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**Probace a její efektivita pohledem pachatelů, veřejnosti a médií  
Probation and its effectiveness from the perspective of offenders, the public  
and the media**

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*Summary*

This publication summarises the results of research following on from a prior project, undertaken on the basis of a public contract from the Ministry of the Interior (VF20152016040), focusing on the effectiveness of probation in reducing recidivism among criminal offenders. The aim of the new project was to supplement previously acquired data with the experiences and opinions of convicted offenders, who were placed under the supervision of a probation officer. A public opinion survey was also carried out, mapping public awareness of probation in the Czech Republic and attitudes to the possibilities and conditions of its application. The project also included an analysis of media representation of probation in the Czech media environment.

Probation, whose origins date back to the second half of the nineteenth century, is one of the most frequently applied measures in modern justice systems. Statistics show that the number of offenders serving a sentence under the supervision of the probation service is higher in many countries than the number of prisoners. This also applies to the Czech Republic. Consequently, some criminologists refer to this as an era of mass probation. One of the reasons for its widespread application is its exceptional flexibility. No other sanction or measure can be as easily adapted to the individuality of each offender, while at the same time taking into account the seriousness of the committed crime. Unlike prison, where the individual's freedom is limited to the maximum extent, the degree of restriction can be adjusted as needed in the context of probation. At the same time, offenders can be included in appropriate rehabilitative, therapeutic or other programmes, while the probation officer can offer help solving the problems and obstacles they face in their daily lives. The principal advantage of probation is that the offender remains in his/her natural social environment while serving their sentence. It is under these normal living conditions that the most influential factors of desistance are found. Those who find a job, enter into a permanent relationship or start a family cease their criminal career more often. Although probation has an indirect effect

on desistance, research has shown that the work of the probation officer can be particularly effective in this respect. This is subject to the establishment of a good relationship with the client. Based on this, the officer can motivate and encourage the client to make or maintain positive life changes, develop his/her own ability to face various obstacles and problems, as well as facilitate access to appropriate opportunities such as satisfactory employment or housing.

Qualitative methods and techniques are increasingly used in research that addresses these topics. We chose a method of in-depth and narrative semi-structured interviews for our project. In cooperation with PMS centres, we managed to create a sample of 11 clients (2 women and 9 men), with an average age of 35. The youngest client was 22 years old, the oldest 49. The subject of the interviews was not only their experience and opinions regarding the work of their probation officer, but also factors that respondents felt were important to maintaining a non-criminal lifestyle. It turned out that the vast majority had little confidence in their own ability or strength to change their lives for the better. Therefore, they looked for the necessary support from external sources, especially in their relationships, their children or at work. They often found it important to break all contact with individuals associated with their previous criminal experiences. They particularly cited the use of alcohol and addictive substances as risks that could lead to a reoffending. Some were aware of problems with low self-control and coping with difficult life situations, which they subsequently tried to avoid.

As in comparable foreign research, the individuals addressed in our study linked the positive influence of probation to the characteristics and personal qualities of a certain probation officer. They particularly appreciated the sincere interest in their problems, as well as their supportive and respectful approach. An important aspect was the times when the probation officer recognised the achievements or progress they had made. They also saw this encouragement as a symbolic appreciation of their new social role, as the probation officer represented the official system in their eyes. If we distinguish between two classic probation models, i.e. “welfare” on the one hand, and “surveillance” on the other, clients rated the former much more favourably. If they felt that the probation officer tended to be simply supervising, they perceived probation as an irritation. Some respondents particularly appreciated the practical help offered by the officer to solve common life problems. It was evident that they lacked the necessary skills to manage these independently.

Part of the project was a public opinion survey. Most existing studies point to the fact that the public is punitively inclined. However, this very much depends on the type of questions respondents are asked. Unfortunately, the truth is that the public has very little information on alternatives to prison such as probation. Yet, it is well known their support increases with increasing awareness. Our research sample of 1,000 respondents was created as a representative sample of the general population of the Czech Republic over the age of fifteen. Selection criteria were the region, size of the place of residence, gender, age and education. Some of the questions focused on their awareness of crime and sentences. Despite favourable statistics of registered crime, almost half of respondents (46.9%) believed that crime in the Czech Republic has increased significantly or slightly over the past decade. In terms of their knowledge of existing sentences, most respondents (82%) spontaneously recalled imprisonment. More than half were aware of the possibility of conditional sentences. One third of respondents recalled fine, one quarter remembered community service. The sentence of house arrest also appeared relatively often (16% of respondents); other types of sanctions were only mentioned rarely. At least one of the alternatives to prison was recalled by 42% of respondents. Given the topic of the research, we were also interested in respondents' personal experience with crime. Approximately one fifth of the sample had been victimised in the last five years, either personally or a member of their family.

The Probation and Mediation Service (PMS) has been operating in the Czech Republic since 2000. However, previous research by the Institute of Criminology and Social Prevention in 2008 showed that only 8% of the public had a clear idea of its activities, while 73% did not know the organisation at all (the rest of the respondents only had a vague idea). We asked the same question in the current survey. The results indicate that the level of awareness had improved over the past decade. At present, 22% of the public knows PMS, at least 35% have heard about it and 43% have no idea of its existence. People with a higher education and victims of crime are aware of PMS significantly more often. Those who know about PMS can also name more types of sanctions. As expected, the most common source of information on PMS is the media.

We briefly described probation to respondents as a measure that can be imposed as an alternative to imprisonment, which is based on a combination of the elements of surveillance and assistance. Three quarters of respondents (74%) expressed the view that they were in favour of its application in appropriate cases. Only 17% were strictly against. Opponents of

probation were more often people who could name fewer existing sanctions, could not recall any alternatives to prison, did not know about the existence of the PMS, and who believed that crime had increased in the Czech Republic in recent years. From this data it can be concluded that, with increasing awareness of the real state of crime and the system of its control, support for probation increases. This information corresponds to similar foreign research. Opinions on the suitability of probation vary according to the type of offender. While the majority of the public (80%) would find it suitable for juveniles, this is only 42% for offenders who avoid employment long-term, 35% for alcohol or drug addicts, 15% for offenders who had failed probation in the past and just 11% for recidivists.

The public would set strict rules for probationary period. In a situation where they had to decide, as judges, on the conversion of probation into a prison sentence, most respondents (64%) would only forgive the convicted offender one unexcused missed meeting at the PMS centre; in all other cases included on our questionnaire, they would end the probationary period. For example, only 13% would not send a convicted offender to prison if he/she did not repay the damage caused by his/her crime, and 15% if he/she used drugs or lied to a probation officer about important matters. It should not be overlooked that respondents' leniency towards convicted offenders increased again with their level of knowledge of crime trends and the system of sentences. Some of the questions also focused on the potential contribution of probation to criminal policy. Optimism was most often directed at the chance this measure would bring economic benefits to the state (two-thirds of respondents believed this). According to 56% of respondents, probation would increase the chances of victims getting compensation from the offender, 43% believed in the rehabilitation effect of probation on the offender and 33% believed in its effect on the overall reduction of crime.

In the context of public opinion, particular attention must be focused on the media, as it is the most important source of information for the majority of the public, both on crime itself and on measures for its reduction. However, there are relatively few studies that directly address the media representation of probation. They consistently show that this topic is not very attractive to the media. As part of our project, we conducted a qualitative analysis of the media image of probation in the Czech environment. Newspaper articles and television programmes were selected for two time periods, from 2000 to 2002, when probation was introduced in the Czech Republic and, for comparison, the current period (2016-2018). It was found that the first period was characterised by rather short, concise and neutral informative

reports. Probation was introduced into the Czech media environment with the hope of solving the problem of overcrowded prisons and the expectation of the economic benefits of alternatives to prison. The philosophy behind this type of sentences appeared minimally. Today, information about probation is more colourful. More powerful stories also appear more often that have the potential to sway the public in favour of alternatives to prison. At the same time, however, there are more critical reports that talk of existing weaknesses or potential problems.

Our research has shown that the position of probation in the current criminal justice system is somewhat contradictory. On the one hand, statistics show that the number of offenders serving a sentence under the supervision of a probation officer is increasing year by year. On the other hand, only a small percentage of the public has a clear idea of probation, partly due to the rather low interest of the media. Yet, it is well known that greater awareness leads to greater support for alternatives to prison. However, as public views also have an emotional component, we cannot rely solely on rational arguments. Desistance studies suggest that most offenders can change their criminal lifestyle. Thus, the public should be acquainted with stories that illustrate this fact more often, including an emphasis on the strength of the factors operating in the natural social environment. Given that probation and other alternatives to prison take place in the community, these factors can be used more effectively in this context.

Translated by: Presto