

Conference - "Probation Works"

Presidencia Española de la Unión Europea

eu 2010.es

Málaga, Spain
Friday 28th – Saturday 29th May 2010

Workshops-3 (round 2)

Social reintegration programmes for offenders who have served a prison sentence - preventing reoffending. With special reference to the relationship between penal institutions and social workers from local governments and NGOs.

Aim: To review the general principles of probation programmes which support those who go back to society having served a prison sentence. To look at how this contributes to preventing reoffending which benefits society. To analyse common and specific elements, that should be considered in relation to organisation which interact either directly or indirectly with probation services, e.g. local government, NGOs, judicial organizations, universities, mass media, private companies, etc.

Chair: Gerhard Ploeg (Norway)

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The Portuguese practice – questions and challenges

1. Legal framework and attributions – COE Recommendations

* Good afternoon everybody,

First, I would like to thank you on behalf of the Portuguese Probation Service, for the invitation to be here.¹

* The Direcção Geral de Reinserção Social - DGRS is responsible for the implementation of the public policies on criminal prevention and social rehabilitation of juveniles and adults offenders, having as one of the main attributions the execution of the alternative measures to prison sentence, including probation and release on parole.

It is a nacional public service under Ministry of Justice, and it has probation teams working on all territory of Portugal, with six to twelve Probation Officers by each team.

¹I'm a Probation Office and I'm working as Chief Probation Officer in the Center Region of Portugal – headquarter in Coimbra, and we supervise the activity of the ten probation teams (eighty five Portuguese probation officers).

* On the last day of December (year two thousand and nine), the Portuguese Probation Service was supervising more than sixteen thousand offenders, with Community Sanctions and Measures, which were about 4 thousands of community service (unpaid work)-25%, 6 thousands suspensions of the prison sentence (40%) and 3 thousand conditional released/parole (20%).

Measures	Nº	
Provisory suspension of the Process (not convicted)	2.540	15%
Community Work/Unpaid Work	3.919	25%
Suspended sentence of prison	6.406	40%
Release on parole	3.184	20%
Measures with Electronic Monitoring	524	
Total	16.573	

* In the execution of this community measures, the DGRS has for reference promoting the human rights, the national legal rules and the international recommendations, which are the principles and the large guidelines of probation services, such as:

- **Seeking for prevention of reoffending**, by the balance between protecting the victim and the society as well as the needs of the offenders – a fair and efficient application of the Community Sanctions and Measures, with a desirable balance between, the protection of the society and the needs of each offender, regarding the social reintegration.
- **The individualisation of the sanction** – guarantee that the Community Measures execution is implemented according to the conditions and obligations decided in the sentence, promoting the offender's responsibility and giving him support and opportunity to change.

With offenders who have served a prison sentence, DGRS cooperate with Portuguese Prison Service and Courts, targeting the reinforcement of the conditions for social reintegration/rehabilitation outside prison of inmates, by two ways:

- assessing and planning the conditions for parole, based on their personal and social needs related with criminality and professional, family and social integration (that subsist on the moment of release);
- supervising and support them on parole;

According to our law, Prison and Probation Portuguese Services, follow the rules of European Council, about preparation of Conditional Release, where I would like to remember the rules twelve:

* COE Rec(2003)22 – on the preparation of **Conditional Release** (parole)

Rule 12. The preparation for conditional release should be organised in close collaboration with all relevant personnel working in prison and those involved in post-release supervision, and be concluded before the end of the minimum or fixed period.

Rule 14. The preparation for conditional release should also include the possibility of the prisoners' maintaining, establishing or re-establishing links with their family and close relations, and of forging contacts with services, organisations and voluntary associations that can assist conditionally released prisoners in adjusting to life in the community.

* About the conditions for the Conditional Release, the same recommendations says (COE Rec2003-22 – on the **Conditional Release**):

Rule 8. In order to reduce the risk of recidivism of conditionally released prisoners, it should be possible to impose on them individualised conditions such as:

- the payment of compensation or making of reparation to victims;
- entering into **treatment** for drug or alcohol misuse or any other treatable condition manifestly associated with the commission of crime;
- **working** or following some other approved occupational activity, for instance, education or vocational training;
- **participation in personal** development programmes;
- a prohibition on residing in, or visiting certain places.

Rule 9. In principle, conditional release should also be **accompanied by supervision consisting of help and control measures**. The nature, duration and intensity of supervision should be adapted to each individual case. Adjustments should be possible throughout the period of conditional release.

2. Technical principles and standards

To accomplish this aims (established by his legal framework and international recommendations), DGRS have guidelines based on the principles of good practices, for the execution of community measures, as well with offenders after prison sentence on conditional release:

* **Intervention Centred on criminal risk and needs**

The intervention of the probation service is guided, in all cases, by the identification of the risk level and needs profile for the rehabilitation of the offender. From this needs identification we can define the relevant intervention areas and its overcomes.

It means focusing the intervention on criminal behaviour and aiming a reduction or elimination of the factors that are directly or indirectly associated with recidivism.

* **Differentiation of intervention**

The risk assessment and the needs profile of offenders originate different levels of intervention:

- in high risk cases, an intensive and specialized intervention is developed, fully controlled, monitoring closely the plan of supervision.
- in moderate or low risk cases, a medium or minimal supervision is applied, orientated towards the verification of the fulfilment of their obligations, based in the sentence and the reinforcement of the protective factors, presented by the offender.

* **Structuring and planning**

The intervention developed with Community Sanctions and Measures is always based on a plan orientated by its obligations defined in the sentence, focusing the social rehabilitation needs identified and clearly assumed with the offender.

* **Promoting and supporting the change (motivational techniques)**

Especially at the beginning of the intervention, many offenders reveal a weak knowledge of their risk factors and needs. For this, the motivational work with the offender is crucial.

The fundamental task of the Probation officer will be to reinforce their sense of self-effectiveness and increase their sense of needing change. by: a)increasing the notion of the costs related to this, to himself, to his family and other people important to him; b)increasing the doubt and reinforce the discrepancy between the benefits and costs of his misadjusted behaviour.; c)showing options and alternatives and creating positive expectations.

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* Interventions on a systemic basis, involving all social network

During the execution plan's phase, the probation officer works with actions of support and control, conjugating the individual interventions with the social networks support, including local government facilities, NGOs, judicial organizations, schools, universities, mass media, private companies, etc:

- a) Contacting families of the offender and other relevant people to the execution of the plan, detecting possible difficulties or anomalies, adjusting supporting and monitoring actions.
- c) Involving (cooperating with) public or private entities, in order to give the offenders access of goods, services and/or structured interventions adequate to their social rehabilitation needs.
- d) Structured interventions/programmes developed by organizations of social network, oriented towards the criminogenic needs of the offender, following methods of individual or group work.
- e) Contacts with the criminal police agencies seeking to avoid reoffending behaviours or others that might violate the sentence. For high risk offenders, the Probation Service faces the relationship with the criminal police agencies as a share of responsibilities in the control of the offenders and as a strategic cooperation.

* Evaluation on a continuous process

The evaluation of the community measures execution plan and its impact in the needs profile, is a continuous process **with offender and with all people or organizations involved. The evaluative contributions of all this parts should be reported to the court.**

3. Social and organisational network

As we have seen, the relationship with other organizations, public or private, is a crucial way to achieve the objectives related with the main mission of probation services (prevent reoffending behaviours and help de social rehabilitation of the offenders), including in the supervision and work with parolees.

On this point, for us is very important:

- Establishing better relationship between all community services – local administration, NGOs and with other public administration services from different areas – Employment and Training, Health, Education and Welfare;
- Encouraging social networks;
- Looking for and promoting means and equipments suitable for integration of offenders;
- Developing local integrated preventive actions, and geographically allocated;
- Training human resources in systemic intervention ;

The main work vectors, at offender's social networks, are:

- Social Action Local Councils – This is a forum defined by law and sponsored by local authorities, where we have a delegate of each institution, public and private, that work on social help. In this forum we assess the local needs about social intervention, and we can make a better relationship between all partners in the social projects.
- Public employment service and vocational training- It's a public service, that provide unemployment benefits and training for adults. It's an important service, when we work on the social reintegration of offenders who have served a prison sentence.
- Public service for addictions treatment and other medical facilities – A lot of offenders have associated addict behaviours (with drugs and alcohol misuse). Very often, with the released offenders it's crucial to maintain the treatments, initiated in the prison.

- Local/neighbour relevant people – It can be an important vector, as we know the importance of pro-social links (against anti-social relations), mainly in the free time occupation. They can be from churches, neighbourhood local authorities, recreation associations, etc. Usually, they need to be prepared to lead with their own bias and pre-concepts about crime, and also with the offender's interpersonal difficulties.
- Family and friends relevant people – This point it's so crucial for the reintegration of conditional released, that it deserves a separate discussion, which is out of the goals in this presentation.

Analysing how this cooperation/network is going in Portugal, I will use a SWOT analysis:

STRENGTH

The main strengths of the DGRS on the social network, are:

- To be a national service, with facilities on all territory and a public image very well known by the others community services, local administrations and NGO's;
- To be a service with a criminological approach, with credibility near the courts and the others organizations, which recognise in DGRS good practices and expertise leading with offenders and parolees;
- To have an image of efficiency placing the unpaid work measures in the public organizations and the NGO's;
- To have standard agreements, well defined and very often revised and evaluated with the partners;
- To be a present and active partner in the Social Action Local Councils.

WEAKNESS

The main weakness of the DGRS on the social network, are:

- Probation teams on the rural regions with a large area of work are placed far from the local organizations and relevant people of the offender's social network;
- Probation teams on the biggest urban zones (Lisbon and Oporto) have now a very high caseload (eighty or more measures under supervision by each probation officer);

If we think about the external conditions which influence the relationship between DGRS and network organisations, I can see some **OPORTUNITIES**:

- the increasing attention of the mass media, promoting the public image of the probation measures (what needs to be handled carefully);
- the national and the european union policy, promoting the social projects in partnerships (as a conditions to achieve monetary aids) .

Now, the biggest THREAT, is the financial and economical crisis in Portugal, which is increasing the figures of unemployees, and as well, is reducing the public social benefits.

It can be a threat for the relationship between DGRS and other institutional partners, because the risk of overloading the staff and resources of each organization.

But, we can also, see this threats, as a challenge to improve relationship and a more closely work, optimising the resources. By this way, we can achieve a high level of efficiency on the offender's social rehabilitation, including these who were served a prison sentence.

Thank you very much.