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EUROPEAN COMMITTEE ON CRIME PROBLEMS

(Treatment of long-term prisoners)

Draft of the General Report on the
treatment of long-term prisoners

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A. Progress of the Sub-Committee's work

1. The terms of reference of Sub-Committee No. XXV (treatment of long-term prisoners) are set out in document DPC/CEPC XXV (72) 1; the Sub-Committee is to examine the special problems connected with the execution of long-term prison sentences and to submit a report and, if possible, make proposals for resolutions for consideration by the European Committee on Crime Problems or the Committee of Ministers.

2. To complete its work, the Sub-Committee had about two years' time with five meetings. The following meetings were held:

- (i) from 29 to 31 August 1972 at Strasbourg
(DPC/CEPC XXV (72) 3)
- (ii) from 15 to 17 May 1973 at Strasbourg
(DPC/CEPC XXV (73) 15)
- (iii) from 6 to 8 November 1973 at Strasbourg
(DPC/CEPC XXV (73) 17)
- (iv) from 28 to 30 May 1974 in Bonn
(DPC/CEPC XXV (74) 5)
- (v) from 22 to 24 October 1974 at Strasbourg
(.....)

3. The Sub-Committee considered that a satisfactory survey of the problems connected with the enforcement of long prison terms was impossible without knowing the exact numerical significance of long-term imprisonment in the member States. It, therefore, first prepared a questionnaire (DPC/CEPC XXV (72) 2) requesting statistical information on the number of long-term prison sentences and detention orders as well as on the number of prisoners kept in long-term imprisonment. The Sub-Committee confined itself to requesting this information from the member States represented on the Sub-Committee. The replies are contained in documents DPC/CEPC XXV (73) 8-14.

4. For the time being, the Sub-Committee has refrained from requesting statistical information of this kind from other member States of the Council of Europe; however, it is of the opinion that such further enquiry would give an even clearer indication of the practical importance of the enforcement of long prison sentences.

The Sub-Committee is of the opinion that standardisation of sampling days and other data in the field of the member States' criminal statistics would help considerably in making a better assessment of the development of criminality and in pinpointing appropriate measures in the realm of criminal policy. Particular attention should be given to this problem in the future.

5. In the questionnaire the Sub-committee also requested information on the legal provisions on conditional release and their application in practice and interested itself particularly in the problem of persons sentenced to life imprisonment.

6. Finally, in accordance with instructions received from the Sub-committee, the experts submitted the following reports, which have been the subject of thorough discussion:

- (i) Treatment of long-term prisoners considered from medical and psychiatric points of view, by Dr W. Sluga
(DPC/CEPC XXV (73) 1)
- (ii) Some observations on the psychological effects of long-term imprisonment, presented by Mr E. Darling
(DPC/CEPC XXV (73) 2)
- (iii) Investigation of the effects of long-term imprisonment, by Professor F.V. Smith, Dr N. Bolton, Mr P.A. Banister and Mr K.J. Heskin
(DPC/CEPC XXV (73) 3)
- (iv) Separation of long-term prisoners from other categories of offenders, memorandum by Mr H. Amselmier
(DPC/CEPC XXV (73) 4)
- (v) Release or probation of prisoners sentenced to long-term prison sentences, by Miss B.W. Lauesen
(DPC/CEPC XXV (73) 5)
- (vi) Methods of specific treatment considered from the point of view of the enforcement of sentences, note prepared by Mr G. Marnell
(DPC/CEPC XXV (73) 6)
- (vii) Long-term prison sentences and the influence of "general prevention", observations by Mr E. Corves
(DPC/CEPC XXV (73) 16).

7. The Sub-committee's work has also been furthered by visits to prisons where long terms are served. In this connection it may be mentioned that the Chairman of the Sub-committee participated on behalf of the ECCP in the seminar at Wakefield on the treatment of long-term prisoners from 12 to 23 June 1972 (DPC/CEPC XXV (72) 3, addendum 1); in particular, however, the Sub-committee, on the occasion of its fourth meeting, visited the prisons at Nyborg and Kaershovedgaard and received a first-hand impression of the efforts made in the execution of long-term prison sentences in Denmark.

B. What is long-term imprisonment?

8. First, it was necessary to make clear what sentences were to be treated as "long" for the purpose of the Sub-committee's work. Because sentencing practice and the execution of sentences vary greatly in different member States it was not found easy to set a generally applicable limit. To start with, it was necessary to choose a period after which there could be no doubt that the specific problems of long-term imprisonment become noticeable; on the other hand the variations in the correctional practices and the prison statistics of the individual member States had to be taken into account.

9. After careful deliberation, the Sub-committee decided to treat as long-term imprisonment sentences of five or more years' deprivation of liberty, including life imprisonment, regardless of the time actually served and of possible conditional release. This limitation, made mainly for practical reasons, naturally does not entirely meet the situation in all member States, particularly those where - for instance in Sweden - sentences of such duration are very exceptional. In respect of these States the experience gained in the execution of prison sentences for terms of several years have been analysed.

C. The statistical significance of long-term imprisonment

10. The statistical data obtained show that in the member States represented on the Sub-committee - with the exception of Sweden - long prison terms have a considerable practical significance in relation to the number of inhabitants as well as when taken absolutely. Comparative evaluation of these figures meets with several difficulties, for the reason, if for no other, that statistical data for identical periods were not available on account of the different modes of compilation. The Sub-committee did not regard it as its duty to make comparative evaluations or to provide an overall survey, from which the member States not represented on the Sub-committee could hardly have been excluded.

It is, however, important to acknowledge that, so far, there is no general trend towards a decrease in the number of long-term prison sentences. It even transpires that in the majority of the member States represented on the Sub-committee the number of long-term prison sentences is on the increase, even in countries where a reduction in short-term sentences has led to a diminution in the number of prison sentences. Bearing in mind the development of criminality in general, it is even possible to forecast that, in the foreseeable future, the courts will have increasing recourse to long-term prison sentences.

It is, nevertheless, not possible to draw a definite conclusion as to trends from the number of prisoners detained at one given moment chosen as the sampling day. Changes in parole or clemency practice have their effect. Even in those countries where a comparison of absolute figures does not enable a general trend to be distinguished, it is possible to conclude that the execution of long-term prison sentences will present for member States in the near future a sizeable and difficult problem.

D. The effects of the execution of long prison terms

11. On the question of the effects of long prison terms the Sub-committee's experts, Dr Sluga and Professor Smith, have conducted their own empirical examinations and submitted their reports to the Sub-committee. In the course of detailed discussion these reports were orally explained and supplemented. Further reports and contributions of members of the Sub-committee, who are psychologists, or psychiatrists, or experts on correctional matters, have rounded off the picture.

I.

12. The report of the expert Dr Sluga (DPC/CEPC XXV (73) 1) is based on numerous individual psychiatric explorations, psycho-diagnostical examinations, and scientific psychiatric and geronto-psychiatric work with prisoners and inmates of homes. Of special importance as regards the results with which we are here involved is a systematic examination of 79 prisoners of Stein prison who were serving life sentences or terms of ten years' imprisonment or more. The prisoners were divided into groups of those having served five, ten and more than ten years. The inmates examined had thus been exposed to the effects of a strict and isolating form of deprivation of liberty for a very long time.

13. As a result of the psychiatric examination it was stated that, after a period of four to six years' imprisonment, there may be expected a so-called "functional psycho-syndrome" which is reversible and is essentially a separation syndrome.

According to Sluga, the characteristics of this syndrome are emotional disturbances, disturbances in comprehension and ability to think, infantile regressive changes in the mode of life, and difficulty in making social contacts. Among the many factors affecting this syndrome Sluga stresses the structure of the prisoner's personality, his age, the duration of imprisonment and the routine of prison life.

14. This shows that the selection of inmates examined and the duration of the negative effects of imprisonment are of great importance. It also shows that the statements on the effects represent average figures based on experience which on account of the special influence of the individual personality structure do not necessarily apply in every single case. The functional psycho-syndrome being a separation syndrome will be more distinctly pronounced the more and the longer the prisoner is isolated.

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15. According to Sluga, the effects of the functional syndrome which were mentioned above only in a general way consist in a marked loss of efficiency, a decline in the ability to concentrate, stereotyping and monotony of reaction mechanism, and a considerable loss of reality. The longer the imprisonment lasts, the more neurotic defence mechanisms recede whilst personality characteristics bordering psychotic deformation become more frequent.

According to Sluga, it may, therefore, be established by clinical diagnosis that chronic deprivation of liberty causes personality changes amounting to a diminution of personal attributes. Sluga seriously doubts whether the changes thus brought about can be equated with the desired rehabilitation of criminals.

II.

16. Two reports by experts on psychology were before the Sub-committee, namely by Mr Darling (DPC/CEPC XXV (73) 2) and by Professor Smith (DPC/CEPC XXV (73) 3). Smith made his investigations as a result of a special grant received from the Home Office. It is both a cross-sectional analysis and a longitudinal analysis involving 215 inmates of various English prisons who volunteered for the tests. It should be added that the population examined did not include any mentally defective prisoners or men known to be disturbed and that the tests were carried out in the conditions of everyday prison routine.

17. The persons to be tested were first divided into four groups, matched for age, each containing 50 men (25 determinate sentences, 25 indeterminate sentences). A further group consisted of 15 men who had been admitted much earlier than the other four groups and could not be matched for age. The groups were initially formed according to reception on current sentence.

The tests which were carried out in 1969 did not show any significant differences between these groups. A new division according to the total imprisonment served (i.e. the total time spent in prison on all previous sentences plus the time already served on the present sentence) resulted in four groups being formed with no significant differences in average age. There were three groups of 50 and one of 25 prisoners with a total average length of imprisonment served of 2.47, 4.94, 6.99 and 11.29 years respectively. This grouping then became the basis of the cross-sectional analysis.

19.07 months later both prisoners and controls (a group of civilians) underwent a second phase of testing for the longitudinal analysis. The expert said that the time between the two phases of tests was rather short, but this could not be helped owing to the duration of the research grant and the attrition of the sample.

18. The tests used were a great number of generally recognised or commonly used tests not specifically developed for prisoners, i.e. cognitive tests, personality tests, and tests of attitudes by a Semantic Differential which was specially designed for the study. As regards the numerous tests used and the sequence in which they were used, reference must be made to the report.

19. Smith said the results of the tests surprised even himself; he described them as follows:

The cross-sectional analysis of the cognitive tests showed no significant decline in general intelligence with increasing length of imprisonment. On the contrary, on some of the sub-tests there were even statistically significant improvements.

There was evidence of some decline in perceptual-motor reactions, at least on most of the tests used. Although no significant differences occurred, Smith especially stressed that in all of the WAIS sub-tests which had a considerable linguistic component (information, comprehension, vocabulary, verbal IQ) it was noteworthy that mean scores in these tests were well maintained.

20. On the personality tests there was a significant decline in the mean score for extraversion. While there was no significant trend of increasing neuroticism with total length of imprisonment, all the test groups recorded a higher mean score on the neuroticism scale than the normal population. Hostility, especially hostility directed toward the self, did increase significantly.

21. In the tests of attitude by the Semantic Differential there was a significant decline in self-evaluation.

22. About nineteen months elapsed between the first and the second phase of testing. The data obtained were further deployed because some of the men had meanwhile been released on parole while the others were still in prison. The parolees, as a group, showed significantly better results on some tests of emotional maturity and, as a group, included a significantly greater proportion of married men. They also tended to have had fewer convictions prior to the current sentence.

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23. Owing to normal remissions, parole, etc. the total sample for the longitudinal analysis was reduced to 119, arranged in four groups matched for age, although two complete sets of test results were obtained for 154 men. The prisoners showed significant improvement in some cognitive tests as compared with the first phase of testing. There was no significant difference in the amount of improvement shown by prisoners and non-prisoners except in cognitive tests where prisoners as a group had on average a better verbal I.Q. As to details of the results, reference is made to the report mentioned. It may be pointed out that in the second phase of testing some of the personality tests, too, showed better results than in the first phase.

24. Smith came to the final conclusion that the overall picture was not one of general deterioration of the prisoner. Neither the cross-sectional analysis nor the longitudinal analysis supported an hypothesis of massive decline either in cognitive functions or in personality with increasing length of imprisonment.

25. Darling's expert psychological opinion, supplementing Smith's stressed a few important aspects which usually do not receive enough attention in general discussions.

- (i) Often the influence of the normal passing of time and the stage of development or time of life through which the prisoner is passing tend to be neglected. As a result, some manifestations of personality development may too hastily be regarded as a reaction to imprisonment.
- (ii) Of great importance especially to young prisoners is the problem of "lost-time", the intractable problem of catching-up with persons of their age at liberty and the resulting feeling of inferiority.
- (iii) The problem of isolation is experienced in quite different ways by individual prisoners. Special additional problems arise for the married prisoner.
- (iv) The attitude towards the prison sentence and, consequently, the psychological adjustment to the time to be served varies greatly between first-timers on the one hand and recidivists on the other. The petty thief with a long criminal record will react differently from the impulsive violent offender.
- (v) The psychological influences of an indeterminate sentence are mainly negative.

III.

26. All the results of the psychiatric and the psychological investigations show how difficult and dangerous it is to generalise about the effects of long terms of imprisonment. Obviously the effects depend on three factors:

- (i) The prisoner's personality structure and personality characteristics. His personality and associated individual and social behaviour are relevant to his ability to deal successfully with the problem of a long period of isolation. Social factors, such as the social group to which he belongs within the prison and before sentence, also play a part.
- (ii) Deprivation of liberty does not have the same effects in every case. The negative effects largely depend on the measure of communication the prisoner retains, the chances of development, and the right to make his own decisions on matters which are left to him.
- (iii) The severity of the prison régime.

In addition, the absolute length of imprisonment has an influence although individual examples may show that even extremely long terms of imprisonment do not necessarily lead to a deterioration of the prisoner's personality and abilities.

27. In the light of these considerations some of the results of the psychiatric and psychological investigations that first seemed to be contradictory do appear to be compatible. The discussions in the Sub-committee clearly showed the need for obtaining further expert opinion on the effects of long-term imprisonment to be given by a team of psychiatrists and psychologists jointly. Such an opinion should be founded on a cross-sectional analysis and a longitudinal analysis to be carried out over an adequate period of time. In the analysis, the conditions of the imprisonment should be given special attention.

28. A critical evaluation of these results which were elaborated by different methods leads to the conclusion that the form which imprisonment takes in the individual case and the requirements of the personality concerned are of decisive importance. It may be assumed with a high degree of probability that the negative effects of long prison terms, as described, are not inevitable and may be counteracted by purposeful action.

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29. This statement at the same time gives rise to the hope that, by suitable measures, the negative effects of long prison terms may be kept within limits and even that the time spent in prison may to some extent be used to provide the prisoner with better means than he had before to cope with the problems of ordinary life. It must be realised, however, that conditions of life in prison place, to a certain extent unavoidably, some limits on all efforts towards genuine rehabilitation. Therefore, further exploration is needed of other forms of imprisonment and of possible alternatives such as treatment in semi-liberty or even in liberty.

E. Possibilities of counteracting adverse effects

30. On these questions some very useful contributions and suggestions were made by the psychiatrists, the psychologists and the experts on execution of sentences on the Sub-committee and, as a result, there was a considerable measure of agreement.

These propositions may be divided into four groups:

- (i) Propositions concerning the construction of prisons and their administration;
- (ii) Propositions concerning treatment;
- (iii) Propositions to improve communications with the outside;
- (iv) Propositions on the practical side of conditional release.

31. When considering the questions dealt with below it does not seem surprising that most of them concern the well-known problems connected with deprivation of liberty in general which merely become more accentuated and appear more aggravated, the more time the prisoner has served. To a great extent, therefore, the recommendations made are similar to those contained in the Standard Minimum Rules for the Treatment of Prisoners adopted by the Committee of Ministers on 19 January 1973 (Resolution (73) 5).

I.

32. The experts were in the main agreed that the special consequences of long deprivation of liberty suggested that long-term prisoners be separated from those serving short sentences (cf. also r. 7 and 68 of the Standard Minimum Rules) by allocating them to special prisons or special wings inside the prisons. Nevertheless, there have been some good results - namely in Denmark - after putting those serving shorter sentences together with long-termers, the

latter sometimes being a stabilising element in the institutions. Separation may take place in other respects, too: whilst opinion was divided on the question whether prisoners serving sentences should be separated from those kept in provisional detention, it was agreed that first offenders should generally be separated from recidivists. It was not considered necessary or advisable to provide for a further separation of prisoners serving long determinate sentences from those serving life sentences.

33. The problem of separation should not be subject to rigid rules but, rather, be decided by reference to the prisoner's individual needs in regard to treatment (cf. r. 60 of the Standard Minimum Rules). Therefore a separation according to the type of offence committed will not, as a rule, serve a useful purpose although the kind of offence committed can sometimes be taken as an indication of the specific treatment needed, as in the case of sexual offenders.

34. An important point in considering separation is the different security requirements. Until now, the requirements of security have very often been overestimated and applied even to prisoners for whom they are not necessary. These requirements will have to be assessed not only by reference to the risk of escape but also by the threat represented by the offences that have been committed or might be expected in the future. A realistic assessment of these risks should lead to the conclusion that for many prisoners less building and other expenditure on security is needed, thus reducing the costs of prisons, creating better conditions and improving the general atmosphere in the institutions.

On the other hand it should be mentioned that, in institutions where a higher standard of security is needed this reasonably high standard against the outside world generally allows a more liberal régime inside the institution. On the other hand experience has shown that an over-intensive security can produce effects contrary to those sought (e.g. closed-circuit television, dogs, police, etc.).

35. The problem of separation exists also inside the various prisons. Large institutions should be sub-divided into several departments. This appears to be the only way in which older, over large institutions can still be used appropriately. By building and administrative measures groups of prisoners who will live and receive treatment together should be formed. The Sub-committee was not in a position to recommend generally binding figures for the size of these groups. However, it was considered that a group of inmates living together should number from twenty to forty whilst a group of inmates receiving effective treatment should not exceed twenty.

With organisation, even in unfavourable structural conditions, groups that are small enough for the purpose may be formed and thus the individual treatment requirements may be met.

36. As prisoners serving long sentences are especially exposed to the dulling effects of prison routine a transfer to another prison will have to be considered in their own interests in the normal course of the execution of sentence, and not only in preparation for release. A transfer confronts the prisoner with new situations and problems forcing him to react to the different requirements of the new surroundings. Although the ties to certain persons in the institution are important, it must not be overlooked that, in the case of a very long deprivation of liberty, the prisoner is in danger of becoming too much used to those persons and unable to form new human contacts.

II.

37. Especially in the case of long termers any purposeful treatment, in the narrow as well as the wide meaning of the term, requires thorough examination of the prisoner's personality at the beginning of the enforcement of the sentence (cf. r. 67 and r. 70 of the Standard Minimum Rules). It should be considered how the prisoner himself conceives his situation and how he will react to it. The treatment programme and its permanent review have special importance in cases of long sentences.

38. At the beginning of the execution of his sentence the prisoner is in an especially difficult psychical situation. A rigorous initial period of imprisonment therefore serves no useful purpose. Rather, an attempt should be made to develop the prisoner's ability and his willingness to co-operate. In order to alleviate and reduce the difference in interest that to a certain extent necessarily exists between inmates and the personnel concerned with their treatment, as far as possible mixed "reception committees" should be formed consisting of members of the staff and inmates familiar with the life in the institution. They could make it easier for the newcomer to get used to life in the institution where he will have to spend some considerable time.

39. Where possible the prisoner should from the beginning be filled with a sense of co-responsibility for his own development during the sentence (cf. r. 67, para. 4 of the Standard Minimum Rules). This requires that the prisoners be given opportunities of having a say in certain matters concerning life in prison - to the extent to which it is compatible with security (cf. r. 71 of the Standard Minimum Rules). Such opportunities must vary with the type of institution and the circumstances and take account of the prisoner's personality. Practices of this kind deserve to be encouraged.

40. Any treatment programme must be based on a realistic assessment of aims. Any other attitude will lead to disappointments - on the part of the prisoner as well as on that of the treatment team - and will make success questionable from the beginning.

A warning must be given against any over optimism which is sometimes encountered concerning treatment. Having regard to the means available to the prison administrations in most member States, a change in the prisoner's personality structure cannot generally be expected. The treatment given to a client will only modify his capacity to adapt himself but will not really cure his defects.

41. The treatment programme must face these aspects especially in cases of long-term imprisonment. A term of five, ten or more years of imprisonment cannot reasonably be planned from the outset only as a transition to future life in freedom. There must also be provision of more immediate aims which the prisoner can achieve, involving some adjustment to the inevitable conditions of prison life and meaningful use of the prisoner's abilities.

42. In the case of prisoners suffering from serious personality disturbances, the therapeutical character of treatment will have to be stressed. This is possible only through the creation in the institution of an atmosphere that has been called a "therapeutic milieu". The whole institution should have the characteristics of a therapeutic community. This must not be taken to mean, however, that during his stay the prisoner will live in a "protected area", but rather that demands must be made on him. By and by, he must be enabled to live outside in freedom in the difficult conditions of our industrial society.

43. For other prisoners the most important thing is to be assigned to suitable work as soon as possible. Work therefore should not be regarded as a kind of therapy in the narrower meaning of the term. The kind of work offered and the abilities encouraged should be those which may enable the prisoner to earn his living after his release. Work is thus a part of the adjustment to the normal conditions of life in freedom. Any conflict arising with the requirements of treatment should not be resolved invariably at the expense of the work; instead, various measures taken at different times may be indicated.

44. Concerning work a reasonable remuneration system is of particular importance (cf. r. 77 of the Standard Minimum Rules). Adequate remuneration is the best way to motivate the prisoner and to equate as far as possible in this respect also his conditions of life to those in the outside world. Finally this gives him a minimum of economic resources and a certain freedom of choice. In the Sub-committee's view this is one of the key-points for any effective work in the penitentiary system. The Sub-committee thought that it should not deal with the problems of prison work in any more detail bearing in mind the terms of reference of Sub-committee No. XXXVII of the ECCP.

45. For individual treatment we can offer no ready-made ideas; rather, a many-sided, socio-therapeutic programme is desirable. In addition to the individual therapy that will be necessary in many cases, the methods of group therapy or other forms of group activities are of special importance.

46. In order to counteract the separation syndrome threatening in cases of long deprivation of liberty, attempts can be made to create within the prisons situations similar to those obtaining in life outside. These situations may be real, such as conditions in workshops which should, as much as possible, be similar to conditions outside. Prisoners should have the use of mass communication media, such as television, wireless, newspapers, and periodicals. Attempts may also be made to create in prison models of situations of life outside (by group therapy and group counselling).

47. Long sentences in particular pose very acutely the question of how long the therapeutic measures should last and of when it is suitable to take them. Treatment is much needed during the initial phase in order that the prisoner may get used to the institution and also during the period of unrest before release. In many cases there will be anxiety about failure outside which must be counteracted. As far as possible, prisoners should be given opportunities to assert themselves and to experience social success. The various joint committees or prisoners' councils (see para. 39, supra) are important means for this purpose.

III.

48. An important part of treatment within the wider meaning of the term is the strengthening of contacts with the outside (cf. also r. 37 of the Standard Minimum Rules). This is not only a help in the fight against the isolation syndrome but at the same time reduces some aggressiveness. The nature and intensity of these contacts again will depend on the type of prison and the prisoner's personality. Only a reasonable differentiation of the execution of sentences will create the conditions necessary for success.

49. In the isolation of the prison the exchange of correspondence with the outside is much more important than in normal life. It provides opportunities for contacts where, e.g. for security reasons or for legal reasons, visits and leave cannot yet be considered. Schematically applied restrictions, such as those imposed according to the length of sentence, do not do justice to its importance. In the Sub-committee's opinion any numerical restrictions on correspondence particularly for administrative reasons, should be abolished.

50. Letter censoring is often maintained as a matter of tradition - without any real necessity. In open institutions it may be entirely relaxed and even in closed institutions there should be less restriction. In suitable prisons the prisoners should be allowed in suitable circumstances to make telephone calls to the outside, as recommended by the Conference of Directors of Prison Administrations held in Paris in 1969. The same rules of censorship should apply to telephone calls as to letters.

51. Contacts with the outside world play a special part also in the sphere of work. An increased furtherance of outside work and more opportunities to work outside unguarded - especially in the later phases of the execution of long sentences - will help the prisoner to participate, as far as may be possible, in the changing development of the labour scene, which will make it easier for him to become integrated in it later.

52. Visits are particularly important in the case of long-termers. In many cases, these contacts are endangered because relatives and friends who at first support the prisoner tend to lose their inclination to visit him frequently as time goes by and they become used to his absence. The preservation of existing connections is important. The high divorce rate of long-termers speaks for itself. Therefore, visits should not only be allowed, but encouraged. This concerns not only visits by relatives and former friends, but also visits organised by official or private initiative from the outside (after-care and other welfare organisations) which will give an opportunity for more and new contacts. Different kinds of organised visits may also further a better understanding for all prison problems by the general public.

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53. The visitor meets the prisoner in a dangerous psychological situation. The external conditions of the visit should, therefore, if possible, be so arranged that disappointment after too high expectations does not lead to the prisoner's experiencing greater tensions and mental burdens than before. Where considerations of security permit, there should be no supervision of visits. Visits should be as long as practicable.

54. In cases of long sentences, leave is an important point of intensive contact with the outside world. It should generally be possible in open prisons and also, subject to considerations of security, in closed prisons.

55. Leave must not be regarded merely as an alleviation of the hardships of detention, as a "liberalisation". On the contrary, leave is a necessary part of a purposeful treatment programme. It not only provides an opportunity for establishing, maintaining, and strengthening personal relations, but is best suited to put the prisoner in a situation where he must react to the requirements of his social surroundings on his own responsibility. It is precisely the trust placed in him that encourages an attitude affirming his own indispensable voluntary co-operation. The members of the Sub-committee in whose countries the giving of leave is practised pointed to the generally encouraging experiences recorded so far.

56. Again, leave provides the best solution for the sexual problem, enabling the prisoner to have sexual contacts under normal conditions. Some members of the Sub-committee were of the opinion that this solution was preferable to sexual contacts in special visitors' rooms or in the cells. Others pointed out that generally leave can be granted too seldom and that some satisfactory experiments have been made - especially in Scandinavian countries - with appropriately equipped visitors' rooms. When these experiments were started, most members of the staff had been quite hesitant but this method now seems to be generally accepted. The Sub-committee was particularly interested in the system under which, in cases where for security or other reasons leave could not be granted, the family could make weekend visits during which they lived together with the prisoner in a separate part of the institution such as a bungalow or a special part of the premises.

Reference is also made to the conclusions of the Conference of Directors of Prison Administrations held in Paris in 1969.

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57. Familiarising themselves with the usual mass communication media and being able to analyse them critically is of great importance because other ways of communication are restricted. Where long sentences have to be served, this is an important chance for the prisoner to keep more or less abreast of economic and social, and even technical, developments outside and thus enable him to find his way in changed circumstances after his release. Restrictions should be permissible only where demanded by security requirements or other imperative administrative considerations.

58. Contact with the outside world must not be a purely one-sided affair. The public must be aware of the problems arising from the execution of sentences and to a certain extent be involved in what happens in the institution. Activities by various groups of the population, cultural performances in the prison, group talks, sporting events, and the like all serve to maintain relations with life outside and to ease the atmosphere in prison. The form and intensity of these contacts, depends of course on local conditions and the kind of institution; in principle, however, such endeavours should be encouraged. Similar considerations apply to the initiation of serious correspondence with persons outside the prison.

IV.

59. Especially in cases of very serious crimes long sentences are imposed also in consideration of their deterrent effect on other potential offenders and as a matter of "general prevention" of crime. The longer the sentence imposed, the more important it is to examine whether, for reasons of the deterrent effect of the sentence on the offender himself and his subsequent rehabilitation ("special prevention"), it is really necessary for the entire sentence to be served. In the case of long sentences, conditional release is of even greater importance than in the case of short sentences.

60. Hoping for conditional release and, consequently, for a reduction of the time to be served is an important factor in the prisoner's motivation and, consequently, the starting-point for obtaining his co-operation for his social integration. However, this effect may be brought about only if the prisoner's conduct and the development of his personality really have a strong essential influence on the decision.

Being fully aware of the different legal provisions and their practical application in the various States (cf. replies to the questionnaire DPC/CEPC XXV (72) 2), the Subcommittee, therefore, recommends that prisoners should not automatically be released after the expiry of a certain portion of their sentence. Such release should be seen as a chance which the prisoner may be given if he is not a

serious danger to the community and if, in consideration of his development and his conduct during the service of his sentence, the responsibility may be taken for treating him as unlikely to commit more offences outside the prison. Subject to these conditions, however, every prisoner should be granted a conditional release.

61. The time at which a conditional release should be considered is a problem that can be solved only with reservations. As mentioned above, the differences in the legal provisions and their practical application in the various member States render it difficult to make a universally valid recommendation. Nevertheless, the members of the Sub-committee thought that it would be desirable for conditional release to be granted after service of one half to two thirds of the sentence. This should not preclude considering conditional release before - if the circumstances of the individual case so indicate. Particularly in States where rather long sentences are imposed, there is a greater need to suspend the unserved part of the sentence even after service of a shorter part of the sentence.

62. The possibility of conditional release introduces an element of uncertainty into the enforcement of the sentence which can have a favourable effect only if this possibility is frankly discussed with the prisoner and in so far as realistic expectations are encouraged. The prisoner must be made to see in what measure it is up to him to influence the decision. The authorities competent to take this decision must get in touch with each other in sufficient time for a conditional release to be effected according to schedule. Raising unjustified hopes can lead to serious reverses in the prisoner's treatment.

63. All this requires careful preparation for release. The longer the time the prisoner has served the more thorough the preparation must be. This goal can be achieved only if the cases of all long-termers are periodically reviewed to see whether it is possible to release them.

In cases of long sentences there are many aspects of preparation; end of vocational training or re-training according to schedule, finding a job outside and, in appropriate cases, an early transfer to a prison near the future place of work, provision of identity papers, etc., finding a place to live, civilian clothing, etc.

64. These preparations should be made together with the prisoner. He himself should take care of at least some of these matters. On the other hand, it cannot be overlooked that, particularly where the prisoner has served a long sentence, he needs intensive help and advice in order to be able to cope with the quickly-changing conditions of the environment. The more he participates in the preparations, the better and the more realistically will he understand the circumstances into which he will be discharged and the less will be the danger of relapse.

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The prisoner must know to whom he may apply for help, what rights and claims he has (unemployment benefit, welfare payments, etc.).

65. Any appropriate preparation for release includes a multitude of transitional measures. To serve the last part of his sentence a long termers should be transferred to an open prison and should be given leave more frequently. A very important measure to make transition to complete freedom as smooth as possible is accommodation in pre-release hostels where high demands are made on the prisoner's own sense of responsibility. In almost all cases released long-termers will have to be supervised by a probation officer who will have to get in touch with them in prison, before release.

66. Many long-termers form an attachment to the prison and certain members of the treatment team. It should be possible to make use of such attachment if the prisoner gets into trouble again after release. Thus, the personnel of the prison should be able to assist him if he asks for help. In a crisis, suitable prisons should be able to accept a released prisoner and permit him to stay for a short time if he so requests. Although few former prisoners will avail themselves of this opportunity, it will, in these rare cases, be a great help.

67. From various points of view the Sub-committee discussed the importance of the public's taking a greater interest in the enforcement of sentences. This also applies to private initiatives for taking care of released prisoners. The information campaign undertaken by trade unions and employers' associations is important, too. Often people are not quite ready to give released prisoners a fair chance. Such readiness must be cultivated not only with public and private employers but also with the released prisoner's fellow workers who should accept him without prejudice in order to reduce his sense of isolation which may be dangerous to him.

68. However, a few negative aspects of interest shown by the public should here be mentioned: reports in certain newspapers about the release of prisoners whose crimes were sensational years ago may thwart all efforts of rehabilitation. The Sub-committee was decidedly of the opinion that, at the time of a conditional release, the public has no valid interest to be informed thereof. There is nothing which could justify drawing the parolee's name through the press again and thus creating an atmosphere that makes his unprejudiced acceptance by his fellow workers and neighbours difficult. Gratitude might be earned by a responsible press if it voluntarily refrained from publishing such reports or if rules of professional etiquette preventing such excesses were made.

F. Influence of the idea of "general prevention"

69. Under its terms of reference the Sub-committee also had to deal with the effect of considerations of "general prevention" of crime on the execution of long prison sentences. It did this from various aspects and had before it the report by Mr Corves (DPC/CEPC XXV (73) 16).

The Sub-committee started from the assumption that, when the courts impose long prison terms, considerations of "general prevention" of crime play an important part. However, the Sub-committee did not feel called upon to express its views on the extent to which the consideration of aspects of "general prevention" could be regarded as desirable from the point of view of policy for reducing crime.

70. When dealing with the influence of ideas of "general prevention" on treatment in prison, the Sub-committee assumed that such treatment must on principle be governed by considerations of "special prevention" (i.e. preventing the particular offender from committing any more crimes) even in cases where the length of the term imposed may have been affected by considerations of "general prevention". This results in a discrepancy which, in view of the currently predominant conception of criminal law, cannot be resolved. The fundamental task of correction is to develop and, if possible, to carry out, within the term fixed by the court, an appropriate treatment programme.

71. Considerations of "general prevention" should not therefore affect the way in which the sentence is enforced. It will not be possible to make the prisoner understand the justification for particularly severe measures which are due neither to general considerations of security nor to any personal reasons; such measures, therefore, will increase the psychological difficulties of individual therapy making the success of any treatment doubtful. Because of such measures the prisoner will build up a defence mechanism which makes difficult the co-operation which is necessary for his rehabilitation.

72. It did not appear to the Sub-committee that the method of, and any individual measures during, execution of the sentence ought to have a deterrent effect. As a rule, individual measures taken in prison are not publicised; for this reason alone, if for no other, they can have no deterrent effect on the general public or any third person. Consequently, even if one regarded the deterrent effect of specially severe treatment of convicted prisoners as a conceivable way of combatting crime, it would be unsuitable.

73. In some countries, ideas of "general prevention" may and, in fact, do in different ways influence the time of conditional release. From the point of view of the prison administration serious doubts must be raised about such influences at the moment of fixing the time for release in an individual case.

Making a useful programme for a long prison sentence is possible only if the enforcement of the sentence is from the beginning aimed at the prisoner's release to freedom, if the programme is based on realistic expectations, and if suitable incentives are offered to make the prisoner co-operate. When the prisoner has so developed that, on the necessary and usual prognosis, responsibility for conditional release can be taken, refusal to grant release and continuation of service of the sentence solely for reasons of "general prevention" can only have negative effects. The impossibility of setting up any further reasonable aims for the continued stay in prison and the prisoner's disappointment because, despite his genuine efforts, his hopes were thwarted may, on the contrary, endanger the results so far achieved during his stay in prison. Further service of sentence could only lead to the prisoner's becoming aggressive again.

74. If considerations of "general prevention" are to apply at all to conditional release, the only way to take them into account would be through suitable provisions concerning the conditions of release applicable in all cases. Laying down statutory criteria for the minimum time that must have been served and the requirements of the prognosis for release must be mentioned in this connection.

G. The problem of persons sentenced to life imprisonment

75. In its discussions the Sub-committee never lost sight of the special problem of life-prisoners. All the principles evolved for long-termers serving determinate sentences must also apply to them. They must be given the same opportunities of doing something useful, and they, too, must receive suitable treatment. Even persons sentenced to life imprisonment must be treated having regard to possible release and reintegration into the outside world. It was mentioned above (32) that separation of prisoners serving life imprisonment from those serving determinate sentences is not indicated.

76. The Sub-committee is of the opinion that it is inhuman to imprison a person for life without any hope of release. A crime prevention policy which accepts keeping a prisoner for life even if he is no longer a danger to society would be compatible neither with modern principles on the treatment of prisoners during the execution of their sentence nor with the idea of the reintegration of offenders into society. Nobody should be deprived of the chance of possible release. Just how far this chance can be realised must depend on the individual prognosis.

77. Apart from measures of pardon which in individual cases might possibly be taken in addition to and maybe earlier than conditional release, the legislator, in the Sub-committee's view, should give prisoners an opportunity of being granted a conditional release after a certain length or fraction of time has elapsed. In view of the great differences in the practice of the various member States, the Sub-committee was in a difficult situation. It nevertheless agreed on a number of points.

78. For one thing, the Sub-committee held that the release of persons sentenced to life imprisonment had to bear some relation to the release of persons sentenced to determinate prison terms. Consequently, the time when the release of persons sentenced to life imprisonment may be considered in the different member States depends on the practice regarding the release of persons sentenced to long, determinate imprisonment. To release a person sentenced to life imprisonment earlier than one sentenced to, say, fifteen years' imprisonment appears hardly justifiable. To this extent, therefore, the different maximum penalties provided for determinate sentences and the statutory or usual portion of the sentence to be served in the various member States play an important part.

79. By law or administrative ordinance it must be ensured that no prisoner may be "forgotten". His case must be reviewed regularly to decide when conditional release may be considered. Such periodical review is indispensable also because, especially in these cases, time consuming and careful pre-release preparations are, as a rule, required.

80. The great differences in the present practice of the various member States appear from the above-mentioned replies to the questionnaire. The Sub-committee realises that a great part of these differences is due to tradition and divergent public opinion and also depends on general social conditions. Therefore assimilation of the practice of conditional release - although desirable - will certainly take some considerable time. Even in view of these facts the Sub-committee thought that it should make some recommendations which, in its opinion, are in keeping with the modern state of knowledge and may encourage member States that follow a restrictive policy to review it.

81. When fixing the time for an examination of the personality development and, in appropriate cases, of the possibility of conditional release, it should always be borne in mind that the negative effects of long deprivation of liberty as a rule increase with the length of the imprisonment served. Although in the Sub-committee's opinion it would be desirable to examine the development of the prisoner's personality and the possibility of release at an earlier time, such a review should be made at the latest after eight to twelve years' imprisonment. If the result is negative, the review should be repeated at regular, not too widely spaced intervals.

82. The criteria for the prognosis of a prisoner who has been sentenced to life imprisonment should not be basically different from those of prisoners serving determinate sentences. The Sub-committee saw no reason to recommend any restriction.

In the course of its work the Sub-committee attached special importance to the problems of persons sentenced to life imprisonment and recommendations referring thereto.

H. Recommendations

83. According to its terms of reference, Sub-committee No. XXV is not only to submit a report on the specific problems of the enforcement of long prison sentences, but, as far as possible, also to draft resolutions. It has not been easy to decide which of the numerous problems should be made the subject of special recommendations or resolutions.

Having, in particular, regard to the common opinion held by the members of the Sub-committee that general judgments in the field of the enforcement of long prison terms are dangerous (cf. 26) and that reaction adapted to the particular needs of an individual prisoner is essential, it has been difficult to answer the question which conclusions could be incorporated in resolutions. Care had to be taken to avoid framing the resolutions in so general a way that they would be of little help to member States in taking decisions on crime control policy. In these circumstances the Sub-committee has confined itself to making a comparatively small number of recommendations each of which should be seen in the light of the observations contained in this General Report.

The recommendations were made unanimously.