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The conference further examined a number of reports on the work of the Committee for Co-operation in Prison Affairs and on Council of Europe activities in the prison sector completed since the previous conference or in progress, such as the work of the Committee of Experts on Education in Prison. It also considered problems relating to the processing of the survey on prison population in the member States and the preparation of a questionnaire on European prison systems.

At a more general level and outside the topics discussed, the meeting provided the Directors of Prison Administrations in the various Council of Europe member States with an opportunity for informal conversations on their problems and difficulties and also on ways of improving the operation of the prison system. Emphasis should be placed in that connection on the cordial and friendly climate which prevailed throughout the conference and the common determination to stick to practical matters. It was thus possible to adopt an overall approach to the present prison situation in Europe. The Conference of Directors of Prison Administrations undoubtedly proved at its seventh meeting that co-operation in this sector was a reality.

Myriam EZRATTY
Director of Prison Administration
- France -
Chairman of the conference

THE PRISON RULES IN EUROPE

In recent years one of the priority areas of the work of the Council of Europe in the prison field has been the study of the Standard Minimum Rules for the Treatment of Prisoners, in theory and practice, their consequential implementation and the question of revision. This work has been carried out under the auspices of the European Committee on Crime Problems by a select committee from 1978 to 1980 and, more recently, the Committee for Co-operation in Prison Affairs. During this period the Council of Europe has published the report of the Select Committee which was presented to the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in Caracas, Venezuela, in 1980, carried out two quinquennial reviews of implementation and embarked upon the work of revision that is now well advanced. It is timely, therefore, to reflect briefly on the historical background to the rules, to reassess their influence in practice and to describe the approach to the revised version of the rules which is now being prepared in the Committee for Co-operation in Prison Affairs.

The rules for the treatment of prisoners are the most important international document in the prison field. They are the manifestation of the moral and philosophical standards that have consistently inspired the best in progress with prison treatment and administration since the whole concept of prisons and imprisonment became the subject of regular international debate and co-operation. The rules have also found expression in various and definitive forms in the legal frameworks and formal arrangements within which national prison systems are administered. Their historic roots may be found in the work of the international penal reform movements that began to flourish in the latter part of the nineteenth century. International conferences were held at regular intervals from about 1870, at which progressive trends of thought and practice were developed, on the basis of broadly agreed approaches and defined standards, which made it possible to contemplate international criteria in the form of rules. At the forefront of this movement was the International Penal and Penitentiary Commission whose work culminated in the League of Nations rules adopted in 1935 at the sixteenth ordinary session. Although these rules were not promoted as a model for prison systems they set down, for the first time, internationally agreed standards based on humanitarian precepts and a practical and moral philosophy for prison treatments. Those rules were revised and adopted as the United Nations Standard Minimum Rules for the Treatment of Prisoners at the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders in 1955. The Council of Europe version, a marginal adaptation of the United Nations original text, was adopted by the Committee of Ministers in Resolution (73) 5 in January 1973 at Strasbourg. In that resolution the member States of the Council of Europe were recommended to be guided, in legislation and practice, by the principles of the rules and to report quinquennially to the Secretary General of the Council of Europe on progress with implementation. In particular, the Council of Europe resolution stressed the value of common principles for penal policy and contemporary developments in penal treatments.

There are those who regret that the rules are not normally justiciable and that there is no international forum in which they can be enforced. That, however, is to misunderstand the role and purposes of the rules and to underestimate the influence that they have had in defining minimum conditions in prisons and in raising the standards of prison administration in theory and practice. In Europe they have become a symbol of humane and constructive approaches and a stimulus to the improvement of general standards in all aspects of prison administration. The priority given to the rules in the fora of the Council of Europe, the European Committee on Crime Problems, the Committee for Co-operation in Prison Affairs and the biennial conferences of the Directors of Prison Administrations in Europe has promoted and enhanced those influences to advantage. A fuller evaluation of the status and influence of the rules in practice is contained in the Council of Europe paper on the historical background, philosophy and development of the European rules. In this brief note it is necessary to dwell at more length on the purposes and character of the proposed revision of the European rules.

The movement for revision that has resulted in the formal remit given to the Committee for Co-operation in Prison Affairs by the European Committee on Crime Problems has, over the last decade, been fuelled by the belief, reinforced also in a Recommendation (914) of 1981 of the Parliamentary Assembly of the Council of Europe, that the time has come to produce a new European version. The international rules have, on the whole, stood the test of time well in those countries where they have been applied with purpose and sincerity. But, the practical realities, the opportunities for development and changing theory now demand a reassessment. During the half century during which the rules have been in force, societies all over Europe have been disrupted by war, economic crises and fundamental shifts in social attitudes and behaviour. New ideas, changing moral and religious disciplines, structural unemployment, more conspicuous forms of criminality and, in parallel, commendable movements charged with high social ethics and the aspirational drives of the new generation of Europeans has transformed the philosophical context within which imprisonment takes place. In prison administration, new treatments, changing operational circumstances and problems, more advanced technology and sophisticated resources have added a further increment to the arguments for changes in the rules that will reflect these new conditions and redefine the emphases and purposes of treatment.

The approach to the reformulation of the rules is, therefore, based on the need to find a sensible, progressive framework that will benefit from the vast amount of enquiry, study and thought promoted in this field in the last twenty years or so by the Council of Europe. It will also need to satisfy the demands of contemporary problems and face up to the foreseeable developments of the future. The revised rules, which it is intended should be supported by an explanatory memorandum, will thus aim at a significant development of the existing text. In taking account of the philosophical changes and the developments in practice of recent years new emphases will be given to those aspects of treatment that are concerned with resocialisation and community contacts, the roles and status of staff, modern management techniques, regime planning, rising accommodation standards and the pressures of changing operational circumstances. This will involve a new presentational sequence, technical changes and a

development of the underlying philosophies and practical considerations of each of the rules through the supporting texts in the explanatory memorandum. It is hoped that these changes will facilitate reference and provide a coherent framework for policy formulation and practice which will be of utility to prison managements at every level, including the processes of inspection on which new emphasis will be laid. It is intended also that the new formulation and the explanatory memorandum should be designed to strengthen the application of the rules in the practical circumstances of the national systems and to facilitate international co-operation to that effect at the level of the Council of Europe.

The work on the rules is thus directed towards increasing the influence of the rules in the member States of the Council of Europe by giving a new impetus to modern penal treatments and by strengthening the base for prison managements in the context of contemporary standards and established values. It will offer the opportunity for a significant European initiative in promoting a definitive development in the history of international rules for the treatment of prisoners.

Kenneth NEALE

ALTERNATIVE MEASURES TO IMPRISONMENT

The question of alternative measures to imprisonment has been under discussion for some years now in most of the member States of the Council of Europe. It was put on the CDPC work programme in 1971-72 and led to the adoption of Resolution (76) 10 by the Committee of Ministers, in March 1976.

The drafting of this text provided an opportunity to take stock of the way in which alternative measures to imprisonment were actually being used. Legislations have changed since then, however, and it is natural for the matter to come under review once again in conjunction with the Conference of Directors of Prison Administrations, who are the persons most immediately concerned by the problem of prison overcrowding.

There are both ideological and economic causes for the growing interest in alternatives to imprisonment. The limited effectiveness of imprisonment, especially short sentences, has been established by scientific research and by the opinions of the people involved; and the cost of custodial care has risen so high that in many cases the economic aspect has become the decisive factor in crime policy.

The purpose of the introductory report requested by the Crime Problems Division was to take stock of the present situation, evaluate results and analyse new experiments, with a view to defining future trends.

An enquiry was addressed to national correspondents (to which 16 member States replied) and the report has been based on this.

The present situation

The alternative measures adopted by member States, whether provided for by legislation or applied on an experimental basis, are many and varied. They may be divided into three types, according to their proximity to or remoteness from imprisonment:

- Measures concerned with the enforcement of custodial penalties: These are arrangements, decided at the time sentence is passed, which in some way qualify the custodial penalty.

There are five separate forms of such measures: semi-detention, that is, part-time detention which enables an offender to work outside prison, follow a course of instruction or undergo medical treatment, the time spent in detention being ordinarily limited to the night or whatever time is not taken up by the activity for which the arrangement was initially made; work release, which allows a convicted person to be employed outside prison and is often a measure of semi-detention; weekend detention, which is a form of intermittent detention under which the convicted person can serve his sentence on weekends only, or in other

words when he is not otherwise engaged; house arrest, which enables a convicted offender to serve a short sentence at home; and serving in an outside institution or care centre, eg some form of hospital, in lieu of imprisonment.

- Measures constituting sanctions different from custodial penalties: There are cases where a court orders such measures as principal sanction, when the normal sentence would have been custodial. There are several types:

Financial and related penalties: Without dwelling on the point, it may be said that the concept of a fine has gradually been replaced by that of financial penalty, which is more comprehensive as regards both content (eg payment of a sum of money to a non-profit-making organisation, constitution or restitution of the proceeds of the offence) and conditions (adaptation of fine to circumstances of offender, day-fines). An interesting trend has developed in the field of compensation to victims, adding fresh material to the discussion of alternate pecuniary measures.

Sanctions restricting or taking away rights: Most European countries apply sanctions of this type; they are many and varied, some relating more specifically to minors (educative measures, moral sanctions). It is interesting to observe how legislations have evolved in this respect, often converting measures which were initially only ancillary or complementary (referred to as safety measures) into principal penalties.

Probation: Historically, this has been the first real alternative to a custodial penalty. Its object is twofold, to avoid imprisonment by substituting another form of supervision of the offender outside the prison system and, more fundamentally, to afford moral or material assistance designed to facilitate rehabilitation. It has a positive element, provided by the action of the specialist staff responsible for carrying it out - the probation officers and specialist services with which they work.

The institution, which exists in most European countries although in different legal guises, has been further refined in recent years as regards the procedure for working with offenders; these changes have been the results of developments in social work and of the search for more effective treatment (intensive supervision of certain categories of delinquents, group probation etc).

Community service: This is probably the most progressive alternate measure introduced in European criminal law in the last ten years and the one which seems to offer the most possibilities. In relation to probation, community service constitutes a step forward in the non-custodial system, enriching it from two points of view: through the idea of compensation for the harm done to the community, with a positive potential for the creation of a sense of responsibility in the offender,

and in line with the trend towards protection of victims; and through the idea of associating the community in the legal process, since it will be actively involved in the execution of a sentence and also in the rehabilitation of the offender.

- Measures avoiding the imposition of a penalty: This heading covers a whole range of measures which enable the courts, once they have found an offender guilty, to order neither imprisonment nor any penalty whatever. There is a wide variety of such measures, depending upon the legal system of the member State and according as the object is to suspend execution of a custodial penalty (suspended sentence of imprisonment, conditional suspension of imprisonment (sursis)), to defer sentence or - and often as a consequence of the last-named - to order no sanction at all.

Considerations regarding the use of alternative measures

Where there are no reliable comparative statistics it is hard to present even an approximative picture of the practical implementation of these measures or to ascertain the extent to which they really are alternatives to imprisonment. All that can be deduced from the information supplied by member States are trends (very frequent recourse to fines and to a lesser degree suspension of the execution of a penalty and probation measures; interesting development of community service etc), but not certainties.

The main question is to determine whether sufficient use is being made of the measures which are called alternatives and are presented as such by legislative bodies anxious to reduce the prison population. In this connection, it is interesting to consider whether there are any factors capable of hindering recourse to these measures, and if so which.

General factors exist, such as judges' reluctance to make use of new measures with which they are not familiar or which entail more effort than the simple application of traditional sanctions (involving, for instance, the need to find out details of the accused's personality or to explain the new sentence to the convicted person etc); and there are doubts as to the punitive effect of such sanctions, arising out of the very nature of the measures which are not accepted as having any dissuasive effects at all, or out of the way in which they are implemented in practice.

There may also be objective factors which make one or another measure unusable in certain situations; these relate mainly to restrictions established by legislation or the administration, or by practice.

Such restrictions relate principally to the age of the offender, nature of offence or criminal records, and their effect is to leave judges too little leeway, thereby encouraging a timid and restrictive use of the alternative measures. This being the case, is it necessary to maintain them at all? Restrictions are undeniably useful in experimental trials of new measures but they should be kept to an

absolute minimum, so as to leave judges as free as possible to apply alternative sanctions according to the circumstances of the case and according to the personality of the offender and his prospects for resettlement.

Evaluation of the application of alternative measures

One of the objections often raised to the introduction of new alternative penalties is that they do not always replace imprisonment, but rather less radical sanctions such as probation; this being so, it is relevant to ask what has been done, if anything, to counter this risk. Several approaches can be adopted:

Legislators can stipulate that a measure is to be used as an alternative to imprisonment and in no other way, by laying down more or less stringent conditions for its application. This has been done in several countries when community service penalties were introduced. They can also dictate more general rules regulating the relationship between custodial and non-custodial sanctions, eg a requirement that courts shall consider primarily the goal of social rehabilitation of the convicted person or, more prosaically, that short prison sentences must be avoided where warranted by special circumstances connected with the act or offending person.

Judges can also be encouraged to prefer such sanctions by means of administrative orders to the prosecution, supplemented by information meetings with the various elements of the judicial system. Similarly, a statistical study of the use of alternative sanctions should show when such penalties are applied and whether they actually are alternatives to imprisonment, although as far as the last-named condition is concerned it seems likely that valid conclusions can only be drawn from scientific studies.

Lastly, the study of sentences given by courts in cases of infringement of provisions or breach of conditions for an alternative penal measure may provide relevant information as to the extent to which alternative sanctions have replaced imprisonment. In reality, the law courts appear generally to have a rather free hand in deciding in such cases, whether unconditional imprisonment should follow or whether less drastic reactions can be adequate.

The use of alternative measures can also be evaluated in terms of relapse into crime. The method is relatively easy although it is also rather inflexible, in that, for example, it does not provide any information about the role of other social factors. Further, it is hard to set up comparable groups. At present, however, studies of relapse still provide the best measurement of effects, as long as they are taken cum grano salis

Several member States have made such studies, in respect of either a group of sanctions (Sweden, Denmark, United Kingdom, Netherlands) or a particular form of alternative measure such as community service (United Kingdom, Denmark) or probation (Italy). Others are planning them. The conclusions reached as to the effectiveness of the measures are inconclusive, not to say contradictory, however, from one study to the next. It would seem that non-custodial sanctions are on the whole more effective than imprisonment in preventing fresh offences, but no studies have as yet been made of the new alternatives to imprisonment which can warrant a recommendation of certain alternatives in preference to others. Despite the questionable value of recidive studies, the manifest lack of information argues in favour of the continuation of research in this area.

Other forms of evaluation exist, such as feasibility studies and research into the application of individual sanctions or the assessment of financial implications. It would also be worthwhile to know how a sanction is experienced by the persons involved, chiefly the convicted person, and to look into the question of that person's rights during the execution of the penalty.

Very little research has been done on these aspects, the most noteworthy exception being a study of the Dutch experiment in community service carried out in 1984 by Mr Junger-Tas (1), which might well be taken as a model for similar studies of alternative penalties other than community service.

No study seems to have investigated the question of the rights of the person sentenced to an alternative sanction. Now that non-custodial penalties are multiplying and, used in conjunction with increasingly serious offences, becoming more radical, the question arises whether the time has not come to define some minimum rules for the application of these sanctions, at least for the more radical forms.

Lastly, it is relevant to measure the impact of alternative penalties on the public. The answer depends partly on what is meant by "the public": little is known about what the general public thinks, because there has been little study of the question and not much information is available. Specific groups, such as politicians, press, legal system and labour organisations are apparently favourable, on the whole. In particular, the attitude of the jurists is

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(1) In particular, 85% of the placement providers considered that their experience of community service had been positive, that the system was far better than imprisonment and improved offenders' attitudes, provided supervision was adequate. Two out of three of those performing community service considered it to be a real sanction, as did the same proportion of the legal services - prosecution, judges, the bar and probation services. The enquiry also covered the types of offences for which community service was most suitable, the extent to which it should replace imprisonment, the fields of activity to be preferred etc.

unequivocally positive, both in general and as regards the various individual alternative measures. Trade unions, which are more especially interested in community service, would appear to remain relatively neutral in regard to the overall question of alternative measures.

It is hard to say what is behind the predominantly positive attitude of these groups and no doubt their motivations are multiple and vary from one group to the other. The decisive thing is that their attitude is positive, whence the need for the administration to provide material which will encourage that attitude. This means that information as to the purpose and application of new sanctions has decisive importance.

The debate on alternative penalties is lively and is being carried on in virtually all countries. The next step will probably be less to extend the field than to improve the quality of the debate and ensure wider circulation of information issued by the administration.

Prospects for the future

Almost all member States have plans to extend non-custodial treatment. All have investigated or are now investigating the possibility of making greater use of existing alternatives and adopting new ones. Effort in recent years has concentrated on two areas: the development of alternative measures based on the idea of compensation for damage done, eg community service, which would seem to be gaining favour in Europe, or a form of confrontation between victim and offender with a view to a negotiated arrangement (Norway, United Kingdom, Denmark, France); also, there are various new forms of restrictions of freedom: the field of application of suspended sentences with supervision is being extended (Federal Republic of Germany, Italy, France, Sweden) as is that of freedom subject to supervision (Denmark, Sweden, Finland).

On the whole, European countries are concerned to find or adapt new methods for the serving of short terms of imprisonment in open conditions, whether by recourse to alternative measures stricto sensu or by adopting more flexible conditions of execution (various types of part-time imprisonment).

More frequent use of non-custodial penalties is supposed to reduce the prison population, so it is relevant to ask whether prison capacity has actually been diminished or whether the extension of the prison system is still going on. Apparently, at least in recent years, it has not been possible to reduce the prison capacity, and in some countries a sometimes substantial increase is actually being planned. The explanation undoubtedly lies, at least in part, in the often spectacular increase in crime.

Without the growth of the alternative system, however, this increase would have led to demands for an even greater extension of the prison capacity. The parallel growth of the alternative system alongside the

prison system has presumably been a political compromise which has sought to reconcile the views of those in favour of law enforcement and those in favour of treatment - or economy. There is no reason to believe that it will be possible to reduce the prison population in the coming years, but it should at least be possible to slow its growth.

Lastly, it is interesting to compare the amounts spent in the prison system and free care department, respectively. Are transfers from one area to the other conceivable?

Alternative measures cannot be applied without adequate resources. In crisis conditions, that is, in a period of budget cuts, increasing the workload of services responsible for non-custodial treatment is not the only place savings must be made. Alternatives are vastly less expensive than custodial services but they do cost money, and by trying to make too many cuts in this area we may endanger their credibility and thereby seriously compromise the future of alternative penalties.

To promote the further development of alternative measures, it would seem essential to emphasise the following proposals:

- the restrictions attached to the use of these measures are not really necessary in every case, so it would seem desirable to review and reduce them wherever possible;

- it would be expedient to encourage research in the field in order to establish that these measures are more effective than imprisonment as regards recidivism and to compare the effects of the various alternative sanctions and recommend the use of those which produce the best results;

- the definition and application of alternatives must go hand in hand with the implementation of a number of minimum rules for the enforcement of sentences in an open environment;

- increasing use of alternative penalties should not allow us to forget that their implementation, although less costly than imprisonment, nevertheless necessitates the allocation of adequate financial resources.

J P ROBERT
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ENQUETE CHRONOLOGIQUE SUR L'INTRODUCTION DES MESURES ALTERNATIVES A L'EMPRISONNEMENT
DANS LES ETATS MEMBRES DU CONSEIL DE L'EUROPE

CHRONOLOGICAL SURVEY OF THE INTRODUCTION OF ALTERNATIVES TO IMPRISONMENT
IN THE MEMBER STATES(x) OF THE COUNCIL OF EUROPE

	Avant 1900/ Before 1900	1900-1930	1930-1960	1960-1975	1976	Date d'introduction non connue / Date of introduction not known
Semi-détention Semi-detention			F	B, CH	D, I	
Placement à l'extérieur Work release			NL, F, CH	A, DK, B	D, I	
Détention ou arrêt de fin de semaine Week end detention			D	NL, B, CH		
Arrêt domiciliaire House arrest	E					T
Placement en institution en milieu libre Treatment centre	N		NL, CH	DK	D, IRL	
Placement dans une institution Serving outside	N		N, CH, NL	DK	S, D	
Amende / Fine	S, A, N, D, IR, F, B, GB, L, I, E, T	NL, DK	CH			
Jour-amende / Day fine		DK	S	A, D	F	
Compensation / Compensation order				GB		
Sanctions restrictives ou privatives de droits Sanctions restricting or taking away rights	(A), N, NL, B	DK	CH	GB, D, F		
Sanctions morales - Adversel réprimandes		NL				D, P
Attendance centre			GB			
Liberté surveillée					I	
Probation	N	GB, IRL, DK	S, D, F	S, A, B, L	I	
Adjourned supervision				IRL		
Travail au profit de la communauté Community service			D	GB	N, NL, F, DK, P, L, I	
Suspension du prononcé de la peine Suspended sentence	N, L	A, NL, E, DK	D, CH, I	GB, IRL, F, B, CY, S	P	
Supervision order				GB		
Ajournement du prononcé Deferment				GB, F		N, S, B, IRL, L, D, DK
Binding over				IRL		GB, CY
Dispense de peine				F		D,P,GB, NL, CY
Absolute discharge				GB		CY

(x) Les abréviations utilisées correspondent à celles des immatriculations des véhicules automobiles sur le plan international, à savoir :
The abreviations correspond to those used for motor vehicle registrations at international level, namely :
Autriche/Austria (A), Belgique/Belgium (B), Chypre/Cyprus (CY), Danemark/Denmark (DK), France (F), Rép.Féd.d'Allemagne/Fed.Rep.of Germany (D), Grèce/Greece (G), Irlande/Ireland (IRL), Italie/Italy (I), Luxembourg (L), Malte/Malta (M), Pays-Bas/The Netherlands (NL), Norvège/Norway (N), Portugal (P), Espagne/Spain (E), Suède/Sweden (S), Suisse/Switzerland (CH), Turquie/Turkey (T) et/and Royaume-Uni/United Kingdom (GB).

STUDY ON PRISON REGIMES

One of the aims of the prison system is the reintegration of the offender into society after his release from prison. Therefore, enabling the released prisoner to face life under optimum conditions and to become a law-abiding citizen is of cardinal importance.

We must therefore examine ways of trying to achieve this objective.

The study on prison regimes does not aim to provide the final answer to such a vast and complex problem but to serve as far as possible as a source of inspiration by providing details of the action taken in particular member States in this specific field.

In particular it covers the measures likely to inculcate a sense of responsibility and initiative among prisoners. These measures, which are accepted as contributing to the harmonious reintegration of the prisoner are examined in two stages and from several points of view.

Prison leave which was initially the subject of a thorough study and which gave rise to Resolution R (82) 16 fully complies with these. In fact it has been said that prison leave not only contributes to making prisons more humane and to improving conditions of custody but is also one way of facilitating the offender's reintegration into the community.

The questions to be dealt with were: which prisoners should be granted leave, what considerations must be taken into account in this matter, when leave may be given and what arrangements must be made? The recommendation and its explanatory memorandum provides the answers. These texts have already been referred to in the first Bulletin.

The second stage is the examination of prison systems in this particular light.

It seems useful to stress that participation is first and foremost one way of fulfilling this aim.

Although it is true that at least some form of participation has recently been introduced in many spheres, it has not been easy to introduce it in prisons, even though de facto participation has always existed in such institutions in one form or another. Even though, because of its special requirements, prison life does not at first glance lend itself to participation, at present it is accepted that prisons should participate in the security and good order of the establishment and there is agreement that this should be encouraged.

Therefore, after a brief historical survey, the study on prison regimes examines various aspects of participation in prison life. In particular, it looks at the possibilities available (degree of participation in various categories of prison, programmes applying to various types of prison regime, conditions to be respected), and at the areas in which participation could be considered and should be encouraged, either individually or at group level, with special reference to certain categories of prisoner, particularly foreigners and those who are illiterate. Reference is made to prison staff, without whose co-operation nothing can be done in this field. The study also mentions non-participation and limits on participation both in prison and outside prison.

The more traditional means which, it is hoped, will have a positive influence on the prisoners' development were then reviewed. Overall, these measures aim to model daily life in prison as closely as possible on the way the prisoner will be expected to live after his release.

Education aimed at overcoming shortcomings, adequate occupational training, work skills and habits acquired in the prison workshops or outside all contribute to this. Similarly, contact with the outside world, through people coming to visit or being allowed into the prison in one capacity or another as well as by means of access to newspapers, radio, TV and telephone enable the prisoners to maintain or establish links with life outside.

All opportunities offered in this field should be taken up since the better the prisoner is prepared, the more likely he is to reintegrate successfully.

Marguerite-Sophie Eckert

CONVENTION ON THE TRANSFER OF SENTENCED PERSONS

Following ratification by three member States (Sweden, France, Spain) and the United States of America, the convention entered into force between these States on 1 July 1985. It will enter into force for the United Kingdom on 1 August 1985 and for Canada on 1 September 1985.

Under the terms of Recommendation No. R (84) 11 concerning information about the convention, governments of member States are recommended to transmit an authoritative translation of the standard text annexed to the recommendation to the Secretary General who is instructed to forward copies of the translations received to each of the Contracting States for use by their prison authorities (see Prison Information Bulletin No. 4 - December 1984, pp 14-15).

The first translation - into Swedish - has been transmitted to the Secretariat in pursuance of Recommendation No. R (84) 11. It has been forwarded to the six Contracting States.

H-J B

NEWS FROM THE MEMBER STATES

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

The following data, product of the data collection system set up by the Committee for Co-operation in Prison Affairs, relate to the position of the prison population on 1 February 1985 and the prison intake for 1983 (1).

With the data base begun on 1 February 1983, populations can now be followed over a two-year period and this dimension has been systematically incorporated into the graphs.

We have also calculated a new indicator which gives a more accurate picture of remand detention: the rate of detention on remand (number of persons held at one time in relation to number of inhabitants).

The questionnaire sent out on previous occasions was used unchanged.

From the raw statistics supplied, the following indicators have been calculated:

TABLE 1. Position at 1 February 1985

a. Total prison population.

b. Rate of detention per 100,000: total prison population at 1 February as a proportion of the total number of inhabitants.

c. Proportion of accused (%): number of prisoners who have not been given a final sentence, as a proportion of the total prison population.

d. Proportion of women (%).

e. Proportion of minors and young adults (%).

f. Proportion of foreigners (%).

If the data in Table 1 are compared with the position at 1 February 1983 and 1 February 1984 (2), a certain increase in the average detention rate will be observed (1.2.1983 = 58 p. 100,000, 1.2.1984 = 61.2, 1.2.1985 = 63), the dispersion of the breakdown remaining comparable (normal difference at 1.2.1983 = 23.5, at 1.2.1984 = 23.7, and at 1.2.1985 = 23.5) (Figure 1).

As in the past, attention should be drawn to the fact that this very slight upward trend covers a wide variety of situations.

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(1) At its request, the Finnish prison administration has taken part in this inquiry for the first time; the relevant data are set out in Appendix I.
Data relating to Canada are included for the second time (see Appendix 2).

(2) These calculations do not cover the position of Turkey, for which we have no data for 1.2.1983.

TABLE 2. Trends

This table shows the annual rate of increase in the total prison population during the period "1.2.1984 - 1.2.1985" (column a) as well as the rates by category, sex, age and nationality (columns b to i). Increases over the last 12 months have been substantial in seven out of 19 instances, ranging from 5.3% (Norway) to 33.0% (Spain). The position has remained relatively stable in five states: Italy (1.9%), Denmark (1.4%), Sweden (1.4%), Ireland (0.1%) and Austria (-0.3%). Lastly, in five cases there has been a definite drop: from -3.5% (Turkey) to -13.2% (Cyprus).

Figure 2 shows the rates calculated over two consecutive years, which gives a more exact idea of trends. For example, the sharp rise in the Spanish population during period (2) follows a very sharp drop in period (1) resulting, mainly, from the reform of the Criminal Code and Code of Criminal Procedure, as regards detention on remand in particular.

Comparison of the rates calculated for the period "1.2.1984 - 1.2.1985" with the position at the beginning of the period (measured by the rate of detention at 1.2.1984) does not show a correlation between the two indicators, in contrast to findings for the period "1.9.1983 - 1.9.1984" (Figure 3). Here again, the prevailing impression is one of great variety.

Trends in demographic structures

No overall trend emerges from the analysis of rates of increase by sex.

In the seven countries for which it has been possible to calculate rates of increase by age, there has been a reduction in the proportion of minors and young prisoners. With one exception (Spain) this corresponds to a reduction in the overall population in this category of prisoners, of: Turkey (-58%), Austria (18 y, -16%), Italy (18 y, -11%), Norway (21 y, -9%), Ireland (21 y, -4%), France (21 y, -0.1%).

This trend, already noted for the period "1.2.1983 - 1.2.1984" has become more marked in the last 12 months.

In the nine countries for which it has been possible to calculate significant rates by nationality, an increase in the proportion of non-nationals has been observed. With one exception (Belgium), this corresponds to a sometimes very considerable increase in the total number of foreign prisoners: Spain (54%), Norway (37%), Luxembourg (32%), Italy (16%), Greece (15%), France (11%), Turkey (7%), Austria (4%). No such trend was indicated by the analysis for the period "1.2.1983 - 1.2.1984".

Trend in regard to detention on remand

It has been possible to calculate significant increases, by category of imprisonment, in 13 cases, for the period "1.2.1984 - 1.2.1985". In 10 of these, there has been a reduction in the rates of accused persons. Exceptions are Belgium and Sweden, where the rate has risen very slightly and Spain, where the rate of accused has risen in 12 months from 40.9% to 50.4% (see comment above). The same general trend was observed in respect of the period "1.2.1983 - 1.2.1984".

Trends in the rate of accused persons are affected by changes in the total number of accused but also in the number of persons convicted.

The rate of detention on remand, therefore, is a better instrument of analysis (Table 3 and Figure 4) (1).

The rate of detention on remand is relatively stable: 1.2.1983 = 19.0 per 100,000; 1.2.1984 = 19.5, 1.2.1985 = 18.6. But in the light of the enormous discrepancies in national situations, the average figure is not very meaningful. States can be grouped into four categories, according to the trend in rates of detention on remand in the last two years:

Falling trend: Austria, Denmark, Federal Republic of Germany, Greece, Ireland, Iceland, Luxembourg, Norway, Sweden

Stable: Belgium, Netherlands

Rising trend: Cyprus, France, Portugal, United Kingdom

Fluctuating: Italy, Malta, Spain, Switzerland

TABLE 4. Committal flow in 1983 (2)

a. Number of committals in 1983.

b. Rate of imprisonment per 100,000 in 1983: number of committals in 1983 in relation to average number of inhabitants in that period. In view of the information available, we have used the number of inhabitants at 1.9.1983 as supplied by administrations.

c. Average detention period indicator (D): ratio of average populations for 1983 (P) to committals for the same period (E)

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

In view of the information available, we have adopted the population on 1.9.1983 as the value for P.

Readers are reminded that the resulting figures are to be regarded as indicators, not as the product of measurement.

e. Rate of increase of number of committals (1983/1982).

It has been possible to add data for Switzerland and the United Kingdom to Figure 5 (published in Bulletin No. 4). Data for Denmark and Italy have been corrected.

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(1) Number of accused persons at the same time in relation to number of inhabitants (per 100,000).

(2) Flow data for 1984 will be published in Bulletin No. 6 (December 1985), together with an analysis of the trend observed in the last three years.

Figure 1. Breakdown of member States of the Council of Europe by detention rate per 100,000 inhabitants

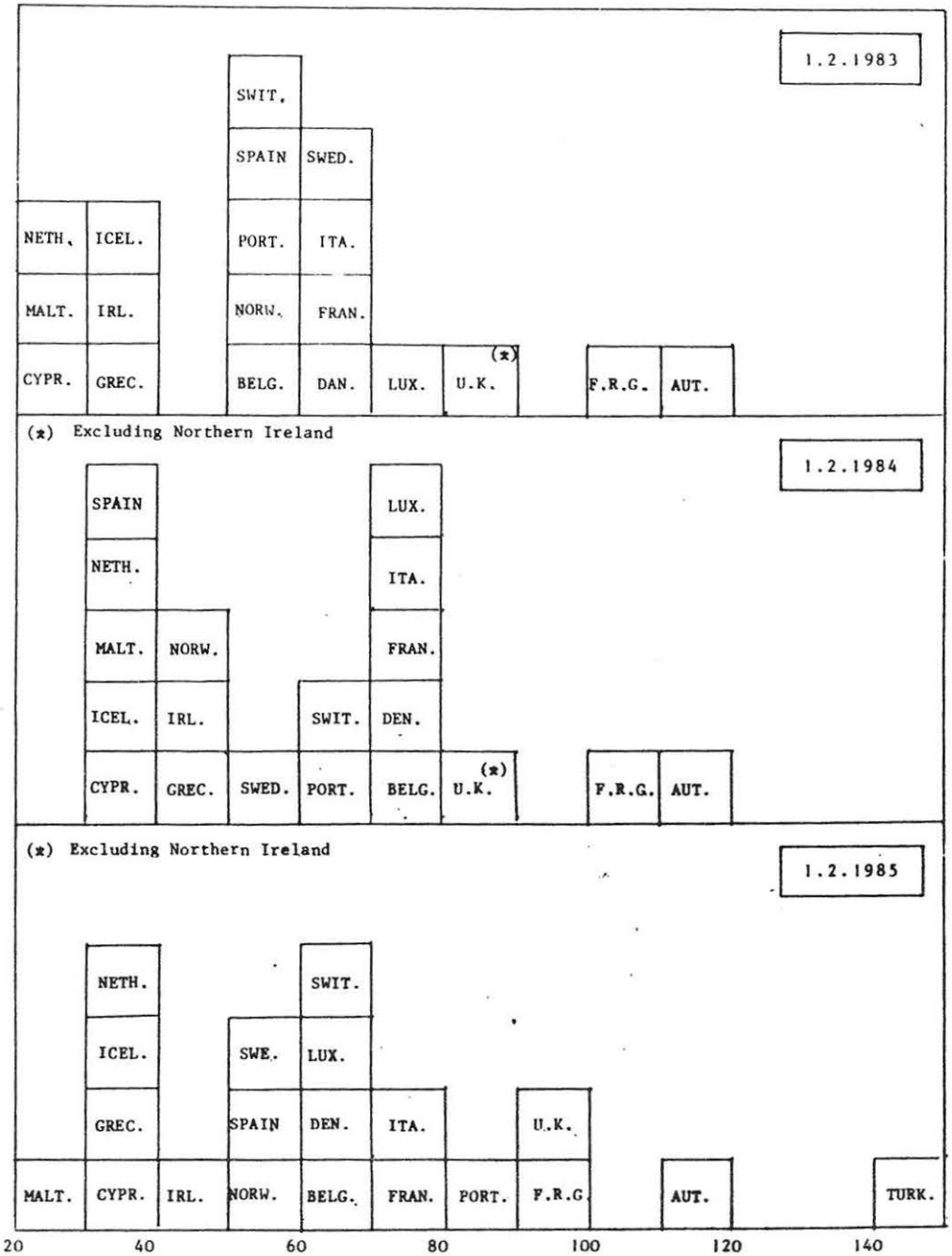
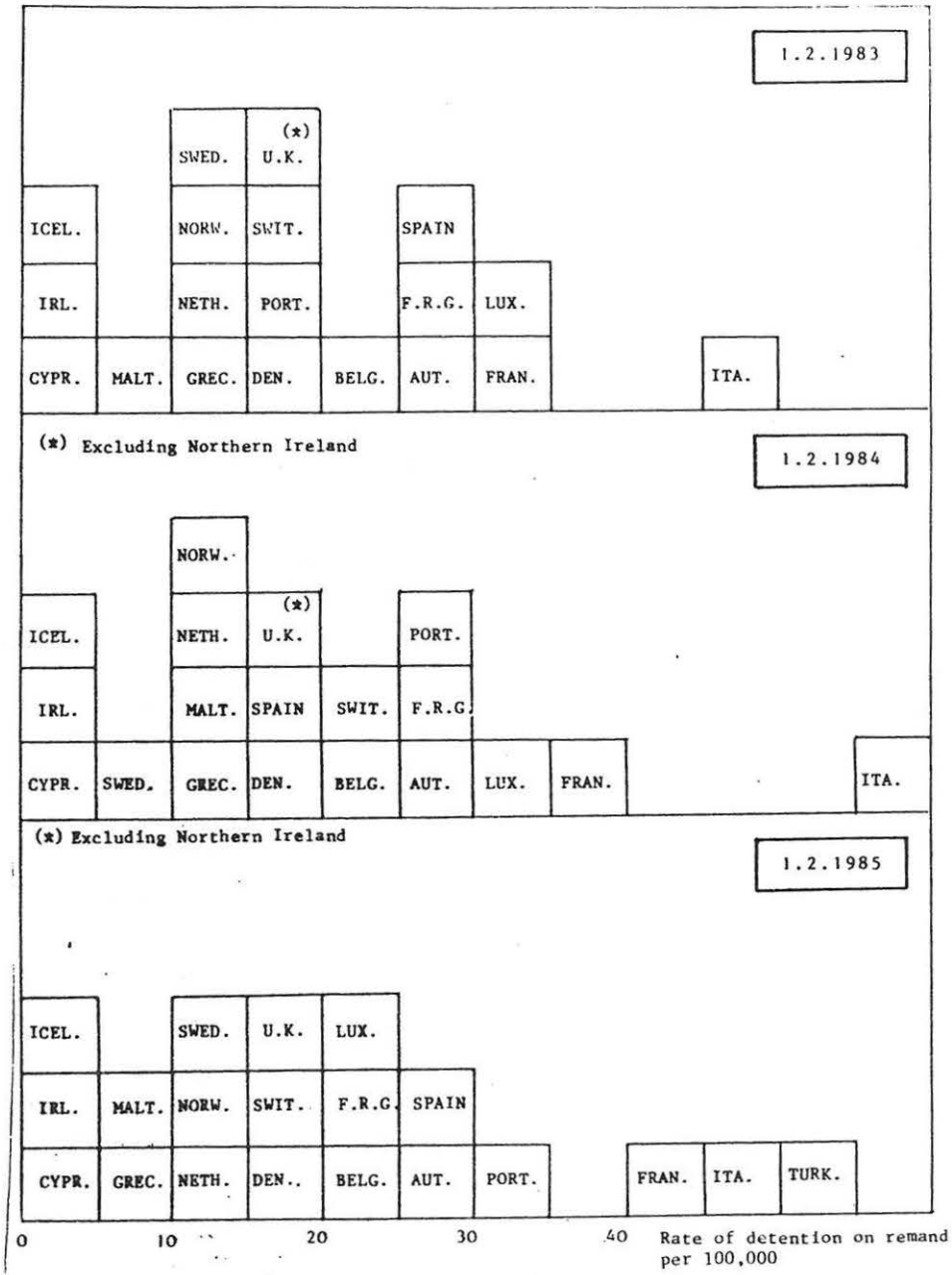


Figure 4. Breakdown of member States of the Council of Europe by rate of detention on remand, per 100,000 inhabitants



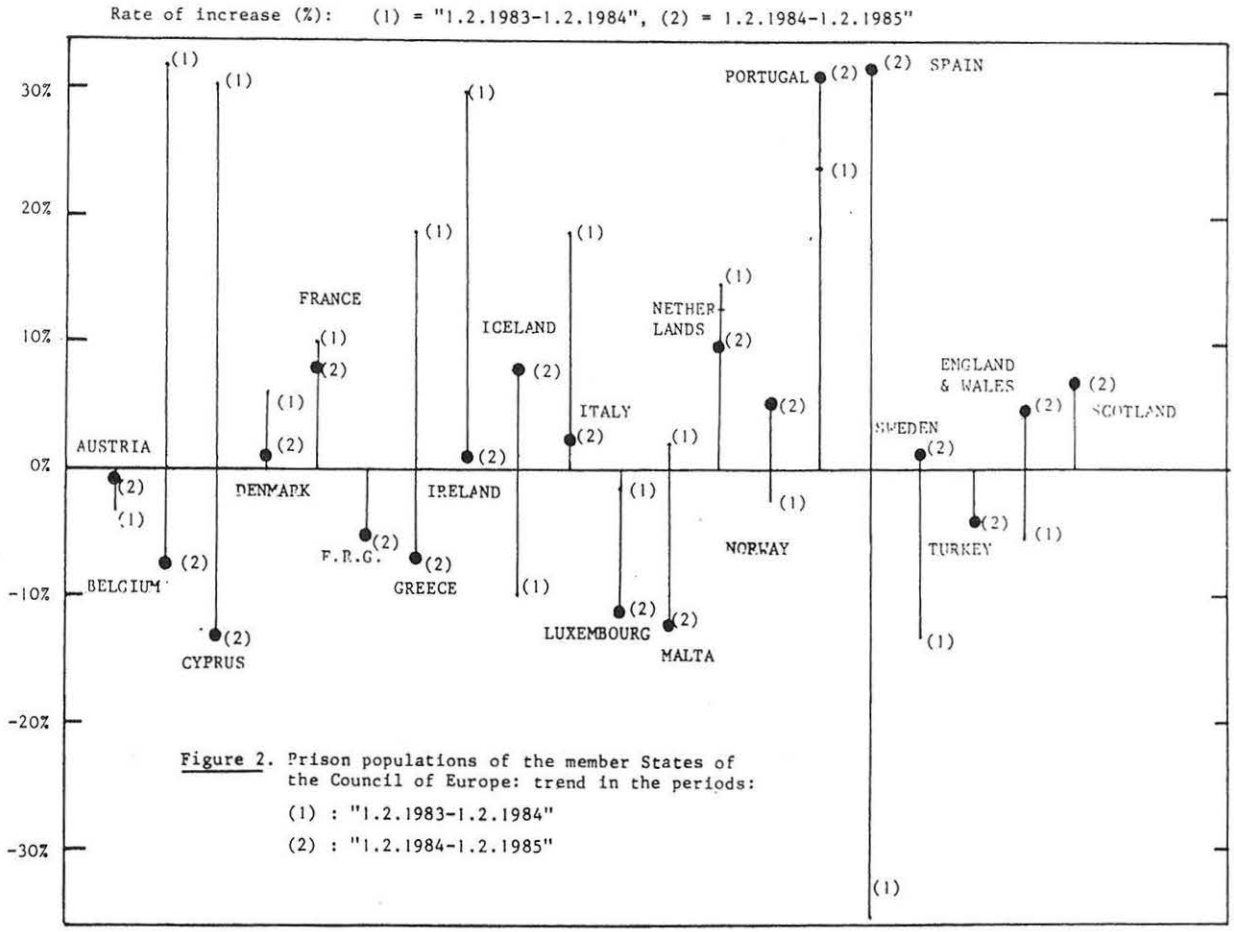
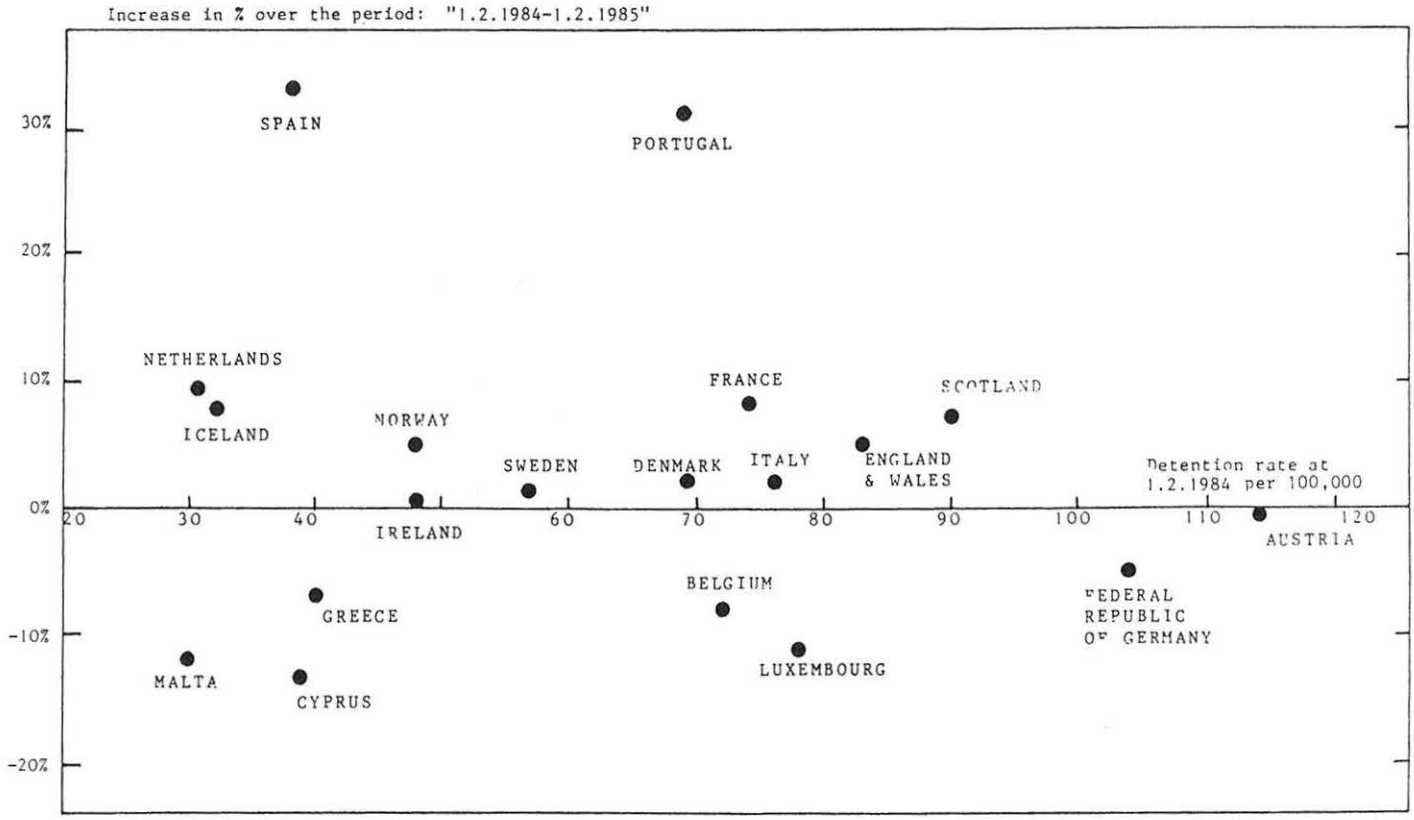


Figure 2. Prison populations of the member States of the Council of Europe: trend in the periods:

(1) : "1.2.1983-1.2.1984"

(2) : "1.2.1984-1.2.1985"

Figure 3. Prison populations of member States of the Council of Europe: detention rates at 1.2.1984 and change in the period "1.2.1984 - 1.2.1985"



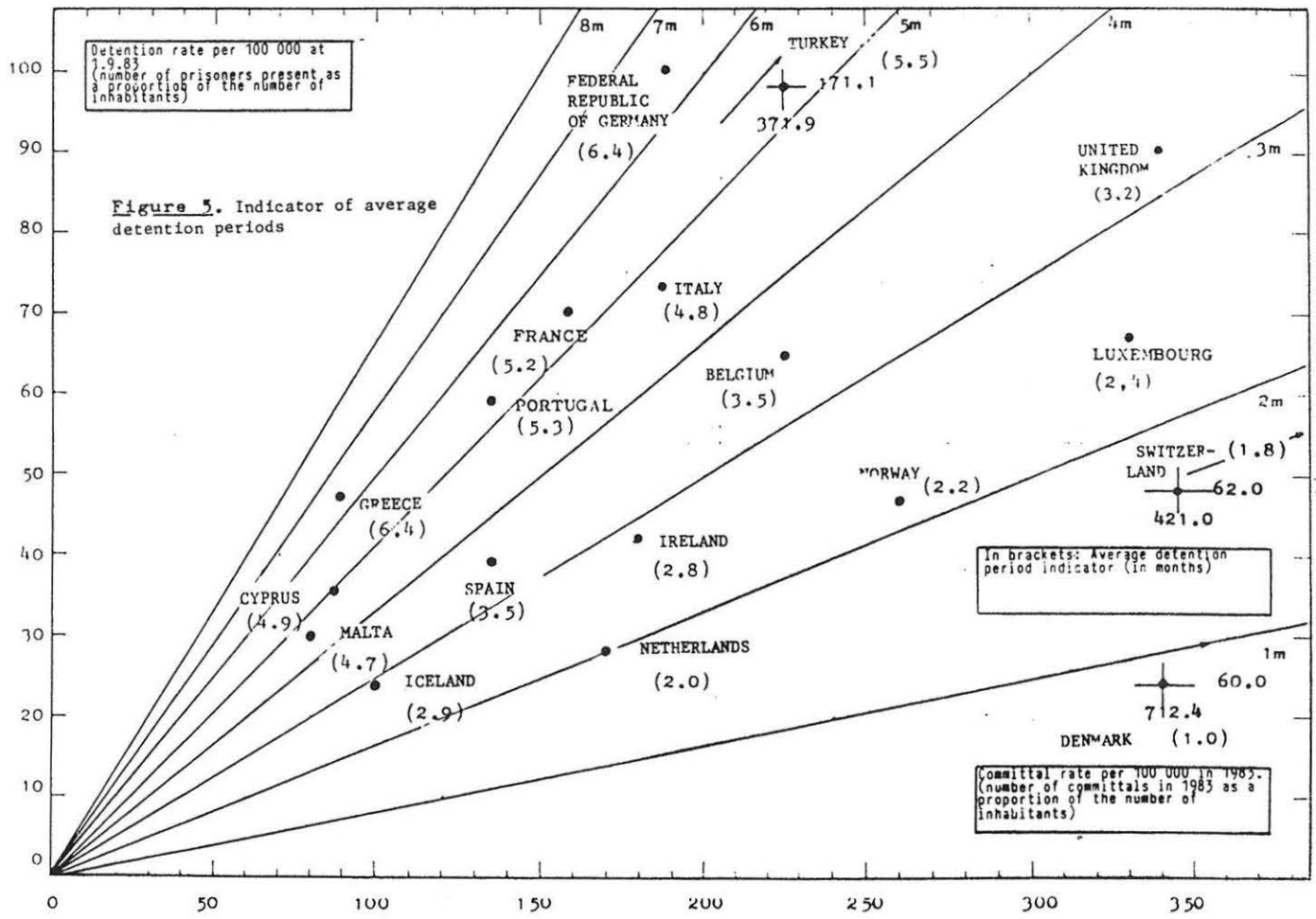


Figure 5. Indicator of average detention periods

Table 1: Prison population of the member States of the Council of Europe: position at 1 February 1985

	(a)	(b)	(c)	(d)	(e)		(f)
	Total prison population	Detention rate per 100,000	Proportion of accused (%)	Proportion of women (%)	Minors and young persons		Foreigners (%)
					%	Def.	
Austria	8 493	111.5	23.2	3.7	1.6	18y	7.0
Belgium	6 598	66.9	30.6	4.2	0.9	18y	25.3
Cyprus	178	33.3	6.2	2.2	24.7	21y	26.8
Denmark	3 478	68.0	23.4	3.5	...	...	...
France (*)	44 969	79.7	50.9	3.3	15.6	21y	26.5
Federal Republic of Germany (x)	60 911	99.7	23.8	3.6	13.4	...	14.5
Greece	3 645	37.4	24.2	3.8	7.8	21y	15.0
Ireland (*)	1 671	47.3	6.3	2.2	25.5	21y	2.0
Iceland	81	33.7	6.2	3.7	16.0	22y	0.0
Italy	44 174	77.5	64.1	4.8	1.8	18y	9.2
Liechtenstein	...	...	...	...	...	...	...
Luxembourg	253	69.3	34.8	4.0	4.7	21y	40.7
Malta	91	28.4	33.0	4.4	0.0	18y	8.8
Netherlands (x)	4 933	34.0	35.9	2.6	21.8	23y	16.5
Norway	2 102	50.7	24.5	...	9.0	21y	7.3
Portugal	8 568	87.0	37.4	3.4	14.9	21y	5.2
Spain	19 541	50.7	50.4	4.2	13.4	21y	9.3
Sweden (*)	4 807	58.0	17.6	3.3	2.5	21y	19.0
Switzerland (x)	4 400	68.3	22.7	4.2	0.1	18y	31.4
Turkey (*)	73 471	147.0	34.9	4.0	0.9	...	0.5
United Kingdom (*)	50 717	90.0	21.8	3.1	27.7	21y	1.4
England & Wales (*)	43 609	87.8	22.0	3.3	28.6	21y	1.6
Scotland	4 985	97.4	21.8	2.6	28.3	21y	0.0
Northern Ireland	2 123	135.0	18.6	2.0	9.2	21y	0.1

(*) See comments page 24.

Table 2: Prison population of the member States of the Council of Europe: change in the period "1.2.1984 - 1.2.1985"

	Rate of increase % (1.2.1984 - 1.2.1985)								
	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)
	Total prison population	Accused	Convicted	Male prisoners	Female prisoners	Minors and young adults	Adults	Nationals	Foreigners
Austria	-0.3	-2.8	0.5	-0.1	-3.7	-16.4	0.0	-0.6	3.8
Belgium (*)	-8.4	-8.1	-6.1	-8.3	-11.1	...	...	-10.7	-0.8
Cyprus (*)	-13.2	( )	-15.2	-15.1	( )	(-8.3)	-14.7	-19.4	(23.3)
Denmark (*)	1.4	-7.6	4.5	0.2	51.2	...	...	...	...
France	8.2	6.1	10.6	8.4	3.7	-0.1	9.9	7.1	11.4
Federal Republic of Germany (*)	-5.0	-10.7	-3.0	...	...	...	...	...	...
Greece (*)	-7.3	-15.3	-4.4	...	...	...	...	-10.3	15.0
Ireland (*)	0.1	-18.5	1.7	0.6	(-16.3)	-4.3	1.7	0.1	(0.0)
Iceland (*)	(8.0)	( )	(15.2)	(5.4)	( )	( )	(4.6)	(8.0)	( )
Italy	1.9	-11.6	40.2	2.1	-2.6	-11.4	2.1	0.7	16.0
Liechtenstein	...	...	...	...	...	...	...	...	...
Luxembourg (*)	-11.2	-25.4	-1.2	-12.3	( )	( )	-10.7	-27.5	32.1
Malta (*)	-11.7	(-33.3)	(5.2)	-11.2	( )	( )	(-7.1)	(-13.5)	( )
Netherlands (*)	9.6	...	...	...	...	...	...	...	...
Norway (*)	5.3	0.8	6.9	...	...	-9.1	7.0	3.5	36.6
Portugal (*)	31.5	...	...	...	...	...	...	...	...
Spain	33.0	63.7	11.7	31.8	69.2	16.5	36.0	31.2	54.3
Sweden (*)	1.4	5.0	0.6	...	...	...	...	...	...
Switzerland (x)	...	...	...	...	...	...	...	...	...
Turkey	-3.7	-17.5	5.9	-3.0	2.6	-57.8	-1.7	-3.7	7.1
United Kingdom (x)	...	...	...	...	...	...	...	...	...
England & Wales (*)	5.1	...	...	...	...	...	...	...	...
Scotland	7.4	29.9	2.5	6.8	(40.9)	-4.5	13.0	7.4	( )
Northern Ireland	....	...	...	...	...	...	...	...	...

(*) See comments page 25

Table 4: Prison population of member States of the Council of Europe: Committal flow in 1983

	(a) Number of committals in 1983	(b) Rate of committals per 100,000 in 1983	(c) Rate of accused admitted in 1983	(d) Average detention period indicator (months) (1983)	(e) Rate of increase in number of committals (1983-1982)
Austria	...	...	...	...	...
Belgium (x)	22 670	225.8	...	3.5	...
Cyprus	456	86.8	22,8	4.9	60.6
Denmark (*)	37 045	712.4	42.0	1.0	...
France (*)	86 362	158.4	84.0	5.2	16.0
Federal Republic of Germany (*)	115 326	187.2	...	6.4	- 6.5
Greece	7 054	88.7	29.5	6.4	6.0
Ireland	6 199	178.0	32,7	2.8	- 4,7
Iceland	238	101.5	30.7	2.9	54.5
Italy (*)	103 196	181,9	92,1	4.8	-19.9
Liechtenstein	...	...	...	...	...
Luxembourg	1 216	332,5	...	2.4	13,8
Malta	249	77.0	64.7	4,7	-10.1
Netherlands	24 500	171.5	32.0	2.0	2.5
Norway	10 821	262.0	36.7	2.2	- 7.0
Portugal	13 924	134.6	68.2	5.3	79.4
Spain	50 784	133.7	91.9	3.5	-10.5
Sweden (*)	...	...	...	...	...
Switzerland (x)	27 159	421.0	63.7	1,8	...
Turkey (x)	165 753	371.9	60.3	5.5	- 5.7
United Kingdom	191 734	340.4	39.8	3,2	...
England, Wales,	152 414	307.2	38.7	3.4	- 3.1
Scotland	35 469	688.8	43.1	1.7	- 3.1
Northern Ireland (x)	3 851	247.6	54.1	6.8	....

(*) See comments page 26

Table 3: Prison population of member States of the Council of Europe: trend in rate of detention on remand (per 100,000 inhabitants)

	1.2.1983			1.2.1984			1.2.1985		
	Total prison population	Rate of detention per 100,000	Rate of detention on remand per 100,000	Total prison population	Rate of detention per 100,000	Rate of detention on remand per 100,000	Total prison population	Rate of detention per 100,000	Rate of detention on remand per 100,000
Austria	8 748	114.0	29.5	8 516	114.0	27.1	8 493	111.5	25.8
Belgium	5 343	53.4	20.2	7 204	72.0	21.9	6 598	66.9	20.5
Cyprus	156	29,7	1,1	205	39.0	1,5	178	33.3	2.1
Denmark	3 236	63.0	18,1	3 430	70.0	18.0	3 478	68.0	15.9
France	37 649	67.8	35,0	41 545	74.2	38.5	44 969	79,7	40.6
Federal Republic of Germany	63 431	102.8	28,9	64 091	104.4	26.5	60 911	99.7	23.8
Greece	3 300	35,0	11.1	3 930	40.0	10.6	3 645	37.4	9.0
Ireland	1 281	37.0	4,2	1 669	47.6	3.7	1 671	47.3	3.0
Iceland	83	35.3	4.3	75	31.7	3.8	81	33.7	2,1
Italy	36 515	64.6	49.1	43 348	76.3	56,4	44 174	77,5	49.7
Liechtenstein	...	...	...	...	...	...	...	...	...
Luxembourg	287	72.0	33.6	285	78.0	32,3	253	69,3	24,1
Malta	101	29.0	8.6	103	30.0	13,1	91	28.4	9,4
Netherlands	3 900	28.0	11,8	4 500	31.0	13,1	4 933	34.0	12.5
Portugal	2 051	51.5	13.9	1 996	48.0	12.3	2 102	50,7	12.4
Spain	5 188	53.0	16.9	6 820	68.6	27.5	8 568	87.0	32.6
Sweden	22 720	59.8	28.5	14 691	38.2	15.6	19 541	50.7	25.5
Switzerland	5 461	65.0	12.7	4 742	57.0	9,7	4 807	58.0	10.2
Turkey	3 700	58.0	18.8	4 400	62.0	24.0	4 400	68,3	15.5
United Kingdom	...	...	....	...	...	...	73 471	147.0	51.4
England	...	...	...	...	...	...	50 717	90.0	19.6
Wales	43 368	87.0	15.2	41 310	83.3	15.3	43 609	87.8	19.3
Scotland	5 172	100.4	18.8	4 640	90.1	16.2	4 985	97.4	21.2
Northern Ireland	...	...	...	...	...	...	2 123	135,0	25,1

(*) See comments page 26.

COMMENTS - TABLE I

FRANCE: Statistics relate to all persons imprisoned in Metropolitan France and the Overseas Departments (numbers in the mother country: 43,422, in Overseas Departments: 1,547).

- For Metropolitan France the indicator (b) is 78.8 per 100,000.
- Indicators (d), (e) and (f) have been calculated with reference to the position at 1.1.1985.

FEDERAL REPUBLIC OF GERMANY: Indicator (b) refers to the position at 30.9.1984.

- Indicator (e) represents the proportion of prisoners in young people's prisons.
- Indicator (f) is an estimate.

IRELAND: 34 foreign, not including 67 prisoners from Northern Ireland.

NETHERLANDS: The number of 4,933 prisoners includes 278 persons held in police custody for lack of space in prisons.

- The total of the populations under (2) and (3) of the questionnaire is higher than the total given in (1) - 5,060 as against 4,933. Indicator (c) was calculated in terms of the higher figure.
- The total of the population (4), (5), (6) and (7) is higher than the total given in (1) - 5099 against 4933. Indicator (d) and (e) have been calculated in terms of the higher figure.

SWEDEN: Indicators (d), (e) and (f) have been calculated on the basis of the convicted population.

SWITZERLAND: Indicators (a), (b) and (c) are estimates of the position at 31.12.1983 - statistics of detention on remand are not kept.

- Indicators (d), (e) and (f) have been calculated on the basis of the population of convicted persons.

TURKEY: The total of the numbers under (4), (5), (6) and (7) is higher than the number under (1) - 74,123 as against 73,471. Indicators (d) and (e) have been calculated on the basis of the higher total.

- Comparison of the rates of detention at 1.2.1985 (147.0), at 1.2.1984 (171.1) and at 1.9.1984 (193.0) would seem to indicate that the calculation has not been made on the same basis on all three dates.

UNITED KINGDOM:

ENGLAND AND WALES: Indicators (d) and (e) relate to the entire prison population, with the exception of "civil prisoners" (n = 276).

- Indicator (f) is an estimate; prisoners born outside the United Kingdom, Commonwealth and associated countries (eg Pakistan) are treated as foreigners.

COMMENTS - TABLE 2

The rates in brackets should be regarded as having little significance owing to the small numbers involved (fewer than 100 at 1.2.1984 and 1.2.1985).

The rates have not been calculated when the numbers at the two dates were below 30 (symbol used: ( )).

BELGIUM: In addition to the categories of "remand" and "convicted" prisoners there is a third category, covering a number of different legal situations (abnormal offenders detained under the Social Defence Act, vagrants or beggars placed at the disposal of the government etc). During the period of reference, the rate of increase in this category was - 13.1%.

- In the absence of comparable data, it has not been possible to calculate rates by age.

DENMARK: In the absence of data for 1.2.1985, it has not been possible to calculate rates by age and nationality.

FEDERAL REPUBLIC OF GERMANY: It has not been possible to calculate rates by sex, age and nationality as data for 1.2.1984 rate solely to convicted persons.

GREECE: It has not been possible to calculate rates by sex and age, as data for 1.2.1984 refer solely to convicted persons.

NETHERLANDS: In the absence of coherent data for 1.2.1985 (see note to table 1), it has not been possible to calculate specific rates.

NORWAY: In the absence of data for the two dates, it has not been possible to calculate rates by sex.

PORTUGAL: Available data relate to 26.3.1984 and 1.2.1985. The overall annual rate of increase has been estimated as follows:

$$P(1.2.1985) = P(26.3.1984).(1 + r)^{10/12}$$

SWEDEN: It has not been possible to calculate rates of increase by sex, age and nationality as data relate solely to the population of convicted persons.

SWITZERLAND: In the absence of exact data for the reference dates, it has not been possible to calculate rates.

UNITED KINGDOM: Data not available at 1.2.1984.

ENGLAND AND WALES: Available data relate to 31.12.1983 and 1.2.1985. The overall annual rate of increase has been estimated as follows:

$$P(1.2.1985) = P(31.12.1983).(1 + r)^{13/12}$$

COMMENTS - TABLE 3

Data at 1.2.1983: Consult the report on "Prison demography in the member States of the Council of Europe", VIth Conference of Directors of Prison Administrations, CDAP (83) 4, p. 8.

Data at 1.2.1984: Consult Prison Information Bulletin No. 3, June 1984, p. 28.

COMMENTS - TABLE 4

BELGIUM: Indicator (a) does not include the 4,961 entries of prisoners returning from prison leave.

- Indicator (e) has not been calculated as it is not known whether entries of prisoners returning from prison leave were taken into account or not in 1982.

DENMARK: The data published in Bulletin No. 4, December 1984, have been corrected by the Danish administration.

- Indicator (e) has not been calculated as the data for 1982 and 1983 are not comparable.

FRANCE: Data relate solely to Metropolitan France.

FEDERAL REPUBLIC OF GERMANY: Having regard to available data, the rate of imprisonment in 1983 and the indicator of the average period of detention have been calculated on the basis of the prison population at 31.7.1983.

ITALY: The data published in Bulletin No. 4, December 1984, have been corrected by the Italian administration.

SWEDEN: Committals in 1983: convicted persons = 15,177, increase in relation to 1982 = 9.6%.

SWITZERLAND: Indicators (a), (b) and (c) are estimates (statistics are not kept for detention on remand).

- It has not been possible to calculate indicator (e) in the absence of comparable data. Flow indicators for 1982 published in Bulletin Nos. 2 and 3 should not be taken into consideration: in reality the basic data related solely to convicted persons.

TURKEY: Having regard to available data the rate of inprisonment in 1983 and indicator of the average period of detention have been calculated on the basis of the prison population at 1.2.1984.

UNITED KINGDOM: In the absence of data for 1982 the rate of increase in the number of imprisonments could not be calculated.

NORTHERN IRELAND: The data published in Bulletin No. 4 (December 1984) have been corrected by the Irish administration.

- Having regard to available data, the rate of imprisonment in 1983 and indicator of the average period of detention have been calculated on the basis of the prison population at 1.9.1984.
- Indicator (e) has not been calculated in the absence of data for 1982.

ENGLAND AND WALES: The administration responsible for statistics for England and Wales has raised the problem of double counting: see note (a) on p. 31, Bulletin No. 4 (December 1984).

APPENDIX I

DATA ON THE PRISON POPULATION IN FINLAND

* Position at 1.2.1985

a.	Total prison population	4,683
b.	Rate of detention per 100,000 inhabitants	97.0
c.	Rate of remand prisoners as %	11.2
d.	Rate of female prisoners as %	3.0
e.	Minors and young adults (21y) as %	7.8
f.	Proportion of foreigners as %	0.4

* Number of imprisonments in 1983 10,132

Rate of imprisonment in 1983 per 100,000	209.9
Rate of persons accused on entry in 1983 as %	35.2
Indicator of average detention period in months	5.5

Note: Having regard to the available data, the rate of imprisonment in 1983 and indicator of average length of detention have been calculated on the basis of the prison population at 1.2.1985.

APPENDIX II

DATA ON THE PRISON POPULATION IN CANADA

* Average position over the period "1.4.1983 - 31.3.1984"

a.	Total prison population	27,595
b.	Rate of detention per 100,000 inhabitants	111.0
c.	Rate of remand prisoners as %	12.3

* Trend in relation to the average position over the period "1.4.1982 - 31.3.1983" (rate of increase as %)

a.	Total prison population	0.7
b.	Accused	- 4.6
c.	Convicted	2.0

* Number of inprisonments in 1983	212,053
Rate of imprisonment per 100,000 in 1983	803.9
Rate of accused persons on entry in 1983 as %	35.1
Indicator of average length of detention in months	1.7
Rate of increase in number of committals (1983/1982)	- 5.8

Note: The total population relates to adult departments (provincial and federal institutions): age-limit 16, 17 or 18 years depending on the province.

- The total of the numbers under (2) and (3) of the questionnaire is higher than the number under (1) - 27,777 as against 27,595. The rate of accused persons (State) has been calculated on the basis of the higher figure.

EXCHANGE OF INFORMATION ON PRISON MATTERS

PRISON DESIGN IN THE

COUNCIL OF EUROPE MEMBER STATES

This comparative survey of Council of Europe member States' approaches to prison design was conducted as part of the work of the Committee of Enquiry on Architecture and Prison, set up on 9 January 1984 by the French Minister of Justice.

It brings out, despite the diversity of institutional practice, similarities between States' descriptions of their design policies, whereas there are more marked variations in the general specifications applying to prison buildings.

I. Architectural policy

In describing their architectural policies, all States which answered the questionnaire invoked the Standard Minimum Rules for the Treatment of Prisoners, as set out in Resolution (73) 5 of the Council of Europe Committee of Ministers. The way those principles are put into architectural practice varies, however, according to the particular country's sentence enforcement approach and the state of the building stock.

In Scandinavia, for instance, the preference has been for open prisons, where, in all save exceptional cases, short-term prisoners serve their sentences.

Over the last ten years Sweden has mainly built local prisons (for prisoners serving sentences of less than one year), in accordance with an emphasis on proximity to the family and on participation by outside bodies in the treatment of prisoners.

In addition, although there are still maximum security prisons for the most dangerous prisoners, Sweden has prison villages, a new form of prison solely for longer-term prisoners. They comprise twenty or so chalets where living conditions are similar to those outside prison (1).

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(1) Extracts from LIAISON, Volume 6, No. 1, January 1980
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Direction des Programmes,
340 West, Avenue Laurier,
Ottawa (Ontario)
K1A 0P8)

Mediterranean countries, with old building stock some of which is not up to international standards and is unsuited to the prison population's needs, have been making an effort to modernise.

Spain has been diversifying its arrangements, in particular by setting up semi-open establishments.

Since building finance was greatly increased ten years ago, Italy has been carrying out a programme of prison modernisation and reorganisation. The situation in Italy is similar to that in France, which has an extremely old building stock and is having to combine building of new prisons with renovation of existing ones.

Like the United Kingdom, France is endeavouring to reconcile security with social rehabilitation, a prerequisite of social rehabilitation being that living conditions inside prison should be as close as possible to regulation housing conditions outside.

In the United Kingdom and Ireland the main design considerations are space, comfort, control and improved surveillance.

Because of Germany's federal structure, responsibility for sentence enforcement is shared by the federal authorities and the Länder. Federal law lays down the general principles and the Länder are responsible for details of implementation.

In addition to these general considerations, the enquiry compared practice with regard to equipment planning, to staff accommodation and to finance policy. (Are States attempting to reduce the cost of prison upkeep and if so how?).

I.1 *Planning - who participates?*

In all States, prison department representatives and architects (whether the department's own or private sector architects) take part in the planning of new buildings. Prison officials (Belgium), representatives of probation committees (Denmark), police representatives (Switzerland) or representatives of local councillors (France) may also participate.

I.2 *Housing arrangements for prison staff*

In most States construction projects include privision for staff accommodation (generally near the prison), though some States (Switzerland, Ireland) are unhappy with the results and have decided to stop providing staff quarters. The Danish prison department does not house its staff.

In France and the United Kingdom accommodation is provided only for staff with special responsibilities.

I.3 *Operating costs*

When planning a new prison, prison departments take account of operating costs, which they endeavour to cut by building for solidity and durability and/or rationalising the work of the staff. Use of sophisticated equipment (such as closed-circuit television) can, for instance, make surveillance easier.

II. General specifications for prison construction

II.1 *Cells and communal units*

The area of single cells varies from 6 m^2 to 12 m^2. A cell generally has regulation furniture (bed, chair, table, sometimes a cupboard and/or chest of drawers) and the layout is usually specified by the authorities, though in Switzerland the prisoners have a say. In most cases, the cell has an adjoining toilet.

Nearly all States have a system of communal units for fifteen to fifty prisoners. Multipurpose rooms for instruction, sport or cultural or recreational activities are generally provided in the unit or nearby. In most States prisons take from 40 to 200 prisoners. In France the maximum capacity for new prisons is now 400 prisoners.

II.2 *Environment and security*

Although most States put them outside built-up areas, prisons are nonetheless sited to assist family contact and liaison with judicial and administrative authorities.

Denmark sites State prisons some distance from residential areas but puts local prisons in built-up areas.

Similarly, France has "établissements pour peines" and "maisons d'arrêt" (1), the former being located outside urban areas and the latter inside - despite inconveniences such as urban land prices and local hostility.

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(1) "Maisons d'arrêt" are for remand prisoners and prisoners serving short sentences, whereas "établissements pour peines" are for prisoners with more than one year to serve at the time of final conviction.

Esthetic considerations are not neglected. A belt of greenery may be planted around the prison (Belgium) or care may be taken in the choice of colour scheme, of materials used or of species planted (United Kingdom).

Although States endeavour to adapt prison design to the environment, choice of site and materials is often dictated by security factors. To assist surveillance, a no-building zone may, for example, be created around the prison (Federal Republic of Germany) or a flat open site not overlooked by nearby high ground may be chosen or the prison located in an isolated rural area (United Kingdom).

In Italy too, despite the recent reforms aimed at improving prison conditions, the growth of organised crime and terrorism has forced the prison department to take adequate perimeter fencing precautions and establish security zones. In prisons adjacent to residential areas, the Netherlands has likewise stepped up security precautions: structures more than two storeys high (such as staff or office buildings) may be incorporated in the perimeter wall.

Security devices: most prisons have elaborate alarm and surveillance devices which are generally linked to staff quarters and/or police stations (intercom, alarm systems, walki-talkies, warning lights, closed-circuit television, metal detection systems).

The Netherlands, Sweden and Switzerland do not view security solely in terms of maintaining order and efficiency in prisons: the educational aspect of prison treatment also has a bearing on security planning. Thus, the Netherlands no longer stations sentries on perimeter walls and Sweden does not arm prison warders.

The study thus reveals a degree of consistency in the broad emphases of design policy, which aims in the first instance, while complying with the minimum rules, to promote social rehabilitation and improve conditions of detention. There is, too, a noticeable concern to make prison less isolated from the community and adapt buildings to the environment. On the other hand there is less uniformity as regards building specifications, planning procedure and security approach.

Martine Barbarin

The report on prison design in Council of Europe member States is available in French, from the following address: Ministère de la Justice, Direction de l'Administration Pénitentiaire, Service des Etudes et de l'Organisation, 247, rue Saint-Honoré, 75001 Paris.

MAIN CRITERIA IN PRISON DESIGN

IN THE COUNCIL OF EUROPE MEMBER STATES

FEDERAL REPUBLIC OF GERMANY

1. *Design policy*

Federal law lays down the general principles. Implementation is the Länder's responsibility. Arrangements are standardised on the UN minimum rules (1955).

2. *Particular security problems (1)/environmental problems (2)*

(1) Depend on the purpose of the prison:

- surveillance must be easily carried out;
- no-building zone around the prison.

(2) Easily accessible sites outside or on the edge of built-up areas.

3. *Who makes the plans?*

The prison departments of the Länder.

4. *General specifications for cells*

9 m_2^2 for a single cell,
7 m^2 per prisoner for a shared cell.

5. *Accommodation for prison staff*

Accommodation near the prison.

BELGIUM

1. Design policy is geared to:

- social rehabilitation;
- preparation for release.

2. Prisons sited outside built-up areas and in accordance with planning regulations.

3. - Inspector General for Prisons,
- prison governor,
- the Prison Department engineer.

4. 9-10 m^2 per single cell.

5. Present plans site quarters further and further from the prison.

CYPRUS

1. The country has only one prison to refer to, Nicosia prison.

2. No information supplied.

3. - The Planning Office,
   - the prison service,
   - an architect's office.

4. 128 sq. ft. per single cell.

5. Quarters outside the prison but not used because on the frontier between Greek and Turkish territory.

DENMARK

1. Prison sentences are served (save in exceptional cases) in open prisons, very short sentences in State prisons (1 State prison and 2 local prisons have been built).

2. (2) State prisons, unlike local prisons, are sited outside residential areas.

3. - The Prison Department,
   - probation committees,
   - architects and engineers.

4. 7-8 m^2 per single cell.

5. The Prison Department does not provide staff quarters.

SPAIN

1. Adaption to Council of Europe and UN minimum rules. Open and semi-open prisons.

2. (2) Prisons sited outside built-up areas, on flat, open ground with easy access.

3. - Architects,
   - technical consultants,
   - The Directorate General for Institutions collaborates.

4. 12 m^2 per single cell.

5. Quarters provided near the prison.

UNITED KINGDOM

1. - Key factors - space, control and surveillance.
   - New buildings based on the Victorian open-galleried model.

2. Most prisons are in isolated rural areas. In forthcoming programmes the Prison Department plans to integrate new prisons into urban areas.

3. - Home Office,
- Department of the Environment,
- private consultant architects.

4. 6.3 m^2 without toilet,
6.8 m^2 with toilet.

5. Accommodation provided if necessary.

IRELAND

1. Specifications vary according to the requirements of the particular prison.

2. (2) New prisons are sited in areas which already have prisons.

3. - Department of Justice,
- Office of Public Works.

4. Approximately 10.5 m^2 per single cell.

5. In future projects the Prison Department intends discontinuing provision of staff quarters.

ITALY

1. In the last ten years: series of legislative measures and regulations to update prison design.

2. (2) Contracts between the Prison Department and municipalities to select sites of suitable size and geology and which meet the architectural criteria. New prisons are being built in industrial districts.

3. Prison Buildings Office of the Directorate of Administration. Award of contracts is the responsibility of the Ministry of Public Works.

4. 9-10 m^2 per single cell.

5. Plans for a programme of staff accommodation construction (number of units according to capacity of prison). A Bill for a countrywide programme of staff housing currently before parliament.

NETHERLANDS

1. Changes to the 1970s approach. For security and financial reasons multistorey prisons no longer built.

2. (1) No sentries on perimeter walls.

3. - Building Service of the Prison Department,
   - State Building Department,
   - architects,
   - landscape architects.

4. Approximately 10 m^2 per single cell.

SWEDEN

1. Emphasis on open prisons.

2. No information supplied.

3. The Department of Public Works.

4. No information supplied.

5. No information supplied.

SWITZERLAND

1. Creation of small units, which are educationally more effective and provide a framework for rehabilitation treatment.

2. (1) Security = not only an orderly and properly functioning prison, but also winning the prisoners' trust.

3. Heads of cantonal departments concerned (justice, police, public works).

4. 10 m^2 per single cell.

5. No provision.

LAWS, BILLS, REGULATIONS

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

BELGIUM

Ministerial circular of 29 August 1984 laying down new arrangements for granting prison leave.

As hitherto, the first leave application will be made to the Minister of Justice. Where leave is authorised, and unless expressly stated otherwise, the authorisation refers not only to the first leave application but also to subsequent leave applications until completion of sentence. Such authorisation will not, however, take effect in respect of subsequent leave unless the previous leave was satisfactory and there is no contra-indication.

For the purposes of the present procedure leave is satisfactory if the prisoner fulfils the objective criteria set out below and the conditions laid down in his particular case.

The objective criteria are as follows. The prisoner must: return to prison on time; not return drunk; not have caused any incident during the leave or the return journey; have spent the leave at the specified address.

"New contra-indication" means any act, circumstance or event which has occurred or been notified to the prison authorities since the last leave and make it impossible or inadvisable to grant further leave. Difficulties with relationships, a new home environment, a change in attitude, refusal of conditional release or an escape attempt are all examples of new contra-indications.

Where leave has been unsuccessful or there has been a recent contra-indication, a further application for leave must be made to the Minister of Justice and accompanied by a detailed report on the incident or contra-indication.

DENMARK

Betaenkning: Reskrav på erstatning til ofre for forbrydelser.
Recommendation. Legal claim for compensation concerning victims of crime.
R. No. 1019/84. Ministry of Justice. October 1984.

Lovbekendtgørelse: Lov om rettens pleje.
Legislation. The Administration of Justice Act.
Law Recommendation No. 555.

Cirkulaere: Inddrivelse af retsafgifter.
Government circular. Recovering of court expenses.
G. circular No. 114. Ministry of Justice. 22 August 1984.

Bekendtgørelse: Landets inddeling i retskredse.
Government order. Division of the country into court jurisdictions.
G. order No. 556. Ministry of Justice. 1 November 1984.

Bekendtgørelse: Statsadvokaters og politimestre beføjelse til at frafalde påtale.
Government order. Public prosecutors and chief constables authority to withdraw charges.
G. order No. 561. Ministry of Justice. 13 November 1984.

Bekendtgørelse: Vederlag til forsvarere i sager om spirituskørsel.
Government order. Payment of counsel for the defense in cases of drunken driving.
G. order No. 565. Ministry of Justice. 21 November 1984.

Cirkulaere: Overførsel af domfaeldte til behandlingsinstitutioner.
Government circular. Transfer of convicted inmates for treatment in special institutions.
G. circular. Department of Prison and Probation. 6 January 1985.

Betaenkning: Politiets anvendelse af agenter.
Recommendation. The use of agents by the police.
Re. No. 1023. 1984.

Lovbekendtgørelse: Retsafgifter
Legislation. Court expenses.
Law No. 562. Ministry of Justice. 6 November 1984.

Bekendtgørelse: Udenretlig vedtagelse af konfiskation i politisager.
Government order. Out of court agreement on confiscation in police prosecution cases.
G. order No. 562. Ministry of Justice. 13 November 1984.

Bekendtgørelse: Udenretlig vedtagelse af konfiskation i politisager.
Government order. Out of court agreement on confiscation in police prosecution cases.
G. order No. 572. Ministry of Justice. 30 November 1984.

FRANCE

Act No. 85-10 of 3 January 1985 containing various social provisions

The new wording of sections 102 and 103 (Chapter III - Miscellaneous Provisions) is directly relevant to prison administration. Under section 102, one or more public hospital institutions may be specifically designated to take prisoners.

Section 103 states that when a hospital department operated by the prison authorities is turned into a public hospital, paramedical staff are to be given the status of public hospital staff.

Circulars

Circular AP-CRIM SJ-84-91-GH2 of 12 November 1984 concerning the enforcement by courts of sentences involving work of public interest. This defines the nature of such work and the authority responsible for notifying posts to the enforcement judge.

Circular AP-85-09-GH of 28 January 1985 concerning rapid enquiries by probation boards and prisoners' aid committees.

Circular AP-85-G1-G14 of 22 January 1985 concerning the enforcement of Act No. 84-576 of 9 July 1984 strengthening the rights of individuals with regard to detention on remand, the execution of court orders and simplification of enquiry and investigation procedures.

FEDERAL REPUBLIC OF GERMANY

During the last six months the Prison Administration Act of 16 March 1976 was amended by the following two Acts:

Prison Administration Amendment of 20 December 1984 (Bundesgesetzblatt I p. 1654)
By the Prison Administration Amendment Act of 20 December 1984 (BGN1. I p. 1654) social therapy was abolished as a separate measure of rehabitation and prevention. This measure had in any case not been brought into force. Committal to a social therapy institution now only constitutes a particular type of sentence.

Prison Administration Amendment Act of 27 February 1985 (Bundesgesetzblatt I p. 461)
By the Prison Administration Amendment Act of 27 February 1985 (BGB1. I p. 461) the obligation imposed on prison authorities to take coercive medical measures in cases of acute risk of death no longer applies. This obligation is now imposed on prison authorities only where the prisoner is in a condition which prevents him from freely determining his own will.

GREECE

The Ministry of Justice has launched the following programmes in co-operation with the National Employment Agency:

Ministry of Justice Circular 12878/8-1-1985: Employment of persons released from prison. For this purpose, employers receive a grant of 1,000 drachmae per day for a one-year period (120 new jobs for released prisoners between 18 and 25 and 80 new jobs for released prisoners between 25 and 60).

Ministry of Labour Decision 30254/29-1-85: Grants for released prisoners in need. A special grant of 14,000 - 25,000 drachmae is made to released persons in need. The same person may receive up to three such grants if he has failed to find work for reasons beyond his control.

Act 1483/84, section 23, sub-section 1, decision 5938/1985 of the Administrative Council of the National Employment Agency: Family allowances. Allowances proportional to the number of dependent children are paid to convicted parents without work.

IRELAND

Detention of Offenders (Fort Mitchel) Regulations, 1985. These regulations specify the classes of persons who may be detained in Fort Mitchel on Spike Island, Cork, and provide for the rule and management of Fort Mitchel and the training and treatment of offenders detained there.

Temporary Release of Offenders (Fort Mitchel) Rules, 1985. These rules make provision in relation to the temporary release of offenders from Fort Mitchel, at Spike Island, Cork.

ITALY

Laws

Act No. 55 of 2 March 1985: extending Act No. 967 of 21 December 1977 on special procedures to cover work urgently required in prisons (GU No. 58 of 8.3.1985). This Act extends until 31 December 1986 the effectiveness of the Act of 21 December 1977 on special procedures to cover work urgently required in prisons. The ceiling for expenditure is 50 million lire.

Act No. 99 of 7 March 1985; intervention in the public works field (GU No. 76 of 29.3.1985). This Act authorises the spending of 500,000 million lire to cover completion of prison construction projects already under way. It stipulates that 50,000 million are to cover labour costs and the health and sanitary improvement of existing prison institutions.

Presidential Order No. 805 of 29 October 1984: amending section 54 of Presidential Order No. 431 of 1976. This Order regulates the use of prisoners' assets, which may be sent to families or parents or be used to cover authorised purchases, correspondence, legal defence costs and the payment of fines or debts. Legal defence costs may only be paid on presentation of a bill of fees. (GU No. 334 of 5.12.1984).

Presidential Order No. 806 of 29 October 1984: amending sections 69 and 88 of Presidential Order No. 431 of 1976. (GU No. 334 of 5.12.1984). This Order empowers the police to intervene with the other armed forces of the State to prevent violence and collective disorder in prison institutions.

Bills

2350/C RUSSO: Amending Act No. 354 of 26 July 1975 on the rules of prison legislation. This Bill proposes a number of amendments to prison legislation on visits, work, permits, disciplinary sanctions, transfers and measures alternative to detention.

Ministry of Justice No. 2357/C and 1124/S: Extension of the time-limit laid down in section 30, sub-section 1 of Act No. 398 of 28 July 1984 (detention on remand. This Bill proposes extension up to 30 November 1985 of detention on remand applying to persons charged with serious offences against the State, the human person and the national heritage.

NETHERLANDS

A provision of 22 November 1984 introducing gates which detect metal objects transported by any person entering a closed institution.

A decision of 16 January 1985 to make an additional rule in the Interior Rules for the Remand Prisons, laying down the right of all inmates, whether serving sentence or on remand, to consult their own general medical practitioner or specialist (as was before the prerogative only of persons held on remand).

NORWAY

In the Prison Act of 12 December 1958 No. 7 the following changes have come into force (on 30 November 1984):

§ 3 ("Direct supervision of female inmates shall be carried out by women") is repealed.

§ 12 - a new second sentence is added. § 12 now reads as follows: "When it is found appropriate because of his health, mental state, capacity for work, adaptability, or other special reasons, a person serving a prison sentence may be transferred to a security institution, nursing or health institution, or other institution offering treatment for the remainder of his term of punishment. In special cases it may be decided that serving of the sentence shall start in an institution offering treatment as mentioned in the first sentence."

Regulations on the direct supervision of inmates came into force on 30 November 1984. The regulations are given by the Prison Service Administration according to the Prison Act of 12 December 1958, Article 56.

In the Prison Regulations, changes shall come into force on 1 April 1985, concerning community with other inmates, freedom of movement, restriction or exclusion from community. The main purposes of the changes are to establish defined premises for restriction in or exclusion from community, to ensure that such measures are reported regularly to the Prison Service Administration, and to ensure that the inmates in these cases receive frequent supervision, both by prison staff as well as by a doctor. Furthermore, a report book is to be kept stating certain information and data on the measure taken.

Certain changes in Rules of 22 April 1960 on use of coercive measures and weapons, shall come into force on 1 April 1985.
Concerning coercive meansures, it will now be claimed that security cells may be used only in order to prevent the inmate fron inflicting injury upon himself or other persons, to prevent considerable damage to property, and to prevent serious disturbance in the prison. The rules on use of weapons are repealed. This implies that the prison authorities are no longer permitted to use firearms in the prison. (The approved weapons for use in prisons are gas-pistols and truncheons.)

PORTUGAL

Legislative Decree 399-D/84 of 28 December on the rights and duties, organisation, recruitment, selection, training, career, etc of prison warders

SPAIN

Organic Act 10/1984 of 26 December, amending sections 503, 504 and the first paragraph of section 529 of the Code of Criminal Procedure.

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The roots of terrorism and the defence of democracy - The responsibility of intellectuals and the cultural roots of left-wing terrorism - Psychological aspects of subversive violence - The failed transition from terrorism to guerrilla warfare - Terrorism and the law - Conspiracies between abstract criticism and real weaknesses - Repentant and breakaway terrorists - Intellectuals and terrorism: an instance of irresponsibility.

AA.VV.: Operatori penitenziari e legge di riforma. I protagonisti della ideologia penitenziaria, a cura di Saverio FORTUNA. (Prison Staff and Legal Reform. The Protagonists of the Prison Ideology, by Daverio FORTUNA). Franco Angeli, Milano, 1985.

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Interviews conducted for RAI broadcasts between 1978 and 1981. Conflicts between individuals and society. The problems of drugs, emigration, mental illness and dropping-out.

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BASILE T.: Quale riforma per le carceri (Which Reform for Prisons) in Quadernia della Giustizia, 1984, No.33.

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BOARI M.: Qui venit contra iura. Il furiosus nella criminalistica dei secoli XV e XVI (Qui venit contra iura. The Madman in 15th and 16th Century Crime) Milano, Giuffrè, 1983.

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BRONZINI G.: Le idee delle pene, intervista al Prof. Massimo PAVARINI (Views on Penalties. Interview with Professor PAVARINI) in Antigone, anno 1, n.1, Marzo 1985.

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Female crime and criminological literature. Female behaviour and social control. The social structure of deviance and presumed normalcy. Female prostitution. Juvenile delinquency.

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DAGA L.: Le misure alternative alla detenzione nel contesto dei sistemi giuridici europei (Measures Alternative to Imprisonment in the Context of European Legal Systems) in Quaderni della Giustizia, 1984, nn. 37 e 38.

The author analyses the full range of measures alternative to imprisonment provided for in European criminal and prison law, using numerous tables and graphs to compare the growing use of various measures of this kind to achieve a flexible response to crime. The final chapter discusses European regulations in this area. The article carries an extensive bibliography, covering both general aspects and specific countries.

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MELOSSI D.: E'in crisi la criminologia critica? (Is Critical Criminology in Crisis?) in Dei delitti e delle pene, I, 3.

MEUCCI G., SCARCELLA F.: La tutela dei diritti del minore (The Protection of Children's Rights) Roma, La nuova Italia scientifica, 1984.

(The legal importance of children's rights. The roles of the judge, the minor and the social worker. The powers of the children's court. The trial of minors. Educational and penal provisions.)

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(Sociological analysis of prison inmates in Italy in 1983/84.)

PANNAIN, SELAPANI, CARRERA, SIRACE: L'omicidio del consenziente (Homicide with the Victim's Convent) Napoli, Edizioni Scientifiche Italiane.

PATALANO.: I delitti contro la vita (Crimes against Life) Padova, Cedam, 1984.

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RESTA E.: L'ambiguo diritto (Ambiguous Law) Milano, Angeli, 1984.

(The legal system and the social complex. The courts and their autonomy vis-à-vis the political arm. The penal system and public opinion. Emergency legislation. The techniques and policy of social control.)

SEGHELE S.: La crisi dell'infanzia o la delinquenza dei minoreni (Childhood in Crisis, or Juvenile Delinquency) Milano, Decambio, 1984.

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VIGNALE F.: Arresto a domicilio e lavore all'esterno (Detention at Home and Outside Work) in Questione Giustizia, No. 2, 1984.

ZEVI L.: Dal carcere alla città (Prison in the City) in Antigone, Anno 1, n. 1, marzo 1985.

(The author analyses the problems caused by the siting of prisons in towns.)

NETHERLANDS

KAISER Günther: Strafvollzug im Europaïschen Vergleich (Sentence enforcement: a European comparison. Contains data on the Netherlands prison system.) Wissenschaftliche Buchgesellschaft, Darmstadt, 1983. Band 190 der Reihe Erträge der Forschung.

NORWAY

CHRISTIE Nils and KETTIL Bruun: Den gode fiende (The Good Enemy) Universitets-forlaget (the University Press) 1985.

The book contains a systematic criticism on the official policy on narcotics in the Nordic Countries. The authors claim that the costs of this policy exceed any possible benefit. The book does not take any drug-liberal stand, but submits a number of proposals which aim at de-dramatising the view on drugs, and which also will lead to reduced social control costs.

PORTUGAL

ALMIRO Rodrigues (Centre for Judicial Studies), DE SOUSA Elizabeth and MARQUES José (University of Louvain): Social concepts of justice in Portugal. Damiao de Gois Institute, 1985.

(Investigation, using modern scientific methods, of the way justice is perceived by various occupational and social groups. (Groups sampled included prisoners, warers and judges.) The authors hope their findings can help improve the judicial system.)

SPAIN

ALONSO DE ESCAMILLA AVELINA: El Juez de Vigilancia Penitenciaria (The Prison Supervision Judge), Civitas, Madrid, 1985. ISBN 84-7398-324-6.

SWEDEN

BISHOP Norman: Follow-up studies of drug misusing prisoners in Sweden. National Prison and Probation Administration. Research and Development Group.

A summary of this research will be published in the next issue of the Bulletin.

ERIKSSON Ulla-Britt, GUSTAVSSON Jan: Missbrukare: Familjevård (Drug misusers in family placement) En studie av stiftelsen Smålandsgårdars verksamhet. Kriminalvårdsstyrelsen, Rapport 1984: 3.

The Smålands Trust places drug misusers in families in a geographically limited, mainly farming, area in south east Sweden. The study deals with 67 persons so placed between 1980/83. Most of these have been granted permission to reside away from the prison during sentence enforcement under a special provision of the legislation on prison treatment. Others have come as probationers or parolees. 75% were less than 30 years old and all have had serious histories of drug misuse and crime. Residence is contracted for, in principle, at least 8 months. 46% completed residence satisfactorily. Of the remainder, residence was terminated for half because of misconduct (with 8 persons committing further crime) whilst half left voluntarily before the end of contracted time. For 40 of the 67 cases it has been possible to compare criminality one year before placement with one year after placement. Time actually incarcerated before and after was also compared. Statistically significant improvements were noted in these variables. These changes relate especially to the group which completed placement satisfactorily. Occupational situation both before and after was also studied, with indications of improvement in the group which completed. The study design was non-experimental and causal relationships cannot therefore be assumed. But an alternative to more traditional ways of serving prison sentence appears to offer important possibilities for personal development to a particularly difficult group of young drug misusing offenders.

HOLMGREN Per, KRANTZ Lars, BISHOP Norman: (Prison urine analyses and medical drug misuse) Kriminalvärdsstyrelsen, Rapport 1984 : 4.

Urine samples taken from prisoners are normally analysed for opiates, amphetamines and cannabis. The present study was undertaken to find out if medical drugs, not prescribed by a doctor, were to be found in such urine samples. The background is that many prisoners are known to be multiple drug misusers when at liberty, that the misuse of medical drugs is a not unimportant aspect of the general drug misuse problem in Sweden and, finally, that prisoners know which analyses are customarily made. It is possible therefore that some prisoners will seek to use drugs which are not normally the subject of urine analyses.

Six prisons were chosen for the study. The main criteria for choice of prison were that each prison (in some cases only particular wings of prisons were used) should have a relatively high level of urine testing, that its procedures for urine testing offered reasonable guarantees against inmates tampering with the samples taken and that they should have active programmes directed against drug misuse. In short, the study focused upon prisons (or prison wings) which represented some of the best efforts currrently being made in Swedish prisons to curb drug misuse in prison.

All samples for the period 26 January - 1 February 1984 were analysed not only for the presence of opiates, amphetamines and cannabis but also for a large number of medical drugs such as benzodiazipenes (eg valium, librium, sobril, mogadon), basic drugs (eg phenothiazine derivatives and tri-cyclic anti-depressants), acid and neutral drugs (eg barbiturates and analgesics).

No prison staff knew that the study was in progress and that these analyses would be made. The week chosen was not atypical in any way. After all the urine samples for the week in question had been received at the National Laboratory of Forensic Chemistry for analysis, the medical records of the inmates concerned were scrutinised to see if medical drugs had been prescribed in the period prior to the week under investigation. All urine samples containing drugs which had been prescribed were of course excluded from the study, ie they do not appear in the findings.

Findings

In all, 147 inmates provided a total of 272 samples. Positive analyses in respect of the three above-mentioned narcotic drugs or of the medical drugs or of both in combination were found in the urine of 46 inmates. Traces of medical drugs were found in the urine samples of 36 of these persons. Thus, 25% of the persons submitting samples were found to have traces of medical drugs in their urine, either alone or in combination with narcotic drugs. In no case was there any documented medical prescription of any of the drugs found.

Benzodiazepines were found in the urine of 18 inmates. Paracetamol was found in 11 cases. Here it should be noted that paracetamol is used in a number of common analgesics which, in certain forms, may be obtained without a prescription. A prescription is however necessary when paracetamol is used in combination with other drugs. In 4 of the 11 cases, paracetamol alone was found. In 5 cases it was combined with other medical drugs and in 2 cases with cannabis. Various other medical drugs were found in a further 12 persons. (The number of persons adds up to 41 since more than one substance can be found in a given case.)

The study was not intended to find out how inmates secured or when they used illicit medical drugs. Instead a series of time-consuming and sophisticated chemical analyses were conducted to see if there were grounds to think that the problem of drug misuse might encompass more than the narcotic drugs mentioned above. We consider that this has been demonstrated and should lead to further measures. A first step must obviously be to make sure that all routines concerning the prescription and administration of prescribed medicines are adequate and observed.

The findings of the study are under consideration by the Administration's Standing Committee on Medical Drugs and by its Standing Committee on Narcotic Drugs with a view to determining what action should be taken.

The investigation was conducted as a joint research study by the Department of Toxicology, National Laboratory of Forensic Chemistry and the Research and Development Group of the Swedish Prison and Probation Administration with special funds from the Delegation for Social Research in the Ministry of Social Welfare.

UNITED KINGDOM

FIELDING Nigel: Probation practice: client support under social control Aldershot: Gower, 1984

ILES Susan: Punishment practice by Prison Boards of Visitors. London: Home Office 1984. (Research and Planning Unit paper; 26).

MCCABE Sarah: Proposals for the establishment of an independent prosecution service: the case for special measures for juvenile offenders. London: New Approaches to Juvenile Crime, 1984.

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Managing the long term prison system: report of the Central Review Committee. London: HMSO, 1984.

MARSHALL Tony F: Reparation, conciliation and mediation: current projects and plans in England and Wales: incorporating a survey by the National Association of Victims Support Schemes. London: Home Office, 1984 (Research and Planning Unit paper; 27).

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The prison discipline system: submission to the Home Office Departmental Committee on the Prison Disciplinary System, September 1984. London: Hemstall Press for the Prison Officers' Association, 1984.

Report on prison categorisation procedures by HM Chief Inspector of Prisons. London: Home Office, 1984.

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SMITH Richard: Prison health care. London: British Medical Association, 1984.

NEWS IN BRIEF

DENMARK

On 1 September 1982, the community service system was introduced on an experimental basis in the city of Copenhagen and the northern part of Jutland.

Within the first two years about 480 cases were submitted to the Probation and Aftercare Department with a request for an assessment of the qualifications of the offender. About 160 persons were sentenced to community service orders in the same period.

The Ministry of Justice decided in July 1984 to extend the experiment with community service order to cover the whole country, and it was successively established during autumn 1984.

A research group has been appointed by the Ministry of Justice to follow up the experiment, as to its effect as an alternative penal measure to imprisonment. Although no final reports have yet been completed, the general impression is that the experiment has been successful in this regard.

LUXEMBOURG

The new address of the Centre Pénitentiaire of Luxembourg is as follows: Um Kuelebierg, L - 5299 Schrassig.

SPAIN

Since 1 January 1984, the following prison institutions have been opened:

ALCALA DE HENARES II, ordinary prison for convicted young offenders, opened on 5 November 1984.

PRISON PSYCHIATRIC CENTRE at Alicante, opened on 24 March 1984.

BADAJOZ, prison for remand and convicted prisoners, opened on 18 June 1984.

CASTELLON, prison for remand and convicted prisoners, opened on 23 March 1984.

IBIZA, prison for remand and convicted prisoners, opened on 29 January 1984.

CADIZ, prison for remand prisoners, opened on 26 October 1984. This is located at Puerto de Santa Maria.

Prison institutions will shortly be opened at Monterroso (Lugo), Baroca (Azaragoza), Logrollo and Valladolid.

Prison themes were discussed at various seminars and conferences, including:

the first Prison Law Seminar at the University of Alcala de Henares, in May 1984;

the prison seminar held at Ciudad Real in the autonomous region of Castilla La Mancha from 21 to 24 February 1985.

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

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

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

CYPRUS : M. I. IACOVIDES, Director of the Prison Department, NICOSIA

DENMARK : M. F. HELLBORN, Direktor for Kriminalforsorgen, Justitministeriet, Klareboderne, 1, 1115 COPENHAGEN K

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

FEDERAL REPUBLIC OF GERMANY : Dr Klaus MEYER, Ministerialrat, Bundesministerium der Justiz, Heinemannstrasse, 6, Postfach 200650, 5300 BONN 2

GREECE: Mme Fotini TZERBI, Directeur de l'Exécution des Peines, Ministère de la Justice, Section des Relations Internationales, 2 rue Zinonos, ATHENES

ICELAND: Mr Jon THORS, Head of the Division of Corrections, Ministry of Justice, 101 REYKJAVIK

IRELAND: Mr. M.J. MELLET, Head of Prisons, Department of Justice, 72-76 St Stephen's Green, DUBLIN 2

ITALY : M. Nicolo AMATO, Directore Generale per gli Istituti di Prevenzione e Pena, Ministero di Grazia e Giustizia, Via Silvestri, 252, 00164 ROME

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

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

NETHERLANDS: M. H.B. GREVEN, Director of the Prison Administration, Ministry of Justice, Schedeldoekshaven, 100, 2500 EH THE HAGUE

NORWAY : M. Ulf ERTZAAS, Acting Director General, Department of Prisons, Probation and After-Care Ministry of Justice, P.O. Box 8005 Dep., 0030 OSLO 1

PORTUGAL: M. G.Q.A. CASTELO BRANCO, Directeur Général de l'Administration Pénitentiaire, Ministerio da Justiça, Travessa da Cruz do Torel n° 1, 1198 LISBONNE

SPAIN : M. Juan José MARTINEZ ZATO, Directeur Général des Institutions Pénitentiaires, Ministerio de Justicia, San Bernardo, 45, MADRID 8

SWEDEN: M. Bo MARTINSSON, Director General, National Prison and Probation Administration, Kriminalvärdsstyrelsen, 601 80 NORRKOPING

SWITZERLAND: M. Andrea Baechtold, Chef de la Section Exécution des Peines et Mesures, Division de la Justice, Département Fédéral de Justice et Police, Service du Conseil de l'Europe, 3003 BERNE

TURKEY : M. Cahit OZDIKIS, Directeur Général des Etablissements Pénitentiaires, Ministère de la Justice, Adalet Bakanligi, Bakanliklar, ANKARA

UNITED KINGDOM: M. Christopher J. TRAIN, Director General of the Prison Services Home Office, H M Prison Service Headquarters, Cleland House, Page Street, London SW1 P4LN