BACK-END SENTENCING IN A CULTURE OF REINTEGRATION?

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Internationally, the number of offenders being recalled to prison during their license period has been increasing dramatically. In England and Wales for instance, the number of offenders being recalled to prison has augmented significantly. The last decade, a growing number of scholars have focused on the possible reasons for and impact of the rise in recalls. The most common reason for recall is the violation of the license conditions, the so-called ‘back-end sentencing’ (Padfield & Maruna, 2006; Collins, 2007; Travis, 2007; Padfield, 2012; Steen et al. 2013) and an increased ‘sensitivity’ of the supervision system to violations (Reitz, 2004; Weaver et al., 2012). However, in contrast to the Anglo-Saxon literature on this topic, on-going research reveals the existence of a more reintegration-oriented recall practice in Belgium, in which non-compliant behavior might not necessarily lead to an immediate decision to recall a conditional release order. In Belgium, the decisions to recall a conditional release order of offenders who are sentenced to a prison term of more than three years (up to life imprisonment) are taken by multidisciplinary sentence implementation courts, after an adversarial procedure where the Public Prosecutor and the offender on conditional release are heard. In this paper, we describe how recall decisions are made in Belgium and discuss how and to what extend the Belgian recall practice differs from decision-making practices in other countries (Anglo-Saxon or other jurisdictions). In concreto, we will relate the nature of the decision-making process to the particular reintegration-oriented penal culture in which the decisions are made.