European Institute for
Crime Prevention and Control,
affiliated with the United Nations
(HEUNI)
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FIN-00531 Helsinki
Finland

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Recording Community Sanctions and Measures and Assessing Attrition

A Methodological Study on Comparative Data in Europe

Markku Heiskanen, Marcelo F. Aebi, Willem van der Brugge and
Jörg-Martin Jehle (eds.)

Helsinki 2014



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Albania: Vasilika Hysi, University of Tirana (also ESB group member)
Armenia: Anna Margaryan, Yerevan State University
Austria: Ireen Christine Winter and Bernhard Klob, University of Vienna
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Abbreviations

CEP	Confederation of European Probation
CESDIP	Centre for Sociological Research on Law and Criminal Justice Institutions
CM/Rec	Recommendation of the Committee of Ministers to member states (of the Council of Europe)
CoE	Council of Europe
CommDH	Commissioner for Human Rights
CSM	Community sanctions and measures
Czech Rep.	Czech Republic
DECODEUR	Developing a Methodology to Collect Data on Community Sanctions and Measures and Attrition Rates in Europe
E. & W.	England and Wales
ESB	European Sourcebook
EU	European Union
Eurostat	Statistical Office of the European Union
HEUNI	European Institute for Crime Prevention and Control, affiliated with the United Nations
ISTEP	Implementation Support for the Transfer of European Probation Sentences
Kosovo (UNR)	United Nations Security Council resolution 1244, adopted on 10 June 1999 (related to Kosovo)
N. Irel.	Northern Ireland
Scotl.	Scotland
SPACE I	Council of Europe Annual Penal Statistics (Part I)
SPACE II	Council of Europe Annual Penal Statistics (Part II)
TFYR of Macedonia	The Former Yugoslav Republic of Macedonia
TRANSCRIME	Joint Research Centre on Transnational Crime
UK	United Kingdom
UNODC	United Nations Office on Drugs and Crime
WODC	Wetenschappelijk Onderzoek- en Documentatie-centrum (Research and Documentation Centre)
UYAP	Turkish National Judiciary Informatics System

Signs and Symbols

In all tables of chapters 2.3 and 2.4, the following signs and symbols mean:

•	=	data available
-	=	no data[2]
X	=	yes
	=	no[3]
…	=	no answer
(…)	=	no answer because of no probation agency
■	=	included
□	=	excluded
/	=	concept does not exist

[2] The symbol "-" is used for questions asking for figures (e.g. for the number of persons under community service in 2010). It shows that a country did not provide figures on this topic, which can either mean that data are not available, that a concept is not applicable, or that there is no answer.

[3] This refers to yes/no questions. In a small number of cases it might also mean that there was no answer for this question.

Executive Summary

Markku Heiskanen, Willem van der Brugge, Jörg-Martin Jehle

Aims of the project

(1) This report presents the results of a project aiming at *"Developing a Methodology to Collect Data on Community Sanctions and Measures and Attrition Rates in Europe" (DECODEUR).* It was funded by an EU action grant[4] and carried out by the experts group for the European Sourcebook of Crime and Criminal Justice Statistics (ESB) together with experts from CEP, the Confederation of European Probation.

(2) The first project goal was to improve and complement data collection on the tasks and work of probation agencies and on community sanctions and measures. Categories appropriate for a comparison across Europe were developed and data availability was documented.

(3) The second goal was to develop a measure for the attrition process taking place between the police level and the level of courts or prisons. The project aimed at finding ways to define a comparable real or approximated attrition rate for data collection and comparison.

Methodology

(4) The project was carried out within the framework of the experts group for the ESB using their network of national correspondents in all European countries. The experts group identified relevant issues and questions, developed categories which allow comparisons and prepared questionnaires that have to be sent to the national correspondents.

(5) The experts of CEP helped to improve the questionnaires by inputting their special experience in the field of community sanctions and measures as well as the probation agencies. They checked the incoming data from the national ESB correspondents and involved their correspondents where necessary in order to improve data availability and quality.

[4] Under the ISEC 2010 program (HOME/2010/ISEC/FP/CI/4000001420). The project was managed by the European Institute for Crime Prevention and Control, affiliated with the United Nations (HEUNI).

Community sanctions and measures and the work of probation agencies

(6) Since the types of available sanctions and measures and the underlying penal systems differ significantly between countries, our approach had to go beyond the national level and look for a comparative European perspective. Here, the recommendations of the Council of Europe were taken as the reference point for the definition of what is meant by the terms “community sanctions and measures” and “probation agency”.

(7) At the same time the approach for data collection built on the methodology and experience of the SPACE II project (CoE), but extended its boundaries and collected data on three different levels: at the prosecution stage with data on community sanctions and measures that are imposed on an offender as a condition for a conditional disposal; at the sentencing stage with data on community sanctions and measures ordered by the court and finally those CSM supervised by probation and similar agencies.

(8) The definitions used and the categorization developed for measures and tasks worked well. So for the purpose of comparison most of the countries could relate their national concepts and data to these terms.

(9) Data collection on the prosecution level was quite successful. Many countries provided metadata on the application of restitution and other measures as a condition of conditional disposals. There were fewer data available on this topic for minors than for the total of all offenders. Additionally some general information on separate powers of the police with regard to conditional disposals could be gathered.

(10) Some detailed information concerning community sanctions and measures on the conviction level (for adults and for minors) could be obtained. The amount of data varied between sanctions, offences, and the counting units: data availability for the person-related questions is satisfactory – many countries could provide figures for the break-down by offences – but less information was available for sanctions-related data. In summary, data availability on court level provides an overview of the importance of community sanctions and measures in sentencing policy.

(11) As to the implementation of probation measures detailed information on supervision, community service, and electronic monitoring in different stages of the proceedings could be gathered. Data on the number of minors and the outcome of these probation measures were also available. Data availability for supervision and community service were better than for electronic monitoring.

Attrition

(12) Attrition can be defined as the “loss” of cases or, more technically, the filtering out of cases during the criminal justice process. In order to describe this phenomenon exactly one would need to rely on case flow statistics which follows the path of individual cases throughout the system. Our survey in 12 European countries showed that few such statistics are available and true attrition rates cannot be collected at present.

(13) Hence, the project thoroughly scrutinized the available attrition indicators and assessed their quality and usability, taking account of the status quo of attrition research. Altogether, 12 possible indicators for attrition on the level of police, prosecution, courts and prisons were identified – differentiating between intra level and inter level indicators.

(14) In the end, four indicators are proposed: the rate of offences, suspects, convicted persons and those sentenced to an unsuspended prison sentence. Their relation to each other reflects the different processes of attrition: Suspects per recorded offences (offender ratio), convicted per suspected persons (conviction ratio) and persons sentenced to unsuspended prison sentences per all persons convicted (punitivity ratio).

Conclusions

(15) In summary, data availability, especially on the level of the court and probation agencies, was quite good and provided an overview of the importance of CSM in the sentencing policy of countries throughout Europe. Despite the diversity of legal concepts a certain degree of harmonization could be observed. Together with these legal changes the potential for better criminal justice statistics revealed by the DECODEUR project could be used in order to get more differentiated statistical data and hence to improve the European-wide comparability of information in this field.

(16) The official statistics in Europe do not allow the flow of cases to be measured and the calculation of true attrition rates. Instead, from these statistics the DECODEUR project developed indicators which enabled the comparison at the different levels between police and prisons. The offender ratio, the conviction ratio and the punitivity ratio represent appropriate measures for approximating attrition within the criminal justice system.

1. Aims of the Project

Markku Heiskanen, Willem van der Brugge, Jörg-Martin Jehle

This report presents the results of a project aiming at *"Developing a Methodology to Collect Data on Community Sanctions and Measures and Attrition Rates in Europe" (DECODEUR).* It was funded by an EU action grant[5] and carried out by the experts group for the European Sourcebook of Crime and Criminal Justice Statistics (ESB) together with experts from CEP, the Confederation of European Probation.

The project comprises two separate, but related research areas. The first project goal was to improve and complement data collection on the tasks and work of probation agencies and on community sanctions and measures. Categories appropriate for comparison across Europe were developed and data availability was documented. The second goal was to find ways to define a comparable real or approximated attrition rate for data collection and comparison. These issues are highly policy-relevant within the EU context. For the issue of community sanctions and measures, this is especially true with respect to certain framework decisions on mutual recognition of alternative sanctions and probation measures (Council framework decision 2008/947/JHA of 27 November 2008) and of supervision measures as an alternative to pre-trial detention (Council framework decision 2009/829/JHA of 23 October 2009).

This introduction provides a brief overview over the project. The results on the work of probation agencies and on community sanctions and measures are discussed in-depth in chapter 2, while the results on attrition are presented in chapter 3.

1.1 Community sanctions and measures and the work of probation agencies[6]

1.1.1 Definitions

The types of available sanctions and measures and the underlying penal systems differ significantly between countries (for details on the problems of data comparability see Harrendorf 2012 and 2013). Therefore, our approach had to go beyond the national level and look for a comparative European perspective. For the purpose of the study, the recommendations of the Council

[5] Under the ISEC 2010 program (HOME/2010/ISEC/FP/CI/4000001420). The project was managed by the European Institute for Crime Prevention and Control, affiliated with the United Nations (HEUNI).

[6] For details on the following, see Jehle & Harrendorf 2014 and chapter 2, at 2.1.

of Europe were taken as the reference point for the definition of what is meant by the terms "community sanctions and measures" and "probation agency". Other international sources for a definition of these terms are not available: both the Tokyo Rules (United Nations Standard Minimum Rules for Non-custodial Measures)[7] and the above-mentioned Council framework decisions use a different terminology, not referring to "community sanctions and measures".

The Council of Europe issued several recommendations[8] with respect to community sanctions and measures and probation, the Council of Europe Probation Rules (CM/Rec(2010)1) being the most recent one. In the Probation Rules, they are defined to be *"sanctions and measures which maintain offenders in the community and involve some restrictions on their liberty through the imposition of conditions and/or obligations. The term designates any sanction imposed by a judicial or administrative authority, and any measure taken before or instead of a decision on a sanction, as well as ways of enforcing a sentence of imprisonment outside a prison establishment."* As can be seen from the European rules on community sanctions and measures (Rec(92)16E), which have to be read together with CM/Rec(2010)/1, monetary sanctions in principle do not fall under this definition (Glossary No. 1),[9] since CSM must involve some kind of assistance or supervision (Tournier 2002: 15).

The term "probation agency" is defined in the Council of Europe Probation Rules with reference to the term of "probation". Reading both definitions together, "probation agencies" are bodies designated by law to implement sanctions and measures in the community, especially by supervision, guidance and assistance aiming at the social inclusion of an offender. They also contribute to community safety. *"Depending on the national system, the work of a probation agency may also include providing information and advice to judicial and other deciding authorities to help them reach informed and just decisions; providing guidance and support to offenders while in custody in order to prepare their release and resettlement; monitoring and assistance to persons subject to early release; restorative justice interventions; and offering assistance to victims of crime."*

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[7] General Assembly resolution 45/110 of 14 December 1990.

[8] Apart from those mentioned in the text above, the following are especially relevant: Rec(99)22E concerning prison overcrowding and prison population inflation, Rec(2000)22E on improving the implementation of the European rules on community sanctions and measures and CM/Rec(2008)11 on the European Rules for juvenile offenders subject to sanctions or measures. For a full list of recommendations of relevance for CSM and probation, see recommendation CM/Rec(2010)1.

[9] On the other hand, any supervisory or controlling activity carried out to secure the implementation of such sanctions does fall under this definition.

1.1.2 Other studies on the topic

There are some very useful comparative legal and criminological studies on community sanctions and measures and on the work of probation agencies (see, inter alia, v.Kalmthout & Durnescu 2008[10]; Albrecht & v.Kalmthout 2002; Dünkel & Pruin 2009; Flore et al. 2012), but there has only been one regularly updated source of comparative statistical data for that field of research. This is part II of the Annual Penal Statistics of the Council of Europe (SPACE II). From 1992 on, the Annual Penal Statistics featured a section on non-custodial sanctions and measures, becoming a separate publication in 1997. The most recently published survey refers to the reference year 2011 (Aebi & Marguet 2013).

The latest SPACE II issues (Aebi, Marguet & Delgrande 2012; Aebi & Marguet 2013) focus solely on the implementation of community sanctions and measures by probation agencies. This is more in line with SPACE I methodology (see, for example, Aebi & Delgrande 2013) than earlier editions, which only provided data on community sanctions and measures ordered by the courts or prosecution authorities (see for example Aebi 2003), while the 2007 and 2009 editions used a mixed model (cf. Aebi & Delgrande 2010; Aebi, Delgrande & Marguet 2011).

The ESB data collection built on the methodology and experience of the SPACE II project, but also extended its boundaries.

The ESB data collection, in contrast with SPACE data collections, was an attempt to collect comparable crime and criminal justice data for all levels of the criminal justice process. This comprehensive approach was also applied to community sanctions and measures. Data on community sanctions and measures were collected in three different parts of the questionnaire: the prosecution part included data on community sanctions and measures that were imposed on an offender as a condition for a conditional disposal (i.e. a diversional measure by the prosecution agency); the court part included data on community sanctions and measures ordered by the court (including penal orders). Data on the implementation of the different types of community sanctions and measures and on the work of probation agencies are included in a new section devoted to probation agencies and supervision. Finally, in some countries the police are allowed to dispose of a case under the condition of a community sanction or measure. In this respect, the prosecution section only collected metadata on separate police powers to dispose of cases conditionally.

In contrast to SPACE II, all data on community sanctions and measures in the ESB were collected for adults and minors together (= total community sanctions and measures) and for minors separately. Thus, countries which cannot clearly differentiate between adults and minors were able to fill in the

[10] This study is currently being updated; new versions of the country reports are published on the website of CEP, www.cep-probation.org.

"total" tables. Finally, the categories foreseen in the ESB questionnaire were more detailed than those used in SPACE II.

1.2 Attrition[11]

Attrition can be defined as the "loss" of cases or, more technically, the filtering out of cases during the criminal justice process (cf. Jehle 2012: 151). There are several studies on attrition in the criminal justice process (see, for example, Jehle 2012; Smit et al. 2012; Smit & Harrendorf 2010). Attrition can, however, only be roughly approximated when relying on the data of official crime and criminal justice statistics. There has not yet been any approach to collect data fit for the calculation of true attrition rates across Europe; such an approach would need to rely on case flow statistics. A survey on the availability of such statistics showed that true attrition rates could not currently be collected with the aid of official statistics. Hence, the project thoroughly scrutinized the available attrition indicators and assessed their quality and usability.

1.3 Project overview

1.3.1 Background

The ESB is an attempt to collect comparable crime and criminal justice data across Europe (for details, see Jehle 2013; Aebi et al. 2010). Its origins date back to the early 1990s, when the Council of Europe commissioned an experts group to conduct a feasibility study for such a sourcebook (Killias & Rau 2000). Meanwhile, the ESB has seen four editions (Council of Europe 1999; Aebi et al. 2003, 2006 and 2010). The 2nd edition included an approach to collect data on the implementation of community sanctions and measures, but this attempt was not successful. At that time, data availability on supervision and community service was quite poor (see Aebi et al. 2003: 218 ff.). The situation was even worse for electronic monitoring. Hence, these data were not included in the 2nd edition.

The 5th edition of the ESB will be published in the year 2014. It relies on data that is also used for this report, but with different intentions. While this feasibility study aimed at developing and improving definitions and data availability and thus did not seek to provide numerical data for the categories that were developed, the 5th edition of the ESB complements the study by making available the numerical data for all the statistical categories discussed here. It does not only focus on the specific topics of this study, but is in almost all other respects a full update of the 4th edition (Aebi et al. 2010), featuring longitudinal data for the years 2007 to 2011 and cross-sectional data for 2010.

[11] For details, see chapter 3.

The DECODEUR project was also supported by the Confederation of European Probation (CEP) that aims to promote the social inclusion of offenders through community sanctions and measures. CEP has significant experience and knowledge in that area, which is – inter alia – documented in the study v.Kalmthout & Durnescu 2008. The project also built upon this knowledge.

The current study is the second EU-funded project of the ESB group. The first project has been carried out under the AGIS program (JLS/2006/AGIS/134) parallel to the development of the 4th edition. The project results have been published in Jehle & Harrendorf 2010. Building on this successful first project, the group proposed a new project that could be carried out in parallel with the production of the 5th edition. In 2008, the group was contacted by the Secretary General of CEP.[12] He suggested developing a joint project on community sanctions and measures and the work of probation agencies. The group agreed and in 2010 an application for an action grant under the ISEC 2010 programme (restricted call for framework partners) was drafted and sent to the European Commission, which accepted it.

1.3.2 Organization and work of the project group

The project was managed and technically coordinated by the applicant, the European Institute for Crime Prevention and Control, affiliated with the United Nations (HEUNI), located in Helsinki, Finland. The other project partners were:

- WODC, Ministry of Justice, The Hague, Netherlands;
- Home Office, London, United Kingdom;
- Institute of Justice, Ministry of Justice, Warsaw, Poland;
- University of Göttingen, Germany;
- Centre de Recherches Sociologiques sur le Droit et les Institutions Pènales, Ministry of Justice, Guyancourt, France;
- Autonomous University of Barcelona, Spain;
- Confederation of European Probation (CEP), Utrecht, Netherlands;
- Universita Cattolica del Sacro Cuore, TRANSCRIME, Milan, Italy;
- Istanbul Bilgi University, Turkey;
- Metropolitan Police, Reykjavik, Iceland;
- University of Tirana, Albania.

The ESB and CEP experts were in charge of conducting the actual research (design of questionnaires, data collection and evaluation, writing of the final report etc.). Coordination of research was carried out by HEUNI together with Göttingen University. At least one member of each partner organization was also a member of the ESB / CEP experts group, of which three with a CEP background, the others with an ESB background. The group was able to draw upon the network of correspondents the ESB group has not only in the EU, but

[12] Leo Tigges at that time.

also in almost all of the other member countries of the Council of Europe. Additional expertise was provided via the CEP contact persons. The project was supervised by a steering board, consisting of representatives from both Eurostat and the United Nations Office on Drugs and Crime (UNODC), as well as four senior international researchers not involved in the project. The steering board attended the project meetings and assessed the research quality. Finally, additional researchers were hired by HEUNI, by the Autonomous University of Barcelona and by the University of Göttingen to assist in the project management and coordination, the construction of the online survey, data collection and collation and the writing of the final report.[13]

The project group developed, piloted and finalized a questionnaire fit for data collection and collation across Europe. An online survey was created to simplify data entry for the national correspondents, and data processing and validation for the group. The final questionnaire was then sent out to the network of correspondents the ESB experts group has in almost all Council of Europe member states. In addition, Kosovo[14] was included. Microstates (Andorra, Liechtenstein, Monaco, San Marino) were excluded and for a few other countries the group was not able to find a correspondent or the correspondent was not able to provide data for all chapters of the questionnaire.[15]

The national correspondents were in charge of filling in the ESB questionnaire for their own country in close cooperation with the ESB expert group members. This system ensured good data quality because all correspondents are experts on their own national system of crime and criminal justice statistics. They work as researchers at universities, ministries, statistical offices or national police services.

The project results are presented in detail in the next two chapters.

1.4 The 5th edition of the European Sourcebook and future developments

While the DECODEUR project is in principle about methodology and data availability, the collected figures will be published in the upcoming 5th edition of the ESB. Although the 5th edition of the European Sourcebook itself was not part of the DECODEUR project, it refers to the same methodology and partly identical questionnaire. Print and website publications of the Sourcebook will present central findings and data for researchers, practitioners, and politicians – who need reliable information on CSM and probation agencies in Europe.

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[13] For the names and affiliations of the persons involved in the project in different functions, see the acknowledgments above.

[14] UN/R 1244/99.

[15] For details, see chapter 2, at 2.2.3.

The questionnaire designed in the DECODEUR project will provide a basis for future data collections – not only by the ESB group. It can also build a basis on which other data collections (e.g. Eurostat) can extend their statistical work in the Member States. A closer cooperation with Eurostat and/or the United Nations Office for Drugs and Crime (UNODC) is a promising possibility for upcoming projects of the ESB group. The studies carried out so far showed that there was good overlap between UNODC and ESB data. Eurostat and UNODC have already adopted the definitions used by the ESB group in their data collections. The ESB group can act as a think tank to improve the standards and quality of comparative data collections on criminal justice systems.

2. Community Sanctions and Measures and Probation Agencies

Nina Palmowski, Claudia Campistol, Jörg-Martin Jehle, Anton van Kalmthout

2.1 Definitions of community sanctions and measures and probation agencies

Probation agencies have a long tradition in many European countries. In the Netherlands, for example, the first probation organization (the so-called "Society for the Moral Improvement of Prisoners") was set up in 1823 (v.Kalmthout & Durnescu 2008: 3).[16] For many years, the only tasks of probation agencies were supervising offenders in case of suspended sentences and providing guidance and assistance to prisoners (v.Kalmthout & Durnescu 2008: 7). Over the last decades, their range of tasks has been widened because of the continuously increasing importance of CSM. In recent years, many new sanctions and measures have been introduced in the criminal justice systems throughout Europe. A crucial first step in this field was the implementation of community service in England and Wales in the early 1970s (Canton 2011: 59; v.Kalmthout & Durnescu 2008: 7, 23). Today, a large variety of CSM is applied in many European countries, such as – amongst others – restitution, victim-offender mediation, and electronic monitoring. The organization, execution, and supervision of these sanctions and measures have become an important task of probation agencies (v.Kalmthout & Durnescu 2008: 7). These recent developments have heightened the need for data collections on CSM and probation agencies in European countries.[17] Therefore, the DECODEUR project[18] was conducted to find out about common ground for community sanctions and probation agencies across Europe and where such common ground was identified, to establish common definitions and categories which allowed the evaluation of the availability of data in this field.

The concept of the study has been formulated in line with recommendations of the Council of Europe and of EU Council Framework decisions (see below

[16] For a detailed description of the history and development of probation and probation agencies in Europe see: Albrecht & v.Kalmthout 2002: 1-11; v.Kalmthout & Durnescu 2008: 3-10.

[17] The increasing importance of sanctions and measures that maintain the offender in the community is underlined by the Council Framework Decision 2008/947/JHA of 27 November 2008.

[18] EU Project No. HOME/2010/ISEC/FP/CI/4000001420; for further information see above (chapter 1.3); Jehle & Harrendorf 2014: 93.

2.1.1.1) as well as based upon the experience gained by the Annual Penal Statistics of the Council of Europe (SPACE II, see below 2.1.2).

2.1.1 Essential definitions

To receive comparable figures in the data collection, one of the first steps of the project was finding a definition for CSM and probation agencies.

The concepts of "community sanctions and measures" and "probation agencies" differ widely between European countries. With regard to CSM, some criminal justice systems stress the aspect of social rehabilitation; others underline the punishment of the offender (Flore et al. 2012: 561).[19] Because of this diversity of national legal systems, the project group had to take an international approach concerning the definitions (Jehle & Harrendorf 2014: 94).

2.1.1.1 Community sanctions and measures

Various sources of European and international criminal law deal with sanctions and measures that maintain the offender in the community. First of all, several recommendations of the Council of Europe (CoE) refer to CSM. The following recommendations play an important role in this field (starting with the most recent one):

- The Probation Rules (CM/Rec(2010)1)
- CM/Rec(2008)11 on the European rules for juvenile offenders subject to sanctions or measures
- Rec(2000)22 on improving the implementation of the European rules on community sanctions and measures
- Rec(99)22 concerning prison overcrowding and prison population inflation
- The European rules on community sanctions and measures (Rec(92)16).

Sanctions and measures that maintain the offender in the community are also covered by some decisions of the Council of the European Union (Council Framework Decisions). But these sources of law take a slightly different approach: instead of CSM, they refer to "alternative sanctions", "probation measures", "probation decisions", and "supervision measures". The following Council Framework Decisions are of major interest in this regard:

- Council Framework Decision 2009/829/JHA of 23 October 2009 on the application, between Member States of the European Union, of the principle of mutual recognition to decisions on supervision measures as

[19] For objectives and values of CSM see: Albrecht & v.Kalmthout 2002: 1-2; v.Kalmthout & Durnescu 2008: 24.

an alternative to provisional detention (hereafter Council Framework Decision 2009/829/JHA)

- Council Framework Decision 2008/947/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgment and probation decisions with a view to the supervision of probation measures and alternative sanctions (hereafter Council Framework Decision 2008/947/JHA)

On the international level, the Tokyo Rules (United Nation Standard Minimum Rules for Non-custodial Measures, General Assembly resolution 45/110 of 14 December 1990) are an important instrument. They do not refer to CSM but to "non-custodial measures" instead.

It has to be clear that there is no standard definition for sanctions and measures that maintain the offender in the community. The concepts differ between the above-mentioned sources of European and international criminal law.

The recommendations of the Council of Europe refer to the term "community sanctions and measures". The Probation Rules (CM/Rec(2010)1) are the most recent recommendation in this regard. They define CSM as

> *sanctions and measures which maintain offenders in the community and involve some restrictions on their liberty through the imposition of conditions and/or obligations. The term designates any sanction imposed by a judicial or administrative authority, and any measure taken before or instead of a decision on a sanction, as well as ways of enforcing a sentence of imprisonment outside a prison establishment* (CM/Rec(2010)1, Appendix II).

It has to be kept in mind that CSM are not a homogenous group. The definition shows that they are not restricted to a certain stage of the criminal proceedings. CSM are applicable in the pre-trial stage (e.g. as a measure to avoid pre-trial detention), in the trial stage (e.g. as a sanction in its own right), and even after a sentence (e.g. as a condition for conditional release). Hence, many different sanctions and measures fit this definition – for example supervision, community service, and electronic monitoring.[20] The objectives of these sanctions and measures vary as well. To give an example: electronic monitoring is a low-cost security measure, while sanctions like community service focus on resocialisation and reintegration of the offender (Albrecht & v.Kalmthout 2002: 9). The unifying framework of all CSM follows the principle that they involve some kind of assistance or supervision (Tournier 2002: 15). Consequently – as is clarified in the Appendix to Rec(92)16 – monetary sanctions like fines are not included, but *"any supervisory or controlling activity undertaken to secure their implementation"* (Rec(92)16, Appendix, Glossary No.1) is seen as a CSM.

[20] For other examples of CSM see: CM/Rec(2000)22, Appendix II; Rec(99)22, No. 15.

The concept of CSM is similar in all relevant recommendations – only the focus varies: CM/Rec(2008)11 refers to juvenile offenders. The wording of this definition differs only slightly from the CoE Probation Rules: Instead of using the term *"judicial or administrative authority"*, it states that CSM are *"imposed by bodies designated by law for that purpose"* (CM/Rec(2008)11, No. 21.4). The definition given in Rec(92)16 is also comparable, but it stresses that *"measures which are specifically concerned with juveniles are not covered by the rules"* (Rec(92)16, Preamble). Examples of CSM are explicitly listed in Appendix II to Rec(2000)22 and in principle No. 15 of Rec(99)22, e.g. community service, high intensity supervision, and victim-offender mediation. In conclusion, the definition of CSM provided in the recommendations of the CoE excludes fines, but includes diverse sanctions or measures in the pre-sentence stage, in the sentencing stage, and even after a sentence.

The Council Framework Decisions do not refer to CSM but to alternative sanctions, probation measures, probation decisions, and supervision measures. The definitions show that they cover a range of different sanctions and measures. Council Framework Decision 2008/947/JHA defines an alternative sanction as

> *a sanction, other than a custodial sentence, a measure involving deprivation of liberty or a financial penalty, imposing an obligation or instruction* (Council Framework Decision 2008/947/JHA, Art. 2.4).

Probation measures are described as

> *obligations and instructions imposed by a competent authority on a natural person, in accordance with the national law of the issuing State, in connection with a suspended sentence, a conditional sentence or a conditional release* (Council Framework Decision 2008/947/JHA, Art. 2.7; examples of probation measures and alternative sanctions are listed in Art. 4).

In the same Council Framework Decision a probation decision is explained as

> *a judgment or a final decision of a competent authority of the issuing State taken on the basis of such judgment:*
>
> *(a) granting a conditional release; or*
>
> *(b) imposing probation measures* (Council Framework Decision 2008/947/JHG, Art. 2.5).

Council Framework Decision 2009/829/JHA refers to supervision measures, defining them as

> *obligations and instructions imposed on a natural person, in accordance with the national law and procedures of the issuing State* (Council Framework Decision 2009/829/JHA, Art. 4.b).

Examples of supervision measures can be found in Art. 8 of this Framework Decision, such as the obligation to remain at a specific place or the obligation

to report at specified times to a certain authority (Council Framework Decision 2009/829/JHA, Art. 8).

The Tokyo Rules refer to the concept of non-custodial measures (see above). These rules *"shall be applied to all persons subject to prosecution, trial or the execution of a sentence"* (Tokyo Rules, No. 2.1). Various sanctions and measures are mentioned, e.g. restitution, community service, and house arrest (Tokyo Rules, No. 8.2 (f), (i), (k)). However, a crucial difference to the recommendations of the CoE is that *"economic sanctions and monetary penalties, such as fines"* (Tokyo Rules, No. 8.2 (d)), are covered by the Tokyo Rules.

2.1.1.2 Probation agencies

A definition for probation agencies can be found in the CoE Probation Rules (CM/Rec(2010)1). This term is closely linked to the concept of probation. According to CM/Rec(2010)1, probation *"relates to the implementation in the community of sanctions and measures, defined by law and imposed on an offender"* (CM/Rec(2010)1, Appendix II). This includes *"supervision, guidance and assistance aiming at the social inclusion of an offender, as well as at contributing to community safety"* (CM/Rec (2010)1, Appendix II).

In view of these probation measures, the Probation Rules define a "probation agency" as

> *any body designated by law to implement the above tasks and responsibilities. Depending on the national system, the work of a probation agency may also include providing information and advice to judicial and other deciding authorities to help them reach informed and just decisions; providing guidance and support to offenders while in custody in order to prepare their release and resettlement; monitoring and assistance to persons subject to early release; restorative justice interventions; and offering assistance to victims of crime* (CM/Rec(2010)1, Appendix II).

These broad definitions for probation and probation agencies consider the diversity of probation concepts throughout Europe with *"different probation traditions, institutions, and practices"* (Commentary to CM/Rec(2010)1: 1). It can be seen that probation agencies are not limited to a certain type. According to the Commentary to CM/Rec(2010)1, probation agencies can be state-run, non-governmental, or even private services; they can be organised nationally, regionally, or even locally (Commentary to CM/Rec(2010) 1: 2). In short, probation agencies can be defined as any organization designated by law for implementing sanctions and measures in the community, aiming at the social inclusion of the offender.

2.1.2 The concepts of CSM and probation agencies in other studies

In recent years, there has been an increasing number of studies on CSM and probation. However, comparative statistical data on these topics have only been collected in the Annual Penal Statistics of the Council of Europe (SPACE II).

SPACE II does not refer to CSM but to the term "alternatives to imprisonment" (Aebi & Marguet 2013: 5). This study focuses on *"persons serving non-custodial and semi-custodial sanctions and measures supervised by probation agencies (or any other equivalent institution)"* (Aebi & Marguet 2013: 5). Most of these measures, but not all, fit the definition of CSM (Aebi & Marguet 2013: 5). This study mainly refers to sanctions and measures that are explicitly mentioned in the recommendations, e.g. those listed in principle No. 15 of Rec(99)22. It is not the objective of SPACE II to *"cover all the existing CSM"* (Aebi & Marguet 2013: 5). In addition, this study comprises neither sanctions and measures according to juvenile criminal law nor persons under the aftercare of probation agencies (Aebi & Marguet 2013: 6). As to the concept of probation agencies, SPACE II uses the above-mentioned definitions for probation and probation agencies given in the CoE Probation Rules (CM/Rec(2010)1).

Several other studies dealt with the comparison of legal systems concerning CSM and/or the structure of probation agencies in Europe. An example is the study of v.Kalmthout & Durnescu (2008), who analysed probation systems in 32 countries in Europe. With regard to CSM, the authors referred to the definitions given in the recommendations of the Council of Europe (see chapter 2.1.1.1; v.Kalmthout & Durnescu 2008: 23, 1153). As to probation agencies, this study used the term "probation services" instead. The underlying definition had the following wording:

> *This agency is responsible for delivering probation activities such as preparing pre-sentence reports, early intervention work, activities in the field of community measures and sanctions, activities in prisons, supervising offenders in the community etc. The Probation service can be a state service or a private agency monitored and financed by the state. It can also be independent or amalgamated with other criminal justice services (ex. with prison department)* (v.Kalmthout & Durnescu 2008: 1162).

This wording shows that there is quite some overlap to with the definition in the CoE Probation Rules – both mention similar tasks.

In contrast, the study of Flore et al. (2012) was based on Council Framework Decision 2008/947/JHA. Consequently, these authors did not use the term "community sanctions and measures"; their study dealt with "alternative

sanctions" and "probation measures" (see above; Council Framework Decision 2008/947/JHA).[21]

2.1.3 The approach of the DECODEUR project

It was a central point for the DECODEUR project[22] that the definitions of CSM and probation agencies should meet the specific needs of comparative data collection. On the one hand, the group wanted to collect data for a lot of countries. On the other hand, it was important to gather comparable figures. With a broad definition many countries are able to provide data, but differences between the legal systems are covered and evened. In the DECODEUR project, the group has looked for a way to overcome these difficulties. Wide definitions were combined with a detailed break-down of data by specific categories (Jehle & Harrendorf 2014: 95, 97 ff.). In this way, many countries could provide figures and take part in the international comparison because their legal concepts fit the broad definitions – and the given figures are comparable due to the differentiation of data.

As to probation agencies, it was decided to adopt the wide definition given in the CoE Probation Rules (see chapter 2.1.1.2). Concerning CSM, the group wanted to include various sanctions and measures for juveniles and adults in all stages of the criminal proceedings. In contrast, fines should not be covered by the definition of CSM (fines should be a separate category). Therefore, the concept of CSM in this project is in accordance with the definition in the Probation Rules (CM/Rec(2010)1; see chapter 2.1.1.1). This definition differs from the terms mentioned in the Council Framework Decisions, the Tokyo Rules, and SPACE II. An explicit definition of community sanctions and measures was not inserted in the questionnaire. But the questions on various types of CSM in different stages of the criminal proceedings make clear that the project refers to a broad definition of CSM.

The questionnaire included a couple of definitions on certain types of community sanctions and measures. For community service the group adopted the definition given in the Probation Rules, defining this concept as *"a community sanction or measure which involves organising and supervising by the probation agencies of unpaid labour for the benefit of the community as real or symbolic reparation for the harm caused by an offender"* (CM/Rec(2010)1, No. 47). For electronic monitoring the questionnaire provided a definition taken from SPACE II, stating that this *"measure allows the localization of the person at a given moment of the day or the night and/or*

[21] Other CSM-related studies were e.g. carried out by Dünkel & Pruin (2009) on "Community Sanctions and the Sanctioning Practice in Juvenile Justice Systems in Europe"; and by Albrecht & v.Kalmthout (2002) on "Community Sanctions and Measures in Europe and North America".

[22] EU Project No. HOME/2010/ISEC/FP/CI/4000001420; for further information see above (chapter 1.3); Jehle & Harrendorf 2014: 93 f.

the monitoring of its movements. Electronic Monitoring can be accomplished using different techniques (electronic tag, telephone calls, or other electronic systems of monitoring)" (Aebi, Delgrande & Marguet 2011: 9).

2.2 Methodology and course of the DECODEUR project

2.2.1 First steps – developing a pilot questionnaire

The project phase started in June 2011. At the beginning of the project, categories, definitions, counting rules, and questions appropriate for European comparative data collection were developed. The group was especially interested in data on activities, staff, and workload of probation agencies because this information has not been collected in earlier editions of the ESB.

The comparison of legal systems concerning CSM and probation agencies was deemed a complicated and challenging issue. In this regard, the diversity of legal concepts and statistical counting methods in Europe was discussed thoroughly within the group. It was pointed out that the terms and categories used in the questionnaire had to be clear and comprehensible for the national correspondents. Consequently, it was the objective of the group to explain the referring legal terms as unambiguously as possible. With respect to data availability, it was crucial to decide how detailed the data collection should be.

In the course of the project, detailed questions on CSM and probation agencies were devised. A first draft of the pilot questionnaire was distributed within the group and all group members had the opportunity to comment or add ideas for improvement. Many remarks referred to the categorization and to the definition of legal terms. Others expressed serious doubts as to data availability for certain questions. Based upon these comments and suggestions, a revised version of the pilot questionnaire was presented to be discussed thoroughly, giving special attention to the definitions, the subcategories, and the comparison with SPACE II. The group members also had to decide on the extent of the questionnaire. This pilot version was very long compared to earlier questionnaires for the ESB. However, the group decided not to reduce it much before the pilot phase. It was deemed preferable to test the long version and shorten it after the evaluation of the results. At this time, the sole major reductions were to collect data on supervision, community service, and electronic monitoring (chapter 2.4.3) only for the year 2010 instead of 2007-2011 as well as to reduce the questions on staff and reports of probation agencies (chapters 2.3.3.1 and 2.3.3.2) to figures for only one year, too.

After further revision, a web-based version of the pilot questionnaire was created by the Autonomous University of Barcelona (Spain). In spring 2012, the finalized pilot questionnaire was sent out to be filled in by the members of the ESB/CEP experts group. 12 countries were selected for answering the pilot questionnaire: Albania, Finland, France, England and Wales, Germany,

Iceland, Italy, the Netherlands, Poland, Romania, Spain, and Turkey. These countries were chosen for the pilot phase because they were represented within the experts group.

2.2.2 Evaluating the pilot phase and creating the final questionnaire

In the pilot data collection, answers were received from 11 out of 12 countries; only one country (England and Wales) did not return the pilot questionnaire. In the case of Romania, information could be collected only for probation agencies and probation measures in the pilot phase; probation was the field of work of the correspondent and no person was found to answer the prosecution and conviction parts of the pilot questionnaire for this country.

The results of the pilot questionnaire showed that most countries could provide detailed metadata referring to the structure and organization of probation agencies. The majority of these questions worked very well. In contrast, data availability for community sanctions and measures was limited in the pilot phase. Many countries were not able to provide a detailed break-down of data on this topic. These results made clear that some parts of the questionnaire had to be revised and reduced.[23]

One of the most important changes referred to the reasons for ending supervision (chapter 2.4.3.1.3). At the beginning of the DECODEUR project, this question included a break-down by different types of supervision (e.g. probation as a sanction in its own right, supervision of a suspended custodial sentence, etc.). This detailed version was tested in the pilot phase. After the evaluation of the pilot questionnaire it became clear that very few data were available. Only four out of 11 participating countries could give figures for the different reasons for ending a measure (e.g. completion) in the break-down by the type of supervision (namely Finland, the Netherlands, Poland, and Romania). No country was able to provide such data for minors. Because of this poor data availability the group decided not to differentiate between types of supervision in this question. It was felt preferable to collect data on the reasons for ending a measure only for the total of supervision measures. The same applies for the reasons for ending community service and electronic monitoring (chapters 2.4.3.2.3 and 2.4.3.3.3).

Furthermore, some entire questions had to be omitted because of poor data availability in the pilot phase. To give an example, the group tested a question

[23] On the conviction level, some newly developed subcategories in the question on "persons receiving sanctions" (chapters 2.4.2.1 and 2.4.2.2) had to be left out ("restitution", "victim-offender mediation", and "therapeutic treatment"): Only one country (the Netherlands) provided data for at least some of these new subgroups in the pilot phase. On the prosecution level, a break-down by conditions of conditional disposals (e.g. restitution and victim-offender mediation) had to be omitted from the question on separate powers of the police to drop proceedings (chapter 2.4.1.3), because there were few data available.

on sentenced adults and minors under the control, supervision and/or care of the probation agencies admitted to a structured programme.[24] However, only five out of 11 participating countries could provide data on structured programmes in the pilot questionnaire (Albania, Finland, France, the Netherlands, and Romania). Only Finland and Romania were able to give figures for minors on this topic. Because of this scarcity of data the group decided not to include this question in the final data collection.

After the evaluation of the pilot phase, the developed and revised questions on CSM and probation agencies were inserted in the (final) ESB questionnaire for the 5th edition of the European Sourcebook.[25] The structure of this questionnaire was designed similarly to the earlier editions, including the following chapters: Definitions (part 0); police statistics (part 1); prosecution statistics (part 2); conviction statistics (part 3); prison, probation agencies, and supervision statistics (part 4,[26] instead of correctional statistics in earlier editions), and national victimization surveys (part 5).

Most of the project-related questions were covered by part 4 of the final questionnaire (prison, probation agencies, and supervision statistics), but some questions on community sanctions and measures were also included in part 2 (prosecution statistics) and part 3 (conviction statistics). This reflects the project´s objective of collecting data on CSM for all stages of the criminal proceedings.

Part 2 (prosecution statistics) referred to the application of CSM in the pre-sentence stage. Concerning this stage of the proceedings, the project group wanted to examine which community sanctions and measures can be combined with a conditional disposal. The questions included a detailed break-down by different conditions (e.g. victim-offender mediation, community service, and supervision). Moreover, the group addressed the separate powers of the police to drop proceedings or conditionally dispose of them.

Detailed questions on community sanctions and measures imposed in the sentencing stage were included in part 3 of the final questionnaire (for total and minors). The question referring to persons receiving sanctions featured several CSM-related subcategories. For a more in-depth analysis, an additional question focused on six different types of community sanctions and measures (community service, supervision, restitution, ambulant therapeutic treatment, probation as a sanction in its own right, and other CSM). These CSM-related

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[24] Structured programmes were defined as programmes that "*represent a structured approach to helping offenders to acquire the skills and knowledge, which can help them to stay out of trouble. Mostly delivered to groups of offenders, programmes have their origins in attempting to help offenders to acquire problem-solving, thinking and self-management skills, and in combining a range of learning opportunities into a structured sequence. Some of these programmes can be accredited programmes*."

[25] For an excerpt of the final questionnaire see annex 4.

[26] In the upcoming ESB publication, this part will be divided into a chapter on prison statistics and a new chapter on probation statistics.

conviction data were collected not only for the total of criminal offences, but also for 18 different offence categories (e.g. major traffic offences, aggravated bodily injury, and theft).

A central aspect of part 4 was the new section on probation agencies. This part of the final questionnaire featured detailed metadata questions about the existence, type, competency, and tasks of probation agencies competent for adults and for minors. This part also asked for figures on staff of probation agencies and for the number of written reports. Another major section of part 4 dealt with selected probation measures. This part referred to different types of supervision, community service, and electronic monitoring in all stages of the criminal proceedings.[27]

2.2.3 Countries covered in the project

A text version of the final questionnaire was sent to the established network of national correspondents in November 2012. The questionnaire was also provided in a web-based version to be filled in online via an electronic data base (Lime Survey). The project group tried to collect data for 44 countries – it was the aim to encompass all CoE-countries, excluding only microstates (Andorra, Liechtenstein, Monaco, and San Marino). In the end, it was feasible to cover almost all of these countries in the data collection because 38 countries answered at least parts of the final questionnaire. In addition, it was possible to gather some data for Moldova in a further round of data collection (see chapter 2.2.4). Luxembourg did not return the questionnaire, but some information on this country could be obtained from the update of the study "Probation in Europe" (see chapter 2.2.4).[28] It was, however, not possible to get any data for four countries (Azerbaijan, Bosnia-Herzegovina, Montenegro, and The Former Yugoslav Republic (TFYR) of Macedonia). The group was not able to find a national correspondent for Bosnia-Herzegovina, Montenegro, and TFYR of Macedonia – although every effort has been made in this regard. In the case of Azerbaijan, the group found a person willing to fill in the questionnaire. Nevertheless, this country did not participate in the project, because no data at all were available due to statistical issues.

For the United Kingdom three separate questionnaires were sent out because criminal law and the law of criminal procedure differ widely between England and Wales, Northern Ireland, and Scotland. In this chapter of the report the UK was counted as one country (in contrast, the tables and analysis of chapters 2.3 and 2.4 will mention England and Wales, Northern Ireland, and Scotland as three countries).

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[27] An attempt was made to collect data on the implementation of these sanctions and measures already for the 2nd edition of the ESB; see chapter 1.3.1.

[28] The study of v.Kalmthout & Durnescu (2008) is currently updated; new versions of the country reports are published on the website of CEP, www.cep-probation.org.

The project covers the following countries:

Albania
Armenia
Austria
Belgium
Bulgaria
Croatia
Cyprus
Czech Republic
Denmark
Estonia
Finland
France
Georgia
Germany
Greece
Hungary
Iceland
Ireland
Italy
Kosovo[29]
Latvia
Lithuania
Luxembourg[30]
Malta
Moldova
Netherlands
Norway
Poland
Portugal
Romania
Russia
Serbia
Slovakia
Slovenia
Spain
Sweden
Switzerland
Turkey
Ukraine
UK: England and Wales
UK: Northern Ireland
UK: Scotland

Total: 40 countries, of which 28 EU, three candidates, one potential candidate, two EFTA, and six other European countries; concerning the United Kingdom, there are separate questionnaires for England and Wales, Northern Ireland, and Scotland.

All national correspondents were invited to participate in the evaluation and discussion of the final data collection. They had the opportunity to give their feedback and discuss problems concerning the completion of the questionnaire. Despite the generally high response rate, data availability was not excellent for all parts of the questionnaire. Data quality is very good though, due to the experience and knowledge of the national correspondents and an extensive data validation process (see chapter 2.2.4). A detailed analysis of the results of the final questionnaire referring to CSM and probation agencies will be presented in chapters 2.3 and 2.4 of this report.

[29] UN/R 1244/99.

[30] Luxembourg did not return the questionnaire, but some information could be obtained from the update of the study v.Kalmthout & Durnescu "Probation in Europe", see chapter 2.2.4.

2.2.4 Data validation process

Another important aspect of the project was data validation, including a (semi-) automated validation within the database by using internal validity-, trend-, and other-sources-checks.[31] These methods identified apparently problematic values. The group decided that changes between adjacent years should not exceed +/- 30 %. The maximum average annual change for the overall trend was defined as +/- 11 %. The group also compared the values referring to the year 2007 with those for the same year included in the 4th edition of the ESB. It was decided that an explanation is needed if these differences exceed +/- 10 %. Afterwards, the national correspondents had the opportunity to comment on the results of these data validation checks. In many cases an explanation for seemingly problematic figures could either be found in the comments section of the questionnaire or with the help of the national correspondents. Many extreme values could be explained by a very small amount of cases or by changes in law, jurisdiction, or counting rules. In other cases figures had to be revised.

With regard to missing data, some experts of the Confederation of European Probation (CEP) felt that the amount of data collected on CSM and probation agencies could still be improved. Consequently, the group decided to start a new round of data collection via the CEP member organization using an abridged questionnaire. This short version of the questionnaire only included the section about "statistics on probation agencies and supervision" that referred to the structure, tasks, staff, and reports of probation agencies, as well as to probation measures (supervision, community service, and electronic monitoring). This reduced version of the questionnaire and the respective raw data were sent to the national experts of CEP. The correspondents of CEP were asked to check the provided data and introduce corrections, where necessary, as well as to provide missing data, where available.

In this second round of data collection the group received answers from 12 countries via the CEP correspondents. The data evaluation and validation process showed the following results: The CEP correspondents provided figures for one country that had not answered the Sourcebook questionnaire at all (Moldova) and for one country that had not answered the part on probation agencies and probation measures (Malta). For six countries the CEP figures matched with the data already provided by the ESB correspondents (namely Austria, Czech Republic, Estonia, the Netherlands, Romania, and England and Wales). In contrast, figures did not match for four countries (Croatia, Italy, Slovakia, and Sweden). In those cases a decision by the regional coordinator was needed. They had to consider the old and new data, contact the national correspondent, and come to a conclusion in favour of one or other source.

Finally – to provide a complete overview of probation systems in Europe – some metadata (mainly on the structure and organization of probation

[31] There has been a cross-validation, e.g. with UNODC-figures.

agencies) have been added from the update of v.Kalmthout & Durnescu "Probation in Europe"[32] and from the ISTEP[33] project (*"Implementation Support for the Transfer of European Probation Sentences"*). The most additional information was included for Ireland, Luxembourg, and Norway, which provided little if any metadata on probation agencies in the DECODEUR questionnaire.[34] In other cases only a little additional metadata have been included in selected tables (e.g. on the tasks of probation agencies, see chapter 2.3.2). The data taken from the update of "Probation in Europe" and from the ISTEP project will be asterisked in the respective tables of the following chapters.

2.2.5 Structure of the data analysis

The following chapters will present and analyse the results of the final questionnaire referring to CSM and probation agencies. Chapter 2.3 deals with the structure and organization of probation agencies (including detailed information on type, competency, tasks, staff, and reports of these bodies). Chapter 2.4 will present data availability for CSM on the prosecution level, the conviction level, and for certain probation measures (supervision, community service, and electronic monitoring). The respective tables show metadata and data availability for the project-related questions.[35] Figures are not provided in this book, but in the 5th edition of the European Sourcebook.

As mentioned above, it was not feasible to obtain any data at all for four countries (Azerbaijan, Bosnia-Herzegovina, Montenegro, and TFYR of Macedonia). These countries will not be mentioned in the tables and analyses in the following chapters.

For some other countries there were no answers for entire parts of the questionnaire. In Norway, for example, the field of work of the national correspondent was probation. No person was found to answer the prosecution and conviction parts of the questionnaire for this country. This is also true for

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[32] The first edition (v.Kalmthout & Durnescu (2008)) is currently updated. The updates of the country reports can be found on the CEP website (www.CEP-probation.org).

[33] This project was carried out by the ISTEP Research Group (University of Tilburg, University of Bucharest, and De Montfort University, Leicester, supported by the Directorate General Justice of the European Commission under the criminal justice funding programme; code: JUST/2010/JPEN/AG/1531). The ISTEP project deals with facilitating probation transfers, supporting the implementation of Council Framework Decision 2008/947/JHA in the EU member states; see: www.probation-transfers.eu.

[34] In the case of Norway, this is because the correspondent interpreted the definition of probation agencies given in the questionnaire in a strict way. Some metadata were added from the ISTEP project (however, data for Norway are not published on the ISTEP website). In the case of Luxembourg, the DECODEUR questionnaire has not been returned. Therefore, the update of "Probation in Europe" is the only source of data for Luxembourg in the project.

[35] The meaning of the signs and symbols used in these tables can be found at the beginning of this book.

Latvia. Countries that did not answer an entire part of the questionnaire will not be listed in the respective tables. They will only be mentioned below the first table of each question as "No answer in part _ of the questionnaire".

For the UK there have been three correspondents providing different questionnaires for England and Wales, Northern Ireland, and Scotland. This distinction is preferable because these criminal justice systems differ widely. Thus, England and Wales, Northern Ireland, and Scotland are listed separately in the following tables. They will be mentioned as three different countries in the tables and analyses.

For some countries very few data or only metadata were available. In case of Russia this is because of a strict policy concerning the transfer of figures.[36]

2.2.6 Data referring to minors

The group wanted to gather data on CSM and probation agencies for minors, too. To give an example: the questionnaire asked for detailed metadata about the tasks of probation agencies competent for adults and for minors.

With regard to CSM, the sanctioning of minors was deemed especially interesting because the sanctions and measures imposed according to juvenile criminal law may differ from adult sanctioning (see Jehle & Harrendorf 2010: 234, concerning the 4th edition of the ESB questionnaire). In consequence, figures on conditional disposals (e.g. with victim-offender mediation or community service) were collected not only for the total, but also for minors (see chapter 2.4.1). The same was true for the conviction level, where detailed questions refer to sanctions and measures imposed in total and for minors (see chapter 2.4.2). Data on minors were gathered in the section on different types of supervision, community service, and electronic monitoring (see chapter 2.4.3). The group decided not to distinguish between adults and minors in these questions, but between total and minors. This differentiation was deemed preferable, because countries which cannot provide separate figures for adults and for minors could provide data for the "total".

Collecting data on minors is a complicated issue because the legal systems differ widely concerning juvenile sanctioning. Even the definitions of the term "minors" (i.e. the underlying age brackets) vary between European countries. Minors are mostly defined as persons between 14 and 18 years. However, several countries mentioned other age brackets. In the Netherlands, for example, the minimum age is 12 years. In contrast, Portugal refers to persons between 16 and 21 years. These differences have to be taken into account for the interpretation of the tables on minors.

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[36] Russian Federal Law N 190-FZ of 14 November 2012, "On introducing amendments to the Criminal Code of the Russian Federation and to Article 151 of the Criminal Procedure Code of the Russian Federation"; see: Opinion of the Commissioner for Human Rights on the legislation of the Russian Federation on non-commercial organizations in light of Council of Europe standards, CommDH(2013)15, No. 23-24.

2.3 The structure and organization of probation agencies

One key aspect of the DECODEUR project was gathering data on the different concepts of probation agencies in Europe. Since earlier editions of the European Sourcebook did not collect information on the structure and organization of these bodies, a new section has been added to the survey. This part included detailed questions on the existence, type, competency, and tasks of probation agencies competent for adults and for minors. In addition, the questionnaire asked for figures on the staff of probation agencies and for the number of written reports.

Only one country (Greece) did not answer the entire part of the questionnaire dealing with statistics on probation agencies and supervision (part 4.3 of the questionnaire). Greece is therefore not mentioned in the following tables and analysis, but listed below the tables as "No answer in part 4.3 of the questionnaire".

2.3.1 The existence and nature of probation agencies

This first section provides general information on probation agencies in the participating countries. The primary question deals with the existence of probation agencies. The group has also been interested in the type and the competencies of these bodies, their integration within the respective criminal justice system, and how they interact with other organizations in their field.

2.3.1.1 Are there probation agencies in the criminal justice system?

The existence of probation agencies is a central issue because not every country in Europe maintains such an agency. In addition, the structures of the existing agencies are very diverse. To give an example: they can be a private organization or a department of a ministry (in some cases combined with the prison service).[37] In order to receive comparable data, the group decided to provide a definition for the term "probation agency" in the questionnaire. As mentioned above, the wording was taken from the CoE Probation Rules, defining a probation agency as

> *any body designated by law to implement activities and interventions like supervision of and guidance and assistance to offenders. Depending on the national system, the work of a probation agency may also include providing information and advice to judicial and other deciding authorities to help them reach informed and just decisions; providing guidance and support to*

[37] For a detailed analysis of the structure and organization of probation agencies in Europe see also: v.Kalmthout & Durnescu 2008: 30-32.

> *offenders while in custody in order to prepare their release and resettlement; monitoring and assistance to persons subject to early release; restorative justice interventions; and offering assistance to victims of crime* (CM/Rec(2010)1, Appendix II).

The results of the final questionnaire concerning the existence of probation agencies are presented in table 1. The replies show that most countries have probation agencies. In only four countries there were none – or at least no organizations that fit the given definition (Armenia, Iceland, Russia, and Serbia).

For better understanding, the table also includes additional comments of the participating countries. These comments reflect the diversity of probation systems in Europe; very different concepts of probation agencies were mentioned. The Swedish probation service, for example, consisted of 34 offices (organised within the Prison and Probation Service). Austria has a unique system: "NEUSTART", a private non-profit organization, was offering not only the typical probation services, but also various other forms of social work (e.g. prevention programmes for young drug consumers and binge drinking juveniles who were brought to hospital). In some countries probation tasks are carried out by departments of a ministry. In Italy, for example, a department of the Ministry of Justice managed probation through special offices. In contrast, in Armenia there was no probation service at all.

In some cases probation agencies have been subject to major changes in recent years (e.g. in Malta and in Lithuania). In other countries they have been recently established. In Albania the first probation agency was set up in 2008. Croatia opened its first probation offices in 2011. At the time the questionnaire was answered, there were 12 local offices in Croatia with a head office in the Ministry of Justice.

The group wanted to cover various forms of probation agencies in the DECODEUR project. Many countries should be able to answer the follow-up questions on type, competency, and tasks of these bodies. However, the comments show that it was difficult for some countries to answer this part of the questionnaire with reference to the above-mentioned definition. Several countries commented that there were no (separate) probation agencies as such, but other bodies carrying out similar tasks (e.g. the Social Welfare Services of the Ministry of Labour and Social Insurance in Cyprus; probation supervision departments of prisons in Estonia; the state correctional services in Norway; and a department of the prison administration in Serbia). In this context, the definition of probation agencies given in the questionnaire was interpreted differently:

- The national correspondent of Serbia apparently construed the definition restrictively and ticked "no probation agency". Consequently, this country did not answer the follow-up questions about type, competency, and tasks of probation agencies (see chapters 2.3.1.2 – 2.3.2.2). These cells will be indicated by the symbol "(…)", which

stands for “no answer because of no probation agency (or none that fits the definition)”.

- Other national correspondents (e.g. for Cyprus and for Estonia) answered the questions on existence, type, competency, and tasks of probation agencies referring to the system of probation services in their country – or, e.g. in the case of Norway, data could be received from the update of “Probation in Europe”.[38]

It cannot be seen from the comments if there were different “levels of independency” between these services. The structure of probation agencies is a complex issue that cannot be easily categorized. This has to be taken into account while interpreting the results shown in the following tables.

[38] The updates of the country reports of v.Kalmthout & Durnescu (2008) can be found on the CEP website (www.CEP-probation.org); see also chapter 2.2.4.

Table 1: The existence of probation agencies

	Are there probation agencies in the criminal justice system?	Comments on the definition and existence of probation agencies
Albania	X	The first probation service was set up in 2008.
Armenia		There is no probation service in the Republic of Armenia.
Austria	X	"NEUSTART", a private non-profit organization, also offers various forms of social work.
Belgium	X	
Bulgaria	X	
Croatia	X	Probation offices started opening in 2011 (12 local offices and a head office in the Ministry of Justice).
Cyprus	X	There are no probation agencies as such, but the Social Welfare Service of the Ministry of Labour and Social Insurance performs under court orders some of the tasks listed in the definition.
Czech Rep.	X	There is a Probation and Mediation Service (PMS). Supervision of the activities is carried out by the Ministry of Justice.
Denmark	X	
Estonia	X	There are probation supervision departments of prisons. There are no separate agencies.
Finland	X	
France	X	
Georgia	X	
Germany	X	
Hungary	X	
Iceland		
Ireland**	X	The national agency for probation is a non-private organization, fully funded by the state and operating under the authority of the Minister of Justice.
Italy	X	A department of the Ministry of Justice manages probation through the offices for the execution of sentences in the community.
Kosovo (UNR)	X	
Latvia	X	
Lithuania	X	Until 2012 there were correction inspections with territorial subdivisions. After a change in legislation, these were named as probation agencies (which have further tasks). Data refer to the year 2010.
Luxembourg*	X	The Central Service of Social Assistance (SCAS) forms part of the general prosecution service run by the general public prosecutor under the authority of the Minister of Justice. The SCAS is a centralized non-private organization.
Malta	X	The current probation agency was set up in 2012; it is a department of the Ministry of Home Affairs and National Security. It replaced the former Probation Service (the prisons and the Probation Service were part of the Department for Correctional Services). Data refer to the year 2010.
Moldova	X	
Netherlands	X	
Norway**	X	The probation offices are an integral part of the Correctional Services. They are not a separate agency.
Poland	X	
Portugal	X	The Probation Agency, in the Ministry of Justice, is called the Directorate-General for Reintegration and Prison Services (DGRSP).
Romania	X	There is a central department in the Ministry of Justice and 42 probation services (one in each county).

	Are there probation agencies in the criminal justice system?	Comments on the definition and existence of probation agencies
Russia		
Serbia		There are no probation agencies as specific bodies designated by law to implement probation activities. Instead, a department of the Prison Administration is responsible for alternative sanctions imposed on adult offenders, e.g. community service or suspended prison sentence with supervision.
Slovakia	X	Probation is performed by probation and mediation officers, who are in state employment; they work in the competent court. They are supervised and leaded by the Ministry of Justice (Criminal Law Department).
Slovenia*	X	Probation tasks are performed by social work centres, which are under the jurisdiction of the Ministry of Labour, Family, and Social Affairs.
Spain	X	
Sweden	X	The probation service consists of 34 offices, which are organised within the Prison and Probation Service.
Switzerland	X	There is no uniform system for probation.
Turkey	X	
Ukraine	X	There is a criminal-executive inspection within the State Penitentiary Service.
UK: E. & W.	X	The Probation Service is part of the National Offender Management Service (NOMS) which itself is part of the Ministry of Justice. It comprises 42 probation areas which are coterminous with police force area boundaries and served by 35 probation trusts. The trusts are funded by NOMS and employ all staff except the Chief Probation Officer and are accountable to local boards and NOMS. The work of trusts is scrutinised both by NOMS and Her Majesty's Inspector of Probation. The Probation Service works with the Police, Prison Service and other organizations under the Multi Agency Public Protection Arrangement (MAPPA).
UK: N. Irel.	X	The Probation Board is a non-departmental public body. It is sponsored by the Department of Justice.
UK: Scotl.	X	There is no central probation agency. It is the responsibility of local authority social work departments to arrange the appropriate supervision / work placements for offenders.

No answer in part 4.3 of the questionnaire: Greece.

***** For this country at least part of the data stem from the update of "Probation in Europe" (www.CEP-probation.org).

** For this country at least part of the data stem from the ISTEP project (www.probation-transfers.eu).

2.3.1.2 The nature of probation agencies

The group was especially interested in gathering more detailed information about the structure and organization of probation agencies in the participating countries. Hence, a question was developed asking for the type (public, non-profit/state-subsidised, or private enterprise) and the competencies of the agencies (for minors[39] or adults and concerning the stage of the criminal proceedings).

For better data comparability, the questionnaire featured footnotes explaining "public" and "execution stage". A "public agency" was defined as *"an agency which is directly dependent on the Ministry of Justice, the Ministry of Interior or the prison administration"*. The concept "execution stage" was explained as *"the stage of execution or enforcement of any type of sentence imposed on an offender as part of his/her conviction"*.

The results presented in table 2 show that the majority of countries listed just one agency. Only ten countries mentioned several agencies. It can also be seen that most of the agencies are public. Only seven countries refer to the category "non-profit/state-subsidised" (namely Austria, Belgium, Finland, Germany, Kosovo (UNR), the Netherlands, and Sweden). No country mentioned a private enterprise.

Most countries have probation agencies competent for adults and for minors. An exception to this rule is Croatia; professional probation agencies in this country only work with adults. For minors there are some measures in Croatian law that were very similar to probation measures, but they were carried out by the social welfare services. As to the stages of the criminal proceedings, nearly all countries ticked pre-sentence stage and execution stage. Only in a few countries probation agencies had no competency for the pre-sentence stage (e.g. Ukraine). In Lithuania the system of probation agencies was changed in 2012. Previously, the so-called "correction inspections" were not competent for the pre-sentence stage.

[39] For further information on minors see chapter 2.2.6.

Table 2: The nature of probation agencies

	Agency No. _	Type			Competency			
		Public	Non-profit/ state subsidised	Private enterprise	Minors	Adults	Pre-sentence stage	Execution stage
Albania	1.)	X			X	X	X	X
Armenia	(…)	(…)	(…)	(…)	(…)	(…)	(…)	(…)
Austria	1.)		X		X	X	X	X
Belgium	1.)	X				X	…	…
	2.)	X			X		…	…
	3.)		X			X	…	…
	4.)		X		X		…	…
Bulgaria	1.)	X			X	X	X	X
Croatia	1.)	X				X	X	X
Cyprus	1.)	X			X	X	X	X
Czech Rep.	1.)	X			X	X	X	X
Denmark	1.)	X			X	X	X	X
Estonia	1.)	X			X	X	X	X
Finland	1.)	X	X		X	X	X	X
France	1.)	X				X	X	X
	2.)	…	…	…	…	…	…	…
	3.)	…	…	…	…	…	…	…
Georgia	1.)	X			…	…	…	…
Germany	1.)	X	X		X	X		X
	2.)	X	X		X		X	X
	3.)	X				X	X	X
	4.)	X			X	X		X
Hungary	1.)	X			X	X	X	X
Iceland	(…)	(…)	(…)	(…)	(…)	(…)	(…)	(…)
Ireland**	1.)	X			…	…	…	…
Italy	1.)	X				X		X
	2.)	X				X		X
Kosovo (UNR)	1.)	X	X		X	X	X	X
	2.)	X			X		…	…
	3.)	X			X		…	…
	4.)	X			X		…	…
	5.)	X			X		…	…
Latvia	1.)	X			X	X	X	X
Lithuania	1.)	X			X	X		X
	2.)	X			X	X		X
	3.)	X			X	X		X
	4.)	X			X	X		X
	5.)	X			X	X		X
Luxembourg*	1.)	X			X	X	X	X
Malta	1.)	X			X	X	X	X
Moldova	1.)	X			X	X	X	X

	Agency No. _	Type			Competency			
		Public	Non-profit/ state subsidised	Private enterprise	Minors	Adults	Pre-sentence stage	Execution stage
Netherlands	1.)		X			X	X	X
	2.)		X			X	X	X
	3.)		X		X	X	X	X
	4.)		X		X		X	X
	5.)		X		X		X	X
Norway	…	…	…	…	…	…	…	…
Poland	1.)	X				X	X	X
	2.)	X			X		X	X
Portugal	1.)	X			X	X	X	X
Romania	1.)	X			X	X	X	X
	2.)	X			X	X	X	X
Russia	(…)	(…)	(…)	(…)	(…)	(…)	(…)	(…)
Serbia	(…)	(…)	(…)	(…)	(…)	(…)	(…)	(…)
Slovakia	1.)	X			X	X	X	X
Slovenia	…	…	…	…	…	…	…	…
Spain	1.)	X			X	X		X
	2.)	X				X		X
	3.)	X			X			X
Sweden	1.)	X	X		X	X	X	X
Switzerland	1.)	X				X		X
Turkey	1.)	X			X	X	X	X
Ukraine	1.)	X			X	X		X
UK: E. & W.	1.)	X			X	X	X	X
UK: N. Irel.	1.)	X			X	X	X	X
UK: Scotl.	1.)	X				X	X	X

No answer in part 4.3 of the questionnaire: Greece.

***** For this country at least part of the data stem from the update of "Probation in Europe" (www.CEP-probation.org).

** For this country at least part of the data stem from the ISTEP project (www.probation-transfers.eu).

2.3.1.3 The involvement of probation agencies

The last question concerning the structure and organization of probation agencies deals with the collaboration of probation agencies with other bodies. The group wanted to focus on the possibilities of initiating the involvement of these agencies. Like all other questions on probation agencies, this one was newly developed in the DECODEUR project. Police, public prosecutor, examining judge, court of decision, lawyer, offender, and "other" were chosen as categories for this question.

Table 3 shows which organizations, bureaux, or persons are able to initiate the involvement of probation agencies. It was found that the court of decision was selected by all participating countries. The police were only able to initiate the involvement of probation agencies in seven countries (Czech Republic, Denmark, Latvia, Moldova, the Netherlands, Romania, and Slovakia).

In many cases, a range of different organizations has this competency. The Czech Republic, for example, ticked all categories, except for "other". In six countries only the court of decision was able to initiate the involvement of probation agencies (namely Bulgaria, Cyprus, Georgia, Ireland, Lithuania, and Ukraine). In Sweden it was usually the court that initiated the involvement of the probation offices.

Several countries gave examples for the category "other" in the comments section. Belgium, Denmark, the Netherlands, and Romania referred to prisons/prison administrations; Latvia mentioned the victim. In Croatia and France the judge responsible for the execution of sentences can initiate the involvement. In Malta all parties involved in the case were able to recommend the involvement of the probation service, but it is always the final decision of the court.

Table 3: Which organizations, bureaux, or persons are able to initiate the involvement of probation agencies?

	Police	Public Prosecutor	Examining judge	Court of decision	Lawyer	Offender	Other
Albania		X	X	X	X	X	
Armenia	(…)	(…)	(…)	(…)	(…)	(…)	(…)
Austria		X		X			
Belgium		X	X	X			X
Bulgaria				X			
Croatia		X	X	X			X
Cyprus				X			
Czech Rep.	X	X	X	X	X	X	
Denmark	X	X		X	X		X
Estonia		X	X	X			
Finland		X		X		X	
France				X			X
Georgia				X			
Germany		X	X	X			
Hungary		X	X	X		X	
Iceland	(…)	(…)	(…)	(…)	(…)	(…)	(…)
Ireland**				X			
Italy				X			X
Kosovo (UNR)		X	X	X	X	X	
Latvia	X	X	X	X		X	X
Lithuania				X			
Luxembourg*		X		X			
Malta			X	X			
Moldova	X	X	X	X	X		
Netherlands	X	X	X	X			X
Norway**		X		X			
Poland		X		X			
Portugal		X	X	X			
Romania	X	X	X	X	X	X	X
Russia	(…)	(…)	(…)	(…)	(…)	(…)	(…)
Serbia	(…)	(…)	(…)	(…)	(…)	(…)	(…)
Slovakia	X	X	X	X	X	X	X
Slovenia	…	…	…	…	…	…	…
Spain		X	X	X			
Sweden		X		X	X	X	
Switzerland			X	X		X	
Turkey		X	X	X			
Ukraine				X			
UK: E. & W.	…	…	…	…	…	…	…
UK: N. Irel.			X	X			X
UK: Scotl.			X	X		X	

No answer in part 4.3 of the questionnaire: Greece.

* For this country at least part of the data stem from the update of "Probation in Europe" (www.CEP-probation.org).

** For this country at least part of the data stem from the ISTEP project (www.probation-transfers.eu).

2.3.2 The tasks of probation agencies

For analysing the different concepts of probation agencies in detail, the group devised questions on the tasks of these bodies. While chapter 2.3.2.1 deals with probation agencies responsible for adults, chapter 2.3.2.2 refers to minors.

2.3.2.1 The tasks of probation agencies competent for adults

The tasks of probation agencies vary from providing information to supervision and providing guidance to the suspect.[40] These tasks can be performed in different stages of the criminal proceedings. In the DECODEUR project, it was possible to gather differentiated data via a special cross-tab structure. The project group developed a question that includes a break-down not only by tasks, but also by stages of the criminal proceedings.

As to the stages, the group decided to use the following differentiation:

Pre-Sentence Stage	**Execution Stage**			
	Non-custodial sanctions and measures	**Suspended custodial sanctions and measures**	**Unsuspended custodial sanctions of measures**	
			while in prison	**after conditional release**

As to the tasks, the following categories were chosen:

Providing information and / or reporting to the prosecuting authorities / court
Monitoring and enforcing the conditions and / or measures imposed / ordered by the police / public prosecutor / court
Assisting / providing guidance to the suspect
Finding alternatives to pre-trial-detention
Finding possibilities for diversion (e.g. alternatives to a formal sentence)
Supervision during authorised leave from prison

Of course, not all tasks can be performed at every stage of the proceedings. Obviously, the category "supervision during authorised leave from prison" could only be selected for the stage "while in prison".

The following tables show the tasks of probation agencies at different stages of the proceedings. The results are presented in three different tables because of the cross-tab structure of this question. The first table (4 a)) shows the tasks of probation agencies in the pre-sentence stage. Table 4 b) deals with the execution stage concerning non-custodial sanctions and measures and

[40] For a detailed description of probation activities see: V.Kalmthout & Durnescu 2008: 16-30.

suspended custodial sanctions and measures. The last table (4 c)) presents the results for tasks referring to unsuspended custodial sanctions and measures.

As can be seen from table 4 a), probation agencies were already involved in the pre-sentence stage in many countries. In this stage of the proceedings, providing information and/or reporting to the prosecuting authorities/court is the most common task, but 24 countries also ticked other categories in the pre-sentence stage (for example finding possibilities for diversion). Tables 4 b) and 4 c) show that tasks in the execution stage were generally very common. Most countries selected a range of different functions in this stage of the proceedings. Fewer probation agencies carried out tasks while the convict was in prison: 23 countries (e.g. Croatia, Poland, and Scotland) ticked one of the tasks in this category, but only in Albania, France, Luxembourg, Spain, and England and Wales could probation agencies monitor and enforce the conditions and/or measures imposed while the convict is in prison.

Many countries explained specifics of their legal system concerning the tasks of probation agencies in the comments section. In 2012, the Lithuanian system of probation agencies was modified. Before, the so-called "correction inspections" were not competent at the pre-sentence stage. One of the tasks of the new Lithuanian "probation agencies" was to ensure the execution of community service. However, the information for this country given in the tables refers to the situation in 2010. In Malta there have also been changes in legislation concerning probation agencies in 2012. As in Lithuania, the information given in the tables refers to the previous situation (in 2010). The former probation service in Malta was neither in charge of work with offenders while in custody, nor responsible for monitoring or assisting persons subject to early release. In Croatia a new Probation Act (of 2013) furthers the tasks of the probation service.

This question can only show probation activities for selected categories. In fact, the tasks of probation agencies in Europe are far more complex. Several countries mentioned particular tasks of their probation agencies in the comments section. In Ukraine the probation agency also monitored the behaviour of released pregnant women and women with children under three years. In Kosovo (UNR) they were responsible for supervising and assisting offenders addicted to drugs or alcohol, subject to mandatory rehabilitation treatment, which is organised in freedom. In Northern Ireland the probation agencies delivered behavioural change programmes for offenders in custody and in the community, covering areas such as violent offending, sexual offending, and drug and alcohol misuse.

Table 4: Tasks of probation agencies competent for adults

a) Pre-sentence stage

	Providing information and / or reporting to the prosecuting authorities / court	Monit. and enforcing the cond. and / or meas. imposed / ord. by the police / public prosec. / court	Assisting / providing guidance to the suspect	Finding alternatives to pre-trial-detention	Finding possibilities for diversion (e.g. alternatives to a formal sentence)
Albania	X	X	X	X	X
Armenia	(...)	(...)	(...)	(...)	(...)
Austria*	X	X	X		X
Belgium	X	X	X		
Bulgaria	X				
Croatia	X	X		X	X
Cyprus	X				
Czech Rep.	X	X	X	X	X
Denmark	X				X
Estonia	X	X		X	X
Finland	X		X		
France	X		X	X	X
Georgia	...	...	...	...	...
Germany	X	X	X	X	X
Hungary**	X	X	X	X	X
Iceland	(...)	(...)	(...)	(...)	(...)
Ireland**					
Italy					
Kosovo (UNR)	X				
Latvia*	X	X	X		X
Lithuania					
Luxembourg*	X	X			
Malta	X	X	X		
Moldova	X	X	X	X	X
Netherlands	X	X	X	X	X
Norway**	X				
Poland	X				
Portugal	X	X		X	X
Romania	X				
Russia	(...)	(...)	(...)	(...)	(...)
Serbia	(...)	(...)	(...)	(...)	(...)
Slovakia	X	X	X	X	X
Slovenia*	X	X			
Spain					
Sweden**	X	X	X		
Switzerland*	X	X	X		
Turkey	X	X	X		
Ukraine					
UK: E. & W.	X	X	X	X	X
UK: N. Irel.	X				
UK: Scotl.	X	X	X	X	X

No answer in part 4.3 of the questionnaire: Greece.

***** For this country at least part of the data stem from the update of "Probation in Europe" (www.CEP-probation.org).

** For this country at least part of the data stem from the ISTEP project (www.probation-transfers.eu).

b) Execution stage: Non-custodial sanctions and measures and suspended custodial sanctions and measures

	Non-custodial sanctions and measures			Suspended custodial sanctions and measures		
	Providing information and / or reporting to the prosecuting authorities / court	Monitoring and enforcing the cond. and / or measures imposed / ordered by the police / public prosec. / court	Assisting / providing guidance to the suspect	Providing information and / or reporting to the prosecuting authorities / court	Monitoring and enforcing the cond. and / or measures imposed / ordered by the police / public prosec. / court	Assisting / providing guidance to the suspect
Albania	X	X	X	X	X	X
Armenia	(…)	(…)	(…)	(…)	(…)	(…)
Austria*	X	X	X	X	X	X
Belgium	X	X	X	X	X	X
Bulgaria	X	X	X	X	X	X
Croatia	X	X		X	X	X
Cyprus	X	X				
Czech Rep.	X	X	X	X	X	X
Denmark	X	X	X	X	X	X
Estonia				X	X	X
Finland	X	X	X			
France		X	X		X	X
Georgia	…	…	…	…	…	…
Germany	X	X	X	X	X	X
Hungary	X	X	X	X	X	X
Iceland	(…)	(…)	(…)	(…)	(…)	(…)
Ireland**	X	X				
Italy	X	X	X	X	X	X
Kosovo (UNR)	X	X		X	X	
Latvia*	X	X	X	X	X	X
Lithuania	X	X		X	X	
Luxembourg*	X	X	X	X	X	X
Malta	X	X	X	X	X	
Moldova	X	X	X	X	X	X
Netherlands	X	X	X	X	X	X
Norway**	X	X	X	X	X	X
Poland**	X	X	X	X	X	
Portugal**	X	X	X	X	X	
Romania	X	X		X	X	
Russia	(…)	(…)	(…)	(…)	(…)	(…)
Serbia	(…)	(…)	(…)	(…)	(…)	(…)
Slovakia	X	X	X	X	X	X
Slovenia*	X	X	X	X	X	
Spain		X	X		X	X
Sweden	X	X	X	X	X	X
Switzerland*	X	X	X	X	X	X
Turkey	X	X	X	X	X	X
Ukraine		X			X	
UK: E. & W.	X	X	X	X	X	X
UK: N. Irel.	X	X				
UK: Scotl.	X	X	X	X	X	X

c) Execution stage: Unsuspended custodial sanctions and measures

	While in prison				After conditional release		
	Providing information and / or reporting to the prosecuting authorities / court	Monitoring and enforcing the cond. and / or measures imposed / ordered by the police / public prosec. / court	Assisting / providing guidance to the suspect	Supervision during authorised leave from prison	Providing information and / or reporting to the prosecuting authorities / court	Monitoring and enforcing the cond. and / or measures imposed / ordered by the police / publ. prosec. / court	Assisting / providing guidance to the suspect
Albania	X	X	X	X	X	X	X
Armenia	(…)	(…)	(…)	(…)	(…)	(…)	(…)
Austria			X			X	
Belgium				X	X	X	X
Bulgaria					X	X	X
Croatia	X			X	X	X	
Cyprus	X		X				X
Czech Rep.			X		X	X	X
Denmark**					X	X	X
Estonia	X				X	X	X
Finland					X	X	X
France		X	X			X	X
Georgia	…	…	…	…	…	…	…
Germany					X	X	X
Hungary	X		X		X	X	X
Iceland	(…)	(…)	(…)	(…)	(…)	(…)	(…)
Ireland**					X	X	X
Italy			X	X	X	X	X
Kosovo (UNR)	X				X	X	X
Latvia	X					X	
Lithuania					X	X	
Luxembourg*	X	X	X	X	X	X	X
Malta							
Moldova					X	X	X
Netherlands	X			X	X	X	X
Norway**					X	X	X
Poland	X				X	X	
Portugal				X	X	X	
Romania			X				
Russia	(…)	(…)	(…)	(…)	(…)	(…)	(…)
Serbia	(…)	(…)	(…)	(…)	(…)	(…)	(…)
Slovakia					X	X	X
Slovenia*							
Spain		X	X	X		X	X
Sweden			X	X	X	X	X
Switzerland			X				X
Turkey					X	X	X
Ukraine						X	
UK: E. & W.	X	X	X		X	X	X
UK: N. Irel.	X				X	X	
UK: Scotl.	X		X	X	X	X	X

2.3.2.2 The tasks of probation agencies competent for minors

This question was similar to the preceding one but refers to probation agencies competent for minors[41]. The tasks of probation agencies handling minors are presented in the following three tables (5 a) – 5 c)), dealing with different stages of the proceedings. In many countries (e.g. Czech Republic, Malta, the Netherlands, and Turkey) the same tasks apply for minors and for adults. In some countries, e.g. Bulgaria, the agencies competent for minors and for adults are identical.

Fewer countries provided information for this question than for the one referring to adults. In some cases this is caused by judicial issues. In Croatia, for example, there were no probation agencies competent for minors. The probation service in Croatia had jurisdiction only over adult offenders. For minors there were some measures very similar to probation measures, but they are part of the social welfare services.

Because of a problem with the electronic version of the questionnaire, this question had to be answered via the additional comments section. This might have led to a loss of answers. Kosovo (UNR) mentioned tasks in the comments (e.g. supervising educational measures). However, it was not feasible to adapt these to the underlying categorization.

[41] For further information on minors see chapter 2.2.6.

Table 5: Tasks of probation agencies competent for minors

a) Pre-sentence stage

	Providing information and / or reporting to the prosecuting authorities / court	Monitoring and enforcing the cond. and / or measures imposed / ordered by the police / public prosec. / court	Assisting / providing guidance to the suspect	Finding alternatives to pre-trial-detention	Finding possibilities for diversion (e.g. alternatives to a formal sentence)
Albania	…	…	…	…	…
Armenia	(…)	(…)	(…)	(…)	(…)
Austria	X		X	X	X
Belgium	…	…	…	…	…
Bulgaria	X				
Croatia					
Cyprus	X		X		
Czech Rep.	X	X	X	X	
Denmark	X				X
Estonia	X	X		X	X
Finland*	X	X	X		
France	…	…	…	…	…
Georgia	…	…	…	…	…
Germany			X	X	X
Hungary	…	…	…	…	…
Iceland	(…)	(…)	(…)	(…)	(…)
Ireland	…	…	…	…	…
Italy	…	…	…	…	…
Kosovo (UNR)	…	…	…	…	…
Latvia	X				X
Lithuania	…	…	…	…	…
Luxembourg	…	…	…	…	…
Malta	X	X	X	X	
Moldova	X	X	X	X	X
Netherlands	X	X	X	X	
Norway	…	…	…	…	…
Poland	X	X			
Portugal	…	…	…	…	…
Romania	…	…	…	…	…
Russia	(…)	(…)	(…)	(…)	(…)
Serbia	(…)	(…)	(…)	(…)	(…)
Slovakia	X	X	X	X	X
Slovenia	…	…	…	…	…
Spain	…	…	…	…	…
Sweden	X				
Switzerland	…	…	…	…	…
Turkey	X	X	X		
Ukraine	…	…	…	…	…
UK: E. & W.	X	X	X	X	X
UK: N. Irel.	…	…	…	…	…
UK: Scotl.	…	…	…	…	…

No answer in part 4.3 of the questionnaire: Greece.

***** For this country at least part of the data stem from the update of "Probation in Europe" (www.CEP-probation.org).

b) Execution stage: Non-custodial sanctions and measures and suspended custodial sanctions and measures

	Non-custodial sanctions and measures			Suspended custodial sanctions and measures		
	Providing information and / or reporting to the prosecuting authorities / court	Monitoring and enforcing the cond. and / or measures imposed / ordered by the police / public prosec. / court	Assisting / providing guidance to the suspect	Providing information and / or reporting to the prosecuting authorities / court	Monitoring and enforcing the cond. and / or measures imposed / ordered by the police / public prosec. / court	Assisting / providing guidance to the suspect
Albania	…	…	…	…	…	…
Armenia	(…)	(…)	(…)	(…)	(…)	(…)
Austria*	X	X	X	X	X	X
Belgium	…	…	…	…	…	…
Bulgaria	X	X	X	X	X	X
Croatia						
Cyprus	X	X				
Czech Rep.	X	X	X	X	X	X
Denmark	X	X	X	X	X	X
Estonia				X	X	X
Finland*	X	X	X	X	X	X
France	…	…	…	…	…	…
Georgia	…	…	…	…	…	…
Germany	X	X	X			
Hungary	…	…	…	…	…	…
Iceland	(…)	(…)	(…)	(…)	(…)	(…)
Ireland	…	…	…	…	…	…
Italy	…	…	…	…	…	…
Kosovo (UNR)	…	…	…	…	…	…
Latvia*	X	X	X	X	X	X
Lithuania	…	…	…	…	…	…
Luxembourg	…	…	…	…	…	…
Malta	X	X		X	X	
Moldova	X	X	X	X	X	X
Netherlands	X	X	X	X	X	X
Norway	…	…	…	…	…	…
Poland	X	X		X	X	
Portugal	…	…	…	…	…	…
Romania	…	…	…	…	…	…
Russia	(…)	(…)	(…)	(…)	(…)	(…)
Serbia	(…)	(…)	(…)	(…)	(…)	(…)
Slovakia	X	X	X	X	X	X
Slovenia	…	…	…	…	…	…
Spain	…	…	…	…	…	…
Sweden	X	X	X	X	X	X
Switzerland	…	…	…	…	…	…
Turkey	X	X	X	X	X	X
Ukraine	…	…	…	…	…	…
UK: E. & W.	X	X	X	X	X	X
UK: N. Irel.	…	…	…	…	…	…
UK: Scotl.	…	…	…	…	…	…

c) Execution stage: Unsuspended custodial sanctions and measures

	While in prison				After conditional release		
	Providing information and / or reporting to the prosecuting authorities / court	Monitoring and enforcing the cond. and / or measures imposed / ordered by the police / public prosec. / court	Assisting / providing guidance to the suspect	Supervision during authorized leave from prison	Providing information and / or reporting to the prosecuting authorities / court	Monitoring and enforcing the cond. and / or measures imposed / ordered by the police / public prosec. / court	Assisting / providing guidance to the suspect
Albania	…	…	…	…	…	…	…
Armenia	(…)	(…)	(…)	(…)	(…)	(…)	(…)
Austria			X	X	X	X	X
Belgium	…	…	…	…	…	…	…
Bulgaria					X	X	X
Croatia							
Cyprus	X						X
Czech Rep.			X		X	X	X
Denmark							X
Estonia	X				X	X	X
Finland*					X	X	X
France	…	…	…	…	…	…	…
Georgia	…	…	…	…	…	…	…
Germany			X				
Hungary	…	…	…	…	…	…	…
Iceland	(…)	(…)	(…)	(…)	(…)	(…)	(…)
Ireland	…	…	…	…	…	…	…
Italy	…	…	…	…	…	…	…
Kosovo (UNR)	…	…	…	…	…	…	…
Latvia	X					X	
Lithuania	…	…	…	…	…	…	…
Luxembourg	…	…	…	…	…	…	…
Malta							
Moldova	X		X		X	X	X
Netherlands	X			X	X	X	X
Norway	…	…	…	…	…	…	…
Poland	X				X	X	
Portugal	…	…	…	…	…	…	…
Romania	…	…	…	…	…	…	…
Russia	(…)	(…)	(…)	(…)	(…)	(…)	(…)
Serbia	(…)	(…)	(…)	(…)	(…)	(…)	(…)
Slovakia					X	X	X
Slovenia	…	…	…	…	…	…	…
Spain	..	…	…	…	…	…	…
Sweden			X		X	X	X
Switzerland	…	…	…	…	…	…	…
Turkey					X	X	X
Ukraine	…	…	…	…	…	…	…
UK: E. & W.	X	X	X		X	X	X
UK: N. Irel.	…	…	…	…	…	…	…
UK: Scotl.	…	…	…	…	…	…	…

2.3.3 Staff and reports of probation agencies

The group also wanted to obtain statistics about the employees and workload of probation agencies in the different countries throughout Europe.[42] Hence, questions on staff and reports of probation agencies were developed in the DECODEUR project. In contrast to the other questions on probation agencies, they did not collect metadata but asked for figures.

2.3.3.1 Probation agencies staff

In earlier editions of the ESB, data on staff have been collected only for the police and public prosecution service (see Aebi et al. 2010: 113 ff., 146 ff.). In the DECODEUR project, data on probation agencies staff were gathered for the first time in the course of the European Sourcebook. The question was designed to collect figures on different types of employees, such as administrative staff, qualified probation workers, other probation workers, and volunteers. In order to get even more differentiated data, there is a break-down by staff competent for adults and for minors[43] for all these categories.

The questionnaire provided a definition for volunteers (taken from recommendation CM/Rec(2010)1) describing volunteers as persons *"who are not paid for their work, carrying out probation activities. This does not exclude the payment of a small amount of money to volunteers to cover the expenses of their work"* (CM/Rec(2010)1, Appendix II). Qualified probation workers were defined as *"staff with special qualifications (i.e. diplomas in probation or social work) performing tasks related to the supervision of clients under probation"* (Aebi, Delgrande & Marguet 2011: 59).

Table 6 presents data availability for the staff of probation agencies. These results from the final questionnaire show that most countries could provide at least some figures on this topic. Only in a few cases, e.g. Germany and Turkey, no data at all were available. In the case of Armenia, no data were provided because there was no probation service in this country (see chapter 2.3.1.1).

As mentioned above, the definition of probation agencies was interpreted restrictively by the Serbian correspondent (see chapter 2.3.1.1). Nonetheless, this country provided figures for probation staff. It can be assumed that the same applies for Iceland.

27 countries could provide at least some data referring to the staff of probation agencies. Fewer figures were available concerning the break-down of data. Only ten countries could present statistics for both differentiations – by the type of employment and by the competency for adults or minors.

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[42] Since the set-up of the first probation agencies in Europe, the staff structure of these bodies has been subject to major changes; see: V.Kalmthout & Durnescu 2008: 9-10.

[43] For further information on minors see chapter 2.2.6.

For some countries (e.g. Austria and Romania) it was not feasible to differentiate between staff competent for adults or for minors. This can be due to various reasons. As mentioned above, the Croatian probation agencies are competent only for adults (see chapter 2.3.2.2). In Austria there is no distinction within the personnel whether the social workers are responsible for adults or minors. In the Romanian probation system all probation staff work with minors and adults. In the Czech Republic data on staff competent for minors were available but these probation officers can also administer other types of work.

A couple of countries, e.g. Belgium and France, had difficulties with the break-down by the type of employment (administrative staff, volunteers, etc.). Most countries did not provide data for all specific categories. In some cases there were statistical issues. Denmark commented that most probation staff were qualified probation workers. However, it was not possible for this country to provide differentiated data on this category. In other cases the lack of data was due to judicial reasons, for instance in Croatia and Malta, where the probation system did not use volunteers for performing probation tasks.

The variety of legal systems may also cause problems concerning certain legal terms and definitions. Latvia commented that their staff classification is not exactly convertible into the categories suggested by the questionnaire. Northern Ireland pointed out that their figures for administrative staff also include cleaning staff.

In the comments section, several countries gave examples with regard to the category “other probation workers”. Croatia explained that this concerns probation staff in the sector for probation in the Ministry of Justice (Head office). Italy and Northern Ireland referred to psychologists. All these specifics have to be considered while interpreting and comparing the presented results.

Table 6: Probation agencies staff

	Total			Administr. staff			Qualified probation workers			Other probation workers			Volunteers		
	Total	Comp. for adults	Comp. for minors	Total	Comp. for adults	Comp. for minors	Total	Comp. for adults	Comp. for minors	Total	Comp. for adults	Comp. for minors	Total	Comp. for adults	Comp. for minors
Albania	-	-	-	-	-	-	•	-	-	-	-	-	-	-	-
Armenia	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Austria	•	-	-	•	-	-	•	-	-	-	-	-	•	-	-
Belgium	•	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Bulgaria	•	-	-	-	-	-	-	-	-	-	-	-	•	-	-
Croatia	•	-	-	•	-	-	•	-	-	•	-	-	•	-	-
Cyprus	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Czech Rep.	•	•	•	-	-	-	•	•	•	-	-	-	-	-	-
Denmark	•	•	•	-	-	-	-	-	-	-	-	-	•	•	•
Estonia	•	-	-	•	-	-	•	-	-	•	-	-	-	-	-
Finland	•	•	•	•	•	•	•	•	•	-	-	-	•	•	•
France	•	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Georgia	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Germany	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Hungary	•	•	•	•	•	•	•	•	•	•	•	•	-	-	-
Iceland	•	-	-	•	-	-	•	-	-	•	-	-	•	-	-
Ireland	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Italy	•	-	-	•	-	-	•	-	-	•	-	-	-	-	-
Kosovo (UNR)	•	-	-	•	-	-	•	-	-	•	-	-	-	-	-
Latvia	-	-	-	-	-	-	•	-	-	-	-	-	-	-	-
Lithuania	•	-	-	•	-	-	•	-	-	-	-	-	-	-	-
Luxembourg	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Malta	•	•	•	•	•	•	•	•	•	-	-	-	-	-	-
Moldova	•	•	•	•	-	-	-	-	-	•	•	•	-	-	-
Netherlands	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Norway	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Poland	•	•	•	•	•	•	•	•	•	-	-	-	•	•	•
Portugal	•	-	-	•	-	-	•	-	-	•	-	-	-	-	-
Romania	•	-	-	•	-	-	•	-	-	•	-	-	•	-	-
Russia	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Serbia	•	•	-	•	•	-	•	•	-	•	•	-	•	•	-
Slovakia	•	•	•	-	-	-	•	•	•	-	-	-	-	-	-
Slovenia	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Spain	•	-	-	-	-	-	•	-	-	-	-	-	-	-	-
Sweden	•	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Switzerland	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Turkey	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Ukraine	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
UK: E. & W.	•	-	-	-	-	-	-	-	-	-	-	-	-	-	-
UK: N. Irel.	•	-	-	•	-	-	•	-	-	•	-	-	•	-	-
UK: Scotl.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

No answer in part 4.3 of the questionnaire: Greece.

2.3.3.2 Number of written reports provided by probation agencies

Previous studies have reported that writing reports was a main task of probation agencies in most countries (v.Kalmthout & Durnescu 2008: 21 f.). To get an idea of the workload of probation agencies throughout Europe, a question on the amount of written reports was developed in the DECODEUR project. To collect in-depth information, the group did not only ask for the total number of written reports, but also for specific types. This break-down of data includes the following categories: pre-sentence reports, reports concerning supervision during the execution of community sanctions, reports during the execution of a suspended prison sentence, reports concerning the prerequisites of a conditional release, and reports after a conditional release. In addition, there was a differentiation even between reports on adults and on minors[44] for all these categories.

In order to increase the clarity of the question and data comparability, the questionnaire included a definition for pre-sentence reports. This definition was based on the Probation Rules and had the following wording:

> *Depending on the national legal system, probation agencies may prepare pre-sentence reports on individual alleged offenders in order to assist, where applicable, the judicial authorities in deciding whether to prosecute or what would be the appropriate sanctions or measures* (CM/Rec(2010)1, No. 42).

In the course of the project, the group discussed if the number of written reports is a suitable indicator for the workload of probation agencies, allowing a comparison between countries. The contents and length of these reports may vary a lot (v.Kalmthout & Durnescu 2008: 21). Consequently, the workload can be higher, even if the number of reports is in fact lower than in another agency. Reports of probation agencies *"may consist of two brief sentences on the current status of supervision, but they might also be a detailed professional opinion on the prerequisites of conditional release"* (Jehle & Harrendorf 2014: 99). Even a detailed break-down by specific types of reports cannot resolve this problem completely. This has to be taken into consideration for the analysis of the results. However, it was deemed interesting to collect data on this topic.

Data availability for the written reports of probation agencies is presented in table 7. The results for the total can be seen in table 7 a), while table 7 b) shows a break-down by specific types. 25 countries could give figures for at least part of this question. Only in a couple of countries (Germany and Turkey) were no data at all available on reports. This lack of data can be due to various reasons. In Croatia no data regarding reports have been available at the time of the questionnaire because there were no systematic recordings (probation offices in Croatia started opening in 2011). However, data will be available in Croatia for the year 2013. In some cases the lack of data was due to judicial reasons. For

[44] For further information on minors see chapter 2.2.6.

Armenia, for example, no data were provided, because there was no probation service in this country (see chapter 2.3.1.1).

As mentioned above, the definition of probation agencies was interpreted in a strict way by the national correspondent of Serbia (see chapter 2.3.1.1). Nevertheless, this country provided figures for written reports.

It can be seen from tables 7 a) and 7 b) that fewer data are available for the differentiation between reports on adults or on minors. In many cases this is due to statistical reasons. In Romania, to give an example, data are not collected separately for minors or adults for different stages of the proceedings.

It is surprising that more countries gave figures on specific reports than on the total. 23 countries could provide data for at least one of the categories listed in table 7 b), but only 18 countries for the total reports (see table 7 a)). Many countries had figures for pre-sentence reports (22 countries). In contrast, there were limited data for other types. Only seven countries filled in the categories "reports concerning supervision during the execution of community sanctions" and "reports concerning the prerequisites of a conditional release". In other categories data availability is even poorer. No country provided figures for all of the listed categories. This can be due to judicial reasons in some cases because writing reports was not a task in each stage of the proceedings in all participating countries (see tables 4 a) – c) and 5 a) – c) in chapters 2.3.2.1 and 2.3.2.2).

In many countries, however, the lack of data is due to statistical issues. In Malta, for instance, there was no data for periodical reports that are submitted to the courts regarding the behaviour of the person in cases of supervision before a final sentence or in cases of supervision at the post-sentencing stage. Such reports were frequent, but figures were not available. In the Netherlands reports during the execution of community sanctions, the execution of a suspended prison sentence, and after a conditional release were part of the execution and not a separate product of the probation services. These reports were therefore not separately registered. In the Czech Republic and in Northern Ireland there were some difficulties with the given categorization. In Austria there was no distinction between probation reports regarding a suspended sentence or a conditional release; they are all included within the figures for the category "reports during the execution of a suspended prison sentence".

Table 7: Written reports provided by the probation agencies in 2010

a) Total:

	Total Reports		
	Total	Reports on adults	Reports on minors
Albania	•	-	-
Armenia	-	-	-
Austria	-	-	-
Belgium	•	•	•
Bulgaria	•	-	-
Croatia	-	-	-
Cyprus	-	-	-
Czech Rep.	•	•	•
Denmark	-	-	-
Estonia	-	-	-
Finland	•	•	•
France	•	-	-
Georgia	-	-	-
Germany	-	-	-
Hungary	•	•	•
Iceland	-	-	-
Ireland	-	-	-
Italy	-	-	-
Kosovo (UNR)	•	•	•
Latvia	-	-	-
Lithuania	-	-	-
Luxembourg	-	-	-
Malta	•	•	•
Moldova	•	•	•
Netherlands	-	-	-
Norway	•	-	-
Poland	-	-	-
Portugal	•	-	-
Romania	•	•	•
Russia	-	-	-
Serbia	•	•	-
Slovakia	-	-	-
Slovenia	-	•	-
Spain	-	-	-
Sweden	•	-	-
Switzerland	-	-	-
Turkey	-	-	-
Ukraine	-	-	-
UK: E. & W.	-	-	-
UK: N. Irel.	•	•	•
UK: Scotl.	•	•	-

No answer in part 4.3 of the questionnaire: Greece.

b) Specific reports:

	Pre-sentence reports			Reports concerning supervision during the execution of community sanctions			Reports during the execution of a suspended prison sentence			Reports concerning the pre-requisites of a conditional release			Reports after a conditional release		
	Total	Reports on adults	Reports on minors	Total	Reports on adults	Reports on minors	Total	Reports on adults	Reports on minors	Total	Reports on adults	Reports on minors	Total	Reports on adults	Reports on minors
Albania	•	-	-	•	-	-	-	-	-	-	-	-	-	-	-
Armenia	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Austria	•	•	•	•	•	•	•	•	•	-	-	-	-	-	-
Belgium	•	•	•	-	-	-	-	-	-	•	•	•	-	-	-
Bulgaria	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Croatia	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Cyprus	•	•	•	•	•	•	-	-	-	-	-	-	-	-	-
Czech Rep.	•	•	•	-	-	-	-	-	-	•	•	•	-	-	-
Denmark	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Estonia	•	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Finland	•	•	•	•	•	-	-	-	-	-	-	-	-	-	-
France	•	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Georgia	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Germany	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Hungary	•	•	•	-	-	-	-	-	-	•	•	•	-	-	-
Iceland	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Ireland	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Italy	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Kosovo (UNR)	•	•	•	•	•	•	-	-	-	-	-	-	•	•	•
Latvia	•	-	-	-	-	-	-	-	-	•	-	-	-	-	-
Lithuania	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Luxembourg	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Malta	•	•	•	-	-	-	-	-	-	-	-	-	-	-	-
Moldova	•	•	•	-	-	-	-	-	-	-	-	-	-	-	-
Netherlands	-	•	-	-	-	-	-	-	-	-	•	-	-	-	-
Norway	•	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Poland	•	•	•	-	-	-	-	-	-	-	•	-	-	-	-
Portugal	•	-	-	-	-	-	-	-	-	•	-	-	-	-	-
Romania	•	-	-	-	-	-	•	-	-	-	-	-	-	-	-
Russia	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Serbia	-	-	-	•	•	-	•	•	-	-	-	-	-	-	-
Slovakia	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Slovenia	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Spain	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Sweden	•	•	-	-	-	-	-	-	-	-	-	-	-	-	-
Switzerland	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Turkey	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Ukraine	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
UK: E. & W.	•	-	-	-	-	-	-	-	-	-	-	-	-	-	-
UK: N. Irel.	•	•	•	•	•	•	-	-	-	-	-	-	•	•	•
UK: Scotl.	•	•	-	-	-	-	-	-	-	-	-	-	-	-	-

2.3.4 Summary

The newly developed part of the questionnaire on probation agencies worked very well. Most countries provided answers and it was possible to gather in-depth information on the existence, type, competencies, and tasks of probation agencies competent for adults and minors throughout Europe. In addition, much data were available for staff and reports, even for some detailed categories like “qualified probation workers” or “pre-sentence reports”.

The project showed that probation agencies exist in most European countries. Despite the complexity and diversity of criminal justice systems, some general findings could be presented. The majority of the agencies are public; no country mentioned a private enterprise. In most countries there are probation agencies responsible for adults and for minors, often carrying out the same tasks. The functions of probation agencies may vary widely, but it was shown that only a few probation agencies carry out tasks while the convicted person is in prison.

To sum up, the collected data may not reflect all facets of probation agencies in Europe, but it was feasible to get a comparative overview of the different systems as well as detailed information on selected topics. The information gathered in this part may also serve as a helpful background when interpreting CSM- and probation-related questions in the following chapters.

2.4 Data availability for CSM

The following chapters deal with data availability concerning community sanctions and measures on the prosecution (2.4.1) and conviction (2.4.2) levels. Data availability for selected probation measures (supervision, community service, and electronic monitoring) will be presented in chapter 2.4.3.

2.4.1 Data availability for CSM on the prosecution level

On the prosecution level the group wanted to find out which community sanctions and measures can be combined with a conditional disposal (see chapters 2.4.1.1 and 2.4.1.2). In addition, the group was interested in separate powers of the police to drop proceedings or conditionally dispose of them (see chapter 2.4.1.3). It was not possible to get any response for the entire prosecution section (part 2 of the questionnaire) for Ireland, Kosovo (UNR), Latvia, Luxembourg, Malta, Moldova, Norway, Serbia, and Northern Ireland. These countries are therefore not mentioned in the following analysis. They are only listed below the tables as "No answer in part 2 of the questionnaire".

2.4.1.1 Disposal categories

This chapter is about definitions and concepts with regard to conditional disposals. A similar question has already been part of the 4th edition of the ESB (see Jehle & Harrendorf 2010: 197). In the DECODEUR project, the group added a break-down by different conditions (e.g. victim-offender mediation, community service, and supervision). For each concept known in their legal system, the countries were asked to indicate whether it is included in or excluded from their data. Otherwise, they should tick "concept does not exist".

Several countries (Cyprus, Denmark, Romania, Ukraine, and England and Wales), ticked "excluded" for all conditions (see table 8; these countries could not give any figures on conditional disposals in chapter 2.4.1.2). Some countries were not able to answer this question, because they could not provide any data at all on the prosecution level (Spain and Sweden) or at least no figures on conditional disposals (Italy and Switzerland).

Table 8 shows that in many countries only selected conditions are applicable. In Albania, Finland, and Turkey, for example, only a very limited number of CSM can be part of a conditional disposal. For a few countries (e.g. Poland) no condition is applicable. In other cases (e.g. Austria, Belgium, and France) a wide range of different CSM can be combined with a conditional disposal. Most of the applicable conditions were included in the data of the participating countries. A couple of countries gave examples for the category "other" in the additional comments. Germany mentioned the payment of alimony. Greece referred to a fine *sui generis* (paying a sum to a welfare or social organization).

Table 8: Disposal categories for output data[45]

■ = included □ = excluded / = concept does not exist … = no answer	**Conditional disposals by the prosecutor without formal verdict (i.e. the case is dropped when condition is met by the suspect) – Include the following conditions:**						
	Fine	**Restitution**	**Victim-offender mediation**	**Community service**	**Supervision**	**Order to undergo a specific therapeutic treatment**	**Other**
Albania	/	/	■	/	/	■	■
Armenia	/	/	/	/	/	/	…
Austria	■	■	■	■	■	■	…
Belgium	■	■	■	■	■	■	■
Bulgaria	/	/	/	/	/	/	/
Croatia	■	■	■	□	□	■	■
Cyprus	□	□	□	□	□	□	□
Czech Rep.	/	■	/	/	/	■	■
Denmark	□	□	□	□	□	□	□
Estonia	/	…	■	■	/	■	…
Finland	■	/	/	/	/	/	■
France	■	■	■	■	■	■	…
Georgia	■	■	■	■	□	■	…
Germany	■	■	■	■	/	■	■
Greece	/	■	■	■	■	■	■
Hungary	/	/	■	/	□	/	■
Iceland	□	/	/	/	/	/	…
Italy	…	…	…	…	…	…	…
Lithuania	/	□	■	/	/	/	■
Netherlands*	■	■	/	■	□	□	…
Poland	/	/	/	/	/	/	/
Portugal	/	■	/	■	/	■	■
Romania	□	□	□	□	□	□	/
Russia	■	■	■	■	■	■	…
Slovakia	/	■	■	■	■	■	■
Slovenia	/	■	■	■	■	/	■
Spain	…	…	…	…	…	…	…
Sweden	…	…	…	…	…	…	…
Switzerland	…	…	…	…	…	…	…
Turkey	■	/	■	/	/	/	/
Ukraine	□	□	□	□	□	□	□
UK: E. & W.	□	□	□	□	□	□	□
UK: Scotl.	■	■	…	…	…	…	■

No answer in part 2 of the questionnaire: Ireland, Kosovo (UNR), Latvia, Luxembourg, Malta, Moldova, Norway, Serbia, UK: Northern Ireland.

***** For this country at least part of the data stem from the update of "Probation in Europe" (www.CEP-probation.org).

[45] The wording of the complete question can be found in annex 4 (part 2).

2.4.1.2 Cases disposed of by the prosecuting authorities in 2010

While the previous question referred to definitions, this chapter is about figures for conditional disposals. A similar question has already been part of the 4th edition of the ESB questionnaire (see Jehle & Harrendorf 2010: 199; Aebi et al. 2010: 137 f.). In the DECODEUR project, the group added a break-down by different conditions (e.g. victim-offender mediation, community service, and supervision). Another improvement was to collect data for the total number and for minors.

The following tables present the project-related results of the final questionnaire for this question: Table 9 a) refers to the total; the second table (9 b)) is about minors.[46] Table 9 a) shows that only 15 countries could give figures on the total of conditional disposals. 13 countries were able to provide information for at least one condition. The amount of data differs between the categories. Ten countries had figures for victim-offender mediation. Data on supervision were only available in two countries. Some countries provided figures for a range of several conditions (e.g. Austria, Germany, and Slovenia). But in Albania, Estonia, and Greece, for example, data were only available for one specific category. The preceding table on definitions makes clear that in some cases the scarcity of data was due to legal reasons. In several countries none or only a few conditions are applicable (e.g. in Albania and Turkey).

Table 9 b) shows that even fewer data are available for minors. Only eight countries were able to provide figures for the total of conditional disposals. Data for victim-offender mediation were available in only five countries. No country had figures for supervision. In their comments, many countries explained their difficulties in providing data on minors. In Austria only percentages of disposals referring to minors were available but no figures. The power of the prosecutor to impose sanctions has been recently implemented in Greece. The prosecutor could impose any measure mentioned in the question (e.g. supervision, community service, victim-offender mediation), but there are no data available.

[46] For further information on minors see chapter 2.2.6.

Table 9: Cases disposed of by the prosecuting authorities in 2010[47]

a) Total:

	Total	Conditional disposals								
		Total conditional disposals	Fine	Restitution	Victim-offender mediation	Community Service	Supervision	Order to undergo a specific therapeutic treatment	Other measures	Mixed measures
Albania	•	-	-	-	-	-	-	•	-	-
Armenia	-	-	-	-	-	-	-	-	-	-
Austria	•	•	•	-	•	•	•	•	-	-
Belgium	•	•	•	•	•	-	-	-	•	-
Bulgaria	•	-	-	-	-	-	-	-	-	-
Croatia	•	•	-	-	-	-	-	-	-	-
Cyprus	-	-	-	-	-	-	-	-	-	-
Czech Rep.	•	•	-	-	-	-	-	-	-	-
Denmark	-	-	-	-	-	-	-	-	-	-
Estonia	•	•	-	-	•	-	-	-	-	-
Finland	•	-	-	-	-	-	-	-	-	-
France	•	•	-	•	•	•	-	•	-	-
Georgia	•	-	-	-	-	-	-	-	-	-
Germany	•	•	•	•	•	•	•	-	•	-
Greece	•	-	-	-	•	-	-	-	-	-
Hungary	•	•	-	-	•	-	-	-	•	-
Iceland	•	-	-	-	-	-	-	-	-	-
Italy	•	-	-	-	-	-	-	-	-	-
Lithuania	•	•	-	-	•	-	-	-	•	-
Netherlands	•	•	•	•	-	•	-	-	-	-
Poland	•	•	-	-	-	-	-	-	-	-
Portugal	•	-	-	-	-	-	-	-	-	-
Romania	•	-	-	-	-	-	-	-	-	-
Russia	-	-	-	-	-	-	-	-	-	-
Slovakia	•	•	-	-	-	-	-	-	-	-
Slovenia	•	•	-	•	•	•	-	-	•	•
Spain	-	-	-	-	-	-	-	-	-	-
Sweden	-	-	-	-	-	-	-	-	-	-
Switzerland	-	-	-	-	-	-	-	-	-	-
Turkey	•	•	•	-	•	-	-	-	-	-
Ukraine	-	-	-	-	-	-	-	-	-	-
UK: E. & W.	•	-	-	-	-	-	-	-	-	-
UK: Scotl.	•	•	•	•	-	-	-	-	•	•

No answer in part 2 of the questionnaire: Ireland, Kosovo (UNR), Latvia, Luxembourg, Malta, Moldova, Norway, Serbia, UK: Northern Ireland.

[47] The wording of the complete question can be found in annex 4 (question 2.1.4).

b) Minors:

	Total	Conditional disposals								
		Total conditional disposals	Fine	Restitution	Victim-offender mediation	Community Service	Supervision	Order to undergo a specific therapeutic treatment	Other measures	Mixed measures
Albania	-	-	-	-	-	-	-	-	-	-
Armenia	-	-	-	-	-	-	-	-	-	-
Austria	-	-	-	-	-	-	-	-	-	-
Belgium	-	-	-	-	-	-	-	-	-	-
Bulgaria	-	-	-	-	-	-	-	-	-	-
Croatia	•	•	-	-	-	-	-	-	-	-
Cyprus	-	-	-	-	-	-	-	-	-	-
Czech Rep.	•	-	-	-	-	-	-	-	-	-
Denmark	-	-	-	-	-	-	-	-	-	-
Estonia	-	-	-	-	-	-	-	-	-	-
Finland	-	-	-	-	-	-	-	-	-	-
France	•	•	-	•	•	•	-	•	-	-
Georgia	-	-	-	-	-	-	-	-	-	-
Germany	-	•	-	-	-	-	-	-	-	-
Greece	-	-	-	-	-	-	-	-	-	-
Hungary	•	•	-	-	•	-	-	-	•	-
Iceland	-	-	-	-	-	-	-	-	-	-
Italy	•	-	-	-	-	-	-	-	-	-
Lithuania	•	•	-	-	•	-	-	-	•	-
Netherlands	•	•	•	•	-	•	-	-	-	-
Poland	-	-	-	-	-	-	-	-	-	-
Portugal	-	-	-	-	-	-	-	-	-	-
Romania	-	-	-	-	-	-	-	-	-	-
Russia	-	-	-	-	-	-	-	-	-	-
Slovakia	-	-	-	-	-	-	-	-	-	-
Slovenia	•	•	-	•	•	•	-	-	•	•
Spain	-	-	-	-	-	-	-	-	-	-
Sweden	-	-	-	-	-	-	-	-	-	-
Switzerland	-	-	-	-	-	-	-	-	-	-
Turkey	•	•	•	-	•	-	-	-	-	-
Ukraine	-	-	-	-	-	-	-	-	-	-
UK: E. & W.	•	-	-	-	-	-	-	-	-	-
UK: Scotl.	-	-	-	-	-	-	-	-	-	-

2.4.1.3 Separate powers of the police to drop proceedings, conditionally dispose of them, or issue a penal order

The group was also interested in the competencies of the police with regard to conditional disposals. The referring question includes a break-down by the type of powers, e.g. “drop because offender remains unknown”, “drop for public interest reasons/simple caution” and “conditional disposal/conditional caution” (a similar question has already been part of the 4th edition of the ESB questionnaire; see Jehle & Harrendorf 2010: 203).

It can be seen from the results (table 10) that in most of the participating countries the police do not have such powers at all. Only nine countries replied in the affirmative to the question (Cyprus, Czech Republic, Greece, Iceland, the Netherlands, Russia, Slovakia, Ukraine, and Scotland). In some countries, e.g. Iceland, the police can perform almost all the tasks listed. In Cyprus and Russia, however, they were only allowed to drop proceedings for other factual or for legal reasons. The most important category with regard to CSM – “conditional disposal/conditional caution” – was selected by only three countries (Greece, the Netherlands, and Scotland).

Many countries explained specifics for their criminal justice system in the comments section. To give an example: Greece mentioned that the police have the power of conditional disposal/conditional caution only in case of petty offences. As for the Netherlands, the comments clarified that – although the police have actually no powers to drop proceedings – in practice drops and disposals were used under the responsibility of the prosecutor (however, this does not appear in the prosecution statistics). In Russia the police can drop proceedings if legal reasons prevented crime investigation (e.g. when a report by a victim is withdrawn in case of certain crimes). Scotland explained that conditional disposals/conditional cautions refer to the issuing of anti-social behaviour notices and police warnings. In Ukraine the police had powers to drop proceedings in a limited number of cases (e.g. absence of evidence), but the prosecutor had to be informed immediately.

Table 10: Separate powers of the police to drop proceedings, conditionally dispose of them, or issue a penal order that counts as a conviction

	Do the police have separate powers to drop proceedings, conditionally dispose of them, or issue a penal order that counts as a conviction?	If yes, which powers do they have?				
		Drop because offender remains unknown	Drop for other factual or for legal reasons	Drop for public interest reasons / simple caution	Cond. disposal / cond. caution	Penal order
Albania						
Armenia						
Austria						
Belgium						
Bulgaria						
Croatia						
Cyprus	X		X			
Czech Rep.	X	X	X	X		
Denmark	…	…	…	…	…	…
Estonia						
Finland						
France						
Georgia						
Germany						
Greece	X				X	
Hungary						
Iceland	X	X	X	X		X
Italy						
Lithuania						
Netherlands	X	X			X	
Poland						
Portugal						
Romania						
Russia	X		X			
Slovakia	X	X				
Slovenia						
Spain	…	…	…	…	…	…
Sweden	…	…	…	…	…	…
Switzerland	…	…	…	…	…	…
Turkey						
Ukraine	X	X	X			
UK: E. & W.						
UK: Scotl.	X				X	

No answer in part 2 of the questionnaire: Ireland, Kosovo (UNR), Latvia, Luxembourg, Malta, Moldova, Norway, Serbia, UK: Northern Ireland.

2.4.1.4 Summary

On the whole, the data collection in this project was quite successful on the prosecution level. Many countries provided metadata on the application of restitution and other measures as a condition of conditional disposals. Fewer countries provided figures on this topic for minors than for the total. Concerning the powers of the police, it was not feasible to include a break-down by different conditions (e.g. restitution). Nevertheless, it was possible to gather some general information on separate powers of the police with regard to conditional disposals.

2.4.2 Data availability for CSM on the conviction level

It was the aim of the group to gather information on CSM in different stages of the proceedings. Therefore, data was collected not only for prosecution, but also on the conviction level. Some CSM-related figures can be found in the question on "total persons receiving sanctions/measures in 2010" (chapter 2.4.2.1). For a more in-depth analysis the group developed an additional question, focussing on "community sanctions and measures imposed in 2010" (chapter 2.4.2.3). The group also wanted to receive conviction data for CSM referring to minors. This was deemed especially interesting because the sanctions and measures imposed on minors according to juvenile criminal law may differ from adult sanctioning (see Jehle & Harrendorf 2010: 234, concerning the 4th edition of the ESB questionnaire). Data availability for minors will be presented in chapters 2.4.2.2 and 2.4.2.4.

Conviction data are gathered not only for the total of criminal offences, but also in a break-down into 18 different categories (e.g. major traffic offences, aggravated bodily injury, and rape). In the beginning of the project, it was planned to include computer crimes, but the evaluation of the pilot questionnaire showed severe problems concerning the definitions of such offences.

It was not possible to get any answers for the conviction part (part 3 of the questionnaire) for seven countries (Belgium, Iceland, Latvia, Luxembourg, Moldova, Norway, and Romania). These countries are not mentioned in the following analysis, but listed below the tables as "No answer in part 3 of the questionnaire".

2.4.2.1 Total persons receiving sanctions/measures in 2010

A similar question on total persons receiving sanctions/measures has already been included in the 4th edition of the ESB questionnaire (see Jehle & Harrendorf 2010: 248; Aebi et al. 2010: 216 ff.). During the DECODEUR project this question was modified as follows: One innovation was to change the counting unit (in the current version the counting unit is *persons* instead of *sanctions* in the earlier edition). In case of multiple sanctions imposed on one person at the same time, the correspondents should refer to the most severe sanction imposed (principal sanction rule).

Moreover, newly developed subcategories were inserted – "probation as a sanction in its own right" was added as a subcategory of non-custodial sanctions and measures, and "partially suspended"[48] as a subgroup of unsuspended custodial sanctions and measures.

[48] To increase data comparability, a footnote in the questionnaire explained that this concept comprises only sanctions initially imposed as "partially suspended" by the criminal court (i.e. excluding conditional release).

Table 11 a) shows the results of the project-related parts of this question for the total of criminal offences. The results related to the break-down by offences can be found in the annexes of this book (see annex 2). The countries which provided data in the break-down by offences are listed in table 11 b).

It can be seen from the first table (11 a)) that 28 countries could provide figures for the category "total". Almost all of these countries also gave data for at least one of the sanction categories. However, no country had figures for all differentiated types of sanctions. The amount of data varies between the categories. Many countries gave data for fines, verdicts, and the total of non-custodial sanctions and measures. But for other categories limited data were available. Only four countries had figures concerning probation as a sanction in its own right (Bulgaria, Hungary, Ukraine, and Scotland). Only five countries provided data for supervision as a non-custodial sanction or measure (Armenia, Croatia, Finland, Northern Ireland, and Scotland). While analyzing these results it has to be kept in mind that the lack of data can be due to different reasons:

- In some cases the lack of data was caused by the differences in the legal systems throughout Europe. Not all CSM are applied in every country. According to Bulgarian criminal law, for example, probation is the only community sanction.
- There can also be statistical issues. In Germany and Serbia no data on the subgroups of suspended custodial sanctions were available (although a combination of a suspended prison sentence with CSM is possible according to their criminal law).

Table 11 b) shows that data availability for the break-down by offences was not as good as for the total of criminal offences. In some countries (e.g. Estonia and Lithuania) no data were available on the break-down by offences. 25 countries could provide figures for the category "total" in at least one offence group. 23 countries gave figures for "fines" in at least one offence category, but only three were able to provide such data for "probation as a sanction in its own right" (Bulgaria, Hungary, and Scotland).

The amount of data also differs between the offence groups (see annex 2). In case of general categories such as theft (total) much data were collected. 16 countries could provide figures for "non-custodial sanctions and measures (total)". In contrast, there was little information available for very specialized types of offences. In the case of domestic burglary, for example, data on non-custodial sanctions and measures (total) were available only for Germany, England and Wales, and Northern Ireland. This lack of data for certain offence categories could be due to judicial reasons. Not every offence listed in the question was an individual and separate crime in each country. Furthermore, in some cases the definitions of offences did not fit exactly the legal terms used by the countries. In Poland, for example, sexual assault – as defined at the beginning of the questionnaire – could not be separated from rape.

Table 11: Total persons receiving sanctions/measures in 2010[49]

a) Criminal offences: Total

	Total	Verdict / admonition only	Fines	Non-custodial sanctions and measures				Suspended custodial sanctions and measures			Partially suspended	Other measures
				Total	Community service	Supervision	Probation as a sanction in its own right	Total	With community service	With supervision		
Albania	•	•	•	•	-	-	-	-	-	-	-	-
Armenia	•	-	•	•	•	•	-	-	-	•	-	•
Austria	•	-	•	-	-	-	-	•	-	-	•	-
Bulgaria	•	-	•	-	-	-	•	-	-	-	-	•
Croatia	•	•	•	•	•	•	-	•	-	-	-	•
Cyprus	-	-	-	-	-	-	-	-	-	-	-	-
Czech Rep.	•	•	•	-	•	-	-	•	-	•	-	•
Denmark	•	-	•	-	-	-	-	•	-	-	-	•
Estonia	•	-	-	-	-	-	-	-	-	-	-	-
Finland	•	•	•	•	•	•	-	•	•	-	-	•
France	•	•	•	•	-	-	-	•	•	•	•	-
Georgia	•	-	-	-	-	-	-	-	-	-	-	-
Germany	•	•	•	•	-	-	-	•	-	-	-	-
Greece	•	-	•	-	-	-	-	-	-	-	-	-
Hungary	•	•	•	•	•	-	•	•	•	-	-	-
Ireland	-	-	-	-	-	-	-	-	-	-	-	-
Italy	-	-	-	-	-	-	-	-	-	-	-	-
Kosovo (UNR)	•	•	•	-	-	-	-	-	-	-	-	-
Lithuania	•	•	•	•	•	-	-	•	-	-	-	-
Malta	-	-	-	-	-	-	-	-	-	-	-	-
Netherlands	•	•	•	•	•	-	-	•	•	-	•	•
Poland	•	-	•	•	•	-	-	•	-	•	-	•
Portugal	•	•	•	•	•	-	-	•	-	•	-	•
Russia	-	-	-	-	-	-	-	-	-	-	-	-
Serbia	•	•	•	•	•	-	-	•	-	-	-	-
Slovakia	-	-	-	-	-	-	-	-	-	-	-	-
Slovenia	•	•	•	•	-	-	-	-	-	-	-	-
Spain	-	-	-	-	-	-	-	-	-	-	-	-
Sweden	•	•	•	•	•	-	-	•	•	-	•	•
Switzerland	•	-	-	•	•	-	-	•	-	-	-	-
Turkey	•	-	•	•	-	-	-	•	-	-	-	•
Ukraine	•	-	•	-	•	-	•	-	-	-	-	•
UK: E. & W.	•	-	•	•	-	-	-	•	-	-	-	•
UK: N. Irel.	•	-	•	•	•	•	-	•	-	-	-	•
UK: Scotl.	•	•	•	•	•	•	•	-	-	-	-	-

No answer in part 3 of the questionnaire: Belgium, Iceland, Latvia, Luxembourg, Moldova, Norway, Romania.

[49] The wording of the complete question can be found in annex 4 (question 3.2.1.1).

b) Break-down by offences

The following countries could provide data in a break-down by offences:

Category		Countries
Total		Albania, Armenia, Austria, Bulgaria, Croatia, Czech Rep., Denmark, Finland, France, Georgia, Germany, Greece, Hungary, Kosovo (UNR), Netherlands, Poland, Portugal, Serbia, Slovenia, Sweden, Turkey, Ukraine, UK: E. & W., UK: N. Irel., UK: Scotl.
Verdict /admonition only		Albania, Austria, Croatia, Czech Rep., Denmark, Finland, France, Germany, Hungary, Kosovo (UNR), Netherlands, Portugal, Serbia, Slovenia, Sweden, UK: Scotl.
Fines		Albania, Armenia, Austria, Bulgaria, Croatia, Czech Rep., Denmark, Finland, France, Germany, Greece, Hungary, Kosovo (UNR), Netherlands, Poland, Portugal, Serbia, Slovenia, Sweden, Turkey, UK: E. & W., UK: N. Irel., UK: Scotl.
Non-custodial sanctions and measures	**Total**	Armenia, Croatia, Finland, France, Germany, Greece, Hungary, Kosovo (UNR), Netherlands, Poland, Portugal, Serbia, Slovenia, Sweden, Turkey, UK: E. & W., UK: N. Irel., UK: Scotl.
	Community service	Armenia, Croatia, Czech Rep., Finland, Hungary, Netherlands, Poland, Portugal, Serbia, Sweden, UK: N. Irel., UK: Scotl.
	Supervision	Armenia, Croatia, Finland, UK: N. Irel., UK: Scotl.
	Probation as a sanction in its own right	Bulgaria, Hungary, UK: Scotl.
Suspended custodial sanctions and measures	**Total**	Austria, Croatia, Czech Rep., Denmark, Finland, France, Germany, Greece, Hungary, Netherlands, Poland, Portugal, Serbia, Sweden, Turkey, UK: E. & W., UK: N. Irel.
	With community service	Finland, France, Hungary, Netherlands, Sweden
	With supervision	Armenia, France, Poland, Portugal
Partially suspended		Austria, France, Netherlands, Sweden
Other measures		Armenia, Bulgaria, Croatia, Denmark, Finland, Netherlands, Poland, Portugal, Slovenia, Sweden, Turkey, UK: E. & W., UK: N. Irel.

2.4.2.2 Minors receiving sanctions/measures in 2010

It was the objective of the group to collect conviction data for CSM on minors, too.[50] The sanctioning of minors was of special interest because it may differ from sanctions and measures imposed on adults (see Jehle & Harrendorf 2010: 234, concerning the 4th edition of the ESB). A similar question on the conviction of minors has already been part of the 4th edition of the ESB questionnaire (see Jehle & Harrendorf 2010: 248; Aebi et al. 2010: 236 ff.).

The following tables show the project-related results for minors receiving sanctions and measures in 2010. The first table (12 a)) presents data availability for the total of criminal offences, while table 12 b) lists the countries which gave figures in the break-down by offences. Tables including detailed results for the break-down by offences can be found in the annexes of this book (see annex 3).

Data availability is almost as good as for "total persons receiving sanctions/measures" (see chapter 2.4.2.1). For many countries it does not seem to be especially difficult to provide separate figures for minors on the conviction level. Concerning the total of criminal offences in table 12 a), 25 countries provided data for the category "total"; of which almost all also gave figures for at least one of the sanction categories. However, no country had figures for all types of sanctions. As in chapter 2.4.2.1, the amount of data varies between the categories. 19 countries had data for the category "total non-custodial sanctions/measures". But for some other types (e.g. probation as a sanction in its own right) a similar lack of data appeared as for total persons in chapter 2.4.2.1.

As mentioned above, the scarcity of data can be due to legal or statistical reasons. In Serbian law, for example, no suspended sanctions or measures were applicable for minors. In France there were no separate data on minors for community service as an individual sanction, only for combinations with a suspended sanction. In Croatia data were available for non-custodial sanctions and measures imposed on minors, but legal concepts differ slightly from the categories mentioned in the tables.

As to the category "other measures", some countries mentioned the same examples as in chapter 2.4.2.1 (Czech Republic and Finland). A few countries listed measures that are especially applicable to minors. To give an example: Switzerland referred to the placement of the juvenile in a family.

Concerning the break-down by offences (see table 12 b)), data availability is slightly poorer than for the total of criminal offences. 23 countries gave figures for the category "total" (in at least one offence group), 17 countries for "fines", and three for "probation as a sanction in its own right" (Croatia, Hungary, and Scotland). As in chapter 2.4.2.1 the amount of data also differs between the offences (see annex 3).

[50] For further information on minors see chapter 2.2.6.

Table 12: Minors receiving sanctions/measures in 2010[51]

a) Criminal offences: Total

	Total	Verdict / admonition only	Fines	Non-custodial sanctions and measures				Suspended custodial sanctions and measures			Partially suspended	Other measures
				Total	Community service	Supervision	Probation as a sanction in its own right	Total	With community service	With supervision		
Albania	•	•	•	-	-	-	-	-	-	-	-	-
Armenia	•	-	-	•	-	•	-	-	-	•	-	•
Austria	•	-	•	-	•	-	-	•	-	-	•	-
Bulgaria	-	-	-	-	-	-	-	-	-	-	-	-
Croatia	•	-	-	•	•	•	•	•	-	-	-	•
Cyprus	-	-	-	-	-	-	-	-	-	-	-	-
Czech Rep.	•	•	•	-	•	•	-	•	-	•	-	•
Denmark	-	-	-	-	-	-	-	-	-	-	-	-
Estonia	-	-	-	-	-	-	-	-	-	-	-	-
Finland	•	•	•	•	•	•	-	•	•	-	-	•
France	•	•	•	•	-	-	-	•	•	•	•	-
Georgia	-	-	-	-	-	-	-	-	-	-	-	-
Germany	•	-	-	•	-	-	-	•	-	•	-	-
Greece	•	-	-	•	-	-	-	-	-	-	-	-
Hungary	•	•	•	•	•	-	•	•	•	-	-	-
Ireland	-	-	-	-	-	-	-	-	-	-	-	-
Italy	-	-	-	-	-	-	-	-	-	-	-	-
Kosovo (UNR)	•	•	•	-	-	-	-	-	-	-	-	•
Lithuania	•	•	•	•	•	-	-	•	-	-	-	-
Malta	-	-	-	-	-	-	-	-	-	-	-	-
Netherlands	•	•	•	•	•	-	-	•	•	-	•	•
Poland	•	-	-	•	-	-	-	•	-	-	-	-
Portugal	•	•	•	•	•	-	-	•	-	•	-	-
Russia	-	-	-	-	-	-	-	-	-	-	-	-
Serbia	•	-	-	•	-	-	-	-	-	-	-	-
Slovakia	-	-	-	-	-	-	-	-	-	-	-	-
Slovenia	•	-	•	•	•	•	-	-	-	-	-	•
Spain	•	-	-	-	-	-	-	-	-	-	-	-
Sweden	•	•	•	•	•	-	-	•	•	-	•	•
Switzerland	•	•	•	•	•	•	-	•	-	-	•	-
Turkey	•	-	•	•	-	-	-	•	-	-	-	•
Ukraine	•	-	•	-	•	•	•	-	-	-	-	•
UK: E. & W.	•	-	•	•	-	-	-	-	-	-	-	•
UK: N. Irel.	•	-	•	•	•	•	-	•	-	-	-	•
UK: Scotl.	•	•	•	•	•	•	•	-	-	-	-	-

No answer in part 3 of the questionnaire: Belgium, Iceland, Latvia, Luxembourg, Moldova, Norway, Romania.

[51] The wording of the complete question can be found in annex 4 (question 3.2.2.1).

b) Break-down by offences

The following countries could provide data in a break-down by offences:

Category		Countries
Total		Albania, Armenia, Austria, Croatia, Czech Rep., Finland, France, Germany, Greece, Hungary, Kosovo (UNR), Netherlands, Poland, Portugal, Serbia, Slovenia, Sweden, Switzerland, Turkey, Ukraine, UK: E. & W., UK: N. Irel., UK: Scotl.
Verdict /admonition only		Albania, Czech Rep., Finland, France, Hungary, Kosovo (UNR), Netherlands, Portugal, Sweden, UK: Scotl.
Fines		Albania, Austria, Czech Rep., Finland, France, Hungary, Kosovo (UNR), Netherlands, Portugal, Slovenia, Sweden, Turkey, UK: E. & W., UK: N. Irel., UK: Scotl.
Non-custodial sanctions and measures	**Total**	Armenia, Croatia, Finland, France, Germany, Greece, Hungary, Netherlands, Poland, Portugal, Serbia, Slovenia, Sweden, Turkey, UK: E. & W., UK: N. Irel., UK: Scotl.
	Community service	Croatia, Czech Rep., Finland, Hungary, Netherlands, Slovenia, Sweden, UK: N. Irel., UK: Scotl.
	Supervision	Armenia, Croatia, Czech Rep., Finland, Greece, Slovenia, UK: N. Irel., UK: Scotl.
	Probation as a sanction in its own right	Croatia, Hungary, UK: Scotl.
Suspended custodial sanctions and measures	**Total**	Austria, Croatia, Czech Rep., Finland, France, Germany, Greece, Hungary, Netherlands, Poland, Portugal, Sweden, Turkey, UK: N. Irel.
	With community service	Finland, France, Hungary, Netherlands, Sweden
	With supervision	Armenia, Czech Rep., Finland, France, Germany, Portugal
Partially suspended		Austria, France, Netherlands, Sweden
Other measures		Armenia, Croatia, Finland, Greece, Kosovo, Netherlands, Slovenia, Sweden, Turkey, UK: E. & W., UK: N. Irel.

2.4.2.3 Community sanctions and measures imposed in 2010

In the DECODEUR project, the group developed a new question focussing on community sanctions and measures on the conviction level. It collected data on total CSM and six different categories (community service, supervision, restitution, ambulant therapeutic treatment, probation as a sanction in its own right, and other CSM). An important difference to chapters 2.4.2.1 and 2.4.2.2 is the counting unit. This question asks for *sanctions* (not for *persons*). Because of this, the group could collect data not only on *persons* receiving sanctions/measures but also gather detailed information on the *sanctions* imposed.

Data availability for community sanctions and measures imposed in 2010 is presented in the following tables. The first table (13 a)) refers to the total of criminal offences, table 13 b) deals with the break-down by offences. On the whole, data availability was not as good as in chapter 2.4.2.1. For many countries it seems to be more difficult to provide sanction-related data than person-related figures. This can be explained by the "principal sanction rule". In the question on *persons* receiving sanctions such a rule was applied (see chapter 2.4.2.1). Consequently, only the most severe sanction was to be counted. In contrast, there was no principal sanction rule in the special question on CSM – *all sanctions* should be covered (also if they are combined with another sanction).

As to the total of criminal offences in table 13 a), only 13 countries could provide data for the category "total community sanctions and measures" or for at least one type of CSM. Most data were available for community service. Ten countries gave figures for this category. In contrast, data for supervision, ambulant therapeutic treatment, and probation as a sanction in its own right were only available in four countries, and only Lithuania, Poland, and Northern Ireland provided figures for restitution.

Less data were available for the break-down by offences (table 13 b), part I-V). Only nine countries (Austria, Bulgaria, Croatia, Cyprus, Denmark, the Netherlands, Poland, England and Wales, and Northern Ireland) were able to provide data for "total CSM" or for a type of CSM in at least one offence category. Seven countries could give information on community service in the break-down by offences. Only four countries (Bulgaria, Cyprus, Poland, and Northern Ireland) had data for supervision, and only two countries (Poland and Northern Ireland) for restitution and ambulant therapeutic treatment. The same is true for the category "probation as a sanction in its own right", where only Bulgaria and Cyprus had such data. The lack of data is not always caused by statistical issues; it also shows the differences in the legal systems concerning CSM throughout Europe (see chapter 2.4.2.1). It can also be seen from table 13 b) that the amount of data differed between the offence categories. Most figures were available for theft (total), burglary (total), fraud, and drug offences (total). In these categories, eight countries could give data for total CSM or for at least one of the different types. In contrast, only two countries (England and Wales and Northern Ireland) had CSM-related figures for domestic burglary.

Table 13: Community sanctions and measures imposed in 2010

a) Criminal offences: Total

	Total sanctions and measures[52]	Total CSM	Community service	Supervision	Restitution	Ambulant therapeutic treatment	Probation as a sanction in its own right	Other CSM
Albania	•	•	-	-	-	-	-	-
Armenia	-	-	-	-	-	-	-	-
Austria	•	•	•	•	-	•	•	-
Bulgaria	•	•	-	-	-	-	•	-
Croatia	-	•	•	•	-	-	-	-
Cyprus	•	-	•	-	-	-	•	•
Czech Rep.	-	-	-	-	-	-	-	-
Denmark	•	•	•	-	-	-	-	-
Estonia	-	-	-	-	-	-	-	-
Finland	-	-	-	-	-	-	-	-
France	•	-	-	-	-	-	-	-
Georgia	-	-	-	-	-	-	-	-
Germany	-	-	-	-	-	-	-	-
Greece	-	-	-	-	-	-	-	-
Hungary	-	-	-	-	-	-	-	-
Ireland	-	-	-	-	-	-	-	-
Italy	-	-	-	-	-	-	-	-
Kosovo (UNR)	•	-	-	-	-	-	-	-
Lithuania	•	•	•	-	•	•	-	•
Malta	-	-	-	-	-	-	-	-
Netherlands	•	•	•	-	-	-	-	•
Poland	•	•	•	•	•	•	-	•
Portugal	-	-	-	-	-	-	-	-
Russia	-	-	-	-	-	-	-	-
Serbia	•	-	-	-	-	-	-	-
Slovakia	-	-	-	-	-	-	-	-
Slovenia	-	-	-	-	-	-	-	-
Spain	•	-	-	-	-	-	-	-
Sweden	-	-	-	-	-	-	-	-
Switzerland	•	•	•	-	-	-	-	-
Turkey	-	-	-	-	-	-	-	-
Ukraine	•	-	•	-	-	-	•	-
UK: E. & W.	•	•	-	-	-	-	-	-
UK: N. Irel.	•	•	•	•	•	•	-	•
UK: Scotl.	-	-	-	-	-	-	-	-

No answer in part 3 of the questionnaire: Belgium, Iceland, Latvia, Luxembourg, Moldova, Norway, Romania.

[52] This general category covers all sanctions and measures (e.g. also custodial sanctions and measures), whereas the category "total CSM" comprises only community sanctions and measures.

b) Break-down by offences

- Part I -	Total sanctions and measures	Total CSM	Community service	Supervision	Restitution	Ambulant therapeutic treatment	Probation as a sanction in its own right	Other CSM
	Major traffic offences							
Bulgaria	•	•	-	-	-	-	•	-
Croatia	-	-	•	•	-	-	-	-
France	•	-	-	-	-	-	-	-
Kosovo (UNR)	•	-	-	-	-	-	-	-
Netherlands	•	•	•	-	-	-	-	•
Poland	•	•	•	•	•	•	-	•
Serbia	•	-	-	-	-	-	-	-
UK: E. & W.	•	•	-	-	-	-	-	-
UK: N. Irel.	•	•	•	•	•	•	-	•
	Intentional homicide: Total							
Bulgaria	•	-	-	-	-	-	-	-
Croatia	-	-	•	-	-	-	-	-
Cyprus	•	-	•	-	-	-	•	•
Denmark	•	•	•	-	-	-	-	-
France	•	-	-	-	-	-	-	-
Kosovo (UNR)	•	-	-	-	-	-	-	-
Netherlands	•	•	•	-	-	-	-	-
Poland	•	•	•	•	•	•	-	•
Serbia	•	-	-	-	-	-	-	-
Ukraine	•	-	-	-	-	-	-	-
UK: E. & W.	•	•	-	-	-	-	-	-
UK: N. Irel.	•	•	•	•	•	•	-	•
	Intentional homicide: Completed							
Bulgaria	•	-	-	-	-	-	-	-
Cyprus	•	-	•	-	-	-	•	•
Denmark	•	•	•	-	-	-	-	-
Kosovo (UNR)	•	-	-	-	-	-	-	-
Serbia	•	-	-	-	-	-	-	-
UK: E. & W.	•	•	-	-	-	-	-	-
UK: N. Irel.	•	•	•	•	•	•	-	•
	Bodily injury (Assault): Total							
Austria	-	-	•	-	-	-	-	-
Bulgaria	•	•	-	-	-	-	•	-
Cyprus	•	-	•	-	-	-	•	•
Denmark	•	-	-	-	-	-	-	-
France	•	-	-	-	-	-	-	-
Kosovo (UNR)	•	-	-	-	-	-	-	-
Netherlands	•	•	•	-	-	-	-	•
Poland	•	•	•	•	•	•	-	•
Serbia	•	-	-	-	-	-	-	-
Ukraine	•	-	-	-	-	-	-	-
UK: E. & W.	•	•	-	-	-	-	-	-
UK: N. Irel.	•	•	•	•	•	•	-	•

- Part II -	Total sanctions and measures	Total CSM	Community service	Supervision	Restitution	Ambulant therapeutic treatment	Probation as a sanction in its own right	Other CSM
	Bodily injury (Assault): Aggravated bodily injury							
Bulgaria	-	-	-	•	-	-	-	-
Cyprus	•	-	•	-	-	-	•	•
Denmark	•	-	-	-	-	-	-	-
France	•	-	-	-	-	-	-	-
Kosovo (UNR)	•	-	-	-	-	-	-	-
Netherlands	•	•	•	-	-	-	-	•
Poland	•	•	•	•	•	•	-	•
Serbia	•	-	-	-	-	-	-	-
Ukraine	•	-	-	-	-	-	-	-
UK: N. Irel.	•	•	•	•	•	•	-	•
	Sexual assault: Total							
Bulgaria	•	•	-	-	-	-	•	-
Cyprus	•	-	•	-	-	-	•	•
Denmark	•	-	-	-	-	-	-	-
France	•	-	-	-	-	-	-	-
Kosovo (UNR)	•	-	-	-	-	-	-	-
Netherlands	•	•	•	-	-	-	-	•
Poland	•	•	•	•	•	•	-	•
Serbia	•	-	-	-	-	-	-	-
UK: E. & W.	•	•	-	-	-	-	-	-
UK: N. Irel.	•	•	•	•	•	•	-	•
	Sexual assault: Rape							
Bulgaria	•	•	-	-	-	-	•	-
Cyprus	•	-	•	-	-	-	•	•
Denmark	•	-	-	-	-	-	-	-
France	•	-	-	-	-	-	-	-
Kosovo (UNR)	•	-	-	-	-	-	-	-
Netherlands	•	•	•	-	-	-	-	•
Poland	•	•	•	•	•	•	-	•
Serbia	•	-	-	-	-	-	-	-
Ukraine	•	-	-	-	-	-	-	-
UK: E. & W.	•	•	-	-	-	-	-	-
UK: N. Irel.	•	•	•	•	•	•	-	•
	Sexual assault: Sexual abuse of a child (minor)							
Cyprus	•	-	•	-	-	-	•	•
Denmark	•	-	-	-	-	-	-	-
France	•	-	-	-	-	-	-	-
Kosovo (UNR)	•	-	-	-	-	-	-	-
Netherlands	•	•	•	-	-	-	-	-
Poland	•	•	•	•	•	•	-	•
Serbia	•	-	-	-	-	-	-	-
Ukraine	•	-	-	-	-	-	-	-
UK: E. & W.	•	•	-	-	-	-	-	-
UK: N. Irel.	•	•	•	•	•	•	-	•

- Part III -	Total sanctions and measures	Total CSM	Community service	Supervision	Restitution	Ambulant therapeutic treatment	Probation as a sanction in its own right	Other CSM
	Robbery: Total							
Bulgaria	•	•	-	-	-	-	•	-
Croatia	-	-	•	•	-	-	-	-
Cyprus	•	-	•	-	-	-	•	•
Denmark	•	-	-	-	-	-	-	-
Kosovo (UNR)	•	-	-	-	-	-	-	-
Netherlands	•	•	•	-	-	-	-	•
Poland	•	•	•	•	•	•	-	•
Serbia	•	-	-	-	-	-	-	-
Ukraine	•	-	-	-	-	-	-	-
UK: E. & W.	•	•	-	-	-	-	-	-
UK: N. Irel.	•	•	•	•	•	•	-	•
	Theft: Total							
Austria	-	-	•	-	-	-	-	-
Bulgaria	•	•	-	-	-	-	•	-
Croatia	-	-	•	•	-	-	-	-
Cyprus	•	-	•	-	-	-	•	•
Denmark	•	-	-	-	-	-	-	-
France	•	-	-	-	-	-	-	-
Kosovo (UNR)	•	-	-	-	-	-	-	-
Netherlands	•	•	•	-	-	-	-	•
Poland	•	•	•	•	•	•	-	•
Serbia	•	-	-	-	-	-	-	-
Ukraine	•	-	-	-	-	-	-	-
UK: E. & W.	•	•	-	-	-	-	-	-
UK: N. Irel.	•	•	•	•	•	•	-	•
	Theft: Theft of a motor vehicle							
Bulgaria	•	•	-	-	-	-	•	-
Denmark	•	•	•	-	-	-	-	-
Ukraine	•	-	-	-	-	-	-	-
UK: E. & W.	•	•	-	-	-	-	-	-
UK: N. Irel.	•	•	•	•	•	•	-	•
	(Theft) Burglary: Total							
Austria	-	-	•	-	-	-	-	-
Croatia	-	-	-	•	-	-	-	-
Cyprus	•	-	•	-	-	-	•	•
Denmark	•	•	•	-	-	-	-	-
Kosovo (UNR)	•	-	-	-	-	-	-	-
Netherlands	•	•	•	-	-	-	-	•
Poland	•	•	•	•	•	•	-	•
UK: E. & W.	•	•	-	-	-	-	-	-
UK: N. Irel.	•	•	•	•	•	•	-	•

- Part IV -	Total sanctions and measures	Total CSM	Community service	Supervision	Restitution	Ambulant therapeutic treatment	Probation as a sanction in its own right	Other CSM
	(Theft) Burglary: Domestic burglary							
Denmark	•	-	-	-	-	-	-	-
Ukraine	•	-	-	-	-	-	-	-
UK: E. & W.	•	•	-	-	-	-	-	-
UK: N. Irel.	•	•	•	•	•	•	-	•
	Fraud							
Austria	-	-	•	-	-	-	-	-
Bulgaria	•	•	-	-	-	-	•	-
Croatia	-	-	•	-	-	-	-	-
Cyprus	•	-	•	-	-	-	•	•
Denmark	•	-	-	-	-	-	-	-
France	•	-	-	-	-	-	-	-
Kosovo (UNR)	•	-	-	-	-	-	-	-
Netherlands	•	•	•	-	-	-	-	•
Poland	•	•	•	•	•	•	-	•
Serbia	•	-	-	-	-	-	-	-
Ukraine	•	-	-	-	-	-	-	-
UK: E. & W.	•	•	-	-	-	-	-	-
UK: N. Irel.	•	•	•	•	•	•	-	•
	Money laundering							
Kosovo (UNR)	•	-	-	-	-	-	-	-
Netherlands	•	•	•	-	-	-	-	•
Poland	•	•	•	•	•	•	-	•
Serbia	•	-	-	-	-	-	-	-
Ukraine	•	-	-	-	-	-	-	-
UK: N. Irel.	-	-	-	-	•	•	-	-
	Corruption							
Bulgaria	•	•	-	-	-	-	•	-
Croatia	-	-	•	-	-	-	-	-
Cyprus	•	-	•	-	-	-	•	•
Denmark	•	-	-	-	-	-	-	-
France	•	-	-	-	-	-	-	-
Kosovo (UNR)	•	-	-	-	-	-	-	-
Netherlands	•	•	•	-	-	-	-	•
Poland	•	•	•	•	•	•	-	•
Serbia	•	-	-	-	-	-	-	-
Ukraine	•	-	-	-	-	-	-	-
UK: N. Irel.	•	•	•	•	•	•	-	•

- Part V -	Total sanctions and measures	Total CSM	Community service	Supervision	Restitution	Ambulant therapeutic treatment	Probation as a sanction in its own right	Other CSM
	Drug offences: Total							
Bulgaria	•	•	-	-	-	-	•	-
Croatia	-	-	•	•	-	-	-	-
Cyprus	•	-	•	-	-	-	•	•
Denmark	•	•	•	-	-	-	-	-
France	•	-	-	-	-	-	-	-
Kosovo (UNR)	•	-	-	-	-	-	-	-
Netherlands	•	•	•	-	-	-	-	•
Poland	•	•	•	•	•	•	-	•
Serbia	•	-	-	-	-	-	-	-
Ukraine	•	-	-	-	-	-	-	-
UK: E. & W.	•	•	-	-	-	-	-	-
UK: N. Irel.	•	•	•	•	•	•	-	•
	Drug offences: Drug trafficking							
Croatia	-	-	•	-	-	-	-	-
Denmark	•	-	-	-	-	-	-	-
France	•	-	-	-	-	-	-	-
Kosovo (UNR)	•	-	-	-	-	-	-	-
Poland	•	•	•	•	•	•	-	•
Serbia	•	-	-	-	-	-	-	-
UK: E. & W.	•	•	-	-	-	-	-	-

2.4.2.4 Community sanctions and measures imposed upon minors in 2010

In the DECODEUR project, the group also developed a new question focussing on CSM for minors. Data were gathered on total CSM and seven types of community sanctions and measures. Six of these categories were the same as in the question presented in chapter 2.4.2.3. The group decided to add "educational sanctions and measures" as a typical CSM for minors, because the sanctions imposed according to juvenile criminal law may differ from adult sanctioning.

The following tables present data availability for CSM imposed on minors[53] in 2010. The first table (14 a)) is about the total of criminal offences; table 14 b) deals with the break-down by offences. The results reflect that sanction-related data are also difficult to obtain concerning minors. However, there was no substantial difference in data availability between total and minors on this topic. As to the total of criminal offences in table 14 a), 12 countries could provide figures on total CSM or on at least one differentiated category. But information on the special category "educational sanctions and measures" is available in only three countries (Kosovo (UNR), Switzerland, and Northern Ireland).

Concerning the break-down by offences (table 14 b), part I-IV), the countries provided less data. Only nine countries (Cyprus, Denmark, Germany, Greece, Kosovo, the Netherlands, Poland, England and Wales, and Northern Ireland) had figures for "total CSM" or for a type of CSM (in at least one offence group). Six countries provided such data for community service (Cyprus, Denmark, Kosovo, the Netherlands, Poland, and Northern Ireland). Four countries had figures for supervision in the break-down by offences (Greece, Kosovo, Poland, and Northern Ireland); three countries were able to provide these data for restitution, ambulant therapeutic treatment, and probation as a sanction in its own right. However, it has to be clear that this lack of data is not always caused by statistical issues; it also reflects the differences in the criminal justice systems concerning CSM (see chapter 2.4.2.1).

The amount of data also differed between the offence categories. As can be seen from table 14 b), most figures were available for bodily injury (total), sexual abuse of a child (minor), robbery (total), theft (total), burglary (total), fraud, and drug offences (total). Eight countries provided figures for total CSM or for at least one of the different types in these offence categories. In contrast, only Germany and England and Wales had such figures for domestic burglary.

[53] For further information on minors see chapter 2.2.6.

Table 14: Community sanctions and measures imposed upon minors in 2010

a) Criminal offences: Total

	Total sanctions and measures	Total CSM	Community service	Supervision	Restitution	Ambulant therapeutic treatment	Probation as a sanction in its own right	Educational sanctions and measures	Other CSM
Albania	-	-	-	-	-	-	-	-	-
Armenia	-	-	-	-	-	-	-	-	-
Austria	-	-	-	-	-	-	-	-	-
Bulgaria	-	-	-	-	-	-	-	-	-
Croatia	-	-	-	-	-	-	-	-	-
Cyprus	•	-	•	-	-	-	•	-	•
Czech Rep.	-	-	-	-	-	-	-	-	-
Denmark	•	•	•	-	-	-	-	-	-
Estonia	-	-	-	-	-	-	-	-	-
Finland	-	-	-	-	-	-	-	-	-
France	-	-	-	-	-	-	-	-	-
Georgia	-	-	-	-	-	-	-	-	-
Germany	•	•	-	-	-	-	-	-	-
Greece	-	-	-	-	-	-	-	-	-
Hungary	-	-	-	-	-	-	-	-	-
Ireland	-	-	-	-	-	-	-	-	-
Italy	-	-	-	-	-	-	-	-	-
Kosovo (UNR)	•	•	-	-	-	-	-	•	-
Lithuania	•	-	•	-	-	-	-	-	-
Malta	-	-	-	-	-	-	-	-	-
Netherlands	•	-	•	-	-	-	-	-	-
Poland	•	•	•	•	•	•	-	-	•
Portugal	-	-	-	-	-	-	-	-	-
Russia	-	-	-	-	-	-	-	-	-
Serbia	•	-	-	-	-	-	-	-	-
Slovakia	-	-	-	-	-	-	-	-	-
Slovenia	-	-	-	-	-	-	-	-	-
Spain	•	-	•	-	-	•	-	-	-
Sweden	-	-	-	-	-	-	-	-	-
Switzerland	•	•	•	•	-	•	-	•	-
Turkey	-	-	-	-	-	-	-	-	-
Ukraine	•	-	•	•	-	-	•	-	-
UK: E. & W.	•	•	-	-	-	-	-	-	-
UK: N. Irel.	•	•	•	•	•	•	•	•	•
UK: Scotl.	-	-	-	-	-	-	-	-	-

No answer in part 3 of the questionnaire: Belgium, Iceland, Latvia, Luxembourg, Moldova, Norway, Romania.

b) Break-down by offences

- Part I -	Total sanctions and measures	Total CSM	Community service	Supervision	Restitution	Ambulant therapeutic treatment	Probation as a sanction in its own right	Educational sanctions and measures	Other CSM
	Major traffic offences								
Germany	•	•	-	-	-	-	-	-	-
Greece	-	-	-	•	-	-	-	-	-
Kosovo (UNR)	•	•	-	•	-	-	-	•	-
Netherlands	•	•	•	-	-	-	-	•	-
Poland	•	•	•	•	•	•	-	-	•
Russia	•	-	-	-	-	-	-	-	-
UK: E. & W.	•	•	-	-	-	-	-	-	-
UK: N. Irel.	•	•	•	•	•	•	•	•	•
	Intentional homicide: Total								
Cyprus	•	-	•	-	-	-	•	-	•
Germany	•	-	-	-	-	-	-	-	-
Kosovo (UNR)	•	•	•	•	-	-	-	•	-
Netherlands	•	•	•	-	-	-	-	•	-
Poland	•	•	•	•	•	•	-	-	•
Serbia	•	-	-	-	-	-	-	-	-
Ukraine	•	-	-	-	-	-	-	-	-
UK: E. & W.	•	•	-	-	-	-	-	-	-
UK: N. Irel.	•	•	•	•	•	•	•	•	•
	Intentional homicide: Completed								
Cyprus	•	-	•	-	-	-	•	-	•
Denmark	•	•	•	-	-	-	-	-	-
Kosovo (UNR)	•	•	•	•	-	-	-	•	-
Serbia	•	-	-	-	-	-	-	-	-
UK: E. & W.	•	•	-	-	-	-	-	-	-
UK: N. Irel.	•	•	•	•	•	•	•	•	•
	Bodily injury (Assault): Total								
Cyprus	•	-	•	-	-	-	•	-	•
Germany	•	•	-	-	-	-	-	-	-
Greece	-	-	-	•	-	-	-	-	-
Kosovo (UNR)	•	•	-	•	-	-	-	•	-
Netherlands	•	•	•	-	-	-	-	•	-
Poland	•	•	•	•	•	•	-	-	•
Serbia	•	-	-	-	-	-	-	-	-
UK: E. & W.	•	•	-	-	-	-	-	-	-
UK: N. Irel.	•	•	•	•	•	•	•	•	•

- Part II -	Total sanctions and measures	Total CSM	Community service	Supervision	Restitution	Ambulant therapeutic treatment	Probation as a sanction in its own right	Educational sanctions and measures	Other CSM
	Bodily injury (Assault): Aggravated bodily injury								
Cyprus	•	-	•	-	-	-	•	-	•
Germany	•	•	-	-	-	-	-	-	-
Kosovo (UNR)	•	•	-	-	-	-	-	•	-
Netherlands	•	•	•	-	-	-	-	•	-
Poland	•	•	•	•	•	•	-	-	•
Serbia	•	-	-	-	-	-	-	-	-
Ukraine	•	-	-	-	-	-	-	-	-
UK: N. Irel.	•	•	•	•	•	•	•	•	•
	Sexual assault: Total								
Cyprus	•	-	•	-	-	-	•	-	•
Germany	•	•	-	-	-	-	-	-	-
Kosovo (UNR)	•	•	-	-	-	-	-	•	-
Netherlands	•	•	•	-	-	-	-	•	-
Poland	•	•	•	•	•	•	-	-	•
Serbia	•	-	-	-	-	-	-	-	-
UK: E. & W.	•	•	-	-	-	-	-	-	-
UK: N. Irel.	•	•	•	•	•	•	•	•	•
	Sexual assault: Rape								
Cyprus	•	-	•	-	-	-	•	-	•
Germany	•	•	-	-	-	-	-	-	-
Kosovo (UNR)	•	•	-	-	-	-	-	•	-
Netherlands	•	•	•	-	-	-	-	•	-
Poland	•	•	•	•	•	•	-	-	•
Serbia	•	-	-	-	-	-	-	-	-
Ukraine	•	-	-	-	-	-	-	-	-
UK: E. & W.	•	•	-	-	-	-	-	-	-
UK: N. Irel.	•	•	•	•	•	•	•	•	•
	Sexual assault: Sexual abuse of a child (minor)								
Cyprus	•	-	•	-	-	-	•	-	•
Germany	•	•	-	-	-	-	-	-	-
Greece	-	-	-	•	-	-	-	-	-
Kosovo (UNR)	•	•	-	-	-	-	-	•	-
Netherlands	•	•	•	-	-	-	-	•	-
Poland	•	•	•	•	•	•	-	-	•
Serbia	•	-	-	-	-	-	-	-	-
UK: E. & W.	•	•	-	-	-	-	-	-	-
UK: N. Irel.	•	•	•	•	•	•	•	•	•

- Part III -	Total sanctions and measures	Total CSM	Community service	Supervision	Restitution	Ambulant therapeutic treatment	Probation as a sanction in its own right	Educational sanctions and measures	Other CSM
	Robbery: Total								
Cyprus	•	-	•	-	-	-	•	-	•
Germany	•	•	-	-	-	-	-	-	-
Greece	-	-	-	•	-	-	-	-	-
Kosovo (UNR)	•	•	-	-	-	-	-	•	-
Netherlands	•	•	•	-	-	-	-	•	-
Poland	•	•	•	•	•	•	-	-	•
Serbia	•	-	-	-	-	-	-	-	-
Ukraine	•	-	-	-	-	-	-	-	-
UK: E. & W.	•	•	-	-	-	-	-	-	-
UK: N. Irel.	•	•	•	•	•	•	•	•	•
	Theft: Total								
Cyprus	•	-	•	-	-	-	•	-	•
Germany	•	•	-	-	-	-	-	-	-
Greece	-	-	-	•	-	-	-	-	-
Kosovo (UNR)	•	•	-	-	-	-	-	•	-
Netherlands	•	•	•	-	-	-	-	•	-
Poland	•	•	•	•	•	•	-	-	•
Serbia	•	-	-	-	-	-	-	-	-
Ukraine	•	-	-	-	-	-	-	-	-
UK: E. & W.	•	•	-	-	-	-	-	-	-
UK: N. Irel.	•	•	•	•	•	•	•	•	•
	Theft: Theft of a motor vehicle								
Denmark	•	•	•	-	-	-	-	-	-
Ukraine	•	-	-	-	-	-	-	-	-
UK: E. & W.	•	•	-	-	-	-	-	-	-
UK: N. Irel.	•	•	•	•	•	•	•	•	•
	(Theft) Burglary: Total								
Cyprus	•	-	•	-	-	-	•	-	•
Denmark	•	•	•	-	-	-	-	-	-
Germany	•	•	-	-	-	-	-	-	-
Kosovo (UNR)	•	•	-	-	-	-	-	•	-
Netherlands	•	•	•	-	-	-	-	•	-
Poland	•	•	•	•	•	•	-	-	•
Serbia	•	-	-	-	-	-	-	-	-
Ukraine	•	-	-	-	-	-	-	-	-
UK: E. & W.	•	•	-	-	-	-	-	-	-
UK: N. Irel.	•	•	•	•	•	•	•	•	•
	(Theft) Burglary: Domestic Burglary								
Germany	•	•	-	-	-	-	-	-	-
UK: E. & W.	•	•	-	-	-	-	-	-	-

- Part IV -	Total sanctions and measures	Total CSM	Community service	Supervision	Restitution	Ambulant therapeutic treatment	Probation as a sanction in its own right	Educational sanctions and measures	Other CSM
	Fraud								
Cyprus	•	-	•	-	-	-	•	-	•
Germany	•	•	-	-	-	-	-	-	-
Greece	-	-	-	•	-	-	-	-	-
Kosovo (UNR)	•	•	-	-	-	-	-	•	-
Netherlands	•	•	•	-	-	-	-	•	-
Poland	•	•	•	•	•	•	-	-	•
Serbia	•	-	-	-	-	-	-	-	-
Ukraine	•	-	-	-	-	-	-	-	-
UK: E. & W.	•	•	-	-	-	-	-	-	-
UK: N. Irel.	•	•	•	•	•	•	•	•	•
	Money laundering								
Germany	•	•	-	-	-	-	-	-	-
Kosovo (UNR)	•	•	•	•	•	•	•	•	-
Netherlands	•	•	•	-	-	-	-	•	-
Poland	•	•	•	•	•	•	-	-	-
Serbia	•	-	-	-	-	-	-	-	-
	Corruption								
Cyprus	•	-	•	-	-	-	•	-	•
Germany	•	•	-	-	-	-	-	-	-
Kosovo (UNR)	•	•	•	•	•	•	•	•	-
Netherlands	•	•	•	-	-	-	-	•	-
Poland	•	•	•	•	•	•	-	-	•
Serbia	•	-	-	-	-	-	-	-	-
UK: N. Irel.	•	•	•	•	•	•	•	•	•
	Drug offences: Total								
Cyprus	•	-	•	-	-	-	•	-	•
Denmark	•	•	•	-	-	-	-	-	-
Germany	•	•	-	-	-	-	-	-	-
Kosovo (UNR)	•	•	•	•	-	-	-	•	-
Netherlands	•	•	•	-	-	-	-	•	-
Poland	•	•	•	•	•	•	-	-	•
Serbia	•	-	-	-	-	-	-	-	-
Ukraine	•	-	-	-	-	-	-	-	-
UK: E. & W.	•	•	-	-	-	-	-	-	-
UK: N. Irel.	•	•	•	•	•	•	•	•	•
	Drug offences: Drug trafficking								
Germany	•	•	-	-	-	-	-	-	-
Kosovo (UNR)	•	•	-	-	-	-	-	•	-
Poland	•	•	•	•	•	•	-	-	•
Serbia	•	-	-	-	-	-	-	-	-
UK: E. & W.	•	•	-	-	-	-	-	-	-

2.4.2.5 Summary

Despite certain shortcomings, it was feasible to receive some detailed information concerning CSM on the conviction level (for adults and for minors). The amount of data varies between sanctions, offences, and the counting units (but there was no substantial difference between total and minors). Data availability for the person-related questions was satisfactory; many countries were able to provide figures for the break-down by offences – at least for general offence categories. In contrast, sanction-related data were available in fewer countries. These deficiencies were especially noted relating to the break-down by offences, where only a few countries could give figures. All things considered, the collected data provided at least an overview of CSM in the sentencing policy of many countries throughout Europe.

2.4.3 Data availability for selected community sanctions and measures (supervision, community service, and electronic monitoring)

A central aspect of the DECODEUR project was collecting information about probation and probation agencies in Europe. While chapter 2.3.1 was about structure and organization of the agencies, detailed data on selected probation measures are presented in this part of the report. Chapter 2.4.3.1 addresses supervision, chapter 2.4.3.2 refers to community service, and chapter 2.4.3.3 deals with electronic monitoring. In recent years, there has been an increasing interest in these topics; many countries have implemented new measures and techniques in their criminal justice systems (v.Kalmthout & Durnescu 2008: 7). In view of this trend, the group wanted to examine the application of different forms of these community sanctions and measures in the course of the criminal proceedings. In earlier editions of the European Sourcebook, data on these issues have rarely been collected. In the DECODEUR project, a new part of the questionnaire on supervision, community service, and electronic monitoring has been devised (featuring individually created subcategories for these three measures).[54]

Only Greece did not answer the entire part 4.3 of the questionnaire (dealing with probation agencies and probation measures). Greece is therefore not mentioned in the following analysis, but below the tables as “No answer in part 4.3 of the questionnaire”.

2.4.3.1 Supervision

In earlier editions of the ESB, data on supervision have rarely been collected (see Jehle & Harrendorf 2010: 248 ff.; Aebi et al. 2010: 216 ff.; Aebi et al. 2003: 218 ff.). In contrast, supervision was an essential topic of the DECODEUR project. The group developed three questions, asking for “total persons under the control, supervision and/or care of the probation agencies in

[54] An attempt was made to collect data on the implementation of these sanctions and measures already in the 2nd edition of the ESB; see chapter 1.3.1.

2010", the number of minors, and for the reasons for ending supervision in 2010.

2.4.3.1.1 Total persons under the control, supervision and/or care of the probation agencies in 2010

It was the objective of the group to examine the frequency of application of supervision in different stages of the proceedings. Hence, data were gathered not only for the total, but also for a range of categories, including amongst others "supervision before a final sentence", "probation as a sanction in its own right", and "supervision after conditional release from prison". This question collects stocks, input and output data. According to the explanations given in the questionnaire, stock *"means the number of persons supervised by the probation agencies at a given date (31 December)."* The category "input" refers to *"the number of persons entering supervision during one year"*; and output is *"the number of persons leaving supervision during one year"*.

For better understanding, a definition of "semi-imprisonment" was given in the questionnaire, which had the following wording:

> *All forms of 'part-time-detention' including e.g. semi-detention (custody during day-time with the liberty to spend the night at home) and semi-liberty (the prisoner can stay outside during the day and must remain in custody at night).*

The following tables show the results of the final questionnaire for "total persons under the control, supervision and/or care of the Probation Agencies in 2010". Because of the number of categories this question is presented in two separate tables (table 15, part I and part II). The results show that data availability for this topic is satisfactory. Most countries could provide figures for the total and for at least one of the differentiated categories. Only five countries (namely Armenia, Ireland, Luxembourg, Russia, and Ukraine) did not provide any data at all. In these countries the lack of data could be due to statistical or judicial reasons. In Ukraine no official data were available. In Armenia there was no probation service at all (see chapter 2.3.1.1).

The question on supervision is closely linked to the existence of probation agencies. As mentioned in chapter 2.3.1.1, the definition of probation agencies was interpreted restrictively by the Serbian correspondent. However, this country gave data for supervision measures. It can be assumed that the same applies for Iceland.

For the break-down by the type of supervision, fewer figures were available. The amount of data differs between the categories. 29 countries could provide information on supervision of a suspended custodial sentence. But for some other categories, e.g. "supervision in connection with the execution of a prison sentence outside prison (including semi-imprisonment)", there were data only for a few countries. Austria was the only country which provided data for all kinds of supervision.

In many cases, the lack of data was due to judicial reasons. In Romania and Sweden, for example, the concept of semi-imprisonment did not exist. This was also true for Slovakia. In Italy supervision before a final sentence was not possible. In Lithuania the former correction inspections did not handle the pre-sentence stage until 2012 (see chapter 2.3.2.1).

Many countries provided additional information in the comments section, explaining the specifics of their criminal justice systems concerning supervision. In the Netherlands, for example, supervision included supervision with electronic monitoring. In addition, semi-imprisonment comprised semi-liberty and home-arrest, which were not executed by the probation agencies, but by the Custodial Institutions Agency. In Maltese law semi-imprisonment only existed as a condition of a probation order. In Norway semi-liberty was carried out in the form of so-called "half-way houses"; these were considered prisons with a low security level and counted in the prison statistics.

A couple of countries also gave examples referring to the category "other": The Czech Republic mentioned supervision after release from protective treatment; Switzerland listed "social assistance". In Northern Ireland the category "other" includes people currently in custody, because their probation agency works in partnership with the Prison Service Offender Management Units to deliver services to offenders whilst in custody.

In some cases there were statistical issues. For several countries (e.g. Czech Republic, Denmark, Germany, and Latvia) it was not feasible to provide all three types of data - stock, input, and output. In Slovenia no stock data were available. The same is true for the Czech Republic. In contrast, Denmark could only provide stock data. In Northern Ireland output data were not available. A few countries mentioned statistical specifics of their data. In Croatia, for example, the figures refer to 2011 because their probation offices were only opened in June 2011. Germany commented that only supervisions carried out by employees of the agency were counted; supervisions by volunteers were not included.

Table 15: Total persons under the control, supervision and/or care of the probation agencies in 2010

- Part I -	Total			Supervision before a final sentence			Probation as a sanction in its own right			Other forms of superv. of a non-custodial sanction		
	Stock[55]	Input	Output	Stock	Input	Output	Stock	Input	Output	Stock	Input	Output
Albania	•	•	•	-	-	-	-	-	-	•	-	-
Armenia	-	-	-	-	-	-	-	-	-	-	-	-
Austria	•	•	•	•	•	•	•	•	•	•	•	•
Belgium	•	•	•	•	•	•	•	•	•	-	-	-
Bulgaria	•	•	•	-	-	-	-	-	-	-	-	-
Croatia	•	•	•	-	-	-	-	-	-	-	-	-
Cyprus	•	•	•	•	•	•	-	-	-	-	-	-
Czech Rep.	-	•	•	-	•	•	-	-	-	-	-	-
Denmark	•	-	-	-	-	-	-	-	-	•	-	-
Estonia	•	•	•	-	-	-	•	•	•	•	•	•
Finland	•	•	•	-	-	-	•	•	•	•	•	•
France	•	•	-	•	-	-	-	-	-	-	-	-
Georgia	•	-	-	-	-	-	•	-	-	-	-	-
Germany	•	-	•	•	-	•	-	-	-	-	-	-
Hungary	•	•	•	•	•	•	-	-	-	•	•	•
Iceland	•	•	•	-	-	-	-	-	-	•	•	•
Ireland	-	-	-	-	-	-	-	-	-	-	-	-
Italy	•	•	-	-	-	-	•	•	-	•	•	-
Kosovo (UNR)	•	•	•	•	•	•	•	•	•	•	•	•
Latvia	•	-	-	•	-	-	-	-	-	-	-	-
Lithuania	•	•	•	-	-	-	-	-	-	•	•	•
Luxembourg	-	-	-	-	-	-	-	-	-	-	-	-
Malta	•	•	•	•	•	-	•	•	-	•	•	•
Moldova	•	•	•	-	-	-	-	-	-	•	•	•
Netherlands	•	•	•	•	•	•	-	-	-	-	-	-
Norway	•	•	•	-	-	-	-	-	-	•	•	•
Poland	•	•	•	•	•	•	•	•	•	•	•	•
Portugal	•	•	•	•	•	•	-	-	-	-	-	-
Romania	•	•	•	-	-	-	•	•	•	-	-	-
Russia	-	-	-	-	-	-	-	-	-	-	-	-
Serbia	-	•	•	-	-	-	-	-	-	-	-	-
Slovakia	-	•	•	-	-	-	-	-	-	-	-	-
Slovenia	-	•	•	-	-	-	-	-	-	-	-	-
Spain	•	-	-	-	-	-	-	-	-	-	-	-
Sweden	•	•	•	-	-	-	•	•	•	-	-	-
Switzerland	•	•	•	•	•	•	-	-	-	•	•	•
Turkey	•	-	-	•	-	-	•	-	-	•	-	-
Ukraine	-	-	-	-	-	-	-	-	-	-	-	-
UK: E. & W.	•	•	•	-	-	-	-	-	-	•	•	•
UK: N. Irel.	•	•	-	-	-	-	•	•	-	•	•	-
UK: Scotl.	-	•	•	-	•	•	-	•	-	-	•	-

No answer in part 4.3 of the questionnaire: Greece.

[55] The stock data in tables 15-22 should refer to December 31st.

- Part II -	Supervision of a suspended custodial sentence			Supervision in connection w. the execution of a prison sentence outs. prison (incl. semi-impr.)			Supervision after conditional release from prison			Superv. as a security meas. after having fully served a prison sent. or other form of detention			Other		
	Stock	Input	Output	Stock	Input	Output	Stock	Input	Output	Stock	Input	Output	Stock	Input	Output
Albania	•	-	-	•	•	•	•	-	-	-	-	-	•	-	-
Armenia	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Austria	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Belgium	-	-	-	•	•	•	•	•	•	•	•	•	-	-	-
Bulgaria	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Croatia	•	•	•	•	•	•	-	-	-	-	-	-	-	-	-
Cyprus	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Czech Rep.	-	•	•	-	-	-	-	•	•	-	-	-	-	•	•
Denmark	•	-	-	•	-	-	•	-	-	-	-	-	•	-	-
Estonia	•	•	•	-	-	-	•	•	•	-	-	-	•	•	•
Finland	-	-	-	-	-	-	•	•	•	-	-	-	•	•	•
France	•	-	-	•	•	-	•	•	-	-	-	-	•	-	-
Georgia	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Germany	•	-	-	-	-	-	•	-	-	•	-	-	•	-	-
Hungary	•	•	•	-	-	-	•	•	•	-	-	-	•	•	•
Iceland	•	•	•	•	•	-	•	•	•	•	•	•	•	•	•
Ireland	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Italy	•	•	-	•	•	-	•	•	-	•	•	-	-	-	-
Kosovo (UNR)	•	•	•	-	-	-	•	•	•	-	-	-	•	•	-
Latvia	•	-	-	-	-	-	•	-	-	-	-	-	•	-	-
Lithuania	•	•	•	-	-	-	•	•	•	-	-	-	•	•	•
Luxembourg	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Malta	•	•	-	-	-	-	-	-	-	-	-	-	-	-	-
Moldova	•	•	•	-	-	-	•	•	•	-	-	-	-	-	-
Netherlands	•	•	•	•	•	-	•	•	•	-	-	-	•	•	•
Norway	•	•	•	•	•	•	•	•	•	-	-	-	-	-	-
Poland	•	•	•	-	-	-	•	•	•	-	-	-	•	•	•
Portugal	•	•	-	-	-	-	•	•	-	-	-	-	•	•	-
Romania	•	•	•	-	-	-	-	-	-	-	-	-	-	-	-
Russia	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Serbia	-	•	•	-	-	-	-	-	-	-	-	-	-	-	-
Slovakia	-	•	•	-	-	-	-	•	•	-	-	•	-	-	-
Slovenia	-	•	•	-	-	-	-	•	-	-	-	-	-	-	-
Spain	•	-	-	•	-	-	•	-	-	-	-	-	-	-	-
Sweden	-	-	-	-	-	-	•	•	•	-	-	-	-	-	-
Switzerland	•	•	•	-	-	-	•	•	•	-	-	-	•	•	•
Turkey	•	-	-	-	-	-	•	-	-	•	-	-	•	-	-
Ukraine	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
UK: E. & W.	•	•	•	-	-	-	•	•	•	-	-	-	-	-	-
UK: N. Irel.	-	-	-	-	-	-	•	•	-	-	-	-	•	•	-
UK: Scotl.	-	•	-	-	-	-	-	-	-	-	•	-	-	•	-

2.4.3.1.2 Minors under the control, supervision and/or care of the probation agencies in 2010

The group also wanted to receive detailed information on supervision referring to minors.[56] The results presented in table 16 (part I and part II) show that there are slightly less data than in the previous chapter. 15 countries could not provide any data for supervision referring to minors (namely Armenia, Bulgaria, Croatia, France, Ireland, Italy, Latvia, Luxembourg, Norway, Russia, Serbia, Switzerland, Ukraine, England and Wales, and Scotland). Only 15 countries had figures for the category "supervision of a suspended custodial sentence". Almost no data were available for "supervision in connection with the execution of a prison sentence outside prison (including semi-imprisonment)".

In some cases the lack of data on minors was due to judicial reasons. As mentioned in chapter 2.3.2.2, the Croatian probation agencies did not work with minors. In their comments many countries explained judicial issues referring to supervision data on minors. In a few countries certain measures were only applicable for adults. In Poland, for example, "supervision after conditional release from prison" only exists for adults. In contrast, some countries provided figures for total and for minors that are equal in certain categories, because these measures can only be imposed on minors. In Poland "supervision before a final sentence" and "probation as a sanction in its own right" were only applicable to minors. In Romania "probation as a sanction in its own right" can only be imposed on minors.

Others referred to statistical problems. In Sweden there were no output data for supervision referring to minors. In Malta no separate stock data on minors were available. In Belgium only minors that were handled with the justice system for adults (traffic offences or very serious offences) were counted; most of the minors were taken in charge by a "protection system". These were watched and helped by other agencies and not included in the data. In the Netherlands there were – apart from regular youth probation – several specialized programmes, e.g. individual supervision and care for hard-core offenders and offenders from cultural minorities.

[56] For further information on minors see chapter 2.2.6.

Table 16: Minors under the control, supervision and/or care of the probation agencies in 2010

- Part I -	Total			Supervision before a final sentence			Probation as a sanction in its own right			Other forms of superv. of a non-custodial sanction		
	Stock	Input	Output	Stock	Input	Output	Stock	Input	Output	Stock	Input	Output
Albania	•	-	-	-	-	-	-	-	-	-	-	-
Armenia	-	-	-	-	-	-	-	-	-	-	-	-
Austria	•	•	•	•	•	•	•	•	•	•	•	•
Belgium	•	•	•	•	•	•	•	•	•	-	-	-
Bulgaria	-	-	-	-	-	-	-	-	-	-	-	-
Croatia	-	-	-	-	-	-	-	-	-	-	-	-
Cyprus	•	•	•	-	-	-	-	-	-	-	-	-
Czech Rep.	-	•	•	-	•	•	-	•	•	-	-	-
Denmark	•	-	-	-	-	-	-	-	-	-	-	-
Estonia	•	-	•	-	-	-	•	-	•	•	-	•
Finland	•	-	-	-	-	-	-	-	-	-	•	•
France	-	-	-	-	-	-	-	-	-	-	-	-
Georgia	•	-	-	-	-	-	-	-	-	-	-	-
Germany	•	-	•	-	-	-	-	-	-	-	-	-
Hungary	•	•	•	-	-	-	-	-	-	•	•	•
Iceland	•	•	•	-	-	-	-	-	-	•	•	•
Ireland	-	-	-	-	-	-	-	-	-	-	-	-
Italy	-	-	-	-	-	-	-	-	-	-	-	-
Kosovo (UNR)	•	•	•	•	•	•	•	•	•	•	•	•
Latvia	-	-	-	-	-	-	-	-	-	-	-	-
Lithuania	•	•	•	-	-	-	-	-	-	•	•	•
Luxembourg	-	-	-	-	-	-	-	-	-	-	-	-
Malta	•	•	-	-	•	-	-	•	-	-	•	-
Moldova	•	•	•	-	-	-	-	-	-	•	•	•
Netherlands	•	-	-	-	-	-	-	-	-	-	-	-
Norway	-	-	-	-	-	-	-	-	-	-	-	-
Poland	•	•	•	•	•	•	•	•	•	-	-	-
Portugal	•	•	-	•	•	-	-	-	-	-	-	-
Romania	•	•	•	-	-	-	•	•	•	-	-	-
Russia	-	-	-	-	-	-	-	-	-	-	-	-
Serbia	-	-	-	-	-	-	-	-	-	-	-	-
Slovakia	-	•	-	-	-	-	-	-	-	-	-	-
Slovenia	-	-	-	-	-	-	-	•	•	-	-	-
Spain	•	-	-	-	-	-	-	-	-	•	-	-
Sweden	•	•	-	-	-	-	•	•	-	-	-	-
Switzerland	-	-	-	-	-	-	-	-	-	-	-	-
Turkey	•	-	-	•	-	-	•	-	-	•	-	-
Ukraine	-	-	-	-	-	-	-	-	-	-	-	-
UK: E. & W.	-	-	-	-	-	-	-	-	-	-	-	-
UK: N. Irel.	•	•	-	-	-	-	•	•	-	•	•	-
UK: Scotl.	-	-	-	-	-	-	-	-	-	-	-	-

No answer in part 4.3 of the questionnaire: Greece.

- Part II -	Supervision of a suspended custodial sentence			Supervision in connection w. the execution of a prison sentence outs. prison (incl. semi-impr.)			Supervision after conditional release from prison			Superv. as a security meas. after having fully served a prison sent. or other form of detention			Other		
	Stock	Input	Output	Stock	Input	Output	Stock	Input	Output	Stock	Input	Output	Stock	Input	Output
Albania	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Armenia	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Austria	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Belgium	-	-	-	-	-	-	•	•	•	-	-	-	-	-	-
Bulgaria	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Croatia	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Cyprus	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Czech Rep.	-	•	•	-	-	-	-	•	•	-	-	-	-	•	•
Denmark	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Estonia	•	-	•	-	-	-	•	-	•	-	-	-	•	-	•
Finland	-	-	-	-	-	-	-	-	-	-	•	-	-	-	-
France	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Georgia	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Germany	•	-	-	-	-	-	•	-	-	-	-	-	•	-	-
Hungary	•	•	•	-	-	-	•	•	•	-	-	-	•	•	•
Iceland	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Ireland	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Italy	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Kosovo (UNR)	-	•	•	-	-	-	-	-	-	-	-	-	-	-	-
Latvia	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Lithuania	•	•	•	-	-	-	•	•	•	-	-	-	•	•	•
Luxembourg	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Malta	-	•	-	-	-	-	-	-	-	-	-	-	-	-	-
Moldova	•	•	•	-	-	-	•	•	•	-	-	-	-	-	-
Netherlands	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Norway	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Poland	•	•	•	-	-	-	-	-	-	-	-	-	-	-	-
Portugal	•	•	-	-	-	-	•	•	-	-	-	-	•	•	-
Romania	•	•	•	-	-	-	-	-	-	-	-	-	-	-	-
Russia	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Serbia	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Slovakia	-	-	•	-	-	-	-	-	•	-	-	-	-	-	-
Slovenia	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Spain	-	-	-	-	-	-	•	-	-	-	-	-	-	-	-
Sweden	-	-	-	-	-	-	•	•	-	-	-	-	-	-	-
Switzerland	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Turkey	•	-	-	-	-	-	•	-	-	•	-	-	•	-	-
Ukraine	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
UK: E. & W.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
UK: N. Irel.	-	-	-	-	-	-	•	•	-	-	-	-	•	•	-
UK: Scotl.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

2.4.3.1.3 Reasons for ending supervision by the probation agencies in 2010

Another point of interest in the DECODEUR project was the outcome of supervision measures. The question on the reasons for ending supervision may provide some information about the success of this sanction or measure, asking for categories such as “completion”, “revocation or replacement by another sanction/measure”, and “other (e.g. death)”. To receive even more detailed data, the group inserted a subcategory that refers to resulting in imprisonment.

The results are presented in the following table (table 17). It can be seen that many countries could provide figures - not only on the total, but also for the differentiated categories. 26 countries had figures for the total; 20 for completion. However, fewer countries were able to provide the number of minors.[57] The Netherlands commented that data on this topic referring to minors were not available, and that the data given in chapter 2.4.3.1.1 excluded minors.

In the comments section, several countries explained specifics of their legal system. Cyprus mentioned transfers to another district as an example from the category “other”, because in this case the probation was terminated and a new order (by the new district court) was imposed. In Romania it was not possible to modify or to replace a sanction or a measure in case of non-compliance or in case of relapse (there is only revocation followed by imprisonment).

[57] For further information on minors see chapter 2.2.6.

Table 17: Reasons for ending supervision by the probation agencies in 2010

	Total		Completion		Revocation or replacement by another sanction / measure				Other (e.g. death)	
					Total		Resulting in imprisonment			
	Total	Number of minors	Total	Number of minors	Total	Number of minors	Total	Number of minors	Total	Number of minors
Albania	-	-	-	-	-	-	-	-	-	-
Armenia	-	-	-	-	-	-	-	-	-	-
Austria	•	•	•	•	•	•	•	•	•	•
Belgium	•	•	•	•	•	•	-	-	•	•
Bulgaria	-	-	-	-	-	-	-	-	-	-
Croatia	•	-	•	-	•	-	•	-	•	-
Cyprus	•	•	•	•	•	•	•	•	•	•
Czech Rep.	•	•	-	-	-	-	-	-	-	-
Denmark	-	-	-	-	-	-	-	-	-	-
Estonia	•	•	•	•	•	•	-	-	•	•
Finland	•	-	•	-	•	-	•	-	-	-
France	•	-	-	-	-	-	-	-	-	-
Georgia	-	-	-	-	-	-	-	-	-	-
Germany	•	•	•	•	•	•	•	•	-	-
Hungary	•	•	•	•	•	•	•	•	-	-
Iceland	•	•	•	•	•	•	•	•	•	•
Ireland	-	-	-	-	-	-	-	-	-	-
Italy	-	-	-	-	•	-	-	-	-	-
Kosovo (UNR)	•	•	-	-	-	-	-	-	-	-
Latvia	•	-	•	-	-	-	-	-	-	-
Lithuania	•	•	•	•	•	•	•	•	•	•
Luxembourg	-	-	-	-	-	-	-	-	-	-
Malta	-	-	-	-	-	-	-	-	-	-
Moldova	•	•	•	•	•	•	•	•	•	•
Netherlands	•	-	•	-	•	-	-	-	•	-
Norway	•	-	•	-	•	-	-	-	•	-
Poland	•	•	-	-	-	-	-	-	-	-
Portugal	•	-	•	-	•	-	•	-	•	-
Romania	•	•	•	•	•	•	•	•	•	•
Russia	-	-	-	-	-	-	-	-	-	-
Serbia	•	-	•	-	•	-	•	-	•	-
Slovakia	•	-	•	-	•	-	•	-	-	-
Slovenia	-	-	-	-	-	-	-	-	-	-
Spain	-	-	-	-	-	-	-	-	-	-
Sweden	•	-	-	-	•	-	•	-	•	-
Switzerland	•	-	-	-	-	-	-	-	-	-
Turkey	-	-	-	-	-	-	-	-	-	-
Ukraine	-	-	-	-	-	-	-	-	-	-
UK: E. & W.	•	-	•	-	•	-	-	-	•	-
UK: N. Irel.	-	-	-	-	-	-	-	-	-	-
UK: Scotl.	•	-	•	-	•	-	•	-	•	-

No answer in part 4.3 of the questionnaire: Greece.

2.4.3.2 Community service

The application of community service in Europe started in the early 1970s (in England and Wales, followed by other countries in the 1980s, e.g. in the Netherlands, in Denmark, and in France; v.Kalmthout & Durnescu 2008: 23). Because of the increasing importance of this sanction or measure, the group was interested in gathering in-depth information on this topic. In earlier editions of the ESB, limited data on community service had been collected (see Jehle & Harrendorf 2010: 248 ff; Aebi et al. 2010: 216 ff.; Aebi et al. 2003: 230 ff.). In the DECODEUR project, three detailed questions on this topic were formulated, referring to "total persons under community service in 2010", to the number of minors in 2010, and to the "reasons for ending community service in 2010".

2.4.3.2.1 Total persons under community service in 2010

The application of community service in the course of the criminal proceedings was of major interest. The group designed a question asking for a range of six different types of community service, e.g. "community service as a non-custodial sanction in its own right" and "community service for fine defaulters". These categories show the variety of this concept. Community service can be imposed in different stages of the proceedings for diverging reasons and motivations. In order to get comparable figures, the group added a definition for community service, taken from the CoE Probation Rules. It explains this concept as a

> *sanction or measure which involves organising and supervising by the probation agencies of unpaid labour for the benefit of the community as real or symbolic reparation for the harm caused by an offender* (CM/Rec(2010)1, No. 47).

The definitions for stock, input, and output are similar to the ones used in the supervision part. Stock is defined as *"the number of persons under community service at a given date (31 December)"*. Input *"refers to the number of persons starting community service during one year"* and output is explained as *"the number of persons ending community service during one year."*

The following tables show the results for "total persons under community service in 2010" (table 18, part I and II). Slightly fewer data were available for community service than for supervision (see chapter 2.4.3.1.1). Eight countries (Armenia, Georgia, Germany, Ireland, Luxembourg, Russia, Turkey, and Ukraine) could not provide any data at all on this topic.

According to the definition given in the questionnaire, community service *"involves organising and supervising by the probation agencies"* (see above). This question is therefore linked to the existence of probation agencies. The Serbian correspondent construed the definition of probation agencies in a restrictive way (see chapter 2.3.1.1). Nevertheless, this country had data for community service. It can be assumed that the same applies for Iceland.

Fewer figures were available for the break-down by the type of community service. The amount of data differs between these categories. 17 countries provided data for community service as a non-custodial sanction in its own right. In contrast, only seven countries (Austria, Iceland, Kosovo (UNR), Poland, Portugal, Slovenia, and Scotland) had figures for community service for fine defaulters. Data on community service as a condition for conditional release were not provided by a single country.

The additional comments make clear that in some cases the lack of data for community service was due to statistical reasons. In several countries (e.g. Germany), no data at all were available on this topic. In Turkey community service had been introduced in the year 2012. Thus, no statistics on this topic were available at the time of the questionnaire. For other countries (e.g. Czech Republic) it was not feasible to provide all three types of data - stock, input, and output. As for supervision, stock data were not available in the Czech Republic. In Spain only input data could be provided on community service.

In several countries different kinds of community service were applicable, but data were only available for selected categories. In Lithuania, for example, community service can be imposed in many different ways. It can be a non-custodial sanction in its own right, but also a measure for persons who were, for instance, exempted from criminal responsibility or released from prison. Community service for fine defaulters was also applicable in Lithuania, but statistics was available only on community service as a non-custodial sanction in its own right.

In other countries the lack of data is due to judicial factors. Community service can be imposed in very different manners and stages of the proceedings, but not every type of community service existed in each country. In Serbia for example, community service is implemented as a non-custodial sanction in its own right. In Slovakia community service is a type of punishment; it is neither understood as a condition for dismissal in the pre-sentence stage, nor as a condition of a suspended/conditional sentence, nor as a way of serving a custodial sentence.

Some countries provided additional information in the comments section, explaining in detail the specifics of their legal systems concerning community service. Malta described the possibilities of this measure as follows: in general, the range of hours for community service was between 40 and 480 in Maltese law. Besides, a so-called “Combination Order” can be imposed. This combines community service with probation. In this case, the maximum number of hours is 100; the probation term can be up to three years. Such “Combination Orders”, linking elements of probation to community service, were also used in Northern Ireland, but they were not included in their data. In Estonia the range of hours for community service as a condition for dismissal in pre-sentence stage was 10-240 hours. In contrast, community service as a way of serving a custodial sentence can be up to 1460 hours, applied instead of sentenced imprisonment up to two years.

Norway has a unique system. Unpaid labour was only one of the elements that may be imposed in the framework of a so-called “community sentence”. Other activities may involve individual crime-prevention oriented conversations, education, participation in behavioural programs, treatment, mediation, etc. The content of a Norwegian community sentence was therefore more extensive than unpaid labour. The Norwegian Correctional Services decide to a very large degree what the specific contents of the hours imposed by the court will be for every individual case. In Iceland, the Prison and Probation Administration decided whether a prison sentence was to be executed in the form of community service, and what type of community service was to be performed in each case. Several countries (e.g. Lithuania) pointed out that community service and unpaid work can only be executed if the convicted person agrees.

Table 18: Total persons under community service in 2010

- Part I -	Total			Community service as a condition for dismissal in pre-sentence stage			Community service as a non-custodial sanction in its own right		
	Stock	Input	Output	Stock	Input	Output	Stock	Input	Output
Albania	•	-	-	-	-	-	-	-	-
Armenia	-	-	-	-	-	-	-	-	-
Austria	•	•	•	•	•	•	-	-	-
Belgium	•	•	•	•	•	•	•	•	•
Bulgaria	•	•	•	-	-	-	-	-	-
Croatia	•	•	•	•	•	•	-	-	-
Cyprus	•	•	•	-	-	-	-	-	-
Czech Rep.	-	•	•	-	-	-	-	•	•
Denmark	•	-	-	-	-	-	-	-	-
Estonia	•	•	•	•	•	•	-	-	-
Finland	•	•	•	-	-	-	•	•	•
France	•	•	-	-	-	-	•	-	-
Georgia	-	-	-	-	-	-	-	-	-
Germany	-	-	-	-	-	-	-	-	-
Hungary	•	•	•	-	-	-	•	•	•
Iceland	•	•	•	-	-	-	-	-	-
Ireland	-	-	-	-	-	-	-	-	-
Italy	•	•	-	-	-	-	-	-	-
Kosovo (UNR)	•	•	•	-	-	-	-	-	-
Latvia	•	-	-	-	-	-	•	-	-
Lithuania	-	-	-	-	-	-	•	•	•
Luxembourg	-	-	-	-	-	-	-	-	-
Malta	•	•	•	-	-	•	•	•	-
Moldova	•	•	•	-	-	-	-	-	-
Netherlands	•	•	•	-	-	-	•	•	•
Norway	•	•	•	-	-	-	•	•	•
Poland	•	•	•	-	-	-	•	•	•
Portugal	•	•	-	•	•	-	-	-	-
Romania	-	-	-	-	-	-	-	-	-
Russia	-	-	-	-	-	-	-	-	-
Serbia	•	•	•	-	-	-	•	•	•
Slovakia	-	•	•	-	-	-	-	•	•
Slovenia	-	-	-	-	-	-	-	-	-
Spain	•	-	-	-	-	-	-	-	-
Sweden	•	•	•	-	-	-	•	•	•
Switzerland	-	-	-	-	-	-	•	•	•
Turkey	-	-	-	-	-	-	-	-	-
Ukraine	-	-	-	-	-	-	-	-	-
UK: E. & W.	•	•	•	-	-	-	•	•	•
UK: N. Irel.	•	•	-	-	-	-	•	•	-
UK: Scotl.	-	•	•	-	-	-	-	-	-

No answer in part 4.3 of the questionnaire: Greece.

- Part II -	Community service as a condition of a suspended / condition. sentence			Community service as a condition of conditional release			Community service as a way of serving a custod. sentence			Community service for fine defaulters		
	Stock	Input	Output	Stock	Input	Output	Stock	Input	Output	Stock	Input	Output
Albania	-	-	-	-	-	-	-	-	-	-	-	-
Armenia	-	-	-	-	-	-	-	-	-	-	-	-
Austria	-	-	-	-	-	-	-	-	-	•	•	•
Belgium	-	-	-	-	-	-	-	-	-	-	-	-
Bulgaria	-	-	-	-	-	-	-	-	-	-	-	-
Croatia	-	-	-	-	-	-	•	•	•	-	-	-
Cyprus	-	-	-	-	-	-	-	-	-	-	-	-
Czech Rep.	-	-	-	-	-	-	-	-	-	-	-	-
Denmark	•	-	-	-	-	-	-	-	-	-	-	-
Estonia	-	-	-	-	-	-	•	•	•	-	-	-
Finland	-	-	-	-	-	-	-	-	-	-	-	-
France	•	-	-	-	-	-	-	-	-	-	-	-
Georgia	-	-	-	-	-	-	-	-	-	-	-	-
Germany	-	-	-	-	-	-	-	-	-	-	-	-
Hungary	-	-	-	-	-	-	-	-	-	-	-	-
Iceland	-	-	-	-	-	-	•	•	•	•	•	•
Ireland	-	-	-	-	-	-	-	-	-	-	-	-
Italy	-	-	-	-	-	-	•	•	-	-	-	-
Kosovo (UNR)	-	-	-	-	-	-	-	-	-	•	•	•
Latvia	-	-	-	-	-	-	-	-	-	-	-	-
Lithuania	-	-	-	-	-	-	-	-	-	-	-	-
Luxembourg	-	-	-	-	-	-	-	-	-	-	-	-
Malta	-	-	-	-	-	-	-	-	-	-	-	-
Moldova	-	-	-	-	-	-	•	•	•	-	-	-
Netherlands	-	-	-	-	-	-	-	-	-	-	-	-
Norway	-	-	-	-	-	-	-	-	-	-	-	-
Poland	-	-	-	-	-	-	-	-	-	•	•	•
Portugal	•	•	-	-	-	-	•	•	-	•	•	-
Romania	•	-	-	-	-	-	-	-	-	-	-	-
Russia	-	-	-	-	-	-	-	-	-	-	-	-
Serbia	-	-	-	-	-	-	-	-	-	-	-	-
Slovakia	-	-	-	-	-	-	-	-	-	-	-	-
Slovenia	-	-	-	-	-	-	-	-	-	-	•	•
Spain	-	-	-	-	-	-	-	-	-	-	-	-
Sweden	•	•	•	-	-	-	-	-	-	-	-	-
Switzerland	-	-	-	-	-	-	-	-	-	-	-	-
Turkey	-	-	-	-	-	-	-	-	-	-	-	-
Ukraine	-	-	-	-	-	-	-	-	-	-	-	-
UK: E. & W.	•	•	•	-	-	-	-	-	-	-	-	-
UK: N. Irel.	-	-	-	-	-	-	-	-	-	-	-	-
UK: Scotl.	-	•	•	-	-	-	-	-	-	-	•	•

2.4.3.2.2 Minors under community service in 2010

In the DECODEUR project, the group also wanted to gather in-depth data on community sanctions imposed on minors. The following tables (table 19, part I and part II) show that fewer data were available for community service on minors[58] than for the total (see chapter 2.4.3.2.1). 23 countries could not provide any data at all for community service referring to minors. In several categories there were (almost) no figures. For community service as a condition of a suspended/conditional sentence, for example, only two countries (Poland and Romania) had data.

As in the supervision part, the lack of data on minors can be caused by either judicial or statistical issues. In Croatia, for example, probation agencies do not work with minors (see chapter 2.3.2.2). In Serbia community service was applicable to adults only. Sweden commented that there were no separate figures on this topic regarding minors.

Some countries provided additional information on community service for minors in their criminal justice system. In Belgium only minors that are handled within the justice system for adults are counted (see chapter 2.4.3.1.2). Malta pointed out that community service cannot be imposed on minors under the age of 16 years.

[58] For further information on minors see chapter 2.2.6.

Table 19: Minors under community service in 2010

- Part I -	Total			Community service as a condition for dismissal in pre-sentence stage			Community service as a non-custodial sanction in its own right		
	Stock	Input	Output	Stock	Input	Output	Stock	Input	Output
Albania	-	-	-	-	-	-	-	-	-
Armenia	-	-	-	-	-	-	-	-	-
Austria	•	•	•	•	•	•	-	-	-
Belgium	•	•	•	•	•	•	•	•	•
Bulgaria	-	-	-	-	-	-	-	-	-
Croatia	-	-	-	-	-	-	-	-	-
Cyprus	•	•	•	-	-	-	-	-	-
Czech Rep.	-	•	•	-	-	-	-	•	•
Denmark	-	-	-	-	-	-	-	-	-
Estonia	•	-	•	•	-	•	-	-	-
Finland	-	•	-	-	-	-	-	•	-
France	-	-	-	-	-	-	-	-	-
Georgia	-	-	-	-	-	-	-	-	-
Germany	-	-	-	-	-	-	-	-	-
Hungary	•	•	•	-	-	-	•	•	•
Iceland	•	•	•	-	-	-	-	-	-
Ireland	-	-	-	-	-	-	-	-	-
Italy	•	•	-	-	-	-	-	-	-
Kosovo (UNR)	-	-	-	-	-	-	-	-	-
Latvia	-	-	-	-	-	-	-	-	-
Lithuania	-	-	-	-	-	-	•	•	•
Luxembourg	-	-	-	-	-	-	-	-	-
Malta	•	•	•	-	-	-	•	•	•
Moldova	•	•	•	-	-	-	-	-	-
Netherlands	•	•	•	-	-	-	-	-	-
Norway	-	-	-	-	-	-	-	-	-
Poland	-	-	-	-	-	-	-	-	-
Portugal	•	•	-	•	•	-	-	-	-
Romania	-	-	-	-	-	-	-	-	-
Russia	-	-	-	-	-	-	-	-	-
Serbia	-	-	-	-	-	-	-	-	-
Slovakia	-	-	•	-	-	-	-	-	•
Slovenia	-	-	-	-	-	-	-	-	-
Spain	•	-	-	-	-	-	-	-	-
Sweden	-	-	-	-	-	-	-	-	-
Switzerland	-	-	-	-	-	-	-	-	-
Turkey	-	-	-	-	-	-	-	-	-
Ukraine	-	-	-	-	-	-	-	-	-
UK: E. & W.	-	-	-	-	-	-	-	-	-
UK: N. Irel.	•	•	-	-	-	-	•	•	-
UK: Scotl.	-	-	-	-	-	-	-	-	-

No answer in part 4.3 of the questionnaire: Greece.

- Part II -	Community service as a condition of a suspended / condition. sentence			Community service as a condition of conditional release			Community service as a way of serving a custod. sentence			Community service for fine defaulters		
	Stock	Input	Output	Stock	Input	Output	Stock	Input	Output	Stock	Input	Output
Albania	-	-	-	-	-	-	-	-	-	-	-	-
Armenia	-	-	-	-	-	-	-	-	-	-	-	-
Austria	-	-	-	-	-	-	-	-	-	•	•	•
Belgium	-	-	-	-	-	-	-	-	-	-	-	-
Bulgaria	-	-	-	-	-	-	-	-	-	-	-	-
Croatia	-	-	-	-	-	-	-	-	-	-	-	-
Cyprus	-	-	-	-	-	-	-	-	-	-	-	-
Czech Rep.	-	-	-	-	-	-	-	-	-	-	-	-
Denmark	-	-	-	-	-	-	-	-	-	-	-	-
Estonia	-	-	-	-	-	-	•	-	•	-	-	-
Finland	-	-	-	-	-	-	-	-	-	-	-	-
France	-	-	-	-	-	-	-	-	-	-	-	-
Georgia	-	-	-	-	-	-	-	-	-	-	-	-
Germany	-	-	-	-	-	-	-	-	-	-	-	-
Hungary	-	-	-	-	-	-	-	-	-	-	-	-
Iceland	-	-	-	-	-	-	•	•	•	•	•	•
Ireland	-	-	-	-	-	-	-	-	-	-	-	-
Italy	-	-	-	-	-	-	-	-	-	-	-	-
Kosovo (UNR)	-	-	-	-	-	-	-	-	-	-	-	-
Latvia	-	-	-	-	-	-	-	-	-	-	-	-
Lithuania	-	-	-	-	-	-	-	-	-	-	-	-
Luxembourg	-	-	-	-	-	-	-	-	-	-	-	-
Malta	-	-	-	-	-	-	-	-	-	-	-	-
Moldova	-	-	-	-	-	-	•	•	•	-	-	-
Netherlands	-	-	-	-	-	-	-	-	-	-	-	-
Norway	-	-	-	-	-	-	-	-	-	-	-	-
Poland	-	-	-	-	-	-	-	-	-	-	-	-
Portugal	•	•	-	-	-	-	•	•	-	•	•	-
Romania	•	-	-	-	-	-	-	-	-	-	-	-
Russia	-	-	-	-	-	-	-	-	-	-	-	-
Serbia	-	-	-	-	-	-	-	-	-	-	-	-
Slovakia	-	-	-	-	-	-	-	-	-	-	-	-
Slovenia	-	-	-	-	-	-	-	-	-	-	-	-
Spain	-	-	-	-	-	-	-	-	-	-	-	-
Sweden	-	-	-	-	-	-	-	-	-	-	-	-
Switzerland	-	-	-	-	-	-	-	-	-	-	-	-
Turkey	-	-	-	-	-	-	-	-	-	-	-	-
Ukraine	-	-	-	-	-	-	-	-	-	-	-	-
UK: E. & W.	-	-	-	-	-	-	-	-	-	-	-	-
UK: N. Irel.	-	-	-	-	-	-	-	-	-	-	-	-
UK: Scotl.	-	-	-	-	-	-	-	-	-	-	-	-

2.4.3.2.3 Reasons for ending community service in 2010

In order to gather some information on the outcome and success of community service, the group created a question on the reasons for ending the measure. This question includes the same categories as the one for supervision – "completion", "revocation or replacement by another sanction/measure", and "other (e.g. death)".

It can be seen from table 20 that data availability is similar to that for supervision; many countries could provide data not only on the total, but also for differentiated categories. 22 countries gave figures for the total; 21 for completion. Fewer countries were able to provide figures for minors (the same trend can be seen in the question referring to supervision, chapter 2.4.3.1.3).[59]

[59] For further information on minors see chapter 2.2.6.

Table 20: Reasons for ending community service in 2010

	Total		Completion		Revocation or replacement by another sanction / measure				Other (e.g. death)	
					Total		Resulting in imprisonment			
	Total	Number of minors	Total	Number of minors	Total	Number of minors	Total	Number of minors	Total	Number of minors
Albania	-	-	-	-	-	-	-	-	-	-
Armenia	-	-	-	-	-	-	-	-	-	-
Austria	•	•	•	•	•	•	-	-	•	•
Belgium	•	•	•	•	•	•	-	-	•	•
Bulgaria	-	-	-	-	-	-	-	-	-	-
Croatia	•	-	•	-	•	-	•	-	•	-
Cyprus	•	•	•	•	•	•	•	•	•	•
Czech Rep.	•	•	-	-	-	-	-	-	-	-
Denmark	-	-	-	-	-	-	-	-	-	-
Estonia	•	•	•	•	•	•	-	-	•	•
Finland	•	-	•	-	-	-	•	-	-	-
France	-	-	-	-	-	-	-	-	-	-
Georgia	-	-	-	-	-	-	-	-	-	-
Germany	-	-	-	-	-	-	-	-	-	-
Hungary	•	•	•	•	-	-	•	•	•	•
Iceland	•	•	•	•	•	•	•	•	•	•
Ireland	-	-	-	-	-	-	-	-	-	-
Italy	•	-	•	-	•	-	-	-	-	-
Kosovo (UNR)	-	-	-	-	-	-	-	-	-	-
Latvia	-	-	-	-	-	-	-	-	-	-
Lithuania	•	•	•	•	•	•	-	-	•	•
Luxembourg	-	-	-	-	-	-	-	-	-	-
Malta	•	•	•	•	•	•	•	•	•	•
Moldova	•	•	•	•	•	•	•	•	•	•
Netherlands	•	•	•	•	•	-	-	-	•	-
Norway	•	-	•	-	•	-	-	-	•	-
Poland	•	-	•	-	•	-	•	-	-	-
Portugal	-	-	-	-	-	-	-	-	-	-
Romania	-	-	-	-	-	-	-	-	-	-
Russia	-	-	-	-	-	-	-	-	-	-
Serbia	•	-	•	-	•	-	•	-	•	-
Slovakia	•	•	•	-	•	-	•	-	-	-
Slovenia	-	-	-	-	-	-	-	-	-	-
Spain	-	-	-	-	-	-	-	-	-	-
Sweden	•	-	•	-	•	-	•	-	•	-
Switzerland	•	-	•	-	•	-	-	-	-	-
Turkey	-	-	-	-	-	-	-	-	-	-
Ukraine	-	-	-	-	-	-	-	-	-	-
UK: E. & W.	•	-	•	-	•	-	-	-	•	-
UK: N. Irel.	-	-	-	-	-	-	-	-	-	-
UK: Scotl.	•	-	•	-	•	-	•	-	•	-

No answer in part 4.3 of the questionnaire: Greece.

2.4.3.3 Electronic monitoring

Electronic monitoring was initially implemented in the US legal system; the first European countries applied this measure in the early 1990s (Albrecht & v.Kalmthout 2002: 8). In earlier editions of the ESB, data on electronic monitoring had rarely been collected. In the 4th edition, there was one question with regard to electronic monitoring ("Persons whose freedom of movement was restricted in 2006 – Persons under electronic monitoring"; see Aebi et al. 2010: 145).[60] During the DECODEUR project four detailed questions on this topic have been developed, asking for "total persons under electronic monitoring in 2010", the number of minors, the reasons for ending, and the different techniques (e.g. electronic tag) and types (e.g. electronic curfew) of this measure.

2.4.3.3.1 Total persons under electronic monitoring in 2010

As part of the project goals, an attempt was made to examine the frequency of application of electronic monitoring in different stages of the proceedings. The devised question included a range of different categories, e.g. "electronic monitoring as an alternative to pre-trial detention", "electronic monitoring as a sanction in its own right", and "electronic monitoring as a condition of conditional release". For the group it was important to get comparable figures. Therefore, a definition for electronic monitoring was added, taken from SPACE II. It had the following wording:

> *Electronic monitoring: allows the localization of the person at a given moment of the day or the night and/or the monitoring of its movements. Electronic Monitoring can be accomplished using different techniques (electronic tag, telephone calls, or other electronic systems of monitoring)* (Aebi et al. 2011: 9).

The definitions for stock, input, and output are similar to the ones used in the supervision and community service parts. Stock is defined as *"the number of persons under electronic monitoring at a given date (31 December)"*. Input is explained as *"the number of persons entering electronic monitoring during one year"* and output refers to *"the number of persons leaving electronic monitoring during one year"*.

It can be seen from the following tables that data availability for electronic monitoring was not as good as for supervision (see chapter 2.4.3.1.1) or community service (see chapter 2.4.3.2.1). 24 countries did not provide any data at all on this topic. For the different categories of electronic monitoring even fewer figures were available. For "electronic monitoring as an alternative to pre-trial detention" data were available in only seven countries. Only four countries provided figures for the category "electronic monitoring as a sanction

[60] An earlier approach was started for the 2nd edition, but not very successfully; see chapter 1.3.1.

in its own right". Only England and Wales contributed data for all types of electronic monitoring.

The additional comments show that the lack of data for electronic monitoring can be due to statistical or judicial reasons. In several countries (e.g. Malta, Latvia, Slovenia, and Ukraine), there is no electronic monitoring at all. In Kosovo (UNR), for example, there were currently no persons with electronic surveillance, but the preparation for a change in legislation had been initiated. The same was true for Slovakia, where it is intended to put electronic monitoring into practice. In other cases there were statistical issues. In Germany and Russia no data on electronic monitoring are available. In Spain figures are only recorded as input data.

In many countries electronic monitoring has been recently implemented. In Lithuania, for example, the use of electronic monitoring devices was approved via a new Probation Law in 2012. In Turkey electronic monitoring has started to be used on an experimental basis in 2012. Hence, without a widespread use, no statistics were available at the time of the questionnaire. In Finland the law on electronic monitoring came into force at the end of 2011. Since this measure was not in use in 2010, no statistics were available. According to the Croatian legislation, electronic monitoring was applicable with parole and with investigative imprisonment at home. However, it was still not imposed in practice in Croatia. Therefore, no data were available. This is also true for Albania, where a new law on electronic monitoring was approved in 2011, but this measure has not yet been implemented in practice. In the Czech Republic the legal system provides the possibility of electronic monitoring via a home arrest as of 2010. However, there was only a pilot testing system running in 2012.

Some countries provided further information on electronic monitoring in the additional comments. In the Netherlands electronic monitoring is not a sanction in its own right, but a condition attached to pre-trial supervision by probation agencies, fully or partially suspended custodial sentence with probation, home arrest, or conditional release with probation. Electronic monitoring as a condition of conditional release exists in their criminal justice system, but cannot be separated from supervision after conditional release from prison. In Spain electronic monitoring was not an autonomous alternative sanction but an alternative to imprisonment. This applies to Denmark as well, where electronic monitoring was in all cases an alternative way of serving a full (short) prison sentence.

Table 21: Total persons under electronic monitoring in 2010

- Part I -	Total			Electronic monitoring as an alternative to pre-trial detention			Electronic monitoring as a sanction in its own right		
	Stock	Input	Output	Stock	Input	Output	Stock	Input	Output
Albania	-	-	-	-	-	-	-	-	-
Armenia	-	-	-	-	-	-	-	-	-
Austria	•	•	•	•	•	•	-	-	-
Belgium	•	•	•	-	-	-	-	-	-
Bulgaria	•	-	•	-	-	-	-	-	-
Croatia	-	-	-	-	-	-	-	-	-
Cyprus	-	-	-	-	-	-	-	-	-
Czech Rep.	-	-	-	-	-	-	-	-	-
Denmark	•	-	-	-	-	-	-	-	-
Estonia	•	•	•	-	-	-	-	-	-
Finland	-	-	-	-	-	-	-	-	-
France	•	-	-	•	-	-	•	-	-
Georgia	-	-	-	-	-	-	-	-	-
Germany	-	-	-	-	-	-	-	-	-
Hungary	-	-	-	-	-	-	-	-	-
Iceland	-	-	-	-	-	-	-	-	-
Ireland	-	-	-	-	-	-	-	-	-
Italy	-	-	-	-	-	-	-	-	-
Kosovo (UNR)	-	-	-	-	-	-	-	-	-
Latvia	-	-	-	-	-	-	-	-	-
Lithuania	-	-	-	-	-	-	-	-	-
Luxembourg	-	-	-	-	-	-	-	-	-
Malta	-	-	-	-	-	-	-	-	-
Moldova	-	-	-	-	-	-	-	-	-
Netherlands	-	-	-	•	•	-	-	-	-
Norway	-	•	•	-	-	-	-	-	-
Poland	•	•	•	-	-	-	-	-	-
Portugal	•	•	•	•	•	•	•	•	•
Romania	-	-	-	-	-	-	-	-	-
Russia	-	-	-	-	-	-	-	-	-
Serbia	•	•	•	•	•	•	-	-	-
Slovakia	-	-	-	-	-	-	-	-	-
Slovenia	-	-	-	-	-	-	-	-	-
Spain	•	-	-	-	-	-	-	-	-
Sweden	•	•	-	-	-	-	-	-	-
Switzerland	•	•	•	-	-	-	-	-	-
Turkey	-	-	-	-	-	-	-	-	-
Ukraine	-	-	-	-	-	-	-	-	-
UK: E. & W.	•	•	•	•	•	•	•	-	-
UK: N. Irel.	•	•	•	•	•	•	-	-	-
UK: Scotl.	•	•	-	-	-	-	•	•	-

No answer in part 4.3 of the questionnaire: Greece.

- Part II -	Electronic monitoring as a condition of a non-custodial or suspended custodial sanction			Electronic monitoring as part of the execution of an unsuspended custodial sanction			Electronic monitoring as a condition of conditional release			Electronic monitoring after having fully served a prison sentence or other form of detention		
	Stock	Input	Output	Stock	Input	Output	Stock	Input	Output	Stock	Input	Output
Albania	-	-	-	-	-	-	-	-	-	-	-	-
Armenia	-	-	-	-	-	-	-	-	-	-	-	-
Austria	-	-	-	•	•	•	-	-	-	-	-	-
Belgium	-	-	-	•	•	•	-	-	-	-	-	-
Bulgaria	-	-	-	-	-	-	-	-	-	-	-	-
Croatia	-	-	-	-	-	-	-	-	-	-	-	-
Cyprus	-	-	-	-	-	-	-	-	-	-	-	-
Czech Rep.	-	-	-	-	-	-	-	-	-	-	-	-
Denmark	-	-	-	-	-	-	-	-	-	-	-	-
Estonia	-	-	-	-	-	-	-	-	-	-	-	-
Finland	-	-	-	-	-	-	-	-	-	-	-	-
France	-	-	-	•	-	-	•	-	-	-	-	-
Georgia	-	-	-	-	-	-	-	-	-	-	-	-
Germany	-	-	-	-	-	-	-	-	-	-	-	-
Hungary	-	-	-	-	-	-	-	-	-	-	-	-
Iceland	-	-	-	-	-	-	-	-	-	-	-	-
Ireland	-	-	-	-	-	-	-	-	-	-	-	-
Italy	-	-	-	-	-	-	-	-	-	-	-	-
Kosovo (UNR)	-	-	-	-	-	-	-	-	-	-	-	-
Latvia	-	-	-	-	-	-	-	-	-	-	-	-
Lithuania	-	-	-	-	-	-	-	-	-	-	-	-
Luxembourg	-	-	-	-	-	-	-	-	-	-	-	-
Malta	-	-	-	-	-	-	-	-	-	-	-	-
Moldova	-	-	-	-	-	-	-	-	-	-	-	-
Netherlands	•	•	-	-	-	-	-	-	-	-	-	-
Norway	-	-	-	-	•	•	-	-	-	-	-	-
Poland	-	-	-	•	•	•	-	-	-	-	-	-
Portugal	-	-	-	•	•	•	•	•	•	-	-	-
Romania	-	-	-	-	-	-	-	-	-	-	-	-
Russia	-	-	-	-	-	-	-	-	-	-	-	-
Serbia	-	-	-	•	•	•	-	-	-	-	-	-
Slovakia	-	-	-	-	-	-	-	-	-	-	-	-
Slovenia	-	-	-	-	-	-	-	-	-	-	-	-
Spain	-	-	-	-	-	-	-	-	-	-	-	-
Sweden	-	-	-	•	•	-	-	•	-	-	-	-
Switzerland	-	-	-	•	•	•	-	-	-	•	•	•
Turkey	-	-	-	-	-	-	-	-	-	-	-	-
Ukraine	-	-	-	-	-	-	-	-	-	-	-	-
UK: E. & W.	•	•	•	•	•	•	•	•	•	•	•	•
UK: N. Irel.	•	•	•	-	-	-	-	-	-	•	•	•
UK: Scotl.	-	-	-	-	-	-	•	•	-	-	-	-

2.4.3.3.2 Minors under electronic monitoring in 2010

In the DECODEUR project, the group also tried to gather some information on electronic monitoring for minors.[61] However, table 22 (part I and part II) show that almost no data were available on this topic. Only seven countries (Austria, Belgium, Denmark, Sweden, England and Wales, Northern Ireland, and Scotland) could provide some figures on electronic monitoring for minors. Data for different types of electronic monitoring were only available in six countries.

The additional comments make clear that in some countries the lack of data was due to judicial reasons. In Poland and Serbia, for example, electronic monitoring is not applicable to minors. The same is true for Spain, where electronic monitoring is not provided by the juvenile criminal law.

[61] For further information on minors see chapter 2.2.6.

Table 22: Minors under electronic monitoring in 2010

- Part I -	Total			Electronic monitoring as an alternative to pre-trial detention			Electronic monitoring as a sanction in its own right		
	Stock	Input	Output	Stock	Input	Output	Stock	Input	Output
Albania	-	-	-	-	-	-	-	-	-
Armenia	-	-	-	-	-	-	-	-	-
Austria	•	•	•	-	-	-	-	-	-
Belgium	-	-	-	•	•	•	-	-	-
Bulgaria	-	-	-	-	-	-	-	-	-
Croatia	-	-	-	-	-	-	-	-	-
Cyprus	-	-	-	-	-	-	-	-	-
Czech Rep.	-	-	-	-	-	-	-	-	-
Denmark	•	-	-	-	-	-	-	-	-
Estonia	-	-	-	-	-	-	-	-	-
Finland	-	-	-	-	-	-	-	-	-
France	-	-	-	-	-	-	-	-	-
Georgia	-	-	-	-	-	-	-	-	-
Germany	-	-	-	-	-	-	-	-	-
Hungary	-	-	-	-	-	-	-	-	-
Iceland	-	-	-	-	-	-	-	-	-
Ireland	-	-	-	-	-	-	-	-	-
Italy	-	-	-	-	-	-	-	-	-
Kosovo (UNR)	-	-	-	-	-	-	-	-	-
Latvia	-	-	-	-	-	-	-	-	-
Lithuania	-	-	-	-	-	-	-	-	-
Luxembourg	-	-	-	-	-	-	-	-	-
Malta	-	-	-	-	-	-	-	-	-
Moldova	-	-	-	-	-	-	-	-	-
Netherlands	-	-	-	-	-	-	-	-	-
Norway	-	-	-	-	-	-	-	-	-
Poland	-	-	-	-	-	-	-	-	-
Portugal	-	-	-	-	-	-	-	-	-
Romania	-	-	-	-	-	-	-	-	-
Russia	-	-	-	-	-	-	-	-	-
Serbia	-	-	-	-	-	-	-	-	-
Slovakia	-	-	-	-	-	-	-	-	-
Slovenia	-	-	-	-	-	-	-	-	-
Spain	-	-	-	-	-	-	-	-	-
Sweden	•	-	-	-	-	-	-	-	-
Switzerland	-	-	-	-	-	-	-	-	-
Turkey	-	-	-	-	-	-	-	-	-
Ukraine	-	-	-	-	-	-	-	-	-
UK: E. & W.	•	•	•	•	•	•	•	-	-
UK: N. Irel.	•	•	•	•	•	•	-	-	-
UK: Scotl.	•	•	-	-	-	-	•	•	-

No answer in part 4.3 of the questionnaire: Greece.

- Part II -	Electronic monitoring as a condition of a non-custodial or suspended custodial sanction			Electronic monitoring as part of the execution of an unsuspended custodial sanction			Electronic monitoring as a condition of conditional release			Electronic monitoring after having fully served a prison sentence or other form of detention		
	Stock	Input	Output	Stock	Input	Output	Stock	Input	Output	Stock	Input	Output
Albania	-	-	-	-	-	-	-	-	-	-	-	-
Armenia	-	-	-	-	-	-	-	-	-	-	-	-
Austria	-	-	-	•	•	•	-	-	-	-	-	-
Belgium	-	-	-	•	•	•	-	-	-	-	-	-
Bulgaria	-	-	-	-	-	-	-	-	-	-	-	-
Croatia	-	-	-	-	-	-	-	-	-	-	-	-
Cyprus	-	-	-	-	-	-	-	-	-	-	-	-
Czech Rep.	-	-	-	-	-	-	-	-	-	-	-	-
Denmark	-	-	-	-	-	-	-	-	-	-	-	-
Estonia	-	-	-	-	-	-	-	-	-	-	-	-
Finland	-	-	-	-	-	-	-	-	-	-	-	-
France	-	-	-	-	-	-	-	-	-	-	-	-
Georgia	-	-	-	-	-	-	-	-	-	-	-	-
Germany	-	-	-	-	-	-	-	-	-	-	-	-
Hungary	-	-	-	-	-	-	-	-	-	-	-	-
Iceland	-	-	-	-	-	-	-	-	-	-	-	-
Ireland	-	-	-	-	-	-	-	-	-	-	-	-
Italy	-	-	-	-	-	-	-	-	-	-	-	-
Kosovo (UNR)	-	-	-	-	-	-	-	-	-	-	-	-
Latvia	-	-	-	-	-	-	-	-	-	-	-	-
Lithuania	-	-	-	-	-	-	-	-	-	-	-	-
Luxembourg	-	-	-	-	-	-	-	-	-	-	-	-
Malta	-	-	-	-	-	-	-	-	-	-	-	-
Moldova	-	-	-	-	-	-	-	-	-	-	-	-
Netherlands	-	-	-	-	-	-	-	-	-	-	-	-
Norway	-	-	-	-	-	-	-	-	-	-	-	-
Poland	-	-	-	-	-	-	-	-	-	-	-	-
Portugal	-	-	-	-	-	-	-	-	-	-	-	-
Romania	-	-	-	-	-	-	-	-	-	-	-	-
Russia	-	-	-	-	-	-	-	-	-	-	-	-
Serbia	-	-	-	-	-	-	-	-	-	-	-	-
Slovakia	-	-	-	-	-	-	-	-	-	-	-	-
Slovenia	-	-	-	-	-	-	-	-	-	-	-	-
Spain	-	-	-	-	-	-	-	-	-	-	-	-
Sweden	-	-	-	•	-	-	-	-	-	-	-	-
Switzerland	-	-	-	-	-	-	-	-	-	-	-	-
Turkey	-	-	-	-	-	-	-	-	-	-	-	-
Ukraine	-	-	-	-	-	-	-	-	-	-	-	-
UK: E. & W.	•	•	•	•	•	•	•	•	•	•	•	•
UK: N. Irel.	•	•	•	-	-	-	-	-	-	•	•	•
UK: Scotl.	-	-	-	-	-	-	-	-	-	-	-	-

2.4.3.3.3 Reasons for ending electronic monitoring in 2010

The project group was also interested in the outcome and success of electronic monitoring. This question includes the same categories as the one for supervision and community service – "completion", "revocation or replacement by another sanction/measure", and "other (e.g. death)".

The results presented in table 23 show that there were less data than for supervision or community service. Only a couple of countries could provide data on this topic. 11 countries had figures for the total; eight for completion. Even fewer countries (only Austria, Belgium, England and Wales, and Northern Ireland) were able to provide the number of minors.[62]

[62] For further information on minors see chapter 2.2.6.

Table 23: Reasons for ending electronic monitoring in 2010

	Total		Completion		Revocation or replacement by another sanction / measure				Other (e.g. death)	
					Total		Resulting in imprisonment			
	Total	Number of minors	Total	Number of minors	Total	Number of minors	Total	Number of minors	Total	Number of minors
Albania	-	-	-	-	-	-	-	-	-	-
Armenia	-	-	-	-	-	-	-	-	-	-
Austria	•	•	•	•	•	•	•	•	•	•
Belgium	•	•	•	•	•	•	-	-	•	•
Bulgaria	-	-	-	-	-	-	-	-	-	-
Croatia	-	-	-	-	-	-	-	-	-	-
Cyprus	-	-	-	-	-	-	-	-	-	-
Czech Rep.	-	-	-	-	-	-	-	-	-	-
Denmark	-	-	-	-	-	-	-	-	-	-
Estonia	•	-	-	-	-	-	-	-	-	-
Finland	-	-	-	-	-	-	-	-	-	-
France	•	-	•	-	•	-	-	-	-	-
Georgia	-	-	-	-	-	-	-	-	-	-
Germany	-	-	-	-	-	-	-	-	-	-
Hungary	-	-	-	-	-	-	-	-	-	-
Iceland	-	-	-	-	-	-	-	-	-	-
Ireland	-	-	-	-	-	-	-	-	-	-
Italy	-	-	-	-	-	-	-	-	-	-
Kosovo (UNR)	-	-	-	-	-	-	-	-	-	-
Latvia	-	-	-	-	-	-	-	-	-	-
Lithuania	-	-	-	-	-	-	-	-	-	-
Luxembourg	-	-	-	-	-	-	-	-	-	-
Malta	-	-	-	-	-	-	-	-	-	-
Moldova	-	-	-	-	-	-	-	-	-	-
Netherlands	•	-	•	-	•	-	-	-	•	-
Norway	•	-	•	-	•	-	•	-	-	-
Poland	•	-	-	-	-	-	-	-	-	-
Portugal	-	-	-	-	-	-	-	-	-	-
Romania	-	-	-	-	-	-	-	-	-	-
Russia	-	-	-	-	-	-	-	-	-	-
Serbia	•	-	•	-	•	-	•	-	•	-
Slovakia	-	-	-	-	-	-	-	-	-	-
Slovenia	-	-	-	-	-	-	-	-	-	-
Spain	-	-	-	-	-	-	-	-	-	-
Sweden	-	-	-	-	•	-	•	-	-	-
Switzerland	•	-	•	-	•	-	-	-	-	-
Turkey	-	-	-	-	-	-	-	-	-	-
Ukraine	-	-	-	-	-	-	-	-	-	-
UK: E. & W.	•	•	-	-	-	-	-	-	-	-
UK: N. Irel.	•	•	-	-	-	-	-	-	-	-
UK: Scotl.	-	-	•	-	-	-	-	-	-	-

No answer in part 4.3 of the questionnaire: Greece.

2.4.3.3.4 The application of electronic monitoring

In the DECODEUR project, the group wanted to examine the technical differences in the application of this measure in the participating countries. This question provides detailed information about techniques and types of electronic monitoring throughout Europe. Electronic tags, telephone calls, and other electronic systems were chosen as different categories for techniques. As to the types, the question lists electronic curfew, tracking of movement and "other type".

The results are presented in table 24. It can be seen that quite a number of countries could give information on techniques and types of electronic monitoring. The results show that "electronic tag" was the most common technique. Complementary, three countries carry out telephone calls and two countries also use an "other electronic system". Concerning the types of electronic monitoring, the electronic curfew was more common than the tracking of movement (12 compared to seven countries). No country mentioned another type.

Some countries did not provide information on the types and techniques of electronic monitoring – e.g. because no figures were available for this measure (in chapters 2.4.3.3.1 - 2.4.3.3.3). For other countries (e.g. Malta, Latvia, Slovenia, and Ukraine) it was not possible to answer this question, because electronic monitoring was not applicable in their legal system (see chapter 2.4.3.3.1).

In the additional comments section, several countries provided in-depth information on the application of electronic monitoring. In the Netherlands, for example, two types of electronic monitoring are applied, Radio Frequency Identification (RFId) and Global Positioning System (GPS). RFId is a static tool that can only be used for monitoring a location order, such as a "curfew". The offender has to be at home (or in another place) during a specific period (usually in the evening hours and at night). In contrast, GPS signals can track the offender at any time. In Sweden the offender is monitored at home, using electronic tagging with RF technology. Portugal commented that tracking of movement was only used for domestic violence restraining orders. In Norway the curfew implies that the offender had to be at home during certain hours – and out for work, school, or a programme (decided by the Correctional Services) during the rest of the time. His or her presence during these activities was checked through contact persons and random visits.

Table 24: The application of electronic monitoring

	Technique			Type		
	Electronic tag	Telephone calls	Other electronic system	Electronic curfew	Tracking of movement	Other type
Albania						
Armenia						
Austria	X			...	...	...
Belgium	X			X		
Bulgaria	X	X			X	
Croatia						
Cyprus						
Czech Rep.						
Denmark	X			...	...	...
Estonia	...	...	...	X	X	
Finland	X			...	...	...
France	X			...	...	...
Georgia						
Germany						
Hungary						
Iceland						
Ireland						
Italy						
Kosovo (UNR)						
Latvia						
Lithuania						
Luxembourg*	X			...	...	...
Malta						
Moldova						
Netherlands	X		X	X	X	
Norway	X			X		
Poland	X	X		X	X	
Portugal	X		X	X	X	
Romania						
Russia	...	...	...		X	
Serbia	X			X		
Slovakia						
Slovenia						
Spain	X				X	
Sweden	X			X		
Switzerland	X			X		
Turkey						
Ukraine						
UK: E. & W.	X	X		X		
UK: N. Irel.	X			X		
UK: Scotl.	X			X		

No answer in part 4.3 of the questionnaire: Greece.

***** For this country at least part of the data stem from the update of "Probation in Europe" (www.CEP-probation.org).

2.4.3.4 Summary

With the new part of the questionnaire on probation measures it was feasible to receive detailed information on supervision, community service, and electronic monitoring in different stages of the proceedings. Data have also been collected on the number of minors and the outcome of these probation measures. Data availability for supervision and community service was better than for electronic monitoring. For electronic monitoring fewer data were provided because this measure was applicable in a smaller amount of countries. However, it was possible to receive some interesting information also on electronic monitoring – especially concerning the types and techniques of the application.

2.5 Conclusions

In the DECODEUR project, the group gathered detailed information on the structure and organization of European probation agencies – including figures for staff and the number of written reports. The study succeeded in providing a comparative overview of existence, type, competency, tasks, and workload of probation agencies throughout Europe. The newly devised part of the questionnaire on these topics worked well – most countries provided answers and data availability for staff of and reports by probation agencies was satisfactory, even for detailed categories. Although the structure and functions of probation agencies vary widely between the participating countries, some general findings can be presented. The project showed that probation agencies exist in most European countries. The majority of the agencies are public and in nearly all countries there are probation agencies responsible for adults and for minors, often carrying out the same tasks.

In addition, it was feasible to receive comparable figures for CSM in all stages of the criminal proceedings, even though data availability varied between stages and categories. In many cases, the differences concerning the amount of data reflect the diversity of legal systems in Europe. Not every CSM can be imposed in all countries at each stage of the proceedings.

On the prosecution level, many countries could provide metadata on the application of CSM as a condition of conditional disposals, but fewer countries were able to give figures on this topic. As to the respective powers of the police, the group collected general information on conditional disposals, but it was not feasible to include a break-down by different conditions (e.g. restitution).

On the conviction level, many countries could provide detailed person-related data concerning CSM – even for the break-down by offences (at least for general offence categories, e.g. theft). In contrast, sanction-related figures for CSM were less frequently available; this is especially true for the break-down by offences. The collected data on the conviction level provided at least an overview of community sanctions and measures in the sentencing policy of many European countries.

Moreover, the group succeeded in collecting in-depth information on supervision, community service, and electronic monitoring in different stages of the criminal proceedings. Data availability for supervision and community service was generally good, but the amount of figures differed between the categories. As to supervision measures, for example, more countries gave figures for the category “supervision of a suspended custodial sentence” than for “supervision as a security measure after having fully served a prison sentence or other form of detention”. As to electronic monitoring, fewer data were provided than for supervision and community service, because this measure is applicable in a smaller amount of countries. Nevertheless, some

interesting metadata on the types and techniques of electronic monitoring were gathered.

On the whole, the DECODEUR project revealed some potential for better criminal justice statistics, especially with regard to the break-down by offences. Statistical systems of the participating countries should include such a differentiation for better data comparability in future data collections. The project has also shown the diversity of legal concepts concerning community sanctions and measures and probation agencies in the participating countries. However, a certain degree of harmonization is going on. Many countries commented that there have been recent changes in legislation – furthering the application of CSM, introducing new measures, or changing the system of probation agencies. Therefore, data availability is likely to be even better in future ESB data collections than in the DECODEUR project.[63] This is especially true for "new" sanctions and measures, such as electronic monitoring.

[63] Some indicators for this trend can also be found in the SPACE II data collections, see: Aebi & Delgrande 2012: 7.

3. Attrition

Stefan Harrendorf, Jörg-Martin Jehle, Paul Smit

The DECODEUR project also focused on attrition, which is an important measure of criminal justice performance. It sought ways to define a comparable real or approximated attrition rate for future data collection and comparison. The attrition process was studied in detail and data availability and quality were checked.

3.1 Problems and pitfalls of attrition measurement

Attrition can be defined as the "loss" of cases or, more technically, the filtering out of cases during the criminal justice process (cf. Jehle 2012: 151). A large number of cases were usually filtered out. Many cases never come to the attention of any of the bodies involved in criminal proceedings (dark figure of crime), other cases become known to the police, but are not registered, yet others are registered, but no suspect is found. Even if a suspect is found, there might not be sufficient evidence to charge them in court, thus leading to dropping the case or proceedings on the prosecution level (for details, see Jehle et al. 2008) or already on the police level (cf. Elsner et al. 2008). Other cases can be dropped for legal reasons (e.g. *ne bis in idem*, statute of limitation, act not an offence). Several cases can also be combined to build up one new case, or be transferred to another authority, thus leading to a somewhat artificial loss of cases. But cases can usually be dropped not only for such reasons, but also due to lack of public interest or for efficiency reasons, especially relating to minor offences. In many countries, the prosecutor (or even the police) can also issue some kind of sanction, either as a condition for the case to be dropped, or in a more formalized procedure, which eventually leads to a conviction in summary proceedings without a court hearing.

Of those cases, which are brought before the court by means of an official charge (indictment), some cases are not accepted by the courts for legal or factual reasons. In other cases, the court hearings may take place, but the court might still drop the case conditionally or unconditionally, especially in cases of minor guilt. Of those cases ended by a final court judgment, some are acquittals. Finally, if one also considers the prisons as part of the criminal justice process, one will see that only a fraction of those convicted will be sentenced to an unsuspended prison sentence. This filtering function of the criminal justice process allows the process to be described as a kind of funnel (visualized, for example, in Jehle 2009: 9).

In addition to cases being filtered out, there are also processes of redefinition of offence charges: An offence that is defined as attempted murder on the police level might still be downgraded to bodily injury later on, what appeared to be

theft might later turn out to be fraud, etc. These changes may be due to legal reasons (correction of errors in the application of criminal law) or factual reasons (lack of evidence for the more severe charge), but they might also be the result of an agreement of the parties involved in the process (plea bargaining, negotiated agreement). Mere redefinition does not contribute to attrition when looking at the overall, total output of the criminal justice process, but the situation is different on the level of individual offences, where such processes will contribute to attrition for some offences. This attrition is, however, somewhat compensated by an increase of caseload for other offences, especially where statistics are organized in accordance with a principal offence rule.

Not all of the described possibilities for attrition will be available in all criminal justice systems. To identify the exact dynamics of attrition in any country, we therefore need an in-depth look at the national criminal law and, especially, criminal procedure law, combined with an equivalently close look at the reality of case processing in the system. A study aiming only at comparing crime and criminal justice statistics will, of course, not be able to engage in detailed comparison of legal systems. Hence, the project had to restrict itself to comparing the statistical input and output of criminal justice systems. A fully valid assessment of attrition is, however, possible only where statistics are available to following certain cases throughout the criminal justice process (e.g. all murder investigations started in 2009). Not all those cases recorded in a given year on the police level will also be brought before a court and be ended by a final judgment in the same year. Furthermore, redefinition of the offence can take place during the proceedings. One cannot be sure that all assault judgments were also started by assault-related investigations on the police level etc. Some might also have started as attempted murder, or some other offence.

3.2 Questionnaire on data and statistics on the flow of cases through the system

Because of this situation, it was clear that the project would be able to come to a complete and fully satisfying assessment of attrition in European comparison only if statistics were available in at least a critical number of countries across Europe to track the flow of cases throughout the whole criminal justice process. Hence, at a very early stage of the project it was decided that before trying to collect data on such case flow statistics across Europe, it would be necessary to first find out whether such statistics would be available at all. A separate questionnaire was designed, solely aiming at collecting metadata on that type of statistics. The questionnaire was circulated among the members of the enlarged Sourcebook group (including CEP experts).

The questionnaire was therefore expected to be filled in for 13 countries, namely:

Albania
Finland
France
Germany
Iceland
Italy
Netherlands
Poland
Romania
Spain
Switzerland
Turkey
UK: England & Wales

Answers were received for 12 countries (no response from Romania).

The questionnaire comprises seven different questions. The answers to these questions are summarized in the following.

3.2.1 Parts of the criminal justice process covered by official statistics / statistical databases

A first prerequisite of any type of case flow statistics is that preferably all relevant parts of the criminal justice process are covered by statistics. There is no combination of statistics possible where there are no statistics available. Table 25 shows the results for the 12 responding countries.

As the results show, the overall statistical situation in the responding countries is very satisfying, as in the majority of countries all types of crime and criminal justice statistics are available. Police, prosecution and prison statistics are available in all 12 countries. UK: England & Wales, however, commented that there are no data available on persons charged with an offence on the police level, only on arrests and cautions. The range of available prosecution data is also limited in some countries. In Poland, for example, there is no breakdown possible by offence type, while in Spain even the statistical counting unit is uncertain.

Court statistics are not *regularly* available in Iceland; they are, however, produced from time to time. In Albania, court data cover only selected sanctions and measures, while in Spain court data only refer to convictions and the sanctions and measures imposed, but provide no information on acquittals and other court disposals. For Switzerland, statistics on probation agencies are lacking, while in Italy only the number of persons assigned to the probation agencies is known. Reconviction statistics are available in eight out of 12 countries, with only Albania, Italy, Spain and Turkey not being able to produce these data. Poland commented that the available reconviction data are poor.

Summing up, one can conclude that in general, the statistical landscape of responding countries is differentiated enough to allow for case flow statistics.

Table 25: Availability of official statistics / statistical databases

	Police	Prosecution	Courts: Convictions	Courts: Sanctions & Measures	Prisons	Probation agencies	Reconviction
Albania	X	X	X	X	X	X	
Finland	X	X	X	X	X	X	X
France	X	X	X	X	X	X	X
Germany	X	X	X	X	X	X	X
Iceland	X	X			X	X	X
Italy	X	X	X	X	X	X	
Netherlands	X	X	X	X	X	X	X
Poland	X	X	X	X	X	X	X
Spain	X	X	X	X	X	X	
Switzerland	X	X	X	X	X		X
Turkey	X	X	X	X	X	X	
UK: E. & W.	X	X	X	X	X	X	X
n	12	12	11	11	12	11	8
in %	100	100	92	92	100	92	67

3.2.2 Possibility to link the statistical data of these statistics / statistical databases (anonymously) with a certain person

The next question asked for the possibility to identify individual, anonymized persons within the statistical databases. Such personal identifiability is usually a prerequisite for case flow statistics, as it may also be used to make a link between different statistics. If, on the other hand, only aggregate data are available in statistics, linkage will be impossible.

Six out of 12 countries (50 %) stated that such linkage is possible. The countries that are able to link data with a certain person are Finland, Iceland, Italy, the Netherlands, Turkey and UK: England & Wales. In Germany, published statistics only include aggregate data. For research purposes, anonymized data files including the individual cases are available. However, these files typically do not include an encrypted personal identifier and can therefore not be linked to a specific individual. An encrypted personal identifier is, however, used in the database on which reconviction statistics are based.

For those countries which are able to link data with a personal identifier, the identifier used is sometimes a case or person number used only for crime and criminal justice statistics, but sometimes it is also the social security number

(Iceland) or the national ID number (Turkey). In the Netherlands, the name, address and birth date of the offender (and in police statistics of the victim as well) are used to make the linkage, i.e. the personal identifiers are not anonymous.

3.2.3 Possibility to link statistical data between the different crime and criminal justice statistics

Of the six countries which were able to identify certain persons in their statistical systems, five countries were also able to link the data between different crime and criminal justice statistics (Italy being the only one not being able to do so), while none of the other countries were able to provide for such linkage. This confirms again that a personal identifier will be necessary to track cases through the system. Indeed, four of the six countries that use personal identifiers in their statistics were also able to make the linkage on the level of individual (not necessarily anonymous)[64] cases, while only in England & Wales such linkage was possible only for aggregate data. In the Netherlands a link between the national victim survey sample and the police data was possible as well.

In Germany it was possible to link only the latest two and at least also the next wave of German reconviction statistics by use of such an encrypted personal identifier. As reconviction statistics are created from the registry of criminal records, it is theoretically also possible to create conviction statistics from the same database and link these with reconviction data. Published court statistics are, however, based on another type of data collection, which cannot be linked.

3.2.4 Possibility to follow selected cases through the criminal justice process

Consequently, the possibility to follow selected cases through the criminal justice process was confirmed for three out of four countries that indicated that they are able to link the statistical data on the level of individual anonymous cases (Finland, Iceland, the Netherlands). The Turkish correspondent was not sure about this, especially due to the fact they did not clearly know how far police data can also be connected to the other statistics. While England & Wales stated for question 3.2.3 (above) that linkage was only possible for aggregate data, the answer to question 3.2.4 indicates that there is an exception from this rule for homicide statistics and for statistics on terrorism-related crimes, where indeed all investigations started in a given year can be followed through the system. This exception is due to the fact that these special statistics are already recorded as an integrated database from the very beginning. Hence,

[64] The Turkish correspondent actually doubted that the linkage would be made for *anonymous* cases. For the Netherlands, the comments made clear that linkage is made by using name, address and birth date.

linkage needs not to be applied later on. In Germany, it was possible to follow only selected convictions to reconviction and on to further reconvictions.

3.2.5 Statistics that can be combined

In Finland, Iceland, the Netherlands and Turkey in principle all existing crime and criminal justice statistics could be linked with each other. There was only an exception for reconviction in Finland and for police statistics in Turkey. Regarding the latter, our correspondent was not sure whether these data are also included in the information system used. In the Netherlands, prosecution and court statistics even shared the same database, thus making combinations automatically possible. In the Netherlands and Turkey, it was also possible to combine the data with data from outside criminal justice (e.g. health or social security statistics). In England and Wales, it was only possible to combine prosecution and court statistics on the one hand and court and reconviction statistics on the other. Apart from that, the separate case flow statistics on homicide and terrorism-related crimes were available (see above). As already discussed above, in Germany there was only the possibility to link convictions with reconvictions and further reconvictions. This linkage can be made by using a database that was built from criminal record data. Official conviction statistics do not allow for such linkage.

3.2.6 Technical implementation of the linkage

Even in those countries where it was possible to link different statistics by means of a personal identifier, such linkage could usually not be made automatically via a statistical data bank system. The only partial exceptions to this rule were the Netherlands with regard to prosecution and court data, which were processed in the same database, England and Wales with regard to the special homicide and terrorism statistics and Germany for the combination of conviction and reconviction data in the database built from criminal record data. For Turkey, the correspondent was not sure about how the linkage is made.

The specific homicide statistics in England & Wales were built on returns made by the investigating authorities to the Home Office for each offence originally recorded as a homicide. An index was created and overall statistics calculated and published. In Finland, linkages were made by Statistics Finland. In the Netherlands prosecution and courts shared a database so everything is already automatically combined (see above). Based on name and address and birth date, it was possible to combine the prosecution and courts database with any other database. Probably, some cases will be lost because of mismatches (spelling errors in the name etc.).

3.2.7 Data access

A last question referred to data access. Typically, linked data are only available to researchers on special application. Four countries confirmed this access possibility (England & Wales, Finland, Germany and the Netherlands). In Finland and Germany, the data were also available to specific administrative bodies outside the criminal justice system, while only England & Wales grants access for the police and for other institutions on application in special cases.

A closer look at who can access the data is possible by examining the countries' comments to the question. England & Wales stated that data are mostly only available to internal ministry researchers who publish statistical bulletins. However, data could be made available to researchers from external providers of programmes to the justice system, for example to be able to monitor whether their programmes are actually reducing the likelihood of reconviction. In Finland, governmental research organizations and statistics authorities may access the data for research or statistics purposes. Access to German reconviction databases was possible for researchers involved in the reconviction statistics project. The Federal Ministry of Justice can commission research on special issues. Other researchers and Länder Ministries of Justice can apply to use the data for research on specific questions. No direct access to databases was granted for those outside the project. In the Netherlands, researchers have to ask for permission and if granted, a link will be made especially for them and only for the duration of research and only with the variables necessary for the specific project. Permission is not granted automatically, but researchers have to motivate their request and explain why this link is absolutely crucial to their research.

A special case was Turkey, where the databases that allow for such linkage can only be accessed by high-level officials at UYAP directly. UYAP (National Judiciary Informatics System) is a central network project that includes all of the courts, public prosecution services, prisons, other judicial institutions and other government departments in Turkey.

3.2.8 Conclusions on the availability of case flow statistics

The results, as shown above in detail, make clear that it is only possible in a small number of European countries to exactly combine person-related data from different sources in the field of crime and criminal justice statistics. Even where this is possible, the linkage does not necessarily cover all parts of the criminal justice process. In Germany, for example, only conviction and reconviction statistics can be combined theoretically. This possible link is, however, not at all useful for measuring *attrition*.

The problems increase if one considers who can access the data by which means. Typically, the data are only available via an application of researchers for specific research purposes. With very few exceptions (e.g. homicide statistics in England & Wales), there are no published case flow statistics in

any of the responding countries. Taking the clear results of the questionnaire on the availability of case flow statistics into account, the group refrained from sending out such a questionnaire to the other countries involved in the project. At the time being, it is impossible to collect true case flow data to measure attrition. Measuring the case flow therefore is only possible by means of specific empirical studies on a number of selected cases (like Lovett & Kelly 2009), but not on the level of national crime and criminal justice statistics. Hence, approximations have to be sought. This is at least true for the comparison of data from different statistics of different actors of the criminal justice process (*inter-level attrition*), but to a lesser extent also for data from the same statistics (*intra-level attrition*). These also do not necessarily have to refer to exactly the same cases or persons, e.g. when comparing the input and output of cases in a given year, because not all cases will be disposed of in the year in which they were received or opened.

3.3 Approximation of attrition

Hence, it was necessary to look for possible indicators that might be used to approximate attrition.

An attrition rate, strictly speaking, is the rate of cases being filtered out between two points in time during the criminal justice process; yet, most publications calculate rates of cases *remaining* within the system (e.g. a *conviction ratio*, see Smit et al. 2012; Jehle 2012; Smit & Harrendorf 2010). The actual attrition rate can be easily obtained from such a ratio. If there is a *conviction ratio* of c, the corresponding *conviction attrition ratio* would be 1 - c. In a strict sense, the word *attrition* can only be used for the latter type of ratios, while the former type might be considered as a kind of survival rate. But these survival rates can also be understood as attrition measures in a wider meaning of this word, as they are directly related to attrition.

3.3.1 Possible indicators

As discussed above, attrition can be found on all levels of the criminal justice process, especially:

1. Cases known to the police per all cases (incl. dark figure of crime; *detection ratio*);

2. Cleared-up cases (i.e.: cases for which an offender can be identified) per all cases known to the police (also called *clearance rate or ratio*);

3. Suspects known to the police per cases known to the police (*offender ratio*, see Smit et al. 2012);

4. Suspects (or cases) passed on to the prosecution service per suspects (or cases) known to the police (*prosecution ratio*);

5. Persons (or cases) brought before a court by the prosecution service per output of persons (or cases) prosecuted (*indictment ratio 1*);

6. Persons (or cases) brought before a court by the prosecution service per suspects (or cases) known to the police (*indictment ratio 2*);

7. Persons convicted (or cases leading to a conviction) per persons (or cases) brought before a court (*conviction ratio 1*);

8. As a "shortcut", leaving out the prosecutorial stage, persons convicted (or cases leading to a conviction) per suspects (or cases) known to the police (*conviction ratio 2*, see Smit et al. 2012; Jehle 2012; Smit & Harrendorf 2010);

9. Persons sentenced to a certain, severe sanction (typically an unsuspended custodial sentence) per all convicted persons, or the same ratio for cases; this might be called *punitivity ratio 1* (see Harrendorf 2011);

10. Prison flow, i.e. all persons sent to prison in a given year, per all convicted persons (also possible to be identified as *punitivity ratio 2*);

11. Prison stock, i.e. all persons incarcerated (or sentenced incarcerated persons) per all convicted persons; this might be seen as *punitivity ratio 3* (see Harrendorf 2011; Smit et al. 2012).

12. Other combinations of the above (e.g. input as in 4 and output as in 9) are theoretically possible, too.

3.3.2 Assessment of indicators

3.3.2.1 Attrition at police level

One could speak of attrition at police level with regard to the *detection ratio*, *clearance ratio* and *offender ratio*, as defined in the above list (rates 1 to 3).

It is impossible to calculate a *detection ratio* using ESB data. Strictly speaking, this is no attrition ratio at all, as this sort of "attrition" appears before the criminal justice institutions even start to work on a case. For offences that are noticed by *victims*, reporting rates from victim surveys (like v.Dijk, v. Kesteren & Smit 2007) could be used as a proxy for this rate. For offences the *offenders* are aware of, self-reported delinquency surveys (see, for example, Junger-Tas et al. 2012) might be used to calculate the ratio between offences known to the police and all offences admitted by an offender. Offences that go completely unnoticed (which might especially be the case for some negligent offences) cannot at all be taken into account.

Sourcebook data does also not allow for the calculation of a *clearance rate* (ratio 2 of the above list), as data on cleared offences is not collected. It would,

however, be possible to expand data collection on cleared cases in later editions, as these data are often available in national statistics. However, as was shown in Smit et al. (2004), the clearance rate[65] is not without its own problems when used for comparing countries. For the time being, clearance rates can only be approximated by calculating the ratio of suspects by offences on police level (ratio 3). This *offender ratio* is only a rough approximation, since suspects might have committed several offences and an offence might have been committed by several offenders, thus leading to disparities in counting units. As a consequence, for offences with high clearance rates and comparatively high complicity levels, like homicide and robbery, offender ratios of greater than 100 % (i.e.: a buildup or negative attrition) may occur. The *offender ratio* is an *intra-level* attrition rate.

3.3.2.2 Attrition on prosecution level

Attrition ratios focusing on the loss of cases on prosecution level are the *prosecution ratio* and the two *indictment ratios* defined above (ratio 4, 5 and 6 of the list). The *indictment ratios* (5 and 6) could be calculated for each offence type. In principle, the available counting unit would be the case for ratio 5. Ratio 6 could only be calculated following a mixed model. In addition, ratio 4 can be calculated for the total of cases. A mixed model would need to be applied, again.

There are, however, important shortcomings with respect to these ratios.

First of all, for ratios 4 and 6 there would be the problem of changing counting units, which might render the results obtained problematic.

In the ESB for data on suspects and convictions, the *person* is used as a counting unit, while the preferred counting unit on prosecution level is the *case*. The *case* is, however, defined as *proceedings relating to one person only.* This comes close to the *person* count, if one considers that person-related data on police and conviction level are usually additionally defined by the case, thus resulting in a person being recorded twice in statistics if the person commits several criminal acts that are processed separately.

According to the results of the 5th edition questionnaire, for almost three quarters of all responding countries (21 out of 29) suspects are (or at least can be) counted twice or more if they committed several separate offences in the same year. For persons convicted, this is even true for almost 90 % of all responding countries (30 out of 35). These answers come close to what is meant by *case* count on prosecution level. Answers for prosecution data do, however, reveal that the general rule to provide *case* count can only be fulfilled by 8 out of 31 countries (26 %), while 5 countries (16 %) provide *persons* count and another 18 (58 %) *proceedings* count, which might combine several offences and several persons. This makes the comparability of data

[65] Although called “detection rate” in Smit et al. (2004), it really is the ratio nr. 2 as described here.

questionable. On the other hand, it has to be considered that the majority of proceedings will still only refer to one person, as there are many offences where complicity is a rare occurrence.

There are, however, some additional problems connected to prosecution data. The first is that in prosecution output data, cases dropped because the offender remained unknown are included in the majority of countries responding to the 5th edition survey. When unknown offenders are included, the total number of proceedings on prosecution level will easily exceed the number of suspects found on police level. Regardless of this effect, the inclusion of unknown offenders makes comparison with the number of suspects from police level impossible. In addition, a vast majority of countries include "other disposals" in their output data, which, inter alia, involve disposals due to lack of competence or transfer to another domestic authority. Such cases can, however, reappear in a given year, when the case is (re-)opened by the competent authority or is taken over by another domestic authority. It is also not easily possible to deduct the problematic subcategories from the total output, since many countries cannot provide figures for these subcategories. For example, only half of the countries that include proceedings relating to unknown offenders in their data are able to give the number of such proceedings.

Comparable problems will occur for input data. Here, almost three quarters of all responding countries include unknown offenders. This difference can be explained as follows. Apart from dropping cases due to the offender being unknown, another possibility is to keep the file open and wait for an offender to be found until the limitation period is over, when the case will be dropped for that reason.

Finally, *cases brought before a court* is not necessarily the only disposal category that can lead to a conviction. The same is in principle true for the category *sanctions imposed by the prosecutor (or by the court, but on application of the prosecutor and without a formal court hearing) that lead to a formal verdict and count as a conviction*. According to the 5th edition ESB survey, more than half of all responding countries know such sanctions and include them in their data on prosecution and conviction. However, not all of these countries are able to provide separate figures for this category on prosecution level. In addition, differently from the category of *cases brought before a court,* the ESB survey did not collect the data for prosecutorial sanctions by offence. Hence, it would be possible to add this category only to the number of *cases brought before a court* for the total of offences.

The only attrition-related ratio on prosecution level that avoids all these problems is *indictment ratio 1* (ratio 5 of the above list), since it is a rate that refers only to data recorded on prosecution level. It is an *intra-level* attrition rate. It can be discussed whether prosecutorial sanctions that count as a conviction should be included in the indictment ratio. For the time being, however, this would only be possible for the total of offences, since offence-related data are only available for the total prosecutorial output and the number of *cases brought before a court*.

3.3.2.3 Attrition on court level

Attrition on court level could be measured by the two different *conviction ratios* and the first *punitivity ratio* defined above (ratios 7 to 9 of the list). All of them could be calculated for each offence type. In principle, the available counting unit would be the person for ratios 8 and 9. Ratio 7 could only be calculated following a mixed model.

Ratio 7 relies on prosecution data. Hence, the shortcomings discussed above fully apply here, too. *Punitivity ratio 1* (ratio 9) is an *intra-level* attrition rate, like ratios 3 and 5. There are no evident problems connected with it. *Conviction ratio 2* (ratio 8), on the other hand, is an *inter-level* attrition rate. Therefore, all the general problems of comparability of data that were recorded in different statistics during the same year apply here, too (see 3.1).

3.3.2.4 Attrition on prison level

Finally, attrition on prison level could be measured by the two remaining *punitivity ratios* defined above (ratios 10 and 11 of the list). Only ratio 11 – provided the ratio is calculated using sentenced prisoners only and leaving out pre-trial detainees – could be calculated for each offence type. The available counting unit would be the person for both ratios.

Ratio 10 is not so much different from ratio 9, if the latter is calculated for unsuspended prison sentences. On the other hand, its interpretation is far more difficult, as at least each change of status of a prisoner will often be counted as a new entry (e.g. when being sent from pre-trial detention to a prison for sentenced prisoners). Apart from that, ESB data collected for the upcoming 5th edition show that there are even countries which include the following in their prison flow data:

- Any entry following a transfer from one penal institution to another in the same country;

- Any entry following the detainee's removal from the institution in order to appear before a judicial authority;

- Any entry following a prison leave or a period of absence by permission;

- Any entry following an escape, after re-arrest by the police.

Hence, it is not very useful to use ratio 10 in this context.

Ratio 11 is even more problematic with a view to attrition. These problems relate to the fact that the number of convictions is counted as an output flow, e.g. all convictions issued in a given year. Prison stock, however, refers to the number of persons in prison at a given date. Due to this disparity of counting units, the ratio of both cannot be understood as a measure for attrition (notwithstanding that it could be used as a punitivity measure, see Harrendorf 2011 and 2013, Smit et al. 2012).

3.3.2.5 Attrition and the total of offences

It is problematic to rely on the total of criminal offences when calculating attrition rates. The total of offences is a black box with respect to offences covered therein. This is not only problematic when comparing results between countries, but also when comparing results between different stages of the criminal justice process in the same country. There are, for example, some countries which do not include major traffic offences in their police data. Of those countries that exclude major traffic offences on police level, almost all *include* them on the other levels of the criminal justice process. Some other countries even *include* minor traffic offences on these higher levels. There are also several countries which include breaches of public order regulations in their conviction (and probably also prosecution) data, while excluding it from police data. And finally, there are also other types of offences which are in some countries not investigated by the police, but by specialized administrative units etc., e.g. tax and customs offences. Such offences then also do not appear on police level. As the categories discussed here will have a significant impact on the total number of recorded crimes, the total of offences should not be used to calculate attrition rates between the police level and other levels.

3.4 Final assessment

Attrition appears throughout the criminal justice process. Therefore, it would not be a good idea to move straight from the first to the last stage and compute, for example, the ratio of prison sentences by police-recorded offences. In doing so, important information will be lost. Therefore, in measuring attrition, other combinations (no. 12) than those discussed above in detail are not useful to select. Attrition should best be calculated level by level. Inter-level attrition ratios should also only be calculated for specific offences, in particular when using the police level.

Several possible attrition ratios were discussed above. Many of these were problematic with regard to the comparability of definitions and counting units used. We should refrain from using ratios 4, 6, 7, 10 and 11, while ratio 3 should only be used carefully. Of the two different indictment ratios, only *indictment ratio 1* turned out to be useful. The same is true for *conviction ratio 2* among conviction ratios and *punitivity ratio 1* among punitivity ratios. The other rates being unfeasible, the index number can be left out from here on. Hence, there are four possible attrition measures available in ESB data, one *inter-level* attrition ratio and three *intra-level* attrition ratios: *offender ratio* on police level, the *indictment ratio* on prosecution level and the *punitivity ratio* on court level. The inter-level ratio is the *conviction ratio*, measuring attrition between police-recorded suspects and convicted persons, with the restriction that this ratio should not be used for total crime, but for specific offence types only. Table 26 summarizes the results.

Table 26: ESB measures of attrition

Name	Type	Level	Definition
Offender ratio	Intra-level	Police	Suspects per recorded offences
Indictment ratio	Intra-level	Prosecution	Indictments per total output
Punitivity ratio	Intra-level	Courts	Persons convicted to unsuspended prison sentences per total persons convicted
Conviction ratio	Inter-level	Courts by police	Convicted persons per suspects

Another issue is the possibility to construct attrition chains, i.e. to combine several measures of attrition. Due to the severe comparability issues discussed above, the *indictment ratio* should be kept out of such a chain. The only possible attrition chain that could be built using ESB data is therefore the one shown in figure 1.

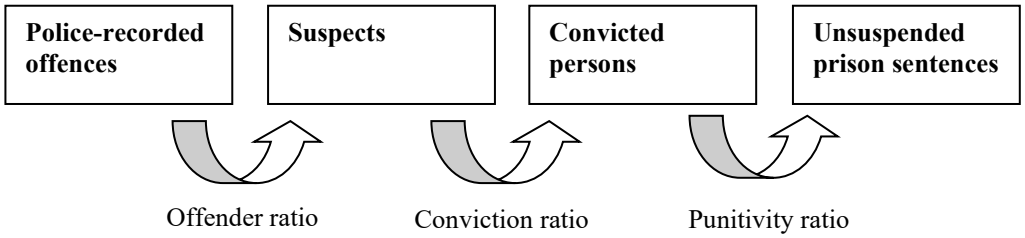


Figure 1: ESB attrition chain

3.5 Presentation of attrition

Examples for the visualization and presentation of attrition data can be found, inter alia, in the publications of Jehle (2012), Smit et al. (2012), Smit & Harrendorf (2010), Smit 2008, Tonry & Farrington 2005, Mayhew 2003 and Marshall 1998. In the following, we will show examples based on the way results are presented in Jehle 2012 and Smit & Harrendorf (2010).

Figure 2 shows the attrition chain for robbery data in 2010, based on the data of the 5th survey. Instead of providing results for a specific country, the medians and means for the rates of offences, suspects, convictions and unsuspended prison sentences per 100,000 population are shown. Medians and means were only calculated for those 13 countries[66] that were able to provide data for all four items (police-recorded offences, suspects, convicted persons, unsuspended prison sentences).

[66] The countries are: Bulgaria, Croatia, Czech Republic, Finland, Germany, Hungary, Netherlands, Poland, Portugal, Serbia, Slovenia, Sweden, and Ukraine.

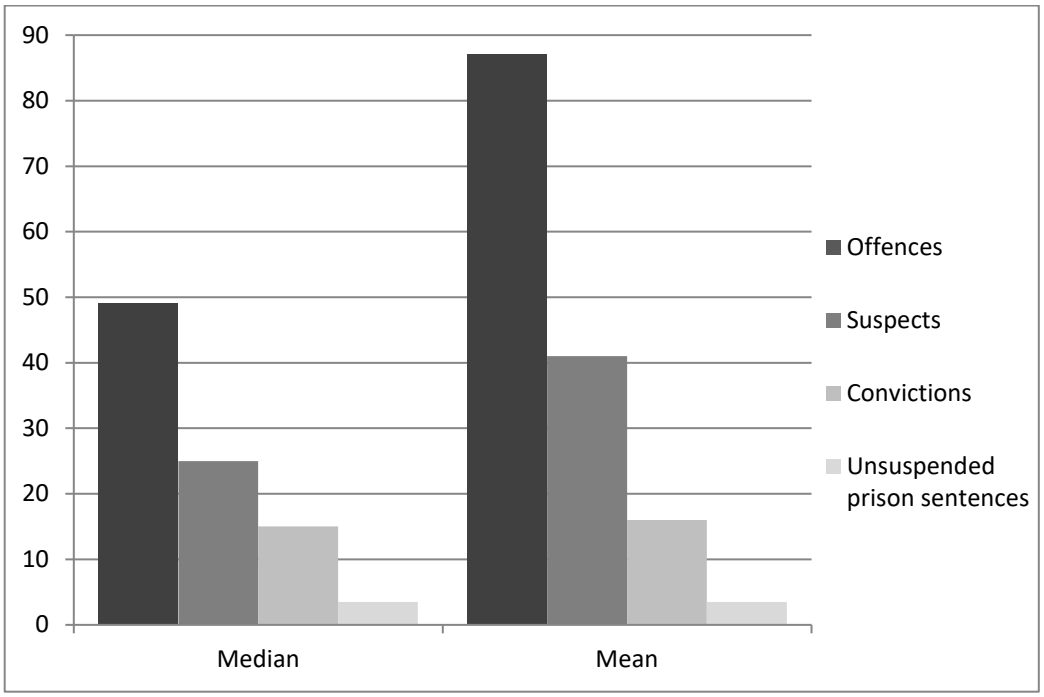


Figure 2: Attrition process for robbery in 2010 (rates per 100,000 population; median and mean)

Figure 3 shows the attrition chain for the total of theft, for adults and minors separately. Since there is no distinction between adults and minors possible for recorded offences this indicator was left out of the graph. In the figure the total absolute numbers are given (instead of means and medians) for the 11 countries[67] that provided figures for all three remaining indicators.

Table 27 shows the respective *offender, conviction* and *punitivity ratios*. For robbery and theft this is another representation compared to figures 2 and 3, the figures for rape are added for this table and refer to 16 countries[68] that provided figures.

[67] The countries are: Austria, Croatia, Czech Republic, Finland, Germany, Hungary, Netherlands, Poland, Slovenia, Sweden and Ukraine.

[68] The countries are: Austria, Bulgaria, Croatia, Czech Republic, Finland, France, Germany, Hungary, Lithuania, Netherlands, Poland, Portugal, Serbia, Slovenia, Sweden, and Ukraine.

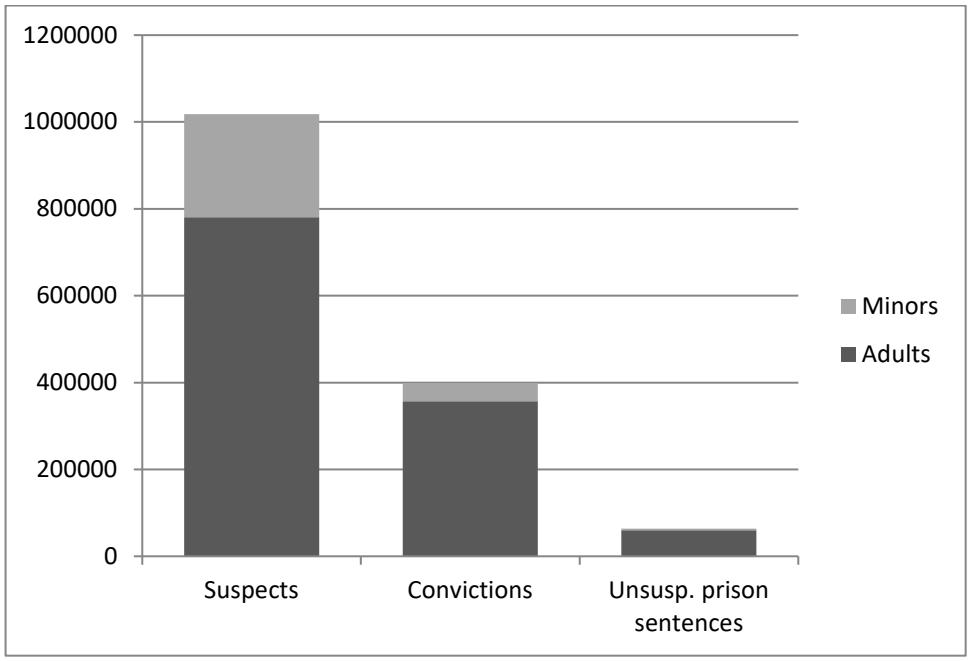


Figure 3: Attrition process for the total of theft in 2010, total number for 11 countries, adults and minors

Table 27: Attrition ratios for robbery, rape, theft (all offenders) and theft (minors) in 2010 (median and mean)

		Offender ratio *Suspects per recorded cases*	**Conviction ratio** *Convicted persons per suspects*	**Punitivity ratio** *Persons convicted to unsuspended prison sentences per all persons convicted*
Robbery	**Median**	50%	63%	24%
	Mean	47%	41%	23%
Rape	**Median**	68%	50%	53%
	Mean	52%	34%	70%
Theft (all)	**Median**	18%	39%	20%
	Mean	21%	43%	16%
Theft (minors)	**Median**	not applicable	22%	7%
	Mean	not applicable	22%	5%

This kind of presentation of attrition results is – of course – also possible for other offences covered in the ESB. Data could also be presented on the level of individual countries, which could be compared based on the different structure of their attrition process. A typical result of such country comparison (cf., for example, Jehle 2012) is already suggested by the above data, where the relative differences between median and mean are large for police-recorded offences

and suspects, but smaller for convictions and unsuspended prison sentences. Indeed there are typically significant differences in the rates of police-recorded offences and suspects per 100,000 inhabitants, but these differences are strongly reduced on the level of convictions, where the resulting rates are often quite close to each other. Hence, differing attrition processes result in quite comparable conviction and imprisonment rates per 100,000 population. Also, the differences between offence types are obvious, with high punitivity ratios for rape and low offender and punitivity ratios for theft. And both from table 27 and figure 3 it is obvious that the attrition for minors is much higher than for adults.

3.6 Conclusions

Attrition, being the filtering out of cases during the criminal justice process, can be measured by following individual cases through the system. However, after researching the statistical systems in 12 countries it turned out that only a limited number of countries are able to provide these kind of flow statistics because not many statistics on the different levels in the criminal justice system can be combined. And even where flow statistics are possible they are not regularly made and publicly available.

Another method to quantify the attrition process is to identify a number of indicators such as “clearance rate”, “conviction rate” etc. that make an approximation for attrition possible on an aggregate level. In particular four indicators are useful and can be computed using ESB data: the *offender ratio*, the *indictment ratio*, the *punitivity ratio*, and the *conviction ratio*. These ratios should mainly be used for specific offence types. The use of “total crime” is problematic, in particular for the *conviction ratio*. To cover the attrition for the whole criminal justice system a chain of three indicators can be used: the *offender ratio*, the *conviction ratio*, and the *punitivity ratio*.