

Probation and Mediation Service of Czech Republic



Experience of the Czech PMS in Dealing with Juvenile Delinquency and Application of New Law on Juvenile Delinquency. Presentation at the international seminar (Paris, 1-2 September 2005)

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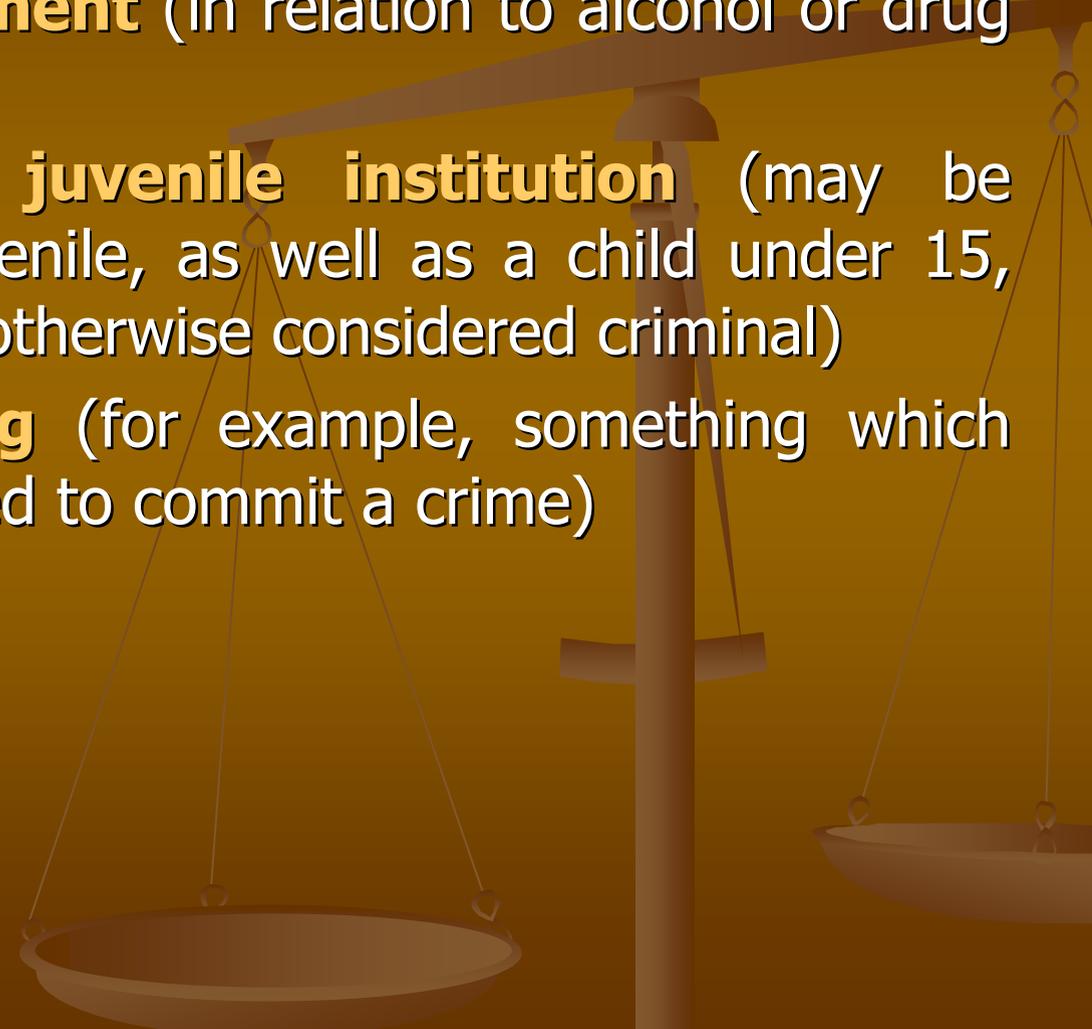
Law on Juvenile Justice

- The law introducing new methods of addressing juvenile delinquency came into effect on 1 January 2004
- Measures (educational, protective and penal measures) were introduced instead of punishments
- Criminal liability has been set to start at 15 years of age; a juvenile is someone aged between 15 and 18
- Children under 15 are not criminally liable, but they may be subject to measures specified under this law (such as supervision)
- Under this law, the PMS has a significant role with respect to the application of all alternative measures

Educational Measures

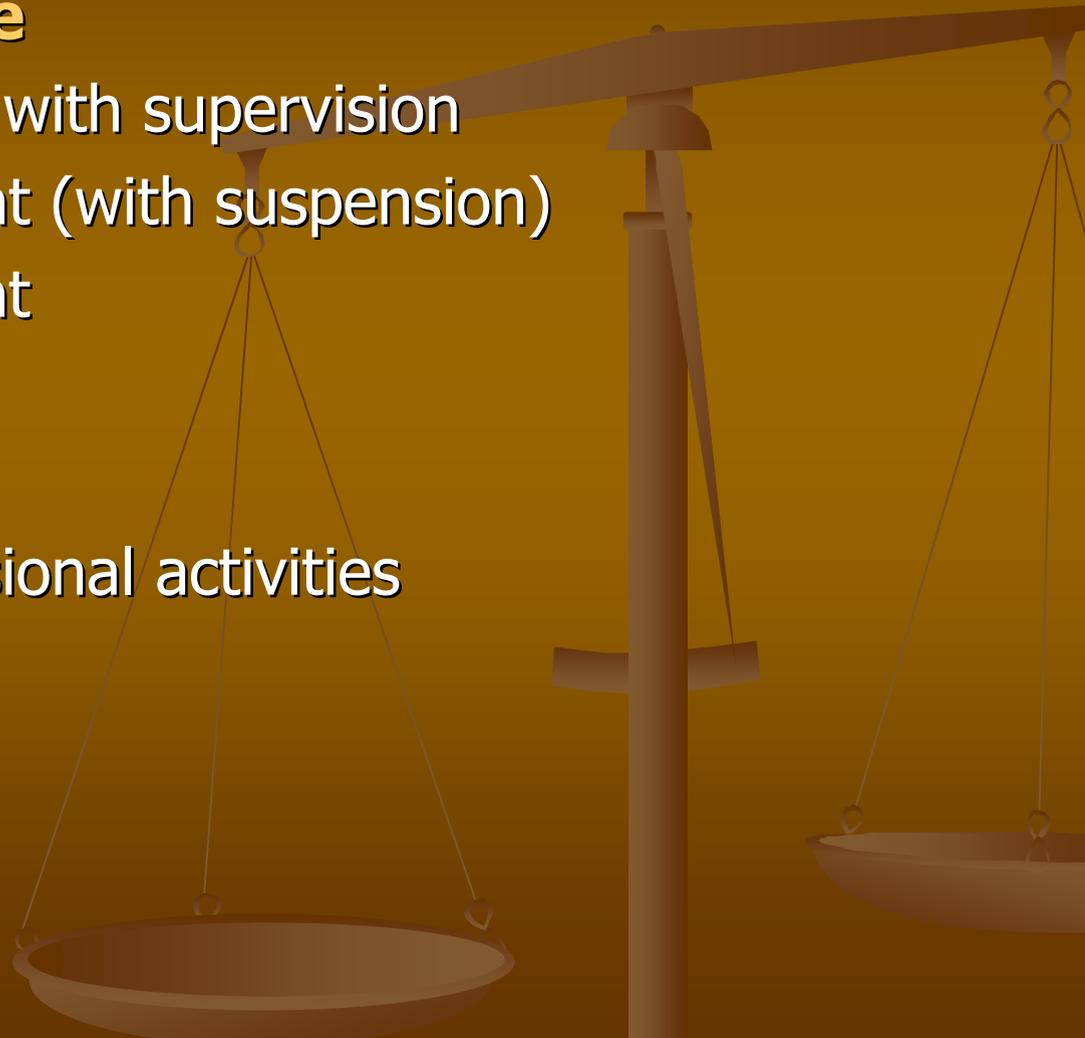
- **Supervision**
- **Probation programme**
- **Educational obligations** (*living with parents, financial contribution to the Victim Fund, community service, settlement with the aggrieved party, reparation, addiction treatment, suitable programme*)
- **Educational restrictions** (*prohibitions on visiting places and contacting people, dwelling in a place, possessing things, using addictive substances, gambling; change of domicile or employment must be discussed with PMS officer in advance*)
- **Admonition with warning**

Protective Measures

- **Compulsory treatment** (in relation to alcohol or drug addiction)
 - **Placement in a juvenile institution** (may be imposed upon a juvenile, as well as a child under 15, committing an act otherwise considered criminal)
 - **Seizure of a thing** (for example, something which might have been used to commit a crime)
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Penal Measures

- **Community Service**
- Suspended sentence with supervision
- Financial arrangement (with suspension)
- Financial arrangement
- Forfeiture of a thing
- Expulsion
- Prohibition of professional activities
- Suspended sentence
- **Prison sentence**



Current Situation of PMS

- **238 employees** (172 officers, 52 assistants, 14 HQ staff)
- **28,403 cases in 2004**
- Youth offending accounts for **14%** of the PMS case load (**i.e. 3,969 cases**)
- **127** new cases per member of staff in 2004 on average
- Total no. of people in prison **19,316** (16,041 prison inmates); increase since 2003 of over **2,000** people
- PMS operates in all **76** court districts, having **74** centres; managed by directorate in Prague; regional policy coordinators (middle management level) operate in 8 regions
- Since **2002** no increase in PMS staff numbers, despite firm promises

Selected Data on Juvenile Delinquency (1)

- The percentage of juveniles in the total number of prison inmates is decreasing: 2001 – 6.5%, 2002 – 6.1%, 2003 – 5.4%
- The number of juveniles serving a prison sentence is decreasing: 2001 – 120, 2002 – 102, 2003 – 93, 2004 – 92)
- The number of acts otherwise considered criminal committed by children under 15 is decreasing: 2001 – 10, 224, 2002 – 6,232, 2003 – 5,724
- The number of criminal acts committed by juveniles has been decreasing since 1996; the number of acts otherwise considered criminal committed by children under 15 has been decreasing since 1999
- However, there has been an increase in the number of **violent crimes committed by juvenile delinquents** (e.g. robberies, 2000 – 567, 2002 – 685, 2003 – 853, 2004 – 898)

Selected Data on Juvenile Delinquency (2)

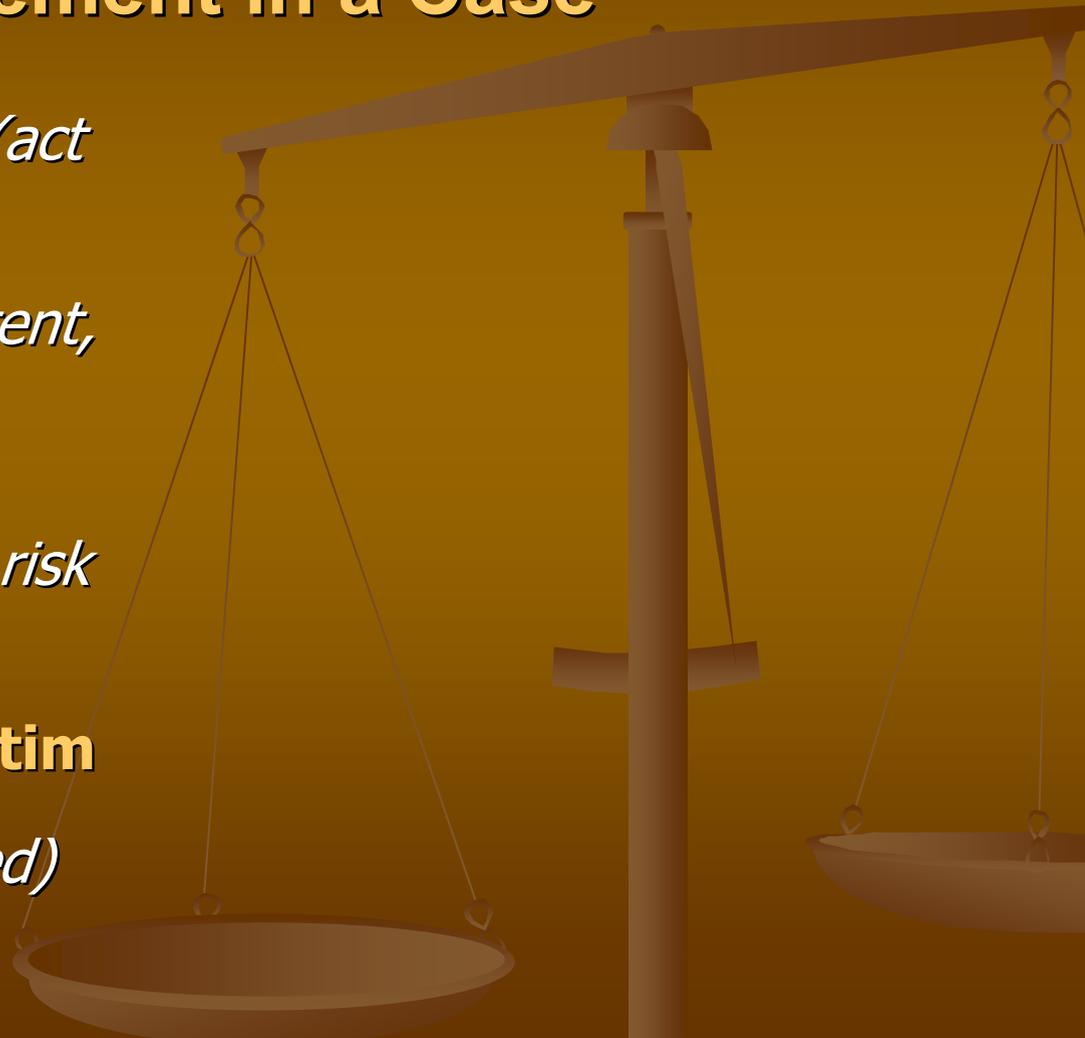
- Robberies are often committed by children or adolescents on the run from juvenile institutions: 2002 – 176, 2003 – 313 (in 2004 – approx. 5,000 children and adolescents were on the run; the annual average of runaway children is 40%)
- 68% of “offenders” under 18 commit one “criminal act” and do not re-offend
- This group commits approx. 30% of cleared-up “criminal acts”
- 70% of detected “criminal acts” are committed by the remaining 32% of “offenders” (wrongdoers)
- 2.6% of “offenders” under 18 committed 24% of the “criminal acts” (11 or more offences) – this group is likely to include most repeat “offenders”

Selected Data on Juvenile Delinquency (3)

- 2,285 juveniles registered by the PMS in 2003
- 7,643 registered resolutions on legal action in 2004
- 3,701 cases under prosecution registered by the PMS in 2004
- 268 registered cases concerning children under 15
- On average, the PMS becomes involved in 49% of resolutions on legal action
- The number of “juvenile delinquency” cases has increased by 62% in comparison to 2003
- The most frequent measure applied is the penal measure of community service – the PMS registers 1,020 cases
- As for supervision, the PMS has 430 cases of juveniles and 161 cases of children under 15 years of age registered

Recommended Criteria for PMS's Involvement in a Case

- **Type of wrongdoing** (*act otherwise considered criminal*)
- **Damage inflicted** (*extent, severity*)
- **Personality of adolescent or child** (*degree of disturbance, risk of re-offending, specific needs*)
- **Consequences for victim** (*particularly as far as individuals are concerned*)



PMS's Activities

in Dealing with Juvenile Delinquency (1)

- Generally, the PMS's activities focus on the reform of wrongdoers, specifically by preparing relevant documents for a public prosecutor (judge) to decide on possible application of a diversion or imposition of a measure, or to make an alternative decision. In particular, their activities include:
 - Detailed case analysis, understanding of circumstances and motives leading to violation of the law
 - Establishing contacts with the victim, considering their interests and needs
 - Assessment of risk of delinquent's re-offending
 - PMS's proposal concerning further handling of the case, discussion with clients, report to the public prosecutor and judge
 - Subsequently, the PMS may proceed with the following types of specific actions:

PMS's Activities in Dealing with Juvenile Delinquency (2)

- Pre-sentence Report pursuant to Section 56/2 of Law on Juvenile Justice (LJJ)
- Mediation between victim and offender
- Mediation conference attended by a wider circle of people representing the offender, victim and community
- Creation of conditions for diversions to be applied – finalization of reparation
- Creation of conditions for an educational measure to be applied prior to a sentence on the merits – e.g. placement in a probation programme
- Replacement of remand with supervision by a probation officer
- Independent work with the crime victim
- Enforcement of imposed measures – educational, penal, protective

Challenges in Applying the Law on Juvenile Justice (1)

- Juvenile delinquency is not addressed on a coordinated basis; the system involves the activities of five different departments
- There are no clearly set short-term or long-term objectives to be achieved
- The data on juvenile delinquency are not networked and the analysis thereof is insufficient
- The lack of analyses impedes the implementation of efficient strategies, procedures and programmes responding to specific types of criminal activities and groups of offenders, especially habitual ones
- The long-neglected problem of children and juveniles running away from institutions – these youngsters account for a large number of the violent offences committed by juvenile delinquents

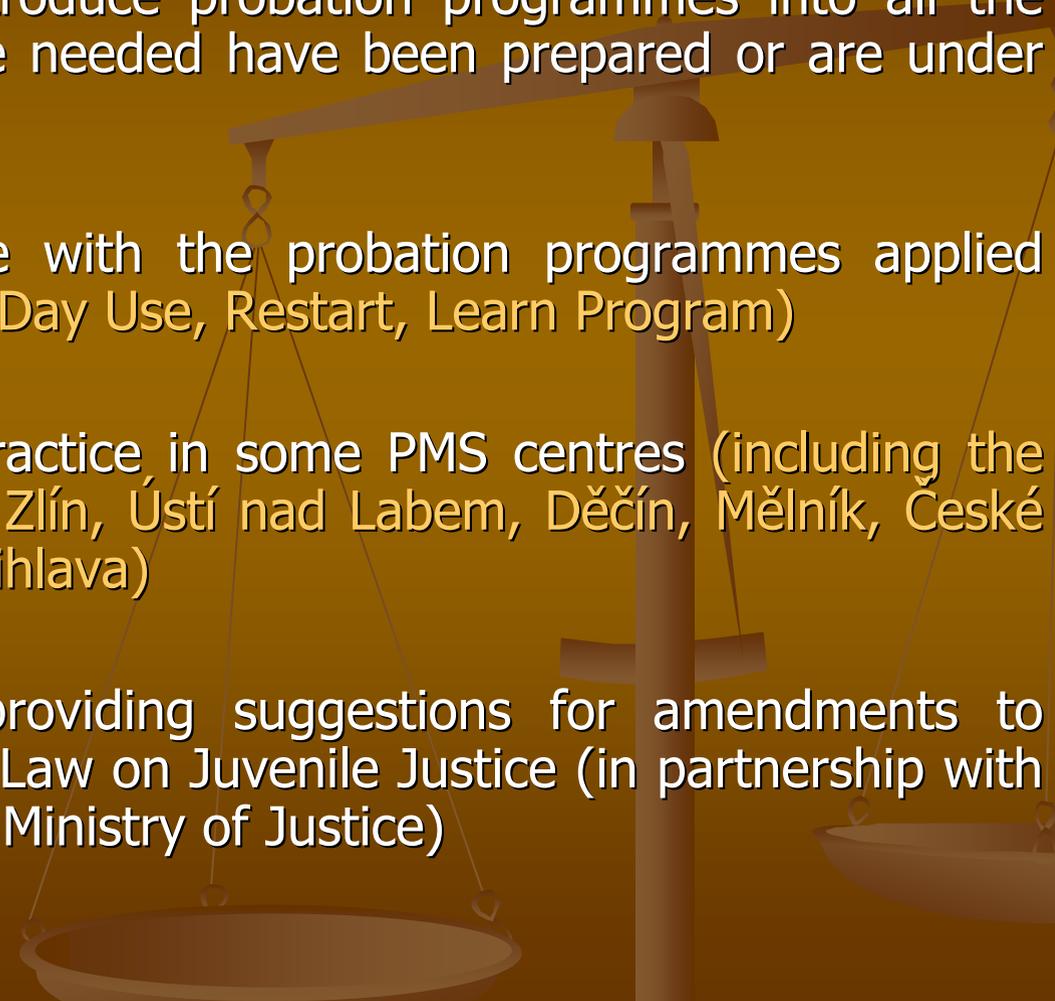
Challenges in Applying the Law on Juvenile Justice (2)

- Cooperation between judicial bodies should be far more intensive, including cooperation with the PMS and other bodies involved
- The PMS, which bears the greatest responsibility in relation to the LJJ, does not have enough staff members to cover all its tasks
- The number and availability of probation programmes in all locations where they are needed is currently insufficient
- None of the judicial bodies has much experience with practical application, including interpretation ambiguities, as documented by the structure of the measures imposed in **2004**
- Unequal position of victims under the LJJ

Steps Taken by the PMS to Improve the Situation (1)

- Initiation of and patronage over the development of multidisciplinary teams intended to address the issue of juvenile delinquency, including the acquisition of support for this process from the Ministries of Justice and the Interior
- An accreditation system for probation programmes has been developed in association with the Ministry of Justice, including funding opportunities through the Ministry of Justice and other sources (*Ministry of the Interior, ESF*)
- At present, the first 45 accredited programmes are available; a second round has just been announced
- New types of probation programmes have been piloted and gradually implemented, drawing on good practices at home and abroad (UK, Switzerland, Denmark, Canada).

Steps Taken by the PMS to Improve the Situation (2)

- Projects designed to introduce probation programmes into all the locations where they are needed have been prepared or are under way
 - First positive experience with the probation programmes applied (Mentor, Law for Day-to-Day Use, Restart, Learn Program)
 - Experience with good practice in some PMS centres (including the towns of Frýdek-Místek, Zlín, Ústí nad Labem, Děčín, Mělník, České Budějovice, Semily and Jihlava)
 - Surveillance of areas providing suggestions for amendments to certain provisions of the Law on Juvenile Justice (in partnership with the PMS centres and the Ministry of Justice)
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Multidisciplinary Teams (MUT)



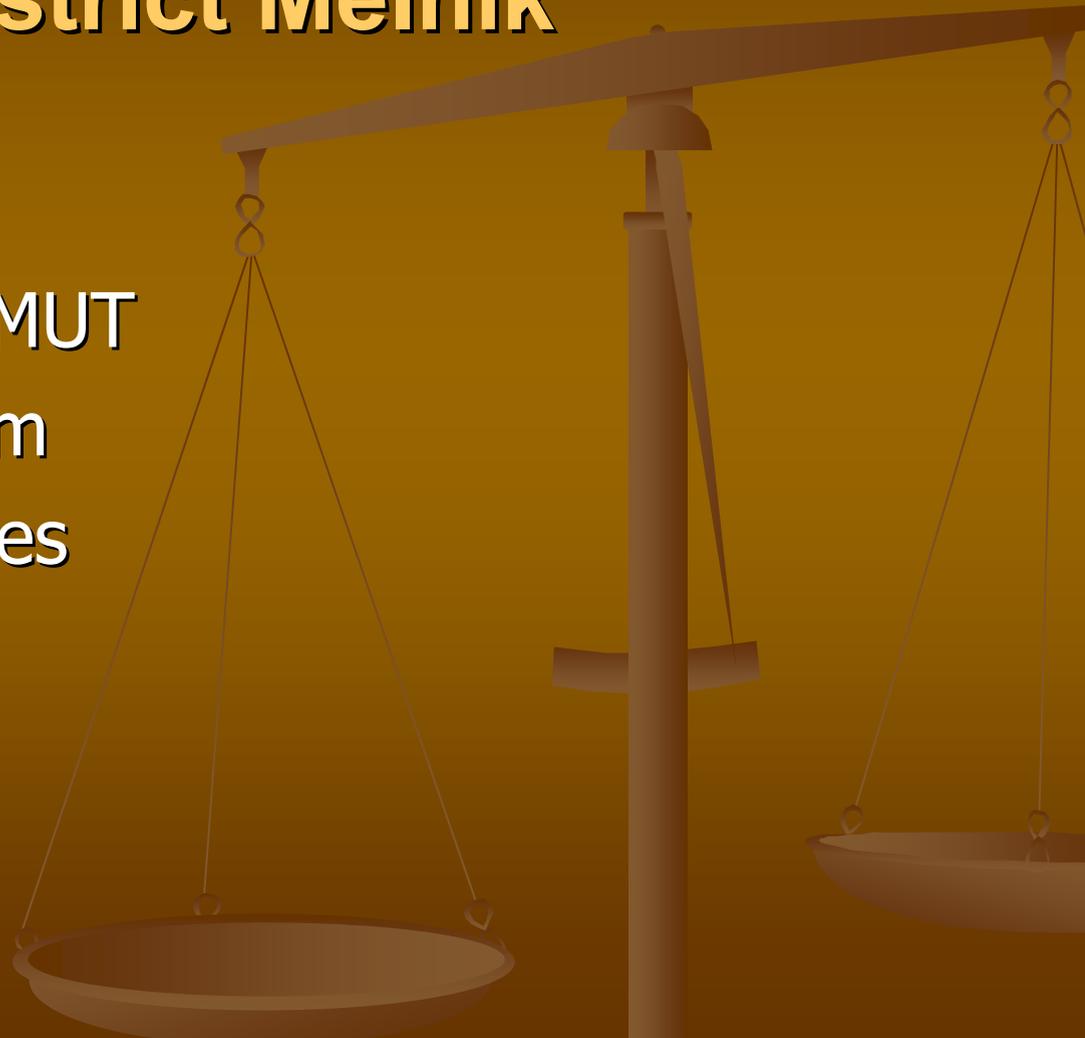
- Inspired by the British YOT and the Canadian Youth Commission
- PMS's national priority for 2005
- Pilot cities: Mělník, Prague, Frýdek-Místek, Svitavy, Děčín, Znojmo
- Participants: PMS, courts of law, public prosecutors, Czech Police, Department of Social and Legal Protection of Children, Municipal Authority, crime prevention coordinator, providers of (social, health and educational) services and other agencies involved

Potential of MUTs

- Monitoring of current practice, collection of relevant information and data on juvenile delinquency in a given location
- Data evaluation, designing of strategies and methods of work leading to a reduction in juvenile crime (including a range of efficient probation programmes)
- Provision of information and counselling both to professionals and the public, as well as coordination of activities pursued by the participating entities
- In the UK, following the introduction of MUTs (1998), recidivism among juvenile delinquents sentenced to alternative punishments decreased by **22.5% (2002)** in comparison with the re-offending prognosis, and as of July 2003 the number of juvenile delinquents serving a prison sentence was down by **10%** from the previous year

Multidisciplinary cooperation in district Mělník

- History of working MUT
- Constitution of Team
- Short-term objectives
- Up to now benefits

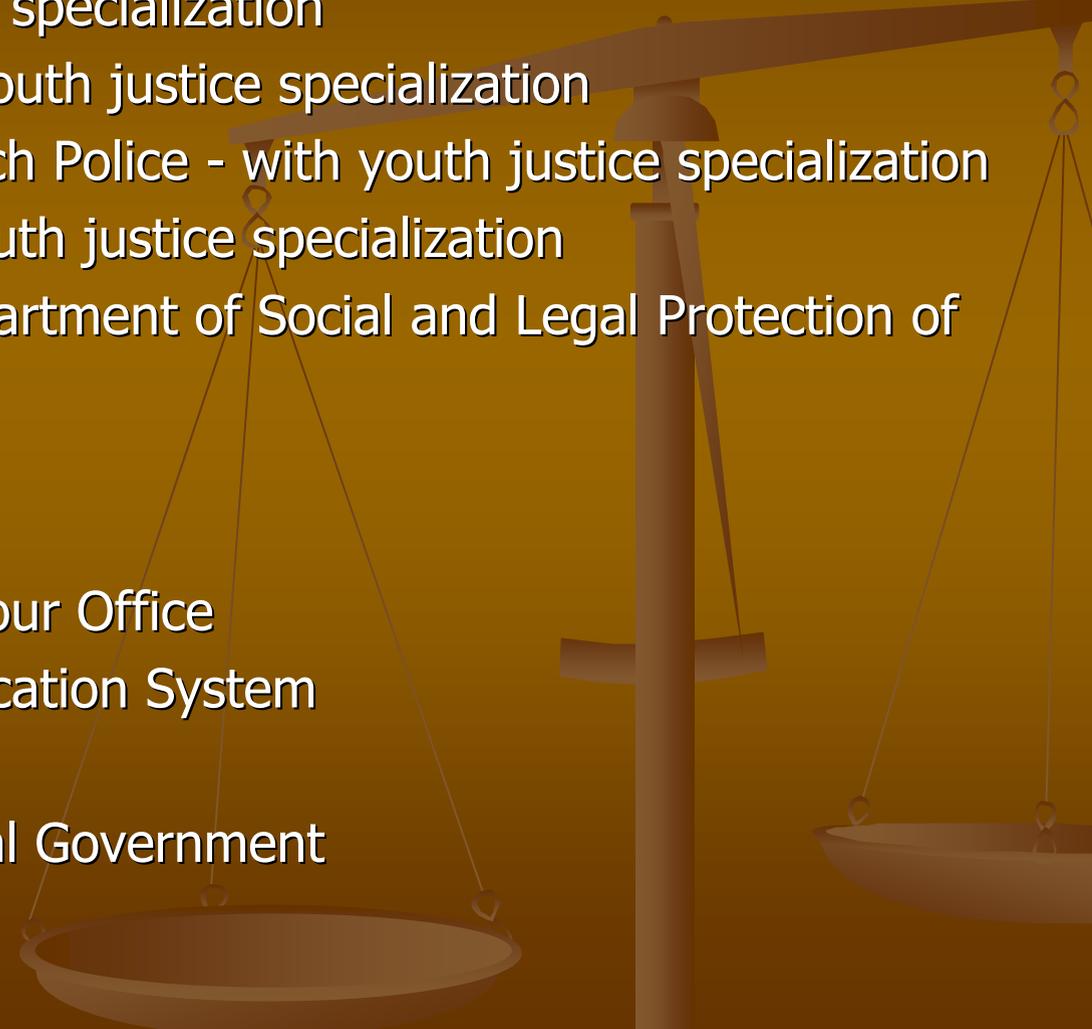


History of the work of Team in Mělník

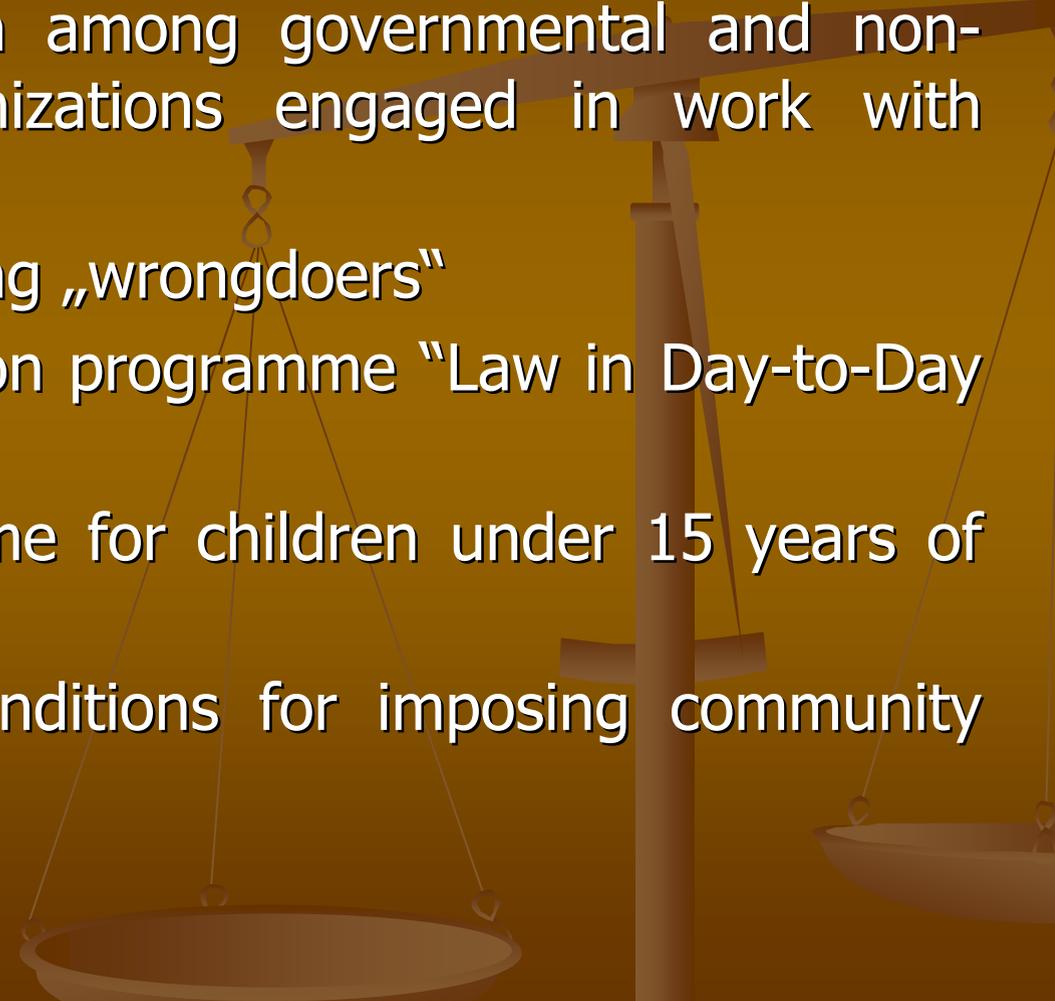
- April 2004 – Phare twinnig project (Interdepartmental strategic planning of decreasing of youth offending), creation of Team
- May to November 2004 – Team was working on preparation of Programme of the title Law for Day-to-Day use
- November 2004 – initiation of Programme (programme took time till April 2005)
- May 2005 – awarding pre-accreditation = programme could be provided as probation programme (this pre-accreditation was obtained for two years)
- July 2005 – acquisitioning of dotation from the fund of Ministry of Justice

November 2005 – second round of Programme is planned to be opened

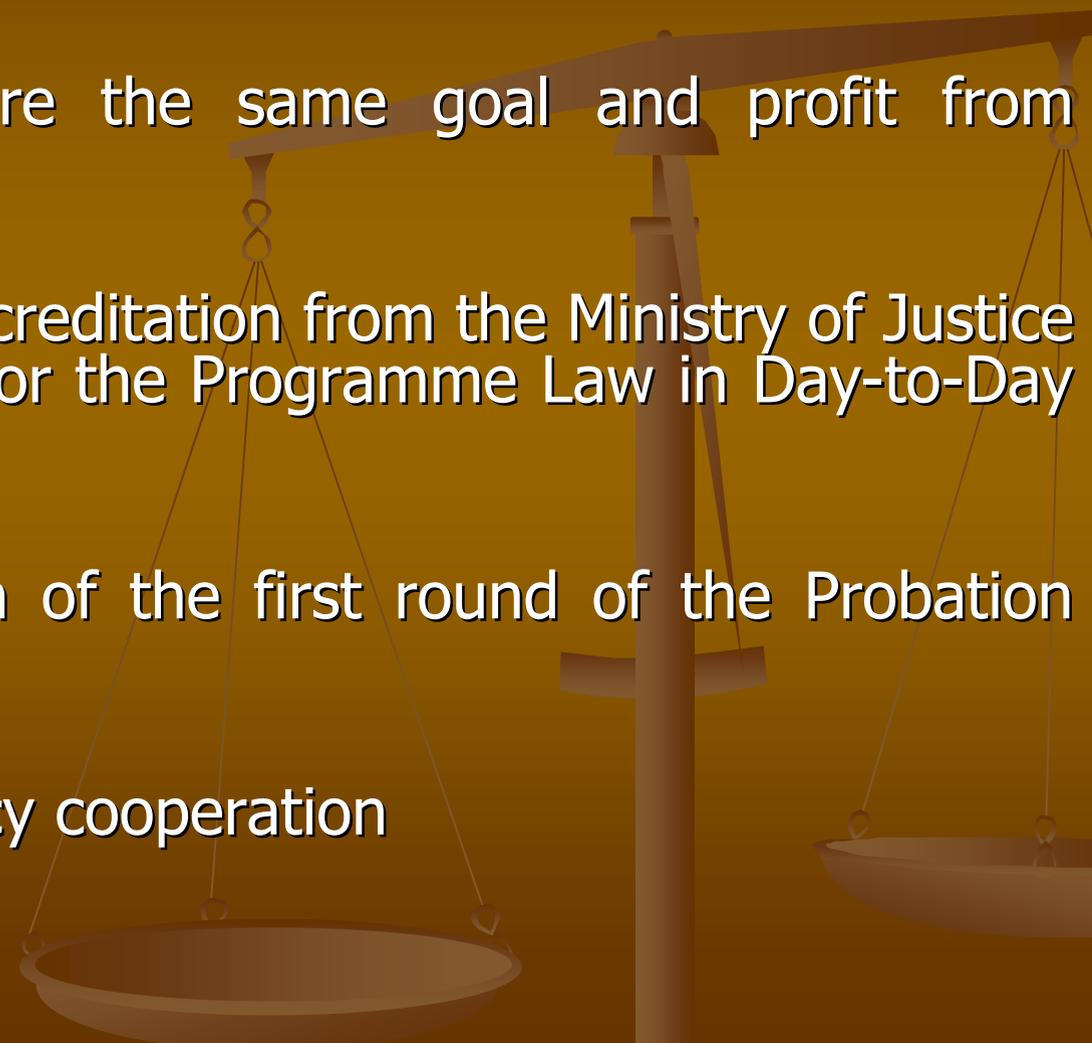
Team Structure

- Judge – with youth justice specialization
 - Public prosecutor – with youth justice specialization
 - Representative of the Czech Police - with youth justice specialization
 - Probation officer - with youth justice specialization
 - Representative of the Department of Social and Legal Protection of Children
 - Psychologist
 - Psychiatrist
 - Representative of the Labour Office
 - Representative of the Education System
 - Representative of an NGO
 - Representative of the Local Government
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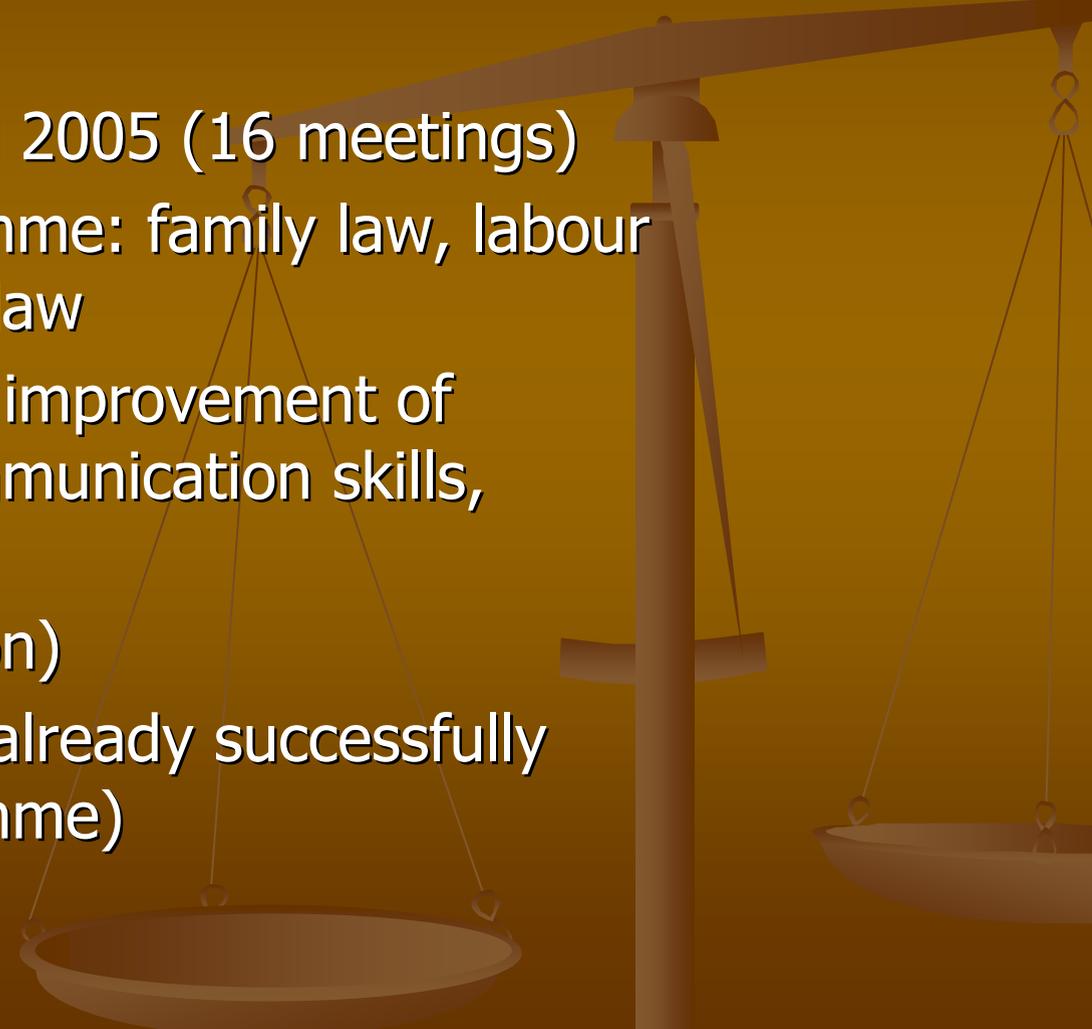
Short-term objectives

- Develop cooperation among governmental and non-governmental organizations engaged in work with youth
 - New chance for young „wrongdoers“
 - Develop the probation programme “Law in Day-to-Day Use“
 - Develop a programme for children under 15 years of age
 - Create adequate conditions for imposing community services
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Achievements

- We realized we share the same goal and profit from reciprocity
 - We obtained a pre-accreditation from the Ministry of Justice allowing us to apply for the Programme Law in Day-to-Day Use
 - Successful completion of the first round of the Probation programme
 - Enhanced multi-agency cooperation
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First round of the Programme

- November 2004 – April 2005 (16 meetings)
 - Content of the programme: family law, labour law, criminal law, civil law
 - Programme efficiency: improvement of knowledge of law, communication skills, performance
 - 5 lecturers (2 per lesson)
 - 8 participants (6 have already successfully completed the programme)
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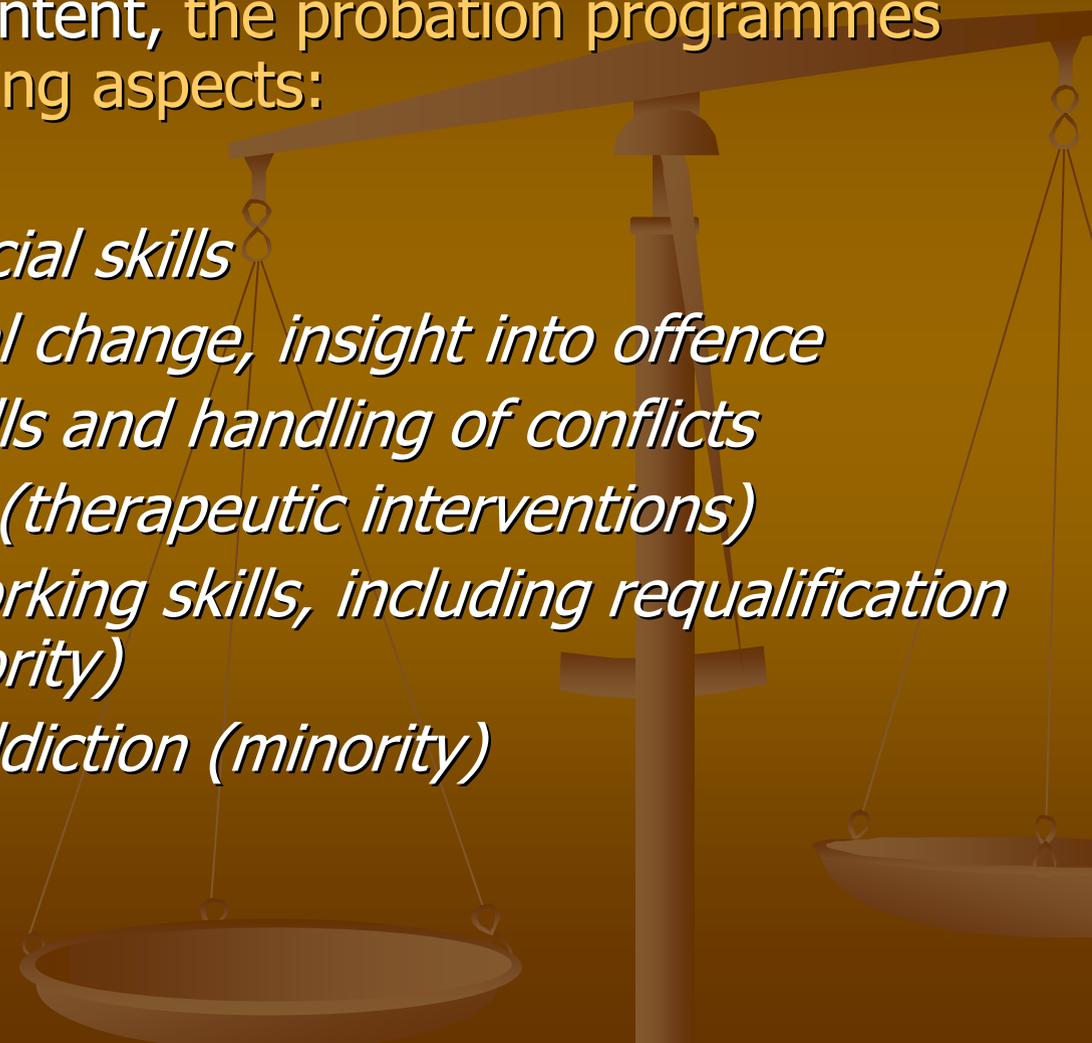
Implementation of Probation Programmes

- **Accreditation process** ensuring probation programmes' quality and efficiency
- **Subsidy system** ensuring allocation of funds for the implementation of probation programmes
- **Monitoring process** ensuring ongoing supervision and evaluation of relevance of each type of programme in the given region, primarily using data analysis (regional coordination teams in all the judiciary regions)

Current Probation Programmes in the Czech Republic

In terms of their content, the probation programmes focus on the following aspects:

- *Development of social skills*
- *Positive behavioural change, insight into offence*
- *Communication skills and handling of conflicts*
- *Personality growth (therapeutic interventions)*
- *Development of working skills, including requalification opportunities (minority)*
- *Addressing drug addiction (minority)*



PMS's Priorities in Relation to Efficient Solutions to Juvenile Delinquency

- Implementation of multidisciplinary solutions to juvenile delinquency
- Further development of accredited programmes
- Development of the family group conference method
- Strengthening of victim's position under the equality principle
- Development and implementation of necessary training programmes for PMS staff
- **Increase in PMS staff**

References:

- Howard Zehr, Little Book of Restorative Justice, published by the Association for Probation and Mediation in Justice, 2003
- Internal materials of the Czech Probation and Mediation Service
- Statistical data from the Czech Ministry of the Interior
- Documents of the Crime Prevention Department, Czech Ministry of the Interior, on a system approach to youth
- Documents pertaining to the 2002 Phare project Upgrading of Probation and Mediation Service
- Penal Guidelines (Unabridged version of 3 June 2004), Jiří Motloch – Sagit, 2004