

CORRECTIONS IN ASIA AND THE PACIFIC

**Proceedings of the
First Asian and Pacific
Conference of
Correctional
Administrators**

COMPILED BY W. CLIFFORD



**Edited by PETER KAY and TIM ISLES for the
AUSTRALIAN INSTITUTE OF CRIMINOLOGY**

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Participants

COUNTRY	DELEGATE
Australia	Mr W. Clifford, Director, Australian Institute of Criminology Mr W.J. Kidston, Director, Department of Corrections, Western Australia Mr A.J. Watt, Principal Programs Officer, Australian Institute of Criminology Mr I. Potas, Senior Legal Research Officer, Australian Institute of Criminology
Canada	Dr John Siu, Deputy Commissioner of Corrections
Hong Kong	Mr T.G. Garner, C.B.E., J.P., Commissioner of Prisons. Mr Chan Wa-Shek, Assistant Commissioner of Prisons Mr T.A. Handley, Senior Superintendent of Prisons Miss Catherine Sun, Chief Officer, Prisons Department
Indonesia	Mr Ibnu Susanto, Director General of Corrections Mr A. Aspan

Japan	Mr Y. Suzuki, Director, United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders
Macao	Dr Abel Tavares Mendonca, Superintendent, Prison Service Mr Jose Pinto Morais, Deputy Director, Central Prison
Malaysia	Mr Dato' Ibrahim bin Haji Mohamed, Director-General of Prisons
Papua New Guinea	Mr Henry Tokam, Acting Commissioner, Papua New Guinea Corrective Institutions Service Mr Andrew Dambui, Assistant Commissioner, Papua New Guinea Corrective Institutions Service
Philippines	Brigadier General V.R. Raval, Director, Bureau of Prisons Police Colonel Alfredo Lim Lieutenant Colonel Federico R. Dela Cruz Police Major Dionisio Coloma
Singapore	Mr Quek Shi Lei, Director of Prisons
Sri Lanka	Mr J.P. Delgoda, Commissioner of Prisons
Thailand	Mr Dhavce Choosup, Director-General, Department of Corrections
Tonga	The Honourable 'Aku'aola, Minister of Police

Western Samoa

Mr S.A. Schuster, Commissioner of Police
and Prisons

Mr Neil Hellesoe, Superintendent of
Prisons

Introduction

This conference of correctional administrators from the Asian and Pacific Region arose as a result of informal discussions held with correctional administrators in the region by Mr W. Clifford the Director of the Australian Institute of Criminology, and Mr T. Garner, the Commissioner of Prisons, Hong Kong. Comparing notes on such discussions in January 1979, Mr Clifford and Mr Garner decided that there was sufficient joint interest for a meeting to be held in preparation for the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders. At that time the Congress was scheduled to be held in Sydney and this made it particularly important that correctional administrators of the region should meet before the Congress. Since then the Congress venue has changed to Caracas, Venezuela but the need for Asian and Pacific administrators to meet to consider common problems before the Congress has not diminished.

Originally the meeting was to be held in September 1979, and though the date was not specified, a provisional announcement of the meeting was made to a press conference in Hong Kong by Mr Clifford and Mr Garner in January 1979. This was conditional upon approval being obtained from the Government of Hong Kong and a sufficient response being received from the governments invited to send their correctional administrators. In the event these arrangements took rather longer than had been expected and the date had to be postponed. But interest was substantial and the meeting eventually assumed a form slightly modified from the original. For one thing the Hong Kong Government proved extremely cooperative and generous so that participants could benefit from a program which extended over the weekends before and after the conference. Second, the direct link with the UN Congress receded with the march of events; and the interests of

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the Asian and the Pacific countries in corrections became paramount. As it proved impossible to cover the whole agenda for the Sixth United Nations Congress in the time available, discussion periods were concentrated upon subjects of immediate concern to administrators of corrections which might have implications for the Congress but which had independent value as subjects for consideration. Finally participants were invited to bring to the conference papers on each item of the agenda of the Hong Kong meeting showing the situation in their own countries.

Clearly the cultural variations between countries will make for contrast and diversity but the problems of organising and administering correctional services have common features. It is hoped that some of these emerge in the following pages.

Part I

Opening Addresses

**Summaries of
Plenary Sessions**

**Conclusions
and Resolutions**

Opening Ceremony

The Conference began with a formal opening ceremony held at the Legislative Chamber in Hong Kong. The diplomatic representatives of all the countries sending delegates to the Conference were invited as well as a distinguished audience of Hong Kong residents. The speeches were in the following order.

Mr T. Garner, Commissioner of Prisons, Hong Kong

Sir Denys Roberts, Mr Clifford, distinguished colleagues from overseas, honourable guests, fellow colleagues, ladies and gentlemen.

It is some considerable time since my distinguished friend Bill Clifford and I got together and talked about the need for ideas and opinions from this part of the world in the field of correctional administration.

We both agreed that there was a need to have some sort of get-together along the same lines which prevail in other areas of the world. We also agreed that one of the main reasons why ideas and opinions are not readily identifiable from the Asian and Pacific region was because, except at United Nations level, we did not have regular meetings, most certainly not at a working level during which we could exchange ideas, experiences and discuss other matters of mutual interest, particularly problems which are common to most of us if not all.

This morning we have overcome that difficulty and it is with much pleasure that I extend to all my colleagues from overseas a very warm and hearty welcome. It is a pleasure to have you here and like you I look forward to a week of lively discussion on many issues.

To have the most senior administrators in charge of prisons and other correctional institutions from 14 countries come together to discuss various matters relating to prison administration and the many other areas of our work is indeed a very healthy sign, and I wish to express my appreciation to you all for your presence here today. Your support ensures a good foundation on which to build for a successful outcome of this conference, the very first of its kind in this part of the world, which I hope will lead to more frequent meetings at different levels embracing subjects of specific interest in the future.

I wish to take this opportunity to express my warmest thanks to Mr William Clifford and members of his staff at the Australian Institute of Criminology for the superb way in which they have put this conference together.

As I have already stated, during the course of this week, we have much to discuss; however, included in the program are visits to seven correctional institutions covering maximum and medium security prisons, of which one is a reception for remands and new admissions, a drug addiction treatment centre, and a detention centre for young offenders. A visit to the Staff Training Institute has also been arranged; this will give you the opportunity to see something of the work and effort which goes into the making and developing of a prison officer in Hong Kong.

I assure you that the staff of the department will do all that they can to make your stay here as pleasant as possible. A program of social activities has been arranged which I sincerely hope you will find enjoyable.

If you require any assistance or have any questions, you will find in Prisons Headquarters a Conference Secretariat, the staff of which will be only too pleased to assist you.

I wish to acknowledge the presence of our many distinguished guests who have given their valuable time to be with us this morning and who represent the business and commercial world, government, and in particular the field of criminal justice. I would like to say a special thank you to all.

At the conclusion of this opening ceremony, refreshments will be available in the lounge area in this building and we hope that you will join us so that in particular you can meet our colleagues from overseas.

I am delighted to be able to once again have the pleasure of

working with Mr William Clifford. Mr Clifford is the Director of the Australian Institute of Criminology and was formerly with the Social Defence Section of the United Nations in New York. In fact he was the Executive Secretary of the Fourth United Nations Congress on the Prevention of Crime and Treatment of Offenders which was held in 1970 at Kyoto, Japan. Mr Clifford is an expert in the fields of criminology and penology, but then to my colleagues from overseas I know that Mr Clifford needs no introduction. I am therefore delighted to invite Mr Clifford to say a few words.

Mr W. Clifford, Director, Australian Institute of Criminology

The Honourable the Chief Justice, distinguished guests and colleagues, friends, associates, ladies and gentlemen.

This is a proud day for us of the Australian Institute of Criminology. It is, by no means, the first time that our activities have extended beyond the shores of Australia — and indeed our charter requires us to provide the kind of international services in which we are now gratifyingly engaged. But we are specially honoured and indeed greatly privileged to have the understanding and confidence that your attendance at this First Asian and Pacific Conference of Correctional Administrators implies. It denotes between our countries a professional partnership for the improved treatment of offenders which is unique, and in joining our efforts we are breaking new ground in combining our experience for the benefit of this region.

My task this morning is both pleasurable and mercifully brief. On behalf of all the visitors, participants, and guests of Hong Kong I want to say how deeply we appreciate the warmth of our welcome, the generosity of the Hong Kong Government in hosting our conference and particularly we are grateful for the foresight, organising skill and profound compassion for those in his care, which is once again being shown by Tom Garner, the Hong Kong Commissioner of Prisons. I have basked in the privilege of his friendship and enjoyed his professional cooperation for over a decade now. We have met together, taught together in various parts of the world and I may confess we have plotted together to

increase the awareness of crime and the better treatment of offenders. Tom Garner has contributed substantially to the international improvement of correctional services quite apart from the spectacular way in which he has raised the standards and potential of the Hong Kong Prisons Department to a justified condition of world renown. It is fitting that he is at the heart of this new venture in international understanding and improved regional coordination.

Second, I would like to associate myself with Tom Garner's words of welcome to our participants. We are both fortunate to have with us the cream of correctional experiences in this region. We are greeting colleagues and friends but above all, we are mobilising a range of correctional expertise the like of which has not been gathered in any one place in Asia and the Pacific before. This occasion would be nothing without your cooperation and your ready participation. It is I think of particular importance to illustrate the quality of that cooperation by underlining that each country represented here today has met its own travel and subsistence expenses. This is the true measure of the real collaboration which this conference signifies. Each one is giving. Each one is sharing. No generous donor or international fund has made this meeting possible. We are all here because we want to be here and because our governments have thought it important that we should be here. Our welcome to you is therefore heightened by the way in which it is threaded with the sincerity of heartfelt appreciation.

Finally I have been accorded the signal honour of presenting to you our opening speaker, His Honour Sir Denys Roberts, K.B.E., C.B.E., O.B.E., Q.C. Sir Denys has an array of experience unusual for any Chief Justice. He has been Solicitor General, Attorney General, Colonial and Chief Secretary of Hong Kong long before he became its Chief Justice. He was also the Attorney General of Gibraltar and served in Nyasaland. He is the author of a number of books with intriguing titles, the most recent being a book on *How to Dispense with Lawyers* which I trust, Sir Denys, will have had the wide circulation it obviously deserves.

Sir Denys, we of the correctional community of this region are keenly conscious of the honour which you do us. By your presence today I am sure none of us could have wished for a more auspicious beginning to our proceedings than the opening address which I am now privileged to ask you to deliver.

**Opening Address by His Honour the Chief Justice of Hong Kong,
Sir Denys Roberts**

Although I am delighted to be here, I have to confess to you that, until I received an outline of your program, I had never heard of a correctional administrator and was somewhat apprehensive as to what sort of person a man with such an imposing title would turn out to be.¹

It was a great relief to discover that he is, in reality, my old and much respected colleague, the prison officer and I hope that you will forgive me for continuing to refer to you by your more traditional description, though I am aware of how greatly the status and functions of a prison officer have changed in the period since the end of the Second World War.

I am sure, however, that you will not mind if I use the description 'correctional administrator' as an excuse for asking two important questions about the work which you do and its value to society.

First, could it be said that the adoption of this new label implies any doubt as to the importance of the work of a prison officer? Second, is the new title an accurate description of what you do?

In attempting to assess the relative importance of any particular occupation, there seem to me to be two main factors to be considered: the demands which it makes on the worker and the value which it has for the community.

What I say about the demands which your work makes upon you must necessarily be an outsider's view, based only on occasional visits to prison institutions. From the inside, my views may well seem ill-informed and unbalanced, but they may, I think, be representative of what the public believes to be the qualities required of those who are members of prison services.

I have no doubt that the general belief is that yours is a hard, demanding life, requiring a high standard of discipline and self-control and much strength of character.

You are asked to deal with those who have come into conflict with the rules which society has made for the common good. Many of them are bitter at what they see as the injustice of their treatment; others are deeply depressed by the thought of being locked away from normal life; most are uneasy at being taken into an environment which is strange, and into a pattern of life in

which they cease to be masters of their own affairs and become subject to the orders of strangers.

This is your raw material. Many prisoners are difficult, hostile or unhappy. It is your task to control them, and to ensure that they comply with the regime which the law prescribes and which you are obliged to enforce.

This requires a wide variety of attributes. Perhaps the most important one is integrity. By this I mean complete impartiality as between one prisoner and another. This is difficult, since it is a normal human instinct to prefer one person to another. In our private lives, we allow such preferences to influence our conduct, but in a prison this is something which no good prison officer will allow to happen.

You need a plentiful supply of patience, since you have to deal with a wide assortment of men, some quick in thought and action, some stupid and slow, some physically strong and some decrepit, some eager and cooperative, others bloody-minded and obstinate.

And you must have charity, by which I mean an understanding of the fact that your charges, although they are imprisoned because they have offended society, remain individual men and women, entitled to a measure of human dignity and to such consideration as is possible within the confines of the disciplinary structure within which you work. I know that most of you will not forget the old and wise saying that a refusal with a smile is better than permission with a snarl.

These are but a few of the many qualities required of a good prison officer. Without doubt, they are such that anyone who adopts this career is joining a service which will stretch his moral and physical reserves to the utmost. If this is the test of a full and satisfying life, and for many people it is, a prison officer may indeed feel that he has not wasted his years.

Value to the Community

No society can manage without rules which restrain or regulate the competitive and predatory instincts of its members. But however necessary, or enlightened, or infrequent, these rules may be, there will always be those who break them, for a variety of reasons, ranging from fear through desperation to greed and total selfishness.

If order is to be preserved, society must devise methods which will discourage those who seek to break its laws, which will punish those for whom this is the only appropriate response, and will rehabilitate those who can be weaned from lawlessness into an acceptable pattern of life.

To achieve these aims, the community has had to create a corps of specialists, to take charge of those who have fallen foul of its laws. In the days when the only consideration was the retribution of society against the malefactor, it was sufficient to throw the offender behind stone walls and metal grilles until his day for release arrived. For this, little finesse was required from his gaolers.

Those barbarous days are well behind us. Any society which dares to claim that it is civilised, accepts that there is a complicated patterns of pressures, instincts, and objectives as well as the influence of heredity and environment, which shape a man's conduct and destiny in spite of himself. And that an infinite variety of moral blame attaches to the law breaker.

Those who direct the penal policies of most countries have steadily turned towards a more individual treatment of the offender and have accepted the need to staff penal institutions with men of patience and understanding. The number of those who are found in penal institutions at any one time is enormous. I recently saw an estimate of three to four million throughout the world.

This figure may well be inaccurate, but it is at least an indication of the size of the problem with which you and your colleagues have been asked to grapple by society. How you deal with this mass of unfortunate men determines to an important extent their attitude towards the state and that of many members of their families and of their close friends.

If you treat them with cruelty, or with unfairness, or with disdain, they will become implacably hostile to all those whom they see as responsible for their miseries. For it is the habit of most wrongdoers to place the fault for their distress on someone else, this means not only the prison officers, but the courts, the police, the government and the state. A bad prison service can thus undermine respect for all these organs of authority and greatly weaken the stability of the state.

So you can properly feel that your role is essential to the well-being of the country in which you work. You should, I believe, be left in no doubt that you have chosen a worthwhile career, bringing

with it to yourselves and to the state far richer rewards than the modest salaries which you receive.

Is it an apt description?

Let me now consider whether the word 'correctional' is an accurate description of the purpose of penal institutions. There are generally thought to be four main principles, which partly overlap and partly conflict, behind the detention of offenders:

- . To punish them for wrongdoing, thus demonstrating society's repugnance for their conduct.
- . To protect society from them, by putting them where they cannot do further damage for some time.
- . To rehabilitate them, in the hope that they will in future lead useful and disciplined lives.
- . To deter others from similar conduct.

These four main motives have usually been present, but the emphasis given to them has changed greatly from age to age and from country to country. In general, I believe it can be said that the less developed a society is, the harsher will its attitude be towards the criminal and the greater the emphasis on punishment and deterrence.

It was for many years not thought to be in accordance with current liberal thinking to admit that punishment, or deterrence, were important considerations. While it was conceded that the protection of the public might be taken into account, the only important factor was said to be the rehabilitation of the offender.

This is, I believe, no longer the case. It has become generally accepted that a substantial proportion of prisoners are unlikely to respond to treatment of any kind, whether it is harsh or humane. For these men, prison becomes part of the price which they are prepared to pay in order to continue in a style of life which involves the regular breaking of laws. There is little that can be done to wean them away from their choice.

For first offenders, the principal objective should surely be to rehabilitate them. Everything reasonably possible should be done to ensure that, on release, they can rejoin society with a fair chance

of success and that the prisons will not see them again.

With each conviction of an offender, however, the emphasis tends to shift from rehabilitation to the protection of society. Until, eventually, when there is little hope of correcting him, the protection of society becomes paramount.

Nor must we forget that there are some crimes of such wickedness that society is rightly concerned solely with the punishment of the criminal and the deterrence of others who might be tempted to behave in a similar way. Those who rape, kidnap or traffic in narcotics are examples of this group. For them little sympathy can be felt and your task is to show society's distaste for what they have done rather than try to reform them.

It is worth noting that there is a substantial difference in the public attitude towards crime and its treatment in the East, as compared with the West. In this part of the world, the ordinary man and woman believes that certain kinds of crime are wicked and inexcusable, and that wickedness must be treated with harshness. They regard consideration for the offender as weakness and as an affront to the victim.

This means that the prison officer in the East will find himself pursuing policies which are at odds with public opinion. He will be accused of pampering the evil and of providing standards of food, clothing, accommodation and health which many honest men cannot attain by lawful means. And this is a danger, of which prison administrations are well aware and which they cannot afford to ignore.

I do not know if our experience in Hong Kong is typical or not, but we have found, in recent years, employment of novel kinds for our prison administrators. Some time ago, we handed to them the task of dealing with the treatment of drug addicts. Instead of sending addicts to ordinary penal institutions, as had been the previous practice, the courts were given power to send them to special treatment centres, run by prison officers, where they remain for long enough to give their bodies a reasonable chance to overcome the addictive grip of the drug. The success of this experience has been beyond the most optimistic predictions made when it was launched.

During the past year, the Prisons Department has assumed responsibility for running camps in which thousands of refugees have been given temporary accommodation, between their arrival

in Hong Kong and their departure for new homes elsewhere. The disciplined firmness, and sense of order and fairness, of prison officers has proved invaluable in the carrying out of this unusual task.

So I conclude that the work of a prison officer is far wider and more varied than can be accurately reflected in the term 'correctional'. This word fairly describes some of your many functions, but not all of them.

In conclusion, I hope that my irreverent references to the title of 'correctional administrator' will not have concealed from you my deep admiration for the firm, humane and effective way in which the great majority of prison officers perform their exacting duties.

It gives me much pleasure to declare open the First Asian and Pacific Conference of Correctional Administrators.

1. It may be useful to define the term correctional administrator and to mention that it arose during the 1960s when services for the treatment of offenders were extending beyond the prison walls. A number of extramural services were being provided by the prisons, including after care (as in Hong Kong) and half way houses, work release, etc. In addition, correctional services were intended to incorporate such additional duties as might be imposed upon the prison services, as with the running of detention camps, special diversionary training programs for offenders not actually committed to prison, or weekend imprisonment for dangerous drivers. Another purpose of the term correctional administrator was to avoid the purely negative connotations of imprisonment and to emphasise the spirit of rehabilitation.

In the Western world the move towards a less direct concern with rehabilitation and a greater concern with custody has reduced the significance of the title correctional administrator but this term is still in wide use to cover not only the prison services but also probation and parole. It is still the American Correctional Association and the Thailand Department of Corrections. It was for such reasons and to ensure that the invitation was not limited that this conference was held for correctional administrators rather than for prison officers.

In the event most of those attending were, in fact, in charge of prisons although there were police officers from the Philippines in charge of local gaols and one Minister from Tonga with responsibility not only for corrections but for the police.

— Compiler's note

Opening Address

W.Clifford

It is my privilege to extend to you a warm welcome to this, the First Asian and Pacific Conference of Correctional Administrators. It is the hope of the organisers and your hosts that this might become an annual or bi-annual occasion, the venue changing from country to country over the years ahead.

A meeting of this kind follows a venerable tradition. The first Penal and Penitentiary Congress ever held was for the correctional administrators and penal reformers of various nations and it took place in Frankfurt, Germany, in 1846. Some of the subjects then discussed would be familiar to you today – an indication that the options in this field are rather limited. However, their main concern was peculiar to the period. At that time they were most particularly exercised by the question of whether prisoners should be kept in strict isolation to encourage their moral rehabilitation, or whether it would be better to arrange for a calculated association with other prisoners. As you will recall, the idea of a 'penitentiary' had come from John Howard. He and others had seen recalcitrant monks locked away in separate cells to do penance, and in the climate of moral rectitude which prevailed at the time, it was thought that prisoners could be improved by being kept alone and forced to reflect on their misdeeds.

At that time institutions had already been built on the separate system; prisoners were strictly isolated from other prisoners throughout their sentence and even had to wear masks to avoid seeing other prisoners during the time they were passing down the corridors. In Australia we still have examples of the churches, with separated pews, where prisoners went on Sundays. It was thought that the only way to obtain improvement during a prison sentence was to make sure that the inmate avoided the contamination of other inmates and had only the benefit of contacts with good

influences, that is, the prison officials, the religious visitors and his own relatives who might come to see him. There was, however, a modified system operating at Auburn in the United States where association with other prisoners was allowed during periods of work, but there was segregation in separate cells at night.

This was the middle of the 19th century, when the death penalty was still widely used, transportation continued and when in Asia and Australia there were some quite barbaric conditions in prisons. The period was characterised by excessive corporal punishment, the treadmill and all kinds of deterrent measures to substitute for adequate policing of growing cities. Australia at that time was sending those prisoners originally transported from England who had committed further offences in Australia to Norfolk Island, which was way out in the Pacific and which was deliberately set up to be a horrifying experience. The British Secretary of State had specifically instructed that Norfolk Island should become a place of 'the extremist punishment short of death'. The awarding of 500 lashes for an offence was not unusual and conditions became so bad in what came to be known as an 'ocean hell' that, on humanitarian grounds alone, the place had to be closed down in 1855. Prisoners from India were transported to islands offshore and I am sure you have many examples of similar experiences in your own countries.

The 1846 Congress was, therefore, a significant international move towards reform which had the powerful support of the prison administrators themselves. It set up a chain of interest across the world which led to further meetings in the 1850s and 1860s and eventually to the more famous London Congress of 1872 at which there was created in 1875 the International Penal and Penitentiary Commission (I.P.P.C.). I won't bore you with the history of that Commission, but I mention it because it is significant as the body which from that time conducted five-yearly international congresses on the prevention of crime and the treatment of offenders, which devised in 1929 the document which later became the League of Nations, and still later the United Nations, Standard Minimum Rules for the Treatment of Prisoners, and it was this organisation which eventually handed over its responsibility in 1950 to the United Nations. However, the I.P.P.C. still held on to its considerable trust fund and to administer this and continue to assist prison administrators. It still exists in a

modified form as the International Penal and Penitentiary Foundation.

The United Nations took over the main work, however and now continues that tradition. It held its own first Congress in 1955. The Sixth United Nations Congress will be held this year at Caracas, Venezuela and with part of its agenda we will be concerned at this meeting.

While this is, therefore, the first Asian and Pacific meeting of its type, it is obviously an extension of that worldwide tradition of creative and innovative thinking stemming not only from reformers in this field but from those with practical knowledge in the day to day administration of penal institutions. It is important to understand that many of the reforms in prison conditions and many of the innovations which radically changed the older systems, came from the prison administrators themselves. When hard labour was formally abolished in England by the Criminal Justice Act of 1948, it had been unused within the prison system for almost 30 years — and this had been a policy developed by the prison administration which found it almost impossible to keep separate regimes running within a single institution. The Borstal system, which at one time was hailed as a great device for keeping young people out of prison, was the application of the British public school to young offenders by Sir Alexander Patterson, who later became chairman of the United Kingdom Prison Commission. He, incidentally, was also the international consultant who was responsible for the closing down of the French Devil's Island and gave advice on prisons to West Indian Territories which I had the privilege of reading in the original in the early 1970s. I was astonished to find that it could well be applied to the modern forms of administration in that area. To demonstrate that his ideas on the value of giving creative work to the young did not only apply to England, Sir Alexander visited Malaya and took a selected group of the most dangerous dacoits with him and without assistance or guards, camped in the forest.

The position was similar in the United States, where a very large number of innovations were due to the prison administrations themselves and one of the greatest men in this field, the late Torsten Eriksson who was Director-General of the Prison Service in Sweden, as Chairman of the European Crime Problems Committee and as a consultant for the United Nations, was a tremen-

dous influence on the world movement for the improvement of prison conditions. The institutions he built in his own country and the regimes he established, were admired and copied across the globe.

Looking at the various penal systems now from our vantage point of 1980, it is clear that the variations of culture across the world were never adequately considered. In other words, what was good for one country was automatically assumed to be good for another. Ways of treating men in institutions were considered to be dictated by human needs and these human needs were common to everyone. That is true as a basis on which to build human rights and to avoid such inhuman procedures as torture. Some would argue it is also the way in which we should think about things like the death penalty, corporal punishment, maiming, etc. The basic minima for all cultures (though not without modification) is available to us in the United Nations Standard Minimum Rules for the Treatment of Prisoners.

However, it is a very short distance from this to the local differences which are introduced by culture at a very early stage. A very simple example here is the fact that if the word torture is widely enough construed, then what would be quite normal conditions in one culture, would be torture in another culture. This is not an abstract problem. It is occurring wherever people from one culture are confined under conditions dictated by another culture. It is something to be considered whenever the conditions in prison differ from the conditions outside prison to any marked degree.

The cultural differences in treating crime are becoming more and more important as the world shrinks and there is a great deal more cultural contact than ever before. It is quite evident that the crisis in the prison systems of America, Europe and Australia are not repeated in quite the same way in the prison systems of Japan, Hong Kong or Thailand. It is increasingly evident that attitudes of the public to imprisonment differ in these various countries and that the prisoners themselves have different views of their roles within these institutions. Therefore, for the first time in history, it is becoming possible for the cultures to learn from each other. Asia no longer has to accept a pattern of penal institutions which was designed for Westerners.

We hear a great deal these days about the problems of law,

because the Asian and Pacific cultures are having to manage with laws which were adopted from the West during the colonial period. This, however, is a criticism which is misplaced, simply because across the world there are really only two or three basic systems of law anyway and most countries are using laws which have been greatly influenced by borrowing from abroad. There is a wide spread of French law in the Middle East, of Italian law in Turkey and Latin America and of English Law in Asia. But English Law itself is borrowed from Roman Law, French Law and custom. What is more, research has shown that there are really few differences across the world in the customary and statutory conceptions of crime. In other words, the penal laws taken from the West are not very different from the conceptions of penal law in most of the societies in Asia and the Pacific. So the concern about alien law is frequently more political than legally justifiable.

A more serious criticism which is never levelled, but ought to be, is that Asia and the Pacific, as well as Africa and Latin America, adopted not only the systems of law from outside, but penal institutions and court systems to go with them and in these respects one finds a quite profound clash of cultures which we can now perceive more clearly than before. Imprisonment could seem more like a reward than a punishment in societies living from hand to mouth; compensation was lost to the West for centuries and, therefore, inadequately used in societies traditionally accustomed to compensate for crime as a way to stop further trouble. To this day the modern legal system in Papua New Guinea has been unable to deal adequately with the tradition there of vengeance or 'pay-back' murders. The privacy in prison treasured by people in the West is a kind of punishment to people who have always lived in groups. Immediately the State of Tasmania got its independence, it went back to mandatory corporal punishment. So it is in the institutions for dealing with crime that the real differences occur and this may be an international message we have to stress.

The motivation for this conference has been that every culture has a contribution to make and that the United Nations Congress, for so long geared to Western thinking in penology, should be enriched with ideas which come from other cultures. This is particularly the case in Asia and the Pacific, where there have been long traditions of civilisations and differences of approach which are vital to the development of better human and social systems.

Indeed, the great difference between the West and the East in the conception of human rights is an indication of this. Some of the Western confusion and conflict of values comes from the dedication to individual claims and rights regardless of others, which may sometimes be carried to an extreme, so that the society suffers from the lack of attention to the interests of the group as a whole. Asia has never made that mistake, but it could be making the opposite one. In Asia, the dedication has been to the individual's obligations to his own society. Any benefits he got were those which came to him through the group. He had no claims of right which were distinct from his group liabilities. Here everything was duty and the individual rights could get lost.

Therefore, there is a need for a fusion and motivation to get the best of both worlds. It is becoming increasingly apparent that the West needs the balance of obligations to give equilibrium to the increasing demands for rights only. It is also clear that greater attention to individual rights may have to be given in Asia and the Pacific, but the difference of approach makes for great differences of practice within our penal institutions. It also means that there is more flexibility in the application of the law in the East than in the West and this too has to be taken into account. We are seeing a greater addiction to the written law and a distaste for administrative discretion in the West. This must be set against the traditional adaptability of laws to situations in the East. While it is clear that discretion cannot be unlimited in its interpretation of the written law, it is also well to remember the danger of being too rigid in application of the law. It was Cicero, a lawyer, who said nearly 2000 years ago, that: 'Extreme justice is injustice'.

These are issues which the Australian Institute of Criminology has been concerned with for some time. Anyone interested in what I have been saying about values and the inter-cultural differences — and who wants more detailed information — can obtain copies of papers which I have written for international journals. The differences in conceptions of human rights and obligations were thrashed out at a United Nations meeting on Human Rights in the Administration of Justice held at the Institute in Canberra in December 1976 for Asian and Pacific countries under the joint direction of myself and the then Director of the Human Rights Division of the United Nations. There is a publication of the Institute which gives a full account of this meeting.

Summaries of Plenary Sessions

Agenda Item I- Trends and Problems

The conference took note of the paper on Crime Trends and Crime Prevention Strategies across the world, produced for this item by the Australian Institute of Criminology. Trends in crime and imprisonment are also dealt with in the various national papers; but the conference observed that crime figures were notoriously unreliable. Victimisation studies and a link of crime figures with other types of social indicators are necessary before alarm or complacency is derived from the statistics now being used. Even so, the figures issued for persons held in custody were among the most valuable and there was a necessity to make the daily average prison population figures freely available to correctional services within the region. It was unanimously decided that information should be sent quarterly to the Australian Institute of Criminology which would then circularise the data to all countries taking part in the scheme.

The trends in crime sometimes bear no relationship to the use of imprisonment, so that in some countries where crime was comparatively well controlled, the prisons were overcrowded. Elsewhere though the number of cases known to the police have increased, the number of persons convicted and sentenced to imprisonment have decreased; but often the remand centres are overcrowded. The reasons for these differences would vary from country to country but the common pattern was one of a questionable relationship between crime reported and persons sentenced to imprisonment.

This consideration led to a discussion of the problems of prison systems throughout the region. Standards were always a problem because for practical application the United Nations Minimum Standard Rules for the Treatment of Prisoners did not (and perhaps could not) go far enough. There was a deeply felt

need for nation-specific and eventually region-specific machinery for the accreditation of penal institutions to avoid the increasing public and professional confusion about the precise levels of human rights in actual practice. In the region the movement was towards the physical and psychological improvement of the conditions in which prisoners are held but in providing for better buildings or better regimes the lines to draw between 'luxurious' and sub-minimal standards had to be decided. Here help was needed in order to convince Treasuries to make adequate budgets available to persuade public and political groups of the needs of offenders and to avoid, when necessary, outrageous demands for impossible levels beyond the levels of living of people who were not convicted offenders.

Great interest was expressed in the experience of Sri Lanka in providing open institutions for prisoners remanded in custody. Sri Lanka had about 50 per cent of its daily average population of persons in custody actually on remand so that the needs for innovative approaches were more pressing. By comparison Japan and Canada had 15 per cent of their persons in custody on remand, Papua New Guinea only 15 per cent, Western Australia 5.6 per cent, Thailand 30 per cent, Malaysia 20 per cent, Hong Kong 12 per cent and 2-3 per cent in the Philippines. The Philippines had people who had been held awaiting appeal for 3 to 5 years among those on remand.

Since the open camp treatment of remanded offenders carried a danger of escape, it was interesting to learn that Sri Lanka with an average daily population of 11,000 prisoners had about 300 escapes a year. Thailand with a daily average population of 72,000 had a similar number of escapes. Hong Kong in 1978 with an average daily population of 6,600 prisoners had 4 escapes, and in 1979 with an average daily population of 6,100 prisoners had one escape.

Agenda Item II - Alternatives to Imprisonment

The discussion began with a review of the paper on this subject circulated by the Australian Institute of Criminology. There was general approval of the need for alternatives so that the use of imprisonment could be reduced but the early part of the discussion centred on the generally accepted measures of success rates. There was dissatisfaction with the way in which 'success' rates were calculated. Computer technology, whatever its advantages, allowed less than adequate consideration to be given to human values.

In response to a request, the Papua New Guinea system of village courts was explained as a form of deviation from the criminal justice system. In the Philippines the settlement of cases by Agama (Sharia) courts in Moslem areas avoided many cases coming before the criminal courts and even at a higher court level many cases were settled in judicial chambers. Presidential clemency in the form of pardon and conditional pardon released prisoners or allowed them to be acquitted.

Tonga made the point that it could not accept some of the modern correctional philosophies. It was dedicated to the idea of rehabilitation and it did not feel that it had failed. The extended family system enabled supervision to be informally maintained 'the Pacific Way' so that success could be accurately estimated. The success was not measured in terms of time or distance but in terms of true reintegration. Where probation was used the supervising officer was often the father of the extended family. There is in Tonga a way in which an offender can be reintegrated or his offence settled without recourse to courts by agreement between the families of the offender and his victim. In the 'Pacific Way' an offender who is contrite and comes to his victim's family 'with tears in his eyes' has confidence that he will be sympathetically received. So the court system was already being used only as

a very last resort.

Japan gave figures showing a steady fall in the rate of reconviction of first offenders during the past 20 years. For other offenders the recommitment rate of offenders convicted more than once and also fallen since 1949. Japan could not give reasons for these figures but it believed that the reconviction rate was a good rough guide to success. Another relevant feature of the Japanese system was the power given to the public prosecutors to settle or suspend cases before they reached court.

Canada provided information on a pilot program for victim compensation in Ottawa. The non-violent property offender can take part in the program. If he agrees he meets with the victim and offers to pay in cash. If agreement is reached he is transferred to a half way house and more detailed discussions are held with the victim to determine the amounts to be paid. The amounts fixed, the offender is then allowed to find work to earn the necessary money. When payment has been made the offender expects to be released. The payment schedule is so fixed to coincide with the usual period of sentence for the offence.

The conference noted that the Canadians were implementing the restitution schemes founded by the Law Enforcement Assistance Administration in the United States where about 40 such prospects are already in question. In the discussion which followed the question of whether it should be the state's or the offender's responsibility to compensate the victim was raised. The proposed use of a national 'no-fault' compensation scheme to apply to criminal compensation was mentioned. The alternative of having the prisoner work to earn money for the victim during his normal period of imprisonment (that is, without half way houses or employment outside) was also brought into consideration. No decisions were taken but participants took note of the information and experience for consideration within their own systems.

Japan raised the question of remission. It provided the information that there is no remission at all in Japan and it asked for views as to whether remission should be introduced. The conference learned that the standardisation of remission had proved impossible for correctional administrators in Australia and that in one State the use of remission, parole and other schemes for reducing sentences had resulted in a complicated calculation making it difficult to calculate the precise sentence to be served

in any given case.

The significance of remission as a form of prison control within the prison was mentioned and one participant who thought that, with an automatic system of parole, remission could be abandoned, found the other participants concerned at the possibility that the prison management value of remission might be reduced.

Agenda Item III - Management Services

The basic paper for the discussion of this item of the agenda was prepared by the Director of Correctional Services, Western Australia, who introduced the subject. He traced the shift in Australia from the 'Rehabilitation Era' of the 1970s to a much greater concern with security, and described the modern pressures on prison managers to operate under the pressures of media coverage. He described the major morale and discipline problems arising as a result of the proliferation of claims, rights and challenges of prisoners often organised both internally and externally.

The new grievances procedure operating in Canada with a grievance committee of two staff members and two inmates was described as very successful. It was explained that, in Thailand, letters to the Minister or the King had to pass through the Director-General of Corrections who could decide what to do. In the Western countries, however, these and other letters were privileged and could not be opened. The Philippines gave an account of their own relations with the press and provided details of prison management including the way in which prisoners were helped without having the liberty to disrupt the system.

Conflict arose over the abandonment of the rehabilitation model. Some countries of the region felt that it was not enough for the prison authorities to take the view that custody or security was their concern and that rehabilitation was the prisoners' voluntary choice. Japan felt that it was not sufficient for offenders to be left with the choice of rehabilitation or not, with opportunities provided only where wanted. Pressures could be properly applied by means of earlier parole or more attractive conditions. It was ironic that training should be thought to be an inappropriate approach to prisoners but necessary for prison officers.

The relationship between discipline and rehabilitation was

discussed. Prisoners' rights should be balanced against prison officers' rights. The liberation of the prisoners could be the chaining of the prison officers.

It emerged that the difference between Eastern and Western concepts of discipline, rights and duties derived from the traditional differences in basic philosophies. The Australian Institute of Criminology, in a joint publication with the United Nations Human Rights Division, described the complications which arose at a meeting for Asian and Pacific countries in 1976 when the Asian and Pacific countries asked the United Nations to give far more attention in future than had been given in the past to Article 29 of the Declaration of Human Rights. Article 29 deals with duties; and the report eventually produced by the United Nations carried a Declaration of Obligations which had been drawn up by the Asian and Pacific countries to match the Declaration of Human Rights.

The basic difference in thinking derives from the Western commitment to the Greek and Roman concept of natural law originated by the Stoics and propagated and developed by scholastic philosophers during the Middle Ages. This was the postulate of a natural law behind and above any positive laws and offering a standard against which those laws could be measured.

At the time of the French Revolution, the law theory was reversed to become a natural rights theory and this has provided the basis for Western human rights thinking, that is, inalienable rights which could be upheld against any positive laws. Demands for freedom and respect for individual rights are peculiar to the Western countries. However, in the East, the Hindu and Buddhist religions, the Moslem traditions and the social structures of various countries have all emphasised the priority of obligations. From these hierarchically organised societies the concept of obligations has become paramount and when properly pursued has had the same objective and results as the Western pursuit of individual human rights. This is because in a society where all duties are performed assiduously, an individual's rights are automatically ensured. Obviously both the human rights and human obligations theories can lead to abuse but they represent a balance of thinking and both sides need to be taken together. Duties cannot be emphasised to the exclusion of rights and rights cannot be emphasised to the exclusion of duties. The individual's needs may sometimes

have to be subordinated to the community and community protection may sometimes have to be liberally interpreted to protect human rights.

On this issue the conference believed that there was an essential need for the experience of the Asian and Pacific countries to provide a balance in the movements now prevalent in the West. The conference believed that the rights of prisoners were indispensable but should not be prosecuted to the extent of infringing the rights of prison officers. The procedures for ensuring the human dignity of persons in custody should be developed with a reasonable consideration of the morale and discipline necessary within the security requirements of the prison services if the best interests of the prisoners themselves were to be assured. Where weakness in the prison systems appear due to indiscipline, selfishness and polarisation of prison officers' organisations, a reduction in the morale of prison officers begins to emerge. Then prisoners might be subjected to even worse repression by aggressive and violent groups within the prison community who would assume effective control.

For all these reasons the conference took the view that the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders due to be held in Caracas, Venezuela in August 1980 should be alerted to this conference's opinion that the best interests of prisoners would be served by an appropriate balance and consideration of rights and duties of all persons engaged within the prison setting and that the rehabilitation model was still very much a principle which Asian and Pacific countries would wish to follow. They had no wish to jettison a philosophy which had well served the improvement of conditions for prisoners and had helped to elevate the quality of prison personnel over the years. On the other hand the conference did believe that the United Nations Standard Minimum Rules for the Treatment of Prisoners should be universally applied and that efforts should be made to develop accreditation procedures within and between countries of the region so as to satisfy needs of the prisoners themselves, the public and the prison services. Such accreditation procedures would be aimed at giving precision to the local application of the Standard Minimum Rules and would provide the basis on which the politicians, professionals and the ordinary members of the public could base their decisions and assess the resources necessary

for the development of correctional services.

Finally the conference discussed the question of industrial relations. In general terms in Australia the unions perceive themselves as dual managers with the administration. On the other hand while prison management is prepared to recognise and accept a union's right to make input it is not prepared to relinquish its legislative authority to control prisons.

The Canadian position was that prison officers' unions existed and there was a very good relationship between them and the prison administration. Most of the unions there come under public service regulations and although conflicts are few the negotiations are extremely time-consuming. In Hong Kong there are no unions as such but consultations are held with staff associations. Here the administration is clearly in charge and there is a legal duty to report for work so that any strike would be *ipso facto* illegal. The same applies in Sri Lanka, Indonesia and in the Philippines. The Philippines particularly reported that there had never been a strike in that country which paralysed the service. Similarly Japan does not allow unions but considers it desirable for there to be close contact between prison officers and the administrations. Tonga and Western Samoa have no trade unions.

The conference considered the question of whether the prison service should in fact be a disciplined body not entitled to unions. Some representatives pointed out that a disciplined service is constituted by discipline, that is, services have to be provided for 24 hours a day and, therefore, it is not possible to allow the service to be subject to the vagaries of industrial action. There are unions in Indonesia but the unions are controlled by the Government and since 1965 there have been no unions in the prison service. It was observed that unionism as such was not a problem and might in certain circumstances be desirable within the prison service. The character of the unions is only as good as the people themselves constituting those organisations. The person selected for the prison service should be capable of personal development and amenable to training and discipline. All countries represented at the conference acknowledged the need for the conditions for prison service personnel to be such that a conflict of interests of prison staff with the administration would be minimal.

There was another dimension to the relationship between the prison services and trade unions generally, derived from the prison

industries and prison products. In Canada private industries are beginning to cooperate in joint ventures. In the United Kingdom the unions serve on committees which help to govern the production and sale of prison products. In order that there can be a better development of prison industries for the benefit of the prisoners and society as a whole it is necessary that the union movement be drawn into participation with the prison authorities and as much conflict as possible averted in advance.

In this connection, some representatives pointed out that increased public participation and cooperation in the treatment of offenders is essential for their resocialisation as well as providing them with adequate work.

Agenda Item IV-6th U.N. Congress- Implications for Asia and the Pacific

The conference as a background for this discussion had papers which had been issued by the Australian Criminal Sciences Committee in preparation for the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

Participants took note of the change of venue from Australia to Venezuela and took the view that the Asian and Pacific region should seek to obtain recognition of special circumstances applying to this area.

It was recognised that: (a) corrections are only one part of the total criminal justice system which will be reviewed by the Congress; (b) the delegations will have wider crime prevention interests than those represented by corrections; and (c) that the Congress, faced with the range of issues inevitable to United Nations meetings, may not be able to deal with the purely professional issues being covered at this conference.

Nevertheless, it was felt that there were some profound differences between the matters discussed at this conference and the preparation which had gone into the Sixth United Nations Congress so far. The human rights considerations needed the kind of balance suggested by this conference lest the single-minded and indiscriminate pursuit of high ideals served to destroy some of the advantages which had been gained for prisoners over the last century.

In Asia and the Pacific generally penal institutions had serious problems of training and development. In countries of Western culture within the region there were reflections of the conflict on basic values typical of America and Europe but this was not so much in evidence in Asia and the Pacific generally. With all these difficulties and problems the conference felt it necessary to reiterate that it was not convinced that prisons had failed and indeed, Hong Kong alone could show some very definite benefits.

While alternatives to imprisonment always needed to be developed these did not need to be developed as if the prison service as such had no contribution to make to them. It would be a very negative approach to treat well-trained and compassionate prison service officers dedicated to the benefit and welfare of their charges as pure custodians with no interest in helping prisoners. After-care services within the prison service had proved effective in some areas and the various provisions for half-way houses, hostels, parole and after-care testified to the prison services' concern for reducing incarceration to the lowest possible levels. On the other hand prison officers had the responsibility for holding those in their charge to ensure the safety of the public at large. They would do what they could to relieve this situation and to provide a healthy and wholesome environment for those who have to be held. The mistake had been made of considering this security function as a form of necessary repression which generally excluded prison services from full participation when alternatives to imprisonment were being considered. The conference felt that the prison service itself could help to provide effective alternatives to custody and that if properly organised itself, its experience of men held in custody could be useful in ensuring the reintegration of prisoners into society on release.

Second, the conference would wish the United Nations Congress to know that Asian and Pacific countries had not abandoned the concept of rehabilitation and that in this region it was considered that the alternatives which have been proposed so far had as many shortcomings as the policy of rehabilitation itself. For example, a purely retributive penalty could make it impossible for quite important individual differences to be allowed for and there could be injustice as a result of trying to treat everyone uniformly. The division of responsibilities between prisoners (for their own rehabilitation) and staff (for custody) was designed to create a gulf between prisoners and prison officers which would operate to the detriment of both.

Third, on the question of standards and improvements to human rights within prison settings, the conference believed that the best approach could be through the interpretation of the United Nations Standard Minimum Rules for Prisoners augmented by forms of accreditation and possibly standardisation within those areas of the region sharing common or similar cultures.

The conference agreed to provide information on a regular basis to the Australian Institute of Criminology. Perhaps from this beginning it might be possible to develop further the idea of accreditation of penal institutions within this region.

In general the conference believed that in the justifiable concern with the needs and rights of prisoners, the needs and rights of prison officers had received rather less than sufficient attention. It therefore believed that this aspect of standards and ethics should be brought to the attention of the United Nations.

Conclusions and Resolutions

The First Asian and Pacific Conference of Correctional Administrators organised by the Australian Institute of Criminology in cooperation with the Prisons Department, Hong Kong, resolved as follows:

1. That prison institutions have always tended to reflect the problems of the societies they serve. In this region therefore the countries of a Western culture reflect the difficulties in prisons which are being experienced in Europe and America, but countries of Asian and Pacific cultures do not have such disturbances. In most countries present problems are largely relative to the lack of resources for building, training and improvement of the quality of management.
2. A great need to share experiences which this conference has demonstrated means that there should be an Asian and Pacific Correctional Conference Secretariat and this conference has decided to be serviced by the Australian Institute of Criminology and to hold a conference every year if possible to be hosted by the participant countries, each country paying its own expenses for participation.
3. The conference believes that discipline in the sense of mutual respect is an essential feature of all work within prison services. This is necessary to keep morale high and personal inter-relationships amenable and harmonious between the prison officers and the prisoners.
Staff relations should therefore be considered within the basis of this requirement for efficiency and humanity within the present institutions.

4. Media links were necessary to keep the public informed and to ensure justice for the offender. But in no other areas was there a greater need for media responsibility in reporting.
5. Asia and the Pacific countries are generally committed to the ideal of rehabilitation but they accept the view that this principle must not be used to justify discrimination. Rehabilitation means providing resources for training, industry, education and improvement programs consistent with security and the protection of the public. The conference believed that most problems in prisons arise not from the implementation of a rehabilitation policy but from the lack of it, caused by the lack of resources, or the lack of attention to staff training and improvement needs. The conference wishes to ensure that the report now produced should receive the full attention of the United Nations in connection with the Sixth United Nations Congress for the Prevention of Crime and the Treatment of Offenders and it would like its report circulated to all countries of the region.

Part II

Papers by Participating Delegations

Australia

Trends and Problems

Ivan Potas

There exists no single, all embracing criminal justice system servicing the whole of Australia. Rather there are several systems within Australia because Australia is a federation of six States and a small number of Commonwealth Territories and places. The six States and the estimated population of each are as follows:

New South Wales	5,075,786
Victoria	3,853,276
Queensland	2,196,402
South Australia	1,294,308
Western Australia	1,241,919
Tasmania	417,744

The principal Territories and their estimated populations are:

Northern Territory	115,673
Australian Capital Territory	222,085

The total Australian population is 14,417,193 or 14.42 million.

All these jurisdictions have their own criminal law justice systems. Of course, there are systems within systems, so that each jurisdiction has not only its own laws, but its own system of courts, its own police force,¹ its own correctional systems² and so on. It is central to an understanding of the Australian constitutional arrangement to appreciate that crime is essentially a matter within State power with the Commonwealth Parliament exercising some, often concurrent, jurisdiction over a limited range of matters which come within its capacity.

Thus, for example, the States have authority to legislate in the area of use and possession or sale of certain drugs and similarly the

Commonwealth has power to legislate in the same field by virtue of its powers to control imports and also by virtue of its external affairs power.

Counting then the Commonwealth jurisdictions, there are a total of nine jurisdictions, or criminal justice systems operating in Australia. It is generally recognised however that criminal law is essentially a matter for definition and resolution at the State level.

Uniform Statistics

The Australian Institute of Criminology is therefore in a difficult yet favourable position to study and evaluate crime in Australia. The difficulty arises from the fact that there are so many different systems operating in an essentially homogeneous society. On closer examination the differences are not so radical because they are based on the British common law system of justice. Yet they are sufficiently different to make the collection of meaningful uniform statistics a complex problem. To date a comprehensive set of uniform crime data which is up to date and which covers crime in the whole of Australia is unavailable. The Australian Bureau of Statistics is attempting to rectify this situation, and in turn the Australian Institute of Criminology is attempting to collect, analyse and disseminate such data as it can lay its hands on in order to indicate what the current crime picture looks like and in turn so it can assist policy-makers to plan for the future.

Before referring to the data, I would like to point out that there are many advantages as well as disadvantages of having a federal system for the purposes of studying the crime problem. It allows comparisons to be made from one State to another. The problems which relate to definition must be overcome however, if meaningful comparisons are to be made. Thus if we study robbery for example, it is important that the crime should have a sufficiently similar definition in one State as in another. Otherwise we may be comparing apples with pears and thereby reach invalid conclusions. Further we must decide how we are to count crime. Do we count the number of offences or the number of offenders in our official statistics? Consider the question of a pack rape involving five males and one female victim — the offences being committed over a short period of time. Do we count this as five rapes, or as one for the purposes of our statistics? Consider again

an armed robbery of a bank involving five offenders in company. Do we count this as five separate offences or as one? If the police apprehend these offenders do we register a clear up rate of five but register only one offence committed? It can be seen that if different States were to take a different approach to this problem comparisons would be of little value. Thus for the purposes of uniform crime statistics the approach adopted so far as police statistics are concerned is to count offences involving one victim as one offence regardless of the number of offenders involved.

While not attempting to minimise the problems of collecting and comparing statistics, Mr David Biles, who is the Assistant Director of Research at the Australian Institute of Criminology, has strung together such uniform crime data as are presently available, which claims to be 'the most comprehensive picture of crime in Australia that has yet been published'. This statement is contained in a paper entitled, *The Size of the Crime Problem in Australia*, and covers an analysis of seven major categories of crime for the whole of Australia from 1964 to 1978. The categories of crime are Homicide, Serious Assault, Robbery, Rape, Breaking and Entering, Motor Vehicle Theft and Fraud, Forgery and False Pretences. These statistics relate to offences reported or becoming known to the police. I would urge you all to read this publication in order to give you an overview of crime trends in Australia. A more sophisticated study covering the period 1900 to 1976 is being conducted by Dr Satyanshu Mukherjee, also from the Institute, although this work relates more to court statistics and includes a consideration of social and economic factors. This work is shortly to be published and is expected to be the most definitive statistical study of crime in Australia. It should prove of immense value to criminologists and those involved in criminal justice policy and planning. A foretaste of this work at a more generalised level is found in the Australian Discussion Paper 1 *Crime Trends and Crime Prevention Strategies* by W. Clifford and S. Mukherjee. Meanwhile, with regard to David Biles' paper, it is possible to briefly summarise his conclusions as follows:

Homicide: While there is evidence of differences between jurisdictions, with the Northern Territory having the highest average rate, there is little or no evidence of increase in the rates of homicide between 1963 and 1968.

Serious Assault: The definition of this offence has rendered the reliability of uniform data to be viewed with caution. Rates of serious assault in Western Australia, Queensland and South Australia appear to be increasing, but differences between jurisdictions as revealed in the data cannot validly be compared because of the way in which this offence is defined in the various jurisdictions.

Robbery: There has been a dramatic increase in this offence to 1971-72 followed by a levelling off thereafter. New South Wales, Victoria and the Northern Territory have the most serious problems in this area.

Rape: The national trend suggests a three-fold increase in this offence from 1964 to 1978. However this apparent increase may also be a function of increased reporting over the period.

Breaking and Entering: Major increases in this offence occurred over the period 1964 to 1972. It is the most prevalent of all the seven categories of offences considered.

Motor Vehicle Theft: This offence has increased two-fold in the period under review.

Fraud, Forgery and False Pretences: These data exclude crimes becoming known to the Commonwealth (Federal) police until 1970. It is estimated that about one-third of these cases are in fact dealt with under Commonwealth jurisdiction, and therefore the data given for the whole period must be interpreted in this light. Biles notes a clear tendency towards increase in this category of crime.

In conclusion Biles says:

If the seven categories of crime are added together it can be seen that the overall crime rate in Australia increased from 756.5 per 100,000 in 1964-65 to 1952.6 in 1977-78, an increase of 158.1 per cent.

He notes that while the population increased by an average of 1.8 per cent per annum, the actual number of offences reported or becoming known increased by an annual average of 16.0 per cent for the categories of offences under consideration.

Prison Trends

The significance to correctional administrators of increased serious crime is clear. There will be more customers. Alternatively, if sentencing policies change so that only those who present a real threat to the community are imprisoned, there may be the same number of offenders to be dealt with, but they will more and more represent the 'hard core' or dangerous offender – offenders who need special care and attention.

Thus while the size of the crime problem may continue to grow it may be anticipated that alternative measures to imprisonment will continue to be tried in an effort to reduce or maintain present levels of prisoner populations. The reasons for this development are well known. They include economic considerations, humanitarian considerations and a growing recognition that rehabilitation in prison is not a realistic proposition. Even so, the years ahead will undoubtedly see the need for more prison accommodation. Hopefully in Australia more humane facilities will replace many of the nineteenth century buildings in which prisoners are now housed.

Also, and most significantly in the area of penal reform, the prison officer will be having a far stronger voice in what should and can be done with regard to the needs and requirements of penal institutions. Indeed a recent example of industrial muscle (although not to be condoned) involved a five day strike by prison officers in New South Wales, whereby the Government was pressured into reopening the maximum security prison Katingal. This prison had been closed following the recommendations of a Royal Commission, but the prison officers demanded its reopening following the death of one of their members. The fact that the prison officers achieved their demands illustrates that prison policy is not always dictated from above, and the participants in the system, including the prison officers and indeed the prisoners themselves are beginning to have a voice in structuring the system of the future. While the path ahead may not be easy, and change can often be a painful process, it is hoped that whatever is done, is done with humanitarian considerations foremost in mind. In this regard, prisoners' rights will also be a constant and important consideration and one which may not always make the task of the prison administrator an easy one.

In terms of overcrowding, most jurisdictions (particularly

Western Australia) are having problems. In many jurisdictions prisons are being extended, renovated or new buildings contemplated. However it is generally acknowledged that there is an optimum size for a prison and it is probably true to say that in the larger jurisdictions there has been a conscious attempt to decentralise and build smaller prisons with varying degrees of security ratings. It is just common sense that overly large prisons, if allowed to get out of hand, provide the potential for prison riots whereas control and security are more manageable in smaller institutions.

Medical Services

One further area of concern relates to medical and psychiatric facilities in prisons. The 1978 Royal Commission into New South Wales Prisons reported that proper treatment facilities were sadly lacking. For example, the Royal Commission severely condemned the Observation Section at the New South Wales prison complex of Long Bay. This section was originally designed to house and to treat psychiatrically disturbed prisoners, yet its cellular conditions were described as appalling, unhygienic and dehumanising with cellular confinement of 16-17 hours per day, and no psychiatrically trained staff. Steps are being taken to remedy this situation, but it is clear that in future careful consideration will have to be given to the availability of proper facilities, and to the prisoner's right to receive, and in some cases refuse, proper medical and psychiatric treatment.

Of course, with these developments, questions of security will need to be foremost in the minds of the policy-makers, but the provisions of security should not be allowed to undermine the provision of adequate treatment where required. In any event it is clear that prisoner health will become a major issue in corrections in the 1980s covering a wide range of matters, including the screening of offenders, patient transfers to secure institutions where treatment is available, and specialised training of prison officers to deal with forensic patients. In this regard the relationship of the medical profession to prisoners and to prison officers will come under the microscope until a satisfactory solution can be accommodated.

Prison Trends

For a more detailed analysis of prison trends than has been made here, reference should be made to Australian Discussion Paper 4, *De-institutionalisation of Corrections and Its Implications For The Residual Prisoners*, prepared by the Australian Criminal Sciences Committee for the Sixth United Nation's Congress on the Prevention of Crime and the Treatment of Offenders. In particular, reference should be made to pp. 4-7 where trends in the use of imprisonment are discussed.

Finally, I include for your consideration the latest data giving rates and daily average numbers of prisoners who are held in Australian prisons. These statistics, compiled by David Biles, are made possible through the co-operation of all chief prison administrators in Australia. While three years ago it seemed as if prison populations were reducing, present indications suggest a slow but steady increase in the rates.

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1. The Australian Capital Territory police was recently absorbed into the newly-formed Australian Federal Police Force.
 2. The Australian Capital territory has a remand prison but once sentenced, offenders serve their sentences in the prison system of New South Wales.

Australian Prison Trends

The daily average number of persons (to the nearest whole number) held in custody during December 1979 with changes in the totals since November 1979 are shown in Table 1.

Table 1 December

	<i>Males</i>	<i>Females</i>	<i>Total</i>	<i>Changes since Nov. 1979</i>
N.S.W.	3404	122	3526	— 110
Vic.	1666	44	1710	— 2
Qld.	1533	42	1575	— 21
S.A.	778	27	805	— 45
W.A.	1355	61	1416	— 47
Tas.	287	6	293	+ 6
N.T.	253	13	266*	+ 18
A.C.T.	52	3	55**	+ 1
Aust.	9328	318	9646	— 200

* 15 prisoners in this total were serving sentences in S.A. prisons and 4 (including 1 female) in N.S.W. prisons.

** 46 prisoners (including 3 females) in this total were serving sentences in N.S.W. prisons.

Using the above totals for each jurisdiction, imprisonment rates (that is, prisoners per 100,000 of the population) have been calculated and are shown in Table 2.

Work Release and Attendance Centre Data

In many jurisdictions small numbers of prisoners on work release programs are included in the daily average number of

Table 2

	<i>Prisoners (as above)</i>	<i>General Population* (in thousands)</i>	<i>Imprisonment Rates</i>
N.S.W.	3526	5114	68.9
Vic.	1710	3877	44.1
Qld.	1575	2206	71.4
S.A.	805	1297	62.1
W.A.	1416	1255	112.8
Tas.	293	419	69.9
N.T.	266	118	225.4
A.C.T.	55	226	24.3
Aust.	9646	14512	66.5

* Estimated Population as at 31 December 1979 (subject to revision)

prisoners. Some of these figures are: 57 in New South Wales, 6 in Queensland and 36 in Western Australia. Excluded from the prisoner statistics were: 18 offenders in New South Wales on the Work Release II (Home Release) program and 131 offenders in Victoria serving attendance centre orders.

As at 1 December 1979 the actual (as opposed to daily average) numbers of prisoners in custody in each jurisdiction and the proportion of these who were on remand are shown in Table 3.

Table 3

	<i>Total Prisoners</i>	<i>Prisoners on Remand</i>	<i>Percentage of Remandees</i>	<i>Remandees per 100,000 of General Population</i>
N.S.W.	3547	441	12.4	8.6
Vic.	1720	62	3.6	1.6
Qld.	1595	90	5.6	4.1
S.A.	844	132	15.6	10.2
W.A.	1410	79	5.6	6.3
Tas.	295	19	6.4	4.5
N.T.	274	46	16.8	39.0
A.C.T.	52	6	11.5	2.7
Aust.	9737	875	9.0	6.0

Comments

The decrease in prison populations in December 1979 noted for all major Australian jurisdictions has reduced the national imprisonment rate to 66.5, almost exactly the same figure as found in December 1978 but considerably higher than the 61.6 found in December 1977. Decreased prison numbers have been found each December for the past four years and are thought to be due in part to early discharges being granted over the holiday period.

A relatively constant phenomenon is the difference in imprisonment rates between jurisdictions. The Northern Territory rate is more than nine times the rate for the Australian Capital Territory and, in the States, the Western Australian rate is more than two-and-a-half times the Victorian rate.

At 1 December 1979 there were proportionately fewer prisoners on remand than in the preceding months but there were still significant differences between jurisdictions in both the percentages of remandees and the remandees per 100,000 of the relevant populations.

Compiled by David Biles
Assistant Director (Research)
Australian Institute of Criminology

Alternatives to Imprisonment

Ivan Potas

On the occasion of his retirement in 1968, a former Comptroller-General of Prisons is reported to have said of imprisonment that as a concept it 'is not a desirable state for man or animal and it should be carefully justified and not dispensed without careful thought'. This sentiment is probably shared by the majority of sentencers in Australia. Certainly in Australian penological circles there are few who would not hold that the sentence of imprisonment should be avoided or used as a last resort wherever possible.

It is the same thinking that has, particularly in the last two decades, moved criminal justice policy makers to search for alternative measures in dealing with offenders — measures which may broadly be referred to as community based corrections. Here it is not proposed to cover all sentencing options (which would include unconditional discharges, fines, good behaviour bonds, forfeiture of rights or privileges) but to restrict the discussion to options which bear a closer relation to imprisonment, or which are designed to reduce the prison population while at the same time maintaining a degree of control over the individual offender.

Sentencing Discretion

In understanding how these systems operate it is first necessary to appreciate that in Australia mandatory sentences or mandatory minimum sentences are not generally employed. With the chief exception of murder, for which in all but one jurisdiction there is a mandatory penalty of life imprisonment — the death penalty having been abolished — judges and magistrates have a discretion to impose any sentence up to and including the maximum specified by the legislature. Thus, for example, if the maximum penalty for armed robbery is 20 years imprisonment, the sentencer may

impose any term up to and including 20 years. The sentencer may also impose a non-custodial sanction such as probation where the circumstances of the offence or background of the offender would suggest that such a course is warranted. The only restriction on the sentencing court is that it must act judicially. Indeed as an added precaution against arbitrary decision-making there are provisions in all jurisdictions permitting the offender, and in most jurisdictions, permitting the prosecution, to appeal against sentence on the ground that it is too severe or too lenient, as the case may be.

Probation and Parole

The oldest and most commonly used alternative, community-based system of corrections is probation — that is an order of the court requiring that the offender *inter alia*, place himself under the guidance of the probation service for a stated period of time.

Probation is, of course, a judicially-imposed sanction and may be contrasted with parole which involves conditional release of a prisoner prior to the expiration of the sentence specified by the sentencing court. The decision to release on parole is an administrative act made by a body called a Parole Board.

Breach of probation means that the offender is liable to be sentenced for his original offence. Breach of parole means that the offender is liable to be returned to prison to serve the unserved portion of his sentence. Offences committed while on probation or parole may also imply the possibility of cumulative sentences being imposed, and therefore these sanctions attempt to be coercive, rehabilitative and ultimately preventive in application. These dispositions share with other alternatives the virtue of being more humane and considerably cheaper than imprisonment.

All jurisdictions have their own systems of probation and parole, so that there are some significant differences in their respective design and mode of operation.¹

Table 1 gives a breakdown of the number and rates of adult persons on probation and parole in each jurisdiction as at the first day of October 1979. These data are supplied to the Institute on a monthly basis by arrangement and through the cooperation of all the chief probation and parole officers in Australia.

When prison statistics are compared with probation and parole,

Table 1

	GENERAL POPULATION ^a (in thousands)	PROBATION ^b		PAROLE ^c	
		Number	Rates ^d	Number	Rates ^d
New South Wales	5092	7821	153.6	2115	41.5
Victoria	3866	3152	81.5	632	16.3
Queensland	2199	2507	114.0	401	18.2
South Australia	1294	2466	190.6	190	14.7
Western Australia	1248	1629	130.5	473	37.9
Tasmania	418	1741	418.2	66	15.8
Northern Territory	117	160	136.8	46	39.3
Australian Capital Territory	224	157	70.1	42	18.8
Australia	14458	19633	135.8	3965	27.4

a. Estimated population as at 30 September 1979 (subject to revision).

b. Only those under actual supervision are contained in these data.

c. As a general rule, licensees — other than Governor's Pleasure licensees — are counted as parolees if supervised. In N.S.W. and W.A. Governor's Pleasure licensees are included as parolees because in these jurisdictions it has not been possible to distinguish them from ordinary parolees. In the N.T., no licensees are counted as parolees. However separate figures are supplied giving the number of licensees who are supervised in that jurisdiction. On the first day of October 1979 there were 5 such persons.

d. Rates are calculated per 100,000 of the general population.

it is found that for every 10 persons held in gaols throughout Australia, there are approximately 20 on probation and four on parole. While it is not suggested that those on probation and parole would all be in prison but for the availability of these measures, many undoubtedly would. Without probation and parole, the present prison population would swell well beyond handling capacity. More prisoners would place added pressure on already scarce resources, strain work and educational programs, ferment discontent and precipitate potentially explosive conditions inside prisons. This would not be in the best interests of prison management nor be in the best interests of the community. It would retard the positive developments that are currently taking place towards the deinstitutionalisation of corrections in Australia. Indeed criminologists have argued for the further reduction of the present levels of imprisonment by up to 70 per cent, through such strategies as decriminalisation or redefinition of certain offences, by reducing the severity of sentences, as well as by increasing the use of non-custodial sanctions.

The implications to prison administrators of this policy is that they are more likely in the future to be dealing with a more homogeneous category of offender — the hard-core and long-term prisoner. A recent study by researchers at the Australian Institute of Criminology has predicted that this will be the trend in Australian corrections.² Imprisonment, it is argued, should be reserved for those who represent a real threat to the lives and personal security of others, for those whose conduct is so reprehensible that a singularly salutary penalty must be imposed, or for those who have on one or more occasion failed to take advantage of less punitive sanctions and who have otherwise shown a wilful disregard or contempt for authority.

Remissions and Parole

As well as parole, all jurisdictions employ a system of remissions whereby the stated term of imprisonment may be reduced. In practice remissions operate automatically, and a fixed proportion of the sentence is deducted unless of course the prisoner by his behaviour has forfeited part of his entitlement. Right to remissions vary not only from jurisdiction to jurisdiction, but also in relation to the category of prisoner to which it applies, for example, first

offender, ex-prisoner, habitual criminal, etc. Thus the operation of prison remission regulations, the expectation of early release on parole, and in some jurisdictions the opportunity of work release have meant that sentences imposed by courts do not reflect the actual duration of incarceration that a prisoner is likely to serve. Typically, an offender without benefit of parole would expect to serve only two thirds to three quarters of the specified sentence (the balance being remitted for good behaviour) whereas an offender released on parole would on average serve only between one third to one half of the stated sentence in custody.

The prime example of a sentence not meaning what it purports to mean is that of life imprisonment. Prisoners sentenced to life in Australia serve an average of 13 years in custody, with interstate mean variations ranging from between 9 to 17 years. While the carrot of early release has its attractions and is an indispensable management tool, the degree to which this device may be used without detracting from the credibility or real meaning of the stated sentence is strictly limited. The Australian press and electronic media have produced a more knowledgeable and less gullible public — a public which while not necessarily calling for harsher sentences, will be calling for greater certainty in sentencing. The harm that is wrought by those who breach the terms of conditional release will ensure that neither the judiciary, parole boards or prison administrators will be freed from the responsibility of protecting the community within the province of their authority.

If further fundamental advances are to be made in Australia, they must be made in the area of redefinition and reduction of stated terms of imprisonment, with corresponding reductions in the duration (but not the use) of post-imprisonment release procedures. Long periods of parole, for example, are counter-productive and often involve the imposition of unnecessarily high cumulative sentences where a prisoner has failed to comply with the conditions of his release through the commission of a further offence.

Parole has its critics in Australia. Some commentators have advocated abolition of parole because of a belief that parole boards can do no better than the trial judge in determining the risk that an offender presents to the community. Parole boards have failed to demonstrate they are able to predict future behaviour. Their decision-making processes have been described as secretive, arbitrary, and devoid of principles of natural justice. Parole systems

are said to import a strong sense of injustice in those prisoners who are not eligible or who are denied parole. Parole may be seen as turning an essentially determinate system of sentencing into a semi-determinate one.

Furthermore, there is no hard evidence supporting the efficacy of parole as a rehabilitative measure. However, despite these criticisms it is clear that parole is a less punitive and therefore more humanitarian measure than imprisonment. It is a considerably cheaper measure than imprisonment, and in any event it has not been shown to be any less effective than imprisonment in terms of rehabilitation and deterrence. Added to this, when it is recognised that most prisoners will eventually be released into the community, there is some advantage in retaining surveillance and some form of control over the offender, while at the same time offering him assistance during the short but critical period following release. For this reason the retention of parole, or some form of conditional release following substantial periods of incarceration is highly recommended as an aid in the de-institutionalisation of corrections.

Other Community-Based Corrections

While probation and parole are the principal alternatives to imprisonment, there are a number of other, relatively new, sentencing dispositions or administrative measures which aim at reducing the incidence of imprisonment. These are discussed in greater detail in Discussion Paper Topic 4 *De-institutionalisation of Corrections and its Implications for the Residual Prisoners* at pages 10 to 16, and also in the Institute's publication *Crime and Justice in Australia*.³

These alternatives include:

- Periodic (or weekend) detention, which involves imprisonment during weekends rather than for the whole week, thereby enabling the prisoner to engage in normal work and family relationships during the week.

- Attendance centre orders, which resemble periodic detention except that offenders attend lectures during two evenings, and perform unpaid community work on Saturdays. This sanction does not involve incarceration.

Community service (or work) orders. This sanction generally involves unpaid community work, usually on Saturdays. Again this sanction does not involve incarceration.

Work release. This is not a sanction of the court, but involves an administrative decision by the prison authorities permitting an offender to engage in work outside the prison and return to prison at night. A variation of this scheme (in New South Wales) involves offenders living at home but attending the prison laundry to work.

Many of these alternatives are still unavailable in a number of jurisdictions and some may still be largely described as experimental. Certainly the numbers of prisoners subject to these alternative measures are far fewer than those placed on probation or parole, but there is a clear expansion in the use of these measures. Indeed there is every reason to believe that this development will continue into the foreseeable future.

From the point of view of prison administrators, the encroachment of semi-custodial measures, and the greater contact between inmates and the community may place added strain on security within prisons. It may lead to an increase in the incidence of escape or breach of privilege. It will, for example, make the task of preventing unauthorised objects from being smuggled into or out of prisons more difficult. However, apart from and despite these difficulties, the task of reducing the incidence of imprisonment, the object of using imprisonment as a last resort, the policy of employing the least restrictive sanction (or conditions) commensurate with the gravity of the offence, are likely to be the policies pursued by criminal justice authorities in Australia in the years ahead.

1. See I. Potas, *Legal Basis of Probation*, Australian Institute of Criminology, Canberra, 1976; Jocelynn A. Scutt, *Probation as an Option for Sentencing*, Australian Law Reform Commission, Sydney, 1979; M. Richardson, *Federal Parole Systems*, Australian Law Reform Commission, Sydney, 1979.

2. G. Wardlaw and D. Biles, *The Management of Long-Term Prisoners in Australia*, Australian Institute of Criminology, Canberra, 1980.

3. D. Biles (ed.), Australian Institute of Criminology, Canberra, 1976.

Management Services

W.J.Kidston

Introduction

It would be difficult in a short paper to meet all the requirements stipulated in the 'Participants Papers' section of the program as there are seven jurisdictions in Australia each with its unique management structure and problems.

This paper will therefore be confined to identifying some of the more important issues challenging Australian prison management today and in the future.

Arguments are not developed fully but presented in order to stimulate discussion through questioning, thus allowing those areas of general interest to be pursued.

The paper is divided into five sections: philosophical considerations; governmental and geographical considerations; rights of prisoners considerations; industrial considerations; and financial considerations.

Philosophical Considerations

There has in Australia over recent decades, been a noticeable change in community standards and attitudes. There has been a definite trend towards permissiveness, individuality, a breakdown in traditional life styles, a greater challenge to governmental and bureaucratic decision-making, a greater readiness to protest in an organized way and a greater demand for the protection of the individual's rights.

These changes have been reflected in the prison system. This has led to an 'opening up' of prison systems and a greater interest being shown in them by the community.

The media throughout Australia in the last two decades have become very vocal about the criminal justice system. Every day

will find comment, usually on prisons. Community pressure groups, such as prisoner action groups, law reform bodies, and political groups have constantly demanded change as community attitudes have altered. The latter part of the 1960s saw a general move towards the humanization of prisons throughout Australia. This quickly led to what is now known as the 'Rehabilitation Era of the 1970s'. The climax of this movement was reached around 1976-77.

This period saw rehabilitation as the primary goal of prisons. Although never written, I consider it was often assumed to be more important than custody, security and certainly discipline. Today it is generally agreed that it did not work. Most jurisdictions are rewriting their philosophies for the management of prisoners. The Western Australian document is attached (see Appendix A).

In essence, security and custody are being re-established as primary goals with emphasis being placed on the prisoner to choose for himself which program he will follow within the security constraints of the institution.

Thus as we saw prison services undergoing major changes in the early 1970s to accommodate the rehabilitation model, we are now witnessing, in the early 1980s, similar major change. This time it is to re-establish the security model.

It is difficult in Australia at present to gauge community opinion and thus formulate policies which will reflect such opinion. Opinion is fluctuating constantly between demands for harsher punishments and very strict regimes and a requirement that systems be designed for the fullest expression of the rights of prisoners.

It is the opinion of prison directors throughout Australia that public opinion will firm to demand stricter control over prisoners. This has already resulted in all jurisdictions curtailing community-based programs such as Work Release, Special Leave, Study Leave and Voluntary Community work programs.

The main challenge facing management in the 1980s will be to design philosophies which require security and custody as the primary goal, thus offering a greater protection to the community while at the same time developing regimes which will allow for the fullest expression of the individual rights of prisoners.

Governmental and Geographical Considerations

Most participants will recall that Australia has a central govern-

ment and seven State and Territory governments. Each of the seven operate their own prison system under their own legislation. There are no Commonwealth prisons. Convicted offenders against Commonwealth legislation are held in State prisons, and for all intents and purposes are treated as State prisoners, with some exceptions.

With a significant increase in Commonwealth prisoners, mainly relating to the importing of drugs, the Commonwealth authorities have become increasingly concerned about the discrepancies which exist between State jurisdictions. This concern has led the Australian Law Reform Commission to publish a number of papers recommending alterations to reduce these discrepancies. These papers have concerned such topics as sentencing, parole, remissions, and standards of treatment. The Commonwealth government has an undisputed right as a result of these recommendations to pass legislation governing Commonwealth prisoners. However, unless the Commonwealth is mindful of the differing State conditions, the effect of standardization for Commonwealth offenders will be to introduce discrepancies within each State system. The other alternative for the Commonwealth is to pass legislation giving the States total jurisdiction over Commonwealth prisoners in their State.

While the latter alternative would be acceptable to the States, it clearly would not be acceptable to the Commonwealth. Whichever direction is chosen, it will present prison management with a new set of challenges during the 1980s.

Complications also arise as a result of separate jurisdictions as they relate to the transfer to prisoners across State borders. At the present time an offender imprisoned for an offence committed in Western Australia must serve out his total prison sentence in that State, even though his permanent place of residence might be in New South Wales. This practice can result in major dislocation to the family life of a prisoner. More importantly, it does not permit the execution of warrants being held in one State while he is a prisoner in another. It also does not allow for a prisoner to be transferred to another State for trial until the expiration of his sentence. This imposes extreme difficulties for the criminal justice system in bringing a person to trial, often many years later. Over the past five years, the States and the Commonwealth have been drafting legislation for the interstate transfer of prisoners for these

reasons. The length of time taken to draft this legislation, which it is anticipated will be passed simultaneously by the Commonwealth and all State Governments, reflects the difficulties of sovereign jurisdiction.

The Commonwealth has the responsibility for authorizing deportation of a convicted prisoner. Deportation does not occur until expiration of the custodial part of the sentence. In most cases this requires the prisoner to be paroled under State legislation. This presents prison management in Australia with the classic 'chicken or the egg' syndrome. Often State Parole Boards are reluctant to parole an offender if he is likely to be deported until a decision has been made by the Commonwealth on his deportation. On the other hand, the Commonwealth authorities are reluctant to make a decision regarding deportation until the State authorities have decided whether he should be paroled. This cumbersome process, resulting from dual jurisdictions, can often mean a prisoner is held in custody longer, with the resulting economic and management consequences.

The geographical nature of Australia presents its own peculiar prison management problems. Distance, isolation, extreme climatic conditions, communication and transportation difficulties present problems in supervision, standard setting, staff training, staff placement, budgeting and the provision of support services. For instance, in Western Australia there are 16 institutions spread throughout the State from Wyndham Regional Prison in the far north to Albany Regional Prison in the lower south-west of the State — an area covering 8,251 square kilometres. One can appreciate, therefore, that the very remoteness of some of these institutions must be considered to be a serious handicap which Western Australia suffers in the operation of its prison system.

Wyndham Regional Prison for example, is 3,198 kilometres by air from Perth, the nearest urban centre. The problems associated with managing such an institution, and others similar, at such distances are unique indeed when communication is chiefly by telephone or by mail. The time and distance involved in travelling to and from these sparsely populated outlying districts means that prison administrators are only able to visit and inspect these institutions perhaps once, or at the most, twice a year. One must therefore depend very highly on the staff available. The cost that Western Australia faces in servicing its institutions is another

factor to be considered. It is interesting to note that the Department of Corrections in Western Australia spends about one third of its budget on the operation of remote institutions.

The number of institutions in Western Australia is only exceeded in Australia by New South Wales. The reason for this, in Western Australia's case, is the size of the State and the scattered nature of its population. For example, Roebourne Regional Prison in the north-west of the State serves an area of about 1,000 square kilometres. It is this vast area of Western Australia, therefore, which poses its own peculiar management problem to the prison administrators.

Rights of Prisoners' Considerations

The development of systems to protect an individual's rights has, as stated earlier, been a feature of Australian life. Australia has seen many alterations to the legal system, the passing of legislation to allow appeals against governmental and bureaucratic decisions, boards to ensure equal opportunities, procedures to control the confidentiality of information and consumer affairs bodies to name but a few. This movement is reflected in prison life.

The rights of a prisoner are being clearly enunciated. This is a combination of challenges from management, prisoners and community groups. As the prison population has changed in character so the movement has increased and intensified. All jurisdictions are experiencing an increase in the rate of imprisonment, mainly due to increases in the number of violent criminals (often related to drug connected offenders), increases in the average length of sentences, and on the whole a higher standard of education among prisoners. This, combined with a general move in the community, has led directors to consider the question of rights of prisoners more closely.

Prison administrators are constantly challenging aspects of prison life to ensure that the rights of prisoners are protected. A review of the agendas of regular meetings of prison directors in Australia will reveal numerous examples. Some of these have concerned the rights of mothers with babies in prison, the right to a fair hearing of disciplinary charges, the right to legal representation, the right of access to publications and the media, the right to vote in elections and the right to transfer across jurisdictional

boundaries.

In most jurisdictions a prisoner has the right to complain about decisions affecting his life either to the superintendent, the Director, the Visiting Justice, the Ombudsman, Minister of the Crown or an outside community group. This puts a major strain on prison officers and administrators. It is a leading factor in reducing morale within the service.

Legal challenges recently have led to major changes in the hearing of disciplinary charges. Previously, disciplinary charges were heard and dealt with in the institution with very limited right of appeal.

In most jurisdictions today the prisoner has the right to be heard in an open court, to have legal representation and the right of appeal to superior court. While his legal rights might be more adequately protected it has meant that disciplinary charges are not dealt with and punishments are not imposed quickly. This has resulted in a decline in discipline and a general reluctance on the part of officers to charge prisoners with breaches of discipline.

Prisoners themselves are more frequently mounting legal challenges to Acts, Regulations, Standing Orders and Administrative Instructions. In the past two years there have been successful challenges by prisoners to the method of escorting prisoners, the right of officers to use fire power, the right to legal representation, the time for discharging prisoners who have paid out fines, the length of time a prisoner could be held in separate confinement, and the right of management to place prisoners in various parts of an institution.

While prison directors have collectively and individually shown a ready willingness to alter legislation, orders or procedures to meet these successful challenges, the point should be made that the rate of these successful challenges is having a major influence on management and staff. Each successful challenge requires changes in organizational patterns and behaviour, revision of training curricula, changes to operational manuals, and usually alterations to budgets.

Traditionally in Australia, remand prisoners, while being contained separately, have been held in maximum security prisons primarily designed for sentenced prisoners. The one exception has been the remand institution for the Australian Capital Territory. Three States are now in the process of building separate remand

institutions. The physical and program design of these institutions requires prison directors to examine much more closely the rights of prisoners in this category. This will be a major management challenge of the early 1980s.

The difficulty in managing the many and varying community requirements regarding the rights of prisoners was highlighted when the Australian Institute of Criminology brought together a working party to formulate a draft paper on minimum standard rules for prisons in Australia. It was anticipated that these rules would reflect the United Nations Minimum Standard Rules and the uniqueness of the Australian criminal justice system. It was hoped that once these rules were formulated they would be adopted by all jurisdictions. The working party was comprised of prison management, academics, the legal profession, prisoner action groups and interested individuals. It was a credit to the chairmanship of the working party that the first session was even concluded, let alone further sessions planned. After 2 years of discussion and compromise on most rules, the publication was presented to a meeting of ministers in charge of prisons throughout Australia. It was impossible for agreement to be reached, and the document now has the status of a discussion paper. It is anticipated that this status will remain for many years to come.

The question of the rights of prisoners will, during 1980, be a major feature of the agendas for meetings of prison directors in Australia. As stated before, the challenge facing management will be to design regimes which reflect security and custody as the primary goal, while accommodating an expanded enunciation of the rights of a prisoner.

Industrial Relations

In all prison jurisdictions there exists a prison officers' union. With the exception of Western Australia, they are contained within the State civil service union. In Western Australia, the union is an autonomous body registered with the Industrial Commission and employing its own full-time staff.

The union movement in Australia developed out of a concern for wages and working conditions. Today unions are able to argue in the industrial arena that almost all decisions taken by management in both the public and private sectors in some way have an

effect on the 'working life' of their members. This, in effect, makes almost all management decisions open to union scrutiny. The prison services in Australia are no exception. Prison officers' unions are regularly challenging decisions made by management under their legislative powers. These challenges have covered such areas as staff selection procedures, the assessment and placement of prisoners, the transfer of officers, the charging and discipline of officers, the implementation of program options such as voluntary tutors for prisoners, amendments to Acts, Regulations and Standing Orders, the selection of officers for promotion, the curriculum for staff training programs, the placement of female officers in male institutions, the punishment of prisoners, to name but a few.

In general terms the unions perceive themselves as dual managers with the administration. On the other hand, while prison management is prepared to recognize and accept a union's right to make input, it is not prepared to relinquish its legislative authority to control prisons. An illustration of this conflict occurred in Western Australia during August 1979. The incident is now commonly referred to as 'the cardboard box mutiny'. In short, the union requested the removal of cardboard boxes in which prisoners had traditionally transported their personal belongings around the institution. Management agreed to the request on the basis that the boxes presented a security risk. However they were to be removed when more suitable arrangements could be introduced. A Committee was formed to investigate and report within four days. This proposal was put by the union executive to an illegal stop-work meeting and the decision was taken by the union to remove the boxes forthwith. The management ordered that this was not to occur. Despite this, the union executive assumed line and functional authority for the institution and removed them. The union executive also instructed its members to disobey the lawful orders of the administration. The Government was informed that the union executive, and not the Departmental executive, had control of the State's maximum security prison. This incident enabled the Government to take a number of steps which resulted in a restatement of the respective roles of management and union.

Unions other than those directly linked to the prison service are also having a major impact on management. There has throughout Australia been pressure brought to bear to reduce the activities of prison workshops. The argument has been used that work

carried on inside prisons has deprived outside industry of contracts, thus reducing job opportunities in the workforce. This is more pronounced in some jurisdictions than in others.

Unions associated with the building industry have also affected prison management. There have been a number of cases where the building of new prisons has been interrupted. The building industry unions have black-banned the construction because they were of the opinion that the design was not suitable for the accommodation of prisoners.

Management in the future will need to negotiate new written agreements with prison officer unions which clearly delineate the respective roles of management and unions. This will not be an easy task and will require each jurisdiction to cooperate in order that there are common agreements in each State. Further, negotiations will need to be concluded with other unions regarding prison industries, or alternatively, new and innovative programs will need to be established to meaningfully occupy prisoners.

Financial Considerations

Most jurisdictions in Australia still have institutions which were designed and built in the mid and late 1800s. They are totally inadequate for modern management needs. All States are actively involved in rebuilding programs. The late 1970s and early 1980s will undoubtedly be recorded in penological history in Australia as the era in which huge sums of capital expenditure were provided for prison institutions. The challenge facing prison management is to design institutions to cater for the present needs while predicting the needs of the next century.

The design of these institutions has stimulated unprecedented research and discussion regarding the management of offenders in Australia. A by-product of this research and discussion has been the beginning of the establishment of superior statistical data bases and research publications. Throughout Australia there is regular contact between jurisdictions which has assisted the exchange of ideas and designs. In general terms institutions are now being designed using modern high quality materials and new electronic and mechanical security devices. The emphasis is on maximum external security with greater internal flexibility. Needless to say this is requiring significant rethinking of policy and procedures

governing the movement of prisoners within an institution. The major challenge to management will be to design programs which will accommodate this flexibility and ensure maximum contact between prison officers and prisoners while still relying on sophisticated electronic and mechanical surveillance.

There has also been a noticeable increase in expenditure on prison officer training and other support services. While base grade prison officer training can in general be considered adequate in Australia, the same could not be said of the training for senior institutional management. A concerted effort is being made at this time to rectify this deficiency, both within State jurisdictions and as a collective effort through tertiary bodies and the Australian Institute of Criminology.

While expenditure on buildings and training is a priority at present, funds available to the criminal justice system are being increasingly allocated to committees of enquiry and research to find viable alternatives to imprisonment. As a very general rule it would be said that imprisonment in Australia costs \$250 per week per offender, probation costs \$10 per week per offender, and a community service order costs 10c per week per offender. On average, the capital costs of one maximum security bed is \$100,000. As the cost of imprisonment will continue to escalate, it is anticipated that even more finance will be made available for research into these alternatives.

At present there is, throughout Australia, a major review of Commonwealth and State financial agreements. There is every indication that the current method of funding State programs will be altered. The effect this will have on prison management in Australia in the 1980s is very difficult to predict.

APPENDIX A

Government of Western Australia

Department of Corrections

Administrative Instruction No. 23/79

TO ALL STAFF AND INSTITUTIONS

BASIC PRINCIPLES AND OBJECTIVES FOR THE MANAGEMENT OF PRISONERS

Attached please find a copy of the Basic Principles and Objectives for the Management of Prisoners which was drafted by a representative Departmental Committee set up for that purpose and with input from all interested staff. Henceforth, these principles and objectives will form the basis of Departmental policy in connection with the management of prisoners.

Reference is to be made to these principles and objectives as regards all aspects of prisoner management — that is, staff are to ensure that day to day management of prisoners is in accordance with the guidelines laid down and are also to ensure that when drafting any new initiative or introducing any new practice relating to the management of prisoners that these are adhered to.

W.J. Kidston
DIRECTOR

November 6 1979

DEPARTMENT OF CORRECTIONS

Basic Principles and Objectives for the Management of Prisoners

Preamble

Any consideration of Basic Principles and Objectives for the Management of Prisoners should not be seen in isolation from the workings of the Criminal Justice System as a whole. It is undoubtedly a more pressing and fundamental concern that a clear set of principles and objectives for the total Criminal Justice System be established.

However, the practical and ethical problems arising from the use of imprisonment make it imperative that principles and objectives be determined for the Department of Corrections in relation to the management of prisoners.

There is a wide body of opinion that supports the view that imprisonment currently stands alone as the punishment which is potentially the most destructive to the offender's personality and his personal and social relationships.

This has been given due consideration in drawing up the following principles and objectives as has the viewpoint that conditions of imprisonment should be the least restrictive possible.

Principles

1. The role of the Department of Corrections is to exercise custody over prisoners in the least restrictive manner considered possible.
2. Conditions of imprisonment shall be just and humane, in accordance with accepted community standards.
3. Prisons shall be administered on the principle that they are a part of the community.

Objectives

1. To retain control over the freedom of movement of prisoners in the least restrictive manner appropriate.
2. To provide appropriate services for prisoners and their

families to counter as far as possible the damaging effects of imprisonment.

3. To ensure that prisoners retain the full rights and obligations of a citizen except those which must necessarily be denied as a result of their custody.
4. To provide physical conditions for prisoners which are consistent with public health standards while maintaining security.
5. To provide adequate, relevant and constructive work and recreational opportunities for prisoners.
6. To permit prisoners to determine which options they utilize within the prison system subject to security and management considerations.
7. To ensure that the daily life style of prisoners approximates, as closely as possible, that of the community at large.
8. To promote interaction between prisoners and the community by using community resources wherever possible.

Canada

Canadian Criminal Justice System

J.K.Siu

Constitutional Framework

Canada is a federal state consisting of 10 provinces and two territories. The British North America Act (B.N.A. Act) of 1867, Canada's basic constitutional legislation, defines and establishes the division of power and authority between the two levels of government; the central or federal government and the 10 provincial governments. The territorial governments receive their powers from the federal authority, while the provincial governments may grant certain powers to the local or municipal governments.

Division of Power Within the Criminal Justice System

Criminal Justice administration is handled by three levels of government – federal, provincial and local or municipal, with the following functional divisions:

Legislation: Under the terms of the B.N.A. Act, the federal government has exclusive jurisdiction to legislate in the area of criminal law which applies everywhere in Canada. The B.N.A. Act also authorizes provinces to pass legislation, but only in those areas where they have been allocated responsibility. The Highway Traffic Act and the Liquor Control Act are two examples. However, these laws apply only within the province where they were enacted.

Law Enforcement: The federal government has exclusive authority to legislate in the area of criminal law and criminal procedure, while the provinces have the power to create police forces that have provincial or municipal jurisdiction, and are responsible for the enforcement of criminal law within their respective juris-

dictions. The federal police force, the Royal Canadian Mounted Police (R.C.M.P.), is concerned with the enforcement of federal statutes. However, since the enforcement of the criminal code is a provincial responsibility, the R.C.M.P. refrains, with very few exceptions, from active enforcement of the criminal code except where it also acts as a provincial or municipal police force. Currently, the R.C.M.P. is under contract with eight of the 10 provinces to provide provincial policing.

Judiciary: Within the provisions of the B.N.A. Act, the provinces have broad powers in the administration of justice in their jurisdictions. They provide for the establishment and maintenance of provincial courts of civil and criminal jurisdiction and for the regulation of procedures in civil matters in those courts. The federal government is empowered to establish a court of appeal, the Supreme Court of Canada, which must see to it that provincial laws are enforced. It acts as the final court of appeal in criminal law and procedure as well as civil matters throughout the whole country. The B.N.A. Act also empowers the federal government to appoint judges, not only to the Supreme Court and Federal Court of Canada, but also to all superior, county and district courts in all of the provinces.

Corrections: The B.N.A. Act empowers the government of Canada to administer prisons officially designated as penitentiaries to which persons sentenced to prison terms of two years or longer are committed. The provinces are responsible for administering gaols and reformatories for the custody of persons sentenced to prison terms of less than two years. Thus, there are 11 prison systems in Canada.

The Solicitor General of Canada is responsible for the R.C.M.P., The National Parole Board (N.P.B.) and the Correctional Service of Canada (C.S.C.). The Commissioner of Corrections is responsible for the custody and control of approximately 9,200 inmates and the supervision of approximately 6,000 offenders on parole.

There are approximately 20,000 individuals incarcerated in Canada, excluding those on remand and those held for short durations in police lock ups. That is, an incarceration rate of approximately 90 per 100,000. With respect to probation, which is a provincial responsibility, 1977-78 figures reveal that there

were approximately 54,000 offenders under probation supervision across Canada on an average daily basis.

In 1977-78, about 147,000 adults were sentenced to various institutions in Canada — 2.5 per cent were sent to federal institutions; 61.9 per cent to provincial prisons and 35.6 per cent to probation supervision. Of the 3,700 new admissions received at federal institutions in 1977-78, 43 per cent were serving sentences under three years; 31 per cent were serving sentences between three to five years; 18 per cent from six to ten years, and 8 per cent over ten years. In provincial institutions, 54 per cent of all admissions received in 1977-78 had a sentence length of under one month and 31 per cent had sentences from one to six months in length.

With respect to juveniles, the federal government has responsibility for legislation and the provinces have responsibility for the administration of that legislation, in terms of establishing juvenile and family courts, and providing correctional services such as probation, training schools, detention centers, and after-care services.

During the past decade, there have been a number of studies and conferences aimed at reviewing and re-examining the current split in jurisdiction between the federal and provincial governments with respect to the delivery of correctional services in Canada. There has, to date, been no consensus as to a new constitutional arrangement but efforts are continuing.

In the meantime, it has been recognized that there are instances of overlap and duplication of effort between the federal and provincial governments in the delivery of correctional services and programs.

The Ministers of Corrections, federally and provincially, have accorded a high priority to measures aimed at reducing this overlap and duplication. Particular stress has been placed on pursuing exchange of service agreements, which provide for the use of services and facilities in either jurisdiction, and undertaking the joint planning of facilities with the provinces. These initiatives will allow both levels of government to reduce the need to build and maintain expanded cell capacity in penal institutions over the coming decades.

The rest of this paper addresses, specifically, The Correctional Service of Canada (C.S.C.) — its management process, its recent

initiatives and its special problems.

The Management Process Within the Correctional Service of Canada

The C.S.C. management process has been strengthened in recent years to ensure provision of programs to assist the reintegration of federal offenders back into society with full regard for efficiency and cost-effectiveness. The management process is described below under the headings of organizing, planning, controlling, directing, and staffing.

Organizing: The Correctional Service of Canada must give effect to the penitentiary sentences imposed by the courts and parole decisions of the National Parole Board (N.P.B.). The Service is organized with a National Headquarters in Ottawa, Ontario, and five Regional Headquarters, and 108 operational units (54 penitentiaries and 54 parole district offices) across the country.

The national Headquarters, composed of some 500 officials and support staff, is responsible for policy development, national planning, and the monitoring of implementation. It consists of two main branches. The first one is responsible for offender-related functions such as Security, Inmate Employment, Offender Programs, Medical and Health Care Services, and Technical Services, whereas the second branch provides management support services such as policy and planning coordination, personnel services, financial administration, and systems development. In addition, the National Headquarters has a Communications Branch responsible for liaison with the media, the general Canadian public, and the various private sector agencies and interest groups related to Corrections; and an Inspector General's Branch which is responsible for internal audit and special inquiries.

The five Regional Headquarters are concerned with the coordination of program implementation and the effective utilization of resources within the institutions and parole offices. The Regional Directors General who head each region are senior line managers reporting directly to the Commissioner of Corrections.

The penitentiaries and parole offices of the Service provide the services and administer the programs at the operational level. The Wardens of penitentiaries and the District Directors of Parole Offices are the senior, local level line managers reporting directly

to the Commissioner of Corrections through the Regional Directors General.

In conclusion, the organization is designed to administer the programs of the Correctional Service of Canada from coast to coast in the most cost effective manner possible; to provide a clear chain of command and line of accountability for the line managers of the organization; and to clearly differentiate between the management support services and those line activities essential to the achievement of the legislative mandate of the Service. Appendix A shows a detailed listing of the penitentiaries of the Service, their security classifications, capacity levels and staff allotments, to give an indication of the resources provided at the local level.

Planning: The Correctional Service's planning system has been developed over the last two years on a modular basis. The first initiative taken was to expand the planning horizon related to the Canadian government's fiscal planning cycle. In essence, a program-planning phase was built on the front of the fiscal (or financial) planning cycle, so that managers have to look three to five years into the future, rather than the traditional one year. The Service has run through two cycles of program-planning with considerable success. A new financial activity structure was designed with seven main activities related to the organization previously described. This activity structure permitted a clearer line of accountability for all programs so that specific individuals could be held accountable for results. In addition, objectives for the Correctional Service as a whole and for each of the main activities have been developed and approved as a guide for future planning.

Two major initiatives have also been undertaken in further expanding the planning horizon. Basically, five year operational plans are now prepared, reflecting major change initiatives being undertaken by the Service, their priorities for development, the resources required to achieve them, and detailed implementation plans reflecting steps to be taken up to five years into the future (65 plans have been developed and approved, eight have already been successfully completed). This process fits with the development of five year accommodation plans reflecting the requirement for major capital construction in relation to inmate population forecasts over the next five years. Stretching the planning horizon even further, a Strategic Planning Committee has been

created with members from various agencies, universities, and other external organizations. Their mandate is to look 15 to 20 years into the future: to determine the characteristics and profile of federal offenders of that period; to forecast future trends within the criminal justice system in Canada; and to assess the likely impact of these changes on the administration of the Correctional Service. All of these activities are reflected as components of an overall Correctional Service planning system which translates this type of long-term planning into program plans, and in turn, to budgets for a particular fiscal year. These plans are being closely monitored to ensure effective and controlled progress.

Finally, it is worth mentioning that the planning system has been designed to take full consideration of the requirement for greater cost-effective operations, especially in recent periods of constraint. One of the keys to this process is the development of workload standards which is being undertaken as part of the planning system. Standards have been developed in the Security and the Offender Program areas already, which comprise some 55 per cent of our total resources. In the Security area, 26 standard security posts have been identified through a process of on-site analysis and consultation with regional and local level officials. The allocation of posts to different types of institutions depends on the size, security level, physical design and the operating program within any given institution. The resource requirements for particular institutions are determined by multiplying the number of posts and shifts to be covered by an appropriate manning formula based on the number of effective working days per year that a staff member can deliver. This exercise is being expanded to as many functions as possible throughout the Service so that resource allocations in future will be much more rationally determined. The Correctional Service is committed to providing a fair and equitable distribution of resources across the whole of the Service while striving to reduce resource requirements to 90 staff for each 100 inmates for the Service as a whole.

Controlling: A number of initiatives have been developed over the last several years to strengthen management control over Correctional Service operations. The previously mentioned Inspector General function reports directly to the Commissioner and provides internal management review, financial audit and special

inquiries for the Service. These audits are conducted at the local level on a cyclical basis with each institution or parole office being reviewed once every three years. The review cycle will be adjusted to a two year frequency in the near future. The Inspector General's Branch is currently moving into the area to comprehensive, system-base auditing, a process designed to measure the total efficiency and effectiveness of management practices and controls.

Program evaluation is managed by the Evaluation and Special Projects Division of the Policy, Planning and Administration Branch. Total programs (for example, Security) are analyzed periodically by officials independent of the function to determine the adequacy of its objectives, its design, and its results, both intended and unintended.

The Service has also recently established a program analysis function within the Finance Branch. Its role is to advise the Commissioner on the development, implementation and maintenance of control mechanisms and to regularly monitor operations and plans in order to advise the Commissioner on actions required. The Service has developed a set of objectives and sub-objectives for each function. Performance indicators have been developed for each area and are reported on a monthly basis to the Senior Management Committee. Commencing next year, target levels will be established within each function and results will be monitored against these targets. Thus, the appropriate managers will be held accountable for achievement as agreed to by senior managers of the organization. Heavy emphasis is currently placed on analysis of unit cost for each function as compared to results achieved.

There are two external reviews of direct concern to the Correctional Service. First, there is the Correctional Investigator who reports to the Solicitor General and has a mandate to investigate and report on complaints and problems of inmates in penitentiaries. To perform this function effectively, the Correctional Investigator has the right to unannounced access to penitentiaries and inmates have the right to correspond directly with the Investigator.

Second, the Correctional Service has participated in an accreditation process in Eastern Canada related to the correctional standards established by the American Corrections Association (A.C.A.). It has been decided that, based on the success achieved in gaining accreditation for a major institution and a number of parole offices on the east coast, the Service will strive to gain

accreditation in relation to the A.C.A. standards for the whole of the organization.

Directing: There have been a number of references to this point to a Senior Management Committee for the Service. The Commissioner of Corrections is clearly in command, and held accountable by the Solicitor General for the management of the Service. The principal vehicle by which he establishes policy decisions and monitors the progress of the Service in relation to the objectives established is a Senior Management Committee. This committee is composed of the Commissioner, the five Regional Directors General responsible for the regions across the country, and the branch heads in National Headquarters responsible for the various programs previously described (for example, Security, Offender Programs, Inmate Employment, Medical and Health Care Services, Technical Services, Communications, Inspector General, Policy and Planning, Finance, Personnel). Because of the geographic dispersion of the various members of the Committee, face-to-face meetings are restricted to one per month in the National Headquarters in Ottawa to discuss the major policy issues of the day. However, conference telephone calls are established each week to deal with regular management items and follow-up on issues raised but not finalized at the monthly meetings.

As previously described, the Senior Management Committee is essentially a policy-making body. Clearly, the Regional Directors General have delegated authority in most operational areas, including utilization of resources. They are assisted in their decision-making by similar Regional Management Committees which include institutional and parole office Wardens and District Directors.

Staffing: Personnel management in the Correctional Service of Canada must be viewed in two ways. The following sections reflect the current practice of the Service in the areas of staffing, promotion, career development and training.

There is, however, a major effort underway to respond to a recent parliamentary enquiry into penitentiary operations in Canada which, amongst many other issues, recommended that the Service have a more direct control over its personnel management responsibilities. As a result of this enquiry, the Correctional Service is preparing to remove itself from the normal employment,

staff relations and pension legislation of the Public Service of Canada. With 'Separate Employer' status, the Service will have greater control over its recruitment, training and staff management activities and be able to provide special provisions (for example, early retirement) more appropriate to the pressures of work in penitentiaries. This separation from the Public Service of Canada personnel systems will line up the Correctional Service with the other major component of the Solicitor General's operations, the R.C.M.P., which already benefits from similar special status.

. **Recruitment:** At present, the authority to staff all positions in the Correctional Service of Canada derives from the Public Service Employment Act which is administered by the Public Service Commission (P.S.C.). Recruitment for jobs open to the general public is normally the responsibility of the P.S.C. which refers candidates who appear to have the basic qualifications to the C.S.C. which then makes the final assessment and appoints the most qualified candidates. However, the hiring of correctional officers from the general public departs from this pattern in that the P.S.C. has given the C.S.C., because it is the sole employer of this occupational group, the authority to do its own recruiting. The C.S.C. is also empowered to recruit from within the Public Service for all except the most senior levels.

. **Promotion:** Merit is the principle underlying all appointments to or from within the Correctional Service of Canada. The usual way employees are promoted is by competing for positions. Nevertheless, some employees get promotions when they assume more complex or additional duties, that results in the reclassification of their positions to higher levels; still others get promoted when they become fully qualified in positions to which they were initially appointed at a level lower than the classified one.

. **Training:** All Correctional Officers (Security and Living Unit) must attend a 12 week basic training program on recruitment. The course is for the most part security related. The Living Unit Officers take an additional four weeks of training in the Living Unit tasks (for example, counselling, psychology,

etc.). Both Security and Living Unit Officers receive a minimum of five days of refresher training annually. Supervisory and specialty training programs are offered internally and through outside agencies on an individual need basis for all C.S.C. employees.

. **Staff Relations:** Staff Relations is responsible for the administration and implementation and assists in the negotiations of Collective Agreements for a variety of bargaining units¹ within the Correctional Service of Canada. In addition, Staff Relations is responsible for the administration, interpretation, and implementation of a Code of Conduct and Operational Policies. These policies form an integral part of employee/employer relations and affect the day-to-day operation of the Service. In addition, Staff Relations is responsible for administering procedures for designation of employees.

. **Grievance:** Through the Employee Grievance Process, Staff Relations administers the Complaint Redress System for approximately 10,000 employees in the Service. There are three levels of recourse up to the Commissioner. Depending on the matter, some grievances can be referred to an outside party. Staff Relations advises the Treasury Board Legal Council in the preparation of these cases which have been referred to adjudication.

Some Operation Issues

The previously described management processes are being implemented to strengthen the operations of the Correctional Service, to ensure cost effective utilization of resources, and to provide an environment for Correctional professionals to effectively carry out their duties. In this sense the previous processes are not designed in a negative way to provide greater control, but in a positive way to utilize the professional expertise of corrections officials more efficiently and effectively. The following sections reflect some of the major initiatives in the operational areas:

Classification of Inmates and Institutions: The Correctional Service has just completed the development of a refined classification

system for institutions. Under the former system, institutions were graded as minimum, medium or maximum security. In reality, however, many factors have contributed to modifications to institutions making the three level classification system obsolete. The new system has ten levels – S-1 to S-10.²

The system permits more appropriate placement of inmates and more effective allocation of resources appropriate to the new security definitions.

The second phase of this initiative is to provide an improved classification system for inmates, both at initial placement and for transfer during their sentence. The key factors upon which placement decisions must be made (for example, offence, sentence length, age, program needs) have been identified. They will be used by Correctional Service officials in making placement and transfer decisions on a standardized basis in line with the S-1 to S-10 institution classifications.

There are two related issues worth describing here. First, with the above system in place and a detailed cost/benefit analysis conducted of the initial placement process, the Correctional Service has decided to abandon centralized Reception Centres for each region. These Centres have provided comprehensive diagnostic testing, observation, and interviewing of inmates for a period of six to eight weeks prior to transfer to a regular institution. Their worth was not proven in relation to their costs. Second, the Service is striving to move inmates down the new security classification (cascading) and into the Community via parole as quickly as possible while not jeopardizing the safety of the public. This will have a significant effect on the cost effectiveness of the Service as the operating costs per inmate drop from approximately \$29,900 per inmate in S-8, S-9 and S-10 to \$15,400 per inmate in S-1, S-2 and S-3.³

Inmate Employment: The current thrust within Corrections is to ensure that every able and willing inmate is provided with education, training or work opportunities that will prepare them for release into the community and to help offset the cost of incarceration to the taxpayer.

There are five areas of concentration. The agri-business program employs inmates in marketable tasks in agriculture, horticulture and fisheries. The programs are being strengthened for

the five farms the Service already manages with an ultimate goal of self-sufficiency in the production of staple goods for C.S.C. consumption.

A number of institutions are concentrating on utilizing inmate labour in microfilming and data capture for automated data processing programs.

The education and training program is designed to provide education and training opportunities in provincially accredited programs to prepare inmates for their eventual release to the community.

The Industries program provides inmates with an opportunity to train for working by working. It provides trained inmates for the community and produces goods (for example, furniture, clothing, recreational equipment) for the federal government thus helping to offset the cost to the taxpayer.

The fifth program, called 'work opportunities', provides marketable employment opportunities for inmates and ensures inmates are employed in providing essential services to the institutions (for example, laundry, maintenance, bakery).

Case Management: The aim in this area is to provide integrated Case Management support to offenders from the day they are identified as federal inmates to the day they complete their sentence, whether still incarcerated or on parole.

The thrust is to provide effective program planning for all inmates and parolees under federal jurisdiction and to ensure effective coordination of input from all components of the organization dealing with an inmate during his sentence period. This integrated management of inmates is important for two reasons. First, the fact that the C.S.C. is now one agency responsible for the inmate from the date of sentence to the expiry of parole (formerly the C.S.C. was two separate agencies, the Canadian Penitentiary Service and the National Parole Service). Second, in order to achieve greater efficiencies in a period of constraint, there is great pressure to streamline processes like Case Management.

Special Problems

There are a number of categories of inmates, small in number,

who cause special difficulties to the Service. Our approach to managing these groups is reflected in the following sections.

'Special Handling' Inmates: The Correctional Service of Canada, like all correctional services throughout the world, faces problems associated with inmates who, in addition to meeting the normal maximum security criteria, have been identified as being particularly dangerous. These inmates, while in custody, have demonstrated excessively aggressive behaviour which poses a threat to staff, other inmates and themselves. The Canadian definition of this conduct includes offences of forcible confinement or any act resulting in death or the infliction of serious bodily harm. The problem with this category of inmates in Canada is compounded by the vast geography of the country, the situation with the French and English cultures and language, and the small number of offenders (around 50) who must be dealt with. With these problems in mind, the Correctional Service of Canada has created two special handling units (Security level S-9); one English-speaking facility in Ontario and one French-speaking facility in Quebec, established to house the inmates who fall within the previously defined criteria. These units accommodate approximately 25 inmates each. In addition to providing adequate security for staff and inmates, a special four-phase program has been implemented to provide each inmate with the opportunity of earning his return to the main population of a maximum security (level S-8) institution.

Protective Custody Inmates: Again, the Correctional Service, like all correctional services, has a proportion of their inmate population which requires special protection. The problem in Canada is that approximately 10 per cent of the inmate population fall into the category of protective custody. If provisions are made within each facility of the Service from coast to coast, it is nearly impossible to provide appropriate programs for these inmates while still guaranteeing their safety. With this in mind, the Correctional Service is in the process of designating separate institutions for inmates, who, for their own safety, must be segregated from the main inmate population. With these separate facilities (three are planned for the whole country), inmates will be able to enjoy the amenities, opportunities and privileges presently granted to our main prison populations.

Dissociation Inmates: The main problem with dissociation or separation of an inmate from the prison population as a result of a conviction of a serious disciplinary offence, is the question of whether or not it is 'fair' to have the institutional wardens make decisions in relation to the dissociation cases. With this in mind, disciplinary boards in maximum security institutions (security levels S-7 to S-9) are now chaired by an independent chairperson who is responsible for determining guilt or innocence on disciplinary charges within the institution. These chairpersons are from outside the Service (for example, retired judges) without any direct involvement in the operation of the institution they serve in. The success of this program to date has encouraged the Service to expand the program to medium security (security level S-4 to S-6) institutions in an effort to further ensure justice within our walls.

Female Offenders: In Canada, approximately 200 of the 9,200 federal inmates are female. They are incarcerated in a single institution in eastern Canada. This has created a number of problems. First, some of the inmates are separated from their families by large distances (as much as 2,000 to 3,000 miles from the west coast). Second, the female inmates of different security risks are being incarcerated in the same institution. On the other hand, because of the small number, decentralization of the female inmates into their home territories would make it impossible to provide a wide enough range of program opportunities. C.S.C. is currently examining this issue in more depth than ever before.

Conclusion

Obviously a great many other initiatives related to management processes, operational issues, and special problems could be described. This paper only provides a very brief overview which hopefully enlightens readers to the operations of the Correctional Service of Canada.

1. Most unionized employees are members of the Union of the Solicitor General Employees, a component of the Public Service Alliance of Canada, a union representing employees from nearly all departments of the Canadian Government.

2. It is worth noting that further study has indicated that seven levels plus a 'special' category may be more appropriate as the system evolves.
3. 1978/79 Figures.

APPENDIX A

Institution Staff Allocations (Persons-Years) 1980-81

	Capacity	Person-Years 1980-81
<i>Maximum Security Institutions (S-8, S-9)</i>		
Kent	192	261
Regional Psychiatric Centre – Pacific	150	205
Edmonton Maximum	192	246
Saskatchewan Penitentiary	488	330
Regional Psychiatric Centre – Prairies	104	198
Millhaven	370	381
Regional Psychiatric Centre – Ontario	81	106
Regional Reception Centre – Ontario	297	277
Prison for Women	124	107
Laval	471	407
Archambault	400	332
Correctional Development Centre	140	243
Regional Reception Centre – Quebec	186	199
Dorchester	441	314
<i>Medium Security Institutions (S-4, S-5, S-6)</i>		
Mountain	186	130
Williamhead	150	133
Mission	180	203
Matsqui	329	284
Bowden	152	172
Drumheller	443	291
Stony Mountain	449	303
Warkworth	437	282
Joyceville	454	289
Collins Bay	424	278
Lamacaza	163	126
Cowansville	432	298
Federal Training Centre	377	263
LeClerc	514	325
Springhill	432	277
<i>Minimum Security Institutions (S-2, S-3)</i>		
Elbow Lake	50	26
Ferndale	50	27
Matsqui (Trailer)	20	*
Grierson	65	19

(continued)

APPENDIX A (continued)

	Capacity	Person-Years 1980-81
<i>Minimum Security Institutions (S-2, S-3) (continued)</i>		
Saskatchewan Farm	78	31
Rockwood	80	29
Drumheller (Trailer)	44	*
Beaver Creek	64	27
Frontenac	80	33
Pittsburg	80	31
Bath	92	22
Ste. Anne des Plaines	118	115
St. Francois	137	80
Shulie Lake	30	10
Westmoreland	100	33
<i>Community Correctional Centres (S-1)</i>		
16 facilities across the country	332	92

* Figures included in Matsqui and Drumheller in medium institutions.

Inmate Population Forecasts

J.K.Siu

Introduction

The Correctional Service of Canada (C.S.C.) undertook the most comprehensive population forecasting exercise¹ in recent years during 1979-80. The effort resulted in a series of ten year population forecasts which included national and regional male inmate populations, as well as forecasts by security type, offence type, age group distribution, length of sentence distribution and several other inmate characteristics. The C.S.C. has also undertaken to ensure that any significant shifts in forecasted populations will be picked up as soon as possible and incorporated into C.S.C. planning efforts. This will be achieved through the production of semi-annual forecast updates using a variety of approaches.

The Service is most confident that the results are more reliable than any previously produced forecasts or extrapolations of past trends in population change. Appendix A reflects the series of forecasts conducted since 1974 and also a series of extrapolations of past trends using different time periods which illustrate the problems we have faced in the past. It was decided not to rely on the procedures used in the past, as they depended heavily on past trends without paying sufficient attention to future developments which would affect populations. The assumption behind these new forecasts is that there will be significant developments affecting corrections and the criminal justice system over the next ten years which will impact on federal inmate populations.

There were two main problems to overcome in producing improved and more credible forecasts. First, the lack of recognition of regional differences in population forecasts and the lack of input from regional officials in corrections. Second, the lack of attention to forecasting inmate characteristics, such as offence type, age distribution or sentence length.

It is the C.S.C. view that these forecasts are a demonstrable improvement in both areas. First, 58 personnel of the headquarters and regional divisions of the C.S.C., the Departmental Secretariat and the National Parole Board participated in this exercise. Second, the ten year forecasts reflected populations by region, and by inmate characteristics for the first time.

Approach

Systems which were readily available were utilized as much as possible in order to exploit past practice and produce forecasts as quickly as possible to meet the requirements of the 1979-80 planning cycle. A questionnaire technique was used to extract educated opinion about the future and its impact on inmate populations from 58 officials across the country.

The information was fed into a computer simulation model² previously developed for the C.S.C. This model measured the flow of inmates through the penitentiaries and the time spent under sentence. This particular model was chosen because it has proven effective in tracking past populations and it was the most reliable technique available to translate the impact of the factors identified by officials into final populations levels. Although it was recognized that groups external to the C.S.C. should participate in the assessment of these factors affecting inmate populations (for example, judiciary, police, after-care, provinces), arrangements could not be made in the time available. We do feel, however, that the representatives from the Departmental Secretariat, the National Parole Board and from the Headquarters and Regions of the C.S.C. had a good understanding of the experience of these outside groups and included their influence in the questionnaires. In some cases, the participants discussed the correctional future informally with these outside groups before finalizing their input to the forecasting exercise.

Although both regional and national forecasts were produced, the national forecasts were judged more reliable. They used the total input of all 58 officials and the capabilities of the computer simulation model, which stores and tracks the impact of historical information tracing back into the 1940s. In the development of the regional population forecasts, each regional group had to assess the flows in and out of the system and then, through a process of

judgement, forecast actual year-end populations within that region. The results of the regional forecasts were used in determining the proportional share of population within each region which, added together, constitute the national forecast. The results of the regional groups also illustrated distinct differences in what was expected in the future from region to region.

One final point on approach is worth noting. The technique used was one which encourages a sharing of views among a wide range of people. However, for this exercise, the process was modified so as not to artificially force consensus. Recognizing that inmate populations are affected by a wide variety of factors with varying influences, (over 300 were identified), all opinions of participants were carefully recorded, and alternative population forecasts were prepared to reflect the variations of opinion. The total collection of all responses has been maintained in the records of the Policy and Planning Branch.

Results

Four basic components were considered by the participants in making their projections of the number of male inmates over the next ten years. These components were:

- . Factors affecting the inmate population in the future.
- . The future rates of flow of inmates into, within and out of the penitentiary system and the time spent in different stages of the correctional process.
- . The numerical forecasts themselves.
- . Inmate characteristics.

Factors: Participants identified over 300 specific developments expected to affect future penitentiary populations. Certain individual factors were mentioned more frequently than others. These included: a worsening of economic opportunities; a levelling off of growth in the crime-prone segment of the population; increasing crime rates (especially for violent crime); an improvement in police effectiveness; closer surveillance of released inmates; longer sentences (especially for violent offenders and repeaters); shorter sentences for property offenders; increases in 'diversion' of offen-

ders; improvements in the C.S.C. case management system; a higher proportion of 'hard core inmates'; increases in external (including police) pressures on the National Parole Board (N.P.B.); increased pressure on the N.P.B. due to overcrowding in institutions and increasing cost of incarceration; stricter conditions for parole; increase in due process regulations regarding N.P.B. proceedings; fewer resources available for parole and mandatory supervision (M.S.); reduction in the minimum standards for M.S. and parole supervision; increased availability of community resources; decreased public support for ex-inmates; and the abolition of M.S.

Although the above factors were more prominent than others, there was considerable variation in expectations. In some cases (for example, factors related to supervision), no clear consensus was evident. The future, when described in these terms, must still be considered uncertain. Finally, each participant translated their assessment of factors affecting populations into actual changes in rates of flow through penitentiaries and in sentence lengths.

Rates and Sentence Lengths: The rates measured for the computer simulation model included the new offender entry rate, the parole release rate, various parole and mandatory supervision failure rates, and return rates after direct discharge. These rates were forecasted along with sentence lengths and fed into the computer simulation model which then generated the resulting fiscal year-end population forecasts. Although there was a wide variety of opinion on which particular factors would affect populations and the relative impact each would have, there was a greater unanimity as to the net overall impact of all factors on the rates and sentence lengths.

In summary, the forecasted changes in rates and sentence lengths were relatively small and gradual, showing the new offender entry rate rising gradually over the ten year period; the parole release rate rising gradually over the next ten years; the failure rates or returns to institutions decreasing gradually; and sentence lengths increasing slightly over the period. There are two things worth noting about the conservative estimates of these rates. First, although most of the factors are outside the direct control of the C.S.C., there was an underlying theme that the C.S.C. will better prepare inmates for parole, thus increasing the parole release rate; and community programs will produce better results, thus reduc-

ing the return or failure rate. Therefore, although the estimates are conservative and relatively flat, there is pressure to achieve positive results in the C.S.C. case management and community program areas.

Forecasts

There are some interesting observations about the forecast results that evolved from the work of these 58 officials:

- . The forecasts are conservative and lower than either of the others previously prepared by the C.S.C. or most extrapolations of past trends (see Appendix B).
- . The sum of the regional forecasts came out lower than the national (see Appendix C). One of the fears when this exercise started was that regional groups would predict forecasts on the high side in order to support regional programs for the future. In fact, a conscientious effort to reflect honest and independent opinions about the future and their impact on populations was clearly evident in the final results.
- . All of the regional forecasts, with the exception of Quebec, follow the same gradual increase with the peak forecast occurring in the tenth year (see Appendix D). Quebec's peak occurs earlier in 1983-84 and then a tapering off is predicted. At first look, this result was troublesome, as Quebec's population since 1974 has risen dramatically. In fact, the tapering off at the end of the forecast period is merely bringing Quebec's proportion of the all-Canada population back to its level prior to 1974.
- . Even taking the 75th percentile line³ shown in Appendix B (where only 25 per cent of the participants thought the forecast would be higher) the forecast is below previous forecasts and approximately the same as extrapolations of the trend over the last 20 years.

Characteristics

The forecasts of inmate characteristics were also conservative, with only minor changes in characteristics expected over the 10 year period. The following paragraphs highlight the major measur-

able characteristics.

Security Classification: The percentage of inmates requiring minimum security accommodation was expected to increase by 3 per cent. The percentage requiring maximum security accommodation was expected to decrease by 1 per cent and the percentage requiring medium security was expected to decrease by 2 per cent.

Previous Penitentiary History: The forecasts indicated a steady but small increase in the percentage of the inmate population which has been in federal penitentiary before, increasing from 35 per cent to 37 per cent over the 10 year period.

Offence: Again, only minor changes were forecasted in offence groupings with the serious offences of murder increasing from 10 per cent to 13 per cent and attempted murder-manslaughter from 8 per cent to 10 per cent.

At the other end of the spectrum, narcotics and food and drug offences were expected to decrease from 11 per cent to 7 per cent of the total population. All other categories of offence were expected to retain their present proportion.

Province of Residence: The majority of inmates, (51 per cent), were still expected to come from Quebec and Ontario with modest decreases of 1 or 2 percentage points in these inmates balanced by increases of 1 per cent or 2 per cent for Alberta, B.C. and the territories.

Age Distribution: Minor decreases of 1 percentage point were expected for both the youngest and the oldest of inmates, counter-balanced by a similar increase in the so-called 'middle-age' category from 25-39 years of age.

It is worth noting that these conservative estimates describe the national inmate population which is the composite of the regional estimates. Regional forecasts do indicate some more dramatic changes in particular characteristics which are balanced out in the national picture.

Correctional Service of Canada Applications

There is such a wealth of information contained in the pop-

ulation forecast results that their effective use both within and outside the Correctional Service has not yet been fully exploited.

For example, forecast results can and will be used in policy development,⁴ research, program evaluation, financial analysis, security and offender program planning, and planning applications within regions. These areas have not yet been fully explored. What follows is an account of two specific applications which have already been made.

Program Planning and Budgeting: One of the critical uses of these forecasts to date has been in the program planning and budgeting process. It was decided in examining the forecasts that the national median forecast was most reliable, with the regional proportions determined by the results of each regional group. With these figures calculated, planning ceilings were established covering both person-year and other operating and maintenance requirements. The results of the population forecasts were published as a part of the program planning instructions and officials in the regions and branches were expected to justify their program requirements for 1981-82 using the population figures as a guide. The design of the documents facilitated analysis as they reflected resource trends against population trends over the last several years.

Accommodation Planning Applications: Another critical application of the population forecasts has been made in Accommodation Planning. A revision to the five year accommodation plan is now being finalized for submission to Treasury Board. Because of the costs and operational implications of underestimating populations in relation to capacities and because these forecasts are lower than any others produced in the past, it was decided to use the high probable (75th percentile) forecasts for planning accommodation requirements. Again, the regional proportions were determined from the work of each individual regional group. The populations were broken down into maximum, medium, minimum, psychiatric and special populations and the expected impact of cascading based on determinations with each region built in.⁵ Institution requirements were then planned to match forecasted population levels in 1988-89 permitting time for planning and construction or upgrading as required.

Future Situation

The 1979-80 population forecasting effort serves two main purposes.

First, as previously described, to provide support to the current planning activities being conducted throughout the organization especially in relation to male inmate populations.

Second, to serve as a pilot from which the organization has learned a great deal on which to build future efforts to solidify and establish the credibility of the forecasting function, and to incorporate into the forecasts other populations such as parole supervision populations, female offender populations and certain special populations, such as protective custody and special handling inmates. The approach used this year required a major effort by many of the key officials throughout the organization.

Yet to be determined is the actual process for producing annual and semi-annual forecasts or forecast revisions; however, it is likely that this extensive approach will not be conducted annually. Some simpler process of revision and update will be used with perhaps a major forecasting effort every three years.

Also to be determined is the approach to incorporating outside opinion from judicial, provincial, after-care, police, and other groups whose work affects penitentiary and parole populations.

1. Actual forecast work conducted by Robert Hann, Carolyn Canfield and Jan Palmer of the Research Group and Federal Systems of Canada under contract to the C.S.C. (Operational Planning Division). A number of reports have been published, copies of which may be obtained from the Operational Planning Division of the C.S.C.

2. The 'Federal Corrections Simulation Model' was developed for the Ministry of the Solicitor General and is documented in *The Offender Prediction System*, R.G. Hann, J.S. Bailey, and J. Hassan. (Reports submitted to the Solicitor General of Canada, 1976).

3. To describe the range of opinion among the participants, 25th percentile, median and 75th percentile values were identified to produce forecasts. In simple terms, for a median forecast, values for the rates of flow were chosen at a level where 50 per cent of the participants thought rates would be lower, 50 per cent higher. For 75th percentile forecast, 75 per cent of the participants thought the rates would be lower, 25 per cent higher.

4. Critical 'what if' questions can be asked for policy development — for

example, what would happen to forecasted population levels if 'mandatory supervision' was abolished in 1984?

5. It is worth noting that percentages in minimum security were planned at a higher level than forecasted by the participants in the forecasting project – a deliberate management decision to achieve higher levels of 'cascading'.

APPENDIX A

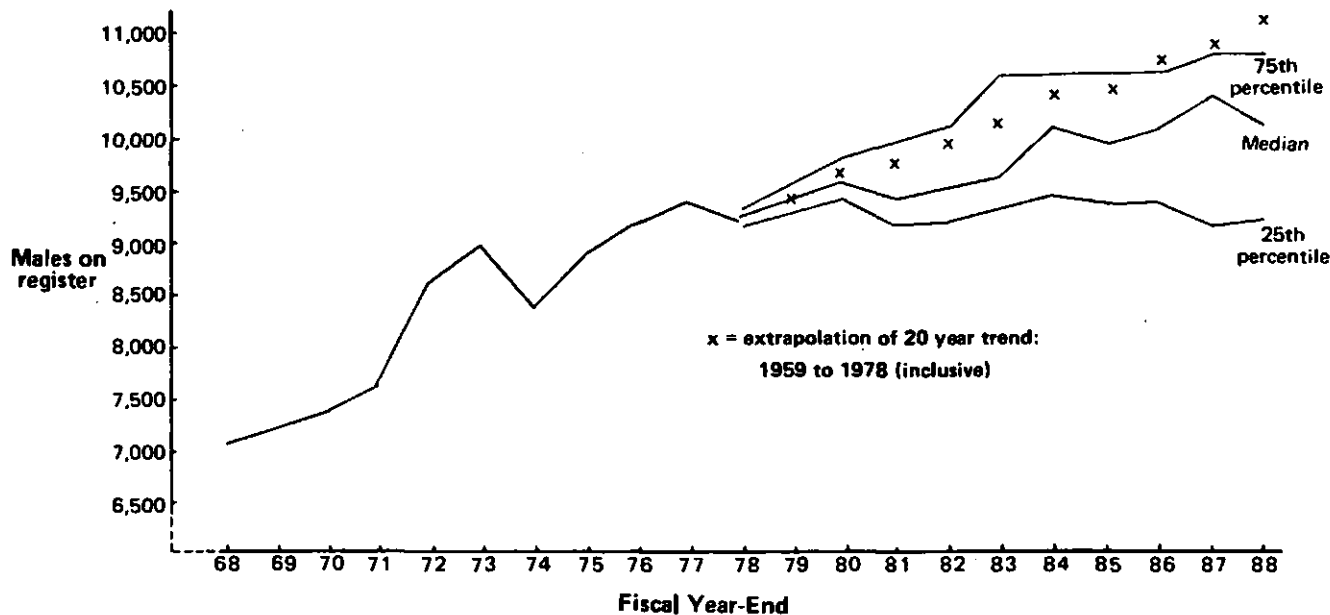
Extrapolations of Past Trends Differences in Past Rates of Growth

<i>Past Period</i>	<i>Average Rate of Growth (per year)</i>	<i>(1988-89) Forecasted Population</i>
51 years	2.5	12,200
20 years	1.9	11,100
10 years	3.0	13,000

Previous forecasts

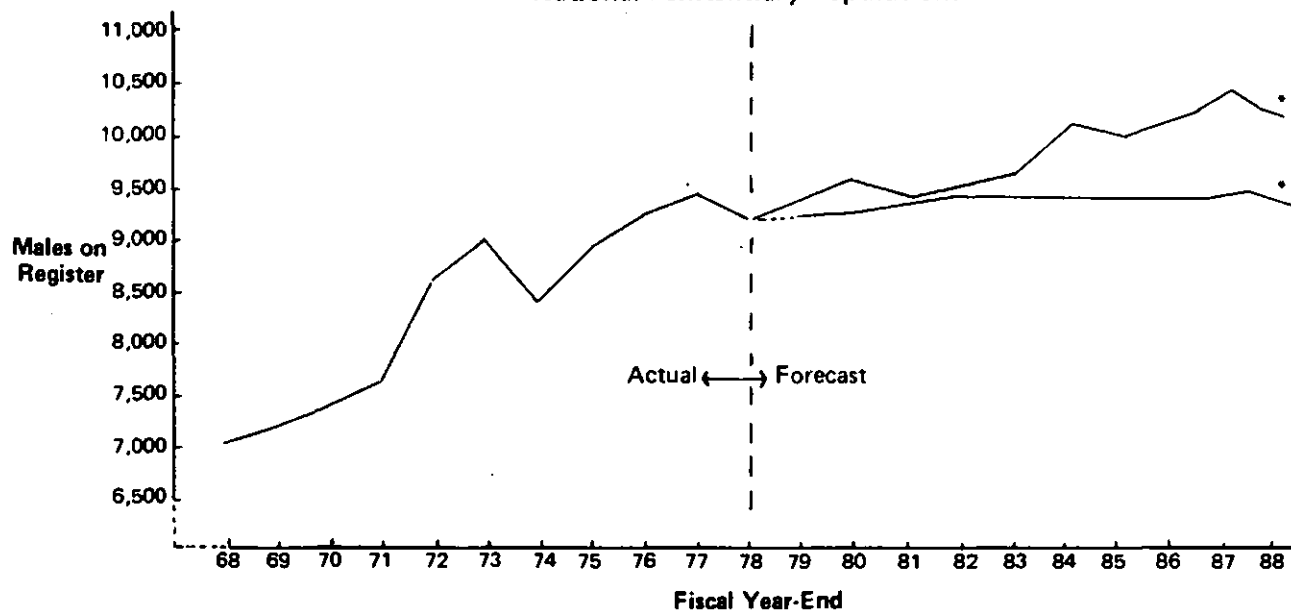
<i>Conducted</i>	<i>National Forecast Results</i>	
December/74	11,100 (80-81)	— —
January/76	9,800 (80-81)	10,000 (81-82)
June/76	9,800 (80-81)	10,500 (83-84)
December/76	10,200 (80-81)	11,500 (85-86)
January/78	10,100 (80-81)	11,700 (87-88)

APPENDIX B
C.S.C. Male Fiscal Year-End on Register
Penitentiary Populations: Canada
Historical Data and Forecasts Based on Final
Expectations Regarding National Rates



APPENDIX C

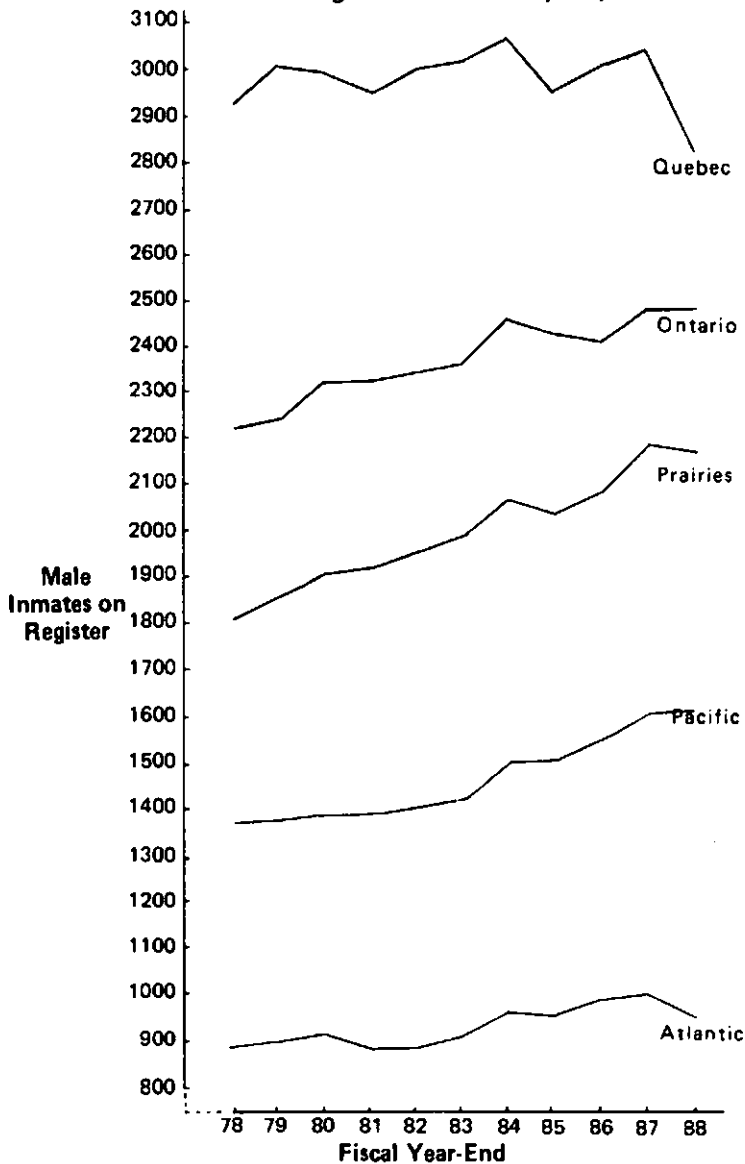
Forecasts of Males on Register Fiscal Year-End National Penitentiary Populations



- * - 10,105 Median National Response
- ** - 9,280 Median Sum of Regional Responses

APPENDIX D

Forecasts of Regional Year-End Males on Register Penitentiary Populations*



* Based on a combination of median national and regional assumptions

Trends and Problems

J.K.Siu

There are a number of trends in the Canadian criminal justice system which could impact significantly on federal corrections in the near future. This subject is considered in detail in *Selected Trends in Canadian Criminal Justice* published by the Department of the Solicitor General of Canada in October 1979.

The purpose of this paper is to discuss briefly some of these trends and to forecast possible implications for the Correctional Service of Canada.

There is, first, in Canada and in other jurisdictions, a movement to decriminalize some offences, or at least ease penalties by removing incarceration as a sanction. These offences generally include possession of cannabis, soliciting, consensual acts and obscenities. However, it is improbable that legislative changes toward decriminalization in these areas, excepting cannabis, would have any significant impact on prison populations.

If simple possession of cannabis did not carry incarceration as a sanction, the effect on the prison population could be substantial.

In the last 10 years, 267,000 cannabis charges have been laid. In 1977 alone, there were nearly 34,000 convictions for possession. Only 4 per cent of those 34,000 convictions resulted in incarceration. That still, however, constitutes 1,300 prison sentences in one year.

It is estimated that in 1977 over 3,000 persons were serving time in prison for simple possession, either as a result of sentence or through default of payment. The majority of those offenders were incarcerated in provincial institutions.

The decriminalization of cannabis, or the removal of incarceration as a sanction, could considerably reduce provincial prison populations but its direct impact on the federal inmate population would be slight.

Second, there is a growing emphasis on the 'prison as a last resort' philosophy. In a series of working papers on the criminal justice system, the Law Reform Commission of Canada has argued that a prison sentence should only be imposed as a last resort and, further, that a significant percentage of offenders could be dealt with totally outside the judicial process through diversion. These views are common in the literature and appear to be gaining considerable support from practitioners.

While it is recognized that the 'community-based corrections' movement — diversion and crime prevention programs in general — are worthy in their own right, they are unlikely to result in a significant reduction in federal prison populations since offenders most likely to be eligible for such programs are also those most unlikely to receive federal prison sentences.

If, however, the 'prison as a last resort' movement is taken to mean 'no prison for non-violent offenders' then the impact on federal corrections could be significant.

If a serious movement in this direction occurs, it will create a shift in the major offence profile of federal inmates, resulting in a greater proportion of inmates sentenced for crimes of violence.

In addition to the apparent emphasis on 'no prison for non-violent offenders', there is consensus among leading criminologists that a 'law and order' phenomenon is gaining momentum. This drift toward increasing severity in sentencing is unmistakable, and it is anticipated that its effects will be with us for some time.

The promotion of this 'get tough' policy results from a number of factors: perceived leniency of the the courts; heightened 'fear of crime'; growing public intolerance to criminal victimization; a hardening of attitudes toward criminals; and an apparent acknowledgement of the failure of rehabilitation.

This stance for firm crime control methods is reflected in recent gun control legislation; the call for the return of the death penalty; increasing acceptance of a deterrent base for punishment; the emphasis on incapacitation as a goal or purpose of prison; and the reduced use and questioned value of parole.

Although these strong sentiments to punish appear in conflict with the view that incarceration should be used only as a last resort, a greater proportion of inmates in the federal penitentiaries are convicted of violent offences. It is precisely the combination of these two directions that will result in the dramatic shift in the

federal inmate profile and subsequently in the nature of federal institutions.

It is anticipated that the average length of sentence will increase. This is already apparent in the Canadian experience as evidenced by the recent legislation pertaining to persons convicted of murder.

On 26 July 1976, the Canadian Government abolished capital punishment. The new legislation provides for an automatic life sentence with a mandatory 25 years before parole eligibility for persons convicted of first degree murder. The same automatic life sentence also applied to persons convicted of second degree murder but the minimum period to be served is 10 years. The sentencing judge may, however, increase that period up to 25 years. Prior to the new legislation, the average time served by inmates convicted of murder was about 12-13 years.

Furthermore, it appears that long-term incarceration will not necessarily be restricted to persons convicted of murder, but will also be imposed upon offenders sentenced for other violent offences. This severity in sentencing is reflected in the recent gun control legislation.

It is difficult to predict what impact these changes will have on actual size of the federal offender population. Our latest projections indicate that the rate of increase will be quite small, and that a small change in one of the factors affecting the number of offenders could lead to a no growth or declining situation. In fact our federal inmate population has not grown substantially in the last two years.

Two trends having major implications for federal corrections have been identified. These are, first, the growing movement toward non-custodial alternatives for non-violent offenders; and prison populations characterized by a greater proportion of violent offenders than at present. Second, the growing 'law and order' movement resulting in longer sentences for violent offenders.

The combined effect of these two trends will have considerable impact on public attitudes, the federal prison system, staff and inmates.

The directions will serve to reaffirm the public perception of inmates as dangerous, untreatable and incorrigible. Consequently, this could result in a further entrenchment of the 'law and order' philosophy and ultimately a further questioning of conditional

release practices and, generally, less public support of the federal prison system. Furthermore, the cumulative effect of these factors is likely to be a further alienation of the prison system.

Within federal prisons, the inmate population will be more homogeneous than at present, consisting principally of young violent males and lacking the stabilizing influence of the non-violent offender.

Current programs may have little meaning or applicability for these long-term inmates. With no immediate prospects for release, inmates may experience a sense of 'hopelessness' and lack of motivation to participate or change.

Clearly, 'doing time' will become increasingly difficult and violence within institutions is likely to increase with more inmates seeking protection. Indeed, merely occupying the inmate's time may be a challenge for prison administrators.

This changing inmate profile and its impact will have implications for prison staff. Security staff may perceive themselves to be in a greater 'at-risk' situation than at present which may result in recruitment and training difficulties. Greater emphasis may be placed on medical-psychiatric services and less on the soft rehabilitative-reintegration component.

Some aspects of this picture of the future do not appear promising. However, our awareness of the anticipated trends will allow us to plan in a proactive manner and thereby reverse some of the less desirable consequences of these trends.

The literature emphasizes the 'constraining of the hard-care untreatable' inmate and does not promise treatment methods for such inmates. This may mean that incarceration in the future will be simply humane containment. The inmate of the future is likely to be a 'producer' rather than 'consumer' and the 'industrial prison' will replace prison industry.

We will continue to seek an alternative to the traditional facility to meet the needs of the inmate in the future.

Remote access communities and inmate participation in prison management are under study.

The Correctional Service of Canada has started the examination of alternatives to meet the potential requirements of a new inmate profile. Programs that may effectively meet this challenge include a new emphasis on an industrial model and conjugal visits.

Hong Kong

Crime Trends and Implications for Prisons Department

Prisons Department, Hong Kong

Introduction

If one regards the reporting of crime as the beginning of the criminal justice process, then the receiving of offenders into custody to serve various sentences may be viewed as the end of this process, although for correctional workers, the end is just the beginning.

The work of the prison service is directly affected by the numbers and types of persons prosecuted by the police and the sentencing patterns of the courts. In other words, the prison service is not in a position to determine to any substantial extent the types and numbers of offenders admitted into penal institutions or their lengths of stay in custody. This makes the analysis of crime trends and their implications for the prison service an important exercise because it is only through such an analysis that the prison authorities are able to realize the discrepancy between the needs of the community and the actual correctional services provided. This makes it possible to evolve comprehensive forward planning.

The major problem involved in analysing the crime trends in Hong Kong, and their implications for the prison service, lies in the absence of an integrated law and order statistical system. This means that differences in the classification of offences and counting rules have to be compromised before statistics can be sensibly interpreted. Care however has been taken to ascertain that in compromising differences no undue distortion is created.

Volume of Crime

The volume of crime (that is, those offences listed in Appendix A) per 100,000 population has remained almost static for the

past five years, the figures being: 1,315.96, 1,294.37, 1,403.55, 1,257.2, and 1,245.8 respectively. The relationship between crimes reported and the admission of offenders into prison custody either as remands or convicted persons is somewhat remote because of the inevitable time lag between the two events. Therefore, to look at the effect of the volume of crime from the point of view of the prison service, is not entirely appropriate, and for the purpose of this paper, we have chosen to examine the effect on the prison service of the volume and types of persons prosecuted.

The number of persons prosecuted by the Police for the years 1974 to 1978 are shown in Table 1.

Table 1 Persons Prosecuted 1974-1978

	1974	1975	1976	1977	1978
Serious Crimes	20572 (8.17%)	21258 (8.83%)	23485 (8.42%)	21839 (9.77%)	21533 (11.37%)
Minor narcotic offences	16668 (6.63%)	11831 (4.91%)	9427 (3.38%)	6683 (2.99%)	6541 (3.45%)
Miscellaneous offences	214343 (85.20%)	207696 (86.26%)	245893 (88.20%)	194926 (87.24%)	161400 (85.18%)
Total	251583	240785	278805	223448	189474

Appendices A, B, and C show the various offences included under the headings 'Serious Crimes', 'Minor Narcotic Offences' and 'Miscellaneous Offences' respectively.

Decline in Total Prosecutions: From Table 1, three aspects of the crime trend are immediately apparent. First, with the exception of 1976, the total number of persons prosecuted has been on the decline. This is due in the main to the much diminished volume of miscellaneous offences.

Prosecutions for Minor Narcotic Offences: Second, there has been a sharp drop in the number of persons prosecuted for minor narcotic offences. This decline can be explained by three develop-

ments between 1974 and 1978. The first of these is the successful interruption of the drug trade reflected in the soaring retail prices of heroin — HK\$1,500 per ounce in 1974 compared with HK\$3,478 per ounce in 1978 — and in the number of persons prosecuted for manufacturing and trafficking of dangerous drugs (1,985 in 1974; 1,801 in 1975; 3,129 in 1976; 2,096 in 1977 and 2,162 in 1978). Following from this development, minor drug offenders who were themselves drug addicts (with the exception of a few isolated cases) were no longer able to afford the high cost of drugs and were therefore driven to seek treatment for their addiction. This series of events is mirrored by the fact that towards the end of 1979, some 9,000 active cases were registered with the methadone clinics which commenced operation in late 1974, while coincidentally the reduction from 1974 to 1978 in the number of persons prosecuted for minor narcotic offences was 10,127.

Prosecutions for Serious Crimes: A third point worth noting is that while the total number of persons prosecuted has been on the decline, the numbers prosecuted for serious crimes between 1974 and 1978 have remained steady. On a per 100,000 population basis, the figures for the five years are 484.27; 486.83; 531.58; 484.24; and 467.70. This is perhaps a reflection of the change in the character of some criminals who are becoming more ruthless and willing to take greater risks for higher stakes.

Prosecutions of Young Persons: A further point of interest concerning the crime trend can be noted from the age group distribution of those prosecuted between 1974 and 1978 (see Table 2). The under 21 groups have gone down consistently both in terms of numbers and percentages. This may be attributed to the introduction of six years compulsory education in 1971 and the extension of the scheme to nine years in 1978. However the lack of data at this time does not permit the drawing of any firm conclusions.

Implications of Crime Trends

What have been the implications of the crime trends for the Prisons Department?

Table 2 Persons Prosecuted for Serious Crimes by Age Groups

	<i>Under 16</i>	<i>16-20</i>	<i>21-30</i>	<i>31-40</i>	<i>41-50</i>	<i>51-60</i>	<i>61 and Over</i>	<i>Total</i>
1974	1,745 (8.48)	5,549 (26.97)	7,280 (35.39)	2,495 (12.13)	1,880 (9.14)	1,099 (5.34)	524 (2.55)	20,572 (100.00)
1975	1,433 (6.74)	5,331 (25.08)	8,091 (38.06)	2,750 (12.94)	2,069 (9.73)	1,051 (4.95)	533 (2.51)	21,258 (100.00)
1976	1,567 (6.67)	5,123 (21.82)	9,289 (39.55)	3,016 (12.84)	2,391 (10.18)	1,407 (5.99)	692 (2.95)	23,485 (100.00)
1977	1,685 (7.71)	4,462 (20.43)	8,533 (39.07)	2,978 (13.64)	2,242 (10.27)	1,262 (5.78)	677 (3.10)	21,839 (100.00)
1978	1,597 (7.42)	4,232 (19.65)	8,507 (39.51)	3,263 (15.15)	2,017 (9.37)	1,288 (5.98)	629 (2.92)	21,533 (100.00)

(Figures in brackets denote percentages).

Decline in Admissions: The decline in overall prosecution has meant first, a decrease in the number of convicted persons admitted into prison custody — 13,857 in 1975; 12,935 in 1976; 9,839 in 1977; and 7,908 in 1978 — and second, a decrease in the daily penal population. In terms of per 100,000 population the numbers for 1976 to 1978 are 191, 172 and 145. Another factor which contributed to the drop in the daily penal population was the reduction in the percentage of those prosecuted for serious crimes and minor narcotic offences who were remanded in prison custody — 62 per cent in 1976 and 47 per cent in 1978. With a total certified accommodation for 8,059 as at 31 December 1978, the drop in the penal population would have meant the eradication of the problem of overcrowding if it were not for the fact that towards the end of 1978, there was a sudden influx of illegal immigrants, and at its height, the total number of such persons held in penal institutions was 10,752. Although the entry of illegal immigrants into Hong Kong has eased off at present, the problem could build up again and this would inevitably disrupt the implementation of the Department's long-term plans.

Drug Addicts Admitted into Prisons: The sharp decrease in the number prosecuted for minor narcotic offences is reflected in the

number of drug addicts admitted into prisons — 6,940 or 71.17 per cent of the total number received in prisons in 1974; 6,962 or 63.95 per cent in 1975; 4,737 or 47.17 per cent in 1976; 2,847 or 40.96 per cent in 1977; and 2,860 or 52.66 per cent in 1978. This decrease has created an opportunity for the prison authorities who have diverse experience in dealing with narcotic addicts to stress that minor narcotic offenders should not be sentenced to imprisonment but should be subject to a course of treatment in a drug addiction treatment centre taking the view that very often the cause for their offending stems from their addiction and not criminality *per se*. As a result, a change was proposed in the legislation and was approved in August 1979 whereby all persons found guilty of a minor drug offence as defined under sections 8 and 36 of the Dangerous Drugs Ordinance would automatically be assessed for suitability to receive treatment for their addiction to drugs under the compulsory treatment program.

Prisoners Serving Long-term Sentences: The percentage increase in the number of persons prosecuted for serious crimes is correspondingly mirrored in the percentage increase in the number awarded with prison sentences of six years and over (see Table 3).

A point of concern to the prison authorities is that offenders convicted for serious crimes are more inclined to create problems of control as they are more ruthless, reckless, and anti-authoritarian in character. Some evidence is provided in the fact that in 1978, out of a total of 2,719 disciplinary offences committed by adult prisoners, 49.1 per cent were committed by those in Stanley Prison which is a maximum security institution holding mainly offenders serving long sentences. This percentage is high when one realizes that the daily penal population of Stanley Prison is only 33.49 per cent of the daily population of all adult prisoners. One of the difficulties with controlling prisoners with long sentences is that their numbers continue to grow due to the considerable period of time they are in custody and as a result of this growth in numbers, the potential threat to good order and discipline in the prison becomes greater. Supportive statistics for this statement may be deduced from examining the number of prisoners serving sentences of over six years who were in prison custody as at 31 December over the past five years — 1974:454; 1975:613; 1976:629; 1977:710; and 1978:746.

Table 3 Prison Sentences Awarded 1972-1978

	1972	1973	1974	1975	1976	1977	1978
Less than 6 years	7,725 (99.31%)	7,281 (98.50%)	9,781 (98.75%)	10,779 (99.01%)	9,904 (98.62%)	6,813 (98.03%)	5,289 (97.39%)
6 years and over	54 (0.69%)	111 (1.50%)	125 (1.25%)	108 (0.99%)	139 (1.38%)	137 (1.97%)	142 (2.61%)
Total	7,779 (100.00%)	7,392 (100.00%)	9,905 (100.00%)	10,887 (100.00%)	10,043 (100.00%)	6,950 (100.00%)	5,431 (100.00%)

Young Offenders in Custody: The reduction in the number of young offenders prosecuted for serious crimes is correspondingly reflected in the reduction in the number of young persons admitted into prison custody (see Table 4).

Table 4 Young Offenders Admitted 1974-1978

	<i>Total Admission</i>	<i>Admission of Offenders under 21 years of age</i>
1974	12,968	2,045 or 15.77%
1975	13,857	1,722 or 12.43%
1976	12,935	1,348 or 10.42%
1977	9,839	1,029 or 10.46%
1978	7,908	658 or 8.32%

While law enforcement agencies have found these reductions encouraging, it is disturbing to note, on the other hand, that young offenders in custody are becoming progressively difficult to handle. For instance, in 1978, although young offenders represented only 12.87 per cent of the daily penal population, they were responsible for 30.82 per cent of the total number of breaches of discipline. Another indication of the problems of control created by young offenders is highlighted by the fact that out of 78 cases of assaults (fortunately mostly minor in nature) amongst fellow inmates, 67 cases or 85.90 per cent occurred in institutions housing young offenders.

Other Problems

Aside from problems of control caused by an increase in the number of long-term prisoners and the presence of problematic young offenders, the prison service has taken rigorous measures to deal with subversive activities, escapes from within closed institutions, abscondments from outside working parties or whilst under escort, and offences against discipline.

Escapes/Abscondments: Two hundred and sixty-six cases of escapes/abscondments occurred between 1969-1973 compared with 90 cases for the period 1974-1978. In fact, between 1976

and 1978 only 18 abscondments were recorded but there was no successful escapes from within a closed institution. This improved situation was brought about by improved perimeter security around minimum security institutions and the introduction in early 1974 of a system of categorization.

Under the system of categorization, the accommodation at each penal institution is given a security rating, that is, A, B, C or D in accordance with the absence or presence of security installations such as closed circuit TV, metal detectors, and detector doorways, the type of perimeter fences erected, the availability of cellular accommodation, the compactness of institutional routines, and staff to inmates ratios. Parallel to the categorization of institutions, each inmate is also assigned a security category (again A, B, C or D) according to his length of sentence, the offence(s) for which he is convicted, previous institutional behaviour (if applicable), and a rudimentary judgement of character made by the reception officer. After being categorized, the inmate is then sent from the reception centre to an institution which provides the amount of security appropriate to his assigned category. A note of clarification which must be added here is that there is no Category A institution within the prison service, but Category A accommodation is available in Category B Dispersal Institutions. The purpose of this arrangement is to avoid the situation whereby all Category A prisoners are housed in a single institution with all the risks this would entail to good order and discipline.

Through the system of categorization, offenders who are security risks have been identified and placed in secure accommodation. Likewise, it has been possible to place those considered to be of low security risk in minimum security institutions where the atmosphere is much more conducive to rehabilitation.

Subversive Activities: The activities resulting from a number of prisoners getting together as a gang, possibly through former affiliation in a Triad Society, no longer poses any real problem. Statistics reveal that in 1974 and 1975, nine fights involving multiple prisoners occurred in Stanley Prison whereas none were recorded between 1976 and 1978. This situation was achieved through first, an improved staff to inmate ratio — 1:1.93 as at 31 December 1978 compared with 1:5.86 as at 31 March 1973.

Second, the identifying of Triad/gang leaders through the categorization process. And third, the segregation of potential troublemakers from the main prison community in order to restrain any influence which they may exercise on other prisoners. In addition to these three measures, institutional routines are under constant review, and anti-Triad/gang units in institutions are charged with the responsibility of collecting information on possible gang activities and devising counter measures.

Offences Against Discipline: The improved staff to inmate ratio has brought about a better quality of supervision and a corresponding escalation in the general standard of discipline. This can be seen in the increased volume of reports against inmates for infringements (mostly minor in nature) of rules and regulations — 1974: 1,596 cases; 1976: 2,960 cases; 1978: 4,173 cases.

Summary: The Hong Kong prison service has been able to adopt positive measures to deal with problems of a wide variety. However with changing social conditions and the accompanying changes in the characteristics of the average offender admitted into prison custody, the prison service must move with the times, adapting to such changes as and when necessary in order to maintain a high standard of discipline and control.

Future Trends and Related Implications

It is considered that the decline in the number of prosecutions for miscellaneous offences should level out over the next few years and then gradually rise. This projection assumes that the population growth of Hong Kong will remain steady over the same period. On the basis of this projection, the daily penal population for the five years from 1980 to 1984 should stay around the 7,000 mark. However, this does not take into account the problem of illegal immigrants which is highly unpredictable.

The number prosecuted for serious crimes is expected to increase with the result that the daily population of prisoners serving longer sentences will continue to grow, which will eventually present problems of accommodation. In addition to this, it is envisioned that young offenders will continue to remain unpredictable, anti-authoritarian and be potential threats to security and

control. In view of these developments, various measures have been incorporated into the Department's long-term plans in addition to the introduction of the categorization system, the constant review of institutional security and the establishment of anti-Triad/gang units.

First, proposals have been made in the building program to build another maximum security institution for adult prisoners in addition to the existing one in order to prevent high risk prisoners from being crowded together in one place and to enable the splitting up of long-term prisoners who have been convicted in the same case.

Second, contingency plans to deal with internal disturbances and escapes have been evolved and tested regularly. This enables the staff to respond quickly and efficiently in emergencies.

Third, a psychological unit was set up in 1977 and has been instrumental in helping to deal with a number of emotionally disturbed inmates who present risks to security through acts of violence and attempts at self-injury. Psychologists have also been involved in improving the sensitivity of staff members in dealing with inmates through structured training sessions. As this service gradually expands, the psychological make-up of problematic offenders will be unravelled, which will enable the management to construct more effective strategies to deal with them.

Fourth, plans are in hand to encourage more long-term prisoners to become actively involved in educational programs so that they may employ their spare time more usefully.

Fifth, a proposal has been made to the government to introduce a system of parole for offenders in prisons. If approved, this would provide better incentive for long-term prisoners to maintain a good standard of discipline and industry and would also provide supervision in the community for such persons after their discharge from custody. At present, after-care on a compulsory basis is provided for discharges from training centres, detention centres and drug addiction treatment centres, and has proved to be most effective in helping ex-offenders to toe the line.

Sixth, steps have been taken to improve the efficiency of staff through improved training methods at all levels. For instance, under the present arrangements, in addition to offering one year's orientational training to newly recruited officers, opportunities are provided for all staff members to attend refresher courses once

every two years so that they are kept well informed of changes in legislative provisions, security procedures and other matters related to their duties. Staff training is an integral part of the department's total development plan since with the gradual sophistication of the average offender, the calibre of staff members must correspondingly improve.

Summary

Apart from problems of subversive activities, escapes, abscondings and offences against discipline which are common to all prison services, the Hong Kong Prisons Department is also faced with problems of control brought about by the increasing number of prisoners serving longer sentences including life as well as the presence of a number of anti-authoritarian and unpredictable young offenders. To deal with these problems, a multi-faceted approach has been adopted. The standard of physical security was improved through, amongst other things, the erecting of perimeter fences, the installation of security devices and the creation of more supervisory posts. In addition, secondary security mechanisms such as the categorization system and anti-Triad/gang units which aim at monitoring the behaviour of potential trouble-makers in institutions were introduced. A continuous effort is also being made to encourage prisoners to utilize their spare time by being more actively involved in self study and educational classes, and through the setting up of a psychological service which has helped to deal with the more difficult prisoners through assessment exercises and psychotherapy. Finally, a more comprehensive program of staff training has been instituted which tackles the subject of training at all levels as well as development.

Although at present these various measures appear to be adequate for the maintenance of a good standard of discipline and control, nevertheless existing programs are constantly under review and legislative provisions are examined from time to time to ensure that the prison service is adapting to changing social conditions in the way that it must if it is to serve the purposes for which it is intended.

APPENDIX A

List of Serious Crimes

KEY CRIME

Violent Crime

Rape
Indecent Assault on Female
Murder and Manslaughter
Attempted Murder
Serious Assaults
Robbery with Firearms
Other Robberies
Blackmail
Aggravated Burglary
Theft from Person (Snatching)
Criminal Damage to Property
Kidnapping

Other Key Crime

Other Sexual Offences
Burglary (Breakings)
Other Burglaries
Theft from Person (Pickpocket)
Theft from Vehicle
Taking Conveyance without Authority
Miscellaneous Thefts
Handling Stolen Goods

OTHER CRIME

Offences against Public Order (Other than Preventive Crime)
Perjury
Escape and Rescue
Other Offences against Lawful Authority
Unnatural Offences
Other Offences against Public Morality
Abortion
Criminal Intimidation
Other Offences against the Person
Theft from Ship and Wharf
Removal of Articles from Places open to the Public
Abstracting of Electricity
Dishonest Use of Public Phone or Telex
Obtaining Property by Deception
Obtaining Pecuniary Advantage by Deception
False Accounting

(continued)

APPENDIX A(continued)

False Statement by Company Directors etc.
Suppression, etc. of Documents
Advertising Rewards for Return of Goods Stolen or Lost
Other Offences against Property
Forgery and Coinage
Bribery and Corruption
Conspiracy
Breach of Deportation
Other Crime
Manufacturing of Dangerous Drugs (Section 6)
Trafficking in Dangerous Drugs (Exporting)
Trafficking in Dangerous Drugs (Importing)
Trafficking in Dangerous Drugs (Others)
Other Narcotic Offences

PREVENTIVE CRIME

Unlawful Society
Going Equipped for Stealing, etc.
Unlawful Possession
Possession of Unlawful Instrument
Loitering and Trespass
Possession of Arms and Ammunition
Possession of Offensive Weapon in Public Place

APPENDIX B

List of Minor Narcotic Offences

OPIUM

- Possession of Opium
- Possession of Equipment
- Keeping a Divan
- Consuming, etc., Opium
- Other Opium Offences

HEROIN

- Possession of Heroin
- Possession of Equipment
- Keeping a Divan
- Consuming, etc., Heroin
- Other Heroin Offences

MORPHINE

- Possession of Morphine
- Other Morphine Offences

BARBITONE

- Possession of Barbitone
- Possession of Equipment
- Keeping a Divan
- Consuming, etc., Barbitone
- Other Barbitone Offences

OTHER DANGEROUS DRUGS

- Possession
- Other Dangerous Drugs Offences

APPENDIX C

List of Miscellaneous Offences

GAMBLING

- Keeping a Gaming House
- Gambling in a Gaming House
- Street Gambling
- Lottery
- Other

HAWKING

- Food for Man
- Unlicensed Cooked Food
- Pedlars
- Other

OBSTRUCTION

- Licensed Cooked Food Stall
- Street, Pavement and Staircase
- Other

PROSTITUTION

- Keeping a Brothel
- Soliciting for the Purpose
- Unlicensed Massage
- Other

OTHER MISCELLANEOUS OFFENCES

- Common Assault
- Dangerous Goods
- Drunkenness and Disorderly Conduct
- Dutiable Goods
- Immigration
- Nuisances
- Vagrancy
- Dogs
- Firecrackers
- Suicide
- Other

Alternatives to Imprisonment

Prisons Department, Hong Kong

The criminal justice system in Hong Kong allows a court to pass sentences other than imprisonment on offenders. These sentences oscillate between two extremes, that is, from administering a caution with no conviction recorded to capital punishment. It should be noted however that while the death penalty is still on the statute book for the offence of murder, such a sentence has not been carried out since 1966. Those so sentenced eventually have their sentences commuted to either life imprisonment (which actually means for life) or a specified term of imprisonment. For all intents and purposes therefore, and in particular the purpose of this paper, the maximum sentence at present can be stated as life imprisonment. This paper discusses alternatives to imprisonment and their effect on the penal system.

Alternatives to imprisonment can be divided into two major categories — non-residential and residential.

Non-Residential Treatment

Instead of imposing a sentence of imprisonment the court may award a suspended sentence, or order the offender to pay a fine, be conditionally discharged, caned, placed on probation or under police supervision.

Fines: Fines are normally awarded for offences which do not cause any serious degree of social disruption. Such offences include traffic offences of a technical nature, hawking and gambling offences.

During the year 1 April 1977 to 31 March 1978, a total of 480,978 offenders, including 2,539 juveniles, were convicted in magistrates' courts and fined. This represents 94.48 per cent of all

cases dealt with in the magistracies.

Conditional Discharge: Upon conviction, the court may, instead of imposing a sentence of imprisonment, order the offender to be conditionally discharged by entering into a recognizance to be of good behaviour (with or without sureties).

Such an order will only be made after the court has taken into consideration the character, antecedents, age, health and mental condition of the person charged. Orders are normally made if the offence is of a trivial nature, or if there are extenuating circumstances. The magistrate must be satisfied that it would not be expedient to inflict any punishment other than a nominal punishment against the offender.

During the year 12,195 offenders or 2.40 per cent of all cases dealt with in magistracies were conditionally discharged.

Caning: Under the Corporal Punishment Ordinance, a male offender may be ordered to be caned in addition to or in lieu of any other punishment for certain specific offences such as rape, possession of arms, etc. This punishment is limited to a maximum of 18 strokes for offenders aged 17 or more, but is seldom awarded nowadays.

Police Supervision: Under the provisions of the Police Supervision Ordinance, a court may make a police supervision order for a period not exceeding two years against a person convicted for any of 12 separate offences. These cover a wide field including forgery, fraud, membership of a Triad Society and theft.

A person placed under police supervision is required to report at the place, normally a police station, specified in an identification book in which his personal particulars are entered. Changes of residence must be reported to the police within 48 hours. If a person on supervision is charged with and found guilty of living by dishonest means, or is found loitering with the presumed intent to commit a crime and is unable to account for his presence at a location, he is liable to a fine of HK\$5,000 and imprisonment for two years. At the present time, police supervision is rarely used as an alternative to imprisonment and when awarded is more often imposed on habitual offenders in addition and consecutive to imprisonment. During the year, only six persons, all adults, were

placed under police supervision.

Probation

The Probation of Offenders Ordinance empowers a court to place an offender at liberty under the supervision of a probation officer for a period of one to three years. If the person concerned is aged 14 or above he must show willingness to comply with the requirements before such an order can be made. During the supervision period the probation officer 'assists and befriends' probationers and can use all relevant social resources to assist in rehabilitation, including financial assistance, accommodation, education and employment.

As a condition of a probation order, probationers aged 16 to 21 may be required to reside in an open probation hostel for a maximum period of one year. Such hostels emphasise career guidance, the proper use of leisure, and financial and social responsibility. Hostel residents may take up outside employment during the day. Probationers aged seven to 15 may be required to reside in probation homes or residential accommodation provided by voluntary agencies for problem juveniles.

Some drug dependents are placed on probation with a special condition requiring them to undergo treatment in a voluntary facility. If a probationer to whom such special condition is in force fails to report for treatment, or to complete the required period of treatment, he is deemed to have breached his probation order. He will then be brought before the court where his case was originally dealt with, for sentence. During the year, 2,283 offenders, including 820 juveniles, were placed on probation. This figure represents 0.45 per cent of all cases dealt with in magistrates.

Suspended Sentence: Under Section 109B of the Criminal Procedure Ordinance, a court may order a term of imprisonment of not more than two years, to be suspended for a period of not less than one year, nor more than three years, from the date of the order.

When an offender under a suspended sentence is convicted of another offence within the specified period of the order, the court may order the suspended sentence to be activated with or without

altering the original term. During the year, 407 adult offenders were given suspended sentences. This figure represents 0.08 per cent of all magistrate court cases. No juvenile offenders were awarded suspended sentences.

Capital Punishment: The Laws of Hong Kong make the death penalty mandatory for such offences as treason and murder. However, there have been no executions carried out since 1966.

During the year 1978, 10 persons were sentenced to death. In the following year, five of these had their sentences commuted to life imprisonment, three were given a specified term of imprisonment, with the remainder still awaiting disposal.

Residential Treatment

Another alternative to imprisonment is for offenders to undergo a period of residential treatment in institutions such as a remand home, a boys' or girls' home, reformatory school, detention centre, training centre, drug addiction treatment centre or psychiatric hospital.

Remand Home: Under the Juvenile Offenders Ordinance, the court may order a juvenile offender to undergo a specified period of detention in a remand home where the program includes formal educational instruction. Most juvenile offenders ordered to be so detained committed such offences as burglary, house-breaking, robbery, assault with intent to rob, and theft. A juvenile offender detained in a remand home can be released at any time on the recommendation of a probation officer and is then subject to after-care supervision for the remaining period of the order. During the year, 154 juvenile offenders were ordered to be detained in remand homes, this represents 0.03 per cent of all cases dealt with in the magistracies.

Reformatory School: The Reformatory School Ordinance makes provision for a male juvenile offender to be committed to a reformatory school for an indeterminate period of one to five years residential training or until he reaches the age of 18. An offender may be released on licence at the discretion of and subject to such conditions as the Director of Social Welfare thinks

fit. During the year, 101 boys were admitted to the two reformatory schools run by the Social Welfare Department.

Detention Centre: Chapter 239 of the Laws of Hong Kong provides another alternative for the courts, which may order young male offenders aged from 14 to under 25 to undergo a period of training in a detention centre. If the offender is under 21 years of age, the period of detention is from one to six months; and if over 21, from three months to one year. Detention is followed by one years' supervision after release. The detention centre regime involves strict but fair discipline and the training programs comprise physically strenuous activities, education classes, counselling, after-care, psychological services, medical facilities and recreational activities. Appropriate religious services and instruction are arranged for those who belong to a religious denomination. The program is aimed at instilling conformity to law and order, and the establishment of a sense of responsibility and is intended primarily for offenders with a relatively short criminal background. Offenders who have served previous prison or training centre sentences are not accepted.

As at 31 December 1979, 75.01 per cent of those discharged from the detention centre during the previous three years had not relapsed into crime.

Training Centre: Training centres are established under the Training Centres Ordinance. Offenders aged between 14 and 20, first offenders and those with a previous criminal history, including previous institutional training, can be sent to a training centre for an indeterminate period of six months to three years, which is followed by a three-year statutory period of supervision.

Training centre programs include education, vocational training, after-care services, psychological and medical services as well as recreational activities. Through constant individual and group counselling, inmates learn to accept a conventional way of life without having to resort to criminal behaviour and to achieve reasonable and realistic life goals. They are encouraged to develop self-discipline and good work habits which will assist them to lead a law-abiding life after release.

From the opening of the first training centre in 1953 until the end of 1978, 50.59 per cent of those who had completed the

supervision period had not been reconvicted.

Drug Addiction Treatment Centres: The Drug Addiction Treatment Centres Ordinance allows the court to make an order against a person who is found guilty of a minor drug or drug-related offence and who is certified by a medical officer to be a drug dependent, to undergo a period of treatment and rehabilitation of not less than four months and not more than one year in a treatment centre. This is followed by a 12 month period of supervision after release.

The Prisons Department operates three drug addiction treatment centres, two for males and one for females. Voluntary agencies also play an important role in the treatment and rehabilitation of drug dependents, and the Society for Aid and Rehabilitation of Drug Abusers operates voluntary programs in their centres at Shek Kwu Chau (for males) and Wanchai (for females).

As at 31 December 1978, 63.53 per cent of males and 75.22 per cent of females who had completed supervision after discharge from prisons' addiction treatment centres, continued to be drug free and have not been convicted of any subsequent offence. According to the 1978-79 Annual Report of the Society for the Aid and Rehabilitation of Drug Abusers, 19.58 per cent of male patients and 12.36 per cent of female patients were found drug free and had no record of further convictions after a period of two years from the date of admission into their centres.

Mental Hospitals: When a person charged with an offence appears to the court to be in a poor state of mental health, he is normally remanded in a mental hospital or a psychiatric centre for specialist assessment and treatment. If the psychiatrist is of the opinion that he requires a lengthy period of treatment before he can answer the charge, the court may continue to remand him in hospital for an indeterminate period until he is fit to plead.

If an offender, upon his conviction of an offence, is recommended by a psychiatrist to undergo a period of specialist treatment in a mental hospital, the court may, after having regard to previous conduct and if satisfied that it is in his interest, and the public interest, make an order for him to undergo treatment in a mental hospital for a specified period. During the year, 24 hospital orders were issued by the magistracies.

Effect on Prison Management: Alternatives to imprisonment have a direct impact on the management of prisons. Under the spirit of the existing criminal justice system offenders are not awarded a term of imprisonment unless the court has no other alternative. During the year 9,543 offenders or 1.87 per cent of all cases dealt with in the magistracies were sent to prison.

Without the development and sensible use of alternatives, the courts would not be able to consider the character, age, health and mental condition of the offenders and the degree of seriousness of the offence committed before deciding on an appropriate punishment and would have to award a term of imprisonment. Prisons would then be crowded with a wide range of offenders and the authorities would encounter great difficulty in exercising effective management in terms of providing care, control and rehabilitation programs. The goal of positive and humanitarian treatment would become progressively more difficult to achieve and the cost of maintaining a very large population in prisons would in all probability make it too expensive for even the most affluent society.

Community-based, non-residential alternatives such as conditional discharge and suspended sentences allow considerable savings in public expenditure, while fines increase revenue which go to offset in a small way the large amounts spent on law enforcement. More importantly for prison management, these measures, if properly applied, keep out of prison minor offenders who do not need to be segregated for the protection of society, who will not benefit from imprisonment, and who may continue to function as contributing members of the community, notwithstanding the fact that they have been, or are being, punished for offending against the law.

The fact that certain offenders are not imprisoned enables the prison management to devote supervisory manpower and other resources towards the confinement, classification, care and rehabilitation of those who, because of their involvement in crime, personality, anti-social behaviour, or the gravity of their offences, must be imprisoned for the benefit and protection of society. It also allows for the rational management of prisons without the burden or severe overcrowding and its associated problems including security, health and discipline.

Residential alternatives, if effectively monitored, enable the

authority to frequently review and improve the existing correctional system. New techniques and services are developed and comprehensive rehabilitative programs introduced. All these help to keep the potential repeaters out of prisons.

Management Services

Prisons Department, Hong Kong

General Administration

Hong Kong is administered by the Hong Kong Government and organized along the lines traditional for a British territory. The head of the Government is the Governor, who is appointed by, and is the representative of, the Queen. As head of the Government he presides at meetings of both the Executive and Legislative Councils which are the two main advisory bodies serving the Central Government, and with certain strictly defined exceptions, he is responsible for every executive act of the Government.

The function of the Executive Council is to advise the Governor on all important matters of policy, subject to certain exceptions such as cases of extreme urgency. The Governor-in-Council, that is the Governor acting after receiving the advice of Executive Council, is the statutory authority for making regulations, rules and orders under a number of ordinances. The Governor-in-Council also considers appeals, petitions and objections under ordinances which confer a statutory right of appeal.

The primary functions of the Legislative Council are the enactment of legislation and control over the expenditure of public funds. The Finance Committee of the Council considers requests for public expenditure and the supplementary provision of funds.

The Governor's principal advisor on policy is the Chief Secretary, who is the chief executive of the Government and the head of the Civil Service. His office, the Government Secretariat, coordinates and supervises the work of all government departments.

This Secretariat is organized into policy and resource branches, each headed by a Secretary. The resource branches deal with the government personnel and finances and the policy branches deal

with specific program areas. The Secretary for Security controls the program area relating to law and order which includes the Prisons Department. The Commissioner of Prisons has personal command of, and is directly responsible for, the management of the Prisons Department.

The Role of Prisons Department

The Department faces considerable problems, particularly over the use of outdated or not purpose-built accommodation, and the need to economize because of general Government financial policy. However the prison service has been responsible for many innovations in recent years including the formation of a Detention Centre program and the treatment and rehabilitation of drug addicts and has placed a strong emphasis on its own after-care service. Firmness, consideration and complete impartiality are the factors expected of staff in their work and it is to their credit that the greater majority of the prisoners are confined in minimum security institutions at considerable financial saving to the taxpayer. The Department recognises the need to balance its objectives of safe custody, treatment and rehabilitation of offenders carefully, bearing in mind the twin goals of the protection of society, and the rehabilitation of the person placed in the Department's charge. In this connection it is worth noting that there is a very low escape/absconder rate from Hong Kong's penal institutions, a situation that is probably the envy of many countries.

Structure of the Department

The Prisons Department has a total staff of 4,248 and from a central headquarters administers 19 institutions including a Staff Training Institute. These institutions comprise of seven prisons, one reception centre, one psychiatric centre, two drug addiction treatment centres, two correctional institutions, two detention centres, one training centre, one halfway house, one centre for women, and one staff training institute.

The institutions serve different purposes and function under four ordinances. The training and detention centres, which are operated under the Training Centres Ordinance and the Detention Centres Ordinance respectively, cater for young offenders. The

drug addiction treatment centres, as the name suggests, are for the treatment of drug dependents, and are operated under the Drug Addiction Treatment Centres Ordinance. The reception centre and prisons are for the safe custody of remandees and convicted prisoners. They are administered under the Prisons Ordinance.

Under the control of the Commissioner and his Deputy, Prisons Headquarters is structured in three divisions: Operations and Program Development; Inspectorate and Personnel; and Administration and Industries. The first two divisions are controlled by Assistant Commissioners and the third by an administrative officer entitled Civil Secretary.

Institutions are under the control of a Superintendent with a Chief Officer as second in command, but Stanley Prison and Lai Chi Kok Reception Centre, because of their size and security rating, are headed by a Senior Superintendent with a Superintendent as second in command. Each institution has a regular day-time specialist staff whose duties encompass administration and prison industries. However, supervision, control and care of the prisoners and inmates is carried out by uniformed staff on a four shift system covering 24 hours.

Finance

Despite the fact that, from a policy point of view, the department deals with the Secretary for Security, the financial provision required to keep the Prison Service operational must be sought from one of the resource branches, the Finance Branch.

Anticipated requirements over a five year period are submitted to the Finance Branch in July of each year in a return which details the financial implications of maintaining existing activities at the present level; increasing, or reducing, the present levels of existing activities; and/or introducing new activities.

Following examination of this return, in conjunction with those submitted by all other Heads of Departments, the Finance Branch gives an indication of the maximum figure, or provisional acceptable level, within which the Department should draw up its draft estimates of annually recurrent expenditure for the year ahead.

After the Department has been notified of its provisional acceptable level, it breaks down and quantifies its accepted require-

ments for the forthcoming year and submits these in October as draft estimates for consideration. The draft estimates of expenditure for all departments are then examined in the light of anticipated revenue and when decisions have been made on the apportionment of the total available financial resources, recommendations are made to Legislative Council on the allocation of funds to departments.

New building or engineering projects are also authorized by the Legislative Council through its Public Works Sub-Committee. This Sub-Committee authorizes inclusion in the Public Works Program, which incorporates all major construction projects being undertaken by the Government, reviews the progress of works in hand, and deals with departmental proposals to change priorities within the program to meet revised deadlines or commitments, or to retain expenditure within the limits set annually.

Recruitment

There are in the Prison Service posts for 3,643 Officers and Assistant Officers. Of these, 71 are registered nurses (54 general and 17 psychiatric); 39 are enrolled nurses (30 general and 1 psychiatric); 117 are qualified social workers and one is a dietician. In addition there are 173 industrial staff and 431 other staff including psychologists and educational officers. Medical officers are seconded from the Medical and Health Department. All staff are subject to the terms and conditions laid down in the Prison Rules. Uniformed staff for operational duties are recruited at two levels, Assistant Officer II which is the basic Rank and File level, and Officer which is the basic level of the Officer grade.

Candidates for recruitment to both the Officer and Assistant Officer grades should be under 35 years of age and female candidates must be unmarried. Qualifications required for entry at the Officer level are:

- . A pass in at least one subject at Advanced Level in the Hong Kong University Advanced Level Examination with three further subjects, including English Language (Syllabus B), at Grade C or above in the Hong Kong Certificate of Education, or equivalent.

- . Or a Certificate in Social Work awarded by the Academic Board of the Institute for Social Work Training, Hong Kong.
- . Or a Diploma from a registered post-secondary college issued after the date of its registration or a Hong Kong Polytechnic High Diploma, or equivalent.
- . Or a degree from a Hong Kong or British university, or equivalent.
- . The ability to speak Cantonese and write Chinese.
- . And the ability to pass a medical examination and fulfil the following minimum standards. For males these are height 5'4"; chest measurement 32" (expanded); weight 110 lbs.; and for females, height 5'0"; and weight 92 lbs.

Preference is given to candidates with experience in social casework, nursing, physical education or research and statistics and knowledge of additional Chinese dialects. Entry salary is in accordance with the academic qualifications.

Potential recruits to the Assistant Officer grade must have:

- . Completed Primary VI education.
- . Or at least 3 subjects at Grade E or above in the Hong Kong Certificate of Education or equivalent.
- . The ability to speak Cantonese and write Chinese or English.
- . And the ability to pass a medical examination and fulfil the following minimum standards. For males, height 5'4"; chest measurement 32" (expanded); weight 110 lbs.; and for females, height 5'0"; and weight 92 lbs.

Preference is again given to candidates who have experience in social work and can speak other Chinese dialects. As at the Officer level, entry salary is in accordance with the academic qualifications.

During the year ended 31 December 1979, a total of 596 applications for the post of Officer and 6,449 applications for the post of Assistant Officer II were received and 75 Officers and 649 Assistant Officers II were appointed. The wastage figures during the year were as follows:

	<i>Officer</i>	<i>Assistant Officer I/II</i>
Resignation	62	354
Retirement	6	16
Transfer to other posts in the Government Service	20	36
Other grounds	3	76

There are problems over retention of staff, particularly in the first year of training when new recruits, both at Officer and Assistant Officer levels, discover that high standards are expected and a standard of discipline to which they had not previously been accustomed is enforced. Another contributory factor is that pay in the Police Force and at Officer level in the Fire Services is more attractive than in the Prison Service and new recruits are tempted to transfer to other jobs when still under training. Over the past five years, wastage rates in the first year of training have varied between 13 per cent and 45 per cent for Assistant Officers and 14 per cent and 52 per cent for Officers, although the last two years have shown a diminution of the wastage rate.

Promotion

There are two avenues of promotion open to the Assistant Officer II; to Assistant Officer I and to Officer through an Officer Cadet training rank. In each case satisfactory service and staff reports, together with recommendations by the head of institution and a selection board, in addition to approval by the Commissioner of Prisons, are required. A minimum of five years service is needed before consideration is given to promotion to Assistant Officer I and although such experience is not required for promotion to Officer, additional educational qualifications plus successful completion of a maximum of one years' cadet training are necessary.

Promotion for an Officer is to Principal Officer, Chief Officer, Superintendent, Senior Superintendent, Assistant Commissioner, Deputy Commissioner and ultimately to Commissioner. Criteria vary for promotion from rank to rank but for promotion to Principal Officer, an Officer must pass a departmental promotion examination and have served a minimum period of seven years. In

addition, satisfactory service and staff reports, recommendations by the head of institution and a selection board, and the approval of the Commissioner are also required. Additionally, since recruitment and promotions in the civil service in the middle and senior ranks are subject to the advice of the Public Services Commission, a body independent of Government set up to consider such matters, all recommendations for promotions within the Officer grade are considered by this Commission.

Promotion to the more senior ranks depends basically on merit and ability, and when a junior officer is judged to have the capability to rise to the higher management levels his career is planned to ensure that he is given the widest experience commensurate with his abilities and promotion potential.

Pay and Status

Prison staff, as part of the disciplined services, which also include the Customs and Excise Service, the Fire Services, the Immigration Service and the Royal Hong Kong Police Force, are paid in accordance with a consolidated disciplined services pay scale which covers salaries of all staff up to Senior Superintendent level. Government servants, other than members of the disciplined services, are paid in line with a master pay scale, the top six points of which are identical with the top six points of the disciplined services scale. It can be deduced from the fact that a separate salary scale has been created for disciplined services, so that they occupy a special place and form a separate group within the civil service, that they have an important role to play in the security, safety and well-being of Hong Kong and its citizens. Provision exists for staff to transfer to other services for which they are qualified; 56 such transfers occurred during 1979.

Industrial Staff

Following the publication in 1977 of the report of an Adviser from the Commonwealth Fund for Technical Cooperation on Prison Industries and Vocational Training in Hong Kong, it was decided to review and expand the concept and scope of prison industries. One of the results of this review was the creation of a new grade of Industrial Officer, which parallels the ranks of the

uniformed staff. Entry to the industrial grade requires appropriate technical qualifications; however suitably qualified and experienced staff may transfer to an appropriate industrial rank.

Staff Training

The Staff Training Institute conducts one year recruit courses, which include a period of field training, for officers and assistant officers. Refresher and specialised development courses are arranged for all staff to supplement in-service training at institutions. Industrial staff also undergo recruitment training at the Staff Training Institute. Certain officers attend courses overseas and others participate in specialist training courses with the Medical and Health Department, the Social Welfare Department and at the University of Hong Kong.

Staff Welfare

The Department employs a Staff Welfare Officer who visits all institutions regularly to ensure that staff welfare receives the close attention which it warrants. The Staff Welfare Officer assists staff and their families with personal, financial and domestic problems. There is a Prisons Department Welfare Fund, controlled by the Commissioner, which provides grants in cases of distress and difficulty, and loans for serving and retired staff of the Department in need of assistance. During 1979, a total of 230 loans amounting to HK\$778,850 were approved and a further HK\$42,563 was spent on Staff Welfare activities.

The Prisons Department Sports Association is open to all members of the Department and is responsible for coordinating sports and recreational activities. Facilities for football, tennis, badminton, lawn bowls, basketball, volleyball, and billiards and some athletic events exist on Prisons Department premises. Hockey, judo and swimming are also popular and staff participate in competitions not only on an inter-institutional basis, but also in national leagues.

At Stanley, on the south side of Hong Kong Island, a Prison Officers' Club, for all staff of Officer level or the non-uniformed equivalent and above, operates with a bar, dining room and library. Large institutions have their own staff canteens and clubs

and smaller institutions share such facilities on a regional basis. These canteens and clubs undertake regular social activities, outings, picnics, etc., for their members.

Staff Associations

All matters which affect the conditions of service of the staff within the Department are considered by the two existing negotiating bodies within the Department: the Senior and the Junior Consultative Councils, which consist of representatives of both official and staff sides of the Department. These councils have been set up to secure the greatest possible cooperation between the administration, in its capacity as employer, and the general body of staff in matters affecting the Department. They aim to increase efficiency in the Department, to ensure the well-being of the employees, to provide machinery to deal with staff grievances and to ensure a forum for management and staff to discuss matters of mutual interest.

Both consultative councils are now considering a proposal to institute a Prison Officers' Association so that staff of the Department have a single, united negotiating body to safeguard their conditions of service and to promote their interests.

Prisons Industries

Finally, mention must be made of the area of work where the pace of change is most rapid, namely prison industries. The subject has already been touched on earlier in this paper in connection with the creation of new grades of industrial officer and recruitment to fill the posts. However the planned expansion of prison industries encompasses a much wider field.

Prison industry occupies an important role in the regime of nearly every penal institution. It has two vital and complementary objectives: first, to train inmates to acquire the habit of doing useful work so that they may be better able to get and keep a job on release; and second, to provide goods and services for government and the public sector generally in Hong Kong in order to save on public expenditure.

Closely linked but separate from the activities of prison industry are the programs of vocational training. These programs are

directed primarily at centres for young offenders although some inmates in adult institutions also benefit. The emphasis lies on providing trade and vocational training, both theoretical and practical, for offenders so as to equip them with the skills and self confidence which will enable them to make a living after discharge.

In June 1978, an expert from the Scottish Prison Service was appointed to a new post of General Manager of Prison Industries. His task is to implement the recommendations contained in the 1977 Advisory Report on Prison Industries and considerable progress has been achieved already by:

- . The strengthening of Headquarters management to cover the fields of production control and coordination, financial accounting and production rationalisation.
- . Improvements in the inmate-instructor ratios at the main institutions.
- . The reorganisation of the industrial management and supervisory structure at Stanley Prison.
- . The replacement of old machinery, and the delivery of new machinery which will increase efficiency.
- . The introduction of new industries.
- . A concentrated 'sales drive' to improve the flow of orders.

Total output measured by commercial standards in 1979 was HK\$22.17 million, an increase of HK\$4.01 million or 22.1 per cent over the previous year. This was achieved in a period of declining musters, and despite the attendant disruptions of housing refugees and detainees. The further expansion of prison industries to make full and efficient use of prison labour, and to serve the community in a way which hitherto has not been possible on such a scale, while teaching the inmates useful trades that they can employ on release, is a major factor in future planning.

APPENDIX A

STAFF
ESTABLISHMENT/STRENGTH
(as at 31 December 1979)

<i>Rank/Grade</i>	<i>Establishment</i>	<i>Strength</i>
Commissioner	1	1
Deputy Commissioner	1	1
Assistant Commissioner	1	1
Senior Superintendents	6 + 1*	5
Superintendents	20	19
Chief Officers	43 + 3*	41
Superintendent (Woman)	1	1
Chief Officers (Woman)	2	3
Principal Officers	139 + 5*	120
Principal Officers (Lecturer)	2	2
Principal Officers (Woman)	6	7
Officers	531 + 14*	511
Officers (Woman)	17	34
Assistant Officers I	931	732
Assistant Officers I (Woman)	26	31
Assistant Officers II	1863 + 67*	1971
Assistant Officers II (Woman)	53	105
Officers Cadets	---	66
Officers Cadets (Woman)	---	4
Administrative Officer Staff Grade C	1	1
General Manager (Prisons Industries)	1	1
Senior Assignment Officer	1	1
Assignment Officer I	1	1
Superintendents (Prisons Industries)	2	2
Chief Industrial Officers	4	3
Principal Industrial Officers	6	4
Industrial Officers	8	5
Treasury Accountant	1	1
Accounting Officer	1	1
Senior Executive Officer	1	1
Executive Officers I/II	4	5
Chinese Language Officers	5	5
Senior Personal Secretary	1	1
Personal Secretary	2	2
Senior Clerical Officers	5	5
Clerical Officers I	24	10
Clerical Officers II	67	78
Clerical Assistants	59	54
Office Assistants	40	34

(continued)

APPENDIX A(continued)

<i>Rank/Grade</i>	<i>Establishment</i>	<i>Strength</i>
Confidential Assistant	1	1
Stenographers	7	7
Senior Typist	1	1
Typists	25	27
Senior Supplies Officer	1	1
Assistant Supplies Officer	—	1
Supplies Supervisors I	2	1
Supplies Supervisors II	14	14
Supplies Assistants	6	8
Supplies Attendants	2	2
Telephone Operators	29	25
Artisan I	10	3
Labourers	62	53
Cook I	2	2
Cook II	3	1
Senior Clinical Psychologist	1	—
Clinical Psychologists	8	5
Occupational Therapist	1	—
Occupational Therapist Assistants	5	4
Senior Masters (Prisons)	5	5
Masters (Prisons)	39	33
Nurse	1	1
Technical Instructors (Prisons)	33	33
Instructors (Prisons)	103	80
Armourer II	1	1
Senior Foremen	2	2
Foremen	4	2
Senior Information Officer	1	1
Assistant Information Officer	1	1
Social Welfare Officer III	—	1
TOTAL	4247 + 90*	4186

* Supernumerary Posts

APPENDIX B

Commercial Value of Work Done by Prisons Industries for
different market sectors for the period 1 January – 31 December 1979

<i>Trade</i>	<i>Prisons Department</i>	<i>Other Government Departments</i>	<i>Private Individual</i>	<i>Total</i>
Garment-making	3,787,087.31	4,232,431.84	420,852.73	8,440,371.88
Silkscreening	26,693.14	1,417,634.38	37,303.85	1,481,631.37
Printing and Book-binding	78,059.87	1,244,078.40	19,232.32	1,341,370.59
Panel Beating	—	—	4,582.46	4,582.46
Shoe-making and repair	556,353.79	512,201.75	5,302.68	1,073,858.22
Radio and Television	6,175.04	—	411.10	6,586.14
Metal Work	72,904.94	726,037.40	60,149.07	859,091.41
Construction and Building Maintenance	2,740,875.84	838,297.92	22,546.83	3,601,720.59
Ground Maintenance and Gardening	—	201,697.70	38,507.05	240,204.75
Laundry	1,106,308.13	1,716,023.23	15,980.30	2,838,311.66
Art and Craft	—	—	3,722.36	3,722.36
Mailbag	—	544,047.08	—	544,047.08
Carpentry	231,986.83	817,159.12	235,905.18	1,285,051.13
Fibreglass	83,499.76	13,739.90	49,148.93	146,388.59
Bamboo and Rattan	6,956.32	284,507.38	13,222.93	304,686.63
Total	8,696,900.97	12,547,856.10	926,867.79	22,171,624.86

Indonesia

Introduction

Ibnu Susanto

The following three chapters constitute an attempt on the part of the Directorate General of Corrections to briefly explain the philosophy, structure and objectives of Indonesia's correctional system.

The first chapter presents an overview of the system. The second describes the correctional process that conforms to the principles of corrections established at the time when the system was adopted in 1964. The third describes the organizational structures and class designations of houses of correction and probation offices.

Sistem Pemasyarakatan is Indonesia's correctional system. The name characterizes the system in that it tells about its intent and scope in no uncertain terms. The word *Pemasyarakatan* simply means 'resocialization' and, in the context of corrections, means healthy re-entry into the community.

The system has replaced the older, colonial and retributive *Sistem Kepenjaran* that seems to have been found on the conviction that harsh punishment and deterrents lead to repentance.

The *System Pemasyarakatan* on the other hand has found its basis in the morals of the state philosophy *Pancasila* and in the noble emanations of *Pengayoman*. The latter means the giving of guidance through protection and, again, when looked upon from the angle of corrections, it means the preservation and protection of human dignity. Hence, in terms of corrections, *Pengayoman* points to the need for giving protection not only to the society but also to the offenders.

It is normal to think in terms of a system creating its own challenge or challenges. The *Sistem Pemasyarakatan* is no exception. But is also normal to be aware of the fact that the integrity of a system grows with the variety and frequency of the tests it

has managed to overcome.

So far the *Sistem Pemasyarakatan* has managed to stand up to many impediments and handicaps, indicating that its integrity is not jeopardized in any way. Yet it should be noted that to be really rock-solid, the *Sistem Pemasyarakatan* must have active support, not only from correctional personnel, but also from the offenders and members of the general community. It means that these three groups should feel obliged to give the system their integrated participation.

Tuned to the Rhythms of Society

Directorate General of Corrections, Indonesia

The Correctional System

The Republic of Indonesia is a unitary State. The country's penal policy is embodied in the correctional system which bears the national appellation *Sistem Pemasyarakatan*. It is the only correctional system that is valid and currently applied throughout the whole territory of Indonesia, guaranteeing uniformity of treatment of all convicted offenders.

Conceptually, the *Sistem Pemasyarakatan* is fully established. Convinced of its integrity and workability, we will leave no stone unturned to find ways and means for the system to give its best possible performance — today and in the future.

A System of Twin-action

The design of the *Sistem Pemasyarakatan* is that it is not to be a system of punishment and that it is to ban or give no active place to any form of harsh deterrents or corporal punishment. Instead, the system is given the task to rescue and educate offenders for their successful reintegration into the community.

The *Sistem Pemasyarakatan* is to be a double-barrel correctional system, the twin-action of which should benefit both the convicted offenders and the community.

It should strive and work to deliver back to the community through the correctional process a *manusia seutubnya* or a fully integrated person who is: determined to refrain from reviolating the law; active, productive and useful to the community; and able to pursue temporal as well as spiritual happiness.

We are fully aware of the gravity and the highly demanding proposition being imposed upon the system. Nevertheless, we never doubt its feasibility for success. This is simply because the

system's *raison d'être* is our determination to comply with the universal demands for the preservation of human dignity and to uphold our own national aspirations and cultural tenets embodied in the principles of the State ideology and philosophy *Pancasila*.

Furthermore, our confidence in the applicability of our correctional system is rooted in our own mental make-up that looks at man as God Almighty's creature as well as an individual and member of society, and that shows that we Indonesians belong to the category of optimistic people who seem blessed with the propensity to think and act laterally instead of just vertically.

The System's Background

The system is a product of national independence. As such it is of relatively recent origin. The idea of substituting this new correctional system for the old colonial system of corrections, the *Sistem Kepenjaraan*, did not see the light until 18 years after the proclamation of independence.

The idea was voiced by the then Minister of Justice, Dr Sahardjo, in his formal speech delivered at the Jakarta State Palace in July 1963 to accept the honorary degree conferred upon him by the University of Indonesia in acknowledgement of his contributions to the science of law.

In his speech Dr Sahardjo laid down the foundations of the *Sistem Pemasyarakatan*. He emphasised the notion that it is not enough for the criminal justice system to protect only the society and that protection should also be accorded to the convicted offenders. He warned that, 'the task of the law is to be the guardian of the nation's aspirations'.

The term Dr Sahardjo employed for prisoners and convicted offenders is worthy of note. He called them, 'those who are *tersesat*', meaning those who have made a slip, and refused to call them *penjahat* or criminals. Being *tersesat*, people are always capable of repenting, and as such deserve the benefits of correctional protection.

The correctional notions of Dr Sahardjo were eagerly taken into account by the then Directorate of Corrections. A special administrative conference was organized at Lembang, West Java, on 27 April 1964, the date on which the correctional system of Indonesia was established. The date marked the introduction of a

new era of corrections in Indonesia.

Principles of Corrections

The conference at Lembang had stipulated the following 10 principles to be adhered to in the implementation of the *Sistem Pemasyarakatan*:

- Protect and prepare the prisoners for proper and useful roles in the community.
- Refrain from incarcerating and torturing the prisoners, be it in deed or words. The prisoners shall be subjected to no heavier suffering than the temporary denial of freedom to move in the community.
- Give the prisoners guidance, not incarceration, to repentance. Lead them to understand the norms of life and rekindle in them the positive sense of community living.
- The State shall not be instrumental in the prisoner's further deterioration from his pre-admission level. This principle would strictly demand segregation of adult from juvenile prisoners and felons from misdemeanants.
- Loss of freedom does not constitute the total isolation of the prisoners from the community. In fact, they should be assisted to stay tuned to the rhythms of society. Visits from their families, relatives and friends should be liberalized in terms of frequency, and ample facilities should be provided for the prisoners to remain in touch with life in the outside world.
- The prisoners shall not be given jobs that benefit only the institution or State. The jobs for prisoners should lead to the development of skills that would enable them to play their roles in the development of the country.
- The educational aspect of correctional treatment must be *Pancasila* – oriented. This means, among other things, that the prisoners must be guided to uphold the spirit of cooperation and tolerance, that they should be given education for spiritual enrichment and that opportunities for observing religious obligations should be amply provided.

Treat the prisoners as human beings; their dignity and feelings as human beings must be respected.

The prisoners shall suffer punishment only in the form of loss of freedom.

Structures and all other physical facilities of corrections must conform to the rehabilitative and educational function of the *Sistem Pemasyarakatan*. Constant efforts should be made to improve conditions in support of the integrity of the system.

The 10 principles of the *Sistem Pemasyarakatan* should now confirm the notion that the Correctional System of Indonesia is not a system of punishment or retribution. It is a system that concentrates on treatment to fully assist offenders in the process of their reintegration into the community.

For the present, the legal foundation of the system is still the old *Gestichten Reglement* enacted during the colonial days in 1917, and the *Dwangopvoeding Regeling* or the Youth Correction Act.

Until the new penal code, now being drafted, becomes a reality, the system will have to rely on these regulations and the many circulars issued by either the Department of Justice or the Directorate General of Corrections whenever it has to deal with points of law that are considered obsolete or irrelevant in the post-colonial period.

The Lembaga Pemasyarakatan

In Indonesia today, a house of correction is called *Lembaga Pemasyarakatan*. It is a pure coincidence that the number of houses of correction in Indonesia at present is the same as the number of days in a year — 365. They include nine juvenile correctional institutions, one of which is exclusively for young girls, situated in Tangerang, a city adjacent to Jakarta, and three houses of correction for women prisoners, all on the island of Java.

One special prison is the Sukamiskin house of correction, situated in Bandung, West Java, that treats only male adolescent offenders up to the age of 27 years.

The 365 houses of correction in Indonesia have the intake capacity of 70,000 inmates. The total number of inmates today

is about 35,000 yet we know that a great number of our prisons are in danger of being overcrowded. This overcrowdedness is mainly attributed to the many blocks, barracks and cells in almost every prison — which, because of old age, are in such condition as to be unfit and unsafe for quartering prisoners.

On the other hand, in some prisons, for instance the juvenile house of correction for girls in Tangerang, and the juvenile house of correction for boys in Karang Asem, Bali, there is conspicuous underpopulation. The reasons behind this state of affairs are complex, the high cost of transportation for moving prisoners being the worst culprit in such a huge and developing country as Indonesia.

The *Balai Bispa*

The *Balai Bispa* or Probation Board offices take care of non-institutional treatment of both adult and juvenile offenders, probationers, parolees and juveniles on conditional release. So far there are only 28 *Balai Bispa* in all of Indonesia. This fact reflects that in our judicial process the granting of probation and parole is not so popular yet as we wished it to be.

Probation sentences are for the present only about 10 per cent of sentences requiring intramural custody, and the number of parolees is also about 10 per cent of the total number of inmates. The bias against non-institutional treatment is also corroborated by the facts that: there is a dearth of private organizations involved in community-based treatment programs; there is a scarcity of foster parents willing to look after juveniles on conditional release; and the size of probation and parole personnel still needs enlarging.

The *Balai Bispa* is also available for after-care service if requested by discharged prisoners, and in this respect cooperation and support can be obtained from the Directorate General of Social Rehabilitation and Service of the Department of Social Affairs.

It is the wish of the Directorate General of Corrections to see in the near future an upward trend in non-institutional treatment, simply in order to be consistent with the treatment principle that requires offenders to stay tuned to the rhythms of society.

Integrity

In March 1975, a workshop on the evaluation of the *Sistem Pemasyarakatan* was organized in Jakarta jointly by the Agency of National Law Development and the University of Padjadjaran of Bandung. It was found that there is still a lot to be done to close the gap between rhetoric and reality.

The most glaring cause of this gap is the deficiency in rehabilitative facilities, since the majority of our houses of correction were built decades before independence. In view of all this, we feel that we must hurry to get things on the way for the *Sistem Pemasyarakatan* to give its best performance.

Even during the year of the adoption of the *Sistem Pemasyarakatan* in 1964 we had established in Jakarta the Academy of Penology or the Science of *Pemasyarakatan*, recruiting and training young students to fill up new and upgraded posts in the correctional set-up.

Seminars and workshops have been and are being organized at increased frequency to give support to the integrity of the *Sistem Pemasyarakatan*.

Manuals on treatment of offenders and other aspects of corrections are being prepared and tested; new machinery is continually being installed for prison industry. And cooperation is constantly being sought from private citizens and organizations for improved and enlarged community based treatment programs.

But above all, to insure the success of the *Sistem Pemasyarakatan*, efforts must be made to establish integrated participation by the following three components: the personnel of the Directorate General of Corrections, the convicted offenders, and members of the free community.

Concluding, we would like to say that the *Sistem Pemasyarakatan* is worthy of support of people in all walks of life. It is a system that responds to the rhythms of society, a system that aims to turn offenders into law-abiding citizens leading a useful life, blessed to pursue happiness.

Shifting the Climax

Directorate General of Corrections, Indonesia

The Correctional Process

The correctional process (*Proses Pemasyarakatan*) should reflect in full the treatment of offenders that aims to achieve the objectives of Indonesia's correctional system. The Directorate General of Corrections of the Department of Justice of the Republic of Indonesia is fully responsible for the execution of the correctional process.

For this purpose, the Directorate General maintains two directorates, namely the Directorate of Intra-Mural Treatment and the Directorate of Extra-Mural Treatment. The workload of the Directorate General is for the present, and will be for some time in the future, much heavier on the intra-mural treatment side.

To conduct the intra-mural treatment of offenders we know that we can resort to using multi, dual, and single-purpose total institutions. Yet, mainly for budgetary reasons, we have no choice but to content ourselves with the multi-purpose institutional facilities and structures, though the majority of these were built many decades before national independence.

The correctional process recognizes four stages in terms of custodial procedure. For maximum security, the prisoner is required to serve no less than one third of his sentence.

Next, the prisoner is to remain at the medium security stage until he has served one half of his sentence; and at the minimum security stage two thirds of his sentence, before he is eligible to enter into the fourth stage for his release on parole. This custody procedure is strictly enforced.

No prisoner is eligible for his release on parole until he has actually served nine months of his sentence. A parolee is placed under the jurisdiction of the Directorate of Extra-Mural Treatment until the date of his unconditional release.

The progression from one security stage into another, however, does not hinge upon the time schedule alone. It is also influenced by the prisoner's amenability to the treatment programs, and the disposition issued by the head of prison who bases his decision on the recommendations of the *Dewan Pembina Pemasyarakatan* (D.P.P.). The latter is an omnipresent council of correctional officers, meaning that the set-up exists at the central level (the Headquarters) and at the regional level (the Regional Office of Corrections, the District Office of Corrections, the prison, and the probation board office).

The D.P.P., as a correctional mechanism, holds periodic and special sessions to look into matters that affect the smooth conduct of the treatment programs, and to gauge the progress of every prisoner. The council is empowered to conduct dialogues with the prisoner, and to make adjustments in the treatment process to suit a prisoner's progress or retrogression.

In practice there is little chance for a prisoner to regress because he can always address himself to his adviser or counsellor. The latter is a member of the correctional staff whose task is to guide and supervise one or several prisoners all the way till their release on parole or unconditional (final) release. The fact that the adviser also sits in the Council of Treatment and Guidance (D.P.P.) is a further guarantee for the prisoner's progress and positive response to the treatment.

Absence from the Prison

For the duration of maximum and medium security, all prisoners are strictly required to remain within the walls of the institution. Prisoners in minimum security can obtain permission to leave the prison gate without escort for such legitimate purposes as the fulfilment of religious obligations.

Prisoners who have reached the fourth stage, like all probationers and youth offenders on conditional release, are of course free to remain outside the walls of the institution under supervision until the date of their full release.

There are four other cases in which prisoners and youth offenders are allowed to be outside the prison walls. First, when granted the 48 hours furlough without escort for qualified prisoners, normally for such purposes as taking part in the yearly

religious festival of *Idulfitri*, joining their families for the Christmas celebrations, and attending special family occasions. Second, when granted Prerelease Treatment leave, the duration of which equals that of the final remission, not exceeding six months.

The granting of the P.R.T. leave is a prerogative of the D.P.P., and only offenders sentenced to more than one year imprisonment are eligible. Third, when granted a compassionate leave, the prisoner remains under escort during his absence from the institution. The duration of a compassionate leave varies according to its logical necessity. Lastly, when a youth offender is placed under the care of foster parents.

Open Camps and Work Release

At present we do have open prisons or camps such as those in Bleder in Central Java, in Pegok on the outskirts of Denpasar, Bali and on the island of Nusa Kambangan off the south coast of Central Java. We believe that we can do with more and better open camps in the near future in order to train prisoners of rural origin to become more efficient farmers, better cattle-raisers, and skilled estate workers.

Work release programs have also been going on for quite some time to allow prisoners in minimum security to be outside the prison walls during the day. They can work independently and earn a living, for example, as a barber, join a private enterprise, fill jobs as factory hands, or even work for a government agency.

Before long, in support of more meaningful work release programs, we hope to introduce half-way houses, first in Jakarta and then in several other big cities.

Half-way houses could be highly desirable if we relate their presence in the community to one particular principle of the *Sistem Pemasyarakatan*, the 5th Principle, which requires prisoners to stay tuned to the rhythms of society. This principle indeed looms large in the *Pemasyarakatan* correctional process and causes us to enforce the assimilation and integration treatment schemes as far as we possibly can.

Assimilation and Integration

Assimilation is a two-way flow of contact between members

of the community and imprisoned offenders percolating through the door of the prison. Even prisoners in maximum and medium security should not be barred from the assimilation scheme in order to stem, as early as possible, the effects of being in forced isolation.

We would welcome, even encourage, members of the community to show up and be with the inmates on the grounds of the prison. Prisoners in minimum security are encouraged to show interest in the assimilation scheme so that, for instance, they can be made eligible for participation in work release programs. For this we will spare no pains to prepare them in acquiring skills and the love of work in as many branches of industry and endeavours as possible.

Assimilation leads to integration. The integration scheme is designed for prisoners who have reached the fourth stage in the correctional process. They are the parolees who live and work in the community under supervision until the date of their unconditional release.

During the phase of integration, the parolees prepare themselves to make the mental step to win their healthy reintegration into the community.

Admission and Orientation

Assimilation starts early in the *Pemasyarakatan* but not until the prisoners have satisfactorily completed the admission and orientation procedures. During admission and orientation the new prisoners should be made to understand that within the prison walls they are in for treatment, and not for punishment or retribution. The burden of this task rests with each and every member of the correctional staff.

Orientation involves first and foremost lectures on the national ideology and morality of *Pancasila*, followed by sessions to explain about: aspects of life in prison; discipline and grievance procedures; work programs and schedules; rights and duties while undergoing treatment; the adviser-inmate relationship; and prisoners' privileges to receive visitors and other issues of welfare.

The *Pemasyarakatan* correctional process is a system of treatment of offenders. It does have security measures but then they are applied only in support of the smooth conduct of the treat-

ment programs. It has shifted the climax of the judicial process from retribution within the prison walls to the prisoner's healthy reintegration into the community.

In summary, we would like to note that for the *Pemasyarakatan* correctional process to be successful there should be care and dedication from the corrections personnel, amenableness and sound response on the part of the offenders, and support and enthusiasm from members of the community.

Management Services

Directorate General of Corrections, Indonesia

By and large the treatment of adult and youthful offenders comes under the jurisdiction of two separate institutions. They are the *Lembaga Pemasyarakatan* or House of Correction and the *Balai Bispā* or Probation Office. The former institution deals exclusively with intra-mural treatment of adult offenders, whereas the latter is concerned with extra-mural treatment of all offenders as well as the intra-mural treatment of youthful offenders and adjudicated juvenile delinquents.

However, it should be borne in mind that the two institutions, though separate, are functionally closely interrelated as they are the integral components of the *Sistem Pemasyarakatan* – the correctional system of Indonesia.

What brings to bear on the separation of the institutions is the focus of their respective responsibilities and their methods and techniques of treatment. In consequence thereof, both institutions have different organizational structure and management. In addition, the institutions are also placed under different classes or categories.

I. Organizational structure and management of intra-mural and extra-mural institutions of correction

A. *Lembaga Pemasyarakatan* (House of Correction)

1. Organizational Structure

The houses of correction belong to any of the following three classes or categories: Class I, Class II and Class III.

A Class I House of Correction comprises the Head of the House of Correction, the Administrative Unit, the Treatment Section and the Management Section.

- a. The Head of the House of Correction is in charge of planning and formulating treatment programs, and of guiding and supervising the implementation of the intra-mural treatment of adult and youthful offenders.
- b. The Administrative Unit deals with the overall administration of the institution. It consists of such sub-units as:
(1) Personnel, which deals with all matters concerning correctional personnel of the institution in accordance with the policies as fixed by the Minister of Justice and as set forth by existing rules and regulations. (2) Finance, which deals with the financial administration of the institution in accordance with existing rules and regulations. (3) General Affairs, which deals with secretarial and in-house administrative matters.
- c. The Treatment Section, which is responsible for conducting intra-mural treatment programs, consists of four sub-sections which are charged with exercising the following responsibilities: (1) To register the particulars of all prisoners and detainees. (2) To maintain discipline and order within the institution. (3) To deal with the overall treatment operations that include moral and spiritual reinforcement, education, acquisition of new or better skills, introduction of the benefits of assimilation and furlough programs, maintenance of general welfare, pre-release guidance and counselling. (4) To provide industrial training within or outside the walls of the institution.
- d. The Management Section, which is responsible for matters concerning provisions, supplies and maintenance of structural facilities; this section is divided into two sub-sections to deal with: (1) The upgrading and maintenance of physical structures and facilities of the institution including personnel's living quarters. (2) Maintenance and acquisition of institutional equipment, etc.

Class II and Class III Houses of Correction show simpler organizational structures yet maintain the four main branches of functional authority, namely the Head of the House of Correction, the Administrative Unit, the Treatment Section and the Management Section. Their areas of responsibilities are as follows:

The Head of the House of Correction is charged with planning, formulating and supervising intra-mural treatment programs.

The Administrative Unit deals with institutional administration and general household matters.

The Treatment Section is responsible for conducting intra-mural treatment programs.

The Management Section looks after the maintenance and upgrading of the institution's physical structures and facilities.

2. Systems and procedures

a. The Head of the House of Correction and his subordinates in charge of the organizational units are required to observe the principles of coordination, integration and synchronization in their working relationships within and between units of the Department of Justice/Directorate General of Corrections and with agencies or organizations beyond the Department of Justice.

b. The head of an organizational unit is required to obey instructions and directives from his superior, and to submit all reports on time.

c. All reports submitted to a unit head must be processed and taken into account for inclusion in his reports to superior officers and in giving his responses to subordinates.

d. The Head of a Class I House of Correction is to report to the Head of the Regional Office of the Directorate General of Corrections.

e. The Head of a Class II or a Class III House of Correction is responsible and has to submit his reports to the Head of the Office of the Directorate General of Corrections.

f. Copies of all reports to superior officers are to be forwarded to other functionally related organizational units.

B. Balai Bispa (Probation Office)**1. Organizational Structure**

A Probation Office is designated as a Class I, Class II or Class III probation office. A Class I Probation Office has the following organizational features: the Head of the Probation Office, the Administrative Unit, the Treatment Section for adult offenders, and the Treatment Section for adjudicated juvenile delinquents and youthful offenders.

- a. The Head of the Probation Office is in charge of planning, formulating, implementing and supervising extra-mural treatment programs for adult offenders and extra, as well as intra-mural treatment programs for adjudicated juvenile delinquents and youthful offenders.
- b. The Administrative Unit is responsible for general administration. This unit consists of three sub-units, dealing with: (1) Personnel, (2) Finance and (3) General Affairs.
- c. The Treatment Section for adult offenders is in charge of preparing pre-sentence reports registration, supervision, handling work-releases and after-care requirements. These tasks require sub-dividing the section into three sub-sections: (1) Registration, that records the particulars of all offenders subjected to extra-mural treatment. (2) Treatment, that deals with personal background studies in the preparation of pre-sentence reports, mental and spiritual reinforcement, education, training and improvement of skills, processes of assimilation, counselling prior to final release and parole requirements. (3) Work-Release, that looks into the requirements and conditions of offenders enjoying the benefits of work-release programs.
- d. The Treatment Section for adjudicated juvenile delinquents and youthful offenders is in charge of preparing pre-sentence reports, registration, supervision, education, training, assimilation, placement in juvenile homes or with foster-parents, processes of conditional release and after-care. This section includes such sub-sections as: (1) Registration and Supervision, that records the particulars of delinquents and youthful offenders receiving extra-mural treatment. (2) Treatment, that deals with personal background studies in the preparation of pre-sentence reports,

mental and spiritual reinforcement, education, training and improvement of skills, processes of assimilation, placement in juvenile homes or with foster-parents, probationary and conditional release requirements. (3) Job counselling, that looks into job requirements and conditions of delinquents and youthful offenders undergoing probation or conditional release.

Class II and Class III Probation Offices have simpler organizational structures but retain the four branches of authority, namely the Head of the Probation Office, the Administrative Unit, the Treatment Section for adult offenders, and the Treatment Section for adjudicated juvenile delinquents and youthful offenders.

The Head of the Probation Office is in charge of planning, formulating, implementing and supervising extra-mural treatment programs for adult offenders, and extra- and intra-mural treatment programs for adjudicated juvenile delinquents and youthful offenders.

The Administrative Unit deals with general administration and household affairs of the Probation Office, including finance and personnel.

The Treatment Sub-Section for adult offenders deals with personal background investigations in the preparation of pre-sentence reports, registration, supervision, work-release and after-care requirements.

The Treatment Sub-Section for adjudicated juvenile delinquents and youthful offenders deals with personal background investigations for pre-sentence reports, registration, supervision, moral and spiritual reinforcement, education, training for better skills, processes of assimilation, placement in juvenile homes or with foster-parents, probationary and conditional release requirements, and job counselling.

2. Systems and procedures

- a. The Head of the Probation Office and his subordinates in charge of the organizational units are required to observe

the principles of coordination, integration and synchronization in their working relationships within and between units of the Department of Justice/Directorate General of Corrections and with agencies or organizations beyond the Department of Justice.

- b. The Head of an organizational unit is required to obey instructions and directives from his superior, and to submit all reports on time.
- c. All reports submitted to a unit head must be processed and taken into account for inclusion in his reports to superior officers and in giving his responses to sub-ordinates.
- d. The Head of a Class I Probation Office is to report to the Head of the Regional Office of the Directorate General of Corrections.
- e. The Head of a Class II or a Class III Probation Office is responsible and has to submit his reports to the Head of the Office of the Directorate General of Corrections.
- f. Copies of all reports to superior officers are to be forwarded to other functionally related organizational units.

II. Classes and Definitions of Institutions

A. Classes of Houses of Correction

1. Terms and definitions

The class designation of a House of Correction is determined by its capacity and location.

- a. A House of Correction that is situated in a provincial capital is designated as a Class I House of Correction.
- b. A House of Correction that has a capacity of 500 or more inmates is designated as a Class I House of Correction.
- c. A House of Correction that is situated in the capital of a regency or in a city and that has a capacity of 250-500 inmates is designated as a Class II House of Correction.
- d. A House of Correction that has a capacity of up to 250 inmates is designated as a Class III House of Correction.

2. Class Promotion

The promotion of a House of Correction to a higher class designation is ruled by established procedures and regulations.

Among the reasons for considering a class promotion is the change in status of a government administrative (territorial) unit.

B. Classes of Probation Offices

1. Terms and definitions

The class designation of a Probation Office is determined by its location.

- a. A Probation Office that is situated in the same location as that of the Regional Office of the Directorate General of Corrections is designated as a Class I Probation Office.
- b. A Probation Office that is situated in the same location as that of the Office of the Directorate General of Corrections is designated as a Class II Probation Office.
- c. A Probation Office that is situated in the capital of a regency or city is designated as a Class III Probation Office.

Throughout the national territory of the Republic of Indonesia there are at present 365 houses of correction and 28 probation offices. Thus Indonesia has altogether 393 institutions for correctional purposes. Programs and activities in all these institutions are subjected to coordination from 52 Offices of the Directorate General of Corrections and 13 Regional Offices of the Directorate General of Corrections. The ultimate technical and administrative responsibilities rest with the Directorate General of Corrections at the top structure of the organization. The Directorate General of Corrections itself is a component of the Department of Justice.

Japan

The material from Japan was presented to the Conference by the Director of the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, Mr Yoshio Suzuki.

However, copyright considerations preclude the reproduction of these papers in this publication. Therefore, the references to them are set out below.

Yoshio Suzuki, 'Corrections in Japan', in Robert J. Wicks (ed.), *International Corrections*, Lexington Books, Lexington, Mass., 1979.

Government of Japan, *Summary of the White Paper on Crime*, Research and Training Institute, Ministry of Justice, Tokyo, 1979.

Malaysia

Trends and Problems

Dato' Ibrahim bin Haji Mohamed

The Crime Situation in Malaysia

The crime rate in Malaysia is far from alarming. Despite fears that the crime rate is rising at a fast pace, the situation is well under control.

Except for housebreakings and theft, and theft of motor vehicles, all other crimes have increased only slightly. In fact, there were decreases in some types of crime such as murder, robbery and extortion.

Table 1 shows that the increases in the various crimes have not exceeded Malaysia's population growth of about 2.5 per cent per annum, and so it can be inferred that crime in the country is under control.

There follows a summary of the crime situation.

Murder: There were 240 murders in 1978 compared with 250 in 1977 — a drop of four per cent.

Of these murders, 38 were the result of secret society clashes. Forty seven others were killed in robberies committed by gangsters. Of the total, 126 or 53 per cent were solved.

Theft and housebreaking: There were 17,222 reports of house-breaking and theft in 1978, an increase of 1,404 over the previous year when there were 15,818 cases.

This problem is causing grave concern to the police. In 1978, thieves escaped with \$18.6 million worth of property, of which only about four per cent was recovered.

Many of these break-ins were committed in big towns where there are a large number of housing estates.

Thefts of motor vehicles and motorcycles: Another problem of

concern to the police is the rising rate of motor vehicle thefts. In 1978, there were 1,300 thefts of cars, lorries and vans of which 547 or 39 per cent were recovered.

In 1978, there were 5,743 thefts of motorcycles and scooters and only 608 or 10 per cent were recovered.

Table 1

<i>Offences Year</i>	<i>Volume</i>			<i>Rate per 100,000 Pop.</i>		
	1976	1977	1978	1976	1977	1978
Murder	230	250	240	1.8	1.9	1.8
Gang Robbery	262	327	341	2.1	2.5	2.6
Robbery	3,347	3,388	3,297	26.6	26.1	24.7
Kidnapping for Ransom	10	5	8	0.07	0.04	0.06
Rape	389	303	312	2.3	2.3	2.3
Extortion	817	948	898	6.5	7.3	6.7
Housebreaking and Theft	14,833	15,818	17,222	841.3	897.2	976.9
Theft of Motor Vehicles	1,042	1,209	1,399	177.8	180.4	190.2
Theft of Motor Cycles	4,764	4,366	5,743	573.4	459.1	532.8
Other Thefts	26,567	29,459	29,177	201.8	227.3	218.9

Robberies: In 1978, there were 3,638 robberies compared with 3,715 in 1977. Robbers got away with \$6.3 million worth of property, of which 17 per cent was recovered.

Of the total, 337 were gang robberies, seven goldsmith shop hold-ups, seven finance company robberies and five highway robberies.

Guns were used in 433 cases in 1978, the same number as in 1977.

Police had a successful time last year when a number of gangs were put out of action. They solved all the highway robberies, three goldsmith hold-ups and two finance company robberies. One good sign was the absence of a single bank robbery for the year 1978.

Commercial Crime: In commercial crime in 1978, there were 1,805 reports involving more than \$8.2 million. There was a drop from the 1977 total, when there were 2,062 reports involving more than \$17.5 million.

The three common types of fraud in Malaysia are:

- . Evading government tax, supplying of goods through under-hand tactics.
- . Defrauding the public through setting up fly-by-night companies or benevolent insurance, or swindling through the post.
- . Defrauding of companies by organised syndicates.

In respect of fraud, the causes appear to be high living, gambling which often results in indebtedness, excessive indulgence in alcohol and speculating in shares, stocks and property.

In the Malaysian context, four factors account for the police's success in combatting crime. First, police pressure on major armed gangs and secret societies. Second, the police force has been strengthened resulting in more men being deployed in crime-prone areas. Third, information given by members of the public. It seems that this accounts for more than 50 per cent of all police successes. Fourth, implementation of *Rukun Tetangga* (a form of compulsory community self-patrolling) has reduced the level of minor crimes like petty thefts and wayside robberies in urban areas.

The problem of drug abuse deserves some mention. In Malaysia, modernization has brought with it a variety of new social pressures. About 250,000 to 380,000 people are now estimated to be involved in drug abuse. About 38,000 have been identified as drug abusers. Ninety per cent of identified users are males under the age of thirty.

Fear of prosecution, family overprotectiveness, sheer ignorance of the dangers of drug taking, as well as of the available avenues of rehabilitation, are the more important reasons why the number of suspected addicts far outstrips the number of known cases.

Petty crime is on the rise and there is a definite link with drug addiction. It is believed that about 70 per cent of all petty crimes and thefts are committed by drug addicts who require \$10-\$20 daily to buy drugs.

The Government has adopted a four-pronged approach in the drug war: prevention and enforcement; treatment and rehabilitation; education; and research.

Several problems stand in the way of efforts to prevent drug abuse. First, at present, rehabilitation facilities are inadequate. There are facilities for only about 4,000 users. To overcome this, there are proposals to set up more rehabilitation centres and detoxification units. Second, there is the problem of families who reject a rehabilitated drug addict and employers who are reluctant to offer him a job. Obviously, more attention needs to be given to the after-care aspect of the addiction problem. Finally, to aggravate matters, because of the lucrative nature of drug transactions, traffickers are now prepared to accept greater risks.

Prisons — Trends and Problems

Basic Facts and Figures: The Prisons Department of Malaysia is under the Ministry of Home Affairs and administers 26 institutions. There are 18 prisons, five Borstal schools, two rehabilitation centres, and one prison officers training school.

The current total prison population is shown in Table 2.

Table 2

<i>Penal Institutions</i>	<i>Male</i>	<i>Female</i>	<i>Total</i>
Prisons	8,156	158	8,314
Borstal Schools	844	21	865
Rehabilitation Centres	678	9	687
Total	9,678	188	9,866

With a population of about 13.5 million, the Malaysian imprisonment rate is 70 prisoners per 100,000 of the population.

Table 3 shows the number of remandees and prisoners awaiting trial.

Table 3

<i>Total Prisoners</i>	<i>Prisoners under remand and awaiting trial</i>	<i>% of remandees and awaiting trial</i>	<i>Remandees/ awaiting trial per 100,000 of gen. pop.</i>
8,314	2,138	25.7	15.8

Trends and Problems

Rise in Prison Population: The years following 1975 saw a dramatic rise in the prison population, for prisoners and Borstal inmates (see Table 4).

Table 4 Malaysian Prison Population 1970-1979

<i>Year</i>	<i>Prisons</i>	<i>Borstals</i>	<i>Rehab. Centres</i>	<i>Total</i>
1970	3,097	606	866	4,569
1971	2,978	558	537	4,073
1972	3,030	466	242	3,728
1973	3,177	448	148	3,773
1974	3,334	496	186	4,016
1975	4,320	566	417	5,285
1976	5,150	734	906	6,790
1977	5,799	847	1,004	7,650
1978	7,220	913	814	8,947
1979	8,314	865	687	9,866

The rise in prison population may be attributed to:

- Intensified efforts on the part of the police directed towards criminals and secret societies.

- A greater number of arrests of drug abusers and traffickers.

- The introduction of stiffer penalties by the courts.

As a result of the increase in prison population, the Prisons Department has been beset with the problem of overcrowding. Table 5 illustrates the situation in Peninsular Malaysia.

Table 5

<i>Prisons</i>	<i>Normal Accommodation</i>	<i>Present Population</i>
Kuala Lumpur	600	2,016
Taiping	600	1,388
Penang	345	1,372
Johor Bahru	327	1,197
Alor Setar	250	712
Seremban	216	371
Pengkalan Chepa	200	336
Kuantan	40	161
Sungai Petani	40	100
TOTAL	2,618	7,653
Borstals		
Telok Mas	300	568
Ayer Keroh	100	138
S.H.G. Kedua	60	123
TOTAL	460	829

The problem can be summarised as follows:

- . Prisons which used to accommodate 600 inmates in the early 1970s now have to accommodate as many as 1,400 to 2,000 inmates.
- . Now it is common for prisoners to be accommodated two or three to a cell which was originally designed for one.
- . The high number of inmates have also disrupted the prison classification system.
- . It has brought about strains and pressures on the social and physical facilities of the prison, for example, recreational facilities, kitchens, toilets, workshops, visiting room.
- . The high number of inmates is also unsatisfactory from the medical and security points of view.

Old Institutions: The problem of overcrowding of inmates is compounded by the fact that most of the penal institutions are old, built in the mid 19th century or at the turn of the century.

To aggravate matters, over the passage of time, these prisons have become located in the heart of the cities or main towns, amidst heavy traffic and high rise development. In view of this, apart from minor renovations, the prospects of future expansion and extension of the existing institutions are extremely poor.

With a view to overcoming the problems of overcrowding, and to replace existing old, ill-adapted prisons, the Department has proposals to build a number of new modern penal institutions under the Fourth Malaysia Plan (see Table 6).

Table 6

<i>Name of Institution</i>	<i>Approx. Cost (Malaysian Dollars)</i>	<i>Area (Acres)</i>	<i>Expected date of completion</i>	<i>Notes</i>
1. Kajang Complex	\$40 million	300	1983/85	Complex will also include Federal HQ and Training College.
2. Kluang Prison	\$25 million	450	1983	Closed Prison
3. Pokok Sena Prison, Kedah	\$20 million	200	1983	Closed Prison
4. Kuala Lipis Prison	\$12 million	1,227	1983	Open Prison.
5. Henry Gurney School, Pahang	\$12.5 million	400	1983	Open Borstal
6. Trengganu Prison	\$20 million	200	1985	Closed Prison
7. Perlis Prison	\$15 million	150	1985	Closed Prison
8. Pahang Prison	\$20 million	200	1985	Closed Prison
9. Perak Prison	\$25 million	200	1985	Closed Prison

Staff — Inmate Ratio: Overcrowding also affects the staff-inmate ratio. Formerly the ratio was 1:2.5; now it is 1:5 and in certain prisons 1:6. At the time of recreation, when the inmates are in the playing field, the ratio becomes all the more critical, that is 1:40.

In the bigger prisons, about 30-40 prison officers are daily engaged in escort duties while in the smaller prisons, about 5-10 prison officers are similarly engaged.

At present, the total custodial strength (junior and senior officers, excluding civilian staff) is 3,485. The Department is taking the necessary steps to have its strength increased to 3,667.

Dangerous Prisoners: In the Malaysian context, the following constitute what may be termed as dangerous offenders:

- . Condemned prisoners awaiting execution (hanging).
- . Prisoners serving life sentences (20 years) and sentences of natural life imprisonment.
- . Persons committed to prison because of offences relating to armed robbery, kidnapping and illegal possession of firearms.
- . Notorious gangsters with secret society affiliations.
- . Persons committed to prisons because of offences relating to drugs.
- . Prisoners who have made several abortive attempts to escape.
- . Criminal lunatics.

It should be noted that prisoners are classified as dangerous or not dangerous mainly on the basis of the gravity of the offence committed and on police evidence. The Prisons Department of Malaysia has not achieved the sophisticated stage of having psychiatrists, psychologists and behavioural scientists in its employment. As such, important as it is, the classification of prisoners from a socio-psychological viewpoint is not being given its due emphasis.

Roughly speaking it can be said that dangerous prisoners make up about 20 per cent of the total prison population. Some statistical data may throw light on the problem.

On 1 January 1980, there were 66 condemned prisoners awaiting execution. They were convicted under the following acts:

. Dangerous Drugs Ordinance	4
. Internal Security Act, 1960 (Revised 1972)	43
. Firearms Act (Increased Penalties Act, 1971)	5
. Section 302 of Penal Code (Murder)	14
Total	66

At the same time, there were 33 persons serving imprisonment for the rest of their natural life and 149 persons serving sentences of life imprisonment. They were convicted under the following acts:

Imprisonment for the rest of natural life

Internal Security Act, 1960 (Revised 1972)	1 (Sarawak)
Firearms Act (Increased Panalties Act, 1971)	28
Section 302 of Penal Code (Murder)	4 (Sarawak)
Total	33

Life Imprisonment (20 years)

Internal Security Act, 1960 (Revised 1972)	18
Dangerous Drugs Ordinance	78
Penal Code (Section 302 – Murder)	26
Penal Code (Section 304 – Culpable Homicide)	7
Penal Code (Section 394 – Robbery)	6
Kidnapping Act	14
Total	149

The problem of natural lifers deserves special mention. At present, the Prisons Department is holding as many as 33 persons who are serving imprisonment for the rest of their natural lives. Not only do these offenders aggravate the overcrowding problem of the prisons as well as overburden the resources of the department, but the very fact that they have to be in prison for the rest of their natural lives without any prospect of being released, has serious psychological consequences for them. As they have nothing to live for, over the years, it is feared that they become restless and may not be hesitant to create trouble and make daring attempts to escape at whatever cost.

It is in this context that the Prisons Department is attempting to solicit the views of the Attorney-General. Does this category of offenders have any future? Is there a need to devise machinery whereby after serving a certain period of time or fulfilling certain requirements their cases may be reviewed or pardoned. Perhaps some kind of provision such as that made for prisoners belonging to the category of Ruler's Pleasure may be worked out.

As regards dangerous prisoners, at present they are dispersed in various different prisons. However, there are plans to build a maximum security prison within the Kajang Prison Complex which will be able to house about 300 of the nation's most dangerous prisoners.

Drug Problems: Of late, there has been a very marked increase in the number of drug addicts and drug traffickers or pushers that is being imprisoned. In the various penal institutions the number of drug cases stands at 1,703 drug addicts and 292 drug pushers or traffickers. Of this number, 20 per cent may be considered dangerous (see Table 7).

Table 7

<i>Penal Institutions</i>	<i>Total No. of inmates</i>	<i>Drug Addicts</i>	<i>Drug Pushers</i>	<i>Total</i>	<i>% of drug addicts/ pushers</i>
Prisons	8,314	1,336	176	1,572	19%
Borstal Schools	865	170	2	172	20%
Rehab. Centres	687	197	114	311	45%
TOTAL	9,866	1,703	292	1,995	20%

The following steps have been taken to deal with the problem of drug addicts in prison.

First, with effect from mid-1978, Seremban Prison was converted as a Special Prison for convicted drug dependents with a sentence of six months and above. There the inmates are subjected to 'cold turkey' treatment and to a disciplined regime, with a lot of physical exercise. The relapse rate appears to be small. In 1979 out of 498 prisoners released from Seremban Prison, only 23 or 4.6 per cent returned to prison.

Second, in other prisons, drug addicts and drug pushers who are sentenced to less than six months are segregated from other inmates, given a lot of physical exercise, and kept in their cells most of the time so that they have time to meditate and decide to discard their negative attitudes when released from prison.

Third, in mid-1979, the Kuching Drug Detention and Rehabilitation Centre (under Prisons administration) was set up to cater for unconvicted drug addicts for the State of Sarawak.

Finally, work is also under way for the construction of the Sepang Drug Detention and Rehabilitation Centre. When completed in early 1982 it will cater for unconvicted drug addicts who are ordered by the court to undergo treatment at the Centre.

Educational Level of Inmates: Table 8 shows the education level of convicted prisoners in Malaysia.

Table 8

<i>Level of Education</i>	1974		1976		1978	
	<i>No. of Prisoners</i>	<i>%</i>	<i>No. of Prisoners</i>	<i>%</i>	<i>No. of Prisoners</i>	<i>%</i>
No formal Education	1,862	31.0	2,034	21.8	2,118	16.1
Standards 1-3	1,481	22.7	2,277	24.4	3,499	26.6
Standards 4-6	2,023	35.5	3,421	36.6	5,108	38.8
Forms 1-3	497	8.3	1,179	12.6	1,876	14.3
Forms 4-5	138	2.3	415	4.4	522	4.0
Post Secondary	13	0.2	10	0.2	28	0.2
TOTAL	6,014	100	9,336	100	13,151	100

Table 8 shows that convicted prisoners being admitted into the prisons display a higher level of education. In 1974, about 31 per cent of those admitted to prisons had no formal education. However, in 1976, this had dropped to 16.1 per cent. It is interesting to note also that in 1974, only 10.8 per cent of the inmates had received secondary education; however, in 1978, this had risen to about 18.5 per cent.

The Department is attempting to respond to the above challenge in the following ways:

Upgrade the level of training for its correctional staff. This objective will be more satisfactorily achieved when its new Training College is ready for use in 1985.

Send more of its senior officers to local and overseas courses such as to UNAFEI, Japan, and the Australian Institute of Criminology.

Introduce individual and group counselling sessions for the inmates.

Inmates are being given better opportunities to sit for academic and vocational public examinations.

Escapes: Table 9 gives some statistics on escapes from Malaysian prison and Borstal schools.

Table 9

Year	Escapes from Prisons				Escapes from Borstals			
	Successful		Unsuccessful		Successful		Unsuccessful	
	Inside	Outside	Inside	Outside	Inside	Outside	Inside	Outside
1970	7	3	3	—	19	2		
1971	—	—	—	—	12	3		
1972	6	—	—	—	9	2		
1973	—	3	—	—	7	1		
1974	1	2	—	—	7	1	No records available	
1975	4	6	—	—	12	8		
1976	2	5	9	—	13	4		
1977	1	4	4	—	10	10		
1978	4	5	—	—	13	3		
1979	11	9	—	—	3	14		
Total	36	36	16	—	105	48		

Alternatives to Imprisonment

The rehabilitation program of the Prisons Department strives towards the preparation of inmates for their return to the community as law abiding and socially productive persons. Full-time teachers, trade instructors and religious teachers are employed by the Prisons Department to assist inmates in the rehabilitation programs. Generally speaking, it can be said that the Prisons Department has been successful in its objective of rehabilitation of

offenders. Its recidivism rate is as low as 10 to 15 per cent. Table 10 illustrates the Malaysian situation for the years 1974, 1976 and 1978.

Table 10

<i>Prison Committals</i>	<i>1974</i>		<i>1976</i>		<i>1978</i>	
	<i>No. of Inmates</i>	<i>%</i>	<i>No. of Inmates</i>	<i>%</i>	<i>No. of Inmates</i>	<i>%</i>
1st time in prison	4,345	72.24	6,730	72.08	9,592	72.94
2nd time	781	12.99	1,537	16.46	2,172	16.51
3rd time	350	5.82	505	5.40	723	5.50
4th time	217	3.61	228	2.44	268	2.05
5th time	91	1.51	117	1.25	146	1.11
6th time	82	1.36	80	0.86	117	0.89
7th time	35	0.60	33	0.35	27	0.20
8th time	26	0.41	20	0.21	34	0.26
9th time	19	0.32	18	0.19	14	0.11
10th time	13	0.22	4	0.04	17	0.13
10+ times	55	0.92	64	0.68	41	0.30
TOTAL	6,014	100	9,336	100	13,151	100

From the above, the following can be observed:

The percentage of first timers in prison was 72.24 per cent in 1974 compared with 72.94 per cent in 1978.

The percentage of those admitted to prison for the second time was 12.99 per cent in 1974 compared with 16.51 per cent for 1978.

In respect of those being admitted to prison with three or more prior prison committals, there was an appreciable drop from 14.77 per cent in 1974 to 10.55 per cent in 1978.

The Prisons Department is contemplating the introduction of a parole system for prisoners. It is proposed that non-dangerous prisoners may be eligible to be considered for parole subject to the following:

The inmate must have completed not less than half of his sentence.

The inmate's unexpired portion of sentence, after remission, should not exceed five years.

In connection with the above, as an act of deterrence, it may be also proposed that, while under parole, if a prisoner commits a crime and is given a sentence of imprisonment exceeding three months, the Officer-in-Charge of a prison will be empowered to impose an additional period of detention upon him without remission as Table 11 shows.

Table 11

<i>Prison Sentence</i>	<i>Length of detention time that can be added</i>
3 months but below 12 months	6 months
12 months but below 3 years	12 months
3 years but below 6 years	18 months
6 years but below 12 years	24 months
12 years but below 18 years	30 months
18 years but below 24 years	36 months
24 years but below 30 years	48 months

In Malaysia, there have not been many innovations in the area of alternatives to imprisonment. However, recently, the Minister of Social Welfare suggested that a community service order program may be more appropriate and humane for first, minor offenders. This view is shared by many other prominent people. The Government is at present studying the proposal.

In view of humanitarian considerations and the high cost of the prison system itself, it can be expected that alternatives to imprisonment will generate much more interest in the years to come. However, initially it is felt that three factors will have a bearing on it, these are, funds, public opinion and success or failure of the community service order program (if and when it is introduced).

Table 12 shows the annual expenditure (in Malaysian dollars) of the Malaysian Prisons Department between 1975 and 1979.

Table 12 Annual Expenditure (Million Malaysian Dollars)

<i>Year</i>	<i>Operating Expenditure (Million)</i>	<i>Development Expenditure (Million)</i>	<i>Total Prisons Expenditure (Million)</i>	<i>Total National Expenditure (Million)</i>	<i>%</i>
1975	22.2	2.7	24.9	7,002	0.35
1976	24.0	6.4	30.4	9,455	0.32
1977	26.4	9.5	35.9	11,444	0.31
1978	33.6	10.5	44.1	13,638	0.32
1979	36.8	13.7	50.5	13,570	0.37

Papua New Guinea

Trends and Problems

Henry Tokam

I will now attempt to project a picture of crime trends and related problems within Papua New Guinea.

The period covered is for the financial years 1974-75, 1975-76, 1976-77, 1977-78. Complete figures for the period 1978-79 are not available, but the trends projected in the earlier figures are continued during this period.

In 1974-75 a total of 55,281 offences were reported. Of this figure, 44,181 offences were cleared up and 44,367 persons were arrested.

In 1977-78, a total of 47,713 offences were reported. Of this figure, 38,867 were cleared up and 37,000 persons were arrested. These figures represent a decrease of 7.3 per cent over this period.

It should be appreciated that included in the offences reported, are offences such as drunk, drunk and disorderly, offensive behaviour and other street offences. These offences are rarely reported by the public but are generally discovered by police. The reports only relate to persons arrested for street offences and the decrease in the overall figure could, amongst other things, represent a decrease in efficiency in the police force.

Having regard for the above, it would be more proper to examine those criminal offences which are the subject of complaints from the general public. In 1974-75 the total number of reported offences against property was 21,350, whereas in 1977-78 the reported offences in this category were 18,791. This represents a decrease of 8.3 per cent. While the number of offences have decreased the value of property stolen has increased dramatically, as has the level of sophistication in the commission of offences. In 1974-75 property stolen could be divided into four main classes — food, liquor, clothing and cash. While these categories still remain prevalent, there is an increasing theft rate in attractive consumer

items such as stereo equipment, cameras, jewellery, watches and general electrical equipment.

Information received indicates that the number of offences against property is directly related to the illegal use of motor vehicles, as many offenders arrested for breaking and entering and stealing are also charged with the illegal use of motor vehicles. It is obvious from areas where property is recovered that offenders are becoming more mobile and are prepared to attack attractive targets long distances from where they live. A disturbing trend relating to offences against property, is the extremely low recovery rate of property stolen and it must be presumed that there are ready illegal outlets for the disposal of this property, although the number of offenders charged with receiving is minimal.

Examining the reported offences against the person we find some very disturbing trends. In 1974-75 the number of murder offences reported was 49, whereas in 1977-78 this figure had risen to 117. This represents an increase of 138.7 per cent.

Assaults occasioning grievous bodily harm rose from 71 to 167, representing an increase of 135.2 per cent. Rape and attempted rape rose from 97 to 172 representing an increase of 77.3 per cent. Assaults on police rose from 56 to 85 representing an increase of 51.7 per cent.

During the period 1974-75 and 1977-78 offences against currency remained static, but the amount of money misappropriated, together with the degree of sophistication of committing offences rose dramatically. In 1974-75 this type of offence was generally restricted to the passing of valueless cheques and false pretences relating to stolen passbooks, taxation cheques, etc. Present trends indicate clearly that servants and employees are using their positions in banks, commerce and industry to commit large-scale fraud. Government Cash Offices have been a prime target for these offences and most of the misappropriated cash in the commission of these offences is, in fact, government funds.

Summary

The above is a relatively short outline of the crime position in Papua New Guinea and to go into any depth would take considerable time. The trends, however, are quite clear. These are:

That for the offences against property, offenders are becoming more sophisticated and are aiming their activities at areas where they will obtain the maximum return for their criminal activity.

That there has been a massive increase in violent offences indicating a far more aggressive and bold approach by criminal elements.

That in the area of fraud, offenders are becoming more sophisticated and are aiming their activities at areas where detection is more difficult and which gives them a greater return.

Available figures indicate that these trends are continuing, though it is expected that the number of offences against property and against currency will increase in the future.

The decrease in offences against property could perhaps be put down to the fact of increased police activity, but it must only be a matter of time before the volume of offences outstrips this increased activity.

It should be noted that there has been an increase in the use and abuse of narcotic drugs within Papua New Guinea during recent years. The figures indicate that the problem is still relatively minor, however, there seems little doubt that it will increase in the future and that when it does, it will bring with it an increase in criminal activity.

Mr Tokam provided statistical tables on types of offences and offence rates in Papua New Guinea from 1974 to 1978. These tables could not be reproduced but are available if required.

— Compiler's note

Alternatives to Imprisonment

Henry Tokam

Introduction

The people of Papua New Guinea do not always recognise and understand the presence of alternative means of punishment, other than imprisonment. The concept of imprisonment of offenders has been assimilated into the minds of the community as far back as when the first foreign laws were introduced and exercised by foreign lawyers. The foreign laws replaced the customary methods of settling disputes in the community. Also, most of the population is not aware of, or thought to understand, the judicial system and the powers of judges and magistrates. Commonly people react strongly against the courts when they hear of an offender being released, either with conditions or without, on good behaviour or on licence. They believe that justice has not been done. They lose confidence in the courts and sometimes tend to take the law into their own hands by taking revenge, etc. These are some of the difficult aspects that judges and magistrates must consider when deciding the appropriate alternative sentence for the offender.

Courts

Courts in Papua New Guinea are limited within their jurisdiction to determine sentences other than imprisonment. Court fines, release on good behaviour without application of conditions, release on good behaviour on conditions, caution and discharge are common alternatives in the court system. Court fines are commonly used at present, particularly for traffic offences. Fining an offender in the court is generally recognised by the people. The other alternatives are not commonly used, however the judges and magistrates have used them in special circumstances. This is

because, as previously mentioned, the people do not see it to be a punishment when the offender is released on bond or licence. Court fines are also limited and frequently do not apply in the rural areas simply because not all offenders have cash to pay fines.

Village Courts

An Act was passed in 1973 to establish village courts in Papua New Guinea. The aim of the village courts is to settle disputes at village level, which were lost through other court systems, and to recognise the customary system of settling disputes in the village community. There are at present 716 village courts, 3,449 village magistrates, 811 village court clerks and peace officers and 1,891 village court officials operating in the country. Village courts are established in the village or villages at the request of the community.

The village courts, which began operation in 1975, play an essential part in the village community in settling disputes. The courts' decisions are an alternative measure to imprisonment.

Village court magistrates are appointed under Section 8 of the Village Court Act of 1973, which provides that there shall not be less than three, nor more than ten, village magistrates for each village court. A person may be appointed a village magistrate for more than one village court. Village courts are established under Section 5 of the Village Court Act of 1973. Where village courts are established, the District Court Magistrate is also the District Supervision Magistrate. Appointment of village peace officers and village court clerks are also in accordance with the Act.

A village court is constituted by an odd number (not less than three) of village magistrates and decisions are by a majority vote. A village court may make orders either in joint or single sittings. The orders made by the courts are: Preventive Order, Settlement Order, Order for Imprisonment, and General Orders carried out in the form of a Warrant Authority, and are to be signed by the Magistrate, Clerk and Deputy Clerk. The following are prescribed offences for the purpose of the court.

The taking or keeping of property of another where the value of the property does not exceed the amount of K100.00.

The striking of another person without reasonable cause.

- . The use of insulting words or conduct.
- . The use of threatening words or conduct.
- . The use of offensive words or conduct.
- . Intentional damage to trees, plants or crops belonging to another person.
- . Intentional damage to trees, plants, or crops belonging to the defendant and another person.
- . Intentional damage to any property belonging to another person.
- . The making of a false statement concerning another person which offends or upsets that person.
- . The spreading of false reports that are liable to cause alarm, fear or discontent in the village community.
- . Conduct which disturbs the peace, quiet and good order of the village or of a resident of the village.
- . Drunkenness in the village court area.
- . The carrying of weapons so as to cause alarm to others in the village court area.
- . Failure by a person or persons to perform customary duties or to meet customary obligations after having been informed of those duties or obligations by village magistrates.
- . Failure to comply with the direction for a village magistrate with regard to hygiene or cleanliness within village court areas.
- . Acts of sorcery including: practising or pretending to practise sorcery; threatening any person with sorcery practised by another; procuring or attempting to procure a person to practise or pretend to practise or assist in sorcery; possession of implements or charms used in practising sorcery; and paying or offering to pay a person to perform acts of sorcery.

Orders for imprisonment are issued to an offender only when that offender has failed or has refused to comply with a village court order. Village courts however, have no jurisdiction to send to prison those who have failed or refused to obey their rulings. The order for imprisonment must first be endorsed by the District Court, although this does not necessitate another trial for the

offender. An offender whose case is heard at the village court, and punishment is determined by the court, may appeal against the decision at the district levels if he feels dissatisfied with the decision. However, there is no automatic right of appeal, except in the case of breaches of law relating to procedure, or denial of natural justice, or on grounds of miscarriage of justice.

Probation and Parole in Papua New Guinea

The probation service and parole system are new concepts to the people of Papua New Guinea. The idea of introducing probation and parole services in Papua New Guinea was instigated by the former Justice Minister, Mr Ebia Olewale. It was at his request that the Assistant Director of Australian Institute of Criminology, Mr C.R. Bevan, investigated this area. Mr Bevan recommended that the two services be introduced because it would have a marked effect on PNG's criminal justice system and would also make the system both more humanitarian and cheaper to run. Subsequently, the Government accepted Mr Bevan's report because it realised that the scheme would provide the national judicial system with a new set of sentencing options.

Probation is an alternative to imprisonment and is imposed by the sentencing court. Parole is an alternative to long prison sentences. The report was presented to the National Executive Council and in the same year the Government accepted it. Between 1976 and 1978, no further progress on the report was made. In February 1978, a United Nations consultant, Mr John Wallace, was seconded to Papua New Guinea to give advice on how the system could be established in the country. Almost a year passed before the Budget Priority Committee approved the positions of Probation Officer. Mr Wallace could not proceed quickly because there was no local officer to work with him. Two local officers were recruited in December 1978 and the work commenced.

An Act was passed in 1979 to establish a probation service only, which came into effect late in December. There are three local officers and Mr Wallace working on the system to lay the foundation plans so that the pilot project in Lae (Morobe Province) can commence. It may take three to four months before the Correctional Service can recognise the effect of the scheme. It will be a new system and at this stage the extent of the involve-

ment of the Correctional Service is uncertain. It is also understood that private organisations and individual volunteers would be participating in the scheme when it is established.

Law Reform Commission Views for Future Criminal Code and Alternatives to Imprisonment

In Papua New Guinea, the legal system operates at two levels. One is the traditional or customary law system which functions within the bounds of village courts. The other is the legal system imposed by the state, which transcends village boundaries and applies to every community in the country. At present, the imposed systems are largely beyond the peoples' comprehension. While it is in the process of establishing itself, the customary law system is maintaining social solidarity at the grassroot level. There is a Law Reform Commission and it is in the process of integrating the two systems, so that eventually they will merge into one.

Earlier methods of dispute-settlement were discouraged by foreign laws. The maintenance of law and order became the responsibility of the government and criminal behaviour was punished by the state even if individuals and groups were capable of and wanted to deal with such behaviour by other informal, non-violent means. There is a large number of customary groups in PNG and their views of what is criminal behaviour vary. A law that is not understood by the people will not be respected by them and will not achieve one of its major aims – that of deterring people from anti-social criminal behaviour.

Considerable research is being carried out by the Law Reform Commission of PNG into customary law perceptions and beliefs, as well as the role PNG society should play in the determination of penalties. Even where a person is found guilty, both in the eyes of the law and under custom, customary considerations should still have a part to play in determining what should be done with him.

Papua New Guinea inherited its criminal law from England through Australia. In both countries the state has taken over the responsibility for the enforcement of the criminal law and the punishment of offenders. However, in Papua New Guinea the role of the state is new and the enforcement of the law has always been a matter for restoring harmony within the aggrieved community. It is believed that it is right that our courts should be able to take

cognizance of the role of the community in the criminal law.

The main forms of punishment under present criminal law are imprisonment and fines. The concept of imprisonment is new to the community in general. Imprisonment is also an expensive process. The person is removed from the community and this removal has no effect on the main concern of the community when a wrong is done, that of restoring harmony in the community. Imprisonment has come under criticism as a method of punishment and it is for this reason that work has become an alternative punishment to a fine under the Village Courts Act of 1973. Community work can have a rehabilitative effect in enabling the offender to restore the wrong done by him by contributing to the community. The community can also see justice in action at the grassroots level.

The main problem with community work is supervision. However, if only a limited amount of community work can be ordered, the problem may not be so great. It is also foreseen that the establishment of a probation and parole service in the country would ease the problem of supervision. The Department of Correctional Services is to carry out a study on the way in which community work orders can be supervised and attention will be given to the question of supervision through the village courts. Only after satisfactory arrangements for their application are made can community work schemes be put into effect as substitutes for imprisonment or a fine.

Compensation

The community believes that the most important purpose of law enforcement is restoring harmony within the society. The maintenance of law and order in the country could be assisted if the beneficial role compensation can play in restoring peace between warring clans and in avoiding pay-back killings and further violence is recognised. The courts should give recognition in their sentencing to customary penalties and, in particular, compensation arranged informally between the parties. The use of compensation should, in addition, be incorporated into the criminal justice system by giving the village courts power to order compensation.

Compensation should not be restricted purely to the custom-

any situation, even though the inspiration for the idea comes from customary law. Providing for compensation orders reduces the distinction between criminal and civil procedures and makes it easier for the victim to obtain a remedy. This has resulted in the introduction of compensation provisions even in the Western, common law countries such as England and Australia. In customary compensation situations, the courts will play a beneficial role in preventing an aggravation of the dispute by ordering compensation. The influence of the courts in this respect could bring greater control to a situation in which compensation demands are becoming excessive. The maximum limit on the amount of the compensation which may be ordered should be K10,000.

Compensation may be ordered by the court for any loss, damage or injury suffered by a person or group. The court may take into account customary law under which an injury to a person means a loss to the whole group. Similarly, the court may take into account customary law under which a group has to compensate for injury, loss or damage caused by a member. Compensation should not necessarily be a payment of cash. This is because wealth in the communities is not held in forms easily converted into cash but includes such things as pigs and cassowaries. Compensation can be made by the supply of services and where possible it could be by way of repair or replacement. When a person's fence is damaged as a result of an offence it would be more meaningful to him for the fence to be repaired rather than be given the cash value of the repairs. The principle of replacement is a very important part of customary law of compensation. One pig may, for example, be replaced by another similar pig.

An order for compensation should not be regarded as a criminal punishment but as a civil remedy for the wrong done. Because the trend of decisions on compensation provisions in other jurisdictions is to this effect, there is some doubt that compensation should be awarded as a matter of direction by the courts. At the same time, courts in making an order, should bear in mind the nature and extent of any punishment inflicted under the Code and any customary penalties or obligations arising out of the criminal act. Compensation orders imposed by criminal courts should be taken into consideration by the civil courts in any subsequent civil suit for compensation.

REFERENCES

1. Law Reform Commission — Report No. 7 November, 1977: The Role of Customary Law in Local System.
2. Law Reform Commission — Annual Report of 1978.
3. Policy Submission papers from Office of Probation Services.
4. Explanation Booklet of the Village Courts Act 1973.

Papua New Guinea Correctional Service

Henry Tokam

Origin and Development

The penal system of Papua New Guinea has been closely connected with its history of development. As British New Guinea, Papua came under British influence in 1884, and was passed to Australian authority as the Territory of Papua in 1902. New Guinea, under German control from 1884, was taken over by Australia shortly after the outbreak of the First World War in 1914. In 1920 New Guinea became a Trust Territory. This was done separately from Papua. Common Australian administration of Papua New Guinea did not come until after the Japanese invasion in 1942.

With such a background it is not surprising that the penal system that exists in PNG has been developed along the lines of Australian penal system. However, during the period up until 1955, the existence of a penal identity was not recognised; this occurred only when Sir Paul Hasluck, the then Australian Minister for External Territories, issued a directive in respect of separate identity of the custody of native prisoners. Subsequently, an Act was passed in 1957. During these periods, penal institutions had undergone revolutionary changes and the system formed an integral unit of the police force and the Department of District Administration. Late in 1957, Mr Malcolm English was appointed as the first Controller of the Prisons Service in PNG.

Administrative Functions

The functions of the Correctional Service are governed by the legislation embodied in the Correctional Service Act and Regulations which defines the powers and duties of the Commissioner, officers and assistant correctional officers. The Commissioner is

directly responsible to the Minister for Correctional Services and Liquor Licensing. Within the public service structure, the Commissioner is also responsible to the Secretary for Justice who is the Head of the Department. Correctional Services is one of the arms of the Justice Department with its own Ministry. The Department of Justice has its own Minister, the Minister for Justice.

Other legislation which indirectly effects the functions of the Correctional Service are the District and Local Court Acts, the Child Welfare Acts, the Coroner's Act, the Papua New Guinea Constitution and the Mental Disorder and Treatment Act. The Correctional Service is also guided by the United Nations Minimum Standard Rules for the Treatment of Prisoners.

The Commissioner is assisted by his Deputy and two Assistant Commissioners who have overall responsibility for policy decisions of the Correctional Service. There are three main types of corrective institutions: four major central corrective institutions, eight central, and eight major area corrective institutions. Major central corrective institutions are headed by Chief Superintendents, central institutions are headed by Senior Superintendents and major area corrective institutions are headed by Superintendents. Superintendents of each corrective institution are responsible to the Commissioner.

Recruitment and Training

Correctional Officers and Assistant Correctional Officers are recruited from the lower level. Applicants are invited from high schools, colleges and tertiary colleges. Personal interviews and selection of applicants are conducted either by the recruiting officers or, in their absence, by the Superintendent of the institution. Although, as I have previously mentioned, the Papua New Guinea penal system has been developed along the lines of the Australian penal system, our recruitment of staff has not. Whereas in Australia, each State and Territory has its own method of recruitment, PNG has been able to standardise its recruitment procedures on a national basis.

Interview Procedures

Interviews procedures take account of an applicant's marital

status, previous employment, education, present studies, health, hobbies, clubs, convictions, and offences. Other related questions are: why he applied for the job; what he thinks about a prison job; what type and quality is the man going to be. In most instances, some of the applicants do not even have a basic idea of the penal system. However, applicants often improve during training, when they learn to grasp the basic principles of the organisation.

School leavers who seek employment often do not have any idea about the job. However, we feel that we can really assess a man's interest and knowledge of the job during basic training.

Applicants selected from other centres are transferred to the Correctional Services Staff Training Centre at Port Moresby. One of the aims of the six month Basic Recruit Training Course is to teach the recruits the day-to-day custodial duties of the officer. After the completion of six months, those who attained satisfactory results will graduate as Assistant Correctional Officers and the failures will be either told to leave the Centre or remain and rejoin the next intake of recruits. Assistant Correctional Officers who graduate and have obtained a high standard in the course are nominated for officer cadet selection. Those Assistant Correctional Officers nominated for cadet courses will sit for a series of public service psychological tests. Officer Cadets are selected after a report from Psychological Services is received. Officers who fail these tests will not be considered for selection as officer cadets. The successful officer cadets are then enrolled into a one year study course at the Joint Services College at Igam Barracks near Lae. After the years training at J.S.C. they are placed in field duties, under senior experienced superintendents for at least another year to gain 'on the job' training and experience. At that stage, officer cadets reach the status of Senior Officer Cadet. While they are on field duties, the cadets attend other short courses such as animal husbandry, finance, stores, clerical and other courses.

On the successful completion of all training requirements, the cadets graduate from the Staff Training Centre as fully fledged Correctional Officers Grade 1.

Promotion of officers to higher ranks is dependent on job performance and ability. Promotions are done through the public service system. An officer may apply for a position or positions when vacancies are advertised in the government gazette. During

these periods, officers who successfully gain entry into the College of Public Administration and the University either to full-time or part-time courses, do take up these courses.

The education and social standards of our people are rapidly changing; this change is reflected in our more complex prison population. More of our prisoners have been convicted for what is commonly known as 'white collar' crime, fraud, embezzlement and the like. Our officers need to understand this changing trend in criminal behaviour if they are to assist in any treatment or rehabilitation programs. However our Service still lacks a centre where all aspects of the changing criminal behaviour pattern and current correctional philosophy can be taught, thus enabling our officers to gain a deeper knowledge and understanding of these areas. The existing training centre has neither the facilities nor the professional expertise to establish and conduct courses of this nature.

The status of Correctional Officers equates with that of officers of the Public Service. All are graded within a 'clerical class' structure. The grades are as follows: Correctional Officer Grade 1 (PS Clerk Class 5); Correctional Officer Grade 2 (PS Clerk Class 6); Correctional Officer Grade 3 (Supt.) (PS Clerk Class 7); Snr. Correctional Officer (Snr. Supt.) (PS Clerk Class 8); Chief Correctional Officer (Chief Supt.) (PS Clerk Class 9); Inspector (vacant positions) (PS Clerk Class 10); Assistant Commissioner (PS Clerk Class 11); Deputy Commissioner Level 1; Commissioner Level III.

Other non-commissioned officers, that is, Assistant Correctional Officers, are graded as follows: Chief Assistant Correctional Officer (highest rank attained by non-commissioned officers); Senior Assistant Correctional Officer; Assistant Correctional Officer Grade 2; Assistant Correctional Officer Grade 1; Assistant Correctional Officer (Grade 1) (probationary only for a period of six months).

Assistant Correctional Officers may attain rank up to commissioned officer level either through in-service training or through normal channels of officer cadet training procedures. The power of appointments and promotion of non-commissioned officers is vested in the Commissioner for Correctional Service.

Prison Officers' Union

Papua New Guinea Correctional Service officers do not have a

prison officers' union or association. However, most officers do belong to the Public Service Association which is an association restricted to members of the public service.

The P.S.A., because of its membership, is more concerned with industrial or arbitration matters that effect all members of the public service and not merely problems that may be encountered within the Correctional Service or by the individual Correctional Officer. The broad scope of the P.S.A. functions and its unfamiliarity with the complex nature of prison administration has led it to have little effect on the management of the Corrective Institution Service. Industrial problems that may arise within the service are dealt with under normal administrative procedures by senior officers of the service.

Intractable Prisoners

Like most prison services throughout the world we have a few intractable prisoners, fortunately not many. We have not yet experienced violent assaults by prisoners on correctional staff, nor have we been exposed to drug-crazed or violent homosexual prisoners. However we do have a few prisoners who cause trouble by not wishing to comply with the rules and standards of the institution.

We have noticed that some of our more educated prisoners are apt to adopt the posture of the 'barrack room lawyer' and are not averse to offering their opinions and advice to the less educated. The opinions tendered and the advice offered cover the full spectrum, from rights and privileges, incitement to commit breaches of regulation, to confrontation with prison authorities. There have been instances where events occurring outside the prison, and thus outside of our control, have led to problems arising involving certain elements of our prison population.

The present dormitory type of prison compound is designed for 50 men to a building and is not suitable for a large prison population. There are, however, plans to expand existing prison establishments and to build new complexes. At Wabag and Vanimo minimum security institutions are operating under shelter shades. This lack of adequate and suitable accommodation must have an adverse effect on the full implementation of our rehabilitation program. However, the extent of this cannot be assessed or recog-

nised at this stage. The important, urgent task that lie in front of the prison administration is to build corrective institutions, which are now existing under bush material shelters, into permanent constructions. Lack of development and construction of permanent corrective institutions in the country has been hampered by the lack of funds received from the Government. As I said before, the correctional service would find it difficult to implement a full scale rehabilitation program for prisoners. The correctional service is still experiencing evolutionary changes in development.

Philippines

Trends and Problems

Vicente R. Raval

Trends

The State of Crime: With the transition of Philippine society from the traditional to industrialized development, it was reasonable to expect that criminality would evolve into a more complicated matter.

The assessment of criminality in the country, despite its complicated nature, is further hampered by two important facts. First, not all crimes are being reported to the police, and second, few attempts have been made to determine the extent of unreported crime.

However, steps to resolve these problems are being taken with the implementation of the five-pillar approach in the prevention of crimes and treatment of offenders.

Prison Admissions: Using 1970 as the base year up to 1979, there has been a gradual average decrease in prison admissions of 333 or 5.3 per cent yearly. A total decrease of 3,395 or 53.9 per cent has been noted over the past 10 years.

Using 1975 as the base year (on a five year period from 1975-1979) there has been a rate of 26.1 per cent decrease in admissions or an annual average decrease of 5.2 per cent.

Numbers under Sentence: Sentences vary according to the gravity of the offence committed. In Philippine prisons, statistics on admitted prisoners for the year 1979 show that those who were sentenced to serve 11-15 years ranked first with 645 or 22.2 per cent of the total; 5-6 years ranked second with 608 or 21.0 per cent and 7-8 years ranked third with 583 or 20.0 per cent.

Prison Population: Using 1976 as the base year, there was a decrease of 2,058 or 10.5 per cent in the prison population over the four years between 1976-79.

In 1979 there was a total of 15,379 prisoners in the National Bureau of Prisons. This number, of the 42 million population of the entire country, represents a rate of 0.01 prisoners per 100,000 of the population.

Problems

The Philippine prisons system is characterised by the following features:

- . There are seven correctional institutions, one of which is a penal institution for women.
- . Following the policy of the Director of Prisons, religious activities are conducted intensively.
- . Education is a foremost consideration in the penal program. This includes adult literacy, high school, and on-the-job training because the average inmate is a school drop-out.
- . The character of Philippine prisons is one of socio-educational concern.
- . No riots, or large-scale disturbances have occurred.
- . 'Difficult' offenders (homosexuals, escape risks, violent offenders, etc.) are segregated and transferred.

With the implementation of Presidential Decree (PD) 76, which redefines the categories of prisoners, a reduction of commitment to the national prisons of almost 20 per cent has occurred.

Alternatives to Imprisonment

Vicente R. Raval

Informal Village or Neighborhood Courts

Special Courts are established to meet the increasing demands and specific needs of both majority and the minority groups in the Philippines.

In 1979, the municipal court system was circuitized, reducing the number of municipal courts by 40 per cent and at the same time increasing their efficiency and standardizing the salaries of judges.

One very promising innovation in the court system is the establishment of Barangay Courts under PD 1508. The Barangay Courts, composed of village elders, are empowered by law to settle civil and minor criminal matters through conciliation of the local government authorities and the courts. Local courts are not authorized to take cognizance of a minor criminal case unless the Barangay Courts certify that arbitration or conciliation efforts have failed. Implemented only late in 1979, the Barangay Courts are already having their effects felt in terms of reduced intakes in the municipal courts.

In the Muslim areas of the Philippines, Agama Courts have been established as a vital part of the governmental machinery for the administration and enforcement of the Muslim Personal Law. The Agama Court of Shariah Court is a community body which takes cognizance of disputes of a certain nature, such as divorce, inheritance, or those offences involving customary law. Non-Muslims are not generally subject to the jurisdiction of the Agama Court, except by voluntary appearance, as this court functions under the Islamic Law.

In the Mountain Province, the Igorots have their own Council of Elders acting as a community court in the same manner as the Barangay Arbitration Councils operate for the non-minority

group.

Formal Alternatives

In 1976, Probation Law was implemented by virtue of PD 968. Work Furlough however, is not considered at present on account of the problems of unemployment and security. Suspended sentences are given in cases when a young offender is convicted. On victimization, a parliamentary Bill on this subject is still pending deliberation at our *Batasang Pambansa* (Legislative Body).

Release of Offenders

Release of offenders may be obtained on the following grounds: executive clemency; absolute pardon; conditional pardon; conditional pardon with parole condition; parole; expiration of sentence; acquittals; amnesty.

Recidivism

For a period of six years (from 1974 to 1979), the recidivism rate was 28.1 per cent, or an annual average of 4.6 per cent.

Using 1976 as the base year, the rate of recidivism was 17.5 per cent, or an annual average of 4.3 per cent.

Pre-release Centres

The Philippine prisons system includes a Minimum Security Camp and a Separation Centre which functions as the Pre-release Centre. Here inmates are classified for adjustment prior to their release.

In the Minimum Security Camp, inmates are assigned to specific work units and in the Separation Centre, inmates are supplied with whatever needs they want – such as transportation, fares, and the like.

Management Services

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The Bureau of Prisons is an office under the Ministry of Justice. It is a line bureau headed by a Director and Assistant Director of Prisons. It is composed of supportive services like the Administrative, Accounting, Budget and Finance, General Services, and Supply Divisions. There are seven operational institutions that take care of the inmate population, as regards their custody and rehabilitation. These are: the new Bilibid Prison; Correctional Institution for Women; Iwahig Prison and Penal Farm; San Ramon Prison and Penal Farm; Davao Prison and Penal Farm; Sablayan Prison and Penal Farm; Leyte Regional Prison.

Recruitment and Selection

It is a declared policy of the Government that opportunities for government employment shall be open to all qualified citizens and positive efforts shall be exerted to attract the best qualified to enter the service. The basic instrument used by the Civil Service Commission to recruit employees is examination, which may be written, oral, physical or some other type which may also be considered suitable. Those who pass the examination are eligible for appointment. Others become eligible under the Republic Act 1080. They are the professionals who passed the examination given by the Civil Service Commission or the bar examination given by the Supreme Court and who are granted civil service eligibility. Eligibility is also conferred to honours graduates who occupy a position requiring the application of the knowledge and skills earned as students. Under PD 907 as amended by PD 993, and under PD 997, eligibility is given to scientific and technological specialists. Special examinations are given to cultural minorities for appointment to the civil service.

Training and Development

The purpose of training is to increase the effectiveness of government operations. At the same time, considerable benefits accrue to employees in terms of career and personal development. Training makes employees more efficient, more perceptive, and more knowledgeable of the developmental goals of the Government. Under Sec. 28 and 29, PD 807 and LOI 317, all departments, agencies and offices are required to establish more intensive and extensive continuing programs for employee-development at all levels. The Civil Service Commission provides for leadership and assistance to different departments and agencies in formulating, administering and evaluating programs related to training.

The Bureau of Prisons has conducted several training courses including basic courses: Basic Custodial Training; Correctional Administration and Treatment; Clerical Development; Supervision Techniques; Leadership; Training; New Performance Rating; and Middle Management Courses. Other trainees are given junior executive training and also undertake the course in Supervisory Training for Effective Administrative Management at the Civil Service Academy. Some are also sent to the University of the Philippines, the National Defense College of the Philippines, and abroad as training grantees.

Promotion of Senior Officers

Preference for promotion is given to an employee who is next in rank, competent and qualified and who possesses an appropriate civil service eligibility.

Senior officers occupy such positions through merit, fitness to perform the duties and responsibilities of the position adhering to all existing legal standards and guidelines relative to promotion.

Appeals Procedures

In cases involving appeals against promotion, applications, performance rating, appointments, and disciplinary cases, there is a set of rules governing each case. All are subject to a particular time frame and a schedule date for proper action.

In disciplinary cases, for instance, a petition for reconsideration may be filed. For performance rating, an employee who feels

he is not rated properly may appeal against his rating to the Director of Prisons within five days after receipt of his rating.

For contested appointments, an employee may appeal within 15 days to the Department Head who shall make a decision within 30 days from the time of the appointment.

Philippines Criminal Justice System

Vicente R. Raval

Introduction

One of the principal concerns of the Philippine Government is the crime problem. However, despite the fact that there has been a decrease in the volume of criminality and its rate, following the establishment of a new political and social order in the country, economic and related crimes are still endemic to other urban areas and still real to many affected citizens.

Admittedly, crime is a complex matter; its causation, its many facets and its varied trends, make it difficult to measure. With the transition our society is undergoing, which is from the traditional to the industrialized developmental process, it is reasonable to expect that criminality would have evolved into a more complicated matter. The problem according to some experts would be further magnified by the negative impact of population growth, inflation, unemployment, natural disaster, and the weakening of the traditional social control processes.

The assessment of criminality in the country is hampered by the following:

- . Not all crimes are being reported to the police.
- . Not all crimes coming to the attention of the police are being recorded.
- . Few attempts are taken to determine the extent of unreported crimes every year. Presently, efforts in this direction are considered of prime importance.

The Criminal Justice System

Our society uses the criminal justice system in dealing with the prevention and control of criminality. Mainly, it operates by:

enforcing the law; protecting life, individual rights and property; removing dangerous persons from the community; deterring people from indulging in criminal activities; and rehabilitating offenders and returning them to the community as law-abiding citizens.

To a certain extent, however, there are other public entities, private groups and individuals, outside the formal criminal justice system, which perform certain functions related to the purposes and objectives of the components of the formal criminal justice system.

Coordination is achieved through the interrelationship of each organisation and a uniform understanding of their roles in the common task of processing persons who violate the law. In perspective, the roles of each organisation are as follows:

- . Law enforcement is focussed upon the apprehension of offenders.
- . Prosecution focusses upon prosecuting the offenders.
- . Courts carry out their primary duty of determining guilt and assume a general supervisory role in the system.
- . Corrections focus upon modification of behaviour of persons convicted of crimes and, to some extent, upon the segregation of hardened and dangerous offenders from the community.
- . Community focusses upon communication between the people and the criminal justice system.

Law Enforcement

It is a truism that effective and efficient law enforcement are some of the indispensable factors required in the successful implementation of a national strategy to control and reduce crime. As a result, the police occupy a pivotal role in the law enforcement program, as they constitute the first line of defence against forces bent on disrupting peace and order.

The trend to realize a strong line of defence in law enforcement required an emphasis on professionalization. Along this line, the Government established training programs to technically and professionally train personnel. New courses have been developed and introduced to cope with the domestic and international crimes and other unlawful activities.

Enlisted in the effort are the Barangay officials. The Barangay, or village-level organisation, and its officials are encouraged to participate actively as required by law, by preserving public order and preventing crime or anti-social behaviour.

The services of security guards, who number about 89,000 well trained ex-soldiers, are recognized and professionalized. These moves have enhanced the enforcement of law, considering that this particular security sector acts as an effective buffer against criminality in our country.

Advanced technology in police work, particularly in crime detection, traffic control, forensic sciences and criminal investigation has been gradually introduced. Advanced procedures are instituted along this particular line. Barangay corps also compose traffic brigades. Auxiliary units utilising the resources and talents of Barangay officials are tapped to the fullest. This is to ensure a wider scope of coverage in implementing ordinances and enforcing the law of the land.

Prosecution and Courts

It has been observed in many countries of the world, both developed and developing, that their judicial machineries — prosecution and courts — are confronted with a crisis in meeting the volume of cases in the administration of justice. It has become enormous and worrisome and the result is overburdening and protracted delays in the dispensation of justice.

Presently, many attempts are being made to improve the level of performance of the prosecution and the courts. Current procedures governing the process enable them to meet the increasing demand. One of the steps taken was the calling of all municipal, provincial and city prosecutors and the respective fiscals of the area. This is to ascertain a uniform facility in processing the cases assigned to them.

The Government encourages the traditional set-up of hearing cases by special courts as they are operated by the minority groups of the country. In Muslim areas, the Agama Courts provide the Muslim population with their specific procedure of justice. In the Mountain Province on the other hand, natives like the Igorots have their own courts too. They refer to them as Councils of Elders. These courts gather all the elders of the community and hear

specific cases arising from among the tribal communities under their jurisdictions.

In view of these considerations, the ultimate goal is gradually realized. The judicial machinery is now performing an active role in reducing further the delays in processing cases without, however, sacrificing fairness and justice.

Among the target areas, one is the priority given to the elimination of backlogs and reduction of cases entering the judicial system. Unquestionably, one of the most significant elements of a fair and just administration of justice is speedy disposition of cases. Prompt disposition of cases not only satisfies the aggrieved party's desire for swift vindication, but also provides for the condition favourable for sustained respect and support of the judicial system by the people.

Present efforts are steered in this direction with the implementation of procedures by prosecutors empowered as such and stationed at governmental levels.

In this connection, it is noteworthy that martial law in the Philippines is enjoying the protection of its legality by our judiciary.

Corrections

Of the five components of the formal criminal justice system, corrections has the most sensitive and delicate features. This is because in our system of criminal justice, imprisonment is the most commonly used method of dealing with criminals. In fact, it is often the only option given to judges in meting out penalties for convicted offenders, except in certain minor cases where a fine may be imposed.

Obviously, the public is not ready to accept a plan to tear down prisons and to put offenders back on the streets unless some demonstrated methods of changing their behaviour is available. Until such programs are developed, prisons will continue to exist for the protection of society.

New institutions are being built to meet the needs of inmates and the designs are based on the correctional assumption that the physical plant must provide pleasant surroundings that can reinforce the social climate of the institution, facilitate correctional programs and meet human needs for privacy and dignity.

Prison programs have undergone profound changes. Traditional concepts and practices are continuously being examined and gradually replaced by innovative programs and activities designed to meet the individual needs of inmates. It has been the policy of the Director of Prisons to infuse in the program an intensive training in religion for the inmates. This is for them to gain their religious selves and acquire proper values in life. With this as a regular feature of prison activities, no riots or large-scale prison disturbances have occurred which are worthy of mention.

The emergence of open institutions with more rehabilitative types of penal treatment are welcome innovations. One of these is Iwabig Prison and Penal Farm. It is internationally recognized as one of the more successful open institutions in the world. Presidential Decrees have established the opening of more open institutions on a regional basis.

Community

Community action focusses on those activities that appear to have the greatest potential for reducing crime and improving the quality of life. These are: reinforcing home and family life; education; provisions for health; involvement of religion; recreation; involvement of the mass media; other community groups and services; citizens' involvement.

Among present efforts directed at facilitating these activities, the Government instituted various measures. On home and family life, the Government is aware of the fact that the strength lies in the facilities each member shares with each other. It has erected condominium housing facilities under the BLISS Program (or Bagong Lipuman Sites and Services). These housing units are intended for occupancy by people in the low income bracket. To date, every overcrowded municipality has its own plan for housing of this type.

On education, various government scholarships await qualified applicants. The poor but deserving students who wish to pursue higher education are given opportunities in a number of government and privately sponsored scholarships. Foundations, grant-in-aids, and civic organizations have their own programs aimed mainly at sponsoring individuals who are willing to pursue their respective fields of specialised areas of knowledge. In this manner,

every community has its own educational program. These are noted in rural areas where educational programs, workshops and training are regularly given, specifically on land reforms, agriculture, family planning, cooperative and other related training areas.

For the provision of health, village clinics have been established on a national scale. As an adjunct to the education of the student, practical work and sharing of know-how, specially in medicine and para-medical science, are conducted on a regular basis before one graduates. This is to acquaint the student with the problems besetting their fellowmen in the countryside, share skills which they learn, and at the same time offer medical attention to the large population which is not covered by proper medical care.

On involvement of religion, the Government has established some measures to unite all sects to inculcate in their followers the value of cooperation and the desire to participate actively in shaping their community.

On recreation, the Government, bent on its effort to transform the cities into 'Cities of Man', has established parks and other recreational installations. Private groups and organizations are encouraged to assist the Government along this line of national endeavor.

On involvement of the mass media, the Government has produced a series of publications all in line with developmental journalism. Also, every sector of the media is enjoined to support this effort. The effort made in this regard has made possible the inception of government-managed developmental networks in visual communication.

Cultural presentations showcasing the roots of Philippines heritage have become the trend in arts. Other community groups, like the creative and related fields in arts, are joining hands in their efforts to promote and harness individuals with flair and ingenuity.

At the rate at which developmental programs are introduced in the community, it will not be long until such concepts as community-based and community-oriented programs on criminal justice will find fertile ground.

With all these, active participation of the people in the community has become accepted and an encouraging picture of a new social order under the envisioned New Society has emerged.

Intelligence

In the Philippines, there is no central intelligence agency. There is, however, a Counter-Intelligence Service (C.I.S.). We also have an intelligence agency (that is, the National Intelligence Services Administration, or N.I.S.A.), under the Office of the President, which is concerned with national security measures.

Around the President is a Presidential Security Unit which facilitates the protection of the President and his immediate family.

The National Bureau of Investigation (N.B.I.) on the other hand, is primarily responsible for the efficient detection and investigation of crime and other offences against the law. Sophisticated and serious crimes are handled by the National Bureau of Investigation. The Bureau is under the Ministry of Justice. Its functions are:

- Investigation of crime and other offences against the law, including cases of an administrative or civilian nature.
- Assist in the investigation and detection of crimes and other offences.
- Act as a national clearinghouse of crime and other related information for the use of all prosecuting and law enforcement agencies.
- Conduct research in furthering scientific knowledge in crime investigation and extend technical assistance to all prosecuting and law enforcement officers and government agencies.

Under the Ministry of National Defense is the National Police Commission. The Commission has established the Interdisciplinary Committee (I.D.C.) which forms a research and coordinating body in providing for and advancing innovations in the criminal justice system.

In the field of anti-narcotics, a drive has been stepped up. The Government's answer to this social menace (that is, drug abuse) is the Anti-Narcotic Movement (A.N.M.) which as a private organization, which assists and supports the Government. This body meets once a month to design programs of action.

Conclusion

We in the developing countries, especially the Philippines, despite problems and difficulties, feel that conferences like this are most valuable. Not only are we given access to new concepts, but new horizons are opened.

It is indeed of great help to meet leaders of every country, exchange ideas and share experiences through the interchange of manuscripts and study papers.

Philippines Correctional System

Vicente R. Raval

Introduction

Of the five elements of the criminal justice system in the Philippines (law enforcement, prosecution, courts, corrections and the community) corrections has the most sensitive and delicate features. Not only because it is the ground or repository of effects of social justice but also because it adheres to the provision that correctional institutions must serve as the turning point of an offender's life.

The correction system in the Philippines, like those of its Asian neighbours, displays an oriental temperament in its characteristic features. There may be different foreign influences adding new dimensions to the system, but it has retained its distinct conceptual base — that is, a Filipino concept of penology.

This trend took the changing role of corrections from one of merely housing society's rejects to one of sharing responsibility for their reintegration into community life. This required a major commitment on the part of prison leadership and personnel and the rest of the criminal justice system. In our efforts, corrections in the Philippines have become attuned to their role of reducing criminal behaviour.

Also, a number of measures have been implemented to this effect. As part of the prison decentralization program, PD 28, issued in 1972, directed the establishment of eight regional prisons in the country. One of these was established in Leyte Province on 16 January 1973.

Another decree (PD 76) redefined the three categories of prisoners to the effect that only those sentenced to more than three years imprisonment would be committed to the national prisons. This law reduced commitment to the national prisons by almost 20 per cent.

Crime Trends and Crime Prevention

The past decade witnessed various developments in the form and dimension of various criminal activities. Among the new forms of criminal behaviour which have appeared lately, the most serious are the seizures of an aircraft by unlawful means, taking of hostages, robbery of banks, theft of works of arts and antique objects and such organized crimes as smuggling, gambling and prostitution.

Crime against property, however, particularly robbery and theft, are the most common and are attributed mostly to economic-related problems such as inflation and unemployment.

The Government, in an effort to cope with the trends of criminality in the country, took major steps in the direction of pinpointing some of the problems of the old society. Peace and order were ranked foremost.

The past decade experienced the following measures instituted by the Government to cope with the tremendous problems brought about by the rate of criminality.

In September 1972, martial law was declared. In 1975, the integration of national police forces was realized. In 1976, probation law was implemented.

With peace and order as a priority, the Government adopted the 'five-pillar' approach to crime prevention and treatment of offenders, and spearheaded a nationwide crime prevention program with the involvement and active participation of representatives from the different elements of the criminal justice system.

The efforts were capped with innovations in the criminal justice system. In the field of law enforcement, integration was realized. In courts, additional levels were created at the village level and Barangay Arbitration Councils become operational. In prosecution, the Barangays were deputized to oversee their local jurisdiction and intercede in certain cases for possible amicable settlements. In corrections, diversionary programs were put up and with these, community-based programs were initiated as alternatives to confinement. In the community, several centres and confinement areas for minors were installed to serve the needs of those with special needs or those with physical or mental defects.

Scope of the Philippine Correctional System

In the Philippines, it is a general impression that corrections

are limited to the operations of jails and prisons. This is due mainly to the system of criminal justice which commonly imposes imprisonment in dealing with convicted offenders. In certain cases, at the discretion of the court, a fine is imposed, instead of, or in addition to imprisonment.

With the implementation of the new adult probation law, a new method of dealing with convicted offenders was established. It was from this method that greater community involvement in corrections and later, efficient community-based correctional programs, were developed.

Of the 1,500 correctional institutions, there are actually three correctional subsystems operating at governmental levels, under various policies and procedures contained in the Penal Code and the prison rules.

These three subsystems correspond to the three categories of prisoners defined in the Prison Law (s. 1739, Revised Administrative Code as amended by PD 29), namely:

- National prisoners (or insular prisoners), those sentenced to more than three years imprisonment.
- Provincial prisoners, those sentenced to imprisonment for more than six months but not exceeding three years.
- Municipal prisoners, those sentenced to imprisonment of six months or less.

As at 31 December 1979, the breakdown of units and their respective populations were as follows:

<i>Facility</i>	<i>Population</i>
NBP Main Prison Compound (Maximum Prison Security)	2,933
Camp Sampaguita Reception and Diagnostic Centre	379
Youth Rehabilitation Centre	208
Medium Security Prisons	1,140
Metro-Manila Jail	533
Camp Bukang Liwayway (Minimum Security Facility)	824
TOTAL	6,047

At the same time, (that is 31 December 1979) a total of 4,043 male prisoners were received from the different courts. Of these, 1,138 or 28.1 per cent were committals coming from the Metro-Manila Jails. National prisoner committals totalled 2,905 or 71.8 per cent of the total inmates received.

The National Capital Region ranks first in court committals having 678 or 23.3 per cent, followed by Region VIII (Eastern Visayas) with a total of 468 or 16.1 per cent and third by Region IV (Southern Tagalog) with 342 or 11.8 per cent of the total court committals.

In this connection, prison classification policies were re-examined and revised to enable more prisoners to qualify for assignments in the penal colonies.

Using 1977 as the base of reference, a total of 2,254 of 3,056 admitted prisoners or 73.7 per cent were reassigned to the five penal colonies from the New Bilibid Prison.

Correctional Institutions

There are more than 1,500 correctional institutions in the Philippines. Seven are insular prisons under the direct supervision and control of the Director of Prisons; 72 are provincial jails, administered by Provincial governors assisted by the jail wardens; 65 city and 1,447 municipal jails, which are administered by local police agencies under the Integrated National Police.

The National Bureau of Prisons administers all national and regional prisons and penal colonies, including one correctional institution for women. It also exercises general supervision over provincial and city jails.

Of the seven institutions under the Bureau of Prisons, Iwahig Prison and Penal Farm has been particularly successful. This is so because of the open and unfenced perimeters of the farms. Today, Iwahig enjoys the reputation of being one of best open institutions in the world. Only mutual trust and confidence between prisoners and prison authorities keep them together, there being no walls.

The Davao Prison and Penal Farm boasts of its productivity in terms of tying up with private enterprise. Specifically, banana plantations, which produce bananas of export quality, are maintained with inmate-manpower. The inmates receive the minimum wage as prescribed by the law of our country and wages are

deposited in their personal savings. The area consists of 5,000 hectares, mostly devoted to banana and abaca plantations. It produces rice, corn, vegetables, coconuts, abaca and rubber, which meet the needs of the whole inmate population of the Bureau. The Penal Farm operates the Tanglaw Settlement where released prisoners are relocated as homesteaders with titled 6-hectare parcels of land. Presently, several settlement areas are located in the different penal farms used for the purpose.

All prisons and penal farms maintain various community resources such as schools, churches, recreation centres, post exchanges, hospitals and clinics for the colonies. Facilities like swimming pools, resorts (sulphur springs) are also operational.

These penal institutions and penal farms provide for opportunities in educational, vocational and industrial training which are meaningful to the prisoners and in keeping with their aspirations.

The Prisons Report in 1977 shows that a total of 4,037 or 21.7 per cent inmates were enrolled in the various educational activities offered in the institutions, which include adult literacy classes, vocational training, high school (which is accredited by our Ministry of Education and Culture) and citizenship training. A total of 10,472 inmates or 56.4 per cent were given on-the-job training in fishery, livestock raising, agricultural work, culinary science (for the female offenders), industrial work or institutional service, including farm machinery repair, maintenance of electrical and communications systems and personal services.

Correctional programs in the penal colonies are mainly agricultural work-oriented, and most are designed to approximate actual working conditions in the free community. The environment is more permissive and less regimented; institutional rules are less repressive and the social distance between staff and inmates is at a minimum.

Deserving inmates are permitted to bring their families to live with them. This policy partly solves the conjugal problems of married prisoners. Moreover, it becomes an important part of the reintegration process. Other privileges include possessing money, selling home-made products to the post exchange and going out on passes to neighbouring villages or towns.

Clearly, this institutional treatment is devised to bring prisoners closer to their homes and is more attuned to their particular needs.

Life in a Typical Prison

Any institution propagating the mode of discipline exacts regimentation as a regular feature of its program.

However, since the Philippine correctional system emphasizes re-educating the inmates to reform, regimentation is relegated as a secondary priority. Values, being one of the pillars of the re-education process, are a prime area where religion is introduced intensively. It has been the policy of the Prison Director to restore inmates to their religious selves.

The prisoners, prior to their convictions, have their own way of earning their livelihood, and while they are incarcerated a program to expose them to other viable learning areas inevitably enhances their livelihoods in terms of acquiring more skills and developing educational aptitudes.

When they enter prison, the inmates undergo orientation in the Reception and Diagnostic Centre. Here they spend their adjustment stage, which takes place within a 60-day period. Then they are classified accordingly. The system of classification is in consonance with their work history, interests, aptitude and physical fitness.

Visits are encouraged. After their classification, they are transferred to a penal farm nearest their home town. This is to allow accessibility by their loved ones. After they have served one-fifth of their prison terms, they are granted permission to take with them their own families and, with a cottage provided by the Government, start a new life in the prison reservation.

The inmates are exposed to farm machine operations and modern methods of farming. As for these, there are 52 farm tractors, 34 light vehicles, 37 trucks, a variety of farm machines and a number of farm tools which inmates learn to operate. Fire trucks and other watering devices are also used in maintaining farms and gardens. To date, there are about 84 serviceable machines being operated in all institutions of the Bureau.

Aside from the skills imparted, the families of colonist-prisoners are given and provided for by the Government with free food, education and medical attention.

On services, the Philippine Government extends to the Bureau of Prisons the available supervision and care to prisoners after referral has been made; and it is paradoxical that prisoners volunteer their eyes, kidneys, blood for anybody in need of transplant.

To date, there have been 21 kidneys donated for transplant, 300 eyes given to prospective recipients and an annual average of 2,000 bottles of blood. It is from the latter activity that the Prisons are officially known as the blood donor of the Philippines.

Those deceased prisoners who are not claimed by their relatives are transferred to the medical school of the University of the Philippines for training purposes.

On the practice of religion, the policy of the Director of Prisons is to permit any religious minister to service the religious requirements of the prisoners. But it does not permit just anybody to go out into the midst of the prisoners and evangelize anyone of different beliefs.

It happens sometimes that prisoners request permission to marry their girlfriends or loved ones. If there is no constraint, legal or moral, preventing the arrangement, permission is granted for them to marry.

Those inmates whose relatives are sick are permitted to visit them provided they are not maximum security prisoners. They must, however, return by sunset. This is to ensure the security of the prisoner from any danger, particularly from persons involved in his case.

Regarding the productive expressions of their creativity, prisoners, having finished a piece of craft, sell it through given venues. The prisons have their own marketing channels and, to a certain extent, relatives of inmates serve as their sales agents. The proceeds are used to finance raw materials which will then be used to produce more crafts.

Other services are noted. Civic and social organizations take it as a religious or social amelioration to render personal and financial and social services to the prisoners and their families, especially during the Christmas season.

However, on the workability of work furlough, the Philippines does not consider it as an effective alternative at present. This is because there are so many unemployed and, in particular, security cannot be guaranteed.

Halfway houses are considered. There are a few experiments being conducted by the Ministry of Social Services and Development and the Probation Office Team, but there is no solid report on the matter at present.

There is no congestion in Philippine prisons. The facilities are

in accordance with the approved standards set down by the United Nations. Inmates are confined in liveable areas, with proper ventilation, lighting, electricity, and water supply. These are factors which are considered basic features of a modern prison.

Philippines Prison Statistics

Prison Admissions

The record of prison admissions in the Philippines between 1970 and 1979 is shown in Table 1.

**Table 1 Annual Record of Prison Admissions
Bureau of Prisons (1970-1979)**

1970	1971	1972	1973	1974	1975	1976	1977	1978	1979
6,299	5,288	6,288	5,180	4,498	3,929	3,318	3,056	2,946	2,905

Prison Population

The record of prison population in the Philippines between 1970 and 1979 is shown in Table 2.

**Table 2 Annual Record of Prison Population
Bureau of Prisons (1970-1979)**

1970	1971	1972	1973	1974	1975	1976	1977	1978	1979
21,110	20,222	20,240	20,698	20,778	21,054	18,607	18,504	16,654	16,370

Sri Lanka

Crime Trends

J.P. Delgoda

In Sri Lanka the Police Department has listed certain serious offences as 'grave crime' and an examination of the grave crime figures gives an indication of the crime situation in Sri Lanka. Table 1 shows the grave crime offences known to the Police in Sri Lanka between 1968 and 1978.

The rate of these offences per 100,000 persons is shown in Table 2.

The most striking feature in the crime picture in Sri Lanka is the tremendous increase in the total number of grave crime offences, which has risen from 31,325 in 1968 to 62,934 in 1978, representing an increase of 101.2 per cent. The rate of total grave crime per 100,000 of the population has increased from 261.6 to 629.3. The mid-year population of the country has increased from 12.2 million to 14.1 million. The increase in grave crime has by far outpaced the increase in the population. While the population has only increased 15.6 per cent the total number of grave crime offences has increased 101.2 per cent.

The next striking feature is the increase in the number of persons involved in crime during this period. Table 3 shows the number of persons remanded, the number of persons convicted and admitted to prisons and the number placed on probation in the period 1968 to 1978.

The total number of offenders has increased from 46,405 to 78,983, an increase of 70 per cent. The number of convicted admissions and the number of those placed on probation have dropped. The number placed on remand has increased from 32,549 to 65,948 showing an increase of 100.5 per cent. The situation can well be imagined when it is stated that there has, during this period, been no corresponding increase in the accommodation provided for remand prisoners. Understandably therefore the most

Table 1 Grave Crime Offences known to the Police 1968-1978

Offence	1968	1969	1970	1971	1972	1973	1974	1975	1976	1977	1978
Abduction	257	299	274	268	283	266	223	410	226	187	279
Arson	803	944	1,023	1,165	1,164	973	779	1,580	1,987	6,732	3,289
Burglary	6,509	7,482	8,549	8,773	12,053	13,610	12,103	13,636	12,489	12,777	13,716
Cattle Stealing	721	775	823	953	1,344	1,422	1,991	2,813	2,255	1,652	1,913
Exposure of children	47	63	36	47	109	49	72	—	—	—	—
Grievous hurt	3,120	3,165	2,953	3,043	2,798	2,686	2,414	2,644	2,638	1,482	2,607
Homicide	697	806	845	1,194	928	1,028	960	914	990	878	1,088
Attempted Homicide	377	410	424	493	384	366	565	358	332	404	438
Hurt by knife	5,627	6,177	6,574	6,947	7,809	7,384	6,097	7,425	8,096	6,497	9,445
Rape	146	189	166	140	200	211	191	228	244	224	383
Unnatural Offence	19	46	26	28	29	21	14	29	25	17	29
Riot	114	200	382	598	218	197	139	210	458	2,386	354
Robbery	2,399	2,700	3,268	5,631	3,389	5,084	4,243	5,061	5,282	8,388	6,897
Theft of property worth over Rs 20/-	8,457	9,523	9,939	10,097	14,347	16,333	26,131	21,778	17,770	14,611	17,862
Theft of bicycle	2,032	2,076	1,729	2,088	3,055	3,011	3,617	3,343	3,137	2,129	2,530
Extortion											183
Cheating, Mischief CB Trust	— Listed separately only after 1978.										1,101
Total	31,325	34,855	37,011	41,432	48,143	52,602	59,539	60,429	55,929	58,364	62,934
Total of offences against property	19,121	23,500	25,331	28,707	35,352	40,433	48,864	48,211	43,378	48,675	48,665
Total of offences against persons	12,204	11,355	11,680	12,725	12,791	12,169	10,675	12,219	12,551	9,689	14,269
Mid-year population (in millions)	12.26	12.51	12.81	12.95	13.18	13.39	13.60	13.70	13.73	13.87	14.18

Table 2 Rates of Grave Crimes per 100,000 of Population 1968-1978

Offence	1968	1969	1970	1971	1972	1973	1974	1975	1976	1977	1978
Abduction	2.1	2.5	2.2	2.6	2.8	2.6	2.2	4.1	2.2	1.8	2.7
Arson	6.7	7.7	8.2	11.6	11.6	9.7	7.9	15.8	19.8	67.3	32.8
Burglary	54.4	61.0	68.3	87.3	120.5	136.1	121.0	136.3	124.8	127.7	137.1
Cattle Stealing	6.0	6.3	6.6	9.5	13.0	13.1	19.7	28.1	22.5	16.5	19.1
Exposure of children or concealment of birth	.4	.5	.3	.47	.4	.5	.4	.7	—	—	—
Grievous hurt	26.1	25.8	23.6	30.4	27.9	26.8	24.1	26.0	26.0	14.2	26.0
Homicide	5.8	6.6	6.7	11.9	9.2	10.2	9.6	9.1	9.9	8.7	10.8
Attempted Homicide	3.1	3.3	3.4	4.9	3.8	3.6	5.6	3.5	3.3	4.4	4.3
Rape	1.2	1.5	1.3	1.4	2.0	2.1	1.9	2.2	2.4	2.2	3.8
Hurt by knife	47.0	50.4	52.5	69.4	78.0	73.8	60.9	74.2	80.9	64.9	94.4
Unnatural offence	.1	.4	.2	.2	.2	.2	.1	.2	.2	.1	.2
Riot	1.0	1.6	3.1	5.9	2.1	1.9	1.3	2.1	4.5	2.3	3.5
Robbery	20.01	22.0	26.1	56.3	33.8	50.8	42.4	50.6	52.8	83.8	68.9
Theft of property worth over Rs 20/-	70.6	77.7	79.4	100.9	143.4	163.3	261.3	217.7	177.7	146.1	178.6
Theft of bicycle	16.9	16.9	13.8	20.8	30.5	30.1	36.1	33.4	31.3	21.9	25.3
Extortion											1.8
CB Trust											11.0
Total	261.6	284.3	295.8	414.4	481.4	526.0	595.3	604.2	559.2	583.6	629.3
Total of offences against property	175.7	193.3	205.3	287.0	353.5	404.3	488.6	482.1	433.7	486.7	486.6
Total of offences against persons	85.9	91.0	90.3	127.2	127.9	121.6	106.7	122.1	125.5	96.8	142.6

— Listed separately only after 1978.

serious problem confronting the Department of Prisons is acute overcrowding in the remand prisons. With no corresponding increase in the accommodation for them, the remand population has more than doubled during this decade, thereby creating a host of problems for the department. Table 4 shows the average daily prison population and the percentage overcrowding among remandees in Sri Lanka between 1968 and 1978.

It must however be emphasized that this overcrowding exists only among the remand population and that it has not extended to the convicted population. In fact one of the salient features in the crime situation is that between 1968 and 1979 the actual number of convicted prisoner admissions has dropped from 12,200 to 12,005, a decrease of 1.5 per cent. Table 3 shows a recent steady level of the number of persons convicted. This means that although the number of persons remanded as well as the number of offences of grave crime have increased, there has been no corresponding increase in the number of persons convicted and sentenced to prison for such offences. This is an indication that there is excessive remanding of persons in Sri Lanka and that it is necessary to look for ways and means of reducing that number.

Although there has been some increase in the number of offences against persons, the total number of offences against property has shown a very marked increase. This may be due to the economic state of affairs of the country during this period.

Table 3 also shows that the number of persons placed on probation has been recently decreasing. The number placed on probation in 1968 was 1,656 while the number placed on probation in 1978 was 1,030. This is not a salutary feature because in many of the countries in the world the number placed on probation has continued to increase and they are making use of probation as an alternative, especially to short-term imprisonment. On the contrary, in Sri Lanka, a large percentage of the persons convicted and admitted to prisons are sentenced to short terms of imprisonment under six months.

Table 5 shows the number of persons and the percentage convicted and sentenced annually to periods under six months.

While there is a steady decrease in the percentage of the total sentenced to imprisonment, it should still be possible to reduce this number further if probation is used more extensively as an alternative to short-term imprisonment.

Table 3 Persons Convicted, Remanded or Placed on Probation 1968-1978

	68/69	69/70	70/71	71/72	72/73	1974	1975	1976	1977	1978	Increase or decrease between 68/78
Number remanded	32,549	36,730	41,677	58,327	61,580	70,880	80,786	64,234	73,245	65,948	+33,399
Number convicted	12,200	12,416	10,642	18,138	22,370	12,067	15,015	12,479	12,393	12,005	- 195
Number on probation	1,656	1,640	1,408	1,299	1,466	1,771	1,519	1,637	1,172	1,030	- 626
TOTAL	46,405	50,786	53,727	77,964	85,396	84,718	82,305	78,350	86,810	78,983	+32,578

Table 4 Average Daily Prison Population - Convicted Prisoners and Remandees 1968-1978

Year	Average daily remand population	Authorised accommodation	Percentage overcrowding	Average daily convicted population	Authorised accommodation	Percentage overcrowding
1968/69	3,769	757	265.5	4,431	3,528	25.5
1969/70	3,617	757	337.5	3,695	3,528	4.7
1970/71	5,061	757	568.5	3,800	3,528	7.7
1971/72	4,322	757	470.5	3,394	3,528	-
1973	6,323	757	736.5	3,505	3,528	-
1974	5,383	757	611.1	4,595	3,528	30.3
1975	4,856	757	541.6	5,726	3,528	62.3
1976	4,903	982	399.3	5,732	5,206	10.1
1977	4,732	982	381.9	5,161	5,206	-
1978	4,529	982	361.2	4,907	5,206	-

Table 5 Number of Persons and Percentage Convicted and Sentenced for Terms Under 6 Months 1968-1978

<i>Year</i>	<i>Number sentenced to under 6 months</i>	<i>Total sentenced</i>	<i>Percentage of total</i>
1968/69	10,064	12,132	83%
1969/70	9,964	12,362	80%
1970/71	8,274	10,562	77.74%
1971/72	12,271	18,048	79.07%
1973	17,764	22,322	79.58%
1974	8,454	11,960	71.70%
1975	12,508	14,942	72.53%
1976	8,657	12,403	70.80%
1977	6,768	12,362	53.94%
1978	8,054	12,005	67.09%

A further examination of the prison statistics shows that a high percentage of those admitted to prisons annually are from the age group below 30 years of age. Table 6 shows the number of persons admitted annually according to age.

Table 6 Number of Persons Imprisoned — by Age 1968-1978

<i>Year</i>	<i>16 and under 22</i>	<i>22 and under 30</i>	<i>30 and under 40</i>	<i>40 and under 50</i>	<i>50 and under 60</i>	<i>Over 60 years</i>
1968/69	2,545	3,528	3,228	1,523	154	324
1969/70	2,592	3,648	3,158	1,649	815	341
1970/71	2,012	3,153	2,737	1,541	627	320
1971/72	4,432	6,192	3,794	1,941	842	575
1973	5,086	8,575	4,391	2,771	960	355
1974	3,285	3,980	2,435	1,132	649	319
1975	4,310	5,163	2,461	1,558	808	448
1976	2,866	4,265	2,791	1,312	652	326
1977	2,799	4,061	2,873	1,418	725	332
1978	3,115	4,326	2,431	1,085	623	237

A consistently high percentage of the total number of admissions has been in the category under 30 years of age.

Another notable feature which may be considered unsatisfactory is that the number of persons admitted annually for non-payment of fines continues to remain at a high level. This is another category which could be given an alternative punishment.

Table 7 Number of First Offenders and Reoffenders Imprisoned Annually 1968-1978

<i>Year</i>	<i>Total number of first Offenders admitted</i>	<i>Number of reconvicted Offenders</i>	<i>Percentage of Reconvicts</i>
1968/69	8,209	3,991	32.7
1969/70	7,630	4,786	38.5
1970/71	6,636	4,016	21.7
1971/72	10,228	7,910	37.74
1973	11,833	10,537	47.1
1974	7,659	4,408	36.5
1975	9,854	5,161	34.4
1976	7,633	4,846	38.8
1977	7,030	5,263	43.3
1978	7,466	4,539	37.8

Between 1968 and 1978 the recidivism rate has shown a slight improvement, in that, for several years, it was less than the rate for the preceding decade which was around 40 per cent of the total admissions.

Table 7 shows the number of first offenders and reconvicted offenders admitted annually.

Although there have been fluctuations, the recidivism rate shows a slight downward trend, as in most of the years during this period the percentage of reconvicted prisoners admitted was less than the average during the previous decade.

Although the number of female prisoners in Sri Lanka is comparatively small, there has been a rapid increase in the total number of women admitted to prisons, either as convicted or remand prisoners.

Table 8 shows the number of female prisoners.

**Table 8 Number of Females (Convicted Prisoners and Remandees)
1968-1978**

<i>Year</i>	<i>Number convicted</i>	<i>Number on Remand</i>
1968/69	344	1,311
1969/70	315	940
1970/71	312	802
1971/72	479	1,610
1973	824	1,984
1974	300	3,058
1975	409	3,672
1976	304	2,980
1977	334	3,101
1978	411	3,706

During this decade there was a remarkable increase in the total number of women admitted to prisons in Sri Lanka. This is perhaps an indication of the changing life style in Sri Lanka and the liberation of women.

Prison statistics also show that the number of youthful offenders admitted to the Training School for Youthful Offenders has been decreasing during the decade. Table 9 shows the total number of Borstal admissions and the number of youthful offenders admitted to prison during this period.

**Table 9 Youthful Offenders Admitted to Prisons and Borstals
1968-1978**

<i>Year</i>	<i>Admission to Borstal Institutions</i>	<i>Offenders under 22 admitted to prison</i>
1968/69	230	2,544
1969/70	159	2,594
1970/71	172	2,007
1971/72	177	4,534
1972/73	185	5,065
1974	157	3,285
1975	199	5,303
1976	194	2,740
1977	118	2,636
1978	110	3,303

While the number of Borstal admissions has dropped, the number of young offenders sentenced to prison has increased. This would seem to indicate that magistrates are not making adequate use of Borstal training but prefer to send offenders of the same age group to short terms of imprisonment. This is borne out by the fact that while the department has one Borstal institution which is not overcrowded, there is one prison and two open work camps for youthful offenders under 22 years of age.

Conclusion

Summing up it may be possible to draw the following inferences from the police and prison statistics during this period:

- There has been a tremendous increase in grave crime in Sri Lanka during the decade 1968-1978.
- There has been a remarkable increase in the number of persons remanded during this period. There has been no corresponding increase in the number of persons sentenced to prison.
- Offences against property have shown higher rate of increase than offences against persons.
- The number of persons placed on probation has been decreasing annually.

- . A very high percentage of prison sentences are under six months.
- . A large number of those sentenced to prison are under 30 years of age.
- . The number of persons admitted to prison for non-payment of fines is considerably high.
- . The recidivism rate is decreasing in Sri Lanka.
- . The number of women prisoners is increasing rapidly.
- . The number of Borstal admissions is decreasing.

Alternatives to Imprisonment

J.P. Delgoda

The alternatives to imprisonment utilised by courts of law in Sri Lanka are orders for binding over, warnings, suspended sentences, community service orders, fines, orders for payment of compensation, and probation.

Orders are made for the accused to be bound over in a sum of money determined by court to be of good behaviour for a specific period. Also, in trivial cases, there is provision for the court to warn and discharge the accused.

Suspended sentences were introduced into Sri Lanka in 1973. The court may, where it considers it appropriate, impose a sentence of imprisonment but at the same time order the suspension of the sentence pending the offender's good behaviour for a specified period. If, during the specified period, an accused is found guilty of a second offence, the accused could be sent to prison to serve the original suspended sentence in addition to the period imposed for the second offence.

Community service orders were also introduced in Sri Lanka in 1973, in order to reduce the large number of prisoners sentenced to undergo terms of imprisonment for non-payment of fines. In lieu of imprisonment for non-payment of a fine, a court could, with the consent of the accused, order him to perform compulsory community service without any payment for a period of time. The consent of the accused is a necessary element. Originally the Department of Prisons supervised the community service which was performed at community service centres where the accused could opt to stay overnight or return home at the end of the day. Subsequent amendments to the law have made it the responsibility of the courts themselves to provide community service either in government or semi-government institutions depending upon the needs of the local community. The courts may also now order

community service as an alternative to imprisonment even in cases where no fine is imposed.

Fines in minor cases have been on the statute books for several years. The usual procedure is for the court to order the accused to pay a fine and at the same time impose a default term of imprisonment if he does not pay the fine.

Provision has also been made for an accused to be ordered to pay compensation or for the replacement of the amount defrauded in cases of fraud.

Probation was introduced to Sri Lanka in 1945. As the law stands, a court could order any accused (adult or juvenile, first offender or subsequent) to be placed on probation. For several years after the introduction of probation into Sri Lanka, the number of offenders placed on probation increased annually. However, there has been a gradual decrease in the number placed on probation during the last 10 years.

An administrative arrangement by which the Department of Prisons seeks to reduce the number of persons kept in prison is the concept of work camps. Sri Lanka has found a large percentage of its total admission to prisons to be those sentenced to under six months imprisonment. The work camps run by the Department of Prisons are intended to take in these short-term offenders. Short-term offenders are sent to these work camps soon after their admission to prison. The camps are open institutions (with no boundary walls) where the inmates are given a training in agriculture and animal husbandry. By this method, even those who are actually sentenced to a prison term are kept out of prison and thereby saved from the evils of imprisonment.

In Sri Lanka all prisoners are given a remission of one-third of their sentence for good behaviour. They are also granted special amnesties on special occasions of national importance.

Another technique of treatment in the community is the Licence Scheme. The Licence Scheme is similar to the parole scheme in operation in many Western countries. A Licence Board, presided over by the Commissioner of Prisons and consisting of a magistrate, a senior police officer, an official of the Ministry of Justice, a psychiatrist, the Prison Medical Officer and a Superintendent of Prisons (Welfare), selects suitable prisoners for release on licence. Under this scheme all prisoners sentenced to over four years of imprisonment become eligible for release on licence on

completion of half of the term or six years of imprisonment which ever is less. The selection is done on the basis of a social report submitted on each offender. The offender is released on certain conditions, subject to the supervision of a Prison Welfare Officer. During the last 10 years, 506 prisoners were released on Licence. There have been only 14 violations and the success rate is 97 per cent. First offenders as well as reconvicted offenders sentenced to varying terms for various offences have been released under this scheme. Many of them have more than five years to serve in the community.

Yet another technique of treatment in the community in Sri Lanka is the Work Release Scheme. Under this scheme, long-term offenders who have less than two years to serve are allowed to find employment in the community on normal wages. They are allowed to proceed to work daily and return either to the prison or to a work release centre. They go to work in civilian clothing and earn full wages. The scheme was introduced in 1974, and up to date 653 prisoners have been sent on work release. There have been 40 violations. An interesting experiment that is being tried out under this scheme is an open work release centre on a 30 acre coconut plantation where 10 prisoners at a time are sent to work and live on the estate without a single prisoner officer supervising them. This is virtually a prison without guards.

Long-term prisoners are also sent on home leave for a period of seven days at a time. To become eligible for home leave, prisoners are required to either have only two more years for discharge, or be eligible for licence consideration, or to have served one year in an open prison camp. During the period of home leave there is no supervision. This scheme has been in operation since June 1974 and 578 prisoners have so far been sent on home leave. There have been few violations, and the success rate claimed is 99 per cent.

The concept of open prison camps for different types of offenders has been fully developed in Sri Lanka. There are three open prison camps for long-term offenders. Long-term offenders who have completed one-fourth of their sentence are selected for these camps, which serve as pre-release preparation centres for their return to the community. The main emphasis is on training in agriculture and animal husbandry. Sri Lanka has also several open work camps where short-term and medium-term first offenders, sentenced to terms of imprisonment of up to two years, are sent

soon after their conviction. They are admitted to the prison only for the purpose of registration and classification.

There is also an open work camp for recidivist prisoners at the final stages of their sentences. An open Borstal institution for youthful offenders and two work camps for young offenders sentenced to prison provide open treatment for youthful offenders. A very recent experiment in open institutions has been an open remand camp for prisoners who have been remanded for less serious offences or are unable to furnish bail which has been ordered by the courts. It will thus be seen that Sri Lanka has a variety of open institutions for different types of offenders, that is, for long-term first offenders, short-term and medium-term first offenders and reconvicts, for recidivists and youthful offenders and even for remand prisoners. Many of these institutions have been started recently and it is too early to make an assessment of their success. However, the rate of escape has not been excessively high and has not been considered a serious problem.

Many liberal measures have been introduced into the correctional system of Sri Lanka recently. Such innovations as home leave, work release, smoking and canteens in prisons and work camps have all been started after 1974. Other measures such as the introduction of voluntary supervision of discharge offenders, compulsory religious observances, and training schemes for officers are also of recent origin. All these measures have had some effect on the rate of recidivism in Sri Lanka. It is gratifying to note a decline in the number of reconvicted prisoners admitted annually to prisons in Sri Lanka.

A committee on prison reforms has recently been appointed to examine the problem of overcrowding and make recommendations for prison reforms.

Management Services

J.P. Delgoda

In Sri Lanka the Department of Prisons operates as a separate department under the Ministry of Justice. The Commissioner of Prisons, as head of the Department of Prisons, is responsible to the Minister of Justice through the Secretary, Ministry of Justice.

The prison service is a closed career service in Sri Lanka, in that officers from other departments in the public service are not transferable to the prison department. Nor are prison officers transferable to any other department in the public service.

In the main stream, direct recruitment is made at three levels – Guards, Jailors, and Assistant Superintendents. Promotion from the rank of guard to the rank of overseer is both by seniority as well as by a promotion examination. Similarly, promotion to the rank of Jailer Class 2 is made on seniority from among overseers as well as by a promotion examination conducted by the Department. There is provision also for promotion from the rank of Jailer Class 1 to the rank of Assistant Superintendent on the basis of seniority and merit.

In the vocational training stream, there is provision both for direct recruitment to the rank of Vocational Instructor Grade 2 or Vocational Instructor Grade 1 and Foreman, as well as promotion from Vocational Instructor Grade 1 to Vocational Instructor Grade 2 and Foreman.

In the welfare stream, recruitment is made directly to the rank of Welfare Officer and promotion is made from among Welfare Officers to the ranks of Senior Welfare Officer and Assistant Superintendent and Superintendent (Welfare).

Prison officers are not allowed to form trade unions, as they are considered members of an essential service. They are however allowed to join a welfare association and a departmental recreation club. A provident fund and death donation scheme for prison

officers are also in operation. At Headquarters there is a staff welfare branch which operates a health insurance scheme and other staff welfare measures. Officers are also permitted to form religious associations and guilds according to their religious beliefs.

Recruitment, transfers and disciplinary control are centrally exercised by the Commissioner of Prisons at Headquarters. Training of all ranks is also organised centrally at the Centre for Research and Training in Corrections (C.R.T.C.) in Colombo. The Head of the Centre is a separate Superintendent of Prisons and he has a separate staff. Visiting lecturers are drawn from other jailors, assistant superintendents and superintendents. The C.R.T.C. is a recent innovation and has been equipped with the latest teaching equipment with assistance from the United Nations Development Program.

Training facilities are also available for overseas training of senior staff under the U.N.D.P., the Colombo Plan and British Council programs. Senior officers from the Department have been sent for training to Japan at the U.N.A.F.E.I., to Australia at the Australian Institute of Criminology and the Colombo Plan Training Centre in Sydney, and to the Netherlands, Singapore, England and America.

The Centre for Research and Training in Corrections conducts courses for training all new recruits to the Department as well as in-service training programs.

The staff of the Department consists of approximately 4,000 officers of all ranks. There are 28 prisons of different types. Each prison is headed by a Superintendent or an Assistant Superintendent. The Superintendent is in charge of the management of the institution. Funds are allocated from Headquarters and disbursements are made by each superintending officer, who is responsible to the Commissioner of Prisons. The total budget of the Department is approximately 75 million rupees.

In Sri Lanka the Department of Prisons is committed to a policy of rehabilitating all offenders. This is attempted through vocational guidance, training and welfare. The vocational guidance program operates on a Prison Industries Advance Account in charge of a Superintendent of Industries.

The welfare program is headed by welfare officers who work in each institution under the Superintendent. This work is coordinated by the Superintendent (Welfare) who is attached to Prison

Headquarters. This branch is also responsible for the operation of the Licence Scheme and aftercare.

A voluntary organization known as the Prisoners' Welfare Association operates with a grant from the Government to look after and assist discharged prisoners.

The program of the Department of Prisons in Sri Lanka is not confined only to the custody and treatment of offenders. With a view to enlisting community support for the policy of attempting their rehabilitation, the department has recently organised a voluntary supervision scheme, whereby volunteers from the community are introduced to follow up discharged prisoners.

The Department is also of the view that programs for the prevention of crime are equally important and has provided leadership in the formation of a National Association for the Prevention of Crime and Delinquency in Sri Lanka. Several members of the Department hold important posts in this National Organization and are actively engaged in programs designed to obtain community involvement in corrections and crime prevention. This is tied up with the conviction that officials alone are unable to successfully attempt the rehabilitation of offenders, and therefore must involve community support for the business of rehabilitation if it is to meet with any measure of success.

It will thus be seen that crime prevention, custody and treatment, and after care are all considered part of the responsibility of the Department of Prisons in Sri Lanka.

Thailand

Trends and Problems

Dhavee Choosup

In Thailand, general crime rates in 1978 seem to be lower. Using crime rates in 1971 as a base of comparison, Table 1 shows that crime rates in 1978 were much lower, except in 1972, where crime rates were highest.

Table 1 General Crime Rates 1971-1978

<i>Years</i>	<i>General Crime Rates</i>
1971	784,333
1972	835,944
1973	780,663
1974	748,252
1975	746,006
1976	665,633
1977	762,607
1978	547,859

Source: Research and Planning Division, Police Department

Regarding offences against property, Table 2 shows that crime rates in 1978 were a little lower when compared with those of 1977, but much lower when compared with 1974.

But for offences against life and person, Table 3 shows that crime rates in 1978 were a little higher when compared with those of 1972, but much lower when compared with those of 1976.

Although general crime rates seemed to decline in 1978, it is remarkable that offences against narcotic laws in the same year increased greatly, as is shown in Table 4.

The steady increase of narcotic offenders, both consumers and pushers, may result from the fact that the costs of narcotics, especially heroin, opium and marijuana are very low when com-

Table 2 Offences against property 1971 - 1978

<i>Year</i>	<i>Cases</i>
1971	43,629
1972	40,936
1973	53,627
1974	62,344
1975	57,080
1976	49,149
1977	47,680
1978	47,439

Source: Research and Planning Division, Police Department

Table 3 Offences against life and person 1971-1978

<i>Year</i>	<i>Cases</i>
1971	23,057
1972	19,484
1973	23,679
1974	26,102
1975	27,077
1976	28,041
1977	25,095
1978	20,137

Source: Research and Planning Division, Police Department

Table 4 Offences against narcotic laws 1974-1978

<i>Year</i>	<i>Persons</i>
1974	7,069
1975	6,633
1976	8,394
1977	8,632
1978	9,980

Source: Department of Corrections

pared with those in Western countries. This situation has induced many foreigners, especially Westerners, to come to Thailand in order to consume drugs at a cheaper price or to profit by smuggling them for selling in their own countries.

In order to deal with this problem more effectively, international cooperation has been needed, although a lot of money and manpower must be spent for the performance of such a task.

Regarding offences against property, Tables 5 and 6 show that although violent crimes, such as robbery and gang-robbery during 1974-1978 were a little higher, some white-collar crimes, such as extortion, blackmail, misappropriation, forgery, cheating and fraud in 1972 were still high. This is a common phenomenon in all developing countries.

Table 5 Robbery and Gang-robbery 1974-1978

<i>Year</i>	<i>Robbery</i>	<i>Gang-Robbery</i>
1974	796	5,581
1975	704	5,753
1976	698	4,313
1977	672	3,403
1978	942	4,363

Source: Research and Planning Division, Police Department

**Table 6 Offences against property in 1978
(except robbery and gang-robbery)**

1. Theft	30,474
2. Snatching	1,324
3. Extortion	238
4. Blackmail	19
5. Cheating and Fraud	2,097
6. Misappropriation	2,716
7. Receiving stolen property	476
8. Mischief	1,803
9. Cheque	1,744
TOTAL	40,891

Source: Police Department

While many nations are confronted with the problem of some special crimes, such as hostage-taking by a group of people to force the opposite party to conform with their demands, such crimes have rarely happened in Thailand. However, if they do occur, the authorities will certainly not conform with the demands even though hostages may be hurt or killed. In case of any attempted jailbreaks by holding prison officers or other persons as hostages, all prisons and correctional institutions throughout the country have recently been advised by the Department of Corrections not to conform with prisoners' demands, although the hostages may be hurt or killed. In 1979 and early 1980 such events occurred several times, but none of them were successful because all prison officers realized that once they conformed to the prisoners' demands they would lose control over them. Prison officers' lives and safety will always be in danger.

Alternatives to Imprisonment

Dhavee Choosup

In Thailand there are several alternatives to imprisonment, but imprisonment is still the most popular sentence used by courts all over the country. It is apparent that 57 per cent of the 51,820 sentenced prisoners in 1978 served their term of sentence in under two years. These prisoners are eligible for suspended sentence or probation according to the Criminal Code. The popular use of imprisonment as a main punishment may result from public opinion, which adheres to the old concept of punishment as a means of retribution. Prisoners have been regarded as persons who are detrimental to society and should receive heavy penalties. Moreover, most of the judges are also too conservative to use alternatives to imprisonment, although they are available at present. If alternatives to imprisonment were used for short-term prisoners, more than half of the prison population could have been reduced. This would surely have enabled the Department of Corrections to deal with its prisoners more effectively.

At present, alternatives to imprisonment in Thailand are specified in many laws including the following.

The Criminal Procedure Code (1935)

Settlement of criminal cases: Under section 37 criminal cases may be settled as follows:

1. In the case of offences punishable only with fine, by the offender voluntarily paying to the competent official before trial the maximum fine prescribed for the offence.
2. In the case of petty offences, or of offences having the rate of penalty not more than that of petty offences, or of offences

against the law relating to revenue punishable with a fine, the maximum of which does not exceed 2,000 baht, by the alleged offender paying the fine as fixed by the inquiry official.

3. In the case of petty offences, or of offences having the rate of penalty not more than that of petty offences, or of offences punishable only with a fine, the maximum of which does not exceed 2,000 baht, committed in Phra Nokorn and Dhonburi Provinces (Bangkok), by the alleged offender paying the fine as fixed by the local police official of the rank of inspector upwards or a commissioned police official in charge of his functions.
4. In the case of offences which may be settled in accordance with other laws, by the alleged offender paying the fine as fixed by the competent official.

Section 38 provides that in the case of offences specified in sub-sections 2, 3 and 4 of section 37, if the official mentioned in the said section is of the opinion that the alleged offender should not be punished with imprisonment, he shall have the power to settle the case as follows:

1. He shall fix the amount of the fine to be paid by the alleged offender; if the alleged offender and the injured person agree thereto, the case, upon payment of the fine by the alleged offender within a reasonable period not exceeding 15 days as may be determined by the competent official, shall become final. If the alleged offender does not agree to the settlement, or, after having agreed thereto, does not pay the fine within the period prescribed, the case shall be proceeded with.
2. In any case involving a claim for compensation, if the alleged offender and the injured person agree to have the claim settled, the competent official shall fix the amount of the compensation as he thinks fit or as agreed upon by the parties.

Section 39 provides that the right to institute a criminal prosecution is extinguished as follows:

1. By the death of the offender.
2. In the case of a compoundable offence, by the withdrawal of

the complaint or of the prosecution or by lawful compromise.

3. By settlement of the offence in accordance with Section 37.
4. By a final judgment in reference to the offence for which the prosecution has been instituted.
5. By the coming into force of a law subsequent to the commission of the offence, abolishing such offence.
6. By prescription.
7. By amnesty.

Pardon, commutation and reduction of punishment: Section 259 provides that after a case has become final, a person sentenced to whatever punishment, or an interested person, wishing to petition the King praying for pardon, may do so by submitting such petition to the State Councillor in charge of the Ministry of Interior.

Section 260 provides that a petitioner who is imprisoned may hand his petition to the chief gaoler or the governor of the gaol, who, upon receiving such petition, shall give him a receipt thereof and forward the petition without delay to the State Councillor in charge of the Ministry of Interior.

Section 261 provides that the State Councillor in charge of the Ministry of Interior has the duty to submit the petition to the King together with his opinion as to whether or not a pardon should be granted.

In cases where no petition has been submitted, if the State Councillor in charge of the Ministry of Interior thinks fit, he may submit to the King a recommendation for the granting of a pardon to the convicted person.

Section 265 provides that in cases where a pardon is granted unconditionally, the punishment shall not be executed. If execution has commenced, it shall be stopped at once. In case of a fine which has been paid, it shall be fully refunded. If a pardon is only in the form of a commutation or reduction of punishment, the remaining punishment shall be executed accordingly. However, a pardon does not relieve the pardoned person from his liability for the restitution of property or the value thereof or for compensation under the judgment. In addition to the individual pardon specified above, there is also a mass pardon which is granted to all

convicted persons by the Government on some special occasions. This kind of pardon can be granted by the promulgation of a Royal Decree which is initiated by the Government.

The Penal Code (1957)

The use of fine instead of imprisonment: Section 55 provides that if the punishment of imprisonment to be inflicted upon the offender is for a period of three months or less, the court may lessen the punishment of imprisonment, or if the punishment of imprisonment to be inflicted upon the offender is for a period of three months or less in addition to a fine, the court may determine a lesser punishment of imprisonment, or may fine only. The punishment specified in this section is regarded as an alternative to imprisonment only if a fine has been imposed by the court.

Suspended sentence with probation: Section 56 provides that whenever any person commits an offence punishable with imprisonment and where the court imposes imprisonment not exceeding two years, if it does not appear that the offender has received the punishment for an offence committed by negligence or a petty offence, the court may, when taking into consideration the age, past record, behaviour, intelligence, education and training, health, condition of the mind, habit, occupation and environment of the offender, or the nature of the offence, or other extenuating circumstances, pass judgment, if it thinks fit, that he is guilty. But if the determination of the punishment is suspended, or the punishment is determined, but the infliction of the punishment is suspended, he is released, with or without conditions for controlling his behaviour. This gives him an opportunity to reform within a period to be determined by the court, but this period shall not exceed five years from the day on which the court passed judgment.

Regarding the conditions for controlling the behaviour of the offender, the court may determine one or more conditions as follows:

1. To report himself to the official specified by the court from time to time so that the official may make inquiries, give advice, assistance or admonition on the offender's behaviour and occupation, as the official thinks fit.

2. To be trained or to carry on a substantial occupation.
3. To refrain from any behaviour which may lead to the commission of the same offence again.

Regarding the conditions determined by the court according to the foregoing paragraph, if, afterwards it appears to the court from the submission of the offender, his legal representative or guardian, the Public Prosecutor or the official, that the circumstances relating to the control of the behaviour of the offender have changed, the court may, if it thinks fit, modify or revoke any of the conditions, or may determine, in addition, any of the conditions mentioned in the foregoing paragraph which have not yet been determined.

Section 57 provides that whenever it appears to the court itself, or from the statement of the Public Prosecutor, or the official, that the offender fails to comply with the conditions determined by the court according to section 56, the court may admonish the offender, or may determine the punishment which is not yet determined, or may inflict the suspended punishment.

Section 58 provides that if within the period of time determined by the court according to section 56, the sentenced person has committed an offence which is not an offence committed by negligence or a petty offence, and the court passes judgment inflicting the punishment of imprisonment for that offence, the court passing judgment in the latter case shall determine the punishment not yet determined in the former case and add it to the punishment in the latter case, or shall add the punishment the infliction of which has been suspended in the former case to the punishment in the latter case, as the case may be.

But if, within the time determined by the court according to section 56, such person has not committed an offence as mentioned in the first paragraph, he shall pass from having the punishment determined or from being inflicted with the punishment in that case as the case may be.

If the court passes judgment that the offender is guilty, but the determination of the punishment is to be suspended, or the punishment is determined, but the infliction of the punishment is to be suspended, and the conditions for controlling the behaviour of the offender according to the Penal Code have been fixed, the court must request probation officers to supervise the conditions.

The Penitentiary Acts 1936 and 1977 and related Ministerial Regulations

Parole: A convicted offender who shows good conduct, diligence, progress in education and works satisfactorily, or renders distinguished services in special cases, may be granted parole subject to any conditions prescribed by the Minister of State, provided such parole can take place only when the offender has served not less than one-third of the term of sentence mentioned in the court's warrant or not less than 10 years in case of life imprisonment, and provided also that the duration for his compliance with such conditions shall be prescribed for not less than one year but must not exceed the remaining period of his sentence. (Section 32 of the Penitentiary Act 1936).

A convicted offender to whom parole has been granted and who has been released before the end of his term of sentence, shall behave himself strictly in conformity with the conditions prescribed for his conduct. If he fails to comply with any of such conditions, he may be re-arrested without any warrant and reimprisoned for the remaining period of his term of sentence. Moreover, the parole may be revoked by the official who has the authority to grant such parole, and disciplinary punishment may also be inflicted. (Section 5 of the Penitentiary Act 1977).

Details of parole are specified in Articles 91-98 of the Ministerial Regulation No. 1 (1937).

Sentence Remission: A convicted offender who shows good conduct, diligence, progress in education and works satisfactorily, or renders distinguished service in special cases, may be granted sentence remission for not more than five days a month under conditions specified in Ministerial Regulation, provided such sentence remission can take place only when the offender has served his sentence for not less than six months (or 10 years in the case of life imprisonment which has been changed to a determinate sentence). A committee composed of representatives from the Department of Corrections, Police Department, Public Prosecution Department, Department of Public Welfare and a psychiatrist from the Medical Department consider whether sentence remission should be granted by using majority votes. (Section 3 of the Penitentiary Act 1977).

If a prisoner commits a breach of discipline, his sentence remission gained under Section 3 of the Penitentiary Act 1977 may be reduced under Section 4 of the same Act.

A convicted offender to whom sentence remission has been granted and who has been released before the end of his term of sentence, must behave himself strictly in conformity with the conditions prescribed for his conduct. If he fails to comply with any such conditions, he may be rearrested without any warrant and reimprisoned for the remaining period of sentence. Moreover, his remaining sentence remission shall be revoked by the official who has the authority to grant such sentence remission and disciplinary punishment may also be inflicted. (Section 5 of the Penitentiary Act 1977).

The amount of sentence remission which may be granted to a convicted offender according to his class is as follows:

1. Five days a month for excellent class.
2. Four days a month for very good class.
3. Three days a month for good class (Article 1 of the Ministerial Regulation No. 8 (1978)).

Details of sentence remission are specified in Articles 2-4 of the Ministerial Regulation No. 8 (1978).

In addition to the alternatives to imprisonment cited above, the Parliament also passed the amended Penitentiary Act recently which enables the Department of Corrections to select a number of prisoners who have good records of conduct and whose remaining terms of sentence are not more than two years, to work out side prisons. This kind of activity will start this April. The types of jobs for the selected inmates will include work in reforestation, sewerage in the city and construction work, the details of which are specified in the Ministerial Regulation. The inmates will be entitled to 80 per cent of the income earned from their jobs and will be granted additional sentence remission. This should reduce the prison population.

Moreover, suspension of prosecution which is another alternative to imprisonment initiated by the Department of Public Prosecution, is also under consideration by the Parliament. If it is accepted, a Public Prosecutor will be empowered to suspend

prosecution of some cases at his discretion. He may suspend prosecution even if the evidence is sufficient, if he believes it to be in the best interest of society and the offender to do so, after a careful review of the character, age and situation of the offender, gravity of the offence, circumstances under which the offence was committed and the conditions subsequent to the commission of the offence. Thus the exercise of this discretionary power by a Public Prosecutor is based on criminological considerations which aim at the rehabilitation of the offender by avoiding stigmatization as a criminal.

Although many alternatives to imprisonment are available in Thailand at present, imprisonment has still been the most popular form of sentence being used by judges. This is confirmed by the statistics of the Department of Corrections in 1978, in which 57 per cent of offenders served prison terms not more than two years.

Regarding parole, which is under the responsibility of the Department of Corrections, its rates are still very low owing to the shortage of parole officers. In 1978, only 0.5 per cent of convicted offenders were granted parole. However, the Department of Corrections is trying to solve this problem by using volunteer parole officers to supervise parolees and has ordered all prisons and correctional institutions to increase parole rates as much as possible. It is expected that parole rates will be higher in the near future.

In addition to parole, the release of prisoners being granted sentence remission will also be increased and the selection of qualified prisoners to work outside, in order to gain additional sentence remission, will also occur in the near future. These measures will surely reduce the prison population and will alleviate the problem of overcrowding.

Management Services

Dhavee Choosup

The Department of Corrections, Ministry of Interior, is responsible for the rehabilitation of all offenders other than those dealt with by the juvenile court. Treatment is provided in prisons, penal institutions, houses of confinement and a house of relegation. Houses of confinement are places of detention for persons who are sentenced to 'confinement' for short periods for minor offences. This type of punishment is less severe than imprisonment. A house of relegation is a place where habitual offenders are kept in safe custody and provided with corrective measures.

The Department of Corrections maintains and administers the following institutions.

Central Prisons

There are 22 central prisons located throughout the country. They are responsible for the imprisonment and rehabilitation of convicted prisoners whose sentences are more than five years. Prisoners in this category are transferred from local prisons to the central prisons. Some of these central prisons have separate wings for special classes of prisoners, such as females, reconvicted prisoners and those awaiting death sentences.

House of Relegation

There is only one such institution, providing corrective measures for habitual offenders under the Habitual Criminal Relegation Act.

Youthful Offenders Institutions

There are three such institutions which are intended for the

rehabilitation of young offenders between the ages of 18 and 25 who are also first offenders serving terms of imprisonment from one to 10 years. These institutions are organised on the lines of Borstal institutions and the training and treatment in these institutions are different from those in the prisons.

Houses of Confinement

There is one central house of confinement and 136 temporary houses of confinement in the country. These institutions are responsible for the custody of persons who are sentenced to the punishment of confinement for not more than three months, and also for those who are unable to pay fines.

Women's Correctional Institutions

There is one central women's correctional institution for long-term women offenders and a number of other smaller units are attached to the main prisons in the provinces.

Medical Correctional Institutions

These institutions are responsible for providing treatment for drug addicts and serious medical cases transferred from various prisons. It must be mentioned that about 20 per cent of those admitted to penal institutions are found to be drug addicts or connected with the traffic in drugs. At present, there are six medical correctional institutions.

Provincial and District Prisons

There are 51 provincial prisons and 13 district prisons. These prisons are responsible for the custody and rehabilitation, where possible, of all prisoners whose terms of sentence are under five years. These prisons also house offenders awaiting trial in the provinces.

Open institutions

There are four open institutions in the country. These insti-

utions have come into existence during the last 15 years and are gradually increasing in number. Selected prisoners are transferred from other prisons to these institutions with a view to inculcating self-discipline and responsibility, so that they can better adjust to life outside on their release. The work and the type of living conditions in these institutions are organised so as to resemble more closely normal life in the community.

In additions, there are 44 prison camps which are organised as part of provincial, regional and central prisons. These are used for the correction of prisoners of good conduct who can be usefully trained for agricultural operations.

In view of the serious problem of overcrowding which has confronted the Department for a number of years, the Department has in recent years constructed nine new prisons.

The department is responsible for providing rehabilitation programs and welfare services to prisoners. The correctional programs are aimed at changing the prisoners' socially unacceptable behaviour and developing better attitudes. The Department conducts training courses in moral, cultural and general education; attempts to provide employment for discharged prisoners; and sponsors aftercare programs for those discharged from institutions.

It is also responsible for developing and supervising agricultural and livestock projects, cottage industries and other forms of labour that require moderate skills. The Department also handles sales of products as well as purchase of raw materials and equipment.

Another aspect of the work of the Department is the collection of data, the keeping of records and statistics, and the preparation of annual reports. It also, from time to time, attempts to evaluate its own activities.

The Penitentiary Act and its regulations authorise the Department of Corrections to grant parole to prisoners who have served part of their term of imprisonment. The grant of parole is subject to the prisoner's conduct and industry within the prison as well as his home environment. Prisoners become eligible for parole after they have completed two-thirds of their term of imprisonment.

In addition to parole, the Department of Corrections is also empowered to grant sentence remission to inmates who have served their term of sentence for not less than six months or 10 years in case of life sentences. The amounts of sentence remission will depend on inmates' classes which are as follows:

1. Five days a month for excellent class inmates.
2. Four days a month for very good class inmates.
3. Three days a month for good class inmates.

The grant of sentence remission is also subject to inmates' good conduct and industry within prison. However, all or part of the sentence remission gained can be cancelled or reduced if there is a breach of discipline.

Prison Population

The total number of inmates in all correctional institutions is shown in Table 1. Tables 2-6 show other characteristics of Prisons and Crime in Thailand.

Table 1 Prison Population in 1978

	<i>Persons</i>
Convicted	47,180
Pending appeal	4,640
Awaiting Trial	8,120
Pre-trial	7,155
Others	145
TOTAL	67,240

Table 2 Prison Population during 1974-1978

	<i>Persons</i>
1974	58,634
1975	56,919
1976	62,219
1977	64,453
1978	67,240

Table 3 Types of offences committed by convicted offenders in 1978

1. Offences against property	48%
2. Offences against narcotics law	21%
3. Offences against life	12%
4. Offences against person	4%
5. Sex Offences	4%
6. Others	11%
Total 47,180 convicted offenders	

Table 4 Sentenced prisoners by term of sentence in 1978

Under 2 years	57%
Between 2-5 years	16%
Between 5-10 years	16%
Between 10-15 years	2%
Between 15-20 years	4%
Between 20-50 years	4%
Life sentences	1%
Death sentences	0%
Total 51,820 sentenced prisoners (Convicted and pending appeal)	

Table 5 Convicted offenders by age group in 1978

Under 20 years	22%
Between 20-25 years	32%
Between 25-30 years	17%
Between 30-35 years	6%
Between 35-40 years	11%
Between 40-45 years	5%
Between 45-60 years	7%
Over 60 years	0%
Total 47,180 convicted offenders	

Table 6 Movement of prison population 1974-1978

<i>Year</i>	<i>Admission</i>	<i>Releases</i>	<i>Balances</i>
1974	144,389	85,755	58,634
1975	173,537	116,618	56,919
1976	163,332	101,113	62,219
1977	204,003	139,550	64,453
1978	171,304	104,064	67,240

Prison Staff

One of the most important steps taken by the department in recent years was the establishment in 1972 of a new training and research centre for correctional officers. Staff training is now accepted as being an essential ingredient in the improvement of conditions in institutions and in the rehabilitative process. Not only are all new recruits given comprehensive training at the centre before assuming duties, but also regular in-service training courses for different categories of staff are organised, and such sessions are continued throughout the year. The centre has residential facilities for all trainees and staff, and is equipped with a library and audio-visual training material. The increases in the numbers of staff between 1966 and 1975 are shown in Table 7.

Table 7 Increase in staff during 1974-1978

<i>Year</i>	<i>Staff</i>
1974	5,223
1975	5,524
1976	6,019
1977	7,445
1978	8,702

Comparison of Staff-Inmate Ratio

The number of correctional staff increased significantly from 5,223 in 1974 to 8,702 in 1978, while the increase of inmate population was slightly higher, from 58,634 in 1974 to 67,240 in 1978. Compared with earlier years, the 1978 staff-inmate ratio was lower as is clearly illustrated in Table 8.

Table 8 Comparison of staff-inmate ratio between 1974-1978

<i>Year</i>	<i>Correctional staff</i>	<i>Inmate</i>	<i>Staff-inmate ratio</i>
1974	5,223	58,634	1:11.22
1975	5,524	56,919	1:10.30
1976	6,019	6,019	1:10.33
1977	7,445	7,445	1: 8.65
1978	8,702	8,702	1: 7.72

Recruitment and Promotion of Correctional Staff

A Thai citizen who graduates from a secondary school, has no prohibited diseases and criminal record and whose age is not lower than 18 years, can join the Department as a prison warder which is in the first level (there are 11 levels for civil servants) if he passes the entrance examination which is held occasionally. However, if he graduates from any university and passes the competition entrance examination, he can join the Department at the third level.

For one who joins the department at the first level, his promotion from the first to the second and third levels can be done in two ways:

1. By passing examinations which will be held when there are vacancies.
2. By selection, according to his term of service, salary, knowledge, ability and fitness.

But for one who joins the Department at the third level, his promotion to the fourth, fifth and sixth levels can be done in several ways, which are as follows:

1. Promotion from the third to the fourth levels can be done in two ways:
 - a. By passing examinations which are held when there are vacancies.
 - b. By selection according to his term of service, salary, knowledge, ability and fitness.
2. Promotion from the fourth to the fifth levels can only be done by selection according to his term of service, salary, knowledge, ability and fitness.

3. Promotion from the fifth to the sixth levels can only be done by competition examinations which will be occasionally held when there are vacancies.

Promotion from the sixth level can only be done by selection according to term of service, salary, knowledge, ability and fitness. These categories of promotion are the same in all governmental services.

Staff Welfare

Although unions or associations of prison officers have not yet been available in Thailand, the Department realising that public servants' salary scales have not kept pace with the rapidly increasing costs of living, has operated various welfare programs for its staff.

In 1978, more than 16 million baht were spent on overtime working allowances of prison officers, 156 more correctional staff quarters were built in order to alleviate the problem of inadequate accommodation, and 64,230 staff uniforms worth a total of 600,000 baht were given to prison officers all over the country.

Disciplinary Action

During 1978 a total number of 313 correctional staff received disciplinary punishment of varying degree for breaches of duty, the details of which are shown in Table 9.

Table 9 Numbers of punished correctional staff
by types of punishment in 1978

<i>Degree of Punishment</i>	<i>Number</i>
Dismissal with loss of pension privileges	23
Outright dismissal	5
Removal from the service	11
Demotion of salary scales	18
Suspension of partial salary	158
Reprimand	63
Confinement or performance of extra duty	35
TOTAL	313

Problems of Correctional Administration

In dealing with prison administration the Department of Corrections is now confronted with three major problems: the increasing prison population; the age of most prisons; and the shortage of prison staff.

The increasing prison population: It is apparent that prison population has been increasing since 1975. Such increases have inevitably caused the problem of overcrowding in most prisons all over the country and have become one of the main obstacles for inmate rehabilitation programs. Moreover, it causes many difficulties for the Department in applying the United Nations Standard Minimum Rules for the Treatment of Prisoners and Related Recommendations to all prisons and correctional institutions, since living conditions inside are unsatisfactory. The problem of overcrowding results partly from the use of imprisonment as a main sentence which has been very popular among judges for a very long time. If other alternatives to imprisonment are more generally accepted among the judges and the public, 57 per cent of short-term prisoners whose sentences are not more than two years, would be reduced from the prison population of 1978, which would ultimately enable the Department to cope with its administration problems more effectively.

The age of most prisons: Most of the prisons in Thailand were constructed a very long time ago. Many of them have been worn out owing to the shortage of funds for repairs and are not suitable for the detention of the increasing numbers of prisoners. Moreover, their design is out of date and is not suitable for present conditions with more modern facilities and security equipment. While it is not possible at present for the Government to provide funds for the construction of new prisons, more interest has to be paid to the improvement of such prisons, if jailbreaks and escapes are to be reduced. However, the Department of Corrections, realizing these problems, is not complacent, but has ordered all prison officers to be on full alert in order to cope with the problems of jailbreaks and escapes more effectively.

The shortage of prison staff: The Department of Corrections needs more prison staff in order to deal with prisoners more effectively.

In 1978, the staff-inmate ratio was 1:8 which is still far away from the universal ratio. If possible, the staff-inmate ratio should not exceed 1:5. The shortage of prison staff also causes the problem of higher rates of resignation or transfer, owing to the heavy burdens prison officers have to bear. Compared with officials in the same levels of another department who receive salaries, prison officers have to work harder since their work starts at 6 a.m. and finishes at 6 p.m., and they also have at least two night shifts and one additional day shift (Saturday or Sunday or national holidays) during a week. However, this problem has been alleviated by the Government's grant of overtime working allowances since 28 October 1975 and also the annual increase in the numbers of prison staff.

However, in dealing with prisoners, human rights have not been regarded as the most important thing. Before having rights a person must first have his duties. Thus, for prison administration, duties are more important than rights. Prisoners have duties to conform with prison regulations and prison officers have duties to rehabilitate them. Prisoners have no rights to have meals three times a day but it is the prison officers' duty to serve them.

Western Samoa

Crime and Corrections in Western Samoa

Western Samoa Delegation

Introduction

The independent state of Western Samoa lies in the South Pacific basin in latitudes 13° and 15° south and longitudes 168° and 173° west. It consists of five islands of which Upolu and Savaii are the main ones, with a total land area of 1016 square miles. Of the two main islands Savaii is the largest, but it is less developed and populated. To the east, 60 miles away, is Tutuila, popularly known as American Samoa. Western Samoa's nearest neighbours are Tonga and Niue to the south and the Tokelau islands to the north. The population of Western Samoa is 151,000 of which two-thirds live on the island of Upolu. Western Samoa's population could well have exceed 200,000, had it not been for the continuous flow of its people to New Zealand and the United States.

Trends and Problems

For the last three years there has been a marked increase in crimes, particularly thefts, assault, and burglary. There was also a steady increase of thefts by employees of government and private firms. Theft, burglary and theft as a servant will continue to increase because of social and economic pressure. Table 1 shows this increase of crime.

Table 1

	1977	1978	1979
Assault (causing bodily injury)	58	65	87
Assault (common)	509	548	560
Theft (ordinary)	547	580	618
Theft as a Servant	46	54	72
Burglary	87	119	135

Table 1 shows actual convictions and does not include pending cases for the years shown and cases still under investigation. These cases are usually carried forward to the following year.

Admissions to Prison

As shown in Table 2, the number of admissions to prison in 1978 increased compared with 1977 and 1979. The position regarding admission to prison in Western Samoa depends largely on the attitudes of judges and magistrates. For the past year the courts have considerably changed their policy from the previous years and have adopted the policy of putting more and more people on probation instead of imprisonment. With the present judges and magistrates it would appear that this policy will continue. For this reason prison numbers for the next two to three years will fall if this policy is to continue.

Western Samoa has adequate prison accommodation facilities and no problem of overcrowding is foreseen. The present facilities in Upolu can accommodate 200 or more prisoners. Because customs and traditions are maintained between the prisoners and prison officers, there is no likelihood of any riots or escapes. Samoans from their childhood are taught to respect their chiefs, their elders and to respect authority throughout their lives. This code is maintained as this is part of Samoan customs. Although the prisons in Western Samoa are operated under westernised rules, Samoan customs are also recognised and maintained. This has helped to create good a working relationship between prisoners and staff.

Alternatives to Imprisonment

There are two alternatives to imprisonment which are available in Western Samoa. First, placing an offender under probation, and second, giving an offender a suspended sentence.

At present the courts are more and more using the probation system as an alternative to imprisonment. When an offender is placed on probation he is placed under the care of the Probation Office. The Probation Office in turn places the offender under the supervision of his immediate chief in the offender's village with certain conditions which he must abide by. Suspended sentences

are similar to those which operate in other countries within the Commonwealth, in that a person is given a suspended sentence for a certain period which requires him to remain of good behaviour and if he does not do so, he is liable to be recalled and sentenced to imprisonment for the offence for which the suspended sentence was given.

Placing people under probation can be overdone by the courts without any benefit to the society or the person, particularly in a society such as Western Samoa. One of the most common provisions imposed by the courts when placing a person on probation is that he works in employment provided by the Probation Office.

Table 2 Prison Admissions

	1977	1978	1979	Total
Murder	2	6	4	12
Attempted murder	—	1	3	4
Manslaughter	3	3	3	9
Grievous Bodily Harm	6	8	5	19
Actual Bodily Harm	3	19	12	34
Rape	5	13	7	25
Indecent assault	9	8	10	27
Sexual intercourse under 16	2	1	1	4
Incest	3	2	—	5
Assault	43	56	25	124
Theft	79	48	70	197
Forgery	5	7	3	15
False pretence	6	5	6	17
Burglary	13	29	13	53
Trespass by night	4	12	5	21
Traffic offences (Neg. Driving)	8	24	23	55
Arson	3	2	—	5
Disorderly conduct	6	4	15	25
Unlawful conversion	13	3	1	17
Perjury	1	—	1	2
Breach of Probation	2	3	1	6
Throwing stones	9	7	12	28
Maintenance Orders	12	15	19	46
Wilful damage	6	11	3	20
Contempt of Court	3	3	—	6
Possessing drugs	—	3	—	3
Unpaid court fines	138	105	81	324
TOTAL	384	396	323	1,103

As Western Samoa lacks employment opportunities as compared to those of other countries, it is difficult for the Probation Office to obtain suitable employment for any person on probation. Therefore the Probation Office is forced to place the person under the authority of his chief and there is no supervision by the Probation Office to ensure that the person has abided by the conditions imposed. This is particularly so with offenders who have offended twice or more. Another desirable alternative to imprisonment would be for a person placed on probation to carry out work in a rehabilitation centre provided by the Government for two or three days a week under proper supervision so that he is made to recognise that he is not avoiding a penalty. The centre could also provide educational programs for probationers, where they could be taught to become good citizens. This would particularly be of benefit to young offenders. At present the Police Department has made proposals to the Government for such a centre.

At the heart of the *faa-Samoa* (Samoan way of life) is a complex of relationships called the *matai* (chief system). The basic unit of society is the *aiga* (extended family) which are often headed by the *matai* (chief). The term *aiga* is difficult to define because its meaning changes as one moves from the close family to the extended family relationship. Such a family is not merely a biological group, as Europeans understand the term, consisting of parents and children, but a wider family group of blood and marriage, or even adoption, whose members acknowledge one person as the head. A title is not inherited but is, in general, conferred by the *aiga potopoto* (all members of the extended family) on the person most fit to receive it. A chief is a man whose authority extends to all members of the family in their performance of domestic tasks, the maintenance of orderly relations among them, and under the regulations or rules with other village households. The chief controls recruitment of household members and may expel anyone who, by refusing to submit to his authority, threatens the unity of the group. The power of the chief derives from traditional Samoan customs. It is the custom that each village problem is taken to meetings of the chiefs where they can be discussed and disposed of. Often penalties are imposed by the chiefs on offenders for breaches against the law and village regulations. The chiefs have no statutory power to impose penalties,

but the police recognise their authority in maintaining peace and harmony in the village and will not interfere so long as they do not force a person against his will. Usually penalties are honoured without any protest. This has helped the police tremendously in maintaining law and order because of the cooperation and working relationship with the chiefs of the villages. In many cases, where the offender's chief has given an apology to the chief representing the complainant for an offence committed, and, between the two, reconciliation according to Samoan custom is effected, the police will withdraw a charge against the offending party provided that the offence is of a minor nature. In other matters, where the chiefs have great influence and will be recognised by the courts, is when a chief of the complaining party presents in court a petition for leniency, informing the court that Samoan customs have been affected and the matter has been properly settled. The court, after hearing the chief, takes a lenient view on the offender. In one way this has reduced the number of inmates who would otherwise be sentenced to imprisonment.

Parole

Under the Parole Act 1972, prisoners serving over 12 months are given parole by the Parole Board after serving half of their sentences provided that their behaviour has been good. Those who are serving sentences of 12 months are given three months remission by authority of the Minister of Police and Prisons, provided that their conduct has been good. Those whose sentences are under 12 months do not receive the privilege of remission. Prisoners serving sentences for murder which are commuted to life imprisonment by His Highness the Head of State receive parole after serving 10 years imprisonment.

Independence of Police

The Police in Western Samoa are an independent body and have discretion to prosecute or not to prosecute a case without reference to a higher authority.

Rehabilitation

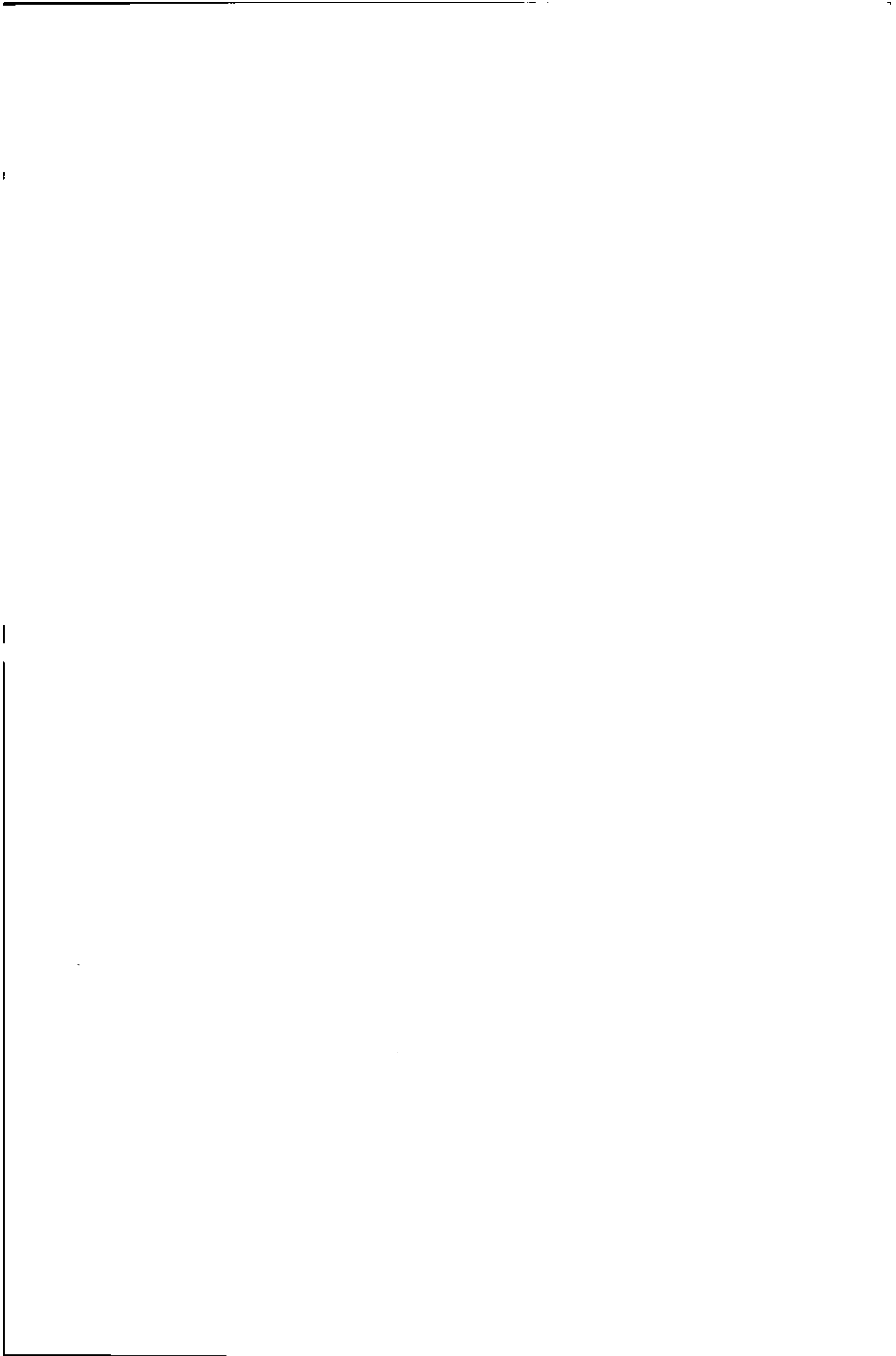
Since 1962, when Western Samoa became independent, it has

carried out on an experimental basis the release of prisoners on week-ends. In 1971 the release of prisoners on week-ends was legalised. Prisoners who are of good behaviour are normally released on Saturday mornings and return at 4 p.m. on Sunday. This is not confined to any particular class of prisoner. It includes all prisoners, provided that they have served three months imprisonment and have been of good behaviour. Conditions of release during week-ends are that prisoners must go directly to their villages within one hour after being released, remain under the control of their respective chiefs, and assist in normal family duties. They are not permitted to enter any buildings where entertainment is provided, nor take part in any type of sporting activity. If a prisoner is found to commit an offence while on parole, or does not abide with the conditions of his release, his privilege of being given week-end parole is terminated. The release of prisoners during week-ends is part of the rehabilitation program which it is felt assists their families.

The system has worked and has created no problems to the police and prison staff. This system has worked mainly because of Samoan customs and traditions. It would be difficult for any other society which does not have the same or similar customs to operate such a system successfully. Normally, when a prisoner escapes from prison in Western Samoa, the police send word to his chief and in most cases the chief will bring the prisoner back. This is through mutual understanding between the police and the chief.

Other rehabilitation programs carried out in prison include a cattle farm in Savaii, and poultry and piggery projects at Tafaigata in Upolu where young prisoners are taught how to raise and care for chickens and pigs. We are fortunate that amongst the prisoners is a qualified carpenter who is serving a sentence of imprisonment for murder and responsible for carrying out building projects for the police and prisons. Prisoners are attached to his section where they are given training in carpentry. Prisoners under 21 years are separated from the prisoners over 21, and have their own cellblock and facilities. They are mostly employed in the piggery and poultry projects. Prisoners who had been attending night classes in trades training prior to being imprisoned are allowed to continue their studies. This is also part of the rehabilitation program.

Date	Time	Location	Weather	Remarks
1998-01-01	08:00	Lake Michigan	Clear	First sighting of a loon
1998-01-02	10:15	Lake Michigan	Partly Cloudy	Two loons seen near shore
1998-01-03	14:30	Lake Michigan	Overcast	Loon seen in open water
1998-01-04	09:45	Lake Michigan	Clear	Loon seen near shore
1998-01-05	11:20	Lake Michigan	Partly Cloudy	Loon seen in open water
1998-01-06	13:00	Lake Michigan	Overcast	Loon seen near shore
1998-01-07	15:45	Lake Michigan	Clear	Loon seen in open water
1998-01-08	08:30	Lake Michigan	Partly Cloudy	Loon seen near shore
1998-01-09	12:15	Lake Michigan	Overcast	Loon seen in open water



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