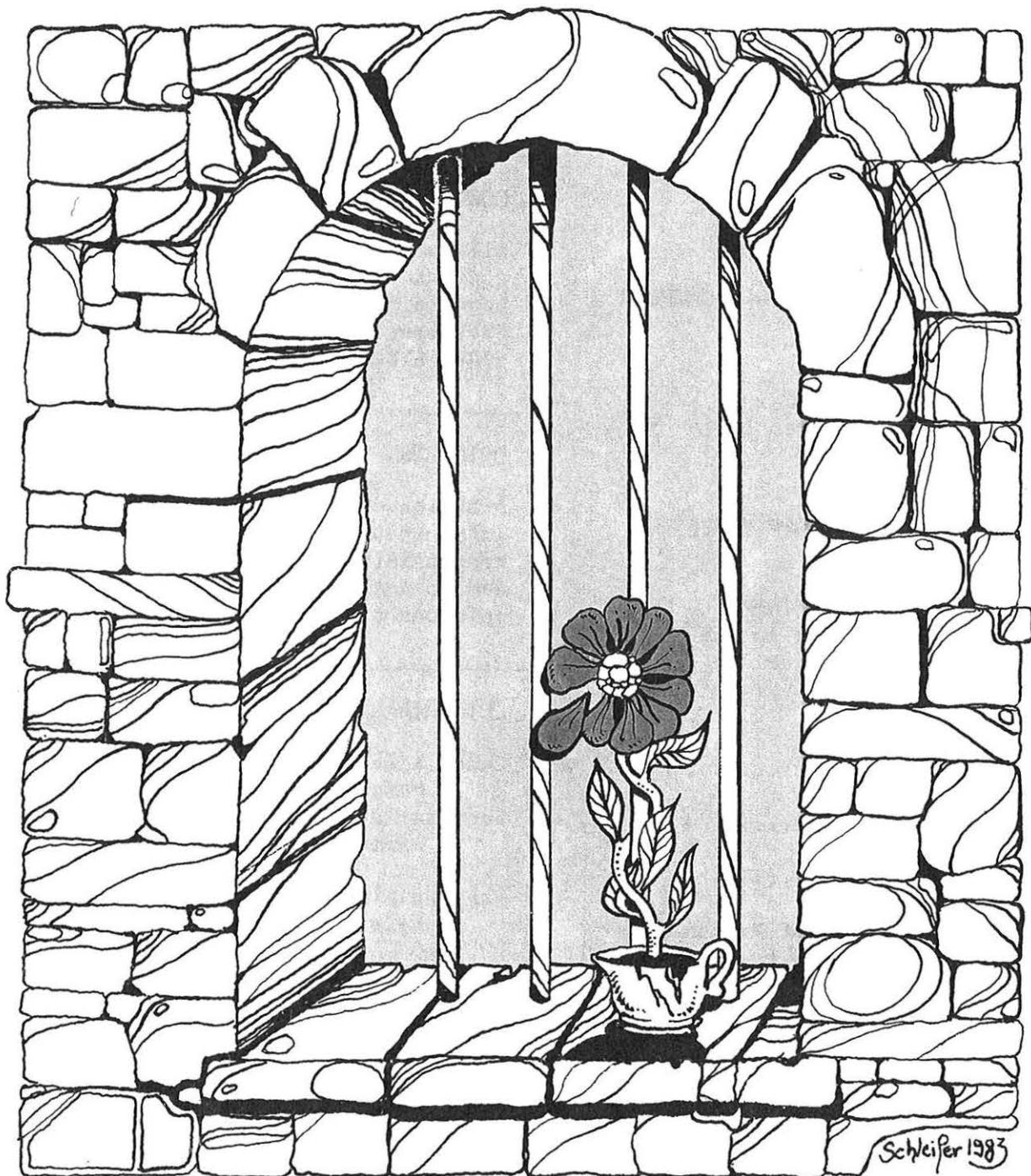


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Prison Information Bulletin



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PRISON INFORMATION BULLETIN

2/85

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FOREWORD

It was with great pleasure that I welcomed to Vienna the prison administrators of fifteen member States of the Council of Europe who participated in a seminar on prison problems held at the Ministry of Justice from 9 to 11 July 1985.

It has become a valuable tradition of the Council of Europe to discuss a wide range of penal problems, to develop common strategies and to create international instruments for concerted action. The work in the penal field embraces the four main stages in criminal justice: the stage of investigation of criminal offences, the trial stage including sentencing, the stage of the enforcement of penal sanctions and, last but not least, all post-release measures taken in order to facilitate the social resettlement of former offenders.

Despite a variety of alternative measures to imprisonment, our main concern still lies in the optional organisation of imprisonment, the fair treatment of prisoners, the availability of well trained and dedicated prison personnel and a sufficient number of qualified social workers, probation officers and after-care staff.

Any prison administration must be aware of the fact that the aims and purposes of imprisonment are inherently conflicting; they combine the aim of social resettlement as well as that of an adequate protection of society, special prevention as well as general prevention and security. A comprehensive range of different penal institutions and suitable regimes must therefore be available and any modern prison administration must continually develop adequate treatment strategies in order to give every assistance to all those prisoners who are willing and fit to undergo treatment to enable them to lead a socially stable life in society.

It is very encouraging to learn that the Council of Europe and, indeed, the seminar have both been successful in confronting these problems and elucidating the complicated issues that surround this important area of crime policy. On that positive note I would like to wish the Council of Europe every success in its future work in the areas of criminal justice and penology.

Dr. Harald Ofner
Minister of Justice of Austria

FOLLOW-UP STUDIES OF DRUG MISUSING PRISONERS IN SWEDEN

Introduction

Approximately 35% of sentenced prisoners serving sentences of more than two months are known to have misused drugs in the two months prior to reception into prison. About three-quarters of this group serve sentences between 3 and 12 months and are conditionally released after serving half of the sentence. Thus, the amount of time available for treatment in prison is severely limited. However, under Section 34 of the Act on Correctional Treatment in Institutions, prisoners can be allowed to live away from the prison for an unspecified period if there are special reasons for thinking that by so doing they can receive forms of help likely to assist adjustment after release. Placement under Section 34 plays an important part in the provision of help to drug misusing inmates. They can be placed in therapeutic communities, hospital clinics and in selected families. These placements can continue after release from prison.

Special treatment projects are also run on a voluntary basis at certain prisons. Broadly speaking these operate on therapeutic community principles and emphasise and group responsibility. Social skills are taught and re-entry carefully prepared. The traditional social distance between the prisoners and the prison staff has been markedly reduced in these projects.

The Research and Development Group has been given special funds to conduct research on various aspects of the drug problem within the prison and probation systems. A number of studies are now nearing completion. In the present report some account is given of these studies, the main purpose of which is to produce findings of relevance for policy development.

RESEARCH ON PLACEMENTS AWAY FROM THE PRISON (SECTION 34 PLACEMENTS)

The main study documents the use made of Section 34 over the last five years and the extent to which placements have been satisfactorily completed. In addition a group of prisoners who were granted a placement during the budget year 1978/79 have been followed up.

The number of placements made over the last five years has increased by 74% and is currently running at about 580 placements per annum. About three-quarters of all placements are made for the purpose of helping drug and alcohol misusers. Despite the increase in placements made, the completion rate has remained steady at around 62%. Those granted a placement are by no means an elite group of prisoners. The 316 prisoners who have been followed up were sentenced in the current judgment for more than 3,220 offences. They are fairly young: 60% were between 20 and 29 years of age.

FOLLOW-UP OF DRUG AND ALCOHOL MISUSERS

The following account is extracted from the main study. It concerns 197 prisoners out of the total group granted a Section 34 placement in the budget year 1978-79. These prisoners were placed in one or other of the following treatment modalities: (a) various independently run therapeutic communities, (b) selected families and (c) a therapeutic community oriented hostel taking only prisoner clients. (Most of the therapeutic communities prefer to restrict the number of prisoners in residence at any one time). The following table shows the number of placements in each treatment modality and the rate of satisfactory completion.

Treatment form	N	% completing
Therapeutic community	129	54
Family	43	65
Hostel	25	68
Total	197	58

Despite the fairly large difference between the three treatment forms, statistical significance is not established (Chi-squared test, $p < .70 > .50$).

A comparison was made between the prisoners placed in these three treatment modalities to see if they differed significantly with regard to age and the number of days spent in prison during the three years before their current sentence. Because the numbers are small and the distributions are not normal the Kruskal-Wallace non-parametric one-way analysis of variance was used. There was no statistically significant difference between the three groups ($p < .70 > .50$). We consider the three groups to be comparable in terms of criminality. Ages ranged from 19-58 with a median of 28. Median prior prison time was 490 days during the three years preceding current sentence.

An important aim of the study was to assess the extent to which improvement had occurred after placement. For this purpose a comparison was made between the three (budget) years before placement and the

three (budget) years after placement. All cases were placed during the budget year 1978/79. A further comparison involved looking at cases which completed satisfactorily and those who were removed from placement by reason of misconduct.

CRITERIA FOR IMPROVEMENT

Since it was impossible to get reliable information on the extent of drug or alcohol misuse, a number of other criteria were used to assess social improvement. In the present report reference will be made to only two of these criteria - the amount of time spent in prison during the after-period compared with the amount in the before-period and taxable income during the before and after periods. (Other criteria included frequency of requests for social welfare help, amounts paid under social welfare help, number of days sick, etc). The criteria can be used to produce different definitions of improvement.

Improvement - definition 1

The first definition reckons as an improvement any person who has less days in prison during the after-period compared with the before-period. In addition, those who were not in prison during the before-period and who did not return to prison during the after-period are also counted as improved. The following table shows the results of the comparison.

	Improved	Not improved	P
TC completed cases*	46	23	.004
TC removed cases	31	28	.40 NS
<i>* 1 case unclassifiable</i>			
Family completed cases	21	7	.007
Family removed cases	10	5	.15 NS
Hostel completed cases	13	4	.026
Hostel removed cases	5	3	.36 NS

The table shows clearly statistically significant results are demonstrated for the completed cases and all three forms of placement. This is not true of the removed cases whose results are not statistically significant with any placement form (sign test).

Improvement - definition 2

With this definition no account is taken of those who were not in prison during the before-period. Improvement is defined as a reduction in the number of days during the after-period compared with the number during the before-period. The definition focusses on the most difficult case ie those with previous prison experience. The test used to determine statistical significance (the Wilcoxon matched-pairs signed-ranks test) takes account of the size of reductions and increases in the number of prison days during the after-period. Greater weight is given to large reductions (or large increases if the result should be negative) than small ones. The following table shows the results of the comparison.

	Improved	Not improved	P
TC completed cases	28	24	.30 NS
TC removed cases	23	18	.29 NS
Family completed cases	12	7	.03
Family removed cases	8	5	>.05 NS
Hostel completed cases	7	4	>.05 NS
Hostel removed cases	3	5	>.05 NS

Only family placement shows a clearly statistically significant and positive result - with completed cases. All other placement forms have results which are not statistically significant regardless of whether we look at completed or removed cases. However, completed cases for the hostel placement came near to a significant result. With an exact determination of probability, $p=.08$, ie there is an 8% probability that the observed result arose as a result of chance. It could be argued that the limit might be set at 10% instead of the conventional 5% in which case the last-mentioned result would be considered to be statistically significant.

Improvement - definition 3

We define improvement now as an increase in taxable income during the after-period as compared with the before-period. Once again the Wilcoxon signed-ranks test is used to test for statistical significance. This means

that account is taken not merely of the numbers of persons who show an improvement under this definition but also the size of the increases involved. More weight is given to large increases than to small ones. The results are shown in the following table.

	Improved	Not improved	P
TC completed cases	33	22	.13 NS
TC removed cases	16	21	.44 NS
Family completed cases	15	7	.025
Family removed cases	8	4	.005
Hostel completed cases	9	5	>.05 NS
Hostel removed cases	3	3	>.05 NS

Notice first that although there is a little difference between the numbers of persons in the «Family removed» and «Hostel completed» categories, the former is highly statistically significant whilst the latter is not significant at all. This is because the difference in income between the after-period and the before-period are very much greater in the case of the family placements than they were in the case of the hostel placements. The Wilcoxon tests allows for this. Whilst the completed cases in each treatment modality show a majority of persons to have improved their income in the after-period, the increases are not sufficiently large to enable statistical significance to be established. Only in the case of family placements are the numbers of persons and the size of the increases sufficient to establish statistical significance - for both the completed and the removed cases.

CONCLUDING REMARKS

The study which has been briefly described here shows that despite a large increase over recent years in the number of placements, the completion rate is fair constant at around 58%. The rate does not appear to vary within the three forms of placement described in this report. (There are some differences when quite other forms of placement - for instance, military service - are included). Time in placement varies between 2 - 8 months in general up to the point when conditional release from prison occurs. There is as yet no reliable information on the extent to which Section 34 placements

continue after conditional release. Inmates who have to be removed from placement by reason of some form of misconduct (usually continued drug misuse in the cases discussed here) usually fail fast - within a month or so.

When all completed cases are compared with all removed cases with respect to (a) new crime leading to any sanction imposed by a court or prosecutor and (b) new crime leading to imprisonment only, sizeable and statistically significant differences are found. Under criterion (a) 82% of the removed cases recidivated within the three years of follow-up as compared with 64% of completed cases ($p = .01$, Chi-squared test). Under criterion (b) the respective figures are 74% and 55% ($p = .01$, Chi-squared test). However, the differences between the three treatment modalities taken separately are not so great as to attain statistical significance. More modulated criteria were therefore used as described above to see if there were any differences between the three forms of placement.

«Improvement» has been defined in various ways. With one definition a reduction in prison time after placement was noted for all forms of treatment with regard to completed cases. No such improvement was found among removed cases. With two other definitions of improvement it has been possible to demonstrate statistically significant differences only in the case of family placements. For one of these criteria - increased income in the after-period a positive change was noted even for the removed cases in family care.

The present research provides no explanation for the results observed. The differences found can depend on many factors. Thus, for example, there may be real differences between the placement groups which have not been detected but which may explain the differences. Another possibility is that the large number of therapeutic communities used vary in their ability to handle the inmate sent to them. Positive results may be cancelled out by negative results. It is also possible that a particular form of placement is more suitable for a particular type of inmate than some other form of placement.

What can be said is that in general the study shows that useful alternative ways of enforcing a prison sentence have been found. Given the extensive research findings which suggest that enforcement of imprisonment in traditional prisons has negative effects, it is encouraging that Section 34 placements appear to be conducive to various kinds of improvement in the situation of completed cases.

FAMILY PLACEMENT WITH THE SMALANDS TRUST

(see summary of this study in No. 5 of the Prison Information Bulletin p 48)

TIME IN PRISON BEFORE AND AFTER PLACEMENT

As in the previous mentioned study, the number of days in prison during the two periods has been compared. The following table shows the distribution.

Days in prison	Number of persons before/after among:			
	<u>completed cases</u>		<u>removed cases</u>	
	before	after	before	after
None	8	15	9	10
1-90	1	0	6	2
91-180	2	2	5	3
181-360	7	1	2	7

The displacements are fairly clear. The completed group shows more persons with less days in prison following placement whilst the reverse is true of the group which was removed (or withdrew before the end of the contracted period). The results have been tested for statistical significance using the same test as previously mentioned (the Wilcoxon matched-pairs signed-rank test) which, it will be remembered takes account not only of the number of persons but also the size of the difference in days between two period. The reduction among the completed group is highly statistically significant, the probability of its arising by chance being only 0.1%. The results observed among the removed or withdrawn group lie however within chance limits.

The following table shows the number of persons who were in prison during the before and after periods. The amount of time in prison is ignored in this table.

		<u>In prison after</u>	
		Yes	No
<u>In prison before</u>	Yes	11	13
	No	4	12

The table shows that 11 persons were in prison both before and after whilst 12 persons served no sentence of imprisonment, neither before nor after. Negative change occurred with 4 persons who were not in prison before but were in prison after. Conversely positive change occurred with 13 persons who were in prison before but not after. There is a less than 5%

probability that such a result arises by chance (McNemar test for the significance of changes). Evidence for positive change is thus statistically significant.

CONCLUDING REMARKS

Apart from the recidivism data, there was also evidence of improved occupational stability among the group which completed placement. The general finding is that the Trust's families are able, with the organisational support provided, to contain a difficult group of young drug and alcohol misusers. Very few commit offences during the period of placement and there are indications of reduced recidivism among those who complete placement satisfactorily.

RECIDIVISM

Analyses are not yet available with follow-up times held constant - some differences exist between the completed and removed groups. However, with this reservation it is interesting to note that 33 of the 64 persons completing have relapsed into serious crime (= 52%). The corresponding figures for the removed group are 61 of 77 (= 79%). This difference is statistically significant (Chi-squared test, $p = .001$). There is also a highly statistically significant and positive result in favour of the completed cases when the amount of time spent in prison after release from the programme is analysed.

But full acceptance of these findings is dependent on their being maintained when follow-up time is held constant.

SUPERVISION AFTER CONDITIONAL RELEASE

Similar reservations and findings apply with termination of the supervision period as a criterion for adjustment. Inmates are usually supervised for a period of one year from date of conditional release. New offences or seriously unsatisfactory conduct can lead to an extension of supervision time. Only 8% of the removed group ceased to be under supervision after one year from conditional release. The corresponding figure for the completed cases was 41%. Conversely, 88% of the removed group either had their supervision prolonged up to 2 years or in excess of 2 years or having entered prison anew would later get a new supervision period. Among the completed cases this was only true of 52%. Both results are very highly statistically significant (Chi-squared test, in both cases $p = <.001$).

DRUG MISUSE AFTER RELEASE FROM PROGRAMME

Case records were scrutinised for indications of a continuing misuse problem. Among the removed cases only 20% were free from indications of a drug or alcohol misuse problem during the supervision

period. The corresponding proportion among the completed cases was 41%. Once again the result is statistically significant (Chi-squared test, $p = <.03>.02$).

CONCLUDING REMARKS

Since the analyses are not yet complete a detailed account of the results from the Österåker follow-up cannot be presented in this report. There are indications however that improvement can be found among completed cases using the criteria mentioned above. This appears not to be true for the removed cases. No analyses have been concluded on the Hinseberg prison follow-up. There is obviously a good deal of interest attaching to a follow-up of women prisoners who are drug misusers.

FINAL CONSIDERATIONS

Costs

During the budget year 1982/83 the average daily cost of keeping an inmate in a Swedish prison was 777 Swedish crowns for a closed national prison, 654 crowns for a closed local institution (these take inmate with the shorter sentence ie up to one year) whilst for open national and open local prisons the costs were very similar, about 430 crowns. These costs can be compared with what the National Prison and Probation Administration must pay for placements away from the prison. The average cost of a therapeutic community place works out at about 310 Swedish crowns per day whilst placements with the Småland Trust families cost about 450 crowns per day. (It should be added that treatment bodies may however receive additional funds as a result of State or municipal grant). Nothing in the costs cited suggests that it is uneconomical for the Administration to make use of Section 34 placements.

The Österåker project's costs are difficult to separate from the general cost of running the entire prison. A special study has however been undertaken in collaboration with the Department of Management and Economics at the University of Linköping. One finding in this study was that the cost of the project was of the order of 1310 Swedish crowns per day and inmate when averaged over the last three years and with account taken of the proportion of places in use. Since however inmates would probably be in a closed national prison if not at the Österåker project's the real cost of the project is the difference between the project's cost and the cost of a place at a closed national prison. This latter was, as mentioned above, 777 crowns per inmate and day. The real cost of the Österåker project is therefore 1310-777 crowns, ie 533 crowns.

Prison policy in Sweden emphasises the desirability of keeping inmates in touch with the world outside prison and, whenever possible, allowing them to use the same opportunities for personal development as are available to other citizens who are not imprisoned. It is against this background that placements away from the prison are provided for in law and made available to a wide range of inmates. The aim of the research conducted from within the Administration is to illuminate the extent to which the provisions are used as well as the short and long term consequences.

These consequences include to assess the relative costs and set them in relation to perceived benefits. When assessing the value of the programmes and the placements which have been described in this report it should be borne in mind that a vast body of research has documented the largely negative effects of traditional imprisonment.

The present studies suggest that useful alternatives of traditional ways of enforcing prison sentence are being developed. There is however no room for complacency. The need is for continued experimentation to improve the effectiveness of these alternative means of enforcement with careful documentation of both success and failure.

Norman Bishop
Head of the Research and Development Group
National Prison and Probation Administration
(Sweden)

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1. The study of Section 34 placements was conducted by Jan Gustavsson and Ulla-Britt Eriksson and will be published during the autumn 1984.
2. The study of family placement by the Småland Trust is published by the Swedish Prison and Probation Administration's Research and Development Group (address S-601 80 Norrköping, Sweden) under the title «Missburkare i familjevård» («Misusers in family care») by Jan Gustavsson and Ulla Britt Eriksson. November 1984, Report No. 1984.3.

A summary of the study has been published in No. 5 of the Prison Information Bulletin (page 48).

USE OF AUDIO-VISUAL AIDS IN THE TRAINING OF THE FRENCH PRISON ADMINISTRATION STAFF

The importance of audio-visual aids in vocational training is now an established fact: as training consists in learning an occupation in the abstract, anything which helps give a picture of the realities of the occupation is bound to be instructive. And audio-visual material is the closest approximation to reality, even if it reproduces a somewhat processed version of it.

Since 1977 the Ecole Nationale d'Administration Pénitentiaire (National School of Prison Administration) has had a unit for producing, post-producing and distributing audio-visual material for the school's training courses. The unit has up-to-date, sophisticated institutional video equipment, conventional equipment (cinema projectors, slide projectors, overhead projectors, tape recorders), two full-time staff (an adviser and an assistant) and the services of a photographer lay-out artist.

Firstly, audio-visual teaching material, generally video recordings, is transmitted to instruction rooms by cable for use by the various departments. Designed as a teaching package, the material lets students see actual professional situations for themselves rather than demonstrates "good" or "bad" practice. It might reconstruct a prison incident and show how a warder deals with it, or it might illustrate situations in which a probation officer has to arrange financial help for a probationer.

Approximately half the material is hired from specialist agencies (mainly the Institut National Audio-visuel (National Audio-Visual Institute) and the Centre National de Documentation Pédagogique (National Centre for Educational Documentation)) at instructors' request.

As a rough indication of the scale of this day-to-day service, the figures for the first quarter of 1984 were:

- size of audience: approximately 300 students;
- number of transmissions: 123;
- number of audio-visual items transmitted: 42;
- total transmission time: 45 hours.

As regards production, the procedure is that one of the teaching departments requests material on a particular subject and produces a draft script for finalising with the audio-visual adviser. The adviser then

prepares a shooting script and organises the filming (often partly on location and partly in the studio). The parts are acted by school staff - so far no professional actors have been brought in. Use of the finished item is in the hands of the department that commissioned it. The item is entered in the audio-visual catalogue with a description and a note saying what audience it is suitable for. The catalogue is also available to instructors at outlying centres. So far the audio-visual unit has made some 30 items in this way.

Another important field is the use of video for self-observation ("micro-teaching"). Here the unit gives the instructor any technical help requested and the equipment is used for recording and immediate playback of situations, role playing, etc acted out by the students. This is an area to develop as not all instructors have the training to exploit the technique's great potential.

The school already runs training courses on the use of audio-visual aids. Courses will be more frequent now that more staff and resources have been made available to meet the urgent need in this field - for many institutions now have video facilities and could conceivably make light-video material of their own.

The ENAP audio-visual unit occasionally also receives commissions from Central Department. These have included films on setting up a new prison and on computer processing of prison statistics.

If these various activities are followed up, there is the prospect of a new departure in audio-visual production: making more use of video's flexibility to go into the field and document the realities of prison life.

Philippe MAZUET
Audio-Visual Adviser, ENAP

USE OF AUDIO-VISUAL MEDIA IN THE AUSTRIAN PRISON OFFICERS' TRAINING SCHOOL

This article points out the significance of human interaction and communication in all of the job areas of a prison officer. A rough sketch is given of audio-visual uses in behaviour training as employed in the Austrian Prison Officers' Training School.

Prison officers in the Austrian Prison Service carry out a variety of duties which demand very specialised knowledge. This spectrum of activity includes not only ensuring security and order, and directing work and economic services but also the task of general administration. At the beginning of his training, it is still too early to determine what particular area of security the officer will be chiefly involved in during the course of his career. Therefore, his training should be as general as possible but nevertheless should provide him with as much detailed knowledge as possible in each particular area.

In addition to purely theoretical knowledge, a part of each of the areas of duty should include training in human interaction and communication. The prison officer is unquestionably the most important interaction and communication agent, not only in the course of the daily prison routine, but also in training in work supervision and in cases of crisis intervention. It should not be overlooked that prison officers are, through their close contact with the prisoners, in the best position to relay the skills and norms required for life outside the prison and thus serve as a behaviour model for the social realities to be faced in the future. Furthermore, prison officers are in constant communication with the prisoners' relatives, with representatives of private business, with agencies, and with superiors and co-workers.

The Director of the Austrian Officers' Training School, Oberst A Bauer, aware of the importance of interaction and communication for the training of prison officers, introduced the course, "Behaviour Training", using audio-visual media. With the aid of the latest teaching technology, this course has made it possible to teach precisely that behaviour which the prison officer could only acquire up until now through many years of working experience.

The structure of behaviour training

Behaviour training takes place in a one-week seminar with 15 participants in each seminar. At the beginning, there is an introduction to the theoretical basis of behaviour training. The actual training extends over four phases.

First phase - self - image and projected image

Here the participants are given the opportunity to observe themselves on video as they move about and engage in speech, and to evaluate themselves as well as to receive evaluations from the other participants. The discrepancy between self-image and the image projected to others is then worked on in group discussions where corrections are carried out.

Second phase - awareness of social position

The participants are involved in group dynamic situations and, with the use of video, develop an awareness of their social position in the group. The advantages and disadvantages of the position and social roles displayed are discussed. Each participant is then given guidelines for an individual strategy that will optimise his own behaviour in group situations.

Third phase - behaviour in the hierarchical system

Participants are also trained in behaviour in situations involving interaction and communication with superiors and co-workers. The goal here is to bring about an awareness of the advantages of flexibility in management behaviour and of a co-operative working relationship.

Fourth phase - aggression-free association with prisoners and crisis intervention

Special techniques for self-expression are also taught; this involves posture as well as language, which qualitates conflict-free association with the prisoners. Typical situations from the daily prison routine are selected and recreated via role plays. With the help of video replay, suggestions are given which should optimise the individual's behaviour.

In all four phases, each participant has the opportunity to observe himself on the screen several times and to correct his behaviour so that a measurable training effect will result.

Behaviour training concludes with a summary of the results for each participant and the processing of the group dynamic procedures.

Experience with audio-visual media in other areas of behaviour training, especially in various aspects of normal school instruction and in sports, shows that the training effect lasts two to three years; however, once-learned, behaviour which is continually used remains stable for a longer time.

Periodic repetition of behaviour training is nevertheless meaningful in order to place in the hands of the prison officer those techniques which enable him to be in control in his daily professional life.

Fred ZIMMERMANN

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NEWS OF THE COUNCIL OF EUROPE

COUNCIL OF EUROPE SEMINAR

(Vienna, 9-11 July 1985)

A Seminar on «The Differentiation of Penal Institutions and their Régimes; the Classification and Allocation of Prisoners» was recently organised as a joint venture of the Council of Europe and the Austrian Ministry of Justice. The 25 participants from 15 member States and from the Council of Europe itself were housed and boarded in the new training centre for prison officers in Vienna. The meetings were held in the Ministry of Justice. The Seminar was opened by Dr. Harald Ofner, Minister of Justice of the Republic of Austria, and chaired by Dr. Helmut Gonsa, Director of the Austrian Prison Administration. A visit to three penal institutions, two receptions and other cultural and social events completed the seminar.

The purposes of imprisonment, as they are prescribed by law or generally acknowledged in many States, are, on the one hand, social re-integration to enable the offender in future to lead a socially responsible life by not committing criminal offences and, on the other, the protection of society and general prevention. The possibility of any social re-integration within a closed penal institution is often entirely denied, or at least it is said that any imprisonment in a closed institution is damaging rather than conducive to socialisation.

The effectiveness of any enforcement of sentences which seeks to meet the requirements of treatment as well as those of the protection of society and security and order, depends largely on a proper differentiation of the penal institutions, on the creation of appropriate prison régimes and a valid classification of offenders sentenced to imprisonment.

The basic idea of differentiation is rather simple: from the main body of the prison population should be separated the really dangerous prisoners who need special security measures as well as mentally retarded and psychopathic prisoners who need special medical, psychiatric or psychological treatment. In addition, juvenile and young offenders, first offenders and prisoners suitable for open, semi-open or other mitigated forms of detention should also be separated from prisoners requiring standard treatment.

If the separation of different groups of prisoners is to be of any practical use, architectural and organisational measures are necessary.

Hand in hand with the need for a sufficient differentiation of penal institutions goes the creation of appropriate prison régimes. When choosing the appropriate prison régime in a differentiated system, the key problem is how far treatment facilities should be given precedence over security aspects

or vice versa. In the choice of régime much depends on the weight given to each of these two areas in the institution concerned.

The different régimes vary from open, semi-open and other mitigated régimes to standard régimes and to security and high-security régimes.

The organisational problem of distributing sentenced offenders to the penal institutions can be solved in different ways. The criteria for the distribution may be formal and laid down in advance by law, decree, regulation or order. On the other hand, in particular when longer terms of imprisonment are involved, the decision where and under which régime the sentenced offender should be placed, may be made in each individual case by means of the classification procedure.

It is necessary for the classification procedure to work promptly and effectively without undue complication. Prisoners will, therefore, generally be split up in accordance with formal criteria such as sex, age, proximity to home, social ties, criminal record and accomplices. The classification must, however, also satisfy special treatment needs (eg high-security measures, special medical care or psychiatric treatment, vocational training, work, etc).

The classification procedure should be operated by team-work. The team should include a psychologist and, for special cases, a psychiatrist. Individual classification should be required at least in cases above a certain term of imprisonment.

In addition to exchanging experiences and holding general discussions in plenary meetings and two working parties, the participants of the seminar made a survey of the generally known types of differentiated penal institutions and the most important criteria of the differentiation of institutions as well as the requirements and aims and the procedure of classification and allocation of prisoners.

According to this survey, the main types of differentiated penal institutions and their régimes are:

1. *Remand institutions, institutions for sentenced prisoners and mixed institutions*

For a short period untried prisoners are often held in police jails or local prisons. The other remand prisons are generally under the jurisdiction of the national prison administrations. Some prisons, particularly prisons attached to law courts, those untried prisoners on remand as well as prisoners serving short terms of imprisonment. Sentences longer than this and long-term imprisonment are served in national institutions (penitentiaries, prisons, etc).

2. *Regular institutions and special institutions*

This distinction covers the wide range of differentiated penal institutions. Special institutions with particular régimes are mainly institutions for juveniles and young offenders, mentally retarded and psychopathic offenders, drug and alcohol addicts, first offenders, inadvertent offenders, dangerous offenders and dangerous recidivists;

classification centres, treatment centres, geriatric centres and maternity (mother-child) institutions.

3. Régimes

Differentiated institutions require appropriate prison régimes according to the main aim of the institution concerned. The generally known régimes are: *open régimes* (no security walls, fences, bars; gate open during day-time, locked during night-time; cells open or only locked from inside); *semi-open régimes* (closed towards outside; inside open during day-time, locked during night-time); *regular régimes*; *security régimes* (low, medium, high, maximum); *pre-release régimes*; *semi-detention* (imprisonment during night-time, work release during day-time; weekend imprisonment); *fractional imprisonment*.

4. Criteria of differentiation

The most common criteria of any differentiation of penal institutions are the sex, age, place of residence, social ties, and dangerousness of the offender as well as length of sentence, risk of escape, and special training or treatment requirements.

Concerning the classification and allocation of prisoners, the Seminar came to the conclusion that classification and allocation of prisoners are logically linked with the aims of imprisonment, namely, on the one hand, to protect society and to uphold security and good order and, on the other, to meet the requirements of treatment in order to re-socialise wherever possible. The classification procedure must be considered promptly without undue complication but nevertheless must be as thorough as possible and should include a prognosis of treatment requirements. The classification procedure should be performed by a team of experienced prison administrators in close collaboration with psychologists, psychiatrists, medical doctors and social workers. The basic criteria for the decision, where and under which régime a sentenced offender is to be placed, are the sex, age, nationality, family and other social ties and the state of health of the offender, nature of the offence, the term of imprisonment, whether first offender or recidivist, work and training requirements, sociability, behaviour in groups, linguistic problems, capacity of the penal institution. Suggestions of the prisoner or the penal institution should be also taken into account. The decision should never be final. The system must be as flexible as possible and the decision should be understood by the prisoner.

Dr. Helmut Gonsa
Director of the Prison Administration of Austria

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

The following data, obtained through 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 September 1985 and the prison intake for 1984 (1).

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

TABLE 1. Position at 1 September 1985

- a. Total prison population
- b. Rate of detention per 100,000: total prison population at 1 September 1985 as a proportion of total inhabitants.
- c. Proportion of accused (%): number of prisoners who have not received 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 (%).

Comparison of the data in Table 1 with the position at 1 September 1983 and 1 September 1984 (2) shows a certain increase in the average detention rate (1.9.1983 = 57.3 per 100,000, 1.9.1984 = 59.5 and 1.9.1985 = 61.9), the distribution spread remaining comparable (standard deviation at 1.9.1983 = 23.4, at 1.9.1984 = 22.2 and at 1.9.1985 = 23.3) (Figure 1).

As in the past, the situation varies greatly from one country to another.

-
- (1) As before, the Finnish prison administration has taken part in this inquiry. The data are set out in the appendix. The Canadian statistics published in the two previous bulletins could not be brought up to date (data available in January 1986).
 - (2) These calculations do not cover the position of Turkey, for which we have no data for 1.9.1983.

TABLE 2. Trends

This table shows the annual rate of increase in the total prison population during the period 1.9.1984-1.9.1985 (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 7 out of 19 instances, ranging from 4.9% (Denmark) to 30.7% (Spain). The position has remained relatively stable in 5 States: Sweden (2.3%), Netherlands (2.2%), Austria (0.6%), Italy (0.5%) and Malta (-1.1%). Lastly, in 7 cases there has been a definite drop: from -3.4% (Greece) to -15.1% (Cyprus).

Trends in demographic structures

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

In the ten countries for which it has been possible to calculate significant rates by nationality, a decrease in the proportion of non-nationals occurred only in the Netherlands. We already noted a trend in this direction, during the period 1.9.1983-1.9.1984. In most cases, this rise corresponds to a sometimes very considerable increase in the total number of foreign prisoners: Spain (43.6%), Luxembourg (36.5%), Austria (17.3%), Norway (11.9%) and Italy (7.4%).

Trend of detention on remand

The downward trend in the number of remand prisoners which we observed over the period 1.9.1983-1.9.1984 has levelled out over the last 12 months. Over the latter period it has been possible to calculate significant increases, by category of imprisonment, in 14 cases. In 9 of these there has been a reduction in the rates of accused persons.

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.

We have therefore worked out the rates of detention on remand as we did in the previous bulletin (Table 3 and Figure 2) (1).

The rate of detention on remand is relatively stable: 1.9.1983 = 17.7 per 100,000, 1.9.1984 = 18.7 and 1.9.1985 = 18.2. But these average rates cover very different situations.

States can be grouped in four categories according to the trend in rates of detention on remand in the last two years:

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

Falling trend: Austria, Federal Republic of Germany, Greece, Italy, Malta, Norway and Turkey.

Stable: Denmark, France, Ireland, Netherlands, Sweden.

Rising trend: Belgium, Iceland, Luxembourg, Portugal, Spain, United Kingdom.

Fluctuating: Cyprus, Switzerland.

TABLE 4. Committal flow in 1984

- a. Number of committals in 1984.
- b. Rate of imprisonment per 100,000 in 1984: number of committals in 1984 in relation to the average number of inhabitants over that period. In view of the information available, we have used the number of inhabitants at 1.9.1984 as supplied by administrations.
- c. Rate of detentions on remand (%): number of remand prisoners committed in relation to total committals for the year.
- d. Average detention period indicator (D): ratio of average population for 1984 (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 taken the population on 1.9.1984 as the value for P (Figure 3).

Readers are reminded that the resulting figures are to be regarded as indicators, not as measured values.

- e. Rate of increase of number of committals (1984/1983).

States can be grouped in four categories according to the trend in the rate of imprisonment in 1982, 1983 and 1984:

Falling trend: Federal Republic of Germany, Italy, Malta, Turkey.

Stable: Belgium, Ireland, Netherlands, United Kingdom

Rising trend: Cyprus, France, Iceland.

Fluctuating: Luxembourg, Portugal, Spain.

Once again, there seems to be great disparity in trends.

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

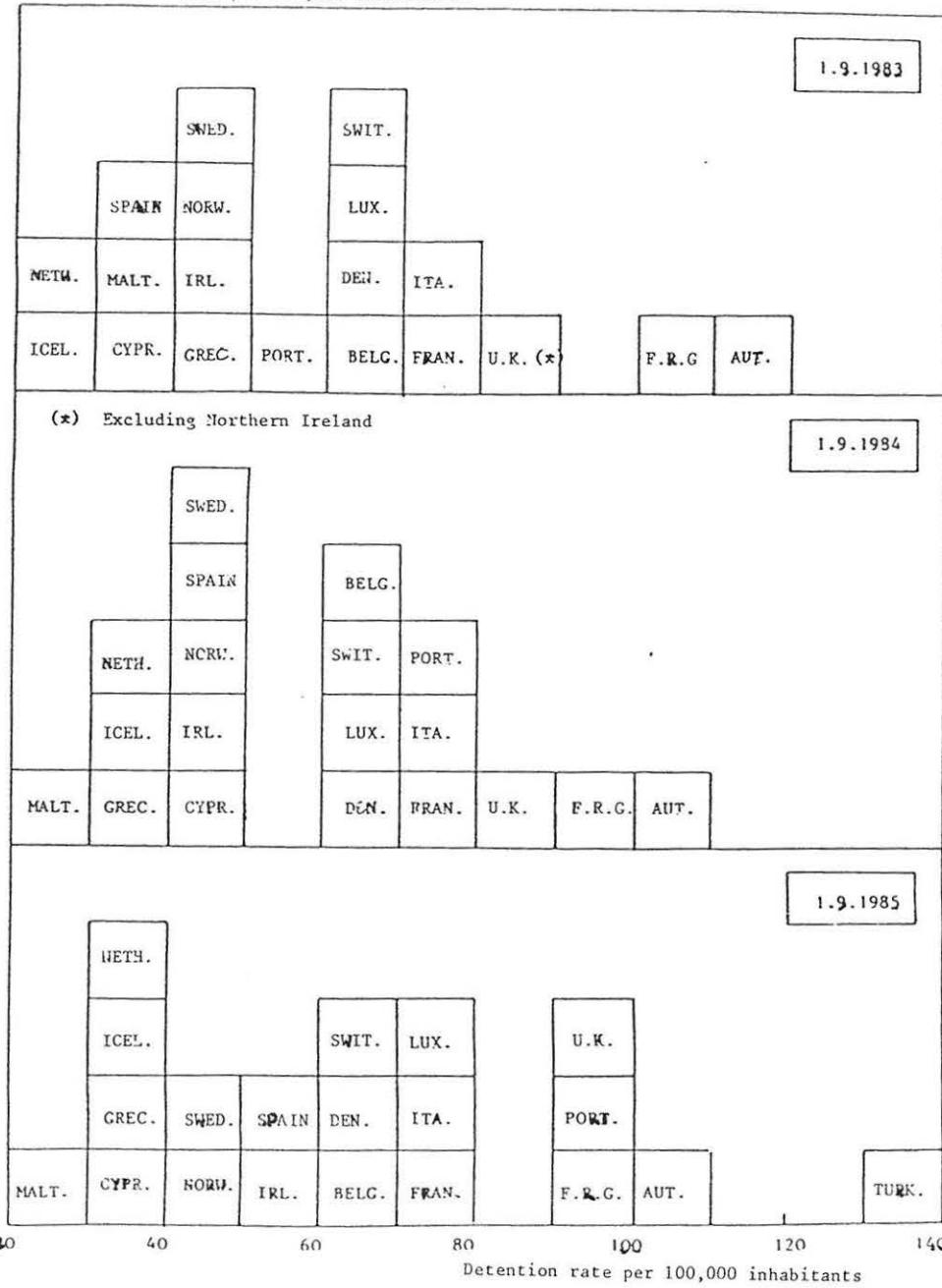
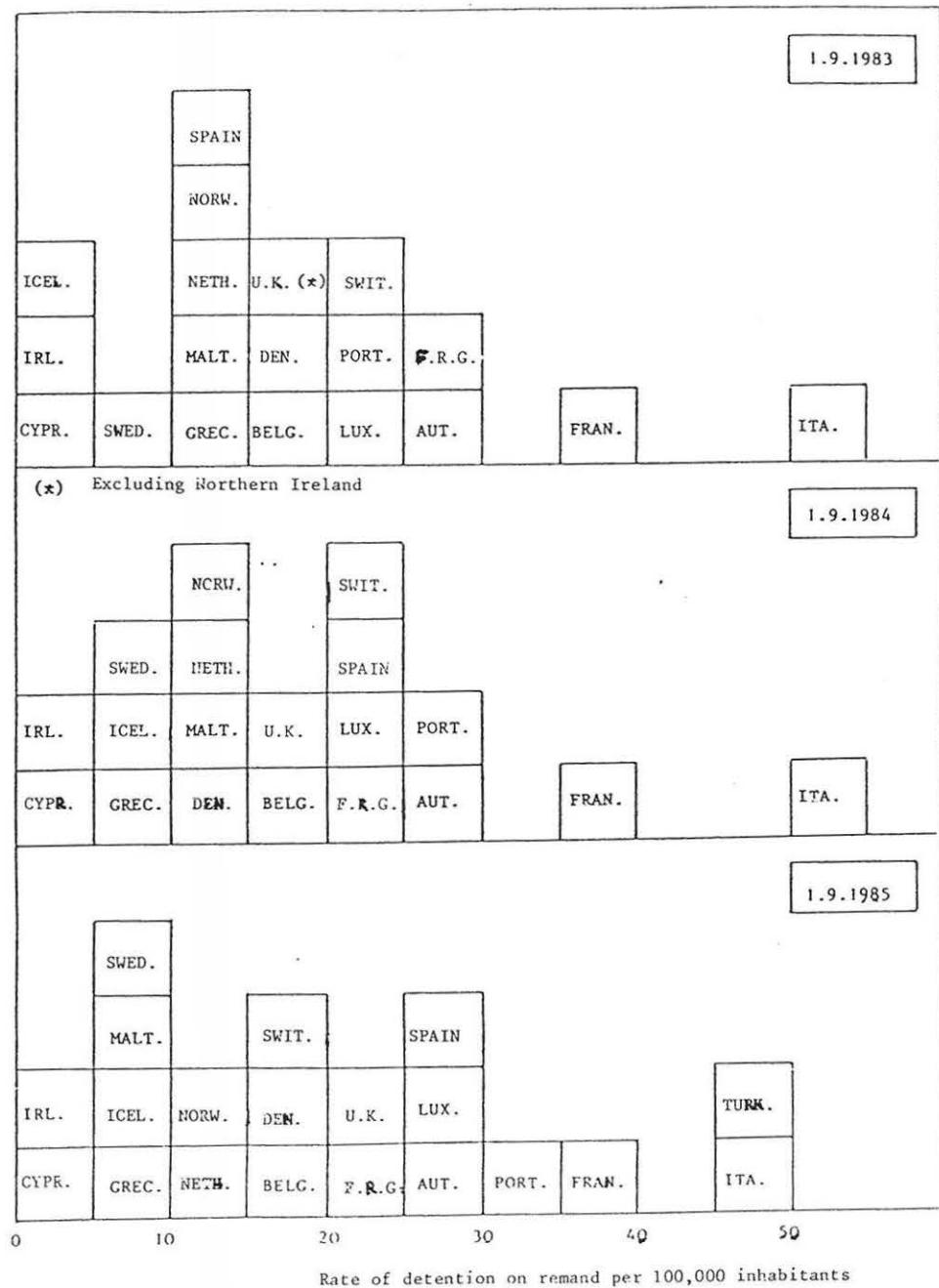


Figure 2. Breakdown of member States of the Council of Europe by rate of detention on remand, per 100,000 inhabitants



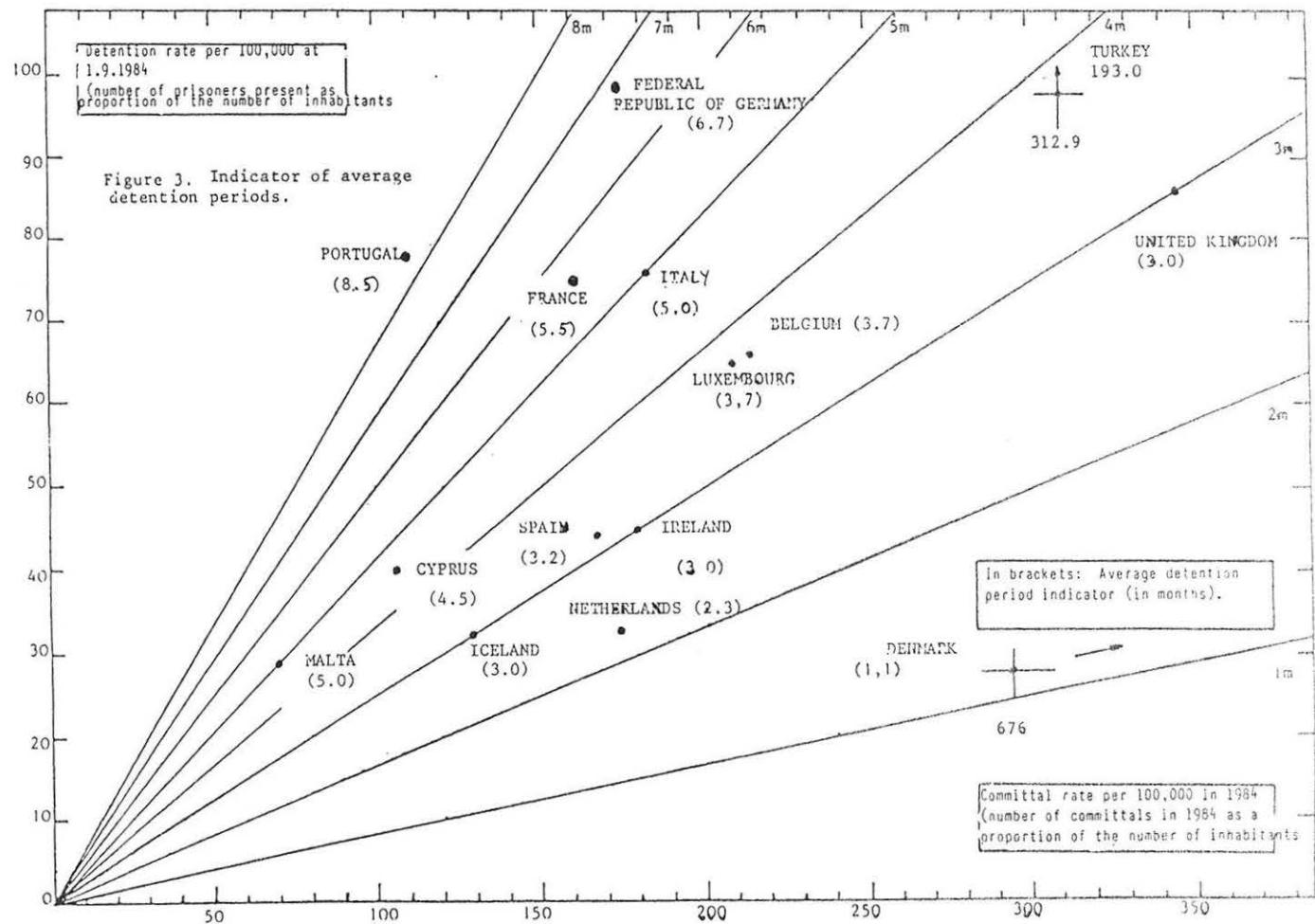


Table 1. Prison population of the member States of the Council of Europe:
position at 1 September 1985

	(a)	(b)	(c)	(d)	(e)		(f)		
					Proportion of accused %	Proportion of women %	Minors and young adults %	Def. %	Foreigners %
Austria	8 327	109.0	23.7	4.0	1.4	18 a	8.1		
Belgium	6 219	62.5	31.3	4.8	0.5	18 a	27.6		
Cyprus	180	33.4	5.6	1.7	23.9	21 a	23.3		
Denmark	3 253	63.0	25.8	3.5	...	...	...
France (x)	40 554	71.6	49.9	3.5	15.9	21 a	26.4		
Federal Republic of Germany	56 154	92.0	24.0	3.8	13.3	21 a	14.5		
Greece (x)	3 490	35.8	24.4	3.4	7.0	21 a	16.3		
Ireland (x)	1 965	55.6	7.3	2.2	28.6	21 a	1.8		
Iceland	93	38.7	18.3	2.2	22.6	22 a	1.1		
Italy	43 585	76.5	59.0	4.9	1.5	18 a	8.9		
Liechtenstein	...	...	...	...	...	...	...
Luxembourg	268	73.4	34.3	4.9	4.1	21 a	43.3		
Malta	87	26.3	35.6	4.6	1.1	18 a	11.5		
Netherlands (x)	4 888	34.0	33.7	2.6	21.8	23 a	15.3		
Norway	1 861	44.9	22.7	...	9.8	21 a	8.1		
Portugal	9 149	93.0	34.8	3.5	13.4	21 a	4.9		
Spain	22 153	57.5	48.5	4.5	16.0	21 a	10.6		
Sweden (x)	4 049	49.0	16.3	3.7	4.3	21 a	21.1		
Switzerland (x)	4 100	63.5	24.4	4.6	0.1	18 a	34.6		
Turkey	69 794	139.0	35.3	2.6	1.3	21 a	0.5		
United Kingdom (x)	54 474	96.5	21.1	3.3	27.4	21 a	1.3		

(x) See comments on page 26

Table 2. Prison population of the member States of the Council of Europe:
change over the period 1.9.1984-1.9.1985

	Rate of increase % (1.9.1984 - 1.9.1985)										
	(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	10.6	- 2.0	1.4	0.6	0.3	29.5	1.2	- 0.7	17.3		
Belgium (x)	- 10.0	- 2.0	- 13.2	- 10.3	- 2.0	...	...	- 14.0	2.7	
Cyprus (x)	- 15.1	()	- 11.0	...	...	...	...	- 15.3	(- 14.3)	
Denmark	4.9	13.2	2.3	4.9	4.5	...	...	...	...
France	- 4.6	- 3.6	- 5.6	- 4.6	- 6.5	- 5.5	- 4.5	- 4.7	- 4.4		
Federal Republic of Germany (x)	- 5.5	- 7.5	- 4.9	...	...	...	...	...	...
Greece	- 3.4	- 7.8	- 1.9	- 2.1	- 30.4	- 6.2	- 3.2	- 5.0	5.6		
Ireland	27.0	32.4	26.6	27.1	(22.9)	57.0	18.0	27.2	(20.0)		
Iceland	(22.4)	()	(20.6)	(23.0)	()	()	(10.8)	(21.1)	()		
Italy	0.5	- 16.6	42.8	0.4	3.3	10.9	0.4	- 0.1	7.4		
Liechtenstein	...	...	...	...	...	...	...	...	...
Luxembourg	12.1	(13.6)	11.4	10.9	()	()	11.7	- 1.3	36.5		
Malta	(- 1.1)	(- 6.1)	(1.8)	(0.0)	()	()	(- 1.1)	(- 7.2)	()		
Netherlands	2.2	- 7.3	7.8	2.2	1.6	12.4	- 0.3	10.3	- 27.3		
Norway	- 7.1	- 17.6	- 3.6	...	...	- 14.2	- 6.3	- 8.5	11.9	
Portugal (x)	19.1	...	...	18.7	28.5	0.2	22.6	...	...
Spain	30.7	36.5	25.7	29.7	56.2	34.9	29.9	29.3	43.6		
Sweden (x)	2.3	- 3.9	3.6	...	...	...	...	...	...
Switzerland (x)	...	...	...	...	...	...	...	...	...
Turkey (x)	- 4.0	- 5.2	- 3.3	...	...	...	...	- 4.0	- 5.9	
United Kingdom (x)	11.4	9.8	12.0	11.3	17.9	8.6	12.7	...	...

(x) See comments on pages 26 and 27.

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

	1.9.1983			1.9.1984			1.9.1985		
	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	8 387	110.0	27.2	8 280	109.0	26.5	8 327	109.0	25.8
Belgium	6 525	65.0	18.4	6 908	66.0	19.0	6 219	62.5	19.5
Cyprus	188	35.8	1.1	212	40.0	4.0	180	33.4	1.9
Denmark	3 120	60.0	16.2	3 100	60.0	14.3	3 253	63.0	16.2
France	39 086	70.1	35.3	42 523	75.6	37.3	40 554	71.6	35.7
Federal Republic of Germany	61 778	100.3	26.2	59 448	97.1	23.8	56 154	92.0	22.1
Greece	3 736	47.0	14.3	3 613	37.0	9.5	3 490	35.8	8.7
Ireland	1 466	42.1	3.8	1 547	44.1	3.1	1 965	55.6	4.0
Iceland	57	24.3	2.6	76	31.9	5.5	93	38.7	7.1
Italy	41 413	73.0	53.9	43 351	76.1	54.1	43 585	76.5	45.1
Liechtenstein	...	...	...	...	...	...	...	...	...
Luxembourg	245	67.0	21.3	239	65.5	22.2	268	73.4	25.2
Malta	97	30.0	11.1	88	29.0	10.9	87	26.3	9.4
Netherlands	4 000	28.0	11.2	4 783	33.0	12.3	4 888	34.0	11.4
Norway	1 941	47.0	13.2	2 004	48.5	12.4	1 861	44.9	10.2
Portugal	6 093	58.9	21.9	7 685	78.0	28.5	9 149	93.0	32.3
Spain	14 659	38.6	13.2	16 950	44.3	20.6	22 153	57.5	27.9
Sweden	4 422	43.0	8.1	3 959	48.0	8.6	4 049	49.0	8.3
Switzerland	4 000	62.0	20.4	4 400	62.0	24.0	4 100	63.5	15.5
Turkey	...	...	...	72 678	193.0	69.1	69 734	139.0	49.1
United Kingdom (x)	48 436	88.4	16.9	48 909	86.9	18.6	54 474	96.5	20.4

(x) See comments on page 27

Table 4. Prison population of member States of the Council of Europe:
Commital flow in 1984

	(a)	(b)	(c)	(d)	(e)
	Number of committals in 1984	Rate of committals per 100 000 in 1984	Rate of accused admitted in 1984	Average detention period indicator (months) (1984)	Rate of increase in number of committals (1984/1983)
Austria	...	...	...	...	...
Belgium	22 493	214.9	50.1	3.7	- 0.8
Cyprus	563	106.2	18.7	4.5	+ 23.5
Denmark	34 935	676.2	55.3	1.1	- 5.7
France	89 295	162.3	81.0	5.5	+ 3.4
Federal Republic of Germany	107 032	174.8	...	6.7	- 7.2
Greece	...	...	...	...	...
Ireland	6 276	178.9	33.0	3.0	+ 1.2
Iceland	304	127.6	47.4	3.0	+ 27.7
Italy	104 196	182.9	88.9	5.0	+ 1.1
Liechtenstein	...	...	...	...	...
Luxembourg	769	210.8	...	3.7	- 36.8
Malta	213	70.2	69.0	5.0	- 14.5
Netherlands (x)	25 500	175.9	...	2.3	+ 4.1
Norway	...	...	...	...	...
Portugal	10 817	109.8	78.8	8.5	- 22.3
Spain	64 266	168.0	92.7	3.2	+ 26.6
Sweden (x)	...	...	...	...	...
Switzerland	...	...	...	...	...
Turkey	117 833	312.9	64.3	7.4	- 28.9
United Kingdom (x)	193 976	344.7	41.0	3.0	+ 1.2

(x) See comments on page 27

COMMENTS - TABLE 1

- FRANCE: - Statistics relate to all persons imprisoned in Metropolitan France and the Overseas Departments (numbers in the mother country: 39,139 in Overseas Departments: 1,415).
- For Metropolitan France the indicator (b) is 70.9 per 100,000.
- Indicators (d), (e) and (f) have been calculated with reference to the position at 1.7.1985.

FEDERAL REPUBLIC OF GERMANY: - Indicators (e) and (f) are estimates.

IRELAND: - 36 foreign, not including 65 prisoners from Northern Ireland.

NETHERLANDS: - The number of 4,888 prisoners includes 278 persons held in police custody for lack of space in prisons.

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

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

UNITED KINGDOM: - Indicators (d) and (e) relate to the entire prison population in England and Wales, with the exception of «civil prisoners» (n = 196).
- 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 1.9.1984 and 1.9.1985).

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, etc.) During the period of reference, the rate of increase in this category was - 13.2%.

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

CYPRUS: - It has not been possible to calculate rates by sex, age and nationality. The data for 1.9.1984 relate to nationals only.

FEDERAL REPUBLIC OF GERMANY: - It has not been possible to calculate rates by sex, age and nationality owing to lack of data at 1.9.1984.

PORUGAL: - It has not been possible to calculate rates by category and nationality owing to lack of coherent data at 1.9.1984.

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

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

TURKEY: - It has not been possible to calculate rates by sex and age owing to lack of coherent data at 1.9.1984.

COMMENTS - TABLE 3

Data at 1.9.1983: see Prison Information Bulletin No. 2 - December 1983.

Data at 1.9.1984: see Prison Information Bulletin No. 4 - December 1984.

UNITED KINGDOM: - The indicators relating to 1.9.1983 concern only England, Wales and Scotland.

COMMENTS - TABLE 4

FRANCE: - Data relate solely to Metropolitan France.

NETHERLANDS: - Indicator (a) is an estimate.

SWEDEN: - Committals in 1984: convicted persons = 14,643, increase in relation to 1983 = -3.5%.

SWITZERLAND: - Committals in 1984: convicted persons = 10,170, increase in relation to 1983 = 3.2%.

UNITED KINGDOM: - The department responsible for statistics in England and Wales has raised the problem of double counting: see note (a) on p. 31, Bulletin No. 4 (December 1984).

A P P E N D I X I

DATA ON THE PRISON POPULATION IN FINLAND

x Position at 1.9.1985

a.	Total prison population	3,977
b.	Rate of detention per 100,000 inhabitants	81.1
c.	Rate of remand prisoners as a %	13.3
d.	Rate of female prisoners as a %	3.1
e.	Minors and young adults (21 a) as a %	6.6
f.	Proportion of foreigners as a %	0.3

x Number of imprisonments in 1984 10,061

Rate of imprisonment in 1984 per 100,000	208.4
Rate of persons accused on entry in 1984 as a % ...	31.5
Indicator of average detention period in months ...	5.6

Note:

Having regard to the available data, the rate of imprisonment in 1984 and indicator of average length of detention have been calculated on the basis of the prison population at 1.2.1985.

A P P E N D I X II

DATA ON THE PRISON POPULATION IN CANADA

It has not been possible to update the statistics published in Prison Information Bulletin No. 5 (data will be available in January 1986).

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

Circular of 31 August 1984 on hospital charges following release

A prisoner may be released while in a private hospital.

Whenever this happens, the hospital concerned should immediately be notified of the release, as it results ipso facto in the stoppage of all financial contributions by the department towards hospital charges.

Circular of 3 October 1984 on the allocation of work to prisoners undergoing medical treatment

Medical officers who inspect Belgian establishments each year have drawn attention to the risk involved in administering certain drugs to prisoners who have been assigned to work requiring sustained concentration and particular attention.

In order to reduce the risk of industrial accidents, it should be ascertained that prisoners to whom this kind of work has been allocated are not undergoing medical treatment. Furthermore, doctors are urged to take account of the work being done by prisoners when prescribing drugs which diminish powers of concentration.

Circular of 14 November 1984 on conditional release and on the compensation of parties claiming damages in criminal cases

Proposals for conditional release should include information on the convicted person's intentions regarding the compensation of parties claiming damages from him with reference to his rehabilitation schedule.

Mention should also be made of the total amount of damages payable, the sum already paid and the convicted person's undertakings in respect of amounts still owing.

Circular of 25 January 1985 on the calculation of the date of eligibility for conditional release and on the ascertainment of statutory recidivism

Certain differences of interpretation have been noted in the ascertainment of the existence of a convicted person's state of statutory recidivism for the purposes of Section 1 (2) of the Conditional Release Act.

Convicted persons should be regarded as being in a state of statutory recidivism when that state has been established by a court. It should be noted that the state of statutory recidivism is not necessarily dependent on the imposition of a sentence exceeding the maximum penalty prescribed for the new offence. Thus the trial court may have established the existence of all the ingredients of recidivism without exercising its power to increase the penalty provided for by law.

In certain cases, therefore, the only way of determining whether a state of recidivism has been judicially established is to read the whole of the decision pronouncing the sentence. In this context, judicial authorities have been asked to make sure that copies of judgments expressly mention the state of statutory recidivism, so that account may be taken of its consequences regarding conditional release.

Circular of 5 August 1985: Memorandum to prisoners and prison staff on the subject of A.I.D.S., by Professor J DESMYTER, Chairman of the Committee of the Public Health Council

This information memorandum gives answers to the following questions:

What is the virus?

What are the consequences of contamination by the virus?

How is the virus transmitted?

When is it impossible for the virus to be transmitted?

Can the spread of the virus in prisons be avoided?

DENMARK

Betaenkning: Tvangsindgreb uden for strafferetsplejen.

Recommendation: Coercive measures outside the criminal procedure.
R. No. 1039/85.

Bekendtgørelse: Erstatning fra staten til ofre for forbrydelser.
Government order: Compensation from the State to victims of crime.
G. order No. 298. Ministry of Justice - June 1985.

Bekendtgørelse: Beskikkelse af advokater ved indgreb i meddelelseshemmeligheden.
Government order: Assignment of lawyers (defence counsels) in case of
interferences in the communication privacy.
G. order No. 322. Ministry of Justice - June 1985.

Cirkulaere: Anbringelse af personer, der er idømt frihedsstraf.
Government circular: Allocation of persons, who have been sentenced to
imprisonment.
G. order No. 26. Ministry of Justice - March 1985.

Betaenkning: Straffelovrådets betaenkning om datakriminalitet.
Recommendation: The report on datacriminality from the permanent
Commission on penal law reform.
R. No. 1032/85. Ministry of Justice - 1985.

FRANCE

Decree No. 85-836, of 6 August 1985, amending various provisions of Part 3
of the Code of Criminal Procedure

These amendments take full account of modern approaches to the enforcement of sentences and the recommendations of international organisations, especially those of the Council of Europe, which are aimed at securing the requisite changes in the way prisons are run so as to enable prisoners to prepare for reintegration into society while serving their sentences.

This decree is in line with this approach, although at the same time it continues the efforts to reform and improve day-to-day living conditions in prisons both for prisoners and for staff.

Circular of 8 August 1985 on the application of Decree No. 85-836 of
6 August 1985.

Circular AP 85 24 GH2 of 3 September 1985 on the transfer of responsibility
for judicial supervision to probation committees.

ITALY

Legislative Decree of 22 April 1985, No. 144, converted into
Act No. 297 of 21 June 1985, relating to the standards for the allocation
of contributions to support preventive activities and measures for the
social reintegration of drug addicts and the destruction of narcotics and
psychotropic drugs seized and confiscated.

Section 4 ter of this Act has updated the Prison Reform Act of 1975; Section 147 bis extends the possibility of ordering alternative semi-custodial treatment and probation in the case of convicted persons who are drug addicts or alcoholics provided they agree to undergo detoxification treatment.

2609/C: bill presented by the Minister of Justice on 1 March 1985 relating
to modifications to the conditional remission of sentence and alternative
measures to short prison sentences.

The aim of this bill is to turn conditional remission of sentence, which is a measure of clemency, into a sanction which can be revoked for purposes of prevention. Under this bill, conditional remission of sentence would

apply only to prison sentences of less than two years and could be granted only twice. It would have to be granted when it was regarded as a sufficient deterrent to the commission of further offences. The convicted person might have to meet certain conditions. One of the purposes of this bill is to extend the cases where negotiation may be applied.

2907/C: bill presented by the Minister-President, on 23 May 1985, relating to standards for the protection of persons in prison

The purpose of this bill is to reduce the use of means of coercion such as fetters and chains, for persons arrested by the police. In addition, it proposes that persons who have been arrested and prisoners should be shielded from public curiosity and any sort of publicity.

NETHERLANDS

Two bills pending before parliament seem to be particularly relevant:

Bill No. 18129, providing for new rules on the transfer of the enforcement of criminal sentences.

This bill purports to implement the Council of Europe Conventions on the supervision of conditionally sentenced or conditionally released offenders, on the international validity of criminal judgment and on the transfer of sentenced persons, as well as the Benelux Convention on the transfer of the enforcement of criminal sentences.

Bill No. 18764, containing new regulations concerning conditional sentences and conditional release

The changes proposed in this bill are the following:

i. with respect to conditional sentences:

- the maximum of the prison sentences which may be conditionally imposed is extended from one to three years, it being understood that for prison sentences between one and three years only one third may be imposed conditionally;
- revocation may be ordered by the court trying the sentenced person for a new offence, when convicted for that offence (at present only the courts which imposed the conditional sentence are entitled to revocation);
- revocation may be partial.

ii. with respect to conditional release:

- «conditional» release is to be replaced by «unconditional, early» release, after two thirds of the term of (unconditional) imprisonment;

- the minimum term of imprisonment subject to early release is determined at six months (at present: nine months). The moment of early release for sentences between six months and one year is calculated by the sum of six months plus one third of the remaining period;
- in exceptional cases the court of appeal in Arnhem may, at the request of the public prosecutor be charged with the enforcement of a sentence, order that the moment of early release is postponed.

NORWAY

In the Prison Act of 12 December 1985 No. 7 the following changes have come into force (on 1 September 1985):

Article 35, first subsection now reads as follows:

«An inmate who has been sentenced to imprisonment may be released on parole when he has served two-thirds of his term of punishment, including any time spent remanded in custody, but not less than 2 months. An inmate who has been sentenced to imprisonment for more than 18 years may be released on parole when he has been in prison for at least 12 years.»

Article 35, third subsection, now reads as follows:

«Release on parole should generally not take place when the remaining term of punishment is less than 14 days.»

Article 36 now reads as follows:

«In cases where there are thought to be particular reasons, an inmate who has been sentenced to imprisonment may be released on parole when he has served half of his term of punishment, including any time spent remanded in custody, but not less than 2 months.»

The new Article 37 reads as follows:

«Release on parole is not granted on the unconditional part of a sentence according to Article 52 No. 2 in the Penal Code.»

Article 39 now reads as follows:

«For release on parole, a probation period of at least 6 months and at most 3 years shall be set. If the remaining term of punishment exceeds 3 years, a probation period of up to 5 years may be set.»

Article 72 in the Prison Regulations of 12 December 1961 has been changed accordingly.

In the Prison Regulations changes concerning community with other inmates, freedom of movement, restriction or exclusion from community, came into force on 15 July 1985.

PORUGAL

Circular No. 20/85 of the Directorate General of Prison Administration on treating prisoners in the same way as free persons with regard to industrial accidents, while making allowance for the adaptations entailed by detention.

Circular No. 22/85 of the Directorate General of Prison Administration on the open prison system: legal framework, prisons where this system may be applied, authority which may decide on it or revoke it, time limits, prisoners who may be eligible for it, segregation from other prisoners, etc.

SWEDEN

No acts, regulations or draft legislation relating to prison affairs have come into force during the last months. However, the governmental committee on arrest and remand in custody presented its proposals to the government this summer and these might lead to future amendments to the legislation.

SWITZERLAND

Order (3) (in preparation) relating to the Swiss Penal Code (OCP 3) concerning methods of execution of sentence not provided for by the Penal Code and referring to:

- the extension of semi-custodial treatment for prison sentences of up to six months (at present: three months);
- the introduction of sentences allowing prisoners to live and work outside the prison before conditional release;
- the execution of sentences in establishments intended for this purpose, accompanied by short periods spent outside the prison, as decided by the court.

UNITED KINGDOM

No further legislation has come into force during the last few months, but the Prison Department has published 4 of the 16 Standing Orders - SO 3c - Calculation of Sentence; SO 4 - Privileges; SO 5 - Communications; and SO 12 - Civil Prisoners. Standing Orders are to a certain extent based on prison rules and lay down regulations for the treatment of prisoners. It is the intention to publish all 16 Standing Orders in due course.

CANADA

Bill C-241, an Act to provide assistance for victims of crime, received first reading in the House of Commons of Canada on May 22, 1985, by Honourable John Crosbie, Minister of Justice.

The purpose of this Bill is to assist the victims of criminal acts in Canada by establishing the status of the victim and creating an obligation on the part of the criminal to compensate the victim or the legal representative of a deceased victim or child victim.

Bills C-67 and C-68, Acts to amend the Parole Act, the Penitentiary Act, the Prisons and Reformatories Act and the Criminal Code, were given first reading in the House of Commons of Canada on 27 June 1985.

The «Conditional Release Bill» will give the National Parole Board important new powers to halt the release of inmates under mandatory supervision if there are reasonable grounds to believe they would commit a violent crime. The proposed legislation will provide criteria to identify such inmates and their cases will be referred to the National Parole Board for review. The Parole Board will be empowered to issue a detention order preventing an up-coming release, or to prescribe conditions, including residence in an approved facility, that must be met for the release to take place. In addition to denying release to those relatively few inmates who pose an exceptional risk, those inmates who are serving a sentence for a violent crime and who are released under mandatory supervision will not be entitled to a second such release on the same sentence, if their first release is revoked by the Parole Board. For this group of inmates the new procedure will end what has come to be known as the «revolving door syndrome».

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SWEDEN

Two reports have been published by the prison administrations research and development group:

- Section 34 of the Act on correctional treatment in institutions - Report No. 1:1985. The purpose of this study was to describe the development of those offenders with imprisonment sentences who have served their sentences outside prison in accordance with the above section. It is also a follow-up study of those prisoners who received placement in accordance with this section during the fiscal years 1978/79 - 1982/83. It should also be mentioned that the majority of the offenders were placed in treatment homes for drug addicts.
- Violence and threat among inmates in correctional institutions - Report No. 2/1985. This study was made in order to throw light on what groups of inmates are threatened by other inmates and how the inmates exposed to threat deal with their situation. The study tries to analyse what factors create and/or hold back extreme conflicts at the institutions. Here the inmates attitudes towards informers, sex offenders and foreigners are described. Furthermore, the study tries to elucidate how the existence of narcotic drugs has influenced the prison climate.

SWITZERLAND

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UNITED KINGDOM

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CANADA

ROSS R R and LIGHTFOOD L O: Treatment of the Alcohol-Abusing Offender. Springfield, Illinois, Charles Thomas, 1985. Contents include the following chapters: Introduction; The Alcohol/Crime connection; Prevalence of alcohol abuse among offenders; the rehabilitation of correctional treatment; Alcohol, the drug; Alcohol abuse programmes for non-offenders; Alcohol abuse programmes for offenders; Developing alcohol abuse programmes for offenders; Evaluating correctional alcohol abuse programmes.

FINLAND

HUHTALA Johanna: Probation and After-Care in Finland from 1870 to 1975. (Series: Vankeinhoidon historiaprojektin julkaisu 12/1983) Helsinki 1984.

The Finnish Prison Association was founded in Helsinki in 1870, on the model of similar Dutch and German associations «for the reformation of prisoners and to organise the welfare of released prisoners» as was stated in its first rules.

From the beginning the Association concentrated on young offenders, who were believed to become more easily law abiding citizens by receiving general education, religious instruction and individual support. After having gained experience in this field the families of the offenders were included in the rules of the Association as one of the main targets of its activities. In general, religious work in prison was considered very important by the Association at that time. Later on two men were engaged to find jobs for released prisoners and to supervise their regular attendance at work.

In 1870 and 1871 local branches of the Association were established in Turku, Pori, Wiborg, Oulu, Hämeenlinna, Kuopio, Mikkeli, Vaasa and Lappeenranta and a few years later in Tampere. The branches were more or less active depending on their financial resources and on the energy of their members. After the turn of the century some branches were discontinued and gradually they all ceased to exist except the Vaasa branch, which kept on working until 1947.

The first hostel for released male prisoners, which was open only during the night, was established in 1879. It was taken care of by a policeman as a side-line. A hostel for female ex-prisoners had already been opened earlier.

In the 1880s a new period began in the development of the Association, which was to last until the Second World War. In 1894 the Penal Code and the Enforcement of Sentences Decree came into force. The adoption of the progressive stage system, the increase in parolees and the demands for more after-care services put pressure on the Association to augment its activities and to concentrate them on the after-care of released prisoners. Work in prison performed by the Association became less significant. In 1896 the Association made the important decision to establish an office where the clients could come themselves to ask for help.

In the first years of the 20th century the yearly number of clients had increased to an average of about 700. At that time the services of the Association consisted in providing second-hand clothes to the clients, money for the purchase of tools or for small travel expenses and food tickets to be used in a soup kitchen. In addition to this, the Association pursued small industrial activities in connection with a hostel and in 1909 it founded a labour exchange bureau.

Gradually a network of agents was built to cover the whole country and to work in prisons. The First World War, however, interrupted the development of the Association, which during that period used its scarce resources to support those clients who had a family and who were in a very difficult position.

During the Civil War (1918) the activities of the Association became paralysed. Even after the Civil War it was impossible to help the political prisoners serving a sentence in prison camps or those who had been released.

At the beginning of the 1920s the yearly number of clients was about 1,600. The Association did not yet have any statutory tasks, but in the 1920s it started to perform social inquiry reports for the courts and to organise supervision on a voluntary basis, which indicated a trend towards integration into the State authorities. When the 1918 Suspended Sentence Act was drafted there were plans to connect supervision with this sentence. Supervision was not included in the Act, although the Association was prepared to take care of it.

The 1931 Decree concerning the supervision of prisoners released on parole laid down, that amongst other authorised organs also the Association could be charged with this kind of supervision. This was the first statutory task given to the Association. Each year 200-300 supervision cases were passed on to the Association and 160-250 to private people. The Association was very strict and many parolees were sent back to prison because of ill behaviour. During the Great Depression the Association concentrated on labour exchange and its clients had the opportunity to participate in the construction of roads financed by the State, which anticipated statutory work camps.

In spite of its financial difficulties the Association bought a house in Tampere in 1930. At that time it was subsidised by the State, certain communes and the church, and it received income from rent, individual donations, membership fees and the interest of capital.

During the Second World War the new legislation concerning young offenders came into force, which charged the Association with supervision tasks in the whole country and with the drafting of social inquiry reports. In communes where the Association had no office nor any agent, the communal social welfare board was responsible for these functions. To deal with young offenders the Association reorganised its activities, and as a result of this development the new tasks superseded after-care as the most important work it performed.

At the end of the 1940s the work camps, which had been experimentally organised during the 1930s, were officially established. In the beginning there were six camps, but their number diminished to only two in the early 1950s. At first the Prison Department of the Ministry of Justice had the power to commit a prisoner who had been released on parole to a work camp if he had no job. Later on the ex-prisoners came voluntarily to the camps, usually sent by the Association. The tasks relating to the camps reduced the share of other after-care activities of the Association. The camps proved to be an appropriate solution for the employment problems of a certain group of clients, and they roused interest even abroad. Only in 1976 when the camps were discontinued the Association fully realised to which extent they were needed.

Hostel accommodation for men and women was permanently kept alive by the Association. New facilities, which were put into use in Tampere and Helsinki in 1969, offered for the first time a variety of types of accommodation to the clients. The planning and realisation of specific accommodation for special groups has been one of the most original activities of the Association.

After the Second World War the number of salaried posts increased from 5-7 to 20 and at the same time the level of professional qualification rose. In the 1950s the salaried staff was composed of welfare officers who, like their predecessors, accomplished a variety of tasks. In the 1960s, when the number of staff was multiplied, social work became the professional frame of reference, and in the 1970s voluntary work could no longer be used as the basis for the activities of the Association.

After the Second World War the development of the Association was interrupted by the lack of resources. In the 1960s there was a public debate on the position and function of the Association, which led to a considerable increase in financial means and to a rapid development of the organisation. Ten regional offices were established and subordinated to the central office. The volume of the activities of the Association augmented.

At the end of the 1960s and the beginning of the 1970s the emphasis of the policy of the Association shifted to the after-care of parolees. Owing to the increase in resources and to the stabilisation of state subsidies, more and more parolees could be put under the supervision of the organisation.

Simultaneously with the extension of its supervisory tasks the Association developed its services available to released prisoners, for example by creating accommodation facilities. The basic policy remained the same, though a more systematic approach was adopted. The question whether probation and after-care should be connected to social welfare or to prison administration

was left open, but on 1st April 1974 the Probation and After-Care Association was established as a statutory body linked to the judicial administration. In the history of the organisation the last 30 years from the enactment of the legislation concerning young offenders to the establishment of the Association as a statutory body should be regarded as a whole.

KARVONEN Ari: History of the Oulu Provincial Prison. Helsinki 1985.

The Finnish prison administration underwent profound changes towards the end of the 19th century. Its organisation was streamlined, the penal system was reformed and the treatment of prisoners was given new objectives.

As part of this extensive reform, every province in Finland was to have its own provincial prison primarily intended for remand prisoners. In the 1880s four new provincial prisons were built in Viipuri, Oulu, Kuopio and Turku and the existing provincial prisons in Helsinki, Mikkeli and Vaasa were considerably extended.

The provincial prison in Oulu was built in 1885 on the outskirts of the town. It was, and still is a hundred years later, the only remand prison in Northern Finland.

A table provides an overview of the number of prison places and inmates in 1885-1985. At the beginning of 1885 the prison had accommodation facilities for 93 and housed 60 inmates.

Labour colonies have been a distinctive feature of the history of the Oulu prison. The labour colonies were launched in Finland after the Second World War and they were meant to serve as an alternative for short prison sentences for first offenders. The 14 labour colonies administratively under the Oulu prison worked mainly in road construction and forest working sites in the countryside.

Future plans for the prison include the renovation of the old main building and more emphasis on the handicrafts in the prison industry.

KEISKANDER Pauli: History of the Pelso Central Prison. Helsinki 1985.

The subsidiary prison at Pelso was established in September 1935 for the purpose of easing over-population in Finnish prisons at the time. The main form of prison work at Pelso was the drainage of the vast swamp area which spread around the prison buildings. The reclaiming of marshland for cultivation was also the main task of three other subsidiary prisons at Karvia, Kötölä and Huittinen, all founded in the 1930s.

Some drainage work had been carried out at Pelso by local population as early as in the 19th century, and the prisoners continued the work from 1935 until 1971. Land reclaimed for cultivation by the prison totals 1439 hectares, while some 1800 hectares have been drained for reforestation.

A table provides an overview of the number of prison places and inmates in 1935-84. Over-population has been an occasional problem at Pelso, particularly during the Second World War, when the prison served for some time as a camp for Russian prisoners of war. In January 1984 the prison housed 281 inmates.

The subsidiary prison at Pelso was made a Central Prison in 1983, and the new central building was opened in the same year.

NEWS IN BRIEF

FRANCE

GENEPI (Groupement Etudiant National d'Enseignement aux Personnes Incarcérées - National Student Group for Teaching Persons in Prison, 247 rue Saint-Honoré, 75038 Paris CEDEX 01) is an association under the Act of 1901 with 600 student members in most French university towns. It aims to contribute towards the public effort to promote the social reintegration of prisoners by fostering direct contact between students in higher education and the world of prison. It has limited teaching resources, but maintaining this direct contact with the prisoner is its main purpose.

GENEPI's membership enables it to function in a quite novel way inside prisons. Because its members are young, they are closer in age to a large section of the prison population; because they are students, they are familiar with other problems and have different kinds of experience from those of prison visitors from the world of work; and because they are unpaid, they remain independent of the institution. Bringing these students (of both sexes) together into an association renders their action more coherent and is a token of credibility.

These various features of the association enable it to meet the need for a different kind of teaching from that of professional teachers. It is a demand generated by the very conditions of teaching in prison - incarceration, courses for adults, a secondary area of concern (after prison work, criminal proceedings etc), the mobility of the prison population, the difficulty of educational follow-up, and competition from other activities (walks, sport, video, etc).

An association of student volunteers has two great advantages: its organisation can be flexible, and its areas of activity can be diverse and numerous. Thus local GENEPI groups are able to meet the requirements of small numbers of pupils (one, two or three), or minority interests (Italian, micro-economics, electricity etc) for which no teaching post could possibly be allocated.

Similarly, the cultural activities (reading groups, video, music, drama) and sporting activities (matches between prisoners and students) which GENEPI organises help to forge links between prison and the outside world (particularly the student world).

Student involvement in the prison system is one way of opening prisons up to the outside world, which is a vital objective. The presence of students inside prisons is part of a broader goal of dismantling social barriers, and this needs to be taken further by information and consciousness-raising work outside prison. This removal of barriers is the only way of enabling prisoners to find their place in society once again when they have served their sentence.

PORUGAL

As part of a huge plan to use new sources of energy to produce the heat and electricity needed in prisons, a unit has been built in the prison of Pinheiro da Cruz to produce biogas through the digestion of organic farm and livestock

waste to produce methane, and a solar energy system to heat water has been installed in Linho prison. A substantial proportion of the work on both projects was done by the prisoners.

The first project was commenced in March 1984 and completed in December of the same year. Despite a few teething troubles it is already producing 200m³ of gas a day and augurs extremely well for a completely independent supply of energy, for fertilising a huge agricultural area and for the production of most of the energy required by the prison in question.

The second project, which went operational last June, already provides 70% of the energy needed to supply hot water for Linho prison.

In recent months the following regional prisons for persons awaiting trial or serving short sentences have been opened: Tires, male wing, for 150 prisoners; Braga, for 200 prisoners; Covilha, for 100 prisoners; Portimao, for 30 prisoners; Monaco, for 28 prisoners.

SPAIN

On 11 October 1985, the new Director-General of Prisons Mr Andrés MARQUEZ ARANDA took over from Mr Juan José MARTINEZ ZATO.

The following prisons have recently been opened:

- DAROCA (Saragossa), prison for the execution of sentences by first category adults, opened on 12 April 1985, number of places 363-435;
- MONTERROSO (Lugo), ordinary prison for the execution of sentences by young convicted second category prisoners, opened on 26 April 1985, number of places 350-420;
- VALLADOLID, remand prison opened on 22 June 1985, number of places 340-408;
- LOGRONO, remand prison, opened on 10 July 1985, number of places 250-275.

Prisons were discussed at various seminars and conferences, especially during the Prison Conference of Andalusia organised by the Regional Council of Andalusia and held from 20-22 June 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: Mr. I. IACOVIDES, Director of the Prison Department, NICOSIA

DENMARK : Mr. A. TROLDORG, Direktor for Kriminalforsorgen, Justitsministeriet, Klareboderne, 1, 1115 COPENHAGEN K

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

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

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

ICELAND: Mr. Thorsteinn A. JÓNSSON, Head of the Division of Corrections, Ministry of Justice, 101 REYKJAVIK

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ITALY: M. Nicolo AMATO, Direttore 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: Mr H B GREVEN, Director of the Prison Administration, Ministry of Justice, Schedeldoekshaven, 100, 2500 EH THE HAGUE

NORWAY: Mr. Rolf B. WEGNER, Director General, Department of Prisons, Probation and After-Care, Ministry of Justice, P.O. Box 8005 Dep., 0030 OSLO 1

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SWEDEN: Mr 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 Bakanlığı, Bakanlıklar, ANKARA

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

