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Extract from Rigsrevisionen's report  
submitted to the Public Accounts Committee

# **The services provided by the Danish Prison and Probation Service to convicted offenders inside and outside prison**

# 1. Introduction and conclusion

## 1.1. Purpose and conclusion

1. This report concerns the services provided by the Danish Prison and Probation Service (Prison Service) to convicted offenders while they are in prison and after they are released. The study covers offenders with a suspended sentence as well as offenders with unconditional sentences who are imprisoned in either state or local prisons, under electronic monitoring, or have been released on parole. The Danish Ministry of Justice has the overall responsibility for ensuring that sentences are served, and the Prison Service executes the sentences.

2. In executing the sentences, it is not only the duty of the Prison Service to ensure that the offenders serve their sentence; they should also do what they can to prevent reoffending. Outside prisons, the Prison Service supervises offenders with suspended convictions, offenders under electronic monitoring and offenders on parole. Supervision activities include checking that the offenders meet the conditions set in connection with their sentence, serving of their sentence or parole, and providing support for the offenders to prevent them from reoffending. Inside prisons, and in addition to a long list of tasks related to incarceration and safety, it is also the Prison Service's task to provide offenders with unconditional sentences with work opportunities and crime prevention support during their imprisonment.

3. Examining how the Prison Service executes sentences is important. On the one hand, it is important for the public's sense of justice that offenders be punished in accordance with the sentence issued by the court and relevant legislation. On the other hand, it is important that offenders be supported in changing their behaviour to reduce their risk of reoffending. In addition to the human costs of criminal activity, the costs to society are also considerable and include costs for detection, conviction and possible serving of sentence. Approximately 25 % of all the offenders that are released from the Prison Service are reconvicted of a criminal offence within two years.

4. The purpose of the study is to assess whether the Ministry of Justice has ensured that the Prison Service performs its supervision of offenders with a suspended sentence, those under electronic monitoring and those on parole in a satisfactory manner, and provides inmates with work and support to prevent them from reoffending.

*A suspended sentence* is a sentence given by the court that is not served unless the offender violates the conditions set by the court.

*An unconditional sentence* is a sentence that entails imprisonment of the offender. If the duration of an unconditional sentence is six months or less, and if the offender meets a number of criteria, the offender may serve the sentence in his/her home under electronic monitoring.

### Conditions

These are set in connection with conditional sentences, releases on parole and for offenders that are allowed to serve their sentence under electronic monitoring. Some conditions are statutory like the one that forbids offenders under electronic monitoring to drink alcohol. Other conditions concerning, for instance, supervision, community service or addiction treatment are determined by either the court or the Prison Service in connection with the individual sentence.

The report answers the following questions:

- Are offenders with a suspended sentence supervised appropriately by the Prison Service?
- Are offenders serving their sentence under electronic monitoring and offenders on parole supervised appropriately by the Prison Service?
- Is the effort made by the Prison Service to provide work to and prevent inmates from reoffending satisfactory?

5. Rigsrevisionen initiated the study in June 2018.



## Conclusion

It is Rigsrevisionen's assessment that the Ministry of Justice has failed to ensure that the services provided to offenders inside and outside prison are satisfactory.

For offenders with a suspended sentence, offenders under electronic monitoring and offenders on parole, the execution of their sentence involves supervision, ensuring that they meet the conditions set by the court or Prison Service, and helping them break the cycle of crime. The Prison Service also reports offenders who fail to meet the conditions of their sentence.

### Community service

A sentence given by the court that orders the offender to perform a number of hours of unpaid work for a public institution.

It is Rigsrevisionen's assessment that the Prison Service does not manage the supervision of offenders with a suspended sentence and offenders under electronic monitoring in a satisfactory manner. First, more than half of the offenders are not placed under supervision or start to serve their community sentence in due time. Second, the Prison Service does not check the majority of the offenders who serve a community sentence or are under electronic monitoring to the extent required. Third, it is Rigsrevisionen's assessment that in some cases, the Prison Service's response to offenders' violations of the conditions of their sentence lacks consistency in sanctions. Furthermore, offenders under electronic monitoring receive only very limited support and guidance from the Prison Service.

As a result of the inadequate control activities, a substantial number of sentences are not executed as decided by the courts and prescribed in the rules of supervision with regard to promptness, control and sanctions.

### Kriminalforsorgen i Frihed (Prison Service in Freedom) – KiF

This is a collective term for the 13 departments under the Prison Service that provide supervision of offenders with a suspended sentence, offenders under electronic monitoring and offenders on parole.

Additionally, the study indicates that there are variations in the supervision and control provided by the various KiF departments, which, for offenders with suspended sentences, offenders under electronic monitoring and offenders on parole, may potentially have the consequence that they are reported for violating conditions that other offenders can violate without being reported. Therefore, Rigsrevisionen recommends that the Prison Service should analyse whether these variations in practice comply with the principle of equality in Danish administrative law.

With regard to offenders on parole, it is Rigsrevisionen's assessment that the Prison Service does not manage its supervision of this group in an entirely satisfactory manner: (1) the Prison Service does not provide supervision in due time for half of the offenders on parole, (2) the Prison Service does not organise community service pre-release of the offenders, as prescribed in the rules of supervision, and (3) the Prison Service does not secure, that offenders meet addiction treatment requirements immediately after their release, as required.

The Prison Service is aware of the need to ensure that case processing takes place in accordance with current regulations and the need to be consistent in its response to offenders. Early in 2018, the Prison Service therefore decided to launch a project on case processing and supervision in KiF, which is scheduled to start at the beginning of 2019.

For inmates, the execution of their sentence involves full-time work and support to help them break the cycle of crime. It is Rigsrevisionen's assessment that the Prison Service's efforts to provide work for the inmates and help them break the cycle of crime are not entirely satisfactory.

The Prison Service largely ensures that inmates are working to full capacity, but has no knowledge of whether the work performed by the inmates addresses their criminogenic needs and helps them avoid reoffending. To this should be added that the Prison Service does not work out reports on all inmates with assessments of their criminogenic needs, nor are the preventive efforts deemed necessary by the Prison Service initiated for all inmates in time and before they are released. The consequence of this practice is that a considerable number of inmates are not adequately encouraged to break the cycle of crime and enhance their skills while they are in prison.

### **Work**

The Prison Service's definition of work is wide and includes education, production of items, cleaning, treatment of addiction, cognitive therapy, etc.

### **Criminogenic needs**

The criminogenic needs of the inmates are the needs that must be addressed in order to reduce their risk of re-offending.