

Small Scaled facilities in Belgium

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- BIO

Marlies Gailliaert – Social worker. Completed my studies in 2004. I worked for 9 years as a sociale worker in the prisons of Bruges and Ruislede supporting inmates during their stay in prison. In 2017 I stopped working at these prisons and started working in the field of victim-offender mediation for minor offenders commissioned by the legal authorities. I am a member of De Huizen since 2019 and started in 2020 in addition to my current work as Belgium coördinator of RESCALED.

- Agenda of Today:

Starting from my working experience I want to convince all of you to make a transformation in working with juvenils.



Main goal : Escaping from the old prison concept
19th century => 21st century



19th century => 21st century



SITUATION IN BELGIUM

*Poor material conditions: prisons overcrowding (Over 11,000 prisoners in 2020 while only room for 10,028 prisoners), outdated buildings, poor health care..

Serious difficulties to comply with international human rights standards,

*Social climate in prison hampers rehabilitation and reintegration,

*Prison time is experienced as meaningless and harmful for prisoners' well-being.

WHY DOES EUROPE NEED A NEW DETENTION CONCEPT?

- Punishment should consist only of the **deprivation of liberty**, all **other harmful effects** should be **prevented**,
- Prisoners' **human rights** should be respected,
- Prisoners' **reintegration** and **rehabilitation** should be facilitated, the same is true for the **restoration** of the harm caused by the offence.

NEW DETENTION CONCEPT

RESCALED

The **ultimate aim** of RESCALED is to replace all prisons with detention houses that are:



SMALL-SCALE



DIFFERENTIATION



INTEGRATION IN THE
COMMUNITY

TOWARDS SMALL SCALE, DIFFERENTIATED AND COMMUNITY INTEGRATED

- SMALL SCALE means that people spend their detention in houses. Limiting the capacity of these houses to approximately 15 places allows for a more personal approach, less bureaucracy, better dynamic security and more opportunities to take responsibility and to interact with the community.
- DIFFERENTIATION means that prisoners are placed in the right security level and offered the most suitable programs. This has proven to work best in terms of facilitating their reintegration and rehabilitation and to be cost effective.
- INTEGRATION IN THE COMMUNITY implies a two-way interaction between the detention house and the community: prisoners can make use of the services in society and each detention house has an added value for the local neighbourhood.



Situation Juveniles - Belgium

1. Big difference at the age of 18

The age of 18 in Belgium is synonymous with:

- Legal adulthood/majority
- Legal responsibility
- **Criminal responsibility**
- The right and obligation to vote
- The right to be elected (except for Senate)
- The legal age for driving
- The minimum age to stop school

2. What difference does it make committing a crime?

12j => 18j : Juveniles who makes mistakes => Juvenile Judge.

⇒ A lot of possibilities : focus on restorative justice: Mediation, family group conferences, probation service.

⇒ Youth institutions when there is no other solution (mostly short-term (1month - 3months - 6 months)

⇒ A Juvenile judge see each person every 6 months. A consultant has contact with the offender and his family system. The parents are involved with every decision.

>18j: Adulthood. When you make mistake => court

⇒ Possibilities for probation - when probation fails => prison

⇒ In pre-trial detention this young people go to big dated prisons.

3. Profile youth offenders Belgium

- Approximately 1 on 5 prisoners are between the age of 18 and 25 years old.
- Most of the offenders live in multi-problem situations:
 - Before detention they had no work
 - Financial problems
 - Unstable house-situation
 - Tired of childcare – need for independence
- Problems before detention becomes bigger in prison. Every change of a positive perspective disappears...

4. Specific needs Young offenders

- They evolve from childhood to adulthood
- In the age of 18 to 25 years people make certain Life-decisions about house, work, family,... . (Decisions who helps them to get a certain stability)
- Young offenders need a mentor they can trust on. Someone who can gives continuity.
- Because of the age they need space for experimenting. They are still discovering who they want to be.
- Young adults have the need for taking responsibility of their own choices. Most of them had a lot of interference during their childhood.
- ...



Detention houses for young adults

In Belgium we made a recommendation note to create detention houses for young adults between the age of 18 and 25 years.

- ***Small-scale concept***

=> personal approach, more opportunities to take responsibility, more humane and positive climate.

- ***Differentiation***

=> more dynamic security, special needs for special groups

- ***Proximity***

=> close to personal social network, two-way interaction: stimulating mutual involvement and responsibility

=> each detention house should be an added value to the neighbourhood (e.g. bike repair workshop, social restaurant, providing rooms that can be used by the neighbours,...)

=> detention house collaborates with social workers, psychologists, doctors, teachers in society

Individual solution plan

small-scale concept

proximity

differentiation

description of the **current situation** of the person

judicial situation, sentences and offences

timescale for “prison” leaves, electronic monitoring, conditional release ...

needs and solutions related to housing, income, social network and prisoner’s role in society (e.g. tackling problems that hamper professional career like addiction or aggression)

detention plan (houses are selected based on security level, location and particular services and work programs)

reintegration plan (e.g., electronic monitoring)

staff plan

small-scale concept

proximity

differentiation

- head of the detention house
- door keeper day and night in high and medium security, not in low security
- house manager/coach one at night, two in the day
- personal coach (individual solution plan) linked to the individual prisoner
- social workers, teachers, psychologists, sport instructors from society



Detentionhouses instead of prisons? A dream or reality?

- In oktober 2020 we had a new government. The policy note of justice gives attention to detention houses for young offenders.
- Starting with local initiatives: We ask local authorities to explore possibilities of creating detentionhouses.

Specifically, we propose replacing our current prisons by small detention houses in organized detention zones. All our prisoners should be able to follow an individualized solution-focused trajectory. From the very beginning the punishment must prepare the prisoner for his rehabilitation, in accordance with the principles of Basic Act governing prisons and the rights of prisoners. The integration of such detention houses within local communities is also an exciting challenge bringing with it opportunities for urban renewal.

"Downscaling, differentiation and proximity: these words capture the authors' vision for a new and less damaging kind of punishment. They describe a completely revised concept of 'the prison' in which normalisation, restoration, and reintegration are made real. This is both a reinvention and an alternative. As the authors suggest, order and security flow from 'normal human encounters and relations'. This book provides a refreshing opportunity to think about what that means in practice."

Alison Liebling
Professor of Criminology,
University of Cambridge

"This is an important book for all jurisdictions that struggle with the lack of prison capacity and/or high reconviction rates, which include most countries in the western world. 'The houses' expresses a will to think differently. It merges the need for architectural solutions, security and care in constructive ways and challenges the prevailing mainstream penological discourses. I welcome the small-scale detention project and hope it will expand, also outside the borders of Belgium. Politicians as well as policymakers, practitioners and academics should read this book."

Berit Johnsen
Associate Professor,
University College of Norwegian Correctional Service KRUS

'The Houses' is an innovative and inspiring reference work for those concerned with the problem of detention in the (near) future: federal, regional and local policy makers, urban planners and project developers, magistrates and lawyers, architects and engineers, criminologists, social workers, penitentiary staff, judicial assistants, judicial forensic practitioners, researchers and students.

The Belgian prison system is in a state of almost permanent crisis and there is a broad consensus that our prisons are not suitable to fulfil their core function: preparing prisoners in a bespoke way for a successful return to society.

Penal policy in the twenty-first century also remains stuck in a rut. Governments still invest billions in 'classic', uniform and large-scale prison projects, primarily focused on security. The negative effects of such an approach are well known as is the fact different categories of prisoners require different kinds of interventions.

These problems stimulated a number of people from the prison world to set up the project 'Differentiated sentence execution' under the auspices of the *Flemish League for Human Rights*. They were joined in this endeavor by academics, students, politicians, architects and prisoners themselves.

The publication *The Houses* sets out the results of this initiative and includes plans for several pilot projects for small scale detention. *The Houses* offers infrastructural answers to the problems currently confronting prison systems in Belgium and beyond. Also included are plans for a modern penitentiary personnel, legal proposals, architectural plans and models plus financial calculations and tables.



The Houses

towards a sustainable
penitentiary approach
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LIGA VOOR
MENSENRECHTEN

Thank you!

www.rescaled.org
www.dehuizen.be

