



# Penological Information Bulletin



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# PENOLOGICAL INFORMATION BULLETIN

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Published yearly in French and English, by the Council of Europe

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As a consequence of our heavy work load this  
Bulletin is late.  
We apologise for the delay.

## FOREWORD

*The Council of penology co-operation, in the framework of the European committee on crime problems, presents the Penological Information Bulletin No. 17.*

*This bulletin is induced to cover wider subjects. In the future, all the headings – general order contributions, statistics, information on law, bills and regulations, bibliography, news in brief – will cover the penology fields in its entirety.*

*Thereby, this publication will henceforth have the title "Penological Information Bulletin" and a yearly publication.*

# The maintenance of security and control in prisons, including links with society

## Introduction

1. At first glance, the title may appear surprising, if not confusing. After all, the maintenance of security and control must surely be to a greater or lesser extent in opposition to the notion of increasing contact between prisons and society? What I hope to explain is this need not necessarily be so; and indeed that, paradoxically, increasing the amount of contact between prisoners and staff and the wider community to which they belong, or ought to belong, can actually improve security and control. In seeking to do this, I shall inevitably draw on recent experience in the English prison system as well as on some of the thinking and experience in the United States of America over the last 10 years or so.

## The nature of institutions

2. It is in the nature of institutions in general and of prisons in particular that they tend to be insular and inward looking, preoccupied with their own internal dynamics and concerns, narrowing the range of human experience and interaction and requiring those who live and work in them as well as those who come into contact with them to play out narrow and restricted roles: inmate, staff member, visitor, member of the public, headquarters official. This is exemplified for us not only in our day to day work as prison administrators and managers who is graphically displayed in some of the writings of those who have been subject to institutional treatment in hospital, in prison or elsewhere. It was put very well for me by a prison chaplain who wrote as follows:

"During 1984 I had to go into hospital for a few days. It was a salutary experience; although I was a volunteer it put me in a similar position to that of the parishioners of the Prison Service Chaplaincy. On arrival at the hospital I reported to the reception desk; I was given a number and told to sit "over there". "Over there" was an anonymous group of people. Numbers were being called and as each number was called the person to whom it referred went forward to a counter; the purpose of this was to check information already given, even to repeat some of it. The jokes of a friendly porter who passed the area were frequently received with frozen smiles, if not glares, of the apprehensive. I was allocated to a ward and conducted there with a small group of other men. A friendly ward sister introduced herself to us; she conducted me to my bed, told me to undress, get a bath, pack my clothes to send home. She told me that I could not leave the ward, there was no smoking and I was not to eat after 6 pm in the evening. I was told that I could introduce myself to my fellow

patients but must listen out for the calling of my name. I did as I was told and got into the uniform of all hospital patients, pyjamas and dressing gown. As I packed my clothes I realised how dependent I was becoming. I realised that control was passing from me to "them", a feeling later reinforced for the period of absolute helplessness immediately before and immediately after my operation. I pulled the curtains back and there was a group of my fellow patients. They gave me information, such as where to go for a smoke, that it was a good ward but to watch out for the senior sister, that there was a porter who would take bets, that there was a day room with a television and what the programmes were to be for that day. I suddenly realised that with their advent institutionalisation was complete. I was part of the equivalent of the prisoner sub-culture, one of "us" of the "them and us". All institutions have some of the elements I have described. A prison has them all. It is a total institution which takes away from its inhabitants committed to it the ordering of their daily lives."

3. As prison directors, I suggest we do well constantly to remind ourselves of these powerful and negative forces which damage and depersonalise our inmates and our staff alike – what Goffman in his book "Asylums", still so relevant and striking in the 1990s as it was when it was written in the 1960s, refers to as the "encompassing tendencies" of total institutions. The boredom of everyday prison life, the absence of choice and of the freedom to seek privacy, these are the key elements which go to make up what has been so powerfully summed up as "the pains of imprisonment".

4. The very nature of imprisonment implies of course the notion of banishment, of separation and rejection of the offender by society, of a form of internal exile. The forbidding appearance of many of our prisons with their high walls, watch towers, heavy gates and grim setting give symbolic value to that process, with the result that society knows little of what goes on behind the walls – and what little it does know is about what goes wrong. Prison systems do not do enough to look and reach outwards rather than inwards. Thus there is a mutual "stand off": with society keeping at arm's length from knowledge about or involvement in the prison system and the prisons keeping the doors firmly shut on the outside world, ostensibly in the name of security and control.

## A physical approach to security and control

5. Historically, security and control were maintained through the concept of isolation: the prisoner

locked away in his cell is in a triple security envelope – the cell itself, the main prison building and the perimeter wall – a combination which presents a formidable barrier to escape; isolated from his fellows and from close contact with staff, he presented also little threat to control. With time for reflection and repentance through the “separate system” as it was known in the United States, the hope was that he would be reformed. Thus, security, control and reform were interlocked (literally and metaphorically) and worked together in a mutually consistent and reinforcing way. Staff understood that; objectives were clear; everyone knew their place in the order of things. Generally speaking the system ran smoothly and silently on well oiled wheels of compliance within a rigidly hierarchical and authoritarian system, a system which of course applied as strictly to the staff as it did to the prisoners – no smiling, no talking, in effect no personal contact or rapport. Furthermore, as has often been said, it was in many cases the staff rather than the inmates who were the real prisoners, sentenced to serve imprisonment for the whole of their working lives, spending long hours inside the walls, living in prison houses and drinking in prison officers’ clubs isolated socially, physically and often geographically from the wider community.

6. The gradual introduction of communal life in prison, initially through allowing prisoners to work together in a workshop rather than alone in their cell, albeit initially in strict silence, potentially weakened security and control as exercised through entirely physical means. As the range of initiatives steadily increased – exercise, recreation, education, physical education, training courses, visits – first “closed” then increasingly “open” – and their length and accessibility developed in parallel, so staff surveillance replaced physical barriers as the key instrument of security and control. Prison officers were there to supervise; and supervision meant observation and strict discipline. The relationship with prisoners was distant, formal and cool. But security and control remained in harmony, exercised through staff who knew what they were there to do and were clear about their authority, their role and their performance. Contact with the outside world was limited to short, infrequent and strictly controlled visits and carefully censored letters, with the chaplain reading extracts from the newspapers from the pulpit at the Sunday church service.

#### **The development of tension between security, control and treatment**

7. It was with the introduction of the concept of rehabilitation, steadily developed into the medical model of treatment in the 1950s and the 1960s, that the tension between security, control and activity began to emerge, and this for a number of reasons. In the first place, interaction between prisoners themselves and between prisoners and staff started to develop and to be encouraged. So prison officers began to know and to treat prisoners as

individuals and to get closer to them, to learn of their circumstances, their problems, their hopes and their fears – and, of course, vice versa. Stereotypes started to break down and labels to be removed. Whilst there was much that was healthy, positive and commendable about this trend as roles broadened and relationships started to flourish there was also a lot that was threatening, frightening and capable of abuse. It required a maturity and professionalism which not every prison officer had to be playing table tennis with a prisoner one day and placing him on a disciplinary charge the next. Secondly, prison officers ceased to be the sole staff group as teachers, instructors, social workers and other “specialists” increasingly came to work in prisons either full or part time, some employed by the prison authorities, some on contract from their employing organisation. Suspicion, rivalry, and struggles for power became all too frequent as the prison system resisted the influence and intrusion of the outside world and the notion of working collaboratively with outside agencies, statutory and voluntary. And thirdly, prisoners themselves began to move from a passive, subservient and compliant role to one of wanting to have a say in the way in which they were treated, initially on an individual basis and then collectively. At its best, this development has been harnessed in a positive way through the introduction of individual discussions with prisoners about their time in prison and their plans for the future (sentence planning is the current English term). In some prisons consultative machinery with prisoner councils and committees has been developed as well as grievance and appeal procedures, sometimes with an external element through a local watchdog group or an ombudsman or equivalent. Litigation has also been a growing feature in some countries. At its worst, prisoners have let their views be known forcefully and aggressively through collective or individual action: hunger strikes, dirty protests, hostage taking at the individual level, demonstrations, passive or active at the collective level and ultimately full scale riots and/or escapes.

8. What I have tried to sketch out so far is that as regimes have grown and prisoners have been allowed to group together and to have access to wide areas of the prison, traditional essentially repressive and restrictive measures of exercising security and control have broken down. On the staff side clarity of task and role have become confused, particularly for prison officers, as they have been encouraged and required to become involved with prisoners and their treatment and to develop relationships with them individually and collectively. Often the quality of management and of training has not kept pace with this development, and as a result they have become frustrated, disillusioned and resentful. Alongside this has grown the number of range of civilian and specialist staff, working all too often separately from and to some extent even in opposition to the prison officers thus increasing tension even further, leading to polarisation of attitudes and alienation. From the prisoners’ perspective, increasing opportunities for contact with

one another and access to a growing range of activities has led to the emergence of a strong and increasingly sophisticated prisoner sub-culture; raised expectations about their position in the hierarchy; and has led to demands for a bigger voice both internally and externally. This combination of factors has put security and control increasingly at risk, destabilising the prison system and leading on occasions – as in England at present – to a loss of ministerial and public confidence, bringing with it the risk of further internal and external polarisation and alienation: staff and prisoners drawing further apart, and the gulf between prisoner and society widening rather than narrowing.

### **The balance between physical measures of security and control, procedures and intelligence**

9. Faced with this rather sombre and disturbing picture, the challenge to prison directors is how to halt, and reverse this trend. A powerful temptation is to try to put the clock back and to resort exclusively or predominantly to mechanistic means of security and control which isolate prisoners from each other, staff from prisoners, and both from the outside world. New technology pushes us seductively and inexorably in that direction: electronic cell locking systems which can be operated remotely and remove the personal contact between staff and prisoner; closed circuit television and perimeter alarm systems which make the prison even more forbidding to the outside world and tie up large numbers of staff in control rooms and away from personal contact with prisoners: X-ray machines and portals which change the atmosphere in visits areas and distance people from each other as they do in airports; restrictions on correspondence and on the use of telephones. We need, of course, to take advantage of modern technology and use it to our benefit (computers are a case in point) but we must make it our servant not our master and watch its distancing and depersonalising effects. Other physical measures can also be used positively to bring individuals and groups closer together. I think particularly of the drive towards smaller units and of the emphasis on small manageable and autonomous groups whether in wings or in workshops, recreation areas and on exercise yards and sportsfields.

10. But if physical measures are the most obvious as well as the traditional means of security and control, they are by no means the only or even the predominant means. Two other aspects are equally important. First there is the question of processes and procedures. So far as security is concerned, one thinks immediately of things like control of prisoner movement, searching, the examination of mail and the monitoring of telephone calls; in relation to control, measures like transfer, segregation and disciplinary procedures come to mind, as well as less formal systems of incentives and sanctions. And this leads naturally to the third level: that of human interaction and relationships. For in relation to procedures, what matters just as much as what is done

is how it is done. A search carried out aggressively and insensitively with scant regard to the prisoner's dignity and respect for him and his possessions will not only create resentment and tension and serve to undermine control; it will almost certainly be done perfunctorily and to a poor standard and so fail fully to achieve its security objective. More graphically, more than one serious prison disturbance has been sparked off by anxieties about the removal of one or more prisoners to the segregation unit and their alleged maltreatment there.

11. Relationships and interaction between staff and prisoners are also crucial to achieve good quality and timely security intelligence. A good prison security department will concentrate on the prevention of escapes and incidents as its primary objective. It will be proactive rather than reactive. And it will see its role as a service one: to support and assist line management in the residential areas and in the activity areas to avoid security and control problems. It will achieve this by developing good information flows, by building networks and contacts with staff and with prisoners, but also with the outside world, with the police, with other security agencies, sometimes with prisoners' relatives and friends and with ex-prisoners. Thus, security and control procedures and processes replace physical measures as the primary means of maintaining and enhancing security and control because they are proactive and preventive rather than reactive and repressive. This is not to deny the importance or the necessity of physical measures, which will remain essential, but essentially as a measure of last resort and always kept in balance and in perspective with the sensitive, fair and humane application of good procedures backed by a system of sound information and communications based on good relationships between and within staff and prisoner groups. Good security and control will therefore depend on maintaining a delicate balance between physical measures, procedures and intelligence.

### **Security, control and justice**

12. But security and control are only one side of the coin. The statement of purpose of the English prison service puts it this way:

"Her Majesty's prison service serves the public by keeping in custody those committed by the courts".

The primary task of security – "keeping in custody" – is thus firmly established, and what happens when a serious escape occurs in terms of public outcry and ministerial pressure reminds us forcibly of that, as in England recently when three Irish terrorist suspects on remand in Brixton prison in London escaped, leading to instant and repeated calls for the Minister's resignation and prompting an immediate and urgent enquiry by the Chief Inspector of Prisons; or earlier in 1967 when the spy Blake escaped from Wormwood Scrubs and Lord Mountbatten was

called in to carry out a comprehensive enquiry into prison security.

13. But the English statement of purpose goes on to say:

"Our duty is to look after them with humanity and to help them lead law abiding lives in custody and after release."

The concept of control is picked up in the phrase "law abiding [and useful] lives in custody"; and it is instructive to note that this is linked to preparation for and after release. Thus this link between internal social order and external social order is established. What happens inside influences and is influenced by what happens outside.

14. In the age of television this influence can be all the more immediate and dramatic. It was no coincidence that a riot in London in the spring of 1990 over a new form of local taxation was followed the next day by the worst riot in English prison history. This riot in turn sparked off major disturbances in a number of other penal institutions and less serious trouble in a good many more. Twenty-five prisons in all were affected.

15. As with escapes, serious breakdown in control, visible for all to see, shatters public confidence and destroys staff morale. The Home Secretary (the Minister responsible for prisons) asked an eminent judge (Lord Justice Woolf) to carry out a wide ranging enquiry into these disturbances. His report, running to some 600 pages, was produced within 10 months and is likely to go down as a major landmark in English penal history. The government published its response and plans for taking the report's recommendations.

16. Lord Justice Woolf attributed the riots and disturbances to an imbalance between security, control and justice – if you like, though he did not put it quite that way, in a failure by the English prison service to adhere to and carry out its statement of purpose. The crux of his argument is set out in paragraphs 1.148 to 1.156 and, if you will bear with me, I would like to quote the opening and closing ones.

**Para. 1.148**

"It is possible, however, to identify one principal thread which links these causes and complaints and which draws together all our proposals and recommendations. It is that the prison service must set security, control and justice in prisons at the right level and it must provide the right balance between them. The stability of the prison system depends on the prison service doing so."

**Para. 1.153**

Security, control and justice will not be set at the right level, and will not be held in balance, unless there are changes in the way the prison service structures its relations, both between management and staff, and between staff and prisoners.

There is a fundamental lack of respect and failure to give and require responsibility at all levels in the prison system. These shortcomings must be tackled if the prison service is to maintain a stable system."

17. For Woolf, the concept of justice embraces the notions of care and humanity. Prisoners have the right to be treated with dignity and respect; to have a say in the way in which they are treated; and to preserve to the greatest extent possible their links with family, friends and the outside world. In return they have responsibilities, which Woolf suggests should be expressed in the form of a contract between the prisoner and the prison authorities, with obligations on both sides. If justice is lacking, resentment builds up ultimately to the point of explosion and security and control are put at risk.

18. The implications of Lord Justice Woolf's thesis are fundamental and far reaching, for they require a change in the internal relationships within the prison community (between management and staff, staff and staff and staff and prisoners) and in the external relationships between the prison and the wider community. The traditional strictly hierarchical structures and relationships (paramilitary is the term often used in the literature on prison organisation) are called into question. Prisoners and staff can never be equals in what remains an authority and fundamentally coercive system; but relationships can and must be based on mutual trust and respect if justice is to be preserved and order maintained. In this way, prisoners and staff are entitled to a stake in the establishment and maintenance of the regime and so to accept some ownership and responsibility for what goes on. To run a prison in this way is, needless to say, a formidable managerial challenge requiring considerable qualities of leadership at all levels of management. To involve prisoners without alienating staff is a delicate and difficult task. But Woolf argues that there is no choice if security, control and justice are to be kept in balance – and those of us who have worked particularly in long-term prisons know this in our hearts and from our experience to be true.

19. He also goes further in calling not only for a recording of internal relationships but of relationships with society as well. Just as prisoners and staff must become stakeholders in the prison, so must the outside community. For a prison that is shut off from the outside world will become closed in on itself, unhealthy and damaging for staff and prisoners alike. Justice, care, humanity cannot flourish in this stale and fetid environment. In calling for closer links between prison and the outside world Woolf makes three specific proposals: first that much greater priority should be given to keeping prisoners close to home, coupled with longer and more frequent visits, more home leave and access to the telephone – he argues for the development of what he calls "community prisons"; secondly, and flowing from this concept, that the community should be more involved

in the prison, working alongside the staff in partnership. This partnership would embrace both professional and voluntary bodies, and indeed prisoners' families and friends. Education and social work services are already provided in England in this way, "buying in" the service from the outside agency; and health care is moving in the same direction. In developing genuinely open and shared relationships of this kind, prison staff at all levels and in all departments have some difficult readjustment to do. They have to be willing to share power and to learn to operate in a collaborative and co-operative way. For this they will need training and support – and neither of these things come cheap. But our experience is that with goodwill on both sides a lot can be achieved. One thinks, for example, of the work of a voluntary organisation called The Samaritans in the field of suicide prevention and of the involvement of ethnic minority groups in providing support to minority groups inside. A more recent and potentially powerful development is that of prisoners' wives groups – and the churches have a long tradition of bringing in priests and lay people to preserve and strengthen the bonds between the world within and the world outside. But it is not only a question of the community coming in; it is equally a question of the prison going out. And this is as vital for staff as it is for prisoners. Job exchange schemes with probation and social services give prison officers valuable insights into prisoners' family and social circumstances; increase their sensitivity and awareness, and make them more rounded and professional in their dealings with prisoners. Training that is less isolated and that takes place with other agencies is another valuable tool. Why should relevant staff training courses not be open to other professions? Prisoners can go into the community not only on home leave and temporary release, as we have heard from many delegates, but also to take part in community work, giving something back to society and often making a significant contribution to vulnerable and disadvantaged groups – the elderly, the handicapped – where they are able to give and to receive and to see that other people have personal problems and difficulties as severe as their own. This process of mutual aid serves to close the gap between society and prisons, gives both groups a greater knowledge of each others' situation and through this process greater understanding and sensitivity, helping to enable prisoners prepare for release and to reduce the fear of crime.

### Openness

20. A key characteristic of this approach is that of openness. With two way traffic between prisons and the wider community, the walls of the prison become, as it were, permeable, reducing internal tension and encouraging the process of "normalisation" which has emerged as one of the themes of this conference. Permeable walls which open up the prison in its external relations serve also to open up its internal relations, promoting responsibility and respect

amongst and between prisoner and staff groups, focusing on the dignity and worth of the individual. The Scottish document "Opportunity and responsibility" puts it like this:

"Two consequences result from the view of the prisoner as a responsible person. Firstly, it focuses on the role of prison staff as facilitators in the process of change and personal development. Secondly, it alters the relationship between prisoners on the one hand and staff and specialists on the other, from a situation where the staff and specialists have complete knowledge and authority over prisoners, to one where staff and specialists exercise only such authority and knowledge as are necessary for security and control, but then respond to prisoners, in relation to the aspects of their personal time and sentence, in a facilitating role in which prisoners exercise greater control over their own lives."

### Dynamic security

21. This approach to security and control depending as it does on the quality of interaction and relationships within the prison community rather than on physical and mechanistic measures is embraced in the term "dynamic security".

22. Dynamic security turns on the three related concepts of individualism, relationships and activity. A colleague of mine who is now my boss put it this way in a report when he wrote in 1985 following visits to Canada, the United States and Sweden,

"It was the concentration on the individual staff member and on the individual prisoner which distinguished those better organisations from those which did not appear to be functioning as well. This was the fundamental proposition underlying much of their organisation; it seemed closely related to morale as well as to effectiveness."

23. Linking this quality of internal care to that of contact with society, he went on to say:

"The emphasis on personal relationships was evident ... not only in the internal relationships between staff and prisoners, but also in the relationship between prisoners and the outside world. Again where this was most noticeable, it was notable how this eased tension and reduced stress. It manifested itself most commonly as an ease of communication between all parties: staff, inmates, lawyers, business folk, professionals of all sorts and, of course, personal and family visitors."

24. Thirdly, in relation to the range and scale of purposeful activity, he says:

"I was impressed by the uniformity of assumption that any prisoner left in his cell is a threat to security and control ... On innumerable occa-

sions, it was brought home to me that an idle prisoner is a dangerous prisoner. Apart from the assumption that activity was fundamental in achieving and maintaining control and security, activity was also seen as of value in itself, because it enhances both the life of the prisoners and the work of the staff."

We can see therefore how far removed this concept of dynamic security is from one based on the physical security of the cell and on strict separation of prisoners from staff and from each other with which this talk began.

### **Conclusions**

25. To conclude therefore, the basis of this talk is that good security and control are based on the concepts of openness and individual relationships based on mutual trust and respect. They are founded on the dignity and worth of the individual and of that individual's continuing membership of society even when he or she is within the walls of the prison, whether as prisoner or as prison staff. The key relationship is

that between prisoner and prison officer, whose role is extended to embrace and integrate security, control, care and justice, ideally within a structure of small and largely autonomous units where an officer is given delegated responsibility for a small group of prisoners and where the prisoners themselves are involved and have a say in their day to day quality of life, and are given the opportunity to exercise choice and responsibility. In this way the inevitably coercive and damaging aspects of prison as a total institution can be reduced and prisoners can indeed be helped to lead full and law-abiding lives in custody and on release. Fear is replaced by trust and respect; degradation by dignity and mutual esteem, and inwardness and self-destruction with openness and self-expression.

*Arthur de Frisching  
Area Manager  
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# The sharing of responsibility in the rehabilitation of prisoners – The import model

*Asbjørn Langås describes a classic example of the "import model" of prison education from the European perspective. The government of Norway accepts full responsibility for the educational, health and cultural needs of prisoners, meeting that responsibility through funding the provision of prison services by local authorities adjacent to the prisons. Of particular interest is the effort to develop both cultural programmes and sport/physical training programmes by close liaisons with outside communities.*

The basis of Norwegian criminal policy is liberty, confidence, equality, democracy, and law and order. Security and law and order for the individual are primary social goals; this position includes the protection of personal integrity, for the protection of life and health in our penal system.

There has never been an organised society which has not had to establish a system of rules for human conduct and behaviour, where a breach of the rules has resulted in a premeditated evil from the authorities. In our society, this evil is the loss of liberty, ie incarceration. By this deprivation of liberty, we aim to protect society from serious criminal offences. This primary purpose of constraint is in fact twofold: to secure and fulfil the courts' orders of detaining suspected individuals; and to carry out prison sentences passed down by the courts of law on grounds of criminal conduct.

However, it is also the duty of the prison service to see that the incarceration period is carried out in such a way that the individuals' talents and possibilities of a life in freedom become as good as possible. To reach this goal, the prison services must use all means of help and assistance available, employing them according to the needs of the individual. The treatment of inmates in prisons should underline the fact that the prisoner is still a member of society, and is not to be excluded from it. Therefore, it needs to be emphasised that any person detained or sentenced to imprisonment shall not lose his or her right to receive help, services, and support from society.

All citizens have an equal right to education, work, health-services and culture. This idea governs the implementation of the policy for which the Norwegian Parliament drew up guidelines in the 1970s. In affirming this policy, the central governments have taken on responsibility for groups which, for various reasons, are unable to take part in or receive ordinary activities and services.

## The role of the prison service

Prison inmates are one such group. It is generally difficult for them to get out to make use of the services offered to the public. At the same time they are perhaps in greater need of positive and constructive stimulation than many others. In conjunction with other measures, a positive cultural programme may reduce the damaging effects which isolation in prison can inflict on a human being. In this context the challenge lies in bringing professional and cultural activities into the institutions with subsequent follow-up after release.

In accordance with the Norwegian Prison Act, it is the duty of the prison service "to ensure that the deprivation of liberty is implemented in such a way as to promote (prisoners') ability and chances of socially adapting to a subsequent life of freedom and to ensure that the harmful effects of imprisonment are reduced as far as possible".

By Norwegian standards – and this probably also applies to other countries affiliated to the Council of Europe – there is high correspondence between the general legislation and the Prison Act in terms of the rehabilitation of inmates. But the problems surface when we look at the practical implementation of a binding co-operation between the prison service and the relevant authorities on behalf of the individual inmate. These problems often arise from insufficient information and communication, general attitudes towards offenders, small budget allocations etc.

Characteristic features of the development in this field in the 1970s and the 1980s are due to the fact that the prison service has refrained from developing its own educational system and has instead imported the general school system. The responsibility for both the subject matter and the financing of prison education lies with the school authorities under the local and county governments. An agreement between the Ministry of Church and Education and the local education authorities entered into force in 1989. The agreement states the guidelines and the terms for providing a full subsidy for all expenses in connection with educational programmes. Thus, the import model has successfully been applied to the educational sector. In principle, parliament has given approval for similar arrangements concerning health services, labour market services, and cultural and recreational services.

As educational programmes in prison are considered a national responsibility in financial terms, local governments will have no excuse for not establishing educational programmes in local prisons. The

individual penal institution is responsible for class-room facilities. Due to this financial agreement, the prison service today is able to offer programmes at 26 of our 42 penal establishments, mainly at lower and upper-secondary levels. Additional courses in various subjects are also available and some prisoners are studying at a university level.

In April 1987, the prison health services were integrated into the ordinary health services, which are administered by the local municipalities and counties. This integration follows the intentions of the import model. When the new organisation of prison health services is fully operational, our aim is to develop it further to include measures to promote healthy lifestyles and to prevent disease or injury, including individual and environment-oriented measures.

Additionally, the import model has been the basic philosophy for developing library facilities for inmates. Agreements have been made in co-operation with local public libraries in nine of our largest prisons. The Ministry of Justice has worked closely with the Directorate of Public and School Libraries in this matter.

Agreements have also been made to provide regular local public library services in four prisons. The librarians pay regular visits to the prisons and render the necessary services for provision of books and magazines. All expenses are covered by the Ministry of Culture and Science.

#### **Sport and recreational activities among inmates**

With a view to a more deliberate effort to use physical training as an integral part of rehabilitation, the prison authorities have employed six consultants in sport who are responsible for preparing and implementing activities for inmates. Their tasks include the training of prison officers to coach inmates in physical activities. Under expert guidance from the consultants in sport, prison officers will in the future become greater resources for this work.

The prison officers training school has increased efforts to strengthen the basic education in physical activities for prison officers trainees. The subject has recently been revised in order to give officers the skills needed for coaching physical activities among inmates in our prisons.

Contact with voluntary organisations and sports associations is maintained through regular matches and competitions between prison teams and local teams. Some inmates are granted leave for participating in competitions.

In 1983 the Central Prison Administration launched a project with a physical activity programme for substance abusers in prison. The purpose of the project is to strengthen the inmates physical capacity and to create a basis for an active and positive use of their leisure time both during their stay in prison and after their discharge. Since 1983, the project has

increased its capacity and today approximately 300 inmates a year are offered this training programme.

The training programme consists of four weeks of intensive training both inside and outside the prison. The peak of the programme is a stay for a week outside the institution. This week is used for a variety of sport activities, and in addition there may also be a hike in the mountains for two to three days. After returning to the prison, the training continues for four weeks in co-operation with prison officers. Afterwards, the inmates are offered programmes until they are released.

The efforts to maintain and develop physical activity in our prisons are considered to be important to the rehabilitation of prisoners, and supports the intentions related to Resolution No. 3, which was adopted by the 5th Conference of European Ministers Responsible for Sport in 1986.

#### **A co-operative venture**

In order to establish a binding co-operation for the individual rehabilitation of inmates, the Norwegian Government appointed, in 1977, an interministerial council (Council of Prison and Probation Administration). The Council was commissioned to ensure that inmates were offered the same programmes within the educational, health, labour market, and cultural and recreational sectors as the services offered to other citizens in the country. The work of the Council has, without doubt, been of great importance to the extended co-operation between these sectors and the prison authorities. It has meant positive development in terms of imprisonment as well. As essential reason for this is that the councillors are senior officials in prominent positions in their respective ministries who display a particular interest in the less privileged groups in our society. By virtue of their positions, the councillors are also able to influence authorities at local and county government level within their fields of responsibility and expertise.

Let me end by pointing the importance of recognising the involvement of local communities and volunteers in prison work by quoting from the draft conclusions of the 9th Conference of Directors in Prison Administrations in April 1989 (Council of Europe): "Volunteer and community involvement is an essential element of a modern prison system because only by involving the community can prison treatment prepare prisoners for their return to the community and the community come to accept that prisoners are its responsibility" (II.1). In the draft conclusion, the import model is referred to as one of the means to achieve volunteers involvement and a better community.

*Asbjørn Langås*  
*Ministry of Justice, Norway*

# Present situation in the penological field (prison sentences, community sanctions and measures) in the countries participating in the 10th Conference of Directors of Prison Administrations and the implementation of the European Prison Rules in the member states of the Council of Europe<sup>1</sup>

## Introduction

For a number of years, the directors of prison administrations have felt a keen desire to use these conferences not only for discussions of particular, selected subjects on the basis of drafts prepared by outstanding experts. A considerable part of the time should also be used for presentation and discussion – and maybe even solution – of the day-to-day problems that we all face, and to exchange ideas and experience, and inspire and be inspired by colleagues who are, who have been, or who will find themselves in the same situation. The aim is to enable all of us to develop our prison and probation systems without making more mistakes than strictly necessary, and without spending more resources than actually needed.

Our second round of talks is first and foremost based on the wish of the Council of Europe and the Secretariat to evaluate the implementation of the European prison rules in the member States. We all know that the idea was to make such an evaluation every five years, so at the beginning of 1990 the member States were asked to complete a questionnaire on the implementation of these rules. Owing to lack of resources in the Secretariat combined with the fact that the new version of the European prison rules was not adopted until 1987, and thus may require a little more time in order to be measured in the regular practice of the member States, it was decided not to compile the answers to the questionnaire from 1990. This only makes it all the more necessary to take this occasion to survey the position of the member States.

## Expansion of the activities of the Council of Europe

It goes without saying that the dramatic changes in the political climate in central and eastern Europe have had and will have considerable impact on the activities of the Council of Europe. The number of member States has now gone up to 27, and it is to be expected that three or four additional states will

become members next year and that several others will follow in the next few years.

The increasing number of members has naturally in itself raised a series of practical problems for the Council of Europe. Nevertheless, the Council has had strength to invest in a string of initiatives with the purpose of paving the way for new countries' membership. The impressive Demosthenes project has comprised numerous seminars on European prison rules, prison philosophy, and the management of prisons systems, etc. So far, these seminars have been held in the Soviet Union, Hungary, Poland, Czechoslovakia, Romania, Bulgaria and Estonia and there will be a seminar in Latvia later this year. In the coming years, we shall most likely see similar seminars in an additional number of former Communist countries.

The latest offspring of these efforts was a so-called consultation between Hungarian government officials and Council of Europe experts concerning a proposal for an amendment of the Hungarian Prison Act. This consultation, which was held recently in Budapest, was regarded as an extremely useful step by both parties. As far as is known, this was the first time that Council of Europe experts participated in the law-preparing work of a member country in this manner. However, this is no doubt a sort of practical, down-to-earth assistance which could be taken up with success in another context, too. The courage displayed in inviting people from outside to participate in such a sensitive process at national legislation is, is greatly to the Hungarian authorities' honour.

All these changes and developments call for entirely new methods and means on the part of the Council of Europe if we are to meet the new challenges so that we can live up to the objects of the organisation. We hope that we may expect the Secretary General and the Committee of Ministers to take the necessary measures in respect of the economic aspect of the matter and in respect of the staffing of the Secretariat. The ability of the Council of Europe to adjust itself to the ongoing process of change is of decisive importance for the future possibilities of further development, and, ultimately, for its survival as an influential and important organisation.

1. Held from 25 to 27 May 1992 at the Palais de l'Europe, Strasbourg

At least in the field of criminal policy and the combating of crime. As will be known, the Maastricht Treaty extends the interest sphere of the European Community so as to include criminal policy. So far, Article K 1 of the Maastricht Treaty does not lead to any supranational authority in this particular field, but institutes general international co-operation within the framework of the Community. Nevertheless, this means that in future, the Council of Europe will have to envisage increased competition in this field.

I have said this before – and I am afraid that I shall have to repeat it many times more – that in the light of this, and altogether in the light of the process of change, it is extremely difficult to understand the attitude expressed by the Secretary General and the Committee of Ministers in relation to the frequency of the meetings of the directors of prison administrations. Until recently, these meetings took place every two years. At the Secretary General's suggestion and with the consent of the Committee of Ministers these meetings now only take place every three years, however. This change has come to pass in defiance of the Council for Penological Co-operation's express protest and contrary to the European Committee on Crime Problems (CDPC) recommendation.

Considering that these conferences have so far been the only possibility for the directors of prison administrations to meet in a European forum to discuss the solution of common problems, one might envisage a situation in which other organisations would seem more attractive for the co-operation between the prison administrations. However, there are many reasons why I should find it regrettable if this would result in such a development.

### **General tendencies in the criminal policy in the member States**

Without going into details with the problems shared by the prison administrations of the member States it will probably be possible to deduce certain general trends from the criminal political picture.

First and foremost, it is a general phenomenon in many countries that crime is still on the rise with the result that the prison systems have to house an increasing number of prisoners. At the same time, there seems to be a tendency to impose longer sentences, which in itself creates a higher pressure on the prison capacity. In many countries, this development has had a very negative impact on the prison systems. Overcrowding without the provision of staff or other resources to a corresponding degree is a problem that many prison administrations are familiar with.

The development in the rate of crime also leads to a political demand for more severe sentences and a firmer line with criminal behaviour altogether.

In a number of large and small countries as well, the development has resulted in a considerable expansion of the prison capacity either by way of new buildings or by using existing buildings for prison purposes. At the same time, however, general experience shows that it is impossible to extricate oneself from crime problems by means of new buildings.

So you will at the same time see a search for new community sanctions and a development of those already existing. This development has been described for example in the report "Alternative measures to imprisonment" from 1991 (by Mr Jean-Pierre Robert, France, and Mr William Rentzmann, Denmark). It follows from this report, which is a supplement to a similar report from 1986, that there is general agreement in the European states to limit the use of prison sentences to the widest possible extent. This is the reason why most countries have increased the use of community sanctions either by the extension of already existing sanctions or by the introduction of new ones. Of course there are varying opinions in the member States as to which community sanctions ought to be used. As far as community service orders are concerned, there is, however, general agreement about the qualities of the sanction, which is also reflected by its widespread use in Europe. Most countries also attach much importance to allowing criminals to maintain their connection with the labour market to the widest possible extent and to obtain vocational training; likewise, much weight is attached to providing possibilities for the treatment of alcohol or drug abuse. In accordance with this, much weight is attached to allowing prisoners more exemptions from their term of imprisonment, such as leave of absence, night prisons, day prisons, supervised freedom and the serving of sentences in treatment centres, etc.

Finally, the report underlines that the increased use of community sanctions has not been reflected in any decline in the pressure on the prison capacity. On the contrary, the total prison capacity in Europe has gone up by around 40% from 1971 to 1986, roughly equalling the total increase in the crime rate. As mentioned above, this trend has far from stopped, and many countries work at high pressure with the fitting-up of new prisons.

This trend towards an increased number of community sanctions – while at the same time more and more quarters express the need for more radical sanctions with enhanced elements of control – has resulted in a need for the preparation of certain standard minimum rules corresponding to the European prison rules, but applicable to community based sanctions and measures, however. Such a set of rules is ready for adoption by the CDPC plenary session later this year, which I shall revert to.

The need for a more efficient response to crime has also resulted in stronger focusing on the transition period between prison life and life after the

release from prison, and in considerations regarding the organisational structure and management of prison systems and after-care systems. In the context of the Council of Europe this trend has, among other things, resulted in a change of name during the past year of the Committee for Co-operation in Prison Affairs into the Council for Penological Co-operation, precisely to underline the fact that the activities of the Council cover the entire penal spectrum.

Within the prison systems new standards for treatment have crystallised concurrently with the traditional, individual treatment concept. Interest has concentrated increasingly on the so-called normalisation principle, which can also be seen from numerous articles of the European prison rules. This principle means that each time we lay down prison regimes or make other decisions within the scope of a prison system we shall have to take the conditions outside the prisons as our starting point and only deviate from these conditions if it follows from the legislation or from the very nature of the deprivation of liberty.

Another important principle is the so-called principle of openness which requires the widest possible interaction between the prisoners and their families and friends, and between the prisons as such and their environment. The last treatment target to be mentioned in the so-called responsibility principle which partly imposes upon the prison systems to reduce or remove the traditional hotel functions involved in ordinary day-to-day prison life and partly implies that the prisoners themselves take an active part in their own treatment. It suffices to refer to Article 69 of the European prison rules.

The implementation of these treatment principles may immediately seem to be impeded by the trend that is seen in the prison population. There seems to be a general trend that an ever increasing number of prisoners have drug problems or are physically deviant to various degrees. To this should be added that ever larger numbers of prisoners are foreigners as a result of the growing openness of the international community and, to a certain degree, the professionalisation of the criminal groupings. Even if these conditions no doubt impede the implementation of normalisation, openness and responsibility principles these difficulties should not cause the prison authorities to delay the implementation of these principles in general. On the contrary, it could be said that these principles are all the more important to keep in mind when talking about difficult prisoners who will often be impossible to reach by means of traditional therapeutical treatment principles which have failed to succeed in the ordinary civil treatment systems.

The last trend that I shall focus on – but definitely not the least important one – is the change of the roles and functions of the basis staff.

The importance of strengthening and extending of the role the members of the basis staff was underlined in the Roma Declaration from 1989 after the first joint meeting of the directors of prison administrations in western and eastern Europe. As you will remember, this meeting was held in Messina and in Rome. In the Declaration it was recommended, among other things, to develop managerial arrangements and training programmes to establish and maintain the centrality of the role of prison officers, thereby contributing to the enhancement of their professional identity and status and to consider how the status and public image of prison officers might be enhanced through the introduction of a new title, which more accurately reflects their expanded role.

The European prison rules attach great importance to the role of the prison officers and consequently to staff recruitment and staff training. As has often been mentioned, the staff is the most important asset in any prison system and it is the responsibility of the prison administrations to use the human resources in the staff and create the proper conditions for the performance of the duty together with employment benefits which shall be favourable in view of the exacting nature of the work and salaries which shall be adequate in order to attract and to retain suitable men and women, as laid down in Article 54 of the European prison rules. It follows from another page of the rules that suitable in this sense means staff with the necessary integrity, humanity, personal and professional capacity.

Many prison systems deal with these problems in a very conscious and goal-oriented manner and – closely connected with this – also with the moral and ethical values on which the day-to-day work of the staff should be based. The experience from Canada – which is described at this conference – will serve as a guiding principle to all of us. However, it is also worth mentioning that the organisation of the Nordic prison staff has prepared a set of ethical rules on its own initiative which in an admirable way recommends the members to act in accordance with generally accepted ethical principles in their day-to-day work.

### **Activities of the Penological Council**

It now seems reasonable for a moment to dwell on the effect of these trends of development on the work of the Penological Council and the influence that they ought to have on the activities that the Council is to put to work in the coming year.

Since the last ordinary European meeting of Directors of Prison Administrations in Strasbourg three years ago practically all the efforts of the Council have concentrated on the preparation of the European rules on community sanctions and measures. These rules and the attached explanatory memorandum will be submitted to the CDPC plenary meeting had the opportunity already last year to make itself acquainted with the rules. After the plenary

meeting in 1991 the member States were asked to forward any comments or proposals that they might have to the Council in writing. A few member States have reacted in this manner, and their comments, etc have been taken into consideration in connection with the final work of the Council. If the rules are adopted in the CDPC, which I do hope, and which I ask all those present to work for at national levels, the rules will be submitted to the Committee of Ministers later this summer for final adoption.<sup>1</sup>

As a further consequence of the growing importance of community sanctions and measures in the individual countries, the Penological Council and the CDPC have attached much importance to the preparation of statistical material and statistical models on the application of such sanctions in the member States as a supplement to the well-known prison statistics which are published on a regular basis in the Prison Information Bulletin. The difficult job of preparing such statistical models, etc has been left in the hands of an outstanding expert in this field, Mr Pierre Tournier, France.

With a view to the future activities of the Penological Council, the Council has proposed and the CDPC has approved that we should consider the possibilities of establishing an international instrument concerning the rights of prisoners. This task, however, has become rather complex to a certain extent in that the Steering Committee for Human Rights has requested the Committee of Experts for the Development of Human Rights to prepare a similar, however not quite identical instrument. The Penological Council has – with some difficulty – succeeded in establishing certain co-operation with the Human Rights Committee for the purpose of co-ordinating the work of the two bodies. However, at its coming meeting in November, the Penological Council will have to consider whether there is still a need for an instrument to be prepared by prison experts under the auspices of the Penological Council or whether the Additional Protocol to the Human Rights Convention which is being prepared by human rights experts will be adequate. It has been agreed that Mr Baechthold from Switzerland will participate in the next meeting of the Human Rights Committee and represent the Penological Council there.

The CDPC has also approved the terms of reference for an analysis of the prison staff, recruitment, training and use of staff. At the plenary meeting, the Penological Council will request the CDPC to extend the terms of reference so as to include staff who deals with community sanctions and measures, and ask the CDPC to establish a Select

Committee of Experts on its working plan for the coming year. At the plenary meeting in 1991 the CDPC found this subject of vital importance and worth continuing, but did not give it a sufficiently high priority so that it could be carried into effect already then. If the CDPC should take up the same attitude this year, which we definitely do not hope, the Penological Council will consider other ways of carrying out this task. One possibility would be to carry out the work under the auspices of the Council itself and supplement the Council with experts and representatives of the Staff Unions.

The third task which could be included in the working plan for the Penological Council is the preparation of a Code of Ethics for Prison Doctors. The recent Council of Europe seminar on Prison Health in Tampere, Finland, concluded, among other things that such an instrument was worth having prepared.

As already mentioned, the Penological Council will lay down its future activities at the meeting in November, so it is clear that all the members of the Council present and I myself in particular, in my capacity as Chairman of the Council, would be very grateful for any proposal from the participants concerning new activities as well as any comments on the activities that I have referred to previously.

#### **Co-operation with the European Committee on the Prevention of Torture**

Before concluding this introduction I ought to mention an innovation of a particularly great significance for the European prisons systems – which saw the light after our last ordinary conference. I am referring to the European Committee on the Prevention of Torture, etc (CPT).

Since it began its operations, the committee has visited the majority of the member States, and according to the second general report from the committee it is the aim to accelerate its activities.

The very thorough way in which the CPT has carried through its inspection so far, and the very comprehensive and detailed reports that have been published seem to underline the intentions of the committee not only to evaluate the activities in the prison systems but also to set trends for the future activities within the national prison systems.

This situation calls for a close co-operation between the CPT and the Penological Council. I have noticed that this need was already emphasised in the report prepared by Mr Joinet concerning the European Seminar on the Implementation of the European Convention for the Prevention of Torture, etc in November 1988. Our experience since then has only emphasised the need for co-ordination and co-operation.

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1. Recommendation No. R (92)16 on the European Rules of Community Sanctions and Measures has been adopted by the Committee of Ministers of the Council of Europe on 19 October 1992.

In this connection I can inform you that the Penological Council has decided to invite Professor Cassese, the President of the CPT, to the next meeting in the month of November with a view to being informed of the purpose of the CPT's activities together with the way in which they are carried out and to discuss these activities at a general level. Also in this connection, I should of course appreciate any comments from those participants in this conference who have received a visit from the committee.

### **Conclusion**

The Penological Council which has fixed the agenda of this conference and which has invited the

best rapporteurs we could imagine is convinced that the outcome of this conference will prove that the conferences for the Directors of Prison Administrations are extremely important for our work with the most exposed groups in the individual member countries – a task which ought to be considered to be right in the heart of the activities of the Council of Europe.

*William Rentzmann  
Deputy Director General  
Danish Department of Prisons and Probation*

## NEWS FROM THE MEMBER STATES

# Statistics on prison populations in member States of the Council of Europe (1991 survey)

The following information, drawn from the survey of prison populations carried out under the aegis of the Council for Penological Co-operation, concerns prison populations at 1 September 1991, as well as the flows for 1990<sup>1</sup>.

It is the last survey carried out using the questionnaire drawn up in 1983. At its 41st plenary session (June 1992), the European Committee on Crime Problems (CDPC) enclosed the Council of Europe's draft for Annual Criminal Statistics project (SPACE)<sup>2</sup>.

Note that the new questionnaire, which will be sent out once a year, has two sections:

– the first section concerns prison populations and is broadly similar to the old questionnaire used for the September surveys. Some details have been added to "problem" items, such as criminal category, definition of the "imprisonment" unit of account, etc.;

– the second section covers certain non-custodial sanctions and measures ("applied in the community") pronounced during the year.

### 1. Prison situation at 1 September 1991

On the basis of the raw data collected from administrations, it has been possible to calculate the following indicators (Table 1):

- a. Total prison population;
- b. Detention rate per 100 000: total prison population at the date of the statistics compared with the number of inhabitants at the same date (Figure 1);
- c. Proportion of "unconvicted persons" (%): total number of prisoners who have not received a final sentence compared with the total prison population;

It should be recalled that the "unconvicted prisoners" category is necessarily a heterogeneous one in juridical terms (see the example of Belgium, which gives a detailed breakdown of this category). This fact should not be forgotten when reference is made to this data<sup>3</sup>.

- d. Pre-trial detention rates per 100 000: total number of "unconvicted prisoners" at the date of the statistics compared with the number of inhabitants (Figure 2);

The above remark on the proportion of "unconvicted prisoners" naturally applies to this index as well.

- e. Proportion of women (%);
- f. Proportion of "minors and young adults" (%);
- g. Proportion of foreigners (%).

### Variations in numbers between 1.9.1990 and 1.9.1991:

Out of the 16 populations for which we have data as of 1.9.1990 and 1.9.1991,<sup>4</sup> 9 have experienced an upward trend over the period, with considerable variations in the size of the increase:

Hungary .....	+ 27.2%
Switzerland .....	+ 12.1%
Norway .....	+ 11.1%
Spain .....	+ 11.1%
Austria .....	+ 6.8%
France .....	+ 2.6%
Germany .....	+ 1.8%
United Kingdom <sup>5</sup> .....	+ 1.2%
Finland .....	+ 0.8%

1. The following countries did not respond to the 1991 survey: Cyprus, Denmark, Malta, the Netherlands and Poland.

2. P. TOURNIER, Council of Europe Annual Penal Statistics project (SPACE): analysis of observations presented by the member states (final version), 10th Conference of Prison Administrations and 41st Plenary Session of the European Committee on Crime Problems, Council of Europe, Strasbourg, Ref. PC-R-CP (92) 4, 1992, p. 75.

P. TOURNIER, annual Criminal Statistics of the Council of Europe: PROJECT SPACE.2, 10th Conference of Prison Administrations and 41st Plenary Session of the European Committee on Crime Problems, Council of Europe, Strasbourg, Ref. PC-R-CP (92) 6, 1992, p. 13.

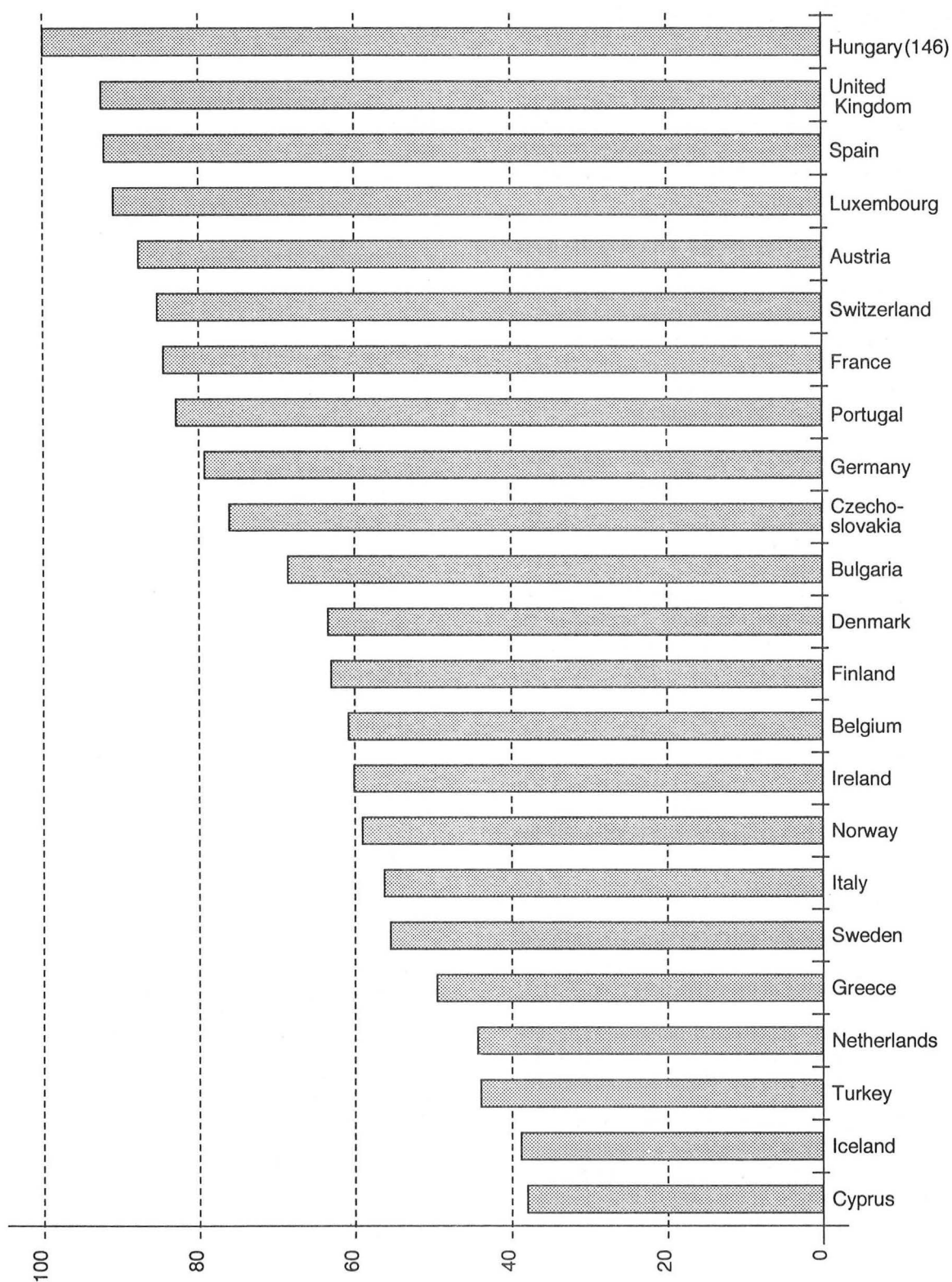
3. See P. TOURNIER and M.-D.BARRE, "Survey of Prison Systems in the member states of the Council of Europe: Comparative Prison Demography", special issue of the Prison Information Bulletin, No. 15, 1990.

4. No data at 1.9.1991: Cyprus, Denmark, Malta, Netherlands, Poland;

No data at 1.9.1990: Bulgaria, Czechoslovakia, Greece, Ireland, Malta, Poland.

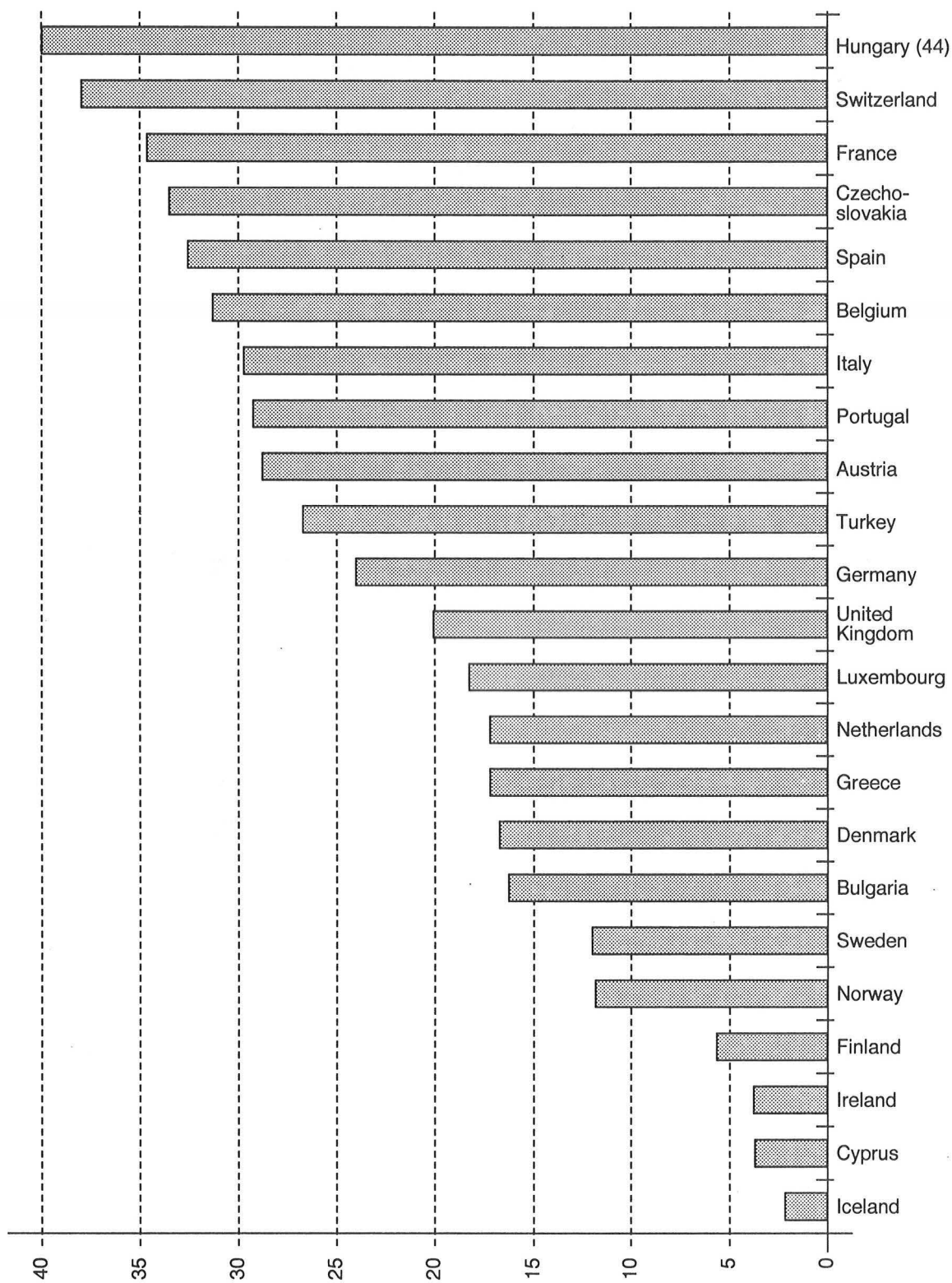
5. England, Wales and Northern Ireland.

Figure 1 - Detention rate at 1.9.1991 (per 100 000)



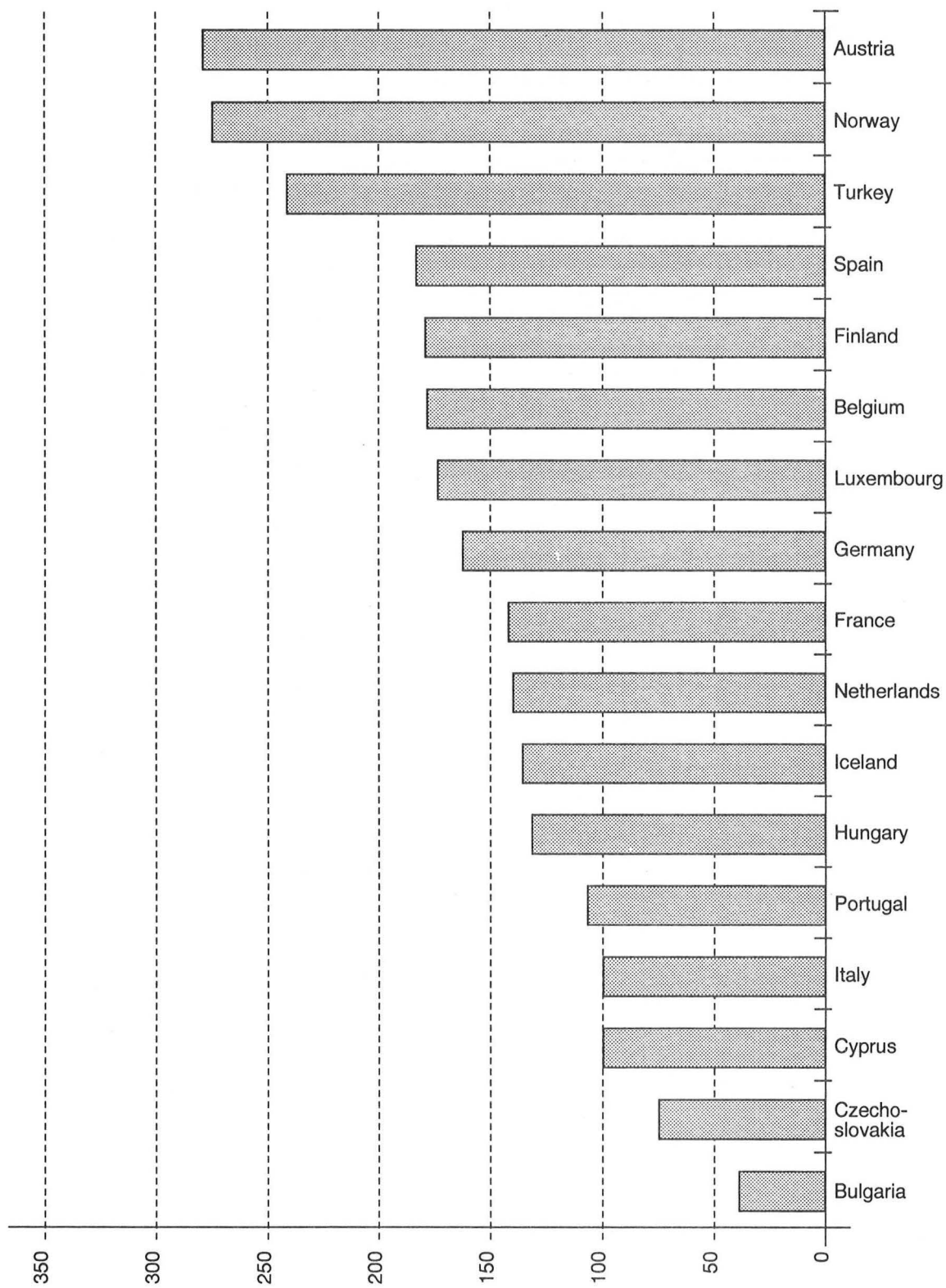
Source : Council of Europe

Figure 2 - Pre-trial detention rate at 1.9.1991 (per 100 000)



Source: Council of Europe

Figure 3 - Committal rate in 1990 (per 100 000)



Source : Council of Europe

On the other hand, 7 states have experienced a decrease in their number of prisoners, with a significant decrease in 4 of them.

Italy .....	- 0.7%
Luxembourg.....	- 1.1%
Iceland .....	- 2.9%
Sweden .....	- 3.4%
Belgium .....	- 7.5%
Portugal .....	- 10.7%
Turkey .....	- 42.7%

Referring to the data collected – at 1 September – since 1983 we can see that:

– **Italy's** detention rate fell from the 1986 figure, reaching its lowest level in 1989 (54 per 100 000 as against 77 in 1985); since then, the rate has been almost constant.

– The decrease observed in **Luxembourg** is of little significance; detention rates lower than that of 1991 have already been observed in the recent past, but that has not reversed an upward trend that goes back at least to 1984 (rate of 90 per 100 000 in 1991 as against 65 in 1984).

– The variations in **Iceland's** prison population are not significant given the small numbers (about 100 prisoners).

– In **Sweden**, the decrease is very recent (55 per 100 000 in 1991 against 58 in 1990). It should be remembered that the rate grew steadily from 1983 (43 per 100 000).

– **Belgium's** detention rate fell for the second consecutive year (60 per 100 000 against 66 in 1990 and 68.5 in 1989). Since 1983, it had fluctuated between 62 and 67 per 100 000.

– After a large increase in the number of prisoners between 1989 and 1990, **Portugal** has returned to a detention rate very near that for the years 1986-1989.

– The detention rate in **Turkey** has fallen steadily since the Council of Europe began producing statistics: 193 per 100 000 in 1984, 102 in 1986, 96 in 1988, 82 in 1990. It is now 44 per 100 000. Such a decrease warrants more detailed examination!

This analysis shows that no country is experiencing a lasting decrease in its prison population (with the exception of Turkey).

We should remember, however, that Germany's detention rate has been decreasing significantly since 1983:

1983: 100
1984: 97
1985: 92
1986: 88
1987: 85
1988: 85
1989: 84
1990: 78
1991: 79

(per 100 000 inhabitants)

## 2. Flow of imprisonments in 1990

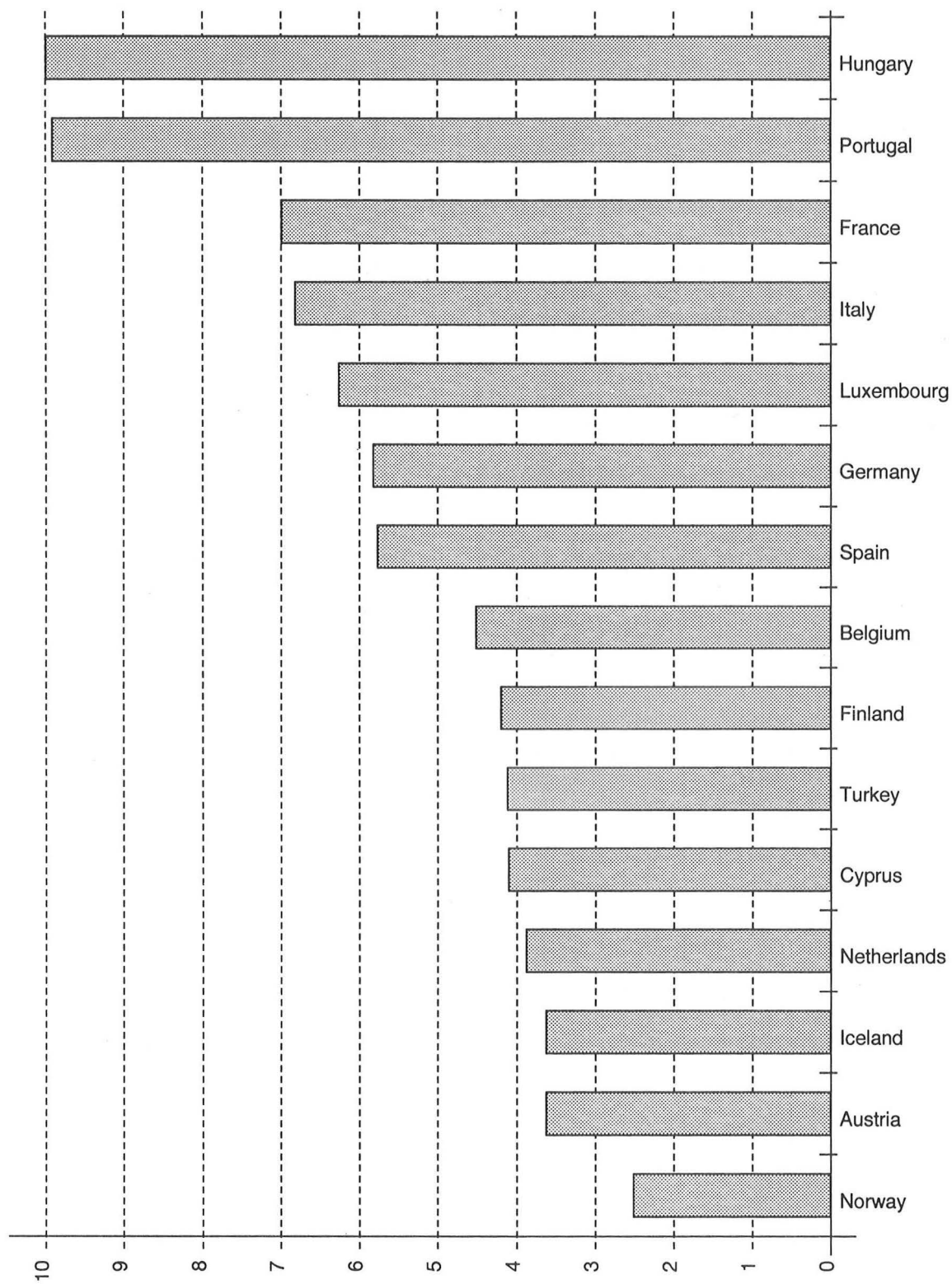
As for the previous surveys, it has been possible to calculate the following indicators (Table 2):

- Number of entries in 1990
- Rate of imprisonments per 100 000 in 1990: number of imprisonments in 1990 in relation to the number of inhabitants over the period under review. Having regard to the data available, we have in practice used the total population figure 1.9.1990 as provided by the Administrations (Figure 3).
- Rate of "unconvicted" prisoners (%): number of entries of "unconvicted prisoners" compared with the total number of entries for the year.
- Indicator of the average duration of imprisonment (D): quotient of the average 1990 prison population (P) divided by the flow of entries for that period (E):  $D = 12 \times P/E$  (period expressed in months).

Having regard to the data available, P was taken to be the population at 1.9.1990. It should be recalled that the numbers obtained should be regarded as indicators, not as the result of a measurement process (Figure 4).

Paris, 23 December 1992  
 Pierre TOURNIER  
 Ministry of Justice - CNRS

Figure 4 - Average length of imprisonment in months (1990)



Source: Council of Europe

Table 1

## Situation of prison populations at 1.9.1991

- a. Total prison population
- b. Detention rate per 100 000 inhabitants
- c. Percentage of unconvicted prisoners
- d. Pre-trial rate per 100 000 prisoners
- e. Percentage of women prisoners
- f. Percentage of minors and young adult prisoners
- g. Percentage of foreign prisoners

	(a)	(b)	(c)	(d)	(e)	(f)	(g)
Austria	6 655	87.5	32.8	28.7	4.5	19a : 3.2	22.3
Belgium	6 035	60.5	51.6	31.2	5.3	— : 0.3	33.7
Bulgaria <sup>1</sup>	7 822	68.2	23.8	16.2	4.8	18a : 2.3	1.4
Cyprus <sup>1</sup>	218	38.0	10.1	3.8	3.7	21a : 18.8	38.0
Czechoslovakia <sup>1</sup>	11 831	75.6	44.4	33.5	3.2	18a : 5.0	1.3
Denmark <sup>1</sup>	3 243	63.0	26.5	16.7	4.8	— : —	11.7
Finland	3 130	62.6	9.2	5.8	3.3	21a : 5.8	0.9
France <sup>1</sup>	48 675	83.9	41.5	34.8	4.3	21a : 10.4	29.8
Germany <sup>1</sup>	49 658	78.8	30.5	24.1	4.6	— : —	14.5
Greece	5 008	49.5	34.8	17.2	4.3	— : 5.3	21.8
Hungary	14 629	146.0	30.2	44.2	4.8	— : 5.2	1.5
Iceland	101	38.9	5.9	2.3	2.0	21a : 5.9	0.0
Ireland	2 114	60.4	6.5	3.9	2.0	21a : 29.3	1.3
Italy	32 368	56.0	52.9	29.6	5.2	18a : 1.3	15.2
Luxembourg	348	90.3	20.1	18.2	3.7	21a : 7.5	39.7
Malta	.....	.....	....	....	...	.....	....
Netherlands <sup>1</sup>	6 662	44.4	38.8	17.2	3.9	23a : 27.7	25.2
Norway	2 510	59.0	20.3	12.0	4.6	21a : 4.7	11.0
Poland	.....	.....	....	....	...	.....	....
Portugal	8 092	82.0	35.5	29.1	6.1	21a : 7.7	7.7
Spain	36 562	91.8	35.3	32.4	8.3	21a : 5.7	16.3
Sweden	4 731	55.0	21.9	12.1	4.8	21a : 4.2	19.5
Switzerland <sup>1</sup>	5 688	84.9	44.7	37.9	5.7	18a : 0.1	43.9
Turkey <sup>1</sup>	26 544	44.0	60.6	26.7	2.9	18a : 5.1	0.7
United Kingdom <sup>1</sup>	52 830	92.1	21.9	20.2	3.4	21a : 18.9	....
England							
Wales	46 310	91.3	22.5	20.5	3.4	21a : 19.2	7.1
Scotland	4 860	95.2	16.2	15.4	3.1	21a : 20.0	....
Northern Ireland	1 660	105.7	22.2	23.4	2.1	21a : 10.5	1.0

1. See notes.

## Notes - Table 1

**Belgium:** Calculation of indicators (c) and (d)

1. Total prison population .....	6 035
2. Sentenced prisoners (final judgement).....	2 919
3. Unsented prisoners .....	3 116

Finally sentenced prisoners are those sentenced to criminal, correctional or police sentences and those sentenced to subsidiary imprisonment, where their situation is final.

The contents of item 3 used to calculate indicators (c) and (d) are as follows:

3.A Prisoners on remand (warrant, remand prisoners, accused, defendants, interneers and persons not finally sentenced) .....	1 689
3.B a. Minors in provisional custody .....	19
b. Permanent interneers (Social Defence Law) .....	717
c. Vagrants .....	425
d. Miscellaneous .....	266

— Indicator (f) concerns minors in provisional custody.

**Bulgaria:** Indicator (g) was calculated from the sentenced prisoner figures.

— In 1990, 8 247 sentenced prisoners were released under the Amnesty Law of January 1990 and under pardons in connection with the political changes in Bulgaria.

**Cyprus:** No response to the 1991 survey, the data relate to the situation at 1.9.1990.

**Czechoslovakia:** The detention rate indicated by the Czech administration is not directly comparable with the others: number of prisoners in relation to the total population aged 15 and over (114 per 100 000).

The rate has been recalculated: total number of prisoners in relation to the total number of inhabitants (15.656 million), 75.6 per 100 000.

— The Czech administration points out that the number of persons in prison in 1990 was considerably affected by the presidential amnesty of 1 January 1990 on a scale unprecedented in the penal annals of the country. The 1990 figures are therefore atypical. In 1990, about 15 000 prisoners (75% of the prison population) were released. This situation must be taken into account in the analysis of the 1991 data as the number of prisoners is bound to increase in the future.

**Denmark:** No response to the 1991 survey; the data relate to the situation at 1.9.1990.

**France:** The data relate to all persons imprisoned in metropolitan France and the overseas départements (DOMs), the total number in metropolitan France being 46 732, and in the DOMs 1 943).

For metropolitan France index (b) is 82.4 per 100 000.

Indices (e), (f) and (g) have been calculated with reference to the situation at 1 July 1991.

**Germany:** These data do not relate to the 5 new Länder.

— Index (e) relates to the total prison population with the exception of "civil" prisoners and people imprisoned pending expulsion, who number 1,523.

— Index (f) cannot be calculated in relation to the population as a whole. Unconvicted prisoners: total number: 15 170, of whom 13.2% are under 21. Convicted prisoners: total number 32 965. Proportion of convicted prisoners detained in prisons for young persons: 10.2%, most of whom are between the ages of 14 and 25.

— Index (g) is an estimate.

**Netherlands:** No response to the 1991 survey; the data relate to the situation at 1.9.1990.

**Sweden:** Indices (e) and (f) have been calculated from the population of convicted prisoners.

**Switzerland:** Estimate of the number of prisoners and of the structure according to criminal category at 1.9.1990:

Sentenced prisoners (1.9.1990) .....	3 635
— in execution of sentence.....	3 146
— in advanced enforcement of sentence ...	489
"Unconvicted prisoners"	
(special survey 20.3.1991) .....	2 053
— detention on remand .....	1 841
— others .....	212
Total .....	5 688

— The detention rate indicated by the Swiss administration is not directly comparable with the others: number of prisoners compared to total resident population aged 15 and over.

The rate has been recalculated: total number of prisoners relative to the total number of inhabitants (6.7 million): 84.9 per 100 000.

— Indices (c) and (d) have been calculated taking into account those in serving their sentence in advance (489) and the "unconvicted prisoners" (2053).

— Indices (e), (f) and (g) have been calculated from the sentenced population (including those serving their sentence in advance).

**Turkey:** The number of prisoners was 46 357 at 1.9.1989. The reason for such a decrease (42% in one year!) is not known.

## United Kingdom

**England and Wales:** The number (a) includes persons held in police cells.

— Indices (e) and (f) refer to the total prison population with the exception of "civil" prisoners, who number 290.

— Index (g) is an estimate: it includes all prisoners who do not have British nationality (including prisoners whose nationality is unrecorded but whose country of birth has been recorded as outside the United Kingdom). The definition used here is not the same as in the previous surveys.

Table 2

## Committal flow in 1990

- a. Number of imprisonments
- b. Rate of imprisonments per 100 000 inhabitants
- c. Rate of unconvicted prisoners at entry (%)
- d. Indicator of the average duration of detention (months)

	(a)	(b)	(c)	(d)
Austria	20 944	275.6	57.2	3.6
Belgium	17 406	176.3	75.8	4.5
Bulgaria <sup>1</sup>	4 513	39.3	53.6	....
Cyprus <sup>1</sup>	558	99.6	27.2	4.1
Czechoslovakia <sup>1</sup>	11 389	72.8	92.5	....
Denmark	.....	.....	....	....
Finland	8 831	176.8	21.8	4.2
France	80 977	140.3	77.8	7.0
Germany <sup>1</sup>	100 892	160.9	....	5.8
Greece	.....	.....	....	....
Hungary	13 639	130.5	52.7	10.1
Iceland	344	134.3	26.2	3.6
Ireland	.....	.....	....	....
Italy	57 738	100.3	84.6	6.8
Luxembourg	641	171.2	76.3	6.6
Malta	.....	.....	....	....
Netherlands <sup>1</sup>	19 965	137.8	50.9	3.9
Norway	10 861	271.5	31.1	2.5
Poland	.....	.....	....	....
Portugal	11 127	106.9	80.9	9.8
		180.5	....	5.7
Spain	69 467	.....	....	....
Sweden <sup>1</sup>	.....	.....	....	....
Switzerland	.....	.....	....	....
Turkey	135 176	239.4	65.5	4.1
United Kingdom	.....	.....	....	....
England				
Wales	.....	.....	....	....
Scotland	32 302	632.7	47.0	1.8
Northern Ireland	4 691	296.4	37.8	4.4

1. See notes.

## Notes – Table 2

## Bulgaria

– Index (b) has been calculated taking into account the number of inhabitants at 1.9.1991, owing to lack of data at 1.9.1990.

– We have not calculated the average duration of detention due to lack of data for 1990.

– See also note to Table 1.

**Cyprus:** No response to the 1991 survey; the data relate to 1989.

**Czechoslovakia:** Owing to lack of data at 1.9.90, index (b) has been calculated taking into account the number of inhabitants at 1.9.91. We have not calculated the average duration of detention owing to lack of data for 1990.

– See also note to Table 1.

**Germany:** These data do not relate to the 5 new Länder.

**Netherlands:** No response to the 1991 survey; the data relate to the year 1989.

**Sweden:** Entries in 1990, sentenced prisoners = 15 833.

**Switzerland:** Imprisonments in 1990 = 10 857 prisoners sentenced or serving their sentence in advance.

#### **United Kingdom**

##### **England and Wales:**

Data provided:

Entries of convicted prisoners ..... 67 510  
Entries of non-convicted prisoners ..... 59 620

The English administration states that the total number of entries ("receptions") cannot be obtained by adding together these two quantities because of a problem of double counting. It evaluates the number of imprisoned persons (without double counting) at 102 250. This number produces a rate of imprisonment of 202.3 per 100 000 and an indicator of the average duration of detention of 5.4 months.

However, these indices are not directly comparable with those of other countries whose calculations are based on the concept of imprisonment (with the possibility of multiple counting) rather than on that of the person imprisoned (without double counting).

**Scotland:** Index (b) has been calculated taking into account the number of inhabitants at 1.9.1991 owing to lack of data at 1.9.1990.

– Index (d) has been calculated taking into account the number of prisoners at 1.9.1991, owing to lack of data at 1.9.1990.

#### **Appendix 1: Canada**

##### **1. Situation of the prison population at 1.09.1991 "Correctional" services**

Number of prisoners ..... 14 167  
Proportion of women ..... 2.2%  
Proportion of foreigners ..... 6.4%  
Detention rate ..... 53.1 per 100 000

##### **2. Imprisonments in 1990**

Number of imprisonments ..... 4 360

#### **Appendix 2: Romania**

##### **1. Situation of the prison population at 30.09.1991**

a. Total prison population ..... 36 542  
b. Detention rate per 100 000 ..... 160  
c. Proportion of unconvicted prisoners  
(%) ..... 44.6  
d. Pre-trial detention rate per 100 000 ..... 71.3  
e. Proportion of women (%) ..... 2.7  
f. Minors and young adult prisoners  
(%) ..... 24.4  
g. Proportion of foreigners (%) ..... 0.1

*Note: (f): under 21.*

##### **2. Committal flow in 1990**

a. Number of imprisonments ..... 22 250  
b. Rate of imprisonment per 100 000 ..... 97.4  
c. Rate of unconvicted prisoners at entry  
(%) ..... 54.1  
d. Indicator of the average duration of  
detention (months) ..... 19.7

*Note: Owing to lack of data at 1.9.1990, indices (b) and (d) have been calculated using the data available at 1.9.1991.*

# Laws, bills and 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 in other member States are given in this section. In certain cases the titles are followed by a brief summary.*

## Belgium

Ministerial circular 1561/VII of 21 December 1990: Prisoners subject to a legal prohibition on communications (held in solitary confinement) may not use the telephone.

Ministerial circular 1556/VIII of 17 May 1990: Arrangements for checking absences on medical grounds of prisoners required to do community work in a prison environment.

Ministerial circular 1562/VIII of 16 January 1991: The amounts which a prisoner may spend in the prison canteen are in principle unlimited.

Ministerial circular 1563/I of 6 March 1991: New form for moral and religious welfare.

Ministerial circular 1564/IX of 22 March 1991: Provisional release measures with a view to pardon, in order to alleviate prison overcrowding.

Ministerial circular 1565/VI of 4 April 1991: Implementation of the law on erasures. Automatic erasure of penalties (up to six months) from the criminal record after a period of three years, provided the convictions do not entail loss of rights for longer than three years.

Ministerial circulars 1566/IX of 26 April 1991, 1567/VI of 10 June 1991, 1568/IX of 11 June 1991: Amendments to the law on conditional release: the prisoner and his counsel are brought into the procedure. Prisoners' individual files are modified in such a way that the lawyer can consult that part which is relevant to the conditional release procedure.

Ministerial circular 1570/VI of 30 July 1991: Application of the Council of Europe Convention on the Transfer of Sentenced Persons.

Ministerial circular 1571/XII of 26 August 1991: The maximum cost of food per prisoner is fixed at 125 francs per day from 1 January 1992.

## Bulgaria

Regulation of 9 October 1991 on the use of means from the Prison Affairs Fund by the Minister of Justice and the Minister of Finances in execution of Decree No. 3 of the Council of Ministers of 18 January 1991 (published in the State Gazette No. 6/1991), restoring to existing funds in Bulgaria from 1922 to 1945.

This fund, independent of the budget of the penitentiary system, includes incomes from the economic activity, a proportion of the labour remuneration of prisoners, donations etc, and is mainly used for the living land production costs, the vocational training and the medical services of sentenced persons.

A working group of specialists is preparing a bill on the enforcement of sentences (in replacement of the present law from 1969) as well as rules for its application. The aim is to adapt out the Bulgarian legislation and penitentiary system to the most modern European realisations.

## France

### Laws

*Section 19-1 of Act No. 91-738 of 31 July 1991 concerning various social measures* brought the social security arrangements for prisoners placed in the community into line with the arrangements for prisoners in a semi-liberty regime.

The purpose of this reform is to achieve uniformity in the social security regime for prisoners engaged in an occupation or undergoing training on the same conditions as free workers.

### Circulars

*Circular H 61 of 12 November 1991 on the prevention of suicides in prison.*

The renewed rise in the suicide rate in 1991 was a reminder of the need to apply the general guidelines designed to prevent suicides in prison establishments.

*Circular E 111 of 3 May 1991 on the introduction of new committal forms and penal forms and of the new streamlined committal procedures in prison establishments.* The need to improve the management of the penal and administrative situation of prisoners has led to changes in the forms used by court registries.

*Circular F 42 of 12 July 1991 introducing a procedure for the monitoring of solitary confinement measures lasting longer than one year.*

Note: The *joint memorandum of 4 November 1991* by the Directorate of Criminal Cases and Pardons, the Directorate of Prison Administration and the Directorate for the Judicial Protection of Young Persons, *concerning activity reports on the penal counselling services at regional courts* contains a report on the first half of 1990 from which it is clear that the legal problems have been resolved, while the organisational problems of these services remain.

## Greece

Act 1968/91 (Official Bulletin 150/11.10.91 Vol. A) on prison matters falling within the sphere of competence of the Ministry of Justice (Sections 16 and 17).

Act 1941/91 (Official Journal 41/18.3.91 Vol. A) on amendments to provisions of the Penal Code, the Code of Penal Procedure and other provisions

Section 2 (amendment to Article 82 of the Penal Code, paras. 6 and 7)

Section 3 (amendment to Article 99 of the Penal Code, paras. 1 and 2) and

Section 4 (amendment to Article 100 of the Penal Code, paras. 1 and 4).

## Hungary

Legal status of staff in charge of law enforcement and law regulating the enforcement of punishments and measures.

The re-organisation of the Hungarian Prison System concerning as well the Administration as the Correctional Institutions has been finished by the end of 1991.

## Italy

*Bill on the re-organisation of the national health service and measures to limit health expenditure (section concerning prison medicine)*

As part of the bill on the reorganisation of the regional health service (No. 4227, section 16 amended by the Senate on 17 October 1991), health care in prisons is provided free of charge by the national health service under agreements entered into at the request of the prison administration department.

The above-mentioned agreements are concluded at regional level, particularly with regard to the problems of AIDS and drug addiction.

This recent arrangement is intended to make up for shortages of health personnel – this being paramount in prison establishments, especially since the prison reform.

The bill also makes provision for training and retraining programmes in prison medicine organised by the Ministry of Health in conjunction with the Ministry of Justice. The purpose of these programmes is to promote specific professional training and retraining schemes for prison doctors, taking into account their duties and responsibilities with regard to the physical and mental health of prisoners whom they are expected to supervise in the context of re-education programmes.

This arrangement also works hand-in-hand with the anti-drugs legislation which entered into force in June 1990, which involves the courts, the police and

health officials in the work of prevention and repression of the worrying and intractable problem of drugs.

*Legislative Decree No. 8 of 15 January 1991, Official Journal No. 12 of 15 January 1991 on new measures relating to the abduction of persons for the purposes of extortion and the protection of persons collaborating with the judicial authorities.*

*Law No. 26 of 15 January 1991, Official Journal No. 23 of 28 January 1991 on amendments made to Law No. 740 of 9 October 1970 laying down regulations for health personnel assigned to custodial and prison establishments but not on the staff of the prison administration.*

*Legislative Decree No. 152 of 13 May 1991 confirmed by the Conversion Act No. 243 of 12 July 1991, Official Journal No. 162 of 12 July 1991, on emergency measures concerning the fight against organised crime and transparency and proper administrative practice.*

These provisions have proved necessary in order to provide stronger protection for the law in the face of the rise in organised crime.

This decree also amends certain rules relating to:

1. the Prison Reform Act
2. pre-trial detention
3. keeping and carrying weapons
4. co-ordination of the criminal police services
5. the transparency and sound practice of the administration.

*Legislative Decree issued by the Ministry of the Interior on 29 August 1991, Official Journal No. 241 of 14 October 1991. Law No. 321 of 16 October 1991, Official Journal No. 243 of 16 October 1991 concerning the regulations laid down in Section 9 of Law No. 302 of 20 October 1990 on measures taken to assist the victims of terrorism and organised crime.*

Exceptional measures to promote the proper operation of judicial offices and to assist staff of the judicial administration.

*Legislative Decree No. 345 of 29 October 1991, Official Journal No. 256 of 31 October 1991, on emergency measures for the co-ordination of reform and research activities in the fight against organised crime.*

*Legislative Decree No. 346 of 29 October 1991, Official Journal No. 257 of 31 October 1991, on the establishment of a support fund for the victims of extortion demands.*

*Legislative Decree No. 365 of 18 November 1991, Official Journal No. 276 of 18 November 1991, on emergency intervention in the data-processing sector (structures, equipment and services of the judicial administration).*

*Legislative Decree No. 367 of 20 November 1991, Official Journal No. 273 of 21 November 1991. Consolidated text, Official Journal No. 15 of 20 January 1991 on the co-ordination of investigations in procedures relating to organised crime.*

*Ultimately approved on 26 November 1991, Official Journal No. 280 of 29 November 1991, text of the constitutional law on the revision of Article 79 of the Constitution concerning the granting of amnesties and pardon.*

*Law No. 374 of 21 November 1991, Supplement No. 476 to the Official Journal No. 278 of 27 November 1991 creating district courts.*

*Law No. 399 of 2 December 1991, Official Journal No. 296 of 18 December 1991, stipulating that the rules governing the registers to be kept by judicial offices and the prison administration are no longer subject to legislation.*

### **Norway**

*The Norwegian Parliament has passed an act formalising community work service as a penal sanction after several years' trial period.*

*Prison regulations have been adjusted to allow for greater differentiation between individual inmates according to security and rehabilitative needs.*

### **Portugal**

*Circular No. 5 of 26 February 1992 on the provision for detained persons of a booklet in four languages concerning the rights of prisoners.*

### **Spain**

*The Royal Decree 10/91, January 1991, define the organic structure of the Ministry of Justice. The General Direction of Penitentiary Institutions will depend of the General Secretary of Penitentiary Affairs, Secretary General of Penitentiary Affairs was created by the above mentioned Royal Decree as the highest power. Consequently the General Direction of Penitentiary Institutions and the new General Direction of Penitentiary Management will be under the responsibility of the Secretary General.*

*Ministerial Order of 16 May 1991, grant to the General Secretary of Penitentiary Affairs certain competences in staff matters.*

*Ministerial Order of 2 October 1991, regulating the composition and the functions of offices in charge of the supervision of projects of the department at the highest level and the creation of a Commission in order to co-ordinate and to implement them.*

*Ministerial Order of 3 December 1991 delegating certain competences to the General Secretary of Penitentiary Affairs and other authorities and organs of the department.*

### **Penitentiary Institutions**

*Order of 10 May 1991 deciding to close the penitentiary centre of Pontevedra.*

*Order of 16 May 1991 deciding to close the female centre of Valencia.*

*Order of 5 September 1991 transferring the penitentiaries centres of Jaen and Malaga, in a new buildings, and deciding the opening of a penitentiary centre for women in Alcala de Guadaira (Seville).*

### **Conventions**

*Resolution of 15 January 1991. A convention on co-operation in penitentiary affairs is signed between the Ministry of Justice and the Autonomous Government of the Canary Community.*

### **Switzerland**

*Revision of Article 4 paragraph 6 of the Swiss Penal Code, which entered into force on 1 January 1992. This revision empowers a court which has sentenced a drug addict to a term of imprisonment to suspend the latter and order treatment instead, provided the drug addict needs and is suitable for treatment and wishes to be treated (commutation of penalty).*

*Revision of Article 218 paragraph 4 of the Military Penal Code, making a person who has unlawfully and intentionally consumed or possessed small quantities of drugs during military service subject to military jurisdiction (disciplinary penalties imposed by commanding officers).*

### **England and Wales**

*The Criminal Justice Bill received Royal Assent on 25 July 1991.*

*This Act will be seen as a benchmark which sets out to increase the confidence of the community in the criminal justice and penal systems. It will affect the way in which the courts operate and the way in which offenders are dealt with for many decades into the future.*

### **Canada**

*On 8 October 1991, the Solicitor General of Canada announced details of new legislation, entitled the *Corrections and Conditional Release Act*, that will pave the way for major reforms to Canada's corrections and parole system. Bill C-36 contains proposals for a new legislative framework to more effectively govern the operation of the federal corrections system, and makes significant changes to conditional release policy. The bill passed second reading in the House of Commons this autumn and is now under review by the Parliamentary Committee on Justice and the Department of the Solicitor General. A clause-by-clause scrutiny of the Bill is expected to start at the end of March 1992 or shortly thereafter, and could be proclaimed by the autumn.*

The proposed corrections and Conditional Release Act:

#### Highlights

1. *Protection of the public* will now be the paramount consideration in all decisions relating to the treatment and release of inmates.
2. For the first time, *victims of crime will be formally recognised* in the federal corrections and parole process:
  - victims will be kept informed of an offender's prison and parole status if they request
  - information from victims can be considered at a parole hearing
  - victims can attend a parole hearing at the discretion of the Parole Board, rather than at the discretion of the offender
3. Judges will be able to lengthen the time that violent offenders and serious drug offenders spend in prison by *delaying eligibility for full parole* to half of the sentence. This provision is called "judicial determination".
4. Under existing law, violent offenders who are considered a high risk to commit new violent crimes if released may be kept in prison for their entire sentence. *Serious drug offences and sex offences against children* will be added to this category.
5. Correctional resources will now be focused on violent criminals by *streamlining the parole process* for first-time offenders convicted of non-violent crimes. If these inmates are considered unlikely to commit a violent crime, they will be eligible for release after one-third of the sentence. These offenders will remain under supervision in the community until their sentence is complete. This provision is called "accelerated review".
6. *The criminal justice system will be made more accountable.* Courts will be compelled to provide the reasons for sentence and other relevant information to prison and parole authorities. Correctional Services Canada, the National Parole Board, police forces and other agencies in the community will work together to ensure that *all relevant information is considered before making decisions* about releasing offenders on passes or parole.
7. The system of *granting passes from prison will be tightened*:
  - the National Parole Board must approve passes for inmates serving mandatory life sentences, and for inmates convicted of violent offences, serious drug offences, and sex offences against children;
  - *no unescorted passes* will be allowed for those classified as maximum security inmates.
8. Currently, inmates are eligible for day parole at the one-sixth point of their sentence. *Day parole eligibility will be delayed until six months before full parole eligibility.*
9. The legislation establishes, *in law* the Office of the Correctional Investigator, who acts in an independent fashion to investigate complaints by federal inmates.
10. The legislation *modernises the legislative framework* for the more effective operation of the federal corrections system by replacing the Penitentiary Act, parts of which date to the 1860s, and the Parole Act, which became law in 1958.

The Corrections and Conditional Release Act responds to concerns expressed by Canadians about public safety and their confidence in the federal corrections system. It is the product of over 10 years of discussion and consultation between the federal government, provincial governments, the police community, volunteer groups representing the interests of offenders and victims, and the general public.

# 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.*

## Belgique

L'AIDE SOCIALE AUX JUSTICIABLES. Aspects criminologiques, sociaux et juridiques. Organisation en Belgique. Répartition des compétences entre pouvoir national et pouvoirs communautaires (ouvrage collectif).

ECOLE DES SCIENCES CRIMINOLOGIQUES Léon Cornil. Université libre de Bruxelles Etablissement Emile Bruylant, av. W. Churchill, 221, Bruxelles.

PRISON ET SOCIETE. Ouvrage collectif. Humanisation de la prison et rôle de la collectivité. L'occupation du temps en détention. Le traitement de la délinquance dans la société (ouvrage collectif). Fondation Roi Baudouin, rue Brederode, 21 - 1000 Bruxelles.

## Canada

Titles of recent CSC publications:

JAMES J.T.L.: "A Living Tradition: Penitentiary Chaplaincy"/"Un passé plein d'avenir: L'aumônerie en milieu pénitentiaire", 1990.

VANTOUR J. et al: "Our Story - Organizational Renewal in Federal Corrections"/"Notre Cheminement - Le renouveau organisationnel des services correctionnels fédéraux", 1991.

"Forum on Corrections Research" is published quarterly in English and French for staff and management of the Correctional Service of Canada. It reviews recent management studies and applied research related to corrections and features original articles contributed by members of the Correctional Service of Canada and other correctional researchers and practitioners.

## France

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## **Northern Ireland**

Report (1990/1991) on the work of the NI Prison Service which should provide information of interest to prison administrators.

Principles of Conduct – a booklet which identifies the standard to which staff are expected to aspire – as distinct from the Code of Discipline.

Serving the Community – a new strategy document which charts a course for the NI Prison Service through the 1990s.

## **Scotland**

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# News in brief

## Belgium

In order to alleviate overcrowding in prisons, measures which should normally be temporary involving early release and remission of subsidiary sentences are regularly renewed.

## France

### *Decentralisation*

Over the past two years a major effort of decentralisation to the regional level has been made within the prison administration, particularly with regard to the management of human resources, economic and financial management and allocation of prisoners.

This effort is to continue in future years.

### *Programme for the construction of 13,000 prison places*

At the end of 1991, 24 out of the 25 establishments in the construction programme for 13,000 new prison places were delivered to the prison administration; the final one (at Grasse) will be handed over during 1992.

With these new establishments plus the new prison at Bastia-Borgo and the gradual rise in the number of prisoners held in these new establishments, by the end of 1992 the prison administration should have almost 50,000 prison places at its disposal. At 1 January 1992, the prison population totalled 50,122 prisoners (metropolitan France plus the overseas départements).

## Norway

The Ministry of Justice has recently completed a four years' project on organisation and personnel development in three major penal institutions. The ministry is currently evaluating the

project and hope to prepare an English summary on the results.

Additionally, the Ministry of Justice has prepared a White Paper which is under consideration by relevant committees in parliament. The paper includes the recommendations of the government on crime prevention.

## Portugal

Within the framework of "Projecto Vida" – a national programme involving several central government departments in an anti-drugs campaign at various levels (information, treatment, social rehabilitation) – "Projecto Prisões" (Prisons Project) has been set up.

The project aims to help drug addicts in prison and involves teams of psychiatrists, psychologists and supervisors from outside. At the present time they are working in five prisons, where they co-operate with the prison staff.

## Scotland

The Scottish Prison Service was re-organised in November 1991. The new structure is headed by a Chief Executive and a Prisons Board. The Chief Executive has a Deputy, with oversight of the prisons directorate. The remaining members of the new Board are the Directors of Strategy and Planning, of Human Resources, and of Finance and Information Systems. Two non-executive directors have still to be appointed. The aim of the re-organisation is to develop a structure which better reflects the strategic planning process, which devolves greater authority and managerial accountability to establishment level, which improves financial control and value for money and which delivers a quality service.

# List of directors of prison administrations of the member states of the Council of Europe

(July/juillet 1993)

**Austria/Autriche:** Mr Paul MANN, Director General of Prison Administration, Ministry of Justice, Museumstrasse, 7, A - 1016 VIENNA

**Belgium/Belgique:** Mr Jacques DEVLIEGHIERE, Directeur Général de l'Admin. Pénitentiaire, Ministère de la Justice, Ave de la Toison d'Or, 55, B - 1060 BRUXELLES

**Bulgaria/Bulgarie:** Mr Zdravko D. TRAIKOV, Directeur de l'Administration Pénitentiaire, Ministère de la Justice 21, Bd. Stolétov, 1309 - SOFIA

**Cyprus/Chypre:** Dr. Andreas KAPARDIS, Director, Department of Prisons - CY - NICOSIA

**Czech Republic/République Tchèque:** Dr. Zdenek KARABEC, Director General, Ministry of Justice, Taborska 988, CS - 14067 PRAGUE 4

**Denmark/Danemark:** Mr Christian TRØNNING, Director General Prisons and Probation, Ministry of Justice, Klareboderne 1, DK - 1115 COPENHAGEN K

**Finland/Finlande:** Mr Karl Johan LANG, Director General Prison Administration, Ministry of Justice, P.O. Box 62, SF - 00811 HELSINKI 81

**France:** Mr Bernard PREVOST, Directeur de l'Admin. Pénitentiaire, Ministère de la Justice, 13, Place Vendôme, F - 75042 PARIS CEDEX 1

**Germany/Allemagne:** Dr Klaus MEYER, Ministerialrat, Bundesministerium der Justiz, Postfach 200650, D - 5300 BONN 2

**Greece/Grèce:** Mr Alexandre ATHANASSOPOULOS, Directeur Général de la Polit. Pénitentiaire, Ministère de la Justice, Sect.des Rel.Internat., 96 Avenue Messogion, GR - 11527 ATHENES

**Hungary/Hongrie:** Dr. Ferenc TARI, Director General of Prison Administration Igazságügyi Minisztérium, Steindl Imre U. 8, H - 1054 BUDAPEST

**Iceland/Islande:** Mr Haraldur JOHANNESSEN, Director General, National Prison and Probation Administration, Borgartun 7, IS - 150 REYKJAVIK

**Ireland/Irlande:** Mr Frank DUNNE, Head of Prisons Division, Department of Justice, 72-76 St. Stephen's Green, IRL - DUBLIN 2

**Italy/Italie:** Mr Adalberto CAPRIOTTI, Direttore Generale per gli Istit.di Prev.e Pena, Ministero di Grazia e Giustizia, Via Silvestri, 252, I - 00164 ROME

**Luxembourg:** Mr Pierre SCHMIT, Délégué du Procureur Général d'Etat, Parquet Général, Cote d'Eich, 12, L-2010 LUXEMBOURG

**Malta/Malte:** Mr John CAMILLERI, Director of Prisons, Cordin Prison, PAOLA / MALTA

**Netherlands/Pays-Bas:** Mr H.B. GREVEN, Director General of Prison Administration, Ministry of Justice, P.O. Box 20301, NL - 2500 EH THE HAGUE

**Norway/Norvège:** Mr Hans Olav OESTGAARD, Director General, Ministry of Justice and Police, P.O. Box 8005 Dep., N - 0030 OSLO 1

**Poland/Pologne:** Mr Pawel MOCZYDLOWSKI, Director General, Ministry of Justice, Al. Ujazdowskie 11, PL - 00950 WARSAW

**Portugal:** Mr Fernando DUARTE, Directeur Général de l'Admin. Pénitentiaire, Ministerio da Justiça, Travessa da Cruz do Tolel No. 1, P - 1198 LISBONNE

**Slovakia/Slovaquie:** Mr A. REIS, First Deputy Director General, Ministry of Justice, Prison Admin., Chorvatska 3, 81304 BRATISLAVA Rép. Slovaque

**Spain/Espagne:** Mr Pedro Pablo MANSILLA, Directeur Général de l'Admin.Pénitentiaire, Ministère de la Justice, C/. Alcala, 38-40 E - 28015 MADRID

**Sweden/Suède:** Mr Björn WEIBO, Director General, National Prison and Probation Admin., Slottsgatan, 78, S -60180 NORRKOPING

**Switzerland/Suisse:** Mme Priska SCHURMANN, Chef Section Exécution des Peines et Mesures, Office Fédéral de la Justice, Dépt. Féd. de Justice et Police, CH - 3003 BERNE

**Turkey/Turquie:** Mr Yusuf YANIK, Director General of Prisons, Ministry of Justice, Adalet Bakanligi, TR - 06659 ANKARA

**United Kingdom:**

**England and Wales/Angleterre et Pays de Galles:** Mr Derek LEWIS, Director General, HM Prison Service, Home Office, Cleland House, Page Street, GB - LONDON SW1P 4LN

**Scotland/Ecosse:** Mr E.W. FRIZZELL, Chief Executive - Scottish Prison Service, Scottish Home and Health Department, Calton House, Redhewghs Rigg, GB - EDINBURGH EH12 9HW

**Northern Ireland/Irlande du Nord:** Mr Alan SHANNON, Controller of Prisons North. Ireland Dundonald House, Upper Newtownards Road, GB - BELFAST BT4 3SU