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**Probační programy pro mladistvé**

**Juvenile Probation Programmes**

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*Summary*

Research into the juvenile probation programmes was carried out by the Institute of Criminology and Social Prevention over the years 2009-2011. The subject of this research was the efficacy of juvenile probation programmes from a point of view of criminal reoffending of young offenders and the practical experience of those implementing them and the supervising probation officers.

Restorative justice lays an emphasis on a balanced and fair reaction by society to the youth crime. By discussing the juveniles' illegal acts, it is ensured that measures are employed which act effectively towards the juvenile refraining from criminal activity and finds a position of benefit for society, corresponding to his/her abilities and intellectual development. Also for the juvenile to help to rectify damage caused by his/her crime according to his/her strength and skills.

The purpose of Act No. 218/2003 Coll., on juvenile justice (JJA) is to achieve positive results in the field of limiting subsequent delinquency of the juvenile using positively active methods. An emphasis is placed on choosing a suitable measure which would lead to desired social development of the adolescent, thereby reducing the risk on him/her continuing in a criminal career. One type of measure which can be imposed under the act is educational measures. Through these measures it is then possible to react most effectively to the current living conditions of the juvenile, to the circumstances shaping his/her personality and the causes of the crime for which he/she has been convicted. The purpose of educational measures is to create an environment for subsequent healthy development of the juvenile offenders.

Probation programmes rank among some of the most significant educational measures. A juvenile probation programme, i.e. a programme in accordance with Section 17 of the JJA, means: "a social training programme, psychological consultancy, therapeutic programme, a programme including community service, educational, requalification or other suitable

programme developing social skills and the juvenile's personality with differing degrees of limitation in the everyday life, leading to the juvenile avoiding behaviour which is in breach of the law and for supporting his/her social conditions and for reconciling the relationship between him and the aggrieved party.” Act No. 218/2003 Coll. also states that a probation officer shall be appointed by the public prosecutor in preparatory proceedings for supervision of implementation of the juvenile probation programme. The guarantee that the services of the providers of probation programmes are qualified is their approval by the minister of justice. Such approval is preceded by an application by the programme provider for registration of the programme into the list and an accreditation procedure performed by a committee of experts. In the interests of society, it is essential for the probation programme to react to the causes of criminal behaviour and to lead the juvenile to overcome them and to behave in accordance with valid legal norms – i.e. for the programme to contribute to the full protection of society against the juvenile's reoffending. The efficacy of the programme is a matter of long-term supervision of the juveniles involved in the programmes, especially in the area of reoffending.

Development of probation programmes in work with juvenile offenders in this country reflects current trends across the world. This stems from the assumption that there is sense in working with problematic individuals. When basing our conclusions on what our programmes are focused upon and what methods and techniques they employ, here too we have reached a consensus on what seems to be effective according to experience abroad – i.e. mainly a cognitive behavioural approach concerned with the development of social and communication skills of the client, training of suitable forms of behaviour, the ability of looking objectively at their own behaviour etc.

Unfortunately one of the conditions for these measures to be used cannot yet be achieved. That is, for suitable programmes to be available in all counties of the Czech Republic. We have established that almost half of the court counties over the years 2008 and 2009 did not have one probation programme at their disposal. This fact can be seen as a good argument that one of the main tasks standing before the institutions responsible regarding implementation of probation programmes is to ensure a sufficient range of them in all parts of the Republic. The range of programmes is not even very varied according to the various types of juvenile delinquent. The opportunity of charging the juveniles with the obligation to undergo the necessary probation programme only exists through the rulings of those juvenile courts, or public prosecutors, in whose district a provider of a programme operates and so

where it is possible to operate. Therefore the decision making possibilities of the relevant authorities are, in relation to this measure, limited.

According to the data of the Ministry of Justice of the Czech Republic, in the period 2005 – 2010, the obligation juvenile courts ruled that 168 juveniles, 15 of whom were girls, were obliged to undergo a probation programme. In the first year, imposition of this type of educational measure was ruled upon in the case of 8 juveniles and after a gradual increase this figure stabilised at between 31 and 38 programmes imposed annually.

During research we found that not nearly all juveniles who entered the probation programme had had it imposed upon them as educational measure. When talking of a probation programme as an educational measure, only those juveniles for whom this measure has been imposed as an educational measure can be included into accredited juvenile programmes, in other words as a type of sanction against the juveniles. The commentary to the Juvenile Justice Act No. 218/2003 Coll. assumes that the measure represents a particularly severe impact on the everyday life of the juvenile and so the act of imposing it should be ruled upon only by the relevant authorities, i.e. a juvenile court or a public prosecutor.

We are aware of the situation in the Czech Republic where there is an exceedingly narrow range of quality re-socialisation probation programmes. If an accredited probation programme is implemented for juveniles, but was not imposed upon them as an educational measure, this cannot be included in implementation records for juvenile probation programmes; these reports should give information only on probation programmes imposed as educational measures. This situation then leads to certain dualism of the whole system. When working with juvenile delinquents, the decision on whether to make use of accredited probation programmes which are not imposed by the relevant authorities as educational measure is problematic.

Our investigation indicated that the practice in the area of implementation of probation programmes is accompanied by other problems too. Programme providers pointed mainly to the questions relating to financing programmes. According to some respondents, it is not possible to provide the programme from the subsidies assigned to them by the Ministry of Justice. Critical voices were also to be heard regarding the financing system itself which makes it impossible to perform continual work of several years. The programme providers are also hampered by insufficient numbers of clients. A positive finding, on the other hand, is the

fact that only a small portion of the providers and probation officers questioned encounter a negative approach of the clients to participation in the programme. Also, mutual cooperation between the provider and the Probation and Mediation Service (PMS) was seen as positive.

The main section of our study was an analysis of data from the Criminal Register, concerning a sample group of 326 juveniles who, according to Probation and Mediation Service records, took part in the probation programme in 2006. For a fairly large proportion of these juveniles it is not possible to establish from the Criminal Register if the probation programme was imposed. In that year, in the case of 61 % (199) of the juveniles there was no record of it, although according to the probation officers, they certainly entered the programme. We also established that the probation programme is more often imposed on boys, while the sample group included only one tenth girls. Only one tenth of juveniles had previous experience with crime (i.e. had a criminal record). The crimes which led to implementation of the probation programme were most often, as expected, property crimes, being mostly the offence of theft. As concerns the efficacy of the programmes, the degree of success of their completion is important. The programme was completed in full by 69 % of juveniles, which means that the number of drop-outs was about one third.

One of the most commonly used criteria for assessing the efficacy of a certain measure of criminal justice is recorded criminal reoffending. We investigated data on reoffending for about 4 years after the juvenile's participation in the probation programme. The overall findings are not encouraging. 51.8 % of the juveniles had a further record in the Criminal Register, in other words more than half of our sample group. The difference between the juveniles participating in the separate programmes is fairly striking. Similarly to the results of foreign studies, we found that more reoffending occurred in the case of those who failed to complete the programme than with those who successfully completed one. We also registered a lower degree of reoffending in people who underwent the programme after their first offence against the law. It is hard, though, to express a clear conclusion on whether less reoffending of successful participants is the effect of the programme itself or if the drop-outs are problem individuals who not only have a greater tendency to commit a further crime, but also that their personality is such that they also have less motivation to attend and complete probation programmes properly.

The information gained from the criminal files which were lent to us by county (district) courts from all regions of the Czech Republic mainly confirmed the findings of our analysis

of the Criminal Register. Not even this sample of criminal files matched the PMS data on probation programmes imposed by a legally enforceable ruling of the juvenile courts (difference of 34.8 %). The obligation of undergoing the probation programme was imposed by those courts in rulings on the case itself, next to sentences or withheld sentences, often also in accumulation with other educational measures. In pronouncements of court rulings only occasional shortcomings lying in the fact that the obligation to undergo the probation programme was imposed as an educational obligation (Section 18(1)(g) of the JJA) and furthermore that neither the type of probation programme nor the duration of its imposition was specified in the ruling.

Our study represents only a first attempt at evaluating the efficacy of probation programmes while working with juveniles. Its conclusions can certainly not be overestimated, especially in view of the relatively short time which has passed since the introduction of the educational measures in question. For more perfect assessment of the efficacy of probation programmes it will be necessary also to look for different ways and methods of research. It may be advisable to compare reoffending of the juveniles who undergo these programmes, with the reoffending of comparable offenders who had different measures imposed upon them (e.g. supervision without participation in a programme, community service or a suspended sentence). We consider such a task to be one of the challenges for further focus of criminological research in this country.

The Probation and Mediation Service itself should also devote its attention to evaluation of the programmes. At present, however, a united system does not exist for evaluation of probation programmes, nor does a relevant procedure which might monitor the efficacy of the separate programmes. The granting of subsidies is dependent only on the opinion of the heads of branches and relevant committees on applications submitted by the providers. It would, therefore, be sensible to create a clear and well-organised system of criteria or indicators according to which the efficacy of the programmes could be assessed and evaluated.

Translated by: Presto