

Chapter 7

The Czech Republic

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1 HISTORICAL DEVELOPMENT OF THE PROBATION SERVICE SYSTEM

1.1 The start of probation in the Czech Republic

1.1.1 Introduction of the suspended sentence and conditional release

After Czechoslovakia became an independent national entity in 1918, a number of the measures introduced into penal legislation were quite modern for their time. After the Second World War, the development of penal policy was influenced by the ideology of the totalitarian communist regime. Nonetheless, even during this period, several legal and procedural methods were established in the Czech legal system that was broadly similar to probation.

Chief among these were the suspended sentence (podminene odsouzeni § 58,59 of the penal code) and conditional release (podminene propusteni § 61 of the penal code). Both of these measures were associated with a certain form of oversight of the criminal in the trial period, which, however, was in practice performed by the court only through administrative questions to the police and by determining the reputation of the offender at his place of residence and, to this day, it is generally formal in character. Section 4 of the penal code enabled interested groups, such as trade organizations, workers' collectives and churches, to offer a guarantee for the rehabilitation of the offender (zaruka za napravu pachatele). Such an offer could influence sentencing, for example, leading to a conditional or absolute discharge. Among other measures with probation elements implemented in the 1980s, so-called "protective supervision", originally conceived as a specific form of probation, was carried out by police organizations during the totalitarian regime and was wholly regulatory, even repressive in nature. This type of supervision was often used by the former regime to restrict human and civil rights, mainly against dissidents (for example against the Charter 77 activists) and was repealed in 1990.

1.1.2 Social curators

In the 1970s and 80s a trend emerged in the Czech Republic for work with offenders which focused on social behaviour. A system of social curators based within local authorities was created and administered by the Ministry of Labour and Social Affairs. The network of curators gradually expanded and still functions relatively unchanged to the present day. Its main role is to offer social work assistance to conditionally released offenders. The after-care is offered on an entirely voluntary basis, to adults and young people. Act No. 121/1975 regulated the social curators¹ activities in these times. A similar system of curators for youth was developed, again within local authorities, providing help and supervision for problem children who are the subject of civil and family law proceedings, as well as in the criminal courts. Curators for youth work closely

¹ Handbook for methodologists of Social Prevention and Social Curators. (2007), University of Ostrava, Social and Health Faculty, Department of Social Work, Ministry of Labor and Social Affairs and European Social Fund, Ostrava, pp 9-11.

with court offices, provide reports for the courts on the family background and social circumstances of young offenders, give evidence at court hearings, and assist in the after-care of young people released from prison sentences. Neither social curators nor curators for youth, however, have any responsibility for any aspect of community sanctions, nor are they involved with victims of crime. The work of curators for youth is now regulated by Act No. 359/1999 on Social and Legal Protection, and the work of social curators is currently regulated by Act No. 108/2006 on Social Services, Act No. 110/2006 on Life and Existence Minimum and Act No: 111/2006 on Assistance in Material Needs. They are now also working with local district authorities in accordance with the new Act No. 320/2002 on Public Administration. Social workers were introduced into the prison system in the 1970s. One of their responsibilities was to enable offenders maintain contact with their families and their home during the period of incarceration and to help them plan for their eventual release from prison.

1.1.3 Development of community sanctions and measures after 1989

For the Czech Republic, as for many other countries, the coming down of the Iron Curtain in 1989 and the end of the Cold War marked a fundamental break: a new beginning and an opportunity to create new ways of doing things. It brought far-reaching reform of the criminal justice system, initially in Czechoslovakia, and then, following partition, in the Czech Republic. Year 1994 saw the introduction of the first alternative concept into our criminal law – that of diversion (the conditional cessation of prosecution). This step was revolutionary for its time in that it introduced elements of Anglo-Saxon law into our continental legal system. It also created the ideal point of departure for initial mediation activity during criminal proceedings.

Thus began a chain of events that has constituted one of the principal reforms of the Czech criminal justice system. 1996 saw the introduction of two further alternative concepts namely out-of-court settlements and community service. That same year, as part of a government crime-prevention programme, the Minister of Justice created the first official positions for probation officers at every district court in the land. It was a case of starting from scratch, and so mainly existing court officials, whose principal task it was to ensure the implementation of alternative sentences, filled these positions. In 1998, an amendment to the Criminal Code brought about the adoption of further community sanctions and measures relating to probation and the exercise of probation supervision: conditional discharge with probation supervision and suspended sentence with probation supervision. Initial experiences of implementing alternative sentences are currently under evaluation, as are guidelines for good practice.

1.1.4 Establishing of probation and mediation service

Since the beginning of the 1990s, new forms of community sanction have been introduced into Czech criminal law. Individual examples have been introduced across the board, without any piloting. This made it possible to introduce them very quickly and the current criminal law boasts a varied set of alternatives. The

early years of implementing alternatives were also characterized by an inadequate professional infrastructure (the PMS was established seven years after legislation was passed enabling diversion, five years after the introduction of community service orders and two years after the introduction of supervision). In 1999, the then Minister of Justice, submitted a proposal for further reforms to the justice system. These included a fundamental change to criminal proceedings and a new bill on a probation and mediation service. This led in 2000 to the Czech Parliament's passing of the Act on the Probation and Mediation Service (the PMS), which was constituted as a nationwide organization, which started its operation in January 2001.

Of special importance to the Czech Probation and Mediation Service has been the exceptionally positive manner of its creation, which was marked by the combined efforts of academics and representatives of non-governmental organizations, as well as by support from the Ministry of Justice and the Supreme Court of the Czech Republic. It was a process of what Vaclav Havel called "spontaneous motion", something that arose out of initiatives and needs from below and that found support from above at the right moment. It provides a good example of cooperation between the governmental and non-governmental sectors to bring about important, collective, and consensual change in an area of legal practice. The Probation and Mediation Service was set up in the spirit of this consensual process, primarily so that the justice system could effectively implement the new criminal law policy in the area of community penalties²

1.1.5 Role of NGOs

In the development of probation and mediation activities and in the creation of a national probation and mediation service, a very important role was played by the non-government, non-profit organization Association for the Development of Social Work in Criminal Justice (Sdružení pro rozvoj sociální práce v trestní justici), which now works under the name Association for Probation and Mediation in Justice (Sdružení pro probaci a mediaci v justici - SPJ). Among the pivotal activities of SPJ belonged the organization of international special seminars and the transfer of good practice experience from abroad, significant involvement in the creation and successful verification of the education system for PMS officers and assistants, and last, but not least, publication of the "Probation and Mediation Handbook". The Aim of these activities was to support the establishment of the PMS and ensure the stability of the new institution in the first years of its existence.

1.2 Important developments

The PMS was set up as a nation-wide service and, since 2001, has had to both gradually develop and solidify as an institution and develop its professional activities. The starting point for all of the specialized activities of the PMS was the theory and practice of the restorative justice philosophy. Thus, in addition to the

² Stern, P. (2004), "Changes to Criminal Justice in the Czech Republic", manuscript of Contribution for International Conference Probation , UK.

“classic model” of probationary work, i.e., a combination of assistance and supervision, the PMS promoted from the onset the resolution of cases and the application of community sanctions in the context of the perpetrator, the victim and the affected community, not only in acting as a mediator between the victim and perpetrator but also in other probationary activity. Over the last three years, also thanks to the passage of the new Juvenile Justice Act, the PMS has been increasingly open to working with the private (non-government) sector for the purpose of developing support and educational programmes for both the perpetrators and the victims of crime. In connection with the extensive specialized agenda for which the PMS is responsible at this time, a comprehensive accreditation system is being prepared for implementation of the further development of probationary and restorative programmes by private organizations. This will lead to the gradual decentralization of the PMS structure, i.e., more competencies will be given to the regions in methodological and partially even in economic procedures.

1.3 Probation activities in a nutshell

The clients of the PMS are persons who have committed crimes and those who have been victimized by crime as well as the affected community. As far as offenders are concerned, the PMS works with both juveniles and adults. The initial concept for the PMS was built on the assumption that the key area of operation must be pre-trial criminal proceedings. During this phase, the PMS provides services for both the victim and the accused directed at settling conflicts arising out of criminal offence. This involves, in particular, mediation between the victim and the accused and the drafting of pre-sentence reports. The cooperation of the victim and the accused with the PMS is entirely voluntary at this stage; the presumption of innocence applies to the accused, as of course it does to the victim. In practice, however, PMS generally attempts to apply the principle that it is more effective to motivate the accused to cooperate than to compel him merely on the basis of the powers entrusted to it by the law. The activities of the PMS can result, for example, in the discontinuance of criminal proceedings by means of diversion or the application of suitable community sanctions and measures³. During the post-sentence phase the PMS concept systematically follows through on activities during the pre-trial phase. The PMS is responsible for organizing, enforcing, and supervising community sanctions and measures. This principally involves activities relating to the application of probation supervision, community service order and parole supervision. The objective is to follow through on the work of the service during the pre-trial proceedings; the decisions of courts to issue community sentences are based on documentation prepared by the service during the pre-trial phase. The Youth Justice Act, which came into effect in January 2004, broadened the scale of measures for dealing with crimes of juveniles (15-18 years) and stressed importance of probation and mediation in dealing with these cases..

³ Stern, P. (2004), “Changes to Criminal Justice in the Czech Republic”, manuscript, Contribution for International Conference Probation 2004, UK.

2 LEGISLATIVE BASIS AND MISSION

2.1 Legislative restrictions

The Probation and Mediation Service plays a role in criminal proceedings, undertaking duties defined in the penal code, the code of criminal procedure, the law on the Probation and Mediation Service, Juvenile Justice Act, and in other related laws. A further important internal document of the service is its statute defining in detail the organization structure of the service, the terms of reference of the managing board and of local centres, the educational system for the PMS, the staffing of local offices and the possibility of their merging or division. Since February 2004 new national professional methodological standards of PMS came into effect that covers all professional activities (probation supervision, victim offender mediation and other restorative activities, community service orders, parole supervision and all new activities related to Juvenile Justice Act.). Act No. 257/2000 Coll., which came into effect on 1st January 2001, sets out in detail how the Probation and Mediation Service should operate, its organizational structure, (which is described further in section 3), and defines its duties and responsibilities for work with victims and offenders. The law also deals with the status and grades of staff, and their rights and responsibilities, the qualifications required to practice in the Service, and the powers of the Service to work in active cooperation with other bodies, not only within the criminal justice system but also with other bodies and, if necessary, to coordinate such cooperative activities (§5). The new draft of the penal code, which took effect in January 2002, significantly strengthens the role of PMS officials in the criminal justice process, using the term „probation officer“ for the first time, and defining the rights and responsibilities associated with the role.

The other important legal norm defining the field of operation of Probation and Mediation Service is Act No. 218/2003 on the Responsibility of Youth for Criminal Acts and on Justice in Juvenile Matters (Juvenile Justice Act), which came into effect on January 2004. The Probation and Mediation services works in matters involving juveniles (offenders aged 15–18 years) concerning implementation of diversions, educational measures and penal measures.

2.2 Mission and mission statement

Through its declared mission, the PMS endeavours to bring about the effective and socially beneficial resolution of conflicts arising out of criminal offending. At the same time, it works to ensure the proper implementation of community sanction and measures, placing an emphasis on the interests of victims, the protection of the community, and crime prevention

2.2.1 The goals of the probation and mediation service

The PMS has declared three basic objectives for its activities: the integration of offenders, victim support, and the protection of community.

2.2.2 The values of the probation and mediation service

- respect for human rights - work with clients must be in accordance with basic human rights and freedoms and must respect their dignity and autonomy;
- legality - probation and mediation work must be undertaken in accordance with relevant laws;
- moderation of Intervention - the level of intervention by probation staff with offenders must not exceed the scope and content of the legal authority of the court or the state prosecutor.

2.2.3 Principles of probation and mediation service work

- transparency - to give account to relevant bodies in the criminal justice process about the progress of work with the client, and to provide clients with accessible information about the system and the circumstances in which they find themselves as a result of their offending;
- individualization - the approach to work with clients derives from their individual needs and interests and the circumstances of the case;
- timeliness of Intervention - Contact with clients has to be established at the earliest possible stage of criminal proceedings;
- equal opportunities - Endeavour to balance needs and interests among the offenders, the victims and the community with the aim of finding a mutually acceptable solution to the case;
- motivation - Secure active participation of clients in redressing the effects of crime. The offender is supported in obtaining resources and skills that will enable him to change his previous patterns of behaviour, which led him into conflict with the law. The victim is offered the opportunity to influence actively the conditions and methods of reparation.⁴

2.3 Crime prevention

The law on the PMS defines young offenders, young adult offenders, re-offenders and persons dependent on addictive substances as priority groups (§ 4(5) of Act No. 257/2000 Coll.). New Juvenile Justice Act established large scale of measures and new principles focused on solution of juvenile crime. Crime prevention is a PMS task that is permitted by law, but there is no definition of how this should be undertaken (§ 4(5) of Act No. 257/2000 Coll.). At this time, the PMS is a member of the National committee for the prevention of criminality. As part of this committee, the PMS is involved in preparing the overall crime prevention strategy. Cooperation with judicial partners comprises cooperation with the police and prison service and is regulated by the jointly created methodological concepts binding on the PMS and its partners. It is especially the cooperation with the prison service that is becoming more and more detailed and developed in practice, mainly in the area of conditional release. At this time, the PMS supports and is actively involved in numerous projects that are being realized by non-government organizations. It uses these organizations' resources to cover specific topics in the area of criminal justice, such as educational programmes for youth, adults, and victims of crime.

2.4 Victim protection

The range of victims is not defined, the law simply requires the PMS to work with this group: "the Probation and Mediation Service shall help to redress the effects of crime on the victim and on other persons affected by crime" (Section 4(3) of

⁴ Taken from Doubravova, D., Ourednicková, L., Stern, P. and Urban, L. (2001), Handbook for Probation and Mediation. Association for probation and mediation in justice (SPJ), Prague, pp D1, 1-2.

Act No. 257/2000 Coll.) and "the Probation and Mediation Service contributes to the protection of the rights of the victims of crime." (Section 4(4)) Work with victims is also authorized in statutes dealing with mediation between victims and offender (§§ 2(2) and 4(2) of Act No. 257/2000, Coll.). In the national methodological standards of the PMS, victims of crime are also deemed equal clients of the service in all phases of the criminal proceedings. In the last two years, the PMS has been striving for broader cooperation with NGOs devoted to victims of crime and, at this time, is developing a pilot project entitled "First Aid for Victims of Crime" with the non-government organization Association of Civil Consultancies.

3 THE ORGANIZATION OF PROBATION SERVICES

3.1 Main characteristics

The PMS is a government body and is funded by the government. The Ministry of Justice is the government department with responsibility for probation and mediation. The PMS operates throughout the Czech Republic and has its Headquarters in Prague.

3.2 Internal organization

The PMS is headed by its director. The headquarters (central office) oversees the running of the organization and directs and organizes its planning, training, public relations, practice development and research. The Council of Probation and Mediation, an advisory body of the Ministry of Justice working closely with the PMS, is also involved in planning and development. Members of the Council include representatives of the PMS, judges, state prosecutors and other experts from the field of justice and helping professions. In support of probation and mediation activity in relation to the appropriate police units, state prosecutors and courts, probation units are placed with the district courts. There are currently 74 such units, where probation and mediation officers and assistants are employed, led by one of the officers who is the head of the unit

3.2.1 Probation workers

The present staff of the service consists of 226 officers, 92 assistants and 18 headquarters staff, totalling 336 persons at 1.12. 2007. Civil servants working in individual PMS units, namely probation officers and probation assistants, carry out tasks of the Probation and Mediation Service. Officers and assistants who work for the PMS are based at its centres. Officers of the PMS (probation officer) must have no criminal record, and must hold a university master's degree in one of the social sciences. Any person over the age of 21 with no criminal record, with an interest in legal work, and a high school education in the field of social science can become an assistant of the Probation and Mediation Service (probation assistant).

Probation officers⁵ perform probation and mediation tasks in all stages of the criminal proceedings, and mediation outside its framework, both before the criminal proceedings are initiated and after they have been completed. They actively participate in identifying cases suitable for probation or mediation procedure. Probation officers perform especially the following tasks in the criminal proceedings. They negotiate with parties to the criminal conflict as to how the conflict may be resolved through an out-of-court settlement and what prerequisites and conditions may be created to bring about alternative solutions in compliance with the court decision. They perform victim-offender mediation and, based on its progress and outcomes, prepare materials, i.e. mediation reports – including other information, conflict settlement or damage compensation agreements to be delivered to the public prosecution office and the court. They perform probation tasks resulting in preparing reports (e.g. pre-sentence reports), to enable the application of alternative procedures (diversions), sanctions and measures. They provide for the enforcement of court decisions involving probation. They provide regular information to judges or public prosecutors concerning the progress of alternative sentences, e.g. interim supervision reports including probation programme (i.e. supervision plan). In the course of supervision they also take into account the victims' individual situation. Probation assistants supervise the enforcement of court decisions, especially community service orders.

The PMS has been dealing with a heavy caseload for a long time due to the great number of community sanctions and measures imposed, with these sanctions often being imposed by the courts without the close cooperation of the PMS, which fact causes significant problems in practice. The current average caseload per employee is about 115 cases per year. At this time, the management of the PMS is paying more attention to human resources management. Implementation of expert supervision for directors of centres is being prepared to strengthen the directors' management skills; internal case seminars are being prepared to supplement case supervision; and, similarly, internal (intensive) seminars for human resources management are also being organized.

The professional activities of PMS officers and their quality are being monitored both through the centre directors, methodology coordinators, and the methodology department of headquarters. The quality of professional activity is reviewed and developed through methodological standards for services, educational activities, and even special audits of the centres. PMS workers are led and encouraged to share the basic goals and mission of the PMS, and the entire management process, including training and schooling, is set up to strengthen the goals and mission of the PMS.

3.2.2 Education, training requirements and opportunities

The training and education system of PMS consists of three levels. Training and education, including its organization, management and professional guidance is

⁵ Stern, P. (2005), Manuscript for international conference Probation and Aftercare in Istanbul. Turkey.

delivered by the Directorate of the Probation and Mediation Service, in compliance with the PMS statutes, through a judicial training institution;

- the basic level of professional qualification required for PMS officers and assistants is defined by qualification requirements for these positions as specified in the Act No. 257/2000 Coll. Probation officers must hold a master's university degree and probation assistants must have completed a secondary education in humanities or sciences;
- the second level consists of qualification training for probation officers (lasting 12 months) and specialization training for probation assistants (lasting 6 months), that provide trainees with theoretical knowledge of law and probation and mediation procedures as well as with practical skills of communication techniques used by helping professions. Qualification and specialization training courses prepare participants for passing the specialist exam. A five-member commission appointed by the Ministry of Justice administers the exam for officers. For assistants it is administrated by a three-member commission under the same conditions;
- the third level of professional qualification of PMS Officers and assistants consists of life-long education that should reflect current modern methods of probation and mediation procedures, social work and communication skills, legislative changes. This level also includes supervision sessions aimed at reflecting upon the work concerning respective cases. At the present time PMS is creating specific sets of training for individual professional activities in the frame of selected specialization, (VOM, juvenile's justice, probation and parole supervision, community service orders).

PMS training and education are delivered by external trainers from helping professions, experienced legal specialists (judges, solicitors, public prosecutors) and, now more often, also by the experienced PMS staff. PMS spends yearly about ca 70,000 EUR for all training activities (including basic and other trainings). PMS also sourced finances from pre-accessions funds PHARE and Transition Facility in the frame of two big twinning projects focused on trainings and professional development.

3.2.3 Other organizations involved in probation work

The PMS, as part of fulfilling its tasks, strives for increasing cooperation with non-profit organizations, in particular those that provide special services aimed at the prevention of criminality, at juvenile perpetrators, and at those who are released from prison. In the area of youth, this cooperation is coordinated through an accreditation system for offending behavioural programmes in accordance with the Act on Youth, and a similar system is being prepared for adult perpetrators as well, not only in probation programmes but also in restorative justice programmes, including programmes for victims of crime. Financing of these programmes is, at this time, dealt with via domestic subsidies and, at the same time, via EU sources. In the last three years, intensive cooperation has been developed with the prison service, especially in the area of conditional release (CR). This concerns for the most part improving the quality of cooperation when preparing for CR, development of new programmes in prisons and within the supervision for the released, and implementation of new

instruments for assessing the risk of offences being repeated, all with the aim of decreasing the number of persons serving sentences.

4 PROBATION IN DIFFERENT PHASES OF THE CRIMINAL PROCESS

4.1 General

Probation and mediation are defined by Act on Probation and Mediation Service (Law no.257/2000 Sb.,). Probation is defined as (§2 para.1) the organization and provision of supervision of defendants and convicted offenders, the management and implementation of non-custodial sentences including the use of conditions and restrictions, supervising offenders during a trial period of conditional release from imprisonment, providing assistance to the offender and influencing him to lead a proper life, reporting to the court and the state prosecutor about any breach of conditions amounting to a legal violation.

Mediation is defined (§ 2(2)) as out of court intervention for the purpose of resolving conflicts between the offender and the victim, and intervention during criminal proceedings aimed at reconciling such conflict. Mediation may only be carried out with the express consent of the offender and the victim. PMS activities have been taking place in separate phases of criminal proceedings, starting with commencement of criminal proceedings and ending with the sentence or measure being carried out.

A significant task of PMS is to ensure the implementation of so-called community sanctions and measures, whose realization is tied to the application of probationary elements. Generally these alternatives may be used where the offence is punishable by a term of imprisonment not exceeding five years. However, contact is not excluded with clients who have committed a crime where the penalty is higher. This is possible in the phase before the decision where PMS groundwork, however, it is not directed towards the use of some other alternatives, but can play a significant role in the assessment of an unconditional sentence. Contact with offenders serving more than five years is also possible through the substitution of imprisonment or by parole.

Table 1: Activities of probation during the different stages of criminal procedure

	Pre-Trial Phase See: 4.2	Trial and Enforcement Phase See: 4.4	Post Release Phase See: 4.4
Supervision/assistance to pre-trial detainees	X	X	
Supervision/assistance etc. to offenders whose cases were conditionally waived	X	X	
Supervision/assistance to offenders whose pre-trial detention has been conditionally suspended	X	X	
Mediation/victim support	X	X	
Supervising/organizing, etc. community service	X	X	
Supervising/organizing training or learning projects	X	X	X
Supervising etc. drug/alcohol treatment programmes	X	X	X
a. Diversions	X	X	
b. Educational and penal measures for juveniles	X	X	
c. Waiver of criminal proceedings	X		
Pre - sentence report	X	X	
Supervising etc. sanction of probation	X	X	X
Supervising etc. suspended sentence		X	X
Supervising etc. special measures for drugs addicts	X	X	X
Supervising etc. conditional release/parole			X

4.2 Pre-trial phase

4.2.1 General

During the pre-trial phase the PMS provides services for both the victim and the accused directed at settling conflicts arising out of criminal offence. This involves, in particular, mediation between the victim and the accused and the drafting of pre-sentence reports. The cooperation of the victim and the accused with the PMS is entirely voluntary at this stage. Commencement of PMS activities is possible after commencement of criminal proceedings based on:

authorization of the police, public prosecutor, or judge; the PMS's own initiative upon identifying a case; or the interest of the accused. Upon the commencement of activity in the given case, other "stakeholders" can turn to the centre – the injured party, legal counsel, parents of the accused juvenile, the social worker, and others. In case of the intention to apply mediation, where the instructions to become involved in the proceedings underway is received by the centre from the above persons or where the centre identifies the case on its own, it will inform the supervising public prosecutor immediately about this fact and request his opinion about the possibility of the PMS entering the case⁶. From the perspective of the PMS's activities and the application of probation and mediation services in the phase preceding the court decision (pre-trial phase), a key role is played by the following decisions of the public prosecutor and judge: Decision on Application of the Diversions Conditional Cessation of Prosecution (podminene zastaveni trestního stihani § 307-308 of the CCP), Settlement (narovnání, 309-314 of the CCP) or Withdrawal from Prosecution (odstoupeni od trestního stihani, § 70 Juvenile Justice Act). The first two concepts can be applied to both adults and juveniles; the last can only be applied to juveniles. All are often used in connection with the completed mediation between the injured parties and the accused and in connection with the conclusion of an agreement on settlement of conflict and resolution of the consequences of the crime.

Another significant area of activity of the PMS in the phase preceding the effective court ruling is work with the accused within the framework of substitution of pre-trial custody by surety or promise (náhrada vazby, § 73 CCP.) In the pre-trial, the state prosecutor and a judge may decide on the release of the accused from remand in pre-trial custody on substitution of a surety for the offender by a private body or a reliable person (§ 73(1)(a)(2) of the CCP) or promise that he will lead a law-abiding life and not commit any further crimes. A judge may decide on discontinuing the prosecution on the framework of special provision on effective repentance (ucinna litost, §214 CCP). It is possible when the offender is prosecuted for failing to pay maintenance, but repays all the maintenance he owes before being convicted.

4.2.1.1 Measures for juveniles

PMS plays a significant role in preparing the conditions for imposing and implementing educational measures that can be imposed on juveniles (15–18 years of age) and children less than 15 years of age pursuant to the Juvenile Justice Act (Act No. 218/2003 Coll.). These educational measures can be imposed by the state prosecutor already in pre-trial proceedings or can be applied as complementary to specific types of proceedings (particularly diversions)

4.2.1.2 Key areas of PMS work

⁶ Methodology Standard for PMS Activities in Pre-Trial and Court Proceedings, (2003), internal PMS document, Prague.

- Victim/Offender Mediation (VOM). Mediation is taken to include on the one hand moderation or settlement of the state of conflict caused by the crime, through reparation and the reduction of harm; and, on the other hand, finding a solution which will enable the state prosecutor or the judge to apply any of the diversion measures (conditional cessation of prosecution, settlement or withdrawal from prosecution in juveniles cases) or any of the range of community sanctions and measures, or possibly an alternative to imprisonment⁷;
- preparing the pre-sentence report (zprava pred rozhodnutim);
- supporting diversion and alternative sentencing, creating conditions for restorative approaches. In addition to mediation, there are other measures which provide a basis for the use of diversion or use of alternatives, for example if the offender consents to conditional suspension of prosecution, or deposits a sum of money with a charitable fund. According to the law (§ 45a (2) CC), the PMS must also assess an offender's attitude to a proposed community service order, and his suitability for it, about which the court must be satisfied when imposing this sentence. In cases of unpaid maintenance for children, the PMS interviews the offender to encourage him to pay the amount owed before the hearing, so that the court can implement the provisions relating to effective repayment. These tasks do not involve mediation or supervision, and can be performed in their own right;
- bail supervision (supervision/assistance to offenders whose pre-trial detention has been conditionally suspended).

The work of the PMS in bail supervision includes monitoring of the bail conditions and any other restrictions imposed in individual cases, as well as professional guidance and assistance to encourage the client to lead a law-abiding life and to tackle his offending and its consequences.

4.2.2 Pre-trial report

The pre-sentence report is prepared for the needs of the state prosecutor and judge, with the aim of providing information of significance for deciding on the next steps in the case. Preparation of a pre-sentence report involves not only collecting information, but also gaining the active participation of the client, his motivation to look at the causes and outcomes of his offending, and his preparedness to accept of the decision of the court or the state prosecutor. The pre-sentence report should be clear and objective (as far as possible depending on how and from which sources the information is gathered). It is done in a standardized format (see format probation documents).

4.3 Trial and enforcement phase

4.3.1 General

⁷ Taken from Doubravova, D., Ourednicková, L., Stern, P. and Urban, L. (2001), Handbook for Probation and Mediation. Association for Probation and Mediation in Justice (SPJ), Prague.

PMS work during the trial includes the preparation of documents to assist the court in making a decision, and may involve an element of mediation or probation before the decision. The products of PMS work are usually influential (pre-sentence report, report on a suspended sentence supervision period, an agreement between the victim and the offender or a report about mediation). These are presented to the court and help to shape sentencing. The PMS prepares the background documentation for the state prosecutor and judge only in the event that the accused agrees with the offer of cooperation. Some of the most critical areas of PMS work include implementing imposed sentences. These include elements of supervision; they may also include additional conditions, which are priority areas of work for the service. Not in the least, the PMS organizes the carrying out of community service order. The PMS can also undertake mediation between the victim and offender during the trial stage, with the aim of reducing the conflict between the parties and resolving issues involving compensation.

4.3.1.1 Key court decisions imposing involvement of PMS

- conditional discharge with supervision (podminene upustení od potrestani s dohledem, §26 of CC);
- suspended sentence (podminene odsouzeni, § 58-60 CC);
- community service order (obecne prospesne prace, § 45, 45a CC, §335-340b CCP);
- additional requirements (primerena omezeni a povinnosti § 26 para.4 of CC): it includes for example: to undergo training to gain a formal employment qualification, to undergo an appropriate programme of social training and behaviour modification, to undergo treatment for dependence on addictive substances, to undertake an appropriate programme of psychological counselling, to refrain from frequenting unsuitable places and from contact with specified persons, to refrain from games of chance, playing on gambling machines and betting.

4.3.1.2 Other sanctions not involving imprisonment

In addition to sanctions and measures containing elements of probation activities, the court can set other sanctions and measures that also do not involve imprisonment (e.g. suspended sentence, protective treatment order, fine, etc.)

4.3.1.3 Measures for juveniles

Educational measures (i.e. probation supervision; probation programme; educational obligations such as to live with one's parents, to pay a certain amount to the Crime Victims Fund, do up to 60 hours of community beneficiary work; damage compensation; attempts to reach settlement with the victim; addiction treatment; attendance of a social skills training programme; psychological counselling etc.; educational restrictions such as not to visit certain events or unsuitable environments, not to meet certain people, not to use addictive substances, not to gamble, not to change one's place of residence without

reporting it to the probation officer etc.; final warning. Protective measures (i.e. special treatment, seizure of a thing, protective youthful and young offenders rehabilitation social training). Criminal measures (i.e. community service, pecuniary measure with or without conditional suspension of sentence, banishment, probation under supervision with or without conditional suspension). Minors below the age of 15 can be sentenced (pursuant to § 92 of the Youth Justice Act) to the following measures: probation supervision, therapeutic, psychological or educational programme delivered in an outpatient school facility or adjudicated protection in a reformatory institution (ordered to minors above 12 years who committed a very serious offence). The duration of measures is not limited, depending on the individual situation of each case. The court can remove measures at any time⁸.

4.3.2 Pre-sentence report

According to the PMS Act, mediation is an out-of-court intervention for the purpose of resolving conflicts between the offender and the victim, and intervention during criminal proceedings aimed at reconciling such conflicts. Mediation may only be carried out with a voluntary consent of the two parties⁹ and the drafting of pre-sentence reports:

The pre-sentence report is a result of work done by PMS Officers and assistants (hereinafter the PMS officer), especially with the client-accused prior to sentence, i.e. before the case is decided by final and conclusive judgment. The report's purpose is to map current life situation of the client-accused and their motivation to enter into the process, or to co-operate on solving the criminal matter they are being prosecuted for. The pre-sentence report seeks to map necessary information about the accused and their family and social background, for purposes of the ongoing criminal proceedings, and to inform about the victim's opinion. The content structure of the pre-sentence report helps the PMS Officer to focus the co-operation with clients on the given key areas, while it also enables the state prosecutor and the judge to find easily the information they need. Based on the information established and on risk assessment, the PMS officer proposes future ways of co-operation with the client, and possible forms of adequate duties, restrictions, and possibilities of community service order for the client, etc. Risk and needs assessment tool is currently tested on the pilot base. The project is commonly run by PMS ČR and Prison service. The risk and needs assessment tool currently tested in the Czech Republic was inspired by the UK a Canadian model. This tool has the project title SARPO.

The report preceding the decision can be prepared only on the basis of the written consent of the accused, with the client having the possibility to withdraw from this cooperation with PMS at any time. Similarly, this work principle applies to the PMS Officer's cooperation with the injured party and finding out his standpoint. The withdrawal of the accused from cooperation with the PMS

⁸ Taken from Gajdos, R, (2005) Juvenile Justice System in the Czech Republic, manuscript, Association of Probation and Mediation in Justice (SPJ). Prague.

⁹ Methodology Standard for PMS Activities in Mediation (2003), internal PMS document, Prague.

officer is in the form of a termination of cooperation and handover of information about this termination (including hitherto compiled information about the client and his situation) to the state prosecutor or judge together with the reason for which this termination of cooperation on the part of the client occurred. This withdrawal on the part of this accused from cooperation with the PMS does not lead to his being disadvantaged in the criminal proceedings.¹⁰.

¹⁰ Methodology Standard for PMS Activities in Mediation (2003), internal PMS document, Prague.

4.3.3 Probation procedures and processes

4.3.3.1 Supervision

By law supervision is defined as regular personal contact with the offender by the PMS, working together to develop and complete a supervision plan at the beginning of the probationary period, and monitoring the offender's compliance with the conditions set by the court (Criminal Law, § 26a, effective from 1.1. 2002). The supervision plan must be written by the probation officer in cooperation with the client after the third interview with the client (at the latest) and must be revised every six months. The offender placed under supervision is required to cooperate with the probation officer as instructed by the probation officer on the basis of the supervision plan, to report to the probation officer at the times set by the probation officer, to inform the probation officer of address, employment, compliance with conditions set by the court, and other matters relevant to the supervision determined by the probation officer. Moreover, the offender is required to allow a probation officer to visit him at his home (Criminal Law, § 26b, effective from 1.1. 2002).

As part of the PMS officer's first consultation with the clients, the specific rules of cooperation between the client and the PMS officer are agreed; in the next two consultations, the probation programme, or, as the case may be, the supervision plan, is created. The supervision plan serves to specify the content of the supervision and its specific form. The content of the probation programme first stems from the effective court ruling and from the client's specific situation and the specific circumstances related to the crime (see annex 2). The probation programme is also an instrument for assessing the performance of the supervision on an ongoing basis, i.e., regularly once every six months by way of a report on the course of the supervision. The plan is updated as required. It takes the standardized form (see format Probation documents)

4.3.3.2 Community service order

Within the framework of a sentence of community service, the PMS is responsible for the organization and management of the sentence, liaising with those who supervise the work, and for individual work with the offender during the sentence. Individual work with the client involves providing guidance and developing his motivation to perform the punishment, monitoring his completion of the sentence and providing the court with progress reports. If other requirements have been imposed, the PMS is expected to encourage the client to observe these and ensure they are fulfilled.

4.3.3.3 Cooperation of the PMS with the providers of the offending behavioural programme

The offending behavioural programme is a specialized programme carried out by an external provider, i.e., by a subject outside the PMS. This type of programme ensures that the court ruling or, as the case maybe, the sentence given by the state prosecutor, is carried out. It also offers assistance and support to the

accused and convicted who, of their own free will, want to make use of the programme. PMS acts as the mediator between the judiciary, client, and programme implementer; coordinates the client's involvement in the programme; and acts as the case manager. A similar role is taken on by the PMS in implementing alcohol and drug addiction treatment programmes¹¹.

In the PMS, there exists a specialization for officers who work with juvenile and adult clients. At this time, preparations are being made for the gradual specialization of PMS officers in the five basic areas: VOM, probation supervision, parole supervision, community service, and youth. For the reason of a lack of staff, there is no possibility to create specialized departments in the centres; they exist only there where it is possible (big cities like Prague, Ostrava, Brno). A key theoretical and practical concept from which the PMS's activities stem is the philosophy of restorative justice. In their work, PMS officers use mainly professional consultation methods and professional motivational interviews.

4.4 Post-release phase

Imprisonment is carried out in closed prison facilities. Imprisonment regimes are governed by the law on imprisonment no.169/1999 Sb. Offenders are allocated to one of four types of prison (monitored, supervised, secure and maximum security); transfer to a different category is decided upon application from the offender, the prison director, the state prosecutor or the court. Specialist social workers work in prisons and teachers and psychologists contribute to special behavioural and re-socialization programme provided during the prison sentence. The range of regimes is very limited in the Czech Republic. Apart from conditional release, some prisons offer anti-drug regimes (so-called drug-free zones) and facilities for mothers to serve a prison sentence with their children. Before release, a release preparation programme is provided, to prepare the prisoner for life outside the prison. In addition to prison personnel, the offender can be in contact with a social curator if he is interested. The social curator may visit him in prison, provide social counselling and can help him to prepare his release and return to freedom (for example, help in finding employment, accommodation, maintaining contact with his family, etc.). Prisoners may also use the services of a social curator after being released. Curators provide similar services for juvenile offenders. Assistance for spiritual needs is provided for by a chaplain. The PMS is not engaged in work with offenders while they are imprisoned.

Conditional release with supervision (podminene propousteni z vykonu trestu odneti svobody s uložením dohledu, § 61-64 CC). Once half the sentence of imprisonment has been served, the court may conditionally release the offender. When conditionally releasing a prisoner, the court sets a probationary period of one to seven years and may also place the offender under the supervision of the PMS. They are obliged to cooperate with the PMS, and the arrangements for

¹¹ Methodology Standard for PMS Activities in Probation (2003), internal PMS document, Prague.

supervision and reporting to the court on progress are similar to those for conditional sentencing with supervision or conditional release from punishment with supervision. Another group involved in conditional release is the providers of programme available as conditions of supervision. The PMS is responsible for ensuring compliance with the conditions and for coordinating work with the organizations that provide the programme.

4.4.1 Individual pardon and general amnesty

Under the Constitution, the President of the Republic may grant pardons and declare amnesties (Criminal Code, § 366 - 367). Pardon may also be granted conditionally subject to certain conditions. The courts are responsible for ensuring these conditions are met. The PMS has no responsibilities in relation to pardons and amnesties.

5 FINANCES, REGISTRATION, EVALUATION AND OUTSIDE OPINION

5.1 Finances

The Probation and Mediation Service is defined by law as a government organization that receives funding from the Department of Justice as set out in the General Budget. The Probation and Mediation Service may also obtain other funds granted by EU/PHARE, Transition Facility programmes and after accession of Czech Republic to EU European social funds or other available funds. There are no other sources of funding.

Table 2

	Probation Services	Prison System
Current yearly expenditure	4 496 700 Euro	68 003 933 Euro
Average number of employed staff	304 staff	10 487 staff
Daily average number of offenders	6-7 consultations	16 823 prisoners 2 384 in pre trial custody 19 207 summary to 21.11. 07

5.2 Accounting

The budget is managed by finance department of headquarters, and only the director may sign contracts. The Service centres may use local imprest accounts (a form of advance payment) to pay for small items such as mail, stationery, small repairs, etc. Larger items, such as purchase of furniture or IT, are dealt with by the headquarters as bank transfers. The Department of Justice supervises the expenditure of the Probation and Mediation Service using an accounting software system that provides regularly reports for the Department (once every ten weeks), and final accounts are submitted each year. The annual grant of funding prescribes expenditure under specific heads, such as salaries, taxes, insurance fees, operational costs, cost of services, loans, etc. Expenditure must follow this budget structure.

5.3 Registration system and evaluation procedures

The PMS, as part of its specialized activities, maintains files on its clients both in electronic and in printed form, which is in accordance with the law. When maintaining documentation, the PMS proceeds in accordance with the Act on Protection of Personal Data (Act No. 309/2001). The PMS regularly processes annual reports for each region (eight judicial regions) and for the entire country. The annual reports contain detailed evaluations of each specialized agenda as well as statistical outputs. The annual reports are available over the internet on the PMS website, as are other basic PMS documents and further information on implemented projects and activities, including the possibility for the public to ask questions. PMS in previous times has developed "New Application programme equipment-system-APV-probation register". The system APV was developed as a national database and filing service. Electronic file was developed in 2006. At present PMS is prepared for using this system after change of legislation and finishing of electronic justice, which is part of the new justice reform. APV - probation register, and administration register were focused on the development of national database of cases and activities of PMS. Common sharing and replication of the information between PMS units and headquarters through electronic file means the extension of database and sharing defining information with other judicial agencies, prison service and police in the first line. The PMS centres maintain the usual documentation and client records. Statistical data describing the number of cases and activities are stored electronically. This data is used for example as evidence to support increases in staffing for the PMS and also for other analysis in connection with the development of effective programmes and strategies. The Prison Service manages its own statistics, and the Department of Justice publishes regular statistical documents about the numbers of accused and sentenced persons, and the numbers of penalties and sanctions.

Future reform of the justice (electronic justice) system should create links between the information systems of criminal justice services, in order to improve access to, and use of, information in this field, subject to appropriate protection of personal data. The Probation and Mediation Service struggles to establish information channels to courts, state deputies, the Penitentiary Service, and other social services organizations.

5.4 Societal support and client's views

PMS does not perform independent research in its specialized activities, but works with the Institute for Criminology and Social Prevention, which does perform such research. Recently, research in the area of supervision and alternative sentences was performed, the results of which have still not been published, and research regarding the application of VOM and restorative procedures in Czech justice generally is being prepared. In the area of PR, the PMS works closely with the public relations department of the Ministry of Justice, especially with regard to presentation of new projects and the objectives of the service; at this time, it is striving for further PR between experts mainly in the form of work seminars and training events. Brochures about the service and

other promotional materials are being distributed to the cooperating organizations.

6 PROBATION CLIENTS' RIGHTS

In general the clients of the PMS have the same rights as other citizens. The system of civil rights is based on ratified international agreements and standards, European agreements and standards set out in the Document of Basic Rights and Freedoms and other legal standards, mainly those in criminal laws and codes, and the law on the detention and incarceration. From 2000, clients will have the right of access to a public defender of rights or an Ombudsman (349/1999 Coll., effective 28 February 2000). In the Czech Republic, the Ombudsman protects individuals when dealing with the authorities and other public administration bodies if the actions of such authorities do not correspond to the principles of the rule of law. Independent investigations by the office of the Ombudsman are not a substitute for the activities of the public administration, but if the office does discover any mistakes, it can ask the PMS to remedy the situation. For the first time, starting in 2006, the Ombudsman has the obligation to perform preventive visits to the places and facilities where there are or can be individuals who are on parole. In this area, the Ombudsman can be concerned with complaints of the approach taken by the PMS in the parole.

The specific rights of PMS clients are defined indirectly, that is, implied in the prescribed responsibilities of the officers and assistants of the PMS. From the law on the PMS (No. 257/2000 coll., §7, §8) they are required to work within the limits of the law, and respect and defend human rights and freedoms and personal dignity. They must also maintain confidentiality about all matters revealed to them in the course of their duties, except in order to prevent the commission of or to report a crime. Clients also have the right to complain about the behaviour of PMS employees, under an internal regulation of the PMS for solving complains. (Internal Regulation for dealing with complaints of clients). These regulations came into effect at the end of 2003. Guidelines for filing complaints must be posted in a visible place at each PMS centre; they are also available to clients on the PMS website. Line managers, regional coordinators and Headquarters investigate complaints according to place of delivery. The clients also have right send their complaints directly to the Ministry of Justice that usually refers the case back to the PMS director for investigation. There is no independent body to evaluate client complaints about the content and form of service provided by the PMS. A significant step for improving the quality of the activities, awareness and the rights of the recipients of PMS services was the adoption of national methodological standards (probation, mediation, parole, OPP) effective as of February 2004. The system of methodological standards is also important for the transparent assessment of clients' complaints against the approach taken by PMS Officers. Everyone who claims that he does not speak Czech has the right to use his own language when involved in criminal proceedings. However, the PMS is not formally a part of those proceedings, and there is therefore some doubt and varying interpretations as to whether PMS

clients are so entitled, even when this may be necessary during probation and mediation work in proceedings.

In the pre-trial phase, clients are free to decide whether to take advantage of the offer of possible mediation and probation intervention. Participation in mediation between victim and offender is voluntary (except when custody is replaced by the supervision). In the post-sentence phase, the relationship between the client and probation officers is a product of the decision of the court and what it entails for PMS. The sentence defines the requirements placed upon the client and also these will also be clearly set out in the supervision plan that the probation officer devises in accordance with the law and the principle of adequacy of intervention. All work relating to the offender in the post-sentence stage must always be carried out with the knowledge of the client, even when his approval is not required (for example, obtaining information about his criminal record). A prevention and complaints division in the prison handles prisoners' complaints. The prison director deals with complaints. No independent body yet exists that would systematically monitor whether complaints are dealt with objectively.

7 NEW DEVELOPMENTS

As the PMS CR has an extensive agenda in the criminal proceedings, and the community sanctions and measures are becoming increasingly popular, the Service will in line with its national priorities for 2007 – 2009 aim to develop the following core issues:

- to further improve the quality of the system of the youth probation programmes in compliance with Act 218/2003 Coll., (at present, 24 programmes have been duly accredited for the period of 3 years). To take part in the necessary changes of legal regulations and strive to gradually introduce a system of Youth Offending Teams, that should become a key pillar in tackling youth offending and should help unify the fragmented practice in this area, which is at present handled by 5 different state departments with minimum coordination;
- to further develop and implement the accreditation system for the probation and rehabilitation programmes for adult offenders, so that it can be pilot-run at the beginning of 2008 including all relevant changes of the PMS Act and the Penal Code related to the introduction of the system. These efforts aim at strengthening the role of the non-governmental sector in the provision of „justice services“ system and thus widen the scope and offer of such services as well as improve their quality and effectiveness of re-offending prevention;
- to gradually introduce a certification system for restorative justice and victim support programmes. Such programmes would run already during the pre-sentence stage and would be delivered by non-governmental agencies to promote the criminal policy objectives and actions in the pre-trial stage (e.g. a wider application of diversions in criminal proceedings) and to support the role of victims;
- to gradually implement the national priorities for 2007 – 2009, i.e. to gradually implement a system of 5 core specializations of PMS staff including further

- development of existing specialization training courses, which build on the initial PMS training course. To gradually introduce specialized departments at the PMS CR centres, depending on available resources in the Service. The specializations aim to improve the quality of probation and mediation tasks performance and to promote further professional development of PMS staff;
- to further develop cooperation with the Prison Service (PS) based on the joint and successful Transition Facility project run by PMS and PS, in particular in the area of joint training, piloting the new offender risk assessment and needs mapping tool, mainly in relation to the risk of re-offending. To continue in implementing the new rehabilitation programme in prisons and during PMS supervision (i.e. the „ZZZ programme“ - Stop, Think, and Change) and to complete updating the current joint methodological work of the two Services;
 - to further implement a pilot project testing a new service for victims of crimes in cooperation with the Association of Citizen’s Advisory Centres. The project aims at strengthening the role of victims and at creation of a national network offering this form of assistance to victims (the so called „First Aid“– both legal and psychological assistance to the victims of crimes);
 - to further develop the successfully piloted probation and rehabilitation programmes for youth as well as adult offenders including cooperation with programme authors and implementers from the non-governmental sector;
 - to continuously strive to develop the PMS CR human resources, to achieve stability in the area of human resources and logistics, and to continuously strengthen the mutual professional cohesion and relations among staff as well as between the staff and management;
 - to continue developing international cooperation aiming at acquiring new experience and knowledge as well as communicating our own experience abroad, in particular in countries, which are newly developing their own probation services;
 - to continuously strive to efficiently and broadly cooperate with the law enforcement agencies in particular to improve the quality of the process of sentencing, sentence enforcement and monitoring in the area of alternative sanctions and measures (e.g. Community Service). Generally agreed legislative changes, joint training and more regular smaller working meetings should achieve that.

8 IMPORTANT PUBLICATIONS

Publications of national authors:

D, Doubravova, L. Ourednickova, P. Stern, L. Urban, and col. *Prirucka pro probaci a mediaci. (Probation and Mediation Handbook)*. Association for Probation and Mediation in Justice, 2001, Praha

The publication contains information on the development of probation and mediation services around the world and lists the recommendation of the Council of Europe related to probation and mediation. It further defines the legal framework of probation and mediation in the Czech Republic and defines the

area of activity in probation and mediation services. A separate chapter is devoted to the professional training of PMS Officers.

I. Ulehla, *Umění pomáhat* (1996), Renaissance, Písek,

This is a textbook on the method used in social work. It is aimed at differentiating between the mechanisms used to provide assistance and perform checks when working with clients.

A. Kroftová, L. Ourednickova,(2005) *Social Work in frame of probation and mediation service (Sociální práce v rámci probační a mediační služby)*, in O. Matoušek, J. Kolářková, and P. Kodymová, (eds), *Social Work in Practice (Sociální práce v praxi)*, Portál, Praha, pp.283-298.

This chapter describes the theoretical background of probation and mediation as well as the individual areas of activity within probation and mediation services. There are also examples of specific cases in practice.

Methodology Standard for PMS Activities in Pre-Trial and Court Proceedings, internal document of Probation & Mediation Service of the Czech Republic, 2003
This document describes the methodology used during mediation between the injured parties and the accused as well as the other activities in the pre-trial proceedings. It contains sample documents and forms.

Methodology Standard for PMS Activities in Probation, 2003, internal PMS document

This document describes the methodology used during realization of probation supervision and coordination with the provider of the probation programme. It contains sample documents and forms.

Methodology Standard for PMS in Community Service Orders, 2003, internal PMS document.

This material describes the methodology used for the sentence of community service and for cooperation with the job provider. It contains sample documents and forms.

Methodology Standard for PMS in Parole, 2003, internal PMS document.

This material describes the methodology used for work with clients under conditional release and for cooperation with the Prison Service of the Czech Republic. It contains sample documents and forms.

Publications of authors abroad

H. Zehr, H., *Little Book of Restorative Justice*, 2002, Good Bokks, PA

H. Zehr, H., *Changing Lenses*, 1990, 1995, Herald Press, Scottdale, PA

W.R. Miller, S. Rollnick, *Motivational Interviewing*, 1991, 2002, The Guilford Press

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ANNEX 1

1. Criminal statistics

Table 1.1

Criminal statistics	2004	2005
Number of sentenced offenders	68 443	67561
Juveniles	3235	3080
Number of Community Service Orders (juvenile and adults)	13 031	11990
Number of Suspended sentences	36162	37302
Suspended sentences with Probation supervision	NA ¹²	2127
Number of prison sentences	10192	10253
Juveniles from that number	-	187
Number of discontinue of criminal procedure (conditional cessation of prosecution)	7251	6892
Number of discontinue of criminal procedure (settlement)	39	53

Data are taken from annual statistical report of Ministry of Justice. Data from 2006 was still not officially published.

2. Offending behavioural programmes (OBP)

We have available only data from 2005, because we started with the system of OBP in 2004. In 2004 the system was created and implemented into the internal restrictions. In 2005 accredited providers delivered 23 OBP for juveniles. Together 247 juvenile's clients participated in this programme. In 2006 PMS in cooperation with some non-governmental organisations realized projects focused on extensions selected OBP that have high quality standard and come from cognitive behavioural background. Those programmes for example "Street Law"- "Law for everyday use" Organization Partners Czech in the frame of this pilot project trained almost 170 new trainers for the programme and the programme was delivered to almost 740 juveniles. Another partner organization Association for Probation and Mediation in Justice (SPJ) developed in cooperation with PMS new cognitive behavioural programme (Learning programme), whereby know-how was provided from Probation Service in Zurich. Since 2004 in total 7 programmes have been delivered to 52 clients, 40 clients successfully finished the programme. Another OBP developed in cooperation with Probation Service in Zurich is so called ZZ programme (Get a Job programme). Since 2004, seven 'Get a job programmes' were delivered to 59 clients, 49 clients successfully finished the programme. Another programme developed by Association for Probation and Mediation in Justice (SPJ) is a Roma mentor project. Roma mentor project is an individual project where each client cooperates with Roma

¹² Not available.

mentor. There are 45 Roma mentors who so far have worked with almost 350 clients.