

Chapter 8

Denmark

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1 HISTORICAL DEVELOPMENT OF THE PROBATION SERVICE SYSTEM

1.1 The start of probation in Denmark

Since 1848 the prisons have been run directly under the Ministry of Justice, but the help and support to released prisoners – and since 1905 to persons on probation – was done by private organizations mainly working with volunteers. The first large organization was formed in 1843. In the course of time several of these organizations were started and there came a need to coordinate and structure the work. In 1930 a new Penal Law was passed. This law opened the possibility of a far greater amount of sentences without stay in prison and with the use of supervision and conditions instead. A private organization established in 1951 – the Danish Welfare Society – which was an amalgamation of all the little societies, mainly funded by private donations, was entrusted with all supervision activities outside of prison.

1.2 Important developments

In 1973 all probation and after-care activities were transferred to the Ministry of Justice, the Department of Prisons, which was renamed the Department of Prisons and Probation. The main two reasons for this development were that it was seen as an advantage that all execution of law enforcement belonged to the same administration, and that the private financial contributions were not as large anymore. The change was primarily administrative in nature as the existing institutions and offices were unchanged. The staff became public employees. The Danish Welfare Society still exists today as a private foundation. From the beginning in 1951 the Danish Welfare Society had operated with professional staff, but had also to a great extent made use of volunteers in the probation work. The voluntary element has gradually diminished and is only present to a very small extent today. Scepticism about imprisonment, especially shorter prison sentences, as a useful tool in criminal policy opened the way to establishing alternative measures. The suspended sentence had already been introduced in Denmark as an amendment to the Penal Code. This development was increasingly represented in the Penal Code, both in the Penal Reform of 1930 and later through amendments to this reform. From 1930 the Danish Criminal Code was based on general preventive as well as special preventive concepts. In 1973 the special preventive element in the form of treatment receded as the special treatment sanctions e.g. borstals, occupational therapy and preventive detention for psychopaths, the length of which depended on the results of the treatment were abolished. Starting in the 90s there has, however, been a growing belief in the concept that some kind of treatment intervention given at the right time and in the right way may be advantageous for some persons. And this has given rise both to interventions in institutional settings and in probation work.

1.3 Probation activities in a nutshell

The role of the Prison and Probation Service is to enforce the punishments imposed by the courts. This applies to both custodial sentences and to community sanctions and measures. It must be done in accordance with the primary task of the Danish Prison and Probation Service: the exercise of such control as is necessary for the implementation of the sanction and support and motivation of the offender to live a crime-free life by assisting personal, social, vocational and educational development. These two facets of the primary task are complementary and of equal importance. The core activities of the Probation Service are:

- preparation of pre-trial reports – about 12,000 per year;
- supervision of offenders given a suspended sentence, community service order or mentally disordered offenders, and other community based orders – daily about 7,500;
- supervision and control of offenders on electronically monitored schemes – daily about 150;
- supervision of offenders released on parole – daily about 1,500;
- working with remand prisoners – there are about 1,700 places in remand prisons;
- networking with authorities and organizations in order to provide enhanced opportunities for social inclusion;
- crime preventive work – i.e. talks in youth clubs and schools, participation in the SSP-cooperation (school – social services – police) in local areas.

2 LEGISLATIVE BASIS AND MISSION

2.1 Legislative basis

The legislative basis for the work of the Probation Service is to be found in the Danish Criminal Code, the Criminal Justice Administration Act and the Act on Enforcement of Sentences. A Circular on Supervision drawn up 1 April 1996, with appurtenant guidelines, specifically regulates the Probation Service's work with clients. The age of criminal responsibility in Denmark is 15, and the system does not include status offences or a juvenile justice system. Offenders above the age of 15 are dealt with by the same penal system and according to the same Criminal Code, however with due deference to their age. The Probation Service, however, only deals with very few persons under the age of 18, as every effort is done to keep juvenile offenders from the prison and probation system. Juvenile offenders are mainly referred to measures administered by the social services.

2.2 Mission and mission statement

The Danish Prison and Probation Service has as its basic value that a balance between the hard and the soft qualities (the art of balancing between care and punishment) characterizes the daily work. This pertains to all parts of the Service and to all stages of the enforcement of the sentence.

The work of the Prison and Probation Service is guided by a Programme of Principles that was adopted in 1993. This Programme states the main purpose as

contributing to reducing criminality. In order to fulfil the main purpose there are certain requirements laid down by society. These requirements are fundamental to the work of the Service and must be accepted by all employees. They state that all prison and probation work shall respect the individual person and generally accepted human rights; that no more restrictions shall be placed on offenders than those that follow from legislation and the implementation of the sanction; that when arranging for the implementation of the sanctions, generally accepted considerations which underlie the sanction shall be respected; that when implementing sanctions and enforcing the law the work shall be carried out in a way which respects the spirit of the law.

The primary task of the Prison and Probation Service is the implementation of the sanction. In this connection the Service will exercise the minimum control necessary to implement the sanction (control and security) and at the same time support and motivate the offender to live a crime-free life by assisting personal, social, vocational and educational development (support and motivation). These two facets of the primary task are complementary and each is as important as the other. The requirements provide the frames of reference for carrying out the primary task and achieving the main purpose. They can be seen as principles for accomplishing the primary task:

- normalization, so that, wherever possible, conditions for offenders in prisons and on probation correspond to and are related to normal life in the general community;
- openness meaning that the work shall be organized so that the offender is offered good opportunities to make and maintain contact with the ongoing life of the community, and that contact between the Service and society shall be strengthened to the greatest possible extent;
- exercise of responsibility, which seeks to give the offender the opportunity to develop a sense of responsibility, self-respect and self-confidence and thus become motivated to actively strive for a crime-free life;
- security acknowledges that sanctions must be enforced with due attention paid to the protection of the community from crime as well as protecting the inmates from aggression or damaging influences emanating from other persons;
- least possible intervention means that no more force or restriction should be used than is necessary in order to deal effectively with any particular task;
- optimum use of resources entails an obligation to use the existing resources, including staff, effectively and flexibly in relation to perceived needs.

These principles should not be seen as independent principles, but should all be applied as a basis for the daily work. Thus each unit of the Prison and Probation Service must continually demonstrate the practical outcomes of these principles. Denmark is a small country (5.3 mio. inhabitants composed rather homogenically) that gives the possibility of a rather high level of social control. Thus the public, as well as the politicians and the media are conscious of creating a relatively non-stigmatising climate. But of course structural changes and cuts in budgets, - especially in those of the social services, which are the main collaborator of the Probation Service outside of the Criminal Justice system, can be a difficulty in the achievement of inclusion into society of clients with socio-economic problems.

2.3 Crime prevention

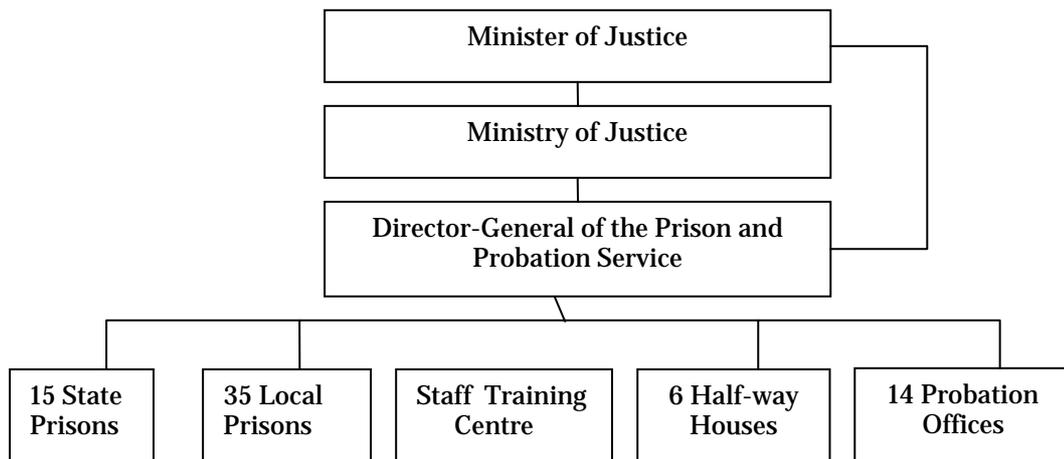
Staff working in probation offices participates in local crime prevention. This is done partly through the local SSP-cooperation (local schools, the social services department and the police) and partly through teaching in schools, talking in associations, youth clubs etc. In addition, some probation officers are represented on special local committees particularly concerned with serious young offenders between the age of 15 and 18. Crime prevention policy in Denmark is administered through a Crime Prevention Council, which works throughout the country informing people about crime and preventive measures.

3 THE ORGANIZATION OF PROBATION SERVICES

3.1 Main characteristics

The Danish Probation Service is integrated in the Prison and Probation Service, which is part of the Ministry of Justice. The entire Service consists of the Department of Prisons and Probation, fifteen state prisons, 35 local prisons and 14 probation offices with 10 local offices. Furthermore the Service runs 8 halfway houses and operates a staff training centre. The Service is headed by the Director-General of Prisons and Probation.

Figure 1



The Prison and Probation Services in Greenland and on the Faroe Islands are also within the Director-General's field of responsibility. The Danish Criminal Code and most of the Danish system of sanctions also apply to the Faroe Islands, while a special Criminal Code with its own system of sanction applies to Greenland. The Office of the Director-General of Prisons and Probation reports

directly to the Minister of Justice concerning decisions on specific and general cases relating to the enforcement of punishments, as well as decisions concerning staffing matters. In other matters, mainly in relation to the budget, the Director-General reports to the Department of the Ministry of Justice. The individual institutions each report directly to the Department of Prisons and Probation. It is characteristic of the Danish Prison and Probation Service that there are no administrative bodies at a regional or local level, only in the Department itself.

3.2 Internal organization

The Probation Service is divided into 14 offices mainly following the police districts. Most of the offices also operate with a local office within their area. The civil register address determines to which Probation office a client belongs. Each Probation office is headed by a chief probation officer assisted by a senior probation officer and one more senior probation officer, if the office runs a local office.

3.2.1 Probation workers

Nearly all chief probation officers, senior probation officers and probation officers are trained social workers. On a countrywide scale there are 14 chief probation officers, 24 senior probation officers and 278 probation officers working in the Probation Service in 2007. The total number of the administrative staff is 80. This means that each office will have a chief probation officer, one or two senior probation officers and 15–20 probation officers. Added to this are about 5–7 persons with secretarial functions, one of whom is normally working with financial matters. Each office is allocated a budget for the financial year, which is supposed to cover running costs like official travel, office equipment, fees to external staff and limited funds to help the client. In July 2005 electronic monitoring was introduced in Denmark, and this gave rise to introducing prison staff to probation work, as the teams are composed of social workers, prison staff and persons with administrative skills. All offices also operate with external staff paid by fees who produce pre-trial reports for the court in so far as the probation officers do not have the time. A probation officer reviews all the reports before being sent to court. It is the responsibility of each office to employ pre-trial reporters to the extent necessary. In addition psychiatric consultants are attached to each office.

Probation officers have a high degree of freedom to use their own judgment in their work with individual clients as long as they respect the objectives of the Probation Service and the conditions imposed on the client. Thus they can give advice and guidance, issue instructions and requirements and ultimately report the client to the Department or the court. The average caseload is approximately 35 - 40 clients, to which must be added the work with remand prisoners and the preparation of pre-trial reports. All officers are given the opportunity to be trained in collegiate supervision. 140 have already taken the training, which means that problems and sets of values are regularly being discussed in a structured way among the probation officers. Furthermore the senior and the chief probation officer can supervise the probation officer. Meetings are held regularly for all staff members, where cases and common problems are discussed.

3.2.2 Education, training requirements and opportunities

Probation officers are recruited through internal notices or through advertisements in newspapers, trade magazines etc. Each probation office takes on its own probation officers in accordance with the prescribed number of

positions. Chief and senior officers are appointed by the Department of Prisons and Probation. As mentioned, almost all probation officers are social workers, who have undergone 3½-4 years of studies and have graduated from one of the five Danish High Schools for Social Work. Their training comprises of social policy, sociology, psychology, social law, civil law, criminal law, criminology, social medicine and social work theory and method. Shortly after entering the Probation Service the new probation officer will participate in an induction course, looking at the whole Prison and Probation system. The induction course is interdisciplinary and is for all new staff starting in the Prison and Probation Service. The main purpose of this is to make sure that each new member of staff has an elementary knowledge of the aim of the Prison and Probation Service and of the fundamental principles guiding the implementation of its work. This course lasts five days. Post-induction training depends on whether the person is employed in prison or in probation. Post-qualifying training is given to all probation officers on both a compulsory and a voluntary basis. The training consists of courses and seminars arranged within the Service and external training commissioned by the Service. This training covers a broad range of topics i.e. subjects which enable probation officers to cope in a competent way with alcoholics, drug addicts and mentally disturbed persons, but also more general inter-personal topics are offered as are legal and statutory courses.

3.2.3 Other organizations involved in probation work

3.2.3.1 The Danish Welfare Society (Dansk Forsorgsselskab)

The Danish Welfare Society (Dansk Forsorgsselskab) was founded in 1951 as an amalgamation of private, local prisoners' aid societies and a private probation society. They formed a national organization responsible for probation, supervision on parole, voluntary aftercare, pre-trial reports and halfway houses. By Act of Parliament these responsibilities were transferred in 1973 to the Department of Prisons and Probation as part of the Ministry of Justice. The Danish Welfare Society was then restructured and is now a private foundation. It is still working for the benefit of offenders by offering assistance to offenders and their families when the social welfare system, or the probation and after-care system, cannot help. Probation officers apply for financial help for a client, and the money can be offered very quickly, without bureaucratic involvement. In the course of a supervision period the Probation Service often cooperates with other organizations, mainly with existing treatment facilities for alcohol or drug abusers. Probation officers are organized in the Danish Social Workers' Union that comprises all social workers in Denmark.

3.2.3.2 Halfway houses

The Danish Prison and Probation Service administers eight halfway houses with room for 180 residents. The halfway houses are to provide residents with social and educational assistance in order to assist their inclusion into society and facilitate their moving into a home of their own. The halfway houses are primarily for prisoners who are placed there during the last part of their sentence

and for clients under supervision who need a place to stay. All halfway houses accept both men and women, and most of them can accommodate children. One of the halfway houses specializes in drug addicts, one accommodates mostly sex-offenders, and in one a special family unit is established. During the stay in the halfway house supervision and probation activities are handled by the staff of the halfway house in close cooperation with the prison or the probation office that referred the client.

4 PROBATION IN DIFFERENT PHASES OF THE CRIMINAL PROCESS

4.1 General

Probation activities in Denmark are carried out on the basis of the Criminal Code of September 2005, the Act on Enforcement of Sentences of June 2006, the Criminal Justice Administration Act of October 2006 and the Circular on Supervision of June 2006. The penalty level in Denmark is rather low compared to many countries, and the deprivation of liberty is only used as a last resort. Thus legislation opens possibilities for probation with supervision in very many cases where imprisonment is not deemed necessary according to law regulations or to the public sense of justice.

Table 1: Activities of probation during the different stages of criminal procedure

	Pre-Trial Phase	Trial and Enforcement Phase	Post Release Phase
Preparing a Social Enquiry Report	x		
Supervision/assistance to pre-trial detainees	x		
Supervision/assistance etc. to offenders whose case were conditionally waived	x		
Supervising/organizing etc. community service		x	
Supervising/organizing training or learning projects		x	
Supervising etc. drug/alcohol treatment programs		x	
Supervising etc. electronic monitoring		x	
Other community sanctions, namely: Supervising/organizing special treatment orders replacing incarceration		x	
Supervising sexual offenders subjected to a treatment order		x	
Pre-sentence report	See		

	Pre-Trial Phase	Trial and Enforcement Phase	Post Release Phase
	above		
Supervising sexual offenders subjected to a treatment order		x	
Supervising etc. sanction of probation		x	
Supervising etc. suspended sentence		x	
Supervising etc. the mentally ill or retarded offenders (in-out patient orders)		x	
Supervising etc. conditional sentence		x	
Assistance/support to offenders in home detention		x	
Supervising etc. conditional release/parole			x
Advisory report with respect to amnesty/pardon		x	x
Assistance/support to persons who are granted amnesty/pardon			x

4.2 Pre-trial phase

4.2.1 General

The Probation Service is normally involved at the stage where the prosecution or the counsel for the defence finds grounds for a possible conditional sentence. They are then asked to prepare a pre-trial report (please see below) for the use of the court. If the interview with the accused in connection with the preparation of the report reveals acute social problems, he or she will be offered assistance from the Probation Service even though there is no formal demand for contact at this stage. It is also possible for the Probation Service at this stage to take the accused into voluntary supervision, which is a formal, signed agreement with no consequence in the case of breach. It can help the client get order in his life during the vulnerable period between the indictment and the court hearings and may influence the court's decision, if he or she has shown willingness to change. Furthermore the public prosecutor can under certain conditions waive prosecution of a criminal case on the grounds of expediency. This is called conditional withdrawal of charges (betinget tiltalefråald) (Administration of Justice Act § 722). The judge has to approve this procedure and the possible conditions, i.e. supervision by the Probation Service, attached to it. When a suspect is referred to remand prison it is the task of the Probation Service to render him or her necessary assistance in order to minimize the problems induced by the incarceration. The first visit by the Probation Service is required within the first two weeks, and after that regular contact is maintained according to need. This work serves two purposes: it deals with acute, social problems, and

it serves as an important preparation for any supervision period that may follow as part of the sentence. Problems exist because, for example, the client's personal situation immediately after the remand in custody may be in chaos and confusion, which may lead to a personal crisis. Due to this early contact the probation officer can alleviate the most acute consequences of the remand and prevent more extensive and lasting problems from arising. As an alternative to prosecution withdrawal of charges ("tiltalefråfall") can be used with conditions attached, such as supervision by the Probation Service or by the social services. Such measures are often used for young offenders. The Probation Service can ask the Police to institute a search for a client who has evaded contact, but has no further cooperation with the Police apart from the described SSP-work in the local communities. The Probation Service produces pre-trial reports on the request of the prosecution, but is independent of the prosecution and the courts and acts as a separate body according to the statutory demands.

4.2.2 Pre-trial report (Personundersøgelse)

In pursuance of the Danish Administration of Justice Act § 808 the Probation Service will on request provide information to the court concerning the personal circumstances of a suspect. This can be used in the decision-making process of the court, especially with a view to a person's suitability for an alternative to imprisonment i.e. his or her capability to profit from supervision and possible conditions. The report is usually prepared on request of the prosecution, but it can also be the counsel for the defence or the judge himself who may ask for it. The request is sent to the office of the Probation Service in the district where the accused lives. Either a probation officer or an external employee paid by fee prepares the report within about 3 weeks. An interview with the accused forms the main basis of the pre-trial report, and statements are substantiated through files and through those who have knowledge of his or her personal and social situation. The accused has to give his written consent to acquiring information from other persons. The content of the report includes information about previous convictions, family background, health, work, occupational and economic situation, use of leisure time and personal relationships.

The conclusion of the report states whether the accused would be suitable for and profit from a probation order, if a suspended sentence could be considered, and whether special conditions should be applied. The general experience is that the court usually follows the conclusion in the report. The prosecution who normally requests the report naturally has access to the report and can decide to whom it is distributed – usually the judge and the counsel for the defence. Moreover it is accessible for the accused himself. If it is requested by other authorities or associations after the sentence, i.e. the social services or treatment institutions, the person in question must give his written consent. If the accused does not wish to cooperate it will be reported to the court, and taken into consideration on meting out the sentence. During the court session the probation officer is usually present in court in order to comment on the information in the report if necessary.

4.3 Trial and enforcement phase

4.3.1 General

As previously mentioned the Probation Service prepares a social enquiry report on request of the prosecution for use in court before meting out the sentence. If the accused in connection with the preparation of the report reveals acute social problems, he or she will be offered assistance from the Probation Service even though there is no formal demand for contact at this stage. The Probation Service can be involved in the following community sanctions and measures:

- suspended sentence ("Betinget dom") (Criminal Code § 56). Imprisonment can be made conditional ("betinget"). A sentence can be suspended on condition that the offender concerned does not commit another criminal offence, normally within a two-year period. The court may also choose to defer fixing the sentence for a probationary period, which usually is also two years. The duration of fixed conditional sentences is normally less than 12

months. In addition to the general condition, the court may attach supervision by the Probation Service as a condition and further special conditions;

- combination of custodial and suspended sentence (“Kombinationsdom”) (Criminal Code § 58). The above forms of suspended sentences can be combined with a custodial sentence. This means that the judge may impose sentence where a certain period is fixed to be custodial and the rest will be suspended. The latter may be combined with supervision;
- mentally disturbed offenders (Psyiskisk syge klienter) (Criminal Code § 16). Offenders may be deemed not to be responsible at the time of the criminal act on account of mental illness or severe mental defect, and are therefore not punishable. According to §§ 68 – 69 of the same Code the court may decide on supervision for such offenders when they are outside mental hospital. The length of the supervision period is in these cases in principle unlimited, but in practice 3-4 years;
- Community Service Order (“Samfundstjeneste”) (Criminal Code §62 ff). Community Service Order is in Denmark used as an alternative to imprisonment up to about 1½ years. The convicted person is sentenced to between 30 and 240 hours of unpaid work for the benefit of the community. The work is carried out for charitable bodies, sports organizations, churches, museums, etc. A pre-trial report is always prepared in order to assess whether the accused is suitable for this sanction, and a community service order is always linked with supervision by the Probation Service, which is not the case in connection with the above-mentioned sanctions. The supervision is carried out in close contact with the place of employment. Consent of the offender is not a prerequisite; however it will be taken into account in connection with the assessment of suitability, if he or she is unwilling to cooperate;
- treatment as alternative to incarceration (“Behandlingsbestemt afsoning”) (Criminal Code § 78). Instead of going to prison a sentenced person can be transferred by the Department of Prisons and Probation to a suitable treatment facility because of age or for other special reasons, and if substantial reasons speak against incarceration. This can be for the whole period or for part of the sentence. The probation office closest to the institution where the person is placed supervises the client. This alternative is mainly used for certain drug addicts, young offenders or persons with an alcohol or mental problem;
- treatment order for sexual offenders (“Behandling af seksualforbrydere”) (Criminal Code § 56). Instead of a prison sentence from four months to 1½ years the judge can pronounce a suspended sentence after the assessment of a committee. The treatment program lasts for 2 years altogether: the first three to six months the offender must stay in an institution (or halfway house) and receive treatment. The following period he or she can live at home, but still receive treatment for at least one more year and continue with supervision by the Probation Service;
- conditional sentence on the Condition of Anger Management (Criminal Code §56). In the greater Copenhagen Area a pilot project is going on involving the possibility of sentencing young violent offenders from 15 to 20 years of age a

- conditional sentence instead of a sentence of imprisonment up to 40 days, provided that they complete a course in Anger Management delivered by the Probation Service and submit to one year supervision;
- electronic monitoring (“Intensiv overvågning”) (Act on Enforcement of Sentences Chapter 13a). Since July 2005 drunken drivers who are sentenced with up to 3 months’ imprisonment can serve the sentence in their homes with electronic monitoring. In 2006 the measure was extended also to all young offenders below the age of 25. After having received a sentence up to three months’ imprisonment offenders belonging to the above two categories can apply to the Probation Service for the possibility of serving the sentence in their home. The Probation Service prepares a suitability report, which goes to the Department of Prisons and Probation that grants or denies the application. Very close supervision is always linked with offenders on the electronic monitoring program;
 - Pardon (“Benådning”) § 24 in the Basic Law. An offender can be pardoned from the whole imprisonment if he or she suffers from a fatal disease, or if there are other exceptional circumstances that contradict incarceration. It is done by Royal Resolution, if the sentence is 40 days or more. If the sentence is less than 40 days the Department of Prisons and Probation has the authority. This is only used scarcely (about 20 persons per year). Supervision may be linked with this measure.

4.3.2 Pre-sentence report

See 4.2.2: Pre-trial report

4.3.3 Probation procedures and processes

4.3.3.1 Procedures

In pursuance of the Departmental Circular on Supervision (2006) the first contact between offender and probation officer must take place at the latest one week after the release of a prisoner and for clients under supervision at the latest two weeks after the pronouncement of the sentence to the probation office. The frequency of contact depends on an overall assessment of the risks and needs of the client, but must be at least every two weeks during the first two months. If everything goes well and the situation is stable contact can be limited to once a month for the rest of the supervision period.

In addition to the main condition of supervision various special conditions can be stipulated. They will always be aimed at specific circumstances of the client and connected to the crime committed by him or her. Within the first month the probation officer must set up an action plan in cooperation with the client, a plan which assesses the strengths and possibilities of the client and determines which fields to work on. This plan is revised every three months. If the client is known to the social services a coordinated action plan between the two services is drawn up. The Probation Service is to take the initiative to draw up the plan, and the social services must follow up on the plan. This is a rather new procedure, which is not fully implemented in all parts of the country yet.

The Probation Service may deal with minor breaches of conditions by issuing a reprimand. Major breaches of conditions must, however, be reported to the prosecuting authority with a view to bringing the matter before the court or in the case of parolees to the Department of Prisons and Probation that decides, whether the breach is so severe that the client must return to prison

4.3.3.2 Staff and tasks

In principle all probation officers perform all tasks. It is, however, at the discretion of the chief probation officer to distribute the work among the employees, and there are offices where certain probation officers do certain work with remand prisoners or pre-trial reports. The teams working with electronic monitoring are composed of staff from three different categories: administrative staff, prison officers and probation officers, who do the same work. This was done in an attempt to break down the rather accentuated demarcations between the various categories of staff in the organization, and it has so far been a success.

4.3.3.3 Cooperation

The work of the Danish Probation Service very much involves cooperation – both internally with prisons and halfway houses, as with prosecution, courts and lawyers, and externally particularly with the social services, but also with housing authorities, employment agencies and treatment facilities. As the Probation Service does not supply the client with money it is important that it can refer him or her to possibilities of making a living.

4.3.3.4 Philosophy behind the interventions

It is the philosophy of the Probation Service that they render “help to self-help”. It is thus very important that a professional relationship is built up, so that the probation officer is in a position where he or she can motivate the offender to take responsibility for his own life. As stated in the Programme of Principles there must be both support and control also in supervision, but it is very much up to the individual probation officer to balance these elements vis-à-vis the particular client with due consideration to rules and regulations. The probation officer has a duty to keep informed about the situation of the client and to ensure that special conditions are fulfilled. The client must keep in contact with the Probation Service, provide information about residence and employment, and comply with special conditions.

4.3.3.5 Development in working tools

During the last decade there has been a growth in cognitive-behavioural interventions inspired by the “What Works” movement. Several probation offices now offer programmes during the supervision period. Probation officers are trained to deliver the programmes, which are Anger Management, Cognitive Skills and Structured talks about criminality (a one-to-one program). All members of the teams working with electronic monitoring have received training in Motivational Interviewing.

4.3.3.6 Quality insurance system

A quality insurance system in the form of a steering model for the Probation Service was introduced in 2005. See chapter 7.

4.4 Post-release phase

4.4.1 General

In Denmark a prisoner can normally be released after having served 2/3 of the sentence if they fulfil certain conditions. If the sentence is under eight years it is up to the prison to decide the release, and if it is eight years or more the Department of Prisons and Probation takes the decision. In both situations the prisons must contact the Probation Service at least eight weeks before the release in order to plan the release situation and supervision period. For short-term offenders this contact must be taken as soon as possible and at least in time for the pronouncement of a release date one month prior to release. It is also common procedure that the inmate is granted a leave with the purpose of visiting the probation office in order to maximize his or her cooperation on release. The form and content of the supervision period does not differ from the supervision described above, which takes place in the trial and enforcement phase. The first contact is, however, required within the first week after release, and in the case of breach the client is reported to the prison, respectively the Department of Prisons and Probation, and not to the court.

4.4.2 Advanced release

In pursuance of the Criminal Code § 40a an inmate who has shown special interest in improving his situation either through education or treatment or if the inmate's total situation is of a nature which makes the serving of the rest of the sentence unnecessary, he or she can be released after having served only half of the sentence. In the latter case the offender must accept doing some community service after release. Supervision is always linked with this kind of release.

4.4.3 Pardon (§ 24 in the Basic Law)

An offender can be pardoned from serving the rest of a prison sentence if he or she suffers from a fatal disease or there are other exceptional circumstances for not being incarcerated. This is done by Royal Resolution if the sentence is 40 days or more. If the sentence is less than 40 days pardon can be granted by the Department of Prisons and Probation. Pardon only occurs rather seldom and normally involves supervision.

4.5 Care and after-care outside the criminal justice system

4.5.1 Voluntary supervision

Suspects in a pre-trial phase (see above) and offenders on release without supervision or after having completed a period of supervision can enter into voluntary supervision by the Probation Service. This implies that a contract is drawn up for a minimum of three months. In this contract conditions for the

supervision is stated. The big difference between this kind of supervision and a normal supervision is that in the case of breach there are no legal consequences.

4.5.2 Phone line for relatives

All persons, whether they are offenders, offenders' relatives or anybody else can at any time contact the Probation Service with questions or for help or referrals. To that end the Probation Service in 1999 opened a Phone Line for Relatives. It is an anonymous countrywide telephone counselling service, which is open outside office hours, especially for relatives of offenders, but also for anybody else who might have questions about the procedures etc.

5 FINANCES, REGISTRATION, EVALUATION AND OUTSIDE OPINION

5.1 Finances and accounting

5.1.1. General

The Finance Act, adopted each year by the Danish Parliament, establishes the economic basis for the activities of the Prison and Probation Service. In 2004 the Department of Prisons and Probations was given a multi-annual allocation lasting until the end of 2007. Being part of the budget of the Ministry of Justice the Prison and Probation Service has overall economic and managerial prioritisation in close co-ordination with the police and court budgets. During the last decade the Government in office has generally operated a tight fiscal policy. In some areas this has involved savings, in others a standstill budget, while certain areas have had their workload increased. Despite these changes the distribution has been relatively stable, with about 60% to the Police, around 12% to the Courts and approximately 16% to the Prison and Probation Service. In addition to this the Department of Prisons and Probation has in recent years received a rather large sum of money on the State budget, allocated from the Ministry of Social Affairs, for the purpose of making a special effort for offenders who are socially at risk.

5.1.2 Department of prisons and probation

In addition to working within the economic framework the daily operation of the Prison and Probation Service is also subject to the objectives stated in the Programme of Principles, which governs the way in which the Service performs its duties (see chapter 2.2). To a great extent responsibility for the overall performance of the tasks and their competent delivery is delegated to the individual institution and the individual officer concerned. This means that budget responsibility and powers are delegated to the individual state prison, local prison, halfway house and probation office. Institutions that operate on a 24-hour basis have a fixed target figure for their average daily occupancy and every year make other targets by contract. If there are deviations from the target

figures the institution's operating grant will subsequently be adjusted. The great majority of the operating grants are distributed among the institutions and offices at the beginning of each financial year.

Table 2

	Probation Service	Prison System
Total current yearly expenditure – 2006	32.3 mill. euros	233.9 mill. euros
Average number of employed staff	412	4.037
Daily average number of offenders/clients dealt with	About 9.000	4.040

The total expenditure in 2006 of the Prison and Probation Service was DKK 2.318 mill. (309.1 mill euros). The Probation Service thus spends about 10% of the budget i.e. DKK 242 mill. About 7 % of the total budget of the Prison and Probation Service is used for staff salaries. The average number of employed staff, including administrative and support staff was in 2006 in total 5,051. Of these were 412 employed in the Probation Service and 4,037 in the Prisons. Within the allocated number of staff hours available to them the institutions and offices have a high degree of freedom in prioritising the various parts of the overall performance of these tasks, as long as they comply with target figures and underlying principles. Expenditure on the staffing budget is delegated to the prisons, but not to the probation offices. Any staffing savings can therefore not be transferred to other operating budgets. Conversely, delegation is implemented mainly by setting limits on the number of staff hours available to the probation offices for the overall performance of their tasks.

5.2 Accounting

An important principle for the delegation of the budget is a common registration basis in the form of “the chart of accounts”. The Prison and Probation Service has a purpose-oriented chart of accounts. It accommodates both external and internal requirements for resource management and is of crucial importance in tracking current expenditure and projecting the use of resources.

5.3 Registration systems and evaluation procedures

Individual computerized case records are kept on all offenders dealt with by the Prison and Probation Service. They are kept in a “Client System” introduced in 2002, which allows all employees from any branch of the Service – but nobody else - to get acquainted with the latest update on the client. In this system all data is kept on the background of the offender, the record of Service involvement and decisions taken as well as the individual action plan. Contents must be factual and verifiable, with the sources of information being noted to indicate their reliability in the event of a challenge. Aside from this a paper file is kept on each offender at the office of the Probation Service. This file contains both formal documents (reports, court orders, correspondence) and informational notes detailing responses to intervention, contacts with the offender and other pertinent bodies and individuals. An Annual Report is produced by the Prison and Probation Service. It describes and quantifies the work done across all areas

of operation during the year in question. This is disseminated to all judges, legislators, the media and other co-operating authorities, and may be given to any member of the public. Management information summaries of workload and rates of occupancy are prepared monthly. Evaluation studies are regularly conducted by the Service, and external researchers undertake research on specific topics from time to time. An independent accreditation panel has been set up for development and quality insurance purposes with a view to maximizing the effect of programs introduced in the Prison and Probation Service.

5.4 Societal support and client's views

An evaluation of the Probation Service undertaken in 1998 showed that approximately 75 % of the clients found supervision useful – Kyvsgaard, 1998, op.cit. The main reasons for this have not changed for the past decade. The researcher stated that one of the strengths of the Danish Probation Service is that with a relatively low turnover, the staff has built up an expert knowledge about working with offenders. Moreover, the caseload in the Probation Service is relatively low compared to the caseload of social workers within the general social welfare system. This enables the probation officer to spend more time focusing on the problems of this specific client and gives the possibility to help with acute problems.

The Department of Prisons and Probation has created a homepage on the Internet, which gives all information on the activities as well as useful links. The address of the homepage is: www.kriminalforsorgen.dk. Aside from this the Prison and Probation Service produce an Annual Report. Foreign visitors are received and visits arranged. The Service is also represented on various committees and working groups, functioning at local, regional and national and international levels. There is an ongoing cooperation with the EU and the Council of Europe where Denmark had a seat on the Committee on the Implementation of the European Community Sanctions and Measures (2000). The Prison and Probation Service also contributes to debate and policy formulation with the Ministry of Justice in order that documents on criminal justice issues published by the Ministry include information on the present work of the Service, as well as possible developments in its scope of operations.

6 PROBATION CLIENTS' RIGHTS

6.1 General

Regardless of the type of conviction an offender maintains his or her individual rights according to specific provisions in the Constitution of Denmark. The basic rights of probation clients are laid down in the Act of Enforcement of Sentences, and the rights of remand prisoners, who are also dealt with by the Probation Service, are laid down in the Administration of Justice Act. Furthermore rules concerning the treatment of remand prisoners and prisoners serving custodial

sentences, issued by the Minister of Justice and the Department of Prisons and Probation secure the inmates a number of rights.

6.2 Confidentiality

All rules in this respect as prescribed in the Recommendations R 16 of 1992 and R 22 of 2000 on the European Rules on Community Sanctions and Measures are being observed in Denmark. Guidelines for Service staff outline legal rules and regulations concerning confidentiality, i.e. the right/duty not to divulge information on an offender or on others, acquired while acting in an official capacity. Relevant information may only be shared with social welfare and other authorities with the offender's written consent.

6.3 Complaints

Any complaint made is treated with follow-up investigation if it cannot be immediately resolved. The clients can complain to the chief probation officer about the way in which a sanction or measure is being enforced. If not satisfied with the reaction they can further the complaint to the Department of Prisons and Probation (§ 111 in the Act on the Enforcement of Sentences), and as a final step they can complain to the Ombudsman of the Danish Parliament.

7 NEW DEVELOPMENTS

Denmark is characterised by a small and relatively homogenous population with little social tension, an old, established democratic tradition and a relatively friendly political atmosphere. To a great extent these factors leave their imprint on criminal policy development to the effect that criminal policy generally is having broad, political backing, regardless of the party colour of the government. In recent years the level of punishment has become more severe without having had noticeable influence on the number of clients dealt with by the Probation Service, as this number has shown a constant rise until the beginning of 2007.

7.1 Steering model for the probation service

In 2003 a Budget Analysis of the Probation Service drawn up by external consultants showed among other findings the need of a steering tool in order to secure the quality of work done and to be able to distribute resources effectively. The steering model was introduced in 2005 and monitors both the quantity and the quality of the service delivered. The file of each client is kept in a Client System accessible from the Department of Prisons and Probation who monitors the case handling and interferes if necessary. In this way it is for example monitored when and how action plans are drawn up, and whether relevant actions are undertaken on the grounds of the plan.

7.2 New structure

The above-mentioned Analysis also indicated that there would be financial gains in creating bigger units in the Probation Service. In January 2007 the existing 18 probation offices in Denmark were reduced to 14, an action which was also influenced by the fact that both the Police and the Social services changed their geographical structure. As the units grow bigger a greater extent of delegation of powers is being considered.

7.3 Electronic monitoring

In July 2005 electronic monitoring was introduced, as it was seen as an advantageous way of keeping offenders out of prison, but still under intensive supervision, and at a slightly lower cost than prison. The initial target group was drunken drivers, but a year after it was extended to also cover all young offenders under the age of 25, who are given a prison sentence of up to three months. It is of the utmost importance that this measure is not an impersonal, technical solution. Therefore great emphasis is put on the contact to the Probation Service and the social support provided by them in order to counterbalance the control element.

7.4 Motivation

Acknowledging the fact that motivation is the best way of promoting change, the Probation Service is involved in a program in each remand prison that aims at reaching drug addicts at the earliest possible stage in the system. The probation officer works together with the remand prison officers to motivate the client to receive treatment for his addiction. This will then be followed up either in the prison, where the offender will serve his sentence or by an external treatment organisation. Furthermore all staff members of the teams working with electronic monitoring have received training in the method, Motivational Interviewing, so that they can use the technique on the home visits.

7.5 More treatment

After having relied for many years on external treatment facilities, the Prison and Probation Service now delivers a growing number of treatment possibilities. In the Probation Service programs like Cognitive Skills, Anger Management and a one-to-one program called Structured Talks about Criminality are thus offered in many of the offices. Society as a whole has introduced a guarantee of treatment for drug and alcohol addicts. This means that the Probation Service can refer a client to a treatment facility, and he will receive the appropriate treatment within two weeks. 1 January 2007 this guarantee was extended to also cover inmates in prisons. The Probation Service does not deliver treatment itself, but this guarantee, which offers the inmate treatment possibility, reaches out to the following release and supervision period with an increased demand for cooperation and coordination between prisons and probation.

7.6 Mentoring programme

In 2000 a mentoring project was started in Denmark entailing intensified supervision of young persons between 15 and 25 years with another ethnic background than Danish following a sentence and perhaps an incarceration. The University of Aalborg evaluated the project in 2003 with a very positive outcome. The most important findings were that:

- the mentoring programme is a successful way of finding an alternative to control and punishment;

- a mentor is in many situations the right help. In the majority of the relations the mentor has been instrumental for positive changes in the young person's life;
- the most important resources of the mentors are time, involvement and a positive, sympathetic and caring attitude towards the youngsters.

Based on the positive results the project has been turned into a permanent offer, and it has been extended to also comprising young persons of Danish descent. In 2004 the programme was given the International Community Justice Award in the category Social Inclusion.

7.7 Rehabilitation project

Starting in 2006 the Prison and Probation Service, the municipality of Odense and the Ministry of Immigration and Integration entered into a comprehensive rehabilitation project with the aim of helping serious criminal offenders between 18 and 30 years of age to live law-abiding lives. Offenders enrolled in this project are to be prepared for a job or an education during their prison stay, and a mentor is appointed to each young offender in order to support him or her after release.

8 IMPORTANT PUBLICATIONS

B. Kyvsgaard, *Kriminalforsorg I Frihed – mellem omsorg, hjælp og control (Probation Service – between care, help and control)*, Department of Prisons and Probation, 1998, Copenhagen. The book is a survey of the importance and possibilities of probation seen from the perspective of the clients, and the findings are positive.

S. Clausen, *Samfundstjeneste – virker det? (Community Service Order – does it work?)*, 2007, Thesis - Faculty of Law, University of Copenhagen. The analysis shows that Community Service Order works, as it is more humane than imprisonment, it is cheaper and it is crime preventive especially for those who have a high risk of reconviction: the young and the unemployed.

B. Kyvsgaard, ed., *(Hvad virker - hvad virker ikke (What works – what does not work)*, 2006, DJØF Publishing, Copenhagen A collection of articles on evidence based policy and practice.

Probation Service in Denmark, (2007) pamphlet, Department of Prisons and Probation, Copenhagen.

A Programme of Principles for Prison and Probation Work in Denmark, (1994), pamphlet, Department of Prisons and Probation, Copenhagen.

Danish Prison and Probation Service (2001), Department of Prisons and Probation, Copenhagen.

9 CONTACT DETAILS

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ANNEX 1

1 Criminal Statistics

Table 1.1: Input offender statistics

	2004	2005	2006
New entries to prison sentences	8 958	11 173
New entries to the probation service	10 311	10 410	10 945
Of which			
community service	4 211	4 235	4 127
conditional release with supervision	1 662	2 005	2 174
conditional sentence with supervision	2 030	1 958	1 847
supervision of mentally disturbed persons	590	643	801
treatment of alcohol problems	1 370	1 157	874
supervision with electronic monitoring		64	694
others	438	348	403

2 Average offender population statistics

Table 2.1

	2004	2005	2006
Average number of registered inmates ¹	3 982	4 233	4 140
of which remand custody	1 089	1 044	1 098
Sentenced per 100.000 of population 15 years or more	64	70	68

¹ Measured every day.

Table 2.2

	2004	2005	2006
Total average of registered clients in the Probation Service ¹	8 541	8 921	8 911
of which			
community service	2 766	2 776	2 679
conditional release with supervision	1 142	1 377	1 637
conditional sentence with supervision	1 713	1 779	1 715
supervision of mentally disturbed persons	1 427	1 594	1 794
treatment of alcohol problems	1 334	1 247	897
supervision with electronic monitoring		4	57
others	159	144	132

3 Staffing statistics**Table 3.1**

Probation Service 2006	
Chief probation officers	18
Senior probation officers	28
Probation officers	278
Secretarial support	74

Table 3.2: Turnover rate among civil staff (both in prisons and in probation)

	2004	2005	2006
Recruited	8 %	10 %	5 %
Left	5 %	6 %	8 %

Table 3.3 Average number of days for the purpose of medical leave among civil staff (both in prisons and probation)

	2004	2005	2006
Civil staff	12,3	13,3	14,0

¹ Measured once a month.