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# COUNCIL OF EUROPE ANNUAL PENAL STATISTICS

# SPACE II

## NON-CUSTODIAL SANCTIONS AND MEASURES SERVED IN 2007

**SURVEY 2007**

BY  
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# COUNCIL OF EUROPE ANNUAL PENAL STATISTICS – SPACE II – NON-CUSTODIAL SANCTIONS AND MEASURES SERVED IN 2007

by Marcelo F. AEBI and Natalia DELGRANDE<sup>1</sup>

## Introduction

### *Survey background and scope*

SPACE II collects information on **persons serving non-custodial and semi-custodial sanctions and measures**, 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 sanctions and measures covered are basically those suggested by the Council of Europe through principle 15 of Recommendation No R (99)22 on prison overcrowding and prison population inflation. The Recommendation No R (2000)22 mainly supplemented the list of possible sanctions. 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, CSM are to be understood as "sanctions and measures which maintain the offender in the community and involve some restriction of his/her liberty through the imposition of conditions and/or obligations, and which are implemented by bodies designated in law for that purpose." The term, furthermore, "designates any sanction imposed by a court or a judge, 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".

SPACE II covers the number of **persons** who have been under a sanction or measure. Two types of indicators are provided: figures of **stock** (the **number of persons under CSM on 31 December 2007**), and figures of **flow** (the **number of persons having started the execution of CSM during 2007**). The sanctions and measures covered by SPACE II are presented in Figure 1 (Main items included in SPACE II), at the end of this introduction.

SPACE II also covers the number of persons who have started the execution of an **alternative to pre-trial detention during 2007 (flow)** as well as the number of persons who have been the object of **different forms of probation / supervision before sentence during 2007 (flow)**. The alternatives to pre-trial detention included are mainly those foreseen in the Recommendation No R (2006) 13.

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

SPACE II **does not cover** sanctions and measures **imposed by the juvenile criminal law or applicable only to juveniles**. If you are unable to make distinctions between juveniles and adults, please indicate it in Item 4.

Finally, SPACE II also collects information on **staff employed by probation services or working for probation services on 31 December 2007**, as well as on their **annual average workload**.

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SPACE II uses the concepts of “probation”, “probation supervision” and “community sanctions and measures” in a broad sense in order to take into account the great variety of national practices across Europe. None of these concepts is used in a rigid legal sense.

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. States were kindly asked to **adapt their national categories to the categories proposed by SPACE II** in order to allow comparisons at the European level. 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.

The 2007 survey counted with the support of the European Organisation for Probation (CEP) who sent letters to all the Member States of the Council of Europe in order to increase the rate of responses to the questionnaire.

### **Conventions used**

***	The question is irrelevant; the item refers to a concept not found in the penal system of the country concerned.
0	The number is 0 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.
( )	When the data are shown in brackets this means that they are not strictly comparable with the data requested by SPACE. For example, this applies to items whose definition is not the same as the one used in the SPACE questionnaire. Or when the total number of analysed figure is less or equal to 10 individuals.
---	When the questionnaire box is left blank or a symbol is used, whose meaning is not explicit (for example "/" or "-"), we used the symbol "- - -".

All cases of divergences and additional comments provided by national respondents are placed and explained in the notes to the relevant Tables.

### **Measures of central tendency**

In Tables containing rates 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.

## Demographic Data

Rates have been calculated using demographic data (annual estimates of total population of each European country) for 2007, taken from the U.S. Census Bureau, International Data Base: <http://www.census.gov/ipc/www/idb/idbconf.html> (retrieved on November 1<sup>st</sup>, 2008).

**Exceptions:** When data 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-2007 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 November 1<sup>st</sup>, 2008).
- **Bosnia and Herzegovina (Republika Srpska):** Demographic data are estimates. We made our estimation on the basis of official data for 2005 (“*Demographic statistics. Statistical Bulletin*” no. 11, Republika Srpska Institute of Statistics, Banja Luka, 2008, p. 15), available at: <http://www.rzs.rs.ba/PublikDemENG.htm> (retrieved on November 1<sup>st</sup>, 2008).
- **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 mid-2007 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 are estimates according to the Census 2002. Data were retrieved on November 1<sup>st</sup>, 2008 from the Statistical Office of the Republic of Serbia: <http://webrzs.statserb.sr.gov.yu/axd/en/drugastrana.php?Sifra=0013&izbor=odel&tab=1>. These data exclude Kosovo and Metohija territories.
- **Spain (State level and Catalonia):** Demographic data refer to 1<sup>st</sup> January 2007. Data were retrieved on November 1<sup>st</sup>, 2008, available for Spain (State level) 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-2007 estimates by National Statistics Online. Data were retrieved on November 1<sup>st</sup>, 2008, available (separately for the sensational levels) 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**

Twenty-five countries answered the SPACE II questionnaire. This low response rate is not easy to explain since the Council of Europe sent several reminders to the Member States, and the European Organisation for Probation also asked Probation Services across Europe to participate in the survey. It could be related to the lack of reliable statistics on this field in many countries. Such lack of statistics is probably due to the fact that several non-custodial sanctions and measures have been introduced recently or have not been implemented yet. In that context, some of the youngest Probation Services mentioned that no electronic databases had been developed yet.

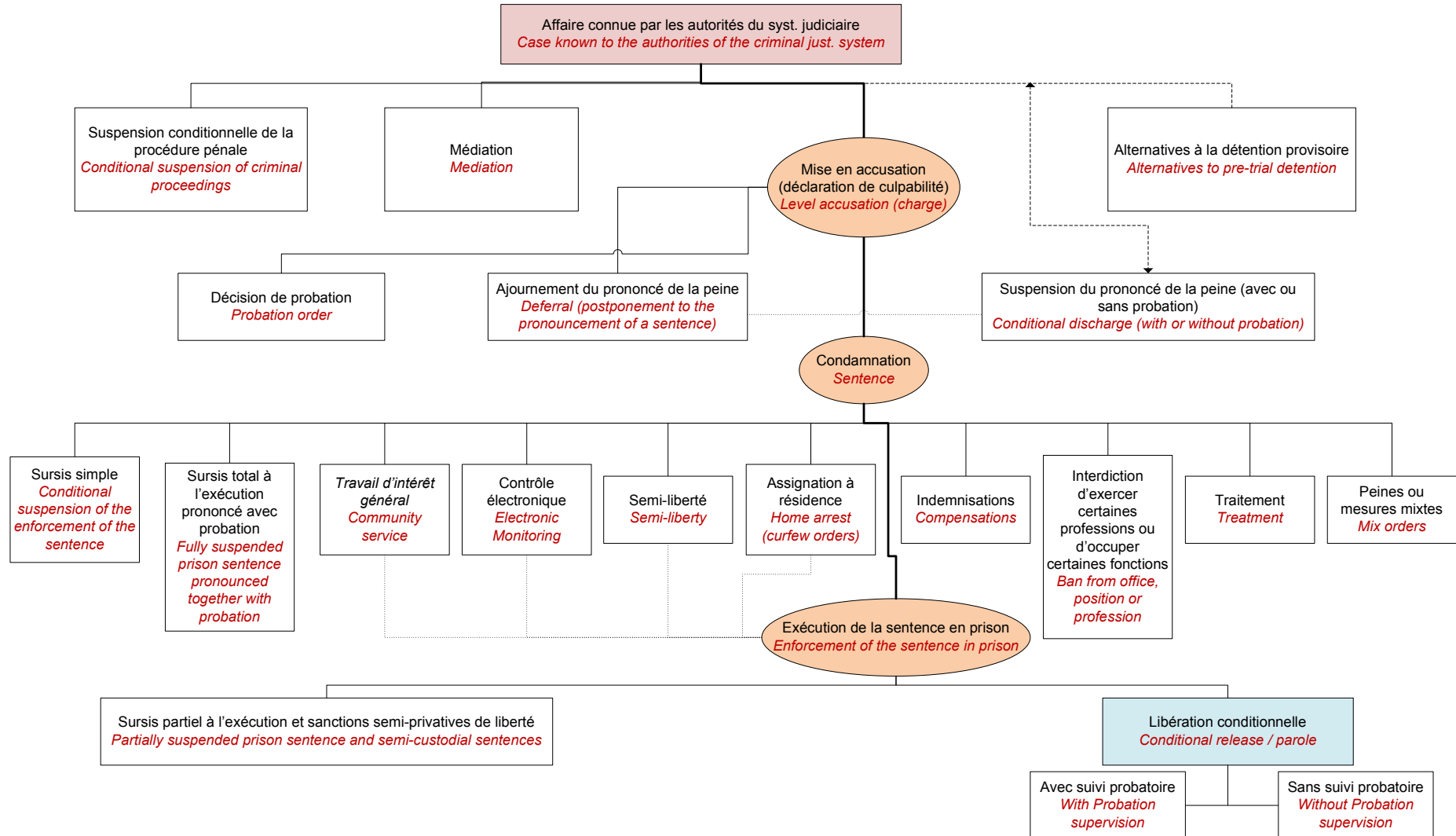
For several of the Services contacted, SPACE II was their first comparative exercise on this field. In many cases, it was also difficult for Probation Services to adapt their national categories to the ones used in SPACE II. Finally, sometimes the supervision of CSM is shared between Probation Services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

As a consequence, the priority for future SPACE II surveys is to improve the quality of the feedback from Member States.



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 2007

Section A includes information on persons serving CSM or being on probation in 2007. 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 31<sup>st</sup> December 2007 (STOCK statistics) as well as the number of persons who started serving such sanctions and measures during 2007 (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.

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- **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 31<sup>st</sup> December 2007

Table 1.1 presents the total number of persons under the supervision or care of probation services 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, figures are presented between brackets.



Country	Country population in 2007 (in thousands)	Total number of persons under the supervision or care of probation services (STOCK)	Of which:															Other (details)	Other (details)
			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		
Luxembourg	480.2	(813)	---	288	57	---	290	14	***	17	---	---	---	97	***	---	25	20	5
Malta	401.9	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
Moldova	4 328.8	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
Monaco	32.7	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
Montenegro	684.7	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
Netherlands	16 570.6	(36 896)	***	16 223	...	23 322	542	...	245	...	...	627	***	...	1 025	1 025	---	---	---
Norway	4 627.9	2 377	***	492	***	***	3	***	20	***	***	***	***	444	0	***	1 418	---	---
Poland	38 518.2	(672 640)	...	520 661	***	39 371	100 802	***	***	***	...	...	40 682	...	...	1 132	---	---	---
Portugal	10 642.8	(13 266)	5 509	3 478	...	...	2 099	476	...	...	...	...	3 490	...	...	1 835	---	---	---
Romania	22 276.1	(7 673)	23 068	...	***	...	...	***	***	***	***	...	***	...	***	1 808	1 808	---	---
Russia	141 377.8	590 703	523 494	***	***	***	11 729	***	***	***	***	14 500	***	...	...	***	40 980	34 799	6 181
San Marino	29.6	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
Serbia	7 381.6	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
Slovak Republic	5 447.5	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
Slovenia	2 009.2	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
Spain (State Admin.)	37 990.2	(39 771)	---	3 230	---	---	24 968	1 806	---	6 127	---	---	3 610	11 193	---	---	380	---	---
Spain (Catalonia)	7 210.5	(6 698)	...	1 519	***	...	2 099	65	***	1 626	...	...	446	812	***	***	196	113	83
Sweden	9 031.1	(13 877)	...	***	***	***	1 992	532	***	***	***	1 431	4 767	0	***	4 588	---	---	---
Switzerland	7 554.7	...	140 000	604	24	0	907	81	***	180	***	...	667	1 562	215	---	---	---	---
FYRO Macedonia	2 055.9	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
Turkey	71 158.6	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
Ukraine	46 299.9	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
UK: England and Wales	54 072.0	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
UK: Northern Ireland	1 759.1	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
UK: Scotland	5 144.2	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---



**Notes to Tables 1.1 and 1.2****Belgium:**

- 1.0: The number of 21 119 is correct according to the subdivisions but the title "TOTAL NUMBER OF PERSONS UNDER THE SUPERVISION OR CARE OF PROBATION SERVICES" does not seem to be correct. Also the persons in item 6 (at least 6.3) are under the supervision or care of the probation service. Next to this, our 'houses of Justice' treat also cases of victim-support, mediation, first legal aid and civil cases.
- 1.1: Persons who are sentenced to a custodial or non-custodial sanction without any probation-condition(s) are not referred to the probation service in Belgium.
- 1.2 and 1.3 : At this moment the registration system does not allow a distinction between fully and partially suspended sentences. Therefore, the number of persons is the total of 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.

**Cyprus:**

- 1.1, 1.2, and 1.3: The circumstances under which a sentence may be suspended are defined in the law. A sentence of imprisonment may be suspended on terms, provided the term of imprisonment imposed does not exceed two years. The suspension shall be for a period of three years, i.e., the accused may be called upon to serve his sentence if within three years he violates the conditions upon which sentence is suspended and a competent court orders his imprisonment. The law provides that a sentence of imprisonment may be suspended on condition that within the three years period the convict commits no offence punishable with imprisonment. If such offence is committed, a competent court may deal with the accused in any one of four ways:
  - (a) It may order the activation of the sentence originally imposed;
  - (b) It may order imprisonment for a period shorter than originally imposed;
  - (c) It may amend the original order of imprisonment, as it may appear appropriate, and provide for imprisonment of up to two years; and finally
  - (d) It may decide to refrain from activating the sentence in any way.

The main purpose of suspended sentence is to avoid sending the offender to prison. In consequence, a sentence of imprisonment cannot be suspended in part, a course that could defeat the main object of suspension; but there is no impediment to combining a suspended sentence with a fine. The jurisprudence of the Supreme Court briefly named the factors that should bear with the court in the exercise of its discretion:

  - (a) The gravity of the facts of the case and the motivating force behind the commission of the offence,
  - (b) The record of the accused as an indicator of the need for deterrence and
  - (c) The conduct of the accused after the commission of the offence and particularly the presence or absence of signs of remorse.
- In 2007, courts suspended sentence of imprisonment for 554 persons without probation.
- 1.5 according to the law of Cyprus, the community service order is always combined with probation order.
- 1.6, 1.7 the matter is under discussions before the law committee of the house of representatives.
- 1.12, 1.13 in the law of the Cyprus, parole is not provided. According to the constitution of the republic of Cyprus, article 53:



1. The president or the vice-president of the republic shall have the right to exercise the prerogative of mercy with regard to persons belonging to their respective community who are condemned to death.
2. Where the person injured and the offender are members of different communities such prerogative of mercy shall be exercised by agreement between the president and the vice-president of the republic; in the event of disagreement between the two the vote for clemency shall prevail.
3. In case the prerogative of mercy is exercised under paragraph 1 or 2 of this article the death sentence shall be commuted to life imprisonment.
4. The president and the vice-president of the republic shall, on the unanimous recommendation of the attorney general and the deputy attorney general of the republic, remit, suspend, or commute any sentence passed by a court in the republic in all other cases.

■ 1.14 sanctions and measures can be combined as follows:

- (a) the criminal procedure law provides that the accused may be adjudged to pay costs in addition to any other sentence which may be passed upon him.
- (b) 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 is undesirable to impose both imprisonment and a fine, as the two are inconsistent 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.
- (c) 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.
- (d) Probation order with community service. In the year 2007, 310 mixed orders (probation with community service) were issued.

■ 1.15 probation orders as main sanction

#### Denmark:

- Other (total): 2.072, of which:
- (a) Mentally disturbed people: 2.009
  - (b) Alternative imprisonment such as being placed in a special institution: 44
  - (c) Discharged from preventive detention: 10

#### Estonia:

- Mixed order: sanction applicable to minors subjection to supervision (as 1.2. here): the court may release the person from punishment and impose the following sanctions on him or her. but its is only for them, who are less than 18 years, the most conditions are same, but there are smaller time- up to one year and there are not possibility sent this person to prison as in 1.2.: if a person, during a period of probation, fails to comply with supervisory requirements or perform the obligations imposed on him or her, the court shall enforce the unserved part of the sentence on the basis of a report by the probation officer.
- For question 1.6 and 1.7: we have a home unit+ tag technique (elmotech), not tracking. It is not totally home arrest, the offenders can work and be outside if it is in the schedule. If there are home time (it's usually at nights) then they must be at home, but not totally.

#### Finland:

- 1.2. The only condition in legislation is to avoid new crimes. If the sentenced person during so called probationary period commits a new crime which leads to imprisonment the suspended sentence can be added to that wholly or partially.
- 1.4. Pardon exists only as a pardon by the president.

- 1.9. and 1.10. Exist in the legislation but not as a community sanction in the Finnish system.
- 1.11. If the court decides that the person is not criminally responsible, the case is given to health authorities who make the decision about treatment.
- 1.14. Community service max 90h can be added to conditional imprisonment with a probationary period more than 1 year.

#### France:

- Data relate to 1<sup>st</sup> January 2008 instead of 31<sup>st</sup> December 2007
- The sum of items does not equal the total, as the Services of penitentiary integration and probation in France (SPIP) also deal with people serving sentences in penal institutions (inmates under electronic monitoring, semi-liberty and outside placement). The population supported by SPIP decomposes as at 1<sup>st</sup> January 2008:
  - Outside supervisions: 148 077 persons;
  - Inside penal institutions' supervisions: 64 003 persons.
- Other (total): 10 513, of which:
  - (a) Suivi socio-judiciaire: 2 713
  - (b) Contrôle judiciaire: 3 841
  - (c) Travail non rémunéré: 2 111
  - (d) Placement extérieur: 805
  - (e) Interdiction de séjour: 784
  - (f) Ajournement avec mise à l'épreuve: 259
- Items 1.1, 1.7, 1.9, 1.10 and 1.11: these data are available only at the Prison Administration.

#### Hungary:

- Probation service does not have any relation with clients who get conditional release without probation supervision.
- According to the current regulation in Hungary there is not only "probation as a sanction in its own right".
- According to certain rules and decision of prosecutor or judge probation supervision is always combined with postponement of accusation, deferred sentence, suspended sentence or a decision for conditional release.
- 1.4: the number of drug diversion, which is a special case of the postponement of accusation.
- Beside of the above mentioned data, Probation service collects the following statistic categories, and had the following numbers of clients at the end of 2007:
  - (a) Postponement of accusation general case: 2861
  - (b) Postponement of accusation because of alimony: 517
  - (c) Deferred sentence: 770
  - (d) Voluntarily aftercare: 1064
  - (e) Social inquiry report: 81
  - (f) Pre-sentence report: 116
  - (g) Victim offender mediation: ---
- Adult offender means 18 years old or older.

#### Ireland:

- Stock figures are unavailable for 31<sup>st</sup> December 2007 so figures supplied are for 5<sup>th</sup> June 2009.
- 1.15 Other (total): 3652, of which:
  - (a) Probation Bonds: 3021
  - (b) Post Release Supervision Orders: 196
  - (c) Other Orders: 435
- Figure for supervision during deferment of penalty is unavailable.

**Italy:**

- 1.2: *affidamento in prova al servizio sociale*, assignment on probation to the Probation Services, number of cases coming from liberty
- 1.7: *detenzione domiciliare*, home detention
- 1.11: *affidamento in prova in casi particolari*, assignment on probation to the Probation Services in particular cases: drug addicts and alcohol addicts
- 1.12 *affidamento in prova al servizio sociale*, assignment on Probation to the Probation Services, number of cases coming from detention

**Latvia:**

- Information is provided for number of cases because state probation service doesn't have statistics about number of persons. Number of persons must be only little bit less than number of cases (approximately 5 % less)
- Community service is unpaid work for persons aged from 14.

**Netherlands:**

- Number of persons (stock) on 1<sup>st</sup> January 2008
- 1.2 and 1.3: it is not possible to separate 1.2 and 1.3, the number 1.2 also includes 1.3
- 1.7 Home arrest (curfew orders) is in 2007 not a sanction in its own right, but has been implemented in an experiment in 2007
- 1.8 Semi-liberty on stock on September 30<sup>th</sup>, 2007
- 1.12 Conditional release / parole with probation with electronic monitoring (pp/et) are also part of 1.6 (electronic monitoring)
- 1.12 and 1.6 are a specification or a part of 1.2 and 1.3

**Norway:**

- 1.2: 444 drink-driving programme, 33 drug court, and 15 various
- 1.7 (*Straffegjennomføringsloven* § 16) not a curfew as such, but serving final part of a prison sentence in own home. This does not necessarily mean confinement to the dwelling but a condition of residence usually combined with a duty to report to the probation service or a prison
- 1.15. The community sanction has replaced the former community service order. The main difference being that the CS shall encompass more than community service tasks. I.e. other conditions may be applied, such as compulsory participation in various programmes, mediation or treatment programmes. If the court does not specify the content of the order then it is the probation service that shall decide.

**Poland:**

- Conditional discharge is not always under the supervisory care of probation services.

**Romania:**

- Romanian database became operational since 2008. In 2007 were registered a total number of 7 673 persons (minors and adults).

**Russia:**

- 1.15 Other (total): 40 980, of which :
  - (a) Correctional work: 34 799
  - (b) Suspended sentence: 6 181

**Spain (National Administration) :**

- 1.1 : As the conditional suspension of the enforcement of the sentence is usually pronounced together with probation, all these cases are counted under the heading 1.2
- 1.6. Electronic monitoring includes:

- (a) Prisoners on the 3<sup>rd</sup> degree of treatment (semi-liberty)
- (b) Home detention with voice verification: 130.

**Spain (Catalonia):**

- 1.15 Other (total): 196, of which:
  - (a) Technical advice report to the judiciary: 113
  - (b) Mediation: 83

**Sweden:**

- 1.5 Persons sentenced to community service (related to a sentence to probation or a conditional sentence)
- 1.6 Electronic tag, telephone calls, visits by probation officer (front door and back door)
- 1.7 Curfew order combined with electronic monitoring
- 1.11 Probation with treatment
- 1.13 No active action by probation authority
- 1.15 Probation without treatment and community service

**Switzerland:**

- Total number does not mean a total number of persons under the Probation Service supervision. Several measures under 1.1 to 1.15 are supervised by different bodies.
- 1.6 Electronic Monitoring exclusively at the assigned residence
- 1.8 Semi-liberty starting from 50% of the sentence to be served

## 2. Persons having started to serve CSM or probation (FLOW) in 2007

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, figures are presented between brackets.



Country	Country population in 2007 (in thousands)	Total number of persons having started to serve CSM or probation (FLOW)	Of which:															Other (details)	Other (details)
			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		
Malta	401.9	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
Moldova	4 328.8	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
Monaco	32.7	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
Montenegro	684.7	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
Netherlands	16 570.6	(46 306)	***	13 073	227	36 928	916	2 134	...	...	...	...	1 053	***	...	1 371	1 371	---	
Norway	4 627.9	4 503	***	528	***	2	0	50	***	***	***	***	993	***	***	2 930	---	---	
Poland	38 518.2	420 282	...	263 761	***	25 032	103 406	***	***	***	...	...	25 317	...	...	2 766	---	---	
Portugal	10 642.8	11 220	2 509	1 595	...	...	2 724	585	...	...	...	...	1 870	...	...	1 937	---	---	
Romania	22 276.1	...	...	...	***	...	...	...	***	***	***	***	...	***	...	...	---	---	
Russia	141 377.8	670 975	566 836	***	***	***	44 570	***	***	***	...	10 053	***	...	...	***	49 516	46 709	2 807
San Marino	29.6	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
Serbia	7 381.6	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
Slovak Republic	5 447.5	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
Slovenia	2 009.2	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
Spain (State Admin.)	37 990.2	14 420	---	---	---	---	---	2 788	---	11 632	---	---	---	---	---	---	---	---	---
Spain (Catalonia)	7 210.5	(9 349)	...	1 479	***	...	2 463	116	***	1 525	...	...	265	648	***	***	2 969	2 574	395
Sweden	9 031.1	19 478	***	***	***	***	4 939	3 364	***	***	***	***	1 361	5 932	0	***	3 882	---	---
Switzerland	7 554.7	80 830	71 830	175	19	***	5 354	463	***	898	***	...	180	882	1 029	---	---	---	---
FYRO Macedonia	2 055.9	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
Turkey	71 158.6	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
Ukraine	46 299.9	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
UK: England and Wales	54 072.0	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
UK: Northern Ireland	1 759.1	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
UK: Scotland	5 144.2	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---





**Notes to Tables 2.1 and 2.2****Belgium:**

- 2.1: Persons who are sentenced to a custodial sanction without any conditions are not referred to the probation service;
- 2.3: The 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;
- 2.10: 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

**Cyprus:**

- 2.12 and 2.13: Same comments as for Tables 1.1 and 1.2;
- The number indicated for 2.12 concerns 432 prisoners released after the reduction of their sentence by the president of the republic without conditions whereas ( 2.13) 119 prisoners released by the president of the republic under conditions

**Denmark:**

- 2.15: Other (total): 1.055, of which:
  - Mentally disturbed: 792
  - Discharged from preventive detention: 1
  - Alternative imprisonment: 212
  - Others: 50

**Estonia:**

- See comments to Tables 1.1 and 1.2

**Finland:**

- 2.2. The only condition in legislation is to avoid new crimes. If the sentenced person during so called probationary period commits a new crime which leads to imprisonment the suspended sentence can be added to that wholly or partially.
- 2.4. Pardon exists only as a pardon by the president.
- 2.9. and 2.10. Exist in the legislation but not as a community sanction in the Finnish system
- 2.11. If the court decides that the person is not criminally responsible, the case is given to health authorities who make the decision about treatment.
- 2.14. Community service max 90 h can be added to conditional imprisonment with a probationary period more that 1 year

**Hungary:**

- 2.1: this data gained from a different source than the office a justice – probation service.

According to Probation service “flow” statistics these are the data:

- Postponement of accusation general case: 2630
- Postponement of accusation because of alimony: 561
- Deferred sentence: 470
- Voluntarily aftercare: 1470
- Social inquiry report: 929
- Pre-sentence report: 1225
- Victim offender mediation: 2152

**Ireland:**

- 2.15 Other (total): 6357, of which:
  - Probation Bond: 2554
  - Other Orders: 401
  - Supervision During Deferment of Penalty: 3402

**Italy:**

- 2.2: Assignment on probation to the Probation Services, number of cases coming from liberty
- 2.5: Cases judged by the Justice of the Peace: only flow data are available for the year 2007
- 2.7: home detention (3009) + home detention pronounced by the Justice of the Peace (132), for which only flow data are available for the year 2007.
- 2.11: Assignment on probation to the Probation Services in particular cases: drug addicts and alcohol addicts
- 2.12: Assignment on Probation to the Probation Services, number of cases coming from detention

**Latvia:**

- Information is provided for number of cases because state Probation service does not have statistics about number of persons. Number of persons must be only little bit less than number of cases (approximately 5 % less)
- Community service is unpaid work for persons aged from 14

**Netherlands:**

- 2.0: are only the unique persons
- 2.2 and 2.3: it is not possible to separate 2.2 and 2.3, the number 2.2 also includes 2.3
- 2.4 are the number of decisions for conditional pardon in 2007
- 2.7 home arrest (curfew orders) is in 2007 not a sanction in it's own right, but has been implemented in an experiment in 2007
- 2.12 conditional release / parole with probation with electronic monitoring (pp/et) is also part of 2.6 (electronic monitoring)
- 2.12 and 2.6 are a specification or a part of 2.2 and 2.3

**Norway:**

- See comments to Tables 1.1 and 1.2

**Romania:**

- According to the legislation in force, the community service is a sanction itself only in administrative matters (contravention). In the criminal field the community service can be disposed as an obligation in case of the suspension of enforcement of the sentence under supervision. Or, in case of a minor, it can be imposed as an obligation in case of the educative measure of the supervised freedom.
- Pardon and conditional release exists also in the Romanian legislation. The Probation system does not have any competence in this respect. From the perspective of the Romanian law only the collective pardon can be conditioned.

**Russia:**

- 2.15: Other (total): 49516, of which:
  - Correctional work: 46709
  - Suspended sentence: 2807

**Spain (National Administration):**

- 2.8. Electronic monitoring includes
  - (a) Prisoners on the 3<sup>rd</sup> degree of treatment (semi-liberty): 1668.  
The flow on 2007 is less than the stock on 31.12.2007 because the stock includes cases from 2006. The average time under electronic monitoring is 260 days.
  - (b) Home detention with voice verification: 1120

**Spain (Catalonia):**

- 2.15: Other (total): 2969, of which:
  - Technical advice report to the judiciary: 2574
  - Mediation: 395

**Sweden:**

- 2.5 persons sentenced to community service (related to a sentence to probation or a conditional sentence)
- 2.6 electronic tag, telephone calls, visits by probation officer (front door and back door)
- 2.7 curfew order combined with electronic monitoring
- 2.11 probation with treatment
- 2.13 no active action by probation authority
- 2.15 probation without treatment and community service

**Switzerland:**

- 2.8 : semi-detention *ab initio* and semi-liberty starting from 50% of the sentence to be served

### 3. Details about several non-custodial sanctions and measures having started to be served in 2007 (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. Treatment for drug addicts (Table 3.5)
6. Treatment for alcohol addicts (Table 3.6)
7. Treatment for persons with mental disorders (Table 3.7)
8. Treatment for persons convicted of a sexual offence (Table 3.8)

The goal of the chapter is to establish if such sanctions and measures were imposed as sanctions on their own right, or as supplementary sanctions, or 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 waive 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.

Finally, for each sanction/measure, a category “other” was also included.

Thus, for each sanction/measure the relevant table indicates the total number of persons having started to serve that sanction/measure in 2007 (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 a waive 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 2007 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 3.8), percentages were not calculated because they represented 100% in almost all cases.

Finally all the Tables in this section (Table 3.1.a to 3.8) include only the countries that provided information.

**Table 3.1.a: Number of persons having started to serve Community Service (FLOW) in 2007**

Reference: Council of Europe, SPACE II 2007.3.1

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 condition for <u>conditional release/parole</u>	as a condition for <u>remaining in probation</u>	as a condition attached to a <u>waive of: 1. the prosecution, or 2. the sentencing, or 3. the enforcement of the sentence</u>	Other cases
Armenia	327	---	---	---	---	---	---	327
Austria	3 187	***	***	***	***	***	3 187	***
Azerbaijan	***	***	***	***	***	***	***	***
Cyprus	208	***	***	208	***	***	***	***
Estonia	1 369	***	***	***	786	***	583	***
Finland	3 113	2 962	153	***	***	***	***	***
Georgia	...	...	...	...	...	...	...	---
Hungary	5 229	5 229	***	***	***	***	***	***
Ireland	---	1 516	---	---	---	---	---	---
Italy	38	38	***	***	***	***	***	***
Latvia	3 159	3 159	---	---	---	---	---	---
Luxembourg	143	89	2	47	***	---	---	5
Netherlands	36 928	19 406	***	***	***	***	17 942	884
Norway	2	2	***	***	***	***	***	***
Poland	103 406	103 406	***	***	***	***	***	***
Portugal	2 724	375	---	2 349	---	---	---	---
Romania	...	...	...	...	...	...	...	...
Russia	44 570	44 570	***	***	***	***	***	***
Spain	25 348	---	---	25 348	---	---	---	---
Spain (Catalonia)	2 463	2 463	---	---	---	---	---	---
Sweden	4 939	4 939	***	***	***	***	***	***
Switzerland	5 354	3 250	373	...	***	***	***	***



**Table 3.1.b: Breakdown (in percentages) of persons having started to serve Community Service (FLOW) in 2007**

Reference: Council of Europe, SPACE II 2007.3.1.b

Country	Total per 100,000 population	Of which: Percentage of						Total %	
		as a <u>main sanction</u>	as a <u>supplementary sanction</u>	as a <u>way of enforcing a custodial sentence</u>	as a <u>condition for 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
Armenia	11.0	...	...	...	...	...	...	100.0	100
Austria	38.9	...	...	...	...	...	100.0	...	100
Cyprus	26.4	...	...	100.0	...	...	...	...	100
Estonia	104.0	...	...	...	57.4	...	42.6	...	100
Finland	59.4	95.1	4.9	...	...	...	...	...	100
Hungary	52.5	100.0	...	...	...	...	...	...	100
Italy	0.1	100.0	...	...	...	...	...	...	100
Latvia	139.8	100.0	...	...	...	...	...	...	100
Luxembourg	29.8	62.2	1.4	32.9	...	...	...	3.5	100
Netherlands	222.9	52.6	...	...	...	...	48.6	2.4	(104)
Norway	0.0	100.0	...	...	...	...	...	...	100
Poland	268.5	100.0	...	...	...	...	...	...	100
Portugal	25.6	13.8	...	86.2	...	...	...	...	100
Russia	31.5	100.0	...	...	...	...	...	...	100
Spain	56.1	...	...	100.0	...	...	...	...	100
Spain (Catalonia)	34.2	100.0	...	...	...	...	...	...	100
Sweden	54.7	100.0	...	...	...	...	...	...	100
Switzerland	70.9	60.7	7.0	...	...	...	...	...	(68)
<i>Mean</i>	68.1								
<i>Median</i>	45.7								
<i>Minimum</i>	0.0								
<i>Maximum</i>	268.5								

## **Notes to Tables 3.1.a and 3.1.b**

### **Denmark:**

- Does not exist in the Danish system

### **Estonia:**

- Community service is possible in the next cases:
  - Penal Code § 69: If a court imposes imprisonment of up to two years, the court may substitute the imprisonment by community service and § 70. Substitution of pecuniary punishment by imprisonment or community service: If a convicted offender fails to pay the amount of the pecuniary punishment imposed on him or her, the court shall substitute the punishment by imprisonment or, with the consent of the convicted offender, by community service
  - Code of Criminal Procedure § 202 Termination of criminal proceedings in event of lack of public interest in proceedings and in case of negligible guilt, the court may impose the following obligation on the suspect or accused at the request of the Prosecutor's Office and with the consent of the suspect or the accused within the specified term: to perform 10 to 240 hours of community service.

### **Italy:**

- Sanctions imposed by the Justice of the Peace.

### **Latvia:**

- Statistics about conditions set down by prosecutor or court to different categories of offenders (drug-dependent, alcohol-addicted offenders, offenders with mental disorders or sex-offenders) are not available at the State Probation Service.
- In case of fully suspended prison sentence pronounced together with probation and release on parole with probation, judge (court) can write necessity of treatment into sentence or decision on release on parole as a condition for remaining in probation. Judge can freely decide on the most appropriate redaction of the condition of treatment, but usually (approximately 80 % of cases) it is: "To participate into probation programs delivered by the State Probation Service according to directions of probation officer".
- It is known that in 2007 there were 1762 new probation clients with treatment (different types - social rehabilitation or social correction) as a condition for remaining in probation in case of fully suspended prison sentence pronounced together with probation.
- In case of parole with probation there were 410 new probation clients with treatment as a condition for remaining in probation.
- In case of conditional suspension of criminal proceedings with probation, what is done by prosecutor, he can only choose to put or not on offender condition "To register periodically in State Probation Service and to participate into probation programs according to directions of the State Probation Service". In 2007 there were 143 persons conditionally suspended of criminal proceedings with such condition. If person don't fulfil this or other conditions, criminal proceeding is renewed.

### **Netherlands:**

- "Other cases": unknown

### **Spain (National Administration):**

- Most persons serving community service have been sentenced to a custodial sentence that is replaced by community service.
- Community service can also be imposed as a condition to the suspension of the execution of the sentence.

**Table 3.2: Number of persons having started to serve Electronic Monitoring (FLOW) in 2007**

Reference: Council of Europe, SPACE II 2007.3.1

Country	Total	Of which:						
		as a <i>main sanction</i>	as a <i>supplementary sanction</i>	as a way of enforcing a <i>custodial sentence</i>	as a condition for <i>conditional release/parole</i>	as a condition for <i>remaining in probation</i>	as a condition attached to a <i>waive of: 1. the prosecution, or 2. the sentencing, or 3. the enforcement of the sentence</i>	Other cases
Armenia	***	***	***	***	***	***	***	***
Austria	***	***	***	***	***	***	***	***
Azerbaijan	***	***	***	***	***	***	***	***
Belgium	1 884	***	1 884	***	***	***	***	***
Cyprus	***	***	***	***	***	***	***	***
Estonia	179	***	***	***	179	***	***	***
Finland	***	***	***	***	***	***	***	***
Georgia	***	***	***	***	***	***	***	- - -
Hungary	***	***	***	***	***	***	***	***
Italy	***	***	***	***	***	***	***	***
Luxembourg	20	***	***	20	***	***	***	***
Netherlands	916	***	***	916	***	***	***	***
Norway	***	***	***	***	***	***	***	***
Poland	***	***	***	***	***	***	***	***
Portugal	585	- - -	- - -	- - -	- - -	- - -	- - -	- - -
Romania	***	***	***	***	***	***	***	***
Russia	***	***	***	***	***	***	***	***
Spain (Catalonia)	116	- - -	- - -	116	- - -	- - -	- - -	- - -
Sweden	3 364	***	***	3 364	***	***	***	***
Switzerland	463	***	***	463	***	***	***	***

**Notes to Table 3.2****Estonia:**

- The use of the Electronic Monitoring is possible only for those offenders, who are conditionally releasing with probation (called as back door system).

**Latvia:**

- See notes to Tables 3.1.a and 3.1.b.

**Sweden:**

- Front door and back door.

**Table 3.3: Number of persons having started to serve Semi-liberty (FLOW) in 2007**

Reference: Council of Europe, SPACE II 2007.3.3

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 condition for <u>conditional release/parole</u>	as a condition for <u>remaining in probation</u>	as a condition attached to a <u>waive of: 1. the prosecution, or 2. the sentencing, or 3. the enforcement of the sentence</u>	Other cases
Armenia	***	***	***	***	***	***	***	***
Austria	***	***	***	***	***	***	***	***
Azerbaijan	***	***	***	***	***	***	***	***
Belgium	254	***	236	***	***	***	***	18
Cyprus	1	1	***	0	***	0	***	***
Estonia	***	***	***	***	***	***	***	***
Finland	***	***	***	***	***	***	***	***
Georgia	***	***	***	***	***	***	***	- - -
Hungary	***	***	***	***	***	***	***	***
Italy	727	***	***	727	***	***	***	***
Luxembourg	62	***	***	62	***	***	***	***
Netherlands	...	***	***	...	***	***	***	***
Norway	***	***	***	***	***	***	***	***
Poland	***	***	***	***	***	***	***	***
Romania	***	***	***	***	***	***	***	***
Russia	***	***	***	***	***	***	***	***
Spain (Catalonia)	1 525	- - -	- - -	1 525	- - -	- - -	- - -	- - -
Sweden	***	***	***	***	***	***	***	***
Switzerland	898	***	***	898	***	***	***	***

**Table 3.4: Number of persons having started to serve Home Arrest (FLOW) in 2007**

Reference: Council of Europe, SPACE II 2007.3.4

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 condition for <u>conditional release/parole</u>	as a condition for <u>remaining in probation</u>	as a condition attached to a <u>waive of: 1. the prosecution, or 2. the sentencing, or 3. the enforcement of the sentence</u>	Other cases
Armenia	***	***	***	***	***	***	***	***
Austria	***	***	***	***	***	***	***	***
Azerbaijan	***	***	***	***	***	***	***	***
Cyprus	***	***	***	***	***	***	***	***
Estonia	***	***	***	***	***	***	***	***
Finland	***	***	***	***	***	***	***	***
Georgia	***	***	***	***	***	***	***	- - -
Hungary	...	...	56	...	...	...	94	***
Italy	3 141	132	***	3 009	***	***	***	***
Luxembourg	***	***	***	***	***	***	***	***
Netherlands	2 134	***	***	2 134	***	***	***	***
Norway	50	***	***	***	50	***	***	***
Poland	***	***	***	***	***	***	***	***
Romania	***	***	***	***	***	***	***	***
Russia	***	***	***	***	***	***	***	***
Sweden	***	***	***	***	***	***	***	***
Switzerland	***	***	***	***	***	***	***	***

**Notes to Table 3.4****Italy:**

- Sanctions imposed by the Justice of the Peace.

**Norway:**

- *Straffgjennomføringsloven* § 16: not a curfew as such, but serving final part of a prison sentence in own home. This does not necessarily mean confinement to the dwelling but a condition of residence usually combined with a duty to report to the probation service or a prison

**Table 3.5: Number of persons having started a treatment for drug addicts (FLOW) in 2007**

Reference: Council of Europe, SPACE II 2007.3.5

Country	Total	Of which:							
		as a <u>main sanction</u>	as a <u>supplementary sanction</u>	as a <u>way of enforcing a custodial sentence</u>	for persons considered <u>as not criminally responsible</u>	as a <u>condition for 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
Armenia	...	...	...	...	...	...	...	...	...
Austria	10 175	***	***	***	***	***	***	10 175	***
Azerbaijan	***	***	***	***	***	***	***	***	***
Cyprus	...	...	...	...	...	***	...	...	...
Estonia	***	***	***	***	***	***	***	***	***
Finland	***	***	***	***	***	***	***	***	***
Georgia	***	***	***	***	***	***	***	***	---
Hungary	...	***	90	***	***	...	***	1 662	***
Italy	1 698	***	***	1 698	***	***	***	***	***
Latvia	---	---	---	---	---	---	...	---	---
Netherlands	...	***	***	***	***	***	***	...	***
Norway	31	31	***	***	***	***	***	***	***
Poland	...	***	...	***	***	...	...	...	...
Romania	...	...	...	...	...	...	...	...	...
Russia	***	***	***	***	***	***	***	***	***
Spain (Catalonia)	420	---	---	---	92	---	---	328	---
Sweden	***	***	***	***	***	***	***	***	***
Switzerland	...	***	(97)	***	***	***	***	***	***

**Table 3.6: Number of persons having started a treatment for alcohol addicts (FLOW) in 2007**

Reference: Council of Europe, SPACE II 2007.3.6

Country	Total	Of which:							
		as a <u>main sanction</u>	as a <u>supplementary sanction</u>	as a <u>way of enforcing a custodial sentence</u>	for persons considered <u>as not criminally responsible</u>	as a <u>condition for 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
Armenia	...	...	...	...	...	...	...	...	...
Austria	***	***	***	***	***	***	***	***	***
Azerbaijan	***	***	***	***	***	***	***	***	***
Cyprus	...	...	...	...	...	...	...	...	...
Estonia	***	***	***	***	***	***	***	***	***
Finland	***	***	***	***	***	***	***	***	***
Georgia	***	***	***	***	***	***	***	***	- - -
Hungary	...	***	90	***	***	...	***	***	***
Italy	15	***	***	15	***	***	***	***	***
Latvia	- - -	- - -	- - -	- - -	- - -	- - -	...	- - -	- - -
Netherlands	...	***	***	***	***	***	***	...	***
Norway	477	477	***	***	***	***	***	***	***
Poland	...	***	...	***	***	...	...	...	...
Romania	...	...	...	...	...	...	...	...	...
Russia	***	***	***	***	***	***	***	***	***
Sweden	***	***	***	***	***	***	***	***	***
Switzerland	...	***	(97)	***	***	***	***	***	***



**Table 3.7: Number of persons having started a treatment for persons with mental disorders (FLOW) in 2007**

Reference: Council of Europe, SPACE II 2007.3.7

Country	Total	Of which:							
		as a <u>main sanction</u>	as a <u>supplementary sanction</u>	as a <u>way of enforcing a custodial sentence</u>	for persons considered <u>as not criminally responsible</u>	as a <u>condition for 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
Armenia	...	...	...	...	...	...	...	...	...
Austria	***	***	***	***	***	***	***	***	***
Azerbaijan	***	***	***	***	***	***	***	***	***
Cyprus	...	...	...	...	...	***	...	...	...
Estonia	***	***	***	***	***	***	***	***	***
Finland	***	***	***	***	***	***	***	***	***
Georgia	...	...	...	...	...	...	...	...	---
Hungary	34	***	***	***	34	***	***	***	***
Italy	***	***	***	***	***	***	***	***	***
Latvia	---	---	---	---	---	---	...	---	---
Netherlands	...	***	***	***	***	***	***	...	***
Norway	***	***	***	***	***	***	***	***	***
Poland	1 492	***	...	***	1 492	...	...	...	...
Romania	...	...	...	...	...	...	...	...	...
Russia	***	***	***	***	***	***	***	***	***
Spain (Catalonia)	174	---	---	---	174	---	---	---	---
Sweden	***	***	***	***	***	***	***	***	***
Switzerland	...	...	(83)	***	***	***	***	***	***

**Table 3.8: Number of persons having started a treatment for persons convicted of a sexual offence (FLOW) in 2007**

Reference: Council of Europe, SPACE II 2007.3.8

Country	Total	Of which:							
		as a <u>main sanction</u>	as a <u>supplementary sanction</u>	as a <u>way of enforcing a custodial sentence</u>	for persons considered as <u>not criminally responsible</u>	as a <u>condition for 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
Armenia	...	...	...	...	...	...	...	...	...
Austria	***	***	***	***	***	***	***	***	***
Azerbaijan	***	***	***	***	***	***	***	***	***
Cyprus	...	...	...	...	...	***	...	...	...
Estonia	***	***	***	***	***	***	***	***	***
Finland	***	***	***	***	***	***	***	***	***
Georgia	***	***	***	***	***	***	***	***	- - -
Hungary	***	***	***	***	***	***	***	***	***
Italy	***	***	***	***	***	***	***	***	***
Latvia	- - -	- - -	- - -	- - -	- - -	- - -	...	- - -	- - -
Netherlands	...	***	***	***	***	***	***	...	***
Norway	***	***	***	***	***	***	***	***	***
Poland	***	***	***	***	***	***	***	***	***
Romania	...	...	...	...	...	...	...	...	...
Russia	***	***	***	***	***	***	***	***	***
Spain (Catalonia)	10	- - -	- - -	- - -	- - -	- - -	- - -	10	- - -
Sweden	***	***	***	***	***	***	***	***	***
Switzerland	...	***	(83)	***	***	***	***	***	***

**Notes to Tables 3.5 to 3.8:****Norway:**

- Table 3.6: “Treatments for alcohol addicts” are part of the “Fully suspended prisons sentences pronounced together with probation”.
- Tables 3.7 and 3.8: It is possible for a "community sanction" (*Samfunnsstraff*) to include conditions of treatment but such conditions can be cancelled or altered during the period of the sanction. There is no way of measuring the frequency of use.

**Spain (Catalonia):**

- Tables 3.5 and 3.6: Drugs and alcohol treatments are counted altogether.
- There were also 1141 persons with suspended sentences under different conditions like for instance attending training programmes, or being obliged to attend meetings regularly in front of an administrative body, which are not included in the general tables.

**Sweden:**

- Tables from 3.5 to 3.8: In Sweden, sentences as drug treatment/mentally disorders do not exist.



## Section B: Alternatives to pre-trial detention and probation/supervision ordered before sentence during 2007

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 ordered before sentence during 2007 (FLOW statistics). As in Section A, the counting unit is **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, figures are presented between brackets.



Country	Total number of persons who were the object of alternatives to pre-trial detention in 2007	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
Monaco													
Montenegro													
Netherlands	...	...	...	...	...	...	...	...	...	...	...	...	...
Norway	...	...	...	...	...	...	...	...	...	...	...	...	...
Poland	(35522)		***				***	***			2590	9627	
Portugal	...	...	...	...	...	508	...	...	...	...	...	...	...
Romania									118				172
Russia	***	***	***	***	***	***	***	***	***	***	***	***	***
San Marino													
Serbia													
Slovak Republic													
Slovenia													
Spain													
Spain (Catalonia)	***	***	***	***	***	***	***	***	***	***	***	***	***
Sweden	***	***	***	***	***	***	***	***	***	***	***	***	***
Switzerland													
FYRO Macedonia													
Turkey													
Ukraine													
UK: Engl. & Wales													
UK: Northern Ireland													
UK: Scotland													

**Table 5.2: Breakdown (in percentages) of persons who were the object of alternatives to pre-trial detention (FLOW) in 2007**

Reference: Council of Europe, SPACE II 2007.5

Country	Total number of persons who were the object of alternatives to pre-trial detention in 2007 per 100 000 population	Of which:											Total %
		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	
Cyprus	140.4	100.0	...	...	...	...	...	...	...	...	...	...	100
Georgia	247.8	...	...	...	...	...	...	...	...	...	97.6	2.4	100
Luxembourg	1.0	100.0				0.0	0.0	0.0	...	...	...	...	...
Poland	(92.2)	...	...	...	...	...	...	...	...	7.3	27.1	...	(34)



## **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:**

- The specific conditions, requirements or obligations in cases of alternatives to pre-trial detention are not registered at this moment in the national database.

### **Denmark:**

- Alternatives are not applied

### **Estonia:**

- 5.6: this category exists, but not as part of 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.
- 5.10: *maybe* is this (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. It is not as part of CSM again.
- Both are prosecutors’ tools and no bound up with probation.

### **France:**

- “Other forms”:
  - Soumission à des obligations le contrôle est exercé par un service pénitentiaire d’insertion et de probation = 10 137
  - Soumission à des obligations dont le contrôle est exercé par une association = 10 137
  - Soumission à des obligations dont le contrôle est exercé par un service ou une personne physique = 14711
  - Soumission à des obligations dont le contrôle est exercé sans autorité de contrôle désignée = 9230

### **Hungary:**

- Other categories of persons held in pre-trial detention:
  - Danger to re-offend: 237
  - There a more than one reason (this means the following reasons: 5.1, 5.2, danger to re-offend): 2601

### **Ireland:**

- Alternatives are not applied

---

**Luxembourg:**

- Sur un total de 37 contrôles judiciaires prononcés, 5 furent suivis par le service de probation, 32 par la Police Grand-ducale.

**Norway:**

- The remand in custody surrogate may be applied at two levels: In the first instance the prosecuting authority may decide not to apply for a court order if certain conditions are applied;
- When applying for a court order, the court may decide to remand, but instead of imprisonment accept some other placement or the imposition of conditions;
- Common for both levels is that any conditions may be applied so long as the person charged accepts these conditions as an alternative to being remanded in prison custody. Since the possibilities are unlimited, no relevant statistics are produced.

**Romania:**

- 5.11: were taken into account the requirements not to return in the home family for a determined period of time.

## 6. Probation / supervision ordered before sentence during 2007

This chapter provides information on the number of persons that were the object of probation/supervision ordered before sentence during 2007 (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 2007 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 2007.6

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)
Albania	---	---	---	---	---	---	---	---
Andorra	---	---	---	---	---	---	---	---
Armenia	...	...	...	...	...	...	...	...
Austria	58 037	45 317	9 379	437	2 904	---	---	---
Azerbaijan	***	***	***	***	***	***	---	---
Belgium	---	---	---	---	---	---	---	---
BH: BH (state level)	---	---	---	---	---	---	---	---
BH: Fed. BH	---	---	---	---	---	---	---	---
BH: Rep. Srpska	---	---	---	---	---	---	---	---
Bulgaria	---	---	---	---	---	---	---	---
Croatia	---	---	---	---	---	---	---	---
Cyprus	380	...	***	...	380	...	---	---
Czech Republic	---	---	---	---	---	---	---	---
Denmark	***	***	***	***	***	***	---	---
Estonia	***	***	***	***	***	***	---	---
Finland	***	***	***	***	***	***	---	---
France	---	---	26 702	4 983	87 999	---	---	---
Georgia	9 592	***	***	7	9 585	***	---	---
Germany	---	---	---	---	---	---	---	---
Greece	---	---	---	---	---	---	---	---
Hungary	---	---	2 152	---	***	---	---	---
Iceland	---	---	---	---	---	---	---	---
Ireland	2 955	***	***	***	2 554	401	54	347
Italy	***	***	***	***	***	***	---	---
Latvia	720	438	282	---	---	---	---	---
Liechtenstein	---	---	---	---	---	---	---	---
Lithuania	---	---	---	---	---	---	---	---
Luxembourg	...	...	182	---	***	---	---	---
Malta	---	---	---	---	---	---	---	---
Moldova	---	---	---	---	---	---	---	---
Monaco	---	---	---	---	---	---	---	---
Montenegro	---	---	---	---	---	---	---	---
Netherlands	...	...	...	***	***	***	---	---
Norway	3 460	0	...	***	3 460	***	---	---
Poland	4 178	***	4 178	***	***	***	---	---
Portugal	...	1 493	...	...	...	...	---	---
Romania	---	---	---	---	---	---	---	---
Russia	***	***	***	***	***	***	---	---
San Marino	---	---	---	---	---	---	---	---
Serbia	---	---	---	---	---	---	---	---
Slovak Republic	---	---	---	---	---	---	---	---
Slovenia	---	---	---	---	---	---	---	---
Spain	---	---	---	---	---	---	---	---
Spain (Catalonia)	---	---	395	---	---	---	---	---
Sweden	***	***	***	***	***	***	---	---
Switzerland	...	***	...	...	---	---	---	---
FYRO Macedonia	---	---	---	---	---	---	---	---
Turkey	---	---	---	---	---	---	---	---
Ukraine	---	---	---	---	---	---	---	---
UK: Engl. & Wales	---	---	---	---	---	---	---	---
UK: Northern Ireland	---	---	---	---	---	---	---	---
UK: Scotland	---	---	---	---	---	---	---	---

**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 2007.6

Country	Total Probation / Supervision before sentence per 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)	Other (details)		Other (details)
Austria	707.8	78.1	16.2	0.8	5.0	...	...	...	100
Cyprus	48.2	...	...	...	100.0	...	...	...	100
Georgia	206.5	...	...	0.1	99.9	...	...	...	100
Ireland	71.9	...	...	...	86.4	13.6	1.8	11.7	100
Latvia	31.9	60.8	39.2	...	...	...	...	...	100
Norway	74.8	0.0	...	...	100.0	...	...	...	100
Poland	10.8	...	100.0	...	...	...	...	...	100
Mean	164.5								
Median	71.9								
Minimum	10.8								
Maximum	707.8								

**Notes to Tables 6.1 and 6.2:****Belgium:**

- “Conditional suspension of criminal proceedings”: This type of conditional suspension exists in the Belgian system, but these cases are not referred to the Houses of Justice (probation service).

**Finland:**

- Mediation exist but not as a sanction by legislation. Mediation belongs to the responsibilities of municipalities. The result of mediation can be taken into account in the sentencing process.

**France:**

- Il s’agit des classements sans suite à la réussite d’une mesure alternative prises par les parquets (hors rappel à la loi).

**Hungary:**

- Victim-offender mediation is not a form of probation either supervision before sentence. In Hungary victim-offender mediation done by specially trained probation officers in 2007.

**Ireland:**

- “Other cases”: Post release supervision order (54) and other orders (347)

**Latvia:**

- Persons conditionally suspended of criminal proceedings are supervised by the State Probation Service.
- “Victim-offender mediation”: there is included data about adults and juveniles (separate statistics for juveniles and adults are not available). During 2007, in total (juveniles and adults) were 743 processes (including 171 for juvenile-offenders) of victim-offender mediation in criminal matters and from them:
  - in 282 cases mediation was successful and criminal proceeding was concluded;
  - in 104 cases mediation was successful, but criminal proceeding continued and court in sentencing took into account mediation as palliative;
  - in 3 cases mediation was successful, but criminal proceeding continued and court in sentencing ignored mediation;
  - in 355 cases mediation was unsuccessful for different reasons and criminal proceeding continued.

**Norway:**

- “Conditional suspension of criminal proceedings”: Waiver of prosecution (*Påtaleunntatelse*)
- Mediation may be initiated pending a decision to prosecute or not. Successful mediation can result in non-prosecution. However, the administration and process of mediation is a Local Authority responsibility without the intervention of the correctional service.
- “Probation orders”: All community sanctions are subject to reappraisal by the courts when conditions are breached.

**Switzerland:**

- “Victim-offender mediation”: Possible in some cantons. No data available
- “Deferral”: Possible on the basis of the art. 52 or 53 CPS. No data available

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

### 7. Staff employed by Probation Services or working for Probation Services on 31<sup>st</sup> December 2007

The aim of this chapter is to count all staff employed by the probation authorities. As a consequence, 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:

- Staff at the national probation administrations
- Staff in regional probation administrations
- Senior probation officers (chief of units)
- Probation officers (qualified Probation staff)
- Probation service officers (unqualified Probation staff)
- Extern staff & volunteers
- Other staff (specify)

Table 7.1 presents the total number of staff on 31<sup>st</sup> December 2007 as well as its breakdown by the 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 Services or working for Probation Services on 31<sup>st</sup> December 2007**

Reference: Council of Europe, SPACE II 2007.7.a

Country	Total number of staff	Of which:						
		Staff at the national probation administrations	Staff in regional probation administrations	Senior probation officers (chief of units)	Probation officers (qualified Probation staff)	Probation service officers (unqualified probation staff)	Extern staff & volunteers	Other staff (specify)
	7.0	7.1	7.2	7.3	7.4	7.5	7.6	7.7
Albania								
Andorra								
Armenia								
Austria	1051.3	20.7	28.4	14.7	209.2	0	773	5.3
Azerbaijan	***	***	***	***	***	***	***	***
Belgium	1041	41	45	...	835	...	...	120
BH: BH (state level)								
BH: Fed. BH								
BH: Rep. Srpska								
Bulgaria								
Croatia								
Cyprus	13.25	...	2.25	1	10	***	***	***
Czech Republic								
Denmark	417	12	95	14	279	0	...	17
Estonia	231	4	4	21	186	0	0	16
Finland	457	14	22	15	229	***	168	9
France	2895.1	13.6	48	346	2487.5	***	***	***
Georgia	140	53			87	***	***	***
Germany								
Greece								
Hungary	314	62	252	42	178	32	0	0
Iceland								
Ireland	452.8	...	...	52	247.4	***	***	153.4
Italy	1655.3	29.3	...	32	1119	423	...	52
Latvia	456	66	***	38	305	47	...	
Liechtenstein								
Lithuania								
Luxembourg	22	3	0	1	10	0	7	1
Malta								
Moldova								
Monaco								
Montenegro								
Netherlands	...	...	...	...	1620	***	...	...
Norway	357.4	4.5	23.1	17	301.4	0	0	11.4
Poland	21751.84	***	***	278.5	3118	***	18456	177.84
Portugal	1269	135	95	63	657	319	0	0
Romania	310	14	296	41	***	***	...	...
Russia	12870	22	420	2445	9983	***	***	***
San Marino								
Serbia								
Slovak Republic								
Slovenia								
Spain	336	8		53				
Spain (Catalonia)	329	23	***	27	279	***	***	***
Sweden	1016	***	***	56	808	152	...	***
Switzerland								
FYRO Macedonia								
Turkey								
Ukraine								
UK: Engl. & Wales								
UK: Northern Ireland								
UK: Scotland								



**Table 7.2: Breakdown (in percentages) of staff employed by Probation Services or working for Probation Services on 31<sup>st</sup> December 2007**

Reference: Council of Europe, SPACE II 2007.7.b

Country	Total staff per 100,000 population	Of which:							Total %
		Staff at the national probation administrations	Staff in regional probation administrations	Senior probation officers (chief of units)	Probation officers (qualified Probation staff)	Probation service officers (unqualified Probation staff)	Extern staff & volunteers	Other staff (specify)	
Armenia	2.8	8.3	0.0	20.2	71.4	0.0	0.0	0.0	100
Austria	12.8	2.0	2.7	1.4	19.9	0.0	73.5	0.5	100
Cyprus	1.7	...	17.0	7.5	75.5	...	...	...	100
Denmark	7.6	2.9	22.8	3.4	66.9	0.0	...	4.1	100
Estonia	17.6	1.7	1.7	9.1	80.5	0.0	0.0	6.9	100
Finland	8.7	3.1	4.8	3.3	50.1	...	36.8	2.0	100
France	4.6	0.5	1.7	12.0	85.9	...	...	...	100
Georgia	3.0	37.9		62.1		...	...	...	100
Hungary	3.2	19.7	80.3	13.4	56.7	10.2	0.0	0.0	180
Ireland	11.0	...	...	11.5	54.6	...	...	33.9	100
Italy	2.8	1.8	...	1.9	67.6	25.6	...	3.1	100
Latvia	20.2	14.5	...	8.3	66.9	10.3	...	...	100
Luxembourg	4.6	13.6	0.0	4.5	45.5	0.0	31.8	4.5	100
Norway	7.7	1.3	6.5	4.8	84.3	0.0	0.0	3.2	100
Poland	56.5	...	...	1.3	14.3	...	84.8	0.8	101
Portugal	11.9	10.6	7.5	5.0	51.8	25.1	0.0	0.0	100
Romania	1.4	4.5	95.5	13.2	...	...	...	...	113
Russia	9.1	0.2	3.3	19.0	77.6	...	...	...	100
Spain	0.7	2.4	...	15.8	...	...	...	...	18
Spain (Catalonia)	4.6	7.0	...	8.2	84.8	...	...	...	100
Sweden	11.3	...	...	5.5	79.5	15.0	...	...	100
Switzerland	2.6	...	10.0	...	65.0	25.0	163.0	...	263
<i>Mean</i>	9.4								
<i>Median</i>	6.1								
<i>Minimum</i>	0.7								
<i>Maximum</i>	56.5								

**Notes to Tables 7.1 and 7.2:****Austria:**

- 7.0: the high number of staff results from the exceptionally large number of Volunteers in Austria (see 7.6).
- 7.1: the number 20,7 includes management on the national level (general Director etc.), specialized staff like IT-experts, accountants, law, Human Resource management, social work unit, controlling, marketing, Public Relations and administrative staff.
- 7.2: regional administrative staff
- 7.3: Head of regional offices and head of teams in regional offices
- 7.7: full-time staff for cleaning all units of *Neustart*

**Belgium:**

- Since 31<sup>st</sup> December 2007, the staff at the national level has increased considerable. Due to the creation of a new directorate-general and the incorporation of new tasks (like electronic monitoring), the total number of staff at the national level is about 130 FTE (Full-Time Equivalent).
- 7.7: clerical and administrative staff

**Cyprus:**

- There are no independent specialist probation services in Cyprus. They are provided by welfare officers who act as probation officers (staff employed by the social welfare services for a specified period (min 1 year and max 3 years) providing to the convicted persons with the necessary support and social network which will prevent recurrent of deviant behaviour.

**Denmark:**

- 7.2 : administrative personnel in local probation offices

**Finland:**

- 7.6. The figure consists of layman supervisors.
- 7.7. The figure consists of estate maintenance and cleaning personnel.

**Hungary:**

- The office of justice mainly includes the following services:
  - Probation service
  - Legal aid service
  - Victim support service
- The Probation Service divided for juvenile and adult departments. I only counted staff that have relation / work with adult offenders.
- Total is composed as follow: Staff at the National Probation Administration (hr, economy department, it, secretary at headquarters / central office) and Staff at the Regional Probation Administration.
  - Regional Probation Administration include: Senior Probation officers
  - Probation officers (qualified Probation staff)
  - Probation service officers (unqualified Probation staff)

**Ireland:**

- 7.1 and 7.2: Staff already counted under 7.3-7.7
- 7.7: 55 state industrial employees, i.e. community service supervisors, 80.4 administrative grades and 18 management grades

**Italy:**

- Data relate to 31<sup>st</sup> October 2007.
- 7.4: includes 26 probation officers that are head of the departments for the execution of sentences in open settings.
- 7.5: Administrative personnel working at the offices of the Probation Services.
- 7.7: includes 22 heads of probation and 30 social workers assigned to other structures of the penitentiary administration: departments, training schools, regional directions, etc.

**Norway:**

- 7.7: 10.4 office staff and 1 project manager. 3.4 cleaning staff are not included in the above figures.

**Poland:**

- Number of probation officers (qualified Probation staff) included senior Probation officers (chief of units).

**Spain (National Administration):**

- Data include only staff working with persons serving alternative measures and does not include staff working with persons in semi-liberty.

**Spain (Catalonia):**

- These numbers include all the personnel of the teams of execution of alternatives sanctions, semi-liberty, conditional release, victim-offender mediation and technical advice to the judiciary.
- There are also 25 persons working on the victim's service boards belonging to the same administrative structure than Probation and Penitentiary Services (these personnel it's not included)

**Sweden:**

- 7.1 and 7.2: In Sweden there are no special national or regional probation administrations.
- 7.5: The numbers are estimated as some of the service officers work as well with prison as Probation Administration.

**Switzerland:**

- 7.6: Active Volunteers not included in the total (7.0).

## 8. Annual average workload by employee in 2007

Table 8 presents the average number of cases followed by each probation officer during the year 2007. The average is obtained by dividing the whole number of cases handled by the Probation services 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 2007) in number of cases**

Reference: Council of Europe, SPACE II 2007.8

Country	General annual average workload (all staff categories included)	Annual average workload by Probation officer	Annual average workload by volunteer or extern
Albania			
Andorra			
Armenia			
Austria	10.17	36.24	3.86
Azerbaijan	***	***	***
Belgium			
BH: BH (state level)			
BH: Fed. BH			
BH: Rep. Srpska			
Bulgaria			
Croatia			
Cyprus	55.5	55.5	***
Czech Republic			
Denmark	...	28.9	...
Estonia	37.4	37.4	***
Finland	...	28	...
France	72	72	***
Georgia	...	...	***
Germany			
Greece			
Hungary	...	111	***
Iceland			
Ireland	19.56	35.8	...
Italy	11	11	***
Latvia	...	44.3	...
Liechtenstein			
Lithuania			
Luxembourg	35	69	1
Malta			
Moldova			
Monaco			
Montenegro			
Netherlands	...	...	...
Norway	19.1	19.1	...
Poland	215.68	155.76	10.1
Portugal			
Romania			
Russia	65	65	***
San Marino			
Serbia			
Slovak Republic			
Slovenia			
Spain			
Spain (Catalonia)	54	54	

Country	General annual average workload (all staff categories included)	Annual average workload by Probation officer	Annual average workload by volunteer or extern
Sweden	19	23	128
Switzerland	36	70	2
FYRO Macedonia			
Turkey			
Ukraine			
UK: Engl. & Wales			
UK: Northern Ireland			
UK: Scotland			
<i>Mean</i>	50.0	53.9	29.0
<i>Median</i>	36.0	44.3	3.9
<i>Minimum</i>	10.2	11.0	1.0
<i>Maximum</i>	215.7	155.8	128.0

### **Notes to Table 8:**

#### **Belgium:**

- The annual average workload differs considerable from task to task.

#### **Denmark:**

- “Workload by Probation officer”: this number only covers the caseload as far as probationers are concerned. Further to this probation officers also have the responsibility for remand prisoners, they produce social enquiry reports, participate in crime prevention work etc.
- The daily number of electronically monitored clients was in 2007 about 100. The caseload in the electronic monitoring units is only about 3 per officer, which of course brings down the total average.

#### **Finland:**

- “General average workload”: not calculated the general average, but calculated 20% of the total number of staff to administration etc. and calculated the workload for the rest. This sum is as follow: 24+31.
- “Workload by Probation officer”: Means that the average workload by probation officer consists of 25 CS-implementation cases including the work with juveniles plus 31 pre-trial reports and counselling of layman officers.
- “Workload by volunteer or extern”: Layman supervisors normally have 1-2 clients at a time.

#### **Hungary:**

- The numbers of adult clients who have relation with the Probation Service on 31st December 2007 is: 22 378
- Staff working with adult clients (200 persons): 178 probation officer, 22 group leader and department head
- The calculated workload (estimation) would be 111. One client could have more than one file, so the caseload is a bit higher than 111.

#### **Ireland:**

- “General average workload”: Figure of 19.56 calculated by dividing 1.0 total number of persons under supervision (8858) by 7.0 total number of staff (452.8);
- “Workload by Probation officer”: Figure of 35.8 calculated by dividing 1.0 total number of persons under supervision (8858) by 7.4 probation officers (247.4).

**Latvia:**

- Case managers are probation officers (qualified probation staff) and annual average workload is calculated as number of new cases per one probation officer during year 2007 summing up all functions of the State Probation Service. The number used for this table is not a real workload by probation officer, but only formal one.
- Latvian probation officers can work in all functions (most of probation officers work at least in several functions) of the probation service:
  - Probation supervision (in community) of various types of offenders;
  - Coordination of unpaid work;
  - Writing pre-sentence and parole reports;
  - Aftercare and preparation of convicts for release from prisons;
  - Delivery of different types of probation programs;
  - Delivering victim-offender mediation in criminal matters;
  - Cooperation with and control of centres for social rehabilitation;
  - Coordination of compulsory education measure - community works - for children.
- To understand how big is probation officer's real workload (taking into account specificity of each function, in which he works), in year 2008 state probation service invented workload measurement tool, which allows to calculate (at least approximately) each probation officer's foreseen real workload for coming month as a coefficient. Thanks to this tool, it's also possible to calculate average workload per probation officer on a certain day. However, this workload measurement tools is very new and till now state probation service hadn't used it for statistical reasons. For now tool is used only to solve existing management issues.

**Luxembourg:**

- Chaque agent de probation, à cote du suivi probatoire extra-muros, assure aussi un suivi intra-muros à partir du moment où les détenus deviennent des condamnés définitifs (condamnation définitive). Ce modèle de suivi continu fait qu'un agent de probation suit des détenus en prison et en dehors de la prison.

**Norway:**

- "Workload by Probation officer": "probation officer" mean all grades including seniors (office managers) (active cases on 1<sup>st</sup> January 2007 = 2355+new cases in 2007 = 4503/employees 357,4) not included in the calculation is the production of pre-trial reports. If pre-trial reports are to be included then the figure in the table will be 23,7)
- "Workload by volunteer or extern": Volunteers are not used to any appreciable degree. External help (hourly or task paid assistants) is used occasionally but these are not regarded as bearing a caseload. No figures available.

## General Conclusion

*“Let our advance worrying become  
advance thinking and planning.”*  
Winston Churchill

Since the last SPACE II Survey in 2002, many new Probation Services across Europe were organized, and new forms of CSM were introduced. On the European level, no particular comparative statistics were produced, and the lack of these data was highlighted by many practitioners and researchers in the field of Probation studies.

The 2007 SPACE II Survey tried to produce an inventory of Probation in Europe in 2007 and to test the level of accuracy of the data included in the Survey.

As mentioned in the introduction, only twenty-five countries answered the Survey and this low response rate is not easy to explain since the Council of Europe sent several reminders to the Member States, and the European Organisation for Probation also asked Probation Services across Europe to participate in the Survey.

However, the information gathered in this report gives a general overview of the situation in roughly half of the Council of Europe Member States. In this context, the notes to the Tables are particularly relevant because they show the variety that characterizes probation across Europe.

In general, one can conclude that there is still a lot of work to be done in order to fully implement the Recommendations of the Council of Europe on this field. In particular, alternatives to pre-trial detention seem far from being implemented in most Member States

For the national correspondents, one of the main difficulties in this exercise was to find a way to adapt the particularities of their national systems to the broader European categories included in SPACE II in order to assure some level of comparison across Europe. We are mostly grateful to all those who accepted to work on that European vision of the CSMs. In particular, the authors of this report would like to thank the national correspondents that agreed to exchange mails, phone calls, and to make adjustments and add comments. We are also grateful to the speakers of the “European conference of Directors of Probation Services” (CoE, November 2008) who supported the idea of the new SPACE II series.