ALTERNATIVES TO CUSTODY IN EUROPE

EIGHT COUNTRY STUDY, 2014 - 2016

EU STATES INVOLVED

LATVIA	POLAND	UK [3 jds]	SPAIN
FRANCE	ITALY	PORTUGAL	GREECE

PROJECT AIMS

- Assess current practices and recent developments across all A2C: pre-trial, as sanctions/measures, and post-release.

- Build a comparative picture, to identify strategies to end the over-use of prison.

OUTPUTS – 1. NATIONAL REPORTS

8 national reports with up to 15 years of quantitative data on:

- prisoner numbers

- use of alternatives, at all three stages

Reports also contain:

- overview of national political climate re prisoner numbers and key legal and policy developments in A2C in all 8 states

- detailed descriptions of how A2Cs and probation systems work in practice, their aims, impacts (+/-), rehabilitation value, effect on eg women, non-nationals, families, victims.

OUTPUTS - 2. NATIONAL WORKSHOPS

- Each partner held two workshops with experts on criminal justice interventions

- Focus was interventions in A2C that were most likely to reduce prisoner numbers and recourse to prison.

- Led to wide range of practical examples and recommendations.

- Also helped elicit set of principles for better use of A2C.

OUTPUTS - 3. HANDBOOK

European handbook on Alternatives to Custody

Sets out effective practices and proposals for reform. Contains

- the recommendations of national experts and their examples of good practice

- the ACE partners' agreed policy and reform recommendations on effective use of A2C to reduce the use of prison and improve outcomes for those in CJS.

PROJECT'S KEY FINDINGS

- Wide variance among the 8 states in the numbers subject to community based sanctions and controls, which are quite new in some countries, but well-established in others

- Substantial growth in the use of community sanctions since 2000 alongside high – and, in most cases, growing – prisoner numbers

- Move away from rehabilitative, supportive, individualised intervention programmes, towards greater control and punishment

- Policy emphasis increasingly on risk-management, with prison often the automatic sanction if a requirement or condition is breached

- A few exceptions, but mainly in the form of small scale pilots.

DATASETS: PRE-TRIAL

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014

◆ ITALY   ■ GREECE   ▲ ENGLAND AND WALES   ✕ SCOTLAND
✳ NORTHERN IRELAND   ● FRANCE   ＋ SPAIN   LATVIA
PORTUGAL   POLAND
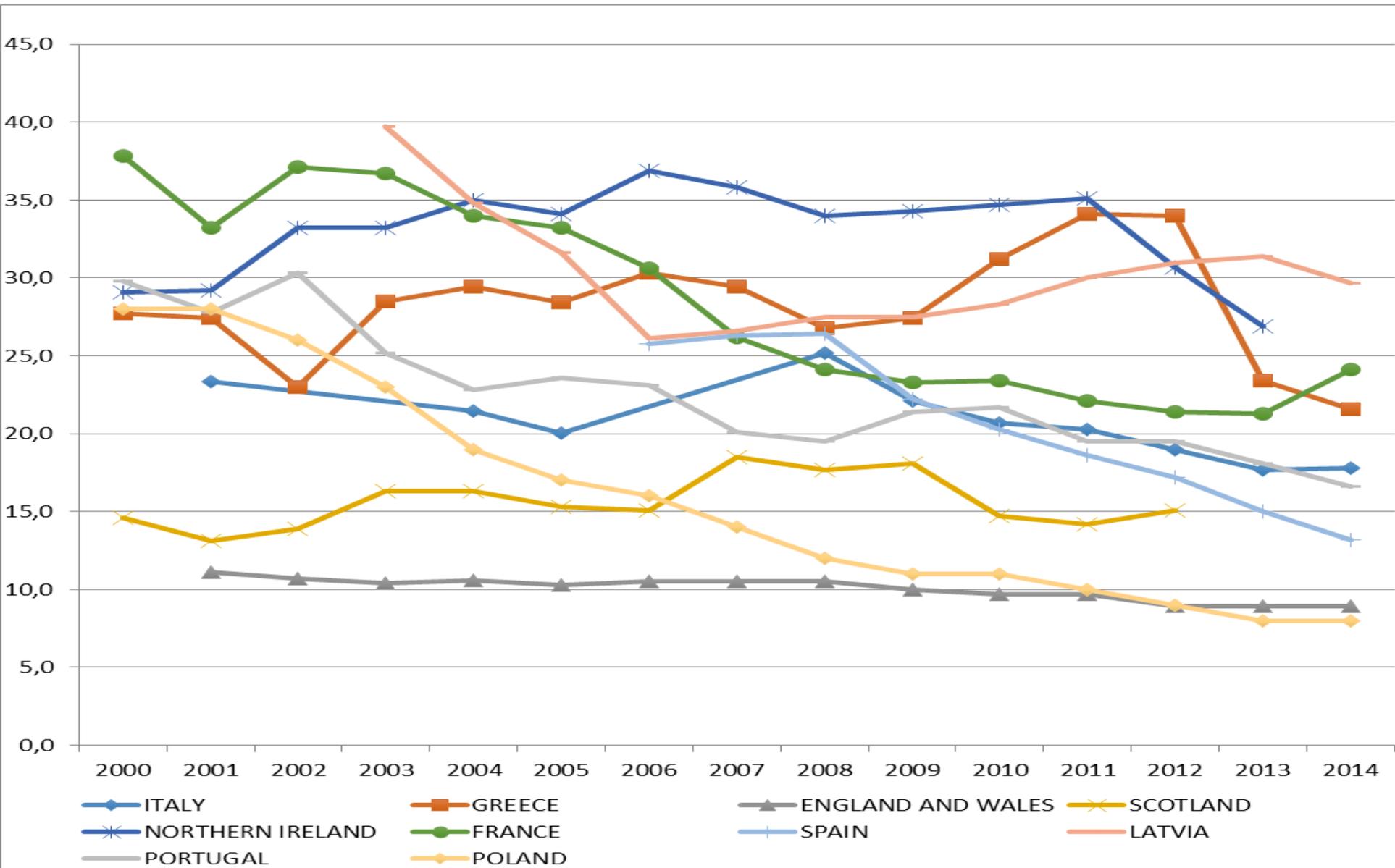
SANCTIONS: IMPACT OF CSM ON PRISONER NUMBERS

- Very little impact – numbers move independently of each other in most states.

Poland
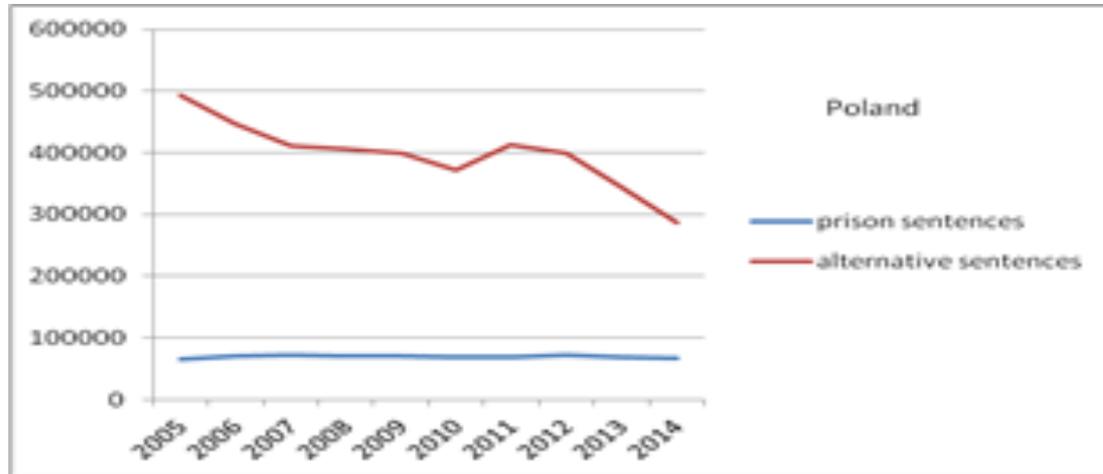
France
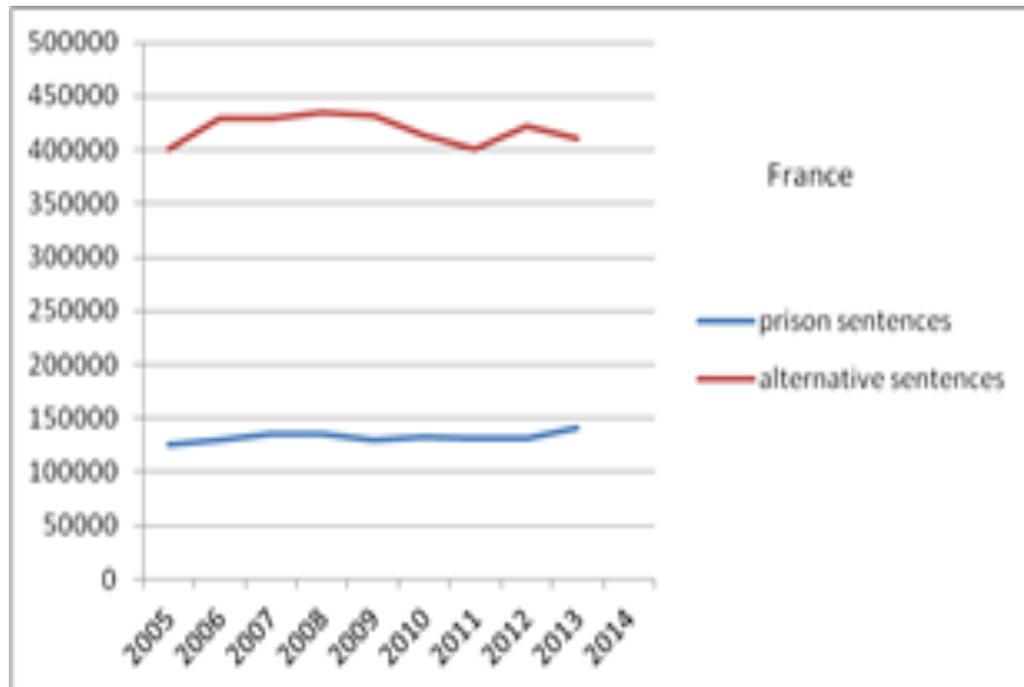
A larger European study recently concluded:

Instead of being alternatives to imprisonment, community sanctions and measures have contributed to widening the net of the European criminal justice systems. The situation in Europe is thus similar to the one described 20 years ago in the United States and Canada... [These measures] have become one of the instruments of an increasingly punitive approach to crime control

[Aebi MF, Delgrande N, Marguet Y, 'Have community sanctions and measures widened the net of the European criminal justice systems?', Punishment & Society 2015, Vol 17(5) 575-597.]

POST-RELEASE MEASURES

- Use of probation and other controls after release has expanded, often out of sync with resources to provide real practical support.

- EM use has expanded in most states.

- Parole: great variance in eligibility and access across 8 states

- Home detention: generally only available for less serious offences.

- General weakness of data means hard to see impact on overall prisoner numbers. Better data and monitoring needed.
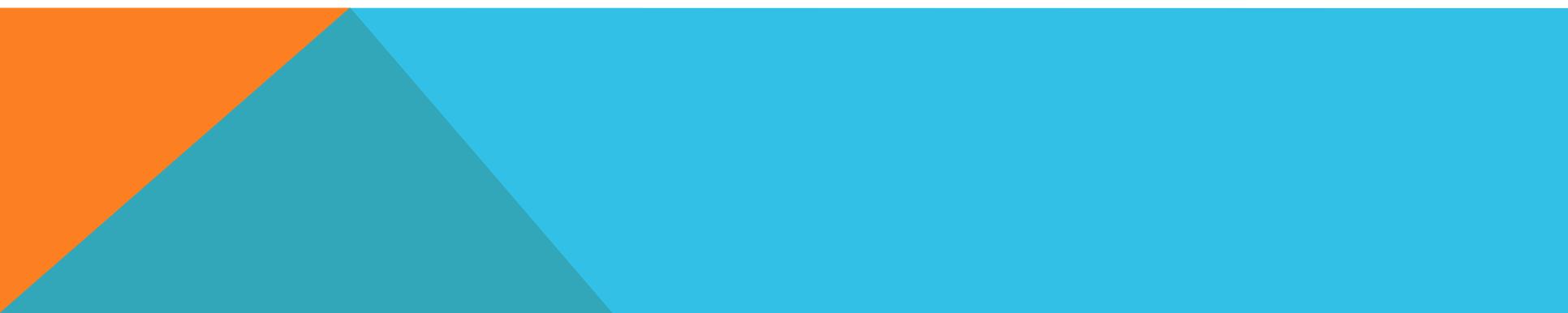
POLITICAL CLIMATE AND POLICY SINCE 2000

- Radical reforms rare (but, Latvia and Portugal saw some – discussed later)

- State responses to overcrowded prisons and high reconviction rates, were based on expediency not deeper, evidence-based re-evaluation of penal policy

- Mixed messages around CSM the norm (E&W a case in point)
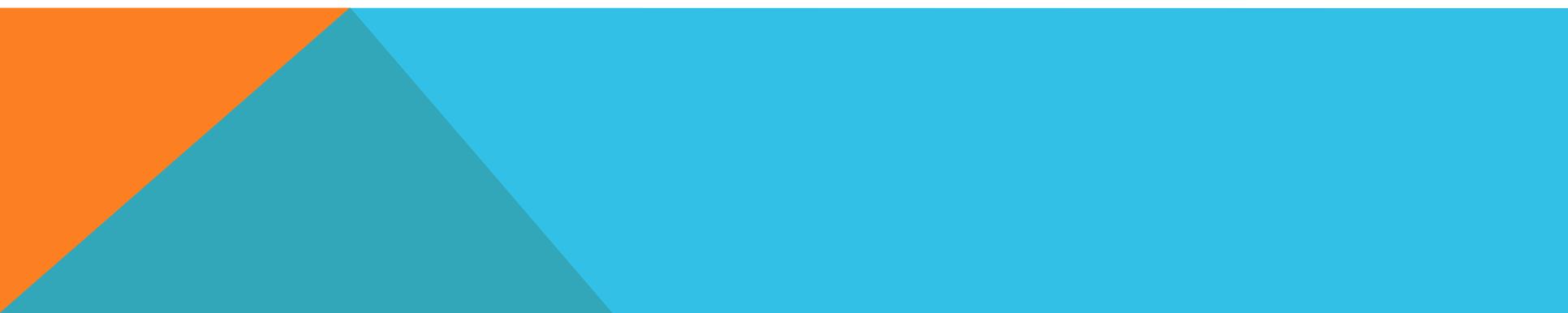
GOOD PRACTICE EXAMPLES

National workshops produced examples of five types.

(1) Reconfiguration of policy and practice

- Diversion from prosecution and CJS for those charged with drug possession, to allow voluntary participation in therapeutic treatment and other support (Portugal)

(2) Sentencing reforms

- Reforms to sentencing and criminal law to reduce prisoner numbers (Latvia)

- A statutory presumption against short-term imprisonment (Scotland)

GOOD PRACTICE EXAMPLES

(3) Diversion from criminal justice at the pre-trial stage

- Early diversion from prosecution for young drug offenders (Greece: OKANA pilot scheme)

- Pre-trial probation, capable of extinguishing offence (Italy: 'Messa alla prova')

- Diversion from criminal justice for those in need of mental health care, having learning disability or difficulty, or communication difficulty ('Liaison and Diversion': England and Wales)

- Deferred sentencing, with or without probation, as a method of diverting from custody those with substance dependency (France)
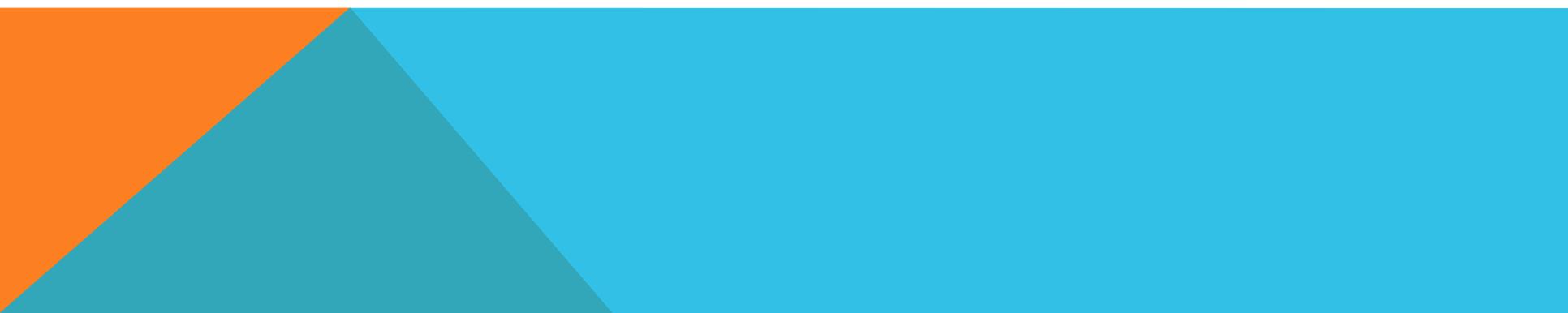
GOOD PRACTICE EXAMPLES

(4) Diversion/support post-conviction

- Non-custodial penalty replacing short-term custody when suspended sentence breached (Poland)

- Diverting women from prison and supporting them in the community ('Women's centres': UK)

- Suspended sentence with individualised probation support (France: 'Contrainte pénale')

- Community-based therapeutic scheme for certain domestic violence offences (Portugal: 'Contigo' programme)

- Training and rehabilitation programmes to replace lengthy periods of community service (Spain)

GOOD PRACTICE EXAMPLES

(5) Post-release measures

Regional councils aiding resettlement of ex-prisoners (Poland)

POLICY RECOMMENDATIONS

Downsize the prison system: end the use of criminal justice to deal with social problems

(1) Minimal resort to prison in sentencing

(2) Reduce prison populations to reduce harms, save resources and enhance community safety

(3) Rethink how we use community sanctions: core principles

ALTERNATIVES TO CUSTODY: CORE PRINCIPLES

- Pre-trial

- CSM

- After prison

- Effects of breach

- Accountability and transparency

TO LEARN MORE

- Events
- National reports and datasets
- EU Handbook

http://www.crimeandjustice.org.uk/project/european-observatory-alternatives-custody