

SIXTH FRAMEWORK PROGRAMME
Integrating and strengthening the European Research Area
Specific Targeted Project

CRCC

Crime Repression Costs in Context

Activity Report
01/05/2008 – 31/07/2009

**Project funded by the European Commission
under the “Integrating and strengthening the European Research Area.
Specific Targeted Project”**

CONTRACT No 044351 (CIS8)

Publishable executive summary

Summary description of project objectives

The present research starts from the assumption that “It is only very recently that EU countries have started generating figures on the cost of crime, and methodological problems still exist in developing the methods of calculating these costs”. The research will point out the existing problems in costs evaluation. It will not discuss computational methods of evaluating costs of different penal strategies. In order to do this, there should be an agreement about what shall be considered as a cost and what shall be considered benefit while proposing and adopting a specific policy. In our opinion, there is actually no agreement on this point in the community of European experts. Moreover, such an agreement seems a chimera if we examine the strategies of different European penitentiary practitioners and administrators.

Costs of crime have to be connected with political and social costs that are associated to criminal policy’s choices. First of all, the research will try to clarify the terminological and conceptual premises that may constitute the grounds of a non-ideological study of the penal system, starting from the observation that there are many possible ways of evaluating the costs of crime and that these different ways are not neutral as regards the fundamental political and theoretical options of a given criminological culture. Proponents believe that the first step is the definition of the different paradigms, with their implicit assumptions on penitentiary system’s tasks and costs. Secondly, it is necessary to define the different assumptions that move political discourse and influence public opinion. Finally, it is crucial to study in depth practitioners’ perceptions about costs and benefits. The research will then be developed at theoretical and at empirical-ethnographic level.

The work of epistemological foundation is preliminary to any discussion about the costs of crime and crime repression. Research will review existing literature and outline the legal and sociological framework of European penal and penitentiary policies (WP 1-2). In order to do this, the research will also produce an empirical-ethnographic research (WP 3-4), involving all the European countries where participant units are based: old EU members such as Italy and Germany, new member states such as Lithuania and a candidate country where penal and penitentiary reforms are strongly needed, such as Turkey. Special attention will be paid to policies aimed at preventing recidivism and a specific ethnographic research on drug-related crime repression will be carried out (WP 4).

The research aims at giving a significant contribution to the assessment of penal policies’ costs considering the efficacy of such policies in reducing and preventing crime.

At a theoretical level it aims at producing:

- a. An analysis of theoretical paradigms that inform European penal policies (**WP1**).
- b. An analysis of the complex relationship between penal policies, practitioners’ procedures, normative texts and political discourse (**WP2**).
- c. An analysis of political and social costs of criminal and penal policies based on the different criminological and penological paradigms delineated by the research (**WP1**).

At empirical-ethnographical level the research will be developed in order to single out and highlight the paradigms that lead penal actors in their daily work. In order to reach this objective, the research will produce:

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- a. An analysis of the perception (or, if existent, of the measurement) of rates of recidivism and of the selectivity of some European penal systems (**WP3**).
 - b. An analysis of the perception that penitentiary actors have of the different selection criteria employed in the penal judicial process and of their relationship with the social structure of European societies (**WP3**).
 - c. An analysis of the perception that penitentiary actors have of the main critical aspects of some European penitentiary systems, and of their judgement on the quality and efficacy of penitentiary services in preventing crime and in minimizing social costs associated to detention (**WP3**).
 - d. An analysis of the perception that penitentiary actors and social workers have of direct and indirect costs of drug-related crimes. In particular, the research seeks to understand and consider the perception of the efficacy of prison sentences and of probation and parole in avoiding recidivism (**WP4**).

Participant list

Participant N.	Participant Name	Participant Short Name	Country
1	Università degli Studi di Firenze	Unifi	Italy
2	Fondazione Giovanni Michelucci	Michelucci	Italy
3	Universitaet Bremen	UBRM	Germany
4	Law Institute	Law Institute	Lithuania
5	Centro de Investigação e Estudos de Sociologia	CIES - ISCTE	Portugal
6	Universitat de Barcelona	UB	Spain
7	University of Miskolc	Miskolc	Hungary
8	Research and Development Center – Intercollege	RDC-I	Cyprus
9	University of Ankara	A.Ü.	Turkey
10	Center for the Study of Democracy	CSD	Bulgaria

Co-ordinator contact details

Prof. Emilio Santoro
 Università di Firenze
 Dipartimento di Teoria e Storia del Diritto,
 Via delle Pandette 35,
 50127, Firenze, Italy
 Tel +39 055 4374314
 Fax +39 055 4374925
 E-mail : E.Santoro@tsd.unifi.it

Work performed so far, results achieved and products

Workpackage 1	Work performed	Results achieved	Products
<p>WP1. Direct and indirect costs of crime? A discussion of penological paradigms in relation with crime prevention strategies</p>	<p>Finalization and refinement of Deliverable1</p>	<p>Analysis of the contradictions within the models associated to the retributive-incapacitating paradigm.</p> <p>Assessment of the discrepancies between the retributive-incapacitating theoretical model, the public-political discourse and actual political-administrative inputs.</p> <p>Survey and assessment of the scarce and unreliable official figures on the costs of crime or on the costs of alternative measures.</p> <p>A survey on all the research units' countries reveals that in none of them, with the sole exception of Lithuania (where the Government, starting from 2004 calculates the cost of crime following the Instruction on Filing, Registration, Submittal, and Storage of Statistical Cards on Objects in Departmental Register, approved by the order No. 1V-252 of the Minister of the Interior Affairs on June 30, 2006¹), governments publish an estimate of crime costs or officially appoint a research body to develops methods of calculating these costs.</p> <p>Assessment for the need, at European level, of an agreement on which data on the penitentiary system, and on the other modalities of serving a sentence, should be collected, and on the way in which this should be done.</p>	<p>Deliverable 1. Direct and indirect costs of crime? A discussion of penological paradigms in relation with crime prevention strategies.</p> <p>Available on the on line platform.</p>
Workpackage 2	Work performed	Results achieved	Products
<p>WP 2. European prison standards: theoretical paradigms and implementation</p>	<p>Finalization and refinement of Deliverable 2</p>	<p>This part of the research led to the conclusion that the articulate European system for the protection of the persons deprived of their liberty not only denounces the most serious abuses, but also promotes the adoption of an advanced «European prison model».</p> <p>Main features of this model are: the option for detention in individual cells; the guarantee of good material conditions of detention; the importance of the activities aimed at contrasting prisoners desocialization or prisonitazion; the refusal of solitary confinement as an ordinary way of detention; the strict protection of the prisoners' right to health; the protection of family life and personal relations. But whether this prison model is conceived in order to fulfil the expectations associated to the social-preventive-resocializing paradigm, or in view only to respect</p>	<p>Deliverable 2. European prison standards: theoretical paradigms and implementation.</p> <p>Available on the on line platform.</p>

¹ Official Gazette "Valstybės žinios", 2006, No. 79-3118.

		<p>human rights in prison, within a retributive-incapacitating paradigm, is hard to say.</p> <p>From the overview of the Jurisprudence of the European Court of Human Rights, of the literature about rehabilitation and of the European Prison Rules, rehabilitation seems to be considered as an old-fashioned philosophy of punishment. Social reintegration seem to be a part of the European prison model, but its relevance seems to be that of a minor concern. Prisoner's rights are mainly framed as means to contrast prisonization, and only to a lesser extent as means to promote social resettlement.</p> <p>The perspective, increasingly common in Europe, of using incarceration as a means of incapacitation of deviants, and of dissuasion and control of illegal migration, contrasts with the vision promoted by the European organs in charge of protecting prisoners' rights. This logic is the opposite of the «rights logic» that seems to shape the «European prison model».</p>	
Workpackage 3	Work performed	Results achieved	Products
<p>WP 3. Empirical-ethnographic inquiry on recidivism, penal system's selectivity and social costs of detention</p>	<ul style="list-style-type: none"> - Discussion of the methodologies and common strategies to be adopted for the success of this part of the research. - Contacts with the relevant national institutions and officers. - Authorization by the relevant national institutions and officers to carry out the empirical research. - Empirical-ethnographic research. - Elaboration of the material collected by the research, presented in Workshop 3, and later included in the final reports on the research results. 	<p>From the empirical work accomplished emerges clearly that almost all the penal actors interviewed refuse a strictly economic idea of costs and benefits of crime and criminal policy. As it was clearly stated by one of the public officials interviewed, the most important aspect to be taken into account as a benefit produced by the penal system is whether a prisoner can be successfully re-integrated into the labour market and into the society as a whole after imprisonment, while it should be assumed as a cost the question of re-offending. This idea of costs and benefits is an expression of the relevance the special-preventive-resocializing paradigm continues to have in influencing penal actors' professional culture. Generally speaking, indeed, almost all the interviewed assumed rehabilitation as the main task of their work. As stated by some penitentiary judges interviewed, although complete rehabilitation could appear almost impossible, penitentiary administration should provide inmates with opportunities of educational and professional training inside the prison. From this point of view, the supposed educative and disciplinary effects of rehabilitative programmes overcome their strictly economic costs.</p> <p>On the other hand, not everybody has the same opportunities to access these educative and disciplinary programmes. As a penitentiary judge explicitly said: "the inequalities in prison are the same as the ones in our societies".</p>	<p>Papers presented in Workshop 3</p> <p>Partner 1: Penal actor's perception of tasks, cost and benefits of Italian penitentiary system.</p> <p>Partner 3: Research plan for Germany, preliminary results of pilot interviews and arising problems.</p> <p>Partner 4: Ethnographic Research on Recidivism, Selectivity of the Penal System and Social Costs of Imprisonment in Lithuania.</p> <p>Partner 5: Preliminary report on the results of WP3 research.</p> <p>Partner 5: Is there a new structural situation for imprisonment issues and problems?</p> <p>Partner 6: Partial results of the empirical research: penitentiary judges' voices.</p> <p>Partner 6: Ups and downs of our empirical research.</p> <p>Partner 7: Consequences of committing a crime as recidivist in the Hungarian legislation</p> <p>Partner 7: Questionnaire.</p> <p>Partner 8: CRCC Interviews' Summary.</p> <p>Partner 8: Partial results of the empirical research: vertical focus group interviews.</p> <p>Partner 9: Criminal justice and prison system in Turkey: Scoping Study of Empirical-ethnographic Research.</p> <p>Partner 10: Research progress in Bulgaria: methodology, first results and major problems to be addressed.</p>
Workpackage 4	Work performed	Results achieved	Products

<p>WP 4. Direct and indirect costs of drug-related crimes: the role of prison and community sentences</p>	<ul style="list-style-type: none"> - Discussion of the methodologies and common strategies to be adopted for the success of this part of the research. - Contacts with the relevant national institutions and officers. - Authorization by the relevant national institutions and officers to carry out the empirical research. - Empirical-ethnographic research. - Elaboration of the material collected by the research, presented in Workshop 4, and later included in the final reports on the research results. 	<p>As regards the penal response to drug related crime, on the one hand several options, alternative to prison, seem to be available in many countries, but most of those options are available for “addicts”, and not for “users”. On the other hand these alternative means are not limited to drug law offences (e.g. drug use, possession, sale), and in most of the cases the majority of these measures are available also for non-drug offence, as in the case of property crimes committed by drug users to support a drug habit. Measures are available therefore that imply a legislative will to avoid prison for the drug-addicted offender, increasing the possibility of successful medical treatment and limiting the chances of recidivism. On the other hand the mere existence of such an option in the law is no indication of the actual frequency of use by the judiciary. On the contrary the statistical figures on the presence of drug users in prison seem to prove that resort to detention is still a common mean to deal with offences committed by drug users, and the application of those alternative measures can be seen more as “best practice” than as the standard decisions by the courts.</p>	<p>Papers presented in Workshop 4</p> <p>Partner 1: Legal framework on drugs in Italy. Partner 1: Penal actor’s perception of tasks, cost and benefits of Italian drug treatment policy. Partner 2: Effects on the penitentiary system of the 2006 amendment of the Italian legal framework. Partner 3: German Drug Policy (especially referring to drugs other than alcohol or tobacco). Partner 4: Direct and Indirect Costs of Drug-Related Crimes: Roles of Imprisonment and Community Sanctions. Partner 5: The legal framework of drug offences in Portugal. Partner 5: Drug related policies in Portugal. Partner 5: Portuguese prison system: perspectives from within. Partner 6: Empirical Research in Barcelona (to be continued). Partner 6: Programmes for drug dependency. What and how is offered in Catalan prisons? Partner 7: Drug criminal law and criminal policy in Hungary. Partner 7: Use of Drugs in the Hungarian Penitentiary System. Partner 7: Empirical research in WP3 and WP4. Partner 9: New developments and trends in drugs and drug addiction in Turkey. Partner 10: Drug related crime and drug use in prisons in Bulgaria. Partner 10: Results of the first series of interviews in Bulgaria.</p>
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Official logo of the project



Reference to the website of the project

www.tsd.unifi.it/CRCC

Section 1 – Project objectives and major achievements during the reporting period

The official starting date of the research project CRCC. Crime Repression Costs in Context, funded by the European Commission under the “Integrating and strengthening the European Research Area. Specific Targeted Project”, CONTRACT No 044351 (CIS8), was 01/05/2007. This activity report covers the second reporting period of the project, from 01/05/2008 to 31/09/2009, a period of 15 month due to three months delay of the project deadline.

The second year of the research, after the conclusion of WP1 and WP2, was devoted to the empirical-ethnographic research described in WP3 and WP4.

General objectives of these two workpackages were to study the theoretical and cultural paradigms that lead penal actors (those who work in prison, in social services, in parole and probation services, in immigration services, and in prevention of drug use services) in their daily work. To do so the research activities, through quantitative and qualitative methodologies, have taken into account the perception (or, if existent, of the measurement) of rates of recidivism and of the selectivity of some European penal systems, to understand the perception that penitentiary actors have of the efficacy of penitentiary systems in preventing recidivism and consequently in reducing crime. The research took into account also the perception that penitentiary actors have of the different selection criteria employed in the penal judicial process and of their relationship with the social structure of European societies.

While fulfilling these aims of the research, our activities produced also an analysis of the perception that penitentiary actors have of the main critical aspects of penitentiary systems involved in the research, also in order to identify their judgement on the quality of penitentiary services and on their efficacy in preventing crime (by preventing recidivism) and in minimizing social costs associated to detention.

Finally a specific focus has been devoted to the analysis of the perception that penitentiary actors and social workers have of direct and indirect costs of drug-related crimes. This inquiry on drug-related crimes’ repression resulted particularly useful to understand what is considered as a cost of crime and as a cost of crime repression by every system, assessing the efficacy of strategies envisaged in European policies and practice for fighting against illicit drugs’ use and drug-related crimes. In particular, taking into account the perception that penitentiary actors and social workers have of the efficacy of prison sentences and of probation and parole in avoiding recidivism.

An overall description of the project workpackages is reported in Section 2. The specific objectives for the second reporting period where the carrying out and conclusion of workpackage 3 and 4, also in the light of the results of workpackages 1 and 2, carried out during the first reporting period, and presented in Deliverable 1 and Deliverable 2.

On Line Platform

The on line platform has been used extensively during the project. It took a while for some of the partners to get used to the platform, but at the end it could be said that it proved to be extremely useful, providing a place to present, discuss and store all the project materials. In this way all the partners had an easy and immediate access, wherever they are, to the research materials and discussions.

Section 2 – Workpackage progress of the period

Workpackage 0 **Project management**

Aim of this workpackage was to ensure the achievement of the project goals through a close and accurate management of all the project phases.

In order to do that the consortium coordinator shall:

- oversee the distribution of funds to partnership members at the start of the programme
- oversee the construction and updating of the on line platform
- oversee the final edition of a collective volume containing research results
- co-ordinate and oversee planned dissemination strategies

The project manager shall:

- regularly co-ordinate and compile accounts to be submitted to the coordinator
- prepare final accounts on the completion of the project
- assist the coordinator in making sure that each participant is familiar with its contractual obligations
- assist the coordinator for ensuring the efficiency of the flow of information from the EU to the partnership and vice versa
- co-ordinate the preparation of reports and their submission to the commission.

The project manager will provide the communication rout for the partnership ensuring that:

- milestones and deliverables are met through close management of partnership activities
- participants are alerted to approaching deadlines
- resource sharing is co-ordinated to maximise cost efficiency
- partnership meetings, especially workshops, are co-ordinated and organized at regular intervals.

During the second and final year of the research the project coordinator and the project manager updated the on line platform (see above), clarified to each participant their contractual obligations and the rules that features the Sixth Framework Programme, coordinated the communication from the EU to the partnership and vice versa, and the communication between the partners, co-ordinated the preparation of reports and their submission to the commission.

Beside this, during the last reporting period, due to unexpected difficulties described in the Periodic management report 2, it became extremely difficult to respect the original project schedule, and this is why, at the end of 2008, a three months delay of the project deadline has been asked.

Immediately after the end of this second reporting period, the coordinator, together with the support provided by Partner 2, and the cooperation of all the partners, begun preparing the deliverables for the second, and final, reporting period. As for this, in particular it has to be mentioned a problem rose on the financial reporting of audit costs. Audit costs have to be reported as subcontracting under direct consortium management costs, but most of the partners had no budget for subcontracting under that item. Because of this, it become necessary to amend our budget. Details of this amendment have been described in Periodic management report 2.

Deliverable list:

Deliverable 11. “Report on Project Management I”: expected submission date month 12. Due to the difficulties in preparing and submitting Deliverable 1 and 2, the submission of Deliverable 11 has been postponed to November 2008.

Deliverable 12. “Report on Project Management II”: foreseen submission date month 27.

Workpackage 1

Direct and indirect costs of crime? A discussion of penological paradigms in relation with crime prevention strategies

The research activities carried out according to Workpackage 1, described in Activity report 1, were presented and discussed during the first research workshop, held in Barcelona on the 23rd and 24th of November 2007, and the results of this workpackage have been collected and edited into a single document, and are now presented in Deliverable 1.

Deliverables list:

Deliverable 1. “Direct and indirect costs of crime? A discussion of penological paradigms in relation with crime prevention strategies”: expected submission date month 6. Deliverable 1 has been submitted at the beginning of November 2008.

Deliverable 5. “Theoretical research final results”: foreseen submission date month 27.

Deliverable 8. Research on line platform (web): the materials presented in Barcelona and Deliverable 1 are already on the platform.

Deliverable 9. “Crime repression costs in context: first draft of collective volume”: foreseen submission date: month 27.

Workpackage 2

European prison standards: theoretical paradigms and implementation

Workpackage 2 was meant to produce an analysis of the European prison standards and of the other relevant pieces of legislation in order to identify the legal framework that should inspire penitentiary policies in the European Union.

The preliminary steps for the implementation of Workpackage 2 have already been described in Activity report 1. The results of this workpackage were presented and discussed though at the Ankara meeting, held at the end of May 2008, and therefore reported here.

The synergy between the European Convention for the Prevention of Torture and the European Prison Rules, strengthened by the CPT’s control, by the European Court of Human Rights’ case-law and by the activity of the European Commissioner for Human Rights and the recommendations of the European Parliament, creates at continental level a complex system for the protection of the persons deprived of their liberty, which not only denounces the most serious abuses, but also promotes the adoption of an advanced «European prison model» that takes into account all the different aspects of prison experience. Is this prison model conceived with a view to fulfill the expectations associated to the social-preventive-resocializing paradigm? Or is it conceived with the only view to respect human rights in prison, within a retributive-incapacitating paradigm? It hard to say. Summarising, among the main features of this model there are: the option for detention in individual cells and the end of accommodation in dormitories; the guarantee of good material conditions of detention; the importance of the activities aimed at contrasting prisoners

desocialization or prisonization such as work, education, culture, sport and open air activities; the refusal of solitary confinement as an ordinary way of detaining persons; the strict protection of the prisoners' right to health; the protection of family life and personal relations.

There is a risk that «communitarian governmentality» and national States, mostly inclined to «securitarianism», seem to contribute to the diffusion of the European «security discourse». This does not assume prison as a «cost», nor as a Welfare State's institution, but as a place of mere neutralisation of deviants persons. In this view – that for instance inspires European information systems such as the SIS and European migration policies – a person who comes out of prison is not somebody who has been rehabilitated and can be reintegrated into society; he or she is mainly perceived as a recidivist, i.e. as an «undesirable person» whose past deviant behaviours have to be recorded and signalled. Incarceration is then assumed as an index of social dangerousness, following the penological developments emerged in the United States.

The perspective of using incarceration as a means of incapacitation of deviants and of dissuasion and control of illegal migration contrasts with the vision promoted by the European organs in charge of protecting prisoners' rights. If incapacitation is the purpose of incarceration, the longer the prison sentence is, the better it achieves its goal. These policies abandon every causal explication of deviance and tend to ignore even deterrence: incarceration is in this view mere segregation, neutralisation.

This logic is the opposite of the «rights logic» that seems to shape the «European prison model». There are two main possible outcomes of the deep fork that came out between European policies: the gradual shift of the «European prison model» from a legal and social model that has to be implemented into mere rhetoric, or its combination with a philosophy of punishment inspired by the paradigm of incapacitation. In this case, we would assist to the building of a «European prison welfare» that, while adopting a philosophy of punishment based on incapacitation, would guarantee good material conditions of detention. Such a system would allocate important economic resources to the building of new prisons in order to limit prison overcrowding while prison population is growing, and to the services for prisoners. Such services would however be aimed not at helping the prisoners to reintegrate into society, but only at guaranteeing «human» prison conditions. In the name of the «European legal model» and of the «rule of law», we would accept to afford the «costs of rights», but not the «costs of socialisation». Such a model would approach some American experiences and would be the most complete way of establishing the «Gulag western style» that Niels Christie predicted. The European system of protection of prisoners' rights would be respected as regards the «humanity of punishments», but not as regards its option for de-penalisation and decarceration.

It's a possible horizon, the horizon of a society which, in the name of its fears, invests in security and not in sociability – and this even if nobody ever demonstrated the efficacy of such security policies and of the neutralisation through imprisonment in reducing crime. The American debate on this subject shows that the efficacy of these policies has never been assessed. In many European countries crime declined in the last decades, but no connection has been demonstrated between this decline and the adoption of harsh criminal policies or of prison policies oriented by neutralisation of deviance; on the contrary, some researches put into light the suitability of alternative measures for reducing recidivism.

Deliverables list:

Deliverable 2. “European prison standards: theoretical paradigms and implementation”: expected submission date month 12. Due to the difficulties mentioned in Workpackage 1, whose results were relevant for the preparation of this Deliverable, it has been submitted at the beginning of November 2008.

Deliverable 8. Research on line platform (web): the materials presented in the Barcelona meeting and Deliverable 1 are already on the platform.

Deliverable 9. “Crime repression costs in context: first draft of collective volume”: foreseen submission date: month 27.

Workpackage 3

Empirical-ethnographic inquiry on recidivism, penal system’s selectivity and social costs of detention

Workpackage 3 is devoted to an empirical-ethnographic research aiming at understanding which parameters the penal and social actors usually consider as means for evaluating costs and benefits of penitentiary systems and, consequently, what consequences are caused by these evaluations on knowledge and praxis of the leading practitioners. The workpackage will test the hypothesis that practitioners of the main continental European countries, in order to evaluate costs and benefits of penal systems, use parameters associated to the social-preventive-resocializing paradigm. This paradigm is the base of their formation, although it’s a theoretical model in crisis since the 1970s and considered inadequate facing social changes.

The aim of this part of the research is to carry out an analysis, based on the perception of social and penal workers and on available quantitative data, of recidivism and of the selectivity of some European penitentiary systems.

The workpackage will also be devoted to test the hypothesis of a relationship between quality standards of penitentiary systems and their efficacy in preventing recidivism and in reducing social costs of detention. One of the applicable instruments for increasing the quality standards of the penitentiary systems, is represented by the respect of the fundamental rights of detainees. Such rights, analyzed in WP2, are not just abstract principles, but present some precise guidelines for the penitential policy choices.

The methodologies and common strategies to be adopted for the success of this part of the research have been discussed during the first reporting period, and in particular through an intense e-mail exchange and during the Florence and Bremen meeting. Preparatory materials for WP3 and 4 are also available on the on line platform.

Preliminary results have been presented and discussed in the third workshop, held in Bremen at the end of November 2008.

What emerges clearly from the empirical work accomplished is that almost all the penal actors interviewed refuse a strictly economic idea of costs and benefits of crime and criminal policy. As it was clearly stated by one of the public officials interviewed, the most important aspect to be taken into account as a benefit produced by the penal system is whether a prisoner can be successfully re-integrated into the labour market and into the society as a whole after imprisonment, while it should be assumed as a cost the question of re-offending. This idea of costs and benefits is an expression of the relevance the special-preventive-resocializing paradigm continues to have in influencing penal actors’ professional culture. Generally speaking, indeed, almost all the interviewed assumed rehabilitation as the main task of their work. As stated by some of the penitentiary judges interviewed, although complete rehabilitation could appear almost impossible, penitentiary administration should provide inmates with opportunities of educational and professional training inside the prison. From this point of view, the supposed educative and disciplinary effects of rehabilitative programmes overcome their strictly economic costs.

Beside these shared assumptions, there were some divergences among the different professional figures involved by our research. On the one hand, parole service employees, social workers and

NGO's members refuse the narrow economic idea of costs and benefits as taking into account only the direct costs of crime and crime repression and ignoring a wide range of indirect long-term costs of crime repression. On the other hand, some penitentiary judges and administrators, while admitting that detention could and do increase recidivism, tend to consider as benefit even its pure retributive, deterrent and neutralizing effect.

As we tried to outline, the structural condition of the penitentiary systems considered by our research are partially different. While penitentiary laws tended to converge toward the European prison standards, the characteristics of the prison population still differ profoundly. In western European countries prison population has drastically changed during last decades. An increasing of the foreign presence has completely changed the typical prisoner penal actors have to deal with in their everyday work. While, as we have seen, they continue to assume to have rehabilitative tasks, they are redefining them downwards when are called to deal with those increasing part of prison population for which prison becomes a pure repressive and neutralizing institution.

Beside this tendency toward a more limited concept of rehabilitation conceived as "avoiding de-socialization", a wide range of activities that were usually considered part of the treatment program are by now used as means to govern prison population. Activities such as unskilled jobs useful to prison maintenance, education and learning courses, sports and, occasionally, entertainment activity (art or theatre), are organized without any distinction between pre-trial and final sentence detainees. What emerges from our empirical findings is that not everybody has the same opportunities to rehabilitate and not everybody has the same possibilities to get penitentiary benefits. As a penitentiary judge explicitly said: "the inequalities in prison are the same as the ones in our societies". This is particularly true in western European countries, where the massive presence of foreign detainees excluded from the access to probation has transformed prisons into institution with pure repressive and neutralizing functions. The penal actors interviewed do not see any discrimination here, since the different possibilities prisoners have to access alternative measures are not directly related with their nationality but with their belonging to a "dangerous category" supposed to pose high risks of re-offending and jailbreak. Accordingly the selectivity of prison/alternative measure systems appears to be a mirror of the social structure of the society: detainees with a good socio-economic background access easier than others (usually foreigners immigrants in western European countries) to probation measures.

Interviews with penitentiary judges helps us to understand other aspects of the selectivity process that keep in prison underprivileged detainees. Accordingly to our findings, penitentiary judges do an important distinction between probation requests coming from a detained and those coming from someone that has obtained a suspended sentence. When the request comes from convicted with suspended sentence the penitentiary judge is more incline to give a positive response, while when it comes from a detainee the same judge is much more cautious.

Both social workers and penitentiary judges confirm that, in western European countries, for a foreign offender is hard to obtain probation from prison or thanks to a suspended sentence. Whether in prison or with a suspended sentence, foreigners do not correspond to the profile drawn by probation system. Italian Penitentiary judges argues also that foreign rarely obtain a suspended sentence because they are recidivist and because they often do not receive, due to the lack of legal residence, the court's invitation to submit, within the 30 days deadline, the request for an alternative measure. Social workers highlight that in many cases when foreigners get the court's communication, they do not understand its meaning and, not having an attorney that cares of them, do not submit any request. Penitentiary judges affirm that the main reason for which they do not obtain suspended sentence is a legal obstacle: the law requires that at the moment of the suspension the convicted is not in pre-trial custody. Most of the foreign offenders, unfortunately, have pre-trial custody and this happens because of the same reason for which they usually do not obtain alternative measure: they have not legal residence, no legal permit to stay, no house or legal job.

Deliverables list:

Deliverable 3. “Empirical-ethnographic inquiry on recidivism, penal system’s selectivity and social costs of detention”: foreseen submission date month 21.

Deliverable 5. “Theoretical research final results”: foreseen submission date month 27.

Deliverable 6. “Empirical-ethnographic inquiry final results”: foreseen submission date month 27.

Deliverable 8. “Research on line platform (web)”: preparatory materials an on line forum, materials presented in Bremen and Deliverable 3 are already on the project platform.

Deliverable 9. “Crime repression costs in context: first draft of collective volume”: foreseen submission date month 27.

Workpackage 4

Direct and indirect costs of drug-related crimes: the role of prison and community sentences

Policies contrasting drug addiction and drug-related crimes are an important case-study of European penal policies. This workpackage will focus on drug-related crime repression, in order to better specify penological paradigms and practices defined in workpackages 1 and 3. Policies concerning drug addiction and drug related crimes are actually one of the most discussed issues in European countries. In the last two decades great increases in detainees sentenced for drug related crimes were recorded in the majority of European countries. Control of drug addiction and of the related criminality is one of the main problems of most European societies, a problem that can not be solved only through penal policies. It involves considerably social policies and prevention policies. Moreover, drug-related crimes repression is strictly connected with the selectivity of penal and penitentiary systems studied in WP3.

Actually two main responses to drug-related criminality seem to be present on the European penal scene: the de-penalization and harm-reduction approach and the “law and order” approach. Proponents believe that these trends have to be studied in depth, and that it is very urgent to check the coherence between practitioners’ work in the field and policies. Aim of Workpackage 4 is to analyze the perceptions of penal and social workers and of drug-sentenced detainees and parolees, with a special concern for their estimation regarding drug-related crimes repression’s costs and efficacy. Studying practitioners’ perceptions, research will in particular focus on costs and efficacy of prison sentences and community sentencing strategies to reduce drug-related crime.

To fulfil the goals of Workpackage 4 the partners will come to a common identification of crimes and of conducts to be considered as directly or indirectly connected with drug use, and also of a common notion of the criminal sanctioning measures to counter-act drug related crime. Goal of this part of the research is to make possible to every partner to estimate, at a national or regional context, the width of prison sentences serving and of community sentences serving connected to drug related crime, and to compare available data concerning the costs faced by the penitentiary system, the health care system and by any other agency that takes part to the prison based and community based strategies to counter-act drug related crime, with the costs of the penitentiary system and of the community sentences system, as perceived by the social workers and by other operators involved in these crime reduction strategies.

The results of Workpackage 4 have been discussed in a workshop, held in Lisbon in January 2009, and are reported in Deliverable 4 “Direct and indirect costs of drug-related crimes: the role of prison and community sentences”.

The research stressed the relevance, among the policies on drug related crime examined, of the responses to crime alternative to prison. A prison sentence, especially in the case of crime connected to the abuse of drugs, is only one of the possible measures in the event of an offence. From this respect the European Union Action Plan 2005-2008 can be taken into account, that in Objective 13 asks to: “further develop alternatives to imprisonment for drug abusers and drug services for people in prisons, with due regard to national legislation”, the corresponding action being to “make effective use and develop further alternatives to prison for drug abusers”. A similar strategy for drug demand reduction can be found also in the European Union Action Plan 2009-2012 where Action 16 demands “to increase the use of, monitor implementation and further develop effective alternatives to prison for drug-using offenders”.

In fact on the one hand several options, alternative to prison, seem to be available in many national legislations, but most of those options are available for “addicts”, and not for “users”. On the other hand these alternative means are not limited to drug law offences (e.g. drug use, possession, sale), and in most of the cases the majority of these measures are available also for non-drug offence, as in the case of property crimes committed by drug users to support a drug habit.

Measures are available therefore that make possible for the drug-addicted offenders to avoid prison. Often these measures imply medical treatments, and indeed have proven to be useful to reduce the chances of relapse. On the other hand the existence of these options in the law doesn’t mean they are regularly used by the courts, and the figures presented above prove that the resort to detention is still a common mean to deal with offences committed by drug addicts.

Trying to compare the picture sketched above with our research assumptions, a mixed outcome seems to emerge. The two main responses to drug-related criminality, the de-penalization and harm-reduction approach and the “law and order” approach, outlined in the work package description, seem to be both relevant for several national systems taken here into account. The same national system, in different moments, often put forward both community based solutions to drug addiction and drug-related crimes, and criminalization of drug use (even of the so-called light drugs) together with harsher prison sentences. These contrasting approaches often remain in the legislations and in the culture of the social workers, and this can imply that the two approaches, associated to the two main penological paradigms outlined in work package 1, the social-preventive-resocializing model, and the retributive incapacitating model, live together in the system. This “cohabitation” obviously paves the way to a situation that is highly consistent with one of the results of work package 3: not everybody has the same opportunities to rehabilitate, and not everybody has the same possibilities to get penitentiary benefits.

Measures alternative to prison are available for drug addicts in every country examined, but the access to those measures is not for the majority. Several selection process came here into play, that differ from country to country, but that partially reproduce the selectivity of the penal policies already described in work package WP3. Even for drug users, prison is a more likely scenario when they belong to marginalized groups.

Deliverables list:

Deliverable 4. “Direct and indirect costs of drug-related crimes: the role of prison and community sentences”: foreseen submission date month 22.

Deliverable 7. “Drug-related crimes research final results”: foreseen submission date month 27.

Deliverable 8. “Research on line platform (web)”: preparatory materials, the papers presented in Lisbon and an on line forum are already on the project platform.

Deliverable 9. “Crime repression costs in context: first draft of collective volume”: foreseen submission date month 27.

Section 3 – Consortium management

The most relevant role of the consortium management, during the second reporting period of the project, regarded on the one hand the coordination of the scientific activities, and on the other hand the organisation of the project events, and in particular of the final conference.

In particular difficulties emerged in the implementation of the work described in workpackage 3 and 4. In these cases the ethnographic-empirical part of the research required for the agreement on a strong general framework, common to all the research activities to be carried out in every country. On these matters wide discussions took place, both during the project management meetings and by e-mail and on the platform, to exchange opinions and to come to common conclusions. Through the platform also a short document was circulated, that has been used in Italy as a general framework for the interviews, and that some partners adopted as a guideline for their empirical research.

Besides this, the management activities carried out during the second year included the cooperation in the organization of the project meeting and of the workshops held during the second reporting period. In particular, difficulties emerged on the organization of the final conference. According to the project the final conference was meant to be held in Vilnius, Lithuania, but while the event was approaching two difficulties emerged. The first one was the global credit crisis which in 2009 hit Lithuania heavily, creating some budgetary problems in the organization of the conference. Beside this, there were changes in the management of the Law Institute started at the supposed date of the conference, therefore the project has faced a lack of supporting staff for the conference from the side of the partner. The Law Institute never retracted his availability to organization of the final conference, but we considered nevertheless the possibility of having the conference in another venue. We had an immediate and strong response from the Cypriots colleagues. Beside this we decided that hosting the conference in a country that has a central role in migration routes towards Mediterranean Europe would be of great interest, and also an opportunity to better understand the role that prison system can have for migration policies.

These are the meetings organized during the second reporting period of the research:

Workshop 2 – Project management meeting 3
30 May – 1 June 2008
Ankara/Turkey

Workshop 3 – Project management meeting 4
28-30 November 2008
Bremen/Germany

Workshop 4 – Project management meeting 5
22-24 January 2009
Lisbon/Portugal

Workshop 5 – Project management meeting 6
Final conference
16-18 July 2009
Nicosia/Cyprus

Find below the project timetable as amended, with the agreement of the entire consortium, during the second reporting period of the project, as explained in Periodic management report 2:

Month	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	
Work Package 0																			D11									
Work Package 1	PM1					D5 D8 D9	WS1 PM2												D1									
Work Package 2												D8 D9	WS2 PM3							D2								WS5 PM6 D12
Work Package 3																		D5 D6 D8 D9	WS3 PM4		D3							
Work Package 4																				D7 D8 D9	WS4 PM5	D4						

Annex – Plan for using and disseminating the knowledge

Partner 1: Research results already had a significant diffusion, having being included in several publications by members of the research unit.

In particular members of Partner 1 edited, together with other scholars, a collective volume that included preliminary results of the ethnographic research: Giuseppe Campesi, Lucia Re, Giovanni Torrente, (eds), *Dietro le sbarre e oltre. Due ricerche sul carcere in Italia*, L'Harmattan Italia, Turin 2009. The volume includes an essay by Giuseppe Campesi and one by Lucia Re (both involved in CRCC research). Giuseppe Campesi published also several essays that includes the research results on theoretical paradigms of Workpackage 1, and in particular: Giuseppe Campesi, *Archeologia del neoliberalismo penale. Appunti sulla nascita di un nuovo paradigma criminologico*, in *“Studi sulla Questione Criminale”*, II, 3, 2007; G. Campesi, The control of «new dangerous classes», in: *“Oñati Journal of Emergent Socio-Legal Studies”*, I, 2, 2007; G. Campesi, Neo-liberal and neo-conservative discourses on crime and punishment, in: *“Oñati Journal of Emergent Socio-Legal Studies”*, II, 1, 2009. Lucia Re published two essays that include the results of her research on the European legal model, carried out for Workpackage 2: Lucia Re, *La cornice normativa di un possibile "modello penitenziario europeo"*, in *Iuris Quidditas. Liber amicorum per Bernardo Santalucia*, Editoriale scientifica italiana, Napoli 2010; Lucia Re, *La pena rimossa. Detenzione e diniego della sessualità nelle carceri italiane*, in *“Studi sulla questione criminale. Nuova serie di Dei delitti e delle pene”*, forthcoming.

Lucia Re researches on the theoretical issues covered by Workpackage 2 have already been published also in another article (Lucia Re, A "defensa do territorio", Cara un "racismo" legal, in "Esculca", 24, 2009) and are going to become part of two new publications: Lucia Re, La "domanda di sicurezza": "sicurezza sociale" e "sicurezza urbana", in R. Minna (ed), *Sicurezza*, Le Monier, Firenze forthcoming, and Lucia Re, La costruzione sociale dell'insicurezza: allarme mediatico e modelli di città, in "Jura gentium Journal", forthcoming.

Professor Santoro published an article (in French, English and Spanish) based on the materials prepared for Barcelona workshop: "Exclusive vs. Inclusive Citizenship: The Role of Prisons in the Government of Migrants"/"Citoyenneté qui exclut ou qui integer? Le role des prisons dans la gouvernance des migrations contemporaines", in *Reconciling migrants' well being and the public interest. Welfare state, firms and citizenship in transition/Concilier bien-être des migrants et intérêt collectif. Etat social, entreprises et citoyenneté en transformation*, vol. 19 of the series: *Trends in social cohesion/Tendances de la cohesion sociale*, Council of Europe Publishing/Editions du Conseil de l'Europe, Belgium/Belgique, 2008, and "De la ciudadanía inclusiva, a la ciudadanía excluyente: el rol de la cárcel en el gobierno de las migraciones", in Borja Mappelli Caffarena, José Daniel Cesano, Emilio Santoro, *Cárcel, inmigración y sistema penal: Aspectos dogmaticos, criminologicos y de political criminal*, Buenos Aires, EDIAR, 2008.

After the end of the research professor Santoro published two essays largely based on the research results: "O papel do cárcere no governo das migrações: do 'governo' da população à cidadania excludente", in Gustavo Batista, Raffaella Greco Tonegutti, Emilio Santoro, Nazaré Tavares Zenaide, *Direitos Humanos na era da violência*, Porto Alegre (Rio Grande do Sul), TOMO Editorial, 2010, and "La regolamentazione dell'immigrazione come questione sociale: dalla cittadinanza inclusiva al neoschiavismo" in E. Santoro (ed), *Diritto come questione sociale*, Torino, Giappichelli, 2010.

Giuseppe Caputo published a book based on the ethnographic research carried out for the project (G. Caputo, *Carcere e diritti sociali*, Briciole vol. 24, Cevot, Firenze 2010), with a preface by prof. Santoro ("Ma sono uomini o detenuti? Lo stato di diritto oltre le mura del carcere"). The book has been published by Cevot, a Tuscan institution that founds and supports voluntary work, and sent for free to scholar and researchers, and to the all public officers in Tuscany, and all the NGO's in Italy, that deal with the penitentiary system.

Research results are presented and discussed also during the following events:

- seminars of the PhD programme "Teoria e Storia dei diritti umani" of the Università di Firenze;
- seminars on "Discriminazione razziale e razzismo" held yearly by the Università di Bologna, attended by phd students from different backgrounds;
- International Workshop on "Migrants criminalisation", La Coruña University (Spain), 29 May 2009, with a presentation by Lucia Re;
- three meetings of the seminars series on "Differenza razziale, discriminazione e razzismo nelle società multiculturali", organized yearly by the Università di Modena e Reggio Emilia;
- seminar "Come un uomo sulla terra. Dibattito sull'odissea dei migranti", organized by Ucodep, Aucs and Università degli studi di Firenze on the 24 November 2009;
- workshop "Associamoci ai diritti. I diritti degli uomini", held by the Università degli studi di Firenze, 18 November 2009.

Research results have been used as background for training programmes for voluntary workers in Tuscany, organized by L'Altro diritto ONLUS, Centro di documentazione sul carcere, marginalità e devianza, during 2009 (40 participants) e 2010 (43 participants).

Professor Santoro presented and discussed in several different meetings the research results with Sebastiano Ardita, in charge of the general direction prisoners and prison treatment of the Dipartimento dell'Amministrazione penitenziaria, and with Santi Consolo, deputy-director of the Dipartimento dell'Amministrazione penitenziaria. Some of the research results have been presented in three different meetings of the scientific board of *Rassegna penitenziaria e criminologica*, a

journal published by the Dipartimento dell'amministrazione penitenziaria. Members of the scientific board are academics, judges, prison directors and executives of the penitentiary administration.

Research results have finally been discussed in several meetings among the Italian teachers and academics that created the "Coordinamento dei ricercatori sui temi della sicurezza". These meetings have been attended by scholars from Florence, Bologna, Padua, Genoa, Milan, Naples, Messina, Cosenza, and Turin universities.

Partner 2: the research results, in particular on the impact of Italian drug policies on the penitentiary situation in Tuscany, have been discussed during the conference "*Effetti penali della legislazione antidroga. Il caso Toscana*", held on the 17th November 2009 at the Consiglio Regionale della Toscana, Sala Gigli, Florence, and have been presented in the book "*Lotta alla droga, i danni collaterali*", edited by Franco Corleone and Alessandro Margara, with chapters by Alessio Scandurra (Tre anni di applicazione della Fini-Giovanardi) and Massimo Urzi (Le politiche antidroga nella regione Toscana; La ricaduta sul carcere (Firenze, Prato, Pisa, Livorno, Arezzo); L'area penale esterna e il Tribunale di Sorveglianza; Le sanzioni amministrative e il ruolo della Prefettura; Le politiche regionali di intervento sociale). The results have also been discussed during the presentation of the book on the 13th of July 2010 at the bookshop Libri Liberi in Florence.

The research results will be diffused through the Fondazione Giovanni Michelucci website and newsletter, and will be presented and discussed with the main regional stakeholders, and within the partnership of the project "*Art and culture in prison*", funded by the European Union within the framework of the Culture Programme 2007-2013, promoted by the Tuscany Region, Fondazione Michelucci (project leader), The Manchester College, Prison Arts Foundation, Berliner Literarische Aktion and the Departament de Justícia - Generalitat de Catalunya.

Part of the research results have been presented in A.Scandurra, "Della giustizia e delle pene" in *Rapporto sui diritti globali 2010*, Ediesse, Roma 2010. A more comprehensive account of the research will be given in *Rapporto sui diritti globali 2011*, to be published next year.

Partner 3: For the German part of the research, where the empirical part could be done much later than expected, most of the dissemination will have to take place in the near future. The next step to be done after the final report in English will be to write a journal article about the results for a peer-reviewed criminological journal in German. The main focus of this article will be a discussion of economical approaches towards evaluation of the prison system, especially the study of Entorf et al. in the light of the results from our research. The results should also be presented at a conference, but it is not yet clear which one would be adequate.

A proposal has been sent for a conference which will be organised by the Gesellschaft für interdisziplinäre wissenschaftliche Kriminologie (GIWK, Society for interdisciplinary scientific criminology) by Christine Graebisch which deals with the selectivity of the criminal justice system with respect to EU-citizens as opposed to citizens of countries which are not part of the European Union. In this paper results of the research will be presented at a conference in Vienna in April.

In the past dissemination has taken place during the second year of the study via inclusion of preliminary results into several speeches at conferences and into university teaching. Christine Graebisch held a course at the faculty of law, University of Bremen, on prisoner's rights into which the preliminary results of the study were introduced. They were also included into presentations at an international conference on prison and health in Vienna, at a conference on migrant's detention in Berlin and into political discussions at a local level in Bremen. Preliminary results were also included into an article of Christine Graebisch (title: What works? - Nothing works? - Who cares? Evidence-based Criminal Policy and the reality of criminal policy for juveniles) published in a handbook (Schmidt-Semisch/ Dollinger) on youth and crime.

Partner 4: The materials gathered during the project have been used in the lecture course "Issues of Execution of Penalties (Aspects of Resocialization)" given at the Faculty of Law, Vilnius University as well as in the seminar for administrations of penitentiary institutions "Legal and Organizational Aspects of Deprivation of Liberty" (Vilnius, 09.06.2009) . The data has been also presented in the article: Sakalauskas G. Compensation of Damage Caused by Criminal Acts in Lithuania: State of the Art and Prospects (Žalos už nusikalstamas veikas atlyginimas Lietuvoje: situacija ir perspektyvos)// Punishment and Social Justice (Bausmė ir socialinis teisingumas). LIAPO, Vilnius, 2007. P.21-25.

Partner 5 presented the CRCC reports on WP3 to Direção Geral Reinserção Social (parole Portuguese System). Partner 5 produced also a website to make the Portuguese documents and the web platform of the project accessible:http://iscte.pt/~apad/custos_prisoas

Partner 6: The most important papers and reports will be posted on the Observatory of the Penal System and Human Rights of the University of Barcelona website: <http://www.ub.edu/ospdh/>. Also will be sent to the two prison administrations (Spain and Catalonia), to the Sindic de Greuges (Catalonia's ombudsman) to Dona i Prison and to the Etatal Coordinator for the Prevention of Torture and associations within it.

Probably a report Hill be presented at the conference to be held in May 2011 to commemorate the 10 years anniversary of OPSHR.

Partner 7: The papers of the project (available on the on-line platform) were and are made available for students, teachers and researchers in the Library of the Faculty of Law of the University of Miskolc in printed form.

Results of the empirical research were discussed in the framework of a national conference on 26 June 2009. Not only participants of the conference gave theirs opinions but other specialists who were not present wrote some (positive) remarks. In the periodical 'Börtönügyi Szemle' (Prison Review) a report was written about the conference.

Partner 7 is going to edit one or two issue(s) of studies written by Hungarian participants in the framework of the project. Some scientists and practicing specialists prepared a paper on some problems of the Hungarian penitentiary system for the new government. They referred to some facts and arguments of our research in their work.

Krisztina Lukács who was one of the key-persons of the research is working on her PhD thesis and schedules to organise the first (so called workplace) debate by the end of 2010 or the beginning of 2011. The topic of the thesis is 'Supervision/control-mechanisms of the Hungarian Penitentiary System on national and international scale/level' which is in very close connection with questions examined in the project and she will utilize the materials of the project.

Results of the research will be utilised in the university training.

Partner 8: The Cyprus Center for European and International Affairs (formerly the Research Center – Intercollege) is the partner from Cyprus on the project. The Center has established a working relationship with the appropriate Ministry of Justice and Public Order as well as the leadership of the local prison system. The deliverables will be made available to all the stakeholders in Cyprus. Also the most critical conclusions and recommendations will be published in the local press through short articles and press releases. Last but not least an effort will be made to hold a press conference and share some of the findings with members of the press and public at large.

Partner 9 will present the CRCC reports to General Directorate of Prisons and Detention Houses.

Most of the dissemination will have to take place in the national and international conferences. The next step it will be to write a journal article in Turkish.

Partner 10 will present to and discuss the results of the project research with the main national stakeholders and experts. As a follow-up and continuation of the research done within the project and the discussion CSD will start to work on an extended study “Bulgarian penitentiary system and EU-standards”. The study is expected to be published both in English and Bulgarian till the end of 2010. The publication will be presented on a workshop attended by national stakeholders and experts and will be available on the CSD web site.