

Report on Correctional Services Tour to Denmark, Holland and Britain

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Introduction

Correctional Services has come under increasing criticism and attention in South Africa from non governmental groups and parliamentarians. Internationally, several countries have demonstrated their support for the transformation of the penal institutions. To assist in the development of transformation, a two week Correctional Services tour to Denmark, Holland and London was organised by the Pretoria office of the Institute for Democracy in South Africa (IDASA) in May 1995. A group of 22 individuals representing the Department of Correctional Services, non governmental organisations involved in correctional services, and members of the Select Committee on Correctional Services were sent on the tour. Amanda Dissel represented the Criminal Justice Policy Unit of the Centre for the Study of Violence and Reconciliation. The group spent a week in Denmark, and two and a half days each in Holland and London. Due to the short duration of the tour, visits to prisons and institutions were confined to the major cities: Copenhagen, and North Zealand in Denmark, The Hague, Amsterdam and Utrecht in Holland, and London in the United Kingdom.

This paper hopes to provide some insight into the nature of correctional services in the countries visited. Due to the cursory nature of the visit, an in depth study was not conducted and the comments which follow are based on the personal experiences and perceptions of the writer.

Denmark

The group was made to feel extremely welcome in Denmark, our hosts making every effort to keep us entertained and presenting us with the maximum learning opportunities about the Danish penal system. On arriving in Denmark, we were taken on a sight seeing tour of Copenhagen and North Zealand allowing us to establish our bearings and develop some understanding of Danish society.

Denmark is a small country with a population of 5 million. It is a relatively homogenous population with few social tensions. This has influenced the development of crime policies, and has had a bearing on the types of criminal activity in the country. As in many other industrial countries, crime has increased substantially over recent years. Denmark has had a long history of liberal or social democracy, and these ideas are fully entrenched in all the aspects of the society which we encountered. The economy is strong, even though the increasing rate of unemployment is causing concern.

The social welfare system ensures that all citizens receive some monetary income, as well as receiving free education as far as tertiary level.

A concern expressed frequently was of the number of legal and illegal immigrants entering Denmark, and the difficulty which they experienced in adapting to the democratic lifestyle. As well as providing protection for people this system creates the opportunity for abuse of freedoms and liberties.

In Denmark, the group visited three prisons, one remand centre and one of the probation districts. We were also given several lectures on the Danish criminal justice system and the probation system.

We also had the opportunity of meeting with the Minister of Justice, Mr Bjorn Westh at the Ministry of Justice. This was followed by a short visit to Parliament and a meeting with the Parliamentary Select Committee on Prisons and Probations. This allowed the parliamentarians in the group an opportunity to exchange concerns and ideas about the functioning of such a committee.

At a dinner at the Pafuglen restaurant in Tivoli, hosted by the Ministry of Foreign Affairs, and at a reception at the South African Embassy, we were able to chat more informally with some of the people we had met on the tour, and we could follow up on some of the questions which had arisen. A more formal engagement was a lunch with the Parliamentary Ombudsman, Mr Hans Gammeltoft-Hansen. Here we were given a brief overview of the office of the ombudsman which serves prisons and probations and broader society.

The criminal justice agencies; the courts, the police, and the prisons, are situated within one body: the Ministry of Justice, with separate directorates for each function. Coherency and consistency in legislation are provided for through the Permanent Committee on Penal Reform. The policies of the directorates are coordinated, so that for instance when overcrowding in prison becomes a problem, a directive from the Minister to the Director of the Courts can ensure that sentencing practice is altered and less people are sentenced to terms of imprisonment.

The criminal policy revolves around an emphasis on crime prevention, and punishment can take one of three forms: ordinary imprisonment, lenient imprisonment, and fines. Prison sentences tend to be of a short duration, with an average sentence of six months. The Danish system is premised on the view that imprisonment should be used as a last resort. Non custodial sentences are used for the less serious offenses.

The majority of crimes are crimes involving property, with bicycle theft forming 20% of the crime picture. Crimes involving violence amount to a small 3%. The type of crimes

committed obviously have an impact on the way in which criminals are treated in any society, and in Denmark it seems to have resulted in what many would consider a lenient treatment of criminals, and notably of prisoners.

The Danish prison system has accommodation for around 3 600 prisoners, and has a staff complement of 4000. There are a further 5000 people under supervision by the Department of Prisons and Probation in the community.

Prisoners retain their civil rights. One of the fundamental principles is that inmates should only be subject to such limitations of their rights and behaviour patterns which are a direct consequence of their imprisonment. Therefore, the conditions in prison must emulate those outside of prison as closely as possible. This is the "normalisation" principle. Other important elements of the prison system are the concepts of "openness", to the public and prisoner, and "responsibility" of the individual for his or her actions.

There are two types of prisons, the open and the closed prison. Inmates are only placed in closed prisons for specific reasons, such as on evaluation of the seriousness of the offence, length of imprisonment, or the risk of the inmate escaping. In open prisons the inmates are usually allowed home every weekend and there are no physical restrictions on the inmate leaving the premises at any time. Inmates in closed institutions may also be granted home leave from time to time. The threat, or the removal from an open to a closed institution is often used as a punishment when an inmate escapes from prison. No other form of punishment is imposed for escaping.

Prisoners who had been convicted of more serious offenses, such as murder, were first sent to a closed prison. Then depending on their behaviour, though usually after a period towards the end of their release they would be sent to an open prison. They would also be allowed home every three weeks, as well as being allowed visitors.

The Danes believe that their goals are best achieved through the use of small institutions catering for 100 to 200 inmates. Not all prisons are this small, but they may be divided into smaller sections. Because overcrowding is believed to be inhumane, and the staff protest if the Department attempts to accommodate more prisoners than there is accommodation for: there is a waiting-list of people who have been sentenced by the courts but who are awaiting accommodation in the prisons. Once space is available, they are called to present themselves to a particular prison. Should the person not arrive, they can be arrested and brought there by the police. Apparently, the majority of people report to prison when called upon to do so. This is a unique example of controlling the size of the prison population.

The relationship between prison officers and prisoners was based on the creation of as normal a relationship as possible. Respect for the prisoners as individuals, and as human beings was considered to be fundamental and was shown at all times. Steps were taken to protect prisoners' privacy when we were present. The prisoner's cell was regarded mainly as the prisoner's private domain, although it could be searched for drugs in the prisoner's absence. Prisoners are obliged to work or study during the day, and receive a small payment for this. The prisoners would be allowed out of the prison during the day if they had work or education classes to attend. Alternatively, they could work in the prison workshops. Those who refused to participate would be locked in the section, or in their cells for the entire day. No other coercion was used to

force prisoners to work, it being their democratic right to choose whether to work or not.

In the closed prison, Vridsloselille, and the open prisons Jyderup and Horserod, the prisoners were able to prepare their own meals, utensils being provided to them. The food was purchased from the prison store with an allowance paid to them or from money earned at the workshops of while undergoing education. The money paid was sufficient only to pay for reasonable expenses.

At the closed prison at Copenhagen prisons, no cooking facilities were available for the prisoners, and meals were prepared by the prisoners themselves.

All prisoners had the right of access to telephone calls and letters. Letters to the ombudsman were confidential although they were unsealed due to the concern for drug smuggling. No system of lay visiting was in place, nor was there an independent prison's inspector. This was considered unnecessary due to prisoners' free access to the press and outside visitors.

Vridsloselille State Prison

The prison building was old, established in 1859, and was built in the Victorian style. The prison has capacity for 253 male prisoners. Most of the offenders have been committed of serious or violent offenses. The accommodation consists of single cells with severe looking steel doors. Cells were generally quite stark and cold. The area outside the cells was utilised as a common area, and a sitting room, or TV room were provided. They were pleasantly decorated. A kitchen was provided for each section. Staff were in the sections all the time, and appeared to be intelligent, friendly and informed about what they were doing. A representative of the prisoners committee was present with us during the tour.

We were also taken to a wood workshop which was relatively large, although not huge. Prisoners were able to work at upholstery, brush-making, metal work and wood work.

A visiting section was available for inmates to receive private visits. The visiting rooms were equipped (as were all the visiting rooms we visited in the prisons) with a couch (convertible to a bed) and chairs. Prisoners, or visitors were required to book their visits, but visits were encouraged. Visitors would be screened before being allowed in and no person who had been a prisoner of that prison would be allowed to visit. Prisoners could be searched after receiving visits as a protection against smuggling drugs, etc.

Jyderup State Prison

This is an open prison situated further north of Zealand. It was converted from a boarding school into an open prison in 1988. The prison can accommodate 107 prisoners distributed in three main sections. Most of the prisoners stay in single rooms, although there are double, three and four man rooms.

The accommodation was divided up into sections which could be closed off at night. At night time prisoners could move about freely in their sections, and had their own

keys to lock their doors. Well equipped and pleasant kitchens were provided in each section, as well as a kind of "common room". The cells were quite large. The one which we saw was large enough for a bed, a desk, couch and chairs and had toilet facilities en suite. It was decorated by the long term serving prisoner and looked more like an office-come bedroom than a cell. No bars were present on the windows. The windows were made of thick glass and could not be opened fully. The staff referred to prisoners as their "clients". Permission was requested from the inmates before we were allowed to view their rooms. The courtyard was planted with lawn and tulips.

A small metal workshop was staffed by trained members, and opportunities were available for project work. A fully equipped gym was available.

The staff interacting with prisoners on a daily basis were not in uniform, although the prison officers who performed a "guarding" function were. The staff were required to perform four different functions at different times; education and training, security and control, leisure activities, and case work. The staff rotated their jobs every four months. It was explained that although this was a mechanism for creating greater job satisfaction for officers and greater understanding of the prisoners, a problem occurred when some prison officers did not feel comfortable, or were not as competent in all the aspects of imprisonment. It meant that in those instances staff would have to compensate for the shortcomings of some members. Also, where members had developed a relationship of trust between themselves and the prisoner during the case work function, this was broken to some extent when the prison officer was removed to perform one of the other functions. However, each prisoner was allocated a "personal prison officer".

The head of the prison was open to prisoners or staff coming to see him at all times to discuss matters. Generally the staff were very open and answered all questions as honestly as they could.

A committee of prisoners is formed at all prisons, and a representative of the groups meets with the governor regularly. They also accompany any tour of the prison to answer questions. We witnessed the prisoner and the governor having a debate about some point displaying quite open respect for one another. Prisoners have access to telephones at all times and they can contact prisoner groupings, other prisoners or the ombudsman at any time. The organisation KRIM, which represents prisoners, is allowed access to prisoners or the prison staff to discuss problems.

A strong prison staff union exists which is able to influence the policy and practice of the prison services. Management could not introduce a new system without consulting the union. For example, there was a situation of overcrowding. We were advised that the staff would rather have gone on strike than permit more than one prisoner to be put into a cell. Intervention had to be made at Head office level with the Ministry of Justice and with the courts to reduce the numbers of prisoners by changing the categories of offenders who could be sentenced to imprisonment.

Prisoners could easily leave the prison whenever they wanted, although it wasn't necessarily made easy for them. They had on average of about one or two people leaving the prison without authorization per month. Most of the time prisoners came back of their own volition, or they were arrested by the police and brought back. Escaping from prison is not an offence either at criminal law, or in terms of the prison

administration. However, if a prisoner left without valid reason he would be sent to a closed prison. In comparison to the open prisons, this was indeed a punishment.

Horserod State Prison

This is an open prison situated further north of Zealand close to a village with a capacity for 243 prisoners. The prison is situated on a large farm in a forest, and is very attractive. The prison was recently fenced to keep the neighbours out and a sign requests visitors not to take photographs for the sake of prisoner's privacy.

The prison is divided into smaller units and small buildings. Women and men are accommodated in this prison. There is a family unit which can accommodate prisoners who are married to one another. Prisoners should have been married before they were convicted in order to benefit from this section. In this unit we met a woman who had conceived and given birth to a child in the prison. The rooms in this section were more spacious and were full of baby paraphernalia. There is also a mixed accommodation section where women and men were accommodated together. Staff claimed that this enabled the men to behave better, and was a normalising experience for the prisoners.

Because of the agreement which the courts have with the Prison Service, a person can not be sent to prison until there is space for them. The person will then be allowed to go home from court, and will be called up to perform the prison sentence. Most people do come when called upon. While we were visiting this prison, a woman arrived who had just been sentenced by the courts. She had been given a bus ticket and told to make her own way to the prison. She was welcomed with a hug by one of the staff members guiding us around the prison.

Although this was an attractive idea for many of the South Africans, we realised that an effective police force which would be able to apprehend non reporters was essential. In South Africa, with the police service struggling to solve crime and apprehend criminals, this is an unlikely solution.

Helsingor Local Jail

This was a very new jail which had been built about 2 years ago as a remand centre. It was attached to the police station. The staff of the prison were from the Department of Prisons and Probation trained in the usual way. However, the governor of the prison was also the chief of the police station, and sometimes the local magistrate.

The physical environment of the prison was quite attractive, the walls and the doors being painted in bright attractive colours. The structure made for strict control of prisoners by electronic surveillance of the perimeter. At least some of the cells (possibly six) had cameras in them.

In Denmark we noted that the regime is different for unconvicted prisoners and convicted prisoners. Because unconvicted prisoners are under the jurisdiction of the police, the police have some authority over the daily conditions of the prisoners. On request, the courts can make an order that a prisoner be held in separate confinement pending his trial. In which case he is held in an isolation section where he/ she is allowed no contact with the other prisoners, is not allowed to work or attend

educational classes. His/ her visits are supervised and in the presence of the police. Although visits cannot be denied, the police often make it difficult for people to have visits, claiming they do not have enough staff to supervise. Apparently, prisoners can be held like this for up to a year. The person has to be brought to court regularly to have the order confirmed. The police can come into the prison to question the prisoner at any time. One of the staff from Horserod prison indicated that awaiting trialists are often suffering from depression and she had difficulty in motivating them to study, and they felt quite isolated.

The system appeared often to be harsher for unconvicted prisoners due to the discretion of the courts and the influence of the police in making recommendations to court. In South Africa, unconvicted prisoners are allowed greater rights and privileges than convicted prisoners, and the right to receive visits is guaranteed subject to administrative requirements. However, due to overcrowding, and staff shortages the conditions for awaiting trialist in South Africa are often worse than those for convicted prisoners. In both countries, this may result in prisoners being denied visits or being more willing to confess to crimes in order to move to a more conducive situation which caters specifically for sentenced prisoners.

The other awaiting trial prisoners are allowed out of their cells in a common area during certain days. They had the option of working on some form of menial contract work. They also had an exercise period during the day. This is a right of prisoners which cannot be denied to them regardless of the weather. The prisoners can exercise in cages outside, or in a gym in the prison.

This prison does not have cooking facilities, but they provide prisoners with "instant meals" which they can keep in a refrigerator. There are again no bars on the windows, but the glass is very thick. There are small panels which provide fresh air, otherwise it is air conditioned.

Copenhagen Prisons

This was one of the oldest Danish prisons established in 1895. The building had been declared a monument and the authorities were prevented from making any substantial modifications to the buildings, to the detriment of the prisoners inside. The prison was built in the old panoptic style of four storeys with the cells leading off a central corridor. There had been an attempt in some sections to screen off some of the levels from one another. The prison was also one of the largest, with a capacity for 550 male and female prisoners. Awaiting trial prisoners from the surrounding district, and short term prisoners, formed the majority of the inmates.

The inmates were accommodated in single cells. The cells were small and gloomy were not equipped with toilets. The prisoners had to ring for attention from the guards. Inmates were separated into four sections, with 120 inmates per section.

There was also a large remand population at this prison where the prisoners could be held in strict isolation. The distressing exercise yards for these prisoners ensured prisoners were segregated even during exercise time. About twenty small courtyards were arranged in a wagon wheel around a central observation point and were walled off from one another. Prisoners were also brought into the yards in such a manner that they would not see each other at all.

Prisoners in these isolation sections would be under police control. The courts could decide upon any conditions pertaining to their detention. Family visits would be monitored by the police and would often be subject to the availability and willingness of the police officer. In practice this resulted in inmates frequently going without visits for a number of weeks.

In this prison, there was also a special cell in the hospital section where prisoners who were in danger of, or who had, inflicted harm to themselves, could be strapped to a bed. The room was starkly furnished, only a bed and a drain. The prisoner would be strapped onto the bed and a doctor must be called within 10 minutes, to check the condition of the prisoner and the straps. The ombudsman had indicated that 10 minutes in this condition was too long to wait to call a doctor. The prisoner would be strapped in only for as long as is necessary, but if this was longer than a week, a report to the governing department would have to be made. This could not be used as a disciplinary measure.

Disciplinary measures in all the prisons entailed being moved from an open to a closed prison, or payment of a fine. In this prison, inmates could also be sentenced to confinement in an isolation cell for up to 7 days. Visits could not be curtailed, and usually a prisoner could continue with his/her other activities.

Opportunities for work were limited. There were no self catering facilities and all cooking was done in a central kitchen.

Hostel Brondbyhus

Hostel Brondbyhus was a half way house situated in an ordinary looking house without a sign announcing its purpose to visitors. Half way houses such as this one serve as an interim step between prison and release into the community. Prisoners were usually released from an open prison to a half way house in order to allow them to acclimatise to normal life in society. The clients were obliged to stay overnight in the half way house, but were required to work, look for employment, or undergo training during the day. A certain amount of the day was set aside for reestablishing contact with the family.

This particular centre was for males only, who generally stayed for a duration of three to four months. Rules were strict on the times which they had to be back at the hostel. Wives or lovers were permitted to stay over at the hostel. No alcohol was permitted at the hostel, nor were the inmates allowed to arrive home drunk.

The hostel was staffed primarily by social workers, none of whom wore a uniform. One worker was always in residence at the hostel. We were advised that the worker at the half way house was required to wear two hats. One required the worker to be supportive and to assist the person to acclimatise to life in society, the other required the worker to maintain strict discipline and enforce the house rules. We were impressed by the staff's evident understanding of the client's needs and temperament.

Probation District in Copenhagen North

The visit to the half way house was followed by a visit to a probation district where the principles of the probation office were explained to us. The probation office was situated in a district with a large "emigre" population, and many unemployed people.

A probation worker would be assigned to a client and would be required to work with this person from the time of his or her apprehension, to his or her release. The worker would be required to visit the client within eight days of being arrested. The probation worker may also be required to compile a social enquiry report for someone accused of a minor offence.

A report is prepared for court recommending the sentence to be served. The probation officer supervises a client on suspended sentence and those on parole. A parolee is on parole for a period of one year regardless of the period of the sentence outstanding at the time of his release.

The probation office offers intervention in assisting with the allocation of housing, in contact with the social welfare office, and in assisting in placement in educational institutions.

Staff Training

The group visited the staff training centre in Copenhagen where the basic training programme for prison officers was explained. We were also able to clarify queries which had arisen during our tours of the prisons concerning the staff's handling of prisoners and the basic principles which they followed.

The training curriculum provided for a much fuller and more in depth training than that currently applicable in South Africa where prison staff are trained for six months. In Denmark, training was of three years duration, a substantial portion of which involved practical training at a prison. Trainees would also be sent to each type of institution for an all round experience. Training would focus on the role of the officer in relation to the prison. Training would emphasise the need to interact with a prisoner. No weapons were ever carried by staff, not even clubs, and staff were not trained in the use of firearms.

When a staff member required a prisoner to do something and he refused, the staff member's response would be to try and talk to the prisoner. Force would be used as a very last resort and only on extremely rare occasions. In the unlikely event that violence occurred in prison, the police would be called upon to assist. There had been very few incidents of prisoners being violent towards staff. If staff members suspected that a prisoner may be violent towards them, he/she could call upon another member to accompany them when they went to unlock a cell. Usually, staff felt safe around prisoners, despite prisoner having access to potential weapons such as kitchen knives.

Recruitment of new staff is a lengthy and thorough process requiring the applicant to have a minimum age of 21 – 35 years. There is no minimum educational requirement but staff should have acquired a particular trade which will be utilised in training of prisoners.

The staff hierarchy was organised on three levels; that of governor and deputy of the prison, the intermediate managers, and the unit officers. This flat hierarchy allowed for a wide delegation of authority to the unit officers.

Holland

The group visited two prisons and one juvenile centre in Holland. However, some of the group including myself, met with the head of the prison officers training college instead of visiting the second prison. The group was also treated to a reception at the home of the South African Ambassador, Dr Zach De Beer, and a dinner hosted by the Director General of Correctional Services.

We received a briefing from the Ministry of Justice in The Hague. The delegation, led by the Director of the Dutch Prison Service, Mr Andre Rook, briefed us about the broad features of the prison system.

The prison system had recently become more restrictive and security minded in reaction to public and political pressure. Increasing seriousness of the attempts to escape, including hostage incidents, and the hardening of the prison population required increased focus on security in prisons. The central function of the prison is to keep the prisoners safely inside of prisons.

The basic principles of imprisonment are to make a ensure that prisoners are kept locked up and escapes are prevented. A longer term objective is to contribute to security in society through reintegration programmes which reduce recidivism. These aims should be promoted through detention which is both decent and humane. This is achieved by ensuring that:

- the restrictions placed on an inmate should not be more than is strictly necessary for the purposes of imprisonment and for security and order;
- imprisonment should do the least possible damage to the prisoner;
- the sentence should prepare the prisoner for his or her return to society.

With Holland's permissive drug laws it was not surprising to hear that there is a constant battle against drug abuse in prison. The majority of prisoners are said to be drug addicts. The penalties against prisoners found in possession of or using drugs inside prison are harsher than those imposed on people outside of prison. Although the authorities recognise that it is not ideal to run drug rehabilitation programmes in prison, such programmes are available.

Similar to Denmark, prisoners are not punished for escaping or attempting to escape, although it is an offence to assist someone to escape. However, in Holland substantive security measures make it more difficult for prisoners to escape from prison. Special security wings have been created for the prisoners who are more of a security risk.

There is also the system of open and closed institutions. Open being where the prisoner can go home every weekend. The emphasis is on the careful selection of prisoners into appropriate institutions. The prisons and remand centres have a capacity of 10 000 people. There are also nine institutions for mentally ill offenders,

and seventeen juvenile institutions with places for young offenders aged between 12 and 18 years.

Trends in sentencing have seen a rise in long term sentencing and a coinciding fall in short term sentencing. Due to increasing demands on accommodation, plans are afoot to increase capacity to 11 808 inmates. Legislative amendments aim to change the onus on parole policies requiring the prisoner to fulfil certain requirements before he/she is eligible for release. There was a marked difference to the ways in which Denmark and Holland responded to increasing prison populations. Whereas in Denmark, Parliament and the Ministry of Justice made regulations which curtailed the numbers of people sentenced to imprisonment, the Dutch have planned an extension of their prison accommodation. In South Africa, the tendency is to follow the Dutch example.

The principle of personal responsibility governs the prisoner/ staff relations. The staff aim to encourage the inmate to take responsibility for their own actions, and to participate in the number of programmes available to inmates. Instead of arming the guards, the notion of personal security requires the guards to constantly be aware of the feelings inside the prison. There has been an attempt to change the approach of the officers from one of locking and unlocking to a more interactive one. Our observations of the general staff were that they did not appear to fulfil much more than a custodial function.

Each prison has a board of visitors, usually headed by an ex-judge, which visits prisons and acts as an advisory body to the prison governor.

Schevingen Prison

This was an old prison building which was under reconstruction at the time of our visit. This was one of the highest security prisons we had visited thus far and we were required to undergo a security check. We were advised that the tight security and high perimeter walls allowed for a minimum of security measures inside of the prison. Unfortunately the officers leading our tour were not very conversant in English so the answers to some of our questions were limited. The head of the prison, Mr Leliefeld escorted us around. He was a lawyer who had recently been appointed to this prison.

This prison accommodated both remand and convicted prisoners. The prison was built in the old style with large sections on several floors and cells opening onto a central corridor. Heavy metal doors closed the cells and divided the sections.

There was not the same respect shown for the prisoners privacy as we had seen in Denmark and we were freely shown prisoners cells. We saw a large percentage of immigrant prisoners and many prisoners were seen milling around the corridors.

There was a special section for awaiting trial juveniles where the atmosphere was slightly less repressive. A special programme headed by a psychologist was available for a small number. Juveniles would be sent to one of the juvenile prisons after being convicted.

There was a special section for people convicted of sexual offenses. The women in the group were not allowed to see this section, and no women officers worked on the

section. Apparently there was always a 1:1 ratio of staff to prisoners in this section. Most of the offenders were serving long term sentences and had had the time to make the section a more comfortable living area.

Workshops were situated in each section of the convicted prisoner section. The prison had a contract making wooden toys and the prisoners were required to work only for three hours a day. The cells in this section had been modernised, each equipped with its own shower and toilet. A common area had also been provided.

It seems that education up to a school leaving age is provided free in the Netherlands, and is also available for the inmates until this age. The schooling seemed to be in more commercial fields like computers and business methods. The professional staff were dressed in private clothing, but the prison officers wore uniforms. Teachers were employed for education, as well as psychologists and social workers.

De Jock Juvenile Detention Centre

The Netherlands has both detention centres and remedial centres for juveniles. The detention centres are closed institutions, with secure walls and fences, and strict regimes controlling the movement of the juveniles.

De Jock was an impressive detention centre, mainly because of the staff who presented the centre to us. The centre was primarily for juveniles aged between 12 and 18 years who had either committed some form of crime and had been sentenced to a custodial sentence by the courts, or were juveniles in a crisis situation who had been referred by the civil courts.

The juveniles have committed a variety of offenses. A first offender has a maximum penalty of 100 days. The minimum stay in De Jock 30 days. Juveniles may also be held in the centre during the pre trial phase. If a person is brought to the centre by a civil order, he will have to remain there until a suitable place has been found for him, which may be more than the criminal sanction of 100 days.

The aims of the centre were to:

- stimulate the children to involve themselves in education, either at the centre or outside;
- re-establish family contact;
- have contact with the judges and appointed guardians;
- to evaluate where to place juvenile on completion of their term at De Jock.

A specific compulsory programme is laid out for the juveniles. The aim is to accustom them to daily routine and to develop their social skills. They could continue at the school from which they came if possible, or they could work outside. The evening programme sometimes involved games or other recreational activities. Boys could be requested to do tasks, like washing a staff member's car, for which they could earn a minor gratuity such as a packet of cigarettes.

The staff at the centre are mainly social workers who have specialist experience in working with children and families. The staff were from diverse nationalities in keeping

with the nationalities represented by the juveniles accommodated there. They appeared to be very committed and open. Although they obviously had good relationships with the children, they maintained that they were be strict in upholding the discipline of the centre. The centre is divided into groups of about 11 boys each with 2 adult supervisors.

There is a focus on work training. Metal and wood workshops were available and examples of their very impressive artwork were displayed in the centre.

The security was tight, with the doors between the sections being locked at all times. Recreation rooms were situated in each section, and it appeared that the children were confined to their specific section for meals, work and recreation. The atmosphere and decor was friendly and accommodating. The rooms of the boys were like ordinary rooms which they could decorate as they wished, but the windows could not be opened. The boys were not locked into their cells at night, but electronic sensors could detect when someone had left their cell. This was monitored throughout the night.

Staff Training

In 1992 the professionalisation of prison institutions called for decentralisation of prison management. Consequently, each prison has a greater say over the management and policies of its institution. Within the prison, smaller units of prisoners are managed by their own specialist staff. Supervisors of those sections are required to manage the educational, labour and medical staff.

An increase in cell accommodation has led to greater recruitment of staff. Efforts were being made to recruit more women and ethnic minorities. A shift in the prison policy which requires inmates to spend more time in productive labour, requires that many of the recruited staff should be equipped with skills to enable them to supervise labour activities.

Staff are recruited and appointed by the governor of an institution. Different types of prisons may require different kinds of prison officers and each institution may vary slightly on its regime. Different entering standards also apply to prison officers and to prison guards. An important consideration for prison officers is their capacity to interact and work with inmates.

All prison officers are required to undergo an initial training course lasting 26 weeks. This consists of practical experience, and theoretical training. Officers are on probation during this period. The course covers such aspects as practical lessons (search, handcuffs); theoretical sessions on the penal system, psychiatry and ethnic groups; and on social skills (handling conflicts, conversation techniques). A component of the training allows for 40 days training at the institution where the officer works.

The role of the prison officer has changed in recent years. Previously it had been more focused on rehabilitation and re-socialization. With the increase of crime, the emphasis has shifted to maintaining security and escorting the activities of the prisoners. However, the work is still aimed at trying to restrict the damage done by imprisonment.

There is a secondary level of training which is aimed at officers who have some experience, and which aims at increasing the social skills of the officer, for example how to deal with bribes by prisoners. Following the increase in hostage taking, a course was developed dealing specifically with the hostage situation.

A specific course for the governing grades focuses on the managerial aspects of a prison regime. The management of the prisons is recruited from staff with a number of years of experience, although seniority is not the main criteria for promotion. Managerial ability is an important consideration.

Other technical colleges offer follow up courses which individual prisons can send their officers to as an alternative to those run by the national training college.

Britain

The time spent in Britain was very short. Our schedule was arranged by Penal Reform International and the Home Office Prison Service. The group was divided into two groups, one group was given a tour of Highdown Prison in Surrey and Pentonville prison in North London. The other group, of which I was part, visited Brixton Prison in the South of London, and Feltham Juvenile Prison.

On arriving in London, the group was welcomed at a reception at the South African Embassy where for many of the group, and the guests, it was the first, and very novel, experience inside South Africa House. The Ambassador, Mr Mendi Msimang was unfortunately unable to be present.

On our final day of the tour NACRO hosted a seminar where Jody Kollapen of Lawyers for Human Rights presented a seminar on penal reform in South Africa.

Brixton Prison

We were introduced to the Governor of the prison, Dr Andrew Coyle, who gave us a brief overview of his prison, which was followed by a quick tour of the institution.

This is an old institution, built in 1819 and used primarily as an awaiting trial section in the past. Now it constitutes 60% awaiting trial prisoners, and 40% convicted prisoners. The capacity of the prison is to hold 800 prisoners of which 600 places were occupied due to renovations taking place at the time of visiting the prison.

Brixton was an old prison built in the old Victorian style making it a foreboding place. Added to this were the high walls and other security measures such as the overhead anti-helicopter wires and electronic surveillance. Exercise facilities were limited, unattractive and resembled cages. The prison was built on three or four levels making each section noisy and impersonal. When prisoners had time out of their cells, most of this time appeared to be spent in the noisy corridors of the section. A television would be situated in the corridor on every second floor which stood for the recreation centre of each section. This meant that there is no opportunity for prisoners to watch TV in a separate place, and also meant that the rest of the section was subject to the noise of the TV. The prison is also undergoing renovations and is in the process of fitting out each cell with its own toilet. Otherwise toilets and showers are situated on

each level, almost in full view of the rest of the section. The prison was reasonably clean.

There is a separate section for vulnerable prisoners, or those who have committed sexual offenses. It was explained that if these prisoners were released into one of the general sections they would be assaulted by the other prisoners. It was acknowledged that despite their security, the officers were unable to prevent assaults by prisoners on prisoners from taking place. Apparently no prisoner wished to be sent to this section as it stigmatised them for any future contact with other prisoners. But, being a smaller section, there was a far more relaxed atmosphere.

The prison saw its major tasks as preparing prisoners for court and trial, allowing access to lawyers. The other major concern was to keep convicted prisoners active and occupied when only a few work opportunities existed for them in prison.

The prison is managed from the bottom upwards. The job of the governor is to ensure that the Prison Service's commitments are complied with. The main commitments are on security, decent and humane treatment, and preparation for release. Although the security aspect of the work is important, the governor stressed that no one commitment should be emphasised above the other.

The majority of the staff are uniformed officers (400 people). There are four main levels – officer, senior officer, primary officer and several levels of governor. There are 100 non uniformed staff members in Brixton. These are the office workers, the workmen and the governors, and the social workers. The prison officers are seen as the key staff and their role is perceived as more important than acting as mere turn keys. They are now involved in prisoner training programmes such as cognitive skills development and anger management.

However, our observations while being taken around the prison were that the officers were in fact playing no more important role than as turn keys. They appeared to be escorting prisoners from place to place, and there was no overt communication or relationship between them. We did not see the officers on the various sections engaging with the prisoners in any meaningful way. It appeared to me that the new ideas had not yet managed to be implemented in practice. This is possibly as a result of inheriting staff trained under the previous system and who hadn't yet met the challenge for change.

There were eight probation officers contracted from the probation service into the prison, who work there permanently. There are 5 full time teachers from educational colleges, and 5 sessional teachers. There are 4 full time doctors who spend a lot of their time writing medical reports for court. The prison is currently in the process of building up its psychological staff.

Normally there is a staff to prisoner ratio of 1:1.2. At any one time there will be 14 staff on duty at a particular wing which would accommodate 180-200 prisoners. On each landing of the section there may be 60 prisoners, with 3 staff to a landing.

In the past recruitment for the prisons was done centrally: now, as in Holland, it is done at each prison. The posts are advertised locally in order to attract staff who reflect the composition of prisoners which are accommodated in Brixton. Brixton is situated in an area which has a high proportion of ethnic minorities. The prison has a

40% ethnic minority which is an over representation of the population in Britain. Only 15% of the national population is black, whilst in the prison population generally, 16% of the population are black, and only 1% of the staff are black. In Brixton, 6% of the staff are black. The governor indicated his commitment to ensuring a fair proportion of ethnic minorities on his staff.

Prisoners are segregated according to those convicted and those unconvicted, and between those under 21 years and those older.

Each prison has an independent Board of Visitors which has no executive power in the prison. We met a representative of the Brixton board at the prison. Members are appointed by the Home Office Minister. They have free access to the prison, each member having their own key to the prison. There are 16 members on the Brixton Board. They come from a cross section of people. They meet once a month, and the governor meets with them to answer their questions and attend to matters. If they are unhappy or have any problems then they can take matters further with the Home Secretary. They also publish an annual report which goes to the Home Office, and they may speak to the press at any time. Prisoners also have access to the prison inspector and the Ombudsman. These measures make it difficult for the prison authorities to hide the problems of the prison.

The governor did not accept the principle of normalisation, stating that prison is an abnormal situation, and one could only consider reducing the effects of prison. His job as the governor is to deprive people of their liberty as decently as can be done, and to make the experience as positive as possible.

We were shown the disciplinary section where prisoners may be isolated awaiting charges in the prison, and may be further isolated as part of their punishment. The regime is stricter here than in the general section. Prisoners who are regarded as posing a threat to themselves may be isolated. They are stripped of their clothing, put into special tear proof, burn proof clothing and put into the cell without any furniture until they "cool down". There is a double door on this cell so that the officer can keep an eye on the prisoner inside. If a prisoner is put in this cell the Board of visitors must be notified, as well as a doctor.

We were shown a list of disciplinary offenses which was as similarly vague as our system. The disciplinary procedure allows for the prisoner to be tried by a Governor Four, without representation. The punishment which could be imposed on a prisoner can extend can effectively increase his sentence up to 40 days.

Feltham Juvenile Prison

Feltham Juvenile Prison is spread over 60 acres of land. It has 18 units, each accommodating 30 juveniles. Two units operate together. There are separate units for very young lads (15 – 17 years of age). The prison can accommodate 876 youngsters. Ages range between 15 to 21 years. Both convicted and unconvicted youth can be held here.

A common problem expressed by those involved in juvenile detention, and repeated here, is that often the awaiting trialists are held for longer periods than the convicted prisoners. There are opportunities for the unconvicted to participate in courses.

Every category of offender is held in Feltham, including some severely disturbed youngsters; those who aren't in the health care system. The overriding fear of the staff is an outbreak of suicides. The governor told us how an attempted suicide often inspires other children to attempt suicide. At any one time there are approximately 15 boys who are on the verge of suicide. An inquiry into suicides in Feltham in 1991 pointed to the frustration which may be experienced by remand inmates spending long periods awaiting trial. Inadequate supervision and threats and intimidation by other boys were also concerns of the report.¹ These were problems which the governor indicated still persisted in Feltham.

A major concern was bullying or intimidation by other inmates. Those boys identified as bullies may be held in an isolated section. This was our greatest concern about the centre. A very strict regime operated in this section. Boys would be required to stay there for at least six weeks, often longer. They would be held in their separate cells, virtually in isolation from the other boys, in very sparse conditions. Their daily routine would be something like this: Wake up early, heavy exercise for an hour, clean their cells for half an hour, cell inspection, lunch, more exercise for an hour, duties, compulsory homework in their cells at night, where the kids would be required to write essays like "why I should not bully".

The officer in charge of this section maintained that Feltham had a very good success rate, and that the boys did not return to either bullying, or to this section.

There was another section for vulnerable offenders, called the Albertros Section. This was run for kids who volunteered for the programme and it involved participation in discussion groups and group therapy. The programme dealt with things like violence, anger, etc. The atmosphere of this section was far more relaxed, the boys often wore their own clothes, and obviously spent a lot more time engaging with their issues and problems. The officers also said that this was more successful than their ordinary programme, but they could not give a satisfactory reason for not extending this programme to other units in the prison.

The normal units were quite sparse. Each boy resided in his own cell, much like an adult cell. When there were no officers to supervise them they would remain locked up in the cells. There was a general recreation centre in each unit, although there were no boys present at the time of our visit. There were several workshops for the boys to get involved in, such as the trash recycling project. There was also a bricklaying workshop and apparently other similar training workshops. Although the physical structure of the institution was attractive, the staff expressed the concern that it was difficult to monitor the movements of the boys properly.

A group of boys had initiated a prison radio which appeared to be working well. Outside donors had provided them with training and equipment. Here again, the boys seemed much more motivated and happy. The radio broadcast only to Feltham and only at specific times. They would have chat shows dealing with issues of growing up, jobs to do at the prison, and other issues pertinent to the boys. They also produced a radio magazine.

There is a requirement in the UK that children below a certain age attend the school, and it was voluntary for those above this age group. Our tour guide indicated that they battled to find teachers to teach in the school and they often were only able to find those who couldn't work elsewhere.

Feltham did not compare favourably to De Jock. There was obviously quite a different philosophy and practice, and they appeared to be operating much like an adult institution. The governor appeared so totally overwhelmed with work that he was not able to devote his entire attention to the prison. The staff also appeared as though they were not really aware of the processes and philosophy behind their work. To the extent that the system had changed and adopted new models, the staff did not appear to be fully comfortable with the new model.

Input at the Home Office

After having the opportunity to see two prisons, the Home Office arranged for a presentation at their head office in London of various aspects of the prison system. Here follows a summary of the various inputs.

Al Papps – Director

The Prison Service falls under the control of the Home Office. There are approximately 50 000 prisoners in the prison system who are accommodated in 150 different establishments. Most of the institutions are closed, although there are some open prisons. Some are privately managed, although they are still accountable to the Home Secretary.

There are 38 000 staff, some ten thousand more than we have in South Africa which has more than twice the prison population of the UK. The majority, 24 000 are uniformed staff.

All prisoners are categorised according to security risks, A,B,C and D. These were set up after an enquiry into security by Lord Mountbatton. The emphasis is on placing prisoners in the appropriate security category.

A = someone who if he escaped would be a danger to the police, public or state.

There are about 300 – 400 prisoners in this category.

B = are people for whom escape should be made difficult.

C = minimum security.

The prison service is now a government agency. The Chief Executive (Director General) runs the agency with more autonomy. He has responsibility for day to day operations while the Minister is responsible for policy of the prison service. The prison service has a framework document, which is a corporate plan (3 years) and a business plan of one year.

Lord Justice Woolf² outlined three fundamental concepts : – custody, justice and care. These are to be interlocking circles, with equal emphasis to be placed on each circle. The Prison Service aims to improve its service in line with the Woolf recommendations. One of the central recommendations is to reduce the number of hours spent by prisoners in their cells.

Director General – Derrick Lewis

The Home Office is going through a period of rapid change. The most significant events were the Woolf report and the Government White paper. The fundamental problems at the time of the Woolf inquiry were overcrowding and bad prison

accommodation. Overcrowding has now been reduced. There are no longer three prisoners to a cell. Many of the prisons are being upgraded and most are having flush toilets installed. A lot of effort has been put into changing the regime, providing more and better education and training and better offender programmes. Still, there are some prisoners who are not working and those who are working too little.

The Prison Service is attempting to change the behaviour of prisoners. One of the examples of this is through addressing the problem of bullying in prisons. Drugs are also a problem. A more structured way of granting privileges to prisoners has been introduced. [In Brixton it appeared that they had adopted our system whereby a prisoner earns privileges throughout his stay].

There are programmes to improve security and efficiency. A programme of crime prevention has also been introduced. One of the outcomes was to introduce a body which would coordinate the justice departments. Although it has no executive authority, it has created the opportunity for the bodies to communicate. There is a National Council which is replicated by the Area Committees. They also coordinate with the probation services.

The Director General visits prisons on a regular basis by announced and unannounced visits.

Custody Policy – Phil Wheatly

This department advises on the number of places required in the prisons. Their duty is to balance the need for custody with the need for accommodation. Before spending money, an investment appraisal is done.

A policy for riot control is well developed which requires that staff do not use guns or gas. Staff must be trained in using other methods of control. The emphasis is on preventing these occurrences. They assess the effect of the security measures which are used. The prison populations are monitored so that not too many of one population group is held in one prison at one time. Incidents are analysed to determine whether officers acted correctly or not. The aim of the analysis is to learn from the mistakes of the past.

They also aim to control the movement of high risk prisoners, and allocate places for non high security prisoners.

Industrial Relations – Ian Boon

Industrial relations is essentially about local management in each prison. There are also national negotiations at the head office with the labour unions. Often the National issues are very different to the local ones.

The Prison Service tries to involve the staff and the unions in:

- providing regular information so that staff know what is expected of them;
- consultation- where issues are raised and proposals to management for consideration;
- negotiation- collective bargaining on pay and conditions;

- participation- working together on a project to generate ideas and proposals.

Salaries are negotiated nationally although there is a move towards separate bargaining for prison officials. The Prison Service does not negotiate salaries and benefits for employees of private institutions. These are determined by the management of the institution and are generally lower than in the Prison Service.

The Prison Officers Union is the biggest union with a membership of 90%. This union is recognised by the Prison Service. There is another smaller union which is attempting to gain recognition. Unions are not allowed to have political affiliation.

Prison Ombudsman – Sir Peter Woodward

Although Woolf recommended the appointment of an independent complaints adjudicator, a prison ombud was established. This does not fulfil the function of an adjudicator as he has no executive function. His independence is limited to making recommendations to the Director and he is responsible to Parliament. The reports are laid before the Home Secretary.

Any prisoner can complain to the ombudsman about anything which happens in prison, but he cannot deal with complaints regarding the sentence, or any decision by the parole board. However, he can examine whether the administrative procedures were properly complied with. The ombudsman is also considering taking complaints from the staff against inmates.

The inmate must first comply with the complaints procedures available at the prison. If a prisoner is not satisfied with the decision, he can complain to the Ombudsman. A target of two months is set in which to resolve the problems, although it can take as many as three months. There have been 900 complaints made to the ombudsman since his appointment. The problems deal mainly with new policies which have been introduced and the staff are not always trained properly to implement them.

Frequent problems which have arisen include incorrect application of the internal adjudication system by inexperienced and junior governors, inconsistent application of the temporary release procedure, and too frequent moving around of prisoners.

Visits are conducted on the ombudsman own initiative. There is a staff of 13 to deal with the paper work and he is given unfettered access to the documentation and to interview staff. 90% of recommendations from his office have been agreed upon and adhered to. There is a fair amount of self regulation. The ombud cannot receive complaints directly from a prisoner grouping, only from the prisoner himself.

People we spoke to during the tour were concerned that they had never met the Ombudsman, and that he had not visited their prison. We did however see numerous notices in the prison advertising his services.

Staff Training – John Dring

Staff have become committed to increasing the level of service. Governors have agreed to set aside 6 days a year for further officer's training.

There are two roles for the trainer:

- to advise the board on the training policy, looking at new training policy and developing training packages, and
- the delivery of training programmes

There are 260 training staff, who also design distance learning and train new recruits.

Each prison has a training officer to organise the training in that prison and to process applications for training. In addition, different training units offer training in specialised areas, such as hostage management. Other courses include sentence calculation and counselling skills.

One criticism was of the selection of new prison officers, sometimes failing to test whether the applicant is able to read and write.

This department has also looked at affirmative action as it relates to women in the service, and advanced promotion for women is well established.

Board of Visitors

An input was given by the liaison officer for the Home Office. The Prisons Act makes provision for the appointment of Boards of Visitors at each prison. The prison rules set out the duties of the visitors. The visitors are volunteers who are required to look at prison conditions. They have access to prisons at all times.

Boards usually consist of about 12 members. There is a turnover of about 500 members per year. New members are appointed by the Home Secretary after being interviewed by the chairperson of the board. A security check is carried out on members. The new members are trained, and advanced training is also available. The boards are required to submit annual reports to the Home Secretary and the Prison Inspector.

The Boards of Visitors may authorise the use of restraints on prisons for a period of 3 days to one month.

Problems experienced with the system include finding a range of volunteers to reflect the population of the UK. The effectiveness of the boards depends on the membership of each board. The Minister has now given prison governors a directive to listen to boards and to read their reports thoroughly.

Conclusion

The trip provided an insight into the systems used in the countries we visited which are not normally conveyed through reading about the systems. Unfortunately, the short duration of the trip, and the wide range of interests of the members of the tour, prevented us from gaining a detailed understanding of the procedures used in the different systems. More was learned about the approach and principles adopted by each country.

Each country visited was unique in itself, and differed markedly from South Africa. South Africa has a higher crime rate than all these countries, and consequently a

greater prison population. We also have one of the highest prisoner/population ratios in the world, yet our staff/prisoner ratio is sadly one of the lowest. The systems visited, although interesting, would not lend themselves to direct importation to the South African situation. However, many of the principles of imprisonment can be applied, and the procedures provide inspiration for models which can be devised for South Africa.

The approach of the Danish prison system offers South Africa the most hope and the biggest challenge. The concepts of "normalisation", "responsibility" and "openness" should be carefully examined and the lessons extracted for implementation in South Africa. In the past ten years the Danish prison system has moved away from a traditional approach to punishment, and the strategies which they have followed in transforming their institution can valuably be employed here.

The present initiatives of transforming the correctional services in South Africa through the Transformation Forum on Correctional Services will be well served by the experiences of those fortunate enough to have attended the tour. But the challenge remains to implement the lessons learned and to disseminate the information among other role players.

One of the successes of the trip was that it brought together so many different people from such a wide range of interests. For the most part, it enabled people to reconcile with one another and begin to establish a positive relationship which will be much needed in the transformation process.

Notes:

¹ *Suicides in Feltham: A report by the Howard League for Penal Reform*, The Howard League for Penal Reform, London 1992.

² An inquiry lead by the Hon Lord Justice Woolf into prison disturbances in April 1990 made several far reaching proposals for fundamental changes needed to the prison system. Some of these have been adopted by the prison system.

Composition of the Tour Group

Department of Correctional Services

Brigadier Henk Greef
Lieutenant Moahi Makgaila
Brigadier Johannes Kaufman
Major Steven Korabie
Lieutenant Colonel Rianna van der Merwe
Major General Erika van Zyl

Parliamentary Select Committee

Dr Mathinus Appelgryn (National Party)
Mr Willem Botha (Freedom Front)
Ms Bathabile Dlamini (African National Congress)
Mr Zamiekile Dyani (Pan Africanist Congress)
Mr Benson Fihla (African National Congress)
Senator Caleb Motshabi (African National Congress)
Ms Sybil Seaton (Inkatha Freedom Party)

Non-Governmental Organisations

Mr Golden Miles Bhudu (South African Prisoners Organisation for Human Rights)
Ms Amanda Dissel (Centre for the Study of Violence and Reconciliation)
Mr Chris Giffard (IDASA, Interim Transformation Forum)
Mr Paul Graham (IDASA)
Mr Jody Kollapen (Lawyers for Human Rights)
Mr Oupa Monyoba (Police and Prison Officers Civil Rights Union)
Mr Peter Nkuna (Correctional Officers Union of South Africa)
Ms Gladys Sibeko (National Institute for the Care and Rehabilitation of Offenders)

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