

Prisons and probation: a Council of Europe white paper regarding persons with mental health disorders

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Why a white paper ?

- MANDATE CDPC 2020-2022
- STATE OF PLAY IN THE CoE
- THE GOAL IS TO FORMULATE FUNDAMENTAL PRINCIPLES AND RECOMMENDATIONS
- THE TARGET GROUP: PRISON, PROBATION AND OTHER STAKEHOLDERS
- TO ENCOURAGE THE COUNTRIES, MEMBER STATES TO TAKE INTO ACCOUNT MENTAL HEALTH DISORDERS IN THEIR POLICY

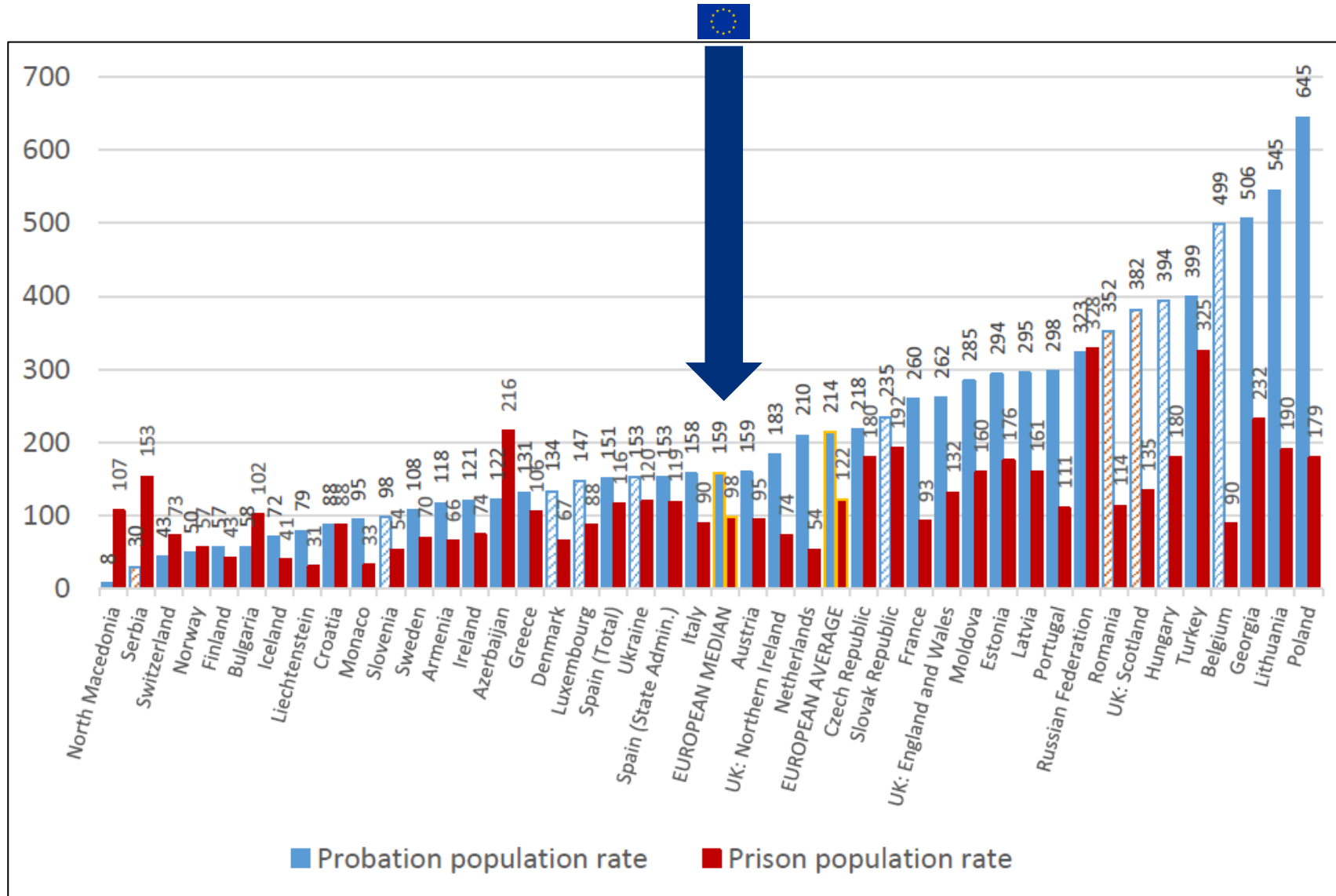
- IN THE SURVEY, MENTAL HEALTH DISORDERS WERE DEFINED USING THE **WHO** DEFINITION, AS INCLUDING DEPRESSION, BIPOLAR DISORDER, SCHIZOPHRENIA AND OTHER PSYCHOSES, DEMENTIA AND DEVELOPMENTAL DISORDERS INCLUDING AUTISM
- There are a wide range of intersecting factors that explain the over-representation of people with a mental health disorder in the criminal justice system. A good description of these factors is set out in a recent publication from the Centre for Addiction and Mental Health (2020) in Canada:

The reasons why people with mental illness end up in the criminal justice system are numerous and interconnected. Societal factors such as stigma, structural poverty, racism (particularly antiBlack and anti-Indigenous racism), inadequate housing and trauma can increase risk, as can co-occurring mental health and substance use problems. Policing and criminal justice policy can also increase criminal justice involvement. As well, there are instances when mental illnesses result in behaviours that lead to a criminal justice response. The overrepresentation of people with mental illness in the criminal justice system is often referred to as the “criminalization” of mental illness.

European data (SPACE I & SPACE II) : overall picture

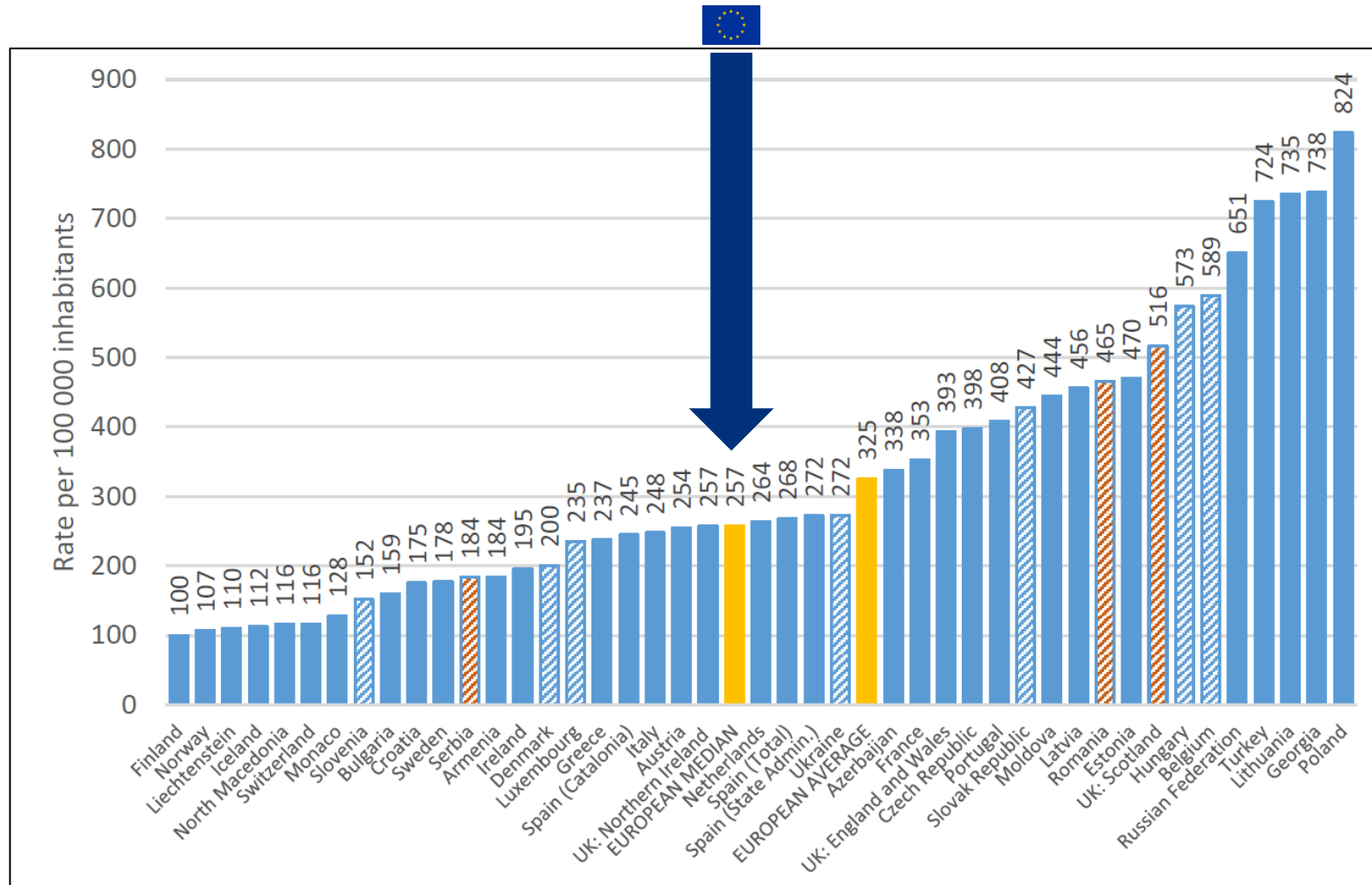
Rate of prison and probation populations (per 100,000 inhabitants) at 31 January 2021 (N=41)

AEBI M., COCCO E. & HASHIMOTI Y.Z. (2022), Probation and Prisons in Europe, 2021: Key Findings of the SPACE reports, Series UNILCRIM 2022/4, Council of Europe & University of Lausanne. Strasbourg & Lausanne



European data (SPACE I & SPACE II) : overall picture

Estimated penal population rate (prisoners + probationers) per 100,000 inhabitants on 31 January 2021 (N=42)



AEBI M., COCCO E. & HASHIMOTI Y.Z. (2022), Probation and Prisons in Europe, 2021: Key Findings of the SPACE reports, Series UNILCRIM 2022/4, Council of Europe & University of Lausanne. Strasbourg & Lausanne

*Questionnaire on Mental Health Disorders and
Disabilities of Persons in Penal Detention and under
Probation Supervision*

*Charlie Brooker, Honory Professor, Centre for Sociology and Criminology
Royal Holloway, University of London*

Jorge Monteiro, Head of Service- Prison and Probation Services- Portugal



Council of Europe White Paper regarding persons with mental health disorders – P&P

Work in progress

- Two questionnaires were designed (P&P)
- Aimed to elicit government policies and practical approaches to mental health disorders in probation services and in prisons;
- The survey closed in July, 2021

**Survey
(Fev-July 2021)**

Data collection

- Professor Charlie Brooker - Royal Holloway, University of London (United Kingdom) and
- Jorge Monteiro - Head of Service Directorate General of Reintegration and Prison Services (Portugal).

- Confederation of European Probation (CEP);
- European Organisation of Prison and Correctional Services (EuroPris)
- International Corrections and Prisons Association (ICPA)

PC-CP WG

INPUTS

- Registry of the European Court of Human Rights;
- Committee for the Prevention of Torture Secretariat (CPT);
- Steering Committee for Human Rights in the fields of Biomedicine and Health (CDBIO)

Recommendations

PRISONS

- Policy and standards for staff working with mental health disorders in prison context.
- Procedures to detect early signs of mental disorder or distress.
- Adequate access to treatment and care for all inmates.
- Provision of staff training on mental health issues.
- The development and implementation of integrated and tailor-made treatment and rehabilitation programs.
- Promote contact between prisoners and their family and friends.
- Design of the prison infrastructure.
- Referral of persons with mental health disorders to external mental healthcare services.



PROBATION

- Policy and standards for working with persons with mental health disorders in probation context.
- Continuous staff training and supporting their wellbeing.
- Use of structured risk assessment tools.
- Monitoring and collecting data on suicide.
- Continuity of care for mental health disorders.
- Development of inter-agency cooperation and partnerships.
- Investment in research and evaluation.

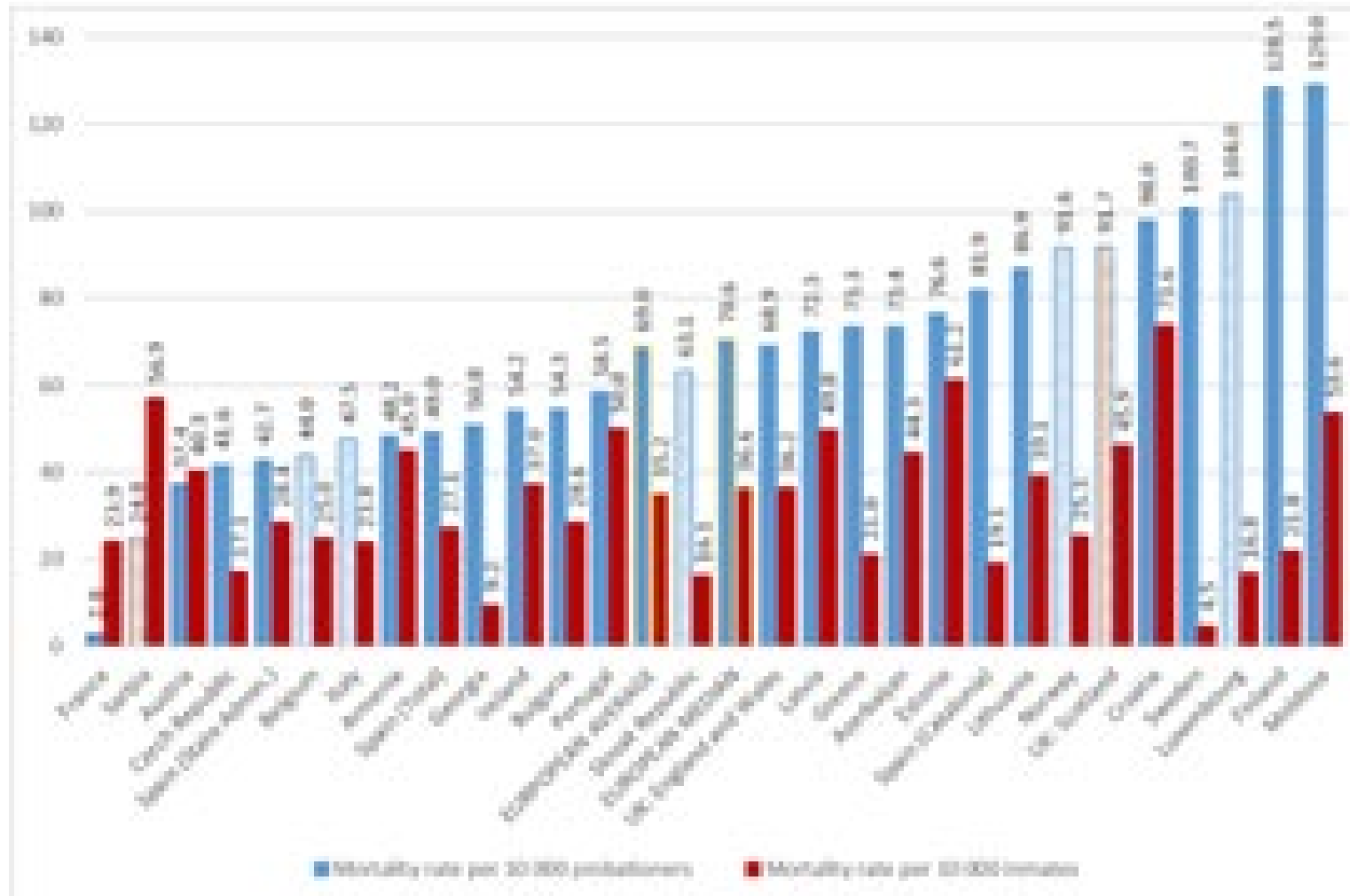
Mental health in prison and probation

Main findings and conclusions



- Good reaction from members states to the questionnaire (63%)
- In terms of national policy for probation and mental health, just over half of the countries/jurisdictions (53%) have policies in place. This contrasted sharply with prisons where policy exists in nearly all countries/jurisdictions (93%).
- Mental health awareness training is in place in 74% of the prison context responders, nevertheless, in probation it is a reality in only 37% (25 countries/jurisdictions probation staff are not provided with any training on mental health issues).
- Estimates of the prevalence of mental health disorders varied significantly in prisons ranging from 0-80% (median 18%) whilst in probation they ranged from 2%-90% (median 15%).
- Training and raising awareness on mental health disorders is provided for prison staff in many countries (74%). Nevertheless, in Probation the coverage is smaller (33%)
- In prison most inmates are screened at intake/admission and when leaving prison. Screening in probation takes place mostly at the court stage and before leaving prison (for probation services which deal with released prisoners).
- There is a large discrepancy in the existence of suicide prevention measure depending on whether a person is in prison or is serving a community order. Some sort of suicide prevention measure exists in most prisons (90%) whereas only very few probation services (13%) have specific measures in place.
- In the survey there is also highlighted the gender issues as it is known that women constitute by far the smallest element of prison and probation populations approximately 10%. Nearly half (47%) of the prison related responses stated that they have gender-sensitive approaches in place.

Figure 3: Deaths of inmates per 10,000 inmates and deaths of probationers per 10,000 probationers during 2019 (N = 27)





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