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Probace jako efektivní nástroj snižování recidivy

Probation as an Effective Tool for Reducing Recidivism

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Summary

This publication summarises research findings on the efficacy of probation in terms of reducing recidivism. The study was carried out by the Institute of Criminology and Social Prevention based on a contract by the Ministry of the Interior of the Czech Republic. The subject of the study was an analysis of the existing methods used in the context of probation and a retrospective evaluation of their efficacy. The primary goal was the comprehensive identification of recidivist or desistance factors, determining their importance in the context of probation and the application of these findings in practice.

The history of probation dates back to the second half of the nineteenth century. In the early stages of development, it had the nature of philanthropic and missionary activities consisting of the provision of assurance and supervision of an offender whose imprisonment was conditionally deferred in exchange for a promise to lead an orderly and respectable life. Over time, the probation service in most countries became fully professionalised and community sentences under the imposed supervision of a probation officer become an integral part of modern justice systems. The Czech Republic established a probation service (under the title Probation and Mediation Service) in 2001.

Reoffending is one of the important measures of the efficacy of probation, though not the only one. We expect the performance of a variety of tasks in the context of this alternative measure. In addition to protecting society and reducing the possibility of repeat offences, this includes, among other things, individual assistance for offenders or the restoration of impaired social relationships. Some authors thus hold the view that any attempt to evaluate efficacy must be based on a strictly pluralist model using appropriate methodology. Forms of evaluation should begin with the most frequent activities of the probation service, which are primarily the overall expansion of community sentences (at the expense of imprisonment), assisting judicial authorities in decision making, reforming offenders (including, protecting society from their further criminal activity), ensuring proper punishment and also addressing the interests and needs of victims, including compensation for damage caused.

The actual impact of probation on the offender's further criminal activity has not been examined in the long period of its history. No one has had any doubt of its positive impact on individuals due to the religious, philanthropic and missionary context in which it originated as a specific way of dealing with criminals. Moreover, probation officers were not expected to have professional qualifications or skills at the time, but simply strong faith and a pure character, which enabled them to save the sinful souls of offenders. Even at the beginning of the twentieth century, the prevailing belief was that the role of the probation officer was to primarily provide advice, support and friendly assistance, while probation itself was not viewed as punishment, but as a measure the court could impose instead. It was only during the next decade, under the influence of psychological and psychiatric theories on the causes of crime that the view of probation changed. Crime ceased to be seen as a sign of moral decay, but rather as a symptom of certain mental illness. Probation thus became a professional activity based on an understanding of criminogenic factors and the subsequent pursuit and development of appropriate interventions, which also led to the gradual professionalization of probation services.

At the end of the 1950s, the first studies aimed at verifying the real efficacy of probation in relation to recidivism appeared. While this pioneering work brought relatively favourable findings, later investigations did not show probation to be any more effective than sanctions or other measures in this sense. Despite this, other more ambitious research projects appeared that sought to penetrate both the causes of offenders' criminal activity and the methods and practices probation officers used to try to resolve these issues. Given that many offenders faced problems of an economic and social nature, doubts proliferated as to whether probation, providing help of a psychological nature, corresponded to real needs in practice. Sadly, research spoke more about the intervention offered by probation officers having very little effect on preventing recidivism, even in cases where the number of clients per officer was experimentally reduced in an effort to intensify probation.

Views on the possibility of reforming offenders changed radically in the seventies, toward the general belief that "nothing works" in the field of rehabilitation and resocialisation. The promotion of this view is generally associated with the work of American sociologist R. Martinson; however, economic and political changes in society cannot be overlooked as the more likely cause of the overall decline of rehabilitative ideals in the criminal justice system. In developed Western countries right-wing and neo-liberal politicians came to power, for whom massive investments in improving the lives of criminal offenders were incompatible with the principles of economic individualism and each individual's responsibility for their own

behaviour. Compared to the sixties, however, the public's attitude also changed significantly, and became much less tolerant of people breaking laws.

The view of the role of the probation service and efficacy of its activities was governed by strong pragmatism in the era of "nothing works". Probation was not seen as a promising way to reform offenders, but rather as an opportunity to reduce the number of people serving prison sentences. The negative impact of incarceration on the offender and state budget was well known, and so the judicial system in most countries in some sense, split in two - while the perpetrators of serious offences were destined for prison, an ever-expanding variety of diversions and alternative sanctions was created for the rest. As a result, a measure of the efficacy of probation became the ability of the probation service to handle a sharply rising number of clients.

Opinions on the sense and efficacy of rehabilitation of offenders began to slowly change in the early nineties. The impetus was the growing popularity of theories seeking a link between criminal behaviour and social learning, while offering practical guidance on effective intervention in terms of efforts to change the offender's reasoning, style of thinking and attitudes. Evidence that certain types of programmes actually work also brought systematic reviews of existing research using meta-analysis, and it was impossible to ignore the growing number of local studies of small samples that successfully confirmed the efficacy of specific rehabilitation projects or measures. On the basis of this information, a movement gradually formed among professionals and probation officers called "What Works". Its objective was to promote only those measures in criminal policy whose efficacy could be reliably demonstrated by empirical criminological research. In practice, this led to the promotion of various strategic documents and national standards to ensure that only methods and techniques with proven efficacy were used in probation. Accredited rehabilitation programmes based on a cognitive-behavioural approach became very popular. However, extensive research dealing with their efficacy did not bring just positive, but more often mixed or inconclusive findings. This is why, at the turn of the millennium, many experts began to wonder whether the paradigm of "What Works" was a suitable paradigm for the rehabilitation of offenders.

Another view on probation and the conditions for its efficacy is offered by the desistance paradigm. Experts have been increasingly leaning this way in recent years and it is also the basis of this publication. The term desistance generally refers to the end of the period over which the individual committed crimes. Rather than a specific event or moment, however, it must be viewed as a process, the essence of which is long-term abstinence from criminal

behaviour. Interest in desistance was sparked by the findings of research on criminal careers that convincingly spoke of the relationship between age and crime. The frequency and number of offenders attributable to a given population first rises sharply during adolescence with a peak in early adulthood, followed by a steady decline, due to which only a small number of seniors commit crimes. Many theories seek to explain this phenomenon. Some connect desistance with the natural processes of aging and maturing, others emphasise the offender's rational choice, and many criminologists emphasise the role of important moments in life that can reverse the course of a criminal career (e.g. finding a life partner and starting a family, finding stable employment and leaving a peer group). Another important factor, however, is how the offender interprets these changes and how important they are for him/her, for while this situation encourages desistance in some individuals, the same effect does not ensue in others. Thus the ideal theoretical model of desistance seems to be a mutual combination of three groups of factors, these being the natural maturation of the offender, major transitional life changes and individual narrative structures the individual creates around key events and changes. It is useful to distinguish primary desistance, which can be virtually any period in which the offender did not commit a crime, and secondary desistance in which the individual accepts the role and identity of a person who has changed.

One of the essential differences between the paradigm of "What Works" and the desistance paradigm lies in the view of the process of reforming offenders itself. While the "What Works" movement monitors the effect of specific criminal justice measures or other interventions on the fate of individuals, the desistance paradigm applies a significantly broader view. Based on research of criminal careers, there is a belief that essential factors of desistance are actually beyond the reach of the justice system, as the number of individuals who have ended their criminal career solely due to its intervention, is very small. The focus of interest, therefore, is not just correctional programmes and their effects, but human life in its entire historical and biographical context. Only through its understanding can we learn why and how programmes work for some people and not for others. Research methodology is also changing toward the greater use of qualitative and narrative methods.

The desistance paradigm also ascribes a different role than hitherto to probation officers. They should not see themselves in the spirit of the traditional treatment of offenders as the providers of correctional care, which belongs to experts, but as supporters of a process leading to the end of criminal careers that inherently belong to the offender. This is not a rejection of the principles of professional treatment in absolute terms, but an understanding of professional intervention as only one of several elements helping desistance, whose main

"architect" is always the individual him/herself. This view also changes the perception of failure. While another crime is a sign of an error in intervention for the "What works" movement, the desistance paradigm emphasises the responsibility of the offender involved. Here intervention is seen as offered assistance, the provision of which may have certain shortcomings, but the person who decides to commit another crime, in spite of the options offered, is always the offender him/herself.

Studies specifically focused on the role of the probation officer in the process of desistance are still rather scarce. Most are based on the direct testimony of offenders who have undergone probation. It has been repeatedly shown that these individuals rarely mention it as the decisive factor in desistance. Rather, most confirm the theory that the end of their criminal career was the result of natural maturation or aging that at some point intersects with major life events such as finding a job or the birth of their children and a concurrent change in their self-image in terms of the acquisition of a non-criminal identity. However, some desisting offenders admit that one of the relatively important elements directly or indirectly involved in these processes was the probation officer. Most research shows their influence grows markedly based on how good a relationship they manage to establish with the client, and to what extent he/she convinces them they fully respect them as a human being and have a sincere interest in their problems. Probation officers were also appreciated for their attempt to discover the causes of crime and other problems and for offering possible ways to overcome them, including providing the necessary motivation and encouragement. The significance of the relationship between the probation officer and client, or skills that allow the probation officer to establish and maintain such a relationship are confirmed by research on certain characteristics of probation officers and their success in preventing the reoffending of their clients.

Nevertheless, an essential element of desistance always remains the activity of the offender involved. If he/she is not motivated to change their life and direct their efforts in the proper direction, the effect of probation, despite all the probation officer's efforts is negligible. A significant role is played by the offender's living conditions, which are closely related to motivation, as it is on this basis that the offender's overall approach to the possibility of behaving in accordance with the law often changes. These conditions are thus the object of intervention under probation, as well as the main means by which it is possible to achieve desistance. The efficacy of probation must therefore be considered in a broader context. The fact that it is often imposed as an alternative measure for individuals who face a range of social and economic problems cannot be overlooked. Their human and social capital, which is

necessary to overcome these obstacles, is limited. The issue of criminal policy thus intersects the issue of social policy. If we don't recognise this fact, we overlook the heart of the problem for many offenders.

The effective probation model, which can be deduced from the desistance paradigm, stresses the importance of three basic elements, namely the offender's motivation to change, his/her ability to achieve such changes and opportunities for this to happen. The probation officer him/herself, then enters the process in a combination of three different roles, as advisor awakening and developing the client's motivation, as educator whose job is to work on the client's human capital (the abilities and skills necessary for overcoming obstacles), and as defender or lawyer seeking to develop social capital. A suitable technique for contact and cooperation with the client may be a motivational interview, where through attentive listening and supportive responses, the probation officer leads the client to recognise the suitability or unsuitability of certain behaviours in a non-directive manner. A focus on the future and the client's ability to directly influence the outcome is important. Probation officers should therefore focus more on desistance factors and their possible application than solely on the causes leading to criminal activity, which draw attention to the past. A crucial factor for the efficacy of probation is the relationship between the client and probation officer. The whole process begins with the establishment of this relationship and the efficacy of each following part depends on its quality. The ability to effectively build a relationship with the client is therefore not only one of the many skills required by a probation officer, but a key ability that determines all other aspects of probation activities.

The empirical part of this publication presents the results of our own research conducted in the form of an anonymous questionnaire with the participation of a total of 114 respondents (an estimated 67 % of officers dealing with the supervision of adult offenders within the PMS). The aim was to map the experiences and opinions of probation officers on the possibilities of their work with offenders in terms of limiting the risk of recidivism, or supporting factors that could effectively stimulate and support the process of desistance. The contents of the questionnaire were based on the findings outlined in the theoretical part of the study and were repeatedly consulted with the staff of the Directorate of the Probation and Mediation Service, who also ensured the distribution of questionnaires among respondents. Thematically, the study touched on several areas, including the concept and measure of the efficacy of probation; the problems probation officers address at meetings with their clients; the expectations clients associate with probation; the skills and abilities a probation officer should have; the maximum number of clients per officer; the causes of recidivism and

desistance and the possibility of affecting them through probation; problems or obstacles hindering the more effective reduction of recidivism among offenders under our conditions, as well as measures respondents would recommend for an overall increase in the efficacy of probation. Attention was also paid to various forms of work with clients, and the manner in which probation officers prepare for their work. Most items were a combination of closed and open questions so that respondents could add comments, suggestions or proposals to their answer, if they were interested.

Given the central theme of our publication, we cannot overlook the fact that probation officers do not perceive the criterion of recidivism as the only significant factor for evaluating the efficacy of probation. In their opinion, achieving desirable changes in the offender's attitudes and resolving their criminogenic needs is more important. It was shown that officers address a wide range of problems at meetings with clients, the most common being their employment, debts, housing and the aforementioned attitudes toward crime. In exceptional cases, this concerns practical tasks such as handling calls and problems associated with the client's inadequate education. We cannot overlook the finding that there were noticeable differences in the number of issues simultaneously addressed by officers at meetings and with what intensity.

Respondents believe that the majority of clients appreciate the "human side" of probation, i.e. the possibility of confiding their problems to the probation officer and receiving motivation or encouragement. This finding fully corresponds to the findings of similar studies from abroad. Respondents also agreed with them on the skills or abilities that are important for effective probation. They particularly highlighted the characteristics associated with establishing and maintaining a good relationship with the client, i.e., among other things, the ability to communicate and listen, empathy, assertiveness and consistency.

Probation officers encounter most factors identified in criminological research as major causes of recidivism in their practice. According to respondents, this is most often the influence of drugs and alcohol, the low motivation of clients to lead an orderly life, the client's antisocial friends, their own antisocial personality, debt and unemployment. Only rarely are they witness to recidivism associated with the client's low level of education, substandard housing or family problems. With regard to desistance factors, the experience of our respondents is in striking agreement with theories emphasising the influence of certain life events ("turning points"). Officers most often see individuals end their criminal career after finding a job, cutting off contact with problem friends, starting their own family or establishing a good relationship. A less common cause is a change in the client's view of

him/herself, their own criminal activity or the role they play in life. Factors that have a positive influence on clients are greater self-confidence, a change of values and awareness of the impact of crime on their lives, but only rarely the thought of what affect their crime had on the victims.

Questions focused on the ability of probation officers to affect factors leading to recidivism showed that respondents see the greatest potential for their activities in motivating the client to lead an orderly life, find employment, resolve their debts and problems with drug or alcohol abuse. On the contrary, they attribute little chance to cases of clients with an antisocial personality, and the majority of officers don't believe probation can effectively solve causes associated with antisocial friends or life in socially excluded communities. In general, however, respondents see the opportunity to intervene effectively, in those areas they simultaneously see as the most common causes of recidivism. The only exception in this regard is clients with an antisocial personality.

Understandably, officers see the possibility of directly or indirectly evoking watershed life events associated with desistance (such as starting a family or the birth of children) in the context of probation as limited. There is only some chance in this respect related to employment, which was rated higher by the majority of officers. For this reason their efforts supporting the process of desistance are more directed towards guiding the client's view of criminal activity, both in terms of its impact on their own lives, the lives of their loved ones and the lives of the victims. They may also work with the fear of further punishment. We believe an important finding, which is again consistent with the findings of similar studies from abroad, is the fact that officers feel they have a greater chance overall of positively influencing clients in terms of desistance factors than recidivism factors.

Based on a summary evaluation of the impact of probation on recidivism and desistance factors, we divided respondents into probation optimists, pessimists and realists using statistical analysis methods. It became clear that their view or approach to the concept of the efficacy of probation largely related to their age, but also their view of what clients expected from this alternative measure. Respondents, who feel motivation and encouragement of convicted offenders is important, which they received at meetings with probation officers, were more convinced of the efficacy of their work.

Probation officers use most methods and techniques recommended for work by PMS methodological standards. Yet most believe in the efficacy of procedures based on the principle of activating the client him/herself or the stimulation, development and control of accomplished changes. Usually, officers rely on a combination of several methods, and the

number grows based on the number of issues and with what intensity they are addressed at meetings with clients. Those that believe in the efficacy of these methods are those most confident of the overall efficacy of probation in terms of its impact on recidivism and desistance factors.

The study confirmed the importance of professional training for probation officers, where they learn important skills. Qualification and specialisation courses have proved to have an irreplaceable role in the ability to establish and maintain a relationship with the client, which is an element of fundamental importance according to our study. Further education and training reinforces the needed skills, but the valuable source of experience and information presented by colleagues, and especially each officer's own experience must not be overlooked.

According to respondents, the greater efficacy of probation is prevented by an overloaded PMS in the sense of too many cases. On average, they believe the maximum number of clients under supervision per officer should be 53, which does not correspond to current practice (statistics speak of roughly 75 clients). In addition, they pointed out other problems and obstacles, especially in cooperation with the courts. As in several other studies by the Institute of Criminology and Social Prevention, there was evidence that some courts assign supervision to inappropriate persons. The rather lax attitude of judges to reports on supervision, which do not react quickly enough and with the appropriate response to information that the client has seriously breached probation conditions is also quite common, according to respondents. This situation poses a threat to the correctional effect of probation and the probation officer's authority in the eyes of clients. A view was also expressed that the greater efficacy of probation is subject to an appropriate national social policy, where some officers see deficiencies in especially the limited range of related and social services.

Our findings in the theoretical and empirical parts of this study have led us to formulate a number of recommendations for the further development of probation in the Czech Republic and increasing its efficacy. Foremost, we believe that the efficacy of probation must be judged not only by the rate of recidivism of those on whom it is imposed, but from multiple perspectives, as along with oversight, probation officers also perform other important tasks. PMS methodological standards in the field of probation and other policy and strategic materials should highlight the techniques and procedures that support and develop the client's own activity. The client is the main player in the process of desistance, the probation officer's role is to motivate and encourage the client to develop their own ability to achieve desired changes and search for paths or ways to increase their social capital. The system of training

and further education for probation officers should also reflect key competencies and skills related to establishing and maintaining a good relationship between the officer and client. It is imperative to promote and deepen cooperation between the PMS and other criminal justice institutions so that probation officers become their fully respected partners. Supervision should only be imposed on persons for whom a measure of this kind is appropriate, and judges must respond to reports of possible serious breaches of conditions in a timely manner and with an appropriate response. Legislation awarding probation officers a wider range of powers in the area of supervision could help in this regard. The probation service should also be strengthened with additional staff, so the number of clients under the supervision of each probation officer assures the opportunity to devote sufficient time and attention to each case.

Recidivism cannot be significantly reduced if this issue does not become part of wider social policy. It is evident that recidivism and desistance factors are related with the limited social capital of offenders in many cases, over which the probation officer has no substantial influence. Criminal policy must therefore also address issues such as the employment and debt situation of convicted offenders. Similarly, it is essential to develop suitable resocialisation programmes for adult offenders, including the creation of a system for their long-term support. In the early stages of desistance, those seeking to change criminal thinking patterns and attitudes may be effective. Probation and other alternative measures or sanctions require greater popularisation among the public, which is generally more punitive minded. Research shows that sufficient information and understanding the principles of alternative punishments can change public opinion. A community open to the idea that criminal offenders can change, is one of the basic conditions for effective probation. Moreover, the expansion of this measure will not be possible without systematic evaluation using different types of criminological research.

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