



FRAGILE CHANCE

**Safe release of offenders from prison
and
taking the victims' interest into account**



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Preparations for conditional release



- **Preparing the offender** for release
- **Preparing the offender's family and persons from his/her close social environment** for the offender's return to freedom
- **Preparing the victim** for the moment of the offender's release from prison
- **PMS activities** at the period of paving the way for the offender's potential conditional release

The decision on an offender's conditional release from prison falls under the competence of a court of law; public hearings are held in the prison or in court buildings and attended by the public prosecutor, the convicted offender and his/her tutor. The victim does not participate at the hearings and, as a rule, is not even notified.



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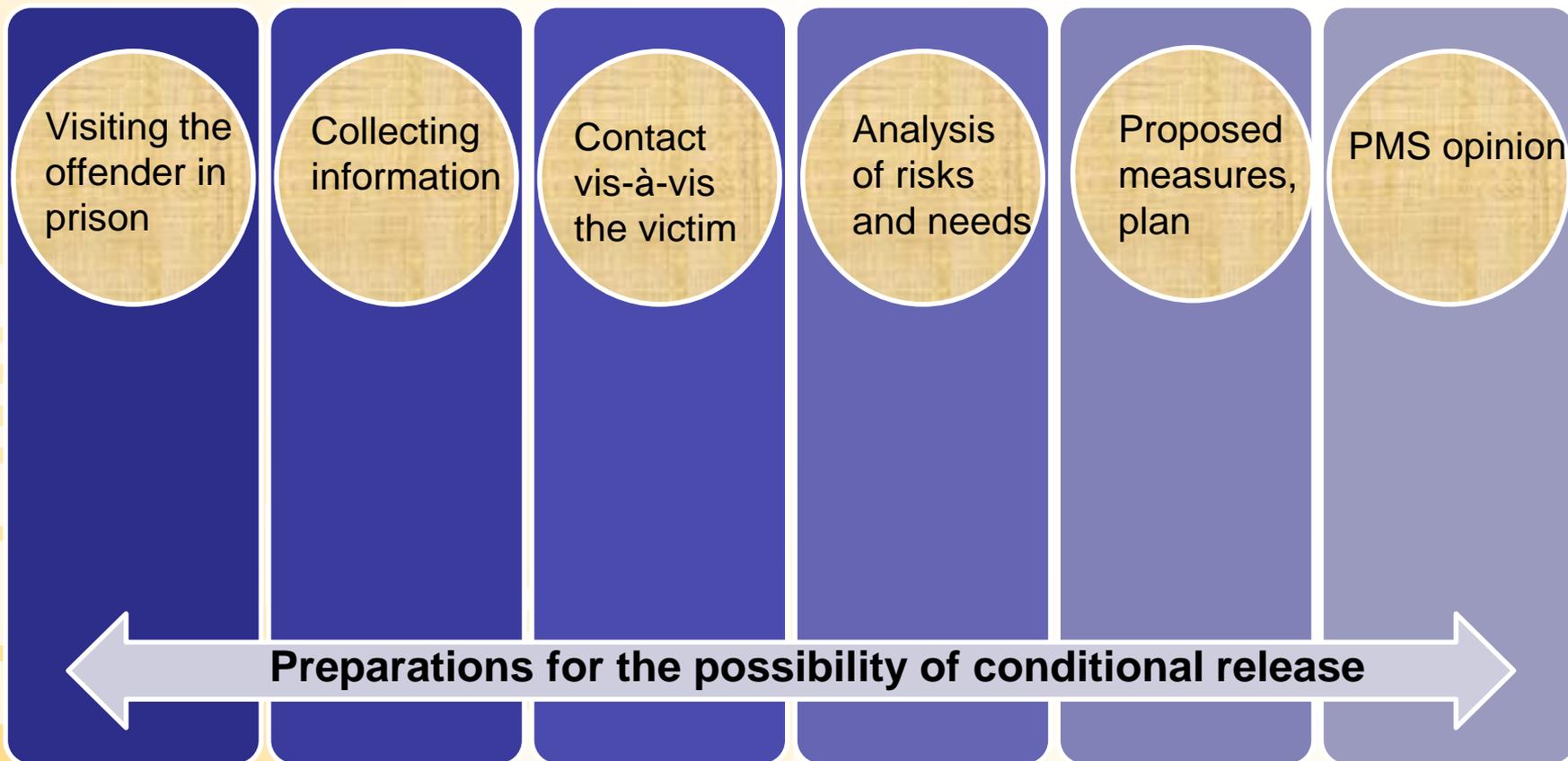


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Activities of a probation officer



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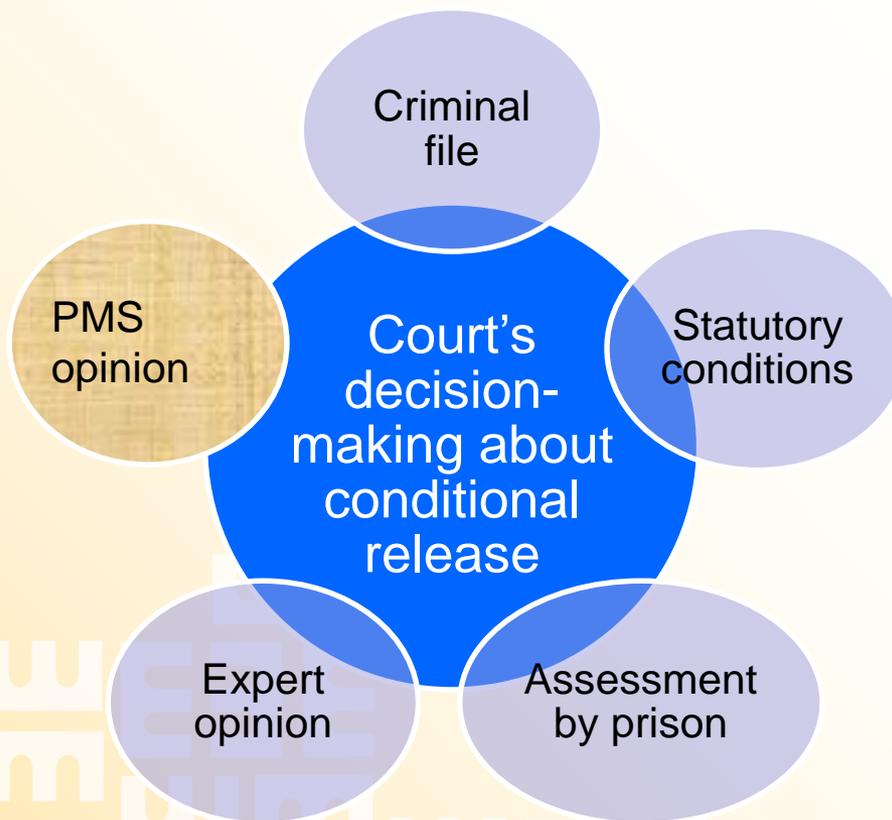
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Underlying materials for court decision I



Underlying materials for court decision II



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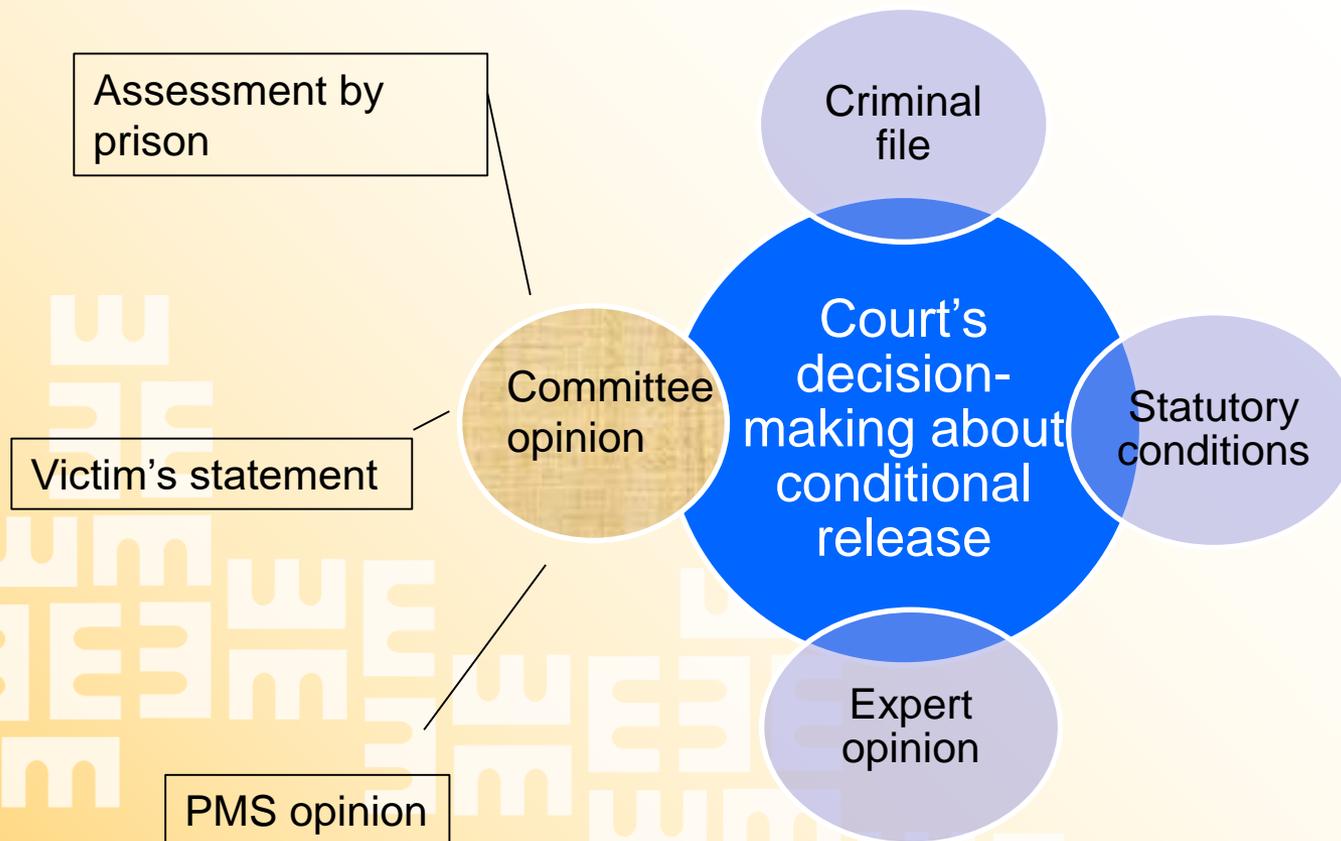


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Underlying materials for court decision III



A case from our practice



- The offender was a male, 34 years of age, with no prior convictions, sentenced to a non-suspended sentence of 2.5 years for bodily injury caused by hitting the female pedestrian on a pedestrian crossing with his motorcycle.
- The victim was a female, 59 years of age, who suffered extensive serious injuries with a permanent health disturbance and damage to vital organs.
- In court, the offender was also imposed a driving ban for motor vehicles for a period of 6 years and forfeiture of the motorcycle he drove at the time of the accident.
- Based on the court decision, the offender must pay CZK 1.2 million to the health insurance company to cover the cost of treatment as well as CZK 600 thousand to the victim for the damage caused.
- The conditional release petition was filed by the offender after serving 1/3 of the sentence.



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A case from our practice



- The offender was preparing himself for the conditional release in cooperation with the prison and the PMS; his family and his partner supported him; an own living place and immediate employment were secured for him after his release.
- A PMS officer recommended his conditional release, but emphasized the extensive consequences of his crime for the victim, and recommended that the offender should take specific mitigating steps in this regard.
- Shortly after, the offender wrote a letter to the victim, parts of which are quoted below. As at the time when we conducted the parole hearing, the offender has not received any response.



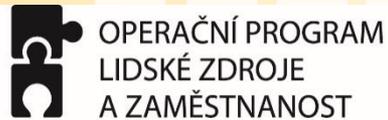
A case from our practice



Dear Madam ...

Please allow me to start my letter by apologizing to you and your family for the multiple injuries I caused you and for all related worries and troubles. Not a single day goes by where I don't think about you and your injuries. I wish it had never happened. I am very sorry. If possible, please accept my sincere apologies.

I would very much like to know how you are doing..... I truly hope you can recover. I would like to offer you my help. While I am serving my sentence now, after the end thereof I can provide my assistance. I worry about what happened. I would be delighted to receive any message from you. I wish you will get well soon and make a full recovery.



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A case from our practice



- In the meantime, the victim's assistant used the information from the criminal file and contacted the victim by phone. At first he spoke to the victim's husband who informed him that he was representing his wife in all matters because his wife had been bedridden on a permanent basis since the accident and, given her health condition, was under continuous medical supervision.
- The victim's husband confirmed that, in view of his wife's condition, he was the only one who had read the offender's letter and he did not intend to bother his wife with it. She is immobile; her mental functions are limited due to a permanent brain damage; her physical condition makes speaking impossible for her. As the victim's husband was a doctor, he very clearly understood his wife's health condition and prognosis. The victim's husband was aware that the offender did not have the slightest idea about his wife's condition. As a result, he decided to make a Victim Impact Statement. The following quote has been chosen from that Statement:

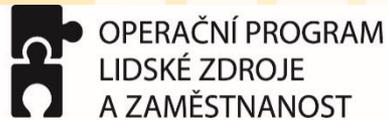


A case from our practice



I will never forget the day of that tragic event. My wife left to do shopping. We did not hear anything from her and, in the evening, the police called and told us what had happened. ... I have been visiting her ever since. After the accident, she was conscious and we even talked together. Afterwards she went into a coma. Her condition is serious, she is paralysed ... drip-fed ... as far as communication is concerned, it is non-verbal – holding a board in front of my wife, I point to letters and she gives me a sign when I point to the correct letter ... It is very difficult for me ... I realize that 2 years ago, she was a woman full of strength, who could have still lived a full life for 20 more years. My wife's condition has been very traumatizing for me and our children ... This sad matter is also reflected in my personal life ... I have difficulties finding sparks of happiness. I visit my wife every day, to then return to an empty apartment.

When I recall the lawsuit ... the offender's behaviour gave me a negative impression... perhaps he did not realize what he had caused. I do not feel any hatred towards him; I believe he did not act intentionally. I only wanted him to realize the consequences of his careless act he had caused years ago.



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A case from our practice

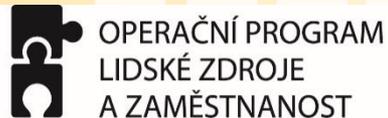


- The Committee recommended the offender's conditional release and, at the same time, proposed a probationary period of 2 years.
- The court subsequently decided to conditionally release the offender, sharing the Committee's recommendation for conditional release.
- Given that no supervision by a probationary officer was imposed by the court upon the conditionally released man, there were no more contacts between the PMS and the offender after his release from prison.
- As the victim's assistant kept in touch with the victim's husband, we know that, after his release, the offender agreed with the victim's family to provide a financial amount as a contribution to cover the costs incurred by the family every month in connection with the care for the injured woman.

Results of the Fragile Change project



- So far, we have included in the project **352 cases** of convicted persons who agreed with their participation in the project; only 13% of them terminated their cooperation at a later point in time.
- A total of **277 parole hearings** took place in 9 cooperating prisons, of which:
 - **70%** of the convicted person were recommended by the Committee for conditional release
 - **30%** of the convicted persons received a negative opinion from the Committee
- In **184 cases of petitions** for conditional release, the **court** already delivered a decision, of which **48% were positive** – the convicted persons were conditionally released



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Our work with crime victims



- In 62% of the examined cases, we registered the presence of 967 injured persons who suffered damage as a result of a committed crime. Most of the injured persons (73%) were victims – natural persons, with the remaining share covering injured legal entities.
- Our victim assistants contacted 96% of victims – natural persons with an offer for cooperation; in 1/3 of the cases, the victims accepted the offered cooperation. A half of the cooperating victims agreed to meet the assistant in person. With our support, 50 victims in total completed a Victim Impact Statement which were read during the parole hearings. Only 8 victims attended the parole hearings in person.
- In case of injured legal entities, one-half of the addressed entities responded positively to our offer for cooperation.



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Consistence between the Committee's recommendation and the court decision



- On average, 59% of court decisions followed the Committee's recommendation for conditional release – regardless of whether they were consistent in positive or negative opinion.
- There are significant differences between the various judicial districts, ranging between 45 and 70% of consistence.
- Only exceptionally the court decided in favour of the conditional release in spite of a negative recommendation from the Committee; more frequently we see cases when the Committee recommended the conditional release, while the court rejected the conditional release petition.



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Next future of the Committees in the Czech Republic?



- Extending the practice of the Committees to **15 Czech prisons** in total;
- Developing a Czech version of the **Victim Impact Training** programme, using the results of the project for “Restorative Justice at post - sentencing level; supporting and protecting victims”, in which we participated. We want to verify the programme in practice in the selected prisons and evaluate its efficiency;
- We want to verify the practical application of the activity called “**development of restorative practice**”, which aims at interconnecting the needs and interest of the prison and of the local community, with special attention for addressing the employment of the imprisoned persons and their preparation for the possible release;
- Based on an analysis of the current practice in conditional release and the difficulties related to the return of the imprisoned persons to freedom, we want to **propose systemic and conceptual solutions** and, in cooperation with other entities, **obtain the necessary support for their implementation.**



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