

Detailed report second working session Prisons of the Future, 4-5 June 2015 Antwerpen/Beveren

1 Introduction

On 4 -5 June, the second working session of Prison of the Future took place. Present were participants from the national teams of Sweden, Finland, Denmark, Belgium and the Netherlands. Also, two members were present of the team of the European Organization for Probation Service (CEP). The director of EuroPris, Kirsten Hawlitschek, participated also in the session. The session was chaired by Jacqueline Kuyvenhoven, project director of Prison of the Future.

After a warm welcome, we discussed how we went on with the project so far. Jacqueline apologized for the problems her agency faced by compensating the travel costs for the first working session. She promised that for this second session the compensation will be arranged as soon as possible. The Swedish team was happy to be able to complete the composition of their team. It helped the team to discuss with each other the project during the visit of Cisca to Sweden. The Belgian team admitted that in the first working session it was hard for them to talk about alternatives to detention. They prefer to talk about prisons instead, because that is their 'core business'. They changed one member of the team. Also, the Dutch team had a new member. We conclude that information exchange between different countries is necessary. The information exchange should be as concrete as possible.

2 Lessons since the first working session

Differences blur between alternatives to detention and prison options

Cisca Joldersma, project manager of Prison of the Future, gave an overview of the project so far. All teams prepared a first draft of their paper, in which they gave an overview of developments in prison and probation practice in their country. From these overviews, it can be derived that in each country similar 'alternatives' to detention are applied. Additionally, it became clear that it is not always possible to talk about real alternatives to detention. In practice, the prison sentence is accompanied by other sanctions. For example, the prison sentences includes, besides detention, supervision, treatment and electronic monitoring. Consequently, the prison time is shortened, due to the application of front door options, back door options and (pre-) release options. These options imply that detention is avoided or time in prison is shortened.

Toolbox as a cookbook

The objective of the project Prisons of the Future is to develop a toolbox of innovative prison options. That means that we want to make concrete what should be taken into account by looking at the future. To understand what innovative prison options are, the metaphor of a dinner can be used. A toolbox of innovative prison options can be compared with a cookbook which helps to prepare a dinner. A dinner consists of different courses. However, there is only one main dish. The prison sentence as such can be compared to the main

course. Before the main course, a starter/appetizer or entree can be prepared, in the form of a pre-trial sanction, such as detention for remand prisoners of electronic monitoring. The main course can be accompanied by side dishes. Finally, the desert can be distinguished, i.e., for example, after care.

Good practice-based recipes

A course or dish is conducted on the basis of a recipe. How can a recipe be created? A recipe consists of some basic and characteristic ingredients. For example, the basic ingredient of electronic monitoring can be viewed as an electronic bracelet. However, the recipe of electronic monitoring will differ, according to using the electronic bracelet for controlling if the offender stays at home, or for using it to prohibit the offender to enter certain areas. Additionally, the recipe of electronic monitoring will differ with regard to the objective. The objective can be to facilitate reintegration and to facilitate participation in society. It is also possible that electronic monitoring is used only for efficiency; because EM is cheaper than staying in prison. Therefore, the basic ingredient of the recipe of EM is the electronic bracelet and the aims EM is used for. Additionally, the recipe of EM tries to balance societal needs of retribution and safety and individual needs of reintegration. It will also take into account political interests. All these different kind of interests and needs should be balanced in a good recipe of EM. According to some participants, the political interests are always the same: they want to prepare the cheapest dinner. However, also other political interests can be at stake, such as overcrowding. Even if some basic and characteristic ingredients in each recipe are the same, the additions and seasonings can change the taste of the dish. That is why we use in this project the word 'working mechanism'. What makes it tasty? The working mechanism refers to what is set in motion and how. The recipe is used for a specific occasion and in a specific context with regard to a specific objective. We want to find out what works for whom, why and when.

In the project prisons of the future, we focus on prison & probation practice. That means that we are not searching for abstract and ideal theories. We are interested in the struggle we have to face everyday between different ideas and interests. That is the reason why we look for *realistic* prison options for the future. It is hard to believe that in the near future there will be no prisons anymore. However, the shape, social climate, kind of inmates and relationships between inmates and staff can certainly change over time.

Conclusion

In our discussion we argue that the recipes we are preparing, depend on the context in which they are used. What do we want to attain with the dinner? There should also be attention for the cook's craftsmanship in preparing the dinner. Additional interesting questions are who is invited to the dinner and for what reason. Offenders usually do not like to participate in a dinner that limits their freedom. We have to be aware that we cannot make people eat what they do not like. We should take into account that the recipe should match with the experiences of the dinner guests. And even then, you need to make it tasty for them. One recipe will not fit for all countries. The recipe can differ per country, taking into account particular national features. That brings in the intercultural part of the cookbook. It is nice to explore how these differences between countries emerge, and, sometimes, converge. There can be identified some basic and characteristic ingredient that endure in all countries.

The cookbook should contain information on guiding principles, basic and characteristic ingredients and recipes, and how to use these recipes in different context, based on what works (i.e., craftsmanship).

3 Objective second working session

In the second session we will focus on electronic monitoring, COSA and Prison Cloud. These three practices can be viewed as 'promising practices'; they can not be already seen as 'best practices'. Whereas in the first working session electronic monitoring and prison cloud were chosen as interesting subjects, the last one was not really chosen by the group and added by Cisca. The project plan contained a virtual meeting to chose the best practices, but this was not put in practice. We decide that for the preparation of the third working session a common reflection moment should be introduced. Therefore, it would be nice if we are able to virtually interact on e-mail. Until now the attempts to get reactions by e-mail were not very successful. The common reflection moment will take place during the two first weeks of September.

In the second working session we will analyze the added value of electronic monitoring, COSA and prison cloud and want to explore their working mechanisms. In terms of the metaphor of a dinner, we are looking for the basic ingredients, the recipes, the craftsmanship of the cook and the function of the dinner as a whole. For instance, the electronic bracelet can be viewed as a basic ingredient of the recipe of electronic monitoring, but an electronic bracelet is only a kind of device. In other terms, the basic ingredients of electronic monitoring have be related to the function of electronic monitoring; i.e., supervision. We have to unravel the 'secret' of the cook and explore why and when the recipe is working well. Therefore, the cookbook should also include some basic principles and guidelines. It should give insights into the specific situation in which the recipe is tasting well. Therefore, we have to take into account what works and what is not working. When we are able to deeply analyze EM, COSA and Prison Cloud and explore working mechanisms, we can transfer this kind of analysis to other promising and best practices.

4 Electronic Monitoring

The subject Electronic Monitoring (EM) was introduced by Eric Maes and Delphine Vanhealemeesch. Eric is member of the expert team of prisons of the future.

There is not only one recipe of EM

Eric Maes focuses in his presentation on EM in Belgium. EM is one of the main sanctions, in addition to imprisonment, work penalty, probation and fines. EM is in Belgium used in cases that should otherwise be punished with a prison sentence not exceeding 1 year of imprisonment. There are different partners in the criminal justice process deciding on the use of EM. For instance, the judge has a rol in deciding on suspension and the need for EM for remand prisoners.

EM was introduced just before the year 2000. First, it was introduced as a backdoor option to avoid imprisonment. Soon, EM was extended towards a front door option to shorten time

in prison. After the year 2000, a Belgian model of EM emerged. The Belgian model searches for a balance between technological control/surveillance and human control/social assistance. Additionally, it focuses on individualization and activation of the offender. It was difficult to persevere to the Belgian model. In the following years, the focus shifted towards a more quantitative use of EM and less investment in social assistance.

At this moment, EM in Belgium is applied in different stages of the criminal justice process. A distinction can be made between the use of EM in the pre-trial phase, the use as an autonomous sanction, and the use as a frontdoor or backdoor option in the execution of sentences. Sometimes EM is also added as a special condition to a sentence. In the different stages, EM is shaped in a different ways, according to content and procedures. Different kinds of technologies are used. The offender has different possibilities of leaving home. Sometimes, offenders are asked to contribute to the costs of EM.

Due to the different applications of EM, there is not only one recipe of EM. Sometimes, the focus can be on controlling the offender and reducing safety risks to society. In other cases, the focus can be to facilitate recovery and restoration of the individual offender.

Consequently, the effectiveness of EM can only be measured by taking into account these different objectives. Relevant criteria for applying EM is the kind of technique that is used and the freedom restrictions it implies for the offender. Another criterion is proportionality, in executing the sentence of EM in relation to other sentences. A third criterion is transparency or uncertainty with regard to the conditions.¹

Pains and gains of EM

Delphine Vanhealemeesch presents a perspective on electronic monitoring based on practical experiences with EM. She performed in-depth interviews with offenders and their co-residents. In general, EM can cause tensions or stress to social life. Especially, if the offender has to take care of a very strict timetable.

Generally, offenders prefer EM above imprisonment. These preferences are understandable in relation to the deprivations of EM and imprisonment, due to the different limited degrees of freedom. In detention, offenders experience usually less degrees of freedom than by applying EM. With EM, offenders usually are free at home and can decide by themselves what they like to eat for dinner. Less degrees of freedom can be related to imprisonment. The pains of imprisonment are defined at first by Sykes in 1958. However, if offenders have more degrees of freedom, also pains can be distinguished. Crewe defines modern pains in terms of depth, weight, and tightness. Depth refers to 'hard power', such as walls and cameras and electronic bracelets. Tightness refers to 'soft power', such as uncertainty with regard to consequences. Instead of pains of imprisonment, Shammass talks about 'pains of freedom'. The pains of freedoms occur when offenders have to deal with devices which imply more degrees of freedom. Freedom 'hurts', due to the uncertainty the offenders experience with regard to contravening the rules and their dependency on staff decisions, with regard to the question of being in or out of the rules. EM is related to devices that offer many degrees of freedom to offenders, but it also implies specific pains and gains. With regard to EM, deprivations of liberty are related to geographical restrictions and time restrictions, because the offender have to be at home at certain hours. Consequently,

¹ With regard to these criteria a similarity can be found with regard to the criteria of Crewe: 'depth', 'weight' and 'tightness'.

temptations can occur and the offender's social life will be influenced. Confusion, anxiety and boundlessness, ambiguity, relative deprivation, and feeling responsible can be the result. The experience of time becomes crucial. Some gains of electronic monitoring are stability and structure. Additionally, EM offers the possibility of breaking with former habits and friends and to build a new life in the community (with family and friends, work, and income).

Delphine distinguishes also some gains and pains of EM with regard to co-residents. For them, the benefits outweighed the disadvantages. However, EM influences their life as co-residents of the offenders; EM can be viewed for them as 'co-punishment'; they are indirectly punished. Co-residents can show solidarity to the offenders and stay at home just like the offender. The wishes and needs of the offender can be central in social life of the family. Consequently, EM can imply that co-residents get additional roles, such as the roles of assistant, social worker and controller. It is important to pay attention to the effects of EM on significant others.

Conclusions on EM

In the discussion, we argued that there should be a better balance between EM as supportive tool, and the need for social contact with probation officers. Consequently, it may be preferable that the probation officer is responsible for control as well as for the support of the offender. In addition to electronic means, also urinary control and alcohol tests can be used as control devices. However, these tools should never be treated as objectives in themselves. They are just instruments that can help to attain certain objectives.

EM offers more degrees of freedom to the offender's social life than imprisonment. Different areas of life can be distinguished, such as work and private life at home, in which EM is more comfortable than a prison. Being in prison disturbs social life of offenders and their life in the community; they become more isolated. Consequently, the prisoner can become more passive during his stay in prison. EM still structures, as a prison does, the daily routines of the offender. EM can also support individual responsibility of offenders; it motivates them to become more actively involved in their situation. EM offers the offender the possibility to participate in society. It offers also the possibility to develop tailor-made restrictions, that suits the personal trajectory of the offender. Offenders can feel more responsible, knowing if they break the rules, they have to return to prison.

Looking at the pains and gains of imprisonment and EM, it can be argued that different criteria are at stake. For example, with regard to 'depth', the prison offers less freedom than EM. With regard to 'tightness', EM will be more threatening than imprisonment. EM and imprisonment also differ in the level of community involvement. EM includes more citizen involvement than imprisonment.

A distinction can be made between external control of the offender and internal control by the offender himself. It seems that there need to be a certain balance between external control and internal control. The assumption can be that the balance between external control and internal control by EM is better than the balance between external and internal control in a prison. In imprisonment, the extensive external control outflank the possibilities for internal control.

EM implies that the responsibility of co-residents increases. This is an ethical issue, which asks for more attention. It is important to make offenders and their co-residents aware of the possible consequences of EM in relation to imprisonment. It could also be important that the partner of the offender has the right to agree whether EM should be applied in the home situation.

The basic and characteristic ingredients of EM can be defined in terms of electronic control, human assistance, degrees of freedom with regard to areas of life, internal activation of the offender and co-punishment. The working mechanism of EM seems to be dependent on the relation between external and internal control and the relation between control and support.

3 COSA

Bas Vogelvang introduces the Circles of Support and Accountability (COSA). Bas is member of the expert team of prisons of the future.

Restoration & reintegration

COSA started in Canada and has already been applied in the USA, UK, Belgium and the Netherlands. It will also be expanded to New Zealand. COSA focuses on reintegration of sex-offenders with a high risk of recidivism. It takes into account community reactions to (pre-)release of sex offenders. Usually, sex offenders are stigmatized and excluded from society, which result in social isolation and marginalization. The mission of COSA is that: “no one should left behind; no more victims should occur and no more secrets should be maintained”. The results of COSA so far are very succesfull, especially in relation to reducing recidivism.

COSA works with circles. The circles are ‘delivery systems of resilience’ for offenders and communities. The circles facilitate social inclusion, behavioral change, risk reduction & risk management, and evaluation & improvement. The focus is not only on reintegration, but also on restoration. Attention is paid to physical, social and moral incapacitation of offenders. COSA implies a normative or ethical perspective in which the victim’s voice can also be heard. Volunteers are ‘surrogate’ victims and citizens reclaiming conflict. They function as a kind of societal mirror for the sex offender. In this regard, COSA is a kind of communicative punishment. The community restores the harm done to the offender’s resources and offers opportunities by getting involved and actively supporting his re-entry into society.

In the COSA-circles, a distinction is made between the professional, the coordinator, the volunteer and the core member, i.e., the sex offender. The circles blur the borderline between professional intervention and natural recovery. Volunteers have to apply for the function in the circle. The COSA refers to three basic rights of offenders: the right to dignity; to be meaningful to others and the right to support for personal development. Additionally, COSA take care of victims’ primary needs, such as personal safety, prevention of new victims, and public confession by the offender.

COSA in practice

Ann Castrell, policy officer at CAW Antwerpen, illustrates how the city of Antwerpen is dealing with COSA. In Antwerpen they have to run a circle with very few money. In the Netherlands, the government has been willing to invest in COSA. For one Dutch COSA circle about 10.0000 euro is available. The money is needed to train volunteers, to facilitate contacts, assurances, etc. It is assumed that at least a year is needed to develop and maintain the circle. The year is also needed to (re)build a social network of the offender. After the circle is formally ended, contacts with volunteers could be continued.

Conclusions on COSA

We discuss whether the success of COSA is somehow dependent on the kind of participants who agreed to participate. The core member should voluntarily decide to participate and should accept the conditions of COSA. Therefore, the sex offender will be already motivated from the beginning. Additionally, the offender should show some basic competences, such as empathetic behaviour, and the ability to self reflection and being open to the volunteers. Research has taken into account these conditions and even then the offenders with COSA show better results than the control group of sex offenders. The COSA offenders were better integrated in society. Long-term research is needed to find out whether COSA is also effective on the long term. A discussion is needed on how long supervision should took place. The added value of temporary COSA-circles seem to be that they support reintegration and help to replace old behavior by new behavior.

COSA has not yet been introduced into the Scandinavian countries. There are many programs in the Scandinavian countries, based on support of volunteers, in addition to professional support. These programs run already a long time. The current way of voluntary work seems to be satisfactory, which may decrease the need for COSA. COSA makes clear the importance of community support and participation of community members in the reintegration process. Contact with volunteers seems to be more helpful and less exhausting than contact with professionals. Volunteers are in someway a kind of extendend family. Especially sex offenders usually lost contact with their own family.

The basic and characteristic ingredients of COSA can be defined in terms of support and control, primarily by volunteers, and a focus on reintegration as well as restoration. Whereas imprisonment is based on the principle of isolation, COSA is based on the principle of contact. Additionally, COSA includes relapse prevention. Volunteers are aware of the risk that the sex offender will probably relapse and are sensitive to particular signals that indicate that relapse may be the case.

Also the conditions for COSA should be taken into account as part of the basic and characteric ingredients of COSA. Condition are, e.g., availability of money to start and maintain the circles and the motivation of the sex offender. Whereas EM can be used in different phases of the criminal justice process, COSA is used primarily in the phases of release and after care. The working mechanism of COSA seems to be dependent on the relation between support and control and the involvement of volunteers in relation to the involvement of professionals. There also seem to be a particular balance between the interests of community and the personal interests of the offender.

Prison Cloud

Bart de Lepeleire, participant of the Belgian team, welcomed us in the prison of Beveren. Also present today are Kristel Beyens, professor of penology and criminology at the Vrije Universiteit Brussel, and a colleague of Eric, Luc Robert of the National Institute for Criminology.

Prison of Beveren

The prison of Beveren results from the Belgian Masterplan on prisons. The Masterplan argues that new prisons are needed due to the situation of overcrowding in Belgian prisons. The new prisons are realized in a private public partnership. For the prison of Beveren, a 25 years-agreement has been established between the Ministry of Justice and the private partner. The private partner is responsible for the design, buildings, finance and maintenance of the buildings. Additionally, the private partner is responsible for the catering, laundry and garden. After 25 years, the Ministry will be the owner of the buildings. The first inmates in the prison of Beveren arrived in March 2014. The prison has a capacity of 312 inmates, divided to four buildings. The prison regime is based on maximum own responsibility. The cells have their own lavatory and shower. It is tried to realize a human climate in the new prison.

Part of the human climate is Prison Cloud. Prison Cloud relates to technology decisions in your prison and the way technology organizes your enterprise. We can investigate the basic ingredients of Prison Cloud and explore what kind of dinner can be made with the help of Prison Cloud. The working mechanism of Prison Cloud refers to the ingredients you are making use of. Prison Cloud is not (only) meant to monitor how the inmates are doing. For using Prison Cloud, there are other legitimate reasons than efficiency of control. For example, how is Prison Cloud experienced by the prisoner and what means Prison Cloud in the relationship between prisoners and staff? For example, when prisoners have to stay most of their time in their cells, human contact between prisoners and staff is influenced by Prison Cloud. Staff has to find new ways for getting in contact with inmates.

Possibilities of Prison Cloud

Steven Van De Steene, advisor-general ICT Belgium, presents some technology trends that prisons have to deal with. Technology trends offer promising technology that can be part of the strategy and innovation of prisons. Prison Cloud can connect the prisoners to 'Everything'. Prison Cloud can offer moral support, social support and can facilitate control. It makes it possible for the offenders/inmates to be able to (virtually) belong to the community. It offers the chance of virtual release and influences prison climate. It also supports giving information to inmates and getting access to information. Prisoners can easily get general information but also personalized information related to their personalized trajectory. In using Prison Cloud, you have to deal with the dilemma of security versus easy access to the outside world. Additionally, offenders as well as staff should have the capability and competences of using Prison Cloud.

Prison Cloud is specially designed to support diverse services in prisons. That is why the infrastructure of Prison Cloud was expensive in the phase of development. The infrastructure was tailor-made built. However, the maintenance of the system is quite easy.

The assumption behind Prison Cloud is that on the basis of the right technique, all kind of practical innovations can take place in prison. Prison Cloud aims to facilitate a flexible platform. Other objectives of Prison Cloud are own responsibility of inmates and efficiency. If inmates do more things by themselves, then it has managerial advantages on the long term.

At this moment, Prison Cloud can be used for phoning, to make appointments inside and outside the person, and to view prisoner's own personal dossier. It is also possible to order food in the shop. Prison Cloud also makes it possible to be involved in e-learning and to view videos on demand. More options and applications of Prison Cloud are searched for.

The ICT-base of Prisons Cloud is very easily to export. Consequently, it offers many possibilities and options which can be chosen for. The inmates are, to a certain extent, viewed as clients. Only when taking into account the perspective of the prisoner/client, it is possible to develop best solutions. Prison Cloud's primary objective is to offer particular ICT-services. The focus is not on collecting personal data from prisoners. However, it is possible to subtract some data from the system.

At this moment, not all the possibilities of Prison Cloud are used. For example, the Internet service is restricted to library tasks. The reason for this is an incident that took place in Belgium, and, as a consequence, all external means of communication have to be controlled. Therefore, dealing with the opportunities of Prison Cloud is an ethical question and it is also there when politics enters practice. Public safety is still one of the central issues.

In conclusion

A discussion takes place whether the system is safe and how contact with the community can be controlled. Safety is still an issue of attention. However, it is impossible to develop a system that is 100% safe. The discussion on cybersafety of Prison Cloud is comparable with the discussion about physical walls of the prison. However, with regard to Prison Cloud you have to be aware of the political influence on what is allowed and what has to be restricted. That is one of the reasons for the current limited use of all possibilities of Prison Cloud.

We also discuss whether inmates should be allowed to view porn videos. Different countries use different restrictions with regard to the possibility of looking porn videos in prisons. The option of porn videos can be viewed from the perspective of normalization as well as from the perspective of 'treatment'. Instead of a general restriction, the offences and risks/needs of the offender can be taken into account by the individualized decision whether a particular offender has access to porn videos.

In other countries similar trends as Prison Cloud take place. Usually, however, technology decisions are not integrated in one social infrastructure, but are taking place step-by-step. There is no integrated vision on the way inmates can have physical and virtual contact with their social network and the society as a whole. Additionally, e-learning, e-health and electronic dossiers are not included in the broader discussion on these issues.

The basic and characteristic ingredients of Prison Cloud relate to the technological infrastructure of the prison enterprise in relation to the social infrastructure of the prison. Again, the balance between external control versus internal control is at stake, as well as the balance between support and control.