

Detailed report of the first working session of the project Prisons of the Future

1 Introduction

At 2 and 3 October 2014 the first working session of the project Prisons of the Future took place in The Hague. Almost 20 participants were present; project partners from Sweden, Finland, Denmark, Belgium and the Netherlands and the European Probation Organisation (CEP) and EuroPris. Also the project director Jacqueline Kuyvenhoven and the project manager Cisca Joldersma were present. The partners from Norway could not make it to be present in the first working session, but still like to participate in the project.

The participating teams were asked to prepare a presentation on developments in prison and probation practice since 2000. The key points of these presentations are summarized below. Also, input from a Dutch prison research project as well as from the expert team are given. We end with some conclusions as well as some advices to proceed.

2 Presentation of participating teams

2.1 CEP

CEP presented the results of a short questionnaire among its members. They received responses from 17 jurisdictions. They found the following main developments in probation service:

- Since 2000 electronic monitoring has expanded. Community sentences are also getting more popular. Also new combinations of sentences occur, such as early release and prison regime, combined with electronic monitoring. Also gradual return in society is combined with probation supervision, electronic monitoring and municipal involvement.
- Probation services are called upon to implement more and more (different) sentences. The role of judges becomes more prevalent in all stages, at the front door as well as in back door options.
- More obligations and restrictions are put on prisoners. The behavior rules are tailored to the person, type of offence and the recidivism risk.
- Professionalization takes place at every level of probation services, in terms of more training, more technology, and more programs.
- Information management comes to the fore, due to the creation of new rehabilitation/surveillance devices or risk management tools. Also, attempts are made to integrate databases from different criminal justice agencies.
- Organizational reform of the prison and probation service. Reforms can be accompanied by more cooperation with other stakeholders and/or privatization of probation activities.
- Decline of budgets.

In conclusion: the imprisonment rate as well as time in custody seems to be reduced in favor of supervision, electronic monitoring and community return. Probation service emerges as

the 'virtual prison'. Consequently, balancing between risks, safety and society becomes more important. Whereas probation services seem to gain more legitimacy in the eyes of the public, the focus of the probation service could possibly shift from resocialization to control.

2.2 Denmark

In Denmark basic principles for prison and probation service were already formulated in 1994. These principles are: normalization, openness, exercise of responsibility, security, least possible intervention, and optimal use of resources. They imply that the daily activities in prison & probation services are related as much as possible to normal life in the general community. The offender can maintain contact with the ongoing life in the community. The offender can strive for a crime-free life. The inmate as well as the community should be protected against aggression and violence. Well-qualified staff is needed to use resources effectively, flexibly and to match them with perceived needs. These principles still guide current practice.

Main developments since 2000 are:

- Flexibilization of prison capacity (since 1998).
- Electronic monitoring, which is still increasing (since 2002) at the front door, but also at the back door.
- Coordinated release (since 2006), which includes creating one entry point/contact person in the municipality.
- Treatment guarantee (since 2007); the focus is on drug and alcohol treatment, but also on educational offers; only a small amount concerns cognitive behavioral programs.
- User driven innovation (since 2010), based on local interactive projects and mutual learning between services.
- Community services, fluctuating in time: it started already in the 70s, but a stagnation took place in 1982. Since 2013 there are again more community service orders for more types of offences.
- Risk-Need-Response (RNR) of the 4th generation (since 2013). Risk assessments are introduced, based on the Canadian tools. Denmark likes to develop its own tools. A new form of community supervision is introduced, Mozaïek, which focuses on motivation and cognitive therapy for high risk offenders.

Since 2000 the prison population in Denmark has been on the same level, whereas the probation population is growing.

In conclusion: Changes in imprisonment, coordinated release, electronic monitoring and community services seem to have developed in a steady and evolutionary way, based on the guiding principles. Denmark flexibilized its capacity quite early whereas it relatively lately introduced risk-need assessments.

2.3 Sweden

The Swedish (preliminary) team evaluated the Swedish prison and probation practice. Future expectations formulated in 1999 were compared with the current situation. They also took into account context changes such as Internet, the role of mass media and the political situation. In 1999 it was expected that a renewal of the prison portfolio would occur and

that shorter sentences would be converted into probation alternatives. Drug free facilities would be introduced as well as a treatment center for drug addiction.

Actually, main development in the course of time have been:

- The introduction of contract care (1988), i.e., probation orders with a specific obligation to enroll in a treatment and rehabilitation program.
- The introduction of a prison sentence for drug use, i.e., criminalization of drugs use (1993).
- Reintroduction of release after two-thirds of the sentence and introduction of community services (1999).
- Intensive supervision with electronic monitoring; first at the front door (1994), later on also at the back door (2001) and in low security prisons (2005).
- More security measures, e.g., new prisons with high secure units.
- Consolidation of the agency, including functions as R&D, treatment, education and vocational training (2006). Prison and probation practice becomes professionalized, by making use of assessments, treatments, and case management.

Since 2009 the prison population as well as the probation population has declined.

In conclusion: the balance between security and social support changed over time. These changes were accompanied by CEO's with a different focus, such as resocialization and security. Now a more balanced view exists with an accent on efficiency. The changes in the course of time seem to be content-driven. Also, the societal and political context influenced prison and probation practice, such as outcomes of elections and establishment of a new government.

2.4 Finland

The Finnish team performed a retrospective analysis. Just after the year 2000 a Finnish long term vision on prison and probation service was developed. One of the basic principles is gradual release which means that prisons should offer open conditions as much as possible. Reducing recidivism was defined as the central objective which should be attained by individual enforcement plans. Other basic aims are normalization and minimization of the negative influence of imprisonment. The 'what works' principles are embraced.

Main developments since 2000 have been:

- As a front door option, contract care for substance use was developed. It was difficult to view it as both a punishment and as a part of the municipal substance abuse services. It was replaced by current community sanctions in combination with current substance abuse services. A new law on community sentences will again combine substance abuse treatment with probation work. Community services replaced about 35-40 % of the short term prison sentences, but has not proceeded as planned.

- Alternatives to the use of conversion sentence for unpaid fines were developed. However, the recently radical diminishing of the sentence has been questioned and proposals of restitution have been presented based on a more punitive approach.
- As a back door option, release units in prison were introduced (starting in 2010). Other back door options are supervised probationary freedom by electronic monitoring (starting in 2006) and supervision of parole.
- It was aimed to increase the proportion of prisoners serving their sentence in open prisons, from 30% to 35% (2007). The kind of alternative actions in open prisons were, however, hardly discussed. Nowadays, a new system for making phone calls in prison is under discussion.
- After a long reorganization process, prison and probation service were finally united in 2010.
- In 2011, a new community sentence has been implemented; monitoring sentences. Electronic monitoring is used as a front door option for prison sentences of at most six months.
- Recently, a new prison concept was developed based on safety, more efficiency and technology. Technology should not replace human interaction and the quality of activities. Also the limits and possibilities of open prisons and levels of safety of prisons will be part of the new prison concept.

The prison population in Finland has declined since 2005 and fluctuated in the years before. The need emerged of enhanced control and anticipation of changes in prison population.

In conclusion: the political will and a consensus existed in Finland to downsize the imprisonment rate. However, still some inconsistencies as well as a shift towards more punitive arguments in the political debate can be viewed. Economic pressure influences the current development of the prison and probation services. In the course of time, the emphasis in practice shifted from prison sentences to community sanctions, and from closed prisons to open prisons and early release. There is more room now for individualized sentencing.

2.5 Belgium

Basic principles for the execution of sentences are minimizing the negative effects of detention. A new law guaranteeing prisoners rights was established in 2005. It concerns aspects as standardization, rehabilitation/reintegration and restorative justice. Prison practice is also influenced by overcrowding. In 2008 a masterplan was introduced to deal with overcrowding and to improve safe and human environments.

The main developments in prison and probation practice since 2000 are related to three categories of prison sentences:

- The first category concerns 1 day to 6 months. A non-execution practice developed by early, quasi automatic release and expanded use of electronic monitoring. The new rule since 2013 is that the prison sentence is mostly executed under electronic monitoring. The prisoner governor grants a provisional release after one month.
- The second category is about over 6 months to 3 years. The rule since 2000 is that the offender serves his sentence under electronic monitoring. One of the exception is sex offenders. The prison governor (provisionally) releases after one-third.
- The third category comprises sentences over 3 years. Here, different back door modalities are available, such as conditional release (after a third by a first-time offender and two-thirds by a repeated offender), electronic monitoring, and part-time detention. It is also possible to get prison furlough for preparing rehabilitation and preserving family and social connections. Also, short-time leave is possible.
- Since 2014 pre-trial detention can also be executed by electronic monitoring. enforcement outside prison and enforcement in prison.
- Within prisons are different prison regimes, such as open, semi-open and closed prisons. To individualize detention, a detention plan is made with a focus on reintegration. Also initiatives are taken to organize penitentiary labour to increase the number of employed inmates.
- In 2008 four new classical prisons are built and run in cooperation with the private sector. The new prisons are based on a new approach on how to treat inmates and to organize life in a penitentiary context. Technology becomes more important and inmates have to stay connected with society. The technology support, Prison Cloud, offers a strongly secured and flexible platform of services for inmates. Inmates as well as staff still have to get used to the new possibilities.
- Also, new institutions for forensic care are developed.

The prison population in Belgium has increased, due to the growing rate of crimes.

In conclusion: overcrowding, costs reduction and social benefits shaped prison and probation practice in Belgium. Electronic monitoring has become the preferred alternative to imprisonment. New concepts of classical prisons are developed by making use of new technology.

2.6 The Netherlands

In the Netherlands, main objectives of sanctions are retribution, prevention, and resocialization. Basic principles for the execution of sanctions are public safety, humanity, proportionality, and re-integration. A long term vision 'modernizing prisons' was developed with a focus on individual trajectories. Recently, a new vision has been developed which takes into account the need for security and cure & care as well as the possibility of self-sufficiency of prisoners.

Main development in the Dutch prison and probation practice in the course of time are:

- Introduction of more (front door) alternatives to detention, such as community service and conditional sentences. Conditional sentences (to be compared with contract treatment) are based on a probation advice. On the basis of risk assessment the probation service prescribes treatments obligations, restrictions, supervision, behavioural interventions and particular bans. The court takes a decision based on the probation advice. If the offender breaks the rules he will still be sent to prison.
- An experiment with electronic detention as a front door option finished. Also a current proposal to introduce electronic detention as a back door option (instead of gradual release) was not accepted in parliament. Electronic monitoring is only used as part of release and probation supervision.
- In 2004, a special measure is introduced for repetitive offenders with drug addiction, psychological disorders and multiple small offences. Part of the 2 years measure is the possibility of treatment and behavioural interventions.
- For the whole country, 5 psychiatric penitentiary centers are established in prisons, especially for offenders with serious and chronic psychiatric problems.
- In detention a more personalized approach has been established, based on detention and reintegration plans. These plans are accompanied by objective reports. Currently, a system of promoting and degrading is introduced. Based on the cooperative behavior of the inmate, he gets a basic program or a 'plus' program.
- Changes have taken place in the prison landscape. Due to budget cuts and lower imprisonment rates, many prisons have to be closed, including prisons with open and half open regimes. A new, huge prison is built in the Netherlands which is suitable for different groups. It has only multi-persons cells and makes use of state of the art technology.
- With regard to the new way of working in prison practice all executive staff and middle management are trained.

In the nineties and just after 2000 the need for the number of prison cells increased. Prisoners had to be sent away. Since 2005 the imprisonment rate is decreasing.

In conclusion, since 2000 the Netherlands had to deal with a situation of overcrowding whereas nowadays there are too many cells and too many prisons. The focus shifted in the course of time from retribution to resocialisation in order to reduce recidivism. During the course of time, prison services have become more external oriented and have invested in cooperation with partners in the field of criminal justice and the local community. The political context influenced the use of electronic monitoring as a front door option as well as the use of it as a back door option.

2.7 General overview

From the overview of the different participants the following general trends can be derived:

- Increasing use of front door options as (contract) treatment, electronic monitoring and community sanctions as alternatives to imprisonment
- Increasing use of back door options that shorten the time of imprisonment in (closed) prisons. Also new combinations are made of (short-term) custody, gradual release, electronic monitoring/supervision and community services.
- Individualization of trajectories within custody and minimizing the negative effects of detention.
- Professionalization of the prison and probation services, by using (risk/needs-assessment) tools, focus on craftsmanship and evaluation of results.

3 Research and comparative perspective

3.1 Intermezzo of Paul Nieuwbeerta

Professor Paul Nieuwbeerta presented the Dutch prison project they are working on now for a few years. It is a longitudinal research study, in which they use self-reports of (ex-) prisoners at different moments in time to study effects of imprisonment. In this research they also make use of the moral climate measuring tool of Alison Liebling. They looked especially at four criteria: respect, fairness, humanity and relationships in prisons. The scores on these criteria are related to misconduct behavior in prisons and are controlled for mental health problems as well as for coping styles. From the preliminary results it can be derived that prisoners who have less positive experiences on these four moral criteria also show more misconducted behavior than other prisoners who have more positive experiences.

Paul also reflected on the relationship between scientists, policy makers and practitioners. Scientifically we still do not know very much. It is hard to get research results based on randomised controlled trials. However, we do not know nothing. What we know is that short term imprisonment seems to be not very effective. We have to worry about policy changes in practice that are not well-evaluated.

3.2 Alison Liebling

Alison Liebling has done a lot of research on moral quality of prison life. She identified aspects of the quality of life that contributed to variations in levels of distress in different prisons. Consequently, some prison environments are more survivable than others. In her research she found that staff-prisoner relationships contribute disproportionately to prisoner evaluations of the fairness of their treatment. Respect, care, fairness, meaning and personal development in prison matter. Also, legitimate authority matters. Officially, people are sent to prison as punishment and imprisonment should be a last resort. There is no official intention to humiliate or degrade. However, in practice it is possible that we are

moving away from our fundamental principles. Prisons constitute a special case of the use of power. There are degrees and varieties in how the prison environment effects experiences of prisoners.

3.3 Bas Vogelvang

Bas Vogelvang successfully introduced Circles of Support and Accountability for sex offenders in The Netherlands. His practice-oriented research focuses on the role of probation officers, support of social networks, desistance and social capital of offenders. The motor of change for offenders can be found in their interactions with changing environments. Probation officers have to support offenders in their development, which can also contribute to society's safety. As human beings prisoners also want to be worthwhile and significant. Therefore, probation officers have to combine different tasks of intervening, giving strength and realizing structure for (ex-prisoners). They can use means as taking account of the prisoner's experience, appealing on personal development and bringing in their personal style. Probation services need resilience on the personal level, at the team level as well as the organisation level.

3.4 Eric Maes

Eric Maes does a lot of research with regard to new measures such as electronic monitoring. He looked at electronic monitoring as a front door option to avoid incarceration as well as a back door option to be obtained from prison before conditional release. He agrees with Paul that we still lack a lot of information about the effects of new measures. He advises also to take care of the context in which new measures are implemented. For example, in Belgium, the penal reform in Belgium aimed at giving priority to alternative sanctions. However, at that moment Belgium was also confronted with the Dutroux case. Social media and political attention in response to serious incidents matter. Additionally, it is important to take into account different perspectives or objectives. Economic, social, ethical and legal-judicial arguments matter. It is also good to be aware of unintended effects. For example, electronic monitoring in Belgium may have influenced judges to use pre-trial detention as a compensation for shorter time of post-trial detention.

3.5 Consequences for a cross-country comparative analysis

When these advices are combined, it becomes clear that there are different angles to which can be looked at prisons of the future. There are, e.g., the perspectives and experiences of prisoners, staff, scientists, policy makers, and society. From these perspectives different objectives or criteria can be derived to assess actual developments in prison and probation practice. Actual developments of prisoners, prisons, staff, and prison and probation service have also to be viewed in their changing environments. In the interactive contexts, these developments can be explored and explained. Additionally, it can become clear what kind of changes in the future are possible or even desirable. It provides 'the story' behind the facts.

A model which makes it possible to look at these different perspectives and different contexts is the socio-ecological model of Bronfenbrenner. Bronfenbrenner makes a distinction between the person, microsystems, mesosystem, exosystem, and macrosystem. With regard to the project prisons of the future:

- Person is in our case the prisoner or offender
- Microsystems refer to activities and relationships in the direct environment of the prisoner or offender, such as school, labour, works, family, etc. In a traditional closed prison, these activities only take place within the prison, in isolation from society. Interaction between staff and prisoners and moral quality of life in prison refers especially to these microsystems.
- Mesosystem is the combination of microsystems. Examples of a mesosystem are a prison, a community, supervision, electronic monitoring or other alternatives to imprisonment or innovative prison options. The prison shapes the relationships of the prisoner with family, social network, staff, etc. The classical closed prison isolated the prisoner from his microsystems, whereas modern open prisons seem to try to reconnect the prisoner with his environment. Some of the participating teams in the project also emphasize the social benefits of electronic monitoring.
- Exosystem refers to the context of the prison and probation activities, for example the role of courts, the penal policy or the criminal justice system of penal system in general.
- Macro system concerns the society as a whole, such as the society's culture, the political system and the economic system. It can explain why the penal system developed as it developed.

The model makes it possible to place developments in prison and probation practice in context. Prisoners or offenders influence and are influenced by direct relationships with family, work, education, religion, sports and prison or probation staff. These relationships are, on their turn, shaped by and can shape prisons of the future as well as alternatives to imprisonment. Additionally, future prison options and alternatives to imprisonment are influenced by and can influence the penal system as well as the broader society and political system.

The model helps to assess front door and back door options as well as current and innovative prison options. Front door options are alternatives of imprisonment (mesosystem), whereas back door options, individualized trajectories and changes in prison regimes are examples of current or innovative prison options. Changes in sanctions, professionalism and budget cuts are examples of changes in the exosystem or penal system. Additionally, intended and unintended effects can be explored from the different options.

4 General conclusions

When we compare the input from the participants with the input of the expert team, the following conclusions can be drawn:

- There are common principles between countries with regard to prison and probation practice; there is a small difference between countries in formulating these principles more explicitly or using them more implicitly. Additionally, some differences in focus on particular principles can be found, such as prison as a last resort and/or striving for alternatives to detention.
- Actual changes in prison and probation practice evolve gradually instead of changing radically and abruptly. However, acceleration or stagnation can occur due to serious incidents or political changes.
- Current front door alternatives to imprisonment are contract care/conditional sentences, electronic monitoring, and community sanctions.
- Current back door options to shorten time in prison are electronic monitoring, supervision, and community care.
- Current prison options relate to individualized trajectories based on risk (need) analysis, prison regimes (open-closed, level of security) and use of technology.
- Current improvements in prison and probation practices relate to professionalization and a research & development orientation.

5 How to proceed

The participants were asked to dream about prisons of the future and visualize their images. However, the participants preferred to stay close to the current practice. The general feeling is that we are on the right way with our prison and probation practice. Evolutionary improvements are still possible. With regard to our sanction systems we can learn from the health care sector in which the principle of stepped care is used; less severe sentences are preferred above more severe interventions such as closed prisons.

Other themes for the future that were mentioned are:

- Measuring the effects of our interventions and to monitor them. Do we know what we are doing and what the impact is?
- The role of the prisoner: could the prisoner have a more leading position; could he develop his own program?
- Balancing risks & needs at the front door: There is a need of objective risk-assessment that also takes into account prisoners needs. We should balance risks and needs. Whereas some countries are used to risk need analysis during

imprisonment, these analyses should also be used at the front door and not only at the back door. We should be aware that prisons cannot solve all problems or solve what went wrong earlier in life.

- Develop a common language. We all talk about normalization, but are we sure what is meant by it? Such a common language can also help for external communication to society. How can we improve the legitimacy of new developments in prison and probation practice? Volunteers can have a role in influencing the public opinion and to make the connection to society.
- Careful use of new technology. We agree that our next meeting will take place in one of the new prisons in Belgium that makes use of Prison Cloud. It is interesting to know how Prison Cloud influences prisoner-staff relationships and interaction between prisoners and staff. We will combine a visit to the new prison with the theme of electronic monitoring in relation to supervision.

The participants also discussed whether it would be better to replace 'prisons of the future' by 'penal system of the future' or by 'prison or probation practice of the future'. Whereas the title of the project cannot be changed anymore, the discussion makes clear that prisons and prison options as well as alternatives to imprisonment always have to be viewed in their contexts. We always have to be aware of different contexts and how they influence each other and can be influenced. For example it is not very realistic to implement electronic monitoring in some parts of the world where basic needs are still not fulfilled.

We agreed that our project could not only proceed by discussion and theoretical reflections. We also have to do something and create or accelerate change. It would be nice if we are able to introduce innovations that are piloted in different participating countries.