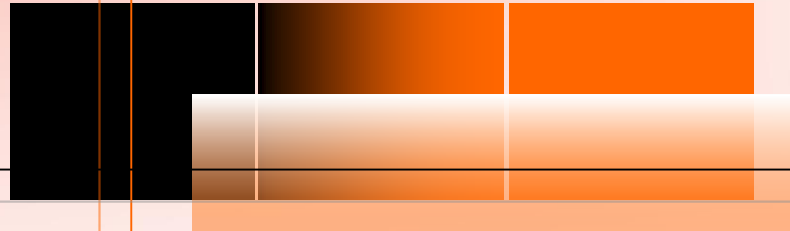




Generalitat de Catalunya
Departament de Justícia



Workshop D

6th October 2016. Bucharest, Romania

CEP INTERNATIONAL CONFERENCE on "Alternatives to Detention"

Fundació Apip - Acam



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Instituto de Trabajo Social
y de Servicios Sociales



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Catalan Probation Service

Contextualizing the Probation Service in Catalonia

- Spanish criminal legislation is contained in the Penal Code, and applies state wide
- Justice competency transferred to Catalonia since 1984
- There is a Ministry of Justice in Catalonia that manages the resources and has its own intervention model under the Spanish Penal Code



Catalan Probation Service

Introducing management system of Probation in Catalonia

- **The Alternative Measures and Sanctions Management Services development**
1995- 2000: *Direct* management by Administration (public servants)
2001- 2009: *Mixed* management (1 Agency under public contract *and* public servants)
2010- 2016: *Indirect* management (3 Agencies under public contract by public tender every four years)
- **At the moment the Catalan Probation Agencies are non-profit ones**



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Catalan Probation Service

Alternative Measures and Sanctions according to Spanish Penal Code

The Alternative Measures and Sanctions provided in Spanish legislation:

1. Community Sanctions

2. Legal Obligations, arising from the suspension of a prison sentence, as the following

- Training programs on gender violence, traffic safety, sexual matters, violent behaviour, among others
- Treatments of drug and alcohol addiction
- Mental health treatments
- Others: obligation to appear before the administration or to fulfill duties

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Alternative Measures and Sanctions according to Spanish Penal Code

3. **Security Measures** as the following

- Familiar custody measure
- Internment in a detoxification center
- Internment in a mental institution
- Internment in a special education center
- Outpatient mental health treatment
- Outpatient detoxification treatment

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Some statistical data

Annual evolution of alternative penal measures and sanctions implemented



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Some statistical data

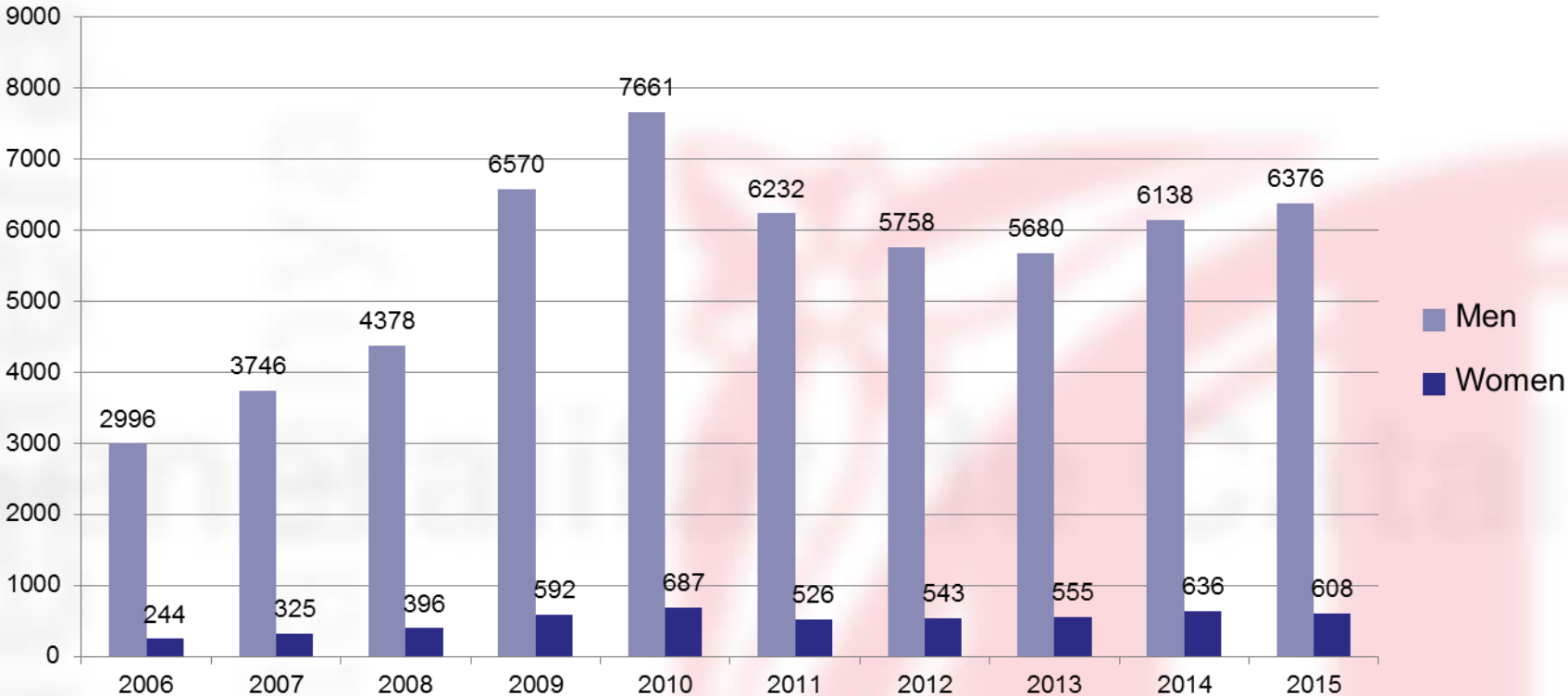
Percentage rate of alternative penal measures and sanctions -serving at the moment and yet to serve- per 100,000 population



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Some statistical data

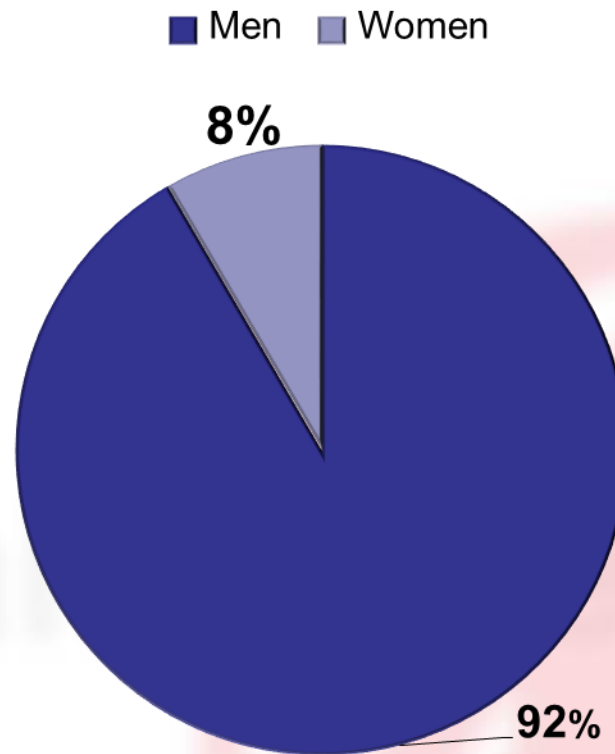
Comparing number of male and female offenders
between 2006-2015



Catalan Probation Service

Some statistical data

Average percentage between 2006 - 2016



Catalan Probation Service

Some statistical data

**Alternative
penal
measures and
sanctions
recidivism
rate in
Catalonia is
10,4% ***

According to 'Estudi de la
reincidència' from CEFJE
2015

www.cefje.cat

Recidivism rate attending to measures

Community sanctions :
9,7%

Training programs: 9,7%

Outpatient treatments:
11,7%

Internment in mental
institution: 21%

Recidivism rate attending to offences

Traffic: 9,1%

Gender violence: 11,2%

Sexual: 11,9%

Against property: 21,6%

Others : 9,9

Catalan probation service

Functions of the professionals

- Probation officer's role in Catalonia
 - Educational and social monitoring of sentenced individuals.
 - Guide intervention towards achieving the correct execution of sentences and reintegration of offenders.
 - Alternative to prison sentences. Parole sentences are delivered by prison staff. Pre sentence reports and victim support have specialized professionals as well. Coordination is made in shared cases.

Catalan probation service

Profile of the professionals

- Profile:
 - Multidisciplinary background: Graduates in social work, social education , psychology , education , law and criminology.
 - Specialized master degree: Criminology and penal execution, Restorative justice and penal execution, Forensic Psychology.
 - Experience in education and/or social area preferably in the court system.
 - Advanced Catalan level.

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Main areas of intervention

- Ensure the proper compliance of sentences
- Maintain the court informed about the judicial compliance and its evolution
- Encourage the social integration of the sentenced person through adapting the intervention to her individual necessities, monitoring and giving social support when needed
- Promote social and community resources according to needs from both, the population and the offender
- Involve the community in the process of execution of sentences

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The intervention with sentenced women

- There is a specific program for sentenced women tailored to treat violent behavior.
- The intervention suits to personal and social needs of each sentenced person.
- The actions to be taken are determined by:
 - The judicial sentence
 - Women's profile
 - Conciliation to meet her needs
 - The existing social and community resources

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Sentenced women by crimes

- Year 2015 - 1.300 Women were under supervision of an alternative to prison sentence

Crime	%
Road safety offenses	34%
Gender violence	15%
Against property	23%
Others*	28%

Others*: against life, against the environment , forgery , against justice , against public order, ...

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Sentenced women by sort of measure

- % Sentenced women by sort of measure

Measure	%
Community sanctions (Unpaid work)	75%
Mental health related sanctions	10%
Drug treatment related sanctions	10%
Learning program sanctions	3%
Others	2%

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Community sanctions (Unpaid work)

- It's the program that includes the highest number of women.
- Intervention: the work plan is prepared according to the type of offense and women's profile. It's reported to the court and supervised by the probation officer.
- The work plan will determine a degree of intensity of supervision: low, moderate or high.
- The degree of intensity is a dynamic indicator and it's possible that varies along the compliance of the sentence according to its evolution. It will determine the frequency of monitoring carried out.

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Drug and mental health treatment related sanctions

- Women are lead to the community resources, both in regard to mental health care and drug addiction. Coordination protocols are established to monitor the supervision of the compliance of the treatment.
- The professional supervises the compliance and report to the court any incidence on the start of the intervention, development , and at the conclusion of the treatment.
- The intervention ends when the offender fulfill the court obligations even if the suspension period has not expired.

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Learning programs

There are two types of programs:

- **Generics:** The program is carried out in community resources, as adult schools, training centers,...
- **Specifics:** Focused on individual needs and activities related to the type of committed offense (sexual, violence, against road safety,...). The activity is done by organizations with experience in each field.
- Regular meetings with offenders and coordination protocols with the educational organizations are established to monitor the supervision of the compliance of the learning program.

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Community involvement

In Catalonia there are over 1.700 entities (publics or non-profit organizations):

- Community service (unpaid work):

 - Public entities:869

 - Social entities:847

(Offering a total of almost 6.000 places for activity)

- Health Mental Program: 198 entities (public network)
- Drugs Abuse Program:172 entities (public network)
- Learning programs: 53 (social entities with experience)
- Specifics educational programs: 5 (public network)

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Community involvement

Specialized entities in women offering:

- Health care for sex workers
- Care and social support for sex workers
- Care for women who are victims of gender violence
- Employment insertion for convicted women or users of social services

Other resources and services of the public network:

- Municipal services offering information, social care and technical advice for women (PIAD)

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WHAT IS ESPECIALLY IMPORTANT TO EXPLORE IN FEMALE OFFENDERS?

- Is or has she ever been a victim of violence?
 - Does she have mental health problems ?
 - Has she ever abused drugs and / or alcohol?
 - What is her family situation (minors and elderly dependents)?
 - What is her labor and economic situation?
 - Criminal record (frequency and types)?
 - Which are her criminal needs? Why did she offend?
-
- **If some of these variables are present, it is important to try to work with them if we want to prevent victimization and new criminal acts.**

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THE CASE OF CORI

OFFENSES

- **Seven** crimes of driving under alcohol effects and without a driving license, **six** of them happened during the 10 months among 2014-2015.

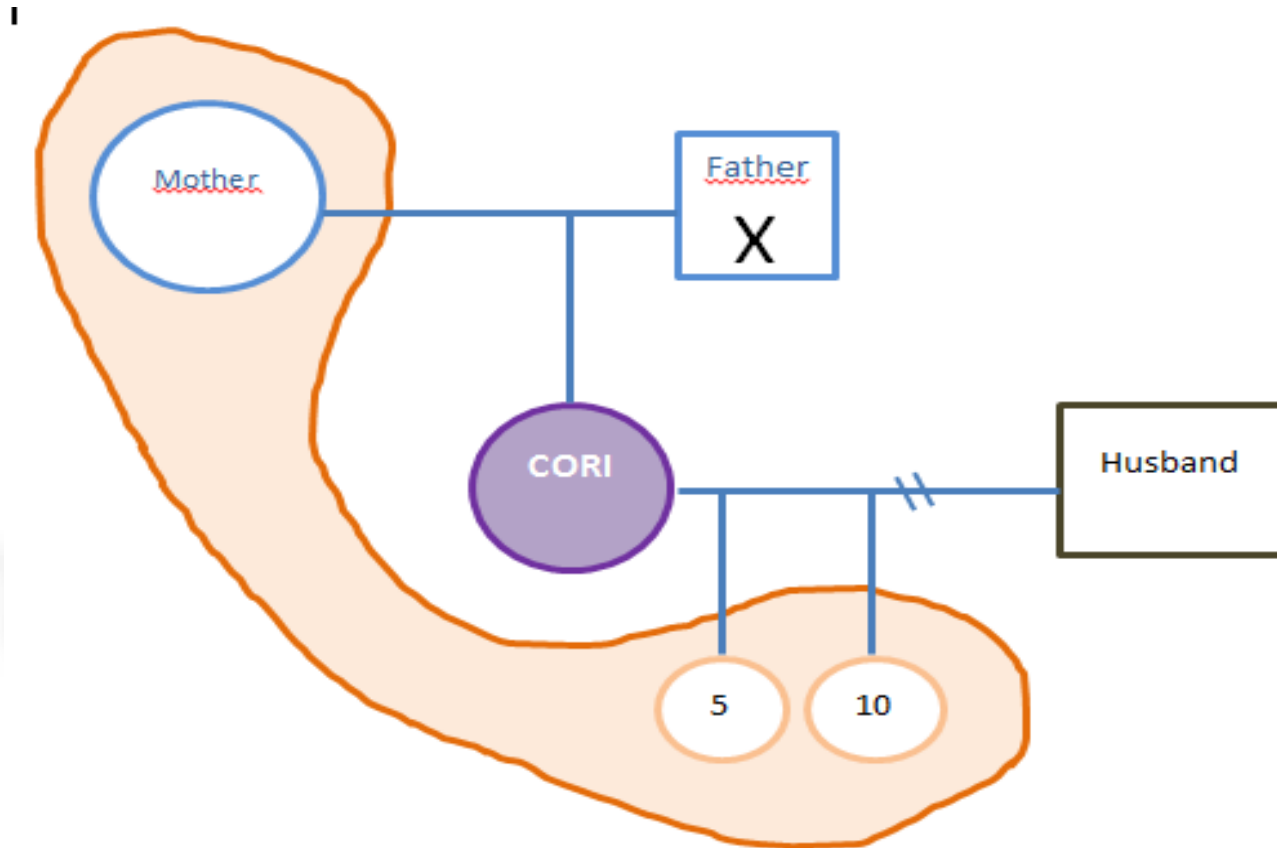
SENTENCES

- A record of **7 community sanctions** in different sentences: 20₁, 30₁, 31₂, 30₂, 120₃ and 50₃ work days (=4 hours per day).
 - ₁ These were accomplished working for community
 - ₂ These were accomplished through an internment in a detoxification center
 - ₃ These were accomplished through an outpatient detoxification treatment

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THE CASE OF CORI

GENOGRAM:



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THE CASE OF CORI

INITIAL SITUATION:

- ❑ 40 years old when first interviewed
- ❑ At that moment, she has 2 kids (10 and 5 years old girls)
- ❑ Without negative family history
- ❑ Always under parent's umbrella, when her father died she started to drink much more than usually
- ❑ Into a complicated divorce process
- ❑ Ex-husband is a compulsive gambler without treatment
- ❑ Non economic difficulties, working at a mental health institute as a nurse
- ❑ Mental health problems: Depression (no treatment)
- ❑ No drugs but alcohol abuse –only beer and always at home

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THE CASE OF CORI

- ❑ Only convicted for one type of crime (traffic safety)
- ❑ She recognizes the offenses but justifies them because her divorce and his father death happened during a short period of time
- ❑ She demonstrates a good attitude to comply with the court requirements
- ❑ The initial assessment of risk of recidivism is high

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THE CASE OF CORI

STRENGTHS

- Mother's support
- Non economic problems
- The LOVE for her children makes her keep on working

WEAKNESSES

- Untreated alcohol abuse
- Untreated depression
- She misses her children a lot, visits on Sundays every 15 days
- Relative recognition of her alcohol problems
- Feeling unselfish at her work and with her colleagues because everyone will know about her problems

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THE CASE OF CORI

OUR MAIN GOALS

- Establish a confidence environment with Cori
- Respect her family, economic and labour situation
- Coordinate with her family support worker to intensify those links and possibilities to visit her kids more often
- Accompany her towards her alcohol abuse recognition

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THE CASE OF CORI

ACCOMPLISHMENT

- Cori fulfilled all the community sanctions imposed as following:
 - 1.**
 - 80 hours giving support to a care assistant
 - 120 hours giving support to administrative tasks in a Court
 - 2.**
 - 120 hours in the form of internment in a detoxification center
 - 126 hours in the form of internment in a detoxification center
 - 3.**
 - 480 hours in the form of outpatient detoxification treatment
 - 200 hours in the form of outpatient detoxification treatment

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THE CASE OF CORI

ACCOMPLISHMENT:

Community Sanctions working in a Court of Justice

1. Cori fulfilled her first community sanction during 2009, also for a crime related to an sporadic alcohol abuse while driving. Since 2014, when she was stopped by the police after having a crash against a street light. After then, another 5 sentences would arrive to the probation service.

In this occasion, I tried to find a place where she could serve her sentence and feel controlled, because she denied her problem with alcohol consumption, following some criteria:

- place to serve the sentence with a trustworthy responsible
- place where it could be easily reported any situation that arise from the existent but denied alcohol abuse

Finally she could hardly end the fulfillment of the sentence BUT her problems with alcohol were obviously now on the table.

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THE CASE OF CORI

ACCOMPLISHMENT

Community Sanctions in the form of internment in a detoxification center under **2011 new legal framework for penal execution** (RD 840/2011). It establishes all community sanctions could be fulfilled as following

- taken part in different type of programs, training (ex. job placement help, road-safety education)
- and following mental health treatments or detoxification programs.

Under PROBATION OFFICER ASSESTMENT, community sanctions could have different content than working but HELPING OFFENDERS TO FOLLOW A PROPER PROGRAM FIT TO THEIR SITUATIONS

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THE CASE OF CORI

ACCOMPLISHMENT

2. Cori had several sentences that convict her to serve community sanctions. She was not able to fulfill them in an ordinary way. Finally after 5 months from the first interview, Cori opened her heart and explained what was really happening with her.

- She could not live like this anymore: her two daughters retired by Social Services, her divorce from a gambler husband and her father's death led her to a dynamic of destruction through alcohol abuse.
- She stopped working.
- She used alcohol to forget all the problems she could not face.
- Through few interviews we accompanied her to a very important decision: her INTERNMENT INTO A DETOXIFICATION CENTER.
- The Probation Service coordinated the fulfillment of the sanction with the Center in order to serve the sentence in the form of internment in a Detoxification Center.

Finally she could end 2 sanctions by means of this internment in a detoxification center, where she stayed for 6 months.

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THE CASE OF CORI

ACCOMPLISHMENT

3. Cori left the Center and went back to her home town:
 - she went back to work
 - she bought a little apartment
 - she could visit her daughters every two weeks again
- ❑ She was interviewed once per month by her probation officer. In this sense, we work for her to be linked to the Detoxification Services in Tarragona.
- ❑ The Probation Service coordinated the fulfillment of the sanction with the specialized Service in order to serve the sentence in the form of outpatient detoxification treatment.

Finally she could end 2 sanctions by means of this outpatient treatment until nowadays, where she stills follows her program.

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THE CASE OF CORI

END SITUATION

- ❑ Cori fulfilled all the community sanctions imposed satisfactory
- ❑ The final assessment of risk of recidivism was low
- ❑ The purchase a new apartment helped her to feel she could start a new live
- ❑ She is still working with her family support worker to normalize her daughters' situation –now the visits are weekly-
- ❑ She continues with a outpatient detoxification treatment even though she has any sentence to serve
- ❑ She could keep her job, non economic consequences after all

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THE CASE OF CORI

WHAT HELPS IN THE SUCCESS OF OUR INTERVENTION?

BULDING TRUST

- Use an active listening, empathy and link in our interviews
- Respect Cori's family situation, about her mother and above all about her children
- Respect her labour situation fitting our meetings to her work timetable
- Use Cori's strength to move on, to get the type of help that she needs
- Help Cori to recognize her responsibility of the offense and to consider why did she act like she did, talking about her alcohol abuse when she went through a difficult situation

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THE CASE OF LUMNA

OFFENSE

- She attempted to stab her neighbour

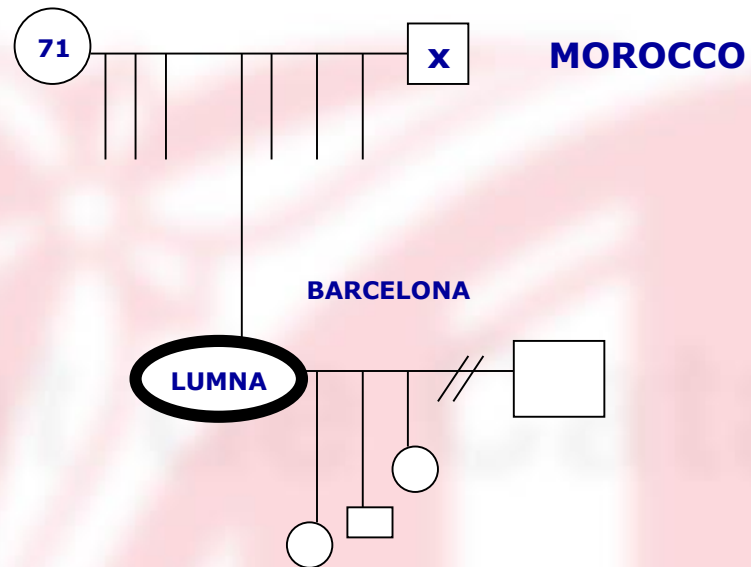
SENTENCE

- 1 year imprisonment
- Suspended for 2 years with the following court requirements:
 - **300 hours community service**
 - **Accredited Violence Treatment Program**
 - Restraining order from the neighbour
 - She can not be convicted of any new offence

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INITIAL SITUATION:

- ❑ 27 year old Moroccan woman
- ❑ In Spain since 2010
- ❑ Legally living in Spain
- ❑ 3 children (10, 9 and 2)
- ❑ Husband abandoned them in 2015
- ❑ Her husband was a physically abusive alcoholic
- ❑ No family in Spain
- ❑ Illiterate
- ❑ Fluent in Spanish



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THE CASE OF LUMNA

INITIAL SITUATION:

- Economic difficulties: Welfare Economic help (400€ a month) and 5 hours/week cleaning a house (200€ a month)
- Mental health problems: Depression and anxiety attacks (no treatment)
- No drugs and/or alcohol abuse
- First time offender
- She recognizes the offense but justifies it because her neighbor used to insult her based on her origin and religion
- She demonstrated a good attitude to comply with the court requirements

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THE CASE OF LUMNA

STRENGTH

- Fluent in Spanish
- First time offender
- Assimilated within the social services
- Articulate concerning her problems
- Cooperative
- Lives in a big city with a lot of resources

WEAKNESSES

- Single caretaker of three minors
- Economic difficulties
- Untreated mental health problems

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THE CASE OF LUMNA

OUR MAIN GOALS

- establish a confidence environment
- respect her family, economic and labor situation
- promote the link to a mental health service
- promote the link to a victim psychological service
- coordination with her social worker to intensify those links and possibilities of labor improvement
- look for a good place where she can do the 300 hours community service
- link her to a Accredited Violence Treatment Program

Catalan probation service

THE CASE OF LUMNA

ACCOMPLISHMENT

- Lumna fulfilled the 300 hours community service in a INTERCULTURAL WOMEN ASSOCIATION: 2 mornings a week teaching Spanish and generally helping other immigrant women
- **OBJECTIVES** : respect her personal situation, promote her empowerment, expand her social circle,... .

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THE CASE OF LUMNA

ACCOMPLISHMENT

Lumna accomplished the ACCREDITED VIOLENCE TREATMENT PROGRAM in a specific entity 1 morning a week .

This Programs have the following characteristics:

- Done by specialized psychologists
- Group and individual goals
- 2 initial individual sessions:
 - to assess the risk of recidivism (it can be low, moderate or high)
 - to establish the individual goals
- 13 group sessions
- 1 individual follow – up interview
- 1 individual final evaluation session

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THE CASE OF LUMNA

ACCOMPLISHMENT

GROUP GOALS:

- Motivation to change
- Identification of emotions
- Identification of irrational beliefs
- Gender perspective
- Responsibility
- Different types of violence (physical, psychological, neglect, ...)
- Empathy
- Assertivity
- Self esteem
- Prevention of recidivate

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THE CASE OF LUMNA

ACCOMPLISHMENT

→ the initial assessment of Lumna's risk of recidivism was MODERATE

LUMNA'S SPECIFIC GOALS

- Recognize her responsibility
- Recognize and control her anxiety
- Discriminate aggressive, passive and assertive behaviors
- Increase empathy capacity
- Self-control of rage
- Empowerment
- Prevention of victimization

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THE CASE OF LUMNA

END SITUATION

- Lumna fulfilled both court obligations satisfactorily
- The final assessment of risk of recidivism was LOW
- She expanded her social circle
- She sought with her social worker different labor courses
- She decided to begin a mental health treatment
- She declined to go to the psychological service for victims

Catalan probation service

THE CASE OF LUMNA

WHAT HELPS IN THE SUCCESS OF OUR INTERVENTION?

- Use an active listening
- Respect Lumna's family, economic and labor situation
- Use Lumna's strength
- Target Lumna's weaknesses
- Help Lumna to recognize her irrational beliefs
- Help Lumna to recognize her responsibility of the offense

Catalan probation service

What have we learned through our work with women?

There is a smaller number of women offender

They arrive to our probation service with a greater number of difficulties:

- Victims of violence
- Mental health problems
- Drugs and / or alcohol abuse
- Minors and elderly dependents
- Economic, labor, living place, ..., problems

and their criminal needs are more related with all of these difficulties

CONCLUSION: WHEN WE WORK WITH WOMEN OFFENDERS, RATHER THEN WITH MEN, IS VERY IMPORTANT TO NOTE ALL THESE PROBLEMS IF WE WANT TO GET THE SUCCESS OF OUR INTERVENTION, PREVENT VICTIMISATION AND NEW CRIMINAL ACTS



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THANK YOU VERY MUCH FOR YOUR ATTENTION

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