

PROBATION: VICTIMS AND SOCIETY SAFEGUARDS

Federación Andaluza

A VIEW FROM

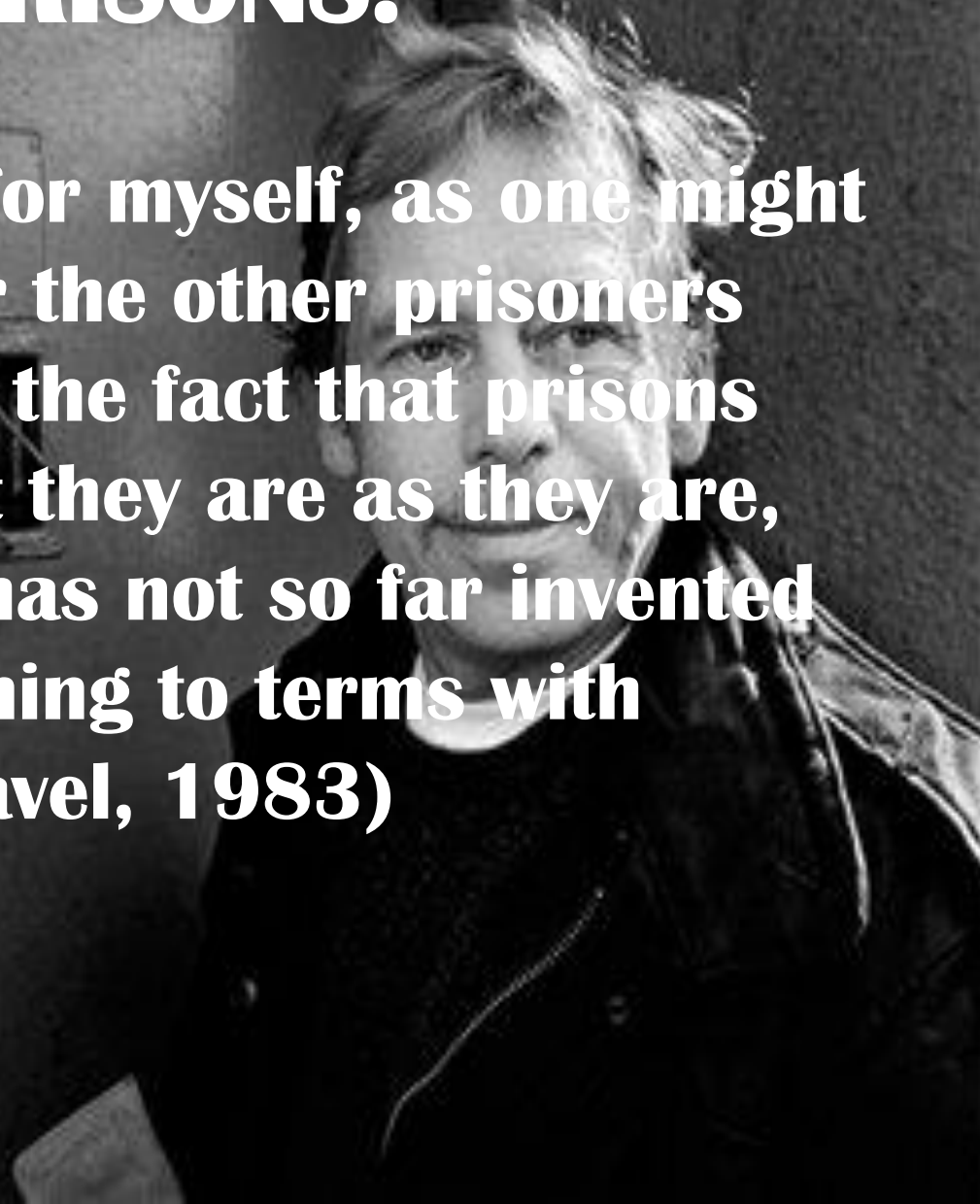


What is ENLACE?

- **Andalusian Federation of 105 associations.**
- **Working in prevention, treatment and social integration of persons with drug addictions.**
- **Created 25 years ago.**
- **Many drug addicts end up in prison, so we work in:**
 - **Alternatives to imprisonment.**
 - **Restorative Justice.**

WHY PRISONS?

- **"I never feel sorry for myself, as one might expect, but only for the other prisoners and altogether, for the fact that prisons must exist and that they are as they are, and that mankind has not so far invented a better way of coming to terms with certain things." (Havel, 1983)**



WHY PRISONS?

“Prisons are a necessary evil”

(Spanish General Penitentiary Law, 1979)

1) To protect society.

→ Incapacitation/rehabilitation.

2) To protect the victims.

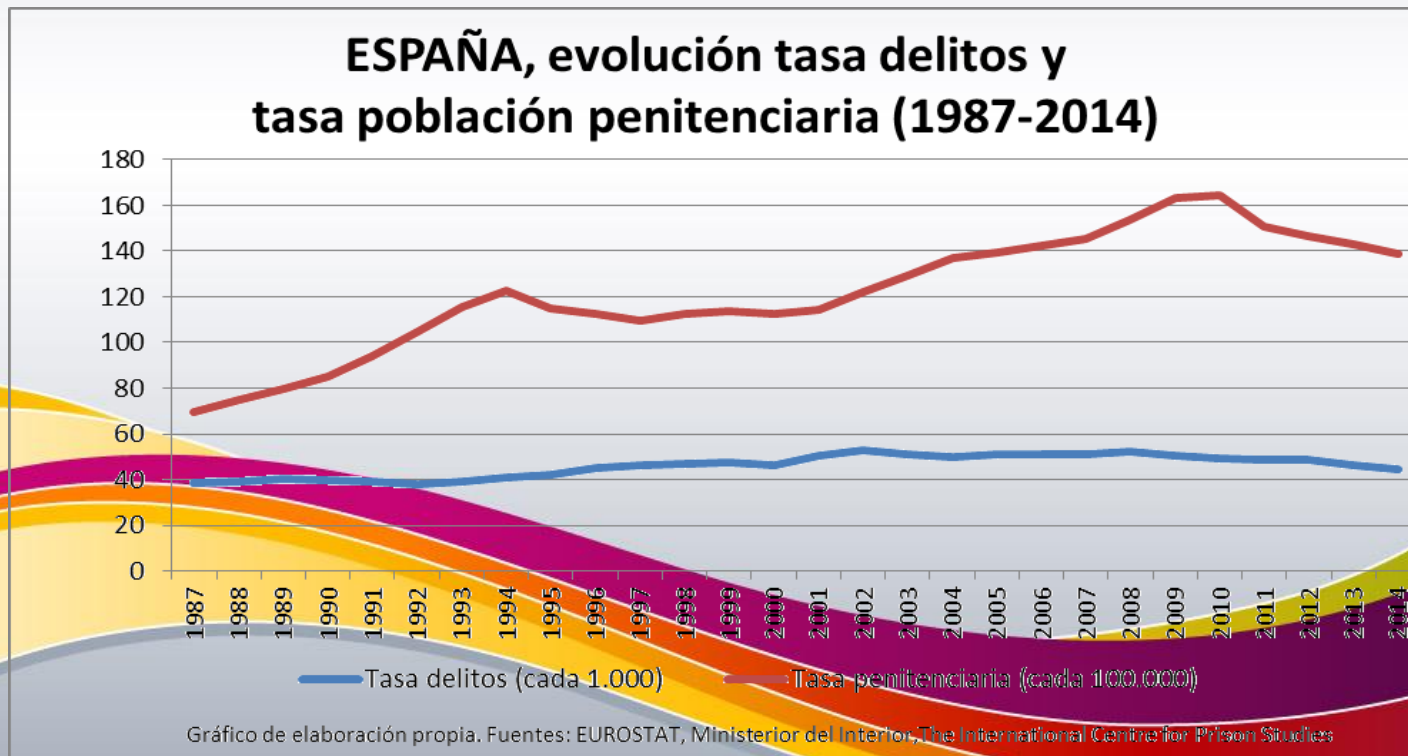
→ Incapacitation/rehabilitation.

WHY PRISONS?

- **Prisons fail to protect the victims and society because they fail to rehabilitate offenders. (50%-30% recidivism)**
- **Furthermore, they have high human, economic and social costs.**

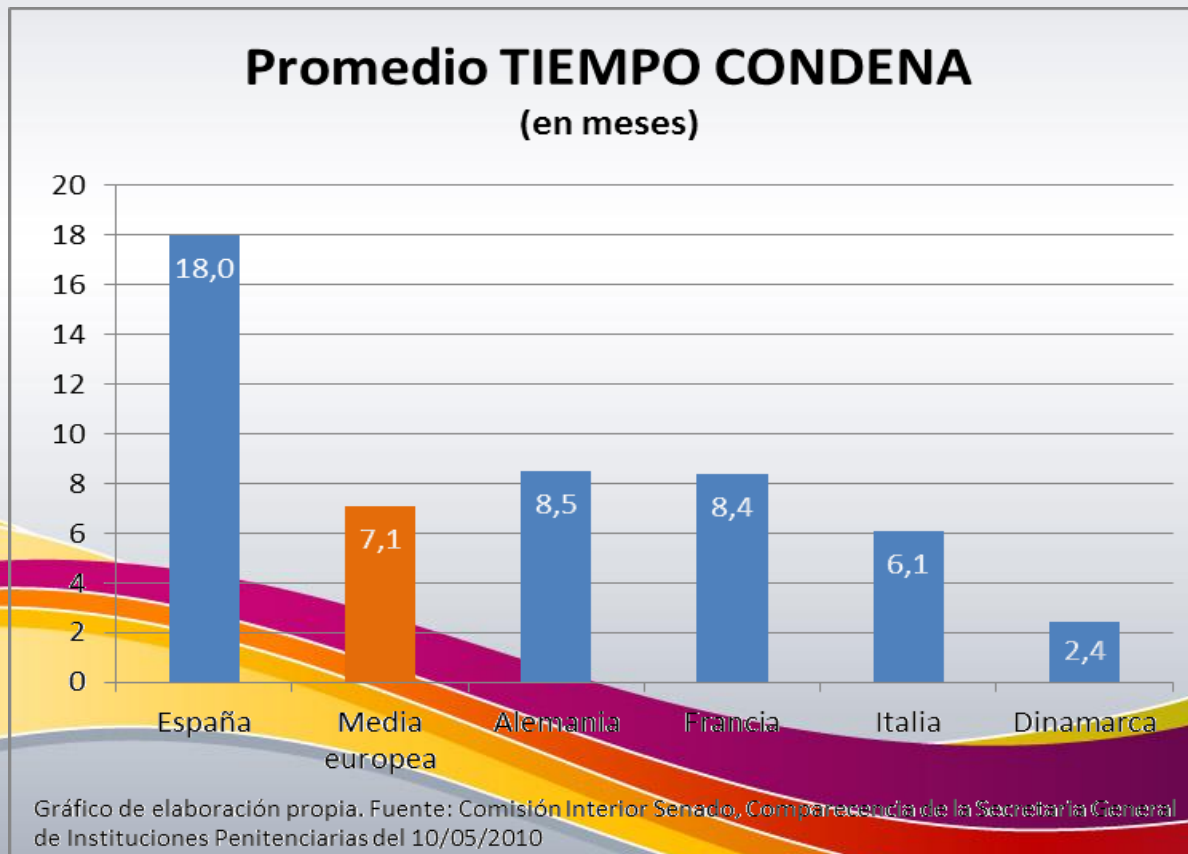
Penal situation in Spain

Comparison and evolution between criminality and imprisonment rate:



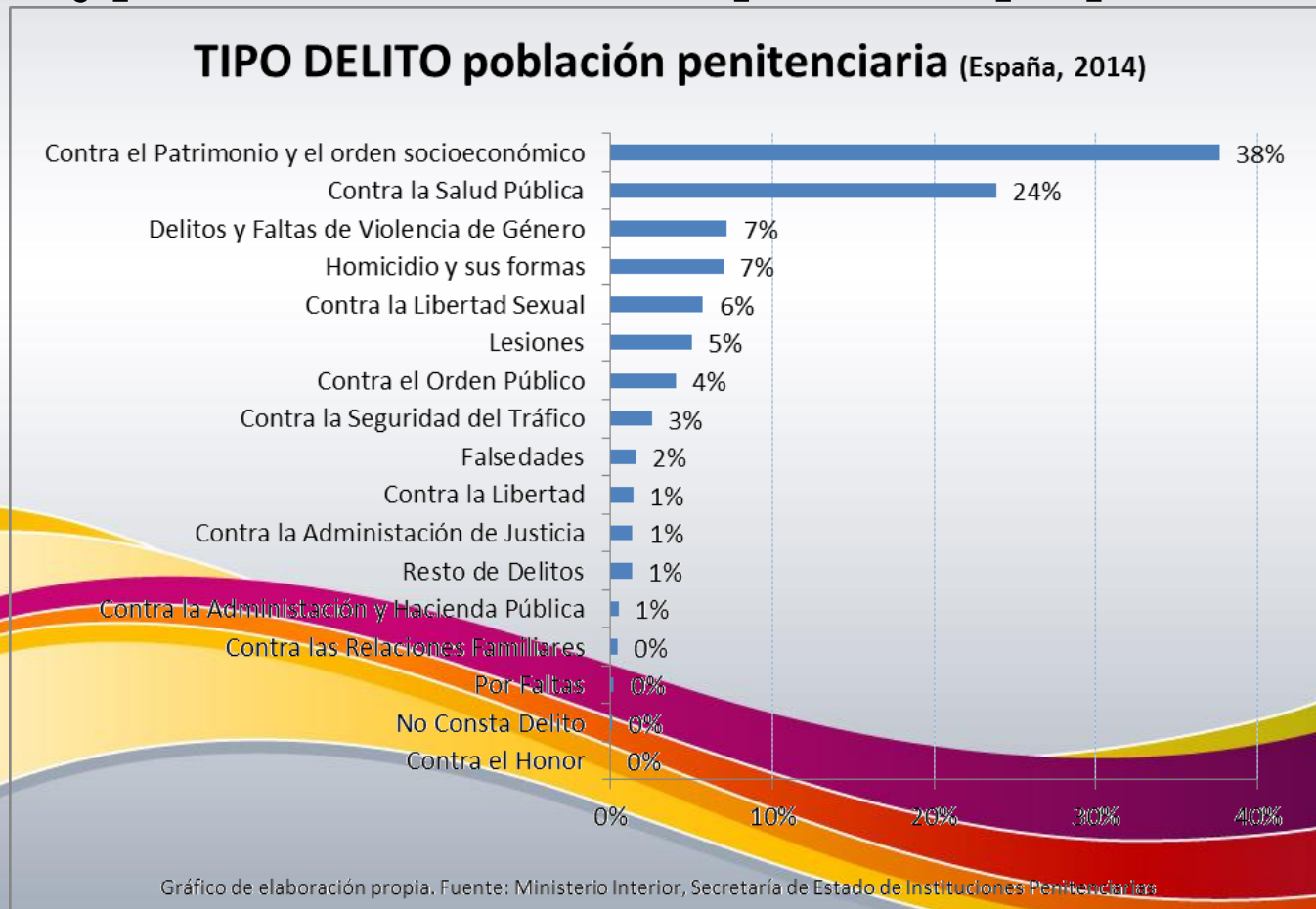
Penal situation in Spain

Average real duration of prison sentences:



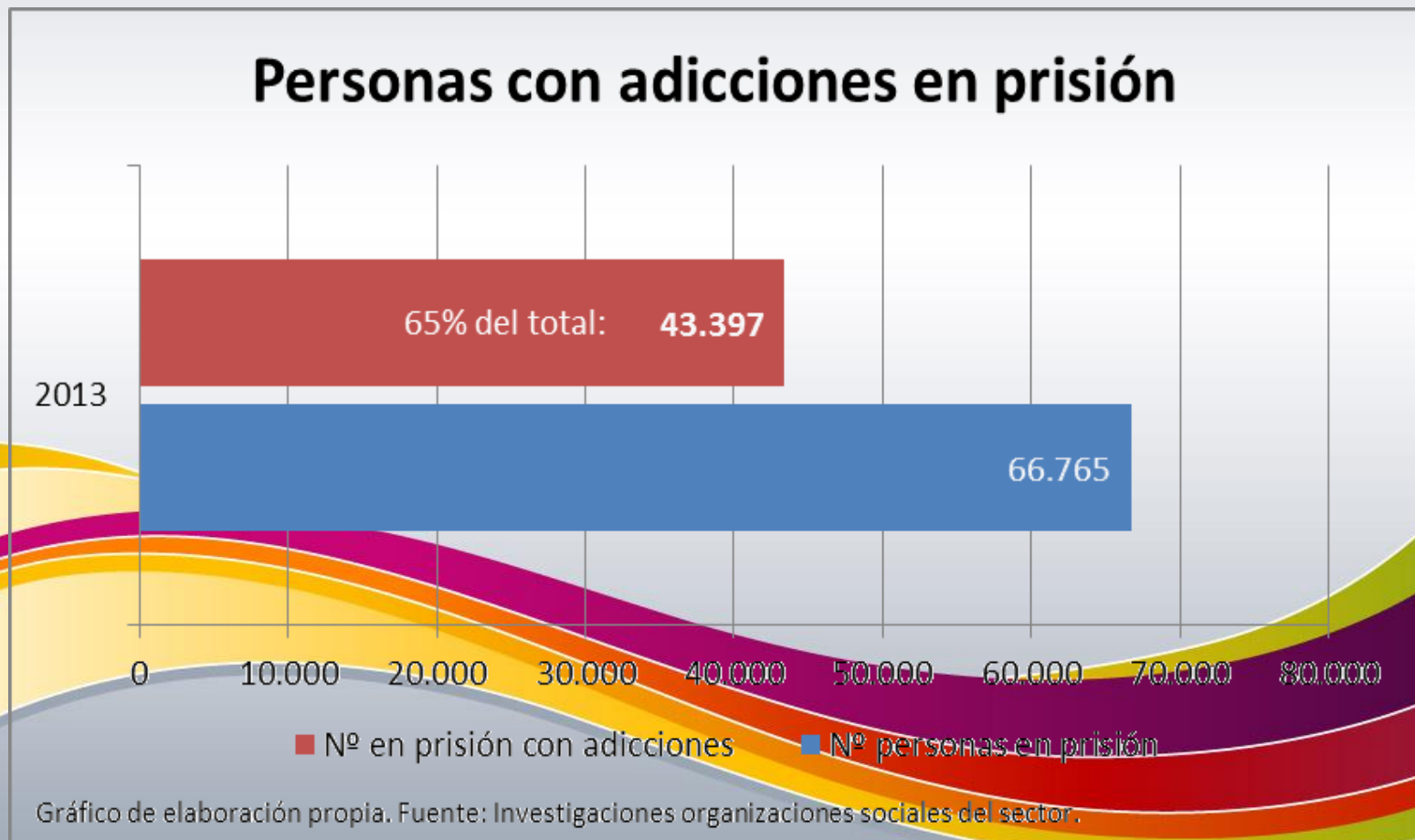
Penal situation in Spain

Types of crimes of prison population:



Penal situation in Spain

Persons with addictions in prison:



Penal situation in Spain

Conclusions:

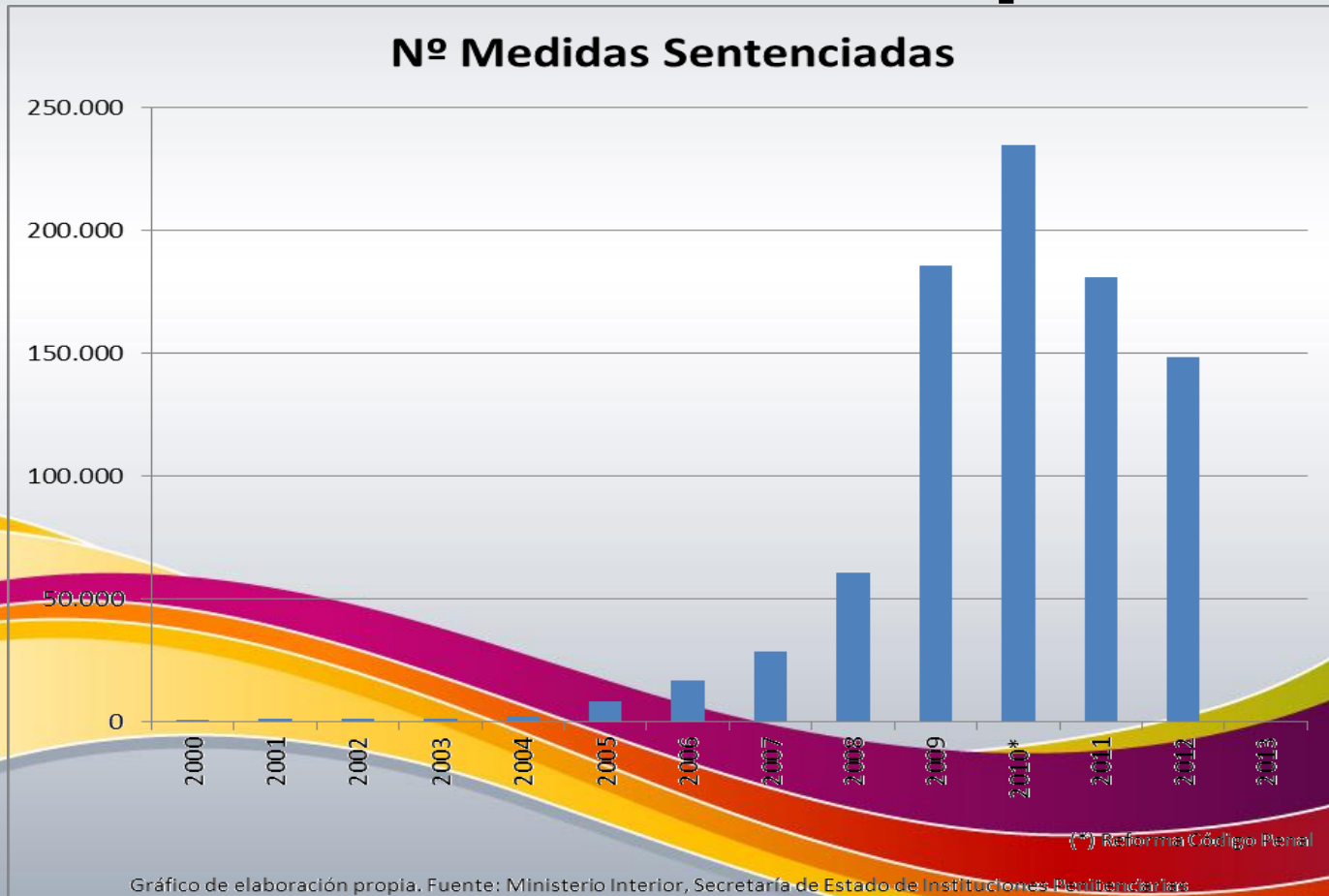
- High rate of imprisonment due to long sentences for robbery, theft and low scale drug traffic (drug related offenses).**
- High social and economic costs of an unrealistic and punitive criminal policy.**

Alternatives to prison in Spain

- **Suspended sentence.**
- **Suspended sentence for drug addicts.**
- **Community services (?)**
- **Conditional release and open prison (?)**

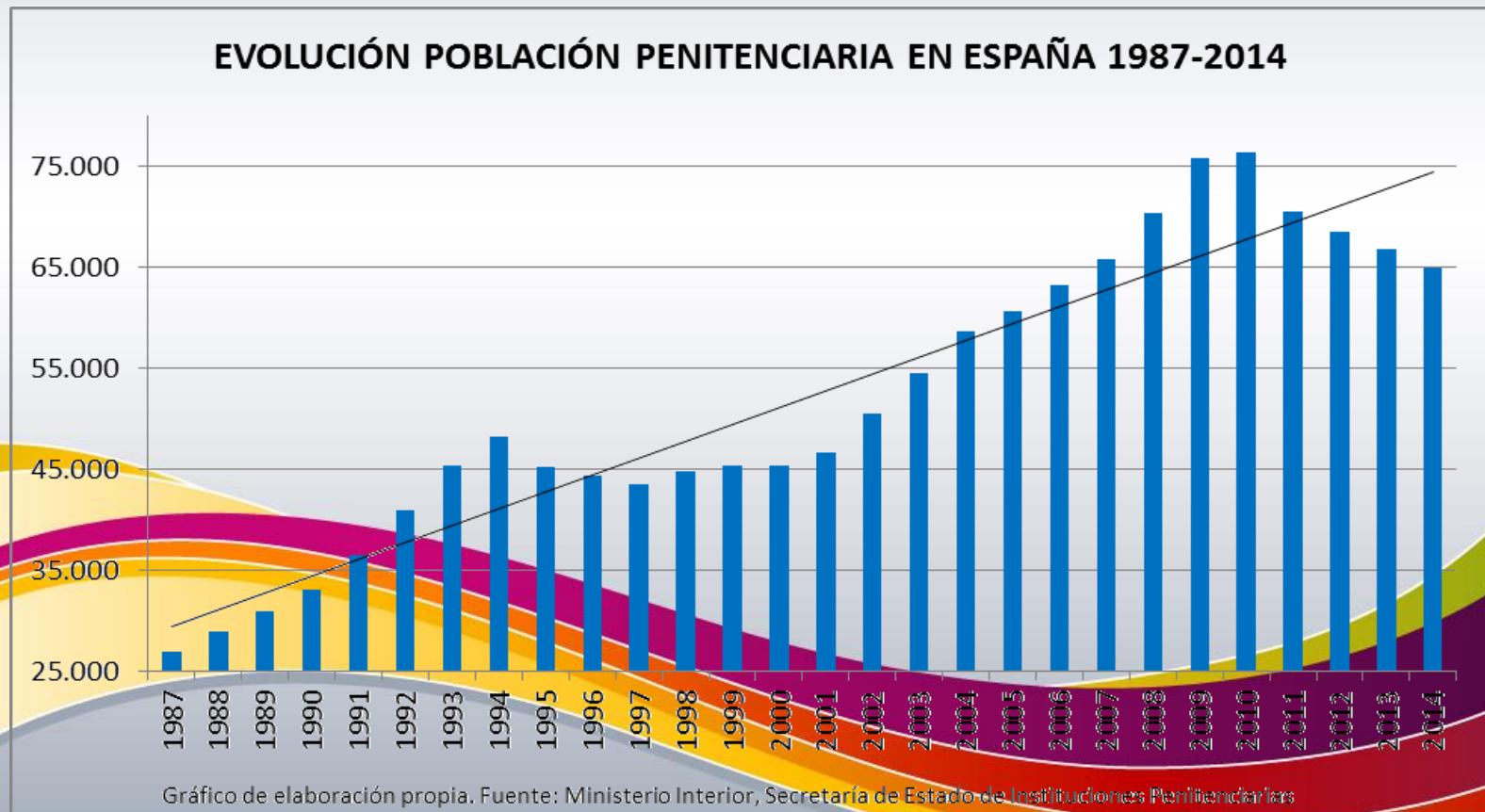
Alternatives to prison in Spain

Use of alternatives in Spain



Alternatives to prison in Spain

Evolution of prison population

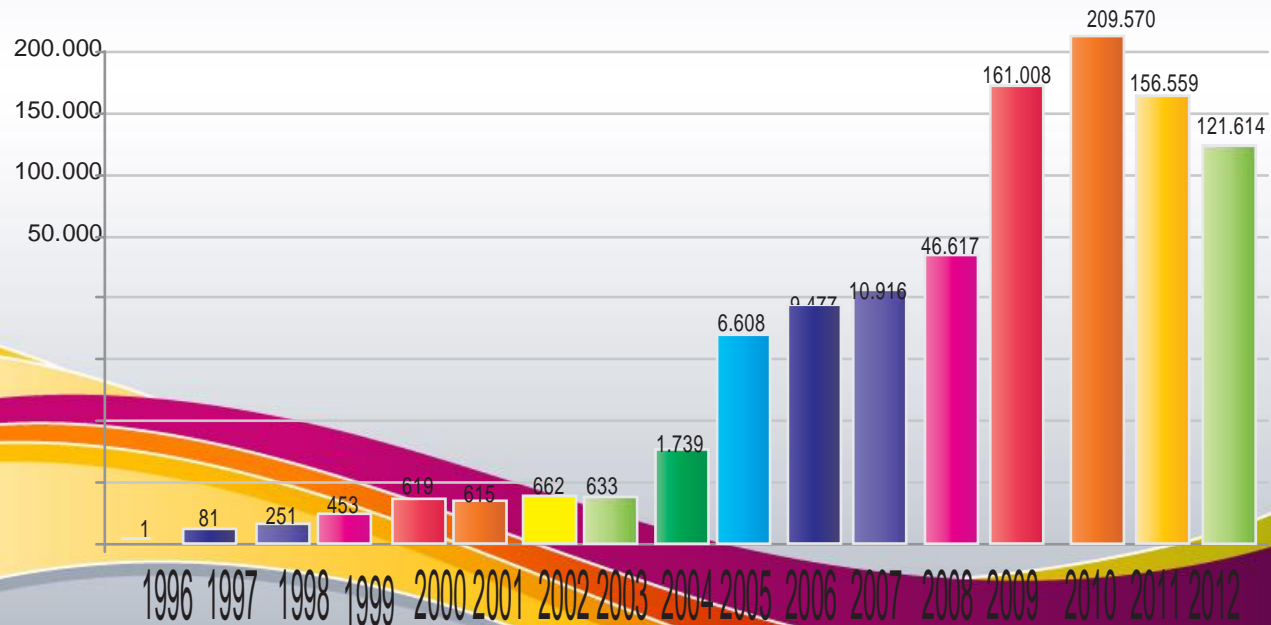


Alternatives to prison in Spain

Community service in Spain

(December 2007, driving without license became a crime)

Gráfico 1. Número de condenas de trabajos en beneficio de la comunidad desde 1996. Stock a 31 de diciembre¹²⁰⁷



Alternatives to prison in Spain

- Most of “alternative” sentences are community services for driving related offenses.**
- There is a “widening the net” effect, not a reduction of the use of prison.**

PROPOSALS

Promotion of Restorative Justice as a tool to access to alternatives to prison:

- 85% victims consider the process is satisfactory.**
- Redicivism is reduced in a 27%.**

(Shapland 2007, 2008)

PROPOSALS

Promotion of therapeutic treatment for drug addicts as alternative to prison:

– Redicivism is reduced a 24%.

(Muñoz 2011)

PROPOSALS

Why not joining

RESTORATIVE JUSTICE

+

**THERAPEUTIC TREATMENT
in drug-related offenses?**

DRUG-REST PROJECT

DRUG REST general objective is to develop, test and share an innovative approach (Restorative Justice for Drug users who have committed a crime, RJD) to enhance the rehabilitation of drug users who have committed a crime, reducing relapse and recidivism.

DRUG-REST PROJECT

RJD approach can improve the reintegration of drugs users in several ways:

- **Building offenders' social capital**
- **Building offenders' human capital**
- **Improving their access to existing rehabilitation resources**
- **Strengthening the cohesion and engagement of the community**

If we talk about protecting victims and society...

We should talk about drug policy reform

Despite aiming to 'protect' people from drugs, its punitive approach has instead increased the harms of these substances, punishing and demonizing the people and communities most impacted by them. This punishment has disproportionately impacted people and communities of color, indigenous peoples, and the economically marginalized, while stoking public health crises by restricting access to essential medicines and exacerbating the spread of HIV, hepatitis C, and other blood borne viruses.

... So let's do it

GRAZIE!!



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