

Answers to the JCN-questionnaire from the project partners

compiled by

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		Estonia	Finland	Germany (M-W)	Ireland
I.	Legal issues				
1.	How is the legal concept of “dangerousness”/high risk addressed in Criminal Law, in your country? Is there a difference between “dangerous” and high risk offenders? If yes, please outline it briefly. (Legal conditions of criminal sanctions, preventive/security measures)	The legal concept of “dangerousness”/high risk is <u>not addressed</u> in Criminal Law. <u>No legal separation</u> between “dangerous” and high risk offenders	The legal concept of “dangerousness”/high risk is <u>addressed</u> in Criminal Code, c 2c, s 11, providing for the possibility of a court order to prevent early release for a high risk offender.	The legal concept of “dangerousness”/high risk is <u>addressed</u> in the legal requirements for preventive detention (Penal Code, ss 66-66b) and furthermore referred to in the legal provisions for early release, youth custody and remand <u>No legal separation</u> between “dangerous” and high risk offenders.	The legal concept of “dangerousness”/high risk is <u>not addressed</u> in Criminal Law.
2.	What kind of offenders are defined, in law or in practice, as “dangerous”/high risk in your country? (Offences, recidivist offenders in general or concerning specific offences, length of imprisonment?)	<u>No legal definition</u> Identification in practice by assessment of risk and dangerousness after conviction Mostly sexual/violent offenders, as well as offences against public safety	Legal definition: “deemed to be particularly dangerous/ a particular danger to the life, health or freedom of another” (Criminal Code, c 2c, s 11; Code of Judicial Procedure, c 17, s 45)	<u>No legal definition</u> In practice: relapsing sexual offenders and offenders convicted for violent crimes, who have to serve her punishment completely	<u>No legal definition</u> In practice, identification by the use of assessment instruments and practice guidance
3.	Please describe the boundaries and interaction of criminal sanctions (based on the guilt of the offender) and preventive/security measures (based on the concept of dangerousness) and how these are dealt with in practice on a day to day basis.	probation supervision <i>preventive imprisonment*</i> <i>(*declared incompatible with the constitution)</i>	-	-	No sanctions or measure with relation to “dangerousness” or “high risk”
4.	Does the law on sentencing in criminal cases provide for specific risk assessment and, if yes, how is the procedure of assessment legally regulated?	No <u>legal provision</u> for risk assessment in the law on sentencing.	Risk assessment prior to sentencing only in case of a possible court order to prevent early release of a high risk offender (Code of Judicial Procedure, c 17, s 45)	<u>No legal provision</u> for risk assessment in the law on sentencing.	No <u>legal provision</u> for risk assessment in the law on sentencing.

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			<i>Risk assessment <u>only after conviction</u>, if sentence exceeds one year</i>	<i>Risk assessment <u>after conviction</u> for allocation and for sentence planning on prisoners, who are in risk of recidivism and in case of an application for parole of a prisoner serving a life sentence</i>		
	5.	Does the law provide for a redefinition of risk or a risk assessment during the execution of the prison sentence? (e.g. after certain periods of time?)	Legal provisions for a redefinition of risk of all prisoners with a term of imprisonment exceeding 1 year (once a year) and before release on parole.	Legal provisions for a redefinition of risk for prisoners: - placed in a high-security ward (every 3 months) - segregated from other prisoners (every 30 days) - serving life sentence (before release) - serving full sentence (before release).	Legal provisions for a redefinition of risk for prisoners: as part of the review of the sentence plan " every 6 months " (Prison Act, s 8(4)).	There are no legal provisions for a redefinition of risk or a risk assessment during the execution of the prison sentence.
	II. Early*/conditional release					
	1.	Please describe the legal provision and conditions of early/conditional release from prisons in general and any particular legal conditions or requirements applying in the case of dangerous/high risk offenders.	<p><u>Conditional release</u> (parole):</p> <p>a) Criminal offence in the second degree <u>or</u> criminal offence in the first degree through negligence: aa) At $\frac{1}{3} \geq 6$ months + prisoner agrees to electronic surveillance bb) At $\frac{1}{2} \geq 6$ months</p> <p>b) Intentional criminal offence in the first degree: aa) At $\frac{1}{2} \geq 6$ months + prisoner agrees to electronic surveillance</p>	<p><u>Conditional release</u> (parole):</p> <p>- At $\frac{1}{2}$ ($\frac{2}{3}$ if recidivists)</p> <p>- At $\frac{5}{6}$ for full serving inmates, if not considered dangerous or a fine defaulter</p>	<p>1. <u>Conditional release</u> (parole): a) At $\frac{1}{3} \geq 2$ months (obligatory), if - the release can be justified with regards to the interests of public safety and - the prisoner agrees b) At $\frac{1}{2} \geq 6$ months (discretionary), if - the release can be justified with regards to the interests of public safety - the prisoner agrees and aa) the prisoner is serving a sentence not exceeding 2</p>	<p>1. <u>Early release</u>: - At $\frac{3}{4}$ without further restriction unless restrictions or requirements have been imposed by the sentencing court</p> <p>2. <u>Temporary release</u> (conditional release/parole) is granted at the discretion of the Minister for Justice and Equality (no right or entitlement) for certain purposes and does apply to all prisoners except for those who are detained on remand on foot of a Court order</p> <p>Review for recommendations on an early release by the Parole board after:</p>

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	<p>bb) At least at $\frac{2}{3}$</p> <p>c) <u>Life</u> imprisonment: earliest after 30 years</p> <p><u>Supervision</u> after release is ordered, if:</p> <ul style="list-style-type: none"> - the offender has fully served a term of imprisonment of at least 2 years - the offender has previously been convicted for an intentional offence with a term of at least 1 year of imprisonment and - there are solid grounds to believe that the offender will reoffend. 	<p>- <u>Lifetime</u> prisoners: earliest after 12 years</p> <p><u>Supervision</u> after release is ordered, if:</p> <ul style="list-style-type: none"> - the part of the sentence <u>not</u> served in prison is > 1 year; - the offence is committed when under 21 years; or - the prisoner so requests 	<p>years for the first time in his life <u>or</u></p> <p>bb) the evaluation of the offence, the personality of the offender and his development during the execution of the prison sentence show special circumstances.</p> <p>2. Conditional release (parole) from <u>life</u> imprisonment: Earliest after 15 years, if</p> <ul style="list-style-type: none"> - the gravity of the offender's guilt does not necessitate that he continue to serve his sentence - the release can be justified with regards to the interests of public safety and - the prisoner agrees. <p><u>Supervision</u> of conduct after the release may be imposed either by the sentencing court when convicting a person to imprisonment of not less than 6 months for an offence to which the law specifically provides for the availability of a supervision order, if there is a danger that the person will commit further offences, or as a consequence of statutory provisions providing for supervision (e.g. for release from preventive detention).</p>	<p>- $\frac{1}{2}$ of the term of imprisonment for prisoners with a sentence of 8 years and more (but less than > 14 years)</p> <p>- 7 years for prisoners with a sentence of 14 years and more (including <u>life</u>)</p> <p>Prisoners guilty of certain kind of murder are not eligible for review</p> <p><u>Supervision</u> may be imposed by the sentencing court when convicting a person of a scheduled sexual offence <u>or</u> as a condition of a temporary release order (obligatory for life sentence prisoners) <u>or</u> as a condition to a court order to suspend a sentence wholly or partially under Criminal Justice Act 2006 s 99(1).</p>

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2.	<p>What kind of conditions or requirements (supervision orders, curfews etc.) can be imposed as a condition of early release?</p>	<p>General requirements while under probation supervision:</p> <ul style="list-style-type: none"> - to reside in a permanent place of residence determined by the court; - to report at intervals determined by the probation supervisor at the probation supervision department; - to submit, and provide the probation officer with information relating to the performance of the offender's obligations and his or her means of subsistence (in his or her place of residence) - to obtain the permission of the probation officer before leaving the place of residence for longer than 15 days (in Estonia) - to obtain the permission of the probation officer before changing residence, employment or place of study. - to obtain the permission of the probation officer to leave the country <p>Additional responsibilities (imposed by the court):</p> <ul style="list-style-type: none"> - to remedy the damage caused by the criminal offence within a term determined by the court; - not to consume alcohol or narcotics; - not to hold, carry or use weapons; 	<p>The parolee ordered to supervision is:</p> <ul style="list-style-type: none"> - obliged to participate in the preparation of the supervision plan and keep in contact with the supervisor - required to give the supervisor necessary contact information as well as information related to his or her work, accommodation, training, studies, and financial situation - has to inform the supervisor of major changes concerning parolee's situation on his or her own initiative - has to comply with the orders given by the supervisor necessary to implement the supervision - cannot be under the influence of alcohol or other intoxicating substances at the supervision appointments <p>Additional requirements (such as attendance of an anti-aggression training) can be ordered by the Criminal Sanctions Agency by stating them in the supervision plan.</p>	<p>A conditional release may be combined with one or more of the following directives and obligations:</p> <ul style="list-style-type: none"> - to recompense damages originating from the offence to one's best endeavours - to pay an amount of money to a charitable organization, if this is advisable with regard to the offence and the offender's personality - to render community service - to pay an amount of money to the treasury - to obey orders which refer to residence, education, work or spare time or to the order of his economic conditions, - to contact the court or any other places / persons at certain times, - to refrain from contact to the injured person, certain people or a certain group of people who can offer him an opportunity or incentives for other criminal offences - not to own, to carry or to let somebody else store certain objects which can offer him an opportunity or incentives for other criminal offences - not to drink any alcohol or use drugs - to follow obligations to pay alimony 	<p>A Temporary Release Order may include as a condition:</p> <ul style="list-style-type: none"> (a) an obligation for the sentenced person to inform a specific authority of any change of residence or working place; (b) an obligation not to enter certain localities, places or defined areas in the issuing or executing State; (c) an obligation containing limitations on leaving the territory of the executing State; (d) instructions relating to behaviour, residence, education and training, leisure activities, or containing limitations on or modalities of carrying out a professional activity; (e) an obligation to report at specified times to a specific authority; (f) an obligation to avoid contact with specific persons; (g) an obligation to avoid contact with specific objects, which have been used or are likely to be used by the sentenced person with a view to committing a criminal offence; (j) an obligation to cooperate with a probation officer or with a representative of a social service having responsibilities in respect of sentenced persons;

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			<ul style="list-style-type: none"> - to seek employment, acquire general education or a profession within the term determined by the court; - to undergo the prescribed treatment if the offender has previously consented to such treatment; - to perform the maintenance obligation; - not to stay in places determined by the court or communicate with persons determined by the court; - to participate in social assistance programmes; - to submit to electronic surveillance if the offender has previously consented to such surveillance. 		<p>With the probationers consent the court may order the probationer:</p> <ul style="list-style-type: none"> - to submit oneself to a remedial treatment or a withdrawal treatment (in case of drug addiction) or - to take residence at a suitable home or a suitable institution. 	<p>(k) an obligation to undergo therapeutic treatment or treatment for addiction.</p> <p>A Temporary Release order may contain any additional condition, restriction or requirement considered necessary by the Minister of Justice and Equality in granting</p>
3.	<p>What is the length of the post-custody supervision period provided by law? (Are there indeterminate periods, e.g. for life-time, or long-term determinate periods of supervision provided by law? Is the period of supervision equivalent to the rest of the sentence not served in prison or independent of it? i.e. like in Germany 2-5 years, independent of the 1/2 or 1/3-period not served in prison)</p>	<p><u>Probation term:</u> Extent of the <u>unserved part of the term of imprisonment</u>, but not less than 1 year</p> <p>Conditional release from <u>life imprisonment</u>: 5 – 10 years</p> <p><u>Duration of supervision:</u> from 12 months to 3 years</p>	<p><u>Probation term:</u> Extent of the <u>unserved part of the term of imprisonment</u>, but not more than 3 years</p> <p>Conditional release from <u>life imprisonment</u>: 3 years.</p> <p><u>Duration of supervision:</u> equal to probation term</p>	<p><u>Probation term:</u> 2 – 5 years, shall <u>not be less than unserved part of the term of the punishment</u></p> <p>Conditional release from <u>life imprisonment</u>: 5 years</p> <p><u>Duration of supervision of conduct:</u> 2 – 5 years, independent of the length of the remaining sentence.</p>	<p><u>Supervision</u> cannot exceed the maximum custodial sentence</p> <p><u>Supervision for life sentence prisoners:</u> lifelong.</p>	

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III	Transitional phase				
1.	How is the preparation for release legally and practically organised? (sentence and release plan, transfer to open prison, prison leaves etc., specific plans for “dangerous”/high risk offenders)	<p><u>Sentence plan:</u></p> <ul style="list-style-type: none"> - obligatory for all offenders with a sentence exceeding one year - includes risk assessment and planning on all necessary measures <p><u>Early release process:</u></p> <p>a) if released on parole:</p> <ul style="list-style-type: none"> - process starts automatically 2 months prior minimum serving time for early release - Prison prepares a report based on risk-assessment and progress of the sentence. Probation officers view is asked. - Report and a personal file are sent to the court. - Court announces a hearing with presence of an offender (usually video conference). - Court will reach a decision on release. <p>b) if released on parole + electronic monitoring / addiction treatment:</p> <ul style="list-style-type: none"> - agreement for treatment/electronic monitoring (in case of EM: also application for EM by the prisoner) - Prison prepares a report based on risk-assessment and progress of the sentence - Probation officers view is asked with extra focus on the suitability for treatment/ 	<p><u>Sentence plan:</u></p> <ul style="list-style-type: none"> - includes planning on supervised probationary freedom, conditional release and on granting a permission of leave <p><u>Release plan:</u></p> <ul style="list-style-type: none"> - set up by the prison well in advance of the probable release date - therefor preconditions of the prisoner to cope in freedom as well as his or her needs for services shall be assessed - Decisions about conditional releases are being taken by the prison governor according to the deadlines defined in law 	<p><u>Sentence plan:</u></p> <ul style="list-style-type: none"> - includes planning on treatment measures, relaxation of conditions of imprisonment and measures necessary to prepare release. <p><u>Release plan (InStar):</u></p> <ul style="list-style-type: none"> - beginning 6 months prior to release - Prisoners are either transferred to a special preparation station of release or, should they be suitable, to an open prison. 	<p><u>Personal Integration Plan:</u></p> <ul style="list-style-type: none"> - part of the Integrated Sentence Management - compiles assessments of needs and referrals to services within the prison <p><u>Community Integration Plan:</u></p> <ul style="list-style-type: none"> - developed approx. 9 months prior to release - addresses issues such as accommodation and employment or education <p>Newly committed prisoners with a sentence > 1 year are eligible to take part in ISM.</p> <p><u>Review meetings:</u></p> <ul style="list-style-type: none"> - Regular review meetings concerning the sentence management of individual cases - The Governor, members of the senior management and representatives from the professional/ therapeutic services as well as an official from Prison Service Headquarters are participating - Recommendations of the meeting may include that a prisoner engage in the school, work with the addiction services, be considered for transfer to an Open Centres, ect

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	<p>electronic monitoring</p> <ul style="list-style-type: none"> - Report and a personal file are sent to the court - Court announces a hearing with presence of an offender (usually video conference). - Court will reach a decision on release - Period of treatment: 18 months – 3 years / • EM period: 1 month - 1 year + probation order during and after the period of EM (min. 1 year) <p>Prison may grant an offender a <u>short time leave</u> from prison for up to 21 days a year, if the offender:</p> <ul style="list-style-type: none"> - has served at least 1 year of imprisonment or ½ of his/her term of imprisonment, if he/she was convicted for a first degree offence for at least the second time - is not convicted to life imprisonment - is not a flight risk 	<ul style="list-style-type: none"> - <u>New transitional procedure</u> called “supervised probationary freedom” (since 2006): A prisoner serving - a fixed-term sentence or - life imprisonment can be placed in probationary freedom a maximum of six months before his or her release on parole The prisoner must comply with abstinence from substances and other conditions. A plan is required, which includes information on, e.g., the housing and livelihood of the released offender, the obligation to participate in an activity, the daily schedule and the supervision. The prison is responsible for the supervision in this case. In 	<p><u>Prison leave</u> for up to 21 calendar days per year may be granted generally not before the prisoner has served at least six months of his sentence.</p> <p>Furthermore a prisoner may be granted special leave for up one week within three months prior to the release.</p> <p>Prisoners who are on work release may be granted special leave for up to six days per month within nine months prior to their release.</p>	<p>For <u>Temporary Release</u>: see II.1</p>

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			<p>Transfer to open prison, if:</p> <ul style="list-style-type: none"> - no effective disciplinary punishment - not on the escape list - no need for placement to extra security ward - currently not a suspect or accused in criminal case - residence permit has been issued (foreigner) and one of the three categories is fulfilled: - Short sentence (≤ 1 year, intake phase over, dangerousness not high, no addiction) - Prior to release (unserved sentence ≤ 18 months, early release date reached, dangerousness not high, no addiction) - on the basis of the individual sentence plan 	<p>practice the supervision is taken care of by support patrols. Electronic monitoring is also used. Supervised probationary freedom of at least 3 months is obligatory for prisoners serving the full sentence.</p> <p>- <u>Transfer to open prison</u> on the basis of an assessment by the Assessment Centre subsequent to an application to be transferred by the offender. Main points for consideration are the consistency of a transfer with the sentence plan as well as an evaluation of the necessary level of control. The decision is taken by the director of the Assessment Centre.</p>	<p>A prisoner may be transferred to an open prison or unit if this serves to prepare his release.</p>	<p><u>Transfer to open centres:</u></p> <ul style="list-style-type: none"> - Prisoners with short sentences (> 12 months) may be moved to an open centre shortly after committal provided that they are assessed as suitable - Longer term prisoners may be considered for a move to an Open Centre with about 2 years left in their sentence (4 years for exceptional prisoners) - Prisoners serving sentences in excess of 8 years may recommended for transfer to an Open Centres by the Parole Board to the Minister
2.	What services are involved in release preparation? What are the roles and tasks of the services inside the institution?	<ul style="list-style-type: none"> - Case manager: collects necessary information, involves other specialists; in case of a fully served sentence he sends a letter with the necessary information to the local municipality social worker - Probation officer (only by request of the case manager): compiles pre-release report, controls the 	<ul style="list-style-type: none"> - Senior criminal sanctions official: is in charge of drawing up the release plan, when necessary in co-operation with: <ul style="list-style-type: none"> - prison's social worker - worker for alcohol and drug abusers - guidance counselor - health care - The release plan is drawn 	<ul style="list-style-type: none"> - Prison: reports to the Court on recommendation for directives and obligations concerning the conditional release. Within the prison: <ul style="list-style-type: none"> Division manager: coordination, produces the sentence and release plan Psychological service: consulting, treatment Prison officers: accompanying the prisoners 	<p>Irish Prison Service, Custody Management, Health and Nursing Service, Psychology Service, Addiction Service, Training Service and chaplaincy participate in the ISM system along with external providers including statutory services such as the HSE Forensic Psychiatric Service, the</p>	

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			place of residence	<p>up, where necessary and with the consent of the prisoner, in cooperation with the local authorities of the municipality of residence of the prisoner</p> <p>- The Psychiatric Prison hospital makes dangerousness evaluations of prisoners serving the full sentence before release and evaluations of the risk of committing violent crimes for life prisoners prior to release</p>	<p>for preparation of release</p> <p>- Supervisory office: controls directives and obligations, on the basis of reports by probation officers; initiates warrants of arrest if conditions are violated, reports to the Court</p> <p>- Probation officer: control of directives and obligations, responsible for the process of reintegration into society, supports, advices and helps in dealing with problems, reports to the Court</p> <p>- Court for the Execution of Sentences: decision of (early) release, imposes directives and obligations</p> <p>- Police: control of directives and obligations, support of supervisory office and of the responsible probation officer</p> <p>- Forensic psychologist: risk assessment (involved only in certain cases)</p> <p>- Prosecution: demands (early) release, control of imposing directives and obligations</p> <p>For juveniles: the youth court service is involved, if provision and financial help is required. Links to the public youth welfare.</p>	<p>Probation Service and the Education Service. Statutory Homeless and Social Protection services provide an in-reach service in each prison. Additional support is provided by community and voluntary bodies providing in-reach service in the prisons. The Irish Prison Service provides funding to specific community based organizations to support their work in prison.</p>
3.	What services are involved in the community after release? What are the roles and tasks of aftercare services such as the probation service?	<p>Aftercare is provided by local <u>municipalities</u>, not the probation service</p>	<p>If the prisoner is subjected to supervision, the <u>social worker of the prisoner's municipality of residence</u> takes will take care of planning what services the released prisoner needs and guide him or her to the services</p>	<p>After release the following services in the community are involved: <u>half way houses</u> run by social institutions, <u>debt regulation</u>, <u>counseling</u>, <u>clinics for therapy</u>, <u>social assistance office</u>, <u>employment agencies</u> and so on. All these services</p>	<p>Assessment and management of offenders in the community is provided by the <u>Probation Service</u> (an agency within the Department of Justice and Equality)</p> <p>The Probation Service works closely with the Prison</p>	

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					cooperate with the probation officer.	Service, Courts Service and An Garda Síochána as well as with other Government Departments, statutory agencies and local service providers. A joint model of sex offender management (SORAM) has been initiated by the Probation Service and An Garda Síochána and is planned to include local authority accommodation providers, the health service and the Prison Service in the full national implementation.
4.	When does the preparatory stage for release begin? (Is it defined by law? Are there standards, guidelines?)	<p>Law: At least 2 months prior to release</p> <p>General practice: With the beginning of the sentence</p>	<p>Law (Prison Act): Well before probation or conditional release.</p> <p>The Criminal Sanctions Agency has specified the begin of the preparatory stage in their instructions to be at the latest 6 months before release.</p>	<p>Law (Prison Act): Formal release preparation begins 6 to 12 months before the prospective release, depending of the length and kind of the sentence. The probation service has to be involved one year before the release of the offender.</p> <p>In practice the release planning begins 12 months prior to release with the pre-release phase in which a pre-release case management plan is drawn up by the prison-based Probation Officer and in which offenders with a term of imprisonment exceeding 2 years are subject to a risk assessment. The release phase continues 9 months prior to release with the development of the a Community Integration Plan (CIP).</p>		

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5.	Do the probation officers visit the prisoners in prison? How often? When do they start? Is continuity of care provided by law or practice?	<u>Yes, if needed.</u>	<u>Yes, once or twice a few months before release.</u> Continuity of care is <u>provided by law</u> for those that are placed under supervision.	Depending on the needs of individual prisoners, probation officers can visit the persons they will be responsible for also during detention. This is usually done <u>at least 6 months prior to the scheduled time of release.</u> In general the probation officer meets the responsible prison officer and the prisoner <u>at least once.</u> They coordinate the release together. The <u>frequency of contact is set individually.</u> If a former probationer is in detention, the probation services are informed and involved in the preparation of release according to InStar. The frequency of contact is set individually. Continuous service and care are <u>provided by law.</u>	<u>Probation Officers, based in each prison, work with designated prisoners.</u> Where prisoners are subject post custody supervision there are protocols in place for visits by their community supervision Probation Officers and preparation of a post custody supervision plan. There is <u>no legal provision</u> for aftercare or obligation underpinning practice apart from the requirements for post custody supervision and supervision as a condition of a temporary release order.
6.	Is there a case manager in the prison and/or in the community? If yes, who is the case manager and what are their responsibilities?	In <u>prison</u> : Officers/contact persons In the <u>community</u> : Probation officer	In <u>prison</u> : Senior criminal sanctions official is in charge of the sentence plan and the release plan In the <u>community</u> : The supervisor at the Community Sanctions Office / in some	In <u>prison</u> : The manager of a division fulfills the tasks of case manager. He controls the process of imprisonment and release and coordinates the transition to the freedom. He decides additional measures, if necessary. In the <u>community</u> : The probation officer is the case manager for the time of	In <u>prison</u> : The case manager of the Integrated Sentence Management is responsible for release preparation for long sentence and high risk prisoners In the <u>community</u> : The supervision case manager is the assigned Probation

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			Each responsible of every day case management work, conduct assessments, sentence plans, deliver programs and carry on control activities	cases the social worker of the municipality may be viewed as the released prisoner's case manager	supervision. The probation officer oversees the process of supervision and informs the criminal judge and the supervisory agency about the process of supervision. He cooperates with other services and recommends the end, change or implementation of (new) directives and obligations if necessary.	Officer who liaises with all other service providers and agencies involved
7.	Please describe the system of prison/institutional leave (absence or release during sentence) in general and for "dangerous"/high risk prisoners in particular.. Does the law provide for a transfer to open prisons for "dangerous"/high risk prisoners and what are the procedures for such a transfer?	Short time leave from prison: up to 21 days/year , if: - ≥ 1 year of imprisonment is served (½ of sentence served, if convicted for a 1 st degree offence at least for the 2 nd time) - not sentenced for life or a flight risk For open prison: see III.1	Leave for maximum 3 days in every two month may be granted if 2/3 of the sentence (but ≥ 2 months) has been served For life prisoners: if found ineligible for leave due to sentence length, he/she shall be granted a permission of leave under escort at least once/year For open prison: see III.1	Prison leave for up to 21 calendar days per year may be granted generally not before the prisoner has served at least six months of his sentence. Offenders assessed as dangerous or high-risk prisoners are not eligible to relaxations and will not be transferred to open prisons. For open prison: see III.1	For temporary release: see II.1 In case of "dangerous"/high risk offenders any decision on transfer within the prison system, granting of temporary release and decision on specific conditions or restrictions will be informed by assessment of risk of re-offending, serious harm and security and safety priorities. There is no legislation providing for transfer within the prison system. Prisoner management within the prison system is subject to the Prison Rules 2005	
8.	Does the national law provide for halfway houses and/or electronic supervision for "dangerous" or high risk prisoners in the preparatory stage for release or on release?	No	- Electronic supervision is used in the context of "Supervised probationary freedom"	- National law provides the possibility of electronic supervision for "dangerous" or high risk prisoners under supervision of conduct	No	

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				<p>- Halfway houses in connection with prisons in Kuopio and Oulu</p> <p>- Halfway houses as an outsourcing service in Tampere and Helsinki</p> <p>The prisoners are placed in these units some weeks or a couple of months before release.</p>	<p>- State law provides for the use of halfway houses</p>	
9.	Are NGOs or private aftercare services involved during the prison sentence, in the transitional phase or in the community following release? What is their role and to what authority are they accountable?	<p>NGOs are involved in providing rehabilitation services to offenders, where there is a need and options for the certain services e.g. support person, self-help groups for addicts, anonymous alcoholics, drug treatment services etc. Every prison and probation department has its regional partners.</p> <p>Usually the NGOs are <u>not funded by the prisons</u> but are operating on <u>project grants awarded from elsewhere</u>.</p>	<p>Prisoners are supported by peer groups, self-care groups (AA, NA), spiritual groups (congregations) and other voluntary organizations during and after the sentence. Cooperation is done also with the Probation Foundation KRITS and C.R.I.S (a peer group support association).</p> <p>During the sentence the <u>support work is supervised by the Criminal Sanctions Agency</u> and after release by different authorities.</p>	<p>Prison work together with external services – private and public institutions - which are active within the prison as well as in the community, e.g. in the areas of vocational training, school, social training, consultation, counselling and treatment programmes.</p> <p>However, <u>all decisions related to the development of the offender before and after release are to be made by the prison and the probation service</u>.</p>	<p>Support to the statutory services in prisons is provided by community and voluntary bodies providing in-reach service in the prisons. The <u>Irish Prison Service provides funding specific community based organizations</u> to support their work in prison. These include accommodation support services, addiction service and resettlement support. These <u>bodies are accountable to the Irish Prison Service</u>.</p>	
IV Aftercare						
1.	Please describe the system and forms of control/supervision after release.. Are there particular legal requirements or restrictions for certain types of offenders? (Registration etc.) Please outline them briefly. Please explain any different requirements applying to offenders conditionally released and those having fully served their sentence..	<p>See II.1</p> <ul style="list-style-type: none"> • Probation supervision (on parole or after fully served sentence) • Probation supervision and electronic monitoring (on parole) • Probation supervision and placement to addiction treatment center (on parole) 	<p>See II.1</p> <p>A prisoner cannot be subject to supervision after he has fully served his/her sentence</p>	<p>See II.1</p> <ul style="list-style-type: none"> • Probation supervision: <ul style="list-style-type: none"> - Differentiated Structure of Service. For details: see original answer - FoKuS. For details: see original answer • Supervision of conduct 	<p>See II.1</p> <p>Requirements of a released sex offender to notify the police about change of name, address or intent to reside elsewhere for > 7 days under the Sex Offenders Act 2001</p>	
2.	Are there legal and practice provisions or guidelines/standards for the definition of risk, risk assessment during the probation/aftercare period? If yes, please outline them briefly.	<p><u>Legal provision</u> for the usage of a risk assessment tool for probationers with a sentence exceeding 1 year (Probation</p>	<p><u>No legal provisions</u></p>	<p><u>Legal provisions</u> allowing the court to impose, as a directive to an order for supervision of conduct, the</p>	<p><u>No legal provisions</u></p>	

			Estonia	Finland	Germany (M-W)	Ireland
			<p>Supervision Act) See also I.2 and I.4.</p> <p>The risk assessment tool is being used with a respective handbook.</p>	<p>Risk assessments (static factors, SIR-R1 and ARAT) and <u>risk and need assessments</u> are <u>available for supervisors</u>, but supervisors have no own guidelines/standards for the definition of risk.</p>	<p>duty to undergo psychotherapeutic or psychiatric treatment (Criminal Code, s 68b(2))</p> <p>There are <u>standards for procedures of risk assessment in prison and in probation service</u>. Life time prisoners, violent and sex offenders have to be assessed before relaxation of imprisonment or release by a specialized team of psychologists. The <u>probation service also uses test procedures for risk assessment</u>: LSI-R, FAF and special tests for sexual offenders.</p>	
3.	What services are involved, with legal responsibilities, in aftercare supervision? What other services are involved? (See Q9 below)	-	-	No other services are involved with legal responsibilities	Supervisory agency, Probation officer, Criminal judge (Court for the Execution of Sentences), Forensic psychologist, Prosecution, Non-profit organisations	Probation Service, Irish Prison Service, Courts Service, An Garda Síochána (Police)
4.	Please briefly describe their tasks and working practice..	-	-	-	<p>Supervisory agency: control of directives and obligations set by the Court for the Execution of Sentences on the basis of reports by probation officer; initiates the demand for prosecution because of violation of the setting or because of a new offence</p> <p>Probation officer: control of directives and obligations set by the Court for the Execution of Sentences,, supports the reintegration process into society, reports about the process of</p>	<p>The Probation Service has responsibility for the supervision of offenders where supervision has been imposed by the sentencing court (Post Release Supervision Order) or is a condition to a court order to suspend a sentence wholly or partially under Criminal Justice Act 2006 s 99(1).</p> <p>The Probation Service has responsibility for the supervision of offenders where supervision is a condition of a Temporary Release Order.</p>

			Estonia	Finland	Germany (M-W)	Ireland
					<p>supervision to criminal judge and supervisory agency Criminal judge (Court for the Execution of Sentences): imposes directives and obligations set by the Police: control of orders and conditions, supports supervisory agency and the responsible probation officer Forensic psychologist: risk assessment Prosecution: treats demands for prosecution, controls directives and obligations</p>	
5.	What is the role and interplay/co-operation of state and private aftercare services?		<p>NGOs <u>can be involved</u> by local municipalities <u>in the process of rehabilitation</u> of the with services e.g. support persons, addicts and alcoholics anonymous, drug treatment center, etc. This option of cooperation is, however, <u>hardly used</u></p>	<p>NGOs <u>provide support services</u> such as housing services, contact points or programs focusing on street violence (KRITS, Aggredi, C.R.I.S, ect)</p>	<p>Probation service: control of directives and obligations set by the Court for the Execution of Sentences, control of lifestyle, supply support for reintegration into society, cooperation with other services, case management Private institutions: <u>are supplying support for reintegration</u> into society.</p>	<p>The <u>Probation Service works in partnership with</u> communities, local services and <u>voluntary organizations</u>. The Probation Service provides funding, almost 30% of the Service budget, to over 60 community based organizations. These bodies are accountable to the Probation Service.</p>
6.	How, to what extent and on what legal basis, the police are involved?		<ul style="list-style-type: none"> - The local <u>police is informed</u> about offenders in its region - The <u>probation officer</u> is entitled to <u>receive</u> and <u>request information from police</u> regarding probationer 	<ul style="list-style-type: none"> - The <u>police can assist the supervisor</u> with appointments by providing safety, neutral rooms, ect - Police officers are also used as <u>assistant supervisors with high risk offenders</u> - In case of a suspected breach of obligations the <u>supervisor can receive information</u> on the parolee <u>from the police</u> 	<ul style="list-style-type: none"> - The <u>police has to share any information about the offender with the probation officer</u> and to supervisory agency. The <u>police visits the offender at home and controls</u> if the offender complies with the implemented directives and obligations. These measures have been conceptualized in the FoKuS regulation (Administrative Act), which does, however, not provide additional competences for the authorities involved. 	<ul style="list-style-type: none"> - Involvement only in relation the requirements of sex offenders under the Sex Offenders Act 2001 and a joint model of sex offender management (SORAM) - Legal basis: Sex Offenders Act 2001

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7.	Is electronic monitoring applied? Please describe the legal basis (which offenders, offences?)	Yes, since 2007 in the following cases: - <u>Release on parole with electronic monitoring.</u> - <u>Electronic monitoring as an alternative to arrest in pretrial phase</u> - <u>Electronic monitoring as a supplement for short sentences</u> (up to 6 months)	Only in <u>supervised probationary freedom</u>	Yes, but only <u>for offenders under supervision of conduct</u>	Not generally. It is used in <u>prisoner management during hospitalization and similar circumstances</u> only.
8.	Which form of electronic supervision is used? (House arrest, GPS?)	EM is mostly used for house arrests. GPS is used only in a few cases (supplement for short sentences).	-	GPS is used. In regions with tunnels and buildings LBS is used additionally. There is no electronic supervised house arrest.	-
9.	Are NGOs or private aftercare services involved in the aftercare phase?	<u>In some cases according to the regional possibilities</u> ; e.g. addiction treatment services or housing. Usually they operate on grants or have contracts with local municipalities.	<u>Yes</u> , but not with legal responsibilities.	<u>Yes</u> . Cooperation is fixed with non-profit organisations and local authorities.	see IV.5

Greifswald, 30 June 2013

Frieder Dünkel, Moritz von der Wense, Ineke Pruin