

Council of Europe
16th Conference of Directors of Prison Administrations and
Directors of Probation Services

**Working together to promote the Social Reintegration of Prisoners
– what does that mean?**

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Introduction

Those involved in the social reintegration of offenders know, that there is no miracle cure that will solve the problem of crime once and for all and make all our clients good and useful and law-abiding citizens overnight.

You have to be a reporter, or a politician to believe that.

We, the practitioners, know, that influencing the individual offender into living a law-abiding life, and not least, influencing the crime level in our society, requires long-term, broad-spectred and indefatigable work – as well as cooperation at many levels.

That is what we will be addressing at this conference.

The 'Social Reintegration of Prisoners' is not a task to be managed by the prisons on their own. It is not a task to be managed by probation services on their own. And it is not a task to be managed by civil society on its own. This task can only be managed by working together.

That means prisons and probation service working together, and prisons and probation service on the one side, and civil society, public authorities and the NGOs on the other side working together.

We, who are the professionals, know, that the transition from prison to freedom is the toughest and most vulnerable period for our clients. This is where it will show, whether the activities in the prisons have had any rehabilitating value, and whether a proper foundation has been laid for the probation service, which is to take over. And this is where it will show, whether the probation service is able to continue and develop the foundation, potentially laid by the prisons.

The transition period will show how much the two systems, prisons and probation service, depend on each other's professionalism and willingness to cooperate.

This is where the challenge lies, and the organisers of this conference have therefore made a good choice by convening the Heads of both sectors, so we all can become wiser as to what is best practice in this field.

Unfortunately, the replies to the Council of Europe's questionnaire on the implementation of the European Prison Rules yield little information on best practice or solutions to the problems in implementing the Prison Rules, that we are all experiencing to a varying extent. I hope that the conference workshops will allow us to discuss in more detail the problems facing us all, and thereby also give us a better basis for finding solutions to the problems, and arriving at a conclusion as to what best practice is.

For working together also means learning from each other at an international level. I will revert to that point at the end of my presentation.

Working with prisons and probation is a long and continuous process of change, in several ways.

Firstly, because we must believe that we can change people, we can change fates and influence the future.

Phil Wheatley, the former English Director-General, said at a recent ICPA conference in Singapore that you should only hire those employees who believe that they can change other people. If you do not believe that, or if you stop believing it, then you do not belong in the prison and probation service. I completely agree.

On another occasion I quoted a Danish philosopher in that connection, and I will take the liberty of doing so again. He set out a so-called 'ethical demand', which means:

"The individual person
never has to do
with another human being
without holding some of its life in his hand".

We, who fulfil the ultimate penal function of society, and take enormous responsibility for others, should never forget that.

But it is also a process of change in the sense, that changes in the client composition and varying political demands, taken together with recurring financial cuts, pose new challenges all the time. This makes heavy demands on us as leaders and managers and on our members of staff as well. I am therefore pleased that this conference also focuses on a code of ethics for prison staff.

Organisation and cooperation

Prisons and probation services share the same task: We have to prevent and preclude new crime. However, the organisational structure of prisons and probation services differs a lot from one country to the next, mainly for historical reasons I believe. In some countries, the probation service is still a private organisation, an NGO more or less supported by the state.

In other countries, the prison administration and the probation service are two separate public bodies, each with its own management.

And finally, in a number of countries the two systems have fused into one system with one joint management.

Personally, I am very much in favour of the last-mentioned form of structure because, all other things being equal, it provides the best framework for close cooperation and for real 'through-care'. But there are certainly also good arguments for divided

managements and separate systems, for one reason because there is a risk, that a joint system will result in a big brother-little brother relationship, potentially causing the probation service to be marginalised.

Figuratively speaking, the two systems may function as good acquaintances, friends, cohabitants or spouses. What provides the best framework, the best potential for development, the greatest harmony and stability, that depends to a great extent on the social and cultural context given for the relationship. And of course, not least, on the parties' commitment to each other.

No matter which structure is preferred, the crucial point is, whether the parties succeed in building up a trustful and efficient relationship of cooperation, with respect for each other's roles and functions, and not least, with insight into and understanding of the activities of the respective systems.

However, this is easier said than done. Even in a system like the Danish one, where prisons and probation have been combined under a joint management, and in a joint system since 1973, almost 40 years now, prejudices still exist between prison staff and probation staff. To some extent, there is still a 'them' and 'us' culture, and to some extent there are still different opinions on what is the best way of tackling the offenders' situations.

What, then, will the situation be when the systems are organisationally separat.

And after all, The Danish Prison and Probation Administration has had an opportunity to hold joint "further-training-courses" and joint management training courses for prison staff and probation staff, and we have trainee schemes that allow the two staff groups to work for some weeks or months at each other's workplaces. And both in connection with the preparation of action plans and with electronic monitoring we have set up inter-disciplinary teams of officers and social workers. But still we have problems.

I am convinced that we are making progress, but as you will understand, it takes a fairly long time. Cultural changes are among those that take the longest. So this is where we find a management challenge, which we will hopefully also have time to

discuss at this conference. One of the methods that could be considered, is the same one that I will revert to in connection with 'Best Practice in Prisons'. One could leave it to prison staff and probation staff to meet and sort out what is needed to change their day-to-day cooperation themselves, to identify the problems and the solutions themselves and to take responsibility themselves for creating the necessary respect for each other's work. We have started doing that in a small way. I also revert to that.

Obviously, probation service activities in connection with community sanctions and measures are crucial to the question whether the client does well, or ends up in prison. And I am, of course, aware that most probation service activities are community sanctions and measures, a subject that I find very interesting myself, and that I have worked hard to promote for many years. But that is not the theme of this conference. Here, I will concentrate solely on probation service activities in connection with the resettlement of prisoners before and after their release.

Prison activities become the foundation of probation service work, and probation service activities in connection with the resettlement of prisoners are crucial to the question, whether the work of the prisons is wasted or is further developed, and ultimately whether the client returns to prison.

According to the European Prison Rules one of the basic principles is that "all detention should be managed so as to facilitate the reintegration into the society of persons who have been deprived of their liberty" (Rule 6).

Similarly, the Council of Europe's Probation Rules state: "Where probation agencies are responsible for supervising offenders after release they shall work in co-operation with the prison authorities". And furthermore: "They shall establish contacts with the competent services in prison in order to support their social and occupational integration after release" (Rule 59).

Best practice in prisons.

Therefore, let us have a look at what each of the two systems finds to be best practice in that perspective, and how the activities of each of the two systems can support the activities of the other system.

It is a basic principle of the European Prison Rules that “life in prison shall approximate as closely as possible the positive aspects of life in the community” (Rule 5).

This is what we call the ‘principle of normalisation’. If carefully implemented, it is actually a revolutionary thought. Because it means that we must organise our prisons, and not least our prison regimes, as we would do things in the outside community. Only if special reasons make it necessary, should a prison solution be chosen. Of course, that will often be necessary for reasons of order and security. Nevertheless, however, the ‘principle of normalisation’ is the best safeguard against habitual thinking in the prison world.

As one of those, who has been in this line of business the longest, and has really seen a lot of prisons all over the world, I have become more and more convinced that the idea inherent in the principle of normalisation is the best foundation for developing a proper, humane and effective prison and probation service.

When we discuss at international conferences how best to reduce the risk of relapse, the task is often perceived as one of merely inventing ever better and more sophisticated treatment programmes, one might say that we are continuously trying to raise the benchmark of our activities. But if raising the benchmark is to make any sense, figuratively, we need to raise the bar, it presupposes that the minimum level is high and is raised correspondingly. In other words: If we do not arrange the day-to-day life in prisons, so that it supports and motivates prisoners into making efforts themselves to put crime behind them, all the treatment programmes in the world will not be of any use. If we deprive the prisoners of all self-determination, if we place them in overcrowded, obsolete, run-down prisons, if we talk to them as second-rate people, how can we then believe that they will gain respect for us, and faith in our intention to help them? If they consider us oppressors and enemies, how then can we believe that they will accept our offers of treatment, training and education? And if we do not give prisoners influence on their own fates, including not least the contents of their personal sentence plans, how then can we demand of them to take ownership of their futures.

I recently visited a Danish prison where prisoners and staff had worked for a year and a half to create confidence in each other, by means of what we call user-driven innovation. This means that prisoners and officers sit down together and discuss as equals how both parties can obtain a better day-to-day life in the prison. They define the task themselves, come up with solutions and implement them themselves. Naturally within the security and physical limits inherently necessary in a prison.

The theme of the project is really not of very great importance. It may be a sports project or a food project, or as in this case a relationship project, that is, a project attempting to break down the barriers often found in prisons, barriers that mean that prisoners do not talk with officers, and officers do not get involved in prisoners.

These barriers are very common, but have a destructive effect on day-to-day life and dynamic security, and the insecurity created by the distance contributes to a poorer working environment.

At the same time, we know from all meta analyses that what really works to prevent relapses is talking about crime and its consequences, and influencing inexpedient social networks and attitudes. And this actually presupposes that people can and will and dare talk together.

The prisoners involved in the project mentioned before, and they were not first-time offenders, but hardened young criminals, typically with an ethnic background other than Danish, told me how, for the first time, they did not hate the officers and the prison and the society. For the first time they had experienced officers as ordinary people who would actually prefer to help them. And on their side, the officers had realised that the prisoners were not just prisoners, but people who had simply ended up on the wrong side for many more or less good reasons.

They simply talked together like ordinary people outside. Exactly what is intended by the normalisation principle.

That requires courage. On both sides. Probably some critics will say: "So, are the officers to be like inmates and inmates like the officers now?" No, inmates and officers have different roles in a prison, and they will continue to do so. It is like a

marriage, if you will forgive me for using that metaphor again. It is not an indicator of success for a good marriage that the husband becomes like the wife and the wife like the husband, but that they in fact function together as husband and wife. It is the same here. The officers are not supposed to play at being inmates, and inmates are not supposed to play at being officers. But officers and inmates must function together in the 'mini society' constituted by a prison, respecting each other's roles.

This methodology is an excellent example of the truth of Søren Kierkegaard's well-known statement: "If One is Truly to Succeed in Leading a Person to a Specific Place, One must First and Foremost Take Care to Find Him Where He is and Begin there..."

This way of involving the users in the planning of their prison term is also a good supplement to Rule 50 of the European Prison Rules about spokesman schemes, but is less formalised and less guided by management.

That is another one of those things that we managers have to prepare for: to have the courage to let-go-of-the-reins to some extent, to support the growth of informal solutions from the bottom upwards.

The spokesman schemes providing the formalised framework for talks between prisoner representatives and prison management were in fact the theme of a presentation given by Norman Bishop at a conference in Barcelona in 2006 and will also be discussed at this conference.

But if the people to be taken in hand by the probation service after their prison term are to become whole human beings, we have to do much more during their time in prison.

We have to give them a meaningful life during their incarceration. This means that they must have access to meaningful occupation and training on a par with citizens in the community. Easily said, but difficult to implement within our framework. Nevertheless, it is crucial if the prisoners are to function after their release.

And they must have the same treatment options as other citizens. If the outside community has a treatment guarantee, the same treatment guarantee must apply in the prisons, so that those who want it, or can be motivated to enter upon a course of treatment for their drug or alcohol addiction or mental problems, etc., are entitled to see their treatment commence, just as fast, and just as professionally, as in the outside community.

And they must also have an opportunity to maintain and improve their relationship with their families, especially their children. All experience and research show that the risk of relapse rises if family contact has been broken, just as the risk, that children of offenders will become criminal themselves, rises, if they lose contact with their imprisoned parents.

Therefore we need good and friendly visiting facilities that support the family relation and allow visits to take place in such dignified conditions that they do not undermine the children's respect for their imprisoned parents even more. For this purpose, visiting flats allowing families to be together for longer than the usual minimum period are a good option.

The same is access to a mobile phone in the cell, so that the children can call or text their parent, thereby maintaining contact with them. For security reasons this option may have to be limited to open prisons or minimum security prisons, but there it is in fact possible.

There are also examples of other initiatives from various European countries: A goodnight story project where children receive a CD on which the imprisoned parent reads them goodnight stories, or photo books for the children with the prisoner's own pictures from his everyday life in prison, which helps demystify the prison stay. There are lots of possibilities and lots of inspiration to be harvested from each other.

Best Practice in the Probation Service

When it comes to the transition between prison and probation service, it is always a really good principle, that the good release starts with the good admission. Meaning that everything that takes place during the incarceration must be seen as steps on

the way to release. In principle, this is true regardless of sentence length, but obviously even the best theories must relate to reality, so naturally this principle will be implemented at a gradually increasing intensity.

This means, however, that the cooperation between prison and probation service must in principle be established throughout the entire prison term to ensure the necessary continuity. This also appears from Rules 59 and 60 of the European Probation Rules.

It is best if common action plans for the entire prison term are prepared from the very start, action plans also involving the prisoners themselves as mentioned before, and preferably action plans that include and commit the ordinary social authorities which are to take over when prisons and probation service let go. After all, while prison and probation service, which have exactly the same goals for their activities, often succeed in setting up reasonably well-functioning cooperation relations, it is typically more difficult with local authorities and other civil authorities, labour market authorities and so on, which do not see released prisoners as a core area.

Experience from several countries shows that local authorities lack both knowledge of, and interest in these special clients and the work carried out in prisons and probation services. At the same time, our employees may find it difficult to manoeuvre in the municipal landscape.

One possibility of improving the cooperation may be to lay down, clear written agreements between a probation service and the individual local authorities, specifying in the minutest detail, who is responsible for what, who the relevant contacts persons are and so on. It is heavy work, but experience indicates that the outcome is worth it.

Another possibility is to introduce a resettlement guarantee as in Norway, where the politicians have imposed on the civil authorities an obligation to provide housing and a job or training in connection with release.

One of the most pronounced trends in many countries in the criminal justice area is actually the increasingly important part played by probation services in the

correctional system. The increasing use of community sanctions and measures has made probation services increasingly accept themselves as part of the correctional system with the control functions which are crucial for the politicians' trust in the community sanctions intended to replace prison sentences. This means, that probation services will no longer just handle the traditional role of a helper, but like the prisons will be faced with the double task, of both enforcing sentences and rehabilitating offenders at the same time. Hence, probation services must find the right balance between 'a soft and a strict approach', just like the prisons.

The Probation Services have succeeded to such an extent that ever increasing parts of prison sentences can now be served in the community in the form of home detention with electronic monitoring, community service and other back door schemes. In certain places, they have also succeeded in setting up so-called 'give and take' schemes, allowing prisoners, who utilise the time in prison to take an education, or otherwise take action themselves to get out of a criminal way of life to be released earlier than normal, and be under supervision by the probation service for the rest of the sentence period.

This new probation-service-role has resulted in more rungs on the 'resettlement ladder', in addition to open prisons, halfway houses and the like. And the more rungs to choose from, the greater the possibility of a varied and individually adapted resettlement.

Unfortunately, I believe that many probation systems, including my own one, have staked far too little on training probation workers for the particular work that they have to perform for us.

They may well have good general qualifications as social workers or the like, but often lack tools for handling supervision, targeted at the particular type of clients that we have today.

In this context, experiences of RNR (Risk-Need-Responsivity) have proved promising. This is a tool which is based on a systematic assessment of risk/need and which especially teaches probation workers to talk with their clients about crime and its consequences, about social networks and attitudes to criminal conduct. But which

also deals with focusing on the client's resources, rather than his problems, and deals with how to involve the family and any positive network persons. Research has shown that it works.

Similarly, the involvement of mentors in resettlement work is supported by good experience and research. These mentors are resourceful volunteers who are trusted by the client, and who might just be an important element in the building of a non-criminal network. They are not supposed to replace professional probation officers, but can supplement and enhance the effort.

The use of such volunteers and other NGOs is a focus area in the European Year of Volunteering 2011. The purpose of the year is in fact to foster active citizenship and promote the role of civil society, among other things in connection with the fight against crime.

Different models of cooperation between prisons, probation service and the civil society may be chosen, but the absolutely vital point is that "nobody may let go until someone else has taken over".

One way of implementing this idea is for prisons and probation services in a certain geographic area to meet and develop good practice while handling concrete individual cases together. This will give the respective staff groups a deeper insight in the case flow, in the value of continuity, and an understanding of their counterparts priorities and attitudes thereby eliminating prejudices on both sides.

Sometimes such a process could be reinforced by a lean-process streamlining the total handling of the individual cases. But even the simple fact that prison staff and probation staff meet and visit each other's workplaces is often a very productive means which in itself leads to greater understanding of each other, greater work satisfaction and in the end to successful resettlement of the individual prisoner.

And that is vital because our clients have typically experienced many letdowns in their lives. We must not add yet another one, because we do not ensure cohesion in our efforts.

So once again it is important to stress that we as the top-managers set the course, but it is up to our local leaders and employees to set the sails, so to speak!

International cooperation

In the introduction, I promised to revert to the international cooperation. I will do so very briefly.

The international cooperation is where we get the necessary inspiration, the vitamins required to keep us going, the dietary supplements that make us grow. That is why these CDAP conferences, particularly when attended by the director generals of the probation services, are an important larder.

But luckily, other meeting platforms exist to give us the vital inspiration, such as the ICPA mentioned before, which has just had its 13th global annual conference in Singapore. It is attended also by private prison providers and NGOs of all kinds.

At the European level, the CEP has worked for many years now with great success to give probation services 'a significant role to play in the wider criminal justice system'. And in few days, a corresponding European organisation of public prison authorities will see the light of day, namely EuroPris.

The object of this organisation is to speak of the views of prison practitioners in Europe with a specific intention of promoting ethical and rights based imprisonment, exchanging information and providing expert assistance to the EU and the Council of Europe.

EuroPris could be seen as a parallel to Europol for police co-operation and Eurojust for co-operation in the justice area. But more important one might say that EuroPris is a parallel to the CEP in the prison area, and close cooperation between the emerging EuroPris and the CEP has indeed been launched already. They are certainly not competing organisations, but organisations that supplement and complement each other in just the same way that prisons and probation services should do in the individual member countries.

Conclusion

Let me conclude by thanking the organisers for the opportunity to speak to this assembly of the most outstanding representatives of the European prison administrations and probation services.

I very much look forward to the presentations, discussions and exchanges of ideas of these two days in the workshops planned. In particular due to the fact that the Danish Auditor-General recently in a report to the Parliament criticised my administration, stating that there is a potential for even closer co-operation between prisons and the Probation Service, as well as a potential for closer co-operation between the Probation Service and the social authorities in the society at large. So I will listen carefully to your experience and your best practises.

Because, just as we do in relation to our clients, we have to believe that we, ourselves, can change and develop and become wiser, no matter how many years we have worked in this field. And not least, we have to believe that we can change and improve our staff as well. We do so by showing an interest in their situations and their work, by leading the way ourselves and by showing courage. Not the kind of courage that endangers security, but the kind of courage that requires involvement in the individual human being before us.

I wish you all a good and rewarding conference.