



Probation in Europe

Denmark

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1. Introduction

Probation Organisation

Compared to many countries in and especially outside Europe, Denmark may comprise a small, homogeneous and relatively wealthy welfare state. Denmark belongs to the continental legal tradition which, among other things, means that great attention is generally paid to fundamental legal rights and a strict orientation towards legal rules. The European Convention on Human Rights was incorporated into the Danish legal system in 1992, and a large number of European Recommendations have been ratified over the years. Among these are the European Prison Rules and the European Probation Rules.

On this background, it may not come as a surprise that both the Prison Service and the Probation Service are run by the state. Employees are civil servants, and clients are basically looked upon as ordinary citizens, who have committed an offence for which they have received a court sentence. The task and duty of the prisons and the probation service is to execute the sentence, while treating every client in accordance with the rules, which on the one hand entails not imposing harder punishment or other restrictions than those decided in court, and on the other hand aiming at meeting every client's need for support, guidance etc. to the extent possible.

The Danish Prison and Probation Service (from now on DPPS even if only the Probation Service is mentioned) is one integral state authority, which solves a large variety of tasks inside and outside prisons. In 1993 the DPPS developed 'A Programme of Principles for Prison and Probation Work in Denmark' (available in English on the webpage). This was before the recent restructuring (see more below). Though the restructuring changed the organisation fundamentally, the programme of principles has not been changed or cancelled. According to the programme, it is the 'Primary task of the Prison and Probation Service to execute the punishment'. And in this connection, the DPPS will 'exercise such control as is necessary for the implementation of the sanction, support and motivate 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. Thus, there can be no question of asserting that one is more important than the other'. The two facets are boiled down to: 'CONTROL AND SECURITY' and 'SUPPORT AND MOTIVATION'.

The probation service is involved with both complimentary facets of the primary task, i.e. control and security as well as support and motivation. The fact that probation officers mainly meet clients while they are not deprived of their liberty, the supportive part of the task is rather obvious. At the same time, though, a good deal of control is involved, seeing as for instance conditional sentences are most often combined with specific conditions as for instance supervision by the Probation Service, and it is the duty of the probation service to ensure that these conditions are met. The probation service and the probation officers are relatively independent in their day-to-day contact with the clients, though the probation service is part of the organisational structure comprising the DPPS at national as well as regional level (see section 4.1). Furthermore, the probation service cooperates with the social services departments in the municipalities and other relevant state authorities. In the past decade or so the DPPS as a whole has cooperated with – or rather informed about and sometimes received

representatives from different NGOs such as the Red Cross and a pro bono legal aid organisation.

In principle, the probation service supports and controls all types of citizens involved in the execution of a criminal sentence at the relevant stages of the execution.

However, in special cases, including for instance juveniles (15-17-year-olds) or psychiatric patients sentenced to special treatment, the involvement of the probation service is adjusted and coordinated with the involvement of social services or psychiatric specialists.

1.2. Probation Activities in a nutshell

The core activities of the probation service may be briefly summarised as follows.

More details about the individual tasks and duties will be given further below along with an account of the number of clients represented under each type of task:

- Preparation of pre-trial reports
- Supervision of offenders with a suspended sentence or a suspended sentence in combination with a community service order
- Supervision of mentally ill offenders
- Supervision and control of offenders on electronically monitored schemes
- Supervision of offenders released on parole
- Seeing remand prisoners and, among other things, assessing whether they require addiction treatment and, if so, trying to motivate them to undertake such training
- Networking with other authorities, such as the municipal social services departments and organisations in order to provide enhanced opportunities for social inclusion
- Crime preventive work, including talks in youth clubs and schools, participation in relevant parts of the SSP cooperation (school, social services, police) in local areas.

1.3. General remarks on the implementation of EPR

There has not been paid much attention to the European Probation Rules in Denmark up till now whereas the European Prison Rules are much more well known. For instance the European Prison rules are translated into Danish and uploaded on the internal electronic system whereas the Probation Rules only recently have been uploaded in English. Nevertheless Denmark does to a large degree live up to the Probation Rules which will be illuminated in the text below.

The only European rule that has been incorporated into Danish law system is the European Convention on Human Rights but traditionally also such rules as the European Prison Rules and the European Probation Rules are paid attention to.

2. Historical Development of the Probation System

2.1. From the beginning to 2008

From 1848 until 1973 the Danish prisons were run by the Department of Prisons, which in 1973 was renamed the Department for Prison and Probation Service. Initially all help and support to prisoners on parole – and since 1905 to persons sentenced to suspended imprisonment – was organised by private organisations mainly run by volunteers. The first large organisation offering support to convicts

not deprived of their liberty was formed in 1843. Over the years several of these organisations were started, and the need for coordination and more robust structuring of this work emerged.

In 1930 the 1866 Penal Law was replaced by a new Penal Law (in action from 1933 and is still in action with a number of adjustments). The new law allowed for a greater amount and variety of sentences without deprivation of liberty, replacing imprisonment with supervision and additional conditions. However, at the time there was no formalised private or public organisation to carry out these sentences or to offer support to the sentenced persons.

In 1951 a private organisation was established: the Danish Welfare Society. It was an amalgamation of all the above-mentioned private organisations. The Danish Welfare Society was mainly funded by private donations and was entrusted with all kinds of offender supervision outside the prisons.

In 1973 all probation tasks, including visiting pre-trial prisoners and after-care activities, which till then had been carried out by the Danish Welfare Society, were transferred to the Department of Prisons, which was renamed the Department of Prison and Probation Service. The main reasons for this development were first that it was considered an advantage that the execution of all law enforcement was placed under one administration, and second that private financial contributions became markedly smaller. The change was primarily administrative in nature, as the existing institutions and offices initially remained unchanged. The professional staff at the Danish Welfare Society became public employees, and the voluntary (unpaid) element which since 1951 had been rather considerable was gradually diminished. The voluntary element within supervision, including volunteers working in the prison and probation sectors, was largely abolished over time. However, alongside the public system the Red Cross and other NGOs began to organise a (limited) number of locally based projects, including educational support for prisoners, mentors for newly released offenders etc.

The Danish Welfare Society still exists as a private foundation. The foundation does not play a big role today, but seeing as it still has an albeit limited amount of money at its disposal a small number of offenders and relatives may each year receive financial support from the Danish Welfare Society.

The first type of sentence execution prescribing a sort of probation supervision was the suspended sentence, which had been introduced as early as 1905. Release on parole was in its current form introduced with the Penal Law of 1930. Later the variety of sentences which do not deprive offenders of their liberty has been broadened out in different ways. The most important steps in this direction include the introduction of community service orders in 1982, the introduction of electronic monitoring in 2005 and a gradual reduction of the length of time an offender had to spend in prison before release on parole was legally possible. In the 1930 Penal Law the minimum time before release on parole was possible was nine months; today it is two months. This development – in combination with other developments – has obviously led to a gradual increase of the workload of the probation service.

The Penal Law was originally – and still is – based on general as well as special preventive concepts. In 1973 the special preventive element receded, as sanctions based on the idea of special treatment, including youth prisons, occupational therapy

(Labour Prison) and preventive detention of psychopaths, the length of which depended on the treatment results, were abolished. This development – also seen in other Scandinavian countries – received extensive critique from Scandinavian criminologists, who argued that the system led to inequality in the length of time persons who had committed similar crimes had to spend in prison, and that there was no evidence that the individualisation of time spent in prison reduced the risk of recidivism.

In the 1980s the execution of prison sentences was mainly based on general preventive ideas and on the legal rights of prisoners and other persons whose liberty had been deprived or limited. Also the well-known mantra ‘nothing works’ played a role in the general approach to punishment during this decade.

Starting in the 1990s special preventive perspectives have experienced a revival in the penalty system, beginning with the also well-known mantra: ‘Something works for somebody sometimes’. This new approach has given rise to interventions in both the prison and probation service. Contrary to the penalties in the 1930 Penal Law, where the length of time spent in prison or an institution might be dependent on the results of the treatment, the special preventive interventions introduced in the 1990s and onwards include a fixed maximum length of institutionalisation defined in the sentence.

2.2. Recent History to 2015

Roughly speaking, the main tasks of the probation service today are preparation of cases before court concerning suspects aged 18 years or older and supervision of convicts serving a sentence outside prisons.

For very different reasons at different times the group of convicts not serving (all or parts of) their sentence in prison has become bigger and more differentiated over the past decades. Today supervision, for instance, includes persons who are released on parole, persons with suspended sentences, persons under electronic monitoring, persons sentenced to community service and persons sentenced to ambulant psychiatric treatment etc. (see section 4). Supervision is mainly or fully carried out by social workers, whose duty is to balance control and support. Supervision is often described as a balance between ‘tough’ and ‘soft’ approaches to clients. For example, it is the task of supervising probation officers to control that clients comply with conditions like community service, structured alcohol treatment etc. Furthermore, supervising probation officers must support clients in personal matters like finding employment, re-establishing contact to relatives, gaining an overview of personal financial matters etc.

In 2012, based on a comprehensive budget analysis, it was decided to implement a comprehensive reorganisation of the DPPS.

The purpose of the reorganisation was, among other things, to strengthen focus in the job and to lead the organisation in a more ‘client-oriented’ direction. The implementation of the new structure lasted about two years and the main changes came into effect by the end of 2014. The new structure has been fully implemented in the 2016.

Until 2015, legally the DPPS was placed directly under the auspices of the Minister for Justice. However, from 2015 the direct reference between the DPPS and the Minister was suspended, and legally the DPPS is now defined as a department within the Ministry of Justice parallel to other departments.

The process of reorganisation has seen a number of new initiatives aiming at strengthening the focus on the individual client and the continuity of the relationship between client and authorities in general.

One of these initiatives is the gradual introduction of a stronger focus on drugs and alcohol problems already at the pre-trial stage. This practice was first introduced in 2002 and has gradually become nationwide. Although there are still local variations, the general procedure is that if the probation officer who has contact with a client in pre-trial prison believes the client may require addiction treatment (alcohol or drugs), a professional treatment institution is brought in to see the client. This may be the starting point of a so-called pre-treatment programme, which may be continued in case the person is sentenced in court and afterwards placed in a prison to serve his or sentence.

Another new initiative focussing on the release process was implemented in 2008-2010. The main point of this initiative, called the 'Schedule for a good release', is coordination of individual action plans between the prison, the probation service and the social services. The 'normally expected' date of release on parole is when two thirds of the sentence have been served, and as this date comes closer preparations begin, initially by establishing stronger contact between the prison, the probation service and the municipal social services. Among other things, the relevant probation service and social services are invited to visit the prison to meet with the client and coordinate the plan for the release and the time after. These plans focus on housing, occupation (job or education/training), alcohol or drug treatment, if relevant, and other individual needs for the time after release.

A third – and the most recent – initiative aiming to improve the quality of the work of the probation service for the benefit of the client comprised the introduction of the 'Level of Service/Risk, Need, Responsivity' (LS/RNR or just RNR). The gradual implementation of the RNR in the DPPS began in 2013 starting with the probation service and proceeding with the prisons. The implementation of the RNR is carried out in cooperation with the founding fathers of this concept, James Bonta and D. A. Andrews. In addition to the original concept a few supplements have been developed especially for Denmark. The most important of the Danish supplements is "MOSAİK" meaning "Motivation dialogue-intervention in the Probation Service" and is directed at high-risk clients. The new programme all together largely renews the probation service's approach to the client and working methods, and it has shifted the attention of the individual probation officer from so-called relational work to a strictly systematic client approach.

3. Legislative Basis of the Probation System

Below a comprehensive, though short, description of Danish legislation on Probation Service and the main part of the official mission and the way it is practiced is to be found. Furthermore a few words about the role of victim support and NGO-involvement, the latter very short because those elements are not substantially included in the Probation Service. As for Victim Assistance, this is carried out by other organisations mainly the police.

As regards the most central rules in the European Probation Rules it may be concluded that Denmark lives up to the rules even if in not all topics are under the auspices of the Probation Service. As for rule 1 about promotion of social inclusion, this is an absolute top priority in all parts of the Probation service as well as the prisons. To an ever expanding degree this task is carried out in systematic cooperation with other public authorities (rule 8) whereas there is not a developed tradition of including volunteers (rule 34).

In Denmark Restorative Justice in the form of victim-offender-mediation is organised by the police (rule 97). The same goes for victim assistance (rule 95). In order to improve crime reductive strategies there has been a raising tendency of cross sectorial cooperation between the probation service and mainly the police and the social services since the early 2000'ies. This tendency has mainly been practiced locally but has been supported from the national level.

3.1. Legislative Basis

The legislative basis for the work of the probation service can be found in the Danish Criminal Code, the Criminal Justice Administration Act and the Act on Enforcement of Sentences (Rule 8). The Circular on Supervision with appurtenant guidelines, which was initially drawn up on 1 April 1996 and which has been in force since 6 May 2015, specifically regulates the probation service's work with clients. The age of criminal responsibility in Denmark is 15 years, 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 made to keep juvenile offenders out of the prison and probation system. Juvenile offenders are mainly referred to measures administered by the social services.

The probation service is involved with practically all categories of offenders, who serve all or part of their sentence in society. The main groups are offenders sentenced to community service and offenders with a suspended sentence. Also parolees are under the supervision of the service.

3.2. Mission and Mission Statement

A basic value in all DPPS tasks is balancing care and punishment (toughness and softness). This pertains to all parts of the service and to all stages of the enforcement of sentences. The work is guided by a Programme of Principles that was adopted in 1993. This programme states the main purpose of the DPPS: to contribute to reducing criminality. It is stated 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 the implementation of the sanction, generally accepted considerations which underlie the sanction shall be respected; and 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 DPPS is the implementation of sanctions. In this connection, the service will exercise the minimum control necessary to implement a sanction (control and security) and, at the same time, support and motivate the offender to live a crime-free life by assisting in his or her personal, social, vocational and educational development (support and motivation). These two facets of the primary task are

complementary and equally important. 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: normalisation, openness, exercise of responsibility, security, least possible intervention and optimum use of resources.

These principles should not be seen as independent principles, but should all be applied to daily work (Rule 1).

3.3. Crime Prevention

Crime prevention policy is administered by the Danish Crime Prevention Council, which works throughout the country informing people about crime and preventive measures. To some degree, the DPPS participates in some of the activities of the Danish Crime Prevention Council, and occasionally local probation units take part in local preventive efforts such as the SSP (cooperation between the Social Services, the Schools and the Police); KSP (Cooperation between Probation Service, Social Services, and the Police) or PSP (cooperation between Psychiatry, Social Services and the Police).

The probation service is mainly involved with tertiary prevention, whereas primary and secondary prevention is carried out by the social services and institutions like schools, kindergartens etc. (Rule 98).

3.4. Victim Assistance

The probation service is in no way involved with victim assistance. There are other services which focus on the victim, and the police runs a Victim Offender Mediation programme (Rules 95 and 97).

3.5. Volunteers Involvement

The inclusion of volunteers, NGOs and other types of non-paid support or 'work force' within the Danish probation service is limited. The main (and practically the only) way volunteers play a role in the probation service is as working places for community service. Apart from that, all other work is paid for in one way or another, i.e. as ordinary jobs, like probation officers, or as ad hoc services, like the persons who produce pre-trial reports or mentors. Mentors are especially directed at supporting young offenders with special needs. Mentors as well as those who prepare the pre-trial reports are paid per case (Rule 34).

However, in recent years some cooperation between NGOs (or semi-NGOs, i.e. private initiatives being partly financed by project funding from the state)) and the Probation Service is developed, that is for instance about exit from gangs and treatment for drug-addiction.

4. The Organisation of the Probation Service

The DPPS contains the prison sector as well as the probation service, which is organised on national and regional level. The regional offices co-ordinate and unifies the practices on regional level. As for the probation service the staff is normally composed by skilled social workers, who after being appointed to the probation service receive an introduction to the organisation and its special tasks. As for prison staff all uniformed staff are educated and trained in and by the prison sector itself

(rule 22 and 24). All staff-members are regularly offered and partly obliged to attend relevant supplementary education and training (rule 23 and 25). The probation service does not specialise the staff for very special groups of clients such as sex-offenders but cooperate and include external expertise when needed (rule 27). The question of enough staff is not easy to answer. There will always be an element of superior and political prioritizing of tasks and duties. In periods of strong focus political focus on prisons the probation service may experience a lower prioritizing (29).

The probation service provides the court system with pre-trial-reports (rule 42) and cooperates with the civil society for instance in case of community service sentences (rule 37).

The major part of all clients in the probations service are Danish citizens but there is a group of clients with foreign background (even if they achieved citizenship). The last-mentioned group is not treated differently in the probation service from those clients who have a Danish background (rule 63 and 64). There is not a formalized responsibility for the probation service to secure contact to Danish citizens sanctioned abroad. But in cases where such person seeks for transference to Denmark they will be included in the ordinary caseload rule 65).

4.1. Main Characteristics

At national level the probation service is part of the DPPS, which is one of several departments under the Ministry of Justice. The DPPS is headed by the Director-General of the Prison and Probation Service.

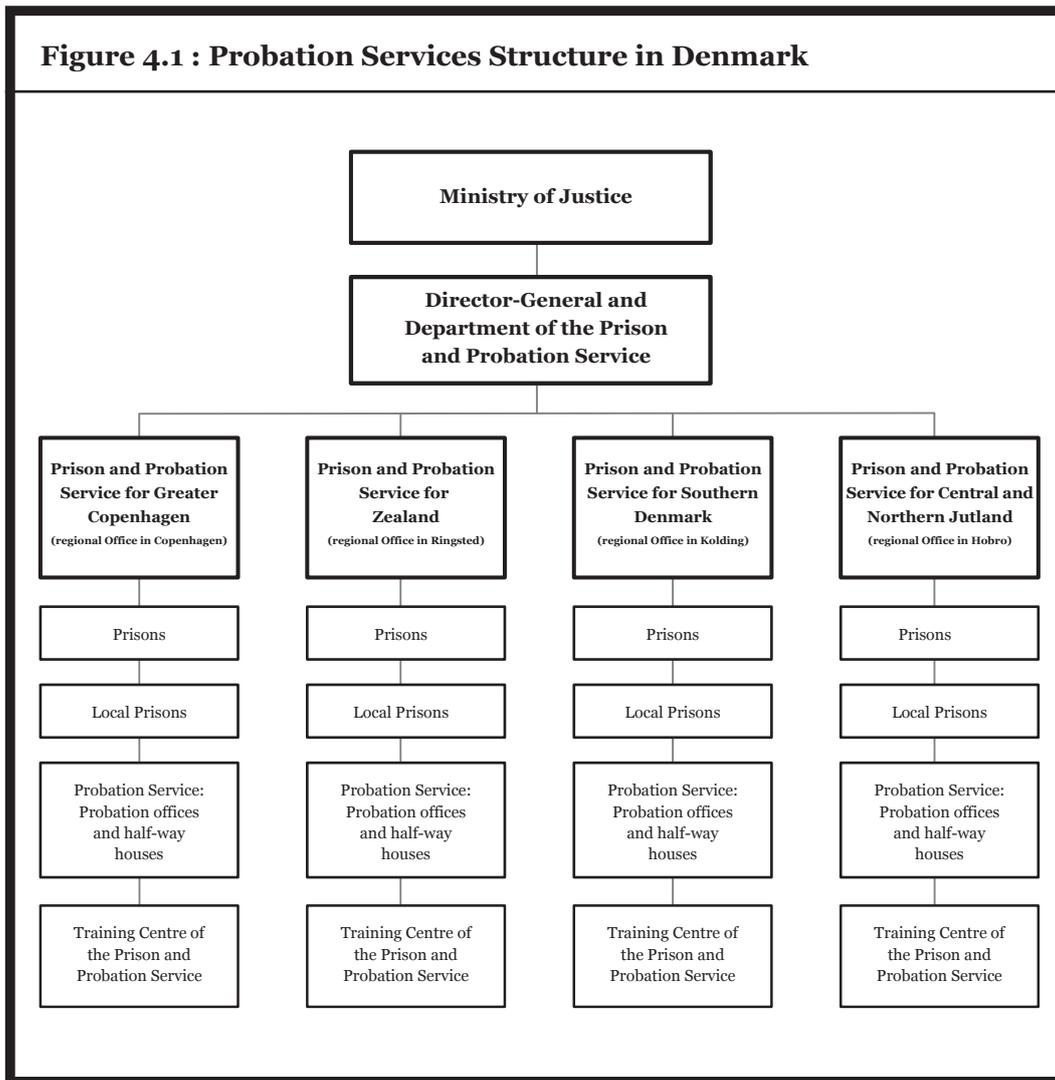
The overall organisational structure has recently been changed from a functions-based structure to a geographically based structure. Before the change the relation between the prisons was stronger than the relation between the prisons and, for instance, halfway houses and the probation service, whereas after the change the country has been divided into geographic areas and a new interrelationship between prisons, pre-trial imprisonment, probation service and halfway houses has been established at regional level.

After the recent reorganisation the DPPS now comprises one national centre (which is markedly 'slimmer' than before), four regional centres (new), 24 institutions and one national staff training centre.

For the time being the 24 institutions include: 15 state prisons (representing two different security levels: open and closed), 37 pre-trial prisons, 13 probation units and five local sub-offices. Finally, the DPPS runs seven halfway houses. Therefore, technically the DPPS' 77 'units' are organised in 24 institutions.

Consequently, an institution is not a physical unit, but a collection of different (institutional) units. Each institution has a head of institution, and depending on local conditions a number of units are gathered under one head of unit under whom the leader of each unit undertakes the day-to-day leadership. In other cases, one (big) unit (for instance, a large prison or pre-trial prison) has its own head of unit and a number of unit leaders or leaders of wings in the liberty depriving institutions. Consequently, the institutions have individual profiles and compositions. For example, one institution may consist of a prison and a halfway house, while another institution may consist of a probation service, a halfway house and a pre-trial prison.

Figure 4.1 : Probation Services Structure in Denmark



4.2. Internal Organisation

As mentioned, the probation service is divided into geographical areas of different sizes, covering all parts of the country. The few probation units which cover extraordinarily large geographical areas may have a local sub-office within their area. The address at which a person is registered is decisive for the probation unit where he or she will be enrolled.

Each probation unit is part of an institution which is headed by a head of institution. An institution comprises different types of units. One institution may, for instance, comprise a pre-trial prison and a probation unit. In this case the pre-trial prison and the probation service may each have a head of unit. Below these heads there may be one or more unit managers, who are responsible for day-to-day tasks and who answer to the head of unit.

Within the framework of the probation service there are a few special teams, including the teams responsible for electronic monitoring and the small specialist teams of probation units carrying out supervision of gang members (Rule 27).

4.2.1 Probation workers

The probation service has a staff of approximately 480 persons throughout the country (September 2015), which includes an administrative staff of approximately

95 persons performing secretary support, bookkeeping etc. The main staff group, however, consists of probation officers, chief probation officers and senior probation officers, who in almost all cases are trained social workers (see table 1).

Normally each probation office has one head of unit, one or two senior probation officers, 15-20 probation officers and about five to seven persons performing secretarial functions, one of whom is normally working with financial matters. Each department has a yearly budget for operating expenses, which among other things include rent, office equipment, telephones and transport for probation officers in connection with visits to custodies and clients. Furthermore, there is a small sum for external staff who prepare pre-trial reports and a very limited sum for client support on very special and rare occasions.

When electronic monitoring was introduced in Denmark in 2005, a number of prison staff members were transferred to the probation service, because individuals who are electronically monitored are initially sentenced to unconditional imprisonment in court. When a person is sentenced in court for an offence that is neither dangerous nor gang-related, the offender must according to normal procedure wait in his or her own home before being allocated to a prison. If the sentence is of six months or less the offender may apply the relevant region of the DPPS for permission to serve the sentence in his or her home carrying an electronic tag.

The pre-trial reports prepared by external staff are reviewed by a probation officer, who will also write the final conclusion of the report before it is sent to court. It is the responsibility of each probation service to recruit pre-trial reporters to the extent necessary. The pre-trial reporters may have different educational backgrounds and will most often either be retired from the labour market or have a second job.

Finally, a number of psychiatric consultants are affiliated to each office.

The average case load per probation officer is approximately 50 clients. In addition to this comes visiting remand prisoners and preparing pre-trial reports.

Table 1. Probation Service staff structure

Total number of staff	479*
Including, for instance:	
Head of units	13
Unit managers	31**
Supporting staff (e.g. secretaries, bookkeeping staff, ICT staff etc.)	100***

* Includes the total number of staff of which 339 are social workers, 46 are prison staff and approximately 100 undertake administrative support.

** Includes 20 probation clerks and 11 superior members of the administrative staff.

*** Includes 13 psychiatrists.

The major part of all probation officers, including heads of units and unit managers, are trained social workers (Rule 22).

A main rule in the probation services around the country is that the different cases and clients are divided between the officers, resulting in a very limited degree of specialisation. (Rule 27).

With regard to clients of foreign nationality (Rule 63) there is no specialisation of staff or special forms of supervision. The principle in the probation service is that

every client is met as an individual with his or her own needs and capacities. A client of foreign nationality will most likely have needs in the process of resettlement equivalent to those of a Danish client (Rule 64).

Family or other relatives are only rarely involved in the probation service's work with the client (Rule 29), and it is not the responsibility of the service to support victims (Rule 29). There are, however, a number of other services directed at support of victims.

4.2.2 Education, Training Requirements and Opportunities

As mentioned, almost all probation officers are trained social workers, who have undergone three and a half years of studies and have graduated from a university college (professional college). Their training includes social law and aspects of sociology, psychology, social policy, civil law, criminal law, criminology, social medicine and theories and methods of social work (Rule 22).

Shortly after entering the probation service the new probation officer will participate in an introductory course, providing a general overview of the prison and probation system (Rule 24).

The five-day introductory course is interdisciplinary and directed at all new staff starting in the probation service. The main purpose is to make sure that each new member of staff has elementary knowledge of the aim of the DPPS and of the fundamental principles guiding the implementation of its work.

Post-introductory training is conducted in some parts of the DPPS organisation. Training is available to probation officers on a mandatory and voluntary basis and may be arranged internally in the service or by an external partner commissioned by the DPPS.

For instance, internal courses in the RNR are now mandatory for all probation officers, whereas courses in supervision of colleagues are offered at a voluntary basis, though these are very popular.

Other courses and training are available on topics such as working with alcoholics, drug addicts and mentally ill persons and more general topics, including legal and statutory matters (Rules 23 and 25).

4.2.3 Other Organisations Involved in Probation Work

The DPPS and its various branches, including the probation service, collaborate on a daily basis with relevant operators such as the police, the courts, prosecutors and defence lawyers. A frequent cause of cooperation, which is seen in most of all criminal cases, is the elaboration of pre-trial reports (Rules 37 and 42).

The service's main collaborator is the municipal social services departments, where all financial support of clients is administered. Normally the probation service cannot provide financial support of clients.

The basic interface between the general competences and tasks of the social services departments and the criminal justice system is defined in legal regulation at national level. Furthermore, a number of legal guidelines and instructions for collaboration on groups of clients are agreed upon over time. The actual cooperation between these two major societal organisations receives much political attention.

Almost one third of the clients in the probation service are mentally ill and sentenced to (ambulant) treatment. This requires close collaboration between the probation

service and the psychiatric treatment system.

Centres for addiction treatment also belong to the group of daily collaborators.

To be able to activate clients sentenced to community service, the probation service has regular contact and collaboration with about 1,200-1,500 workplaces which have agreed to include this group of sentenced individuals. These workplaces are regular public workplaces, publicly supported workplaces or NGOs.

The DPPS runs seven halfway houses with about 180 places. The halfway houses are primarily used for prisoners serving the last part of their sentence i.e. persons who are technically prisoners, but not clients of the probation service. However, a small share of the residents in the halfway houses are on parole and therefore under supervision by the probation service. The halfway houses accommodate both men and women, and most of them can also accommodate children of the residents.

Supervision of a probation service client staying in a halfway house is carried out in close cooperation between the staff at the halfway house and the probation officer.

4.3. Probation and Offenders Abroad

The probation service includes all clients referred to the service regardless of nationality. Clients of foreign nationality may be referred to the probation service when sentenced to community service in a Danish court or released on parole (but not expelled from Denmark as part of the sentence).

If a person of Danish nationality is sentenced abroad and transferred to Denmark, he or she will immediately be included in the Danish probation service, unless transferred directly to a prison. If, however, the person is transferred to a prison and later released on parole he or she will be enrolled in the probation service at the time of release on parole.

Concerning citizens from other EU member states all competences and powers regarding Council Framework Decision 2008/909 belong to the Ministry of Justice.

Offenders who are transferred from Denmark to another EU member state are typically prisoners and not probation clients, which means that the probation service is not involved in these cases. The same applies to offenders who are transferred to Denmark from another EU member state. Consequently, the majority of all transfers of convicts in which Denmark is involved concerns prisoners, not probation clients. The Ministry of Justice also decides in cases regarding Council Framework Decision 2008/947. When the execution of a supervision order is transferred to Denmark from another EU member state, the DPPS transfers the care-taking to the relevant local probation service.

In cases where a client who is under supervision by the Danish probation service wishes to return to his or her home country to serve the sentence there (2008/947), the probation service will hand over the negotiation with the relevant country to the Danish Ministry of Justice.

Denmark has participated in numerous transfers of prisoners after 2008/909, but only in one case has Denmark taken over the execution of a suspended sentence (2008/947) from another EU member state (Rule 65).

5. Different Stages of the Criminal Justice Process

At all stages of a criminal process the probation service intends to practice high ethical standards and lives in all matters up to Danish standards concerning individual integrity. No information about a client may be required from other authorities and services without consent and clients do have the right to comment all information (rule 7, rule 12 rule 44, rule 45 and rule 46).

Community sanctions such as community service are organised and prepared in a dialogue between the probation service and the client. The actual time schedule and type of community service takes into account the working conditions and skills of the client. No commercial profit can be generated via community service (rule 47, rule 48, rule 51 and rule 52).

The intention behind supervision of all categories of clients is always to balance the control aspect and the support aspect. In relation to this there is an ambition to involve the client and if relevant and possible his or her relatives. This ambition is in practice fulfilled to different degrees (rule, 55, rule 56, rule 57, rule 59, rule 61, rule 62, 85 and rule 86).

5.1. Pre-Trial Phase/Remand/Trial Stage

As a main rule the probation service is involved with a case in the pre-trial phase in order to prepare a pre-trial report (see below) for the use of the court.

The probation service is informed by the police of the existence of a case, but works independently from the investigation and the court.

When a person is taken into remand prison, it is the duty of the probation service to render him or her any necessary assistance to minimise the problems and complications induced by incarceration. The probation service is required to make its first visit within the first two weeks after the person has been taken into pre-trial imprisonment, and after that contact is maintained according to individual needs. The contact between the remand prisoner and the probation service serves two purposes: It deals with acute social problems, and it serves as important preparation for any supervision period that may follow as part of the sentence.

In rare cases voluntary supervision by the probation service may be offered in the pre-trial phase. This is not relevant when the person is taken into pre-trial imprisonment. However, a person waiting for trial who is *not* taken into pre-trial imprisonment and who needs help gaining an overview of numerous complicated circumstances may agree to supervision, i.e. support for pushing his or her life in a new direction.

Under certain circumstances – for instance, cases where the accused is below the age of 18 and not previously known by the police or cases concerning minor crimes – the prosecutor may decide to withdraw the charges. This is described in section 722 of the Administration of Justice Act, and withdrawal of charges may take place on specific conditions equivalent to those that may be used in conditional prison sentences. These conditions must be approved by a judge in court, though the guilt of accused guilt is not tried in court. According to section 722 of the Administration of Justice Act there are strict limitations concerning the sorts and gravity of crimes which may be considered for withdrawal of charges, and furthermore, withdrawal of charges presupposes a confession of guilt by the accused. Only in exceptional cases is the probation service involved in withdrawal of charges.

Table 2. Sanctioning system and probation service involvement in the pre-trial and trial stages

Sanctions/measures/ penalties/ conditions attached to a conditional decision or sentence	Provided in your legislation	Probation service involvement	Main characteristics of the probation activity (e.g. supervision, coordination, reporting, referral, help and support)
Unconditional waiver by public prosecutor	+		
Conditional waiver by public prosecutor	+		
Conditional suspension of pre-trial/remand detention			
Pre-trial/remand detention	+	+	Help and support
Police custody			
Bail			
Caution	+		
Surety			
House arrest			
Electronic monitoring			
Community service			
Treatment order			
Training/learning order			
Drug/alcohol treatment programme	+	+	Referral to treatment, help and support
Compensation to victim	+		
Mediation	+		
Semi-detention			
Attending day centre			
Liberty under judicial control			
Interdiction to leave the country	+		
Interdiction to enter different cities/places	+		
Interdiction to carry out different activities			
Interdiction to contact certain persons	+		

Sanctions/measures/ penalties/ conditions attached to a conditional decision or sentence	Provided in your legislation	Probation service involvement	Main characteristics of the probation activity (e.g. supervision, coordination, reporting, referral, help and support)
Psychiatric treatment			
Deferment of sentence			
Fine			
Other financial sanctions			

There is no use of any kind of penal response to crime at the pre-trial stage such as, for instance, forced supervision by the probation service, community service or other types of behavioural control. However, if the legal conditions for taking a suspect into pre-trial imprisonment are met, section 765 of the Administration of Justice Act states that an alternative to pre-trial imprisonment may be used if the person consents to this. Such alternatives may be forced supervision by the probation service, checking in with the police on a regular basis, receiving treatment for alcohol or drug addiction, staying in an appropriate institution (mainly for juveniles and mentally ill persons), depositing a sum of money that will be released when the person appears in court and receives a court decision concerning his or her case and, finally, handing over his or her passport to the police, making it impossible for the person to leave the country legally. Such interventions are not legally defined as responses to a crime or as part of an anticipated punishment, as a strict condition for using such alternatives is that the consequent situation for the person involved might have been the same if he or she had been legally deprived of his or her liberty in pre-trial prison during the investigation. The person must consent to the alternative, which is in principle seen as 'less in the more'.

The majority of all fines are imposed and agreed upon with the 'convict' without being tried in court, though fines are under no circumstances a legal pre-trial measurement. The probation service has never been involved with a person who received a fine as the only response to an offence.

5.1.1 Pre-Trial Report (Social Enquiry Report)

In pursuance of section 808 of the Danish Administration of Justice Act the probation service will on the prosecution's or (more rarely) the court's request provide information to the court concerning the personal circumstances of an accused. In the conclusion of the pre-trial report the probation service must explicitly inform about the probability of carrying out successful supervision in cases where the court decides on a conditional sentence.

In cases where a community service order is a possibility, the probation service is required to assess the prognoses for success if community service is chosen by the court. Since the majority of all prison sentences in Denmark are of less than 18 months, which is the normal maximum of community service used as an alternative to imprisonment, such assessments are requested in the majority of all crime cases.

The actual report is processed by an external employee or by a probation officer within about three weeks. An interview with the accused forms the basis of the pre-

trial report, and statements are substantiated through files and individuals who have knowledge of the personal and social background and current situation of the accused. The collection of such information from other persons or institutions is always dependent on written consent from the accused, though except for cases where the court finds it essential and decides that information must be collected even though the person does not consent hereto (see section 810 of the Danish Administration of Justice Act).

The content of the report includes information about a number of personal issues such as family background, health, occupational and financial situation, leisure activities and personal relationships. The report does not provide a draft for a supervision plan, which will instead be elaborated if a conditional sentence is imposed.

In cases involving a conditional sentence, it is the general experience of the probation service that the court will follow the conclusion provided in the pre-trial report concerning conditions relevant to the client. The accused may choose to cooperate in the elaboration of the pre-trial report. If the accused chooses not to cooperate in this phase, no report will be presented in court, the consequence of which is that the judge has a less firm basis for considering a conditional sentence. It is also relevant whether the accused is considered willing to follow the conditions recommended by the probation service. If this is not the case, this information will be included in the report.

Normally the prosecutor requests the report, which he or she receives from the probation service before the case goes to court. As the report will be included in the actual file, the judge has access to the report before he meets the accused. It is also made available to the accused and to his or her defence lawyer, due to the right to defence.

After a sentence has been given, the report may be handed over to other institutions such as the social services, but only on the condition that the person in question gives his or her written consent.

The same procedure is followed for individuals of foreign origin living in Denmark, in so far as there is no claim of expulsion from the part of the prosecutor. If the prosecutor claims expulsion, it is assumed from the part of the prosecution that there will be no need for supervision in the community and, therefore, no need for a pre-trial-report.

5.2. Enforcement Phase

The probation service can be involved in the following community sanctions and measures imposed by the court:

- A sentence to imprisonment can be suspended on the condition that the offender concerned does not commit another criminal offence, normally within a two-year period. The court may add further conditions to the sentence such as supervision by the probation service, treatment for drug or alcohol addiction etc. (sections 56 and 57 of the Penal Code). See the section on community service orders below.
- A combined unsuspended and suspended sentence (section 58 of the Penal Code), which is a combination of up to six months of imprisonment, while the rest of the sentence is to be executed as a suspended sentence.
- Mentally ill offenders may be deemed not to be criminally responsible at the time of the criminal act on account of mental illness or severe mental disorder and therefore

not suitable for punishment (section 16 of the Penal Code). According to sections 68 and 69 of the Penal Code the court may decide on supervision for such offenders when they are outside mental hospital. The length of the supervision period in these cases is in principle unlimited, but in practice three to four years.

- Community service order (section 62 of the Penal Code) is normally seen as an alternative to imprisonment. It may be considered in cases where the starting point is an unsuspended sentence of up to one and a half years. When a person receives a community service order, the court decides on the amount of hours of unpaid work (between 30 and 300) he or she must deliver, while the probation service decides on the type and place of work. Of course, the work must live up to ordinary standards concerning safety at workplaces. Such work is carried out for charities, sports organisations, churches, museums etc. A pre-trial report is always prepared beforehand to determine 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 always mandatory for the above-mentioned sanctions. Supervision is carried out in close contact with the place of employment. Consent by the offender is not a prerequisite; however, it will be taken into account in connection with the assessment of suitability prepared by the probation service. In May 2015 it was added to section 101 of the Act of Enforcement of Sentences that up to one third of the number of hours stipulated in a sentence may be carried out as educational activities or treatment for alcohol or drug addiction.
- Treatment as an alternative to incarceration for the whole or part of the sentence (section 78 of the Penal Code). Instead of going to prison a sentenced person can be transferred by the DPPS to an appropriate treatment facility due to age or other special reasons, which speak against incarceration.
- Treatment order for sexual offenders (section 57 of the Penal Code) may be imposed by the court following assessment by a special committee, where a sentence to imprisonment from four months to one and a half years is deserved and the offender has confessed his crime and realised that he needs treatment.
- Conditional sentence on the condition of anger management (section 57 of the Penal Code) is a possibility of diversion from imprisonment for up to 40 days in cases against young violent offenders aged 15 to 20 years.
- Electronic monitoring (chapter 13a of the Act on Enforcement of Sentences) has been used since 2005. The framework has been extended several times. Since 2013 the framework has been the following: A main part of those offenders who have been sentenced to imprisonment for a maximum of six months may after the sentence has been given, but before its execution ask to serve the sentence with an electronic tag. This decision is taken by the local probation service. Since 2013 the probation service has been able to allow a prisoner who has served a minimum of one third of his or her sentence to serve the last six months before release at home while permanently carrying an electronic tag. The monitoring is carried out by the probation service, and individuals subject to electronic monitoring are always under supervision by the probation service
- Pardon is regulated by section 24 of the Constitution, which says that an offender can be pardoned by a Royal Resolution if he or she suffers from a fatal illness, or if there are other exceptional circumstances that contradict incarceration. Supervision may be linked with this measure.
- Release on parole (sections 38, 40a and 41 of the Penal Code) plays a substantial role in the penalty system and especially in the prisons and the probation service.

In accordance with section 38.1 of the Penal Code the majority of all prisoners are released on parole after having served two thirds of their sentence. Sections 38.2 and 40a give legal opportunities for earlier release. Clients sentenced to imprisonment for life must be considered for release on parole after 12 years. No client has a definite legal right to be released on parole. Clients whose request for release on parole have been administratively rejected after they have served two thirds of their sentence or 14 years for clients sentenced to imprisonment for life may refer the decision to the court, and then the court will decide if release should take place. This decision is made on the basis of written statements by the prisoner and the DPPS.

Normally all decisions regarding release on parole are made by the DPPS at regional level. When release on parole is granted, it is always on the condition that no crime is committed in the probation time and very often on the condition that the client is subjected to six months to one year of supervision by the probation service. Other conditions may be added.

Table 3. Sanctioning system and probation service involvement at the enforcement stage

Sanctions/measures/penalties/conditions attached to a conditional sentence	Provided in your legislation	Probation service involvement	Main characteristics of the probation activity (e.g. supervision, coordination, reporting, referral, help and support)
Imprisonment	+	+	
Suspended sentence	+	+	
Conditional sentence	+	+	
Affidamento in prova			
House arrest			
Electronic monitoring	+	+	
Community service as sanction	+	+	
Semi-liberty			
Semi-detention			
Treatment order	+	+	
Training/learning order	+	+	
Drug/alcohol treatment programme	+	+	
Educational measures	+	+	
Compensation to victim	+		

Sanctions/measures/penalties/conditions attached to a conditional sentence	Provided in your legislation	Probation service involvement	Main characteristics of the probation activity (e.g. supervision, coordination, reporting, referral, help and support)
Mediation			
Attending day centre			
Interdiction to leave the country	+		
Interdiction to enter different cities/places	+		
Interdiction to carry out different activities	+		
Interdiction to contact certain persons	+		
Fine	+		
Day fine	+		
Other financial penalties	+		
In/out patient order (psychiatric treatment)	+	+	
Security measures			
Combined order			
Community punishment	+	+	
Conditional release/parole	+	+	
Automatic release	+		
Open prison	+		
Penitentiary programme outside the prison			
Other sanctions/measures etc. (Please name and describe them)			

Table 4. Other probation activities at the enforcement stage

Providing support to the families of offenders/detainees	No. It is the responsibility of the social welfare system
Coordinating volunteer prison visitors	
Preparing offenders for (conditional) release	+
Preparing prisoners for home leave and/or providing support during home leave	+
Providing support to persons who have been pardoned or amnestied	+
Providing advisory report with respect to amnesty or pardon	+

6. Probation Methodology

Up until 2013 the probation officers had a high degree of methodological freedom in their day-to-day contact with clients. To a very large degree they could work and act on the basis of their own professional judgement, as long as all their activities applied to the general objectives and principles of the probation service and they did not impose duties on the client that were not in correspondence with the conditions decided in court for persons with a conditional sentence or before release on parole for parolees. Until this time the main tasks of probation officers can be described as providing advice and guidance in everyday matters involving employment, family life and alcohol consumption as well as issuing instructions and requirements based on the court decision or decisions related to parole. Ultimately the probation service could – and still can – report the client to a higher level in the DPPS or to the court if instructions and requirements were not complied with.

In the years 2013 to 2016 a new methodological approach has been implemented in the probation service: the LS/RNR (see section 2.2 of this report). The programme has been introduced throughout the country. The DPPS has been highly dedicated to the implementation of the RNR. A large amount of money as well as professional resources have so far been spent on the programme, and gradually the organisation and staff are becoming familiar with the method.

As a supplement to the assessment of the level of service, needs and risks, a conversation guide called MOSAIK (Motivational Interviewing Intervention in Prison and Probation Service) has been introduced. MOSAIK offers a systematic guide for conversations with those clients who are most at risk of recidivism.

MOSAIK constitutes a structured and homogeneous method for meeting the clients. Replacing the former methodological freedom of probation officers, the LS/RNR and MOSAIK will cover the entire sector, making it more transparent and better suited for future evaluations and consequently accessible for targeted developments.

As mentioned, MOSAIK aims at systematising the professional approach in the probation service, but also at qualifying clients' choices. MOSAIK consists of a number of exercises and dilemmas confronting the client with the consequences of different choices. This will help the client to gain new experiences on which he or she

may base future decisions. Thus, with the help of the programme the aim is to make it clear to the client that it is possible to influence one's own destiny.

7. Finances, Accounting, Registration Systems and Evaluation Procedures

7.1 Finances

The Finance Act represents the total budget for the Danish state and is adopted each year by the Danish Parliament. The act establishes the economic basis for all activities carried out in the prison and probation sector. Like several other state authorities, for instance the police, finances are allocated to the DPPS in accordance with a so-called multi-annual performance contract. The current performance contract covers the years 2013-2016 and allocates DKK 3 billion (approximately EUR 40 million) per year to the DPPS for wages and all sorts of operational costs.

The main part of the budget is distributed to the four regional centres. The division of funds is based on objective facts like size, number of employees, number of institutions (prisons etc.) and so on. This model gives the regional centres a certain degree of economic power to decide on directions of development in the region. Furthermore, the regional centres distribute financial resources to the 24 institutions based on objective criteria and performance contracts. Wages, however, are currently administered at regional level. Through from 2017 onwards, wage costs will also be decentralised.

The 24 institutions have individual performance contracts with the region describing their performance over a certain period. Even if this form of management leaves more decisive power to decentralised levels than before the above-mentioned restructuring of the DPPS, they must still comply with fixed target figures on prioritised focal points and underlying principles of the DPPS.

In addition, the Department of Prisons and Probation has in recent years received a rather large sum of money via the national budget, allocated from the Ministry of Social Affairs, with a view to making a special effort for socially marginalised offenders.

Table 5

	Probation service	Prison system
Total current yearly expenditure (2015)	EUR 46,500,000*	EUR 250,500,000**
Average number of employees	About 500	3,000
Daily average number of offenders/clients dealt with	About 9,500	About 3,600

*DKK 347,700,000

**DKK 1,878,200,000

7.2. Accounting

The accounts of the DPPS as well as the accounts of other state institutions are controlled on a yearly basis by the independent national auditor.

In the DPPS a major part of the budget is delegated from above to lower

organisational levels (areas) in accordance with a common budget and account model. This model is based on the division of activities into categories such as housing, telephones, pre-trial reports, electricity, staff training, and transport for supervisors to community service places etc. These areas report to the central level on a monthly basis.

The common budget and account model represent an important means for gaining an overview and transparency of expenditures in the DPPS, which is a huge and complex organisation both nationally and locally.

7.3. Registration Systems and Evaluation Procedures

An electronic client system comprises case records on each individual citizen registered in the DPPS system, no matter whether he or she is a pre-trial prisoner, a prisoner or a probation client. Staff at all branches of the service – and nobody else – have access to the latest update on each client. The client system contains a huge amount of information about each client such as background information, history of receiving financial or other sorts of social support etc. The client system also includes an individual action plan for the execution of the sentence as well as for the time after the sentence has been served.

All content entered into the client system must be factual and verifiable, and information sources must be noted to determine the reliability of the information.

Today only few paper files exist; these files will be digitised in the near future.

The DPPS produces and publishes annual reports on the work of the past year mainly described in quantitative ways. The reports are distributed to all judges, legislators, the media and other cooperating authorities. The reports are also accessible to the public via the DPPS webpage.

In recent decades the DPPS has developed and strengthened internal as well as external evaluations. Numerous evaluation reports are published on the webpage on a variety of topics, including treatment programmes in prisons, release practices, implementation of action plans, staff and client training programmes etc.

An internal evaluation unit carries out much of the evaluation. This unit also provides external researchers with advice and information, coordinates the access to prisons and information for external researchers etc.

To improve the effects, development and quality of programmes, including treatment programmes for drug addicts, an independent accreditation panel has been established.

Most internal evaluations are carried out on an ad hoc basis and following a specific need for deeper insight into current practices.

In addition, a practice of conducting regular (yearly or ever second year) client surveys has been developed stepwise since 2013. In these surveys a number of questions are repeated every year whereas other questions focus on ad hoc matters. The client surveys are described more detailed in section 8.2 below.

8. Societal Support and Clients' Views

8.1. Societal Support and Public Opinion

In order to provide relevant citizens, such as convicts waiting to serve their sentence, relatives to prisoners etc., with the information they may need, a large amount of relevant information about the DPPS is presented on the webpage. All information is provided in Danish, while the most important information is also given in English, just as a few leaflets are available in other languages than Danish and English.

In addition, a number of booklets and leaflets have been produced and made available in relevant places such as libraries, police stations etc. The annual report of the DPPS also represents a regular and systematic source of information about key figures etc.

On an official level the DPPS functions as a sparring partner and consultant for policymakers, not least the Ministry of Justice.

Of course, prisons and other parts of the DPPS receive national and international visitors, for instance law students, judges, politicians and the media. This activity is considered an important part of the DPPS's ongoing – and valued – dialogue with the surrounding society.

Occasionally foreign visitors are welcomed not only into the offices of the DPPS, but also into prisons, halfway houses etc.

The DPPS welcomes monitoring authorities whenever appropriate, for instance the Danish Ombudsman and the CPT.

Whenever relevant the DPPS is represented in various committees and working groups on local, regional, national and international levels. At international level the DPPS cooperates especially with bodies under the auspices of the EU and the Council of Europe.

Neither in public media nor in research studies does the probation service achieve the same degree of attention as the prisons and sentencing. Especially sentencing has been studied, and not only actual sentencing in courts, but also public opinion on sentencing has been a subject of study and debate (public attitudes to punishment). Therefore, it is not possible here to provide any substantiated information on the public attitude to the probation service. However, in the European Social Survey the Danes are placed in the lower end of the punitivity scale, which may be understood as a tendency to be positive towards suspended sentences in which the probation service is actively involved. Also the fact that it is relatively easy to find occupation for individuals sentenced to community service may be seen as a tendency to accept and maybe even respect the probation service.

There are no organisations in Denmark which in any way act as competitors of the probation service, and the probation service is not dependent on any private or semi-private subsidies. The aim of the promotion that is carried out by the probation service is therefore to offer information to relevant parts of the population. The webpage of the DPPS contains much information that may be relevant to persons waiting to be allocated to a prison and their relatives. Other examples include the recent information campaign about community service targeted at all Danish courts and speeches given by members of staff on the work and aims of the DPPS at specific occasions like public meetings, in upper secondary school etc.

8.2. Clients' Views

Clients' views on the probation service are obtained through the annual DPPS client surveys. The client surveys comprise a questionnaire-based study among a representative sample of the clients of the probation service, that is, supervisees and parolees. Every year special attention is paid to specific matters of current interest. In 2015 the focal points of the client survey were the RNR, control and monitoring, relationships and cooperation with social workers and the need for advice and guidance in relation to: private financial matters, education, employment, family, health, housing, addictions etc.

The overall result is positive, as 92 per cent of the respondents are satisfied or very satisfied with how the supervision is carried out in general. The majority of the clients have positive expectations concerning their likelihood of establishing a future existence without relapse into crime. 69 per cent of the respondents are of the opinion that the supervision itself has improved their chances of not committing crime in the future.

In general, the clients feel well treated and helped by their caseworkers. This feeling applies to how they receive advice and guidance on specific matters as well as to how they experience the tone and responsiveness during meetings with caseworkers. Generally, the individual actions plans, which are mandatory and created in the client system (see above), are not available to the client, but can only be accessed and edited by staff. 73 per cent of the respondents indicate that they are involved in the preparation of their own action plan. The action plan can be made available to the client based on an assessment of the individual case.

The overall purpose of such user surveys is to obtain more knowledge about the users' experience of the operations of the DPPS. All branches of the DPPS are included, and the outcome of the surveys is used as a basis for setting new goals at all levels of the organisation. Not only can the surveys point out needs for development and improvement, they are also used as inspiration, making it possible for some parts of the organisation to learn from others.

9. Probation Clients' Rights

The general approach in Denmark is that a client in the probation service possesses the same rights as everybody else to complaint about administrative decisions to higher administrative levels. However, in the majority of all routine questions the discretionary power of the probation service is wide so when first the person is convicted and is a client in the probation service the power of the service will be seen as rather strong from the viewpoint of the client. If there is a disagreement between the service and a client (for instance about regularity of supervision) the last resort after conversations with the client may be to refer the case to the court in order for the court to decide whether to go on with the community based sanction or to change to a prison sentence.

Regardless of the type of conviction and sentencing, offenders maintain their civil rights according to the Constitution. 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 for Justice and the DPPS, secure the inmates a number of rights.

Section 4 of the Act of Enforcement of Sentences states that during the enforcement of a sentence no person may be imposed with other limitations than those which are stated in the law or are the consequences of the penalty. According to section 111 of the Act of Enforcement of Sentences, a client may in principle complain about all kinds of things, at least to his or her immediate superior. If the client is not satisfied with the answer, the complaint may be passed on to the Regional Office and a few questions may be taken to the DPPS.

Finally some matters may be presented for the Ombudsman.

On some matters guidelines for staff in the probation service give them specific instructions about informing clients of complaint procedures. This includes, for example, situations where a client who has been in pre-trial prison is sentenced to community service and is unsatisfied with the number of hours of community service the judge finds to be equivalent to the number of days the client has spent in pre-trial prison. Another example is situations where the local Probation Service unit recalls a permission to serve a sentence under electronic monitoring and the person is unsatisfied with this decision. In both cases the only place to direct the complaint is the DPPS.

Section 112 of the Act of Enforcement of Sentences exhausts the legal chances of having a complaint regarding enforcement of sentences tried in court. None of the subsections explicitly mention clients in the probation service, but focus instead on prisoners. However, in rare cases a parolee can be ordered back to prison, and such decisions can be brought to court by the client.

Guidelines outline legal rules and regulations concerning confidentiality, that is, the right and duty not to divulge information about an offender or others acquired while acting in an official capacity. The main rule is that relevant information may only be shared with the social services in the municipalities and other authorities with the offender's written consent. The probation service may divert from this main rule and share information with the police if this is necessary for cooperation on crime prevention among parolees (section 155 of the Administration of Justice Act). Information can never be shared to be used in crime investigations.

10. Developments to be expected

During the last years efforts have been done to develop and expand alternatives to imprisonment, such as community service and electronic monitoring. Consequently, but also due to decrease in crime, prison capacity has been lowered with up to 600 places. It is expected that this trend will continue.

Also in the Probation Service innovations have been implemented recently. That is mainly the LS/ RNR and MOSAIK, which is described above. This is decided to constitute a central part of the probation methodology in the future.

The release process has been paid much attention over several years. 2016 a four-year experiment will be carried out attempting to support very intensively a number of released prisoners. The support shall be based in the social welfare system in the communities and the Probation Service with the last mention as responsible. It is not possible for the time being to tell what the experiences of the experiment will be.

These years crime policy is very popular among politicians. Among the topics that are debated politically are for instance GPS tagging of prisoners on prison leave, a special DPPS for youth and special restrictions on convicted foreigners and gang-members. It is hard to tell whether any of those ideas will ever be decided and implemented.

11. Important Publications

1993: Department of Prisons and Probation, A Programme of Principles for Prison and Probation Work in Denmark, Copenhagen. <http://www.kriminalforsorgen.dk/A-Programme-of-Principles-689.aspx>

1998: Britta Kyvsgaard, Kriminalforsorg i Frihed – mellem omsorg, hjælp og kontrol (Probation Service – Between Care, Help and Control), Department of Prisons and Probation, Copenhagen. (Survey on the importance and possibilities of probation seen from the perspective of the clients; the findings are positive).

2006: Britta Kyvsgaard, Hvad virker – hvad virker ikke (What works – what does not work), DJØF Publishing, Copenhagen. (Collection of articles on evidence-based policy and practice).

2007: Susanne Clausen, Samfundstjeneste – virker det? (Community Service Order – Does It Work?), thesis, Faculty of Law, University of Copenhagen. (The analysis shows that community service orders work, as they are more humane than imprisonment, cheaper and crime preventive especially for those who have a high risk of reconviction: the young and unemployed).

2009: Servicestyrelsen, Projekt God Løsladelse. Erfaringer – metode og anbefalinger (Project Good Release. Experiences – Method and Recommendations). <http://www.kriminalforsorgen.dk/Udslusning-1372.aspx>

2010: Peter Kramp, Klienter idømt en psykiatrisk særforanstaltning. Samarbejdet mellem Kriminalforsorgen i Frihed og psykiatrien – og noget om behandlingen af psykisk syge kriminelle (Clients Sentenced to Special Psychiatric Treatment. Cooperation Between the Danish Prison and Probation Service and Psychiatrists

– and Something About Treating Mentally Ill Criminals). <http://www.kriminalforsorgen.dk/Psykisk-syge-1380.aspx>

2011: Christian Clement, Samfundstjeneste – En effektevaluering (Community Service. An Assessment of Effect), Research Unit of the Ministry of Justice. http://www.justitsministeriet.dk/sites/default/files/media/Arbejdsomraader/Forskning/Forskningsrapporter/2011/Samfundstjeneste_-_En_effektevaluering.pdf

2011: Tanja Tambour Jørgensen, Afsoning i hjemmet – En effektevaluering af Fodlænkeordningen (Serving at Home. An Assessment of the Effect of the Electronic Monitoring Scheme), Research Unit of the Ministry of Justice. http://www.justitsministeriet.dk/sites/default/files/media/Arbejdsomraader/Forskning/Forskningsrapporter/2011/Afsoning_i_hjemmet_-_En_effektevaluering_af_fodlaenkeordningen.pdf

2011: Anita Rønning, Nadja Sørensen and Pernille Christel Bak, Undersøgelse af tilsynsvirksomheden (Survey of Supervision Activities), Directorate of the Danish Prison and Probation Service. <http://www.kriminalforsorgen.dk/Files/Afdelinger/Afdeling%20Master/Pdf/Undersogelse%20af%20tilsynsvirksomheden%20-%20Endelig%20version%20november%202011.pdf>

2012: Signe Hald Andersen, Serving Time or Serving the Community? Exploiting a Policy Reform to Assess the Causal Effects of Community Service on Income, Social Benefit Dependency and Recidivism, Research Unit of the Rockwool Foundation. http://www.rockwoolfonden.dk/app/uploads/2015/12/Serving-time-or-serving-the-community_37.pdf

2013: Research Unit of the Rockwool Foundation, Færre på offentlig ydelse efter samfundstjeneste og efter afsoning med fodlænke end efter fængsel (Fewer Offenders Claim Welfare Benefits After Community Service and Electronic Tagging than After Serving Prison Sentences). <http://www.rockwoolfonden.dk/app/uploads/2016/02/Newsletter-january-2013.pdf>

2014: Danish Prison and Probation Service, Samfundstjeneste gavner alle (Community Service Benefits All). <http://www.kriminalforsorgen.dk/Samfundstjeneste-39.aspx>

2014: Research Unit of the Ministry of Justice, Evaluering af forsøgsordning med vredeshåndteringsprogrammet ”anger management” (An Assessment of the Anger Management Programme – A Pilot Scheme). <http://justitsministeriet.dk/sites/default/files/media/Arbejdsomraader/Forskning/Forskningsrapporter/2014/Evaluering%20af%20anger%20management%202014.pdf>

2015: Britt Østergaard Larsen, Fodlænkeafsonere gennemfører deres uddannelse (Educational Outcomes After Serving with Electronic Monitoring. Results from a Natural Experiment), Research Unit of the Rockwool Foundation. http://www.rockwoolfonden.dk/app/uploads/2015/12/NB_december2015_DK_Kriminalitet_WEB-1.pdf

2015: Signe Hald Andersen, Lars Højsgaard Andersen and Peer Ebbesen Skov, Fodlænkeafsoning redder parforhold (Effect of Marriage and Spousal Criminality on Recidivism), Research Unit of the Rockwool Foundation. http://www.rockwoolfonden.dk/app/uploads/2015/12/Journal_of_Marriage_and_Family.pdf

2015: Jonas Markus Lindstad, Brugerundersøgelsen 2015. Klienters holdninger og vurderinger af at være i tilsyn under Kriminalforsorgen i Frihed (User Survey 2015. Clients' Views and Evaluations of Being Supervised by the Danish Prison and Probation Service), Directorate of the Danish Prison and Probation Service. <http://www.kriminalforsorgen.dk/Brugerundersøgelsen-2015-5236.aspx>

2016: Directorate of the Danish Prison and Probation Service, The Danish Prison and Probation Service in Brief. <http://www.kriminalforsorgen.dk/General-information-684.aspx>

2016: Susanne Clausen, Delanalyse 1 vedrørende evaluering af RNR i KiF. Opfølgning på indførelsen af LS/RNR i KiF (Subanalysis 1 on Evaluations of RNR in KiF. Follow-up on the Implementation of LS/RNR in KiF), Directorate of the Danish Prison and Probation Service. <http://www.kriminalforsorgen.dk/Andre-indsatser-1373.aspx>
Public Attitudes to Punishment, <http://www.nsfk.org/Page/ctl/ArticleView/mid/383/articleId/127/Public-attitudes-to-punishment>
European Social Survey, <http://www.europeansocialsurvey.org/>

12. Contact Information and Webpages

Ministry of Justice

Slotsholmsgade 10
1216 Copenhagen K
Phone: 72 26 84 00
Email: jm@jm.dk
Webpage: <http://www.justitsministeriet.dk/>

National Office of the Prison and Probation Service

Department of Prisons and Probation
Strandgade 100
1401 Copenhagen K
Phone: + 45 72 55 55 55
Email: dfk@kriminalforsorgen.dk
Webpage: <http://www.kriminalforsorgen.dk/>
Information is available here on any of the four regional offices and the 13 probation offices.

Staff Training Centre and Library

Kriminalforsorgens Uddannelsescenter
Biskop Svanesvej 69
3460 Birkerød
Phone: + 45 72 55 39 00
Email: kriminalforsorgens.uddannelsescenter@kriminalforsorgen.dk

Statistics Denmark

Sejrøgade 11
2100 København Ø
Phone: +45 39 17 39 17
Email: dst@dst.dk
Webpage: <http://www.danmarksstatistik.dk/da/>
Can provide statistics on court orders.

Associations of probation service workers:

Danish Association of Social Workers

Tolbodgade 19A

1003 København K

Phone: + 45 70 10 10 99

Email: ds@socialraadgiverne.dk

Webpage: <http://www.socialraadgiverne.dk/Default.aspx?ID=9372>

HK (union of administrative/secretarial staff)

Weidekampsgade 8

Postboks 470

0900 Copenhagen C

Phone: +45 70 11 45 45

Email: hk@hk.dk

Webpage: http://www.hk.dk/?gclid=CK3v_aH2kM4CFeXFcgodYKoEtw

Prison Union

Ramsingvej 28A st. th.

2500 Valby

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KRIM offers information on police law, prison law, criminal law, criminology and related areas. KRIM arranges courses and lectures on these topics and participates in the debate