

Àmbit d'execució penal

RESEARCH

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Rate of recidivism during conditional release and desistance at 3rd degree in Catalonia

(Executive Summary)

Authors

Department of Research and Training in Penal Measures

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The rate of recidivism during conditional release and desistance at 3rd degree in Catalonia

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1. Presentation of the research

Background

Previous study: *Conditional Release in Catalonia*
Executive summary available at
<http://cejfe.gencat.cat/en/recerca/cataleg/crono/2014/llibertat-condicional-cat/index.html>

Inmates granted conditional release (CR) in 2012:
N=1032
Sample 3rd deg. inmates: N= 1102
Sample filtered 2nd deg. inmates: N= 1206

A filtered 2nd degree inmate is someone who, despite being classified as 2nd penitentiary degree (half-open regime), met three conditions for being 3rd degree (open regime) in 2012:

- 1) they had served half their sentence
- 2) they had no disciplinary proceedings still pending revocation in the previous six months
- 3) they were *low risk* in the *RisCanvi* variables of *intra-institutional violence* and *violent reoffending*

The research consisted of an exhaustive study of comparative European legislation on the serving of penal measures in the open prison regime and included 23 recommendations for improvements. The degree to which some of these improvements have been attained in penitentiary centres is now being reviewed.

Current study

- Monitoring released individuals five years after their release from prison (in the case of CR) in order to ascertain whether they have reoffended or if they continue to desist from crime (in the case of 3rd degree and filtered 2nd degree prisoners). This distinction is necessary given that the monitoring period is different for each person as it depends on the date of their definitive release from the penitentiary centre, which is based on the length of their sentence.
- A specific study of dependent units (DUs), halfway houses outside the penitentiary complex that are home to a group of 3rd degree prisoners beginning to engage in training and employment activities within the community environment.
- A specific study of the people to whom Art. 86.4 of the Penitentiary Regulations (PR) has been applied (with or without electronic monitoring).
- The agreement of treatment professionals in penitentiary centres (PCs) regarding some of the improvement recommendations has been evaluated.
- All the penal measures have also been analysed from the gender perspective.

DETAILS OF THE RESEARCH

Geographical scope	Catalonia		
Study population	<u>CR and open regime group</u> CR (N=975) 3rd deg. (N=1019) Filtered 2nd deg. (N=1082)	<u>DU group</u> DU (N=125) Control group (N=125 3rd. deg.)	<u>Art. 86.4 PR</u> Art. 86.4 (N=467, N=389) Control group (N=389 3rd deg.)
Monitoring period	From 2012 to 31.12.2017 Average monitoring period: CR= 5.5 years; 3rd deg.: 3.8 years; filtered 2nd deg.: 4.0 years		
Concept of rate	<p>Re-incarceration recidivism: the re-admission to prison of released inmates who have committed a new offence after completing their sentence (baseline sentence).</p> <p>Rate of desistance during penal measures: percentage of released prisoners in the three groups who have not returned to the penal measures system (who have not been sentenced to either a penal measure other than prison or prison) for committing a new crime. The monitoring period varies depending on their definitive release date (DR).</p>		

2. Rate of re-incarceration recidivism during CR

Rate of re-incarceration recidivism

9.5%

19 out of 20 people given conditional release from prison **have not reoffended**.

Table 1. Delay before prisoners given CR reoffend

Intervals	N	%
0 to 6 months	10	24.4
6 months to 1 year	8	19.5
1 to 2 years	8	19.5
2 to 3 years	9	22.0
3 to 4 years	4	9.8
4 to 5 years	2	4.9
5 to 6 years	0	0

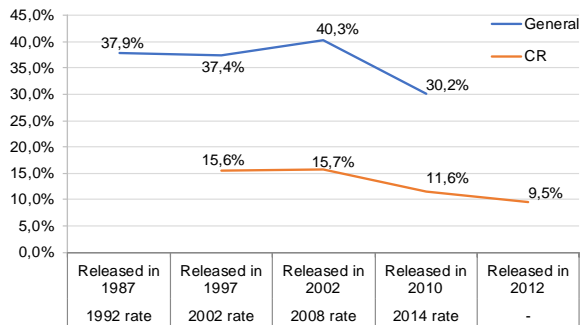
The average time taken before a new offence is committed is 563 days (compared with the 414 days that released 3rd degree and filtered 2nd degree inmates take).

Table 2. Type of crime committed as a first re-offence and the sentence handed down to prisoners given CR

		N	%
Type of crime	Against people	8	13.3
	Against sexual freedom	1	1.7
	Against property	19	31.7
	Drugs	17	28.3*
	Traffic	8	13.3
	Others	7	11.7
Sentence	Prison	29	48.3
	Preventive	19	31.7
	INF	12	20.0

* Values statistically higher than expected values, with a significance level of $p \leq 0.05$

Graph 1. Changes in the rate of general re-incarceration recidivism and CR recidivism



The rate of re-incarceration recidivism during CR is 9.5%, the lowest ever found in studies on reoffending in Catalonia.

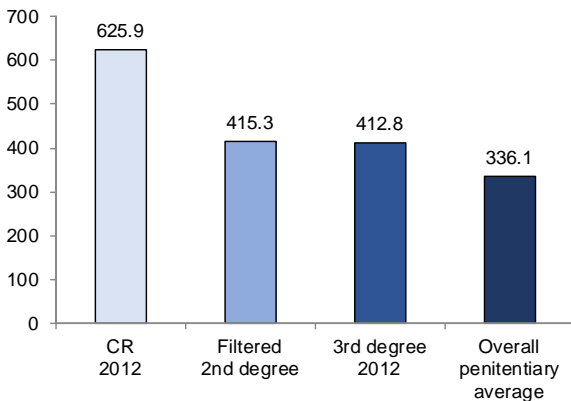
Of the prisoners granted CR who went on to commit a repeat offence resulting in re-incarceration, 85.3% had committed this new offence within three years.

In percentage terms, the crimes most commonly committed as repeat offences by people out on CR are against property, though the percentage is considerably lower than those committed by repeat offenders among released 3rd degree prisoners (51.4%) and filtered 2nd degree prisoners (60.1%).

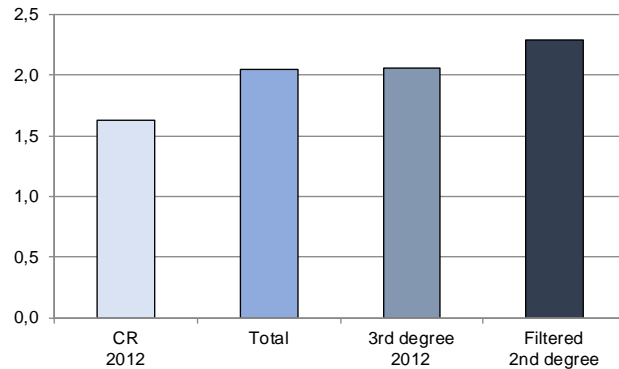
Crimes against public health (drugs) are over-represented (amounting to 28.3% as opposed to the average of 13.2%).

Some 20% of the people granted CR who reoffend and return to prison are incarcerated for non-payment of fines (INF).

Graph 2. Time to reoffence. Comparison



Graph 3. Concept of the severity of the repeat offence



Note: The concept of *severity* is used to measure the gravity of the repeat offence based on four variables: the nature of the crime (violent/non-violent); the type of penal measure (APM [alternative to prison measure] or a measure that does or does not deprive the prisoner of their freedom), the number of repeat offences (one repeat offence or more), and the time that elapsed prior to the repeat offence (below or above average). The lowest severity score is 0, the highest 5.

3. Rate of desistance during penal measures

The term *desistance* refers to those people who have not returned to the penal measures system – re-incarceration or an APM – due to repeat offending after they have completed their baseline sentence.

The **rate of desistance** during penal measures is **85.2%**.

Of every 100 people who complete their prison sentence, 85 continue to *desist* and do not return to the penal measures system during the period of monitoring for this research (which varies depending on the sample group, as indicated).

Rate of desistance according to the way inmates complete their sentence

CR.....	88.1%*
3rd degree.....	86.5%
Filtered 2nd degree.....	81.3%*
Dependent units.....	89.8%*
Art. 86.4 PR.....	84.4%

The people who complete their sentence on CR and those who end them in DUs are those who most desist

Table 3. Type of recidivism and desistance according to the gradual progression leading up to freedom

Type of recidivism		Gradual progression until freedom achieved					Total
		No	Yes, with time in DU/86.4, with CR	Yes, direct degree, without CR	Yes, direct degree, with CR	Yes, with time in DU/86.4, with CR	
Re-incarceration	Desistance	82.3%	83.4%	90.6%	**94.6%	**96.7%	89.1%
	Recidivism	**17.7%	**16.6%	9.4%	5.4%	3.3%	10.9%
APM	Desistance	91.1%	89.5%	88.5%	**94.3%	94.6%	91.8%
	Recidivism	8.9%	10.5%	**11.5%	5.7%	5.4%	8.2%
Penal measure	Desistance	78.6%	77.9%	83.2%	*90.4%	**92.4%	84.2%
	Recidivism	**21.4%	**22.1%	16.8%	9.6%	7.6%	15.8%

* Values statistically higher than expected values, with a significance level of $p \leq 0.05$

** Values statistically higher than expected values, with a significance level of $p \leq 0.01$

Desistance rate according to penitentiary progression

Release in 2nd degree.....	78.6%**
Release in 3rd degree, time DU/Art. 86.4 no CR.....	77.9%**
Release in 3rd degree.....	83.2%
Release in 3rd degree with CR.....	90.4%**
Release in 3rd degree, time DU/Art. 86.4 with CR...	92.4%**

Gradual progression from the closed regime to the half-open regime gives better results in terms of recidivism and of desistance than serving full sentences in the ordinary regime

Mentoring through conditional release in the final phase of the sentence is the best guarantee that an inmate will continue to desist

Desistance rate according to the type of CR applied

½ sentence (article 91.2 CC).....	97.9%
² / ₃ sentence (article 205 PR).....	89.0%
³ / ₄ sentence (art. 192 PR):.....	85.6%
³ / ₄ ill health (art. 196.2 PR):.....	85.7%
³ / ₄ age (art. 196.1 PR):.....	100.0%
³ / ₄ non-Spanish national (art. 197 PR):.....	100.0%

Bringing forward the implementation of conditional release gives good results in terms of desistance

The differences between the conditional release types are not statistically significant

4. Comparison of the profiles of repeat and non-repeat offenders

Non-repeat offenders	Over-represented variables	Repeat offenders
Women		Men
Older at the time of crime (32.61)		Younger at the time of crime (30.48)
Foreigners		Spaniards
Living in Girona		Living in Barcelona
More academic education		Less academic education
No prior criminal record and incarceration		Prior criminal record and incarcerations
Baseline sentence for a single crime		Baseline sentence for more than one crime
Longer sentences (4.6 years on average)		Shorter sentences (3.8 years on average)
Ordinary licences granted during sentence		No ordinary licences granted during sentence
Crimes <i>against people, against sexual freedom and against public health (drogues)</i>		Crimes <i>against property and traffic crimes</i>
No incidents during baseline sentence		Incidents during baseline sentence
Low risk according to <i>RisCanvi (intra-institutional violence and violent reoffending)</i>		Medium and high risks according to <i>RisCanvi</i>
No history of violence (<i>RisCanvi</i> screening)		History of violence (<i>RisCanvi</i> screening)
No limitations in response to psychological treatment (<i>RisCanvi</i> screening)		Limitations in response to psychological treatment (<i>RisCanvi</i> screening)
Older at the time of definitive release (40.39 on average)		Younger at the time of definitive release (36.56 on average)
Definitive release while on CR		Definitive release while 2nd degree
Has completed full progression (2nd degree, 3rd degree, DU/Art. 86.4 and lastly CR)		
CR was not revoked		

5. Dependent units

Dependent units are halfway houses situated outside the penitentiary complex but which are administratively dependent on it. They are home to a group of inmates who are at the 3rd penitentiary degree and are beginning to take part in training and employment activities in the community environment under the supervision of various professionals who co-ordinate their work with the multidisciplinary teams in prisons. In order to ascertain if there are differences between the DUs in relation to penitentiary progression, recidivism and the rate of desistance, we selected a *study group* consisting of all the people who were in a DU in 2012 and a *control group* consisting of a similar number of cases selected in a forced manner from among those people who were in 3rd penitentiary degree in the previous study (N=1019). There were five variables that were the same and it was subsequently checked whether the other variables in this study showed significant differences between the two groups. The following table presents the results.

DU	Equal variables	Control group
N=125 cases	Type of crime in baseline sentence Penitentiary background Ordinary licences Assessed <i>low intra-institutional risk</i> Assessed <i>low violent reoffence risk</i>	N= 125 cases

Compared variables without differences (36)

Men (90.8%)		
Proportion of foreigners by origin		
Province of residence		
Spanish language (2.3% do not understand it)		
Catalan language (20.4% do not understand it)		
Education (Compulsory 36.9%, FE 15.8%, university 5.4%)		
Violent crime in baseline sentence (30.5%)		
Prison as preventive measure (60.1%)		
Provisional release (20.6%)		
Victim Protection Orders (7.7%)		
Very serious incidents (24.4%)		
Serious incidents (37.2%)		
Baseline sentence completion time		
No. of different prisons where incarcerated		
No. of different wings where incarcerated		
No. of cells different prisons where incarcerated		
Age at time of crime		
Age at start of sentence		
Age on release		
	<i>RisCanvi</i> variables:	
	Start of criminal activity after age of 16 (92.9%)	
	History of violence (34.5%)	
	Problematic behaviour in prison (45.2%)	
	Non-compliance with sentence (26.6%)	
	Problematic consumption of drugs or alcohol (10.1%)	
	Limited response to psychological treatment (15.5%)	
	Self-harming attempts (9.0%)	
	Lack of financial resources (19.9%)	
	Lack of family and/or social support (11.2%)	
	Hostile attitude or pro-criminal values (3.0%)	
	High/moderate risk of self-directed violence (10.1%)	
	High/moderate risk of sentence non-compliance (19.7%)	

Variables compared with differences (3)

60.0%	Spaniards	52.8%
34.7%	Incidents in the baseline sentence	47.2%
6.5	Positive A evaluations in the SAM (motivational assessment system)	3.6

The DU group and the control group have similar profiles → hence they are comparable

The differences in the control (dependent) variables can be attributed to whether or not the prisoners belong to the study group (DU) or the control group.

DU**Penitentiary progression up to release****Control group**

A similar proportion (72.7%) of both groups progressed positively

Rates of desistance

*87.2%	Penal measure	*76.0%
88.8%	Penitentiary	81.4%
*97.6%	APM	*91.2%

* Values statistically higher than expected values, with a significance level of $p \leq 0.05$

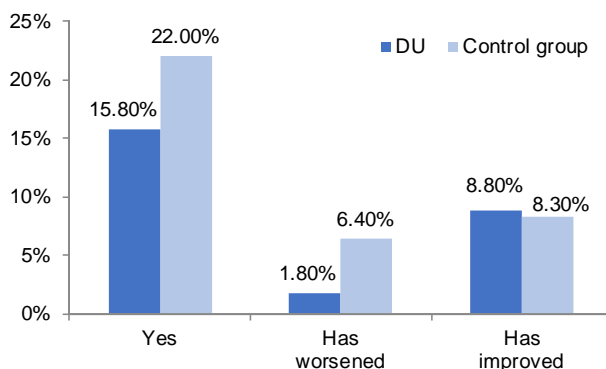
People who have spent time in dependent units are more likely to desist than people who ended up in any other 3rd degree measure

DU**Characteristics of recidivism****Control group**

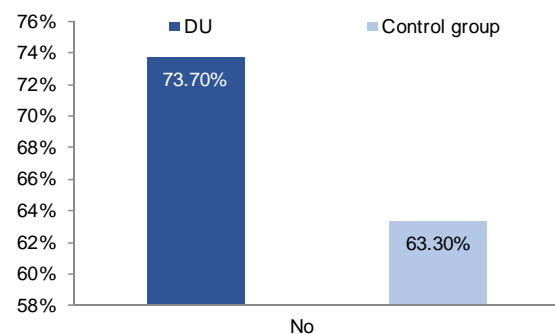
8.5%	Subsequent incarcerations	23.2%
1.71	Number of subsequent incarcerations	1.0
412	Number of days before re-incarceration	527
488 days	Number of days before receiving an APM	350
67% <i>Traffic</i>	Prevalent type of repeat offence crime	<i>Property</i> 64%

5.1. Other comparative data on evolution towards release**Changes in the personal financial resources situation in the DU group and the control group**

Graph 4. Lack of financial resources



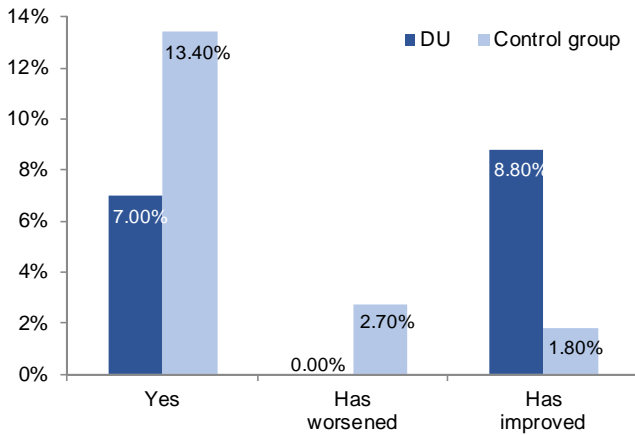
Graph 5. No lack of financial resources



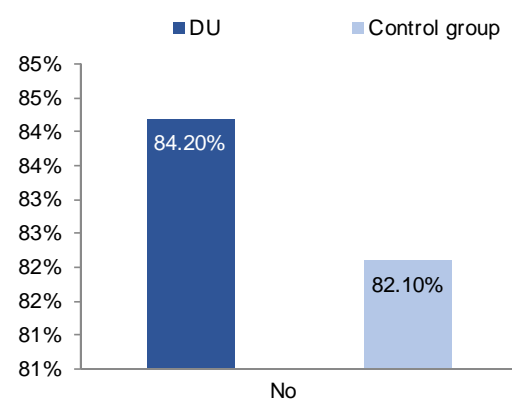
The results show that the DU group has fewer financial problems than the control group, which, in contrast, has seen a worsening of this aspect as they get closer to their definitive release.

Changes in the personal resources situation in the DU group and the control group

Graph 6. Lack of family and social support



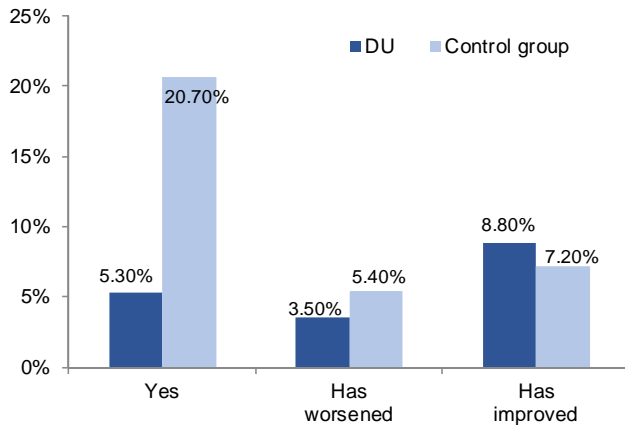
Graph 7. No lack of family and social support



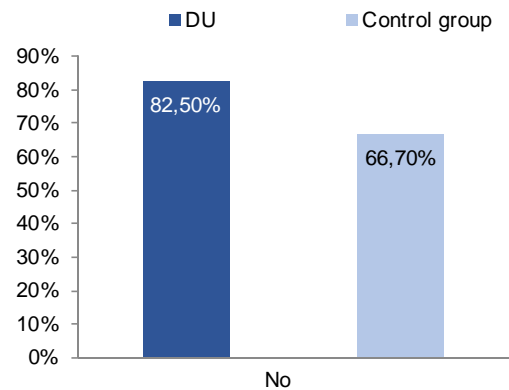
The DU group has more family and social support than the control group (other people in 3rd degree). Members of the DU group who lacked support show greater improvement.

Changes in the limited response to psychological treatment in the DU group and the control group

Graph 8. Limited response to psychological treatment



Graph 9. No limited response to psychological treatment



The results show that the DU group has a greater propensity to respond positively to the treatment programme than the control group. In addition, the percentage of improvement among those who presented limited responses to treatment was higher among the DU group.

Dependent units are more efficient than other open units or 3rd degree open centres in ensuring continuing desistance among released prisoners.

They are also more efficient in improving social reintegration conditions, such as mentoring in family and social support and the capacity to ask for help/to allow oneself to be helped, as well as improving the attainment of external financial resources.

6. Art. 86.4 PR (with and without electronic monitoring)

Article 86.4 of the Penitentiary Regulations sets forth a series of circumstances in which inmates do not necessarily need to spend the minimum eight hours established as a norm by the General Penitentiary Act in the penitentiary centre when they voluntarily accept monitoring of their presence outside the centre using an electronic tag or other appropriate mechanism. At the same time as this, these individuals must follow rehabilitation treatments and/or programmes just as they would if they in prison.

In order to ascertain if there are differences in the Art. 86.4 beneficiaries in relation to penitentiary progression, recidivism and the rate of desistance among other prisoners, we selected a *study group* of N=389 cases to whom this article had been applied in 2012 and a *control group* of a similar number of cases selected in a forced manner from among those people in 3rd penitentiary degree in the previous study (N=1019) using the same methodology as that employed for the DUs. There were four variables that were the same and it was subsequently checked whether the other variables in this study showed significant differences between the two groups. The following table presents the results.

Art. 86.4	Equal variables	Control group
N=389 cases	Type of crime in baseline sentence Penitentiary background Assessed <i>low intra-institutional risk</i> Assessed <i>low violent reoffence risk</i>	N=389 cases

Variables compared without differences	
Spanish language (98.3% understand it)	Age at start of sentence
Catalan language (73.4% understand it)	Age on release
Education (Compulsory 37.5%, FE 13.0%, university 6.2%)	<i>RisCanvi</i> variables:
Violent crime in baseline sentence (26.7%)	Start of criminal activity after age of 16 (94.2%)
Single cause in baseline sentence (62.9%)	History of violence (32.3%)
Prison as preventive measure (57.0%)	Problematic consumption of drugs or alcohol (18.7%)
Victim Protection Orders (12.6%)	Self-harming attempts (9.0%)
Very serious incidents (19.5%)	Lack of financial resources (29.6%)
Serious incidents (35.9%)	Lack of family and/or social support (13.3%)
No. of different prisons where incarcerated	Hostile attitude or pro-criminal values (9.4%)
No. of cells different prisons where incarcerated	High/moderate risk of self-directed violence (4.2%)
Age at time of crime	High/moderate risk of sentence non-compliance (9.6%)

Variables compared with differences		
13.6%	Women	5.1%
58.4%	Spaniards	48.3%
	Geographical areas where foreigners come from	
11.1%	Living in Lleida	4.9%
28.4%	Provisional release	20.0%
70.9%	Ordinary licences	58.1%
35.2%	Long sentences of between 3 and 5 years	27.2%
34.4%	Very long sentences of over 5 years	24.7%
4.6 years	Length of sentence (average)	3.5 years
66.8%	No incidents in baseline sentence	55.5%
36.3%	Penitentiary behavioural problems (<i>RisCanvi</i>)	44.4%
19.4%	Escapes, breaks and non-compliance (<i>RisCanvi</i>)	28.6%
73.4%	Does not have a limited response to psychological treatment (<i>RisCanvi</i>)	69.3%

The characteristics of the beneficiaries of Art. 86.4 PR are different to those of the control group (other people classified in 3rd degree) and hence they are NOT comparable

The differences are:

- better conduct in prison
- better penitentiary evolution
- longer sentences

Table 4. Rates of desistance in the two groups (Art. 86.4 and control group)

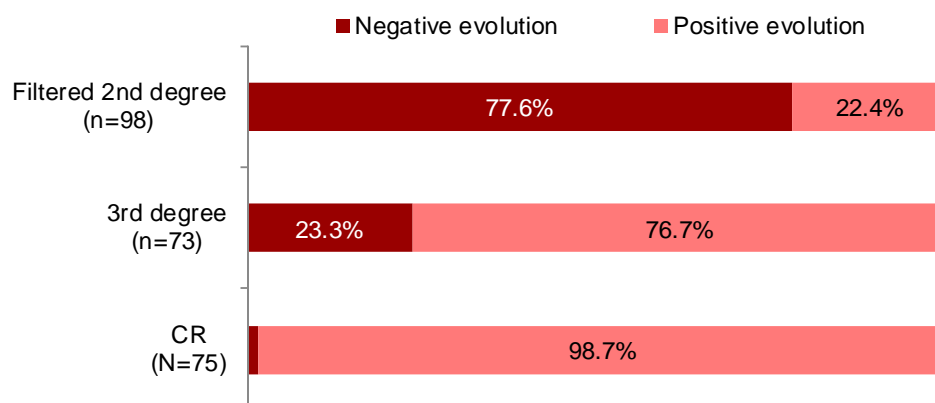
	Rate of desistance	
	Study group (Art. 86.4)	Control group (3rd degree)
Penal measure	**91.5%	**85.6%
Penitentiary	91.5%	88.7%
APM	**100.0%	**95.1%

** Values statistically higher than expected values, with a significance level of $p \leq 0.01$

Table 5. Evolution of the Art. 86.4 PR group of people over the course of their sentence and subsequently

75%	Have had successful penitentiary evolution with no downgrades in degree
50%	Reach definitive release from this point
25%	Go through conditional release
90%	Continue to desist at the time the data collection is completed
10%	Have committed a repeat offence of the same type of crime that they committed for which they received their baseline sentence (<i>against people</i> 9.2%; <i>against sexual freedom</i> , 1.5%; <i>against property</i> , 53.8%; <i>drugs</i> , 13.8%, <i>traffic</i> , 7.7%; <i>others</i> , 13.8%)
	Those re-incarcerated do so on the grounds of: sentence, 55.1%; preventive, 21.1%; and INF, 11.5%
464	The number of days before those who commit a repeat offence do so

Graph 10. Evolution of the Art. 86.4 cases in the groups in the previous study (monitored 2012-2017)



7. Gender perspective

In this research, we have a sample group of 282 women, 12 of whom passed through DUs and 53 of whom benefited from Art. 86.4 in 2012.

Table 6. Significant data by gender

Women		Men
*34.9	Age at time of crime	*32.0
*38.6	Age on admission to prison	*35.6
*42.4	Age on definitive release	*39.6
The women are older than the men		
*48.4%	Primary education	*41.7%
*30.6%	Compulsory secondary education	*41.0%
*15.5%	Further education	*11.6%
5.4%	University education	5.7%
A higher percentage of women complete primary and post-compulsory education		
**7.1%	Against people	**17.6%
**1.4%	Against sexual freedom	**4.1%
**19.9%	Against property	**31.9%
**52.1%	Against public health (drugs)	**28.6%
**2.5%	Against public safety (traffic)	**5.8%
**17.0%	Others	**12.0%
The type of crime committed by women is very different to that committed by men Drug trafficking accounts for half		
*21.3%	Penitentiary background	*27.1%
*75.5%	A single cause of the baseline sentence	*62.5%
**69.5%	Long sentences (over 3 years)	**60.6%
There is a higher percentage of first prison admissions among the women		
**82.2%	A higher percentage of women progress to the open regime in the final stretch of their sentence	**64.1%
**48.9%	A higher percentage of women reach CR	**30.0%
*2.2%	Women comply with their CR measure with fewer incidents than the men	*7.3%
**9.2%	Women present lower rates of recidivism in penal measures	**15.4%

*Values with statistically significant differences in relation to the total; $p \leq 0.05$

** Values with statistically significant differences in relation to the total; $p \leq 0.01$

No differences were found in relation to recidivism leading to re-incarceration or in penal measures between women in DUs and benefiting from Art. 86.4 PR and the men and the control group.

The numbers are too small to be able to talk of conclusive results, however we can identify trends. There are no downgrades in degree among the women, though these do occur among the men. In addition, the women also evolve better towards CR (52.2%) than the men (28.3%).

8. Review of the proposals concerning CR made in the previous research

Recommendations were put forward for 23 improvements in the previous research. Of these, six were submitted to the treatment professionals in penitentiary centres for their views. These professionals were also asked to assess the feasibility of implementing them in their centre. This was done in 15 different strategic training courses in nine penitentiary centres between 2015 and 2016 by the CEJFE.

Table 7. Proposals submitted to treatment professionals in penitentiary centres for their assessment

Proposal 1	Proposal 2	Proposal 3
To implement a mixed model in the application of CR	The specific across-the-board treatment programme for the entire sentence and covered by all the teams involved	Payment of civil responsibility at the outset and as part of the rehabilitation process
Proposal 4	Proposal 5	Proposal 6
To begin with ordinary licences and to tie them to compliance with the individual treatment programme	In the case of undocumented foreigners, take into account roots in the territory in order to foster 3rd degree and CR	Not to delay CR for inmates with long sentences even though this may mean a long CR period

Table 8 details the results by centre (distinguished by different colours in the columns) and for each proposal. Letter A corresponds to the treatment professional's evaluation of their *personal agreement with the proposal* and letter B their perception of the *feasibility of its implementation in their centre*.

Table 8. Degree of agreement with the proposals and their feasibility by centre and the total

AVERAGES out of 10 (1 disagree completely/not at all feasible - 10 completely in agreement/totally feasible)																
	CP1-1	CP1-2	CP2-1	CP2-2	CP3	CP4-1	CP4-2	CP4-3	CP5	CP6	CP7	CP8-1	CP8-2	CP9-1	CP9-2	Average
proposal 1A	7.00	5.80	5.55	5.38	3.00	5.24	6.25	6.70	5.30	4.15	4.25	4.08	4.91	5.63	6.00	5.28
proposal 1B	6.85	6.20	5.55	7.25	5.27	7.00	6.38	6.30	5.87	4.35	8.63	8.42	5.90	7.24	5.00	6.41
proposal 2A	7.64	8.20	6.00	6.56	4.40	8.24	7.38	6.00	7.87	7.20	6.38	6.50	6.27	7.52	7.71	6.92
proposal 2B	6.00	6.00	4.00	5.44	3.27	5.65	5.75	4.00	4.64	1.50	6.63	6.00	5.40	6.12	6.11	5.10
proposal 3A	9.14	8.20	9.26	9.44	9.07	9.35	9.25	9.50	8.67	8.70	9.50	9.75	9.36	9.32	9.25	9.18
proposal 3B	6.93	6.80	6.91	8.22	7.20	8.47	8.63	9.10	7.07	5.95	8.50	8.83	8.70	8.00	7.86	7.81
proposal 4A	6.93	7.00	5.91	7.11	5.27	6.53	7.29	7.50	5.93	5.40	8.71	7.83	7.10	6.64	6.89	6.80
proposal 4B	4.86	7.00	6.22	6.44	4.67	5.76	6.29	6.70	4.67	4.00	7.13	8.08	7.22	6.20	6.07	6.09
proposal 5A	8.00	7.60	7.17	8.22	8.33	9.06	8.25	8.30	6.93	7.10	7.86	6.58	7.91	8.44	9.25	7.93
proposal 5B	4.86	5.80	5.13	6.78	4.60	4.18	6.50	4.90	5.73	4.00	6.57	6.67	7.40	8.12	4.00	5.68
proposal 6A	7.79	7.00	6.96	8.22	6.93	8.18	8.13	8.70	5.87	6.72	8.38	7.17	7.00	7.36	7.32	7.45
proposal 6B	5.93	6.60	5.83	8.22	5.93	6.41	6.50	7.10	4.73	3.94	8.63	8.25	7.20	6.48	4.89	6.44
Average A	7.75	7.30	6.81	7.49	6.17	7.77	7.76	7.78	6.76	6.55	7.51	6.99	7.09	7.49	7.74	7.26
Average B	5.91	6.40	5.61	7.06	5.16	6.25	6.68	6.35	5.45	3.96	7.68	7.71	6.97	7.03	5.66	6.26

The results show that treatment professionals differ in their evaluations in relation to:

- Their personal agreement with the CR improvement proposal
- The feasibility of implementing it in their centre

The professionals tend to think that they are in agreement with the proposals more than the institution is. The proposals on which there is greatest agreement (4 and 6) are to do with extending the open regime and CR time.

The proposals least likely to go ahead (2 and 5) are to do with the across-the-board application of the treatment programme to the entire sentence and intervention with undocumented foreigners.

9. Outlook for the future: legislative changes made

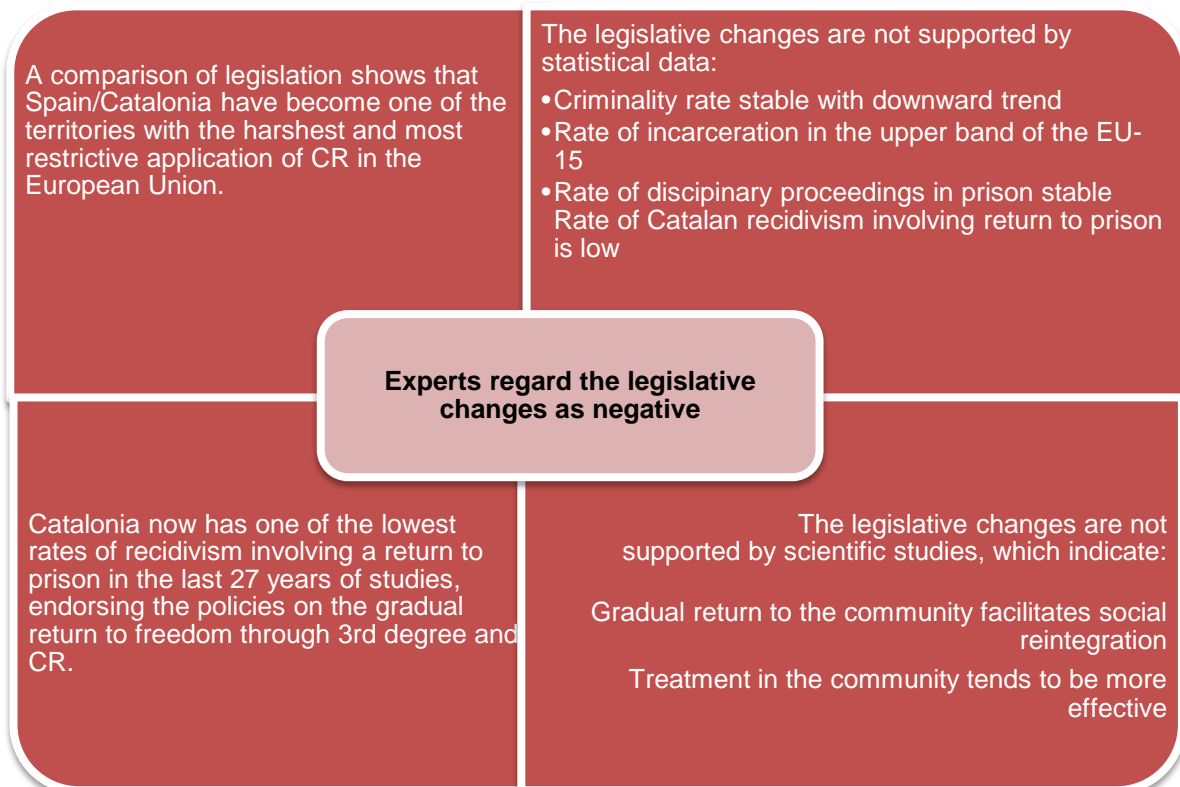
Significant legislative changes were made in 2015 to the Spanish Criminal Code and to other rules that directly modify the application of CR.

This legislation has not affected this research because the population studied is prior to the amendment (inmates released in 2012 and the following years), but **it will affect the results of future studies that wish to measure the effectiveness of CR.**

The changes have been made to:

- ✓ Organic Law 1/2015, which amends the Criminal Code
 - Elimination of offences and creation of new minor infractions
 - Life imprisonment subject to review
 - CR becomes a **mode to suspend the implementation of a sanction**
- ✓ Law 4/2015 *Victims of Crime Statute*. Art. 13 (the possibility of halting convicted criminals' penitentiary benefits if the victim requests this and the Penitentiary Supervision Court agrees to their request)
- ✓ Circular 1/2017 Secretariat of Penal Measures, Social Reintegration and Victim Services (adapting circular 2/2012 on CR to the new legal regulations)

In the assessment of these legislative changes, all the sources consulted in this study tend to concur that they make the conditions on access to the open regime and to CR more difficult to comply with and they criticise the changes on the grounds that they are ill-suited to the real situation on the basis of the following arguments:



10. Conclusions of the research

On the effectiveness of the measures

1 The rate of recidivism leading to re-incarceration during CR is 9.5%, the lowest rate ever obtained in studies on repeat offending in Catalonia

The recidivism rates during CR show that 19 of every 20 inmates released due to this measure do not commit a repeat offence in the 5.5 years following their release. Five years is the optimal monitoring period for deeming a convicted prisoner to be rehabilitated.

2 Gradual release over the course of a sentence gives better results in terms of recidivism

The results regarding recidivism and desistance are better for those inmates who have gradually been released from prison than for those who have served their entire sentence in the ordinary regime. Moreover, the studies consulted conclude that the open regime is economically more efficient as a public service and facilitates penitentiary management and security.

3 DUs are more effective than open centres and open sections as a means to support people in 3rd degree on their path to desistance

The rate of desistance in penal measures is 89.8%, very similar to the figure for CR and noticeably better than that of 3rd degree (11 points better).

4 The application of Art. 86.4 PR (with or without electronic monitoring) has proved effective for people with long sentences whose penitentiary evolution is positive and who are predicted to be a low recidivism risk

The rate of desistance in penal measures (84.4%) is the same as that of 3rd degree as a whole (86.5%).

From the gender perspective

5 Women make more effective use than men of the open regime as a means improve their degree

82.2% of the women have progressed to the open regime by the time they complete their sentence, a much higher percentage than the men (64.1%). Half of the women reach CR and comply with the measure with fewer incidents. This is reflected in the recidivism results, which show a rate of reoffending with penal measure of 9.2% for the women as compared to 15.4% for the men.

With regard to treatment professionals in penitentiary centres

6 In general, professionals in penitentiary centres decide on appropriate classifications and monitor measures suited to each case

Even so, the data in the research show there is room for improvement by increasing the number of convicted people who can benefit from the open regime (in all its various types) and CR without raising the risk of recidivism.

7 Professionals differ in their assessments of the recommendations for improvements to CR made in the previous research

The results reveal a disparity between professionals' personal agreement with the proposals to improve CR put forward and the feasibility of implementing them in their centre.

With regard to penal and penitentiary policies and the outlook for the future

8 **16.6% of inmates who return to prison do so as their main punishment for non-payment of a fine**

It is surprising that almost 1 in five people are treated as recidivists and are returned to prison for this reason, particularly given that this is a collective mostly made up of people deemed to be at low risk of repeat offending. We have already in earlier studies assessed the limited effectiveness of this measure as a means to prevent recidivism and the high human and financial costs of continuing to use it.

9 **According to experts, the 2015 legislative changes have made it more difficult to access CR and they are regarded as counterproductive**

These changes are not supported by statistical data or by studies that justify the harshening of the conditions. Or by studies that show that serving complete sentences in the closed regime improves the recidivism results and the protection of the victims of crime. Quite the contrary: all the evidence suggests legislation needs to take the opposite approach in order to be effective.

10 **We predict that the results will be more negative in future research and that there will be a knock-on effect on the general rate of recidivism due to the impact of legislative changes concerning CR**

Consequently, we estimate that the good results presented in this research will not be repeated in studies in the near future, which will consider the prison population to which the CR legislative changes have been applied. We have already detected that these changes have led to a reduction in the number of inmates on CR and of the CRs granted in the last two years (2017 and 2018).

11. Proposals for improvement

Dissemination



To disseminate the results obtained widely to all penitentiary personnel and people working in the law (judges, prosecutors and lawyers) in order to encourage greater use of the open regime (in all its modalities) and CR (as the most suitable measure with which to reach the end of a prison sentence).

To ensure that the results reach the legislators and public administrators involved in possible future changes to the law on penal matters in order to promote the use of the open regime and the time spent on CR, thereby reversing the recent legislative changes, which run counter to European recommendations, recommendations in international studies on the subject and the empirical results presented in this study.

Dependent units



To promote the use of DUs.

To promote written projects that detail the processes and results that guarantee the replication of best practices.

To promote the roll-out of DUs for women across the whole of Catalonia in order to respond to proposals from any penitentiary centre.

11. Proposals for improvement

Gender perspective



The use of the open regime needs to be maintained and incentivised still further, insofar as this is possible, given that the intervention practices have been shown to be suited to inmates' criminological needs and effective in relation to their reintegration and desistance from crime.

Training and innovation



As part of the plan concerning strategic training for professionals in penitentiary centres, it is a good idea to carry out individualised initiatives programmed to suit the situation in each centre in order to successfully tackle any improvement to be introduced as part of the promotion of these measures.

The evaluation of the results in every area of penal measures for adults shows that there is a need to create the appropriate measures to monitor the level of the implementation and impact of the recommendations for improvements proposed and accepted by the Secretariat of Penal Measures, Social Reintegration and Victim Services.

CR is the best rehabilitation tool and provides the greatest guarantee of success on the path to desistance available in the current penitentiary system, both as regards the percentage of beneficiaries and its application time. Consequently, its usage must be encouraged.

To implement the proposals to improve CR in the previous study that are still outstanding.

Promoting legislative changes



To implement the changes proposed in the study by Gómez et al. (2016) concerning imprisonment for non-payment of fines given the scant effectiveness of this measure over the years and the high financial and human costs required in order to maintain it.

To disseminate these results and to give expert advice to political, legal and legislative figures responsible for introducing changes to improve penal and penitentiary policies across the country.

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