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Prisoner resettlement in Spain – Good practices for early-released prisoners and prisoners lost in transition that fully serve their sentence¹

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1. Introduction and background

The Spanish constitutional and legal system is grounded on the idea that the main aim of the prison system is to achieve the rehabilitation and resettlement of prisoners. Art. 25.2 of the Spanish Constitution states that “prison sentences are aimed at the rehabilitation and resettlement of the persons deprived of their liberty”. In agreement with this principle, the Spanish prison rules² provide a progressive system of enforcement of prison sentences with three main stages – ordinary prison, open prison and conditional release³ – that is ideally the way in which every prison sentence should be enforced.⁴

However, the reality of the prison system is far from this ideal. Data on the way prisoners end their prison sentences show that approximately 40% of prisoners are early released (in open regime or in conditional release) but the remaining 60% are released at the expiration of the prison sentence, without benefiting from the gradual transition from prison to the community that requires the progressive system (Capdevila, 2015; Cid and Tébar, 2010; Cid and Andreu, 2017).⁵

International evaluation on prisoner resettlement indicates that, in general, transitional programmes for prisoners that deal with criminogenic needs and with improvement of social bonds reduce the risk of recidivism and therefore is worth to invest in this kind of programmes (Dünkel, van Zyl Smit and Padfield, 2010; Petersilia, 2003). This literature has been assumed, in the case of Europe, as a ground for the Recommendations on prison resettlement and conditional release (parole).⁶

In agreement with international literature, the latest Spanish studies show that rates of recidivism in a 3.5-year follow-up (measured by re-incarceration for a new offence), differ substantially according to the way of the expiration of the sentence: 46% for prisoners released from closed regime; 36% for prisoners released from ordinary regime; 18% for prisoners released from open regime; and 12% for prisoners released on conditional release (Capdevila, 2015), being early released a factor that reduces the risk of recidivism (Luque, Ferrer and Capdevila, 2005).

Although Spain has suffered an important increase of incarceration rates during the democratic era (Cid and Larrauri, 2010; Cid and Andreu, 2017), the issue of increasing early-release as a way of reducing incarceration rates has not been salient in the political arena and on the contrary some legal reforms have been oriented towards harshening the access to early release, therefore making successful release more difficult (Cid and Tébar, 2010). However, the economic crisis of 2008, which has brought a reduction of the budget of the prison system, seems to have produced an emerging interest in reducing the prison population, which has dropped substantially since 2010 (Cid and Andreu, 2017). Given that early release of prisoners is one way of reducing the prison population, the issue of resettlement through early release has probably increased its relevance⁷

Prisoner resettlement is already an area that needs more research because many of the practices oriented to this aim are not well documented. In order to increase

knowledge, we have recently conducted a research on the perception about the Spanish system of resettlement by professionals who work in Catalan prisons (Ibàñez and Cid, 2016) and we have conducted a number of exploratory interviews with persons with expert knowledge about the process of resettlement.⁸

The following part of the paper deals in more detail with the Spanish system for the resettlement of prisoners. In the first part we explain the preparation for release inside prison and then we move to the aftercare of released prisoners, in which a basic distinction is made between early-released prisoners and prisoners released after having fully served their sentence. Then we focus on the role of the community in the resettlement of prisoners. Finally, the paper underlines some good practices of the Spanish system and ends with some critical issues that may be an agenda for future research and prison reform.

2. Preparation for release inside prison

2.1 The Spanish progressive system: context and grounds for early release⁹

The basic structure of the Spanish prison system has been set by the 1979 General Penitentiary Act.

This Act introduced a progressive system based on individualization of the prison regime. There are four general levels of classification for convicted prisoners, the last being the conditional release period, so the higher the level the more open is the regime implemented:

1st level – Closed or maximum-security prison.

2nd level – Ordinary prison.

3rd level – Open prison.

4th level – Conditional release (Parole)¹⁰

The third level implies a regime of semi-detention where, from Mondays to Thursdays, prisoners spend part of the time outside prison (usually working) and have to return to prison only at night. There are two legal possibilities for being classified as a third level prisoner. First, prisoners may be classified directly as belonging to the third level in case they have a good risk prognosis. Empirical data shows that the use of this regime follow this standard, being the prisoners classified initially in open regime those with the lower level of risk factors (Capdevila et al., 2005). Secondly, the third level may be reached as a progression from the second level for convicted prisoners that have served at least a quarter of their sentence and are considered “ready to be resettled”. In practice, however, the following additional criteria are normally required for allocation to this level: having served half of the sentence; having previously been granted temporary leave from prison; and having a remaining sentence term that would make the offender eligible for conditional release in no more than two or three years (Cid, 2005; López-Ferrer, 2004). Both as a primary classification and as a progression from the second level, the third level requires from prisoners to pay compensation to the victim or at least to give guarantees of payment, as far as they are able to do so.¹¹

Stricter regimes are established by for long-term prison sentences, life sentences, prisoners convicted for terrorism and accumulation of sentences. For sentences longer than five years, the judge or the court may impose a minimum period of half of the sentence before a classification for the third period is possible.¹² For life sentences,¹³ the minimum period to be transferred to an open regime is 15 years and a conditional

release is possible only after having served at least 25 years. Offenders convicted of terrorism in order to be allocated to the third level they have to meet further criteria, such as demonstrating that they have disowned their past criminal activities and apologized to the victims of their crimes; and in case of being sentenced to life they have longer minimum periods to be eligible for conditional release. In case of accumulation of life or long-term sentences, extended minimum terms for early release are laid down, requiring in the worst case 32 years for open regime and 35 years for conditional release.

Although the open prison regime might be regarded as a semi-parole system, and although it shares origins with the Spanish conditional release system, it is not fully an early-release mechanism, because prisoners have to spend some time in prison. In this fashion, the open regime is configured as an intermediate stage between ordinary imprisonment and release on conditional release, since only third level prisoners are eligible for conditional release.¹⁴

In order to get conditional release, prisoners need to have spent a relevant part of the sentence (three quarters and exceptionally two thirds or one half), being classified in the open regime, having shown good conduct (lack of disciplinary infractions in the previous period) and having paid compensation to the victim (if they were considered able to do so). Once these criteria are met, the granting of conditional release is discretionary and should be decided according the prognosis of social reintegration.

The power to decide on classification lies with the general director of the prison administration in the case of the first, second and third level inmates, following prior assessment by qualified prison staff. Conditional release is granted by a specialised judge for the execution of prison sentences. The decision of the prison administration on the initial classification cannot be delayed for more than two months. Subsequent classifications must be reviewed every six months. Both the prisoner and the prosecutor are entitled to appeal against the classification to the prison judge, with a possible further judicial review.

2.2 Rehabilitation in prison

Once prisoners acquire the status of a sentenced prisoner¹⁵ they should be submitted to an assessment by the rehabilitation board of the prison to identify criminogenic needs and social bond. The evaluation is based on different reports made by a psychologist, a social worker, a social educator and a lawyer. The reports cover the main following areas: 1) *personal*: does the offender present problems of self-control, lack of personal skills and antisocial cognitions that may be related to the current offence?; 2) *health and addictions area*: does the offender suffer from mental health problems and/or problems of drug addiction?; 3) *family*: what is the relationship between the prisoner and the family, in order to check if the family may be involved in the resettlement process?; 4) *education and vocational training*: does the offender have deficits in formal education and in vocational training, that may be relevant for job settlement?; 5) *reparation*: does the offender have the obligation to pay compensation to the victim and what are the possibilities to do so?¹⁶

Based on this screening an “Individualized Treatment Programme” (*Programa Individualizado de Tratamiento*, PIT) indicates areas the prisoner should address. For example, if a case of drug dependence is found out, it is expected that the person takes part in the drug treatment programmes inside prison (motivation to quit drugs, therapeutic units). In case of personal deficits, such as lack of self-control, lack of skills to solve problems or shortcomings in pro-social thinking and attitudes, it is expected

that the person takes part in specific cognitive-behavioural programmes devoted to increase self-control, learn social skills and challenge antisocial thinking or antisocial attitudes.¹⁷

2.3 Contact with the outside world

The philosophy of the prison rules requires that there is no abrupt transition from living in prison to life in the community and therefore there are a variety of mechanisms to approach the prisoner to the community. Apart from receiving visits from members of the community (family, friends, volunteers, lawyers), there are other legal institutions that allow prisoners to spend time in the community while being allocated in an ordinary prison (second level).

The main means of contacts with the outside community are: visits, prison leaves and the transfer to a semi-open regime. Visits are intended as a way to do some cultural, educative or leisure time activity outside prison in which prisoners are accompanied by prison staff and/or by volunteers. Leaves may be granted, if prisoners have served a quarter of the sentence and they allow the prisoner to spend some days in the community, without any direct supervision. During the leave, prisoners are intended to work on two relevant areas for resettlement: the relation with the family and the search for a job. Apart from that, the fact that the person is able to spend some part of the sentence with leaves of absence outside prison, without committing technical violations, is seen as an indicator or even evidence that the person may deserve an early-release. According to a current research in Catalonia,¹⁸ from the prisoners that start the sentence in ordinary or maximum-security regime, 48% benefit from leaves during the sentence and the remaining 52% are excluded from them. In case of being granting leaves, the possibility of being early-released (in open regime or in conditional release) reaches the 56.5%, while only 10% of those who have not been granted leaves are early-released.¹⁹ Finally, in ordinary prisons, there may be some prisoners that spend some hours working outside the institution. This may be an intermediary situation before been allocated to an open institution or may be used for those inmates that lack social resources to be classified for a transfer to an open institution.

3. Aftercare for released prisoners

The aftercare of released prisoners differs between prisoners who are early-released – in this case aftercare is provided – and prisoners who are released after having fully served the sentence – in this case aftercare is very limited.

3.1 Aftercare for early-released prisoners

There are two legal institutions devoted to the early release of prisoners: the open regime and conditional release. The open regime is served in open sections of the prison (that is, a penitentiary institution that includes an ordinary section and an open section) or in completely separate open institutions.²⁰ Both (open prison sections and open prisons) share the same model of life: there are only residential institutions in which prisoners spend the night and during the day and in the weekend they live outside the prison facility. Once the person gets conditional release he lives in the community and is submitted to supervision by the parole system.

Every person that is early-released, has an individual treatment programme to be developed during early release. This plan establishes the areas that prisoners should

work on, depending on their special needs for resettlement. One prevalent area is job settlement. In some cases, job settlement may be a condition in order to be granted the transfer to the open regime. The relevant order may require that the person participates in vocational training and looks actively for work. Another prevalent area are family relationships. Early release requires that the person has a place to live and also that the family – or alternatively a community organization – takes care of the person. Before granting the transfer to an open regime, the family of the prisoner will be normally interviewed in order to verify whether relatives are committed with the resettlement of the prisoner. Prisoners will then be required to maintain good relations with their families.

While being in an open regime and under conditional release every person is submitted to supervision by a prison or parole officer (normally a professional with a social work or educational background). The aim of the supervision is both controlling that early-released prisoners are accomplishing their PIT and helping them in their resettlement.

The supervision while being in an open regime is quite intensive – with drug testing, regular visits to the job placement and contact with the family – and is less intensive under conditional release, which is mainly based in regular meetings of the parolee with the supervisor. Both in open regime and in conditional release the person may need to pay compensation to the victim and accomplish with other possible aspects established in the individualized treatment programme (PIT).

With respect to resettlement, the supervisor is the person in direct contact with the early released prisoner. In order to deal with the specific problems that the person may encounter, the supervisor will normally work in cooperation with the local social services of the state and with third sector organizations that deal with social inclusion. The role of the supervisor and the social services would be normally to convey the person to community resources that deal with social needs.

The main area of intervention for the resettlement of early-released prisoners is the provision of a job. In both penitentiary administrations (Catalonia and the General Administration of the State), there exists an autonomous public institution that deals with prison work, vocational training and job settlement. In case early released prisoners have not found a job by their own means they will be conveyed to this institution, in order to receive vocational training and job settlement. A relevant part of early-released prisoners will receive vocational training and part of them will be settled in a job. A recent evaluation has shown that this system is effective in granting resettlement (Alós et al., 2015).

When prisoners get conditional release or are released after having fully served the sentence and they are unemployed, they are entitled to receive the unemployment benefit (if they have been working in the previous time) or, alternatively, a specific benefit for ex-prisoners consisting in a temporary monthly benefit of 426€ for a maximum period of 18 months.

Accommodation does not seem to be a problem for early-released prisoners because in order to start the process of resettlement through home leaves the person needs to have a place to live in the community. However, persons that lack a personal or family home to return after prison may find the help of some non-profit organization that provides with supervised homes in the community as a temporary resource to live independently (Ibàñez, 2013).

3.2 Aftercare for prisoners released after having fully serving the sentence

Although the ideal of the progressive system is that every prisoner is released in a transitional way, the reality of the Spanish prison system is, as mentioned, that most prisoners are released just when the prison sentence is completely served.

The prison law established that the penitentiary social services must provide social help to prisoners that have been released, and to their families, included those that have been released at the expiration of the sentence.²¹ However, according to the research of Ibáñez and Cid (2016), there is no plan for the resettlement of prisoners that are not early-released. The only practice that is mentioned by professionals is the provision of information about external resources, in case prisoners ask for it, and to try to link them with social services or with some non-profit organization that works in the area of the resettlement of prisoners, and the provision of a few days of accommodation.

One of the main reasons for this shortcoming in the aftercare of prisoners released after having fully served the sentence, is that all the resources that the penitentiary system devotes to aftercare are reserved to those persons that are under the supervision of the penitentiary system. For example, the institutions devoted to job settlement admit only persons under the supervision of the penitentiary system. The relation with the institution ends, however, when the person has fully served the sentence.

For most of the prisoners released after having fully served the sentence the only real help to resettlement is the temporary benefit of 426€ per month paid by the state for 18 months. However, two important limitations should be mentioned: immigrants without legal residence are excluded of this benefit and the management of this benefit may require some time and not be available in the first two months after release that are generally considered critical to avoid recidivism (Travis, 2005).

4. The role of the community

The participation of the community in the resettlement of prisoners is mainly done by the third sector (non-profit organizations). These organizations have a general aim of social inclusion and work with different kinds of populations that suffer from social exclusion. Prisoners and former prisoners are one of these groups that need assistance. The third sector organizations work in different areas relevant for the wellbeing of individuals and may work in a kind of partnership with the Directorate of Prisons. The Directorate of Prisons and non-profit organizations sign an agreement in which normally the former subsidize the programmes and the latter agree to provide services for a certain number of persons. Some of these non-profit organizations include volunteers that need to meet some requirements, relating to age, lack of criminal record, lack of mental illness and training before being admitted to prisons (Catalan Government, Department of Justice, 2011; 2015).

The main areas in which these non-profit organizations work in relation to the resettlement of prisoners are the following: *health promotion* (including activities oriented to facilitate recovery from drug abuse, help inmates suffering from AIDS, and assist prisoners with mental problems); *education, training, cultural and leisure time promotion* (including individual or group classes or tutorials, artistic or cultural workshops and sportive training and practice); *reintegration in the community* (including assisting persons to engage with social services and non-profit organizations, to help families of prisoners, and to promote training and job resettlement in the community) (Catalan Government, Department of Justice 2017). With respect to the use of job insertion, it should be underlined that it exists a specific programme from one of

the main Spanish banks, called *Reincorpora* (*Re-entering*) that, in partnership with the non-profit organizations, provides for the training and job settlement of prisoners.

According to the research of Ibàñez (2013), these organizations may differ in when they establish contacts with prisoners –in prison or at release– and whether their members are only professional or if they integrate professionals and volunteers. The results of the research indicate that, irrespectively of these dimensions, these organizations see their role as a temporary intervention aimed to prepare the individual to achieve an autonomous living. With respect to the method of intervention, the research highlights that organizations formed exclusively by professionals perceive their intervention as instrumental support and those integrated by volunteers give more relevance to the expressive dimension of support.

An assessment of the involvement of the community in the resettlement of prisoners needs to underline these issues. First, with respect to the extension of the support of the community to prisoners: Although data indicate that there are an important number of non-profit organizations that work within the prison system (approximately 900 non-profit organizations and 2,000 activities in Spanish prisons during one year),²² probably these organizations are not able to reach a relevant part of prisoners in need of assistance.²³ Second, some of these non-profit organizations may be excessively dependent on the state founding and therefore are constrained, in particular in financial crisis times, to reduce their involvement in the resettlement of prisoners (Ibàñez, 2013). Third, the ethos of the participation of these organizations in the resettlement of prisoners consists in helping prisoners for their return to the community and this work is difficult when prisoners don't benefit from an early transition to the community, as these prisoners are more likely deprived of the assistance of third sector organizations. And finally, the quantitative research on the effectiveness of the involvement of the community in the resettlement of prisoners is already limited.²⁴

5. Which strategies and concepts can be seen as good practices and why?

We think there are two practices that may be considered as “good” in the Spanish model of resettlement: the model of early release and the involvement of the community in the process of early release.

The model of early-released should be considered as a good practice because it promotes a model of reintegration that may be linked to different theories of rehabilitation. On the one hand, the challenging of criminogenic needs of the person inside prison seems in agreement with social learning theories (Andrews and Bonta, 2003). Then, the strong stimulus offered for the system –prison leaves, open regime and conditional release– to participate in rehabilitation may facilitate that programmes and the relationship with professionals may behave as a hook for change in the process of identity transformation (Giordano et al., 2002). Finally, the support from families and the community during the period of early release may reduce obstacles to desistance and strengthen identity changes, as suggested by social support theory (Cullen 1994). Although the evidence is limited, we have quantitative (Luque, Ferrer and Capdevila, 2005) and qualitative (Cid and Martí, 2012; 2015) research that suggest an impact of this model on recidivism and desistance. One aspect of the Spanish model of early release is the programme oriented to vocational training and job insertion. In agreement with international literature that supports job settlement as a way to prevent recidivism (Uggen, 2000; Skardhamar and Telle, 2012), a recent evaluation on this programme in Spain has shown that the participation in the programme increases the possibilities of job settlement (Alós et al., 2015). This line of research may be seen in agreement with

the leading study of Sampson and Laub (1993) on the importance of turning points in the life course.

The second good practice is the involvement of the community in the resettlement process. Although research has underlined that one of the main pathways to desistance in Spain is the help provided by families (Cid and Martí, 2016; Ibàñez and Cid, 2016), it is also true that a relevant part of prisoners does not have a supportive family that catalyses the process of desistance. Even when the family plays a supportive role, some needs of the prisoners –such as job settlement– might not be provided by families. In all these cases, the resettlement of prisoners needs the services provided by these community organizations that work in partnership with the Directorate of prisons and with the public institution to promote job settlement.

6. Unresolved questions and critical issues in the sphere of prisoner resettlement

The Spanish system of resettlement has one critical point: as mentioned above, all the system works under the premise that prisoners will follow the model of early release established by the prison law, but the reality is that approximately 60% of the prisoners are released after having fully served the sentence. For these 60% of prisoners the two good practices previously mentioned do not apply. Not only these prisoners do not take advantage of the benefits of the early release system, but they also receive less community support, because the partnership between the Directorate of Prisons and the third sector is focused on providing support to early-released prisoners and not to former prisoners in general.

Several researches have underlined the groups that suffer more intensively from the exclusion from early release and from community support. Probably the main group is the one formed by irregular migrants for not having legal residence in Spain and for whom the criminal record after the sentence constitutes a risk of being deported at the end of the prison sentence (Capdevila, 2013). Although most of them will not be deported, the prison system works under the premise that irregular migrants that may be deported should not benefit from early release (Catalan Directorate of Prisons, 2013). Second, there are prisoners that served short-term sentences or served a relevant part of the sentence in remand and therefore they have no time to be classified or to progress to open regimes (Capdevila, 2013; Tébar, 2006). Third, we have the group of prisoners that are more submitted to disciplinary infractions (Tébar, 2006; Capdevila, 2013; 2015), or are less engaged in participating in rehabilitation activities and therefore will not progress to the open regime (Ibàñez and Cid, 2016). Fourth, given the involvement of the family in the resettlement process, the lack of external social support will also make early release more difficult (Cid and Martí, 2012; Capdevila, 2013). Fifth, prisoners recalled to prison for committing technical violations while being in an open regime will mostly not benefit from a second opportunity of early release (Cid and Tébar, 2014). And finally, offenders convicted of sexual offences will hardly get granted an early release (Capdevila, 2013).

We devise two strategies to challenge the shortcomings in the resettlement process of the group of prisoners that are released at the time of expiration of the sentence.

The *first strategy* that has been suggested by researchers (Capdevila, 2013), consists of extending the use of early release. In the research of Ibàñez and Cid (2016), the professionals of the prison system mentioned three critical areas: the policy against irregular migrants, and the suggestion was not to exclude irregular migrants from early release; the policy about disciplinary violations, asking for less punitive policies in this

area; and the compensation to the victims, suggesting more moderate requirements to prisoners to be able to progress to early release.

The *second strategy* consists of extended resettlement policies to prisoners released after serving the full sentence, making resettlement more universal and not limited to early-released prisoners. In order to find new ways to deal with this problem in 2016, thanks to a partnership between Universities, the Catalan Government, Department of Justice and 8 non-profit organizations, there has been initiated an experimental research to test whether a period of mentoring for those prisoners that are released at the expiration of the sentence may be useful to prevent recidivism and to improve the resettlement of these former prisoners. The project called “The transition from prison to community” (reference in note 1) is at the time of writing already developed and, if it produces positive results, it may be a ground for improving the aftercare of prisoners released after fully serving their sentence.

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Notes

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² [Ley Orgánica General Penitenciaria, 1/1979, 26 September 1979]; [Reglamento Penitenciario, Real Decreto 190/1996, 9 February 1996]

³ Parole and conditional release are used as synonymous words in this chapter.

⁴ Although in Spain there are two administrations in charge of the prison system: the Catalan administration, which deals with the penitentiary system in Catalonia, and the General Administration of the State, that deals with the penitentiary system in the rest of Spain, both administrations are ruled by the same laws and differ only at the level of administrative rules, like circulars. We use the following names to refer the Directorate of Prisons: Catalan Directorate of Prisons [Direcció General de Serveis Penitenciaris, Departament de Justícia, Generalitat de Catalunya] and General Directorate of Prisons [Secretaría General de Servicios Penitenciarios. Ministerio del Interior. Gobierno de España]

⁵ Regrettably the data of how prisoners are released is not published on regular basis. Cid and Tébar (2010) and Cid and Andreu (2017) obtained data about Catalonia from the period 1996-2010 and reported that an average of 35% of prisoners were early-released. Capdevila (2015: 94) provided data regarding the use of early release in Catalonia in 2010 and reported that 41.6% of prisoners were release on open regime or on conditional release. Finally we have obtained data regarding prisoners released in Catalonia in 2016 and the percentage of early released prisoners reached 44.1% (Unpublished data provided to authors by the Catalan Directorate of Prisons). Researchers have not been able to obtain data about how prisoners are released in relation to the General Administration of the State, but the analysis of data regarding the number of prisoners in open regime and in conditional release (Cid, 2005 and Cid and Andreu, 2017) suggest that the rates of early released prisoners should be not very dissimilar between the two penitentiary administrations of Spain.

⁶ See in particular: Recommendation Rec (2003), 22, on Conditional Release (Parole), approved on 24 September 2003, Council of Europe.

⁷ The Catalan Directorate of Prisons has laid down a new regulation devoted to increase the use of conditional release (Circular 2/2012). As stated in note 5, data on the use of early release show an

increase from 41.6 (in 2010) to 44.1 (in 2016) in the number of prisoners that are early-released in Catalonia.

⁸ We conducted 18 interviews with: Director of the Barcelona parole system; Senior parole officer of Barcelona; Coordinator of the prisoners work company (CIRE); Coordinator of migration policies in Catalan prisons; Coordinator of health policies in Catalan prison; Coordinator of social programmes of Red Cross; Coordinator of job settlement of Red Cross; Coordinator of social programmes of Caritas; Coordinator of the programme for prisoner resettlement “Re-incorpora”, La Caixa Foundation; Law professor expert in social benefits for prisoners; Social work professor expert in social services; Senior officer of Social Services; Coordinator of third sector organizations working in the prison system; Lawyer expert in immigration; Lawyer expert in legal aid; Director of the Barcelona local service to attend migrants (SAIER); Coordinators of justice programmes of Suara; Coordinator of justice programme of Association Cedre

⁹ This epigraph is based on Cid and Tébar (2010), taken into account further reforms, that are explained in Cervelló (2016), that contains an overview of the Spanish prison law.

¹⁰ The legal configuration of conditional release has changed with the reform of the Criminal Code in 2015 [*Ley Orgánica 1/2015*]. After this reform, conditional release is not any more a way of serving the final part of the prison sentence, but a suspension of the remaining part of the sentence. The practical consequences of the new legal configuration of conditional release are two: the period of conditional release may be longer than the remaining of the prison sentence and in case of revocation the person must serve the remaining part of the prison sentence (without discounting the time served under parole).

¹¹ The Prison rules [*Reglamento penitenciario*, art. 82] rule the possibility of a restricted open regime, without less time outside of the prison, because of the risk of recidivism or lack of outside work. Normally, these prisoners are allocated in semi-open facilities in ordinary prisons.

¹² This minimum term is mandatory in cases of conviction for terrorism, organized crime, and sex offences against children. When the minimum mandatory term is discretionary, it can be lifted by the prison judge, provided that a low risk of reoffending is predicted.

¹³ Life sentences have been introduced after the reform of the Spanish Criminal Code of 2015 [*Ley Orgánica 1/2015*; *Ley Orgánica 3/2015*] for crimes of aggravated murder, genocide and terrorism.

¹⁴ The 1996 Prison Rules established a special regime that allows third level prisoners to replace the nightly return to prison by a home detention curfew, so they only have to visit prison for arranged interviews with their supervision agent. Generally, the home detention period, which normally lasts from 11 p.m. to 7 a.m., is monitored by electronic tagging or by police officers. Non-compliance with the electronic monitoring license can result in being recalled to prison.

¹⁵ It should be noticed that to in 2017 approximately 15% of the Spanish prison population is composed of remand prisoners (Source: General Directorate of Prisons). Rehabilitation programmes are only of limited availability for remand prisoners and of course they are excluded of any kind of early release.

¹⁶ In the case of Catalonia, apart from this evaluation, every prisoner is assessed according to a risk instrument, based on static and dynamic factors, that indicates three levels of risk for recidivism in violent offending (low, medium and high). In case of a classification in medium or high risk, the participation in treatment programmes related with the personal area is mandatory if the prisoner wants to benefit from the early release regulations.

¹⁷ In cases in which this evaluation wouldn't identify criminogenic needs and the person disposes of positive social bonds in the community, the person may be classified directly in third degree and be allocated in an open institution.

¹⁸ Research project “Imprisonment and recidivism”, carried out by a researchers at Universitat Autònoma de Barcelona (cited in note 1) with a representative sample of prisoners that serve a prison sentence in Catalonia (n=538).

¹⁹ It should be mentioned that our data refers to the kind of classification in an average time of 4 months before the expiration of the sentence and some prisoners may be early released after that time. In fact, 72% of the prisoners that have benefited from leaves expect to be early released before having served the full sentence.

²⁰ Apart from been allocated in an open prison section or in an open prison, there are other modalities in which third degree prisoners may be allocated: home-detention curfew (that replaces spending the night in the open institution), houses of resettlement, in which a number of prisoners live together, with supervision during the night and therapeutic communities, devoted to persons with drug addiction problems. The latter facilities are not necessarily open institutions.

²¹ Art. 75 of the Spanish Prison Act [*Ley Orgánica General Penitenciaria*]

²² General Directorate of Prisons (visit: 27/09/2017):

<http://www.institucionpenitenciaria.es/web/portal/Reeducacion/entidadesColaboradoras.html> and

Catalan Directorate of Prisons (visit: 27/09/2017):

http://justicia.gencat.cat/ca/ambits/reinsercio_i_serveis_penitenciaris/Voluntariat-en-lambit-penitenciar/

²³ According to the research project “Imprisonment and recidivism” (cited in note 1), 42% of prisoners in Catalonia expect being helped by a non-profit organization at release.

²⁴ An evaluation of the programme “Reincorpora” indicates that approximately 25% of the participants are working after one year of finishing the programme (Grup de Recerca en Pedagogia Social, 2014: 48).