



General Information

- Number of inhabitants: 46.9 million at the end of 2009.¹
- Prison population rate per 100,000 inhabitants: 162.
- Link to Probation Service:
 - www.mir.es/INSTPEN/ (General Directorate of Penitentiary Institutions).
- Links to websites: -
- Member of the CEP in: April 2005.
- The Autonomous Region of Catalunya has its own responsibility and structure for probation services.

Characteristics of the Probation Service

- Spain does not have an independent probation organization. Probation tasks are carried out by a group of professionals formed by social workers, psychologists, educators, jurists, lawyers, conditional release and alternative measures supervision coordinators, as well as by specific administrative staff, all belonging to the penitentiary institution.
- The Vice- Directorate of Territorial Coordination (created by the Royal Decree 1181/2008 of the 11th of July, modified later by the Royal Decree 331/2009 of the 13th of March) is subordinated to the General Directorate of Territorial Coordination and Open Environment, which is part of the General Secretariat of Penitentiary Institutions (belonging to the Ministry of Interior).
- The Vice- Directorate of Territorial Coordination carries out the following tasks:
 - The territorial coordination with various peripheral services, the promotion of institutional collaboration projects that improve the fulfillment of the penitentiary institution goals;
 - The planning, coordination and management of the social welfare of inmates, conditionally released persons and persons under alternative penalties and security measures, and their families;
 - The management, coordination and supervision of community service, suspension of the execution of prison sentences, conditional release and security measures, as well as the initial management of permanent location, elaborating the reports that the different judicial authorities require about these competences;

¹ International Centre for Prison Studies (2009), *Prison Brief for Spain*. London: King's College. Available online at: www.kcl.ac.uk/depsta/law/research/icps/worldbrief/

- In order to fulfill these tasks the Secretariat has 53 Alternative Measures and Penalties Management Services in all its competent territory, as well as Social Work Departments in every prison and Social Insertion Centers.
- The General Secretariat of Penitentiary Institutions collaborates with several public bodies and private organizations, all with a social purpose, regarding the enforcement of alternative measures, and more specifically for the enforcement of community service. The penitentiary administration, through the Alternative Measures and Penalties Management Services, is in charge of supervising and controlling the enforcement of sentences, while the organizations (350) are in charge of providing posts so these measures can be fulfilled. Probably the most important of one these organizations is the Spanish Federation of Local and Provincial Administrations (FEMP). FEMP fulfils an important promotional and coordinating task with regard to local administrations and is involved in offering posts for the enforcement of community service measures. Amongst their action areas are: drug-dependency treatments; intervention with the mentally ill; intervention with domestic violence offenders.
- Additionally, the Alternative Measures and Penalties Management Services, in coordination with public and private entities with a social purpose, collaborate in the fulfilment of treatment programs for users with suspended and replaced sentences; with security measures; with crimes and infractions related with domestic violence, traffic and other specificities, as well as programs for drug dependencies, the mentally ill, etc.

Tasks

The Alternative Measures and Penalties Management Services do not play any role in the pre-trial phase. So pre-trial reports are not presented to the courts. The Alternative Measures and Penalties Management Services mainly deal with supervision, management and control of the Community Service, and the tasks related with the design and participation in intervention programs for suspended or replaced sentences, as well as for custodial and non-custodial security measures. The Prisons and Social Insertion Centres Social Work Departments and Conditional Release Technical Teams are responsible for the conditional release phase and the social assistance of inmates and their families, as well as for therapeutic tasks with social contents that are fulfilled with these inmates.

Number of staff

- Total number of Penitentiary Social Workers: 682 (31st of December 2009).
- Total number of Psychologists within the Alternative Measures and Penalties Management Services: 46 (31st of December 2009).
- Daily average number of offenders/clients dealt with: unknown. 185.476 alternative measures and penalties users (31st of December 2009) and around 10.000 conditionally released persons annually.

New developments

- On 2 December 2005, the Cabinet of Ministers signed the Centres Closure and Creation Plan, which foresees the building of up to 31 social insertion centres (open environment centres) during five years as part of a general penitentiary facilities renovation plan. This renovation plan is, amongst others, the result of a big shortage of open environment posts within the Spanish prison administration.
- The Vice-Directorate of Open Environment and Alternative Measures' short-term aims and strategies, amongst others, include:
 - extending the range of programs and resources for the enforcement of community service sanctions and other alternative measures through specific cooperation agreements with public or private institutions that have a social purpose;
 - adjusting the resources assigned to open environment and community service sanctions, taking into account the increasing target population, as well as the specific intervention programs that have to be developed. External psychologists and social workers are hired for penitentiary social services and social insertion centres, in order to develop treatment intervention programs (focused primarily on domestic and sex offences). A basic catalogue including a list of available posts in social insertion centres is being drafted so new centres can be equipped adequately;
 - promoting, diversifying and pursuing the specialization of penitentiary intervention programs focused on personal development, social re-entry and labour insertion of those persons serving in an open environment. A new Program of Support for Labour Insertion of Imprisoned and Conditionally Released Persons has been introduced by the Autonomous Organization;
 - due to the recently entrusted tasks that require a precise coordination with different administrations and organizations, the penitentiary social services have to be reorganized, which promotes the functional autonomy of territorial structures.

Probation during the different stages of the criminal procedure

	Pre-Trial Phase	Trial and Enforcement	Post Release Phase
Supervising/organizing etc. community service		x	
Supervising/organizing training or learning projects		x	
Supervising etc. drug/alcohol treatment programs		x	

Supervising etc. sanction of probation		x	
Supervising etc. suspended sentence		x	
Supervising etc. semi-liberty		x	
Supervising etc. semi-detention		x	
Supervising etc. the mentally ill or retarded offenders (in-out patient orders)		x	
Supervising etc. special measures for drugs addicts		x	
Supervising etc. conditional sentence		x	
Assistance support to prisoners in prison		x	
Supervising etc. conditional release/parole			x
Advisory report with respect to amnesty/pardon		x	

This summary is based on the country chapter in the book *Probation in Europe*, the most comprehensive survey of probation systems and services in Europe today. If you wish to order it, please click [here](#).

