

Recruited, gambled, arrested and supported

The International Office of the Dutch Probation Service: practice and legitimisation of its work with Dutch citizens in foreign prisons

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Summary

Foreign imprisonment and 'Bureau Buitenland' (*the International Office of the Dutch Probation Service*)

Compared to other countries, the number of Dutch adult citizens imprisoned abroad is quite large. In 2013, almost 30% of the entire population of Dutch prisoners were in imprisonment abroad, meaning they were either in custody and awaiting their trial, or convicted to a prison sentence. Between 2005 and 2012, this concerned some 2,500 prisoners, with a yearly turnover of 1,600 people: every year, on average, there is an increase of 800 new Dutch prisoners abroad but also a decrease of 800, of whom the majority returns to the Netherlands. Since 2013, a downward trend can be observed: less Dutch citizens are in imprisonment in foreign countries. In 2014, 2,214 imprisoned Dutchmen were known to the International Office. Around 1,500 (68%) of them were imprisoned in European countries, 20% in Latin America, and the others in other continents. The entire group consists of 88% males (with 12%, the number of females imprisoned abroad is relatively high) and 62% were imprisoned for a drug related offence. Other distinctive features are: 45% of them have been in foreign imprisonment for more than one year, 57% were born outside of the Netherlands, 70% have debts up to 20,000 euro and 65% do not have any vocational training nor a certificate of education.

The circumstances of imprisonment abroad often may differ in a negative sense compared to those in the Netherlands, especially because of the lack of sanitation, poor hygiene and medical attention, as well as safety issues. Moreover, Dutch prisoners abroad are often confronted with language and cultural barriers, restrictions in communication with the outside world (relatives and friends) and ignorance of the local criminal (procedural) law.

The International Office assists these people within a voluntary framework. In the Netherlands, 10 regional coordinators are cooperating with a global network consisting of around 330 volunteer visitors. Founded in 1975, the International Office is part of 'Reclassering Nederland' (*the Dutch Probation Service*). The Ministries of Security and Justice and (especially) the Ministry of Foreign Affairs financially support these activities. Apart from the assistance of Dutch citizens imprisoned abroad, the International Office has two other main tasks: the 'Buitenlandbalie' (*International desk*), that performs executive, coordinating and advisory activities for the transfer of criminal sentences between the Kingdom of the Netherlands and the other Member States of the European Union, and thirdly international cooperation in the field of social rehabilitation.

Research questions and structure

In 2011, the International Office requested the 'Probation, parole and safety policy' lectorate of the Avans University of Applied Sciences) to study the work of the International Office for the benefit of Dutch prisoners abroad. The assignment was to map the practice of the activities for the benefit of the Dutch citizens in imprisonment abroad performed by the regional coordinators and the volunteers, and - also based on that - to study which existing and possibly other justification can be formulated for these activities:

The first principal question was focussed on an evaluation of the practice of the International Office: the client group, the goals of the services provided, the use of interventions to reach these goals, and their impact. Questions that arose were: What are the characteristics of the Dutch citizens imprisoned abroad and their family / network? What do they need and expect from the regional coordinator and the volunteer of the International Office? To what extent and how are these needs and expectations met? What are the supplementary goals and activities deployed by the International Office? What influence does this practice have on the prisoners and their family/network?

The International Office's second principal question was more fundamental and focussed on justification of the existence of the International Office (as organisation) and its practice: Which arguments or foundations justify this organisation and practice?

The answer to the first question is based on pronouncements regarding the mission and vision of the International Office. These pronouncements describe the target group in general and are based on a change model. The International Office argues: the support and assistance of the coordinator and the volunteer are expected to maintain and strengthen the existing human capital (self-insight, self-reliance) and the social capital (relations encouraging human capital and reintegration) during the imprisonment period, thus enabling other, alternative convictions regarding crime (no more reoffending, planning their own lives) to be developed or confirmed. Therefore, when answering the first principal question, three aspects were considered:

- 1) The psychosocial functioning of the prisoner (human capital),
- 2) The prisoner's opinions and motivations regarding his future, behavioural change and a life without crime, and
- 3) The prisoner's social network (social capital). In the present research this also included the (temporary) relations with the volunteer and the regional coordinator of the International Office. We particularly paid attention to the needs and wishes of the prisoners and their home front regarding support and assistance.

Since males and drug related offences are dominant in the International Office's client population, the research focussed on this group. Based on the total numbers of Dutch citizens in imprisonment abroad, we chose to focus the research on a representative sample of three European countries, namely: Germany, France and Spain, and five countries outside of Europe, namely: Brazil, Ecuador, Peru, the Dominican Republic and the United States.

To answer the first principal question, we used a combination of surveys and validated questionnaires. A preliminary research was conducted (interviews with 16 ex-prisoners returned to the Netherlands) to create clear definitions for the main survey. In the main research, prisoners and volunteers in the eight countries were sent a survey with both open and closed questions, as well as (subscales of) questionnaires measuring aspects of human capital, social capital, and opinions and motivations that pertain to prison life, re-integration and a crime-free lifestyle. In addition, we interviewed some of the returned ex-prisoners as well as the coordinators.

The first part of the prisoners' survey consisted of an inventory of the prisoner's characteristics, such as age, civil status, etc., followed by characteristics of the offence, the sentence (if applicable) and the imprisonment situation. Next, items relating to the tasks of coordinators and volunteers during the different phases of imprisonment were submitted. These items matched the tasks of the coordinators. In addition, an inventory was made of the experiences of the prisoners regarding the assistance by volunteers. What did they appreciate and what not? Did they find this assistance to be of help during the imprisonment and on return to Dutch society? What could have been done differently?

The survey was filled in by 222 prisoners. After selection, between 165 and 190 surveys (dependant on the subject) turned out to be useful for answering a particular research question. This amounts to a response percentage of an estimated 20% of the entire target group in the 8 selected countries.

To answer the second principal research question – to find existing and possibly additional justifications of the organisation's existence and the practice of the International Office – we first conducted an extensive literature research. Based on this, an interview was conducted with a number of experts in the field of (international) law, behavioural sciences and criminology. The interviews took the existing mission and vision of the International Office as a starting point to

request and explore humane, moral and legal normative motives that can be used as a justification of the existence and activities carried out by the International Office. Following the interviews, these justifications (also called *motives*) were divided into laws and conventions on the one hand, and convictions and opinions of the experts (scientists and stakeholders) on the other hand.

Conclusions

The answers to the two principal research questions lead to the following conclusions.

Conclusions question I: the practice research

1: The human capital of the prisoners justifies professional interference.

The results show us that not only the negative effects of prison life in a foreign country justify interference from an ethical perspective. Also, the demographic characteristics of the respondents, (including their criminal history) justify this, because they increase their risk of recidivism. A third, and very important justification for interference was found in several positive elements that are clearly present in the human capital of many respondents. Regarding these elements, the questionnaire results show us that the respondents can be divided into a group that lacks or can lack awareness of their problems on the one hand, and a group that is aware of their problems on the other hand. In a relatively large number of cases (compared to the motivation for behavioural change of addicts and probation clients) these prisoners actually try to convert this into crime-free, meaningful, positive action. This intention is supported by a relatively unscratched positive self-esteem and self-determination (cf. conclusion #3). In other words, interference with Dutch prisoners abroad is not only justified since their risk of recidivism is high and many of them are suffering, but also in many cases because there is a basis for (behavioural) change to build upon.

2: The circumstances of imprisonment limit the possibilities of interference by the International Office.

Prison circumstances make it difficult to do what is useful or necessary for Dutch prisoners abroad. The results lead us to conclude that International Office's priority has to be the attention to safety and other basic conditions, and support for the prisoner's self-esteem and self-determination. In contrast, a foreign prison is not or hardly an appropriate context to work on behavioural change with the intention to prevent recidivism. *Volunteers* are not the appropriate persons to work on a fundamental change of behaviour either.

This situation is different if we look at the skills that help Dutch prisoners abroad to cope with their situation, both mentally and physically. We consider this to be a very important role for the International Office, provided that the volunteers are able to support prisoners to develop or maintain these skills. The present research shows that the focus has to be on simple training – combined with 'homework' in between volunteer visits– on dealing with thoughts and emotions, dealing with pressure and insecurity, 'positive detachment', physical fitness and physical care, and maybe training programmes regarding developing a sense of purpose or meaningfulness in (prison and post-prison) life. These are important justified activities for the International Office. In this regard, we conclude it is also possible for volunteers to use the prisoners' 'survival expertise' and to ask them how they are coping. These 'best practices' can be shared by means of information material that volunteers bring along on their visits.

3: The prisoners' motivation for calls for interference, but more tailor-made and more in combination with good aftercare.

Two-thirds of the respondents are *actively* trying to change. For these prisoners, working actively on creating another life is combined with a positive self-image; an image of oneself as someone who is not an offender but who has committed offences out of foolishness or due to misunderstandings, and who is now choosing a different path. An expression of this action-orientated attitude can also be seen in the need to reduce the level of insecurity: the imprisoned Dutchmen are in great need of receiving more information regarding the (next) steps in the criminal procedure as well as the imprisonment procedure. They expect the International Office to provide more support in this field than is - or can be - offered at the present moment.

The willingness to act that characterises two-thirds of the respondents, also poses a risk. Being in imprisonment, they lack the opportunities to immediately change course. At the same time, they often have commitments and not infrequently large debts. Along with a lack of good aftercare, this creates a particularly problematic situation. Nevertheless, the prisoners show a strong self-regulation and the competence to survive. No matter how difficult the circumstances of the imprisonment may have been, this is a form of human capital the ex-prisoner can build upon. At the moment however, elaborate planning and support of the reunification are not part of the

activities of the International Office and the local authorities in the Netherlands fail to take them on. This is a missed opportunity that needs to be taken care of.

4: The prisoners' own social capital requires interference by/support from others.

The prisoners' home front is of great importance to them. They feel a great loss and especially the family is actively trying to maintain contact. To a lesser extent, this goes also for friends (there are also 'wrong' friends among them), and sometimes even in imprisonment there are positive contacts with others / people in a similar situation. The prisoners' appreciation of the efforts made by coordinator and volunteer to maintain and strengthen this contact is relatively high, which justifies the activities of the International Office in this field.

5: The regional coordinator (as temporary social capital) has limited possibilities to work on the prisoners' human capital. Practical assistance that is offered often does not match the high (although sometimes unrealistic) expectations of the prisoner and the home front. The same goes for the personal/social assistance provided by the regional coordinator, with even bigger restrictions. A large proportion of the prisoners are not satisfied with the kind of assistance offered regarding housing, renting, debts and addiction. These are matters the coordinator cannot or is not allowed to arrange. Due to lack of both manpower and span of control, the International Office is unable to provide the practical assistance that these prisoners are asking for. This leads us to conclude that the Dutch government shows insufficient loyalty to treaties regarding Dutch prisoners abroad. At present, the International Office is unable to do what it should do, and therefore it only does what it can do. As far as practical assistance is concerned, it may also be concluded that, in general, prisoners expect (too) much of the International Office, for in their eyes the coordinator has a view of the situation in the Netherlands and can arrange all sorts of things. Especially with regard to transfer to the Netherlands, the prisoners expect more than the International Office can offer them. Apparently, prisoners have a lot of difficulty obtaining a clear picture of who is responsible for what.

Regarding personal/social assistance, most Dutch prisoners abroad need something familiar, something that can be associated with 'the Netherlands' or the situation they found themselves in prior to being imprisoned. There is a strong need for a coordinator 'with a human face'.

6: The prisoners are divided in their assessments of the practical and personal/social support by the visiting volunteer (as temporary social capital). This support does not always take place.

Volunteers have a dual role of offering attention and emotional support to the prisoners, and ensuring the two-way information transfer from the coordinator to the prisoner and vice versa. They are the 'eyes and ears' of the International Office and rightfully so.

They seem to do a good job, although the contact between prisoner and volunteer also serves an instrumental purpose for the prisoners, since volunteers represent a link with the outside world for the prisoner and, in many cases, the latter lives in an unsafe environment, that is regulated in such a manner that hospitalization is almost unavoidable.

We note that a relatively large part of the prisoners tell us that (part of) the practical and personal/social assistance that volunteers should provide is not given, which leads to an overall poor appreciation of these services and a long list of additional wishes. Part of the respondents says that the volunteers just do not do what they are supposed to do, in so far as they are able. This requires further examination.

7: Working on self-reliance can be regarded as the core activity of the International Office, and working on self-insight and (the motivation for) behavioural change by visiting volunteers requires a tailor-made interference that is not always warranted or carried out.

Increasing *self-reliance* is part of the official mission of the International Office to which both the coordinator as well as the volunteers have been paying growing attention. In the short term, prisoners will be able to hold their own and they greatly appreciate support aimed at this goal. We can consider this to be the core activity of the assistance offered by the International Office.

Increasing *self-insight* is also part of the mission of the International Office but from a practical point of view difficult to promote. The results of the questionnaires also show that a major part of the prisoners do not lack self-insight.

The choice of Motivational Interviewing (MI) by volunteers and coordinators is not strongly supported by the characteristics of this group of respondents: on the one hand there are the *diehards* and prisoners without any awareness of problems, neither of them having the ambition to change their behaviour fundamentally, on the other hand there is a relatively large amount of prisoners that have already made a step towards active change (not requiring an increased self-insight or the motivation to do so). For the latter group, the attention needs to be focussed on *maintaining* that change, and therefore capabilities of self-reliance are more obvious, possibly with

some techniques provided by MI that help to consolidate the choice to change that was made. *Where appropriate*, this has to be combined with a decrease of acute pressure and threat.

8: During and especially after the imprisonment, the home front's social capital strongly influences (the choice for) a life without criminality, but this capital is least used by the International Office.

We observed that, during the period of imprisonment, the International Office and the home front become separate worlds. In case of contacts, it mainly concerns practical issues that are very valuable in itself, yet do not provide the support needed for the self-reliance of the home front nor contribute to the feeling to get or have a grip on the situation.

The volunteer also plays a limited role in linking both. However, the visiting volunteer's activities are a strong means to influence the experience of the prisoner's own social capital during imprisonment. The emphasis lays on personal and social support, which are highly appreciated and are invaluable, based on the perception of the prisoner and the absence of the home front.

9: The lack of sufficient means for reintegration due to a shortage of structural aftercare activities is a big problem: this represents a setback for the prisoner and a possible waste of the results the International Office attains during the imprisonment. In the present situation, far too often, the ex-prisoner and his family are on their own.

Based on this research we have come to the conclusion that development of these activities in the future is very necessary, featuring the International Office, together with a group of people that, in most cases, is always prepared to do so: family. By guaranteeing the continuity of the involvement of the International Office following prisoners' return to the Netherlands, not only the assistance becomes more effective, but also a problem is solved, namely the fact that the relatively small number of ex-prisoners returning from abroad is not sufficient to ensure a smooth transfer in the Dutch municipalities. The deployment of volunteers providing support after return to the Netherlands may also be investigated.

Conclusions question II: the fundamental research

10: Both the literature consulted and the interviews with experts consulted provide arguments for the necessity and usefulness of the International Office's activities.

11: Firstly, experts legitimize the activities of the International Office most strongly on a legal basis and the loyalty to treaties that goes with it, secondly on somewhat less 'firm' motives regarding compassion and inclusion, and the last criterion being (behavioural) science. The latter is not so much referred to as a basis for the interference of the International Office, as well as for the completion thereof, for the specific approach by the International Office. This is at odds with the commitment of the International Office to the mission of its 'mother organization', the Dutch Probation Service, since the latter focuses completely on reduction of recidivism and not on social inclusion as a humane endeavour in its own regard.

In the laws, rules and treaties that have been studied in this research, we recognize three basic rights that are present in almost all of the texts: the right to dignity (e.g. being safe, or being well-informed about procedures), the right to be meaningful to others (e.g. doing purposeful work, or having contact with family, partner or children), and the right to personal development (e.g. being allowed to read books, or study). These rights reoccur in the pronouncements made by the experts during the interviews: they primarily talk about dignity being the basis for the activities of the International Office, on which the two other rights (being meaningful to others and personal development) can build.

Experts substantiate the mission and vision of the International Office not so much on the basis of scientific knowledge than on the basis of laws, rules and treaties. This applies particularly to working on self-insight. Practical aspects, an increased number of requests for help and the fact that volunteers are not professional care providers, contribute to the fact that substantiating working on self-insight based on scientific arguments is less logical or less realistic.

More experts indicate that working on self-reliance and reintegration is of major importance. However, in the interviews these activities are not strongly substantiated either.

12: A supplementary legitimacy for the International Office's activities may be that the office disposes of unique expertise and a network many other countries and organisations could benefit from.

Some experts mention that certain activities that might lead to supplementary arguments for the International Office's existence are not performed, such as: improving imprisonment conditions, contributing to the deployment of or bringing in a lawyer, if needed, and providing access to aftercare. We think however, that these activities have been sufficiently covered by the International Office's mission statement.

One of the experts regrets that the International Office's mission statement does not mention that others may also profit from their expertise. In addition, not all countries have the opportunity to acquire this knowledge. In other words: the International Office could not only serve the prisoner, the home front and safety in society, but also fellow organisations.

13: The interference with Dutch prisoners abroad by the International Office as a separate organisation linked to the judiciary, can be explained and justified by the Dutch tradition of gradual nationalisation of interventions in the field of care and safety. Through nationalisation, the activities of the office offer assurance to the prisoner for the longer term, and add to the use of scientific knowledge regarding the prevention of recidivism by investing in an alliance with the prisoner.

Especially, as far as the right to be *meaningful to others* is concerned, it may be said that deploying volunteers with support from the government shows prisoners that they are not left to their own devices or 'expelled'. Therefore, we are of opinion that the International Office is an example of the (typically Dutch) response to not only structurally support social cohesion but, if necessary, also to nationalise and protect it. In contrast to non-profit organisations, the International Office receives *structural* public support regarding interventions in the field of care and influence. Thus, usefulness and need are no longer left to chance (offering the prisoner security) and are also linked to legal power and loyalty to treaties from the public authorities (offering the prisoner a better chance to obtain his rights). On the basis of this 'nationalised' initiative, when the prisoner accepts the assistance offer from the International Office, the government (through the intermediary of the International Office) can also claim 'change' from the prisoner in the form of extra efforts to get his life back on track after the imprisonment period. This attitude is supported by the scientific knowledge on putting an end to criminal behaviour: you have to invest before you can reap the benefits.

Recommendations

Practical recommendations

1. Check what possibilities there are to improve the opportunities and restrictions of the International Office. Pay more attention to managing the expectations of the prisoners and the home front. Increase the deployment of volunteers to achieve this.
2. Improve file keeping (already started).
3. Keep paying attention to a good coordination between 'Epafras' (an NGO offering assistance to Dutch prisoners abroad), the International Office and the Ministry of Foreign Affairs.
4. The visiting volunteers are the most important means or 'capital' of the International Office to realize its mission. Extensive introduction, continuous education and coaching of volunteers remain of crucial importance.
5. Moreover, a more intensive monitoring / supervision of concrete activities within the prison setting is required. In our view, the first major challenge of the International Office is to focus on what the visiting volunteers (both according to the prisoners and to the International Office itself) *should* do, followed by focussing on the question whether the volunteers really *act* on that.
6. Start investigating the possibilities of transferring the responsibility for aftercare to the International Office itself, for instance by means of a special-task employee ('Coordinator Netherlands'), or a regional coordinator from the Probation Service. Intensivate the connection with the aftercare network of Dutch municipalities, among which also the entire connection to the national electronic DPAN network, ensuring the access of clients from the International Office to the aftercare network from the judicial authorities and the municipalities.
7. Examine whether volunteers can also be deployed in the Netherlands to support ex-prisoners to reintegrate after their return.
8. As a member of the *Special Interest Group* (successor to the *European Group for Prisoners Abroad* within CEP) the International Office is able to give the theme *Foreign National Prisoners* higher political priority, thus trying to (initially) create a European network. Because of this enhanced international cooperation the International Office can strengthen its position.

Substantive recommendations

9. The '*What Works*' mission of the International Office, focusing on risk reduction, is justified, because it follows from the implementation of agreements made (through national and international loyalty to treaties) that the necessary expertise to do this must be available. '*What Works*' helps with this, but is also too limited as a starting point. Elementary needs (and rights)

such as dignity, being meaningful to others and personal development, are threatened in foreign imprisonment, to such extent that we recommend the International Office to integrate in its mission that the realisation of these conditions is necessary. This extended mission also justifies the existence of the office and is part of its tasks. To that end the International Office may also focus on the mission and vision of the 'Leger des Heils Jeugdbescherming en Reclassering' (LJ&R: *Salvation Army Youth Protection and Probation*) and of the 'Stichting Verslavingsreclassering GGZ' (SVG: *Foundation Probation Service for Addicts, mental health care*).

10. We recommend to intensify the connection with the two other probation organisations, since the problems of prisoners (especially addiction problems) justify this step. This might also improve the necessary relation / continuity after their return to the Netherlands.

11. Up till now the International Office does not avail of an instrument for structured risk assessment, including criminogenic and protective factors, responsiveness and additional non-crime related care items. Both the approach by the volunteer and the nature of the aftercare after the prisoner's return may become more structured by introducing such an instrument.

12. Provide more intensive attention to (the force of) those who are left behind and to the 'survival expertise' of the prisoners themselves. Look for opportunities for more personal contacts, contacts with people who have had similar experiences (with *Prisoners Abroad* as example), and opportunities for family consultations, for instance in view of (preparation for) the return. It is important to reunite the world of the International Office on the one hand and that of the home front on the other hand, which at the moment are too far apart.

13. Train volunteers to point out and (possibly) make psychopathology (psychiatry, addiction and mental retardation) a subject of discussion and to motivate clients for treatment (after return of the prisoner or while being in imprisonment).

14. Develop a 'light' method for the visiting volunteers in which (mental) training in view of self-reliance and dealing with pressure is combined with a targeted deployment of motivational interviewing, dependant on the stage of behavioural change the prisoner is actually in. In this respect, it might also be possible for volunteers to use the 'prisoners' survival expertise' themselves to ask them how they are coping. These 'best practices' can be shared by means of information material that volunteers bring along on their visits.

15. Investigate the possibilities for the creation of mandated social work for clients of the International Office after their return to the Netherlands. A mandated framework might be of extra value for the International Office to stimulate the reintegration of Dutch citizens imprisoned abroad. By creating such mandated framework, the International Office can also strengthen the justification of its mission and vision.

16. The tasks mentioned in the recommendations require an increase of the current resources of the International Office.

Recommendations for research

17. Consider keeping track of recidivism rates.

18. Consider starting research with a control group to determine the effect of the activities of the International Office on the reduction of recidivism, influencing behaviour, reintegration and cost/benefit.

19. Investigate the perception, support powers and problems of the home front during the assistance provided by the International Office. Put it to use in order to strengthen the elaboration of the abovementioned recommendations.

20. Investigate the characteristics of the respondents that were 'forgotten' in the present research, and try to find out how the recommendations can also apply to other groups (women) and other types of offences.