



Co-operation between Prosecution and Probation

Experiences and practice - a Norwegian
perspective



Starting point: Independence

- Co-operation between two autonomous authorities
- Prosecution has no role in monitoring or supervising the probation
- Different responsibilities – but co-operation is necessary



Areas for co-operation

- Pre-trial phase
- The main hearing
- Carrying out the sentence
- Reversal of the sentence - if violations



Pre-trial phase

- Request for pre-sentence report:
 - Juveniles
 - If community service is a possible sentence
 - Programs
 - Special personal circumstances in the case
 - Request from defense lawyer



Pre-trial phase

- Request for pre-sentence report:
 - Only for issues related to meting out the punishment
 - Relation between information from the investigation and the pre-sentence report
 - Information to the probation of the purpose
 - Information from the case file
 - Time-frame



Main hearing

- The use of the pre-sentence report in court
- Additional statement from the probation officer
 - Informal contact related to topics of special interest
 - Defense lawyer
- Status as expert witness



After the sentence

- The sentence will give a frame of the community service
 - The special content is decided upon by the probation
- If conditional sentence – the conditions will be stated in the judgement
- Will be sent to the probation for execution within 30 days after final judgement
- Prosecution has no role in the execution



Reversal of judgement

- Violations of the conditions
 1. Not fulfilling the conditions for the punishment
 2. New crime
- Different regulations for the follow-up and co-operation



Reversal of judgement

- Not fulfilling conditions for the punishment:
 - Probation will ask for reversal
 - Failure to attend according to notice from the probation service
 - Showing up late repeatedly
 - Avoid carrying out the duties
 - Drunk/intoxicated



Reversal of judgement

- New crime:
 - Prosecution will ask for reversal
 - “Repeated or seriously” violates the conditions
 - Concrete assessment



Regularly meetings

- Not regulated in law
- Normally 2 to 4 times a year
- Practical issues related to the clients
- A good tool in preventing reoffending