

The Restoration of Normality: Mirroring the Past in the Future

Workshop B: Social support and integration of ex-offenders

Probation after 20 years in Slovakia

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General Information

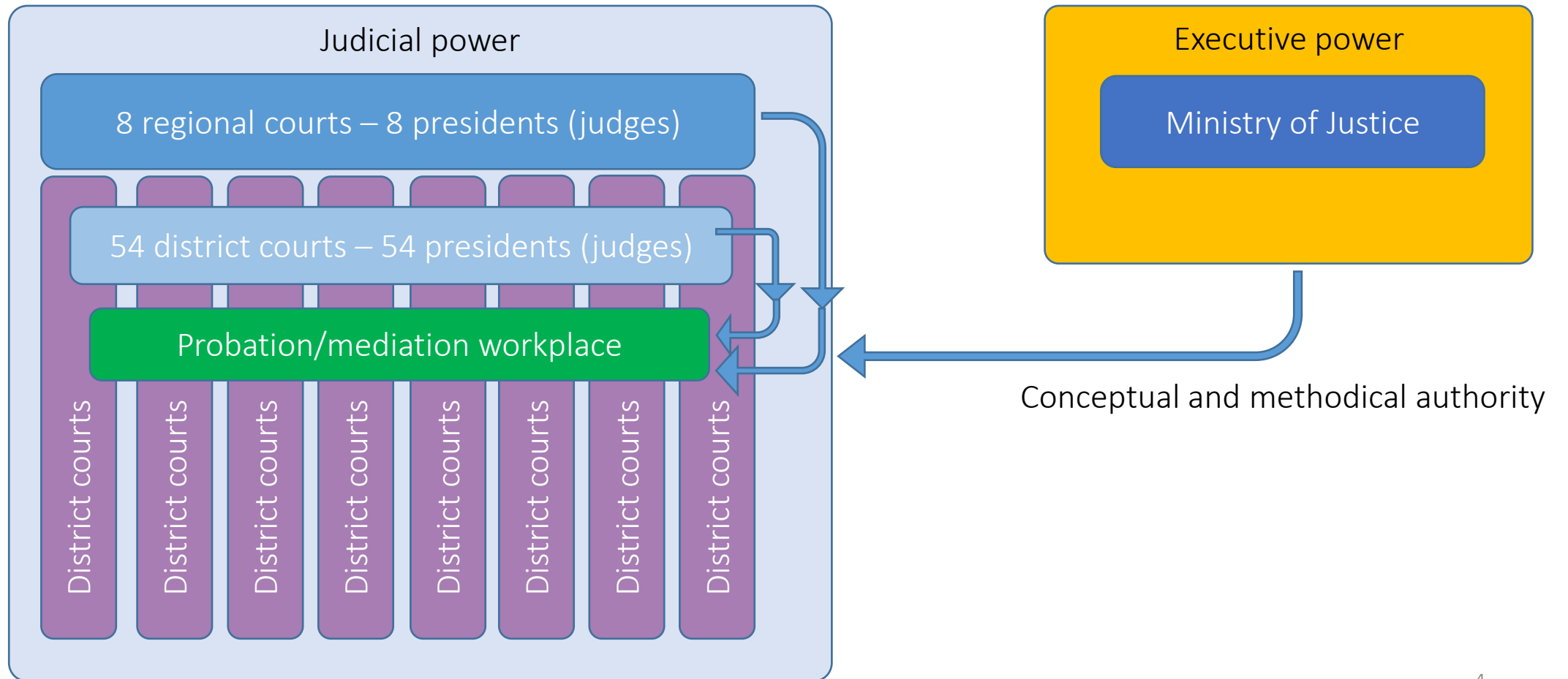
- 2001 - first pilot activities connected with probation and preparations for creation of the service
- Criminal Codes did not include the sanctions of community service, home arrest or probation supervision as such
- The only provision in the then legislation was a section regulating the possibility for a judge to impose reasonable restrictions and obligations (aiming to make the offender lead an orderly life) within conditional deferral of enforcement of a prison sentence.
- Only a formal activity of the administration staff of the court - no personal interaction between employee of the court and the offender

General Information - Structure

- Established in 2004 (Act on Probation and Mediation Officers)
- without separate legal personality
- Established at the courts as a task of the judiciary
- Staff: employees of the regional courts
86 officers + 8 regional managers



Probation and mediation - structure

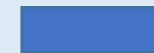


Probation service implemented into judiciary: Expectations 2000 and reality 2021

- + Direct contact with judge/direct contact of the judge with the enforcement of his/her decision
- + Existing „organizational“ (administration) structure
- + Covering both probation and mediator
- + Systematic education capacity within judiciary field – Judicial Academy



- Disunited nonuniform management and lack of unified procedures
- Application of decisionmaking principles to decision-enforcement activities
- Concentration of disparate/diverse activities in one person (probation, mediation, EM supervision „expertise“)
- Insufficient education capacities – other professions within judiciary preferred



Main obstacles throughout the years – reform reasons

- Insufficient staff capacities
- Insufficient legislation/regulation
- Insufficient financial support
- Cooperation of authorities on regional level only
- Unsystematic support of non-profit entities
- Unsystematic cooperation with community service providers (agreements provider – court itself)
- Shifting of responsibility
- Superficiality
- Strict penal policy – penalty durations

Development and changes

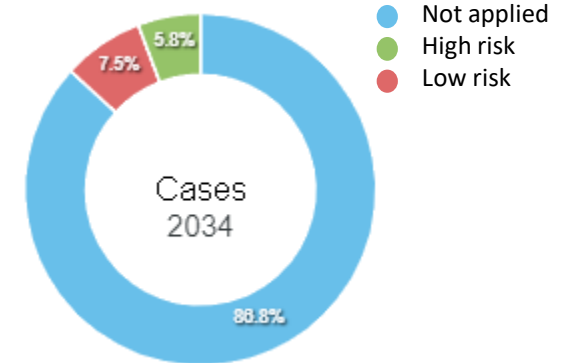
- New position of regional manager of probation and mediation - 8 regions (2016)
- Electronic monitoring implementation (2016)
- Improvement of case distribution - 3 groups (2017):
 - Community service
 - Cases with EM supervision
 - other cases
- Specifications and parameters of programmes as follows (2018) :
 - Social training
 - Anti-corruption training
 - Educational-preventive programme for juvenile offenders
 - Training for offenders violent against women
 - General rules for other programmes

Development and changes

- Partial legislation improvement related to probation supervision, mediation, EM supervision (2019):
 - Crimes cases: Parole after 1/2 of imprisonment with obligatory EM supervision
 - Financial sanctions excluded from probation supervision (compensation for caused damages, debt/oustanding alimony repayment)
 - Home arrest applicable to a crime
 - Conversion of the Remaining Term of a Prison Sentence to Punishment by Home Arrest adjustment (rational collision with conditional release)
 - Pre-sentence report on social training to be imposed

Development and changes

- Probation plan and probation programme application training for probation officers (2020)
- CRA tool application training for probation officers (2020)
- **Probation service and offender supervision support as a task in Government programme (2020-2024)**
- Mandatory CRA tool application in cases of (10/2021)
 - Conditional deferral of imprisonment
 - Conditional release
 - Protective Supervision (the convicted of a particularly serious crime)



Alternative dispute resolution support activities (2021-2022)

Main goals:

- Develop the application of mediation in criminal and civil proceedings
- Draft the alternatives for an effective model of probation and mediation service in the SK conditions
 - Organizational/administration structure within public
 - Entry/long-term/special training system
 - Specialisation of the staff
 - Real stakeholders cooperation regulation
 - **programme providers central registry (with subsidy mechanism)**

Alternative dispute resolution support activities (2021-2022)

Activities :

- Testing the 4 ways of covering the mediation (intensive entry training)
 - Mediation specialist – probation officer assigned with M cases only v1
 - Mediation specialist – probation officer assigned with M cases only v2 – new employee
 - Flying mediator – probation officer covering M in several court districts
 - Mediation specialist – probation officer assigned with M cases and Community service cases

Immediate positive feedback from the advocates regarding the whole mediation process

Alternative dispute resolution support activities (2021-2022)

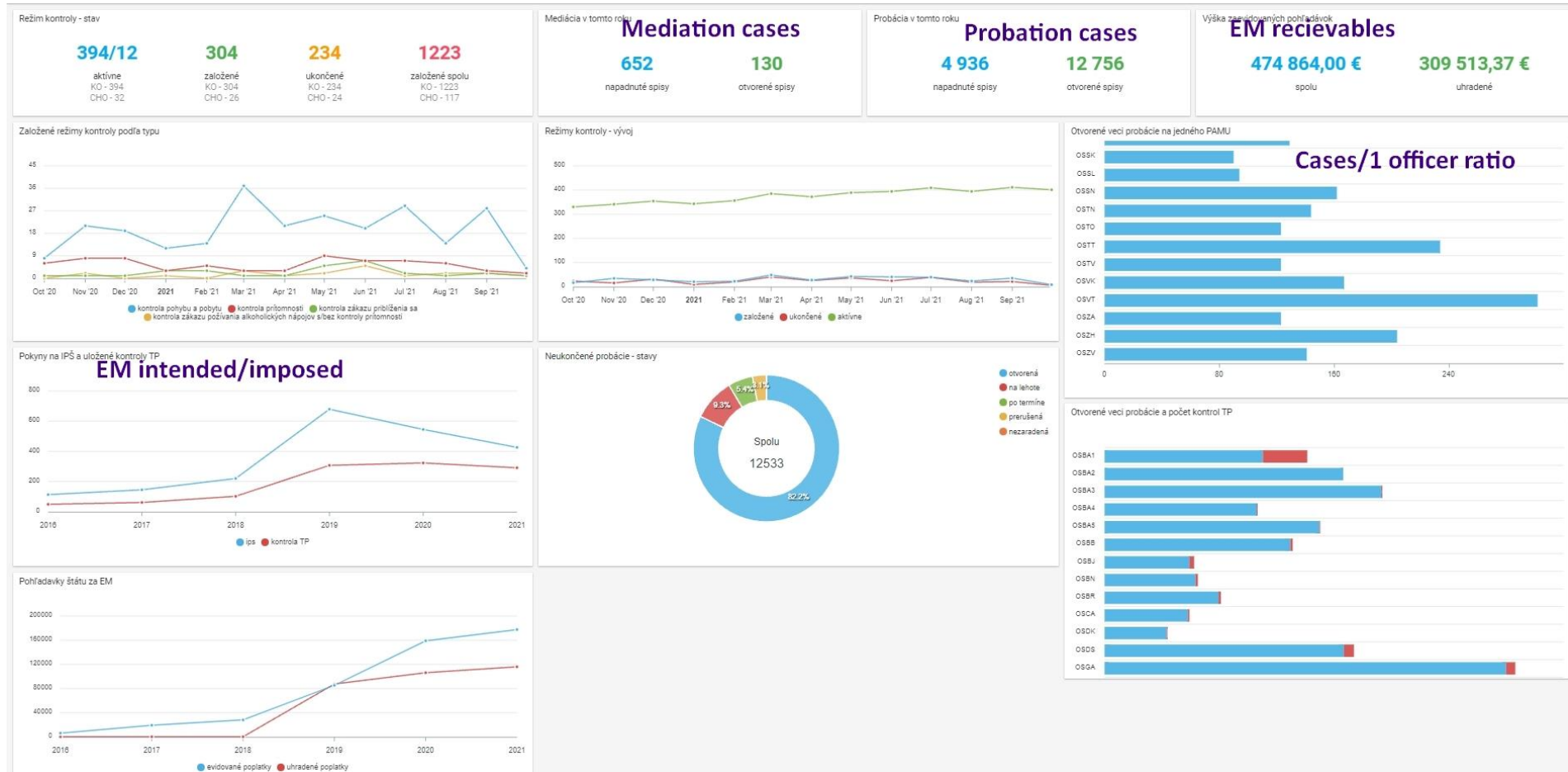
Activities :

- Creating a regional „discussion“ forum:
 - president of court
 - Chief of regional police corps
 - Head of regional prosecution
 - Ministry of Justice
 - Regional head of probation and mediation

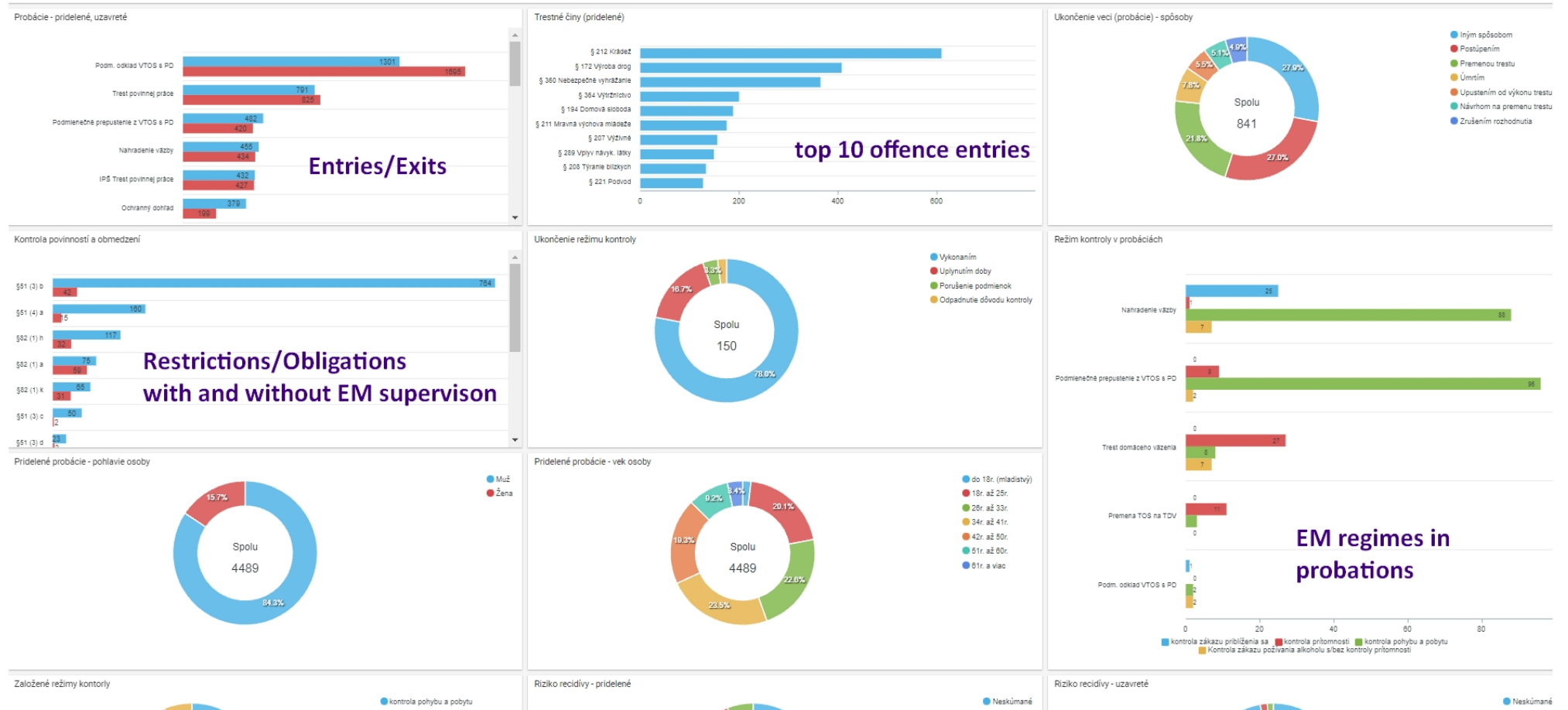
- Communication with the President of the Police corps towards
 - Integration of PMS information system and Police information system – immediate information for the police there is a new probation case with all relevant information about the case

 - More intensive involvement of police corps in mediation

Probation and mediation IS



Probation and mediation IS



Examples of good and successful cooperation

Example 1: Community service

- Offender: Peter, 17 y.o., juvenile, vocational school student (machine fitter)
- Committed offence: thefts in shopping centres, repeatedly
- Sentence: Community service, 150h



- Communication: PO + Labour and social affairs office + School
- Provider: Regional hospital – auxiliary/helper
- Incentive influence of PO and the background
- Worked in hospital after finishing the CS – satisfied employer
- Still working in hospital since graduation as a service engineer

Examples of good and successful cooperation

Example 2: Damages compensation - Community service

- Offender: Martin, 45 yo., primary education, unemployed, receiving benefits 62 eur
- Committed offence: wood theft, damage – 380 eur
- Sentence: Damage compensation and Community service, 350h
- Aggrieved party: Forests of SK – state enterprise



- Communication: PO + Labour and social affairs office + injured
- Active involvement of PO and the representatives of the injured party
- Offender – injured party agreement on damages
- Provider: Forests of SK – handling with wood
- Injured party satisfied – no compensation required.

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