



*Auckland, New Zealand | 26 November - 1 December 2006*

# *Final Report*



DEPARTMENT  
OF CORRECTIONS  
ARA POUTAMA AOTEAROA







# **26<sup>th</sup> Asian and Pacific Conference of Correctional Administrators**

**26 November 2006 – 1 December 2006  
Auckland, New Zealand**

## **CONFERENCE REPORT**

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# **HISTORY AND ROLE OF APCCA**

## **Introduction to the 2006 Conference**

This report is a summary of the proceedings of the Twenty Sixth Asian and Pacific Conference of Correctional Administrators (APCCA) held in Auckland, New Zealand, from 26 November to 1 December 2006. The conference was attended by delegations from 24 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 Mr Barry Matthews, Chief Executive of the New Zealand Department of Corrections. New Zealand has been a strong supporter of APCCA, having attended virtually every conference and previously hosting conferences in 1983 and 1996. The 2006 Conference theme was *Towards Wellness and Wellbeing in Corrections* and valuable information was shared and new insights were gained on how to improve the position of both prisoners and prison officers. The generous hospitality provided by Mr Matthews also ensured that every delegate left the conference with a sense of greater wellbeing! 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 Auckland Region Women's Corrections Facility, the Spring Hill Corrections Facility (under construction) and the Auckland Central Remand Prison. These visits provided delegates with valuable insights into corrections in New Zealand and with numerous ideas to take home with them.

## **History and Traditions of APCCA**

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. During 2001-2002, APCCA established a permanent Secretariat and responsibilities have been jointly shared by Hong Kong (China) and Singapore. In 2003, Professor

Neil Morgan<sup>1</sup> (who had been working with 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.

Between 1980 and 2005, 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); 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 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 brass oil lamp and a flag. Although a Fijian 'war club' may be thought to be associated with aggression and violence, its significance is that it is a sign of peace, harmony and civilisation when it is surrendered to another person. The Indian oil 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 & The Joint Declaration (2002)**

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 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. As required by the Joint Declaration, the 25th APCCA in Korea (2005) reviewed the Secretariat's activities. The

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Board and the Mentally Impaired Accused Review Board of Western Australia.

Conference recorded its great appreciation to Singapore and Hong Kong (China) and gratefully accepted their offer to continue the role.

Since 2003, Professor Neil Morgan and Ms Irene Morgan have served as Rapporteur and Co-Rapporteur. As required by the Joint Declaration, their roles were reviewed by the 2006 APCCA and they were reappointed for the period 2007-2008.

## **Conference Papers and Presentations**

Recent conferences have seen a number of innovations designed to promote a greater degree of discussion and debate between delegates. This process continued at this conference and the papers were probably of the highest standard at any APCCA conference.

Topics for APCCA 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. Most of the papers followed this structure and most presenters used Powerpoint as an aid to formal presentations. As in Singapore and Korea, delegations made formal presentations to the whole conference on Agenda Item One but discussions for Agenda Items Two to Four were held in concurrent 'break out groups'. One of the facilitators of each break out groups then presented a summary of the findings and discussion to the conference as a whole.

## **Conference Report**

One of the enduring 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 provide not only a record of the conference but also a thematic review of the matters raised during the Conference Agenda Items and Specialist Workshops. The first draft of this report was written before and during the conference and was distributed to delegations on the final morning of the Conference. Some aspects of the draft Report could only be finalised after the conference. The second draft was completed in early December 2006 and was circulated to delegates for comment. The Rapporteur and Co-Rapporteur then coordinated suggested amendments and finalised the report in early February 2007.

## **OPENING CEREMONY AND OFFICIAL SPEECHES**

The opening ceremony was held in the Rendezvous Ballroom at the conference venue (the Rendezvous Hotel, Auckland). It began with the APCCA symbols being escorted into the room and a video presentation about New Zealand.

Due to unforeseeable circumstances, the Minister of Corrections Hon Damien O'Connor was unable to attend the Opening Ceremony or the Welcome Dinner. However, he delivered a speech to delegates at the Conference on Tuesday 28 November 2006.

### **Welcome Speech by Mr. Barry Matthews, Chief Executive of the New Zealand Department of Corrections at the Opening Ceremony**

E rau rangatira ma, tena koutou, tena koutou, tena tatou katoa. "to those esteemed leaders present here today, I greet you once, I greet you twice, I greet us all".

First I would like to acknowledge Ngati Whatua ki Orakei, the people of this marae and the people and guardians of the place where we are to hold our conference. The beauty of the setting is only surpassed by the warmth of their welcome which surrounds us here today.

Second, I would like to acknowledge our many colleagues from overseas who have been able to join us today as we are welcomed by Ngati Whatua and make the journey from stranger to this place....to friend.

It is fitting that we first meet here at Orakei and experience the full warmth of a traditional Maori greeting. The way in which we have been welcomed reflects the values of friendship and understanding which underpin APCCA.

This is not a time for serious speeches, these will come tomorrow. For now I invite you to enjoy our meal, to take advantage of the views and the opportunity to renew acquaintances with colleagues from previous conferences and to make welcome those for whom this is their first conference.



I join with Ngati Whatua in welcoming you to Aotearoa New Zealand and to the 26<sup>th</sup> Asian Pacific Conference of Correctional Administrators.

In closing I encourage you all to embrace the Maori greeting used by New Zealanders in our everyday lives. The greeting is “Kia Ora”. It is an expression of welcome as well as a way of saying thank you. Its literal meaning is “I wish you good health, wellbeing and happiness” and is a uniquely New Zealand way of greeting each other. Kia Ora.

### **Address by the Minister of Corrections Hon Damien O’Connor**

Distinguished guests, ladies and gentlemen.

It gives me great pleasure to be here with you all tonight on the occasion of the 26<sup>th</sup> Asian Pacific Conference of Correctional Administrators.

It is an honour for New Zealand to host this conference. We are only a small country by international standards and relatively isolated. To see here tonight representatives from so many of our Asian Pacific neighbours and friends, a number of whom are significant world powers, is both flattering and uplifting.

I applaud the intentions of APCCA and the commitment of those here tonight. To each of you I say Kia Ora .....welcome ..... on behalf of the New Zealand Government. I thought I would share with you my thoughts on the future direction of Corrections here in New Zealand.

Prisons have an essential place in any society. They allow law-abiding citizens to go about their business in the knowledge that convicted dangerous and seriously violent criminals have been removed from society. What New Zealanders also want to see, however, are initiatives aimed at reducing the chances of prisoners re-offending by expanding rehabilitation and reintegration services.

Rehabilitation addresses the underlying causes of an offenders’ criminal behaviour. Re-integration help prisoners reintegrate back into the community after their release. Delivery of these services work hand-in-hand to make the community safer by reducing the likelihood of offenders committing further offences. Well-designed rehabilitation programs have the potential to reduce re-offending, creating fewer victims and helping offenders to become contributing members of society. New Zealand already has the evidence that these services do work.

Specialist treatment units show that re-offending rates can be considerably reduced when intensive, well-targeted programs are provided to offenders prepared to take responsibility for their actions. Tackling these issues is critical when you consider that approximately 80 percent of prisoners have experienced substance abuse at some time in their lives. Up to 60 per cent were affected by alcohol or other drugs at the time of offending. The rehabilitation of prisoners such as these, who are committed to turning their lives around, is being improved through a number of proposals.

There is now a greater emphasis on targeting those with serious alcohol and drug dependencies and increased availability of specialised treatment for offenders in prisons. This involves a number of Government agencies including the Ministry of Health, district health boards and Corrections.

Giving prisoners greater access to mental health services is another area the government is actively working on. New Zealand research has shown that a significant number of prisoners have a diagnosable mental disorder. Some of these initiatives are already underway – we have already taken several steps to improve and increase these services. In addition to this, we are increasing the emphasis on and more resources directed to community-based rehabilitation programs for offenders serving community-based sentences.

Similar to rehabilitation programs, re-integration services are also critical for us to reduce re-offending. Re-integration services help prisoners prepare for their return to the community and provide essential support while they find their feet on the outside. These services are being improved through a significant increase in participation in employment and training,

A new framework will produce wrap-around services that cover a range of needs, but particularly the four main re-integrative drivers that are most likely to help reduce re-offending. They are:-

- Finding accommodation,
- Finding work,
- Managing relationships, and
- Managing finances.

A huge amount of effort is being put into expanding employment and training opportunities for prisoners. As you will know there are solid reasons for making this effort. Research shows that finding meaningful and sustainable work after release has a dramatic impact on re-offending rates.

It is a sobering fact that in 2003 less than half of sentenced prisoners here in New Zealand had been in paid employment before entering prison. The Prisoner Employment Strategy 2006 – 2009, which the government launched in May of this year, clearly lays out how we are going to find meaningful jobs and training for greater numbers of prisoners. The types of industries that are expected to have greater involvement include: plant nurseries, forestry, farming, light engineering, textiles and timber processing.

The target is to increase participation in employment activities of all eligible prisoners over the next three years from the current 40 per cent of prisoners to 60 per cent. This is an ambitious goal, but it is one we are confident we can achieve. We are also confident that doing so will reduce re-offending.

Since forming a government late in 1999, we have invested heavily to ensure the security of our prisons is of a very high standard, so that the public can feel safe. Keeping the public safe will continue to be Corrections' number one priority. Escapes from New Zealand prisons are a small fraction of what they were in the late 1990s.

In closing I would like to acknowledge the excellent work being undertaken by the men and women of New Zealand's Department of Corrections. I have no doubt it reflects the professionalism and commitment of the people in your own jurisdictions. I hope that over the coming week you take advantage of the opportunity to see some of the advances we have made and an idea of our future direction.

## **AGENDA ITEM ONE**

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

#### **Introduction**

For many years, the formal discussions at APCCA conferences have started with papers on the topic 'National Reports on Contemporary Issues in Corrections.' As APCCA has developed, the papers have become of an increasingly high standard. The purpose of this Agenda Item is to give delegates an opportunity to present an overview of major trends and issues in their jurisdiction, especially over the past twelve months, and to highlight both positive developments and issues of concern. Delegations make presentations (usually on Powerpoint) of around 10 minutes duration based on their detailed written papers.

The Conference is unique in that it brings together senior executives from correctional departments in very diverse countries. This conference was attended not only by the world's most populous countries (China and India) but also by several small Pacific Island nations (Fiji, the Federated States of Micronesia, Kiribati, Samoa, the Solomon Islands, Tuvalu 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 Discussion Guide (Appendix D) suggested a structure for the conference papers and this was generally followed by delegates.

#### **1. 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, natural disasters (such as the Indonesian earthquake and the ensuing Tsunami in December 2004 and serious floods in parts of China and Vietnam) and concerns about an 'avian flu' pandemic have all had an impact on planning and services. The Discussion Guide invited delegates to consider the impact of issues of this sort, including contingency planning.

## **(a) 'Bird Flu' and Related Contingencies**

Most jurisdictions have developed contingency plans to deal with the risk of a 'bird flu' pandemic and it is clear that correctional services in the region are better prepared for major health challenges of this sort than they were at the time of SARS (around 2002).

The papers identified three components to effective planning. The first is that a national response, across government, is required. This involves liaison between government agencies, including health and agricultural services, with respect to the risks and possible vaccines. The New Zealand Department of Corrections is an active member of an 'inter-sectoral Pandemic Group' and the government of Singapore has taken proactive educational and preventive measures across all organisations. Similar national bodies exist in many other places, including Brunei, Canada, China, Hong Kong (China) and Japan.

The second component is the development of internal contingency plans within correctional services. The Australian paper stated that its plans cover "the possibility of reduced personnel; the possible requirement of police support to assist in prison management; the medical resources required to treat affected prisoners; and the administering of the anti viral vaccination to staff and prisoners." Although prisons are a primary concern, contingency plans also need to extend, where relevant, to parole and community corrections offices / centres. Several jurisdictions, including Korea and Macao (China) rely mainly on traditional preventive methods, upgraded in consultation with health services.

The third component, identified in a number of papers, is to conduct exercises to test the plans. In New Zealand, these tests are being carried out on an ongoing basis across government agencies and will culminate in a cross-government exercise.

## **(b) Socio Economic Conditions**

In most parts of the region, economic conditions are relatively good. However, it is well known that some lower socio-economic groups tend to 'miss out' on the economic 'good times' and that economic prosperity, deregulation and globalization can bring their own problems. Singapore's general crime statistics show a striking increase, but this is almost entirely attributable to increasing levels of handphone ownership in the country and to an associated rise in theft offences. Another problem (especially in Australia, Canada, Macao (China) and New Zealand) is that at times of high employment, it can be very difficult to attract appropriately qualified staff.

Some challenges have arisen in Macao (China) and are anticipated in Singapore as a result of increased gambling opportunities. As a pre-emptive strategy, Singapore has established a National Council on Problem Gambling. Macao (China) gains enormous economic benefits from gambling (which accounts for 70% of government revenue) but needs also to put resources into gambling counselling.

### **(c) Terrorism and ‘Political Unrest’**

Many parts of the region face threats to their stability from internal and/or external sources. In the period preceding the Conference, Tonga, Fiji and the Solomon Islands all experienced internal unrest. China mentioned ‘terrorist threats in Xingjiang Uygur Autonomous Region’ and there are problems of unrest in a number of parts of Indonesia.

Numerous papers identified the detention of terrorists and the radicalization of some inmates as growing concerns. These concerns have led to new classification procedures and many countries (including Australia, India, Indonesia, New Zealand and Singapore) have been examining strategies to ‘de-radicalise’ people.

Correctional services are also likely to become increasingly involved in the detention of people who are suspected of terrorist activities but have not been placed on trial. In some places, including Singapore and Malaysia, such detention is based on long established national security laws. In other places, such as Canada (where some non-citizens are detained under ‘security certificates’) and Australia, new laws have been introduced.

## **2. The Legislative and Policy Framework of Corrections**

At previous conferences, papers have frequently commented on the importance of good modern prison legislation and that legislation is often outdated. This point was again made by several jurisdictions, including China, India and Sri Lanka. However, across the region, there is a significant updating of legislation and this is often influenced by international human rights standards.

### **(a) Major Policy Reviews and Legislative Change**

In the past two years, a number of jurisdictions have introduced comprehensive new corrections legislation. It is important to emphasize that effective reviews of corrections will generally also require an examination of broader criminal justice system issues, such as who ‘gets into’ the prison system and who can be dealt with in a different way (for example, by way of new sentencing and bail options).

New Zealand provides the clearest example of this. The Corrections Act 2004 came into effect in June 2005 but by December 2005, the government had established an Effective Interventions Project. The aim is to develop further legislative change such as new ‘front end sentences’ with the electronic monitoring of curfews and home detention, and a tightening up of early release schemes such as parole. Vietnam has also seen important changes; its new Law of Sentence Execution 2006 is an important element of a comprehensive plan for ‘judicial reform’ to the year 2010.

Across the Pacific Island nations, wide ranging reviews are under way. In Fiji, the Prisons and Corrections Act 2006 provides the framework for new community based alternatives to imprisonment and a Parole Board, and enshrines a rehabilitative focus for prisons. The Fiji experience seems likely to influence developments in other Pacific Island nations such as the Solomon Islands, where a comprehensive review is under way, and a Bill is expected to be debated in early 2007. Vanuatu's prison system came under some international criticism in the late 1990's and since then, a good deal of work has gone into developing a pragmatic response that reflects local community structures and needs (such as engaging village leaders in local dispute resolution).

In Japan, new legislation came into effect in May 2006 with respect to sentenced prisoners (the Act on Penal Institutions and the Treatment of Sentenced Inmates) and new legislation relating to unsentenced prisoners is expected to come into force in 2007. Korea, too, is continuing to develop new corrections legislation.

Within Australia, Western Australia has seen the widest reaching review. Following a number of incidents (most notably a violent sexual attack on a female officer) an official inquiry, headed by a retired judge, was conducted into the management of offenders. As a result of this inquiry, major legislative changes are pending with respect to many aspects of the prison system. Other Australian jurisdictions have continued to consolidate and update their legislation.

In Canada, the government has indicated that several areas of the criminal justice system need 'strengthening', including sentencing, parole and aspects of prison management. Over the past 12 months, an important report has been published on women prisoners and new gender-informed classification processes are being introduced.

There is considerable interest in exploring alternatives to standard court processes. Many of the Pacific Island nations, including Vanuatu and the Solomon Islands, are examining ways to engage more effectively with customary practices. Singapore has introduced a new Community Court which will focus on long term community based sentences for offences that are of lesser gravity or involve lower risk offenders. Examples include some cases of family violence, neighbourhood disputes, attempted suicide, youthful offenders and offenders with mental disabilities.

Other developments include the following:-

- The Philippines abolished the death penalty in June 2006 and continues to improve its protocols and practices.
- Thailand's innovations include the development of Five Standards on Inmate Living Conditions and Five Transparency Standards.
- India has introduced initiatives to reduce the number of unsentenced prisoners, such as plea bargaining and a cap on the time that unsentenced prisoners can be detained (50% of the maximum penalty for the offence within which the person is charged).

- A stronger focus on community corrections in China, India and several other jurisdictions.

## **(b) Human Rights and External Accountability**

Legislative change around the region tends to reflect the principles embodied in international instruments and standards such as the United Nations Standard Minimum Rules for the Treatment of Prisoners (UNSMR), the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Rights of the Child (CROC), the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment (CAT) and the Convention on the Elimination of Discrimination Against Women (CEDAW). As a result of signing the Optional Protocol to CAT, New Zealand anticipates greater international scrutiny of its prisons.

In many countries, including New Zealand, some Australian jurisdictions (the Australian Capital Territory and Victoria), Malaysia and Korea, domestic human rights legislation also has a growing impact on correctional administration. In India, the courts, the Protection of Human Rights Act 1993 and various Human Rights Commissions established under that Act all play a role. In 2006, this included a landmark Supreme Court decision relating to the rights of women prisoners with children.

Many countries have independent bodies that deal with prisoners' complaints and grievances. Sometimes this role is performed by general accountability agencies such as the Office of the Ombudsman. However, it seems to be increasingly common (as in New Zealand and Korea) for prison-specific Ombudsman's offices to be established.



### **(3) Prison Populations**

All jurisdictions provide the 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. Both imprisonment rates per 100,000 and trends over time are set out in Appendix B.

##### **▪ *Increasing Prison Populations***

In most places, both the number of people in prison and the imprisonment rate per 100,000 have increased over recent years, and are continuing to increase. Some countries have experienced consistent and dramatic increases. New Zealand's prison population has grown very rapidly over the past 20 years and underwent another sharp increase over the past 12 months. It is projected to increase further. Malaysia's prison population has grown by 63% since 1999 and is projected to increase further.

Indonesia (13% over the last year and 60% since 2002) and Sri Lanka are also experiencing big increases. Japan's prison population is increasing more slowly (3.5% in the past 12 months) but consistently (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%, but incarceration levels and trends vary widely between the different states and territories.

Prison populations are also rising in the Philippines and Vietnam. There is also an upward trend in most Pacific Island nations including Fiji (21% since 2002) and Samoa (15% in the last 5 years).

##### **▪ *Stable or Declining Prison Populations***

However, a significant number of countries are experiencing relative stability or even a decline in prisoner numbers. Canada's prison population has been relatively stable for many years and Macao (China)'s has also stabilized. China, after an increase over previous years, appears relatively stable (0.45% increase over the past 12 months). Brunei, Hong Kong (China) and Mongolia have also seen a slight decline in prisoner numbers.

The most significant long term decline is found in Korea where the prison population steadily increased during the 1990's to over 70,000 inmates but has subsequently dropped by over 25%.

Singapore and Thailand reported very significant shorter term declines. Singapore's prison population has dropped by over 15% since 2003. After a very rapid rise and a peak caused by its 'war on drugs' on the early part of the 21<sup>st</sup> century, Thailand has witnessed a big decline from 2003 onwards. However, some of those who would previously have been imprisoned are now detained in drug rehabilitation centres.

## **(b) Sentenced and Unsented 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 and the Philippines, the national correctional systems (which were represented at the conference) are responsible for sentenced prisoners, 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, the Philippines and Singapore to 41% in Malaysia, 45% in the Solomon Islands, 50% in Sri Lanka and around 70% in India. 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 ratio of sentenced to unsentenced prisoners has declined from 1.9:1 in 2001 to 1.6:1 in 2006. In Macao (China), the proportion of prisoners held on remand dropped until 2004 but has subsequently increased quite rapidly. In Singapore, the number of unsentenced prisoner has increased slightly over the past 12 months.

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, the Solomon Islands, Vanuatu, Kiribati, Samoa and Tuvalu) 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, New Zealand and the Philippines). Malaysia, Macao (China) and Singapore have a somewhat higher figure. The highest figures for female representation are found in Hong Kong (China) and in 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%. In Canada, women accounted for 3.2% of admissions in 1993/1994 compared with 5.6% of admissions in 2003/2004. Similar trends were reported in China, Japan, Indonesia and Singapore.

#### **▪ Age**

Several jurisdictions (including New Zealand, Australia, Canada, Fiji and Korea) have been experiencing an increase in the average age of their inmates. To some extent, this is an inevitable consequence of the general population getting older but in some places it also reflects the fact that more older-aged offenders (including those convicted of sexual offences committed many years earlier) are being incarcerated.

#### **▪ 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 almost 14% of the general population but 38% of the prison, 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 40% of the prison population).

#### ▪ ***Foreign prisoners***

The conference showed 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. Malaysia also recorded a high proportion of admissions of foreigners and the number of foreign prisoners in Singapore is rising. 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. Since 2000, the number of foreign inmates in Japan has doubled since 2000 and Korea has seen an increase of 28% (from 506 to 642). Thailand also continues to have a large number of foreign inmates.

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

Virtually every prison system in the region is operating at or above official capacity in one or more parts of its 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. In New Zealand, it has proved necessary to use police cells to house the excess population but this practice is expected to cease with an increase in the number of prison beds.

Sri Lanka (operating at double official capacity), India (36% overcrowding), the Philippines (congestion rate of 51%), Indonesia and Malaysia experience major overcrowding. Hong Kong (China) is also slightly above capacity (2.5%) but this is a great improvement on 2004 (over 9%). Fiji, Japan the Solomon Islands and Sri Lanka 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. In Singapore, for example, despite the general decline in prisoner numbers, there are still pressures on high security beds, and Thailand referred to pocket of 'mass imprisonment'. Unfortunately, women face more overcrowding in many parts of the region (including Australia, China, Hong Kong (China), Malaysia, and the Philippines).

#### **(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. Papers at this

conference confirmed that even within a jurisdiction, crime rates do not entirely account for trends and broader political and criminal justice system factors are involved.

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

Korea's declining rate of imprisonment reflects, in part, a drop in crime but 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.

New Zealand's increasing imprisonment rate seems to be at odds with trends in the country's general crime rate. 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 better police clearance rates. A similar pattern is evident in Australia; in many areas, crime rates are declining but there has been a clampdown on 'domestic violence' and an increase in the seriousness of some violent crimes. A further factor may be that the use of certain types of illicit drugs may trigger violent outbursts and mental illness (see the paper by Canada).

#### **4. Prison Building and Renovation**

New prisons are being built or planned in many parts of the region. When all its new prisons are open in 2007, New Zealand will have doubled its capacity since 1997. The most obvious example of large scale concentrated construction has been Singapore's Changi Prison complex. Cluster A of this complex (around 5,000 inmates) opened in 2004 and construction work for Cluster B (of similar capacity) has commenced. In Hong Kong (China), the old Victoria Prison was decommissioned in late 2005 and its capacity has been replaced by new facilities.

The most ambitious prison building program is probably found in India, where the construction of 257 new prisons is proposed. Thailand expects to open five new facilities in 2007 and Malaysia to open eight facilities by 2008. New prisons are planned or under construction in Brunei, Fiji, Macao (China), India, Mongolia the Solomon Islands and Sri Lanka.

As noted earlier, women tend to constitute an increasing proportion of prison populations throughout the region. It is widely recognized that women prisoners have different needs from male prisoners and several jurisdictions have made steps towards more female specific institutions, with a focus on the needs of women and their children. The visit to the new Auckland Region Women's Prison gave delegates a fascinating insight into the design and management of one such prison.

The new prisons that are being built or planned appear generally to be public rather than private sector institutions. In some of the jurisdictions in which private sector management was embraced, the momentum has shifted. Although several Australian prisons are still successfully operated by the private sector, and remain cost-effective, some have reverted to public sector management or involve collaborative ventures, with the public sector responsible for management and the private sector for construction and maintenance. The New Zealand Corrections Act 2004 put an end to any more contacts for the private management of prisons and the Auckland Central Remand Prison reverted to public sector management. However, the changes in New Zealand (and probably also in Australia) seem to reflect changes in political philosophy rather than failing performance.

Japan and Korea are exceptions to the general trend. In Japan, new prisons are being constructed under a Private Finance Initiative (PFI). The first, housing 1,000 prisoners, (500 men and 500 women) will open in April 2007. The second is scheduled to open in October 2008. Korea has enacted legislation to permit private prisons to operate.

## **5. Integrated Offender Management**

The papers showed a continuing focus on planning the management of offenders from the point of their reception into prison to the point of release. Developments in this area are fully explored under Agenda Item Four ('Improving the Reintegration of Offenders into the Community').

## **6. Technology**

It was acknowledged 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.

### **(a) Movement Tracking**

Several papers discussed the benefits of technology for movement tracking. Electronic monitoring and GPS systems may allow lower risk offenders to be monitored in the community and some such schemes have been in operation for a decade. Newer technology is constantly being developed and tested. In addition to allowing the tracking of offenders, such technology allows the movements of staff within a prison to be tracked, enhancing their safety and security.

## **(b) Contraband and Mobile Phones**

Mobile phones and other contraband pose continuing and evolving challenges. Body scanners are increasingly used to try to prevent contraband entering prisons. Two main techniques are used to combat mobile phones - jamming and detection. Many countries, including Australia, Canada, Korea, New Zealand, Singapore and Thailand mentioned the difficulties associated with jamming phones. Even though jamming devices are increasingly 'smart' and can be confined to smaller areas, there are objections from telecom companies and local residents. Sophisticated detection devices (such as chips placed in the communication box of a cell), may provide a better approach. These will detect phone use in the vicinity. Once a phone has been detected, searches can be carried out and it is also possible immediately to jam the number that is being used.

## **(c) Video and Internet Conferencing**

Many jurisdictions are using 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.

## **(d) Information Systems and Data Management**

The papers identified a number of advances with respect to information systems. In jurisdictions with existing systems, the story is one of continual improvement, with new components being added to systems to reflect changing priorities. For example, Singapore now includes a 'rehabilitation module' on its computer system. Another innovation in Hong Kong (China) is that some staff are issued with hand held PC's to access relevant data.

In some countries, such as Fiji, computer systems are being built with the assistance of overseas help (in the case of Fiji, from Japan). There are, of course, some risks and the Japanese paper referred to some serious problems that arose after a virus attacked its information system.

## **7. 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, issues of funding and overcrowding were probably the dominant 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 some places, the prison population is declining and many countries now have a firmer legislative framework to implement modern correctional philosophies. There is a great deal of activity in terms of prison construction and there is evidence that jurisdictions are now better prepared for emergencies such as a flu pandemic.

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 that all APCCA's members have managed to make great improvements to their correctional systems over the past decade.



## **AGENDA ITEM TWO**

### **MAINTENANCE OF INSTITUTIONAL ORDER**

#### **Introduction**

Recent conferences have examined some problematic aspects of institutional order. For example, at the 2003 conference in Hong Kong (China), one of the Agenda Items was *Major Prison Disturbances: Causes and Responses* and the 2005 conference in Korea considered the topic *Managing Dangerous and High Profile Prisoners*. The Conference Reports and country papers on these topics can be found on the APCCA website. At this conference, Specialist Workshop Two also considered the problems posed by prisoners with serious health and mental health problems. However, major prison disturbances are rare, and the majority of prisoners do not pose a serious threat to institutional order provided that they are effectively managed by the normal prison regime. The purpose of this Agenda Item was to allow delegates to examine and compare practices with respect to maintaining a well-ordered institutional environment for the general prisoner population, focusing essentially on the more 'routine' aspects of ensuring good order.

Australia, Malaysia and Singapore made formal presentations. Brunei, Canada, Macao (China), Japan, Korea, New Zealand and Vietnam also prepared written papers.

#### **1. Context and Challenges**

The Discussion Guide invited delegates to reflect on contemporary challenges to institutional order. Recent conferences had indicated that these were likely to include the pressures that can arise from a growing focus on rehabilitation rather than 'simple custody' and, in many parts of the region, 'human rights' pressures from both government and non-government agencies. On the other hand, it is widely recognized that a more positive environment can assist in the maintenance of order.

##### **(a) Rehabilitation, Prisoners' Rights and Institutional Order**

The papers agreed that, provided an appropriate balance is struck, there is no necessary conflict between rehabilitation and 'prisoners' rights' on the one hand and good institutional order on the other. For example, Malaysia stated that "the increasingly active role played by NGO's and human rights groups has not been detrimental to the attitude, behaviour and control of inmates." Brunei concluded that the "delicate issue of prisoners' rights ... has given new perspectives and importance.

[It can] ... create a positive environment amongst the prisoners whereby rehabilitation is carried out successfully. However, it might also become a disadvantage as it may generate misconceptions from the inmates.”

Although there is no necessary conflict between ‘prisoners rights’ and good order, it is not easy to achieve the right balance. In New Zealand, the minimum entitlements of inmates are enshrined in legislation, as are the circumstances in which they may be removed. Prisoners are said to be ‘very aware’ of their rights and this has led to several claims under various pieces of legislation, including the Bill of Rights Act 1990. In Japan, the new Act on Penal Institutions and the Treatment of Sentenced Inmates seeks to entrench a balance but “difficulties in treating inmates are being aggravated because an increasing number of inmates are making repeated selfish and irrational demands as the result of growing human rights pressures.”

In Canada, a robust human rights framework (including human rights legislation) has “served to create an offender population that is well aware of its rights and has been afforded capacity for oversight to safeguard their rights, both within, and external to, the correctional system. The result sometimes has been uncertainty about how best to respond to a particular pressure, or how best to find a compromise between conflicting pressures. However, this has also provided opportunities to engage staff in discussions on the values that underpin their work, and provided avenues to engage citizens in crafting the correctional system that best serves our society.”

Human rights legislation seems destined also to play a greater role in setting parameters for correctional systems in Australia where the ACT has a Human Rights Act and Victoria is about to enact one. It seems quite likely that other jurisdictions will eventually follow suit and in all jurisdictions, prisoners already have access to several outside agencies such as the Ombudsman.

## **(b) Other Challenges**

Some more specific challenges were also identified, the most significant of which were:

- Isolated but serious incidents of violence towards staff, which may call into question the core principles that have underpinned offender management (for example, in Western Australia).
- Drugs inside prisons (mentioned by Australia, Brunei, Canada and Malaysia).
- Mobile phones and data devices in the hands of prisoners (mentioned by Australia, Brunei, Canada and Singapore).
- Gangs and other affiliations (for example, in Canada and Singapore).
- Ethnic and religious tensions (mentioned as a future challenge by Singapore and as a current issue by the Solomon Islands).

## **2. Incentives and Punishments**

### **(a) General Philosophy**

For a long time, prison systems have used a mixture of punishments and incentives to promote good order and discipline. However, the use of some forms of punishment (such as corporal punishment and solitary confinement) has come under increasing scrutiny from human rights organisations and other agencies over recent years.

There will always be a role for both punishment and incentives but the general trend, across the region, is to place less emphasis on punishment and more emphasis on the benefits that can be gained from a regime that provides incentives and privileges for good behaviour, and a process by which privileges may be lost for misbehaviour.

The consensus is that rewards for pro-social behaviour form a very valuable part of a rehabilitative regime, and most papers concluded that an efficient, fair and transparent incentive regime (with an efficient, fair and transparent punishment regime as a back up for more serious cases) provides the most effective strategy. However, as with all aspects of prison management, balance is the key and it can be difficult to achieve that balance. For example, the Korean paper discussed the results of surveys which show that both staff and the general public are concerned that prison punishment systems may have softened too much, and may need some re-evaluation. On the other hand, the Vietnamese delegation indicated that their approach, which is primarily focused on punishment, is not always providing the best outcomes.

### **(b) Incentives**

In discussing incentives, the New Zealand paper pointed to another interesting aspect of the ‘conflicts’ that can arise between ‘human rights’ and prison management. Although incentive-based systems would generally be seen to be more respectful of human rights than old style punishment systems, “attempts to implement an incentive-based regime ... have been constrained by legislation and recent court decisions. Essentially it is not possible to deny a prisoner a privilege which is extended to another prisoner unless sound security-based reasons exist for doing so.” The Department is currently examining a comprehensive new security classification system which will be designed to meet these requirements.

Typically, incentives include some or all of the following elements:-

- Increased visits and less austere visiting arrangements (for example, Australia, Canada, Japan, Korea, Singapore and Solomon Islands).
- Higher gratuities allowing more ‘prison spends’ (for example, Australia and Canada).)

- More telephone calls (for example, Australia).
- Personal property in cells (for example, Australia, Japan and the Solomon Islands).
- Progressive regimes; in other words, through proven good behaviour, prisoners can earn access to enhanced living regimes (for example, Australia, Brunei, Canada, Macao (China), Japan, Malaysia and Singapore) or to special units (such as Drug Treatment Units in parts of Australia).
- Good behaviour will enhance a prisoner's chances of being released on an early release order such as Home Detention or parole (for example, in Australia, New Zealand, Malaysia and Singapore).

### **(c) Loss of Privileges and Formal Punishments**

The 'flip side' of incentives - and part of their value - lies in the fact that they can be withdrawn in the event that they are abused or in the event of general misbehaviour.

Very serious breaches of prison discipline (such as serious assaults) will be referred to outside courts, whereas others will be dealt with by means of formal disciplinary proceedings, usually heard by the prison superintendent or by Visiting Justices. Countries differ in terms of the point at which a prison offence is deemed so serious that it must be referred to an outside court, and also in the penalties that may be imposed through formal internal disciplinary proceedings. However, the options that are open to those who adjudicate in internal proceedings include the following:-

- Placement in a punishment cell for periods of time, as governed by prison regulations (for example, Australia, Brunei, Canada and Japan).
- Where remission of sentences still applies (for example, Brunei, Malaysia, Singapore and the Solomon Islands), loss of remission is used. Since some Australian jurisdictions no longer grant remissions, loss of remission is no longer available.
- Corporal punishment is outlawed in most places but is still used in Malaysia, and Singapore. In Brunei it is no longer used because experience suggests that such punishments may 'create defiance'.

### **3. Staff / Inmate Interactions – 'Dynamic' and 'Static' Security'**

Research generally indicates that positive staff/inmate interactions are helpful in promoting good institutional order. The terms 'static security' or 'passive security' are commonly used to refer to physical barriers and electronic security. The term 'dynamic security' refers to the security benefits resulting from positive prisoner-staff interactions. All papers shared the view that modern technology provides an opportunity to free up staff from their traditional 'passive security' role of 'turning the key' and to enhance their positive roles. Good dynamic security measures are also closely linked with effective prisoner incentive schemes.

As Australia put it, dynamic security measures undoubtedly offer “significant benefits to institutional order and ... ideally must integrate with static security systems.” The specific benefits of dynamic security that were identified in the papers included:-

- The ability to identify problems before they become more serious.
- Better knowledge of whether a prisoner is at risk of self harm.
- Improved capacity to defuse tensions between staff.
- Improved capacity to deal with problems between inmates.
- Enhanced intelligence gathering capacity.

Dynamic security takes many forms, including notions such as ‘active management’ and ‘unit management’ that are found in Australia, Canada, New Zealand and Singapore. Another important advantage of this approach is that it can give staff a more positive image and a higher sense of responsibility – neatly captured in Singapore by the motto ‘captains of lives.’

Although all the papers agreed on the value of positive staff-inmate relationships, there can be risks, and strategies must be in place to manage such risks. One of the risks is that staff and inmates may become too friendly, thereby compromising security and leading to favouritism (or a perception of favouritism) towards certain inmates. Another is that the physical safety and wellbeing of staff must not be compromised. To manage such risks, good ongoing training in ethical practice and decision making is required.

#### **4. Keeping Prisoners Usefully Occupied**

As pointed out by Japan, Korea and Malaysia, there are at least two compelling reasons for keeping prisoners busy. First, prisoners who are busy undertaking positive activities will have less time to ‘act up’ or to cause disruption to prison routines. Secondly, such activities will help promote their rehabilitation and reintegration. Relevant activities may include employment in prison industries, vocational training, education, programs to address offending behaviour, art, drama, and sports.

In New Zealand and Australia the goal is to provide prisoners with a ‘structured’ or ‘constructive’ day. Victoria (Australia) is typical - a key service delivery outcome is to provide a minimum of 30 hours per week of ‘purposeful work and / or approved rehabilitative programs.’ However, many jurisdictions, including Malaysia, face significant challenges in meeting these goals. As noted in the Canadian paper, the challenges include finding activities that do not pose security risks; finding activities where costs can be offset by productive outcomes; and accommodating the needs of diverse offender populations, including Indigenous people and women. ‘Protected’ prisoners may also find it difficult to undertake programs and work because of their need to be kept apart from the mainstream prison population. Australia faces particular problems providing a structured day in the more remote prisons.

Singapore also suggested that, with appropriate safeguards, some prisoners may be able to engage in meaningful activities that assist rehabilitation, such as acting as ‘para-counsellors, peer supporters, buddies and caregivers.’ Peer support mechanisms are also an important part of many other prison systems.

## **5. Managing Prisoners’ Complaints and Grievances**

Managing complaints and grievances was the subject matter of an Agenda Item at the 2003 APCCA conference in Hong Kong. It was agreed at that conference that, in the closed world of a prison, relatively minor grievances can escalate and pose a threat to good order unless they are dealt with in an appropriately balanced manner.

The papers presented at this conference indicated that the main requirements of good grievance procedures (as with good disciplinary processes) are probably as follows:-

- *Fairness*: a sense that the process affords prisoners an opportunity to put their case properly to a person or body who holds no bias, and with an appropriate appeal process.
- *Transparency*: the system is clear and open.
- *Efficiency*: matters are resolved within a reasonable timeframe.
- *Simplicity*: as far as possible, grievances should be resolved at the lowest possible level and with a minimum of fuss.

Provided these elements are present, most prisoners will accept a decision that goes against them, even if they do not agree with the decision.

Several jurisdictions, including Japan, Korea and Malaysia, have introduced improvements to their grievance procedures over recent years but, as has been noted, external agencies also play a growing role with respect to accountability in corrections. This is generating problems in some jurisdictions (including Korea) because persistent complainants now have so many avenues open to them. Indeed, the South Australian delegate said that in some cases, prisoners had no fewer than 40 avenues of complaint, taking account of internal and external government avenues and non government organizations.

The introduction of an Inmates’ Feedback Working Group has proved successful in Singapore. “Focus group discussions are held across institutions to gather feedback, views, suggestions and idea from inmates on how to improve service delivery” and the information is collated, analysed and passed to senior management for action.

## **6. Prisoner / Prisoner Relationships**

Although this Agenda Item focused mainly on the mechanisms available to prison management to promote a respectful and safe relationship between staff and inmates, the Discussion Guide also invited delegates to reflect on another key aspect of institutional order; namely that prisoners should feel safe from other prisoners and that adequate measures are adopted to prevent some prisoners gaining ‘authority’ or ‘power’ over others through bullying or ‘stand over tactics’.

As Singapore mentioned, good classification systems provide an important mechanism for preventing bullying and assaults on inmates. In 2001, Singapore adopted a Zero Tolerance Policy (ZTP) which feeds into classification and other management decisions. Under the ZTP, all prisoners are required, on admission, to sign a declaration stating whether they have any gang affiliations. If they do have gang affiliations, they are invited to renounce them. If they fail to do so, or if they lie about their affiliations, they will face a tougher prison environment. It is believed that the ZTP has helped tackle organized gangs and to provide some inmates with an opportunity and a reason to leave gang activities behind.

It might have been assumed that the Solomon Islands would face some issues with respect to inter-prisoner relationships because ethnic tensions led to some prisoners being incarcerated, and they may now be incarcerated alongside their former ‘enemies.’ However, there are relatively few prisoner-prisoner issues other than those which would be found in any prison system (for example, where one prisoner is to give evidence in court against another).

In addition to playing a positive role in staff-inmate relationships, ‘active management’ is recognized as playing a role in identifying prisoner-prisoner problems, including bullying. All jurisdictions have a zero tolerance approach to bullying and aim, as far as possible, to keep bullies apart from victims through classification, placement and, where necessary, segregation.

## **7. Conclusion**

The papers and discussion showed a high level of agreement on many issues, as well as inevitable regional differences. Six themes deserve emphasis:-

- There is not necessarily a contradiction between an increased focus on rehabilitation and prisoners’ rights and good institutional order. However, achieving the right balance, and taking account of court decisions and other challenges, can pose some difficulties.
- Technology should never be allowed to displace human contact; but good modern prison design, including sophisticated electronic security, can present better opportunities for positive staff-

inmate relationships.

- Good disciplinary systems are marked by characteristics of fairness, transparency, efficiency and simplicity.
- Good grievance systems are marked by the same characteristics - fairness, transparency, efficiency and simplicity.
- Keeping prisoners occupied with positive activities helps both to maintain good order in prisons and to promote rehabilitation and reintegration.
- Although prison systems generally appear to have good processes for 'routine' prison management (the focus of this Agenda Item), the management of 'special groups' of high risk offenders continues to pose problems. Canada and Australia stated that some offenders with a mental impairment pose particular problems and India commented on the bad influence of extremist inmates on the general population.
- In order to cope with new dynamics in prison management, including staff/inmate relationships and the challenges posed by 'special groups' of inmates, a high priority must be given to staff training in ethical decision making.



## **AGENDA ITEM THREE**

### **THE WELLBEING OF CORRECTIONAL STAFF**

#### **Introduction**

Attention often focuses on the wellbeing and aspirations of prisoners. This has assumed particular importance when prison philosophies have moved towards rehabilitation and reintegration. However, all correctional administrators are aware that staff professionalism and wellbeing are integral to a positive prison regime and to achieving the goals of rehabilitation, and effective reintegration.

All prison systems offer staff training and development programs in various forms (and these have been the subject of discussion at some recent APCCA conferences). The aim of this Agenda Item was not to consider 'standard' prison officer training and staff development programs but to examine processes and initiatives that have been adopted to address staff wellbeing in a broader sense. These include initiatives to ensure health and safety at work, a 'sense of direction', the provision of counselling and support services, and initiatives to reach out to families.

The delegations which submitted papers on Agenda Item Three included Australia, Brunei, Canada, Indonesia, Japan, Korea, New Zealand, Singapore, the Solomon Islands and Thailand. During the conference, presentations were given by Australia (Victoria), Korea, Japan and Thailand.

#### **1. Workplace Safety: Staff Training and Skills**

Staff training in 'physical' skills such as the use of force, restraints and weapons is an integral part of all basic training programs in the region. However, modern prison management may also require more sophisticated 'mental' skills such as reasoning, discussion and conciliation with prisoners. Such skills may help to resolve issues involving staff members and inmates or to resolve disagreements between inmates without the need to resort to punishments, force or restraints. Some jurisdictions have recognized this by introducing 'cognitive skills' courses not only for prisoners but also for staff.

Generally, it can be said that all countries do provide adequate training in the use of force and restraints to correctional staff as a component of the initial training program. In Singapore and Korea, continuous training (locally and overseas) is provided throughout a staff member's career. In countries such as Australia, Brunei and New Zealand, refresher courses are made available at regular intervals.

The wellbeing of correctional staff in the workplace is widely supported through skills and knowledge-based training. In accordance with its National Training Standards, all correctional officers in Canada are required to undertake a basic level of competence training. This training covers areas such as First Aid, Occupational Health and Safety, Employee Assistance Program, Critical Incidence Stress Management and Anti-Harassment Training, Emergency Trauma Care and Community Personal Safety. The Critical Incidents Stress Management Program prepares employees for stressful events and provides support and follow-up to those involved in critical incidents. The program also offers assistance to families of staff involved in critical incidents.

Brunei's Human Resource Development Committee was set up in 2000 to devise training programs for its correctional staff in order "to prevent stagnation of personal and professional development" and consequential job dissatisfaction. New officers attend a recruitment training program at a Prison Training Centre, followed by an on-the-job experience for two weeks, under the supervision of a senior staff. Staff are trained to deal with the pressures of working in a custodial environment, self-defence tactics and other methods of responding to threatening situations.

In Korea, to prevent the use of arbitrary force, its correctional officers are informed about the laws regarding the use of force or restraints and the protection of inmates' rights. Some new officers attend 65 hours of classes on this at the Correctional Staffs Training Institute and higher ranking recruits may attend for 122 hours.

Since 2003, the Solomon Islands Prison Service has been receiving assistance from Australia through the RAMSI<sup>3</sup> Law and Justice Program to develop and improve various areas pertaining to corrections including the provision of training programs. All new correctional staff are required to complete an 8-week 'security procedures' training program which covers the use of force, negotiation skills, riot, handcuffs and cell extraction. All officers are required to demonstrate their ongoing competency through practical training and assessment, and an Emergency Response Group has been established.

### **(a) Use of Force and Restraints: Training Gaps and Issues**

In New Zealand, new recruits attend an initial training in the use of force and restraints and annual refresher courses and a new advanced control and restraint training program are also offered. There are no identifiable gaps in its training programs but difficulties are sometimes encountered in ensuring the release of staff to attend the refresher and advanced courses.

In Australia, a comprehensive review of the use of force was conducted in Victoria in 2002, following the fatal shooting of a prisoner who was attempting to escape while on escorted leave. The review found that the relevant legislation lacked clarity in some respects and amendments are therefore being

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<sup>3</sup> Regional Assistance Mission to the Solomon Islands.

considered. During 2006, the Northern Territory rectified perceived gaps in its control and restraint training package by implementing a new training framework.

In Japan, physical skills training such as the art of self-defence and the use of handcuffs are provided to correctional staff. However, it has identified the need to develop a training program on the use of new security instruments. Canada has developed a *Use of Force Training Manual* to enhance officers' understanding of policies and procedures regarding the use of force and restraints and, as a result, compliance with policy and procedures has improved significantly during the past year.

Brunei will be implementing a new Inmate Management System, including a tracking system whereby officers can more quickly activate and call for emergency assistance. The Solomon Islands has developed improved training programs for its officers and will evaluate these programs on an ongoing basis.

### **(b) Training Programs for Staff in 'Cognitive Skills' and Negotiation**

Most countries provide training in areas such as cognitive skills, reasoning and negotiation, management techniques, hostage awareness, suicide awareness, post-incident response and harassment relations. New Zealand, for example, provides comprehensive cognitive reasoning and negotiation skills training as part of ongoing operational training.

Across Australia, such initiatives are being enhanced. The Northern Territory offers training modules in conflict resolution, communication and negotiation skills. Victoria has deployed Offender Services Management Supervisors to act as 'change agents' by mentoring and training custodial staff. New South Wales (Australia) has both a training academy and a Specialised Training Unit which cater for custodial and non-custodial staff. Following a judicial inquiry into the management of offenders in custody in 2005, Western Australia has established an integrated Training and Professional Development Directorate to enhance the skills of both prison officers and community justice services staff. Queensland has responded to the increase of prisoners with mental health problems by ensuring that its officers are trained in the area of mental health.

Canada offers training programs to staff which emphasize the use of dynamic security, staff presence and verbal intervention in response to most inmate interactions. These models are taught individually and then reinforced throughout the entire *Correctional Training Program* curriculum as a class over eleven weeks.

Japan offers a *Non-violent Crisis Intervention Techniques Training Program* which provides officers with the skill to use appropriate verbal and non-verbal counter-measures against inmates who are likely to act aggressively. During lectures and role play, officers are taught the influence of facial expressions and intonation of speech to counteract aggressive behaviours.

Korea offers a variety of courses, including general counselling and decision-making skills, criminal psychology, grievance solution procedures, negotiation and mediation, and inmates treatment skills. The plan is to develop further specialized courses in inmate psychology and counselling. The courses are conducted at a training institute or on the internet.

In Singapore, all new officers are trained to build their physical capability as well as their mental and emotional/social capacity. Physical capacity is built through training in “extended range impact weapons”, “unrest suppression techniques” and physical activities such as a long distance run to test stamina and perseverance. In order to expand an officer’s mental and emotional/social capacity, training in correctional stress, exploration of resiliency factors in individuals, conflict management, critical thinking, and counter-terrorism skills are provided. Staff also receive training from external providers in the fields of technological and professional developmental programs.

In general, the people of the Pacific Islands are spiritual and peaceful, and they do not respond well to aggression or the use of violence. Therefore negotiation skills are commonly used to diffuse situations in prisons. As the Solomon Islands stated, it is more likely that prison officers will use peaceful persuasion rather than restraint techniques to resolve conflicts.

## **2. Workplace Safety: Internal and External Monitoring**

There are many facets of prison life where ‘health and safety’ issues may arise. These include general safety issues within prison wings/blocks (including the management of ‘dangerous’ inmates) and more specific safety issues in places of work such as bakeries, workshops and laundries. The papers showed how internal monitoring services will generally work in collaboration with specialist government departments in inspecting and monitoring workplace safety.

### **(a) Internal Processes**

In all countries, correctional departments have internal procedures to monitor and manage workplace safety issues and these processes are under regular review. The New Zealand Department of Corrections has comprehensive health and safety monitoring policies and processes, including systems for the identification, reporting and management of hazards, incidents and accidents.

In Japan, each penal institution has an in-house health manager and a safety manager to monitor and manage workplace safety issues as well as a safety management team with the responsibility of conducting regular safety inspections. Correctional officers are encouraged to make suggestions to improve health and safety conditions by way of questionnaires and to a committee. In addition, the

Corrections Bureau and the Regional Corrections Headquarters conduct inspections at least once per year to supervise the management of the institutions.

Korea has been improving its safety systems in areas such as the use of dangerous machines and appliances. Officers in charge of security and prison industries instruct inmates to adhere to safety rules at each prison factory. In addition, inmates who are capable of handling such machines in prison factories are selected to check the machines regularly.

The Solomon Islands Prison Service has established a Workplace Health and Safety Committee which reports directly to the Superintendent of Prisons and the Senior Executive. The Committee has developed policies on health and safety issues and also oversees the Incident Reporting system as a monitoring tool in order to address identified problems through appropriate systems, training and procedures.

Singapore has a Prison Staff Inspectorate to inspect functional areas within the Department, educate staff on inspection processes and to eliminate 'red tape'. Various courses including inspection and control and safety audits are offered to staff to enable them to grasp concepts and concerns regarding security and safety issues and to improve their performance.

In Australia, the monitoring and managing of workplace safety occurs through local and regional Occupational Health and Safety (OH&S) committees, mandatory reporting of accidents and global assessments of workplace risks. As part of its 'Safer Workplaces Initiatives' framework, Queensland recently introduced new evidence-based practices to prevent and manage workplace illness and injury. In September 2006, Tasmania established a new Workplace and Safety Unit, and Victoria has recently centralized its OH&S Unit to ensure better coordination.

Thailand conducts continual assessments of its correctional operations in order to achieve its goal of 'Sufficiency in Corrections' which is based on the country's philosophy of "Sufficiency in Economy". This philosophy is explained further below. From these assessments, its Department of Corrections will be producing a *Manual on Sufficiency in Corrections* which will highlight its best practices.

## **(b) External Health and Safety Agencies**

Generally, most countries have external agencies to oversee the monitoring and management of workplace health and safety issues. These agencies tend to work independently of, but closely with, the internal groups. For example, in Canada, the workplace safety of correctional staff is governed by the *Canada Labor Code*, under which correctional officers enjoy three basic rights: "the right to be informed of any foreseeable hazard in the workplace; the right to refuse dangerous work if the danger is not inherent to their normal duties; and the right to participate in the identification and resolution of job hazards." Employers and employees are encouraged to seek an early, internal, resolution of

safety complaints. If the matter is not resolved, a regulator is called in to resolve the dispute. The regulator may require the employer to fix a danger, if applicable, or may conclude there is no danger, in which case the employee would be ordered back to work. Further internal monitoring is undertaken by the newly established Values and Ethics Directorate which is responsible for the development and implementation of the *Values and Ethics Code for the Public Service*. The Directorate provides guidelines to staff in areas such as informal conflict management and conflict of interest. Mandatory training programs for new employees and middle managers include modules on ethics and “how to create a healthy climate of ethics.”

Other examples include the following:-

- In Australia, New South Wales adopts a whole of government approach which measures OH&S activities for every government department against set standards. Victoria consults its Community and Public Sector Union on a regular basis regarding policy and proposed programs and organizes an annual ‘Safety Week’ program which includes companies directly involved in OH&S. External government agencies such as Worksafe and Workcover also play a role in Australia.
- In Japan, external monitoring of safety issues is conducted by the National Personnel Authority which is independent and neutral. The Authority can issue recommendations or orders for improvements. In addition, a newly established Board of Visitors for the Inspection of Penal Institutions provides advice regarding the operations of penal institutions.
- The Korean Occupational Safety & Health Agency has the responsibility of implementing safety educational initiatives in collaboration with the various correctional institutions. Most officers receive a weekly magazine by email.
- The Department of Corrections in New Zealand has a close relationship with the New Zealand Compensation Corporation (ACC) and it has made a commitment to comply with the ACC audit standards on health and safety management.
- In the Solomon Islands, the Health Department and Local Government undertake the external monitoring role in areas such as kitchen hygiene and water quality testing.

### **3. A Sense of Direction, of ‘Belonging’ and of Organizational Support**

The conference papers affirmed that the wellbeing of correctional staff is enhanced when they have a positive self-image and a clear sense of direction and purpose in their work; and where they also have a sense of ‘belonging’ within the organization and are confident of appropriate levels of support.

#### **(a) The Value of ‘Vision’ and ‘Mission’ Statements**

All countries agree that it is helpful for vision and mission statements to include reference to the role and position of correctional staff and inmates. New Zealand has vision statements which reflect both internal and external perspectives. Its Department of Corrections works in partnership with Maori

communities and Government agencies to respect the Treaty of Waitangi and promote “wellness and wellbeing of the people.” Further, its officers and managers are expected to adhere to ‘PRIDE’ (Professionalism, Responsiveness, Integrity, Diversity, Effectiveness and Efficiency) values. In similar vein, the Solomon Islands Prison Service is developing its *Corporate Plan 2007 – 2010* with vision statements emphasizing the overall well-being of correctional staff.

The Singapore Prison Service values its correctional staff as its most valuable assets and remains committed to developing its staff to make a difference as “Captains of Lives”. To this end, Singapore recognizes the importance of promoting a work-life balance for its officers and is committed to building “harmonious relationships and promoting staff health and satisfaction.” In Australia too, correctional staff are seen as important assets as they work on the frontline of implementing the agency’s operational philosophy and the goals of rehabilitation and successful reintegration into the community.

## **(b) Formal Processes and Structures**

Every country adopts a range of measures designed to create a sense of belonging and organizational support, and it is recognized that it may be appropriate to have additional measures for some groups of staff. For example, the New Zealand Department of Corrections has worked to establish strong relationships with its Maori and Pacific Island officers through support structures and network meetings. Other formal structures for all officers include medal ceremonies and a Professional Ethics Project.

In Australia, the processes include holding Service Award Ceremonies, providing monetary support to staff for membership at fitness centres (as in South Australia), mentoring and coaching new recruits, financial assistance in some legal actions (as in the Northern Territory), establishing staff clubs which family members can access, and re-badging of uniforms (as in Queensland) to reflect staff status. A number of Australian jurisdictions provide Hepatitis B immunization to staff at no cost.

Correctional Services of Canada has five strategic priorities for 2006-2007 which form the foundation of its contribution to public safety to Canadians. These priorities are communicated regularly to ensure that all staff are aware of their roles, the Correctional Service’s corporate direction and public safety responsibilities. A number of joint committees have also been established to improve workplace well-being such as the Joint Anti-Harassment Advisory Committee and the Occupational Safety and Health committees (national, regional and local levels).

The Solomon Islands Prison Service has developed a *Learning and Development Policy and Strategy* to direct the way in which the learning opportunities for staff will be developed, implemented and managed, and to cultivate a learning culture as part of working in corrections. Specific strategies such



as the Emerging Leaders Program aim to foster a sense of direction and belonging as well as encouraging staff to aspire to more senior roles.

In Japan, staff members of each Ministry, agency and public corporation come under the umbrella of the National Public Service Personnel Mutual Aid Association which provides sickness and injury benefits to its members and their families. Officers also participate in club and recreational activities which are subsidized by the association.

Correctional officers are considered to be invaluable assets in the Singapore Prison Service and support is provided through the Staff Welfare Branch which is overseen by the Prison Welfare Council. The Staff Welfare Branch focuses on the overall well-being of staff and liaises closely with other agencies including the Prisons Sports and Recreational Club.

Recently, correctional staff from Brunei participated in the Asian Prison Track and Field Championships in Thailand which provided opportunities for the competitors to interact with their counterparts. Award ceremonies are also held in Brunei to show appreciation to its officers for their athletic abilities. This encourages staff to take up sporting activities which promotes their health.

### **(c) Special Financial Allowances**

In performing their daily duties, correctional officers may face risks to their personal safety. Recently, in recognition of this, the Indonesian President approved the grant of a monthly risk and safety allowance to all correctional officers. This benefit will commence in 2007 and the amount given to the individual officer will take into account the officer's skills and duties, the amount of contact (direct or indirect) with the inmates/detainees/parolees, and the period of service he or she has served in the Indonesian Correctional Service. It is envisaged that this allowance will increase the officers' performance, achievement and professional levels. Similarly, in Korea, apart from a basic salary, correctional officers may also receive high risk allowances, family allowances for educational purposes, and diligence bonuses. In Korea, new promotional guidelines based on performance appraisals are currently being formulated.

In Brunei, permanent staff may qualify for Government subsidies and privileges such as housing, travel allowances and interest-free loans. In 2000, a study was conducted with the aim of increasing the level of work efficiency and job satisfaction by identifying each individual's interests and skills and, where appropriate, redeploying staff to better match their skills. Further, in 2005, Brunei introduced a new staff ranking system with improved promotional opportunities.



During the conference, there was discussion about staff remuneration levels and allowances. Both Korea and Singapore indicated that their correctional officers were paid around 10% more than other comparable government employees, and India's correctional officers receive better wages than those who work in the police force. In some countries, prison staff are paid around the same or up to 10% less than comparable professions. It was acknowledged that it was important for correctional staff to be appropriately remunerated due to the nature of work in corrections, but that this was not the only solution to staff wellbeing; family unity and job satisfaction are also important factors.

#### **(d) Corrections and Broader Philosophical Principles**

Thailand has a unique way of promoting and maintaining the wellbeing of its people through the leadership direction of its Monarch. The wellbeing of its correctional staff hinges on the concept of "*Sufficiency in Corrections*" which is an application of His Majesty King Bumipol's guiding tenet "*Sufficiency in Economy*". It is a philosophy affecting the living and wellbeing of all Thai people with the emphasis on "living peacefully, sufficiently and pertinently in accordance with the changing environment." In corrections, the objective is to promote a productive way of life and a better work environment for officers with good ethical standards and proper adherence to appropriate social values. There are eight aspects of "*Sufficiency in Corrections*" which apply to all levels of correctional staff as well as to prisoners – such as "humble and self-depending living", "harmony and unity", "self learning and knowledge network", "effective use of resources", "gambling-free society", "the enhancement of family happiness and ethic development" and "the promotion of health and hygiene". Staff are trained and provided with guidelines to assist them in changing their way of life to achieve sufficiency and economy in their personal and working life. Prison Directors, prison officers and prisons which have successfully applied these principles act as role models.

#### **(e) Informal Activities**

All countries recognize that it is important for correctional staff to have the right balance between their work, family and personal commitments and also to involve family members in events and activities. To this end, most jurisdictions have established social clubs and hold recreational activities, sporting events and other informal events. In New Zealand, these include staff forums, weekly newsletters, national sports tournaments, children's Christmas parties, fundraising activities and gymnasiums for staff at most sites. In several countries, family members are invited to prisons during open days in order to help them appreciate the prison work environment.

In order to achieve its goal of "*Sufficiency in Corrections*", Thailand's Kao-Bin Prison has implemented its Sufficient Living Project by providing sports and equipment to its correctional staff. Correctional staff and their families are encouraged to exercise and participate in sports and other leisure activities together to promote good health and harmony. This also serves to instill a sense of belonging and fosters good relationships between staff.

It should also be remembered that staff will have a life after they retire from correctional service. The Singapore Prison Service therefore provides courses on financial planning, hobby cultivation and planning for a second career to ensure that its officers are socially, mentally and economically prepared for retirement.

#### **4. Counselling and Support Services**

All correctional services agree that psychological counselling and other support services are valuable for prisoners, not only in promoting their rehabilitation but also in helping them to cope with the prison experience. However, staff may also experience a range of problems such as a loss of confidence about their ability to do their work (or their safety), depression or personal problems. These problems are likely to be especially acute at times of crisis, such as the aftermath of a major disturbance or when a serious offence has been committed against a staff member by a prisoner.

Correctional staff and their families in New Zealand and most Australian jurisdictions have access to an Employee Assistance Program for support with work related or personal issues. Such programs are funded by the respective departments and the services are generally contracted to an external provider who has the necessary expertise.

In Japan, correctional staff can access counselling and support services by phone, and this may extend to a 24-hour service. Korea has also considered the introduction of stress-solving courses for its staff at its training institute. The Singapore Prisons Service has a Psychological Services Branch which provides counselling and crisis management services for correctional staff through self-referral or referral by management.

In Brunei, new officers are counselled on how to cope with prison conditions and managing difficult inmates. In the Solomon Islands, counselling, spiritual guidance and support services are provided to prisoners, staff and their families through the permanent appointments of a Chaplain and a Welfare Officer. Disputes are generally resolved through culturally and traditional ways, with assistance from respected and independent third parties. In times of crisis, additional services and/or external providers are called upon when required.

Canada has a policy which encourages employees experiencing personal or work-related problems to voluntarily seek assistance. Selected volunteer employees are trained to assist, advise and refer their co-workers to appropriate professionals or agencies in the community, and short-term counselling services are provided under retainer contracts to respond to the different needs of employees.

Most countries are ready to offer additional services to assist correctional officers if there is a particular crisis. In New Zealand, correctional staff involved in critical incidents are provided with peer support with referrals to professional psychological assistance in severe cases. In addition, an open door policy is adopted by managers who possess proven skills in assisting staff undergoing distressing and difficult situations. The Singapore Prison Service has a group of dedicated CARE (Caring Action in Response to an Emergency) Officers to provide first aid to staff involved in crisis or critical incidents. Most Australian jurisdictions have a Critical Incident Debriefing service for staff in the event of a crisis and Canada has introduced a new Critical Incident Stress Management program.

## **5. Family Safety and Involvement**

Family members of prison staff may well worry about the safety and wellbeing of their loved ones; and sometimes family members themselves may feel under threat from criminal elements in the general community. This can obviously affect the wellbeing of staff members and their capacity to perform at the highest standards.

In New Zealand, apart from attending presentation and award ceremonies, the families of staff are invited into prisons on open days, attend prison drama productions and participate in regional sporting events. The Commissioner in New South Wales, Australia welcomes the families of new staff, recognizing that family support is vital to their success in a new job. Engaging with families of staff is entrenched in Canada's Guideline on Critical Incident Stress Management, under which each operational unit is required to develop a plan to assist the families of staff involved in a critical incident.

The Solomon Islands Prison Service organizes social outings and gatherings with families from time to time. Solomon Islanders are generally quite shy and do not take the opportunity to raise their concerns during such informal settings. Opportunities are therefore made available for family members to voice any concerns directly with the Superintendent of Prisons or his representatives. In Brunei, the Officers Reward Fund provides for the welfare needs of staff through donations, entertainments during festive seasons, rewards for acts of bravery and other outstanding acts in pursuit of duties.

In Thailand, some novel initiatives have been developed to assist staff's families from an economic and social perspective. For example, at one prison, a "Sufficient Economy Village" has been established whereby families have vegetable gardens and fish farms to reduce household expenses and to spend leisure time productively. This also encourages family bonding and harmony amongst correctional staff.

## **6. The Role of Trade Unions**

Countries such as Australia, Canada and New Zealand have laws which allow trade unions to play a role in matters such as changes to workplace laws, rates of pay, wage entitlements, work conditions, OH&S matters, grievance procedures and human rights issues. The trade unions are actively engaged at local and national levels. In New Zealand, the Public Prisons Service has collective employment agreements with the two main trade unions which play a significant role in representing employee issues and have the authority to bargain on their behalf. These collective agreements are usually of two or three years' duration and specify the terms and conditions of employment, remuneration and shift provisions. At the expiry of this term, employees have the right to engage in industrial action. This can create potentially significant risks for the Department of Corrections but these risks are mitigated by conducting negotiations prior to the expiry of the terms and by maintaining constructive relationships with unions throughout the term of the agreement.

By contrast, in Japan, prison staff are prohibited from organizing and/or participating in trade unions but staff at some juvenile facilities are able to do so. Despite this, trade unions in Japan have been playing a considerable role in negotiations regarding wages, working hours and other matters involving social and welfare issues. Staff employed in the Solomon Islands Prison Service are also prevented by law from obtaining union membership but are allowed to establish a representative body such as a Prison Officers Association. This Association is currently inactive but there is keen interest from both the Prison Service Executive and staff to re-establish it to represent staff concerns regarding employment and workplace health and safety issues.

In countries where trade unions are active, they can play positive and proactive roles through workplace consultative meetings, crisis care support, development of injury management programs/initiatives, redeployment of injured and ill staff, representation at disciplinary matters and appeals, support for family members, support for staff with chronic/fatal illnesses and identification of staff who they consider to be "at risk".

## **7. Other Challenges and Issues**

All countries acknowledge that the wellbeing of correctional officers is a priority if correctional services are to be delivered productively and efficiently. The issues vary between jurisdictions but include the following:

### **(a) Cultural Change and Staff Training**

As correctional services move to new approaches to offender management, it is important to ensure that staff are adequately trained and prepared.

## **(b) Safety, Wellbeing and Financial Constraints**

Across the region, there is an interest in reducing the incidence and severity of workplace injuries and hazards but prisons are operating in a financially constrained environment.

## **(c) Female Staff in Male Prisons**

The increasing number of female correctional staff working in male prisons in New Zealand has created issues in relation to safety and support. A supportive women's network system and a "buddy" system have been established for new female staff. In addition, regional initiatives such as Harassment and Appropriate Relations Teams have been formed to provide support in cases of harassment and relationships which overstep professional boundaries.

## **(d) Increasing Prisoner Numbers and the Changing Prison Population**

Most countries face the problem of increasing prison population and changing demographics. An increase in the prison population, including the number of foreign prisoners and prisoners with mental health issues, requires a corresponding increase in attention to staff training and wellbeing.

## **(e) Health Issues in an Ageing Workforce**

Some jurisdictions (including parts of Australia) identified the need to provide support and health services that meet the needs of an ageing (and sometimes physically de-conditioned) workforce.

## **(f) Staff Recruitment, Retention and Development**

Many jurisdictions (including New Zealand, Australian and Canada) face serious challenges in recruiting, retaining and developing staff. Japan faces the problem of high turnover rate of female correctional staff as the employment conditions often deter female staff from working in a prison for a long time. This has led to a high proportion of young and inexperienced staff.

## **(g) Assaults on Staff**

Major incidents in prisons such as physical and verbal assaults on correctional officers can negatively affect staff morale and thereby their performance at work. In Western Australia a particularly serious attack on a female officer has led to a judicial inquiry and a reorganization of correctional services.

## **(h) 'Prisoners' Rights'**

In Korea, a marked increase in the number of assaults on staff has been accompanied by increasing numbers of accusations and appeals against correctional officers by inmates. Between 2001 and 2005, the number of accusations rose from 575 to 1,287 and the number of assaults rose from 41 in 2001 to 115 in 2003. The number of appeals by inmates increased dramatically from 118 in 2001 to 4,980 in 2005. The high incidence of appeals over the past few years is partly due to a shift in public interest from the improvement of the staff working conditions to the promotion of inmates' rights. This has caused officers to feel alienated, experience increased stress and have low morale.

It was noted during discussions at the conference that human rights will be a growing issue and there is a need to find the balance which respects the rights of officer well as inmates.

## **(i) Reducing Staff Grievances**

Canada has a high number of grievances and harassment complaints, so efforts are being put in place in reducing the level of interpersonal conflicts. A survey conducted in 2005 revealed that staff were less satisfied with their workplace in 2005 than they were in 2002, with harassment and discrimination remaining as key issues. To resolve this problem, Canada is working closely with various groups to develop and implement an Informal Conflict Management System (ICMS) as part of a modernized labour relations regime. The purpose is to support and assist employees who wish to resolve conflict situations in an informal way. However, formal recourse mechanisms will remain as an option.

## **(j) Improving Staffing Rosters and Work Hours**

A number of countries are examining ways to improve staff working hours. For example, in New Zealand, limits have been placed on the amount of overtime that can be worked. Korea has reviewed its work systems to improve the wellbeing of its correctional staff; better night roster systems are being implemented as pilot projects to test their feasibility in selected institutions for five weeks and upon completion, will be evaluated to determine future night roster system to put into practice. Once the final draft of the projects is approved, the working hours of staff will be reduced from 245 hours to between 185 and 210 hours per month.

## **(k) Refurbishment of Correctional Institutions**

Over the years, safety has been an increasingly important factor in the design of correctional institutions. This remains a priority in many countries.

## **8. Conclusion**

Every jurisdiction encounters different problems, priorities and challenges in ensuring that the wellbeing of staff is improved and protected. However, there was widespread agreement that the wellbeing of staff can be improved and maintained through the following measures:-

- Delivering training programs which provide the necessary knowledge and skills in occupational health and safety matters, and which adequately reflect changing trends and demands.
- Ensuring a sense of belonging and worth through clear mission and vision statements and a sense of corporate support.
- Consultations with relevant government agencies, non-government organizations, private agencies and trade unions to best meet the legitimate expectations of correctional staff.
- Developing strategies and support structures which provide a good balance between staff/family wellbeing and the delivery of correctional services.
- Establishing formal and informal support mechanisms (locally, regionally and nationally) for staff and their families in order to cultivate a sense of belonging.
- Ensuring appropriate psychological support in a stressful work environment

In conclusion, staff are the most important asset of correctional services and their wellbeing must be a priority: ultimately, positive staff attitudes and a sense of personal safety, organisational support and self esteem are crucial to organizational efficiency and competency.

## **AGENDA ITEM FOUR**

### **IMPROVING THE REINTEGRATION OF OFFENDERS INTO THE COMMUNITY**

#### **Introduction**

The reintegration of prisoners has emerged as a crucial issue facing correctional services at recent APCCA conferences. Indeed, it can be argued that it is easier to ensure a safe and secure prison than it is to manage the safe and secure reintegration of prisoners into society. The precise nature and extent of the problem will vary between jurisdictions but research which has been carried out on the question of 'desistance' (in other words, why many ex offenders actually stop offending) suggests that accommodation, employment, peer pressure, family issues, access to support services and abstinence from substance abuse are key areas. These findings probably reflect what prison administrators have felt, through experience, for a long time.

This Agenda Item provided an opportunity for APCCA members to share their experiences, including the findings of any research on the problems of reintegration, the success of measures that have been adopted to date and any projected initiatives. It outlines the papers submitted by Australia, Brunei, Canada, Hong Kong (China), India, Indonesia, Japan, Korea, Macao (China), Malaysia, New Zealand, Singapore, the Solomon Islands, Thailand, Vanuatu and Vietnam.

#### **1. Terminology and Policy Framework**

Although the term 'reintegration' is commonly used, some commentators have suggested that it is not the best word to describe the problem because it implies that the prisoner was well-integrated in society prior to being imprisoned. In many cases, this was not the case, and it may actually have been a lack of 'integration' that led to the person ending up in prison. Some countries therefore prefer to use terms such as 'resettlement' and 're-entry' in preference to reintegration.

##### **(a) Terminology**

The majority of the countries state that the term 'reintegration' best represents both the problem and the solution which is to assist the prisoners through the complex processes of establishing life back into the community. However, Korea and Thailand prefer to use terms that equate to 're-entry' and 'return'.



## **(b) Policy and Legislative Framework**

It is inevitable that correctional administrators have generally focused on safe custody and security of prisoners. However, over the years, most countries have increasingly recognized the need to rehabilitate prisoners and to assist them to successfully reintegrate into the community in a gradual and structured manner, and with supports. This is increasingly reflected policy documents, legislation and mission and vision statements.

In Canada, the successful reintegration of Indigenous offenders is a priority and a Strategic Plan for Aboriginal Corrections has been established including partnerships with other government and non-government agencies. India increasingly adopts a human rights approach to prison management and there is a growing momentum towards reintegration through constructive regimes and through restoring the dignity of prisoners.

In some countries such as Malaysia, Hong Kong (China), Japan, Singapore, Vietnam, Korea, New Zealand, Vanuatu, and the Solomon Islands, key documents have been developed which reflect the growing recognition of reintegration needs of offenders. This focus has resulted in shifts in budget allocations towards reintegration activities.

In 1999, Hong Kong (China) changed its correctional organizational culture and the mindset of its correctional staff by adopting a new service emblem with the motto “We care” to reflect its goal of rehabilitating and reintegrating offenders. In 2000, it officially replaced the term “discharged prisoners” with “rehabilitated persons” to eliminate the stigma on prisoners and to encourage greater community support and acceptance of rehabilitated offenders.

## **2. Key Focus Areas**

Whether one talks of reintegration, resettlement or re-entry, some common threads seem to emerge across the region. For example, the sense of the 2004 and 2005 APCCA conferences was that most prisoners want the same things as most members of society at large, such as decent accommodation, a job and a stable family life. This means that it is important to consider how best to provide practical measures of support for ex-prisoners in matters such as housing, employment, financial management and inter-personal relationships. In addition, it may be important to support and monitor ex-prisoners who face personal problems such as mental health or substance abuse.

In assisting reintegration, key areas include the assessment of post-release risk and needs; sentence planning and case management with increased focus on post-release issues and proposed actions to

address them; preparation for release programs; transitional centres; and links with other government and non-government services.

Input from external services is a major component of successful reintegration programs, particularly in relation to mental health and substance abuse in countries (for example, in Australia, Indonesia and Canada). In its aim to reduce Aboriginal re-offending and imprisonment, Canada has strong links with governmental and non-governmental partners to contribute to Aboriginal Community development and to help Aboriginal offenders initiate and sustain their healing journeys.

In Hong Kong (China), a survey conducted in 2000 revealed that the most immediate problems at the initial stages of a prisoner's release are securing employment, improving family relationships, financial assistance and accommodation. Its main focus is to put forward initiatives to address these needs through suitable training programs, activities to promote family relationships, providing financial assistance for educational and employment purposes, and establishing hostels for released offenders.

Japan has focused on three core areas - developing comprehensive treatment programs, providing vocational training to prisoners and establishing a comprehensive employment support program in partnership with other agencies.

New Zealand's Prisoner Employment Strategy 2006-2009 aims to increase prisoner participation in employment from 40% to 60%. In line with this Strategy, New Zealand aims to engage prisoners in high quality and effective educational and employment related training programs. Thailand has a strategic plan (2004-2008) to improve public and private sector involvement in prisoners' reintegration process.

In the Solomon Islands, the main priority is to develop vocational training programs for its inmates in areas such as carpentry, building, cooking and sewing. Vanuatu is currently redeveloping its criminal justice system and its prison facilities under a project which is jointly funded by the Vanuatu Government and NZAID. One of its key focus areas is the establishment of community based sentencing options which would offer the community a role in rehabilitation.

### **3. Fostering Reintegration I: The Period in Prison**

Most prisoners will be released back into society at some stage – usually, the only question is when this will happen. The period in prison therefore forms the first stage of successful reintegration. All prison systems in the region now espouse principles of rehabilitation, and seek to provide what they can by way of education and vocational training. These appear to be integral aspects of preparing people for release.

Several papers, including Brunei, Thailand and Malaysia emphasized the need for a holistic approach to developing comprehensive rehabilitation programs which can target the physical, psychological, social/educational, and moral/religious rehabilitation of prisoners. Thailand has a Program Development Centre to develop such programs.

**(a) Initiatives and programs to assist the prisoners' reintegration into the community**

▪ ***Training/vocational and educational programs***

One major challenge is to reintegrate prisoners who have little education or work experience, back into the community. Thus, prisoners who undertake educational and vocational training programs in prisons are generally in a better position to reintegrate into the community, with their enhanced or new skills, in gaining paid or unpaid employment.

The Adult Basic Education program and the Learning Disability intervention program are examples of Canada's continuous efforts in educating offenders and reducing illiteracy inside institutions. Australian prisoners are offered accredited training programs in literacy and numeracy. New South Wales (Australia) has a successful Intensive Learning Centre which targets the needs of young adult offenders "by inculcating the positive, confident and prosocial attitudes and behaviours required for successful reintegration."

Thailand has similar programs for its prisoners as well as has special welfare programs to cater for elderly prisoners and those with mental and health problems. In Brunei, Thailand, Vietnam and India, educational programs are offered to prisoners. In addition, vocational training programs in areas such as carpentry, handicraft, livestock farming, vehicle servicing, landscaping, gardening, knitting and laundry services are offered to inmates to improve their employment prospects upon release.

Hong Kong (China) set up a new vocational training centre in July 2006 to provide inmates with a wide range of trade skills such as mechanical craft, printing, desktop publishing, clerical and commercial skills, painting and decorating, electrical, and food and beverage. Participants who complete the courses and examinations will obtain accredited certificates issued by external agencies. Other types of short-term vocational courses are also offered. Similarly, every inmate in Brunei can attend educational classes offered and have access to the library.

Spiritual development and religious worship are very important aspects of Solomon Islands culture, and all programs contain a spiritual element. Some community organizations and the church play important roles in delivering programs to offenders within the prisons. They are also involved in activities in the general community and provide information to the community regarding the difficulties faced by prisoners upon their release from prison. This helps to reduce the 'shame' and stigma attached to ex-prisoners and builds greater respect for them.

- ***Employment pathways and the external labour market***

Employment pathways which offer labour market and life skills are increasing in a number of countries. Open camps in Indonesia offer employment/living training programs to its inmates in areas such as fishing, animal and agricultural farming, laundry and handicraft to prepare them to earn their livelihood when released into the community. The Northern Territory Hospitality skills training promotes employment pathways within the hospitality industry whilst horticulture courses provide employment prospects and help to support land care initiatives the community.

As the recidivism rate is very low in Vanuatu, the Department of Corrections' focus is not on containment but is on channeling efforts to balance its communities through the principles of reconciliation and rehabilitation. To achieve this, it upholds the principle of every detainee having work in the laundry and kitchen, or undertaking community work outside the Correctional Centre.

- ***Partnerships with private providers***

Increasingly, correctional departments (such as Australia, Canada, Korea, Hong Kong (China), Macao (China), Thailand, Malaysia and Japan) are turning to private agencies and non-government organizations to provide specialist training courses which are more strongly employment-focused. These courses link participants with the industries and generate more positive employment prospects. For example, the Northern Territory has partnerships with private providers which provide innovative courses such as 'Crocodile Farming and Handling'. Korea has launched a new educational and vocational training program to increase prisoners' employment prospects. It currently offers a number of vocational programs and social adaptability programs in collaboration with external providers.

The ACT Corrective Services is currently collaborating with an educational institute and a private company to provide vocational education programs and a business vocational program for inmates. Similarly, Hong Kong (China) has established links with the local University to provide "Continuing Education for Offenders" in areas such as sociology, psychology, business, environmental protections, and information technology. A mentoring scheme will also be launched to provide learning support to individuals.

- ***Traineeships and apprenticeships***

Traineeships are accredited and recognized qualifications that require the trainees to undertake actual paid work within an industry unit. The trainees become better trained and motivated, and thus, more interested, skilled and efficient workers. For example, in Western Australia, suitably assessed

prisoners undertake day placements away from the prison for on-the-job training and experience within an industry.

- ***Expos and Job Fairs***

In some countries such as Australia, expos (such as housing and employment) provide a forum for key government and community support agencies to gather and provide prisoners with information and opportunities to link with support services to assist in the post-release reintegration process. Expos appear to be quite effective in disseminating information and resolving inmate issues prior to release and in breaking down barriers. For example, representatives from major employment industries attend and provide opportunities for practice interviews and communication skills. Similarly, Singapore has conducted a successful Job Fair at its prison resulting in job offers to most of the inmates who participated.

- (b) Maintaining and improving family and community relationships during incarceration**

Another area that is generally important to successful reintegration is the prisoner's family relationships. In most countries, the departments of corrections provide some services and support to prisoners to maintain and improve contact with their families and communities through the following avenues:-

- ***Family contacts and visits***

In most countries, there are policies which cater for family contact programs in order to maintain positive family and community relationships. Contact occurs through visits, by mail and telephone. In Japan, Singapore and Macao (China), a prisoner's family can access counselling services to maintain family relationships and to resolve parenting and marital problems. In Korea and New Zealand, family relationships are maintained by granting eligible prisoners periods of temporary leave from prisons. Special leave also be granted to attend funerals and weddings of immediate family members. In Brunei, families of prisoners are also invited to visit prisons to observe the various rehabilitation programs offered and to build a rapport with them and to encourage understanding and a caring attitude from families.

In New Zealand, the Kaiwhakamana Visitor Policy gives Elders greater access to Maori prisoners to help them maintain family contact during incarceration and to access post-release support from their family, tribe and the local Maori community. Fautua Pasefika provides similar supporting roles to prisoners from the Pacific islands. The opening of a women's prison in Auckland in 2006 and new prisons for men in South Auckland and Otago in 2007 will result in more prisoners being housed in their home regions and maintain family contact.

In the Solomon Islands, Reconciliation Ceremonies allow prisoners to maintain family and community contact. These ceremonies are organised in conjunction with the Prison Chaplain and welfare officers.

- ***Video link***

Video link ups are useful particularly where a prisoner and his/her family are separated due to geographical distances. Singapore's Internet Home Tele-visit provides a convenient method of communication and spares young children and the elderly from entering a custodial facility. Video links have also been established in Hong Kong (China).

- ***Parenting and relationship programs***

In the ACT (Australia), a new centre will be established in 2007 to provide programs and policies which target parenting, family and other relationships. Canada has a Mother-child program which allows newborn infants and young children to remain with their mother. Family members are also allowed to visit for periods of up to 72 hours (once every two months) in special family visiting units.

Hong Kong (China) established an Inmate-Parent Centre in 1999 in conjunction with the Inmate-Parent Program to develop and enhance the relationships between young inmates and their parents. Young children up to the age of seven years are allowed to spend half a day each week with their mothers at specially designed venues within prisons. Korea currently has ten correctional institutions which provide direct family members of eligible prisoners to reside in family visit houses for two days. There are plans to establish 47 family visit houses in all 47 correctional institutions by 2008.

- ***Support from Community Organizations***

As explained in detail below, community organizations can play important roles in working with families and the community to prepare them for a person's release. In Queensland (Australia), a community-based agency provides relationship skills programs as part of a prisoner's pre-release and post-release process into the community. In New South Wales and other parts of Australia, funding may be granted to Aboriginal organizations to provide support and assistance. In Hong Kong (China), a voluntary organization provides counselling to the inmates' children, conducts home visits and recreational activities with the children.

- ***Prisoner Support Services***

In some jurisdictions such as Australia, prisoners themselves assist other prisoners to locate and contact family members. Welfare officers and affiliated staff assist offenders with issues such as grief and loss, family crisis, family liaison and access to legal services and financial assistance.

#### **4. Fostering Reintegration II: A Staged Release to the Community?**

In most prison systems there will probably be some prisoners who are released to the community directly from high security facilities. It may also be that some of these prisoners are not subject to any kind of monitoring or supervision on release. However, as a matter of principle (and this is generally also supported by research evidence) it would appear to be desirable, as far as possible, to 'stage' the prisoner's release back into the community. This can include placement at work camps or other low security facilities before release and also the introduction of monitored release schemes such as Home Detention and parole.

Most countries acknowledge that the lower the security classification/assessment, the easier it is to support the prisoner's reintegration process into the community in a gradual manner. Such prisoners can access a wider range of programs and activities, either on-site or off-site.

There are innumerable benefits of a staged release into the community for prisoners. These include greater flexibility in program provision, resolving institutionalization issues for longer-term prisoners, reparation to the community through community work programs, rebuilding relationships with family and friends, increasing trust and responsibility, opportunities to practice living skills, breaking down barriers between custodial life and community life, and releasing fears through greater exposure into the community. In Korea, more prisons will be designated as minimum security facilities in an effort to facilitate the gradual reintegration of prisoners into the community.

##### **(a) Low security facilities, work camps and prison farms**

Work camps generally provide prisoners with the opportunity to engage in a broader range of activities and programs, either on-site or off-site. Work camps and minimum security institutions offer inmates responsibilities, privileges, daily routines and other features which are more aligned with the outside community.

In 2003, an open camp was established in the Department of Law and Human Rights Training Centre complex in Indonesia which also acts as a learning centre for civil servants undergoing their training and educational programs. The prisoners undertake laundry and cleaning tasks within the Education and Training Centre.

In Australia, Japan and India, work camps and prison farms play a useful role for offenders to make reparation to the community and develop their skills and work ethic. The camps and farms play an important role in building the prisoners' trust, confidence and responsibility in readiness for their

release into the community. Prison farms offer opportunities for offenders to undertake activities in a wide range of areas including dairy, poultry, and crops.

In Canada, offenders can apply for various types of absence (either escorted or unescorted) as well as work release during the custodial portion of their sentence. Thereafter, they are generally released either on parole or by statutory release. Thailand has developed boot camps and pre-release programs as part of a prisoner's staged release into the community.

Hong Kong (China) and India also have early release schemes for inmates. Macao (China), Hong Kong (China), Malaysia and the Solomon Islands provide Half-way Houses as temporary accommodation for released prisoners who have no home to return to. New Zealand does not have work camps but it has a number of self-care units where prisoners reside in a house or unit with responsibilities for budgeting, cooking and cleaning.

### **(b) Parole, home detention, remissions and work release programs**

Parole is a form of conditional release into the community which allows a prisoner to serve a portion of their prison sentence in the community under the supervision and management of a supervising officer. Offenders have generally faced social difficulties and a period of supervision following release can therefore be helpful in securing community safety. Jurisdictions which have a parole system usually have a releasing authority or board which decides whether to release a prisoner on parole for a specific duration.

Prisoners on parole are subject to standard conditions relating to living and working arrangements and reporting to a parole or probation officer. Special conditions may include participation in treatment, counselling, rehabilitation programs and other conditions which reduce the person's risk of re-offending and protects community safety. Risk assessments, accommodation location, regular monitoring of abstinence of drugs and alcohol and other drugs, and supports in the community are key elements in any proposed parole plan. Electronic monitoring and the use of global positioning systems are on the increase to ensure public safety and supervision.

There are different parole systems and a country may have one or more system operating. Some examples include:-

- Day parole – The offender is required to return to an institution or a halfway house. This operates in Canada.
- Full parole - The offender is permitted to reside independently in the community, on supervision.
- 'Auto' parole - Offenders are released automatically on parole without formal consideration by the Parole Board.
- Parole for serious offenders serving life sentences.



Numerous countries, including Australia, Canada, Macao (China), India, Korea, Japan, New Zealand and Thailand have some form of parole system in place. In some countries, consideration of the interests of victims has resulted in the appointment of victims' representatives on the releasing authorities, and victims can make written submissions for consideration.

Vanuatu has a 'Community' Parole Board and 'Community' Justice Supervisors are employed as volunteer supervisors. Malaysia will be introducing a new parole system in 2007 under which parole officers will have the task of assisting the released prisoner in housing, employment and financial matters.

In addition to parole, India also has four types of remission (ordinary remission, annual good conduct remissions, special remission and state remission) to encourage good conduct among prisoners. Furlough is also granted as temporary leave for prisoners to visit their families towards the end of the sentence.

New Zealand's Release to Work program enables eligible prisoners to be temporarily released from prison during the latter part of their sentences, to undertake community work without supervision during the day. This system allows prisoners to re-establish work skills, have contact with the wider community, and gain employment.

The Solomon Islands has no provisions for home detention or parole. A staged release is currently being formulated as part of its case management system with incentives for prisoners to progress to low security facilities. It currently has one low security prison which allows prisoners to undertake horticulture and agricultural activities.

Singapore, New Zealand and some Australian jurisdictions have Home Detention schemes which allow offenders to serve part of their prison sentence at home or at an approved place of residence under electronic surveillance and intensive supervision. In New Zealand, 'back-end' Home Detention of this sort is used by the Parole Board in some cases as a method of managing high-risk offenders' transition into the community.

## **5. Fostering Reintegration III: Removing Hurdles**

A high priority for most prisoners on release is to obtain employment. However, it is common to hear complaints that they find it very difficult to obtain work (even with the benefit of prison training programs) because employers are reluctant to employ them.

### **(a) Wiping the slate clean through 'spent' convictions**

Many jurisdictions, including Hong Kong (China), New Zealand, Singapore and Korea have legislation which allows minor convictions to be 'spent' so that ex-prisoners are in a better position to obtain employment. In Brunei, discussions are being held to consider the concept of spent convictions in order to give better opportunities to inmates.

Interestingly, in Japan, a 'spent conviction' system is unnecessary as ex-prisoners are not obliged to provide details of their criminal convictions when applying for jobs. The Solomon Islands does not have a 'clean slate' system but the church plays a major role in building trust between employers and released prisoners.

Canada's National Parole Board is able to grant a pardon for certain convictions, after certain periods of time and with evidence that the person is a law-abiding citizen. As with many other spent conviction systems, this does not erase the fact that the person was convicted of an offence but it does allow the person's criminal record to be kept separate from other criminal records when checks are conducted by employers.

### **(b) Linkages with employers**

Potential employers can be accessed through media advertisements, family members, friends, community organizations, church groups, companies, and employment agencies. Linkages can take the form of apprenticeships, traineeships, and paid or unpaid work.

Successful links with employers can be forged if the following initiatives are in place:-

- Support from senior management and effective case management to integrate training programs and work experience for offenders.
- Linking educational programs in prisons with employment support groups.
- Organising work programs with external employers.
- Establishing relationships with organizations which offer traineeships and apprenticeships.
- Setting up a through-care model which commences when prisoners are in custody and continues post-release. This allows service providers to link ex-prisoners with suitable employers and to provide them with a range of support services.

Specific initiatives include the following:-

- Hong Kong (China) has organized three symposiums with its local university on the employment of rehabilitated offenders. Consequently, some offenders were offered job placements.
- In 2006, the Ministry of Justice in Japan entered into a comprehensive employment support plan with the Ministry of Health, Labour and Welfare to develop a comprehensive employment system and job counselling services to assist released prisoners.
- In 2006, Macao (China) implemented its Warm Hearted Employment Program by inviting private corporations to enter into agreements to offer jobs to ex-prisoners. Further, it has established

protocols with the Labour and Employment Bureau and other non-government agencies to enhance employment opportunities for ex-prisoners.

- In Singapore, as part of the *Yellow Ribbon Project*, a Job Fair conducted within the prison complex in 2005 was so successful that 175 out of 238 participating prisoners were offered jobs on the same day. In 2006, it introduced a Job Readiness Program which is “an integrated and seamless process to help pre-release offenders seek and secure employment before they leave the prison system.” The offender is also able to apply for a job on-line through the prison service.

By contrast, Korea indicated that it has been a challenge to establish positive links with employers as they have negative perceptions of prisoners. However, continued efforts are being made to remove this problem.

Over the next twelve months, Vanuatu intends to liaise with non-government organizations to provide specialist programs to offenders. New Zealand will liaise with its Ministry of Social Development to match prisoners to suitable jobs on a regional basis.

### **(c) Post-release services and support in the community**

Providing post-release supports and services to a released prisoner can be crucial, especially during the early stages. In Macao (China), ex-prisoners can access counselling services to help them adjust to life in the community and in 2006 a new program commenced whereby ex-prisoners are given some financial assistance to assist them in the initial stages of release.

In Brunei, there are plans to introduce more community-based programs to address the social problems of inmates’ families and aftercare services are currently being negotiated with non-government organizations. The support and services will include welfare and moral support, drug counselling and employment assistance to ensure social and emotional stability in the family unit.

## **6. Fostering Reintegration IV: Preparing the Community**

### **(a) General Issues**

It would probably be a mistake to focus reintegration initiatives and energies only on the offender and his or her family. The offender is re-entering society as a whole and it well may be that initiatives need to be taken to remind society of the legitimate expectations of ex-prisoners.

As noted by New Zealand, “creating a public climate of acceptance for released offenders is challenging, particularly when high risk or high profile offenders such as child sex offenders are involved. While communities may have legitimate concerns about public safety in particular cases,

reintegrative outcomes can be significantly compromised if details about the offender's release and conditions become public knowledge." The challenge therefore is for the justice sector to develop community ownership of prisoners' reintegration on the basis that rehabilitation programs in combination with successful reintegration into supportive communities are key ingredients to a reduction of re-offending and safer communities.

Singapore formed a CARE Network in 2000 to include the community in offender reintegration. This is achieved through knowledge-sharing of the rehabilitation process amongst the general public, increasing efficiency between agencies in the delivery of services and supports, and aiming for a seamless transfer for offenders from in-care to aftercare. Canada also sees reintegration as a shared responsibility with communities; the key to success is to educate the public regarding the difficulties faced by prisoners and to involve the community in the reintegration process.

In Vanuatu, new legislation will be introduced to include greater involvement by the community in reintegrating offenders into the community. Two community based sentences have been introduced involving supervision and community work. Village Councils will play an important role in overseeing community work undertaken by offenders whilst community justice supervisors will supervise them. In addition, Probation Officers will work with community stakeholders to identify opportunities for them to be involved in the community justice process and reintegration of offenders into the community. In the Solomon Island, the main supports for a released prisoner are his/her immediate family and their local church.

Unfortunately, in Korea the general public continue to have negative perceptions of and prejudices against prisoners, as they believe in the principle of 'just deserts' and that prisoners are solely responsible for their criminal behaviour.

## **(b) Examples of Successful Initiatives**

The following examples were given of successful initiatives:-

- Three key initiatives in Canada are the Community Forum Program (which provides resources to selected non-government organizations to hold criminal justice forums in their community); the Outreach Fund (which supports initiatives that promote public understanding of corrections and avenues to build and sustain partnerships in the communities); and the National Speakers Bureau which connects community groups with speakers who have experience in corrections.
- The Brunei Prison Department regularly conducts seminars and prison visits for the public and for organizations such as schools and colleges to create public awareness and better understanding of the reintegration process. In 2000, it launched a website so that the general public can access information on corrections and the rehabilitation and reintegration of prisoners.
- Malaysia has a program which encourages prisoners to participate in communal activities in Senior Citizens Home, Welfare Homes for Orphans and Centres for Special Children. This creates a

positive relationship between the prisoners and community members. To deter the general public from committing criminal acts, the prisoners give Awareness Talks to students and the Prisons Department conducts exhibitions and caning demonstrations to the public.

- India engages numerous non-government organizations to provide social and vocational training, counseling, free legal aid, meditation and yoga to its prisoners. These agencies act as an important link between the prison and the community.
- Several countries such as Singapore, Brunei, Macao (China) and Hong Kong (China) have successfully raised public awareness and community acceptance of offenders through publicity campaigns on the media (radio, cinema, newspapers and exhibitions). In particular, during Singapore's *Yellow Ribbon Project*, free films were shown to the public which portrayed the hardship and stigma faced by prisoners and their families.
- The Hong Kong Correctional Service Museum was established in 2002 to showcase its Department's history and to dispel the public's misconceptions about prisons and correctional services.
- The Northern Territory (Australia) has an Elders Visiting Program whereby Community Elders visit Indigenous prisoners prior to their release date to discuss issues they are likely to encounter upon their return to their respective Communities.
- Vanuatu's new initiative is to establish a traditional house called 'Nakamal' (which means meeting place) in each Correctional Centre. The 'Nakamal' will be used as a venue to provide traditional counselling, rehabilitation programs and conduct traditional reconciliation ceremonies between the offenders and the victims' families.
- In the Solomon Islands, prison visits by church groups are also conducted as part of its Faith Based Services Policy which recognizes the importance of spiritual wellbeing in every prisoner's reintegration process.
- Thailand and Canada have engaged interested community members and victims in restorative justice opportunities whereby offenders can take responsibility for the harms they have caused so that healing and closure may be sought. These processes include victim-offender mediation and healing circles.
- In Korea, in July 2006, a Memorandum of Understanding was entered into by the Ministry of Justice and other agencies in commerce and industry to encourage private enterprises to engage with the prison industry by providing training programs to prisoners in order to create employment opportunities for them. It is hoped that this initiative will change the negative views which prospective employers have towards prisoners.

## **7. Fostering Reintegration V: Continuity and Inter-Agency Collaboration**

A focus on reintegration inevitably brings a focus on the role of other agencies. For example, most countries have agencies with responsibility for assisting people with housing, employment or family relationships. One difficulty that can arise is whether there is sufficient inter-agency collaboration;

and there may even be ‘demarcation disputes’ about which agency has responsibility for (and therefore has to pay for) certain services. Furthermore, it is equally important to link the person to the services that he or she is entitled to as an ordinary member of the community. “Service Canada” is a federal agency which has responsibility for ensuring that released offenders do access community services “without confusion over mandates, eligibility or jurisdictional responsibility.”

Examples of successful inter-agency initiatives included the following:-

- Australia and Canada have interagency initiatives with Health Departments to improve the delivery of health services to prisoners pre-release and post-release.
- In India, free legal aid is provided to prisoners by the State Legal Services Authority.
- Through specific initiatives with Aboriginal Communities, Canada and Australia have entered into collaborative ventures for the care and responsibility of Aboriginal offenders and for the development of safer and sustainable communities.
- Hong Kong (China) has links with more than 60 religious and non-government agencies which provide various services to help the offenders during their reintegration process. A Continuing Care Project was set up in 2004 with non-government organizations to provide counselling services to offenders who have completed their supervision period.
- Korea’s Correctional Bureau has strong inter-agency links with a number of government departments to provide prisoners with support and services such as education and psychological counselling. There are plans to extend these links to governmental agencies with responsibility for housing, employment and social security.
- Thailand has 10 pre-release centres in prison which provide one-stop support services to assist the prisoner’s release into the community. It also has a successful Reintegration Project whereby Memorandum of Understanding has been entered into with eleven public and private agencies to provide post-release services and support to ex-prisoners.
- New Zealand works collaboratively with various agencies under the Supported Accommodation Service. This assists released prisoners with housing, employment, financial and relationship matters. It is a joint strategy with the Ministry of Social Development, the Housing New Zealand Corporation and other agencies.

## **8. Conclusion**

Successful reintegration occurs when a released prisoner adjusts well to life in the community without re-offending or posing a threat to community safety. There is universal recognition of the importance of transitional and ongoing support, which extends beyond the role of correctional departments, in bridging the divide between incarceration and life in the community.

The papers suggest that an individual prisoner’s successful reintegration will generally depend upon five main factors:-

- Availability of employment.
- Accommodation.
- Family support and acceptance in the community
- Financial assistance and other post-release supports.
- Abstinence from illicit drugs and other forms of destructive behaviour

From a structural point of view, the major challenges and directions for governments and correctional departments include:-

- Obtaining funding to implement strategies of gradual reintegration.
- Developing better pre-release and post-release programs and support services.
- Improving community attitudes towards ex-offenders and trying to address negative media images and political comment.
- More research and evaluations of reintegration initiatives.
- Developing stronger inter-agency collaboration and stronger community links.

Finally, it is interesting to compare the topics that were discussed at early APCCA conferences with those that discussed more recently. Throughout the 1980's and most of the 1990's, the primary focus was on prison management. The focus on reintegration at more recent conferences is truly indicative of a fundamental philosophical shift and that successful reintegration will be an ongoing challenge for all correctional departments. The various countries are undergoing different stages of improving the reintegration process and there is no doubt that this will be a topic for discussion at future APCCA.

# **SPECIALIST WORKSHOP ONE**

## **EFFECTIVE DRUG AND SUBSTANCE ABUSE TREATMENT**

### **Introduction**

In most countries, a high proportion of inmates have a history of substance abuse. Sometimes such abuse involves illicit drugs (such as amphetamines and opiates) but it can also involve the excessive use of legal substances such as alcohol or the 'sniffing' of inhalants such as petrol, paint or glue.

Some prisoners will be serving sentences for specific drug offences relating to possession, sale, importation or manufacture. Many more will be serving sentences for offences that are attributable to substance abuse. Sometimes (as may be the case with alcohol, 'sniffing' or amphetamine abuse), this is due to the direct effects of the drugs on people's behaviour. Sometimes (as may be the case with heroin and synthetic drugs such as Methamphetamines and Ecstasy) it is not so much the direct effects of the drugs but the fact that addicts feed their 'habit' through criminal activities (including drug dealing, robbery and burglary). Drug use also partly accounts for the growing number of female prisoners in most parts of the region. In most places, therefore, prison populations would be drastically reduced if levels of substance abuse were reduced.

This workshop topic was presented by Singapore, Philippines, Macao (China), Japan and Korea. Vietnam provided a written paper. The presenters and papers identified the following key points:-

- The approach adopted towards drugs in terms of 'zero tolerance' / 'total abstinence' from drugs, or one of 'harm minimization'.
- The approach, aims and specific content of the drug treatment programs.
- Treatment in a Drug Rehabilitation Centres or boot camps.
- Continuity of treatment and monitoring for ex-prisoners.

#### **1. Singapore**

As at July 2006, there were 1944 drug offenders incarcerated in the prison and in drug rehabilitation centres. This represents approximately 20% of the total inmate population in prison and drug rehabilitation centres in Singapore. The majority of the offenders are aged between 31 to 40 years.

The Singapore Government takes a 'zero tolerance' approach towards drug abuse and this is reflected in its legislation and policies. It views drug addiction as a social and behavioural problem, rather than a medical problem. Thus, responsibility rests with the offender to make a determined effort to overcome his/her drug problems. The Singapore Prison Service (SPS) therefore aims to treat



motivated drug offenders through social and psychological interventions that identify the root causes of drug offending and equip them with relapse prevention strategies.

In recent years, there has been an increase in the number of synthetic drug (particularly, Methamphetamine, Ecstasy, Ketamine and Nimetazepam) offenders and polysubstance abuse offenders, and this led to the implementation of a new Synthetic Drug Abusers Regime in 2005.

Naltrexone proved to be quite an effective way of treating opiate-drug users. However, with the increase in the abuse of synthetic drugs, treatment with Naltrexone has gradually declined. 'Subutex' (Buprenorphine Hydrochloride) is no longer used to treat drug offenders as it produced an addictive effect when mixed with other drugs.

SPS now takes a 'customized approach', devising a treatment pathway for drug offenders after taking into consideration their individual needs, addiction severity and readiness/motivation for change. It also aims for a 'seamless throughcare approach' in recognition that rehabilitation does not only occur in prison. The four-stage regime consists of the In-care Phase, the Pre-release Phase, the Halfway Care Phase, and the Aftercare Phase. Family members and community agencies are encouraged to be involved from the time the offender is incarcerated. Their involvement serves to develop and strengthen family and community relationships and support for the offender, including reintegration into the community.

During the *In-care Phase* and *Pre-release Phase*, drug offenders participate in a group Substance Abuse Treatment Program which includes Cognitive Behavioural Therapy and Relapse Prevention Models. They are also equipped with further skills and knowledge to address their drug problems and to prepare them for their eventual return to the community. During the *Halfway Care Phase*, suitable offenders are permitted to serve the tail-end of their sentence at home or in halfway houses for 6 to 12 months. They may be subjected to electronic monitoring and may be required to attend counselling sessions. In the *Aftercare Phase*, offenders can access aftercare support services from voluntary agencies to ensure a continuum of care as they reintegrate gradually into the community. During this stage, offenders may be subjected to random urinalysis by the Central Narcotics Bureau for up to 24 months.

SPS therefore aims for a holistic and seamless throughcare approach to the treatment of drug offenders, including the involvement of family and community agencies.

## **2. Philippines**

The Philippines has a significant and growing drug problem, with the number of drug offenders in the prison increasing by about 12.5% per year. In 1996, there was an 'Inmates Crusade Against Drugs' to fight against illegal drugs within the Philippine Penitentiaries. In response, a Bureau of Correction's

Therapeutic Community Program (BuCor's TC Program) was launched in 1999, despite limited resources.

The components of the BuCor's TC Program include:-

- Inmate initial interview
- Inmate assessment
- Treatment/rehabilitation plan consisting of six phases. These include treatment in cognitive, behavioural and emotional issues and the offender is encouraged to take responsibility for his/her actions. The offender also attends vocational skills training and education in readiness for release into the community.
- Periodic evaluation to determine proper implementation of the treatment/rehabilitation plan and whether goals have been achieved.
- Discharge (to families).
- Aftercare and supervision services are provided to released drug offenders for about six months in the form of counselling and urinalysis.

In summary, the program in the Philippines operates as a family and there is strong emphasis on community agencies and the private sector to support offenders back to their own families. It uses drug offenders who have participated in the program as positive role models to those participating in the program. The BuCor's TC Program has been implemented since 1999 and a qualitative assessment suggests a success rate of about 62%. There are plans to conduct a comprehensive evaluation of this program.

### **3. Macao (China)**

Although Macao (China) has problems associated with drug abuse, it is less of a problem than in many other jurisdictions. This is reflected in a gradual decrease in the number of drug offenders in prison over the past few years.

In 1997, the Macao Prison established a Drug Rehabilitation Unit in order to uphold the principles of the Penal Code and Prison Regulations and to provide drug offenders with treatment and rehabilitation. The Unit provides detoxification, treatment and rehabilitation programs for 20 prisoners and works collaboratively with other Government agencies with families.

The program aims to assist drug offenders to understand the harmful effects of drug abuse and its impact on their families and society; to build self-esteem and to improve family relationships through various forms of therapy. Inmates enter the program on a voluntary basis.

The program has three stages:-

- *Reflection* - To activate motivation for change and determine deviant cognition.
- *Growth* - To develop conditions for change and improve cognition, emotion, behaviour and family relationships.
- *Consolidation* – To strengthen social supports and resources.

The program contents include:-

- Physical training to encourage inmates to adopt a lifestyle which incorporates fitness and leisure activities and to build self-confidence and self-image.
- Specialist talks in areas such as withdrawal symptoms and tolerance of drug abuse, the negative effects of drug use on body organs, and the impact of drug abuse on mental disorder.
- Individual and group counselling. Group counselling allows open discussion on failures to stop drug abuse, overcoming problems with family and friends, stress management, tolerance and anger control, ways to overcome the detoxification process, career planning and adjusting to life in the community.
- Vocational training to assist inmates' reintegration into the community.
- Civil and moral education.
- 'Family gatherings' to strengthen communication and relationships between inmates and their families. Education and guidance are also given to family members.
- During 'sharing meetings', ex-prisoners share successful experiences with inmates.
- Monthly 'group meetings' allow social workers to provide information and discuss the needs of the inmates.

The duration of the program was increased from one year to two years in 2004. Since 2004, no inmate has completed the two-year program and therefore, there has not been an evaluation of the effectiveness of this program nor a comparative study with other therapies.

Upon successful completion of the two-year program, the inmate can either return to mainstream prison or apply for an extension. Upon release from prison, the ex-prisoner's main support comes from the family but support services can also be accessed from the Department of Social Rehabilitation.

#### **4. Japan**

Like Singapore, Japan takes a 'zero tolerance' to drug abuse but is experiencing an increasing problem with the abuse of synthetic drugs. Drug offenders constitute about 22% (14,847) of Japan's male prison population and 35% (1,410) of its female prison population.

The Corrections Bureau in Japan is the primary treatment provider for drug offenders. A new standardized quality treatment program is currently being implemented throughout all prisons in Japan, and program participation will be made compulsory for drug offenders. The pilot program has

a strong focus on continuity of treatment in the community through participation in self-help groups and parole supervision. It adopts a 'multi-dimensional approach'. Cognitive behavioural therapy is the main component and is complemented by individual counselling and psycho-educational lectures. The program includes individual and group sessions with psychologists on a weekly basis to resolve issues such as:-

- The identification of the triggers and negative impact of drug abuse.
- Risk factors.
- Anger management.
- Stress coping and interpersonal skills.
- Developing and maintaining family relationships and support. Family members play an important role to assist the offender's reintegration into the community.

An evaluation will be conducted at a future date on the impacts of the pilot program on offenders' stress coping skills and self-esteem. Japan has identified the need to resolve the following issues:-

- Family program.
- Urinalysis.
- Specific drug treatment programs for females, juveniles and those with psychiatric problems.
- Incorporating therapeutic community concepts in treatment.

## **5. Korea**

Korea also takes a 'zero tolerance' to drug abuse but the focus is on severely punishing drug offenders rather than on treatment and rehabilitation. Over the past few years, the number of drug crimes has decreased but the number of repeat offenders has increased to 30%. This increase has seen criticism of the effectiveness of the national drug abuse policy of severe punishment, and raised the question of whether the focus should be more on treatment and rehabilitation.

There are currently four rehabilitation systems in Korea but they are not frequently used and do not appear to be successful. In summary, the four systems are:-

- *Treatment in Correctional Institutions* - In 2000, Korea was experiencing a huge increase in the number of drug offenders in its prisons. To address this problem, the Corrections Bureau implemented a 'Rehabilitation Education Plan for Drug Crimes' in November 2000. However, this has not been actively enforced except in Uijeongbu Correctional Institution where an exercise treatment program has been adopted together with drug education, art therapy and individual and group therapy sessions provided by specialists and missionaries.
- *Care and Custody System* - This is a compulsory program for all drug-addicted offenders who are at risk of re-offending. The treatment involves drug education, abstention from drugs and social skills training for eight weeks. However, this program is only offered at one facility and less than 1% of all drug offenders are treated there.

- *Care and Protection System* – This is an alternative treatment system (suspension of indictment) whereby the prosecutor and family members of the drug addict may request that he/she be sent to a care and protection facility. There are currently 532 available beds in 24 facilities but the scheme is not widely used.
- *Probation system (Order of Attending Lectures)* – This system targets young offenders and first offenders who received suspended sentences. Essentially, it is a drug treatment and education program whereby an Order is imposed on the drug offender to attend lectures up to 200 hours, but in practice, it is usually only 40 to 50 hours. Lectures are delivered by psychiatrists, physicians, clinical psychologists, mental health nurses, music and art teachers, social workers, alcohol and drug specialists, pharmacists, judges and clergymen. Topics include the effects of drug addiction and the impact on families, the social problems associated with drug use, and drug laws and punishment. The program is mainly focused on cognitive behavioural therapy and drug offenders are given courses on stress and anger management, relationships and communication skills, problem solving skills, impulse control, and self esteem and social skills. Unfortunately, the absence of a full lecture program and other factors have contributed to the ineffectiveness of this program.

The Korean Corrections Bureau has identified a number of factors that have contributed to the ineffectiveness of its current system:-

- *Punishment instead of treatment and rehabilitation* - The criminal justice system views drug addicts as criminals rather than people who require treatment and rehabilitation to overcome their drug problems. Consequently, only a minority of addicts receive treatment under the *Care and Protection System*.
- *Problems at Correctional Institutions* - The treatment of drug offenders within a custodial setting has not been successful, as correctional institutions focus on separation rather than treatment and rehabilitation. As a consequence, very few institutions have implemented the rehabilitation systems. The problem is exacerbated by overcrowding and a lack of available expertise. Drug specialists have suggested the introduction of Therapeutic Community Programs and Narcotics Anonymous in correctional institutions.
- *Problems with Care and Custody System and Care and Protection System* - The problems with these two systems have been identified above. Further, prosecutors appear not to have faith in the Care and Protection System. Even though free drug treatment has been widely publicized, very few drug addicts have sought help due to the stigma associated with drug abuse.
- *Problems with Probation* – The probation system was established in Korea in 1989 but only limited resources have been allocated to it. Consequently, it has not been effective in treating drug addicts. Suggestions have been made to develop a systematic treatment program with individual case management, the delivery of rehabilitation services and a focus on becoming self-sufficient.

## **6. Vietnam**

The number of drug offenders in the prison population has increased from 30% in 2001 to 32% in 2005. In the past, drug addicts used mainly opium and heroin but this has now shifted to synthetic drugs such as Ecstasy and Methamphetamines. To resolve the problems of illicit drug abuse and drug offending, the Government in Vietnam has introduced its 'Strategy against Drugs – 2005 to 2010'. This strategy has been implemented through educational propaganda, encouraging the public to actively denounce drug offenders, preventing the infiltration of drugs across regional borders, and the development of drug education and drug treatment programs.

In Vietnam, the transmission of disease (HIV/AIDS and Hepatitis B and C) amongst drug offenders is a very serious problem. Drug offenders who enter the prison are assessed and classified according to their health status, type and degree of drug addiction, and the appropriate treatment program to be applied. Female prisoners, juveniles and other prisoners who have infectious diseases are separately detained for management and treatment. All drug offenders participate in the treatment programs which encourage them to abstain from drugs, and the harm associated with drug use. They also attend individual psychological and educational programs, vocational training and sporting activities. Regular health checks are conducted with medical treatment for the seriously ill offenders. During the treatment program, the prisoner's belongings and any gifts from family members and other support persons are checked to ensure no drugs are secreted into prisons. To assist in their reintegration into the community, various Government agencies, community organizations and charity groups are encouraged to give their support.

## **7. Themes and Conclusion**

A number of themes can be drawn from the papers, presentations and discussions at the conference:-

- All of the papers illustrated a 'zero-tolerance' to drug abuse. Japan, Singapore, Macao (China) and the Philippines have adopted a focus on treatment and rehabilitation. In Korea and Vietnam, the focus on severely punishing drug offenders to deter others from abusing drugs has hampered the effectiveness of treatment programs. In Korea, criticism from external experts and organizations is seeing a growing acceptance of treatment and rehabilitation. In Vietnam, preventing the spread of infectious diseases amongst prisoners and providing medical treatment to those with infectious diseases has also been a challenge.
- All jurisdictions are witnessing an increase in the use of synthetic drugs such as Amphetamines and Ecstasy.
- There was support for community based treatment approaches with some countries such as the Philippines adopting a Therapeutic Community Model.
- All countries see the importance of cognitive and behavioural therapy in treatment programs.

- Family and community involvement is encouraged during the offender's incarceration and upon release. In Singapore and Macao (China), training and education programs are provided to family members. In some jurisdictions, drug offenders who have successfully addressed their drug problems are used as role models to help deliver the treatment programs to participants. Most countries work closely with external agencies, non-government organizations and volunteers to prepare and provide support services during the offender's reintegration into the community.
- In some countries, such as Korea and Vietnam, overcrowding and limited resources have hindered the delivery of effective treatment programs. In Korea, the attitudes of courts and prosecutors towards drug offenders and the Probation System are additional hurdles.
- Generally, all countries agreed that treatment programs need ongoing refinement and that it was important to conduct an objective evaluation of such programs.
- Korea raised the problem of the lack of programs to tackle the issue of organized drug related crimes (such as drug trafficking and robbery) committed by drug offenders. Japan shared the view that the treatment of drug addicts and those who commit drug-related offences should be different. The Philippines acknowledged that its treatment program focused on drug addicts instead of drug-related offenders.

In conclusion, the presentation and discussions indicate that the most successful treatment programs probably involve cognitive behavioural treatment combined with community based treatment. The discussions also identified the importance of providing 'family programs' and support for family members. Participants in the workshop agreed that the increasing problem of drug abuse and associated crimes will be a challenge for all in the future and that it would be invaluable for future APCCA conferences to continue to explore best practices and new initiatives.

## **SPECIALIST WORKSHOP TWO**

### **DEALING WITH PRISONERS WITH MEDICAL / MENTAL HEALTH PROBLEMS**

#### **Introduction**

Recent conferences have commented on the growing complexity of the prison population in the sense that more and more inmates have serious medical and mental health problems. This topic is very broad and there are significant regional differences. For example, Tuberculosis, HIV/AIDS and Hepatitis are major problems in some places but less problematic in others. Worldwide discussions have also been conducted at the highest levels of government to consider how best to counteract the 'avian flu' threat.

Presentations on this topic were given by Sri Lanka, Thailand, Hong Kong (China), Singapore and India. The Solomon Islands provided a written paper.

#### **1. Sri Lanka**

In Sri Lanka, free medical healthcare is given to all prisoners. It is estimated that Tuberculosis (TB) is forty times more prevalent in prison than in the general population and the figure is twenty times for sexually transmitted diseases. The following factors contribute to these problems:-

- Overcrowding in prison.
- Confinement and lack of recreational activities for prisoners have impacted on physical and mental wellbeing, with resultant violence amongst prisoners.
- Lack of education and awareness regarding the spread of diseases.
- Insufficient allocation of resources by the government for the provision of health services in prisons, including the training of health specialists.
- Lack of incentives to attract the medical profession to work in prisons.
- Lack of community interest regarding prisons and prisoners.

The following initiatives have been identified and/or implemented:-

- Low cost measures to improve the quality of health in prisons (such as segregating prisoners with TB and providing health education/information and counselling to prevent the spread of infectious/transmittable diseases).
- Greater access to medical and psychiatric services in prisons (such as providing full time care and services, access to better dental treatment, greater medical services to pregnant prisoners, and



access to psychiatric care and counselling).

- Medical examinations/tests (subject to the prisoner's informed consent unless ordered by the court).
- Health education programs designed to encourage healthy lifestyles and good hygiene practices.

Around one in fifteen prisoners has been identified with a mental illness. Prisoners with particularly serious mental health issues are transferred to a secure unit at a psychiatric hospital where psychiatric assessments and risk assessments are conducted. Psychiatric treatment is provided in prison by qualified mental health practitioners from the General Hospital. Inmates who have been identified with psychological, psychiatric and emotional problems are provided with general counselling.

Despite the above initiatives, the following problems remain:-

- Limited community participation due to obstacles from the prison authorities.
- Cooperation between health services and prison services is very poor.
- Inadequate educational programs for prison staff on mental and health problems.
- Female prisoners and their children need access to better quality health services.

## **2. Thailand**

Although the prison population in Thailand has decreased over the years, there are still over 135,000 prisoners in 135 prisons. Health services to prisoners are provided jointly by the Department of Corrections and the Ministry of Public Health. Under the National Health Security Scheme, all Thai citizens including inmates, are provided with the same healthcare services.

Each prison has an infirmary (established by the Department of Corrections) with full-time professional nurses. Inmates who require greater medical attention are transferred to a local hospital which is managed by the Ministry of Public Health. Larger prisons in regional areas will also have a psychologist, assistant pharmacist, social worker and a part-time doctor.

However, for the seven prisons in Bangkok, inmates have access to a special 500-bed Medical Correctional Institution, established by the Department of Corrections. The Institution is funded by the prisoners' health insurance and employs medical consultants, psychiatric consultants and full time dentists. A laboratory unit and operation theatres have also been established. Prisoners requiring heart and brain surgery are transferred to a public hospital. Doctors also have access to closed circuit television via the internet to monitor patients.

### 3. Hong Kong (China)

The Correctional Services Department of Hong Kong (China) is the main provider of primary healthcare services for its inmates, including basic health education and health promotion. Each correctional institution has a unit providing medical, health and nursing care to the inmates. Inmates who require specialist care are referred for treatment to the Hospital Authority.

All remand and convicted prisoners undergo a medical and health assessment at reception. Medical records are kept confidentially. All newly convicted prisoners undergo urinalysis and chest X-rays to detect Pulmonary Tuberculosis. Prisoners with other illnesses or disabilities such as heart disease, diabetes, paralysis of limbs, and hearing or visual problems receive the same medical treatment as that afforded to the general public.

- *Mental health prisoners* - Prisoners who have mental health issues are transferred to a secure psychiatric hospital for assessment and treatment. About 90% of prisoners at the psychiatric hospital have been diagnosed with schizophrenia or affective disorders. Upon release, the inmate is provided with continued care, treatment and supervision by the psychiatric hospital, including inpatient care if required.
- *Prisoners with HIV/AIDS and Hepatitis* - Prisoners diagnosed with HIV/AIDS and Hepatitis are isolated from other prisoners on the recommendation of a Medical Officer. Information regarding their health status and treatment is confidential and is made available only to the Medical Officer and treating team. If necessary, psychological counselling is also provided. Prisoners are medically examined and assessed by a Medical Officer prior to release. If required, a referral is made to ensure that follow up care and monitoring will be provided in the community.
- *Dealing with SARS* - In 2003, due to the outbreak of SARS,<sup>4</sup> all prison staff and prisoners were provided information and education on the signs, risk factors and transmission of the disease, including good environmental hygiene practices. The number of prison visits were reduced and visitors underwent screening processes. Inmates suspected with SARS were transferred to a hospital. In the event of an outbreak of the avian flu, these same procedures will be applied.

### 4. Singapore

In Singapore, the provision of healthcare services to prisoners was initially provided by the Ministry for Health. However, this was outsourced to private organizations in 2000, resulting in improved medical staffing levels, enhanced quality of service, greater cost efficiency and better public perception. Inmates requiring specialist treatment are referred externally to specialist clinics or public hospitals.

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<sup>4</sup> Severe Acute Respiratory Syndrome.

This service model ensures that inmates receive the same basic level of healthcare services as other Singaporeans.

The spread of diseases such as HIV/AIDS, Tuberculosis, Hepatitis B and C within the prison is kept under control through effective and regular screening processes. The number of ageing prisoners is increasing. Between 2001 and 2005, the number of prisoners aged between 50 and 60 years rose by 27%. Research conducted recently revealed that Singapore's current national population in the 65-year age group will increase from its current 8.4% to 19% by 2030. This will require the prison system to deal with geriatric care.

Singapore is currently experiencing an increase in the number of prisoners with mental health problems and chronic illnesses. About 50% of prisoners released from prison with mental health problems do not attend their scheduled follow up appointments in the community. This raises problems regarding the provision of continuity of care and monitoring. The confined environment of a prison is not conducive to the overall mental wellbeing of such inmates. To resolve these problems, the Singapore Prison Service (SPS) is considering the possibility of setting up special facilities to manage prisoners with special needs. Similarly, a special care unit will also be required for frail inmates, those with chronic illnesses and those requiring long term care. The number of intellectually disabled prisoners is small but nevertheless, the Singapore Prison Services is committed to address the needs and support required by these inmates (for example, through alternative management strategies).

To deal with a possible outbreak of SARS or the avian flu, the SPS has a pandemic contingency plan in place. The possibility of bioterrorism has also been considered. Disease surveillance in prison is therefore important in identifying any possible outbreak of diseases such as anthrax and smallpox.

The future challenges for the Singapore Prison Service are:-

- The need to treat prison health as part of public health including health promotions and training for health professionals. Both prison health and public health providers will benefit through greater collaboration and cooperation.
- The need to undertake evidence-based research on the provision of healthcare and services within prisons for ways to improve the current system.

## **5. India**

In India, prisoners have a number of health rights such as the right to safe drinking water, clean sanitary conditions and adequate nutritional food. All prisoners are medically screened on reception. The paper stated that medical services are provided to inmates on a 24-hour basis and that inmates requiring specialist care and treatment are transferred to hospitals.

A project is under way in the State of Andhra Pradesh to prevent the transmission and spread of HIV/AIDS and sexually transmitted diseases. The goal of the project is “to increase the utilization of quality Sexual Health Services by the Prison Services” to inmates in selected prisons, through education and information on these diseases and their risk factors. Counselling, treatment and information about behaviour change are made available.

Recently, there was an outbreak of Chicken Gunya (a viral infection) and dengue fever in Andhra Pradesh. Fortunately, due to the control measures that were adopted, these diseases did not spread to the prison population.

Other challenges faced by India include providing treatment for other diseases such as Tuberculosis, cancer, diabetes and mental diseases. Many prisoners believe that only injections can cure their illnesses, whilst medical officers are reluctant to administer injections due to the risks of contracting blood-borne diseases. Therefore, India recognizes the need to educate prisoners on the effectiveness of taking other forms of medications

## **6. The Solomon Islands**

There are six prisons in the Solomon Islands containing. The prison population is expected to double by 2009 and new prisons are being built in anticipation of this increase. To date, no prisoner has been diagnosed with HIV/AIDS. Nevertheless, in accordance with the Pacific Regional Response to HIV/AIDS and the Solomon Islands National HIV Strategic Plan of 2005-2010, a policy is being developed to combat this disease.

The successful implementation of this policy will be dependent upon the coordination of service and program delivery between health providers, non-government agencies, church and community groups with the prison service in key areas such as:-

- The voluntary testing of prisoners.
- Non-segregation of prisoners with HIV/AIDS. To remove the stigma attached to HIV prisoners, an Executive decision has been made to focus on education, training and occupational health and safety issues to ensure staff and prisoners are well informed and able to work with HIV prisoners.
- Education and training.
- Palliative care and treatment for prisoners by the prison service and the Ministry for Health. Mental health counselling is also provided. Various church groups also provide spiritual support to those who have been disowned by their families. The plan is for the prison service to undertake an advocacy role in supporting the early release of prisoners with AIDS related diseases back to their communities.
- Distribution of condoms to prisoners to minimize the risk of transmission.

In conclusion, the Solomon Islands National HIV Strategic Policy reflects its strong commitment to ensure that HIV does not infiltrate the prison population. The Solomon Islands Prison Service is currently working closely with government, community and church groups to ensure the effective and successful implementation of this policy.

## **7. Themes and Conclusion**

All countries agree that prisoners should have the same level of access to health care as other citizens. However, it is also recognized that prisoners tend to have high levels of physical and mental healthcare needs. The papers and discussions identified the following themes and issues:-

### **(a) The extent of the problem**

- The proportion of prisoners entering prison with physical health problems is increasing.
- The proportion of prisoners entering prison with mental health problems is also increasing.
- Growing numbers of ageing prisoners will provide further challenges.

### **(b) Particular problem areas**

- Provision for those with brain damage or ‘personality disorders’ that are not ‘treatable’.
- Ensuring that prisoners in police custody (and not just those in prison) have adequate access to medical care.
- The shortage of hospital beds for psychiatric care is an acute problem. India, for example, does not have any psychiatric hospitals for forensic inmates even though there are legal requirements to transfer mentally ill inmates for treatment.

### **(c) Models of service delivery**

- With the exception of the large new corrections-run facility in Bangkok, Thailand, medical facilities within prisons are not as well equipped as public hospitals.
- There are three main models for health service delivery – services from within the corrections department, services from public health providers and service from private health care providers. Outsourcing to the private sector has proved beneficial in Singapore.

### **(d) Continuity of Treatment**

- Continuity of services and monitoring on release. One potential benefit of a prison is that it allows treatment to be given to people who are sick and who do not (or cannot) access treatment when they are in the community. However, it is equally important ensure

continuity of treatment (including monitoring people with infectious diseases) when prisoners are released.

- Community mental health services are sometimes reluctant to assertively case manage forensic patients or prisoners with mental health problems. Better co-ordination and understanding may therefore be needed between prisons and community health services.

**(e) Other Issues**

- Not all jurisdictions provide condoms to prisoners. Homosexuality is not legal in some countries and the provision of condoms may be viewed as encouraging such acts, even though the objective is to prevent the spread of HIV/AIDS.

It is inevitable that APCCA will return regularly to consider developments and best practice in this area. It can be said that most jurisdictions do have procedures in place to cope with the spread of airborne infectious diseases, though this does remain a problem in Sri Lanka. Across the whole region, mental health issues and problems associated with an ageing prison population will continue to pose significant challenges. As these issues develop, we will also see growing interest in the most efficient and effective forms of service delivery.

## **SPECIALIST WORKSHOP THREE**

### **ALTERNATIVES TO CUSTODY**

#### **Introduction**

New Zealand, Australia, Singapore and India presented papers at this Workshop. The papers were of a high quality and promoted interesting questions and lively discussion.

All criminal justice systems now appear to accept the proposition that imprisonment should only be used for people for whom there is no realistic alternative; in other words, that it should be the ‘option of last resort.’ Participants recognized that the introduction of successful alternatives to custody can help to reduce both the financial and the social costs of imprisonment, including the problems of reintegration that are commonly faced by ex-prisoners. However, socio-political differences mean that some jurisdictions have progressed further down this avenue than others. Furthermore, in some countries (such as New Zealand and Australia) where imprisonment has long been designated as the last resort, there are countervailing pressures to ‘get tougher’ on crime.

There are three main ‘levels’ or ‘stages’ at which alternatives to custody may be developed. As prison populations are differently constituted across the region, the balance between these measures varies between jurisdictions:-

- Alternatives that are designed to reduce the number of unsentenced prisoners, such as increased access to bail and reducing the length of time that the person is held on remand.
- ‘Input’ measures that reduce the flow of sentenced prisoners into the prison system, such as new forms of community based sentences based on the supervision, monitoring and treatment of offenders in the community.
- ‘Output’ measures, designed to improve the flow of prisoners out of the system and to enhance their chances of reintegration (such as parole and home detention).

#### **1. New Zealand**

New Zealand provided a vivid overview of the tension between ‘get tough’ government policies and a desire to cap the imprisonment rate, which has grown rapidly over the past 20 years. The rates of Maori and Pacific Islander imprisonment remain a particular concern. The year 2005 was described as a ‘crossroads’ with the government facing a stark choice: continue to build more prisons or reduce prisoner numbers. In December 2005, the government therefore established the Effective

Interventions Project (EIP), with two strategic imperatives – reduce crime and reduce the number of people in prison.

It was recognized that there is no single or simple answer and that a cross government approach is required. From January to June 2006, a cross government team therefore worked on the EIP. Legislation was introduced in November 2006 and is expected to pass through Parliament in mid-2007. The three key strategies are early intervention and other strategies to reduce crime, better alternatives to imprisonment and improved reintegration.

Some elements of the package involve long term initiatives, including better crime prevention strategies, early intervention, the development of better sentencing guidelines for the courts and stronger reintegration measures. The shorter term measures will include greater use of electronic monitoring and an updated regime of non-custodial sentences.

The Bill that is currently before Parliament includes a number of measures relating to sentencing, including:-

- Making Home Detention a front end sentencing option. Home Detention has already proved successful when used to supervise some offenders on release from prison and will become an option to divert some offenders out of custody.
- After consultation with the judiciary, new sentencing options and a legislative statement of the 'hierarchy of sentences' will be introduced to redress the sense that judges have too few options. The alternatives to imprisonment will include home detention; intensive supervision; 'community detention'; community work and supervision; fines; discharges and bonds.
- 'Community Detention' will involve the electronic monitoring of a curfew (between 2 and 84 hours per week for a maximum of 6 months) as well as reporting, counselling and community work requirements.
- 'Intensive Supervision' involves much stronger management and monitoring by probation staff and allows for referral to community residential programs.
- A Sentencing Council is being established to provide ongoing advice to the judiciary about sentencing practices and the new alternatives.

Within corrections, the EIP will see more directed targeting of programs, the introduction of more Drug Treatment Units and a sharper focus on employment, education and reintegration initiatives.



## 2. Australia

The Australian presentation reflected similar themes: increasing prisoner numbers (despite imprisonment being officially the 'option of last resort'), the need for greater flexibility in community supervision and political pressure to get tough but at the same time to reduce prisoner numbers.

The number of people under community supervision in Australia is considerably greater than the number in prison and there has been a growing focus on developing more sophisticated models for community supervision. It is difficult to generalize across the country due to the fact that there are 9 separate jurisdictions (6 'states', 2 'territories' and an overarching federal system for those whom offend against 'commonwealth' laws). However, across the country, some of the more important initiatives involve 'diversion' of offenders from the mainstream criminal justice system. Key initiatives include the following:-

- Schemes based on cautions and 'restorative justice'. To date, these schemes have generally concentrated on juvenile offenders rather than adults. For example, first time juveniles (unless it is a serious alleged offence) will often be formally cautioned by the police and released, or will be referred to a 'juvenile justice team' (or similarly named group) rather than the courts. These teams aim to examine the factors that influenced the person's behaviour and will sometimes be based on a 'restorative justice' model that sometimes involves the victim as well as the offender.
- Diversionary schemes for certain groups of offenders, including people with a mental impairment (including mental illness and intellectual disability) whereby prosecutions for minor offences will not proceed provided that other supportive monitoring is put in place (for example, referral to a community based mental health team)
- Schemes (such as 'cannabis cautioning') for minor drug possession offences. Under such schemes, prosecution is in effect 'suspended' and will not proceed if the offender complies with a drug counselling regime.

Specialist courts are also being introduced for certain types of offence or offender. 'Drug Courts' have been established in a number of jurisdictions. Again, the precise model varies across the country but it generally involves a person who has pleaded guilty being released, prior to sentence, to a drug treatment program and subjected to regular testing for drug use. A judicial officer often takes a role in reviewing the person's progress and success or failure will be taken into account when the person is sentenced. Special courts for Aboriginal Australians facing less serious charges are also being developed in some parts of the country, in an attempt to make the criminal justice system less alienating.

Most Australian jurisdictions have a similar range of non custodial sentences to New Zealand. One measure that is used in New South Wales and the ACT but which has not found favour elsewhere is periodic detention, where prisoners spend their weekends in prison. One difficulty that has been encountered with this scheme is that some judges appeared reluctant to activate the sanction of full

time imprisonment if periodic detainees failed to comply. However, a more rigorous approach by judges has improved compliance. The ACT remains strongly supportive of periodic detention but New South Wales is less so.

### **3. Singapore**

For many years, Singapore has had a high imprisonment rate and a relatively low crime rate. More initiatives are now being developed to reduce the flow of people into the prison system ('community based *sentences*') and to speed up their flow out of the system ('community based *measures*'). These initiatives reflect the Prison Service's mission to 'protect society through the safe custody and rehabilitation of offenders.'

Some community based sentences have a long history in Singapore, including probation. Although probation has not been widely used for offenders aged over 20, it is used as a rehabilitative measure for juveniles (those aged 15 and under) and for young adults (those aged 16 to 19). As in many other jurisdictions, typical features of probation include reporting, counselling, life skills programs, community service and curfews. In addition, some probationers visit prisons to 'get a taste of the harsh realities of prison'.

More recent sentencing innovations include the Street Wise Program (SWP) and the Guidance Program (GP). SWP targets young people who have drifted into street corner gangs and the program may be accessed voluntarily or as a condition of probation. GP is an intensive counselling program which acts, in effect, as a diversionary scheme for juveniles who might otherwise face court; those who successfully complete GP may be given a stern warning rather than prosecution.

There have been two important initiatives with respect to community based sentencing for adult offenders:-

- The Community Court, which came into operation in mid-2006 on the initiative of the new Chief Justice. The community court seeks to apply a less legalistic and a more 'problem solving' approach to lower level offences such as some cases of family violence, neighbourhood disputes, attempted suicide, and some cases involving youthful offenders and offenders with mental disabilities.
- Since 2002, the Subordinate Courts have implemented a new Fine Instalment Payment System (FIPS) to cut back on the number of offenders entering prison as fine defaulters.

Community based *measures* to facilitate reintegration include Home Detention, Work Release schemes and Half Way Houses. Home Detention, involving electronic monitoring and curfews, has been the most significant recent innovation. Longer term recidivist offenders who have been sentenced to Reformatory Training or Preventive Detention are subject to a licensing system on

release, including supervision and the threat of a return to custody if they breach the terms of the licence.

In Singapore, there has been some discussion of the best structural arrangements for coordinating community and prison based options. At present, probation and community service are administered separately from prisons, by the Ministry of Community Development, Youth and Sports.

Although it is too early to assess the effectiveness of new sentencing approaches such as the Community Court, there is already good evidence that appropriately selected offenders do very well under community based measures, with 80% to 90% successfully completing Home Detention, Half Way House and Work Release schemes. Home Detention, in particular, has helped to significantly reduce the prison population over recent years.

#### **4. India**

In India, there has been widespread dissatisfaction with the prison system, and criticism has grown as human rights principles have been more fully developed and applied by the courts. As with the other presentations, it was recognized that a multi-faceted approach is required. The main problem areas include:-

- Overcrowding; the occupancy rate is over 140%.
- The financial and social cost of imprisonment.
- The massive number of people who are 'pre-trial' or 'under trial'. Intriguingly, only 3.5% of people who are arrested are detained in custody, and yet 70% of the prison population is unsentenced. This presents major issues which are quite different from those faced in New Zealand, Australia and Singapore.

Other important developments that may affect the prison population are laws to clamp down on domestic violence (the Protection of Women from Domestic Violence Act 2003) and to tackle the problem of crimes against members of lower castes.

In terms of the unsentenced prisoner population, the figures above suggest that the main problem is not the number of people remanded in custody (only 3.5% of arrests), but the length of time that many people spend before their case is finalised. Two measures have been introduced to make some inroads into this problem. First, national legislation has been amended so that, unless there are strong reasons to the contrary, detainees must be released after they have been in prison for 50% of the statutory maximum for the alleged offence (though they can still be placed on trial). Secondly, various forms of 'plea bargaining' have been trialed for those who wish to plead guilty.

There are limited forms of diversion to the village level, usually to deal with neighbourhood disputes. In some parts of the country, there have been initiatives to enhance community service as part of a sentence.

Sentenced prisoners are able to access a range of 'early release' or 'conditional release' schemes. There is a long established remission scheme and in many places, furlough and home leave schemes operate. Open prisons play a key role for long term prisoners, especially those serving life sentences. There are two main types of open prison – Work Camps and Farms, and there are two categories of farms. In one, the offender is able to live with his family in conditions that are quite similar to the 'real world.' In the other category, the offender lives without his family but still in relatively relaxed surroundings. In some parts of the country, the wages that an inmate earns in these farms and camps is split three ways: one third to the state, one third to the offender and his family and one third to the victim. The farms and work camps do a good deal to break down any social stigma attaching to prisoners.

## **5. Themes and Conclusion**

There was a good deal of discussion during the question and answer sessions after each presentation and during the general discussions at the end.

The main themes and conclusions are as follows:-

- There is a very real benefit in having good alternatives to custody. These benefits relate to both the financial and the social costs of imprisonment.
- Prison populations are a key driver of change but regard must be had to the differing make up of prison populations across the region. In India, the priority must be to reduce the length of time that people spend in prison before their case reaches the courts. In Singapore, the main focus will be on front end and back end alternatives to prison sentences. New Zealand and Australia need to address their growing remand populations as well as assessing their sentencing options and early release schemes.
- A whole of government / multi faceted approach is required. Correctional departments do not control the 'tap' in terms of the flow of offenders into the system and collaborative ventures in crime prevention and early intervention are required.
- Successful innovations in the area of community corrections require all the key 'players' to be on side, including the judiciary.
- The Australian and New Zealand experience (also now starting to take a hold in Singapore) suggests there is scope for trialing diversionary schemes to target particular groups of offenders, including young people, minor drug offenders, Indigenous peoples and people with an intellectual impairment.
- The next decade is likely to see community based sentences playing a greater role. In those places which have an established history of community based sentences, including New Zealand and

Australia, these sentences are likely to become 'tougher', with a stronger focus on electronic monitoring. In Singapore, where there is less of a tradition of community based options, electronic monitoring provides an opportunity to build new community based alternatives. However, for the foreseeable future, electronic monitoring is unlikely to be a significant ingredient in some other countries, including India and the Pacific Islands.

# **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 annual conference remains the ultimate authority for governing the APCCA affairs and the Governing Board acts in an advisory capacity to the conference.

The Governing Board met on Sunday 26 November 2006 to discuss a number of issues and to consider possible recommendations to the conference.

The meeting of the Governing Board was preceded by a meeting of the APCCA Finance Committee.

### **APCCA Finance Committee Meeting**

**26 November 2006**

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**

**26 November 2006**

Under the Joint Declaration, the Chair of the Governing Board is the conference host. As Chair, Mr Barry Matthews, Chief Executive of the New Zealand Department of Corrections, extended a warm welcome to members of the Governing Board.

The following members were present: New Zealand, China, Indonesia, Japan, Korea, Singapore, Hong Kong (China), Australia, Brunei and Vietnam. The other Governing Board members, Cambodia and Canada, were unable to attend this APCCA conference. The following agenda items were discussed.

## **1. APCCA Secretariat Report**

Mr Kwok Leung Ming, Commissioner of Correctional Services of Hong Kong (China) briefed the Board on the activities of the APCCA Secretariat since the last conference. Activities have included finalizing the Report of the 25th APCCA conference held in Korea, 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 the recent years, including (late 2005) making the website more attractive and more user-friendly.

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.*

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

As Administrator of the APCCA Fund, Mr Kwok briefed members on APCCA's financial position. The position is healthy. A total of US\$24,002 was received by way of contributions in the year ended 31 August 2006. After expenditure and bank charges, the surplus for 2005-2006 was US\$9,625. The current accumulated surplus is US\$84,894.

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

The 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.*

## **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 by the conference itself.

Basically, the process is that elected members step down in alphabetical order. It was noted that China, Indonesia, Japan and Canada were the members but that under the terms of the Joint Declaration, Indonesia would step down as a member on 27 November 2006. Indonesia informed the

Governing Board that it would not seek re-election as it preferred to give other countries the opportunity. The Chair thanked Indonesia for its service to the Board.

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

The Governing Board noted that the rotating members for 2006-2007 are India, Fiji and Thailand.

### **(c) 2006-2007 Membership**

The Governing Board noted that the Board members for 2006-2007 would therefore be as follows:-

- Vietnam (Chair and Host)
- Canada (Elected member)
- China (Elected member)
- Japan (Elected member)
- New Zealand (Recent host)
- Korea (Recent host)
- Singapore (Recent host and Secretariat)
- Hong Kong (China) (Secretariat)
- India (Rotating member)
- Fiji (Rotating member)
- Thailand (Rotating member)
- The 2008 host (to be confirmed)
- A new elected member to be chosen at this 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 Rapporteur noted that at the conclusion of the 2005 Conference in Korea, the following offers had been made to host APCCA conferences:

- 2007: Vietnam
- 2008: Philippines (to be confirmed)
- 2009: Western Australia (to be confirmed)
- 2010: Canada
- 2011: Japan
- 2012: Brunei



Preparations for 2007 in Vietnam are well under way and the Chair and Rapporteur thanked Vietnam for their efforts. The Rapporteur stated that he had liaised with Vietnam with respect to dates for the 2007 Conference in order to avoid clashes with significant religious events such as Ramadan. The conference will be held from 25 November to 1 December 2007.

By letter dated 17 November 2006, the Philippines informed the Secretariat that it would not be able to host the 2008 conference due to a clash with major structural changes in the Philippines prison system, including the opening of a new prison. The Rapporteur and Chair thanked the Philippines for their offer.

During 2006, the Rapporteur followed up with Western Australia which has confirmed its offer for 2009. Canada (2010) was not present at this conference but both Japan (2011) and Brunei (2012) confirmed their offers.

*The Governing Board resolved to report on the current situation to the conference and to invite members to consider hosting the 2008 Conference or to bring forward an existing offer.*

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

*The Board confirmed the list of APCCA members (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 2007 Conference and to report to the conference accordingly. The Committee would meet to discuss suggestions made by delegates during the Conference for Agenda and Specialist Workshop items.

*The committee members were chosen as follows: Vietnam, New Zealand, Australia, Hong Kong (China), Japan, Korea and Singapore.*

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

### **(a) Appointment**

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

Under clause 26 of the Joint Declaration, 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. Clause 26 states that the appointment may ‘upon expiry be extended once for a period of two years.’

Professor Morgan stated that he and Ms Irene Morgan would be honoured to continue as Rapporteur and Co-Rapporteur for 2007 and 2008 if the Governing Board was to so recommend to the Conference. Professor Morgan withdrew from the meeting while this matter was discussed

*The Board thanked Professor Morgan and Ms Morgan for their service to APCCA and resolved to seek conference endorsement for their appointment to be extended for 2007 and 2008.*

### **(b) Reimbursement of Rapporteur and Co-Rapporteur Expenses**

At present, the APCCA fund contributes a maximum of US\$5,000 to cover the cost of return airfares for the Rapporteur and Co-Rapporteur. Given this ‘cap’, the hosts top up any extra travel costs and pay for the Rapporteur and Co-Rapporteur’s accommodation. New Zealand proposed that the Governing Board consider whether their accommodation costs should also be covered. The Rapporteur noted that accommodation was generally required for around 12 days to allow preparation before the Conference and to allow completion of the draft Conference report.

*After discussion, the Board resolved to leave the APCCA ‘subsidy’ at US\$5,000 but that the matter could be discussed again in the future.*

### **(8) Proposal for APCCA Training Program for Senior Staff**

Mr Chua Chin Kiat, Director of the Singapore Prison Service, noted that during Agenda Item Two at the 2005 Conference, a number of options for regional cooperation were discussed. Mr Chua stated that Singapore wanted to follow up on these discussions and outlined one possible model. He suggested that a training program might be developed for senior staff, to be held (probably over a 2-day period) immediately before or after the annual Conference. Attendees would pay their own accommodation and living expenses, with the APCCA fund meeting the costs of providing the program (including the expenses of presenters, the cost of a venue and the costs of developing a program and course material).

The Governing Board discussed this proposal and agreed on the following points:

- The content of any training program would need to be developed in such a way that it would supplement and not cut across existing APCCA Agenda and Workshop items.
- There would be a cap of US\$5,000 on any APCCA contribution
- If there appeared to be sufficient interest, a more detailed proposal would need to be developed having regard to questions of content and delivery

*The Board resolved to report on this proposal to the Conference. Professor Morgan agreed to develop a short questionnaire, in which delegates could nominate topics on which they would be prepared to deliver a training module. This information would then be considered by the Ad Hoc Agenda Committee.*

## **9. Any Other Business**

### **Conference Planning Manual**

Professor Morgan noted that in April 2006, he and Ms Morgan had drafted a manual to assist hosts in their Conference preparation. This had been provided to the New Zealand hosts and a copy had been sent more recently to the Singapore Secretariat.

Professor Morgan said that the manual should be seen as a ‘work in progress’, which could be regularly updated. He proposed that after this Conference was over, the four most recent hosts (New Zealand, Korea, Singapore and Hong Kong (China)) might wish to provide some feedback and advice as to any improvements so as to provide the maximum benefit for future hosts.

*The Board thanked Professor and Ms Morgan and the four most recent hosts confirmed that they would provide advice on the draft.*

## **First Conference Business Session**

**27 November 2006**

Mr Barry Matthews welcomed delegates and the first conference business session then considered the following items.

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

Mr Kwok Leung Ming, Commissioner of Correctional Services of Hong Kong (China) 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 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. Report on the Meeting of the Governing Board**

Mr Matthews outlined the discussions that had taken place at the Governing Board (see above). He emphasized that delegates should consider nominating to be on the Governing Board and should complete the questionnaires relating to Agenda Items and Workshop Items for APCCA 2007, as well as considering whether they would be in a position to offer relevant training if a program was mounted to coincide with APCCA at some future date.

## **4. Rapporteur and Co-Rapporteur Services**

The Conference endorsed the Governing Board's recommendation that Professor Morgan and Ms Morgan continue in their roles as Rapporteur and Co-Rapporteur for 2007 and 2008.

## **Second Conference Business Session**

### **1 December 2006**

The second conference business session considered the following items:-

#### **1. Conference Hosts**

The Chair announced that Malaysia had offered, subject to confirmation, to host the 2008 APCCA conference. *This offer was greeted with acclamation by conference delegates.* Hosts for the conferences from 2007 to 2012 are set out in Appendix I.

#### **2. Governing Board Membership**

The Chair informed the conference that the Solomon Islands had nominated to be an elected member of the Governing Board to replace Indonesia. There were no other nominations and the Solomon Islands were duly elected as members of the Board.

The full list of Governing Board members for 2006-2007 can be found in Appendix L.

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

Professor Neil Morgan tabled a report of the Ad Hoc Agenda Committee and briefed the conference on its deliberations.

##### **(a) In Attendance**

New Zealand, Vietnam, Australia, Korea, Japan, Hong Kong (China), Singapore, Rapporteur and Co-Rapporteur.

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

The committee considered a wide range of interesting topics that were suggested by delegates. It aimed to draw up a program for 2007 that would be well balanced in terms of the different facets of correctional management (including prisoners, staffing and reintegration issues), and which would include topics of relevance to all participants.

The Committee resolved that:-

- Agenda Item One would remain as it has been over recent years, but delegates would be invited to discuss a particular issue or to showcase a particular innovation in more depth if they wish to do so.
- Agenda Items Two to Four will be presented in the same way as at the 2006 APCCA. However, experience shows that more time can be allocated to the break out group discussions and less time is needed for reporting back to the conference.
- Consideration was given to increasing the number of Specialist Workshop topics but Vietnam, as hosts, identified logistical problems with this proposal. The 2007 APCCA conference will therefore continue with four Agenda Items and three Specialist Workshops.

The Committee recommended the following topics:-

<b>Agenda Item 1</b>	<i>National Reports on Contemporary Issues in Corrections.</i> (All delegates will, if possible, prepare a paper on this topic)
<b>Agenda Item 2</b>	<i>Managing Special Groups of Offenders</i> (The focus will be on terrorists, prisoners with mental health problems and personality disorders, long term and elderly inmates).
<b>Agenda Item 3</b>	<i>Staff Recruitment and Training</i>
<b>Agenda Item 4</b>	<i>Overcoming Barriers to Successful Reintegration</i>

<b>Specialist Workshop 1</b>	<i>Rebuilding Correctional Capacity Following Natural Disasters and Conflict</i>
<b>Specialist Workshop 2</b>	<i>Effective Community Supervision and Monitoring</i>
<b>Specialist Workshop 3</b>	<i>Managing Youthful Offenders</i>

In April 2007, Professor Neil Morgan and Ms Irene Morgan will prepare and circulate a Discussion Guide with a suggested format for the preparation of discussion papers.

**(c) Possible Training Program as an Adjunct to APCCA**

As requested by the Governing Board, the ad hoc Agenda Committee gave further consideration to Singapore’s proposal for a possible training module as an adjunct to a future APCCA Conference. Delegates had been asked to complete a short questionnaire outlining the topics on which they felt they might be able to offer a training module and the Ad Hoc Committee was asked to consider these responses.

A number of valuable suggestions were made but the Committee concluded that it would not be possible to progress the proposal further without a clearer model to put to delegates and without more of an indication from delegates as to their priority needs. The Committee resolved that the matter should be considered further by the APCCA Secretariat and the Rapporteur and Co-Rapporteur in the first part of 2007.

#### **4. Other Business**

##### **(a) The Draft Conference Report**

Professor Morgan explained that one hard copy of the first draft of the conference report had been provided to each delegation and that a CD version had been provided to every delegate. He stated that the final draft report would be circulated to all delegations by email on or around 11 December and that comments on that draft were to be received by Ms Irene Morgan (Co-Rapporteur) by the end of December 2006 so the report can be finalised in early 2007.

##### **(b) World Police and Fire Games 2007**

The South Australian delegate informed the conference that the World Police and Fire Games will be held in Adelaide from 16 to 25 March 2007. He emphasised that correctional officers are able to participate in these Games and showed a short video.

##### **(c) Votes of Thanks**

Australia, Hong Kong (China), Japan, Malaysia and the Solomon Islands thanked the Conference Chair Mr Barry Matthews, the New Zealand Department of Corrections, Professor Neil Morgan (Rapporteur) and Ms Irene Morgan (Co-Rapporteur). They 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 New Zealand Department of Corrections for their professionalism, efficiency and warm support during the Conference.

#### **5. Rapporteur's Closing Address**

Professor Neil Morgan made a brief address in which he referred to the conference theme, the evolving interests of APCCA and its future.

He said that the conference theme, *Towards Wellness and Wellbeing* had proved very apt. The discussions during the Agenda Items and Specialist Workshops, combined with the prison visits, had ensured that delegates would return home with many insights into how to enhance the wellbeing of both staff and prisoners. Equally important, the discussions, social activities and generous hospitality of the hosts had ensured that delegates themselves would leave with an enhanced sense of wellbeing.

Professor Morgan made two points with respect to the evolution of APCCA over the past decade. First, the quality of papers, presentations and discussion continues to improve every year and APCCA is becoming a forum in which correctional administrators are increasingly open in sharing their problems and ideas. Secondly, the 'balance' has shifted significantly. While conferences do still address core issues relating to the treatment of prisoners and the recruitment, training and safety of staff, there is now a strong focus on reintegration and community involvement in corrections – and this is likely to grow in coming years.

APCCA, he said, is a unique organization. In some respects it is like a 'family' and it is in very good financial shape. Consequently, its future looks very strong. The 'family spirit' had been exemplified at this conference by two developments. The first was Malaysia's offer (subject to confirmation) to host the 2008 conference when it became clear that the Philippines was unable to be the host.

The second was the fact that the Pacific Island nations who attended this conference (Fiji, Federated States of Micronesia, Kiribati, Palau, Samoa, Solomon Islands, Tuvalu and Vanuatu) had met together (and with Professor Morgan) to try to forge a more unified approach. One outcome is that a Pacific Corrections Conference will be held in the Solomon Islands in September / October 2007. On behalf of APCCA, Professor Morgan welcomed this development and wished the Pacific Islands well.

Professor Morgan then paid tribute to Mr Barry Matthews and his staff, including Mr Mike Martelli, Mr Phil McCarthy and Ms Julie McBurney, as well as the support staff who had played such an outstanding role in ensuring the success of the conference.

Finally, he again thanked the Maori people for so warmly welcoming everyone onto their land and for the blessings they had given to conference delegates.

## **CLOSING CEREMONY**

The Closing Ceremony commenced with a video of New Zealand and a dramatic dance show by young Maori performers. Following this, Mr Barry Matthews presented plaques of appreciation to Mr Sheong-shin Seung, Director General of the Corrections Bureau of Korea (the 2005 hosts), Mr Pham



Duc Chan, Director of the Vietnam Prison Department (the 2007 hosts), Professor Neil Morgan (Rapporteur) and Ms Irene Morgan (Co-Rapporteur).

Mr Pham Duc Chan delivered a short speech in which he warmly invited delegates to the 2007 conference and this was followed by a video presentation about Vietnam.

Mr Matthews then delivered his closing speech:-

**Closing Speech by Mr Barry Matthews**  
**Chief Executive of the New Zealand Department of Corrections**

Honorable delegates, ladies and gentlemen

It is hard to believe that this APCCA is already drawing to a close. We have covered wide ranging topics; there has been vigorous debate, and on occasion robust discussion.

Equally importantly each of us has been able to renew old friendships and to make new acquaintances. I like to think that APCCA 2006 has continued to embody the principles of cooperation and friendship which have underpinned previous conferences.

When we were in Korea we had a good opportunity to see key aspects of Korea's Correctional system, as well as gaining an insight into its people and country.

In planning for APCCA 2006 we set out to offer a similar experience. I hope you feel we have achieved this goal. Our site visits have covered a range of prisons, from one recently finished to one just nearing completion. We also set out to show you the cultural diversity of New Zealand and this is will continue at tonight's dinner where some of our Pacific people will be here to entertain us.

The Rotorua trip requires special mention, with one delegate demonstrating his animal husbandry skills and another having a near escape from a pair of shearing clippers.

I would like to take this opportunity to thank each of you for your contribution to APCCA 2006. If this conference is a success it is due to you.

For the energy and good spirit you have displayed and your willingness to take part not just in the formal part of the conference, but the social programme as well. For helping us to understand the issues currently facing your correctional administrators in your country and some of successes you have achieved in addressing these issues. Each of us will take home plenty of food for thought in the forthcoming weeks.

The ongoing work of Professor Neil Morgan and Ms Irene Morgan requires a special thank you from all of us. APCCA has been in very safe hands over this past week due to their hard work and it is good to know that we can rely on their expertise over the next three years. Thank you Neil and Irene.

The other element of a successful conference is the work that goes on behind the scenes. No more so than for this conference and I would like to acknowledge all of the work done by Mike Martelli and his team.

I would like to extend a special thanks to Mr Chan. I am looking forward to visiting Vietnam and seeing this beautiful country first hand, its entrancing people and learning more about correctional administration in that country.

All that remains now is to declare this conference officially closed and to pass the APCCA symbols to Mr Chan, Director of Prison Management in Vietnam.

The APCCA flag, Fijian war club and the Indian oil lamp, comprise the APCCA symbols. Together these symbols embody the enduring values and traditions of APCCA.

On behalf of the 2006 host's New Zealand I formally pass these APPCCA symbols into the safe keeping of the 2007 hosts Vietnam.

After Mr Matthews' speech concluded, he formally handed over the APCCA symbols to Mr Pham Duc Chan. The symbols were escorted from the conference venue and the conference concluded.