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Prison Information Bulletin



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With best wishes
for 1984

PRISON INFORMATION BULLETIN

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All correspondence should be
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Legal Affairs, Division of Crime
Problems, Council of Europe,
67006 STRASBOURG CEDEX, FRANCE

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Chief Editor:
Marguerite-Sophie ECKERT
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ILLUSTRATION OF THE COVER

Jean-Rémy SCHLEIFER

THE CONFERENCES

OF DIRECTORS OF PRISON ADMINISTRATIONS

IN EUROPE

The biennial Conferences of Directors of Prison Administrations are now firmly established in the calendar of Council of Europe activities in the field of crime problems. It seems timely, therefore in the wake of the Sixth Conference, held in June 1983, to reflect briefly on the purpose and value of these meetings of the leaders of the European prison services. The first conference of the prison administration directors was convened in Strasbourg in 1971. As the result of a proposal made in the context of the work on the European version of the Standard Minimum Rules for the Treatment of Prisoners which was sponsored by the European Committee on Crime Problems. The Council of Europe took over from the International Penal and Penitentiary Foundation, the task of gathering together under its auspices all those in charge of Prison Administrations in its member States.

The implementation and application of the Standard Minimum Rules has remained a regular feature of the work of the directors' conferences, although the initial responsibility for this has now been mandated to the Committee for Co-operation in Prison Affairs. It is a source of strength and encouragement to the prison services of Europe that these conferences afford the opportunity for them to confer together and to exchange ideas and experience on the whole range of prison problems which are of increasing complexity and are now making more conspicuous demands on social policy than ever before.

The value of such gatherings and the discussions that flow from the papers presented to the conferences by experts in prison affairs is enhanced by the European dimension. Despite the acknowledged difficulties in trans-national comparisons or of adapting measures pioneered in particular national circumstances to make them compatible with the domestic environment of another country, it has proved possible to establish a great deal of common ground of practical importance. The management of the prison systems in Europe and the quality of the treatment regimes has benefited from the standards and practices that have followed from the work of the conferences and the associated activities, including the useful and continuing personal relationships that are facilitated by these occasions.

The directors' conferences are characterised by the essentially practical and relevant views that are brought to bear on prison problems by people directly involved in and responsible for the management of prison systems and by the confidence generated through the personal relationships with others who share similar responsibilities.

Within the wider spectrum of work in the whole field of crime problems the Directorate of Legal Affairs has had a crucial role in co-ordinating and stimulating work in this field by its organisation of the conferences and guidance on the directions in which the work should lead. There is close co-operation between the Division of Crime Problems in particular and the Committee for Co-operation in Prison Affairs in ensuring that these objectives are pursued.

The Sixth Conference was held in Strasbourg from 1 - 3 June, 1983, under the chairmanship of Mr Bo Martinsson (Sweden) and Mr Julien de Riddler (Belgium) as Vice-Chairman. It was attended by representatives from 18 of the member States of the Council of Europe and observers from Finland and, welcomed for the first time, Tunisia. The agenda of the Sixth Conference reflected the continuity of interest from previous conferences in matters of prime importance and current concern. The three main themes of the conference were concerned with the problem of the misuse of drugs and medicines in prison, prison staffs and prison demography, all matters of topical or continuing interest in most of the prison systems of Europe.

Elsewhere in this issue of the Bulletin there are reports on the individual items by several rapporteurs concerned.

The item on drugs was examined from the medical and scientific points of view as well as from that of the prison administration and was particularly apt in the light of recent international activity in this subject especially the Messina Conference last December and the persistence of the problem among many prisoners.

Prison staff matters have rightly enjoyed high priority at the directors' conferences and in the work of the Directorate of Legal Affairs. The more general discussion this year may be seen as complementary to the more restricted debates, in depth, concerning specialist staff at the conference in 1981. It was interesting that it was possible this year to include some excellent training films produced at Fleury-Mérogis by the French Prison Service and introduced by the Director of Prison Administration, Madame Myriam Ezratty-Bader.

The important topic of prison demography was inscribed on the agenda as a direct response to the initiative of the Netherlands in 1981 in regard to the increasing pressure of prison populations and another proposal by Austria that has resulted in a standing arrangement that will ensure that useful statistical information on current prison populations in Europe will be available at the Council of Europe at regular intervals.

In addition to the main agenda items, the conference received a report from the Chairman of the Committee for Co-operation in Prison Affairs on the activities of the Committee which has a wide range of responsibilities in the prison field, particularly in regard to the

implementation of the Standard Minimum Rules for the Treatment of Prisoners and including the revision of the European Rules which it will undertake in the near future. The report covered also the proposed establishment of a Prison Information Centre and services in Strasbourg, the newly published Prison Information Bulletin and a projected book on the European Prison Services.

The Committee for Co-operation in Prison Affairs will shortly be planning the Seventh Conference of Directors of Prison Administrations which will be held in 1985. It would be helpful if suggestions for the agenda and in regard to the arrangements for that conference could reach the Committee in good time. The Committee is anxious to preserve the relevance and continuity of these conferences and to ensure that they are arranged so as to satisfy the needs of the directors of the European prison services. It wishes also to encourage the dissemination of the results of the conferences to the staffs of the prison services and would be grateful if the directors would do what they can to that end. Thus it will be possible to ensure that the resources and efforts of the Council of Europe in this field are used to advantage.

Kenneth Neale
Chairman
of the Committee for Co-operation
in Prison Affairs.

PRISON STAFF

*Changes in attitudes to the role of prison staff;
recruitment, status, initial and future training.*

In the presentation I emphasised that however modern and well equipped its buildings, however progressive and enlightened its regimes, it was an inescapable fact that the efficiency and effectiveness of a prison service was ultimately dependent upon the quality and commitment of its staff. They at once represented a considerable capital asset in terms of what had been invested in their recruitment, training and career development; and they constituted by far the largest single item in the annual expenditure of a prison service. By their attitudes they could ensure that friction between themselves and prisoners was minimised, and thus make it difficult for trouble-makers among the prisoners to undermine management's purposes. It was therefore incumbent upon prison administrators to do everything possible to make the most effective use of the staff they employed.

By far the largest single group of staff in most prison services is basic grade custodial staff, whose primary tasks were to ensure that those who were committed to prison were retained in safe custody and that good order was maintained within the prison. But Resolution (66) 26 of the Committee of Ministers of the Council of Europe on the status, recruitment and training of prison staff, adopted by Ministers' Deputies on 30 April, made it clear that all staff should be involved in that part of the task of prisons' administration which was directed towards the social re-adaption of prisoners. Thus, basic grade custodial staff were asked to discharge 2 apparently incompatible roles - that of custodian, and that of rehabilitator. On the one hand they had to exercise authority over the prisoner and on the other they had to seek to establish a relationship with the prisoner and advise and assist him to prepare for his return to society. A positive and creative approach to training and management style could exploit this apparent contradiction to advantage; it could show that the proximity necessary for control presented at the same time the opportunity to establish relationships.

On the subject of recruitment, attention should be drawn to the Appendix to Resolution (66) 26 and repeated, as still valid, its advice and guidance on the selection of basic grade staff viz:-

«All selection systems should take into account qualities of personality as well as intelligence and educational attainments. The aim should be to select staff with the stability and balance of personality, the integrity, the power of empathy and capacity for good relationships which would enable them to manage inmates successfully in the difficult and artificial milieu of a penal establishment.»

Recruitment and training had, however, to be seen as a policy within a comprehensive context for regimes and management and conditioned by the ethos of the service.

Let us now examine the implications for prison services, particularly in respect of recruiting, of variations in economic conditions. At times of full employment not all those recruited had all the qualities required, with the result that even greater emphasis had to be placed on proper training and skilful motivation. However, the problems created by less well qualified recruits had to a considerable extent been hidden by the fact that, for some years, the opportunities available to basic grade custodial staff to play their part in the process of social re-adaption had been steadily eroded by the increased deployment of specialists in penal establishments. It should be noted that, in discussion of this topic at the 1981 Conference, it had been accepted by Directors that the increasing use of specialists had relegated uniformed staff to more basic, less prestigious roles, leading to a lack of job satisfaction, a tendency to create resentment on the part of the uniformed staff against the «usurpers», and making much more difficult the attainment of management's objectives. The Conference's conclusions suggested that the problems so created could be remedied by enhancing the status and functions of the prison staff. It was also suggested that specialists should endeavour to establish the closest possible relationships with the supervisory staff and should seek to

convince the prison staff of the need for their co-operation in bringing their own work to a satisfactory conclusion. While fully accepting these recommendations, I argued that there was a need to examine closely the work of the specialists to ensure that it was limited so far as sensible to areas where their specialist training was essential.

Some other developments since 1966 which had militated against basic grade staff have played their part in the rehabilitative process. Electronic means of locking and unlocking inmates' accommodation tended to restrict the contact between officer and prisoner; made the establishing of relationships more difficult; and offered a convenient excuse for those members of staff who were content to act simply as custodians.

The problems posed by the abuse of drugs and the problems of over-crowding were also relevant. Both created a threat to control and safe custody and accordingly gave rise to anxiety amongst staff. As a result, staff were more inhibited in their relationships with inmates and overcrowding by its very nature acted as a barrier to the right kind of contacts between staff and prisoners. So much time was taken up with the sheer logistics of handling much larger numbers of prisoners than the establishment was designed to accommodate that little time was left for more productive contacts. Thus job satisfaction was diminished and the wider objects of management were less frequently achieved. Overcrowding too, by its deleterious effect on the «climate» of the institution engendered stress and with it damage to relationships, not only between staff and prisoners, but also between staff and management.

Changes in public policy in recent years had increasingly focussed attention on prison services and had resulted in the operation of these services and the actions of staff being subjected to public scrutiny in a manner never before experienced. The formulation and adoption of Standard Minimum Rules provided a yardstick by which certain elements of performance could be measured and criticised. The European Commission of Human Rights was something with which prisons' administrators were becoming increasingly familiar as more and more prisoners challenged their actions. There were now Inspectorates of Prisons, wholly independent of prisons' administration, producing detailed reports on conditions in prisons which were made public. In addition, the Parliamentary Commissioner for Administration (the Ombudsman) was empowered to investigate allegations of maladministration by Government departments. The media, besides giving publicity to the reports of these investigative bodies, had also in recent years begun to take a great deal more interest in the prison services and to question their effectiveness. This interest of the media had been actively encouraged in the UK in the last few years, with the prison services being «opened up» much more than ever before. These developments had implications for the training of staff if they were to be equipped to cope with the changes and challenges which now confronted them. If a wider role than simply that of control and custody was to be adopted staff would require to be properly prepared for it - both in their initial training and by way of in-service development courses.

To my mind it is not enough simply to recruit good staff and provide them with training. Unless staff believe in what they are doing, management's aims would remain unachieved. There was some evidence in recent years, possibly as a result of greater publicity having been given to the views of penal reformers, of a loss of belief on the part of prison staff. Voices had been raised claiming that prisons (and the efforts of prison staff) were wholly ineffective in the rehabilitation of criminals and that they simply consumed vast amounts of resources which could be used to better advantage in the provision of alternatives to imprisonment. I insisted that I did not accept the view that prisons could not do anything to help prepare prisoners to lead a better life. While it was probably true that expectations of what prisons could achieve had been unrealistic, much could be done and it was up to prisons' administrations to re-affirm this in a positive way and to restore in their staff a belief in the valuable contribution which they could make to an orderly society.

The Directors were asked to consider four questions viz:-

1. Did Directors of Prison Administrations still subscribe to the recommendation in Resolution 66(26) that all staff should be involved in the social readaptation of prisoners?
2. If so, what could be done to overcome the obstacles, eg. the ever increasing number of specialists, to such involvement by basic grade custodial staff?
3. If these obstacles could be overcome, how do prisons' administrations attract, identify and train the staff to carry out the task?
4. Did Directors consider that there was a need to restore in staff a belief in the value of the contribution they made to society? If so, how could that best be done?

In a lively discussion which followed the presentation it was noteworthy that there was a considerable amount of common ground among Directors as to the nature and extent of the problems and the way in which they might be resolved. In particular the Conference re-affirmed the fundamental importance of adequate and well-trained staff in the pursuit of the management and treatment objectives of prison administrations. In the course of the discussion the following points were emphasised by a number of participants and supported by the Conference:-

- (a) it was important that policies for the recruitment, selection and training of staff should be based on clear definitions of the objectives of prison systems seen as a social resource;
- (b) in defining the roles and objectives of prisons and imprisonment it was essential to set realistic targets that could be measured in relevant ways;

- (c) Because the human element was a dominant factor, prisons were not always susceptible to normal management criteria, even though administering them was essentially a management task. That must be reflected in staff roles and training;
- (d) the essential balance between the custodial and rehabilitative roles of prisons and their staffs, which was often inhibited by political and public considerations, should be governed by moral values and contemporary social standards;
- (e) it was of high importance to devise appropriate and constructive roles for all grades of prison staff as the fundamental basis for the operational management of prisons. In this context it was necessary to emphasise the need for effective co-operation between supervisory and specialist staff so that they worked closely together on joint approaches to the treatment and training of prisoners;
- (f) relevant and purposeful initial and development training was necessary to sustain the roles and commitment of staff to their tasks and to encourage good professional practices;
- (g) the development of good and responsible relationships between staff and prisoners was central to the objectives of positive treatment programmes and the chances of success in individual cases. All training and management criteria should relate to this crucial factor;
- (h) it should be understood that staff felt and indeed were vulnerable to public criticism and complaints from prisoners. Every effort should be made by management to give them adequate support and appropriate opportunities to express their views on prison matters, particularly in formulating policies for the establishments in which they were working.

Alistair Thompson
Director
Scottish Prison Service

COMBATING DRUG ABUSE
IN PRISONS BY MEANS OF
ADMINISTRATIVE MEASURES

The problem of drug misuse in prisons was examined from the medical and scientific standpoint as well as from the administrative standpoint at the Sixth Conference.

This article will deal with the problems mainly from the administrative standpoint, realising however that there is no clear-cut distinction between administrative measures and rehabilitative measures or treatment.

It was unanimously agreed that problems concerning abuse of drugs are some of the most serious problems in today's prison systems. This is a common situation in the Council of Europe member States.

The serious situation in prisons is a reflection of the situation in society in general, where the drug problem is considered an «easy solution» for groups possessing least resources which also produce the major part of the criminals, alcoholic, prostitutes etc. This observation alone makes you suspect that the solution to the drug problems is not a very easy one, and furthermore it makes you suspect that the problems can not be solved exclusively by focusing on the individual drug abuser in prison. It is, I suppose the reason why resolution 73 (6) «on the penal aspect of drug abuse» emphasises that penal measures should be seen «as part of a broader national response, which also includes preventive and rehabilitative elements and takes account of general policies of social development.»

Another very important principle put forward by the said resolution is that the chief aim of fighting drug abuse is «to minimise human suffering». This commendable aim in itself sets certain limits for the means which can be used for fighting the abuse.

In accordance with conclusions from the seminar in Messina on Drugs in Prison (6 to 10 December 1982), the conference of directors of prison administrations stated that drug abuse problems were increasing in many member States.

In some member States, in Denmark eg, the problem may not have increased quantitatively, but alone with the growing average age of the drug addicts in prison it is the impression that the drug dependence is getting heavier all the time, and that the prisoners to an every growing extent bear the mark of longterm drug abuse - often supplemented with medicine and alcohol.

While little is known about the inmates drug abuse prior to imprisonment - in Denmark such information has been regularly collected since 1974 - , for obvious reasons we do not know very much about the extent of the abuse inside the prison.

Different ways of measuring the abuse have been tried: for instance, calculations on how much dope is found and confiscated in the course of a period; informed guesses from key-persons of the staff; evaluation of the prices of the substances; measuring the number of illegal transactions; urine analysis, when there are concrete grounds for suspicion or on a random basis etc. All of them have been used during the years in Denmark, and taking all of them in consideration it is the impression that the use of hard drugs during term of imprisonment has been declining somewhat in recent years. The problem of hash smoking remains great, however, and may even be growing.

A particularly serious problem in relating to the extent of the abuse is the question as to whether prisoners, who have not earlier consumed narcotics, start drug abuse in the prisons. As stated by Dr K. Bjerver at the conference the structure and the daily life in prisons in itself provokes escapism from responsibility and incapacity to cope with life. Therefore and for other reasons it would not be surprising if the shut-off and not very stimulating world represented by the prisons could lead to situations where some inmates are tempted to start drug abuse.

For the purpose of having these assumptions disproved or confirmed the Danish prison administration in the summer of 1980 asked a sociologist with knowledge of the prison system to examine to what extent inmates of the closed state prisons start drug abuse during their stay in prison. For practical reasons the examination, which was based on medical records as well as on interviews, was limited to cover the abuse of hard drugs - this means that abuse of cannabis is not included in the study.

It was proved beyond any reasonable doubt that upwards of 20 out of these 300 prisoners during one of their - typically many - stays in prison had started abusing drugs. This corresponds to 6.5% of the prison population. Dates of commencement covered a period of 12 years from 1969 to 1981.

The study shows moreover that almost 40% of the 300 prisoners had their drug debut prior to their first imprisonment, and that some 15% of them had it after that time, but while they were out of prison. Just over 40% had no experience with hard drugs at all.

The study does not suggest that the drug debut happened under the influence of group pressure or similar compulsion. The circumstances rather leave the impression of coincidence, curiosity and boredom. Or expressed differently: the situation surrounding the inmates acts as a motivation factor in relation to a drug debut.

It is important to stress that due to the special selection of the study population the results cannot be directly transferred to the total prison population in Denmark. The official estimation is that about 2% of the total population of drug addicts in prison, started their drug abuse while serving a sentence.

It goes without saying that drug abuse among prisoners in the same way as abuse outside the prison creates - or aggravates - a large number of problems for the individual abuser.

It also goes without saying that drugs have a noticeable influence on the prison situation as a whole and this in itself constitutes a permanent threat to the liberalisation which has otherwise characterised the development

in the European prison administrations - a development which through the ages has been strongly supported and inspired by European Committee on Crime Problems.

A special problem or a special cause of unrest which should briefly be mentioned lies in the use of methadone for longterm treatment. Quite apart from the ethical problems connected with such a treatment and which up to the present have made the Danish health authorities assume a rather sceptical attitude - not least with respect to longterm treatment of the prison clientele - a ration of pharmacology agents of this type would be apt to create envy and unrest in the prisons and expose the health service in the prisons as well as the «lucky inmates» receiving methadone to a strong pressure from the other inmates.

To sum things up it would be no exaggeration to state that the drug problems have an extremely negative influence on the individual prisoner's possibility of living a life without crime as on the prospects of preserving and extending the prison society in a way which supports the resocialisation efforts.

In all fairness it should, however, also be said that it is not always pure misery for a drug addict to be put in prison. For part of the drug addicts a stay in prison may actually be regarded as a kind of a holiday from drug addiction and from the circumstances, which are often a consequence of it - prostitution etc. As a rule a stay in prison will also bring about a marked improvement of the drug addict's health situation as the result of reasonable and regular meals, medical treatment, dental treatment etc.

Until now I have mentioned the various problems and different ways of measuring them. The main question of course is how to tackle the problems.

For the sake of clarity I would like to divide the different initiatives into some suitable categories, and I have used the distinctions made in Recommendation 82 (5) between primary, secondary and tertiary preventive measures. In this context the primary prevention would consist mainly of relevant regimes and control measures. The secondary prevention would consist of the singling out of special risk groups and a limitation of the special risks applying to them - and finally the tertiary prevention could be said to comprise actual treatment and remedial measures.

Primary preventive measures

A prerequisite for a reasonable treatment climate is that drugs can, to the extent possible, be kept out of the prisons. But not at all costs. It is necessary to keep in mind all the time, that the objective of the imprisonment among other things is to rehabilitate the prisoners, and that the objective of combatting drug abuse as mentioned in Resolution 73 (6) is to minimise human suffering. The control and disciplinary measures adopted in order to limit the entry of drugs to the prisons must not jeopardise these objectives.

Following this point of view one will hardly be able to create prisons which are 100% safeguarded against the smuggling of drugs. This, of course, does not mean that the endeavours to fight drug abuse should be curtailed. In Denmark the regimes in the prisons were generally tightened in 1981. Easier access to search the inmate's person and living quarters was for instance

introduced, with such search now also being a matter of routine even where there is no concrete suspicion of any smuggling or trafficking of or trade with narcotics.

Furthermore easier access to control the inmates' letter exchange and visits has been introduced. The most noticeable change in that respect was presumably that authorisation was obtained to search the visitors. This authority has only been used in very few cases, but there is little doubt that the mere presence of it has had a considerable preventive effect.

Finally various limitations and control measures were introduced with regard to the prisoner's right to receive delivery of and not least to assign valuable effects.

In addition to these changes in the regimes certain safety precautions relating to the buildings have been made with a view to prevent smuggling of drugs. And not least there had been a considerable staff increase, primarily in the basic staff, but also in various groups of specialists.

Another question is to what extent it is possible to limit the drug abuse by removing the drug dealers, especially those who are actually dealing with drugs in the prisons. In my country we have tried to solve that problem by introducing an arrangement according to which prisoners, who have notoriously smuggled drugs to a not inconsiderable extent while serving the sentence can be transferred to a local jail, where there is only a very small number of prisoners, and where the inter-relations between them is very limited.

Secondary preventive measures

Scientific studies of deviant groups have shown that a concentration of persons with the same deviation only leads to a cementation or reinforcement of this deviation. On the basis of these studies the Danish prison administration in the beginning of the seventies decided to operate with the so called «attenuation principle», meaning that prisoners, who are drug addicts are distributed among the other inmates on the basis of the usual, mainly geographical, distribution criteria. According to the studies mentioned our experience is that there is a limit beyond which the attenuation-principle is inefficient. This limit lies somewhere between 10 and 20%. If the group of drug abusers does not exceed this percentage of the total number of inmates in an institution, experience shows that the attenuation may reduce the centering of the deviation, and the majority may in this respect have a positive influence on the minority.

The problem is that in the period up to the end of the seventies the limit for the use of the attenuation-principle especially in the closed institutions, has been greatly exceeded. This was one of the main reasons why the Danish prison administration has established special drug departments in the closed prisons for particularly dependent drug addicts. Furthermore this arrangement made it possible to reinforce the treatment resources especially in relation to the particularly dependent drug addicts.

Fortunately the financial authorities have been extremely amenable to the wishes of the administration, so that we have been able to hire a particularly large number of warders as well as a number of teachers, nurses, social workers and foremen, and furthermore to increase resources for education and psychiatric assistance. So far there has been no evaluation on this experiment.

It is, however, the impression, that there are considerably fewer drugs in the prisons than before the establishment of the special departments, and in the ordinary departments there is peace and quiet with respect to the drug abuse question. Inside the special departments it is an obvious advantage that the typically very weak inmates of these departments have felt under less of a pressure from drug dealers, and it has therefore been easier for them to stick to a motivation for freedom from drugs.

Another very important thing to mention is that we have been able to create smaller departments in all closed institutions and in some of the open ones too. In most closed institutions the departments usually accommodate 30 to 40 inmates. But from next year the size does not exceed about 20 in any closed prisons. It is urgent to stress that the present number of staff per department has been maintained - in other words there has been a considerable increase of staff members per inmate.

To all appearances the division has contributed strongly to the drug problems in the closed prisons having declined during the past years. Partly the staff has been given better possibilities of supervising what is going on in the departments and partly the increased staff density in itself creates a greater interaction between inmates and staff, which again leads to a greater feeling of security for both parties. This feeling of security is necessary for the actual therapy work having any effect.

Tertiary preventive measures

For the time being local working groups at the closed institutions are busy preparing local treatment programmes in co-operation with the Standing Committee on Drug Problems in the prison administration. Parallel with this work the Ministry of Justice recently appointed a commission on a general improvement of the conditions in the employment, training and spare-time fields. The commission, which is chaired by an ex-cabinet minister is expected to finish its work within a couple of years.

Whatever the results of the present consideration, one should not kid oneself, that prisons will ever provide the optimum setting for the treatment of drug addicts. The official Danish policy in this area is that drug addicts should be to the greatest extent possible transferred to hospitals, ordinary drug institutions outside the prison systems, family care etc.

Another question is whether the civil treatment organisations will be able to cope with this task in the future. Especially whether they will be able to adjust their treatment programmes to the changes in the drug abuse population. Some people doubt it, and if future experiences show that they are right, we might be forced to re-allocate resources from the civil treatment organisations to the correctional treatment system.

Conclusion

At the conference of Directors of Prison Administration all were agreed that it is impossible to achieve complete control of the problem. It was found preferable from a treatment point of view that drug addicts should be integrated with the general prison population, to disperse drug addicts rather than

to concentrate them. The incidence of the problem and the circumstances in the institutions might however involve segregation both to facilitate treatment and to insulate the other prisoners from the damaging effect of the problem. Some of the delegations felt furthermore that prisoners who have been trafficking should be segregated in secure conditions.

The prison directors also agreed that the control of the problem should not be allowed to dominate the operational roles of the prison and the regimes in ways that would undermine the quality of the treatment and training experience that can be offered to prisoners. This means that the objectives of liberalising and enriching the regimes merit higher priority except in isolated circumstances of exceptional difficulty.

In my opinion the Danish prison administration has been able to stick to the human objectives. This is only due to the fact that we have been given sufficient funds for dividing the prison departments into smaller units and by means of a considerable increase of staff. I am afraid that this places Denmark in what some people might well consider to be an enviable good starting position. But although it might be considered a very expensive solution to the problem I am positive that in the long run it will show up to be much cheaper for the society than harsh regimes and destructive control measures.

The great density of staff and the close relations between staff and inmates make the role of staff crucial. It is therefore of the highest importance that they should have training and experience to enable them to understand the problem and to equip them with the technical means and competence to deal with the problem.

While it will hardly be possible to eliminate the drug problems in prisons completely as long as drug addiction is at all a social problem it is possible to limit them. At least this is the impression left by the recent development in the Danish prison system. It is probably doubtful on the other hand that the measures mentioned are sufficient to maintain this development unless the present efforts at extending the therapy measures turn out successful. This applies equally to the treatment methods during the imprisonment and to the aftercare possibilities. All directors of prisons present at the conference agreed on the importance of ensuring as far as possible that an appropriate support of arrangements and treatment should be made for the prisoners concerning their release from prison.

Finally it was strongly recommended that research on the problems of drug abuse in prisons - concerning the extent of abuse and traffick as well as treatment programmes - was carried out to the greatest possible extent - the lack of research being seen as one of the main obstacles to further development in this area.

William Rentzmann
Deputy Director General
Prison and Probation Administration

PRISON DEMOGRAPHY

IN THE MEMBER STATES OF THE COUNCIL OF EUROPE

In accordance with the views expressed at the Fifth Conference of Directors of Prison Administrations, the Committee for Co-operation in Prison Affairs decided to introduce a system for the periodical compilation of statistics on the prison populations in the Council of Europe member states.

The various administrations concerned have therefore been invited to submit, twice a year, a series of statistical indicators which will be regularly published and commented on in the Prison Information Bulletin.

The utility of recent, simple and, wherever possible, comparable statistics in a field where international data have so far been virtually non-existent is self-evident.

It is important that each administration should be able to situate the trends in the prison population for which it is responsible (size, turnover and its breakdown by socio-demographic factors, penal category and type of crime) in a wider geographical context.

Situation at 1 February 1983

The statistical data which follow refer to the situation at 1 February 1983 (*). The information supplied by the administrations made it possible to establish a number of simple indices on the basis of which the sizes and structures of the various prison populations at that date could be compared.

Rates of detention

The detention rate (number of prisoners in relation to the total population) varies between 28 per 100,000 inhabitants (Netherlands) and 114 per 100,000 inhabitants (Austria).

At a first approximation, we find that this rate tends to increase with the number of inhabitants.

Group A - population less than one million: these countries have particularly low detention rates (Malta: 29.0; Cyprus: 29.7; Iceland: 35.3). Luxembourg, with a detention rate of 72.0 per 100,000 inhabitants is an exception to the rule.

(*) In certain cases the data refer to another date (Federal Republic of Germany: 31.3.1982; Belgium: 31.12.1982; Portugal: 31.12.1982).

Group B - population of between one and fifteen million: as a rule, these countries have detention rates of between 35 and 65 per 100,000 (Greece: 35.0; Ireland: 37.0; Norway: 51.5; Portugal: 53.0; Belgium: 53.4; Switzerland: 58.0; Denmark: 63.0; Sweden: 65.0.) Two countries in this group are exceptions: the Netherlands, with a detention rate of 28.0 per 100,000 and, at the other extreme, Austria, with a rate of 114.0 per 100,000.

Group C - population exceeding 15 million: these countries have detention rates exceeding 59 per 100,000 (Spain: 59.8; Italy: 64.6; France: 67.8; England and Wales: 87.0; Federal Republic of Germany: 102.8).

Although it is interesting to know these rates, it would be wrong to jump to conclusions on comparing them. It should, in particular, be noted that the detention rate refers only to the state of the prison population at a given time and therefore provides a purely static picture of the situation.

Demographic structure

The proportion of women in the total prison population was found to be remarkably constant, in those states in which it was possible to calculate it: 2 to 5%. The proportion of aliens ranges from 1.2% (Ireland) to 26.8% (Luxembourg).

Breakdown by penal category

The proportion of accused persons (unsentenced prisoners) varies widely from country to country, from 3.8% in Cyprus to 76.0% in Italy. This spread may be due in part to differences in definitions but also to factors occurring at particular times. For instance, the very high proportion of unsentenced prisoners in France and Italy is explained in part by the recent amnesty laws (August 1981 in France and December 1981 in Italy), which resulted in a reduction in the number of sentenced prisoners.

We nevertheless find that in the northern European countries the proportion of unsentenced prisoners is relatively small: it ranges from 11.5% in Ireland to 28.7% in Denmark. By contrast, at least 30% of those making up the prison populations of the countries in the West of Europe are unsentenced prisoners, the figure ranging from 32.4% in Switzerland to 51.6% in France. There are two exceptions: Austria, with 25.9% unsentenced prisoners, and the Federal Republic of Germany, with 28.1%

The situation in the southern European countries is fairly similar to that found in the central belt of Europe. If we exclude Cyprus, we find that the percentage of unsentenced prisoners varies from 29.7% (Malta) to 76.0% (Italy).

The above information concerns the structure of the prison populations at a given time: the statistics are obtained, as it were, by "stock-taking". It is important to note that there is usually a considerable turnover in

prison populations. The enquiry form concerning the situation at 1 September 1983 sent to prison administrations contains an item «Number of entries in 1982»; this will make it easier to assess the situation in each country.

Pierre Tournier
Demographic Expert
Ministry of Justice, France

Prison population in the Council of Europe member states (1.2.1983)

	Total prison population	Rate of detention per 100,000 inhabitants	Percentage of unsentenced prisoners	Percentage of women	Percentage of aliens
Austria	8 748	114,0	25,9	3,8	7,1
Belgium	5 343	53,4	37,8	4,2	...
Cyprus	156	29,7	3,8	0,7 *	17,3
Denmark	3 236	63,0	28,7	4,0	3,7
France	37 649	...	67,8	3,5	25,7
Federal Republic of Germany	63 431	102,8	28,1	3,7	9,4 *
Greece	3 300	35,0	31,8	...	12,1
Ireland	1 281	37,0	11,5	3,5	1,4
Iceland	83	35,3	12,0	3,5	1,2
Italy	36 515	64,6	76,0	3,8	8,7
Lichtenstein	...	...	...	...	...
Luxembourg	287	72,0	46,7	2,4	26,8
Malta	101	29,0	29,7	5,0	8,9
Netherlands	3 900	28,0	42,3	2,6	21,8
Norway	2 051	51,5	27,1	3,3	4,9
Portugal	5 188	53,0	32,0	3,6	5,9
Spain	22 720	59,8	47,6	2,5 *	9,9
Sweden	5 461	65,0	19,5	3,5 *	16,5 *
Switzerland	3 700	58,0	32,4	3,6 *	25,2 *
Turkey	...	...	...	...	...
United Kingdom (England & Wales)	43 368	87,0	17,5	3,0	9,7

(*) Percentage calculated on the basis of the population of sentenced prisoners.

NEWS OF THE COUNCIL OF EUROPE

ENQUIRY SERVICE

During recent years a number of member States have used the Enquiry Service offered by the Secretariat (Division of Crime Problems) to provide information on European policy and practice on specific matters of particular interest to them. Examples, which illustrate the scope of this service, are questions related to the solitary confinement of remand prisoners, problems of a sexual nature that arise from imprisonment, staff accommodation, life sentence prisoners, early release and escapes. It has proved to be an efficient and useful resource to those concerned with the administration of prisons. The CCPA, however, is making proposals for the improvement of the service in the context of developing the information roles of the Council of Europe so far as prison affairs are concerned. Its proposals in that respect will go forward in a prospectus for the establishment at Strasbourg of a Prison Affairs Information Centre within the Division of Crime Problems. The Committee for Co-operation in Prison Affairs is also concerned that more use should be made of the valuable results that are usually obtained from these enquiries. This note is concerned with the latter point.

It is necessary to observe first that apart from the tasks that fall to the Secretariat the service also imposes some work upon those prison administrations which prepare replies to those enquiries. Until now only those member States that have initiated the enquiries have received the results. The Committee thinks, in view of the effort involved and the interesting material which is usually unique as a statement of European practice on the point in question, that more use should be made of these. It is therefore intended, in future, to ask requesting authorities to collate the results, or if the material is extensive, to prepare a factual summary that could be made available to those member States which would be interested to receive it or, at least, to those which have contributed a reply. It seems desirable that the benefit of the work involved should be enjoyed as widely as possible. There will be some technical and procedural problems in this, especially where summaries are involved. But the Secretariat, in co-operation with the CCPA and in consultation, as is judged necessary, with the member States concerned, will seek to produce an acceptable result for distribution. The results of the enquiries may, if appropriate, be published in the Prison Bulletin or other publications of the Directorate of Legal Affairs. All member States will, of course, be aware of each enquiry as they will have been asked to respond to it, so there is no need to advertise its existence more widely.

Because of the work involved it is expected that enquiries will only be initiated on matters of special interest or importance, to Prison Administration, for a substantial increase in the number of enquiries would strain the resources devoted to the service and lead to delays. It would facilitate the processing of enquiries if they could be expressed in a number of short, precise questions, preferably not falling within the purview of several services or departments. There is naturally, no obligation on the part of any member State to reply to the enquiries but most do. It is also open to the member States, in replying, to stipulate that they do not wish the content of their reply to be given wider circulation. But, it is hoped that that restriction would be used sparingly. The CCPA believes that this development of the Enquiry Service will further increase its value to prison administrations in the member States of the Council of Europe and hopes that they will co-operate in its operation in the ways described in this note. The opportunity is also taken to express the thanks of the Secretariat and the CCPA for the valuable responses that have been made by member States in supporting the service in the past.

Kenneth J. Neale

NEWS FROM THE MEMBER STATES

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

As indicated in the article on prison demography, one of the features of this bulletin will henceforth be regularly devoted to these statistics.

The statistics given below refer to the situation at 1 September 1983.

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 entries in 1982

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

TABLE 1. Situation at 1 September 1983

- a. Total prison population.
- b. Rate of detention per 100,000: total prison population on 1 September 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.
- 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 (%).

Table 1 updates the data contained in the first survey (situation at 1.2.1983). The problem of comparing some of these indices especially the detention rate, will not be raised in this context. (Figure 1).

Figure 1. Breakdown of the member States of the Council of Europe according to the rate of detention at 1.2.1983 and 1.9.1983.

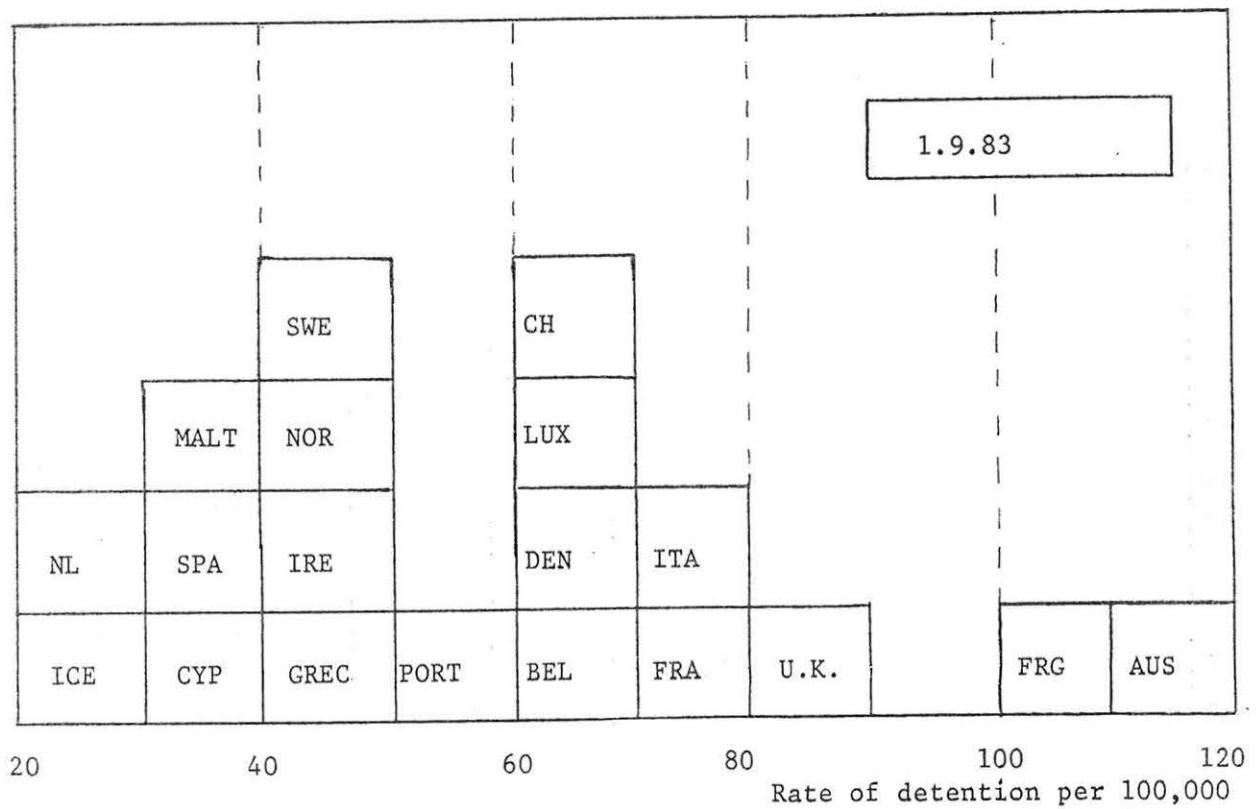
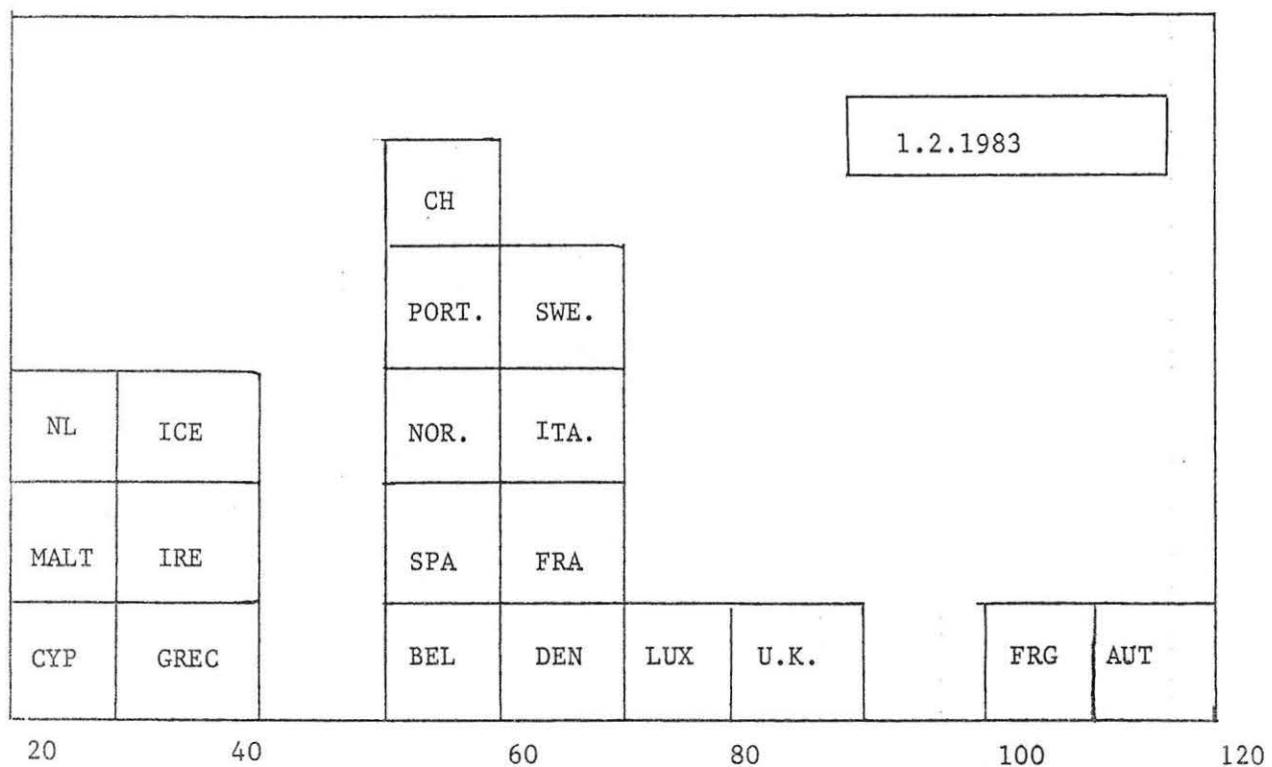


TABLE 2. Trends

- a. Total prison population at 1.2.1983
- b. Total prison population at 1.9.1983
- c. Percentage increase over the period 1.2.1983 - 1.9.1983.

Owing to the possibility of seasonal variations, this last indicator is not very significant (1). In other words, no real conclusion can be drawn from the considerable discrepancies in the figures. The rates produced by the next survey will be more relevant in that respect (reference period: 1.2.1983 - 1.2.1984).

TABLE 3. Detention flows in 1982 and indicators of average detention periods

- a. Number of entries 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 (Figure 2.).

In view of the data available, the figure used for the calculation was in fact the number of inhabitants at 1.2.1983 supplied by the Administrations for the previous survey.

In order to obtain a more dynamic picture of the populations under study, the number of entries can be compared with the number of detainees present on a given date:

- c. Number of detainees present at 1.2.1983.
- d. Average detention period indicators: the average detention period (D) can be calculated as 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 1.2.1983.

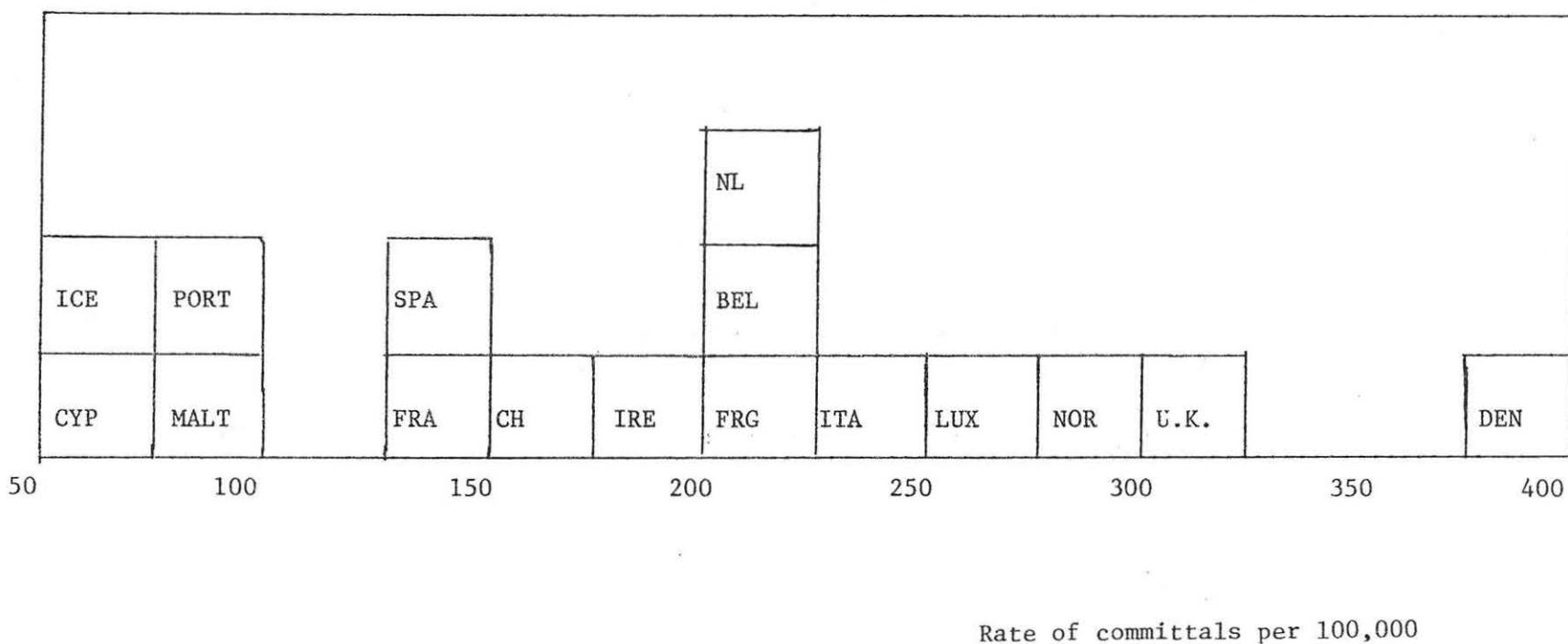
The figures obtained should be considered as indicators of these detention periods and not as measured quantities.

Figure 3 shows a comparison of the rates of detention, the rates of committals and the indicators of the average period of detention:

- 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.

(1) Taking the figures for France as an example, the increase over the period 1.2.1983 - 1.9.1983 was 3.8% while the monthly rates of change for 1983 were: January: -4.9%, February:+0.7%, March:+ 1.5%, April:+1.1%, May: +1.5%, June: +1.6%, July: +1.6%, August: +2.3%, September: +2.5%, ie an average monthly increase of 1.3%.

Figure 2. Breakdown of member states of the Council of Europe according to the rate of committals in 1982.



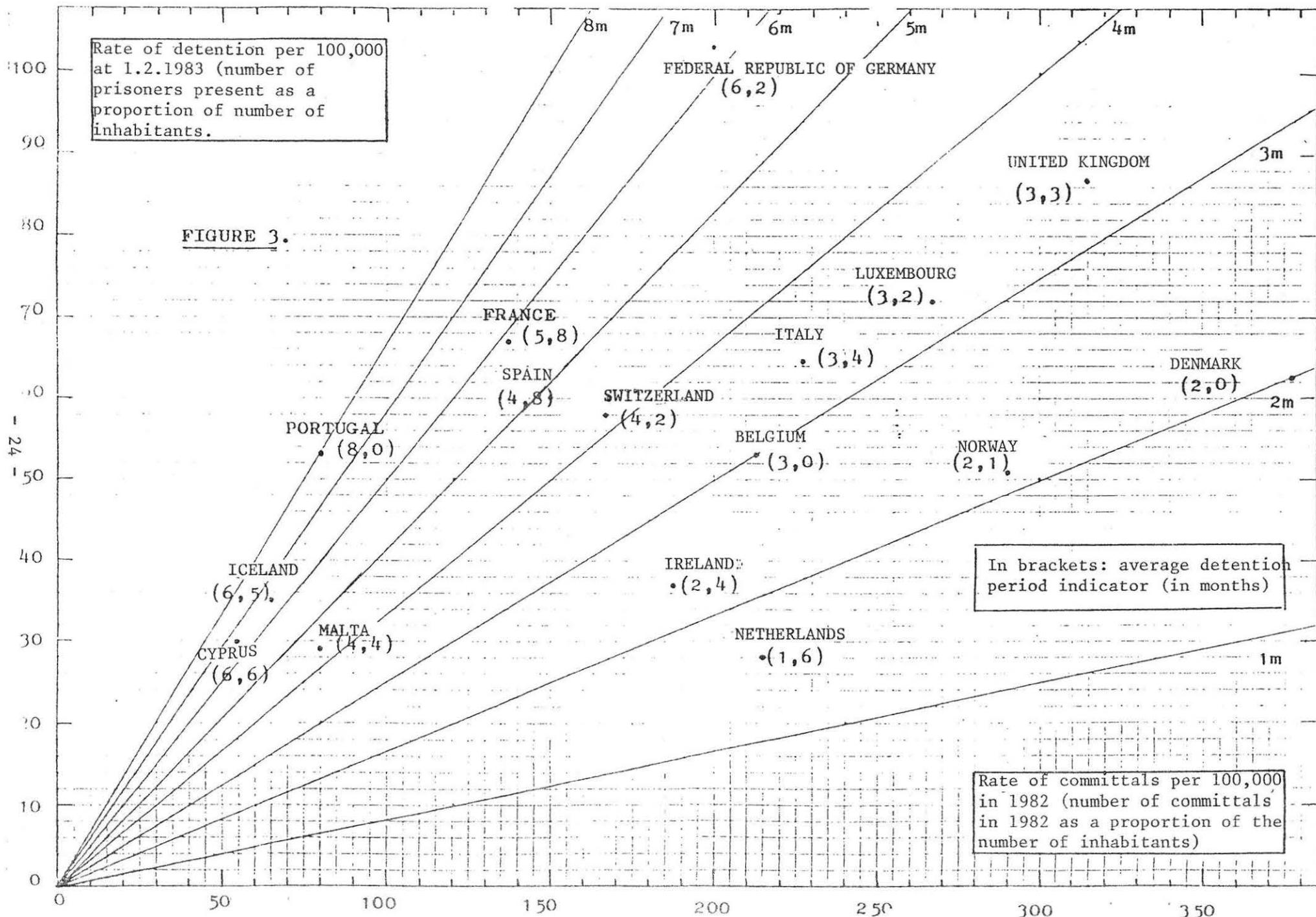


Table 1. Prison population of the member States of the Council of Europe at 1 September 1983

	(a)	(b)	(c)	(d)	(e)	(f)
	Total prison population	Rate of detention per 100,000	Proportion of accused (%)	Proportion of women (%)	Population of young people under 21 (%)	Foreigners
Austria	8 387	110,0	24,7	4,0	....	7,0
Belgium	6 525	65,0	28,4	4,1	12,7	21,8
Cyprus	188	35,8	3,2	0,0	19,1	20,2
Denmark (1)	3 120	60,0	26,9	4,2	14,7	3,8
France (1)	39 086	70,1	50,4	3,3	16,9	25,4
Federal Republic of Germany	61 778	100,3	26,1	3,6	14,7	9,4
Greece	3 736	47,0	30,5	3,3	5,8	11,6
Ireland	1 466	42,1	9,0	2,6	26,9	1,5
Iceland	57	24,3	10,5	5,3	8,8	0,0
Italy	41 413	73,0	73,9	5,0	....	7,9
Lichenstein	....	....	....	....	....	....
Luxembourg	245	67,0	31,8	2,4	6,1	26,9
Malta	97	30,0	37,1	5,2	5,2	9,3
Netherlands	4 000	28,0	40,0	2,5	....	22,5
Norway	1 941	47,0	28,1	3,5	10,6	6,2
Portugal (1)	6 093	58,9	37,2	2,6	16,3	4,6
Spain	14 659	38,6	34,1	2,9	13,0	7,6
Sweden (1)	4 422	43,0	18,9	3,7	4,9	17,4
Switzerland (1)	4 000	62,0	32,8	3,6	5,1	31,7
Turkey	....	....	....	....	....	....
United Kingdom	43 415	87,5	19,1	3,3	29,2	....

Table 2. Population of member States of the Council of Europe:
change in the period 1 February 1983 to 1 September 1983

	(a)	(b)	(c)
	Total prison population at 1 February 1983	Total prison population at 1 September 1983	% increase over the period 1 February 1983 to 1 Sept. 1983
Austria	8 748	8 387	- 4,1
Belgium	....	6 525	....
Cyprus	156	188	+ 20,5
Denmark	3 236 ..	3 120	- 3,6
France	37 649	39 086	+ 3,8
Federal Republic of Germany	....	....	....
Greece	3 300	3 736	13,2
Ireland	1 281	1 466	+ 14,4
Iceland	83	57	- 31,3
Italy	36 515	41 413	+ 13,4
Lichtenstein	....	....	....
Luxembourg	287	245	- 14,6
Malta	101	97	- 4,0
Netherlands	3 900	4 000	+ 2,6
Norway	2 051	1 941	- 5,4
Portugal	....	6 093	....
Spain	22 720	14 659	- 35,5
Sweden	5 461	4 422	- 19,0
Switzerland	3 700	4 000	+ 8,1
Turkey	....	....	....
United Kingdom	43 368	43 415	+ 0,1

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

	(a)	(b)	(c)	(d)
	Number of committals in 1982	Rate of committals per 100,000 in 1982	Number of detainees present at 1 Feb. 1983	average detention period indicator (months)
Austria	....	....	8 748	....
Belgium	21 196	211,8	....	3,0
Cyprus	284	54,1	156	6,6
Denmark	19 400	377,7	3 236	2,0
France	74 427	136,9	36 251	5,8
Federal Republic of Germany	123 395	200,0	....	6,2
Greece	....	....	3 300	....
Ireland	6 504	187,9	1 281	2,4
Iceland	154	65,5	83	6,5
Italy	128 846	227,9	36 515	3,4
Lichtenstein	....	....	....	....
Luxembourg	1 069	268,2	287	3,2
Malta	277	79,5	101	4,4
Netherlands	30 000	215,4	3 900	1,6
Norway	11 637	292,2	2 051	2,1
Portugal (1)	7 762	79,3	....	8,0
Spain	56 730	149,3	22 720	4,8
Sweden (1)	....	....	5 461	....
Switzerland	10 678	147,4	3 700	4,2
Turkey	....	....	....	....
United Kingdom	157 248	315,5	43 368	3,3

NOTES ON TABLE 1

AUSTRIA: - Proportion under 18: 2.1%.

DENMARK: - Indices (d) and (e) correspond to an average for 1981. Index (f) corresponds to the situation in July 1979.

FRANCE: - The figures cover all prisoners in Metropolitan France and in overseas departments (Metropolitan France: 37,772, overseas departments: 1,314).

- For Metropolitan France, Index (b) is 69.3 per 100,000.

- Indices (d), (e) and (f) were calculated by reference to the situation at January 1983.

FEDERAL REPUBLIC OF GERMANY: The figures correspond to the situation at 31.7.1983

- The percentage of foreigners is known only for sentenced prisoners (9.4%).

ITALY: Proportion under 18: 2.2%.

NETHERLANDS: Proportion under 23: 22.7%.

PORTUGAL: The proportion of foreigners corresponds to the situation at 31.12.1982.

SWITZERLAND: Indices (a), (b) and (c) are estimates.

- Indices (d), (e) and (f) were calculated on the basis of the population of sentenced prisoners.

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

UNITED KINGDOM: The statistics concern England and Wales. Indices (d) and (e) concern the total prison population except for «prisoners convicted in civil proceedings» (numbering 280).

NOTES TO TABLE 2

BELGIUM: figures available: 31.12.1982 - 5,343 : 1.9.1983: 6,525.

FEDERAL REPUBLIC OF GERMANY: figures available: - 31.3.1982: 63,431; 31.7.1983: 61,778.

PORTUGAL: Figures available: 31.12.1982: 5,188; 1.9.1983: 6,093.

NOTES TO 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 31.12.1982.

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 31.3.1982 (102.8 per 100,000 and 63,431).

- The average detention period indicator was calculated on the basis of the prison population at 31.3.1982.

GREECE: Number of committals in 1981: 4,791.

PORTUGAL: The committal rate for 1982 was calculated on the basis of the detention rate and the prison population at 31.12.1982 (53.0 per 100,000 and 5,188).

- The average detention period indicator was calculated on the basis of the prison population at 31.12.1982.

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 preventive detention 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.

Pierre Tournier

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

Text and explanatory memorandum of the Royal Decree of 31.5.83 on the admission of foreign lawyers.

Lawyers who are not established in one of the member States of the European Communities may be admitted by means of special authorisation issued by the Minister, on the advice of the Public Prosecutor and the President of the Bar Council of the region where the place of business is situated.

Denmark

Udlaændingeloven (Foreigners Act) law nr. 226 of 8 June 1983 put into force October, 1 1983

Expulsion used to be an administrative decision, which was made after the sentence. According to the Foreigners Act of June 8, 1983 this decision has to be made by the court at the time of sentence.

France

Act No. 83-466 of 10 June 1983 (published in the «Journal Officiel» of 11 June) repealing and amending the Act of 2 February 1981 (the «Sécurité et liberté Act») and supplementing certain provisions of the Criminal Code and Code of Criminal Procedure, which entered into force on 27 June 1983, includes provisions relating to the execution of sentences. It amends in particular Article 722 of the Code of Criminal Procedure, which has its original wording restored by conferring exclusive authority on the judge responsible for execution of sentences to rule on measures altering conditions of execution

or the duration of immediate prison sentences: work outside prison, semi-custodial régime, reduction and splitting up of the sentence, conditional release of prisoners sentenced to terms of imprisonment of up to 3 years, leave permits. It should be noted that the Act of 2 February 1981 provided that the Board responsible for the execution of sentences had authority to rule on these measures where the person concerned had been convicted of one of the offences specified in this enactment or where the court had laid down a period during which such measures could not be ordered («période de sûreté»).

Admittedly, the Board responsible for the execution of sentences retains its advisory competence and is obliged to express an opinion on all these measures before a decision is taken by the judge responsible for execution of sentences.

Moreover, the Act of 10 June 1983 has created two new sentences:

- suspension of sentence accompanied by an obligation to perform community work. The judge responsible for execution of sentences will be competent to decide the arrangements for the performance of this obligation;
- a day fine, which it will be possible to impose as the principal sentence.

The provisions relating to these new sentences will enter into force before 1 January 1984, on a date to be determined by a decree of the «Conseil d'Etat».

A Bill relating to the individualisation and execution of sentences and the review of convictions has been laid before Parliament.

It envisages, inter alia, bringing the execution of sentences under the control of the courts and proposes, for this purpose, the setting-up of a court responsible for the execution of sentences in each Regional Court and an Appeal Chamber responsible for the execution of sentences in each Court of Appeal.

This Bill is also aimed at amending most of the provisions of the Code of Criminal Procedure relating to non-custodial sentences and it alters the conditions and arrangements relating to the passing and execution of such sentences.

Finally it contains provisions relating to judicial rehabilitation and sentence review procedures.

Decree No 83-48 dated 26 January 1983, which came into force on 28 January and amends the Code of Criminal Procedure (Part III, Decrees) aims at reducing the restrictions of prison life in so far as they are not a direct and inevitable consequence of deprivation of liberty.

The provisions of this text concern firstly the maintenance of the prisoners' links with the outside world and secondly the improvement of their everyday life. Improved communication with the outside world will be guaranteed by:

- simpler formalities for issuing visit permits;

- more general use of visiting rooms without partitions;
- the right of prisoners to correspond with any person of their choice;
- greater access for prisoners to the use of a telephone.

Provisions relating to everyday prison life concern in particular dress (prisoners will be able to wear their own clothes), the right to arrange the cell, socio-cultural and sporting activities, which will be developed, the amendment of disciplinary penalties and health.

As regards health problems, the decree has already set in motion the necessary co-ordination between prison medical services and public health authorities by making the General Inspectorate of Social Affairs competent to inspect prison medical and nursing services. This effort at co-ordination will be followed up by the decentralisation of these powers of inspection and the integration of prison hospitals into the public hospital sector.

Decree No 83-459 of 8 June 1983 setting up a National Council and relating to Crime Prevention Councils in the «départements» and the municipalities, establishes Prevention Councils both at national and local level composed of representatives from the ministerial departments or administrative authorities concerned, elected representatives, representatives from the judicial authority, trade unions and associations and bodies concerned with crime prevention. The function of these Councils is to follow the pattern of crime, become acquainted with its various forms and propose measures likely to prevent crime to the public authorities. They enable all public or private bodies concerned to become involved in crime prevention and social reintegration and in this way encourage the entire community to take responsibility for these problems.

Ireland

Criminal Justice (Community Service) Act, 1983

The Act provides for community service as an alternative to imprisonment.

Detention of Offenders (Loughan House) (Amendment) Regulations, 1983

The regulations provide for the opening of Loughan House as an open centre for persons of not less than 18 years of age and, where accommodation is insufficient, for two or more offenders to occupy a room.

Rules for the Government of Prisons, 1983

These rules provide that, where accommodation in a prison is insufficient, a direction may be given that two or more prisoners occupy a cell.

Netherlands

Regulation of 16 May 1983 requiring all directors of penitentiary institutions to draw up, once a year, after consulting the inmates, an exhaustive list of articles to be sold in the canteen.

Regulation of 16 May 1983 concerning payments made by inmates inside and outside the prison with the money in their accounts, which are controlled by the administration.

New Rule of 24 May 1983, which mainly concerns an exhaustive list of objects which inmates are forbidden to keep in their cells or in other parts of the prison, and objects which they may be allowed to keep in special circumstances only.

Regulation of 24 May 1983, allowing prisoners in seven long-stay prisons to have their own television sets in their cells. In other prisons this is allowed only in special circumstances.

Norway

The following changes of the Prison Act of 12 December 1958 no. 7 have been proposed:

- paragraph 3: («Direct supervision of female inmates shall be carried out by women») is to be repealed.
- paragraph 12: a new second sentence is to be added. Paragraph 12 will thus read as follows: «When it is found appropriate because of his health, mental state, capacity for work, adaptability, or other special reasons, a person serving a prison sentence may be transferred to a security institution, nursing or health institution, or other institution offering treatment for the remainder of his term of punishment. In special cases it may be decided that serving of the sentence shall start in an institution offering treatment as mentioned in the first sentence».

Spain

Implementing Act 8 of 25 June 1983, concerning the urgently needed partial reform of the Code of Criminal Law (in particular the new version of Section 100)

The reform entails much shorter sentences, notably in the case of offences against property, the review of a very large number of sentences and, in certain cases, the release of convicted persons.

Section 100 has been amended to allow persons detained on remand to do community service instead of staying in prison (previously this was available only to convicted persons). Furthermore, community service orders must now

be approved by a court (by the judge responsible for supervising the execution of sentences), whereas previously an administrative body, the «Our Lady of Grace Association», was responsible.

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

The new provisions on detention on remand are more stringent; in particular, those concerning the duration of detention on remand will result in the release of several thousand detainees.

Royal Decree 1415 of 3 March 1983 on the amendment of Decree 1530 of 12 June 1968, ratifying the Ministry of Justice regulations governing the Social Welfare Board.

The «Our Lady of Grace Association» has been replaced by the Social Welfare Board, whose function, pursuant to Section 74 of the Prisons Act of 26 September, is to provide the welfare assistance needed by inmates, prisoners released on parole or permanently and their parents.

Planned partial reform of the Prison Regulations, approved by Royal Decree 1201 of 8 May 1981

Draft regulations of the School of Prison Studies, replacing the existing regulations, which date from 1945 (Ministerial Order of 14 June)

Draft Bill establishing the Social Welfare Authority

Sweden

On 1 July 1983 a series of new provisions in the Penal Code and certain other legal instruments entered into force. The chief effects of these changes are as follows.

The Penal Code has been amended so that conditional release from a sentence of imprisonment is to be granted after half of the sentence has been served providing that the sentence is not longer than 2 years nor less than 3 months. For those with sentences which are longer than 2 years, the same general principles apply as obtained before 1 July 1983. This means that conditional release for those sentenced for serious offences causing or intended to cause danger to the lives or health of other persons is subject to an assessment of risk of recidivism into similar criminality. If an evident risk of such recidivism exists then conditional release may not be granted before two-thirds of the sentence has been served. In other cases, the half-time rule applies.

The provisions on the supervision of conditionally released persons in the Penal Code have also been changed. A stricter assessment is to be made in each individual case as to whether supervision is necessary after release. The individual's need of help, support and control in order to counteract relapse into crime must be carefully weighed before supervision is ordered.

The supervision of persons who have been placed on probation or conditionally released is to be made more intensive inter alia by limiting supervision to one year and making concentrated efforts during that time. An extension

of this period can only be made if the offender misbehaves during the supervision period. Supervision after a sentence to probation will, with certain exceptions under the control of the court, begin immediately after sentence. There is a similar possibility for immediate enforcement after a sentence to imprisonment (maximum 3 months) in combination with a sentence to probation.

Managerial responsibility for probation and parole work has been transferred from the supervision boards to chief probation officers, regional directors and the central prison and probation administration. The supervision boards, which by January 1984 will have been reduced to about half the present number, will retain powers of decision in certain questions of legal nature and have some responsibility for the oversight of prisons.

Further legislative changes concerning imprisonment for unpaid fines also entered into force on 1 July 1983. Both the Penal Code and the legislation on the enforcement of fines have been altered. The new provisions mean that the commutation of a fine to imprisonment may only occur in special cases where it is plain that the offender has wilfully withheld payment of the fine or where commutation is otherwise especially called for in the public interest. The court may no longer use a fixed scale for commuting an unpaid fine into imprisonment, a scale in which the unpaid sum stood in direct relation to time in prison. Instead the court will determine the period in prison having regard to all the circumstances in the individual case. Imprisonment may be ordered for a minimum of 14 days and a maximum of 3 months.

BIBLIOGRAPHY

Titles of recently published books on specific aspects of penology which might be of use to all those concerned with prison affairs will be given in this section. In certain cases the titles are followed by a brief summary.

Belgium

Rapport quinquennal 1975-1980 de l'Administration des établissements pénitentiaires.

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

Austria

Dr. Herbert KOCHAN
Director General
of the Prison Administration
Ministry of Justice
Museumstrasse, 7
1016 VIENNA

Dr. Helmut GONSA
Director
of the Prison Administration
(responsible at international level)
Ministry of Justice
Museumstrasse, 7
1016 VIENNA

Belgium

M. Julien de RIDDER
Directeur Général
de l'Administration Pénitentiaire
Ministère de la Justice
Avenue de la Toison d'Or, 55
1060 BRUXELLES

Cyprus

Mr. Costas CHRISTOU
Director
of the Prison Department
NICOSIA

Denmark

Mr. F. HELLBORN
Direktor for Kriminalforsorgen
Justitsministeriet
Klareboderne, 1
1115 COPENHAGEN K

France

Mme Myriam EZRATTY-BADER
Directeur
de l'Administration Pénitentiaire
Ministère de la Justice
13, Place Vendôme
75042 PARIS CEDEX 01

Federal Republic of Germany

Dr. Klaus MEYER
Ministerialrat
Bundesministerium der Justiz
Heinemannstrasse, 6
Postfach 200650
5300 BONN 2

Greece

Mme Maria MITSOPOULOU
Directeur
de l'Administration des Affaires
Pénales et Pénitentiaires
Ministère de la Justice
Section des Relations Internationales
2 Rue Zinonos
ATHENES

Iceland

Mr. Jon THORS
Head of the Division of Corrections
Ministry of Justice
101 REYKJAVIK

Ireland

Mr. Bryan O'BRIEN
Head of Prisons
Department of Justice
72-76 St Stephen's Green
DUBLIN 2

Italy

M. Nicolo AMATO
Direttore Generale
per gli Istituti di
Prevenzione e Pena
Ministero di Grazia e Giustizia
Ufficio X
Via Giulia, 131
ROME

Luxembourg

M. Jean-Pierre KLOPP
Avocat Général
Délégué du Procureur Général d'Etat
pour la Direction Générale
des Etablissements Pénitentiaires
et Maisons d'Education
Parquet Général
Côte d'Eich, 12
LUXEMBOURG

Malta

Mr. Ronald C. THEUMA
Director of Prisons
Prisons Department
Valletta Road,
PAOLA

The Netherlands

Mr. Hans J.J. TULKENS
Head of the Prison Administration
Ministry of Justice
Schedeldoekshaven, 100
2500 EH THE HAGUE

Norway

Mr. Georg Fredrik RIEBER-MOHN
General Director
of the Prison System
Ministry of Justice
Akersgatan, 42
Postboks 8005
Dep.-OSLO 1

Portugal

M. G.Q.A. CASTELO BRANCO
Directeur General
de l'Administration Pénitentiaire
Ministerio da Justica
Travessa da Cruz do Torel n° 1
1198 LISBONNE CODEX

Spain

M.
Directeur Général
des Institutions Pénitentiaires
Direction Générale
des Institutions Pénitentiaires
Ministerio de Justicia
San Bernardo, 45
MADRID 8

Sweden

Mr. Bo MARTINSSON
Director General
National Prison
and Probation Administration
Kriminalvärdssstyrelsen
601 80 NORRKÖPING

Switzerland

M. Andres BAECHTOLD
Chef de la Section
Exécution des Peines et Mesures
Division de la Justice
Département Fédéral de Justice et Police
Service du Conseil de l'Europe
3003 BERNE

Turkey

M. Ibrahim HAKKI AKIN
Directeur Général
des Etablissements Pénitentiaires
Ministère de la Justice
Adalet Bakanligi
Bakanliklar
ANKARA

United Kingdom

Mr. Christopher J. TRAIN
Director General
of the Prison Service
Home Office
50, Queen Anne's Gate
LONDON SW1 9AT

