



## **Effects of the Institute of Conditional Release on the Possibilities of Obtaining and Maintaining Employment after Leaving the Imprisonment**

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## Introduction

Persons released from imprisonment find themselves in an unfavourable social situation after returning from prison, which is characterized by their marginal position in society. There is their social exclusion concurrently at various levels, the possibilities of their participation in normal social functioning are significantly deteriorating or completely inaccessible to them, and thus also the possibilities of their reintegration into society. The possibility of their return to normal life is considerably hampered by a number of different obstacles and, as a result, the risk of recurrence of criminal conduct increases significantly (cf. e.g. Mertl, Bareš 2017, 2018; Tomášek et al. 2017).

It is for these reasons that the functioning of the post-penitentiary care system, or more generally after-care or services and programmes available or directly intended for persons released from prison, is a particularly important area of research. Some findings concerning this issue (such as the unavailability of services in certain regions, the effect of an entry in the Criminal Register on the possibility of obtaining employment, etc.) apply to virtually all released persons to the same extent. In many situations, however, it is necessary to reflect that persons released from imprisonment represent a heterogeneous group and persons representing this target group differ in a number of important respects.

One of the main circumstances that can have a significant impact on the situation of a released person in many different life situations is whether the person has been released on parole or after the end of the imprisonment ('firm release'). This is clearly shown by some previous experiences of the authors of this report from their previous research (Mertl, Bareš 2017, 2018). It is for these reasons that the 'Effects of the Institute of Conditional Release on the Possibilities of Obtaining and Maintaining Employment after Leaving the Imprisonment'<sup>1</sup> project was implemented, primarily focusing on the question **of what impact the specific circumstances and situations typical for persons conditionally released from imprisonment have on the situation of a released prisoner.**

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<sup>1</sup>The project was part of a broader research project of the League of Independent Trade Unions 'The Role of Collective Bargaining at a Time of Increasing Digitization of Work' implemented in 2020.

### **Probation as a tool of sanctions policy**

Although penal policy must constantly adapt to current social trends and new procedures or technologies are increasingly becoming a part of it, **probation or probation supervision** remains one of the most frequently used penal policy measures (Tomášek et al. 2019). The authors perceive the 'flexibility' of this measure as one of the most important reasons for the dominant position of probation in penal policy, because probation supervision (ibid., p. 9) 'can adapt to the individuality of each offender (or his criminogenic needs or risk factors)'. It is also possible during probation to take due account of the seriousness of the offense for which it was imposed. A crucial circumstance is the fact that the convict remains in the natural social environment or gets the opportunity to return to it before the end of the sentence.

The tradition and manner of applying probation measures naturally vary greatly in different countries (Tomášek et al. 2016). However, according to the authors of the study, this type of sanctions measures is characterized by the fact that these measures are associated with ensuring the supervision of the offender for a specified period of time and the postponement of imprisonment. Alternatively, by shortening the period of imprisonment, provided that he/she fulfils the conditions set by the judgment or arising from the law for a specified period of time, or will be subject to supervision of compliance with these conditions (i.e. above all, he/she will lead a proper and decent life; however, the specific form of this condition may have diverse forms). In this context, the authors state that 'the very term probation was derived from the nature of these measures - that is, in the sense of the "test" which the offender must pass' (ibid., p. 7).

From the above context, it is clear that probation has a wide range of applications and probation supervision can be used, on the one hand, as an alternative to criminal sanctions associated with imprisonment (with the continuing threat of turning the sentence into custodial sentence in case of not meeting the conditions of supervision during the 'probationary period'). On the other hand, it can serve to alleviate the already imposed imprisonment to facilitate the return of some offenders sentenced to custodial sentences, for whom this measure could contribute to their return to society and reduce the risk of further criminal activity. Although both of these cases are characterized by both a certain motivating element and the presence of the threat of (re-)conversion of a suspended sentence into a custodial sentence, it is clear

that despite the same mechanism of action on the offender, probation supervision will have a different course in many respects in persons sentenced to suspended sentences and in persons conditionally released from imprisonment.

However, before this text focuses more closely on the characteristics of the institute of supervision of convicts in the Czech Republic and the characteristics of the institute of conditional release from imprisonment, it is necessary to pay attention to some more general issues related to probation and probation supervision and some important issues discussed in this context mainly in foreign professional literature.

### **Theoretical knowledge about the application of probation in practice and the main principles of research**

The probation service and the amount of its activities, as well as the approach with which its members should perform their work, is the subject of a relatively lively debate. The debate is framed mainly by findings from the Scottish Probation Service, which is a kind of flagship of the issue. One of the key issues is the very anchoring of the activities of officers and their approach to persons they work with. **Two basic directions or trends** crystallized in the past decades: (1) probation as social work and collaboration with clients; and (2) probation as a form and extension of sentence in the form of client responsabilization and supervision.

The existence of these two fundamentally ambivalent approaches reflects the already initial goals of probation, which, due to its nature, includes both of these aspects and is characterized by connecting both of these goals. The distinction made thus essentially reflects the degree of emphasis on one aspect or another. However, it is definitely not an artificial distinction, because the polarity between the two approaches, each emphasizing a different aspect of probation, is well documented in foreign and domestic professional literature (see a separate chapter for a reflection on this issue in the domestic professional literature).

At first glance, it is clear that in the first case, there is a cooperation with persons in the probation programme with regard to the reduction of power disproportion and the joint stabilization of life situation. While in the latter case, the disproportion of power is clearly visible and confirmed, with the person in the programme only being checked for violations of the rules and expected to stabilize his/her life on his/her own. An important difference in the two approaches, as Burnett and McNeill (2005) pointed out, are relationships and their deepening, with the emphasis on the relationships in the

first case, and with any relationships kept at the level of control and (possible) repression in the second case.

Discussions about these two approaches take place against the background of a more general phenomenon, namely the **massification** of the number of persons to whom a certain form of probation is applied. According to Fergus McNeill (2019), this problem is particularly acute in the United States, where approximately 6.7 million persons were subject to some form of penal control in 2015, of which approximately 4.6 million were subject to probation control outside prison. As a result, the number of persons subject to some form of probation is more than double the number of prisoners in the United States. If we look at the index of persons in probation, per 100,000 inhabitants (the United States had about 320.7 million inhabitants in 2015), then this index is 1,434, which means that statistically 1,434 out of 100,000 inhabitants are in probation. These numbers are much more favourable in Europe, but they still represent a relatively large mass of persons with whom the system has to work. According to European Commission statistics (Aebi, Hashimoto 2020), the average index in Europe in 2019 was 216.7 and the median 166.4. The Czech Republic has an index of 225, which is not only above the European standard, but it means in practice that there were 21,048 persons in prison at the end of 2019 (VS ČR 2020) and there were 27,589<sup>2</sup> cases registered by the Probation and Mediation Service of the Czech Republic (PMS) in the same year (the number includes all forms of probation and adult and minor cases). Thus, there were a total of 48,637 persons in some form of penal control. In this context, it must be said that massification, which is characterized by a situation where twice as many (or possibly more) persons as prisoners are subject to probation supervision, rather favours the implementation and use of the second approach, as there is simply no capacity for social work given the large number of supervised persons on the one hand and the limited number of probation staff on the other. The relationship between the number of persons with whom probation officers work and the preference for a more formal contact with the client and an emphasis on the control task instead of more intensive work with the client and his/her support were documented in the Czech environment (Scheinost et al. 2014; Tomášek et al. 2016, 2019 - see more below).

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<sup>2</sup> See [https://www.pmscr.cz/download/010119\\_311219\\_Statistika\\_PMS\\_pro\\_www.pdf](https://www.pmscr.cz/download/010119_311219_Statistika_PMS_pro_www.pdf)

A general problem identified with probation is the fact that it is an **activity that can potentially be very limiting for the released person**, especially in terms of balancing visits at the probation officer's and other activities (employment and attending other, such as drug, programmes, etc.) (King 2014). This problem is all the more pronounced because it often occurs in the period immediately following release, as the released person has a duty to report more often while dealing with a number of personal problems. For example, one of the goals set by the probation officer is to find and keep a job, but it may be unacceptable for a potential employer to release the person to regular meetings with the probation staff (Werth 2012). It was also identified as a problem in the Czech Republic (Tomášek et al. 2017). Furthermore, the probation meeting may conflict with some other important meetings (interview in a potential new job or home tour, etc.) and then it depends on the given officer and his/her willingness to change the given date of the meeting.

Changing the meeting and schedule can be problematic due to the high **workload of PMS staff**, who do not have the opportunity to change the date of the meeting, even if they want to. This can also be a problem in the Czech Republic, where in this respect there are 77 persons per probation officer. In a study published in 2016 by the Institute of Criminology and Social Prevention (IKSP), the average number of clients per probation officer was compared to what they would perceive as the maximum number of clients they should work with to prevent their overload and its negative effects on the effectiveness of probation. Jan Tomášek, Simona Diblíková and Miroslav Scheinost (2016) pointed out that probation officers interviewed in the research perceived too large a number of solved cases as a significant obstacle to more effective probation. At the time of the research, according to the authors, there were about 75 clients per employee on average, but the maximum number of clients per employee should not exceed 53 according to the ideas of their informants (this figure represented the average value of all data provided by informants from this research). It is also necessary to realize that probation officers in the Czech Republic do not only have meetings with conditionally released persons in their job descriptions, but also establish cooperation with persons in prison, communicate with courts and are burdened with administration.

Probation can, as some researchers pointed out (McNeill 2019; Werth 2012), give **mixed signals** to the supervised person. On the one hand, persons are expected to be self-sufficient, strong-willed and independent in dealing with all the obstacles that

arose after their release, but on the other hand, the persons are not entirely trusted that they are really able to act on their own. In this regard, Robert Werth (2012) pointed to the extreme and paradoxical cases he encountered during his research, where some informants had to break the rules of probation in order to meet the above-mentioned expectations and to satisfy the probation staff. However, the problem of mixed signals is often more related to approaching probation as a form and extension of the sentence, in which there is a clear power disparity between the probation officer and the released person. In this approach, the expectations mentioned are strong and, conversely, the level of cooperation is very weak. This is also illustrated by the statements of the convicted person with probation supervision recorded in the IKSP research (Tomášek et al. 2019, p. 42), who in his comparison of two probation officers' approaches perceived the first approach as purely authoritative, when the officer emphasized exclusively the control role of supervision and the element of mutual cooperation between the client and the probation officer was absent: 'The one I had before was just waiting to do anything to get me back to prison...' The approach of this officer was subsequently confronted by the same informant with the approach of the current probation officer, whose approach, on the contrary, he characterized as both normal and supportive: 'Well, normal, she helps, not like that one...'<sup>3</sup>

### ***Probation as a social work***

If we take a closer look at the first approach, it is based on a sufficiently **confidential relationship** between probation officers to strengthen the self-confidence and social skills of those enrolled in the programme. Various obstacles to a successful return to society can be better and more effectively addressed through mutual trust and sufficient self-confidence and self-assurance (Barry 2007; King 2014). The approach includes **targeted motivation** of persons through the technique of motivational conversation and their psychological and practical support, not control and repression (Burnett, McNeill 2005; Porporino, Fabiano 2007; Vanstone 2007). In research (Barry

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<sup>3</sup> More similarly favourable evaluations of the approach of probation officers were noted in the cited research. However, it should be noted that the informants in this research were contacted through the PMS. The authors of this study therefore point out that this circumstance is a factor that could have been significantly affected by the selection of informants. When contacting informants in this way, the circle of PMS centres probably narrowed down to branches that have better conditions for building a confidential relationship between the probation officer and the client, while their clients are more generally motivated to cooperate with the PMS. It can therefore be assumed that clients of these centres were more often willing to participate in the research.

2007; King 2014), probation officers and the released persons themselves stated that the approach that works best is, first of all, to listen to discussions of the problems that the released persons have to face. The probationers themselves subsequently stated that listening, open and supportive probation staff was one of the key factors in their successful return/reentry into society. Similarly, a positive evaluation of the approach based on trust between the client and the employee was captured in the Czech environment in suspended sentence (Tomášek et al. 2019). Related to this, as some researchers pointed out (Burnett, McNeill 2005; McNeill 2006), is the recognition of certain structural conditions in which the released person must operate, which sometimes determine their room to manoeuvre. For example, if there is not locally available (social) housing, it can be expected that the released person is probably not able to obtain housing on their own and it is necessary to cooperate further in this situation. However, open, empathetic and assisting work with released persons naturally places great demands on probation officers, as they need to have at least the basic prerequisites to perform social work, or also to undergo some training to improve their skills in this sense. It also places great demands on the coordination of activities - probation officers cannot specialize in the full range of the most common problems, so they have to use other entities, such as non-profit ones (McGuire 2007).

Another factor that is proving to be important is **assistance in solving problems** and, in the case of younger and underage persons, offering various activities to fill leisure time and prevent boredom, which adolescents quite often face due to poor social networks and weak social skills (Barry 2007). In general, probation as a social work is also associated with standardized programmes that are targeted at specific problems that released persons face or may face. James McGuire (2007) pointed out that these programmes are, according to available evaluation analyses, successful and help reduce the percentage of persons returning to prison as a result of violations of probation conditions.

An important part of probation as a social work is the **individual distinction** between individual released persons and their specific needs. The general approach (often referred to as 'one size fits all') is generally more demotivating, forcing released persons to engage in activities they do not see meaningful (Barry 2007; Burnett, McNeill 2005). This can jeopardize and disrupt cooperation and negatively affect return/reentry into society. As Frank Porporino and Elisabeth Fabiano (2007) pointed out, motivation and the effort to motivate the released person are also crucial in this

regard. However, good timing of help is also important, as well as targeting the problem that the released person must perceive as important and working with the person to be able to identify the problems that are bothering him/her and want to solve them. Otherwise, there is again a risk that the released person will perceive the activity as unnecessary and will not cooperate on it. It was confirmed by numerous researches (Barry 2007; McNeill 2019; Werth 2012). According to McNeill (2019), this mismatch between a person's needs and the activities he/she must perform may escalate to a situation where probation supervision is downright harmful (McNeill refers to such supervision as a *malopticon*). The released persons then perceive supervision purely instrumentally and perform the tasks and activities required (see also Werth 2012), but they do not trust cooperation and perceive themselves as just another set of risks for probation staff to manage so as it does not 'fail'. On the other hand, Sam King (2014) met many informants in her research who perceived a well-chosen therapeutic/counselling programme or activity positively and were able to identify the benefits and skills they gained.

It is therefore evident that **probation supervision in this sense potentially offers a relatively robust tool to provide key support to person after their release and to help them successfully return to society.**

### ***Probation as a form and extension of sentence***

The second approach was largely affected by the social processes taking place since the 1980s in the neoliberal revolution (Aligică, Evans 2009; Hall 2011; Mertl 2017; Robinson 2006), when a managerial approach began to get to various social spheres and institutions where there used to be a different culture (this process is generally called **New Public Management** - NPM), which also affected the probation service (Garrett 2016). In the case of the probation service, NPM typically formalises meetings of officers and released persons, the interaction is based on a strongly reproduced power disproportion, and meetings are planned in advance and have a clear (and often short) time allocation. Other accompanying phenomena were the transformation of the administrative apparatus of the state, when the helping institutions began to slim down and, on the contrary, there was the strengthening of repressive institutions, and the **application of responsabilization**. It meant a fundamental change for the probation service, as all service and activity began to be seen as a form and extension of sentence that, through supervision, was to force persons to be responsible and make

every effort to stabilize their lives. This transfer of responsibility for return/reentry into society, rehabilitation and mitigation of risk behaviour to the released persons themselves is called responsabilization (for more, see King 2014; Stevens 2013; Mertl 2020 - in Czech).

In addition to responsabilization, another characteristic element of this approach is the **outsourcing of services and assistance offered**. It is perfectly understandable, as probation officers do not have the appropriate competences in such a setting of the probation service to deal with various traumas or drug abuse issues, so it is better for the released persons to contact the facilities or entities dealing with such issue. However, the problem arises when it is a routine matter, such as housing or employment. In King's research (2014), informants perceived it negatively if the probation officer referred them to another entity that should help with the mediation of housing and employment. As many researches showed (for example, Haney 2012; Martin 2018; Schinkel 2014; in Czech - Mertl 2020; Mertl, Bareš 2017, 2018; Tomášek et al. 2017), the released persons face psychological difficulties caused by the effect of imprisonment immediately after their release. These difficulties usually include anxiety, fear, stigma, spatial and social disorientation, and sometimes even depression. Thus, released persons are often concerned about visiting various authorities and institutions, because they are simply not used to a similar type of interaction and are afraid that they will be stigmatized due to their criminal history. It is advantageous for probation officers in this respect to know the person (at least from the file), so that such anxiety is alleviated. For example, in outsourcing at the employment office, anxiety is often maximized because the released person has to discuss his/her criminal history with a completely unknown person who, moreover, does not automatically expect the applicant to have a criminal history (unlike e.g. a non-profit entity specializing in released persons). In addition, employment offices and similar 'general' institutions are also often unprepared (and their staff are not trained in this regard) to contact people with criminal history, which can lead to further anxiety and conflict situations. Another problem is the fact that outsourcing takes place in the form of simply handing over contacts, with the released person having to contact the entity, which only increases anxiety, the possibility of a mental block and failure to make contact. It should be noted that probation officers are largely dependent in this respect on the structural conditions of the social system in which they operate. If there is no possibility in a given system to offer social housing or a job in a social enterprise,

it is understandable that the officer has little choice but to refer to someone else. On the other hand, as Maurice Vanstone (2007) pointed out, it should be common for a certain type of advocacy activity to take place. For example, in the form of helping the released person with contact (introducing the released person and outlining his/her past) or accompanying the released person to institutions and gradually leading them to greater self-confidence and independence (thus returning to the above-mentioned probation as a social work).

As McNeill (2019) pointed out, this approach has **a negative effect on the interaction** between probation officers and released persons, who do not perceive it as cooperation but as waiting for them to fail and return to prison. McNeill's informants described their meetings with probation officers as a depersonalized completion of a pre-prepared universal questionnaire stating the basic risk factors (non/existence of stable housing, employment, etc.). The statement of a released person who lost his/her job was particularly illustrative, but the probation officer did not care at all how the person felt about the situation and whether he/she needed help. Instead, the officer was busy figuring out when other factors would go wrong and the person would fail, which was demotivating for the person. This was also reflected in the research carried out by IKSP, where PMS clients who were in contact with probation officers who strongly emphasized the control and fulfilment of formal supervisory criteria evaluated the cooperation and these probation officers more critically. This experience led them to a greater distance from cooperation with the PMS, and probation was more often associated with the formal fulfilment of imposed duties (Tomášek et al. 2019).

According to Werth (2012), the described **demotivation in persons subject to probation supervision** can only provoke resignation, in which persons perceive that they must be servile and say what they perceive that the probation officer wants to hear and that they should not expect any help. According to Porporin and Fabian (2007), this situation is typical because, as a result of demotivation, the persons see no sense in interacting with the probation officer and do not believe the officer can help them, while perceiving an alternative to returning to prison for violating formal rules as unacceptable to them. The deterrence and unacceptability of returning to prison can naturally also be seen as the desired effect of approach to probation as an extended sentence (pragmatically, the person tries to follow the rules and stay out of prison). However, with reference to the above-mentioned research on a range of difficulties and problems that released persons have to overcome upon return/reentry into society,

a successful return in this case seems to be more of a coincidence or a strong will and conviction of the person. Success is therefore determined by chance, not by a sophisticated system.

Thus, compared to the previous one, **this approach cannot be expected to have the potential to support released persons and facilitate their return/reentry into society.** On the contrary, it may contribute to the demotivation of released persons in some situations.

### **Probation and conditional release from imprisonment in the Czech Republic**

**Probation supervision**<sup>4</sup> has been a part of the law of the Czech Republic since 1998, when the Criminal Code introduced (after the entry into force of Act No 253/1997 Coll., amending the Criminal Code) the regulation of conditional waiver of punishment with supervision and the regulation of suspended sentence with supervision. Prior to this date, supervision was imposed by the courts in the case of reasonable obligations and restrictions. Naturally, the establishment of the Probation and Mediation Service (Act No 257/2000 Coll., on Probation and Mediation Service), which began operating in the Czech Republic in 2001, was crucial for the development of probation in the Czech Republic (Tomášek et al. 2016).

As already mentioned in the general characteristics of probation, **probation supervision can be applied** in several different situations. This is also the case in the Czech legal system, according to which probation supervision may be imposed on an offender in the following cases:

- when substituting custody by supervision pursuant to the provisions of Section 73 (3) of Act No 41/1961 Coll., on criminal procedure (hereinafter referred to as the 'Code of Criminal Procedure'),
- in case of conditional waiver of punishment with supervision according to the provisions of Section 26 (4) of Act No 40/2009, the Criminal Code (hereinafter referred to as the 'Criminal Code'),

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<sup>4</sup> The term 'supervision' is exclusively used in the legal system, but in this text the terms 'supervision' and 'probation supervision' are used interchangeably. In some cases, the term probation is used in a similar sense, but it is usually used in this text as a more general category to refer to the relevant institute, procedures and techniques of supervision, a conceptual basis for probation, etc.

- in case of suspended sentence according to the provisions of Section 59(2), the provisions of Section 60 (1c) and the provisions of Section 60a (3) of the Criminal Code,
- in the case of conditional abandoning of prosecution pursuant to the provisions of Section 307 4 of the Code of Criminal Procedure,
- for the punishment of community service according to the provisions of Section 45a 1 of the Criminal Code,
- in the case of conditional release from imprisonment according to the provisions of Section 331 (5) of the Code of Criminal Procedure, and
- upon release from protective treatment according to the provisions of Section 99 (6) of the Criminal Code.

It follows from the above context that a conditional release from imprisonment pursuant to Section 331 may be decided even without imposing probation supervision pursuant to paragraph 5 of this provision. At the same time, even before probation supervision was enshrined in the law, the legislation also enshrined the possibility of using the institution of conditional release (which could possibly be accompanied by the imposition of reasonable obligations and restrictions by the court, as discussed above). Therefore, on the one hand, conditional release from imprisonment with supervision, which we focused on in our research, should be seen as only one of the areas for the application of probation supervision, on the other hand, it is necessary to reflect that supervision is provided only to certain parts of persons who were conditionally released from imprisonment (for more see below).

As already mentioned, the specific form and manner of ensuring probation supervision should depend to a large extent on the individual characteristics of the offender and the nature of the crime committed. However, the general **definition of probation supervision in the Czech legal system** is uniform regardless of the situation in which supervision of the offender is applied, i.e., the definition of this institute in the legal system is the same regardless of whether supervision is imposed on a person sentenced to a suspended sentence of imprisonment or on a person conditionally released from imprisonment. The Czech legal system defines supervision (in the provision of Section 49 1 of the Criminal Code) as ‘a regular personal contact of an offender with an officer of the Probation and Mediation Service, cooperation in creation and realization of the probation supervision programme during the

probationary period and monitoring of compliance with the conditions imposed upon the offender by a court or implied by the Law’.

According to Tomášek, Diblíková and Scheinost (2016, p. 19), supervision is ‘only one part of the concept of probation in a broader sense’. The authors further add that this concept of probation in a broader sense is defined in Section 2 (1) of Act No 257/2000 Coll., on Probation and Mediation Service, according to which probation ‘means a set of professional activities and services aimed at ensuring the enforcement of certain decisions of the court and public prosecutor, which includes, inter alia, supervision over the offender, the charged or the convicted person’.

The just mentioned distinction between a narrower and a broader concept of probation was important in the processing of this study, when the research carried out focused on both probation supervision itself, or its reflection by interviewed informants, and cooperation between the activities of a probation officer and other organizations or institutions operating in the field of post-penitentiary care, or the reflection of the role of representatives of various institutions of post-penitentiary care by offenders (for more see below)

In addition to these general definitions of probation and supervision, the legislation also includes special provisions concerning, for example, protective treatment or juvenile justice. It is therefore clear that the institute of probation has a wide field of application in the Czech environment and the relevant legislation is linked to a number of other penal measures. However, as already mentioned, the subject of interest of this study is only probation supervision of persons released from imprisonment. The study will not address the other mentioned areas in which probation is applied.

On the contrary, for the purposes of this study, it is necessary to briefly introduce the institute of conditional release, describe its main objectives and important features and provide more detailed information on the number and share of persons who were conditionally released from imprisonment and placed under probation supervision. According to Jan Rozum, Lucie Jarkovská and Petr Kotulan (2004, p. 14), the **essence of conditional release from imprisonment** lies in the fact that

that the convicted person is released early and that the execution of the remainder of his sentence is conditionally forgiven, provided that he does well within a certain probationary period determined by the court. Doing well results in assuming that the entire sentence was carried out on the day on which the convicted person was

conditionally released, and there is a fiction in the case of juveniles that they are seen as if they had not been convicted.

The authors (ibid., p. 14) also point out a number of circumstances that are characteristic of the institute of conditional release. Among other things, it can be understood as a manifestation of 'the application of the principle of gradual relaxation of the regime of convicts according to the degree of their correction'. According to the authors, the possibility of conditional release (ibid., p. 9) 'positively affects the atmosphere in a prison, gives prisoners the prospect of release, stimulates prisoners to positive activities, paralyzes some negative effects of imprisonment'. The fact that conditional release allows 'to influence the process of a prisoner's return to society' (ibid., p. 9) after release is crucial for our research. In addition to this key ambition or goal, the fact that a suspended sentence should be 'above all a means of avoiding the harmful effects of imprisonment on offenders who deserve so thanks to their previous good character and for whom any special resocialization action is not necessary' (Rozum et al. 2000, p. 8).

The current law of this institute in the Czech Republic allows both conditional release from imprisonment with supervision and conditional release from imprisonment without supervision. The possibility of **conditional release without probation supervision** is an already established institute of criminal law - as stated by Rozum, Kotulan and Vůjtěch (2000, p. 8), this institute was introduced in the Czechoslovak Republic in 1919. The authors further characterize this 'traditional' institute as follows:

It can be said that in a suspended sentence, the convicted person is more or less left to himself. If he does not commit a crime during the probationary period, the court is not interested in how he behaves during the probationary period. Even court-imposed bans on certain behaviour or orders to act in a certain way are rather formal in nature, and it remains decisive whether the conditionally convicted person is not convicted of a criminal offense again. Thus, intimidation, the threat of serving a suspended sentence in the event that the convicted person is convicted again, remains the main tool for affecting the convicted person in order to prevent recidivism.

The possibility of **conditional release with supervision** was introduced into the Czech legal system by an amendment to the Criminal Code No 265/2001 Coll. Rozum, Jarkovská and Kotulan (2004, p. 16) add the following to the introduction of this amendment to the Criminal Code:

This new institute - conditional release from imprisonment with supervision - considerably expands the circle of potential applicants, applicants for conditional release, and at the same time expands the possibilities of probation work, which will consist not only in controlling reasonable restrictions and obligations imposed by the court and in supervision, but also in the actual selection of suitable applicants recommended by the court for release.

The Monthly Statistical Reports of the Prison Service of the Czech Republic<sup>5</sup> show that there were 1,961 applications for conditional release with supervision and 1,119 applications for conditional release without supervision out of the total number of 3,080 approved applications for conditional release from imprisonment in 2019<sup>6</sup>. **The share of applications for conditional release with supervision was 64% in 2019.** The share ranged from 59 to 68% in each month of 2019. **A total of 1,611 applications for conditional release were approved in the first six months of 2020, of which 1,072 applications for conditional release with supervision (67%)** and 539 applications for conditional release without supervision. The share of applications for conditional release with supervision in the first half of 2020 ranged from 60 to 71%. It is thus clear from these data that the persons who were placed on probation supervision conditionally predominate among the persons released from imprisonment.

### **Probation and conditional release from imprisonment with supervision as a subject of research**

The research of probation supervision in the Czech Republic includes **studies approaching probation more generally** and generally devoted to the possibilities of its application, or capturing various broader contexts and looking at this topic from a specific perspective (such as the effectiveness of criminal measures) or from a perspective of a selected group of respondents, etc. (Rozum et al. 2000, Scheinost et al. 2014, Tomášek et al. 2016, 2019). In addition to these studies, there are also

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<sup>5</sup> See <https://www.vscr.cz/informacni-servis/statistiky/>

<sup>6</sup>This figure differs only minimally from the total number of persons who were conditionally released in 2019 (3077 persons); the reason for this difference is clearly the different date of approval of the application and the date of leaving imprisonment by all persons with the application approved. The data on the number of persons conditionally released from imprisonment could not be used in this comparison, because the Statistical Yearbook of the Prison Service of the Czech Republic does not state the numbers of persons who were released in this way with or without supervision. It is for these reasons that the data on the number of approved applications for conditional release from imprisonment from the Monthly Statistical Reports, in which this information is given, were used for comparison.

**studies with a specific focus on a certain area of probation**, such as the application of probation to juvenile offenders (Rozum et al. 2011). Attention was also paid to the topic of conditional release from imprisonment within the research focused specifically on a certain area of probation (Rozum et al 2004).

In the first part of this chapter, selected findings concerning probation in general will be presented, which were also important for our research, i.e. they concerned the distinction between the two approaches to probation supervision outlined above. Regarding the research concerning probation with other specific targeting, attention will be paid exclusively to research focused on the connection between probation supervision and the institutes of suspended sentence or conditional release. The other two parts of this chapter will focus on these issues, the first of which will focus on the specification of the focus and main parameters of our research among conditionally released persons and the second will focus on the main parameters of IKSP research conducted among persons in suspended sentence, summarizing the key findings about these people that emerged from this research. In the last part of this chapter, other selected findings on probation supervision in the Czech Republic, which are also relevant for our research, will be presented.

### ***Reflections on current knowledge about the role of probation in the penal policy of the Czech Republic***

**As in the case of foreign professional discussion, a distinction between the two approaches to probation supervision described above can be observed in research conducted in the Czech environment.** The different perception of the corresponding emphasis on each of the two mentioned aspects is naturally not just a matter of different professional or political starting points of persons dealing specifically with probation in practice and theory, as pointed out in one of the previous chapters. Naturally, the preferences of these goals also differ according to the professional background, or the overall post held by various participants in penal policy and public debate on this issue (cf. Scheinost et al. 2014; Tomášek et al. 2019).

In this respect, the different nature of the views of the two important groups of participants is worth noting. The first group is directly concerned with the actual execution of decisions on probation supervision, i.e., convicted persons and probation officers on the same side (for more on this, see Tomášek et al. 2016, 2019). The second group expresses its opinion on the issue of probation supervision from a different position, either due to its expertise (cf. Scheinost et al. 2014) or even 'only'

from the position of a participant in a public debate (cf. Tomášek et al. 2019). These two groups of participants are internally disparate and it is not possible to discuss them together in many respects. However, although they certainly cannot be perceived uniformly in general, a certain way of perceiving probation supervision is common for the participants belonging to each of the two groups, which is also considerably different between the two groups. For these reasons, the 'two groups of participants' mentioned above will be discussed below, although the general use of this distinction in other contexts would already lead to inaccurate or even misleading conclusions.

**The view of probation supervision is more complex for primary participants (i.e., convicted persons and probation officers),** as it is based on one's own direct experience with probation, and this experience is non-transferable and unique and not one-off, but on the contrary it lasts for a period of several years (significantly in many regards and in many life situations) in convicted persons. It also represents continuous work for probation officers, which can take place throughout the duration of their probation supervision with some clients (i.e., they also often have many years of experience with many people). The attitudes of convicted convicts on this issue are based on their own specific individual experience with probation supervision and probation officer(s). For probation officers, their subjectivity reflects the sum of individual experiences from previous practice and other factors, especially contact with colleagues, expertise acquired through study, participation in various training courses, professional meetings, etc. (cf. Tomášek et al. 2016). Therefore, a much more sophisticated ability to distinguish and analyse various aspects related to probation supervision can be observed in the case of primary participants compared to the second group of participants. Thus, the released persons under supervision and probation officers reflect the topic of probation in more layers. They are able to approach it very comprehensively, while focusing more significantly on specific or typical situations and contexts, or their view of probation is far more significantly based on the reflection of such specific or typical situations and contexts. Due to such an insight into the topic of probation, the distinction between the approaches to probation described above is not so strong for this group of probation supervision participants. Even in the case of this view, based on more in-depth knowledge and orientation in various specific or typical situations and contexts, it is naturally possible to observe opinions that more strongly emphasize either the control role of probation or the high intensity of work with the clients and their support on return into society. It was thus

possible even for this group of participants to record statements indicating a preference for the control role of probation supervision. However, research shows that these views are expressed quite marginally not only by the released persons (which may not be surprising), but also by probation officers. An approach in which a relationship of mutual trust is established between the client and the probation officer is considered to be a much more beneficial approach by both the supervised released persons and probation officers (cf. Scheinost et al. 2014, Tomášek et al. 2016, 2019).

**In contrast, it was easier to identify statements on the subject with the distinction between control and support roles of probation, or the inclination of the interviewee to one of these more polarized positions, being sufficiently noticeable in the participants who commented on probation from professional positions other than probation officers, such as judges, prosecutors** (Scheinost et al. 2014). Judges and public prosecutors naturally have a lot of personal experience in relation to the topic of probation supervision, and a realistic and sufficiently 'plastic' approach can be assumed from them also due to their professional background. On the other hand, probation supervision is not, from their point of view, due to their different expertise, as central a topic for them as for probation officers and persons under supervision. Therefore, it is definitely not possible to assume such a high degree of reflexivity and construction of the view based on specific and typical situations or contexts, as was the case with the first group of participants. On the contrary, it can be considered common for them to place the topic of probation in other important contexts of penal policy.

**A less comprehensive approach to the issue of probation supervision in comparison with all the above-mentioned participants can be observed in the case of reflection on probation by the general public and within the media discourse on this topic** (Tomášek et al. 2019). The second group of participants distinguished here (i.e., participants without a direct relation to the topic of probation) is therefore internally differentiated and the approach of other professionals to the topic of probation differs significantly from the approach of the public. Nevertheless, it is clear that the participants representing it are more likely to see a stronger **emphasis on the control role of probation supervision** in some of their statements compared to probation officers and convicted persons under supervision.

### ***Objectives of the implemented research and its comparison with the existing research***

The aim of our research was to determine whether conditional release is a significant factor in returning to or reentering society and increases the success of this process. This objective is the result of our previous research and experience, which pointed to a number of obstacles that prevent released people from returning to their normal life. These obstacles include especially material deprivation (and difficulties in finding a job), a problematic housing situation, space-time shock, disrupted or absent social networks and ties and a broken tie with the family. Research showed that it would be difficult for the released persons to cope with these barriers and there would be a risk of them not being able to manage their position and relapse into crime without on-the-spot assistance, intensive in the first months after release, and other measures (especially sufficient capacity and availability of social services and housing and employment) (for more see Bareš, Mertl 2016; Mertl, Bareš 2017, 2018). **Conditional release is an instrument which, in certain circumstances, could, by its very nature, help with the said assistance and which is at the same time already systematically enshrined in a certain way. That is why we focused on it.**

We focused on the **released persons and their experience with conditional release in the research** (due to the limited time we had for implementation, and we did not expect coronavirus and the specific situation that occurred at that time). As a method of data creation, we chose semi-structured interviews with an emphasis on narrative with released persons, **who either had previous experience with conditional release** (i.e. the probationary period of such person had ended and the person behaved well during it, the person's sentence was changed to custodial sentence due to not fulfilling the conditions of supervision and this sentence had already been served in full, or it was a person released from prison conditionally under one of his/her previous sentences), **or who were in the probationary period at the time of implementation**. During the interviews, we asked them about their (1) current situation (how they are, what problems they may have to deal with, etc.), (2) their criminal history, (3) their experience of imprisonment and (4) their preparation for conditional release, their experience with supervision and cooperation with the Probation and Mediation Service and other institutions or organizations dedicated to post-penitentiary care.

Given that our interest was to gain a reflection on the experience with supervision and cooperation with the PMS, we focused on **persons conditionally released from imprisonment who were placed under supervision**.

**A research with such a focus has not been carried out in the Czech environment yet** (only a partial probe into this topic mentioned in the last part of this chapter can be considered a certain exception; but its aim was primarily only to complete other findings and it gave a minimum of information on this topic), or the researches carried out had such different parameters that the nature and context of the acquired knowledge is in many respects completely different from the knowledge gained in previous researches. Although the existing IKSP studies dealt with both the institute of conditional release (Rozum et al. 2004) and probation supervision (Scheinost et al. 2014, Tomášek et al. 2016, 2019), the persons under probation supervision were (with the exception of the mentioned probe, which will be discussed below) directly questioned only in the IKSP research 'The Effectiveness of Probation in Reducing the Level of Recidivism of Offenders' (Tomášek et al 2019). Given that this research was in some respects similar to our research, the next part of this chapter will characterize the focus of this IKSP research and compare the key design parameters of this IKSP research with the design of our research. Due to certain similarities between the two researches, it is naturally also appropriate to outline an overview of the key findings obtained in the quoted IKSP research in the following part of this chapter. Likewise, some findings from other above-mentioned research deserved attention, from which it is possible to get an idea of the functioning of the PMS and the opinions of its staff and other participants on the importance of probation supervision and its application in penal policy. The last part of this chapter will focus on these.

### ***Knowledge about persons serving a suspended sentence from previous research***

Within the **IKSP research 'The Effectiveness of Probation in Reducing the Level of Recidivism of Offenders'** (Tomášek et al. 2019), persons sentenced to a suspended sentence with supervision were primarily addressed and interviewed. In this IKSP research, the answers of 11 persons under probation supervision were obtained and it can therefore be stated that, in comparison with abroad, there was only minimal research reflection on the topic of probation supervision from the point of view

of convicted persons and there is still significant space for capturing other relevant knowledge on this topic in this area. It is clear that a group of persons was interviewed in the implemented IKSP research who in many respects are in a quite different situation than persons conditionally released from imprisonment.

Last but not least, the above-mentioned research was characterized by the ambition to capture the view of convicted persons on some questions that the project implementers asked the PMS staff about in previous research and to confront some of their opinions with the opinions of conditionally convicted persons. The IKSP project was thus closely related to the activities of the PMS, its evaluation and included, for example, some design questions, which aimed to map the ideas of conditionally convicted persons about the appropriate approach of probation officers to clients, etc.

With regard to the described focus of the research, its implementers chose a different way of contacting informants - they contacted them directly through the PMS. From the point of view of our research, this procedure was not optimal and we therefore contacted the informants in a different way (for more see the next chapter). The described focus of the IKSP research was thus significantly different from the research we carried out in another aspect, namely focusing exclusively on three interrelated topics: (1) desistance<sup>7</sup> and risk of recidivism in a convicted person under probation supervision, (2) probation itself, or probation officers, and (3) the relationship between the convicted person and the probation officer, or their cooperation.<sup>8</sup>

Due to the described different focus of the research and the way of contacting the respondents, the findings from the IKSP research are naturally not comparable with the findings from our research presented below. Despite that fact, they further illustrate in many respects the following view of the group of convicts we monitored on the issues

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<sup>7</sup> The term 'desistance' refers to the non-commission of further criminal activities in persons with a criminal history, or to the interruption or termination of criminal conduct in the further life of that person. Within the framework of criminological research, considerable attention was paid to the study of factors contributing to desistance (for more see, for example, LeBel 2008; Farrall et al. 2010; Murphy et al. 2011; Werth 2012; Davis et al. 2013; Tomášek et al. 2017 - in Czech).

<sup>8</sup> The aim of our research was to capture the perception of the importance of probation and probation supervision in the more general context of post-penitentiary care, i.e. in addition to cooperation with the probation officer, we also focused on the importance of care or services provided by e.g. parole officers or non-profit organizations (NPO); we paid attention to other programmes in which our informants participated, and we also took a closer look at their situation before and during imprisonment, the circumstances surrounding their submission and approval of their conditional release application and their overall life situation after release from imprisonment. These circumstances were important for us mainly due to the effort to capture how cooperation with the PMS is reflected in the overall life situation of our informants, how informants integrate cooperation with the PMS into their lives and balance it with various other activities, or what are the obstacles they experience in this area.

we found out from our informants in our research, or mediate the view of another group of convicts on some other important issues related to probation supervision, which could no longer be included in our research.

One of the areas that the authors of the IKSP research focused on was the topic of convicts' own view of factors that help them with **desistance** (end of criminal career, abandonment of crime), or factors that, according to convicts, are associated with the risk of further possible **recidivism** that could be noted during interactions between the convicted person and the probation officer.

According to the authors of the research, the initial signal predetermining a number of other circumstances in this direction was the **convict's 'initial setting' for cooperation**, based on the convicted person's opinion on his/her criminal history. In this regard, both the tendency to deny one's own guilt or references to 'objective reasons' and the willingness to take responsibility for one's own actions were captured. The authors consider this aspect to be important 'especially at the beginning of cooperation with the probation officer, when accepting one's own past, and the associated punishment, creates space for initiating the necessary changes' (Tomášek et al 2019, p. 24).

This circumstance will naturally have somewhat different meanings and manifestations in persons conditionally released from imprisonment than in the case of conditionally convicted persons (due to the different role of imprisonment in their own life/personal experience with imprisonment, different views on the possibility of non-custodial punishments and the risk of staying in prison for each of the two groups, their actual effects on these persons and also with regard to the possibilities of acting on these approaches in persons released from imprisonment already at the time of their imprisonment). However, it can be expected that the effect of approaches towards one's own criminal history may play an important role in the cooperation with a probation officer, even in persons conditionally released from imprisonment.

Furthermore, the authors of the research focused in more detail on other important **characteristics** of the convicts interviewed by them, **which** according to them **had or could have affected the relationship between the convicted person and probation officer**, and consequently affected their mutual cooperation and its results (thus possibly having a significant impact on the success of the convict in desistance). Based on the statements of the respondents, they stated that such circumstances included the convict's reluctance to talk about his/her past (uncertainty

or evasion of naming it openly, equivocation, etc.), failure to manage various emotions (anger, persistent or unresolved frustration and its negative impact on emotional state of mind of the convicted person when dealing with a probation officer) or the abuse of alcohol or other drugs (ibid. pp. 24-25).

According to the authors of the research, the desistance and risk of recidivism in conditionally convicted persons were also significantly influenced by the attitude of these persons to probation supervision and to contact with the probation officer. The research noted a wider range of possible approaches, from convicts' efforts to prove to the probation officer 'that they value alternative punishment and actively seek to succeed in this "second chance"', through a focus on various partial successes or symbolic 'confirmations' of their new position, new life roles or prosocial identities by official system representatives (such as the courts) to a very pragmatic approach, in which the fact that it is the only way to avoid custodial sentence (or return to imprisonment) is a significant motivation to cooperate with the probation officer. The authors also pointed out the above-described disillusionment associated with the unfulfilled expectations of convicts in relation to contact with the probation officer. On the other hand, they also gave an example of a proactive cooperation of a PMS client. According to the authors of the research, the dispersion of convicts' views on the role of probation in their lives was to a large extent related to changes in attitudes, as the perception of the role of the PMS by convicts changes over time (ibid. pp. 25-27).

We observed a wide range of opinions of convicted person on the PMS also within our research among persons conditionally released from imprisonment, and it was possible to record the dynamics of changes in the originally pragmatic perception of cooperation to a proactive approach. However, our research showed that these cases depend strongly on the nature of the convict's previous experience, which in our case proved to be a significant participation in the programmes that the convicted person completed in imprisonment (for more see below).

The quoted IKSP research further focused on the description of factors that convicts themselves consider important **protective factors** in relation to the possibilities of desistance or prevention of the risk of recidivism. Relationships played an important role in this regard. The authors pointed out several important contexts that emerged from the answers of their informants. The authors included among such important attributes of relationship the trust of the convicted person's partner, the fear of losing the relationship, or the effort to maintain it, the convict's gratitude to the

partner or the fact that the convict's partner does not condemn him/her and supports him/her (in addition to a general supporting approach, the informants in this research also emphasized that the partner can support the convicted person in a situation where he/she would be in danger of failing in a certain way, e.g. by taking drugs again). The partner's actions could, in certain situations, provide the convicted person with a model of how he/she himself/herself wanted to and should behave, which is also an important level of relationship.

In addition to the relationship, the informants from this research emphasized in several cases the importance of caring for their own children, starting a new family and some related specific situations or influences. These included the high intensity or importance of this motivation, the expectations of the children, the effort not to disappoint them, or the more significant structuring of the convicted person's time. The fact that one's own offspring represent a significant motivating factor for desistance can be illustrated by the following statement of the convicted person from this research, which is primarily a very exaggerated and clichéd phrase, but together with other statements of the informant concerned it clearly documents the importance of his/her offspring for him/her and how intense his/her relationship with them is: 'So I would probably have shot myself if they had imprisoned me, as I say, I wouldn't have managed it...' (ibid., p. 28)

The informants from this research mentioned financial or other material support provided by their loved ones (for example, assistance in resolving the housing situation, repaying debts or paying current living expenses) as other factors that conditionally convicted persons perceived as circumstances that help them with desistance. Informants also added considerable importance to employment, mainly due to the provision of income and structuring, or the completion of a normal day. It was possible for some informants from this research to perceive employment as an important protective factor even when working under the table (ibid., p. 29).

The considerable importance of employment for desistance also corresponds to findings from other criminological research (e.g. Tomášek et al. 2017), while this effect of employment has several different levels, as evidenced by the answers of informants involved in the research among conditionally convicts. In addition to being an important socializing element in general, it is a source of income, contributes to the development of important habits and significantly structures the daily routine, employment is also reflected in a person's position in society and can increase his/her sense of self-worth.

More informants from this research emphasized the importance of appreciation by superiors or expressions of trust despite the fact that superiors know about their criminal history (Tomášek et al. 2019, p. 30).

The authors of the research noted the importance of a career growth perspective in a reply of one of the informants, and the importance of this circumstance for desistance proved to be crucial for the informant in question, as illustrated by the following statement:

So I said to myself: Just pluck up the courage and take the job seriously, so I was looking for things to enjoy about the job, so I changed it a lot, I also worked before the series, where I developed a completely new project at the customer's. So I gained the most experience there, until I got straight into that series, and immediately as if to the engineering technologist job... (Tomášek et al. 2019, p. 30)

The conditionally convicted respondents in this research mentioned as other circumstances helping them in desistance the severance of relations with the risk environment (or specific persons), which was associated with a change of place of residence in some informants. In addition to the change in the environment in which the informant moved, the change of residence was also a significant motivating element in that the new place of residence in a symbolic and physical form supports the convicted person's efforts to change existing life strategies. The authors also pointed out the importance of health problems, whether their own or those close to them, which could also have become an important factor helping with desistance (ibid., pp. 30-31). In this context, the authors stated that 'caring for a sick person in the family in some cases requires great time demands, thanks to which the client *"does not think of stupid things"*' (ibid., p. 30).

The authors of this research identified as **risk factors** the use of alcohol and other addictive substances, health problems that make it difficult to find a job or contribute to the social isolation of a conditionally convicted person or circumstances affecting the convict's free conduct (impulsivity, difficulty coping with certain internal stimuli or self-control), difficulties in coping with difficult life situations, resignation to dealing with some important situations (e.g. indebtedness), or some other attitudes (negative perception of one's own person, difficulties in setting and fulfilling short-term goals) or the nature of relationships (relationship that is not working) (cf. Tomášek et al. 2019, pp. 31-34).

The subjective ideas of conditionally convicted persons captured in the quoted IKSP research about what circumstances may support and threaten the desistance of these persons are in accordance with what can be stated in the case of other groups of persons with criminal history and correspond to both findings in foreign and domestic criminological literature, as well as our experience from previous research (Mertl, Bareš 2017, 2018).

As in our research, the authors focused on the **relationship between the PMS client and the probation officer**; in view of the fact that, according to them and other experts (for more information, see Tomášek et al. 2019, p. 34), this is a key prerequisite for effective probation.

Naturally, this topic was also crucial for our research, and it was dealt with in more detail in the chapter summarizing the theoretical background of this research, in which the considerable importance of establishing a confidential relationship was repeatedly pointed out. We then paid considerable attention to this question in the actual evaluation of the answers of our informants (for more see below). However, it must be said that in the research carried out by the IKSP, these issues were themed differently than in our research. Despite this fact and the fact that they were obtained from conditionally convicted persons, it is appropriate to describe here how the relationship with the probation officer was portrayed by the informants responding in the IKSP research quoted here.

The authors consider trust in probation officers to be key, as this **trust** included both confidence **in the professionalism of these staff and the opportunity to talk to the probation officer quite openly**. This feeling was also connected with the feeling of security, or rather the feeling that the convicted person already knows the environment and the situation and knows what to expect from meetings with the probation officer (Tomášek et al. 2019, p. 34-35). In the case of informants whose relationship with the probation officer fulfilled these characteristics, it is possible to speak of a confidential relationship in the sense we presented in the chapter devoted to the theoretical basis of this research. The informants from this research **appreciated** the sincere interest in their situation and their problems among probation officers, their supportive or friendly ('human') approach and willingness to devote themselves fully to the client and to dialogue with him/her as an equal partner (ibid., pp. 35-36). Some of the informants, together with the description of similar positive or valued attributes of meetings with the probation officer, also pointed to such attributes of the meeting

which, on the contrary, they perceived negatively and did not consider beneficial (often when comparing the approach of two different probation officers):

When I went to Mr XY, he took it all very seriously, he wanted to have everything according to those regulations, and I don't know what they're all about on that probation, or I don't know... And with Mrs YX, I've been sitting there for maybe half an hour and we're talking, it's like I'm sitting next to her and we talk about everything, so openly. Such, how to put it, human relationships... (Tomášek et al. 2019, p. 35)

In our research, we did not ask about the attributes that the conditionally released associate with a relationship with a probation officer. The overview of the characteristics of this relationship outlined here attributed (or appreciated) by informants representing conditionally convicted persons interviewed in the quoted research thus rather illustrates the findings that we presented in the theoretical chapter of this study. However, as some of our findings suggest, it can be assumed that in the case of asking the conditionally released persons a similarly formulated question, we could probably meet with similar opinions.

On the other hand, another topic, which the authors dealt with, intertwined with our research significantly and we paid considerable attention to it in the previous text. It was a distinction between the two approaches of probation officers identified in the quoted study as a *supervision* or *helping model* (Tomášek et al. 2019, pp. 36-39). The authors pointed out that the connection between supervision and support reflects the very essence of probation (see also above) and both of these areas are thus a necessary part of the performance of probation supervision. Nevertheless, according to them, it was possible to observe in the persons interviewed that a number of probation officers significantly emphasized one of these areas in their work, and it was thus possible to speak of an inclination to either of the two models.

Although the client usually encounters both elements in cooperation with a specific employee, the interviews indicated that some respondents perceived a relatively strong inclination to either one model or the other. (Tomášek et al. 2019, p. 36)

According to the authors, the **supervision model** was characterized by the fact that cooperation with the probation officer focused considerably on planning practical steps, providing important information and that an orientation on various risk factors and the risk of further criminal behaviour was typical of the probation officer:

She advised me a lot and helped me what to do and such... She mainly recommended that I don't see those people. I wasn't allowed to go to football games, so she advised me not to go anywhere, and such... Because before I came here to the city, I was driving for about 10 years, every weekend, either here or abroad. So it helped me, the ban on football... So I think it ends for me this month, so I just know I shouldn't do stupid things anymore... (Tomášek et al. 2019, p. 36)

As is clear from that statement, a conditionally sentenced person may, in principle, perceive the supervision model favourably in certain circumstances. However, the authors also noted significantly more critical opinions on the described supervision approach (with the informant in question appreciating in his/her statement a significant change in the way of communication, which occurred after the change of probation officer): 'He was questioning me about this and that as a cop, it wasn't pleasant for me... So I was glad that Mrs XY took me, as... How to say it... You understand, don't you?' (ibid., p. 36).

The authors also noted a situation where informants reflect the duties and role of a probation officer; however, even with these circumstances in mind, the approach of probation officers could be more personal:

To care, or how do I say it? To care about me as well, not only if I go to football games, if I go there to report before the football and such, but it's necessary to mention, for example... Surely, I understand that it has been so ordered, but that it would just be at least a little more relaxed... (Tomášek et al. 2019, p. 36)

This may to a large extent be related to the authors' pointing out that their informants reflected that the probation officer's approach does not have to be 'given once and for all', but also depends on the degree of client's cooperation and **changes over time** depending on the current situation of the client, the time and course of the client's cooperation with the probation officer, or other significant circumstances (Tomášek et al. 2019, p. 39).

The authors then associated with the **helping model** the statements of the respondents, in which they noted mentions of support, equal approach of the probation officer to the client, increased probation officer's interest in developing a relationship with the client or expressing interest in the client, which was not limited to formal duties (i.e. interest in client's personal life or ordinary worries). The authors repeatedly recorded the statements of informants appreciating the fact that the probation officer does not condemn them and treats them as an equal partner in dealing with them. The

authors pointed out that such a probation officer's approach helped PMS clients cope with a number of other unpleasant circumstances associated with probation supervision (ibid., P. 37).

It was mostly partner-like, not completely friendly, but as if we were on the same level. (Tomášek et al. 2019, p. 37)

Other features of this approach included the following attributes identified in the statements of their informants: the probation officer's ability to respond sensitively to the client's current situation, providing positive feedback to the client and appreciating the client's willingness to cooperate and providing practical assistance in dealing with various life situations (ibid., pp. 37-38).

As already mentioned in the first part of this chapter focusing on the perception of the role of probation by different participants, the **preference to the helping approach predominated in the conditionally convicted persons and they perceived cooperation with probation officers who tended to the helping model much more favourably** (ibid., p. 37).

The approach preferred by the probation officer in dealing with the client depends on a wide range of circumstances, which, in addition to the mentioned possibility of developing the relationship between the PMS client and the probation officer over time, include the number of clients per employee at a given workplace, the atmosphere at a given workplace, the professional background and personality characteristics of the probation officer, the personality characteristics of the convicted person or the nature of their interactions ('personal chemistry'). For these reasons, it cannot be expected that the assessment of probation officers' approach could differ significantly depending on whether the PMS client is a conditionally convicted person, a person conditionally released from imprisonment or another person subject to probation supervision.

The above findings concerning the distinction between the supervision and helping model thus well illustrate the context thematized in the literature (see the chapter on theoretical background), and the statements of informants from our research have a very similar message, although they were thematized in a different way in our research and our aim was not to capture to such an extent the diversity of different characteristics that informants associated with probation supervision, or various aspects and levels of their evaluation, but rather to capture their context in the

life of an individual (in connection with the functioning of various institutions, during the stay in the prison environment, after release from imprisonment, etc.) and the dynamics that is characteristic of them (including the capture of circumstances that may affect it).

At the same time, it should be noted that although the perceptions of the two approaches may be similar in many respects regarding the informants from the quoted research and those interviewed by us, they could be expected to differ significantly, regarding their experience with each of these distinct approaches, as the informants in each of these researches were contacted differently - the informants were contacted via the PMS in the ICPS research, while we in our research avoided this method of their recruitment given its expected effect on the nature of the answers obtained (see below).

The quoted IKSP research also focused on finding out the opinions of conditionally convicted persons on probation and on capturing their ideas about what, according to the informants, should be the optimal way of ensuring probation supervision, or what characteristics they think would be appropriate for probation officers to have. The questions concerning these areas were monitored by the authors with regard to the effort to enable the comparison of the findings with similar findings obtained in previous research (for more, see Tomášek et al. 2016). These questions were of a projective nature and the knowledge gained through them is thus significantly limited by the fact that it is a statement about the institution that the person in question does not represent, or about the job the person does not hold. Despite this limit, some of the findings could further illustrate in a somewhat different way how probation officers and probation supervision are perceived by conditionally convicted persons who participated in the research. For these reasons, selected findings arising from these issues, the informative value of which was not significantly affected by the described limit, will be briefly presented here.

According to the authors, the informants' statements describing the '**ideal probation officer**' underlined the importance of a human approach to the client, client support, or the probation officer's ability to avoid condemning the client when dealing with him/her (Tomášek et al. 2019, pp. 41-42). In principle, it can be said that these findings further highlighted the clear preference for the helping model among informants already observed in the previous questions. In addition to these aspects, according to the authors, other important attributes of the 'ideal probation officer'

proved to be expertise or the ability to have natural authority. One of the informants pointed out the possible positive effect of a possible personal experience of the probation officer with the situation in which the client finds himself/herself.

The attributes that, according to the opinion of the informants, **probation supervision** should have included the focus on support and assistance, the effort to motivate convicts and an individual approach.

### ***Other selected findings concerning probation supervision in the Czech Republic***

Some findings on probation supervision, which were obtained from participants other than conditionally convicted persons, can also be perceived as relevant for our research. This is mainly due to the fact that before reflecting on the importance of probation supervision for persons conditionally released from imprisonment, it is naturally appropriate to present some key characteristics of this institute described in previous research, in which this institute was analysed from other important perspectives (other than from the perspective of convicts).

In this case, it is clearly no longer necessary to perform such a thorough analysis as when discussing findings concerning the role of probation in the penal policy of the Czech Republic and in an effort to approach how probation supervision is perceived by conditionally convicted persons. Therefore, only a general overview of the findings on probation supervision, which resulted from other previously conducted research, will be provided in the following text.

A 2004 study by IKSP focused on supervision in the conditional release from imprisonment. The research provided by this study (Rozum et al. 2004) included a large number of research activities, from studying foreign literature, through analysis of legislation, overview of statistics, analysis of files provided by courts to interviews with judges, probation officers and social workers in prison. As part of the research, four case reports of conditionally released persons who were placed under supervision were also prepared, with three of these persons being subsequently interviewed. The study thus includes an overview of the main circumstances recorded during these interviews (see *ibid.*, p. 194-196), which briefly summarizes the method of obtaining information on the possibility of applying for conditional release, contacting the PMS, the interval of meetings with the probation officer and adherence to the agreed dates, approximates the usual length of meetings, their content and perception of meetings by the released person. However, the overview of this information obtained from the

persons released conditionally with supervision in this study is really only brief and the authors present it as a probe providing only a basic insight into the issue and serving rather as a counterpart to the expert opinions analysed in detail. It is for this reason that in the previous part of this chapter considerable attention was paid to the IKSP research seeking the opinions of conditionally convicted persons (Tomášek et al. 2019).

The 2004 IKSP study (Rozum et al. 2004) also included an evaluation of a total of 167 files provided by the courts for the purposes of this analysis. Based on it, it is possible to get at least a general idea of the structure of approved applications in the analysed period. It was the first half of 2002 and the current data can naturally be completely different, but these data provide at least an approximate idea of the characteristics of persons conditionally released from imprisonment and the adjustment of their sentence due to the absence of relevant current indicators. Of the 167 persons who were granted a conditional release application during the period and whose files were analysed, 24 had a probationary period of 1-2 years, 86 had a probationary period of 3-4 years and 57 had a probationary period of 5-7 years. These were three persons who were 15-19 years old at the time of the decision on conditional release, 17 persons aged 19-21 (the age categories chosen by the authors overlapped due to the length of the decision period of their application), 78 aged 21- 30 years and 30 aged 30 and over. The evaluation of court files also included other analyses, but these are no longer presented here due to their outdatedness.

Other interesting findings that should be briefly addressed here are the results of research published in IKSP studies published in 2014 and 2016 (Scheinost et al. 2014; Tomášek et al. 2016). The aim of the first of these studies was to show how judges, public prosecutors and heads of PMS centres perceive the changes brought by the new Criminal Code. Attention was also paid to probation supervision. Within the framework of this research, critical opinions on the application of this institute were recorded, as well as its rejection by several interviewed judges and public prosecutors. However, these negative opinions were also absolutely exceptional for these groups of persons: in the free answer accompanying the evaluation of the new legislation, it was stated by 2 out of 160 judges interviewed and 3 out of 185 public prosecutors commenting on the question - *ibid.*, p. 24; p. 54. As part of another free answer accompanying that question, one public prosecutor pointed out that the PMS had relatively limited opportunities to work with its clients. It is also worth noting that 6 out

of 186 public prosecutors interviewed added a comment on the insufficient amount of staff in the PMS in their free answer to the question concerning the evaluation of cooperation with the PMS (ibid., p. 55).

From the findings based on the answers and opinions of probation officers, it was then possible to perceive the following findings as the findings most relevant to our research:

- In a free answer accompanying the evaluation of the new legislation, four respondents commented on whether the legislation balances both key aspects of probation supervision, i.e. control and assistance. While the legislation emphasized both of these aspects in a balanced way according to two, the control element should be more emphasized in them according to the other two.
- The duties of the offender and the duties of the probation officer were perceived as satisfactory. However, the inadequate perception of the position of probation officer in the judicial system was pointed out, cooperation with the courts was problematic, and insufficient cooperation with the Prison Service of the Czech Republic was also mentioned.
- Respondents pointed to some situations in which cooperation with their clients proves difficult, or it is clear that some statutory obligations of probation officers, such as an actual possibility of controlling the client, are difficult to implement in practice. However, according to the respondents, the possibilities of supporting clients and the possibilities of effectively helping to solve client's social situation, e.g. with debt, were also limited (for example, due to the absence of services that would be suitable for the client in the given region).
- The interviewed probation officers also pointed out in the free answers to one of the questions that the possibilities of their work are limited by the current PMS staffing.

The IKSP study from 2016 (Tomášek et al. 2016) addressed the approach of probation officers in the exercise of supervision and the significant attitudes to their work that affect it. The most relevant findings from this study for our research were, in view of their nature, discussed in detail in the first part of this chapter. However, the findings from this research concerning the most common content of the probation officer's dealings with clients are also worth to mention for a closer look at probation supervision. Work and employment were perceived as the most common topic from the presented array of 16 thematic areas. This was followed by topics of crime-related

debts, housing and attitudes towards crime. Approximately to a comparable extent, probation officers discussed personal debts and distraint, non-alcoholic drug use, penal consequences of criminal activity of convicts, the possibility of redress for offenses, criminal activity during probationary period and problems with alcohol. Family and partner relationships or social benefits belonged to a third of the least common topics (see Tomášek et al., pp. 76-79).

It is clear that from these topics, the redress of offenses is a circumstance that primarily concerns conditionally convicted persons. The order of topics may be somewhat different in the case of persons conditionally released from imprisonment with supervision, but even so, the quoted research allows to get at least a general idea of the content focus of the actions of probation officers and their clients.

The overload of PMS staff was documented and analysed in more depth in this research.

### **Research methodology**

During the **recruitment**, we did not want to address potential participants directly through the PMS and its officers, as we feared that any recommended persons would tend to give a better account of the cooperation with the PMS due to fear. At the same time, we had experience from previous research that the functionality of the PMS varies considerably regionally and locally. While the PMS works without problems in some locations, there is an insufficient amount of staff in others and a local branch is able to operate only within the legal minimum. Addressing participants via the PMS would therefore mean that we would be disqualified in advance from the possibility of capturing experience with a non-functioning PMS branch, as such a branch would logically not be able to recommend anyone to us.

For the purpose of recruitment, we therefore addressed parole officers of selected cities and city districts and non-profit entities with we contacted in our previous research activities and which are engaged in social work with released persons. The address included a request to select some of their clients willing to enter our research, and one condition for entry was experience with probation supervision.

It is obvious that **recruitment through non-profit entities** in itself is also tendentious in some respects. In this way, it is possible to recruit only persons who cooperate with non-profit entities and use social services, which means that persons who do not use social services at all (or at least do not use social services targeted at

released persons) are excluded from the sample. It is also to be expected that the persons in the sample will be less critical of the non-profit entities with which they cooperate, albeit not to the same extent as they are of the PMS, which has direct repressive powers in the form of issuing court recommendations for re-imprisonment. At the same time, such a sample will portray the situation of released persons more positively, as cooperation with non-profit entities facilitates the resolution of some difficulties associated with leaving prison and increases the chances of a successful return/reentry. However, it needs to be emphasized that social services targeted at released persons are far from available to everyone who needs them and wants to use them. Accessibility is limited mainly with regard to (1) the existence of the social service (there are simply no services in some regions - an illustrative example is the Karlovy Vary Region) and (2) capacity (although the service exists in the region, its capacity is significantly limited by available funds).

Certain specific characteristics can be assumed also **in the case of persons contacted through parole officers**, which could affect the form of our sample and the nature of the information we learned. Current contact and cooperation with a parole officer means that the person in question has or has had or has in the present or in the very recent past his/her own motivation to establish and maintain cooperation with a parole officer. This cooperation could help or helps the person to deal with and better manage problematic situations after release. As was the case with those contacted through non-profit organizations, those contacted through parole officers can be expected to perceive this institution and the assistance they provide more favourably than those who would be contacted in any other way.

The sample we examined was represented by nine people with whom we conducted interviews. Unfortunately, the smaller number of interviews is due to government measures to limit the spread of coronavirus, which essentially suspended our research activities for several months, and the subsequent time pressure with regard to completing research and presenting meaningful outputs. Specifically, the sample included: 4 women and 5 men; the age ranged between 26 and 52 years; the length of imprisonment ranged from 2.5 to 12 years; informants were free a maximum of 1.5 years after their last sentence; the length of supervision they had set was between 1.5 and 7 years; 6 informants were in prison once and 3 informants more than once. A great specific of our sample was the fact that 6 persons had a relatively stable situation after their release and did not have to deal with the provision of basic living

needs, i.e. stable housing and financial security. Three persons were in a more difficult situation at the time of the interview - they used the temporary accommodation capacity of a non-profit entity for housing and sought financial security. With regard to some of the questions that the research followed, it was also important that three of our informants participated in the PMS project 'Fragile Chance' (for more see below).

**The sample we examined was thus quite diverse**, in terms of age, the crime for which persons were convicted, the length and number of sentences, the time from release or situation after release and the range of circumstances or problems they have to deal with and many other similar circumstances. **In our opinion, this diversity made it possible to register a wider range of situations that were relevant to our research and to look at the studied phenomena and circumstances from relatively diverse perspectives that may accompany conditional release or may be characteristic of the situation of conditionally released persons.** Naturally, the size of the examined sample does not allow to see possible links between the described characteristics and the recorded findings. The described data on the respondents are presented here only to give an idea of the scope and main characteristics of the respondents and are not subject to further comparisons.

The method of qualitative content analysis was used for the **analysis of interviews**, in which the data corpus is used to search main recurring topics, which are captured and specified by coding. We performed the coding in several cycles, where in the first cycle we first divided the interviews into individual thematic blocks (current situation/problems, prison experience, etc.) and in subsequent cycles we further specified these blocks into individual subtopics to present and interpret. We used MAXQDA computer software for the coding process. In addition to qualitative content analysis, we also used the case study method for analysis and interpretation, where we tried to conceptualize individual interviews as specific cases that are carriers of certain typical and recurring factors in connection with the researched issues.

## **Findings**

In line with our strategy of addressing the informants outlined above, some form of intensified cooperation with a non-profit entity or public institution, both in prison and after release, was crucial for all informants in our sample. This cooperation fundamentally motivated and supported people in their efforts not only for conditional release, but also in general in the difficult moments they experienced. Other factors

were similar or the same only for some informants. The following parts of the text will be focused on the subjective experience of persons with preparation for conditional release and the experience of imprisonment associated with this issue. Subsequently, we will deal with the subjectivity of our informants with probation supervision after release, even in connection with the specific needs that these persons had after release. In the last subchapter, we will reconstruct two case studies typical of our sample and findings.

### ***Preparation for conditional release<sup>9</sup>***

When informants talked about preparing for conditional release, they most often talked about **meeting various conditions**, which then needs to be documented in the documentation that is sent to the court deciding on the release. The informants often stated the following as basic conditions that had to be met in order for a person to have at least a minimal chance of release: (1) the need to have no disciplinary problems and, conversely, to receive some praise for good compliance with the established prison treatment programme; (2) completion of therapeutic and counselling programmes, preferably in specialized sections or standardized ones which ran in regular sections; (3) the promise or provision of housing (a reception centre or quarters were sufficient, it was therefore not necessary to have stable accommodation) and employment; (4) expertise or intercession from other entities (non-profit organizations - NPO, parole officer, PMS).

A total of 8 informants described the **process of preparing and applying for conditional release as a complicated procedure that someone else had to help them with** - probation services as well as non-profit entities, parole officers and professional prison staff. The assistance in basic outline consisted mainly in the compilation of documentation which is submitted to the court and on the basis of which the judge decides on non/release. In the next sequence, cooperation served to consolidate the information on debts and distraint that all informants in our sample faced, as well as information on the family situation and the possibilities that specific

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<sup>9</sup> For the protection of both informants and prison staff in specific prisons, we will not list pseudonyms and gender of informants (and we will anonymize all data that could lead to the identification of this factor). The reason is a high risk that the identity of the informants will be revealed, especially due to the small number of women's prisons.

persons may have had after their release. Cooperation also served as psychological support for the prisoner in some cases:

So an idea about actually what's going on outside, what's going on with your family... Somehow, to put it bluntly, slander spreads quickly, so I knew how my family was doing, what was going on, so I exchanged letters a lot with that officer, about children, about the family, about everything and then actually she occasionally came to visit me in the prison, but it was limited, yeah, she came when she had time, so she arrived and we could discuss it in person. So it was intense (informant, 26 years old, 4 years in prison, probation supervision for 5 years).

In the case of the quotation, it was a parole officer who was willing to discuss the issues and even regularly visit the informant and further support him/her. However, not all informants could make use of a similar opportunity. A typical situation was the fact that the informants could not use all institutions in some cases, which concerned especially the PMS and parole officers, because their **functionality was conditioned by the local situation**. Thus, one informant could not cooperate with a parole officer, although he/she showed interest and sent a letter to two of them. He/she received only a formal statement to come by during office hours after his/her release from the first one, and the second one did not answer at all. A similar situation prevailed in connection with the PMS - the cooperation of another informant was not allowed, as the PMS did not formally consider it necessary and informed him/her that he/she should establish cooperation only after his/her release.

**However, the complexity of the procedure was underlined by other factors.** The first such factor was the fact that informants relatively often learned about the existence of these criteria only during the beginning of the process of requesting conditional release. The two informants directly pointed out that they were not sufficiently informed about the process of conditional release and what needed to be done for it so that the person had at least a formal chance of release. One informant described how he/she gradually tried all the periods of conditional release, when he/she always learned that he/she had to meet another thing with each rejected period:

[...] I tried a third, then a half, then the two thirds, and at each of those hearings I always learned just something important that I should fulfil in order to have the opportunity. So, in fact, I was gradually working on the conditional release. [...] In the first third, I went there basically unprepared and completely without praise. So I learned that there are actually some things that should be accomplished. Then I

went there in the half, I learned there that, in addition to the fact that I still have little praise, I had two fatigue duties behind me and I thought it was enough for that half, but I learned a lot of things about the two thirds (informant, 39 years old, 4.5 years in prison, probation supervision for 5 years).

Only after the second period did the person start cooperating with the PMS and got into the Fragile Chance programme, which formally and practically prepares prisoners for trial through hearings at parole commissions. However, even with this help, the entire process was still challenging:

And in fact, after that [parole] commission, it took about a year to get together with the probation officer, because, as I say, it was quite a jumble, what is needed, what isn't needed [...] (informant, 39 years old, 4.5 years in prison, probation supervision for 5 years).

**Gradual testing and learning of conditional release conditions** is burdensome for all parties involved. It is always a very psychologically demanding experience for prisoners, while for prisons and courts the burden lies mainly in the administration and handling of cases about which they virtually know in advance that they cannot succeed from a formal point of view. Within the scope of our small-range research, it is not possible to say with reliability what is the (main) cause of such a misunderstanding. However, from our previous experience and research, it is probably a combination of not intensively informing prisoners about all the elements of their sentence, overburdened prison staff, lack of interest in information on the part of prisoners and possibly inappropriate time when prisoners are informed (usually immediately after entering imprisonment, when a lot of duties and stress is 'poured in' on them). The instrument that could at least alleviate this problem could be the mentioned parole commissions, which will be discussed later in the text.

The second factor follows directly in the first - it is a **confusion due to the misinformation discussed and the replacement of this awareness by the mythology passed on in the group of prisoners**. Three informants mentioned that the lack of information or their ignorance was filled with precisely this mythology which they met with and they were more affected by it than by the prison staff and their information. This was illustrated in particular by two informants:

[...] moreover, a lot is said, especially in that prison, and I thought that [...] I would just stick to some of my things and that, as they say, there's a grain of truth in every

joke, and that something there must have been true, something was not, but as I found out, they just sometimes said something like ... what ... what ... what was even true [...] (informant, 39 years old, 4.5 years in prison, probation supervision for 5 years).

Well... You come and they tell you, Jesus Christ, you are on [the floor mark], you won't get home. Yeah, you're on [the floor mark], yeah, you're going home, fine. Yeah, just according to what the staff [prison staff] are there like, not what you are like, but who is there just at that moment (informant, 34 years old, 2.5 years in prison, probation supervision for 5 years).

**Mythology** is naturally problematic, as the first informant suggests: it is never clear what is relevant information and what is not. This can also be key for the interaction between prisoners and staff, who, as the second quotation shows, are already stereotyped in advance.

The above-mentioned second quotation brings us to the third factor, which is the **prison staff and their effect on the process of applying for conditional release**. Three informants perceived the role of prison staff in the process of requesting conditional release in a neutral or positive way. One of them described in this regard how the staff supported him/her in submitting the application and reassured him/her throughout the process. On the contrary, another informant had the opposite experience:

So before my conditional release, even though I submitted it, [the educator] told me that I shouldn't apply because I wouldn't be release anyway. I told him/her that I didn't care, that I had a recommendation from the probation officer, yes, that I had everything, that I was just doing it and that I had five children at home and that I didn't care, so he/she just wrote me an assessment intentionally such that the prison did not support me, but he/she didn't know me at all (informant, 34 years old, 2.5 years in prison, probation supervision for 5 years).

The described dissension occurred when the informant got a new educator who did not know him/her and apparently a conflict arose between them, which subsequently resulted in the unprofessionalism of the educator. Despite the fact that prisoners are mostly passive due to prisonization and are often led to inactivity (see Mertl 2020), the informant turned to the prison management to point out that he/she had great evaluation, completed several therapeutic/counselling programmes and cooperated with the PMS. The management of that prison reacted fairly and supported the

informant at the court hearing. According to the informant, the educator then also had to explain why, on his/her initiative, the prison did not support the recommendation for conditional release.

The fourth factor was the fact that the **evaluation of the fulfilment of the mentioned conditions is too formalized and does not sufficiently represent the given person and his/her qualities**. According to one informant, the documentation was assessed by quantity, not quality, and the decisive factor was how many promises and expertise he/she was able to deliver to his/her documentation. Those who did not have, for example, a family outside prison who would give the court a promise of housing were thus disadvantaged:

Yeah, a lot of people work hard, they've changed, and they don't have a chance to get out just because they don't have the papers [= promises and expertise]. But if you find yourself there and have no one out there, how do you get the papers (informant, 34 years old, 2.5 years in prison, probation supervision for 5 years)?

According to this informant, it also depended on which prison the prisoner was in, as some prisons had contacts with large employers who were able to provide a promise of employment with accommodation, which was sufficient for the court, and other prisons did not offer this option:

[...] prison, super cooperation with for example [name of prison] with [name of company and its subject of business], [released persons] really go after serving a sentence, they really go directly to [the company], [the company] also has its accommodation for them, so that they will accommodate them and, even if they go immediately from the imprisonment, they won't ask for rent fee, they'll deduct it from their first pay. It's a big help, when you know that you have a place to go, you have something to start with, and they simply deduct the rent from the first pay, so good, you reconcile yourself to that. But if you get out and you don't have it, it's terribly difficult (informant, 34 years old, 2.5 years in prison, probation supervision for 5 years).

**In some cases, the ambiguity of the conditions necessary for conditional release was compounded by the impossibility of formally proving their fulfilment, or proving their fulfilment was easier in some prisons than it was in others.**

The complexity of the process of applying for conditional release was **mitigated by the Fragile Chance programme**, which directly aimed at quality preparation of applicants for conditional release. We had three informants in the sample who went

through the Fragile Chance, and all of them praised this experience as a beneficial, albeit demanding one, as this quotation shows:

[...] the most important thing for me was the Fragile Chance. It's probation and mediation, actually, so I signed up there and they actually told me that I was actually the most amazing, the type they needed, so I went in and I can tell you that it's nothing easy, it's pretty personal, intimate and it's very depressing, like, I think I've been crying for a lot of days about it, because maybe they wanted me to write a fifteen-page letter, how did it all start, right? Which means you go back in time and run into the future (informant, 26 years old, 4 years in prison, probation supervision for 5 years).

The advantage of Fragile Chance was not only the formal **preparation of documentation for a court hearing** concerning conditional release, which alleviated the burden of the entire apparatus, but also **the mental and skill preparation for the hearing itself and the entire process of release**. In this context, the parole commission was particularly important, which simulated a court hearing and was not only to prepare prisoners for the court, but also to improve their communication skills and continue to work with their criminal offense:

[...] it was similar to when the judge asks you in the conditional release... just some of the questions and I can tell you that it turned out to be quite bad [...] so it was there, actually after that parole hearing with the probation officer, when I somehow realized what it should look like and what I should have fulfilled [...] To just know what was just classified at what time and how to orient myself in it, and so when I found out, I felt a little sick, because I somehow didn't notice it. One is... in that prison, one just can't get to it on paper, doesn't perceive it so much [...] Some of the things that were going on when I was in a state where I didn't perceive them as much, so... so then I was kind of terrified of it all [...] (informant, 39 years old, 4.5 years in prison, probation supervision for 5 years).

It is clear from the quotation that the parole commission and its subsequent evaluation contributed to the informant's better work with crime offense and the process had a therapeutic and personal overlap. In addition, the process of requesting conditional release did not suffer from the formalization of the application assessment, but continuous and relatively intensive work with prisoners was clearly evident, which further motivated the informants. And, as one informant said, the Fragile Chance programme generated better documentation that could be used by the probation officer

who carried out post-release supervision and possibly better acquaintance with the case.

### ***Experience with a court hearing***

During the interviews, we also asked the informants what their experience with court hearings was, resulting in their release or imprisonment. In eight cases, the informants were directly involved in the court, while in one case the informant was not at the hearing, which took place in his/her absence and was based only on the evaluation of the documentation and submitted materials. Such a hearing apparently speeded up and facilitated the entire procedure, but was not transparent enough for the informant and confirmed the above-mentioned formalization, especially when prisoners have no idea whether they have support from the prison, as another informant points out:

[...] in [prison] it works so that you don't see what is leaving, the phrase, what is leaving [prison] for that court. [...] because they keep it from us and they actually reveal the cards in the end, yeah (informant, 34 years old, 2.5 years in prison, probation supervision for 5 years).

In cases where informants were present at the hearing, the judge usually examined the documentation thoroughly and wanted to know the opinion not only of the prisoner but also of the prison staff. The advantage in such cases was the fact that the prisoner could explain certain facts that were not obvious from the documentation, or possibly add information to the file. In the above-mentioned case, where the informant had a negative opinion of the prison, although he/she was fulfilling the treatment programme and doing extra activities, a court hearing took place which helped to explain the ambiguities and reverse the opinion of the prison. The court hearing could also have served as a tool to acquire skills, as stated by one informant:

But the judge [said that] I wouldn't go home, no, that it would be wrong, not yet, that it was early. Moreover, as I was, as I did not speak, I was, in fact I was stuck. My mouth went dry and it was the end (informant, 47 years old, 4 years in prison, probation supervision for 6 years).

The informant subsequently stated in the interview that it was a good experience that led him/her to work more on himself/herself, especially with regard to therapeutic programmes that would improve the ability to talk about what happened. At the next request and hearing, which turned out in favour of the informant, he/she was already

able to talk about the matter and answer questions, which contributed to the decision to release him/her.

The informants stated in the interviews that they had experienced that judges had tried to get to know the cases in detail and to make decisions based on more detailed information than just documentation. In addition to the already mentioned informant, who had problems with the educator, a good example of a thorough research is the experience of another informant:

[...] they asked for an opinion on me from the field of psychology and they also wanted one in the field of psychiatry, but I waited three months before the expert witness arrived, she actually did three days of really like intensive tests and interviews and so on, and it went to the court, then it was waiting again for a month, so in the end a deadline came, so I came there, and to my surprise the judge, because I did not count on it, the judge said that she was just releasing me [...] And they actually said, that's why they released me, too, because the judge, that the prison actually exhausted every... all the possibilities to work on my correction... (informant, 29 years old, 6 years in prison, probation supervision for 7 years).

In this case, arranging therapeutic care aimed at managing aggression outside prison helped the informant significantly, which he/she would not be able to attend if he/she had not been conditionally released (and, unfortunately, the prison did not offer such a programme). This contributed to the judge's belief that it would be a better option to release the person.

### ***Conditions to which persons were released***

Our sample was divided into two groups in terms of living conditions and their stabilization after release. Within the **first group**, which consisted of six informants, it was clear that **their lives were already relatively stabilized**, by which we mean that they had more stable housing, i.e. not in quarters or a reception centre, and were also sufficiently financially secured. However, this does not mean that they did not face major obstacles, but they did not have to solve serious existential problems. **The second group** of three informants was in **a worse and unstable life situation**, especially with regard to housing and financial security. However, the various obstacles and problems faced by our informants were sectional: although they were less acute in the first group, they were still present to varying degrees and intensity. It is therefore necessary to understand this situation as relatively stable. In this regard,

we also looked for **factors that differentiate the two groups significantly** in the interviews and data. We found two to be absolutely essential: (1) support in prison even after release by prison staff, NPOs, parole officers and family members, in combination; (2) completing a therapeutic programme in prison.

The three informants mentioned had the **support** of one NPO that provided them with accommodation at the time of the interview, in a situation where no one else wanted to accommodate them, which was further complicated by the coronavirus crisis. One informant in this case stated that he/she was released during it, but they did not want to accommodate him/her anywhere due to quarantine, which resulted in the fact that he/she stayed on the street for about a month. However, the interviews showed that the three people were repeatedly serving their sentences and that they had no similar support in the past, with all of them being released only for a few months at the time of the interview and gradually trying to work on their problems. None of them had any support in the family - although one informant stated that he/she was in contact with his/her mother, she did not support him/her and he/she did not want to be 'a burden'. Nor did they have any further combined support - the help of the NPO was not followed by other systematic support that would help them with other matters. In contrast, the other six informants were first offenders and all had combined support from NPOs, parole officers, the PMS and their families to help them address their complex needs.

The terms 'support' and 'help' were then diverse, but they were usually primarily **support in the psychological sense**. The six informants mentioned felt that someone was interested in them during imprisonment and especially after their release and it was important for them for the released persons to be successful in returning to/reentering the society. Psychological support then came not only from the family, but in some cases also from public institutions or NPOs:

And I just have [NPO] and I won't hear a bad word against them, yeah, to put it that way. They are in [the city], but they are on the phone. Yeah, I can sit down and send them an email in the evening. Yeah, I know I'll just drop-call them, they'll call me back if anything, even at home, yeah, with the kids or. For me, this is such a, if not-, when you don't have it in your family. I can't talk to my family about what was, how it was. [...] Yeah, while the [NPO] [...] one can normally, easily [talk] (informant, 34 years old, 2.5 years in prison, probation supervision for 5 years).

Of course, sometimes something comes up when I call her [parole officer] simply because I'm depressed, for example, or I just don't know what to do and I tell her, for example, 'I can't do it anymore, I just don't give a damn.' These are the days when the big depression just comes over me and I can't handle it anymore (informant, 26 years old, 4 years in prison, probation supervision for 5 years).

I thought it would be just like, approximately, just so I wouldn't commit, to just actually comply with the probation, but that [the probation officer] would be asking me as if about the things she, I thought, that don't actually apply to her, so I didn't know that she would address me really as a human being. That she won't deal with me as a serial number [...] On the contrary, she is really interested in my motives and simply wants to know what's going on inside me [...] (informant, 29 years old, 6 years in prison, probation supervision for 7 years).

Mentally, and in general, it gives you the strength to handle it all somehow, even if it falls on you, of course, from the past, it... it's never forgotten, right, it still catches up with you, right, but again, on the other hand... the family gives me strength, the support from them, because if I didn't have it, I don't know, I probably wouldn't actually do... probably... I don't know (informant, 52 years old, 3 years in prison, probation supervision for 6.5 years).

As can be seen from the quotations, psychological support can come from any entity the released person encounters. The psychological support itself can mean the difference between successful and unsuccessful return/reentry into society, as especially the second and fourth quotations show. However, it is important to note that similar feelings of frustration were expressed by other informants, but they could turn to someone who listened to them and possibly helped them solve the matter or supported them not to give up their situation. At the same time, as can be seen from the first quote, when family support does not work, it can be replaced by the support of any entity in contact with the released person, it depends only on openness and empathic approach (and, of course, the capacities of the institutions or entities).

In addition to psychological support, these six informants could also use combined help with their practical problems and obstacles, listed in the table below. The combinability and complexity of help and services provided is important, as released persons often face complex and intertwined problems and needs that act together and complement each other (e.g. Farrall et al. 2010; Mertl 2020 - in Czech). An illustrative example for all of them is the following one:

[The social worker] tells me: 'Well, I can't come for you, but you'll come by train.' And I: 'Excuse me?' I say: 'I'm not taking the train.' 'You get on the train; you can do it.' Well, I did it. So I waited at [the station], I arrived there, I called her again from the phone booth and said: 'I'm at [the station] and I'm not leaving [the station] until you come.' [...] Well, she actually helped me a lot in the beginning. [...] [Non-profit organization] helped me a lot, very much from the beginning, in a completely crazy way. Actually I came to [city], [social worker] was waiting for me, it was on Thursday. We visited the employment office on Friday, I called to my work, an insurance company, right. [...] And in fact, any problem I had, I actually solved it with her, right (informant, 47 years old, 4 years in prison, probation supervision for 6 years).

After his/her release, the informant faced typical problems: anxiety, space and time disorientation, the need to find accommodation, to find or get a job and visiting other institutions. Fortunately, the non-profit entity and its social workers were able to provide at least a limited form of field assistance (picking him/her up right in front of the prison would be ideal) and accompaniment and assistance with arranging the most necessary matters.

A specific role was played by the **family of the released persons**, who in some cases were able to help 'in a low-threshold manner' with various problems that would otherwise be solved with more difficulty in the currently set system by the 'official' way:

So, simply, if I didn't have my grandmother, who contributed to my caution money, as for a sublease, I absolutely wouldn't have a place to go with five children (informant, 34 years old, 2.5 years in prison, probation supervision for 5 years).

This was also one of the things that... my mother helped me with, because we would probably lose the flat, so she actually paid me off in some way, as part of the help she offered me (informant, 39 years old, 4.5 years in prison, probation supervision for 5 years).

In the first case, the grandmother helped the informant to pay the caution money for the flat, which is often a frequent obstacle not only for the released persons, who are often simply not able to (quickly) save for example two or three rents, also due to distraint. It should be noted here that the Czech social system has an assistance mechanism for these cases, namely immediate emergency assistance intended to pay the caution money for renting a flat. However, as the Agency for Social Inclusion found in its analysis (Matoušek et al. 2020), this mechanism is little used and when

assistance is requested within it, the success of the approval is low (626 applications were submitted throughout the Czech Republic in 2019 and only 359 were approved).

The mother helped the informant to pay the debt in the second quotation, which meant that he/she was not burdened by the distraint, which is the main disincentive for the released persons who would otherwise work legally, but with a small amount left after distraint deductions, they simply cannot meet their basic needs. This is clearly illustrated by one informant:

Especially, I can't solve it somehow at the moment, because I can't do it after the prison when I denied myself everything, I won't live for six, seven thousand (informant, 29 years old, 6 years in prison, probation supervision for 7 years).

After all, four out of six informants, whose situation we described as relatively stable, also reported major **problems with debts and distraint** (in addition to one informant who was helped to pay his/her debts by his/her mother, we also had one in the sample who was helped to pay the debts by his/her partner). The informant who spoke about the help from his/her grandmother was able to manage the current financial situation only due to the fact that he/she takes care of his/her children, which raised his/her unseizable minimum. Another informant managed the whole situation only because he/she lived with his/her father, who had sufficient income to pay for expenses related to basic needs. The third informant reconciled with his/her situation at the time of the interview, and he/she had approximately CZK 9,000 a month left after deductions at the age of 52, which he/she dealt with by shared housing and occasionally using social services such as food aid, if possible. He/she also dealt with whether it was possible to apply for insolvency, but it was not possible at the time of the interview because his/her earnings were not sufficient. The last informant, who is the author of the last mentioned quotation, did not solve the entire situation because he/she did not want to lower his/her standard of living, being employed legally at the time of the interview, but based on an agreement to complete a job and with the payment of cash in hand to prevent distraint deductions.

Specific problems/obstacles	Number of informants who have a problem with the matter (out of a total of nine)
<b>Debts/distraint</b>	9

<b>Anxiety after release</b>	7
<b>Financial security</b>	6
<b>Housing</b>	6
<b>Drugs</b>	5
<b>Health problems</b>	2
<b>Stigmatization</b>	1

Although we described other individual problems in the Czech environment elsewhere (Mertl 2020; Mertl, Bareš 2017, 2018) and they are also described in other studies (Tomášek et al. 2017), we think that their analysis in the context of this study will not only be a duplicate repetition of what has already been researched, but will contribute to greater knowledge (among other things, due to the specific focus of research on persons released from imprisonment, where some findings recorded in other studies in person released from imprisonment were in general also manifested in interviews with our interviewed persons conditionally released from imprisonment, who were subject to probation supervision, and the research thus enabled earlier findings generally concerning released persons to be verified and their form recorded in this specific group of persons). Moreover, although the problems of the released persons have been relatively solidly analysed recently, they are still not sufficiently reflected by the institutions, so that their repetition will hopefully also contribute to greater socio-institutional changes. After debts and distrains, the second most frequently mentioned problem after release was the **anxiety associated with the impact of prisonization** and the transition from prison to society (and the need to adapt to a completely new environment). Anxiety is experienced by virtually all released persons, regardless of the length of their sentence, as exchanging a controlled prison environment for a society where control is less formal and often more dependent on interactions and skills which the released persons lack is always a shock, as one informant describes: ‘What awaits you? The door to the unknown will open, so that’s it, well’ (informant, 52 years old, 12 years in prison, probation supervision for 2 years in the past). Anxiety is described by another informant in an interesting way:

[...] after a while, like it was quite a long time, [...] so it actually took about a month before... before I fully acclimatise in some way. Then it somehow came to... as if...

how would I put it... [...] that I perceived the world in the same way as when I was free earlier, that in fact, through... that it was not through such a filter or through something [...] (informant, 39 years old, 4.5 years in prison, probation supervision for 5 years).

The informant used the *filter* metaphor to express his/her mood in the first months after his/her release, when he/she simply saw the world around him/her **under the influence of prisonization and the categories he/she had acquired during the imprisonment**. The informant further admitted in the interview that he/she expected the mentioned acclimatisation much earlier after his/her release, but even though he/she actively wanted to, he/she could not adapt so easily and quickly. Anxiety is naturally associated with specific manifestations, and in this regard we can complete the quotation by the above informant who was waiting for a social worker at the train station:

[It was] about thirty degrees outside. I thought I was going to die. You know what it's like after four years, I got out [...] Now I had about four bags, which I said, I felt like if I climbed out of the bushes somewhere. [...] I was imprisoned in the winter, I was imprisoned on the ninth of December and released in the summer, right. So I wore winter boots, winter jacket [...] Now it was hot [...], now I was afraid to go to a shop, that I just wouldn't be able to buy anything, that I couldn't do anything at all. I had a phone now, but it was of no use for me, because it was completely dead after those four years. But completely, totally (informant, 47 years old, 4 years in prison, probation supervision for 6 years).

It is clear that even banal interactions and actions can be a big problem after release, which can further complicate the fact that has become a certain 'evergreen', namely **different periods of starting and leaving imprisonment**, and thus different clothing and its suitability due to the season and outdoor temperatures. Some prisons offer clothes from collections they organize, so they mitigate the problem, but it is still a problem in some prisons.

However, five informants appeared in our sample who had to deal with **government measures aimed at slowing down the spread of coronavirus**. These measures often led to a reduction or full suspension of social services, as illustrated by one of the informants:

Well, worries. There I had a roof over my head, I didn't have to get food, I still smoke, well, so like, well. Well, so I had an exit and went to stay somewhere, so I

went to [NPO]. There is a coronavirus, they do not accept anyone. Yeah, so I said: 'Well, that's nice.' Then I went to [another NPO], where there was also a reception centre. So I gave them my ID and they say: 'You haven't been here three years, so I can't take you. If you are not infected.' Well, I had to be on the street, well (informant, 33 years old, 7 years in prison, probation supervision for 1.5 years in the past).

This quotation represents more extreme cases of released people who, during the national quarantine and other measures, could not turn to social services as often the only form of support that allows the release to be handled mentally and practically. The informant was eventually taken to a low-threshold facility, where they did not require coronavirus tests or money for accommodation; however, the person was lucky to have such a facility in the area (the lack of them is more common).

Another problem that concerned our six informants was the **financial security after their release**, which was associated with the above-mentioned problem of debts and distraint, where too low the amount of unseizable minimum left after distraint deductions was not only demotivating, but also liquidation in terms of cost of living:

[...] I got a job, for example, and the organizations weren't here. And when I did it myself, just like no one helped me and I just went to work, I got a job through an agency and the problem was that I started, somehow I survived that month. It was good work, clean work, good team, everything was absolutely great. And suddenly you come to an ATM and instead of 12,000, I had 4,000, yeah, that base. Bink, I paid for the accommodation, right? You pay for the accommodation, 4,000 - I'd say I'm good, well, I'm waving my hand that I'll live with two like, with someone else at the accommodation, for example. [...] So where do you have food? And was where I've been before [...] and everyone: 'And you couldn't do it.' I say: 'Well, what was I supposed to do?' Like I say, I already have something behind me and I thought like, I'm not going to live with dustbins. That's what I said, I won't live with the dustbins, and I say, and it's more dignified for me to go back to that prison. I come there, no problem at work (informant, 46 years old, over 20 years in prison, probation supervision for 7 years in the past).

The quotation clearly shows a strong demotivation from excessive distraint deductions and the impossibility of leading a 'proper life' with them, even if the released person is highly motivated and actively tries to solve his/her situation. The informant balanced a lot during the interview, as he/she had a lot of experience with imprisonment and

multiple releases. At the time of the interview, he/she stated that, for the first time since his/her last release, he/she was using at least minimal support from an entity and perceived a qualitative difference. The scenario described in the quotation occurred without support in the past, i.e. the impossibility of financially securing oneself and living a dignified life and returning to prison as a familiar environment, where the person already had a built position and felt more dignified than when being free. Naturally, such existential problems primarily concerned three people who did not have a stable life situation in our sample.

However, people who had a relatively stable life also faced financial difficulties, again due to the debts and distraint they faced. However, they could rely on the help of either an entity or a family or a close person. One example for all:

I can tell you're right. That the idea was that the dad wouldn't actually be there... If that didn't work out [if the released person did not have the opportunity to live with his/her father], I can say that I'd be screwed. Because I wouldn't have how to pay the rent, and I can actually say that even for the food, that I just wouldn't have enough, that I would... Today's cost of life, such as living, food, and if you have children, so it's after-school childcare, lunch and so on, so I would actually without my dad, I would...I wouldn't exist because it would be terrible. So I can't imagine [it]... (informant, 26 years old, 4 years in prison, probation supervision for 5 years).

The help from the family was therefore vital and crucial for the informant, otherwise he/she would not be able to imagine his/her situation. The person also had experience with assistance from public institutions, especially the **immediate emergency assistance** instrument, which is paid by employment offices.

This brings us to a topic that spontaneously emerged in several interviews. Without directly asking about the experience, four informants themselves criticized the approach of employment offices to their situation and to themselves. For clarity, we can mention the experience of the person referred to in the previous paragraph:

I used it [immediate emergency assistance], but I can tell you that it requires a change, too. Their immediate emergency assistance, which concerns five hundred or a thousand crowns, is like nothing. I think that person is capable, honestly, and frankly, to give it bluntly, to take the money and go buy some drugs for it. Because what else will he do with it? It's not enough for housing. Like maybe if he were reasonable, maybe he'd get some food for it and that's like it. What should one do? With that amount if he's fired after a few years? It's nice that if they release him out

of prison and he works, they give him some amount. But...Good. We find that the man gets out and has, for example... I don't know, fifteen hundred crowns in his pocket. Nevertheless. Having fifteen hundred in my pocket, what am I going to do with it? They should definitely start doing something about this, because they couldn't be surprised that these people are really going back there, because there are just some people who don't have a strong will and start collapsing on this problem, for example, that they start to panic and say to themselves: 'I'm screwed. What am I supposed to do?' (informant, 26 years old, 4 years in prison, probation supervision for 5 years).

The informant alludes to the now quite often widespread practice, where employment offices often pay only a one-off benefit in the amount of CZK 1,000 as part of immediate emergency assistance, although they may pay more funds in the following sequence. At the same time, some informants in interviews complained about divergent information about applying for social assistance and the demands they had to meet. The problem is, in fact, that employment offices often make different decisions locally and regionally, and there is no consistency between them. This means that it is possible to obtain more social assistance in the same life situation in one employment office than in another one (in connection with released persons, see in part Tomášek et al. 2017). The informant describes in the second part of the quotation very well that material deprivation and the absence of assistance from public institutions can be an important factor that will cause or intensify the anxiety we wrote about above, and the person will not manage the situation and end up back in prison.

As we have already pointed out, the problem of **housing** or unstable dignified accommodation is related to material deprivation, debts and distraint. We do not include **reception centres and quarters** in such accommodation, as they are problematic and their environment can be the trigger for problems that have led the person to prison (drug use or impulsive behaviour). After all, this was clearly stated by one of our informants:

Well, quarters, it's not housing, that is, it's like a return pass back. There are alcoholics, drug addicts, I don't know who else is there (informant, 33 years old, 7 years in prison, probation supervision for 1.5 years in the past).

In addition, the informant had problems with drugs, so he/she reflexively acknowledged that the quarters environment was high risk for him/her. However, despite the unsuitability of reception centres and quarters, it is unfortunately often the only option

for some accommodation for released persons, as other options are not available for them. This is mainly due to the still missing legislation on social housing and its implementation in practice, insufficient support through existing instruments (see the non-functioning immediate emergency assistance to cover caution money discussed above) and the absence of more specialized tools, such as halfway houses, etc., and their systematic implementation. These problems also affected persons who had a relatively stable situation in our sample, where in some cases this situation was stabilized only with the help of a family that paid debts and thus removed the distraint deductions from our informants. However, some were unlucky, as one informant who did not want to go to the quarters showed, so he/she lived in the **form of shared housing**:

So, of course, it's a shared housing, when [...] it's a three-room flat and everyone there has their own private room and a shared kitchen and bathroom. Well, I'm actually closer to that job, so I have a shorter way to work and a better environment. Well, what I, like... what I seem to be dealing with right now, like for the future, is that this is my goal, to find it for a reasonable price... in fact, I'd like to have private housing in the future. Quite a tiny one, I don't know, maybe twenty square metres, I say, like a studio flat, because I don't want to live in the shared housing for a very long time or for some lifetime, because... my family comes to visit me there, but, after all... when there are other people... the privacy is a bit... a bit limited, to put it so (informant, 52 years old, 3 years in prison, probation supervision for 6.5 years).

Therefore, shared housing can be an option for released persons, with them moving to their own or private housing after some time. However, this option is certainly not feasible for all released persons, as their social skills are often weakened due to prisonization (see Mertl 2020), and they are important for this form of housing. Given the overall current housing situation, where **stable housing is not generally available in the Czech Republic** (see Samec 2018), it is also a question of whether the released persons subsequently have a real opportunity to achieve their own housing.

Five informants had **experience with addiction to psychotropic substances**, with four being drug users **and** one being addicted to **alcohol**. Addictions to psychotropic substances also contributed to some extent to their criminal activities and imprisonment, so they dealt with the addiction even after their release. Interestingly, they all underwent a certain therapeutic programme in prison and three of them belonged to a group of our informants who had a relatively stable life. Only three of

these five informants had probation supervision at the time of the interview, with only one of them having compulsory testing for psychotropic substances:

[...] sometimes some of the tests take place, so a slightly different form than in that prison, it's a cotton swab for saliva. There were urine tests in that prison, but otherwise everything is still fine (informant, 39 years old, 4.5 years in prison, probation supervision for 5 years).

The given informant took the situation rather routinely and did not state that the procedure would burden him/her in any way. Also important is the fact that the quoted informant, together with another informant, again **used specialized assistance of NPOs actively**, which was especially important, also with regard to the fact that the issue of drugs can be a sensitive topic. The second informant mentioned then described how the cooperation with NPO helped him/her to stabilize his/her own situation, to the extent that further cooperation was already aggravating for him/her:

[...] I'll no longer be addicted to drugs. So I ended it [cooperation with NPO], and especially now at the moment, I don't want to cooperate with them, with any non-profit organization or [specific NPO], because for me it is like mentally demanding and time-consuming. I was actually working with them at the time after my release, let's say, with about five or six organizations, I already felt like a fool, when it was kind of a groundswell, so it's better for me today, when I'm out of those organizations. Like all of them, they helped me a lot, every organization was great. But then over time, when it somehow stabilizes, then you have to do away with it... (informant, 26 years old, 4 years in prison, probation supervision for 5 years).

Some exhaustion was also caused by the fact that the informant had already moved on and **addressed other issues** related particularly to material deprivation, housing and childcare, which the entities could not help him/her with. The quotation also refers to a situation where a large number of duties are 'imposed' on a conditionally released person after release, which can cause anxiety or **a conflict between individual programmes and duties**. In addition to one informant who was required to undergo compulsory testing as part of probation supervision, the informant who was addicted to alcohol had institutional treatment ordered by a court, so he/she was attending regular treatment and testing as outpatient. As was the case with probation supervision, the person perceived outpatient attendance as a routine duty, which he/she observed and, in his/her words, abstained from alcohol for the longest time in her adult life at the time of the interview.

Two informants faced **serious health problems**, one of them also had combined problems:

[...] I'm an asthmatic, [...] I have diabetes, now I actually have, now I'll deal with, I've been to surgery [...] carpal tunnel [...], [but it] will be operated again, but I should change my mind, because [I can't move] it for half a year [...] Go to work somewhere. I'd like a part-time job, but I still have the hand, I have problems, I say, with it, when it is fixed or not fixed [...] (informant, 52 years old, 3 years in prison, probation supervision for 6.5 years).

Moreover, the person was dealing with a problem that his/her **degree of disability had been reduced** from the third degree to the second at the time of the interview, which, in addition to losing part of income, also includes the need to register with an employment office and the obligation to actively seek suitable employment. It is one of the reasons why the informant in the quotation discusses that he/she would replace the eliminated income with some form of extra income, but his/her health condition simply did not allow it. At the same time, the informant was waiting for the outcome of his/her appeal against the decision to reduce the degree of disability, but the appeal proceedings were lengthy. The second informant had different experience:

Actually, before I got, I got to that prison, so I'm actually, I have some bad eyes, probably since birth, or about roughly from that period. They don't know exactly what happened to me, I have something with the retina and there's nothing to do about it. So, in fact, I used to just look for a job after school without anything related to it, and I found that it was impossible, and there [in prison] they made me solve my pension and just the papers around those eyes, so actually thanks to that I found a job now, when I actually listened to the advice of those there... let's say educators and probation services and so on (informant, 39 years old, 4.5 years in prison, probation supervision for 5 years).

The informant had the opportunity to use the time in prison to settle matters for which he/she did not have the capacity or competence outside it, which subsequently eased the situation after his/her release. In this respect, it is worth noting that participation in the Fragile Chance programme and the overall compilation of conditional release documentation also helped to settle it. At the time of the interview, the informant was also processing a partial invalidity pension, to which, however, he/she was not yet entitled because he/she had not worked a sufficient number of years. The mother of

the informant helped in this case again, who was to pay the amount, with the informant gradually repaying it to her.

The last problem that the released persons had to face, identified in this research, was **stigmatization due to the criminal and prison history**, which was felt and expressed only by one informant:

But I found employment quite well, just now someone at work told me that I could have a criminal record. So now I'm going to have to deal with it somehow, right. Because, my superiors kind of like me, they would like to smooth things out, but somehow, simply, some sticky-fingered one just plainly, I just bother someone there, so he wants to open it, yes (informant, 29 years old, 6 years in prison, probation supervision for 7 years).

This type of stigmatization, i.e. the targeted use of a criminal history against someone, can be potentially the most dangerous, as it often comes at a time when the released person already has a relatively stable situation and it can thus erase all efforts. Fortunately, the informant has the support of the management, which did not know about the criminal history, as he/she stated, but they support and motivate him/her not to worry about it after experience with his/her work commitment.

At the end of this chapter, we will look at the second relevant factor that distinguished the three informants whose situation was unstable from the six informants whose situation was relatively stable, namely **completing a therapeutic programme in prison**. In total, seven informants completed a programme, whether standardized in the execution of a sentence in a regular section or in a specialized section. Most often, the programmes focused on work with criminal offense, impulsive/aggressive behaviour, and drug use. The reactions of our informants were positive, with some of them saying that it was a rewarding experience for them, but also lukewarm. However, not only does the completion of therapeutic programmes significantly contribute to reducing the possibility of returning to prison (Jiříčka, Kejřová 2015; Jiříčka, Prokeřová 2012), but our experience as researchers was often clear during interviews if the person went through a therapeutic programme in prison. Such informants could often talk about their past easier, and it was clear that they had already processed it, at least in part, and had taken something from it that helped them in their situation outside prison. It should be noted that completing a therapeutic programme in prison was often a necessity for a successful conditional release proceedings. Informants often stated that participation in the programmes was rather

a pragmatic choice, which they could show in the documentation. However, even in these cases, the informants were able to evaluate the benefits of the programme:

[...] I had, in addition to the drugs, such problems with managing hot temper, that in fact, even the paragraphs I had, somehow illustrated it, and through that prison psychologist there, I got into a programme called Relaxation, autogenic training and Jacobson's training, which actually helped me to manage my hot temper in such a way that it just really surprised me that I was...I wasn't expecting much from it, to tell you the truth. I thought to myself that it was just something like that, just to fulfil something, as in the case of that... the hot temper, but really, it was such a benefit that... that I actually knew what that body does when you get angry and it's actually possible to stop it somehow right from the start, that it actually... it goes to a stage where you start to get angry, yeah, and that I really thought it a great thing, like (informant, 39 years old, 4.5 years in prison, probation supervision for 5 years).

The mentioned quotation points to a typical and **often happening fact, namely that the imprisoned person registers for the programme for a pragmatic reason, but the process of completing the programme affects him/her and he/she begins to be interested in its fulfilment and completion.** Thus, pragmatism is not detrimental in this case, but may be the primary appropriate motivation for the person to enrol in a therapeutic programme. And the completion of the therapeutic programme itself can be, as we have already mentioned, an important and significant factor in the successful return/reentry into society.

### ***Perception of probation supervision and cooperation with PMS***

In this last subchapter, we will focus on how our informants perceived the PMS probation supervision and how the probation officers, if any, participated in solving the problems and reducing the barriers that we mentioned in the previous subchapter. A total of seven informants described their experience with the PMS and meetings with officers in the sense that it was at least initially formal and consisted only in monitoring compliance. Three of these seven informants said that after some time they had established a more intimate relationship with their officer and that interactions began to take a form of social work more. Only one informant described probation supervision purely as an interaction that is closer to social work. The last informant experienced probation supervision long ago in the past and was only able to remember that he/she had successfully completed it, but not any precise details.

**Informants who stated that the officer had dealt with them in a purely formal way** typically pointed to that there was little interest in how they were and what problems they were solving, and a great interest in documenting the various activities they were supposed to carry out. The formality is then representatively expressed by this quotation:

And after my release, I actually go there like every other month, and so far I have had an older gentleman who just isn't like much. I came: 'May I ask how are you? How are you doing?' I told him that everything was fine, because I discuss the problems with the probation officer and other people, so when I went home...Now they have changed my probation officer for a younger guy and... in fact, I can say that the probation and mediation service has no influence at all or... I can't say that they help a lot or that they are completely interested in the details and that they are helpful. I wouldn't say that. [...] So, unfortunately, I can't say that the probation and mediation service would help in any significant way. Rather, it's really just about the supervision (informant, 26 years old, 4 years in prison, probation supervision for 5 years).

It is clear from the quotation that the formality caused the establishment of a not very confidential relationship, which further resulted in a limited sharing of information to the bare minimum and an understanding of probation purely as supervision. This could at some point complicate probation supervision (although the informant did not have any problems with its fulfilment), when conflicting and problematic situations could be prevented with more information. At the same time, it is clear that the potential of probation supervision is considerably weakened by excessive formality, which in the basic sense can serve well as a tool for psychological support and solving specific problems faced by the person, as we stated in the theoretical chapter.

**The combination of a formalized approach and social work** is illustrated by the statements of two informants in particular:

So at first I go each month, but gradually the time will probably, like, lengthen [...] I always bring her [probation officer] the current payslip and the lease contract, and probably now a visit is being prepared, that she comes visit me at my place of residence. [...] I liked that, that she said I shouldn't look for something, like, physically demanding, that one is of some age and that one shouldn't, somehow, drudge, to put like that, right [...] I felt like she cared about one. I want, like, I mean now, why I'm talking about it, that I didn't have the feeling that he/she would take

me just like... like some person with whom he/she now has a meeting about... to found out and check if everything was fine, but that such a human... for example, I felt the approach there (informant, 52 years old, 3 years in prison, probation supervision for 6.5 years).

[...] at first we seemed to define the space, because Miss [probation officer] was quite assertive [...], [but] in the end we get along well [...] I thought it would be just like rough, just so I wouldn't commit, just actually following the condition, but [...] I didn't know [that] he/she was going to deal with me really as human being. That she won't deal with me as a serial number [...] On the contrary, she is really interested in my motives and simply wants to know what's going on inside me [...] (informant, 29 years old, 6 years in prison, probation supervision for 7 years).

Both quotations show that the informants assessed it positively when the probation officer showed interest in them and was not only interested in fulfilling the formal requirements of supervision. Even in cases where the probation officer did not help in the practical sense, but 'only' talked to them and established a more intimate relationship. At the same time, **the described form of such probation supervision is similar to an approach based on social work.** The only informant who did not state any initial or later formalization perceived his/her probation supervision similarly and generally perceived it purely in the intentions of social work.

**However, apart from psychological support, no one stated that the probation officer would help him/her to solve specific problems** that they had to solve after their release. **The specific sample we spoke with certainly played a role in this respect**, where all informants who had a relatively stable situation **cooperated closely with NPOs and parole officers to solve their problems, so they did not need to involve the PMS in the process. After all, some informants mentioned this fact, expressing the belief that if they asked for the help of a probation officer, he/she would try to help them solve the problem.** Nevertheless, it needs to be made clear that we did not have an informant in the sample who would be helped by a probation officer to, for example, secure more stable housing or employment or to settle insolvency, etc.

On the other hand, four informants spontaneously stated that they sometimes had to deal with a time **collision between PMS visits and other activities.** The collision was mainly with the employment of attending other prescribed programmes, which may have been outside the place where the PMS office and the person's place

of residence were located, and possibly a collision with childcare. In this respect, as pointed out by one informant, the situation can be particularly problematic when a person starts employment and is anxious about the fact that his/her position is not strong due to his/her criminal history, and he/she also has to ask the employer for releasing for a meeting with the PMS, which may further weaken the position. In addition, no informant mentioned in this connection that the probation officer would in any way communicate with the employer and try to explain the situation. On the contrary, the informants always had to take care of the matter, two of whom stated that their probation officer had recommended that if the employer did not comply, they should inform the employer of the obligation to release the person in question. However, the question is whether it is appropriate for the released persons in their weak position to act in this way with employers, who could perceive the situation as conflict and terminate the employment with that person. There was occasionally a **problem with balancing probation supervision and cooperation with NPOs and parole officers** in terms of certain fatigue of the informants from the large number of meetings and arrangements.

### ***Two typical cases in our sample***

For a clearer view of the facts found by us, it seemed appropriate to create two more cases of released persons, typical for our sample, which would represent the above-mentioned groups of persons in an unstable or relatively stable situation after their release.

**In the first case, which considers the unstable situation** we observed in three informants, it was typical that the person had multiple prison stays and did not use any comprehensive support network during their lifetime (for example, a combination of NPO and parole officers). Such a person faced problems that he/she could not solve on his/her own without help: alcohol addiction, addiction to other drugs and impulsive/aggressive behaviour, unstable housing, material deprivation and debt/dstraint. In addition, these problems were interlinked and mutually supportive. The absence of family support was specific, which was caused by the fact that no one in the family was left to provide support, the family did not want to support the person or the person did not want the family's help ('did not want to be a burden'). Within the prison, such a person did not go through any therapeutic programme, or went through during a repeated stay in prison, i.e. relatively late. With regard to probation

supervision, such a person encountered only formal control by the probation officer, which corresponded to the probation's approach as a form and an extended sentence, and this form of probation supervision did not bring them anything in their situation.

**In contrast, in the second case involving informants who had a relatively stable life situation**, it was typical that such a person was in prison for the first time, went through a therapeutic programme in prison and worked with NPO and parole officer to solve their problems and reduce barriers. Such a person faced the same or similar problems as the person in the first case but used combined assistance from NPO and parole officers. Nevertheless, some problems persisted, particularly debts/distrain, which were still unsolvable for the persons in question, despite the assistance provided. The reason was the poor systemic distrain setting, especially with regard to the too low unseizable minimum, and debt elimination in the form of insolvency, which was difficult to achieve. If the person had settled debts and distrain, it was only with the help of his/her family or partner who helped to repay the amount owed. The issue of housing and its stability was also linked to the debt issue - if a person had stable housing, it was often solely thanks to the help of another close person who provided funds to pay caution money in a rental flat or directly covered the costs associated with housing. Therefore, we describe the situation as relatively stable in the second case. Regarding probation supervision, the person more often encountered fewer formal interactions on the part of probation officers who were interested in the person and tried to support him/her. Psychological support was important for the person and, to some extent, surprising and unexpected. Although probation officers provided psychological support and interest in the person, they did not help him/her with practical problems. This was to some extent also due to our sample, where we obtained informants through NPOs and parole officers, so the cooperation took place mainly with these entities. Nevertheless, in the latter case, the person felt that probation officers would help him/her if he/she wanted to.

### **Discussion of findings and conclusion**

Our research was small in scope, so we cannot generalize our findings and it is necessary to understand this report more as a contribution to the issue of (post)penitentiary care and probation supervision.

It is possible to observe well examples of good practice and unsatisfactory or non-functional practice from the two described cases, which are based on the data and

knowledge we created. **Good practice** consists mainly in working with the person already in prison, especially through the timely and successful completion of a therapeutic programme aimed at the identified needs of the person. In this respect, a significant motivating element for the completion of such a programme is the conditional release, for which prisoners usually need to prove that they have undergone a similar programme. Another good practice was the combined and interconnected help of NPOs and parole officers, which was again focused on the needs of the person and took the form of field assistance and accompaniment. The last example of good practice was the probation supervision conceived as social work. Although we did not have an informant in our sample who would be helped by the PMS in some way with their problems and barriers, the informants perceived the interest and psychological support from the probation officer as an important factor.

On the contrary, **unsatisfactory or non-functional practice** consisted in the absence or untimely completion of a targeted prison therapeutic programme; insufficiently integrated and systematic post-release support; and also in the formalized concept of probation supervision as a form of repression and extension of punishment.

In addition to good and unsatisfactory practice, there were also **structural or systemic shortcomings of the Czech environment** - the impossibility of effectively resolving debts and distraint and the complicated (and in some cases impossible) provision of stable housing. Both systemic problems, which would be helped by changes in the distraint setting (unification of distraints, higher unseizable minimum, etc.), more accessible insolvency and the existence of affordable housing (for example, in the form of social housing), are already notoriously well known (Mertl, Bareš 2017, 2018). In this respect, cooperation with NPOs, parole officers or probation supervision conceived as social work cannot help, as it simply has no 'space to move' the released persons and the situation of the released persons is highly dependent on the current systemic setting. It follows that, at least at these levels, a deeper systemic change is needed.

In addition to examples of good and bad practice, we would like to address one Czech specific that emerged from the interviews and which is a typical problem of Czech (post)penitentiary care, namely the **absence of a certain minimum standard or a more unified culture that would guarantee at least similar conditions for all prisoners and released persons** (for more, see Mertl, Bareš 2017, 2018; Tomášek et al. 2017). In our case, this meant that there was a diverse opportunity in prisons to

use functioning PMS, commuting non-profit entities (and their willingness to cooperate and vouch for the person) and functioning cooperation with parole officers. Courts and especially judges also entered the process. They often played a key role in the final decision on conditional release. The last difference factor was the Fragile Chance programme, which ran in some prisons and its completion better prepared individuals to go to court for a decision on conditional release. As a result, some prisons provided 'better comfort' in preparing for conditional release and thus increased the likelihood of success than other prisons, and judges were generally more or less inclined to decide on conditional release in some locations. In practice, a person could succeed with conditional release in one prison, but if he/she submitted the same initiative and documentation in another prison, he/she would not succeed. Overall, such volatile conditions, lack of information, ambiguity, and the prison 'mythology' associated with conditional release could cause a strong sense of disappointment and (non-)existing and (non-)functioning rules, as the quotation of one informant shows:

It's better to have money, give the lawyer, yeah, maybe 100, 50, well. And you go. You don't need to have probation officers and anyone behind your back, right (informant, 33 years old, 7 years in prison, probation supervision for 1.5 years in the past).

Although a good lawyer is often a key factor making a difference in court proceedings, it is an unattainable ideal for most convicts because they do not have enough money to pay for it. The mentioned quotation represents a group of imprisoned persons who can use various 'rationalization and stabilization' strategies of cooperation in the complex and often chaotic environment of the request for conditional release, which will help them grab the situation once, but they start moving outside the set rules, which makes the situation more difficult both for them and for to prison staff or judges.

**One of the tools that seems to at least to some degree limit the emergence of mythology, disillusionment and the feeling that the system was operating on the basis of some undeclared principle was the Fragile Chance programme and the parole commission. However, as in other sub-systems of the Czech prison system, care must be taken to create certain common values and a more unified culture that would unify and balance the conditions of the various prisoners at least a little.**

If we look at the findings we created in terms of our goal, i.e. whether probation supervision can be a positive difference element that increases the chances of successful return/reentry into society, we think that it can in certain circumstances. Although our sample was small and did not provide a clear position on this issue, as our informants did not solve their specific problems with probation officers due to close and functioning cooperation with parole officers and NPOs. However, some were surprised by the approach and helpfulness of probation officers and stated that they felt psychological support from them and that they would probably be able to help with practical problems if needed. **We conclude that probation supervision has the potential to be a tool that could facilitate release from prison, especially in view of the anxiety after release and some practical problems. However, this potential is only relevant if probation supervision is carried out as social work and takes the form of cooperation between the officer and the released person.** This fact became clear from our research and other research, whether domestic or foreign: **probation supervision as a form and extension of sentence only piles up additional obligations and does not help released persons in any way to return to society. In addition, some of our informants stereotypically expected exactly this function from the probation supervision and were surprised when the supervision took a form approaching social work and perceived this fact positively.** It must also be said that probation supervision is linked to the application process in prison, a procedure which also has a great benefit for prisoners and subsequently released persons. They have to consolidate various aspects of their lives during this process, which helps them gain an insight into their criminal activities and arrange practical specific things, such as documentation on debts and distraint or an application for disability. Moreover, if the informants had the opportunity to participate in the Fragile Chance programme, it also meant a certain therapeutic overlap for them, as the parole commission gave them feedback not only on their documentation for conditional release, but also on themselves. **Therefore, conditional release has the potential to better prepare prisoners for release, as they are motivated to apply for therapeutic and counselling programmes and to cooperate with public institutions and NPOs in their application, and a higher chance of successful return/reentry into society, as they can follow in the cooperation even after the release, which is a more controlled and slower process than the so-called firm release.**

It is also worth noting that the range of characteristics typical of the situation of released persons after imprisonment coincides in many parameters, regardless of whether these persons were released conditionally or within the firm release. Nevertheless, conditional release (or more precisely, related activities during imprisonment that precede it - see above) can, in some important respects, **also affect the initial situation of persons after release from imprisonment.**

In addition to the above-described 'preparation' or 'directing' of the released persons during their imprisonment and the possibility of ensuring continuity of activities (the released persons participated in them during their imprisonment and even after its conditional termination), it is true that **cooperation with another professional is usually more likely and also significantly closer** in the conditionally released persons than in the case of persons in firm release. **This is particularly true for the conditionally released persons with supervision**, for whom cooperation with other professionals (whether PMS staff, parole officers or NPO staff) is essentially enforced during the probationary period by being a necessary condition for the further stay of a person outside prison during this period. The situation of these persons after their release is characterized by a significantly stricter pressure to set a certain order, which is associated with the performance of probation supervision (even if the level of support and assistance is emphasized in probation supervision). Persons conditionally released from imprisonment who have been placed under supervision thus continue to be significantly more controlled in their activities than other persons released from imprisonment (this is both a factual control during a meeting with a probation officer and a stronger symbolic control or self-control associated with the conditionality of his/her stay outside prison, which is stronger than in the case of conditionally released persons without imposed supervision, as it is conditioned not only by not committing a crime, but by the overall nature of the person's functioning during probationary period). The greater degree of control associated with probation supervision imposed on these persons was accompanied by other possibilities for support and assistance in comparison with other groups of released persons. Although these opportunities were not used by our informants and they perceived them with some surprise, they knew that they could use such an option if necessary.

Greater interconnection between imprisonment and staying out of prison, better preparedness of a person to apply for conditional release and more intensive (albeit in some cases primarily 'forced') contact with various professionals thus seemed to be

circumstances that could have helped conditionally released persons with supervision to improve their ability to structure the intertwining problems that released persons have to deal with at the same time immediately after their release from imprisonment. It is obvious that such better **structuring of problems** (such as their division into individual subtasks, the ability to focus more on the performance of individual subtasks, determine their order, spread their solutions according to their importance, etc.) **experienced immediately after leaving imprisonment** can significantly improve the overall ability of these people to deal with their return/reentry issues. Although the sample examined by us was small, it is worth noting that the respondents in this research, compared to other findings on the situation of released persons, **less emphasized the problems associated with stigmatization and also talked less about problems** (often associated with stigmatization) **related to obtaining employment or legal employment.**

Overall, it can be stated that the answers of our respondents indicated that the individual problems that these persons solve are probably **less interconnected** in their case than in the case of persons released from imprisonment in general. The statements of the released persons from both of these groups naturally relate to both current and past problems or difficult situations. Some of the circumstances described by the released persons in general no longer present a problem. Even so, a comparison of the statements of informants from this research (i.e. conditionally released persons) with the answers of those participating in our previous research (i.e. released persons in general) shows that conditionally released persons from this research considered some problems experienced after their release as closed (solved, basically no longer 'bothering' them, etc.) and perceived the problems they experienced in the current situation as less serious and more precisely characterized than in the case of persons released from imprisonment in general.

We also recorded the **help of family members** in the persons surveyed in this research to a much greater extent than we might expect based on the previous research and experience in the case of persons released from imprisonment in general. However, the stabilization of this area of life is certainly not surprising in a large part of our informants, because together with the promise of housing or employment, it represents a key circumstance considered in the application for conditional release. At least a relative stabilization of the life situation in this area is a crucial factor for the possibility of successful return/reentry into society, as evidenced

not only by previous research, but also the responses of our informants, in whom we recorded many references to intensive contact with their families during imprisonment and subsequent assistance after release. At least a relative stabilization of the family background can be perceived as a characteristic that can be found more often in persons conditionally released from imprisonment, and this circumstance may thus foreshadow the possibility of return/reentry of released persons into society in general (i.e. even if they are not conditionally released). However, it is clear that if the convict pays attention to this area during imprisonment and his/her contact with his/her family is not completely interrupted, or if he/she develops these contacts 'only' when applying for conditional release (even if he/she is led by purely pragmatic reasons), the convict finds himself/herself in a situation after release where he/she does not have to solve the problems associated with this crucial area of life together with other areas, and can thus pay significantly more attention to his/her situation in these other areas.

In general, it can be stated that a similar principle may apply vice versa even in cases where the convicted person tries to address issues related to employment, housing, addictions or distraint and debts in a similar way already during imprisonment (when applying for conditional release). However, it is clear that in the case of these areas the termination of imprisonment still represents a 'sharp divide', because it is in principle much more difficult to actually implement the goals designed, planned and 'developed' during imprisonment in these areas (except for a situation where cooperation is established already in prison with a specific employer who is interested in further employment of the same person even after his/her release, or when cooperation is already established during imprisonment with an organization providing a treatment programme near the place of residence after release, etc.).

In order for probation supervision to fulfil the potential mentioned by us, **we recommend:**

- Maintaining the Fragile Chance programme or a similar programme based on intensive preparation for conditional release and the parole commission and subsequently its gradual implementation as standardized preparations for conditional release.
- Increasing the availability and quality of therapeutic and counselling prison programmes, whether specialized sections or standardized programmes in regular sections.

- Gradual unification of the conditions and requirements associated with requests for conditional release and the creation of a standard to avoid ambiguity and excessive diversity and prisoners having different chances solely on the basis of the prison in which they serve their sentences.
- Promoting approach to probation supervision as a social work to support released persons and help them with their practical problems, based on interest in their situation, mediation (and not handing over) of contact with other participants and field assistance. This is associated with sufficient staffing of the PMS and the corresponding staffing requirements.
- Promoting cooperation and networking between the PMS, parole officers, NPOs and prisoners. This is associated with the availability of social services, which is weak in some areas and does not meet the needs of the region.
- Systemic change in the availability of stable housing, for example in the form of social housing, as well as more effective use of existing instruments to support stable housing, such as immediate emergency assistance to pay caution money.
- A more pragmatic solution to the debt problem, so that the system is sustainable, i.e. so that the released person repays the debts to his/her creditors, but at the same time they do not get into existential problems.

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