

Penology

Code: 100462
ECTS Credits: 6

| Degree | Type | Year | Semester |
|---------------------|------|------|----------|
| 2500257 Criminology | OB | 3 | 2 |

The proposed teaching and assessment methodology that appear in the guide may be subject to changes as a result of the restrictions to face-to-face class attendance imposed by the health authorities.

Contact

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Use of Languages

Principal working language: spanish (spa)
Some groups entirely in English: No
Some groups entirely in Catalan: No
Some groups entirely in Spanish: Yes

Other comments on languages

One seminar will be taught in English if there are students interested

Teachers

Ainoa Torrado Sánchez
Sandra Sanchez Castro

Prerequisites

There are no requests.

Objectives and Contextualisation

Looking at criminological topics, community sentences are characteristic of criminal justice systems beyond Europe and they have been a relevant topic the last decades. The aim of this subject - penology, alternatives to imprisonment- is to give an approach to the alternative system to imprisonment in Spain and in particular in Catalonia.

Competences

- Ability to analyse and summarise.
- Applying an intervention proposal about a person serving a sentence.
- Carrying out the criminological intervention on the basis of the values of pacification, social integration and prevention of further conflicts.
- Drawing up an academic text.
- Formulating research hypothesis in the criminological field.
- Identifying the most appropriate and effective penal intervention for each particular case.

- Reflecting on the foundations of criminology (theoretical, empirical and ethical-political ones) and expressing this in analysis and propositions.
- Students must demonstrate they know a variety of criminal policies in order to face criminality and its different foundations.
- Verbally transmitting ideas to an audience.
- Working autonomously.
- Working in teams and networking.

Learning Outcomes

1. Ability to analyse and summarise.
2. Accurately applying the most efficient criminal proceedings to the criminal act.
3. Applying the appropriate foundations of criminal policy depending on the type of crime observed.
4. Applying the scientific and criminological knowledge to the punishment studies.
5. Carrying out penology researches with well-formulated hypothesis.
6. Drawing up an academic text.
7. Inferring those criminological proceedings that try to avoid criminal relapse.
8. Suggesting the correct action that should be applied in a penal execution.
9. Verbally transmitting ideas to an audience.
10. Working autonomously.
11. Working in teams and networking.

Content

Bloc 1: Introduction to punishment and community sanctions.

Theme 1. Introduction: criminology and punishment.

Theme 2. Origins and evolution of punishment: historical perspective.

Theme 3. Theories on the justification of punishment

Theme 4. Punishment and punitive attitudes towards punishment.

Theme 5. Community punishments in Spain: Characteristics and evolution.

Theme 6. Community sanctions in the new criminal code CP 2015 and its application.

Bloc 2: Community Sanctions in the Spanish context.

Theme 7. Implementation of community Sanctions in Catalonia. The role of probation officers.

Theme 8. Community sanctions: Community service.

Theme 9. Community sanctions: probation.

Theme 10. Victim-Offender Mediation and other forms of Restorative Justice.

Theme 11. Sanctions without intervention: suspended sentences, fines and disqualifications.

Theme 12. Permanent localization and Electronic monitoring.

Common Theme. Criminologists as advisors: criminological reports*.

*This topic is developed during seminars.

Methodology

a) Lectures consist on the exposition -by the lecturer- of the topics list on the programme. Students may interact and discuss about the diferent topics explained. References likend to the topic need to be read in advance i order to get involved in the discussion.

b) Seminars consist on the performance of dynamics and rol playings in order to simulate real cases and situations linked to the community sancions enforcement. Debates based on theoretical topics and critical and reflexive comments about some of the compulsory readings may be part of seminars sessions as well.

c) Organization. The module has a time schedule that will be facilitated to the students at the beginning of the semester. It includes weekly organization within the activities, in and outside of class.

Annotation: Within the schedule set by the centre or degree programme, 15 minutes of one class will be reserved for students to evaluate their lecturers and their courses or modules through questionnaires.

Activities

| Title | Hours | ECTS | Learning Outcomes |
|-------------------------------------|-------|------|----------------------------|
| Type: Directed | | | |
| Lectures | 19.5 | 0.78 | 2, 4, 5, 7, 8 |
| Seminars | 19.5 | 0.78 | 2, 4, 7, 8, 9, 10, 11 |
| Type: Supervised | | | |
| Assessment | 5 | 0.2 | |
| Type: Autonomous | | | |
| Group activities | 42 | 1.68 | 2, 4, 5, 7, 8, 6, 1, 9, 11 |
| Mid-term and final exam preparation | 30 | 1.2 | 2, 4, 7, 8, 1, 10 |
| Reading preparation | 34 | 1.36 | 2, 4, 3, 5, 7, 8, 1, 10 |

Assessment

Evaluation system

Combination of several activities, including individual and group work. In order to pass the module it is compulsory to get a 5 on average between the two exams. The average of the module needs to be over five as well.

Individual activities (80%).

a) Exams (50%). There is a mid-term exam, assessing the topics belonging to the first bloc (25%); and a final exam, including only the topics listed on the second bloc (25%). In order to pass the module it is compulsory to get a 5 on average between the two exams.

b) Participation. Oral, active and reflective participation showing arguing abilities are part of the evaluation during the seminars (5%).

c) Report. Students have to write a Criminological Report about one of the cases part of the seminar file (5%).

d) Case-based activities (25%). Seminars are based on a case-activities file and there are weekly activities to prepare and develop during seminars (individual and in group).

Attendance. Attendance to the module - lectures and seminars- is compulsory (100%). The minimum required in order to be evaluated is the 80%. Justified absences need to be documented and will not count as non attended. Justified causes are linked to illness or mayor causes not allowing the Student attending the module. Activities linked to the university do not count neither as an absence.

Group Project (15%).

Students need to work on a specific community sanction in group (methodology will be explained at the beginning of the course). Finally, oral presentations will be prepared by the different groups to the rest of the class.

Resit.

In order to pass the module students may need to get a Pass - 5 or more- in the final mark. Students may have the possibility to resit any of the assessed activities in order to pass the module, before the academic year ends and during the second semester period. In order to have access to the average activities and exams will need to be graded with a 4 or more.

Plagiarism and Cheating.

Cheating during an exam may imply a fail -0- and the impossibility to take the resit exam. Students may need to register the module the following academic year. According to the Law school and University rules, plagiarism is forbidden and punished. Plagiarising any of the activities of the module cannot be resat and may imply a fail of the activity -0-. In case of detecting plagiarism in more than one activity, students may fail the whole module.

Punctuality

Lectures will start on time. It is not possible to come into class late without justification.

Assessment Activities

| Title | Weighting | Hours | ECTS | Learning Outcomes |
|------------------|-----------|-------|------|-----------------------------------|
| Group tasks | 15% | 0 | 0 | 2, 4, 3, 5, 7, 8, 6, 1, 9, 10, 11 |
| Individual tasks | 85% | 0 | 0 | 2, 4, 3, 5, 7, 8, 6, 1, 9, 10 |

Bibliography

Compulsory reading

Compulsory readings are the basis for the module preparation and evaluation. They will be discussed in class and part of questions in the exams. At the beginning of the semester students will be announced if there are any changes in terms of literature to read.

Bloc 1.

Lectura 1. Díaz Cortés, L. M. (2007). Algunas consideraciones sobre el castigo: una perspectiva desde la sociología. En Balmaceda, G. (Coord.) *Problemas actuales de derecho penal*, 187-222. Ediciones Jurídicas de Santiago. Available on internet:
http://gredos.usal.es/jspui/bitstream/10366/18512/1/DDPG_AlgunasConsideracionesCastigo.pdf

Lectura 2. Cid, J. (2009). La justificación del Castigo. En *La elección del castigo*. Barcelona: Bosch, 29 - 48. (copistería)

Lectura 3. Varona, D. (2009). ¿Somos los españoles punitivos? Actitudes punitivas y reforma penal en España. *InDret, Revista para el análisis del derecho*, 1-31. Available on Internet: <http://www.indret.com/pdf/599.pdf>

Lectura 4. Diez-Ripollés, J.L. (2006). La evolución del sistema de penas en España. 1975 -2003. *Revista Electrónica de Ciencia Penal y Criminología*, 7-25. Available on internet: <http://criminet.ugr.es/recpc/08/recpc08-07.pdf>

Lectura 5. Villacampa, Carolina. (2016). Las alternativas a la prisión en la reforma de 2015. J.M, Landa (Dir). *Prisión y alternativas en el nuevo Código Penal tras la reforma 2015*, 171-198. Instituto Internacional de Sociología jurídica de Oñati. (copistería)

Bloc 2.

Lectura 6. Ayala, J.M; Echano, J.I. (2016). La suspensión de la pena tras la LO 1/2015. J.M, Landa (Dir). *Prisión y alternativas en el nuevo Código Penal tras la reforma 2015*, 199-224. Instituto Internacional de Sociología jurídica de Oñati. (copistería)

Lectura 7a. Larrauri, Elena., Anton, Lorena. (2009). Violencia de género ocasional: análisis de las penas ejecutadas. *Revista Española de Investigación Criminológica*, 7 (2), 1-26. Available on internet: <http://www.criminologia.net/pdf/reic/ano7-2009/a72009art2.pdf>

Lectura **breu 7b**-. Trasovares, M., Hilterman, E. (2010). ¿Cómo conducimos después de un programa formativo de seguridad vial?. *Invesbreu*, 50. Barcelona: Centre d'Estudis Jurídics i Formació Especialitzada. Available on internet: http://cejfe.gencat.cat/web/.content/home/publicacions/butlleti_invesbreu/invesbreu50.pdf

Lectura breu 7c-. Pérez, M. - Martínez, M. (2010). Evaluación de los programas formativos aplicados desde la ejecución penal en la comunidad en delitos de violencia de género. *Invesbreu*, 49. Centre d'Estudis Jurídics i Formació Especialitzada. Disponible a internet: http://cejfe.gencat.cat/web/.content/home/publicacions/butlleti_invesbreu/invesbreu49.pdf

Lectura 8. Zorrilla, Nahia. (2013). La suspensión especial para drogodependientes. ¿ existen posibilidades para una mejor aplicación? Obstáculos y orientaciones de futuro. *Eguzkilore*, 27 (121-148). Available on internet: <http://www.ehu.es/documents/1736829/3202683/09-Zorrilla.pdf>

Lectura 9. Contreras, María. (2013). El potencial rehabilitador de la pena de trabajos en beneficio de la comunidad: revisión de la evidencia empírica y análisis de la percepción de una muestra de penados. *VIII congreso nacional de investigación sobre violencia y delincuencia*, (1) 243-263. Santiago de Chile: Fundación Paz Ciudadana. Available on internet: <http://www.pazciudadana.cl/wp-content/uploads/2014/06/congreso-tomo-1-alta.pdf>

Lectura 10. Guimerá, A. (2005). La mediación-reparación en el derecho pena de adultos: un estudio sobre la experiencia piloto de Catalunya. *Revista Española de Investigación Criminológica*, 3 (5), 1-22. Available on Internet: <http://www.criminologia.net/pdf/reic/ano3-2005/a32005art3.pdf>

Lectura 11. Torres, Núria. (2012). Contenido y fines de la pena de localización permanente. *Indret: Revista para el Análisis del Derecho*, 1, 1-31. Available on internet: http://www.indret.com/pdf/868_1.pdf

Lectures transversals

Lectura 12. Daunis, A. (2016). La ejecución de las penas alternativas a la prisión. La multa, la localización permanente y los Trabajos en beneficio de la comunidad. En *Ejecución de penas en España. La reinserción social en retirada*, 12 (295 -320). Comares. (copistería)

Lectura 13. Departament de Justícia (2016). *La reincidencia en medidas penales alternativas 2015 - resumen ejecutivo*, 1-14. Centre d'Estudis Jurídics i Formació Especialitzada. Available on internet: <http://www.recercat.cat>

Lectura 14. Blay, E (2019). El papel de los Delegados de Ejecución en la ejecución penal en la comunidad ¿gestores o agentes de rehabilitación? *InDret*, 4, 1-32

Lectura 15. Larrauri, Elena. (2012). La necesidad de un informe social para la decisión y ejecución de las penas comunitarias. *Boletín Criminológico*, 139, 1-5. Available on internet: <http://www.boletincriminologico.uma.es/boletines/139.pdf>

Bibliografía general de consulta:

Cid, J. (2009). *La elección del castigo*. Bosch.

Cid, J. y Larrauri, Elena. (1997). *Penas alternativas a la prisión*. Bosch

Cid, J., Larrauri, Elena. (Cords). (2002). *Jueces penales y penas en España. (Aplicación de las penas alternativas a la privación de libertad)*. Tirant lo blanch.

Departament de Justícia (2016). *La reincidencia en medidas penales alternativas 2015 (informe)*. Centre d'Estudis Jurídics i Formació Especialitzada. Available on internet en: <http://justicia.gencat.cat>

Larrauri, Elena., Blay, Ester. (2011). *Penas comunitarias en Europa*. Trotta.

Varona, D. (2013). *El sistema punitivo español: rasgos generales*, PID_00202686. Universitat Oberta de Catalunya, UOC.

Varona, D. (2013). *Funcionamiento y evolución del sistema punitivo español*, PID_00202687. Universitat Oberta de Catalunya, UOC.

Varona, D. (2013). *La lógica del sistema punitivo: modelos punitivos*, PID_00202688. Universitat Oberta de Catalunya, UOC.

Varona, D. (2013). *Modelos punitivos en acción*, PID_00202689. Universitat Obertade Catalunya, UOC.

Bibliografía en anglès:

Aebi, M., Delgrande, Natalia., Marguet, Y. (2015). Have community sanctions and measures widened the net of the European criminal justice system?. *Punishment & Society*, 17(5), 575-597.

Blay, Ester. (2006). 'It Could be us': recent transformations in the use of community service as a punishment in Spain. *European Journal of Probation*, 2(1), 62-81.

Blay, Ester. (2008). Work for the benefit of the community as a criminal sanction in Spain. *Probation Journal*, 55(3), 245-258.

Blay, Ester., Larrauri, Elena. (2016). Community punishment in Spain. A tale of two administrations. In Gwen Robinson & F. McNeil (Eds). *Community punishment. European perspectives* (pp. 191-208). Routledge.

Cid, J. (2005). Suspended sentences in Spain: Decarceration and recidivism. *Probation Journal*, 52(2), 169-179.

Cid, J. (2009). Is imprisonment criminogenic? A comparative Study of Recidivism Rates between Prison and Suspended Prison Sanctions. *European Journal of Criminology*, 6(6), 459-480.

McIvor, Gill., Beyens, Kristel., Blay, Ester., Boone, Miranda. (2010). Community Service in Belgium, the Netherlands, Scotland and Spain: a comparative perspective. *European Journal of Probation*, 2(1), 82-98.

Stancu O., Varona, D. (2020). What about judicial punitiveness? A study of homicide convictions in Spain (2000-2013). *Criminal Law Forum* 31, 251-275.

Varona, D., Kempt, S. (2020). Suspended Sentences in Spain: An Alternative to Prison or a "Bargaining Chip" in Plea Negotiations?. *European Journal of Crime, Criminal Law and Criminal Justice* 28, 354-378.

Software

There is no specific program for this subject