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# **HISTORY AND ROLE OF APCCA**

## **Introduction to the 27<sup>th</sup> APCCA Conference (2007)**

This report is a summary of the proceedings of the Twenty Seventh Asian and Pacific Conference of Correctional Administrators (APCCA) held in Hanoi, Vietnam, from 25 November to 30 November 2007. The conference was attended by delegations from 22 jurisdictions in the Asian and Pacific region (See Appendix A). Generally, the delegations were headed by the Chief Executive, Commissioner or Director General responsible for Corrections, often accompanied by other specialist staff.

The conference was hosted by Major General Pham Duc Chan, Director of the Department of Prison Management, Ministry of Public Security in Vietnam. Vietnam has been a strong supporter of APCCA, having attended every conference since 1995. This was the first time that the conference had been held in Vietnam and the hosts selected a very meaningful conference theme - *For a Peaceful Life*. Valuable information was shared throughout the formal and informal parts of the conference, and new insights were gained on how to improve the position of both prisoners and prison officers. The generous hospitality provided by Mr Chan also ensured that every delegate left Vietnam with a greater sense of peace. His staff were professional and helpful, providing every possible assistance to delegates. Together, they ensured that the conference was not only professionally valuable but also a thoroughly enjoyable event.

Visits to correctional institutions have always been an integral part of APCCA conferences. Such visits complement the formal conference discussions and provide the best possible practical method for delegates to observe operations in other jurisdictions. For this conference, visits were conducted to the Phu Son Prison and Hoang Tien Prison. These visits provided delegates with valuable insights into corrections in Vietnam and with ideas and memories to take home with them.

## **APCCA History and Traditions**

The first APCCA meeting was held in Hong Kong in 1980, and developed from discussions between the then Director of the Australian Institute of Criminology and the then Commissioner of the Hong Kong Prison Service. Since 1980, the conference has met every year apart from 1990. From 1980 to 1992, the conference was assisted by the Australian Institute of Criminology and from 1993 to 2002 by Professor David Biles in a private capacity. During 2001 and 2002, APCCA established a new framework for its operations, with the drafting of the Joint Declaration (see below). The Joint Declaration established a permanent Secretariat and the Secretariat responsibilities have been jointly shared by Hong Kong (China) and Singapore. The Joint Declaration also set out the roles of the Rapporteurs. In 2003, Professor Neil Morgan<sup>1</sup> (who had been assisting Professor Biles since 1997) was appointed as Rapporteur and Ms Irene Morgan<sup>2</sup> (who had assisted at APCCA since 2000) was appointed as Co-Rapporteur. They were appointed to a new term at the 27<sup>th</sup> APCCA.

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<sup>1</sup> Professor of Law at the University of Western Australia.

<sup>2</sup> Formerly of the University of Western Australia and the Department of the Attorney General, now Senior Project Officer (Legislation) in the Department of Health of Western Australia.

Between 1980 and 2006, APCCA met in numerous nations across the region: Australia (four times); Canada; China (twice); Hong Kong (China) (three times); Fiji; India; Indonesia; Japan (twice); Korea (twice); Malaysia (twice); New Zealand (three times); Singapore; Thailand (twice) and Tonga (See Appendix I). The topics that have been discussed at the various conferences are set out in Appendices E and F.

Over this period, the conference has developed several traditions. For example, the conference is not open to general registrations but is strictly by invitation to the chief executive officers of correctional departments in the Asia Pacific region. It has also always been accepted that the host has the right to select those to be invited. Host nations have provided hospitality as well as logistical support and an appropriate venue.

APCCA has adopted a number of symbols that embody its enduring values and traditions. The symbols are a Fijian war club, an Indian oil lamp and a flag. Although a Fijian 'war club' might appear to carry connotations of aggression and violence, its true significance is that it is a sign of peace, harmony and civilisation when it is surrendered to another person. The Indian brass lamp is a symbol of learning and enlightenment. At the 2005 conference in Korea, APCCA also adopted a flag which had been prepared by the Corrections Bureau of Korea. This is symbolic of the long life and strength of APCCA.

## **APCCA Management and Joint Declaration**

An important stage in APCCA's history was the signing of a Joint Declaration (see Appendix N) by all the jurisdictions who were present at the 2002 conference in Bali, Indonesia. A number of other jurisdictions have signed up subsequently (see Appendix K for a list of current members). The Joint Declaration, which followed from the recommendations of a Working Party, sought to place APCCA on a firmer and clearer footing for the future whilst not detracting from its positive and well-established traditions.

Key features of the Joint Declaration include a broad statement of the organisation's goals, the establishment of a Governing Board (in place of the former Advisory Committee), the formalisation of the APCCA fund (including the establishment of a Finance Committee), and provisions governing the roles of the Secretariat and the Rapporteurs.

The Secretariat role has been shared by Hong Kong (China) and Singapore since 2001. Under the Joint Declaration, the Secretariat's work is to be reviewed by the Governing Board every two years. At the 25th APCCA in Korea (2005) and the 27th APCCA in Vietnam (2007), the conference recorded its great appreciation to Singapore and Hong Kong (China) and gratefully accepted their offers to continue the role.

Since 2003, Professor Neil Morgan and Ms Irene Morgan have served as the Rapporteur and Co-Rapporteur. As required by the Joint Declaration, their roles were reviewed by the 2006 APCCA in New Zealand, and their appointment was extended for the period 2007-2008. Under the terms of the Joint Declaration, they were offered, and accepted, a further three year appointment (for 2009-2011) at the 27th APCCA in Vietnam.

## **Conference Papers and Presentations**

Topics for APCCA conferences are chosen at the preceding conference. In March / April prior to the annual Conference, the Rapporteurs write a detailed Discussion Guide on the various topics (see Appendix D). This Guide provides a suggested structure and a series of suggested questions for both the Agenda Items and the Specialist Workshops. Most of the papers followed this structure, allowing a more structured discussion of the topic in question. Presenters also used Powerpoint as an aid to formal presentations.

In accordance with APCCA tradition, all delegations made formal presentations to the whole conference on Agenda Item One. The Rapporteur then provided a thematic analysis of the issues raised by the various papers. Discussions on Agenda Items Two to Four were held in concurrent 'break out groups' and the facilitators of each break out group then presented a summary of the discussion and findings to the conference as a whole. The Specialist Workshops were also conducted in concurrent groups but there was no report back to the conference as a whole.

## **Conference Report**

One of the most important features of APCCA has been the production of conference reports, the writing of which is the responsibility of the Rapporteur and the Co-Rapporteur. The reports are not just a record of the conference but a thematic analysis of the matters raised during the Agenda Items and Specialist Workshops. Over the years, many delegates have commented on the value of these reports as a resource in developing the correctional laws and practices, even if they have not been able to attend the conference in question. In addition, the report includes statistics which are compiled by the Hong Kong (China) branch of the APCCA Secretariat.

The Rapporteurs commenced work on the report before the conference and completed the draft report around one week after the conference concluded. The draft report was then distributed by email to delegations for comments to be returned by the end of December. The Rapporteurs reviewed and coordinated the suggested amendments before finalising the report in January 2008.

## **OPENING CEREMONY AND OFFICIAL SPEECHES**

The opening ceremony was held in the conference venue, the Hanoi Convention Centre. It began with the APCCA symbols being escorted into the room and also included a welcome speech by Major General Pham Duc Chan and an address by Mr Le The Tiem, Deputy Minister of the Ministry of Public Security of Vietnam.

### **Welcome Speech by Major General Pham Duc Chan, Director of the Department of Prison Management, Ministry of Public Security of Vietnam**

*Honorable Mr. Le The Tiem, Deputy Minister of Public Security,  
Mr. Barry Mathews, Chief Executive Department of Corrections, Newzealand,  
Mr. Mustafa Bin Osman, Director General of Prisons, Malaysian Prisons  
Department,  
Professor Neil Morgan and Mrs. Morgan,  
Distinguished delegates and guests,  
Ladies and Gentlemen,*

First of all, I would like to express my cordial welcome to all of you for participating in the 27<sup>th</sup> Asian and Pacific Conference of Correctional Administrators.

On behalf of the Conference, I wish to thank the Honorable Mr. Le The Tiem, the Deputy Minister of Public Security of Vietnam and the in-house delegates acting as observers for being here this morning. Your presence signifies the strong support the Vietnamese Government has given to this Conference.

This is the first time Vietnam plays host the Conference. With the history of nearly 30 years establishment and 27 conventions, APCCA has shown its due role as a forum for international discussion for correctional administrators in the Asia and Pacific region to exchange ideas to seek for more effective solution in the field of corrections. Together with the social development, APCCA has developed its significant role and traditions.

Being a member of APCCA, Vietnam Department of Prison Management is delighted to see the APCCA grow from strength to strength and wish to keep going to contribute its part to the development and performance of this annual conference.

As Chairman of the Conference, I wish to thank Professor Morgan and Mrs. Morgan for agreeing to serve as Rapporteur and Co-rapporteur of this Conference. I also wish to thank Mr. Chua Chin Kiat, Director General of Singapore Prisons Service, Mr. Kwok Leung Ming, Commissioner of Hong Kong Correctional Services for their serving as the APCCA Secretariat and APCCA Fund Administrator. Great thanks should go to my colleagues from other jurisdictions for their serving as facilitators of the Conference. With their professional assistance, I believe that a high quality record and discussion report of the Conference will be successfully completed as we have expected.

*Distinguished delegates and guests,*

This conference will proceed in the form of simultaneous discussion of breakout groups like the previous conference in Newzealand. I am confident that all of our staff will do their best to collectively cooperate to ensure your stay in Vietnam without any inconvenience. If you need any help, please do not hesitate to contact our staff at any time.

Lastly, I wish you good health and happiness during your stay in Vietnam.

Thank you.

**Address by Mr Le The Tiem,  
Deputy Minister of the Ministry of Public Security of  
Vietnam.**

*Honorable delegates and distinguished guests,  
Ladies and gentlemen,*

The 27th Asian and Pacific Conference of Correctional Administrators is held in Ha Noi, Viet Nam. On behalf of the Ministry of Public Security of Viet Nam, I would like to express my warmest welcome to all delegates and observers from various countries for participating in this important event.

Over the recent years, Viet Nam has undertaken a comprehensive reform and gained great success in the socio-economic fields. Together with general achievements of the country, the management and rehabilitation of prisoners also obtained significant changes. On the other hand, it is facing with major challenges: the growing of many new type of crimes such as drug and drug addict offenders, economic crimes, multinational and organized crimes.

The rehabilitation of prisoners to become good citizens is the main aim and mission for the sentence execution organs as a whole. To achieve this noble goal, the policy of the Vietnamese Government towards prison including an effective measure system that is stipulated in the judicial documents such as education of law, morality and labour, cultural education and vocational training... as well as other means of encouraging prisoners to behave well for early release and reintegration into community.

The human tradition of the Vietnamese people expressed in the law system about corrections and the renovative cause, to continue implementation of the “judicial reform” strategy in dealing with the above challenges.

The prison system in Viet Nam co-ordinates closely with the judicial organs to protect the prisoners’ rights as stipulated by the law. The Inspections supervise the observance of law in the detention, management and rehabilitation of prisoners. The Court decide the remission and early release for prisoners base upon proposals of the Prison Department. The Amnesty has affected strongly to prisoners and their family as well as community.

*Distinguished delegates,*

The 27th Asian and Pacific Conference of Correctional Administrators is held in Ha Noi, capital of Viet Nam. This is a great honor of the Vietnamese Ministry of Public Security in general and the Department of Prison Management in particular. This is an useful forum for international discussion for correctional administrators in the Asian and Pacific region to solve current issues in correctional fields that contribute to the prevention of crimes and consolidate social stability as well as regional development.

During this conference, the Vietnamese delegates wish to share experience not only in the professional fields but also consolidate friendship and co-operation with their colleagues in the Asian and Pacific region.

On behalf of the Leadership of the Vietnamese Ministry of Public Security, I wish you good health and thank you for your presence at this Conference.

Thank you.

# **AGENDA ITEM ONE**

## **NATIONAL REPORTS ON CONTEMPORARY ISSUES IN CORRECTIONS**

### **1. Introduction**

For many years, the formal Agenda Items at APCCA conferences have commenced with papers on the topic 'National Reports on Contemporary Issues in Corrections.' The purpose of this Agenda Item is to give delegates an opportunity to present an overview of major trends and issues in their jurisdictions, especially over the past twelve months, and to highlight both positive developments and issues of concern. As APCCA has developed, the papers have become increasingly detailed and sophisticated. The oral presentations were of around 10 minutes' duration and were based on the more detailed written papers that each delegation had provided. Professor Morgan then provided an analysis of the key themes.

APCCA is unique in bringing together senior executives from correctional departments in very diverse countries. This conference was attended not only by some very populous countries (including India, Indonesia and Vietnam) but also by several small Pacific Island nations (Fiji, Kiribati, the Solomon Islands and Vanuatu). Inevitably, the national reports revealed a wide range of issues, reflecting different traditions with respect to corrections as well as the cultural, historical, economic and political diversity of the region. Nevertheless, it was clear that correctional administrators face many common issues. The approach that was outlined in the Discussion Guide prepared by the Rapporteurs (Appendix D) was generally followed in the papers and is reflected in the following analysis.

### **2. Catering for External Factors**

Correctional systems can be directly affected by the general socio-economic and political climate of a society. For example, at times of political upheaval or economic difficulty, prison systems may face particular pressures and financial constraints. Globalization also presents many challenges. Furthermore, terrorist threats and natural disasters (such as the Indonesian earthquake and the ensuing tsunami in December 2004, serious floods in parts of China and Vietnam and a tsunami in the Solomon Islands in 2007) have all impacted on correctional services over recent years. The Discussion Guide invited delegates to consider how issues of this sort have affected service delivery.

#### **(a) Economic development and globalisation**

As suggested by the Vice Minister of Public Security in Vietnam, Mr Le The Tiem noted in his opening speech to this conference (see the report of the Opening Ceremony, above) corrections is part of a far broader system, and globalisation and economic development are a mixed blessing. On the one hand, they create better employment opportunities for all members of society, including ex-prisoners. But on the other hand they present significant challenges. India, for example, must deal with the challenges arising from mass urbanisation, as more and more people move to the cities. Malaysia, Brunei and a number of other countries are witnessing a flood of illegal entrants looking for work. There are also increased opportunities for

economic crime (a point that was made by Macao with respect to the boom in gambling), internet crime, and criminal activities that spread across borders (such as people trafficking, an issue mentioned by Vietnam). The paper by Japan also made the important observation that the gap between rich and poor may widen at times of economic growth, as some miss out on economic prosperity. Economic prosperity and low unemployment can also cause very specific difficulties for some countries (including Australia and New Zealand) in terms of the ability to recruit high quality staff in a buoyant job market.

#### **(b) Political instability and pressures**

Politically, most parts of the region have been relatively stable over the past year. For example, the Solomon Islands has continued its rebuilding programs in the aftermath of both ethnic troubles and a tsunami (see also Specialist Workshop One). However, difficult challenges remain for all parts of the region in terms of how best to respond to potential terrorist threats. Indonesia, amongst others, made particular mention of this issue. Unfortunately, Sri Lanka continues to experience ethnic tensions and serious associated violence (including a suicide bomb in Colombo in the course of the conference). Inevitably, this creates problems for prison management.

A number of countries (including Australia, New Zealand and Canada) also commented that it can sometimes be difficult for correctional departments to strike the right balance when governments adopt a punitive 'law and order' rhetoric which cuts across the focus on rehabilitation and re-entry.

#### **(c) Environmental sustainability and climate change**

The written papers showed several signs of the growing importance of environmental concerns and climate change initiatives on the provision of correctional services. Vietnam, for example, referred to the problem of sewage treatment and Australia to the question of water shortages and power consumption. This will be a topic for further discussion at the 2008 APCCA conference.

### **3. Prison Populations**

All jurisdictions provide the APCCA Secretariat with statistics on matters such as the total number of prisoners, the number of male and female prisoners and the imprisonment rate per 100,000 of the population. This information is presented in tables in the Appendices and will not be repeated in detail here. The aim of this part of the report is to reflect on trends in this critical area.

#### **(a) General trends**

Naturally, there are large differences in the rates of imprisonment across the region, as measured per 100,000 of the population. From the point of view of prison management, however, the rate per 100,000 at any given time is probably rather less important than trends. National imprisonment rates per 100,000 of the population and trends over time are set out in Appendix B.

#### ***Increasing prison populations***

In many places, including Vietnam, the number of people in prison has increased over recent years. Cambodia attributed its rise in prisoner numbers to improved law

enforcement and policing. India continues to experience rather serious overcrowding.

Some countries have experienced a consistent and dramatic increase in the number of people imprisoned per 100,000 of the total population. New Zealand's prison population has grown very rapidly over the past 20 years and underwent another increase over the past 12 months. Malaysia's prison population has grown by over 60% since 1999 and, subject to the possible effects of the parole system that is due to be introduced in 2008, may increase further.

Indonesia (a 60% increase since 2002) and Sri Lanka are also experiencing big increases. Japan's prison population is increasing rather more slowly (3.1% in the past 12 months) but consistently (over 50% over the past 10 years). Australia's prison population has grown by 45% over the past decade (during which time the national population has risen by just 15%) and continued to grow in 2006-2007 (by 5.6%). However, incarceration levels and trends vary widely between the different Australian states and territories.

Prison populations are also rising in many of the Pacific Island nations including Fiji (around 20% since 2002) and Kiribati. Mongolia also recorded a large increase in prisoner numbers (12.5%) in the past year.

### ***Stable or declining prison populations***

However, it is important to note that a significant number of countries have experienced relative stability or even a significant decline in prisoner numbers. For example, Laos reported a drop in numbers. Canada's prison population increased slightly in 2006-2007 (4%) but has been relatively stable for many years. Macao (China)'s imprisonment rate has been relatively stable for a number of years and has declined over the past 12 months. Brunei and Hong Kong (China) have also seen a slight decline in prisoner numbers.

The most significant long term declines are probably to be found in Korea and Singapore. In Korea, the prison population steadily increased during the 1990's to over 70,000 inmates but has subsequently dropped to less than 47,000. Singapore's prison population has dropped by almost 30% since 2002. After a very rapid rise and a peak caused by its 'war on drugs' in the early part of the 21<sup>st</sup> century, Thailand saw witnessed a big decline from 2003 to 2006, though the last year trended upwards.

### **(b) Sentenced and unsentenced prisoners**

There is considerable regional variation with respect to the definition and position of unsentenced prisoners (people who are remanded in custody prior to trial, who are on trial, or who are detained for some other reason, including national security reasons). In part, these differences reflect different investigative procedures, legal requirements and criminal justice traditions. Singapore, for example, identifies four groups of unsentenced prisoners – remandees, illegal immigrants and drug detainees and criminal law detainees (who may never be placed on trial). And in Canada the national correctional system is responsible for only prisoners sentenced under federal laws, with unsentenced prisoners being held in provincial or regional prisons.

The proportion of unsentenced prisoners varies widely across the region – from less than 10% of the prison population in Brunei, Fiji, Kiribati and Singapore to 41% in

Malaysia, 45% in the Solomon Islands and more than 65% in India and Sri Lanka. Most jurisdictions fall in the range of 10% to 30%.

In terms of trends, there is no single uniform pattern. Some jurisdictions have experienced a decline in the number of unsentenced prisoners. In Korea, there is still a relatively high proportion of unsentenced prisoners but the number of such prisoners and the ratio of sentenced to unsentenced prisoners has declined rapidly since 2000.

However, in several jurisdictions, the unsentenced prisoner population is increasing, both in numerical terms and as a proportion of the total prison population. Malaysia, Australia and New Zealand have all seen big increases in the overall use of imprisonment, and the remand population has been rising faster than the sentenced prisoner population. Canada has also experienced an increase in its remand population over recent years, though the trend appears to have slowed. Such trends are of particular concern when, as India pointed out, a significant proportion of remandees are either acquitted or receive a non-custodial sentence.

### **(c) Offender demographics**

#### ***Sex***

Women still form a relatively small percentage of prison populations. However, many papers expressed concern at the growing number of women in prison. The lowest rates of female imprisonment appear to be in India and the Pacific Islands (including Fiji, Kiribati the Solomon Islands and Vanuatu) where women are less than 3% of the prison population. Most jurisdictions have a figure of between 3% and 7% (Australia, Canada, China, India, Indonesia, Japan, Korea, Mongolia and New Zealand). Malaysia, Macao (China) and Singapore have a somewhat higher figure. The highest figures for female representation are found in Brunei (20%) and in Hong Kong (China) and Thailand (both over 20%).

In some countries, the proportion of female to male prisoners is fairly stable. However, several papers expressed concern at the fact that women prisoners form a growing proportion of growing prison populations. In Australia, the number of female prisoners has doubled over the past decade whereas the number of male prisoners has increased by around 40%. Similar trends were reported in Brunei, Canada, China, Japan, Indonesia and Singapore.

#### ***Age***

Papers to this APCCA conference confirmed the findings of the recent conferences, namely that the average age of inmates is generally increasing. To some extent, this is an inevitable consequence of the general population getting older; as the Korean delegation put it, 'we are moving towards an aged society even behind bars.'

However, in some places, the trend towards older inmates also reflects the fact that more older-aged offenders are being incarcerated, including men who are convicted of sexual offences that were committed many years earlier (see also Specialist Workshop 1, below).

#### ***Indigenous and other ethnic status***

Many of the prison systems around the region face issues with respect to the ethnic breakdown of the prison population. In Singapore, Malays are over-represented and

indigenous Fijians are over-represented compared with Indian Fijians. However, the highest over-representation problems are probably found in New Zealand, Canada and Australia.

In New Zealand, Maori constitute 14.5% of the national population but around 50% of the prison population and Pacific Islanders are also greatly over-represented in the prison population. However, it was very clear to conference delegates that within New Zealand Corrections, there are some very positive initiatives and positive role models for such offenders.

Indigenous Canadians constitute around 3% of the national population and around 18.5% of federal prisoners. Australia's figures are even more disturbing. Nationally, Aboriginal people are 2.4% of the general population but 24% of the prison population. The situation varies between jurisdictions and is worst in Western Australia (around 3% of the State's population but 43% of the prison population).

### ***Foreign prisoners***

Vietnam noted its continuing concern about the growing number of foreign nationals in prison. This can be attributed to the effects of globalization and macro economic change. For example, Hong Kong (China) and Macao (China) face particular problems with large numbers of inmates from mainland China and illegal immigrants. Brunei and Malaysia also recorded a high proportion of admissions of foreigners. Even countries which have traditionally had a homogeneous local prison population (such as Korea and Japan) are now seeing an upturn in the number of foreign inmates. Thailand continues to have a large number of foreign inmates.

The country papers show that the number of agreements with respect to the international transfer of prisoners is increasing year by year (including countries that do not regularly attend APCCA such as Laos and Myanmar). Furthermore, the number of actual transfers under these agreements is also increasing.

### **(d) Overcrowding and associated problems**

Most prison systems in the region are operating at or above official capacity in one or more parts of their operations. Overall, although there has been an expansion of capacity in many places over recent years, this has barely kept pace with the rise in the population. Sri Lanka (operating at double official capacity), India (148%), Indonesia and Malaysia reported major overcrowding. Fiji, Japan, Australia, Mongolia and New Zealand also face significant pressures.

It is important to stress that overcrowding problems vary not only between jurisdictions but also between different groups of prisoners and different security levels. Sometimes, as in Hong Kong (China), the overall figures do not appear problematic but female prisoners do face overcrowding (111%). Unfortunately, women also face overcrowding in several other parts of the region (including Malaysia and parts of Australia).

### **(e) Accounting for the trends**

There is no simple link between crime rates and imprisonment rates. For example, some countries may have a high imprisonment rate and a low crime rate; some may have a low imprisonment rate and a low crime rate; and others may have a high crime rate and a high imprisonment rate.

Japan and Malaysia attributed much of the increase in their prisoner numbers to higher crime rates (and, in the case of Japan, to an increase in foreign prisoners), and in Hong Kong (China), the stability of the prison population was attributed to a drop in crime rates.

However, the papers also indicated that crime rates do not entirely account for the trends, and that broader political and criminal justice system factors are involved. In Cambodia, for example, more efficient police and prosecution practices are a major factor in the growth in prisoner numbers. And although Korea's declining rate of imprisonment may partly reflect a drop in crime, it also has a great deal to do with changes to police, prosecution and parole practices. In Thailand, Mongolia and Vietnam, extensive use is made of pardons and this can drastically impact on prisoner numbers.

In both Australia and New Zealand, the increasing imprisonment rate seems to be at odds with the downward trend in the countries' general crime rates. However, there is some evidence of more serious offending within some offence categories (including some types of violent and non-cannabis drug offences). Other factors include 'tougher' legislation and improved police clearance rates.

Singapore's dropping imprisonment rate is partly attributable to its low crime rate and also seems to reflect a reduced recidivism rate amongst ex-prisoners. In Thailand, some of the decline is a result of referring more drug offenders to drug rehabilitation centres rather than prisons.

#### **4. Legislative and Policy Framework of Corrections**

As at previous conferences, all countries commented on the importance of good modern prison legislation and some indicated that their legislation is rather outdated. This point was again made by several countries, including India, whose Prisons Act dates back (albeit with some updating) to 1894.

One of the most important matters on which to report is the revision and updating of correctional legislation across much of the region. In many places, these revisions are undoubtedly influenced by the knowledge that is shared in APCCA and in other international forums as well as by a growing interest in international human rights standards. Reforms to legislation on corrections will also often reflect broader changes to the criminal justice system.

Vietnam reported that during 2007, new decrees had been brought into force with respect to judicial reform, criminal procedure, the execution of sentences and amnesties. These decrees will provide the basis for ongoing development and enhancement of correctional capacity in the country. Cambodia also reported a number of major significant changes to its framework of prison management. Laos commented that they do not yet have detailed laws relating to prison administration but are actively working towards this goal. Myanmar commented that the goal is to become a corrections department and not merely a prisons department.

In the Pacific Islands, Fiji and Vanuatu reported on legislative and policy changes that are designed to shift the focus away from 'prisons' and towards 'corrections', rehabilitation and reintegration. In 2005 Fiji enacted legislation to cover prison management and community corrections and in 2006 Vanuatu enacted a Correctional Services Act. The next challenge in these nations will be to roll out and implement the new approaches 'on the ground'. The Solomon Islands noted that

their legislation, which dates from the 1970's, is out of date and in need of reform. It is anticipated that major changes will occur within the next two years.

In Japan, a new Act came into effect in May 2006 with respect to sentenced prisoners, and another Act, dealing with unsentenced prisoners, came into force in June 2007. The Japanese legislation is very strongly influenced by calls for more accountability and for more focus on rehabilitation. It therefore includes better grievance mechanisms and provisions regarding the delivery of treatment programs.

Korea, too, is continuing to develop its laws in light of human rights and rehabilitative expectations. The delegation reported that new legislation had passed through the National Assembly in the week before the conference and that new administrative structures are being developed to support this new framework.

Malaysia reported that a number of changes are in the pipeline. The most important of these, a parole system, has been planned for a number of years and is expected to come into effect during 2008. Administration of the parole system will be the responsibility of the Prisons Department and arrangements are being made for the training and allocation of officers to the parole system.

Singapore appears likely to see a legislation to support the increasing emphasis on community based sentences over the coming years, following some successful innovations in the use of restorative justice and home detention (including electronic monitoring) over recent years.

Sri Lanka reported that, after many years of discussion, a new draft Prisons Ordinance has been finalized and is before the Parliament. In addition, a Human Rights Bill is being considered, as well as a fundamental restructure of the prisons department.

The report of the 26<sup>th</sup> APCCA referred to the establishment in New Zealand of the Effective Interventions Project. This project has seen legislation to develop new 'front end sentences' (including the electronic monitoring of curfews and of home detention), as well as a tightening up of early release schemes such as parole. As part of this set of reforms, a Sentencing Council is also being established to develop and promote more sentencing guidelines for courts.

The majority of papers saw both strengths and weaknesses in the growing focus on 'human rights' and the growing involvement of independent accountability agencies (including courts, ombudsmen and prisons inspectorates). On the one hand, this human rights focus may be of assistance in planning future prison developments, including the development of a more positive and fairer prison regime (a point made by the Australian delegate). On the other hand, as noted by India, Indonesia and Malaysia, difficulties can sometimes arise between effective prison management (including the discipline of prisoners) and compliance with the expectations set by human rights legislation and independent accountability agencies. In all of these countries, a multitude of bodies now seem to be 'pressurising' correctional services. Thailand noted that its constitution, which places a stronger focus on human rights, must now be a stronger element in corrections planning and service delivery.

The question of the balance between human rights and the effective management of prisons has become a topic of such importance to APCCA members that, prompted by the recommendation of the 2008 hosts, it was chosen as a specific topic for the 28<sup>th</sup> APCCA conference in Malaysia.

## **5. Technology**

It was again acknowledged at this APCCA conference that technological advances can never displace human engagement with prisoners and that technology poses both opportunities and risks. The opportunities include enhanced security and efficiency in prison management. The risks include technological failure, computer viruses and the fact that prisoners may obtain mobile phones or other devices. This, in turn, has generated discussion and testing of technology for 'jamming' mobile phone signals.

Innovations that were discussed at this conference included the use of technology for movement tracking, intelligence gathering and coordination, and contraband detection. Body scanners are increasingly used to try to prevent contraband entering prisons and Malaysia has developed a 'camera chair' to detect whether newly received inmates have secreted phones or other contraband.

Many jurisdictions are using making greater use of video links and internet conferencing in innovative ways. These include linkages to courts for selected hearings such as routine bail applications or Parole Board hearings. India has a particular interest in this option. Korea, Singapore and Thailand continue to promote 'E-Visits' by family members. These systems can also be used, where appropriate, by lawyers and for meetings. Vietnam has greatly expanded its use of telephone contacts between inmates and their families over recent years.

## **6. Rehabilitation and Reintegration**

The single most important shift in APCCA over the past decade has been the greater emphasis on rehabilitation and reintegration rather than on the security and control of prisons. This conference revealed a number of successful rehabilitative innovations which are discussed in more detail under the reports of other agenda items and specialist workshops.

However, it is important to highlight one specific point of general importance. Many of the examples of successful rehabilitation and reintegration innovations in the region are not conceptually difficult and do not hinge on complicated technology; instead, they are often simple in concept and purpose, and grounded in common sense. Carefully-developed initiatives of this sort can also assist in bridging the gap between prison and the community.

India, for example, has found that there is a great deal to be gained from drama and meditation, and prisoners have responded positively to the trust they have been shown in being allowed to travel and perform in public. Thailand has also made use of prisoners' musical, artistic and dramatic talents to reach into the community.

Both Hong Kong (China) and Singapore reported on initiatives to improve prisoners' reading skills. In Singapore, this has been neatly tied to enhanced family contact by permitting prisoners to read stories for their children, either through Internet visits or by means of CD recordings that can be sent to the family.

## **7. Regional Collaboration**

There are many examples, both formal and informal, of regional collaboration on correctional matters. For example, Hong Kong (China) and Singapore have long shared knowledge on some matters. There are also many examples of Australia and New Zealand's commitment to capacity building in the Pacific Island nations and other parts of the region.

However, there are also indications of new alliances and professional collaborations. Three examples that emerged during this conference were as follows. First, the new Heads of Pacific Islands Correctional Conference (HOPICC), which received the moral support of APCCA in 2006, met for the first time in the Solomon Islands in August 2007 and will meet in Fiji in 2008. This will provide a stronger basis for the nations in question to share between themselves and to contribute, en bloc, to APCCA. Secondly, Singapore has agreed that Fiji can adopt the Yellow Ribbon Campaign 'badge' as it moves to implement new community corrections initiatives. Thirdly, Vietnam has been actively supporting capacity building in Cambodia and Laos, and shortly after APCCA concluded, all three countries held a meeting in Cambodia to develop and strengthen their correctional ties.

## **8. Conclusion**

The papers and presentations on this Agenda Item were of a high standard and conference participants were greatly assisted by the use of Powerpoint presentations. This allowed the different jurisdictions to articulate their major themes and issues in a clear and concise format.

As always, the issues of funding and prisoner numbers were strong themes. Another major theme was the expanding focus on human rights across the region and the challenges that this can pose for correctional services.

However, there are many positive developments. In several places, the prison population is declining and many countries now have a firm modern legislative framework to implement modern correctional philosophies. There is a great deal of activity in terms of prison construction, there is evidence that jurisdictions are now better prepared for emergencies and there is a growing sense of regional collaboration, complementing the activities of APCCA.

One of the most important aspects of APCCA is that participants can develop a longer term perspective on other jurisdictions' problems and issues, and are able to reflect upon changes that have occurred over a period of time. There is no doubt whatsoever that all APCCA's members have managed to make great improvements to their correctional systems over the past decade.

# **AGENDA ITEM TWO**

## **MANAGING SPECIAL GROUPS OF OFFENDERS**

### **1. Introduction**

In modern correctional systems, there are numerous groups of offenders who might be termed 'special groups', including women, ethnic minorities, foreigners and unconvicted prisoners. However, the focus of this Agenda Item (based on the suggestions made to the Agenda Committee at the 2006 conference) was on three specific groups, namely, terrorists, offenders with mental health problems and personality disorders and elderly inmates (especially those undergoing lengthy sentences).

Some categories of offender (such as elderly inmates who are subject to life imprisonment without any possibility of release) will never be released, but most will become eligible for release at a future date. It is therefore important to consider not only how to manage such offenders in prison, but also how they can be prepared for release, and how best to monitor and supervise them on release.

Three presentations were made on this Agenda Item. Vietnam provided a broad overview, Hong Kong (China) considered the question of offenders with mental health problems and personality disorders, and Japan considered both terrorists and offenders with mental health problems and personality disorders. Written papers were provided on one or more aspects of the topic by Brunei, Cambodia, Canada, Indonesia, Korea, Macao (China), Singapore, the Solomon Islands, Thailand and Vanuatu. In addition, India made reference to the topic in their paper on Agenda Item One.

The paper by Vietnam discussed the process of classifying prisoners. Type 1 prisons are for those who commit particularly dangerous crimes and are serving sentences of 20 years upwards. Type 2 prisons house prisoners serving 5 to 20 years; and Type 3 prisons house those serving under 5 years and juveniles. The aim is to provide appropriate separation of offenders, including the leaders of organized gangs who have 'wicked tricks and relations with judicial organizations.' Where necessary, strict punishment of these leaders is used in order to deter others (this may include solitary confinement and cuffing of the legs).

### **2. Terrorists**

People classified as 'terrorists' pose problems for correctional and legal systems across the globe. Fortunately, in some countries (such as Vanuatu), terrorist inmates are not an issue at the present time. However, some countries in the Asian and Pacific region already have terrorists in their prison systems and others have drawn up contingency plans.

#### **(a) Definition, extent of problem and legal status of terrorists**

From a legal and correctional perspective, it may not be easy to define 'terrorism'. Traditionally, criminal codes have not contained offences called 'terrorism' but have sought to deal with terrorists through the use of general laws such as murder,

conspiracy and even treason. However, terrorism-specific offences are being introduced in some places. In addition, some countries have either used existing 'preventive detention' laws or have enacted new laws to allow the detention of those who are suspected of terrorist activity but who are not placed on trial. A further difficulty is that it is often said that 'one person's terrorist is another person's freedom fighter'. In other words, whilst the political and legal systems may define certain people as 'terrorists' – and therefore as serious criminals - some members of society may sympathise with their cause.

In Japan, there is no specific legal definition of a 'terrorist' but the term is used to indicate 'individuals or groups which use violence and its resulting terror in order to achieve their political purposes.' A number of 'terrorists' are currently held in Japanese prisons, including members of the Japanese Red Army (responsible for a number of international attacks in the 1970's) and the Aum Shinrikyo cult (responsible for attacks with deadly nerve gas on the Tokyo subway system in the late 1990's). However, in Japan, there are no specific terrorism laws and there are no provisions for preventive detention.

In India, on the other hand, preventive detention laws are widely used to combat terrorism and there are currently more than 2,000 people held under these laws (0.7% of the total national prison population).

Indonesia currently houses 116 inmates who are regarded as terrorists. Of these, five face the death penalty and 13 face a life sentence. The others are serving shorter sentences. Enforcement of laws against terrorists has increased following the Bali bomb in 2002 and the establishment, in 2004, of a special Counter Terrorism Unit (Detasemen Antiteror 88). The Indonesian paper pointed out that although a good deal of international attention has been given to incidents that have affected foreigners, there are also serious internal problems. It also noted that prison systems must not operate in such a way that they are perceived to be just as inhumane as the terrorists they are housing.

### **(b) Assessment, classification and placement**

There are two main approaches to housing terrorists in prisons. One is a strategy of 'concentration', under which terrorists are held together, either in one facility or in a small number of facilities. The other is 'dispersal', under which they are spread around between many different facilities. Concentration is generally the favoured strategy on the basis that terrorists pose specific security problems, that the highest levels of security need to be focused on such offenders, and that if terrorists are concentrated, there is less risk of them influencing and 'stirring up' other inmates. On the other hand, concentration may also generate some security risks (including the risk of an external attack), so that some degree of dispersal may also be appropriate.

In Japan, there is no single facility for terrorists but they are dispersed between various high security facilities. The policy is generally to ensure they do not have much contact with other inmates. The situation appears to be similar in Indonesia.

### **(c) Specific challenges**

Over the years, 'terrorist' inmates in some parts of the world have 'challenged' authority through protests and hunger strikes. Some of the best-known examples of this was took place in Northern Ireland in the 1970's.

Japan has encountered some cases where terrorists have refused to cooperate with assessment processes. In such cases, the prison must rely on its own intelligence gathering. At one time, some inmates also refused to comply with other institutional orders and sought to radicalize other inmates. Such incidents are now rare and segregation of the leaders was found to be the most effective approach.

#### **(d) Avoiding radicalization and providing treatment programs**

Over recent years, a good deal of attention has been given to the development of prisoner treatment programs, especially for offenders convicted of violent and sexual offences. These programs are frequently based on ‘cognitive skills’ training, aiming to teach prisoners better ways of thinking and more effective decision making. However, programs to ‘re-educate’ terrorists may pose challenges that spread beyond the reach of psychologically-based cognitive skills programs. In addition to focusing on the individual terrorist, it is also important to ensure that other prisoners are not radicalized whilst in prison.

In Japan, a number of strategies are adopted to avoid radicalization, including the segregation of those who seek to ‘convert’ others, careful screening of mail and other communications, and the vetting of visitors and religious officials. In Indonesia, the situation is similar, with a focus on ‘Construction Awareness’ in which education about Indonesia and positive religious activities are encouraged. The Indian delegation commented that spiritual programs, meditation and other programs have played a valuable role in deradicalizing inmates and promoting their rehabilitation and successful reintegration.

### **3. Prisoners with Mental Health Problems and Personality Disorders**

Several recent APCCA meetings have raised the problem of prisoners with mental health problems and personality disorders in the context of another more general topic (for example, in Korea in 2005, as part of an Agenda Item on the management of dangerous and high profile prisoners and in New Zealand in 2006, as part of a Specialist Workshop). However, delegates to the 2006 conference concluded that the extent of the problem was such that it deserved further consideration as part of an Agenda Item.

#### **(a) Extent of problem and legal status of inmates**

It is extremely difficult to measure the true extent of mental illness and personality disorder. This reflects at least three factors. First, mental illness and personality disorders may be hard to detect. Secondly, definitions and tests for such conditions may vary over time so that the number of diagnoses will fluctuate. Thirdly, some countries tend to house people who suffer from the most serious forms of mental illness in facilities other than prisons (and therefore outside the management of prisons departments).

It was striking, for example, that Canada stated that 12% of all admitted inmates have a mental disorder, and that the figure is even higher (around 25%) amongst women. The Singapore Prison Service identified mental disorder as a very significant problem, stating that 970 of its inmates are currently diagnosed with a psychiatric condition. And the Correctional Services of Hong Kong (China) described the operation of the Siu Lam Psychiatric Centre (which has room for 270 inmates) as well as comprehensive strategies to address mental illness and disorder

within mainstream prisons. Brunei also indicated that there are problems with such inmates. India, on the other hand, described mental illness as a ‘miniscule problem’ involving only 0.53% of its prison population.

Although precise measurement is impossible, mental health problems do appear, worldwide, to be on the increase. Some jurisdictions, including Macao (China) said that it was too early, on their data, to be sure whether there is a clear link between mental illness and substance abuse. However, others, including Canada and Japan, did suggest a link. It seems clear that some of the modern synthetic drugs based on amphetamines and methamphetamines (such as ‘Ice’) can have an adverse impact on some users’ short term behaviour and possibly on their longer term mental health. Long term cannabis use (especially of some of the stronger varieties of cannabis that are now available) has also been linked to mental illnesses such as psychosis and schizophrenia.

People with a ‘personality disorder’ pose rather different issues from those with a mental illness such as schizophrenia. Terms that are used to describe such conditions include ‘borderline personality disorder’ (BPD), ‘anti-social personality disorder’ (ASPD) and, in the most severe cases, ‘dangerous and severe personality disorder’ (DSPD). People with BPD, ASPD and DSPD are not generally considered to be ‘mentally ill’ in the traditional sense, will generally be in prisons rather than psychiatric hospitals, and may well be unresponsive to traditional forms of psychiatric treatment.

A further complicating factor, which was emphasized by Canada, Hong Kong (China) and Singapore, is that of ‘multi-morbidity’ – in other words, more than one disorder or illness may be present. For example, a person may have a history of substance abuse, a history of mental illness, and also symptoms of ASPD.

In some cases, the mental disorder at the time of the alleged offence was so severe that the person is found not guilty due to insanity. In some, the degree of mental impairment is such that the person cannot even comprehend what is happening in court, and may therefore be found ‘unfit to stand trial.’ However, despite not being convicted, such people may be locked up for a long period for reasons of ‘public protection.’

## **(b) Assessment, classification and placement**

In Japan, people who are acquitted due to mental illness are not the responsibility of the Correction Bureau. Their treatment is governed by legislation enacted in 2005 (the ‘Act on Medical Care and Treatment for Insane or Quasi-Insane People Who Have caused Serious Incidents’) and they are the responsibility of the Health, Labor and Welfare Ministry. Some prison inmates who exhibit serious mental illness will be detained in special medical prisons with specially trained staff. Those with lower-level symptoms will be housed in standard prisons but will be offered appropriate medical treatment.

In Hong Kong (China), the Siu Lam Psychiatric Centre was explicitly developed to serve a dual role: it is both a prison and a psychiatric facility. For this reason, the Correctional Services Department (CSD) must employ staff who can fulfill both a custodial and a nursing role. To achieve this, the CSD has implemented two core strategies. First, it has recruited officers who already hold qualifications in psychiatric nursing. Secondly, it has sent selected officers for professional training in psychiatric nursing. In total the Siu Lam Psychiatric Centre now has over 100 staff members who are either registered or enrolled psychiatric nurses. The Centre

receives its inmates from a number of sources, including court-referrals (for example, for the preparation of psychiatric assessments) and referrals from prisons.

In Singapore, prisoners with a mental illness are generally housed with the mainstream prison population and are subject to the same basic regime. However, a more detailed profiling study is underway to assess the most appropriate regimes for different groups.

### **(c) Specific challenges**

Many prisoners with a mental illness will present no behavioural problems in terms of their attitudes towards staff or other inmates. However, others (especially some of those who are assessed to have some sort of personality disorder) may well pose management problems. Japan noted that a careful approach must be taken to dealing with such prisoners if they violate prison regulations because it may be that their behaviour is the result of their illness. As far as possible, Japan uses psychiatric treatment and behaviour modification rather than traditional punishment regimes.

A similar philosophy seems to be widely accepted across the region. In Singapore, for example, the inadequacies of traditional forms of discipline, especially for people with a mental illness, are well-recognised. The Singapore Prison Service has therefore embedded two strategies, namely, prevention and intervention. Prevention has two limbs – psychoeducation (through workshops and talks for inmates and staff) and early detection (through rigorous assessment, screening and observation coupled with feedback from families and other inmates). If intervention is required in Singapore, the preferred approach is to manage the person through better interventions and support in their normal housing unit (for example, a ‘beautiful minds group’ has been established to assist those with a mental illness). For a small group of prisoners, it has been found necessary to introduce a Behaviour Correction Wing (BCW). This wing aims to remove highly disruptive prisoners (namely, those who persistently commit serious institutional offences) from the general population and to modify their behaviour through behaviour management techniques, including incentives. The BCW does take some prisoners who have personality disorders but some are not considered suitable for the BCW regime. A recent initiative that has particular pertinence to prisoners with personality disorders is the Specialised Regime for Disruptive Prisoners, which allows an even more individualized and focused regime than the BCW.

The presentation by Hong Kong (China) drew a sharp distinction between offenders with a mental illness (see above) and those with a personality disorder. Prisoners with personality disorders are generally not treated any differently from other prisoners in terms of their accommodation, work levels, privileges and rights. However, a Behaviour Adjustment Unit (BAU) operates to deal with inmates who ‘harbour excessive hostility towards the institution or authority in general’ and who behave in disruptive ways. The BAU has been operational since 1980 and aims to instill discipline through ‘a non-confrontational attitude together with a firm, consistent, yet flexible approach.’ The length of stay in the BAU will vary but is normally within six months.

### **(d) Treatment programs**

It can be very difficult to develop meaningful treatment programs for some offenders with mental health problems and personality disorders. For example, people with a mental illness may find it difficult to understand the content of cognitive skills-based training programs. Furthermore, these programs may not address the needs of

people with personality disorders, some of whom are intellectually very capable, but have a distorted set of values and attitudes. These issues were noted in several of the papers and they clearly present ongoing challenges.

#### **(e) Release: assistance, supervision and monitoring**

All jurisdictions are continually improving their efforts to ensure a safe and secure transition into the community for offenders with a mental illness or a personality disorder. Hong Kong (China), for example, emphasized the importance of continuity of care upon release and in Japan, procedures are in place for inter-agency collaboration and for notifying the governor of the prefecture where the person is to reside.

The efforts of the Canadian Correctional Services are being enhanced by a Community Mental Health Initiative that commenced in 2005. This initiative has seen improved discharge planning and coordination of health care support on release (including the use of trained health care professionals to work in parole offices). Front line correctional services staff (both prisons and community-based) are also being provided with enhanced training in mental health issues.

## **4. Elderly Offenders**

At recent conferences, when examining the demographic characteristics of offenders as part of Agenda Item One, most countries have noted that they have an increasing number of older prisoners in their systems, many of whom are serving lengthy prison sentences for serious crimes such as rape and murder. The topic of 'elderly' prisoners was therefore included as part of this agenda item. The paper prepared by Thailand neatly encapsulated the problem faced by correctional systems: "It is the traditional value, firmly held in Thai society, that one should look after elderly people and should treat them with respect... The idiom 'Shadow of the Great Banyan Tree' means elderly persons who give their families love, advice and sanctuary from harm ... are well respected.... Such value is, however, not the case in prisons where old inmates are regarded merely as those incarcerated in old age."

#### **(a) Extent of problem**

For a number of reasons, it is not easy to provide a precise definition of an 'elderly' prisoner. Life expectancy will vary across the region, and sometimes between different cultural groups in a single country (for example, the life expectancy of Aboriginal people in Australia is well below that for non-Aboriginal people). Furthermore, many prisoners have health problems that mean they are 'older', in terms of their physical and mental wellbeing, than people of the same biological age in the general community. Illnesses such as dementia can also afflict quite young people. The Discussion Guide did not therefore set an 'age limit' for what is meant by an 'elderly' inmate but left it to the various jurisdictions to comment on this.

The Australian paper commented that one must be cautious in drawing conclusions based solely on age for the reasons noted above. However, for the purposes of discussion, it set the age of 'elderly' inmates at 50. Although the average age of inmates is increasing nationally, there are some differences in the age distribution between jurisdictions. In most parts of the country, the number of inmates aged over 50 is increasing but in Victoria and the Australian Capital Territory, the 'bulge' is in the 40-49 age group. In all jurisdictions the majority of elderly offenders are imprisoned for violent and sexual offences.

In Cambodia, too, the majority of elderly offenders have been convicted of rape or murder. Korea set the age for elderly inmates at 60 for the purposes of this Agenda Item. However, their paper commented that the offences committed by elderly inmates are ‘too diverse to pin-point.’

Thailand also set the age of elderly inmates at 60 and, although their statistics are not fully up to date, it appears that many of these inmates are serving long sentences for drug related crimes.

### **(b) Assessment, classification and placement**

Elderly inmates pose a number of challenges for prison management, including issues of safe custody and access to medical treatment. In some jurisdictions, the problem has become so acute that special ‘geriatric’ facilities are being developed.

In Australia, all prisoners are individually assessed and age, physical and mental capacity and disability are all part of this process. Some jurisdictions (including South Australia) are developing specific Ageing Prisoner Policies in light of current trends. In terms of placement, the Australian paper commented that there are some advantages with ‘mainstreaming’ older inmates provided that this does not present risks because the older prisoners may exercise a calming influence over younger inmates. However, in practice, many older inmates are concentrated (sometimes because of the nature of their offences) in particular units such as protection units. In most jurisdictions, specific units have now been constructed in some prisons to accommodate inmates who need special care. Although sometimes called ‘geriatric’ units, a rather more appropriate term would be ‘high needs units’ to reflect the fact that many younger prisoners (for example, a 30 year old with a terminal illness) may require the special care offered by specialized units.

Cambodia does not have any special facilities for elderly inmates so they are accommodated alongside other inmates under a standard regime. However, additional privileges (such as food supplements and longer periods out of cell) are given to those who are suffering from untreatable age related conditions.

In Thailand an ‘Elderly Inmates Mental Rehabilitation Project’ has been implemented. Where possible, elderly prisoners are held alongside other inmates. However, if necessary, some will be housed in ‘geriatric facilities’. The ‘Elderly Inmates Mental Rehabilitation Project’ provides a holistic approach, including exercises such as Tai Chi Chuan, meditation, special diets and family visits.

### **(c) Specific challenges**

As the Solomon Islands, Korea and Australia commented, health care management is a major concern for all prisoners, not just the elderly. Many jurisdictions are therefore considering the most appropriate mechanisms for service delivery as a whole and elderly care will be one component of this.

As prisoners age, correctional systems can face difficulties in providing appropriate levels of care. For example, it may be unreasonable to expect custodial officers, who are not trained nurses or carers, to clean prisoners who are incontinent or to assist prisoners who are agitated and confused as a result of conditions such as dementia. The Cambodian paper referred to the valuable role that low security prisoners can play in caring for the elderly and Australia also reported a high degree of ‘informal’ peer caring. However, there are obviously limits on the extent to which one group of inmates should have responsibility for, or authority over, another group.

An interesting development in South Australia is a pilot program to provide accredited 'Certificate III' training in aged care for selected inmates.

#### **(d) Release**

In Korea and Thailand, as in many other jurisdictions, an 'amnesty', 'special parole' or other forms of early release back into the community may be deemed appropriate for inmates who are suffering from a terminal illness or an untreatable condition such as Alzheimer's Disease. The aim is for their family or other guardians to provide appropriate support.

However, early release will not always be possible. As Thailand pointed out, some families may well shun the ex-prisoner. And Macao (China) made the important observation that some elderly inmates may become so institutionalized and so 'comfortable' in prison that they have no real desire to be released, instead treating prison as their 'elderly home.' Some prisoners in Macao (China) have even committed further crimes to avoid being released! Macao (China) is therefore trying to draw more fully on the policies and facilities offered by charitable and not-for-profit organisations.

The Australian paper contains useful detail on the various programs than are offered to elderly inmates and the processes that are adopted to try to facilitate release. Broadly speaking, all the usual treatment programs are offered, as far as feasible, to elderly offenders. Some elderly offenders who are serving short sentences may not face particular problems in terms of reintegration, but longer terms prisoners will often do so. In a number of Australian jurisdictions, efforts are therefore being made to assist such prisoners, especially in the provision of practical assistance and support such as housing on release. It is hoped that the needs of prisoners will also be given attention as part of state and national summits to promote new strategies and better coordination in the care of the elderly.

## **5. Conclusions**

All jurisdictions are making great efforts to individualise the management and treatment of special groups of prisoners whilst also attempting, as far as possible, to provide a relatively normal regime. In all of the three areas that were the special focus of this Agenda Item, namely, terrorists, elderly inmates, and offenders with mental health problems and personality disorders, the challenges faced by correctional systems are likely to increase substantially over the next decade due to the combined effects of globalization, longer life expectancy and mental health problems (including those that result from substance abuse).

Some countries are already well-advanced in tackling some or all of these questions but others have not yet needed to do so to any great extent. The papers that were presented and the discussions that were held at this APCCA conference, along with the discussions at future conferences, should help to stimulate ideas and to provide some templates for future developments across the whole region.

Perhaps the single most important theme to emerge is that we are likely to see a growing demand for more specialist expertise and training in areas that are not traditionally seen as part of a correctional officer's core functions. In the case of prisoners with a mental illness, this may include the recruitment of mental health nurses to work as correctional officers and better mental health training for other staff. In the case of the elderly, it may include training both selected staff and trusted inmates in aged-care.

# **AGENDA ITEM THREE**

## **STAFF RECRUITMENT AND TRAINING**

### **1. Introduction**

Staff recruitment and training are fundamental issues facing all correctional systems and this has been a regular Agenda Item, most recently in 1997 (Malaysia) and 2002 (Indonesia). At one time, when prisons operated along quasi-military lines, the criteria for recruitment tended to involve physical fitness, strength and discipline. However, correctional systems have moved away from the idea of just 'locking people up' and towards rehabilitation and reintegration, and a broader range of skills is now required to provide these through-care objectives. Thus, there is now greater expectations and requirements on prison staff regarding the management, rehabilitation and reintegration of prisoners.

This Agenda Item extracts the themes drawn from papers submitted by Australia, Cambodia, Canada, Hong Kong (China), India, Indonesia, Japan, Kiribati, Korea, Macao (China), Malaysia, New Zealand, Singapore, Solomon Islands, Thailand, Vanuatu and Vietnam. It also summarises the presentations delivered at the conference by delegates from Australia (Tasmania), Hong Kong (China) and Vietnam.

### **2. Factors Affecting the Recruitment Process and the Problem of Relativities**

All the jurisdictions recognise that the field of recruitment is a dynamic one. Recruitment of new staff is based on existing vacancies arising from resignation, retirement and expansion of services. The recruitment process usually consists of advertisement of vacancies, short-listing of candidates, personal interviews, assessments, integrity checks (such as a police check) and referees' reports.

In many countries, correctional officers complain that they are not adequately remunerated and that their pay and conditions are worse than those of officers in other disciplined services such as the police. It is not easy to verify these complaints but it is generally true to say that working as a prison officer is not seen a job that carries high social standing. This can create recruitment problems, especially at times of economic growth and well-paid private sector employment opportunities. In some countries, the situation is so acute that overseas recruitment drives have been undertaken.

There are also numerous external factors which impact upon the recruitment process of correctional officers which need to be recognised and addressed appropriately. The papers presented by the various countries identified the following dynamics which affect recruitment today:-

- *Employer competition* - Generally, larger organisations find it easier to attract and recruit applicants as larger organisations are more visible and are typically more prestigious. These organisations are often seen as

offering greater opportunities for career advancement and training for employees.

For example, Macao (China) faces strong competition from the gaming industry whilst Western Australia has to compete with the booming mining industry which offers attractive salary packages. The number of applicants to work as prison officers in Japan has been decreasing for the past three years due to strong competition from the private sector. Interestingly, in Korea, there is no problem attracting new recruits to work in corrections as there is a preference to working in the public sector rather than in the private sector.

- *Employer preferences* - With the increasing demands posed by technology, compliance with legislation and the expectations of society, employers now require higher quality applicants who can contribute effectively in achieving the organisation's goals.
- *Employee preferences* - Today, employees want flexible work practices, balance between work and family commitments, increased benefits, job security, opportunities for training and opportunities for career advancement. These issues can make it increasingly difficult to attract and recruit the 'right' type of applicants to the various positions in prisons and community corrections. This then impacts on the ability of ensuring the safe and secure containment of inmates, and providing inmates with opportunities for rehabilitation and reintegration.
- *Geographical demographics* - In some countries such as Australia and Canada, it is a challenge to attract applicants to work in remote areas.
- *Low unemployment rates* - Low unemployment rates can impact on the number of suitable applicants applying for positions. Some Australian jurisdictions such as Western Australia and Macao (China) have experienced significant reductions in the number of applicants due to the attractive employment packages offered by the mining industries and gaming industries, respectively.
- *Skills and labour shortages* - A strong economy and rapid growth of new industries and technological changes are also factors that can affect the recruitment process.
- *Perceived images of working in prisons and community corrections* - Issues such as safety concerns, prison overcrowding and negative media statements regarding prisons and prisoners have deterred some potential candidates from pursuing a career in corrections. It has been a challenge for some correctional departments to attract sufficient numbers of applicants and the 'right' type of applicants to the position of correctional officers. In addition, training of staff has also been a challenge due to the changing dynamics of the prisoner population (such as the ageing population and mental health issues) and the changing role of correctional officers.

It is interesting to note that despite keen competition from other disciplined forces, the Correctional Services Department of Hong Kong (China) encounters no great difficulties in recruiting suitable candidates for the positions of Officer and Assistant Officer II. In 2006, there were

4969 and 4623 applicants for the posts of Officer and Assistant Officer, respectively. However, only 30 were appointed as Officers whilst 133 were recruited as Assistant Officers II.

- *Ageing population* - With the increasing ageing population, the prediction is that the overall workforce participation and economic growth will decline. For example, about 40% of Australian employees will be eligible for retirement over the next 10 years.
- *Remuneration* - In countries such as Australia and Cambodia, some correctional officers feel undervalued in terms of their remuneration when compared with other services such as the police. By contrast, Hong Kong (China) offers good remuneration to its correctional officers and this has been a positive factor in attracting and retaining high quality staff. The pay reflects the new recruit's academic qualifications and entry rank. In April 2007, Singapore revised its remuneration packages to attract and retain staff in corrections.
- *Staff retention* – This is another challenge for a number of jurisdictions, particularly when prison staff are enticed to work for other organisations that offer more favourable pay and work conditions.
- *Immigration issues* – Some countries such as Cambodia have restrictions on employing potential international/foreign applicants in the field of corrections. However, some jurisdictions are looking into the viability of recruiting overseas applicants.

In order to alleviate the above problems, some countries such as Australia, Hong Kong (China), Japan, Malaysia, Singapore and New Zealand have adopted creative and proactive approaches to recruitment. If done correctly, these recruitment strategies can create a visible and prestigious image for the organisation in order to attract high calibre applicants. These strategies include:-

- Implementing new marketing techniques such as employer branding.
- Increased media advertising by participating in career exhibitions, producing career videos, posters and leaflets, creating webpage, and conducting talks at post-secondary institutions to raise the profile of working in correctional institutions.
- Implementing Employee Referral Scheme (for example, Singapore uses this scheme to encourage existing prison staff to refer suitable people to join the prison service).
- Implementing legislation to alleviate some of the above problems.
- Adopting affirmative action programs to enhance the employment, upgrading and retention of members from protected groups (such as minorities and females) by actively seeking to increase their status.

Singapore's *Yellow Ribbon Project* has not only been successful in creating awareness and acceptance of the community to give ex-offenders a second chance, it has also been successful in making the Singapore Prison Service as a more attractive choice of employer in recruiting high quality prison staff.

Thailand has successfully implemented a new recruitment scheme by inviting university graduates with honours to attend an interview with the aim of working in the Department of Corrections.

### **3. Targeted Recruitment**

APCCA conferences have noted that the demographic characteristics of the prison population are often different from those of the population as a whole. For example, members of some ethnic groups are over-represented in prison compared with the number in the community. Most prisoners are relatively young males but historically, prison staff have tended to be significantly older males. This raises the question of whether policies have been adopted (or should be adopted) to recruit more people from specific ethnic groups, younger staff and women.

In Australia, Canada, Cambodia and Vietnam, recruiting potential candidates from protected/minority groups have been a challenge and they have taken affirmative actions to extend their recruitment process to encourage women, ethnic/indigenous groups and people from non-English speaking backgrounds to apply.

Some countries are targeting overseas applicants. For example, the Australian Capital Territory successfully launched a recruitment drive in New Zealand. Since 1999, Macao (China) has been targeting potential recruits from Nepal, and it now has 73 Nepalese working as prison guards. Over the past two years, New Zealand has successfully recruited applicants from Samoa, the United Kingdom and the Netherlands. It also identified the need to recruit more clinical psychologists and has formulated strategies to liaise closely with university psychology departments to recruit potential graduates to work in corrections.

Japan targets new recruits who are aged between 17 and 28 years. For those who are aged between 29 and 39 years with work experience in the private sector, there is a requirement that they sit for specific entrance examinations.

### **4. Selection Criteria and Selection Processes**

Vacancies for positions as corrections officers arise from normal attrition due to resignations and retirement, as well as expansion of services. Information on vacancies and the recruitment process is communicated to the public through media advertisements, display of posters and leaflets, webpages and career exhibitions.

Selection criteria are likely now to reflect a combination of skills and attributes. These will include physical fitness, educational qualifications, inter-personal skills and questions of attitude. Some of these criteria are relatively easy to measure as part of a selection process but others are more difficult. Generally, the recruitment process in most jurisdictions involves the following steps:-

- The advertisement of vacancies
- Shortlisting candidates who have met the selection criteria, to attend an interview session
- Complete assessments (such as medical and physical fitness tests)
- Complete a written test
- Integrity checks or referee reports
- Complete a training program
- Complete a probation period (for example, Hong Kong (China) has a probation period of three years)
- Attend a graduation ceremony

Hong Kong (China) has recently reduced the duration of its selection process from one year to about eight months. Short-listed applicants now have to undergo a 3-stage process which involves a physical fitness test, written tests (in English and

Chinese) and an interview. Some of the processes have also been outsourced to external agencies to save costs and time. Successful candidates then have to undergo a medical examination and security vetting. After an appointment, the new recruit will still have to prove his or her ability and performance during a probation period of three years before being offered long-term employment.

In some jurisdictions, the selection criteria must also be such that there is no discrimination (for example, if Canada or Australia was to set a minimum height requirement by reference to Caucasian body features, this would disadvantage potential Asian recruits). Thus, the recruitment process must comply with the relevant legislative requirements to protect:-

- Racial discrimination
- Sex discrimination
- Human rights
- Equal opportunity for women and minority groups in the workplace, including those with a disability. Some countries offer part-time / job share positions.
- Age discrimination

In some countries such as Cambodia, only nationals can be recruited to work in corrections. In small jurisdictions such as Kiribati, the recruitment process is conducted on an 'as needs' basis. The Kiribati Prison Service has a total of 37 staff to manage its three prisons. Recently, four new officers were recruited to fill vacancies resulting from three resignations and one death due to illness. The future plan is to recruit non-custodial staff with medical skills, carpentry and gardening.

The Solomon Islands Prison Service is undergoing a major change in the delivery of its correctional services. On matters of staff recruitment, it has adopted an "*Operational Staffing Model*" which identifies the staffing and operational needs of the organisation. Some benefits of this model includes clear predictions of workforce profile and future recruitment needs, clear identification of roles, avoidance of staff wastage, cost efficiency, and the creation of staff rosters to enable staff to attend training.

#### **(a) Physical attributes and physical health**

A number of jurisdictions adopt a number of the following physical assessments and requirements:-

- Height and weight requirements
- Physical fitness tests
- Medical tests
- Screening tests (blood and urinalysis)

Some countries such as Cambodia, Macao (China), Malaysia, Singapore, Thailand and Vietnam impose minimum height restrictions (about 162 cm for males and 157 for females) and weight restrictions (54 kilograms for males and 45 kilograms for females) recruits. Singapore requires a body mass index of 27 for both genders. Japan and Macao (China) impose physical capability tests on new recruits (such as long jump, high jump, press ups, timed race and balance beam test). Korea has weight and height restrictions on new recruits, but there are plans to eliminate these restrictions in the near future.

Although Canada does not impose a height-weight requirement or screening tests, the candidates are tested in areas such as vision, mental health, tuberculin test and Hepatitis B. In addition, candidates must meet certain medical requirements which

include a full clinical history and physical examination by the physician. Periodic health evaluations are conducted annually to every five years depending upon hazard exposure and the age of the employee.

In some countries, care is taken to ensure that physical requirements and standards are job related as failure to do so can result in costly legal actions if they breach legislative requirements.

### **(b) Educational qualifications**

In most jurisdictions, the minimum educational qualification for new recruits is high school. However, university qualification is considered an asset. In Japan, Malaysia and Thailand, apart from the minimal requirement of high school diploma, all national government employees including prison officers must complete an entrance examination set by the Government. By contrast, there is no minimal educational qualification for new recruits in Korea.

More than half of applicants in Canada applying for positions as correctional officers possess a university degree or a college diploma. A number of these officers are subsequently promoted to senior positions or to more specialised occupations such as parole or program delivery officers. In Hong Kong (China)'s recruitment exercise in 2006, out of the 30 successful candidates for the position of Officer, 29 of them were university graduates. Amongst the 133 candidates who were appointed as Assistant Officer II, 27 of them possessed University degrees.

### **(c) Mental attitude and interpersonal skills**

Some people may be physically fit and well educated, but quite unsuited to work as a correctional officer because of attitudinal problems (for example, aggressiveness, racism a rigid intolerance of dissent, or an inability to be a 'team player'). Some jurisdictions administer psychological tests to try to 'weed out' applicants with the wrong attitudes and to assess people's interpersonal skills. Canada is revising its recruitment and training process, and will be enhancing its interpersonal skills component.

The following attitudes and skills of correctional officers are generally sought by correctional departments:-

- Good communication skills
- Good negotiation skills
- Sound judgement including logic and reasoning abilities
- High ethical standards (in terms of honesty, integrity, morality and good work ethic)
- Ability to deal with stress
- Team player
- Ability to respond appropriately to situations

The above attitudes and skills are assessed by utilising a combination of a number of tools such as:-

- Aptitude tests.
- Psychological profiling (for example, Australia administers psychological tests in conjunction with the Australian Institute of Forensic Psychology to assess the person's motivation, intelligence, stress tolerance, maturity and racial/gender bias).
- Further interviews.

## **5. Training for New Correctional Staff**

All jurisdictions recognise that training for new recruits, mid-level management, career development and succession planning are integral elements of good workforce planning. Training and succession planning are also essential to ensuring the continued operations of correctional services. As mentioned above, significant changes in corrections with the implementation of integrated offender management systems and throughcare programs for prisoners have occurred over the past decade, and these have impacted on the role and training of correctional officers. Therefore, it is important that training courses are revised to meet these changing needs in corrections.

The training offered to new recruits varies between jurisdictions, depending upon the availability of resources and the requirements imposed by the respective organisation. Generally, training programs can be classified into the following categories:-

- Initial / Recruitment training
- Refresher courses
- Developmental training

In Singapore, prison officers attend a 22-week basic officer's (residential) training course, a 12-week on-the-job training and a 1-week developmental training course. Senior prison officers attend a 25-week basic course, 12-week on-the-job training course and a 1-week developmental training course.

In India, the basic in-service training of prison personnel and refresher courses are the responsibility of State Governments. A large number of States have their own training institutes or schools. Prison officers are trained at state, regional and national levels on a regular basis. These include training on human rights in prison management and personality development.

For new recruits, Macao (China) offers a basic 2-month training course, a 6-month professional training course and an internship of 3 months' duration. The final phase involves practical training at a prison.

Vietnam has recognised a gap in its training programs for prison staff and has submitted a proposal to its Government for approval to establish a new Training College. Currently, its prison staff attend training courses at the Army Medical College, the Border Guard Training College, the National Administrative Institute and at the University.

Malaysia has a College Prison which plays a major role in training all its prison officers in areas such as prison management and operations, as well as refresher courses. It also has a Correctional Academy in Langkawi which offers training programs to all levels of prison staff in areas such as criminal justice, criminology, leadership and multimedia. There are also Training Centres for junior officers in regional areas.

### **(a) Initial / recruitment training**

Initial training is provided to adequately equip new recruits for their new role. The main objective of conducting initial training is to ensure that new recruits have the skills and knowledge required to work effectively and efficiently in correctional institutions to protect the safety of the community and assist in the rehabilitation and reintegration of inmates into the community.

Generally, the initial training offered to new recruits contains both theoretical and practical components. For example, in Hong Kong (China), new recruits attend a training program for 23-26 weeks followed by a 2-week field placement at a correctional institution. In Australia, recruitment training varies between seven and thirteen weeks.

Most countries offer an initial training program in these broad areas:-

- Technical training - The role of correctional officers has become more complex and demanding than a decade ago due to increasingly sophisticated facilities, use of technology, and operational methods.
- Rules and procedure
- Occupational health and safety
- Foot drill
- Anti-riot drill
- Self-defence
- Emergency response tactics
- The use of weapons

All new recruits in Malaysia must attend an Induction Course to understand the goals and objectives of working in Public Services Departments. Indonesia also offers leadership, human rights, finance and narcotics investigation training for new recruits. In Hong Kong (China), the training syllabus also includes counselling, management, psychology, criminology, penology, Chinese writing and helicopter training. Macao (China) requires staff to be proficient in English, Chinese and Portuguese. Korea offers training in its code of ethics as well as inmate treatment and management.

As mentioned above, the Kiribati Prison Service has 37 staff. Due to the small prison staff numbers, new recruits are provided with 'on the job' training.

### **(b) Refresher courses**

The purposes of refresher courses are:-

- to help correctional officers retain the knowledge and practices they had learnt during the initial training; and
- to keep staff abreast of the latest changes and developments in legislation, policy and management issues which are relevant to their work.

### **(c) Developmental training**

In Hong Kong (China), the purpose of developmental training is to help staff "to develop their potential and to equip them with professional knowledge and skill for advancement in their career." Its Staff Training Institute offers a variety of courses to correctional officers such as Drug Addiction Treatment Centre Course, Emergency Services Training Course, and Hospital In-service Training Course (General and Psychiatric).

Prison Officers in Singapore have opportunities to enrol in a Certificate or Diploma course in Correctional Administration. Indonesia offers on-site developmental training to its staff at the Children Correctional Institution, Female Special Correctional Institution, Special Institution for Narcotics Case and Super Maximum Security facility.

With regard to gaps in training programs, some jurisdictions have conducted research, evaluations and reviews to ensure that training objectives are met, assess feedback received, and identify the areas for improvement and/or modification. For example, Australia has conducted consultations, reviews and research with senior departmental staff to ensure training reflects current initiatives and best practice. Vietnam has recognised a need to establish its own training college for its prison staff and is currently awaiting governmental approval for this.

## **6. Mid-level Training**

Although all new recruits are provided with a base level training, it is also important to provide mid-level training to those who wish to enhance their career paths in corrections. Thus, higher level training, career development and succession planning is an integral part of workforce planning to ensure the smooth and continued operations of the organisation.

In most jurisdictions, mid-level training is offered to staff to equip them with the skills and knowledge in areas such as:-

- Operations
- Security
- Prison/prisoner management
- Human resources
- Frontline management
- Change management
- Performance development
- Managing performance and ethical standards

In some jurisdictions, gaps in mid-level training for senior officers are addressed by undertaking training offered by local organisations or participating in national and/or overseas training institutions. The latter option provides greater opportunities for staff to network and learn from a diverse range of participants.

In 2005, Hong Kong (China) introduced a customized Management Development Training Program to enhance the administrative and managerial skills of its mid-level officers and to develop their career paths. In addition, the program has also achieved the goal of developing the Correctional Services Department's strategic succession plan and the Department now has a pool of potential officers who have been identified and trained to take up more challenging and responsible senior positions in the future.

The General Department of Prison in Cambodia is committed to further develop executive and specialist training programs in partnership with relevant agencies and correctional departments in the region. Under the Cambodia Criminal Justice Assistance Project, a human resource management training program is currently being developed for the Cambodian correctional staff.

Macao (China) offers training to its mid-level staff in collaboration with the local cadet and educational institutions. Japanese correctional officers have opportunities to participate in international training at the United Nations Asia and Far East Institute.

## **7. Training partnerships**

In some countries such as Indonesia, training programs are delivered to new recruits and current staff through partnerships with relevant agencies. Training partnerships provide opportunities to share best practice and better use of resources.

Recently, the Vietnamese Ministry of Policing sent two senior trainers to train 50 Cambodian prison management teams in the area of prison management. For three months, Vietnam also provided ongoing support to 30 Cambodian officers in management training which was conducted in Vietnam. The success of this training partnership has resulted in a formal agreement between the Cambodian and Vietnamese Governments.

In partnership with Australia, the Solomon Islands Prison Service has adopted the *Staged Capacity Building Model* derived from the AUSAID (2004) Capacity Development Principles and Practices to promote capacity building and institutional strengthening at individual, group/team and organisational levels. This covers training programs for staff including coaching, mentoring, on-the-job training, workshops and sustainable work practices. The model will also assist the Solomon Islands Prison Service to identify staffing needs, develop recruitment processes, strategies to recruit specialists/professionals, succession planning, and assess and evaluate staff performance.

The Public Service Commission in Vanuatu has basic standards for all public sector employees. These include numeracy, literacy and basic health standards. Through New Zealand Aid, the Dipatmen blong Koreksenol Sevis in Vanuatu has received funding for infrastructure and technical advice with the aim of developing a sustainable correctional service that closely reflects the values and aspirations of the Republic of Vanuatu. Vanuatu acknowledges the need to develop a training program that reflects both international best practice and the needs of its correctional service.

## **8. Conclusion**

Irrespective of the recruiting climate, the challenge for all correctional departments is to continue to strive for best practice recruiting strategies, including continuous learning, innovation and improvement. A commitment to best practice ensures that organisations do not become too complacent with their systems and standards. This means adopting processes that reflect changing needs, strive for continual improvement, uphold fairness and merit in all aspects of the recruitment process to ensure efficiency and commitment to achieving the organisation's goals.

As succinctly put by Australia, recruitment strategies and processes should ideally contain the following characteristics:-

- Proactive and creative
- A continuous process of improvement
- Attitudes and processes that strive for merit and fairness at all times
- Supported with organisational commitment
- Go beyond the minimum legislative requirements
- Encourage diversity within the workplace

The benefits of adopting best practice in the recruitment and training process include the following:-

- Enhance the image of the organisation

- Attract a wider pool of potential applicants and therefore attract the best person for the job in a competitive open market
- Provide career development for the individual
- Provide a strong basis for the succession planning of the organisation
- Provide organisational commitment to continuous learning, improvement and innovation

In essence, recruitment, training and career development are inter-related processes which are essential for the individual staff and the organisation. It is also important to have adequate resources and funding in order to have an effective recruitment and training system for correctional staff to meet the vision and values of all correctional departments and to keep pace with changing expectations and needs of society.

Over recent years, APCCA has also been considering whether it may be able to provide some support to regional training needs. In 2008, Malaysia will be hosting the conference and it has offered to run a training course for delegates at its Academy in Langkawi before the conference commences. This is an exciting initiative as the training course will offer an opportunity for countries in the Asia and Pacific region to share best practices in the selected aspects of corrections.

## **AGENDA ITEM FOUR**

### **OVERCOMING BARRIERS TO SUCCESSFUL REINTEGRATION**

#### **1. Introduction**

Ten years ago, the predominant focus of APCCA conferences was the management of prisons, prison staff and prisoners. Over the past few years, however, the issue of the reintegration of prisoners has come to the forefront of conference discussions. At the New Zealand conference in 2006, delegates discussed a very broad Agenda Item on reintegration, and a good deal of discussion focused on the programs and processes that have been developed within prison systems to promote reintegration. However, it was recognized that correctional systems, acting alone, can only achieve a limited amount because there are many barriers within the community to successful reintegration. These barriers include community attitudes to ex-prisoners, the provision of housing, employment and family problems.

This Agenda Item considers the papers submitted by Cambodia, Canada, Hong Kong (China), Macao (China), Fiji, Indonesia, Japan, Korea, Singapore, Solomon Islands, Thailand and Vietnam. It identifies the barriers faced by prisoners to reintegrate into the community, and the strategies adopted by various jurisdictions to overcome these barriers. At the conference, presentations were given by Hong Kong (China) and Vietnam.

#### **2. Social, cultural and political context**

Over the years, it has often proved difficult to break down the social, cultural and political barriers to offender reintegration which emerge from concerns about issues such as organised crime, gangs, illicit substance abuse, violence and infectious diseases.

Public opinion towards crime and justice varies between countries. Some have confidence in the justice system whilst others do not tolerate offenders because of the harm they have caused, and they are not willing to accept them back into the community. In Indonesia, ex-offenders are stigmatised by society, and returning to the community is a challenge. In Thailand, Buddhism plays an important role in promoting forgiveness as one of doctrines but its effect on the general public in accepting ex-prisoners into the community is limited due to the ingrained reluctance by the general community to accept them and negative media reports about offenders.

Politically, tackling crime and ensuring public safety are core priorities of all governments and the general public expects that offenders will not just be rehabilitated but also punished for the crimes they have committed. This is reflected in a number of ways. For example:-

- In Canada, new laws have been introduced to 'get tough on crime'. In April 2007, Canada's Minister of Public Safety announced the appointment of an independent panel to review the Correctional Service of Canada's (CSC) operational priorities, strategies and business plans

with a view of enhancing public safety. Existing legislation and regulations also direct the CSC to engage specific groups of citizens and organisations in its policy development and operations (for example, by establishing Citizens' Advisory Committees to foster public understanding and support for the correctional service's role in community safety and management).

- Each year, the President of Vietnam exercises his prerogative power of granting the early release of prisoners based on the prisoners' good behaviour in prison. Since the 1970s, the Vietnamese Government has implemented policies which support ex-prisoners' reintegration into the community. For example, the Government has given the authority to the Ministry of Public Security to give guidance to the relevant departments and local authorities to participate in the rehabilitation and reintegration of offenders into the community. According to a survey conducted in 2006, this initiative has been very successful with a recidivism rate of 1.5%.
- In 2003, the Japanese Government implemented its "*Action Plan to Create a Strong Society against Crime*" with the aim of reviving Japan as "the safest country in the world". Measures were adopted to counteract crime whilst at the same time, policies were implemented to improve correctional treatment, to prevent recidivism, and to assist the rehabilitation and reintegration of offenders into the community. The policies also instilled positive attitudes in community members to accept ex-offenders into the community. In effect, the Action Plan has increased the roles of the correctional institution and the society in the reintegration process of ex-offenders.
- From a cultural and social perspective, Korean people traditionally sympathise with the plight of offenders and therefore have a fairly positive attitude towards accepting their reintegration into the community. This positive public attitude has been assisted by the creation of the Korea Rehabilitation Agency under the Rehabilitation Protection Act in 1961, which saw the establishment of independent support facilities by private organisations. However, Korean society has yet to take an active role in supporting ex-offenders regarding accommodation and employment matters.

### **3. Spent Convictions Legislation**

It is generally recognized that one of the main barriers faced by ex-prisoners is that they carry the stigma and effects of their convictions for the rest of their lives. To some extent, especially when major crimes have been committed, this is inevitable. However, some jurisdictions have introduced legislation to remove the barriers associated with a criminal record in the case of minor offences. Legislation of this sort does not generally remove all record of a person's previous convictions, because these convictions may be relevant to the courts in the event of further offending or to agencies responsible for matters such as high security clearances for work in sensitive areas of government. However, the legislation typically states that for most purposes, such as obtaining employment or housing, the person is not required to disclose their prior offences, and cannot be discriminated against on the basis of that record.

In Canada, the Parole Board may issue, grant, deny or revoke pardons. A pardon allows offenders, who have completed their sentence and who have demonstrated that they are law-abiding citizens, to have their criminal records kept separately from the criminal records of other offenders. Information regarding the individual's convictions cannot be disclosed without the Minister of Public Security's permission. However, a pardon does not erase the fact that a person was convicted of an offence. Sex offenders who have been pardoned may be asked to provide details of their criminal convictions if they want to work with children or other vulnerable groups.

In Japan, the Public Prosecutors Office retains the criminal records of offenders. However, these records are used only for the purpose of conducting criminal trials. There are other laws which may disqualify or impose restrictions on an ex-offender's rights (for example, ex-offenders are disqualified from becoming lawyers). In these cases, the individual's criminal record is registered with the local government and such record is revealed only in response to legitimate enquiries regarding the individual's legal standing.

## **4. Employment**

### **(a) Barriers to employment**

In general, there are three main barriers which confront offenders in establishing 'real world' employment opportunities upon release from prison:-

- Limited skills/qualifications
- Limited work experience
- Negative employer perceptions

Most prisoners express the hope that they can obtain meaningful long term employment on release and it is clear that steady and secure work is a major factor in reducing recidivism. However, many offenders struggle to secure employment upon release as the majority of offenders are not well-educated and/or have fairly limited vocational and educational skills. In Singapore and Macao (China), approximately 75 to 90% of the offender population have completed junior or high school education. Interestingly, in Korea, a substantial number of inmates do complete some occupational training courses during their incarceration period, but their weak commitment to linking these skills to suitable employment opportunities, coupled with negative employer perceptions, often prevent them being employed.

Apart from limited vocational skills and/or limited educational qualifications, many ex-offenders also have limited work experience. These factors create very significant hurdles. Constant rejection by society and failure to obtain employment can cause some ex-offenders to ultimately lose confidence in themselves. Others have low motivation towards work and/or have unrealistic work expectations. In countries which do not provide social security benefits to ex-offenders, unemployment also creates financial difficulties and increases the risk of re-offending by ex-offenders. Others turn to family members for financial assistance and this can itself create tensions in their relationships and support networks.

In most countries, employers tend to hold negative perceptions of ex-prisoners and are reluctant to offer them jobs. Many potential employers, in both the public and private sectors, may be concerned about whether ex-prisoners have adequate skills, whether they can be 'trusted' and whether the problems that led to their incarceration (such as substance abuse) will recur. In Thailand, although many ex-prisoners are well-trained and skillful, they still struggle to obtain work because of

employers' negative perceptions. Even ex-prisoners who have a good employment records often face problems in gaining employment upon release.

Many employers assume that ex-offenders are unreliable workers and pose a threat to themselves or to others. Having a criminal record in itself puts ex-offenders in an unfavourable light. In some cases, having a criminal record (for example, for sexual offences against children) excludes an ex-offender from holding jobs which involve contact with children or other vulnerable individuals. Korea's National Government Employment Act prohibits ex-offenders from being employed in the government sector unless a period of five years has elapsed after the completion of the sentence.

## **(b) Strategies to overcome the barriers to employment**

Correctional departments acknowledge that they have an important role in assisting and improving the prisoners' chances of gaining employment to ensure a successful reintegration into the community. For example, the Solomon Islands Prison Service has a *Rehabilitation Framework* which aims to motivate prisoners to engage and undertake identified programs, services and activities to prepare them for release into the community. It aims to provide vocational skills training and work opportunities for prisoners.

The following are some of the main strategies that have been adopted to overcome barriers to employment.

### ***Assessments and career planning programs***

In Canada, different types of on-the-job training programs, designed to meet the specific demands of the labour market, are offered to offenders whilst in prison. Career planning programs are devised to allow offenders to develop their potential for personal growth and to acquire the skills, attitudes and behaviours valued by employers. These include problem-solving, critical thinking, punctuality, interacting with co-workers, and being respectful to others.

In Singapore, on admission, all offenders undergo a classification process to assess their risks and needs to map out an individualised rehabilitative/reintegration plan including a Vocational Route Map to enhance their employment prospects. The Solomon Island Prison Service's Corporate Plan envisages a similar assessment and classification process for its prisoners.

### ***Educational and vocational programs***

In all correctional departments, inmates are encouraged to participate in educational and/or vocational training courses on a voluntary basis in order to enhance their prospects of gaining meaningful employment upon release. The types of programs offered vary between the jurisdictions in accordance with differing labour market demands. They include distance learning courses at Open Universities, language courses, information technology, bakery, electricity, engineering, handicraft, laundry, carpentry, garment manufacturing, printing, cooking. Certificates are issued to inmates upon successful completion of courses. In Hong Kong (China), various organisations provide financial assistance to needy prisoners to undertake educational and vocational pursuits.

Many inmates in Japan do not have high school qualifications and therefore find it difficult to obtain employment on release. To resolve this problem, greater opportunities are given to inmates to complete high school education in prison. In

Hong Kong (China), it is compulsory for young inmates attend half-day vocational training on technical or commercial skills. Current courses include plumbing, printing, desktop publishing, mechanical engineering, electrical and electronic servicing.

In the Solomon Islands, prisoners at Tetere Prison Farm (situated on 35 hectares of land) will receive vocational training in farm processes, plant management, machinery operations, livestock and animal husbandry, and plant propagation. The mission is for Tetere Prison Farm to become a food production centre which facilitates the rehabilitation and reintegration of prisoners through meaningful work programs and training, and at the same time, reduces the overall operating costs of the prison service. It also aims to assist the Solomon Island Government to achieve its outcomes in sustainable agricultural and rural development. The plan is to extend the Tetere model to other provincial prisons so that those prisons can specialise in small market gardening and propagation.

In Thailand, the private sector plays an important role in delivering skills training courses to inmates in preparation for their release into the community. In Vietnam, prisoners are also provided with training courses in life-skills and communication skills and information about the political and socio-economic situation in the country, to prepare them for release.

### ***Work programs***

Adult prisoners in Hong Kong (China) are required under Prison Rules to engage in useful work in prison unless excused on medical grounds. In Singapore, inmates work in various workshops to give them opportunities to develop their supervisory, teamwork and communication skills.

In 2005, Singapore implemented its *Place and Train Scheme* whereby pre-release offenders are interviewed by employers and offered jobs in the landscape industry. Prior to their release, these prisoners complete a training course to qualify as landscape technicians. Upon release, they work for the employers for a minimum period of six months. During this period, their progress is monitored by Case Managers from the Singapore Prison Service. In 2006, 105 prisoners successfully participated in the scheme with 68% of offenders continuing employment beyond the initial 6-month period. Due to its success, the *Place and Train Scheme* has been extended to the construction industry.

### ***Employment support centres***

In Singapore, Resource Centres in prisons provide programs which assist pre-release offenders in seeking and securing employment before they are released. For example, an offender can apply and secure a job interview on-line. In addition, the Employment Assistance Unit matches offenders with employers who can offer jobs in which the offenders have been trained in.

Similarly, the Thai Department of Corrections has initiated various in-prison programs such as job training to assist inmates in securing employment upon release. In addition, there is strong cooperation between provincial prisons and sub-district representatives to help inmates participate in voluntary work in prison, to prepare them for job interviews, improve skills training and foster family support.

In Canada, about 48 Community Employment Centres have been established in the community to provide cost effective employment counselling and placement services

for recently released prisoners. These include services such as resume writing, job search help, interview preparation, and use of computer facilities.

### ***Job Fairs and links with community organisations and other government agencies***

In 2005 and 2006, as part of its *Yellow Ribbon Project*, Job Fairs were held within the Singapore Prison Complex to help prisoners secure jobs before their release. In 2005, about 21% of the participating offenders were offered jobs, and this rose to 48% in 2006.

Most countries have links with community organisations and non-government organisations to provide follow-up employment services and other support services to released prisoners to assist them during their reintegration period. For example, the Thai Department of Corrections has links with the Amata Nakorn Industrial Community to widen its inmates' employment opportunities. In Japan and Korea, various government agencies and organisations assist prisoners in finding employment.

Under its *Rehabilitative Framework*, the Solomon Island Prison Service will be forging partnership projects with relevant community organisations to allow prisoners to make crutches and other medical aids for disabled individuals in the community.

In Thailand, several MOU's have been signed with private and public agencies to provide support and assistance to released prisoners as part of its *Skill Support and Safe Reintegration Project*.

In Vietnam, there is strong cooperation and coordination between the Ministry of Public Security and other Departments and socio-political organisations in the management, rehabilitation and assistance to ex-offenders. For example, some ex-offenders are given interest-free loans to set up their own business in the community.

## **5. Family**

### **(a) Identifying the barriers**

It sometimes tends to be assumed that families will welcome prisoners home and will be able to support them. However, the return of a prisoner to the family can present many problems, especially if the prisoner (who is generally male) has been away from the family home for a long period of time. The family may have developed their own routines and lifestyles over a long period of time, and the sudden presence of another person can be a source of both joy and problems. There may be particular problems if the ex-prisoner and his partner had experienced a violent or abusive relationship. Furthermore, some family members (especially in the case of large extended families) may not have forgiven or come to terms with the offender's crimes. Family members may also feel hurt and experience discrimination when a loved one is in prison.

In Macao (China), statistics from 2006 indicate that about 55% of prisoners were aged between 30 and 50 years. Their physical absence from the family environment can have a negative impact on relationships with their spouses and children. Some inmates have no parental experience or are unwilling to be responsible parents.

It is interesting to note that in Japan, the Rehabilitation Bureau is responsible for resolving issues that arises between inmates and their family members, as well as matters regarding community supervision. With regard to family matters, the role of the Corrections Bureau in Japan is limited to the provision of counselling services to inmates upon request. The Corrections Bureau also liaises with probation officers and other organisations with regard to the exchange of information relating to inmates.

## **(b) Strategies to overcome these barriers**

### ***Support to family members***

Most countries, including Indonesia and Korea, conduct regular seminars for families to help them understand about the reintegration problems faced by inmates, drug abuse, and the support they need from the families. This aims to create a better understanding between inmates and their loved ones when they are released from prison.

In some countries, prisoners and family members can access counselling services from qualified professionals during their incarceration. In Macao (China), a qualified social worker is assigned to each inmate. Social workers can provide support to inmates by playing roles as supervisors, coordinators, spiritual guides, mentors and motivators.

In Korea, government agencies provide support to families such as counselling and organising family camps. In 2006, a Family Love Camp was held successfully for three days for eight female inmates and their children as it fostered stronger bonds between them. In Canada, chaplaincy services are provided to strengthen inmates' faith and family relationships, together with support from various religious community groups.

Under the *Piboon Songkroh Foundation* which is chaired by the Director General of the Thai Department of Corrections, donations from the community are used to provide financial assistance to inmates' children under the age of three years and also for the children's education.

### ***Family visits/contact***

All jurisdictions recognise that it is important for prisoners to have regular personal contact with the family members. In some countries such as Macao (China), weekly family visits and parent-child activities are held to bond relationships. Regular meetings between inmates and their families are also held to help them strengthen their roles as fathers, mothers, husbands and wives.

In Thailand, conjugal visits are granted to well-behaved prisoners. Drug-addicted prisoners who are participating in therapeutic community programs are allowed to have more contact visits with family members so that they can also participate in the program activities.

In Vietnam, prisoners are allowed to visit family members once per month for one to 48 hours. Apart from these prison visits, prisoners also maintain monthly telephone contact with their families. Plans are underway to facilitate contact through the internet.

## **6. Community Acceptance**

### **(a) Problems faced by ex-prisoners**

Media and public discussions of correctional issues tend to be clouded by negative images, especially when ‘something goes wrong’ in the sense that an ex-prisoner commits a serious offence. In order to counteract such images, several APCCA members (including Hong Kong (China), Singapore and Thailand) have undertaken sustained public education campaigns over recent years. These campaigns have generally included advertising, the use of celebrities to promote a positive image, showcasing the successes of ex-prisoners, the production of films and stage performances, and strategic engagements with the non-government sector.

### **(b) Strategies to overcome the barriers to community acceptance**

#### ***Engaging effectively with the community through specific projects***

In the majority of countries, proactive steps and projects have been taken to raise community awareness about corrections, to create a better understanding and acceptance of released prisoners and to engage the community in the reintegration process. Engaging with community organisations or stakeholders has many advantages, including the following:-

- Correctional departments are able to work collaboratively with the community towards building stronger and safer communities.
- It raises community awareness and understanding of the difficulties and issues faced by prisoners (pre-release and post-release) and the need for a gradual and supported reintegration into the community.
- Opens dialogue between parties about corrections and barriers faced by prisoners.
- Acknowledges and enhances the role of Elders and Aboriginal Communities.
- Assists in the healing process of offenders and generates acceptance by the community.
- Released prisoners with mental health problems or other disability can access help from community organisations in terms of supported accommodation and mental health services. The number of prisoners with mental health issues is on the increase in most jurisdictions. In Canada, one in ten male prisoners and one in four female prisoners, have been identified to have a mental health issue.
- Strengthens relationships with existing community organisations.
- Creates new relationships with new organisations.
- Raises awareness of cultural diversity and encourages ethnic communities to play a role in developing culturally appropriate programs and services.

More positive community attitudes and engagement in the rehabilitation and reintegration process have been achieved by adopting a number of strategies, including the following:

- Broadcasting special television and radio programs, including docu-dramas.
- Holding exhibitions (for example, an annual Handicraft Exhibition is held in Macao (China) to display the crafts made by inmates and to promote other activities).

- Delivering seminars to the general public.
- Delivering seminars to high school and university students to encourage them to take an active role in supporting ex-prisoners.
- Securing sponsorships from renowned community organisations and local charitable organisations to run professional courses for prisoners (for example, hairdressing and beauty courses are offered to female prisoners in Hong Kong (China)).

The following is a summary of some ‘success stories’:-

- The Ministry of Justice in Japan has been promoting its “*Brighter Society Campaign*” for the past 57 years to promote community acceptance of ex-offenders through organised events, community meetings, writing contests for students, street advertising, posters, newspaper and television advertisements.
- In 2003, Singapore produced its first community film called “*Twilight Kitchen*” which targeted three groups (prospective employers, community stakeholders and the general public). There were 2.3 million viewers and 250 employers came forward to offer employment to offenders upon their release. As a result of its outstanding success, Singapore then launched its renowned “*Yellow Ribbon Project*” in 2004 to spread the message of offering forgiveness and second chances to ex-offenders amongst the community. This was achieved through a Charity Concert, Prison Open House and movie premieres “*Coming Home*” and “*One More Chance*”. Community members were encouraged to show their acceptance and support of ex-offenders by wearing a yellow ribbon.

In a survey conducted by the Singapore Prison Service, it was found that more than 80% of respondents expressed an awareness of the objectives of the *Yellow Ribbon Project* whilst 90% indicated a willingness to support the project. The *Yellow Ribbon Project* has been so successful that Fiji is now planning to adopt the same project to generate community acceptance and support of ex-offenders.

- Since 2004, Hong Kong (China) has successfully formed a Rehabilitation Volunteer Group consisting of University students and teachers to provide support to inmates in terms of their emotional, social and recreational needs. Between 2000 and 2004, Hong Kong (China)’s docu-drama entitled “*The Road Block*” was so well received by the community that it received a number of awards for Best Television Programs.
- In 2006, the Thai Department of Corrections implemented its *Corrections in the Sub-district Project* which saw the first Memorandum of Understanding (MOU) between a prison authority and a sub-district administration authority to cooperate in the preparation of inmates’ release into the community, assistance in seeking employment, provision of vocational trainers, raising community awareness and acceptance of inmates, provision of social welfare benefits to inmates and their families and monitoring after release. Representatives also visit inmates and participate in some activities with them and their families. As at July 2007, 43 MOU’s have been signed with the respective local sub-district

administration authorities. It is anticipated that a total of 139 MOU's will be established throughout Thailand.

- The Correctional Service of Canada (CSC) has successfully implemented its Community Forum Project to work collaboratively with registered non-profit organisations to strengthen the community's understanding of gradual and safe reintegration of offenders and to build community capacity to assist offenders in their reintegration efforts. Forums are organised by the organisations and sponsored by CSC. Once a forum has been held, the organisation is required to provide a report to CSC to ensure that the project objectives are met. These include the diverse needs of offenders in the community, enhancing the role of Aboriginal Communities, healing through the use of restorative justice initiatives, addressing mental health issues, and public safety.

The CSC also has an Outreach Fund which provides funding to develop and implement initiatives that support its mandate and priorities including initiatives which build relationships with new or existing stakeholders, enhancing the role of Aboriginal Communities and enhancing the role to be played by ethnic communities by developing culturally appropriate programs and services.

## **7. Other Hurdles**

Some jurisdictions face other hurdles to reintegration. They include the following:-

- Australia is such a vast country that it can be difficult to work (especially in trades and low skilled areas of work) without a driver's licence. However, there are many prisoners (especially Aboriginal prisoners) who, for one reason or another, do not have a valid driver's licence. Unfortunately, this not only creates problems in terms of employment but also tends to generate further criminal convictions (for driving without a valid licence) and criminal penalties.
- The over-representation of Aboriginal/indigenous offenders is a major problem in countries such as Australia, Canada and New Zealand. A large number of Aboriginal Communities have difficulty in supporting or sustaining offenders who return to their Communities. Canada has implemented its "*Strategic Plan for Aboriginal Corrections 2006-2011*" to engage Aboriginal Communities and Elders in corrections and to address the needs of its people.
- Female prisoners and foreign prisoners – more initiatives need to be taken to assist these prisoners to return to their communities.
- The increase in mental health issues in prisoners mean that correctional departments need to work collaboratively with other agencies to provide suitable accommodation with support services.
- The ageing population in prison is another challenge for correctional departments as there will be increasing needs in the area of health/medical services and nursing homes (see Specialist Workshop 1).

## **8. Conclusion**

The safest way to ensure successful reintegration and public safety is through the gradual, structured and supervised release of offenders into the community. The likelihood of an offender leading a law-abiding life on release is greater if he or she is prepared for release and is supervised in a supportive environment in the community. In addition to effective case management and program interventions, it is important for correctional departments to inform and engage members of the community to assist in the reintegration process of offenders. As discussed above, all correctional departments face similar challenges and barriers with respect to the reintegration of prisoners. Different strategies and initiatives have been implemented to alleviate these problems with success.

In summary, the ultimate goal of all correctional departments is to ensure the effective rehabilitation and smooth reintegration of prisoners into the community so that they do not re-offend and to protect the safety of the community. A successful reintegration process requires commitment not only from correctional departments and the offenders themselves, it also requires a united commitment and cooperation from the offender's family, community organisations, governmental agencies and the general community.

# SPECIALIST WORKSHOP ONE

## REBUILDING CORRECTIONAL CAPACITY FOLLOWING NATURAL DISASTERS AND CONFLICT

### 1. Introduction

Vietnam, Japan, the Solomon Islands and New Zealand made presentations to Specialist Workshop One. The papers by Vietnam, the Solomon Islands and Japan reflected on their actual experiences. The New Zealand paper discussed the most effective strategies that can be adopted to ensure adequate preparation for potential disasters such as earthquakes and pandemics. This report on Specialist Workshop One will first summarise each of the presentations and will then conclude by drawing out the central themes and lessons to be drawn from the papers as a whole.

### 2. Japan

The first presentation was made by Japan. It is well-known that Japan is vulnerable to destructive natural phenomena such as earthquakes, tsunami and typhoons. Drawing on this experience, the paper provided some fascinating insights on the way in which the 1995 Kobe earthquake impacted on correctional services, on the role of the Corrections Bureau in ensuring public safety and promoting reconstruction, and on the strategies that have been adopted in preparation for any future natural disasters.

The Kobe earthquake struck early in the morning (5.46am) on 17 January 1995. Buildings, roads and houses were razed to the ground and more than 5000 people lost their lives. Fortunately, the three correctional facilities that were located in the earthquake-affected region (the Kobe Prison, the Sumoto Branch Detention House and the Kobe Juvenile Classification Home) did not suffer major damage and in fact these institutions were to play a very important role in responding to the needs of evacuees and in community reconstruction. First, the Kobe Juvenile Classification Home was able to receive and provide safe shelter and medical care for local residents who had been forced to evacuate. It took some time before all the evacuees were able to leave the Classification Home, so the Corrections Bureau called upon the skills of psychologists from correctional facilities across the country to provide counselling to the evacuees. The evacuees were traumatised not only by the earthquake but also by the problems of living in a shared space in a prison. The paper provides further detail on the types of stresses that were experienced and the counselling techniques adopted by the psychologists.

Three specific lessons were identified from the Kobe earthquake experience:

- The need for *flexibility*, including the ability to take on the spot decisions and to adapt to changing circumstances
- The need to take full account of the *group dynamics* of disaster victims as well as their individual needs
- The need to promote *self-care* on the part of survivors and to avoid a sense of dependency on aid.

Japan is continually updating its disaster response capacity, with the aim of improving coordination. There are four aspects to this. First, new regulations were enacted in 2002 (the 'Regulations on Security and Rescue for Correctional Institutions') to stipulate the key principles relating to security and rescue matters. Secondly, the regulations require the superintendents of regional correctional headquarters to establish prison mobile units for disaster relief. Thirdly, regular drills and training are conducted at least once a year to ensure that all staff are prepared and aware of their roles. Finally, there are regular inspections of facilities to ensure that appliances are fully maintained and that adequate supplies of food and drinking water are in stock in the event of future emergencies.

### **3. Solomon Islands**

The second presentation was made by the Solomon Islands which has faced enormous problems over recent years as a result of both ethnic tensions and natural disasters. The Solomon Islands Prison Service (SIPS) paper discussed its responses to both of these problems.

#### **(a) Ethnic tension**

Ethnic conflict escalated in the Solomon Islands in the late 1990's as a result of disputes over land ownership. In October 2000, the parties came to the negotiating table and this allowed peaceful elections to be held at the end of 2001. Unfortunately, law and order remained a problem and in the middle of 2003, at the request of the Solomon Islands government, the Australian-led Regional Assistance Mission to the Solomon Islands (RAMSI) was deployed to assist in restoring law and order, reducing corruption and strengthening government institutions.

SIPS experienced deep problems during the tensions, including the desertion of posts by staff, the unlawful discharge of prisoners, and the inability to provide adequate security and public safety. However, the government, working in collaboration with RAMSI, has made great progress over the past four years. The key to this progress has been careful planning, including the setting of short term goals (the first priority being effective security and containment) and medium to longer term objectives. The core achievements to date include:

- Prison building and renovation is underway.
- A Correctional Services Act was passed by Parliament in August 2007.
- A Learning and Development Strategy has been developed to integrate plans for staff recruitment and for staff assessment and promotion.
- Staff training has been strengthened.
- Succession plans have been developed to allow the transfer of positions currently held by expatriates to local people in 2008.
- Funding arrangements have been developed to try and ensure the long term sustainability of SIPS and other justice agencies.
- Starting to develop rehabilitation programs.

#### **(b) Natural disasters**

On 2 April 2007, a major earthquake struck 345 km northwest of the Solomon Islands capital Honiara. It created a tsunami that struck a number of islands. Over 6,000 villagers were displaced and a 20-bed prison at Gizo was badly damaged. Fortunately, all of the staff and prisoners managed to escape but the staff housing was destroyed. SIPS immediately established an emergency call centre and deployed its emergency response team to Gizo. The SIPS team was the first emergency

response team to arrive and it provided a great deal of support, including counselling, medical assistance and assistance in the restoration of basic services. To assist in this process, a number of short term prisoners were released on licence.

Building on this experience, the Solomon Islands has pursued a number of initiatives, including the following:

- Legislation to empower the Superintendent of Prisons to release prisoners from custody if a severe life-threatening event occurs.
- Expediting the process of building a new prison facility at Gizo.
- Working with other government agencies and RAMSI to build a greater response capacity, including improved coordination and planning in the event of any future disasters.

## 4. New Zealand

The New Zealand paper was rather different in scope. New Zealand has not experienced recent natural disasters but is located in a geographically unstable area. The country must therefore be fully prepared for any possible emergency. The delegation pointed out that a 'systems approach' based on careful risk assessment and planning is the key to an effective response. Given the wide-reaching effects of natural disasters, the model that has been adopted in New Zealand is one of system-wide 'business continuity management'.

The key features of a systems approach and of a business continuity model include the following:

- The system must be organisation-wide in two senses: it must have both 'width' (it must cover all areas of operation) and 'depth' (it must extend to all personnel from the top to the bottom).
- Systems must be developed for anticipating incidents that may affect critical functions.
- Consideration must be given as to the risks against which the organisation can, and should, take out insurance.
- Plans must be developed on the basis of the risk assessments.
- These plans must not sit on paper but must be embedded in everyone's daily business, and kept alive through regular exercises and training.
- Plans within correctional departments should be part of a coordinated, whole of government approach.

If these systems are in place, it will be possible to mount a far more effective response to disasters and major incidents. When disasters do occur, there must be coordinated efforts to effect immediate, short term and long term regeneration. It is also essential to ensure that human needs are addressed as well as organisational needs.

Although these processes and requirements may appear quite elaborate and complex, the New Zealand presentation also emphasised the importance of three simple principles:

- *Simplicity* of planning is crucial to ensuring that staff understand and remember their roles and responsibilities.
- *Coordination* across government agencies is essential (for example, there is no point in the corrections department having a good plan if there are no plans with respect to the supply of water, electricity and communications).

- *Upgrade for the future:* in rebuilding after disasters or major incidents, regard should be had to future needs and not to simply replacing what was lost.

## 5. Vietnam

Vietnam has a very long coastline and is regularly subject to torrential rains and cyclones. Indeed, shortly before the 27<sup>th</sup> APCCA conference, some southern parts of the country were struck by a cyclone and experienced wind and flood damage. Floods are so regular that a common phrase in Vietnam is ‘live with flood.’

Floods can sometimes lead to other serious consequences such as landslides, and in one such incident in Vietnam, a prison was destroyed. Fortunately, as a result of the monitoring of weather forecasts and the use of emergency procedures, all staff and prisoners had been relocated some two days earlier.

One of the problems that is faced by the Department of Prison Management of the Ministry of Public Security is that many prisons are in rather remote places and they are often rather old and degraded. For this reason, the priority is to predict risk and to ensure staff and prisoners’ safety. If necessary, staff and prisoners will be transferred to safer locations.

In Vietnam, as in other countries, the key to success is coordination between the local prison administrators, the Director of the Prison Management Department and the Ministry of Public Security. This coordination is essential to the prompt and efficient mobilization of human resources and machinery. In order to ensure coordination, the Committee against Natural Disasters has been established in the Ministry of Public Security. This committee has responsibility for assessing information about possible threats, as well as conducting inspections of prisons and ensuring that staff are trained and that emergency supplies are stocked.

## 6. Conclusions

Although the requirements of each of the presenting countries were rather different, some common themes emerged with respect to the management of natural disasters and in rebuilding capacity in the aftermath of conflicts or natural disasters. Best practice in this complex area is likely to embody the following core elements and principles:

- *Develop a system-wide approach* based on a ‘business continuity model’ (an example of which was outlined by New Zealand).
- *Ensure there are systems for assessing and anticipating risks* (for example, of volcanic eruptions, cyclones and floods) and for communicating those risks.
- On the basis of the assessed potential risks, *develop contingency plans* (for example, Vietnam’s evacuation procedures for prisons under threat of landslides).
- *Ensure strong leadership and clear lines of authority* within corrections departments.
- *Ensure coordination* (for example, by establishing special oversight committees) between corrections departments and:
  - Other emergency services (police and fire);
  - Essential service providers (water, power and communications);

- Other arms of government.
- *Make use of correctional facilities and the expertise of correctional staff to reach out into the community* at times of disaster (exemplified by the experience in Japan following the Kobe earthquake).
- *Ensure that local managers have adequate authority and flexibility* to respond rapidly, and without delay (for example, the Solomon Islands' legislation to empower the Superintendent of prisons to release prisoners in the face of life threatening events).
- *Embed disaster and emergency management* as part of staff's expected routines, and hold regular drills and training.
- If a disaster does strike, use these pre-existing and established systems to develop:
  - *Short term plans* (such as ensuring security and preventing the spread of disease);
  - *Medium and longer term plans* for reconstruction and, where relevant, a transition from 'aid' to 'self sufficiency'.
- *Rebuild for the future*: do not just adopt a philosophy of replacing 'what is, where is'.

# **SPECIALIST WORKSHOP TWO**

## **EFFECTIVE COMMUNITY SUPERVISION AND MONITORING**

### **1. Introduction**

There is increasing regional acceptance of the policy that imprisonment should be the option of last resort and that, where appropriate, some offenders may be adequately punished in the community. The policy is driven by several considerations including:-

- (a) Financial considerations.
- (b) Problems of reintegrating offenders after they have been incarcerated.
- (c) Recognition that some forms of community based supervision and monitoring can be effective in reducing risk and preventing recidivism. The types of community based sentences include probation, community work and home detention. There are also schemes involving the 'supervised release' of prisoners (including parole and home detention).

This paper focuses on point (c) above. In terms of structural arrangements, in some countries, both prisons and community corrections are the responsibility of the same government department (often called a 'correctional services department' or similar name). However, in other countries, a different department (often termed a 'community welfare department' or similar name) has responsibility for probation, parole and related measures.

A range of different conditions may be imposed on offenders serving sentences in the community. Some of these relate to 'monitoring' and 'tracking' offenders (for example, requiring offenders to report to the police or other agencies and electronic monitoring). Others involve education and treatment programs (such as substance abuse counselling). In some jurisdictions, it is also quite common to require offenders with a history of substance abuse to undergo regular testing. Increasingly, conditions are also found with respect to victims (such as 'no contact with the victim' or 'not to enter a specified area').

Australia (New South Wales), Fiji, Thailand and Vietnam made presentations to Specialist Workshop Two. Singapore and Vanuatu made written contributions. This paper summarises what can make community supervision and monitoring effective in these countries. It also includes consideration of community based sentences imposed by the courts (such as probation, community work and home detention) and also schemes involving the 'supervised release' of prisoners (including parole and home detention).

### **2. Australia**

In Australia, there is no Federal correctional system. Each of the seven States of Australia has its own correctional system which operates independently of one another. The presentation focused on the correctional system in New South Wales (NSW). The NSW Department of Corrective Services (DCS) is responsible for both the custodial and community management of offenders. This allows for greater integration of operations and enables DCS to implement its "throughcare" strategy –

this has several advantages in terms of continuity of service for offenders who have been released on supervised parole orders as well as those who receive a custodial term while serving a supervised community based order. Within DCS, the Community Offender Services (COS) is vested with the responsibility of managing offenders in the community. COS manages approximately 18,000 offenders in NSW. Of these 18,000, about 4,500 offenders are in the community on parole.

In 2006, the NSW State Plan was published. It sets the priorities for the State for the next decade. This major government policy document calls for a 'whole of government' approach to addressing the offence related needs of offenders and identifies the NSW Department of Corrective Services as the lead agency with the responsibility of reducing the recidivism rate by 10%.

### **(a) General approaches to monitoring and supervision**

Offenders who are subject to Good Behaviour Bonds imposed by the courts are supervised by the COS, Probation and Parole Service. The conditions imposed by the courts generally include the following:-

- that the offender must be of good behavior
- that the offender must comply with all reasonable directions of the Probation and Parole Officer
- that the offender attends rehabilitation programs

In a number of cases, the court may also impose a requirement that the offender attends specific programs and drug testing. Often, these specific conditions arise from recommendations made to the court by way of court advice provided by DCS.

With regard to Parole Orders, the State Parole Authority imposes specific conditions which are based on the recommendations made by sentencing judges and the parole officer. These may include drug testing and place/association restrictions.

In terms of conditions imposed by DCS, these are currently undergoing review and considerable change. However, the imposition of surveillance, electronic monitoring and drug testing is becoming more common for a range of orders.

COS manages offenders in the community according to the identified risk and needs. Strategies are developed to limit the offenders' risks whilst their needs are addressed through group-based intervention programs (as opposed to one-to-one counselling) which directly target factors related to offending. The Probation and Parole Services staff have always operated within prisons. However, a recent change to DCS's operations has now extended the operations of the Probation and Parole Services to COS District Offices to ensure consistency in the delivery of group-based programs in both the custodial as well as the community environments. Group-based programs include:-

- Drug and Alcohol Relapse Prevention
- Domestic Violence Perpetrators
- Pathways to Employment, Education and Training

In line with the NSW State Plan, an Offender Compliance Monitoring Unit (OCMU) and a Special Visitation Group (SVG) were established recently, to closely monitor high risk offenders. Both operate on a 24-hour basis every day and conduct unannounced home visits, visits to employment places, and conduct alcohol and drug testing of offenders. The OCMU and SVG are staffed mainly by probation and parole trained officers. Due to the success of this strategy in Sydney, plans are underway to set up OCMU in other areas.

## **(b) Managing high risk offenders**

High risk offenders and high profile offenders (such as child sex offenders) are monitored by the SVG which works in close partnership with the Police. The newly established SVG is still evolving and operates within the OCMU. There are plans to extend the operations of SVG throughout NSW.

## **(c) Success story – The Sober Driver Program**

The Sober Driver Program was introduced in 2002/2003 as a NSW ‘whole of government’ initiative to target serious road safety problems caused by repeat drink-drive offenders. The group-based program uses an adult learning education approach which incorporates a cognitive-behaviour focus including relapse prevention strategies, real life applications and role playing. To date, it has been conducted in 51 locations throughout NSW with over 4463 participants.

Evaluations conducted have found that the NSW Sober Driver Program is a highly effective intervention program:-

- The re-offending rate of repeat drink-drive offenders who had completed the program had reduced by 50%.
- As a result of the program, there has been a reduction in road crashes. This has had a major impact on reducing community costs and resources including savings to the government agencies involved in partnership. The Roads and Traffic Authority found that “for every \$1 spent on the Sober Driver Program, the return in terms of road safety is \$2.30”.

In conclusion, the success of the program is attributable to “adequate and external funding, central administration, a whole-of-government approach to program development and a strong commitment by DCS staff in a wide range of locations together with the support of the judiciary.”

## **(d) Challenges**

The challenges faced by the DCS in NSW are as follows:-

- Meeting the needs of offenders in remote and rural communities is a major challenge for DCS. Strategies are constantly being investigated to address the issues associated with geographical disbursement of offenders throughout the state and difficulties in implementing group work programs. The ongoing challenge for DCS is “to continue to seek partnerships with government and non-government agencies in rural and remote locations in order to extend human services and other DCS resources to as many locations as possible.”
- Another challenge is providing community-based offenders access to the available mental health and other specialised services in the community. The two groups of offenders who have difficulties accessing these services are those with a dual diagnosis (mental health and drug and alcohol issues) and those with complex and multiple needs. These two groups of offenders constitute a high percentage of the medium to high risk offenders who are targeted in terms of resources by COS. The challenge is to ensure that these two groups of offenders have timely access to services to address their needs.

### **3. Fiji**

According to its 2005 statistics, Fiji had 1,279 prisoners, with an overcrowding rate of about 27%. About 49% of the prisoners are aged between 16 and 25. Imposing non-custodial sentences instead of incarceration would assist Fiji's prison overcrowding problem. In addition, as about 80% of the prison population is indigenous Fijian, imposing non-custodial sentences would allow them:-

- to serve their sentence in the community;
- to continue with employment and/or education;
- to maintain family links; and
- to engage in other forms of pro-social and productive activities.

Although both probation and community work orders are available in Fiji, these sentencing options have not been used widely by the courts due to lack of infrastructure and confidence in their use. To resolve this, pilot programs are being implemented in Ba, Navua and Suva.

Fiji has a Parole Board which consists of a Chairman (a retired judge or a qualified legal practitioner), a registered medical practitioner and two members with experience in offender supervision and treatment. In 2005, 328 prisoners were eligible for parole.

The use of non-custodial orders and parole has generated an approximate saving of about F\$3.5 million per annum. Additional benefits include:-

- increased capacity to provide rehabilitation and reintegration support;
- preventing young offenders being exposed to more serious offenders; and
- from a social and economic perspective, offenders can rekindle relationships and continue with employment and education.

There are three separate pieces of legislation and authorities which administer community work orders, probation and parole:-

- the Minister for Justice is responsible for the Community Work Act;
- the Minister for Social Welfare is responsible for the Probation/Offenders Act; and
- the Commissioner of Prisons is responsible for the Prisons and Corrections Act (Parole Board).

There has been strong support by the community for the use of community based sentences instead of incarceration. Further, these sentences have proved to be very useful with no breaches. However, as these sentencing options have only been implemented in Fiji over the past two years, it is inevitable that some initial teething problems have emerged (for example, the lack of structured programs to engage offenders in the community). Fiji is determined to adopt an integrated approach to mobilise resources in order to establish a Community Based Office over the next five years, which will be cost effective (economically and socially).

### **4. Vietnam**

In Vietnam, the legislation stipulates that the main objective of penalties is not only to punish prisoners but also to rehabilitate them to be law-abiding and responsible citizens. To achieve this objective, the management and supervision of offenders (pre-release and post-release) plays an important role.

Around two months prior to an inmate's release, the prison officer must notify the relevant local authority of the inmate's proposed residential address. The local authority's role is to supervise and manage the released offender's reintegration into the community. It also provides support services such as counselling, job seeking and provision of interest-free loans. Various local organisations such as the National Front Committee, the Youth Union, the Women Association and Trade Union Companies also provide assistance to these ex-prisoners' readjustment to life in the community.

The level of supervision and management given to ex-prisoners depends upon the nature of the crime committed, the age of the offender, their prison conduct, and family background. Those who are at high risk of re-offending will be under the supervision of the police and the National Front Committee.

However, Vietnam recognises that there is still some reluctance from community organisations to assist ex-prisoners. There is a need to establish a stronger organisation which delivers more structured support services to ensure the successful reintegration of more released prisoners into the community. Proposals have been submitted to the Government regarding the following:-

- A review of the laws and regulations governing the obligations and responsibilities of local authorities and community organisations on the management, rehabilitation and assistance of ex-prisoners to become good citizens.
- To continue to reform the current rehabilitation and vocational training programs for prisoners in order to reflect the labour market.
- To raise community awareness of the hurdles faced by ex-prisoners during the reintegration process and to remove the community's negative perceptions of prisoners.
- To establish a cooperative relationship and understanding between the local government and the prisoners' families so that appropriate support structures can be devised for the prisoners' release into the community.

## 5. Thailand

In Thailand, a number of governmental departments share responsibility for the management and supervision of offenders:-

<b>Department</b>	<b>Responsibilities</b>
Corrections Department of Thailand (is headed by the Director General) is under the Ministry of Justice	<ul style="list-style-type: none"> <li>▪ Sets policies regarding correctional issues.</li> <li>▪ Detains and manages prisoners in prisons.</li> <li>▪ Conducts rehabilitation and training programs</li> <li>▪ Supervises and monitors prisoners who have been granted early release (for example, on parole).</li> </ul>
Department of Probation	<ul style="list-style-type: none"> <li>▪ Monitors and controls offenders (pre-trial and post-trial).</li> <li>▪ Conducts investigations on defendants as ordered by the courts; and provides reports to the court.</li> </ul>
Juvenile Observation and Protection Department	<ul style="list-style-type: none"> <li>▪ Provides rehabilitation and training programs to juveniles.</li> </ul>

Parole is granted to prisoners who satisfy the following criteria:-

- Good progress on conduct and education.

- Have served at least one-third of the jail term

Parolees are supervised in the community by parole officers over a stipulated period of time. The supervision period must be at least one year, and must not exceed the remaining prison term. If any parole condition is breached, the parolee will be arrested, returned to prison, and face punishment. The general parole conditions imposed include:-

- Prohibition from entering certain districts or areas
- Refrain from re-offending
- Report (in person) regularly to the police or an authorised officer (Officers also conduct home visits)
- Complete tasks assigned by officials
- Conduct religious activities

Remission of sentences is granted to some prisoners who behave well in prison. Evaluations and assessments are conducted on prisoners as to their risk of re-offending and suitability. Suitable prisoners are released from prison but will be returned if they re-offend.

High risk offenders are detained in maximum security prisons and are segregated from other prisoners. Offenders who are classified as “high risk” are those who have tried to escape from prison, have sentenced for serious crimes, those serving lengthy sentences, those convicted of drug-related offences, those who have political influences and those who have committed disciplinary offences whilst in prison.

Thailand has identified the need for more resources to be allocated to its prison services including the supervision and monitoring of ex-prisoners in the community.

## **6. Vanuatu**

In Vanuatu, the Correctional Services Department (“the Department”) which was established in December 2005, is responsible for both correctional centres and the probation service. The Department operates under the Correctional Services Act 2006. Prior to this, the Vanuatu Police Force was responsible for the management of the prisons. Probation was not available prior to August 2006.

The role of the Department in managing both the prisons and the probation service has reaped the following advantages:-

- Shared vision on the management and treatment of offenders
- Sharing of information to assist sentence planning, reports and assessments
- Reduced administrative costs
- Sharing of skills and assistance between staff
- Smoother transition of offenders from a prison environment to the community.

The Department monitors and supervises those released on community work orders, supervision orders and parole orders. Conditions can only be placed on offenders who are released on supervision and parole orders as there is currently no legislative authority to place conditions on community work orders. The most common condition imposed on ex-prisoners is to receive counselling from a Pastor or a Chief. Although programs and courses are available to ex-prisoners, it is difficult for providers to deliver these services due to the geographical structure of Vanuatu (made up on 83 islands).

Community Justice Supervisors supervise those on community based orders and parole. These supervisors are highly respected members of the community, and

their appointments are approved by the Director of the Department. Their duties are delegated by Probation Officers. The supervisors manage the ex-prisoners and provide progress reports to the Probation Officers.

In June 2007, a computer database system was implemented to assist in risk assessments of prisoners, and a system for information sharing and delivery.

To date, community based orders in Vanuatu have been successful with no breaches reported, and there has only been one breach of a parole order. Feedback from ex-prisoners has been positive. The success of parole and community based orders is due to the strong relationship and respect which ex-prisoners have with their respective Chiefs (who often act as supervisors) and strong relationships with family and community members who support the ex-prisoners' return home.

"*Kastom*" is central to ni-Vanuatu life and influences how things function in the community and how issues are resolved. One challenge for the Department is how it will continue to respect these traditional kastom processes, and at the same time implement a justice system which is based on Western principles. The Department recognises the need to raise community awareness on these matters and for the Government to play a collaborative role to ensure that new initiatives are implemented in the best interests of the Vanuatu people which respect their culture, tradition and kastom.

## 7. Singapore

In Singapore, the community based orders available include probation orders, community service orders, corrective work orders and mandatory counselling orders.

The Singapore Prison Service (SPS) conducts assessments on inmates who are most likely to respond positively to rehabilitation and reintegration. Inmates undergo a number of rigorous screenings and assessments processes before they are considered suitable candidates for release on community based orders. The main conditions imposed on ex-prisoners during the supervision period include:-

- Requirement to engage in meaningful and productive work and studies.
- Abide with curfew hours. Electronic monitoring may also be used to reduce costs.
- Regular reporting on a regular and/or random basis.

Family members are encouraged to support ex-prisoners' reintegration into the community. Family Resource Centres have been established to assist families who have financial problems, adjustment difficulties and parenting problems.

During the supervision period, ex-prisoners can also access other support programs including case management and counselling, and access to the Rebuilding Lives Project (to re-establish strained family relationships).

In the future, the SPS aims to adopt a holistic approach in the management of inmates released on community based orders which includes supervision, programming and referral services. For example, it is currently exploring the Day Reporting Centre concept (which has been implemented in the United States and the United Kingdom) to provide trained personnel who can facilitate 'booster programs' to assist ex-prisoners to retain the knowledge and benefits they have learnt from their participation in programs in prison. More efforts are also being made to generate greater support from community organisations to help ex-prisoners in collaboration with their families and SPS.

# **SPECIALIST WORKSHOP THREE**

## **MANAGING YOUTHFUL OFFENDERS**

### **1. Introduction**

Different countries adopt rather different arrangements with respect to youthful offenders, though all systems do draw distinctions between juveniles and adults in both the courts and the correctional system. In terms of legal proceedings, the law commonly sets a minimum age of 'criminal responsibility', and offenders who are below this age cannot be held criminally responsible. Juveniles who are above the age of criminal responsibility will often be dealt with by special juvenile courts rather than adult courts.

In terms of correctional services, juveniles are commonly regarded as those under the age of 18 and they are usually kept in separate institutions from adults (or, if this is not possible, in separate parts of an institution from adults) to avoid the risk of 'contamination.' Sometimes, institutions for juveniles are run by the same department that has responsibility for adult prisons. However, in some places, juvenile facilities are operated by 'welfare' departments rather than prison departments.

Another variation is that some jurisdictions have a category of 'young adult' offenders (for example, those aged 18 to 21). These offenders tend to go through the adult court system and to be treated as adults in the correctional system, but they may go to separate custodial facilities and may be subject to a different regime from older inmates.

The purpose of this specialist workshop was to allow delegates to reflect on their current practices in this crucial area and to share success stories, innovations and any pertinent research findings. Written papers were prepared by India, Korea, Macao (China), Singapore, the Solomon Islands, Sri Lanka, Thailand and Vietnam. Oral presentations were made by Vietnam, Macao (China), India and Thailand.

### **2. Nature and Extent of the Youth Crime Problem**

In Vietnam, there is great concern about the nature of some offences committed by juveniles and the challenges that some such offenders pose to prison management: 'some of them are very stubborn, ruffian, impetuous and cunning.'

In India, the rate of crime amongst young people appears to be relatively low. Up to the year 2000, juveniles were responsible for just 0.5% of all Indian Penal Code crimes reported in the country. By 2004, this had increased to 1% but the increase can probably be attributed to the impact of the Juvenile Justice Act 2000 which increased the upper age of a 'juvenile' from 16 to 18 years. There appears to be a slight decline in the number of offences of dishonesty (such as cheating and criminal breach of trust) but an increase in offences relating to drugs. The vast majority of young offenders in India are male (93.7% of all juvenile arrests in 2005). Around two thirds of all arrested juveniles were either illiterate or lacked adequate education.

Sri Lanka also noted that although most of the juvenile offenders had attended school for a period of time, none had achieved either 'O' or 'A' level qualifications.

Furthermore, a large number of the offenders came from single-parent families and had experienced drug abuse issues.

In Korea, the number of serious crimes committed by juveniles (including group rape) is said to be increasing and to be generating public concern. In the Solomon Islands, the rate of juvenile offending is still low but there appears to be an increase in the number of drug crimes (especially cannabis) and there are concerns about the breakdown of family and community structures.

On the other hand, Singapore reported a marked decline in youth arrests. In 2005, youths accounted for 23% of all arrests in 2005 but for only 19% in 2006. Total youth arrests dropped by 20% over the same period. Property crimes have taken over from drug crimes as the most serious offence committed by juveniles. However, it is important to remember that many property crimes are prompted by drug use.

### **3. Age of Criminal Responsibility and Juvenile Courts**

The age of criminal responsibility refers to the age at which children can be found guilty of a crime and will be dealt with by the criminal justice system. In the case of children below this age, delinquent behaviour will be regarded as a matter for 'welfare' agencies and welfare interventions.

The legal arrangements vary between countries. The Korean paper stated that criminal punishment is available only for children over 14 and it would seem that welfare agencies are responsible for those under 14. In Macao (China) young persons under 16 'do not hold any criminal responsibility' but the Social Welfare Bureau may intervene through the 'Social Protection Regime' for young people under 12 who commit criminal acts. Until recently, in the case of young offenders aged between 12 and 16, an 'Education Regime' was applied by the Legal Affairs Bureau. However, from the middle of October 2007, a new 'Education and Supervision Regime' is applied.

It is quite common for the law to set both a minimum age of criminal responsibility and a higher age below which the young person will be acquitted unless it is shown that they had sufficient maturity of understanding of their behaviour to be convicted. For example, the Indian Penal Code states that 'nothing is an offence which is done by a child under the age of 7 years' and that in the case of children between 7 and 12 years of age, there will be no offence unless the person has 'attained sufficient maturity to judge the nature and consequences of his conduct on that occasion.' In Singapore, the law and the age limits are the same as in India. In Malaysia the legal requirements are worded the same way, except that the relevant ages are 10 and 12 respectively. In Australia the law is similar but the relevant ages are 10 and 14. Under all these systems, young people above the minimum age of criminal responsibility can be held criminally responsible but will usually be subject to different court procedures and correctional regimes.

Many countries have established specific juvenile courts deal with young people separately from adults. Again, age limits may differ. In Singapore the age limit for juvenile courts is 16 but in Australia it is 18. Several papers (including India) also pointed out that different age limits apply to other legal situations such as the capacity to marry or enter a legally binding contract. There are no separate juvenile courts in the Solomon Islands or Sri Lanka.

As the Singapore paper explained, juvenile courts maintain a focus on punishment and deterrence but will place relatively more weight on rehabilitation (and, more recently, on notions of ‘restorative justice’) than the adult courts. This stronger focus on rehabilitation continues, at a somewhat reduced level, in the 17-21 age group.

In India, the Juvenile Justice (Care and Protection of Children) Act 2000 (the ‘Juvenile Justice Act’) was enacted to give fuller effect to the United Nations Convention on the Rights of the Child. India ratified the Convention in 1992 but it gradually became clear that there were some deficiencies in the existing laws. The 2000 legislation therefore aimed to provide a wider range of non-custodial alternatives and to entrench other core principles of juvenile justice. Juveniles are those aged under 18, and one of the most important aspects of the Juvenile Justice Act is that it empowers the States to establish Juvenile Justice Boards (a specialist juvenile court) to deal with young offenders.

#### **4. Administration of Correctional Facilities**

All correctional systems are fully aware of the need to separate juvenile detainees from adult prisoners as far as possible. However, the extent to which this can happen in practice will vary across the region. The bureaucratic arrangements also differ.

In India, the various different types of homes for juvenile offenders that have been established under the Juvenile Justice Act 2000 are the responsibility of the Social Welfare Department and not the Prisons Department. However, in some States, Borstals still operate under the Prison Department. In all areas, India carefully follows the principle of separating juveniles from adults.

The Korean paper stated that the Corrections Bureau has responsibility for young people who are incarcerated but the ‘department in charge of corrective actions’ manages those young offenders who are not incarcerated. As noted earlier, in Macao (China) the Social Welfare Bureau is responsible for children under 12 but the Legal Affairs Bureau is responsible for older children.

In Thailand, the management of offenders under 18 was formerly the responsibility of the Juvenile and Family Court which was part of the Ministry of Justice, whereas adult prisons were the responsibility of the Department of Corrections and under a separate ministry (the Ministry of the Interior). However, in 2002 the Department of Corrections moved to the Ministry of Justice so that the same Ministry now has responsibility for:-

- adult offenders (the Department of Corrections);
- juvenile detainees (the Department of Juvenile Observation and Protection); and
- adults and juveniles on probation (the Probation Department).

The Solomon Islands Prison Service is responsible for both adults and juveniles. It has not yet been possible to house juvenile offenders in separate facilities but they are kept in separate parts of adult prisons.

## 5. Rehabilitative Strategies and Recidivism Rates

In line with the requirements set by legislation and by international standards and conventions, all of the papers showed a strong focus on developing programs to assist rehabilitation and to reduce recidivism. However, it is also important to have other mechanisms in place to relieve the tedium of institutional life and to provide opportunities for personal, emotional and spiritual development. The following discussion is just a snapshot of some of the programs that have been found successful. More details of these, and of other programs, may be found in the papers themselves.

In India, as noted earlier, many juvenile offenders lack adequate education and vocational skills. Education and vocational training are therefore important facets of institutional treatment. To that end, a wide range of services are provided by non government organizations as well as by other government agencies. Increasingly, computer training is provided as part of the education and vocational training strategy. However, creative arts, yoga, meditation, drama and sports are also an integral part of the regime; these activities have been found to reduce tension and to increase wellbeing.

The Solomon Islands Prison Service is still building its capacity but it aims to provide basic education and training programs that will have relevance to offenders upon release (such as horticulture and basic mechanics). Faith-based agencies assist in this process. In Macao (China), education and vocational training are important and new 'restorative justice' approaches are used to manage interpersonal problems, including bullying and other anti-social behaviour between inmates.

Singapore has achieved a striking reduction in the recidivism rate of young offenders. In 2002, the recidivism rate of young offenders over a two year period after release was around 40%. This was already lower than the rates experienced in some countries but it has now dropped to just over 30%. It remains to be seen whether this level can be sustained but the factors that have contributed to this drop include the following:

- The effectiveness of community based treatment programs.
- Reformative Training remains physically demanding but more thorough and more frequent reviews are conducted of the progress of young offenders and of their individual treatment needs.
- The most significant single innovation is probably the conversion of the Kaki Bukit Centre (KBC) into a prison school. The recidivism rate for KBC graduates has been shown to be much lower (26.5%) than for those released from other institutions (43%)

Thailand has also adopted the philosophy that, as far as possible, custodial facilities for younger people (up to 25) should, as far as possible, be like schools, so that the 'physical and mental potentiality of young offenders' is developed. Like other countries, Thailand also recognises that there must be a wide range of stimulating activities over and above the education and training. These activities include boxing (one female inmate is a world champion) and other practical skills such as cooking. Furthermore, many drug addicts are now provided with a 'therapeutic community' approach rather than a normal prison regime.

## **6. Conclusion: ‘Prevention Better than Cure’**

There is no doubt that prevention is better than cure. Across the region, correctional services departments and other agencies that are responsible for housing and treating young offenders are doing their best to provide a holistic and structured framework to prevent recidivism. The essential features of this include:

- Developing alternatives to custody
- Segregating young people who are placed in custody from adults
- Providing structured education programs
- Providing relevant skills training
- Providing other stimulating activities that contribute to personal development and to physical, spiritual and emotional wellbeing.

However, it is clear that most young people who come into the justice system come from disadvantaged backgrounds, often typified by poverty, family dysfunction, lack of education and substance abuse. As the Indian paper emphasized, the crucial long term challenge extends beyond corrections: it is ‘professional staffing and preventive efforts in society that take care of the developmental needs of youth. A multi-agency and multi-disciplinary approach is needed for this purpose. Capacity building of families, community, NGO’s, local bodies, police, judiciary, and other concerned departments of the government is essential.’

# **CONFERENCE BUSINESS**

## **Introduction**

For several years prior to 2003, APCCA was advised by an Advisory Committee. Following the adoption of the APCCA Joint Declaration in 2002, the Advisory Committee was transformed into a more formally constituted Governing Board. The membership and role of the Governing Board are set out in the Joint Declaration (see Appendix N).

The Governing Board met on Sunday 25 November 2007 to discuss a number of issues and to consider its recommendations to the conference. The meeting of the Governing Board was preceded by a meeting of the APCCA Finance Committee.

## **APCCA Finance Committee Meeting 25 November 2007**

Notes of the Finance Committee meeting are at Appendix M.

The Report on the Administration of the APCCA Fund is at Appendix G.

## **Meeting of the APCCA Governing Board 25 November 2007**

Under the Joint Declaration, the Chair of the Governing Board is the conference host. As Chair, Major General Pham Duc Chan, Director of the Department of Prison Management, Ministry of Public Security in Vietnam, extended a warm welcome to members of the Governing Board.

The following members of the Governing Board were present: Vietnam, Fiji, Hong Kong (China), India, Japan, Korea, Malaysia, New Zealand, Singapore, Solomon Islands, and Thailand. The other Governing Board members, Canada and China, were unable to attend this APCCA conference. The following agenda items were discussed.

### **1. Report on the Administration of the APCCA Fund**

As Administrator of the APCCA Fund, Mr Kwok Leung Ming, Commissioner of the Correctional Services Department of Hong Kong (China), briefed members on APCCA's financial position. The position is healthy. A total of US\$24,575 was received by way of contributions in the year ended 30 September 2007. After expenditure and bank charges, the surplus for 2006-2007 was US\$8,459. The current accumulated surplus is US\$93,353.

Under the terms of the APCCA Joint Declaration, the report was audited by the host (Vietnam) and the previous year's host (New Zealand).

The full Report of the Administrator of the APCCA Fund is included as Appendix G to this Report.

*The Governing Board thanked the Fund Administrator and resolved that the report of the APCCA fund should be tabled to the Conference.*

## **2. APCCA Secretariat Report**

Mr Peter Ng Joo Hee, Director of the Singapore Prison Service, briefed the Board on the activities of the APCCA Secretariat since the last conference. Activities have included the production and distribution of newsletters, the collation of APCCA statistics and the maintenance of the APCCA website. There have been a number of improvements over recent years, including making the website more attractive and more user-friendly and providing more hosting space at a cheaper price.

The Secretariat's report is included as Appendix H to this Report.

*The Governing Board thanked the Secretariat and resolved that the report of the APCCA Secretariat should be tabled to the Conference.*

## **3. Governing Board Membership**

### **(a) Elected Members**

Clause 14 of the Joint Declaration contains rules relating to membership of the Governing Board. This includes provision for a number of 'elected' members. The process for elections was discussed by an ad hoc committee at the 23<sup>rd</sup> APCCA in Hong Kong (China) and then by the 2003 conference as a whole. The process is that elected members step down in alphabetical order but may stand for re-election.

It was noted that the elected members of the Governing Board for 2006-2007 were Japan (elected 2003), Canada (elected 2004), China (elected 2005) and the Solomon Islands (elected 2006). Under the terms of the Joint Declaration, Japan would step down as a member at the end of the 2007 conference. Japan informed the Governing Board that it would seek re-election. The Board thanked Japan for its service and accepted their nomination for re-election. The Rapporteur also explained that a call for other nominations would be made to all conference delegates.

### **(b) Rotating Members**

The Governing Board noted that the rotating members for 2006-2007 were India, Fiji and Thailand. The Rapporteur stated that the rotating members for 2007-2008 would be confirmed at the final business session of the conference.

*The Board resolved to report on the current situation to the conference and to invite members to nominate as an elected member, with the issue to be resolved (by ballot if necessary) during the course of the conference.*

## **4. Confirmation of Hosts for APCCA Conferences**

The Board noted that during the 2006 Conference in New Zealand, it had become clear that the Philippines would not be able to host the 2008 conference. The Board

noted, with gratitude, that Malaysia had confirmed that it would be able to host the 2008 conference. In all, the following offers have been made to host APCCA conferences:

- 2008: Malaysia
- 2009: Western Australia
- 2010: Canada
- 2011: Japan
- 2012: Brunei

Preparations for 2008 in Malaysia are already well under way and the Chair and the Rapporteur thanked Malaysia for their work.

*The Governing Board resolved to report on the current situation to the conference and to invite members to consider hosting the Conference at a future date.*

## **5. Confirmation of APCCA Members**

The Board confirmed that the list of APCCA members was unchanged from 2006 (see Appendix K).

## **6. Appointment of Ad Hoc Agenda Committee**

As at previous APCCA meetings, an Ad Hoc Agenda Committee was appointed to consider topics for the 2008 Conference, and to report back to the conference accordingly. The Committee would meet to discuss suggestions made by delegates during the Conference for Agenda and Specialist Workshop items.

*Members of the Governing Board were invited to nominate as members of the Ad Hoc Agenda Committee. The following countries nominated: Fiji, Malaysia, New Zealand, Hong Kong (China), Japan, Singapore and Vietnam.*

## **7. Utilising APCCA Funds for Training**

During the 2005 conference in Korea, there were discussions about the options for regional cooperation in training. At the 2006 conference in New Zealand, the Advisory Board and the conference as a whole discussed this question in some detail. Although no specific model was agreed upon in 2006, it was resolved that further consideration should be given by the Rapporteurs, future hosts and the Secretariat, to the question of whether a training program on an issue of particular importance might be developed for senior staff, to be held over a 2 or 3 day period immediately before or after the annual Conference, starting in 2008.

In principle, there was agreement in 2006 that if such a program was developed:

- Attendees would pay their own flights, accommodation and living expenses (but the additional costs would not be too great if they were attending APCCA in any event).
- The APCCA fund (which is now in a healthy state) would aim to cover the costs of providing the program (such as the expenses of presenters, the cost of a venue and the costs of developing a program and course material).
- Subject to further discussions, the APCCA contribution would be capped at US\$5,000.

Professor Morgan reported that over the past 12 months he had discussed the matter further with the Singapore branch of the Secretariat and with Malaysia. He reported that Malaysia had kindly offered to develop a proposal for a training program immediately prior to the 2008 conference. The training program would be offered at the Malaysian Prison Department's facility on Langkawi Island. It was also noted that this offer would fulfill Malaysia's long-standing offer (first made at the 1997 conference in Kuala Lumpur) to host some APCCA training. Professor Morgan stated that the Rapporteurs would work further on the proposal with Malaysia and the Secretariat and that details would be circulated to APCCA members as soon as possible in 2008.

Board members thanked Malaysia for its willingness to develop this aspect of APCCA work and expressed their support in principle. The Indian delegate also raised the question of whether it would be better to run the training as a separate exercise from APCCA.

*The Board resolved to report on this proposal to the Conference.*

## **8. APCCA Secretariat Renewal**

Under section 21 of the APCCA Joint Declaration, the Secretariat's activities are to be reviewed every two years. It is also open to other countries to act as the Secretariat.

The Board thanked and commended Hong Kong (China) and Singapore for their dedicated and professional work as the joint APCCA Secretariat.

The Board also thanked Hong Kong (China) and Singapore for offering (subject to any other offers) to continue as the Secretariat for 2007-2008 and 2008-2009. There were no other expressions of interest to act as the Secretariat.

*The Board resolved to report to the Conference accordingly and to recommend that Hong Kong (China) and Singapore be reappointed as the APCCA Secretariat.*

## **9. Rapporteur and Co-Rapporteur Services for Future Conferences**

The appointment of the APCCA Rapporteur and Co-Rapporteur is recommended by the Governing Board and endorsed by the Conference (s 25 of the Joint Declaration).

Section 26 of the Joint Declaration reads as follows:-

“A Rapporteur will serve the APCCA for a fixed term of three years, which upon expiry may be extended once for a period of two years. One year's notice may be given by either the APCCA or the Rapporteur for termination of the appointment.”

Professor Neil Morgan (Rapporteur) and Ms Irene Morgan (Co-Rapporteur) were appointed by the 2003 APCCA Conference to serve for the three-year period 2004 – 2006. In New Zealand in 2006, this appointment was then renewed for 2007-2008.

Professor Morgan had requested that the question of Rapporteur services for 2009 onwards should be considered by the 2007 conference to ensure, if necessary, that transitional arrangements were made during 2008 for new Rapporteurs to take over

in 2009. Professor Morgan and Ms Morgan withdrew from the meeting while this matter was discussed.

*The Board thanked Professor Morgan and Ms Morgan for their services to APCCA and resolved to seek conference endorsement for their appointment to a further three year term (ie from 2009 to 2011) as Rapporteurs at the expiry of their current appointment in 2008. Professor and Ms Morgan expressed their sincere thanks to the Board members.*

## **10. Any Other Business**

Three other items were considered:

### **(a) Distribution of draft conference report**

Professor Morgan noted that the practice at previous conferences had been for a partial draft of the conference proceedings to be distributed in hard copy on the final day of the conference. A complete final draft would then be circulated around two weeks after the end of the conference. He suggested that due to the size of the conference and the demands that are placed on the hosts it was becoming unrealistic to produce partial draft during the conference itself. He also noted that it seemed unnecessary (as delegates could receive an electronic version by email within a week or so of the end of the conference) and that delegates might also wish to have regard to environmental concerns in reducing the amount of paper that was used.

*The Board agreed that it was unnecessary to circulate a draft report during the conference and resolved to recommend to the Conference that the draft simply be circulated by email as soon as possible after the end of the conference.*

### **(b) Distribution of APCCA Newsletters**

Professor Morgan reported that the Secretariat had proposed that the APCCA Newsletters should also be circulated by email rather than in hard copy. This would reduce production costs, circulation costs and environmental impact.

*The Board agreed that the APCCA Newsletters should simply be circulated by email.*

### **(c) Head of Pacific Islands Correctional Conference (HOPICC)**

Professor Morgan noted that during the 2006 APCCA there had been discussions about the Solomon Islands proposal to hold a meeting for the heads of Pacific Island correctional departments (HOPICC) in Honiara in 2007. He reported that there had been such a meeting in August 2007, that he had been kept informed of developments, and that it had clearly been a very successful meeting. He noted that a second HOPICC meeting was scheduled to be held in Fiji in October 2008 and wished HOPICC every success.

## **First Conference Business Session 26 November 2007**

Mr Pham Duc Chan welcomed delegates and the first conference business session then considered the following items.

### **1. APCCA Secretariat Report**

Mr Peter Ng Joo Hee, Director of the Singapore Prison Service, presented the report of the APCCA secretariat in the same terms as he had done to the Governing Board (see above).

*The report of the APCCA Secretariat was adopted by the conference.*

### **2. Report of APCCA Fund Administrator**

Mr Kwok Leung Ming, Commissioner of the Correctional Services Department of Hong Kong (China), presented the report of the APCCA Fund secretariat in the same terms as to the Governing Board (above).

*The report of the APCCA Fund Administrator was adopted by the conference.*

### **3. Confirmation of Governing Board Membership 2006-2007**

The Conference noted the membership of the 2006-2007 Governing Board. Professor Morgan explained that Japan's term as an elected member had expired and that it was open to other countries to nominate for election. He also noted that Japan had offered to continue to serve as an elected member in the event that no other countries nominated for election.

### **4. Confirmation of Future Hosts**

The Conference noted the offers to host future conferences from Malaysia (2008), Western Australia (2009), Canada (2010), Japan (2011) and Brunei (2012). The Conference thanked all those countries for their offers and especially thanked Malaysia for offering to host the 2008 conference at relatively short notice.

### **5. Confirmation of APCCA Members**

The Conference confirmed that the list of APCCA members remained unchanged from 2006 (see Appendix K).

### **6. Appointment of Ad Hoc Agenda Committee**

The conference noted and approved the appointment of the Ad Hoc Agenda Committee as follows: Fiji, Malaysia, New Zealand, Hong Kong (China), Japan, Singapore and Vietnam.

## **7. Utilising APCCA Funds for Training**

Professor Morgan reported back to the Conference on the discussions of the Governing Board (see above), stating that details of the proposed training program would be circulated as soon as possible in 2008.

## **8. APCCA Secretariat Renewal**

With acclamation, the Conference thanked Hong Kong (China) and Singapore for their work as the joint APCCA Secretariat and endorsed the Governing Board's recommendation (see above) that they be reappointed for a further two year term.

## **9. Rapporteur and Co-Rapporteur Services for Future Conferences**

With acclamation, the Conference thanked Professor Morgan and Ms Morgan for their services to APCCA and endorsed the Governing Board's recommendation (see above) that they be appointed for a further three year term, from 2009 to 2011.

## **10. Distribution of Draft Conference Report**

The Conference affirmed the Governing Board's conclusion (see above) that it was unnecessary to circulate a draft report during the conference and endorsed the Board's recommendation that the draft simply be circulated by email as soon as possible after the end of the conference.

## **11. Distribution of APCCA Newsletters**

The Conference affirmed the Governing Board's conclusion that the APCCA Newsletters could appropriately be circulated by email rather than in hard copy.

## **12. Head of Pacific Islands Correctional Conference (HOPICC)**

The Conference noted that the first HOPICC in Honiara, Solomon Islands in August 2007 had been a success and had provided the basis for greater collaboration between Pacific Island nations. The Conference wished HOPICC every success.

## **Second Conference Business Session 30 November 2007**

The second conference business session considered the following items:-

### **1. Governing Board Membership**

During the conference, one country had expressed some uncertainty to Professor Morgan over the membership of the Governing Board. He therefore took the opportunity to explain this in detail. He explained that the membership is governed by sections 14 and 15 of the Joint Declaration (see Appendix N). He also noted that, apart from Japan, there were no nominations to be an elected member of the Governing Board. The 2007-2008 Board would therefore be constituted as follows:

- 2008 host (Chair of the Board): *Malaysia*
- 3 immediate past hosts: *Vietnam, New Zealand, Korea*
- 2009 host: *Western Australia*
- Secretariat: *Hong Kong (China), Singapore*
- 4 elected members: *Canada, China, Solomon Islands, Japan*
- 3 rotating members (APCCA members, chosen in reverse alphabetical order from attendees at the 2007 conference): *Sri Lanka, Mongolia, Kiribati*

The list of Governing Board members for 2007-2008 is also found in Appendix L.

### **2. Report of the Ad Hoc Agenda Committee**

Professor Morgan briefed the conference on the deliberations of the Ad Hoc Agenda Committee (which had been attended by all its those who had nominated for membership at the Governing Board, namely, Fiji, Malaysia, New Zealand, Hong Kong (China), Japan, Singapore and Vietnam).

#### **(a) Agenda Item One: National Reports on Contemporary Issues**

The Ad Hoc Agenda Committee concluded as follows:

- The title of Agenda Item One should remain
- Agenda Item One should continue to be presented in a plenary session
- The written papers should continue to refer to all of the issues raised in the Discussion Guide (to ensure continuity in the APCCA knowledge-base)
- However, the oral presentations should, in future, focus on two or three issues of particular interest in the country in question.

*The Conference endorsed this proposal*

#### **(b) Other Agenda Items and Workshop Items**

Around 35 interesting suggestions were received from several different delegations. Prior to the meeting, Professor Morgan had grouped these suggestions into broad themes in order to ensure that the conference would include topics that would be of relevance to all participants and that would embrace all areas of correctional management.

The Committee recommended the following topics:-

**Agenda Item 2:**

Balancing effective prison management with the increased scrutiny of corrections by external bodies.

**Agenda Item 3:**

Best practices in rehabilitation for women and other special groups of prisoners

**Agenda Item 4:**

Engaging families and communities in the rehabilitative process (including restorative justice approaches)

**Workshop One:**

Developing correctional standards that reflect international and regional best practice and measuring performance.

**Workshop Two:**

Designing prisons to promote effective rehabilitation and environmental sustainability.

**Workshop Three:**

Building capacity through the recruitment, management and retention of talent and through succession planning.

*The Conference endorsed these proposals.*

In April 2008, Professor Neil Morgan and Ms Irene Morgan will prepare and circulate a Discussion Guide with a suggested format for the preparation of discussion papers.

### **3. Votes of Thanks**

Cambodia, India, Hong Kong (China), Japan, New Zealand and the Solomon Islands thanked the Conference Chair Mr Pham Duc Chan, the Vietnam Department of Prison Management and the Rapporteurs, Professor Neil Morgan and Ms Irene Morgan. They all commented that the conference had been extremely successful in terms of the sharing of knowledge and experience during the Agenda Items and Specialist Workshops. They also thanked the hosts for their openness in allowing delegates to visit correctional facilities. They spoke highly of the role of APCCA in bringing together regional expertise, and in allowing delegates to forge new relationships and to renew existing friendships. They paid special thanks to the staff of the Vietnam Department of Prison Management for their professionalism, efficiency and warm support during the Conference.

### **4. Rapporteurs' Closing Address**

Ms Irene Morgan made a brief address in which she referred to the conference themes, the evolving interests of APCCA and its future.

Ms Morgan said that the conference theme, *For a Peaceful Life* had proved very apt and had been reflected in the discussions during both the Agenda Items and Specialist Workshops. She also commented on the value of the prison visits. Together with the informal discussions, the social activities and the generous

hospitality of the hosts these formal parts of the conference had ensured that delegates would leave with an enhanced sense of peace.

Ms Morgan paid particular tribute to Mr Pham Duc Chan and his five Deputy Directors, Mr Nguyen Ngoc Mui, Mr Nguyen Van Ninh, Mr Pham Quoc Huynh, Mr Ta Xuan Binh and Mr Ho Thanh Dinh. In addition, she thanked Mrs Dao Thi Vinh, who had been the point of contact for many delegates.

APCCA, she noted, is a unique organization. In some respects it is like a 'family' and it is in good financial shape. Consequently, its future looks very strong. Ms Morgan also paid special tribute to the contributions that had been made to APCCA by Mr Chua Chin Kiat, the recently-retired Director of the Singapore Prison Service.

Finally Ms Morgan again thanked Vietnam for hosting such a successful 2007 conference and noted that all delegates were now eagerly anticipating the 2008 conference in Malaysia.

## **CLOSING CEREMONY**

The Closing Ceremony commenced with a closing speech by Mr Pham Duc Chan:

### **Closing Speech by Major General Pham Duc Chan**

*Distinguished delegates and guests,  
Ladies and Gentlemen,*

We have experienced almost a week at this conference to put our heads together and share ideas and matters of common responsibility in the field of management and rehabilitation of offenders imposed upon us. Your active participation and opinions have made the event productive and meaningful. I am certain that the conference has not only consolidated stronger ties between the member countries in the region, but also generated new insights and inspirations that help individual jurisdictions address more effectively the current and future challenges.

The year long preparation for this conference has paid off resulting in a successful event. I would like to thank you all for the support and cooperation extended to us as the host for this year's conference. Also, I must thank Professor Morgan, Mrs. Morgan, the Organizing Committee and the APCCA Secretariat for what they have done; staff of the Vietnam Prison Management Department and units for all the arrangements made for the conference; and all the liaison officers who embody the hospitality of Vietnam, which I hope will bring good memories to our guests for years to come.

According to the APCCA Joint Declaration, Malaysia, the host of the next year Annual Conference, will become the Governing Board Chair upon the conclusion of the current conference. The moment has come for me to pass this honour to Mr. Mustafar Bin Osman, Director General of Malaysian Prison Department. I am confident that he will carry out the duties most efficiently and effectively for the APCCA 2008. I am now pleased to call upon Mr. Mustafar to come onto the stage for the handover of the APCCA Symbols as a tradition of the APCCA. Mr. Mustafar, please.

After Mr Chan's speech concluded, he formally handed over the APCCA symbols to Dato Mustafa Osman, Director General of the Malaysian Prison Department, host of the 2008 APCCA conference.

Dato Mustafa Osman then delivered a speech in which he thanked Mr Pham Duc Chan for the 2007 conference and warmly invited all delegates to attend the 2008 conference in Malaysia. He noted that the conference will probably be held on the beautiful island of Langkawi in the last week of November 2008. The APCCA symbols were then escorted from the conference venue.

The conference concluded with a video presentation introducing delegates to some of the sights and cultures of Malaysia, and a spectacular dance by a group of Malaysian dancers who had travelled to Hanoi especially for the Closing Ceremony.