UNIVERSITY of STIRLING

15th September 2026

David Linden MSP

Convener, Criminal Justice Committee
Correspondence via email

Dear Convener,

Follow-up in response to matters raised in the evidence session on 2nd September

Thanks for the opportunity to appear as a witness giving evidence before the Criminal Justice Committee in a panel on Wednesday 2nd September 2026. As offered at the time, this letter follows up on some queries and points of interest raised by the Committee.

Statistics and information on bail and remand

Several sources of information and statistics are available in relation to the stages of bail and remand, and SPICe colleagues highlighted some of those in their briefing paper to the Committee for this particular evidence session. I am mindful that the Committee is interested in getting a more detailed picture of how remand in prison custody is used, how bail is used, as well as how electronic monitoring tagging technology is currently used for bail (bearing in mind that GPS tagging and tracking is not currently available as a form of EM at the bail stage). One of the Members asked a question along the lines of, "who is on remand? What have they been remanded for?" In response to a few similar questions by the Committee, I would draw Members' attention to the following sources:

- Scottish Government Prison Population Statistics – The Remand Population official statistics (2024-2025).
- Scottish Government Criminal Proceedings Statistics – Bail and Undertakings official statistics (2023-2024).
- Scottish Government Justice Social Work Statistics – Bail Supervision official statistics (2025-2026).
- COPFS – Domestic Abuse and Stalking Charges official statistics (2025-2026).
- SCTS – Courts and Tribunals Data Scotland – Criminal (monthly statistics bulletin).
- Electronic Monitoring in Scotland (annual statistical bulletin, 2025-2026).
- Scottish Prison Service SPS Quarterly Public Information Page (Jan – March 2026).
- Council of Europe SPACE I annual penal statistics on prison populations (2026), including use of pre-trial detention (remand) in nations across Europe.

In being attentive to the early stages of the criminal justice process, the Committee has shown an interest in and expressed concern about domestic abuse. To give an example, the SCTS spreadsheet listed above has a specific tab and table which focuses in on domestic abuse as a subset of Sheriff Court summary business (Table 4b). While this is helpful, it can still feel difficult to ascertain a precise and full picture nationally of how many charges, how many uses of electronic monitoring tagging, how many uses of bail supervision, and how many uses of remand in prison custody involve (alleged) domestic abuse. To get a sense of this requires navigating information and statistics published by different agencies, as illustrated above. Some of these will have data that is unambiguously recognisable as domestic-abuse related. For example, as I tried to explain, it is possible to use the Scottish Government prison population interactive tool to look at all arrivals to remand in the latest year (2024-2025) and to opt to see the count of numbers for (alleged) index offences of those remanded in custody. Using this tool, it appears that – if I have interpreted it correctly – in a recent one-year period (2024-2025), there were more entries to remand in Scottish prisons with an (alleged) index offence of shoplifting (281) than there were with an (overtly labelled/named, alleged) Domestic Abuse (Scotland) Act 2018-related index offence (246).

However, there is another element that exists, as some cases may be dealt with as things like 'common assault', 'stalking,' or 'bail offences', but have what is often referred to as a domestic abuse identifier. Upon reflection, I could have further emphasised the wider context of domestic abuse *identifiers* beyond cases directly connected to the 2018 Act more strongly in my comments to Committee and in the Official Record (as I had printed versions of most of the above statistical bulletins with me while at Committee), so I intentionally draw attention to them here. I am still of the view that a significant number of cases involving domestic abuse identifiers do not get remanded in custody. While a domestic abuse identifier would be seen as a risk factor and an aggravating factor (for statistics on statutory aggravations of domestic abuse, see here) at appropriate stages of an individual case proceeding through the courts and criminal justice, it can still be challenging to look through the different data sets to systematically discern how much or to what extent certain interventions and restrictions are (or are not) used in response to domestic abuse across Scotland. There will be plenty of cases of, for example, (alleged) common assault or bail offences which *don't* involve domestic abuse.

By comparison, it is somewhat more straightforward to look at available data in Scotland and figure out how many charges and how many uses of remand relate to (alleged) sexual offences. If the Committee has more specific questions about statistical data and any gaps in the data, those are best directed to research analysts and statisticians working at Scottish Government Justice Analytical Services, the Crown Office and Procurator Fiscal Service (COPFS), and the Scottish Courts and Tribunal Service (SCTS).

In my comments to the Committee, I highlighted the importance of safeguards and victim support at the stages of bail and remand, and work that is ongoing to improve responsiveness to and support for victims by COPFS and the courts, with oversight from the relevant Inspectorates, and that remains salient here in light of these statistics.

International examples from five European nations

In response to a request by an MSP in the evidence session on 2nd September, I have attached as an Annex a copy of an international comparisons briefing paper that I compiled which was considered by the Sentencing and Penal Policy Commission. This international comparisons briefing paper summarises and contextualises aspects of sentencing, penal policy and criminal justice in five nations: the Netherlands, Germany, Spain, Finland, and the Republic of Ireland. In preparation for being made available to colleagues external to the Commission, as a matter of transparency, I can say that this version has had minor edits (e.g., proofreading edits, updating it by putting the latest statistical figures in a Table on page 2) and some additional statistics and information sources checked and added to the References list at the end, but its substantive content and the key points made in it have not been altered or removed for the purposes of externally sharing it with you. This briefing paper is selective and not exhaustive. In a similar vein, it may be worth noting that colleagues in the Gauke-led Independent Sentencing Review in England and Wales considered, in some cases travelled to visit, and referred to international examples from nations who had reduced incarceration rates and demonstrated good practices in their work and Final Report.

The international briefing paper attached illustrates how high and rising incarceration rates and prison overcrowding should not be seen as inevitable nor ubiquitous. Reforms can be pursued to see more people better supported in communities, with rehabilitation and fewer victims in future held as clear priorities. Mid- to long-term planning for decarceration can seek to better prioritise prevention and community-based responses so that future generations do not have to face the types of penal crises which Scotland and other nations face now.

If any further information or clarification is required, please let me know. As a criminologist and as a former Commissioner in the independent Sentencing and Penal Policy Commission, I would be happy to be contacted with queries by the Committee and any individual members. I wish you well in your forthcoming deliberations on the important and increasingly urgent matters which we face in Scottish Justice. Thanks.

All the best,

Dr Hannah Graham

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ANNEX: International Comparisons briefing paper attached.

INTERNATIONAL COMPARISONS: A BRIEFING ON FIVE EUROPEAN NATIONS[1]

This briefing paper summarises and contextualises sentencing, penal policy and criminal justice in five nations: the Netherlands, Germany, Spain, Finland, and the Republic of Ireland. In doing the independent review in Scotland, the Sentencing and Penal Policy Commission were interested in insights from Europe, and we referred to some of these in our Commission's interim primer paper[1] in 2025. The five national summaries in this briefing are by no means comprehensive. Some are more detailed than others. Summaries of relevant points have been developed with the Commission's remit in mind, while reliant on availability of English language publications about complex, differing linguistic, cultural and legal contexts. A lot is cited from referenced primary sources. Some nations have seen shifts or developments relating to their prison population and penal policy even in the last year.

In a comparative study of imprisonment across 30 European nations, Tapio Lappi-Seppälä[2] concluded that: 'moderate penal policies have their roots in a consensual and corporatist political culture, in high levels of social trust and political legitimacy, and in a strong welfare state; and that more punitive policies that make more use of imprisonment are to be found in countries where these characteristics are less in evidence.' In making connections between social welfare and imprisonment rates, he used the slogan, popular in Finland and across Europe, that 'good social policy is the best criminal justice policy.' Lappi-Seppälä suggests that it is better to invest in schools, social work, families and communities than it is to invest in prisons. Prevention and early intervention are inherent in his comments. As an eminent European comparativist and specialist in decarceration, his conclusions offer food for thought regarding at least some of the insights summarised in this briefing paper. Solutions to addressing high uses of imprisonment are not solely to be found in narrow, traditional penal policy levers and reforms, but may also be found in changing wider social conditions and offering commensurate supports and resources.

The five nations in this briefing have been chosen as comparators on the following grounds:

- Having an incarceration rate which is lower than that of Scotland's rate (all nations);
- Having reduced their prison population over the course of recent years or decades, they are not experiencing acute prison capacity issues of over-crowding (Netherlands, Germany, Spain);
- Having a similar size of national population to that of Scotland (Finland and Ireland);
- Having interesting policies and approaches at different stages in criminal justice that are relevant to the Commission's remit in Scotland, including at prosecution and pre-trial/remand/bail stage, probation and community sentencing stage, in prison and upon release (all nations);
- Having similar principles and evidence-based tools and frameworks for assessing criminogenic risks and an aim of reducing risk of reoffending (all nations);
- Having commitments and ambitions of adhering to international standards and human rights conventions relevant to criminal justice (UN, EU, Council of Europe) (all nations);
- Having statistics and information published in English from credible sources (all nations).

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[1] *This internal paper was prepared for the Commission by Dr Hannah Graham, a Commissioner and a criminologist (Senior Lecturer) at the University of Stirling. The paper is frequently referenced and uses direct quotes regularly because it relies on international sources to explain what they do and how they do it. Any errors in interpretation and compiling this paper are the author's own. This briefing has not been peer reviewed. This version is substantively the same as the Commission's version [Jan 2026, v2], but it has minor edits (e.g., proofreading) and some additional sources added to its References list in preparation for being made available to colleagues external to the Commission.*

Table 1: Uses of Imprisonment and Probation and Community Sentences in Five Nations [3]

	Netherlands	Germany	Spain	Finland	Ireland	Scotland
National population	18 million	83.5 million	49 million	5.6 million	5.5 million	5.5 million
Prison population rate (per 100,000 of population)	70	69	121	58	100	154
Prison population (stock)	12,570	57,812	59,279	3,282	5,573	8,517
Number of prisons	49 prisons	179 prisons	82 prisons	26 prisons	12 prisons	17 prisons
Prison occupancy level	84%	80.2%	77.2%	109%	116%	106%
Remand /pre-trial detention (% of the prison population)	29.2%	26.6%	17.6%	27%	18.9%	25.7%
Female prisoners (%)	4.7%	5.6%	7%	7.7%	5.1%	3.8%
Foreign prisoners (%)	25.2%	47.4%	32.7%	22.9%	17%	7.7%
Percentage of prisoners sentenced to <1 year	30.5%	? Not supplied	11.2%	16.4%	11%	9.6%
Percentage of prisoners sentenced to 5-<10 yrs	12.6%	? Not supplied	25%	20.6%	22.9%	25.9%
Percentage of prisoners sentenced to life imprisonment	0.8%	? Not supplied	? Not supplied	7.5%	9.6%	16.2%
Prisoner mortality rate (rate per 10,000 prisoners)	29.2	? Not supplied	39	21.3	43.0	? Not supplied
Total number of people placed on probation (flow of entries, 1 year period)	33,491	71,276	151,515	3,590	3,944	17,067
Probation population rate (probationers per 100,000 national population)	172	? Not supplied	171	72	153	303

[Note: *figures like this quickly become out-of-date. This external version has been checked/updated*]

The following sections summarise contextual features of the criminal justice system and penal policymaking in each of the five nations. Some trends – like decarceration and declining prison populations – have occurred over the course of years or decades. Meaningful and sustained change often takes time. Some key principles and rights are anchored in constitutional law, not penal law. Aspects of the cultural and political background of a nation are briefly mentioned; however, no view is taken by the Commission on matters such as political parties and ideologies. There are likely to be many more critiques of the following penal policies and practices than there is capacity and space to synthesise and explore here, so they are presented with an important acknowledgement that none of them are seen as panaceas nor universally successful policies.

KEY MESSAGES: A SUMMARY OF INTERNATIONAL INSIGHTS

- Send fewer people to prosecution. Prioritise prevention, mediation, and diversion.
- Send fewer people to prison. Restrict use of remand. Diversify how a custodial sentence can be served in communities. Ensure probation avoids net-widening. Limit breach and recall.
- Send people to prison for shorter times. Limit sentencing for certain groups (young adults), sentences (long/life), and crime types. Smaller prisons and better conditions also help.
- Release people earlier. Enable well-planned releases and support for social rehabilitation.
- Better support health and welfare. Consider social policies. Respect human rights.
- Depoliticise and depolarise sentencing and punishment – in politics, media, and society.

The Netherlands

- **Policymaking in political context:** Since October 2025, the national government of the Netherlands is made up of a coalition of parties: Democrats '66 (D66), the People's Party for Freedom and Democracy (VVD) and Christian Democratic Alliance (CDA). Previously, the nation was led by Prime Minister Mark Rutte (VVD party) for fourteen years (2006-2023).
- **Decarceration:** Between 2005 and 2015, the Dutch prison population decreased by 46%[4]. Between 2015 and the present, it has stayed stable at approximately 10,000-11,500 prisoners, having previously been 20,000 in 2004-2006. More than 20 prisons have been closed. The Dutch prison population rate per 100,000 citizens/inhabitants is 'very low'[5]. Changes and factors affecting decarceration can span several areas, including penal policy, procedural developments, as well as political, social and intermediate mechanisms (e.g., media, public opinion, politicisation), and economic and demographic shifts[6]. Research[7] identifies several key factors which have influenced this trend of decarceration:
  - A drop in serious crime and fewer people being prosecuted in court;
  - Changes in prosecution powers, policy priorities, decision-making and increased dismissal or diversion from prosecution[8, 9];
  - In courts, a general trend of average sentence lengths getting shorter and priority has been given to community-based sentences and interventions over imprisonment;
  - Reductions in the number of people on remand (pre-trial detainees);
  - Tailored approaches to support the mental health of people who commit crime;
  - Pragmatic public acceptance that a prison sentence can do more harm than good. 'Mild' community sentences are well accepted as long as public safety isn't affected[10].
- **Dutch prosecutors have extensive powers[11, 12]:** The Netherlands Public Prosecution Service (referred to by the Dutch as OM) has responsibility for all criminal investigations, including authority to supervise the Police. Since 2006, there have been substantive developments in prosecution policy and powers. For offences attracting a sentence of six years or less, cases can be diverted away from prosecution using a range of measures, including 'transactions' (financial payments to the Treasury), fines, suspended sentences, and community measures.
- **Mediation and restorative justice (RJ):** Neighbourhood-level mediation is available in over 300 cities as a civil measure. Influenced by the EU Victims Directive in 2012, that year, a legal basis for victim-offender mediation (VOM) was established, including the ability for prosecutors and the judiciary to take this into account in decision-making. In 2018, there was a Ministerial intervention in Parliament stressing the importance of using mediation and RJ as a form of dispute resolution, in appropriate cases. Mediation in penal cases usually takes between 2 – 6 weeks[13]. Restorative justice initiatives are also available in Dutch prisons.
- **Victims' rights and support:** There have been several policy and practice developments in the Netherlands which focus on victims' rights, participation, and access to support. One of those developments is getting 'access to and specialisation of victim lawyers in order to promote the realisation of victims' rights, specifically for victims of serious crimes and sex offences.'[14] This development has taken time to become fully embedded in Dutch legal practice cultures. Early research findings[15] suggest that it has been an important step in the realisation of victim rights, in feeling acknowledged, treated with procedural fairness and able to participate in the process and better secure things like compensation, where appropriate.

Another area is the expansion of Penal Protection Orders (PPOs) in the Netherlands, for the purpose of protecting victims from the risk of repeat victimisation, or from being contacted or intimidated. These may be particularly relevant for victims of crimes like domestic abuse, sexual crimes, and other forms of abuse and violence. Forms of Penal Protection Orders are available at the very earliest stage of legal and criminal justice proceedings, through to decision-making about remand, through to sentencing, prison and probation, through to consideration for conditional release if the person who is accused or convicted has been detained in prison custody[16]. These can be initiated or imposed by Dutch prosecutors or judiciary, and the monitoring of compliance and reporting of any concerns about violations of PPOs mostly involves victims interacting with Police or other criminal justice authorities[17].

- **Accelerated responses to common, low-level crime:** In 2011, a new accelerated procedure was introduced in the Netherlands called ZSM, which is the Dutch acronym for As Soon As Possible/ASAP (*Zo Spoedig, Selectief, Slim, Samen en Simpel mogelijk*). This involves swift responses and resolutions to minor or low-level crimes. Collaborative partners in ZSM are: prosecutors, police, victim support, probation, Child Care and Protection Board. Where requested, probation officers speak to a person within the first six hours after they have been arrested, to provide advice (oral or written) to prosecutors to help inform their decision on how best to proceed[18]. It has been evaluated in 2016[19], with some positive results as an initiative appreciated by partner agencies, but modest tensions arise between the emphasis on swiftness and respecting rights through meaningful, careful decision-making. More recently, there are similar concerns in the literature about the ZSM approach, for example, regarding its managerialist emphasis on speediness and efficiency, potential impact on the right to a fair trial, potential lack of individualisation or person-centred approach, and the possibility of punitiveness in how it is used[20].
- **Remand:** Though it has been changing recently, the Netherlands has tended to have a high rate of use of pre-trial detention (of which they have three types or stages)[21]. During the period 2000–2020, persons in pre-trial detention consistently accounted for approximately 40% of the overall detention population in the Netherlands[22], that has now reduced to below 30%. The reasons for this are complex and distinctive to Dutch contextual features and legal cultures[23], so care needs to be taken in making any international comparisons in this area. Remand is not to be imposed if the time spend on remand would exceed the sentence imposed by a judge, if convicted. Statutory requirements for using pre-trial detention / remand in the Netherlands include[24]:
  - There must be 'a grave suspicion' that the suspect has committed the offence;
  - Pre-trial detention can only be used in cases of offences which carry a custodial sentence of four years or more;

  There must be at least one ground for imposing pre-trial detention. Grounds include: serious risk of absconding; serious reasons of public safety; shock or fear for serious upset to the legal order in cases of very serious crimes; fear of reoffending; fear for obstruction of justice; or need to expedite proceedings in cases of unsettling crimes in public areas or against public officials (e.g., emergency workers).
- **Sentencing:** Where custodial sentences are imposed, Dutch prison sentences tend to be quite short. Analysis emphasises that: 'Two-thirds of the imposed prison sentences are shorter than three months, and this percentage has not changed much over time (Meijer et al., 2022)…. Due to these short lengths, many prison sentences are partially or fully served during pre-trial detention (Stevens, 2010)'[25]. As per Table 1, life imprisonment prisoners make up less than 1% of the Dutch prison population.

- **Supporting rehabilitation and reintegration:** The principle of rehabilitation (the Dutch translation is closer to 'resocialisation') is 'a fundamental principle in Dutch penitentiary law and policy', where the government is mandated to prepare all sentenced people for a crime-free life in the community – with rehabilitation shaping what happens in prisons, due to obligations to help prepare them for release and community reintegration. Resocialisation can be framed as a matter of 'public interest' in being applied to conditional early release, 'helping to shorten prison sentences without danger for public order and security'[26]. Recently, this has been critiqued by some academics who worry that less support for reintegration is actually made available[27]. In the Netherlands, they use the Risk-Need-Responsivity (RNR) Model, evidence-based accredited programmes and interventions, and social rehabilitation-oriented throughcare support. Even their uses of electronic monitoring at different points in the criminal justice process seems to have a community 'reintegrative approach'[28].
- **Young People:** There are distinctive policies and practices for young adults transitioning into adulthood in the Netherlands which guide the approach which may be taken. Since 2014, adolescent criminal law can be applied to the sentencing of young adults aged 18-22 years old[29]. According to the Dutch Criminal Code, consideration of whether or not young adults are sentenced with a juvenile sanction depends on the 'personality of the offender' and the 'context in which the crime is committed'. Rehabilitation, treatment and education tend to be central to approaches taken within these juvenile sanctions[30].
- **Probation:** There are three probation organisations/services in the Netherlands. One is the Dutch Probation Foundation (which is the largest), another is the Salvation Army Youth Protection and Probation (which focuses on homelessness and welfare), and the third is the Addiction and Probation Service Mental Healthcare and Substance Abuse Treatment (SVG) [31]. All three probation organisations are supported financially by the Dutch Ministry of Justice and Safety, but they act independently while cooperating with one another. Dutch probation officers are professionals with degree qualifications in social work or criminology. Volunteers (members of the public) can be extensively involved in probation activities, interacting and supporting people on community sentences or people reintegrating post-release. Different technologies are used extensively within Dutch probation[32, 33], including a few specialist probation mobile apps, digital portals, as well as different electronic monitoring technologies.
- **Forensic care for mental health and personality disorders:** Both judges and prosecutors can request forensic psychiatric assessment. The Netherlands have a distinctive approach they call 'TBS' measures (*terbeschikkingstelling*), which describes the tailored approach taken with offenders with mental health conditions and personality disorders where those diminish responsibility [34] . A TBS measure can have conditions, or it can involve involuntary/forced forensic care. It can be imposed in combination with a prison sentence, or with no prison sentence. The ~15 forensic care facilities are not counted as part of the Dutch prison population. Probation services can be involved in supervision if the person is in the community. There have been moments of controversy in recent years with public perceptions affected by high profile cases where a person subject to forensic care has harmed others.
- **Penitentiary programme:** Since 1999, prisoners can request to the Ministry of Justice and Safety to spend the last part of their sentence (up to one sixth[35]) with the Penitentiary Programme, and there are specified minimum and maximum periods that can be spent on it. The focus is on supporting transition and reintegration. For part or, if deemed necessary, all of the entire period, the person may be subject to electronic monitoring. The Penitentiary Programme involves the expectation that people work or study for at least 26 hours per week during the day, and stay at home at night, under the supervision of the probation service[36]. Other organisations play significant roles in supporting people leaving prison. For example,

Exodus is an organisation with approximately 200 professionals and 1,800 volunteers supporting (ex)prisoners by focusing on housing, relationships, work, finding purpose in life[37].

- **Early release (conditional release):** Prior to 2008, there had been an automatic system of conditional release, meaning sentencers could realistically foretell how long a person might actually serve in custody. In 2008, conditional release changed to one based on criteria for release. 'In response to the new system, judges may have adjusted their sentences to align with earlier practices, as sentencing benchmarks were lowered to account for the change in conditional release (Schuyt, 2010). This may have contributed to a broader trend of reduced sentence lengths from 2008 onward'[38]. This policy may have possibly changed again since.
- **Small scale detention houses:** the Netherlands is one of the leading nations to be involved in the European Movement for Detention Houses (see RESCALED). Small scale detention houses incorporate principles of 'normalisation', local community integration, and restorative justice. Local professionals and services support people in the detention house, like local social workers, psychologists, or educators. People in the detention house are expected to contribute to the local community in a way which is appropriate to their sentence and circumstances. As the name suggests, they are small: some have 12-16 residents, some have up to 25-30[39]. There is some debate over language and framing, but, realistically, a significant number of detention houses are technically prisons in that they are run by the state prison service for people on custodial sentences (closed detention or open detention houses), and others are transitional half-way houses run by charities, which support people serving sentences who are transitioning into communities and some may have special conditions to adhere to or particular needs (e.g., recovery-oriented housing; supported independent living for people who have been homeless and are vulnerable). Some may be used with people on remand (pre-trial detention). See Figure 1 for images of a few examples. Small scale detention houses have been relatively popular in the Netherlands, a nation which has shut prisons. They are popular elsewhere in other European nations, with an EU resolution focused on them passed in 2024[40]. However, they come with a gentle caution that they may risk being associated with net-widening[41] if prison places are not reduced or prisons are not closed as new detention houses open. 'Alternatives can become additives' is apt here.

Figure 1: Images of Small-Scale Detention Houses in the Netherlands.



Image sources: RESCALED. Pictured: Exodus Amsterdam; Exodus Groningen; Martien Schaaperhuis.

Germany

- **Policymaking in political context:** In April 2025, the national government of Germany is made up of a coalition of conservative centre-right parties (Christian Democratic Union/Christian Social Union) and a centre-left party (Social Democratic Party). Previously, the nation was led by Chancellor Angela Merkel (CDU party) for sixteen years (2005-2021). The OECD public trust survey finds moderate to lower levels of public trust in government and public institutions in Germany[42], with low levels of public trust in federal government, but moderately good levels of trust in the courts and judiciary and civil service. However, the political culture surrounding sentencing and penal policymaking in Germany is described as 'moderate', reasoned, 'strongly human rights-oriented', and 'able to resist punitiveness'[43].
- **Decarceration and penal policy:** During the 1960s, Germany experienced a 30% decline in its prison population (while crime increased during that time by 50%), a decline which was attributed to decriminalisation policies[44], changes to youth justice policy and practice, and penal law reforms that curbed the use of short-term prison sentences, by replacing them with fines and expanding use of suspended sentences (probation)[45]. More recently, the prison population in Germany has declined steadily for two decades, since 2004. The current German prison population rate per 100,000 citizens/inhabitants is considered to be 'very low' [46]. Influential factors contributing to this include: a rehabilitative focus, trends in prosecutorial decision-making, developments in youth justice, and restrained sentencing and – not just in rhetoric but in practice – reserving long-term imprisonment as a last resort[47].
- **Crime prevention:** crime prevention initiatives have been a priority focus for decades, with German authorities stating, 'preventing crime is better than investigating it.'[48]
- **Prosecution and diversion from prosecution:** A significant number of cases are diverted or dealt with earlier in the investigative and criminal justice process in Germany. While it has long been the case that 'petty offences' can be dismissed by prosecutors or by the court, under the German Criminal Procedure Act and Penal Code, penal law reforms from 1970s to 1990s 'expanded diversion to middle range crimes, (if the 'gravity of ' the offence or 'guilt does not demand a formal adjudication'). In more serious cases, the dismissal may depend on the fulfilment of obligations such as monetary payments, an excuse or Victim-offender-mediation'[49]. Only one fifth of accused persons face criminal charges, applications for penal orders (a simplified procedure to a local court, with no oral hearing or trial, resulting in the equivalent of a conviction and usually resulting in a fine, or in rare cases a suspended sentence), or conditional dispensing with public charges[50]. In the three decades between 1993 and 2022, the percentage of cases ending in 'unconditional dispensing with prosecution' rose from 34% to 54%, and the number of cases ending in charges or penal orders declined from 56% to 39%. German academics have observed that German cultures of bureaucracy, pressures on prosecutors and 'a tight net of procedural requirements on the way to convictions'[51] are a contextual factor in why Germany's prison population is not higher.
- **Restrictions on use of remand:** In Germany, pre-trial detention can only be imposed where the accused is strongly suspected of having committed the crime, where the detention is not disproportionate to the significance of the case and to the likely punishment, and where the accused poses a risk (flight risk, tampering with evidence, serious reoffending risk) which serves as grounds for remand[52]. German law states that, normally, the maximum length of pre-trial detention is six months, though extensions can be applied for in serious, extenuating cases[53]. In practice, nearly 70% of remand cases spend under 6 months detained in custody.

Decisions by the German Federal Constitutional Court and the European Court of Human Rights have influenced restrictions on the use of remand.

- **Sentencing and sentence implementation:** Overall, German judicial cultures and decision-making tend to be less punitive and more restrained when understood in international context.
  - Germany has not had a trend of sentence inflation/harsher sentencing over time[54].
  - Social reintegration (*resozialisierung*) and 'the *Resozialisierungsgrundsatz* serves as the overarching principle for sentencing, for the way in which sentences are applied and for dealing with offenders once the sentence (community sentence, prison sentence) has been served[55]. It has a constitutional basis[56]. Indeed, 'the question of whether an intervention serves or is contrary to this aim can often by found as the leading argument in judicial decisions, and in criminal policy debates new developments are usually measured against this principle'[57].
  - Specialist 'sentence execution courts' sit as a chamber of the District Courts. Conditional release from prison or probation supervision is always a decision made by a court. A person making progress or having a 'good prognosis' is considered.
  - Common 'standalone' community sentences do not exist in Germany comparable to how they do in other European nations, for example, with community service (unpaid work) only really serving as an alternative to imprisonment for failure to pay a fine[58]. Instead of community sentencing, a significant proportion of short prison sentences are suspended and served in the community, e.g., under probation supervision.
  - In Germany, if a person is sentenced to a custodial sentence of up to two years, the implementation/execution of that sentence in prison can be suspended and the convicted person put on probation[59]. For suspending custodial sentences under one year, that decision is often straightforward, and for over one year and under two years, there need to be special circumstances with regard to the offence and the offender.
- **Probation and social services in criminal justice:** some staff are called probation officers and some probation staff tend to be framed in terms of 'social services in the criminal justice system' (*Soziale Dienste der Justiz*). Staff tend to be professionally qualified social workers or social pedagogues[60]. While legal provisions for probation are often set federally, there remains scope for state-by-state variations and localism. Most of the work of probation officers is supervising people whose prison sentence has been suspended and they have, instead, been placed under probation supervision. Workloads and caseloads are high. Probation officers have a moderately high degree of discretion in what counts as persistent violations or non-compliance; these views are usually trusted by the sentence execution court which makes the decision to breach and recall to prison, or issue a warning, or change the conditions a person is subject to.[61] Breach and recall for technical violations is not common.
- **Early release from prison:** it is based on discretionary decision-making by a court (the sentence execution court), and it is always conditional. It is not decided by prisons.
- **Long prison sentences are rare in Germany:** In 2021, only 1.8% of the prison population were serving sentences of between 5 to 15 years (1,670 people), and 0.1% of the prison population were serving life sentences (109 people)[62]. A sentence of life imprisonment can be suspended and probation imposed once a person has served 15 years in prison. However, relevant considerations in releasing such cases include: the gravity of the offence and the 'favourable prognosis' (their outlook, rehabilitative progress) and the risk of the prisoner[63].
- **Young adults in criminal justice:** Young adults are defined as 18 – 20 years of age (i.e., under 21). Maturation and developmental factors are considered, and an educational and

'minimum intervention' approach is used. The majority of young adults are dealt with through juvenile/youth criminal law. Overall, there has been a trend of declining rates of disciplinary measures and imprisonment of this group since 2010[64]. Between 2001 to 2022, declining youth crime rates as well as the educational and minimum intervention approach taken in youth justice in Germany contributed to a decrease of the youth prison population rate by 55%[65]. There is a high rate of suspending prison sentences for young adults. There are also limits on lengths of imprisonment for young adults, e.g., imprisonment in cases of murder.

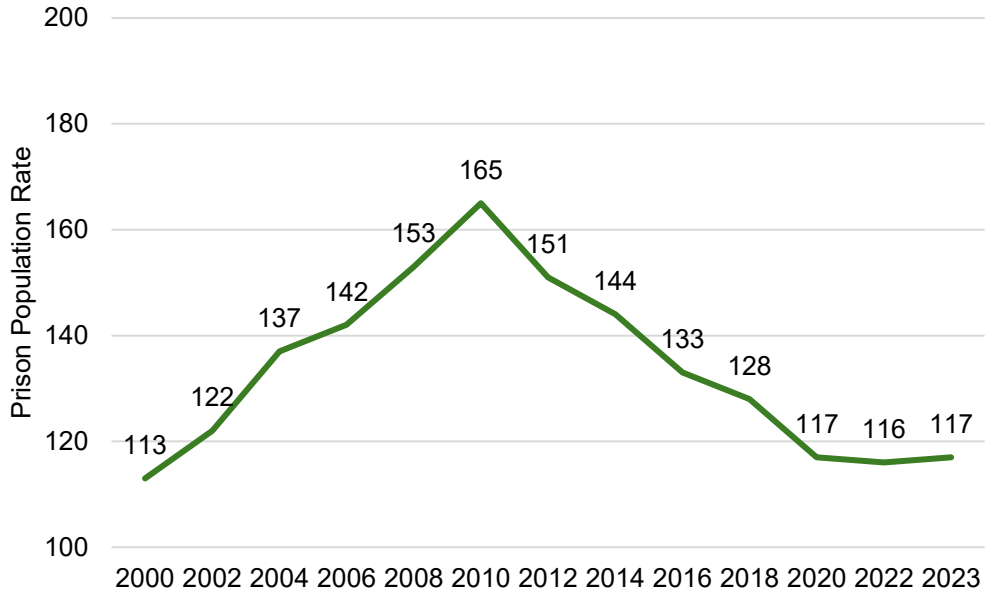
- **Foreign-nationals in criminal justice:** Foreign-nationals (including those from EU states) make up approximately 34% of the national population of Germany but count for approximately 47% of the prison population[66]. In explaining this, German authorities[67] emphasise two contextual factors: firstly, crime suspects can include tourists, cross-border commuters, armed services personnel and their families from other nations stationed in Germany, asylum seekers and people 'staying illegally' in Germany. Secondly, the demographics of foreign-nationals differ from the national population in terms of sex and age (e.g., in some cases, they may be more likely to be younger men). There may also be some professional and systemic factors as to how foreign nationals are dealt with by the system.
- **Electronic monitoring (EM):** While a number of legal mechanisms exist for uses of electronic monitoring tagging technologies in criminal justice, it is very limited and rarely used. German research has found that EM is considered 'highly controversial' and it has been criticised for its potential net-widening effects[68] and it is not necessarily seen as appropriate and proportionate in many cases[69]. Privacy is a major focus of human rights protections; EM can restrict liberty and invade privacy. The social and cultural context for Germans being 'reluctant' about EM is best understood against a wider backdrop of war-related and political-related developments across the 20th Century, where there may be longstanding reasons for public resistance towards uses of surveillance and monitoring.

Spain

- **Policymaking in political context:** Since November 2023, the government of Spain is a coalition of a centre-left party (Partido Socialista Obrero Español, PSOE) and far-left party, Sumar. Pedro Sánchez (PSOE) has been Prime Minister since 2018. Spanish criminal justice is organised in ways which reflect aspects of the political dynamics within the nation. There are two penitentiary administrations: one in Catalonia and the other referred to as the General Administration of the State. Sentencing and penal statistics have to be combined from across both so as to obtain Spanish national totals. For the General Administration of the State, prison and probation are overseen by the same public authority: 'both custodial penalties and community sanctions and measures (*penas y medida alternativas*, CSM) are the domain of the Spanish penitentiary administration…, belonging to the Ministry of the Interior'[70].
- **Decarceration:** Figure 2 illustrates changes in prison population rate, and the trend of decarceration in the last fifteen years since a peak in 2010. Spain has a low prison occupancy level (78%), when compared to other European nations. Factors which have influenced or contributed towards a declining prison population in Spain in recent years include[71]:
  - Changes to sentencing legislation;
  - Changing policy and patterns of decision-making by prosecutors, judges, prison authorities, and parole boards;
  - Significant drops in the use of remand/pre-trial detention;

- Significant drops in numbers of foreign-nationals ('non-citizens') in prison custody;
- Expansion of uses of electronic monitoring technology. In 2021, approximately 10,820 people were subject to electronic monitoring[72];
- Relatively limited interest in crime, law and order in Spanish politics and public concern from 2010s onwards, with less politicisation of sentencing and punishment.

Figure 2: Prison Population Rate in Spain, 2000-2023



Source: data presented in this figure is from World Prison Brief – Spain.

- **Remand:** Spain has comparatively lower uses of pre-trial detention than other nations, in the years during and since the COVID-19 pandemic. In both 2020 and again in 2024, 17% of the total Spanish prison population were on remand/pre-trial detention[73]. Since 2019, the Spanish Supreme Court established that every person held on pre-trial detention (remand) who does not go on to be convicted is entitled for compensation for damages during that time[74].
- **Sentencing and sentence implementation:**
  - In Spain, 'sentencing is narrowly defined in law'[75], meaning restrictions on judicial discretion and freedom. As such, changes to sentencing legislation can have significant impact. The Spanish Criminal Code prescribes sentencing ranges by setting out a minimum and a maximum penalty for all crimes, often with limited range between the minimum and maximum[76].
  - There have been a few changes to sentencing law in recent years. For example, this includes legal reforms for the sentencing of 'minor drug trafficking crimes' from 2010 onwards, with custodial sentences of two years or less regularly being suspended and substituted with community service orders[77]. According to Art. 80 of the Spanish Penal Code (SPC), 'judges or courts may suspend serving of custodial sentences not exceeding two years (five years in the case of people who use drugs). The period of suspension is from two to five years in the case of custodial sentences not exceeding two years, and from three months to one year for less severe penalties and is established by the sentencing judge (or court). Also, the judge may resolve the suspension of the serving of custodial sentences not exceeding five years for someone who has committed a criminal offense due to their dependence on

substances; in this case, the suspension may carry a provision that treatment extends until the conclusion of the sentence'[78].

- Until relatively recently, Spain was one of few European nations not to have a sentence of life imprisonment (along with Portugal and Croatia); however, in 2015, by amending the Spanish Criminal Code under constitutional law, authorities brought in a de facto form of life imprisonment (*prisión permanente revisable*)[79]. Campaigning by victim advocates was an influencing factor in the background context to this reform.
- Specialised implementation courts (*Jueces de Ejecución*) make post-sentencing decisions, 'such as suspending or substituting a prison sentence, imposing requirements, and supervising their enforcement'[80]. Their workloads are high, and their work is quite formalised and standardised. 'Penitentiary surveillance judges' have a major role in the monitoring and oversight of sentence implementation and of the progress made on community sentences.
- Sentencing has been debated by some in cost efficiency and managerial terms, in an era of constrained budgets/resources. Ostensibly, community sanctions are cheaper.
- Under Spanish law, plea bargain agreements can be reached in all cases where the possible sentence for the offence does not exceed a set threshold, i.e., six years in prison[81]. The resulting reduction may be up to a third of the sentence. Approximately 63% of proceedings in Spanish courts were resolved and terminated using this mechanism in 2020[82]. Analysis of use of plea bargaining, associated sentence discounting, and use of suspended prison sentences in Spain has raised questions, acknowledging that while it might aid with making some system efficiencies, reducing the need for trials and seeing fewer people sent to prison, it may also be instrumental in the risk of false confessions in some cases and in producing sentencing disparities[83].

- **Prison:** How custodial sentences are implemented in Spain is structured in three degrees[84]. The 'first degree' is prisoners who are high risk of harm and kept in high security prison conditions, called 'the closed regime.' The 'second degree' is where most prisoners are held, with more activities available and more freedom of movement within a prison, and it is called 'the ordinary regime.' The 'third degree' has a few different modalities available within it, referred to as 'the open regime'. It emphases social rehabilitation, community reintegration, and the principle of normality/normalisation. It often involves being sent to an open prison, called a Social Integration Centre (SIC) (*Centros de Inserción Social*), where people can leave by day or leave for weekends, go to appointments, go to jobs and so on. Social Integration Centres tend to have a variety of different activities and programmes on offer, including: job training placements, education, training, sports, recreation and leisure, cultural programmes, and tailored programmes for specific groups (e.g., women, migrants, older people). Or the third degree can involve referral to an 'extra-penitentiary measure' of referral to a therapeutic community for drug addiction and recovery issues, for example, which might involve close collaboration with a third sector service running the therapeutic community. Or the third degree can involve being granted 'third degree with electronic monitoring', which is relatively similar to conditional release. In December 2024, 6,669 people were in the 'third degree' category of the total prison population, within this, 3,459 people were in third degree with electronic monitoring ('semi-liberty')[85]. People can go straight to the third degree, they do not have to spend a minimum amount of time in first or second degree categories of imprisonment in order to access the third degree category, though some may progress from second to third degree. Another distinctive feature of the Spanish prison population that,

compared to other European nations, they have a 'very high' percentage of prisoners who are aged 50 years or older[86].

- **Supporting rehabilitation:** The Spanish constitution, legal system, and the Spanish prison rules all set out that a central aim of the prison system is rehabilitation and supporting prisoner resettlement (release and reintegration)[87], [88]. This has influenced their system of progression through types or stages of prison regimes. Another aspect of practice which this emphasis on rehabilitation in the constitution and law influences is responses to non-compliance and breach[89]. Where non-compliance or violations are not serious, an emphasis on rehabilitation may lead to probation officers and judiciary to use discretion by problem-solving and choosing responses that do not revoke the order or remove the suspension and recall the person to prison. Overall, there are somewhat mixed results in supporting rehabilitation practice. Charities and the third sector are involved in supporting rehabilitation post-release.
- **Abolishing remission and release:** Spain used to have a remission scheme for good behaviour, allowing for a third or up to half of the prison sentence to be reduced, but it was abolished in 1996[90]. This being abolished contributed to the prison population at the time.

Finland

- **Policymaking in political context:** Since April 2023, Finland is governed by a conservative coalition of right-wing parties (National Coalition party, Finns party, Swedish Peoples party of Finland, and Christian Democrats). Previously, the nation was led by Prime Minister Sanna Marin for five years (2019-2023) and a centre left-wing coalition of political parties. The OECD public trust survey consistently finds distinctively high levels of public trust in government and public institutions in Finland, with this spanning 'day-to-day interactions with public institutions through to decision-making on complex policy issues.'[91] The public ranked the highest levels of trust in Police, courts and judiciary, and civil servants from the list of institutions. Another social contextual feature worth noting about Finland is that it has one of the highest unemployment rates in the European Union: in late 2025, the unemployment rate was 9.7%[92].
- **Decarceration and penal policy:** Finland has among the lowest prison population rates in the world, as well as a low probation rate. While their prison population rate currently sitting at 52 per 100,000, previously, in the 1950s and 1960s, their prison population rate was nearer 200 per 100,000 (four times higher than that of their Nordic neighbours at the time, and also notably higher than Scotland's current prison population rate of 146 per 100,000 in 2025). What are referred to as 'systematic and thorough reforms of sentencing legislation' from the 1960s through to the 1990s influenced this sharp and sustained decline in incarceration, resulting in outcomes like decriminalisation[93], more use of early release from prison, 'the drop of the length of custodial sentences and expanded use of fines and suspended sentences.'[94] There were also reconsiderations of the intensity of conditions placed on people, as part of efforts to reduce breach and recall in cases/circumstances which do pose a risk of harm.
- **Mediation and restorative justice:** Finland has a strong tradition of using mediation since its introduction forty years ago, and this is part of a wider well-established tradition of mediation and alternative dispute resolution in Nordic nations. Taking part in victim-offender mediation (VOM) in Finland is free of charge, voluntary and discretionary, and consent can be withdrawn at any time and mediation terminated. Each year, there are approximately 10,000 – 13,000 cases of victim-offender mediation, which is a lot given there are an estimated 60,000 cases before criminal courts each year[95]. After a 'successful' or mutually

beneficial mediation has taken place, the decision of whether or not to put criminal charges before the court is up to the public prosecution[96]. If a settlement has been reached, commonly, prosecutors do not decide to proceed with prosecution of the case. Mediation can be used in a range of offence types and cases. It can also be used after the point of sentencing, i.e., during a prison or probation sentence. With regard to crime types and victims, however, there are specialist provisions and limitations in the Mediation Act with safeguarding and risk in mind, for example, in domestic abuse cases, and it is not allowed in cases where the victim under the age of 18 where there are child protection, capacity to consent, or developmental considerations. Delivery of mediation is organised regionally, and it is funded centrally by the government, not by the prison and probation service.

- **Victims' rights and support:** Victims have a recognised status in Finnish criminal procedure[97], which goes beyond the perhaps restricted, passive role of a witness being questioned on their testimony, with a number of rights and supports afforded to them during the criminal justice process. Victims can press charges independently, without need for an advocate, and they are party to proceedings. According to the Finnish Ministry of Justice[98]:
  - 'Victims have the right to have a counsel to assist them when reporting an offence, being heard and attending judicial proceedings. The counsel may be an attorney-at-law, a public legal aid attorney or a licensed legal counsel.'
  - Victims who are 'low- and middle-income earners may be granted legal aid at the expense of the State', with fees of the counsel paid either in part or in full by the State.
  - 'The court may appoint a legal counsel or a support person for the victim, if the case concerns intimate partner violence, a sexual offence or a serious offence against the victim's life, health or liberty. In that case, the State pays the counsel's or support person's fee irrespective of the victim's income.'
  - There are avenues for victims to claim compensation from the offender and the State.
  - There is a victim notification scheme, for example, if a person is released from prison.
- **Sentencing and sentence implementation:** Like a few other nations considered here, Finnish judicial cultures and decision-making tend to be less punitive and more restrained.
  - Different types of community-based sanctions and groups of people subject to probation supervision include: supervision of young adults (aged under 21) and adults subject to conditional imprisonment; community service; a monitoring sentence; supervision of a combination sentence; and supervision of conditionally released prisoners[99].
  - Community service can be used as an alternative to – and a direct replacement for – short custodial sentences (determinate sentences, 'unconditional imprisonment' as they call it) in Finland. The current hours of unpaid work which can be imposed range from 14 to 240 hours[100]. When community service was introduced in the 1990s as an intended remedy to perceived overuse of imprisonment, procedural safeguards to try to avoid net-widening and uptariffing were embedded. 'First the court is supposed to make its sentencing decision without considering the possibility of community service. If the result is unconditional imprisonment, then the court may commute the sentence to community service under certain conditions.[101]'
  - Home detention with electronic monitoring can be used as an alternative to – and a direct replacement for – short custodial sentences, that is, people serve their sentence at home. The maximum length of time on home detention with EM in Finland is six months[102]. It is mandatory that people on home detention have a job, study, or otherwise purposeful

activities provided for and approved by Probation. Factors limiting eligibility include homelessness or risk of domestic abuse occurring while serving the sentence at home.

- There are limitations or restraint in use of what Scots would call the 'punishment part' of a life sentence of imprisonment in Finland, where a person given a life sentence may normally serve 12 years served in prison (or up to 15 years for joint/concurrent offences), before conditional release into the community[103]. (In Scotland, those averages served before conditional release are closer to 20 years). Young adults under the age of 21 can serve much fewer years in prison, if a life sentence has been imposed.
- Various reports and accounts indicate that, overall, there is not a lot of tension or polarised disagreement in public perceptions of sentencing in Finland. Community-based options are well accepted (excluding in very serious cases). In recent years, there have been some pressures and debates on sentencing for sex crimes, with pressure from the public leading the government to change sentencing law to increase penalties in these cases[104].
- An area of sentencing where more substantial sentences (by Finnish standards, still short or moderate by international standards) may be imposed is for drugs-related offences.

- **Prisons:** According to the Prison and Probation Service of Finland (Rikosseuraamus)[105]:
  - In Finland, the average length of prison sentence is 11-12 months.
  - Prison work activities take up approximately a third of a prisoner's time, and can include: forestry work, environmental maintenance, building, cleaning or textile work.
  - Prisons are smaller in size, compared to some other Western nations. On average, they may hold 100 people. The largest prison holds approximately 400 people.
  - One third (between 33%-36%) of the prison population are held in open prison conditions, and the other two thirds of the prison population are held in secure closed conditions.
  - Staffing levels are moderately good, with a total of 2,053 staff working in prisons and remand units, meaning a level of 73 staff members for every 100 prisoners[106].
  - There is extensive digitalisation and use of technology in some Finnish prisons. Artificial intelligence (AI) has been used in rehabilitative ways[107], by prison psychologists, as well as prisoners being trained to use AI and other technology as a part of employability efforts.
  - Research shows that there have been changes in the Finnish prison population over time in terms of prisoners' social background, with poverty and socioeconomic deprivation as well as unemployment becoming more prominent, as well as lower levels of education among those who are recidivists. Between 1988 to 2019, 'the Finnish prison population has grown increasingly detached from the labour market and generally more disadvantaged over time'[108], with reintegration support needing to focus on employability.
- **Early release with electronic monitoring and supervision – 'Supervised Probationary Liberty':** It is early release from prison for prisoners on long sentences (over 4 years) with electronic monitoring and supervision. Typically, it is used with those with serious offences (including homicide) and aggravated drug-related offences, and people on life sentences.
  - The decision to release is by the Executive – Prison and Probation Service of Finland.
  - This release measure has been developed with the policy aim of reducing recidivism and promoting (or at least not hindering) desistance processes[109].

- People on probationary liberty can live at home, at a halfway house or in a residential rehabilitation centre[110]. This is a pragmatic acknowledgement of need to support recovery. However, they are not allowed to consume alcohol or drugs during this time.
- A key part of supervised probationary liberty is the expectation of spending time working or doing productive activities during the day. This follows the principle of normalisation.
- Supervision of those on probationary liberty by probation staff 'differs markedly from regular parole', in that it is more intensive, collaborative, and individualised to the sentence plan and reintegration needs of the person leaving prison[111].
- There is the capacity for cooperation and information sharing on sentence planning for these individuals pre-release and post-release with social, health, housing and employment authorities. This is coordinated with 22 'wellbeing services counties' across Finland (before 2023, this was a responsibility previously held by local authorities).
- In 2023, 757 prisoners were released on supervised probationary liberty[112]. This is quite a lot, given a total prison population just below 3,000. Prisoners released through probationary liberty under supervision commit fewer new offences than other types of released prisoners.

There are pre-requisites for Probationary Liberty under supervision in Finland, which are set out here and directly quoted from Rikosseuraamus[113]:

- probationary liberty supports the implementation of the sentence plan;
- the prisoners are deemed likely to comply with the conditions of probationary liberty based on their behaviour during the sentence term and their personal characteristics and criminal history;
- the prisoners have access to a place of residence suitable for the enforcement of probationary liberty or other suitable place where they are placed for treatment, rehabilitation or other similar reason;
- the prisoner consents to being placed in probationary liberty under supervision;
- the prisoner consents to the Prison and Probation Service contacting relevant authorities, private organisations and persons involved in the enforcement of probationary liberty in matters concerning the prerequisites for probationary liberty or compliance with the conditions, and to those parties informing the Prison and Probation Service of any violation of the conditions, notwithstanding non-disclosure provisions;
- the prisoner consents to the Prison and Probation Service assessing the suitability of the place of residence and the place of activity for the enforcement of probationary liberty.

- **Parole:** The minimum time for eligibility and granting of parole in Finland is usually at the halfway point of the prison sentence – if the person has not already served a prison sentence in the last 5 years prior to this. If a person has served two thirds of the prison sentence, then there are fewer conditions involved for granting conditional release[114].
- **Approaches to support rehabilitation:** there is an emphasis on rehabilitation and community reintegration in prison legislation (the Prison Act) as well as in the Community Sanctions Act in Finland[115]. Their Prisons Act also has a stipulation about harm minimisation, to try to limit the detrimental impacts of imprisonment. A combination of different models and approaches are used in Finnish criminal justice: the Risk-Need-Responsivity (RNR) Model (risk assessment and management focused); the Good Lives Model (GLM) (strengths-based and motivation focused); and desistance-oriented principles and practices (also strengths-based and personal development and change focused). Also, there is a fairly wide range of treatment and rehabilitative programmes available in prison, tailored for different offence types (e.g., sexual offences), needs or issues (e.g., anger, substance use, motivation).

Republic of Ireland

- **Policymaking in political context:** Since January 2025, the government of Ireland is made up of two centrist/centre-right parties, Fianna Fáil and Fine Gael. In terms of the republic, Michael D. Higgins has been the President of Ireland since 2011, with Catherine Connolly becoming President in late 2025. Ireland has a long tradition of coalition politics. Within this, there may be certain parties which may vie to get the Justice Minister portfolio.
- **Decarceration and penal policy debates:** Between 2022 – 2024, there has been more of a national strategic focus on penal policy in Ireland, in part driven by the need for decarceration and easing prison capacity issues as the Irish prison system was built to have ~4,500 prisoners and there has been years of discussions of community sentences, but some inertia in making progress. In these years, a series of strategies and visions were published (at least six of them, including those by the Irish Prison Service and Irish Probation Service). In particular, three have sought to encourage a shift towards community-based responses and improving penal practices and conditions:
  - Department of Justice (2022) Criminal Justice Policy: Review of Policy Options for Prison and Penal Reform 2022-2024[116].
  - Department of Justice (2022) Criminal Justice Sectoral Strategy 2022-2024.
  - Department of Justice (2022) Criminal Justice Sectoral Strategy 2022-2024: Implementation Plan.

  These were accompanied by An Evidence Review of Community Service Policy, Practice and Structure (2022) by academics Kennefick and Guilfoyle[117] for the Irish Probation Service. This Evidence Review included consideration of whether, alongside Community Service Orders (CSOs) being a direct alternative to short prison sentences, Ireland should possibly introduce an additional legislative presumption against prison sentences of 12 months or less, and a requirement that judges justify their decision not use a CSO when imposing a prison sentence of 12 months or less. In 2025 and 2026, penal policy proposals by the Government and debates in the Oireachtas/Irish Parliament have focused on how to ensure more CSOs are used instead of – i.e., as a form of substitute for – short prison sentences of up to two years in length (extended from 12 months) and provisions extending up to 480 hours of community service, in relation to 'Head 25' Prison Overcrowding and Community Service Orders in the General Scheme of the Criminal Law and Civil Law (Miscellaneous Provisions) Bill 2025[118]. In the context of these penal policy debates in 2025, leading Irish academics[119] have recommended that both the Community Service Order (CSO) and Probation Order (PO) be better positioned in policy and practice as a direct alternative to short prison sentences, while being attentive to risks of net-widening and up-tariffing.
- **Bail and remand:** the system of bail is seen as 'relatively fair' in Ireland, and historically, they do not tend to have high rates of remand. There are a few factors which are seen as contributing towards why they tend to favour bail and have comparatively modest use of remand. One factor is the legal framework, and the accompanying legal and judicial culture surrounding it, with research and expert legal commentary pointing to how the Irish constitutional position on bail and the presumption of innocence are seen as important[120]. In terms of how bail is used, academic Mary Rogan notes, 'a key feature of the Irish approach to pretrial detention is the extensive use of a wide and flexible range of conditions attached to a person's liberty when released on bail'[121]. However, research found some variation across the nation between rural and urban districts, and some over-use of bail conditions[122].

- **Sentencing:** Ireland have a few community-based sentences and measures, including:
  - A Community Service Order, which is among the most commonly used orders. In cases where a person 'is punished for an offence for which a custodial sentence of up to 12 months would be appropriate, the sentencing judge is obliged to consider imposing community service'[123]. Community Service Orders (CSOs) have still remained somewhat under-utilised in Ireland. Recent research has found that 'while judges recognise the rehabilitative potential of CSOs, barriers such as delays in probation assessments, absence of probation staff in court, and restrictive suitability criteria often impede their use'[124], with some judges feeling unsure about imposing a CSO where substance misuse and mental health issues are prominent in an individual case. Discussions have been ongoing about suitability criteria and available supports to better navigate this.
  - A type of combination option which is called a 'partly suspended sentence', where the court decides to suspend the execution of a custodial sentence in part, subject to the person agreeing to a 'recognisance' or a promise to comply with conditions, which includes a condition of Probation Service supervision.[125]
  - Deferred sentencing: 'where a judge imposes a conviction where the person is liable to a custodial sentence and a fine, s/he may impose a fine on the person and make an order deferring the passing of a custodial sentence and specifying the term of imprisonment that the court would propose for that offence in case of non-compliance'[126].
  - Ireland also have an unusual (and, questionable, in terms of its length and intensity) form of probation supervision pre-sentence, which is similar to Scotland's structured deferred sentence but longer in duration. Where facts are accepted or facts have been proved in court, a person may engage with and be subject to probation supervision for up to three years, and if this goes well, then sentencing does not occur[127].
  - There is not much standardisation nor many restrictions on judicial or probation officer discretion, rather there is quite a bit of flexibility. Very recently, they have brought in the Irish Probation Framework, which is not available in the public domain, in an attempt to bring some consistency across the nation.
- **Electronic monitoring tagging:** Ireland doesn't have it, yet. Despite there being a legislative basis for the use of electronic monitoring for years, which has been enabled across three pieces of legislation (the Bail Act 1997, as amended, the Criminal Justice Act 2006, as amended, and the Sex Offender Act 2001, as amended, provide for the use of electronic monitoring (EM), in certain circumstances), actual implementation and use of EM has not been pursued in mainstream penal practice, with much caution and delay[128]. In late 2025 and into 2026, the Irish Department of Justice have been looking at procurement of a tender for EM, and have stated that they are planning to start with small pilot projects to use EM with temporary release as well as EM with bail in selected areas[129].
- **Prison:** Ireland currently has acute capacity issues and over-crowding in its prison estate. However, for a nation around the same size as Scotland and facing some comparable social issues, it is notable that their prison population has consistently been below or around 5,000, and Scotland's is consistently over 8,000. In other words, Ireland has thousands fewer prisoners. During the 1970s, Ireland was seen to be 'resisting the punitive turn' that was popular elsewhere, with pragmatic and penal welfarist policymaking prevailing[130]. When the 'temptation' of a populist punitive turn arose again in the 1990s, in Ireland, a more pragmatic and dispassionate approach meant 'that the Probation Service did not have to adopt populist or faddish treatment methods to justify its existence'[131]. Sentencing and punishment, especially probation, are not overly politicised and politicians have been largely disinterested

in it, until recently where the profile of the prisons overcrowding emergency has had some media salience and public profile and there have been some specific but visible instances of public disorder, prompting public concerns about crime and justice. These are seen as among some of the historical factors influencing contemporary policy and practice in Ireland.

- **Community Return:** The Community Return Programme is an incentivised scheme for supervised release which was jointly launched by the Irish Probation Service and Irish Prison Service in 2011. It is a 'back door' measure focusing on reparation and reintegration.
  - It 'allows prisoners serving sentences of between 1 year and 8 years to apply for early release to perform community service under the supervision of the Probation Service.'[132] Applicants must have served at least half their sentence.
  - Factors considered at the assessment process to be eligible for the Community Return programme 'include progress during custodial sentence (behaviour while in prison and engagement with services); risk to the community (the nature of the offence and previous offending), and resettlement stability (accommodation status upon release, addiction issues and medical suitability).'[133] Programme participants receive supervision and supports in their rehabilitation and reintegration process. They are subject to individualised conditions of their release on licence.
  - The number of weeks of unpaid work required in each case 'is calculated on the basis of number of weeks left in their sentence and will equate to half of their remaining time to serve. So, for example, if someone has twenty weeks left to complete their sentence, they are required to engage in unpaid community work for ten weeks'.[134] The unpaid work needs to be meaningful, purposeful, ethical and safe.
  - Participants in this scheme tend to have been sentenced for drug offences, theft offences, or violent offences.
  - In a 2014 evaluation[135] of the Programme in its first two years (2011-2013), approximately 9% for participants in this programme returned to custody. Furthermore, almost 89% of participants had completed the Community Return Programme or were still working on it. At that point, it was estimated to have contributed €1.7 million worth of unpaid work. More recently, it has been called a 'highly successful rehabilitation scheme' in the news media and, when numbers of prisoners accessing it dropped due to the strictness of the eligibility criteria, the Irish Prison Service and Probation Service were criticised[136].
- **Remission and release:** Rule 59 in the Irish Prison Rules[137] describes the allowances for 'remission' and 'enhanced remission' as a form of prison sentence reduction and release, with an underpinning policy aim of trying to reduce the prison population. With 'good conduct', most people who serve determinate sentences qualify for 25% 'remission', that is being released unconditionally taking a quarter off the prison sentence. This is usually done automatically unless there has been further offending or serious issues while they are in prison. For 'enhanced remission', this is done by application and the Minister for Justice may grant up to a third off the prison sentence, 'where a prisoner has shown further good conduct by engaging in authorised structured activity and the Minister is satisfied that, as a result, the prisoner is less likely to re-offend and will be better able to reintegrate into the community.'
- **Post-release housing for women:** In Ireland, there have been some initiatives focused on supporting release from prison particularly by considering housing and accommodation issues. One positive example is the Outlook Programme for women, which provides for women referred by the Irish Prison Service the opportunity to complete their sentence in

supported, short-term housing in the community in an initiative run by Focus Ireland in conjunction with the Prison Service and Probation Service[138]. It has a gender-specific and trauma-informed approach. An evaluation of the Outlook Programme[139] found that women who complete it return to live in the family home or other accommodation (e.g., private rental), and go on to have relatively positive or high levels of employment or education and training.

- **Parole:** The Parole Act and the scope of the Parole Board in the Republic of Ireland is notably distinctive in its limited scope, differing from that of Scotland and England and Wales in some respects. The Irish Parole Board 'reviews parole applications from people in prison serving a life sentence and decides whether or not they should be released on parole. Parole will not be granted to anyone who has served less than 12 years'[140]. The focus on life sentenced prisoners means that the Parole Board in Ireland considers far fewer cases than Parole Boards in Scotland, or England and Wales, where eligibility for parole is relevant to long-term prisoners. In Ireland in 2024, there were 108 applications for parole, and 76 parole decisions[141]. Another point worth noting is that the Parole Board in Ireland has remit of considering risk to the public, however, their website says that they also consider rehabilitation of the applicant and the appropriateness of release[142]. However, the Review of Policy Options for Prison and Penal Reform 2022-2024 noted that the introduction of Regulations under section 24 of the Parole Act should occur 'as soon as possible' – referring to provisions in the Act that the Minister for Justice may make Regulations to extend parole eligibility to those serving a long prison sentence of eight years or more[143].

Conclusion

Increasing incarceration rates and prison overcrowding and capacity crisis are not inevitable. Some European nations have seen penal change in directions that contrast with nations like Scotland. According to a leading expert on decarceration, 'over the last 15 years, imprisonment rates in Europe have declined, on average, by 15 percent'[144]. No singular reform or penal policy lever will reduce a nation's prison population, and national headline figures alone cannot fully speak to conditions, cultures and experiences. Decarceration is a type of progress and direction of change that is contextual and contingent on multiple things and will necessitate multiple strategies[145]. Wider social trends like poverty and social inequality are relevant in their influence on incarceration and decarceration rates[146]. There can be challenges and barriers to realising and sustaining decarceration[147].

It is notable that a few nations considered in this briefing paper have penal policies and mechanisms in place – or currently under consideration – allowing for prison sentences of up to two years (or in some cases, longer) to be directly substituted or served in communities instead.

This paper concludes with a word of caution and care about the exercise of making international comparisons. There is a respected and vibrant tradition of cross-national policy discussions and comparative research in Europe, some of which has been cited here. There are also some well-rehearsed warnings against idealistic notions of ease of penal policy import or policy transfer, and the methodological challenges of making comparisons of sentencing[148]. Multiple factors vary within and between nations, and social, economic and political factors affect what happens and what is possible in the field of criminal justice. For any given nation and any cross-national comparison, there are differences between what is written and read about the law and criminal justice on paper and what is seen and experienced in practice[149]. This briefing paper was a selective and exploratory desktop exercise *only,* not based on travel and visits or cross-national

dialogue during the Commission (2025-2026) – a modest exercise borne of pragmatism and the Commission's relatively short timeframe for developing recommendations and our final report. International insights and comparisons are one factor among many that the Commission discussed in forming our own views and recommendations.

For a copy of the final report and recommendations by the Commission (2026):

Scottish Sentencing and Penal Policy Commission report: Justice That Works - gov.scot

References

[1] Sentencing and Penal Policy Commission (2025) *Describing the Challenge*, Sentencing and Penal Policy Commission.

[2] Lappi-Seppälä, T. (2011) 'Explaining imprisonment in Europe', *European Journal of Criminology*, 8(4), 303–328. Page 303.

[3] Sources of information which have been used to collate Table 1 and this has been checked again in 2026 and updated before making this briefing available to external colleagues: World Prison Brief (2026); and the Council of Europe SPACE I and SPACE II annual penal statistics – Aebi and Cocco (2025, 2025).

[4] Lappi-Seppälä, T. (2025) 'Incarceration and Crime Trends: Assessing the Impact of Crime on the Use of Imprisonment,' *Criminal Law Forum,* 36: 269–305.

[5] Aebi, M., and Cocco, E. (2025) *Council of Europe Annual Penal Statistics SPACE I: Prison Populations,* Lausanne.

[6] de Boer, H., Nuyts, O. M. J., Boone, M.., van Wingerden, S. G. C., and Beyens, K. (2025) 'Why do detention rates rise or fall? A statistical and document analysis of the diverging Dutch and Belgian detention population trends between 2000 and 2020,' *European Journal of Criminology*, [Advance access online].

[7] Boone, M., Pakes, F., and van Wingerden, S. (2020) 'Explaining the collapse of the prison population in the Netherlands: Testing the theories,' *European Journal of Criminology*, *19*(4), 488-505.

[8] de Boer, H., Van Wingerden, S., and Boone, M. (2024) 'De invloed van opsporings- en vervolgingsbeleid op de Nederlandse gevangenispopulatietrend,' *Tijdschrift voor Criminologie,* 66(1): 25–45.

[9] Het Openbaar Ministerie gaat strafbeschikking meer benutten (2025) Het Openbaar Ministerie gaat strafbeschikking meer benutten | Openbaar Ministerie [Statement from the prosecution service in Dutch]

[10] Boone, M. (2016) 'Community Punishment in the Netherlands: A History of Crises and Incidents' (ch 6) in Robinson, G., and McNeill, F. (eds.) *Community Punishment: European Perspectives,* Routledge.

[11] Tak, P. J. P. (2012) 'The Dutch Prosecutor: A Prosecuting and Sentencing Officer', in Luna, E., and Wade, M. (eds) (2012) *The Prosecutor in Transnational Perspective*, Oxford Academic Publishing.

[12] Dutch News (2025) Public prosecutor wants to settle more cases out of court - DutchNews.nl

[13] Wolthuis, A., Claessen, J., Slump, G.J, van Hoek, A. (2019) 'Dutch developments: Restorative justice in legislation and in practice', *International Journal of Restorative Justice,* 2(1), 118-134.

[14] Elbers, N. A., Meijer, S., Becx, I. M., Schijns, A. J., and Akkermans, A. J. (2020) 'The role of victims' lawyers in criminal proceedings in the Netherlands', *European Journal of Criminology*, *19*(4), 830-848. Source: page 830.

[15] Elbers, N. A., Meijer, S., Becx, I. M., Schijns, A. J., and Akkermans, A. J. (2020) 'The role of victims' lawyers in criminal proceedings in the Netherlands', *European Journal of Criminology*, *19*(4), 830-848. Source: page 830.

[16] Fischer, T., and Struijk, S. (2021) 'Dutch penal protection orders in practice: study of aims and outcomes', *Erasmus Law Review*, 14(3), 146-160.

[17] Cleven, I. W. M. (2024) 'Penal Protection Orders and Intimate Partner Violence in the Netherlands: An Application of the Empowerment Process Model,' *Violence Against Women*, *31*(12-13), 3401-3426.

[18] de Kok, M., Tigges, L., and van Kalmthout, A. (2020) *Netherlands country chapter – Probation in Europe,* Confederation of European Probation (CEP). Source: page 29.

[19] University of Utrecht (2016) ZSM evaluation report in Dutch.

[20] Pivaty, A. (2022) 'Out-of-Court Disposals in the Dutch Criminal Process: An Affront to a Fair Trial?' (Chapter 10) in Johnston, E., and Marsh, S. (eds.) *Contemporary Issues in Global Criminal Justice,* Bloomsbury Books. Source: page 196.

[21] Lindeman, J., Jacobs, P., and Boone, M. (2023) 'Pre-trial detention in the Netherlands: Absolutely low, relatively high' (Chapter 8) in Morgenstern, C., Hammerschick, W., and Rogan, M. (eds.) *European Perspectives on Pre-Trial Detention: A Means of Last Resort?,* Routledge. DETOUR comparative study.

[22] de Boer, H., Nuyts, O. M. J., Boone, M., van Wingerden, S. G. C., and Beyens, K. (2025) 'Why do detention rates rise or fall? A statistical and document analysis of the diverging Dutch and Belgian detention population trends between 2000 and 2020,' *European Journal of Criminology*, [Advance access online].

[23] Boone, M., Lindeman, J., and Jacobs, P. (2018) *DETOUR-Towards Pre-trial Detention as Ultima Ratio: 2nd Dutch National Report on Expert Interviews*.

[24] Lindeman, et al. (2023) page 148.

[25] de Boer, H., Nuyts, O. M. J., Boone, M., van Wingerden, S. G. C., and Beyens, K. (2025) 'Why do detention rates rise or fall? A statistical and document analysis of the diverging Dutch and Belgian detention population trends between 2000 and 2020,' *European Journal of Criminology*, [Advance access online]. [Quote from page 9].

[26] Boone, M., and uit Beijerse, J. (2019) 'Prisoner resettlement in the Netherlands: Great initiatives for too few people' (chapter 2.13) in Dünkel, F., Pruin, I., Storgaard, A., and Weber, J. (eds.) *Prisoner Resettlement in Europe,* Routledge.

[27] Meijer, S., and Rodermond, E. (2022) 'Resocialisation and Reintegration in the Netherlands: Political Narrative Versus Reality', in Vanstone, M., and Priestley, P. (eds.) *The Palgrave Handbook of Global Rehabilitation in Criminal Justice*, (pp. 413-428), Springer Nature.

[28] de Boer, H., Nuyts, O. M. J., Boone, M., van Wingerden, S. G. C., and Beyens, K. (2025) 'Why do detention rates rise or fall? A statistical and document analysis of the diverging Dutch and Belgian detention population trends between 2000 and 2020,' *European Journal of Criminology*, [Advance access online].

[29] van der Laan, A. M., Beerthuizen, M. G. C. J., and Barendregt, C. S. (2021) 'Juvenile sanctions for young adults in the Netherlands: A developmental perspective,' *European Journal of Criminology*, 18(4), 526-546.

[30] Prop, L.J.C., van der Laan, A.M., Beerthuizen, M.G.C.J., Barendregt, C., and van Nieuwenhuizen, C. (2025) 'Juvenile sanctions for young adult offenders in the Netherlands: an opportunity for rehabilitation?', *Child and Adolescent Psychiatry and Mental Health,* 19, 33.

[31] de Kok, M., Tigges, L., and van Kalmthout, A. (2020) *Netherlands country chapter – Probation in Europe*, Confederation of European Probation (CEP).

[32] Boone, M., Bosker, J., and Doekhie, J. (2024) 'Probation Supervision in the Netherlands' (Chapter 10) in Durnescu, I., Byrne, J., Mackey, B., and Taxman, F. (eds.) *The Routledge Handbook on Global Community Corrections,* Routledge.

[33] Sturm, A., Robbers, S., Henskens, R., and de Vogel, V. (2021) 'Yes, I can hear you now …' Online working with probationers in the Netherlands: New opportunities for the working alliance', *Probation Journal*, *68*(4), 411-425.

[34] De Ruiter, C., and Petrila, J. (2017) 'TBS in the Netherlands' (pages 833-838) in Puri, B., and Treasaden, I. (eds.) (2017) *Forensic Psychiatry: Fundamentals and Clinical Practice,* CRC Press.

[35] Meijer, S., and Rodermond, E. (2022) 'Resocialisation and Reintegration in the Netherlands: Political Narrative Versus Reality', in Vanstone, M., and Priestley, P. (eds.) *The Palgrave Handbook of Global Rehabilitation in Criminal Justice*, (pp. 413-428), Springer Nature.

[36] Boone, M., and uit Beijerse, J. (2019) page 244.

[37] Boone, M., and uit Beijerse, J. (2019) page 245.

[38] de Boer, H., Nuyts, O. M. J., Boone, M., van Wingerden, S. G. C., and Beyens, K. (2025) 'Why do detention rates rise or fall? A statistical and document analysis of the diverging Dutch and Belgian detention population trends between 2000 and 2020,' *European Journal of Criminology*, [Advance access online]. [Quote from page 10].

[39] Shoshan, N. (2024) 'A turning point for detention in Europe: Political support for detention houses', blog post for Penal Reform International.

[40] Council of the European Union (2024) *Council conclusions on ´Small-scale detention: focusing on social rehabilitation and reintegration in society,´* Brussels, 14 June 2024 (OR. en) 10105/24.

[41] Graham, H. (2024) 'Conceptual lenses and peripheries: Taking another look at net-widening', plenary presentation at the Expert Gathering and Symposium on European Detention Houses hosted by RESCALED as a milestone event funded by the Belgian Presidency of the Council of the EU (2024), held in the Belgian Parliament Senate in Brussels on 21 March 2024.

[42] OECD (2024) Drivers of Trust in Public Institutions – Country Notes on Germany.

[43] Dünkel, F. (2017) 'European Penology: The Rise and Fall of Prison Population Rates in Europe in Times of Migrant Crises and Terrorism,' *European Journal of Criminology,* 14(6): 629-653.

[44] Lappi-Seppälä, T. (2025) 'Incarceration and Crime Trends: Assessing the Impact of Crime on the Use of Imprisonment,' *Criminal Law Forum,* 36: 269–305.

[45] Dünkel, F., Wolfgang, H., and Gintautas, S. (2024) 'Sentencing practice and the development of prison population rates in Germany and Lithuania in a European comparative perspective', *Kriminologijos studijos*, vol. 12: pp. 33–74. Available online here.

[46] Aebi, M., and Cocco, E. (2025) *Council of Europe Annual Penal Statistics SPACE I: Prison Populations,* Lausanne.

[47] UK Ministry of Justice (2025) *International Prison Population and Capacity Comparison,* page 6.

[48] Bundeskriminalamt (2025) *BKA: Protection Tasks and Prevention.*

[49] Dünkel, F., Wolfgang, H., and Gintautas, S. (2024) 'Sentencing practice and the development of prison population rates in Germany and Lithuania in a European comparative perspective', *Kriminologijos studijos*, vol. 12: pp. 33–74. Available online here. (Quote from page 46).

[50] Jehle, J. (2023) *Criminal Justice in Germany: Facts and Figures (8th edition),* German Federal Ministry of Justice, page 22.

[51] Hörnle, T. (2025) 'Comparing the Level of Punitiveness in the U.S. and Germany,' *Criminal Law Forum,* 36, 307–327.

[52] §§ 112, 112a of the Code of Criminal Procedure in Germany. Also, on remand, cited by Jehle (2023) and Allen (2012) Reducing the use of imprisonment: what can we learn from Europe? page 9.

[53] Fair Trials International (2011) *Detained Without Trial,* page 55.

[54] Dünkel, F. (2017) page 637.

[55] Meijer, S. (2017) 'Rehabilitation as a Positive Obligation,' *European Journal of Crime, Criminal Law and Criminal Justice*, *25*(2): 145-162. Source: quote from page 152.

[56] Meijer, S. (2017) 'Rehabilitation as a Positive Obligation,' *European Journal of Crime, Criminal Law and Criminal Justice*, *25*(2): 145-162.

[57] Morgenstern, C. (2016) ''Der Resozialiserierungsgrundsatz': Social reintegration as the dominant narrative for community punishment in Germany?' (ch 5) in Robinson, G., and McNeill, F. (eds.) *Community Punishment: European Perspectives,* Routledge.

[58] Pruin, I. (2017) 'Revocation and recall in Germany: Legal structures and first insights into decision-making processes' (Chapter 9) in Boone, M., and Maguire, N. (eds.) *The Enforcement of Offender Supervision in Europe: Understanding Breach Processes,* London: Routledge.

[59] See Germany [country factsheet] Probation Measures and Alternative Sanctions in the EU.

[60] Mutz, J. (2008) *German country chapter – Probation in Europe,* Confederation of European Probation.

[61] Pruin, I. (2017) page 155.

[62] 2021 conviction statistics, published by Federal Statistical Office, in Jehle, J. (2023) page 38.

[63] Jehle, J. (2023) page 36.

[64] Jehle, J. (2023) page 46.

[65] Dünkel, Geng, Harrendorf (2023) and Heinz (2023) cited in Dünkel, F., Wolfgang, H., and Gintautas, S. (2024) 'Sentencing practice and the development of prison population rates in Germany and Lithuania in a European comparative perspective', *Kriminologijos studijos*, vol. 12: pp. 33–74. Available online here.

[66] World Prison Brief (2026) Germany.

[67] Jehle, J. (2023) page 20.

[68] Dünkel, F., Thiele, C., Trieg, J. (2016) *Electronic Monitoring in Germany* [part of comparative study].

[69] Dünkel, F., Wolfgang, H., and Gintautas, S. (2024) 'Sentencing practice and the development of prison population rates in Germany and Lithuania in a European comparative perspective', *Kriminologijos studijos*, vol. 12: pp. 33–74. Available online here.

[70] Montero Pérez de Tudela, E. (2025) *Community Corrections in Spain: Narrative Summary* (page 2). Available online here, under the country profile tab 'Spain'.

[71] Brandariz, J. (2024) 'Decarceration in Southern Europe: Notes on Climate Change in the Penal Field', *International Criminology,* [advance access online – open access to the paper here].

[72] Ortiz González, A.L. (2022) 'Spain: Corrections reaps the rewards of investments and reforms in recent decades: Interview with Ángel Luis Ortiz González, Secretary General of Penitentiary Institutions, Spain,' *Justice Trends Magazine,* [open access article available here].

[73] World Prison Brief (2025) 'Spain'. Available online here.

[74] Doménech-Pascual, G., and Jiménez, J.L. (2024) 'Changes in damages when liability rules change: an empirical study on compensation for the time spent in pretrial detention', *International Review of Law and Economics*, 78: 106193.

[75] Blay Gil, E., and Larrauri, E. (2016) 'Community punishments in Spain: A tale of two administrations' (ch 11) in Robinson, G., McNeill, F. (eds.) *Community Punishment: European Perspectives,* Routledge.

[76] Kemp, S. and Varona, D. (2023) 'Foreign and Dangerous? Unpacking the Role of Judges and Prosecutors in Sentencing Disparities in Spain', *British Journal of Criminology*, 63(4): 984–1002.

[77] Blay Gil, E., and Gomez, D. (2021) 'El castigo en la España del siglo XXI. Cartografiando el iceberg de la penalidad' / translation: 'Punishment in Spain in the 21st Century. Drafting the cartography of the iceberg of penality', *Political Criminology,* 16(31) [open access article available in Spanish].

[78] Montero Pérez de Tudela, E. (2025) *Community Corrections in Spain: Narrative Summary* (quote from page 9). Available online here, under the country profile tab 'Spain'.

[79] Rodrigues et al. (2022) *Non-Custodial Sanctions and Measures in the Member States of the European Union: Comparative Report,* EU and Hungarian Helsinki Committee.

[80] Blay Gil, E., and Larrauri, E. (2016) page 200.

[81] Romero Seseña, P., Arantegui Arráez, L., Tamarit Sumalla, J.M. (2024) 'The impact of plea bargaining on sexual offences in Spain: An analysis of judicial sentences', *Journal of Criminal Justice*, 90: 1-11.

[82] Fiscalía General del Estado (2021) cited in Kemp, S., and Varona, D. (2022) 'Is there a penalty for going to trial in Spain? Plea bargaining and courtroom efficiency', *European Journal of Criminology,* 21(1): 92-115.

[83] Varona, D., and Kemp, S. (2020) 'Suspended sentences in Spain: An alternative to prison or a "bargaining chip" in plea negotiations?', *European Journal of Crime, Criminal Law and Criminal Justice,* 28: 354-378.

[84] Montero Pérez de Tudela, E. (2025) *Community Corrections in Spain: Narrative Summary* (page 3). Available online here, under the country profile tab 'Spain'.

[85] Montero Pérez de Tudela, E. (2025) page 4.

[86] Aebi, M., and Cocco, E. (2025) *Council of Europe Annual Penal Statistics SPACE I: Prison Populations,* Lausanne.

[87] Cid, J., and Ibàñez, A. (2019) 'Prisoner resettlement in Spain: Good practices for early released prisoners and prisoners lost in transition that fully serve their sentence' (ch 2.18) in Dünkel, F., Pruin, I., Storgaard, A., and Weber, J. (eds.) *Prisoner Resettlement in Europe,* Routledge.

[88] Meijer, S. (2017) 'Rehabilitation as a Positive Obligation,' *European Journal of Crime, Criminal Law and Criminal Justice*, *25*(2): 145-162.

[89] Blay, E., Cid, J., and Murillo, C. (2017) 'Breach procedure, revocation, and recall in Spain' (ch 15) in Boone, M., and Maguire, N. (eds.) *The Enforcement of Offender Supervision in Europe: Understanding Breach Processes,* Routledge.

[90] Dünkel, F. (2017) 'European Penology: The Rise and Fall of Prison Population Rates in Europe in Times of Migrant Crises and Terrorism,' *European Journal of Criminology,* 14(6): 629-653.

[91] OECD (2024) OECD Survey on Drivers of Trust in Public Institutions – Finland country notes.

[92] Statistics Finland (2026) Unemployment grew in 2025.

[93] Lappi-Seppälä, T. (2025) 'Incarceration and Crime Trends: Assessing the Impact of Crime on the Use of Imprisonment,' *Criminal Law Forum,* 36: 269–305.

[94] Lappi-Seppälä, T. (2012) 'Criminology, Crime and Criminal Justice in Finland', *European Journal of Criminology,* 9(2): 206-222 (quote from page 209).

[95] Ervasti, K. (2019) and also UK Parliament Justice Committee (2023) Summary of the Justice Committee's Visit to Finland and the Netherlands – June 2023.

[96] Lappi-Seppälä, T., and Storgaard, A. (2015) 'Nordic Mediation: Comparing Denmark and Finland', *Neue Kriminalpolitik*, 27(2): 136-147.

[97] Ervasti, K. (2019) 'Problem-Solving Justice in Criminal and Civil Justice in Finland', *Utrecht Law Review,* 14(3): 19-30.

[98] Finnish Ministry of Justice / Oikeusministerio (2025) Rights of a Crime Victim.

[99] Linderborg, H., Tolvanen, M., Andersson, P. (2020) *Finland country chapter - Probation in Europe.*

[100] Finnish Ministry of Justice / Oikeusministerio (2026) Criminal Sanctions.

[101] Lappi-Seppälä, T. (2017) 'Sentencing and sanctions in Finland', *Peking University Law Journal*, 5:1: 101-137. Quote from page 109.

[102] Rodrigues et al. (2022) page 12.

[103] Lahti, R. (2021) 'Life Imprisonment and Other Long-Term Sentences in the Finnish Criminal Justice System: Fluctuations in Penal Policy,' in Ghanayim, K., and Shany, Y. (eds) *The Quest for Core Values in the Application of Legal Norms,* Springer.

[104] UK Parliament Justice Committee (2023) page 5.

[105] Prison and Probation Service of Finland / Rikosseuraamus (2024) Statistical Yearbook 2023.

[106] Kristoffersen, R. (2024) Correctional Statistics of Denmark, Finland, Iceland, Norway, and Sweden.

[107] Puolakka, P. (2025) 'Ghost in the cell? Artificial intelligence in prisoners' rehabilitation – automation vs individuality?' in Ottmann, G., and Noble, C. (eds) *AI and the Disruption of Welfare: Challenges for Social Work Education and Practice,* Routledge.

[108] Aaltonen, M., Pitkänen, J., Tyni, S., and Martikainen, P. (2024) 'The changing socioeconomic composition of the Finnish prison population', *Demographic Research,* 51(20): 823-854.

[109] Järveläinen, E., Rantanen, T., and Toikko, T. (2023) 'Finnish supervised probationary freedom as support for a desistance from crime,' *European Journal of Probation*, 16(2), 115-134.

[110] Villman, E. (2022) 'Early release from prison with electronic monitoring: Hook for or hindrance to change?' *Criminology & Criminal Justice*, 24(1), 184-203.

[111] Lappi-Seppälä, T. (2019) 'Prisoner resettlement in Finland' (Chapter 2.6) in Dünkel, F., Pruin, I., Storgaard, A., and Weber, J. (eds.) *Prisoner Resettlement in Europe,* Routledge.

[112] Prison and Probation Service of Finland / Rikosseuraamus (2024) Statistical Yearbook 2023

[113] Prison and Probation Service of Finland / Rikosseuraamus (2026) Probationary Liberty Under Supervision.

[114] Rodrigues et al. (2022) page 35.

[115] Lappi-Seppälä, T. (2022) 'Rehabilitative Aims and Values in Finnish (and Nordic) Criminal Justice,' in Vanstone, M., and Priestley, P. (eds) *The Palgrave Handbook of Global Rehabilitation in Criminal Justice*, Palgrave Macmillan

[116] Department of Justice (2022) Criminal Justice Policy: Review of Policy Options for Prison and Penal Reform 2022-2024. Available online here.

[117] Kennefick, L., and Guilfoyle, E. (2022) *An Evidence Review of Community Service Policy, Practice and Structure*, University of Glasgow, Brunel University London, and Irish Probation Service.

[118] The Joint Committee on Justice, Home Affairs and Migration, Ireland (2025) *Joint Committee on Justice, Home Affairs and Migration Report on Pre-Legislative Scrutiny of the General Scheme of the Criminal Law and Civil Law (Miscellaneous Provisions) Bill 2025 [34/JC/04]*. Available online here.

[119] Marder, I., Guilfoyle, E., Kennefick, L., Maguire, N., and Carr, N. (2025) 'Opinion: Community sanctions make us safer – here's how to support them', *Irish Legal News,* November 2025.

[120] Rogan, M. (2022) 'Understanding Ireland's comparatively low rate of pretrial detention', *Justice Trends.* Available online here.

[121] Rogan, M. (2022) 'Examining the Role of Legal Culture as a Protective Factor Against High Rates of Pre-trial Detention: the Case of Ireland', *European Journal on Criminal Policy and Research*, 28: 425–433. Quote from page 428.

[122] Fair Trials International (2016) *A Measure of Last Resort? The Practice of Pre-Trial Decision-Making in the EU*.

[123] Rodrigues et al. (2022) page 26.

[124] Carr, N., and Maguire, N. (2025) 'Community Service Orders in Ireland: Implementation, Impact, and Judicial Perspectives', *Irish Probation Journal,* 22: 169-188 (quote from page 169). Available online here.

[125] Irish Probation Service (2025) Sentencing.

[126] Brandon, A., and Kennefick, L. (2021) *Promoting non-discriminatory alternatives to imprisonment across Europe – Ireland report*, part of a large EU-funded comparative study.

[127] Rodrigues et al. (2022) page 9.

[128] Geiran, V. (2021) 'Electronic Monitoring in Ireland: Disruptive Innovation, Affordance, or a Technology in Search of a Rationale?', *Irish Probation Journal,* 18: 49-72.

[129] Oireachtas/Irish Parliament Question (2026) 'Electronic Tagging' Dáil Éireann Debate, Tuesday - 13 January 2026. Available online here.

[130] Brangan, L. (2021) 'Pastoral penality in 1970s Ireland: Addressing the pains of imprisonment', *Theoretical Criminology*, 25(1), 44–65.

[131] Healy, D. (2016) 'The evolution of probation supervision in the Republic of Ireland: Continuity, challenge, and change' (Chapter 8) in Robinson, G., and McNeill, F. (eds.) *Community Punishment: European Perspectives,* Routledge.

[132] Healy, D. (2016) 'The evolution of probation supervision in the Republic of Ireland: Continuity, challenge, and change' (Chapter 8) in Robinson, G., and McNeill, F. (eds.) *Community Punishment: European Perspectives,* Routledge.

[133] Donoghue, P. (2014) *Community Return: A Unique Opportunity – A Descriptive Evaluation of the first 26 months (2011-2013),* Irish Prison Service and Irish Probation Service. Available online here.

[134] McNally, G., and Brennan, A. (2015) 'Community Return: A Unique Opportunity,' *Irish Probation Journal,* 12: 141-159. [Available online here].

[135] Donoghue, P. (2014) *Community Return: A Unique Opportunity – A Descriptive Evaluation of the first 26 months (2011-2013),* Irish Prison Service and Irish Probation Service.

[136] 'Prisoner numbers in highly successful rehabilitation scheme cut by half' *The Irish Times*, 29 April 2019. https://www.irishtimes.com/news/crime-and-law/prisoner-numbers-in-highly-successful-rehabilitation-scheme-cut-by-half-1.3874326

[137] Irish Prison Rules (2025) available online here.

[138] Irish Penal Reform Trust [IPRT] (2025) *Progress in the Penal System (PIS): A Framework for Penal Reform 2024,* IPRT (pages 92-93). Available online here.

[139] Clarke, A., Clarke, O., and Martin, T. (2024) *An Evaluation of the Focus Ireland Women's Outlook Programme,* Dublin. Available online here.

[140] Parole Board, Republic of Ireland (2025) 'What the Parole Board does'. Available online here.

[141] Parole Board, Republic of Ireland (2025) *Parole Board Annual Report 2024.* Available online here.

[142] Parole Board, Republic of Ireland (2025) 'What the Parole Board does'. Available online here.

[143] Irish Penal Reform Trust [IPRT] (2025) *Progress in the Penal System (PIS): A Framework for Penal Reform 2024,* IPRT (page 90). Available online here.

[144] Lappi-Seppälä, T. (2025) 'Incarceration and Crime Trends: Assessing the Impact of Crime on the Use of Imprisonment,' *Criminal Law Forum,* 36: 269–305 (quote from page 269).

[145] Schrantz, D., DeBor, S., and Mauer, M. (2018) Decarceration strategies: How 5 states achieved substantial prison population reductions, Washington DC: The Sentencing Project.

[146] Brandariz, J.A., and Sozzo, M. (2025) 'Penal Changes and Contrasting Trends Between Europe and Latin America', *International Criminology,* 5, 231–243.

[147] Clear, T. (2021) 'Decarceration Problems and Prospects,' *Annual Review of Criminology* 4: 239-260.

[148] Gormley, J., Roberts, J., Pina-Sánchez, J., Tata, C., and Veiga, A. (2022) *The Methodological Challenges of Comparative Sentencing Research,* Scottish Sentencing Council.

[149] Hofmann, R. (2021) 'Formalism versus pragmatism – A comparative legal and empirical analysis of the German and Dutch criminal justice systems with regard to effectiveness and efficiency,' *Maastricht Journal of European and Comparative Law*, *28*(4), 452-478.