

## **Rehabilitation actor's perceptions of costs and benefits of Portuguese penitentiary system** Crime Prevention Costs in Context (Portuguese Wp3 summary report)

This report will frame the penitentiary policies in Portugal in stages in order to better understand the result arguments spent by the people who collaborate with this research. The description of these stages would help us too to understand why it was difficult to prison system head to accept to collaborate with this research.

The second chapter describes the methodology and the special arrangements done to adapt it to the Portuguese case.

The third chapter presents the main themes the research found to be interesting to present to the next stage of the research after analyzing the interviews.

The fourth chapter presents the analysis of the two focus group developed with people from rehabilitation services.

The fifth chapter presents the results of the survey developed in the Lisbon area about the subject.

### **Chapter 1**

Since 1982, when the *Instituto de Reinserção Social* (IRS) has been officially established, till 2001, the rehabilitative work has been looked at as secondary activity mostly done inside prisons. It was a secondary activity because a) inside prisons the security considerations, till today, was first priority; b) the work of the professionals related to prisoners was mostly administrative inside and outside the prison. Professionals produce reports referring to the *Conselho Técnico* (prison institution where converge information to support decisions on flexibilization or not of the prison penalties for the inmates) and to the Judges. They accept the scheduled visits of the people on conditional freedom; c) the internal institutional explanation for the existence of a kind of duplication of jobs, between the education services (depending directly of the prison hierarchy) and the rehabilitation services (not depending directly of the prison hierarchy, since the IRS was built as an outside and different institution of the same ministry – the Ministry of Justice), was to say that IRS professionals was informally auditing prison system practices, since the security priority risk to overcome the penitentiary legal propose.

The period between 2001 and 2004 witness a political debate on what to do with the prison problems. Some support the idea of the enforcement of a Penitentiary Reform. Others, knowing the systemic and political resistances to such a definition and without desire to discuss publicly the shameful penitentiary situation in Portugal (by the huge number of deaths in prison, by the huge number of drug users inside prisons, by the inability of ending with structural shameful problems as having cells without toilets, or overcrowd situations, and so on) prefer to address penitentiary problems case by case, without politization of the question.

During this period the government decided to split IRS from the work inside prisons, leaving education personnel alone inside walls, regarding social work over inmates. During this period the experiences with alternatives penalties to incarceration (especially using electronic devices) has been conducted and announce new times for rehabilitation workers.

Since 2004 till today one record the silence of the political official references to the Prison Reform and the pursuing of a stronger separation of IRS (now a days *Direcção Geral da Reinserção Social* - DGRS) from prisons, stronger efforts to develop alternatives to incarceration penalties, efforts to look at the drug addicts as hill persons instead of criminals, efforts to down

size the numbers of prison population, efforts to find and test professional models for rehabilitation work, a program of rebuilt the penitentiary system shutting down old little penitentiary and selling the old city penitentiary in order to built modern big new technological penitentiaries.

One found professionals from the *reinserção social* mixing enthusiasm and confusion about the new ways of working, since they found themselves more independent and more responsible doing their jobs and trying to find what they can do better. One found the head of prison system denying collaboration arguing the strong changes times they live these days. They do not feel at easy to deliver outside their own questioning about the near future and how the present is separating clearly the past from the future.

## **Chapter 2**

The decided qualitative and comparative methodology developed in two phases: a) the interviews in order to get the main questions to be addressed; b) the record of group reactions to these issues when professionals face them together as focus group.

The lack of cooperation of the prison system with this research and the officious resistance to deliver information about what happens inside prisons and with rehabilitation work, considered by head of these services as political sensitive matters, shortened the opportunities and higher the costs of organizing the contacts between the research group and the protagonists.

For the interviews we try to obtain very different points of view. We record interviews from three professionals from *Reinserção Social*, five professionals from the penitentiary system, two professional trainers working inside prisons, one person of the direction of a NGO working exclusively with prison inmate and two ex-condemn to incarceration penalties. We interview two judges off record.

One of the three professional from *Reinserção Social* has coordination work responsibilities. The other two are qualified professionals. The professional from penitentiary system come from the national direction of penitentiary system (1) local direction of a penitentiary (1) security personnel (1) education staff (1) psychological support (1)

After analyzing these interviews one comes to a set of 14 questions one submits to two focus groups, 8 people each. The focus groups developed in two parts, one in the morning, the second after lunching together. One present papers with the 14 questions written down and ask participants to read them at the beginning of each sessions. The morning session was more concerned with the first seven questions and the afternoon session will treat more carefully the rest of the questions.

Without surprise one heard the comment that most questions would be better commented, informed or answered by people from the penitentiary system. This comment reinforce the new professional situation on the *Reinserção Social* Service of becoming more independent from penitentiary system, for instance, organizing *Reinserção Social* work in a territorial basis, including all valences, family, children, youth, poverty and so on, instead of specializing on prison inmates.

## **Chapter 3**

From the analysis of the interviews one produce 14 questions in order to submit to the focus group free comments.

- 1) Recidivism – what is the assessment available for the Portuguese situation? Is it a relevant reference for penitentiary work?
- 2) Penal alternatives to incarceration – are they needed or/and useful? Under which circumstances?
- 3) What are the consequences of the work of the judges for the penitentiary ends?
- 4) What are the professional and functional relationships between penitentiary and social workers on the field? Everybody go along? How the work is divided and organized? There are better working conditions now then before?
- 5) One heard about recruiting Skeen-heads as prison guards. Are there ideological tensions inside penitentiary and social services dealing with prison inmates?
- 6) Are there differences between the small regional penitentiary and the large central penitentiary when it comes to the results of professional work? What is the best regime?
- 7) The young people, under 21 years old, have different penitentiary regimes? And what happens with women? What are the results?
- 8) There are complains about the diversity of criteria managing the penitentiary carriers of condemn people on their different social background, on the penitentiary establishment they are delivered, on the kind of relationship they develop with local powers. Do these different criteria mixed up inmate judgments on social values? Can this misjudgment have consequences after the release of the condemn people? Who it can happen?
- 9) Every professional can make mistakes. Your professional mistakes are easily evident for your professional colleagues? Is it easy or difficult to recover on a mistake? Have you examples to describe this?
- 10) Doing time show time slower. Time in prison is it a punishment or is it a treatment? Have you examples to describe this?
- 11) The penitentiary equipment is it limitative of the quality of the work done? Or, the reverse is true: the way people face their job is the best way to better results?
- 12) In job satisfaction is better at *Reinserção Social* or penitentiary system? Why to be a professional at *Reinserção Social* is it a good professional goal?
- 13) If you have to choose, what would be priority in order to better in a short while the work conditions at the penitentiary establishment?
- 14) Where are the main obstacles to betterment of the services in a short while?

Not all the questions correspond directly to the main problems address by the present comparative study. Never the less it was been considered to better not to avoid the concerns of the interviewers in order to take in consideration the national Portuguese context of the costs of the crime prevention.

Four of these questions address directly the theme of the selectivity of the penal system (questions 2, 3, 7 and 8) and other four address directly the theme of the efficacy of the penal system (1, 4, 6 and 9). The others do not refer to them or to the cost/benefit problem directly, even if the respective answer can give us more information about it. The problem of the cost and benefit of penitentiary actual practices will be considered in its merit, when analyzing the focus group voice records.

These 14 questions have been written down in paper and presented to the participants at both focus groups. The participants could choose freely what questions to address and what questions to avoid.

The two focus groups counted 8 people each, beside the presence of two members of the research team and the record apparatus, almost invisible and still announced to everybody to be

working and recording the sessions. One of the groups joined 8 people with coordination professional responsibilities inside the DGRS (Direcção Geral de *Reinserção Social*) and the other one joined 8 people working as technical professionals under coordinators supervision. Both groups joined people for different regional divisions, from the north, centre and south of Portugal.

## Chapter 4

All Portuguese contribution to the present comparative research, as mentioned in earlier reports, should be understood as part of a larger judicial context where penal theory and penal practices not only differ but oppose each other. The rehabilitative rhetoric that impress foreigner observers, especially when the recently passed Penal Law is presented and the excessive number of prisoners comes down, is not the result of a political struggle between different doctrinaire ways to understand penitentiary institutions and penal proposes. It is the result of the distance between State administration leaders and the real world of the people and of the institution's professionals. For instance, it has been accepted as a good interpretation of what is happening in Portugal in the penal field that the State deficit priority policy induced the political trend for downsizing the number of penitentiary inmates. The argument, in it self, show how far from doctrinal argumentation this explanation stays.

Even if one is not sure to give one agreement to this so straight forward causality, if it becomes credible that it can be so, it means that nobody has present any doctrinal discussion on the matter that can show that what is at stake is the prosecution of a policy to address human rights and security anchored on solidarity perspectives on preventing crime.

The focus group records do confirm the lake of doctrinal perspectives and convictions as much as the lake of funding resources to develop the legal proposes, even those written under the law for many years now, as it is the case of the production of individual rehabilitative plan processes, not to mention the separation of youngsters from adult condemned people.

The recent developments of the Portuguese prison reform, from the point of view of the *Reinserção Social* professionals, produce hope. They become more professionally independent, even if in the case of prison inmates they are more distant of the pertinent information and they depend on the penitentiary educators for them. They have information to exchange with the latter and so, informally, it is no problem to get the need information, even if it takes time. They feel the need for better professional instruments and its assessment adapted to the national realities by experts. They feel too that the actual available resources are not easily sufficient to address all the professional problems (growing number of people in alternative penalties to incarceration, growing needs of professional training, growing needs of upgrading knowledge instead of uncritical adoption of directly translated instruments in use in other countries, growing needs of institutional coordination under a single way policy).

### Coordinators focus group main references

From the presented 14 questions the discussion turned around the recidivism to recognize that the downsizing of the recidivism should be the main reference and goal to the work of *Reinserção Social* professionals and institutions. The knowledge problem – knowing the quantity and the quality of recidivism in Portugal – was one of the most referred problems, because it is essential to give structure and criteria to the action and to the assessment of the professional and

institutional work. Not available. The second problem underlined has been the lack of resources. Not only funding resources, but also technical and knowledge resources, time resources, inter institutional cooperation resources and, above all, a clear political trend to follow. The sector lived since 1982 till 2001 the non told policy that makes the professionals as intruders inside the prison system, hierarchically independent of the prison authority, better prepared from the educational point of view (superior certificates against lower scholar qualifications for the prison staff, both security and education staff) and doing in practice almost the same tasks as prison educators did. From 2001 till now they lived the non-negotiated and without conditions separation from the prison system, a downsizing and clarification of their work field (as one person mentioned, “we no more adopt the caritative perspective of helping prisoners to look not so bad and careless. We now adopt a empowerment free to join perspective of rehabilitation”) out of prisons. It meant less work for immediate times and more work when the times grow the number of people on alternative penalties to incarceration. And even more work because *Reinserção Social* professionals are now in their own within their own institution. They can be assessed not any more mixed with prison system results, but by the results of their single work. The challenge is received with satisfaction, will of comply with it and hope of resources coming together with the recognition of the need of this kind of work. Every body agrees one is living the very beginning of a new opportunity for *Reinserção Social* professionals and institutions. Even the doctrinal and political references and frames are not in place. The controversies become secondary, in this situation. Of course the focus group is not necessarily taken by its participants as a way of stressing their own professional convictions. Any way, somehow, this late ones become apparent and the discussion – not emotional one, but result of the normalized way of each one to reasoning about common situations – reveals what divergences exists between the Portuguese *Reinserção Social* professionals. One is about the relevance of work world to rehabilitation success. There are professionals who says it is the main help institutions can develop in order to avoid recidivism. Others prefer to stress that unemployment it is not the only cause of recidivism and that it is unfair in times of crises to discriminate positively incriminated people. Other controversy is about the way prison system refers to drug addicts inside prisons. The argument goes that line: alcoholism and mental illness are very important problems for prison population and are not address the some massive way drug addiction is. Others prefer to mention that the treatment of drug addiction inside prisons is far from being satisfactory – as the late CPT report on Portugal refer too, even if one of the main goals of the report has been (unhappily) successfully to address the need of respecting the medical deontology and the human rights when dealing with non free ill persons, specially alleged mental ill persons. A third controversy reflect the magistrate controversy about taking the initiative (or not) whenever one prison inmate reach a legal situation when he or she can ask for some kind of flexibilization of penalty, meaning making time outside penitentiary as an alternative penalty to prison. The arguments for the judge not taking the initiative, supported in practice by some of the judges, is that the penal alternative to incarceration should be willing desired by the condemn and it does not make sense that if the prisoner desires to leave prison that he do not find time to address a letter with no formality required to the competent judge. The others argue that it is collective benefit and State benefit if the inmate accepts to join alternative to incarceration, given the knowledge that recidivism statistically grows with the time spent in penitentiary and the costs of the penitentiary are higher for the State that to develop penal alternatives institutional frames.

A fourth question raised is about the uses of control electronic devices to fix people to their residence. There are judges that accept the idea of allowing the condemned people to develop leisure activities in a controlled way, and other judges that prefer not to allow such movements, because they understand that it will end with the penalty feeling of the condemned person. No much argument has been presented in this matter.

Other controversy opposes those who think that the prison inmate knows enough about their rights and those who think the reverse. The arguments for the first positioning are that in practice, when the new law comes to practice, many inmates immediately call for its use, some of them through lawyers, even when their intervention was not needed (because the simplicity of the procedure is evident). So, only if one inmate would be very absent from prison reality would not know about their new rights. The opposite arguments mention that if it is true that many prisoners become experts on law (few of them even become graduated) there are many who do not have the same ability or money enough to pay a lawyer to represent him or her. One can add that it can be not easy to find legal complete documents on the prison laws in Portugal inside prisons and the prison authorities do not feel the obligation of spreading relevant information (for example, about the legal situation of the inmate outside prison, as non-national or as people whose identification documents could expire their validation date).

A sixth controversial question discussed over the professional career. Is it *Reinserção Social* professional in a better or worse position than prison educators and that social security professionals, today and for the future? The changes operated in the last years show that all these careers can become only one and, at the same time, even if it happens so, the future of every one of the three institutions is not clear for the participants.

A seventh question is about who should develop the professional new instruments, since the professionals know partial national realities, which should be taken in consideration, but they do not have time available from work to accept more work to do. If only scholars will take the work of adopting national professional instruments they hardly will find the way to adapt them to the unknown Portuguese reality. Another source of difficulty to develop such instruments is the lack of clarity of the political decisions on the subject.

Other controversial question is if, yes or no, the judicial system, prison system, social security, should address the non-imputable persons without any social resources, especially at the end of the time of legal institutionalization.

The last controversial question one will refer to is about the convergence of interests on rehabilitation joining the penitentiary system and *Reinserção Social* institutions. No arguments were presented. Anyway the controversy is about the wording ("It should be a convergence, yes" said as one thinking about a dream) and the chorus (collective laughter of the participants on the focus group).

#### Technicians focus group main references

The question used by the participants to begin the focus group has been the fifth question, the one that mentions the information about the way that selection of new prison guards (few hundred last years) has been conducted. The general reaction was that it is hard to believe it is happening and if something like that happens it is worrying.

The general impression this professional has about prison guards changing behaviors and social profile a long time ago seems to them contradictory with the information that supports the question. Sure, there is always a priority to security inside prisons but, in the last few years,

alcoholism and beating practices do not show any more to their views and the new guards are recruited with much superior education certificates. It has become easier to the rehabilitation personnel to communicate with guards and even to collaborate with some of them.

In order to develop a more objective evaluation of the focus group record information one propose to address the questions that cause boarder discussion between the participants. For 6 times during the 4 hours of meeting the participants did start talking all at the same time, addressing not the collective but each other in smaller groups. It is relevant to mention what have been the themes that provoke such situations.

The first one has been precisely the kind of relationships between the professionals of social rehabilitation and the security staff, being that some of the participants support the idea that the educators did benefit (when both kind of professionals worked inside prisons) more freedom to move inside prisons than rehabilitation personnel. Others do not agree, mentioning the idea that the educators, either, was not free to move inside prisons. Of course, different kinds of degree of liberty are to expect on different establishment and different kind of relationship are to expect between the singular professionals from social and security sides. All agreed that priority powers were detained by security personnel, meaning they will decide in each case how to free or not free social workers movement. It will depend, too, on the audit kind of attitude security personnel will take for legitimate and the way each social professional understands his/her professional role.

The second theme was the assessment criteria that do not exist, except the quantity of reports done, regardless any criteria of quality, including any kind of assessment of the final results of each case. The discussing take to light the idea that the real assessment criteria are administrative and protective of the institutions responsibilities on rehabilitative goals (very difficult to achieve, as everybody can recognize), given the State policies of shortage or negative investments on social work and the will of social work institutions to protect their leaders from political, civic and public opinion criticisms. The chosen example has been the treatment to youngsters in Portugal, that it is announced (to all Europe) should be separated from adults and in much cases it is not and even the State does not show any concern of the knowledge of the participants to address this issue. One of the participants declared that in Portugal there are no different social rehabilitation programs for different kinds of people in penitentiary regime. Everybody, has been said, is treated the same way by the rehabilitation point of view.

The third theme has been the articulation between professional work and institutional support to the social rehabilitation work. Exploring the different labor division experiences and specializations between the participants (some of them working only with social cases of penitentiary inmates and other working with all kinds of needy populations) the participants become curious about their ignorance about the practices in other regions than their own. They think to discover that these differences depend on the quantity of work to address better than they depend on the needs of the problematic population. Where there are lots of penitentiary inmates the institution will probably specialize some of them to address only this kind of people. In a region where there are not much inmates to process the work become polyvalent and the some professional will work penitentiary inmate cases as well as other cases. The conversation ended with a kind of agreement when the participants found congruence when they think about the need of the freely and duly participation of the person target with any social problems authorizing, collaborating and responding to the proposed treatments. In the end, of course, like it or not, it would be the ending product, so to speak, which reflects all the institutional and professional articulation problems. Given the fact that the product is the quality of life of each

target person and their relative and friends, as well as all society, the collaboration of the people at the bottom of all these complex interaction (the professional on the field and the target social problematic person), especially the last one (because he/she will be who more immediately will suffer consequences), is always decisive for everybody, even if no much concern has been developed to support the best individual decisions.

The fourth question has been the treatment of mental ill persons, which a moral and ethical problem that is very difficult to address in penitentiary terms. These so big difficulties become easily an ethical problem for people who know about it and feel like doing nothing for people who are in the same situation than all others but obviously do not show any condition that can support our social hope they will find a way of making a good decision and can support it for a long period of their lives. This question raised by social workers address directly the question of health care work inside prisons, an issue that has been brought to public attention by the publication of the CPT report on Portugal visit 2008, which discover ill treatment systematic practices of health care personnel against inmates, not only in prison situations. Questions they do not directly address, since the report was not available yet at the time of the focus group happened.

The fifth question indirectly treats the question of the leading institutional personnel ability to support and develop social work in the field. Participants call the attention of the group for the fact that the services cars in use are 20 years old spend a lot of essence and show a deplorable idea of what is the ability of this kind of services to help and support people with social problems, a side the bad treatment for social workers auto esteem. One participant asked why their institutional leaders do not use the possibility to take for institutional use the cars apprehended by the courts, a process in use for other institutions such as the police. The question raise two questions several times raised during the focus group: do the social workers leaders do not care about it or they do not have enough power to address a so simple case to support the work and the institution?

The sixth question addresses the secrecy about the social events addressed by social workers and social institutions. It is very clear for everybody that no one should speak publicly and even openly in private (such as it could be the case when collaborating within a scientific research, as this one) without express authorization of their superiors in the hierarchy. It not so clear why it is so or what legal or professional procedures can be taken to enforce this secrecy policy. No one could remember of any case of punishment on this issue or mention any kind of sanctioning procedures one can expect if one broke this rule. The discussing could clarify the way this informal prohibition can work so well. It has to do with the way social work works now a day. As mention before, there are filters between institutional and professional levels and professional levels and social realities, given the lack of political commitments on social work assessment. The political statements can be done without institutional efforts being done to enforce the needed technical and administrative procedures. In the end, social work professional lack prestige, resources and support to develop their field work. It becomes safer for each one professional careers, as well as judicial safeguard and as political neutrality, doing nothing that can disturb the regular flux of life, than to try to intervene and become single hostage of the situation, without hoping any recognition from institutional superior levels. For instance, when a middle or upper class accused or inmate person is at stake when a professional is call to produce a report, the best counseling a professional friend can give is to put in the less possible information, in order to avoid attacks from defense lawyers that easily will argue about all kind of deficiencies on the social report, as it has been said in the focus group. The social

rehabilitation exercises are done in quiet, without public assessment, as well as without institutional assessment, whenever the target people are not supposed to be able to organize a strong defensive strategy. The professional and institutional secrecy silence is a natural consequence of this characteristic of prison social work, to avoid any kind of public (and professional, and political) controversy on the subject, given the tacit knowledge incorporated by many people, specially the professional people, that any public discussion will not easily end well for the social workers, who are personally responsible (and let alone) by public opinion, without any expected support by the institutional level or political level.

### Comparative analysis

Comparing the number of times the codification of the meaningful sentences recorded when the single person interviews and the two focus groups, it can show some trends one can understand given the previous qualitative analysis.

Pie 1. Interviews

Pie 2. Social workers focus group

Pie 3. Coordinators Social workers focus group

As one can see, the focus groups put aside some kind of classification themes, such as every-day-life, family and individual. The professional social work, as a theme of debate between colleagues, becomes naturally more abstract and less confidential, given the presence of many people either than the research person and the single professional. At the same time, the professional concerns, as much as one can figure it out from the previous discussions is out of every-day-life, even if social workers feelings are that they should address more and better this kind of social realities they are supposed to support the change. Comparing the two focus group analysis one found that two more classification items disappears: the “saying” item and the “community” item. The people higher in the institutional system do not mention community questions of special groups or of systemic influence on individual behaviors and do not refer to normative concerns on what should done or about what people say they think is good to happen.

The focus group show a trend to show more about what people really do (more objective kind of speech) better than individual interviews. All three situations refer the costs of prison situation and the professional condition. The coordinators focus group is the situation when the gains of penitentiary proceedings and the balance kind of speech (meaning a part of costs mixed with a part of gains) are more times used.

### Costs and benefits

The references to costs and benefits are very unbalanced. Anyway there are references to costs and benefits which do not separate one from the other. It looks like an unpleasant but necessary medicine needed for therapeutic procedures, since one do not know how to address the some goals otherwise.

Table 1. Codification counting results on costs of penitentiary penalty

Code	All Coded Segments	technicians	coordinators
		interviews	focus group
Costs		271	35
Balance		119	14
Benefit		11	5

For summary propose one will just mention the more relevant cases referred by the participants at the focus group. Let us begin by the benefits:

The technicians count as a benefit a) the fact that they recently gained access to a single and approved bleu print to organize the individual reintegration and rehabilitation processes; b) the fact that educators inside prisons now are able to do the some kind of profiling tasks before only done by them, which means that they improve on habilitations and they are more able to communicate with the *reinserção social* technicians.

The coordinators count as benefit a) the recent changes of the Penal Code because it downsize the number of penitentiary inmates, specially the one on remand, without any kind of programmed intervention available; b) the end of the institutional and professional panic caused by the big volumes of addict person in prison; c) the technicians solidarity to face together the strategic problems of the system, without political guide lines, like it has been the case of the drug addicts entering the prisons in the 90's; d) the recent development of alternative penalties to incarceration; e) the stability of the use of the conditional freedom, as it is the best instrument ever designed for social reintegration proposes.

The costs mentioned by the technicians have been:

- a) the unbalanced time spent on profiling and on cases intervention;
- b) the lack of direct information about what happens inside prison walls in order to understand the problems each person face when rehabilitative process takes place;
- c) the traditional equal social background of the guards and of the inmates seems to be an obstacle, somehow;
- d) the lack of a institutional organized time to put together all information different social and security staff has to present as observers and as professionals;
- e) the lack of clarification about the kind of reserved information about individual inmates for professional proposes (to report the courts), for instance from the heath care level of information;

- f) the need of previous case to case, person to person, bargaining to regulate the exchange report information between different staff from different directories;
- g) the absence each time more pronounced of the magistrates out of the penitentiary system, out of the fulfill of their legal auditing and assessment competences n these matters;
- h) the substantial irrelevance of most of the penitentiary programs to address critical problems, such as violent instincts, sexual aggressors, alcoholic addicts and others;
- i) the lake of political will on investing on social prevention of this or other kind, instead of investing on security measures pos-factum (it would not be better, ask of one of the participants, to treat drug addicts outside penitentiary ambience?);
- j) the lake of cooperation of other sectors of the public administration, for instance from the national identification system, in order to assure that no one leaves prison without a proper identification card, without which people cannot get a job, cannot do any legal proceeding by his/her won will;
- k) the some in reference to national social support (minimum wage warranty) to people which has no means for a minimum survival condition in modern societies;
- l) the administrative complex selectivity to access some kind of rare opportunities, such as “leaving houses” for inmates leaving prison without where to go;
- m) the fact that it happens people leaving prison found begging in the streets or working almost as slaves, without any decisive State action to avoid it;
- n) the inability of the youngsters institutions to deal with many of the youngster, (many of them institutionalized for a long time) sending them to hard adult penitentiary regime as the only known mean to control (or to abandon) the boys;
- o) the (inside) penitentiary treatment is not addressed as a study problem to the penal institution in order to change inmate behavior, as it should be the case, and instead there are substitute external programs (to deal with drug addicts or HIVpositive or education or training outside or a side of penitentiary regime);
- p) the lack of understanding of condemn people about what really did happened during the trial and the lack of knowledge of the reasons why they are doing time, that no one, judges or lawyers, seems concerned by;
- q) many penitentiary inmates leave prison as victims, blaming the injustice they suffered and forgetting the crime by which they has been condemn for;
- r) at the “central” penitentiary the big number of inmates drives the drug dealing in. As some penitentiary director says, it would be virtually impossible to deal with the situation (many inmate in the same spot, lake of good living conditions, drug abuse habits and poor prevention investments) without the help of the drug dealing inside prisons;
- s) the lack of minimal conditions of work, such as communications tools such as mobile phones or automobiles available to professionals.

The coordinators mention some of the costs of the actual system as follows:

- a) the lack of precise institutional responsibility on dealing with mental hill inmates, that can result on life institutionalization and social danger;
- b) the lack of continuity between the work done inside walls (training, educations, heath care treatment, leisure auto-control) whenever people leave prison;
- c) the lack of studies in Portugal about live trajectories of ex-condemn people;
- d) the mechanical copy of foreigner models without knowing what kind of population Portuguese institutions are dealing with;

- e) the lack of opportunities to organize pre-professional stages giving the lack of free time to do stage orientation and lack of success of the late experiences of this matter;
- f) much time without political orientation after more than six years without any statutory definition about the administrative framework for the rehabilitation services.

Other issues were mentioned as benefits which takes costs with them and vice versa. The coordinators participating at the focus group mention this:

- a) the recent growing of the number on condemn people suffering alternative penalties to incarceration make the growing of the demand for social work framework and, so, it is expectable to live a transition situation when some proceedings do need to be routinized, adapted, bettered.
- b) By 2001 the Portuguese administration conclude that it was redundant the work of educators and rehabilitation technicians inside prisons. So both services has been split from each other and are asked to develop differently.
- c) The cooperation between both services should be useful to the all process, and that is why the professionals of both parties cooperate fully. That is why it seems wrong to deliver the responsibility of framing the support to the ex-inmate outside walls to another ministry (Social Security) having no information or interest on strong rehabilitation questions the penitentiary experience impose to the ex-inmate.
- d) To some of the new non incarcerating penalties there is no conditional freedom applied, and one do not understand why this like it is;
- e) It is difficult to define what is the legal criteria when people are doing time within the alternative to incarceration penalties, because the judges look at it in very different ways;
- f) The access of many condemn people to “reinsertion minimum income” program has been useful, not only for the availability of money to every day life but also because it impose a program of action in order to reintegrate society.

The technician mentioned the following issues:

- a) with the new legal institutional frame work the technicians do not have anymore to deal with psycho-social follow-up and they work framing alternative penalties measures;
- b) the new division of labor between people working inside and outside prison split the needed information in two parts and both kind of professionals are interested on each other kind of information to better support their own report;
- c) the judges do not ask for psycho-social assessment of each inmate. They ask information about social reintegration conditions. For doing this one need both report on social behavior inside prison and the family, house and work conditions outside prison;
- d) Within prison incarcerating big numbers of inmate the information given for the security staff is not many. The reverse happens when one deal with small number inmate prison;
- e) Sometimes penitentiary develop two kind of inter professional meetings (the external meeting, including the judge and social reinsertion personnel, and internal meeting, only available to internal staff) to address the exchanging information work, which gives more opportunity to coherent and rationalized approach eventually;
- f) This exchange of information seems, sometimes, to cause some stress especially to the people representing security staff. Anyway it is a path to better the services;
- g) It is relevant the effort and investment of the prison system in education and training programs available to inmates, even many of them work only superficially, since inmate uses them not only to learn but to impress the prison system in order to leave earlier out of prison;

- h) The money safes are not always safe of undue uses, since prison system do not care to much to avoid the use of money by inmates inside prison and thus for when inmate leaves prison they cannot have what they could if the money has been safe.

## Chapter 5

One of the biggest questions for the future of penitentiary social reinsertion in society of condemn people is how can social work develop it self (or collapse) during the new developments one are living after the global declaration of structural crisis of the financial system. One of the main issues is how can prison system develop social reinsertion programs when the unemployment rate grow fast and for a long time?

The centrality of the job finding question in order to get successful the social reintegration process of ex-condemn people, and in order to avoid recidivism, is generally recognized as very important yet not unique condition. The health situation and the family situation of each person at steak are also relevant conditions for success. From the social reinsertion system point of view, employment is, any way, the best bet and the easier and more objective field of work.

That is why we decided do propose a survey addressing the question to general public in Lisbon in order to assess the way people will look at the need of work social reinsertion of condemn people.

It follows an English translation of the questionnaire and then the results are presented in the following lines.

### Questionnaire

Please record with circles around the number that better represent the degree of agreement or disagreement you feel thinking on the next sentences:

I	Europeans differ from other people by respecting Human Rights	Agree 1 2 3 4 5 Disagree
II	Those who commit crimes should be punished	Agree 1 2 3 4 5 Disagree
III	The State must take all responsibilities to get jobs for people who have commit criminal offenses	Agree 1 2 3 4 5 Disagree
IV	Without freedom, work degrade human beings	Agree 1 2 3 4 5 Disagree
V	The work free condemn people	Agree 1 2 3 4 5 Disagree
VI	The State should admit the engagement in public sectors of people with criminal record	Agree 1 2 3 4 5 Disagree
VII	The State must stimulate corporations and all the society to receive in good conditions ex-condemn people	Agree 1 2 3 4 5 Disagree
VIII	Within controlled conditions, condemn people free work is better business than doing time in prison	Agree 1 2 3 4 5 Disagree
IX	Who commit crime should be treated always as a person	Agree 1 2 3 4 5 Disagree
X	Europeans are to soft with their enemies	Agree 1 2 3 4 5 Disagree

Outside prison, what should be the best bet in order to social reintegration of ex-inmates?

XI	State help	Agree 1 2 3 4 5 Disagree
XII	Corporation and NGO help	Agree 1 2 3 4 5 Disagree
XIII	Work market openness	Agree 1 2 3 4 5 Disagree
XIV	Condemn people family and friends	Agree 1 2 3 4 5 Disagree



**Table 2. Results on 266 people from Lisbon region, sorted by mean of level of agreement**

	Mean	Mode	Std. Dev.	Sum
The State should admit the engagement in public sectors of people with criminal record (VI)	3,0	3	1,1	786
Europeans are to soft with their enemies (X)	2,9	3	1,2	774
The State must take all responsibilities to get jobs for people who have commit criminal offenses (III)	2,8	3	1,2	726
The work free condemn people (V)	2,5	3	1,1	658
State help (XI)	2,4	1	1,2	646
The State must stimulate corporations and all the society to receive in good conditions ex-condemn people (VII)	2,3	3	1,2	612
Corporation and NGO help (XII)	2,3	2	0,8	614
Within controlled conditions, condemn people free work is better business than doing time in prison (VIII)	2,3	2	1,2	599
Those who commit crimes should be punished (II)	2,3	1	1,3	591
Europeans differ from other people by respecting Human Rights (I)	2,3	1	1,3	594
Without freedom, work degrade human beings (IV)	2,2	1	1,2	592
Work market openness (XIII)	2,1	2	1,0	562
Who commit crime should be treated always as a person (IX)	2,1	1	1,3	566
Condemn people family and friends (XIV)	1,9	1	1,1	496

The means obtained balance between 1,9 (fair agreement) and 3 (neither disagreeing or agreeing). So, there is not unanimous rejection of any of the submitted sentences. And the people who really disagreed suffered from the known center effect of inquiring method. They prefer to avoid declare negative judgments and they prefer to mixed with people who really do not have an opinion on the matter.

The results give information about the strength of social trends to agree with the different sentences, stronger when it comes to let the society (family, friends, market, corporations and NGO) to take social costs of the crime prevention and weaker when it comes to being the State to assume this costs.

As one can see by looking at the standard deviation records (more than 1 comparing the 3 points between almost all answer stand), there is social controversy about these issues, even if a questionnaire is not the best way to address and develop them

The analysis of the mode indicator shows how the logical contradiction of the social common reasoning affects the sequences of values. The two sentences out of order (State help (XI) and Work market openness (XIII) referring "Outside prison, what should be the best bet in order to social reintegration of ex-inmates?" set of questions) shows and signs the contradiction between the social will to safe guard the state prestige – avoiding to accept ex-condemn people working as civil servants, for instance – and the State obvious responsibility to address crime prevention, as well it shows the social contradiction between engaging social institutions on the task of solving the social problems of social reinsertion of ex-condemn people.

The results show clearly that society is not prepared to accept without explanation the idea of the State helping the prison inmate to get a job. Even we know that is the best and the easiest think the State can do to prevent crime.

