

IMPLEMENTATION OF THE NEW MODEL OF PROBATION IN CHILE DL 321 (LAW 21.124 / 2019)



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Reinserción
y Seguridad
Pública

Ricardo Hidalgo Apablaza
Social Worker, Master in Social Policies and Public Management
Head of Postpenitentiary Department
Gendarmería de Chile

SENTENCE SERVING SYSTEM IN CHILE



GENDARMERÍA DE CHILE

- The institution responsible for the penitentiary system is the Chilean Gendarmerie
- It is a Service dependent on the Ministry of Justice and Human Rights.

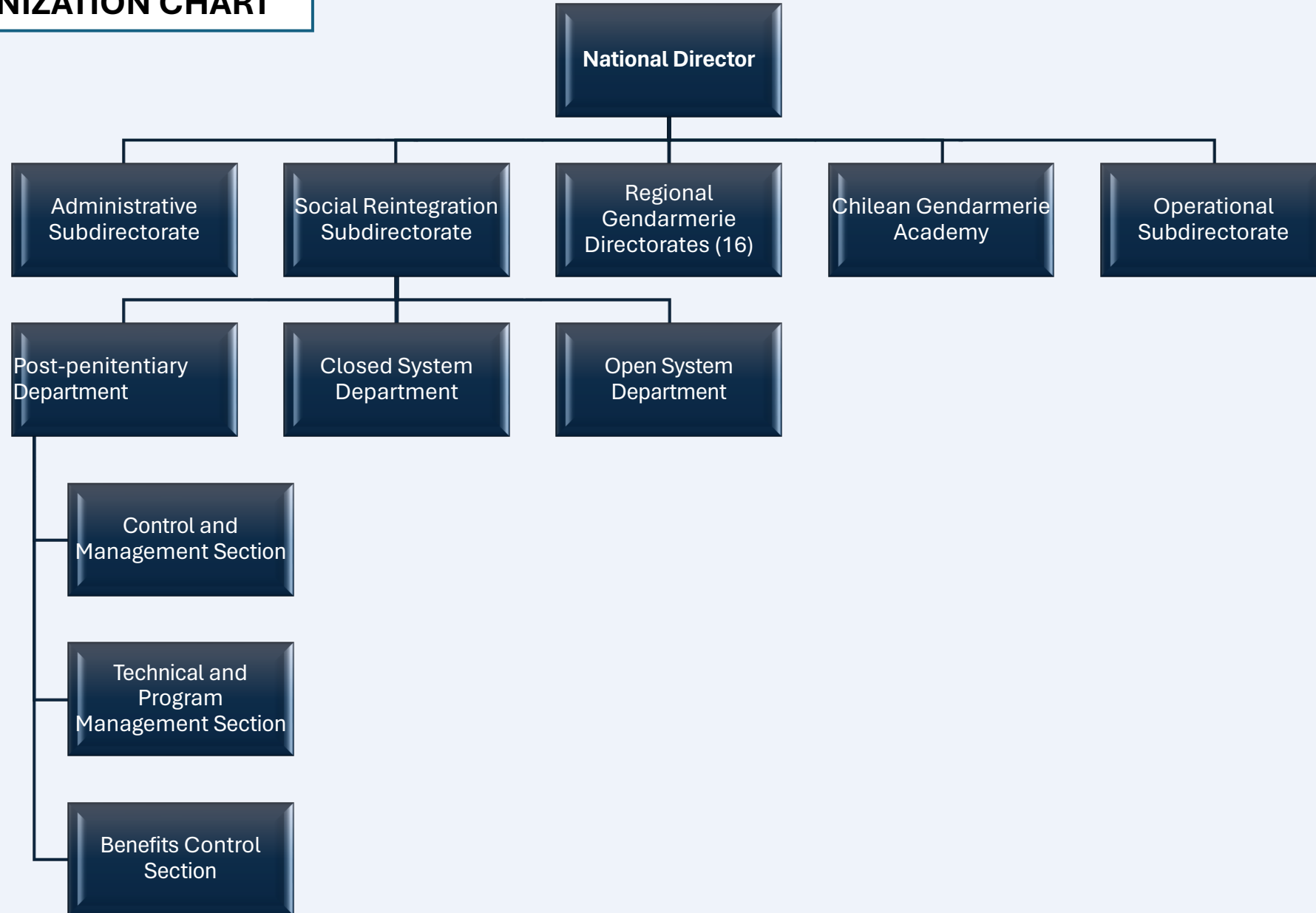


GENDARMERÍA DE CHILE

- *To contribute to a safer society, guaranteeing effective compliance with both preventive detention and custodial or restrictive sentences, and substitute sentences for those whom the courts determine, providing them with the conditions, benefits and access to social reintegration programs. , in accordance with their quality as persons and human rights standards, that incorporate the gender perspective, and that tend to reduce their probabilities of criminal recidivism, together with the promotion of the elimination of criminal records as part of the reintegration process*



ORGANIZATION CHART



PENITENTIARY SYSTEMS FOR SERVING SENTENCES, CONTROL AND SURVEILLANCE IN CHILE

The Chilean penitentiary systems has 3 types of compliance:

- Prison Confinement System: compliance by confinement in prisons.
- Open System: sentences in freedom, through supervisory control or provision of services to the community
- Postpenitentiary System: People on parole and people who are in the process of expunging criminal records

PENAL ESTABLISHMENTS, ACCORDING TO SYSTEM

- Closed System: 83 prisons and 21 Semi-Open Education and Work Centers (CET)
- Open System: 41 Social Reintegration Centers (CRS)
- Postpenitentiary System: 22 Social Integration Support Centers (CAIS)



DISTRIBUTION OF PENITENTIARY POPULATION ACCORDING TO SYSTEM

System	Men	Woman	Total
Confinement System	53,317	4,555	57,872
Open System	59,922	8,795	68,717
Postpenitentiary System	15,387	2,285	17,672
Total	128,626	15,635	144,261

Population served as of March 31, 2024



POST - PENITENTIARY SYSTEM

Post-penitentiary support is assumed as the responsibility of the State through the Support Centers for Social Integration (CAIS) of the Chilean Gendarmerie, through intervention programs aimed at the population that is or has been sentenced.

To this end, Programs are implemented that contribute to social integration and reduce the probability of risk.



POST – PENITENTIARY SYSTEM

Its objective is to manage the Assistance Plans and Programs for people who, having completed their sentences, are in the process of Elimination of Criminal Records (DL No. 409), in the process of criminal record clarification (ODP), or are under modality of Conditional Release or Commutative Pardon, require support for their social reintegration.



SOCIAL INTEGRATION SUPPORT CENTERS (CAIS)

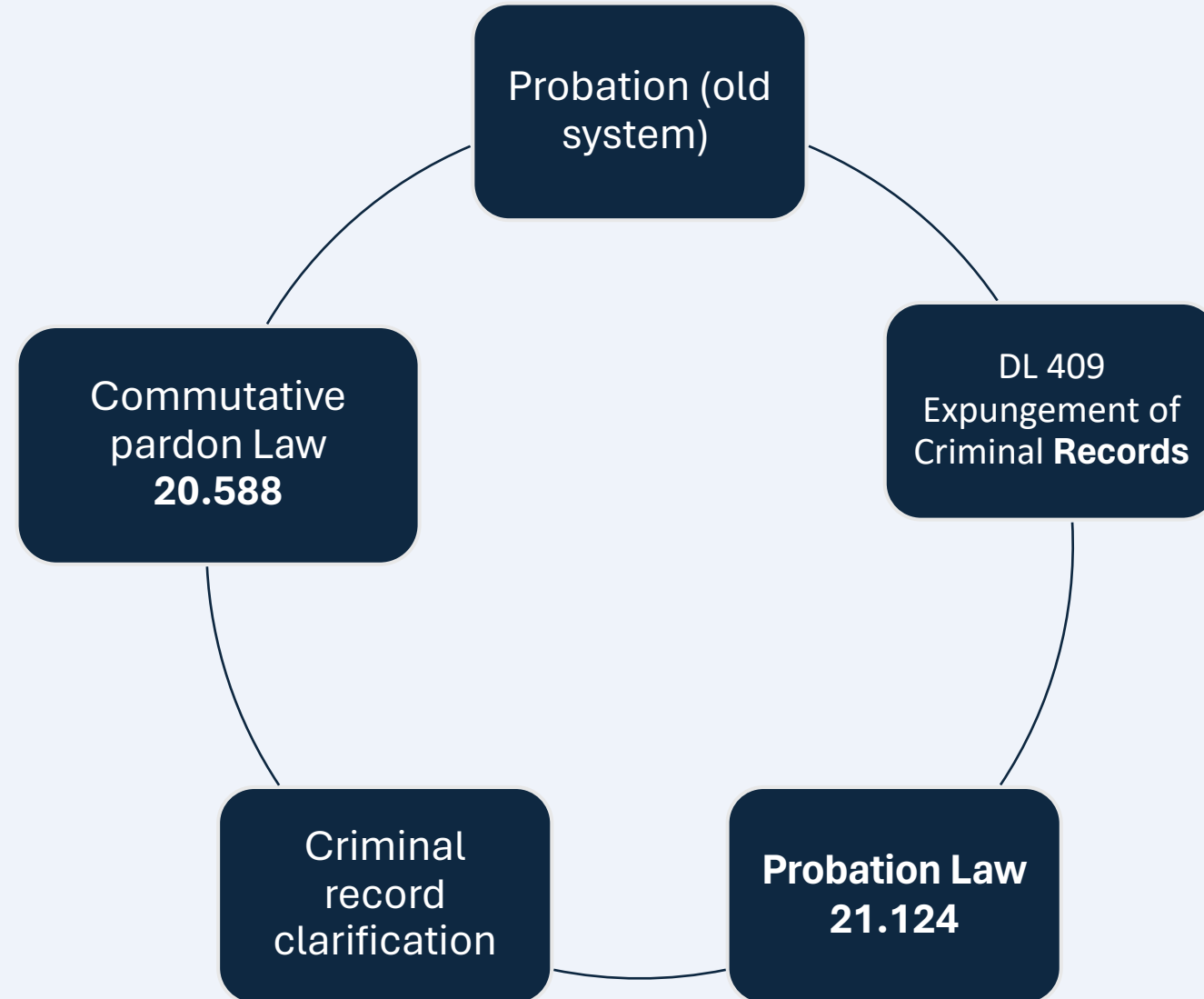
- Its objective is to provide support in the social reintegration process to people who have completed their sentences and are in the process of expunging criminal records, with the benefit of Conditional Release, Commutative Pardon or are in the process of criminal clarification.



SOCIAL INTEGRATION SUPPORT CENTERS



Support Center for Social Integration - Types of population served



CONDITIONAL FREEDOM (PROBATION) PROGRAM - LAW N° 21.124



Conditional Freedom (Probation)

Laws and Regulations associated with Probation:

- DL N° 321, Libertad Condicional, marzo 1925.
- Ley N° 21.124, modificación Libertad Condicional, enero 2019.
- D.S. N° 338, Reglamento del DL N°321, septiembre 2020.
- Res. Ex. N° 364, Normas Técnicas de Libertad Condicional, marzo 2021.
- Ley N° 21.627, Modifica diversos cuerpos legales para establecer mayores exigencias para la obtención de la Libertad Condicional, octubre 2023.



Conditional Freedom (Probation) Program - Law N° 21.124

- Conditional Freedom is a benefit that can be accessed by people sentenced to a custodial sentence who meet the requirements established in DL No. 321 (03-10-1925) and modified by Law No. 21,124 (01-18-2019)
- This modification implies that it goes from being an administrative control to the implementation of an Individual Intervention Plan (IIP). This makes the support of the beneficiary, specialized intervention and linkage with intersectoral networks relevant.
- The fundamental role in this process is the Probation Delegate (DLC), who leads and promotes prosocial changes.

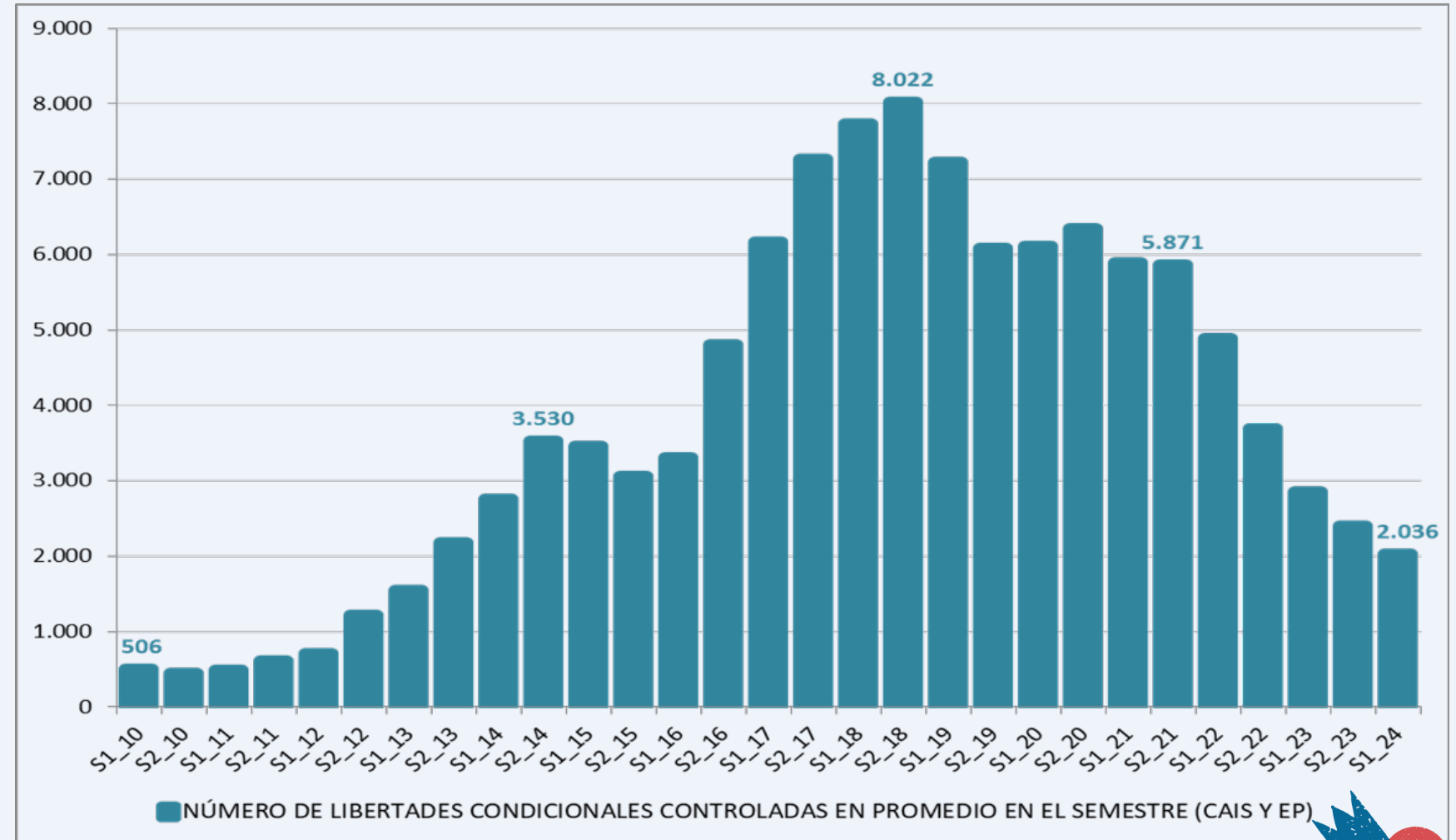


EVOLUTION OF THE PROBATION BENEFIT



EVOLUTION OF POPULATION ON CONDITIONAL FREEDOM (PROBATION) 2010 – 2023*

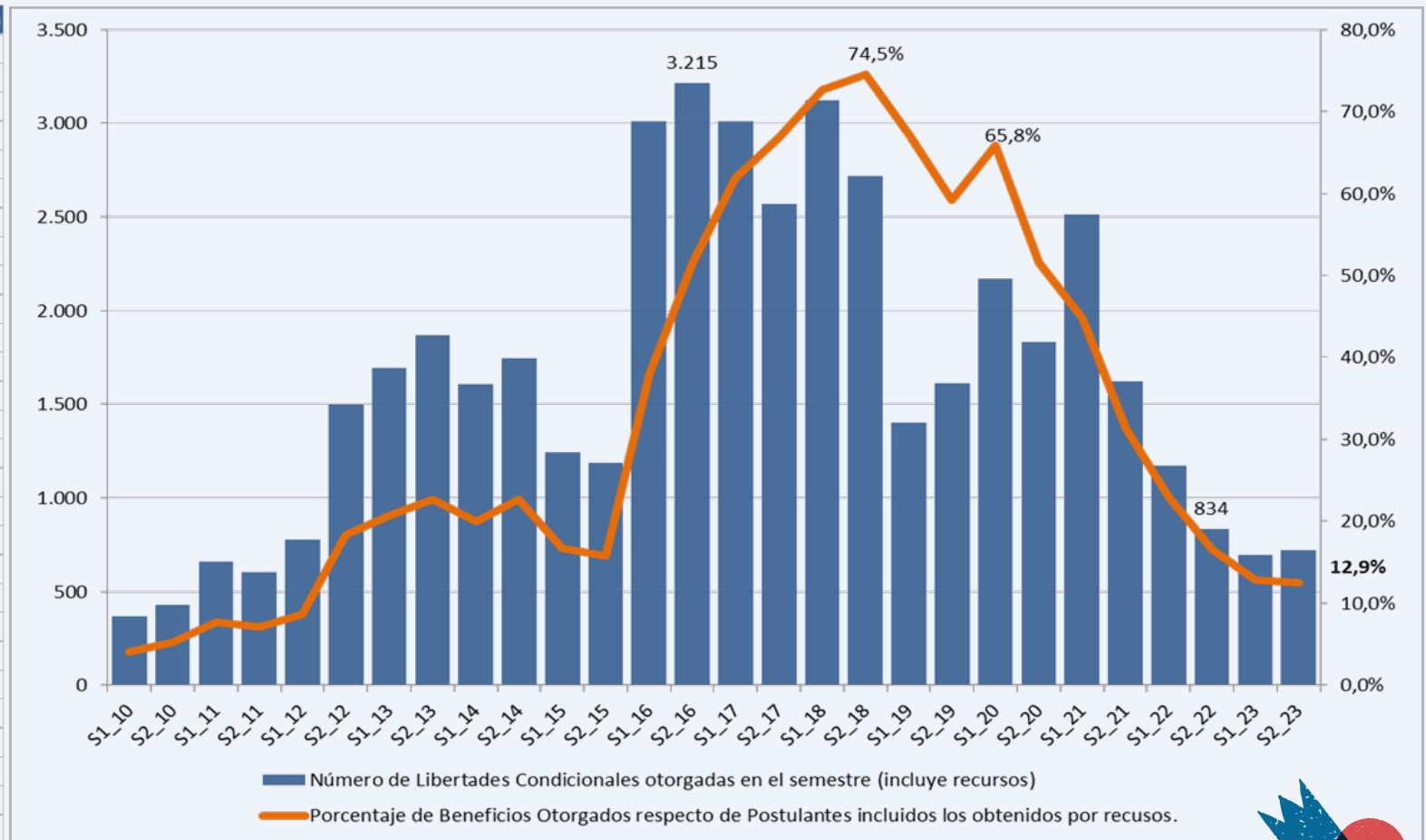
AÑO	CONDENADOS CONTROLADOS
2010	587
2011	819
2012	1.678
2013	2.761
2014	4.171
2015	3.152
2016	5.770
2017	7.894
2018	8.459
2019	6.199
2020	6.364
2021	5.834
2022	3.512
2023	2.386



*POPULATION SERVED BY THE CHILE GENDARMERIA AS OF DECEMBER 31 OF EACH YEAR

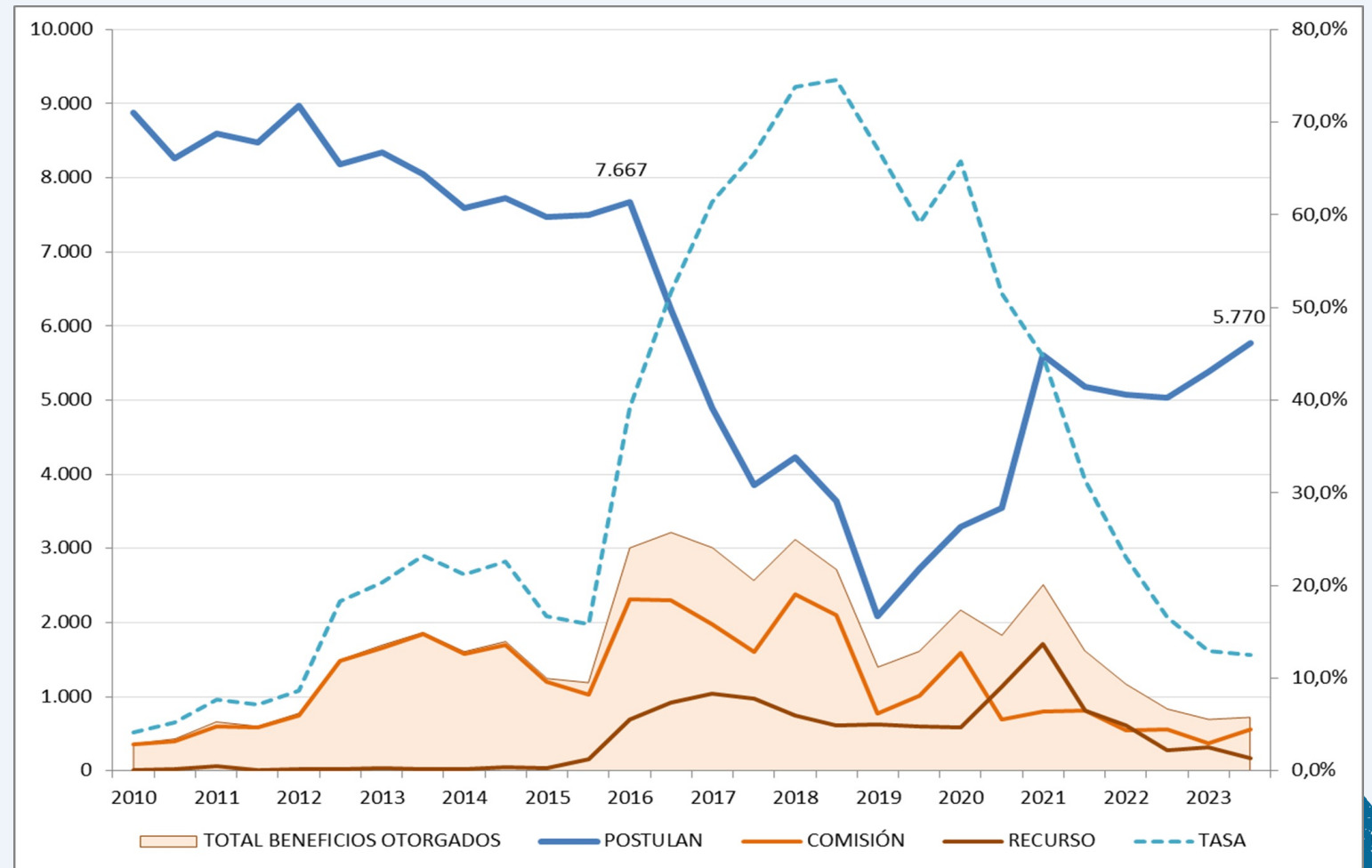
EVOLUTION OF THE RATE OF CONDITIONAL FREEDOM GRANTED 2010 – 2023

SEMESTRE / AÑO	PROPUESTOS	OTORGADOS	% OTORGADOS(*2)
S1_10	8.881	366	4,1%
S2_10	8.258	429	5,2%
S1_11	8.590	660	7,7%
S2_11	8.479	602	7,1%
S1_12	8.971	777	8,7%
S2_12	8.185	1.499	18,3%
S1_13	8.205	1.694	20,6%
S2_13	8.248	1.867	22,6%
S1_14	8.040	1.608	20,0%
S2_14	7.681	1.744	22,7%
S1_15	7.476	1.245	16,7%
S2_15	7.541	1.189	15,8%
S1_16	7.667	3.007	37,9%
S2_16	6.229	3.215	51,6%
S1_17	4.905	3.009	61,9%
S2_17	3.854	2.568	66,8%
S1_18	4.231	3.121	72,6%
S2_18	3.641	2.715	74,5%
S1_19	2.083	1.399	67,2%
S2_19	2.723	1.611	59,2%
S1_20	3.296	2.169	65,8%
S2_20	3.550	1.829	51,5%
S1_21	5.606	2.510	44,8%
S2_21	5.175	1.622	31,3%
S1_22	5.075	1.169	23,0%
S2_22	5.035	834	16,6%
S1_23	5.383	694	12,9%
S2_23	5.770	722	12,5%



EVOLUTION OF PROBATION PROCESSES PERIOD 2010 - 2023

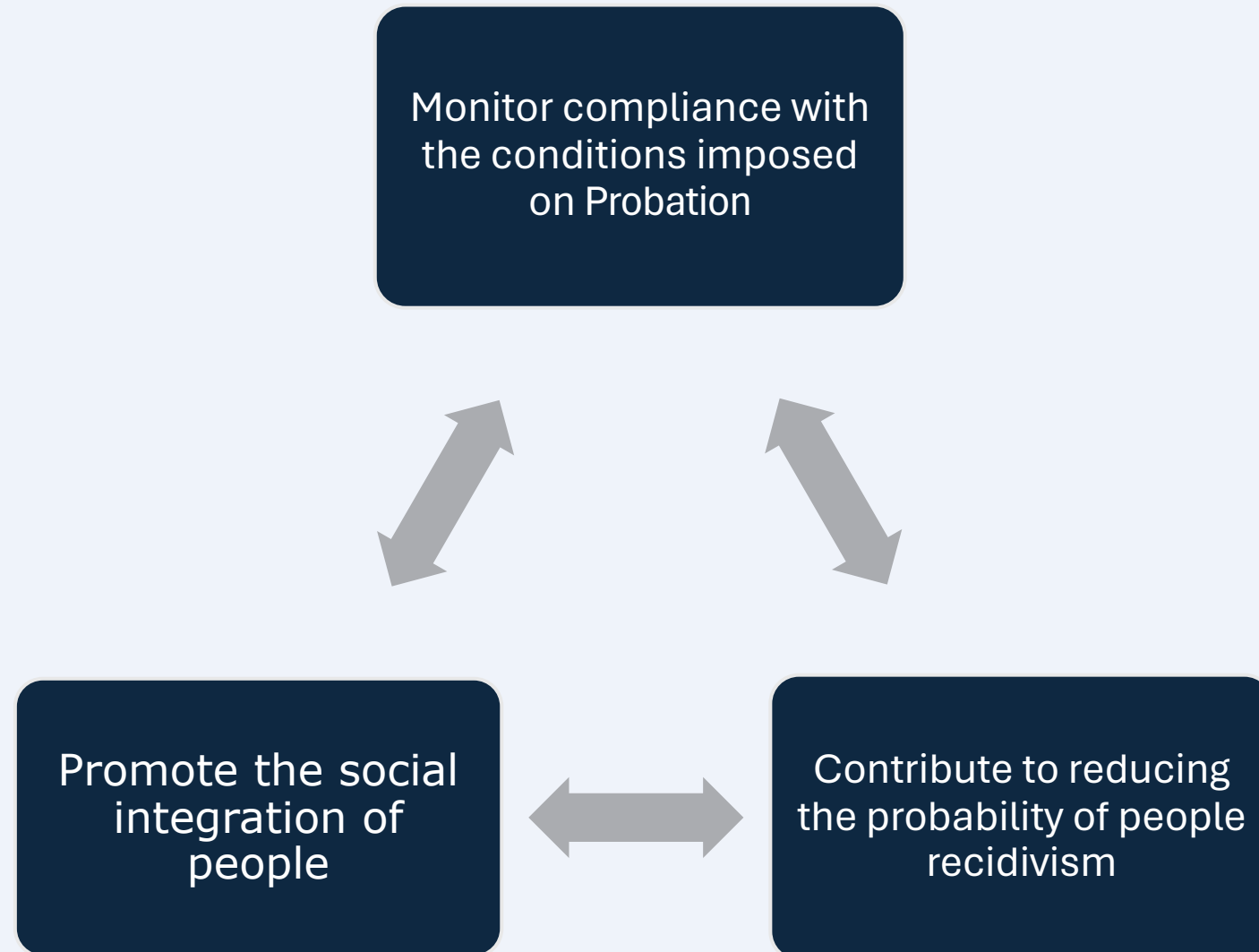
SEMESTRE	POSTULAN	COMISIÓN	RECURSO	OTORG	TASA
201001	8.881	353	13	366	4,1%
201002	8.258	402	29	431	5,2%
201101	8.590	602	58	660	7,7%
201102	8.479	586	16	602	7,1%
201201	8.971	752	25	777	8,7%
201202	8.185	1.481	18	1.499	18,3%
201301	8.343	1.658	36	1.694	20,3%
201302	8.044	1.840	27	1.867	23,2%
201401	7.591	1.580	28	1.608	21,2%
201402	7.722	1.701	43	1.744	22,6%
201501	7.476	1.206	39	1.245	16,7%
201502	7.494	1.031	158	1.189	15,9%
201601	7.667	2.314	693	3.007	39,2%
201602	6.229	2.294	921	3.215	51,6%
201701	4.905	1.973	1.036	3.009	61,3%
201702	3.854	1.598	970	2.568	66,6%
201801	4.231	2.374	747	3.121	73,8%
201802	3.641	2.101	614	2.715	74,6%
201901	2.083	776	623	1.399	67,2%
201902	2.723	1.012	599	1.611	59,2%
202001	3.296	1.588	581	2.169	65,8%
202002	3.550	691	1.138	1.829	51,5%
202101	5.606	802	1.708	2.510	44,8%
202102	5.175	809	813	1.622	31,3%
202201	5.075	551	618	1.169	23,0%
202202	5.035	552	282	834	16,6%
202301	5.383	373	321	694	12,9%
202302	5.770	556	166	722	12,5%



TECHNICAL REGULATIONS OF THE PROBATION BENEFIT



Objectives of supervision on Probation:



Technical Supervisor – Probation Delegate:

Technical Supervisor (ST)

- Professional in charge of ensuring the correct execution of the current technical regulations by the Probation Delegates

Probation Delegate (DLC)

- Professional in charge of case management, who carries out the assessment of needs and resources, prepares and develops Intervention Plans, monitors progress, links the person with services and activities of the Intervention Plan



Technical foundation of the Intervention model:

The RNR model suggests that the risk of recidivism can be reduced:

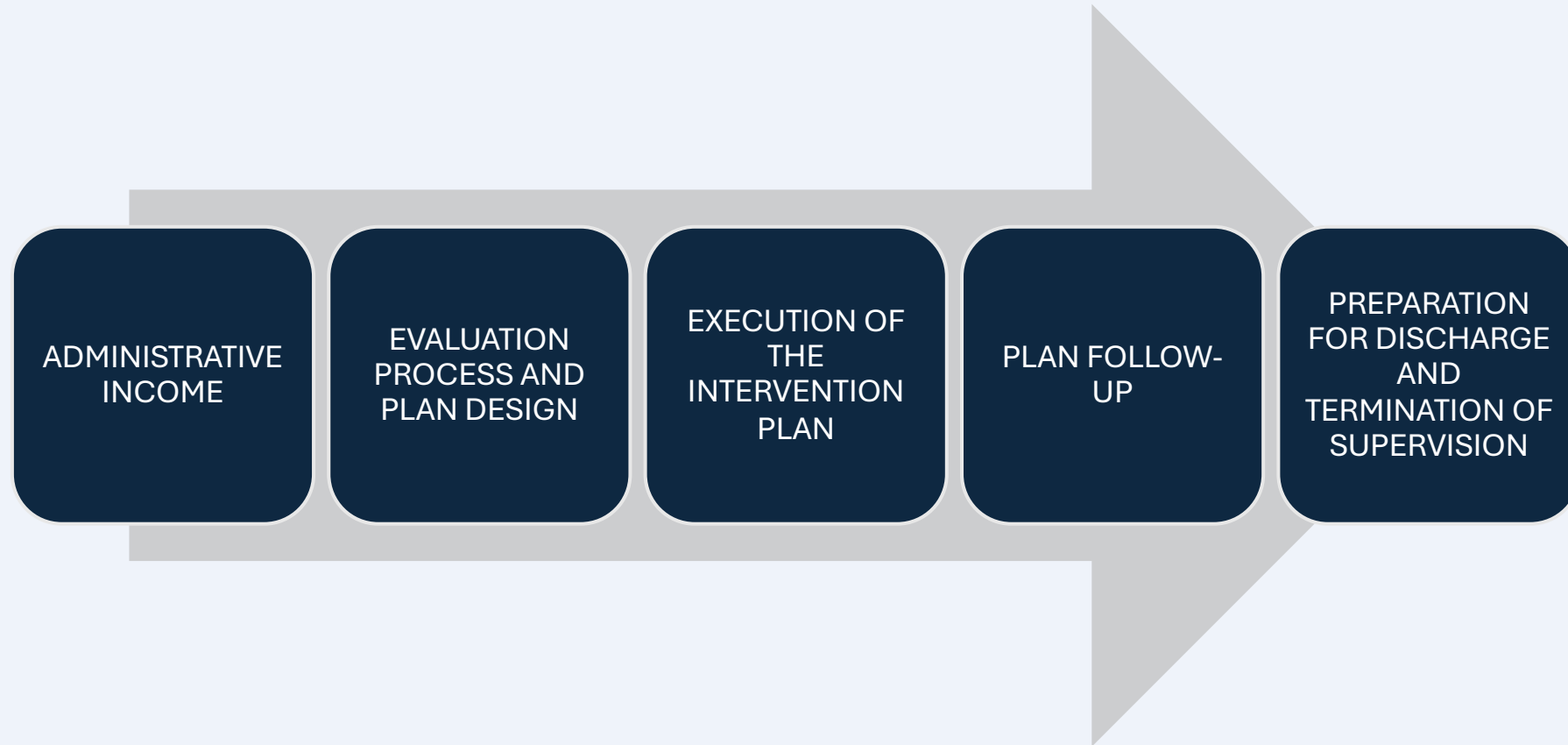
- If people at highest risk of recidivism receive the most intensive intervention (risk principle),
- Targeting intervention at criminogenic needs (i.e., dynamic recidivism risk factors; necessity principle)
- Taking into consideration the characteristics that may affect the response to treatment (for example, the treatment strategy used, individual characteristics, motivation; principle of willingness to respond)



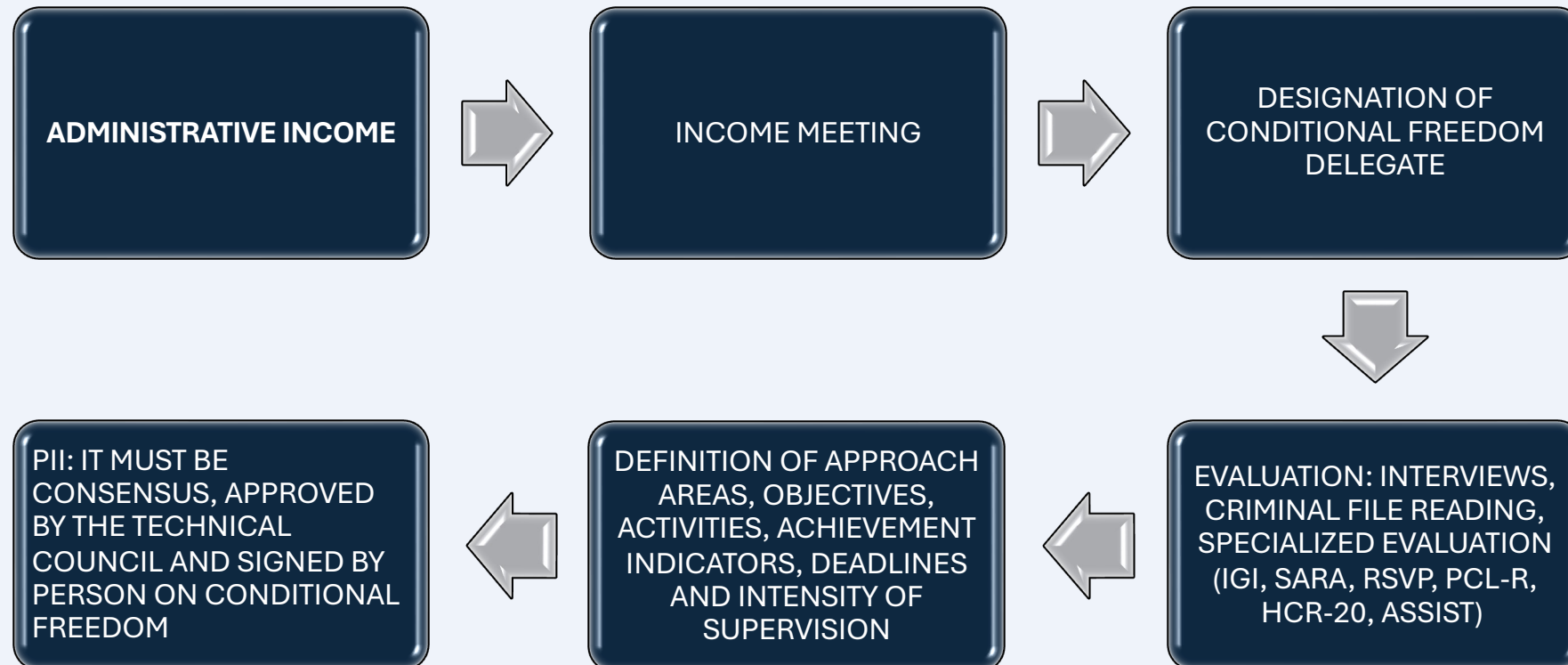
PROBATION CASE MANAGEMENT



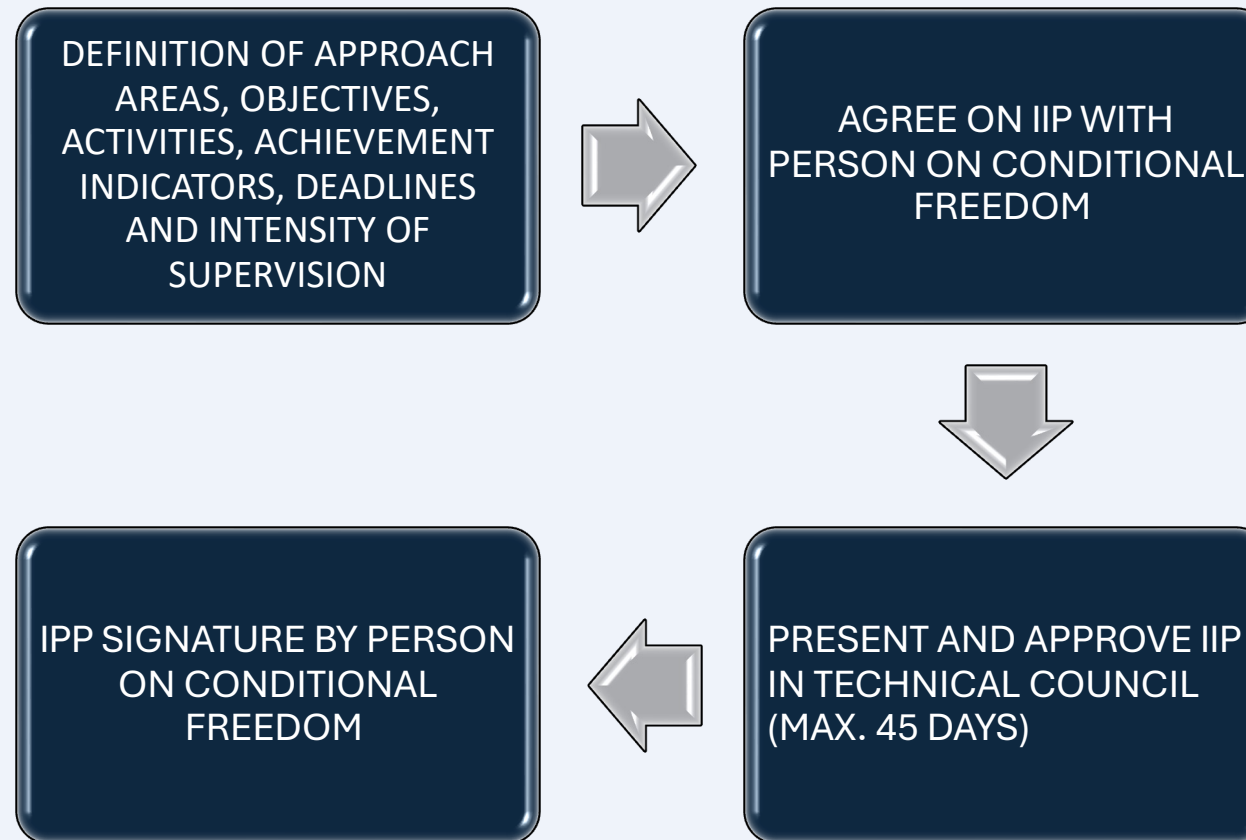
Stages of case management in Probation



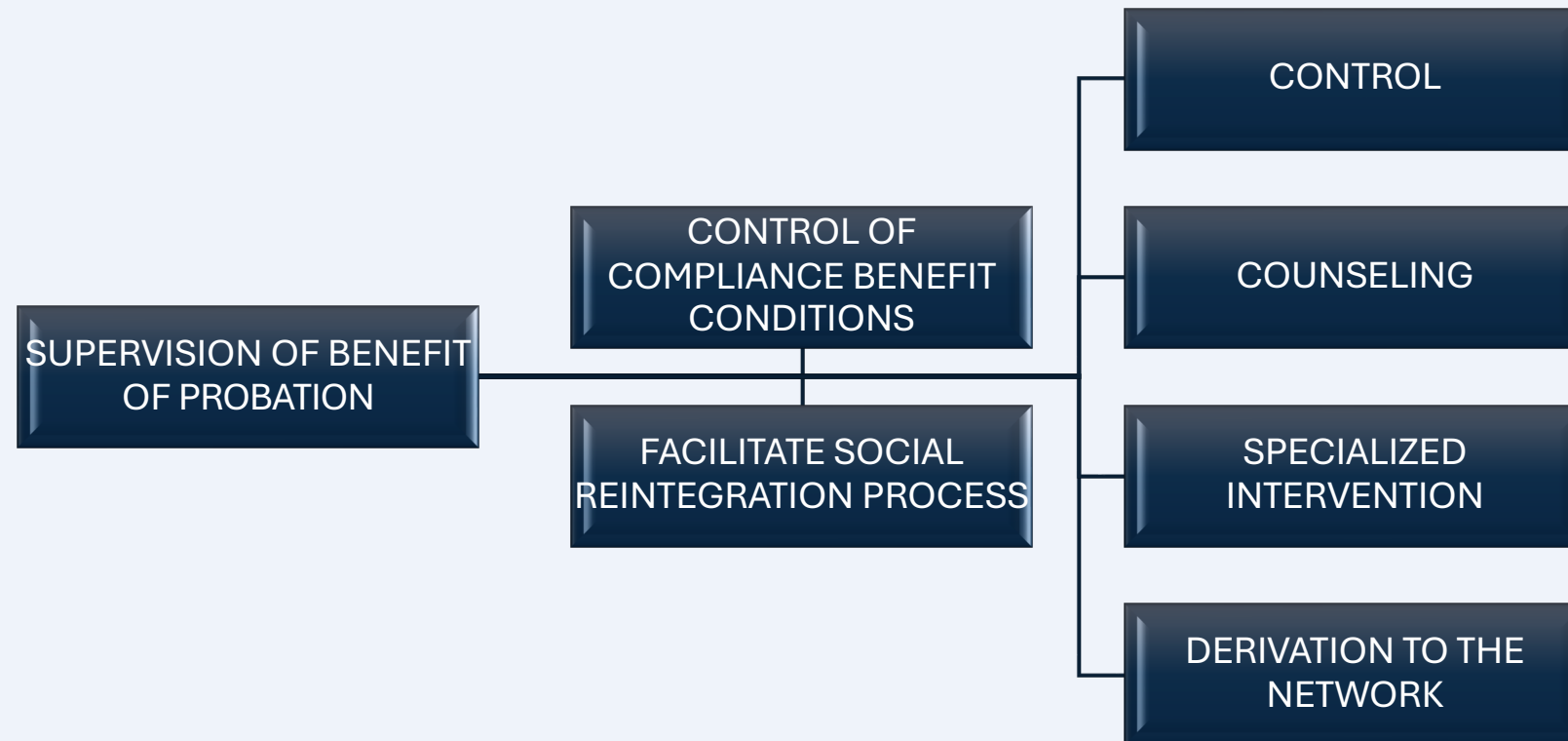
Evaluation process and design of the Individual Intervention Plan (PII):



Preparation of Individual Intervention Plan:



Execution of the Individual Intervention Plan (IIP):



RATIO PD/PERSONS ON CURRENT PROBATION*

C.A.I.S.	N° PB	CURRENT PEOPLE IN PROBATION SUPERVISION	AVERAGE RATIO
ARICA	6	157	26
IQUIQUE	5	72	14
ANTOFAGASTA	11	87	8
COPIAPO	1	21	21
LA SERENA	5	132	26
VALPARAISO	13	158	12
LOS ANDES	2	35	18
SANTIAGO	24	310	13
PUENTE ALTO	5	29	6
MELIPILLA	2	8	4
RANCAGUA	3	33	11
RENGO	2	25	13
TALCA	5	70	14
LINARES	2	29	15
CHILLAN	1	38	38
CONCEPCION	4	103	26
LOS ANGELES	2	42	21
TEMUCO	6	124	21
VALDIVIA	2	34	17
PUERTO MONTT	3	47	16
COYHAIQUE	1	27	27
PUNTA ARENAS	2	14	7



Control Activities:

These correspond to monitoring and verification actions, aimed at verifying compliance with the conditions of the Conditional Release benefit, such as:

- Change of residence
- Change school/academic activity
- Individual, family and economic situation change



Counseling Activities:

These correspond to reactive activities due to emerging situations, which provide information, guidance and facilitate linkage to an intersectoral network.

They are activities limited in time and with short-term objectives.



Activities to refer people on probation to the intersectoral network:

Its purpose is to promote social integration by referring to organizations or institutions external to the Gendarmerie.

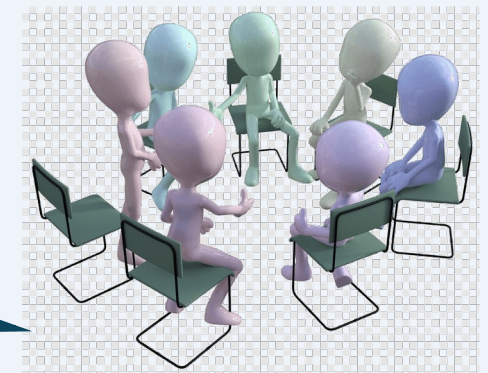
Main areas: Accommodation, legal advice, leveling studies, training and job placement, physical and mental health treatment, treatment for alcohol and drug use.



Specialized intervention:

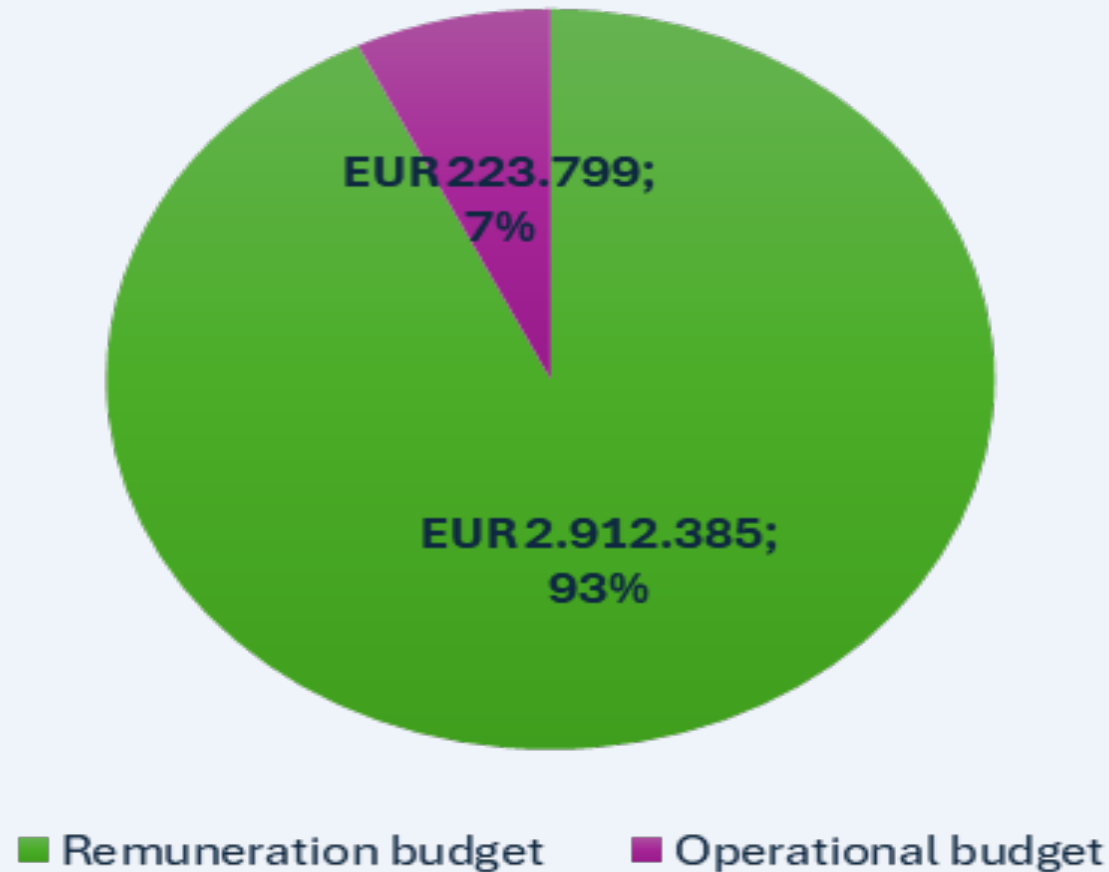
It corresponds to activities aimed at reducing the risk of recidivism, incorporating cognitive, emotional and social skills for development in the community away from crime.

They are structured and specialized activities (individual and/or group).



BUDGET POST PENITENTIARY SYSTEM – PROBATION 2024

Budget Probation 2024 - Distribution

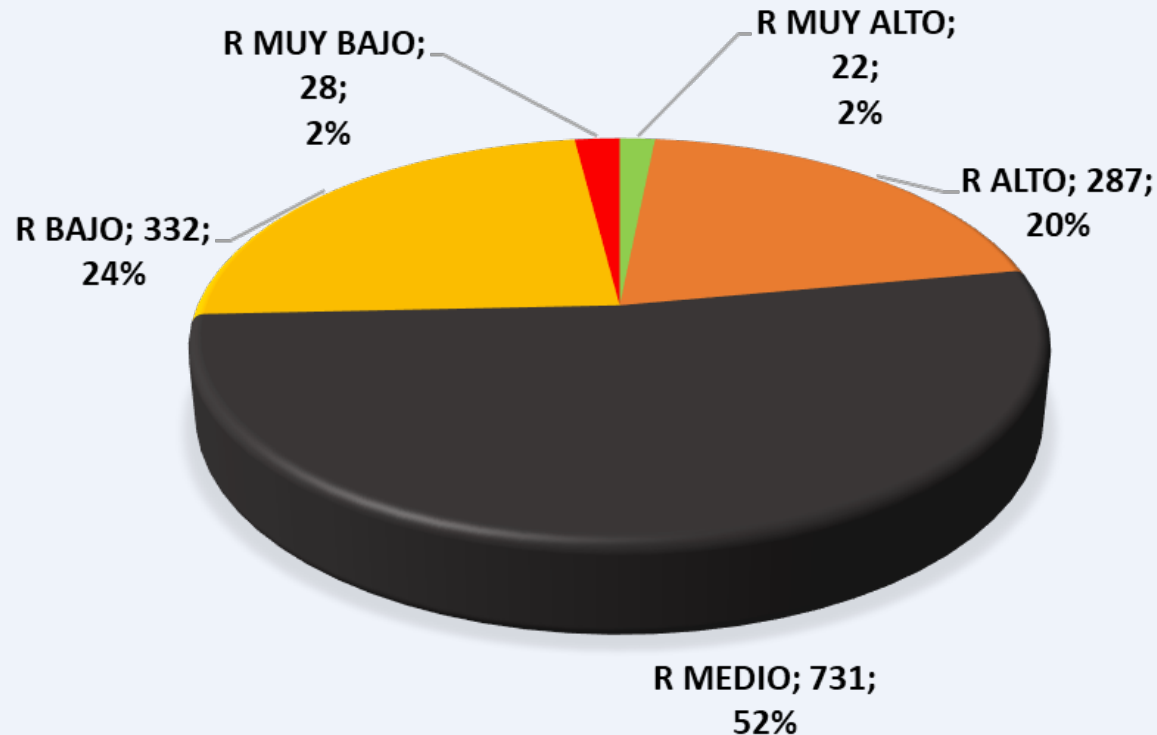


DATA, MILESTONES, ISSUES AND SOME RESULTS



Risk levels according to IIP in force as of March 2024 n=1.400

NIVELES DE RIESGO EN PII VIGENTES MARZO 2024
N= 1400



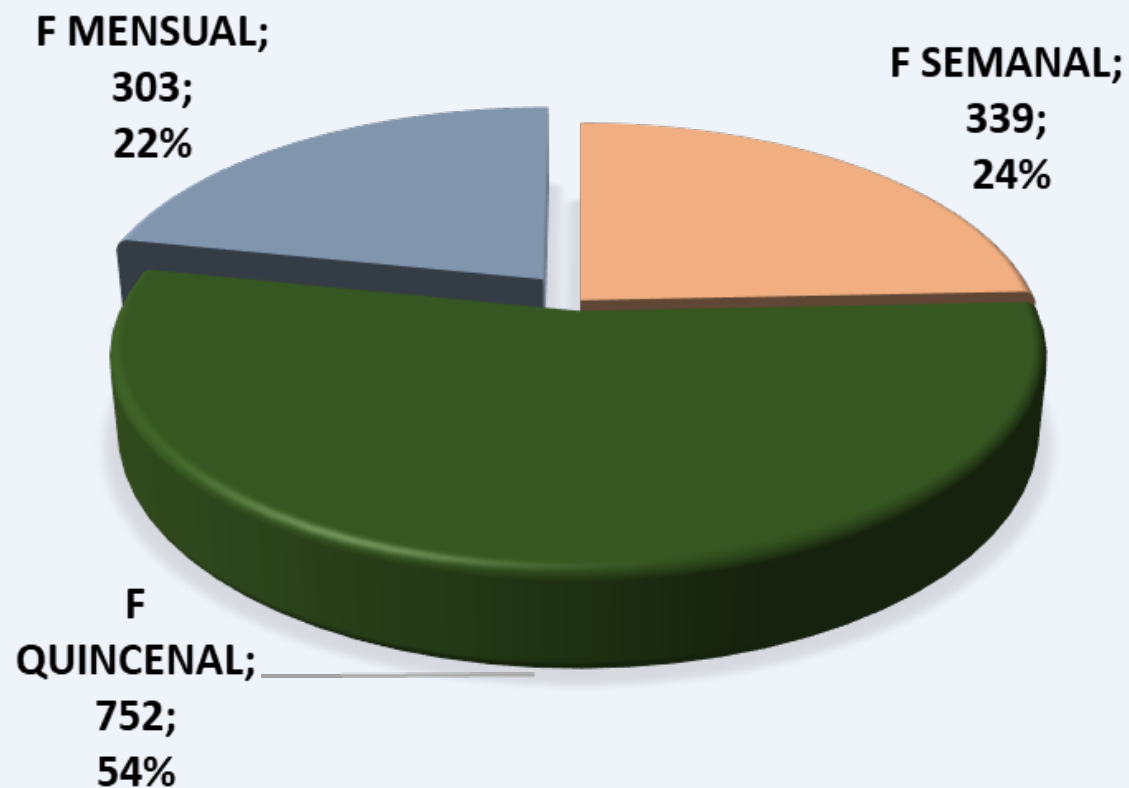
Medium-High-Very High risk level
74,3%

Total IPP approved by the Technical Council (march 2021 - march 2024)	Total current IIP (march 2024)
6996	1400

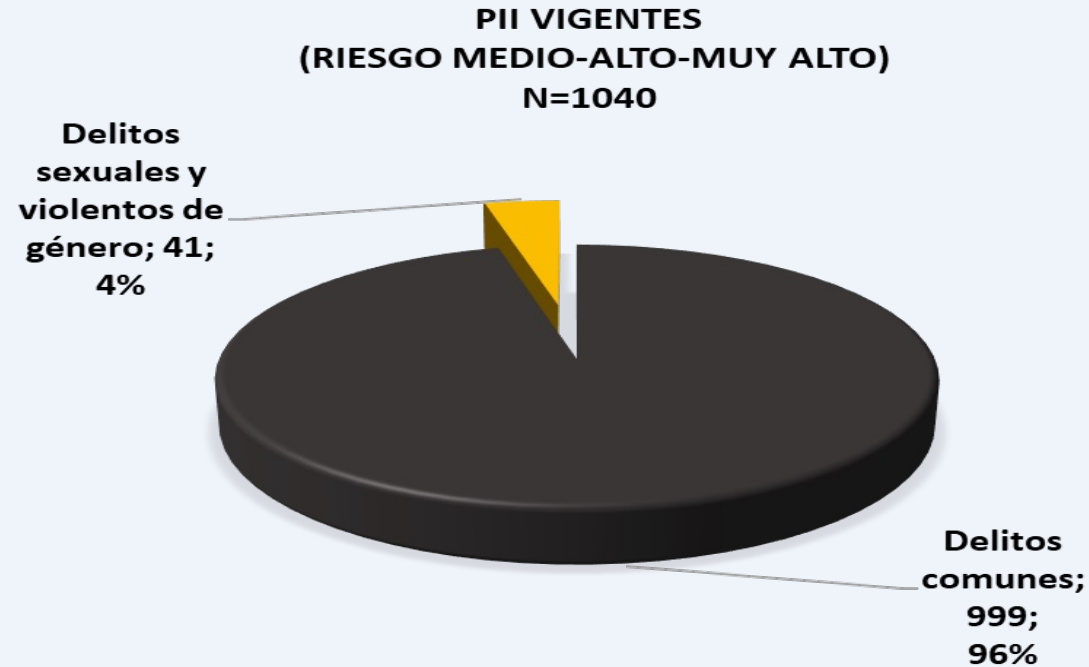


Risk levels in current IIP (Mar-2024) n=1.400

FRECUENCIA DE INTERVENCIÓN PII VIGENTES N=1400



IIP March 2024 (medium, high, very high risk level)*



* Current people on Probation (march 2024: 1.400)



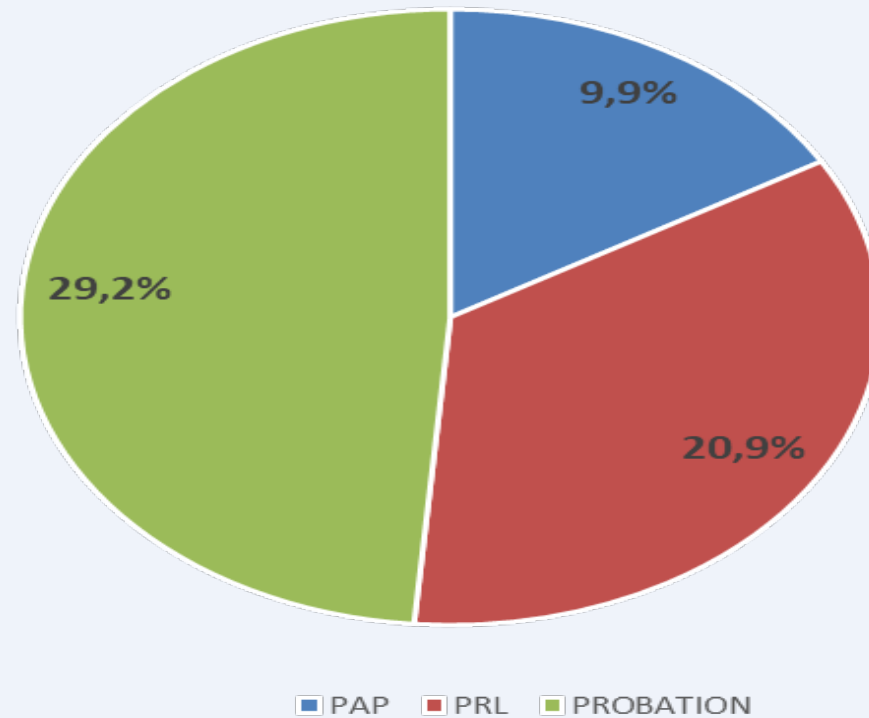
REVOCACTION OF THE APPROVAL BENEFIT (ALL CAUSES)

YEAR	REVOCACTION OF BENEFIT			RATE (RESPECTIVE OF FLOW IN THE YEAR)		
	M	W	TOTAL	M	W	TOTAL
2010	48	2	50	4,0%	1,6%	3,8%
2011	22	5	27	1,3%	2,4%	1,4%
2012	58	4	62	2,1%	1,0%	1,9%
2013	102	17	119	2,1%	2,2%	2,1%
2014	200	19	219	3,3%	2,6%	3,2%
2015	299	35	334	5,4%	4,1%	5,7%
2016	362	24	386	3,7%	3,6%	3,8%
2017	663	42	705	5,5%	4,8%	5,5%
2018	1118	47	1165	8,8%	5,3%	8,6%
2019	1157	61	1218	13,1%	8,2%	12,7%
2020	491	21	512	4,9%	2,8%	4,7%
2021	641	39	680	6,8%	5,1%	6,7%
2022	866	51	917	14,4%	9,3%	14,0%
2023	432	28	460	11,6%	6,5%	11,1%
	6459	395	6854	6,2%	4,3%	6,1%



CRIMINAL RECIDIVE OF PEOPLE IN POST-PENITENTIARY PROGRAMS (COHORT 2020)

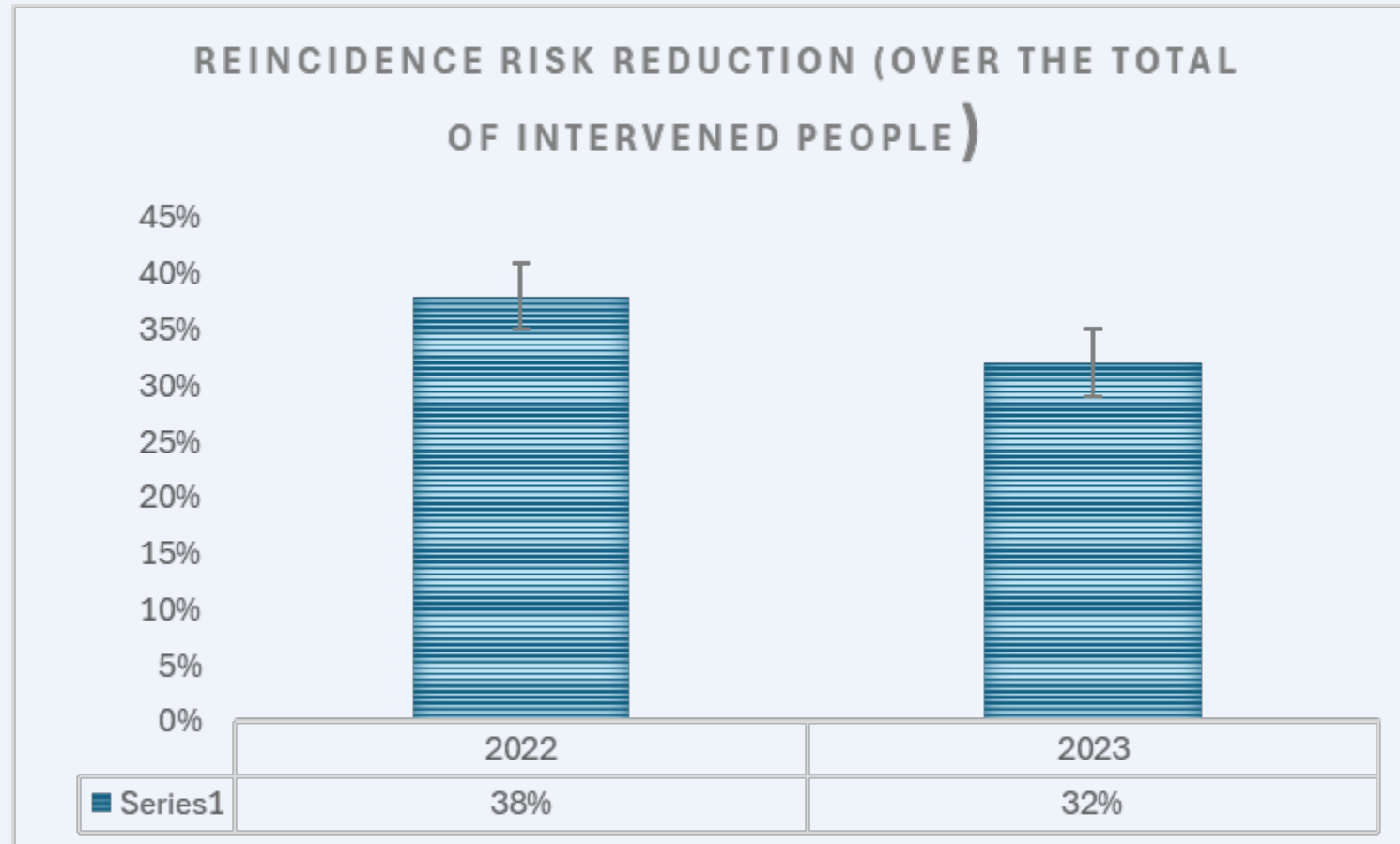
RECINCIDENCE IN THE POST-PENITENTIAL SYSTEM (2020 DISCHARGE COHORT)



Probation until 2020



REDUCTION OF THE RISK OF RECIDIVISM IN PEOPLE - PROBATION SYSTEM



ISSUES ASSOCIATED WITH THE IMPLEMENTATION OF THE NEW TESTING SYSTEM

- **The first problem was that the implementation of Conditional Freedom did not consider a complementary law to finance**
- **Initially, the number of professionals was insufficient compared to the demand - Virtual support strategy for case evaluation and preparation of IIP**



ISSUES ASSOCIATED WITH THE IMPLEMENTATION OF THE NEW TESTING SYSTEM

- **The late and even absence of response from the commissions that decide on the continuity of the benefit in different situations typical of the management of the probation**



ISSUES ASSOCIATED WITH THE IMPLEMENTATION OF THE NEW TESTING SYSTEM

- **A sustained decline in the number of beneficiaries, which could respond to the social and political sensitivity caused by this benefit, rather than its actual results**



ISSUES ASSOCIATED WITH THE IMPLEMENTATION OF THE NEW TESTING SYSTEM

- **Currently, the ratio is too low, compared to other penitentiary systems, which means that probation delegates have had to go to support other penal establishments.**
- **Risk of losing these professionals**



Thank you so much!!!

**Enjoy VI World Congress on
Probation and Parole...**

See you in the VII



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