

19th CoE Conference of Prison and Probation Services

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Honourable Chair, Ladies and Gentlemen

It is a great pleasure to open the 19th Council of Europe Conference of Directors of Prison and Probation Services, which is aimed for the management of both the prison and the probation services of the member states. This is actually the first time that the conference is officially named that way, although the directors of the probation services have, in fact, been invited to attend the Conferences of Directors of Prison Administration since 2004. That demonstrates well the development that has happened in the member states with community sanctions becoming a more significant part of their criminal policies. It is important that both the prison and the probation services function in close contact and cooperation with each other. In fact, the theme of our conference also sums up the basis of such cooperation at its best, which is shared goals and values.

Prison sentences and community sanctions are enforced in very different environments. Physical isolation from society is characteristic of imprisonment, whereas probation work is specifically carried out in the open society. However, the sanction forms have many things in common besides just the enforcement of the sentences imposed by the courts.

In Finland, the probation and aftercare work began in 1870 with the establishment of the Finnish Prison Association, which was a Christian charitable organisation. As the decades passed, its duties were included in the legislation, its organisation structure was changed into an association subject to public law (Probation Association) and it began to receive its funding mainly from the government. In the 1990s, the duties of the association included besides the supervision and support of parolees also the enforcement of community service and, at the turn of the millennium, the association was transformed into a public authority called the Probation Service.

During its whole existence, the association worked in cooperation with the Prison Service. Nevertheless, there were suspicion and distrust between them. At the end of the 1990s, the cooperation took a step forward as they drew up their basic policies together. In the basic policies, the organisations approved their joint values and goals. After a comprehensive discussion, it was decided that the most important values, which guided the work of the Probation Service and the Prison Service, were the respect for human dignity, justness and fairness as well as the belief in an individual's potential to change and grow. That tightened the cooperation between the two organisations responsible for the enforcement of imprisonment and community sanctions so much that, after a long preparation work, the organisations were ready to unite into one new organisation called the Criminal Sanctions Agency in 2010. Without the long discussion about the values and goals that lasted for over ten years, we would not have been ready to work together in one organisation and accept a joint strategy guiding our work in the future. With this, I am by no means saying that the Finnish or the Nordic organisation model would be the only right way. In the member states of the Council of Europe, there are various different ways of solving the arrangement of the enforcement of community sanctions and its relation to the prison services at

organisational level. Nevertheless, the important thing is that the work is based on a joint value system and that the goals are common or at least parallel.

On its website, the Council of Europe defines the basis of its operation as follows: "The Council of Europe is the continent's leading human rights organisation. It includes 47 member states. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law." Based on this, the member states of the Council of Europe have also approved those conventions and recommendations that guide the prison and probation services along with the national laws. The key recommendations are the European Prison Rules, the European rules on community sanctions and measures and the Council of Europe Probation Rules. The significance of the most recent recommendation on electronic monitoring will increase in future. The recommendations emphasise the human rights, respect for human dignity, fairness, rehabilitation and reintegration into society as well as the planned and goal-oriented nature of the work.

A distinct shared goal of the prison and probation work is to reduce recidivism and reinforce safety in society. Despite the differences in the criminal policies in different countries and at different times, the ethical basis for the values has been the assumption of an individual's potential to change. The assumption also applies to offenders' potential to change and desist from committing offences in future. It is recognised that the sentenced offenders will have served their punishment at some point and the offenders sentenced to imprisonment will be released and, by providing justice, the sanctions should reduce the probability of new offences and increase safety. From this viewpoint it is evident why, for instance, the European Prison Rules and the Probation Rules emphasise the principle of fair treatment.

The belief in the sentenced offenders' potential to change and the respect for rights have long seemed acceptable but they have been at a different level than the practical work. New research on the criminal sanctions field and especially on desistance has provided important proof and shed some light on the relation between them. The belief in the offenders' potential to change is based on the growing knowledge of how most offenders really do reduce offending and desist from a criminal life. It is known that the change processes are often long and complex but, before long, most of the offenders desist from crime. The question is how we can speed it up and avoid working in a way that slows down the change.

Recently, there has been more and more discussion on how the second factor I mentioned, that is the respect for the rights of the sentenced offenders, is connected with desistance from crime. The interest has in particular originated from the basis of community sanctions even though it also concerns prison sentences. Earlier, legitimacy was viewed only as the legitimacy of citizens and decision-makers and in relation to the credibility of the sanctions. Community sanctions cannot function as approved sanction forms if the sentenced offenders do not in some way comply with the related obligations, which is the penal content of the sanction. The loss of liberty included in imprisonment is a traditional sanction that is considered severe enough and, therefore, approved by the citizens. Imprisonment is also implemented in form of the loss of liberty despite the attitude and behaviour of the sentenced offender. Yet, how useful is that kind of imprisonment from the standpoint of the safety of society?

The compliance with the obligations, which is vital to community sanctions, has been considered to be linked to the legitimacy of the sanction and its enforcement also from the perspective of the sentenced offenders. The legitimacy of the sentenced offenders has been connected with the

perception of the justness, fairness and suitability of the enforcement. If the perceptions are positive, the approval of and the positivity towards the sanction and the enforcement officials can increase, which enhances the compliance with the conditions and the serving of the sentence. A better relationship between the sentenced offender and the official increases the possibilities to work together, which can speed up desistance from crime. On the other hand, there is evidence that negative experiences can have an opposite effect for quite a long time and that kind of negativity can be hard to change.

So how do we get information on how the offenders serving their sentences think about their circumstances or treatment? There is international high-quality research on the subject. Additionally, in many countries, the offenders can give feedback as part of questionnaires presented to them. In the panel session of this conference, there will be a presentation of a Finnish research on how the quality of the sentence enforcement is viewed among the prisoners, community sanction clients and the staff of the Criminal Sanctions Agency. The extensive research material was also used in a recent thesis concerning the subjective well-being of prisoners and the importance of interaction and treatment in prison. The results of that thesis were summed up as follows: “-- the prisoners did not consider the prison an uncomfortable place. They found the prison atmosphere to be good and were able to relax and be themselves in prison. Over 60 per cent of the prisoners stated that they were able to enjoy some of the things they did in prison. -- In open prisons, more than 65 per cent of the respondents felt positive about their well-being, whereas in closed prisons, only a quarter of the prisoners felt the same. The results of the thesis revealed that the participation in activities created well-being. The results also showed that a civilian work or study place improved the prisoners’ sense of well-being the most. The well-being of the prisoners who did not participate in any activities was significantly lower than that of others. According to the results, interaction, treatment and encounters were very significant from the viewpoint of the subjective well-being of prisoners.”

The belief that the prison security and the rehabilitative activities of the prisoners contradicted each other still prevailed in Finland as recently as 20 years ago but, nowadays, it is rarely encountered. All in all, the whole outlook on security has expanded fundamentally. We no longer focus on just maintaining prison order by means of supervision but we consider security more extensively also from the standpoint of the whole society. In fact, it is stated in the current Imprisonment Act of Finland that a sentence of imprisonment shall be enforced so that it is safe for society, prison staff and prisoners. According to the traditional way of thinking, imprisonment adds to the safety of society primarily by means of isolation. Now that the perspective has been moved to the long-term effectiveness of the enforcement of imprisonment, the important measures are those, which can be used to influence the prisoners’ behaviour after release. The measures, which promote desistance from crime, are now essential from the viewpoint of safety. This does not, however, reduce the significance of prison order. Only in organised conditions it is possible to arrange efficiently different activities, such as work, education and programmes, which improve the prisoners’ abilities to live without crime. On the other hand, participation in activities, which are purposeful for the prisoners, contributes to the maintenance of good order and atmosphere in prison. Security can be created by using positive means, which the prisoners consider fair.

In community sanctions, the perception of fairness is put to a real test when discussing the offences of the community sanction clients. The supervision and the compliance with the conditions are often perceived as a separate area of formal enforcement work, which is distinct

from the duties to help and to support rehabilitation. Both areas are admittedly important but they are often considered hard to match together and even contradictory.

It would now seem that a connection between them could be found in the manner how the formal enforcement is implemented. The perception of justice or injustice does not appear to arise from the consequences of the decisions (for instance, converting a community sanction into imprisonment) but from the applied procedures. It is more a question of breaking or confirming certain beliefs of the offenders according to which, for example, their views or overall situation are "never" taken into account, they are not heard or their destiny is not paid attention to. Regardless of how clear the breach of the conditions and the resulting consequence are, the matter can be handled either mechanically and universally or by taking into account the whole situation and the point of view of the offender. The manner of handling the matter can leave an image that we really do believe in the potential to change and that our work is based on justness and fairness or it can confirm the existing negative beliefs. Fair and ethical operation and the offenders' experiences of that can be the best way of moving forward and increasing the effectiveness and safety of our work.

To all the participants, this two-day conference provides a great opportunity to discuss our valuable work as well as the values and goals guiding it. I wish you an interesting and fruitful conference. Thank you for your attention.