Date: July 27, 2022
Tamuz 28, 5782

To: The United Nations Office on Drugs and Crime (UNODC)

Subject: Reducing Reoffending Through Rehabilitation and Reintegration

The State of Israel respectfully submits its contribution in relation to the recent CCPCJ Resolution (E/CN.15/2022/L.4/Rev.1) on the above-mentioned subject, a summary of Israel's best practices aimed at reducing recidivism.

The Inter-Ministerial Team for the Examination of Additional Methods of Punishment

In July 2021, the Inter-Ministerial Team for the Examination of Additional Methods of Punishment, chaired by the Deputy Attorney General (Criminal Law), published its report on the creation of new punishment alternatives and tools to improve existing mechanisms, with the aim of minimizing the use of incarceration to the extent possible. The team had not only formed recommendations regarding the creation of new punishment alternatives, but also examined additional processes and tools that can be developed with the purpose of improving existing mechanisms in a way that will lead to minimizing the use of incarceration when it is not necessary.

Among the alternatives, "Community Custody" was recommended as a punitive model, which could serve as a substitute for an imprisonment punishment under electronic monitoring. As part of this punishment, the offender's freedom of movement would be limited by setting geographical limitations, mainly a mandatory stay at home, combined with mandatory participation in various programs or other activities, for example participation in a therapeutic plan as part of a probation order, community service, etc. In relevant cases, inmates might also be eligible to work during part of their daily
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routine. The structure of Community Custody may vary between different inmates, according to their therapeutic and occupational needs. The Court will determine all components of the punishment, while noting the severity of the offense and the need to impose an adequate punishment, alongside an examination of the defendant's personal circumstances and needs.

Additionally, the report recommended the use of halfway houses, rehabilitation centers and hostels in order to allow a gradual transition from prisons to community life. Halfway houses are incarceration facilities with special characteristics of security, entrance and exit arrangements, and a higher level of prisoner independence. Halfway houses incorporate the employment of prisoners outside the prison, with workshops to acquire skills for reintegration in the community, alongside a variety of rehabilitative and therapeutic workshops. Currently, there are two different types of halfway houses; one is a part of the Israel Prison Service's rehabilitation centers, which is available during the imprisonment term, and another within the Prisoner Rehabilitation Authority's hostels, which is available during the parole term.

Another recommendation included in the report is to expand the use of paroles. As part of the expansion, the report suggested the early preparation of the prisoners towards their release, enhancement and further development of short-term rehabilitation programs and rehabilitation programs in the community, the expansion of existing Prisoner Rehabilitation Authority services and close social assistance for prisoners during their parole term. Furthermore, it was suggested to utilize the follow-up meetings of the parole board, originally intended to only supervise the compliance with the terms of the parole, to also create incentives for compliance and rehabilitation.

Alongside the alternatives to incarceration, the report also recommends to bestow treatment continuity on the various stages of the criminal procedure and the service of punishment, in which several entities share responsibility for therapeutic aspects concerning the offender. Furthermore, it recommends to combine restorative justice procedures in various stages of the criminal procedure, even during the imprisonment or following it, and to expand the activity or the entities currently engaged in this area, including the Court’s involvement in advancing such procedures.
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On May 5, 2022, Government Resolution No. 1476 adopted the above recommendations for further implementation, including the establishment of an implementation team with representatives from the Prime Minister's Office, the Ministries of Welfare and Social Affairs, Public Security of Justice, Finance and other Government representatives. The team shall finalize an implementation plan to apply the Inter-Ministerial Team recommendation regarding Community Custody, public and private detention alternatives, expanded parole procedures and the establishment of rehabilitation centers as per the recommendations in the report, in cooperation with representatives from the State Attorney's Office, the Israel Police, the Court Administration, the Israel Prison Service, the Prisoner Rehabilitation Authority, the Public Defender's Office, the Central Bureau of Statistics and others.

Community Courts

The Community Courts, which are known to be "Problem Solving Courts", began to operate in Israel as a pilot program in November 2014. The Community Courts serve various populations, and use a judicial and rehabilitative approach, aimed to reduce incarceration and prevent recidivism. The underlying premise of the Community Courts holds recidivism as a symptom of social, personal and economic issues. Accordingly, neglecting these issues will result in reoffending. Therefore, Community Courts aim to address the underlying factors that lead to committing the offence, while realizing that the community plays a vital role in treating and rehabilitating populations at risk.

As part of the process, the defendants participate in building a personalized rehabilitation program, tailored to their needs and personal circumstances, addressing all aspects of their lives relevant to the chances of rehabilitation and of reoffending. Based on the understanding that the community is not only the main victim of recidivism, but also responsible to part of the exclusion and isolation offenders experience, it is engaged to perform a main role in the therapeutic and rehabilitation processes for offenders, as a key to their incorporation back into the community.

On July 7, 2022, Amendment No. 92 to the Criminal Procedure Law 5742-1982 was enacted as a temporary provision, in force for five years starting August 1, 2022. The Amendment states that the purpose of the Community Court procedure is to rehabilitate
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defendants within the community, and to address the underlying factors that lead to committing the offence with strict supervision of the Community Court. The Amendment regulates the procedures to transfer a defendant's proceeding to a community court, the requirements for the initiation of a Community Court proceeding, the preparation meetings prior to hearings, and the conditions for successful completion of the program. The Amendment also authorizes the Minister of Justice to appoint Magistrate Courts as Community Courts and to set their location and area of jurisdiction. Furthermore, the Amendment enumerate the members of the steering committee, and charges the committee to accompany the activity of the community courts, assist in the coordination between the participating officials in the procedure and in the formalization of joint policy for Community Courts and its implementation.

The Community Courts deal solely with criminal proceedings while focused on the cooperation between the courts and the law enforcement agencies, the welfare services, education authorities and the community. Generally, if the defendant completes the program that is offered to him/her, the Courts might consider dismissing her/him from facing imprisonment. If the defendant does not complete the program successfully, the judge may sentence the defendant, similar to any other defendant.

Designed to gradually diminish court supervision throughout the process, the Community Court defines the content of the rehabilitation process, the requirements from the offenders and the amount of commitment required of the Community Court team in the process. As much as possible, the Community Court team in every court includes permanent representatives from every establishment involved to advance agreements in every legal, rehabilitative or communal matter related to the offender. The Community Courts are optional for defendants, regardless of their history as prisoners, and until recently were located at six different Magistrate Courts - Nazareth, Haifa, Ramla, Tel Aviv-Jaffa, Jerusalem and Be'er-Sheva. Due to the success of the program, Government Resolution No. 1476 of May 22, 2022 expended the existing Community Courts to establish two additional Courts in Acre and Kfar Saba with a capacity of 50 defendants each, and an expansion of the activity of the Jerusalem court to a capacity of 150 defendants. The Government Resolution had also charged the Minister of Justice with compiling a two-year plan to execute the expansion of Community Courts, starting 2023.