European Prison Observatory

ALTERNATIVES TO PRISON IN EUROPE

Greece

Nikolaos K. Koulouris, William Aloskofis, Sophie Vidali, Dimitris Koros, Sophie Spyrea

European Prison Observatory. Alternatives to detention

With financial support from the Criminal Justice Programme of the European Union

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THE EUROPEAN PRISON OBSERVATORY

The European Prison Observatory is a project coordinated by the Italian Ngo Antigone, and developed with financial support from the Criminal Justice Programme of the European Union. The partner organizations are:

Università degli Studi di Padova - Italy
Observatoire international des prisons - section française - France
Special Account of Democritus University of Thrace Department of Social Administration (EL DUTH) - Greece
Latvian Centre for Human Rights - Latvia
Helsinki Foundation for Human Rights - Poland
ISCTE - Instituto Universitário de Lisboa - Portugal
Observatory of the Penal System and Human Rights - Universidad de Barcelona - Spain
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The European Prison Observatory studies, through quantitative and qualitative analysis, the condition of the national prison systems and the related systems of alternatives to detention, comparing these conditions to the international norms and standards relevant for the protections of detainees' fundamental rights.
The European Prison Observatory highlights to European experts and practitioners 'good practices' existing in the different countries, both for prison management and for the protection of prisoners' fundamental rights.
Finally it promotes the adoption of the CPT standards and of the other international legal instruments on detention as a fundamental reference for the activities of the available national monitoring bodies.
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ALTERNATIVES TO DETENTION IN EUROPE

Various international recommendations on community sanctions and measures promote the use of alternatives to imprisonment in order to reduce recidivism and the prison population. At the same time, legislators, academics and public administration members within the EU know that imprisonment is not the only way to balance security needs and social justice, and every Member State has implemented alternatives to imprisonment systems, with their own rules, organisational set-up and procedures.

The “European Observatory on Alternatives to Imprisonment” project aims to create a functional network of partner countries, in order to reduce the disharmony and gaps among the systems.

The main goal of the project is to provide, in a comparative way, a comprehensive picture of alternatives to detention in force within each partner country. These pictures would enable us to identify those alternative measures to detention that have led to:

- a decrease in detention rates
- the application of rehabilitative programs

To do so, starting from historical analysis, the project’s objective is to compare the legal framework of the systems, their goals, the contents of the measures and their impact on the penitentiary system as a whole.

INTRODUCTION

The present report is based on M. Mavris, N. Koulouris and M. Anagnostaki 2015 Report on Probation in Greece, included in the CEP updated publication "Probation in Europe", edited by A. van Kalmthout and I. Durnesku. The following publications have been also used:

Anagnostaki, M. (2010), 'Community service: Critical evaluation and findings of a field research', in: Galanou M. (ed), Essays in Honour of Prodessor C.D. Spinellis. Interdisciplinary Criminological Pathways, Ant. Sakkoulas, Athens – Komotini, pp. 495-544 [in Greek].

Anagnostaki, M. (2011), 'Community service in Greece: Sentencing practices, the role of the prosecution service and local authorities', European Journal of Criminology, 8(2), pp. 157-166.

Anagnostaki, M. (2013), 'Alternative sanctions and measures in Greece under comparative prism', in: Courakis N. (ed), Essays in Memory of Professor Christos Dedes, Ant. Sakkoulas, Athens – Komotini, pp. 1-26 [in Greek].

Koulouris, N. (2014), 'Art. 82 and Art. 99 – 110 PC', in: Charalambakis A. (ed), Interpretation of the Penal Code, vol I (Articles 1 – 234), 2nd ed., Nomiki Bibliothiki, Athens, pp. 663-694 and pp. 783-888 [in Greek].

Mavris, M. (2007), 'Probation service – an institution under "supervision"', Poinikos Logos, 5, pp. 1461-1479 [in Greek].

Spinellis, C.D. (2000), 'The alternative penalty of community service in Greece: an inactive institution?', in: Daskalaki I., Papadopoulou P., Tsambarli D., Tsigganou I. and Fronimou E. (eds), Offenders and Victims at the Threshold of the 21st century. Devoted to the Memory of Ilias Daskalakis, National Centre for Social Research, Athens, pp. 125-148 [in Greek].

Spinellis, C.D. (2010), 'Clarifications on the role of the probation officers – based on the Penal Code, the Code of Penal Procedure, the Presidential Decree 195/2006 and Recommendations of the Council of Europe', in: Pitsela A. (ed), Criminology: Searching for answers. Essays in Honour of Professor Stergios Alexiadis, Sakkoulas, Athens – Thessaloniki, pp. 979-997 [in Greek].

Spyrakos, D. (2005), 'Art. 100 – 100A', in: Spinellis D. (ed) Systematic Interpretation of the Penal Code, Articles 1 – 133, P.N. Sakkoulas, Dikaio & Oikonomia, Athens, pp. 1229-1239 [in Greek].

Tzannetaki, T. (1993), 'The introduction of community service order in Greece. A stillborn sentence?', Nomiko Vima, 41, pp. 434-457 [in Greek].

PART ONE. GENERAL DATA

Total number of people detained and serving an alternative measure between 2000 – 2014

Year	People subject to prison and its alternatives
2000	NA
2001	NA
2002	NA
2003	NA
2004	NA
2005	NA
2006	NA
2007	NA
2008	NA
2009	NA
2010	19,048(*)
2011	19,658(*)
2012	NA
2013	25,043(*)
2014	NA

Sources: SPACE I and II, reference date: 31st December

(*) People subject to unsupervised alternative measures and sanctions, especially to monetary conversion of custodial sentences and to simple suspension of the sentence, are not included, although these measures and sanctions are widely used (for instance, in the 2000 – 2002 period more than 70,000 custodial sentences had been suspended and a similar number of cases had been converted). Credible and updated data regarding these measures and sanctions are not available. The Ministry of Justice services do not keep such data at all. The Greek Statistical Authority publishes data with delays and without adjustments to the legislative changes. Other bodies, services and organizations keeping data in this field of criminal justice activity do not exist.

Imprisonment and alternatives to custody: an overview

Political climate regarding prison numbers since 2000

In the first 15 years of the 21st century a wide political discontent stemming from the rise of the prison population in terms of both the number of inmates and the rate of imprisonment is expressed in Greece. Both indicators of prison use are increasing throughout the last 15 years with short intervals and the exception of the second half of 2014 (a reversal which is ongoing in the first semester of 2015, after legislation passed last April to facilitate early conditional release of convicted inmates). All governments of the reference period, before and within the crisis (the

democrats, the conservatives and the 2013-2014 coalitions) were aware of the prison numbers problem, especially the lack of prison space (overcrowding) but they chose to follow different paths to deal with it. In the first half of the reference period planned but unfinished prison building programs were considered as the proper option to solve inmates' population inflation. From 2007 onwards prison construction policies are accompanied by measures to reduce the prison population and widen the implementation of alternatives. Simultaneously, though, a tough on crime policy with punitive legislative measures has been introduced, criminalizing and penalizing a wide range of social conduct under the schemes of organized crime, terrorism, money laundering and various forms of trafficking of illicit substances and human beings. Criminalization and penalization resulted in the increase of prison sentences length and the increase of prison time actually served in prison, before the conditional release threshold is reached. Moreover pretrial detainees compose a significant part of the total number of inmates (1/4 – 1/3) despite the supposedly extraordinary - "last resort" nature of the measure. The massive imprisonment of foreigners, especially immigrants (consisting up to 60% of the total prison population) is an additional, serious burden to the prison administration, which, left to its own devices under serious criticism, cannot find a destination other than warehousing socially excluded people. The increase of the prison population is partially attributed to sanctions and measures which have been introduced to widen the use of non custodial options and alleviate the problem. Such sanctions and measures have had inflationary results in the long run, and they pushed courts to increase the length of prison sentences they impose, in the judges' effort to assure that some convicted persons would end up in prison, without being eligible for suspension or conversion of their sentences. Ambitious but controversial efforts to relieve crowded prisons with emergency release measures are continuously under way, with poor and soon reversed results. The adoption of "numerus clausus", with the certification of normal accommodation in each prison which should not be exceeded, has been proposed by a law preparatory committee in 2011. This proposal has been supported by the Greek Ombudsperson, an independent authority, in their 2013 report, but no action has been taken since then on this particular issue. Our contacts with the new Ministry of Justice Secretary General for Crime Policy showed that an initiative is under way to charter the prison system and redefine the capacity of custodial institutions.

Reforms to alternatives to detention since 2000

The ***Greek Probation Service for Adults*** was set up and became operational as a public service under the Ministry of Justice in ***January 2007***, when 54 probation officers were recruited nationally. It has been instituted in 1991 (there were no adult probation precedents up to then) to undertake the implementation of two new community measures imported in the penal system, the community service order and the suspended sentence with probationary supervision. The probation service for adults is also competent for the supervision of conditionally released prisoners and persons criminally charged who are subjected to restrictive conditions at the pre-trial stage and the commission of social enquiries and writing pre-sentence reports upon request by the prosecutor or judge. Following recent legislation (law 4205/2013), the probation service may also supervise prisoners on home leave in certain cases. On local level, probation services co-operate with municipal authorities, semi-public organizations and non-governmental organizations which offer work placements for offenders. The probation service for juvenile offenders has been operating as a separate public service since the 1950's and constitutes an integral partner in the juvenile legal system, traditionally oriented to rehabilitative and welfare aims. In 2003 a wide range of probationary, educational and therapeutic measures has been introduced, expanding the up to then limited non-custodial sector, diverting juveniles from prosecution and considered as proper options before a custodial measure or sanction is imposed

at the pre-trial and the sentencing level. Conditional release is also available for young offenders serving custodial sentences. The 2010 reform (law 3904/2010) followed the same direction, limiting further the use of juvenile detention. The same can be said for the most recent legislative intervention (law 4322/2015), which is, though, out of the project reference period.

The ***2010*** reform introduced significant ***amendments in the provisions of both the community service order and the suspended sentence with probationary supervision for adults***. The primary aim of the reform was ***to foster the use of these two sentencing options***. As regards the community service, the number of hours to be served was reduced in an effort to converge with respective provisions in other European countries. Intermediate responses to breach were introduced, ranging from a warning to the enforcement of the initially imposed prison sentence. The suspended sentence with probationary supervision and the specific duties of probation officers were described in detail in the penal code. The position of this option in the sentencing system was enhanced. Following the above mentioned reform the probation caseload has increased considerably, while the number of probation officers around the country has decreased from 54 (in 2007) to 41 (in 2014).

Other ***alternatives to prison*** are enacted in recent years ***without providing for the involvement of the probation service***; pre-trial interventions in cases of intra-family violence (law 3500/2006), treatment interventions for substance abuse offenders (law 4139/2013) and home detention with electronic monitoring (law 4205/2013). The first two options are rarely used. Especially treatment alternatives for drug-addicts are not very popular among competent judicial and administrative authorities, which are hesitant in implementing relative laws. The last option (electronically monitored home detention) is the most challenging one, and a pilot implementation started in May 2015 for 250 offenders

Total prison population (flow and daily rate) between 2000 – 2014

Year	Total Prison Population (flow data – admissions in parentheses)	Total Prison Population (daily data, reference date: December 31st – January 1st)
2000-1	14,708 (8,563)	7,616
2001-2	16,446 (11,921)	8,365
2002-3	16,444 (8,473)	8,576
2003-4	17,191 (9,347)	8,418
2004-5	17,227 (9,057)	8,726
2005-6	17,869 (8,851)	8,722
2006-7	18,090 (8,199)	9,964
2007-8	18,766 (8,486)	10,370
2008-9	19,963 (9,279)	11,645
2009-10	19,977 (8,812)	11,736
2010-11	NA	11,364
2011-12	NA	12,349
2012-13	NA	12,479
2013-14	NA	12,475
2014-15	NA	11,798

Sources[1]

[1] N. Courakis, 2009. *Penal Repression*, Athens-Thessaloniki: Sakkoula Publ. (in Greek), pp 295 – 300, L. Cheliotis, Prisons and Parole, in: L. Cheliotis & S. Xenakis [eds], 2011. *Crime and Punishment in Contemporary Greece*, Oxford:

Prison population rate per 100,000 population (based on the daily rate prison population 2000 – 2014)

2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
76.2	76.3	75.5	77.7	79	86.5	90.9	95.8	105.2	98.4	105.6	110.3	112.2	119.7	115.5

Source: SPACE I (Reference date September 1st) and International Centre for Prison Studies http://www.prisonstudies.org/country/greece. Some inconsistencies between reports are due to different estimations of country population or different reference dates.

Number of pre-trial detainees[2] and as a percentage of the prison population (based on the daily rate prison population 2000 – 2014)

2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
2229	2282	2008	2439	2570*	2481*	3068	3065*	3162	3218*	3728	4254	4254*	3104	2604
27.7	27.4	23	28.5	29.45*	28.44*	(30.3)	29.55*	26.8	27.41*	31.2	(34.1)	34.09*	23.4	21.68

Source: SPACE I - reference date: September 1st. Data with asterisks refer to January 1st (source: Ministry of Justice) and are used only where SPACE I data are not available. See, also, E. Lambropoulou, *Pre-trial Detention in Greece. The Achilles Heel of the Prison System*, in P.H. van Kempen [ed], Pre-trial Detention, Human Rights, Criminal Procedural Law and Penitentiary Law, International Penal and Penitentiary Foundation, Vol. 44, Intersentia, Cambridge – Antwerp – Portland, 2012, 415-462

Peter Lang, pp 586-588, National Statistical Service of Greece, Statistical Yearbooks and Justice Statistics, Ministry of Justice, Transparency and Human Rights http://www.ministryofjustice.gr/site/el/%CE%A3%CE%A9%CE%A6%CE%A1%CE%9F%CE%9D%CE%99%CE%A3%CE%A4%CE%99%CE%9A%CE%9Fbr%CE%A3%CE%A5%CE%A3%CE%A4%CE%97%CE%9C%CE%91/%CE%A3%CF%84%CE%B1%CF%84%CE%B9%CF%83%CF%84%CE%B9%CE%BA%CE%AC%CF%83%CF%84%CE%BF%CE%B9%CF%87%CE%B5%CE%AF%CE%B1%CE%BA%CF%81%CE%B1%CF%84%CE%BF%CF%85%CE%BC%CE%AD%CE%BD%CF%89%CE%BD/%CE%93%CE%95%CE%9D%CE%99%CE%9A%CE%9F%CE%A3%CE%A3%CE%A4%CE%91%CE%A4%CE%99%CE%A3%CE%A4%CE%99%CE%9A%CE%9F%CE%A3%CE%A0%CE%99%CE%9D%CE%91%CE%9A%CE%91%CE%A3%CE%9A%CE%A1%CE%91%CE%A4%CE%9F%CE%A5%CE%9C%CE%95%CE%9D%CE%A9%CE%9D%CE%A0%CE%9F%CE%99%CE%9D%CE%A9%CE%9D.aspx

[2] In this grid, the term "pre-trial" refers to those awaiting for the first instance.

Number and proportion of the total prison population (based on the daily rate prison population 2000 – 2014) by length of sentence (e.g. less than 6 months; 6 months to less than 12 months; 12 months to less than four years; 4 years plus; other)

The data of the Ministry of Justice do not correspond to the proposed categorization of sanctions according to their length. Especially the category "12 months to less than four years" does not exist. Two categories (1 year – 2 years and 2 – 5 years) are found instead. The "five years and plus" category is further divided in four sub-categories (5 - 10 years, 10 – 15 years, 15 years and more, life). All data refer to December 31st – January 1st.

Sentence	1/1/2003	1/1/2004	1/1/2005	1/1/2006	1/1/2007	1/1/2008	1/1/2009	1/1/2010	1/1/2011	1/1/2012	1/1/2013	1/1/2014	1/1/2015
Total number of inmates	8418	8726	8722	9964	10370	11645	11736	11364	12349	12479	12475	12693	11798
Convicted inmates	6120	6017	6154	6747	7129	8526	8314	7613	7386	9782	10124	9569	8734
Percentage of convicted inmates	72.70	68.95	70.55	67.71	68.74	73.21	70.84	66.99	59.81	78.38	81.15	75.38	74.02
Death	2	1	1	1	-	-	-	-	-	-	-	-	-
Life imprisonment N^	599	618	594	654	715	776	742	823	807	977	1025	1041	982
Life imprisonment %	9.78%	10.27%	9.65%	9.69%	10.02%	9.10%	8.92%	10.81%	10.92%	9.98%	10.12%	10.87%	11.24%
Imprisonment for serious crimes (felonies) N^	3925	3679	3761	4174	4674	5377	5517	5248	5142	7276	7463	7591	6958
Imprisonment for serious crimes (felonies) %	64.13%	61.14%	61.11%	61.86%	65.56%	63.06%	66.35%	68.93%	69.61%	74.38%	73.71%	79.32%	79.66%
i)5-10 years	1767	1642	1552	2000	2300	2720	2737	2594	2385	2511	2535	3557	2887
ii)10-15 years	1214	1139	1220	1171	1333	1549	1671	1564	1584	1665	1728	1979	1827
iii) 15 years and more	944	898	989	1003	1041	1108	1109	1090	1173	3100	3200	2055	2244
Imprisonment for minor crimes (misdemeanors) N^	1594	1719	1798	1918	1790	2373	2055	1542	1437	1529	1636	937	794
Imprisonment for minor crimes (misdemeanors) %	26.04%	28.56%	26.64%	28.42%	25.10%	27.83%	24.71%	20.25%	19.45%	15.63%	16.15%	9.79%	9.09%
i) Up to 6 months	211	249	359	223	125	316	182	260	261	290	282	75	66
ii)6 months - 1 year	271	313	300	287	257	301	254	229	222	252	248	116	126
iii)1-2 years	270	303	300	355	306	453	309	288	253	260	271	206	178
iv)2-5 years	842	854	839	1063	1102	1303	1310	765	701	727	835	540	446
Other (awaiting deportation)	122	66	40	35	63	44	92	116	237	121	NA	236	549

Source: Ministry of Justice, Transparency and Human Rights

Probation practices

Do alternatives to detention develop skills and social inclusion of the offenders?

Alternatives not including probationary supervision are based on the offender's self-control and his / her will and ability to conform to the imposed conditions (pay the monetary conversion of the custodial sentence, desist from reoffending throughout the probationary period, present him/herself to the police etc). These measures do not affect the skills and do not influence the social relations of offenders. In the case of measures supervised by the probation service for adults, no standards exist to ensure consistency in probationary supervision. The work of probation officers is focused on supervising and controlling offenders as well as working with their criminal conduct and its causes. Provisions regarding the offender's social inclusion or symbolic reparation to the community are not found in law. The primary aim of probationary supervision is the prevention of recidivism. Especially in the 2010 reform supervision is pursued through cognitive consultative practices. Support and assistance considerations are of secondary importance. The legal basis of probation lies between a twofold mission: Supervision and support. To fulfil this contradictory task the probation officers have to adopt a demanding professional profile, part of enforcing the law and part of defending the rights of the offender. Training, employment opportunities, treatment and skills development of offenders are not explicitly stated as probationary tasks. In contrast to the criminal justice system for adults, the youth justice system has developed a social welfare culture and it is directed towards education, protection and rehabilitation of minors.

Are alternative measures free of stigmatizing features?

There is no evidence that probationers experience supervision as stigmatizing. Sometimes their "presence" in a police department is problematic, in the sense that they are exigently asked to give information to the police not related to their compliance with the probationary measure. Although in some cases alternatives, especially community service orders, are demanding and influence probationers' and their relatives' daily lives, they are not socially visible, there are no indications that a person is subjected to a probationary measure or sanction, supervised or not. Some theoretical concerns regarding the stigmatizing nature of electronically monitored home detention have been expressed, but the pilot implementation of the measure is quite new and, at the moment, such an issue has not been discussed in terms of reality. Judgments imposing such measures, though, are put on offenders' criminal records and may influence negatively their prospects.

Are probation programmes individualized?

In the case of unsupervised alternatives the guiding principle is the preventive potential of the threat of imprisonment. The amount for the monetary conversion of a custodial sentence is defined after the personal and social circumstances and the financial condition and obligations of the offender are taken into account. This consideration, though, is usually casual, without a prior substantial investigation of facts. With the payment of the defined amount of the monetary conversion, the custodial sentence is considered as fully served. Unsupervised suspension of the sentence is ordered on the condition not to reoffend, without the imposition of additional obligations, so there is no ground for an individualized programme to be implemented. When the

probationary period ends successfully, the suspended custodial sentence is considered as never imposed.

In supervised alternatives for adults, probation officers use basic social work methodology, such as counselling and motivational interviewing. Supervision is individualized in the sense that probation officers intervene to assist offenders or to enforce court orders. At the decision stage, though, obligations are pronounced by the competent judicial authorities without sufficient information on the situation of the accused person.

On the other hand, juvenile law is oriented to rehabilitation and educational interventions. The probation service for juvenile offenders has been operating as a separate public service since the 1950s. It constitutes an important integral partner in the juvenile court procedure, mediating between the court and the juvenile, writing social enquiry reports, proposing the appropriate individualized treatment of the juvenile offender and undertaking the implementation of the chosen measures. Lack of such reports is a reason for the court to postpone the hearing of the case.

Is the progress of the offender evaluated in the course of the measure's implementation?

Yes, in the sense that supervising probation officers report regularly (twice a year) or immediately, in cases of a "serious" non compliance incident (the assessment of seriousness left to the officers' discretion), to the public prosecutor. Reports refer to the offender's observance of his / her obligations, they do not focus on their needs and improvement in life. Accurate and up-to-date record-keeping is part of all probation agencies formal work. Offenders' records include their personal details and information on their contact with the agency. The progress of the individual offender is evaluated regularly and this process influences the work plan during the remainder of supervision. All the above records are subjected to inspection by the public prosecutor. Police authorities where accused or conditionally released offenders present themselves, inform the public prosecutor when offenders fail to conform with their obligations. Therapeutic programmes directors also report to judicial authorities informing them of addicted offenders consistency and progress in these programmes attendance as well as the successful completion such programmes.

Is the plan of work reviewed according to this evaluation?

It is provided that the public prosecutor and / or the probationer can anytime request to the sentencing court which ordered the supervised sanction to review and amend the decision and change the imposed conditions and obligations. Changes can make the sanction more or less demanding, depending on the probationer's conduct. The investigating judge is competent to change or remove restrictions imposed at the pre-trial stage. The judicial council which ordered the conditional release of an inmate can amend or revoke the (potentially) imposed obligations after the released person applies for it. These modifications of the context of supervision while a probationary measure or sanction is implemented are not necessarily connected with "evaluation". A variety of practical issues (family and employment needs or opportunities etc) may be invoked by a probationer to justify an application for changes making the measure or sanction match his / her personal conditions.

Are there possibilities to change its content in the process of implementation?

Yes (see above), upon the initiative of both "sides", the public prosecutor (after a notification / report of the supervising / control authorities, namely the probation service, the police, a therapeutic programme) or the probationer, either revising the programme for the probationers' non compliance, or matching the ordered probationary obligations to personal ones for the probationer's "convenience".

Is a final evaluation carried out at the end of the supervision period?

The completion of the supervision period without breach reports and procedures results in the successful end of the imposed measure or sanction. In the case of community service, a detailed report is delivered by the probation officer after the punishment has been served. In the case of a probationary supervised suspended sentence the probation officer has to inform the court and the prosecutor if the offender fails to behave in accordance with the obligations, rights, arrangements and limitations prescribed in the special statement signed by the practitioner and the probationer during the first interview, which refers to the probationer's obligation to visit the probation officer and abstain from any unlawful behaviour.

Do workers in alternatives to detention have the same rights and safeguards as other workers?

Free access to healthcare services and safety rights are not guaranteed to offenders working for the benefit of the community. They are covered by social security programmes only if they were regularly employed before they were ordered to work for the community or if they were / are protected as socially vulnerable, indigent members of the society. They do not have social security rights and this is a very serious problem of negative discrimination probation officers try to deal with, finding solutions in each individual case. In general, probation officers are obliged to handle their workload case by case, not because the principle of individual treatment dictates so, but because no rules exist to regulate all similar emerging issues.

Supervision model adopted in alternative measures (e.g. control-oriented, assistance-oriented…)

No dominant theoretical paradigms exist for probation work. As mentioned, probation officers use basic social work methodology. Distinguishing between control and assistance is not an easy task. Both functions are conducted simultaneously by probation officers on the basis of their contacts with offenders. The control / assistance relation depends on a variety of offenders' personal factors, including their personal and social circumstances, factors contributing to non-compliance and reoffending etc. According to law, the duties of the probation officers are to "assist" and "supervise" offenders. Further aims that would provide explicit content to the meaning of assistance in way for example of promoting successful social inclusion or building positive social relations are not found in any of the probation service statutory provisions. Prevention of reoffending is the primary aim of probationary supervision under Article 100 of the Penal Code.

In general, probation officers use the following steps: first assessment of the offender, first and regular interviews, family visits and family support work when considered necessary, counselling at the first meeting and ongoing, help with preparing official documents and court appearances

when summoned by the judge or the convicted offender. The exact methodology of probation can be observed through the procedures for the enforcement of alternative sanctions including community service, suspended sentence with probationary supervision and conditional release under supervision.

Does the probation system offer aftercare services?

The probation service is not involved in after-care services. In 2003 a new institution called "Epanodos" was formed with the aim to support released prisoners, including those who are released conditionally.

Other institutions that are involved in after-care are the following:

1) The Societies for Released Prisoners which grant a symbolic economic assistance.
2) The Manpower Employment Organization (OAED) providing the following services: (a) a financial allowance which equals 15 basic daily allowances for unemployed citizens, available to offenders within three months from their release, provided they submit a positive report by the prison social service, (b) vocational training programmes, (c) subsidies for employers who recruit and sustain in employment ex-prisoners, (d) set-off grants for ex-prisoners to become self-employed.
3) Local partnerships, local authorities, non-governmental organizations, university departments organizing vocational training and support through co-funded EU programmes.
4) Non-governmental organizations offering support and assistance to offenders' social integration needs such as employment, education, training, skills development, funded by the EU.
5) Drug treatment programmes which aim at connecting treatment services provided in prison with support and assistance upon release.

Do foreigners have any limits to serve alternatives to detention? Are there specific provisions for them?

In law foreigners are not excluded from the implementation of alternatives but no specific provisions exist for those of them who are under probationary penal control. In practice, foreigners, especially those who lack residence and social and family bonds, have restricted access to alternatives to detention compared with Greek nationals. Since Greece has been an immigrant hosting country and the prison population consists of approximately 60% non-national inmates, the probation services are naturally involved in delivering services to offenders of foreign nationality. Probation officers advice them on legal matters such as deportation as well as on housing problems and procedures regarding the issuing of public documents. A serious problem for probation services supervising foreigners is that they are not granted with licenses for their legal stay in Greece, so they are simultaneously irregular immigrants, potentially deportees and probationers under penal control, not allowed to leave the country.

Are there any gender specific programmes?

Specific programmes designed with gender (race, ethnicity, religion etc.) considerations do not exist at all.

Are the victims of crime involved in the alternatives to detention programmes?

The probation service for adults does not work with victims of crime and victims' assistance is not included in its statutory tasks. In cases of intra-family violence the public prosecutor acts as mediator or instigates the legal procedures with out of court settlements and mediation without the involvement of the probation service at the pre-trial stage. In juvenile justice there are offender / victim mediation and reparation measures, in three forms: i) pretrial restrictions, ii) diversion from prosecution and iii) educative sanctions. As a rule, the victim is not assisted by the state in claiming compensation from the offender. This task is left to the victims themselves. However, in recent years some efforts have been made to protect some particular categories of victims, for example victims of human trafficking and victims who are children or juveniles. Moreover, there has been growing interest about the necessity of organized victim support by the state. Law 3811/2009 set up the Hellenic Compensation Authority, competent for examining applications and issuing decisions on compensation of victims of violent crimes.

Which is their role in these programmes?

Work with victims of crime is not included in the statutory tasks of the probation service for adults. Only compensation to the victim is one of the obligations of supervised suspension of the sentence. In the juvenile justice system probation officers facilitate the direct contact between the perpetrator and the victim, promoting reconciliation, compensation and reparation.

Do probation services offer, directly or indirectly, support, council or information to families of offenders?

Assistance services to families of offenders are not formally part of the probation agencies role during the implementation of alternatives. Probation officers work only exceptionally with the families of offenders, usually upon their request.

Are there specific restorative justice programmes?

Participation of probation officers in restorative justice schemes is not included in the statutory tasks of the service.

Does the probation service give a systematic feedback about the effectiveness of the alternatives to prison to the general public? How is the information shared?

The probation service has failed in elevating alternatives to prison from the backstage of criminal justice. Probation agencies do cooperate with local authorities, the civil society, rehabilitation centres, judicial authorities and the prison service, but this cooperation is developed in the context of their supervisory duties and it is connected with the rhetoric that alternatives should be used to curb prison overcrowding and not with a social climate favouring probationary sanctions and measures. The National Commission for Human Rights has criticised the situation of criminal justice and the prison system but they mention community measures and the probation service only briefly. Recent developments in the field do not reach the media and the general public in order to raise awareness for probation policies and practices. Probation services are hesitant to gain publicity and attract political, academic and social interest, although no criticism has been

expressed against their field of intervention. The 2010 reform and the economic crisis contribute to an expansion in the use of community service order, a development which is expected to raise social visibility of the order and increase the public demands for information. Public beliefs as regards "punishment in the community" have not been studied. One exploratory research conducted by University students under Professor C.D. Spinellis before the probation service was established, examined the views of high and middle ranked personnel working in local public and non-governmental organizations, as regards offering work placements for offenders sentenced to a community service order. The research showed that nearly half the respondents were positive towards this sentencing option.

Are there systematic research projects concerning the alternatives to imprisonment and, if so, who carries them out?

There is no tradition of evidence based policy and practice initiatives in the country. Competent authorities do not conduct research to document the effectiveness of probation work and plan probation policies and practices. There is no funding of research projects regarding the criminal justice system in general or the probation service in particular. Few attempts to contact empirical research in the penal field are made by University research centres, doctorate students or private organizations based on EU funding or on a voluntary basis. Under these circumstances the measurement of the effectiveness and efficiency of probation work is not possible and no evaluation projects / procedures exist.

Probation total budget in 2014 and historical series since 2000

There is a complete lack of data in this field. The probation system is financed exclusively by the Ministry of Justice, Transparency and Human Rights. The state budget includes entries of amounts allocated on both the prison and the probation system, without distinguishing between them. Financial and accounting data regarding alternatives are not collected by competent authorities.

State budgetary cuts show clearly that austerity during the current recession ("economic crisis") period had a negative impact on the penal system with the reduction approximating 20% within five years. In 2009 137.4 million euros was allocated to prison and probation services (facilities, staff, infrastructure etc.). In 2014, in a period when both sectors of the penal system were more or less expanding public spending on the penal system dropped to 108.8 million euro. In 2013, 83,400,000 euro (73.78% of the budget for penal institutions) was spent on staff wages and pensions. Other costs, consumption and various additional costs included were 29,825,800 euro, but it is not possible to distinguish how much money is spent for facilities and how much is directed to people's needs. Financing is allocated to each custodial and non-custodial unit (prison or probation service) according to the number of their employees and activities, regardless of their performance and goal achievements.

As Mavris, Koulouris and Anagnostaki report to the CEP, "the probation system attracts roughly 2.5 per cent of the total spending. This picture of inadequate resourcing reflects the low prioritization of the probation service and offender supervision in the area of penal policy. This in turn has considerable consequences as regards the status of the probation service, which is very low among other justice agencies."

Procedural guarantees

Do probation agencies respect the human rights of offenders without discrimination (sexual, religious, racial, political, etc.)? Do they keep in regard offenders' dignity, health, safety and well-being in their interventions?

Equality of treatment, respect for the offenders' human rights, adherence to the principles of legality, due process and confidentiality are central to the work of the probation service and they derive either from legal provisions relevant to probation work or directly from the constitution.

While an offender serving community service or being under probationary supervision is entitled to a hearing by the prosecutor before any decision is made regarding the execution of the sentence, including breach proceedings, in the case of breach proceedings against an offender serving community service, he or she has no right to appeal against the judgment of the competent prosecutor. When the revocation of a probation order is discussed before a court, the probationer has no right to apply for a second hearing. Probationers can only ask the sentencing court to modify the obligations imposed on them, to change the probation operational period and to terminate supervision before the suspension of the sentence period expires active.

In practice, since there is no external, independent control mechanism, it is unknown if offenders' human rights are respected without discrimination by probation officers in their daily supervisory practices. It is known, though, that probationers' access to the social security system is not guaranteed and that they sometimes have to observe very demanding and inadequate obligations, not compatible with the social reintegration aims of community sanctions and measures. It is also known that some of the reception organisations are selective in their decisions to accept the placement of a probationer, depending on his / her personal characteristics and the offence committed.

Do the probation agencies always seek the offenders' cooperation and collect their informed consent?

Information regarding probationers' obligations and rights is usually given to them orally or in writing. Probation officers ask probationers to sign contracts where the supervisory programme is described in details. In the case of the community service order the offender's consent is required both under the Penal Code and the Constitution which prohibits any form of compulsory work. The offender's consent is necessary both at the sentencing and at the implementation stage, when a contract is signed between the offender and the organization where the work is offered, where all rights and obligations of both parties are explicitly stated. Offenders who are working for the benefit of the community should apply or consent to offer unpaid work instead of paying the monetary conversion of their custodial sentence. In the case of the supervised suspended sentence the law does not require the offender's consent at the sentencing stage. The sentencing court should inform the convicted person of the obligations imposed on him or her. During the implementation stage probation officers should also seek the offenders' informed consent and co-operation regarding interventions that affect them. This is the case when an offender is referred to other agencies for special treatment. The probation officer is still responsible to assess, elaborate and co-ordinate the general work plan and to ensure contact with the offender and compliance. In one to one or group consultation schedules by the probation officers, the issue of the offender's consent has been forgotten and left to the practitioners' professionalism.

If probation agencies carry out interventions before the establishment of the offender's guilt, do they require the offender's informed consent? Are their interventions without prejudice to the presumption of innocence?

Restrictive conditions (surety, the obligation of the accused to report at specified times to the investigating judge or other authority, the prohibition to go or live in specified places or abroad, the prohibition to approach or contact certain persons etc.) imposed at the pretrial stage are more or less coercive measures. They are imposed without the consent of defendants when it is regarded absolutely necessary to prevent reoffending and secure the accused person's presence during criminal proceedings. Especially the placement in a drug treatment programme may be imposed upon request by substance abuse offenders on the condition to comply with participation in the programme and home detention with electronic monitoring may be imposed only following request by the accused person. Compliance to the imposed conditions is supervised by the police authorities. Compliance of drug-addicted defendants is monitored by the drug treatment programme personnel who are obliged to submit progress reports to the investigating authority regularly. Pre-trial detention may be imposed as a last resort instead of restrictive conditions under strict requirements provided in law which should lead to a reasoned judgment that there is intent of absconding or high probability of reoffending. Following the principle of legality, the public prosecutor is obliged by law to prosecute all cases, with some exceptions introducing alternative to prosecution measures which are restrictively provided in law: victim compensation (reparation), penal mediation in cases of intra-family violence, postponement of prosecution in cases of drug related offences, under the condition that the suspect will participate in an official drug treatment programme and penal reconciliation in certain felony offences. In these cases special emphasis is paid on the presumption of innocence and on taking full account of the rights of the defendant. Mediation and reconciliation procedures require full consent by the defendant and his or her counsel and are implemented mainly on the initiative of the suspect.

Are the task and responsibility of the probation agencies and their relations with the public authorities and other bodies defined by any national law?

The Probation Service for adults in Greece is a public service under the Ministry of Justice, Transparency and Human Rights. The duties and responsibilities of the service are defined in Law 1941/1991, Articles 15 – 18 (the qualifications and professional status of probation officers) and the Presidential Decree 195/2006 (the organization and operation of the probation services). Provisions for the implementation of the community service order and the suspended sentence with probationary supervision are included in the Penal Code (PC). Article 82 paragraphs 5 - 7 PC regulates the imposition of the community service order and breach procedures. Article 100 PC regulates supervisory probation. The recent 2010 reform (law 3904/2010) introduced significant provisions in relation to the implementation of both community service and supervisory probation. Another recent law (law 4205/2013) introduced the duty for the probation officers to supervise certain categories of detainees on home leave, under Article 54 paragraph 4 Correctional Code.

The service was instituted in 1991 mainly to carry out the implementation of two community measures: a) the community service order, organizing work placements and supervising offenders sentenced to unpaid labour upon their petition and b) the suspended sentence with probationary supervision. However, probation agencies became operational in January 2007. The service is also competent: a) to supervise conditionally released prisoners and defendants subject to restrictive conditions at the pre-trial stage, b) to conduct social enquiries and draft pre-sentence reports

upon request by the prosecutor or judge, c) to supervise prisoners on home leave in certain cases. On local level, probation services co-operate with municipal authorities, semi-public organizations and non-governmental organizations which offer work placements for offenders. In practice probation services deliver mainly the supervision of offenders convicted to a suspended sentence with probationary supervision and the supervision of offenders sentenced to community service.

According to law, the duties of the probation officers are to "assist" and "supervise" offenders. The meaning of assistance is not elaborated in any of the above mentioned legal documents. Recent legal reform has promoted the prevention of further reoffending as the primary aim of probationary supervision under Article 100 Penal Code. As regards the other tasks of the probation service (supervision of conditionally released offenders, supervision of specific categories of inmates on leave, supervision of persons accused subject to restrictive conditions and social inquiry/ writing pre-sentence reports), there are no further provisions either in the penal code and the code of penal procedure or in ministerial orders and administrative guidelines.

The increased use of probationary measures supervised by the probation service is expected that will decrease overcrowding in Greek prisons. "T*hese measures aim to substitute short-term prison sentences with the view to reduce prison overcrowding and mainly to contribute to a more fair and effective correctional* policy", according to the explanatory report of the law 1941/1991 introducing the probation service.

How is the offenders' privacy guaranteed? How is the data protection of case records guaranteed to the offenders?

All probation agencies keep formal records of their work. These records include personal details of the individuals and a record of their contact with the agency: decisions of judicial authorities, biannual probation reports, records from counselling meetings, the probationer's record and other relevant information. The above records, when needed, are subject to inspection by the prosecutor. The central inspector who has the duty to monitor the work of the probation services, has not yet being appointed. Probationers' files facilitate probation work and allow probation officers to inform judicial authorities as regards their clients' compliance with the obligations imposed on them. They are used exclusively by the probation service and competent judicial authorities. According to law (Article 15 paragraphs 6-7 law 1941/1991), probation officers' reports and information regarding their clients and obtained in the course of their duties are strictly confidential. Probation officers are obliged to refer any such data only to the competent prosecutor or probation inspector and they may be punished under penal of disciplinary law if the fail to abide by this obligation. Additionally, probation services must comply with law 2472/1997 on the Protection of Individuals with regard to the Processing of Personal Data. This law provides (Article 12) that offenders have a right to access their personal records. The respective obligation of the probation service to inform offenders of their records is relative, though, provided that processing of personal data is carried out on national security grounds or for the detection of particularly serious crimes (Article 12 paragraph 5 law 2472/1997).

Are there accessible, impartial and effective complaint procedures regarding probation practice?

No specific provisions exist to regulate probationers' complaint procedures, contrary to the case of convicted and remanded prisoners. Relevant provisions are found in national and international human rights instruments, such as the Greek Constitution, conventions, covenants and other

"hard law" instruments as well as other laws and regulations. According to the Greek Constitution (Article 10 paragraph 1) "*each person … shall have the right, observing the laws of the State, to petition in writing public authorities, who shall be obliged to take prompt action in accordance with provisions in force, and to give a written and reasoned reply to the petitioner as provided by law*". Such petition may instigate administrative / disciplinary and criminal procedures. Moreover, probationers as every citizen may submit a complaint for the way probation officers practice their duties to the Ombudsperson, and independent mediating authority, for alleged violations of their human rights.

Are the probation agencies subjected to regular government inspection and/or independent bodies monitoring?

Probation service organizations are accountable to central administration of the Ministry of Justice, Transparency and Human Rights. Special provisions for the external monitoring by an independent or other audit does not exist.

Staff

Organization of probation staff

The Greek Probation Services for adults ("Services for Social Assistance") are subjected to the competence of the Ministry of Justice, Transparency and Human Rights and they are also special decentralized Services of the same Ministry. As part of the penal system, the probation service organization and operation is monitored by the Secretary General for Crime Policy, the General Directorate for Crime and Penitentiary Policy and the Directorate for Crime Policy of the Ministry of Justice, Transparency and Human Rights. Probation services are situated in the cities where courts of first instance sit and operate under the supervision of the local public prosecutor. In late 2014 the Ministry of Justice decided to create a new organizational structure that unified the probation service for adults with the probation service for juveniles. According to the new organizational chart the unified services will be administratively separated. One of these services, the Athens Probation Service, operates at the level of a Direction with two sections, the section for juveniles and the section for adults. Two more services, one in Thessaloniki and one in Piraeus, operate as two independent sections, one for adults and one for juveniles. 23 other services operate as two autonomous offices and 25 more services operate as a united autonomous office.

After they have been merged, juvenile and adult probation services all over the country are staffed with 76 juvenile probation officers and 42 adult probation officers (totally 118, 7 of them being executive officers). Each probation service should be managed by the most experienced (longer serving) officer. Probation officers are civil servants with various scientific qualifications: psychologists, sociologists, social workers, criminologists etc. In that respect they may differ originally in education but they all exercise the same duties at work. Probation officers are separately recruited to work with adult or juvenile offenders respectively and they are specialized accordingly but after the two services have been unified is it possible for some of them to work with both categories of offenders. Moreover, the law initially provided for two groups of probation officers for adults, one for probation supervision and another for community service. This specialization was never applied. In the new structure where the two services are unified, the Ministry of Justice has abolished the relevant provision of the two groups of staff.

The law initially provided for 300 adult probation staff in total (250 probation officers and 50 administrative staff), while 54 officers were hired at the setting up of the service. Yet, the current number of probation officers is 42 and they are not supported by administrative staff. The merger of the juvenile and the adult probation services, formerly being two distinct agencies, produces confusion as regards the competence and the principles of each service and ignores the completely different treatment needs of juvenile and adult probationers respectively. It also creates serious problems in many services where only one probation officer is serving (in 19 services out of 39 staffed services, with 24 more being totally unstaffed). The same probation officer, then, either a juvenile probation officer or an adult probation officer, is undertaking a double role, to supervise juvenile and adult offenders simultaneously, implementing completely different sanctions and measures, imposed by different courts after different procedures and according to different principles. It is also observed that in some of these cases the one probation officer staffing both sectors of probation work is working exclusively with one of the two categories of offenders, either juveniles or adults.

Number of probation officers in 2014, and historical series since 2000

At the setting up of the service (2007) 54 probation officers were hired. In late 2014 their number decreased to 41 and in early 2015 it is 42. Before the unification with the juvenile probation services (Fall 2014) there were 14 probation services for adults throughout the country, staffed by these officers. Administrative staff does not exist to support their work. After the probation services for adults and juveniles have merged, the work of a probation officer for adults may be undertaken by a probation officer for juveniles and vice versa.

The combination of exploratory research carried out by Mavris, Koulouris and Anagnostaki (Probation in Greece, Report to the CEP, 2015), Anagnostaki (2014, unpublished) and SPACE II data show that probation officers for adults were 48 in 2010, 53 in 2011, 57 (?) in 2013 and 41 in 2014 (total number of staff per 100,000 population = 0.5).

Number of cases followed by each probation agent

Data obtained by the Ministry of Justice through a small scale survey conducted for the purposes of 2015 Mavris, Koulouris and Anagnostaki report for the CEP, show that:

1) The average caseload for each probation officer concerning community work supervision, suspended sentence with probationary supervision and supervising conditionally released offenders was 23 for the year 2011 and 34 for the year 2013.
2) The daily average number of offenders dealt with by probation services was 17 for the year 2011 and 18 for the year 2013.

Anagnostaki's exploratory research conducted in 2014 (unpublished) found that the average community service cases, managed by each probation officer for a three-year period was 20. Anagnostaki points out that that community service orders supervision is the main part of probation officers' work.

Recruitment procedures

According to law 1941/1991 probation agencies' personnel are selected among graduates in the fields of social work, sociology, psychology, criminology and law. The Presidential Decree 195/2006 establishing the probation service for adults, provided for the recruitment of the first 54

probation officers. No second call for the staffing of the service has ever been made. The 2006 recruitment procedure introduced serious drawbacks from the initial provisions of law 1941/1991. The law provided for the establishment of 300 positions of probation officers, supposedly necessary for the operation of the services in all courts of first instance, but in 2006 their number was decreased to 250. Moreover, the 1991 law set out eligibility criteria for probation officers' recruitment which focused on two important factors: a) the age of the candidates (minimum 25, to ensure maturity) and b) their scientific qualification (study certificates relative to the nature of probation work). Candidates were expected to undergo exams. The examination procedure would be supervised by a committee constituted by a judge from the court of appeal as a chairperson, a public prosecutor also from the court of appeal, a criminology professor, a high ranked employee from the Ministry of Justice and a representative of the Lawyer's Association. Candidates would also be interviewed by a committee consisting of a professor of psychology, a professor of sociology, a representative of the church and an ex offender chosen by the ex offender association (an organization which has never become operational).

After the enactment of law 1941/1991, a long transitional period followed, during which the probation service existed only in law, and some of its officers' main duties were assigned to prosecutors and to administrative staff of the organizations where community service was offered. This caused serious implementation problems, as the original schemes could not work due to lack of probation officers. These problems were highlighted in two decisions of the Supreme Court which put pressure for the issuing of regulatory provisions. However, the Ministerial Order 108842/1997 which was issued with the aim to regulate the implementation of the community service did not provide for the involvement of probation officers. As mentioned above, it was not until 2006 that the Presidential Decree 195/2006 establishing the probation service was published. The law 1941/1991 procedure was not adhered to and the probation officers' appointment was based on professional qualifications submitted to a governmental body responsible for the recruitment of public servants (Supreme Council for Civil Personnel Selection, ASEP). It was considered that the above mentioned graduates do have the qualifications and expertise to work as probation officers without any further requirements. Staff selection and recruitment procedures were not focused on the particularities of probation work. Probation services' professionals, scientifically qualified before they undertake their duties, were selected to perform their tasks without prior special training. Only after they took up their positions as professionals they attended a short-term course introducing them to the structure of the public prosecutors' service and the prosecutors' duties and competencies.

The involvement of volunteers in probation work is provided for by law in adult and in juvenile probation services. In the sector of probation for adults volunteers should contribute as assistant probation officers. An initiative to involve young lawyers doing their apprenticeship in the juvenile prosecution service through a programme initiated by the Athens' Bar Association does not change the fact that volunteers' involvement in both sectors has not been substantially activated.

The recent organizational reform of the probation service, resulting in the unification of the probation service for adults with the probation service for juveniles is not expected to bring an improvement in the one way or another inactive staff recruitment procedures since probation officers for adults may work with juveniles and juvenile vice versa.

Initial qualification required and ongoing training

As mentioned above, probation services' professionals, are social work, law, psychology and sociology graduates, scientifically qualified before they undertake their duties. There are no

special schools or training courses for them and until today there is no such specialisation in any University or Technological education department. The selection of probation staff was very haste. Probation officers have been employed without having been assessed in any way so to validate the level of competence attained. They have never got any sort of training except of a two week initial theoretical education concerning the operational activities of the courts and the structure of the public prosecutors' service and the prosecutors' duties and competencies. According to the preamble to Presidential Decree 195/2006, there was a provision in the 2007 budget of the Ministry of Justice for educational programmes concerning probation staff, of up to 27.000 euro for each programme, but there was neither any training nor continuous education programmes whatsoever. On the other hand there has been a constant request of probation officers for training programmes, but the Ministry of Justice has not yet responded to this request.

Relationship between the probation service and the prison service

The support of imprisoned offenders is a responsibility of the penitentiary authorities which operate under the Ministry of Justice and are administratively separate from the probation service. Preparation for release, rudimentary custody "planning", contacts with the inmates' families as well as social and psychological support, are the main tasks of the prison social services and the other scientific professionals employed in prison (mainly social workers, psychologists and sociologists). The penitentiary code, the basic legal instrument for the enforcement of the prison sentence (law 2776/1999) adopts a non interventionist treatment model based on the principle of legality and the respect of the rights of the detained persons. The inmates' social reintegration is one of the main directions of penal philosophy dictating legal provisions, especially regular home leaves. Conditional release of inmates, an institution of similar philosophy, is provided in the penal code. Yet, these measures (home leaves and conditional release) are implemented without assistance, support or supervision in the community but in exceptional cases. The usual obligation of the offender simply to report periodically to the police authorities when so instructed is a control, not assistance, oriented measure. The probation service has a statutory task to supervise conditionally released prisoners and, recently, certain categories of prisoners on leave (e.g. homeless and foreigners), but so far probation officers are involved at this stage of enforcement only exceptionally if at all. Formally, social workers of the prison service supervise and prepare reports for inmates eligible for home leaves and conditional release and probation officers (should) supervise some of them during the implementation period of these measures.

Relationship between the probation service and the judiciary

The founding law of the probation service provided that they would be supervised by a judge for the implementation of sentences (following the French system of the *Juge des libertés et de la detention / Juge d'application de la pêne*). Judges for the implementation of sentences were never appointed and public prosecutors were called to perform the relevant duties and to supervise the implementation of community measures instead. Each probation service operates under the supervision and administration of the head public prosecutor of the local court. Before the 2014 unification of the probation services for adults and for juveniles the supervising public prosecutor was competent for the execution of sentences. In the same period each probation service for adults, apart from the probation services of Athens, Piraeus and Thessaloniki, covered more than one courts of first instance and were supervised by all local prosecutors. In areas where there was no probation service in operation their duties especially in regard to the implementation of the community service order were performed by the clerks of the respective public prosecution

service. According to law, administrative chiefs of the probation services should be appointed probation officers selected by the in-service council responsible for evaluation and promotion of the personnel working in the central and peripheral services of the Ministry of Justice. Such appointments had not been completed until the 2014 reform. Consequently, the administrative responsibility for the operation of the probation services was left with the local prosecutors according to the transitional provision of law 1941/1991. After the 2014 reform chief probation officers in each service are the longer serving ones.

Probation staff is receiving guidance from the supervising prosecutor mainly for legal matters. No other guidance or supervision regarding the work of probation officers and the operation of the service is provided to them. Lack of guidance, lack of training and the different approach each public prosecutor might adopt in the way alternatives' legislation should be implemented do not allow probation officers to work in a uniform way. According to Anagnostakis 2014 unpublished exploratory research, there is no close and regular cooperation between probation officers and the public prosecutor supervising their agencies. Public prosecutors are usually informed with written reports, especially when a problem appears during the enforcement of a supervised probationary measure.

Conducting social inquiries and writing pre-sentence reports on the request of the prosecutor or judge at the pre-trial stage are statutory duties of the probation service, but this provision is rarely realized yet. Inquiries and reports required for early release or home leave are prepared and drafted by the prison social services.

On the other hand, the probation service for juveniles has been operating as a separate public body since the 1950's. Probation officers for juveniles mediate between the court and the juvenile offender, prepare social enquiry reports and propose the appropriate individualized rehabilitative and educational interventions for juvenile offender. Lack of such reports is a reason for the court to postpone the hearing of the case.

Relationship between the probation service and the general social services

Probation officers should carry out their duties seeking for organizational cooperation because their number is limited and they lack the special training and expertise needed to work with some particular, vulnerable social groups. Public agencies such as prisons, police departments whose duty is to ensure that offenders present themselves regularly to the police station or local municipalities offering places for community work and non-governmental organizations acting in the field of crime prevention and social welfare, are some of the organizations involved in probation work. Special mention has to be made to the probation service's cooperation with drug rehabilitation centres across the country, operating drug detoxification programmes both inside and outside prisons. Substance abuse offenders are normally monitored and supervised by the personnel and directors of the official drug treatment programmes across the country, namely the Organization Against Drugs (OKANA), the Therapy Center for Dependent Individuals (KETHEA), c) the Psychiatric Hospital of Athens (PS.N.A.), the Psychiatric Hospital of Thessaloniki (PS.N.TH.) and the Inmates' Detoxification Centre in Eleonas, Thiva (KATKETH), all belonging to the public sector.

Is the number and the remuneration of probation officers adequate to their tasks?

As mentioned above the number of probation officers is small and does not allow the expansion of the work of the service and its full development, according to its competence and mandate.

Probation services, even after the unification of the juvenile and the adult sectors, do not cover all the courts of first instance and there are many services where one officer is obliged to cover cases of adults and juveniles. Understaffing is one of the major problems discussed by probation officers and is considered a serious obstacle in their effort to enhance the status and the position of the service which is very low among other justice agencies.

The probation system is financed exclusively by the state. Probation services are exclusively funded by the Ministry of Justice, Transparency and Human Rights. No official data exist on the budget allocated to alternative measures in general and on the probation service in particular. The latter attracts a very low percentage (2,5%) of the funding of the penal (prison and probation) system. This picture of inadequate resourcing reflects the minor importance of the probation service and offender supervision in penal policy. The remuneration of probation officers is analogous to the wages of the civil servants working in other services of the Ministry of Justice and is not corresponding with their demanding work. Austerity measures of the last years have reduced the wages considerably as has happened with all public sector personnel.

In Mavris, Koulouris and Anagnostaki's 2015 Greek report for the CEP it is mentioned that the total annual expenditure for the probation service was 783,264 euros, calculated on staff payments made in September 2014 multiplied by 12 for 41 probation officers with average monthly individual wages 1592 euro, allowances, taxes and other costs included. The respective numbers for the prison service were 4688 employees and 89,594,400 euros.

Is the expertise and experience of probation agencies used in developing crime reduction strategies?

The statutory tasks of the probation service do not refer explicitly to the development crime reduction strategies. Such a purpose, though, is included in non-recidivism considerations guiding probation work. Probation services for juveniles, with their long standing tradition, have expanded recently their activities in the field of crime prevention. On a policy level, local crime prevention councils were instituted in law 2713/1999 (Article 16) but with a few exceptions they are inactive or non operational, due to the lack of resources and their voluntary character. Law 3387/2005 (Article 13) instituted the Central Council for Delinquency Prevention at the Ministry of Public Order and Citizen Protection, with the aim to develop of local situational prevention initiatives and to promote participatory crime prevention policies. On the field of social interventions, Centers for the Prevention of Substance Abuse and the Promotion of Health supervised by the Organization against Drugs have been operating since 2000, designing and implementing local holistic primary prevention projects in the field of the prevention of risk behavior and juvenile delinquency.

PART TWO. SPECIFIC PROGRAMMES

For convenience, comparability and compatibility reasons the present report adopts the terminology and the descriptions used by Mavris, Koulouris and Anagnostaki in their 2015 report to the CEP on Greece.

Alternatives to pre-trial detention

Alternative measures to pre-trial detention from the legal point of view

According to the principle of legality, the public prosecutor is obliged by law to prosecute all cases. Some exceptions introducing alternatives to prosecution are restrictively provided in law. The public prosecutor may refrain from prosecution after conducting a preliminary investigation which results in no sufficient indications that a crime has been committed (Article 31 paragraph 2 Code of Penal Procedure). Other alternative procedures which may result in postponement or refraining from prosecution are:

Victim compensation (reparation), according to Articles 384 paragraphs 3-5 PC and 406 paragraphs 3-5 PC as amended by law 3904/2010. It is a diversionary settlement on condition that the victim is fully compensated.

Penal mediation in cases of intra-family violence, according to Articles 11-14 law 3500/2006. The prosecutor acts as mediator.

Postponement of prosecution in cases of drug related offences, on condition that the suspect participates in an official drug treatment programme, according to Article 31 paragraph 1(a) law 4139/2013. If the treatment programme is successfully completed, the procedure may result in refraining from prosecution.

Penal reconciliation in certain felony offences, according to Article 308B CPP as added by law 3904/2010. The prosecutor acts as a director of the procedure.

During the pre-trial stage, after a person has been criminally charged, restrictive conditions may be imposed to prevent reoffending and secure the accused person's presence during the criminal proceedings (Articles 282 paragraphs 1-2 & 5, 283, 285-286, 291, 296-299 CPP). Restrictive conditions are:

Surety (payment of a certain amount of money defined by the investigating judge or the judicial council).

The obligation of the accused to report periodically to the investigating judge or other authority.

The prohibition to go or live in specified places or to leave the country.

The prohibition to approach or contact certain persons.

Placement in a drug treatment programme upon request by substance abuse offenders on the condition to comply with participation in the programme, according to Article 31a law 4139/2013, amended in 2015).

Home detention with electronic monitoring may be imposed only in felony cases following request by the accused, provided that he / she has a fixed place of residence and other restrictive conditions are not regarded sufficient, according to Articles 282 paragraphs 2-3, 283A CPP as added with law 4205/2013. The measure is imposed provided that the expenses are prepaid by the accused, unless it is proved the he or she is unable to pay (then the state undertakes the obligation to cover the expenses).

The accused has also the obligation to report his or her place of residence and any change of address to the investigating judge. Compliance to the imposed restrictive conditions is supervised by the police authorities. Admittance to a drug treatment programme is declared by the director of the drug treatment organization and compliance is monitored by the programme personnel who are obliged to submit progress reports to the investigating authority regularly. In case of breach of the restrictive conditions, they may be replaced with remand detention.

Pre-trial detention may be imposed as a last resort, after restrictive conditions have considered as inadequate, under strict requirements which should lead to a reasoned judgment that the accused person intends to abscond or there is a high probability of reoffending (Article 282 paragraph 4 CPP).

Pre-trial detention may be replaced with restrictive conditions. Especially in the case of participation in a drug treatment programme by order of the judicial council, a request by the remanded detainee is needed, provided that the he or she has been admitted to an official drug treatment programme (Article 31c law 4139/2013).

The involvement of the probation service at the pre-trial/trial stage is very limited, although preparing pre-sentence reports and supervising persons on restrictive conditions awaiting trial are within its statutory tasks.

Judicial authority responsible for the establishment of the measures

The competent judicial authority to order restrictive conditions and pre-trial detention is the investigating judge. When the public prosecutor and the judge disagree, a judicial body (council) is competent to decide.

Alternative measures in detail

Content

See above.

Supervision model adopted (e.g. control-oriented, rehabilitation-oriented…)

Only in the cases of mediation / reconciliation and placement in a drug treatment programme there is a clear rehabilitative element, dominant in the implementation of the measures. In all other cases measures are either monetary (surety) or control oriented (as regards the accused persons' residence, movement, associations etc.), as the above mentioned description shows.

Relations between the public and the private sector in managing the measures

Pretrial alternatives are run by public agencies. The private sector has no competency in managing the measures. Non-governmental can only have an auxiliary role in their implementation.

Budget allocated and its suitability

No data exist as regards funding and costs of the measures.

Impact of the measures on the pre-trial prison population and on the lives of the subjects involved (work, physical/psychological wellbeing, family and social relationships, goals and life perspectives)

Systematic research on these issues does not exist. In any case, no direct connections and correlations can be made as regards the impact of pretrial alternatives on the remanded inmates' population. One can observe that the percentage and the number of pretrial detainees, after an important increase for many years, is recently decreasing without, though, new influential alternatives being introduced or old alternatives being widely used. It seems that numbers and percentages of pretrial detainees change without being substantially influenced by alternatives. No data exist as regards the impact of the measures on offenders' personal and social lives and prospects.

Total number of people serving a pre-trial alternative to detention in 2014 and historical series since 2000

2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
										1691	1630		3555	
										1517	2191		2995	

Source: SPACE II (line 1: stock data, line 2: flow data)

Total number of people in pre-trial detention in 2014, historical series since 2000 and rate per 100,000 population

2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
2229	2282	2008	2439	2570*	2481*	3068	3065*	3162	3218*	3728	4254	4254*	3104	2604
21.1	21.9	NA	23.1	NA	NA	27.6	NA	29.5	NA	(33)	(37.6)	NA	28.1	NA

Source: SPACE I: Data on 1 September. Rates calculated using 2000-2003 estimation of country population. Data with asterisks refer to January 1st (source: Ministry of Justice) and are used only where SPACE I data are not available.

Annual flow and the daily rate for the period 2000 to 2014, of: people serving the measure, foreigners, male/female, revocations distinguishing among non respect of conditions / re-offending / other

No data exist for each of the above mentioned measures. Data of the Council of Europe statistics for non-custodial sanctions and measures are kept under a different categorization and do not correspond with the previous list of the measures. CoE data are available only for the years 2010, 2011 and 2013 (2012 data have been totally removed from the statistical tables due to inconsistencies that could not be fixed and some 2014 data are expected to be available after September 2015). These data show that the following use of pretrial alternatives to prison has been made:

Year	Probationary Supervision Stock / Flow	Diversion From Proceedings Stock / Flow	Mediation Stock / Flow	Home Detention Stock / Flow	Other Stock / Flow
2010	1610 / 1481	45 / 4	36 / 40	0 / 2	
2011	1515 / 1879	6 2 / 150	39 / 39		14 / 123
2013	2913 / 2302	349 / 452	292 / 240	19 / 18	1270 / 1854

Source: SPACE II. No details or explanations are given as regards what is included in each category, especially the last one, under the heading “other”. The credibility of data is anyway questionable.

Anagnostaki’s exploratory research conducted in 2014 shows that in the period 2009 -2013 probation officers in all but two of the active probation services for adults (12 /14) supervised only 27 persons under restrictive conditions. This means that the great majority of cases at the pretrial stage are controlled by the police or other agencies.

As regards the gender and the nationality of persons being under penal control in the community in all the stages of the criminal justice system, the CoE data show a low representation of women and a much higher representation of non-national offenders:

In 2010 only 20 women (0.3%) and 38 foreigners (0.58%/) were subjected to one of the recorded alternative sanctions and measures (stock data). The flow numbers for the same year were 44 (0.9%) and 77 (1.6%) respectively. In 2011 there were 93 women (1.3%, stock data) and 1113 foreigners (15.5%), the respective flow numbers being 163 women (1.9%) and 737 foreigners (8.5%). Finally, in 2013 the numbers for women were 217 (stock, 1.7%) and 139 (flow, 1.2%) and for the foreigners 682 (stock, 5.8%) and 144 (flow, 1.2%).

Compliance is high, with completion of the sanction or the measure approaching or surpassing 75% (2010: 872, 77.3%), 2011: 1136, 74.2%, 2013: 1923, 75.9%). Revocations were 192 (17%) in 2010, 317 (20.7%) in 2011 and 301 (11.9%) in 2013. Absconding an imprisonment cases varied but totally they were non negligible: 29 (2.6%) and 7 (0.6%) in 2010, 28 (1.8%) and 14 (0.9%) in 2011 and 136 (5.4%) and 139 (5.5%) in 2013.

Alternative sanctions[3]

Alternative sanctions from the legal point of view

The penal sanctions provided in the penal code are penalties and security measures; penalties are further classified in main penalties and supplementary ones. The *main penalties*, after the abolition of the death penalty in 1993, include: a) the financial penalty (Article 57 PC) and b) the prison sentence (Article 51 – 53 PC). The *supplementary penalties* include: a) the deprivation of civil rights, b) the prohibition to exercise a profession for which a special permission by an authority is needed, c) the publication of the sentencing decision. *Security measures* are imposed, irrespective of the immutability of the defendant, in order to protect the public, either as substitutes for main penalties for persons who are not criminally responsible or in addition to penalties for persons criminally responsible. They include: a) custody of offenders in a state therapeutic institution (Article 69 PC), b) other measures such as: the prohibition of residence in certain areas (Article 73 PC), c) the expulsion of foreign offenders upon their release from prison (Article 74 PC), the confiscation of objects which are considered as dangerous to the public order, irrespective of the conviction of a certain person (Article 76 PC).

Short-term prison sentences passed on offenders are not executed in most cases because of the two widely used measures: a) the suspended sentence without supervision (Article 99, 101-102 PC) and b) the monetary conversion of the prison sentence (Article 82 paragraphs 1-4 & 8-12 PC).

a) The **unsupervised suspended sentence** is imposed on the condition not to reoffend during the operational period. The prison sentence is suspended if the convicted offender has no previous conviction for felony or misdemeanor to a prison sentence of more than one year (or more convictions not exceeding in total one year) and is sentenced to imprisonment of up to three years, unless a specifically reasoned judgment is passed justified on prevention of reoffending considerations. If the suspended sentence is not recalled nor revoked the prison sentence is deemed not to have been imposed at all. The sentence is also suspended in case the offender was convicted prior to his or her admission and successful completion of a drug treatment programme, on the condition that the convicted offender remains drug free for a period which may extend from three to six years (Article 33 1(a) law 4139/2013).

b) The **monetary conversion of prison sentence** is imposed as a norm for convicted offenders who are not entitled to a suspended sentence (because of previous convictions) for prison sentences of up to one year. If the prison sentence imposed is from one to five years it is converted unless a specifically reasoned judgment is passed based on prevention of further offending. The conversion rate is 5 to 100 euros for each day in prison, taking into account the financial situation of the convicted offender. If inability to pay is proved, the court may order payment in installments within two to three years. For all purposes (supplementary penalties, criminal record) the monetary converted sentence is legally regarded as a prison sentence. Monetary conversion is prohibited in felony cases of drug trafficking.

In addition to the two above mentioned options for the execution of custodial sentences without the deprivation of liberty of the convicted person, there are two other forms of suspension and conversion, which are implemented with the involvement of the probation service: 1) the suspended sentence with probationary supervision and conditions (Article 100 PC) and 2) the community service conversion of the prison sentence (Article 82 paragraphs 5-7 PC).

[3] Those established by the judge as main sanction during the trial

1) The **suspended sentence with probationary supervision** is imposed to offenders with no previous conviction for felony or misdemeanor to a prison sentence of more than one year (or more convictions not exceeding in total one year) who are sentenced to a custodial sentence of three to five years, unless a specifically reasoned judgment is passed based on the need to prevent reoffending. Probation consists by law in weekly personal or group sessions led by the probation officer; the aim of the counseling is that the offender realizes the gravity and the consequences of his or her actions, recognizes the reasons behind his or her offending and discusses proposals for refraining from reoffending. The court may additionally impose one or more of the following conditions: a) compensation to the victim, b) obligation of the offender to report at specified times to the police authorities of the convicted place of residence, c) revocation of driver's license for a period of up to one year if the offence is a serious violation of traffic regulations, d) prohibition to leave the usual place of residence or other place specified by the court without a written permission of temporary validity, which may be granted by the public prosecutor upon recommendation by the probation officer, solely on grounds of employment, studies, health or family, e) removal of passport or other equivalent travel document and prohibition to leave the country, unless permission to leave has been granted following the procedure and grounds set in the previous case, f) prohibition to meet certain persons, g) fulfillment of obligations of the convicted offender for alimony or care to other persons, h) obligation to undergo therapy or special treatment and to be admitted into a specified institution, i) donation of a sum of up to 10.000 euro to a charitable institution. During the operational period (which may extend from three to five years) the probation officer runs weekly personal or group sessions with the offender and monitors compliance with the conditions imposed by the court.

The probation officer has the obligation to report to the prosecutor every six months on the progress of the probationer as well as to report immediately any serious breach of conditions. The prosecutor instigates breach proceedings and the court decides on revocation in case the violations are so serious in number and intensity that serving the prison sentence is necessary to prevent reoffending. The court may also decide on amendment of the conditions upon application by the prosecutor or the offender.

As regards probationary supervision, the probation officer invites immediately the offender to initial interview after receiving the court decision and creates a special individualized programme, which has to be followed by the offender. The probation officer is obliged to study the contents of the judgment thoroughly and invite the sentenced person in order to arrange all the necessary details regarding the enforcement of his or her punishment. The activities within the programme include meetings with the offender which may vary from once a week to at least once a month and constant supervision in relation to the fulfilment of his or her obligations. The obligations that are imposed on the offender are prescribed in the sentencing decision, and they may include, fulfilment of family duties, prohibition to visit certain places, drug and alcohol abstinence as well as undergoing medical and drug treatments, etc. The probation officer may also contact the offender by phone in order to make the agreement on the details about the beginning of the execution of the punishment. The first contact and communication between the probation officer and the convicted person is arranged at the probation office. Upon arrival at the probation office, the initial interview is conducted during which all relevant information is gathered. The data is systematized in a special form. Apart from personal data, the form contains information about the offence committed, the imposed criminal sanction, offender's professional and educational duties and obligations, his living circumstances and financial situation, family relations, health condition, organization of his or her leisure time, drug and alcohol abuse, emotional state etc.

During the first interview, the convicted person signs a special statement referring to his or her obligation to visit the probation officer and abstain from any unlawful behaviour. Generally, the

statement refers to rights and obligations between the two parties. After the interview, the offender's record consisting of the statement, a first assessment and all relevant documents, is kept at the probation office, subject to the inspection of the prosecutor. The probation officer is also obliged to keep records, both on paper and electronically, on all regular and exceptional activities and events that are directly linked to the offender. The probation officer, when needed, visits the offender at his or her permanent or temporary residence or at his or her workplace without previous announcement or notification.

The probation officer has to inform the court and the prosecutor if the offender fails to behave in accordance with the obligations, rights, arrangements and limitations prescribed in the statement. If the offender violates a rule for a reason beyond his or her competence, the probation officer may recommend a change in the probation schedule or conditions. But if the offender intentionally violates the agreed rules, the probation officer reports this to the prosecutor and the court and recommends a course of action. These actions may result in an extended probation period, withdrawal of sentence on probation, or the execution of the suspended sentence.

2) The **community service** is available for all prison sentences from one month to five years which have previously been monetarily converted, provided that the offender consents and declares that he / she is unable to pay even in installments. Partial conversion is also possible. The measure is imposed upon application by the convicted offender. The court decides on the amount of community work hours, ranging from 100 - 240 hours for a prison sentence of up to one year, 241 – 480 hours for a prison sentence from one to two years, 481 – 720 hours for a prison sentence from two to three years, 721 – 960 hours for a prison sentence from three to four years and 961 – 1200 hours for a prison sentence from four to five years. Unpaid work is offered at local organizations recognized by the Ministry of Justice as responsible to provide community service placements. Such organizations are municipalities, prefectures and non-governmental organizations. Each agency appoints the employees responsible for supervising offenders. The probation service is responsible to contact local agencies and supervise the execution of the sentence. In the judicial districts where there is no probation service in operation, the prosecutor is directly responsible for the supervision of local employees who have the duty of monitoring offenders.

Breach proceedings are initiated by the prosecutor who, after taking into consideration the seriousness of the breach, the degree of negligence and the part of the sentence already served, as reported by the probation officers or the work supervisors, has the following options: a) to issue a warning, b) to prolong the period for the execution for a maximum of one year, c) to allow the execution of the initial monetary conversion after deducting the part of sentence already served, d) to increase or lower the amount of hours to be served, e) to order the convicted offender to serve a prison sentence graduating from up to three months for a community service of up to 240 hours, to 11 – 17 months for a community sentence of over 960 hours, f) to order the execution of the initial prison sentence imposed before the conversion. The community service is legally regarded as a sentence of imprisonment. The necessary regulations for the execution of the community service were issued in 1997 (Ministerial Order 108842/1997) providing for the selection procedure and the necessary tailoring of the work placement to the needs and skills of the offender. Yet, subsequent amendments of the basic legal framework for the community service enacted in the penal code have undermined these considerations while the regulatory provisions have not been updated following the institution of the probation service. Every offender signs a supervisory contract which declares all his or her obligations and rights regarding the execution of the measure, as well as information on breach proceedings, thus enhancing his or her informed consent.

Community service is performed at the municipality or other local organisation which has been officially recognised as competent to offer such placements for offenders. Unpaid work is provided through individual placements and all rights and obligations of the offender are included in a contract which is signed between the legal representative of the relevant authority where the work is offered and the offender, under the supervision of the probation service.

During the first interview, a contract is signed between the probation officer and the offender in which special attention is paid to the form of work, place and timetable. The tasks that can be performed by the convicted person are usually of an auxiliary nature and they must not damage or endanger the offender's health. The employer of the local authority supervises the offender at work, informs the probation officer about all relevant circumstances regarding the offender's performance at work and his or her behaviour. General legal conditions regulating employment are applied on offenders but no specific insurance scheme on community service has been introduced until today.

After receiving the court decision the probation officer invites the convicted person within a period of five days for his first interview. The offender has to start working within a period of approximately 15 days unless the court decision defines the exact date in exceptional situations. All the arrangements between the probation officer and the offender have to be made in the form of a written statement. After the statement has been signed, the probation officer supervises the work, checking periodically the offender but also the municipal staff.

Community service may be imposed on both employed and unemployed offenders. The employed ones are obliged to perform community service after their working hours, whereas the unemployed ones may offer unpaid work at any time. The term for the enforcement of this punishment is usually between three months and three years.

In case some grave circumstances that disturb the enforcement of community service such as illness or other extraordinary conditions emerge, the probation officer has the obligation to inform the prosecutor. Additionally, the probation officer sends biannual reports to the court about the realization of the community service, whereas a detailed report is delivered after the punishment has been served. If the offender fails to fulfil his or her working obligations or neglects his or her duties, the employer informs the probation officer on these circumstances. If the convicted person continues to neglect his or her obligations, the employer is entitled to break the contract. That leads to the immediate recall of the community service order and its replacement with regular imprisonment.

3) Another option which, though, is not a sanction, but a result of the right of a convicted person for a re-examination of his / her case, is **the suspending effect of the lodging of an appeal** (Articles 471, 497 Code of Penal Procedure). The lodging of the appeal by the convicted offender suspends the execution of the sentence in case the sentence imposed by the court of first instance is imprisonment not exceeding three years. For sentences of imprisonment exceeding three years, the court may not grant the suspension. In case of felonies punishable with imprisonment from five to 20 years, the sentencing court grants the suspended effect to the appeal unless it provides a reasoned judgment based on the following facts or estimations: the restrictive conditions are not sufficient, the defendant has no known address in the country or has made preparatory acts for absconding or has absconded in the past or found guilty for escape from prison or breach of restrictions of residence provided that the from the above follows the purpose of absconding or there is justified risk for further re-offending taking into account previous convictions or the specific characteristics of the offence (Article 497 CPP as amended by law 3904/2010). In case the suspended effect of the appeal is granted the court may order restrictive conditions. The convicted offender or the prosecutor may apply to the court of second instance for the suspended effect to be granted. For appeals pending at the Supreme Court, the suspended effect may be granted upon application by the defendant or the prosecutor on reasons

that the execution will cause grave and irreversible damage to the defendant and his or her family (Article 471 CPP). In case the application is rejected, a new application may be filed after one month and for cases pending at the Supreme Court after two months.

Judicial authority responsible for the establishment of the measures

All forms of suspension and conversion of a custodial sentence are ordered by the sentencing court, after the custodial sentence is imposed. The same court is competent to change the decision according to data emerging during the probationary period, either related to the offenders' compliance or to his / her inability or failure to abide by conditions and obligations, intentionally or not.

Alternative measures in detail

Content

See above.

Supervision model adopted (e.g. control-oriented, rehabilitation-oriented…)

The suspended sentence with probationary supervision consists by law in weekly personal or group sessions led by the probation officer. The aim of the counseling is that the offender realizes the gravity and the consequences of his or her actions, recognizes the causes behind his or her offending and discusses proposals to refrain from reoffending. The court may also impose one or more of a variety of conditions, which are mainly restrictive and aim to control the life of the probationer.

Community service is an alternative way for the execution of the prison sentence in case the offender is unable to pay the monetary conversion of the initial prison sentence. The offender's social inclusion or symbolic reparation to the community have lost their importance after consecutive legislative reforms, but the support of convicts offering unpaid work is still a central concern to the probation service.

In addition, it is mentioned that probationary supervision by probation officers for juveniles is a reformatory measure imposed by the juvenile court on a regular basis. The community service order is also provided as a reformatory measure for juveniles but it is imposed rarely due to administrative obstructions mainly related to work by minors.

Relations between the public and the private sector in managing the measures

All the measures are managed by the public sector (judicial and administrative authorities. Only non profit non-governmental organizations are involved in the implementation procedure, having no decisive competence.

Budget allocated and its suitability

There is a complete lack of data on this particular issue.

Impact of measures:

on the prison population

Traditionally the main motive for the introduction of alternative sanctions in Greece was to minimize the application of institutional sanctions and avoid the negative consequences of imprisonment. Under the pressure of overcrowded institutions non-custodial sanctions and

measures are used as means to control the prison population, not as credible and promising responses to crime or sentences "in their own right". Another important factor was the effort to harmonize legislation in this field with the standards proclaimed on European level as regards the enforcement of criminal sanctions, probation and human rights protection. It is important to note that the expansion of the alternatives field of implementation with the continuous rise of the time limit of suspendable and convertible custodial sentences coexist with the increase of the prison population and has had inflationary side effects; courts reacted in a punitive way, imposing longer, non-suspendable and convertible sentences. On the one hand the number of admissions seems to be controlled, while on the other hand the average length of time actually served in prison has increased.

on the lives of the subjects involved (work, physical/psychological wellbeing, family and social relationships, goals and life perspectives, recidivism rate)

Systematic research on these issues does not exist. No data are available as regards the impact of the measures on offenders' personal and social lives and prospects.

Total number of people (flow and daily rate) serving alternative sanctions in 2014, historical series since 2000 and rate per 100,000 population for this period

2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
										5423 (47.9)	5549 (49.1)	NA	8250 (77.2)	NA
										2043	7460	NA	9019	NA

Source: SPACE II (line 1: stock data, line 2: flow data). Rate per 100,000 inhabitants in parentheses. Conditionally released inmates are included here although relevant data should be presented in the next section of the report.

Total number of people (daily rate) in prison serving a final sentence in 2014, historical series since 2000 and rate per 100,000 population for this period

2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
5809	6061	6276	6116	6017*	6154*	7045	7129*	8636	8314*	8209	8225	9782*	10134	9402
NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	72.6	72.7	NA	91.6	NA

Source: SPACE I: Data on 1 September. Data with asterisks refer to January 1st (source: Ministry of Justice) and are used only where SPACE I data are not available.

Annual flow and the daily rate for the period 2000 to 2014, of: people serving the measure, foreigners, male/female, revocations distinguishing among non respect of conditions / re-offending / other

Systematic research on these issues does not exist. No data exist for individual sanctions and measures. Data of the Council of Europe statistics for non-custodial sanctions and measures are kept under a different categorization and do not correspond with the measures presented above. CoE data are available only for the years 2010, 2011 and 2013 (2012 data have been totally removed from the statistical tables due to inconsistencies that could not be fixed and some 2014 data are expected to be available after September 2015). These data show that the following use of alternative sanctions has been made:

Year	Probationary Supervision Stock / Flow	Community Service Stock / Flow	Treatment Stock / Flow	Home Detention Stock / Flow	Conditional Release Stock / Flow	Other Stock / Flow
2010	759 / 819	409 / 357	27 / 21	5 / 2	4223 / 1944	0 / 0
2011	1181 / 4257	640 / 526	36 / 17	6 / 13	3665 / 1639	21 / 8
2013	1726 /4566	1523 / 1286	29 / 42	23 / 24	4547 / 2517	402 / 584

Source: SPACE II. No details or explanations are given as regards what is included in each category, especially the last one, under the heading "other". The credibility of data is anyway questionable.

Anagnostaki's exploratory research conducted in 2014 shows that in the period 2009 -2013 probation officers in all but two of the active probation services for adults (12 /14) supervised 110 persons under suspended sentences and 152 conditionally released inmates. The majority of probation officers clientele consisted of convicts offering unpaid work (776 in 2011 and 1175 in 2013). Data of the Ministry of Justice show that 1644 sentences had been converted to community service orders from 2000 to 2009. These data are completely irrelevant and inconsistent and obscure the alternatives landscape.

Alternatives during execution[4]

Alternatives during execution from the legal point of view

Conditional release is an integral and important part in the enforcement of prison sentences and has a history of over one century (Articles 105-106, 109-110 PC). It is granted as a rule on the entitlement date by the judicial council, unless a specifically reasoned judgment is passed that further detention is necessary to prevent reoffending. Assessment on future behavior may only be based on the inmate's custodial behavior as certified by the Director of the prison and reported by the prison social services. Release is granted on the condition not to reoffend, usually with the obligation to report regularly to the police authority of place of residence. Prisoners are entitled to conditional release upon completion of two fifths for sentences of up to five years, three fifths for sentences of five to 20 years and 20 years for life sentences. Provisions for earlier release are in place for prisoners participating in drug treatment programmes in prison or prisoners that are admitted to continue drug treatment in an official programme in the community. Conversely, prisoners serving life sentences for drug trafficking are not entitled to early release until completion of 25 years. Earlier release is also granted to inmates over 70 years of age or prisoners with very serious health problems. Serving time is calculated beneficially for inmates that are in work, training or education in prison, so that each day is calculated as one and three quarters to two and a half days served. Similar provisions of beneficial calculation apply for inmates who are above 65 years of age, prisoners with serious disability or health problems and mothers for the period they have their children with them in prison (until they reach the age of three years). After the project reference period, in April 2015, legislative amendments promoted early conditional release schemes, shortening the sentence time needed to be served in custody before conditional release is considered.

Recent legislation has provided also for earlier **conditional release with electronic monitoring** for a period that extends until the entitlement day for "traditional" early release (Article 110B, 110C PC, as added by law 4205/2013). Conditional release with electronic monitoring is granted by the judicial

[4] Those established during the execution of the sentence as forms of early release from prison.

council upon application by the offender and may be recalled or the conditions may be amended by the prosecutor ex officio or upon application by the parolee. Custodial behavior is again certified by the Director of the prison while a special report by the prison social service is required with reference to the family and social environment of the offender as well as to the persons living with him or her. Specific conditions on the daily programme allowed are stated in the council's decree or the prosecutorial order, while no supervision or assistance during release is provided.

Although the probation service has the duty to supervise offenders following early release, this provision has been implemented on a very small scale until today. Early release is regarded an enforcement module that reduces prison time and a period for the offender to take initiative and "prove worthy" of release; thus it is traditionally not accompanied by efforts to assist offenders' resettlement needs and ensure compliance.

Other important but neglected institutions in place today are **agricultural prisons** (semi-open farming houses) and **therapeutic custodial centres** either as separate departments in local prisons or as a whole therapeutic establishment aimed at offering drug treatment services for substance abuse prisoners.

Amnesty is provided in the Greek constitution only for political offences (Article 47 paragraph 3 and 4 Constitution). It extinguishes the punishable character of these offenses on the basis of general criteria, concerning the offences and not individual circumstances of the perpetrator(s). Governments, however, have used in the latest decades the method of «statute of limitation by lapse of time», which may be considered as a concealed amnesty, in order to extinguish the criminal character of certain categories of common crimes, as a way of reducing prison population.

Pardon requires a decision of the President of the Republic on recommendation by the Minister of Justice and after consulting with a council composed in its majority of judges (Symvoulio Chariton (EL)), by which sentences against certain perpetrators may be pardoned, commuted or reduced. Pardon is granted upon application by the convicted offender. The probation service has no involvement in the implementation of amnesty or pardon procedures.

Recent legislation has provided for the involvement of the probation service in the implementation of **regular home leave** and particularly in the supervision of entitled prisoners who are foreign nationals, homeless or have no family and for the granting of regular leave with electronic monitoring (law 4205/2013). Regular home leaves are a central provision for the preparation of inmates' resettlement in Greece. They are granted to inmates who have served one fifth of real time and at least three months in prison or in case of life imprisonment at least eight years, provided that: a) no criminal proceedings for felony are pending, b) it is estimated that there is no risk of reoffending during leave, c) there are reasons to justify no risk for absconding or bad use of leave. The general conditions imposed are the general obligation not to re-offend and to report to the police authorities of the inmate's place of residence as well as the obligation to declare his or her place of residence and the capability to sustain oneself during leave. The duration of leave is one to six days (which may extend to nine days in certain cases) and in total 45 days per year (Articles 54-56 CorC). The Disciplinary Prison Board, which consists of the prosecutor as president, the prison director and a senior social worker as members, is responsible for granting or rejecting leave upon application by the offender, who is entitled to appeal to the judicial council following two subsequent rejections of application. As regards the probation service's involvement in regular leave schemes it is difficult to estimate the impact of such a provision but it nevertheless highlights some of the obstacles in implementing community measures without the necessary support and supervision.

Judicial authority responsible for the establishment of the measures

Conditional release, electronically monitored or not, is granted by the judicial council of the court where the prison in which the inmate is detained operates. Prison leaves and transfers to agricultural prisons or to therapeutic centres are ordered by administrative bodies (the Prison Disciplinary Council and the Central Transfers Committee). Prison leaves and transfers are not literally alternatives but "freedom intervals" (the former) or modifications of custodial regimes (the latter).

Alternative measures in detail

Content

See above in details.

Supervision model adopted (e.g. control-oriented, rehabilitation-oriented…)

Conditional release is a typical example of a measure not being substantially supervised. The role of the probation service is minimal and usually supervision is understood as the periodic contact of the released person with the police. The control aspect of the measure is also dominant in its new, electronically monitored form. Only in special forms or conditional release, such as those which are combined with an obligation of the released person to attend a therapeutic programme, the rehabilitative side of the measure is of major importance.

Relations between the public and the private sector in managing the measures

Only in the case of electronically monitored conditional release the role of the private sector, providing and managing the necessary equipment and control mechanism is central and important. Even in this case, though, the measure is monitored by the public sector (the Ministry of Justice).

Budget allocated and its suitability

As in all the other cases, no data exist to calculate and compare costs. The electronic monitoring of conditional release is at an early stage of its pilot implementation, and it is not possible to be used as an example to examine cost effectiveness and other related issues.

Impact of measures:

on the prison population

The conditional release is very often used as a safety valve used to control penitentiary explosions. The introduction of early release schemes is the most common rear end strategy of the legislator to alleviate serious overcrowding in prisons, which has lead many times to short term reductions of the inmates' population. The experience of the last decades shows that conditional release, not combined with other measures (decriminalization and depenalization) has limited potential to affect permanently prison numbers and its results are sooner or later reversed.

on the lives of the subjects involved (work, physical/psychological wellbeing, family and social relationships, goals and life perspectives, recidivism rate)

It is not possible to present and support any documented opinion on the social aspects of conditional release and other measures influencing the imposed and enforced custodial sentence, but that conditionally released prisoners are not sufficiently assisted to improve their life

conditions. Post release care is not adequately organized to solve ex-inmates' serious problems and meet their needs.

Total number of people (flow and daily rate) serving alternatives during execution in 2014, historical series since 2000 and rate per 100,000 population for this period

See available data for conditional release in the previous section, regarding alternative sanctions imposed at the sentencing stage, where data regarding conditional release have been included.