6	0.0	4.9
Offenders serving alternative sanctions	49.2	31.2	47.2
Total	100	100	100

Table 29. *Respondents' Status by Gender and Age*

Context	14-17 (%)		18-24 (%)		25-29 (%)		30-49 (%)		50 + (%)		No remarks (%)		Total (%)	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F
Offenders serving Custodial Sanctions	100	0.0	34.8	0.0	44.4	0.0	50.0	80.0	40.9	70.0	50.0	0.0	45.2	68.8
Arrest as a measure of restraint	0.0	0.0	8.7	0.0	5.6	0.0	5.0	0.0	4.5	0.0	0.0	0.0	5.6	0.0
Offenders serving alternative	0.0	0.0	56.0	0.0	50.0	100	45.0	20.0	54.5	30.0	50.0	0.0	49.2	31.2
Total	100	0.0	100	0.0	100	100	100	100	100	100	100	0.0	100	100

Annex 2. Sample of expert interview questionnaire

Dear interviewee, Civil Society institute NGO conducts a research about the causes of reoffending and possible ways of its prevention. The result of the present interview will be used only in generalised manner. Please answer the questions presented below. Thank you for your time and sincere responses in advance.

The expert's profession, position, place of work, work experience, age, sex

1. In your opinion **what are the main causes of reoffending ?**
2. Please describe **several cases** from you professional practice, *interpreting circumstances, causes and specificities of the case.*
3. In your opinion how does **the type of punishment assigned for a crime** influence reoffending during the **first** and subsequent adjudications?
 1. **Imprisonment (and its duration),**
 2. **Conditional non-execution of a sentence,**
 3. **Early conditional release,**
 4. **Implementation of alternative types of sanctions**
 5. **Amnesty,**
 6. **Pardon**
4. In your opinion how does the **impact of a PI influence the correction of detainees ?**
Explain your answer
5. In your opinion, to what extend do the **works implemented in a PI** contribute to the prevention of reoffending?
 - *Work performed by the administration (PI head, person responsible for maintaining the regime, supervisor, inspector, etc), penalties and measures of encouragement,*
 - *Activities undertaken by a psychologist, a social worker, a lawyer and a priest.*
6. Whether the **objective of punishment** (*custodial or non-custodial*) is explained to detainees. If yes, than who does it and how?
7. How does the adoption of **criminal subculture** affect reoffending? What are the mechanisms of formulation and expansion of criminal subculture? How deeply is it rooted nowadays and what modifications does it undergo? How is it possible to prevent promulgation of this subculture?
8. In your opinion, how does **society's attitude** (*stigmatization*) affect reoffending ?

9. In your opinion how does **family situation** affect reoffending ?
10. In your opinion, how **personal characteristics** affect reoffending?
11. In your opinion, what can contribute to the **prevention of reoffending**?
12. To what extend are you informed about the **advantages of the probation service**?
13. In your opinion, how can the introduction of the probation service contribute to the prevention of reoffending in Armenia?
14. What would you like to see in the probation service?

THANK YOU

Annex 3. QUESTIONNAIRE FOR AN INTERVIEW WITH A PERSON CONVICTED FOR REOFFENDING

Dear interviewee, Civil Society institute NGO conducts a research about the causes of reoffending and possible ways of its prevention. The result of the present interview will be used only in generalized manner. Please, answer the questions presented below.

Thank you for your time and sincere responses in advance.

The following questions are filled by the interviewer before the interview

1. The interviewer's first name _____ last name _____

2. Date of the interview _____

3. Place of the interview

1. ☐ “Abovyan” PI
2. ☐ “Sevan” PI
3. ☐ “Vanadzor” PI
4. ☐ “Artik” PI
5. ☐ “Kosh” PI
6. ☐ Other /specify / _____

4. The interviewee.

1. ☐ Serves the punishment in custody
2. ☐ The punishment was conditionally not implemented
3. ☐ Is under detention as a preemptive measure
4. ☐ Serves alternative punishment

5. Sex of the interviewee 1. ☐ male 2. ☐ female

The following questions are filled on the basis of the interviewee's answers

6. Please note the following data about your birth year _____ month _____ day _____

7. Please note the place of your residence Region _____ Community _____

8. Please note you marital status

- | | |
|-------------------------------------|--|
| 1. <input type="checkbox"/> Single | 2. <input type="checkbox"/> Divorced |
| 3. <input type="checkbox"/> Married | 4. <input type="checkbox"/> Widow/ Widower |

9. Number of your family members _____

10. How many of your family members

1. are females _____
2. are juveniles _____
3. are pensioners _____
4. have disability _____
5. are employed _____

11. How much is the monthly average income of your family? _____

12. How much is the monthly average expenditure of your family? _____

13. Your education

1. ☐ Incomplete secondary /specify/ _____
2. ☐ Secondary
3. ☐ Specialized secondary/vocational /note the specialty/ _____
4. ☐ Higher /specify the profession/ _____
5. ☐ Other /specify/ _____

14. State of your health *(to the interviewer: the interviewee may simultaneously select the second and the third options)*

1. ☐ I am healthy
2. ☐ I have a chronic disease /note the disease/ _____
3. ☐ I have a disability /mention the grade and the disease/ _____

15. Do you have (have you ever had) **alcohol addiction?**

1. ☐ Yes
2. ☐ No *(Go to question 17)*

16. If yes, please tell when and how the addiction emerged?

17. Do you have (have you ever had) **drug addiction?**

1. ☐ Yes
2. ☐ No *(Go to question 21)*

18. If yes, please tell when and how the addiction emerged?

19. If you have drug addiction, then have you taken part in methadone program?

1. ☐ Yes *(Go to question 21)*
2. ☐ No

20. If not, then why?

21. Your profession *(To the interviewer: doing a business shall be considered as a profession and specify the type of business)*

1. ☐ Do not have a profession and don't want to obtain one
2. ☐ Do not have a profession but want to obtain one /specify/ _____
3. ☐ Have a profitable profession /specify/ _____
4. ☐ Have a profession which is not profitable /specify/ _____
5. ☐ Have several professions /specify/ _____
6. ☐ Other /specify/ _____

22. Your employment *(To the interviewer: in case of selecting answers 5,6,7,8 , specify the organization and position)*

	22.1. Before the first adjudication	22.2. After the first adjudication	22.3. Now
1. Pupil	1	1	1
2. Student	2	2	2
3. Unemployed	3	3	3
4. Pensioner	4	4	4
5. An employee of a governmental Institution /specify/ _____	5	5	5
6. An employee of a private organization /specify/ _____	6	6	6
7. An employee of a non-governmental organization /specify/ _____	7	7	7
8. Private entrepreneur /specify/ _____	8	8	8
9. Other /specify/ _____	9	9	9

23. How would you assess your relationship with your family members ?

1. ☐ Good
2. ☐ Ordinary
3. ☐ Bad

24. If bad, then why? _____

25. Please tell how and how often you interact with your family members?

	Often	Rarely	Never
25.1. By phone	1	2	3
25.2. During visits	1	2	3

26. Whether your family members provide you any material support.

1. ☐ Yes
2. ☐ No

27. Who do you interact with, except for family members?

28. Where did you live before the conviction? Where do you live now and where do you plan to live after serving the sentence?

	28.1. Before the conviction	28.2. Now	28.3. After serving the sentence
1. In my own apartment	1	1	1
2. In an apartment that I co-own.	2	2	2
3. In a rented apartment	3	3	3
4. In friends'/relatives' apartment	4	4	4
5. I am homeless	5	5	5
6. In PI	6	6	6

29. Have you been registered in the police when you were a juvenile?

1. ☐ Yes /specify the reason/ _____
2. ☐ No

30. At what age did you commit the first offence:

1. Beyond 14 years of age
2. At 14-15 years of age
3. At 16-17 years of age
4. At 18-25 years of age
5. After 25 years of age

31. At what age was the first sentence adopted?

1. 14-15 years of age
2. 16-17 years of age
3. 18-25 years of age
4. After 25 years of age

32. How many times have you been convicted?

1. ☐ Two
2. ☐ Tree
3. ☐ Four
4. ☐ Five and more /specify/ _____

33. Please not according to what articles of the criminal code you were convicted?

(If necessity, add lines)

1. First time _____
2. Second time _____
3. Third time _____
4. Forth time _____

34. Please note the years of serving the sentence *(If necessary, add lines)*

1. First time _____
2. Second time _____
3. Third time _____
4. Forth time _____

35. What punishment do you serve now? What punishment did you serve in the past? *(If necessary, add columns)*

	35.1.First time	35.2.Second time	35.3. Third time	35.4. Fourth time
1. Imprisonment for a certain period of time	1	1	1	1
2. Imprisonment, the punishment was conditional not implemented	2	2	2	2
3. Detention as a punishment	3	3	3	3
4. Fine	4	4	4	4
5. Public works	5	5	5	5
6. Other (specify)	6	6	6	6

36. If you have ever been detained, then for how long? *(If necessary, add columns)*

	36.1.First time	36.2. Second time	36.3. Third time	36.4. Fourth time
<i>Specify the exact terms of being imprisonment</i>				

37. What preventative measures were implemented in your case? (If necessary, add columns)

	37.1.First time	37.2. Second time	37.3. Third time	37.4. Fourth time
1.Detention	1	1	1	1
2. Bail	2	2	2	2
3. Written undertaking not to leave a place	3	3	3	3
4. Other (specify)	4	4	4	4

38. Were the crimes committed by you collective or not? (If necessary, add columns)

	38.1. First time	38.2. Second time	38.3. Third time	38.4. Fourth time
1. Yes	1	1	1	1
2. No	2	2	2	2

39. If yes, then you were (If necessary, add columns)

	39.1. First time	39.2. Second time	39.3. Third time	39.4. Fourth time
1. Organizer	1	1	1	1
2. Inciter	2	2	2	2
3. Co-perpetrator	3	3	3	3
4. Abettor	4	4	4	4

40. Whether aggravating factors were considered by the court in a judgment? (If necessary, add columns)

	40.1. First time	40.2. Second time	40.3. Third time	40.4. Fourth time
1. Yes	1	1	1	1
2. No	2	2	2	2

41. If yes, then, please, mention, what kind of? _____

42. Whether mitigating factors were considered by the court in a judgment? (If necessary, add columns)

	42.1.First time	42.2. Second time	42.3.Third time	42.4.Fourth time
1. Yes	1	1	1	1
2. No	2	2	2	2

43. If yes, then please mention, what kind of? _____

44. What caused you to commit unlawful act(s)? (If necessary, add columns)

	44.1.First time	44.2. Second time	44.3.Third time	44.4.Fourth time
1. Financial difficulties	1	1	1	1
2. Environment	2	2	2	2
3. Anger, willingness to revenge	3	3	3	3
4. Attitude of the society	4	4	4	4
5. I've not committed a crime	5	5	5	5
7. Other /mention/	6	6	6	6

45. How was your life changed after the first imprisonment? (Ask the questions, if the first sentence was not imprisonment) _____

	Was improved	Was not changed	Deteriorated
1. Relations with the family	1	2	3
2. Relations with relatives	1	2	3
3. Relations with neighbors	1	2	3
4. Relations with friends	1	2	3
5. Material well-being	1	2	3
6. Income	1	2	3
7. Housing conditions	1	2	3
8. Work	1	2	3
9. Health state	1	2	3

46. How was your life changed after the first imprisonment?

	Was improved	Was not changed	Deteriorated
1. Relations with the family	1	2	3
2. Relations with relatives	1	2	3
3. Relations with neighbors	1	2	3
4. Relations with friends	1	2	3
5. Material well-being	1	2	3
6. Income	1	2	3
7. Housing conditions	1	2	3
8. Work	1	2	3
9. Health state	1	2	3

47. How do you currently assess what had happened? (If necessary, add columns)

	47.1. First time	47.2. Second time	47.3. Third time	47.4. Fourth time
1. I'd have done the same way, it was necessary	1	1	1	1
2. Though I've done a bad thing, the punishment was very strict	2	2	2	2
3. I regret for what I've done, I'll never do such a thing again.	3	3	3	3
4. Other /mention/	4	4	4	4

48. Whether the purpose of the sentence was explained to you? (If necessary, add columns)

	48.1. First time	48.2. Second time	48.3. Third time	48.4. Fourth time
1. Yes	1	1	1	1
2. No	2	2	2	2

49. If yes, then specify by whom and how? _____

50. Whether a psychologist has worked with you when you were serving the sentence? *(If necessary, add columns)*

	50.1.First time	50.2.Second time	50.3.Third time	50.4.Fourth time
1. Yes	1	1	1	1
2. No	2	2	2	2

51. If yes, please identify advantages and disadvantages of the psychologist's work?

51.1. Positive

1. _____ 1. _____
 2. _____ 2. _____
 3. _____ 3. _____

51.2. Negative

52. Whether a social worker has worked with you when you were serving the sentence? *(If necessary, add columns)*

	52.1.First time	52.2.Second time	52.3.Third time	52.4.Fourth time
1. Yes	1	1	1	1
2. No	2	2	2	2

53. If yes, then, identify advantages and disadvantages of the social worker's work

53.1. Advantages

1. _____ 1. _____
 2. _____ 2. _____
 3. _____ 3. _____

53.2. Disadvantages

54. Whether a lawyer has worked with you when you were serving the sentence? *(If necessary, add columns)*

	54.1.First time	54.2.Second time	54.3.Third time	54.4.Fourth time
1. Yes	1	1	1	1
2. No	2	2	2	2

55. If yes, then please identify advantages and disadvantages of the lawyer's work?

55.1. Advantages

1. _____ 1. _____
 2. _____ 2. _____
 3. _____ 3. _____

55.2. Disadvantages

56. Whether a churchman has worked with you when you were serving the sentence? *(If necessary add columns)*

	56.1.First time	56.2. Second time	56.3. Third time	56.4. Fourth time
1. Yes				
2. No				

57. If yes, please identify advantages and disadvantages of his work.

57.1. Advantages

1. _____ 1. _____
 2. _____ 2. _____
 3. _____ 3. _____

57.2. Disadvantages

58. Whether other specialists of the PI administration have worked with you when you were serving the sentence *(responsible person for regime, inspector, supervisor, etc)? (If necessary add columns)*

	58.1. First time	58.2. Second time	58.3. Third time	58.4. Fourth time
1. Yes	1	1	1	1
2. No	2	2	2	2

59. If yes, please state who has worked and how? _____

60. Tell us, please, what do you do in your spare time?

61. What do you think, what can prevent a person to reoffend?

62. How would you assess your approach?

	62.1. State Laws	62.2. "Criminal Subculture laws"
Accept fully	1	1
Accept more or less	2	2
Both accept and not accept	3	3
More don't accept than accept	4	4
Not accept at all	5	5

Additional Notes

THANK YOU