

Examples of Increasing Professionalization of the Probation and Prison Services in Germany

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Introduction

Germany is a federal republic. Each federal state is responsible for the organisation of the probation and prison services. There is no central legislation. Talking about every single federal state in Germany and its special regulations will take hours. So I will talk about tendencies and developments which they have in common.

I will talk about examples of increasing professionalization of the probation and prison services – like the reorganization of the Social Services of Justice, the new criminal enforcement legislation for young prisoners and the presentence reports. And I will talk about practices which need improvement – like the not enough used presentence reports and the detention for deterrence.

The Social Services of Justice (*Sozialdienste der Justiz*)

In Germany the probation services are undergoing a change.

The different federal states of Germany are reorganizing the probation services. Social Services of Justice are created. This is a concentration of the different social services like the probation service, the supervision of high risk offenders (*Führungsaufsicht*), the presentence assistance (*Gerichtshilfe*), the after care of offenders, the victim-offender-mediation (*Täter-Opfer-Ausgleich*) and the victim assistance (*Zeugenbegleitung*). They are now in one building and one organizational structure. This is created to improve the supervising, monitoring and supporting of offenders as well as the supporting of victims by using all the professional resources.

Also there are efforts to develop new structures in which the prison services and the probation services are no longer on different lines in the organization charts but in one line under the direct control of the ministries of justice.

This is supposed to lead to a professionalization of both services by improving the cooperation, by installing shared tools of risk and needs assessment and intervention and thus creates a seamless and effective management of social assistance.

New Criminal Enforcement Legislation for Juvenile Prisoners (*Jugendstrafvollzugsgesetze*)

In Germany there has been new criminal enforcement legislation especially for young prisoners. It expresses the aim of a successful resocialization by using educational measures as well as the aim of the protection of the public. Before there was only enforcement legislation for prisoners that did not take the special needs of adolescents into account (i.e.

their commitment to their families, their need of educational measures, the consideration of the level of the adolescent development).

As a consequence of this new legislation and the notion of an extremely high rate of recidivism in the case of young offenders there are programs for psychosocial trainings and for educational/vocational trainings developed. Those trainings and interventions are carried out by the prison services. Also special After-Care-Centers (*Nachsorgezentren*) are designed.

The approach of the so-called After-Care-Centers (*Nachsorgezentren*) is to provide an intensive social guidance for young offenders in their local community during the first months after their release to reduce the risks of recidivism. During this period pro-social environment (*konstruktive soziale Bezugssysteme*) should be strengthened, a positive self-formation should be supported, relapses in old negative patterns should be trained to be avoided as well as further measures of vocational training (*Maßnahmen der Berufsbildung*) should be taken.

To succeed in their tasks the social workers of the After-Care-Centers try to create a narrow cooperation between the communal social services, the social services of justice and the social services of the prisons. They try to use all resources available, individual resources as well as social resources to make the resocialization of young prisoners successful.

An effective integrating of the local community and its services in the after care of young offenders is as necessary as the cognition of their individual possibilities.

Presentence Reports

German legislation provides different possibilities of presentence reports. In case of a first offense to be sentenced the judge can call the presentence assistance (*Gerichtshilfe*).

In case of the relapse of a probationer the responsible probation officer can be asked to prepare a presentence report.

Is the offender an adolescent the judge is obliged to require reports in both cases from the presentence assistant for young offenders **and** the responsible probation officer.

The social worker's knowledge about the risks, needs and resources of the individual offender and his legal prediction is an effective way to support the judge in finding a sanction which serves both – the protection of the public and the resocialisation of the offender. The expertise of the social services of justice should be a tool to be used in every trial to decide if a prison sentence or community sanctions and measures are appropriate.

- i.e. in case Drug addicted offender – therapy and being placed under the supervision of a probation officer is more effective than prison
- Adolescent tried for violent assault for the first time – anger management = social training to reduce his willingness to use violence – cheaper and more effective in the long run.

This leads directly to my first example of a practice still to be improved:

While the judges of the juvenile courts **have** to use presentence reports, **in case of adult** offenders the judge can decide if he **does** use this tool or does not. Unfortunately often these judges do **not** use the possibility of the presentence report because it is not common practice at their court.

Another example for a practice needing improvement is the

Detention as Deterrence for Young Offenders

The rate of recidivism – concerning young offenders – is very high. This is why some judges tend to send them into detention on a quite early stage. They think that the experience of being in detention leads to a change in their conduct and prevents reoffending.

But research shows that deterrence **does not** lead to success. Young offenders need educational programs.

They need professional support to learn and practice several techniques of self-management. They need to learn positive patterns of behavior and they need to experience social inclusion – not exclusion.

Unfortunately deterrence as an approach to reduce re-offending is supported by the public opinion and the press.

Conclusion

Structural developments like the well designed Social Services of Justice, the new legislation, the cooperation between judges and probation services as well as the methodical developments like evidence based programs and the inclusion of the communities **are basic** to the emergence of a professionalization of the probation and prison services.

It is furthermore important that the intervention services are being actively researched and that these results are transported to the public.