

Chapter 14

Hungary

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1 HISTORICAL DEVELOPMENT OF THE PROBATION SERVICE SYSTEM

1.1 The start of probation in Hungary

Probation services in Hungary originate from religious prison outreach missions. As a result of a massive law enforcement reform at the turn of the 20th century, a patronage system was created. The first Criminal Justice Novel, published in 1908, created a separate criminal law for juveniles. By encouraging probation and correctional education, this document put prevention into focus. The curriculum of the first special training course for probation officers (pártfogó felügyelő), held in 1912, included the following subjects: general introduction, practical instructions, education, ethics, pathology, care, legal studies and economy. The first juvenile court was set up in 1913. Although the State Patronage System, as it was called, was set up as a government institution in the 1910s, until the 1940s the majority of juvenile probation work was undertaken by various charities. Probation associations were flourishing until the outbreak of World War I. In 1933 the Hungarian Association of Probation Organizations was set up with 33 members, but the association could not develop further until after World War II.

In 1951 the task of juvenile offender control and aftercare was assigned to local councils' executive committees. Non-governmental initiatives lost much ground. From 1954 on, the employment of former convicts became a state responsibility. Persons released from prisons had to participate in "pre-release interviews", and were given a food grant and a clothing allowance. In the 1970s, convicts received aid in various forms from employers. Prison service institutions signed cooperation agreements with socialist state corporations, and as a result, persons on probation were given jobs and shelter at workers' hostels. At the time, the socialist economy was in a stage of extensive development, and there was a great need for skilled and unskilled labour. 1975 legislation defines aftercare as a state task, and a new area of responsibility for the justice system. At each county court an extra position was created within the law enforcement team for adult probation officers, and the condition of employment was a degree in law, psychology or teaching. The aim of aftercare was facilitating social reintegration by assisting former convicts and improving social conditions. The Criminal Code of 1978 officially separated aftercare from probation. Probation supervision was defined as penal measure, which criminal courts could only impose together with another penal punishment, even in the case of release on parole, or release after full service of sentence.

The practical implementation of probation supervision is regulated by government regulations on the execution of criminal sentences and correctional measures. Probation legislation said the following: "The aim of probation is to use supervision and instruction in stopping the offender from committing another crime and to facilitate social reintegration by helping to create adequate social conditions". The law also defined general behaviour rules (magatartási szabály), but allowed criminal courts to set special rules. Probation officers were involved in the execution phase, but not the investigations.

Work punishments in the socialist era were aiming at maintaining compulsory

employment. Often offenders spent their work sentences at their own workplaces, but they did not receive bonuses or other usual allowances. A 1993 amendment to the Criminal Code introduced community service as a new primary punishment. This punishment was applicable to persons older than 18 years of age at the time of sentence, which increased the workload of probation officers significantly. The implementation of community service orders seems to be poor and inefficient since then. It has two basic reasons: the lack of the possibility to hire additional staff, and the lack of clear communication from lawmakers towards both the Probation Service and the public concerning the differences between former work sentences and the new concept of community service order.

1.2 Important developments

The first landmark in the development of the Hungarian Probation Service is the first Criminal Justice Novel of 1908, which introduced the institution of probation for “willing to develop but endangered” juveniles. Between the two world wars, assisting former prisoners increasingly became a governmental function. Probation officers were court employees, appointed by the Minister of Justice, and assisted by volunteers. There was virtually no aftercare in the 1950s and 60s, because, according to the official concept, total employment and the obligation to work alone guaranteed social reintegration of former prisoners. The next turning point was the 1975 reorganization, when the Probation Service was officially founded and integrated into the criminal justice organization. Probation officers held college diplomas; most of them were teachers. Volunteers, mostly members of worker teams in socialist corporations, assisted them.

Measures of the 1978 Criminal Code set up the legal framework of probation supervision, and officially integrated probation work into the criminal justice system. However, the Service was still not involved in the preparation of practical implementation process (e.g. pre-sentence reports), its only task remained carrying out the imposed sentence. Adult probation officers reported to county courts, juvenile probation officers to child welfare agencies. There were 250-300 probation officers working in the country. Legislation found the organization suitable for the execution of corrective-educational work sentences, and consequently the responsibilities of adult probation officers were extended to implement corrective-educational work punishment from 1979, and then its substitute, community service from 1993. In 1995 probation officers were involved in yet another legal institution. The legal possibility to postpone of accusation was introduced first for juveniles, and then, in 1999, for adults. After the regime change of 1990 many of the employment and housing possibilities ceased to exist, and as a result, social reintegration became increasingly difficult. Due to the changes in society, probation officers were left without the help of volunteers. Only a fraction of the newly created non-profit organizations was prepared to assist former convicts and offenders. In the '90 the crime rate tripled and under the changed circumstances probation officers were trying to pool available resources under institutional and professional cooperation agreements. Unfortunately neither the politicians on the criminal policy level, nor the probation services themselves in the practice could get satisfying reactions for the new challenges.

As part of a comprehensive criminal justice reform program, the system of probation underwent major restructuring in the summer of 2003. At the turn of the century, a trend of continuous development started in the field of justice and crime prevention, growing to include victim support, compensation and legal aid. As part of the process, a new act on criminal proceedings came into force in 2003, a national crime prevention strategy was created, and the Victim Support Act was passed. Some of the deriving legal changes also affected the system of probations, creating room for growth on the secure basis of three decades of professional practice. 2004 saw the creation of the Legal Aid Service. In 2005 the Victim Support Service was established. The preparation of legislation on mediation in penal matters ('mediáció' or 'közvetítői eljárás') took place between 2004 and 2006, for which legislation came into force in 2007. Currently a new Criminal Code and a new Law Enforcement Act are underway. On July 1, 2003 the Ministry of Justice created the National Probation Service (Pártfogó Felügyelői Szolgálat), responsible for both juvenile and adult offenders.

1.3 Probation activities in a nutshell

Probation officers work in the following fields:

- expert work in court decision preparation (social inquiry report, pre-sentence report);
- supervising and assisting offenders (probation supervision);
- supervising community service;
- preparatory work in prisons prior to furlough or release, supervision during parole, voluntary aftercare;
- mediation.

The Service worked on 77,748 cases in these five categories in 2006.

- Preparing social inquiry reports and pre-sentence reports

Probation officers assist the work of prosecutors (ügyész) and judges (bíró) by providing social inquiry reports (környezettanulmány) and pre-sentence reports (pártfogó felügyelői vélemény). Prisons may also request a pre-sentence report, if it is required for a decision to interrupt a prison sentence. Preparing social inquiry report is obligatory in each juvenile case. Pre-sentence reports are prepared at the request of a judge, prison judge (büntetés-végrehajtási bíró), or state prosecutor. Such reports may be prepared prior to a mediation order, prior to release from prison on parole, or for community service.

- Probation supervision (pártfogó felügyelet)

The Service usually has an average of 23 000 supervision cases in progress. There is a probation plan (pártfogó felügyelői terv) for each individual. Offenders meet their probation officer monthly on average, and describe any changes that have occurred in their circumstances or lifestyle. The probation officer must check compliance with behaviour rules. If required, the probation officer will advise or assist the individual in finding a job, or solving health issues or social problems. Any breach of behaviour rules must be reported to the prosecutor in charge.

- Supervising community service (Közérdekű munka)

It is the probation officer's task to look for potential employers, sign agreements with these and regularly check the work of the offenders. The probation officer

makes recommendations on related issues (e.g. changing of workplace, interruption of work), but the final decision is with the prison judge.

- Prison work and aftercare

Any person, released from prison, has the right to aftercare (utógondozás) provided by the Probation Service. Probation officers visit prisons each month to disseminate information on aftercare in groups. If it is needed, the individual counselling starts with those inmates who expectedly get paroled six months before his/her release. Probation officers help with housing, work, official documents, and other administrative tasks. They may advise persons in aftercare to contact religious or other charities, or, in special cases, may offer minor assistance.

- Mediation

As of January 1, 2007 mediation is an alternative to criminal court proceedings. The number of mediation cases between January and June 2007 exceeded 1,000. Mediation is a procedure applicable to certain crimes against persons or property, or in traffic misdemeanours, provided that the maximum sentence for the offence does not exceed five years in prison. Specialised probation officers act as mediators in the criminal mediation process.

1.3.2. Alternative punishment and sentencing

The 2003 reform of the Hungarian Probation Service opened up new possibilities for the application of alternative punishments. Various alternatives to imprisonment are now available in Hungary. If accusation is postponed (vádemelés elhalasztása), probation officers gain access to the “entrance” of the criminal justice system, and become involved in the criminal proceedings before the trials. While former solutions were focusing on decreasing the workload on authorities, mediation, introduced in 2007, is a means to solve the case in question.

Table 1: Number of persons involved in postponement of accusation

2002	3,050
2003	2,948
2004	6,753
2005	8,155
2006	7,340

1.3.2.1 Sentencing on probation

There are two kinds of sentences on probation: deferred sentence (próbára bocsátás), and suspended imprisonment (felfüggesztett szabadságvesztés). It is the court's decision whether to order additional probation supervision. To sentence on probation is predominant with juvenile offenders. Since 1993, the number of suspended prison sentences has been greater than the number of executed prison sentences. As another recent trend, the period of both suspended sentences and deferred sentence has been gradually increasing over the past few years.

Table 2: Convicted adults

Year	Convicted adults total	of which:		
		Imprisonment	Suspended Imprisonment	Probation
2002	90,143	11,337	18,143	13,579
2003	86,511	10,953	17,935	12,935
2004	89,344	10,067	18,467	13,709
2005	91,681	9,503	18,546	13,795
2006	90,128	9,390	17,875	13,049

1.3.2.2 Community service

While there is little acceptance of former convicts as members of the workforce, courts often impose community service order on people unfit for any kind of work. If not executed, community service sentences lapse (in 2006 this happened in 393 cases), or are transformed into prison sentences (772 cases in 2006).

Table 3: Convicted adults/Community service order

Year	Convicted adults total	Community service order	
		Number	%
2002	90,143	3,913	4.3
2003	86,511	3,792	4.4
2004	89,344	4,300	4.8
2005	91,681	4,705	5.1
2006	90,128	4,606	5.1

1.3.2.3 Release on parole

The concept of early release or parole (feltételes szabásra bocsátás) has been present in the criminal justice system since the Csemegi Code of 1878, although its conditions varied widely. When ordering parole, a prison judge must take into account various objective (e.g. at least 2 months of prison sentence served) and subjective (e.g. whether the aim of punishment will be fulfilled equally well) considerations. In general practice parole is subject to a clean disciplinary record in prison. Prison judges may release a prisoner on parole without any further restriction, or order probation supervision and/or specific behaviour rules. Parole with probation may not be less than one year. If probation time is successful, it is subtracted from the prison sentence. In the period from 1995-2005, the proportion of offenders under some kind of criminal sentence at the time of a new offence increased from 6% to 7.7%. Statistics show that 5-7% of persons on parole with probation supervision commit another crime during probationary period.

2 LEGISLATIVE BASIS AND MISSION

2.1 Legislative Basis

Hungary has continental jurisdiction. Acts drafted and passed by the Parliament stand at the top of the hierarchy of legislation. These acts are applicable in the Republic of Hungary, to all Hungarian citizens. The Constitution and various legal Codes lead the way. Before the regime change, there were so called law-decrees in force, passed by the Presidential Council. Legislation today only uses Acts to regulate the most important areas, but some of the old law-decrees are still in force, for example the law-decree on the prison service and the execution of criminal punishments and measures. The execution of Acts is regulated by ex-

ecutive legislation on various levels: government decrees, government decisions, or ministerial regulations. Subject to applicable legislation, local governments may act on their special licenses to regulate certain rights and obligations of citizens living under their jurisdiction, in the form of regulations and decisions.

Probation officers have tasks at various stages of the criminal justice procedure (investigations, raising charges, postponement of accusation, trials, and punishment). Primary Acts regulating probation service work are the Criminal Code (Act no. IV of 1978), the Act on criminal proceedings (Act no. XIX of 1998), the Law-Decree on the prison service (L-D 11 of 1979), and the so-called Mediation Act (Act no. CXXII of 2006 on mediation in penal matters). Since 2003 probation officers are required to prepare social inquiry reports to support the decisions of courts and prosecutors in juvenile cases, and at the prosecutor's or judge's request, they prepare pre-sentence reports at any stage of the criminal proceedings (Article 114/A of Act no. XIX of 1998).

Probation officers are responsible for community service, one of the primary punishments (Article 60 of L-D. no. 11 of 1979), and probation supervision (Article 92 of L-D. no. 11 of 1979). Probation supervision is not an individual measure or punishment, but an additional feature to postponement of accusation, deferred sentence, suspended prison sentence, parole or temporary release from reformatory. Probation supervision is mandatory in each of the above-mentioned cases if the offender is juvenile or adult recidivist. In other cases, probation supervision is subject to court order. Such court orders, as well as special behaviour rules, may be influenced by the content of the pre-sentence report, the submission of which is not mandatory. In criminal mediation, specialised probation officers act as mediators (Article 3 of Act no. CXXIII of 2006).

In the regulation on the activities of the Probation Service (17/2003 (VI.24)) the Minister of Justice set out detailed rules for the preparation of social inquiry reports and pre-sentence reports, the execution of community service, probation supervision, aftercare and the mediation procedure. In the regulation on standardized document management at the Probation Service [18/2003 (VI.24.)] the Minister of Justice set out detailed rules for administrative work, document management, keeping case records, database management, administrative procedures and archiving at the Probation Service.

Training requirements for Probation Service staff is regulated by Article 13 of Act no. LXVII of 1997 and a ministerial regulation require on-the-job training and an examination before an applicant is offered a final position.

A single Probation Service has been working in Hungary since July 1, 2003, in full compliance with applicable legislation on probation service work. This national probation network has received new responsibilities since its 2003 creation. The Probation Service and its partly independent Mediation Service is now subordinated to the Office of Justice, along with the Victim Support Service and the Legal Aid Service. The Office of Justice works under the professional supervision of the Minister of Justice and Law Enforcement. The Office is a central authority with national competence and a separate budget.

2.2 Mission and mission statement

The objective of the Hungarian Probation Service is the reduction of the risk of re-offending. The Hungarian probation officer is charged with the application of community-based criminal sanctions. The work of the probation officer is to protect the public through the implementation of community supervision and the supervision of the offender. Through supervision and support, the probation officer re-enforces the potential for the re-integration of the offender into society. The work of the Hungarian Probation Service is built on the principles of restorative justice. It aims to ensure that the perpetrator faces up to the consequences of their crimes by making good the damage caused through mediation between the offender, the victim and the community.

2.3 Crime prevention

Although the Probation Service's scope of activities does not include crime prevention as such, all of the activities undertaken by the Service aim at preventing repeated offences.

The Probation Service plays an important role in the National Crime Prevention Strategy [Parliament Decision no. 115/2003 (X.28)] by its active participation in setting up crime prevention cooperation and an early warning system. Crime prevention programs are coordinated and in part funded by the National Crime Prevention Committee. This funding has helped the Probation Service in launching several crime prevention showcase projects (e.g. day centre, career orientation training). In order to prevent people from turning into offenders, the Probation Service works together with the police as a supervisory authority, and various childcare and social institutions as supporting organizations. The Probation Service reviewed the means of practical cooperation with the police, and worked with the police to set the direction of further crime prevention cooperation. The results were the basis of an initiative to regulate cooperation between the Service and the police, which has already entered into force in the form of a ministry regulation. As members of the social and child protection early warning system, probation officers play a major role in crime prevention. Legislation gives the right to probation officers to send out a warning, initiate a case discussion or multilateral case conference, request action from authorities, receive warning signals and act on them, and to organize and coordinate the operation of the early warning system.

In addition to the 2003 reforms, the Probation Service continued to work on maintaining its existing organizational contacts (e.g. courts, prosecutors' offices, police, prison service, local governments, NGOs, charities). In order to improve probation work, cooperation has been institutionalised, and/or reinforced by cooperation agreements. Staffs at county offices and the Budapest unit are members of local Drug Coordination Forums and Crime Prevention Committees.

2.4. Victim support

The Act on the support of victims of crime and a system of state compensations entered into force in Hungary on January 1, 2006, and at the same time a single, extensive victim support system was launched. The Victim Support Service offers support to crime victims and persons affected by the consequences of

crimes. Any Hungarian citizen, European Union citizen, legal alien in the territory of the European Union, victim of human trafficking, or legal stateless person is eligible for the assistance by the Service. The Service has the right to offer guidance and services to victims of crime, such as instant money aid, representation, or professional legal aid. Victims of premeditated violent crimes against persons may be entitled to state compensation.

The Victim Support Service, like the Probation Service, is part of the Office of Justice. The central office's Victim Support Methodological Department is responsible for professional management, preparing draft legislation, and professional methodology, while county offices undertake practical tasks. Due to the fact that victim support and probation works in the same institutional framework, under the supervision of the Office of Justice, probation officers are assigned the task of informing victims of the services available through the Victim Support Service.

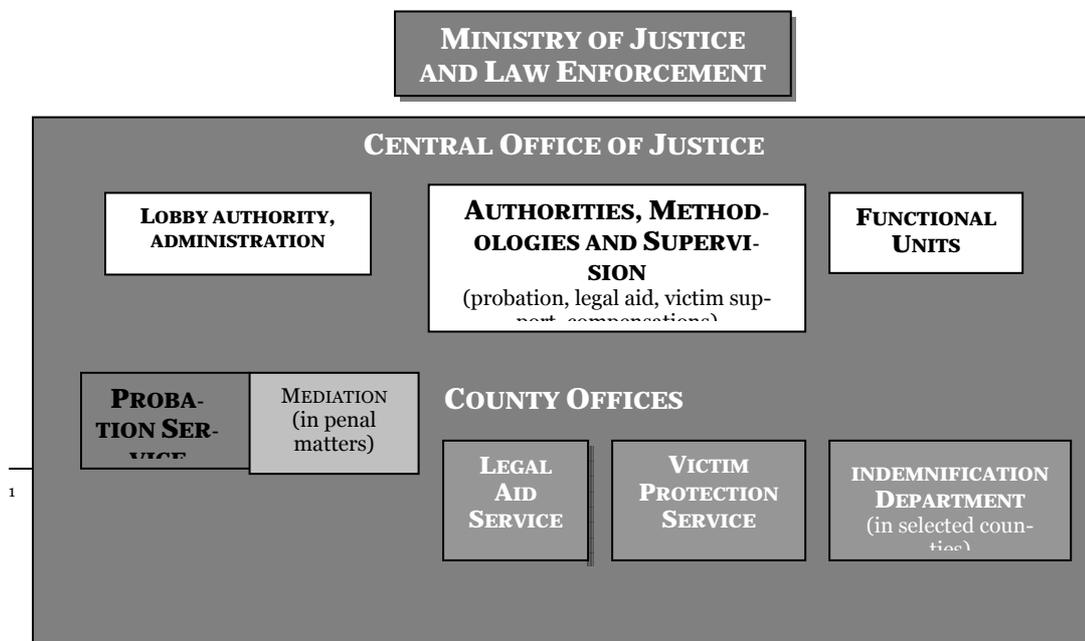
As a special task in victim support, probation officers may be requested by the court or prosecutor to assess whether an offender is willing to offer compensation to the victim, and whether the victim is willing to accept; this will then be included in a pre-sentence report and submitted to the authorities. Specially trained probation officers may get in contact with victims through the mediation process.

3 THE ORGANIZATION OF PROBATION SERVICES

3.1 Main characteristics

The Office of Justice was created on January 1, 2006, under the supervision of the Ministry of Justice and Law Enforcement¹. Probation is a priority area in the office's fields of activity.

Figure 1





3.2 Internal organization

The head of the Office of Justice is the Director General. Probation activities are managed and controlled by Central Office of Justice (COJ). COJ participates in the preparation of legal codes for the Ministry of Justice, and establishes professional standards for the Probation Service. Its tasks include maintaining relations with partner organizations, managing and coordinating projects, preparing expert opinions as required, and monitoring the work of county offices. Another one of its major tasks is creating a primary training system and organizing professional examinations for probation officers. Altogether there are 20 county offices of justice (19 county offices and one in the capital) additionally more than 160 local offices. A county management includes the county manager and heads of departments. Each of the 20 offices has its own Probation Service unit, with two departments, one for juvenile and one for adult offenders. As a result of the 2003 reform, the importance of support activities and social work increased in adult probation work, and at the same time juvenile probation work started to include more authority and control tasks. Probation officers are responsible for offenders residing in the territory of the county in question, and have administrators and assistants to support them.

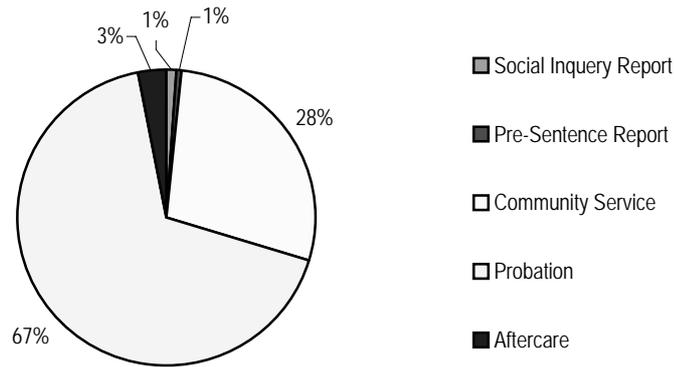
3.2.1 Probation workers

Table 4: Probation staff numbers

	7/1/03	7/1/03	12/31/03	12/31/04	12/31/05	12/31/06
Probation officer	225	225	248	307	331	360
Support staff	0	23	40	51	75	100

Since July 1, 2003 a total of 53 persons left the service (2 deceased, 23 retired).

Figure 2: Number of cases per probation officer at the end of 2006 (99.94 cases per officer)



Probation officers must hold a degree in law, public administration, psychology, social policy, sociology, theology, teaching or social pedagogy, or be a social worker or special needs teacher. Persons with other degrees may also work as probation officers if they hold relevant special training certificates (e.g. addiction treatment, youth support, and mental health). Justice reform regulations define probation work as a special field of study comprising law enforcement and criminal justice social work. Legislation on standardized document management establishes categories for the division of cases in probation work:

- probation officers specialize in either juvenile or adult offenders, and deal with such cases respectively;
- juvenile probation officers may simultaneously work on a maximum of 45 cases, adult probation officers 65. (Practice shows that these numbers are often exceeded to deal with all incoming cases.);
- officers doing prison probation work must have the choice to transfer to another field after 3 years in service;
- probation officers submitting pre-sentence reports in a certain case of a certain offender should, if possible not be involved, in other probation issues related to the same crime or the same offender;
- mediation cases must be assigned to specially trained mediation officers; conflicts of interests must be eliminated. If possible, the officer who submitted pre-sentence reports for the case in question must offer mediation.

Cases are assigned on a territorial basis (by county office in charge). As for the types of cases, specialization only takes place at offices with sufficient staff numbers. At such larger offices there are typically two groups of probation officers, one for probation supervision and another for community service. The last 3 years so-called 'Professional Colleges' (Szakmai Kollégium) were established focusing on special fields of probation officers' activities, e.g. community service, aftercare, drug-diversion, etc. A professional college consists of 1-1 specialised probation officers from each county. Their task is to bring and disseminate relevant information on policies and practice on the above-mentioned specific subjects.

3.2.2 Education, training requirements and opportunities

Newcomers participate in a 6-week probation-introductory training. Topics covered include: professional standards, applicable legislation, probation practice, etc. The practical training for doing individual probation work takes place with mentors. Newcomers get acquainted with 10-10 different types of cases (See: 1.3.1.). Besides there is a 3-day general training course provided for the probation officer before taking his/her proficiency exam, which has to be done within 2 years after joining to the Service. The office provides a database of articles and studies in the field, and a collection of applicable local and international legislation. A probation library collection has been established in each county office. The civil organization of probation workers publishes the journal "Pártfogók" ('Probation Officers'), which is a significant contribution to professional literature in the field. There are 2- and 3-day training courses that focus on relevant special fields, such as drug abuse, juvenile crime or reintegration in the labour market.

Many probation officers joined a recently launched postgraduate program in criminal justice social counselling, which is offered by the Postgraduate Training Institute of ELTE University Faculty of Law and the Miskolc University Faculty of Law and Public Administration. The Office is signing training contracts with probation officers, and if the training field is relevant to probation work, offers partial refunds on fees. Under a higher education cooperation program, the Office offers practical field placement to students of social work and other probation-related courses.

3.2.3 Other organizations involved in probation work

Probation officers work with organizations in the field of criminal justice, and non-governmental social organizations. Some of this cooperation is regulated in legislation; the Probation Service has initiated others in order to improve efficiency. At probation officers' request, the police participate in probation work by checking compliance with certain behaviour rules related to law enforcement. Victim support workers belong to the same organization; therefore cooperation is institutionalised under the Office of Justice. The police and several charities do dedicated work for the same cause.

According to the regulation on the enforcement of corrective measures, the Probation Service is supported in its supervision work by local governments, employers, charities, volunteer organizations and individual citizens. Cooperation with social, educational and child protection organizations, as well as participation in the early warning system is legally required (primarily under Act no. XXXI of 1997 on child welfare administration and the protection of children, and Act no III of 1993 on social administration and social welfare). Employers and employment agencies participate mainly in community service-related issues, by finding and offering jobs to offenders.

4 PROBATION IN DIFFERENT PHASES OF THE CRIMINAL PROCESS

4.1 General

Table 5: Activities of probation during the different stages of criminal procedure

	Pre-trial stage See 4.2	Trial stage See 4.4	Post-trial stage See 4.4
Preparing a Social Enquiry reports	x	x	x
Supervision/assistance etc. to offenders whose cases were conditionally waived (postponement of accusation)	x		
Mediation	x	x	
Supervising/organizing etc. community service		x	
Supervising/organizing training or learning projects	x	x	x
Supervising etc. drug/alcohol treatment programs	x	x	x
Day Centre activities	x	x	x
Pre - sentence report	x	x	x
Supervising etc. sanction of probation		x	
Supervising etc. suspended sentence		x	
Supervising etc. special measures for drugs addicts	x		
Supervising etc. a conditional sentence ²		x	
Assistance/support to prisoners in prison			x
Supervising etc. conditional release/parole			x
Advisory report with respect to amnesty/pardon		x	x
Probation work in reformatories		x	

² It is called deferred sentence in Hungary, the authors use this phrase all over this chapter.

4.2 Pre-trial phase

4.2.1 General

Before 1999 probation work started when a verdict was announced. From 1999 on, prosecutors had the option to place suspects under probation supervision during postponement of accusation, but probation officers still had no role in decision-making. Since the institutional reform, probation expertise is equally represented in the various stages of criminal proceedings. Probation officers have the following tasks in the pre-trial stage:

- writing reports (Social inquiry report/SIR, Pre-sentence report/PSR);
- probation supervision during postponement of accusation. This activity includes group sessions, educational programs, drug rehabilitation, participation in day centre activities;
- mediation.

4.2.2 Pre-trial report

Probation officers prepare social inquiry reports and pre-sentence reports based on national standards (see Annex 1 and 2). A social inquiry report must contain general information on family conditions, friendships, community contacts, health issues, addictions, housing conditions, education, profession, workplace, employment circumstances, further training, leisure activities, income status, property, and changes in these since the offence. Before the trial, the prosecutor may request the preparation of a pre-sentence report, under two circumstances: 1) a decision is made for postponement of accusation 2) a decision is made for mediation. Preparing a pre-sentence report is compulsory if the prosecutor intends to set special behaviour rules or other requirements during a postponement of accusation.

A pre-sentence report has to describe the detailed information on the personality and life circumstances of the offender (e.g. family and housing conditions, state of health, possible addictions, education, profession, workplace, employment circumstances, income, and property) comparing to the social inquiry report. The pre-sentence report also elaborates on the relationship between facts and evidence found, and the act committed, assesses motivations, tells whether the suspect has shown regret, and whether he is willing and able to cooperate. The probation officer provides information in the pre-sentence report on available jobs suitable for the suspect, healthcare and social care possibilities, and may recommend special behaviour rules, or a requirement to participate in prevention or treatment programs. At the court's or prosecutor's request, the report must also contain information on whether the suspect is likely to obey special behaviour rules or other obligations set forth, and whether the victim is willing to accept compensation. The preparation of this document gives the probation officer an opportunity to assess personal aspects of the criminal behaviour, the person's attitude towards the act, and personality risks that may lead to another offence; however the Hungarian Probation Service does not have a specified risk assessment tool, yet.

4.2.3 Probation supervision

Postponement of accusation is an option available for juvenile suspects since 1995 and for adults since 1999. The prosecutor may order postponement of accusation for crimes with a maximum punishment of less than three years (juvenile: five years). In such cases filing formal charges is postponed by one to two years. In the Hungarian justice system a procedure can be diverted in four ways:

- usual deferred charges;
- drug diversion;
- failure to provide child care;
- mediation.

According to legislation, a postponement of accusation must be accompanied by probation supervision. During this term of probation, the probation officer in charge must supervise and assist the offender. Should the suspect commit another crime during the probation period, or violate behaviour rules, the prosecutor will file formal charges. If the probation period is successful, the procedure ends. Behaviour rules are legally required (general code of conduct), but the prosecutor may set additional requirements based on the circumstances of the offence. In Hungarian practice, behaviour rules are usually set for juvenile suspects. The prosecutor may require the following behaviour rules:

- partial or full compensation to the victim for damages;
- alternative form of compensation to the victim;
- donating money for a cause, or doing community service (community compensation);
- psychological or addiction treatment.

The obligations described in points a) and b) are subject to both the suspect's and victim's approval, while those in points c) and d) are subject to the suspect's approval. The prosecutor may apply one or more of these rules, or other rules or obligations not listed here. New regulations encourage the application of modern behaviour requirements – that is, ones that take victim's rights and community compensation into account.

4.2.4 Mediation procedure

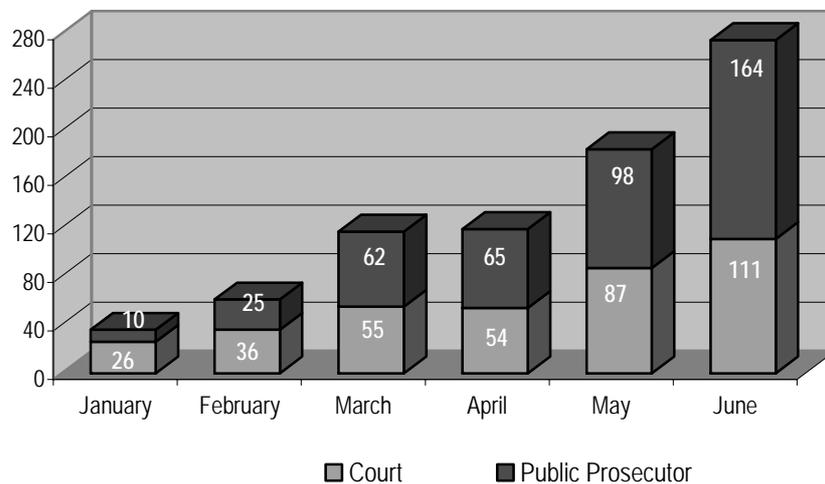
Mediation is applicable in cases against person or property, and traffic misdemeanours, where the maximum punishment for the act does not exceed five years of imprisonment. Mediation is a one-time opportunity in a criminal procedure. The prosecutor may decide for a mediation procedure on his/her own initiative, or upon request from the suspect, defence, or victim, provided that the nature and circumstances of the offence, and the person suspected would otherwise not make a criminal procedure necessary. If mediation is ordered, the proceedings are suspended for a maximum of six months.

In order for a mediation procedure to begin, legislation requires the suspect to make a confession, and demonstrate willingness and ability to compensate the victim for damages. The offender should offer compensation voluntarily, and the victim could accept it. Legislation requires full consent of both the offender and the victim throughout the process for mediation to continue. The aim of the mediation process is to come to an agreement between the offender and the victim

concerning the amount and nature of compensation. Probation officers are responsible for managing the procedure and ensuring the fulfilment of the terms of the resulting mediation agreement. If, as a result of the mediation process, the offender has paid full compensation to the victim, or has compensated him/her for damages in another way, and the maximum punishment for the offence is less than three years, no charges are raised. If the maximum punishment is up to five years, charges are raised, but commutation of sentence is possible without limit. If the offender began the fulfilment of his/her obligations under the mediation agreement, but has not completed it yet, and the maximum punishment for the offence is less than three years, the prosecutor may decide to postponement of accusation for one to two years.

Mediation is not an option if the proceedings are related to a crime committed during a previous mediation process or other form of alternative punishment. Legislation eliminates the possibility for mediation in the case of recidivists, organized crime charges, and crimes causing death. Mediation work is undertaken by specially trained probation officers acting as mediators. (From January 1, 2008, practicing lawyers will be allowed to act as mediators as well.) The first five months after the introduction of this new justice concept brought the following results:

Figure 2: Mediation cases initiated in January-June, 2007



4.3 Trial and enforcement phase

4.3.1 General

Probation officers have the following tasks in the trial stage:

- writing reports: Social inquiry report/SIR, Pre-sentence report/PSR, as described in point 4.2;

- probation supervision. This activity includes group sessions, educational programs, drug rehabilitation, participation in day centre activities, see also point 4.2.3;
 - mediation (see point 4.2.4.);
 - organizing and supervising community service.
- Probation officers are not involved in the execution of several kinds of punishment. These include incarceration, fine, and expulsion.

4.3.2 Pre-sentence report

Before imposing a sentence, ordering a correctional measure, or deciding on mediation, the court may require a pre-sentence report. The Probation Service and individual probation officers do not have legal means to initiate the preparation and acceptance of such reports. In its request, the court describes the reasons for asking for a pre-sentence report, and may formulate specific questions. In the report, probation officers must respond to these specific questions, and include all of the information the answers are based on. A pre-sentence report is usually due in 30 days.

The suspect's approval is not required for the preparation of the report. He/she has no obligation to cooperate in the preparation, because a suspect may not be forced to provide possibly detrimental evidence. The content of a pre-sentence report is described in court, and the probation officer may be asked to testify. If the suspect disagrees with the content, he/she may ask for another expert opinion. The pre-sentence report is a proof, and it has to be read out on the trial. The suspect and his/her defence counsel have the right to get it written.

Pre-sentence reports submitted to the court do not include an individual probation supervision plan, although the information they contain may give direction to the prevention of a similar offence by setting up an accurate social diagnosis and identifying room for intervention. Hungarian rules on legal proceedings allow prosecutors to make a motion on certain form of punishment. Probation officers have no right to do so, although including such recommendations in a report is not prohibited.

4.3.3 Probation procedures and processes

The court on a case-by-case basis – except for juveniles and recidivists, for whom it is legally mandatory – orders probation supervision. An offender may breach the rules of probation in two ways: 1) failing to observe general or specific behaviour rules, or 2) committing another offence. A court sentence may set special behaviour rules for probation. The offender does not have to approve, except in the case of medical treatment. Checking compliance with behaviour rules is the probation officer's responsibility. If the offender intentionally violates behaviour rules, the probation officer must report this to the court and recommend a course of action. If the offender violated a rule for a reason beyond his/her competence, the probation officer may recommend a change in behaviour rules.

Probation supervision is a complex task including both control and support activities. The proportion of control versus support depends on several factors, including social circumstances, personality, habits, behaviour, and risk of recidi-

vism (based on the previous convictions). In this sense, the control/support ratio is not permanent; it may shift with time in either direction. Over the past decades of fieldwork, the service adopted a traditional casework approach, which remains dominant, although the past few years brought a shift towards group-work, which appeared as a new skill with probation officers. All 360 probation officers use the individual approach, while only specially trained staff is allowed to manage groups. Recent pilot projects on group-learning programs primarily based on a cognitive-behaviourist approach. In order to ensure competence, each county office has monthly case conferences, which is also an opportunity to develop teamwork.

Probation officers typically use the following methods and techniques: assessing social circumstances, first interview, and other interviews and collecting basic information. Support and control activities include family visits, family support work, facilitating the resolution of family conflicts. The offender's studies, work and other obligations are monitored, and, if necessary, the offender is encouraged and supported in fulfilling these tasks. Counselling is continuously provided, as well as help with preparing and submitting official documents, requests, and appearing in front of authorities. Participation in case conferences and inter-institutional partnerships is an increasingly important part of probation work. Probation officers may initiate various legal measures and offer group activities. Should an offender in care have temporary financial difficulties, they provide small amount of monetary assistance. If behavioural rules are breached in small-scale, they may issue verbal and written warnings, which will appear on the records. Juvenile offenders meet their probation officer once a month. Adult offenders meet their probation officers at least once in every two-three months. If the offender is considered high-risk from the viewpoint of recidivism, meetings and visits are more frequent. Participation in treatment programs is limited due to the lack of financial resources. As these activities are heavy on the budget, there are only two locations operating at present (Budapest: „Jóvá Tett Hely” Probation Centre; Borsod-Abaúj-Zemplén County: „Zöld Ház” Probation Centre).

A manual entitled “Model procedures and standardized forms” was published on April 1, 2004, which contains the latest developments on working methodology and tools for various probation activities. These minimum standards and score sheets serve as the basis of the quality management system. Once the initial document ordering probation supervision has arrived, probation officers must acquire all preceding documents, and collect information required for the task. As soon as the order is received, the officer informs the offender of the fact that probation supervision has been ordered, the starting date, name and contact details of the assigned probation officer, and the place and schedule of meetings. The client must be informed of the purpose of probation, the role of the officer, behaviour rules and possible consequences of their violation, schedules meeting dates, and offered alternative meeting dates. All of this is recorded in the minutes of the initial meeting and handed over to the client. The next step is the first interview, a study of the offender's personal environment, and the preparation of a draft probation plan. Probation supervision always follows an individual probation plan. If required, the officer provides counselling or assistance with employment, health or general life issues, as well as with solving social problems.

According to recent research, specific behaviour rules are usually required in

three types of offence: against property, against law and order, and against persons. In the case of juveniles, these specific rules aim primarily at filling gaps in education, while in the case of adults additional rules usually mean more control. Probation supervision appears as punishment only when behaviour rules are not met. Violation of these rules may result in an extended probation period, withdrawal of sentence on probation, or the execution of a suspended sentence. If the probation officer notices breaches of rules, he/she must immediately report the offender to the authority that has ordered probation. If the probation officer believes that a change is necessary in behaviour rules, he/she may initiate a procedure for change with the prosecutor in charge.

4.3.4 Organizing and supervising community service

In the post-trial stage probation officers organize and supervise community service sentences. Hungarian regulation does not require the offender's consent to a community service. The execution of a work sentence, however, is not enforceable; therefore legislators are trying to encourage community service with the threat of conversion to a prison sentence. (The new Criminal Code is going to require consent from the person involved for the punishment to become applicable.) When it comes to the implementation of community service, it often turns out that the court did not investigate the general health and education of the offender in enough detail, and that the person is unfit for doing community service. In such cases probation officers are facing a problem impossible to solve, as no suitable jobs are available for these offenders.

Under the Criminal Code, community service is a task the offender is likely to be able to perform with his/her existing education and physical health. Such work is unpaid, and must be performed on at least one day of the week, in the offender's leisure time. Community service may vary in length between 1 and 50 days, where six hours of work is counted as one full day. The convict is required to perform the specific kind of task described in the sentence, but beyond this obligation his/her personal freedom is not restricted. It is the probation officer's task to provide for the execution of community service sentences. In order to ensure proper execution of the sentence, the probation officer regularly checks both the employer and convict, and supports the convict in performing his/her duties. Concerning other related issues (e.g. changing workplaces, interruption), the probation officer may submit a recommendation, but the decision lies with the prison judge.

Based on a study of community service sentences finished in 2005, offenders sentenced to work penalties are typically 18-39 years old, with levels of education below the national average. Less than 20% have permanent employment, which means that 80% are inactive, unemployed, or support themselves through odd jobs. These facts also have to do with the majority of community service being physical labour on public domains (e.g. gardening in parks, street cleaning and maintenance). With the participation of local governments and NGOs, several examples of good practice have been developed over the past years, in which community service is used in town decoration or public park programs. An average of 10% of community service sentences remains unenforceable every year due to a lack of suitable jobs or adequate physical fitness. The community service sen-

tences are usually imposed for the crimes of theft, vandalism, fraud, grievous bodily harm, failure to provide maintenance, and causing damage. The length of community service sentences may vary between 1 and 50 days. In practice, a typical sentence is between 30 and 50 days in length.

4.3.5 Mediation

The court may turn the case over to mediation before a verdict of first instance, at the request of the defendant, the defending lawyer or the victim. In this case, the proceedings are suspended for a maximum of six months. If the parties come to an agreement, the Criminal Code allows unlimited commutation of the sentence.

4.4 Post-release phase

Probation officers have the following tasks in post-trial stage:

- writing reports (Social inquiry report, Pre-sentence report);
- probation supervision. This activity includes group sessions, educational programs, drug rehabilitation, participation in day centre activities, subject to point 4.2.3;
- aftercare and resettlement work.

4.4.1 General

The prison judge may release a convict on parole, provided that the initial sentence had a specified term, and there is reason to believe that the aim of punishment can be equally well achieved without further incarceration. The assessment of parole requests takes into account behaviour in prison, and the person's willingness to abide by the law. During the decision-making process, the prison judge may ask for a pre-sentence report. The length of parole equals the remaining time of the prison sentence, but may not be less than one year. Parole is probation time, which, if successful, is subtracted from the sentence. If the person released on parole commits another crime during this period, or violates probation behaviour rules, probation is terminated, and the remaining term must be served in prison. Since the institutional reform, it is part of probation officers' duties to perform probation work in prison. This activity includes group sessions on life issues, individual hearings and training programs, focusing primarily on the improvement of social conditions and career skills. In order to be able to offer quality service in this field, the Probation Service allocates tender funds to this activity (e.g. EQUAL and HEFOP projects), and, in cooperation with the Dutch partner organization, probation officers have participated in a Goldstein trainer course. Prison probation work aims at facilitating reintegration. Probation officers have no legal means to influence the placement of prisoners into prison regimes. Security categories are assigned in a similar way, and it is also not part of the probation officer's work to supervise persons receiving amnesty.

4.4.2 Writing report

In the post-trial stage, authorities may request the preparation of reports:

- for the prison judge:
 - in preparation of a parole decision;
 - for a change in specific behaviour rules at the offender's request;
 - to support a decision on incarceration due to a violation of behaviour rules;
 - to select a workplace for community service sentences (a report is required by legislation in this case);
 - in preparation of a decision to convert community service to prison sentence, or to interrupt a sentence;
- at the prison director's request, in preparation of a sentence interruption decision;
- for the Minister of Justice and Law Enforcement, in preparation of a decision to grant exemption from the payment of criminal court costs and fines;
- possibly a social inquiry report, in the course of an amnesty procedure.

4.4.3 Probation supervision

Probation officers have complex duties related to persons released from prison:

- performing probation supervision of persons released by the prison judge on probation with supervision;
- assisting persons released from prison by the prison judge on probation without supervision, if the person asks the service for assistance;
- assisting persons released from prison after serving the full term, if the person asks for help with reintegration (aftercare).

4.4.4 Aftercare

In 2006, probation services received 2,494 aftercare requests. The purpose of aftercare is both social work and prevention. Probation officers help with housing issues, employment, acquiring official documents and dealing with authorities. Persons in aftercare are often transferred to religious missions or charities working in the field, and sometimes, in justified cases, are offered a small amount of monetary aid. Preparing the family for the return of the former prisoner is an important aftercare task. Aftercare is undertaken by the probation service working in the area where the correctional institution is located. In its work, the Probation Service acts under its legal licenses. The client has little or no influence or initiative in these procedures. Aftercare is an exception in this regard, because aftercare is a service available for persons held in or released from prisons or reformatories, at his/her request. The service is available as long as the client requires it. Probation work may therefore start in prison, at least six months before the expected date of release. Obviously probation officers do not act as supervisors in aftercare, rather as supporters. Persons released from prison may need various kinds of assistance: information on employment opportunities, replacing lost documents, healthcare or social care, or placement in such institutions, continuing education, settlement, accommodation or housing, participation in counselling and awareness programs. Families must be prepared to welcome a returning member. In justified cases, probation officers may offer monetary aid to persons in aftercare.

4.5 Care and aftercare outside the criminal justice system

Local governments, church organizations, employers, charities and various NGOs participate in prisoner aftercare. In order to facilitate such cooperation, the Office of Justice may sign partnership agreements with these organizations. A person in aftercare may also receive help through the local government's social support network. Practice has shown, however, that the care of former prisoners is a low priority issue with social welfare services. There are no specific funds dedicated to prisoner welfare in the social welfare system.

5 FINANCES, REGISTRATION, EVALUATION AND OUTSIDE OPINION

5.1 Finances

The Hungarian Probation Service is a subdivision of the Office of Justice, and therefore is not a separate legal entity with its own budget. The Service is supervised and financed by the Ministry of Justice and Law Enforcement. The division of central funds is not proportional to activity, which means that extra tasks do not necessarily come with additional resources. The availability of funds depends on the condition of the general state budget, as well as the funding of the supervisory authority. However, sometimes the difficulties of partner organizations also affect the work of the Service. In addition to staff cost and central payments, the budget includes provisions for operational cost, a small investment budget, and probation aid. The Service also raises funds through tenders. Part of the tender money comes from the EU, another part from the government. In 2006 0.6% of our total revenues came from tenders.

Table 6

Item	Probation Service *	Prison Service **
Total expenditure 2007***	HUF 3.8 billion	HUF 34.4 billion
Average staff number	571	8,236
Average daily client traffic		16,000

5.2 Accounting

Since the Office has a central financial organization, the Service has no accounting of its own. Semi-annual and annual financial reports are published every year. There is a quarterly balance report, which indicates changes in the organization's financial position. It is the duty of the supervisory authority to draw up a single report from the reports of various institutions, which is then included in the final state budget report under the relevant budget chapter, in accordance with the act on the execution of the State Budget Act. The final state budget report is then passed by Parliament in the form of a Final Accounts Act.

Monthly reports on the financial and liquidity position of the organization are prepared and submitted to the Government and State Treasury. The Government and the supervisory authority occasionally make specific enquiries (e.g. increase in remuneration, downsizing.)

5.3 Registration systems and evaluation procedures

5.3.1 The system of records

A central electronic system of records was established in 2003. The Probation Service launched its complex national electronic client following system on January 1, 2006. This single system includes an integrated, searchable client database, and is also suitable for monitoring staff performance. The system is currently storing around 400 types of data in various categories. In addition to the advantages of nationwide entries and searches, the possibility of having forms filled automatically is a great help in everyday work. The system conforms to legal requirements for data maintenance. Tasks related to electronic record keeping are defined in regulations of the Minister of Justice and Law Enforcement. The application is regularly updated to ensure continuous legal compliance. The program displays client traffic for set periods of time. Statistical data from the program is used in the Service annual reports, which are available to any citizen. The system also contains some of the information gathered during probation work. This information is classified by the following categories:

- previous offences;
- information gathered during probation work on the offender and family;
- education, workplace and income.

* By annual traffic

** By daily headcount

*** This data also includes proportional staff numbers and proportional budget from the central organization.

The electronic system does not contain all of the information on the offender, or the crime. Details are kept in the paper-based file. As a result, the electronic client following system is an incomplete source of information for special studies, and its role in reducing workload, or monitoring and assessing staff performance is also limited. A comprehensive study and analysis is only possible by additional research into printed documents.

5.3.2 Assessment procedure

The electronic client following system has an evaluation score sheet function, which displays data on various activities or their results in numbers. This function is suitable for monitoring the work of the Probation Service. Probation officers are also assessed by probation plan, execution, and weekly work schedules. Supervisors of probation officers have access to the information stored in the system, both on regional and national levels. The data is available to persons with suitable clearance. Access to data and editing rights are subject to the person's level of clearance, in accordance with data provision regulations. The IT development project continues. Electronic archives and records are currently available at all of the 20 county offices, but only in some of the smaller local offices; therefore not all probation officers are able to use it in everyday work. In its present state, the system is not connected to any other justice databases. The main reasons for partial access to other databases are the lack of resources for system development, and strict data protection regulations.

5.4 Societal support and clients' views

There are no studies available on public opinion concerning the work of the probation service, and there have been no specific polls conducted on general satisfaction with the work of the service or the officers. However, some studies over the past years included the field of probation work, and therefore have certain implications concerning client satisfaction. In 2005 a study was conducted on compliance with special behaviour rules, which made an attempt to describe the relationship between officers and clients.³ The scope of the study included all of the cases in progress in 2004 with special behaviour rules, and 352 offenders were interviewed. 47% of offenders interviewed thought that probation was not just a punishment, but it had other purposes as well (e.g. solving social problems). These offenders believed that special behaviour rules were useful in much greater numbers than those looking at probation as just a form of punishment. The study found that the offender's personal opinion on probation officers shows correlation to previous criminal record. Recidivists were more likely to describe the officer in negative terms (talks in a condescending manner, gives orders but never listens to me), and made fewer positive remarks (stands up for me, listens to me, is more like a friend to me). The study found that discussions between clients and officers revolve around 13 topics during probation (relationships, family, work, alcoholism, etc.). Findings suggest that the more areas they talk about,

³ Kerezsi, K.- Kó J. (2006): Special behavior rules in probation. MJ National Crime Prevention Committee, Secretariat, Budapest. p.146.

the less efficient clients find cooperation in any individual field. These results support the theory that targeted support is more efficient. Clients who discussed leisure time and personal conflicts showed significantly more satisfaction with behaviour rules. They also tended to describe their probation officer in positive terms, like “gives real help”, “I can discuss my problems with an independent person”, “helps me give up crime”.

6 PROBATION CLIENTS' RIGHTS

The Parliament, Government, and the Minister of Justice and Law Enforcement regulate rights of probation clients by way of various legal acts. Legislation is public information; it is available on the Internet. Providing adequate information, however, is still important. In accordance with the Hungarian Criminal Code, authorities are required to inform the suspect of his/her rights and obligations at each stage of the criminal procedure. Authorities involved in the various stages of the procedure include the investigative authority, prosecutor, court, prison service, prison judge, and the probation service. In order to protect probation clients' rights, the probation service is only allowed to draw up internal regulations on the rights and obligations of the offender within certain limits set out by applicable legislation. (Except for the officer's personal notes, the entire probation file is available to the client for reading.) Data protection rules also aim at safeguarding clients' rights. Hungarian legislation requires the service to treat all information acquired during the probation process as confidential, and not to disclose it to any third party without explicit consent – a provision also present in the internal regulations of the service. The Data Protection Act contains an itemized list of data categories the probation officer has the right to ask for and handle:

- personal identification data;
- social security number;
- address and place of residence;
- family status and housing conditions;
- education, profession, workplace, vocational training;
- general health condition, possible addictions;
- income and property.

No data may be collected beyond this level, not even for social enquiry reports or pre-sentence reports. Probation officers may only grant access to social enquiry reports, pre-sentence reports, or any other fact or finding to certain authorities, in the field of justice or other, as defined in applicable legislation, and only for a specific purpose closely related to the case and the authority's field of activity. Any other kind of disclosure is prohibited under the Act. Failure to observe these rules may trigger disciplinary action or criminal proceedings. If the client is not satisfied with the conduct, he/she may file a complaint. The supervisor investigates complaints against probation officers, the county manager investigates complaints against the supervisor, and the Director General investigates complaints against the county manager. The Ministry of Justice and Law Enforcement investigates complaints against the Central Office of Justice. The Office of Justice does not have its own complaints committee, but it does have an official

Code of Ethics for probation officers. Any violation of this code is investigated. The Office also has its Ethics Committee. If the client is dissatisfied with the investigation of his/her complaint, he/she may turn to the prosecutor. The initial complaint can also be submitted to the prosecutor. The Chief Prosecutor's Office regularly checks the work of the Probation Service and in the scope of these checks investigates complaints and general conduct, may access documents, interview staff and offenders, request additional information, and continue investigations. If the client is not satisfied with the investigation done by the prosecutor he/she may go to court. In addition to regular rights to appeal, a client may also turn to international organizations.

Hungarian legislation does not differentiate between clients and other citizens from the viewpoint of legal aid. Criminal proceedings that are already in progress, do not affect the client's right to legal aid in or outside civil proceedings, which is subject to the general a rule for indigent defendants. The client has the right to legal protection in post-trial stage, which means that he/she can have a defence counsel. If the client cannot afford a defence counsel, a probation client, too, can have a public defender assigned under general rules. The lack of knowledge of the Hungarian language may not be to the client's disadvantage in any way. The client has the right to receive information on his/her rights and obligations in his/her mother tongue, or in a familiar language. He/she has the right to use the mother tongue during the post-trial stage. It is the authority's task, including the Probation Service in probation stage, to have official documents translated into a language of the client's choice. The client has the right to use an interpreter while serving a sentence, for which the cost shall be borne by the State. Clients may turn to the Parliamentary Commissioner for Civil Rights (Ombudsman), Ombudsman for the National and Ethnic Minorities Rights, and the Ombudsman for Data Protection. Since the July 1, 2003 reform of the probation service, there has only been one case when a juvenile client's father turned to the data protection ombudsman. Probation clients have certain special rights in the probation procedure:

- persons with community service sentences may request the execution of the sentence to be deferred (prior to the starting date), suspended for health or personal reasons, or a new workplace to be assigned. The client has the right to refuse to do community service, but if the amount of work prescribed is not performed, the sentence is changed to incarceration;
- an individual probation plan is drawn up for each case, by the probation officer and the client working together. In this process the client may initiate changes in behaviour rules;
- the client has the right to access any document relevant to the case, receive own copies of these, initiate changes, make comments, and receive legal assistance.

7 NEW DEVELOPMENTS

7.1 Development milestones

Since July 2003 the structure and activities of the probation service have been constantly developing. Some of these changes were aiming at specific areas of de-

velopment in probation work, for example the 2004 introduction of an incorporated legal aid service. As the fields of probation, victim support, legal aid and mediation are closely related these activities were drawn together in 2006 under the newly established single institution of the Office of Justice. Although most of the reorganization was justified, development was too quick and inorganic. Additional tasks and unsuitable resources kept the organization constantly changing and being on the alert. As a result, the amount of time available for training and practicing new tasks was quite limited. At the same time, the rapidity of development had advantages: it made quick changes in work practices necessary, because it was impossible to handle the increased workload with traditional methods. As a result of this change in methodology, social inquiry reports and presentence reports are prepared in a truly professional manner. Another change was the establishment of case discussion teams. The development of "The model procedures and standardized forms" was the first step in a standardization process. This document, released in 2004, was a means to achieve consistency in the quality of probation work, as well as the basis of professional audit criteria. Also in 2004, Professional Colleges were created from experts in the field. These forums had a crucial role in the standardization process.

In addition to individual casework, the Probation Service increasingly uses group learning programmes. The service has its own groups, or participates with NGOs in creating career development, self-awareness, and anger control support groups for probation clients. The Service with the help of a governmental grant application has set up a complex crime prevention model institution, the probation centre called "Jóvá Tett Hely", with the participation of several NGOs. The centre is open on workdays, and offers tutoring, career counselling, leisure activities, free Internet access, and social skills development to youth, juvenile offenders and young adults, in order to facilitate social reintegration. Participation in group learning programs can be one of the behaviour rules set for persons on probation. The standardization of this kind of group-work methodology has begun. There are three directions of development in this area: (1) social skills development trainings, (2) anger control support groups, and (3) career counselling. The introduction of mediation as a new probation task was a challenge to the organization. 60 probation officers have been trained in mediation, and a tutoring system has been created. In accordance with local legislation, practicing lawyers will have the right to mediate from 2008; therefore the Probation Service is planning to take part in the training of lawyers in mediation.

Probation work has become much more diverse over the past few years. The number of aftercare and prison work cases is on the increase. Prison probation experts are only available in three counties and the capital. In other parts of the country probation officers perform prison probation work and aftercare in addition to other probation duties. Considering the number of prison inmates, and the fact that their aftercare is one of the most significant areas of targeted prevention, this activity needs to be developed further.

One of the greatest achievements in the field is the submission of applications for national and international financial support becoming everyday practice, as a result of which new projects are usually funded by different grant resources and realized in cooperation with partner organizations. Such programs range from improving working conditions in community service through conducting drug

abuse polls to setting up a mother-baby unit for prisoners, where incarcerated mothers can spend six to twelve months with their babies born in prison. The Service gained governmental grant resources in order to offer courses in mediation methodology, handling discrimination, assertiveness and career counselling to 250 probation officers.

In addition to successful tender applications in Hungary, Hungarian probation officers have also been participating in some international programs. In 2002-2003 Hungarian and Czech probation officers discussed the topics of restorative justice and mediation, and participated in joint mediation methodology training. Working with Dutch partners on several projects, for example an after-care project for former prisoners, or a probation management and workflow efficiency-monitoring program. There is a separate project for developing social skills, and aggression control, so-called 'Goldstein training' in the framework of the "Train the trainers" program. In order to facilitate the execution of justice reforms in Central Europe, Hungary participated in a multilateral cooperation with Canadian, Czech, Slovakian and Hungarian partners to develop the concept of restorative justice, mediation, risk assessment and various programs for offenders. Having a close partnership with the Austrian Probation Service, this was a huge asset when developing our organization's Code of Ethics.⁴ As the Moldavian-Hungarian justice and home affairs project shows, the Hungarian Probation Service already has experience to share. In this project, Hungarian experts offer guidance to Moldavian colleagues in the fields of alternative punishments, mediation and victim support. Some initial steps were made in order to have connection with the related professionals in the neighbour countries of Hungary (e.g. Croatia, Serbia), and some mutual field visits were conducted with them.

7.2 A change in clientele

Under the Act no LVIII of 1992 on the protection of personal data and the availability of public information, personal information must receive special protection. Being a member of a minority group is personal information; therefore the criminal justice system is not allowed to collect this information at either stage of the criminal procedure. Therefore the Probation Service is not allowed to keep record of the percentage of prison inmates and probation clients belonging to the largest minority group in Hungary, the Romani. The Probation Service has not yet conducted targeted studies of other typical features of the clientele. The implicit data is available on changes based on the public prosecution database (postponement of accusation) and sentence statistics (probation, suspended sentence). Between 1995 and 2005 the number of cases with postponement of accusation multiplied, reaching 6.1% of all known offences.

Table 7: Offenders under probation supervision during postponement of accusation (1995-2005)

	1995	2003	2005
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⁴ A pártfogó felügyelők etikai kódexe." (Probation Officers' Code of Ethics) In: Pártfogók. Issue 27. Professional Journal of the Hungarian Probation Officers' Association. May 2007. pp 35-36.

	Postpone- ment of accusation cases	% of offend- ers known in 1995	Postponement of accusation cases	% of offenders known in 2003	Postpone- ment of accusation cases	% of offend- ers known in 2006
Total	101	0.1	2,948	2.5	8,155	6.1

The most dynamically expanding age group among offenders is young adults between 18-22 years of age, and at the same time the average level of education of offenders under postponement of accusation is increasing. Postponement of accusation is typical with crimes against public law and order, especially in the 14-24 age group, because a great number of these cases qualifies as so-called drug diversion, and because minor offences under the influence of drugs are usually postponed in legal practice. Sentence statistics indicate three dates: the regime change of 1990, probation service reform in 2003, and the latest available data, 2006. The number of offenders in contact with the probation service through court sentence has been steadily increasing over the past 16 years.

Table 8: Number of offenders ordered to contact the probation service

(1990-2006)

	1990		2003		2006	
	Number of convicts in contact with PS	% of enforce- able sen- tences in 1990	Number of convicts in contact with PS	% of enforce- able sen- tences in 2003	Number of convicts in contact with PS	% of enforceable sentences in 2006
Total	1,673	4.0	5,084	5.9	7,213	8.1

Over the past two decades, the average level of education in the Hungarian population has been constantly increasing. The average level of education also increased among probation clients, although not at the same rate. The fact that the number and proportion of illiterate probation clients has increased is remarkable.

Table 9

Education	1990		2003		2006	
	Number of convicts in contact with PS	% of enforce- able sen- tences in 1990	Number of con- victs in contact with PS	% of enforce- able sen- tences in 2003	Number of con- victs in contact with PS	% of enforce- able sen- tences in 2006
Illiterate	42	5.8	81	9.1	108	13.7
Elementary	1,439	4.6	4,052	7.6	5,464	10.4
Secondary	186	2.2	917	3.2	1,568	5.1
College or higher	6	0.5	34	0.8	73	1.5

One of the most significant changes in the population of the probation clients is the increase in the number of recidivists over the past fifteen years. Data also show that repeated offences are predominant in the younger age groups. 19.2% of persons convicted in 2006 (with other than enforceable prison sentences) came in contact with the Probation Service.

Table 10

Criminal record	1990		2003		2006	
	Convicts in contact with PS	% of persons convicted in 1990	Convicts in contact with PS	% of persons convicted in 2003	Convicts in contact with PS	% of persons convicted in 2006
Clean	705	2.9	1,393	2.7	2,161	4.1
Repeated offence not classified as recidivism	600	7.4	2,564	9.1	3,641	12.3
Recidivist	368	4.2	1,127	14.2	1,411	19.2

The probation population is predominantly made up of offenders against persons, property and public law and order. This means that the Service is sufficiently prepared to deal with offenders committing traditional crimes.

7.3 Probation service outlook

Current aims and priorities of the Hungarian Probation Service are not expected to change in the next few years. The activities of the service and its basic concepts are currently based on a human-centred criminal justice policy. Experience from the past fifteen years, however, shows that alternating socialist/liberal and conservative governments are choosing different crime control paradigms to define directions and tools for law enforcement. In this regard, different political directions may grant different licenses and resources for the operation of the Probation Service by setting different aims for criminal policy. The Hungarian Criminal Code is under complete revision. According to plans, the new Hungarian penalty system will include various forms of alternative punishment, both for juvenile and adult offenders (e.g. probation supervision as individual punishment, partially suspended imprisonment, combination of existing penalties), which will give additional duties to probation officers.

Developments over the past few years served to strengthen expertise in the Hungarian probation system. Probation officers acquired new skills, and partnerships are an integral part of everyday practice. Contacts with CEP (The Conférence Permanente Européenne de la Probation) and other EU partner organizations began to contribute to this change. The Hungarian Probation Service is well aligned with the European concept of humane criminal justice. Its professional approach is characterized by respect of the law, and a balance between support and control functions. Once the organizational reform is finished, a period of practice and research into areas of improvement will follow. Hopefully the coming years will be a time of sustainable growth for the Hungarian Probation Service, which will celebrate its 100 years anniversary in 2008.

8 IMPORTANT PUBLICATIONS

Z. Bogschütz, 2005, *A pártfogó felügyelet fejlődése.* (Development of the Hungarian Probation Service) In: *Collega.* A periodical for students of law, pp 137-141.

M. Dér, *Mi az oka, hogy Magyarországon a pártfogó felügyeleti mesterség "lábra nem tud kapn"?* (Why does probation work fail to develop in Hungary?) In: *Kriminológiai közlemények, Special Issue.* 1995. pp 166-171.

K. Gönczöl, *A Pártfogó Felügyelői Szolgálat időszerű kérdései.* (The recent challenges of the Hungarian Probation Service), 2004, *Acta Criminalia I.* Pécs, 65.

E. Hatvani, *A Pártfogó Felügyelői Szolgálat és a bűnelkövetők társadalmi reintegrációja.* (The Probation Service and offenders' social reintegration.) 1006, In: *Börtönügyi Szemle 1/2006:* pp 27-32.

E. Hatvani, *Tätigkeiten der Ungarischen Aufsichtsstelle zum Schutz und zur Überwachung von Verurteilten durch einen Bewährungshelfer (Führungsaufsicht), Förderung der gesellschaftlichen Integration von Straftätern, eine Möglichkeit für die Wiedereingliederung auf den Arbeitskräftemarkt.* Forum Strafvollzug. (Coming soon)

K. Kerecsi, *Koncepció a büntető törvénykönyv szankciórendszerének átalakításához, különös tekintettel a hazai pártfogó szolgálat működésére.* (A concept for amending provisions of the Hungarian Criminal Code, especially with regard to the system of probation) In: *Kriminológiai Közlemények 53.* 1996. pp 105-150.

K. Kerecsi, Z. Bogschütz, D. Éliás, – G. Gosztonyi, *Probation and Probation Services in the EU accession countries: Hungary* (Ch.5.) In: van Kalmthout, A. – Roberts, J. – Vinding, S.(eds): *Probation and Probation Services in the EU accession countries.* 2003, Wolf Legal Publishers, Nijmegen, pp 137-181.

K. Kerecsi, J. Kó, *A pártfogó felügyelet speciális magatartási szabályai,* (Special behaviour rules in probation.) 2006, IM Országos Bűnmegelőzési Bizottság Titkársága, Budapest. pp.146.

K. Kerecsi, 1998: The costs of alternative sanctions to imprisonment In: *European Journal on Criminal Policy and Research,* Vol. 41., Nov, Kluwer Academic Publishers pp 561-572

K. Kerecsi, *Control or Support: The Dilemma of Alternative Sanctions.* 2006, Budapest, Complex Kiadói Kft., English Summary pp. 287-303. <http://en.okri.hu/content/view/95/9/>

K. Nyerges, T. Kóta, *Fiatalkorúak pártfogó felügyelete a gyermekvédelemben, a közigazgatásban és a büntetés-végrehajtásban.* (Probation work connection

with child welfare, public administration and law enforcement) In: Magyar Közigazgatás 12/2003: pp 752-761

L. Opóczy, *A büntetőügyekben alkalmazható mediáció lehetséges helye az igazságszolgáltatás rendszerében.* (The possible place of penal mediation in the criminal justice system.) In: Kriminológiai közlemények, Special Issue. Magyar Kriminológiai Társaság – Bíbor Kiadó, Miskolc, 2006. pp 244-257

E. Váradi, E. *A hivatásos pártfogók helye és szerepe a fiatalkorúak büntető igazságszolgáltatási rendszerében.* (The place and role of probation officers in the juvenile justice system.) In: Szabadfalvi, J. (szerk): *Facultas Nascitur* (20 éves a jogászképzés Miskolcon) Miskolci Egyetem Állam- és Jogtudományi Karának kiadványa. Bíbor Kiadó, Miskolc, 2001.

G. Vókó, *Szabadságvesztéssel nem járó büntetések végrehajtásáról.* (The implementation of non-custodial sanctions.) 1998, In: Magyar Jog 11. sz. p 660

H-J. Albrecht, A. van Kalmthout, A. (eds): *Community Sanctions and Measures in Europe and North America.* ED. iuscrim, Max-Planck Institute, Freiburg/Breisgau, 2002

D. Garland, *The Culture of Control (Crime and Social Order in Contemporary Society).* 2001, Oxford University Press, Oxford.

A. Bottoms, L. Gelsthorpe, S. Rex, (eds.): *Community Penalties. Change and challenges.* Willan Publishing.

National Probation Service (2001): New Choreography. An Integrated Strategy for the National Probation Service in England and Wales. National Probation Service and Home Office Communication Directorate

K. Hamai, R. Villé, R. Harris, M. Hough, U. Zvekic, *Probation Round the World: A comparative study.* 1995, UNICRI, British Home Office, Routledge, London, p.207.

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ANNEX 1

1 Criminal statistics

Crime entry statistics

Table 1.1: Offenders under previous enforceable sentence at the time of

Offence

Offenders under previous enforceable sentence at the time of offence	1995	2000	2003	2005
Percentage of offenders under previous enforceable sentence among total known offenders	6.0	7.1	7.7	7.7
Prison sentence	19.7	18.4	21.1	16.6
Suspended prison sentence	31.4	34.0	34.6	39.0
Parole	11.2	5.7	4.8	5.9
Community service sentence	0.1	0.7	1.0	0.9
Expulsion	0.9	0.8	0.6	0.5
Probation	17.6	15.4	14.9	12.9
Supervised probation	4.5	6.6	7.0	7.9
Correctional education	1.1	0.8	1.0	0.7
Other punishment	13.6	17.3	14.9	15.5

Table 1.2: Adult convicts total

Year	Adult convicts total	of which									
		Enforceable prison sentence		Suspended prison sentence		Community service		Fine		Probation	
		Number	%	Number	%	Number	%	Number	%	Number	%
2002	90,143	11,337	12.6	18,143	20.1	3,913	4.3	41,766	46.3	13,579	15.1
2003	86,511	10,953	12.7	17,935	20.7	3,792	4.4	39,057	45.1	12,935	15.0
2004	89,344	10,067	11.3	18,467	20.7	4,300	4.8	40,379	45.2	13,709	15.3
2005	91,681	9,503	10.4	18,546	20.2	4,705	5.1	42,686	46.6	13,795	15.0
2006	90,128	9,390	10.4	17,875	19.8	4,606	5.1	43,226	48.0	13,049	14.5

2 Statistics of the average offender population

Table 2.1: Offenders under probation supervision during postponement of accusation, by crime category

Crime category	Offenders under probation supervision during postponement of accusation, by crime category					
	1995		2003		2006	
	Number of persons granted Postponement of accusation	% of offenders known in 1995	Number of persons granted postponement of accusation	% of offenders known in 2003	Number of persons granted postponement of accusation	% of offenders known in 2006
Against person	5	0.1	229	2.7	302	3.3
Traffic offence	10	0.0	28	0.2	40	0.2
Against law and order	14	0.1	1,364	4.9	5,545	15.1
Against property	71	0.1	985	2.1	1,483	2.9
Other	1	0.0	342	2.1	785	4.6

Table 2.2: Offenders in contact with the probation service through court sentence, by crime category

Crime category	Offenders in contact with the probation service through court sentence, by crime category					
	1990		2003		2006	
	Number of convicts in contact with PS	% of sentenced offenders in 1990	Number of convicts in contact with PS	% of sentenced offenders in 2003	Number of convicts in contact with PS	% of sentenced offenders in 2006
Against person	127	3.7	377	5.3	581	8.4
Traffic of-	95	0.8	193	1.2	367	2.1

fence						
Against law and order	89	4.2	990	5.5	1,714	8.5
Against property	776	4.1	2,976	8.4	3,621	10.9
Other	586	12.2	548	5.2	930	7.9

3 Staff statistics

Table 3.1

			7/1/2003	12/31/2006	
probation work	Gender	Male	52%	42.61%	
		Female	48%	57.39%	
	Age	20-29 yrs	9.33%	17.34%	
		30-39 yrs	17.33%	31.05%	
		40-49 yrs	40.45%	27.20%	
		50-59 yrs	25.78%	20.34%	
		60- yrs	7.11%	4.07%	
	Education	college		88.80%	
		secondary (admin)		11.20%	
	Degree	law		28	6.70%
		social work		171	41.1%
		teaching		166	39.9%
		other		51	12.3%

4 Probation Figures

Table 4.1: Number of social inquiry reports prepared

	2003 second half	2004	2005	2006
	Ongoing from previous year + new cases			
Adult	9	216	402	1,045
Juvenile	4,979	13,650	13,257	13,415

Table 4.2: Number of pre-sentence reports prepared

	2003 second half	2004	2005	2006
	Ongoing from previous year + new cases			
Adult	629	1,317	1,293	1,476
Juvenile	152	921	1,003	1,141

Table 4.3: Number of probation cases closed

	2003 second half	2004	2005	2006
	Ongoing from previous year + new cases			
Adult	10,736	18,761	22,944	24,204
Juvenile	12,113	17,016	17,896	19,115

Table 4.4: Number of community service cases closed

	2003 second half	2004	2005	2006
	Ongoing from previous year + new cases			
Adult	8,413	12,521	13,354	14,352
Juvenile	46	244	405	506

Table 4.5: Number of aftercare cases closed

	2003 second half	2004	2005	2006
	Ongoing from previous year + new cases			
Adult	250	1,583	2,483	2,187
Juvenile	26	169	411	307

