

Quality standards in the ambulant judiciary social services of Lower Saxony

5th completely revised edition 2017



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Appendices

1. Preamble

In addition to the criminal jurisdiction, public prosecution and law enforcement the 'ambulant judiciary social services of Lower Saxony' (Ambulanter Justizsozialdienst Niedersachsen - AJSD) is the fourth pillar of the criminal justice system in Lower Saxony.

AJSD employees are committed to the social integration of criminals, provide assistance in decision making for the criminal justice system and employ mediation in criminal matters. They support the clients in avoiding the execution of imprisonment for failure to pay a fine and provide ongoing assist for the victims of crimes and their relatives.

The AJSD is committed to upholding the basic values of tolerance and social justice, human rights and violence-free conflict resolution (cf. "Code of Ethics" of the International Federation of Social Workers). From these basic values ensues a fundamental attitude of respect towards all clients as well as a resources-oriented and solution-oriented style of working.

A high degree of subject-related competence is the prerequisite for this responsible work in the justice system of Lower Saxony. It is guaranteed by continuous updating of knowledge, ongoing revision and development of quality standards and professional quality and risk management.

The AJSD carries out preventive work for society as a whole and makes a contribution towards internal security. It cooperates with private funding bodies and partners of the offender and victim support network, and supports voluntary work.

2. Introduction

The professional standards of the 5th edition result from ongoing quality development in progress since 2000 and including the involvement of the employees of ambulant social services in the judicial system in Lower Saxony.

From 2007 to 2009 the ambulant social services in the judicial system in Lower Saxony underwent significant changes within the scope of a structural reform. One of the primary objectives in this connection was to establish a central management structure. Until then, a total of 29 judicial agencies were involved in administration and management of the ambulant social services. Social work in the judicial system was therefore, for example, subject to regional differences.

The AJSD, ensuing from the restructuring on 01.01.2009, now has centralised organisational and professional control of the areas of probation services (Bewährungshilfe), supervision of conduct (Führungsaufsicht), court assistance (Gerichtshilfe) as well as victim-offender mediation (Täter-Opfer-Ausgleich). The AJSD department at the Oberlandesgericht Oldenburg (higher regional court) is responsible for the direct service and subject-specific supervision. The organisation, duties and service operation of the AJSD are regulated by the AJSD Work Directive (AV) in the currently valid version.

The very designation of “ambulant judiciary social services of Lower Saxony” describes the essential features of its identity: it provides ambulant social work and is part of the judicial system of Lower Saxony. Social workers employed at the AJSD are referred to as judicial service social workers. They are fundamentally qualified to work in all relevant areas of the AJSD. Their work is supported by administrative staff at all office locations, by the district management in every district and by the department in charge throughout Lower Saxony.

In the AJSD standard administration processes are developed, attempts are made to avoid the breakup of relationships due to social structure, and continuous care is made possible. The judicial service social workers supervise probation and conduct and, at the same time, provide assistance in connection with court issues. The working methods and processes are designed to be effective and efficient. Through its state-wide competence, social work within the judicial system is raising its profile, becoming a subject in its own right and its significance with regard to criminal policy is increasing.

The professional standards now in place are the result of a comprehensive and multi-layered discussion process stretching over several years, which was carried out in different committees, quality circles, local service meetings and events.

The aim of professional standards is to present the range of services of the AJSD to the outside world and at the same time to set binding standards internally, and thus offer an orientation for practical work. In this context they take into account the different expectations of the state of Lower Saxony and the employer, the referring bodies, the cooperation partners and the clients but at the same time they are subject to the subject-specific demands of professional social work.

In accordance with this goal the aim is, at the same time, to take into account the practical experiences of the last few years in relation to the previous professional standards. In order to be able to identify individual points of criticism and problems, an organised feedback process was carried out by the lead AJSD department at the beginning of 2015, and involved all judicial system social workers. Every judicial system social worker had the opportunity to make a statement on individual points of the handbook up to that point, and to present a proposal for improvement, stating reasons ("feedback system").

Subsequently, a group of experts ("evaluation committee") composed of co-workers of the AJSD with different professional and organisational perspectives and functions was formed. The evaluation committee evaluated the feedback from the feedback system over the course of 2015. Management of the AJSD has made use of the results by letting them flow into the revision of the professional standards.

The standards stipulated in this handbook describe the minimal level of service provision to be ensured on a regular basis in individual cases by the judicial service social worker responsible when carrying out their duties. Thus it is self-evident that in individual cases, and at the discretion of the judicial system social worker responsible, further (support) measures for the client can be necessary.

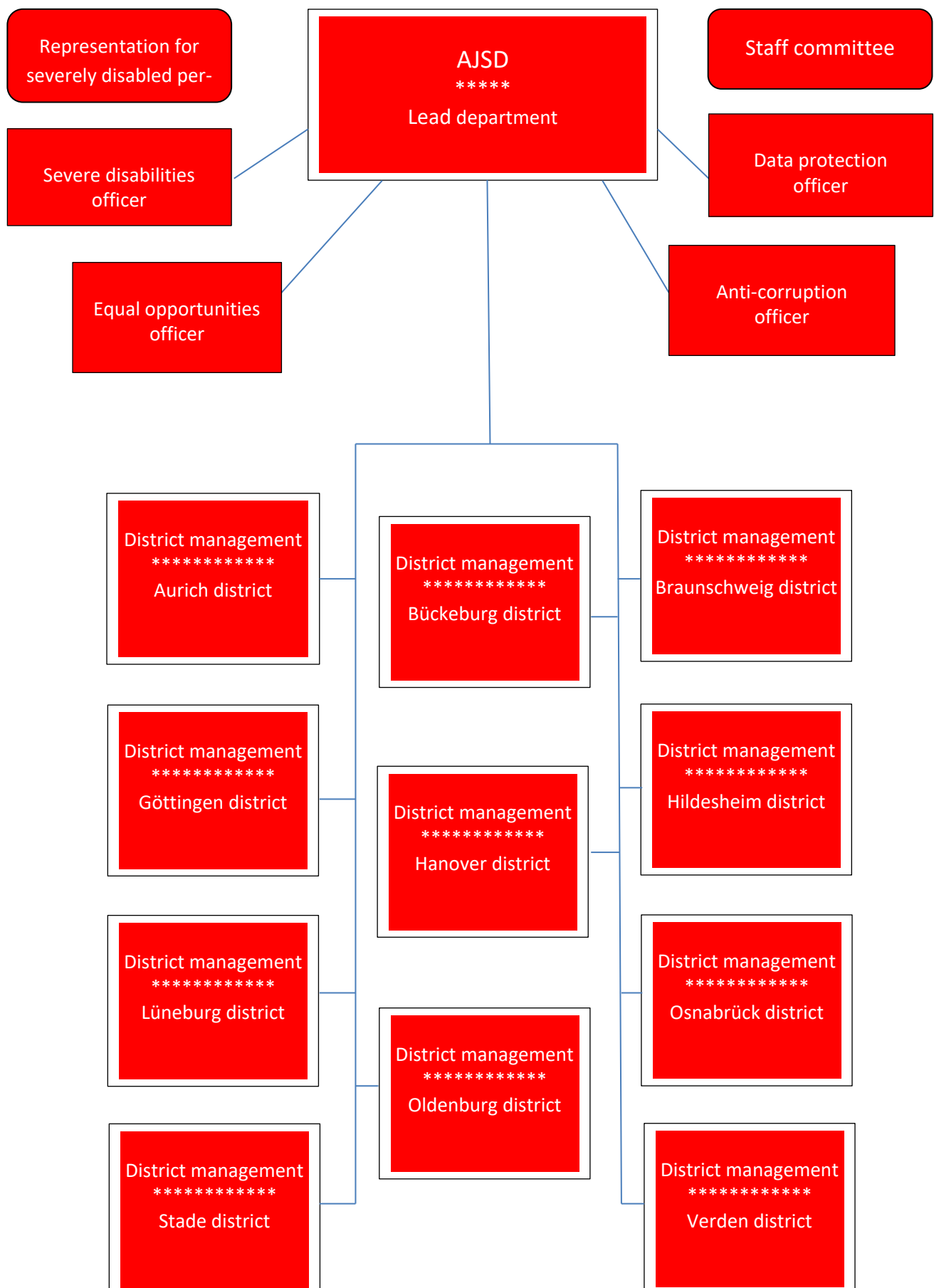
Within the scope of case management, networking and in cooperation with other service providers and funding bodies, judicial system social workers of the AJSD work or participate in multi-professional working groups, round table meetings, and in diverse subject-related committees. They fulfil their duties, however, exclusively using social work methods. Besides the basic qualification of their profession, additional qualifications are provided for

judicial system social workers concerning individual areas of responsibility, categories of offence or for special problems so that specific requirements can be met with additional subject competence.

Clients of the AJSD can be, in particular, offenders on probation, suspects, accused persons, convicts, injured parties and victims, to whom a case relates.

In the following, reference is fundamentally made to clients.

The current organisational structure is illustrated in the organigram below.



3. Quality development and assurance

Professional work is subject to a continuous development process. The current professional standards thus always present a snapshot, at the same time they are committed to broad objectives and requirements.

Quality consists of structural quality, process quality and result quality.

3.1. Structural quality

Structural quality refers to the framework conditions according to which the duties of judicial service social workers are carried out. First and foremost these are the legal basis according to which the work is always to be orientated. Further important components of structural quality are:

3.1.1 Human resources

Some 450 persons work in the entire joint staff body of the AJSD and Stiftung Opferhilfe Niedersachsen (victim support foundation, Lower Saxony). In 2016, of this total, an annual average of 336 judicial service social workers and 80 administrators worked in the division of the AJSD. To ensure cases are processed and duties carried on an optimal basis, provision is made for a ratio of one administrator to every four judicial service social workers. Exclusively social workers and social pedagogues who have completed a degree programme with a 'Diplom' or bachelor qualification, and have state accreditation, are employed for the professional work of judicial service social workers. A selection procedure standardised across the state ensures staff are selected in accordance with requirements.

The prerequisite for the administrative work is that training as an office clerk, legal assistant or judicial business administrator has been completed.

3.1.2 Case load

The quality of the work is also dependent on quantitative working conditions (case numbers). Qualitative demands placed on the professional work cannot be separated from the volume of work. In academic discussions on this topic there are a diverse range of surveys and proposals. The workload of judicial service social workers is calculated by an average workload figure which in the first place assesses the different types of case concerning probation services, supervision of conduct, court assistance, and victim-offender mediation (1 probation service = 1 supervision of conduct = 4 court assistance cases = 2 victim-offender mediation). In relation to the proportion of staff available for carrying out the work, a workload figure ensues which makes it possible to compare the workload across the state in numerical terms.

'KURS' clients (concept for dealing with sexual offenders at risk of recidivism in Lower Saxony) whose conduct is supervised (Führungsaufsicht) are given a threefold weighting in categories A and B, which is justified on the basis of the increased time of contact obligations outlined in the KURS concept. In the case of clients whose conduct is supervised, and for whom electronic monitoring has been ordered but are not simultaneously KURS cases in categories A and B, the same regulation applies. Here it must be expected that the workload will be significantly higher.

3.1.3 Premises and facilities

In order to ensure comprehensive provision by the AJSD across Lower Saxony, decentralised office locations which are easy to reach by public transport are maintained. This enables clients to have access to AJSD judicial service social workers with minimal effort and within the scope of their possibilities.

The office locations - taking into consideration aspects of inclusion - offer sufficiently large individual offices for judicial service social work, with PC-work stations and the opportunity to hold personal and uninterrupted discussions with clients and, where relevant, anyone accompanying them.

In addition to individual case work, rooms are also required which are suitable for official meetings of the entire office, mediation sessions for victim-offender mediation and the possibility of group work as well as waiting areas for visitors.

Organisation of everyday running takes into consideration safety aspects for employees as well as visitors to the AJSD. These aspects are dealt with separately in the AJSD safety concept.

The requirements formulated in this regard are not fulfilled to a full extent at all locations. They represent a significant part of the structural quality, however, and must particularly be taken into consideration when leasing real estate.

3.1.4 Technical facilities

Each individual workplace in the AJSD is equipped with modern IT facilities and a specialist application to support work. All office locations receive office equipment in accordance with current requirements.

3.1.5 Administrative work

When a case is received by an AJSD office location the local and operational competence is checked within five working days. When it is determined that the location in question is not competent, the case is immediately passed on to the competent office within the district. Otherwise, the case is immediately returned to the referring body.

If competence is determined, the case is immediately documented and a file record created. If a processing deadline has been stipulated by the referring body, this must be recorded. The distribution of cases takes place as a separate competence according to the business-distribution plan in place at the particular office.

The confirmation of receipt to be sent to the referring body, in addition to detailing the reference number, also provides the name of the judicial service social worker responsible and the necessary office and communication-related information.

At all office locations of the AJSD administrators are employed to support the judicial service social workers in carrying out their duties, for example, by registering cases, creating file records, and dealing with post.

A description of duties and profile of requirements for administrators are not expressly part of these professional standards. A description of duties and profile of requirements is to be compiled separately and standardised across the state.

3.1.6 Voluntary work

Voluntary work is a supplementary element in carrying out duties in the AJSD.

It represents an important link to society. Voluntary work is not a replacement for professional social work. Instead, it utilises volunteers' skills and thus expands the service offered by the AJSD for clients. Engagement of voluntary workers is regulated in a separate concept "Voluntary work in ambulant judiciary social services of Lower Saxony".

3.1.7 Interface management

Interface management in the AJSD, across all individual cases, refers to the constructive collaboration of various disciplines and work areas to optimise support structures for offenders.

District management is responsible for the arrangement, and can appoint special contact persons for subdivisions who work in committees such as working groups, round table meetings, prevention councils, etc. Existing network structures are to be taken into consideration in this connection.

The aim, by means of continuous collaboration, is to create, maintain and expand a network with the cooperation partners.

3.2. Process quality

Process quality in the AJSD is guaranteed through professional standards for the areas of probation services, supervision of conduct, court assistance and victim-offender mediation. Furthermore, core tasks are established for individual target groups for which specific and/or supplementary minimum requirements are in force.

3.3. Result quality

The definition of successful judicial service social work is fundamentally dependent on the respective objectives of those involved. These will be different from the client perspective to that of the referring body or the responsible judicial service social worker. Concerning

the effectiveness of the measures, the problem of measurability is also relevant. Nevertheless, some points of reference can be named which can be outlined as objective criteria within the scope of case processing in the AJSD.

The results in connection with completion of duties relating to a case, when supervision of conduct terminated with remission, involve aspects such as implementation of the objectives and agreements formulated in the individual intervention plan, as well as subsequent reassessment with the client, fulfilment of judicial obligations and instructions in accordance with the court order and, ultimately, the remission of the suspended juvenile or custodial sentence.

With regard to court assistance, in the context of cases in preliminary and main proceedings, development of differentiated social forecasts is to be regarded as result quality. Compiling social and victim reports facilitates an improved decision-making basis for the referring body.

For cases in the enforcement procedure, the result quality is considered the successful commencement of community work and, as a consequence, the annulment of a prison sentence for failure to pay a fine as well as enforcement by imprisonment.

In the area of victim-offender mediation, the achievement and implementation of an agreement in the mediation discussion with the parties involved is also part of result quality - such as, where relevant, rapprochements achieved in preliminary discussions which can be reported to the referring body.

3.4. Quality assurance

Quality assurance is the actual implementation, compliance with, inspection and further development of professional standards. The measures essential to this - in their entirety and implemented at different levels of hierarchy - form the conditions for a continual improvement process, which includes constant renewal and reflection. This continual process is accompanied by internal or external evaluations and surveys of employees, clients and referring bodies.

3.4.1 Meeting structure

To support continuous further development, diverse committees are established. The work of these committees is documented in minutes. First and foremost these are the regular official meetings and team meetings which take place at district level as well as at every office location. The district managers are responsible for internal district management.

Quality circles, managed by quality officers, are also established in all districts. The quality officers coordinate their work with the relevant district manager. Quality officers collaborate across districts, within the scope of official meetings, with subject-specific managers of the AJSD.

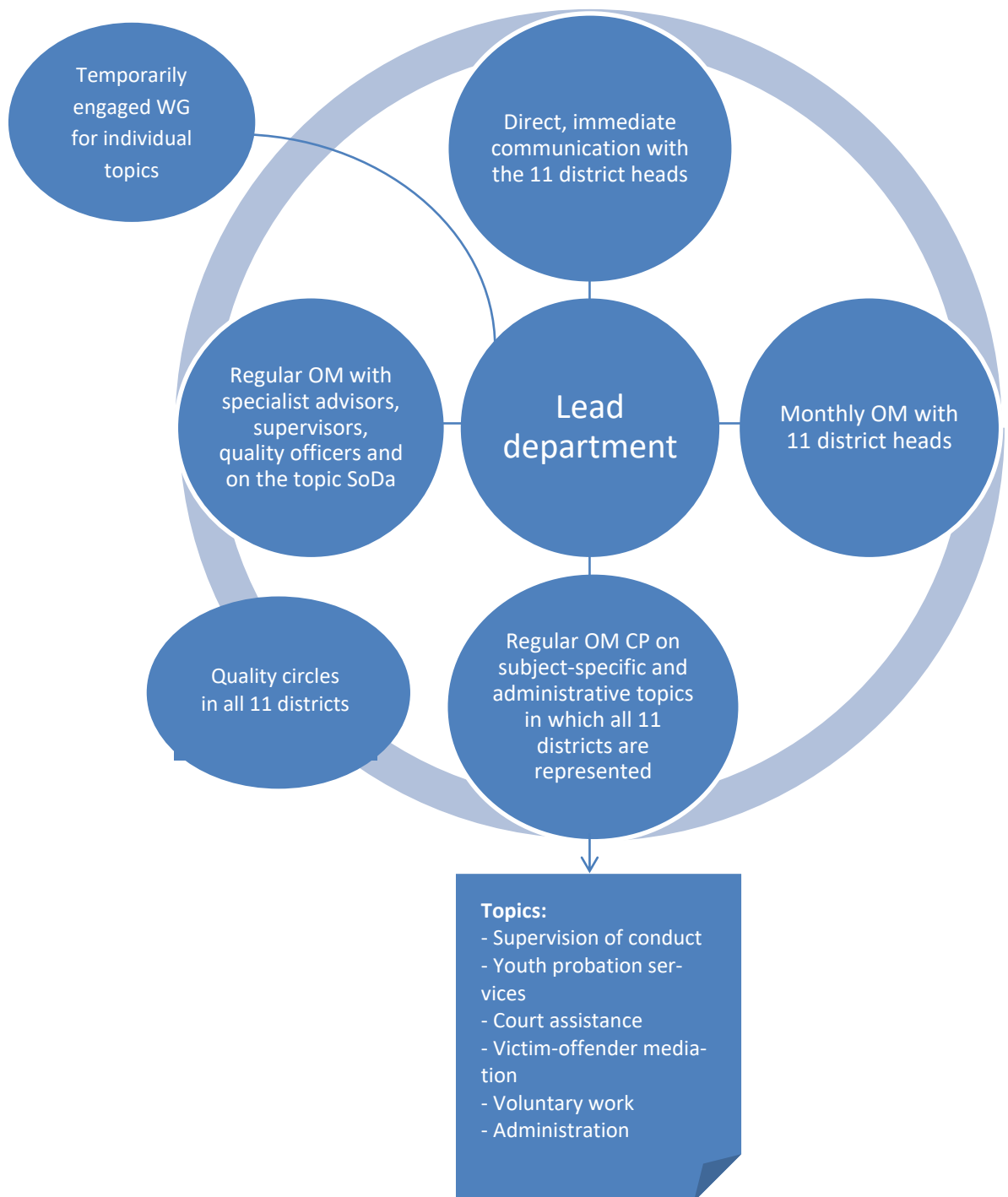
For all core tasks contact persons are appointed in all districts to work in the cross-district official meetings with subject-specific managers or under management of appropriate specialists of the AJSD. The frequency of meetings between contact person committees depends on the topic and/or as circumstances require. The work rhythm can differ accordingly.

Working groups can also be appointed to deal with specific topics or questions as required. The composition of these working groups does not fundamentally require representation from every district but takes into consideration the specialised resources and staff capacities available in each case.

All committees work on the steering, strengthening and further development of the tasks and/or core areas, the exchange within districts and across districts, development of standardised work methods and approaches, as well as advising the head of the AJSD and subject-specific supervision. They therefore make a significant contribution to the development of criminal policy positions of the AJSD.

The respective findings and proposals of all committees are presented to the lead department which carries out an evaluation involving the district heads, decides on further dealings with the findings and, where relevant, ensures they are implemented appropriately.

The following overview depicts the current cross-district meeting structure of the AJSD:



Legende:

AG = Arbeitsgruppe
 AP = Ansprechpartner/innen
 DB = Dienstbesprechung
 SoDA = IT-Fachanwendung

3.4.2 Case discussion and consultation with colleagues

Case discussions and consultation with colleagues are opportunities for professional exchange. Whereas case discussions are ideally held at all office locations within the team based there, consultation with colleagues can also be implemented in other contexts. The opportunity for consultation with colleagues is open to all judicial service social workers, administrators and district heads.

The method of consultation with colleagues is understood as a process in which colleagues provide mutual support to each other concerning specific professional and practice-related questions, and share their own knowledge. Systematically designed and utilised, consultation with colleagues helps to promote a sense of satisfaction amongst employees, and leads to a qualitative improvement in work results in the AJSD. The employees involved collaborate in a self-directed way, within regular group meet-ups. Consultation with colleagues is a structured process and supports collective development of solutions and approaches.

This allows employees' own expert knowledge to be utilised, strengthened and further developed without the involvement of external experts, and also activates the AJSD's own resources and possible courses of action which can be used in daily work.

Consultation with colleagues therefore benefits the individual employees as well as the AJSD overall and, in addition to further measures, contributes to quality development and quality assurance in the AJSD. Concerning the particulars, reference is made to the framework concept for consultation with colleagues in the AJSD.

A specific opportunity for consultation with colleagues is also available in the AJSD in the form of specialist advice on risk management (cf. 4.8.2).

3.4.3 Supervision

The AJSD provides supervision in the form of individual, team and group supervision.

A number of judicial service social workers in the AJSD have received supervision training. They are expressly authorised to undertake supervision activity in the AJSD and are partially released from their duties as judicial service social workers for this activity. The supervision is fundamentally on a voluntary basis and is granted on application. The only

exceptions here are compulsory participation in group supervision within the scope of the programme for newly employed judicial service social workers as well as part of the additional qualification concerning support of sexual offenders.

In duly justified cases there is also the opportunity to use external supervision offers.

The supervision offer in the AJSD is described in more detail in a separate concept.

3.4.4 Further training

Within the scope of the budgetary resources made available, further training measures are provided for all AJSD employees and, according to need - which is to be determined on a regular basis, planned and implemented by the management of the AJSD. The significant components of the current further training concept are:

- central national and regional events with appropriate internal or external instructors,
- at district level, official meetings with professional training sessions held at least once per year,
- specific training events carried out by judicial service social workers for individual districts or special areas of responsibility,
- participation in external specialist conferences and training.

In addition to the basic qualification for social workers, special additional qualifications are provided for two target groups of clientèle, namely for the support of sexual offenders within the scope of supervision of probation and conduct, as well as for conducting cases in victim-offender mediation. Whereas the additional qualification for the support of sexual offenders is regularly carried out in training designed and delivered by the AJSD, training to become a mediator in criminal cases is carried out by the victim-offender service bureau (TOA Servicebüro) in Cologne.

For the area of youth probation services special training and further training measures are required (cf. 4.8.4).

All further training measures are supported by the establishment of a central library with subject-specific journals and literature, which are available for all employees to take out on loan.

3.4.5 Onboarding of newly employed judicial service social workers

For newly employed judicial service social workers, or optionally for judicial service social workers who are returning to the service after a long period of absence, two training modules lasting several days are provided as an introduction to the areas of responsibility of the AJSD. Onboarding extends over a total period of approximately one year with corresponding guidance and based on an individual onboarding plan. Depending on prior professional experiences, provision is also made for work shadowing at cooperation partners, as well as accompanying group supervision and a reduced workload for the first six months.

3.4.6 Documentation and reporting

Documentation and reporting serve the established standard for professional practice and have already been mentioned as part of process quality.

Timely and seamless documentation is important, for example, in the context of planned as well as unpredictable periods of absence of the judicial service social worker leading a case in order to enable the replacement to take over and continue working on the case.

Documentation and reporting, furthermore, also serve as evidence of work within the scope of quality assurance, and are the basis for appraisals and performance evaluations of employees by the state of Lower Saxony and the employer, whether these are carried out within the scope of audits or verifiability within the scope of error and complaint management.

Case documentation is an important and indispensable part of social work. This correspondingly applies to all types of cases in the AJSD and is regularly undertaken by the judicial service social worker responsible within the scope of (electronic) record keeping. On the basis of continuous documentation in the form of reports and notes made on files, as well as with the help of standardised templates (paper forms or electronic templates), all relevant work procedures and results - in addition to data collection - are chronologically documented. This allows the procedures implemented to be presented in a convincing and comprehensible way.

Documentation similarly includes writing reports to the respective referring body in each individual case.

According to the type of case, the requirements of documentation and reports in terms of scope and content can differ. The fundamental requirements in the sense of plausibility, comprehensibility, completeness, objectivity, a clear distinction between facts and assessments, as well source information refer, however, to all cases in the AJSD.

3.4.7 Audits

Compliance with professional standards is regularly inspected at intervals of three years, or as circumstances require according to standardised state criteria, within the scope of audits in order to guarantee quality assurance and the proper processing of official business. Implementation of the audits is part of the district management area of responsibility. Copies of the audit records are forwarded to the department in charge within the scope of service and subject-specific supervision. A copy is given to the judicial service social worker.

3.4.8 Staff appraisal meetings

The staff appraisal meeting (Mitarbeiter-Vorgesetzten-Gespräch - MVG) provides the opportunity, with a certain distance from daily activities, to discuss objectives in a staff member's area of responsibility, potential and necessary improvements in work processes, and expectations concerning further professional development. The aim is to expand and improve communication and cooperation within the scope of this meeting. The line manager and employee review everything together and strive for a common objective; promotion and development opportunities are outlined.

The district manager responsible is obliged to offer an MVG to employees regularly, at intervals of three years. Acceptance of this offer is voluntary for employees (cf. guidelines).

3.4.9 Data protection, data collection and data processing

In order to fulfil their duties, in addition to data passed on by courts and public prosecutors, judicial service social workers are instructed to undertake their own data collection regarding clients in order to fulfil the statutory mandate concerning assistance, control, reporting and ascertainment. This data collection is permissible insofar as it is required to fulfil the statutory mandate.

Data processing takes place on the basis of the German Code of Criminal Procedure (Strafprozessordnung - StPO). It explicitly allows probation services and court assistance to store, modify and use data in a file for the purpose of criminal proceedings (section 483 paragraph 1 StPO) and case administration (section 485 StPO). In accordance with section 483 paragraph 2 StPO, in combination with section 485 StPO, this data can also be used in connection with other criminal proceedings. Within the scope of sections 485 item 3, 484 StPO it is also permissible to store data for future criminal proceedings. Section 486 StPO permits the creation of a shared file. Sections 488 ff. StPO permit processing in an automated procedure.

Data collection for all cases of the AJSD must always observe the basic principles of data protection, particularly the principles of necessity, at source collection as well as data avoidance and data minimisation.

Judicial service social workers do not have the right to refuse to testify, however they are subject to the obligation to observe confidentiality in their work according to section 203 paragraph 1, no. 5 German Penal Code (StGB).

3.4.10 Statistics

For individual areas of responsibility and types of case, data is regularly collected centrally in the AJSD, according to quantitative and qualitative aspects, in order to determine and evaluate development trends. The data is prepared in an appropriate form on an annual basis and made available for the district managers as well as the judicial service social workers.

In a separate procedure, the case numbers are also linked up with current staffing information in order to continually record the workload across the state and, where relevant, make adjustments. This information is presented and published in the form of quarterly statistics.

4. Standards of probation services and conduct supervision

4.1. Legal basis

The AJSD fulfils the statutory duties concerning probation services (Section 56d German Penal Code (StGB), Sections 24, 29, 61b German Juvenile Court Act (JGG)) as well as social work monitoring and support duties within the scope of supervision of conduct (Section 68a paragraph 1 StGB, Section 7 JGG).

The duties of the AJSD include communication and monitoring of obligations and instructions in accordance with the Juvenile Court Act only in so far as these are obligations and instructions within the scope of probation services and not a duty regarding youth welfare in criminal proceedings.

Judicial service social workers, as probation officers, carry out duties of probation services in accordance with Section 56d StGB, Sections 24 and 25 JGG as well as Section 24 paragraph 3 Clemency Regulation (Gnadenordnung) in the currently valid version in each case.

4.2. Basic understanding of assistance and control

Convicted persons are under the control of a probation officer (judicial social worker) either for the full duration or part of the probation period within the scope of the probation services, "(...) if this is appropriate in order to deter them from criminal acts" (cf. Section 56d paragraph 1 StGB).

A convicted person is normally under supervision of a probation officer for several years. Compared to all other AJSD cases, this involves a significantly longer support context. The same applies for a probation officer being appointed within the scope of supervision of conduct, although here the appointment is mandatory for the entire duration of the supervision of conduct and the monitoring element is of prime importance

For both types of supervision the probation officers assist convicts, provide help and support achieve the objective of preventing further offences. At the same time they monitor "(...) in agreement with the court, the fulfilment of obligations and instructions as well as the pledges and promises and report on how they are handling their lives (...). Gross or persistent breaches of obligations and instructions as well as pledges and promises (...)" are reported to the court (cf. Section 56d paragraph 3 StGB).

The so-called double mandate of assistance and control characterises the supervision and support of clients by the judicial service social workers of the AJSD. Whilst the objective in this connection always remains the prevention of further offences, the work with clients is determined by professional social work, which functions on the basis of specific, theoretically-grounded intervention strategies and methods.

The basis for successful collaboration between judicial service social workers and clients is a sound and respectful professional working relationship, which cannot be instigated without boundary setting, willingness to change and critical analysis. Identifying the underlying individual requirements for delinquent behaviour, activating resources, developing alternative courses of action and deriving and implementing intervention steps from these findings with the (ideal) objective of a long-term change in attitude and behaviour outline the process of a successful probation period. In other words: Risk-orientated work in probation services focuses on the identification and processing of risk factors relevant to recidivism as well as the identification of personal resources in order to prevent further offences.

Judicial service social workers actively and proactively shape the action they take, provide momentum when required and involve other people or services when required or when it is favourable for the support process.

Judicial service social workers employ case management methods and do not provide all support offers for clients themselves. In addition, they coordinate assistance and support measures in the individual case in question, hand cases over to specialised external services or internal specialists where relevant, provided the client agrees to the measure. Judicial service social workers thus only "accompany" these external offers.

The entire intervention process is aimed at interaction between the parties involved. The clients always decide for themselves about their life and determine how they act with all the consequences that follow.

4.3. Data collection

Data collection takes place on the basis of the documents available when support commences. These normally consist of the judgment and court order, extract and - if available - assessments from the German Federal Central Criminal Register, as well as reports from the youth welfare service in criminal proceedings. Where relevant, it may be necessary to request documents in individual cases.

Data collection is completed with the addition of the social worker's own findings from the initial talk with the client as well as subsequent talks.

The sources of the social worker's own findings are to be made clear if they do not come directly from the available documents.

4.3.1 Master data

The term master data describes any data which it is compulsory to record. This data has generally already been collected when the file record is created by the administrator:

- Personal data
- Nationality
- Current address
- Holders of right of custody in the case of juveniles
- Criminal situation
- Underlying conviction(s)
- Obligations and instructions
- Other parties involved

4.3.2 Supplementary data

The term supplementary data describes any data which is collected in addition to the master data. Supplementary data is collected when it is required for the case. This especially includes information concerning:

- Family circumstances
- Biographical situation
- Living situation
- School/occupation
- Health
- Work
- Finances

The data recorded is updated on an ongoing basis as necessary.

4.4. Introductory phase

The introductory phase commences after the case has been received and local and operational competence has been confirmed.

The AJSD receives cases from:

- the court
- the prison (JVA)
- receipt of a request for administrative assistance (Amtshilfeersuchen)
- announcement of a ruling of clemency from a public prosecutor
- the supervision of conduct office (FA-Stelle)
- a cooperation partner or
- the client

During the introductory phase the objective is to establish a sound working relationship and mutual trust. The judicial service social worker familiarises himself/herself with the case documents and carries out an initial professional assessment of the person, their situation, the criminal act, dealing with the obligations and instructions, and the motivation of the client. The introductory phase includes the initial data collection which is expanded over the course of discussions with the client. It involves a social history, assess-

ment of the requirement for assistance and resources, and also an assessment concerning future freedom from punishment and/or the risk of committing new crimes. Identification of criminogenic and protective factors can be supplemented by considering the circumstances of the crime

The introductory phase is to be completed within 6 months. Longer periods must be justified. The findings of the introductory phase form the basis of the intervention planning.

4.4.1 Invitation to initial talk

Within two weeks after the distribution of cases has taken place, the client is invited to an initial talk. The invitation to the initial talk is sent in writing. As an exception, it can also be sent by other means.

An information leaflet, which is standardised across the state, concerning probation services, youth probation services or supervision of conduct is sent out with the invitation. If the invitation is not sent in written form, the information leaflet is to be handed to the client in person.

If face-to-face contact is not possible, at least two further attempts to contact the client are to be made and documented. The client is to be provided written information about the consequences of breaching obligations and instructions.

If all efforts to establish face-to-face contact are unsuccessful, the referring body must be informed within three months at the latest after the case is handed over.

4.4.2 Initial talk(s)

Coming together in the initial talk decisively shapes how the working relationship develops subsequently and is therefore of fundamental importance. The current situation, mutual expectations as well as questions and perspectives for collaboration are discussed in the initial talk.

The initial talk also includes clarification and information concerning:

- The statutory duty of probation services and supervision of conduct
- The assistance and control mandate

- The obligation to report
- The fact the client does not have the right to refuse to give evidence
- The obligation to observe confidentiality as concerns private social data
- Judgment and decision
- Obligations and instructions, their changeability and consequences if they should be violated
- The ability to make contact with the judicial service social worker
- Rights and obligations of the client
- Possibilities to shorten or extend the supervision
- Where relevant, information concerning risk categorisation according to the KURS concept
- Where relevant, information concerning the educational mandate for young people.

The next appointment is made as a binding agreement at the end of the initial talk. The content of the initial talk can be spread over several appointments in individual cases.

4.4.3 Social history

In order to support the client, personal and criminal development as well as the social situation is recorded. The information required for this purpose ensues from face-to-face talks with the client as well as from available documentation. The social history expressly incorporates the self-assessment of the client.

The criteria list found as an appendix to this document can be used to aid this.

4.4.4 Assessment of the assistance requirement

The specific assistance requirement is determined on the basis of the available written documentation and other findings in the face-to-face talk, and in agreement with the client. The assistance requirement includes current short-term needs as well as medium and long-term needs, and crisis interventions. It incorporates support services from third parties (cooperation partners, other providers and funding bodies or institutions).

4.4.5 Assessment of the risk of committing new crimes or assessment of future freedom from punishment

The aim of the work is to outline alternative courses of action to offenders and therefore prevent sustained delinquent behaviour. First of all, all available documentation such as judgment, decision, certificate of conduct excerpt, appraisals if available, report on youth assistance in criminal proceedings etc. is to be evaluated according to the aspects relevant to social work. The method of consideration of the sequential circumstances of the crime can be used as a further source of information (cf. Appendix). Professional training in this method is required, however.

For this evaluation criminogenic as well as protective factors are to be identified. Criminogenic factors between when the crime was committed and the present day are to be compared (cf. Appendix).

In the first instance the risk factors are to be determined. These factors are those which favour (repeat) offending. It is important to gain the full picture in this connection, not just the factors which concern the individual, most serious offence. By way of support, reference may be made to the list of criminogenic factors attached as an appendix to this document.

In addition to criminogenic factors, protective factors which can positively influence a specific and desired behavioural change and are appropriate for preventing further offences are also to be identified.

Within the collaboration the personal resources of the client are to be identified and strengthened, and taken into consideration in all interventions.

4.4.6 Motivation

The motivation of the client to analyse (their) delinquent behaviour and refrain from it in future is essential for successful probation. Motivation work therefore forms a significant component of the entire support process. The degree to which collaboration during the supervision period is successful depends on whether a sound working relationship can be established. In the introductory phase important foundations which have a crucial in-

fluence on the way to proceed and intervention planning are laid. The work of the judicial service social worker can thus even be reduced to the establishment of this sound working relationship.

Motivation work is process-driven and influenced by intrinsic or extrinsic incentives. Work particularly with clients who have little motivation can be supported by means of Motivational Interviewing (MI) methodology, in which AJSD provides regular training. The model of motivation levels underlying this methodology is presented in the Appendix.

4.4.7 Conclusion of the introductory phase

Systematic case analysis forms the conclusion of the introductory phase. All relevant findings are viewed as part of the full picture and evaluated by the judicial service social worker responsible for the case. Specific action steps for the continued support process are derived from the findings. The introductory phase is to be documented in writing and concluded within six months at the latest.

4.5. Intervention planning

When the introductory phase has been completed, an action strategy is derived from the evaluated findings and included in the intervention plan. The intervention plan includes agreements made and agreed objectives taking into consideration motivation, obligations and instructions, resources and objectives. It concludes with stipulation of a binding agreement for regular face-to-face contact which is considered essential in order to implement the planning (for documentation cf. item 3.4.6).

In the course of the support process, a consistent distinction is not always made between assistance and control. They determine and/or supplement each other, they also alternate where relevant and are interrupted by crisis interventions, which may be necessary through the course of the support process. Both are designed to support the client. Assistance and control are always directly positioned alongside the client's available resources and attempt to integrate these into the support process.

Fundamentally, however, it is important to underline that assistance is only possible in its own right if the client is willing to cooperate. If the willingness to cooperate is only limited or non-existent, support work is reduced purely to control aspects during which, at the same time, attempts will be made to encourage and increase motivation for cooperation, or even establish it for the first time. Cancellation of the agreement placing the client under supervision is to be considered at this point.

The intervention plan includes agreements between the parties involved and, where relevant, differentiated interim objectives and work steps which are to be specified and determined on an individual basis.

The intervention plan is developed together with the client. If this is not possible, or only partially possible, in individual cases, the judicial service social worker creates an intervention plan on their own and therefore stipulates the course of action for the probation period.

The intervention planning is to be reviewed continuously and amended if necessary. It is to be done either for reasons pertaining to the moment or for reasons ensuing from the reporting. The intervention planning is to be documented in writing in addition to the chronological documentation.

4.6. Reporting, deadlines, reviewing and weighing up

Unless otherwise stipulated by the referring body, the judicial service social worker submits reports according to the following time frame: six months after taking over support at the latest for clients placed under supervision according to general criminal law (cf. Section 29, paragraph 3 AJSD Work Directive) and subsequently at least on an annual basis, and every six months in the case of clients placed under supervision according to juvenile criminal law. Additional reporting is required in special circumstances.

In these circumstances, the judicial service social worker always reviews and weighs up the probation and support which has taken place so far. This is done in the context of a discussion conducted together with the client. If this is not possible or appropriate, the judicial service social worker carries out this process alone or in consultation with colleagues.

The reviewing and weighing up process contributes to the content-related reflection across the support process, the course of the probation so far, the personal development of the client as well as the review of agreed targets. The intervention planning so far is reviewed in this connection and, where necessary, amended accordingly.

The findings gleaned from this process may constitute the content of the report.

The report to the referring body provides details of the current living conditions of the client, the changes implemented or strived for in the reporting period, the state of implementation of obligations and instructions, collaboration with the AJSD and compliance with the frequency of contact. It concludes with an assessment or evaluation of the process so far and, where relevant, specific proposals or recommendations concerning necessary measures.

The final report is sent to the referring body before the agreed period of supervision expires.

4.7. Standard services for all clients

Judicial service social workers actively design the support process together with the client and, by doing so, ensure that the standard services below are maintained for all clients for supervision of probation and conduct.

Clients are involved in the entire process in accordance with the principle of 'helping people to help themselves' and motivated to actively participate and engage.

- a) Face-to-face meetings are carried out in accordance with the agreed face-to-face contact stipulated in the intervention plan.
- b) Regular consultation times ensure that such contact is possible. Face-to-face contact with the client takes place at least every six months.
- c) If clients do not attend appointments, at least two further attempts to establish contact are to be made within six weeks.
- d) Home visits are to take place x1 per year. The decision as to when these take place is at the discretion of the judicial service social worker.

- e) Ad hoc support and crisis intervention are provided when necessary; information concerning services from cooperation partners is also provided.
- f) The client is urged to fulfil obligations and instructions and made aware of the consequences of not complying.
- g) Fulfilment of obligations and instructions is monitored, motivation work is involved if necessary.
- h) The client is to produce evidence of having fulfilled obligations and instructions. Where required, the judicial service social worker responsible provides support in this connection.
- i) The lifestyle of the client is regularly observed with regard to criminogenic and protective factors.
- j) The crime is discussed with the client. Supportive measures of institutions available in the social network will be considered where required.
- k) In the spirit of successful case management, with the agreement of the client, judicial service social workers make contact with third parties in order to achieve specific desired changes to criminogenic factors for the client or to strengthen protective factors.
- l) Reports are to be submitted to the referring body, unless an alternative arrangement has been made. The first report is to be submitted 6 months after taking on the case and subsequently at least once a year.
- m) Reports to the competent supervisory court are also made in special circumstances (e.g. fulfilment of obligations, breaches of these obligations, loss of contact, criminal preliminary proceedings, when probation period is terminated with remission, shortening or extension of the probation period, proposal to repeal supervision arrangement).
- n) The content of the report is open to the client provided there are no specific objections to this.
- o) Judicial service social workers participate in trials and hearings announced provided nothing to the contrary has been agreed with the court.
- p) Providing the processing of criminogenic factors and requirements for assistance do not provide evidence against it, following fulfilment of the obligations and instructions the possibility of cancelling the supervision arrangement will be investigated and, if appropriate, a proposal to this effect will be submitted.

- q) The concluding discussion with the client takes place as promptly as possible to ensure the final report can be sent to the court prior to expiry of the agreement ordering supervision of the client.

4.8. Special target groups

In addition to the standard services in place for all clients under probation and conduct supervision, an addition range of services is provided for the special target groups of the AJSD listed below.

The distinction between the standard services required by general and special target groups is not always clear. Unavoidable overlaps regularly occur in individual cases. For example, a client sentenced according to the Juvenile Court Act may also be a sex offender who, following release, is subject to supervision within the scope of supervision of conduct and consequently has gone through transition management.

It becomes clear as a consequence that the assistance and control requirement in such cases can increase. Fundamentally, for all special target groups there is the need for increased attention on the part of the responsible judicial service social worker. The case management and optimal cooperation of several involved parties from different institutions are therefore fundamental and extremely important for work with these target groups.

The work of the judicial service social worker responsible for the case is supported in this connection by methodological risk management (cf. appendix). Specialist advisors can be contacted by judicial service social workers of the AJSD for specialist advice via telephone, in writing or face-to-face. The details are separately regulated in the concept of specialist advice on risk management in the AJSD in the currently valid version.

4.8.1 Clients in transition management

Minimum standards for work with clients who are in transition management and are released from prison or forensic commitment can be found in the currently valid version of the transition management work directive:

- a) Active collaboration commences a maximum of 6 months prior to a planned release provided that the prison or forensic institution communicates a positive response to the AJSD, or recommends the instigation of supervision of conduct upon release. In the case of clients given a life sentence or preventive detention the collaboration can commence at an earlier stage (cf. transition management work directive).
- b) In addition to consultations between the institutions involved concerning preparatory measures prior to release, a face-to-face talk between the judicial service social worker and the client takes place prior to release. The talk takes place - in so far as possible - on AJSD premises.
- c) If a (former) client is detained, the judicial service social worker of the prison responsible reports on the progress of the probation period upon request. The report particularly includes information relevant from the perspective of the judicial service social worker for enforcement planning.
- d) If the client is in prison, and is simultaneously subject to probation and conduct supervision, the judicial service social worker responsible actively maintains the link to the prison in order to be informed about the release in good time.

4.8.2 Clients whose conduct is supervised

- a) Provided there are no provisions defined by concepts, administrative regulations, decrees or court decisions, face-to-face contact with the client takes place at least every three months.
- b) For clients who are subject to the concept for dealing with sexual offenders at risk of recidivism in Lower Saxony (KURS Niedersachsen) in the currently valid version, it is mandatory to comply with the specific provisions contained within the concept. The frequency of contact is especially valuable for these target groups, as is collaboration with the cooperation partners of the police, the forecast centre

(Prognosezentrum), round table meetings and the specialist advisors for risk management of the AJSD.

Face-to-face contact takes place in line with KURS provisions and the careful assessment of potentially imminent danger.

- c) For clients whose conduct is under supervision the judicial service social worker responsible can propose to the supervision of conduct office (FA-Stelle) to submit an application of the conduct office to court according to Section 463a German Code of Criminal Procedure (Strafprozessordnung - StPO) for a warrant to be issued if the client has not responded to instructions according to Section 68b paragraph 1 item 1 number 7 or number 11 StGB without sufficient apology, and the client had been informed in the summons issuance of a warrant is permissible. The judicial service social worker responsible checks whether such a proposal is appropriate from a professional point of view.
- d) The judicial service social worker responsible motivates the client to become involved in a plan to prevent recidivism developed by the prison or forensic commitment institution.
- e) In the case of apparent risks and acute risks of recidivism the referring body is informed and, where relevant, a hearing date is prompted.
- f) If contact is broken off, the client is visited at home prior to reporting to the court, providing that no other intervention opportunities are applicable and that safety aspects do not pose a problem in this respect.
- g) For advice in cases involving these target groups in crisis situations or special risk situations, utilisation of the opportunity for consultation with colleagues within the AJSD or by involving third parties (e.g. youth welfare office, social-psychiatric service, legal guardian, supervision of conduct office, etc.) or the enlistment of specialist risk management advice is to be investigated.
- h) For the checking, preparation and implementation of electronic monitoring according to Section 68 b paragraph 1 item 1 number 12 StGB the Lower Saxony concept for preparation and implementation of electronic monitoring is used within the scope of supervision of conduct. For clients who are subject to this concept in the currently valid version, it is mandatory to comply with the specific provisions contained within the concept. Of particular significance for this target group, in addition to the contact frequency specified in the court decision, and

necessary to fulfil the technical requirements, are the close collaboration with the cooperation partners of the police, the supervision of conduct office, shared monitoring office across German federal states (GÜL), specialist advisors for risk management of the AJSD. Face-to-face contact takes place at least once a month under adherence to the conceptual specifications and the careful assessment of any impending dangers.

4.8.3 Violent criminals

For clients who are subject to probation supervision due to crimes against life and limb of third parties or against sexual self-determination, a greater amount of support is also fundamentally to be expected.

This concerns crimes as per the catalogue of crimes found in the appendix. The judicial service social worker investigates in each individual case whether the standard services according to 4.7 are sufficient for the client. As soon as this is not the case, the following supplementary professional standards arise:

- a) Face-to-face contact with the client takes place at least once every three months
- b) In the case of apparent risks and acute risks of recidivism the referring body is informed and, where relevant, a hearing date is prompted.
- c) If contact is broken off, the client is visited at home prior to reporting to the court, providing safety aspects do not pose a problem in this respect.

For advice in cases involving these target groups in crisis situations or special risk situations, utilisation of the opportunity for consultation with colleagues within the AJSD or by involving third parties (e.g. youth welfare office, social-psychiatric service, legal guardian, supervision of conduct office, etc.) or the enlistment of specialist risk management advice is to be investigated.

Particular challenges also arise when dealing with clients who have been convicted due to crimes committed in connection with terrorist motivation or out of terrorist structures, organisations, associations or their environment.

4.8.4 Juveniles and young adults

For support of young offenders who are subject to supervision according to the Juvenile Court Act, an increased level of attention is required due to the educational mandate and the assumption of stronger potential influences during this phase of life, which is taken into account in a separate "youth probation services concept" (cf. "Bewährungshilfe - Fachlicher Schwerpunkt Jugendbewährungshilfe" dated 10 January 2014).

For the target group of juveniles and young adults the following supplementary professional standards apply:

- a) The invitation to the client for an initial is also sent to the person(s) with parental responsibility if the client is under 18 years of age.
- b) Face-to-face contact with the client takes place at least every three months.
- c) Reports to the competent supervisory court are to be compiled on a six-monthly basis, unless the court has stipulated otherwise.
- d) The judicial service social worker responsible participates in secondary proceedings and hearings.
- e) In the case of apparent risks, risks of recidivism or problems in connection with the fulfilment of obligations and instructions, judicial measures or, if necessary, a court hearing will be proposed.

4.9. Conclusion

The duty of the AJSD in the context of probation services ends upon expiration of the enforced supervision period. Accordingly, the final report is sent to the competent supervisory court prior to expiration.

Further support beyond the period of enforced supervision is possible in justified individual cases for a reasonable period. Particular reasons for this extension could be:

- a) information about new or ongoing preliminary proceedings and criminal proceedings,
- b) the need for support in therapy preparation which has started,
- c) the discontinuation of assistance or treatment measures which have started,
- d) the conclusion of a transition to follow-on support networks.

A prerequisite here is the agreement of the client, which is to be documented by the judicial service social worker leading the case. If, according to the assessment of the judicial service social worker leading the case, further support is advisable, the district management responsible is to be notified of the process prior to termination of the enforced supervision period.

The period of duration is to be reviewed at 6-month intervals by the district management responsible. When further support ends, unsolicited notification is to be given. Further support must end when probation is terminated with remission or revocation.

4.9.1 Professional evaluation and outlook

Prior to the final report being sent, a concluding face-to-face talk is conducted with the client, in the context of which the report is also discussed. In addition reviewing and weighing up (cf. 4.6.) ensuing directly from the reporting, concluding considerations on support options from third parties for the time after probation are included.

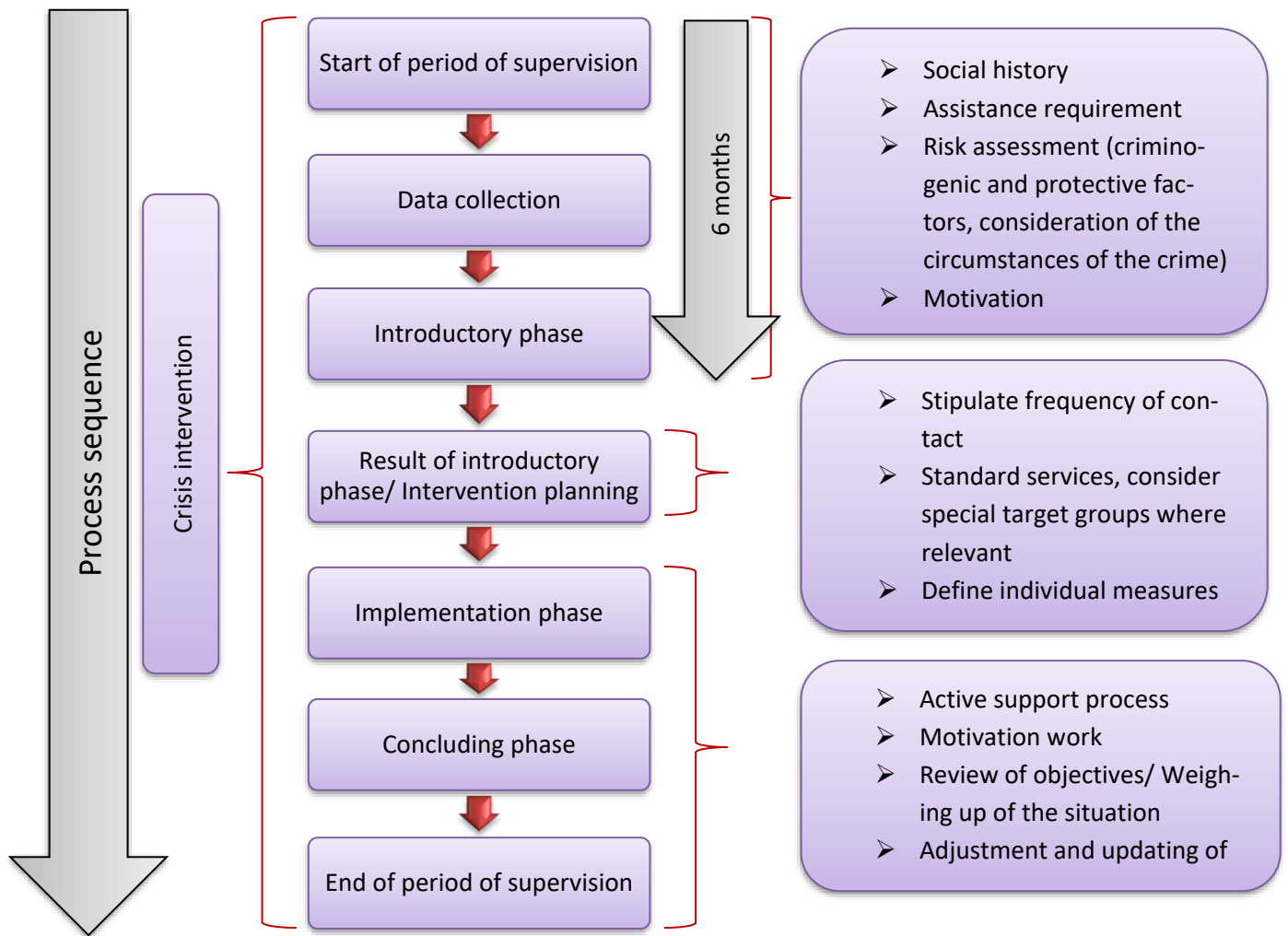
If the duty of the AJSD ends prematurely with the revocation of the probation, the judicial service social worker, at the request of the prison or forensic commitment institution, reports on the progression of the probation period provided that the client has given his/her consent to release them from their obligation to observe confidentiality.

4.9.2 Closing a case

A case is closed three months at the latest after expiration of the enforced supervision period, provided that no further support is being provided.

4.10. Process sequence

The process sequence of an enforced supervision period within the scope of supervision of probation and conduct, as described in its entirety above, is depicted in the overview below:



5. Standards of court assistance

5.1. Legal basis

Cases in the area of court assistance ensue to enable investigation of the personality and life circumstances of clients in preparation for a public prosecution or judicial decision determined by the provisions of the German Code of Criminal Procedure (StPO). According to Section 160 paragraph 3 item 2 as well as Section 463a StPO this investigation particularly refers to the causes and motives for the criminal behaviour as well as the perspectives, starting points, potential influences and paths for an orderly way of life in future. In this connection judicial service social workers take into consideration the favourable as well as adverse circumstances. This provides the referring body with possible foundations for further decisions in relation to

- sentencing (Sections 46 ff. StGB),
- conditional discharge on probation (Sections 56 ff. StGB),
- warning with reserved punishment (Sections 59, 59a StGB),
- closing of proceedings when obligations and instructions are fulfilled (Section 153a StPO),
- approval of payment facilities (Section 42 StGB),
- Order, waiver and deferral of detention orders (Sections 61 ff StGB),
- reporting in clemency matters,
- victim reporting,
- reports in cases of domestic violence,
- commencement and monitoring of community work for the repayment of financial penalties (TVO).

Further fields of application for court assistance ensue from provisions of Sections 453 to 461 StPO.

This activity overall refers to adult clients. Exceptions are possible in the area of victim reporting

5.2. Basic understanding of court assistance

The case possibilities for court assistance in all stages of the procedure extend across a wide scope, ranging from the preliminary and main proceedings via the commencement and monitoring of community work for the repayment of financial penalties to clemency rulings. The activity focuses on the investigation of personal and financial living conditions, the social environment as well as social relationships and problem areas which are relevant to the criminal proceedings. Investigations concerning the criminal charge are excluded.

Collaboration with judicial service social workers within the scope of court assistance cases is voluntary for clients. Comprehensive clarification and instruction for the client is therefore particularly important to put them in a position to be able to decide whether they wish to take up this offer.

In contrast to the areas of probation services and supervision of conduct, it is important to consider here that court assistance can be instructed by the courts and public prosecutors but does not necessarily need to be. In this respect particular importance is attached to continuous information on this area of duty. Regular exchange of information with the referring bodies must be ensured.

5.3. Data collection

After the case has been received, the local and operational competence is confirmed.

The AJSD receives cases via:

- the public prosecutor
- the court
- a request for administrative assistance (Amtshilfeersuchen) or
- the client

Data collection takes place when the case is taken over. It is done on the basis of documents made available by the referring body. Depending on the type of case, these can be files, special reports, ancillary papers, indictments and information from the German Federal Central Criminal Register (Bundeszentralregister).

5.3.1 Master data

The term master data describes any data which it is compulsory to record. Generally this data has generally already been collected when the file record is created:

- Personal data
- Nationality
- Current address

5.3.2 Supplementary data

The term supplementary data describes any data which is collected in addition to the master data when it is essential for the case. Depending on the type of case, the requirements may differ considerably.

The data recorded is updated on an ongoing basis as necessary and supplemented by knowledge gained from talks with the client.

5.4. Taking up contact and initial talk

Within two weeks after the distribution of cases has taken place, the client is invited to an initial talk. As a matter of principle, the invitation is sent out in writing. An information leaflet, which is standardised across the state, concerning court assistance is sent out with the invitation. As an exception, contact can be taken up by other means.

In a face-to-face talk the clients are provided with information on the referring body, the respective case and tasks of court assistance. This also involves detailed information on the role and duties of judicial service social workers as assistants to the court. Case-related information is given with regard to:

- the duty of objectivity,
- the principle of neutrality and multi-partiality,
- the obligation to observe confidentiality,
- the fact the client does not have the right to refuse to give evidence,
- the obligation to report and communicate to the referring body,
- the voluntary nature of the collaboration.

According to the requirements of the case, details concerning the life situation and current situation and personal circumstances are clarified and recorded. In as far as is nec-

essary, attention is drawn to appropriate assistance and support opportunities, or appropriate contact with such opportunities is established. If required, declarations of consent concerning disclosure to third parties and consent to the release from the obligation to observe confidentiality of third parties are to be recorded.

If authorised lawyers or legal guardians are involved, they will be informed accordingly.

5.5. Subsequent talks

According to the specific development of the case, one or several talks may be required to complete the court assistance commission.

5.6. Reporting

The scope and content of the reports ensue from the specific duty and provide the referring bodies with a basis for further decisions.

All court assistance cases are fundamentally concluded by means of written reports to the referring body. The reports include exclusively information pertaining to the case and relevant to the decision. The sources of information are to be indicated, facts are to be separated explicitly from assessments and evaluations and to be made clear. Where required, depending on the type of case, reports include a final statement from a social work perspective.

5.7. Standard services for all clients

In general, within the scope of the clarification and recording of the life situations and personal circumstances, where relevant the obstacles to carrying out the work are to be investigated. In this connection, an evaluation is to be made as to whether these obstacles can be overcome by means of targeted, short-term intervention by the judicial service social worker.

If this is not the case, when obstacles are present - or, where relevant, after handing over to other specialised services - the cases are handed back to the referring body. This is particularly necessary when

- there are indications of exemption from criminal responsibility or of diminished responsibility within the meaning of Sections 20, 21 German Penal Code (StGB);
- there are indications within the meaning of restricted legal capacity and capacity to contract according to the German Civil Code (BGB) guardianship law.

If it is determined during the face-to-face contact that the client is in a personal emergency situation, the client will be informed about further health, psycho-social and finance-related support services. If the client would like support, this is provided by means of referral to providers of additional support. The scope of this support takes place within the scope of the implementation of duties with the aim of initiating the first social support measures.

If there is any information concerning self-endangerment or endangerment of others, emergency measures may be taken, if necessary even against the client's will. This is reported to the referring body.

Problems concerning compliance with payment obligations are discussed with the client. Alternatives are worked out with involvement of the client and proposed to the referring body.

In the case of ongoing probation without enforced supervision, with the involvement of the client, the subsequent appointment of a probation officer is proposed to the referring body, provided medium or longer-term support needs are recognised.

5.8. Standard services for specific types of case

5.8.1 Home visits

In cases of domestic violence, regular visits to the home are advised. If comprehensive reporting concerning the recording of living circumstances is required in the enforcement procedure of public prosecutors, the probation procedure of courts as well as for reporting in preliminary and main proceedings, a home visit may be necessary in addition to the talk or talks in the AJSD office. The decision in this regard, as well as concerning the necessity of some kind of supervision, is taken by the judicial service social worker responsible in each case.

5.8.2 Non-compliance with payment obligations and instructions

In the case of non-compliance with payment obligations, the causes and reasons are discussed in a face-to-face talk. Alternatives are to be worked out with the involvement of the client. These specifically include the proposal of an approval of payment facilities (Section 459a StPO), in justified cases the proposal of application of Section 459f StPO or, if appropriate, the initiation of clemency proceedings.

If problems arise concerning the fulfilment of obligations and instructions in probation procedures, the causes and reasons are discussed. Alternatives are to be worked out with the involvement of the client and proposed to the referring body.

In cases of enforcement and/or probation procedure running in parallel, the judicial service social worker points out coordination and adjustment possibilities to the referring body, or in the case of other procedures to the competent judicial agencies, and proposes changes where relevant.

5.8.3 Community work arrangements

5.8.3.1 Case checking and preparation

If in cases according to Section 153a StPO or Section 56b StGB performance of community work is not possible, a report is sent to the referring body with an alternative proposal.

In cases according to Section 463d StPO the terms and conditions for performing community work according to the repayment regulation (Tilgungsverordnung) are to be verified. If payment of a financial penalty is possible or if a method of procedure according to Section 459f StPO is required, a report is sent to the referring body. The case is therefore concluded.

The selection of an appropriate community work position is made by the judicial service social worker responsible. The client can also propose a community work position.

Work-related and personal knowledge, skills and mobility of the client as well as the criminal background are taken into consideration. The pros and cons of the locality and how easily the client can reach the potential community work locations are discussed with regard to mobility and what is reasonable. The profiles of requirements of the community work positions available in the vicinity are compared (cf. point 6).

If there are restrictions on account of the offence committed, or of prior proceedings, on the type of community work for which the client is suitable, attention is to be given to this aspect when making relevant arrangements. The certificate of conduct is to be checked in this regard, and must be requested for this purpose if it has not already been submitted with the case (cf. point 6)

Where relevant, the possibilities of community work are clarified in advance with the locations in question.

The request to attend a face-to-face interview at the community work place in question is made verbally or in writing. A period of a maximum of ten work days is set within which the interview is to take place, unless other arrangements have been made.

If the client has not attended the interview at the community work place within the set period, he or she will be sent a further written request. A new deadline will then be set,

before which the client must attend. Alternatively, obstacles are to be indicated and evidence of any such obstacle must be provided. If yet again the client does not appear, and no evidence of an obstacle is presented, a report is sent to the referring body. This concludes the case for the AJSD.

5.8.3.2 Assignment and monitoring

Community work is assigned in writing to the work location and the client. A reasonable deadline before which the community work must be started is to be stipulated.

If the community work is not started within the stipulated or agreed period, a further written request is sent requiring immediate commencement of the work or for details to be provided of any obstacles in this regard. If yet again the community work is not started and no evidence is provided of any obstacles to prevent doing so, a report is sent to the referring body. This concludes the case for the AJSD.

Monitoring of whether the work has been commenced and the continuation of the community work takes the form of inquiries - face-to-face, in writing, or on the phone - at the community work location after the work has been assigned, at the latest after four weeks and subsequently via follow-up contact within eight weeks at most.

If irregularities arise when the client is carrying out the work, these are to be clarified with the involvement of the community work place and the client. Where relevant, a transfer to a different community work place is to be investigated.

If repeated irregularities lead to premature termination of the community work, a report is sent to the referring body. If no other arrangement is made with the referring body, the case is concluded for the AJSD.

If evidence is provided that the client has become unfit for work for an indefinite duration, this information is passed on to the referring body. This concludes the case.

If community work is prematurely terminated due to commencement of a regular form of employment or participation in an employment measure (Jobcenter, Agentur für Arbeit, therapy, etc.), this information is passed on to the referring body.

If community work is concluded as planned, a report is sent to the referring body with the inclusion of confirmation from the community work place of the number of hours worked. This concludes the case for the AJSD.

If the client is not willing to cooperate, this information is passed on to the referring body with further details pertaining to this issue. This concludes the case accordingly.

If no contact can be made even after two written attempts and despite reference to the potential consequences, the case is sent back to the referring body with written information concerning the further details pertaining to this issue. This concludes the case accordingly.

If the case cannot be completed for any other reason, a report is sent to the referring body. This concludes the case.

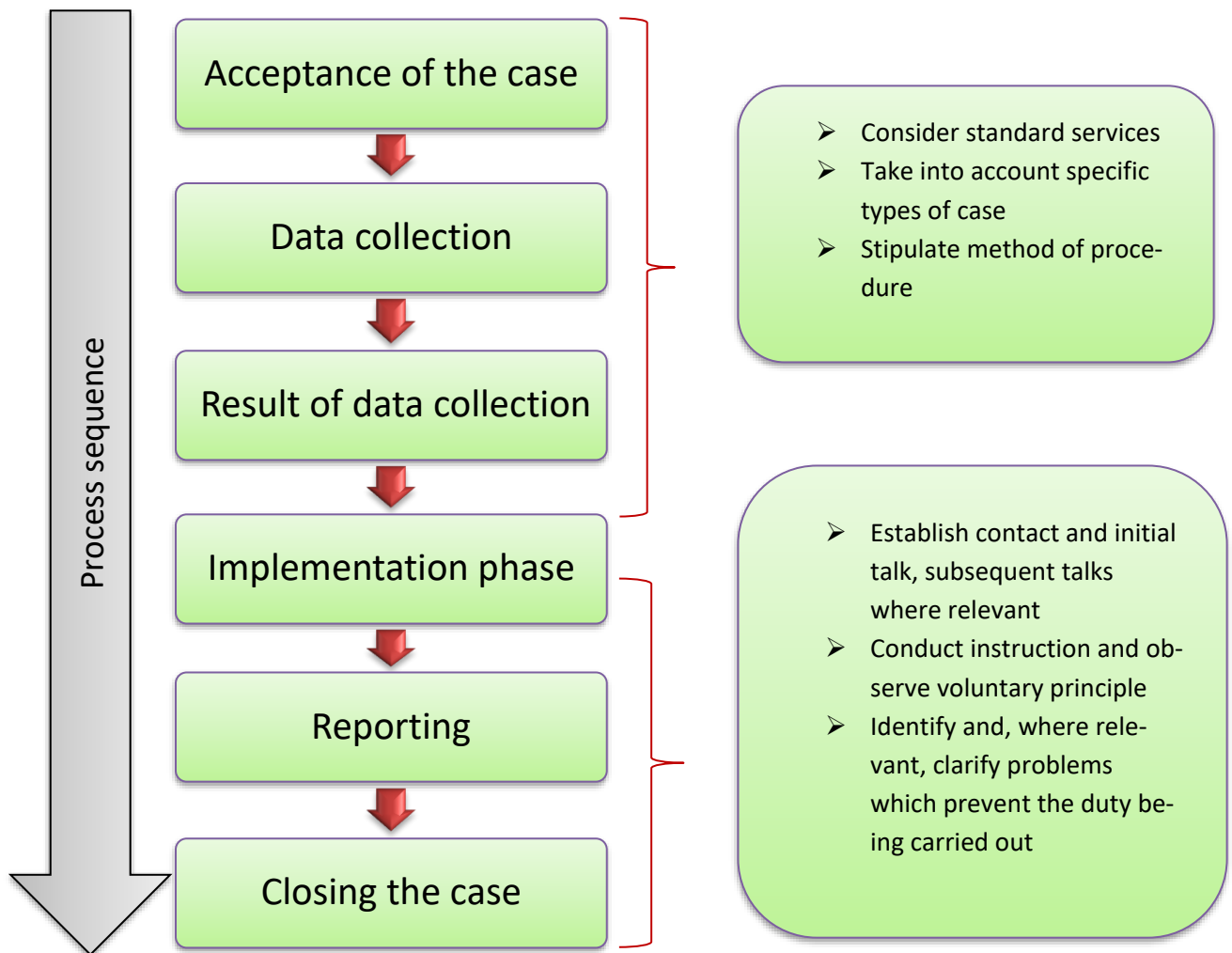
5.9. Closing a case

Every case is closed by means of a written report to the referring body (cf. 5.7).

Where necessary, information will be provided about appropriate assistance and support opportunities. Upon the client's request, a further referral to the relevant institution is made.

The file is always closed with a concluding regulation.

5.10. Process sequence



6. Acquisition and administration of community work places

Within the scope of supervision of probation and conduct and within the scope of court assistance cases, the AJSD is regularly commissioned with finding places for community work. This always involves the investigation of which work place is to be considered or seems appropriate in each individual case in order to enable the client to fulfil his or her obligations.

In addition to other available information, a current certificate of conduct (BZR) is to be applied for and inspected on a regular basis. If the certificate of conduct is not made available by the referring body in an individual case, thorough investigation, especially of the factors which speak for and against a type of work for specific clients, is only possible to a limited extent. In the case of community service work places of a sensitive nature (especially work places involving contact to children and young people, care institutions with contact to vulnerable people, etc.) the opportunity for the referring body to raise any objections on the basis of the available information is to be provided prior to the planned commencement of community service by the client. This information is passed on to the referring body in writing or, where relevant, via email with an appropriate deadline prior to which the referring body can raise any objections. If this does not take place within the set period, the community service can commence as planned.

Judicial service social workers maintain regular contact with community service work places in order to clarify and preserve their willingness to cooperate in the area of community work. In this connection they

- are to give general information concerning rights and obligations of the community service workplace in accordance with the repayment regulation (Tilgungsverordnung) and Section 293 of the Introductory Act to the German Penal Code (Einführungsgesetz zum Strafgesetzbuch - EGStGB);
- to inform about statutory insurance aspects (statutory accident insurance, liability questions in the case of liability damage, incapacity for work etc.);
- to draw attention to the decision-making authority of the community service work place in each individual case;

- to discuss the possibilities of application and use as well as the elimination criteria which ensue in connection with specific offences committed by the clients, on a basis relevant to all proceedings;
- to give due consideration to the factors which speak for and against employing certain clients (particular competences, background to offence, psychosocial anomalies etc.);
- to offer support and advice for dealing with difficult clients during the performance of community work;
- to discuss the maximum potential number of persons who can work there, the scope of the community service to be carried out (maximum total number of hours possible and number of hours and possible work hours per work day); and
- to reach agreements concerning an optimal collaboration for both sides.

The task of acquisition and maintenance of community service work places, also extending beyond individual cases, is to be understood as the superordinate duty in the sense of interface management (cf. 3.1.7). Independently of the responsibility of the judicial service social worker in charge of the case to find an appropriate community service opportunity for a client in each individual case, the district management is responsible for ensuring this duty is carried out at district level and for attracting suitable institutions to cooperate.

The contact details of community service work places are recorded centrally, updated and consequently made available for all judicial service social workers.

7. Victim-offender mediation

7.1. Legal basis

Victim-offender mediation (TOA) comprises the endeavours to resolve any problems, encumbrances and conflicts between offenders and victims after a crime with the assistance of a multi-partial mediator. According to Section 46a StGB in combination with Section 155a StPO the AJSD can be commissioned with implementing such mediation and engages judicial service social workers who have an additional qualification as a mediator in criminal cases.

7.2. Basic understanding

Due to the fundamental importance of victim-offender mediation this area, in addition to court assistance, is covered by a separate section of these standards.

For the professional processing of cases in victim-offender mediation (TOA) the professional standards of the victim-offender service bureau (TOA Servicebüro), which are valid across Germany, are applicable (cf. AJSD Work Directive). In this connection attention is drawn to the fact that, due to the organisational circumstances in the AJSD, there are deviations from the point concerning "organisational requirements". In particular the claim for exclusive activity as a mediator in criminal cases is denied in the AJSD. Quite logically, the same applies concerning separate premises (cf. 3.1.3). Judicial service social workers work exclusively within the scope of one main professional focus in the AJSD. In order to ensure the demand for professional work is met and to counteract the risk of role confusion of those working here, judicial service social workers focusing on this area are to work on at least 25 cases per year. Concerning the spatial circumstances, the requirements are to be met with work-related organisation measures.

If independent funding bodies also offer victim-offender mediation for adults in districts of the AJSD, the judicial service social workers work in a trusting partnership with the employees of the independent funding bodies.

7.3. Supplementary professional standards

In addition to the national standards for the professional processing of a TOA case (victim-offender mediation case), the following regulations also apply in the AJSD:

- If the offender indicates an interest in the involvement of TOA during the preliminary talk, but the TOA is not implemented due to the victim not being willing to participate, the attempt of the offender is to be attested in the final report (cf. 6.3 and 6.7 of the national TOA standards).
- The rejection of the offer to voluntarily participate in TOA cannot disadvantage the offender in any way (cf. 6.2 of the national TOA standards).

The following points are to be included in the final report to the referring body (cf. 6.7 of the national TOA standards):

- a) reference to the TOA case and case date (subject line);
- b) source information;
- c) information concerning initial contact;
- d) outcome of the preliminary talks without revealing confidential content;
- e) if one party to the conflict rejects the mediation, information about the reasons - provided the persons concerned agree to this;
- f) where relevant, information concerning when the mediation discussion took place and which persons were involved;
- g) the outcome of the mediation discussion and information concerning the written agreement reached by the parties involved or inclusion of a copy of the written agreement as an appendix to the report;
- h) where relevant, information provided concerning further support services;
- i) information concerning the waiver/wish for further prosecution, where relevant information concerning sanctions or demands for punishment ensuing from the victims;
- j) information concerning the possibility of a further commission if a further court assistance case (e.g. victim report) is required.

Due to the multi-partial approach and the ensuing role of the mediator the following is also to be observed:

- the report contains no recommendation for a procedure according to criminal law;
- the report contains no further evaluation and assessment of the TOA or the parties involved and also does not contain any prediction on whether the conflict is permanently resolved.

7.4. Conclusion

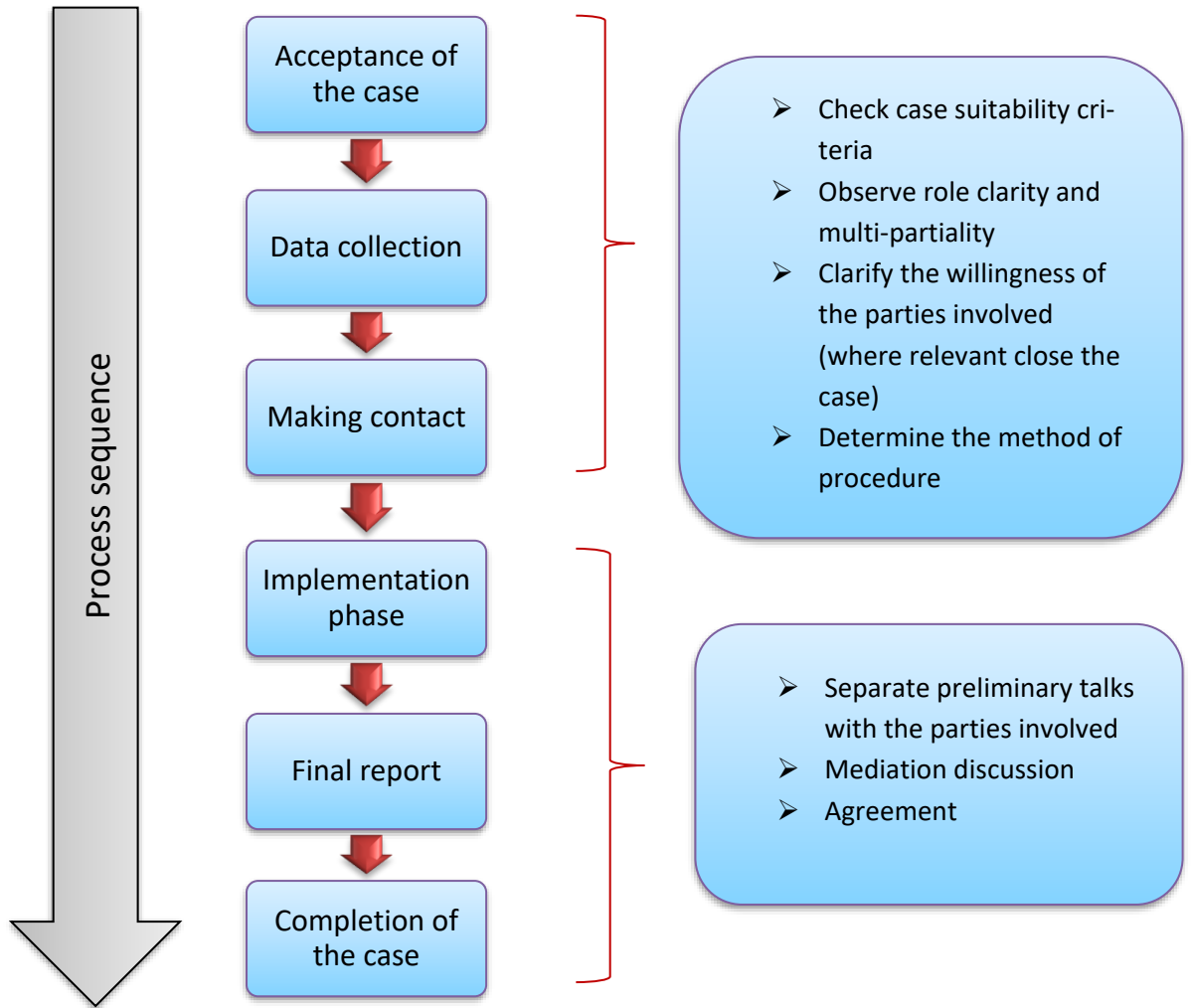
7.4.1 Closing a case

When the final report is sent to the referring body, the file is closed, providing no further arrangements are scheduled for purposes of discussions to review the situation.

7.4.2 Statistics

When the case is completed, the qualitative information concerning the closing of the file is recorded for the statistics.

7.5. Process sequence



8. Materials

Materials and explanations, as well as information concerning the particular working methods within this handbook which may be helpful for carrying out the duty are included in the Quality Handbook as an internal appendix.

Continual use is also to be made of the experiences gained by judicial service social workers in the practical application of the professional standards.

In particular materials such as templates and other aids are to be (further) developed for the respective types of case within the scope of the quality circle work and contact person committees, and can be added continuously to the appendix. All materials are available to all employees.