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## A research approach to support the empowerment of alternatives to prison

### Une approche de recherche pour soutenir le renforcement des mesures alternatives à l'incarcération

*Emilio Gregori<sup>\*</sup>, Marta Distaso<sup>\*</sup>*

#### **Riassunto**

Il Progetto Europeo “*Reducing prison population: advanced tools of justice in Europe*” è stato finanziato dalla Commissione Europea al fine di migliorare la conoscenza e lo scambio di misure innovative di pratiche alternative alla detenzione, sia nella fase pre-processuale, sia in quella dell'esecuzione della pena. La progettazione delle linee guida per l'attuazione di alternative alla detenzione in tutti i paesi europei e del pacchetto formativo, indirizzato al personale che lavora nei servizi che si occupano di alternative alla prigione, è stata preceduta da diverse attività di ricerca svolte in sette paesi europei (Italia, Lettonia, Scozia, Francia, Bulgaria, Romania e Germania). Questo articolo descrive la metodologia utilizzata nelle attività di ricerca e la gestione di queste ultime, condotte in diversi paesi e indirizzate ad una popolazione complessa.

#### **Résumé**

Le projet européen « Reducing Prison Population: advanced tools of justice in Europe » a été financé par la Commission Européenne afin d'améliorer la connaissance et d'échanger les approches innovantes de mesures alternatives à l'incarcération, avant comme après le procès. La définition de lignes directrices pour la mise en œuvre des alternatives à l'incarcération dans chaque pays européen et du dossier de formation conçu à l'intention du personnel des services offrant des alternatives à la prison, a été précédé par des recherches menées dans sept pays européens (Italie, Lettonie, Écosse, France, Bulgarie, Roumanie et Allemagne). Cet article décrit la méthodologie de recherche utilisée dans ce projet et la gestion des différentes activités menées dans plusieurs pays et ciblées sur une population complexe.

#### **Abstract**

The European Project “Reducing prison population: advanced tools of justice in Europe” was funded by the European Commission in order to improve the knowledge and to exchange innovative measures of practices alternative to imprisonment, both in pre and in post-trial phase. The design of the Guidelines for the implementation of alternatives to detention in every European country and of the Training Package targeted to staff working in services providing alternatives to prison setting was preceded by various research activities carried out in seven European countries (Italy, Latvia, Scotland, France, Bulgaria, Romania and Germany). The paper describes the methodology we used in research activities of this project and the management of different research activities, conducted in various countries and targeted to a complex population.

**Key words:** best practices collection; case study; snow ball interviews; marginal hidden population.

#### **1. Introduction.**

The activities of “*Reducing prison population: advanced tools of justice in Europe*” was aimed at improving the knowledge and at exchanging innovative measures of practices alternative to imprisonment, both in pre and in post-trial phase. The main objective was to

design the Guidelines for the implementation of alternatives to detention in every European country and a smart Training Package with operative information and good practices targeted to staff

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working in services providing alternatives to prison setting.

In this paper we will briefly describe the methodology we used in research activities of this project, in order to obtain enough information for the design of the two final products and how we managed the implementation of different research activities, studying a complex target in seven European countries (Italy, Latvia, Scotland, France, Bulgaria, Romania and Germany)

According to the action research approach (1), we firstly collected secondary data and scientific literature on the topic, so that it was possible to identify:

- Main focus points to be deepened with the following research activity (interviews to experts;
- Type of actors/experts to be involved in the interviews.

The first steps of activities regarded the collection of information both from scientific literature (in order to enlarge the knowledge on pre and post trial non custodial measures with an update of relevant legislation) and from research activities, in order to collect the existing practices on alternatives to detention in the seven countries involved in the project.

The general approach of the project assumed the mutual learning and the strict cooperation between partners at European and national level as a critical success factor for the implementation of the activities. One of the main key factor of the partnership was the mixed composition of competences and the long-term experience in working on the specific field of alternatives to imprisonment. The methodology used in the development of different work streams focused, first of all, on a careful analysis of scientific

literature and legislation both at National and at European level and, secondly, on a recognition of existing practices related to alternatives to imprisonment in the project partners' national contexts and will focus some main dimensions to be further deepened in the case studies on practices selected as the good ones. In this phase, we foresaw the involvement of practitioners, referees of judicial systems, volunteers, social operators and other types of relevant actors working in the field of alternative to prison practices, in order to collect and analyse evaluative opinions on effectiveness, strengths and weaknesses of these practices and all the information needed for the realization of the products. This analysis represented a starting point for the definition of a first draft of the Guidelines and of the Training Package. For the definition of these tools, the partnership took into account the evidence based results of the research phase and then there has been implemented a feasibility study of the Training Package, as well as a transferability study of the Guidelines, in order to finalize the two products.

## **2. The structure of the project and of the workstreams.**

For an appropriate development of the outlined methodology, we foresaw a first work stream in which there have been implemented both the literature analysis and the field research activities, as a preliminary phase in which the partnership collected all the relevant information which represented the basis for the development of the following activities. The second work stream, instead, represented a deepening of practices already detected in work stream 1, in order to highlight tools, professionals and methodologies which was useful to design the Training Package. The third

work stream was strictly related to the activities carried out so far, and it regarded the realization of the two final products, that is to say the Guidelines for the implementation of alternatives to imprisonment (mainly thanks to the indications coming from literature analysis) and the Training Package targeted to professionals and operators working on the field (mainly thanks to the indications coming from the field research phase and the good practices analysis).

Here following we provide a summary of the operative workstreams of the Reducing Prison Population project regarding the research phase.

1) Workstream 1 – Preliminary research.

The aim of this workstream was to collect data and information both through a literature analysis and through the field research activities in order to:

- enlarge the knowledge on pre and post-trial non custodial measures, with an update of relevant legislation, as well as an analysis of their costs and effectiveness and a specific attention to the effects of these practices on psychological conditions of the victims of the crimes;
- map the existing practices related to pre and post-trial alternatives to detention, mainly through in-depth interviews to highlight strengths and weaknesses and to select some indications for the identification of the good practices.

Activities of this workstream were:

- a. Literature analysis on non custodial measures (National and European Level)
- b. In depth interviews
- c. Mapping of practiced on alternatives to detention.

2) Workstream 2 – Good practices analysis.

This workstream was aimed to collect and get a deep understanding of existing good practices (2) on pre and post trial alternatives to detention in

countries involved in the project, in order to share different experiences between project partners as well as to promote a transnational reflection and a debate on methods used in these practices and on results on offenders and victims.

Activities of this workstream were:

- a. Selection and case studies of good practices
- b. Staff exchange to present the good practices collected.

### 3. The research activities of the project.

#### 3.1 The literature analysis (3).

The first research activity, which concerned the analysis of scientific literature on the theme, can be viewed as a preliminary phase, in which the partner International Society of Criminology (FR) carried out a systematic review, as complete as possible, of the theoretical and empirical literature on legislation and regulations about pre and post trial alternative to detention at European Level.

The literature analysis deepened the state of art regarding the alternatives to the prison models and the new methodologies indicated at European level to foster the empowerment and the social inclusion of prisoners, as well as the costs and the effectiveness of these measures.

This first part of desk research foresaw also a recognition of existing practices related to alternatives to detention in the European context and focused some main dimensions to be further deepen in the second part of the research (field research with experienced witnesses). This analysis contributed to the design of the tools for the field research.

During the first online meeting the partnership with International Society of Criminology as leader established a common methodological framework to be used in the national literature analysis. Then,

the literature analysis at national level has been implemented by the partnership in all the countries involved in the project and the objectives of this activity was mainly two:

- a review of national legislative framework relating of alternative to detention, in order to point out the specific situations in which there is the possibility to apply such kind of sanctions according to national legislation of every country;
- a national recognition about the state of art on studies already carried out in this field and of practices related to pre and post trial alternatives to detention (with a specific attention to the profile of the victim of crime).

The partners made use of all existing sources of information, including:

- a. primary sources, like legislation, case-law, statistics, media clippings, etc., and
- b. secondary sources, e.g. legal and social science academic research and other studies related to the topics discussed.

Partners realized seven national reports and International Society of Criminology produced a comparative analysis, regarding the state of art in every country. These comparative conclusions of the literature analysis were presented to the whole partnership during the first Transnational Meeting in Leuven, 4 months after the beginning of the activities.

### 3.2 Field research activities.

The first transnational meeting was a crucial moment for the development of the whole project: in fact, the results of the literature analysis established a very important basis for the design of the tools to be used during the field research activities. Moreover, the Italian partner Synergia

shared with all partnership the methodological framework to follow in the field research and presented its proposal for the draft of interviews, to be discussed and validated during the meeting.

The activity related to the interviews saw the involvement of k-actors working in the field of alternatives to detention, which was in-depth interviewed (4) by partners of Reducing prison population project, in order to deepen the main issues emerged in literature analysis phase.

In particular, the in-depth interviews was aimed to:

- Integrate and further expand the knowledge on different non custodial measures;
- Identify and assess different practices of alternative sanctions;
- Gain useful information and criteria to assess and select the best practices.

Interviews in every country was carried out to five different professionals and experts playing different roles in the criminal justice system. The interviewees have been chosen because of their specific knowledge or expertise on non custodial measures, and belonged to the following categories:

- a. Legislators, legal drafters, law reform commissions and policy makers;
- b. Judges, judicial officers, members of the judiciary;
- c. Lawyers (especially defence lawyers);
- d. Police, law enforcement authorities, prosecuting authorities, prison authorities and probation officers;
- e. Volunteers and members of non-governmental organizations.

Interviews were composed by the following sections:

- Types of alternatives to imprisonment: aimed at exploring what are the alternatives to imprisonment

and which types are implemented by the judicial system;

- Strengths and weaknesses of alternatives to imprisonment: aimed at understanding the main strengths and potential limitations of different alternatives to imprisonment and their implementation;
- Identification of the key actors involved: aimed at identifying the main actors involved both in pre and post trial phase and the role they play in implementing alternative sanctions;
- Identification of the feasibility and main conditions to implement alternatives to detention: aimed at identifying which conditions are necessary to implement alternative sanctions and their feasibility;
- Suggestions to identify and evaluate good practices: aimed at collecting information on the criteria to identify good practices related to alternatives to imprisonment.

People interviewed gave to partnership also useful indications on existing practices on alternatives to detention to be included in the mapping activities, as well as some possible criteria to identify good practices among the mapped ones. The “snow ball” technique (5) was recommended, in order to identify both other key informants to be interviewed and good practices to be mapped.

Results of interviews in this way carried out will be collected into 7 national reports (one report per country) and on the basis of these reports Synergia elaborated some comparative conclusions, which was presented during the second Online Meeting (8th month of the project course).

In occasion of first Transnational Meeting in Leuven, Synergia also presented the mapping forms that have been used for the mapping of practices related to alternatives to detention.

The mapping of different practices on alternatives to detention was aimed to:

- Identify services and practices which have already been adopted in different European countries as alternatives to imprisonment;
- Identify the key elements of each practice (target, tools, professionals and services involved, repeatability, etc.);
- Create a wide dataset among which identify the best practices on the subject.

For these reasons, partners of “Reducing Prison Population” project searched and analysed about 10 practices each of alternative measures to detention using a common form. This form included the following dimensions, useful to permit a comparison between practices of different countries and to include them in a common database:

- Type of practice (e.g. status penalties, house arrest, probation and so on);
- Aims and objective;
- Target population;
- Tools and methodologies;
- Services involved;
- Professionals involved;
- Strengths, weaknesses, opportunities and potential threats;
- Innovation;
- Monitoring and assessment;
- Sustainability and transferability.

Synergia collected all the mapping forms and presented some overall considerations in the occasion of the second Online Meeting. That online meeting also represented the occasion for partners to define and share some common criteria for the identification of good practices, also thanks to the indications coming from both literature analysis and k-witnesses interviews.

### 3.3 The good practices on alternatives to detention.

The workstream 2 of the Reducing Prison Population project, starting with the second Online meeting after the field research phase, foresaw three main activities, that is to say:

- The identification of good practices among the mapped ones, thanks to some shared criteria;
- The analysis of the selected practices, that is to say a careful study of materials, the conduction of interviews to referees of these practices and all the activities necessary to deepen the practices, according to some shared dimensions;
- The staff exchange in Rimini, after 5 months, useful to present the good practices collected and analysed in the different countries. During the staff exchange there has been a debate useful to provide some useful indications for the development of the two main products of the project.

After the online meeting, each national working group made a recognition of all the practices collected in the previous workstream and a selection of the good ones, according to some criteria, as a result of the research. The selection of good practices (three practices per country) contributed to inform the Workstream 3 aimed at developing the Guidelines for implementation of alternatives to detention in European countries and the Training Package targeted to operators and professionals working on services providing alternatives to detention.

Thanks to the analysis of interviews to experts, partnership established the following criteria for the selection of good practices among the mapped ones:

- a. It is necessary that each penalty suits the characteristics of the accused and/or the condemned. The choice of the ATD according to

its potential positive effects on the person accused/condemned indeed depends on every single case. It is necessary to know: the person, his/her personality (for instance, his/her risks and needs, values and the understanding of what is acceptable within the society), the path that he/she is willing to follow.

- b. Alternatives to detention should be customizable in accordance with the risks and the needs of the offender and must have an impact on the way offender thinks, on one's values and understanding of what is acceptable within the society. In fact, they should have a rehabilitative effect.
- c. Flexible approach that meets the needs of the individual and allows for monitoring, reviewing and, if necessary, changing the order over time according to the progress of the offender.
- d. Trustworthy relationship between the offender and the supervisor: the relationship between the supervisor and the offender should be credible in the eyes of the offender. This relationship should be based on active listening, empathy and understanding of the offender's needs.

Then, partners of reducing Prison Population project implemented the case study analysis through a careful study of interviews to k-referees and of all materials collected. The case study analysis on good practices helped to:

- Get a deep understanding of the good practices' methodologies and strength points;
- Bring enough elements for the discussion in the Staff Exchange in Rimini, in order to promote a mutual learning;
- Underline some focus points for the development of the final products (Guidelines for implementation of alternatives to detention in European countries and the Training Package

targeted to operators and professionals working on services providing alternatives to detention).

For every single practice, partners deepened the following dimensions:

- Why it has been chosen as a good practice (main strength points)?;
- Which are the expected results of the application of the practices (description of the predicted improvement for the offender and for the society)?;
- A brief description of the practice itself (what happens to the offender from the decision of the court to the end of the period, step by step);
- Are the needs and the risks of the offender considered when the alternative is granted and/or when the path that the offender will follow is decided?;
- Detailed description of the actors involved and their role (description of the professionals, of the type of offenders involved, of the public and private organizations involved, of the ways of cooperation);
- Description of the source(s) of financing and clarification on how high are the costs per person (how many persons are reached within a given timeframe);
- Description of the relationship with society and with media (how the communication with civil society and citizenship is managed and if the main outcomes and results are communicated to the outside);
- Description of the follow-up mechanism (monitoring of the offender after the end of the penalty) and of the evaluation of the measure;
- Brief description of each included activity: a. flexibility of the path; b. presence of peer learning

activities, c. involvement of the families of origin; d. work activities; e. training activities; f. other core activities;

- A successful story (brief real story of an offender who experienced this practice from the beginning to the end).

The Staff Exchange (Second Transnational Meeting), held in Rimini during the 13th month of the project course, was the occasion for partners to present the good practices collected in their own country. For this reason and also to promote the mutual learning, also some referees of selected practices were invited to the meeting, in order to bring their own experience and a direct witness.

#### **4. Concluding remarks.**

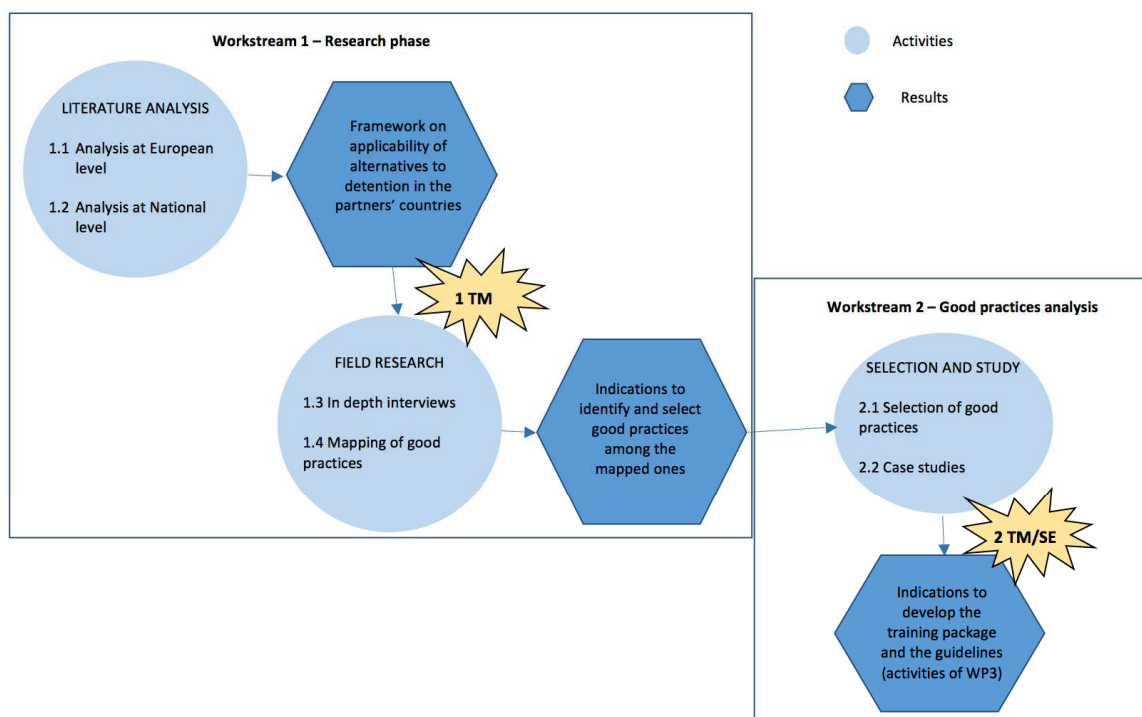
At the end of the meeting, thanks to the results of the analysis of good practices, partners gained some useful indications to be used for the definition of the two main products.

In fact, thanks to the inputs coming from:

- Literature analysis (both at National and European level);
- Interviews to k-witnesses;
- Mapping of practices;
- Analysis of good practices.

It was possible to define contents of both the Training Package, with tools and operative indications for staff working on alternatives to detention and Guidelines on alternatives to imprisonment in Europe. In order to better understand the logic and the methodology used in this project of these working phases, maybe it can be useful to use a diagram to picture them.





## Notes.

(1). See for example: Burns D., *Systemic Action Research: A strategy for whole system change*, Policy Press, Bristol, 2007; Greenwood D. J., Levin M., *Introduction to action research: social research for social change*, SAGE Publications, Calif, 1998.

(2). A best practice is a method or technique that has been generally accepted as superior to any alternatives because it produces results that are superior to those achieved by other means or because it has become a standard way of doing things, e.g., a standard way of complying with legal or ethical requirements. Best practices are used to maintain quality as an alternative to mandatory legislated standards and can be based on self-assessment or benchmarking.

(3). A literature review is a text of a scholarly paper, which includes the current knowledge including substantive findings, as well as theoretical and methodological contributions to a particular topic. Literature reviews are secondary sources, and do not report new or original experimental work. Most often associated with academic-oriented literature, such reviews are found in academic journals, and are not to be confused with book reviews that may also appear in the same publication. Literature reviews are a basis for research in nearly every academic field (see for example Lamb D., “The Uses of Analysis: Rhetorical Analysis, Article Analysis, and the Literature Review”, in *Academic Writing Tutor*, 2014).

(4). In-depth interviewing is a qualitative research technique that involves conducting intensive individual

interviews with a small number of respondents to explore their perspectives on a particular idea, program, or situation. For example, we might ask participants, staff, and others associated with a program about their experiences and expectations related to the program, the thoughts they have concerning program operations, processes, and outcomes, and about any changes they perceive in themselves as a result of their involvement in the program (Boyce C., Neale P., “Conducting in-depth interviews: A Guide for Designing and Conducting In-Depth Interviews for Evaluation Input”, *Monitoring and Evaluation*, May 2006).

(5). In sociology and statistics research, snowball sampling is a non-probability sampling technique where existing study subjects recruit future subjects from among their acquaintances. As the sample builds up, enough data are gathered to be useful for research. This sampling technique is often used in hidden populations which are difficult for researchers to access; example populations would be drug users or sex workers (See for example Goodman L. A., “Snowball sampling”, *Annals of Mathematical Statistics*, vol. 32, n. 1, 1961, pp. 148–170).

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