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Prison Information Bulletin



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THE AUTOMATION OF SERVICES IN THE ITALIAN PRISON ADMINISTRATION

Problems and prospects of computerisation in the prison field

1. Introduction

Every prison administration is in fact a large undertaking, managing staff, structures and miscellaneous services. The problems of management, while quite specific to it, are, all in all, similar to those of other public or private undertakings which have recourse to computers and automation, things that are becoming increasingly essential in order to ensure faster and more efficient services.

What are the most important problems facing a prison administration that wishes to take its place among the more modern undertakings in the field of automation? This topical question will soon be the subject of thorough examination. Accordingly, "Computers in correctional administration and links with criminal justice" is the theme of the Fourth Council of Europe Colloquy on the Use of Computers in the Administration of Justice, to be held at Stockholm from 3 to 5 September 1984.

Similarly, at the VIIth Conference of the Directors of prison administrations, to be held in June 1985, one day will be devoted to this question, within the context of the management of prisons.

For the readers of the Bulletin, it may be interesting to learn about the genesis and development of the Italian prison administration's present programmes in this field.

2. Aims and activities

The studies aimed at providing the Italian prison administration with its own data processing centre began in the spring of 1970.

The project was aimed first and foremost at the creation of an electronic data processing system for the prison registry, allowing the authorities to have an information service on the prisoners detained in the different institutions (over 240 prisons in all).

The Constitutional Court's judgment no. 25 of 12-23 February 1970, declared unconstitutional criminal proceedings taken against accused persons "who could not be found", the prosecuting authority having overlooked the fact that they were detained in prison on other charges. This judgment hastened the introduction of such a service.

Accordingly, in 1971 a Computer Centre was set up, with which the prison administration hoped to achieve two objectives : on the one hand, to facilitate the normal course of judicial proceedings against accused persons who cannot be found, thanks to the possibility of a rapid supply of information to the judicial authority ; and on the other, to have a constantly up-to-date prison register containing a useful quantity of information on the prison population, which would both be valuable for prison management and would provide a solid base for statistical research in this field.

For each prisoner, in addition to information concerning his civil status, level of education, occupational training and job (particular attention being given to his qualifications) judicial data are recorded, such as his date of arrest, the crime with which he is charged, his legal position, the expiry date of his sentence and any previous periods of imprisonment, this information being kept up to date as required.

While managing prisoners' records in this way has contributed considerably to improving the state of knowledge on the prison population, it has not so far produced all the expected results. The difficulties are due to the fact that the prison authorities do not always send full and exact information, despite the requests of the central administration. The system presupposes the availability of complete data, and an interruption in the supply of information - even from only one institution - detracts from the overall validity of the data.

This situation is due to the way in which the system is organised ; this provides for a flow of information from the periphery to the Centre. As the prisons have not derived any benefit at least up to now, the officials in the registry offices, being already overworked, do not feel motivated for any additional work which brings no concrete advantages.

The automation of the prison register has not in fact altered the organisation of work in the prisons, and the sending of data to the Computer Centre, being in addition to the work of keeping the manual fold, has in fact created an excess of work in the registry offices. The result is that this innovation has not been welcomed by the officials concerned nor, moreover by the managements, who likewise have not benefited from it. On the other hand, the information service is very useful to the judicial authority, which uses the data from the prison registry offices to provide requesting judicial offices with information on whether a person is being held in Italian prisons, and, by reference to past records, on the declared place of residence of a discharged prisoner.

The judicial authority makes very frequent use of this service : the number of requests received and replies given is 70,000-75,000 a year, of which about 20% are positive, the persons enquired about being in fact in prison. The margin of error in this service is very slight, only a few cases in a year.

It is considered that the contribution which the service makes to the speeding up of judicial proceedings, and the consequent saving to the Treasury, covers the cost of the electronics centre, including its staff.

The system set up to meet these initial objectives has since been used for other administrative and accounting purposes.

In this connection, the following examples of automation already achieved may be mentioned :

1. Automatic payment of the wages of the Prison Corps, started on 1 January 1978. This procedure covers payment of the wages of the military personnel and the issue of all the administrative and accounting documents required by the peripheral managements in order to effect the payments.

Updatings and alterations are transmitted by the prisons via the terminal. The elaborated material is sent to them through the post, using a system that ensures their delivery within 24 hours of despatch ;

2. Automatic payment of the "prison" allowance due to the civilian staff employed in the Ministry and in some prisons ;
3. The payment of pensions to the military personnel, with issue of the relative orders ;
4. Preparation of the calculations and statements needed for ascertaining the position in relation to the National Insurance Institute of staff leaving the service without having completed the minimum period required for entitlement to pension.
5. The automatic issue of enrolment orders for the military personnel of the Prison Corps at the various levels of pay and duty in accordance with current legislation ;
6. The issue and printing of the payslips of working prisoners, with all relevant items ;
7. The creation of archives containing the full text of the Prison Code (Act no. 354 dated 26 July 1975) and its implementing regulations (Presidential Decree no. 431 of 29 April 1976), which, can be consulted on a video terminal by the use of keywords ;
8. The establishment of statistics relating to the data contained in the Prison Register.

These statistics are intended to provide fuller knowledge of the prison population, and, for various correlations, all important data to meet the requirements of users. They also serve the operational requirements of the administration, and purposes of study and research.

The above applications have made it possible to reduce the work of the staff in charge and to obtain results which without the use of electronic equipment would not have been feasible, being unacceptable in terms of cost/benefit analysis, and they have permitted a high level of skills in the operators to be achieved.

Over and above all this, the administration is making ample use of the network of the terminals for the rapid transmitting of messages from and to the periphery, with considerable time-saving and speeding-up of the flow of information.

3. The present organisation of the data-processing Centre

At the present time there is a central and a peripheral system.

The Central System

This consists of a computer having a large memory and operative capacity comprising :

- a central unit of 8 M bytes, complete with a large number of disc and tape units, with control units, card readers and system printers ;
- three data teletransmission control units of which two run the present terminal network and the third the terminals of the central prison administration offices connected up to the electronic centre, as well as two central systems, with relative video and printer terminals, for the development of new programmes for handling register, administrative and accountancy data, with which the work of the prisons can be simulated ;
- two central terminal control units on the premises, running 22 terminals installed in the Electronics Centre, responsible for checking, data input and programming.

The machine room of the Electronics Centre operates from 7 am to 8 pm on working days. When the need arises, the working day can be prolonged to 24 hours. This happens regularly once a month when Prison Corps wage payments have to be prepared.

The Peripheral system

The present peripheral system consists of a network of terminals installed in all prisons except the district prisons (over 800 in Italy, housing a small number of the less dangerous prisoners for short period).

Several Offices in the Directorate General are equipped with intelligent terminals of a recent model, for certain kinds of administrative work.

Procedures and programmes

The current procedures have been mainly worked out by the staff of the Centre who are also responsible for implementing them and keeping them under review.

The relevant software is developed without any outside help.

The programmes are written in Cobol and Assembler.

Certain widely-marketed commercial programme products are used, such as INTERPERS (for the automated staff management), STAIRS (for automatic searching by terminal with the use of keywords, of texts already stored in the memory) or ATMS (for the handling and storing of textual material).

Development programmes

In 1981 the prison administration, recognising the need to modernise its organisation and rationalise its administrative work and to have a modern computer system at its disposal, adopted a national action plan for automating the most important administrative activities relating to prisons and for setting up an automated information system.

The plan provides for automation of the registration of prisoners, cash holdings, prisoners' wages and general prison accounting.

All these activities which are at present completely manual, are to be automated. This will be of considerable benefit both to the periphery and to the central administration, which will thus be able to obtain the information it seeks without having to ask the prisons for it.

The whole project implies the purchase of 65 medium-power computers, for the same number of prisons, and of 1512 video and printing terminals, to be allocated to the prisons in proportion to the population administered and the work load and to other peripheral administrative departments of importance in the prison system.

The planning of the project was divided into two stages : the first, which was inaugural and experimental, covered the conclusion with a number of big firms in the sector of the necessary contracts for reinforcing the Electronic Centre by leasing the central electronics system, purchasing and installing two medium-sized systems to try out the network, developing the necessary software for automation of the registration of prisoners, purchasing and installing 48 video and printing terminals and providing technical assistance with implementation and other services and accessories. This first stage was carried out in the course of 1983.

The second stage covers development of the software necessary for automation of the management of prisoners' funds, pay for working prisoners and the accountancy system, and introduction of the data-processing system nationwide. The contracts with the various firms have already been concluded and their performance has begun.

The architecture of the system is hierarchical, with a central electronics centre in the Directorate General which directs and controls a periphery of medium-sized computers in 61 prisons. These peripheral computers in turn run a secondary network of terminals in all the prisons, except, as mentioned, the district prisons, and in the peripheral administrative departments of importance for the prison system. The support network of telephone services will be provided by the State telephone company, with which a special agreement is being reached.

The organisation of the information system thus has three levels : the Electronic Centre in the Directorate General, peripheral computers in 61 prisons and terminals in other prisons and departments.

There will be no differences of operative procedure where the terminals are concerned, between prisons with computers and those with terminals only. However, those without computers will have computerised files located in the establishments with computers to which they are connected.

The homogeneity of the whole system is ensured by the fact that each establishment's computer will have autonomy of operation but not of programming : the programming will be done centrally and will be open to change.

The project provides for doubling the central system by installing another big central computer, this being essential to meet the demands of the project's large size ; it will make possible a greater processing power and higher-capacity central memory. The equipment necessary for the whole programme is expected to be in place by the end of 1984.

Advantages of the new system

The project covers the processing of data where they originate, the updating and modification of data in the memory and their transmission to the Electronics Centre in the Directorate General in the form required.

In this way the Centre will have in good time all the information it needs to meet the requirements of the Directorate General's decision-making organs.

The Centre will also be capable of producing any necessary "back-up" from memorised files on the periphery and thus providing the data necessary for reconstructing situations which may for some reason have been lost from the peripheral systems. With systematic duplication of information on tape in the peripheral systems it is possible to keep duplicate tapes safe in a secret place and so reconstruct the records from the last situation memorised. Those in charge of the local system will be able to keep under continuous and effective review the problems of application arising in each prison.

All material relevant to the four areas for automation will be printed and thus available in real time, so that there will be no need for manual repetition of operations, laborious transcription, re-transcription and assembling. Information relevant to the Directorate general will be sent automatically and continuously from the periphery to the Centre, whose grasp of the situation will thus always be complete and up to date and therefore reliable.

The Centre will also be able to keep the periphery under review as regards coordination and the distribution of programmes and data to and from the periphery.

The centralised files will make it possible at any time to know precisely, for each intermediate system, the contents of programme libraries, the availability of data in the periphery, and the hardware in the peripheral systems. In its turn the periphery, while possessing sufficient hardware and software to meet local requirements arising, may if necessary apply directly to the Centre for additional processing capacity.

The new system, to be implemented in stages, will be fully operational by the end of January 1986.

4. By way of conclusion

From the foregoing some brief conclusions may be drawn which may be useful to prison administrations that have not yet introduced automation but are thinking of it.

Undoubtedly an automated prison management system is more useful to big administrations responsible for tens of thousands of prisoners than to smaller ones. The latter can also obtain excellent results from it, though it will clearly have to be adapted to their own requirements and resources.

One possibility is a network of small computers in prisons, independent but interconnected, without any need for big central computers. The cost/benefit ratio will certainly be favourable, on account of the overall improvement in prison management and the great savings in manpower that will result.

Automated systems must in all cases supersede completely systems based on paper records, not supplement them, so as to avoid needless duplication and overall inefficiency.

However, this leads to two types of problem : problems of security and, in some countries, legal problems.

The former can easily be foreseen where information is paper-based and fragmented ; it is harder to destroy and to handle, and the security of the documentation is less at risk.

Accordingly it is necessary to pay great attention to the security systems where there is automation. However, modern technology offers several safeguards.

The legal problems arise in countries with detailed regulations governing records and their authenticity : in Italy, for example, it has proved necessary to propose legislation modifying systems for the registration of prisoners as well as other paper-based records, which are gradually to be replaced by automated systems.

After more than ten years' experience in this field, the prison administration has finally decided to take the plunge and go over to virtually complete automation. Certain sectors, such as the assigning of prisoners to the various prisons, will however be excluded, since in view of the variety and delicate nature of the situations involved, it is essential that they should continue to be handled by specialists. In this field, perhaps more than in any other prison sector, it is necessary to proceed cautiously and by degrees, bearing in mind the exigencies of the case and the resources available.

Luigi DAGA
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THE DEVELOPMENT OF PRE-RELEASE COURSES

IN ENGLAND AND WALES

There are a variety of ways in which our institutions prepare prisoners for release. This article describes the development of pre-release courses (PRCs) which are run by prison officers who have been centrally trained for the task. At present there are fifteen establishments where such courses take place. These are full-time and range in length from one to four weeks. A typical programme includes the provision of factual information and provides opportunities for learning in social and practical skills.

The present PRCs have evolved from a three-year research project which our Prison Department commissioned in 1975. The aims of this project were, first, to develop, test and evaluate a training package to equip selected prisoners with skills relevant to keeping them out of trouble on release and, secondly, to develop training materials and courses for instructors so that the packages could be administered by prison officers. This work included a survey of prisoners' needs on release and a seven-week training course for prison officers, both of which were conducted by external research staff. A theoretical framework for the design of PRCs was then established and tried out in two prisons. There were three important elements. These were :

- the purpose was to promote opportunities for volunteer inmates to acquire social skills which would give them confidence in facing practical problems on release ;
- the participant was exposed to four stages of problem solving - assessment, setting personal objectives, learning and evaluation. During each stage he should be encouraged to seek information, change attitudes, work with other members of the group, and evaluate social situations ;
- programmes were shaped to the assessed needs of course members, for example, search for accommodation or a job, family problems, budgeting, use of alcohol, financial and legal rights, interaction with the police.

These were incorporated into courses of about ten weeks, run by two prison officers with about twelve prisoners.

The conclusions of the research were that courses were well received by prisoners but there were no noticeable effects on reconviction rates. The most positive finding was that prison officers could successfully organise and tutor training courses based on the principles of social skills training.

When the external research staff withdrew, the Prison Department faced a series of organisational questions. These included the formalising of PRC training for officers, integrating pre-release programmes within the management structure of the establishment, providing support services to sustain officers in this demanding task, and evaluating the activities as a whole. Progress has been made in each of these areas.

Following an analysis of the tutor's role, four-week courses to prepare officers for pre-release work are now part of the Prison Service central training programme, together with one-week development courses for experienced staff. Responsibility for pre-release units has become part of the task of an Assistant Governor so that the work is better organised in management terms within the establishments. Pre-release officers are able to call on other resources in the prison to help as required, for example, probation officers, and a psychologist who regularly visits each pre-release unit to provide technical advice and support.

An important development has been the production of a pre-release manual. This is intended to be the main reference document for pre-release work. It has four parts. The first is the main reference section which includes a history of pre-release in the Prison Service, a summary of the organisational problems likely to be encountered, the aims and objectives of pre-release work, examples of course timetables, information on sessional evaluation, and de-briefing at the end of a course and a list of useful addresses and references. The second part comprises booklets with more detailed instructions and guidance on course planning and selection, teaching techniques in general, interviewing, and the use of video equipment. The third, and most detailed part, contains the subject packages which are available to form the main content of the course. There are eleven of these : Communications and relationships, work, use of leisure time, accommodation, budgeting, legal rights, alcohol, gambling, illicit drugs and practical information. Each of these has instructions for tutors on objectives and methods, lists the main teaching points for use as an aide memoire, presentation or handout, and includes additional material for presentation or handout. The fourth part is a video tape which includes examples of sessions taking place on a pre-release course together with interviews of officers and prisoners. This is primarily for the purpose of public relations within the institution. It is intended to modify and update the information contained in the manual as a whole in the light of experience.

PRCs are advertised within the institution and applicants are interviewed and selected by the pre-release unit officers. At the start of each course some assessment is made of a prisoner's knowledge skills and attitudes in order to match training to individual needs. The programme of the course is then assembled from the subject packages available. Teaching techniques include role-playing, the use of video equipment, group discussions and talks from speakers outside the institution. Other aids can range from problem checklists to management games to help provide insight into behaviour. At the heart of a PRC are the communications and relationships packages with which a typical course will come to grips very early. During this stage comes the discussion and breaking down of barriers to communication between the tutors and prisoners and between the prisoners themselves. More informal relationships can then begin to emerge and it is this process which provides the context to practise different forms of behaviour. A noticeable effect of this work which both governors and pre-release officers themselves frequently mention, is the carry-over to other prison duties. This is often reflected, for example, on the handling of prisoners in general such that the content of the central training courses for pre-release work have influenced the methods which will be used in future for the initial training of prison officers as a whole.

I mentioned earlier that the evaluation of pre-release work is an important topic. There are a series of questions which come broadly under the headings of administration and technology. Included in the former are the concerns that staff and other resources are being used effectively and that the courses themselves are being run in line with the policy of the Department. More technical questions relate to the effectiveness of particular techniques and the methods and criteria by which to assess the effects on prisoners. We know from the original research work and subsequent studies that reconviction rates are unlikely to be affected. Hence a programme of work is being assembled which incorporates some unification of administrative procedures within pre-release units and the ways in which these are inspected, together with some experimental studies of some of the packages, in particular those concerning communications and relationships.

Because of the various constraints which exist, the expansion of these pre-release activities will be gradual. All institutions of course have an obligation to prepare prisoners for release in some way, and it has often been said that such preparation should begin early in the sentence. The developments described in this paper have focussed on more systematic training concentrated in the period immediately prior to release. A logical development, however, is then to consider the generic or specific nature of the skills concerned. Communicating is an example of a generic skill, whereas job seeking is situation specific. It is then possible to speculate whether generic skill training can occur earlier in the sentence and be reinforced during the subsequent course of prison life and then leave situation specific skills to the end of the sentence. The development of discrete skill packages should enable such an approach to occur more easily than has hitherto been the case.

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A SURVEY OF DRUG ABUSERS IN IRISH PRISONS

The recent increase in drug abuse in Ireland is reminiscent of the increase which began in the late sixties, but is in many respects more serious and alarming. In 1974 the European Committee on Crime Problems in its report "Penal Aspects of Drug Abuse", spoke of a recent "explosive trend of increase in drug abuse. According to the report the Irish experience reflected the growth of drug abuse in Europe. The report included an estimate that in 1970 between 2,000 and 2,500 people were involved in drug abuse, mainly of cannabis and LSD, in the Dublin region (population 1 million). In retrospect, most of the drug-taking in Ireland in that period can be viewed as a by-product of an almost worldwide Zeitgeist that promoted youthful idealism, sexual revolution, political protest and flower power. As this Zeitgeist faded in the face of harsher socio-economic realities, so also did the popular fascination with LSD and cannabis. Although undoubtedly there were casualties of this period, young people who became long-term addicts, the large majority emerged relatively unscathed and abandoned their experiments with drugs. Such an outcome is highly unlikely in the case of the present epidemic of misuse of heroin in Ireland.

Also in the late sixties and early seventies there was a degree of confident self-advertisement about drug-taking. This was expressed in the youth culture through popular songs, movements for the legalisation of cannabis and philosophies that espouse drug-taking as a route to consciousness expansion and self-fulfillment. In contrast the recent phenomenal rise in drug abuse in Ireland has been insidious, secretive and based on an unreflective philosophy of hedonism. It has only slowly forced itself upon the public awareness. The first notifications of a serious problem came in 1978 and 1979 from a number of centres in Dublin for the treatment of addicts. They reported an ever increasing and ever younger clientele involved with heroin.

By 1980, a significant increase in addicts had also been noted by prison authorities. A large majority of these addict offenders were convicted for theft rather than drug-related offences, but were arriving in prison in need of medical treatment for drug dependence. This was an entirely new problem for Irish prisons and little was understood about these offenders' lifestyle and drug-taking behaviour. In an effort to raise the level of information in these areas, Thomas Gilmore, the Senior Welfare Officer in Dublin's largest prison, and myself undertook a survey of all the addicts we could trace in Dublin's two committal prisons (male and female), and in the male juvenile detention centre.

In May 1981 we traced, through the prison welfare and medical services, 39 drug abusers in the three institutions. The total population of the three institutions was a little under 600 offenders, which gives a proportion of 6.5% drug abusers. These numbers were obtained using strict selection criteria, that is to say only serious drug abusers were included in the survey. Offenders who used minor tranquillizers or cannabis were excluded, as were people who had not been using drugs on a daily or near daily basis. Since it is probable that some addicts had escaped the notice of the prison welfare and medical services this figure of 6.5% must be considered an underestimate of the number of serious drug abusers as well as far below the proportion of offenders with some experience of drug use. Most alarming, however, was the discovery that, in May 1982, one year

after the original survey, the three institutions held 69 serious drug abusers according to the same strict selection criteria. This represents an increase over the year of 77% and indicates that in 1982 at least 11.5% of the offenders were serious drug abusers. This upward trend has continued into 1983.

Thirty-four of the drug abusers agreed to be interviewed for the purpose of our survey. Of these, 23 had been daily users of heroin, 5 daily users of other narcotic analgesics, 1 had been addicted to barbiturates and 5 had been regular users of LSD. The average age of the group was 22 years and while 7 offenders were serving their final term of imprisonment the other 27 had between them faced 95 separate terms in custody. Only about 10% of convictions were for offences under the Misuse of Drugs Act and a majority of the offenders had criminal convictions that pre-dated their drug addiction.

The 34 drug abusers had distinctive social and demographic characteristics. They were all Irish and all from the lower socio-economic classes. They were poorly educated, indeed only one of the group had attended school beyond the age of 16 years and less than one third of the group had experienced continuous, full-time employment for longer than one year. Furthermore 19 of the 34 were themselves from families with at least 8 children and 15 of their families of origin were then, through death or separation, without one or both parents. While only 7 of the 34 were married, 12 had children. These statistics clearly evoke a background of severe social, economic and educational disadvantage and in many cases almost inevitable parental neglect. To complete this stark picture we discovered that the majority had had their first experience with narcotic drugs by the age of 16 years, in their own neighbourhood, and in the company of their teenage friends.

While socially the group was remarkably homogeneous, the pattern of drug use of the 28 narcotic users was even more obviously stereotyped. A large majority had experience of cannabis and minor tranquillizers, but they tended to discount this as something commonplace and unremarkable, like cigarette-smoking or beer-drinking. Use of narcotic analgesics had usually begun with the synthetic opiates, such as Dicanol and Palfium, which are widely prescribed by the medical profession as painkillers. Initially these would be taken in their tablet form. However many in the group had then quickly graduated through three further steps in the mode of drug-taking. First they ground the tablets and "snorted" the powder, absorbing the drug through the mucous membrane of the nose. In the second stage they would dissolve the powder in water and inject the liquid intra-muscularly. Finally, and all 28 people had progressed to this stage, they would inject the dissolved drug directly into the blood-stream through a vein. Once this final stage - "mainlining" - had been experienced there was never any turning back to the slower and less dangerous methods of taking. Most had switched to a predominant use of heroin after a short period with the synthetic opiates. A considerable number had used cocaine on a few occasions, but use of amphetamines, barbiturates and hallucinogens was rare. Indeed, for the whole group, drug use was largely restricted to the various opiates, with heroin very much the drug of preference. The amount of heroin used varied considerably according to the individual's level of developed tolerance, from less than 1/8 gramme a day to 1 1/2 grammes a day.

Since heroin then cost between £80 and £100 a gramme on the street, paying for a daily habit was a formidable financial burden. The men obtaining most of their funds from house-breaking, robbery - usually handbag-snatching - and the occasional direct theft of drugs from a chemist shop. On the other hand, the

women resorted frequently to false medical prescriptions, methadone maintenance (a treatment which is no longer available in Dublin) or detoxification programmes and, for money, shoplifting. If these prison addicts were at all typical of the far greater numbers of heroin users outside prison then it is clear that a very large proportion of crime in the Dublin area is undertaken in order to pay for a drug habit.

Fifteen of the group had suffered a bout of hepatitis and almost all those injecting substances had suffered damaged veins and skin abscesses. A surprising 50% of the group had, on at least one occasion, critically overdosed. Eight, that is about $\frac{1}{4}$ of the group, had made a serious attempt at suicide. Nonetheless, 11 out of the 34 addicts claimed to have had no experience of treatment whatsoever. Seventeen had undergone methadone detoxification outside the prison on from one to ten occasions. Apart from medical detoxification centres and some psychiatric hospitals there is only one centre in Ireland that is specifically intended for drug abusers. This centre runs a drug-free residential programme similar in concept to the Daytop Village in New York, which emphasises the need for character development through psychological and social influence. Ten of the group had started at this centre but not one of them was able to complete the year long programme. Five of the ten remained less than one week in the programme. We also asked the group about their attitude to using drugs in the future. Their responses were instructive, particularly in view of the fact that all 27 offenders, who had served a previous term in custody, had quickly returned to drug use, although drug-free while in prison. Eleven of the group had no doubt that they would use drugs again. The remaining 23 answered that they wanted and intended to try to give up using drugs on their release from prison. However, whether through defeatism or realism, 17 of this 23 on further thought considered that despite their present decision to reject drugs, they would end up using drugs again.

From the attitudinal viewpoint there was a clearcut subgroup of heroin users. This was a group of mainly teenage boys who had been using heroin daily for less than six months and who were still using small and relatively cheap daily doses. These boys felt that if they really put their mind to it they could take or leave drugs. They believed their willpower was not only intact but indeed strong. It was just that they had never had to put themselves to the test. Rather they made a free choice to take drugs because their friends did, because there was nothing else to do and, most of all, they said, because they enjoyed it. Of course, in the case of their continuing drug use their notion of their own willpower was becoming progressively more meaningless and unrealistic. Indeed it is reasonable to interpret their belief in their own control of the situation as a fundamentally delusory psychological process which does much harm because it prevents the drug user from seeking help until the time when he is, in many respects, beyond effective help. Those beginning, light users of heroin, believe that their drug use is their own problem, one that they are more than able to handle. It appears impossible to dissuade them of this until they have experienced a considerable amount of drug-related hurt and are also very seriously physically and psychologically dependent on heroin.

While many of the findings described here no doubt apply to drug abusers elsewhere in Europe, there are some features of the recent Irish experience with drug abuse that are unusual, and particularly disturbing and discouraging. In most European countries, drug-taking is part of an esoteric and rather sophisticated underworld culture in large cities. There are a great many foreign, well-educated people involved, and while this underworld is mainly the preserve of the young, they are rarely as young as 15 or 16 years of age. These people have not had to seek out heroin, rather it has been imported directly into the playgrounds and

back streets of their own disadvantaged neighbourhoods. Whole neighbourhoods are discovering that a very large proportion of their teenagers are experimenting with heroin and many are going on to become dependent on the drug. The forces of fashion, conformity and peer pressure have come to play a crucial role in the rapid spread of heroin use. Not only has drug-taking become the fashionable thing to do, replacing the relatively innocuous cider-drinking of a few years ago, but also the natural caution of young people about dangerous drugs has been thoroughly undermined by the sight of so many of their peers experimenting with the most notorious of drugs, apparently without ill-effects. From the viewpoint of law and order, the problems are very much compounded by the fact that the spread of heroin use has largely been concentrated in those areas that already produce a disproportionately high number of young criminals.

Since this survey was undertaken, three new treatment programmes for drug abusers have been initiated in the institutions studied. In the juvenile detention centre a weekly group therapy session led by a psychiatrist and a psychologist, has been available to drug users. In the female prison extensive education programmes have been run, featuring discussion groups and guest speakers from the outside agencies that offer help to addicts. In the male prison a temporary release programme for drug users has been initiated that entails the offender's attendance at a hospital for urinalysis three times weekly. Previously, drug abusers were not allowed temporary release, so this new programme both corrects an inequitable situation and also encourages drug abusers to keep themselves drug-free in open society. These new services supplement the long established treatments - detoxification on reception in prison (mainly using methadone) and, for selected offenders, the possibility of serving or completing a sentence outside the prison system in a therapeutic community for drug abusers. My own view is that, while an enforced drug-free period may have short and long-term benefits for an individual, prison itself is not the most appropriate environment for the treatment of drug abusers. The famous dictum "it is impossible to train men for freedom in conditions of captivity" is certainly true in the case of drug abusers. An important requirement for treatment is that an individual be in a position to make a real and active choice whether or not to use drugs.

Dr. Paul O'Mahony

SIDE EFFECTS OF INCARCERATION

Prison administrators who have been concerned about the moral and practical implications of contemporary theories about the inefficacy of treatment and the parallel assertions in regard to institutionalisation and other deleterious effects of imprisonment, will be interested in views that appeared in the British Journal of Criminology last year. In an article (January 1983) entitled "Side-effects of Incarceration" Professor Nigel Walker offered a new perspective on this debate which, resting on uncertain premises, has had damaging effects on the morale of prison staff and undermined the traditional philosophies that have previously inspired the treatment approach.

In his article Professor Walker examines the problems of deterioration in regard to physical and mental health, social and personal difficulties and sub-cultural influences in the light of the available evidence and research. In acknowledging the inherent and manifest inadequacies of many prisons he concludes that it is possible to exaggerate the harms that they cause. In particular he points out the weakness of the available evidence to support many of the views that are now current and the absence of any in regard to the extent to which proven harm may be permanent or prolonged. The Deputy Chief Probation Officer of Hampshire, H B Coker, responded to Professor Walker's article in a letter to the Journal in which he describes his own research into the supervision and resettlement of 239 life sentenced men released between 1960-64 and 1970-74. His conclusion is that "These men showed no evidence of deterioration as a result of their long years in prison, insofar as this can be measured". His general position is that imprisonment is "expensive, humiliating, inefficient, inhumane and potentially destructive of a prisoner's tenuous links with his family and friends. That prison is uncomfortable but not demonstrably incapacitating does not make it tolerable : it is objectionable on other grounds".

These interacting views sharpen some of the arguments previously advanced in the Council of Europe's Studies, in particular, of the Treatment of Long-term Prisoners, the Custody and Treatment of Dangerous Prisoners and Prison Management. How far they impinge upon the issues that arise in the debates about penal strategies it would be premature to argue : but they seem to be helpful and relevant to the more immediate issues that concern treatment regimes and prison management. It is not possible in this brief note to describe in detail the arguments and points that have been advanced in these statements. But it is useful to bring them to notice and they certainly merit further discussion.

K NEALE

NEWS OF THE COUNCIL OF EUROPE

CYPRUS

The 1984 Council of Europe programme for "Study visits abroad for persons concerned with the treatment of offenders of any age" included, as has been the case in previous years, individual study visits and a seminar.

The seminar, which was organised in co-operation with the Ministry of Justice of Cyprus, took place in Nicosia, Cyprus, from 15 to 18 May 1984, on the subject "education of prisoners".

This subject was considered from three different viewpoints, namely :

- Education inside the prison ;
- Education of prisoners outside the prison ; and
- Education as a means for treatment and rehabilitation.

The seminar was attended by more than twenty persons coming from most of the Council of Europe member States.

SWEDEN

The Directorate of Legal Affairs of the Council of Europe, in co-operation with the Swedish Ministry of Justice, is organising the Fourth Colloquy on the Use of Computers in the Administration of Justice. The theme of the Colloquy is "Computers in correctional administration and links with criminal justice".

The meeting will take place from 3 to 5 September 1984 at the Ministry of Justice in Stockholm.

The Colloquy is one of the series organised by the Council of Europe's Committee of Experts on Legal Data Processing.

The discussions will concern the use of ADP in correctional administration and in related sectors in the member States of the Council of Europe ; the observers, in particular from North America, will also describe their systems.

The next issue of the Prison Information Bulletin will contain reports of these meetings.

STATISTICS CONCERNING PRISON POPULATIONS IN THE MEMBER STATES OF THE COUNCIL OF EUROPE

The data given below, the product of the data collection system set up in Prison Affairs, refer to the situation regarding prison populations at 1 February 1984.

Using the information provided by all the Administrations, it has been possible to up-date the results of the two previous surveys and introduce a new dimension : time. We have been able to measure the annual growth rate of almost all the populations and state the development of their sub-populations. Lastly, it should be noted that the data collected, in September 1983, on the number of admissions in 1982 have been supplemented and improved by introducing a section in the questionnaire on the criminal category of the persons admitted.

The following questionnaire was used :

1. Total prison population
2. Sentenced prisoners (final sentence)
3. Unsentenced prisoners
4. Males of 21 years and over
5. Females of 21 years and over
6. Males under 21 years
7. Females under 21 years
8. Foreign prisoners
9. Number of prisoners (ie total as given in (1) above) per 100,000 inhabitants
10. Number of admissions in 1982, where possible stating the number of a. sentenced prisoners (final sentence)
b. unsentenced prisoners.

The following indices have been calculated on the basis of the raw data supplied by the Administrations.

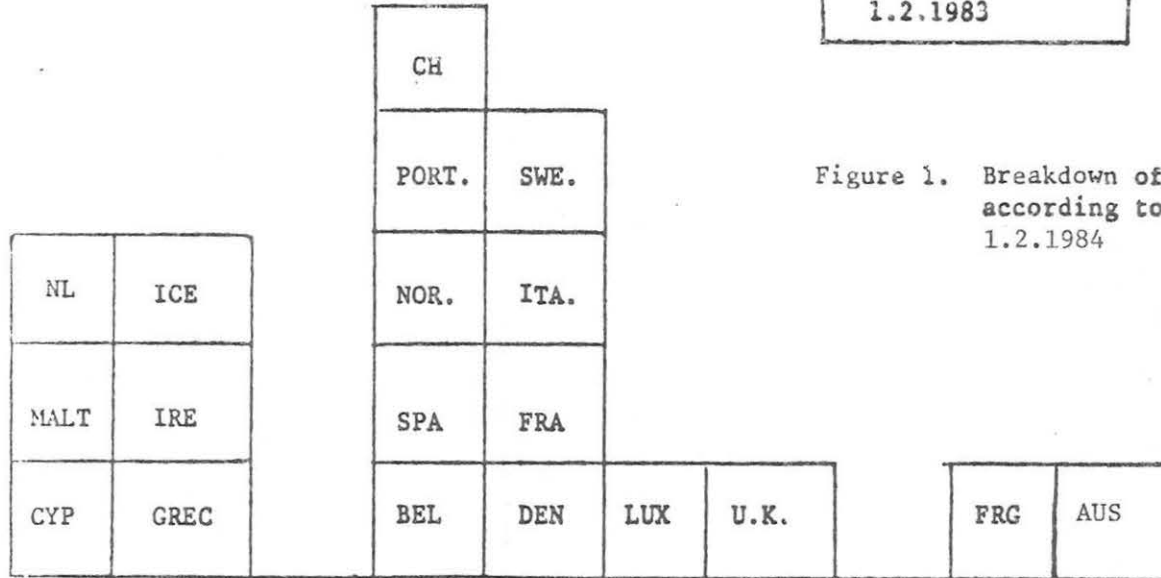
TABLE 1. Situation at 1 February 1984 (x)

- a. Total prison population ;
- b. Rate of detention per 100,000 : total prison population on 1 February 1983 as a proportion of the number of inhabitants ;
- c. Proportion of accused (%) : number of prisoners who have not been given a final sentence as a proportion of the total prison population ;

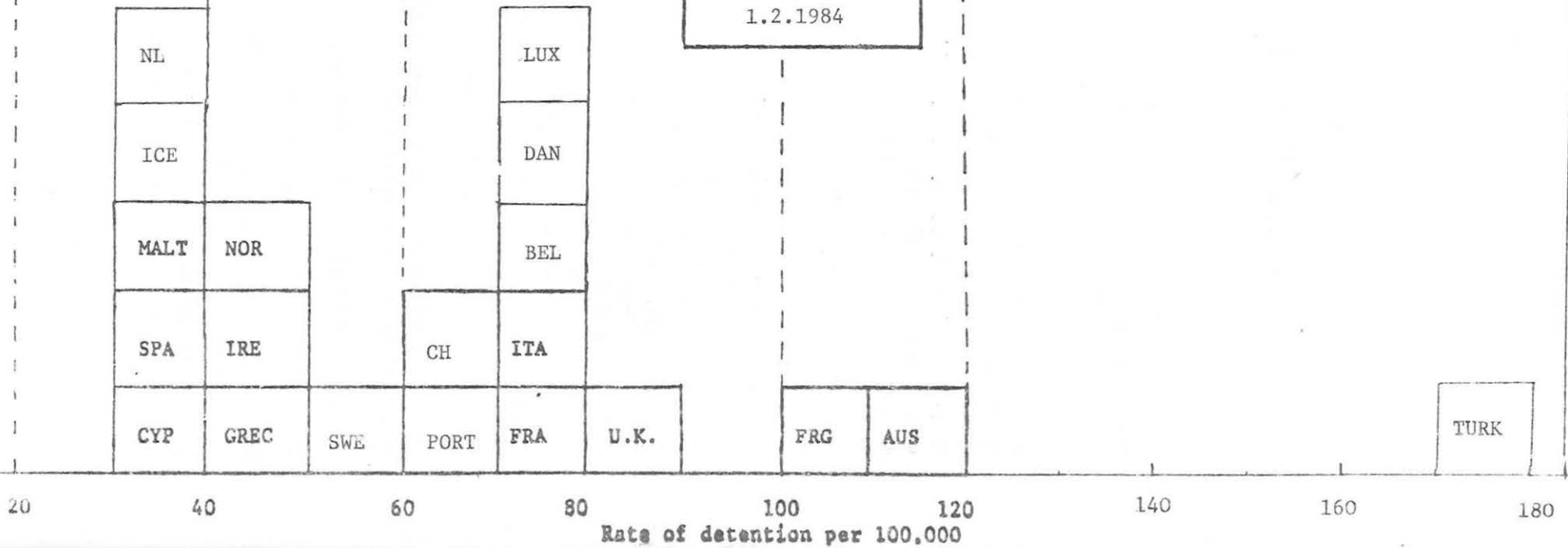
(x) In some cases, data are given for a different date :
England and Wales = 31 December 1983, Portugal = 26 March 1984

1.2.1983

Figure 1. Breakdown of the member States of the Council of Europe according to the rate of detention at 1.2.1983 and 1.2.1984



1.2.1984



- d. Proportion of women (%) : number of female prisoners as a proportion of the prison population ;
- e. Proportion of young people under 21 (%) ;
- f. Proportion of foreigners (%).

It is interesting to compare the data given in Table 1 with those at 1 February 1983.

Figure 1 shows the breakdown of member States according to the rate of detention at 1 February 1983 and 1 February 1984. A visible shift to the right may be observed in the histogram : average rate of detention at 1 February 1983 = 58 per 100,000, at February 1984 = 61 per 100,000, with the scatter of the breakdown remaining comparable - standard deviation at 1 February 1983 = 23.5, at 1 February 1984 = 23.7 (*).

However, this general upward trend must be analysed in greater detail.

TABLE 2. Trends

This table shows the annual rate of increase in the total prison populations (column a) and specialised rates according to criminal category, sex, age and nationality (columns b to i).

Most populations - 10 out of 18 - have increased considerably during the reference period : ranging from 6% in Denmark to 32% in Belgium.

Populations remained relatively stable in four States : Malta (2.0%), Luxembourg (-0.7%), Austria (-2.7%), and Norway (-2.7%).

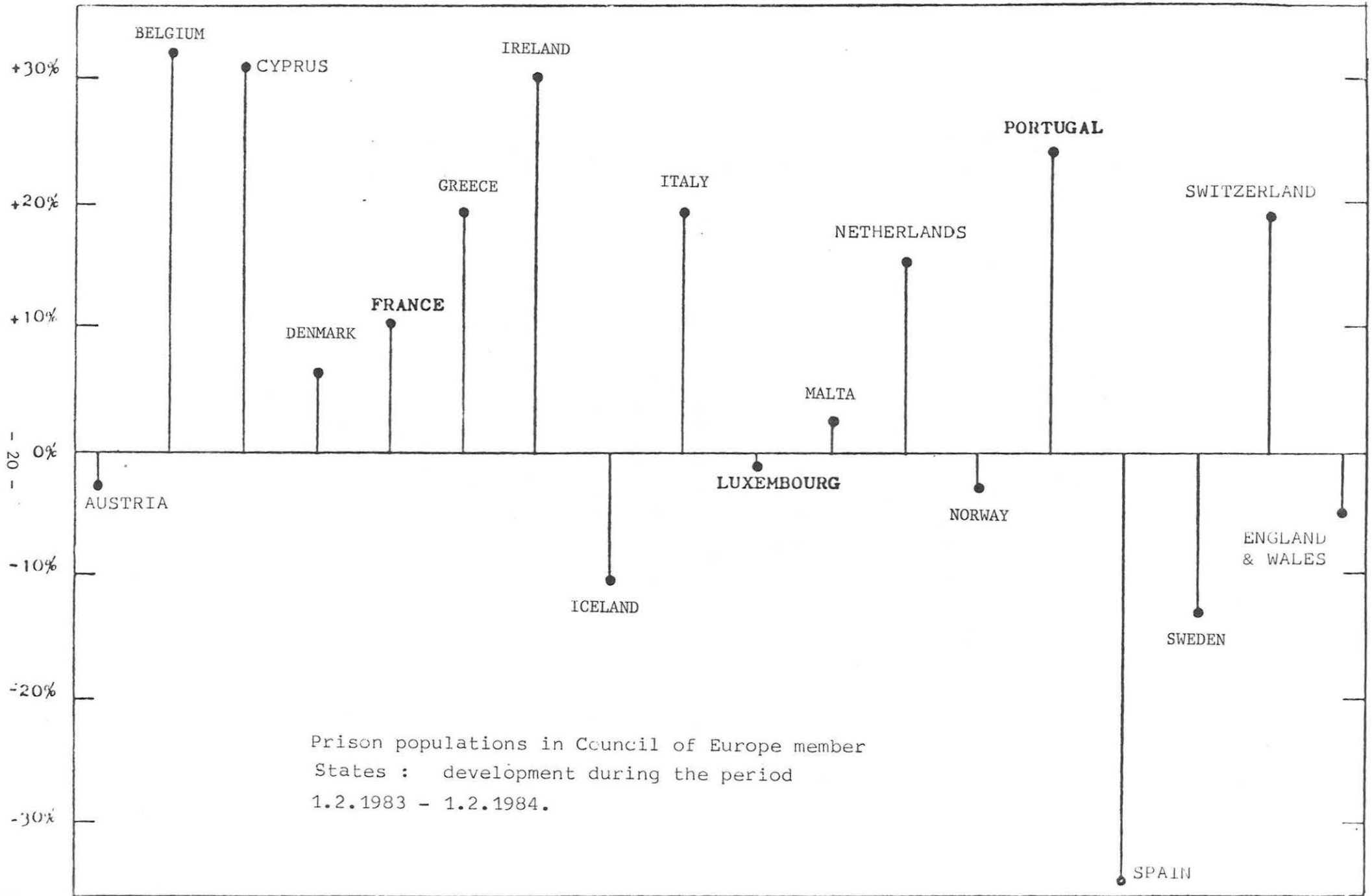
Lastly, four populations showed a clear reduction : England and Wales (-5.2%), Iceland (-9.6%), Sweden (-13.2%) and Spain (-35.3%) - Figure 2.

Comparison of these rates of increase, calculated over the period 1 February 1983 to 1 February 1984, and the situation at the beginning of the period - measured by the rate of detention at 1 February 1983 - produces the following observations - Figure 3 :

- Those States where the rate of detention at 1 February 1983 was lower than 40 per 100,000 inhabitants saw an increase in the number of prisoners over the following twelve months (with one exception - Iceland).
- Those where the rate of detention at that date was higher than 70 per 100,000 saw a decrease in the prison population.
- The trend in the intermediate group - rates of detention between 59 and 70 per 100,000 - is less evenly distributed : 2/3 of the populations increased in number, while 1/3 decreased.

(*) These calculations take no account of the situation in Turkey, for which no data at 1 February 1983 are available

Rate of increase (%) 1.2.1983 - 1.2.1984



Development by criminal category : It was possible to calculate the significant rates of increase by criminal category for twelve populations. Ten of them show a decrease in the rate of remand prisoners. France and Switzerland are the only exceptions to this. More exactly, in those countries where the prison population is falling, the rate of remand prisoners is falling even more rapidly (Austria, Spain, Luxembourg, Norway and Sweden).

In Denmark, Greece and Ireland, where the prison population is however increasing, there is a fall in absolute terms in the number of remand prisoners.

Lastly, in Italy and the Netherlands, the number of remand prisoners is increasing more slowly than the number of sentenced prisoners.

Development by sex : In the four countries for which it was possible to calculate increase rates by sex, there is an increase in the rate of female prisoners (Austria, France, Italy, Netherlands).

Development by age : For all the populations for which it was possible to calculate increase rates by age, there is a slight decrease in the proportion of minors and young adults. In half the cases there is a decrease in absolute terms (Austria, Italy, Norway).

Development by nationality : No general trend can be seen in the increase rates by nationality.

TABLE 3. Detention flows in 1982, rates of admission of remand prisoners, and indicators of average detention periods

- a. Number of admissions in 1982 ;
- b. Rates of detention per 100,000 in 1982 : number of detentions for 1982 as a proportion of the average number of inhabitants for the period.

In view of the data available, the figure used for the calculation was in fact the number of inhabitants at 1 February 1983 supplied by the Administrations for the first survey ;

- c. Rate of admission of remand prisoners (%) : number of admissions of remand prisoners in relation to the number of admissions for the year.

The frequent absence of data on this is due to the fact that some Administrations provided information for 1983 and not for 1982, as requested. The statistics for 1983 will be presented in the next bulletin.

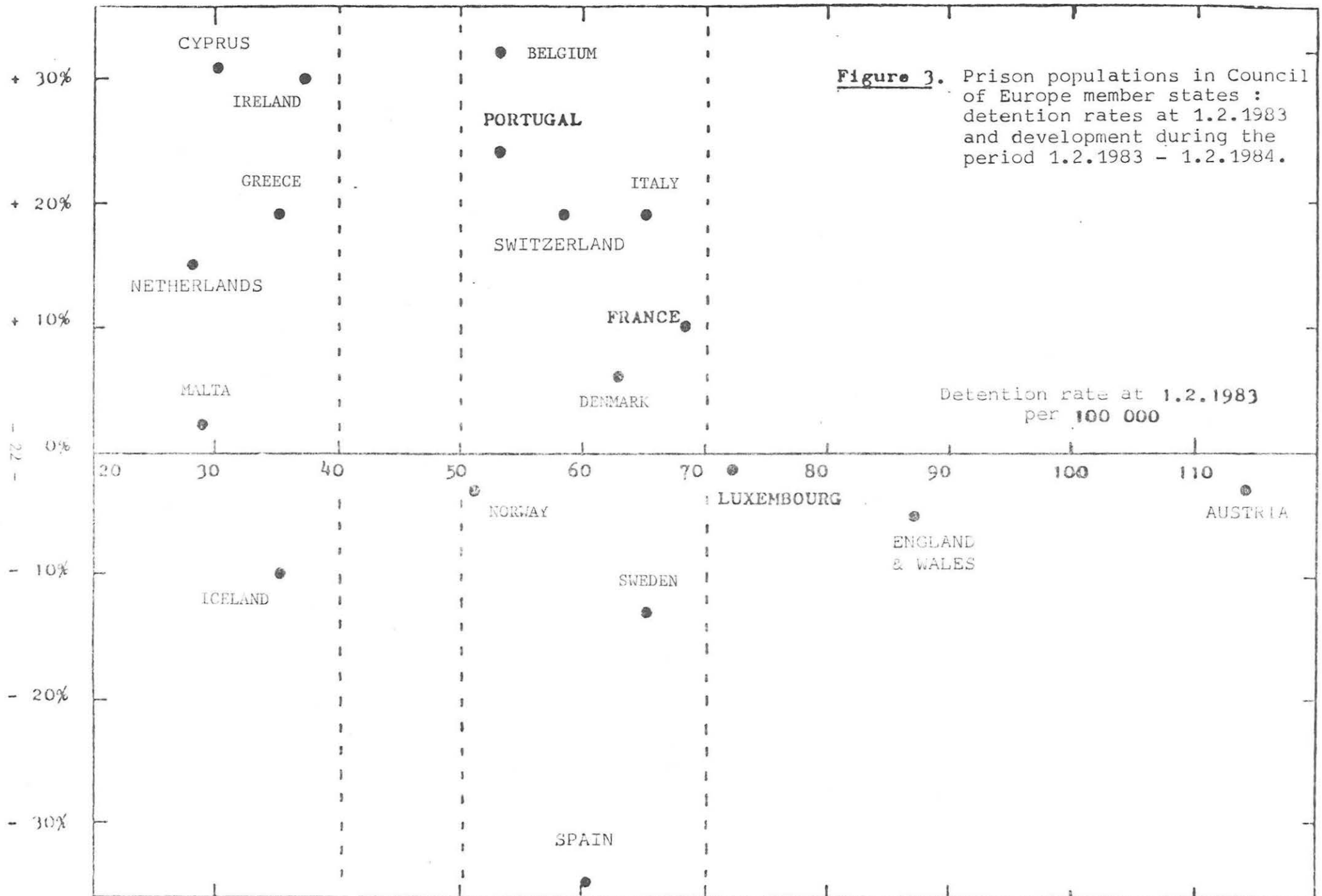
- d. Average detention period indicators (D) : the average for 1982 (P) divided by the rate of committals for the period (E) :

$$D = \frac{P}{E} \times 12 \text{ (period expressed in months).}$$

In view of the data available, P was taken as the number at 1 February 1983.

It was possible to complete figure 4, which appeared in Bulletin No. 2, by adding the data for Greece and Turkey ; the data on the Netherlands have been rectified.

Increase in % for the period 1.2.1983 - 1.2.1984



As a reminder, the figure should be read as follows :

- countries situated on the same vertical line have the same rate of committal ;
- countries situated on the same horizontal line have the same rate of detention ;
- countries situated on the same diagonal line have the same average detention period indicators.

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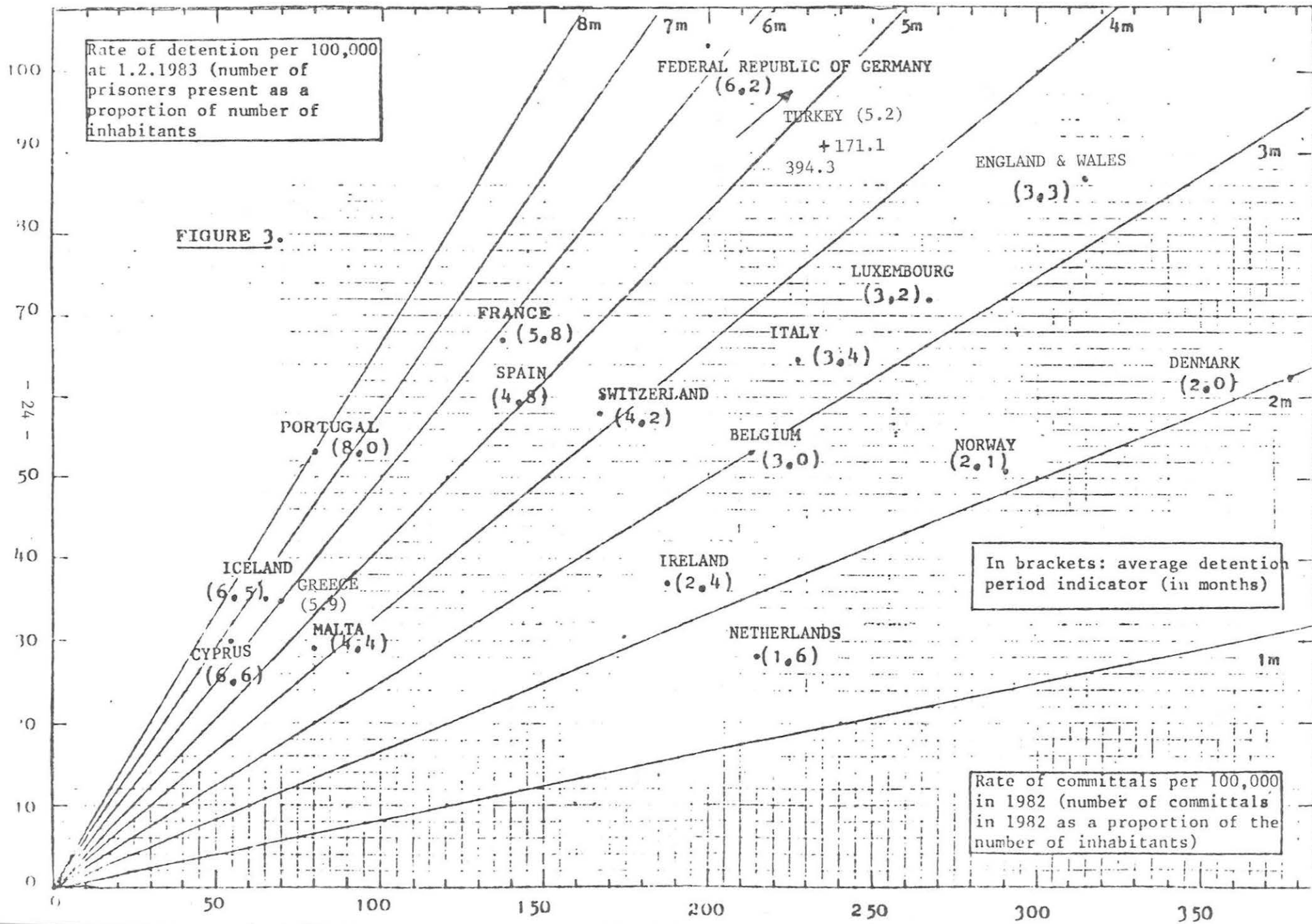


Table 1. Prison population of the member States of the Council of Europe at 1 February 1984

	(a)	(b)	(c)	(d)	(e)		(f)
	Total prison population	Rate of detention per 100,000	Proportion of remand prisoners (%)	Proportion of women (%)	Popula- tion of minors (%)		Proportion of foreigners (%)
					%	Dist.	
Austria	8 516	114,0	23,8	3,9	1,9	18 a	6,7
Belgium	7 204	72,0	30,5	4,4	12,4	21 a	23,3
Cyprus	205	39,0	3,9	0,0	23,4	21 a	14,0
Denmark	3 430	70,0	25,7	2,3	14,3	21 a	3,5
France (x)	41 545	74,2	51,9	3,5	16,9	21 a	25,7
Federal Republic of Germany (x)	64 091	104,4	25,4	3,4	14,1	21 a	....
Greece (x)	3 930	40,0	26,5	5,7	1,6	21 a	12,1
Ireland	1 669	47,6	7,8	2,6	26,7	21 a	2,0
Iceland	75	31,7	12,0	1,3	13,3	22 a	0,0
Italy	43 348	76,3	73,9	5,0	2,1	18 a	8,1
Liechtenstein	.....	.....	.....	...	.....	.....	.....
Luxembourg	285	78,0	41,4	2,8	5,3	21 a	27,4
Malta	103	30,0	43,7	4,9	4,9	18 a	6,8
Netherlands (x)	4 500	31,0	42,2	2,9	22,7	23 a	22,2
Norway	1 996	48,0	25,6	...	10,5	21 a	5,6
Portugal (x)	6 820	68,6	40,1	3,3	16,9	21 a	....
Spain	14 691	38,2	40,9	3,3	15,3	21 a	8,0
Sweden (x)	4 742	57,0	17,0	3,6	2,1	21 a	18,3
Switzerland (x)	4 400	62,0	38,6	3,7	28,2	25 a	21,6
Turkey	76 258	171,1	40,8	3,8	2,0	....	0,4
United Kingdom							
England & Wales	41 310	83,3	18,4	3,2	28,2	21 a	1,7
Scotland (x)	4 640	89,2	13,4	2,0	31,9	21 a	....

(x) See notes page 28

Table 2. Prison population of member States of the Council of Europe :
change in the period 1 February 1983 to February 1984 (%)

	Rate of increase in % (1 February 1983 - 1 February 1984)								
	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)
	Total prison population	Remand prisoners	Sentenced prisoners	Male prisoners	Female prisoners	Minors	Adult prisoners	Nationals	Foreigners
Austria	- 2,7	-10,6	+ 4,7	- 3,0	- 1,5	-36,7	- 1,9	- 2,3	- 7,4
Belgium (x)	+31,8	...	...	...	...	...	...	...	...
Cyprus (x)	+31,4	()	+31,3	...	...	...	...	+35,7	(+11,1)
Denmark (x)	+ 6,0	- 5,3	+10,5	...	...	...	...	...	...
France	+10,3	+11,1	+ 9,6	+10,3	+11,5	+ 9,8	+10,5	+10,4	+10,2
Federal Republic of Germany	...	...	...	...	...	...	...	...	...
Greece (x)	+19,1	- 1,0	+28,4	...	...	...	...	+19,2	+18,5
Ireland (x)	+30,3	-11,6	+35,7	+31,6	(- 4,4)	+18,7	+35,1	+29,5	(+88,9)
Iceland (x)	(- 9,6)	()	(- 9,6)	(-10,8)	()	()	(-11,0)	(- 8,5)	()
Italy	+18,7	+15,5	+28,9	+17,4	+55,6	-15,4	+19,8	+19,6	+ 9,9
Liechtenstein	...	...	...	...	...	...	...	...	..
Luxembourg (x)	- 0,7	-11,9	+ 9,2	- 1,2	( )	...	...	- 1,4	(+ 1,3)
Malta (x)	+ 2,0	(+50,0)	(-18,3)	(+ 2,1)	()	()	(+ 1,0)	(+ 4,3)	()
Netherlands	+15,4	+15,2	+15,6	+15,0	+30,0	+12,1	+16,4	+14,7	+17,6
Norway (x)	- 2,7	- 7,7	- 0,8	...	...	- 4,6	- 2,8	- 3,4	+12,0
Portugal (x)	+24,5	...	...	...	...	...	...	...	...
Spain (x)	-35,3	-44,4	-27,1	...	...	...	...	-33,9	-48,0
Sweden (x)	-13,2	-24,1	-10,5	...	...	...	...	...	...
Switzerland (x)	+18,9	+41,7	+ 8,9	...	...	...	...	...	...
Turkey (x)	...	...	...	...	...	...	...	...	...
United Kingdom :									
England & Wales	- 5,2	...	...	...	...	...	...	...	...
Scotland	...	...	...	...	...	...	...	...	...

(x) See notes pages 28 and 29

Table 3. Prison population of member States of the Council of Europe : committal flows in 1982, rate of entry of remand prisoners and average detention period indicator

	(a)	(b)	(c)	(d)
	Number of committals in 1982	Rate of committals per 100,000 in 1982	Rate of entry of remand prisoners in 1982	Average detention period indicator (months)
Austria	.....	.....	.....	.....
Belgium (*)	21 196	211,8	.....	3,0
Cyprus	284	54,1	.....	6,6
Denmark	19 400	377,7	.....	2,0
France (*)	74 427	136,9	88,6	5,8
Federal Republic of Germany	123 395	200,0	.....	6,2
Greece (*)	6 657	70,6	36,1	5,9
Ireland	6 504	187,9	.....	2,4
Iceland	154	65,5	.....	6,5
Italy	128 846	227,5	.....	3,4
Liechtenstein	.....	.....	.....	.....
Luxembourg	1 069	268,2	.....	3,2
Malta	277	79,5	.....	4,4
Netherlands (*)	23 900	171,6	32,0	2,0
Norway	11 637	292,2	.....	2,1
Portugal	7 762	79,3	57,7	8,0
Spain	56 730	149,3	93,6	4,8
Sweden (*)	.....	.....	.....	.....
Switzerland	10 678	167,4	.....	4,2
Turkey (*)	175 729	394,3	59,1	5,2
United Kingdom :				
England & Wales	157 248	315,5	40,0	3,3
Scotland	36 594	703,5	43,9	1,5

(*) See notes page 30

Notes on Table 1

FRANCE : The figures cover all prisoners in Metropolitan France and in overseas departments (Metropolitan France : 40,180, overseas departments : 1,365). For Metropolitan France, Index (b) is 73.4 per 100,000. Indices (d), (e) and (f) were calculated by reference to the situation at 1 January 1984.

FEDERAL REPUBLIC OF GERMANY : The percentages of women and minors refer to sentenced prisoners only.

GREECE : The percentages of women and minors refer to sentenced prisoners only.

NETHERLANDS : The figure of 4,500 prisoners includes 240 persons detained on police premises owing to lack of space in prisons. This category was not included in the previous surveys.

Moreover, the total figure includes only those persons physically present on the date given (excludes those on leave, escaped prisoners, etc).

PORTUGAL : The statistics correspond to the situation at 26 March 1984.

SWEDEN : Indices (d) and (e) were calculated on the basis of the population of sentenced prisoners.

SWITZERLAND : Indices (a), (b) and (c) are estimates. Indices (d), (e) and (f) were calculated on the basis of the population of sentenced prisoners (including "advanced enforcement of sentences and security measures").

UNITED KINGDOM - ENGLAND & WALES : The statistics correspond to the situation at 31 December 1983. Indices (d) and (e) concern the total prison population except for "prisoners detained under an order by a civil court" (numbering 261). The population of foreigners is an estimate ; prisoners born outside the United Kingdom, the Commonwealth and other associated countries (eg Pakistan) are considered foreigners.

Notes on Table 2

The rates shown in brackets should be considered of little significance owing to the small number involved (populations of less than 100 at 1 February 1983 and 1 February 1984).

No rate has been calculated where the population on the two dates was less than 30 - symbol used ().

BELGIUM : The statistics given in the first survey corresponded to the situation at 31 December 1982 and not 1 February 1983.

The overall annual rate (t) has been estimated as follows :

$$t = \exp \left[\frac{12}{13} \cdot \text{Log} \frac{p.1.2.84}{p.31.12.82} \right] - 1$$

CYPRUS : Rates by sex and age could not be calculated as the statistics at 1 February 1983 referred to sentenced prisoners only.

DENMARK : Rates by sex, age and nationality could not be calculated as the statistics given in the first survey did not correspond to the situation at 1 February 1983.

FEDERAL REPUBLIC OF GERMANY : The statistics given in the first survey corresponded to the situation at 31 March 1982 and not 1 February 1983.

GREECE : The rates by sex and age could not be calculated as the data for the two dates were not comparable.

LUXEMBOURG : The rates by age could not be calculated as the reference age limit was changed between the two dates.

NORWAY : The rates by sex could not be calculated owing to a lack of data at 1 February 1984.

PORTUGAL : The statistics available correspond to 31 December 1982 and 26 March 1984. The overall annual rate has been estimated as follows :

$$t = \exp \left[\frac{12}{15} \cdot \text{Log} \frac{p.26.3.84}{p.31.12.82} \right] - 1$$

SPAIN : The rates by sex and age could not be calculated as the statistics for 1 February 1983 referred to sentenced prisoners only.

SWEDEN : The rates of increase by sex, age and nationality could not be calculated as the data given refer to the population of sentenced prisoners only.

SWITZERLAND : The rates by sex, age and nationality could not be calculated for lack of comparable data.

TURKEY : Data not available at 1 February 1983.

UNITED KINGDOM - ENGLAND & WALES : The statistics given in the last survey correspond to the situation at 31 December 1983. The annual overall rate has been estimated as follows :

$$t = \exp \left[\frac{12}{11} \cdot \text{Log} \frac{p.31.12.83}{p.1.2.83} \right] - 1$$

SCOTLAND : Data not available at 1 February 1983.

Notes on Table 3

BELGIUM : The committal rate for 1982 was calculated on the basis of the detention rate and prison population at 31 December 1982 (53.4 per 100,000 and 5,343).

The average detention period indicator was calculated on the basis of the prison population at 31 December 1982.

FRANCE : The figures cover Metropolitan France only.

FEDERAL REPUBLIC OF GERMANY : The committal rate for 1982 was calculated on the basis of the detention rate and prison population at 31 March 1982 (102.8 per 100,000 and 63, 431).

The average detention period indicator was calculated on the basis of the prison population at 31 March 1982.

NETHERLANDS : The number of entries published in 1983 has been rectified ; it also included transfers. The rate of committal and the detention period indicator have therefore been recalculated.

PORTUGAL : The committal rate for 1982 was calculated on the basis of the detention rate and the prison population at 31 December 1982 (53.0 per 100,000 and 5,188).

The average detention period indicator was calculated on the basis of the prison population at 31 December 1982.

The rate of entry of remand prisoners is an estimate, as the data do not cover all the prisons.

SWEDEN : Committals in 1982 : sentenced prisoners : 13,798, committals for non-payment of fines : 37. The statistics do not distinguish between persons detained by the police, persons detained for a short period by order of the public prosecutor or persons in detention on remand by court order. Altogether, these three categories, which in many cases represent three different stages of the same proceedings, amounted to 36,466 persons in 1982.

TURKEY : Taking account of the data available, the committal rate in 1982 was calculated by using the detention rate and the prison population on 1 February 1984.

The detention period indicator was calculated on the basis of the prison population at 1 February 1984.

UNITED KINGDOM - SCOTLAND :

Taking account of the data available, the committal rate in 1982 was calculated by using the detention rate and the prison population at 1 February 1984.

The average detention period indicator was calculated on the basis of the prison population on 1 February 1984.

LAWS, BILLS, REGULATIONS

The titles of laws which have come into force in the past year, bills and regulations relating to prison affairs which are likely to be of particular interest to the prison administrations of other member States will be given in this section. In certain cases, the titles are followed by a brief summary.

BELGIUM

Regulation

Ministerial circular of 14 December 1983 relating to implementation of the Act on conditional release, taking account of the climate of violence persisting in society and the need to protect the public.

Ministerial circular of 15 June 1983 relating to the installation of security lanes in prisons.

Ministerial circular of 24 May 1983 relating to the activities of factory doctors in prison workshops.

DENMARK

Draft legislations

Begrænsning af isolation under varetægt (restricted use of solitary confinements during custody).

(Draft legislation concerning the Administration of Justice Act and the Penal Code)
Lovforslag nr. L 88 af 24.02.1984.

Kompetencefordeling, varetægtsfængsling og isolation.

(Draft legislation concerning the Administration of Justice Act.)
Lovforslag nr. L 80 af 22.02.1984.

Lægdommere med i flere sager.

(Draft legislation concerning the Administration of Justice Act. Increased use of lay judges.)
Lovforslag nr. L 76 af 22.02.1984.

Haglgeværer ind under våbenlovens kontrol.

(Draft legislation concerning shotguns.)
Lovforslag nr. L 13 af 07.02.1984.

FRANCE

Regarding legislation and regulations for its implementation, no act has been promulgated on prison matters since that of 10 June 1983, mentioned in the second issue of the Prison Information Bulletin.

The Bill relating to the individualisation and execution of sentences and the review of convicting has not yet been examined by Parliament. On the other hand, two decrees have been published recently :

Decree No. 84-65 of 25 January 1984 relating to application of the legislation governing industrial accidents to persons sentenced to community service fixes the conditions of social security cover in the case of accidents occurring through or on the occasion of this new punishment (introduced under the Act of 10 June 1983) and sets forth the basis for calculation of the pensions and compensation payments due to prisoners in case of permanent or temporary unfitness for work.

Decree No. 84-77 of 30 January 1984 amending certain provisions of the Code of Criminal Procedure comprises inter alia provisions relating to young prisoners : cell punishment is abolished for minors under the age of 16 years and its duration is reduced for minors between 16 and 18, juvenile court judges must visit places of detention at least once a year in order to check the conditions of custody of minors, and exemption may be granted from solitary confinement at night in the case of prisoners under 21 years of age, either on medical grounds or for personality reasons.

ITALY

Act No. 936 of 23 December 1982 amending the Mafia (special provisions) Act (No. 646) of 13 September 1982

This comprises measures to combat the Mafia and other forms of organised crime.

Act No. 65 of 3 March 1983 on economic provisions in favour of prison administrative staff

Convicted soldiers (Probation) Act (No. 167) of 29 April 1983

This Act provides that military prisoners sentenced to less than three years' imprisonment not followed by security measures may be released on probation for a period to be spent in a military establishment or in social service.

Bill for the organisation of the prison police force ; proposal to reform the company of guards and the role of prison warders

This Bill is based on the following principles :

1. demilitarisation of the company of guards ;
2. redefinition of careers ;
3. increase in staff ;
4. increase in the capacity of training colleges ;
5. increase in functions at the local level ;
6. extension of institutional duties ;
7. redefinition of the rules particular to the State ;
8. new disciplinary regulations ;
9. provision for regulations on trade union representation.

Bill to increase the numbers of the company of guards by 4,030 guards of various ranks

Bill to reform district prisons and amend Act No. 354 of 26 July 1975 on standards of the prison system. Acquisition of new prisons

This Bill provides for differentiating the treatment of prisoners, on the basis of assessment of their dangerousness in accordance with objective criteria.

Bill to modify the conditions of work outside prison and remuneration of prisoners and mental patients. Rules 21, 23 and 69 of the prison Rules).

By amending Rule 21, the range of businesses in which prisoners and mental patients may be allowed to work is extended. By revoking the first three paragraphs of Rule 23, the practice of withholding 3/10ths of the remuneration is abolished.

The purpose of amending Rule 69 is to empower the "supervising judge" to approve the authorisation to work outside the prison.

495/S - Ministry of Justice Bill to shorten the length of detention on remand ; also includes new provisions for granting release on bail.

Ministry of Justice Bill on psychiatric expert opinions, amending Regulation 99 of the implementing regulations under the Prisons Act (No. 354) of 1975.

24/S - Mr GOZZINI's Bill on the organisation and jurisdiction of the courts and juvenile courts

177/S - Mr GROSSI's Bill on the communal responsibility of persons of unsound mind who have committed an offence and their treatment in prison. Repeal of special legislation for the mentally ill and the mentally deficient.

NETHERLANDS

A new regulation of 24 November 1983 concerning unsupervised visits to male and female offenders in the long-term prisons (with a remainder of their penalty, after deduction of the pre-sentence period, of 6 months) came into force. Once a month they can receive unsupervised visits of persons with whom they have a close relation.

NORWAY

No Acts relating to prison affairs have come into force during the last months. As to regulations, the following changes have come into force :

a. Concerning advancement of release. When particular reasons make this appropriate, the Governor may decide that an inmate is to be released up to 3 days before release normally should have taken place. Prior to the amendment, the Governor was authorised to decide 24 hours advancement of release.

b. Concerning conditions for prison leave. Besides previously given conditions, it may be required that the inmate is to be escorted to and from the designated place. This conditions will often be imposed on inmates sentenced to security detention, or when sentenced for serious crime of violence or sexual crime. The same category of inmates shall usually be required to report to police during the leave, whereas other categories are rarely required to report.

SPAIN

Ministerial Order of 26 October 1983 approving the Regulations of the School of Prison Studies

Implementing Act 7 of 23 April 1983 concerning the reform of Sections 503 and 504 of the Code of Criminal Procedure

Implementing Act 8 of 25 June 1983 concerning the urgently needed partial reform of the Code of Criminal Law

Royal Decree 1415 of 30 March 1983 on the amendment of Decree 1530 of 12 June 1968, ratifying the Ministry of Justice regulations governing the Social Welfare Board.

SWEDEN

No new legislation has been drafted or entered into force in the period under review. This Administration has however issued a circular instruction (KVVFS 1983 : 7) which regulates the question of control in relation to prison inmates' visits. The main purpose of the instruction is to give greater opportunities for control of visits primarily to hinder the smuggling in of drugs. At closed national prisons, inmates are encouraged to register the names of likely visitors and the nature of the relationship to the visitor. Where there is reason to suspect that the visit may be misused, certain checks may be undertaken with the assistance of the police, for instance, as to whether the visitor has been convicted of a criminal offence, its nature, date of occurrence, etc. A visitor who has been detected as smuggling in drugs may, if he/she is not a near relative or otherwise has no special relationship to the prisoner, be refused further visiting opportunities. For near relatives or significant others who smuggle in drugs such a prohibition may only be for a limited period. The length of the period shall be assessed having regard to all relevant factors. Supervised visiting may also be ordered for a limited period. Visiting at open national prisons or local institutions shall ordinarily take place in a way that is fully congruent with the nature of the prison and its activities. Checks and control are not obligatory but can be imposed if they are considered necessary in any particular case where security or prevention of smuggling in drugs renders them necessary. Supervised visits should not ordinarily occur at any open establishment.

SWITZERLAND

Federal Order amending the transitional provisions of the Swiss Criminal Code, Amendment of 7 October 1983

This Order extends by two years the deadline imposed on the cantonal authorities for executing prison sentences in order to enable them to establish approved schools for particularly difficult adolescents. As from 31 December 1985, the final expiration of the deadline, it will no longer be permissible to accommodate adolescents in prison establishments for adults.

Ordonnance (1) relating to the Swiss Criminal Code (OCP 1), Amendment of 16 November 1983

This amendment defines the establishments in which adolescents may be accommodated until 3 December 1985, in cases where approved schools have been unable to cope with them.

UNITED KINGDOM

The Criminal Justice Act 1982, Part I came into force on 24 May 1983. This Act gave rise to the Detention Centre Rules 1983 (SI 1983/569), the Youth Custody Centre Rules 1983 (SI 1983/570) and the Prison (Amendment Rules 1983 (SI 1983/568) which also came into operation on 24 May. Amendment to the Criminal Justice Act 1961 contained in the 1982 Act also necessitated the Transfer of Offenders (Designation of Equivalent Sentences) Amendment Order 1983 (SI 1983/1695)

The minimum qualifying period for parole was reduced from 12 to 6 months by the Eligibility for Release on Licence Order 1983 (SI 1983/1958) which comes into operation on 1 July 1984.

The Repatriation of Prisoners Bill, currently before Parliament, will enable the United Kingdom to ratify the Council of Europe Convention on the transfer of sentenced persons.

The Marriage Act 1983, passed in May 1983 but not yet in force, will permit prisoners to marry in their places of detention.

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The second (February 1984) takes up the question of help and support
measures rather than those of control and includes probation and parole
work as well as prison work.

Both reports are available only in Swedish.

The Swedish Prison and Probation Administration's Research and Development Group has published a short report on the number of inmates received during 1983 who were classified by initial treatment boards as being drug misusers, serious drug misusers or non-misusers. The report is primarily of statistical character and shows the distribution of these categories by type of prison, by region etc.

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PRISON LEAVE

France

The Strasbourg Administrative Court has ordered the Ministry of Justice to compensate a bank for damage suffered as a result of a hold-up committed in March 1978 by three convicts on prison leave who seized the sum of 396,710 FF at a branch of the Banque Populaire.

The first had failed to return from his prison leave for Christmas in 1977, the second had escaped the same year after a vocational training course ; and the third, who had been released under conditions, had ceased to report for supervision. The Administrative Court held that prison leave and conditional release constituted a special risk for third parties and involved a special liability of the Ministry of Justice. The Ministry has two months in which to appeal against the court's decision.

AMENDMENTS

TO THE LIST OF DIRECTORS OF PRISON ADMINISTRATIONS OF THE MEMBER STATES OF THE COUNCIL OF EUROPE

IRELAND

Since 1 January 1984 Mr John GLDEN is in charge of prison affairs.

ITALY

The address should be amended as follows :

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