Round-Table 3 – Enforcement of Sentences and Prison Release

Summary and Take-aways

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1. Starting points

This round-table focuses on **back-door solutions** to reduce overcrowding, instead of front-door strategies addressed in the other two round-tables.

When trying to find solutions to reduce prison overcrowding, **we face tradeoffs** between their impact on overcrowding (it is expected to be large and lasting), their potential criminogenic effects on prisoners (especially in case of "surprise" early-release without supervision and support), and their social/political acceptability (necessary condition to be sustainable solutions in the medium run).

In Europe, we have **examples of successful countries** where big changes have occurred over the last decades, notably Finland and Lithuania (large drops in incarcerations rates) which were represented in the panel.

Good practices often involve a **comprehensive, balanced and resilient approach** : it combines infrastructure (building and renovation) when necessary, effective alternative sanctions, individualized enforcement, preparation for prison release, and effective community supervision. Such systems require strong cooperation between several administrations (prison administration, probation administration, other public services) and civil-society actors.

2. Key ingredients for an effective enforcement of sentences

The first key aspect is to make prison time as useful as possible, notably through :

- Early evaluations of risks and needs (in Lithuania this is done in the first two days of prison) to score prisoners as high, medium and low risk (+ reevaluations over time)
- Apply different regimes to different people (in Finland, open prison regimes for 33% of prisoners),
- Offer enough activities that fit their needs (Lithuania)
- Adopt a dynamic security approach between staff and prisoners (Romania)
- Give incentives to prisoners to make efforts / invest in their own rehabilitation (early release mechanism in Italy)

A second key aspect is to prepare release with soft transitions :

- Anticipation of release date is key so it is important to make more consistent parole decisions (through for example a national parole commission as in Lithuania)
- Provide clear expected timelines for potential release (at 50% of sentence, at 75% of sentence, etc.) – avoid surprise release that generate feelings of lottery, impunity, and impreparedness
- Propose halfway houses (as in Lithuania) and open-prison regimes to soften transitions into society
- Electronic monitoring can be effective to go back to society progressively, especially if it is not just a technical tool but associated with social support / supervision

A third key aspect is to invest in Probation and Rehabilitation after release :

- Rely on risks and needs evaluations
- Offer rehab activities / planning of activities
- Supervision involving weekly meetings (PLUS) as in Finland
    - home visits, police patrols
    - meetings (human + technical supervision)
    - drug or alcohol tests if necessary…
- Rely on collaborations with civil society
- Indicate clear expectations/obligations : rewards and gradual sanctions in case of incidents/violations

Most of these ingredients are well supported by academic research as effective to support successful reintegration.

3. Concluding comments

In order to durably curb prison overcrowding while preventing recidivism and securing social acceptability, countries need a comprehensive approach to enforcement with a **combination of preparation for release, adaptation, support and supervision**. In practice it is not easy to find the right balance.

Countries should be ready to **substitute efforts/staff/spending from prison to community sanctions** (in order to avoid overcrowding in probation services) : this approach tends to be more effective and less costly for society.

Countries also needs to rely on a **data-driven approach**: we need to monitor / evaluate the impacts of those interventions in a rigorous way.