

**AGIS 2005**

With financial support from the AGIS Programme,  
European Commission  
–Directorate General Justice, Freedom and Security–

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## Germany

To describe the German situation of –offending- Minors<sup>1</sup> (those below 18 years) one has to take into account the procedures, institutions and legal frames in case of difficult juveniles. Two different systems are responsible: The Juvenile Justice System in cases of offences (for the 14 to 18 years old juveniles, and exceptionally for those from 18 to 21) and the Youth Welfare System for all under 18 (and in special cases even longer, up to 26 years) with educational and other problems. The Youth Court Law (*Jugendgerichtsgesetz - JGG*) is the judicial frame to deal with offences of juveniles. It has been created in 1923. Since the beginning, one central aim was to protect the young from corrupting effects assumed to be exerted by the adult world. The amendment in 1953 brought a new paragraph, which allowed the possibility to place young adults (eighteen to twenty-one) under the Youth Court Law regime in special cases (JGG, § 105). The last time it was revised in 1990. It is based on the principle of education. In 1990 there have been some changes in the Youth Welfare Law (*Kinder- und Jugendhilfe Gesetz – KJHG / SGB VIII*). The whole philosophy has been changed: Not pressure or intervention is the guiding principle now, but the offer (and the right for) help and support. Both developments are based on the governmental politics which focuses on prevention as a determining principle of the activities of the child and youth services.

The German crime politics as well as the Youth Welfare politics are still focussing on education, not on punishment (even if there is also a strong discussion on ‘getting tough on crime’, looking for more punishment). The first goal is to avoid imprisonment or other forms of incarceration. In juvenile crime politics there is also a strong focus on prevention.<sup>2</sup> In the Juvenile Justice System the preference is on diversion (in minor cases) and on alternative sanctions. There is a very differentiated system of possible reactions to the offences (from ‘doing nothing’ to alternative sanctions to short term detention to imprisonment). Only in very severe cases there is a focus on punishment. To define and to accomplish many measures beyond punishment, there has to be a co-operation between the two systems.

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<sup>1</sup> It is rather difficult to compare the different situations and politics in the European Countries for Minors in case of difficult behaviour (offences, conduct problems etc.). Is it necessary to know the different legal frames, the different institutional possibilities to deal with Minors? Is it enough to name the differences or does one have to embed them into the national politics and even history? How many countries is it possible to compare in one study? The field of comparison seems to be more in a starting position than a standard procedure. Compare: Albrecht, Kilching (eds.) 2002; *Déviance et Société* 2002, Queloz et al. (eds.) 2005

<sup>2</sup> There are many measures, pilot projects and interventions in the field of prevention, but there is a lack of adequate documentation and evaluation of these activities. More general, see: Centre for the Prevention of Youth Crime (ed.) 2004.



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The politics still takes into account that delinquency plays a different role in the life course. Mostly, for Minors, it is only for a short time, it is only an episode, but for some it may persist and dominate all their life long. But normally one would say that delinquency is ubiquitous, everyone does something wrong, an offence in youth, mostly of course, minor offences. If we talk about juveniles, we talk mostly about episodic delinquency (Matt 1995). Experts estimate that in 90 to 95% of all cases it will last only a short time and will end with getting older. Most often, for these persons the only thing to attract attention is offending. The majority of young offenders only ever commit one or two relatively minor offences. For this group, diversion and/or alternative sanctions are appropriate ways to react. The other group, about 5 to 10%, are persisting, do not desist, and there may be the development of a 'criminal career', of chronic offending. In this group we find very often that the young persons have multiple needs and inter-connected problems (like bad schooling, refusal to go to school, family problems, sexual abuse, violence in family, drugs, problems in housing etc.). The last group is, of course, the one media is reporting about; it is in the focus of public interest. Here we find the spectacular and very severe cases of offending. The danger is that the situation of this group is taken for the whole juvenile delinquency with the consequence of a politics of a 'tough reaction'. But in Germany, the youth politics in this field is still based on the conception of 'episodic delinquency', but there is also a debate about chronic offenders.

The politics are based on investigations, studies and evaluations of judicial reactions. In research we find again and again the result that recidivism rates are more higher in cases of formerly formal sanctions, especially prison sentences (and short term detention) than in cases of informal sanctions. Based on an analysis of data of the Federal Register of Judicial Information (*Bundeszentralregister - BZR*), which is a data base of all judicial cases (informal: diversions, formal decisions: convictions), Heinz (2004) found the highest rate of recidivism, defined as reincarceration, of about 58% in the group of those formerly released from prison.

On the other side, these studies show also, that in many cases there will be only one entrance into the register, mostly dealing with informal reactions. For about 55% of all these persons, there will be no following entrance.

In case of Minors having/making difficulties different institutions can be involved: the police, the Youth Welfare System, the Youth Psychiatry, and the Juvenile Justice System. There is some linkage between the systems, but in Germany the relationship is not very well done, especially in case of children (until 14 years old)<sup>3</sup>. (There is no special institution of care for offending children; they are supported by the Youth Welfare System.) On the one side, an interdisciplinary co-operation is needed (and there are some attempts to improve the situation), on the other side, still each system deals with the juveniles on its own ways. It is still not usual to cross the own disciplinary border. Especially the group of persistent young offenders make the co-operation more necessary. In cases of conduct behaviour/antisocial behaviour, or in cases of psychic disturbances like for example ADHD (Attention deficit hyperactivity disorder) we find a high co-morbidity with offending (Matt 2004), a higher risk for delinquency (but they are not necessarily linked with delinquency). But it is not possible for one system to

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<sup>3</sup> Some empirical data are presented in the study of Bindel-Kögel et al. (2004) about the relationship and co-operation between the Youth Welfare System and the Youth Justice System.



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deal with different and multiple problems and disorders in an appropriate way. Co-operation is needed. Another aspect of this -starting- discussion in Germany is: the Juvenile Justice Systems only deals with those from 14 years old on. But the problems and disorders exist mostly some times before. So to deal adequately with the situation preventive measures are needed beyond the age of 14 years, and done by other institutions, especially the Youth Welfare System and Youth Psychiatry (Fegert et al. 2004).

The focus of this paper is on delinquency. To show the amount of delinquency and prosecution in Germany is not possible in a 'real correct' way: There are different statistics for the police, the prosecution, at court and for the imprisonment. They do not fit together rather well because they count in different ways (some refer to persons, other to cases) and different things. So the following has to take into account this reminder and interpret the data more as an estimation of the amount, what is happening, than as a real procedure of cases through institutions.<sup>4</sup> Another restriction is the realm of statistics: Police and prison statistics refer to whole Germany, the prosecution statistics only to the former Western part.

### **Offences and the police**

If a child or a juvenile offends, the offence will be taken up by the police.<sup>5</sup> They have to file a charge in every case (*Legalitätsprinzip* - the principle of legality). The police has no discretionary power to dismiss criminal cases, they have to refer every charge to the public prosecutor's office. If the young person is an adolescent (age 18-21) there are some special regulations. (The German Law does not provide for status offences).

Some data of the amount of offences/suspects of children, juveniles and adolescents in Germany:

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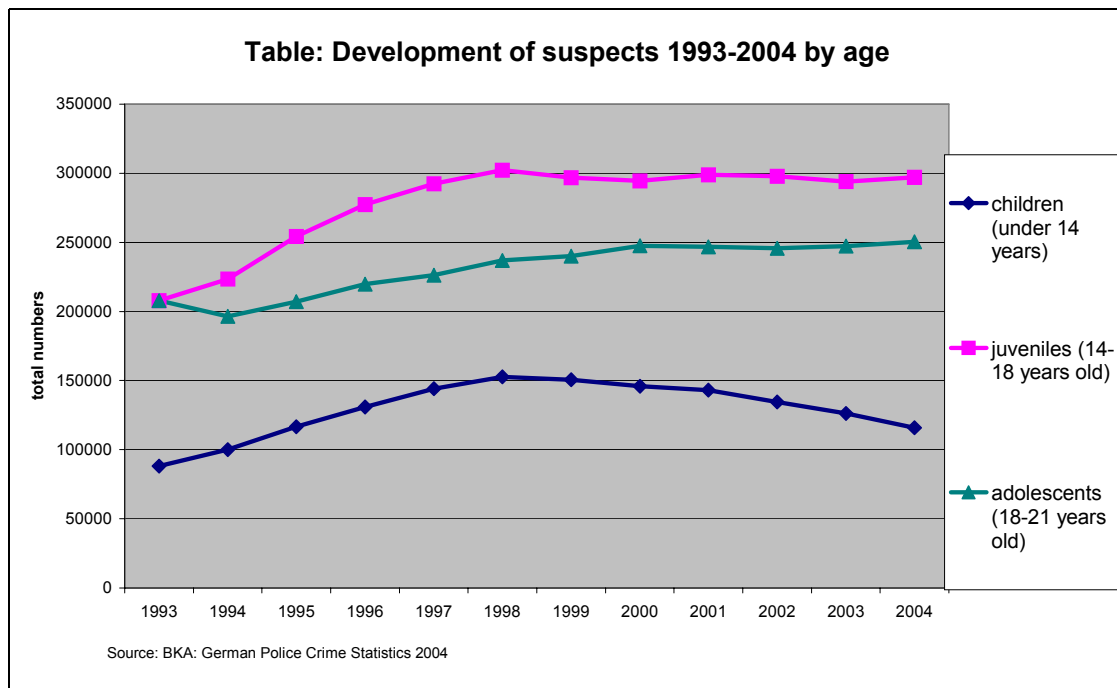
<sup>4</sup> Just to get a first impression: Heinz (2003) made this collection of data. Starting with 1.712.386 (=100%) suspects (children, juveniles and adults!) taken up by the police for having offended in the year 2001 (old states, Germany), just 38.6% were accused and 30.2% were convicted. 2.5% of all suspects were convicted to a prison sentence (N=42.282)

<sup>5</sup> The police may inform the Juvenile Welfare System about the charges.



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If we take the numbers of the year 2004, we have 115.770 (4.9% of all suspects) children taken up by the police as suspects (under 14 years), 297.087 (12.5%) juvenile suspects (14-18 years) and 250.534 adolescent suspects (10.5%) (18-21 years). (For comparison: adults: 1.720.877 suspects (72.2%))

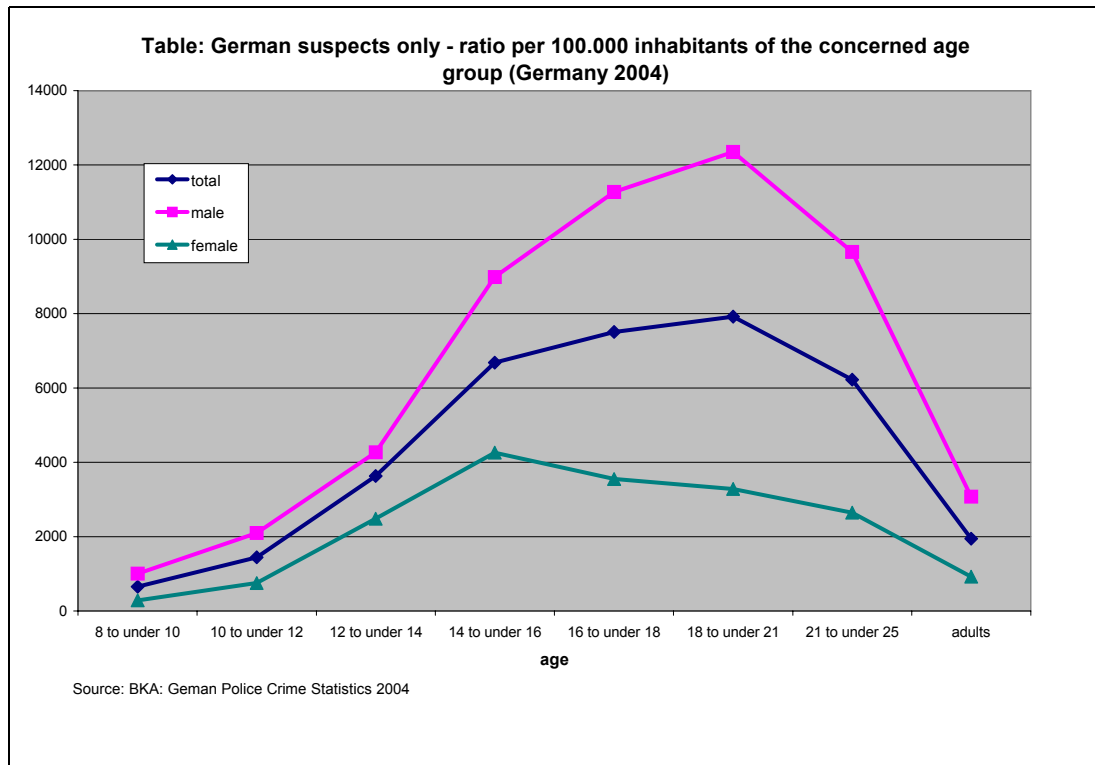
If we take a look at the group of the children we have to take into account that mostly it will be the only time they get caught. A study in the Federal State of North Rhine-Westphalia in 1996 showed that in most cases (86%) there is only one offence. In 2/3 of the cases the offence is shoplifting.<sup>6</sup>

<sup>6</sup> See Weitekamp, Meier 1998



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The distribution of involvement in delinquency in Germany for those taken down by the police, for suspects (the amount of unreported/undetected crime will be much higher) shows, that the highest involvement is in the age group of 18 to 21 years for males. For females the highest portion is in the age group of 14 to 16 years old. They desist rather earlier than males. But for Minors we find a high involvement in delinquency.





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Like in every country, the amount of female suspects is rather low. If we take the age structure into account, we see the highest proportion of involvement in delinquency of young girls compared to boys in the age group of 12 to 14 years, with about 32%.

The discussion about juvenile delinquency is mostly based on the topics of violence, chronic offending, on children and foreign and immigrant minorities.

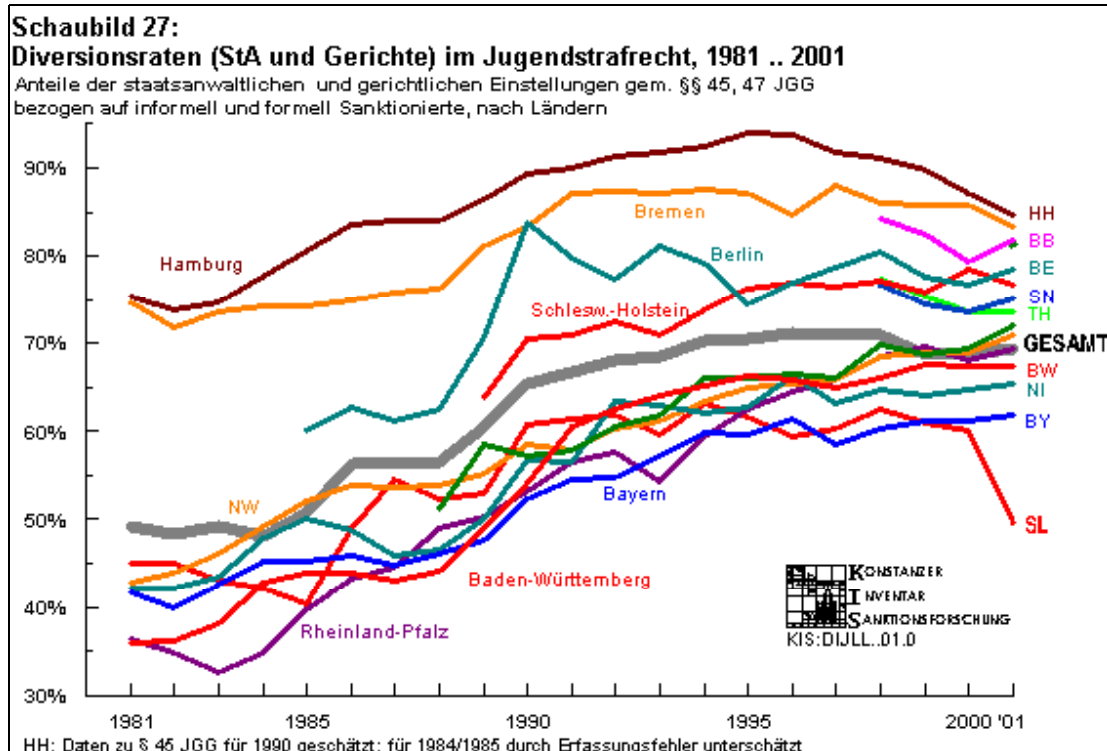
The work of the police does not exist only of taken down criminal charges, but to do something special for juveniles. The police has one specialist for questions of youth (*Jugendbeauftragter*). Also there are -on a regional basis- many projects for crime prevention of the police (especially leisure activities and sports; counselling at school).

### **The public prosecution**

The charge is send to the public prosecutor. Then the prosecutor will decide what to do: All charges for persons under 14 years will be abandoned (they are not legally responsible). The cases for the age group 14-18 will be diverted by the public prosecutor or there will be an accusation sent to the court.

At court the judge can decide for the age group of the 18-21 old which law to use: If they think they behave more like a juvenile than an adult, that the young adult shows a typical youthful personality, they will use the Youth Court Law, if not, then they will use the common Criminal Law (the ratio is about 54% Youth Court Law - 46% Crime Law for 2003). The German Youth Court Law does not allow waivers of juvenile rights or transfer of juvenile offenders to adult courts.

The ratio of diversion (discharge) differs in the Federal States of Germany, being high in the 'Town States' like Hamburg (HH), Bremen or Berlin (BE); being low in the conservative Federal States (like Bavaria (BY)). Over all, there is a diversion rate of about 70%. The use of diversion increases since the last change of the Youth Court Law in 1990.



The proportion of diversion and cases who will be decided at court is the following: 45% (205.204 cases) of all charges will be dismissed by the public prosecutor himself, the other cases will be dealt with at court (250.730 cases)

To fulfil this task, the prosecutor has as a resource for his decision the propositions of the so called youth court aide (*Jugendgerichtshilfe*). This person (institution) is based at the department of Youth Aid (as a part of the Youth Welfare Department). The social worker will be informed by the police or the prosecution office in case of a juvenile offender (age 14 to 18 years). The contact between youth court aide and offender is voluntary. The task of the youth court aide is the investigation of the personal and social circumstances of the juvenile offender in order to provide the court with information on the appropriate sanction, to prepare the offender for the judicial procedure, to arrange for interventions to avoid a sentence or to minimise it, to assess the juvenile to find his needs for support (educational, familial or others) and to find corresponding aid, to find a possibility to get juveniles out of the remand prison, or, in severe cases, the looking for a foster home or for other forms of accommodation or even to propose a short term detention. It is responsible for those age 14 to 18 years, in special cases up to 21 years.

### The Youth Court

If we take a closer look at what will be done with the charges/accusations at the Youth Court, we get the following picture for the Minors:

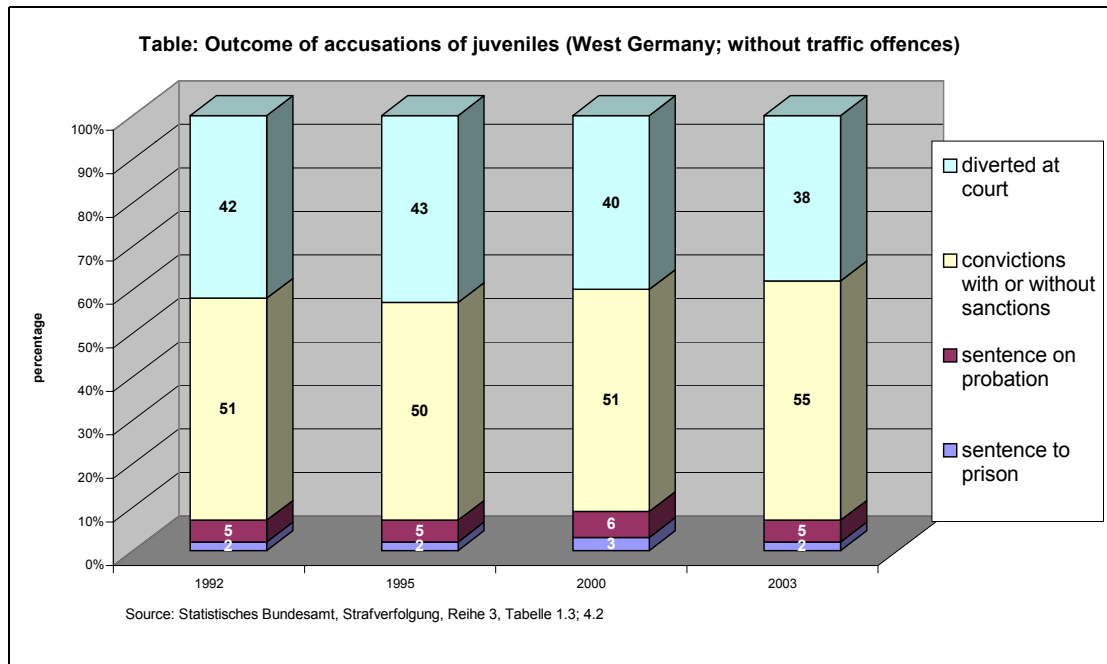


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**Table: Outcome of accusations of juveniles (West Germany; without traffic offences)**



In f.e. 2003, we see that only about 2% (N=1745) of all cases of Minors (N=74331) dealt at the Youth Court will be a sentence for young offenders (imprisonment/ prison sentence) as outcome. Another 5% (N=3943) will be convicted to a sentence on probation. Only about 7% of all accused will get a sentence at court.

Mostly (about 55%; N=40326) there will be some sanctions beyond imprisonment (alternative sanctions) or the cases will be diverted or closed without a sentence (in 38% of all cases; N=28317).

The differences to the numbers above have two reasons: First, here it is only possible to show the data for West Germany, and second, here are only the data for the Minors (the adolescents are not included, they make about further 40909 sentences at the Youth Court).

The German Youth Court Law focuses not on punishment, but on education. It is based on the assumption that children and juveniles should be treated differently from adults. The aim is educating and reforming young offenders. So there are different possibilities for the prosecutor, but especially for the judge to decide what is necessary in the case: Three groups of reaction exist: The less intensive, the educational measures, then the disciplinary measures and interventions, and only as the last possibility, as the last resort (ultima ratio) the sentencing / imprisonment.<sup>7</sup> The minimum sentence is 6 months; it can last up to 5 years, in very severe cases up to 10 years. A sentence up to 2 years can be suspended (on probation). The prison sentence can be put on probation (discretionary conditional release), the juvenile may be paroled after having served one third of his sentence. (In practice, mostly they are released on probation at 2/3 of the time of length of their prison stay.)

The Youth Court Law refers to the criminal offence statuses of the Criminal Law. But the way of sanctioning juveniles is different from the Law for adults. The sanction is not

<sup>7</sup> There exists no possibility to make parents responsible for the offences of their children.





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based on the offence, but on the need of education. To fix a sanction, the prosecutor or the judge has to decide what is necessary to make the young person getting straight, to decide of educational needs of the young persons. Which measure can correct his misbehaviour? Or, on the other side, are there some negative/harmful tendencies (*schädliche Neigungen*) to be found in the behaviour and in the life of the young persons? In this case, and in case of very severe offences (capital crime), the judge has to sentence the juvenile.

The experiences with the effects of sanctions, proven in studies, say, that prison sanctions do not support social integration in any way, it is more the other way: they make integration less probable. For the German Juvenile Justice System, guided by the principle of proportionality, this has another consequence: If we have comparable sanctions, meaning, they are different but have the same result (effect), then the less intensive sanction / the minimal intervention (*eingriffsschwächere Sanktion*) has to be taken (subsidiarity principle). In practice: if there is the possibility of diversion, and it has been shown, that the result of abandoning a case has the same effect than f.e. a disciplinary measure, than the case has to be abandoned. There has to be a preference for alternative sanctions before prison sentences.

Educational measures are: community service, participation in social training courses, participation in victim-offender mediation, participation in traffic education, supervision by a social worker, attendance at vocational training. To enforce educational measures it is possible to order a short-term detention (*Jugendarrest*). These measures are looked for in co-operation with the youth court aide or are proposed by them.

The assistance provided by the Children and Youth Welfare Law may include placement in a home or a foster family

Disciplinary measures are: cautioning by the juvenile judge, paying a ‘fine’, doing community services, compensating the victim of the offence, making a formal apology to the victim, and also: short term detention (maximum of 4 weeks, but mostly only at weekends).

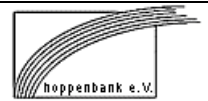
In co-operation with the Youth Welfare System, the judge can decide about the needed help for education (JGG, § 12). The Youth Welfare Law has different possibilities to do this (SGB VIII; KJHG § 34, paragraph 1): child guidance, social group work, educational counselling, family support by a social education worker, education on a day care basis, full time care, education in closed or open institutions, other forms of cared for accommodation, intensive care for a single person done by a social education worker.<sup>8</sup>

The judges at the Youth Court Law should have special knowledge (and training) about the situation of young people. In practice this is not given in any case.

If we take a look at all measures ordered by the court in 2003 (West Germany, without traffic offences), we see the following data for all cases dealt with at the Youth Court (Minors and adolescents). There is the possibility to impose different measures and more than one, so the numbers add to more than all convictions.

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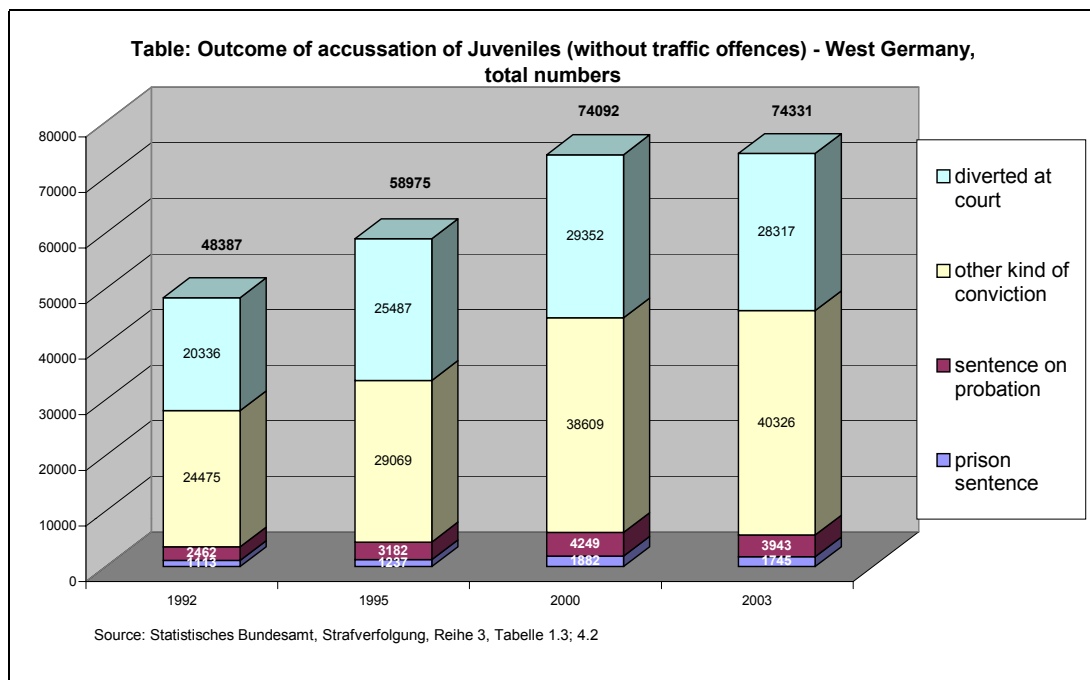
<sup>8</sup> There is no possibility to refer to parental work



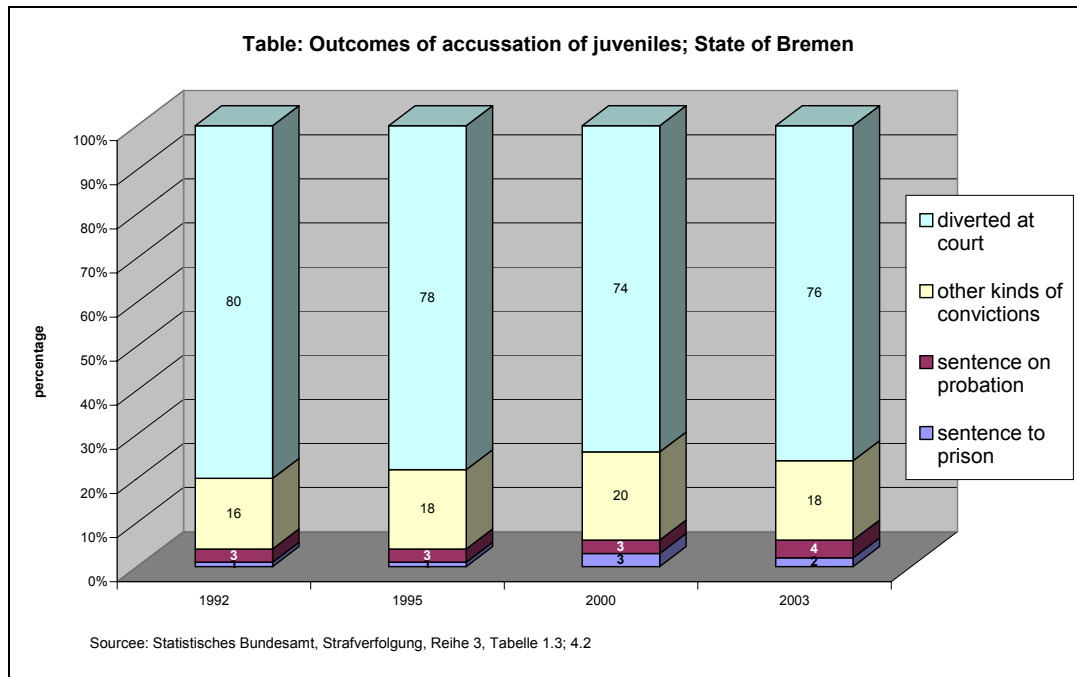
<b>all convictions:</b>	<b>86.923</b>	
educational measures	19.085	
disciplinary measures	64.881	
short term detention	17649	
paying a 'fine'	12647	
restitution	2240	
community work	35566	
caution	22949	
instructions	18896	
send to a home and others	50	
	sentence	16923
	- to prison	5904
	- on probation	11019

Further on, in West-Germany, in 2003 28 juveniles have been sentenced to go into psychiatry (mean duration of stay there: 3 years) and 19 into special institutions for the withdrawal of drug addiction.

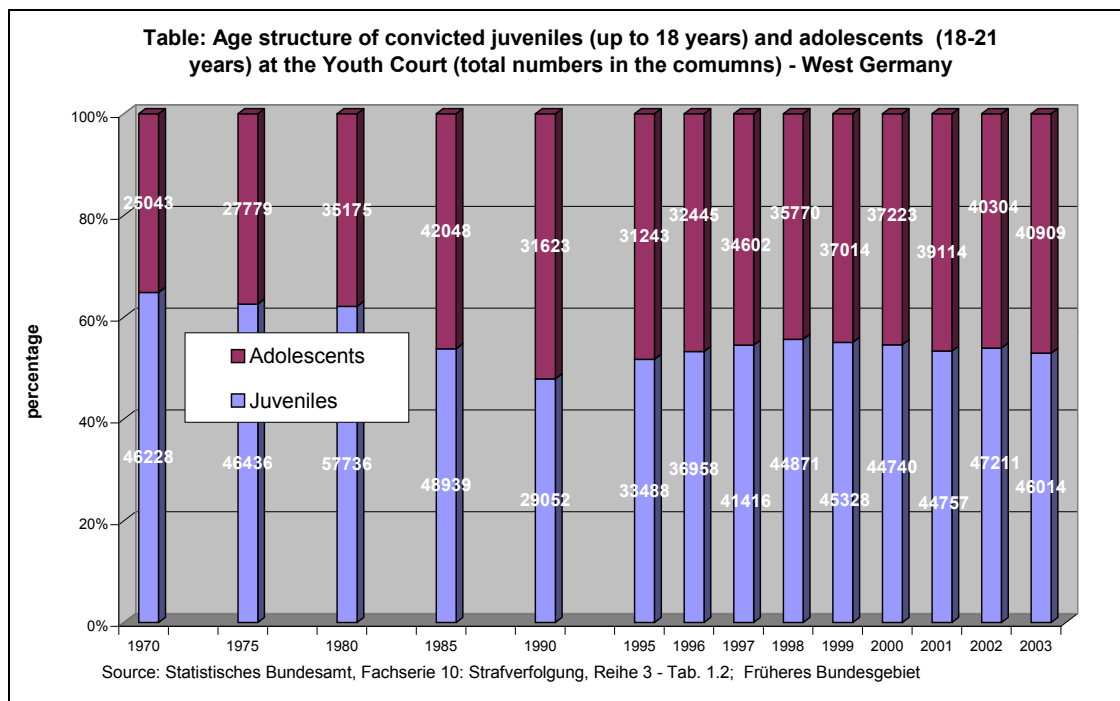
But we find an increase of cases in the last years:



If we take a look at the Federal State of Bremen, the situation is the following:



We see that the rate for convictions to sentence (to prison or on probation) is comparable to the one for West Germany. We find relevant differences in the convictions to alternative sanctions, which are less than the West German average. Mostly there will be no sanctions.



The ratio (for 2003: about 54% due to Youth Court Law, 46% due to general Criminal Law) has been rather constant in the last 10 years. But we find an obvious increase in the absolute numbers.



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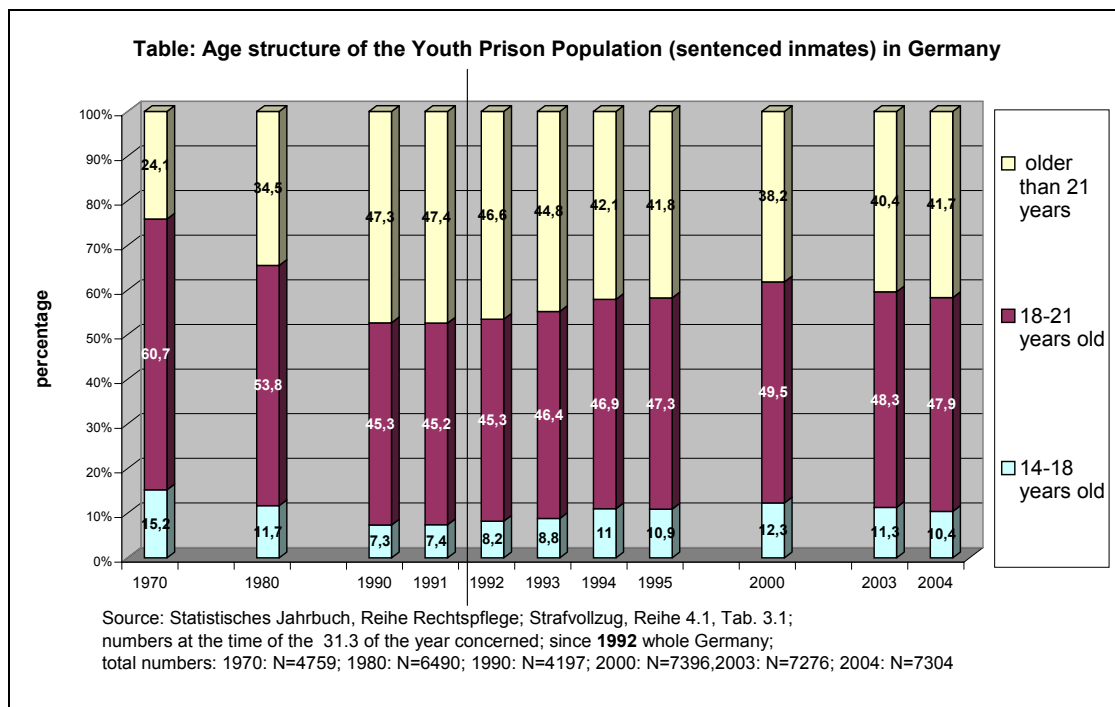


### The Youth Prison

It is not possible to describe the situation of Minors in the German Prison System without some background information about the German situation. The organisation of the Prison System is done by each (of the 16) Federal State itself. There is only a national legal frame (the ‘*Strafvollzugsgesetz*’, the Prison Law / Law of Prison Administration) which is the basis for the organisation. There exists also a common regulatory provision / administrative rule (*Verwaltungsvorschrift*) to deal with young prisoners.<sup>9</sup> A Prison Law for the Juvenile Prison is in discussion.

So it would be necessary to describe the prison situation in every of the 16 Federal States in Germany separately, a task which can not be done. More correctly, one had to describe the situation in every one of the 39 youth prisons and the 5 remand youth prisons. In the following description there will be the focus on more general questions, and some specific information about the special situation in the Federal State of Bremen.

The Youth Court has to handle every offence done before the 18. birthday of the person. In the age group 18-21 it depends on the decision of the judge. The consequence of this procedure is, that all persons sentenced by the Youth Court Law will be send to the Youth Prison. So we find in the Youth Prison persons **from 14 to 24 years old**. (See Appendix A for a list of European States concerning this point.<sup>10</sup>)



<sup>9</sup> A kind of steering committee, a co-operation of members of the prison administration of every Federal State, deals with the common application of the regulatory provisions and with conflicts between the different States.

<sup>10</sup> In comparison with other States we have to take the national politics into account. This makes comparison rather difficult. But there are distinct differences in numbers of juvenile prison inmates (to be explained). For the problems and the lack of many data see: European Sourcebook of Crime and Criminal Justice Statistics – 2003 (2<sup>nd</sup> edition).



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For 2004 we only find 10,4% of all inmates in Youth Prisons being under 18 years old, nearly half of the inmates are in the age group of 18-21, and about 41,7% are older than 21 years. The rise of the proportion of Minors since 1992 can not be explained: it may have to do with the special situation in Eastern Germany or with the changing political climate in crime politics - but we can not prove this.

Here we find the central point for the topic of this AGIS project: the younger inmates should be protected from the negative influences of the older one. In reference to the topic of the harmful effects of imprisonment (like suicide, suicide attempts, bullying, self-harm), there are rare German studies. Mostly in the discussions there is a reference to the Anglo-American discussion (f.e. Kury 2002).

In practice, we do not find a systematic approach that this will be done. There are no special programmes or activities to protect the minors (from physical, sexual or other neglect and damages in prison). But, of course, in the routine work of the staff they will take care of the points above. One important point is the care of those who are in risk of suicide (especially in remand prison). In most prisons the staffs takes special care of the situation of the younger one (especially for those under 16). There are also some special restrictions for the decision to send those under 16 years into the remand prison. One reason may be: we do not have that much inmates below 18 years. (But see Appendix B: The Pilot Project Chance in Baden-Württemberg).

Another point is discussed in the last years, the development of an intensive structure of suppression under the inmates (due to some changes in the prison population, especially the increase of number of Russian-German (ethnic Germans- immigrants from the former Soviet Union). Here it is very difficult to protect the other inmates (not depending of age). They only thing the staff can do is to separate them, which is not always possible in the current prison.<sup>11</sup> This discussion is led under the topic of sub-culture and suppression, not under the topic of bullying (like in the UK).<sup>12</sup>

What we find more often are general strategies to avoid the situation of being in prison, especially when under remand, or to avoid the situation of prison at all. So for this age group alternative sanctions are mostly used.

To make clear the special situation of German Youth Prisons there will be some detailed tables.

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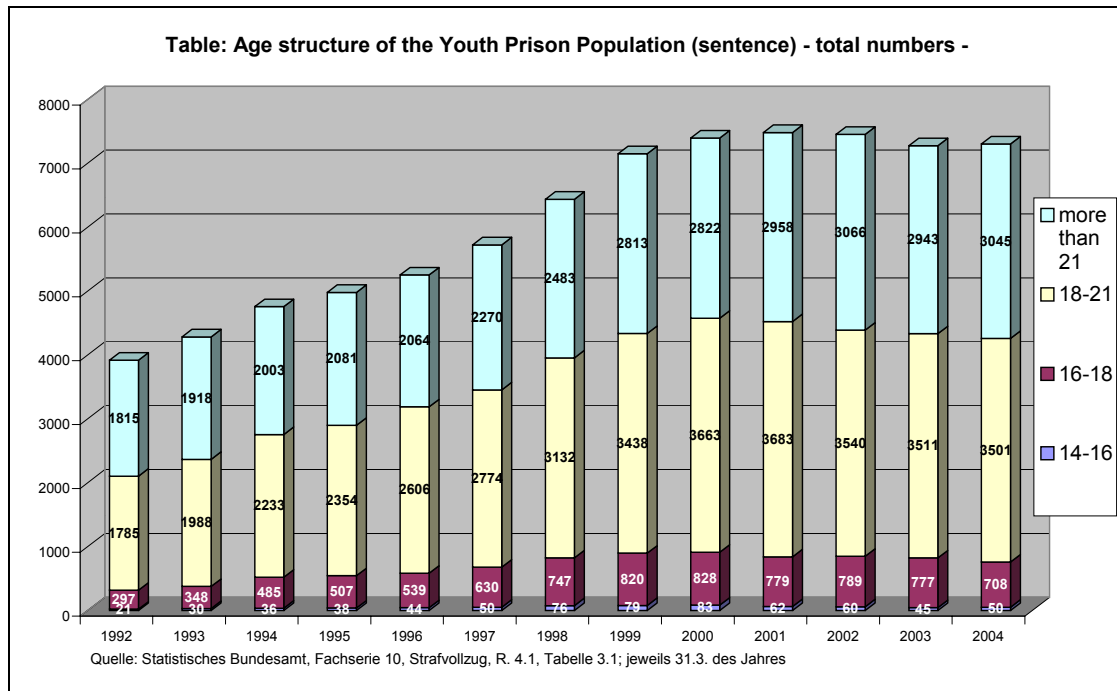
<sup>11</sup> In German Youth prisons, most inmates will have their own cell. They have the right to go outside their cell for one hour a day. This is a legally provided time outside the cell, an obligation for the prison. Mostly, they will be more often outside, for work, school, some leisure activities.

<sup>12</sup> In Germany the topic of bullying is discussed in the realm of school, not for prison.



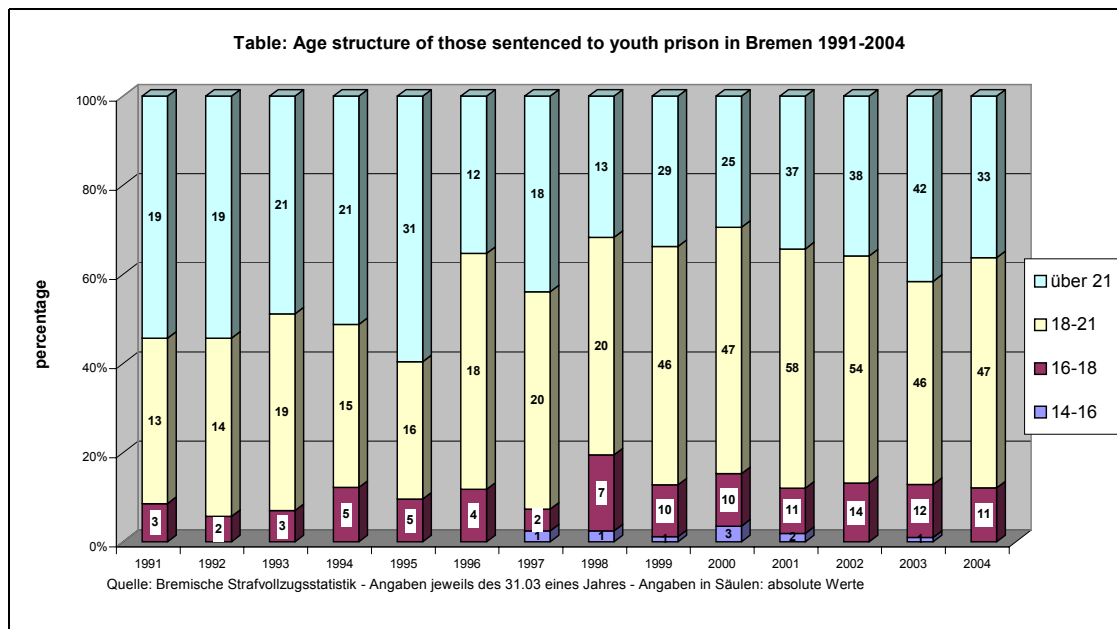
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In the last five years we can not see an increase in total numbers. The amount of Minors in prison is always small.

If we take a look at the situation in **Bremen**:

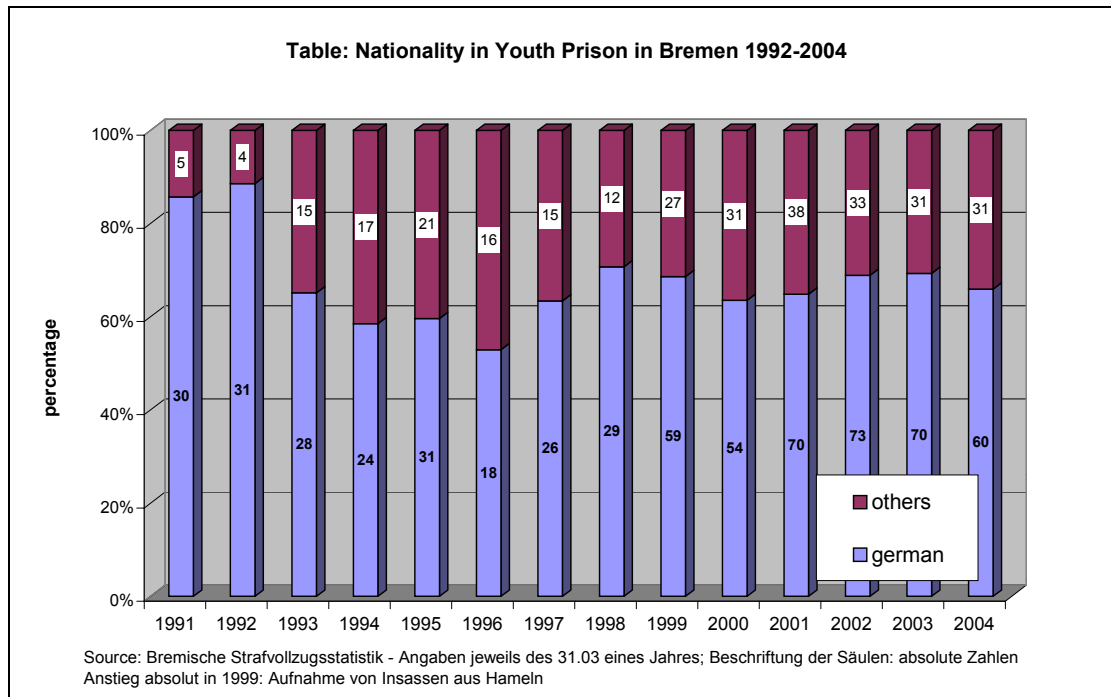


In Bremen, it is a very rare exception to find someone up to 16 years sentenced to imprisonment. Even the age group 16 to 18 are in a very small number.



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Of all sentenced to prison, we find a rather constant portion of 65% being German, and 35% without the German nationality in the last years. The increase of the total numbers since 1999 is caused by admission of inmates from another Federal State.

The amount of inmates without the German nationality varies in the different Federal States. If we take a look at the statistics for whole Germany, we find a proportion of 82.4% with and 17.6% without German Nationality of those sentenced to youth prison in 2003.

**Gender distribution:**

***Youth Prisons - Germany - convicted persons in prison, the 31.03.2003:***

Age group	female	male	total
14-16	1 2,2%	45 97,8%	46 100%
16-18	39 5%	738 95%	777 100%
14-18 years old	40 4,8%	783 95,2%	822 100%
18-21 years	131 3,7%	3380 96,3%	3511 100%
more than 21	95 3,2%	2848 96,6%	2943 100%
	266 3,8%	7010 96,2%	7276 100%

Like in all countries, the proportion of female prisoners is rare, especially the younger ones.



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### **In prison**

There is no overview about what is happening in each Youth Prison in Germany with young offenders, about, what they do or not concerning schooling, vocational training or education in general, about how they are cared for or only kept up. The deprivation of the liberty of children and young people is not a subject of tremendous public interest. There are only isolated studies. So, it is only possible to give a slight impression based on local experiences.

The Prison is obliged to offer courses in school for those who are under the obligation to go to school. Mostly they offer many courses due to the fact that most prisoners have very bad school qualification. Offers of other measures are done too (apprenticeships in other Federal states; courses of preparation and finding for work, other courses (see for Bremen: Appendix C: Project Chance in Bremen). If they take part in a course, they will be paid a small amount of money, which is a little bit higher than the pocket money they get when they are without any work or training. On a local basis there are often some leisure activities, sports and other courses.

In prison there exists special medical help (in Bremen 2 doctors for all about 700 prisoners, juvenile prison and adult prison). There are also possibilities to see a psychologist. Mental health disturbances, psychopathology can not be dealt with in prison. For diagnosis they have to be sent to the psychiatry. Medication can be done in prison. For psychotherapy they have to go outside (*Freigang*), if they are allowed to do this.

The prison staff of the juvenile prison has some special training.

Being organised on a Federal State level, there are differences in the staff ratios in the different states. F.e. the ratio of social worker (*Sozialarbeiter*) to youth prisoners varies from 1 to 13 in the best, and 1 to 91 in the worst case (mean: 1 : 35). The numbers for the ratio psychologist : youth prisoners are 1 to 35 to 1 to 177 (mean: 1 to 76) (Source: Greifswalder Archiv).





### Some special Data from the Bremen Youth Prison

In Bremen, there is a special project for educational and vocational training in the Prison, the project Chance (see Appendix C). In this project there is someone especially for vocational counselling in the youth prison. This counsellor takes data about every inmate - so there are some more information about the youth prison population than we will find in the official statistics. In the following presentation, there are some data for the year 2003.

The average age of those in prison in the year 2003 serving a sentence is 20.2 years. Those inmates who are there on remand (pre-trial detention centre) are much younger, there average age is 18.1 years.

	legal status		total
	detention	on remand	
minors	9 14%	55 86%	64 100%
	10,8%	43,3%	30,5%
18-21	39 38,2%	63 61,8%	102 100%
	47,0%	49,8%	48,6%
more than 21	35 79,5%	9 20,5%	44 100%
	42,2%	7,1%	21,0%
total	83 39,5%	127 60,5%	210 100%
	100%	100%	100%

So we will find minors more often in pre-trial prison (departments).

#### - school qualification

- in detention:

No one of the juveniles had finished his graduate school (minimal requirement for schooling). In the age group 18-21 2/3 of them had no school qualification; the other had the lowest qualification. Even in the age group more than 21 years, 48% had no qualification.

- on remand

72.5% of the juveniles had no school qualification, 6 did have. The rest could not be classified, which means that they are coming from abroad. In the age group 18-21 56% did not have a school qualification.

#### After Prison

There should be a preparation for release in the Youth Prison. For the Minors mostly there is the only possibility after release to go to school in Germany, they are obliged to go to school (*Schulpflicht* = obligation to go to school) for 12 years. They have to go to school for 10 years at a minimum, then they have to go to a vocational school (as part of an apprenticeship or as part of their obligation). This means, that for those up to 18, there is only the possibility to go to school or to make an apprenticeship. But to do an apprenticeship it is mostly a prerequisite to have a formal certificate of finishing school



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successfully. Most of the inmates (in remand or the others) do not have finished school. So their chances are minimal for an apprenticeship.

Formally there exists no possibility to work for those under 18. They have to fulfil their obligation of school. So the only possibilities for them are school, some measures for preparation for work (including vocational school) or an apprenticeship (the last is not very probable).

The Welfare System and the Probation Office/Youth Court Aide (*Jugendgerichtshilfe*) are also part of the aftercare for juveniles.

They (all under 18) have a claim for the support offers of the Youth Welfare Law (*KJHG Kinder- und Jugendhilfegesetz* - Law for the help of children and juveniles). They can get financial support. The most important help is the offer of an accommodation, which will be supported by social workers (*betreutes Wohnen* - accommodation, alone or with others with a social worker taking care of them).

It must be pointed out that there are no studies on social integration (school, training, family) after release for Minors (and also rare studies for adults).

### **Activities that prevent imprisonment**

In Germany and especially in Bremen there exists the politics to avoid the situation of prison as long and often as possible. To do this, there are special strategies: One is, to contact and to work with the accused as early as possible -this is done by the youth court aide- to clear up, what can be done before Court voluntarily, f.e. restoration, victim-offender-mediation, social competence training, some special pedagogical measures (*Erlebnispädagogik*). If they are successful, then the sanction will be lowered and/or the case dismissed.

Another point is that mostly the reaction to the offences is not a sentence to prison, but alternative sanctions. The most important are: social training courses, anti-violence training, traffic school, community work, victim offender mediation and ‘cared-for accommodation’. These sanctions are proposed, organised and controlled by the youth court aide. The population of the youth court aide in Bremen: 1979 male and 427 female offenders in the year 2003.

The work of the Youth probation officers is comparable, they are involved when the juvenile is sentenced on probation, or if he left prison on probation (discretionary conditional release).

One other important strategy is to organise a very early leave of the inmates of the remand prison (*Untersuchungshaftvermeidung*) to avoid negative effects (like problems in school or loss of vocational training). This is also an important task of the Youth Court Aide. The judge orders the young offender to stay temporarily in a specific home (to avoid further delinquency). They are put into ‘cared for accommodation’ (*betreutes Wohnen*). Sometimes this is done in form of pilot projects in Germany, sometimes (f.e. in Bremen) it is institutionalised. In Bremen we have this possibility even for inmates without German Nationality (mostly Turkish) done in a special institution. (In Bremen there are about 12 places for German juveniles and 7 for Turkish).

These ‘cared for accommodations’ are offered by some NGOs (and paid by the Department of Social Welfare). Some of these institutions have a long tradition in dealing with young offenders; some others have been created to serve special needs outside the



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prison. In Bremen there is a strong co-operation between the Welfare Department, the Justice Department and the NGOs.

Children and juveniles without offences, but with troubles, can go to “Notunterkünfte” / crisis centre (to stay for a night or more), they can ask the Welfare System for a ‘cared for’ accommodation (*betreutes Wohnen*). In cases of crises they will be sent into the children- and juvenile department of the psychiatry.

The possibilities for sending juveniles (with or without offences) in foster homes or secure accommodation are very restricted: The family has to agree with this measure and it has to be decided by the Family Court. There exists 150 places of closed foster homes/secure accommodation (*Geschlossene Unterbringung*) in Germany, 100 for boys, 50 for girls. These institutions are under the guidance of the Youth Welfare System. New ones are under construction. In the discussion about secure accommodation, there is often in public (media) the demand for more places, whereas the professionals of the Youth Welfare System are against this kind of reaction. (Pankofer 2002) The deprivation of liberty below 14 years is only possible as closed accommodation in foster homes or youth psychiatry. This deprivation of liberty is not a criminal law sanction. Closed accommodation means intensive therapeutic care. But there is no published survey on this form of deprivation.

### Prospects

In Germany the discussion about Minors offending is driven by two positions: On the one side, the experts of juvenile delinquency, criminologists, practitioners and juvenile judges, are focussing on juvenile crime as an episode in the life of the young persons, with the consequence of a liberal judicial reaction (diversion, minor interventions). On the other side, the media and some politicians, focussing on very severe crimes done by re-offending juveniles, are looking for a stricter, harsher and more incapacitative response on juvenile delinquency. The last group looks especially for four strategies: decrease of the age of criminal responsibility to 12 years, the building of more closed accommodations, harder punishment and the cancellation of the special regulation for the 18 to 21 years old.<sup>13</sup>

It is especially the small group of persisting young offenders which puts strong tasks on the discussion. There long lasting offending, accompanied by multiple other problems and handicaps, is a threat to the existing politics. What is needed is a co-operation of the different institutions involved - because one institution alone will not be successful in dealing with such cases. New and better forms of co-operation between the Juvenile Justice System the Juvenile Welfare System and also with the Juvenile Psychiatry are needed.

The liberal politics having been rather successful for the Minors in the last decades will only have a chance to exist further on, if there will be a development of adequate and successful strategies for dealing with persistent young offenders.

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<sup>13</sup> Another argument to be used in the discussion is the following: The juvenile delinquency decreases because the number of juveniles decreases in Germany.



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## Appendix A: European Data: Age, legal responsibility and youth prison<sup>14</sup>

Country	legal responsibility	a juvenile until age:	Possibility to use youth law until age of:	age structure of youth prison (YP)	Juveniles (up to 18) in % of total prison population <sup>15</sup>	Juveniles in prison – total numbers <sup>16</sup>
<b>Austria</b>	14	18		14 - 27	2,5	218
<b>Belgium</b>	16	18		no yp ?	1,1	102
<b>Bulgaria</b>	14	18		14 - 21	1,3	144
<b>Cyprus</b>	10	17			7,0	29
<b>Czech Republic</b>	15	18		15 - 21	0,8	155
<b>Danmark</b>	15	18	23	15 - 24	0,6	27
<b>England/Wales</b>	10	17		15-18/21	3,0	2280
<b>Estonia</b>	13/14	18		14 - 21	4,9	224
<b>Finland</b>	15	18	21	15 - 21	0,2	7
<b>France</b>	13	18	20	13-18/23	1,0	550
<b>Germany</b>	14	18	21	14 - 24	1,7	1440
<b>Greece</b>	13	18	20	13 - 21	6,9	604
<b>Hungary</b>	14	18		14 - 24	2,7	447
<b>Ireland</b>	7	18		7- 21	2,4	82
<b>Italy</b>	14	18	21	14 - 21	0,8	456
<b>Latvia</b>	14/16	18		14 - 21	2,9	226
<b>Lithuania</b>	14/16	18		14 - 21	2,4	193
<b>Luxemburg</b>	0	18			1,8	12
<b>Malta</b>	9	18			1,1	3
<b>Netherlands</b>	12	18	21	12 to 21	1,0	200
<b>Norway</b>	15	18		no yp ?	0,3	9
<b>Poland</b>	13	18		13 - 21	1,3	1037
<b>Portugal</b>	12	16	21	16 - 24	2,1	278
<b>Romania</b>	16	18	21	16 - 21	2,1	818
<b>Russia</b>	14/16	14/16		14 - 21	2,5	19672
<b>Scotland</b>	8	16	21	16 - 21	2,8	187
<b>Slovakia</b>	15	18		15 - 21	0,7	62
<b>Slovenia</b>	14/16	18	21	14 - 23	1,3	14
<b>Spain</b>	14	18	21	no yp ?	0,3	181
<b>Sweden</b>	15	18	21	15 - 25	0,3	22
<b>Switzerland</b>	7	18	21	15-24/25	1,4	84

In case of very severe offences in some countries it is possible to use adult law even earlier.

**The list is not complete and not all data are valid.**

<sup>14</sup> Based on: Frieder Dünkel: Heranwachsende im Jugendstrafrecht in Deutschland und im europäischen Vergleich. In: DVJJ 2003 S. 19-27

<sup>15</sup> Source: International Centre of Prison Studies - World Prison Brief

<sup>16</sup> Calculated from the Data of the International Centre of Prison Studies - World Prison Brief [<http://www.kcl.ac.uk/depsta/rel/icps/wordbrief/Europe.html>; 05.10.2005]; total numbers: sentenced and on remand prisoners.



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## Appendix B: Documentation of the project “Chance” in Baden – Württemberg

### **The Pilot-project “Chance” in Baden – Württemberg:**

In Germany in youth prisons there are inmates between 14 and up to 25 years of age. For under 18s this is problematic because they can be influenced negatively by older inmates.

For this reason in the Federal State of Baden-Württemberg (BW) a pilot-project called “Chance” was established in 2003. Financed by a Federal Fund of BW (with more than 7 million Euro) two institutions outside the prison have been created with each 15 places to educate young offenders. These institutions are organised by an organisation offering support and services to young people, and by the Youth Aide (Jugendhilfe) (as part of the Youth Welfare System), in this way they are not part of the penal system. But the juveniles are still inmates of the prison. (So in case of disciplinary problems they can be send back to prison.) The aim is to control youth delinquency, to develop pro-social behaviour and to integrate young offenders in society.

The selection of the juveniles takes place in prison. Young inmates are observed in prison after they arrive for about two weeks. If they seem suitable for the project they will be brought there. The target group for the project consists mainly of under 18 years old with multiple offences (chronic offenders). Persons with serious violent and sexual offences, with psychiatric disorders, drug problems or in need of therapy are not included.

The education in these institutions comprises school education, vocational training (in co-operation with extern companies), social training, structured leisure activities. Group discussions take place to reflect about the offences, the damages they have produced, about empathy with the victim and possibilities of reparation. A full and structured day plan has to be fulfilled. Every youth has his own individual schedule of activities. Social competencies are taught in special courses and while working in the group (like renovating the building). Every one will have individual counselling especially about restorative justice.

A system of (peer) tutors is planned. Every new person will have a tutor, who is in the institution already for some time. The tutor will teach about the institutional rules and activities. After learning the rules the new one can step up in the “intern club”, which provides more individual rights (like internships in extern companies).

The educational programme takes a year and afterwards the inmate leaves the institution. The remainder of the sentence will be converted to a conditional discharge. During the attendance there is an integration management taking place for every person. The manager establishes a vocational and private network in the youth’s home town and supports him for three more months after leaving the project. The staff of the project has team meetings regularly and there is a supervision of the team.

For the German situation it is very innovative that the project of the youth prison is part of the Youth Aide.

See: <http://www.projekt-chance.de>

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## Appendix C: The Project ‘Chance’ in Bremen

### SYSTEMATIC SUPPORT OF EMPLOYMENT AND TRAINING IN A PRISON IDEA AND PRACTICE OF THE JOINT PROJECT NETWORK CHANCE<sup>17</sup> IN BREMEN

In 2000 the Prison Bremen launched a large project which shall organize the reintegration of offenders through employment and training in a way that differs from other attempts in its systematic and multilevel design. The name of this project is CHANCE: *Systematic care for offenders with the overall aim of their reintegration into community*. The realization of this project proceeds on different levels and through diverse strategies: the provision of a multitude of measures preparing for a job or training and proper training measures; a systematic counselling of clients inside and outside the prison in all matters concerning vocational reintegration; the establishment of a lasting structure for cooperation and communication between penal system, external agencies for offender help, institutions for training and education and scientific research institutions. The result is a chain of support which starts already before imprisonment, continuous through the time in prison and is available for offenders for a certain period after their release from prison. Against the background of the current budgetary position in Bremen the necessary expenditure for the range of offers and the interlinking of these offers could only be established through the acquisition of third party funds and the use of external resources like know-how and manpower.

#### **1 Employment/Work, reintegration and the starting position of inmates**

The current debate among experts of criminology stresses (again) the crucial aspect of employment and training as a means for the rehabilitation or better: reintegration of offenders. Work training, schooling, vocational training and qualification measures are seen as instruments that shall impart (first) professional qualifications to the clientele. But more important is the fact that these instruments create the opportunity for offenders to acquire work skills, social skills and key skills. These skills are thought of as a kind of starting kit which improves their chances on the labour market.<sup>18</sup>

The changing situation on the labour market requires new measures. Paying attention to qualifications demanded by the labour market is increasingly more important. New qualifications and competencies have become necessary (e.g. life long learning – for prisoners and staff), the organization of training requires new features (modularisation and certification). The current debate states also that the period after release from prison should enjoy more attention because this transitional time holds the risk of re-offending

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<sup>17</sup>The Project has a term starting on 01.11.2000 and ending on 31.06.2005 (further funding is applied for). It gets support from the Senator of Work, Women, Health, Youth and Social Affairs, the European Social Fund (ESF) (Promotion Programme 10: qualification in the penal system), employment offices Bremen and Bremerhaven and the Senator of Justice. The project is being carried out by JUDIT Bremen on behalf of the prison Bremen. More details cf. <http://www.chance.uni-bremen.de>.

<sup>18</sup> The once popular opinion of "nothing works" issued in relevant discussions more than 30 years ago for the first time has been modified since then. Sherman et al. (1998) for example undertook again a meta-evaluation of different methods with regards to their effectiveness ("what works, what doesn't work, what's promising, what we don't know"). The instrument of vocational training has been judged as "promising". Cf. also Dünkel, Drenkhahn 2001



when the social and economical situation of ex-prisoners is not stable enough.<sup>19</sup> The crucial importance for reintegration and the avoidance of recidivism is the successful placement of clients into training and employment immediately after release.

Simultaneously we can witness a changing composition of the prison population which leads to more and more heterogeneous groups as regards to their needs, problems and profiles:

- the age structure has moved in the direction of older age groups (average age: 30-35). This development has consequences for the provision of full-time training inside the prison. Experience says that the interest in a full-time training is very low after the age of 30
- the proportion of short term sentences is higher as it has been in the past
- the proportion of foreign prisoners is about one third. Their circumstances (language barriers, work permit, toleration and especially the danger of deportation) prove to be of restrictive influence.
- schooling and professional qualification are downright bad, an eagerness for learning is hard to find. A low level of basic qualifications and many years of frustrating experiences with learning are common features of the clientele.
- A high proportion of clients belongs to the group of long term unemployed persons. Their motivation to enter a long-term qualification measure is markedly low; their tolerance for frustration and their staying power are more often than not insufficient and many of them have an unrealistic picture of the labour market and their qualification profile.<sup>20</sup>
- another feature of many offender is their drug-abuse
- the proportion of person who committed various crimes and of those who have been imprisoned several times is very high
- a considerable number of clients is over indebted

If one looks at these characteristics one should always bear in mind that basically all offenders are marked with a combination of these shortcomings, deficiencies and features. With regard to their social situation one has to acknowledge that these persons belong to those with the most insecure social and economical position within the society.

Two problems in particular occur when it comes to the question of professional reintegration:

1. The first problem is: How to establish a continuity. A daily routine of work has to be established anew (a structured daily routine with work and/or training). As a rule, this is possible after a settling-in period. Likewise, it is necessary to give clients the opportunity to get first achievements very soon. Looked at in this way, the aspect of the motivational incentive is the basic problem and not the lacking willingness for learning and education.

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<sup>19</sup> The preventive potential of measures begun inside the prison can only fully develop when training or employment can be continued immediately after release outside the prison. Cf. Wirth 1998, Bridges 1998, Hammerschick 2000.

<sup>20</sup> "Disadvantaged people have already made the experience that their status within the society is low in view of their futile schooling, their career of measures finally leading into nothing or with an unfinished training. There is the threat that these people are being marginalized and excluded." Laur-Ernst, 2001, p. 36





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2. the second and more serious problem is the situation of release. Very often prisoners are working well and with sufficient motivation during their imprisonment but when it comes to their release everything vanishes. A big distance towards everything which could remind them on the prison experience is being created. The regained freedom has to be enjoyed intensively (they have a lot to catch up on). And simultaneously the situation in which they find themselves after release implies lots of problems which they have to face: housing, debts, disorientation, broken relationships and so on.

Against this background it seems to be reasonable to structure the support of training and employment within the penal system new. In order to improve the chances for the majority of prisoners for their reintegration into the labour market it is necessary to offer measures which are in tune with their individual preconditions and abilities and which give them at the same time qualifications relevant for the labour market. A more flexible and more subtle differentiated range of offers for training and education and a modified nature of the learning process itself are unavoidable.

## 2. Aims and Content of the Programme and its Components

Within the CHANCE-project a continuous and subtle differentiated system for vocational qualification and counselling has been developed. It starts with an assessment of existing qualifications and deficiencies of prisoners starting their sentence and it is designed to cover the period after release as well with an integration of ex-prisoners in employment or training measures outside. It is the intention to support prisoners on different levels in order to secure a wide range of offers. This is the only way for coping with the heterogeneity of the clientele as discussed above. Furthermore, the system should not be seen as a static construction but as one which allows for a constant adaptation of the rapidly changing requirements of the labour market. The core idea is a systematic chain of support. It shall allow for a placement of the individual prisoner into measures that are most suitable for him in that they counteract his deficiencies effectively and foster his pre-existing inclinations and qualifications as a preparation for his (re-)integration into the labour market.

Ideally, the assessment at the beginning should diagnose the deficiencies, capabilities and possibilities of the newly arrived prisoner. The results should be discussed with him/her and used as the basis for the placement into the appropriate measure. Another integral element of this phase is the investigation if the person in question is subsidizable, i.e. if he or she is entitled to get financial support from the employment office as an instance. This depends among other things on the previous professional career of the client. As mentioned above the measures include opportunities for schooling, vocational training or re-training to compensate step by step existing deficiencies of the person but more basic measures like social training and ergotherapy belong to them as well. A "run" through the whole chain of support is not to be thought of as a run in a straight line. It is more likely that clients need several starts or that the typical "career" of many prisoners with recurring imprisonments will lead to breaks or circular movements.

The regular offers provided by the prison Bremen are integrated into the project. This includes employments in diverse companies (land owned companies, piecework and jobs for external companies situated inside the prison) Vocational training is possible



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for some occupations that require training. General education at school is being offered and clients can get the certificate for finishing the Hauptschule<sup>21</sup>.

The 21 single projects that create together the CHANCE network are as follows:

- **working and living** is a course in the area of computer recycling. Old equipment is being dismantled into its components. Two days a week students are learning how to build computer from old components (computer refurbishment).
- the **Feststellungsblock** (i.e. theme work to ascertain the potential of students) functions as a tool to find out about the existing professional knowledge and capabilities of students. Afterwards students are being placed into the Fachwerkstätten in accordance to existing potential or into other measures or companies.
- within the **technical workshops** (Fachwerkstätten) students receive training for some kind of semi-skilled job (duration: 6 months). They may become assistants in the kitchen, the bakery, the smith's shop or the carpenter's workshop. A further short time qualification is possible in a cooperating IT-workshop.
- the prison in Bremerhaven is the institution for short term sentences in Bremen. Here prisoners can attend an **IT-workshop** equipped with PC-workplaces for 10 participants. Within 3 months learning on a daily basis the students can obtain the European Computer Driving Licence (ECDL) by way of computer based learning.<sup>22</sup>
- A **course that teaches to read and write** and **German as foreign language** are measures designed to counteract corresponding deficiencies of prisoners.
- in the framework of the measures **BBE1/BBE2/TIP1/TIP2** offered within the prison for juvenile prisoners young persons can orientate themselves in matters concerning their future vocational career and can obtain some kind of preparatory training which should function as a base for further decisions. an integrated PC course is not just a professional qualification but an opportunity to learn a bit about this cultural technique. **TIP** is an acronym for Testen (testing) – informieren (information) – probieren (trying out). The juvenile prisoners can obtain some practice in a workshop for repairing bicycles or they can work with glass, wood and metal in another one.
- in the **sculptor workshop** juvenile prisoners get the opportunity for creative work with different material (stone, clay and wood) under guidance of artists.
- the **ergotherapy** prepares juvenile offenders who display corresponding problems for the structured daily routine of the working life. A great proportion of juvenile prisoners is not able to concentrate on one thing for a longer time or to use their potential effectively. Another feature of the course is that it should enable the inmates to cope better with stress at it occurs in nearly every workplace.
- the social training **Fit for Life** for juvenile prisoners serves as a tool for improving the social and communicative competencies of these clients<sup>23</sup>. Additional courses are being held that are designed to give staff members of the prison relevant knowledge about the social training Fit for Life.

<sup>21</sup> Hauptschule ≈ secondary modern school in Britain (covering years 5 to 9 or at least 5 years of the compulsory 9 years at school in Germany)

<sup>22</sup> cf. [www.ecdl.de](http://www.ecdl.de)

<sup>23</sup> cf. Jugert et al. 2001



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The above described projects are being supplemented by projects which shall support the implementation and running of the infrastructure among the part-projects and individual measures.

- The **job-help service** is running several offices and works inside the prison as well as outside. Its tasks are the counselling, placement into jobs, training or re-training and care for inmates and ex-prisoners. The internal job-help service is responsible for the placement of inmates into project-measures inside prisons and the external job-help service should govern the problematic transitional phase when released prisoners are searching for employment and further qualification programs outside.<sup>24</sup> An integral part of their work is the investigation if clients are subsidizable, i.e. if they are entitled to receive funds or support which is decisive if one wants to have access to promotional instruments provided by the Federal Employment Office, the European Social Fund or public welfare. The German law governing the allocation of social security benefits is a set of complex regulations, subdivided into many areas of responsibilities and differentiated according to the bases of claims of the person in question. It is therefore for many clients hardly possible to look after their interests and rights without professional help.
- The **project management** of the project is in charge for the co-ordination of the whole running of the network between part-projects and for the cooperation with the different partners. Moreover, it is representing the interests of JUDIT Bremen and of the prison Bremen.
- The task of the part-project **development of organisation and staff training** is to improve the frame conditions for the project and to secure the continuation of the project work. This includes the provision and implementation of further qualification, training and workshops for staff members.
- Another unit is responsible for the **evaluation of the project**, the documentation of the implementation process and for the representation of the project and work progress for interested parties and financial backers. The assessment of the workings of individual measures and projects seen as elements of the network and of the progress of the project network as a whole proceeds on the basis of well-founded criteria which have to be developed for this purpose.

### 3. Structural problems

Below is a list of some of the first obstacles and problems which occurred on a general level:

#### *Administrative machinery versus demands of the practical implementation*

Legal, organisational and administrative frame conditions can exert an unfavourable influence on the implementation of the program. When new duties and procedures have to be integrated into pre-existing administrative proceedings, the rigid interpretation of existing procedures creates very often obstacles for a smooth and effective progress

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<sup>24</sup> Another (external) office of the project network is in charge for the placement of clients into community work as an alternative to imprisonment in default of payment.



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(e.g. clearing system, the long period necessary for the investigation if a certain client is entitled to participate in measures or ponderous and lengthy application procedures). It is unavoidable to develop an efficient procedure for the management of the arising tasks. It is visible that the bureaucratic machinery is running remarkably well if a network of informal contacts exists between personnel working in different institutions and authorities. The limited possibilities of the prison Bremen are another restricting factor (lack of rooms, training offers and personnel). Throughout the whole process it is necessary to do justice to the demands of the different institutions and agencies involved.

### ***Security versus reintegration into society***

Another important problem that has to be dealt with concerns one of the basic questions of the penal system: What is the status of rehabilitation compared with the emphasis on security inside the prison and who is responsible for security. Both aspects have to be taken into account. The specific relationship between trust and control inside the prison is especially tricky for persons working for outside institutions acting inside the prison.

### ***Internal versus external project members***

The division of labour and the areas of responsibilities between project members working inside and outside the prison should be clearly defined in order to prevent unproductive competition and conflicts. But the required kind of network between these two parties has to be established beforehand. An appropriate kind of cooperation should safeguard that the work of external project members working inside the prison will not be understood as a competition and potentially job-threatening activity by persons working inside the prison and - the other way round – that the status of external project members is not that of a tacit permission. Typically, at the beginning external project members are complaining about the conditions inside the prison: they feel that their work is not appreciated enough, that their financial leeway is limited and that the problems concerning the administration procedures inside the walls are overwhelming.

### ***Connections and transitions***

The development of a chain of support has to safeguard opportunities for connections and transitions. If a measure is not being followed by another training or qualification measure or by the placement of the client into a job the effects gained by this measure are rapidly vanishing. Participants are again losing their interest and motivation for work or qualification. They get the impression that all their efforts are running into nothing. It has proved to be particular difficult to safeguard an appropriate and smooth transfer of clients either in related job or measures/qualifications that are suitable continuations of the once begun qualification process.

### ***Planning inside the penal institution versus professional career***

A more detailed approach concerning the vocational reintegration of prisoners needs a different perspective: Work should not be seen as disciplinary action or as some kind of employment policy but as something which could be a constructive contribution to the professional career of the person in question/inmates. This implies that his previous career will be taken into account and that the chosen measures are in tune with his previous qualification as well as with the demands of the labour market. But it seems that this changing attitude towards work and its possible role for successful reintegration is hard to establish.



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### *The question of motivation*

As a rule, prisoners do not want to cooperate with the penal institution. Most inmates do behave very reserved in this respect. The motivation for participation – and their participation is voluntary – is therefore not necessarily genuine like a deep wish for education and qualification would be. In most cases, this true kind of motivation has to be developed by trainers, teachers and instructors. Furthermore, the psychic situation of inmates is not a stable one but one that is marked by rapidly changing moods (caused through bad news, getting into rage because of being imprisoned, problems with officers, other fellow prisoners etc.) which in turn influences the learning process or their behaviour at the workplace. At worst, the whole group of participants is affected by these moods of an individual prisoner. It has become clear that the role of teachers, instructors and trainer as motivators can not be overestimated. The aspect of social-pedagogical care for prisoners is enormously important. Many prisoners prove to be cooperative, active and good participants if it possible to reduce their negative stance gradually and to increase their trust.

The first experiences made in realizing the project show that the implementation depends extremely on the readiness of project partners to work actively towards a successful working of the intended chain of support. The work demands from all involved persons the ability for negotiations, a willingness to compromise and highly motivated personnel. It is of crucial importance to transform a very formal and rigid system of regulations, an outspokenly hierarchical regime inside the prison into a new kind of organisation where negotiations are conducted between equals who use communicative and consensual strategies to find the best possible solution for problems which have to be solved.

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