



General Information

- Number of inhabitants: 82.11 million at the end of March 2009.¹
- Prison population rate per 100,000 inhabitants: 90.
- Links to Probation Services (examples of the Probation Services within all the German federal states):
 - www.justizportal.niedersachsen.de (probation service in the state of Lower-Saxony);
 - www.mdj.brandenburg.de (probation service in the state of Brandenburg);
 - www.neustart.org/DE/de (probation service in the state of Baden-Wuerttemberg).
- Links to websites:
 - www.dbh-online.de (Association for Social Work, Criminal Law and Criminal Policy);
 - www.bewaehrungshilfe.de (Association of German Probation Officers);
 - www.adg-gerichtshilfe.de (Association German Court Assistance);
 - www.praeventionstag.de (German Foundation on Crime Prevention and Offenders' Support, contact: German Congress on Crime Prevention);
 - www.toa-servicebuero.de (Service Bureau for Victim-Offender Mediation and Conflict Settlement).
- Member of the CEP in: 1982.

Characteristics of the Probation Services

- Germany has a decentralized system of Probation Services (which are known as 'social services in the criminal justice system'). The federal law regulates the legal tasks and functions of all probation staff across the entire country. However, the rules concerning organization, local and regional authority as well as operating standards and the selection and recruitment of staff fall within the responsibilities of the individual federal states. This gives rise to different concepts of the organization of probation:
 - In the first concept probation officers, who are mainly responsible for help and control in the post trial phase, are assigned to the regional courts. The organization that deals with social inquiry reports (occupied by 'court assistants'), belongs to the public prosecution office.

¹ International Centre for Prison Studies (2009), *Prison Brief for Germany*. London: King's College. Available online at: www.kcl.ac.uk/depsta/law/research/icps/worldbrief/

- In the second concept both services mentioned within the first concept merged into one service assigned to one office, either under the relevant regional courts or the higher regional court.
- In the third concept social services are directly accountable to the Ministry of Justice. These Services are not integrated within the court or the public prosecutor's office.
- Within all concepts social workers/social pedagogues, who are working in penal institutions, are subordinate to the relevant prison governor and fall under the responsibility of the Ministry of Justice. In the state of Hessen, however, one prison is privatized and the social service is passed to a private provider.
- In the state of Baden-Württemberg the Probation Service, including the tasks of court assistance and victim-offender-mediation, is managed by a private (non-profit) organization, called NEUSTART. The Ministry of Justice of Baden-Württemberg supervises the private organization.
- Probation officers can deal with adults as well as with young offenders (aged from 14 up to and including 20 years) concerning assistance, guidance and supervision. However, juvenile court assistance belongs to the local youth welfare offices. Juvenile court assistance is one of the tasks of the social services of the relevant district authority or the city council. The assistants have to make, amongst others, inquiries about the personal and social characteristics of the offender and may bring out the educational, social and individual points of view.

Tasks

Due to their different functions, 'probation workers' in Germany traditionally have different names and tasks. Probation officers (Bewahrungshelfer) mainly have to assist, guide and supervise offenders in case of a suspended sentence, conditional release or electronic monitoring (the latter only in the state of Hess; the state of Baden-Wuerttemberg will start a trial to test electronic monitoring in 2010). They are also in charge of the supervision of a convict's conduct, which is a special measure of recovery and protection. Additional tasks vary per state. Court assistants (Gerichtshelfer) carry out investigations to the personality of an offender and his social relations (at request of the public prosecutor/the court). If the investigation concerns the preparation of a pre-sentence report, the court assistant has to ask the defendant whether he or she agrees with preparation of the report. Besides, in most federal states they also have to organize community service and are involved in victim-offender mediation. Some federal states have given up the distinction between the mentioned different tasks in the recent years. In these states the 'united' Probation Service is responsible for both areas (for instance in Brandenburg and LowerSaxony). Social workers, who are working in penal institutions, provide social support during imprisonment and deal with rehabilitation work. With regard to after care work, in most federal states the activities of the Probation Services end when the offenders have served their custodial or non-custodial sanctions or measures completely. In these cases other authorities are responsible for social, financial and health care. In addition to governmental agencies (like the public health department), non-

governmental organisations all over the country offer aftercare for ex-offenders. Partly full-time employees, partly volunteers take care of those who ask for help. Some Ministries of Justice support these NGO's (for instance in Baden-Württemberg).

Number of staff

- About 2,500 probation officers are supervising 150,000 offenders, 200 officers are occupied with court assistance tasks and approximately 900 social workers are working in penal institutions (these figures have remained constant -more or less- the last five years).
- Daily average number of offenders/clients dealt with: the caseload of a probation officer varies from 70 to 100 offenders to be supervised.

New developments

- In addition to the fundamental duties of Probation Services (amongst others: personal/social investigation reports, assistance, guidance, supervision in cases of suspended sentences and suspended remainder of sentences and social and personal assistance in prisons), new and broader forms of care have become more and more popular due to changes in society and the outcomes of criminological research:
 - different kinds of leisure activities (for instance: sports, anti-aggression-training, literacy-courses and training courses in social behaviour) and the treatment of behavioural difficulties have been offered;
 - work and accommodation projects have started, in response to violence and right-wing extremism;
 - training courses (directed to persons with personal deficiencies and to violent and sex offenders) have been organized;
 - risk assessment and risk management are introduced or are to be introduced;
 - community service has become more important;
 - victim-offender mediation has gained significance and
 - victim support and victim protection gain ground.
- In several states the quality standards, working methods and organization structure are under scrutiny. The causes are manifold: a rise in suspended sentences (as prison sentence is seen as the last resort), increase in tasks, fiscal restraints.
- In Baden-Württemberg the government expects a rise in quality of social work in penal matters by the implemented privatization of the service: reduction of bureaucracy, more flexibility, an increased professional competence should help to cope with the growing requirements. Until now the privatization has not been evaluated by an independent authority. In a press release at the end of 2009 the Ministry of Justice of Baden-Wuerttemberg stated that the privatization is a success.

- In Lower-Saxony the Ministry of Justice is reforming the social services. With the project (started in 2006) named JustuS (Justice and Social Service), the Ministry amongst others aims:
 - to bring together the previous separate services (which were working outside the penal institutions) in a united organisational structure;
 - to introduce an effective quality management (which has developed the binding quality standards continuously);
 - to introduce risk management with focus on sex offenders and other offenders who are likely to re-offend and
 - to get volunteers involved.

The Ministry and the probation experts are still working on the JustuS project. A big step has been taken: The 'new' social service, working in the criminal justice system out of prison has started at 1st January 2009.

Probation during the different stages of the criminal procedure (partly all over the country, partly applicable to some federal states or even to one state only)

	Before trial	During trial and sentence execution	Following release
Preparing and presenting a pre-sentence report	x	x	
Preparing and presenting a social enquiry report with a view to a suspended sentence or probation	x	x	
Supervision / assistance to offenders whose pre-trial detention has been conditionally suspended	x	x	
Victim support	x	x	x
Victim - offender - mediation	x	x	x
Support and information during remand	x	x	
Supervision / assistance to offenders whose cases were conditionally waved	x	x	
Supervision, guidance and assistance of offenders with suspended sentences		x	
Assistance / support to prisoners in prison		x	
Inquiry with a view to release inmates under conditions		x	
Supervision, guidance and assistance of offenders, who are conditionally released / parole			x
Organizing / supervising community service	x	x	x
Co-ordinating / supervising training or	x	x	x

learning projects			
Organisation and supervision of electronic monitoring		x	x
Supervising of drug- / alcohol- treatment programs		x	x
Advisory report with respect to pardon		x	x
Supervision / guidance / assistance to persons who are granted pardon			x
Assistance to ex-inmates on their demand			x
Offering information and advice to the public	x	x	x
Active involvement in crime prevention committees	x	x	x

This summary is based on the country chapter in the book *Probation in Europe*, the most comprehensive survey of probation systems and services in Europe today. If you wish to order it, please click [here](#).

