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COUNCIL OF EUROPE ANNUAL PENAL STATISTICS

SPACE II

NON-CUSTODIAL SANCTIONS AND MEASURES SERVED IN 2009

SURVEY 2009

BY
MARCELO F. AEBI
NATALIA DELGRANDE
YANN MARGUET

UNIVERSITY OF LAUSANNE
SWITZERLAND

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COUNCIL OF EUROPE ANNUAL PENAL STATISTICS II – SPACE II – NON-CUSTODIAL SANCTIONS AND MEASURES SERVED IN 2009

by Marcelo F. AEBI, Natalia DELGRANDE, and Yann MARGUET¹

Introduction

Background and scope of the survey

SPACE II collects information on **persons serving non-custodial and semi-custodial sanctions and measures**. Such sanctions and measures are frequently referred to as alternatives to imprisonment.

The survey is not designed to cover all the existing non-custodial and semi-custodial sanctions and measures. The ones included are basically those suggested by the Council of Europe in Rule 15 of Recommendation No R (99)22 on prison overcrowding and prison population inflation, in Recommendation No R (2000)22 on improving the implementation of the European rules on community sanctions and measures, and in Recommendation CM/Rec (2010)1 on the Council of Europe Probation Rules. Most –*but not all*– of them are **community sanctions and measures (CSM)** as defined by the Council of Europe. According to Recommendation No R (92)16 and Recommendation CM/Rec (2010)1, CSM are to be understood as "sanctions and measures which maintain offenders in the community and involve some restrictions on their liberty through the imposition of conditions and/or obligations. The term designates any sanction imposed by a judicial or administrative authority, and any measure taken before or instead of a decision on a sanction, as well as ways of enforcing a sentence of imprisonment outside a prison establishment".

Persons serving a CSM are usually referred to as **persons on probation**, and are normally placed under the supervision of a **probation agency**. In accordance with Recommendation CM/Rec (2010)1, the term **probation** "relates to the implementation in the community of sanctions and measures, defined by law and imposed on an offender. It includes a range of activities and interventions, which involve supervision, guidance and assistance aiming at the social inclusion of an offender, as well as at contributing to community safety". Also according to the same Recommendation, **probation agency** "means any body designated by law to implement the above tasks and responsibilities. Depending on the national system, the work of a probation agency may also include providing information and advice to judicial and other deciding authorities to help them reach informed and just decisions; providing guidance and support to offenders while in custody in order to prepare their release and resettlement; monitoring and assistance to persons subject to early release; restorative justice interventions; and offering assistance to victims of crime."

SPACE II covers the number of **persons** who have been under a community sanction or measure. This information is divided in two sections: figures of **stock** (the **number of persons under CSM on 31 December 2009**), and figures of **flow** (the **number of persons having started the execution of CSM during 2009**).

SPACE II **does not cover** post-prison supervisory or probation measures applied to offenders **after they have served their sentence**.

¹ Marcelo F. Aebi, Professor of Criminology at the University of Lausanne. Natalia Delgrande and Yann Marguet, Researchers at the University of Lausanne.

SPACE II **does not cover** sanctions and measures **imposed by the juvenile criminal law or applicable only to juveniles.**

The goal of the survey is to gather and compare, in a reliable way, the information provided by Member States of the Council of Europe. In order to allow comparisons at the European level, States were asked to **adapt their national categories to the categories proposed by SPACE II.** Moreover, in order to improve the validity of such comparisons, the questionnaire used for the survey included questions on the particularities of the sanctions and measures used in each country and had enough room for comments.

This survey counted with the support of the European Organisation for Probation (CEP) that sent letters to all the Member States, encouraging them to answer the questionnaire on which the survey is based on.

Conventions used

NAP/***	The question is irrelevant; the item refers to a concept not found in the penal system of the country concerned.
0	The number is zero, but the concept exists in the penal system of the country concerned.
...	No figures available, but the concept exists in the penal system of the country concerned.
---	The question has not been answered by the country.
()	Figures are presented between brackets when the total included in a Table does not correspond to the sum of the categories presented in that Table, but there is an explanation for such difference. That is the case when figures are not available (...) or when the country has provided a clarification that can be found in the notes to the Table.
[]	Figures are presented between square brackets when the total included in a Table does not correspond to the sum of the categories presented in that Table and no explanation has been provided by the country for such difference.

All the explanations and additional comments provided by the national correspondents are located in the notes to each Table.

Measures of central tendency

In Tables containing rates or percentages we have used the following measures to describe the distribution of the data:

- **MEAN:** THE ARITHMETIC MEAN IS THE OUTCOME OF DIVIDING THE SUM OF THE DATA SUPPLIED BY THE TOTAL NUMBER OF COUNTRIES. THE MEAN IS SENSITIVE TO EXTREME VALUES (VERY HIGH OR VERY LOW), THEREFORE, THE MEDIAN IS ALSO USED AS A MEASURE OF CENTRAL TENDENCY.
- **MEDIAN:** THE MEDIAN IS THE VALUE THAT DIVIDES THE DATA SUPPLIED BY THE COUNTRIES CONCERNED INTO TWO EQUAL GROUPS SO THAT 50% OF THE COUNTRIES ARE ABOVE THE MEDIAN AND 50% ARE BELOW IT. THE MEDIAN IS NOT INFLUENCED BY VERY HIGH OR VERY LOW VALUES.
- **MINIMUM:** THE LOWEST RECORDED VALUE IN THE GIVEN COLUMN OF THE TABLE.
- **MAXIMUM:** THE HIGHEST RECORDED VALUE IN THE GIVEN COLUMN OF THE TABLE.

FOR REASONS OF ACCURACY WE HAVE CALCULATED THE MEAN AND MEDIAN VALUES FROM THE ORIGINAL DATABASE, WHICH CONTAINS ALL THE DECIMALS NOT PRESENTED IN THE TABLES. READERS WHO REWORK THE CALCULATIONS FROM THE DATA IN THE TABLES - WHICH ONLY CONTAIN ONE OR TWO DECIMALS - WILL THEREFORE OBTAIN SLIGHTLY DIFFERENT RESULTS FROM OURS.

Demographic Data

The rates presented in this report have been calculated using demographic data (total population of each European country on January 1st, 2009), taken from the EUROSTAT Data Base (“Population on 1st January by age and gender”):

http://epp.eurostat.ec.europa.eu/portal/page/portal/statistics/search_database (retrieved on December 13th, 2010).

Exceptions: When the data provided by the national correspondents referred to a different territorial division than demographic data, , we used the following sources:

- **Bosnia and Herzegovina (Federation of Bosnia and Herzegovina):** Demographic data are mid-2009 estimates. Data were retrieved from the Website of the Federal Office of Statistics (provisional data, nowadays not included in the annual report), available at: <http://www.fzs.ba/Dem/Vital/VitalnaEngl.htm> (retrieved on December 13th, 2010).
- **Bosnia and Herzegovina (Republika Srpska):** Demographic data are estimates. We made our estimation on the basis of official data for 2009 (“Demographic statistics. Statistical Bulletin” no. 13, Republika Srpska Institute of Statistics, Banja Luka, 2010, p. 15), available at: <http://www.rzs.rs.ba/PublikDemENG.htm> (December 13th, 2010).
- **France:** Demographic data are estimates by the *National Institute for Statistics and Economic Studies*, INSEE (<http://www.insee.fr/fr/ffc/figure/NATTEF02133.XLS>). They relate to the 1st January 2009 and include the European territory of France (known as the Metropolitan France) as well as the French overseas departments (Guadeloupe, Martinique, Guiana and Reunion, known as DOM or Départements d’Outre-mer).
- **Serbia:** Demographic data exclude Kosovo and Metohija territories.
- **Monaco:** Demographic data are mid-2009 estimates. Data were retrieved from the Website of the U.S. Census Bureau: <http://www.census.gov/ipc/www/idb/country.php>.
- **Spain (State Administration and Catalonia):** Demographic data refer to 1st January 2009. Data were retrieved on December 13th, 2010, available for Spain (State Administration) at the Website of the National Statistics Institute of Spain: <http://www.ine.es/jaxi/tabla.do>, and for Catalonia, at the Official Statistics Website of Catalonia (IDESCAT), at: <http://www.idescat.cat/en/poblacio/poblrecomptes.html>
- **United Kingdom (England and Wales, Northern Ireland, and Scotland):** Demographic data are mid-2009 estimates by National Statistics Online. Data were retrieved on December 13th, 2010, available (separately for the each administrative level) at: <http://www.statistics.gov.uk/statbase/Product.asp?vlnk=15106>

Data Validation Procedure

According to the authors of the European Sourcebook of Crime and Criminal Justice Statistics (Strasbourg, Council of Europe, 1999), "validation is often the most important - and in many cases the most forgotten - stage of the data collection process". The validation procedure introduced for SPACE II substantially increases the workload of all the individuals and countries involved in the elaboration of the survey. It also delays the publication of the data. However, we believe that the results obtained –in other words, the improvements to the quality of the data– justify its use.

As part of the validation procedure, we produced a preliminary version of SPACE II and a series of control Tables that revealed a number of inconsistencies in the data received from some countries. Those countries were contacted again by means of a telephone call or a personal letter –sent by e-mail or fax– setting out the specific problems encountered in their data. In some cases, it was imperative to translate some information in order to avoid mistakes. Most of the countries corrected their figures, sent new ones for certain parts of the questionnaire, or indicated the reasons for the divergences identified. Such divergences are mainly due to differences in the national prison statistics systems as well as in criminal justice systems across Europe and are explained in the notes to the relevant Tables.

Nevertheless, despite our efforts to identify errors and inconsistencies, some of them may still remain and others may have been introduced involuntarily during the data processing. Moreover, it has not always been possible to correct the inconsistencies discovered in a totally satisfactory way. In that context, any readers' comments, notes or criticisms are welcomed.

Response rate of the survey

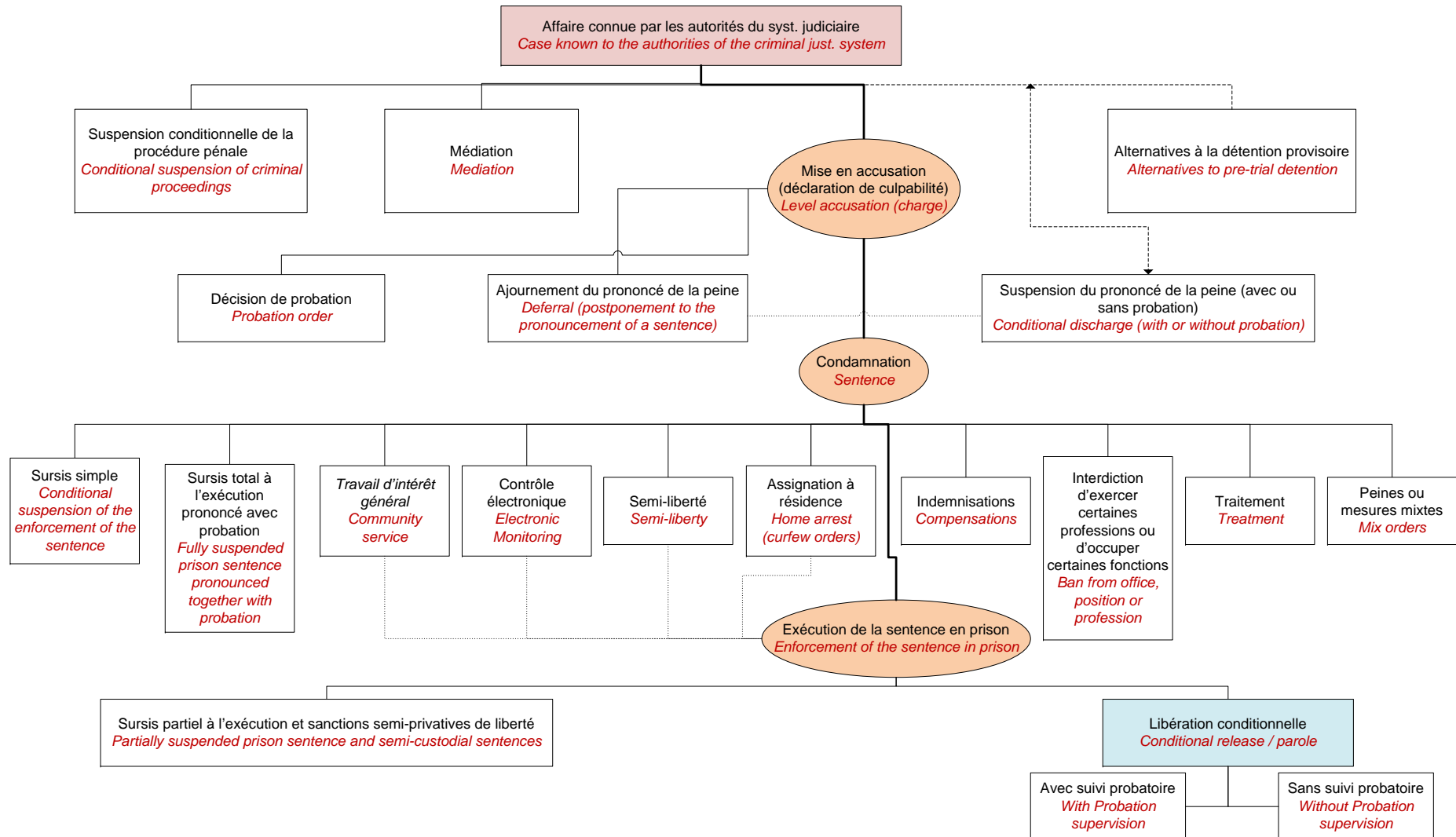
Thirty-four (34) countries and administrative entities answered the 2009 SPACE II questionnaire, compared to 25 for the 2007 edition. The increase in the number of respondents in two years seems to reflect the fact that some Probation agencies, still young at the time of the 2007 survey, are now ready to take part in this European comparative exercise. It also reflects the support given by the European Organisation for Probation to this project. Table 1.1 includes all the Member States of the Council of Europe. The rest of the Tables only include the countries and administrative entities that answered the survey.

This edition is not free from weaknesses, since many problems already encountered two years ago remain present. In spite of the growing number of participants, the response rate is still unsatisfactory. At the same time, some of the questionnaires received contained incomplete data. The problem of missing data seems related to the lack of reliable statistics on this field in many countries and to the great disparities that exist among the systems implemented in the different Member States. The lack of statistics is probably due to the fact that, in some countries, several non-custodial sanctions and measures have been introduced recently or have not been implemented yet. The many reminders sent by the Council of Europe and the European Organisation for Probation encouraging the countries to answer the survey, as well as the numerous attempts made by the research team of the University of Lausanne to contact the countries in order to solve inconsistencies in the questionnaires received, helped increasing the response rate and understanding the specificities of the data provided, but sometimes also reached a dead end.

In many cases, it was also difficult for the Probation agencies to adapt their national categories to the ones used in SPACE II. Finally, sometimes the supervision of CSM is shared between Probation agencies and other State or private bodies. In that context, it must be mentioned that SPACE II was sent only to official State bodies.

Principaux items inclus dans SPACE II / Main Items included in SPACE II

Les détails sur chaque item dans les parties correspondantes du questionnaire/ Details for each item in respective parts of the questionnaire



Section A: Probation and Community Sanctions and Measures (CSM) served in 2009

Section A includes information on persons serving CSM or being on probation in 2009. In this section the counting unit is **THE PERSON** and not the number of cases or records. The survey provides information on the number of persons that were serving such sanctions and measures on 31st December 2009 (STOCK statistics) as well as the number of persons who started serving such sanctions and measures during 2009 (FLOW statistics). The sanctions and measures included are the following.

- **CONDITIONAL SUSPENSION OF THE ENFORCEMENT OF THE SENTENCE**

The person is sentenced to a custodial sanction but the enforcement of the sanction is suspended without any condition.

- **FULLY SUSPENDED PRISON SENTENCE PRONOUNCED TOGETHER WITH PROBATION**

The judge can attach conditions to the suspension of a sentence during a given period. The person is sentenced to imprisonment, the enforcement of the sanction is suspended, but the person remains under the obligation to conform to the conditions of the probation supervision.

- **PARTIALLY SUSPENDED PRISON SENTENCE PRONOUNCED TOGETHER WITH PROBATION**

The partial suspension allows the judge to pronounce a sentence of imprisonment of which a part is served under custody and the other is suspended. In this category are also counted periodical prison stays (e.g. semi-custodial sanctions) accompanied by probation supervision during the rest of the time.

- **CONDITIONAL PARDON OR CONDITIONAL DISCHARGE**

The pardon is granted if the attached obligations are accomplished during a certain time (e.g. payment of the damages to the victim, detoxification therapy, etc). The conditional pardon can be pronounced after a sentence is imposed, and the discharge can be pronounced when the person is found guilty (convicted) but has not been sentenced yet.

- **COMMUNITY SERVICE**

The person is sentenced to work without monetary compensation for the benefit of the general public.

- **ELECTRONIC MONITORING**

This measure allows the localization of the person at a given moment of the day or the night and/or the monitoring of its movements. Electronic Monitoring can be accomplished using different techniques (electronic tag, telephone calls, or other electronic systems of monitoring).

- **HOME ARREST**

The person is required to reside in a permanent way at her residence. In some countries, home arrest is used exclusively with Electronic Monitoring (see the notes to the relevant Tables).

- **SEMI-LIBERTY (INCLUDING WEEKEND IMPRISONMENT AND IMPRISONMENT ON SEPARATE DAYS)**

Under this regime, the offender must spend a certain amount of time in the community and a certain amount of time in prison. The time spent in prison can be placed at different times. For example, the person may be obliged to spend the nights in prison or to spend the weekends or certain days in prison.

- **COMPENSATION ORDERS**

The offender must pay a sum of money to the victim as compensation for the damage/harm produced by the offence.

- **CONDITIONAL RELEASE / PAROLE**

The person is released before the end of his/her sentence, under some conditions. It is known as conditional release in some countries and as parole in others.

- **MIXED ORDERS**

Two or several types of CSM ordered at the same time or that supplement each other during the execution of the sentence.

1. Persons serving CSM or being under probation (STOCK) on 31st December 2009

Table 1.1 presents the total number of persons under the supervision or care of Probation agencies as well as its breakdown by the categories of sanctions and measures mentioned in the introduction (STOCK statistics). In Table 1.2 the total is presented as a rate per 100,000 population and the categories as percentages of that total. In both Tables, when the total does not correspond to the sum of the categories, but there is an explanation for that difference, figures are presented between brackets. When no explanation has been provided for such difference, figures are presented between square brackets (see Conventions used in p. 5). The subcategories of the item “Other” are presented in the notes to the Tables.

Country	Country population in 2009 (in thousands)	Total number of persons under the supervision or care of Probation agencies (STOCK)	Of which:														
			Conditional suspension of the enforcement of the sentence	Fully suspended prison sentence pronounced together with probation	Partially suspended prison sentence pronounced together with probation	Conditional Pardon or conditional discharge	Community service	Electronic Monitoring	Home arrest (curfew orders)	Semi-liberty	Compensations	Ban from office, position or profession	Treatment	Conditional release / parole with probation	Conditional release / parole without probation	Mixed orders (specify)	Other (total)
			1.0	1.1	1.2	1.3	1.4	1.5	1.6	1.7	1.8	1.9	1.10	1.11	1.12	1.13	1.14	1.15
Lithuania	3 349.9	6 889	***	3 321	***	***	196	***	1 604	***	38	61	...	1 450	***	***	219
Luxembourg	493.5	1 063	...	406	75	***	341	19	***	19	***	---	---	146	---	---	57
Malta	413.6	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
Moldova	3 567.5	(6 706)	3 348	9	54	17	868	***	***	***	***	1 174	...	1 129	***	0	...
Monaco	31.0	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
Montenegro	630.1	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
Netherlands	16 485.8	(39 743)	***	17 703	...	...	21 149	468	156	322	...	...	...	639	***	...	413
Norway	4 799.3	2 404	***	510	***	***	1 426	41	***	***	***	***	***	408	...	***	19
Poland	38 135.9	(402 918)	...	275 303	***	3 614	74 422	33	...	***	***	***	...	43 271	...	***	...
Portugal	10 627.3	(16 187)	...	6 406	...	...	3 919	524	...	...	...	...	...	3 184	...	...	2 921
Romania	21 498.6	(7 690)	...	6 648	***	...	...	***	***	***	***	...	...	***	...	***	***
Russia	141 904.0	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
San Marino	31.3	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
Serbia	7 334.9	6	1	***	***	***	1	***	***	***	0	***	4	***	***	***	***
Slovak Republic	5 412.3	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
Slovenia	2 032.4	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
Spain (State Admin.)	39 270.4	199 991	***	20 718	***	25	161 008	1 912	...	6 300	...	...	3 750	6 278	***	...	...
Spain (Catalonia)	7 475.4	10 023	...	1 616	***	***	4 934	48	***	1 922	...	...	473	760	***	174	96
Sweden	9 256.3	14 150	***	***	***	***	2 383	493	...	***	***	***	1 516	4 524	0	***	5 234
Switzerland	7 701.9	...	...	...	...	...	363	37	1	199	...	***	...	...	...	...	***
FYRO Macedonia	2 048.6	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
Turkey	71 517.1	[34 855]	3 821	1 065	22	32	562	***	...	***	***	630	22 291	203	***	32 349	2 406
Ukraine	45 963.4	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
UK: England and Wales	54 809.1	(175 832)	***	43 615	***	***	101 086	15 244	***	***	***	***	---	34 881	***	***	***
UK: Northern Ireland	1 788.9	(4 004)	***	***	***	***	868	...	***	***	***	***	***	370	***	1 200	1 710
UK: Scotland	5 194.0	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---

Table 1.2: Breakdown (in percentages) of persons serving CSM or being under probation (STOCK) on 31st December 2009

Reference: Council of Europe, SPACE II 2009.1.2

Country	Total number of persons under the supervision or care of Probation agencies per 100,000 population	Of which: Percentage of															Total %
		1.1	1.2	1.3	1.4	1.5	1.6	1.7	1.8	1.9	1.10	1.11	1.12	1.13	1.14	1.15	
	1.0	Conditional suspension of the enforcement of the sentence	Fully suspended prison sentence pronounced together with probation	Partially suspended prison sentence pronounced together with probation	Conditional Pardon or conditional discharge	Community service	Electronic Monitoring	Home arrest (curfew orders)	Semi-liberty	Compensations	Ban from office, position or profession	Treatment	Conditional release / parole with probation	Conditional release / parole without probation	Mixed orders (specify)	Other (total)	
Austria	(111.2)	---	37.6	11.0	---	---	---	---	---	---	---	---	34.0	---	---	---	83
Azerbaijan	54.7	2.0	28.7	---	---	2.5	---	---	0.3	---	0.3	---	10.3	---	---	56.0	100
Belgium	236.8	0.0	46.3	---	0.0	37.1	6.1	---	0.4	0.0	0.0	---	10.1	---	---	---	100
Bulgaria	(178.2)	---	---	---	0.4	38.6	---	1.0	---	---	---	---	3.1	9.1	---	---	52
Croatia	23.3	---	49.5	---	---	50.5	---	---	---	---	---	---	---	---	---	---	100
Cyprus	(95.2)	---	---	---	---	49.8	---	---	0.0	---	---	---	0.0	---	---	---	50
Denmark	153.0	---	15.5	4.3	0.2	24.6	1.5	---	---	---	---	33.7	19.3	---	---	1.0	100
Estonia	633.4	---	67.5	5.3	---	17.9	0.5	---	---	---	---	---	7.8	---	1.1	---	100
Finland	48.7	---	---	---	---	45.0	---	---	---	---	---	---	52.2	---	2.7	---	100
France	(365.0)	---	60.1	---	---	11.7	1.9	---	0.7	---	---	---	3.0	---	---	29.5	107
Georgia	(617.0)	---	89.4	9.1	---	0.4	---	---	---	---	4.6	---	1.5	---	---	---	105
Germany	(181.5)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
Hungary	258.1	---	20.2	---	---	45.6	---	---	---	---	---	---	9.6	---	---	24.7	100
Ireland	143.5	---	---	9.4	---	20.7	---	---	---	---	---	---	---	---	---	69.9	100
Italy	(60.0)	---	9.2	---	---	---	---	14.6	2.4	---	---	6.0	5.0	---	---	---	37
Latvia	466.4	---	66.5	---	---	18.7	---	---	---	---	---	---	11.0	---	---	3.9	100
Lithuania	205.6	---	48.2	---	---	2.8	---	23.3	---	0.6	0.9	---	21.0	---	---	3.2	100
Luxembourg	215.4	---	38.2	7.1	---	32.1	1.8	---	1.8	---	---	---	13.7	---	---	5.4	100
Moldova	(188.0)	49.9	0.1	0.8	0.3	12.9	---	---	---	---	17.5	---	16.8	---	0.0	---	98
Netherlands	(241.1)	...	44.5	---	...	53.2	1.2	0.4	0.8	...	...	...	1.6	...	...	1.0	103
Norway	50.1	---	21.2	---	---	59.3	1.7	---	---	---	---	---	17.0	---	---	0.8	100
Poland	(1056.5)	---	68.3	---	0.9	18.5	---	0.0	---	---	---	---	10.7	---	---	---	98
Portugal	(152.3)	---	39.6	---	---	24.2	3.2	---	---	---	---	---	19.7	---	---	18.0	105
Romania	(35.8)	---	86.4	---	---	---	---	---	---	---	---	---	---	---	---	---	86
Serbia (Republic of)	0.1	16.7	---	---	---	16.7	---	---	---	0.0	---	66.7	---	---	---	---	100

Country	Total number of persons under the supervision or care of Probation agencies per 100,000 population	Of which: Percentage of															Total %
		Conditional suspension of the enforcement of the sentence	Fully suspended prison sentence pronounced together with probation	Partially suspended prison sentence pronounced together with probation	Conditional Pardon or conditional discharge	Community service	Electronic Monitoring	Home arrest (curfew orders)	Semi-liberty	Compensations	Ban from office, position or profession	Treatment	Conditional release / parole with probation	Conditional release / parole without probation	Mixed orders (specify)	Other (total)	
	1.0	1.1	1.2	1.3	1.4	1.5	1.6	1.7	1.8	1.9	1.10	1.11	1.12	1.13	1.14	1.15	
Spain (State Admin.)	509.3	---	10.4	---	0.0	80.5	1.0	---	3.2	---	---	1.9	3.1	---	---	---	100
Spain (Catalonia)	134.1	---	16.1	---	---	49.2	0.5	---	19.2	---	---	4.7	7.6	---	1.7	1.0	100
Sweden	152.9	---	---	---	---	16.8	3.5	---	---	---	---	10.7	32.0	0.0	---	37.0	100
Turkey	(48.7)	11.0	3.1	0.1	0.1	1.6	---	---	---	---	1.8	64.0	0.6	---	92.8	6.9	182
UK: England and Wales	(320.8)	---	24.8	---	---	57.5	8.7	---	---	---	---	---	19.8	---	---	---	111
UK: Northern Ireland	223.8	---	---	---	---	21.7	---	---	---	---	---	---	9.2	---	30.0	42.7	104
Mean	231.0	15.9	38.8	4.3	0.3	30.0	2.4	6.5	3.2	0.2	4.2	26.8	13.1	4.5	21.4	20.1	
Median	178.2	11.0	38.2	4.3	0.2	24.2	1.7	0.7	0.8	0.0	1.3	10.7	10.2	4.5	2.2	6.9	
Minimum	0.1	0.0	0.1	0.0	0.0	0.4	0.0	0.0	0.0	0.0	0.0	1.9	0.0	0.0	0.0	0.8	
Maximum	1056.5	49.9	89.4	11.0	0.9	80.5	8.7	23.3	19.2	0.6	17.5	66.7	52.2	9.1	92.8	69.9	

Notes to Tables 1.1 and 1.2

Austria:

- 1.5: *Community service* is an alternative to arrest in case you cannot afford to pay a fine. (§ 3a StVG).

Azerbaijan:

- All items in the questionnaire: There is no probation service in the Republic of Azerbaijan; penalties not associated with compulsory detention are executed by the officers (bailiffs) of the local Execution Departments.

Belgium:

- 1.1: Persons who are sentenced to a custodial or non-custodial sanction with any probation-condition(s) are not referred to the probation service.
- 1.2 and 1.3: These items are merged because, at the moment, Belgian registration system does not allow a distinction between *fully* and *partially suspended sentences*. Therefore, the number of persons in 1.2 and 1.3 is the total of the *fully* and *partially suspended sentences*.
- 1.10: These sentences exist but are not a competence of the probation service.
- 1.13: Persons who are released from prison without probation are not referred to the probation service.

Bulgaria:

- General remark: According to the Bulgarian legislative framework, the *probation order* is a set of measures for rehabilitation and control of offenders. Probation sentence include two obligatory measures: “Obligatory registration on current address” and “Mandatory meetings with a probation officer.
- General remark: Bulgaria provided the same figures for stock (Tables 1.1 and 1.2) and flow (Tables 2.1, 2.2 and 3.1) without offering an explanation for that particularity. Therefore, these figures should be used cautiously.

Croatia:

- 1.2 and 1.5: The *Croatian Directorate for Probation and Victims And Witnesses* currently provides two CSM (*fully suspended prison sentence pronounced together with probation and community service*). *Directorate for Probation* will start to provide other sanctions that exist in national law after the employment of new probation officers.

Cyprus:

- General remark: In Cyprus, there are no independent/specialized probation services. Probation tasks are taken care of by welfare officers who act as probation officers.
- 1.1, 1.2 and 1.3: A sentence of imprisonment may be suspended on terms, on condition that the term of imprisonment imposed does not exceed two years. The law sets that a sentence of imprisonment may be suspended on condition that, within a three-year period, the convicted commits no offence punishable with imprisonment.
- 1.5: Persons being *under the supervision or care of probation services* are not distinguished from the persons under *community service*. According to the law of the Republic of Cyprus, a *community service* order is always combined with a probation order.
- 1.14: Sanctions and measures can be combined as follows:
 - The criminal procedure law provides that the accused may be adjusted to pay costs in addition to any other sentence that may be passed upon him.
 - Fine can be combined with imprisonment. Where power is bestowed to impose imprisonment and a fine, it is a matter of discretion of the Court whether one or the other form of punishment will be made use of, or both.

Generally it is undesirable to impose both imprisonment and a fine, as the two are consistent to a degree, considering that normally a prisoner does not have the means to earn the money to pay a fine and to require him to pay the fine after his release may make it difficult for him to make the fresh start expected of a released prisoner.

- Payment of compensation. In accordance with the provisions of the Courts of Justice law (L. 14/1960) the Assize Court as well as a judge of the District Courts exercising criminal jurisdiction, have power to order, in addition to or in substitution for any other punishment, the payment of compensation up to 5000 Euro.
- Probation order with *community service*.

In the year 2009, 421 mixed orders (probation with community service) were issued.

- 1.15 : *Probation orders* as a main sanction.

Denmark:

- 1.15: Consists of “alternative imprisonment such as being placed in a special institution” (60), “discharged from preventive detention” (10), and “Other” (12).

France:

- 1.0: The sum of the items in the distribution (1.1 to 1.15) is not equal to the total (1.0) because the items in the distribution consist of a **number of measures** instead of a number of persons, as in the total (1 person = N measures).
- 1.2 and 1.3: There is no distinction in the French system between the *fully* and the *partially suspended prison sentences pronounced together with probation*.
- 1.9 to 1.11: *Electronic monitoring, home arrest* and *treatments* are special obligations pronounced together with a main measure. These are not autonomous sanctions *per se*.
- 1.15: Consists of "suivis socio judiciaires" (3889), "interdictions de séjour" (717), "surveillances judiciaires" (278), "stages de citoyenneté suivis" (588), "suspensions de peine pour raisons médicales" (137), "contrôles judiciaires (pré-sentenciel)" (3697), "placements à l'extérieur" (1138), "prévenus écroués" (15395) and "condamnés écroués hors application des peines" (43402).

Georgia:

- 1.0: The *total number of persons supervised by the probation services* (1.0) **does not include the number of persons under community service (1.5) and those with a sanction of being banned from office, position or profession (1.10)**. In some cases, these sanctions (1.5 and 1.10) are pronounced as the main sanction, whereas in other cases, as an additional penalty. Moreover, they can be applied as a supplement to the *fully* or *partially suspended prison sentence pronounced together with probation* (1.2 and 1.3), or to the *conditional release/parole with probation* (1.12). On the other hand these are also used for the persons sentenced to prison. Thus, the numbers in 1.5 and 1.10 concern all the people serving such sanctions without any distinction on their status (in prison or on parole with probation) or about the type of the sanction (main or complementary).

Germany:

- All items: **The German stock data presented in item 1 date from December 31st 2008. More recent data is not yet available.** This data concerns the territory of the former Federal Republic of Germany, including Berlin but excluding Hamburg (**for Berlin: data of 2007**).

Hungary:

- General remark: In Hungary, probation supervision is a supplementary measure.
- All items: The total (1.0) and the items in the distribution (1.1 to 1.15) show the **number of cases** implemented by the probation service, not the number of persons.
- 1.15: Consists of "postponements of accusation", "deferred sentences" and "victim-offender mediations".

Ireland:

- 1.15: Consists of "probation bonds" (2316), "supervision during deferment of penalty" (1132), "post release supervision orders" (182) and "other orders" (836).

Italy:

- 1.0: The total indicates the **total number of cases** followed by the Italian Probation Officers **including also a large number of prisoners**, since the probation officers take them in charge for carrying out social inquiries and for other interventions. The number **also includes the persons submitted to the so-called "security measures"**.

Latvia:

- All items: Information is provided for the **number of cases** because the Latvian probation services do not have statistics about the number of persons. The number of persons must be only a little bit less than the number of cases (approximately 5 % less).
- 1.5: *Community service* is unpaid work for persons aged from 14.
- 1.7: *Home arrest* in Latvia is known as a security measure during pre-trial investigation, but not as a sentence.
- 1.15: Corresponds to "persons conditionally released from criminal liability" (409), which is a task of the probation services.

Liechtenstein:

- General remark: Liechtenstein answered the SPACE II questionnaire indicating that no information on non-custodial sanctions and measures served in the country is currently available.

Lithuania:

- 1.5: Persons upon whom a measure of penal impact (*works free of charge*, Art. 70 of Criminal Code) is imposed are not included in the number provided for this item. This measure is not listed separately, as it is usually imposed as an additional one in case of a suspended sentence (Art. 75 of Criminal Code).
- 1.10: Persons upon whom a measure of penal impact (*withdrawal of a special right*, Art. 68 of Criminal Code) is imposed are not included in the number provided for this item. This measure is not listed separately, as it is usually imposed as an additional one in case of a suspended sentence (Art. 75 of Criminal Code).
- 1.15: No details about the 219 units in "other".

Luxembourg:

- 1.15: Consists of "suspensions de peine" (43) and "contrôles judiciaires" (14).

Netherlands:

- 1.0: The total (1.0) is inferior to the sum of the items in the distribution (1.1 to 1.15) because **only the unique persons** are counted in it, whereas a person can be counted twice in the items in the distribution. Moreover, **items 1.6 and 1.12 are not included** in the total, because they are part of items 1.2 and 1.3 together.
- 1.2 and 1.3: These items are merged because at the moment, Dutch registration system does not allow a distinction between *fully and partially suspended sentences*. Therefore, the number of persons in 1.2 and 1.3 is the total of *fully and partially suspended sentences*.

- 1.7: *Home arrest* is not a sanction *per se*, but has been implemented as an experiment in 2007. This stock data **refers to September 30th, 2009**.
- 1.8: This stock data **refers to September 30th, 2009**.
- 1.12 and 1.6 are a specification or a part of 1.2 and 1.3 together.
- 1.15: Corresponds to "training orders" (413).

Norway:

- 1.2: Includes simple suspended sentences with the condition that no further offences are committed during the probationary period, and sentences that include conditions related to specific programmes, i.e. programmes for drug abuse, *drink and drive*, etc. Those are not included under item 1.11 because Norway sees the "treatments" as a measure that implies medical/psychiatric disorder, which is not the case here.
- 1.11: A condition of treatment, if seen by the Court as necessary, may be appended to a *community service* order. See the comment of item 1.2 for different "treatments".
- 1.15: Corresponds to "serving the final days of a prison sentence in the community under the responsibility of the prison service".

Poland:

- 1.0: This number only concerns persons under the supervision or care of the probation services. However it does not comprise the simple suspension of the imprisonment penalty (without the obligations and supervision), which, in case of lack of a judicial decision, is not subject of interest of probation officers.
- 1.1: Considering the fact that part of the cases are only supervision or only obligations, as well as the other part is supervision joined with obligations, Poland is not able to provide the number of the enforced simple suspensions, where no obligations nor supervision were adjudicated.
- 1.4: The number provided only concerns persons under the supervision of a probation officer. At the end of 2009, 43102 decisions concerning the conditional pardon (**these data concern cases, not persons sentenced**) were enforced, of which only 3614 persons were put under the supervision of a probation officer.
- 1.6: The institution of *electronic monitoring* has been enforced in the Polish legal system on September 1st, 2009.
- 1.6 and 1.7: *Electronic monitoring* in Poland is equivalent to *home arrest*.

Portugal:

- 1.0: The value presented in item 1.0 (16187) refers to the **total of persons**.
- 1.1 to 1.15: The values presented in the distribution (1.1 to 1.15) **refer to measures** in implementation, meaning that a person can have more than one measure running simultaneously.
- 1.15: Consists of "provisional measures to suspend the process in the pre-sentence" (2540) and "medidas de segurança relativas a inimputáveis" (381).

Romania:

- 1.2: Considering the fact that the questionnaire does not cover sanctions and measures imposed by the juvenile criminal law or applicable only to juveniles, the figure provided in item 1.2 only reflects the number of adults.
- 1.5: According to the legislation in force, *community service* can be imposed to an adult as an obligation in case of the suspension of the enforcement of the sentence under supervision.

Serbia:

- 1.11: *Conditional sentence with protective monitoring*. "Treatment", in the Serbian system, includes the sentence with protective monitoring.

Spain (State Administration):

- 1.8: The number provided in item 1.8 (*semi-liberty*) includes all the persons classified as "3rd graders in treatment" at the end of the year.

Spain (Catalonia):

- 1.15: Corresponds to "mediation" (96).

Sweden:

- 1.5: In Sweden, the *community service* is related to a sentence to probation or a conditional sentence.
- 1.6: *Electronic monitoring* comprises electronic tags, telephone calls and visits by probation officers.
- 1.7: *Curfew orders* are also combined with *electronic monitoring*.
- 1.11: The probation is accompanied by a treatment.
- 1.15: Consists of "probation without treatment and community service" (5234).

Turkey:

- 1.7: Although the necessary conditions were provided to implement *home arrest* in Turkey, this implementation is not preferred by judges. Thus, this situation is evaluated under 1.3.
- 1.15: No details about the 2406 units in "other".

UK: England and Wales:

- General remark: There are now twelve conditions for *community orders* in England and Wales. Only these conditions may be applied and no sanctions as *community sentence orders* exist anymore. This comment can be applied every time *community service* is mentioned in an item or in a table.
- General remark: Most *electronic monitoring* orders are not supervised by probation services. This comment can be applied every time *electronic monitoring* is mentioned in an item or in a table.
- 1.0: Includes all *court orders*, but excludes those receiving supervision following release from custody. The total is the **sum of items 1.2, 1.5 and 1.12**. It is **slightly lower than the actual addition** because England is counting people, as requested, and some people will appear in more than one sub-total.

UK: Northern Ireland:

- 1.0: The total (1.0) is not equal to the sum of the items in the distribution (1.1 to 1.15) because **some people are subject to more than one order**. Thus, 1.0 is the total number of people under the supervision of the *Probation Board of Northern Ireland*. This figure includes people who commence their sentence in custody. This figure excludes people that PBNi supervise serving a Juvenile Justice Centre Order.
- 1.14: *Combination orders* require probation supervision and completion of a specified number of hours of unpaid work. Additionally, *custody probation orders* require a specified period in custody followed by supervision in the community.
- 1.15: Consists of "probation orders" (1653) and "other" (57).

2. Persons having started to serve CSM or probation (FLOW) in 2009

Table 2.1 presents the total number of persons having started to serve the sanctions and measures mentioned in the introduction. In Table 1.2 the total is presented as a rate per 100,000 population and the categories as percentages of that total. In both Tables, when the total does not correspond to the sum of the categories, but there is an explanation for that difference, figures are presented between brackets. When no explanation has been provided for such difference, figures are presented between square brackets (see *Conventions used* in p. 5). The subcategories of the item “Other” are presented in the notes to the Tables.

Table 2.1: Number of persons having started to serve CSM or probation (FLOW) in 2009

Reference: Council of Europe, SPACE II 2009.2.1

Country	Country population in 2009 (in thousands)	2.0 Total number of persons having started to serve CSM or probation (FLOW)	Of which:														
			2.1 Conditional suspension of the enforcement of the sentence	2.2 Fully suspended prison sentence pronounced together with probation	2.3 Partially suspended prison sentence pronounced together with probation	2.4 Conditional Pardon or conditional discharge	2.5 Community service	2.6 Electronic Monitoring	2.7 Home arrest (curfew orders)	2.8 Semi-liberty	2.9 Compensations	2.10 Ban from office, position or profession	2.11 Treatment	2.12 Conditional release / parole with probation	2.13 Conditional release / parole without probation	2.14 Mixed orders (specify)	2.15 Other (total)
			2.0	2.1	2.2	2.3	2.4	2.5	2.6	2.7	2.8	2.9	2.10	2.11	2.12	2.13	2.14	2.15
Austria	8 355.3	(21 244)	***	16 802	4 442	...	3 715	***	***	***	***	...	1 524	2 006	***	***	***
Azerbaijan	8 896.9	14 475	182	2 539	***	...	613	***	***	314	0	22	...	1 242	***	***	9 563
Belgium	10 753.1	18 799	0	4 265	...	8	10 108	3 191	***	210	...	...	...	1 017	...	...	...
Bulgaria	7 606.6	6 880	...	...	***	...	5 230	...	...	***	***	***	...	421	1 229	...	***
Croatia	4 435.1	596	***	215	***	***	381	***	***	***	***	***	***	***	***	***	***
Cyprus	796.9	...	0	0	0	26	...	...	***	2	0	***	...	0	***	421	415
Czech Republic	10 467.5	NA	- - -	3 291	***	- - -	13 693	***	***	***	***	***	- - -	1 322	- - -	- - -	***
Denmark	5 511.5	(10 740)	***	1 399	365	16	3 803	1 694	***	***	***	***	1 333	1 981	***	***	227
Estonia	1 340.4	7 296	***	3 804	211	***	2 688	115	***	***	***	***	***	387	***	91	***
Finland	5 326.3	3 747	***	***	***	***	2 723	***	***	***	***	***	***	849	***	175	***
France	64 321.4	(123 349)	***	68 941	...	...	25 208	13 994	...	5 578	***	***	***	7 871	***	***	5 934
Georgia	4 385.4	...	...	...	...	***	...	***	***	***	***	...	...	...	...	...	...
Germany	82 002.4	...	2 880	108 595	***	***	...	***	***	***	7 966	77	***	...	***	...	***
Hungary	10 031.0	20 258	...	2 517	...	...	6 928	***	...	***	...	...	...	2 203	...	...	8 610
Ireland	4 450.0	6 807	***	***	518	***	1 604	***	***	***	***	***	***	***	***	***	4 685
Italy	60 045.1	13 383	...	3 319	***	***	...	***	5 248	866	***	***	2 157	1 793	***	***	***
Latvia	2 261.3	10 620	***	4 135	***	***	4 290	***	***	***	...	...	1 317	609	***	***	269
Lithuania	3 349.9	7 176	***	2 467	***	***	509	***	2 126	***	...	33	...	1 601	***	***	440
Luxembourg	493.5	499	...	114	26	***	200	32	***	23	***	- - -	- - -	57	- - -	- - -	47
Moldova	3 567.5	(6 105)	2 525	23	31	8	1 740	***	***	***	***	819	...	943	***	0	...
Netherlands	16 485.8	(52 656)	***	14 202	...	...	34 647	746	1 982	1 226	...	...	...	1 003	***	...	599
Norway	4 799.3	(5 254)	***	573	***	***	2 912	802	***	***	***	***	***	901	1 592	***	66
Poland	38 135.9	(260 731)	...	142 021	***	2 660	79 836	33	...	***	***	***	7 095	27 575	...	***	***
Portugal	10 627.3	(17 463)	...	4 330	...	...	5 653	746	...	...	...	...	...	1 821	...	...	4 733
Romania	21 498.6	(491)	...	...	***	...	...	***	***	***	***	...	...	***	...	***	***
Serbia	7 334.9	24	1	***	***	***	17	***	***	***	0	***	6	***	***	***	***

Country	Country population in 2009 (in thousands)	2.0 Total number of persons having started to serve CSM or probation (FLOW)	Of which:														
			2.1 Conditional suspension of the enforcement of the sentence	2.2 Fully suspended prison sentence pronounced together with probation	2.3 Partially suspended prison sentence pronounced together with probation	2.4 Conditional Pardon or conditional discharge	2.5 Community service	2.6 Electronic Monitoring	2.7 Home arrest (curfew orders)	2.8 Semi-liberty	2.9 Compensations	2.10 Ban from office, position or profession	2.11 Treatment	2.12 Conditional release / parole with probation	2.13 Conditional release / parole without probation	2.14 Mixed orders (specify)	2.15 Other (total)
			2.0	2.1	2.2	2.3	2.4	2.5	2.6	2.7	2.8	2.9	2.10	2.11	2.12	2.13	2.14	2.15
Spain (State Admin.)	39 270.4	100 673	***	11 789	***	...	68 801	1 985	1 094	8 995	...	...	2 914	5 095	***	...	...
Spain (Catalonia)	7 475.4	11 357	...	1 390	***	***	7 191	33	***	925	...	...	276	587	***	258	697
Sweden	9 256.3	20 971	***	***	***	***	5 460	3 687		***	***	***	1 268	5 266	0	***	5 290
Switzerland	7 701.9	...	...	...	...	...	4 039	241	1	459	...	***	...	...	...	...	***
Turkey	71 517.1	[77 926]	12 308	1 538	106	458	2 587	***	...	***	***	1 155	38 773	458	***	5 575	15 552
UK: England and Wales	54 809.1	(197 101)	***	46 897	***	***	127 012	23 599	***	***	***	***	- - -	30 264	***	***	***
UK: Northern Ireland	1 788.9	(2 955)	***	***	***	***	1 100	...	***	***	***	***	***	81	***	582	1 307

Table 2.2: Breakdown (in percentages) of persons having started to serve CSM or probation (FLOW) in 2009

Reference: Council of Europe, SPACE II 2009.2.2

Country	Total number of persons having started to serve CSM or probation per 100,000 pop.	Of which: Percentage of															Total %
		Conditional suspension of the enforcement of the sentence	Fully suspended prison sentence pronounced together with probation	Partially suspended prison sentence pronounced together with probation	Conditional Pardon or conditional discharge	Community service	Electronic Monitoring	Home arrest (curfew orders)	Semi-liberty	Compensations	Ban from office, position or profession	Treatment	Conditional release / parole with probation	Conditional release / parole without probation	Mixed orders (specify)	Other (total)	
		2.0	2.1	2.2	2.3	2.4	2.5	2.6	2.7	2.8	2.9	2.10	2.11	2.12	2.13	2.14		2.15
Austria	(254.3)	---	79.1	20.9	---	17.5	---	---	---	---	---	7.2	9.4	---	---	---	134
Azerbaijan	162.7	1.3	17.5	---	---	4.2	---	---	2.2	0.0	0.2	---	8.6	---	---	66.1	100
Belgium	174.8	0.0	22.7	---	0.0	53.8	17.0	---	1.1	---	---	---	5.4	---	---	---	100
Bulgaria	90.4	---	---	---	---	76.0	---	---	---	---	---	---	6.1	17.9	---	---	100
Croatia	13.4	---	36.1	---	---	63.9	---	---	---	---	---	---	---	---	---	---	100
Denmark	(194.9)	---	13.0	3.4	0.1	35.4	15.8	---	---	---	---	12.4	18.4	---	---	2.1	101
Estonia	544.3	---	52.1	2.9	---	36.8	1.6	---	---	---	---	---	5.3	---	1.2	---	100
Finland	70.3	---	---	---	---	72.7	---	---	---	---	---	---	22.7	---	4.7	---	100
France	(191.8)	---	55.9	---	---	20.4	11.3	---	4.5	---	---	---	6.4	---	---	4.8	103
Hungary	202.0	---	12.4	---	---	34.2	---	---	---	---	---	---	10.9	---	---	42.5	100
Ireland	153.0	---	---	7.6	---	23.6	---	---	---	---	---	---	---	---	---	68.8	100
Italy	22.3	---	24.8	---	---	---	---	39.2	6.5	---	---	16.1	13.4	---	---	---	100
Latvia	469.6	---	38.9	---	---	40.4	---	---	---	---	---	12.4	5.7	---	---	2.5	100
Lithuania	214.2	---	34.4	---	---	7.1	---	29.6	---	---	0.5	---	22.3	---	---	6.1	100
Luxembourg	101.1	---	22.8	5.2	---	40.1	6.4	---	4.6	---	---	---	11.4	---	---	9.4	100
Moldova	171.1	41.4	0.4	0.5	0.1	28.5	---	---	---	---	13.4	---	15.4	---	0.0	---	100
Netherlands	319.4	...	27.0	---	...	65.8	1.4	3.8	2.3	...	...	...	1.9	...	...	1.1	103
Norway	(109.5)	---	10.9	---	---	55.4	15.3	---	---	---	---	---	17.1	30.3	---	1.3	130
Poland	(683.7)	---	54.5	---	1.0	30.6	0.0	---	---	---	---	2.7	10.6	---	---	---	99
Portugal	(164.3)	---	24.8	---	---	32.4	4.3	---	---	---	---	---	10.4	---	---	27.1	99
Romania	(2.3)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
Serbia (Republic of)	0.3	4.2	---	---	---	70.8	---	---	---	0.0	---	25.0	---	---	---	---	100
Spain (State Admin.)	256.4	---	11.7	---	---	68.3	2.0	1.1	8.9	---	---	2.9	5.1	---	---	---	100
Spain (Catalonia)	151.9	---	12.2	---	---	63.3	0.3	---	8.1	---	---	2.4	5.2	---	2.3	6.1	100
Sweden	226.6	---	---	---	---	26.0	17.6	---	---	---	---	6.0	25.1	0.0	---	25.2	100

Country	Total number of persons having started to serve CSM or probation per 100,000 pop.	Of which: Percentage of														Total %	
		2.0	2.1	2.2	2.3	2.4	2.5	2.6	2.7	2.8	2.9	2.10	2.11	2.12	2.13		2.14	2.15
		Conditional suspension of the enforcement of the sentence	Fully suspended prison sentence pronounced together with probation	Partially suspended prison sentence pronounced together with probation	Conditional Pardon or conditional discharge	Community service	Electronic Monitoring	Home arrest (curfew orders)	Semi-liberty	Compensations	Ban from office, position or profession	Treatment	Conditional release / parole with probation	Conditional release / parole without probation	Mixed orders (specify)	Other (total)	
Turkey	(109.0)	15.8	2.0	0.1	0.6	3.3	---	---	---	---	1.5	49.8	0.6	---	7.2	20.0	101
UK: England and Wales	(359.6)	---	23.8	---	---	64.4	12.0	---	---	---	---	---	15.4	---	---	---	116
UK: Northern Ireland	(165.2)	---	---	---	---	37.2	---	---	---	---	---	---	2.7	---	19.7	44.2	104
Mean	199.2	12.5	27.5	4.1	0.4	41.2	8.1	12.3	4.8	0.0	3.9	13.7	10.7	16.1	5.8	21.8	
Median	168.2	4.2	23.8	1.7	0.1	37.0	6.4	2.4	4.6	0.0	1.0	9.8	9.9	17.9	3.5	9.4	
Minimum	0.3	0.0	0.4	0.0	0.0	3.3	0.0	0.0	1.1	0.0	0.2	2.4	0.6	0.0	0.0	1.1	
Maximum	683.7	41.4	79.1	20.9	1.0	76.0	17.6	39.2	8.9	0.0	13.4	49.8	25.1	30.3	19.7	68.8	

Notes to Tables 2.1 and 2.2

Austria:

- 2.0: The total (1.0) has been **obtained by adding items 2.1 to 2.4**. Austria **does not include 2.5** in this total. Moreover, **items 2.11 and 2.12 are not included** in the calculation because they partly overlap item 2.3, i.e. if a person is convicted and a *partially suspended prison sentence* is pronounced (item 2.3) a *parole with probation* (item 2.12) can be announced related to this conviction in the same year.

Belgium:

- 2.1: Persons who are sentenced to a custodial sanction without any conditions are not referred to the probation service;
- 2.3: These items are merged because at the moment, Belgian registration system does not allow a distinction between *fully* and *partially suspended sentences*. Therefore, the number of persons in 2.2 and 2.3 is the total of the *fully* and *partially suspended sentences*.
- 2.10: These sentences exist in the Belgian penal system but are not a competence of the probation service.
- 2.13: Persons who are released from prison without probation are not referred to the probation service.

Bulgaria:

- General remark: According to the Bulgarian legislative framework, the *probation order* is a set of measures for rehabilitation and control of offenders. Probation sentence include two obligatory measures: “Obligatory registration on current address” and “Mandatory meetings with a probation officer.
- General remark: Bulgaria provided the same figures for stock (Tables 1.1 and 1.2) and flow (Tables 2.1, 2.2 and 3.1) without offering an explanation for that particularity. Therefore, these figures should be used cautiously.

Croatia:

- 2.2 and 2.5: The *Croatian Directorate for Probation and Victims And Witnesses* currently provides two CSM (*fully suspended prison sentence pronounced together with probation and community service*). *Directorate for Probation* will start to provide other sanctions that exist in national law after the employment of new probation officers.

Cyprus:

- General remark: In Cyprus, there are no independent/specialized probation services. Probation tasks are taken care of by welfare officers who act as probation officers.
- 2.1, 2.2 and 2.3: A sentence of imprisonment may be suspended on terms, on condition that the term of imprisonment imposed does not exceed two years. The law sets that a sentence of imprisonment may be suspended on condition that within a three-year period, the convicted commits no offence punishable with imprisonment.
- 2.5: Persons being *under the supervision or care of probation services* are not distinguished from the persons under *community service*. According to the law of the Republic of Cyprus, a *community service* order is always combined with a probation order.
- 2.14: Sanctions and measures can be combined as follows:
 - The criminal procedure law provides that the accused may be adjusted to pay costs in addition to any other sentence that may be passed upon him.
 - Fine can be combined with imprisonment. Where power is bestowed to impose imprisonment and a fine it is a matter of discretion of the Court whether one or the other form of punishment will be made use of, or both. Generally it is undesirable to impose both imprisonment and a fine, as the two

are consistent to a degree, considering that normally a prisoner does not have the means to earn the money to pay a fine and to require him to pay the fine after his release may make it difficult for him to make the fresh start expected of a released prisoner.

- Payment of compensation. In accordance with the provisions of the Courts of Justice law (L. 14/1960) the Assize Court as well as a judge of the District Courts exercising criminal jurisdiction, have power to order, in addition to or in substitution for any other punishment, the payment of compensation up to 5000 Euro.
- Probation order with community service.

In the year 2009, 421 mixed orders (probation with community service) were issued.

- 2.15: *Probation orders* as a main sanction.

Czech Republic:

- 2.2, 2.5 and 2.12: Probation and mediation service follows the number of cases instead of the number of persons.

Denmark:

- 2.15: Consists of “alternative imprisonment such as being placed in a special institution” (196), “discharged from preventive detention” (1), and “Other” (30).

France:

- 2.0: The sum of the items in the distribution (2.1 to 2.15) is not equal to the total (2.0) because the items in the distribution consist of a **number of measures** instead of a number of persons, as in the total (1 person = N measures).
- 2.2 and 2.3: There is no distinction in the French system between the *fully* and the *partially suspended prison sentences pronounced together with probation*.
- 2.9 to 2.11: *Electronic monitoring, home arrest and treatments* are special obligations pronounced together with a main measure. These are not autonomous sanctions *per se*.
- 2.15: Consists of "suivis socio judiciaires" (961), "interdictions de séjour" (180), "surveillances judiciaires" (293), "stages de citoyenneté suivis" (1610) and "placements à l'extérieur" (2890).

Germany:

- 2.9: This number is a combination of two different units: **4580 cases** with a decision (including settlements decided by courts) concerning civil liability, and **3386** juvenile offenders (**persons**) sentenced to compensation. This, however, does not cover "compensation orders in combination with a suspended sentence" (which are included in Table 6.1, item 6.2).

Hungary:

- General remark: In Hungary, probation supervision is a supplementary measure.
- All items: The total (2.0) and the items in the distribution (2.1 to 2.15) show the **number of cases** implemented by the probation service, not the number of persons.
- 2.15: Consists of "postponements of accusation", "deferred sentences" and "victim-offender mediations".

Ireland:

- 2.15: Consists of "probation bonds" (2527), "supervision during deferment of penalty" (1916), "post release supervision orders" (30) and "other orders" (212).

Latvia:

- All items: Information is provided for **number of cases** because the Latvian probation services do not have statistics about the number of persons. The number of persons must be only little bit less than the number of cases (approximately 5 % less).
- 2.5: *Community service* is unpaid work for persons aged from 14.

- 2.7: Home arrest in Latvia is known as security measure during pre-trial investigation, but not as a sentence.
- 2.15: Corresponds to “persons conditionally released from criminal liability” (269), which is a task of the probation services.

Lithuania:

- 2.5: Persons upon whom a measure of penal impact (*works free of charge*, Art. 70 of Criminal Code) is imposed are not included in the number provided for this item. This measure is not listed separately, as it is usually imposed as an additional one in case of a suspended sentence (Art. 75 of Criminal Code).
- 2.10: Persons upon whom a measure of penal impact (*withdrawal of a special right*, Art. 68 of Criminal Code) is imposed are not included in the number provided for this item. This measure is not listed separately, as it is usually imposed as an additional one in case of a suspended sentence (Art. 75 of Criminal Code).
- 2.15: No details about the 440 units in "other".

Luxembourg:

- 2.15: Consists of "suspensions de peine" (43) and "contrôles judiciaires" (4).

Netherlands:

- 2.0: The total (2.0) is inferior to the sum of the items in the distribution (2.1 to 2.15) because **only the unique persons** are counted in it, whereas a person can be counted twice in the items in the distribution. Moreover, **items 2.6 and 2.12 are not included** in the total, because they are part of items 2.2 and 2.3 together.
- 2.2 and 2.3: These items are merged because at the moment, Dutch registration system does not allow a distinction between *fully and partially suspended sentences*. Therefore, the number of persons in 2.2 and 2.3 is the total of *fully and partially suspended sentences*.
- 2.7: *Home arrest* is not a sanction *per se*, but has been implemented as an experiment in 2007.
- 2.12 and 1.6 are a specification or a part of 1.2 and 1.3 together.
- 2.15: Corresponds to "training orders" (599).

Norway:

- 2.0: The difference between the total (1.0) and the sum of the distribution (1.1 to 1.15) can be explained by the number of persons who are on conditional release without probation.
- 2.15: Corresponds to “serving the final days of a prison sentence in the community under the responsibility of the prison service”.

Poland:

- 2.0: This number only concerns persons under the supervision or care of the probation services. However it does not comprise the simple suspension of the imprisonment penalty (without the obligations and supervision), which, in case of lack of a judicial decision, is no subject of interest of probation officers.
- 2.1: Considering the fact that part of the cases are only supervision or only obligations, as well as the other part is supervision joined with obligations, Poland is not able to provide the number of the enforced simple suspensions, where no obligations nor supervision were adjudicated.
- 2.4: The number provided only concerns persons under the supervision of a probation officer. At the end of 2009, 27575 decisions concerning the conditional pardon (**these data concern cases, not persons sentenced**) were enforced, of which only 2660 persons were put under the supervision of a probation officer.
- 2.6: The institution of *electronic monitoring* has been enforced in the Polish legal system on September 1st, 2009.
- 2.6 and 2.7: *Electronic monitoring* in Poland is equivalent to *home arrest*.

Portugal:

- All items: The figures refer to requests/cases that started during 2009 and not to persons having started to serve CSM or probation.
- 2.15: Consists of "provisional measures to suspend the process in the pre-sentence" (4617) and "medidas de segurança relativas a inimputáveis" (116).

Romania:

- All items: The total number of persons who started CSM in 2009 reflects both minors and adults. In 2009, we did not collect separate flow statistics for adults and minors.

Spain (State Administration):

- 2.7: The figure in item 2.7 represents the persons that are serving *home arrest* under a "voice verification control". This particular form of *home arrests* is estimated to represent 45% of the total number of *home arrests* given.
- 2.8: The number provided in item 2.8 (*semi-liberty*) includes all the persons classified as "3rd graders in treatment" at the end of the year.

Spain (Catalonia):

- 2.15: Corresponds to "mediation" (697).

Sweden:

- 2.5: In Sweden, the *community service* is related to a sentence to probation or a conditional sentence.
- 2.6: *Electronic monitoring* comprises electronic tags, telephone calls and visits by probation officers.
- 2.7: *Curfew orders* are also combined with *electronic monitoring*.
- 2.11: The probation is accompanied by a treatment.
- 2.15: Consists of "probation without treatment and community service" (5290).

Turkey:

- 2.7: Although the necessary conditions were provided to implement *home arrest* in Turkey, this implementation is not preferred by judges. Thus, this situation is evaluated under 2.3.
- 2.15: No details about the 15552 units in "other".

UK: England and Wales:

- 2.0: Includes all *court orders*, but excludes those receiving supervision following release from custody. The total is the **sum of 2.2, 2.5 and 2.12**. It is **slightly lower than the actual addition** because England is counting people, as requested, and some people will appear in more than one sub-total.

UK: Northern Ireland:

- 2.0: The total (2.0) is not equal to the sum of the items in the distribution (2.1 to 2.15) because **some people are subject to more than one order**. Thus, 2.0 is the total number of people under the supervision of the *Probation Board of Northern Ireland*. This figure includes people who commence their sentence in custody. This figure excludes people that PBNI supervise serving a Juvenile Justice Centre Order.
- 2.14: *Combination orders* require probation supervision and completion of a specified number of hours of unpaid work. Additionally, *custody probation orders* require a specified period in custody followed by supervision in the community.
- 2.15: Consists of "probation orders" (1279) and "other" (28).

3. Details about non-custodial sanctions and measures started to be served in 2009 (FLOW)

This chapter includes details on the following non-custodial sanctions and measures:

1. Community Service (Tables 3.1.a and 3.1.b)
2. Electronic Monitoring (Table 3.2)
3. Semi-liberty (Table 3.3)
4. Home arrest (Table 3.4)
5. Total treatments (Table 3.5) – Of which:
 - Treatment for drug addicts (Table 3.5.1)
 - Treatment for alcohol addicts (Table 3.5.2)
 - Treatment for persons with mental disorders (Table 3.5.3)
 - Treatment for persons convicted of a sexual offence (Table 3.5.4)

The goal of the chapter is to establish if such sanctions and measures were imposed as sanctions on their own right, as supplementary sanctions, as a way of enforcing a custodial sentence, or if they were imposed as a condition for conditional release/parole, or for remaining in probation, or as a condition attached to waiving of prosecution, of sentencing or of the enforcement of the sentence.

In the case of treatments, countries were also asked to indicate the number of treatments imposed to persons considered as not criminally responsible. For each sanction/measure, a category “other” has also been included.

Thus, for each sanction/measure the relevant table indicates the total number of persons having started to serve that sanction/measure in 2009 (FLOW statistics) as well as the following breakdown:

- A. Number of cases in which the sanction was imposed as a sanction in its own right after an offender was found guilty.
- B. Number of cases in which the sanction was imposed as a supplementary sanction.
- C. Number of cases in which the sanction was accomplished as a way of enforcing a custodial sentence. In this case the person is sentenced to a custodial sentence, but the latter is replaced by another sanction (community service, electronic monitoring, semi-liberty, etc.). The decision of replacing the custodial sentence may be taken by the same court that imposed the custodial sentence, by a judge specialized in the execution of sentences, by the authorities in charge of the execution of the sentence (for example, the penitentiary services) or by another competent authority.
- D. Number of treatments ordered for persons considered as not criminally responsible (only for Tables 3.5 to 3.8 concerning treatments)
- E. Number of cases in which the sanction is imposed as a condition for conditional release/ parole.
- F. Number of cases in which the sanction is imposed as a condition for remaining in probation.
- G. Number of cases in which the sanction is imposed as a condition attached to waiving of:
 - 1) the prosecution or
 - 2) the sentencing or
 - 3) the enforcement of the sentence
- H. Other cases: This heading includes the rest of cases in which one of the sanctions or measures included in this chapter was imposed. Whenever possible, the

subcategories included were indicated.

In particular, regarding community service, countries were asked to indicate if the following subcategories were included under the heading “other cases” (and indicate the number of cases for each subcategory):

- Community service in cases in which a fully suspended prison sentence has been passed.
- Community service in cases in which a partially suspended prison sentence has been passed: Unsuspended custodial sentence, followed by community service after release.
- Community service while on probation: Probation is the main sanction but is pronounced together with the obligation of performing a community service.
- Community service replacing a fine: The fine is replaced by community service (either as a way of enforcing the sentence since the beginning or in case of non-payment of the fine).

Also, in the case of electronic monitoring countries were asked to indicate if the following subcategories were included under the heading “other cases” (and indicate the number of cases for each subcategory):

- Electronic monitoring in cases in which a fully suspended prison sentence has been passed.
- Electronic monitoring in cases in which a partially suspended prison sentence has been passed: Unsuspended custodial sentence, followed by a period under electronic monitoring after release.

Table 3.1.a presents the total number of persons having started to serve community service in 2009 as well as its breakdown by the categories mentioned above. In Table 3.1.b the total is presented as a rate per 100,000 population and the categories as percentages of that total. In the rest of the Tables (3.2. to 3.5.4.), percentages were not calculated because they represented 100% in almost all cases.

Table 3.1.a: Number of persons having started to serve Community Service (FLOW) in 2009

Reference: Council of Europe, SPACE II 2009.3.1

Country	Total	Of which:						
		as a <u>main sanction</u>	as a <u>supplementary sanction</u>	as a way of enforcing a <u>custodial sentence</u>	as a <u>conditional release/parole</u>	as a <u>condition for remaining in probation</u>	as a <u>condition attached to a waiver of: 1. the prosecution, or 2. the sentencing, or 3. the enforcement of the sentence</u>	Other cases
Austria	3 715	***	***	***	***	***	3 715	***
Azerbaijan	613	613	***	***	***	***	***	***
Belgium	10 108	10 108	0	0	0	0	0	0
Bulgaria	...	...	...	...	...	...	...	***
Croatia	381	***	381	***	***	***	***	***
Cyprus	...	...	...	...	...	...	...	...
Czech Republic	13 693	13 693	***	***	***	***	***	***
Denmark	3 803	3 725	***	***	78	***	***	***
Estonia	2 688	***	***	***	1 440	***	1 248	...
Finland	2 723	***	***	2 723	***	***	***	***
France	25 208	14 286	***	***	***	***	10 922	***
Georgia	NAP	***	***	***	***	***	***	***
Germany	...	...	...	***	...	...	***	***
Hungary	6 928	6 928	***	***	***	***	***	***
Ireland	...	1 667	...	...	...	...	...	...
Italy	...	---	---	---	---	---	---	---
Latvia	4 290	4 290	***	***	***	***	***	***
Lithuania	509	509	...	***	***	***	***	***
Luxembourg	200	152	0	44	***	***	3	1
Moldova	[1 740]	---	---	---	---	---	---	---
Netherlands	34 647	18 107	***	***	***	***	16 457	83
Norway	2 912	2 912	***	***	***	***	***	***
Poland	79 836	63 924	***	***	***	***	***	15 912
Portugal	5 653	835	***	4 818	***	***	***	***
Romania	...	***	***	***	***	...	***	***
Serbia	17	16	***	1	***	***	***	***
Spain (State Admin.)	68 801	68 801	0	0	0	0	0	0
Spain (Catalonia)	7 191	7 191	***	***	***	***	***	***
Sweden	5 460	5 460	***	***	***	***	***	***
Switzerland	[4 039]	3 408	---	---	---	---	---	---
Turkey	2 587	2 410	***	***	177	***	***	***
UK: England and Wales	127 012	127 012	***	***	***	***	***	***
UK: Northern Ireland	1 100	1 100	---	---	---	---	---	---

Table 3.1.b: Breakdown (in percentages) of persons having started to serve Community Service (FLOW) in 2009

Reference: Council of Europe, SPACE II 2009.3.1.b

Country	Total per 100,000 population	Of which: Percentage of							Total %
		as a main sanction	as a supplementary sanction	as a way of enforcing a custodial sentence	as a condition for conditional release/parole	as a condition for remaining in probation	as a condition attached to a waive of: 1. the prosecution, or 2. the sentencing, or 3. the enforcement of the sentence	Other cases	
Austria	44.5	---	---	---	---	---	100	---	100
Azerbaijan	6.9	100.0	---	---	---	---	---	---	100
Belgium	94.0	100.0	0.0	0.0	0.0	0.0	0.0	0.0	100
Croatia	8.6	---	100.0	---	---	---	---	---	100
Czech Republic	130.8	100.0	---	---	---	---	---	---	100
Denmark	69.0	97.9	---	---	2.1	---	---	---	100
Estonia	200.5	---	---	---	53.6	---	46.4	---	100
Finland	51.1	---	---	100.0	---	---	---	---	100
France	39.2	56.7	---	---	---	---	43.3	---	100
Hungary	69.1	100.0	---	---	---	---	---	---	100
Latvia	189.7	100.0	---	---	---	---	---	---	100
Lithuania	15.2	100.0	---	---	---	---	---	---	100
Luxembourg	40.5	76.0	0.0	22.0	---	---	1.5	0.5	100
Moldova	[48.8]	---	---	---	---	---	---	---	---
Netherlands	210.2	52.3	---	---	---	---	47.5	0.2	100
Norway	60.7	100.0	---	---	---	---	---	---	100
Poland	209.3	80.1	---	---	---	---	---	19.9	100
Portugal	53.2	14.8	---	85.2	---	---	---	---	100
Serbia	0.2	94.1	---	5.9	---	---	---	---	100
Spain (State Admin.)	175.2	100.0	0.0	0.0	0.0	0.0	0.0	0.0	100
Spain (Catalonia)	96.2	100.0	---	---	---	---	---	---	100
Sweden	59.0	100.0	---	---	---	---	---	---	100
Switzerland	[52.4]	84.4	---	---	---	---	---	---	84
Turkey	3.6	93.2	---	---	6.8	---	---	---	100
UK: England and Wales	231.7	100.0	---	---	---	---	---	---	100
UK: Northern Ireland	61.5	100.0	---	---	---	---	---	---	100
Mean	85.4	88.1	25.0	35.5	12.5	0.0	34.1	4.1	
Median	59.8	100.0	0.0	13.9	2.1	0.0	43.3	0.2	
Minimum	0.2	14.8	0.0	0.0	0.0	0.0	0.0	0.0	
Maximum	231.7	100.0	100.0	100.0	53.6	0.0	100.0	19.9	

Table 3.2: Persons having started to serve Electronic Monitoring (FLOW) in 2009

Reference: Council of Europe, SPACE II 2009.3.1

Country	Total	Of which:						
		as a <u>main sanction</u>	as a <u>supplementary sanction</u>	as a way of enforcing a <u>custodial sentence</u>	as a <u>conditional release/parole</u>	as a <u>condition for remaining in probation</u>	as a <u>condition attached to a waive of: 1. the prosecution, or 2. the sentencing, or 3. the enforcement of the sentence</u>	Other cases
Austria	NAP	***	***	***	***	***	***	***
Azerbaijan	NAP	***	***	***	***	***	***	***
Belgium	3 191	0	0	3 191	0	0	0	0
Bulgaria	...	...	...	...	---	---	---	---
Croatia	NAP	***	***	***	***	***	***	***
Cyprus	...	...	...	...	...	...	...	...
Czech Republic	NAP	***	***	***	***	***	***	***
Denmark	1 694	***	***	1 694	***	***	***	***
Estonia	115	***	***	***	115	***	***	...
Finland	NAP	***	***	***	***	***	***	***
France	13 994	13 994	***	***	***	***	***	***
Georgia	NAP	***	***	***	***	***	***	***
Germany	NAP	***	***	***	***	***	***	***
Hungary	NAP	***	***	***	***	***	***	***
Italy	NAP	***	***	***	***	***	***	***
Latvia	NAP	***	***	***	***	***	***	***
Lithuania	NAP	***	***	***	***	***	***	***
Luxembourg	32	***	***	32	***	***	***	***
Moldova	NAP	***	***	***	***	***	***	***
Netherlands	746	***	***	746	***	***	***	***
Norway	802	***	***	706	96	***	***	***
Poland	33	***	***	33	***	***	***	***
Portugal	[746]	---	---	---	---	---	---	---
Romania	NAP	***	***	***	***	***	***	***
Serbia	NAP	***	***	***	***	***	***	***
Spain (State Admin.)	1 985	0	0	1 985	0	0	0	0
Spain (Catalonia)	33	***	***	33	***	***	***	***
Sweden	3 687	***	***	3 687	***	***	***	***
Switzerland	241	***	***	241	***	***	***	***
Turkey	NAP	***	***	***	***	***	***	***
UK: England and Wales	23 599	23 599	***	***	***	***	***	***
UK: Northern Ireland	...	---	...	---	---	---	---	---

Table 3.3: Number of persons having started to serve Semi-liberty (FLOW) in 2009

Reference: Council of Europe, SPACE II 2009.3.3

Country	Total	Of which:						
		as a <u>main sanction</u>	as a <u>supplementary sanction</u>	as a way of enforcing a <u>custodial sentence</u>	as a <u>conditional release/parole</u>	as a <u>condition for remaining in probation</u>	as a <u>condition attached to a waiver of: 1. the prosecution, or 2. the sentencing, or 3. the enforcement of the sentence</u>	Other cases
Austria	NAP	***	***	***	***	***	***	***
Azerbaijan	NAP	***	***	***	***	***	***	***
Belgium	210	0	0	210	0	0	0	0
Croatia	NAP	***	***	***	***	***	***	***
Cyprus	2	***	***	2	***	***	***	***
Czech Republic	NAP	***	***	***	***	***	***	***
Denmark	NAP	***	***	***	***	***	***	***
Estonia	NAP	***	***	***	***	***	***	***
Finland	NAP	***	***	***	***	***	***	***
France	5 578	5 578	***	***	***	***	***	***
Georgia	NAP	***	***	***	***	***	***	***
Germany	NAP	***	***	***	***	***	***	***
Hungary	NAP	***	***	***	***	***	***	***
Italy	866	***	***	866	***	***	***	***
Latvia	NAP	***	***	***	***	***	***	***
Lithuania	NAP	***	***	***	***	***	***	***
Luxembourg	23	***	***	23	***	***	***	***
Moldova	***	***	***	***	***	***	***	***
Netherlands	1 226	***	***	1 226	***	***	***	***
Norway	NAP	***	***	***	***	***	***	***
Poland	NAP	***	***	***	***	***	***	***
Portugal	...	---	---	---	---	---	---	---
Romania	NAP	***	***	***	***	***	***	***
Serbia	NAP	***	***	***	***	***	***	***
Spain (State Admin.)	8 995	0	0	8 995	0	0	0	0
Spain (Catalonia)	925	***	***	925	***	***	***	***
Sweden	NAP	***	***	***	***	***	***	***
Switzerland	[459]	---	---	---	---	---	---	---
Turkey	NAP	***	***	***	***	***	***	***
UK: England and Wales	NAP	***	***	***	***	***	***	***
UK: Northern Ireland	NAP	***	***	***	***	***	***	***

Table 3.4: Number of persons having started to serve Home Arrest (FLOW) in 2009

Reference: Council of Europe, SPACE II 2009.3.4

Country	Total	Of which:						
		as a <u>main sanction</u>	as a <u>supplementary sanction</u>	as a way of enforcing a <u>custodial sentence</u>	as a <u>conditional release/parole</u>	as a <u>condition for remaining in probation</u>	as a <u>condition attached to a waive of: 1. the prosecution, or 2. the sentencing, or 3. the enforcement of the sentence</u>	Other cases
Austria	NAP	***	***	***	***	***	***	***
Azerbaijan	210	***	***	210	***	***	***	***
Belgium	NAP	***	***	***	***	***	***	***
Croatia	NAP	***	***	***	***	***	***	***
Cyprus	NAP	***	***	***	***	***	***	***
Czech Republic	NAP	***	***	***	***	***	***	***
Denmark	NAP	***	***	***	***	***	***	***
Estonia	NAP	***	***	***	***	***	***	***
Finland	NAP	***	***	***	***	***	***	***
France	...	- - -	- - -	- - -	- - -	- - -	- - -	- - -
Georgia	NAP	***	***	***	***	***	***	***
Germany	NAP	***	***	***	***	***	***	***
Hungary	...	...	...	...	...	...	...	...
Italy	5 248	***	***	5 248	***	***	***	***
Latvia	NAP	***	***	***	***	***	***	***
Lithuania	2 126	2 126	***	***	...	...	***	***
Luxembourg	NAP	***	***	***	***	***	***	***
Moldova	NAP	***	***	***	***	***	***	***
Netherlands	1 982	***	***	1 982	***	***	***	***
Norway	NAP	***	***	***	***	***	***	***
Poland	33	***	***	33	***	***	***	***
Portugal	...	- - -	- - -	- - -	- - -	- - -	- - -	- - -
Romania	NAP	***	***	***	***	***	***	***
Serbia	NAP	***	***	***	***	***	***	***
Spain (State Admin.)	1 094	1 094	...	...	...	...	...	...
Spain (Catalonia)	NAP	***	***	***	***	***	***	***
Sweden	NAP	***	***	***	***	***	***	***
Switzerland	1	***	***	***	***	***	***	1
Turkey	...	- - -	- - -	- - -	- - -	- - -	- - -	- - -
UK: England and Wales	NAP	***	***	***	***	***	***	***
UK: Northern Ireland	NAP	***	***	***	***	***	***	***

Table 3.5.4: Number of persons having started a treatment for persons convicted of a sexual offence (FLOW) in 2009

Reference: Council of Europe, SPACE II 2009.3.5.4

Country	Total	Of which:								
		as a <u>main sanction</u>	as a <u>supplementary sanction</u>	as a way of enforcing a <u>custodial sentence</u>	for persons considered as not <u>criminally responsible</u>	as a condition for <u>conditional release/parole</u>	as a condition for <u>remaining in probation</u>	as a <u>condition attached to a waiver of: 1. the prosecution, or 2. the sentencing, or 3. the enforcement of the sentence</u>	Other cases	
Austria	NAP	***	***	***	***	***	***	***	***	***
Azerbaijan	NAP	***	***	***	***	***	***	***	***	***
Belgium	...	...	...	...	...	...	...	...	...	...
Croatia	NAP	***	***	***	***	***	***	***	***	***
Cyprus	...	...	...	...	...	...	...	...	...	...
Czech Republic	NAP	***	***	***	***	***	***	***	***	***
Denmark	20	20	***	***	***	***	***	***	***	***
Estonia	NAP	***	***	***	***	***	***	***	***	***
Finland	NAP	***	***	***	***	***	***	***	***	***
France	NAP	***	***	***	***	***	***	***	***	***
Georgia	...	...	...	...	...	...	...	...	...	...
Germany	...	...	...	***	...	...	...	***	***	***
Hungary	NAP	***	***	***	***	***	***	***	***	***
Italy	NAP	***	***	***	***	***	***	***	***	***
Latvia	...	...	...	...	...	...	...	...	...	...
Lithuania	NAP	***	***	***	***	***	***	***	***	***
Netherlands	...	***	***	***	***	***	***	...	***	***
Norway	NAP	***	***	***	***	***	***	***	***	***
Poland	0	***	***	***	***	***	0	***	***	***
Portugal	...	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -
Romania	...	***	***	***	...	***	...	***	***	***
Serbia	NAP	***	***	***	***	***	***	***	***	***
Spain (State Admin.)	...	...	...	...	...	...	...	...	...	...
Spain (Catalonia)	NAP	***	***	***	***	***	***	***	***	***
Sweden	NAP	***	***	***	***	***	***	***	***	***
Turkey	NAP	***	***	***	***	***	***	***	***	***
UK: England and Wales	...	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -
UK: Northern Ireland	NAP	***	***	***	***	***	***	***	***	***

Notes to Tables 3.1 to 3.5.4:

Austria:

- Table 3.1: The 3715 units represent 3715 cases of fine defaulters (alternative to arrest) § 3a StVG.

Bulgaria:

- All tables: The Bulgarian probation service does not collect such detailed information.
- Table 3.1: Bulgaria provided the same figures for stock (Tables 1.1 and 1.2) and flow (Tables 2.1, 2.2 and 3.1) without offering an explanation for that particularity. Therefore, these figures should be used cautiously.

Croatia:

- Table 3.1: *Community service* in the Croatian legislation cannot be pronounced as an independent sanction. It is always pronounced as alternative sanction to imprisonment (replaced prison sentence or fine).
- Table 3.5: No explanation was provided by the national correspondent about the fact that Croatia answered "NAP" in item 2.11 (*treatments*) and provided a figure in item 3.5 (*treatments*).

Cyprus:

- Tables 3.2 and 3.5: The measures of *electronic monitoring* and *treatments* both exist in Cypriot National Law; however they are not yet being implemented as the country does not have the relevant infrastructure/facilities to do so.

Denmark:

- Table 3.5: The 196 persons that have received a treatment as a way of enforcing a custodial sentence are placed outside the penal system according to *The Act on the Enforcement of Sentences* § 78, because they are either too young, too weak, too sick or too addicted to be in a prison. This explains the difference between the distribution and the general total.

France:

- Table 3.1: The *community services* in this table are 14286 sentences of *community service* and 10922 sentences of *community services added to a suspension of the enforcement of the sentence*.

Germany:

- Table 3.5: German statistics only distinguishes the sanctions "placement in a psychiatric hospital" and "placement in a detoxification Institution". Whether the person is drug-dependent or alcohol-addicted is unknown. The same applies for mental disorders and sexual offences: the fact that a sexual offender is treated for a mental disorder does not appear in the statistics. Treatment as a sanction in its own right is possible only if the person is considered as not criminally responsible. Therefore *treatments as a main sanction* and *treatments for persons considered as not criminally responsible* are the same. Moreover, concerning *treatments as a condition for conditional release/parole*, the judge can order a therapy or a detoxification treatment (with the consent of the convicted person), but the statistics do not count any of these orders. Finally, for the *treatments as a condition for remaining in probation*, the judge can decide such orders but these decisions are not counted.

Hungary:

- Table 3.5.1: Treatment for drug user offenders can be ordered as drug diversion. If the case is diverted by the public prosecutor, the accusation is postponed for a period of one year with the condition that the drug user offender undergoes a drug treatment or enters some other program that treats drug users or a drug prevention program. In this case of postponement of accusation, the order of probation supervision is obligatory.

Italy:

- Table 3.5: The total also includes 38 persons who are both drug-addicted and alcohol-addicted and 312 persons who are not classified according to their addiction.

Latvia:

- Table 3.5: In case of fully *suspended prison sentence pronounced together with probation* and *release on parole with probation*, judge (court) can write a "necessity of treatment" into the sentence or the decision as a condition for remaining in probation.

Lithuania:

- Table 3.1: Persons upon whom a measure of penal impact (*works free of charge*, Art. 70 of Criminal Code) is imposed are not included in the number provided for this item. This measure is not listed separately, as it is usually imposed as an additional one in case of a suspended sentence (Art. 75 of Criminal Code).

Luxembourg:

- Table 3.1: "Other cases" are 1 "pardon".

Netherlands:

- Table 3.1: The total of 32647 represents unique persons. "Other cases" are 83 "unknown".

Norway:

- Table 3.2: *Electronic monitoring* is seen as an alternative form of execution of a custodial sentence and not as an alternative to a custodial sentence.
- Tables 3.5.3 and 3.5.4: Norway has dispensed with the former *community service* order. This has been replaced with the *community sanction* (CS). The CS is an all-encompassing reaction available to the courts in which any number (almost!) and type of conditions may be appended. CS may be a condition, as the participation in various treatment programmes. Such conditions may be imposed by the court on making the order or by the probation service. Conditions may last for the whole or only part of the period of the order. Treatment programmes may be matched to the offence such as sexual offences. This can also apply to psychiatric treatment. Conditions may be also be changed during the course of the order. For these reasons we are unable to specify which forms of treatment are included in conditions appended to a CS.

Poland:

- Table 3.1: "Other cases" are 15912 cases of "enforcement of the sentence in case of non-payment of a fine".

Portugal:

- All tables: The figures refer to requests/cases that started during 2009 and not to persons having started to serve CSM or probation.

Romania:

- All items: According to the Romanian legislation, the persons under supervision receive certain measures and/or obligations. Measures are suitable for adults, are imposed all together and are mandatory in the situation of a suspended sentence under the supervision of the probation services. At this moment, the methods of data collecting in Romania are not reflecting the types of activities imposed (the obligation to follow an educational course or a training for qualification). Thus, the database does not reflect what type of treatment was imposed to the offender.

Spain (State Administration):

- Table 3.1: In Spain, *community service* as a main sanction and as a sentence of substitution cannot be separated. Consequently, they are both included in the 68801 units presented in table 3.1.

Sweden:

- Tables 3.2 and 3.4: The data of *curfew orders* are combined with *electronic monitoring*.
- Tables 3.5.1 to 3.5.4: Such treatments do not exist in Sweden.

Turkey:

- Table 3.5.2: No separate regulation is present for alcohol addicts under probation. Consequently, they are included in the item 3.5.1, *treatments for drug-dependent offenders*.
- Tables 3.5.3 and 3.5.4: No separate statistical information is collected for items 3.5.3 and 3.5.4.

UK: England and Wales:

- Table 3.5: The 62444 units presented here also include persons starting accredited treatment programmes. Treatments are subsets of figures presented in items 1.2 (*Fully suspended prison sentence pronounced together with probation*) and 1.5 (*community service*), i.e. they are "requirements for treatment" which are made under these orders.

4. Juveniles, females and foreigners serving CSM or being under probation

Table 4 indicates whether juveniles, females and foreigners are included in the total number of persons serving CSM or being under probation. Whenever these categories are included, and the relevant information is available, the Table also provides their number on the stock and the flow.

Table 4: Categories included in Tables 1 to 3.5.4 (Does your data include the following categories?)

Reference: Council of Europe, SPACE II 2009.4

Country	Juveniles	Stock	Flow	Females	Stock	Flow	Foreigners	Stock	Flow
		How many?	How many?		How many?	How many?		How many?	How many?
Austria	Yes	2 691	3 486	Yes	1 179	3 177	Yes	1 462	6 500
Azerbaijan	Yes	...	...	Yes	...	...	Yes	...	...
Belgium	Yes	...	305	Yes	...	1 719	No	***	***
Bulgaria	Yes	1 329	...	Yes	529	...	Yes	51	...
Croatia	No	***	***	Yes	89	51	No	***	***
Cyprus	Yes	314	268	Yes	194	58	Yes	0	0
Czech Republic	No	***	***	No	***	***	No	***	***
Denmark	Yes	252	349	Yes	1 047	1 002	Yes	231	244
Estonia	Yes	348	...	Yes	745	...	Yes	1 947	...
Finland	Yes	242	274	Yes	249	357	Yes	85	106
France	No	***	***	Yes	12 463	6 025	Yes	20 176	5 118
Georgia	Yes	526	...	Yes	1 920	...	Yes	...	...
Germany	Yes	...	...	Yes	...	...	Yes	...	...
Hungary	No	7 829	5 925	Yes	1 638	1 408	Yes	...	...
Ireland	Yes	568	555	Yes	733	707	No	***	***
Italy	No	***	***	Yes	...	...	Yes	...	...
Latvia	Yes	...	768	Yes	...	1 244	Yes	...	49
Lithuania	Yes	206	290	Yes	670	740	Yes	...	...
Luxembourg	No	***	***	Yes	85	36	Yes	362	176
Moldova	Yes	213	298	No	***	***	No	***	***
Netherlands	No	***	***	Yes	4 495	5 773	No	***	***
Norway	Yes	...	281	Yes	...	740	Yes	...	341
Poland	No	...	...	No	...	...	No	...	...
Portugal	No	***	***	Yes	1 100	1 003	No	***	***
Romania	Yes	1 042	...	Yes	...	...	Yes	...	...
Serbia	No	***	***	Yes	1	1	No	***	***
Spain (State Admin.)	No	***	***	Yes	1 331	...	Yes	2 240	...
Spain (Catalonia)	No	***	***	Yes	592	756	Yes	1 933	2 670
Sweden	No	***	***	Yes	1 951	2 402	Yes	1 804	1 747
Switzerland	No	***	***	Yes	112	903	Yes	349	1 701
Turkey	Yes	6 764	8 842	No	***	***	No	***	***
UK: England and Wales	No	***	***	Yes	23 292	27 967	No	***	***
UK: Northern Ireland	Yes	64	117	Yes	356	366	No	***	***

Notes – Table 4:

Austria:

- Age range used to define juveniles: 14-17 (inclusive).

Azerbaijan:

- Age range used to define juveniles: 14-17 (inclusive).

Belgium:

- Age range used to define juveniles: under 18.
- Due to a major amendment of the statistics system in Belgium, the numbers required in item 4 cannot be provided.

Bulgaria:

- Age range used to define juveniles: under 18.

Cyprus:

- Age range used to define juveniles: there is no express definition of the terms “adult” and “juvenile”. Under the Juvenile Offender’s Law (Chp. 157), the Juvenile Court hears charges against “children” or “young persons”. This law defines “child” as a person under the age of 14 and “young person” as a person who is 14 years of age or older and under the age of 16 years. Therefore a juvenile is a person falling within the above definition of “child” or “young person”. An adult is a person not falling within the above definition.

Czech Republic:

- Age range used to define juveniles: 15-17 (inclusive).

Denmark:

- Age range used to define juveniles: 15-17 (inclusive).

Estonia:

- Age range used to define juveniles: 14-17 (inclusive).

Finland:

- Age range used to define juveniles: 15-20.

France:

- Age range used to define juveniles: under 18.

Georgia:

- Age range used to define juveniles: 14-17 (inclusive).

Germany:

- Age range used to define juveniles: 14-17 (inclusive).
- German criminal law knows "Youth" and "Young Adults" "Youth" means anyone who, at the time of the act, has reached the age of fourteen but not yet eighteen years; "young adult" means anyone who, at the time of the act, has reached the age of eighteen but not yet twenty-one years. "Young Adults" can be sentenced on the basis of Youth Court Law as well as on the basis of general law (German Criminal Code).

Hungary:

- Age range used to define juveniles: 14-17 (inclusive).
- These data refer to the number of persons under probation supervision. An offender can have more than one case. 6824 juvenile probation supervision cases arrived to the probation service in 2009.

Ireland:

- Age range used to define juveniles: 12-17 (inclusive).

Italy:

- Age range used to define juveniles: 14-17 (inclusive).

Latvia:

- Age range used to define juveniles: 14-17 (inclusive).

Lithuania:

- Age range used to define juveniles: under 18.
- The data do not include juveniles that were sentenced based on articles of the Criminal Code applied exclusively to the juveniles (Article 82 “Reforming sanctions and measures in respect of juveniles” and Article 92 “Suspended sentence in respect of juveniles”).

Luxembourg:

- Age range used to define juveniles: under 18.

Moldova:

- Age range used to define juveniles: 14-17 (inclusive).

Netherlands:

- Age range used to define juveniles: under 18.

Norway:

- Age range used to define juveniles: There is no formal division in legislation between juveniles and adults. The age of criminal responsibility is 15 years old. Various directives refer to different age classifications and 15-17 years old (inclusive) are often referred to as "children" in this context. Therefore, 15-17 years old seems to be the closest age range in the Norwegian legislation that could define "juveniles".
- No stock figures available.

Portugal:

- Age range used to define juveniles: 12-16.

Romania:

- Age range used to define juveniles: 14-17 (inclusive).
- In 2009, the Romanian database did not reflect the flow of juveniles. Moreover, Romania does not have separate data regarding the women and the foreigners.

Serbia:

- Age range used to define juveniles: 14-17 (inclusive).

Spain (State Administration):

- Age range used to define juveniles: In Spain, the age of penal responsibility is 18 years old. The offenders aged less than 21 (and, exceptionally, less than 25) are considered "juveniles".
- Concerning women and foreigners, only the persons classified as "3rd graders in treatment" (semi-liberty) are included in these numbers.

Spain (Catalonia)

- Age range used to define juveniles: 14-17 (inclusive).
- The data concerning women and foreigners do not include semi-liberty and conditional release.

Sweden:

- The data include persons aged 15 years old or older.

Switzerland:

- Age range used to define juveniles: 15-17 (inclusive).

UK: England and Wales:

- Age range used to define juveniles: 15-17 (inclusive).

UK: Northern Ireland:

- Age range used to define juveniles: under 18.

Section B: Alternatives to pre-trial detention and probation/supervision served before sentence during 2009

Section B includes information on persons that were the object of alternatives to pre-trial detention and on persons that were the object of probation/supervision served before sentence during 2009 (FLOW statistics). As in Section A, the counting unit is in principle **THE PERSON** and not the number of cases or records.

5. Alternatives to pre-trial detention (Rec. (2006) 13)

Pre-trial detention is used as a synonym of remand in custody. Remand in custody is any period of detention of a suspected offender ordered by a judicial authority and prior to conviction; it also includes any period of detention after conviction whenever persons awaiting either sentence or the confirmation of conviction or sentence continue to be treated as unconvicted persons (Rec (2006) 13, ch.1).

Using as a reference Recommendation No R (2006) 13, the following alternatives to pre-trial detention have been taken into account:

- Undertakings to appear before a judicial authority as and when required
- Interdiction to interfere with the course of justice and to engage in particular conduct
- Requirements to report on a daily or periodic basis to a judicial authority, the police or other authority
- Requirements to accept supervision by an agency appointed by the judicial authority
- Requirements to submit to electronic monitoring
- Requirements to reside at a specified address (including Home arrest)
- Requirements not to leave specified places or districts without authorisation
- Requirements not to enter specified places and not to meet specified persons without authorisation
- Requirements to surrender passports or other identification papers
- Requirements to provide or secure financial or other forms of guarantees as to conduct pending trial
- Other (specify)

Table 5.1 presents the total number of persons who were the object of alternatives to pre-trial detention as well as its breakdown by the alternatives described above (FLOW statistics). In Table 5.2 the total is presented as a rate per 100,000 population and the categories as percentages of that total. In both Tables, when the total does not correspond to the sum of the categories, but there is an explanation for that difference, figures are presented between brackets. When no explanation has been provided for such difference, figures are presented between square brackets (see *Conventions used* in p. 5). The subcategories of the item "Other" are presented in the notes to the Tables.

Country	Total number of persons who were the object of alternatives to pre-trial detention in 2009	Of which:										
		Undertakings to appear before a judicial authority as and when required	Interdiction to interfere with the course of justice and to engage in particular conduct	Requirements to report on a daily or periodic basis to a judicial authority, the police or other authority	Requirements to accept supervision by an agency appointed by the judicial authority	Requirements to submit to electronic monitoring	Requirements to reside at a specified address (including Home arrest)	Requirements not to leave specified places or districts without authorisation	Requirements not to enter specified places and not to meet specified persons without authorisation	Requirements to surrender passports or other identification papers	Requirements to provide or secure financial or other forms of guarantees as to conduct pending trial	Other (specify)
	5.0	5.1	5.2	5.3	5.4	5.5	5.6	5.7	5.8	5.9	5.10	5.11
Spain (Catalonia)	...	...	...	...	***	***	...	...	...	...	...	***
Sweden	NAP	***	***	***	***	***	***	***	***	***	***	***
Switzerland	NAP	***	***	***	***	***	***	***	***	***	***	***
Turkey	17 325	***	***	10 161	...	***	***	4 121	446	112	22	2 463
UK: England and Wales	...	...	...	...	...	...	...	...	...	...	...	...
UK: Northern Ireland	NAP	***	***	***	***	***	***	***	***	***	***	***

Notes to Tables 5.1 and 5.2:

Austria:

- 5.6: The *Austrian Code of Criminal Procedure* (CCP) provides only the *order to reside at a specified address*; a measure comparable to *home arrest* is not provided in the Austrian CCP.
- 5.11: The Austrian CCP provides further alternative measures to prevent/reduce pre-trial detention, like:
 - *Compliance with certain orders* (e.g. not to drink alcohol);
 - *Compliance with an order to undergo medical or other treatment* (only with explicit consent of the suspect);
 - In case of domestic violence, the *obligation not to conduct the victim and/or to leave the house* (including the surrender of all keys).

Belgium:

- General remark: The specific conditions, requirements or obligations in cases of alternatives to pre-trial detention are not registered at this moment in the national database.
- 5.11: "Other" are related to the 1990 law on remand, which defines the conditions of the "mise en liberté sous conditions" by the examining magistrate.

Croatia:

- General remark: *Directorate for Probation and Victims and Witnesses* will start to work with offenders in pre-trial detention after the employment of new probation officers and after adapting a new Criminal Procedure Law.

Cyprus:

- 5.9 and 5.10: The data given in these items are also included in item 5.3, because these measures (5.9 and 5.10) are combined with 5.3.

Czech Republic:

- 5.4: is the combination of 5.3 and 5.4.

Denmark:

- General remark: There are no such measures in the Danish penal system. Alternatives to pre-trial measures are taken care of by the Police.

Estonia:

- 5.6: This alternative exists, but not as part of the CSM. From *Code of Criminal Procedure*: "Prohibition on departure from the residence" means the obligation of a suspect or accused not to leave his or her residence for more than twenty-four hours without the permission of the body conducting the proceedings. This is a prosecutor tool and it is not bounded up with probation.
- 5.10: This alternative exists, but not as part of the CSM. From *Code of Criminal Procedure*: "At the request of a suspect or accused, a preliminary investigation judge or court may impose bail instead of arrest". "Bail" means a sum of money paid as a preventive measure by a suspect, accused or another person on behalf of him or her to the deposit account of the court. This is a prosecutor tool and it is not bounded up with probation.

France:

- 5.0: The measures presented here are 1514 "contrôles judiciaires".

Germany:

- General remark: That kind of data is not collected in Germany. The judge can choose "any" measure within constitutional limitations he deems best to achieve the desired result (e.g. *avoiding the flight of the suspect*).

Latvia:

- 5.11: "Other" are "prohibition of specific employment" (48), "placement of a minor under the supervision of parents or guardians" (10) and "placement of a minor in a social, correctional and educational institution" (1).

Lithuania:

- General remark: In Lithuania, alternatives to pre-trial detention are enforced by Police.

Norway:

- 5.11: "Other" corresponds to "remand in custody". No statistics are produced.

Portugal:

- General remark: The sanctions or measures exist in national law but no figures are available at the *Directorate General for Social Reinsertion (DGRS)*.

Romania:

- General remark: The probation system does not have any attributions regarding the alternatives to pre-trial detention.
- 5.5: Concerning the requirements to submit to *electronic monitoring*, legal provisions related to this matter in our legislation do exist, but they are not applicable for practical purposes.

Spain (State Administration):

- General remark: This data is not available.

Turkey:

- 5.4: This item covers the items 5.3, 5.7, 5.8, 5.9 and 5.10.

6. Probation / supervision ordered before sentence during 2009

This chapter provides information on the number of persons that were the object of probation/supervision ordered before sentence during 2009 (FLOW statistics). The alternatives included are the following.

- **CONDITIONAL SUSPENSION OF THE CRIMINAL PROCEEDINGS**

Cases where the whole procedure is postponed before the person is found guilty. Indeed, it covers cases where, before any finding of guilt, an authority of the criminal justice system (prosecutor, judge, court or other) orders the suspension of the procedure for a given time in order to assess the behaviour of the accused person during that period or to allow mediation or conciliation procedure.

- **VICTIM-OFFENDER MEDIATION (CRIMINAL JUSTICE IN RESPECT OF ADULTS):**

Cases where the traditional criminal proceedings have been replaced by victim-offender mediation, including cases where the agreement reached by them has to be ratified by a judge.

- **DEFERRAL (POSTPONEMENT OF THE PRONOUNCEMENT OF A SENTENCE)**

Cases where the person is found guilty, but the decision on the sentence to be imposed is postponed during a period in order to appreciate the evolution of the behaviour of the person during that period. At the end of it, and according to the evolution of his/her behaviour, the person can be sentenced or the proceedings can be filed. Please do not include cases in which the deferral is pronounced without probation.

- **PROBATION ORDER**

Cases where the person is found guilty, but the sentence consists in being supervised by a probation officer. If the person does not respect the conditions imposed by the order, another sentence will be imposed.

Table 6.1 presents the total number of persons that were the object of probation/supervision ordered before sentence during 2009 as well as its breakdown by the categories of alternatives mentioned above (FLOW statistics). In Table 6.2 the total is presented as a rate per 100,000 population and the categories as percentages of that total. In both Tables, when the total does not correspond to the sum of the categories, figures are presented between brackets.

Table 6.1: Number of persons who were the object of different forms of Probation / Supervision before sentence

Reference: Council of Europe, SPACE II 2009.6.1

Country	Total Probation / Supervision before sentence	Of which:							
		Conditional suspension of criminal proceedings	Victim-offender mediation (criminal justice in respect of adults)	Deferral (postponement of the pronouncement of a sentence)	Probation orders	Other (specify)	Other (details)	Other (details)	Other (details)
	6.0	6.1	6.2	6.3	6.4	6.5			
Austria	67 630	60 586	6 444	344	256	***	***	***	***
Azerbaijan	...	***	***	95	2 539	0	***	***	***
Belgium	9 048	...	6 617	2 431	...	...	***	***	***
Bulgaria	NAP	***	***	***	***	***	***	***	***
Croatia	NAP	***	***	***	***	***	***	***	***
Cyprus	NAP	***	***	***	***	***	***	***	***
Czech Republic	...	...	...	***	***	***	***	***	***
Denmark	NAP	***	***	***	***	***	***	***	***
Estonia	NAP	***	***	***	***	***	***	***	***
Finland	NAP	***	***	***	***	***	***	***	***
France	1 915	***	***	401	***	1 514	1 514	***	***
Georgia	NAP	***	***	***	***	***	***	***	***
Germany	283 391	246 775	33 736	2 880	***	***	***	***	***
Hungary	8 610	5 128	2 804	678	***	***	***	***	***
Ireland	6 807	***	***	1 916	2 527	2 364	518	1 604	242
Italy	NAP	***	***	***	***	***	***	***	***
Latvia	356	***	356	***	***	***	***	***	***
Lithuania	NAP	***	***	***	***	***	***	***	***
Luxembourg	162	***	161	1	***	***	***	***	***
Moldova	---	---	---	---	---	---	---	---	---
Netherlands	...	...	...	***	***	***	***	***	***
Norway	...	***	***	***	***	***	***	***	***
Poland	3 614	3 614	***	***	***	***	***	***	***
Portugal	(4 968)	4 333	...	...	...	...	***	***	***
Romania	...	***	...	***	***	***	***	***	***
Serbia	NAP	***	***	***	***	***	***	***	***
Spain (State Admin.)	NAP	***	***	***	***	***	***	***	***
Spain (Catalonia)	697	***	697	***	***	***	***	***	***
Sweden	NAP	***	***	***	***	***	***	***	***
Switzerland	---	---	---	---	---	---	***	***	***
Turkey	(53 174)	2	***	13 846	10 828	53 172	***	***	***
Ukraine	---	---	---	---	---	---	---	---	---
UK: England and Wales	NAP	***	***	***	***	***	***	***	***
UK: Northern Ireland	NAP	***	***	***	***	***	***	***	***

Table 6.2: Breakdown (in percentages) of persons who were the object of different forms of Probation / Supervision before sentence

Reference: Council of Europe, SPACE II 2009.6.2

Country	Total Probation / Supervision before sentence <i>per</i> 100,000 population	Of which:					Total %
		Conditional suspension of criminal proceedings	Victim- offender mediation (criminal justice in respect of adults)	Deferral (postponement of the pronouncement of a sentence)	Probation orders	Other (specify)	
	6.0	6.1	6.2	6.3	6.4	6.5	
Austria	809.4	89.6	9.5	0.5	0.4	---	100
Belgium	84.1	---	73.1	26.9	---	---	100
France	3.0	---	---	20.9	---	79.1	100
Germany	345.6	87.1	11.9	1.0	---	---	100
Hungary	85.8	59.6	32.6	7.9	---	---	100
Ireland	153.0	---	---	28.1	37.1	34.7	100
Latvia	15.7	---	100.0	---	---	---	100
Luxembourg	32.8	---	99.4	0.6	---	---	100
Poland	9.5	100.0	---	---	---	---	100
Portugal	(46.7)	87.2	---	---	---	---	87
Spain (Catalonia)	9.3	---	100.0	---	---	---	100
Turkey	(74.4)	0.0	---	26.0	20.4	100.0	146
Mean	139.1						
Median	60.5						
Minimum	3.0						
Maximum	809.4						

Notes to Tables 6.1 and 6.2:

Austria:

- 6.0: In Austrian law, probation services are not automatically involved in every case of alternative measures.

Azerbaijan:

- 6.0: Azerbaijan has no information about such a total number of persons.
- 6.3: "Postponement of the execution of the penalty with respect to pregnant women or women with children as well as with respect to men growing lonely children under 8 years old". **These 95 units are stock data.**
- 6.4: Number of conditional imprisoned persons is 2539, understood as the number of court decisions.

Belgium:

- 6.1: This type of conditional suspension exists in the Belgian system but these cases are not referred to the Houses of Justice (probation service).
- 6.4: The probation orders exist but they are managed by magistrates, not by the Belgian Houses of Justice).

Croatia:

- General remark: *Directorate for Probation and Victims and Witnesses* will start to work with offenders before their sentence after the employment of new probation officers.

Denmark:

- General remark: No such measures exist in the Danish penal system.

France:

- 6.3: The number provided represents "measures of postponement pronounced together with probation".
- 6.5: "Other" are 1514 "contrôles judiciaires".

Hungary:

- 6.1: This number refers to the "postponement of accusation cases with probation supervision".
- 6.2: Probation supervision is not automatically attached to *victim-offender mediation*. It is so only if there is postponement of accusation after *victim-offender mediation*. Postponement of accusation is ordered if the offender has started the fulfillment of the agreement reached at the mediation, but has not finished it within the period opened for the fulfillment (when the prosecutor refers the case to mediation he/she suspends the procedure for 6 months). In Hungary, specially trained probation officers act as mediators, so the task of victim-offender mediation belongs to the probation service.
- 6.4: In Hungary, probation supervision is a supplementary measure, it is always connected to some other sentence or measure, so there is no probation order in its own right.

Ireland:

- General remark: This is a count of the number of persons as requested at the beginning of the questionnaire.
- 6.5: "Other" are "part suspended sentence supervision order" (518), "community service order" (1604), and "other orders" (242).

Latvia:

- 6.2: *Victim-offender mediation* in Latvia is a possibility, which the involved persons can voluntarily use during criminal proceedings. Results of mediation can be taken into account by judges, but traditional criminal proceedings cannot be replaced by victim-offender mediation.

Lithuania:

- General remark: In Lithuania, *supervision ordered before sentence* is enforced by Police.

Luxembourg:

- 6.2: Penal mediation is conducted by the mediators of the “Centre de Médiation”, organism, agreed with the *Ministry of Family and Justice*.

Norway:

- 6.2: The prosecution authority may choose mediation before prosecution. The process of mediation, however, is executed by the local authorities outside of the criminal justice system. Unsuccessful mediation may lead to criminal proceedings being implemented. The “offender” is not therefore subject to any form of supervision from any part of the criminal justice system during the process of mediation.

Poland:

- 6.1: The provided number relates only to persons under supervision of a probation officer. At the end of 2009, 43102 *conditional pardon* cases (these data only concern cases, not persons) were enforced, of which 3614 cases persons put under the supervision of a probation officer.

Romania:

- 6.2: The probation officers do not have any attributions regarding the *victim-offender mediation*.

Spain (State Administration):

- General remark: *probation orders* and *measures of probation before sentence* do not exist in Spain. Mediation pilot experiences are currently being conducted in different autonomous communities.

Spain (Catalonia):

- 6.2: In case of *mediation*, the trial is not postponed nor cancelled, but the judge can decide to soften the sentence according to the outcomes of the mediation (e.g. moral or financial repair).

Turkey:

- 6.0: Items 6.3 and 6.4 are “post-judgement sanctions” or “security measures”. So they were not considered under the total provided in item 6.0.

Section C: Staff working for Probation agencies and average annual workload by employee

7. Staff employed by Probation agencies or working for Probation agencies on 31st December 2009

The aim of this chapter is to count all staff employed by the probation authorities. The total includes both full-time and part-time staff. Part-time staff is counted on the basis of "full-time equivalents". For example, if two staff members are each employed for 50% of the normal working hours, they are counted as one "full-time equivalent". One part-time staff member working for 50 % of normal working hours is counted as 0.5 "full-time equivalent".

The following categories of staff are included:

- Head office of the national probation administration: heads of offices, manager positions and administrative staff.
- Head offices of the regional probation administrations: heads of offices, manager positions and administrative staff.
- Senior probation officers: Chiefs of units/teams.
- Probation officers (qualified Probation staff): staff with special qualifications (i.e. diplomas in probation or social work) performing tasks related to the supervision of clients under probation.
- Probation agency officers (unqualified Probation staff): staff, employed to assist probation officers, with no special qualifications but eventual short trainings in specific matters.
- Extern staff and volunteers: paid or unpaid by probation agencies.
- Other staff (specify).

Table 7.1 presents the total number of staff on 31st December 2009 as well as its breakdown by the categories mentioned above (STOCK statistics). In Table 7.2 the total is presented as a rate per 100,000 population and the categories as percentages of that total.

Table 7.1: Staff (persons) employed by Probation agencies or working for Probation agencies on 31st December 2009

Reference: Council of Europe, SPACE II 2009.7.1

Country	Total number of staff	Of which:						
		Head office of the national probation administration	Head offices of the regional probation administrations	Senior probation officers (chief of units)	Probation officers (qualified probation staff)	Probation agency officers (unqualified probation staff)	Extern staff and volunteers	Other staff (specify)
	7.0	7.1	7.2	7.3	7.4	7.5	7.6	7.7
Austria	1379.1	45.8	13.8	16.2	263.0	56.4	920.0	64.0
Azerbaijan	NAP	***	***	***	***	***	***	***
Belgium	1122.4	75.0	79.0	...	835.0	...	...	133.0
Bulgaria	598.0	4.0	128.0	30.0	307.0	129.0	***	***
Croatia	387.0	10.0	1.0	***	***	***	376.0	***
Cyprus	24.0	0.5	2.5	1.0	13.0	***	7.0	***
Czech Republic	343.0	20.0	8.0	74.0	151.0	90.0	...	...
Denmark	441.0	...	87.0	25.0	280.0	...	NAP	49.0
Estonia	215.0	5.0	4.0	21.0	185.0	***	...	***
Finland	(292.5)	***	20.0	15.0	250.0	***	170.0	9.0
France	3138.4	7.0	295.3	353.7	2462.4	0.0	0.0	20.0
Georgia	140.0	31.0	...	11.0	88.0	10.0	***	...
Germany	(2108.3)	...	...	...	...	...	...	...
Hungary	247.0	8.0	...	23.0	184.0	23.0	0.0	9.0
Ireland	433.0	...	...	52.0	232.4	***	***	148.6
Italy	1873.0	15.0	43.0	174.0	882.0	474.0	278.0	7.0
Latvia	(374.0)	50.0	***	28.0	287.0	***	26.0	9.0
Lithuania	249.0	4.0	37.0	10.0	198.0	0.0	...	...
Luxembourg	23.8	3.0	0.0	1.0	12.8	0.0	6.0	1.0
Moldova	179.0	9.0	***	42.0	128.0	0.0	0.0	***
Netherlands	...	...	...	...	1693.7	***	...	...
Norway	404.0	6.0	24.0	18.0	324.0	0.0	0.0	32.0
Poland	21616.0	8.0	63.0	345.0	3139.0	***	17864.0	197.0
Portugal	1165.0	153.0	169.0	67.0	433.0	227.0	***	116.0
Romania	311.0	15.0	41.0	...	255.0	...	...	***
Serbia	5.0	4.0	***	1.0	***	***	***	***
Spain (State Admin.)	828.0	27.0	- - -	56.0	594.0	151.0	0.0	0.0
Spain (Catalonia)	256.0	15.0	***	14.0	195.0	***	***	32.0
Sweden	1155.0	***	***	56.0	953.0	146.0	...	***
Switzerland	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -
Turkey	[1289.0]	***	***	131.0	343.0	795.0	37.0	***
UK: England and Wales	20031.7	***	***	1357.1	5606.1	5761.1	***	7307.4
UK: Northern Ireland	391.0	***	***	16.0	239.0	31.0	***	105.0

Table 7.2: Breakdown (in percentages) of staff employed by Probation agencies or working for Probation agencies on 31st December 2009

Reference: Council of Europe, SPACE II 2009.7.2

Country	Total staff per 100,000 population	Of which:							Total %
		Head office of the national probation administration	Head offices of the regional probation administrations	Senior probation officers (chief of units)	Probation officers (qualified probation staff)	Probation agency officers (unqualified probation staff)	Extern staff and volunteers	Other staff (specify)	
		7.0	7.1	7.2	7.3	7.4	7.5	7.6		7.7
Austria	16.5	3.3	1.0	1.2	19.1	4.1	66.7	4.6	100
Belgium	10.4	6.7	7.0	---	74.4	---	---	11.8	100
Bulgaria	7.9	0.7	21.4	5.0	51.3	21.6	---	---	100
Croatia	8.7	2.6	0.3	---	---	---	97.2	---	100
Cyprus	3.0	2.1	10.4	4.2	54.2	---	29.2	---	100
Czech Republic	3.3	5.8	2.3	21.6	44.0	26.2	---	---	100
Denmark	8.0	---	19.7	5.7	63.5	---	---	11.1	100
Estonia	16.0	2.3	1.9	9.8	86.0	---	---	---	100
Finland	(5.5)	---	6.8	5.1	85.5	---	58.1	3.1	159
France	4.9	0.2	9.4	11.3	78.5	0.0	0.0	0.6	100
Georgia	3.2	22.1	---	7.9	62.9	7.1	---	---	100
Germany	(2.6)	---	---	---	---	---	---	---	---
Hungary	2.5	3.2	---	9.3	74.5	9.3	0.0	3.6	100
Ireland	9.7	---	---	12.0	53.7	---	---	34.3	100
Italy	3.1	0.8	2.3	9.3	47.1	25.3	14.8	0.4	100
Latvia	(16.5)	13.4	---	7.5	76.7	---	7.0	2.4	107
Lithuania	7.4	1.6	14.9	4.0	79.5	0.0	---	---	100
Luxembourg	4.8	12.6	0.0	4.2	53.7	0.0	25.3	4.2	100
Moldova	5.0	5.0	---	23.5	71.5	0.0	0.0	---	100
Norway	8.4	1.5	5.9	4.5	80.2	0.0	0.0	7.9	100
Poland	56.7	0.0	0.3	1.6	14.5	---	82.6	0.9	100
Portugal	11.0	13.1	14.5	5.8	37.2	19.5	---	10.0	100
Romania	1.4	4.8	13.2		82.0		---	---	100
Serbia	0.1	80.0	---	20.0	---	---	---	---	100
Spain (State Admin.)	2.1	3.3	---	6.8	71.7	18.2	0.0	0.0	100
Spain (Catalonia)	3.4	5.9	---	5.5	76.2	---	---	12.5	100
Sweden	12.5	---	---	4.8	82.5	12.6	---	---	100
Turkey	[1.8]	---	---	10.2	26.6	61.7	2.9	---	101
UK: England and Wales	36.5	---	---	6.8	28.0	28.8	---	36.5	100
UK: Northern Ireland	21.9	---	---	4.1	61.1	7.9	---	26.9	100
Mean	9.8	8.7	7.7	10.9	59.8	14.3	27.4	10.1	
Median	6.5	3.3	6.8	6.8	63.2	9.3	10.9	4.6	
Minimum	0.1	0.0	0.0	1.2	14.5	0.0	0.0	0.0	
Maximum	56.7	80.0	21.4	82.0	86.0	61.7	97.2	36.5	

Notes to Tables 7.1 and 7.2:

Austria:

- 7.0: Includes all employees, exclusive volunteers and civilians.
- 7.1: Includes: management 26.8, social workers 2.5, administration 15.3, and cleaners 1.2.
- 7.2: Includes all the first level managers at the regional administrations.
- 7.3: Includes second level management staff at the regional administrations.
- 7.4: social workers for our services: probation service, community sanctions, victim offender mediation.
- 7.5: administration staff in our regional units.
- 7.6: includes 900 volunteers, 20 civilians.
- 7.7: Contains social workers for our other services like: "homeless programmes", "drug prevention", "youth help", "criminal prevention in schools", "online service", "service after imprisonment", "cleaners".

Azerbaijan:

- 7.0. to 7.7: There is no probation service *per se* in the Republic of Azerbaijan. Thus, penalties not associated with compulsory detention are executed by the officers (bailiffs) of the local Execution Departments. 220 officers of the *execution service* are dealing with probation.

Belgium:

- 7.7: "Other staff" are 133 "administrative staff".

Cyprus:

- General remark: The social welfare services have the responsibility of the supervision or care of probation services; however, an independent department within the social welfare services that manages this does not exist.

Finland:

- 7.0: The total staff number provided in this item does not include voluntary assisting supervisors (172).
- 7.1: Prison and probation tasks at the national level were unified at the beginning of 2009. This is why there are no officials at the headquarters separately for probation tasks.

France:

- 7.7: "Other staff" are 20 persons affected to the "National School of the Penitentiary Administration" (ENAP) staff.

Germany:

- General remark: The data only covers staff employed by the courts of the laenders. Staff members employed by another body (e.g. the Ministry of Justice), as it is the case in certain laenders, are not collected in the statistics.

Hungary:

- 7.2: This item is noted "..." but actually regroupes items 7.3, 7.4, 7.5 and 7.7. It has been noted this way in order to avoid a redundancy.

Ireland:

- 7.1 and 7.2: The staff expected in these items has already been counted under items 7.3 to 7.7.
- 7.7: Consists of "state industrial employees" (45.2), "administrative grades" (87.3) and "management grades" (10).

Italy:

- 7.1: There are also 8 units of penitentiary police staff who work at the "directorato general for the execution of sentences in the community", established at the national headquarters of the *Italian Department of Penitentiary Administration*.
- 7.3: This datum includes the heads of services in the local offices, the heads of branch offices and the heads of services at the regional directorates.
- 7.4: Addition of social workers and probation officers who have the task of directing local probation offices.

Latvia:

- 7.0: The 26 volunteers and persons who work in international projects (item 7.6) are not included in the total number of staff provided in item 7.0.

Netherlands:

- General remark: The few blanks noted "..." are explainable by the fact that Netherlands have three probation services with separate registrations of staff.

Norway:

- 7.1 and 7.2: The prison and probation service is a single administrative unit. Since the questionnaire only relates to probation, 7.1 and 7.2 are estimates of time allocated.
- 7.7: Consists of "office staff" (11), cleaning staff (3) and "other" (18).

Poland:

- 7.6: This number relates to volunteers, who obtain a lump sum for every conducted supervision. The extern staff and volunteers mostly come from *mediations* performed by NGOs in the mediation field.
- 7.7: "Other staff" are 197 "administrative staff" (office personnel).

Romania:

- 7.2: Among the 296 probation counselors, 41 of them are exercising the function of chief of probation service.
- 7.3 to 7.5: The 255 residual probation counselors are indistinctly distributed among items 7.3 to 7.5.

Spain (State Administration):

- 7.3: This number includes the "territorial coordination agents" and social services chiefs.
- 7.4: This number includes social workers and the temporary psychologists.
- 7.5: This number includes generic officials.

Spain (Catalonia):

- General remark: The staff of enforcement of community measures for the juveniles is not included in these data.
- 7.7: "Other staff" are administrative staff.

Sweden:

- 7.1 and 7.2: In Sweden, there are no special regional or national probation administrations.
- 7.5: These figures are estimated, as some of the service officers work as well with prison as probation administration.

UK: Northern Ireland:

- 7.7: "Other staff" includes all corporate and administrative grades that are not already counted in items 7.1 to 7.6.

8. Annual average workload by employee in 2009

Table 8 presents the average number of cases followed by each Probation officer during the year 2009. The average is obtained by dividing the whole number of cases handled by the Probation agencies by the number of employees in charge of these cases. If the internal counting system of the country uses another formula for the calculation of the annual average workload, this particularity is specified in the notes to the Table.

Table 8: Annual average workload by employee (in 2009) in number of cases

Reference: Council of Europe, SPACE II 2009.8

Country	General annual average workload (all staff categories included)	Annual average workload by Probation officer	Annual average workload by volunteer or extern
	8.0	8.1	8.2
Austria	...	37.9	3.0
Azerbaijan	70.2	70.2	***
Belgium	...	...	...
Bulgaria	65.0	65.0	***
Croatia	...	...	...
Cyprus	58.4	...	54.0
Czech Republic	...	79.0	...
Denmark	19.1	30.1	***
Estonia	40.0	45.0	...
Finland	23.0	28.0	...
France	75.3	...	***
Georgia	276.0	276.0	***
Germany	...	...	...
Hungary	118.0	118.0	...
Ireland	19.6	36.5	***
Italy	88.0	88.0	...
Latvia	...	87.0	4.0
Lithuania	40.0	40.0	...
Luxembourg	...	111.0	2.0
Moldova	...	...	***
Netherlands	...	...	...
Norway	24.0	24.0	...
Poland	45.7	81.8	9.6
Portugal	15.0	40.3	***
Romania	...	31.4	...
Serbia	...	...	...
Spain (State Admin.)	230.0	230.0	***
Spain (Catalonia)	44.2	58.1	***
Sweden	18.0	21.0	...
Switzerland	---	---	---
Turkey	82.1	287.6	---
UK: England and Wales	...	...	...
UK: Northern Ireland	NA	***	***
Mean	71.1	85.7	14.5
Median	45.7	61.5	4.0
Minimum	15.0	21.0	2.0
Maximum	276.0	287.6	54.0

Notes to Table 8:

Austria:

- General remark: This charge shows the probation cases instead of imprisonment. All over Austria handled 9737 cases of probation.

Azerbaijan:

- General remark: General number of persons sentenced to penalties not associated with compulsory detention is 4880 persons as the stock number and 15423 as the flow number. 220 officers of the Execution Service are dealing with probation. The 70.2 are obtained by dividing 15423 by 220.

Belgium:

- General remark: The annual average workload differs considerably from task to task.

Croatia:

- General remark: Croatia is unable to display the requested data because the annual average workload depends on the number of sentences and the number of extern staff in particular areas.

Denmark:

- 8.0: This number has been calculated by dividing item 1.0 by item 7.0 (8432/441).
- 8.1: This number has been calculated by dividing item 1.0 by item 7.4 (8432/280).

Finland:

- 8.1: The annual workload per probation officer also includes half of the work of assistant directors.
- 8.2: Volunteers usually have a maximum of three clients. Most of the time one or two.

Georgia:

- 8.0: In order to calculate the annual average workload per employee, the item 1.0 was divided by the sum of items 7.4 and 7.5.

Ireland:

- 8.0: The figure of 19.6 provided in item 8.0 was obtained by dividing the total number of persons on probation service caseload (8487) by the total number of staff (433.03).
- 8.1: The figure of 36.5 provided in item 8.1 was obtained by dividing the total number of persons on probation service caseload (8487) by probation officers (232.4).

Italy:

- 8.0: Italy obtained the number 88 by adding the sum of CSM, security measures and substitution measures (25 cases per year), to the sum of various inquiries, updating, family assistance and aftercare (63 cases per year).

Latvia:

- 8.1: Case managers are probation officers (qualified probation staff) and the calculation of the annual average workload is based upon the number of new cases per one probation officer during year 2009, summing up all functions of the State probation service. Thus, the number used in 8.1 does not characterize a real workload by probation officer, but only a formal one. That is why it is not eligible for comparative analysis with other countries. Latvian probation officers can work in all functions (most of probation officers work at least in several functions) of probation services. To understand how big a probation officer's real workload (taking into account specificities of each function, in which he works) is, state probation services invented a workload measurement tool in 2008, which calculates (at least approximately) each probation officer's foreseen real workload for coming month as a coefficient. Thanks to this tool, it is also possible to calculate average workload per probation officer on a certain day. This workload measurement tool is very new and till now, state probation services have not used it for statistical reasons, but only to solve the existing management issues.

Lithuania:

- General remark: The workload is calculated only from employees working directly with persons on probation.

Luxembourg:

- 8.1: The workload of 111 per probation officer includes the detainees.

Netherlands:

- General remark: The few blanks noted "..." are explainable by the fact that Netherlands have three probation services with separate registrations of staff.

Norway:

- 8.2: Volunteers are used to a very limited degree but do not carry their own caseload.

Poland:

- 8.0: The average provided has been calculated from items 8.1 and 8.2.
- 8.1: Every probation officer also supervises indirectly an average of 54.5 supervisions, which are directly performed by volunteers subordinated to her/him.

Romania:

- 8.1: At this moment Romania does not use a formula for the calculation of the annual average workload. Nevertheless the caseload has been estimated by taking into consideration the main attribution of the probation services. Thus, taking into consideration the number of adults under the supervision or care of probation services (6648) and the pre-sentential reports drawn for adults by the probation officers (2633), we obtain the average workload per employee (who are 296 probation officers). Unfortunately, because of the diversity of the activities carried out by the probation staff, this average is not adequately reflecting the reality. Thus, the average of 31.35 is the sum of 6648 and 2633, divided by 296.

Turkey:

- 8.0 The number obtained in this cell was obtained by dividing the 2009 cases by the total staff number.
- 8.1: The number obtained in this cell was obtained by dividing the 2009 cases by the probation staff number.

General Conclusion

Between the first edition (2007) of the new series of the SPACE II surveys and the present one, there has been an improvement of the response rate as well as of the quality of many of the answers received. However, the great diversity in the organisation of probation agencies and in the types of community sanctions and measures available across Europe makes it still difficult to perform reliable comparisons between countries.

The questionnaire sent to the national correspondents explained that the goal of the survey was to produce European comparisons, even if that implied adapting the national categories to the ones proposed in the questionnaire. However, in many cases it was very difficult for the national correspondents to produce such adaptations. As a consequence, researchers using this report should be extremely cautious when interpreting the differences found across countries.

Finally, the authors of this report would like to thank the national correspondents who agreed to exchange mails, phone calls, and to make adjustments to their data and provide additional comments.