

“RESPONSES TO PRISON OVERCROWDING”



The Portuguese 2017 Penal Reform

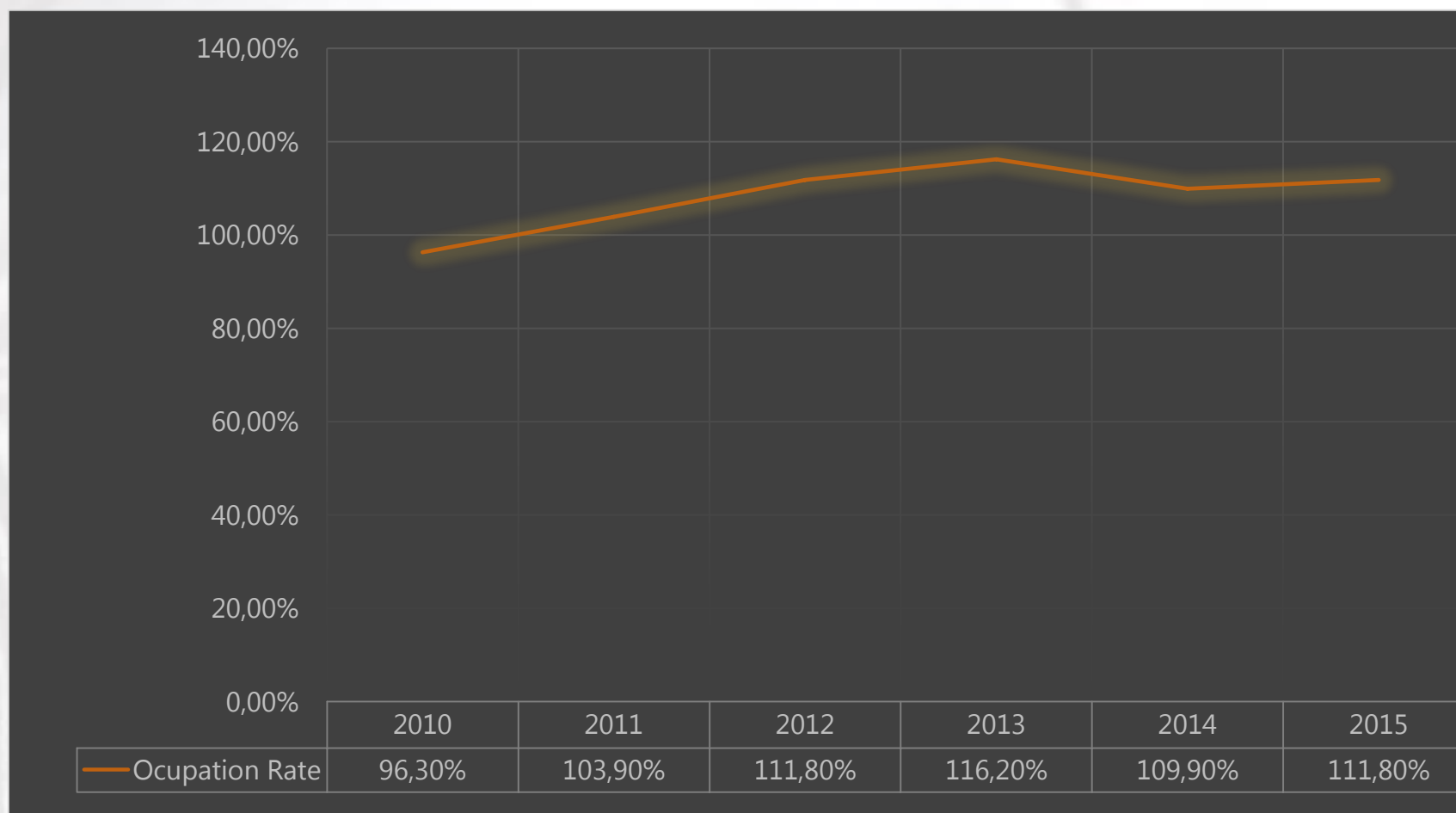
Funded
by the European Union
and the Council of Europe



Implemented
by the Council of Europe

Strasbourg, 24-25 April 2019

OCUPATION RATE 2010-2015



Source: DGRSP

STRATEGY

I - Amendments to the Penal Law

1. Analysis of the situation
2. Main Objectives
3. Penal Law Amendments
4. House arrest with electronic surveillance

II - Communication strategy

1. The media
2. The Courts

III - Outcome of the Reform

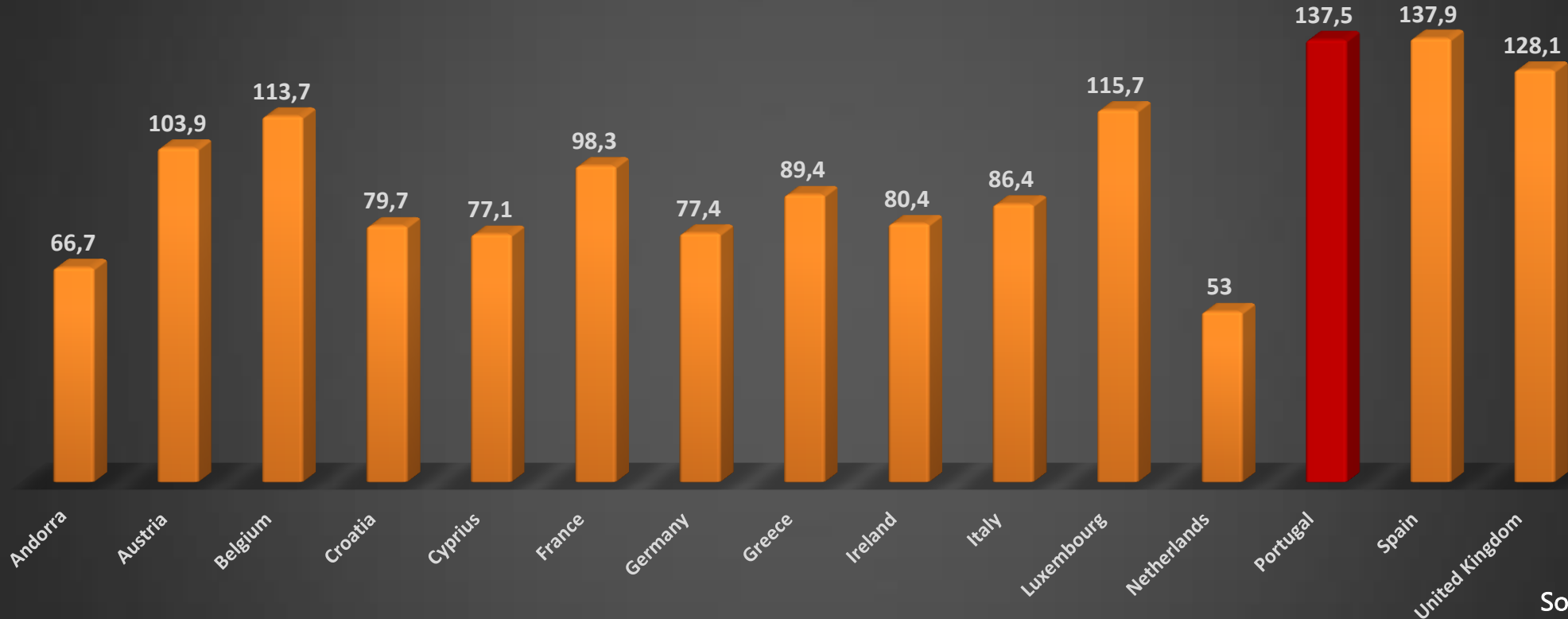
ANALYSIS OF THE SITUATION

PRISON POPULATION (Dec 2015) – 14222



PRISON CAPACITY (Dec 2015) – 12591

Prisoners per 100 000 inhabitants



Source: DGRSP

ANALYSIS OF THE SITUATION

| País | 2018 Posição | 2018 Pontuação [1] | 2017 Posição | 2017 Pontuação [2] | 2016 Posição |
|---|--------------|--------------------|--------------|--------------------|--------------|
|  Islândia | 1 | 1.096 | 1 | 1.111 | 1 |
|  Nova Zelândia | 2 | 1.192 | 2 | 1.241 | 4 |
|  Áustria | 3 | 1.274 | 4 | 1.265 | 3 |
|  Portugal | 4 | 1.318 | 3 | 1.258 | 5 |
|  Dinamarca | 5 | 1.353 | 5 | 1.337 | 2 |
|  Canadá | 6 | 1.372 | 8 | 1.371 | 8 |
|  República Checa | 7 | 1.381 | 6 | 1.360 | 6 |
|  Singapura | 8 | 1.382 | 21 | 1.534 | 20 |
|  Japão | 9 | 1.391 | 10 | 1.408 | 9 |
|  Irlanda | 10 | 1.393 | 10 | 1.408 | 12 |

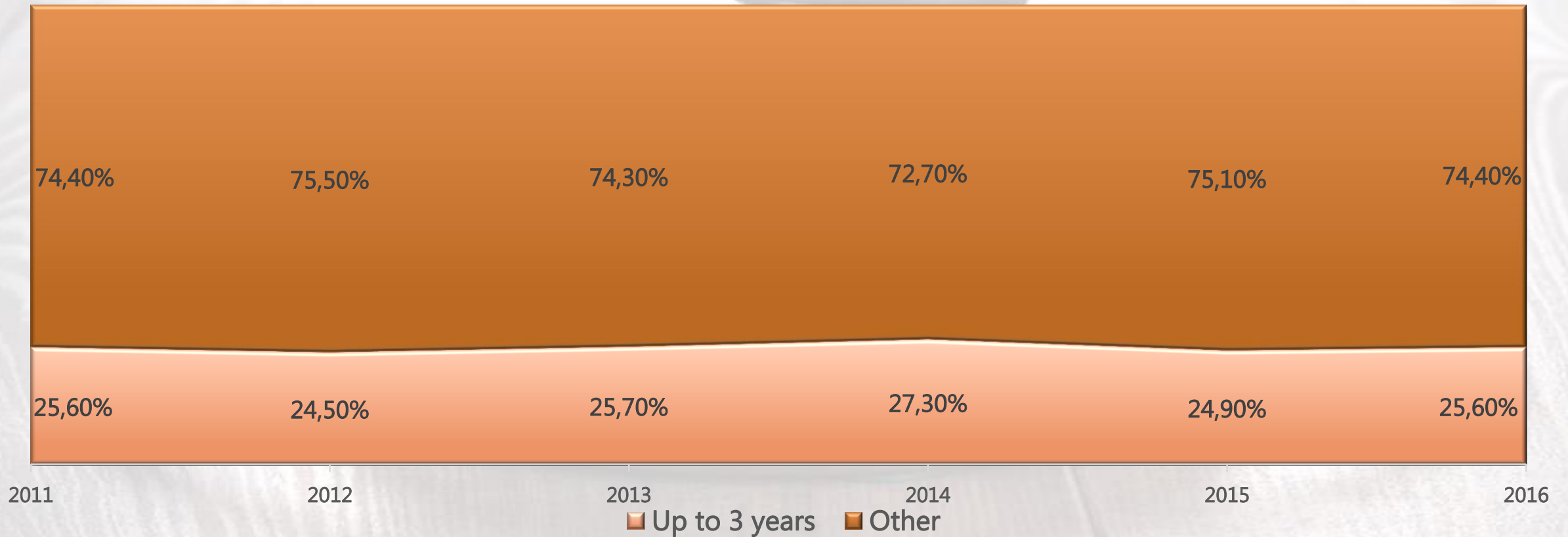
Portugal is the 4th safest country in the world and the 3th in Europe.

According to annual reports on internal security the serious and violent crime indicators have been consistently more and more positive for a long time.

MAIN OBJECTIVES

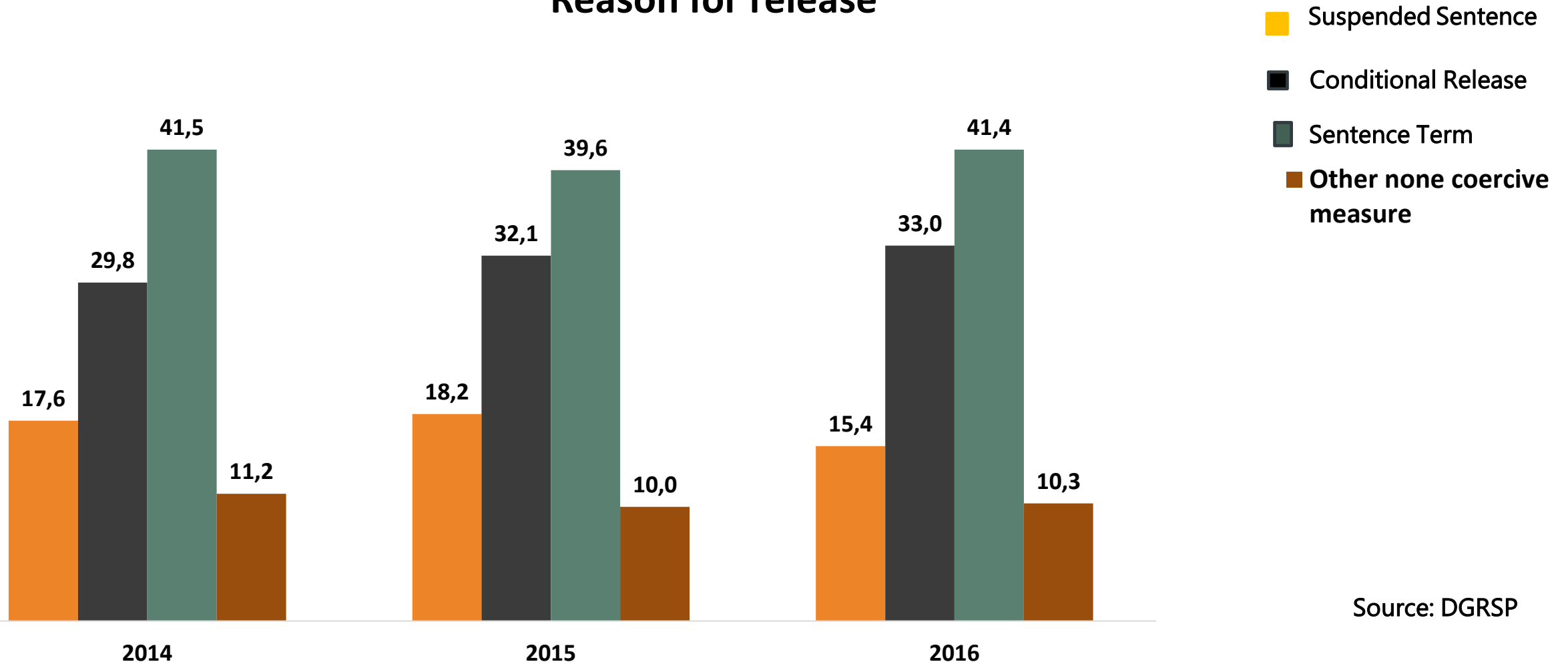
Prison sentence length

Source: DGRSP



MAIN OBJECTIVES

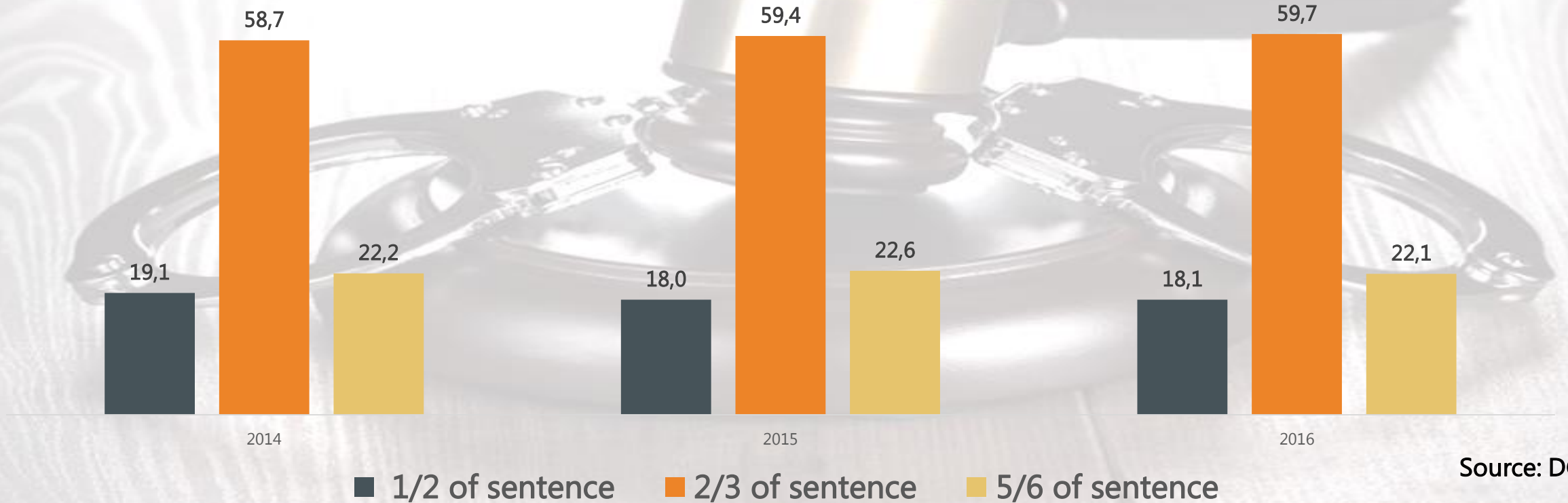
Reason for release



Source: DGRSP

MAIN OBJECTIVES

Time when conditional release is granted



Source: DGRSP

MAIN OBJECTIVES

- **Semi-detention regime:**

Prison sentence up to 3 months

Sentenced consent

Prisoner can leave the facility to study, work or attend vocational training

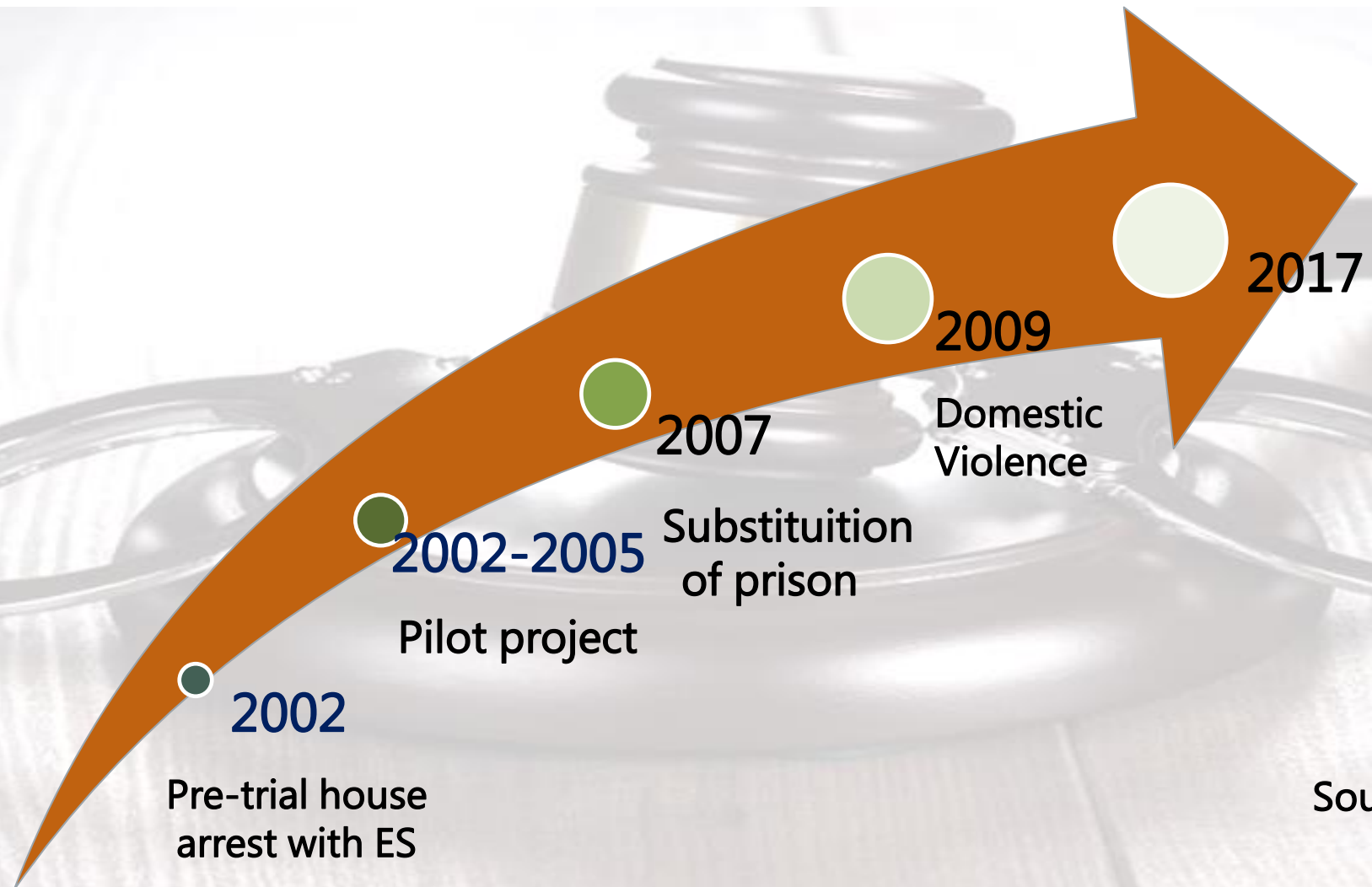
- **Free days imprisonment:**

Prison sentence up to 3 months

Sentenced consent

Prisoner deprived of liberty only during the weekend



ELECTRONIC SURVEILLANCE IN PORTUGAL - CHRONOLOGY



Source: DGRSP

PENAL LAW AMENDMENTS

2017

- Working group composed of magistrates, academics and a representative of the prison service
 - Law 94/2017 of 23rd August:
Amended (namely):
 - Penal Code;
 - Code of execution of sentences;
 - Regime of electronic surveillance
 - Semi-detention and free days imprisonment abolished
 - New regime of house arrest with electronic surveillance
- 

HOUSE ARREST WITH ELECTRONIC SURVEILLANCE

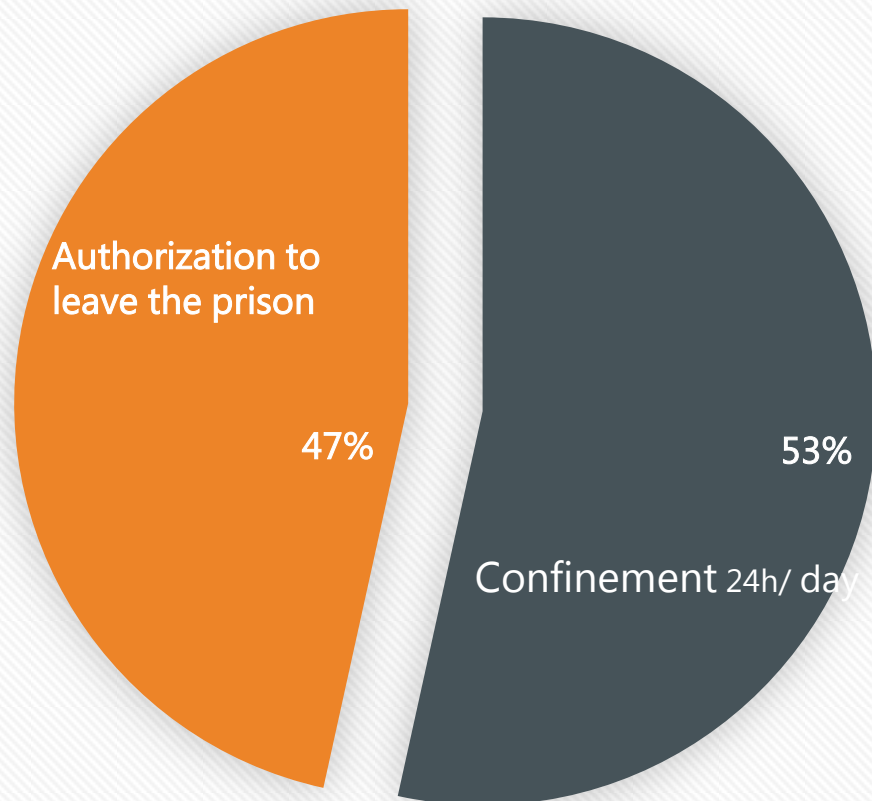
Conditions for house arrest with electronic surveillance:

- Sentenced consent
- Enough to comply with the aims of the prison
- Prison sentence up 2 years imposed:
 - as so, or as a result of the time discounted for provisional deprivation of liberty;
 - as a result of revocation of a non-custodial sanction or as the consequence of the non-payment of a fine applied in substitution of imprisonment.

HOUSE ARREST WITH ELECTRONIC SURVEILLANCE

Resocialisation (31 Dec. 2018)

% of jurisdictional authorization for going out



Jurisdictional authorization for

- Work **74%**
- Study **24%**
- Health care treatment (alcohol and drugs) **11%**
- Driving Program **5%**

11% of those sentenced for driving without a license have already obtain a driving license

Source: DGRSP

HOUSE ARREST WITH ELECTRONIC SURVEILLANCE

Integrated Model

Control measures

- Secure technology
- Protoled and stabilized proceedings
- Skilled human resources

Address the causes that led to crime:

- Individual risk management/needs of the sentenced
- Motivation for a change.

Support measures to comply with the judicial decision

- Personal stabilization
- Personal support

HOUSE ARREST WITH ELECTRONIC SURVEILLANCE

Technological solutions

Radio frequency
(house confinement)



GPS: contacts inhibition



HOUSE ARREST WITH ELECTRONIC SURVEILLANCE

Criminal profile

Misdemeanour offenders but highly recidivist (high risk for the community):

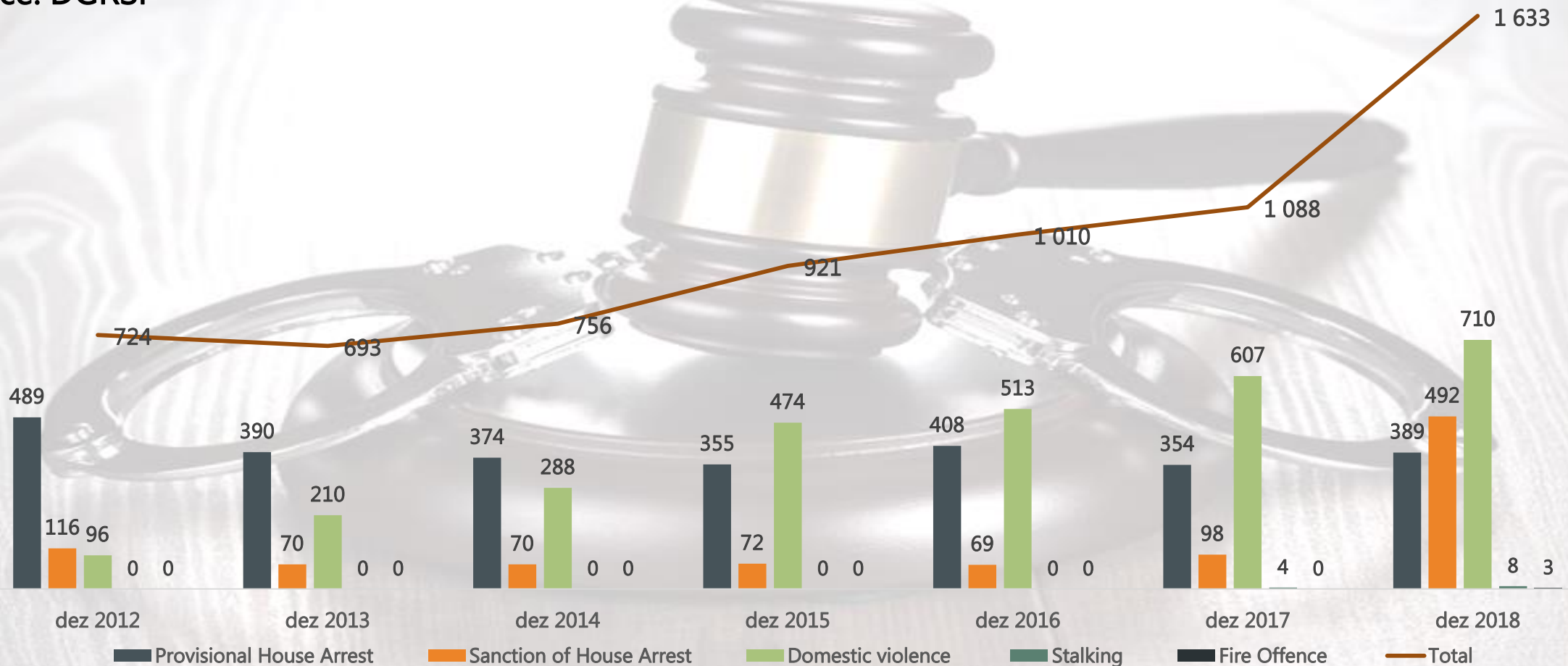
Driving offences
(without license /
under effect of alcohol) 62%

Crimes against
patrimony 11%

Crimes against
people 8%

ELECTRONIC SURVEILLANCE (principal measures and sanctions)

Source: DGRSP



COMMUNICATION STRATEGY

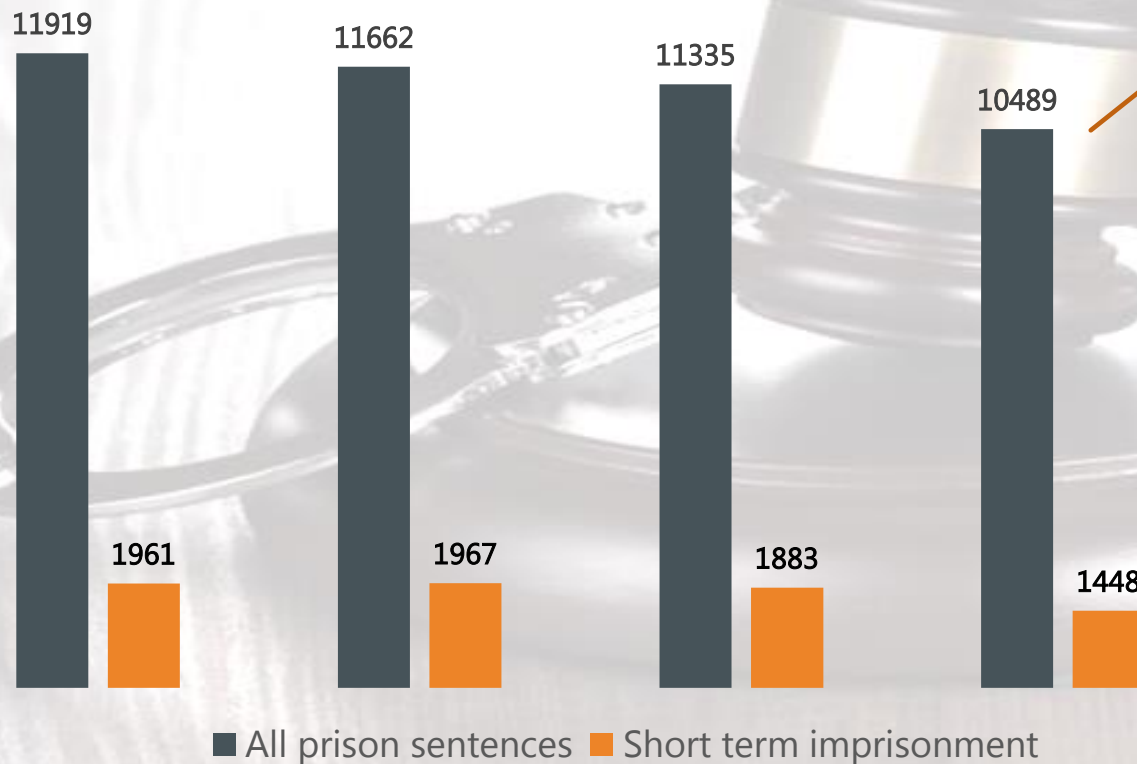
THE MEDIA

THE COURTS

- Contact with the President of the Supreme Court and with General Prosecutor
- Nacional meeting with the Presidents of the Court and with the Coordinator of the Public Prosecution of the 23 District Court
- Regional meetings with Judges and Prosecutors
- Nacional meeting with Courts of Execution of Sentences

OUTCOMES OF THE REFORM

Prison Population before and after the reform



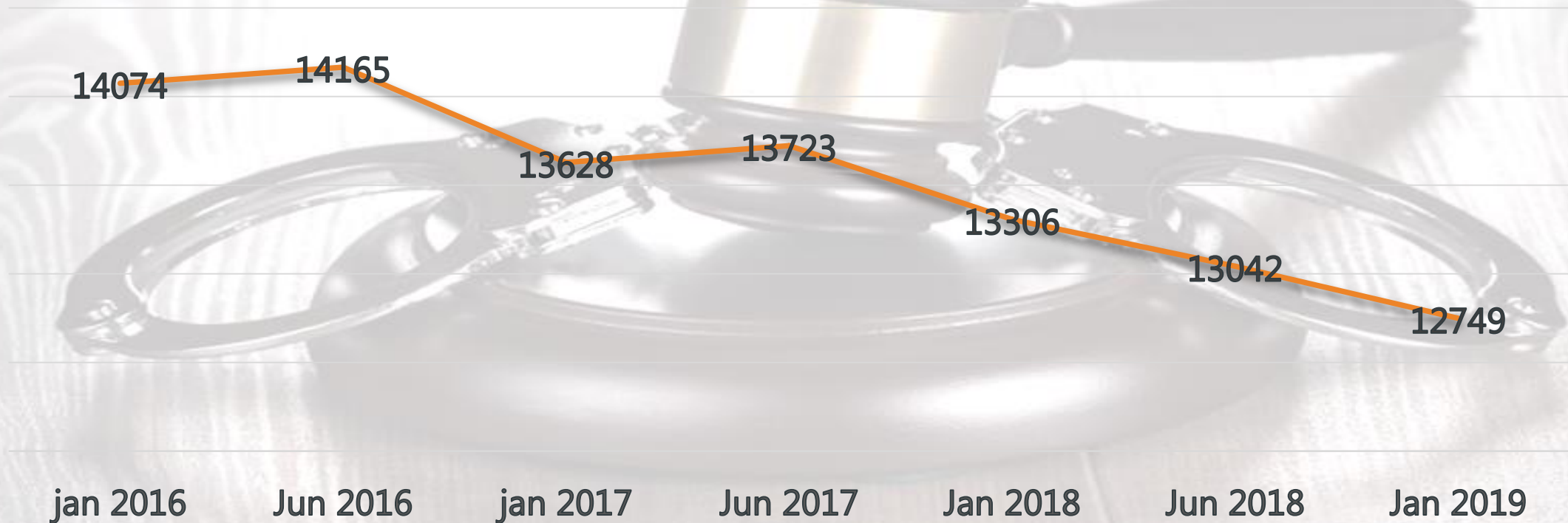
846 fewer prisoners

435 fewer short term imprisonment sentences

OUTCOMES OF THE REFORM

Prison Population
Jan/16 to Jan/19

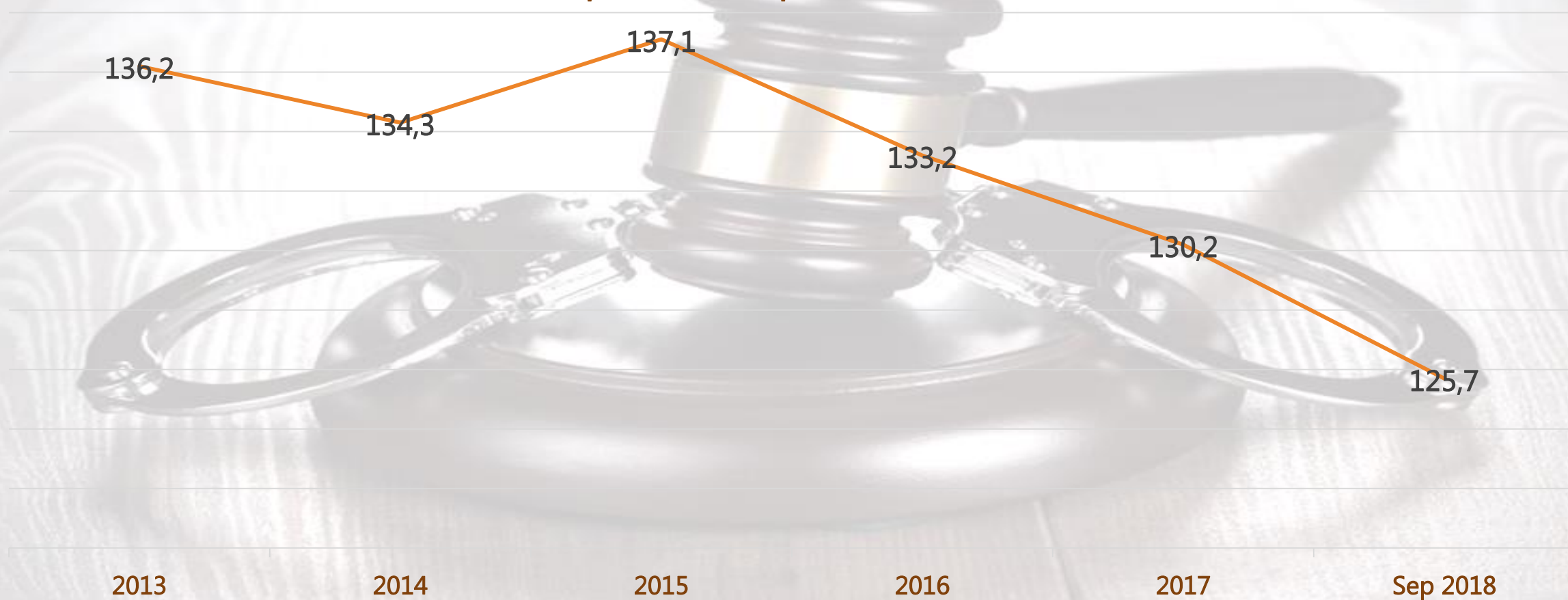
Source: DGRSP



OUTCOMES OF THE REFORM

Source: DGRSP

Rate of imprisonment per 100 000 inhabitants



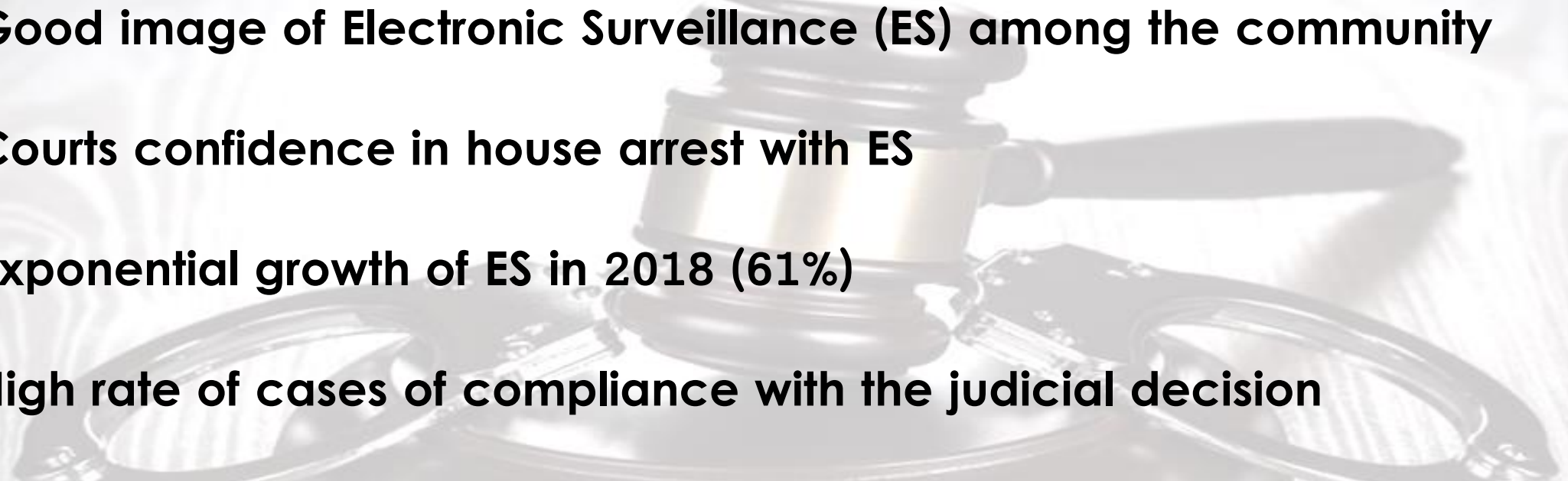
OUTCOMES OF THE REFORM

Overcrowding Rate (%)



Source: DGRSP

CONCLUSIONS

- **Good image of Electronic Surveillance (ES) among the community**
 - **Courts confidence in house arrest with ES**
 - **Exponential growth of ES in 2018 (61%)**
 - **High rate of cases of compliance with the judicial decision**
 - **More humanized and less costly solution when compared with prison**
 - **A key factor in decreasing the prison population and ending overcrowding**
- 
- A gavel and a pair of glasses are resting on a wooden surface. The gavel is positioned vertically in the center, with its head resting on the surface. The glasses are placed horizontally in front of the gavel, with the lenses facing the viewer. The background is a light-colored, textured surface, possibly a book cover or a piece of paper.

The Portuguese 2017 Penal Reform



THANK YOU

Celso Manata

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Funded
by the European Union
and the Council of Europe



Implemented
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Strasbourg, 24 April 2019