regional developments in corrections



proceedings of the second
Asian & Pacific conference
of Correctional Administrators

compiled by
W. Clifford



AUSTRALIAN INSTITUTE OF CRIMINOLOGY

REGIONAL DEVELOPMENTS IN CORRECTIONS

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Asian & Pacific conference
of Correctional Administrators
Bangkok, 6-10 July 1981

compiled by
W. Clifford

Edited by John Braithwaite and Jack Sandry

aic AUSTRALIAN INSTITUTE OF CRIMINOLOGY

Published and printed by the Australian Institute of Criminology,
10-18 Colbee Court, Phillip, A.C.T., Australia. 2606.

First published 1982
© Australian Institute of Criminology 1982

Asian and Pacific Conference of Correctional Administrators
(2nd: 1981: Bangkok, Thailand).

Regional Developments in Corrections.

ISBN 0 642 88934 1.

1. Corrections — Congresses. I. Clifford, William, 1918—. II. Australian Institute of Criminology. III. Title.

364.6

Typesetting, layout and cover design — Christine Grant

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Participants

AUSTRALIA

Mr E.J. Collins, Comptroller-General of Prisons, Queensland

Mr M.J. Dawes, Director of Correctional Services, Victoria

Dr J.B. Braithwaite, Criminologist, Australian Institute of Criminology

Mr W. Clifford, Director, Australian Institute of Criminology

CANADA

Mr J.W. Braithwaite, Deputy Commissioner, Correctional Service of Canada

FIJI

Mr M.V. Buadromo, Permanent Secretary for Home Affairs, Fiji

Mr A.L. Masi, Acting Controller of Prisons, Fiji

HONG KONG

Mr T.G. Garner, Commissioner of Prisons

Mr J. Wong, Superintendent of Prisons, Hong Kong

INDIA

Mr K.S. Rastogi, Joint Secretary, Ministry of Home Affairs and Member-Secretary, Committee on Jail Reforms

JAPAN

Mr M. Hino, Deputy Director, UNAFEI

Mr T. Suzuki, Public Prosecutor, Supreme Public Prosecutors' Office

Mr H. Hasegawa, Warden, Kawagoe Juvenile Prison

MALAYSIA

Mr Dato' Ibrahim bin Haji Mohamed, Director-General of Prisons

Mr Ibrahim Isa, Director of Prisons Industries

Mr D. Wee, Senior Research and Planning Officer

NEW ZEALAND

Mr J.F. Robertson, Secretary for Justice

PHILIPPINES

General V.R. Raval, Director of Prisons

Colonel R.R. Cruz, Deputy Chief of Constabulars for Police Matters

Colonel D.A. Laquian, Chief, Office of Jail Management and Penology, Integrated National Police

SINGAPORE

Mr Quek Shi Lei, Director of Prisons

SRI LANKA

Mr J.P. Delgoda, Commissioner of Prisons

THAILAND

Mr Dhavee Choosup, Director-General, Department of Corrections

CONFERENCE SECRETARIAT

Mr W. Clifford, Executive Director
Asia and Pacific Conference of Correctional Administrators

Mr J.B. Braithwaite, Ad Hoc Secretary to the Conference

CONFERENCE COUNCIL

Co-Directors
Mr T.G. Garner, C.B.E., J.P., Hong Kong
Mr Dhavee Choosup, Thailand

Executive Director
Mr W. Clifford, Australia

Introduction

The 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 (now Commissioner of Correctional Services) 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. Later the Congress venue shifted to Caracas, Venezuela, but by then the first conference of correctional administrators in Hong Kong had proved so valuable that the participants resolved that:

> The 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.

For the new Secretariat, Mr Clifford and Mr Garner convened a special meeting in Caracas of all the Asian and Pacific Correctional Administrators attending the United Nations Congress. At this meeting Mr Dhavee Choosup offered to host the second conference in Bangkok and in 1981 his government confirmed the offer. The second conference was as great a success as the first. A good deal of reserve among participants had broken down and

since collaboration on a routine basis had been so much improved around the region by the first conference, the second was able to achieve greater depth of discussion and to identify more clearly the areas of agreement and the areas of difference. Moreover the groundwork was laid for regular regional cooperation and the outlines of a constitution for the conference were discussed.

As at the first conference, participants had been invited to submit papers which could be discussed and then reproduced in a report in this form. With the advantage of a similar publication before them, the papers for the second conference were of excellent quality as a basis for discussion. Unfortunately for the third conference which is scheduled to be held in Japan in April 1982, this report of the second conference will appear just too late. That is because there has been less than one year between the second and the third conferences and financial constraints on the services of the Australian Institute of Criminology imposed by the government's economic policy have prolonged the time required for a report in this printed form to be issued and bound. Another problem is that the papers for the second conference were more extensive than those for the first, so that the size of this publication has been increased.

The great value of course of having the report in book form is that it is used not only in the Asian and Pacific region but is an authoritative work across the world. Since the conference began in 1980, knowledge of Asian and Pacific corrections has been widely extended and material from the reports has been used extensively. For example, as this second report goes to press, 30 copies of the first report have been ordered by the Canadian government for delivery before 1 March 1982.

What began therefore as an informal exchange of views has developed into an institutional structure for cooperation in penal affairs across the Asian and Pacific region. When it is remembered that no similar organisation exists in any other region of the world and that the initiative taken in Asia and the Pacific has generated great interest on other continents, it is clear that the work being reported in these publications has enormous significance for the development of improved penal systems and the extension of human rights. Advocates of human rights are sometimes inclined to overlook the fact that representations to governments can only be effective when they are implemented, and the most crucial

also the pain and punishment of offenders – they must never be cast in the role of guinea-pigs. The final objective of the present exchanges of ideas and experiences must, therefore, be to evolve a regional standard of treatment in all directions which would be of the greatest psychological benefit to the detainees as well as being highly effective and as economical as possible.

In the name of the Government of Thailand, I would like to thank the Australian Institute of Criminology for having substantially contributed to make this conference possible and to thank all the participants from the various countries for having come together in a great number to ensure its effectiveness.

Under Secretary of State for Interior, honoured guests and distinguished participants, it is my pleasure to declare open the Second Asian and Pacific Conference of Correctional Administrators. I give you my very best wishes that the Conference meet with all success.

Report of the Conference

Introduction

The Second Asian and Pacific Conference of Correctional Administrators was hosted by the Government of Thailand, responding to a call for such a meeting issued by the First Asian and Pacific Conference of Correctional Administrators held in Hong Kong in February 1980. It was planned by a group of participants of the First Conference who met in Caracas on the occasion of the Sixth United Nations Congress on the Prevention of Crime and Treatment of Offenders in August 1980. That congress had underlined and given increased emphasis to the need across the world for regional gatherings and associations of officials of the criminal justice systems of member states.

In accordance with resolutions of the First Conference of Asian and Pacific Correctional Administrators held in Hong Kong in 1980, the Australian Institute of Criminology provided the secretariat for the conference in Bangkok. The Government of Thailand not only hosted the conference but provided participants with a wide variety of visits, functions and considerable hospitality, for which all participants recorded a sincere vote of thanks.

As with the First Conference, Mr W. Clifford, Director of the Australian Institute of Criminology, acted as executive director and rapporteur. The conference elected Mr Dhavee Choosup as its chairman. Mr Choosup is the Director-General of the Thai Department of Corrections. Mr Thomas Garner, Commissioner of Prisons, Hong Kong, was elected co-chairman of the conference and it was resolved that the chairman of each conference to be held was to be automatically a co-chairman of succeeding conferences. Co-directors would, however, be limited to three. For the present there would be two co-directors, Mr Garner and Mr Choosup. A third would be added at the time of the third conference.

AGENDA ITEM I: PRISON INDUSTRY

As required by the annotated agenda, participants produced details of the costs and benefits of their respective systems of prison labour. In Sri Lanka, for example, it was shown that the annual expenditure on prison industries is about Rs 4 million annually and the value of output each year is Rs 5 million. In 1979-80, the Correctional Service of Canada industrial sales rose to $Can. 5.8 million from $Can. 4.7 million the previous year and that figure is expected to double in 1985. In Victoria, Australia, the annual growth in the value of production has been of the order of 15.9 per cent over the past five years. However, only one industry (tailoring at Pentridge Prison, Melbourne) shows a net profit. New Zealand's paper, however, suggested that its 14 per cent annual increase was a reflection of the country's annual inflation rate. In Hong Kong, the commercial value of prison goods and services amounted to nearly $HK 30 million and this is expected to rise to $HK 50 million in the next two or three years. By using inmate labour, the Hong Kong Government benefits to the extent of almost $HK 15 million a year from goods and services which would otherwise have to be obtained from the private sector. In Thailand, prison productivity is centred especially on an annual prison products industry exhibition which has been held each year since 1971. In 1979 this public exhibition and sale realised Baht 89,322,910 and in 1980 this increased to Baht 95,940,284. Fifty per cent of the net profit goes to prisoners, 15 per cent to the prison officers who have been responsible for the work, and the other 35 per cent is reserved as investment cost. Finally, in Japan, proceeds from prison industries almost cover the costs of maintaining sentenced prisoners, that is, the living costs. Fifty-six per cent of the proceeds of prison industry came from contract work for private industry.

Participants concentrated not so much on the profitability of prison labour but on its significance. Prisons could be vital for national development and completely self-supporting but the consensus of opinion was that this would, or could, distort the meaning and purpose of a prison system. Singapore, which had established SCORE (Singapore Corporation of Rehabilitative Enterprises) to handle all prison production, pointed out that it was not aiming at self-sufficiency but at discipline. Labour was related to discipline and both were needed. In Singapore, prisoners employed

in the industries installed in the prisons by private industry received three quarters of an outsider's wages, but there was a system of compulsory savings so the inmate did not receive all his earnings at once. The Chief of the Prisons is also the Chief Executive Officer for SCORE. This might seem appropriate but there could be a conflict of roles when public protection and productivity might have to be reconciled.

In Sri Lanka the Treasury sometimes expects the prisons to be self-supporting – and other participants confirmed that those responsible for government financing frequently spoke as if self-sufficiency might be expected. In the Philippines the 14,000 or so prisoners maintained by the Bureau of Prisons would, indeed, be self-sufficient in about five years if present trends continued. They are already producing all the rice and corn they need and two million young coconut trees have been planted. By an agreement with a private company which is supplying Japan with bananas, the prisoners produce most of these and are paid wages equal to those paid to labourers. However, participants felt that this concept of self-sufficiency depended greatly on how the costing was done. In some countries the items counted would be different to the items included in the calculations of other countries. And even if self-sufficiency were to be achieved, it had some conceptual dangers.

Apart from the criticism that a self-sufficient system might encourage less parole or early release to ensure the supply of labour, there was the question of why the prison service should be expected to cover costs while this was not expected of the police and the courts. One participant made the point that it was quite wrong for the public not to expect to pay for the amount of protection which a prison service represented. It might be a good thing that such a service could be organised with industry to cover some costs but it would be wrong to give the impression that this was a legitimate requirement. Rather was it legitimate to expect the prison to cost something over and above what it could produce because of its contribution to security, to social reintegration and the quality of life.

Japan cooperated with private enterprise for over one half of its proceeds from prison industry. Otherwise the Government would have to find a much larger budget for the prisons. An advantage of this is the interest which private enterprise takes in

the updating of equipment and machinery. Therefore, while prisons need not be self-supporting, there was no reason why they should not be so if this were possible. However, the Japanese participants thought that there was a need for a more precise classification of offenders when discussing prison labour. Recidivists, for example, should be made to work, while first offenders should be given work with the emphasis on vocational training.

Another aspect of the self-supporting concept was advanced by Hong Kong. Since a prison will always need to receive and maintain unproductive inmates such as remands, the young who need educational courses and the aged and sick who cannot do much work, it is not easy to be self-sufficient.

Canada took the view that the single-minded pursuit of self-sufficiency detracted from the primary purposes of the prison system which should be (a) protection of the public; and (b) production of opportunities for the offender to rehabilitate himself; and the creation of a purely self-sufficient system could distort the total criminal justice system.

In general, on the question of seeking self-sufficiency with prison labour, the meeting agreed that, while there was nothing wrong with prisons being made as productive as possible, especially in developing countries where the maintenance of offenders was a serious burden, self-sufficiency could not be accepted as the sole or even as the main purpose of prison labour. It was believed that the prison system in any country had much wider significance. Productivity, important as it was economically, for development and discipline in the institutions, should never be permitted to obscure the prisons' more important roles as protector of the public and as the inventor or generator of opportunities for the reintegration and reformation of the offender.

In any case, it seemed to the meeting quite likely that the meaning of self-sufficiency would vary greatly across the region according to the diverse systems of accounting. That prisoners may earn enough to feed themselves or to cover recurrent expenditure might occur in some concepts of efficiency; but others would include capital costs and perhaps opportunity costs in economic terms. It would always be important to look at both costs and capacity and to take account of whether institutions are full, overcrowded or half empty. Moreover, the unit costs per inmate would vary with the degree of security required in each

case. It seemed to the meeting, therefore, that much more could be done in the region to elucidate the concept of costs and benefits in relation to prisons and prison labour and the Secretariat was asked to collect further and hopefully more comparative data for the next meeting.

Within the same context, it was observed that discussions of the issues of prison labour were frequently confused by being construed within the limits of false dilemmas. The choice was often presented as that between capital intensive (and therefore productive and profitable) industries and labour intensive (to occupy as many inmates as possible). But there could be an investment in the kinds of capital which could create more jobs in the long run. Again, there need be no inevitable or insoluble problem in the supposed conflict between productivity for its own sake and the vocational training of the individual. There are always ways of linking training courses for self-development and qualifications to normal industrial production so that one can feed into the other. These things might not have proved easy across the region, especially in the less affluent countries or those with scarce resources. Yet even here, experience had shown that the labour which prisons represented could be used profitably for the inmate and society alone. In Hong Kong, prison labour had been applied to the solution of some problems of the environment and in community service, for example, during an outbreak of rabies. In this way public support for the work of the prisons was more easily obtained.

Inevitably the differences between western cultures and eastern cultures emerged – particularly on the questions of rights or obligations to work. Where persons were held in prisons but had not been convicted, (that is, had not run the risk of forfeiting rights by being convicted), the question of obligatory work raised the possible issue of forced labour on which most countries had signed an ILO convention. But it became obvious in the discussion that obligatory work for convicted offenders was approached differently across the region. In India, unemployment made it difficult to use prison labour for development: but also prisoners were generally unskilled and, therefore, did not have the technical know-how. So, in that country, only 30 per cent of all prisoners were actually employed and they were not trained to compete with available labour outside. For similar reasons, unlike Singapore

and Japan, India did not invite private enterprise into the prisons. There was a wish to avoid exploitation of the prisoners on the one hand by paying them less than the market rate for their services. On the other hand, certain enterprises were not to be allowed market advantages by using prison labour paid for at lower rates.

At the same time there was no equivocation in India about the convicted prisoners' obligation to work. If the sentence were rigorous imprisonment, the work would be part of the sentence itself. Similarly, Fiji believed that all except the sick and incapacitated prisoners should work, because if left without work they would create trouble. In Malaysia, the prison regulations had always required prisoners to do useful work and in Thailand, prisoners have to work, partly for their own maintenance. Hong Kong, Japan, Singapore and other countries had similar requirements which very often had originally been borrowed from the European countries whose prison systems had been adopted in Asia and the Pacific. Paradoxically, the countries with more or less western cultures which were represented at the meeting, reported a change in some quarters in their countries to the concept of no obligatory work even for convicted offenders.

There was a move by some people in New Zealand to abolish the requirement that convicted prisoners must work – on the argument that offenders, when convicted, were sent to prison as punishment not for punishment. Obligatory work was regarded as an additional punishment. In New Zealand, however, this was completely out of step with the mood and expectations of the public. In Victoria, Australia, they were conscious of the difficulty of being able to impose sanctions on those convicted offenders who refused to work. Therefore, they set out to make the opportunity to work more attractive to the inmates. Similarly in Canada, with the question of the obligation to work a very live issue, there was a concerted effort to mobilise both inmate and public support behind the observation of Voltaire that:

> Man is born for action, so that not to be employed gainfully and not to exist is one and the same thing in relation to man.

In 1972, the Canadian Government accepted the policy of inmates being allowed to enter into personal or cooperative enterprises – and of the Department of Corrections being allowed to cooperate with private industry. It was reported that in ecology,

the struggle for public support had been won. Producing goods for the Government and for non-profit organisations has helped to develop public support. There is now a contract between the Department and a firm of private marketing consultants to sell products developed by CORCAN, the prison industries enterprise.

Considerations such as outside economic conditions (especially unemployment), resources for capital or raw materials and problems of marketing, meant that, quite apart from the strict or lenient application of an obligation for convicted prisoners to work, not all of them could do so, or not all of them could do so at attractive rates of remuneration. As mentioned, India has only 30 per cent so employed. In Japan, over 90 per cent of all prisoners are given sentences which include a labour clause – and this is applied. Similarly in Hong Kong, able bodied prisoners were given work (or education full-time if their age required this). Malaysia had problems finding work for everyone and was moving in the direction which Singapore had taken to develop its marketing of prison produce and thereby create more jobs. Victoria, Australia had also benefitted from the Singapore initiative in marketing and had now a recommendation before the Government for the establishment of a Prison Industries Commission modelled on Singapore's SCORE. At present only 30 per cent of all convicted prisoners were gainfully employed. In Canada, this was 80 per cent but this figure included those with meaningful educational assignments. Obviously for many prison administrations, the question was not just the right to put prisoners to work but how to create meaningful jobs. In Thailand, the central problem was marketing and the success of the annual exhibitions and sales of work had now led to a planned 'open week' for institutions when there would not only be sales of work but famous entertainers would contribute their talents to the prisons. In 1980, 130 million Baht has been received from prison products, of which sum 25 per cent is profit.

In such situations discussions of rights or obligations to work could be academic, the economic realities of production and marketing determining the issue. But the relationship of labour to discipline in a prison setting could never be minimised. The two forms of behaviour had to be integrated for the benefit of all. Hong Kong reversed the issue of obligatory work in prison and asked if the prisoners were to be denied in some circumstances the

human right to work. In this sense the whole institution could sometimes be regarded as a union which might at times be demanding the right to work. Obviously this could not always be construed as a right to gainful employment. Short sentence prisoners, for example, might not be in prison long enough to benefit from trade training, so that the most that could be done would be to inculcate work habits likely to be useful on release. Also, apart from gainful employment, there might be community work projects which it would be valuable for prisoners to undertake. Once again, the link between labour and discipline was being stressed. There was more to prison labour than either its profitability or the opportunities offered for the prisoners self-development. There was a social significance, both inside and outside the institutions, which should not be overlooked.

In general, the meeting felt that for the Asian and Pacific Region it would be counter-productive and perhaps destructive of discipline to abandon the principle that a convicted offender incurs the obligation to work when he is sent to prison. That obligation to work was not a technical or purely legal expectation but an integral part of the meaning of being sent to prison. It should not be subject to negotiation.

This being so, authorities responsible for prisons should link this with discipline and, realising that content and good order in the institutions depended so much on meaningful employment, should take all necessary measures to ensure that economically and socially such regular, meaningful (and, where possible, gainful) employment should be available to every inmate. This obviously involved more consideration than there has been in the past of prisons as productive and perhaps even self-sufficient units. This should never detract from their more essential protective and rehabilitative functions but it does mean a wider appreciation of the economics of prison labour. The prison authorities represented at this conference will cooperate with the Conference Secretariat in the collection of further data on this subject for deeper study at a future meeting.

AGENDA ITEM II: REMANDS

Under this heading the Conference learned that offenders remanded in custody or prisoners who are appellants and who

have a right to special facilities, constituted one of the region's most critical problems – and one which is beyond the control of prison administrators anywhere. It was generally a problem imposed on the prisons by police or courts and everywhere it made prison management more difficult. Where facilities did not exist for adequate separation of unconvicted from convicted offenders, a difference of regime could not prevent contamination: and where innocent people were involved there was a real danger of injustice. Moreover, surveys of persons refused bail had revealed a great deal of unnecessary incarceration and a discriminatory use of bail – so much so that several countries represented at the conference were now treating bail as a right rather than a privilege, the onus being on the court or the police to show why the offender should not be released to appear at court later.

The seriousness of the problem was highlighted in Sri Lanka's paper on this subject, which showed that the number of persons remanded to prison annually in that country is nearly six times the number of persons convicted and sent to prison, that remands constituted 50 per cent of the daily average prison population at any one time and Sir Lanka added to this in the discussion that the percentage of overcrowding among remands in the prison system was over 500 per cent. Sri Lanka has opened 'open prisons for remandees', which seems almost a contradiction in terms, since custody is the significance of a remand to prison. The system serves two purposes however. It permits remandees who would otherwise be behind walls to volunteer for outdoor employment; more significantly, it demonstrates to courts the futility of remanding in custody a person who will not run away, or the counter productiveness of setting bail too high or failing to pay a fare home when necessary. Apart from the costs to the state of keeping a remandee in custody, he is actually provided with his fare home when he is released. However, one advantage in Sri Lanka for a person remanded is that, if he can work as a mason or carpenter, he can get work at outside rates of pay because this type of labour is scarce.

Similarly, it was reported that the city, provincial and municipal jails in the Philippines have no less than 70 per cent of their inmates on remand. In India at the end of 1978, remands accounted for 60 per cent of total persons held in prisons and in some states it was as high as 80 per cent. Therefore, in an effort to reduce this

percentage of remandees, many of the erstwhile non-bailable offences have been made bailable, legal aid has been provided for poor, uneducated people who might not understand their rights and some decriminalisation has taken place. In the Philippines too, minor offences have now to be referred first to the Barangay Court – a local community court for reconciliation where lawyers are not allowed. The police come into the picture only where the police are provided by the Barangay Court with a certificate of its failure to deal with the matter.

In Hong Kong, the problem of remandees was not so serious but their numbers increased from 813 to 1,169 between June 1980 and March 1981. It was mentioned that sometimes courts are inclined to order a custodial remand for a pre-sentence report for an offender when there is no intention of awarding a custodial sentence. The intention being to give him a taste of what might have happened; but often this goes too far, clutters the prisons with people who need special attention and could lead to contamination. A Chief Justice can greatly assist by ensuring that all on the bench visit the prisons to see what is being done. If such visits begin when a judge or magistrate is first appointed they will probably continue. New Zealand reported on an informal monthly meeting there between the Chief Justice, the Chief Judge of the District Court, the Solicitor-General and the Secretary for Justice. This is completely informal, records are not kept and commitments are not made, but it provides a regular opportunity for a review of disparities in the remands and sentences. It has proved a great help in fostering the use of alternatives to imprisonment and reducing remands in custody.

Victoria, Australia submitted a detailed paper showing a lively awareness of the problem in that country but some marked disparities. Thus, in August 1980, while Victoria's remandees were only 4.7 per cent of total prisoners, the State of New South Wales had 14 per cent, South Australia 16.6 per cent and the Australian Capital Territory 20 per cent. Since the Australian Capital Territory has no prison of its own, (prisoners are sent to New South Wales), but it has a remand centre, there is an interesting example here of a facility probably creating a need. When, however, remands are looked at as a percentage of total population, the Northern Territory of Australia remands in custody 33.9 per 100,000 people as against Victoria's 2.2 per 100,000. Queensland has only 4.9 per

100.000, but New South Wales has 9.3.

In Malaysia remands increased because the police believed in the principle of unbailable offences. Three special remand centres are being built in six months by prison labour to accommodate remandees. For remandees, however, the police in Malaysia have to provide escorts and the device of having the magistrate hold court in a special room at the prison to hear and (usually) extend remands has reduced the burden of escorting prisoners on remand to courts.

New Zealand had found it necessary recently to amend its law to provide greater control of food and parcels brought in to persons on remand. On the principle that a remandee is innocent until proved guilty, the earlier system had been very generous with parcels for remandees. Experience had shown that all kinds of things not allowed to be brought into prison, especially drugs, had been infiltrated via parcels for persons on remand. Now the regulations governing parcels for prisoners are generally applied to those on remand. To reduce remands in New Zealand, there have been surveys of bail, which have indicated that it is discriminatory. Therefore, the Law Reform Committee is trying to devise a formula for bail which it is hoped will reduce the remands in custody by some 35 per cent.

Thailand does not have a large number of remandees proportionate to population. Only about 20 per cent of all prisoners at any one time are persons on remand. However, the problem in Thailand – and especially in the provinces – is that of providing separate accommodation. Too often those on remand have to be mixed with convicted offenders. It is significant that the largest number of Thailand's escapees come from those on remand. Fiji has remand facilities in all its prisons – the largest being for 50 remands in Suva, the capital. Recently when 35 were remanded in a short period the visiting judge was approached with a view to reducing the number.

In Japan, for a number of years now, remandees have constituted 20 per cent of the total prison population at any given time. It is not a great problem, therefore, but it is one over which the prison authorities have no control – and this can be difficult. Appellants in Japan are legally unconvicted and treated like remandees. They are included in the 20 per cent. Victoria, Australia pointed out that there are also those prisoners convicted on some

counts but not on others. They have to be escorted to courts, given facilities to see their lawyers and prepare their cases. They are treated, therefore, like remands.

Canada reported a general withdrawal from the idea of institutions as a panacea for the problems of criminal justice. Of 23,000 prisoners in Canada, only 13 per cent were persons held in custody on remand. An accused in Canada must be released on bail unless it is very clear that he will fail to show for trial or that for the protection of the public, he needs to be in custody. The extent to which the remand problem has been reduced at the provincial level in Canada in recent years, may be illustrated by the figures for the province of Ontario. In two years, remands as a proportion of total prison population fell from 50 to 22 per cent in 1979/80. Devices to reduce remands in Canada include:

(a) ***Bail Verification***, a report similar to the familiar presentence report but produced to help the judge decide on bail.

(b) ***Bail Supervision***, the Probation Service is used to supervise the accused on bail – if the accused voluntarily accepts it.

(c) ***Bail Hostels***, for those without established places of residence.

Queensland, Australia reported that, like Victoria, its facilities for remandees were antiquated but that just as Victoria was building a new remand centre for 240 inmates, Queensland was examining the possibility of erecting two. While there was no restriction on remandees working while in custody, they could not be put to work because there was just not enough work for the prisoners. Bail hostels had been considered in Queensland but rejected.

Singapore had no more than 5-10 per cent of its total prison population who were persons on remand. There was good, continuing rapport with the Chief Justice, who was a patron of the Discharged Prisoners After-Care Organisation and there were regular meetings, so that he was well aware of the problems in the prisons.

Some participants put particular questions to the Hong Kong and Canadian representatives concerning their experience with

high-rise institutions. Responding for Hong Kong, the participants from that country described the nine storey facility built at Kowloon. This was used for remands and serviced by hospital-type elevators – not only to accommodate numbers in transit but to convey sick inmates. When an alarm was sounded, all lifts came down to the ground floor and stopped functioning. There had been no problems in the operation of this facility. For Canada, it was reported that the high-rise facility at Edmonton operated by the Province of Alberta had had neither widespread criticism since it opened nor general acclaim. During a recent strike of custodial staff, the Superintendent proved that he could operate the facility with supervisory staff only. It was added, however, that in the United States, while high-rise units had worked well with remands and for short-term detention, there had been trouble with both prisoners and staff when either were required to live or work there for two years or more. Then arose psychological problems with the so-called 'concrete tomb'. The United States Bureau of Prisons has recently decided that no officer should be obliged to serve in a high-rise facility for a period of more than three years.

The discussion of this item of the agenda emphasised the need to train judges and police on the limitations and problems of an over-liberal policy of remands in custody. It elicited the need for more research on formulas for bail and parole and it was recommended that participants and the secretariat should follow-up on this. It also underlined the need for the courts to have a variety of alternatives to remands in custody.

Above all, to raise the consciousness of judges and police to the serious consequences of their over-reliance on custody in a prison during trial or pending sentence, the Australian Institute of Criminology was asked to seek funds to conduct a series of regional workshops on the subject in the Asian and Pacific Region. In particular, there should be a joint and widely publicised seminar on the subject conducted by the Australian Institute of Criminology and the United Nations Asia and Far East Institute for the Prevention of Crime and Treatment of Offenders. The joining of these two bodies to conduct such a seminar would give the subject a very special meaning for the region and would aid Correctional Administrators.

AGENDA ITEM III: THE STATUS OF PRISON OFFICERS AND HUMAN RIGHTS

Throughout the Asian and Pacific Region there is grave concern with the status and future of prison personnel. From the polarisation in various forms of industrial action of prison officers' unions in countries with a western culture to the long standing neglect of the lower ranks of disciplined forces in Third World countries, it is clear that much remains to be done. Better conditions for prisoners and the preoccupation with prisoners' rights have intensified the prison officers' sense of isolation and unwarranted blame. He is rarely supported by the media when things go well but rapidly blamed and perhaps even cast as an ogre when there is a riot or scandal.

Two countries in the region were exceptional in this respect, namely Hong Kong and Japan. Both have disciplined prison services; both have general public support for staff rather than inmates; both offer higher than comparable public service rates of pay; neither has a union of prison personnel, though they have associations to present their point of view and to cooperate with management. Hong Kong has no organised prisoners action group radicalising opposition inside and outside prison institutions. It also appears that overtime rates for these disciplined services are not as prominent a feature of the rewards system as in Australia and New Zealand, for example. There are, of course, cultural and historical considerations to explain these differences, but it should not be overlooked that both Japan and Hong Kong have prison systems imported from the West and operated on systems which used to be common to Western countries.

Introducing this subject, the Executive Director of the Conference suggested a concentration of attention on three interlocking issues: (i) the rights of prisoners; (ii) the rights of prison officers; and (iii) the right of a prisoner to be protected from other prisoners.

Hong Kong began by stressing the importance of status pointing out that a prison service was and should be 100 per cent professional. It was a uniformed and disciplined service and must occupy a position of respect within the community. In Hong Kong, this had been recognised by the creation of a 'Disciplined Services Pay Scale' involving the Police, Fire Services, Immigration, Customs and Excise, and Prisons. Prison Officers, Police Officers etc. at the lower levels are paid higher rates than their counterparts

in other branches of government service. It was pointed out that the prison service in Hong Kong was fully professional. There was a minimum training period on entry of one year and as in any other profession, there was a need for ethics of conduct, a code, and standards of performance.

Similarly, in Japan, prison officers are treated well, even if it may not be said to be 100 per cent satisfactory. The Prison Service has a pay scale separate to the Civil Service. It is kept in line with a special scale for all security services and it has been like this for at least 30 years. A prison officer begins on recruitment at a salary of ¥ 92,000 per month, which compares favourably with the ¥ 82,000 received by others joining other branches of the Public Service. Also, he gets his uniform and certain other fringe benefits. But his job is fairly safe. In the three years for which information is available (1977-1979), there were 112 assaults on prison officers by prisoners. But only two were classified as serious, (that is, taking more than one month to heal). In the same period there were 300 attacks on prisoners by prisoners but most were not serious and there was only one homicide in the three years.

In the Philippines, the Prison Service should be regarded as another branch of the armed forces, sacrificing themselves for their country. While the dangers facing the officers are not the same as in battle, they may be more insidious because, due to the low income and the time that has to be spent away from Manila, there are dangers which affect the families and the education of their children. The Prison Service has fallen far behind the remuneration offered to other services. Prison officers do recieve hardship pay, however, and there is a medical bonus of 300 pesos for every member of an officer's family.

In New Zealand there is an increasing problem of protecting prisoners from prisoners. One 'lifer' had his throat cut and those suspected of having given information about drugs are increasingly vulnerable. To a lesser extent persons convicted of attacks on children or abnormal behaviour are targets for other prisoners. The move recently is towards the creation of a national segregation unit for such people. Canada has also decided that there should be separate facilities for inmates requiring protective custody. This would have the advantage of allowing for more effective programs to be implemented as dangers are removed and inmates are more compliant. The difficulty is likely to be that, as others hear of

the better conditions and programs, they too will claim to be threatened in order to be transferred. To counteract this possible trend, two special units are also being developed for the most determined and dangerous offenders who have demonstrated their predatory inclinations by hostage takings, assaults etc. They represent less than 10 per cent of the population.

Victoria, Australia, showed how, by appropriate legal aid, prison officers can, in effect, subvert a disciplinary system. In the last two years in that State of Australia, most prison officers charged with a disciplinary offence have managed to beat the charge. Even those that other prison officers know to have been derelict in their duty have managed to get the benefit of the doubt when hearings had to be held and evidence adduced. Consequently, even the unions that provided the funds for those accused officers to obtain acquittal and/or reinstatement are becoming worried that they are sometimes placed in the false position of defending those who, by their misconduct and neglect, might have endangered other members of the union. They have cooperated, therefore, with the Public Service Board and the Union of Public Servants in drafting new procedures.

A curious situation arose recently, when the Victorian department which is usually the employer negotiating conditions with unions, found itself actually supporting the prison officers request for an increase in pay. This was because the department felt the men deserved consideration after four and a half years without any industrial trouble at all in Victorian prisons. The rise was granted but again was peculiar in that higher grades got more than lower grades to make up for the loss of differential between the different levels over the years as lower rates of pay were increased but the higher levels were held steady. In this particular case, the lowest grades received five per cent increase, the middle range seven point seven per cent and the superintendents and above nine per cent. In Victoria at present base grade prison officers now get more than base grade police officers or firemen.

Queensland, Australia, reported that in 1974 the morale of prison officers in that State was very low. An extensive survey was conducted which showed the officers to be very conscious of their low status in society. Now there are regular discussions with unions and each officer is imbued with the idea that by his conduct he can bring home to the public his real value to the community.

Canada pointed out that the basic challenge facing prison administrators was that of protecting the rights of inmates without at the same time alienating those officers who have to implement the policy. So, when inmates' rights are discussed, there needs to be a consideration of responsibilities. It used to be said by prison inmates in Canada that the staff were there because they were too dumb to steal and too lazy to work. Nowadays, the starting salary is from $Can.18,700 to $Can.25,000. To attract high quality personnel, Canadian prison officers' unions have co-authored a new code of conduct for the Service. They insist now on a two year probationary period and are seeking implementation of a 1977 Royal Commission recommendation that the Prison Service should be separated from the rest of the Public Service and helped to develop its own service traditions along the lines of the traditions established by the Royal Canadian Mounted Police. To this end, it is thought that it should be a service responsible to Parliament via the Minister (Solicitor-General). The purpose, of course, is to improve the public image of the Prison Service. Institutions are opened to the public to demonstrate that the prison officer has a demanding job and that administrators have to deal with demands of both prisoners and staff against a background of a public which, all too often, does not understand the complex dynamics of the situation. Meanwhile, the rights of all inmates have been listed – their rights as citizens, their special rights as prisoners. This is to expose the lie of certain activists that inmates have no rights at all.

Sri Lanka congratulated Hong Kong on its achievements in professionalising its service, but pointed out regretfully that this happy condition did not prevail in so many other countries in the region. In Sri Lanka, the prison officer was less of a professional than even a carpenter or a tinker. Consequently the prison officers were becoming ever more demanding and there could be quite serious consequences if they did not soon receive more attention.

Malaysia had a more heartening story of the Prison Service being recognised within a variety of community and sports organisations. Sportsmen were often recruited for the Service and conversely when prison officers joined local clubs and organisations, they quickly found themselves being elected to the committees. Prison officers take a keen interest in sport and have represented their country at the Olympics. Now that recruitment is controlled by the Public Service Department, it is no longer

possible to go out as in the past to get great sportsmen for the Service, but teams of prison officers give a good account of themselves. A mark of the nation's appreciation is when the prison institutions and their bands lead the Independence Day parade. The Prison Officers' Association works closely with the Director-General of Prisons. It has been possible to get special insurance rates for the men and 60 per cent have taken out insurance policies. The salary scale for junior prison officers is similar to that of the police but senior prison officers are one step below the police in respect of salary. Generally speaking, prison officers enjoy better salary and promotion prospects than the fire service and a few other government departments. In providing good terms and conditions for the prison Service, the Treasury and the Public Service Department cooperate well. Prisoners receive quite a lot, including an extra dollar on festival days, which are not infrequent in Malaysia and they seldom complain. Human rights need to be properly interpreted. When this includes the right to run the prison – as in some parts of the United States – it has not worked. On the other hand, the United Nations Standard Minimum Rules are observed as far as possible and if a prisoner complains of brutality, the matter is carefully investigated. There are no attacks on prison officers and they have been rare in the past. There have been no instances of riot or hostage taking.

India contributed the information that it has no problems of unionisation in the prisons. Indeed, even when charged with disciplinary offences, prison officers can call on other government servants to represent them but cannot engage lawyers. Service conditions need to be improved. There is a problem of housing for prison personnel. This has caused some unrest and associations have been formed. Recently the Supreme Court has handed down a number of rulings which may well affect conditions in the prisons. The bar fetters and solitary confinement can no longer be administered in the prisons. It has been decided that no additional punishment can be added to the sentence by the prison authorities. Grievance boxes are to be placed inside the prisons for complaints and only a district judge can open them. Boards of visitors exist and consideration is being given to the abolition of a time honoured system of appointing long-term good conduct prisoners to positions of responsibility in the institutions as 'convict-officers'.

New Zealand commented on the apparent inability of govern-

ment and public press officers in that country to really understand the pressures which the present system exerted on prison officers. It was sometimes the frustration flowing from this lack of media understanding which underlay industrial action in the prisons. Prison officers often have a great chip on their shoulders as a result of their being forced to regard themselves as the chosen custodians of society's misfits – to be ignored when all goes well and to be blamed when anything goes wrong. A special study of stress among prison officers has been commissioned from researchers at a local university and some of the first results confirm the views which are expressed here.

Singapore suggested that a great part of the responsibility for the public's lack of appreciation of the staff of correctional services – and especially the prisons, should be accepted by the staff themselves. They are typically apologetic even when this is not justified on any grounds at all. So the staff/public relationship was a reciprocal process. There could be mutual appreciation with each side reinforcing the other in the development of increasing confidence and trust; or reticence on either side could generate and aggravate doubts and suspicions which would multiply and become self-perpetuating over time. Singapore had, therefore, tried to clear any confusing grey areas in conceptions of role and responsibility by distinguishing clearly between the custodial and and rehabilitation roles in the prisons. The custodial staff in Singapore are separated from the specialised counselling and social or therapeutic services.

Hong Kong agreed that prisons should be careful not to shy away from public relations. When good things happen in the prisons, efforts should be made to publicise them. In Hong Kong, one female prison officer participated in Miss Hong Kong 1981 Pageant and was among the 30 successful candidates selected for the semi-finals in May this year. Her achievement was widely reported in the media and interviews with her about her job aroused a great deal of public interest in the Prison Service which hitherto had not been associated with glamour. The fact that her father was a former officer in the Service and that her uncle was still working in the Department gave a rare public appreciation of the traditions of service which had been established over the years. An observer attending the conference from Hong Kong thought that when considering staff morale and feelings of being appreciated, the

question of welfare should not be overlooked. Junior staff have many problems educating their children and dealing with domestic crises (particularly while living in remote areas). Hong Kong maintains a welfare unit, which is engaged full-time to help prison staff deal with their own personal and family problems.

Fiji endorsed the remarks of several other participants that both uniform and discipline are important in getting things moving. In Fiji, subordinate prison staff come under the direct control of the Controller of Prisons. He can hire and fire them himself but, of course, provision is made for a right of appeal. The higher grade prison officers are part of the Public Service. The Prison Service has its own staff council but it cannot bargain. New recruits to the Prison Service in Fiji are all given basic military training to build up confidence and self respect. They then get a year's initial training for the prisons. Fiji has gone a long way towards linking the military, the police and the prison services. This has paid dividends because the quality of persons seeking employment in the Prison Service in Fiji has improved. Of course, there is unemployment in Fiji and this has made its own contribution to crime: but it has also led to some better educated people seeking safe jobs in the prisons. Recruitment so far has been at a minimum educational level of class 8, (that is, standard 6 of primary education). Now with more secondary candidates presenting themselves for recruitment, it is possible to consider raising the standard. Fiji is running courses for its prison officers and taking advantage of courses running in New Zealand and Australia. In its own courses for basic prison officer training, it has made provision to include in the future, officers from prison services in the surrounding islands of the Pacific.

Some countries felt that it was going too far in their countries to suggest or even imply that the prison officers lacked either status or public understanding and appreciation. The Philippine respresentatives, for example, explained that their prison employees had status and were looked upon with respect. Prison officers in the Philippines receive initial, promotional and advanced training. In any applications they make for other government employment, their prison training and experience entitles them to the same recognition as university graduates. However, the recruitment of Fillipinos for work in Saudi Arabia and other Arab states in the Middle East is creating something of a brain drain as staff go for

more substantial financial rewards. Officers receive extra allowances if they cannot readily be provided with living quarters for themselves and their families. They are given two or three 'trusties' to serve them in their quarters inside the prison compound and shift work is arranged to give each officer the time he needs to follow courses of study to improve his education. There is public appreciation for the service in the Philippines. There is a public relations office in the Ministry of Justice which arranges for there to be thirty-minute TV programs every week covering the prison service. This makes the public aware of what is happening.

While allowing for the differences in resource allocation and for the local conditions which might relieve Malaysia, the Philippines and maybe Singapore from the status and recognition problems which affected other countries, Sri Lanka still considered that it had a serious problem of relative status. It believed that there were two basic problems: (i) how to make the prison officer feel proud of his job; and (ii) how to achieve community recognition. The Sri Lanka representative suggested that countries in the region would be helped by bilateral and multilateral technical assistance funds being obtained for exchange visits to be made to other countries in the region by groups of lower level prison officers. Usually technical assistance programs provide for senior and middle level staff to be trained abroad but junior staff never get the chance. It is unlikely that they will qualify for such aid, since basic training can be given in their own countries and it is unlikely that there will be any change in the technical assistance concentration on 'training the trainers', (that is, aiming at training abroad those who will be able to train the people in their own countries or who are likely to become future decision-makers). But there is a need for them to be exposed to the different situations in the region. To this end they may be helped to spend their leave looking at the situation in other countries or funds sought for groups of them to travel together in the region. Since prison services in the region are quite hospitable to each other, the costs could be reduced to fares and basic subsistence.

New Zealand felt that the Prison Service needed to be proud of its own traditions. An important part of this building of traditions is the Staff College, which in New Zealand is available to every level of the Service for specialised training and education. New Zealand agreed with Hong Kong that the Prison Service is already

a professional service but it suggested that there are different grades of professionalisation – and they can always be improved. There is provision in New Zealand for processing prison officers through the courses offered by the Institute of Criminology in Wellington University. On the question of public relations and understanding, New Zealand had taken to encouraging prison officers to purchase homes in the local community and had also bought official houses in the local community. If they were not required to be in constant attendance at the prison, it was thought better to place them out among the people where they could mix normally and where, at the weekends, people could see prison officers doing exactly what other people do at the weekend.

Victoria, Australia, described a secondary school program in 'legal studies' which included a section on the prisons. The department had cooperated with teachers in compiling the curriculum and in preparing special video tapes for tuition.

Obviously, the status and human rights of prison officers was an issue which presented itself differently in the different countries of the region. While all countries participating felt the need to raise standards for the benefit of prison officers and to help them to feel appreciated and protected, not all countries felt this need to be equally critical. Some believed they had gone a long way towards achieving a very satisfactory level of recognition and protection of the human rights of officers – others felt that the matter had been neglected for lack of resources for so long that it might soon reach breaking point. In between were countries feeling that past achievements in this direction were being jeopardised by levels of education in the community outside which outpaced any improvements in the Prison Service – or countries concerned that the popular preoccupation with the human rights of prisoners had devalued the safeguards on which prison officers usually relied. A balance had to be created between standards in the Prison Service, standards in the community and standards for the prisoner. In so many ways the ensurance of human rights and the welfare of prisoners depended on the status, recognition and protection of rights of prison officers.

AGENDA ITEM IV: PRISONERS' EXCHANGE ARRANGEMENTS IN ASIA AND THE PACIFIC

With one or two dissenting vioices, the conference reached a consensus on the desirability of prisoner exchange, (some thought it more correct to refer to prisoner 'repatriation' or 'transfer') where the reintegration of the offender or the hardship to relatives might make this necessary or appropriate. A majority thought this must be based on an agreement in each individual case between the sending and receiving governments and the offender. At least one participant, however, thought that the consent of the offender was unnecessary and that he should not be in a position to impede a move considered necessary (and maybe in his own longer term interests) by the two countries concerned. Some preferred to use legal provisions already available in some countries of the region for administrative transfers as deemed appropriate. Others could see little scope for this without formal treaties and the corresponding legislative changes.

Regarding exchanges of prisoners among those attending the Conference, it emerged that Thailand had been approached by both Canada and the United States, with a view to negotiating treaties; New Zealand has already initiated a draft treaty with Canada which now looks like going ahead.

Canada firmly believes in this concept. It has had a transfer of prisoner agreement with the United States since 1978, with Mexico since 1979 and with Peru since Summer 1980. Canada distributed its enabling legislation and indicated its willingness to negotiate treaties with other countries. It is currently engaged in discussions on the subject with Thailand and India. A variety of problems arise from each series of negotiations for a treaty and Canada went into these, answering in the process some of the misgivings of those without prior experience. For example, the offence has to be one recognised by both countries; not only the sentence has to be agreed, but the legal question of a returned prisoner being liable to imprisonment for an offence committed outside the jurisdiction of the courts of the country to which he is returning has to be anticipated. Eligibility for parole and periods of remission to which the prisoner may be entitled have to be carefully calculated and can give difficulty. Finally, the prisoner has to be made fully aware of the consequences. Prior to each prisoner leaving, the Canadians provide for a magistrate to interview

the prisoner to make sure he fully understands what is happening to him and fully consents. This magistrate, having carefully explained all the details, asks the prisoner to sign a consent form and the magistrate witnesses the signature.

Japan observed that it has not entered into any agreement for the exchange or transfer of prisoners yet. So far, Japan has relied upon a flexible procedure available before conviction and sentence. Before conviction, the alleged offender can be, and often is, deported. This is what happened when a famous pop singer was arrested in possession of drugs recently. It is difficult, however, when the person has been convicted. Similarly, there are constitutional problems for Japan in receiving convicted Japanese from abroad. Yet a Japanese committing a crime abroad may be tried and punished for that offence in Japan. In this case, any term of imprisonment which the offender has served abroad for the same offence will be deducted from the Japanese sentence. Though Japan has entered into no treaties yet for the exchange of prisoners, it sympathises with the concept. Thus far it has managed its foreign prisoners by, for example, providing a special diet for the European inmates. But now the Chinese and Koreans in the prisons (who are given no such privileges and get a normal Japanese diet) consider this special provision for Europeans as discriminatory. It may be easier to send the Europeans back to their own countries – but this would be a new departure for the Japanese.

The Philippines has no extradition provisions in its law at all. It has had two notable cases however. The first concerned a Taiwanese who was, in fact, a stateless person when he was mixed up in a hijacking. He got away and was arrested again when he tried to pass through the airport. He is held, but the technicalities preclude conviction yet. The other case concerns a Philippines Embassy employee who embezzled funds and fled. He was traced to the United States. The Philippines could not get him from the United States because there were no extradition agreements. Australia, (where the offence was committed) extradited the person from the United States to Australia, where he was tried and sentenced.

Both Singapore and Malaysia said that they had no treaties and did not see the need for them. A person committing a crime in another country should serve his sentence there and both these Prison Services felt they were equipped to deal with any cultural

problems arising. Other participants thought that such arguments were valid for custody but did not meet the requirements of rehabilitation. Moreover, with so much more international travel and the likelihood of increasing numbers of foreigners in the prisons of each country in the region, there could be more managerial flexibility by providing for exchanges when necessary. It was still possible for either government to veto an exchange if it thought it proper to do so. Fiji did not agree with those not in favour of an exchange of prisoners. They were sometimes called upon in Fiji to house up to 40 Taiwanese fishermen arrested for fishing in Fiji waters. They arranged for a diet and for interpretation – but it would have been easier to repatriate them.

Victoria, Australia, reported that it had no arrangements for exchanges and that Australia had signed no treaties. In fact, in Australia there is still no arrangement for the transfer of prisoners between Australian States. The only exceptions to this generalisation are arrangements for New South Wales to take the prisoners of the Australian Capital Territory (Canberra) and for a transfer of prisoners from some parts of the Northern Territory to some of the States. Recently a draft bill was prepared for interstate transfers of prisoners. This has been placed before the Standing Committee of Attorneys-General. If the Attorneys-General of all the States of Australia approve them, the model legislation can be enacted in all States. When this is done it will be possible for the Federal Government to pursue with the States the question of foreign transfers. (It must be remembered that Australia has no federal prison system, so that it can only negotiate with other countries with the approval of the States). However, for Victoria there may be little scope because there is very little accommodation available for the admission of prisoners coming from abroad. On the principle of exchange, Victoria had no reservations at all. Foreigners in Swedish prisons who could not be allowed the privileges of Swedish institutions because they did not have homes in Sweden, had virtually created a parallel prison service – so from a management point of view repatriation was frequently necessary. Queensland, Australia, which had had to provide for 40 Taiwanese fishermen and make special arrangements for them, agreed with Victoria's point of view.

Clearly there would be no move to wholesale exchanges of prisoners in the region as a result of this discussion. But the

exchange of views had widened the understanding and a better climate of understanding at the technical level had been developed. For those participating countries proceeding to treaties, models had been made available and negotiations facilitated. For others the prospect of *ad hoc* or administrative transfers had obvious scope for application to some of the problems with individual inmates who may need psychiatric treatment or special consideration because of physical or mental disabilities.

AGENDA ITEM V: THE PROBLEM OF DRUG OFFENDERS IN THE PRISONS OF ASIA AND THE PACIFIC

Drug problems and prisoners incarcerated for drug-related offences are no new phenomena in Asia and the Pacific. There is a long history of trafficking and an equally long history of institutionalised drug use in the several cultures and communities. However, this conference taking place in Bangkok, the world's central market for the drug trade – especially that flowing from the so-called 'Golden Triangle' – was constrained to consider the effect on the prisons of the latest global and intensive organisation of the drug trade. This current drug problem exceeds any that have preceded it. It is different in type and degree, it nets profits which are fabulous even by comparison with the trade in drugs of only a decade ago and it is quite beyond the control of national police forces, even when these are mobilised for action in such international bodies as INTERPOL, the Narcotics Division of the United Nations and the organisations of the ASEAN States. There are complications of sovereignty and jurisdiction which limit international action and the measures taken by some countries are made less effective by the inter-penetration of trafficking and tourism. Yet it would be a mistake to ignore the amount of bilateral and multilateral cooperation which has been achieved. This is illustrated by the way in which Thailand has cooperated with other nations – sometimes to its own detriment.

Thailand's juxtaposition to the 'Golden Triangle' makes it a natural market for drugs brought from there for sale in the United States, Europe and Australia, as well as so many other countries. About 20 years ago the ancient trade developed into a virtual flood of opium which was carried via Bangkok to laboratories in various parts of the world for processing into the various well-

known derivatives of morphine, codeine and heroin. More recently the processors have been taken into the 'Golden Triangle', which now exports the more expensive finished product. There have been various changes in the type and quality of the drugs with 'Chinese White' emerging recently as a recognisable product of the region which has found favour in the West as some other avenues of supply have been either closed or diminished by police action and the cooperation of neighbouring countries.

It would be easier for Thailand to take no action – to permit the trade (perhaps even tax it) and to leave other countries to find their own solutions. It has been pressed and cajoled, however, to take firm action on behalf of other countries as well as itself. It has readily agreed and cooperated and thereby aggravated its own drug problem. For, as it acts firmly against possession, import, export or processing, the supplies tend to pile in Thailand, the price falls and the problem of Thai consumption increasing becomes greater. Despite this, Thailand has cooperated very closely, not only with the United States, but with other police and narcotics control forces of the United Nations, as well as with the United Nations Development Fund in the implementation of a crop substitution program among the hill tribes. The fact that Bangkok remains a market, takes severe action against traffickers and possessors of drugs and has so many foreigners in its prisons has to be understood against this background. To a great extent it is fighting a battle not its own.

The authorities' failure to effectively control the drug trade across the world has resulted in this region, as elsewhere, in the prisons receiving substantial numbers of persons who are imprisoned for drug possession or drug-related offences and smaller, but very significant, numbers of clever, devious and frequently extremely rich middle level traffickers who are capable not only of disrupting the prison system but of paying to exploit all the traditional freedoms of democracy to their own ends. Several examples were given of such well placed individuals offering, through the criminal grape-vine, hundreds of thousands of dollars to anyone able to engineer their escape. In some instances the connivance of institutional staff has been bought in this way. They are likely to use all possible medical and legal devices to obtain more favourable conditions with fewer restraints and there are sometimes difficulties with ombudsmen or civil libertarians when,

for such reasons of security, they are not granted all the liberties and concessions which would be given to them if they were ordinary prisoners. The grounds on which a distinction is made to keep them in maximum or at least medium security are challenged at levels far above the prison service itself. However, while in some countries it emerged that this handling of the richer, devious and more enterprising operator was the main problem and one which was growing, other countries saw these as just another group of an increasingly sophisticated criminal prison population and thought that there should be more concentration on the addicts who, as a relatively non-criminal group, would respond to a parallel system of rehabilitation such as that which has been provided for two decades or more in Hong Kong and which has been developed in a rather different form in Singapore.

In Thailand three years ago, there was an outcry that virtually all prisoners were drug addicts. A survey of all prisoners who were given urine tests on admission revealed 47 per cent with drug problems. This test was continued for another year – administered to every prisoner going out of the gates and it was discovered that the number of those with drug problems declined – to 23 per cent. This suggested that such problems as there were, were in the community rather than the prison setting. In the scale of offences for which persons were imprisoned, drug offences used to rank sixth or seventh. Now it is second. Property offences are still first. However, as Hong Kong suggested, if the drug-related property offences be counted, then drug offences would be first in the order of numerical importance. For such reasons, the firing squad is used in Thailand for traffickers and it is believed that wherever possible addicts not guilty of other offences should be released and treated under supervision.

There were some countries represented which had no real problems of drugs. The Philippines has no problem of drug addicts in the new Bilibid prison. However, in the city and municipal jails problems occur on forced withdrawal between the period of arrest and confinement in rehabilitation centres, since the use of substitute drugs like methadone is prohibited. In Sri Lanka the problem was still that of the use of Ganja, which is a type of hashish or marijuana. The numbers were small and the Prison Services were seeking United Nations aid to send a small group of prison officers to Hong Kong for training. Fiji may have a problem

with alcohol, but it has no problem with other drugs. However, it is known that Fiji is being used as a stepping stone. A few couriers have been caught and are serving sentences. The Chairman commented that the existence of a drug problem was probably a function of affluence. Countries had to become rich enough to acquire it.

India agreed with Hong Kong that in the prison it is the addicts who present the greatest problem. In India, apart from the prisons in some of the country's largest and most populated centres, even the addict did not represent a serious problem for the prisons. On the other hand, if alcohol were to be included, then the situation in India was complicated by prohibition laws. In some Indian states there was total prohibition, in others none at all, and there were other states with partial prohibition. This inevitably led to numbers of people being charged with offences related to alcohol and to imprisonment for alcohol-related offences.

Japan could not regard itself in any comparative terms as a country with a serious problem of drugs. But for Japan any problem of drugs was serious – and it has been so ever since 1868 when Japan opened up to the West. It was adamant that there should be no trade agreements permitting the import of opium. It was aware in those days of the damage done to China and other parts of Asia by Western trafficking in opium and it imposed its own strict controls. Japan's present problem of drugs is not opium or heroin but stimulant drugs, particularly amphetamines, which provide some of the Yakuza gangs with sources of revenue. They are sold not only to students or young people but to housewives and anyone who feels under stress. In terms of numerical crime increases in the past year or two, there have been increases of petty theft and violations of the stimulant drug control laws. This may be illustrated from the fact that in 1975 there were less than 2,000 persons convicted of violations of the stimulant drug control law and in the prisons they represented only 5 per cent of the total prison population. But in 1980 there were 7,000 such offenders and they accounted for 17.5 per cent of the total prison population.

In the past, Japan has had two periods of drug problems. In the years around 1954 it was a problem of stimulant drugs; in 1963 it was a problem of heroin. In both these periods the drug problem was overcome by a combination of strict law enforcement, increased rehabilitation services and a large program of public

education. The public cooperated admirably in reducing each of these problems to zero levels. The latest outbreak has not yet been overcome but similar methods are being applied. Within the prisons the problem is complicated by the gangster elements which, while usually prepared to conform, are not very amenable to reformation. In 1979, among the newly admitted prisoners, some 25 per cent were gang affiliates. But this ratio jumps to 40 per cent if one counts stimulant control violations. Therefore, there is a problem of prison management. It has been calculated that in Japan there are 100,000 members of gangs and, as shown, gang members always constitute a significant proportion of the prison population. It is perhaps fortunate that stimulant drugs create psychological rather than physical dependency, so that by psychological counselling and education it is possible to rehabilitate. There are forms of group therapy and films are shown which depict experiments being carried out on rats.

The Philippines was the first country to execute a person found to be organising the processing of drugs. This was a Chinese named Ling Sam, who was shot by firing squad. Following the execution, serious drug cases fell to a few per year. Marijuana use continued, however, and the cases involving this drug went up in 1980. There were in that year 1,400 arrests involving 2,587 persons. But most did not enter the jails. However, addicts can be held until they are rehabilitated and there may be a sentence of from 12 or 30 years for selling drugs. When children do become involved, it is the children of the rich: the children of the poor cannot afford it.

The meeting invited Hong Kong to describe its success with addicts in a program which has been receiving world attention for about 20 years. Essentially this is a parallel program which can be entered by persons convicted but against whom a conviction will not be registered. It is also used for those who come to prison for drug-related offences. The result of maintaining these centres, operated by the Prisons Department, contributed to the fact that drug addiction in Hong Kong has been reduced from an estimated 100,000 to an estimated 40,000 in a period when the Hong Kong population has been growing rapidly.

Canada reported 8-9 per cent of its penitentiary population addicted, but there is a recent impression that the situation has stabilised. There has been excellent cooperation in Canada in

trying to deal with the drug problem between the prisons, the Royal Canadian Mounted Police, and United States F.B.I. and Narcotics Departments. This led, for example, to a continuing organisation of top police and correctional administrators and the application of their combined expertise to other problems. The popularisation of the use of hashish or marijuana in Canada and the existence of laws against it has brought into the prisons representatives of a higher social class which would normally have no contact at all with corrections. The result has been the sensitisation of a whole segment of the general public to correctional problems and preoccupations. People brought into contact with the prisons in this way often maintain their interest and support long after the cases involving their own family or friends have been dealt with. They remain as friends, sympathisers or at least constructive critics of the penal system in general and the corrections in particular.

New Zealand felt most exercised by the problem of the sophisticated offender and this concern was echoed by Queensland, Australia. Drug offenders in New Zealand have been known to continue operations while on remand. One in particular ran his empire while awaiting sentence and the fact that he had to be allowed all the privileges of the presumption of innocence made this possible. The prison authorities could not stop what they knew to be going on, especially as an employee of his lawyers' firm, who could be assumed to be visiting on legal business, was in fact a conspirator. A convicted operator of the same type has made it known that there is $100,000 for anyone who can get him out. The incarceration in prison of these shrewd, educated and devious people place new challenges before the prison system and before prison officers which require new thinking about regimes and about training. It is recognised as vital that criminally obtained assets must be removed from such individuals and New Zealand is now looking at ways in which criminal bankruptcy might be used to do this. Malaysia is moving towards complete confiscation of property by law for certain types of convictions. In Queensland, Australia, in the past 10 years, those admitted to prisons for drug-related offences has risen from 2-7 per cent. There have been problems therefore, with increased attempts to introduce drugs into the prisons. Another problem arises with the need to protect in prison those who have given information about drug offenders

or drug offences.

One of the most interesting and extensive experiments in drug control is being conducted in Singapore. When the numbers convicted for drug abuse rose rapidly in that country in the early 1970s – to a high of 2,800 in 1975 – the country decided that it had to take firm measures to protect its only natural resource – human resources. Since its central tourist position and its connection with continental Asia made it difficult to control the supply of drugs adequately, it decided to concentrate on demand. Of course, it enacted serious penalties for trafficking and for some offences the death penalty applies. There are also severe penalties for the possession of more than a legally specified amount of drugs. But the real concentration of the drug control effort was on reducing demand – and this meant reducing the extent of addiction and keeping it low.

In 1977, the Singapore Government launched 'Operation Ferret' a city-wide police operation to round up all known or suspected drug abusers. Five thousand persons were arrested and submitted to urine tests. If a test was positive, the person could be committed to the care of the Director of Narcotics for an indeterminate period of between six months and three years. A number of drug offences detention centres were opened and placed under the management of the Prisons Department. Here a standard treatment was applied to all such addicts, beginning with 'cold turkey'. The addict had to go through the agony of withdrawal without medical attention, except such as would prevent him injuring himself. However, a doctor was always in attendance watching the 'progress' from outside and prepared to intervene when necessary. After this drastic withdrawal, which was intended to demonstrate to the addict the seriousness of his own predicament, rehabilitation was planned, beginning with simple physical exercises, an appropriate diet and leading up to easy work assignments. There were counselling and education where appropriate and eventually addicts who had recovered were able to benefit from participation in the organised prison industries and earn money for themselves and their families. Eventually they were released with a requirement that they report to the police for urine tests each week. If these tests were positive, they ran the risk of being returned to the centres. However, at no time were convictions recorded against such persons if they had committed no

other offence. The result is that the normal annual police arrest rate has fallen to 2,000. Towards the end of a detention period, the recovered addict can be transferred to a release camp from which he may go out to work and return to live with his family at the weekends. This goes on until a review committee considers them recovered. Then they can be released on licence for two years. In addition to this, there are voluntary after-care and community anti-drug organisations to keep up public awareness and support for the program.

There are about 300 traffickers and pushers in Singapore prisons at present. They are now segregated – a special prison for traffickers and pushers having been opened to avoid their peculiar problems affecting the other prisoners. Across the border from Singapore, Malaysia has a daily average of 2,100 prisoners who are addicts, pushers and traffickers who were sentenced under the *Dangerous Drug Ordinance*, 1952. There will be a law before Parliament for the confiscation of property in some cases. As in Singapore, in 1979 Malaysia opened a special prison, but this was for those offenders who are addicts. It now takes 500 persons but it is being extended to take 1,000. Some 69 counsellors are at present undergoing specialised training by two American experts and the plan is to evaluate the scheme in two years time. In 1980, of 428 released from this drug prison, 60 (or about 14 per cent) recidivated, that is, over a period of 18 months.

Victoria, Australia, stated that the most serious traffickers in hard drugs were only beginning to be received into the prison system, but that between 50 per cent and 60 per cent of the State's prison population is involved with drug taking, if alcohol is included. Alcohol abuse was a serious problem in the State and persons convicted of driving offences involving alcohol, such as culpable driving, were regarded as lesser offenders and attracted less community rejection.

AGENDA ITEM VI: ACCREDITATION AND INTERNATIONAL STATUS

It emerged that throughout the region, prison services accepted the United Nations Standard Minimum Rules as appropriate for determining the levels of operation to be achieved. Some believed that they had gone far beyond the UN Standard Minimum Rules.

The problems arose when one sought to discover the extent to which these and other rules were actually being applied. Demands for detailed reporting to the United Nations were increasing and a number of organisations, national and international, were able to use the broad terms of the UNSMRs themselves to allege sub-standards or to interpret them in such a way as to make privileges rights and to confuse the issues. The question was really the extent to which prison services individually or collectively could devise their own forms of evaluation to avoid outside bodies and pressure groups with vested political or related interests confusing the issues and perhaps making the prisons impossible to manage.

In the discussion of the item, Canada pointed out that the conference had been preoccupied with status, staff development and public acceptance and that the American Correctional Association had sought to resolve all three by the development of standards based on the UNSMRs, but going into far more detail for the benefit of all those in a prison setting. Canada had used this but was now in the process of developing its own standards and procedures for accreditation. Mandatory standards of life, health and safety of both prisoners and staff are required and accreditation meant that an institution has all of these. Accreditation is a necessary complement to standards – it helps public acceptance and is an aid not only to the prison's communication with the media but with the Treasury. It gives the service something to strive towards, helps development, raises morale and improves the sense of responsibilities. Above all, it provides objective criteria, rational assessment and deserved recognition for achievement.

In discussion, a difference of approach to the question of accreditation was observed as between federal and unitary states. Uniform standards were a preoccupation of federations, not necessarily welcome to constituent states. Unitary states were immediately conscious of the possibility of outside surveillance of standards they were accepting as appropriate for themselves. As New Zealand put it, penal policy is a unique reflection of a particular society; there were too many cultural variations in the region at this time and the United Nation's monitoring of the observance of the UNSMRs was thought to be as far as the countries of the region could yet go. Queensland, Australia, concurred because of possible abuse of accreditation by pressure groups. It asked what would be the composition of the accreditation authority. Victoria

indicated that it accepted the United Nations Minimum Standard Rules as the guiding principles for development of the State's prison system in the future. It regarded accreditation as unnecessary at this time, because it is aware of its shortcomings and that other local monitoring and standard setting mechanisms exist.

Japan also referred to cultural differences. Hong Kong was not completely in favour of international standards. Land, and therefore accommodation, in Hong Kong was expensive and this had to be taken into consideration. United Nations standards were open to a wide interpretation. If a cell was to be provided, of what dimensions, with what facilities exactly. The Hong Kong view is that standards in which prisoners live are standards in which officers work. Fiji has accepted the UNSMRs too, but did not wish to totally exclude the question of accreditation. It felt, however, that it was not something to be decided upon now. Thailand does not practise accreditation, but encourages competition between institutions, rewarding success with official visits abroad. India has accepted UNSMRs and is trying to comply with them. It is encouraging improvements by the model jail manual drafted by a special committee in 1957-59, by designs for new functional prison buildings and by the provision of basic facilities and programs according to UNSMRs. However, prisons being a state subject in India, there are variations in certain areas of prison administration in various states. The Jail Reforms Committee, constituted by the Government of India, is considering the formulation of a national policy on prisons and the establishment of a National Board of Visitors. With such internal problems of standards, it felt that the time was not ripe for regional accreditation.

Canada made it clear that it had provided the information on accreditation to describe a process and exchange information only. It has never sought to propose acceptance of an American pattern or to intrude on obvious national prerogatives. However, it did wish to remind the conference that evaluation was going on daily. Accreditation or not, people every day evaluated our efforts – sometimes for their own purposes – and applied their own standards. Therefore, whether regionally or nationally, we are faced with the problem of how to convert this to the advantage of staff and prisoners. It is not a question of evaluation, but of who does it, and accreditation means we are convinced we can do it better for ourselves – and in an objective way. Every United Nations

meeting on crime deals with the question of how to ensure that the UNSMRs are more effectively implemented, so the pressure for evaluation – by someone – may be expected to grow. That is why prison services need to react positively and take steps to establish their own standards and verification process before one is imposed by other groups; often biased and ill informed. Canada proposed, and it was agreed, that there should be no decision on accreditation now, but that the Australian Institute of Criminology might be asked to prepare a definitive paper on the whole question of standards and accreditation for further consideration at a future meeting.

expanding job opportunities. Also, a blanket preference for self-sufficiency can cause investment in industries which save fewer dollars (for example, in fruit purchases) than could be earned (for example, in desk sales) if the same capital had been invested in revenue earning industries.

On the other hand, an important reason for the disfavouring of industries involving outside sales in Australia is that such sales can cause problems with unions and private manufacturers. The Victorian report by Mr Dawes that 90 per cent of industry sales are to government departments is also indicative of a concern not to antagonise private interests. In some states these concerns are exaggerated by prison administrators who have made little effort to sit down with union and business leaders to negotiate understandings about what kinds of prison sales they would not object to.

On this problem, the Singaporean model of a Prison Industries Corporation is being viewed with increasing favour by some Australian states. The Board of a Prison Industries Corporation to oversee major investments would include influential representatives of trade unions and the business community. These representatives could clear the way for prison industry less fettered by outside pressure groups.

Another way of dealing with the insufficient number of jobs for all of the prisoners who would like to work is work release. Western Australia and New South Wales are the only states with significant work release programs. However, other states are giving consideration to work release as possibly the most cost-effective way of keeping prisoners occupied. In every jurisdiction the shortage of prison industry jobs is worst in the women's prisons. Because these are small institutions, there are often not the economies of scale to support a range of work options. For this reason, Western Australia has a policy of favoured entry into work release for female prisoners.

As mentioned in Mr Dawes' paper, Victoria has experimented very successfully with incentive payments whereby prison workers are remunerated in proportion to the amount they produce. Other states are also introducing pilot incentive payment schemes.

The fundamental policy conflict in Australian prison industry is whether new industries ought to be selected on the basis of their profitability or their value for training offenders in new vocational

skills which might help them to obtain jobs on release. Given that there is considerable evidence suggestive of the conclusion that offenders who cannot find a job on release are more likely to return to crime, training in marketable job skills is an important function of prison industry.

The conflict between production and training is not so profound as it might at first seem, however. A mistake often made in vocational training programs in Australian prisons is to teach a skill such as welding and then fail to give the offender the opportunity to pace these skills under the pressures of a realistic workshop situation where production dealines must be met. Employers are not interested in workers who know the theory but who cannot keep up in practice. The best training programs are training modules linked to productive prison industries. Conversely, industry can be made more productive if it can call on the skills of a pool of trained prison workers.

Prison administrators in Australia are only now beginning to use information from the Department of Employment and Youth Affairs on labour market vacancies in planning new industries. If the government's labour market forecasts predict continuing high levels of unemployment in the printing industry, then it is obviously futile to build a print shop in the hope that offenders will get jobs as printers on release. The challenge for Australia is to develop prison industries which can simultaneously achieve the goals of:

(a) labour intensiveness, so that many idle hands are kept out of mischief and work habits are maintained;

(b) profitability, so that capital is generated for further job creation;

(c) job satisfaction, so that offenders can taste the rewards that can come from legitimate work; and

(d) training in marketable job skills.

Victoria

JOHN DAWES

Introduction

Correctional Services is a Division of five within the Department of Community Welfare Services. The Director of Correctional Services oversees the entire operations of Correctional Services which is organisationally broken up into three functions.

PRISON INDUSTRIES

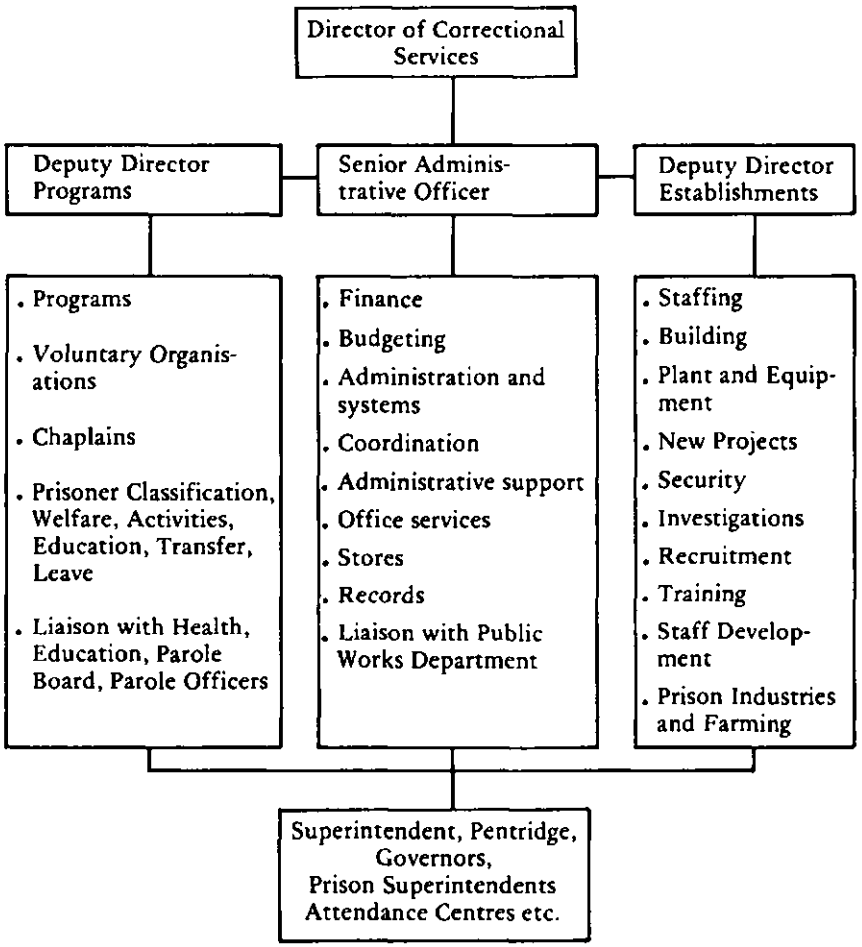
In Victoria, 10 prisons are maintained for men and one for women. In November 1980 we had 1,753 prisoners in the 11 prisons, of which Pentridge held just over half of the total (942).

Table 1 illustrates that there are 19 industries in the Victorian prison system which means that every prison in Victoria operates at least one industry in which prisoners can be employed. The rationale for the maintenance and development of prison industries is to keep prisoners gainfully employed, assisting in their management and providing them with skills appropriate to life in the outside community. A further economic rationale for prison industries is to economically supply internal prison needs for example, textiles, clothing, bootshop, laundry, bakery, cannery and farming. Prison industries also make a contribution to the needs of the community through the provision of goods and services to government departments and agencies and non-profit organisations, for example, matshop, sheetmetal, number plates, signs, bookbinding, forestry, horticulture etc.

Workforce Composition

The 19 prison industries employ a total of 543 prisoners, which represents 31 per cent of the total number of prisoners in

Figure 1



November, 1980. While this is a relatively high industry employment figure, some structural unemployment does exist. For example, Fairlea prison which houses all the female prisoners does not have any industry as such, although they are involved with self-help work such as beautification, internal laundry work, serving, general cleaning, maintenance and cooking. Also at some of the country prisons, industry employment is only available for re-afforestation programs.

Table 1 – Prison Industries: Work Force Composition 1980-81

Industry	*Location*	*No. of Prisoners*	*Staff*	*Accommodation and Equipment*
Carpentry	Pentridge	21	3 Overseers	Adequate.
Carpentry	Beechworth	20	2 Overseers	Adequate.
Mat Shop	Castlemaine	25	2 Overseers	Adequate.
Mat Shop	Sale	20	2 Overseers	Very poor. Plans drawn for replacement in 1975-76 but funds not yet provided.
Bootshop	Pentridge	18	1 Overseer, 1 Prison Officer	Adequate.
Clothing	Geelong	35	3 Overseers	Adequate.
Clothing	Pentridge	10	1 Overseer, 1 Prison Officer	Adequate for this number of persons.
Textiles	Pentridge	25	3 Overseers	Equipment outdated and spare parts are hard to obtain (for example, 1898 and 1925 machines).
Laundry	Pentridge	25	2 Overseers	Building inadequate.
Sheetmetal	Bendigo	30	3 Overseers	Buildings renovated December 1976. Equipment is being updated as and when required.
Tubular Steel Furniture	Ararat	20	2 Overseers	Adequate.
Bakery	Pentridge	21	2 Overseers	Adequate.
Printers	Pentridge	19	2 Overseers	Equipment costing $40,000, updated late 1975. Better building space required.

Table 1 – continued

Brushshop	Pentridge	25	2 Overseers	Adequate buildings and machinery.
Engineers	Pentridge	15	1 Maintenance Engineer	Adequate for type of work.
Number Plates	Pentridge	19	2 Overseers	Adequate.
Cannery (Seasonal work January-March each year)	Dhurringile	10	1 Farm Manager	Building was erected by Prison Labour in 1976.
Signs	Ararat	12	1 Overseer	Adequate at present stage of expanding work load. Industry commenced October 1976.
Bookbinding	Pentridge	6	2 Overseers	Adequate space is not available. Plans are drawn for a new building when funds become available.
Horticulture	Pentridge	15	1 Overseer	A plan is being developed to establish a Horticulture area in producing vegetables, shrubs, trees and the propagation of seedlings. Work also includes the general beautification of the prison.
Farming	Dhurringile	22	2 Overseers	Farm areas have been expanded and equipment is being updated as funds become available.
	Beechworth	20	3 "	
	Sunbury	–	1 "	
	Ararat	40	2 "	
Forestry	Morwell River	30	1 Overseer	
	Won Wron	40	1 "	
		543	49	

Table 2, based on a November 1980 report, illustrates the range and diversity of work done by prisoners in Victorian prisons.

Table 2 – Profile of Current Prisoner Employment

	Percentage
Billets	21
Gardening	10
Cooking/Food Preparation	7
Tailoring/Clothing	5
Laundry	5
Education	5
Factory hand/maintenance	4
Farming	3
Carpentry/Woodwork	3
Engineering/Metalwork	3
Forestry	2
Painting	2
Other	20
Unemployed	10
	100

From the same survey it was found that only 16 per cent of prisoners with skills or qualifications are currently able to use these skills while in prison. This again emphasises the limited extent to which prison industries are able to tap the skill or educational resources of their workforce.

Value of Production

Although our prison industries have not in the past pursued an aggressive or thorough pricing policy, Table 3 illustrates an average annual growth in the value of production of 15.9 per cent per annum over the last five years.

The increase in value of production (15.9 per cent) is largely the result of the increased productivity of the farming sector since manufacturing and service industries value of production only increased at an average of 10.9 per cent per annum.

Table 3 – Average Annual Growth in the Value of Production 1975-76 to 1979-80

	1975-76	*1976-77*	*1977-78*	*1978-79*	*1979-80*
Total value of Production, Manufacturing and Service Industries and Farming	$796,490	$1,018,350	$979,716	$1,187,600	$1,406,446

Profitability of Industries

From Table 4 it can be seen that if one looks at current prison industries in terms of their profitability, only one industry (Tailors, Pentridge) show a net profit. This rather dismal economic profile is due to our policy of charging overseers and industry administrators wages and salaries as well as prisoners earnings against industry revenues. This is a practice that is not adopted elsewhere in Australia but it is one we support in so far as we believe industries should be self-supporting in view of their cost structures. Future developments in increasing prisoners work hours, updated and better calculated pricing policies, more thorough costing checks, more aggressive marketing of prison industry products as well as upgrading plant and equipment are aimed to increase the profitability of our prison industries.

From the comparative figures in Table 5 it can be seen that greater attention needs to be directed at pricing/costing policies since raw material costs are 73 per cent of revenue earned and all direct labour (prisoners and staff) is 69 per cent of revenue earned, little wonder that the accounts show a lack of profit. It should also be born in mind that not all costs to industry are charged against the revenues earned, particularly, items such as electricity, gas, water, protective clothing, insurance, superannuation, depreciation on capital equipment, publicity and advertising etc. On the productive side, however, a lot of work currently carried out by industries is not paid for at all, for example, re-afforestation work, internally consumed work for the prisons or the Department of Community Welfare Services.

Currently the pricing of industry products has not been seriously matched or related to external prices. What is attempted

Table 4 — Value of Production and Items Produced

		1975-76 $	*1976-77* $	*1977-78* $	*1978-79* $	*1979-80* $	*Items Produced*
Carpentry	** Pentridge	26,000	36,000	30,900	49,000	47,000	School furniture — for example, tables and chairs, easels, drawing boards, school laboratory stools, broom heads and handles. Work also includes internal maintenance of prison.
	Beechworth	—	—	48,660	40,700	43,500	
Matshops	** Castlemaine	5,200	3,000	3,500	8,600	14,300	Coir mats for schools and private persons.
	Sale	5,000	3,750	5,586	13,900	12,200	
Bootshop	** Pentridge	5,000	11,000	13,400	14,300	25,600	Shoes for internal use by prisoners.
Clothing	** Geelong	59,000	71,000	64,700	70,000	98,900	Jeans, jackets, shirts, pyjamas, sheets, mattresses, towels and jumpers. All for internal use.
	** Pentridge	9,000	27,000	47,700	82,000	98,900	
Textiles	** Pentridge	13,000	21,500	26,500	47,000	46,000	Denim, calico and woollen cloths are woven and are used to produce cloth for internal use.
Laundry	** Pentridge	49,000	48,000	36,000	39,700	38,300	Prisoners clothing is laundered together with small quantities for Govt. Departments.
Sheetmetal	** Bendigo	23,000	32,000	28,700	25,000	27,400	Garbage bins, street litter

Table 4 – continued

							bins, office tidies, ash-trays. All made for Govt. Departments and private persons.
Tubular Steel	** Ararat	23,000	38,000	22,300	23,000	27,800	Office tidies, tables, stools, beds, garden tables and chairs. These are mainly made for Government Departments.
Printing	** Pentridge	99,000	92,000	92,600	76,000	71,900	Assorted printing requirements for the Community Welfare Services Department.
Bakery	** Pentridge	147,000	90,000	Nil	22,000	36,800	Bread is produced at present only for consumption at Pentridge.
Brushshop	** Pentridge	53,710	70,000	29,600	40,300	26,700	Brooms and brushes are produced for Education, Railways and Health Departments.
Engineers	** Pentridge	–	15,000	22,200	27,600	29,700	Internal maintenance work on building and steam boilers in Pentridge.
Number Plates	** Pentridge	86,000	99,000	136,100	259,000	260,000	300,000 pairs of car number plates are produced annually for the M.R.B.
Forestry	** Won Wron Morwell River	Estimated annual value of work is $80,000					Propagation of 1.5 million trees from seedlings,

Table 4 – continued

						clearing of land and planting of seedlings when matured for the State Forests Commission.
Fruit Cannery (Commenced January 1977)	** Dhurringile	–	20,000	27,000	21,500	21,000	Fruit grown in the prison orchard is canned for internal consumption.
Silk Screen Printing (Commenced 1966)	** Ararat	–	12,500	14,900	23,800	23,000	100,000 place ribbons and show sashes are produced for school and dog clubs etc. Work also includes State routed wooden signs for Forest and National Parks.
Bookbinding (Commenced July 1977)	** Pentridge	–	Nil	4,000	7,400	18,100	Books, periodicals, newspapers are bound for the State Library and internal use.
Computer Programming (Commenced May 1978)	** Pentridge	–	–	–	500	500	Programming of statistical data for record purposes, for example, production records of prison industries, invoice data and other data related to research projects. Work also includes address mailing lists. This work is produced only for this Department at the present time.

Table 4 – continued

Prison Farms – Income

	1974-75 $	*1975-76* $	*1976-77* $	*1977-78* $	*1978-79* $	*1979-80* $
Vegetables	18,400	17,600	34,300	15,000	17,000	15,100
Beef	26,300	46,100	95,100	76,400	107,200	182,500
Mutton	8,100	9,600		29,700	48,300	79,900
Milk	7,100	7,800	1,900	16,800	7,600	8,500
Eggs	1,700	1,600	2,200	1,200	1,900	–
Ardmona Cannery (fruit received)	2,000	2,900	–	–	–	–
Prison Cannery production	–	–	29,100	26,800	21,500	21,000
Sale of cattle	8,500	240	–	11,000	2,900	–
Sale of poultry	–	40	–	70	200	–
Sale of wool	3,700	1,500	43,900	40,400	–	65,800
Sale of skins and hides	600	3,500	–	7,700	9,700	16,500
Sale of pine logs to A.F.I.	–	22,700	42,100	16,300	–	15,300
	76,400	113,580	248,600	245,370	216,300	404,600
Summary: Value of Production						
(1) Manufactured articles	–	682,910	769,750	734,346	971,300	1,001,846
(2) Farm Produce	76,400	113,580	248,600	245,370	216,300	404,600
TOTAL $	76,400	796,490	1,018,350	979,716	1,187,600	1,406,446

Table 5

Total prisoner earnings	= $110,526	Average per prisoner	= $203.6 p.a.
Total sales/revenue	= $1,007,000		
Prisoner earnings	= 11 per cent of Revenue		
Overseers earnings	= $520,164	= 52 per cent of Revenue	
Administration, Salaries	= $59,438	= 6 per cent of Revenue	
Raw materials	= $734,711	= 73 per cent of Revenue	

in the industries is to break-even in terms of direct overheads and labour costs. This calculation of sales price is also related to optimum production levels. That is, if optimum levels of production or specific number of units produced are not attained, recovery of production costs will not occur. As can be seen from Table 6, optimum production levels are rarely if ever attained in most industries. The resulting net losses are thus also representative of the unused capacity of the industries.

Down time through machine breakdown, delays in the supply of raw materials and lack of funds to adequately maintain old equipment result in less than optimum production levels.

If profitability or at least greater attention to 'breaking-even' relative to costs is to be attained in the future, then a lot of changes will have to be made. Charging for goods and services currently not charged, improved marketing, rotating account and a possible corporation to administer the industries should all work towards improving the picture of prison industries as productive enterprises. Productive, that is, from the viewpoints of contributing to the taxpayers' cost of imprisoning offenders as well as contributing to prisoner management and being of direct tangible benefit to the prisoners in the form of earnings and fostering work skills.

Investment in Plant for Prison Industry

Unfortunately we do not keep figures for the investments in plant for prison industries. In our State all plant is managed by another State Government Department, The Public Works Department. In addition many of the structures are very old so their

Table 6 – Industry Profit/Loss Statements for 1979-80 for Manufacturing Industries

Institution	*Industry*	*Raw Materials* $	*Prisoner Earnings* $	*Overseers' Salaries* $	*Administration Salaries* $	*Total Costs* $	*Sales: Value of Production* $	*Net Profit/ Net Loss* $
Pentridge	Engineers	28,571	4,538	17,665	2,827	53,601	29,667	– 23,934
	Bookbinding	2,463	1,248	27,447	775	31,933	10,738	– 21,195
	Boot Shop	29,531	5,564	14,165	3,466	52,726	27,183	– 25,543
	Bread Bakery	70,852	6,893	53,615	4,295	135,655	78,616	– 57,039
	Brushshop	53,653	5,613	28,575	3,497	91,338	68,368	– 22,970
	Computer Industry	2,233	260	–	162	2,655	Just Established	– 2,655
	Laundry	3,618	5,854	38,805	3,647	51,924	38,278	– 13,646
	Number Plates	228,704	5,282	73,899	3,291	311,176	260,216	– 50,960
	Printing	47,326	4,045	30,365	2,520	84,256	69,260	– 14,996
	Tailors	75,414	2,804	14,276	1,747	94,241	98,904	+ 4,663
	Woollen Mill	29,971	5,007	33,065	3,120	71,163	45,406	– 25,757

Table 6 – continued

Ararat	Silkscreen Printing	19,192	7,203	13,389	4,488	44,272	34,092	– 10,180
	Tubular Steel	17,876	6,971	27,727	4,344	56,918	27,800	– 29,118
Beechworth	Carpentry	44,157	5,114	27,726	3,186	80,183	49,909	– 30,274
Bendigo	Sheetmetal	19,907	6,600	29,797	4,112	60,416	27,366	– 33,050
Castlemaine	Matmaking	3,162	8,682	27,742	4,050	43,636	12,269	– 30,367
Geelong	Tailors	55,486	9,407	43,448	5,861	114,202	98,928	– 15,274
Sale	Matmaking	2,595	19,441	18,458	4,050	44,544	30,000	– 14,544
						Total Net Loss		$421,502
						Total Net Profit		$ 4,663

N.B. Farming Industry does not as yet carry full Profit/Loss Accounting facilities.

value would be very difficult to ascertain. However, for the current times it would not be unreasonable to assume that an average sized industry shop would cost approximately $600,000 to erect considering current construction valuations.

Sale of Prison Industry Products

The majority (90 per cent) of prison industry products and services are direct to government departments or agencies and only a small proportion (10 per cent) to private individuals or non-profit organisations. As was just noted, a lot of prison industry goods and services are not paid for, and those for which payment is made goes directly into consolidated revenue held by the Victorian Treasury. Prison Industries are therefore not able to utilise or expend their revenues and rely on the vote funding system to maintain the industries in competition with other functions within the Correctional Services Division as well as competing for finite funds between the five divisions within the Department of Community Welfare Services.

Table 7 — Joint Farming Enterprises Financial Statement 1979-80

Revenues	$	*Expenditures*	$
Beef	182,494.43	Farm Vote Expenditure	198,174.54
Mutton	79,871.49		
Skin and Hides	16,492.95		
Wool	65,818.94		
Offal	2,452.35		
Timber	15,347.34		
Vegetables	15,138.50		
Canned Fruit	21,070.00		
Milk	8,559.00	Surplus Income over	
Other Farm Income	1,763.00	Expenditure	210,833.46
TOTAL REVENUES	409,008.00		409,008.00

Incentive Pay Schemes

Mention has already been made of the use of incentive pay schemes in Victorian Prison Industries while Table 8 illustrates the aim of introducing this scheme over a five year period. Table 9 illustrates the success of introducing the incentive pay schemes.

Table 8 – Prisoner Incentive Pay Schemes
Five Year Plan for the Implementation of Incentive Pay Schemes

	Industry	*Location*	*1978*	*1979*	*1980*	*1981*	*1982*
Category A	Matshop	Sale	X				
"	Number Plates	Pentridge		X			
"	Woollen Mill	Pentridge		X			
"	Bootshop	Pentridge		X			
"	Print Shop	Pentridge		X			
"	Brushshop	Pentridge				?	
"	Bakery	Pentridge				?	
"	Laundry	Pentridge				?	
"	Tailors	Pentridge				X	
"	Tailors	Geelong				X	
"	Forestry	Won Wron				?	
"	Forestry	Morwell River				?	
"	Farming	Ararat					?
"	Farming	Beechworth					?
"	Farming	Dhurringile					?
"	Engineers	Pentridge					?
Category B	Carpentry	Pentridge					?
"	Carpentry	Beechworth					?
"	Sheetmetal	Bendigo					?
"	Tubular Steel	Ararat					?
"	Screen Printing	Ararat					?
"	Bookbinding	Pentridge					?

X = Already Introduced ? Planned to be Introduced

A maximum rate of pay of $1.25 a day applies to most activities and from this prisoners are required to purchase their own personal items and toiletries. However, incentive pay schemes geared to productivity are current in 10 industries. Two examples will suffice to illustrate their structure.

(1) **Number Plates**: Production of each 1,000 pairs of plates per week. Rate: $1.30 per man for each 1,000 pairs completed per week or part thereof.

(2) **Matshop**: Matmakers are paid $2.00 for each mat produced in excess of one mat each week. Other prisoners assisting the matmakers in preparing coir, trimming mats, stencilling, sweeping etc. are paid the average wage earned by matmakers. Recently the average earnings have been $13.00 per week.

Table 9 – Results of Incentive Payment Schemes

Industry	*Production Prior to Scheme*	*Since Introducing Scheme*
Coir mats	½ mat per week per person	5 mats per week per person
Number Plates	3,000 per week	6,000 per week
Bootshop	80 pairs per week	250 pairs per week
Woollen Mill	600 metres per week	850 metres per week
Tailors, Pentridge	$2,000 of production per week	$2,300 of production per week
Tailors, Geelong	$1,700 of production per week	$2,200 of production per week
Printers	$1,500 of production per week	$2,200 of production per week

The industries selected for inclusion in the Incentive Pay Scheme have been selected on the basis of need for the product, sufficient work to keep prisoners occupied for 12 months and that the industry is staffed properly and provided with adequate plant and machinery.

This report has stressed that the role of prison industries is not just one of prisoner management but also one aiming to move in the direction of assisting prisoners for their eventual release by attempting to retain regular work hours and environment as well as being a vehicle by which prisoners have the option of earning an extra income and saving money for their release. While it would be useful to follow up the progress of persons upon release, funds, staff and time currently do not make this possible.

The general consensus of opinion on this question is that the majority of prisoners do not pursue the work activity from imprisonment when released. Also from an opinion survey of prisoners in November 1980, it was found that 5 per cent of prisoners were enrolled for further education and 73 per cent stated they would like to learn a trade or skill while in prison. The same survey also found that 98 per cent of prisoners wanted to work while in prison and that 96 per cent wanted to be able to save some money from work to help establish themselves after their release: (96 per cent stated they wanted to participate in incentive pay schemes).

There is little information on the numbers of apprentices who actually completed courses while in prison. It is known that several prisoners working as butchers and boiler attendants have obtained a qualification in these areas.

Since 1956 trade training programs have been provided within prisons in Victoria. Experience has shown that the effectiveness of the programs was minimal due to the following:

(a) no recognition was given for the period of training undertaken by prisoners and as no long-term objective was attainable, prisoner morale was lowered and they became disinterested in achieving a good work habit; and

(b) the training programs did not lead onto actual production work after the prisoners attained the required proficiency in the particular trade. Continuous production work was difficult to maintain inside the prison situation in such areas as bricklaying, signwriting and motor mechanics.

Training for the sake of training bores the prisoner and the lack of practical work affects the prisoner's attitude to working within the prison. A well structured training course, which allows a person to gain a recognised qualification and implemented by actual production work which is used in the community will form the basis of a successful prison industry.

Current programs place too much emphasis on industrial training for assembly line jobs. Seemingly ignored has been the training for the prisoner who best would respond to work in a smaller more individualised setting. The adoption of the service type industry programs would meet this need and permit a prisoner to re-enter society in a useful and self-fulfilling manner. These include service and repair of radio and electrical appliances, T.V., office machines and typewriters. These types of industries would not require major equipment expenditures and the consequent risk of future obsolescence.

Future Directions

Currently in Victoria we have a ministerial committee looking into the status of prison industries with the view of establishing a

corporation to reorganise and administer the prison industries. We are hopeful that this will become a realisable goal in the near future. Particularly important is the need to establish a rotating account for manufacturing and farming so that income earned by the prison industries will be able to be reinvested into the industries so that upgrading and expansion of industries will become a reality. More up-to-date plant and equipment and greater capacity to employ more prisoners should therefore be possible in improving the role and function of prison industries in the future.

The expansion of industries in Victoria, or Australia for that matter is limited however by the political, social and economic environment. Overall prisons and correctional services are not considered very important areas when it comes to vote catching government policies, thus funding or finance is more limited than in some other government sectors. Also the range of industries and who is eligible to purchase prison industry products is limited in Australia where we have strong unions and watchful employer groups monitoring the activity of prison industries. In particular, competition with outside industries and the use of 'cheap' labour are issues that frequently colour the debate regarding prison industry activity. Bringing these antagonists together and giving them a place and say as to the development and administration of prison industries will, I feel, go a long way to improving the relations between prison industries and the community. Bringing the diverse viewpoints together has been achieved with the composition of the Prison Industry Steering Committee which is well on the way to recommending substantial changes to Victoria's prison industries.

REMAND IN VICTORIA

In Victoria, the majority of remand detainees are housed in Sections or Divisions of the Pentridge Prison complex which is located about 8 kilometres north of the City of Melbourne, in the suburban district of Coburg.

Pentridge D Division cells and yards are presently used in conjunction with F Division to house men and boys remanded in custody together with some convicted prisoners who generally work as 'billets', or domestic labourers.

The Division consists of a long, rectangular cell block adjacent to seven radiating yards which house different groups of detainees

and prisoners during the day. The yards resemble pens for caged animals. An additional yard serving the D Divison 'hospital' provides further segregation for remand prisoners, and is located on the opposite side of the cell block from the radiating yards. The yards, however, are a completely inadequate method of separating first offenders, in particular, from recidivist criminals.

D Division is physically representative of a bygone era of penology. The overriding aim inherent in its structure is one of control. The selection of materials, its scale, its means of supervision, and the circulatory system, are consistent with this aim. No part of the areas in which the detainees move is in any way related to everyday experiences and environment. The special arrangement minimises possible choices. There is virtually no room for trust. Overall, the cell block differs little from the Old Melbourne Gaol in Russell Street. There is inadequate space to conduct professional interviews and visits by families. It is not feasible to expand the existing buildings.

Dining

The dining room is in the ground floor space between opposite rows of cells at the west end of the Cell Block. The tables and benches are crowded together, the area being used apparently as a day room for some temporarily unoccupied prisoners.

Recreation in the Division

Once in the yards, the detainees' recreational choices are very limited – cards, newspapers, books, are some of the options. Showers, in the open shelters, are a popular way of keeping warm in the colder weather. Each yard also has a television set in the shelter. This is the limit of recreational activities available for about one half of each day.

Original Purpose

The D Division cell-block was built in about 1889 and was designed to house 168 women prisoners in single cells. Each cell was originally provided with a piped water supply and sewerage pipes to serve as basin and water closet respectively.

Living Units

All cells are arranged on a three level gallery system, and use steel catwalks for access. There are three types of cells in use in the Division. Single men's cells, of approximately 2.4 by 2.1m with concrete floor and ceiling, and bluestone walls. A small 600 by 450mm permanently ventilated (and barred) window provides the cell with the only source of light once the sturdy timber and steel door is closed. They are spartan in their furnishings.

The Division also contains a number of observation cells which are similar to the single cells, but have a steel grille about 900mm inside the cell to permit prison officers to open the door without fear of attack from the prisoner inside. These cells are used for prisoners who are particularly disturbed and regarded as assaultive.

A number of adjoining single cells have been modified to form 'community' cells, which can accommodate up to six men.

F Division

F Division, Pentridge, is a large, two-storied building housing up to 164 prisoners in four dormitories (two with 44 beds, one with 18, and one with 58). Beds are double bunks. On occasions, demand for accommodation has required that additional prisoners sleep on the floor in F Division.

The building was originally designed to house government troopers and was used at one time for female prisoners, prior to the commissioning of Fairlea as a Women's Prison in 1956.

The building is entirely unsatisfactory for use as a prison and it is impossible to provide adequate supervision to ensure prisoners are not homosexually attacked or assaulted. Present conditions at the Pentridge Remand Centre do not meet the minimum standards as laid down by the United Nations.[1]

The total authorised capacity of D and F Divison is 438 inmates.

Fairlea Women's Prison

Fairlea Women's Prison is located on National Park land at Fairfield, adjacent to the F83 Freeway.

The prison mainly comprises a number of old dilapidated

stone and weatherboard buildings which were originally designed as a hospital. These buildings are inadequate for use as a prison. However, in 1972-73 two prisoner cottages plus staff facilities were built on the property and in 1978 a modern education building was added. In addition, a modern brick building to house 18 prisoners in single cell accommodation is nearing completion.

As Fairlea is the only female prison in the State, remand detainees and convicted prisoners are contained in the same institution. The remand detainees are housed in a separate 10 to 15 bed weatherboard dormitory unit, but necessarily must mix with the convicted prisoners during the day.

The prison lacks adequate facilities for professional visits and has no special accommodation for infants to be with their mothers. The total capacity at Fairlea is 68 inmates.

Population Profile

Remand populations at both Pentridge and Fairlea have been plotted for the past few years and the trends are shown on the following graph.

Generally, the trend has been for the population to peak early each year and to decrease over the year as the court systems clear the backlog of detainees awaiting trial. The Victorian Courts recess over the Christmas/New Year period.[2]

The remand population comprises persons to whom bail has been refused, or set and not met by payment. Bail must be refused in the following cases:

(a) In cases of treason or murder except on the order of a Supreme Court Judge;

(b) if the accused is currently serving a sentence;

(c) if the accused is in custody for abscondence unless he shows circumstances beyond his control; or

(d) if the Court is satisfied

1. that there is an unacceptable risk of abscondence, further offences, danger to the community, interference with witnesses or obstruction of justice;

2. that the accused should remain in custody for his own protection or, in the case of a juvenile, for his own welfare; or

3. that further information is required by the Court.

Furthermore the Court is required to refuse bail unless the accused can show the refusal to be unjustified, where the charge is (i) indictable and alleged to have been committed while awaiting trial for another indictable offence; or (ii) indictable and the accused is not ordinarily resident in Victoria.

Incident Rate

Incident rates in D and F Divisions are believed to be higher than for other areas in the Pentridge complex. This is to be expected, as remand detainees are uncertain of their future – awaiting trial or sentence or appeal, etc.

Daily Routine

The daily routine in D and F Divisons restricts the detainees to the 9½ hour shift of the prison officers. The details of the routine are listed below.

7.00 am	Rouse bell and lights on. Dress, fold blankets and tidy cell or dormitory.
7.30 am	Cells and dormitories unlocked. Proceed to yards as directed.
8.00 am	Breakfast served in Division.
8.30 am	Return to yards.
10.00 am	Divisional inspection, all requests are heard by the Governor or his deputy.
11.15 am	Lunch served in the Division.
11.45 am	Return to yards.
3.15 pm	Evening meal served in the Division.

3.45 pm	Return to yards.
4.00 pm	Proceed to cells, or dormitories if located in F Division. All prisoners searched before lock-up.
4.30 pm	Cell or dormitory muster. You must give your name to the S.P.O.
10.00 pm	Lights out.
11.00 pm	Radio off. Television off in F Division.

Trends in Prison Populations

Figure 2 shows that the daily average prison population in Victoria dropped from a high of about 2,400 in early 1971 to a low of around 1,400 at the end of 1976. However, since early 1978, the population has been increasing by an average of 70-80 per annum and the current population is close to the maximum capacity of 1,977 inmates.

Accommodation in prisons is at a crisis point and short-term measures are being implemented to avoid overcrowding – for example, increase in capacity of attendance centres and vacation of government quarters by prison officers.

Proposed New Remand Centre

The Treasurer of the State of Victoria has agreed in principle that a modern high rise remand centre be built on a site on the western fringe of the central business district of Melbourne.

A preliminary report providing an outline of both the scope and operations of the Remand Centre has been forwarded to the Treasurer to approve the project and to give the green light to the planning and design team.

The building will have the following important features.

- Fully serviced single cells including shower, basin and toilet – there will be no communal shower blocks in the new remand centre.
- Extensive recreation facilities and areas to give the detainees necessary exercise and to assist in the 'man-management'

SOCIAL WELFARE DEPARTMENT – VICTORIA
PRISONS DIVISION
DAILY PRISON POPULATION IN VICTORIA
From October 1970 to October 1977

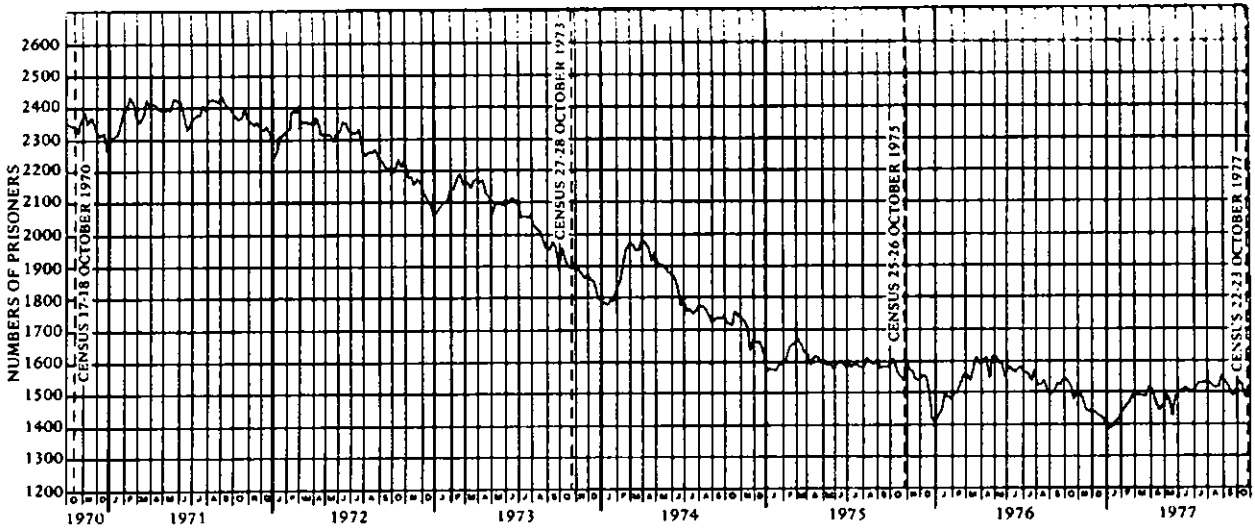


Figure 2

functions of the centre.

- The classification headquarters for the Victorian prison system will be located in the building to quickly place the convicted in suitable prisons in the system. Social workers and welfare staff will be based in the building.
- The accommodation is envisaged to be spartan, but comfortable. Implementation of competent modern design standards will not by itself be allowed to inflate construction costs.
- It is proposed that a cook-chill system for the distribution of meals be included in the design – chilled meals to be delivered daily.
- A medical examination and treatment centre has been included to serve the detainees. This centre will relieve the pressure on the St Vincent's and Pentridge Hospitals. The Health Commission intends to introduce new psychiatric, medical and dental screening procedures in the centre.
- The estimated cost of building works including mechanical and electrical services, fire protection, emergency power, etc. has been estimated at about $17.0m (January 1981 prices).

Future Growth of Remand Detainees

The remand populations plotted in Figure 3 do not give a complete guide to future trends after the new Remand Centre is built and operating.

Figures published by the Australian Institute of Criminology for the number of remandees per 100,000 of general population in each State, show Victoria to be consistently well below the national average.

Table 10 lists the average of the daily figures for 1 June 1980, 1 July 1980 and 1 August 1980 for each State of Australia.

Although the argument is subjective, the Division believes it is reasonable to assume that the Victorian remandees will tend to approach the national average of 6.6 per 100,000 of general population, after the new centre is opened. It is argued that the Courts will be less hesitant than they are now in remanding offenders in custody.

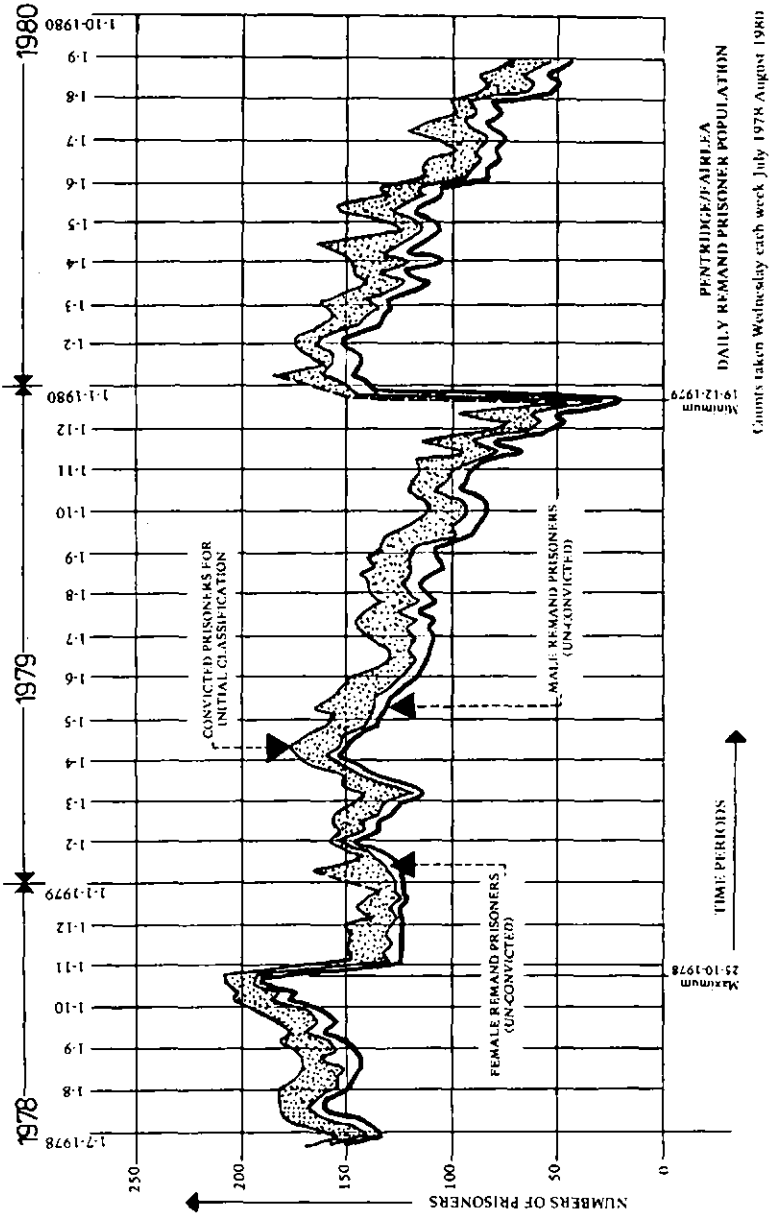

PENTRIDGE/FAIRLEA
DAILY REMAND PRISONER POPULATION
Counts taken Wednesday each week July 1978 August 1980
Minimum
19-12-1979
Maximum
25-10-1978
CONVICTED PRISONERS FOR INITIAL CLASSIFICATION
MALE REMAND PRISONERS (UN-CONVICTED)
FEMALE REMAND PRISONERS (UN-CONVICTED)
TIME PERIODS
NUMBERS OF PRISONERS
250
200
150
100
50
0
1978
1979
1980
1-7-1978
1-8
1-9
1-10
1-11
1-12
1-1-1979
1-2
1-3
1-4
1-5
1-6
1-7
1-8
1-9
1-10
1-11
1-12
1-1-1980
1-2
1-3
1-4
1-5
1-6
1-7
1-8
1-9
1-10-1980

Figure 3

Table 10 – Total Prisoners and Remandees in Each State

State	Total Prisoners	Prisoners on Remand	Percentage of Remandees	Remanded per 100,000 General Population
N.S.W.	3,404	477	14.0	9.3
VIC.	1,789	84	4.7	2.2
QLD.	1,675	108	6.5	4.9
S.A.	875	145	16.6	11.1
W.A.	1,466	80	5.5	6.3
TAS.	262	18	6.9	4.4
N.T.	273	41	15.0	33.9
A.C.T.	55	11	20.0	4.8
AUST.	9,799	964	9.8	6.6

As previously stated, the current planning is based on a maximum capacity of 240 to meet demands into the next century.[3] The tentative accommodation arrangements are for four floors with 60 cells on each floor, with at least three of the floors subdivided into smaller, self-contained units. The number of cells in each unit will vary, but will be related to the need to separate the sexes and the various categories of detainees, in particular those requiring protection. The unit size will probably range down to a 15 cell unit.

The unit management principles implied in the accommodation arrangement is to increase the staff to prisoner ratio overall, when compared with the 1977 ratios.

THE STATUS OF PRISON OFFICERS AND HUMAN RIGHTS

The Victorian Prison System endeavours to permit prisoners to enjoy those rights which are exercised by ordinary citizens, but consistent with the requirements of security. The basic test should be whether or not the exercise of a particular right does not jeopardise security or proper management. Consideration in this perspective in recent years has seen a trend in Victoria whereby prisoners have been able to enjoy an increasing range of rights. Rights in Victoria are not defined in an inclusive Bill of Rights but are areas of freedom of action which are derived from the development of the Common Law and specific items of legislation and judicial interpretation.

This development has proceeded as community expectations

have changed and prison administrators have been required to be accountable for their actions according to the requirements of law and community standards. Victoria has witnessed an atmosphere in which the community has demanded to know what is happening in the prisons which are operated on behalf of the community and access by the media has greatly increased. This trend is consistent with the belief of administrators in Victoria that prisons should be open to scrutiny by the community and that this openness has, in turn, forced the community to increasingly recognise its responsibilities for conditions in prisons.

The implications of those developments have been significant both in terms of mechanisms prisoners have to air their grievances and exercise their rights and also in respect of the avenues employees have to query decisions which are made in respect of themselves by management. This latter process has been accompanied by an increasing emphasis upon maintaining good policies of industrial relations and formal union mechanisms for resolving issues of concern of both individual and collective character. It is the belief of the Victorian Prison Administrators that the provision of appropriate mechanisms for the pursuit of issues of concern by Prisoners and Officers has humanised the prison system and reduced tensions in prison between prisoners and prisoners and between prisoners and officers.

Prisoners: The Exercise of Rights

Recent years have seen the extension of the right to vote to prisoners in State elections and the right, under normal circumstances, to marry. Prisoners may write to the Ombudsman in relation to alleged administrative injustices and these complaints are made confidentially in sealed envelopes.

Similarly, prisoners may approach the Correctional Services Council on a confidential basis in relation to matters of concern to them. The Correctional Services Council reports directly to the Minister. Prisoners may raise any matter with the Visiting Magistrate when he visits prisons on a regular basis. These members of the judiciary may report directly to the Director-General in regard to any matter of concern. Prisoners may also apply for legal aid where appropriate, either through the Public Solicitor's Office or Legal Aid Committee.

The abovementioned avenues of complaint, it should be noted, are external to the administration of prisoners. Further, prisoners may contact their local Member of Parliament who then may visit them in prison. Prisoners may also write to members of the judiciary and other holders of public office.

Recourse may also be had to the Governor of the Prison in which the prisoner is housed, to the Director of Correctional Services, to the Director-General of Community Welfare Services, and finally, to the Minister for Community Welfare Services.

Prisoners have access to lawyers of their own choice and may, under normal circumstances, sign legal documents.

Prison Officers: The Exercise of Rights

Prison officers may write to the Ombudsman or to the Correctional Services Council on the same basis as prisoners, that is, confidentially and without fear of recrimination. Further, prison officers may raise any matter with the Governor of his or her Prison, with the Director of Correctional Services, Director-General of Community Welfare Services, and the Minister for Community Welfare Services.

Furthermore, prison officers have access to their union which is active in pursuing individual and collective claims.

An officer has the right to appeal to the Promotions Appeal Board in relation to a position for which he has applied and not been appointed. This Board is composed of an independent Chairman, a representative of the Victorian Public Service Association (Prison Officers' Union), and a representative of the Department concerned. The decision of this Board is final in relation to promotion. Equal opportunity legislation exists in Victoria and employment is available to people on the basis of merit. A person's sex is not relevant and a number of interesting cases have been resolved.

Prisoners' Discipline

Discipline is maintained by means of a number of administrative and judicial mechanisms. Prisoners are required to earn remission on the basis of their conduct and industry, and minor violations of the regulations may be brought before a Governor,

pursuant to the relevant Acts and Regulations. The Governor may impose a penalty of up to seven days Discharge Postponed, or may restrict the prisoner's privileges for up to one calendar month. If a prisoner alleges that he has been the subject of a breach of law, which is a serious crime other than assault, the matter is immediately handed by Prison Staff to the Police for enquiry. Assault cases dealt with summarily are prosecuted by Prison Staff.

Allegations of sexual assault, especially in dormitory accommodation, has always been of major concern and approximately 48 per cent of accommodation in Victoria is other than single cells. The Victorian Prison System is committed to the United Nations Minimum Standard Rules and every endeavour is being made to replace dormitories. Management practices must permit prisoners to be controlled in small groups which can be readily supervised and to minimise incidents between prisoners. Prisoners have rights of appeal from the Magistrates Courts to the Superior Courts in Australia and may write to the Ombudsman in relation to the Governors' Court hearing decision because this process is administrative in nature.

Prison Officers' Discipline

Serious offences which are alleged against officers may be heard by the Permanent Head of the Department who is responsible for prisons. The Permanent Head has powers pursuant to the Public Service Act which covers all officers employed by the Public Service Board in Victoria.

The Permanent Head may impose a fine of less than $10 for any one offence which is not appealable. The Permanent Head may also choose the option of recommending to the Public Service Board that an officer be transferred to another location, reduced in classification, or dismissed. The decision by the Public Service Board on the recommendation of the Permanent Head, may be appealed against and an independent tribunal headed by a stipendiary magistrate hears any such appeal. On matters of law, prison officers may appeal to the Superior Courts of the land. It is appropriate to mention that the experience in Victoria is that the appeal mechanisms have become increasingly legalistic in line with the development of legal avenues by a tendency of officers to increasingly challenge decisions through legal means. The hearing

of a charge by the Director-General is administrative in nature and there has been an increasing trend for appeals to be upheld. This area is causing concern and it is necessary to review the relevant legislation to either

(a) increase the non-appealable discretion of the Permanent Head; or

(b) streamline the judicial mechanisms for hearing charges and to remove the administrative mechanisms.

If allegations are made by an officer against a prisoner, or by a prisoner against an officer, in regard to breach of law or regulation, an investigation will be undertaken urgently by the Investigations Officers mentioned above. If a matter involves a serious crime, a referral will be made to the police. It is believed that mechanisms which facilitate the early investigation and resolution of allegations reduce tensions in prisons and permit the maintenance of a lawful society within prisons. Officers may apply for legal aid where appropriate, either through the Public Solicitor's Office or Legal Aid Committee.

Implications of the Trend to Public Access to Prisons, Accountability on Selection and Employment of Staff

Advertisements are placed in appropriate newspapers and interested applicants are sent application forms and notification of date of assessment. Applicants attend for psychological assessment which includes 'Otis Higher B' (Assessment of Mental Ability) and the California Psychological Inventory (Assessment of Social Living and Interaction).

These are screened and th most suitable are listed for interview. An interview panel which comprises uniform staff and a representative of the personnel office, interviews those who have passed the psychological test and a selection is made upon the basis of the applicant's previous life and employment history, and an assessment of the capacity to work with people and manage prisoners. Successful applicants are then required to undergo a two week induction course which must be passed before work is commenced. This course is followed by a 10 week training program

which must be completed prior to permanent appointment. Recent data suggests that one in five applicants is selected. In line with the increasing emphasis upon accountability, a review of training procedures is under way in Victoria. The best possible methods must be used to select appropriate officers and train them accordingly.

Recently, the Public Service Board granted a substantial increase to the salaries of prison officers (5.7 per cent) and even greater differential increase for ranking officers (7.7 per cent) and Governors (9.1 per cent). These increases and especially the differential recognition of the responsibilities carried by senior staff were strongly supported by the department. The commencing salary for prison officers is now a few dollars short of $14,000 which is slightly higher than that of a constable in the police force.

By comparison, the base level fireman in Victoria starts on approximately $11,000 and an adult clerk at approximately $11,500.

PRISONER EXCHANGE ARRANGEMENTS IN ASIA AND THE PACIFIC

The Victorian position is that with respect to prisoners in other countries, no action has been instituted to return prisoners from overseas countries to serve sentences in Victoria. It is understood that this is the situation with regard to other Australian States.

With respect to the interstate transfer of prisoners, this matter is currently being considered by the Standing Committee of Attorneys-General within the Commonwealth of Australia. A draft bill to provide for such transfers has been considered by the Department of Community Welfare Services which has made its views known to the Law Department and no further action can be taken by this Department for the time being. This Department was involved in the original instructions to the draftsman which led to the preparation of the bill. The Attorneys-General last considered the matter at their July meeting in 1979 and it is understood that several other States are still considering some outstanding issues.

The State of Victoria supports the concept of the interstate transfer of prisoners, firstly, to further the course of justice so that

Table 11 – Pay Levels

Base Grade Prison Officer Salary		$13,929		$14,379		$14,656		
AO57 Fireman		$11,056		$11,432		$11,588		
Junior Clerks	**U/17**	**17**	**18**	**19**	**20**	**Adult**		
JO19/AO99 Clerical Asst. Ad.I.	$5,944	$6,486	$7,391	$8,509	$9,531	$11,588	$11,974	$12,133
Police	1st Year – Recruit Trainee				$12,148			
	2nd Year – Trainee				$12,606			
	Constable				$13,693			

prisoners might be brought to trial in another State before witnesses have died or been lost trace of, and secondly, for compassionate reasons so that prisoners in special circumstances might be managed closer to their family or for other good cause.

The transfer of prisoners from one State to another for the second reason, that is the rehabilitative reason, raises special problems of justice, as well as administrative difficulties due to the various conditions which prevail in one State as compared with another, but particularly accommodation pressures. None of the States saw large scale movement of prisoners from one jurisdiction to another for rehabilitative purposes.

The officers involved in the drafting of the instructions to the parliamentary draftsman suggested that when the matter of the transfer of prisoners between the Australian States and Territories has been resolved, then treaties should be developed between New Zealand and Australia and possibly Papua New Guinea and Australia. Such treaties could then possibly be extended to other countries, including Thailand. The issues relating to justice would need very careful consideration.

Victoria does not attract a large transitory population and therefore does not experience the problems associated with such a situation. Victoria is not a prime tourist area and fares to Australia are generally high, therefore it attracts mainly those with friends or family in the State or those with a specific interest. Most foreign-born prisoners have settled in Victoria and therefore have either family or friends here.

Since World War II, Victoria has experienced a high level of immigration and has had to accommodate foreign-born prisoners for some considerable time. To date it has not been found necessary to make special arrangements to accommodate such persons because they were mainly of Anglo-European origin and had already developed community supports. If language difficulties were encountered it was usually possible to enlist the assistance of staff or prisoners with language skills. To assist such prisoners upon their reception at Pentridge (the major Victorian prison situated in the metropolitan area) the information leaflet is also available in Greek, Turkish, Yugoslav and Italian.

In recent years, however, due mainly to a changing immigration policy there has been a very small flow of Asian and Middle Eastern persons into Victorian prisons. This has created language

problems and it has been necessary to obtain the services of professional interpreters. Where possible it is the practice to place these persons together with other prisoners of a similar cultural background. For example, two prisoners of Lebanese origin were recently classified to A Division of Pentridge where they may be of mutual assistance to each other. Also, a prisoner of Vietnamese origin was classified to Beechworth where a telephone is available so that he may make telephone calls to his family and friends.

The significant factor with Asian and Middle Eastern prisoners once again is they are migrants who have family and friends in Victoria who can provide support. The only exception to this pattern are Moslem prisoners who may be ostracised by the family following their imprisonment. Such cases are rare but do require special attention from prison welfare staff.

In summary, foreign-born prisoners create few problems in Victoria due to their permanent residence in the State and accompanying family support. Other than the occasional provision of interpreters and their sympathetic classification, little needs to be done for them.

THE PROBLEMS OF DRUG OFFENDERS IN PRISONS IN ASIA AND THE PACIFIC

This brief document will attempt to look at a number of issues relating to the topic of drug offenders. It is important initially to be able to describe what we mean by drug offenders. It has been said that it is easy to recognise, say, an elephant, but very difficult to provide a brief, useful definition of this large grey animal.

This paper will examine approaches to management of this group while they are in custody, what alternative placements there are for them and what opportunities are provided within Victoria for self-improvement.

Definition and Relevant Statistics

In Australia, the word drug is generally associated with narcotics, amphetamines, etc. and does not include, in the layman's mind, alcohol, nicotine or caffeine, the more socially acceptable drugs. It is more honest and efficient to include in the category of

drugs, all those substances, which when taken orally or intravenously, cause a significant alteration in the body's chemistry.

Certainly addiction to different drugs causes different effects. Alcohol being an anaesthetic will serve to disinhibit a person's normal controls, so an antisocial act such as an aggressive outburst may occur more so than when a person's drug of abuse is a narcotic, which when taken will result in a person becoming sleepy and cooperative.

Notwithstanding this, the addiction cycles are similar. Also a firm cut off line between addiction to narcotics, amphetamines, etc. versus addiction to alcohol has become less and less easy to find as the experience of those working with offenders tells us that the typical profile of a drug user, now includes abuse of all types of drugs simultaneously.

This all then means that it is extremely difficult to find a systematic workable definition of who is a drug offender as opposed to who is a drug free offender, if only because the vast majority of prisoners are regular, heavy cigarette smokers and prison-made alcohol, 'home brew', continues to be found regularly.

How you define your terms, does of course predict the statistics you get, unless you use a qualitative definition and accept that human behaviour can only ever be understood by using a spectrum approach and to attempt to measure the phenomena over the range, not via inflexible cut off points, or even by seeking the information only via self report (for example, are you a drug user?)

> Would it be possible to look at this problem of identification of this phenomena and work towards a commonality of definition of who is a drug offender across the different correctional systems represented at this conference?

Certainly in Victoria we do assume a high incidence (perhaps 60-80 per cent) of drug abuse among our offender population and also assume via personal experience that the number of persons who are addicted to illicit drugs in our prisons has increased parallel to the increase in this form of drug abuse in the community.

Cause or Effect?

What we are not prepared to do is to assume that those addicted persons who are in our system are there because of their addiction.

Once again this information comes via personal experience and indicates that most of those persons who are 'drug offenders' were offenders before they were drug dependent.

> Has this been the experience within other systems? It could be a function of the judicial systems in Victoria in that our imprisonment rate is fairly low, so it may mean that those persons who are in our system with addition problems are the 'true' criminals.

Management of the Drug Offender

Obviously there is always going to be a difficulty in finding the middle ground between the security of the community versus the needs of the individual offender.

Obviously when the individual offender shows some desire to conform to the constraints of the community, he or she can be better placed in a community based alternative to imprisonment. In Victoria, we have four and soon five attendance centres which means that a person who may be convicted of a crime and who is drug dependent (generally alcohol) and wishes to work to overcome his problems will not need to be incarcerated. The individual can attend treatment programs as well as participate in a community work program.

The other options following conviction are probation or a suspended sentence to attend a treatment program for persons with alcohol or drug problems. For some, prison is the only option: while they are in custody they are not expected to seek treatment, but are treated like all other prisoners, that is, human beings who have lost their freedom but not necessarily their right to choose their own future.

Within the prisons we offer a range of services. Those programs which are available to the whole prison population are often the treatment of choice for our addicted population, for example, education, drama, sport, the normal range of medical and psychiatric services, *et al.* Via the classification process they might seek reclassification to a prison farm where the combination of hard work, trust and inclusion in the temporary leave program may result in a 'changed' man. The model here is of, not a 'junkie', that is, a person with one major disability, but of a human being with a range of problems, which might include drug abuse.

More specifically there are programs such as AA, human relations groups as well as contact with outside groups such as Odyssey, the Alcohol and Drug Service which are used by some of the drug dependent prisoners to better themselves.

Summary

In Victoria, we believe that all prisoners should have access to self-improvement programs conditional on the availability of such programs, and whether their behaviour warrants location in those areas of the system where the different programs are available.

Consequently, the drug offender has the opportunity to use a wide range of services to help himself out of the addiction cycle. This model provides him or her with the maximum of privacy and choice.

ACCREDITATION AND INTERNATIONAL STATUS

I have provided *A Report on Victorian Prison Practice with Regard to the United Nations Minimum Standard Rules, and the Draft Australian Rules.* This report was prepared by Mr Dennis Challinger of the Criminology Department, University of Melbourne in November 1978. It was incorporated as an appendix in the Victorian Government's White Paper on Social Welfare published that year. The report was undertaken by an independent researcher.

Since November 1978, a number of significant events have occurred which have improved the Victorian prison service with respect to accommodation available to prisoners. J Division, Pentridge which was built during the 1960s as dormitory accommodation for 120 young male prisoners was redeveloped as 35 single cells. The building was reopened mid 1979 and has proved to be very efficient and popular. Each cell contains a toilet and shower. In September 1980, Jika Jika High Security Unit was commissioned which provides 54 high quality single cells. Each cell is equipped with a toilet and six prisoners share a shower which is located separately. These two facilities brought the proportion of dormitory accommodation in use in Victoria to 48 per cent of the total accommodation available. Appendix A provides a summary of the capacities of Victorian prisons by cell size as at December 1980.

In 1980, an experiment was commenced at Geelong Prison

whereby routine censorship of prisoners' mail was abolished. The experiment concluded mid year and since then about half the prisons in Victoria have now abolished routine censorship of prisoners' mail. In May 1981 at Beechworth Prison, a telephone has been installed in the prison for use by prisoners as they choose. Prisoners can make local and trunk calls on a reverse charge basis without any interference by staff. It is possible for staff to monitor telephone calls if this is regarded as necessary and a notice to this effect is placed adjacent to the telephone. This program is an experiment and after evaluation will be incorporated in other prisons.

Victoria has an extensive temporary leave program for prisoners and all prisoners in the State are eligible for contact visits. In addition, a private family visiting program has been operating at Ararat Prison since 1976. This paper is provided by way of background material for the discussion of accreditation and international status.

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1. *Standard Minimum Rules for the Treatment of Prisoners and Related Recommendations*, United Nations Department of Economic and Social Affairs, New York, 1958.
2. It is accepted generally that the Law Vacation over Christmas and the New Year is a causal factor in the peaks early each year.
3. Forecasting prison remand populations is a difficult, subjective task. Attitudes of the judiciary and society, expressed through interpretation of the law and future changes in the law, will affect the accuracy of any forecasting in this area.

APPENDIX A — Capacities of Victorian Prisons by Cell Size — December 1980

	Cell/Room Size							
Prison	*1*	*2*	*3*	*4*	*5-9*	*10-19*	*20 +*	*Total Capacity*
Pentridge								
* Jika Jika	54	—	—	—	—	—	—	54
* D Division	176	2	—	28	32	36	—	274
* F Division	—	—	—	—	—	18	146	164
* G Division	53	—	—	—	—	—	—	53
* B Division	145	—	—	—	—	—	—	145
* E Division	—	—	—	4	19	32	—	55
* A Division	155	—	—	—	—	—	—	155
* J Division	35	—	—	—	—	—	—	35
* H Division	37	—	—	—	—	—	—	37
Total Pentridge	655	2	—	32	51	86	146	972
Ararat	10	2	—	188	—	—	—	200
Beechworth	102	—	6	4	—	—	—	112
Bendigo	47	—	21	16	—	—	—	84
Castlemaine	70	2	9	—	12	—	—	93
Dhurringile	—	—	6	12	17	23	—	58
Geelong	85	—	9	16	10	—	—	120
Morwell River	—	80	—	—	—	—	—	80
Sale	22	—	—	—	18	10	—	50
Won Wron	—	—	90	—	—	—	—	90
Total Country	336	84	141	236	57	33	—	887
Total Male	991	86	141	268	108	119	146	1,859
Fairlea	11	—	—	—	25	32	—	68
Total Prison	1,002	86	141	268	133	151	146	1,927
Percentage	52.0	4.5	7.3	13.9	6.9	7.8	7.6	100.0

TREATMENT OF VICTORIAN PRISONERS

A Report on Victorian Prison Practice with Regard to the United Nations Minimum Standard Rules, and the Draft Australian Rules

Dennis Challinger
Criminology Department
University of Melbourne

November 1978

Section 1: Introduction

This Report examines the current practice in Victorian prisons with respect to the 'United Nations Standard Minimum Rules for the Treatment of Prisoners', and the 'Draft Minimum Standard Rules for Australian Prisons'.

The United Nations Rules were formulated at the First U.N. Congress on the Prevention of Crime and the Treatment of Offenders held in 1955. They were first published as Resolution A in the official report of that Congress.[1] They have subsequently been reproduced in many places – Australians can find them conveniently reprinted in the local Australian and New Zealand Journal of Criminology.[2]

The Australian Rules resulted from an Australian Institute of Criminology seminar in May 1976 when a working party was established to draft minimum standard rules for Australian prisons.

That working party canvassed views from 186 persons or groups within Australia and used them to prepare a document which was subsequently discussed at a later seminar in December 1977 and the resulting document is that used in this report.[3]

In this report the U.N. Rules will be used as the basic document. There are 94 rules and they cover all areas relating to penal management. They are grouped under 30 general headings which provide a convenient way of examining them. Thus within those headings, and indeed, within some rules themselves, many standards are defined. This constitutes a problem when an attempt is made to measure the extent of implementation of any group of Rules, since with the exception of one minor part, the Rule might be fully implemented. It is therefore necessary to use a certain amount of discretion in deciding the extent to which any practice is in accord with the Rules. It is useful, therefore, before making general comments about the Victorian situation, to provide detailed descriptions of Victorian practice. These follow in Section 2.

These descriptions of Victorian penal practice are based on visits to prisons, and interviews with senior staff over a four week period in October and November 1978. Obviously some variations in actual practice occur, and these are a function of particular staff, prisoners and circumstance. But nothing is to be gained here by laboriously listing these variations if they are substantially in accord with the Rules. This policy of brief description also enables this report to be kept to a moderate length.

Section 2: Details of Victorian Practice

This section takes the following format. The U.N. Rules, preceded by the appropriate general heading, are reproduced. Immediately following is the description of the relevant Victorian practice. Any substantial changes that were effected in the Australian Rules are then set out, and followed by further comment with respect to those specific changes. (Note that only substantial changes are listed after the heading Australian Rules. There are numerous grammatical and technical changes that are ignored).

In each of the U.N. and the Australian Rules the first five rules are listed under the general heading 'preliminary observations'. These are purely introductory in each case and are not compared in this Report.

Basic Principle (R.6)

> 6. (1) The following rules shall be applied impartially. There shall be no discrimination on grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
>
> (2) On the other hand, it is necessary to respect the religious beliefs and moral precepts of the group to which a prisoner belongs.

Victorian Practice: This principle is completely implemented.

Australian Rules: Add a rule requiring that prisoners be 'addressed in a fashion commensurate with the respect due to them as human beings at all times' (A.R. 6/3).

Victorian Practice: In all prisons, prisoners are addressed by name (most often first name within the day-to-day operation of the prison) clearly implementing the additional Australian rule.

Register (R.7)

> 7. (1) In every place where persons are imprisoned there shall be kept a bound registration book with numbered pages in which shall be entered in respect of each prisoner received:
>
> (a) Information concerning his indentity;
>
> (b) The reasons for his commitment and the authority therefor;
>
> (c) The day and hour of his admission and release.
>
> (2) No person shall be received in an institution without a valid commitment order of which the details shall have been previously entered in the register.

Victorian Practice: Every Victorian prison has a record keeping system that fulfills the purpose of Rule 7 although a bound registration book is not used. Records are generally kept on Index Cards.

Australian Rules: (a) 'A bound registration book with numbered pages' is replaced by 'a permanent system of registration'.

(b) A rule that 'a prisoner's file should be made available to him' under certain conditions, has been added (A.R. 7(3)).

Victorian Practice: (a) Local practice is in complete accord with this relaxation of the U.N. Rule. (b) Some confusion exists as to just what constitutes 'a prisoner's file'. A prisoner whose release will be decided by the Parole Board has a 'parole-file' which accompanies him from prison to prison. Other prisoners have no such elaborate file.

Documentation exists with respect to every prisoner's industry and conduct and this is effectively summarised in monthly remission statements to which all prisoners have access. Access to documentation other than this appears to be very much conditional upon the individual prisoners concerned.

Separation (R.8)

> 8. The different categories of prisoners shall be kept in separate institutions or parts of institutions taking account of their sex, age, criminal record, the legal reason for their detention and the necessities of their treatment. Thus:
>
> (a) Men and women shall so far as possible be detained in separate institutions; in an institution which receives both men and women the whole of the premises allocated to women shall be entirely separate;
>
> (b) Untried prisoners shall be kept separate from convicted prisoners;
>
> (c) Persons imprisoned for debt and other civil prisoners shall be kept separate from persons imprisoned by reason of a criminal offence;
>
> (d) Young prisoners shall be kept separate from adults.

Victorian Practice: (a) Women are kept separately at Fairlea prison. (b) Untried (remand) prisoners are generally kept separate from convicted persons. Except that (i) lack of accommodation at Pentridge Prison means some remand prisoners are not kept separate overnight, being required to sleep in large dormitories in F Division; and (ii) local remand prisoners at for example, Geelong and Sale prisons, are separate at night, but if they elect to work during the day, do so with convicted prisoners. (c) Civil prisoners

are not kept separate from criminal offenders. Imprisonment for debt no longer exists in Victoria. (d) Young remand prisoners are kept separate, but other young prisoners are not. The prevailing view is that judicious placement of young prisoners in the system prevents harmful cliques forming, and could lead to positive relationships between some young and some old prisoners.

Australian Rules: The relevant Australian rule is substantially similar but is worded differently from the U.N. Rule. It also includes the criteria; length of criminal record, length of sentence and physical and mental condition of prisoner.

Victorian Practice: The classification process in Victoria takes into account all such criteria.

Accommodation (R.9-14)

9. (1) Where sleeping accommodation is in individual cells or rooms, each prisoner shall occupy by night a cell or room by himself. If for special reasons, such as temporary overcrowding, it becomes necessary for the central prison administration to make an exception to this rule, it is not desirable to have two prisoners in a cell or room.

(2) Where dormitories are used, they shall be occupied by prisoners carefully selected as being suitable to associate with one another in those conditions. There shall be regular supervision by night, in keeping with the nature of the institution.

10. All accommodation provided for the use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation.

11. In all places where prisoners are required to live or work:

(a) The windows shall be large enough to enable the prisoners to read or work by natural light, and shall be so constructed that they can allow the entrance of fresh air whether or not there is artificial ventilation;

(b) Artificial light shall be provided sufficient for the prisoners to read or work without injury to eyesight.

12. The sanitary installations shall be adequate to enable every prisoner to comply with the needs of nature when necessary and in a clean and decent manner.

13. Adequate bathing and shower installations shall be provided so that every prisoner may be enabled and required to have a bath or shower, at a temperature suitable to the climate, as frequently as necessary for general hygiene according to season and geographical region, but at least once a week in a temperate climate.

14. All parts of an institution regularly used by prisoners shall be properly maintained and kept scrupulously clean at all times.

Victorian Practice:

R.9(1) All single cells in Victorian prisons are occupied by only one person. There is one room at Castlemaine prison which houses two prisoners, and huts at the Morwell River Reforestation Prison are usually occupied by two men. All other areas holding more than one person hold three or more.

R.9(2) Dormitory accommodation is far from rare in the Victorian system and prisoners' classification takes into account their suitability for that sort of accommodation. (Although single room accommodation is particularly scarce at Fairlea female prison where the majority of inmates really have no choice but to exist in dormitories). Dormitories are regularly supervised at night.

R.10 The mainly old and poorly designed institutions in use in Victoria make this particular rule very difficult to implement without the expenditure of massive amounts of money. As it is, most cells in the old prisons are small, poorly ventilated and unheated. The newer prisons (that is those two built since 1960) have more satisfactory cellular accommodation. Rebuilding of J Division at Pentridge will provide heated cells of substantial size with large windows (which can nevertheless not be opened). These cells will satisfy the Rules comfortably.

R.11(a) Windows in most existing cells are quite small and therefore let in little light. (The isolation cells at Fairlea are as bad as any in this regard). The light problem is worsened by prisoners covering (or blocking) windows with old clothing or blankets. This is apparent at Geelong prison for example. There, it appears, windows had been broken during the summer to allow a little more ventilation in the bluestone building. They remained un-mended and the holes are later stuffed with material to keep out the icy winter wind.

Generally speaking, the natural light is far better in dormitory housing. Accommodation at Fairlea and Dhurringile for instance is in old residential-type buildings where normal sized windows are provided.

R.11(b) Adequate natural light is provided in all accommodation.

R.12 Adequate sanitary facilities for daytime use by prisoners exist in all prisons, although privacy is non-existent in many instances. During the night, all prisoners have access to toilet facilities. In the older prisons, the night-bucket system has now been replaced by chemically-based portable toilet units. These reduce the health hazards associated with the earlier system.

R.13 Bathing and shower facilities are provided in all prisons but their adequacy varies. (Bathroom areas seem particularly prone to vandalism, especially associated with shower roses and soap holders). In particular, the four showers provided at Castlemaine prison for 100 prisoners are completely unsatisfactory. The dark ill-ventilated and filthy room in which they are housed could by no stretch of the imagination be called adequate.

Prisoners wishing to shave there have to request the use of a mirror from an officer, owing to the absence of one in the shower-area. The current facilities at B Division Pentridge while brighter are also inadequate. Fairlea's bathing facilities are quite old-fashioned – one

dormitory has two cast iron baths only. While these could be called adequate from a health point of view, they are scarcely consistent with generally accepted standards on the outside.

R.14 Generally speaking, the ready supply of prisoner domestics ensures that the facilities are kept clean, although the conditions in Castlemaine for instance make it difficult to really assess.

Australian Rules: R.9(2). Reworded. Introduce concept of prisoners being able to object to placement in dormitory accommodation.

Victorian Practice: A prisoner's objection to dormitories is generally respected, and alternative accommodation or transfer to another institution will be arranged.

Personal Hygiene (R.15-16)

> 15. Prisoners shall be required to keep their persons clean, and to this end they shall be provided with water and with such toilet articles as are necessary for health and cleanliness.
>
> 16. In order that prisoners may maintain a good appearance compatible with their self-respect, facilities shall be provided for the proper care of the hair and beard, and men shall be enabled to shave regularly.

Victorian Practice: All prisons provide facilities, water and toilet articles as required under these rules, notwithstanding the comments above.

Australian Rules: Add to R.16, 'the choice of style of hair and beard shall remain the prerogative of the prisoner'.

Victorian Practice: Hair length and style is based on the Governor's interpretation of Victorian prison regulation 16 which states that 'hair is to be cut to a moderate length'. The growing of beards is also subject to this and Regulation 16A.

Clothing and Bedding (R.17-19)

17. (1) Every prisoner who is not allowed to wear his own clothing shall be provided with an outfit of clothing suitable for the climate and adequate to keep him in good health. Such clothing shall in no manner be degrading or humiliating.

(2) All clothing shall be clean and kept in proper condition. Underclothing shall be changed and washed as often as necessary for the maintenance of hygiene.

(3) In exceptional circumstances, whenever a prisoner is removed outside the institution for an authorised purpose, he shall be allowed to wear his own clothing or other inconspicuous clothing.

18. If prisoners are allowed to wear their own clothing, arrangements shall be made on their admission to the institution to ensure that it shall be clean and fit for use.

19. Every prisoner shall, in accordance with local or national standards, be provided with a separate bed, and with separate and sufficient bedding which shall be clean when issued, kept in good order and changed often enough to ensure its cleanliness.

Victorian Practice:

R.17 Clothing is provided for all convicted prisoners and remand prisoners who do not wear their own clothing. However, some shortages of supply of prison clothing has meant that many prisoners are wearing a mixture of their own and prison dress. Ararat is a current example of this non-supply of prison clothing. The prison clothing that is supplied is drab but neither humiliating or degrading. Generally convicted prisoners moving outside the prison remain clothed in prison dress. Special events may occasion different dress, for example, sporting teams usually wear track suits to outside matches.

R.18 Facilities are available for (remand) prisoners to wash their own clothing.

R.19 Bedding is provided and laundered regularly.

Australian Rules:

R.17(1) is reworded, and required compulsory use of the prison *uniform.*

R.17(3) is reworded, and allows for personal or special clothing to be worn for visits and leisure activities. (A.R. 17(2)).

Victorian Practice: Currently neither of these two changes to the U.N. rules are implemented in Victorian prisons. The first requires a sufficient supply of clothing for all prisoners. The second may require supply of additional clothing.

Food (R.20)

> 20. (1) Every prisoner shall be provided by the administration at the usual hours with food of nutritional value adequate for health and strength, of wholesome quality and well prepared and served.
>
> (2) Drinking water shall be available to every prisoner whenever he needs it.

Victorian Practice: The preparation and provision of (nutritious) food is undertaken in all Victorian prisons. That food is provided 'at the usual hours' is a moot point. Most Victorians would not think it 'usual' to have eaten an evening meal by 4.30 pm at the latest, but this is necessary under prison routine.

Australian Rules: R.20(2) is expanded to require fresh drinking water to be reticulated to every cell.

Victorian Practice: Many Victorian prison cells have no running water, nor do many prisoners have access to it overnight. Many of these cells are in country prisons and prisoners are allowed to take containers of water into their cells overnight. The cost of implementing this Australian rule would be very high given the bluestone construction of most prisons with this shortcoming.

Exercise and Sport (R.21)

> 21. (1) Every prisoner who is not employed in out-door work shall

have at least one hour of suitable exercise in the open air daily if the weather permits.

(2) Young prisoners, and others of suitable age and physique, shall receive physical and recreational training during the period of exercise. To this end space, installations and equipment should be provided.

Victorian Practice: All Victorian prisoners are able to move outside during the day. To this extent they can have at least one hour outside during the day. While there is no formal 'physical and recreational training' all prisons have recreational equipment that prisoners can use outside. Basketballs and courts are almost universal, tennis and volley-ball courts, swimming pools, football grounds and a golf course exist. Some *ad hoc* training is provided from time to time by outside persons.

Australian Rules: Reword the above and require that all prisoners shall have 'the opportunity' for a daily hour outside, and shall have daily exercise and physical and recreational training.

Victorian Practice: As mentioned above, no formal training exists although Activities Officers are employed in four prisons to encourage recreational activities. While the opportunity certainly does exsit for all prisoners to have their hour outside they are not compelled to take advantage of that opportunity.

Medical Services (R.22-26)

22. (1) At every institution there shall be available the services of at least one qualified medical officer who should have some knowledge of psychiatry. The medical services should be organised in close relationship to the general health administration of the community or nation. They shall include a psychiatric service for the diagnosis and, in proper cases, the treatment of states of mental abnormality.

(2) Sick prisoners who require specialist treatment shall be transferred to specialised institutions or to civil hospitals. Where hospital facilities are provided in an institution, their equipment, furnishings and pharmaceutical supplies shall be proper for the medical care and treatment of sick prisoners, and there shall be a staff of suitably trained officers.

(3) The services of a qualified dental officer shall be available to every prisoner.

23. (1) In women's institutions there shall be special accommodation for all necessary pre-natal and post-natal care and treatment. Arrangements shall be made wherever practicable for children to be born in a hospital outside the institution. If a child is born in prison, this fact shall not be mentioned in the birth certificate.

(2) Where nursing infants are allowed to remain in the institution with their mothers, provision shall be made for a nursery staffed by qualified persons, where the infants shall be placed when they are not in the care of their mothers.

24. The medical officer shall see and examine every prisoner as soon as possible after his admission and thereafter as necessary, with a view particularly to the discovery of physical or mental illness and the taking of all necessary measures; the segregation of prisoners suspected of infectious or contagious conditions; the noting of physical or mental defects which might hamper rehabilitation, and the determination of the physical capacity of every prisoner for work.

25. (1) The medical officer shall have the care of the physical and mental health of the prisoners and should daily see all sick prisoners, all who complain of illness, and any prisoner to whom his attention is specially directed.

(2) The medical officer shall report to the director whenever he considers that a prisoner's physical or mental health has been or will be injuriously affected by continued imprisonment or by any condition of imprisonment.

26. (1) The medical officer shall regularly inspect and advise the director upon:

(a) The quantity, quality, preparation and service of food;

(b) The hygiene and cleanliness of the institution and the prisoners;

(c) The sanitation, heating, lighting and ventilation of the institution;

(d) The suitability and cleanliness of the prisoners' clothing and bedding;

(e) The observance of the rules concerning physical education and sports, in cases where there is no technical personnel in charge of these activities.

(2) The director shall take into consideration the reports and advice that the medical officer submits according to rules 25(2) and 26 and, in case he concurs with the recommendations made, shall take immediate steps to give effect to those recommendations; if

they are not within his competence or if he does not concur with them, he shall immediately submit his own report and the advice of the medical officer to higher authority.

Victorian Practice:

R.22(1) Every prison has the services of a (local) general practitioner (who therefore has 'some knowledge of psychiatry'). In the country regular visits by this doctor occur once weekly or once fortnightly. Urgent cases are attended by this doctor, or may be taken to a local hospital. A psychiatric service is available at G Division Pentridge, but this is quite inadequate as far as 'treatment' is concerned. The two psychiatrists in that place are heavily involved in diagnosis for the prison system and the courts, having virtually no time left to engage in the treatment required under the Rule.

R.22(2) Prisoners in need of specialist treatment are able to receive that, often by transfer to Pentridge which is geographically convenient to those specialist services. Hospitals exist at Pentridge and Fairlea where trained staff are employed.

R.22(3) Dental treatment is available at all locations. Pentridge, Geelong, Fairlea and Ararat prisons all have dental chairs and equipment on site.

R.23 It is the practice for pregnant prisoners to have their children delivered at the Royal Women's Hospital. Nursing mothers are not provided with nursery facilities required under the rules, so infants must remain in the care of their mothers at all times.

R.24 All prisoners received at Victorian prisons are generally seen by the doctor when he next calls. Thus a prisoner received into a country prison may not see a doctor until his next (weekly) call. In Pentridge, when he is seen, the prisoner may not be examined in any rigorous way owing to the doctor's other pressing duties. It would seem that a full medical examination as implied

by the Rule, is not possible with the current medical resources.

R.25(1) There are daily sick parades before a doctor at Pentridge, and (initially) before a nursing sister at Fairlea. Country prisoners do not have medical professionals in daily attendance but Ararat and Castlemaine have prison hospital officers.

R.25(2) Many persons are negatively affected by the prison experience, but there are no real alternatives available for them. Medical professionals seem to report to the Governor cases where a prisoner's decline is particularly obvious.

R.26 Government Health Inspectors regularly inspect prisons twice annually. Additionally the Director of the Medical Service, a doctor from the Health Department inspects (in an apparently irregular but on-going fashion) the features listed in the Rule. Reports of these inspections are brought to the attention of the Corrective Services Division.

Australian Rules: Add:

(a) prisoners' entitlement to outside private health services if they can pay for them (A.R. 22(4)).

(b) alarm system for each room (cell) so that help can be called (A.R. 22(5)).

(c) prohibition of harmful medical or scientific experimentation on prisoners (A.R. 22(6)).

(d) ability for prisoners to maintain contacts through the prison medical service with the medical service treating him before imprisonment. (A.R. 22(7)).

Victorian Practice:

(a) Prisoners are able to use outside health services if they are not available within the prison, can be paid for and are necessary. (Chiropractic and chiropodist services have been obtained in this way).

(b) Fairlea Prison is the only prison with this facility to call for help in the event of a serious illness. However, buzzers can be provided for particular Pentridge prisoners with known physical problems.

(c) No experimentation has evern been carried out.

(d) The staff of the prison medical service regularly consult external medical services about prisoners illnesses for which treatment must continue.

Discipline and Punishment (R.27-32)

27. Discipline and order shall be maintained with firmness, but with no more restriction than is necessary for safe custody and well-ordered community life.

28. (1) No prisoner shall be employed, in the service of the institution, in any disciplinary capacity.

(2) This rule shall not, however, impede the proper functioning of systems based on self-government, under which specified social, educational or sports activities or responsibilities are entrusted, under supervision, to prisoners who are formed into groups for the purposes of treatment.

29. The following shall always be determined by the law or by the regulation of the competent administrative authority:

(a) Conduct constituting a disciplinary offence;

(b) The types and duration of punishment which may be inflicted;

(c) The authority competent to impose such punishment.

30. (1) No prisoner shall be punished except in accordance with the terms of such law or regulation, and never twice for the same offence.

(2) No prisoner shall be punished unless he has, been informed of the offence alleged against him and given a proper opportunity of presenting his defence. The competent authority shall conduct a thorough examination of the case.

(3) Where necessary and practicable the prisoner shall be allowed to make his defence through an interpreter.

31. Corporal punishment, punishment by placing in a dark cell and all cruel, inhuman or degrading punishments shall be completely prohibited as punishments for disciplinary offences.

32. (1) Punishment by close confinement or reduction of diet shall

never be inflicted unless the medical officer has examined the prisoner and certified in writing that he is fit to sustain it.

(2) The same shall apply to any other punishment that may be prejudicial to the physical or mental health of a prisoner. In no case may such punishment be contrary to or depart from the principle stated in rule 31.

(3) The medical officer shall visit daily prisoners undergoing such punishments and shall advise the director if he considers the termination or alteration of the punishment necessary on grounds of physical or mental health.

Victorian Practice: The Victorian Prison Regulations define disciplinary breaches and lay down a procedure for dealing with them which is in accord with these Rules. No cruel or unusual punishments are permitted although prisoners involved in breaches may be kept apart from other prisoners.

(Regulations 104 A,105). Daily inspection of such prisoners by the medical officer may not always occur, given the frequency of his attendance at some prisons. However, that inspectorial role will be undertaken by a hospital attendant or other member of staff.

Australian Rules: These encompass the above, but are rewritten and include the following tighter requirements.

(a) collective punishment shall be prohibited (A.R. 27(2)).

(b) all punishments likely to be prejudicial to the physical or mental health of a prisoner are prohibited. (A.R. 29(2)).

(c) the Superintendent is also required to daily visit prisoners kept apart (A.R. 30).

(d) prompt reports and decisions are necessary (A.R. 32(2)).

(e) a judicial hearing is necessary when an extra sentence is possible (A.R. 32(5)).

Victorian Practice: These Australian requirements are met in current practice.

Instruments of Restraint (R.33-34)

33. Instruments of restraint, such as handcuffs, chains, irons and strait-jackets, shall never be applied as a punishment. Furthermore, chains or irons shall not be used as restraints. Other instruments of restraint shall not be used except in the following circumstances:

(a) As a precaution against escape during a transfer, provided that they shall be removed when the prisoner appears before a judicial or administrative authority;

(b) On medical grounds by direction of the medical officer;

(c) By order of the director, if other methods of control fail, in order to prevent a prisoner from injuring himself or others or from damaging property; in such instances the director shall at once consult the medical officer and report to the higher administrative authority.

34. The patterns and manner of use of instruments of restraint shall be decided by the central prison administration. Such instruments must not be applied for any longer time than is strictly necessary.

Victorian Practice: Handcuffs appear to be the instrument of restraint kept in all Victorian prisons. They are used only in situations as described in the Rules.

Australian Rules: Add 'chemicals' to the list of instruments.

Victorian Practice: Chemicals (for example, tear gas) would only be used in accordance with the Rules.

Information to and Complaints by Prisoners (R.35-36)

35. (1) Every prisoner on admission shall be provided with written information about the regulations governing the treatment of prisoners of his category, the disciplinary requirements of the institution, the authorised methods of seeking information and making complains, and all such other matters as are necessary to enable him to understand both his rights and his obligations and to adapt himself to the life of the institution.

(2) If a prisoner is illiterate, the aforesaid information shall be conveyed to him orally.

36. (1) Every prisoner shall have the opportunity each week day of making requests or complaints to the director of the institution or the officer authorised to represent him.

(2) It shall be possible to make requests or complaints to the inspector of prisons during his inspection. The prisoner shall have the opportunity to talk to the inspector or to any other inspecting officer without the director or other members of the staff being present.

(3) Every prisoner shall be allowed to make a request or complaint, without censorship as to substance but in proper form, to the central prison administration, the judicial authority or other proper authorities through approved channels.

(4) Unless it is evidently frivolous or groundless, every request or complaint shall be promptly dealt with and replied to without undue delay.

Victorian Practice: On reception every prisoner is either given a copy of the *Information Booklet for Prisoners*, or are shown a copy of it displayed on a public noticeboard. An illiterate or non-English speaking prisoner is told of the contents of that booklet.

Formal complaints or requests to the Governor of a prison are allowed daily at Pentridge and Fairlea. In country prisons, where it seems prisoner contact with the Governor is fairly frequent, official requests tend to be dealt with weekly. All prisoners have the right to send uncensored letters of complaint to the Ombudsman and the Chairman of the Prison's Advisory Council.

Australian Rules: Make minor administrative-type changes to these Rules which do not affect their import.

Contact with the Outside World (R.37-39)

37. Prisoners shall be allowed under necessary supervision to communicate with their family and reputable friends at regular intervals, both by correspondence and by receiving visits.

38. (1) Prisoners who are foreign nationals shall be allowed reasonable facilities to communicate with the diplomatic and consular representatives of the State to which they belong.

(2) Prisoners who are nationals of States without diplomatic or consular representation in the country and refugees or stateless

persons shall be allowed similar facilities to communicate with the diplomatic representative of the State which takes charge of their interests or any national or international authority whose task it is to protect such persons.

39. Prisoners shall be kept informed regularly of the more important items of news by the reading of newspapers, periodicals or special institutional publications, by hearing wireless transmissions, by lectures or by any similar means as authorised or controlled by the administration.

Victorian Practice: All Victorian prisoners are provided with generous opportunities to keep in touch with their families and friends (through visits) and with the outside world through all arms of the media. Governors exercise some oversight of printed material that prisoners may request.

Australian Rules: Provide for access to telephones and televisions.

Victorian Practice: Telephone calls are permitted under certain circumstances from all prisons. They can be either reverse-charges or paid calls. It would seem that no prisoner does not have access to a television set sometime during the day.

Books (R.40)

40. Every institution shall have a library for the use of all categories of prisoners, adequately stocked with both recreational and instructional books, and prisoners shall be encouraged to make full use of it.

Victorian Practice: Every prison has a collection of public reading material. In some prisons, that collection is not formally kept as a library, but is placed for public use in the recreation area or mess hall. Encouragement to use the library is subtle, although it appears television viewing has decreased the interest in, and usage of a library.

Australian Rules: Require prisoners to have access to a library (rather than each prison having its own).

Victorian Practice: Many prisoners take advantage of local (municipal) libraries to acquire books in which they have a special interest. (Logistically this is often done through the Education Officer).

Religion (R.41-42)

> 41. (1) If the institution contains a sufficient number of prisoners of the same religion a qualified representative of that religion shall be appointed or approved. If the number of prisoners justifies it and conditions permit, the arrangement should be on a full-time basis.
>
> (2) A qualified representative appointed or approved under paragraph (1) shall be allowed to hold regular services and to pay pastoral visits in private to prisoners at proper times.
>
> (3) Access to a qualified representative of any religion shall not be refused to any prisoner. On the other hand, if any prisoner should object to a visit of any religious representative, his attitude shall be fully respected.
>
> 42. So far as practicable, every prisoner shall be allowed to satisfy the needs of his religious life by attending the services provided in the institution and having in his possession the books of religious observance and instruction of his denomination.

Victorian Practice: All prisons have some (local) clergymen who act as chaplains to prisoners. These Rules are therefore implemented.

Australian Rules: Deletes R.41(3).

Victorian Practice: Chaplains see individual prisoners with their agreement and the Governor's permission.

Retention of Prisoners' Property (R.43)

> 43. (1) All money, valuables, clothing and other effects belonging to a prisoner which under the regulations of the institution he is not allowed to retain shall on his admission to the institution be placed in safe custody. An inventory thereof shall be signed by the prisoner. Steps shall be taken to keep them in good condition.

(2) On the release of the prisoner all such articles and money shall be returned to him except in so far as he has been authorised to spend money or send any such property out of the institution, or it has been found necessary on hygienic grounds to destroy any article of clothing. The prisoner shall sign a receipt for the articles and money returned to him.

(3) Any money or effects received for a prisoner from outside shall be treated in the same way.

(4) If a prisoner brings in any drugs or medicine, the medical officer shall decide what use shall be made of them.

Victorian Practice: The Victorian Prison Regulations lay down a procedure for storing prisoner's property. It is closely followed and is in accord with the Rule.

Australian Rules: No substantial change.

Notification of Death, Illness, Transfer, etc. (R.44)

44. (1) Upon the death or serious illness of, or serious injury to a prisoner, or his removal to an institution for the treatment of mental affections, the director shall at once inform the spouse, if the prisoner is married, or the nearest relative and shall in any event inform any other person previously designated by the prisoner.

(2) A prisoner shall be informed at once of the death or serious illness of any near relative. In case of the critical illness of a near relative, the prisoner should be authorised, whenever circumstances allow, to go to his bedside either under escort or alone.

(3) Every prisoner shall have the right to inform at once his family of his imprisonment or his transfer to another institution.

Victorian Practice: This Rule is implemented in practice, and prisoners and their families are kept well informed of each other's misfortunes through the cooperation of prison staff. Temporary leave is often effected for prisoners to attend seriously ill close relatives. Practical considerations determine the granting of such leave, for example, sick relatives interstate pose a particular problem.

Australian Rules: Provide for visits to seriously sick or deceased relatives whenever circumstances allow.

Victorian Practice: As above.

Removal of Prisoners (R.45)

> 45. (1) When prisoners are being removed to or from an institution, they shall be exposed to public view as little as possible and proper safeguards shall be adopted to protect them from insult, curiosity and publicity in any form.
>
> (2) The transport of prisoners in conveyances with inadequate ventilation or light, or in any way which would subject them to unnecessary physical hardship, shall be prohibited.
>
> (3) The transport of prisoners shall be carried out at the expense of the administration and equal conditions shall be obtained for all of them.

Victorian Practice: Prisoners are generally transferred from one prison to another in closed and secure Government vehicles which prevent their being subjected to public scrutiny. The recent purchase of a minibus allows low-risk prisoners to be conveyed to open prisons in less secure circumstances.

Australian Rules: Require regulations to be drawn up relating to this matter.

Victorian Practice: There do not appear to be such regulations at the moment.

Institutional Personnel (R.46-54)

> 46. (1) The prison administration, shall provide for the careful selection of every grade of the personnel, since it is on their integrity, humanity, professional capacity and personal suitability for the work that the proper administration of the institutions depends.
>
> (2) The prison administration shall constantly seek to awaken and maintain in the minds both of the personnel and of the public the conviction that this work is a social service of great importance, and to this end all appropriate means of informing the public should be used.
>
> (3) To secure the foregoing ends, personnel shall be appointed

on a full-time basis as professional prison officers and have civil service status with security of tenure subject only to good conduct, efficiency and physical fitness. Salaries shall be adequate to attract and retain suitable men and women; employment benefits and conditions of service shall be favourable in view of the exacting nature of the work.

47. (1) The personnel shall possess an adequate standard of education and intelligence.

(2) Before entering on duty, the personnel shall be given a course of training in their general and specific duties and be required to pass theoretical and practical tests.

(3) After entering on duty and during their career, the personnel shall maintain and improve their knowledge and professional capacity by attending courses of in-service training to be organised at suitable intervals.

48. All members of the personnel shall at all times so conduct themselves and perform their duties as to influence the prisoners for good by their examples and to command their respect.

49. (1) So far as possible, the personnel shall include a sufficient number of specialists such as psychiatrists, psychologists, social workers, teachers and trade instructors.

(2) The services of social workers, teachers and trade instructors shall be secured on a permanent basis, without thereby excluding part-time or voluntary workers.

50. (1) The director of an institution should be adequately qualified for his task by character, administrative ability, suitable training and experience.

(2) He shall devote his entire time to his official duties and shall not be appointed on a part-time basis.

(3) He shall reside on the premises of the institution or in its immediate vicinity.

(4) When two or more institutions are under the authority of one director, he shall visit each of them at frequent intervals. A responsible resident official shall be in charge of each of these institutions.

51. (1) The director, his deputy, and the majority of the other personnel of the institution shall be able to speak the language of the greatest number of prisoners, or a language understood by the greatest number of them.

(2) Whenever necessary, the services of an interpreter shall be used.

52. (1) In institutions which are large enough to require the services of one or more full-time medical officers, at least one of them shall reside on the premises of the institution or in its immediate vicinity.

(2) In other institutions the medical officer shall visit daily and shall reside near enough to be able to attend without delay in cases of urgency.

53. (1) In an institution for both men and women, the part of the institution set aside for women shall be under the authority of a responsible woman officer who shall have the custody of the keys of all that part of the institution.

(2) No male member of the staff shall enter the part of the institution set aside for women unless accompanied by a woman officer.

(3) Women prisoners shall be attended and supervised only by women officers. This does not, however, preclude male members of the staff, particularly doctors and teachers, from carrying out their professional duties in institutions or parts of institutions set aside for women.

54. (1) Officers of the institutions shall not, in their relations with the prisoners, use force except in self-defence or in cases of attempted escape or active or passive physical resistance to an order based on law or regulations. Officers who have recourse to force must use no more than is strictly necessary and must report the incident immediately to the director of the institution.

(2) Prison officers shall be given special physical training to enable them to restrain aggressive prisoners.

(3) Except in special circumstances, staff performing duties which bring them into direct contact with prisoners should not be armed. Furthermore, staff should in no circumstances be provided with arms unless they have been trained in their use.

Victorian Practice:

R.46 Prison officers are selected and promoted according to established criteria. They are permanent public servants whose standards of conduct are set out in the Prison Regulations and whose salaries are fixed by the Public Service Board. Officers are encouraged to develop their skills and appreciate the importance to the community of their work. The public is informed of the difficulty and importance of officers' work through no formal avenue although involvement with outside bodies

enables many officers to air their views. A strong argument exists for a public relations officer of some sort to acquaint the public with the work and problems of prison management. Conditions of service are generally good although low-morale generating situations do exist. For instance at Fairlea prison there is only one toilet for the use of 35 staff. And at Geelong the officers' mess does not allow officers to really get away from prisoners during breaks.

R.47 Persons whose educational, intelligence and physical standards reach a required level are employed as prison officers. Passing a training course is necessary for permanency within the service, after which promotional exams and other in-service training courses are available.

R.49 Social workers and trade instructors are employed by the Social Welfare Department for full-time work in prisons. Psychiatrists, psychologists and teachers are employed by other Government departments to work in prisons (either part or full-time).

R.50 The full-time Heads of Victorian Prisons (either Superintendents or Governors) have been carefully selected according to their qualities and experience. With the exception of Pentridge, Fairlea and Castlemaine prisons, where the Governor or Deputy is always on call, all Governors reside on or adjacent to the prison.

R.51 All Governors have access to the Telephone Interpreter Service and sometimes to other prisoners who can act as interpreter if the need arises.

R.52 Medical officers do not reside within any prison but medical services are always available (see R.22-26).

R.53 Prison officers of the opposite sex are employed in some Victorian prisons. In Fairlea Female prison, male officers must not enter prisoners' quarters except in the company of a female officer. After lock-up, a male

officer must be accompanied at all times by a female officer. At male prisons, female officers work primarily where they do not come into direct contact with prisoners. Professional staff of both sexes work in all prisons.

R.54 Prison Regulation 169 states that a prison officer 'shall resort to force only when absolutely necessary'. To this extent Rule 54 is satisfied. Officers are given some training in methods of physical restraint including use of some weapons. They are armed on some escort duties, and at night when they will not come into direct contact with prisoners, but otherwise not.

Australian Rules: Delete R.50(3) and 50(4), relax initial prison officer training to occur on recruitment or as soon as possible thereafter, (A.R. 47(2)), replace R.52 with a requirement that medical services be available 24 hours per day and replace R.53 with a requirement that care be taken in appointing opposite-sex staff in institutions.

Victorian Practice: As above.

Inspection (R.55)

> 55. There shall be a regular inspection of penal institutions and services by qualified and experienced inspectors appointed by a competent authority. Their task shall be in particular to ensure that these institutions are administered in accordance with existing laws and regulations and with a view to bringing about the objectives of penal and correctional services.

Victorian Practice: The Director is a regular visitor to Pentridge and Fairlea, and visits each country prison at least twice a year during which an inspection takes place. Other senior staff during visits also engage in an *ad hoc* inspection from which reports often eventuate. A position of Inspector of Establishments has recently been created to engage in more formal inspections.

Australian Rules: Add A.R. 55(2) which requires a 'judicial

authority or other duly constituted body. . . not belonging to the prison administration' to visit prisoners to guard prisoners' rights.

Victorian Practice: The Visiting Justice, Prisons Advisory Council, and Ombudsman undertake regular visits to prisons apparently fulfilling this requirement.

Part II: Rules Applicable to Special Categories

A: Prisoners Under Sentence

Guiding Principles (R.56-64)

56. The guiding principles hereafter are intended to show the spirit in which penal institutions should be administered and the purposes at which they should aim, in accordance with the declaration made under Preliminary Observation 1 of the present text.

57. Imprisonment and other measures which result in cutting off an offender from the outside world are afflictive by the very fact of taking from the person the right of self-determination by depriving him of his liberty. Therefore the prison system shall not, except as incidental to justifiable segregation or the maintenance of discipline, aggravate the suffering inherent in such a situation.

58. The purpose and justification of a sentence of imprisonment or a similar measure deprivative of liberty is ultimately to protect society against crime. This end can only be achieved if the period of imprisonment is used to ensure, so far as possible, that upon his return to society the offender is not only willing but able to lead a law-abiding and self-supporting life.

59. To this end, the institution should utilise all the remedial, educational, moral, spiritual and other forces and forms of assistance which are appropriate and available, and should seek to apply them according to the individual treatment needs of the prisoners.

60. (1) The regime of the institution should seek to minimise any differences between prison life and life at liberty which tend to lessen the responsibility of the prisoners or the respect due to their dignity as human beings.

(2) Before the completion of the sentence, it is desirable that the necessary steps be taken to ensure for the prisoner a gradual

return to life in society. This aim may be achieved, depending on the case, by a pre-release regime organised in the same institution or in another appropriate institution, or by release on trial under some kind of supervision which must not be entrusted to the police but should be combined with effective social aid.

61. The treatment of prisoners should emphasise not their exclusion from the community, but their continuing part in it. Community agencies should, therefore, be enlisted wherever possible to assist the staff of the institution in the task of social rehabilitation of the prisoners. There should be in connexion with every institution social workers charged with the duty of maintaining and improving all desirable relations of a prisoner with his family and with valuable social agencies. Steps should be taken to safeguard, to the maximum extent compatible with the law and the sentence, the rights relating to civil interests, social security rights and other social benefits of prisoners.

62. The medical services of the institution shall seek to detect and shall treat any physical or mental illnesses or defects which may hamper a prisoner's rehabilitation. All necessary medical, surgical and psychiatric services shall be provided to that end.

63. (1) The fulfilment of these principles requires individualisation of treatment and for this purpose a flexible system of classifying prisoners in groups; it is therefore desirable that such groups should be distributed in separate institutions suitable for the treatment of each group.

(2) These institutions need not provide the same degree of security for every group. It is desirable to provide varying degrees of security according to the needs of different groups. Open institutions, by the very fact that they provide no physical security against escape, but rely on the self-discipline of the inmates provide the conditions most favourable to rehabilitation for carefully selected prisoners.

(3) It is desirable that the number of prisoners in closed institutions should not be so large that the individualisation of treatment is hindered. In some countries it is considered that the population of such institutions should not exceed 500. In open institutions the population should be as small as possible.

(4) On the other hand, it is undesirable to maintain prisons which are so small that proper facilities cannot be provided.

64. The duty of society does not end with a prisoner's release. There should, therefore, be governmental or private agencies capable of lending the released prisoner efficient after-care directed towards the lessening of prejudice against him and towards his social rehabilitation.

Victorian Practice: The philosophy expanded in these rules accords with the Victorian situation. Some effort is made to assess each individual prisoner's situation and all facilities that are available and may be useful to him are brought to his attention. Pre-release schemes, community involvement, medical services and classification programs are all in use. The partitioning of Pentridge Prison into three autonomous prisons with their own Governors means that individual prison populations are small enough to enable more individualisation of treatment to occur. This is particularly true of the smaller, open country prisons where staff and prisoners can have quite positive relationships.

Australian Rules: Re-word but leave the spirit of the U.N. Rules substantially unchanged. Add, in A.R. 59, that prisoners should be able to decline participation in programs without recrimination and that staff/prisoners communication should be facilitated. Suggest that 250 should be the maximum population in an Australian prison. (A.R. 63(3)).

Victorian Practice: Positive communication between staff and prisoners is encouraged. Pentridge (Southern) prison is the largest Victorian prison with a capacity of 530.

Treatment (R.65-66)

> 65. The treatment of persons sentenced to imprisonment or a similar measure shall have as its purpose, so far as the length of the sentence permits, to establish in them the will to lead law-abiding and self-supporting lives after their release and to fit them to do so. The treatment shall be such as will encourage their self-respect and develop their sense of responsibility.
>
> 66. (1) To these ends, all appropriate means shall be used, including religious care in the countries where this is possible, education, vocational guidance and training, social casework, employment counselling, physical development and strengthening of moral character, in accordance with the individual needs of each prisoner, taking account of his social and criminal history, his physical and mental capacities and aptitudes, his personal temperament, the length of his sentence and his prospects after release.
>
> (2) For every prisoner with a sentence of suitable length, the director shall receive, as soon as possible after his admission, full

reports on all the matters referred to in the foregoing paragraph. Such reports shall always include a report by a medical officer, wherever possible qualified in psychiatry, on the physical and mental condition of the prisoner.

(3) The reports and other relevant documents shall be placed in an individual file. This file shall be kept up to date and classified in such a way that it can be consulted by the responsible personnel whenever the need arises.

Victorian Practice: Short term prisoners are not subject to any real treatment program. Other convicted prisoners are individually considered with respect to their treatment within the prison system, but no formalised treatment program is drawn up for them. A medical report on such prisoners does usually not form the basis of any file about them.

Australian Rules: Has no rules equivalent to these, so these are effectively deleted form the Australian set.

Classification and Individualisation (R.67-69)

67. The purposes of classification shall be:

(a) To separate from others those prisoners who, by reason of their criminal records or bad characters, are likely to exercise a bad influence;

(b) To divide the prisoners into classes in order to facilitate their treatment with a view to their social rehabilitation.

68. So far as possible separate institutions or separate sections of an institution shall be used for the treatment of the different classes of prisoners.

69. As soon as possible after admission and after a study of the personality of each prisoner with a sentence of suitable length, a programme of treatment shall be prepared for him in the light of the knowledge obtained about his individual needs, his capacities and dispositions.

Victorian Practice: A senior professional officer is in charge of the classification procedure, and usually chairs the Classification Committee which makes the relevant decisions. Their decisions are based on the sentiments of the Rules.

Australian Rules: Re-word the above, and delete the restrictive Rule 68.

Victorian Practice: As above.

Privileges (R.70)

70. Systems of privileges appropriate for the different classes of prisoners and the different methods of treatment shall be established at every institution, in order to encourage good conduct, develop a sense of responsibility and secure the interest and co-operation of the prisoners in their treatment.

Victorian Practice: Privileges by way of remissions, contact visits and temporary leave are fairly uniform throughout the prison system. Incentive payment schemes for prison work exist in Sale and Castlemaine prisons.

Australian Rules: Effectively delete this Rule.

Work (R.71-76)

71. (1) Prison labour must not be of an afflictive nature.

(2) All prisoners under sentence shall be required to work, subject to their physical and mental fitness as determined by the medical officer.

(3) Sufficient work of a useful nature shall be provided to keep prisoners actively employed for a normal working day.

(4) So far as possible the work provided shall be such as will maintian or increase the prisoners' ability to earn an honest living after release.

(5) Vocational training in useful trades shall be provided for prisoners able to profit thereby and especially for young prisoners.

(6) Within the limits compatible with proper vocational selection and with the requirements of institutional administration and discipline, the prisoners shall be able to choose the type of work they wish to perform.

72. (1) The organisation and methods of work in the institutions

shall resemble as closely as possible those of similar work outside institutions, so as to prepare prisoners for the conditions of normal occupational life.

(2) The interests of the prisoners and of their vocational training, however, must not be subordinated to the purpose of making a financial profit from an industry in the institution.

73. (1) Preferably institutional industries and farms should be operated directly by the administration and not by private contractors.

(2) Where prisoners are employed in work not controlled by the administration, they shall always be under the supervision of the institution's personnel. Unless the work is for other departments of the government the full normal wages for such work shall be paid to the administration by the persons to whom the labour is supplied, account being taken of the output of the prisoners.

74. (1) The precautions laid down to protect the safety and health of free workmen shall be equally observed in institutions.

(2) Provision shall be made to indemnify prisoners against industrial injury, including occupational disease, on terms not less favourable than those extended by law to free workmen.

75. (1) The maximum daily and weekly working hours of the prisoners shall be fixed by law or by administrative regulation, taking into account local rules or custom in regard to the employment of free workmen.

(2) The hours so fixed shall leave one rest day a week and sufficient time for education and other activities required as part of the treatment and rehabilitation of the prisoners.

76. (1) There shall be a system of equitable remuneration of the work of prisoners.

(2) Under the system prisoners shall be allowed to spend at least a part of their earnings on approved articles for their own use and to send a part of their earnings to their family.

(3) The system should also provide that a part of the earnings should be set aside by the administration so as to constitute a savings fund to be handed over to the prisoner on his release.

Victorian Practice:

R.71 Work is provided in all Victorian prisons but its sufficiency and usefulness seems questionable. In the whole of Pentridge there would seem to be only 200 real or

useful jobs, the remainder of the population spending their time on such chores as cleaning. Even where the jobs exist within the system the productivity seems very low, and motivation is neither present nor nurtured. Much equipment available for prisoners to work with is antiquated. For instance despite some minor updating, the textile looms at Pentridge are 70 years old. Yet paradoxically, the mechanisation of some agricultural pursuits in the country would appear to be resisted in order to employ more persons. Vocational training is virtually non-existent in the formal sense, although prisoners pick up various skills of some use through their work. Some accreditation is available through courses run or supervised by Education Officers.

R.72 The prison routine and the often outdated machinery means that prison work is quite different from that outside.

R.73 Departmentally employed overseers or prison officers generally supervise prisoners' work.

R.74 Department of Labour and Industry Inspectors conduct regular inspections of prison workshops. Prisoners injured in industrial accidents can receive financial compensation for those injuries through Crown Determinations.

R.75 Hours or work are generally governed by prison routine. Weekends are not worked, and opportunities do exist for all prisoners to take part in other activities.

R.76 Prisoners are currently paid a maximum of 75c a day for their prison labour. Except that prisoners at Castlemaine and Sale can earn bonuses based on the output of their mat-shops. The 'equity' of this wage needs to be considered in terms of its eventual use. As a means for a prisoner to amass some cash with which to be released the standard wage is useless. As a means to buy personal items, the wage is restricted. This is particularly true in light of increases in the cost of such

items which are not matched by any rise in prison earnings. An argument exists for linking prison wages too, to some cost of living index. At the moment prisoners can spend up to $3 per week on personal items. The system currently allows for compulsory saving of 70c per week. (However, private money spending and visitors' donation of goods to prisoners upsets this simple economy. Additionally, prisoners' hobby work can also be sold to the financial benefit of individual prisoners).

Australian Rules: Require work to be neither punitive, dangerous or unhealthy. (A.R. 67(1)). Allow for two rest days a week and for prisoners to volunteer to work for longer hours and more days a week (A.R. 71). And encourage the use of work release programs (A.R. 69(2)).

Victorian Practice: The conditions in some Victorian prison industries could be called unhealthy. That word is certainly true of the Castlemaine Prison laundry situated in a dilapidated weatherboard shed in an exercise yard. The meandering open drain which carries waste some 30 feet or more is a filthy fly breeding area in summer, and barely less healthy in winter. And a similar hygiene situation seems to exist in the Pentridge laundry where drainage appears a problem. The old bluestone laundry building is now literally falling down because it seems waste water is undermining the foundations.

Prisoners can work extra days (for example, public holidays) if they wish and if it is possible, but generally speaking do not work weekends. Work release programs have been used in the past, but the current lack of suitable accommodation has temporarily restricted those programs.

Education and Recreation (R.77-78)

77. (1) Provision shall be made for the further education of all prisoners capable of profiting thereby, including religious instruction in the countries where this is possible. The education of illiterates and young prisoners shall be compulsory and special attention shall be paid to it by the administration.

(2) So far as practicable, the education of prisoners shall be integrated with the educational system of the country so that after their release they may continue their education without difficulty.

78. Recreational and cultural activities shall be provided in all institutions for the benefit of the mental and physical health of prisoners.

Victorian Practice: Education Officers in Victorian prisons are employed as teachers by the Education Department and placed in special posts within the institutional framework. The formal educational courses taught in prison are precisely those taught in the educational mainstream. Other (and most) educational courses are less formal being oriented towards social skills. Thus remedial teaching for the young and illiterate is available. All prisons have recreational and cultural activities which may be arranged by activities officers and often involve outside personnel. In addition hobby work is undertaken at all prisons.

Australian Rules: Only slightly reworded.

Victorian Practice: As above.

Social Relationships and After Care (R.79-81)

79. Special attention shall be paid to the maintenance and improvement of such relations between a prisoner and his family as are desirable in the best interests of both.

80. From the beginning of a prisoner's sentence consideration shall be given to his future after release and he shall be encouraged and assisted to maintain or establish such relations with persons or agencies; outside the institution as may promote the best interests of his family and his own social rehabilitation.

81. (1) Services and agencies, governmental or otherwise, which assist released prisoners to re-establish themselves in society shall ensure, so far as is possible and necessary, that released prisoners be provided with appropriate documents and identification papers, have suitable homes and work to go to, are suitably and adequately clothed having regard to the climate and season, and have sufficient means to reach their destination and maintain themselves in the period immediately following their release.

(2) The approved representatives of such agencies shall have all necessary access to the institution and to prisoners and shall be taken into consultation as to the future of a prisoner from the beginning of his sentence.

(3) It is desirable that the activities of such agencies shall be centralised or co-ordinated as far as possible in order to secure the best use of their efforts.

Victorian Practice: Family relationships are encouraged and their maintenance assisted by the generous visiting arrangements provided. Prison social workers and parole officers provide some assistance to released prisoners. Other outside organisations which provide assistance or support to released prisoners receive cooperation from the prison authorities for their work.

Australian Rules: Some deletions and rewording do not change the substance of these Rules.

Victorian Practice: As above.

A. Insane and Mentally Abnormal Prisoners (R.82-83)

82. (1) Persons who are found to be insane shall not be detained in prisons and arrangements shall be made to remove them to mental institutions as soon as possible.

(2) Prisoners who suffer from other mental diseases or abnormalities shall be observed and treated in specialised institutions under medical management.

(3) During their stay in a prison, such prisoners shall be placed under the special supervision of a medical officer.

(4) The medical or psychiatric service of the penal institutions shall provide for the psychiatric treatment of all other prisoners who are in need of such treatment.

83. It is desirable that steps should be taken, by arrangement with the appropriate agencies, to ensure if necessary the continuation of psychiatric treatment after release and the provision of social-psychiatric after care.

Victorian Practice: The psychiatric division at Pentridge (G Division) provides special accommodation for mentally-ill pri-

soners. Those who are later certified, are moved to a secure mental health institution, J Ward, at Ararat. However, there is a distinct shortage of accommodation both at J Ward and at G Division, and placement of mentally-disturbed prisoners is not optimal at the moment. Any prisoner who appears to be in need of psychiatric attention during his prison term receives an initial consultation but apart from on-going medication may not be subject to any rigorous treatment, in view of the psychiatric staff's other responsibilities.

Australian Rules: Reword the above without changing the sentiment.

Victorian Practice: As above.

C. Prisoners Under Arrest or Awaiting Trial (R.84-93)

84. (1) Persons arrested or imprisoned by reason of a criminal charge against them, who are detained either in police custody or in prison custody (jail) but have not yet been tried and sentenced, will be referred to as "untried prisoners" hereinafter in these rules.

(2) Unconvicted prisoners are presumed to be innocent and shall be treated as such.

(3) Without prejudice to legal rules for the protection of individual liberty or prescribing the procedure to be observed in respect of untried prisoners, these prisoners shall benefit by a special regime which is described in the following rules in its essential requirements only.

85. (1) Untried prisoners shall be kept separate from convicted prisoners.

(2) Young untried prisoners shall be kept separate from adults and shall in principle be detained in separate institutions.

86. Untried prisoners shall sleep singly in separate rooms, with the reservation of different local custom in respect of the climate.

87. Within the limits compatible with the good order of the institution, untried prisoners may, if they so desire, have their food procured at their own expense from the outside, either through the administration or through their family or friends. Otherwise, the administration shall provide their food.

88. (1) An untried prisoner shall be allowed to wear his own clothing if it is clean and suitable.

(2) If he wears prison dress, it shall be different from that supplied to convicted prisoners.

89. An untried prisoner shall always be offered opportunity to work, but shall not be required to work. If he chooses to work, he shall be paid for it.

90. An untried prisoner shall be allowed to procure at his own expense or at the expense of a third party such books, newspapers, writing materials and other means of occupation as are compatible with the interests of the administration of justice and the security and good order of the institution.

91. An untried prisoner shall be allowed to be visited and treated by his own doctor or dentist if there is reasonable ground for his application and he is able to pay any expenses incurred.

92. An untried prisoner shall be allowed to inform immediately his family of his detention and shall be given all reasonable facilities for communicating with his family and friends, and for receiving visits from them, subject only to such restrictions and supervision as are necessary in the interests of the administration of justice and of the security and good order of the institution.

93. For the purposes of his defence, an untried prisoner shall be allowed to apply for free legal aid where such aid is available, and to receive visits from his legal adviser with a view to his defence and to prepare and hand to him confidential instructions. For these purposes, he shall if he so desires be supplied with writing material. Interviews between the prisoner and his legal adviser may be within sight but not within the hearing of a police or institution official.

Victorian Practice: Remand prisoners in Victoria are kept apart from other prisoners, and allowed to wear their own clothes. Most such prisoners are housed at Pentridge although a few men are remanded to local country prisons where conditions may not be as described below. Not all Pentridge remand prisoners are provided with single accommodation, some 'overflow' being required to sleep in old unpleasant dormitories housing up to 60 men. All remand prisoners generally eat standard prison food, and are subject to the usual prison routine in that they are locked in cells or dormitories for nearly 16 hours a day. During that time there is no diversion or chance for activity, apart from piped radio. Compulsory outside recreation is taken at Pentridge in often overcrowded concrete yards with little by way of facilities or

space. A recent Amenities Centre allows for recreation in small groups in less dismal surroundings, but for only a short period of time each day. Remand prisoners are allowed some personal possessions which include books, etc. but it is not possible for possessions to be left in sleeping quarters during the day, with the consequence that prisoners have to carry this property about with them all day. Visits by family and legal representatives are facilitated and allow a good level of communication. There is a severe shortage of employment for remand prisoners at Pentridge and most remand prisoners are idle. Thus, such prisoners may have no funds with which to buy personal items. Medical treatment is generally provided by the prison medical service.

Australian Rules: Substantially reworded. Access to telephones and interpreters are specifically provided for.

Victorian Practice: Each of telephone access and interpreter's service, are available for remand prisoners.

D. Civil Prisoners (R.94)

> 94. In countries where the law permits imprisonment for debt or by order of a court under any other non-criminal process, persons so imprisoned shall not be subjected to any greater restriction or severity than is necessary to ensure safe custody and good order. Their treatment shall be not less favourable than that of untried prisoners, with the reservation, however, that they may possibly be required to work.

Victorian Practice: Debtors are no longer imprisoned in Victoria.

Australian Rules: Delete this provision.

Section 3: General Remarks

The extent to which Victorian practice accords with both sets of Rules under consideration can be seen from the following Table of Implementation. It shows whether the Rules are implemented; substantially implemented or not implemented in Victoria.

It can be seen that Victorian practice does not meet the standards set down in both sets of Rules in only two regards. First, the accommodation rules are not met, due mainly to the use of old and poorly designed buildings and the lack of funds to raise them to adequate standards. Second, the Rules with respect to treatment of insane and abnormal prisoners are not met in that often insane persons are detained in prisons and psychiatric treatment is not possible due to other (diagnostic) demands on the psychiatric staff. This problem also arises in part because of insufficient funding.

Substantial implementation occurs under 11 of the U.N. headings although the comparable figure for the Australian Rules is eight. This indicates that Victoria conforms a little better to the Australian Rules. Sixteen of the 29 applicable U.N. groups of rules are comfortably implemented in Victorian practice. The same is true for 17 of the 27 applicable groups in the Australian rules.

The preceding descriptions of Victorian practice have illustrated how difficult it is to neatly summarise implementation of any Rules. Notwithstanding this, it is of some interest to compare the current Victorian situation with that of other places. Useful comparative data can be found relating to 48 American jurisdictions[4] and the implementation in 58 countries (excluding Australia).[5] While both these studies were undertaken in 1974 they are still useful. Most notably, in both, the implementation of the 'accommodation' Rules was very low, thus indicating that Victoria is far from alone with its problems of old and unsatisfactory housing. The second table following, 'Implementation of the United Nations' Rules', sets out the comparative results of those studies.

The particularly wide-ranging levels of implementation of the U.N. Rules around the world are indicated by the second column in the comparative table. All in all Victoria compares well in comparison with them. Indeed, it seems overall that Victorian penal practice where it relates to day-to-day treatment of prisoners as people, satisfied the Rules. The main shortfall between Victorian practice and the Minimum Rules relates to physical conditions and resources. Currently staff work well under the constraints of the facilities provided – consider how much better the Victorian prison system would operate with facilities which did meet the U.N. Minimum Standard Rules.

Table 1 — Table of Implementation

United Nations' Headings	*Whether Victorian Practice Implements the U.N. Rules*	*Australian Rules*
Rules of General Application		
Basic Principle (R.6)	Yes	Yes
Register (R.7)	Yes (S)	Yes
Separation of Categories (R.8)	Yes (S)	Yes
Accommodation (R.9-14)	No	No
Personal Hygiene (R.15-16)	Yes	Yes
Clothing and Bedding (R.17-19)	Yes (S)	Yes (S)
Food (R.20)	Yes	Yes (S)
Exercise and Sport (R.21)	Yes (S)	Yes (S)
Medical Services (R.22-26)	Yes (S)	Yes (S)
Discipline and Punishment (R.27-32)	Yes	Yes
Instruments of Restraint (R.33-34)	Yes	Yes
Information and Complaints (R.35-36)	Yes	Yes
Contact with the Outside World (R.37-39)	Yes	Yes
Books (R.40)	Yes	Yes
Religion (R.41-42)	Yes	Yes
Retention of Prisoner's Property (R.43)	Yes	Yes
Notification of Death, Illness, etc. (R.44)	Yes	Yes
Removal of Prisoners (R.45)	Yes	Yes
Institutional Personnel (R.46-54)	Yes	Yes
Inspection (R.55)	Yes (S)	Yes (S)
Rules Applicable to Special Categories		
Guiding Principles (R.56-64)	Yes	Yes
Treatment (R. 65-66)	Yes (S)	N/A
Classification and Individualisation (R.67-69)	Yes	Yes
Privileges (R.70)	Yes	N/A
Work (R.71-76)	Yes (S)	Yes (S)
Education and Recreation (R.77-78)	Yes (S)	Yes
Social Relations and Aftercare (R.79-81)	Yes (S)	Yes (S)
Insane and Abnormal Prisoners (R.82-83)	No	No
Prisoners Awaiting Trial (R.84-93)	Yes (S)	Yes (S)
Civil Prisoners (R.94)	N/A	N/A

Note: Yes (S) indicates Substantial Implementation.
N/A indicates Not Applicable.

Table 2 – Implementation of the United Nations' Rules

	Implemented in Victoria 1978	*Percentage Implementation in International Study 1974 (N = 58) Percentage*	*U.S.A. 1974 (N = 49) Percentage*
Rules of General Application			
Basic Principle (R.6)	Yes	97	92
Register (R.7)	Yes (S)	98	94
Separation of Categories (R.8)	Yes (S)	62	59
Accommodation (R.9-14)	No	50	45
Personal Hygiene (R.15-16)	Yes	91	100
Clothing and Bedding (R.17-19)	Yes (S)	79	92
Food (R.20)	Yes	95	98
Exercise and Sport (R.21)	Yes (S)	71	72
Medical Services (R.22-26)	Yes(S)	66	61
Discipline and Punishment (R.27-32)	Yes	66	88
Instruments of Restraint (R33.34)	Yes	98	88
Information and Complaints (R.35-36)	Yes	79	86
Contact with the Outside World (R.37-39)	Yes	90	100
Books (R.40)	Yes	78	92
Religion (R.41-42)	Yes	78	90
Retention of Prisoner's Property (R.43)	Yes	95	90
Notification of Death, Illness, etc. (R.44)	Yes	88	98
Removal of Prisoners (R.45)	Yes	91	96
Institutional Personnel (R.46-54)	Yes	55	77
Inspection (R.55)	Yes(S)	83	76

Table 2 – continued

Rules Applicable to Special Categories			
Guiding Principles (R.54-64)	Yes	57	63
Treatment (R.65-66)	Yes (S)	69	90
Classification and Individualisation (R.67-69)	Yes	59	69
Privileges (R.70)	Yes	78	96
Work (R.71-76)	Yes (S)	52	69
Education and Recreation (R.77-78)	Yes (S)	72	76
Social Relations and Aftercare (R.79-81)	Yes (S)	67	80
Insane and Abnormal Prisoners (R.82-83)	No	74	63
Prisoners Awaiting Trial (R.84-93)	Yes (S)	47	*
Civil Prisoners (R.94)	N/A	*	*

* Large numbers of Not Applicable responses make figures meaningless.

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3. *Draft Minimum Standard Rules for Australian Prisons Devised During the Seminar Conducted at the Australian Institute of Criminology, 13-15 December 1977*, Australian Institute of Criminology, Canberra, 1978. (mimeo).
4. American Bar Association Commission on Correctional Facilities and Services, *Survey of United States Implementation of the United Nations Standard Minimum Rules for the Treatment of Prisoners*, ABA, Washington, 1975.
5. D.L. Skoler, 'World Implementation of the United Nations Standard Minimum Rules for Treatment of Prisoners', *Journal of International Law and Economics*, 1975, 10, pp. 453-432.

APPENDIX

The United Nations document *Standard Minimum Rules for the Treatment of Prisoners and Related Recommendations,* includes more than just the Minimum Rules but is often referred to as 'the Rules'. It also includes what were Resolutions B and C from the First Congress. These were respectively titled 'Selection and Training of Personnel for Penal and Correctional Institutions', and 'Open Penal and Correctional Institutions'.

The Australian Rules as cited here, include a section under the first heading (that is, Resolution B). For this reason, the following comment is made about that topic.

The relevant Australian Rules are virtually identical to the U.N. Resolution. The only changes are that paragraphs XV and XVIII (1) have been deleted, a phrase has been deleted from paragraph IX (1), and 'civil service' has been replaced throughout by 'public service'. In fact the whole section effectively enlarges upon the U.N. Rules 46-54 which deal with staff. The Victorian practice under that heading in this Report, reflects the current situation and indicates substantial accord with Resolution B.

The only part of Resolution B that merits elaboration is paragraph VI (3) which states:

> Sufficient and suitable living quarters should be provided for the prison staff in the vicinity of the institution.

Obviously this would be an extremely expensive proposition if read literally. In Victorian practice, accommodation is provided at some country prisons for officers, and is always provided for the Governor and his Deputy. It is not compulsory for all officers to live in Departmentally provided housing, and it is this compulsion that is relevant to VI (3). That is, if the Department requires its personnel to reside in, or near by, the prison it should provide housing. The Australian Rules do not reword the above but for clarification it seems the 'requirement' provision should be explicitly stated in them.

New South Wales

DEPARTMENT OF CORRECTIVE SERVICES

PRISON INDUSTRIES

The following is a short account of the current situation of Prison Industries in New South Wales.

General

Within the New South Wales Prison System a relatively wide variety of industries are operated ranging from almost cottage type small craft shops, employing only a small number of inmates, up to the Linen Service at Parramatta which employs approximately 200 inmates.

Prison industries in New South Wales have diversified into an extensive range of activities producing a wide variety of products ranging from primary products such as vegetables, dairying, poultry, pigs, sheep and cattle; manufactured items such as school furniture, beds and cupboards; to garments and linen items manufactured for hospitals.

Industry Types

Workshop	Products
Cabinet	Cupboards, benches, beds, tables, desks, gaol maintenance.
Metal	Sheetmetal boxes, street signs, metal furniture, desks, tables, laundry trolleys, library equipment, gaol maintenance.
Printers	All Departmental printing requirements,

	for example, letter heads, forms; school magazines; brochures.
Bookbinders	Miscellaneous bookbinding for schools, universities, council libraries.
Upholstery	Chairs, stools and re-upholstery of lounges.
Leather and Canvas	Sports bags, baseball bases, ambulance bags.
Farm	Vegetables, dairy, pigs, poultry, beef, sheep, afforestation work, viticulture.
Saw Mill	Survey pegs, sawn timber, moulded timber.
Craft	Leather belts and wallets; enamelling products; key rings; copper work.
Bakery	Bread and bread rolls.
Screen Printing	School ribbons, hospital sheets.
Signwriting	Miscellaneous signs.
Textiles	Hospital and theatre linen; pyjamas; jeans.

Development of Work Skills

At present, no follow-up research is undertaken in New South Wales to determine if inmates make use of skills learned while employed in prison industries.

However, the primary goal of prison industries is to prepare prisoners to work in the open community and promote long-run self-sufficiency in a non-criminal life.

To fulfil this goal endeavours are made to provide employment and training which will enable prisoners

- to learn good work habits;
- to gain good work experience;
- to continue practising skills already learned;
- to develop self-respect and cooperative community attitudes, with a view to increasing their potential for successful post-release employment; and
- to feel a true sense of personal accomplishment and encourage their self-improvement.

Payments to Inmates

All inmates in New South Wales irrespective of whether they work or not are paid a flat rate bonus of $4.00 per week.

Inmates who are employed whether in a recognised industry or engaged in a domestic activity such as a cook or sweeper is eligible for payment of an industries base bonus, the amount of which depends on the skill level achieved. Currently these rates are unskilled industrial rate, $6.50 per 5 day week; semi-skilled industrial rate, $8.00 per 5 day week; and skilled industrial rate, $9.50 per 5 day week.

Inmates employed in industries which produce revenue for the Department may participate in the incentive bonus scheme. This scheme is based on the productivity of the individual workshops and currently has a maximum limit on earning of $30 per week. That is, the maximum an inmate can earn, including base rate bonuses, is $30 per 5 day week. If production requirements necessitate working weekends, this limit is increased by inmates being paid overtime rates on the base bonus.

Inmates may accumulate their earning or spend up to $12 per week at the prisoners' canteen. Non-workers are able to spend only $7 per week at the prisoners' canteen.

Revenue and Expenditure from Prison Industries

In the financial year 1980-81 revenue generated by prison industries is estimated at $7.1 million with expenditure on materials, plant and equipment estimated at $7.5 million. The plant and equipment component for 1980-81 is estimated at $510,000. Additionally, bonuses for inmates employed in revenue producing industries is estimated at $675,000 for 1980-81.

Salaries for officers supervising prison industries is estimated at $1,900,000 for 1980-81. No endeavour has been made to apportion these salaries for direct industry supervision and the custodial aspects associated with the positions.

It should be noted that prison industries in New South Wales do not operate trading accounts for individual industries and all revenue is returned to consolidated revenue with the State Treasury.

Marketing of Products

The markets available to prison products in New South Wales are restricted to the following segments:

1. Public Sector – Government	State; Commonwealth; Councils; and Government instrumentalities
2. Charitable Institutions	service organisations; private hospitals; and community groups
3. Private Sector	restricted to retail sales of craft items; wholesale to community based groups; and staff

The actual marketing of prison products is achieved either by Department's success in tendering for Government contracts or in the direct placement of orders by customers on prison industries.

Efforts are being made to develop a range of standard products which will be manufactured for stock and hence the present difficulties experienced in guaranteeing supply will be removed.

In general, there is no difficulty in obtaining markets for prison products, the major problem is in the lack of facilities, particularly in terms of suitable workshops, to manufacture the products.

Employment in Industry

Currently, approximately 30 per cent of the New South Wales prison population of 2,900 is employed in industry, 20 per cent in maintenance and 30 per cent in domestic duties leaving 20 per cent unemployed.

The proportion employed in industry will improve significantly when Parklea and Bathurst are opened and the proposed industrial block at Long Bay is established.

INITIATIVES AND ISSUES IN THE TREATMENT OF REMAND PRISONERS IN NEW SOUTH WALES

Certain issues dominate consideration of remand prisoners' conditions in New South Wales. First, we have a resources problem, as no doubt do all states in Australia. Although it is an almost tiresome cliche of British-based justice systems that 'a person is

considered innocent until proven guilty', on rare occasions only has the imprisonment of people on remand raised enough 'heat' in the community to result in a diversion of resources appropriate to curtail some of the injustices which might occur in this area.

A recent example of the resources lack was the shelving of a proposal to create a bail hostel in Sydney's inner urban area. The Salvation Army was ready to supply as an alternative to imprisonment, accommodation (appropriately renovated), staff and even welfare resources to people who were only minor offenders, but who were unable to raise cash bail or have friends/relatives stand surety. The Department of Corrective Services was asked to donate only a very small portion of the total cost of the project, that is only $50,000. Approval was not given by the Treasury, however for any additional funding of 'welfare' programs which exceeded the previous year's funding level. We would have had to sacrifice existing welfare programs to commence the bail hostel. This occurred in a non-election year, when Corrective Services would expect to receive more resources than usual, as a non-vote catching area, than the popular or electioneering areas of energy, education, roads, health, etc.

Just as resources are not made available for new initiatives to keep even those accused of minor offences out of prisons, resources are not available to differentiate existing remand facilities. The issue of 'contaminating' first, and generally young offenders, by mixing them with recidivists in remand prisons, has caused some concern to our Corrective Services Commission. However, remand facilities in our large Sydney metropolitan area still only number three in total. There is one women's facility, which is contained within the only women's maximum security prison we have. We have one large male facility at Long Bay gaol complex, and one set of smaller facilities at Paramatta Gaol in Sydney's western suburbs. Once again, both of these are contained within normal maximum security prisons.

In Parramatta Gaol only is some attempt made to separate young or first offenders from recidivists in the remand facilities. According to the Superintendent of the Metropolitan Remand Centre, this is not possible at Long Bay.

The Report of the Royal Commission into New South Wales Prisons recommended that, whether or not a special remand centre is built 'immediately or later, a security classification of remand

prisoners is necessary'. It further recommended that a Superintendent should make this classification and that it should be based on previous gaol record and police record of convictions. No concrete moves have been made to introduce either a classification system, or to build a special remand centre. Resources have not been made available to do more than separate young unconvicted prisoners from older ones, at Parramatta.

However, the Director of Classification is currently working on a classification system for persons being placed on remand. This will allow us at least to discriminate between types of persons being processed through our remand facilities. It will give us an idea of what categories of remand prisoners we should attempt to cater for in any differentiation we undertake, or propose. Such factors as age, level of security required, family support, work skills, medical needs, psychiatric needs, previous criminal record, protection required, isolation from co-offenders, possible duration of wait before completion of trial and place of trial, will all be pertinent factors. At the moment, we do not discriminate even between level of security required for different prisoners. A first offender at the 'M.R.C.', Long Bay, who might be liable to receive a sentence of no more than a few months, will be accommodated closely with recidivists and violent offenders liable to receive many years. If the court does not place an offender on bail, he or she is automatically placed in a maximum security prison, pending trial, in New South Wales.

If the classification system currently being developed for remand prisoners indicates some who do not need to be confined in such maximum security environments, it may prove possible to use facilities at our Silverwater Complex for this category. Facilities there include hostel type accommodation, no perimeter walls or towers and generally a non-prison like environment. Our pre-works release and work release centre are established there at the moment.

The issue of what is in fact a suitable institution, or better, range of institutions, in which to house unconvicted prisoners, follows naturally from considering the use of Silverwater for low security remand prisoners. The first criterion to apply would be the United Nations minimum standards, as they relate to accommodation. A primary consideration in the design of remand prisons is to detach them from existing prisons where convicted offenders serve their sentences. Victoria has in fact had a 'secure motel' plan

for a remand centre for some years now. It was to have been located in the central business district of Melbourne adjacent to the main magistrate's courts. A snag has apparently been the fact that the building was to be constructed on top of existing police facilities. A demarcation problem obviously arises here in terms of prison versus police administration. However, a primary concern with new remand centres is that they should not be seen to attach an unconvicted person in any way with those already deemed guilty.

Accommodation should be separate enough for neither the possibly innocent prisoner or his/her family to gain the impression that they have already been placed in gaol, or are being punished. Ideal as that may sound in terms of what constitutes suitable accommodation for unconvicted prisoners, an analysis of the current situation of remand prisoners in New South Wales suggests it might be naive.

Although we have no statistics available on the number of unconvicted prisoners who are not ultimately convicted, nor on the length of stay in remand prisons of such persons, experienced officers in our remand centre believe the percentage to be quite small. They estimate not more than 5 per cent. Quite a number of prisoners who are held for long periods, however, the experienced officers have found to be 'using' remand facilities to avoid spending longer periods of time in normal prisons after conviction.

This seems to occur because the privileges and amenities at the remand centre are superior to those in ordinary confinement. In remand, a prisoner can have visits nearly every day, get three phone calls per week, is not locked in cells till 10.00p.m. and does not have to work. Under convicted conditions (maximum security) prisoners who are serving longer than 12 months automatically go to a maximum security gaol. Here they have less privileges – only two visits per month, two phone calls per month, they have to work and are locked in cells at 4.00p.m. or 4.30p.m. Prisoners who, it appears, know they have little chance of acquittal, and who are facing sentences in excess of 12 months, attempt to manipulate their trials to string them out.

All time spent in remand custody in New South Wales is deducted from the sentence. Prisoners are generally eligible for a review of their maximum security status once they have spent 12 months of a medium-term sentence or two years of a long-term

sentence, in a maximum security instituion. However, if they have spent 12 or 18 months in remand, they may go straight to a medium security or open prison where conditions are good, or go to a maximum security prison and suffer the austere conditions for only a few months.

Obviously this does not apply to all prisoners facing maximum security sentences, or our remand centre would be overcrowded and our maximum security gaols down on new arrivals. It does, however, indicate that there are complications involved in establishing apparently suitable remand facilities separate from existing prisons.

At the other end of the spectrum from the manipulating unconvicted prisoner, is the person who could have been placed on bail rather than sent to prison, or even a separate special remand centre. Ultimately guilty or not, the experience of imprisonment might only brutalise the person unnecessarily. Officers in our remand centre are convinced that there are a very small number of these people going through the centre at any point in time. They are timid, conforming scared and easy targets for the predatory recidivists seeking 'extras' beyond their own allocation of cigarettes, clothing, etc. Officers make the point that these well-behaved, hard-working first timers, while not appearing to deserve imprisonment while they are there, may be quite unable to cope outside due to unemployment, no family support and involvement with drugs. This could lead them into an increasing indulgence in criminal activity.

Intervention at this point is necessary, in one form or another. Even our experienced officers however believe that prison is no answer for these types of offenders, and bail would suffice if there were some scheme to assist them with their drug addiction, or to provide some place to live and three meals a day, if they are not drug addicts.

New South Wales has recently amended its Bail Act to attempt to ensure that as many people as possible who do not need to be secured in a prison prior to trial or sentence, receive bail. Without the services to back-up the amendments, however, there is little chance but that those who do not have these alternatives available, will still come to prison.

The Chief Stipendiary Magistrate of New South Wales recently stated on a national TV documentary which investigated the

problems of justice in this state, that there is now a six month waiting list in the minor courts. He believes this is related to the rapidly increasing number of drug offenders, but in particular, to offences committed by addicts to support their habits. The large number of drug offenders being dealt with under criminal sanctions would be better off, he believes, in a British-type system. Here addicts are able to register as addicts and receive appropriate help from health authorities. They are not forced into a life of crime to support their habit.

The Superintendent of the Metropolitan Remand Centre expressed the opinion that, although the new Bail Act has been in force for nearly 12 months, there has been an increase in the number of people placed on remand. He further believes that this is a function of two things.

First, an increase in drug offences and the incapacity of magistrates and judges to place these offenders in the community on bail. Drug offences have also had a curious side effect in that there tends to be more offenders apprehended per act than in more traditional crimes. Conspiracies to import or sell drugs seem to involve quite a number of offenders. Users might be apprehended in groups. There are, therefore, more unconvicted offenders per offence, who are remanded in custody, than has previously been the case.

Second, the increased awareness of basic legal rights and due process in the community seems to have resulted in more time now being expended by the courts per case. Therefore, unconvicted prisoners are staying longer in our remand facilities. This swells the numbers further.

A definite upswing in the percentage of prisoners unsentenced from our total prison population can be detected from Figure 1. Since February this year, the percentage has risen to just over 14 per cent with the exception of May, when it dropped to 13.8 per cent, only to climb back to 14.4 per cent in June. In the previous 19 months, back to July 1979, the average was only 13.2 per cent per month and 14 per cent was exceeded only twice in that period.

The main issues surrounding provision of more suitable remand facilities are the establishing of a reliable system for classifying remand prisoners, the appropriate differentiation and distribution of those facilities according to the different categories of remand prisoner and the availability of resources to provide those facilities.

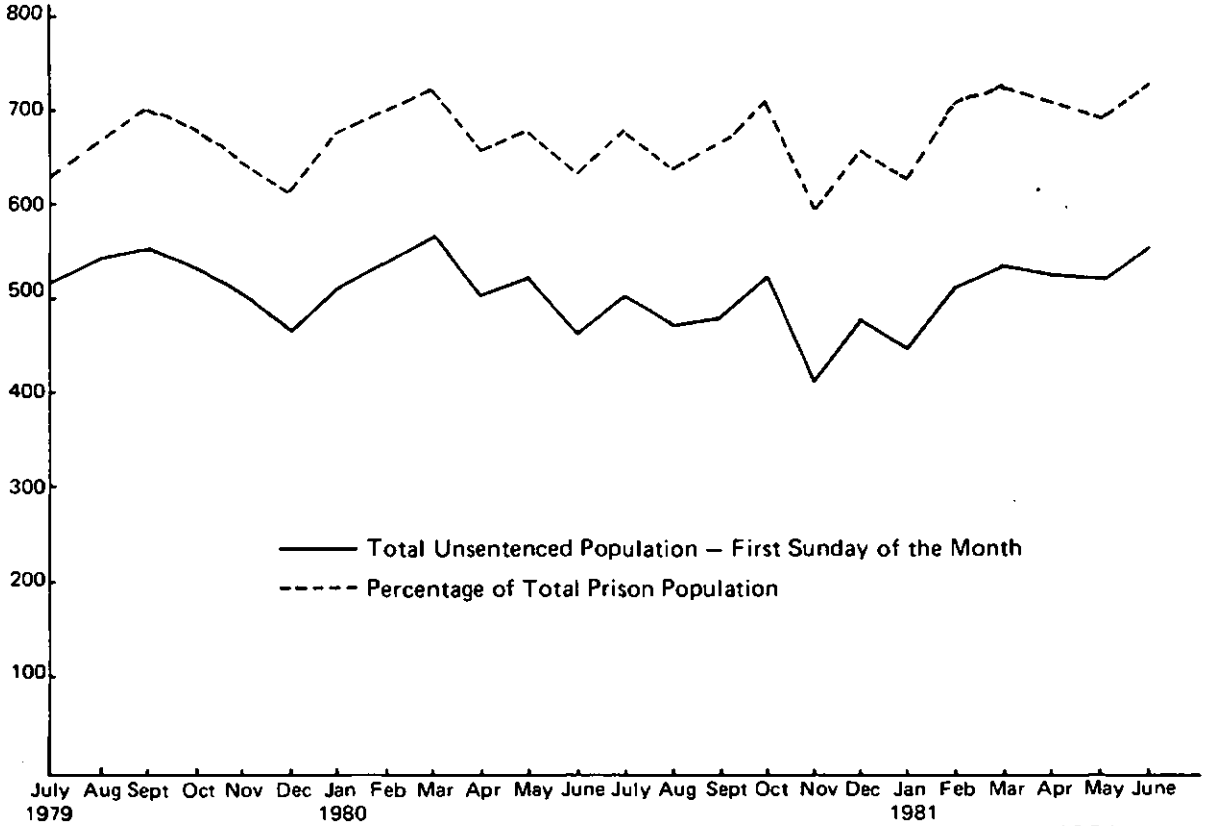


Figure 1 – Trends in Unsentenced Prison Population – July 1979 to June 1981

Table 1 – Unsentenced Prison Population as at the First Sunday of the Month – July 1979 to June 1981

Month/Year	*Population Unsentenced*	*Total Population*	*Percentage of Population Unsentenced*
July 1979	517	4,091	12.6
August 1979	542	4,059	13.4
September 1979	550	3,916	14.0
October 1979	532	3,927	13.6
November 1979	504	3,910	12.9
December 1979	464	3,818	12.2
January 1980	510	3,772	13.5
February 1980	533	3,823	13.9
March 1980	564	3,909	14.4
April 1980	503	3,837	13.1
May 1980	518	3,844	13.5
June 1980	468	3,711	12.6
July 1980	497	3,690	13.5
August 1980	467	3,676	12.7
September 1980	477	3,621	13.2
October 1980	519	3,681	14.1
November 1980	408	3,451	11.8
December 1980	474	3,614	13.1
January 1981	441	3,533	12.5
February 1981	507	3,597	14.1
March 1981	529	3,670	14.4
April 1981	521	3,693	14.1
May 1981	518	3,751	13.8
June 1981	548	3,815	14.4

It just may be, however, that it will make more sense, and achieve more justice, to convert those resources into the provision of health-based services for drug addicts (assuming that we can move successfully to decriminalise drug addiction) and into more court facilities.

Although we will not have figures available until a new computer-based record system is operational – there seem to be longer waits for trials and hearings now than previously. The provision of more court facilities would lower the number of persons in our remand facilities. The provision of health services for drug addicts would lower the number of low-risk unconvicted prisoners. The further provision of funding for bail hostels might remove this category of low-risk remand prisoners almost completely.

We believe these options would be cheaper and more just, than the creation of new remand facilities. We have existing facilities which, with some modification, could be better differentiated than they are now for recidivist remandees. Our current large Metropolitan Remand Centre is only 13 years old, but could be modified somewhat into smaller units housing different categories of unconvicted or unsentenced prisoners.

Our medium security prison at Silverwater could also be utilised for those not requiring maximum security remand placement.

The final issue is that of mixing unconvicted and unsentenced prisoners. Two main concerns emerge here. At the moment, we would find it difficult to implement some of the basic human rights to which we would like virtually innocent people to have access, such as private/family visits. While convicted people are housed in the same facilities, opposition to the introduction of such rights would render this move too politically volatile. To keep unconvicted prisoners with unsentenced prisoners therefore inhibits what it might be politically possible to extend to the unconvicted prisoners.

Once again, however, the issue of identifying the unconvicted recidivist who might be manipulating his trial to take advantage of such conditions arises. It may be that we simply take a brave step and apply the rights to all unconvicted prisoners in the firm belief that they have not yet been proven guilty. Guilt, however, tends to be retrospective, once proven. This fact alone makes the issue of introducing more rights for unconvicted prisoners almost more volatile than the concern that they share their facilities with convicted, but unsentenced prisoners.

The second concern is more important than the issue of mixing the two. Upon conviction, and prior to sentence, a prisoner may go through a time of fairly severe anxiety. This is the time when people previously placed on bail might arrive in prison for the first time, awaiting sentence. It is also the time when the recidivist has cause to wonder how much more of his/her life will now be wasted away in prison and just how severe the judge will be this time, given the previous record.

The time between conviction and sentence in New South Wales is usually, mercifully short. The normal reason for a gap between the two is for the court to allow officers of the Department of

Corrective Services to prepare a pre-sentence report. For the last two years approximately, a period of only two weeks has been allowed to complete the appropriate investigations and produce the report to the court.

Even so, this period, by its nature, indicates that some special supervision is needed for these people, or at least, more personalised attention than they receive at the moment. At the moment, the intervention of the Probation and Parole Officer who steps in to do the report, facilitates some of this personalised attention. Separate facilities may, however, help reduce the anxiety exacerbated by the isolation and lack of concern of the system which is apparent to the unsentenced prisoner in the large remand centre.

Any part of a correctional system which helps a person adjust to the shock of imprisonment for the first offender, or curbs the reversion to apathy and cynicism of the recidivist, might just go some way to making prison a more positive experience than it is for most. In times when prisons in this State are able to offer far more to prisoners in the way of programs which can teach them more life and work skills, that must be a most positive step.

The beginning of imprisonment is after the conviction. What we offer at that point should be as supportive and positive as we in New South Wales are attempting to eventually make our prisons, for all who need them to be that way. There is little need, however, for imprisonment to begin prior to that, for all but a few prisoners. Therefore, it is suggested that the investment of resources into alternatives to remand (including more court facilities) is preferable to the upgrading of facilities for unconvicted prisoners. This must certainly tie one of the most fundamental assumptions of our legal system, innocence prior to proof of guilt being established, more closely to the actual practices of the legal system.

HUMAN RIGHTS

Prison officers are the vital link in any program of reform in a prison system. Policies initiated at senior management levels can be successfully implemented if officers cooperate with them or better still, support them. On the other hand, policies can be easily frustrated, blocked and shelved if prison officers decide not to cooperate with them. The careful management by administrators, and participation by officers in varying of their role is a funda-

mental prerequisite for successful reform in any prison system.

Justice Nagle in his report of the Royal Commission into New South Wales Prisons raised the issue of the working conditions of prison officers, recruitment, training, staff amenities, transfers, pay and community attitudes towards them. He made it clear that recruitment and training at that time were inadequate, amenities were generally deplorable, community attitudes were contemptuous, or ignorant at best, their work was in most cases trivial and unnecessarily unrewarding and the department's attitudes towards them were unsympathetic. In the same section of the report, he indicated, by implication, the tension that exists for the administrators of a prison system between operating what Goffman has described as 'total institutions' and managing a public organisation.[1] Justice Nagle did this by referring in that section to the occassional necessity for the use of force and the intolerable possibility of ambivalence in interpretation of prison rules.

There have been many positive steps taken by the current Corrective Services Commission in New South Wales to overcome the inadequacies referred to in Justice Nagle's report. However, the tension that exists in attempting to 'manage', by the most modern methods and in accordance with the more enlightened theories of management 'science', an organisation which structures, by its cultural assumptions, its personnel into two classes along lines of competition, conflict and mutual suspicion, ensures ongoing organisational problems, despite the best intentions of the administrators.

It is the contention of this paper, that there has been a fundamental shift in paradigm for administering prisons which seeks to afford more human rights to prisoners. This change is reflected in the current problems encountered between prisoners and officers. McLeery outlined the traditional custodial regime in his article 'The Governmental Process and Informal Social Control' in 1961.[2] The features of this regime which he emphasised were the complete monopoly by officers of information, restricted inmate and inmate/staff contact, censorship, control of privileges, the use of isolation for troublesome inmates and the use of physical punishments for breaches of discipline.

Inmates high in the 'pecking order' were used and arbitrarily given privileges not generally available to inmates, in return for maintaining order through the use of violence against other inmates

who threatened trouble. Since these 'heavy' inmates stood to lose their privileges, (which also served to maintain their senior status) they naturally cooperated.

In this regime, officers maintained almost total control of the inmates. The daily routine, although in many respects a 'reign of terror' for the majority of inmates, was relatively predictable for all those who conformed, and for the staff.

It is significant that Goffman completed his work on total institutions and published the book *Asylums* in the same year as McLeery's article appeared. Both had noted the same features of total control and reliance on the withdrawal of the most basic human rights from prisoners as part of that control, by the administration.

Analysis of the movement in the social processes which give rise to changes in the fundamental operations and aims of the criminal law system has been provided by Emile Durkheim.[4] His concepts of repressive law and restitutive law provide a model which suggests a movement from a legal and prison system oriented to punishing the offender, to one designed to reinstate him/her as a useful member of society. Durkheim does not base this progression on any conscious shift in philosophical preference for restitution over punishment throughout society. Instead, he sees it as a utilitarian and pragmatic outcome of the increasing specialisation in the division of labour in a society. The post industrial society is one which depends for its existence on the protection of the individual, since each individual now has his own specialised contribution to make in the economic framework of the social system.

The emphasis of the law has shifted accordingly to protect the basic rights of the individual and to balance the treatment of the individual against the interests of the majority. Indeed, it could be convincingly argued that the decriminalisation in most Western countries of homosexuality, prostitution, pornography, blasphemy, abortion, gambling and other 'victimless' or more appropriately, morality based offences, is evidence of a new emphasis on the rights of the individual to be free from unnecessary constraint by the majority. Whenever arguments have been projected into the public arena on these issues, they have amounted to a debate over basic human rights.

Prisoners in many ways have reaped the benefits of this

continuing public scrutiny, and therefore, raised consciousness, of basic human rights, over the last 20 years. Every major state in Australia has had a public review of its prison system in the last 10 years.[4] The United States has had sweeping judicial reviews of almost every state system by the Federal Courts in the last 15 years. Some have even resulted in the closure of certain prisons because of evidence relating to 'cruel and unusual' practices therein.[5]

The shift in paradigm for prison administrators therefore has been one flowing from the changes in the social system and carrying over to the legal/criminal justice systems. Changes recommended by each of the reviews in Australia have constrained administrators to move away from the custodial regime based on total control, reflected in the Goffman and McLeery models. We have been urged, and indeed, required, to adopt administrative models based on the normal principles of management applying to public organisations, rather than on the special needs of total institutions.

The 'informal' processes for social control outlined by McLeery have been outlawed. Indeed, given the introduction of access to electronic media and the new awareness on the part of prisoners of basic human rights, these informal processes have become impractical. You can not run a prison now for any length of time by using 'heavy' prisoners to control other prisoners. Sooner or later, the heavies will be placed in a situation where they must choose allegiance to the inmate group over a grievance issue (since they inevitably become the 'spokesmen' for the inmates), or allegiance to the staff. If they choose the inmates, control of the prisoners is lost. For sheer survival reasons, given the nature of inmate culture, the heavies will usually choose to align themselves with the inmates in crises.

The problem this introduces for administrators to manage is that of the transition from assumptions and attitudes rooted in the recent custodial regime, to those rooted in a normal management system.

It can best be stated perhaps by analogy – if a large manufacturing firm employed one large group of personnel, who nearly all believed they were there to keep another, even larger group of employees, in an inferior, subordinate position, the normal management principles of having common, overarching objectives to

which each employee was to align the objectives of his/her own job, would become unattainable. The management principles simply would not be able to work.

Analysis of the problems, reflected in prisoner riots, officer reprisals and industrial unrest just prior to the Royal Commission in New South Wales, suggests that a period of a fundamental change in the 'rules of the game', in prison administration, had occurred, or begun to occur, around that time. The position of the then administration became untenable and the irreversible establishment of, and political commitment to, more basic human rights for prisoners, and modern management practices in the administration, was undertaken with the appointment of the current Corrective Services Commission.

The task since then for the Commission has been one of managing the reactions of both prison officers and prisoners, to the new management assumptions. It was naturally predictable that prisoners would push their advantage to the extreme. It was also predictable that the main element in prison officer reactions, would be anxiety and a fundamental uncertainty regarding their 'new' role.

The pattern of allegations emerging against prison officers by prisoners has changed in character considerably.

Prisoners now lay complaints about what appear to be the most petty behaviour on the part of prison officers. Officers now consistently make demands which reflect concerns to maintain security, to maintain authority of officers over prisoners without undue accountability, which question the actions of the Commission and which seek more resources to be invested in officers.

These two characteristics, (allegations and demands) of prison system life are good indicators of the response of each group to the changes being introduced. If prisoners feel that the organisation is prepared to listen to them at last, they cease to fear reprisals from officers or even counter-charges of making false accusations against officers. The Commission has consistently sought to establish an 'open-administration' environment, where prisoners can feel that they have avenues for complaint beyond the custodial service. The Chairman of the Commission in particular has indicated his willingness to talk with prisoners and take an interest in them at a personal level.

This has caused quite some concern and even bitterness on the

part of prison officers, both at the line officer and executive levels. It was particularly raised at the recent joint consultative committee hearings held between the Commission, representatives of all officer union branches, the State's Public Service Association Executive and a member of the State Public Service Board appointed by the Premier to chair this committee. This Chairman of the committee, in his report to the Premier of New South Wales, left no doubt that the Commission's perceived failure to use the 'normal chain of command', was indeed the major problem existing in the department, from an industrial relations point of view.

This open-access policy however, if measured in terms of how officers now treat prisoners, has been highly successful. Statistics kept on all allegations against prison officers by the Department's research section indicate that we are now averaging only nine allegations per month across the entire system of nearly 4,000 prisoners and 1,600 officers. Of these, only one or two at most per month would allege assaults or beatings by officers of prisoners. One would be for verbal abuse by an officer, and one would allege that the officer is stealing or misusing departmental funds/equipment. Six, however, relate to more trivial matters which were presumably unheard of in pre-Royal Commission days. These could be classed under three separate headings.

1. Restriction or curtailment by an officer of the prisoner's privileges. For example, cutting visit times short; reading a prisoner's mail.

2. Provocation by an officer of a prisoner. For example, officer clapping when a prisoner is called into the office to be chastised; asking a visitor if she is a prostitute.

3. Rudeness to a prisoner by an officer. For example, officer opening cell door wide without first knocking; slamming cell door when locking a prisoner in.

These allegations are in the majority, cause perhaps for some celebration in terms of the introduction of human rights for prisoners.

Officers, on the other hand, suggest that they are indicative of the powerless role in which officers have been placed and that

to be constantly controlled. They believe his aims are fundamentally in conflict with their aim to keep him in there. This does not really appear to make any more sense than the Theory X assumptions outlined by MacGregor.[6]

On the other hand, assumptions behind the push for the extension of more basic human rights to prisoners recognises their individuality and their basic need for a sense of dignity through involvement in, and responsibility for what they are doing. The organisational climate institutionalised people are forced to live within on a full-time basis, demands that a Theory Y approach be taken if we are serious about human rights.

However, the Theory Y approach also has implications for the way in which prison officers are involved in the management of the organisation.

We have already designed, built and opened a unit within our prison system which involved the staff in the planning stages, and involves the staff and prisoners together in making decisions on a community basis for the day-to-day running of the unit. Sick leave has disappeared, except for genuine cases. Officers turn up for work early to catch up on what has occurred in their absence before commencing duty, overtime is absolutely minimal, and despite the fact that the unit houses some of the notoriously violent, psychologically unstable, disturbed or depressed/suicidal prisoners in the state, there has not been one incidence of violence or self-violence, since the unit opened in April.

This 'Special Care Unit' is only small, with 22 prisoners and 32 (total) staff; but it has proved participation, responsibility and accountability for all, can, and does work in a prison setting.

Therapeutic communities however, are not new to prisons. We will face our greatest challenge in attempting to apply these principles to our new maximum security gaol at Bathurst when it opens in late 1982, housing 250 prisoners. It will run on a unit management concept, which should facilitate fairly full participation by prisoners with officers in the management of their 18 person units (16 prisoners and 2 officers).

Introducing more participation in management by prison officers working in the established gaols, calls eventually, in our system, for three things.

First, being willing to slow down the program of changes within existing prisons to allow the time to hold fairly full consult-

ation with staff at as many levels as possible on the desired changes, before moving to implement them. This is happening far more often these days and the Commission is constantly in contact with Senior Union Officials on a wide range of new proposals, in the design stages.

Second, realistic attempts to change the 'total institution', 'Theory X' or 'exclusive authority' assumptions, as variously referred to here, of prison officers. This will really be a function of how much more human relations training and more management training we can introduce for all prison officers, not just new recruits. Unfortunatley, we cannot claim to have progressed too far here. Resources for training new recruits are small and leave little to invest in retraining of existing officers. We have recently, however, implemented some new initiatives in management training for future executive officers. Existing executive staff however receive virtually no training in management or administration apart from what they learn from each other at conferences.

Third, substituting a conflict approach with unions for a problem solving approach in negotiations with them. Approaching union demands as if they were being unreasonable, assuming management is being attacked and assuming we might lose by giving in, or it is a bad thing to let them win, is really no more than indulgence in just the type of thinking we believe perpetuates total institutions and Theory X regimes. The Commission is increasingly approaching union negotiations as problem analysis and solving sessions, wherein the demand is often treated as the symptom, and the underlying problem is probed together with the union officials.

It is in fact encouraging to think that at least one third of the major topics discussed in the Joint Consultative Committee were directly related to management of the system itself, rather than directly to prison officers' concerns for themselves.

The only way to move further on into the management of such reactions, is by the consistent application of modern management principles through the stategies already outlined, through opening new institutions built and programmed from the outset on the new principles, and through an unswerving commitment on the part of senior managers, to the patient introduction of more human rights for both prisoners and officers in our organisation.

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Table 2 – Three Month Sample of Allegations Against Prison Officers by Prisoners

Month	*Nature of Allegation*						
Year 1981	*Assault*	*Abuse*	*Theft or Illegal Activity*	*Restrict or Curtail Privileges*	*Provocation*	*Rudeness*	*Total*
March	1	2	1	4	3	1	12
April	2	–	2	1	–	2	7
May	1	1	–	1	3	3	9
TOTAL	4	3	3	6	6	6	28

Table 3 – Joint Consultative Committee Agenda Items – Breakdown of Topics

Concern to Maintain Own Authority			*Concern to Improve General System*	*Total*
P.O. Role	Prisoner Discipline	P.O. Amenities		
10	4	2	8	24

TRANSFER OF PRISONERS BETWEEN JURISDICTIONS

Within Australia

I have been advised by the Attorney General's Department that the Parliamentary Council Committee is currently working on a draft bill which will enable the transfer of prisoners between States. This Bill will be the responsibility of the Minister for Corrective Services, Mr W. Haigh.

I was informed that the Report on this Bill for the Standing Committee will be completed by the end of next week, that is 3 July 1981. This report will then be distributed to Parliamentary Council for comment and is due to go before the Standing Committee on 27 July 1981. The Bill will then be submitted to Cabinet for approval.

We are unable to obtain a copy of the Bill at this stage.

At present, the only action that can be taken and then to a limited extent, is in respect of prisoners who receive their sentences in the Northern Territory or the Australian Capital Territory. There are as yet no reciprocal arrangements between the States for the transfer of prisoners from one State to another.

It is a situation which causes considerable and unnecessary distress to those serving a term of imprisonment and also to their relatives.

By allowing prisoners to return to their own State to serve their sentence, Governments will not only be acting more humanely towards the prisoner but they will be allowing the families of prisoners to play a more supportive role.

Agreements with other Countries

The same problem arises, but of course to a much lesser degree, in respect of countries in the British Commonwealth. The Australian Government has taken the initiative in commencing negotiations for a scheme that could see a similar exchange system operating for a start between Australia, New Zealand, Canada and possibly Papua New Guinea.

PROBLEMS OF DRUG OFFENDERS IN NEW SOUTH WALES PRISONS

Extent of the Problem

It is generally stated that up to 80 per cent of the prison population has been charged with drug or drug-related offences. However, evidence obtained from warrants indicate that the figure is nearer to 46 per cent. This figure may be low as it is recognised that other drug-related offences could be hidden in groups such as break, enter and steal or robbery where persons are stealing to support a habit which is not revealed at the time of arrest. No definitive figures are available at present.

Of a prison population in New South Wales of approximately 3,500 males and 130 females, roughly 7 per cent are foreign-born. A recent survey of foreign-born male prisoners in metropolitan gaols showed 31 per cent of them were on drug charges. Only 2 per cent were Asian-born drug offenders.

At present less than 3 per cent of the female prisoners are foreign-born drug offenders, 1 per cent being Asian. Most of those referred to are importers or growers and are not drug users. Records indicate that very few foreigners in prison, Asians in particular, are drug users.

Problems encountered by foreign-born prisoners

Language: Inability to communicate because of poor or no English causing isolation from staff and prisoners. Inadequate interpreter services made worse by the difficulty of getting interpreters with the correct dialect and compatible religious background.

Isolation: As well as isolation caused by language and cultural differences, many prisoners receive few, if any, visits as they have no family or friends nearby. They are also at a disadvantage when they are eligible for day leave outside the prison, as they have no one to sponsor them.

Fear of deportation

Legal Services: Difficulties are encountered obtaining legal

services because of lack of knowledge of the system in Australia and lack of support within the prison or outside.

Bail: Prisoners frequently have difficulty obtaining bail – once again through lack of knowledge of the system, lack of adequate legal representation and lack of friends or relatives prepared to support the prisoner.

Religious Problems: Although prison administrators will help inmates with diets, fasts, etc., to enable religious observance, the reaction from other prisoners and probably some staff members, can make this a difficult area as there is little understanding by many Australians of the demands of religions such as the Islamic faith.

Management Problems caused by Drug Users

Drug offenders in prison fall into two categories – importers, couriers and growers who are usually not drug users. These prisoners on the whole are well behaved, frequently first offenders who give no trouble in the prison system. Those in prison for possession, self-administration and supply are usually addicts and are the group who create management problems for the corrective system. Allied to this group are those in prison for drug-related crimes such as armed robbery, stealing, forging, etc., crimes committed to support a drug habit.

Medical Services: Addicts coming into prison with a habit require medical treatment to help withdrawal. Some, particularly those with a heavy barbiturate habit, require close supervision putting a strain on existing medical services. Withdrawing prisoners are difficult to handle at this time.

There is constant pressure on medical staff to provide unnecessary medication for prisoners. There is a constant stream of prisoners suffering from overdoses of illicit drugs requiring medical attention, sometimes these are suicide attempts, sometimes accidental overdoses.

Drug Trafficking in Prison: Addicts are loath to giving up their drug habits particularly in the prison environment. There are

therefore constant attempts to smuggle drugs into prison which involves the custodial staff in time consuming searches and supervision. As a result there has been a general tightening of security, restrictions placed on freedom of movement within the prisons, closer supervision of contact visits and frequent body searches carried out.

All of these and other measures necessary to curtail the drug trafficking badly affect the quality of life for non drug users, as an invasion of their privacy and have had a detrimental effect on the policy of liberalisation of the prison system.

Violence: The drug users cause a great deal of violence in prisons. Those wanting drugs go to great lengths to obtain them. Standover tactics and bashings are common to coerce prisoners to give up their prescribed medication, to share any illicit drugs they may have acquired and to bring drugs into prison for the users. Many prisoners have to be protected from this type of violence.

Pressures can be put on staff members to bring drugs in and violence has been perpetrated against staff members within the prison to gain access to drug supplies. Violence has occurred against both staff and other inmates by prisoners acting irrationally under the influence of illegal drugs.

Proliferation: In the prison sub-culture the hierarchy, the peer pressure, the boredom and frustrations cause the problems to proliferate and many prisoners who come into prison drug free go out some time later drug users.

This cross fertilisation works both ways and many drug addicts who, although they have broken the law, are not of the criminal type in the more general sense become educated by the hardened criminal element.

Management

Preventive Measures:

(i) Dogs are being used to detect drugs in the vicinity of the prisons.

(ii) Drug screening is employed to check on drug users. A urinalaysis machine has been purchased by the department.

(iii) Extra staff has been allocated to supervising visits and various measures have been tried to halt the passing of drugs on visits, for example, changing into special clothes for supervised visits.

(iv) Efforts have been made to provide meaningful work within the prison to occupy inmates as it is realised that boredom exacerbates the problem.

Facilities for Drug Users in Prison

Professional help is available from psychiatrists, psychologists, occupational therapist, Health Commission drug counsellors, health education officers, clergymen, parole officers, Drug and Alcohol Authority officers.

Groups such as Narcotics Anonymous, Alcoholics Anonymous and Grow are given access to the prisoners. Individual counselling is available from the resident psychologist in most prisons for any addict who requests it. Programs of education, activities and hobbies are available for all prisoners including drug users. Relaxation and meditation classes are available. Self help groups such as the Parramatta Prisoners' Drug Reform Scheme are encouraged and are afforded every assistance by the prison authorities.

ACCREDITATION AND INTERNATIONAL STATUS OF PENAL INSTITUTIONS

At the 1977 Conference of Ministers in charge of Prisons, Probation and Parole, Mr W. Clifford, Director of the Australian Institute of Criminology, Canberra, made a submission that Australia should consider setting up an accreditation committee under the auspices of the Australian Institute of Criminology to act as a consultative body and to make recommendations on standards in penal institutions.

In the paper presented at the 1978 Ministers Conference, Mr Clifford pointed out that there has been world-wide unrest about the future of prisons and their effectiveness. While there will always be a need for prisons for hard-core offenders, there is also a need to look at standards maintained in prisons and as a starting point Governments should look at the United Nations Standard Minimum Rules for the Treatment of Prisoners.

It is pointed out in the paper that the American and Canadian approach to the dilemma has been to seek the definition of goals and standards for correctional services. In particular, the prison services have been expected to develop standards against which to measure not only the physical adequacy of accommodation, but the performance of those charged with supervision and the care of those incarcerated.

There have been set up in America and Canada accreditation committees charged with the responsibility of examining prison conditions before these become of public interest, recommending changes which may be necessary, and ensuring that the agreed standards are maintained.

An institution would be given a certificate of accreditation when it reached the standards required and would have the certificate withheld if there was work to be done or if there were improvements to be made. Annually the accreditation body publicises its report so that the public can be aware of the work being done and critics could be satisfied that care was being taken to do everything possible in the circumstances.

The paper suggests that such a machinery would have at least three advantages:

(a) It would protect Australia against international criticism now and in the future, when prison conditions may have to change for selected groups of offenders.

(b) It would enable States to answer external and local criticism on conditions.

(c) It would assist State Governments to appraise the need for investments or improvements in such services and institutions and it would improve the planning machinery.

The paper concludes by stating that with this precedent established, it should be fairly simple to set up an Australian Correctional Accreditation Council. With representation from Correctional Authorities of all States, the Australian Institute of Criminology could provide the facilities, secretariat services and, from time to time, the expertise that might be required by the Council. The Council would have no legal rights and would be

purely a consultative body with inspection rights as agreed by the States concerned.

The formal paper was considered by the Australian Prison Administrators and they made the following recommendation to the Ministers at the 1978 Conference:

> In the light of the number of bodies investigating and making recommendations on prisons (Ombudsman, Advisory Committees, etc.) most States are reluctant to accept the concept of an Accreditation Committee carrying out inspections additional to those performed by departments. In particular, this body could impose conditions on States. In the light of the additional information received, there has been virtually no change in opinion.
>
> The Ministers' attention is drawn to the fact that all jurisdictions are attempting to meet the condition laid down in the U.N. Standard Minimum Rules within their capabilities and as finances become available.
>
> It is therefore recommended that no action be taken.

At the Ministers' Conference, Victoria supported Mr Clifford's proposal. The consensus of opinion among the other States and the Northern Territory was that it was the individual State Governments which should determine standards in prisons in the light of the availability of funds and other priorities. It was irrational to have an independent body directing or suggesting where resources should be expended, and that body not being responsible for providing the funds to carry out the work.

Ministers agreed in principle to adopting of the United Nations Standards Minimum Rules for the Treatment of Prisoners as desirable guidelines, but generally expressed concern at the absence of criteria in the paper upon which various prisons would be classified.

On the motion of Victoria, the Ministers resolved as follows:

> That Mr Clifford be asked to give further consideration to the accreditation of penal institutions with particular respect to the criteria upon which institutions would be accredited, and that that should take note of the work which is to be done on minimum standard guidelines in the ensuing 12 months.

The proposal in the resolution was that Mr Clifford should develop the criteria in the light of the draft Minimum Standard Rules for Australian Prisons prepared by the Australian Institute

of Criminology. These rules are based principally on the United Nations Standards Minimum Rules for the Treatment of Prisoners and related recommendations.

The matter was not on the agenda for discussion at the annual meeting of Ministers in 1979, 1980 or 1981. It is understood that a paper along the lines sought in the Ministers' resolution has not yet been submitted for consideration.

In the preliminary observations to the United Nations Standard Minimum Rules it is pointed out that they are not intended to describe in detail a model system of penal institutions. They seek only, on the basis of the general consensus of contemporary thought and the essential elements of the most adequate systems of today, to set out what is generally accepted as being good principle and practice in the treatment of prisoners and the management of institutions.

The Rules go on to point out that in view of the great variety of legal, social, economic and geographical conditions of the world, it is evident that not all of the rules are capable of application in all places and at all times. They should, however, serve to stimulate a constant endeavour to overcome practical difficulties in the way of their application, in the knowledge that they represent, as a whole, the minimum conditions which are accepted as suitable by the United Nations.

On the other hand the rules cover a field in which thought is constantly developing. They are not intended to preclude experiment and practices, provided those are in harmony with the principles and seek to further the purposes which derive from the text of the rules as a whole. It will always be justifiable for the central prison administration to authorise departures from the rules in this spirit.

New South Wales has formally approved in principle of the United Nations Standard Minimum Rules for the Treatment of Prisoners and related recommendations. Considerable progress has been achieved in their implementation either by legislative adoption or by administrative determination. Lack of funds to renovate or remodel existing antiquated prisons has prevented complete implementation.

It is relevant to note that the Australian Law Reform Commission Interim Report No. 15 on 'Sentencing of Federal Offenders' raised the matter of monitoring compliance with the Mini-

mum Standards of Australian Prisons.

The Report, of course, relates to Australian Federal Offenders and the conditions under which Federal offenders are detained in State prisons. It proposes the establishment of a Sentencing Council which would have the responsibility, among other things, of the monitoring of prison conditions and of compliance with minimum standards of treatment for Federal prisoners.

The extent to which New South Wales has adopted and is able to comply with the United Nations Standard Minimum Rules for the Treatment of Prisoners and related Recommendations is contained in the survey, Annexure B.

ANNEXURE B

The United Nations Standard Minimum Rules for the Treatment of Prisoners and Related Recommendations

This paper contains a statement of the extent to which the United Nations Minimum Standard Rules for the treatment of prisoners and related recommendations have been implemented in New South Wales.

The United Nations Standard Minimum Rules are set out in three parts under the following principal headings:

A. Standard Minimum Rules for the Treatment of Prisoners.

B. Selection and training of personnel for penal and correctional institutions.

C. Recommendations on open penal and correctional institutions.

Under each principal heading the following matters are discussed.

A. Standard Minimum Rules for the Treatment of Prisoners

Preliminary observations. Rules 1-5.

Part I. Rules of General Application. Rules 6-55.

Basic principle. Rule 6.
Register. Rule 7.
Separation of categories. Rule 8.
Accommodation. Rules 9-14.
Personal hygiene. Rules 15-16.
Clothing and bedding. Rules 17-19.
Food. Rule 20.
Exercise and sport. Rule 21.
Medical services. Rules 22-26.
Discipline and punishment. Rules 27-32.
Instruments of restraint. Rules 33-34.
Information to and complaints by prisoners. Rules 35-36.
Contact with the outside world. Rules 37-39.
Books. Rule 40.
Religion. Rules 41-42.
Retention of prisoners' property. Rule 43.
Notification of death, illness, transfer, etc. Rule 44.
Removal of prisoners. Rule 45.
Institutional personnel. Rules 46-55.

Part II. Rules applicable to special categories.

A. Prisoners under sentence. Rules 56-81.
Guiding principles. Rules 56-64.
Treatment. Rules 65-66.

Classification and individualisation. Rules 67-69.
Privileges. Rule 70.
Work. Rules 71-76.
Education and recreation. Rules 77-78.
Social relations and aftercare. Rules 79-81.

B. Insane and mentally abnormal prisoners. Rules 82-83.

C. Prisoners under arrest or awaiting trial. Rules 84-93.

D. Civil prisoners. Rule 94.

B. Selection and training of personnel for penal and correctional institutions

A. Modern conception of prison service.

I. Prison service in the nature of a social service.
II. Specialisation of functions.
III. Coordination.

B. Status of staff and conditions of service.

IV. Civil service status.
V. Full-time employment.
VI. Conditions of service in general.
VII. Non-military organisation of the staff.
VIII. Carrying of arms.

C. Recruitment of Staff.

IX. Competent authority and general administrative methods.
X. General conditions of recruitment.
XI. Custodial staff.
XII. Higher administration.
XIII. Directors or executive staff.
XIV. Specialised and administrative staff.
XV. Staff of women's institutions.

D. Professional Training.

XVI. Training prior to final appointment.
XVII. Custodial staff.
XVIII. Directors or executive staff.
XIX. Specialised staff.
XX. Regional training institutes for prison personnel.
XXI. Physical training and instruction in the use of arms.
XXII. In-service training.
XXIII. Discussion groups, visits to institutions, seminars for senior personnel.
XXIV. Joint consultation, visits and meetings for all grades of staff.

C. Recommendations on open penal and correctional institutions

Rules I to IX.

A. RECOMMENDATIONS ON THE STANDARD MINIMUM RULES FOR THE TREATMENT OF PRISONERS

1. The following rules are not intended to describe in detail a model system of penal institutions. They seek only, on the basis of general consensus of contemporary thought and the essential elements of the most adequate systems of today, to set out what is generally accepted as being good principle and practice in the treatment of prisoners and the management of institutions.

1. Noted.

2. In view of the great variety of legal, social, economic and geographical conditions of the world, it is evident that not all of the rules are capable of application in all places and at all times. They should, however, serve to stimulate a constant endeavour to overcome practical difficulties in the way of their application, in the knowledge that they represent, as a whole, the minimum conditions which are accepted as suitable by the United Nations.

2. Noted.

3. On the other hand, the rules cover a field in which thought is constantly developing. They are not intended to preclude experiment and practices, provided these are in harmony with the principles and seek to further the purposes which derive from the text of the rules as a whole. It will always be justifiable for the central prison administration to authorise departures from the rules in this spirit.

3. Noted.

4. (1) Part I of the rules covers the general management of institutions, and is applicable to all categories of prisoners, criminal or civil, untried or convicted, including prisoners subject to 'security measures' or corrective measures ordered by the judge.

4. (1) Noted.

(2) Part II contains rules applicable only to the special categories dealt with in each section. Nevertheless, the rules under Section A, applicable to prisoners under

(2) Noted.

sentence, shall be equally applicable to categories of prisoners dealt with in Sections B, C and D, provided they do not conflict with the rules governing those categories and are for their benefit.

5. (1) The rules do not seek to regulate the management of institutions set aside for young persons such as Borstal institutions or correctional schools, but in general Part I would be equally applicable in such institutions.

5. (1) Noted.

(2) The category of young prisoners should include at least all young prisoners who come within the jurisdiction of juvenile courts. As a rule, such young persons should not be sentenced to imprisonment.

(2) Noted.

PART I. RULES OF GENERAL APPLICATION

Basic Principle

6. (1) The following rules shall be applied impartially. There shall be no discrimination on grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

6. (1) Adopted. Fully implemented.

(2) On the other hand, it is necessary to respect the religious beliefs and moral precepts of the groups to which the prisoner belongs.

(2) Adopted. Fully implemented.

Register

7. (1) In every place where persons are imprisoned there shall be kept a bound registration book with numbered pages in which shall be entered in respect of each prisoner received:

7. (1) Adopted. Fully implemented.

(a) Information concerning his identity;

(b) The reasons for his commitment and the authority therefore;

(c) The day and hour of his admission and release.

(2) No person shall be received in an institution without a valid commitment order of which the details shall have been previously entered in the register.

(2) Adopted. Fully implemented.

Separation of categories

8. The different categories of prisoners shall be kept in separate institutions or parts of institutions taking account of their sex, age, criminal record, the legal reason for their detention and the necessities of their treatment. Thus,

8. Partially implemented. All prisoners separated as far as practicable. In some cases it is practical to allow mixing of unconvicted and convicted prisoners during daily activities. Men and women prisoners are detained in separate institutions.

(a) Men and women shall so far as possible be detained in separate institutions: in an institution which receives both men and women the whole of the premises allocated to women shall be entirely separate;

(b) Untried prisoners shall be kept separate from convicted prisoners;

(c) Persons imprisoned for debt and other civil prisoners shall be kept separate from persons imprisoned by reason of a criminal offence;

(d) Young prisoners shall be kept separate from adults.

Accommodation

9. (1) Where sleeping accommodation is in individual cells or rooms, each prisoner shall occupy by night a cell or room by himself. If for special reasons, such as temporary overcrowding, it becomes necessary for the central prison administration to make an exception to this rule, it is not desirable to have two prisoners in a cell or room.

9. (1) Partially implemented only because of the lack of sufficient accommodation.

(2) Where dormitories are used, they

(2) Adopted. Fully im-

shall be occupied by prisoners carefully selected as being suitable to associate with one another in those conditions. There shall be regular supervision by night, in keeping with the nature of the institution.	plemented.
10. All accommodation provided for the use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation.	10. Adopted. Fully implemented.
11. In all places where prisoners are required to live or work,	11.
(a) The windows shall be large enough to enable the prisoners to read or work by natural light, and shall be so constructed that they can allow the entrance of fresh air whether or not there is artificial ventilation;	(a) Adopted. In maximum security establishments cells have restricted natural light for security purposes.
(b) Artificial light shall be provided sufficient for the prisoners to read or work without injury to eyesight.	(b) Adopted. Fully implemented.
12. The sanitary installations shall be adequate to enable every prisoner to comply with the needs of nature when necessary and in a clean and decent manner.	12. Adopted. Fully implemented.
13. Adequate bathing and shower installations shall be provided so that every prisoner may be enabled and required to have a bath or shower, at a temperature suitable to the climate, as frequently as necessary for general hygiene according to season and geographical region, but at least once a week in a temperate climate.	13. Adopted. Fully implemented.
14. All parts of an institution regularly used by prisoners shall be properly maintained and kept scrupulously clean at all times.	14. Adopted. Fully implemented.

Personal hygiene

15. Prisoners shall be required to keep their persons clean, and to this end they shall be provided with water and with such toilet articles as are necessary for health and cleanliness.	15. Adopted. Fully implemented.
16. In order that prisoners may maintain a good appearance compatible with their self-respect, facilities shall be provided for the proper care of the hair and beard, and men shall be enabled to shave regularly.	16. Adopted. Fully implemented.

Clothing and bedding

17. (1) Every prisoner who is not allowed to wear his own clothing shall be provided with an outfit of clothing suitable for the climate and adequate to keep him in good health. Such clothing shall in no manner be degrading or humiliating.	17. (1) Adopted. Fully implemented.
(2) All clothing shall be clean and kept in proper condition. Underclothing shall be changed and washed as often as necessary for the maintenance of hygiene.	(2) Adopted. Fully implemented.
(3) In exceptional circumstances, whenever a prisoner is removed outside the institution for an authorised purpose, he shall be allowed to wear his own clothing or other inconspicuous clothing.	(3) Adopted. Fully implemented.
18. If prisoners are allowed to wear their own clothing, arrangements shall be made on their admission to the institution to ensure that it shall be clean and fit for use.	18. Adopted. Fully implemented.
19. Every prisoner shall, in accordance with local or national standards, be provided with a separate bed, and with separate and sufficient bedding which shall be clean when issued, kept in good order and changed often enough to ensure its cleanliness.	19. Adopted. Fully implemented.

Food

20. (1) Every prisoner shall be provided by the administration at the usual hours with food of nutritional value adequate for health and strength, of wholesome quality and well prepared and served.

20. (1) Adopted. Fully implemented.

(2) Drinking water shall be available to every prisoner whenever he needs it.

(2) Adopted. Fully implemented.

Exercise and sport

21. (1) Every prisoner who is not employed in out door work shall have at least one hour of suitable exercise in the open air daily if the weather permits.

21. (1) Adopted. Fully implemented.

(2) Young prisoners, and others of suitable age and physique, shall receive physical and recreational training during the period of exercise. To this end space, installations and equipment should be provided.

Medical Services

22. (1) At every institution there shall be available the services of at least one qualified medical officer who should have some knowledge of psychiatry. The medical services should be organised in close relationship to the general health administration of the community or nation. They shall include a psychiatric service for the diagnosis and, in proper cases, the treatment of states of mental abnormality.

22. (1) Adopted. Fully implemented.

(2) Sick prisoners who require specialist treatment shall be transferred to specialised institutions or to civil hospitals. Where hospital facilities are provided in an institution, their equipment, furnishings and pharmaceutical supplies shall be proper for the medical care and treatment of sick prisoners, and there shall be a staff of suitably trained officers.

(2) Adopted. Fully implemented.

(3) The services of a qualified dental officer shall be available to every prisoner.	(3) Adopted. Fully implemented.
23. (1) In women's institutions there shall be special accommodation for all necessary pre-natal and post-natal care and treatment. Arrangements shall be made wherever practicable for children to be born in a hospital outside the institution. If a child is born in prison, this fact shall not be mentioned in the birth certificate.	23. (1) Adopted. Fully implemented.
(2) Where nursing infants are allowed to remain in the institution with their mothers, provision shall be made for a nursery staffed by qualified persons, where the infants shall be placed when they are not in the care of their mothers.	(2) Adopted. Fully implemented.
24. The medical officer shall see and examine every prisoner as soon as possible after his admission and thereafter as necessary, with a view particularly to the discovery of physical or mental illness and the taking of all necessary measures; the segregation of prisoners suspected of infectious or contagious conditions; the noting of physical or mental defects which might hamper rehabilitation, and the determination of the physical capacity of every prisoner for work.	24. Adopted. Fully implemented. Examination carried out by a medical officer or trained nurse.
25. (1) The medical officer shall have the care of the physical and mental health of the prisoners and should daily see all sick prisoners, all who complain of illness, and any prisoner to whom his attention is specially directed.	25. (1) Adopted. Fully implemented except in respect of minor ailments.
(2) The medical officer shall report to the director whenever he considers that a prisoner's physical or mental health has been or will be injuriously affected by continued imprisonment or by any condition of imprisonment.	(2) Adopted. Fully implemented.
26. (1) The medical officer shall regularly inspect and advise the director upon:	26. (1) Adopted. Fully implemented. Inspections carried out by Medical Officer

(a) The quantity, quality, preparation and service of food;

(b) The hygiene and cleanliness of the institution and the prisoners;

(c) The sanitation, heating, lighting and ventilation of the institution;

(d) The suitability and cleanliness of the prisoners' clothing and bedding;

(e) The observance of the rules concerning physical education and sports, in cases where there is no technical personnel in charge of these activities.

or other trained expert in the field.

(2) The director shall take into consideration the reports and advice that the medical officer submits according to rules 25 (2) and 26 and, in case he concurs with the recommendations made, shall take immediate steps to give effect to those recommendations; if they are not within his competence or if he does not concur with them, he shall immediately submit his own report and the advice of the medical officer to higher authority.

(2) Adopted. Fully implemented.

Discipline and punishment

27. Discipline and order shall be maintained with firmness, but with no more restriction than is necessary for safe custody and well-ordered community life.

27. Adopted. Fully implemented.

28. (1) No prisoner shall be employed, in the service of the institution, in any disciplinary capacity.

28. (1) Adopted. Fully implemented.

(2) This rule shall not, however, impede the proper functioning of systems based on self-government, under which specified social, educational or sports activities or responsibilities are entrusted, under supervision, to prisoners who are formed into groups for the purposes of treatment.

(2) Adopted. Fully implemented.

29. The following shall always be deter-

29. Adopted. Fully imple-

mined by the law or by the regulation of the competent administrative authority:	mented.
(a) Conduct constituting a disciplinary offence;	
(b) The types and duration of punishment which may be inflicted;	
(c) The authority competent to impose such punishment.	
30. (1) No prisoner shall be punished except in accordance with the terms of such law or regulation, and never twice for the same offence.	30. (1) Adopted. Fully implemented.
(2) No prisoner shall be punished unless he has been informed of the offence alleged against him and given a proper opportunity of presenting his defence. The competent authority shall conduct a thorough examination of the case.	(2) Adopted. Fully implemented.
(3) Where necessary and practicable the prisoner shall be allowed to make his defence through an interpreter.	(3) Adopted. Fully implemented.
31. Corporal punishment, punishment by placing in a dark cell, and all cruel, inhuman or degrading punishments shall be completely prohibited as punishments for disciplinary offences.	31. Adopted. Fully implemented.
32. (1) Punishment by close confinement or reduction of diet shall never be inflicted unless the medical officer has examined the prisoner and certified in writing that he is fit to sustain it.	32. (1) Adopted. Fully implemented and punishment never awarded.
(2) The same shall apply to any other punishment that may be prejudicial to the physical or mental health of a prisoner. In no case may such punishment be contrary to or depart from the principle stated in rule 31.	(2) Adopted. Fully implemented.
(3) The medical officer shall visit daily prisoners undergoing such punishments and shall advise the director if he considers the	(3) Adopted. Fully implemented.

termination or alteration of the punishment necessary on grounds of physical or mental health.

Instruments of restraint

33. Instruments of restraint, such as handcuffs, chains, irons and strait-jackets, shall never be applied as a punishment. Furthermore, chains or irons shall not be used as restraints. Other instruments of restraint shall not be used except in the following circumstances:

(a) As a precaution against escape during a transfer, provided that they shall be removed when the prisoner appears before a judicial or administrative authority;

(b) On medical grounds by direction of the medical officer;

(c) By order of the director, if other methods of control fail, in order to prevent a prisoner from injuring himself or others or from damaging property; in such instances the director shall at once consult the medical officer and report to the higher administrative authority.

33. Adopted. Fully implemented.

34. The patterns and manner of use of instruments of restraint shall be decided by the central prison administration. Such instruments must not be applied for any longer time than is strictly necessary.

34. Adopted. Fully implemented.

Information to and complaints by prisoners

35. (1) Every prisoner on admission shall be provided with written information about the regulations governing the treatment of prisoners of his category, the disciplinary requirements of the institution, the authorised methods of seeking information and making complaints, and all such other matters as are necessary to enable him to understand both his rights and his obligations

35. (1) Adopted. Fully implemented.

and to adapt himself to the life of the institution.

(2) If a prisoner is illiterate, the aforesaid information shall be conveyed to him orally.

(2) Adopted. Fully implemented.

36. (1) Every prisoner shall have the opportunity each week day of making requests or complaints to the director of the institution or the officer authorised to represent him.

36. (1) Adopted. Fully implemented.

(2) It shall be possible to make requests or complaints to the inspector of prisons during his inspection. The prisoner shall have the opportunity to talk to the inspector or to any other inspecting officer without the director or other members of the staff being present.

(2) Adopted. Fully implemented.

(3) Every prisoner shall be allowed to make a request or complaint, without censorship as to substance but in proper form, to the central prison administration, the judicial authority or other proper authorities through approved channels.

(3) Adopted. Fully implemented.

(4) Unless it is evidently frivolous or groundless, every request or complaint shall be promptly dealt with and replied to without undue delay.

(4) Adopted. Fully implemented.

Contact with the outside world

37. Prisoners shall be allowed under necessary supervision to communicate with their family and reputable friends at regular intervals, both by correspondence and by receiving visits.

37. Adopted. Fully implemented.

38. (1) Prisoners who are foreign nationals shall be allowed reasonable facilities to communicate with the diplomatic and consular representatives of the State to which they belong.

38. (1) Adopted. Fully implemented.

(2) Prisoners who are nationals of States without diplomatic or consular representation in the country and refugees or stateless persons shall be allowed similar facilities to communicate with the diplomatic representative of the State which takes charge of their interests or any national or international authority whose task it is to protect such persons.

(2) Adopted. Fully implemented.

39. Prisoners shall be kept informed regularly of the more important items of news by the reading of newspapers, periodicals or special institutional publications, by hearing wireless transmissions, by lectures or by any similar means as authorised or controlled by the administration.

39. Adopted. Fully implemented.

Books

40. Every institution shall have a library for the use of all categories of prisoners, adequately stocked with both recreational and instructional books, and prisoners shall be encouraged to make full use of it.

40. Adopted. Fully implemented.

Religion

41. (1) If the institution contains a sufficient number of prisoners of the same religion, a qualified representative of that religion shall be appointed or approved. If the number of prisoners justifies it and conditions permit, the arrangement should be on a full-time basis.

41. (1) Adopted. Fully implemented.

(2) A qualified representative appointed or approved under paragraph (1) shall be allowed to hold regular services and to pay pastoral visits in private to prisoners of his religion at proper times.

(2) Adopted. Fully implemented.

(3) Access to a qualified representative of any religion shall not be refused to any prisoner. On the other hand, if any prisoner should object to a visit of any religious representative, his attitude shall be fully respected.

(3) Adopted. Fully implemented.

42. So far as practicable, every prisoner shall be allowed to satisfy the needs of his religious life by attending the services provided in the institution and having in his possession the books of religious observance and instruction of his denomination.

42. Adopted. Fully implemented.

Retention of prisoners' property

43. (1) All money, valuables, clothing and other effects belonging to a prisoner which under the regulations of the institution he is not allowed to retain shall on his admission to the institution be placed in safe custody. An inventory thereof shall be signed by the prisoner. Steps shall be taken to keep them in good condition.

43. (1) Adopted. Fully implemented.

(2) On the release of the prisoner all such articles and money shall be returned to him except in so far as he has been authorised to spend money or send any such property out of the institution, or it has been found necessary on hygienic grounds to destroy any article of clothing. The prisoner shall sign a receipt for the articles and money returned to him.

(2) Adopted. Fully implemented.

(3) Any money or effects received for a prisoner from outside shall be treated in the same way.

(3) Adopted. Fully implemented.

(4) If a prisoner brings in any drugs or medicine, the medical officer shall decide what use shall be made of them.

(4) Adopted. Fully implemented.

Notification of death, illness, transfer, etc.

44. (1) Upon the death or serious illness of, or serious injury to a prisoner, or his removal to an institution for the treatment of mental affections, the director shall at once inform the spouse, if the prisoner is married, or the nearest relative and shall in any event inform any other person previously designated by the prisoner.

44. (1) Adopted. Fully implemented.

(2) A prisoner shall be informed at once of the death or serious illness of any near relative. In case of the critical illness of a near relative, the prisoner should be authorised, whenever circumstances allow, to go to his bedside either under escort or alone.

(2) Adopted. Fully implemented.

(3) Every prisoner shall have the right to inform at once his family of his imprisonment or his transfer to another institution.

(3) Adopted. Fully implemented.

Removal of prisoners

45. (1) When prisoners are being removed to or from an institution, they shall be exposed to public view as little as possible and proper safeguards shall be adopted to protect them from insult, curiosity and publicity in any form.

45. (1) Adopted. Fully implemented.

(2) The transport of prisoners in conveyances with inadequate ventilation or light, or in any way which would subject them to unnecessary physical hardship, shall be prohibited.

(2) Adopted. Fully implemented.

(3) The transport of prisoners shall be carried out at the expense of the administration and equal conditions shall obtain for all of them.

(3) Adopted. Fully implemented.

Institutional personnel

46. (1) The prison administration, shall provide for the careful selection of every grade of the personnel, since it is on their integrity, humanity, professional capacity and personal suitability for the work that the proper administration of the institution depends.

46. (1) Adopted. Fully implemented.

(2) The prison administration shall constantly seek to awaken and maintain in the minds both of the personnel and of the public the conviction that this work is a

(2) Adopted. Fully implemented.

social service of great importance, and to this end all appropriate means of informing the public should be used.

(3) To secure the foregoing ends, personnel shall be appointed on a full-time basis as professional prison officers and have civil service status with security of tenure subject only to good conduct, efficiency and physical fitness. Salaries shall be adequate to attract and retain suitable men and women; employment benefits and conditions of service shall be favourable in view of the exacting nature of the work.

(3) Adopted. Fully implemented.

47. (1) The personnel shall possess an adequate standard of education and intelligence.

47. (1) Adopted. Fully implemented.

(2) Before entering on duty, the personnel shall be given a course of training in their general and specific duties and be required to pass theoretical and practical tests.

(2) Adopted. Fully implemented.

(3) After entering on duty and during their career, the personnel shall maintain and improve their knowledge and professional capacity by attending courses of in-service training to be organised at suitable intervals.

(3) Adopted. Fully implemented.

48. All members of the personnel shall at all times so conduct themselves and perform their duties as to influence the prisoners for good by their examples and to command their respect.

48. Adopted. Fully implemented.

49. (1) So far as possible, the personnel shall include a sufficient number of specialists such as psychiatrists, psychologists, social workers, teachers and trade instructors.

49. (1) Adopted. Fully implemented.

(2) The services of social workers, teachers and trade instructors shall be secured on a permanent basis, without thereby excluding part-time or voluntary workers.

(2) Adopted. Fully implemented.

50. (1) The director of an institution should be adequately qualified for his task by character, administrative ability, suitable training and experience.	50. (1) Adopted. Fully implemented.
(2) He shall devote his entire time to his official duties and shall not be appointed on a part-time basis.	(2) Adopted. Fully implemented.
(3) He shall reside on the premises of the institution or in its immediate vicinity.	(3) Adopted. Fully implemented.
(4) When two or more institutions are under the authority of one director, he shall visit each of them at frequent intervals. A responsible resident official shall be in charge of each of these institutions.	(4) Adopted. Fully implemented.
51. (1) The director, his deputy, and the majority of the other personnel of the institution shall be able to speak the language of the greatest number of prisoners, or a language understood by the greatest number of them.	51. (1) Adopted. Fully implemented.
(2) Whenever necessary, the services of an interpreter shall be used.	(2) Adopted. Fully implemented.
52. (1) In institutions which are large enough to require the services of one or more full-time medical officers, at least one of them shall reside on the premises of the institution or in its immediate vicinity.	52. (1) Adopted. Fully implemented at Malabar Complex only.
(2) In other institutions the medical officer shall visit daily and shall reside near enough to be able to attend without delay in cases of urgency.	(2) Adopted. Fully implemented. Daily visits as required.
53. (1) In an institution for both men and women, the part of the institutions set aside for women shall be under the authority of a responsible woman officer who shall have the custody of the keys of all that part of the institution.	53. (1) Adopted. Fully implemented.

(2) No male member of the staff shall enter the part of the institution set aside for women unless accompanied by a woman officer.

(2) Adopted. Fully implemented.

(3) Women prisoners shall be attended and supervised only by women officers. This does not, however, preclude male members of the staff, particularly doctors and teachers, from carrying out their professional duties in institutions or parts of institutions set aside for women.

(3) Adopted. Fully implemented.

54. (1) Officers of the institutions shall not, in their relations with the prisoners, use force except in self-defence or in cases of attempted escape, or active or passive physical resistance to an order based on law or regulations. Officers who have recourse to force must use no more than is strictly necessary and must report the incident immediately to the director of the institution.

54. (1) Adopted. Fully implemented.

(2) Prison officers shall be given special physical training to enable them to restrain aggressive prisoners.

(2) Adopted. Fully implemented.

(3) Except in special circumstances, staff performing duties which bring them into direct contact with prisoners should not be armed. Furthermore, staff should in no circumstances be provided with arms unless they have been trained in their use.

(3) Adopted. Fully implemented.

Inspection

55. There shall be a regular inspection of penal institutions and services by qualified and experienced inspectors appointed by a competent authority. Their task shall be in particular to ensure that these institutions are administered in accordance with existing laws and regulations and with a view to bringing about the objectives of penal and correctional services.

55. Adopted. Fully implemented.

PART II. RULES APPLICABLE TO SPECIAL CATEGORIES

A. Prisoners under Sentence

Guiding principles

56. The guiding principles hereafter are intended to show the spirit in which penal institutions should be administered and the purposes at which they should aim, in accordance with the declaration made under Preliminary Observation 1 of the present text.	56. Noted.
57. Imprisonment and other measures which result in cutting off an offender from the outside world are afflictive by the very fact of taking from the person the right of self-determination by depriving him of his liberty. Therefore the prison system shall not, except as incidental to justifiable segregation or the maintenance of discipline, aggravate the suffering inherent in such a situation.	57. Adopted. Fully implemented.
58. The purpose and justification of a sentence of imprisonment or a similar measure deprivative of liberty is ultimately to protect society against crime. This end can only be achieved if the period of imprisonment is used to ensure, so far as possible, that upon his return to society the offender is not only willing but able to lead a law-abiding and self-supporting life.	58. Adopted. Fully implemented.
59. To this end, the institution should utilise all the remedial, educational, moral, spiritual and other forces and forms of assistance which are appropriate and available, and should seek to apply them according to the individual treatment needs of the prisoners.	59. Adopted. Fully implemented.
60. (1) The regime of the institution should seek to minimise any differences between prison life and life at liberty which	60. (1) Adopted. Fully implemented.

tend to lessen the responsibility of the prisoners or the respect due to their dignity as human beings.

(2) Before the completion of the sentence, it is desirable that the necessary steps be taken to ensure for the prisoner a gradual return to life in society. This aim may be achieved, depending on the case, by a pre-release regime organised in the same institution or in another appropriate institution, or by release on trial under some kind of supervision which must not be entrusted to the police but should be combined with effective social aid.

(2) Adopted. Fully implemented.

61. The treatment of prisoners should emphasise not their exclusion from the community, but their continuing part in it. Community agencies should, therefore, be enlisted wherever possible to assist the staff of the institution in the task of social rehabilitation of the prisoners. There should be in connexion with every institution, social workers charged with the duty of maintaining and improving all desirable relations of a prisoner with his family and with valuable social agencies. Steps should be taken to safeguarding the maximum extent compatible with the law and the sentence, the rights relating to civil interests, social security rights and other social benefits of prisoners.

61. Adopted. Fully implemented.

62. The medical services of the institution shall seek to detect and shall treat any physical or mental illnesses or defects which may hamper a prisoner's rehabilitation. All necessary medical, surgical and psychiatric services shall be provided to that end.

62. Adopted. Fully implemented.

63. (1) The fulfilment of these principles requires individualisation of treatment and for this purpose a flexible system of classifying prisoners in groups; it is therefore desirable that such groups should be distributed in separate institutions suitable for the treatment of each group.

63. (1) Adopted. Fully implemented.

(2) These institutions need not provide the same degree of security for every group. It is desirable to provide varying degrees of security according to the needs of different groups. Open institutions, by the very fact that they provide no physical security against escape but rely on the self-discipline of the inmates, provide the conditions most favourable to rehabilitation for carefully selected prisoners.

(2) Adopted. Fully implemented.

(3) It is desirable that the number of prisoners in closed institutions should not be so large that the individualisation of treatment is hindered. In some countries it is considered that the population of such institutions should not exceed five hundred. In open institutions the population should be as small as possible.

(3) Adopted. Fully implemented.

(4) On the other hand, it is undesirable to maintain prisons which are so small that proper facilities cannot be provided.

(4) Adopted. Fully implemented.

64. The duty of society does not end with a prisoner's release. There should, therefore, be governmental or private agencies capable of lending the released prisoner efficient after-care directed towards the lessening of prejudice against him and towards his social rehabilitation.

64. Adopted. Fully implemented.

Treatment

65. The treatment of persons sentenced to imprisonment or a similar measure shall have as its purpose, so far as the length of the sentence permits, to establish in them the will to lead law-abiding and self-supporting lives after their release and to fit them to do so. The treatment shall be such as will encourage their self-respect and develop their sense of responsibility.

65. Adopted. Fully implemented.

66. (1) To these ends, all appropriate means shall be used, including religious care in the countries where this is possible, education, vocational guidance and training,

66. (1) Adopted. Fully implemented.

social casework, employment counselling, physical development and strengthening of moral character, in accordance with the individual needs of each prisoner, taking account of his social and criminal history, his physical and mental capacities and aptitudes, his personal temperament, the length of his sentence and his prospects after release.

(2) For every prisoner with a sentence of suitable length, the director shall receive, as soon as possible after his admission, full reports on all the matters referred to in the foregoing paragraph. Such reports shall always include a report by a medical officer, wherever possible qualified in psychaitry, on the physical and mental condition of the prisoner.

(2) Adopted. Fully implemented.

(3) The reports and other relevant documents shall be placed in an individual file. This file shall be kept up to date and classified in such a way that it can be consulted by the responsible personnel whenever the need arises.

(3) Adopted. Fully implemented.

Classification and individualisation

67. The purposes of classification shall be:

(a) To separate from others those prisoners who, by reason of their criminal records or bad characters, are likely to exercise a bad influence;

(b) To divide the prisoners into classes in order to facilitate their treatment with a view to their social rehabilitation.

67. Adopted. Fully implemented.

68. So far as possible separate institutions or separate sections of an institution shall be used for the treatment of the different classes of prisoners.

68. Adopted. Fully implemented.

69. As soon as possible after admission and after a study of the personality of each prisoner with a sentence of suitable length,

69. Adopted. Fully implemented.

a program of treatment shall be prepared for him in the light of the knowledge obtained about his individual needs, his capacities and dispositions.

Privileges

70. Systems of privileges appropriate for the different classes of prisoners and the different methods of treatment shall be established at every institution, in order to encourage good conduct, develop a sense of responsibility and secure the interest and cooperation of the prisoners in their treatment.

70. Adopted. Fully implemented.

Work

71. (1) Prison labour must not be of an afflictive nature.

71. (1) Adopted. Fully implemented.

(2) All prisoners under sentence shall be required to work, subject to their physical and mental fitness as determined by the medical officer.

(2) Adopted. Fully implemented subject to availability of employment.

(3) Sufficient work of a useful nature shall be provided to keep prisoners actively employed for a normal working day.

(3) Adopted. Fully implemented where work available.

(4) So far as possible the work provided shall be such as will maintain or increase the prisoner's ability to earn an honest living after release.

(4) Adopted. Fully implemented.

(5) Vocational training in useful trades shall be provided for prisoners able to profit thereby and especially for young prisoners.

(5) Adopted. Fully implemented.

(6) Within the limits compatible with proper vocational selection and with the requirements of institutional administration and discipline, the prisoners shall be able to choose the type of work they wish to perform.

(6) Adopted. Fully implemented.

72. (1) The organisation and methods of work in the institutions shall resemble as

72. (1) Adopted. Fully implemented.

closely as possible those of similar work outside institutions, so as to prepare prisoners for the conditions of normal occupational life.

(2) The interests of the prisoners and of their vocational training, however, must not be subordinated to the purpose of making a financial profit from an industry in the institution.

(2) Adopted. Fully implemented.

73. (1) Preferably institutional industries and farms should be operated directly by the administration and not by private contractors.

73. (1) Adopted. Fully implemented.

(2) Where prisoners are employed in work not controlled by the administration, they shall always be under the supervision of the institution's personnel. Unless the work is for other departments of the government the full normal wages for such work shall be paid to the administration by the persons to whom the labour is supplied, account being taken of the output of the prisoners.

(2) Adopted. Fully implemented.

74. (1) The precautions laid down to protect the safety and health of free workmen shall be equally observed in institutions.

74. (1) Adopted. Fully implemented.

(2) Provision shall be made to indemnify prisoners against industrial injury, including occupational disease, on terms not less favourable than those extended by law to free workmen.

(2) Adopted. Fully implemented.

75. (1) The maximum daily and weekly working hours of the prisoners shall be fixed by law or by administrative regulation, taking into account local rules or custom in regard to the employment of free workmen.

75. (1) Adopted. Fully implemented.

(2) The hours so fixed shall leave one rest day a week and sufficient time for education and other activities required as part of the treatment and rehabilitation of the prisoners.

(2) Adopted. Fully implemented.

76. (1) There shall be a system of equitable remuneration of the work of prisoners.	76. (1) Adopted. Fully implemented.
(2) Under the system prisoners shall be allowed to spend at least a part of their earnings on approved articles for their own use and to send a part of their earnings to their family.	(2) Adopted. Fully implemented.
(3) The system should also provide that a part of the earnings should be set aside by the administration so as to constitute a savings fund to be handed over to the prisoner on his release.	(3) Adopted. Fully implemented.
Education and recreation	
77. (1) Provision shall be made for the further education of all prisoners capable of profiting thereby, including religious instruction in the countries where this is possible. The education of illiterates and young prisoners shall be compulsory and special attention shall be paid to it by the administration.	77. (1) Adopted. Fully implemented. Prisoners encouraged but not compelled.
(2) So far as practicable, the education of prisoners shall be integrated with the educational system of the country so that after their release they may continue their education without difficulty.	(2) Adopted. Fully implemented.
78. Recreational and cultural activities shall be provided in all institutions for the benefit of the mental and physical health of prisoners.	78. Adopted. Fully implemented.
Social relations and after-care	
79. Special attention shall be paid to the maintenance and improvement of such relations between a prisoner and his family as are desirable in the best interests of both.	79. Adopted. Fully implemented.
80. From the beginning of a prisoner's sentence consideration shall be given to his future after release and he shall be encouraged	80. Adopted. Fully implemented.

and assisted to maintain or establish such relations with persons or agencies outside the institution as may promote the best interests of his family and his own social rehabilitation.

81. (1) Services and agencies, governmental or otherwise, which assist released prisoners to re-establish themselves in society shall ensure, so far as is possible and necessary, that released prisoners be provided with appropriate documents and identification papers, have suitable homes and work to go to, are suitably and adequately clothed having regard to the climate and season, and have sufficient means to reach their destination and maintain themselves in the period immediately following their release.

81. (1) Adopted. Fully implemented.

(2) The approved representatives of such agencies shall have all necessary access to the institution and to prisoners and shall be taken into consultation as to the future of a prisoner from the beginning of his sentence.

(2) Adopted. Fully implemented.

(3) It is desirable that the activities of such agencies shall be centralised or co-ordinated as far as possible in order to secure the best use of their efforts.

(3) Adopted. Fully implemented.

B. Insane and Mentally Abnormal Prisoners

82. (1) Persons who are found to be insane shall not be detained in prisons and arrangements shall be made to remove them to mental institutions as soon as possible.

82. (1) Adopted. Fully implemented.

(2) Prisoners who suffer from other mental diseases or abnormalities shall be observed and treated in specialised institutions under medical management.

(2) Adopted. Fully implemented.

(3) During their stay in a prison, such prisoners shall be placed under the special supervision of a medical officer.

(3) Adopted. Fully implemented.

(4) The medical or psychiatric service of the penal institutions shall provide for the psychiatric treatment of all other prisoners who are in need of such treatment.

(4) Adopted. Fully implemented.

83. It is desirable that steps should be taken, by arrangement with the appropriate agencies, to ensure if necessary the continuation of psychiatric treatment after release and the provision of social-psychiatric after-care.

83. Adopted. Fully implemented through Parole Officers.

C. Prisoners under Arrest or Awaiting Trial

84. (1) Persons arrested or imprisoned by reason of a criminal charge against them, who are detained either in police custody or in prison custody (jail) but have not yet been tried and sentenced, will be referred to as 'untried prisoners' hereinafter in these rules.

84. (1) Noted.

(2) Unconvicted prisoners are presumed to be innocent and shall be treated as such.

(2) Noted.

(3) Without prejudice to legal rules for the protection of individual liberty or prescribing the procedure to be observed in respect of untried prisoners, these prisoners shall benefit by a special regime which is described in the following rules in its essential requirements only.

(3) Noted.

85. (1) Untried prisoners shall be kept separate from convicted prisoners.

85. (1) Adopted. Fully implemented where practicable.

(2) Young untried prisoners shall be kept separate from adults and shall in principle be detained in separate institutions.

(2) Adopted. Fully implemented.

86. Untried prisoners shall sleep singly in separate rooms, with the reservation of different local custom in respect of the climate.

86. Adopted. Fully implemented where accommodation facilities permit.

87. Within the limits compatible with the good order of the institution, untried prisoners may, if they so desire, have their

87. Adopted. Fully implemented.

food procured at their own expense from the outside, either through the administration or through their family or friends. Otherwise, the administration shall provide their food.

88. (1) An untried prisoner shall be allowed to wear his own clothing if it is clean and suitable.

88. (1) Adopted. Fully implemented.

(2) If he wears prison dress, it shall be different from that supplied to convicted prisoners.

(2) Adopted. May change for reasons of economy.

89. An untried prisoner shall always be offered opportunity to work, but shall not be required to work. If he chooses to work, he shall be paid for it.

89. Adopted. Fully implemented.

90. An untried prisoner shall be allowed to procure at his own expense or at the expense of a third party such books, newspapers, writing materials and other means of occupation as are compatible with the interests of the administration of justice and the security and good order of the institution.

90. Adopted. Fully implemented.

91. An untried prisoner shall be allowed to be visited and treated by his own doctor or dentist if there is reasonable ground for his application and he is able to pay any expenses incurred.

91. Adopted. Fully implemented.

92. An untried prisoner shall be allowed to inform immediately his family of his detention and shall be given all reasonable facilities for communicating with his family and friends, and for receiving visits from them, subject only to such restrictions and supervision as are necessary in the interests of the administration of justice and of the security and good order of the institution.

92. Adopted. Fully implemented.

93. For the purposes of his defence, an untried prisoner shall be allowed to apply for free legal aid where such aid is available, and to receive visits from his legal adviser with a view to his defence and to prepare and hand to him confidential instructions.

93. Adopted. Fully implemented.

For these purposes, he shall if he so desires be supplied with writing material. Interviews between the prisoner and his legal adviser may be within sight but not within the hearing of a police or institution official.

D. Civil Prisoners

94. In countries where the law permits imprisonment for debt or by order of a court under any other non-criminal process, persons so imprisoned shall not be subjected to any greater restriction or severity than is necessary to ensure safe custody and good order. Their treatment shall be not less favourable than that of untried prisoners, with the reservation, however, that they possibly be required to work.

94. Adopted. Fully implemented.

B. RECOMMENDATIONS ON THE SELECTION AND TRAINING OF PERSONNEL FOR PENAL AND CORRECTIONAL INSTITUTIONS

A. Modern Conception of Prison Service

1. Prison service in the nature of a social service

I.

(1) Attention is drawn to the change in the nature of prison staffs which results from the development in the conception of their duty from that of guards to that of members of an important social service demanding ability, appropriate training and good team work on the part of every member.

(1) Noted.

(2) An effort should be made to arouse and keep in the minds both of the public and of the staff an understanding of the nature of modern prison service. For this purpose all appropriate means of informing the public should be used.

(2) Adopted.

II. Specialisation of functions

II.

(1) This new conception is reflected in the tendency to add to the staff an increasing number of specialists, such as doctors, psychiatrists, psychologists, social workers, teachers, technical instructors.

(1) Noted.

(2) This is a healthy tendency and it is recommended that it should be favourably considered by governments even though additional expense would be involved.

(2) Adopted. Fully implemented.

III. Coordination

III.

(1) The increasing specialisation may, however, hamper an integrated approach to the treatment of prisoners and present problems in the coordination of the work of the various types of specialised staff.

(1) Noted.

(2) Consequently, in the treatment of prisoners, it is necessary to ensure that all the specialists concerned work together as a team.

(2) Adopted.

(3) It is also considered necessary to ensure, by the appointment of a coordinating committee or otherwise, that all the specialised services follow a uniform approach. In this way the members of the staff will also have the advantage of gaining a clearer insight into the various aspects of the problems involved.

(3) Adopted. Fully implemented.

B. Status of Staff and Conditions of Service

IV. Civil service status

IV.

Full-time prison staff should have the status of civil servants, that is, they should:

(a) Be employed by the government of the country or State and hence be governed by civil service rules;

(a) Adopted. Fully implemented.

(b) Be recruited according to certain rules of selection such as competitive

(b) Adopted. Fully implemented.

examination;

(c) Have security of tenure subject only to good conduct, efficiency and physical fitness;

(c) Adopted. Fully implemented.

(d) Have permanent status and be entitled to the advantages of a civil service career in such matters as promotion, social security, allowances, and retirement or pension benefits.

(d) Adopted. Fully implemented.

V. Full-time employment

V.

(1) Prison staff, with the exception of certain professional and technical grades, should devote their entire time to their duties and therefore be appointed on a full-time basis.

(1) Adopted.

(2) In particular, the post of director of an institution must not be a part-time appointment.

(2) Adopted. Fully implemented.

(3) The services of social workers, teachers and trade instructors should be secured on a permanent basis, without thereby excluding part-time workers.

(3) Adopted. Fully implemented.

VI. Conditions of service in general

VI.

(1) The conditions of service of institutional staff should be sufficient to attract and retain the best qualified persons.

(1) Adopted. Fully implemented.

(2) Salaries and other employment benefits should not be arbitrarily tied to those of other public servants but should be related to the work to be performed in a modern prison system, which is complex and arduous and is in the nature of an important social service.

(2) Adopted. Fully implemented.

(3) Sufficient and suitable living quarters should be provided for the prison staff in the vicinity of the institution.

(3) Adopted. Fully implemented to the extent necessary.

VII. Non-military organisation of the staff	VII.
(1) Prison staff should be organised on civilian lines with a division into ranks or grades as this type of administration requires.	(1) Adopted. Fully implemented.
(2) Custodial staff should be organised in accordance with the disciplinary rules of the penal institution in order to maintain the necessary grade distinctions and order.	(2) Adopted. Fully implemented.
(3) Staff should be specially recruited and not seconded from the armed forces or police or other public services.	(3) Adopted. Fully implemented.
VIII. Carrying of arms	VIII.
(1) Except in special circumstances, staff performing duties which bring them into direct contact with prisoners should not be armed.	(1) Adopted. Fully implemented.
(2) Staff should in no circumstances be provided with arms unless they have been trained in their use.	(2) Adopted. Fully implemented.
(3) It is desirable that prison staff should be responsible for guarding the enclosure of the institution.	(3) Adopted. Fully implemented.
C. Recruitment of Staff	
IX. Competent authority and general administrative methods	IX.
(1) As far as possible recruitment should be centralised, in conformity with the structure of each State, and be under the direction of the superior or central prison administration.	(1) Adopted. Fully implemented.
(2) Where other State bodies such as a civil service commission are responsible for recruitment, the prison administration should not be required to accept a candidate whom they do not regard as suitable.	(2) Adopted. Fully implemented.

(3) Provision should be made to exclude political influence in appointments to the staff of the prison service.	(3) Adopted. Fully implemented.
X. General conditions of recruitment	X.
(1) The prison administration should be particularly careful in the recruitment of staff, selecting only persons having the requisite qualities of integrity, humanitarian approach, competence and physical fitness.	(1) Adopted. Fully implemented.
(2) Members of the staff should be able to speak the language of the greatest number of prisoners or a language understood by the greatest number of them.	(2) Adopted. Fully implemented.
XI. Custodial staff	XI.
(1) The educational standards and intelligence of this staff should be sufficient to enable them to carry out their duties effectivcly and to profit by whatever in-service training courses are provided.	(1) Adopted. Fully implemented.
(2) Suitable intelligence, vocational and physical tests for the scientific evaluation of the candidates' capacities are recommended in addition to the relevant competitive examinations.	(2) Adopted. Fully implemented.
(3) Candidates who have been admitted should serve a probationary period to allow the competent authorities to form an opinion of their personality, character and ability.	(3) Adopted. Fully implemented.
XII. Higher administration	XII.
Special care should be taken in the appointment of persons who are to fill posts in the higher administration of the prison services; only persons who are suitably trained and have sufficient knowledge and experience should be considered.	Adopted. Fully implemented.

XIII. Directors or executive staff	XIII.
(1) The directors or assistant directors of institutions should be adequately qualified for their functions by reason of their character, administrative ability, training and experience.	(1) Adopted Fully implemented.
(2) They should have a good educational background and a vocation for the work. The administration should endeavour to attract persons with specialised training which offers adequate preparation for prison service.	(2) Adopted. Fully implemented.
XIV. Specialised and administrative staff	XIV.
(1) The staff performing specialised functions, including administrative functions, should possess the professional or technical qualifications required for each of the various functions in question.	(1) Adopted. Fully implemented.
(2) The recruitment of specialised staff should therefore be based on the professional training diplomas or university degrees evidencing their special training.	(2) Adopted. Fully implemented.
(3) It is recommended that preference should be given to candidates who, in addition to such professional qualifications, have a second degree or qualification, or specialised experience in prison work.	(3) Adopted. Fully implemented.
XV. Staff of women's institutions	XV.
The staff of women's institutions should consist of women. This does not, however, preclude male members of the staff, particularly doctors and teachers, from carrying out their professional duties in institutions or parts of institutions set aside for women. Female staff, whether lay or religious, should, as far as possible, possess the same qualifications as those required for appointment to institutions for men.	Adopted. Fully implemented.

D. Professional Training

XVI. Training prior to final appointment	XVI.
Before entering on duty, staff should be given a course of training in their general duties, with a view particularly to social problems, and in their specific duties and be required to pass theoretical and practical examinations.	Adopted. Fully implemented.
XVII. Custodial staff	XVII.
(1) A program of intensive professional training for custodial staff is recommended. The following might serve as an example for the organisation of such training in three stages.	(1) Adopted. Fully implemented.
(2) The first stage should take place in a penal institution, its aim being to familiarise the candidate with the special problems of the profession and at the same time to ascertain whether he possesses the necessary qualities. During this initial phase, the candidate should not be given any responsibility, and his work should be constantly supervised by a member of the regular staff. The director should arrange an elementary course in practical subjects for the candidates.	(2) Adopted. Fully implemented.
(3) During the second stage, the candidate should attend a school or course organised by the superior or central prison administration, which should be responsible for the theoretical and practical training of officers in professional subjects. Special attention should be paid to the technique of relations with the prisoners, based on the elementary principles of psychology and criminology. The training courses should moreover comprise lessons on the elements of penology, prison administration, penal law and related matters.	(3) Adopted. Fully implemented.
(4) It is desirable that during the first two stages candidates should be admitted	(4) Adopted. Fully implemented.

and trained in groups, so as to obviate the possibility of their being prematurely employed in the service and to facilitate the organisation of courses of training.

(5) The third stage, intended for candidates who have satisfactorily completed the first two and shown the greatest interest and a vocation for the service, should consist of actual service during which they will be expected to show that they possess all the requisite qualifications. They should also be offered an opportunity to attend more advanced training courses in psychology, criminology, penal law, penology and related subjects.

(5) Adopted. Fully implemented.

XVIII. Directors or executive staff

XVIII.

(1) As methods vary greatly from country to country at the present time, the necessity for adequate training, which directors and assistant directors should have received prior to their appointment in conformity with paragraph XIII above, should be recognised as a general rule.

(1) Adopted. Fully implemented.

(2) Where persons from the outside with no previous experience of the work but with proved experience in similar fields are recruited as directors, they should, before taking up their duties, receive theoretical training and gain practical experience of prison work for a reasonable period, it being understood that a diploma granted by a specialised vocational school or a university degree in a relevant subject may be considered as sufficient theoretical training.

(2) Adopted. Fully implemented.

XIX. Specialised staff

XIX.

The initial training to be required from specialised staff is determined by the conditions or recruitment, as described in paragraph XIV above.

Adopted. Fully implemented.

XX. Regional training institutes for prison personnel	XX.
The establishment of regional institutes for the training of the staff of penal and correctional institutions should be encouraged.	Noted. Current policy for the time being.
XXI. Physical training and instruction in the use of arms	XXI.
(1) Prison officers shall be given special training to enable them to restrain aggressive prisoners by the means prescribed by the authorities in accordance with the relevant rules and regulations.	(1) Adopted. Fully implemented.
(2) Officers who are provided with arms shall be trained in their use and instructed in the regulations governing their use.	(2) Adopted. Fully implemented.
XXII. In-service training	XXII.
(1) After taking up their duties and during their career, staff should maintain and improve their knowledge and professional capacity by attending advanced courses of in-service training which are to be organised periodically.	(1) Adopted. Fully implemented.
(2) The in-service training of custodial staff should be concerned with questions of principle and technique rather than solely with rules and regulations.	(2) Adopted. Fully implemented.
(3) Whenever any type of special training is required it should be at the expense of the State and those undergoing training should receive the pay and allowances of their grade. Supplementary training to fit the officer for promotion may be at the expense of the officer and in his own time.	(3) Adopted. Fully implemented.
XXIII. Discussion groups, visits to institutions, seminars for senior personnel	XXIII.
(1) For senior staff, group discussions are recommended on matters of practical	(1) Adopted. Fully implemented.

interest rather than on academic subjects, combined with visits to different types of institutions, including those outside the penal system. It would be desirable to invite specialists from other countries to participate in such meetings.

(2) It is also recommended that exchanges be organised between various countries in order to allow senior personnel to obtain practical experience in institutions of other countries.

(2) Adopted as policy.

XXIV. Joint consultation, visits and meetings for all grades of staff

XXIV.

(1) Methods of joint consultation should be established to enable all grades of prison personnel to express their opinion on the methods used in the treatment of prisoners. Moreover, lectures, visits to other institutions and, if possible, regular seminars should be organised for all categories of staff.

(1) Adopted. Fully implemented.

(2) It is also recommended that meetings should be arranged at which the staff may exchange information and discuss questions of professional interest.

(2) Adopted. Fully implemented.

C. RECOMMENDATIONS ON OPEN PENAL AND CORRECTIONAL INSTITUTIONS

I. An open institution is characterised by the absence of material or physical precautions against escape (such as walls, locks, bars, armed or other special security guards), and by a system based on self-discipline and the inmate's sense of responsibility towards the group in which he lives. This system encourages the inmate to use the freedom accorded to him without abusing it. It is these characteristics which distinguish the open institution from other types of institutions, some of which are run on the same

1. Adopted. Fully implemented.

principles without, however, realising them to the full.

II. The open institution ought, in principle, to be an independent establishment; it may, however, where necessary, form a separate annex to an institution of another type.

II. Adopted. Fully implemented.

III. In accordance with each country's prison system, prisoners may be sent to such an institution either at the beginning of their sentence or after they have served part of it in an institution of a different type.

III. Adopted. Fully implemented.

IV. The criterion governing the selection of prisoners for admission to an open institution should be, not the particular penal or correctional category to which the offender belongs, nor the length of his sentence, but his suitability for admission to an open institution and the fact that his social readjustment is more likely to be achieved by such a system than by treatment under other forms of detention. The selection should, as far as possible, be made on the basis of a medico-psychological examination and a social investigation.

IV. Adopted. Fully implemented.

V. Any inmate found incapable of adapting himself to treatment in an open institution or whose conduct is seriously detrimental to the proper control of the institution or has an unfortunate effect on the behaviour of other inmates should be transferred to an institution of a different type.

V. Adopted. Fully implemented.

VI. The success of an open institution depends on the fulfilment of the following conditions in particular:

VI.

(a) If the institution is situated in the country, it should not be so isolated as to obstruct the purpose of the institution or to cause excessive inconvenience to the staff.

(a) Adopted. Fully implemented.

(b) With a view to their social rehabilitation, prisoners should be employed in

(b) Adopted. Fully implemented.

work which will prepare them for useful and remunerative employment after release. While the provision of agricultural work is an advantage, it is desirable also to provide workshops in which prisoners can receive vocational and industrial training.

(c) If the process of social readjustment is to take place in an atmosphere of trust, it is essential that the members of the staff should be acquainted with and understand the character and special needs of each prisoner and that they should be capable of exerting a wholesome moral influence. The selection of the staff should be governed by these considerations.

(c) Adopted. Fully implemented.

(d) For the same reason, the number of inmates should remain within such bounds as to enable the director and senior officers of the staff to become thoroughly acquainted with each prisoner.

(d) Adopted. Fully implemented.

(e) It is necessary to obtain the effective cooperation of the public in general and of the surrounding community in particular for the operation of open institutions. For this purpose it is therefore, among other things, necessary to inform the public of the aims and methods of each open institution, and also of the fact that the system applied in it requires a considerable moral effort on the part of the prisoner. In this connexion, local and national media of information may play a valuable part.

(e) Adopted. Fully implemented.

VII. In applying the system of open institutions each country, with due regard for its particular social, economic and cultural conditions, should be guided by the following observations:

VII.

(a) Countries which are experimenting with the open system for the first time should refrain from laying down rigid

(a) Adopted. Fully implemented.

and detailed regulations in advance for the operation of open institutions;

(b) During the experimental stage they should be guided by the methods of organisation and the procedure already found to be effective in countries which are more advanced in this respect.

(b) Adopted. Fully implemented.

VIII. While in the open institution the risk of escape and the danger that the inmate may make improper use of his contacts with the outside world are admittedly greater than in other types of penal institutions, these disadvantages are amply outweighed by the following advantages, which make the open institution superior to the other types of institution:

VIII.

(a) The open institution is more favourable to the social readjustment of the prisoners and at the same time more conducive to their physical and mental health.

(a) Noted.

(b) The flexibility inherent in the open system is expressed in a liberalisation of the regulations; the tensions of prison life are relieved and discipline consequently improves. Moreover, the absence of material and physical constraint and the relations of greater confidence between prisoners and staff tend to create in the prisoners a genuine desire for social readjustment.

(b) Noted.

(c) The conditions of life in open institutions resemble more closely those of normal life. Consequently, desirable contacts can more easily be arranged with the outside world and the inmate can thus be brought to realise that he has not severed all links with society; in this connexion it might perhaps be possible to arrange, for instance, group walks, sporting competitions with outside teams, and even individual leave of absence, particularly for the purpose of preserving family ties.

(c) Adopted. Fully implemented.

(d) The same measure is less costly if applied in an open institution than in an institution of another type, in particular because of lower building cost, and in the case of an agricultural institution, the higher income obtained from cultivation, if cultivation is organised in a rational manner.	(d) Noted.
IX. In conclusion, the United Nations Congress on the Prevention of Crime and the Treatment of Offenders:	IX.
(a) Considers that the open institution marks an important step in the development of modern prison systems and represents one of the most successful applications of the principle of the individualisation of penalties with a view to social readjustment;	(a) Noted.
(b) Believes that the system of open institutions could contribute to decreasing the disadvantages of short-term sentences of imprisonment;	(b) Noted.
(c) Consequently recommends the extension of the open system to the largest possible number of prisoners, subject to the fulfilment of the conditions set forth in the foregoing recommendations;	(c) Adopted. Fully implemented.
(d) Recommends the compilation of statistics supplemented by follow-up studies conducted, in so far as possible, with the help of independent scientific authorities, which will make it possible to assess, from the point of view of recidivism and social rehabilitation, the results of treatment in open institutions.	(d) Recidivism Statistics have been collected generally on a representative sample of the prison population as a whole. Further analysis is required in order to identify recidivism rates relating to offenders released from open institutions.

SUMMARY

UNITED NATIONS RULES NOT FULLY IMPLEMENTED

A. Recommendations on the Standard Minimum Rules for the Treatment of Prisoners

8. Partially implemented. All prisoners separated as far as practicable. Men and women prisoners are detained in separate institutions.

9. (1) Partially implemented only because of the lack of sufficient accommodation.

85. (1) Fully implemented where practicable.

86. Fully implemented where accommodation facilities permit.

88. (2) Adopted. May change for reasons of economy.

B. Recommendations on the Selection and Training of Personnel for Penal and Correctional Institutions

All fully implemented.

C. Recommendations on Open Penal and Correctional Institutions

All fully implemented.

CANADA

Canada

J.W. BRAITHWAITE

OVERVIEW

The Correctional Service of Canada is an integral part of the Canadian criminal justice system which includes the body of criminal laws, law enforcement agencies, the courts and judiciary, and correctional services. Jurisdiction over these various components is shared and divided among all levels of government: federal, provincial and municipal.

The legislative and constitutional framework which guides the Correctional Service of Canada is set out by the British North America Act, the Criminal Code of Canada, the Penitentiary Act and Regulations, the Parole Act and various international agreements such as the United Nations Standard Minimum Rules for the Treatment of Prisoners, and the International Convenant on Civil and Political Rights.

The British North America Act gives responsibility for penitentiaries to the federal government, while provincial governments are responsible for reformatories and jails. The Criminal Code of Canada further defines these responsibilities by providing that persons sentenced to imprisonment for two years or more shall be imprisoned in a federal penitentiary, while those receiving sentences of less than two years shall be imprisoned in provincial institutions.

On a daily average, there are approximately 23,000 individuals incarcerated in Canada, excluding those who are held for short durations in police lock-ups. This represents an imprisonment rate of approximately 95 per 100,000 which is about half that of the United States but four times the rate in the Netherlands.

Corrections in Canada present the second highest expenditure within the total criminal justice budget, the highest being police. In 1979-80, total expenditures for adult corrections in Canada

amounted to $724 million. This represents approximately 21 per cent of the total expenditures related to criminal justice services in Canada. Together the federal and provincial jurisdictions employ about 25,000 correctional staff for institutional and community programs.

There are approximately 6,700 on parole or mandatory supervision and approximately 57,000 under probation supervision on any given day.

The Correctional Service of Canada

As noted above, the Correctional Service of Canada has jurisdiction over all those offenders who are sentenced to two years and more. The Service is part of the federal Ministry of the Solicitor General which also includes the Royal Canadian Mounted Police, the National Parole Board, and a small Secretariat, with responsibility for policy advice and the assessment of impact of the Ministry upon the total criminal justice system in Canada.

The Correctional Service of Canada currently has an annual budget in excess of $350 million and employs approximately 9,800 staff to ensure the custody and control of approximately 9,600 inmates incarcerated in federal institutions and the community supervision of the 6,700 offenders on parole and mandatory supervision.

The Service maintains 59 institutions, maximum, medium, minimum and community correctional centres, and about 76 parole offices across Canada to provide the necessary community supervision.

The National Parole Board has the exclusive authority to grant and revoke parole and other various forms of conditional release. The Correctional Service of Canada is responsible for conducting the necessary preparations following an inmate's application for parole and the supervision of parolees while he is in the community.

The Correctional Service of Canada has established a long-term objective of developing a correctional system which provides convicted offenders with a broad range of programs and services designed to:

(a) minimise the potential of offenders harming the public,

staff, other inmates as well as themselves;

(b) assist the offender's return to the community as a responsible and productive citizen;

(c) reduce the operational cost of the Service; and

(d) provide offenders with opportunities to contribute to society as useful citizens.

The Service operates under eight basic principles. These are described as follows:

1. The primary responsibility of federal corrections is to ensure the protection of society by providing appropriate measures of security and control and by structuring the offender's environment to encourage his participation in program opportunities designed to support his reintegration into the community.

2. The achievement of correctional goals and objectives can only be met through the shared responsibility and cooperative action of correctional staff, the community and the offenders themselves.

3. Regardless of the gravity of the offence, the offender remains a member of the community and forfeits only those rights and privileges which are expressly taken away by statute or as a necessary consequence of the conditions of custody and control imposed by the court.

4. The loss of liberty resulting from a sentence of incarceration constitutes the punishment. Correctional authorities must not impose further punishment in relation to the offender's crime, and should adopt the least restrictive course of action that is sufficient to fulfill the sentence of the court.

5. Achievement of behavioural change is ultimately a matter of personal choice and individual responsibility. The offender is responsible for demonstrating conduct which respects the standards of the institution and the conditions of parole supervision.

6. Programs and services which are compatible with the sentence of the court and are available within the community should also be available within institutions.

7. The Service has a responsibility to be open and accountable to the public and should promote public awareness, understanding, and acceptance of its various programs and activities.

8. The Service is an integral component of the criminal justice system and must strive to promote and contribute to the development of an effective criminal justice system in Canada.

The basic principles provide a policy perspective or 'philosophy' against which solutions to emerging problems are assessed. As such, they provide a basic continuity in the midst of diverse pressures, untoward events and various proposed impromptu innovations. In short, they serve as a North Star or reference point during the course of what can be an occasionally stormy voyage. This is true in relation to currently perceived operational issues and concerns within the Correctional Service of Canada such as:

1. Long-term offenders: With the abolition of capital punishment in 1976, the most extreme sanction which the state may now impose upon Canadian citizens is a sentence of life imprisonment with a mandatory 25-year minimum period before eligibility for parole. The first two years following abolition in 1976 saw an increase in the number of offenders convicted of first degree murder. The figures in 1977 rose to 30 convicted offenders from 14 the previous year. In 1978 they increased again to 46. However, in 1979, the figures dropped back to 35 and then to 20 in 1980. To date this year, we have had 15 offenders convicted of first degree murder. The total number of inmates serving long terms under the new legislation is 165. The problem is, however, that these lengthy sentences become cumulative over time and it is anticipated that before the end of the century the population of such offenders will have reached the 1,000 mark.

This situation is being very closely monitored by the senior management of the Correctional Service and already some thought has been given to the possibility of developing limited or remote access correctional communities as one viable alternative to dealing

with this type of offender.

2. Protective Custody Inmates and Dangerous Offenders: The management of highly dangerous and protective custody inmates is another operational concern in the management of the offender population. With respect to protective custody inmates, the service has observed a rather steady and marked increase in the incidence of inmates seeking special lock-up for their own protection. It is currently estimated that 868 inmates or approximately 9 per cent of the entire federal population is housed in protective custody units. This has prompted the Correctional Service to incorporate new institutions into the accommodation plan; these institutions would be designed to house only protective custody inmates. At present there are two such facilities being planned, one is in Renous, New Brunswick and the other will be in Drummondville, Quebec. Also, two maximum-security institutions at Prince Albert, Saskatchewan and at Kingston, Ontario are being converted to purely protective custody institutions.

Also during the past number of years, the Correctional Service of Canada has experienced a growing number of hostage-takings, assaults, and other acts of violence perpetrated by a small number of the inmates in the total population. To deal effectively with this small group of inmates, the Correctional Service designated facilities in two institutions as special handling units to hold and contain these individuals. One such special handling unit is currently located at the Correctional Development Centre in Quebec, which presently holds 44 inmates, or 0.45 per cent of the population. The other is located at Millhaven maximum-security institution in Kingston, Ontario, which now holds 52 inmates, or 0.53 per cent of the population. Eventually, the Millhaven Special Handling Unit will be co-located with the protective institution at Saskatchewan Penitentiary. The Special Handling Unit will house demonstrated dangerous offenders quite separate from the protective custody group and assures no alliance of the total population.

3. Justice Behind the Walls: Control over the lives of inmates necessarily involves the use of discretion by penal and parole authorities from which, in practical terms, there is limited recourse to the court. Because offenders, by nature of their status, may be

subject to an arbitrary use of discretion, there is a need for procedural safeguards to enable a review of administrative decisions to ensure 'justice behind the walls'.

Although it is not practical to have the courts intervene and provide judicial review in all the numerous administrative decisions that are made on a daily basis in relation to inmates, it may well become a major responsibility of the courts to ensure that proper systems and standards are in place and maintained within the corrections agencies designed to ensure adherence to the principles of natural justice and due process. Accordingly, the Correctional Service has introduced independent chairpersons to preside over disciplinary hearings of serious or flagrant offences involving inmates in maximum and medium security institutions.

A new grievance procedure recommended by a parliamentary sub-committee on the penitentiary system in Canada has also been implemented in the institutions. One intriguing feature of this new grievance procedure is it entails the active participation of inmates on a grievance panel at the first level.

Should an inmate exhaust all channels available to him or her within the internal grievance process, he may seek further redress through the office of the Correctional Investigator. The Correctional Investigator is appointed by the Solicitor General of Canada by Order-in-Council, under the Inquiries' Act. The Correctional Investigator inquires into complaints from federal inmates, recommends remedial action and provides an annual report to the Solicitor General.

These represent just some of the mechanisms designed to ensure accountability of the decision-making process which is characterised by high discretion and low visibility.

4. Increasing Concern for Human Rights and Access to Information: Another area of operational concern is in respect to information services which has become a focus of concern as a result of the Canadian Human Rights Act, passed in March 1978, and the proposed Access to Information and Privacy Act. Under this legislation, Canadian citizens are entitled to access to files and information retained by the Government of Canada. The Correctional Service of Canada initially experienced numerous difficulties in responding to the many requests for information as a result of the Human Rights Act. It is anticipated that the newly proposed

legislation would impose additional demands as citizens are allowed access to government records. To cope with the information requests, an information system requires development to integrate and coordinate all recorded information on Service operations.

These stated trends and concerns are not all inclusive but represent the major forces which encounter all those involved in or concerned with the Correctional Service of Canada, be they inmates, staff or citizens.

PRISON INDUSTRY

The notable and highly esteemed French philosopher, Voltaire, once said:

> Man is born for action.
> Not to be employed gainfully
> And not to exist
> Are one and the same thing in
> regards to Man

In recognition of the wisdom of these words and in keeping with our own idealism of providing employment for every able bodied inmate, we have, in recent years, stepped up all aspects of operations pertaining to industry, education, training and employment.

One of the objectives of the Correctional Service of Canada is to prepare inmates for their return to the work environment by providing them the opportunities for employment, and for academic and vocational training leading to recognised certificates of achievement or skills. While recognising this objective, the Service strives to ensure that inmates maximise their contribution to defraying the overall cost of imprisonment.

A 1981-82 budget of $32,581,576 is allotted to direct work programs in five major areas: Agri-business, industries, education and training, automated document processing, and work opportunities. Approximately 44 per cent of the total inmate population is employed in full time work in the industrial sphere (education included) and 5 per cent part time.

Agri-Business: The Agri-business program employs 175 inmates in marketable tasks in agriculture, horticulture and fisheries in five farms whose ultimate goal is self-sufficiency in the production of

staple goods for the consumption of the Correctional Service of Canada (CSC). Approximately 30 per cent of the food now consumed by the federal inmate population is produced on these five farms. Agri-business also operates 17 small greenhouses, four of which are in farm locations.

Farm produced food is made up of beef and pork in carcasses, daily products such as milk, cream, vegetables, potatoes, and eggs. Produce from the greenhouses are potted plants, bedding plants, vegetable transplants, and some food such as tomatoes and cucumbers.

In the year 1979-80, a new five year plan for Agri-business, aimed at making penitentiaries self-sufficient, was completed. The plan calls for increases in farm production especially beef, pork, poultry, vegetables, fruit, and, of primary importance, dairy products.

It will also provide a major expansion in horticulture to include the production of salad crops, increased production of flowering and other potted plants, bedding plants, implementation of tree nursery, and expansion of the number and size of kitchen gardens. Incorporated in the plan is the provision of additional horticultural training for inmates who will beautify the landscape which surrounds institutions as part of their practical work.

Other developments contained in the plan are a pilot fresh fish production and freezing program aimed at self-sufficiency in fresh fish, food processing, and the possibility of a sixth farm specialising in fish production.

While the Agri-business plan has a five year implementation horizon, most projects are expected to be completed within three years. Already a marked increase in farm productivity has been shown and this resulted in gross sales of $2.5 million in 1979-80. Gross sales for 1980-81 are approximately $3 million, and within five years, the value of food, horticulture products and other services performed in Agri-business is expected to top $6 million and to employ 400 inmates.

Industries: The industrial program in federal institutions is undergoing extensive operational changes. Prior to the late 1970s, industrial programs in their broadest sense emphasised rehabilitation through the training of inmates on industrial jobs.

There existed, however, one industrial pilot project which is a

large industrial complex in an institution where inmates work and are paid in a model in keeping with the private sector.

In 1978, a new Commissioner's Directive refined the earlier philosophy of rehabilitation and training and, in effect, stressed more specifically the work ethic. The directive states that work will be the core activity of an inmate's day. In emphasising the work ethic, it was necessary to revitalise the industrial program and to expose inmates to manufacturing in an environment more closely aligned to that of the private sector. The year of 1979-80 was spent in identifying the workshops and products that exist throughout the system, and, furthermore, in rationalising the costing base and the pricing policy.

In the spring of 1979, the name of CORCAN was patented to indicate prison industries produced products. CORCAN is a registered trademark which now appears on products manufactured by the prison industrial program.

Shortly after CORCAN was patented, the Correctional Service of Canada entered into a contract with a private firm, Tetrad Marketing/Sales Ltd., to develop the market for sale of CORCAN products. Tetrad is national in scope and specialises in providing marketing and sales support to small and medium sized manufacturing companies.

In 1979-80, a five year plan for CORCAN was introduced. Its objective is to produce marketable goods and services under conditions similar to those in small to medium manufacturing plants in the private sector to reduce institutional operational costs while providing employment opportunities and on the job training to inmates.

An Inmate Employment Advisory Council, a select voluntary group of private individuals experienced and knowledgeable in the business world, was revitalised to advise the Service on business and employment matters.

There now exists 116 industrial shops in 25 major federal correctional institutions, employing at any given time approximately 1,300 inmates. Twenty-eight of the shops are geared toward customised, low volume production. The other 88 are job oriented or produce on a batch basis which involves turning out high volumes of a limited number of products. The strategy within industries is to provide inmates an opportunity to train for work by working.

Table 1 – Inmate Employment in the Correctional Service of Canada

	Number of Inmates	*Percentage of Inmates*
Part-Time		
Education*	316	3
Industries	97	1
Agri-business	12	0
Automated document processing	1	0
Forestry	0	0
Technical Services	201	2
Employment inside institutions**	79	1
Employment outside institutions	5	0
Total Part-time Employment	711	7

* On-the-job training not included.
** Office clerks, library assistants, Inmate Committee members, recreation assistants included.

As of 1 April 1981, inmates receive five levels of pay ranging from $1.60 to $7.55 per day depending upon the classification of the job performed.

The industrial program provides many products which are required within the system, including cell furniture and inmate clothing of all kinds. Other products are office furnishings; parks, recreation, and gymnastic equipment; lockers; shelving; modular housing; and a wide variety of post office equipment.

Approximately 90 per cent of sales in 1979-80 were to federal, provincial, and municipal governments. Other sales were made to school boards, and to charitable, non-profit organisations such as homes for senior citizens. CORCAN also made sales to private companies under the strict conditions that prices for all products were set to be equal to private sector prices for equivalent products and sales volumes, and, the products were not knowingly undersold.

Also, contracts entered into with private companies encouraged, for example, more construction done by inmates on the institution grounds, a new data processing workshop, a men's hairdressing course leading to certification, and a new course in the art of plastics.

The new marketing system devised by Tetrad successfully grossed industrial sales up to $5.8 million in 1979-80 from $4.73

Table 2 – Inmate Employment in the Correctional Service of Canada

	Number of Inmates	*Percentage of Inmates*
Full-Time†		
Education*	1,579	17
Industries	1,069	11
Agri-business	200	2
Automated document processing	68	1
Forestry	73	1
Technical Services	2,875	31
Employment inside institutions**	614	7
Employment outside institutions	443	5
Total Full-time Employment	6,921	75

† At least 30 hours per week in maximum security institutions, 35 hours in others.

* On-the-job training not included.

** Office clerks, library assistants, Inmate Committee members, recreation assistants included.

Additional Documentation

1. CD 236 Inmate Employment
2. Tetrad Brochure
3. Sample CORCAN Trademark
4. Inmate Pay Program Brochure

million in the previous year, and total sales for 1980-81 are expected to be $7 million. A long range market survey has projected that by 1985, sales may reach the $10 million mark.

In addition to marketing practices, there is continuous market research to the product line and product pricing. A variety of merchandising activities including participating in trade shows takes place. Joint ventures manufacturing arrangements with inmates and private companies are negotiated. Production systems, shop and quality control techniques are being modernised and updated to permit more long range production and to maintain high volume quality of CORCAN products.

Automated Document Processing (ADP): This is a new program which began in 1977 and which provides jobs for inmates in the

field of information services. The program consists of service bureaux supplying information handling services to private client organisations. Currently the services provided include:

(1) microfilming, that is, converting large volume paper files to microfilm;

(2) data entry, that is, the input of data into computerised systems; and

(3) distribution of printed matter.

The cost of raw materials, inmates' wages, supervisory salaries, and amortised capital, are recovered but outside administrative costs are not, nor is there a charge to clients by the institution for work space. Fees to client organisations are formulated on a cost-recovery basis.

Already, the ADP Programs have demonstrated financial self-sufficiency. Contracts in hand for the 1980-81 fiscal year exceed $600 which is double the amount for the previous year. The expected value of contracts for 1981-82 is $1.3 million.

The next five years of the ADP Program in information services looks toward continued growth. Expansion in other service areas such as word processing, computer programming, operation, and maintenance are being explored.

Education and Vocational Training: The education and vocational training program is operated with vigour equal to the industrial program. Between 20 and 25 per cent (1,800-2,000) of the inmate population is enrolled in educational courses which are provincially accredited. There are 22 schools operating in medium and maximum security institutions and each of these schools provides academic courses ranging from literacy training to university degrees and vocational training. Each penitentiary school is supervised by an Assistant Warden, Education and Training, who is the School Principal. The teaching is carried out by the staff teachers and also by teachers from municipal boards of education, colleges, and universities, under contractual agreements. In each of our four larger regions, there is also a Regional Education Officer who is the regional superintendent of schools. At the National Headquarters, there is a Director of Education and Training and two

officers, one who functions as Director of the Vocational Curriculum and the other as Director of the Academic Curriculum.

While we have found that most penitentiary inmates are under-educated, their IQ levels are about the same as that of the general population. Furthermore, a major review of the education program revealed a growing demand by inmates for higher education.

As a result, more opportunities were made available for inmates to obtain credits for elementary and secondary diplomas and university degrees. In May 1972, funds were provided for the experimental offering of university level courses to inmates in a maximum security institution. Response from the students was enthusiastic and in September 1972, a contract for the operation of the program was awarded to a university. In the following year, the program was expanded to two other institutions, one medium and another maximum security. For the past three years, the university has been able to offer a Bachelor of Arts degree to inmate-students who are unable to transfer to the university campus. All programs are fully accredited. The present involvement of university students is 157, and, since the inception of the university program, 15 inmates have graduated.

A follow-up study in terms of post-release conduct has found that inmates who remained in the program for at least a year had a recidivism rate reduced to approximately 10 per cent.

Work Opportunities: The work opportunities program involves the community in inmate work and training by private industry creating jobs within the institution or by employing inmates in private endeavours in the community. It is responsible for inmate employment in the areas of forestry operations, as self-employed sole proprietors, or in other projects which maximise the use of inmate skills and labour.

This program also ensures that inmates are employed in the essential services to the institution. The range and diversity of work done in the work opportunities program is open-ended and imaginative. Some examples are:

1. **Chandelles St. Francois Ltd.:** This is an inmate operated and owned business created under Federal Charter in June 1979. It is a cooperative which is located within the walls of the

prison and which specialises in the manufacture of approximately 30 different varieties of decorative candles retailed from $4.00 to $16.00 each.

All direct expenses incurred by inmate owners (for example, rental, transportation, supplies) are charged to the company. In addition, $5.50 per day is recovered from each owner for room and board plus $1.65 per day for canteen expenses.

Demand for the candles produced by the firm is substantial. Major clients are a number of boutiques and drug stores. In addition, the company participated in a fund raising campaign on behalf of a Centre for the Mentally Retarded. A 12 day sales campaign generated $22,000 in sales and resulted in a donation of $12,000 to the centre.

The entire operation is labour intensive and lucrative. Gross sales for a six month period, for example, were $63,272 while net profit realised in that period was $25,272. This amount was distributed among the participants (10) according to the number of hours worked.

Inmates involved in this business venture are finding it a challenging and rewarding experience. Some have forwarded money to their families for support and all participants leave the program with substantial savings.

2. **Tree Nursery:** The tree nursery is a joint venture funded by the Correctional Service and a private company. The development of the nursery was the direct result of the success of an earlier ongoing project with the company which involves inmates in work at a forestry camp.

   There are eight greenhouses in the tree nursery which includes eight shelter houses plus holding areas on a 20 acre site within the institution's perimeter fence.

   The project was officially opened in July 1980, but tree plantings began earlier in the year in February. Inmates are trained as nurserymen and are employees of the private company, not

the Correctional service. They work a 38 hour week at the provincial minimum wage of $3.25 per hour. A core group also works on Saturdays at overtime wages. Source deductions such as unemployment insurance, income tax, pension plan, room and board are paid out of their salaries.

The tree nursery produces young plants which are transported from the institution and transplanted on lands owned by the private company.

A full season will produce 5 million spruce and pine trees annually. In 1980, this production target was exceeded by approximately ½ million seedlings.

3. **Sole Proprietorship/Hobbycraft:** Two inmate operated enterprises produce hobby craft items such as petit point, tiffany glass windows and lamps, ornamented wood carvings, ornamental hammered copper, ceramic, and ivory pieces. Participating inmates purchase their own materials and arrange their own sales and distribution. The businesses are operated out of unused vocational shops and each inmate pays $1.00 per day for use of the space. The estimated value of craft sales is $1,700 per month.

4. **Forestry Camp:** The forestry camp is sponsored by the Correctional Service and a private company to train inmates to become competent wood harvesters. The private company provides the machinery and the training instructors. Inmates are trained in all aspects of power-saw operations including repairs and maintenance; various techniques of production; scaling and tree identification; operation of skidders; prevention of forest fires; and fire suppression tactics. The harvest area includes 70,000 acres in the vicinity of the institution. The program runs consecutively every six months.

   After the training phase, inmates go on production working for the company. They are paid from $1.25 to $5.84 per tonne cut or hauled, depending upon the nature of their skill (for example, true length cutter, stump piler, skidder operator, hauler). Clean-up crews earn $40.00 per day.

The average inmate wage during the production phase is about $175 per week from which source deductions are made. Inmates pay $32.00 per week for meals. At the end of the six month period, inmates receive a certificate of achievement from the company. The average earned wage is $3,500 and inmates have accumulated savings in excess of $1,000 while employed in this program.

5. **Petro-Sun Inc.:** Petro-Sun is a Canadian manufacturer of solar collector components which has an agreement with the Service to employ inmates in assembling solar collector components including aluminum extrusions, insulation, copper absorber sheets, tempered glass and gaskets. Operations such as mitre-cutting, drilling, pop riveting, positioning of components, and packaging are involved in the work.

   Petro-Sun trained the supervisor of the inmates it employs, supplies all materials, and all transportation costs for goods and materials to and from the institution. The company is prepared to consider inmates for employment upon their release.

   Inmates are credited with $5.80 for each assembled unit which takes an average of two hours to complete.

6. **Native Extraordinary Line of Furniture (NELOF):** NELOF is a unique and successful cooperative which was founded by native inmates in 1974. The venture originally manufactured Indian crafts and furniture, however, business was expanded to include printing brochures to advertise the products made. All orders are custom made and prices agreed upon between buyers and sellers. Workers get paid according to the number of hours worked.

   There are two styles of work, a commercial line which can be produced quickly and is within the price range of the average buyer, and true Indian art.

All of these efforts are designed to provide opportunities for the offenders, the staff and the community to work together to

provide tangible benefits in the form of wages, goods and services.

The immediate benefits to all concerned are obvious and immediate and the working relationships among the three sectors symbolises the tripartite cooperation required for the success of all correctional ventures, including the successful reintegration of the offender into the community.

REMANDS AND PRE-TRIAL SERVICES

Of the 23,000 Canadians that are imprisoned in Canada on any given day, 13 per cent or 3,100 are on remand. This figure is substantially more significant when one considers the fact that within the federal Correctional Service of Canada there are no inmates held on remand. In addition, figures from 1979-80 revealed that there are about 40,000 remand admissions per year to provincial institutions.

In recent years the remand situation in various provincial jails and detention centres has been a cause of concern to correctional administrators. It has been found that the remand population has consistently constituted a significant proportion of the total population within these institutions. As a group, they have been perceived by correctional staff as particularly difficult clients,

Table 3 — Average Daily Count of Remand Prisoners

Province	*1978-79*	*1979-80*
Newfoundland	11	10
Prince Edward Island	1	2*
Nova Scotia	55	62
New Brunswick	28	25
Quebec	779	761
Ontario	1,103	889
Manitoba	150*	150*
Saskatchewan	95	100
Alberta	1,000*	713
British Columbia	396	375
Yukon Territory	7	5
Northwest Territories	10*	10*
TOTAL	3,635	3,102

* Precise figures were not available; these are estimates based on statistics from previous years.

given the uncertain nature of their status and the volume of work involved in accommodating and processing them. Furthermore, a number tend to be highly visible, in terms of the reporting of their court appearances and as a result of disturbances within the institutions in which they have been involved.

If a defendant accused of an offence under the criminal code pleads 'not guilty', the court, if unable to hear the case at that appearance must make a decision as to whether or not the defendant shall be retained in custody until the time of his trial or next court appearance. A number of options are possible: he may be released on his own recognisance; the court may release him conditional upon the posting of bail; or he may be remanded in custody until the time of next court appearance.

The court's decision must be based on the assumption of innocence and the accused's right to make adequate preparation for trial. Hence, the accused should be released unless there is believed to be a substantial probability that:

(a) the accused will fail to show for trial,

(b) detention is necessary in the public interest.

While these basic decision criteria have stood for many years, a number of important changes have taken place in the past five years which have had an impact on the number of people remanded in custody. In 1972, a concern over the inequities of the existing bail system (which clearly discriminates against the poor) prompted reforms which place the onus more heavily on the police and/or Crown to show good cause why custody was necessary. These reforms also make it possible for the courts to release defendants without the posting of a cash deposit. In 1976, legislation was passed which introduced further changes in the bail law. This legislation came in response to concerns regarding crime committed while defendants were actually on bail, and perhaps, a general anxiety regarding perceived increases in the level of violent crimes. The legislation reduced the court's discretion to permit bail for certain types of offences. Now those accused of committing crimes while already on bail or while illegally at large, must show why they should not be kept in custody until trial. The same is true for those accused of crimes involving narcotics and non-Canadian residents accused of indictable offences.

It has also been observed that an accused may be remanded in custody for essentially administrative kinds of reasons, that is, to await some formal decision by the court as to whether custody until the time of trial is necessary. Some examples of these situations are:

(a) the inability, or reluctance on the part of the accused to decide whether to plead guilty or not guilty;

(b) the need on the part of the accused to make arrangements for legal counsel;

(c) a request by the judge for a psychiatric examination of the accused; or

(d) bail is, in fact, granted by the court, but the defendant is to remain in custody until bail is raised and posted.

Table 4 – Remand and Sentences Admissions to Institutions Canada 1979-80

Province	*Remand*	*Sentenced*	*Totals*
Newfoundland	159	1,544	1,703
Prince Edward Island**	184	901	1,085
Nova Scotia**	1,782	2,934	4,716
New Brunswick*	977	3,614	4,591
Quebec**	13,854	15,155	29,009
Ontario	8,624	52,077	60,701
Manitoba**	1,957	3,572	5,529
Saskatchewan	1,763	6,465	8,228
Alberta	6,266	8,431	14,697
British Columbia	4,410	5,566	9,976
Yukon Territory	92	369	461
Northwest Territories	–	–	979
Provincial Total	40,068	99,084	141,675
Federal Total*	N/A	4,623	4,623
Canada Total	40,068	103,707	146,298

* Estimate
** Calendar Year

In general, it is clear that although the courts, with the introduction of the current legislation, have lost a certain amount of their discretionary powers regarding bail, they nonetheless, are

called upon to exercise a great deal of discretion in determining whether the accused is likely to abscond or to present a further threat to society if permitted to remain at large.

Legal Requirements Governing Custody of Remands

Although the remand prisoner is delivered into the custody of the jail or detention centre, the courts, in a very real sense, retain an important responsibility in view of the legal status of the defendant. The courts are called upon to exercise this responsibility in a number of ways.

1. **Duration of Remand:** An accused must appear before the court at least every eight days unless a date has been set for his trial and an agreement reached among the accused, his counsel and the Crown, to waive the eight-day appearance requirement.

   After the preliminary hearing, those charged with summary offences must appear before the county court after 30 days in custody and those charged with indictable offences after 90 days, to determine whether there are sufficient grounds for continuing their stay in custody. Given that long periods of remand are not unusual these appearances assume particular importance. Long remands, typically as a result of backlogs faced by the courts, and/or delays involved in preparing certain types of cases either on the part of the Crown or the defence, are obviously of particular concern.

Table 5 — Percentage of Convicted Offenders Sentenced to Various Correctional Services in Canada

	*1977-78**	*1979-80***
Provincial Prisons	91,140/62 per cent	90,400/59.5 per cent
Probation	52,185/35.5 per cent	57,000/37.5 per cent
Federal Institutions	3,675/2.5 per cent	4,600/3 per cent

* Based on 147,000 admissions
** Based on 152,000 admissions

2. **Location of Remand Prisoners:** It is required that remand prisoners be kept in the local jail of the community where they are to be tried, to ensure that:

   (a) they remain within the jurisdiction of the court which is responsible for determining their remand status;

   (b) the accused is able to consult with his lawyer and have adequate opportunity to prepare his defence; and/or

   (c) convenient transportation arrangements can be made to and from the court for the accused, counsel, and witnesses.

3. **Remand of Sentenced Prisoners:** It is important to note that even when a prisoner has been sentenced and incarcerated on one or more charges, if there are still charges outstanding before the courts, he is considered a remand prisoner. The implications of this are that he must be kept in a provincial jail, within the jurisdiction of the court where the charge is to be heard, and, he must have access to legal advice to assist in the preparation of his defence.

Table 6 – Remand Admission in Ontario for Period 1 January 1978 to 30 June 1979

	Number	*Percentage*
Remands admitted and released within 7 days (Show cause)	18,359	(46.2)
Remands admitted and released after 7 days (includes bailed, acquitted, etc.)	9,010	(22.7)
Remands subsequently sentenced with the same admission sequence (includes remands for trial and remands for sentencing)	11,423	(28.7)
Still on Remand at end of period	941	(2.4)
	39,733	(100.0)

Comment: Almost half (46.2 per cent) of the remand admissions are in jail for very short periods. The average stay for this group is 2.85 days, for a total of 52,359 days stay.

Manhattan has shown that other measures, such as community and family ties, have been better predictors of court appearance. A process had to be instituted to provide this type of information to the courts, if it was to be used as criteria in setting bail. The Manhattan Bail Project developed by the Vera Institute, designed through empirical testing, a simple low-cost, effective, numerical system for helping judges and other decision-makers to make a 'best guess' of the appropriate likelihood that an accused will fail to appear for trial if released. Use of the system in the Manhattan Bail Project resulted in a doubling of the bail rate and a halving of the bail jumping rate. These lessons have had their impact on Canada.

2. **Bail Supervision:** As well as being critical of the traditional criteria being used in making pre-trial decisions, bail reformers saw the need for some non-monetary method for accused individuals to obtain their release. While straight release on recognisance was generally advocated, something additional was needed for those cases which the court felt imposed some threat of non-appearance. The response to this need varied among jurisdictions but all could be loosely described as supervised or conditional release. The specific form of this supervision varies, but usually includes such components as direct reporting to a bail office, or surveillance, notification of court dates, and other information concerning the court proceedings. Often the condition of release also includes involvement in some form of program related to the individual's demonstrated problems, that is, financial management, drug or alcohol programs, etc.

3. **Bail Hostels:** Although not yet a reality, there has been an expressed need for the establishment of specific bail hostels within certain communities. Even in the larger urban centres, however, the need for a bail hostel has been articulated particularly for the more youthful offenders. As well, more live-in facilities are also required for women on pre-trial supervision.

   With the gradual shift toward the multiple use of community resource centres, it is conceivable that remanded prisoners with bail set, or those on bail supervision might well be accom-

modated in group residential facilities along with probationers, parolees and other inmates on temporary absence programs. Beds in community resource centres are very much at a premium and if the accommodation of inmates continues to be given priority, then it is clear other residential alternatives must be identified. For example, private boarding arrangements on a fee-for-service basis may be one option worthy of consideration.

The provincial jurisdictions also recognise a need for bail supervision standards and guidelines to be developed. Such standards would help to ensure consistency in the quality of the pre-trial services provided across the country and would increase the program's credibility as a viable community alternative to pre-trial custody. One such set of standards has already been prepared by the province of British Columbia and among other things cites that bail supervision services shall be provided to each criminal court within the province. Other areas where standards are considered appropriate are for bail verification; selection of clients for supervision and intake procedures; confidentiality; and relationships with the judiciary, the legal profession and the police; supervision and reporting; enforcement; and training in skills required by pre-trial workers.

The other remand admissions, which terminate in a release, account for 22.7 per cent of the admissions but involve 41.2 per cent of the total days stay on remand. The average stay for this group is 29 days.

The inmates who are sentenced within the same admission set account for 45.5 per cent of the remand days stay. They average 25.3 days on remand.

One of the problems with dealing with the remand issue is that the largest group of admissions account for a very small percentage of the remand days stay. Taking the entire set of remand admissions, 15.6 per cent of the admissions are in for over 30 days but these admissions account for 62.6 per cent of the total days stay.

There were 6,211 remand admissions which resulted in stays of over 30 days. Of this group, 2,833 (45.6 per cent) were released; 3,013 (48.5 per cent) were sentenced; and 365 (5.9 per cent) were still on remand.

These 6,211 admissions resulted in 396,982 days stay, for an average of 63.9 days.

THE STATUS OF PRISON OFFICERS AND HUMAN RIGHTS

The whole question of human rights is a universal issue. In the field of corrections, mention of human rights, especially in regard to inmates, often evokes strong emotional responses partly because we are asked to respect the rights of those who failed to respect the rights of others.

Prisoners, like all of us, are becoming increasingly aware and demanding of their rights. On the other hand, prison officers, who are the front liners of our system, very often feel that in protecting the rights of prisoners, administrators tend to neglect the protection of staff rights. In short, we are faced with a delicate situation which requires careful interpretation and application of human rights considerations.

Prior to the human rights movement, it was not an uncommon belief that the penalty of imprisonment implies by its very nature the suspension of virtually all but the most basic rights. Nowadays, the belief persists but practice is quite reversed. In Canada, an inmate retains all the rights of an ordinary citizen save those which have been removed either by law or by the necessary implications of incarceration. The sentence which the court has imposed on an inmate should constitute his only punishment. If an inmate feels that his rights have been violated, and he wishes to lodge a complaint, the most frequently used mechanism is the inmate grievance procedure.

The current inmate grievance procedure is based upon a conciliation-arbitration model which involves participation of inmates, staff, and review by private citizens in the resolution of conflict.

In 1977, a pilot project was carried out in a maximum security institution. A year later, a procedure was established whereby prior to submitting a grievance an inmate had to present a written complaint to the officer in charge of the area where the problem was said to exist. The officer had to reply in writing within five working days. If the time limit had to be extended, the inmate was advised in writing with reasons. The findings of this preliminary project indicated that over 90 per cent of potential grievances were reported to be resolved at the written complaint level. In

1980, a new grievance procedure which now operates in all federal institutions was established as the norm.

The new system is based on three essential elements:

(1) staff-inmate participation;

(2) an attempt to reduce to the minimum the time pending a decision; and

(3) review of the decision by outside persons.

The inmate grievance committee consists of two staff members, two inmates and a non-voting chairman who may be an inmate or staff member. The committee hears the grievance and arrives at a decision which is reviewed by the Warden of the institution. If the inmate is not satisfied with the committee decision, he may then go to the Warden for resolution. If he is still not satisfied, he has a choice of asking for an outside Review Board or of going to higher levels, that is, Regional Director General or Commissioner. If the inmate opts for review by an outside review board, two volunteers from the community, usually members of Citizens' Advisory Committees, are invited to serve. The outside Review Board acts as an advisory body to the Warden. One staff member and one inmate representative act as advisors to the Board but are not voting members of it.

To date, the advantages of the written complaint stage noted earlier have been confirmed. The percentage of problems resolved at this level has consistently been at 95 per cent and does not vary appreciably across Canada. Thus, the objective of solving problems without undue delay at a level where a formal and lengthy administration process is not required is being reached in the very large majority of cases.

In September 1979, the Commissioner of Corrections incorporated in his new Program Objectives that the Correctional Service of Canada meet recognised international standards of humane treatment. A legal consultant, assisted by a committee, was appointed in early 1980 to analyse the situation. It was discovered that out of the 104 rights in United Nations documents, we had 68 in legislative documents such as the Human Rights Act, the Criminal Code of Canada, the Official Languages Act, and the Penitentiary Act. This left 36 rights for which there was no legis-

lation. However, 35 of these were already contained in Instructions from National Headquarters in the form of Commissioner's Directive and Divisional Instructions.

Recognising that the legislative process can extend over years and that rights embodied in legislation give recourse to outside courts and the resulting ramifications, the Service recommended the promulgation of a handbook containing the following types of rights to which inmates are entitled. They are:

Retained Rights: those flowing from tradition, common law, and laws of parliament.

Existing Rights: those contained in Penitentiary Act, Service Regulations, Parole Act.

Conferred Rights: those provided by Commissioner's Directives.

An Inmate Rights Handbook was subsequently published and issued to every inmate incarcerated in federal institutions.

In a recent judgement of the Supreme Court of Canada, the court ruled that Administrative Boards such as disciplinary boards, have the 'duty to act fairly' and that the process of administrative board decisions are subject to review by the courts on request. This means that the courts could examine the procedures followed by the Board to ensure that it acted fairly. The federal court is not interested in the decision *per se*; it is interested in examining how the decision was reached.

Inmates may appeal through privileged correspondence to officials such as Members of Parliament, the Correctional Investigator, the Commissioner of Human Rights, the Commissioner of Official Languages, the Human Rights Commission of the United Nations or the federal courts.

If an inmate decides to lay formal charges against a prison officer, he can obtain assistance from legal aid providing legal aid requirements for assistance are met. It is also possible for an inmate to obtain the assistance of his own lawyer. In the history of federal corrections, only two court judgements on charges of assault were handed down in favour of inmates who had lodged criminal charges against prison officers. Although this track record is reassuring, this is difficult to assess in practice by virtue of the

fact that prison officers are empowered to use whatever force is necessary to deal with a situation.

A number of safeguards are built into the prison regime to prevent, or at least reduce to a minimum, abuse of powers by prison officers in relation to inmates. There is of course the threat of being taken to court by inmates. The prison system is very open and subject to public scrutiny and pressure from civil libertarians. Thus, there is the threat of public exposure. With very few exceptions, most prisons operate under the living unit concept which encourages interpersonal relationships between inmates and living unit officers who are non-uniformed, para-professional correctional officers. Prison officers are also subject to a Code of Conduct which requires them to behave in such a way as to command a high degree of confidence, trust and respect. They are also governed by a Code of Discipline for which penalties of breaching are oral reprimand, written reprimand, suspension or discharge.

Correctional officers are Public Servants under the Public Service Commission Employment Act and Public Service Terms and Conditions of Employment which can be superceded only by a collective agreement. The range of pay for a correctional officer is currently $15,425 to $21,316 per annum. The new rate has now been negotiated but not yet ratified to provide an increase of 11.3 per cent this year and 11.3 per cent compounded over the next year.

An educational level of Grade 12 or equivalent is required for entry into the correctional force. In the terms of service, an employee may work until the age of 55 provided he has 30 years of contributory service under the Public Service Superannuation Act. The pension benefit with 30 years of contributory service is 60 per cent. It should be noted that the 30 years of pensionable service must not include pensionable service with the Royal Canadian Mounted Police or the Canadian Armed Forces.

If an employee retires at the age of 55 with 35 years of pensionable service, he is entitled to full pension of 70 per cent.

Age 60 is retirement age. There is no penalty regarding length of service provided that the employee has five years of contributory service.

Exposure to physical risk is part of the employment conditions that prison officers face. However, both management and the Union of the Solicitor General Employees attempt to make the

work environment as safe as possible through sound management practices and a wide variety of correctional programs. If, however, a prison officer is assaulted or involved in any other serious act of violence or hostage taking, the Correctional Service of Canada provides him with certain entitlements which offer the maximum opportunity for return to productive employment.

The Service will ensure that following assault or other serious acts of violence that the employee receives medical services as required by his physical or mental condition; that he is protected from financial hardship resulting from serious injuries and that he is provided with counselling, training opportunities where alternate employment is considered necessary; that a program for rehabilitation is developed with full cooperation and participation for both the employee and the Service; and that legal assistance, not to exceed the amount of $3,000 in any one case is authorised should he be charged with an offence while performing duties or be required to appear as a witness in court.

In addition, any employee who feels aggrieved on a matter that does not require legal means of redress may appeal to an independent Appeal Board of the Public Service Commission. Under certain circumstances, if the employee is not satisfied with the decision at the final level of grievance, the matter can be taken to adjudication. The employee also has a right to grieve the classification of his position through the classification grievance procedure.

If an officer is slain on duty, the surviving spouse and children are entitled to an income supplement by an amount sufficient to make total survivor income equivalent to the continued net income of the slain employee.

Records show that during the period 1971 to May 1981, there were 79 incidents of hostage takings in the federal correctional system. Seventy-three of them were staff, two were inmates and four were private citizens. During that same period, we experienced 10 staff deaths on duty with none occurring between 1971 and 1973. Six of these deaths were deliberate, four accidental, including one by heart attack while fighting with an inmate. Assaults on staff were, however, more numerous during this 10 year period. To date, they have totalled 233.

Provisions to prevent assaults by inmates on their peers include lodging in single cells, protective custody for inmates who are

fearful of assault; segregation; transfers and surveillance. Victims of assault may also lay criminal charges.

Between 1971 and May 1981, a total of 54 inmates were murdered by other inmates and 522 assaulted by their peers.

The challenge facing correctional administration is how to protect the rights of inmates without alienating the staff who must implement the policy. At least part of the answer lies in investing large amounts of time, money and effort in staff development; striving to improve the public image and status of staff and stressing not just the rights but also the responsibilities of inmates.

Additional Documentation

1. TB Agreement – General Labour and Trades
2. TB Agreement – Correctional Officers
3. Code of Conduct
4. Policy on Assistance to Members of the Service following Assault or Other Serious Acts of Violence
5. Supplementary Benefits to Survivors
6. Classification Grievance
7. The Appeals System
8. Regulations Respecting the Terms and Conditions of Employment
9. D.I. 141.01 Legal Counsel for Members of CSC
10. Inmates' Rights Handbook
11. Handbook for Staff on Inmates Rights
12. CD 241 Inmate Grievance
13. CD 226 Inmates' Conferred Rights
14. CD 219 Inmate Correspondence and Telephone Communication
15. CD 204 Inmates' Legal Affairs

PRISONERS' EXCHANGE ARRANGEMENTS

The Transfer of Offenders Act is an act to implement treaties on the transfer of persons found guilty of criminal offences. Treaties ratified by participating governments provide for the transfer of Canadian and foreign offenders who have been found guilty of an offence and are subject to supervision either in con-

finement or by reason of parole, probation or any other form of supervision without confinement.

Canada has ratified bilateral treaties for the transfer of prisoners with the United States of America (19 July 1978), Mexico (29 March 1979), and Peru (23 July 1980). We have entered into negotiations but have not yet ratified treaties with Bolivia, New Zealand, France and Thailand.

Our treaty with the United States of America is with the U.S. Federal government. However, under United States constitutional law, individual states may effectively join in the treaty by accession. To date, 14 states have acceded.

These treaties have been premised on the notion of tripartite consent, that is, consent to transfer by the two participating nations and consent by the offender himself. The treaties help to alleviate additional deprivations and suffering which offenders and/or their families may undergo as a result of being obliged to fulfill the sentence in a foreign country.

Table 7 — International Transfers of Offenders (June 1981): Foreign Citizens Incarcerated in Canada

England	37	India	14
Hong Kong	3	Israel	1
Scotland	2	Lebannon	6
Czechoslovakia	2	Pakistan	5
Finland	1	Malaysia	2
France	6	Korea (South)	1
Germany	14	Thailand	1
Greece	2	Asia (country not known)	3
Hungary	12	Australia	2
Ireland	4	United States	119
Italy	29	Jamaica	26
Netherlands	1	Trinidad and Tobago	2
Portugal	3	Barbados	2
Spain	2	Haiti	1
Yugoslavia	5	Peru	2
Europe (country not known)	22	Venezuela	2
Tanzania	1	S. America (country not known)	10
Nigeria	2	Fiji	1
Africa (country not known)	3	Stateless	1
China	10	Landed Immigrant	14
TOTAL			278

Table 8 – Countries with which Canada has Operational Treaty

1. United States: Participating States

Arizona	Nebraska
California	Nevada
Florida	New Jersey
Georgia	New Mexico
Idaho	Oregon
Kansas	Texas
Michigan	Virginia

2. Mexico

3. Peru

(a) Transferred to Canada

From U.S.	67
From Mexico	9
From Peru	0

(b) Transferred from Canada

To U.S.	82
To Mexico	0
To Peru	0

The consent-based model was largely endorsed by a meeting of Commonwealth Law Ministers in 1980. In that same year, meetings of a Select Committee on the transfer of foreign nationals suggested that the Council of Europe might be moving towards the consent-based model. The Council has a Committee of Experts examining the question of reform and simplification of existing European arrangements, which take the form of a multilateral convention which allows transfer without the consent of the offender, and compels nations to take back their own nationals unless they can show compelling reasons for not doing so.

Canada is an observer to the Council of Europe Select Committee of Experts on Foreign Nationals. Should we be invited to enter into mutually agreeable multilateral treaties with member states of the Council of Europe, we would then have prisoner transfer treaties with as many as 21 European countries.

As a result of treaties, 76 Canadians have been returned home

to serve their sentences, and 80 citizens of other countries who have been housed in Canadian prisons have been transferred back to their home countries.

Based on the principle of consent, Canada sponsored a resolution on transfer of offenders at the Sixth United Nations Congress on the Prevention of Crime and Treatment of Offenders. During committee consideration of the resolution, however, an amendment to the principle of consent was narrowly approved over Canadian objection. The amendment allowed for transfers 'which could only be undertaken with the consent of both sending and receiving countries and either with the consent of the prisoner or in his interest'.

Table 9 — Canadians in Foreign Facilities

Area	*Detained* *Drugs*	*Other*	*Total*
Africa and Middle East	15	26	41
Asia and Pacific	19	22	41
Latin America and The Caribbean	46	32	78
Eastern Europe	0	10	10
Western Europe	29	60	89
U.S.A.	67	240	307
TOTAL	176	390	566

Despite the objectionable amendment, Canada successfully urged the adoption by consensus of the amended resolution in view of the fact that its overall impact constituted a strong impetus to further action in the establishment of international transfers. For its part, however, Canada will continue to negotiate on the basis of mutual agreement between nations and individual prisoner consent.

We are very satisfied with our experience on transfers over the last three years. It is important to note, however, that care should be taken in the interpretation of indeterminate sentences where applicable, and that all three parties fully understand such interpretation.

Apart from the pursuit of transfer treaties, the Canadian government has also taken initiatives to assist Canadian prisoners in countries where a high number of them are imprisoned, and

Table 10 — Western Europe

Country		*Drugs*	*Detained Other*	*Total*
Turkey, Ankara		1	6	7
Greece, Athens		1	7	8
Germany	Berlin	0	0	0
	Bonn	6	3	9
	Dusseldorf	0	2	2
	Hamburg	0	0	0
Switzerland	Berne	0	2	2
	Geneva	0	1	1
Britain	Birmingham	0	1	1
	Glasgow	0	1	1
	London	6	6	12
France	Bordeaux	1	0	1
	Marseille	0	4	4
	Paris	4	1	5
	Strasbourg	1	1	2
Belgium, Brussels		1	4	5
Denmark, Copenhagen		0	1	1
Ireland, Dublin		0	0	0
The Netherlands, The Hague		3	5	8
Finland, Helsinki		0	0	0
Portugal, Lisbon		0	0	0
Spain	Madrid	4	12	16
	Malaga	1	0	1
Italy	Milan	0	0	0
	Rome	0	1	1
Norway, Oslo		0	0	0
Sweden, Stockholm		0	1	1
Austria, Vienna		0	1	1
TOTAL		29	60	89

where prison conditions are reported to be squalid or overcrowded.

For example, consular representation has been bolstered, where warranted. In addition to staff assistance, the Canadian government recently took the unprecedented step of engaging a lawyer native to the country in which there is a high number of Canadian prisoners to monitor the quality of legal advice that local solicitors are providing to the Canadians. We are, of course, aware of the fact that the means of intervention in a sovereign state are limited, but our experience has indicated that pressure from official authorities can sometimes lead to improved living con-

ditions of nationals, convicted or pending conviction, in foreign prisons.

With respect to the transfer of mental cases, the key requirement is that the person be convicted of a criminal offence. As long as it is possible to obtain tripartite agreement, such transfers could be effected under the terms and conditions of the Transfer of Offenders Act.

The repatriation of Canadians who have not actually been convicted but who are held in foreign prisons is a more sensitive issue and the best we have been able to do in the past is to offer consular services and support to such nationals who wish to be repatriated.

While treaties negotiated on a bilateral basis have been the norm so far, we believe that much more can be done to accelerate the process. Consideration might be given to the possibility of regional consent obtained in conference deliberations resulting in subsequent individual treaties between nations.

Table 11 — United States of America

City	*Drugs*	*Detained Other*	*Total*
Atlanta	19	65	84
Boston	0	6	6
Buffalo	1	9	10
Chicago	5	11	16
Cleveland	0	3	3
Dallas	4	23	27
Detroit	9	23	32
Los Angeles	8	31	39
Minneapolis	2	0	2
New York	8	9	17
New Orleans	0	0	0
Philadelphia	0	5	5
San Francisco	1	34	35
Seattle	10	20	30
Washington, D.C.	0	1	1
TOTAL	67	240	307

Table 12 – Africa and the Middle East

Country	*Drugs*	*Detained Other*	*Total*
Ivory Coast, Abidjan	0	3	3
Ghana, Accra	0	0	0
Ethiopia, Addis Ababa	0	0	0
Algeria, Algiers	0	10	10
Iraq, Baghdad	0	0	0
Lebanon, Beirut	1	1	2
Egypt, Cairo	1	3	4
Senegal, Dakar	0	0	0
Tanzania, Dar-es-Salaam	0	0	0
Saudi Arabia, Jeddah	0	0	0
Zaire, Kinshasa	0	0	0
Kuwait, Kuwait	0	0	0
Nigeria, Lagos	0	0	0
Zambia, Lusaka	4	4	8
Kenya, Nairobi	0	1	1
South Africa, Pretoria	0	0	0
Morocco, Rabat	0	1	1
Israel, Tel Aviv	9	11	20
Tunisia, Tunis	0	2	2
Cameroon, Yaounde	0	0	0
TOTAL	15	26	41

Table 13 – Asia and the Pacific

Country		*Drugs*	*Detained Other*	*Total*
Thailand, Bangkok		9	1	10
Australia	Sydney	1	5	6
	Melbourne	0	0	0
	Canberra	0	0	0
Sri Lanka, Colombo		0	0	0
Bangladesh, Dacca		0	0	0
Hong Kong, Hong Kong		1	6	7
Pakistan, Islamabad		0	1	1
Indonesia, Jakarta		0	0	0
Malaysia, Kuala Lumpur		1	0	1
Philippines, Manila		0	0	0
India, New Delhi		6	4	10
China, Peking		0	0	0
Korea, Seoul		0	0	0
Singapore, Singapore		1	0	1
Japan, Tokyo		0	3	3
New Zealand, Wellington		0	2	2
TOTAL		19	22	41

Table 14 — Latin America and Caribbean

Country		Drugs	Detained Other	Total
Colombia, Bogota		1	3	4
Brazil	Brazilia	0	0	0
	Rio de Janeiro	1	0	1
	Sao Paulo	1	0	1
Barbados, Bridgetown		0	2	2
Argentina, Buenos Aires		0	3	3
Venezuela, Caracas		0	0	0
Guyana, Georgetown		0	0	0
Guatemala, Guatemala		2	3	5
Cuba, Havana		0	1	1
Jamaica, Kingston		0	0	0
Peru, Lima		29	1	30
Mexico, Mexico City		11	18	29
Bahamas, Nassau		1	0	1
Trinidad and Tobago, Port of Spain		0	0	0
Haiti, Port-au-Prince		0	0	0
Costa Rica, San Jose		0	1	1
Chile, Santiago		0	0	0
TOTAL		46	32	78

Table 15 — Eastern Europe

Country	Drugs	Detained Other	Total
Yugoslavia, Belgrade	0	7	7
Romania, Bucharest	0	2	2
Hungary, Budapest	0	0	0
U.S.S.R., Moscow	0	0	0
Czechoslovakia, Prague	0	1	1
Poland, Warsaw	0	0	0
TOTAL	0	10	10

RESOLUTION ON TRANSFER OF OFFENDERS

Sponsored by Canada
Tabled in Committee at the
Sixth United Nations Congress
on the Prevention of Crime and
Treatment of Offenders

Caracas, Venezuela
1 September 1980

TRANSFER OF OFFENDERS

Considering the fact that improved means of transportation and communications, the development of economic and financial resources, and the ensuing mobility of individuals has resulted in the increasing internationalisation of crime, and the consequent incarceration of larger numbers of foreign nationals in the prison systems of many Member States,

Conscious of the fact that difficulties of communication by reason of language barriers, unfamiliarity with local culture and habits, and the absence of contact with relatives and friends may work an unduly more severe hardship on individuals serving sentences in other than their home countries,

Reaffirming the right of each State to formulate and implement its national policies and programs in the field of crime prevention and control in accordance with its own needs and priorities, as expressed in General Assembly Resolution 32/60,

Recognising the conclusion reached by the Committee on Crime Prevention and Control in its International Plan of Action in calling for international cooperation in order to establish procedures providing for the return of persons convicted of crimes abroad to their home country in order to serve the sentence, thereby facilitating the process of reintegration into society,

Noting that such procedures have been established or are being considered by several member States since the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Bearing in mind the fact that work on the development of standards for transfer of offender arrangements was identified as a priority at the Fourth Session of the Committee on Crime Prevention and Control,

1. urges Member States to consider the establishment of bilateral, regional, or multilateral procedures whereby such transfers may be effected, recognising the principle that consent of the individual prisoner as well as both sending and receiving countries should form a central part of any such procedure,

2. calls upon the Secretary-General to provide or facilitate the provision of technical and professional advice and support on request from Member States interested in establishing such procedures, and

3. requests the Committee on Crime Prevention and Control to give priority to the development of a model for bilateral or multilateral agreements for the transfer of offenders with a view to presenting it for consideration by the General Assembly in 1982.

AMENDED RESOLUTION ON TRANSFER OF OFFENDERS

Adopted by Consensus at the
Plenary Session of the
Sixth United Nations Congress
on the Prevention of Crime and
Treatment of Offenders

Caracas, Venezuela
5 September 1980

TRANSFER OF OFFENDERS

Considering the fact that improved means of transportation and communications, the development of economic and financial resources, and the ensuing mobility of individuals have resulted in the increasing internationalisation of crime and the consequent incarceration of larger numbers of foreign nationals in the prison systems of many Member States,

Conscious of the fact that difficulties of communication by reason of language barriers, unfamiliarity with local culture and habits, and the absence of contact with relatives and friends may work excessive hardship on individuals serving sentences in other than their home countries,

Reaffirming the right of each State to formulate and implement its national policies and programs in the field of crime prevention and control in accordance with its own needs and

priorities, as expressed in General Assembly Resolution 32/60 of 8 December 1977,

Recognising the conclusion reached by the Committee on Crime Prevention and Control in its International Plan of Action, which calls for international cooperation in order to establish procedures that provide for the return of persons convicted of crimes abroad to their home country in order to serve the sentence, thereby facilitating the process of reintegration into society,

Noting that such procedures have been established or are being considered by several Member States, especially since the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Bearing in mind the fact that work on the development of standards for transfer of offender arrangements was identified as a priority by the Committee on Crime Prevention and Control at its fourth session,

1. urges Member States to consider the establishment of procedures whereby such transfers may be effected, recognising that any such procedures can only be undertaken with the consent of both the sending and receiving countries and either with the consent of the prisoner or in his interest,

2. calls upon the Secretary-General to provide or facilitate the provision of technical and professional advice and support at the request of Member States that are interested in establishing such procedures, and

3. requests the Committee on Crime Prevention and Control to give priority to the development of a model agreement for the transfer of offenders with a view to presenting it to the General Assembly for consideration as soon as possible.

THE PROBLEMS OF DRUG OFFENDERS

The most recent set of statistics (June 1981) show that out of 9,729 federal offenders, 860 of them, or 8 per cent are drug offenders. Updated information from provincial and territorial jurisdictions was unavailable. However, a 1977 statistical report indicated that admissions for offences under the Narcotic Control Act accounted for 7.2 per cent of provincial and territorial populations.

The vast majority of drug offences involve cannabis or hashish, and offenders convicted of simple possession are nowadays usually fined although a few years ago most were sent to provincial institutions on sentences of less than two years. More serious offences such as trafficking or importation, net a minimum term of seven years in a federal penitentiary.

In the Westernmost province of the country, where drug abuse is highly concentrated, there was a drop in the number of documented heroin users from 6,217 to 6,027 in the year 1980.

Drug offenders in Canada are largely Canadians. As such, we are spared the special problems which are normally created by large groups of foreign offenders in any given system.

For purposes of this paper, we have identified three major problem areas:

(1) drug offenders who are users,

(2) illicit drug trafficking in prisons, and

(3) entry of drugs into prisons via visitors, inmates returning from temporary leave of absence, and, on rare occasions, via staff members.

The first category of problems is associated with treatment of drug offenders. At the present time, there are no separate facilities for such inmates. Drug offenders are assigned to institutions not by offence, but by level of security. Medical opinion on the treatment of drug users or addicts is as varied as treatment itself. Furthermore, our philosophy on the question of treatment is that it should be voluntary. Therefore, inmates are offered opportunities to engage in counselling, therapy sessions, or any other form of treatment program available in the institution or in the surrounding community.

The management problems are really those of identifying and offering suitable choices to inmates in need of treatment. More serious management problems are posed with the small group of inmates who may or may not be users, who struggle for control of the drug market within institutions. The struggle for power has been known to lead to fights, violence, and sometimes death.

The resolution of conflict associated with drugs poses a continuous challenge to management who must first resort to preventive measures such as searches; or take disciplinary action; transfer; segregate; or request the laying of criminal charges by the police where the evidence warrants.

In the third area, entry of drugs into the prison, control is mainly by electronic screening, searches of visitors and of inmates returning from temporary leave of absence. Cell searches and searches in other areas of the prison are routinely conducted.

One other problem area which is perhaps peripheral but related to this topic is the problem of stigma facing the users of soft drugs. There are thousands of Canadians who have been caught with small amounts of cannabis or hashish for their personal use, many of whom would not have become involved in the criminal process, but who have been fingerprinted, photographed, been to criminal court, fined, and in some cases, imprisoned. Partly in response to this situation, the Government of Canada intends to propose the removal of cannabis from the Narcotics Control Act to the Food and Drug Act. This proposal is not a suggestion that the Government of Canada intends to legalise cannabis. Rather, the purpose of such a move would be to remove the possibility of imprisonment for simple possession of the substance. Simple possession would remain an offence, although it would have reduced penalties and the distributional offences of trafficking and importing would continue to attract severe penalties and rigorous enforcement.

Placing cannabis under the Food and Drug Act would ensure that fewer Canadians had to bear the burden of a criminal record. It is worth noting that recent surveys show fully two thirds of Canadians are either in favour of lighter penalties or no penalties for simple possession of cannabis. Less than one third was in favour of the status-quo or increased penalties.

Notwithstanding the difficulties we face on these matters, no major institutional disturbance has ever been traced to problems

related to drugs. Also, the problems have not been sufficiently intense as to deter the development of several correctional programs, including a private family visiting program which is potentially subject to the abuse of drugs entering prisons via inmate families.

ACCREDITATION AND INTERNATIONAL STATUS

The Standard Minimum Rules for the Treatment of Prisoners are largely adhered to, in spirit, if not to the letter, by most correctional systems in Canada. Rules for pre-trial detention are found to be the area of weakest application, especially in the smaller provincial systems where non compliance is most significant.

Some of the Rules which cause the most frequent or chronic difficulties are those relating to finding sufficient work to keep all prisoners occupied; separation of convicted from remand prisoners; separation of young from older prisoners; and use of physical restraints during transportation of some prisoners outside prison walls.

In Canada, a few Rules are consciously not applied because they are considered to be anachronistic. For example, bound registration books with numbered pages in which to enter prisoner records have largely been replaced by computerised systems with memory storage. While we may deliberately seek alternate methods for identified anachronisms, we nevertheless endeavour to incorporate and retain the intent of the Rules.

It is generally acknowledged that while the Rules seek to promote a degree of uniformity in respect to certain key principles of human rights and sound criminal justice administration, they do not, and indeed, should not reflect the unique conditions of individual criminal justice systems and societies. For this reason, the Rules are being used both as a point of departure and a benchmark for the development of more specific standards within the context of local, provincial, or federal criminal justice systems.

One of the larger provincial systems, for example, has produced a series of comprehensive standards for corrections operations including the care and handling of prisoners. Other jurisdictions have introduced changes and improvements through amendments to administrative directives.

In 1976, a National Task Force on the Administration of Justice was formed with the original intent of addressing the question of national Canadian standards in Criminal Justice. In order to do so, it was felt that there was first a need to collect basic information about criminal justice programs across Canada. The Task Force has now completed this stage of its work but will be subsequently disbanded as a result of re-organisational plans for justice statistics.

Also in 1976, the Law Reform Commission of Canada introduced a proposed set of guidelines on dispositions and sentences in the criminal process. As yet, no formal action has been taken on these proposals as a whole.

In spite of the fact that advancement of broad criminal justice standards is slow, we continue to explore the possibilities and to further address the bigger problem of how to ensure the implementation of Rules and Standards.

Means of implementing standards is seen as a continuing problem and was the subject of extensive discussion at the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders. In fact, the Congress recognised the importance of implementation by passing a resolution which 'requests the General Assembly to include a specific item concerning the implementation of human rights for prisoners in the agenda for the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders.'

The Canadian response to the concern for implementation of Standard Minimum Rules and Correctional Standards is the process of Accreditation. In 1979, the Federal Correctional Service began submitting its penitentiaries, parole offices, and community based centers for accreditation under the Standards of the American Correctional Association (ACA).

The ACA Standards are an extensive set of operational standards developed by corrections professionals in the United States, with a fair degree of Canadian input. They cover all areas of adult and juvenile corrections and deal not only with traditional areas of prisoners' rights and privileges, but also with administrative operations such as fiscal management, staff training, organisation and administration, research and evaluation, and so on. The standards are measurable and considered to be the most stringent and complex set of correctional standards developed to date. They are

weighted as either Mandatory, Essential or Important. In the Manual of Standards for Adult Correctional Institutions alone, there are 495 Standards, 44 of which are Mandatory, 388 Essential, and 63 Important.

Mandatory Standards are those Standards which the Board of Commissioners on Accreditation has determined directly affect the life, health, and safety of offenders and corrections personnel. For example, Standard 2-4168 states that the facility has exits which are distinctly and permanently marked, continuously visible at all times, kept clear, and maintained in usable condition. Or, Standard 2-4173 requires that written policy and procedure specify the means for immediate release of inmates from locked areas in case of emergency, and provide for a back-up system.

In order to obtain accreditation a facility must initially obtain 100 per cent compliance with all mandatory standards, 90 per cent with the Essential ones and 80 per cent of those classified Important.

The Standards are all part of an accreditation process which provides an opportunity for self-monitoring of the quality of correctional programs. An accreditation award is given for a period of three years. To maintain the award, the facility must demonstrate efforts toward compliance each subsequent year and must undergo an entire review every three years to especially ensure that its operations are in accord with Standards which may have been revised either in substance or in a shifting of their previously assigned weight. In effect, the Standards are dynamic and essentially force an accredited facility to continously reach beyond its grasp.

To date, 13 of 135 federal penitentiaries and parole offices have been accredited under the ACA Standards. It is a management priority to obtain accreditation for all federal operations, including regional and central administrations, by 1983.

In view of the fact that accreditation has now become a reality within our correctional system, and notwithstanding the applicability of American Standards to Canadian facilities, it was considered desirable to undertake a national Canadian exercise in the development of correctional standards to provide for the development of a Canadian system of Standards and Accreditation. To this end, the Canadian Association for the Prevention of Crime, (CAPC), a national private sector organisation, was recently given

the mandate to draft a statement of basic philosophy and subsequent standards for Probation, Detention and Remand facilities, Incarceration facilities, Central Agency Administration, Parole Authorities, and Parole and Aftercare Programs. In its objective capacity as private organisation, the CAPC was also identified as the most appropriate body to coordinate the development and implementation of correctional standards in Canada, and the accreditation of correctional agencies in Canada against those standards. The Committee for Canadian Correctional Standards is expected to complete its work by 1984.

Through the foregoing efforts, we are striving for standards of excellence in criminal justice which will still permit flexibility, experimentation, and response to regional variation and conditions. Since the standards will be based on the principles contained in the Standard Minimum Rules and the ACA Standards, it is our hope that the net result will reflect universal qualities of fairness, justice, and equity applicable to all incarcerated mankind.

We believe that we have come a long way but we know that the road ahead is much longer. Based on our experience in this area, we would like to make the suggestion that in countries where the possibilities and resources exist, consideration might be given to the study of implementing, as a start, Basic Standards which relate to life, health and safety considerations. The 44 Mandatory Standards developed by the ACA, if closely analysed, will be found to reflect the objectives and principles of the Standard Minimum Rules.

In closing, the purpose of implementing the Standards is best described in the Introduction of the Manual on Standards for Adult Correctional Institutions of the American Correctional Association. It states:

> The standards are guidelines for the comprehensive improvement of correctional programs and provide a national framework for presenting the needs and concerns of adult correctional institutions to public officials, corrections administrators, legislators, funding agencies, and the public. The standards set high levels of compliance for agencies seeking to upgrade their services, programs and overall operation. The accreditation process provides the opportunity of public accountability through an independent verification of performance.
>
> Nevertheless, standards represent more than just a tool for accreditation; they are to be used by correctional institutions as guidelines for self-

improvement and as a stimulus for change at the legislative, executive and judicial levels of government. Periodic review and revision illustrates that the standards have the capacity to reflect changing views, based on new experience and additional knowledge and expertise. This capability to change and evolve through time is vital to the continued acceptance and use of the standards in the task of improving correctional operations.

In presenting the manual to the field, we echo the conclusion found in the introduction to the original manual in 1977:

> 'The humane administration and direction of institutional care are paramount in preserving individual rights and responsibilities and, in turn, the ultimate protection of society.'

Resolution on Human Rights Instruments and their Implementation for Prisoners

Passed in Plenary Session
of the
Sixth United Nations Congress
on the
Prevention of Crime and the Treatment of Offenders

Caracas, Venezuela
1 September 1980

RESOLUTION ON HUMAN RIGHTS INSTRUMENTS AND THEIR IMPLEMENTATION FOR PRISONERS

Considering the concern expressed by the United Nations at all times for the rule of justice in the world,

Recalling the practical step taken by the United Nations in convening the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders in 1955 and the value of the work of subsequent Congresses,

Noting the Standard Minimum Rules for the Treatment of Prisoners adopted at the First Congress,

Noting also the continual reference to prisoners' rights in the debate on topic 7 (United Nations norms and guidelines in criminal justice: from standard-setting to implementation) in the Sixth Congress,

Requests the General Assembly to include a specific item concerning the implementation of human rights for prisoners in the agenda for the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

Alternate Applications in Canada of Some Standard Minimum Rules

Rule 7

7. (1) In every place where persons are imprisoned there shall be kept a bound registration book with numbered pages in which shall be entered in respect of each prisoner received:

(a) Information concerning his identity;

(b) The reasons for his commitment and the authority therefor;

(c) The day and hour of his admission and release.

(2) No person shall be received in an institution without a valid commitment order of which the details shall have been previously entered in the register.

These rules are fully complied with by modern technological methods, not bound registration books which we feel are anachronisms. There are also strong safeguards in the judicial and police systems to prevent incarceration without warrant and without record.

Rule 8

8. The different categories of prisoners shall be kept in separate institutions or parts of institutions taking account of their sex, age, criminal record, the legal reason for their detention and the necessities of their treatment. Thus,

   (a) Men and women shall, so far as possible, be detained in separate institutions; in an institution which receives both ment and women, the whole of the premises allocated to women shall be entirely separate.

Rule 53

53. (1) In an institution for both men and women, the part of the institution set aside for women shall be under the authority of a responsible woman officer who shall have the custody of the keys of all that part of the institution.

   (2) No male member of the staff shall enter the part of the institution set aside for women unless accompanied by a woman officer.

   (3) Women prisoners shall be attended and supervised only by women officers. This does not, however, preclude male members of the staff, particularly doctors and teachers, from carrying out their professional duties in institutions or parts of institutions set aside for women.

The spirit of these Rules is not fully maintained in Canada. While there are no co-correctional facilities for male and female prisoners, staff of both sexes do work in some unisexual institutions. For example, female correctional officers work alongside their male counterparts in some male institutions as do male correctional officers in some institutions for female prisoners. The warden of a medium security federal institution for male offenders is a female and the warden of the Prison for Women is male.

The co-correctional concept, which is not entirely ruled out in Canada, is constantly under review. In the meantime, Canada has instituted a program of private family visiting in which prisoners who do not qualify for temporary leave of absence may spend up to 72 hours every three months with their families in a private, homey environment on the prison grounds.

Canada recognises the importance of building in safeguards in co-correctional programs in order to prevent various kinds of abuses, but it does not support the strict separation of the sexes

in the administration of corrections.

Rule 50

50. (3) He shall reside on the premises of the institution or in its immediate vicinity.

Rule 52

52. (1) In institutions which are large enough to require the services of one or more full-time medical officer(s), at least one of them shall reside on the premises of the institution or in its immediate vicinity.

We do not consider it essential for prison directors and medical officers to reside on or close to prison property. We feel that our system of team management, proper and continuous chains of command, modern communication and transportation systems, and agreements with local medical facilities, adequately meet the spirit of these Rules which is to ensure prompt medical and management presence at emergencies outside normal working hours.

Rule 58

58. The purpose and justification of a sentence of imprisonment or a similar measure deprivative of liberty is ultimately to protect society against crime. This end can only be achieved if the period of imprisonment is used to ensure, as far as possible, that upon his return to society the offender is not only willing but able to lead a law-abiding and self-supporting life.

Canada pursues a subtle philosophical difference in respect of this Rule. The Canadian Correctional systems endeavour to structure the prisoner's environment in a manner which encourages his participation in program opportunities designed and provided to aid and support his successful reintegration into the community. However, this achievement of rehabilitation, or behavioural change, is ultimately a matter of individual responsibility. Hence, while rehabilitation is an ideal and very desirable outcome of incarceration, there is no guarantee that an offender will be willing and able to lead a law-abiding and self-supporting life upon his return to society. We guarantee the opportunity but not the participation or the outcome.

Rule 73

73. (1) Preferably institutional industries and farms should be operated directly by the administration and not by private contractors.

(2) Where prisoners are employed in work not controlled by the administration, they shall always be under the supervision, of the institution's personnel. Unless the work is for other departments of the government, the full normal wages for such work shall be paid to the administration by the persons to whom the labour is supplied, account being taken of the output of the prisoners.

While the vast majority of industrial efforts are operated by the administrators, private enterprise is encouraged to assist in the development of industrial ventures which prisoners are permitted to operate. Prison industrial products are also sold in the open market provided they do not compete unfairly with private business.

The requirement that prisoners shall always be under the supervision of institutional staff is not met because it is not considered desirable to have prison staff supervise prisoners in community work placements.

Rule 77

77. (1) Provision shall be made for the further education of all prisoners capable of profiting, thereby including religious instruction in the countries where this is possible. The education of illiterates and young prisoners shall be compulsory and special attention shall be paid to it by the administration.

Canada does not support compulsory education for illiterate and young prisoners, but does make the availability of such education compulsory. In short, the provision of the program is compulsory on the service. The participation of the inmate is voluntary.

Manuals of Standards Published by the Commission on Accreditation and the ACA

Manual of Standards for Adult Parole Authorities (1976, revised 1980)

Manual of Standards for Adult Probation and Parole Field Services (1977, revised 1980)

Manual of Standards for Adult Community Residential Services (1977, revised 1980)

Manual of Standards for Adult Correctional Institutions (1977, revised 1981)

Manual of Standards for Adult Local Detention Facilities (1977, revised 1981)

Manual of Standards for Juvenile Community Residential Services (1978)

Manual of Standards for Juvenile Probation and Aftercare Services (1978)

Manual of Standards for Juvenile Detention Facilities and Services (1979)

Manual of Standards for Juvenile Training Schools and Services (1979)

Manual of Standards for the Administration of Correctional Agencies (1979)

Table 16 – Status of Accreditation in Canadian Facilities

Status	*Facilities*			
	Year	*Institutions*	*District Parole Offices*	*Community Correctional Centres and Forestry Camps*
Accredited	1981	Millhaven		
	1981		Saskatchewan	
	1981		Western Ontario	
	1981		Central Ontario	
	1981		Eastern Ontario	
	1981			Osborne
	1980	Dorchester		
	1979	Springhill	Truro	Carlton
	1979		Halifax	Parrtown
	1979		St John's	
Audited	1981		Edmonton	
	1981		Calgary	
	1981		Manitoba	Montgomery
	1981		Sydney	
	1981		St John's	
	1981		Moncton	
	1981	Drumheller		
	1981	Matsqui*		

Table 16 – continued

Candidate	Kent		
	Saskatchewan Pen.	Abbotsford	Ferndale
	Mission	Vancouver	Elbow Lake
	Frontenac	Victoria	Oskana
	Leblerc		
Self-Evaluation Report		Montreal	
at Commission	Cowansville	Quest Quebec	Benoit
		Est Quebec	Martineau
			Sherbrooke
	Centre Regional		
Correspondent	William Head		
	Edmonton		
	Stony Mountain		
	Prison for Women		
	Ste-Anne-des-Plaines		
	Centre Federal		
	Westmorland		

• Scheduled for Re-Audit.

Additional Documentation

1. Four Manuals on Accreditation
2. Agency Manual of Accreditation Policy and Procedures
3. Report on a Comparison of U.N. Rules and ACA Standards

FIJI

Fiji

PRISON INDUSTRY

Prison industry plays an important role in the Fiji prisons system. It provides employment and training for the prisoners as well as the manufacture and supply of items such as clothes, bread, furniture, etcetera, which could have been obtained dearly from outside sources.

The aim of the prison industries is to reduce the cost of prisons to the country, provide useful occupation and give prisoners vocational training which will assist them upon release to take their place in society as law-abiding self-supporting citizens.

The following industries are undertaken in the Fiji Prisons Service.

Bakery: Supply of bread to Government institutions such as hospitals, Government hostels, and prison consumption.

Tailor Shop: Making uniforms for Government departments such as Navy, Police, Medical, Road Transport as well as for prisoners and prison officers. Also manufacturing bed sheets, pillow cases and pillows for hospitals.

Upholstery: The manufacture of mattresses for use in Government institutions such as schools and hospitals.

Tinsmith: The manufacture of rubbish bins and other items for Government departments and prisons use.

Prison Joinery: The manufacture of items for prisons and Government institutions.

Conclusions

Prison industries play a vital role in reducing expenses by Governments on items which would otherwise be obtained at a higher cost from other sources as well as in providing productive employment for prisoners.

Prisoners employed in prison industries are mainly long-term prisoners. Hopefully, when they are released from prison they should be able to earn their living with the skill and knowledge they acquire while in prisons.

Due to the increase in demand from government departments there is an urgent need to expand the industries.

We are also looking into the manufacturing of handicrafts items in prison. We have discovered that some of our prisoners have got skills in these areas. It is intended that items made are to be sold and a percentage of the return of sale is to be kept for the prisoner. This would increase production and competition among prisoners, and hopefully, will reduce the strains in prisoners.

REMANDS AND CONVICTIONS

Remands are unconvicted prisoners whereas convicted are criminals who have been found guilty by a Court exercising criminal jurisdiction.

Association of convicted and remand prisoners is limited to what is necessary to prevent contamination or conspiracy to defeat the ends of justice.

Treatment of Remandees

(a) Clothes and other effects may be taken from the remandee if necessary for the purpose of evidence connected with his prosecution or otherwise for the purposes of justice. The remandee's clothes are retained by him if not required for such purposes.

(b) A remand prisoner may purchase or receive from private sources at such times and places as the Controller may direct, food, clothing and bedding. However, no alcoholic liquor shall be included in any articles purchased or received.

If a remand prisoner does not entirely maintain or clothe himself or provide his own bedding, he shall not be permitted to do so in part. As such he shall receive food, clothing and bedding in the same way as a convicted criminal prisoner.

(c) A remand prisoner may exercise daily.

(d) He may be given work at his request and may be employed outside his cell or accommodation.

Convicted prisoners are further classified for the purpose of facilitating training and minimising danger of contamination.

After classification the convicted prisoners are allocated to prisons most suitable for their treatment.

Convicted prisoners are subject to one third of their sentences remission. Remission may be forfeited as a punishment for a prison offence.

By having remand prisoners housed separately from convicted and wearing a different pattern of uniform, there is no problem in distinguishing between the two. However, a remand prisoner being located within the same walls, (but not in the same building) with the convicted will always have the feeling that he is the same as the convicted.

Because of poor resources, we have had to accommodate convicted and remand prisoners in one building at times.

A remand prisoner may spend a maximum of 14 days in custody. At times, a remand period may be extended by the courts due to adjournment of hearings and incomplete police inquiries.

A prisoner awaiting trial may spend a longer period in custody and this period may depend on the convenience of the Courts.

THE STATUS OF PRISON OFFICERS AND HUMAN RIGHTS

Prison officers, have until the last one year, been lowly regarded by society. This was reflected in the poor conditions of service and remuneration. As a result the service did not attract people of high standard and good educational background.

Society appeared to have forgotten that the Prison Service is an essential Government service in the maintenance of law and order.

Previously the Service had been enlisting officers on the basis of good physique. However, it was found that recruiting people of less education did not comply with the modern trend in the treatment of prisoners.

If we are going to expand our system and to train officers for future supervisory posts then we must enlist people who will be able to meet the requirements that we anticipate as being necessary.

Treatment of prisoners will depend on the quality of the officers. Due to unemployment there is a trend that the penal system is receiving prisoners who are more sophisticated and better educated. The system must match this sophistication through the standard of its officers.

Prison officers are categorised as (a) Subordinate officers; (b) Junior officers; and (c) Senior officers.

(a) **Subordinate Ranks**
Prison Officer Class A
Prison Officer Class B
Prison Officer Class C

(b) **Junior Ranks**
Principal Prisons Officer
Chief Prisons Officer

(c) **Senior Ranks**
Controller of Prisons
Deputy Controller of Prisons
Superintendant of Prisons
Assistant Superintendant of Prisons

The appointments of Junior and Subordinate Officers are made by the Controller of Prisons whereas the Senior Officers are appointed by the Public Service Commission.

Terms of Service and Recruitment Levels – Subordinate Officers

The qualifications required for enlistment into the Service are as follows:

(a) Age not below 21 years and not over 45 years;

(b) Height normal standard – 5ft. 7in.;

(c) Chest deflated – 33in.; and

(d) Standard of Education – Equivalent of Class 8 or better.

Candidates for recruitment should be active men of strong constitutions, free from bodily complaints, well developed generally, intelligent and passed fit by a Government Medical Officer.

A criminal record except in respect of convictions for trivial offences not involving dishonesty shall debar candidates from enlistment.

Candidates who have high educational qualifications will be given special consideration such as waiving of heights by the Controller.

Subordinate officers are enlisted on a five year basis. On completion of an enlistment period, a subordinate officer may or may not opt for a further five year period of enlistment. Should an officer opt for re-enlistment for a further period, he will have to undergo thorough medical examinations to ascertain his physical and mental fitness for further service.

A subordinate officer is paid a re-engagement bonus if he is re-enlisted for a further five year period.

Conditions of service for junior and subordinate officers are governed by the Prison Service Regulations. A senior officer's conditions of service are governed by the Public Service Act. Junior and senior ranks are pensionable posts.

Subordinate officers do enjoy the privileges of free housing, free electricity, free water and free cooking fuel. If they are not provided with quarters, a housing allowance is payable every month. Junior and senior officers pay for their accommodation, water and electricity.

Subordinate prison officers are paid lower salaries than police constables. However, they are entitled to the same allowances except for extra-duty allowance and clothing allowance which are paid to police constables.

Salaries for subordinate prison officers do compare very well with firemen. However, firemen are paid overtime whereas prison officers are not monetarily compensated for any extra time they work.

Clerical officers in Government service are on the same salary levels as subordinate officers. However, the clerks do not enjoy fringe benefits accorded to the officers. Like the firemen, clerical officers are paid overtime allowance.

Appeal Procedures

Under the Prison Act, subordinate prison officers may only appeal against the punishments of

(a) Dismissal;

(b) Reduction in rank; and

(c) Forfeiture of pay except for fine.

Before any punishment as at (a), (b), and (c) is executed, the officer is advised in writing by the Controller of the intention to award the punishment. The officer is further advised, to make representation, if he so wishes, in writing to the Public Service Commission, why the punishment should not be imposed. This must be made within 14 days from the Controller's written advice. If the officer does not make any representation within the specified period, the punishment will be put into effect.

Subordinate officers belong to a Prison Officers' Association which looks into the general welfare and pay for its members. The Association does not deal with any matters affecting promotion or discipline.

Officers are forbidden by law to join any industrial association other than associations that may be prescribed by the Minister. Until now, no association has been declared for junior and senior officers.

Junior officers, may, in a similar manner to subordinate officers, make representations to the Public Service Commission in matters pertaining to award of punishment as above.

However, senior officers appeal to the Public Service Appeal Board against decisions such as

(a) dismissal; and

(b) demotion or any punishment that may be imposed by

the Public Service Commission for any disciplinary offence.

Visits are conducted by supervisors of prisons as frequently as possible to all prisons within his division.

During every visit the Supervisor shall:

(i) Inspect all books, registers etc. required by law to be kept by the officer-in-charge.

(ii) Visit every part of the prison and see every prisoner. Visit those in solitary confinement in punishment cells and all sick prisoners ensuring proper arrangements are made for their safe custody and treatment.

(iii) Inspect the provisions provided for prisoners and satisfy himself as to the quality of food supplied and inquire into any complaints that may be made regarding quality and quantity of rations of prisoners.

(iv) Inquire into all complaints and applications made and make such orders and give such directions as he thinks proper.

The Controller of Prisons shall visit every prison at least twice a year and on each inspection he shall:

(a) inspect all records;

(b) visit every part of the prison and see every prisoner who wishes to see him; and

(c) inquire into all complaints and applications and make such directions in respect thereof as he thinks proper.

The Visiting Justice may visit the prison at any time and may:

(a) inspect all records relating to the prison;

(b) hear and inquire into complaints by prisoners;

(c) visit prisoners under punishment;

(d) ensure that any abuses in correction with any prison which comes to his knowledge are brought to the notice of the Controller;

(e) furnishes such information with respect to any abuses or offences reported to him as may, from time to time be requested by the Minister;

(f) make inquiry into any matter especially referred to him by the Minister; and

(g) inquire into the state of the prison buildings and report to the Controller with respect to any repairs or additions which may appear to him to be necessary.

Official Visitors appointed by the Minister may visit the prison and during such visit may:

(a) visit all parts of the prison and see every prisoner in confinement;

(b) inspect and test the quality and quantity of prisoners' food and drink;

(c) ascertain as far as possible provisions of the law are adhered to; and

(d) inquire into any complaints or request by prisoners.

Appeal Procedures – Prisoners

A convicted prisoner is informed of his right of appeal within 24 hours of his admission.

A prisoner who pleads innocent but is convicted by the Court may appeal against:

(a) severity of sentence; and

(b) conviction.

The petition of appeal must be filed within 28 days from date of sentence if convicted from the Magistrate's Courts and 30 days

if convicted from the Supreme Court.

A prisoner convicted by a Magistrate's Court may appeal to the Supreme Court.

A prisoner convicted by the Supreme Court may appeal to the Fiji Court of Appeal on the question of law only.

A prisoner who pleads guilty may only appeal against severity of sentence.

A prisoner can still appeal to the Privy Council if he is not satisfied with decision of local courts.

Legal Aid – Applications

Application for legal aid shall be made in writing in the form prescribed.

Applications for legal aid in appeal before the Fiji Court of Appeal or by persons proposing to seek leave to appeal to the Judicial Committee of the Privy Council should be submitted to the Registrar of the Fiji Court of Appeal.

Applications for legal aid in criminal cases and appeals in the Supreme Court should be submitted to the Chief Registrar of the Supreme Court.

Applications for legal aid in any criminal case in a Magistrates' Court must be submitted to the Clerk of the Court of that Magistrate's Court.

For punishment awarded for prison offences, a prisoner may make representation to the Controller of Prisons about the Tribunal's decision.

Assaults by officers on prisoners, prisoners on prisoners and by prisoners on officers are normally referred to police for investigations.

Officers are not covered by any life insurance scheme for the risky work they perform.

Prison officers are exposed to risk of life in the course of their work. They have no means of protection from violent prisoners. The only equipment issued for their own defence is an 18in. truncheon.

An officer in an open institution will have to use tact and skill in the supervision of his charges because the truncheon is of little value against 10 prisoners with a large knife and a digging fork each.

Alleged assault on prisoners by officers have become a common complaint especially to the Ombudsman's Office, in nearly all cases the complaints are found to be baseless.

Complaints of alleged assault by prisoners is not uncommon in any prison system. Prisoners will continue to disrupt discipline and staff morale by any means, including false complaints to high authorities. Prison officers should not be discouraged by this tactic from prisoners. They should continue to enforce discipline and order fairly but firmly.

Our institutions have cellular and dormitory type of accommodations. Prisoners who are considered a threat to the system because of their violent conduct and disruptive influence are housed separately in more secure accommodation. This provides good supervision and control by the administration.

We have encountered problems with prisoners housed in closed cellular institutions. This is due mainly to the fact that our prisoners are not used to this restrictive type of life.

In outside life a Fijian is used to a communal social life. Putting him in cellular confinement does not relate to the life he has been used to before imprisonment. Naturally the prisoner rebuffs this type of conditioning resulting in anti-authority behaviour. We are trying as far as possible to minimise the period a prisoner has to spend in closed institutions.

However, there are some people who will have to spend longer periods or even the whole of their term of imprisonment in closed institutions.

PRISONERS' EXCHANGE ARRANGEMENTS IN ASIA AND THE PACIFIC

Existing legislation does provide for the repatriation of prisoners between Fiji and other Pacific and South East Asian countries.

For the last five years or so we have been receiving prisoners who have violated Immigration Laws. Because of the limited resources we have, these prisoners are admitted into our penal establishments. Arrangements for their repatriation are made through the Immigration Department and the country of origin for the prisoners. However, other foreign prisoners who are convicted under the country's Penal Code will have to serve their

sentences in our Institutions before repatriation arrangements are made.

There is no provision in our laws whereby foreign prisoners convicted under the Penal Code can be repatriated during their terms of imprisonment.

For the last 10 years or so we have been receiving people, mostly from Taiwan and South Korea, who have broken Immigration Laws. We have encountered difficulties in communicating with these people and at times we have to seek assistance from people who have knowledge of the languages. We have also encountered difficulties in providing suitable rations and accommodations.

We are going to continue receiving these foreign prisoners especially Taiwanese and South Korean fishermen due to the fact that Fiji has become a regular port of call for the fishing boats.

Last year, 1980, we received 45 foreign prisoners, 11 of which were from Taiwan and South Korea. These numbers will continue to increase.

Due to the length of time taken in arranging for the repatriation, a prisoner may spend an average period of one month in our penal institution. This has created an extra burden in the administration of the institution in as far as communication, accommodation and feeding of the prisoners is concerned.

It would therefore be useful if participating countries could have some type of arrangement whereby foreign prisoners who violate immigration laws can be repatriated within a short period of time in order to ease the burden of the host country and as well as the prisoner.

THE PROBLEMS OF DRUG OFFENDERS IN THE PRISONS

For the last five years we have had only six prisoners involved with drug offences. All were foreigners and were involved mostly in the trafficking of drugs. Out of these six, one was a female who was convicted and sentenced to eight years imprisonment while the others were kept only for safe custody. Problems relating to culture shock are experienced for the first two weeks or so. As these prisoners are mostly from New Zealand they do settle in very well since drug offences are uncommon in our system and we have not at any time encountered any special problem with the offenders.

ACCREDITATION AND INTERNATIONAL STATUS

Fiji is an accredited member of the United Nations. The administration and treatment of prisoners are in accordance with the Standard Minimum Rules for the Treatment of Prisoners.

ANNEX A

Revenue derived from Prison Industries for year ending 31 December 1980 is as follows:

Prison Industries
Bread Sales Return for 1980

	lb.	*$*
January	65,258	8,483.54
February	73,601	9,568.13
March	79,270	13,475.90
April	76,183	12,951.11
May	77,983	13,257.11
June	80,707	13,720.19
July	84,184	14,311.28
August	77,339	13,147.63
September	84,011	14,281.87
October	93,148	15,835.16
November	75,625	12,856.25
December	64,419	10,951.23
TOTAL	922,728	152,839.40

ANNEX B

Manufacturing Account for Prison Department for the Year ended 31 December 1980

	$	$
Work-in-progress at 1 January 1980		4,762.49
Raw material on hand, 1 January 1980	1,446.71	
Raw material purchased	111,286.84	
	112,733.55	
Less raw material on hand 31 December 1980	2,822.66	109,910.89
		114,673.38
Less work-in-progress 31 December 1980		7,344.50
Cost of production transferred to Trading Account		107,328.88

TRADING ACCOUNT

Sales		204,897.72
Stock of finished goods on hand, 1 January 1980	Nil	
Cost of goods manufactured	107,328.88	
	107,328.88	
Less stock of finished goods on hand, 31 December 1980	Nil	107,328.88
Gross profit (39.19 per cent) transferred to Revenue 6-57 J.V. S2-12-14		97,568.84

ANNEX C

Farm Produce Sold and Supplied to Prison Institutions for the Year ending 31 December 1980

Months	*Amount Sold to Staff*		*Amount Sold/Supplied to Prison Institutions*
January	120.19		6,059.77
February	155.63		5,210.82
March	126.51		6,169.90
April	176.70		5,057.23
May	191.82		5,682.27
June	147.05		6,027.84
July	530.90		6,657.33
August	384.64		6,907.36
September	375.69		4,285.26
October	290.75		8,777.11
November	380.58		6,307.02
December	791.16		12,081.37
	3,671.62		79,243.28
		TOTAL	82,914.90

ANNEX D

Police and Security			*Fiji Prison Service*		
	$			$	
PL01	20,044	Commissioner	PN01	14,959	Controller
PL02	16,865	Deputy	PN02	12,417	Deputy
	16,230	Commissioner		11,908	Controller
	15,594			11,424	
				10,941	
PL03	14,959	Assistant	PN03	10,941	Superintendent
	14,323	Commissioner		10,535	
	13,814			10,128	
PL04	12,708	Senior Superintendent		9,747	
	12,213			9,391	
	11,717			9,086	
	11,247				
			PN04	9,086	Assistant
PL05	11,247	Superintendent		8,819	Superintendent
	10,840			8,564	
				8,311	
	10,433			8,076	
	10,040			7,841	
	9,657				
				7,605	
PL06	9,657	Deputy		7,370	
	9,366	Superintendent		6,989	
	9,086			6,848	
	8,819				
	8,564				
	8,311		PN05	6,848	Chief Prison
				6,607	Officer
PL07	8,311	Assistant		6,394	
	8,076	Superintendent		6,206	
	7,841				
	7,605				
	7,370		PN06	6,206	
				6,029	
PL08	7,141	Senior Inspector		5,853	
	6,907			5,688	
	6,670			5,558	
	6,465			5,435	
	6,253			5,305	

ANNEX D – continued

				5,152	Principal Prison
PL09	6,253	Inspector		4,931	Officer
	6,604			4,710	
	5,876				
	5,700				
	5,535		PN07	4,488	Prison Officer A
	5,370			4,351	
	5,195			4,211	
				4,072	
PL10	5,126	Sergeant Major		3,935	
				3,810	
PL11	5,029	Sergeant		3,685	
	4,862			3,561	
	4,696				
	4,530		PN08	3,561	Prison Officer B
	4,377			3,450	
	4,226			3,340	
				3,242	
PL12	4,226	Corporal		3,145	
	4,072			3,047	
	3,935				
	3,796		PN09	3,047	Prison Officer C
	3,656			2,950	
				2,855	
PL13	3,656			2,771	
	3,532			2,687	
	3,408			2,605	
	3,282			2,536	
	3,172				
	3,061				
	2,965				
	2,868				
	2,771				
	2,674				

Salary Scales

PL14 Section Officer (Security)

PL15 Deputy Section Officer (Security)

PL16 Patrol Officer, removed following the establishment of the Civil Aviation Authority

ANNEX D – continued

PL17	3,956
	3,817
	3,678
	3,541
	3,401
	3,263
	3,138
	3,014
	2,890
	2,764
	2,653
	2,550
	2,452

ANNEX E

Prisoners' Statistical Information

A total of 816 persons (792 men and 24 women) were committed to prison from January to the end of May 1981. They are classified as follows:

	Men	*Women*	*Total*
Sex and Age Group			
Under 16 years of age	–	–	–
16-20 years of age	213	6	219
20-25 years of age	336	5	341
25-50 years of age	237	13	250
Over 50 years of age	6	–	6
TOTAL	792	24	816
Racial Origin of Prisoners			
European	18	–	18
Fijian	606	20	626
Indian	161	3	164
Chinese	1	–	1
Other Pacific Islanders	6	1	7
TOTAL	792	24	816
Religion of Prisoners			
Church of England	–	–	–
Roman Catholic	30	3	33
Methodist	467	17	484
Seventh Day Adventist	73	1	74
Muslims	26	1	27
Sheik	–	–	–
Hindu	135	2	137
Others	61	–	61
TOTAL	792	24	816

ANNEX E – continued

Category of Offence			
The Person with Violence	102	3	105
The Person without Violence	14	2	16
Property with Violence	129	–	129
Immigration Laws	–	–	–
Traffic Laws	28	–	28
Property without Violence	150	8	158
Liquor, Opium and other Dangerous Drugs	176	10	186
Vagrancy Laws	–	–	–
Other Laws	193	1	194
TOTAL	792	24	816

Length of Sentence			
3 years and over	21	–	21
18 months and less than 3 years	78	–	78
12 months and less than 18 months	65	2	67
6 months and less than 12 months	89	4	93
3 months and less than 6 months	163	9	172
1 month and less than 3 months	180	7	187
Under 1 month	196	2	198
TOTAL	792	24	816

Prison Population as at 1 May 1981

Population – Fiji	*Prisoners*	*Rate per 100,000*
650,000	1,219	0.19

1. In Custody 976
2. Extramural 243

Drug Offenders			
1976	1	–	1
1977	–	–	–
1978	–	1	1
1979	–	–	–
1980	4	–	4
TOTAL	5	1	6

HONG KONG

Hong Kong

T.G. GARNER

PRISON INDUSTRIES

In Hong Kong the Prisons Department is essentially pragmatic in its approach to prison management and this also applies to prison industries. It is all too easy to think of time as something which must pass. However, the manner of its passing and the way it affects a prisoner in the highly structured and limited environment of a penal institution must be of vital concern to the management. At the lowest level any occupation helps time pass less tediously and perhaps even more congenially. In this context something for prisoners to do is relevant to many aspects of institutional life, not least the maintenance of security and good order among the inmates. At the very basic level, therefore, the prime objective of prison industries is to keep prisoners gainfully employed since idle hands and minds in a penal institution produce an explosive atmosphere which can lead to unrest and violence. At the very least it undermines discipline.

Hong Kong as a community, prospers on the hard work and industry of its people. It is not surprising, therefore, that, in the field of prison industries, Hong Kong takes an economic approach to the way in which prison labour is kept occupied. Basically, therefore, work is arranged:

(i) to train inmates in a trade and to cultivate good working habits under conditions comparable with those of outside industry, so that they may be better able to acquire and retain a job on release; and

(ii) to make a financial contribution to the general revenue by providing, as economically as possible,

goods and services by the use of the valuable resources of prison labour.

Vocational training is closely linked to prison industries, although the emphasis lies in providing programs of training for young offenders rather than in utilising their productive capacity. This training is aimed at equipping young offenders with appropriate skills and self-confidence to enable them to return to society after discharge.

Background and Administration

In order to assess the potential of prison industries and to ensure the maximisation of output, an adviser on industrial production management was appointed under the auspices of the Commonwealth Fund for Technical Cooperation to carry out an assignment in Hong Kong in 1977. The adviser submitted his report to the Government in April 1977 recommending certain measures to expand prison industries and vocational training. The implementation of the various recommendations contained in the report began in June 1978 with the appointment of a General Manager (Prison Industries).

The expansion program for industries continued with the appointment to key posts in the industries management team of professionally qualified industrially experienced staff covering the various functions of marketing, production services, financial accounting and the production control. All direct appointees to specialist posts undergo familiarisation training at the Staff Training Institute to prepare them for work in a penal environment. The initial stage of this training is deliberately restricted in order to expose new recruits as soon as possible to the rigours of institutional life during a period of field attachment training. This is considered necessary to weed out at an early stage those who lack the temperament for prison work. Formal training is, of course, only a start and it has become abundantly clear that however well qualified or industrially expert they may be new staff cannot begin to make a worthwhile contribution until they fully understand the ethos of prison life and have gained first-hand experience of working in a penal environment. In particular many of them have to acquire the confidence and tact in handling inmates which their colleagues on

divisional duties have developed over years of service.

More recent factors in the expansion program have been the implementation of arrangements relating to the direct procurement and holding of raw materials by the Department and its assumption of a greater discretion in the pricing policy for certain goods supplied.

It has been recognised that to maintain full employment for prison labour and sustain production the Department requires to pay for and hold substantial quantities of materials in the form of unused stocks, work in progress and finished goods not yet brought to account. In the current year up to $5 million worth of such unallocated stores may be held at any time throughout the year. With this turnover it is necessary to reduce the extent of the Department's 'exposure' in purchasing materials; that is the time between expending funds on materials and recovering the cost from the client. Measures covering a critical and ongoing review of stock holding, improving the frequency of deliveries and a more rapid billing procedure have been successfully introduced.

These developments, together with increased emphasis on control in the use of materials and in product quality, will provide a sound basis for the further anticipated expansion of industries.

Expansion is envisaged since while in a penal context there is no compelling economic necessity for prisoners to work since they are fed and clothed by the Government, it is patently evident that prisoners as a whole prefer to work rather than remain idle. Accordingly the more work there is, and the better it is organised, the greater the response. It follows that the greater the tempo of work and the more comprehensive the production of goods the more important becomes the inevitable problem of what to make and for whom.

Production Policy

In Hong Kong this problem has been solved very simply. Prison industries presently provide goods and services for the public sector as represented by the various Government departments and subvented public sector organisations. The resources of space, plant, equipment machinery and, most important of all, management and supervision must therefore be organised to meet the variety of needs represented.

The public sector in Hong Kong is a large and important market but it is fragmented and disparate, and although in terms of output and quality there is a considerable advantage in having standard products on long continuous runs, this is at present difficult to organise. A significant recent development, however, has been the introduction of a flow-line system of production for the manufacture of garments. This resulted from a detailed market survey of the public sector to identify large volume orders from client departments for stock-sized garments. The manufacturing processes could thus be planned to increase output and quality control, and it is intended to extend the number of flow-line productions as opportunities arise.

Commercial Value

In 1980 the commercial value of prison goods and services in Hong Kong amounted to almost HK$30 million (see Appendix I), and it is expected that this figure will rise to about HK$50 million within the next 2 or 3 years. This commercial value fails to express the real and valuable benefit to the taxpayer of maintaining a stable equilibrium within the penal environment and of minimising the risk of trouble. It does, however, serve to illustrate what prison industries can do in recognisable and quantifiable terms.

Even by the exacting yardstick of commercial performance, prison industries in Hong Kong is fully viable. After charging direct costs (materials and labour) and indirect costs (management, supervision and depreciation) the net benefit to Government lies in the region of 50 per cent of the gross commercial value. In other words, by utilising inmate labour as fully and effectively as presently possible, the Hong Kong Government benefits to the extent of almost HK$15 million (see Appendix II) per year from goods and services which would otherwise have to be obtained from private sector sources.

Prisoners' Earnings

An earnings scheme is in operation for all convicted prisoners and for remands who elect to work. The rates of earnings amount in real terms to very little, but the scales of pay are so structured in relation to the jobs done as to give fair and just rewards for skill

and responsibility. The earnings scheme is based upon the principles of job evaluation in which each job covering the full range of industrial and domestic tasks has been assessed under the guidance of qualified industrial staff.

The earnings scheme recognises separate apprentice rates for trainees which are only half those of fully skilled operatives. Pay rates cover seven grades ranging from HK$1.80 to HK$14.40 per week.

It is proposed that a productivity incentive scheme in specialist workshops where work measurement can establish standard times for the individual work processes will soon be introduced. There are several workshops within prison industries which are susceptible to this type of scheme, and measurement exercises have already taken place to improve efficiency. The plan is to regard these specialist workshops as centres where work study measurement can be 'applied' and to increase the earnings of the prisoners working in them in proportion to their increase in output over a 'standard' performance. The workshops would be termed as 'applied workshops' (that is, work study schemes had been applied to them). Appendix III shows the expenditure on earnings from 1977-78 to 1981-82.

New Industries

A new industrial enterprise will begin production in July 1981 to manufacture pre-cast concrete kerbstone for the Highways Department of the Government. This new industry will have a gross turnover, when in full production, of over HK$1 million per year.

A new laundry at Pik Uk Prison will be opened later in 1981 to provide a laundry service to the Medical and Health Department. The laundry has a design capacity of 1 million pounds dry weight per month and will operate a 2 shift system employing about 80 prisoners per shift. The commercial value of the output from this laundry when in full production is expected to amount to HK$18 million per year.

Although not strictly a new industry the shoe making industry was completely re-vamped early in 1980 by the introduction of new plant and equipment. Shoe making is now one of the most productive industries in the Department and the output is currently

running at 30,000 pairs of rubber-soled shoes per year. Plans are in hand to extend this capacity still further.

Towards the end of 1981 prison industries are scheduled to begin the machine manufacture of government's entire requirements of envelopes amounting to some 23 million envelopes per year. Financial provision has been made for this development and workshop space has been identified.

In addition to the implementation of new industries constant attention is paid to the modernisation of plant and machinery for existing industries which are under continuous review. Prison industries include the following.

Garment Making: This is the largest industry both in terms of its commercial value and the number of prisoners employed. The products range from simple sewn items such as bedding and prisoners' clothing to more complex items such as staff uniforms for the various services in Hong Kong. Increasing emphasis is being placed on identifying large groups of uniformed public servants whose uniforms can be manufactured to stock sizes using flow-line techniques.

Silk-Screening and Sign Making: All road and traffic signs in Hong Kong are manufactured by prison industries in addition to an increasingly large volume of other public signs and notices. This is a rapidly expanding industry.

Furniture and Wood Products: Prison workshops manufacture and repair Government furniture covering office desks, chairs and tables and a wide range of domestic items used by public servants. In addition, a variety of miscellaneous wooden products are made to order.

Fibreglass (Glass Reinforced Plastic (GRP)): In the interests of security, all prison cell furniture is now made from GRP. This industry has been so successful that it has been extended to produce several specialised products such as toilet units for picnic areas, plinths for traffic bollards, and canoes for recreational services. Work is in hand to develop the use of GRP into form work for the manufacture of precast concrete products.

Printing and Book-Binding: The printing processes cover offset litho and letterpress printing including printing in Chinese characters for various official publications. Book-binding represents primarily a spin-off of printing and produces practically all of the file covers and large envelopes etc. required by the Hong Kong Government. A new venture will commence in 1981 for the machine printing of Hong Kong Government's entire requirement of over 20 million envelopes per year.

Metal Fabrication: In certain institutions where security considerations permit, an extensive metal fabrication industry has been introduced. Output includes the manufacture of 10,000 litter containers per year.

Shoe-Making: A newly modernised shoe manufacturing industry now produces all of the uniform shoes required by the Prisons Department and by several other major Government departments.

Rattan: An attractive range of high quality rattan furniture is manufactured in prison workshops.

Pig Farming: A major pig rearing enterprise has recently begun. Although the enterprise is at an early stage, it will develop into an operation handling over 700 pigs.

Laundry: Each institution has its own laundry to cater for the domestic needs of the inmates and staff. In addition, however, a considerable volume of laundering work is carried out for other Government departments, and a large purpose built laundry will be opened in 1981 to provide an additional laundry service for the Medical and Health Department.

Outside Projects: A variety of outside projects are undertaken including afforestation, beach-cleaning, grass cutting, minor construction and maintenance work, including the laying of footpaths, BBQ areas, and during the past two years, the construction and maintenance of works at the frontier bordering China.

APPENDIX I

Commercial Value by Trades for Years 1977-1980 (in $000's)

Trade	*1980* $	*1979* $	*1978* $	*1977* $
Garment making	10,219	8,440	5,543	4,080
Carpentry	1,271	1,285	1,262	910
Metal Work	769	859	636	219
Fibreglass	701	146	812	362
Silkscreening	1,187	1,482	2,616	1,622
Printing and Bookbinding	906	1,341	112	106
Shoemaking and repair	1,378	1,074	886	737
Radio and TV repair	15	7	39	6
Construction and Maintenance	3,357	3,602	2,666	2,462
Maintenance – Gardening	335	240	178	1,015
Mailbag	311	544	310	892
Rattan/Bamboo	465	305	58	432
Laundry	8,832	2,838	3,008	2,859
Art and Craft	–	3	28	12
Panel Beating	17	5	3	4
Miscellaneous Services	90	–	–	–
TOTAL	29,853	22,171	18,157	15,718
Increase percentage	+34.65	+22.11	+15.50	

APPENDIX II

Trading and Profit and Loss Account

	1979 April-December (9 months) $000's	*1980 $000's*
Total Sales	15,649	29,853
Less Cost of Sales	5,661	11,430
Gross Profit	9,988	18,423
Less General and Administrative Expenses	2,433	3,569
	7,555	14,854

APPENDIX III

Prisons Department – Industries

	1977-78	*1978-79*	*1979-80*	*1980-81*	*1981-82 Estimated*
	$	*$*	*$*	*$*	*$*
Prisoners' earning scheme	716,488	694,478	801,109	1,146,829	1,920,000

REMANDS AND CONVICTED PRISONERS

The Hong Kong Prisons Department operates under four ordinances and their respective subsidiary legislation, namely:

(a) Prisons Ordinance and Prison Rules (Subsidiary legislation)
Chapter 234 Laws of Hong Kong

(b) Drug Addiction Treatment Centres Ordinance and Drug Addiction Treatment Centres Regulations (Subsidiary legislation)
Chapter 244 Laws of Hong Kong

(c) Training Centres Ordinance and Training Centres Regulations (Subsidiary legislation)
Chapter 280 Laws of Hong Kong

(d) Detention Centres Ordinance and Detention Centres Regulations (Subsidiary legislation)
Chapter 239 Laws of Hong Kong

These ordinances and rules provide for the allocation of any building or portion of a building to be set apart for the purpose of a prison or institution, for the management of such prisons or institutions and for the treatment of all such persons placed in the custody of the Commissioner of Prisons.

There are a number of different categories of prisoners admitted into the custody of the Commissioner of Prisons under these ordinances, all of which are kept separate and follow different modes of detention and correction. However, there are two main considerations in terms of status of persons placed into custody – (a) those who are awaiting trial; and (b) those who have been convicted.

The law requires that those who are awaiting trial shall be kept apart from convicted prisoners and that they shall not be allowed to associate with them at any time.

The following definitions in Prison Rules relate to persons to be treated as Prisoners Awaiting Trial (Remands).

(a) On their committal for trial for any indictable offence.

(aa) On their detention pursuant to an order of a magistrate for transfer to a District Court.

(b) On their detention pending the hearing before a magistrate of a charge against them on an indictable offence.

(c) On their detention pending the hearing of an information or complaint against them.

(d) On their detention in any proceedings under the Extradition Ordinance, whether pending extradition proceedings or awaiting their surrender.

(e) On their detention in any proceedings under the Chinese Extradition Ordinance, whether pending the extradition proceedings or awaiting their surrender.

(ea) On their detention by virtue of the Immigration Ordinance.

(f) Whose cases have been referred back to a magistrate to deal with summarily, rather than being committed for trial.

(g) Civil debtors.

(h) On their commitment under the Bankruptcy Ordinance.

(i) Who have been declared by any enactment in force to be or are to be treated as prisoners awaiting trial.

Persons who have been found guilty of an offence may be remanded subject to certain criteria for reports from the Commissioner of Prisons in respect of their suitability for admission into Drug Addiction Treatment Centres, Training Centres or Detention Centres; although found guilty of an offence these persons are in most respects, treated as prisoners awaiting trial.

Remands

Remands being unconvicted persons are afforded rights and privileges in accordance with Prison Rules.

On admission to the Reception Centre, all are first thoroughly searched, their personal belongings are checked and articles which they are not allowed to retain in their possession while in custody are taken from them for safe-keeping until their release. Cases

where they are in possession of articles which contravene the laws of Hong Kong are referred to the Police for action. The Reception Officer, who is always a very experienced officer, checks the personal particulars of the person remanded against the particulars contained in the committal warrant. All particulars are recorded in a register provided for this purpose and special attention is paid to the date of their next hearing; any discrepancy or doubt is confirmed with the court concerned.

A preliminary physical examination is conducted immediately on admission by hospital officers who are qualified nurses and any physical deformity or distinguishing marks are recorded for future reference. Those who are found to be sick or complain of sickness are immediately referred to the Medical Officer for examination. All others are seen by the Medical Officer as soon as possible but in any case not later than the day following admission. The results of the Medical Officer's examination is recorded in the remand's personal medical history file. Those who require treatment are either given out-patient treatment or are cared for in the centre hospital. Serious cases are admitted into a Government general hospital.

Psychiatric and/or medical reports may be submitted on request of the courts.

Remands are required to have a photograph taken immediately after admission in their private clothes. In order to retain their original appearance in connection with identification in court, remands are not required to have a hair cut or alter their appearance. In other words if they have long hair, they are not allowed (except by agreement of the police officer in charge of the case) to cut it short, and if they have facial hair, they are not allowed to remove it.

An information booklet is issued to each remand, which contains information required on their rights and privileges, what is expected from them and how to go about applying for legal aid and bail.

The Superintendent in charge of the centre interviews every remand on the day of admission if possible, but in any case no later than the day following admission. He re-checks all the particulars contained in the committal warrant with the remand and ensures full awareness of eligibility for free legal aid and bail.

Following the interview with the Superintendent, remands are

assigned to the induction unit where they are given lectures on what is expected of them, the routine, their rights and privileges, hygiene and communication with their families. The welfare officer also sees all new admissions and gives assistance wherever possible, particularly in cases where the remand has family problems. The welfare officer liaises with voluntary welfare agencies and the Government Social Welfare Department when assistance, financial or otherwise, is required for the family.

Accommodation and Separation

Remands are accommodated separately from other categories of prisoners. Although not required by law, remands are, for security reasons and better management, further split up into three different categories. These categories are, as far as possible, kept separate, in relation to the type of court in which their case is being heard. The first and most common types of remand are those from Magistrates Courts. These are dealt with within a very short period of normally no more than three weeks. The second category consists of those charged with more serious offences who have been transferred to the higher District Courts. The third category are those charged with very serious crimes who have been committed for trial at the Supreme Court.

Employment

Remands are required to keep their own cells and communal areas clean, for which they are not entitled to any earnings. They are not required to do any other work, however they may, if they so wish, elect to work, and if they so elect they receive payment in accordance with the rates in force at that time.

Clothing

Remands normally wear prison clothing, but they may, if they wish, wear private clothing providing they have sufficient for exchange which is fit for use and does not have to be preserved for the court hearing.

Food

Any prisoner awaiting trial who prefers to provide his own food may do so at his own expense on application to the Superintendent. Permission is normally given subject to certain conditions which include that such food will be received at fixed times, and that the food shall be inspected and subject to such restrictions as may be considered necessary. A person in receipt of private food does not receive a prison diet.

Alcoholic Beverages

A remand may also receive or purchase one pint of malt liquor or cider or not more than half a pint of wine for his own consumption during any period of 24 hours.

Cigarettes and Tobacco

All remands (except those under the age of 21 years) are allowed to smoke and for this purpose may bring or receive tobacco and smoking material including pipes into the prison for personal use, but for management purposes no more than 2oz. of tobacco or 100 cigarettes may be received into each remand's property. The daily issue must not exceed 10 cigarettes or an equivalent amount of tobacco.

Supplementary Articles

Provision of food intended to supplement the prison diet is not allowed, however such articles as sweets in reasonable quantities are permitted. Other items such as tooth brushes, tooth paste and hand towels are also allowed provided they are in accordance with conditions laid down by the Superintendent.

Temporary Retention and Supply of Papers

On application to the Superintendent a remand may be permitted to have any books, papers or other documents in his possession at the time of his arrest which are not required to be produced in evidence. He may also have supplied to him at his own expense newspapers or magazines which in the opinion of the Superintendent are not of an objectionable nature.

Visits and Communications

Remands may send and receive letters at all reasonable times and be provided with paper and other writing material for the purpose of communicating with relatives or friends or for preparing a defence.

Any confidential written communication prepared as instructions to a solicitor may be delivered personally to such solicitor or his clerk without any previous censoring by officers of the prison.

All other letters are censored and cannot be sent without prior authority of the Superintendent.

All prisoners awaiting trial are, subject to the order of the Superintendent, permitted visits by not more than two relatives or friends at any one time, for up to 15 minutes on any weekday, during approved visiting hours. The Superintendent may in special cases permit the visit to be prolonged or allow more than two visitors at any one time.

For the purpose of his defence a remand may receive a visit from a registered medical practitioner selected by him, or by his friends or legal adviser.

Facilities are provided for legal adviser and/or their clerks in open conditions which allow the interview with the prisoners to be conducted in sight of, but not in the hearing of, an officer of prison. There are no restrictions as to the frequency of legal visits for the purpose of preparing a prisoner's defence. The time of such visits are restricted only for the management and security of the institution.

Young Persons

Young persons, that is those who are under 21 years of age who are remanded in custody awaiting trial, are kept completely separate from adults. Although not so required by law young remands are kept in a separate institution set aside to cater for the special needs of young offenders.

Escorts

Those who are remanded for hearing at a magistrate's court are escorted to and from the court by the police, whereas those who are awaiting trial in the District or Supreme Courts are moved

under the escort of prison officers. All persons who have been convicted and sentenced are escorted by prison officers.

Discipline and Problems

All prisoners in the custody of the Commissioner of Prisons are subject to discipline and, if a disciplinary offence is proved against them, they are liable to be punished in accordance with Prison Rules.

Generally speaking, since remands have the option of not working, and therefore have a considerable amount of non-productive time on their hands, and since they are not subject to any loss of remission, they can present controversial supervisory situations. One of the main factors that deter convicted prisoners from misbehaviour is the fact that they are liable to lose some remission of sentence if a disciplinary offence is proved against them. However, as remands have no remission to lose, this important incentive to behave does not apply.

There is no problem of identification of remands; those who do not wear private clothing wear prison clothing which is of a different colour to those who have been convicted and sentenced. In addition since remands are at all times kept completely separate from those who have been convicted and sentenced, very few related problems arise.

During the past 12 months the average length of time a remand is held in custody for the three types of courts is as follows:

Magistrates	18 days
District	74 days
Supreme	202 days

Convicted Prisoners

The courts in Hong Kong have four modes of custodial sentence under the control of the Commissioner of Prisons which they can hand down. The first is the traditional sentence to prison, the second is to a training centre for those who are under 21 years of age, the third is to a drug addiction treatment centre and the fourth is to a detention centre for those under 25 years of age. The latter three modes of detention require the convicted person to be

remanded into the custody of the Commissioner of Prisons in the first instance for assessment and the preparation of a report for the court indicating suitability or otherwise for admission into such a program of treatment or training. On being sentenced to such a form of detention, the length of time a person can be detained is determined by a board chaired by a Senior Superintendent who makes recommendations to the Commissioner of Prisons. However, the length of detention although indeterminate is subject by law to a minimum and maximum period.

Prisoners who are sentenced to imprisonment for 3 months or more and are under 21 years of age on the date of sentence and have not attained the age of 25 years on release are subject to 12 months supervision commencing on the date of release.

Admission

Persons convicted and sentenced to imprisonment are admitted into a Reception Centre as are remands. Young prisoners and women prisoners are admitted into different institutions. The admission procedure is similar to that for remands except that prisoners are required to bathe, have their hair cut and have photographs taken in their private clothing and in prison clothing.

They are informed of their rights and privileges and the difference between review of sentence and appeal. Information on their eligibility to appeal against conviction, sentence or both, and on their eligibility to apply for legal aid to pursue an appeal is also provided. Assistance is given to prepare and file any appeal or application for legal aid with the appropriate authority.

The welfare officer sees all new admissions with the aim of helping them to settle down and gives assistance with any family problems caused by their imprisonment. He provides an on-going service throughout their sentence and assists in preparing prisoners for their release and return to society. The welfare officer liaises closely with voluntary agencies such as the Discharged Prisoners' Aid Society and the Social Welfare Department, when there are family or financial problems.

Visits and Communications

Prisoners are issued with paper and writing material to permit them to communicate with their families or friends but they are

only allowed to write and receive one letter on reception and thereafter one every two weeks. They may be visited once per month by not more than three approved visitors at any one time during the laid down visiting hours. However, both extra letters and visits may be approved for special reasons by the Superintendent upon application.

Food

Prisoners are required to take a prison diet and are not allowed to receive private food, cigarettes or sweets. They may however purchase cigarettes, sweets and other approved items from the prison canteen by using a proportion of their earnings.

Employment and Earnings

Unless excused on medical grounds, all prisoners are required to engage in useful work for not more than 10 hours daily, of which as far as practicable at least eight hours should be spent in association on work outside their cells or dormitories. For such work they receive earnings which range from $1.80 to a maximum of $14.40 per week.

Remission and Release

All prisoners are eligible by special industry and good conduct to earn remission of up to one-third of their sentence provided that the remission so earned shall not reduce the period of imprisonment to less than one month.

All prisoners may petition the Governor during the first year of their sentence and once every year thereafter unless the Superintendent considers that there is sufficient cause to justify additional petitions. Hong Kong at present does not have any system of parole, but for young prisoners under 21 years of age sentences are reviewed yearly by a Long-Term Board of Review for Prison Sentences. This Board is chaired by the Attorney-General who makes recommendation to the Governor. For adult prisoners serving sentences of more than six years, sentences are reviewed by the Board after four years and every two years thereafter. However, the Governor has the discretion to review the case of any prisoner whenever he so wishes.

Conclusion

There are considerable differences between the treatment, rights and privileges of prisoners awaiting trial and those who have been convicted and sentenced. The rights of remands to receive daily visits, private food and cigarettes however do not cause an administration problem.

A breakdown of different classes of remands and prisoners in custody during 1980-81 is as follows:

Table 1 – Remands

Classes (Remand)	*Quarter ended* 30-6-80	30-9-80	31-12-80	31-3-81
Young Prison Remand	126(1)	179(2)	132(6)	171(4)
Adult Prison Remand	533(9)	724(19)	654(11)	773(23)
Young Drug Addiction Treatment Centre Remand	3(–)	9(1)	9(–)	13(–)
Adult Drug Addiction Treatment Centre Remand	77(2)	88(2)	81(4)	126(1)
Training Centre Remand	10(–)	9(5)	4(2)	4(2)
Detention Centre Remand (Young Adult)	14	12	12	18
Detention Centre Remand (Young Offender)	50	68	40	64
TOTAL	813(12)	1,089(29)	932(23)	1,169(30)

Note: 1. Figure in brackets shows number of females included in the preceding figure.
2. The above figures do not include any detainee, deportee or illegal immigrants.

THE STATUS OF PRISON OFFICERS AND HUMAN RIGHTS

Hong Kong is administered under the Letters Patent of 1917 by a Governor, advised by Executive and Legislative Councils which comprise of both ex-officio and nominated members. The Chief Secretary is the Governor's principal adviser on policy, 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. The Government Secretariat is organised into eight policy and two resource branches, a

Table 2 – Prisoners

Classes (Convicted Persons)	*Quarter ended* 30-6-80	30-9-80	31-12-80	31-3-81
Young Prisoner	167(6)	201(5)	213(4)	230(4)
Debtor	16(3)	18(2)	12(–)	16(1)
Adult Prisoner	3,468(71)	3,589(87)	3,865(96)	3,707(83)
Young Drug Addiction Treatment Centre Inmate	39(2)	48(1)	25(4)	42(4)
Adult Drug Addiction Treatment Centre Inmate	1,156(40)	1,161(36)	785(277)	852(33)
Training Centre Inmate	299(45)	363(52)	415(57)	413(57)
Detention Centre Detainee (Young Adult)	62	53	50	46
Detention Centre Detainee (Young Offender)	207	254	258	240
TOTAL	5,414(167)	5,687(183)	5,623(188)	5,546(182)

Note: 1. Figure in brackets shows number of females included in the preceding figure.
2. The above figures do not include any detainee, deportee or illegal immigrants.

branch dealing with the machinery of government and a branch dealing with New Territories affairs. Each branch, except the Administration Branch, is headed by a secretary. The policy branches are based on program areas, as indicated by their titles: Environment, Economic Services, Home Affairs, Information, Housing, Security, Social Services, and Monetary Affairs. The two resource branches – Civil Service and Finance – deal with the government's personnel and finances. There are some 40 Government Departments which are headed either by a Director, a Commissioner or a Registrar. Overall, there are approximately 140,000 civil servants in the employment of the Hong Kong Government.

Civil servants are subject to Civil Service Regulations. These Regulations include such matters as recruitment, conduct, quarters, leave and promotions. However, certain departments have been classified as disciplined services and occupy a special place within the civil service. It is acknowledged by Government that these

services have an important role in the security, safety and well-being of Hong Kong and its people. They are subject to strict disciplinary codes in addition to the provisions of Civil Service Regulations. These disciplinary codes have a considerable effect on the life style of the persons concerned when compared with the general population and indeed other civil servants. High standards of dress, deportment and personal discipline are demanded. At present, the disciplined services comprise the Customs and Excise Service, the Fire Services, the Immigration Department, the Prisons Department and the Royal Hong Kong Police Force. In respect of the Prisons Department, all staff including non-uniformed members, such as clerks, school-masters and secretaries, are also subject to this disciplinary code.

Presently, there are 4,225 members of the Prison Service working in 21 different establishments including headquarters and a Staff Training Institute. Of these, 3,841 are uniformed staff. Office staff work, as do other civil servants, 44 hours a week, while the majority of the uniformed staff work an average of 49 hours a week, inclusive of a meal break, briefing before going on duty, take over of duties and in-service training. If they work a total of more than 51 hours a week, they are eligible to have time in excess of this period given to them in the form of time off in lieu. Most institutions are required to operate a seven-day week and each member of staff is allowed one day off each week in rotation. They also generally work one week of night duty in every three week period and they must work over weekends and public holidays.

Salaries and Conditions of Service

Initially, staff join the Prison Service on probation for two years. After passing the probationary period, they are appointed to the permanent establishment and become eligible for a pension upon retirement. Normal retirement age is 55, however, officers considered by Government to be the 'rank and file' may retire at 45 years of age. Between the age of 45 and 55, other officers may apply for early retirement but unless there are special grounds, either medical or compassionate, such approval is not normally granted before 50 years of age.

Prison officers are required in the interests of security to live

in quarters provided by Government (for which they pay a nominal rent in accordance with laid down scales) in the vicinity of the institution in which they work and it is Government policy that all members of the service be so housed. This aim, however, has not been fully achieved mainly due to an increase in the staffing of various institutions and at the moment there is a deficit of both married and single quarters.

Persons other than prison officers employed within the service are paid on either the Master Pay Scale or the Mode Scale I as are the majority of civil servants. The disciplined services are paid in accordance with what is known as the Disciplined Services Pay Scales. In respect of the Prisons Department this is only applicable to uniformed staff, all other staff are paid in accordance with the other two scales. Staff at the most senior levels are paid on a Directorate Pay Scale which is applicable through Government.

Levels of Recruitment

Prison officers are recruited into the service at two basic levels, namely, Assistant Officer II, which is the lowest grade, with a salary scale ranging from HK$1,870 to HK$2,835 and Officer with a salary scale of HK$3,780 to HK$6,965. The qualifications for these two grades are as follows:

(1) Assistant Officer II

Qualification	*Entry Point HK$*
Completed Primary 6	1,870
Completed Form 5	1,930
3 'E' grade passes in the Hong Kong Certificate of Education	1,995
5 'E' grade passes (including English) in the Hong Kong Certificate of Education	2,065

(2) Officer

1 Advanced level and 3 'E' grade passes (including English Language) in the Hong Kong Certificate of Education	3,310

Certificate in Social Work	3,780
2 Advanced leval and 3 'C' grade passes in the Hong Kong Certificate of Education	3,780
Diploma from a post-secondary College or Higher Diploma from Hong Kong Polytechnic	4,015
Degree from a Hong Kong or British University	4,250

The Department recruits Trade Instructors, Technical Instructors, School Masters, Psychologists, Nurses and other specialist grades. In addition to departmental grade officers, certain persons working in the service are recruited by other departments and the staff are then posted to the Prisons Department for duty. Included in this category are Medical Officers, clerical staff and Statisticians. A full list of all grades working within the Prison service is at Appendix A.

Career Prospects and Training

A person joining the prison service can be promoted to the highest ranks within the service. An Assistant Officer can be promoted to Assistant Officer I after completing a minimum of five years service, or directly to Officer through an Officer Cadet training rank. Promotion to Officer is dependent partially upon satisfactorily passing a Government English Language Examination or a public examination known as the Hong Kong Certificate of Education in English.

An Officer can be promoted to Principal Officer after passing an examination and thereafter through the grades to Chief Officer, Superintendent, Senior Superintendent and the Directorate ranks. All promotions are subject to satisfactory service and staff reports and the recommendations of a selection board. Approvals for promotion are dependent on the advice of the Public Service Commission, an independent body set up by Government to approve appointments and promotions throughout the civil service.

It is important to recruit a high calibre of person into the service. In addition to educational qualifications, they must have a stable personality, a mature and sensible outlook on life and be able to accept discipline. This last point is very important, as the

Department's view is that staff are not suited to impose discipline, unless they themselves can accept the same standard. Recruit Officers and Assistant Officers undergo a period of training at the Staff Training Institute. Other training undertaken at the Institute includes development training for Cadet Officers, Officers and senior officers. Certain selected members of staff are sent to the Universities and the Polytechnic while others attend the Medical and Health Department to qualify as general or mental nurses. Civil Service Training Division also provide short specialised courses and overseas training attachments are arranged for more senior staff.

In-service training is provided within institutions on a variety of subjects, but generally of a specialised nature pertinent to the particular type of institution. Revision of general subjects of importance to the Department as a whole are also undertaken.

Staff Associations

In common with other members of the Civil Service, staff are permitted to join trade unions or staff associations if they so wish. The role of these associations is to represent the views of civil servants to Government through a Civil Service Council, on which there are both official and staff side members. Departmentally, senior and junior consultative councils have been established to represent staff views and opinions on matters concerning pay and conditions of service generally. All grades within the Department are represented. These councils have comprehensive constitutions (copies are at Appendix B and C).

In Hong Kong prison officers do not have the right to strike and in particular, should members of the service fail to report for duty, they may be charged with an offence and dealt with by the courts.

In institutions within the Department, staff consultative committees exist where the head of the institution meets regularly with his staff to discuss matters affecting either the institution, the inmates or the staff. Important matters discussed at these meetings are forwarded to Headquarters for consideration or action if they are beyond the authority of the head of the institution concerned.

The Commissioner has also set up staff welfare consultation

meetings which are held on a regular basis. At these meetings the Commissioner personally meets with members of the staff to discuss problems. These meetings have been well received by the staff and have a positive effect on morale.

Treatment of Prisoners

Prisoners' Rights

It is the duty of all prison staff to ensure that persons in custody are treated with kindness and humanity and that their basic human rights are protected. The Prison Rules stipulate the duties of staff from the lowest to the most senior ranks and this reinforces the treatment of prisoners. Departmental standing orders further support these statutory requirements. It is not the intention of the legislature to provide inmates with more rights than the community as a whole, and prisoners do not have all of the rights of a free citizen. However basic human rights are assured.

The treatment of prisoners, their rights and privileges are laid down in Prison Rules which form subsidiary legislation to the Prisons Ordinance, under the Laws of Hong Kong. Such matter as admission, discharge, clothing, health, cleanliness, work and discipline, welfare and education are covered, many of which more than meet the United Nations minimum standard rules for the treatment of prisoners. Every prisoner is informed of his rights and privileges by the Superintendent of the institution immediately after admission. He is also given the opportunity to make any request or complaints or raise any other problems. In addition each person goes through an induction program where these rights are explained more fully. A booklet is also issued to him setting out procedures, treatment, rights and privileges.

Appeals Procedures

Every person on admission to a penal institution is informed of his rights regarding appeals and reviews of both sentence and conviction. When a prisoner is not represented by legal council, the Department will enter an appeal or apply for a review of sentence on his behalf. All the formalities and administrative work are completed by the Prisons Department. In addition, help in applying for and obtaining legal aid in certain cases is also given.

Petitions and Reviews

Every person in custody may petition the Governor of Hong Kong in the first year of sentence and once every year thereafter regarding his case. Providing there is sufficient cause, such as new evidence or additional mitigating or compassionate factors, additional petitions may be forwarded at any time.

In addition to a prisoner's right to petition the Governor, the Commissioner will automatically submit to the Governor of Hong Kong every prisoner's case for review as follows:

(a) Imprisoned for a term exceeding six years	After four years and every two years thereafter
(b) Imprisoned for life	After four years and every two years thereafter
(c) Detained during Her Majesty's Pleasure	After two years and every two years thereafter
(d) Under 21 at the date of conviction of the offence for which imprisoned	After one year and every year thereafter until 21 years of age is attained and thereafter every two years

At such times, a report from the Medical Officer is required concerning the prisoner's mental and physical condition and whether or not, in his opinion, imprisonment has had or is likely to have an injurious effect on the prisoner's health. The Superintendent of the institution will also comment on the prisoner's conduct and industry.

Visiting Justices

The Law prescribes that two Justices of the Peace visit penal institutions on a regular basis. These visits which are usually made without advance warning occur on average once every two weeks.

The Visiting Justices are required to look into the state and discipline of the prison, investigate complaints by prisoners, pay special attention to prisoners in hospital and separate confinement etc. A report of their visit is forwarded through the Commissioner to the Secretary for Security, the policy branch head in the Government Secretariat. Notices are displayed prominently throughout institutions informing prisoners and inmates of their right to see a Visiting Justice or a senior prison officer to make any complaints, requests or representation.

Protection of Persons Imprisoned

Protection of the individual imprisoned in Hong Kong is effected by among other means an elaborate classification system. The young aged 14 to 21 are usually sent by the courts to a training or detention centre and only the minority ends up in prison. Young male drug addicts are sent to a separate section of the drug addiction treatment centre. A young person sentenced to imprisonment is admitted to a correctional institution for young offenders, with programs especially designed for them. Girls cannot be sent to detention centre but the Department operates a training centre for them. Young female prisoners 14-20 years of age are held separately in a correctional institution. Adult female prisoners are held either in a prison or a drug addiction treatment centre, if they are addicted to drugs. Separate institutions hold persons with a short criminal history while those with a long series of offences and those who are violent and dangerous are kept in different institutions. Sections of two adult prisons have been set aside as geriatric units where prisoners classified by the Medical Officers as clinically old are housed. Such prisoners are usually incapable of undertaking normal work and find difficulty in keeping pace with the routine. The Department operates a psychiatric hospital for those prisoners who are mentally ill. On admission to an institution, prisoners are further classified when they are assessed and given a security rating which determines whether or not they will serve their sentence in a maximum, medium or minimum security institution. Factors determining a prisoner's rating include offence, length of sentence, criminal history, violence potential, mental and physical condition and age. Security ratings are reassessed by a board every six months and may result in a prisoner being regraded and subject to transfer.

Provision is made in the Prison Rules for the segregation of any prisoner who attempts to intimidate or influence any other prisoner. The Superintendent may segregate any such person for a period not exceeding one month. Justification for further segregation must be forwarded to the Commissioner for consideration. Any prisoner who remains a threat to others will remain segregated until the authorities are satisfied that he will not influence or interfere with others.

On admission to prison the majority of male prisoners own to gang or triad affiliations. Those identified as office bearers of such gangs are segregated immediately after reception and kept apart from the other prisoners until the authorities are satisfied that they do not pose a threat to others or the good order the discipline of the institution. Prisoners with no triad background are housed separately from known gang members. All institutions have staff who form anti-triad units and which are coordinated from Headquarters. These units carefully monitor all institutional activities and keep under surveillance all known influential characters in order to counter attempted subversive activity.

The strict disciplinary code to which prison officers are subject results in high standards of staff discipline within institutions, which aid in ensuring the protection of the individual prisoner or inmate. Furthermore since Superintendents may award up to one month's loss of remission for any contravention, by an inmate, of the disciplinary provisions of the Prison Rules, and the Commissioner has the authority to award a punishment of up to six months' loss of remission, such deterrents discourage assaults and other violations of rules by prisoners.

A Complaints Investigation Unit operates from Prison Headquarters, staffed by prison officers. This unit is required to impartially and expeditiously investigate all complaints against the Department or members of staff. Complaints made by prisoners are forwarded immediately to this unit who prepare a comprehensive report which is then submitted directly to an Assistant Commissioner for consideration. The results of all enquiries are communicated both to the complainant and the person or persons accused.

Visits

A convicted prisoner may be visited by his family and friends one a month by no more than three persons at one time. Additional visits may be approved by the head of the institution upon application. Remand prisoners and inmates serving a training or detention centre sentence may receive any number of visits and in fact where young persons are concerned, frequent visits are actively encouraged. A remand's legal adviser may visit him on any number of occasions and at any reasonable hour. Other legal visits concerning private affairs may be arranged with the head of the institution.

Letters

Persons other than relatives and friends of a prisoner may communicate with a prisoner only with special authority, otherwise prisoners are permitted to write and receive a letter on admission and thereafter once every two weeks. Approval may be given by the Superintendent for a person to write special letters regarding important personal affairs, while the Commissioner may allow any number of additional letters for any class of prisoner. Prisoners are afforded every opportunity to communicate with their legal advisers. Postage for prisoners' mail is met by Government, including that for prisoners whose homes may be abroad.

APPENDIX A

List of All Grades Working within the Prisons Department

Commissioner of Prisons
Deputy Commissioner
Assistant Commissioner
Senior Superintendent
Superintendent
Chief Officer
Principal Officer
Officer
Assistant Officer I
Assistant Officer II
Superintendent of Prison Industries
Chief Industrial Officer
Principal Industrial Officer
Industrial Officer
Technical Instructor (Prisons)
Instructor (Prisons)
Works Supervisor I
Works Supervisor II
Artisan
Cook
Occupational Therapist I
Occupational Therapy Assistant
Administrative Officer (SGC)
General Manager
Senior Administrative Officer
Senior Executive Officer
Executive Officer I
Executive Officer II
Senior Clerical Officer
Clerical Officer I
Clerical Officer II
Clerical Assistant
Office Assistant
Senior Accounting Officer
Accounting Officer II
Chinese Language Officer I
Chinese Language Officer II
Calligraphist
Confidential Assistant
Senior Personal Secretary
Personal Secretary
Supervisor of Typing Services
Stenographer
Senior Typist
Typist
Telephone Operator
Senior Information Officer
Information Officer
Assistant Information Officer I
Assistant Information Officer II
Senior Supplies Officer
Assistant Supplies Officer
Supplies Supervisor I
Supplies Supervisor II
Supplies Assistant
Supplies Attendant
Statistician
Statistical Officer I
Statistical Officer II
Inspector (Non-graduate)
Treasury Accountant
Senior Clinical Psychologist
Clinical Psychologist
Senior Master (Prisons)
Master (Prisons)
Registered Nurse/Student Nurse
Armourer II
Social Welfare Officer III
Medical Officer
Prison Chaplain
Clerk of Works
Assistant Clerk of Works
Workman II

APPENDIX B – CONSTITUTION OF THE SENIOR DEPARTMENT CONSULTATIVE COUNCIL PRISONS DEPARTMENT

1. The Council shall be known as the Senior Departmental Consultative Council, Prisons Department.

2. The general objects of the Council should be to secure the greatest measure of cooperation between the Administration, in its capacity as employer, and the general body of the staff in matters affecting the Department, with a view to increased efficiency in the Department combined with the well-being of those employed; to provide machinery for dealing with grievances, and generally to bring together the experience and different points of view respecting conditions of service within the Department.

3. (a) The Council shall consist of not more than 16 members, appointed as to not more than four members by the Head of Department and as to not more than 12 members elected by the various eligible grades having members employed in the Department.

(b) The Chairman of the Council, after consultation with the vice-chairman, shall, as occasion may require, arrange for the addition of a representative appointed by the Civil Service Branch of the Government Secretariat.

(c) The Council shall cover all senior officers (as defined in the Prisons Ordinance) and other staff of equivalent status.

(d) It shall be open to the authorities appointing the respective members of the Council to vary their representatives.

(e) The first Council shall be appointed to serve until the close of the annual general meeting in 1976.

(f) Casual vacancies may be filled by the staff side in the same manner as the original appointments. Provided always that where a representative cannot attend a meeting of the

Council, an accredited deputy may be appointed pro hac vice.

4. (a) Chairman and Vice-chairman: The Chairman at every meeting of the Council shall be a senior member of the department appointed by the Head of Department, the vice-chairman shall be a staff member of the Council.

(b) Secretary: one Secretary shall be an official member of the Council or appointed by the Department and one Secretary shall be a staff member of the Council.

(c) Quorum: The quorum shall be two official members and eight staff members.

5. The ordinary meeting of the Council shall be held as often as necessary, and not less than once a quarter. The meeting in the month of September shall be the annual general meeting. An agenda shall be circulated to all members not less than 14 days before the meetings of the Council. Business not on the agenda shall be taken only by permission of the Chairman and Vice-chairman. A special meeting of the Council may be called by the Chairman on his own initiative or at the request of the Vice-chairman. The business to be discussed at such special meeting shall be limited to matters stated upon the notice summoning the meeting.

6. The scope of the Council shall comprise all matters which affect the conditions of service of the staff covered by the Council in the Department, and its functions shall include the consideration of the following.

(a) Provision of the best means for utilising the ideas and experience of the staff.

(b) Means for securing for the staff a greater share in and responsibility for the determination and observance of the conditions under which their duties are carried out.

(c) The encouragement of the further education of the staff, and their training in higher administration and organisation.

(d) Improvement of office machinery and organisation and the provision of opportunities for the full consideration of suggestions by the staff on this subject.

(e) The consideration of proposed legislation so far as it has a bearing upon the position of members of the staff in relation to their employment in the Department.

(f) Consideration of the general principles governing the following conditions of service in so far as these matters are peculiar to members of the staff of the Department.

(i) The structure of individual grade salary scales and internal relativities (that is, the relationship between those scales and the scales of similar grades of officers in other Departments).

(ii) Appointment and promotion qualifications for individual grades.

(iii) Detailed conditions of service for individual Departmental grades (for example, allowances, duties, hours of work, overtime arrangements).

(iv) Leave arrangements (excluding leave rates).

(v) Departmental Welfare arrangements.

(vi) Departmental quarters.

(vii) Office accommodation and working conditions.

(viii) Uniforms.

(Note 1: Any recommendations arising from the discussion of items (i) and (ii) above should be referred by the Head of Department to the Civil Service Branch for consideration.

Note 2: Salary levels and requests for general salary increases must not be discussed at Departmental level, since the proper level of discussion is between the three main Staff Associations and Government at Senior Civil Service/Council level.)

(g) Without prejudice to the responsibility of the Head of the Department for making promotions and maintaining discipline, it shall be within the competence of the Council:

(i) to discuss any promotion affecting the staff covered by the Council in regard to which it is represented by the staff members of the Council that the principles of promotion accepted by or with the sanction of the Senior Civil Service Council have been violated; and

(ii) to discuss any case affecting the staff covered by the Council in which disciplinary action has been taken if it is represented by the staff members of the Council that such a course is desirable.

(h) Questions common to two or more Departments not being general questions, shall be reported to the Senior Civil Service Council. The Council may request for inter-departmental meetings for the consideration of such questions.

7. (a) The Council may appoint special committees, Grade committees, and other committees as required, and may delegate special powers to any committee so appointed.

(b) The Council may appoint to special committees persons who need not necessarily be members of the Council. Grade Committees shall consist of representatives of the grade concerned and official representatives nominated by the Head of Department, such persons not necessarily being members of the Council.

8. The deliberations of the Council shall be without prejudice to:

(a) The overriding authority of the Government Secretariat and the responsibility of the Head of the Department as such;

(b) The responsibility of the staff members to their constituent bodies;

(c) The authority of the Senior Civil Service Council as the only joint body competent to deal with general questions.

9. Only statements issued under the authority of the Council shall be published, and such statements shall be as full and informative as possible.

10. The Council shall keep minutes of its proceedings.

11. The constitution of the Council may be amended, after consultation with the Secretary for the Civil Service, at an annual general meeting of the Council. Notice of amendment of the constitution must be given and circulated to the members of the Council at least one calendar month before the meeting.

APPENDIX C – CONSTITUTION OF THE JUNIOR DEPARTMENTAL CONSULTATIVE COUNCIL PRISONS DEPARTMENT

1. The Council shall be known as the Junior Departmental Consultative Council, Prisons Department, hereinafter referred to as the Council.

2. The general objects of the Council shall be to secure the greatest measure of cooperation between the Administration, in its capacity as employer, and the general body of the staff in matters affecting the Department, with a view to increasing efficiency in the Department combined with the well-being of those employed; to provide machinery for dealing with grievances, and generally to bring together the experience and different points of view respecting conditions of service within the Department.

3. (a) The Council shall consist of not more than 25 members, appointed as to not more than four members by the Head of Department and as to not more than 21 members elected by the various eligible grades having members employed in the Department.

(b) The Chairman of the Council, after consultation with the Vice-Chairman, shall, as occasion may require, arrange for the addition of a representative appointed by the Civil Service Branch of the Government Secretariat.

(c) The Council shall cover Subordinate Officers (as defined in the Prisons Ordinance) and other staff of equivalent status.

(d) It shall be open to the authorities appointing the respective members of the Council to vary their representatives.

(e) The first Council shall be appointed to serve until the close of the annual meeting in 1979.

(f) Casual vacancies may be filled by the staff side in the same manner as the original appointments. Provided always that where a representative cannot attend a meeting of the

Council, an accredited deputy may be appointed pro hac vice.

4. (a) The Chairman at every meeting of the Council shall be a senior member of the Department appointed by the Head of Department; the Vice-Chairman shall be a staff member of the Council.

(b) One Secretary shall be an official member of the Council, and one secretary shall be a staff member of the Council.

(c) The quorum shall be two official members and 12 staff members.

5. The ordinary meetings of the Council shall be held as often as necessary, and not less than once a quarter. The meeting in the month of September shall be the annual meeting. An agenda shall be circulated to all members not less than 14 days before the meetings of the Council. Business not on the agenda shall be taken only by permission of the Chairman and Vice-Chairman. A special meeting of the Council may be called by the Chairman on his own initiative or at the request of the Vice-Chairman. The business to be discussed at such special meeting shall be limited to matters stated upon the notice summoning the meeting.

6. The scope of the Council shall comprise all matters which affect the conditions of service of the staff covered by the Council in the Department, and its functions shall include the consideration of the following.

(a) Provision of the best means for utilising the ideas and experience of the staff.

(b) Means for securing for the staff a greater share in and responsibility for the determination and observance of the conditions under which their duties are carried out.

(c) The encouragement of the further education of the staff, and their training in higher administration and organisation.

(d) Improvement of office machinery and organisation and the provision of opportunities for the full consideration of suggestions by the staff on this subject.

(e) The consideration of proposed legislation so far as it has a bearing upon the position of members of the staff in relation to their employment in the Department.

(f) Consideration of the general principles governing the following conditions of service in so far as these matters are peculiar to members of the staff of the Department.

(i) The structure of individual grade salary scales and internal relativities (that is, the relationship between those scales and the scales of similar grades of officers in other Departments).

(ii) Appointment and promotion qualifications for individual grades.

(iii) Detailed conditions of service for individual Departmental grades (for example, allowances, duties, hours of work, overtime arrangements).

(iv) Leave arrangements (excluding leave rates).

(v) Departmental Welfare arrangements.

(vi) The application of redundancy arrangements.

(vii) Departmental quarters.

(viii) Office accommodation and working conditions.

(ix) Uniforms.

(Note 1: Any recommendations arising from the discussion of items (i) and (ii) above should be referred by the Head of Department to the Civil Service Branch for consideration.

Note 2: Salary levels and requests for general salary increases must not be discussed at Departmental level, since

the proper level of discussion is between the three main Staff Associations and Government at Senior Civil Service/Council level.)

(g) Without prejudice to the responsibility of the Head of the Department for making promotions and maintaining discipline, it shall be within the competence of the Council:

(i) to discuss any promotion affecting the staff covered by the Council in regard to which it is represented by the staff members of the Council that the principles of promotion accepted by or with the sanction of the Senior Civil Service Council have been violated; and

(ii) to discuss any case affecting the staff covered by the Council in which disciplinary action has been taken if it is represented by the staff members of the Council that such a course is desirable.

(h) Questions common to two or more Departments not being general questions, shall be reported to the Senior Civil Service Council. The Council may request for inter-departmental meetings for the consideration of such questions.

7. (a) The Council may appoint special committee, Grade committees, and other committees as required, and may delegate special powers to any committee so appointed.

(b) The Council may appoint to special committees persons who need not necessarily be members of the Council. Grade Committees shall consist of representatives of the grade concerned and official representatives nominated by the Head of Department, such person not necessarily being members of the Council.

8. The deliberations of the Council shall be without prejudice to:

(a) the overriding authority of the Government Secretariat and the responsibility of the Head of the Department as such;

(b) the responsibility of the staff members to their constituent bodies; and

(c) the authority of the Senior Civil Service Council as the only joint body competent to deal with general questions.

9. Only statements issued under the authority of the Council shall be published, and such statements shall be as full and informative as possible.

10. The Council shall keep minutes of its proceedings.

11. The constitution of the Council may be amended, after consultation with the Secretary for the Civil Service, at an annual meeting of the Council. Notice of amendment of the constitution must be given and circulated to the members of the Council at least one calendar month before the meeting.

TREATMENT OF DRUG DEPENDENTS IN A CORRECTIONAL SETTING

SECTION I

Introduction

Addiction to dangerous drugs creates within a community a problem which from long standing experience we know is difficult to tackle. Such problems, especially the major ones, will always be reflected within a prison community, although not necessarily directly related to the offence for which a person is committed to prison. The Prison Service, therefore, has an important role to play in tackling such problems which must be done with vigour and determination for, although the safe custody of offenders is placed first in the order of priority, the fact that one day almost all offenders will be released makes it necessary to concentrate on problems which can be successfully tackled while the offender is in custody.

In Hong Kong, addiction to narcotic drugs has been a problem for the Prison Service almost from the very first day that the service was created and while the pattern of addiction has changed, the resulting difficulties and all that goes with them have not. In the 50s and 60s, addiction to narcotic drugs among persons admitted to prison was around 90 per cent irrespective of the type of offence for which they were committed. At that time some 50 per cent were admitted for offences involving dangerous drugs, mainly for possession of small amounts. With such a high proportion of addicts within the prison community, it was apparent that if the Prison Service was to function efficiently in the field of corrections, then it had no choice but to become involved in the treatment of addiction. If it neglected to do this, then the rate of recidivism was going to be very high, probably over 90 per cent.

Programs of treatment have been drawn up in a number of countries where drug addiction prevails to treat prisoners who are found to be addicted to drugs. Treatment usually takes place within the confines of a prison and this is an encouraging first step. However, it is at best makeshift, for such specialised treatment programs cannot be carried out efficiently inside an institution which is generally geared to the custody and reformation of offenders of a completely different type and lacks a totally orientated staff, trained for a treatment program in the drug field.

Intervention for Treatment

The treatment of a drug dependent, once he comes within the ambit of the Prison Service, is at a point when it can be considered appropriate for community intervention. If we accept that once a drug dependent has broken the law, this presents an opportunity for intervention to take place, then under such circumstances intervention can be considered appropriate in the interest of the community and the individual. Some persons come before the courts on a criminal offence other than a drug offence and are found to be drug dependent; at least this is so in Hong Kong. In such cases, the question of intervention for treatment must be considered, particularly if it is determined that the offence stems from the problem of dependence. The position, therefore, is that in any community where the problem of drug dependence, particularly dependence on a narcotic drug, exists, this will be reflected within the prison community, and unless the authorities are prepared to tackle it, a golden opportunity for doing so at the time when intervention can be deemed to be appropriate will be wasted.

It is sometimes argued that such an approach being a compulsory one can have little value. Those who take this line fail to understand the positive role that the Prison Service can and does play. Few will disagree that drug dependence presents a problem of public health and we are all aware that in matters of public health particularly if it involves, for instance, smallpox or cholera, intervention is considered right and proper in order to isolate for treatment those who are affected. Such action is considered necessary on humanitarian grounds not only in the interest of the individual but also to protect the community. Why then should we ignore drug dependence? Does the fact that it is considered more difficult to treat rule this out? One fact which cannot be ignored is that within the field of treatment for drug dependence, there cannot be a compulsory approach at least in the sense implied; it is compulsory only, in that the individual is taken, without his consent, to a treatment centre where the process of instilling motivation can commence. Ultimately, it is the individual under treatment who will decide whether or not he or she will revert to drug use; thus the period for which they are detained can be used to encourage them to make a decision which will enable one to live within the community after discharge without dependence on drugs. Such a program should therefore be referred to

as a 'compulsory placement program'.

Period of Institutional Treatment

Drug dependents are people and as people they differ from each other in many ways, except of course in their desire for drugs and the symptoms they exhibit when they go through withdrawal. With this in mind, it follows that there cannot be a fixed period of time laid down for a program of treatment, either for the treatment of the withdrawal syndrome, such other medical treatment which may be required, the necessary physical build-up, or the many other facets of the program. Individuals will respond over varying periods mainly depending on their attitude and the period of time it takes the staff to persuade those who are reluctant to become involved in treatment or, to put it another way, show motivation. Persuasion, finesse and understanding are all important at this stage. Of all the factors involved in the treatment process, motivation is one of the most important; whether this stems from a desire to be rid of addiction simply because one is tired of it, whether it is through pressure from the family, or being afraid of the law does not particularly matter. What does matter is the recognition that motivation is essential even if only to cause one to make an attempt to try: for at least this provides a foundation, weak though it may be in the beginning, on which to build.

This and other factors make it difficult to set a stipulated treatment period at the end of which one could reasonably expect a person to be at the peak of response. The alternative then is an indeterminate period for treatment based on a realistic minimum and an acceptable maximum with the aim of keeping the average period for the majority as short as possible.

In an effort to determine the period of time required for treatment, the Prison Service, over a period of 10 years, gave treatment to convicted prisoners found to be drug dependent on admission to prison for the length of their sentence irrespective of their offence. Sentences ranged from several weeks up to a maximum of three years; however, allowing for one-third remission of sentence for good behaviour given under the law for those serving a sentence of more than one month, the actual time served ranged from weeks to a maximum of two years. The number involved in this fact-finding exercise was in excess of 15,000. This

eventually led to the conclusion that a minimum period of four months to a maximum of 12 months was the most appropriate period required. Recognising that after-care also plays an important role in the rehabilitation of the addict and bearing in mind the number involved, it was decided that a compulsory period of 12 months after-care should follow release after treatment.

Consequent upon the drafting of the necessary legislation, an ordinance was enacted which provides the courts with an alternative to all other options including imprisonment for a drug dependent person who has been found guilty of a drug or other related offence and came into operation in January 1969. For the first five years following the enactment of this ordinance, the average length of stay in a drug addiction treatment centre worked out at nine months. However, from 1974 up until now, this period has been progressively reduced and is now just over seven months.

Drug Addiction Treatment Centres Ordinance

The Drug Addiction Treatment Centres Ordinance provides for the rehabilitation of persons found guilty of criminal offences who are suffering from addiction to a dangerous drug. It is worthy of note that intervention for treatment in a drug addiction treatment centre will only take place following a finding of guilt and providing that the court is satisfied, in the circumstances of the case and having regard to the character and previous conduct of the individual's interest and the public interest that one should undergo a period of rehabilitation in an addiction treatment centre. This option is open to the court in lieu of imposing any other sentence ***and a criminal conviction will not be recorded unless the court orders that this must be done.*** Prior to the signing of an order for detention for treatment, the court considers a report by the Prison Authorities regarding the suitability of such person for treatment, taking into consideration the availability of places in the treatment centres, and other relevant information including previous medical, family, and background history. Staff skilled in the various fields investigate and compile these reports for which the court will remand a person in custody for a period not exceeding three weeks to enable the report to be prepared.

The Ordinance stipulates that a person in respect of whom a Detention Order is made shall be detained in an addiction treat-

ment centre for not less than four months and not more than 12 months from the date of the order, as the Commissioner of Prisons may determine, having regard to the health and progress made by such person and the likelihood of remaining free from addiction to any dangerous drugs on release. When submitting the suitability report, the Prison Authorities indicate within the report whether or not a previous Detention Order has been made so that the court is made aware if a person has previously received treatment in a treatment centre.

Treatment Program

In planning a treatment program, of equal importance for consideration is the setting within which treatment will take place. There exists in some countries a very strong emphasis on the need to take precautions to keep the environment within the institution drug free, in other words to prevent the trafficking of illicit drugs into the treatment centre. While one can fully appreciate the need for such action, in adopting such precautions, there is a tendency for the institution to develop a more prison-like atmosphere than a treatment centre, which is to be deplored. A person under treatment will himself determine whether he is going to remain drug free upon release, this being so he will find it extremely difficult to reach a favourable decision with any firmness of conviction if, during the treatment program, he is not sufficiently trusted and there is an obvious lack of confidence emphasised through the kind of environment in which he finds himself. There is also the question of the environment in which the staff must work; the wrong environment will affect their ability to influence those requiring treatment to accept the basic principles leading to the creation of motivation, for motivation cannot be built up in an atmosphere of distrust. It is therefore crucial for the institutional setting in which the treatment program will be carried out to be as open as possible not only to enable those under treatment to live within conditions more favourable to community life, but also to fully demonstrate that the greatest effort within the treatment program will have to be exerted by themselves rather than having to rely on others. Naturally, there will be differences within the treatment group, for instance new admissions will contain a large element of those who are lacking motivation and

must be kept separate for at least a little time from those who have been within the program longer. However, such differences can be minimised and formally accepted as part of the overall treatment process.

Given that the addict is a person who has a complication of both physical and psychological dependence, and in the light of the knowledge gained by experience that physical dependence is a factor which is much more readily and easily overcome, we are left with the problem of psychological dependence. To treat the psychological dependence factor, one does not necessarily require a classical psychiatric setting. Based on the Hong Kong experience, we believe that the less hospital orientated the setting, the better. In the absence of a total medically orientated program, one does not build up a doctor/patient relationship whereby the addict who fails the treatment program can readily blame the doctor for failure to provide adequate treatment, hence an escape mechanism for relapse. The need for medical services and care is, of course, essential and must not be minimised. This will include treatment for those who may be suffering from any illness or disease apart from addiction or some form of psychiatric illness. However, treatment for the latter can be accomplished by transfer to an institution specialising in such treatment following which the person concerned can be returned to the centre. The treatment program must be directed in such a way that the addict realises beyond any doubt that he himself is responsible for making most of the going. The facilities which are proved and the assistance given by the staff are but aids to assist him to do so. To this end a regular daily routine, coupled with work mainly of a physical nature, aimed at cultivating good work habits is essential. Insofar as is possible, such work should take place outside of the treatment centre perimeters involving community projects through which those under treatment can demonstrate their usefulness to the community and at the same time take pride in being gainfully employed, the results of which can be seen and enjoyed by all. Afforestation is but one example of the type of work which can be usefully performed. Recognition of the need to rebuild family relationships and to prepare the individual to stand up to the stresses and strains of life which will have to be faced upon release are all important. The eventual aim is to implement a program unsophisticated in scope but which covers the various stages in

depth.

Due to the poor physical condition of many addicts on admission, one would think that it is necessary for long periods to be spent either in the hospital or in idleness. However, this is not the case. Physically, recovery is rapid and unless an addict is suffering from other medical complications, he soon becomes fit for work and this does much to help restore badly needed self-respect and triggers recognition that he is making progress. Psychological treatment aided by individual and group counselling assisted by welfare and after-care services, good work therapy, plus a wide range of recreational activities, are all necessary facets of the program.

It is essential that the person under treatment is made aware at frequent intervals how his response to treatment is viewed. To this end a board of review should be established before which he can appear and in addition to being informed of his progress he has the opportunity to state his own views and assessment of his situation.

Trial periods of absence away from the centre also help and, if used as a privilege, create incentive. In Hong Kong such periods, usually covering 48 hours, are very seldom abused and urinalysis determines if one has engaged in any drug activity while away from the centre.

Another very important factor in the treatment process, and probably the main one, involves the calibre of the staff. A treatment program can be carried out in buildings, new or old, lavish or cramped, but ultimately it is the staff who hold the key to its success. The creating of a favourable environment encompassing a spirit of hope which can be recognised by new arrivals is essential. This can only come about through the staff acting as a team with the firm conviction that what they are doing is right, worthwhile and capable of achieving success. It is well known that man can influence man for bad; one often forgets that the reverse is also true, that he can exert and exercise a good influence. This means that the staff must take a much greater interest in their respective duties over and above that which is expected of them if measured by financial remuneration alone. Problems, particularly emotional ones, coming at the end of a day or prior to a member of the staff going off duty, cannot be thrust aside and left to wait until the next day; they must be tackled immediately, partly at least, for

by so doing there is much to be gained; if not much can be lost.

Age groupings and previous criminal history must also be taken into account in planning treatment programs. Most certainly narcotic addiction and crime is interlinked and cannot be ignored. We have also discovered that the treatment of those under 21 can be much more meaningful when they are segregated from the older age groups. Their physical stamina and the various interests of young persons are different to those of adults and must be catered for, and the potential for leadership steered in the right direction.

We do not consider the addict to be a complicated person, difficult though his problems may be. Many are genuine in their desire to achieve a drug free status but lack the necessary determination and resolve to carry it through – a human weakness. It is all the more important because of this for the staff to step in and help stiffen that resolve by ways which only man can help man.

In all matters of treatment of difficult problems we must expect failures, for failure is not always the fault of the person under treatment. In some cases, he does not fail the program, the program fails him. Treatment is accumulative and a second program can build upon the first. For instance, if an addict under treatment has already been instructed on the effects of the drug, he does not require the same instruction over again. Therefore, during the second treatment, a more varied approach is called for which takes into account that he is not receiving treatment for the first time. The foundation on which to work has, to some extent, already been laid and should not be wasted by going over old ground unless such a step is considered absolutely necessary.

After-care

After-care is a continuation of the treatment process within the community after release from the centre. However, the term 'after-care' suggests that this commences only after discharge, which is not the case. In a true treatment setting, the matter of discharge will be considered almost from the time the person commences treatment. There is much to be done to prepare him or her for the day when they will once again be back in the community and more than likely return to the same environment from

whence they came, a fact of life which cannot be ignored.

The building up of a solid foundation of confidence and friendship between the person who will be under after-care, his family, and the social worker is a task which takes time and calls for tact and understanding for such a foundation must be built prior to release. Employment prospects must be investigated and a job found prior to discharge; this should be the concern of all involved. Discharge to idleness can put a treated addict 50 per cent or more back on the road to re-addiction.

The practice of requiring former drug dependants under after-care to return and report to an office in order to monitor progress leaves much to be desired. This does not inspire confidence or signal friendship on the part of the social worker. The social worker has him for a client, so why then should the social worker not go to visit him. To monitor progress one requires not only the means for determining if the client is drug free, but also a check on family relationships; this is much more easily ascertained by social workers on home visits rather than have the client call in at an office.

After-care by the Prison Service in Hong Kong is carried on for a one year period. There is nothing magic in the period of one year except this carries them over the crucial first six months during which time they are more vulnerable to relapse.

To carry after-care through for too long a period can be frustrating to the client, particularly if he is doing well and has settled down in the community. We have therefore determined that a one year after-care follow up with provision for early termination, if considered desirable, is the most economical period bearing in mind that relapse usually occurs with the largest number within the first six months. A longer period than one year is not considered economically justified in view of the resulting minimal gain.

Of significant benefit to the treated addict following release from a treatment centre is the availability of such facilities as half-way houses and social clubs. The former can act as a bridge for those who need to be eased back into the community and the latter can be utilised during leisure time, particularly important during the early months following release after period for the eventual aim is to assist the former addict to overcome and forget the days and years of his dependence on drugs.

Former addicts must be encouraged to reintegrate into society

and not stand aloof because of their former dependence. A man of today who has overcome his addiction will not want to have this fact continuously before him for the rest of his life.

Conclusion

The Prison Service has reason to be proud of the approach that it has pioneered and although it can be termed a compulsory placement program it has achieved a higher success rate than some other programs, this despite the initial lack of motivation on the part of many admitted for treatment. The results achieved indicate at least one reasonably successful approach to the problem of drug dependence; no one would claim it is the total answer but at least an approach in the right direction – a foundation on which to build.

The availability/scarcity of drugs, particularly narcotics within a community, will have a distinct bearing on the degree of success achieved, so too will the attitude of members of the community, particularly parents, teachers, employers, and members of law enforcement agencies. The problem of treatment for drug addicts is difficult but the staff of the Prison Service in Hong Kong have proved it is not impossible.

SECTION II

A study of the Drug Addiction Treatment Centre program based on ex-inmates who completed their supervision in 1979

Introduction

The Prisons Department treatment program for drug dependent persons has been in operation since the Drug Addiction Treatment Centre Ordinance came into effect in January 1969. From 1 January to 31 December 1979, a total of 2,143 drug dependent persons completed their 12-month statutory supervision period following treatment. The purpose of this study is to look into the demographic characteristics of these ex-inmates with the aim to identify possible factors which are considered to have played a part in the success or failure rate.

The following institutions were Gazetted as Drug Addiction Treatment Centres.

Tai Lam Drug Addiction Treatment Centre – 10 January 1969

Drug Addiction Treatment Centre for Women – 1 November 1969

Hei Ling Chau Drug Addiction Treatment Centre – 10 April 1975

Ma Po Ping Drug Addiction Treatment Centre – 1 January 1972 to 16 May 1975

Tong Fuk Drug Addiction Treatment Centre – 24 May 1975 to 25 November 1978

General Background of the Treatment Centres

The Drug Addiction Treatment Centres Ordinance (Cap. 244, Laws of Hong Kong) governs the administration of treatment centres. The first treatment centre under this Ordinance was established in 1969.

Under this legislation, a person convicted in a court of law of a drug or relevant offence who is found to be drug dependent can be detained in a centre for treatment for a minimum period of

four months to a maximum of 12 months in lieu of imprisonment or any other form of sentence. In all cases no conviction is recorded unless the court directs otherwise.

Suitability for admission is assessed by a board on the basis of a number of factors considered to be pertinent including an addict's history of addiction and the type of offence he has committed. Motivation is not included in the list of factors as it is acknowledged that the compulsory treatment program steps in where all other programs have failed due to a lack of motivation.

Immediately following admission, a person will receive treatment for withdrawal symptoms. He/she is also given induction training to assist in adjusting to the demands of the treatment program.

An inmate is assigned to an after-care officer on admission. This officer will work towards establishing rapport with the inmate and do everything possible to reinstate broken ties with his family. Individual and group counselling are given throughout the period of treatment, and the officer is also responsible for making post-release arrangements for employment and accommodation, and given such other assistance as is necessary.

On completion of the induction period, an inmate is assigned to a particular type of productive work based on his previous work experience, skill and aptitude, and he is encouraged to take an interest in his assignment. Work in a treatment centre serves a twofold purpose; first it provides the inmate with a sense of self-respect and satisfaction which arises from gainful employment, and second, it instils into him a good working habit which will be vital to him on discharge.

An inmate's physical progress and changes in attitude and conduct are closely observed by the staff, and he appears in person at monthly intervals before a board of review chaired by a Senior Superintendent based at Headquarters. His case is thoroughly discussed in his presence and his suitability for release is decided by this board.

Before his release from a drug addiction treatment centre, an inmate is served with a supervision order which is effective for one year. He is encouraged to seek advice and assistance from the after-care officer during the supervision period. The terms of a supervision order can be varied at the discretion of the Board of Review for the benefit of an individual inmate.

During the one-year statutory supervision, failure to comply with any of the conditions may result in being recalled to a treatment centre to undergo further treatment.

The staff in treatment centres have, apart from their basic training, undergone a developmental course specially designed for those selected to work in such centres.

Definition of Success

A dischargee from a treatment centre who throughout the 12-month statutory supervision period, (i) has no record of having been convicted of a criminal offence; (ii) has not been recalled to a treatment centre for violation of any condition of supervision; (iii) has maintained gainful employment; and (iv) remained drug-free, is classified as a success.

Success Rate and Research Design

In this study, the incidential sampling method is used to include all ex-inmates who completed their statutory supervision between 1 January 1979 to 31 December 1979. This covers persons released from Tai Lam Treatment Centre, Hei Ling Chau Treatment Centre, Tong Fuk Treatment Centre and Tai Lam Centre for Women. (Ma Po Ping ceased to be a drug addiction treatment centre on 16 May 1975). The total number of such inmates is 2,143, out of which 14 have not been included in the analysis because they were pending recall, or had been deported or had lost contact. According to the criteria of success as defined, 1,525 fall within the success group and 604 in the failure group. The success rate therefore is 71.6 per cent. If a drug free status is the only criterion of success, then an additional 235 persons who were confirmed to be drug-free following reconviction for a criminal offence would have to be included in the success group, thus bringing the success rate to 82.7 per cent.

All data of this study are demographic characteristics of the subjects which have been extracted from the individual penal records and the after-care files.

Demographic Characteristics between the Success and the Failure Groups

(i) Age on Discharge

Age Group	*Success Group* No.	%	*Failure Group* No.	%
14-15	2	0.1	–	–
16-20	48	3.2	29	4.8
21-24	261	17.1	111	18.4
25-29	340	22.3	170	28.1
30-34	166	10.9	78	12.9
35-39	116	7.6	41	6.8
40-44	154	10.1	36	6.0
45-49	171	11.2	48	7.9
50-54	133	8.7	42	7.0
55-59	67	4.4	26	4.3
60 and over	67	4.4	23	3.8
TOTAL	1,525	100.0	604	100.0
	$\bar{X}_s = 36.0$		$\bar{X}_f = 33.9$	
$t = 3.611$	$df = 2,127$	$P = 0.05$	Significant	

The mean age for the successes and failures stand at 36.0 and 33.9 respectively. Statistical analysis indicates significant differences in age between the successes and the failures.

(ii) Length of Addiction

Year	*Success Group* No.	%	*Failure Group* No.	%
Less than 1 year	133	8.7	52	8.6
1-2 years	247	16.2	90	14.9
3-4 years	241	15.8	88	14.6
5-6 years	133	8.7	61	10.1
7-8 years	153	10.0	68	11.3
9-10 years	146	9.6	57	9.4
Over 10 years	472	31.0	188	31.1
TOTAL	1,525	100.0	604	100.0
	$\bar{X}_s = 7.624$		$\bar{X}_f = 7.742$	
$t = 0.443$	$df = 2,127$	$P = 0.05$	Not Significant	

Statistical analysis in this study indicates no significant difference in the length of addiction between the successes and failures. However, this area needs more research before any conclusion can be drawn.

(iii) Previous Treatment Experience

Previous Treatment	*Success Group* No.	%	*Failure Group* No.	%
No	893	58.6	253	41.9
Yes	632	41.4	351	58.1
TOTAL	1,525	100.0	604	100.0

$X^2 = 48.372$ df = 1 P = 0.05 Significant

Number of Previous Treatments	*Success Group* No.	%	*Failure Group* No.	%
Not applicable	893	58.6	253	41.9
1	394	25.8	196	32.5
2	173	11.3	106	17.5
3	43	2.8	38	6.3
4	18	1.2	7	1.2
5	3	0.2	2	0.3
6 and over	1	0.1	2	0.3
TOTAL	1,525	100.0	604	100.0

$t = 1.985$ df = 981 P = 0.05 Significant

A higher proportion of the failure group had previous treatment experience whereas in the success group the majority had not received any treatment before.

For the same number of previous treatments received, there is always a higher proportion in the failure group than in the success group.

(iv) Educational Leval and Occupation after Discharge

Educational Level	*Success Group* No.	%	*Failure Group* No.	%
No Schooling	248	16.3	89	14.7
Lower Primary	391	25.6	159	26.3
Upper Primary	670	43.9	271	44.9
Lower Secondary	175	11.5	63	10.4
Upper Secondary	40	2.6	22	3.7
Post Secondary	1	0.1	—	—
TOTAL	1,525	100.0	604	100.0
$X^2 = 0.443$	df = 2	P = 0.05	Not Significant	

Over 85 per cent of the sample were below secondary school level. The level of education does not seem to be a significant factor for either abstinence or reconviction.

Occupation After Discharge[1]	*Success Group* No.	%	*Failure Group* No.	%
Farmers, fisherfolk and related workers	52	3.4	15	2.5
Workers in service, restaurants, hotels etc.	363	23.8	172	28.5
Workers in transport and communication occupations	68	4.5	25	4.2
Clerical and sales workers	58	3.8	14	2.3
Craftsmen, production workers	469	30.7	150	24.8
Unskilled labourers	491	32.2	218	36.1
Economically inactive (for example, student, physically handicapped, etc.)	21	1.4	5	0.8
Unemployed	3	0.2	5	0.8
TOTAL	1,525	100.0	604	100.0
$X^2 = 20.71$	df = 7	P = 0.05	Significant	

1 The classification of occupation is based on International Standard Classification of Occupations in *Statistics Coding Instructions for Prisons Department* published by the Hong Kong Government Printer, 1971, p. 19.

Occupation after discharge depends on what is available in the job market and is commensurate with the educational level of the dischargee. As most of them have received below secondary school level education, the occupations they can take up are those which generally do not require a high degree of academic training.

From the table, we can see that the success and failure groups are not proportionally represented in the different occupations. It appears likely that there are some specific factors within each category of occupation which may be influential to either success or failure.

(v) Marital Status

Marital Status	*Success Group* No.	%	*Failure Group* No.	%
Single	850	55.7	372	61.6
Married	675	44.3	232	38.4
TOTAL	1,525	100.0	604	100.0

$X^2 = 6.06$ df = 1 P = 0.05 Significant

Marital Status	*Success Group* No.	%	*Failure Group* No.	%
Single	850	55.7	372	61.6
Cohabitation	23	1.5	15	2.5
Married	413	27.1	108	17.9
Divorced/Separated	169	11.1	61	10.1
Widowed	15	1.0	9	1.5
Spouse and children not in Hong Kong	55	3.6	39	6.4
TOTAL	1,525	100.0	604	100.0

$X^2 = 29.19$ df = 5 P = 0.05 Significant

Implicit in marriage is a higher responsibility towards self, the family and others. A married person living with the family is subject to the pressure of family life. He may receive guidance and encouragement from the family members. Therefore a married

drug dependent person living with family is more inclined to remain drug free. Statistical analysis shows that more successes than failures were married and this suggests that marriage provides a stabilising effect for the ex-addict to remain abstinent and law-abiding.

(vi) **Living Arrangement after Treatment**

Living Arrangement	*Success Group* No.	%	*Failure Group* No.	%
With Family	952	62.4	318	52.6
With others	573	37.6	286	47.4
TOTAL	1,525	100.0	604	100.0
$X^2 = 17.18$	df = 1	P = 0.05	Significant	

Living Arrangement	*Success Group* No.	%	*Failure Group* No.	%
With father	55	3.6	14	2.3
With mother	71	4.7	41	6.8
With both parents	516	33.8	180	29.8
With spouse/children	310	20.3	83	13.7
With other relatives	85	5.6	19	3.2
With friends	59	3.9	38	6.3
Dormitory at place of employment	90	5.9	26	4.3
Half-way house	213	14.0	124	20.5
Living alone	126	8.2	79	13.1
TOTAL	1,525	100.0	604	100.0
$X^2 = 53.31$	df = 8	P = 0.05	Significant	

Findings in the above tables concur with earlier findings. It appears that living with family members, particularly living with one's spouse and/or children after discharge from the treatment centre, was more conducive to success.

(vii) Stability in First Employment after Discharge

Period of Stay First Employment after Discharge	*Success Group* No.	%	*Failure Group* No.	%
1-2 months	352	23.2	231	38.5
3-4 months	193	12.7	144	24.0
5-6 months	222	14.7	139	23.2
7-8 months	88	5.8	51	8.5
9-10 months	82	5.4	26	4.3
11-12 months	579	38.2	9	1.5
TOTAL	1,516*	100.0	600*	100.0
	$\bar{X}_s$ = 6.94		$\bar{X}_f$ = 3.91	
	t = 16.81	P = 0.05	Significant	

* Excluding housewife

There is a significant difference between the success and failure groups in the length of stay in the first job after discharge. The above table indicates that the more stable an inmate is in his first employment the higher his chance of success. This would support the view that self-respect and a sense of achievement from employment fostered while under treatment can be made to permeate after release through steady work.

Discussion

In this study, a number of factors have been identified among the success group. These include being older in age, being married, living with family members, having no or a fewer number of previous treatments, and remaining in the first job after discharge for a considerable length of time. In another parallel study of the Prisons Department Research Project entitled 'Drug addiction research program – an evaluation based on 3-year follow-up' completed in May 1980, a number of similar factors have been identified as favourable to abstinence. It appears that these two studies concur with each other in most of their findings.

Although the criteria for success are the same, the two studies are different from each other in two counts. First, the cut-off

points of the present study is 12 months after discharge during which the ex-inmate was under the after-care officer's close supervision. In the case of the 3-year follow-up, the ex-inmate had no further statutory obligation after the expiration of the supervision order, and was really on his own. Second, the subjects of the present study are from incidental sampling covering only those ex-inmates who had completed statutory supervision between 1 January 1979 and 31 December 1979. The 3-year follow-up study covers those discharged before 1 January 1977, while all the subjects included in the present study were discharged after 1 January 1977.[2] The subjects of the two studies are therefore mutually exclusive.

Despite such disparities, the concurrence of findings in these two studies has served to confirm their reliability.

It should be realised that the identified factors themselves do not make for success. Success is the result of many other factors including economic, cultural, social, physiological and psychological ones interplaying and exercising their influence upon the ex-addict. It relies heavily upon the benefits derived out of a comprehensive treatment and rehabilitation program. It is also the result of the interest and effort of the dedicated staff. To sum up, success is a manifestation of the combined efficacy and efficiency of the treatment program, the staff, the ex-addict and in many cases his family members.

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2. The subjects of this study are those who completed compulsory supervision in the year of 1979. As the compulsory supervision period is 12 months, they must have been discharged between 1 January 1978 to 31 December 1978, that is, after 1 January 1977. The date of the 3-year follow-up study was up to 31 December 1979, this means that the last subject of that study was discharged on 31 December 1976 and therefore all the subjects were discharged before 1 January 1977.

PRISONER EXCHANGE ARRANGEMENTS IN ASIA AND THE PACIFIC

Introduction

For the purposes of this paper, it is suggested that the term 'repatriation' or 'transfer' should be more appropriate than 'exchange' which tends to imply a one-for-one basis.

Prisoner repatriation schemes have been in existence for some time among certain groups of European countries. The principal object of such schemes is to enable a person who is convicted and sentenced to imprisonment (or similar form of custody) in another country to be returned to his own country to serve the sentence.

Hong Kong's Position

Hong Kong is not at present party to any prisoner repatriation arrangement with another country or territory. The only exception is that there is a little-used, one-way arrangement whereby prisoners may be transferred to the United Kingdom. Its application is virtually restricted to the repatriation of members of the British Forces serving prison sentences in Hong Kong.

The Hong Kong Prisons Department supports prisoner repatriation schemes in principle. However, the question of Hong Kong's participation in such schemes, which normally involve the conclusion of bilateral or multilateral treaties or agreements, can only be considered in consultation with the United Kingdom which is responsible for Hong Kong's external relations. In this connection, the United Kingdom Government is currently considering whether or not to enter into negotiations for prisoner repatriation arrangements with other countries. If and when such negotiations are opened, Hong Kong will have an opportunity of considering whether or not to participate in the eventual arrangements.

Arguments for Repatriation Agreements

The most obvious arguments advanced in favour of repatriation agreements are those arising from humanitarian considerations. Prisoners in a foreign country undoubtedly suffer a more severe penalty than their fellow prisoners when the food, culture and customs are unfamiliar. Language barriers are particularly detri-

mental as lack of communication increases the sense of isolation already created by imprisonment and there is often difficulty in maintaining contact with relatives and friends in the prisoner's country of origin.

It can be said that the foregoing are the disadvantages of committing a crime in another country. However it is now widely accepted that the punitive or deterrent object of a custodial sentence is sufficiently served by the deprivation of liberty, and other aspects of a prison regime which make prison life hard for prisoners do not necessarily increase the deterrent effect and may well be counter-productive. This is almost certainly true when related to offenders imprisoned in a country other than their own.

A second consideration is the corrective effect of custodial treatment and training. It is true to say that the basic object of all penal systems is corrective in the sense that offenders should, after experiencing it, be more ready and willing to live law-abiding lives. If an offender is kept in prison in a foreign country, with little or no contact with family or friends, in conditions very different from those in his own country and with problems of communication with prison staff and those responsible for assisting his eventual resocialisation, his chances of satisfactory assimilation back into the community at the end of his sentence are inevitably reduced which is to the detriment of public interest as a whole.

There are other considerations of public interest that favour repatriation of prisoners. The problems of communication and the special dietary requirements of prisoners from another country place a burden on prison services out of all proportion to the number of offenders involved.

It is considered anomalous that prison systems are put to the expense and inconvenience of housing foreign prisoners who, at the end of their sentences are normally deported to their country of origin. However the only alternative at the present time would be to award a non-custodial punishment and immediately deport offenders with the result that they largely or wholly escape the consequences of conviction. If repatriation was possible, such offenders could be returned to their own country without evading penalty.

The foregoing add up to the main argument in favour of repatriation which is that countries should take more responsibility for their own criminals. If the arguments in support of repatriation

are accepted it is important that between the authorities (including the courts and police) which are parties to a repatriation scheme, there should be mutual confidence that sentences will indeed be enforced against repatriated prisoners. Confidence in prisoners' repatriation and in international cooperation throughout Asia and the Pacific would be impaired if it came to be believed that through repatriation criminals could gain an earlier release or other benefits. This aspect of repatriation would need close attention when agreements are being negotiated.

Arguments Against Repatriation Agreements

The arguments against prisoners' repatriation are mainly practical considerations relating to the feasibility of devising a scheme to suit a country's law and penal policies.

For example, should a country accept liability to enforce a sentence of imprisonment which is excessively harsh by its own standards or to return a prisoner to a country whose penal system is considered to be less humane than its own? Should a country enforce a sentence imposed for an act which in its own legislation is either not against the law, or not punishable with imprisonment?

Domestically there is also a need for legislation to permit the detention of someone sentenced in another country, and many difficulties arise when converting a sentence passed in one country to one which may be considered its equivalent in another.

To Whom Should a Repatriation Scheme Apply?

Offenders eligible for repatriation should be those who 'belong' by virtue of nationality or long-term residence to the receiving country.

As regards eligibility in terms of the range of offenders it is evident from what has already been said that emphasis must be placed on those who are currently serving a sentence of imprisonment.

It would be necessary to set a minimum limit to the length of prison sentences which would render an offender eligible for repatriation. The repatriation of those with very short sentences would not be practicable because of the time needed to complete the formalities while at the same time being uneconomical because of the demand on administrative resources.

There are also other categories of offenders to be considered for possible inclusion in repatriation agreements. These include young offenders in programs which are an alternative to imprisonment, mentally disordered offenders (those unfit to be tried and detained under Mental Health procedures and offenders suffering some degree of mental disorder who are serving a prison sentence) and offenders who are eligible for parole (or other form of conditional release) after serving a custodial sentence.

Who Should Decide on Repatriation?

The first question which arises when considering a repatriation scheme is whether any of the parties concerned, the sending country, the receiving country or the prisoner himself should have a veto over repatriation within any general agreement between the two countries concerned.

The obvious advantage of an unrestricted discretion to refuse repatriation is that it allows each case to be considered individually and dealt with on its merits. For example, if any doubt arises as to the sentence which will be served in the receiving country or if the prisoner has committed a crime which is especially repugnant to public opinion in the sending country, that country would have the discretion to refuse repatriation. However an unrestricted discretion also opens the way for abuse of the scheme, for instance, a country may consistently refuse to accept a certain type of prisoner. This could result not only in the unequal treatment of prisoners in similar circumstances but also to the undermining of confidence in the repatriation agreements.

An argument which can be put forward in favour of a more limited discretion is that when two countries have reached an agreement on repatriation they should not have an opportunity to be capricious. This would mean, however, that the terms of any agreement would have to be more detailed than with an unrestricted discretion since unless an agreement were to be totally binding it would be necessary to define the circumstances in which either country could refuse repatriation.

On balance argument appears to be in favour of an unrestricted discretion which would make it possible to negotiate satisfactory agreements with a minimum of difficulty and delay. The risk of countries acting arbitrarily in exercising discretion is accept-

trators must solve. However, in the provision of the necessities, the problem of providing adequate conditions commensurate with the policy of the government and with the acceptable minimum requirements of the society (and the two may not necessarily agree) is one which can best be resolved by establishing recognised standards for penal institutions.

Standards are statements describing accepted minimum conditions for confinement. They provide a yardstick by which humanitarian treatment for offenders in penal institutions can be measured. They can also be made to serve correctional administration as a tool to assess the use of existing resources, as an indicator from which the cost of operating an institution can be calculated, and from which in turn the cost-benefit of correction through imprisonment can be estimated and analysed. Standards can also be very useful in the planning of new institutions.

What Standards Should Cover

In order to serve all these functions, standards should cover the physical environment of different kinds of buildings within an institution, its security, the food, clothing and other essentials for the persons incarcerated there, and the various features in corrective programs where these exist. The qualifications of staff, their training, and the strength required to man a particular institution should also be covered by the standards.

In detail this means that the site, the architectural design, the custodial characteristics and the size of the institution in terms of its function and expected population have to be determined. Requirements in respect of size, health and sanitation features and the furnishing of accommodation, workshops, vocational and educational classrooms, recreational areas and other locations designated for special services must be determined. Standards can be established on the security features for an institution of a particular degree of security, and even for different sections within an institution where varying degrees of security are required.

Apart from shelter and environment there are other basic necessities such as food and clothing. Dietary scales must be set and permissable variation in the menu should be stipulated in the standards. The type, material and style of clothing, the issue and the frequency of change and replacement needs to be detailed.

Bedding and the provision of sundry items such as toilet articles, eating utensils, must also be covered.

Standards can be laid down for various features in correctional programs. Where there is a work program or a prison industry the minimum output and quality specifications can be set out. For vocational training there should be a syllabus for each course, giving details of the duration, level of skill and proficiency at different stages of the training as well as the expected end result. Incentive earnings or wages must also be laid down as a standard and the methods and criteria for the calculation of such remunerations specified.

The education of persons in custody including the length of each course, its syllabus, time table and examinations to be held must be determined. Where counselling services exist the minimum conditions, intensity and duration of each type of counselling must be set down. Medical and psychiatric services in a penal institution should have their own standards corresponding to accepted practices and ethical codes of these professions. Even recreation, sports and indoor and outdoor exercise should follow appropriate standards. Where services such as after-care, statutory or voluntary supervision and parole exist and extend to cover a period of time after release, standards must be set for them.

Standards on the general treatment, rights, privileges and code of conduct clarify for all concerned how different types of persons are to live and conduct themselves in custody, whereas standards on classification, categorisation and separation of persons of different types, age group and sex are important to security, control and management. Standards must be set for staff, as well as for inmates, and breaches of discipline should be punishable in all cases.

On staff, minimum standards must be specified on the age, qualification, physical condition and other requirements as criteria for eligibility for employment as correctional staff. Standards in orientational as well as development training for all ranks and levels in the service contribute to professionalism in corrections and guarantee the quality of the service. Standard manning scales and staff/inmate ratios for different types of institution ensure the best use of manpower and constitute another necessary factor in the maintenance of security and control.

To Establish Standards for Penal Institutions

The Physical Environment: To establish standards for the physical environment and minimum living conditions in an institution, it is important first to establish the minimum standards prevalent in the particular society. Correctional administrators should involve professionals such as architects, building service engineers, medical officers, psychologists and financial advisory staff in order to determine the standards most appropriate to the expectancies of the community and most suited to the government budget. Documents such as the *United Nations Standard Minimum Rules for the Treatment of Offenders* can be used as reference, but these rules are of necessity concerned with basic human rights in general terms, and are generally not specific enough for the correctional administrator. Legal provisions regarding building, safety, health and sanitation standards and fire and pollution prevention must be considered as these are binding.

In most penal institutions the cell or the dormitory is the basic living unit for the inmate. The size and optimum capacity of each of these units, its ventilation, lighting, temperature and sanitary facilities and fittings should be set down in detail. The provision of beds, bedding, cell or dormitory furniture should be specified. There should be a need for the provision of a facility whereby in an emergency persons accommodated in a cell or dormitory can summon the attention of assistance of staff.

If workshops exist, in addition to the professionals mentioned earlier, industrial managers, production engineers and technical staff are required to contribute to standards in the areas of size, lighting, ventilation, layout, fire and pollution precautions and industrial safety, as well as on machinery and tools and their maintenance. For other types of work such as construction, farming and planting, similar minimum standards of safety and anti-pollution should be developed.

On the size, physical layout and services of institutions, while architects are responsible for design, the correctional administrator has a duty to advise on function, planned population and the various penal requirements. Minimum standards must therefore be established for the basic facilities for an institution and the space necessary to contain such facilities, relative to its expected population size and program. Apart from cells, dormitories, halls and

workshops, kitchens, dining rooms, bathing facilities, and offices will be required. There may also be a need for classrooms, vocational training units, a library, hospital or clinic, communal and recreational areas, a gymnasium, and outdoor exercise areas. Such standards require input from professionals.

Security Standards: On the question of standards on security and control commensurate with the type of person to be confined, the specifications of any perimeter and secondary walls and fences, watch towers, sterile areas, internal and external alarms, communication systems, emergency and flood lighting, segregation facilities and such must be set down when any of these are deemed necessary. Decisions must also be made on whether more sophisticated devices such as closed-circuit television, geophones, metal detectors and other electro-sensitive equipment are necessary. If any of these are required then standards on numbers as well as on tests and maintenance should be laid down. All standards on the physical plant equipment and features must give quantitative details, from which costs can be calculated. Of course, the maintenance of security and control entails more than just special designs in the physical plant and the provision of illuminatory and electro-sensitive devices. Thus standards on security must include security categorisation, laid down duties of all grades and ranks of staff in inspecting, checking, testing, searching, as well as in being alert and sensitive to irregularities. Classification and separation of different classes are just as important means of control as stipulated practices in mass and individual movements in an institution. The highest degree of security and control is achieved when there is an optimum combination of an effective system, a vigilant staff, and adequate physical design and equipment.

Basic Necessities: The basic necessities of food and clothing also require consideration. Dietary scales must describe quantities and qualities of each food item, forming the basis for food contracts. Requirements to vary the menu can break the monotony of so-called 'prison grub'. Medical officers and dieticians must determine the nature and adequacy of suitable foods. The provision criteria and authority for varying diets and providing extra food as necessary should be specific. As for clothing, a scale of issue with specifications on the material, colour, style and quantities should be

compiled, and the frequency of changes of clothing as well as replacement are also necessary. The scale should also include footwear, headgear, mats or mattresses and bed sheets when such are compatible with the life style within the community. Again, the criteria and authority for the provision of special or extra items should be specified.

Programs, Rights, Privileges and Welfare: Even for an institution with no more than the safe-keeping of persons as an objective there needs to be a routine or schedule laying down its daily activities and their sequence. Few, if any, institutions operate without rules and these provide a general guide on life inside. Standards on the rights, privileges, conduct and welfare of those incarcerated should be compiled to cover association (mixing with other prisoners), communication (letters, visits, use of telephone, etc.), exercise, extracurricular activities and general behaviour. Many institutions, however, operate with more sophisticated objectives, and programs are designed to achieve these. In such cases, standards need to be set down for the different kinds of services: medical care, health and sanitation, and activities such as counselling, therapeutic groups, hobby classes, psychological and psychiatric services, education classes and religious services. The scope and type of service, the physical environment, the equipment and the workload of staff all need to be specified. In educational and vocational training classes, the subjects to be taught, the frequency of classes, the duration of each course, the syllabus and the accreditation of training should be set in standards comparable with parallel training in the community. Even for recreation, sports and hobby classes, standards can and should be drawn up. Details on the types of activity, their frequency, and the necessary space and equipment, provide valuable guidelines for conduct.

Many correctional systems have services extending beyond the period of institutional treatment. After-care, supervision and parole are such services. It is of paramount importance that standards be set to govern the caseload, the conditions in which such services are provided, and under which the persons receiving the service must abide, the scope, the intensity and duration of each of such services, and the power and authority necessary for their implementation; if these are not already incorporated into the law.

On the work program, apart from standards for the plant and

machinery already considered, standards can also be developed on employment and labour allocation, hours of work, industrial safety, the maximum level of tolerable pollution in the workshop or work site, wages or earnings, and on the quantity and quality of the products. Procedures for the training of the labour force, quantity and quality control and the management and degree of supervision at the workshop or worksite are other areas where standards, again preferably comparable with similar trades in the community, should be set.

How products are marketed, and the values and profits calculated are matters which industrial, production and marketing specialists can work out with accountants. Such standards facilitate the accurate assessment of the commercial value of industry in a penal environment and the determination of the value of inmate labour as a public resource which should not be wasted.

Standards on the Minimum Qualification of Staff

A penal institution and its program is only as good as the staff who run it. The importance of employing staff of high quality cannot therefore be over emphasised. Standards on the minimum qualification and age at which candidates may be eligible for each grade of entry is a basic requirement to ensure the quality of the service. Such standards help to determine an appropriate salary for the grades although, of course, qualifications are not the only factor affecting such a decision. The process through which candidates are screened also needs to be set down as part of the recruitment standards.

Standards on Staff Training

In addition to minimum qualifications, standards are required for the training of staff upon entry into the service. The length, the type and the intensity of the training in relation to the task trainees are expected to be able to perform on completion of training should be set down, and examinations as well as practical skill tests devised to assess the standards of trainees.

Frequently, correctional work requires more professional skill and knowledge than inductory or orientational training can provide; in-service training is therefore necessary. Standards must like-

wise be developed for these. The level of proficiency required for each grade and rank, the avenues for advancement, the career development of staff and the specialised training courses available should all be set out in standards. Where professional examinations are to be held for correctional staff it is necessary to set down and publish the syllabus and the venue. Only through continuously maintaining a high standard of training can staff be assisted and equipped to fulfil the highly demanding and often difficult job they are required to do.

The Use of Standards for the Correctional Administrators

Once sets of standards have been compiled, the necessary administrative process must then follow for them to be accepted by the government and the community. In some countries there is an acknowledged accreditation process, but in others, where no accreditation body exists, standards can either be incorporated into that part of the law which governs the running of penal institutions and the treatment of persons in custody, or set out in administrative documents.

Having established the standards and given them legal or administrative status, correctional administrators can use them as guides for the planning of new penal institutions; and to assess existing ones. The cost of building a new institution as well as that of running or improving an existing one can be fairly accurately calculated through the use of the standards. Where public opinion is variable, standards provide a firm anchorage for correctional administration.

Review of Standards and Future Developments

Established standards should by no means be regarded as final and permanent and periodic reviews are therefore necessary to ensure that they reflect social change and changes in financial and community situations. Also, the setting up of standards on the main aspects as outlined in this paper is no more than the beginning on which more elaborate and comprehensive strata can be developed. The continuous development of standards for penal institutions is essential to ensure a high degree of professionalism which is in turn imperative in a difficult and important task.

INDIA

India

K.S. RASTOGI

INTRODUCTION

India, a union of states, is a sovereign democratic republic with a parliamentary system of government. The republic is governed in terms of the constitution which is federal in structure with unitary features. Under the constitution the areas of jurisdiction of the Union and of the States are demarcated.

India comprises 22 States and nine Union Territories. The States are: Andhra Pradesh, Assam, Bihar, Gujarat, Haryana, Himachal Pradesh, Jammu and Kashmir, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Manipur, Meghalaya, Nagaland, Orissa, Punjab, Rajasthan, Sikkim, Tamil Nadu, Tripura, Uttar Pradesh and West Bengal. The Union Territories are: Andaman and Nicobar Islands, Arunachal Pradesh, Chandigarh, Dadra and Nagar Haveli, Delhi, Goa Daman and Diu, Lakshadweep, Mizoram and Pondicherry.

Administration of prisons and correctional services in India is the sole responsibility of the States and the federal government is largely concerned with policy formulation and planning of services. Ministry of Home Affairs at the union level is concerned with the coordination of various programs in relation to prison reforms and correctional administration.

Prisons in India are governed under the Prisons Act, 1894, and the Prisoners Act, 1900, which are central legislation and have been amended from time to time by the Government of India and the State Governments. Prison manuals of the States lay down further guidelines for day-to-day functioning of prisons under their jurisdiction. Though there are wide variations in the provisions of the manuals, efforts are being made to bring in uniformity in basic areas of prison administration.

In India, the goal of prison administration before 1947 was to

subserve the interests of the foreign colonial power and not much effort was made to organise prison administration on modern lines. Since the attainment of independence in 1947, prison administration has been a matter of close study and deliberations by the Government. In 1951, the Government of India through the Ministry of Home Affairs invited Dr W.C. Reckless, a United Nations expert to study prison administration and suggest improvements. He recommended well-rounded planned action for reorganisation of the prison system in the country. The implementation of the recommendations made by Dr Reckless helped in modernising the prison administration. However, as the prison administration is a State subject, wide variations persisted in the prison manuals of various States. With a view to bringing about uniformity in basic areas of prison administration in the country, the Government of India appointed a committee in 1957-59 which formulated a Model Prison Manual for the guidance of the State Governments. The Model Prison Manual contains provisions based on the principles enshrined in the United Nations Standard Minimum Rules for the Treatment of Prisoners. This was followed by the appointment of a Working Group by the Government of India in 1972 to review the problems and programs of prison administration in the country. The State Governments have also been appointing State-level Committees to study the problems of prisons and make suggestions for improvement.

While the recommendations and the suggestions emerging from the above forums continued to pile up the implementation of prison reforms continued to lag behind on account of financial constraints. The possibility of sizeable allocation of funds for the prison administration had engaged the attention of the Finance Commission and the 7th Finance Commission recommended an allocation of Rs 483 million for grants to specified States to upgrade jail administration. The Commission was guided by the object of providing certain minimum standards of upkeep of prisoners and improvement of living conditions in prisons.

In spite of the efforts made over the last three decades or so, prison reforms have not made as much headway as desired. In the recent past, prisons had become a subject matter of serious concern to both the Union and State Governments. The Supreme Court of India also, in its various judgements, brought out the shortcomings in prison administration in the country and focused attention on

the inadequacy of prisons to function as centres of reformation. The Government of India has accordingly set up in July 1980, an All India Committee on Jail Reforms to study and analyse various prison problems. This Committee has the following terms of reference:

(i) to review the laws, rules and regulations governing the management of prisons and the treatment of prisoners and to make recommendations keeping in view the overall objective of protecting the society and rehabilitating the offenders;

(ii) to examine the living conditions of prisoners with specific reference to their basic needs and provision of facilities compatible with the dignity of human life and to suggest improvements as considered necessary;

(iii) to reappraise the policies governing the recruitment, training and development of prison personnel in relation to the objective of custody and correction and to find ways of ensuring that persons with requisite talent, aptitude and ability man the prison service;

(iv) to look into the procedure regarding the internal management of prisons with a view to raising the present level of prison security and institutional discipline and to suggest appropriate change;

(v) to review the programs of institutional treatment, education, vocational training, industry, agriculture and such other occupational activities and to suggest measures with a view to developing prisons as correctional centres;

(vi) to suggest measures for the specialised treatment of women, adolescents, children and mentally sick persons;

(vii) to review the working of open-air prisons and to suggest measures for improvement;

(viii) to scrutinise the system of remission of prison sentence, parole and probation and to lay down guidelines for

bringing about uniformity and standardisation in approach; and

(ix) any other matter relating to prison administration that the Committee may like to consider.

Thus the terms of reference of the Committee are very wide and encompass all aspects of prison administration. The Committee is still continuing its deliberations and would be submitting its report in due course.

PRISON INDUSTRY

In olden days, the purpose of imprisonment was to punish the offenders by confining them in cells as well as to segregate them from the community, thus preventing them from committing more crimes. It also served the purpose of deterrence for other persons. The prisons governed under colonial rule lacked environmental conditions. The barracks and cells were devoid of proper ventilation and sun's rays. The treatment and handling of the prisoners was primitive and, to a great extent, inhuman. A person was sent to a prison for punishment and not as a punishment; the aspect of reformation or correctional treatment did not exist. The code of discipline was very tough and rough. For small breaches of discipline, deterrent punishments of imposing cross fetters and solitary confinement were the order of the day. A little defiant attitude towards prison officers attracted the punishment of whipping. The stoppage of visits from relatives was considered as a lenient punishment. This harsh tendency on the part of prison administration not only antagonised prisoners in their behaviour but also increased the incidence of recidivism.

The philosophy of prison administration was that a prisoner was sent to a prison for punishment and the work program was in line with that concept. The labour allotted to convicts used to be of irksome nature and entailed physical torture. It did not provide the inmate with any skill or craft by the use of which he could earn his bread after release. A few examples of the prison labour assigned to prisoners in the days of colonial rule are as follows:

(1) extraction of oil from oil seeds by means of manually operated oil expeller. A batch of six or seven prisoners

could hardly finish their task after strenuous efforts of all-day working. This oil was later used in the cooking of the prisoners' food;

(2) grinding wheat grains weighing about 20 kilograms by operating a stone grinder by hand; the flour so obtained was used to bake bread for the prison population;

(3) pounding of Munj and making coarse or fine ban (thread) out of it; (Munj is a sort of shrub grown in the marshy areas. By hard pounding with a heavy wooden hammer, it is converted into a thread known as ban, which is in turn used to weave mats, rugs, cots, etc.);

(4) making rough blankets on handloom through a most orthodox way. These blankets were given to prisoners for use in the winter season; and

(5) weaving rough cloth on handlooms. This cloth was used as the material for prisoners' clothing.

In the modern context work programs in jails are no more treated as an additional aspect of punishment. There is an increasing awareness of developing prison industries as a means of imparting useful skills to inmates that could be helpful in their economic rehabilitation. The progress in the sphere is, however, seriously hampered because of limited avenues, outmoded practices and inadequate supervision. The Working Group on Prisons had aptly observed that 'the existing units of industries, trades, handicrafts and other work items were thoroughly outdated in rehabilitating prisoners. In terms of vocational training, the work programs in most of the jails have little value. Besides modernising machinery and equipment there is a dire need for the diversification of work programs to engage prisoners in gainful vocations. There appears to be tremendous scope for integrating prison work and training programs with the state development plans. Vocational training programs for youthful offenders could be purposefully related to the mainstream of technical education'.

In this field there has been no uniformity in maintenance of standards and there has also been a wide variation in the invest-

ment of funds in this area. The Working Group on Prisons 1972-73 had considered this question in some detail. Their recommendation reads as follows:

> The organisation of work programs in prisons has always posed a number of problems. Our legal system provides for two kinds of imprisonment, rigorous, that is, with hard labour, and simple. Every prisoner sentenced to rigorous imprisonment is required to work subject to his physical and mental fitness as determined by the medical officer. Prisoners sentenced to simple imprisonment, however, are not required to work at all at present. The terms for which prisoners are sentenced to imprisonment vary from under three months to life, which amounts to 20 years. Besides, prisoners are lodged in three types of institutions, i.e. Central Prisons, District Prisons and Sub-Jails, the facilities in which vary within a wide range. The result of all this is that there is unemployment, under-employment and over-employment in different institutions, depending on the number of the inmates, their sentences and the facilities available.
>
> It is our view that the present situation is fraught with many dangers. Unemployment or under-employment, under-supply or over-supply of labour leads to many irksome problems in prisons, which undermine prison discipline and sometimes lead to explosive situations. The question of providing adequate and useful employment to all prisoners who can be employed should, therefore, receive serious consideration in the reorganisation of the prison administration in India.

The Working Group added:

> If labour in prisons, although conceived of as a punishment by the law, has, in fact, to be conceived of as an activity designed for the rehabilitation of prisoners and their safe return to society, it should promote habits of industry and should lead to the inculcation of suitable skills which may assist the process of rehabilitation. The work programs should, therefore, be integrated with and serve as extensions of the treatment services provided in prisons, instead of being a means simply of utilising the labour of prisoners as exigencies permit or require.

The prison industry in India on the whole is not in a healthy condition. It needs revamping, reorganisation and modernisation. So far as statistics are concerned as against a convict population of 60,250 in jail on 1 December 1978, only 20,164 were employed in principal trades in Indian jails. The statewide position of convict population and those employed reads as follows:

Table 1

	Convicts	*Employed*
Andhra Pradesh	3,874	1,390
Assam	1,324	341
Gujarat	1,560	1,352
Haryana	1,239	323
Himachal Pradesh	174	42
Jammu and Kashmir	270	134
Karnataka	2,018	796
Kerala	2,057	595
Madhya Pradesh	7,494	2,342
Maharashtra	9,468	3,776
Manipur	92	30
Nagaland	283	55
Orissa	2,676	717
Punjab	4,083	1,595
Rajasthan	1,980	901
Tamil Nadu	7,277	2,720
Tripura	91	24
Uttar Pradesh	10,929	1,804
West Bengal	2,389	1,010
A and N Islands	50	20
Chandigarh	66	35
Delhi	795	138
Pondicherry	61	25
TOTAL	60,250	20,164

From this account, it would appear that only a fraction of convict population is employed in work programs in Indian jails.

Investment in prison industries in the form of raw material, equipment, etc. form part of the general budget of the prison department and no separate accounts are maintained for the jail industries. While working out the sale price of goods produced, an allowance for marginal profit is made. There is no system for distribution of profits. The sale proceeds are credited to the State exchequer. A statement showing revenue (sale proceeds) from jail industries for five years for different States is at Annexure I.

The goods produced in the jail industries generally cater to the needs of the Government Departments. Only in some cases, a few articles of furniture or bed-sheets, etc. are available for open sale to the public.

Work programs today include cottage industries, carpentry and black-smithy. Carpet weaving is one of the leading major industries in Indian jails. Most of the Central and District Prisons have facilities for these trades. Emphasis is placed on intensive training to prisoners. Although these are old trades, they are still useful as they to some extent help the prisoners in economic rehabilitation after release from the prisons. To keep pace with the industrial development in the country new consideration has been given to include work programs which can help the prisoners to obtain training in mechanical industry so as to extend the scope of vocational programs. In some prisons, power looms have been installed for manufacturing cloth, bed-sheets etc. In some others, shoe-making has also been introduced with a view to providing meaningful training in the industry for the ultimate rehabilitation of prisoners. Furniture-making is also being mechanised. As agriculture still plays an over-riding role in India's economy, and most of the prisoners who come to jail have rural backgrounds, training in modern and scientific techniques of agriculture has been introduced. For this purpose, some States have set up open camps for prisoners on agricultural farms.

As an incentive, the prisoners engaged in work programs are entitled to higher rates of remission in their prison sentences. They are also paid wages for the work done by them. Of course, their wages are less than the wages available to a workman in the open market as production in jails does not favourably compare with that in the open market; conditions in jails are not stimulating enough to provide for a fair competition. Moreover, the main stress of the work programs is to impart vocational training to the inmates so as to equip them with necessary skills and to inculcate in them the work habits so that they can, after their release from the prisons, adapt themselves to the new life with more confidence and are also acceptable to the society and the community. The prisoners are allowed to spend a part of their wages in making purchases of articles of daily use from the prison canteens. The balance is paid to them at the time of their release or they can remit it to their families while undergoing sentence.

The presence of overwhelming majority of 'undertrials' in Indian jails has led to a series of problems not only in respect of sanitation, inadequate individualised treatment, etc., but it has also affected adversely work programs in jails. Undertrials cannot

be obliged to work in jail industries. The question of employing undertrials on productive work has been engaging the attention in various quarters. The United Nations Standard Minimum Rules for the Treatment of Prisoners, *inter alia*, include that an untried prisoner shall always be offered opportunity to work but shall not be required to work and further if he chooses to work he shall be paid for it.

The study on prison labour published by the United Nations in 1955 clearly brings out that except in Uruguay, work is not mandatory for untried prisoners in any of the countries for which the data were made available. In some countries untried prisoners are not permitted to work or they are not assigned any work other than necessary house-keeping duties while in some others they do not work either because no work programs exist even for tried prisoners or because no option in this respect is granted to them.

The issue regarding labour by undertrials may also be examined in the context of the very objective of prison labour. The Standard Minimum Rules for the Treatment of Prisoners prepared by the International Penal and Penitentiary Commission 1951 embodied that prison labour should so far as possible maintain or increase the prisoners' ability to earn an honest living upon release and provide vocational training in useful trades, especially for young prisoners. The organisation of work for undertrials from this angle may entail serious limitations inherent in the very nature of undertrial population characterised by vast heterogeneity and a high level of mobility. Even if the work programs for undertrials are envisaged to be developed purely from production objectives the planning in this sphere will have to be based on the skills and competence already acquired by them.

No doubt from the correction view-point every prisoner should be engaged in some type of constructive work. Even when an undertrial prisoner is not legally bound to undertake labour, he should be encouraged to maintain his work habits and to prove his social usefulness. For this purpose, effective incentives will have to be devised, besides providing a diversified program of work consonant with their abilities and skills. Unfortunately, at the present stage of prison development neither the incentives in terms of extra diet and amenities for labouring undertrials show effective results nor are the work programs in jails yet developed to the

extent of covering the entire range of prison population. In fact, even the convict population in jails more often than not presents a gloomy picture of widespread lethargy and wastage of human resources.

India has a big unemployment problem but the employment of prisoners in jail industries does not have any significant adverse impact on the unemployment situation, as the work programs in prisons are essentially oriented to train and impart skills to the inmates. At present, we do not have any machinery to assess the impact of training in ultimate rehabilitation of prisoners. No survey has yet been undertaken to find out the extent to which the training received in the jails has proved useful in the rehabilitation of prisoners. However, as most of the prisoners hail from rural areas where the main source of livelihood is agricultural it is felt that the training given in improved and modern methods of farming on prison farms and open agricultural camps equips the prisoners to do better professionally on their release from the prisons.

Prison industries and work programs in jails developed on the basis of conventions and practices which prevailed in the nineteenth century need to be thoroughly overhauled. A serious thinking is going on to modernise these industries with a view to orienting them to provide for vocational avenues to the prisoners. The Committee on Jail Reforms constituted by the Government of India has this aspect as one of its terms of reference and its recommendations may help in imparting proper orientation and direction to this very important aspect of correctional treatment.

REMANDS

As at 31 December 1978, there were 71 Central Prisons, 225 District Prisons, 693 Sub-Jails, 24 Open Jails, 39 Special Jails and 14 Juvenile Jails/Borstal Schools. The total capacity of all these institutions is 179,567 prisoners as against which there were 185,655 persons in Indian jails on 31 December 1978. Out of a total of 185,655 prisoners, 119,336 were undertrials. Overcrowding in Indian jails, has thus been a common feature. Figures with regard to jail populations as on 1 January 1978 show that the States which face the problem of overcrowding are Assam (5,926 against 2,794), Madhya Pradesh (18,847 against 16,353), Orissa

(10,781 against 6,011), Punjab (8,524 against 6,738), Tamil Nadu (25,562 against 15,504), Tripura (568 against 539), Uttar Pradesh (41,108 against 28,576) and Delhi (2,223 against 1,273). Earlier, the study undertaken by the Working Group on Prisons in the year 1972-73 had also revealed that States in which the daily average population was more than the capacity were Andhra Pradesh (15,361 against 9,097), Assam (6,583 against, 4,946), Bihar (36,937 against 19,334), Madhya Pradesh (13,673 against 10,402), Maharashtra (18,186 against 15,901), Nagaland (850 against 260), Orissa (6,740 against 5,716), Uttar Pradesh (36,918 against 34,879) and West Bengal (22,309 against 20,119). The proportion of undertrials has been larger than that of the convict population in the country.

The number of undertrials roughly works out to be double that of the convicts. Though the overall picture of all the States with regard to the period of stay in jails of persons awaiting trial as on 31 December 1978 is not available, such information in respect of 16 States indicates that these undertrials largely belonged to the group which was in jails for less than a year. Occasionally, there were cases where undertrials had been languishing in jails for a couple of years. The statement at Annexure II gives the statewide position in this regard.

The accumulation of undertrial population is the result of long delays in the disposal of court cases. There were 74,941 cases pending in session courts on 1 January 1977. Their number rose to 80,383 by the end of that year. There was an increase of 7.3 per cent in cases awaiting disposal. The existence of this ever increasing backlog presents an enormous problem and no suggestion for improvement can lead to any positive result unless the heavy backlog is cleared. Any serious attempt to eliminate the inordinate delay in the disposal of cases must take into account the effective remedy for clearing the large backlog of arrears.

The delay in the disposal of court cases is linked with the fate of undertrials who are in prison. Sometimes, the period of imprisonment is more than the maximum sentence imposable by the court under law.

Undertrials are broadly classified into three categories.

(i) Persons being tried for non-bailable offences in respect of whom the courts have declined to pass an order for their release on bail.

(ii) Persons being tried for non-bailable offences in respect of whom courts have passed order for release on bail, but who are unable to find a surety to furnish the bail bond.

(iii) Persons who are being tried for bailable offences but who because of difficulty of finding appropriate surety or for other reasons fail to furnish bail bonds.

The problem of overcrowding in jails was discussed at the highest administrative level when the Government of India convened a conference of Chief Secretaries of States from all over the country on 9 April 1979. The conference expressed serious concern over the high proportion of undertrial prisoners in prisons. The reduction of the undertrial population through an effective system of review of undertrial cases, legal assistance to the poor and indigent prisoners, proper use of bail provisions and vigorous enforcement of the new provisions of the Code of Criminal Procedure 1978 relating to limitation on the time for investigation were identified as areas requiring priority attention. The new provisions of the Criminal Procedure Code are as follows.

(1) Establishment of Special Courts of judicial magistrates of the first class or the second class with jurisdiction to try any case of class of cases.

(2) Enlargement of the powers of judicial magistrates in relation to any metropolitan area outside his local jurisdiction.

(3) Sittings of the special judicial magistrates may be held at any place even extending the area beyond the district.

(4) Liberalisation of procedure for the appointment of special metropolitan magistrates.

(5) Appointment of additional public prosecutors for the purposes of conducting any case or class of cases in any district or local area.

(6) Appointment of assistant public prosecutors.

(7) Involving general public in offering custody on executing bond.

(8) Liberalisation of bond execution procedure.

(9) Limitation of periods for investigations.

(10) Limitation for the period of detention of the accused.

(11) Compounding of offences punishable with imprisonment for the term not exceeding three months.

(12) Pleading guilty by post.

(13) Remanding of persons accused of offences triable by the court of sessions.

(14) Modification of procedure for the recording of evidence.

The Seventh Finance Commission, in its report of 1978, had also observed that the proportion of undertrials is very high in several States including Assam, Bihar, Orissa, Uttar Pradesh and West Bengal; in some cases undertrial prisoners constitute 80 per cent of the total population. While suggesting provisions for additional jail capacity, the Commission has envisaged the limitation on the proportion of undertrials to a norm of not more than 40 per cent of the total jail population. The Finance Commission recommended establishment of 412 Criminal Courts (and 136 Civil Courts) at various levels in the States, with a revenue expenditure of Rs.149 million and capital expenditure of Rs.90.9 million. So far setting up of 394 additional courts of which 298 are criminal courts and 96 civil courts has been sanctioned. Construction of 339 court buildings has also been approved.

The Law Commission of India in their Seventy-Eighth Report of February 1979, have also dealt at length with the question of ever increasing number of undertrial prisoners in jails. Among many measures for relieving congestion of undertrials in jails the Law Commission has recommended enlargement of number of

bailable offences, liberalisation of discretionary powers of the courts as to the amount of bond, release on bond without sureties, etc. The Commission has also made the following recommendations with regard to expeditious disposal of cases.

(a) Long delays in filling up vacancies of judicial officers should be avoided.

(b) Every recommendation of the High Court for increase in judicial strength should receive prompt consideration from the State Government and in the absence of some compelling reasons, should not be turned down.

(c) To clear the heavy backlog, the services of retired judicial officers known for their integrity, efficiency and quick disposal should be utilised, the appointment being made only on the recommendations of the High Court.

(d) In addition, some special recruitment may have to be made, from bright young members of the Bar who have practised for at least seven years, for the disposal of old cases. They should be given a higher start and, on satisfactory performance be ultimately absorbed in service as District and Sessions Judges or Additional District and Sessions Judges.

(e) Some of the serving judicial officers can also be asked to deal exclusively with old cases.

(f) The number of additional courts should be such as to make it possible that all arrears are cleared within a period of about three years.

The Law Commission has also stressed the need for making arrangements for detention as follows:

(1) There should be separate institutions for the detention of undertrial prisoners, the induction of a large population of undertrial prisoners in a building essentially

meant for convicts being undesirable. However, the creation of such institutions is a matter of long-term planning and of financial implications.

(2) The question of providing for bail hostels for persons who, though ordered to be released on bail cannot offer bail, has not been considered in the Report apart from its financial implications and need for long-term planning. Its prospects in the present conditions are rather remote.

In India we do not have pre-trial alternatives referred to as 'diversion programs or diversionary devices' as available elsewhere. The system of suspending criminal proceedings on the understanding that the offender accepts guidance or treatment from agencies outside the system of criminal justice is not in force in India as this alternative necessitates flexibility in the exercise of police, prosecutorial and judicial powers. However, the implementation of measures mentioned above is likely to reduce the undertrial population in jails. The jail administration would, thus, be in a better position to implement effectively the programs and measures intended to bring in reformative treatment and the jails would start functioning as therapeutic centres in the real sense.

Arrangements exist for segregation of female offenders from men, and minors from adults. However, the population of female offenders is not large enough to warrant developing separate infrastructure for their confinement and treatment. It is only in a few States that separate institutions for female offenders have been established. In other States, they are kept in the same prison as male offenders, although in a completely separated enclosure. The custodial and treatment staff are also of the same sex as the prisoners. However, the confinement of females in institutions particularly meant for male offenders poses difficult management problems. A similar situation exists regarding segregation of delinquent children and adolescent offenders from adults. Though efforts are made to segregate them, owing to inadequate segregation facilities in the prison institutions, the delinquent children and adolescent offenders occasionally get mixed up with adult criminals. The impact of the criminal culture of a prisoner on the impressionable minds of delinquent children and adolescent

offenders is indeed undesirable. Efforts are afoot to provide for complete segregation of these categories of prisoners and the Committee on Jail Reforms is currently deliberating on this issue and measures for specialised treatment of women, adolescents and children as might be recommended by the Committee may go a long way in solving the problem.

THE STATUS OF PRISON OFFICERS AND HUMAN RIGHTS

Prison Personnel

The prison personnel are the key actors on whom revolves the success of correctional operations. The quality, competence and calibre of the institutional staff can only provide a successful correctional operation. The task of prison personnel is exacting and hazardous, particularly because they have to deal with those who have come in conflict with law. On the one hand dangerous offenders have to be kept in safe custody and on the other efforts have to be made to understand why they have deviated from the social norms and have taken to anti-social behaviour, with a view to helping them to readjust in the mainstream of society. To reeducate a prisoner for taking his place again in society is certainly the principal goal of jail administration in a free democratic country: such an approach would require personnel who are physically fit, courageous and possessing management and leadership qualities. They should be competent at forming meaningful human relationships.

Not much attention has, however, been paid to the development of prison staff. The United Nations expert Dr W.C. Reckless in his report 'Jail Administration in India' observed:

> The jails in India, as is true everywhere, are not organised in conception or establishment for the assistant jailors and superintendents to have time to devote to the improvement of the prisoner. Their time is devoted to busy work with registers, warrants, godowns, administrative orders, and so forth. Most of the time the staff must be devoted to actual work with the prisoner and not to books and registers. This is more than a matter of financial stringency which prevents the increase in strength of establishment. It cuts to the very depth of the concept of jails. The Government, the Inspector General, the Superintendent, the Jailor, the Assistant Jailor, the Warder, the Magistrate, the Police, and the public must believe that the staff of

> the jail is there to make a better person out of the prisoner and that most of his working day must be devoted to helping prisoners directly, through (1) admission interviews; (2) orientation; (3) interpretation of rules or action taken; (4) classification for special treatment needs; (5) encouragement; (6) counselling; (7) guidance; (8) discussion sessions; (9) relieving worries from without; (10) talking with visiting family members of prisoners; (11) correspondence with probation officers and after-care officers on the outside in reference to incoming newly admitted, soon to be released and released prisoners; (12) readjustment in the programmes of individual prisoners; (13) preparation for release.

Dr Reckless had further observed that modern jail administration must assume that the majority of prisoners received into jails are improvable and can be turned out again into society in a very much improved condition. It also must assume that there will be a minority of prisoners received by jails who are dangerous and difficult types, for whom a jail sentence is primarily a custodial experience. Modern jail administration, if it wants to refashion the improvable human material sent to it, must provide more than amenities. While amenities humanise a prison, they are not sufficient to the task of rebuilding habits, attitudes, and approaches to life of the individual prisoner. Modern jails need personnel and program content which can have a profound effect on the prisoner's outlook on life and on his approaches to life. The personnel of jails must have the time and the ability to help prisoners. They must be able to build up the proper relationships in order to be of constructive help to a prisoner. Program content should aim at producing constructive change in a prisoner. The criteria for introducing a new project in a jail should always be — is this going to have a positive impact on the prisoner's attitudes and habits?

Although Dr Reckless made the above observations in the early 50s, not much has been done to improve the lot of the prison personnel. A review of the recruitment procedures and the minimum educational qualifications prescribed for different categories of prison personnel shows that there is wide diversity in prescribing educational qualifications, mode of recruitment, salary structure and other allowances from State to State.

The pay scales of prison personnel are appallingly low as compared to their counterparts in other disciplines. Though there has been some improvement in some states, by and large the pay

scales have not been upgraded. A statement (Annexure III) showing pay scales of prison personnel of different categories in various States is enclosed.

Some sporadic efforts have also been made in the sphere of professional development of prison personnel. Emphasis has been laid on planned and scientific training of prison officials at various levels. The Model Prison Manual lays special emphasis on such training and different ingredients of training for different categories of prison personnel have been spelt out. Some of the States have organised training institutions to provide training for six months to Warders on their initial recruitment. During this period they are given practical training in every aspect of institutional management. At present, States of Maharashtra, Bihar, Madhya Pradesh, Haryana, Punjab, Karnataka and Uttar Pradesh have regular training institutes for Warders. Some other states like Tamil Nadu, Kerala and Andhra Pradesh have less formal arrangements for the training of Warders. The smaller states and the Union Territories take advantage of warders' training institutes of the neighbouring states. There are three Jail Training Schools in the country; one each at Lucknow (U.P.), Yervada (Maharashtra) and Hissar (Haryana) for training of staff at intermediary level. A Regional Institute of Correctional Administration has recently been set up at Vellore (Tamil Nadu) to cater to the training needs of four Southern states. At the national level, the National Institute of Social Defence and the Institute of Criminology and Forensic Science offer training facilities to senior prison officers and other correctional personnel.

Thus, while some efforts have been made towards equipping the prison personnel with modern techniques and skills in handling prisoners, a beginning has yet to be made in rationalising the service conditions of prison personnel. Though in some states allocation of funds have been made for providing housing facilities for all the prison personnel, working hours have yet to be rationalised.

On the whole, the prison personnel, though part and parcel of the civil service, are at a less advantageous position in matters of promotion, etc. Whereas with the change of emphasis from mere custody to correction the responsibilities of the prison staff have multiplied, their service conditions have remained more or less static. In the changed role of prisons to function as reformation and rehabilitation centres, quality, orientation, training and

motivation of the prison personnel who are an important agency in bringing about the desired level of achievement in the working of prisons cannot be overemphasised. A satisfied contingent of institutional staff can go a long way in achieving the objectives of a modern prison. The conditions of service of institutional staff, therefore, have to be sufficiently upgraded to attract and retain personnel best suited for the role.

Of late there has been unrest among the prison personnel because of comparatively poor service conditions. The staff associations and unions have come up in some states. The right to form associations in the sphere of the criminal justice system, especially in the prison service, needs to be looked into closely and some mechanism will have to be devised so that prison personnel could ventilate their grievances.

Prisoners and Their Rights

The Supreme Court of India has in the recent past touched upon the question of rights of prisoners *vis-a-vis* the obligations of the court. The Court observed that whenever the fundamental rights are flouted or legislative protection ignored to any prisoner's prejudice, the Supreme Court's writ will run breaking through stone walls and iron bars to right the wrong and restore the rule of law. The Supreme Court further added that the court has a continuing duty and authority to ensure that the judicial warrant which deprives the person of his life or liberty is not exceeded, subverted or stultified. The Supreme Court has in yet another case said that the court cannot be oblivious to the fact that the treatment of human beings which offends human dignity, imposes avoidable torture and reduces to the level of a beast would certainly be arbitrary and questioned under Article 14 (Constitution of India). The court has made it obligatory on the State to provide for legal aid. They have categorically stated that legal aid shall be given to prisoners to seek justice from prison authorities and if need be, challenge the decision in court in cases where they are poor to secure their own lawyer service, the decisional process becomes unfair and unreasonable especially because the rule of law perishes for a poor prisoner if counsel is unapproachable and beyond purchase. By and large prisoners are poor, lacking literacy, and under the control of the Jailors, they are at their mercy and

unable to meet relations or friends to take legal action. Where the remedy is all but dead, right leaves only print. Article 39-A (Constitution of India) is relevant in this context. Article 19 will be violated in such cases as the process is unreasonable. Article 21 will be infringed since the procedure is unfair and is arbitrary.

In the matter of undertrials, the Supreme Court has held that the undertrials have their right to speedy trial. They have categorically said that imprisonment of undertrials is a denial of human rights and withholding of basic freedom. Speedy trial is the essence of criminal justice and there cannot be any doubt that the delay in trial by itself constitutes denial of justice. Speedy trial though not specifically enumerated as a fundamental right is impressed in the broad sweep and contents of Article 21. No procedure which does not ensure a reasonably quick trial can be regarded as reasonable, fair or just and it would fall foul of Article 21. There can, therefore, be no doubt that speedy trial is an integral and essential part of the fundamental right to life and liberty enshrined in Article 21.

Articles 3, 5, and 9 of the Universal Declaration of Human Rights and Articles 9, 10, and 11 of the International Covenants on Civil and Political Rights recently ratified by India and the International Covenants on Elimination of All Forms of Racial Discrimination prescribe important human rights, standards concerning the rights to liberty, freedom from arbitrary arrest and detention, immunity from torture or cruel or degrading treatment or punishment and freedom from discrimination in the administration of criminal justice. The United Nations Standard Minimum Rules for the Treatment of Prisoners also provide for elaborate and detailed guidelines for protection of rights of prisoners.

The Model Prison Manual drafted by the Government of India in the early 60s provides guidance to states for the treatment of prisoners. Many State Governments have taken steps to revise their manuals on the lines of the Model Prison Manual. The Model Prison Manual takes into account by and large the principles enshrined in the United Nations Standard Minimum Rules for the Treatment of Prisoners. It specifically lays down that facilities shall be provided to the prisoners for the preparation of appeals, petitions to High Courts, petitions to Government and applications addressed to courts and other authorities regarding prison administration. The Manual further lays down that facilities shall be

provided to prisoners to address communications to Members of Parliament or Members of State Legislatures. Besides, each state Prison Manual provides that for each prison there shall be a Board of Visitors consisting of official and non-official visitors. It is enjoined on a visitor to satisfy that laws and rules relating to the management of prisons and prisoners are duly carried out in the jail. The prisoners are at liberty to present their grievances to the visitors in person or in writing. The Chairman of the Board of Visitors is required to arrange a program for the visit to the prison of one or more members of the Board every week. Besides, the Board is expected to meet in each jail once in a quarter.

In accordance with the instructions issued by the Supreme Court of India, grievance boxes are being installed in jails where prisoners may put in their petitions or complaints. These boxes are opened only by the Sessions Judges. In some States it has also been made obligatory on the District and Sessions Judge to visit jails under his jurisdiction once a month. The prisoners are free to put their grievances before the District Judge and judicial officers visiting the jail. In some States legal officers have been appointed in the jail to help prisoners to draft their petitions, appeals and other legal matters. The Social Welfare Workers appointed in most jails also help prisoners in solving their family and personal problems.

In view of the above it is felt that sufficient ground has been covered to safeguard the interests, rights and privileges of prisoners within the legal framework. The Committee on Jail Reforms is looking into this aspect also and it is hoped that after it submits its recommendations on this issue, specific and detailed guidelines would be laid down for protecting human rights in prisons in accordance with the provisions of the United Nations Standard Minimum Rules for the Treatment of Prisoners and the observations of the Supreme Court of India.

EXCHANGE OF PRISONERS

The question of repatriation of prisoners has been engaging our attention for some time. There have been instances where foreign nationals have been sentenced to a term of imprisonment in India and their countries or origin have requested repatriation of these nationals. Instances have also come to notice where

citizens of our neighbouring countries such as Sri Lanka, Pakistan, Bangladesh, have been in our jails after they have been found guilty of committing offences on our soil. It is true that imprisonment in a foreign land would lead to many adjustment problems as the prisoner would not be in a familiar surrounding. He would also be deprived of visits by his friends, relatives and family members. We, at present, have no legislation enabling us to authorise the detention of Indians who have been convicted by foreign courts and for transfer of other nationals convicted by our courts to their countries. The Indian Extradition Act, 1903 deals only with the extradition of fugitive criminals.

It is true that even though a person might have committed a crime and having been found guilty is liable to serve a term of imprisonment in the country in which the offence was committed, there are humanitarian grounds for such imprisonment being served in his home country. Probably, such repatriation would be possible after entering into a bilateral agreement between the two countries. Such bilateral agreements will have to be followed up by some legislation enacted by the Government of India to authorise detention of persons who have been convicted by foreign courts and are later on repatriated to India. Similarly, enabling legislation might be necessary to transfer persons who have been sentenced to imprisonment in India to the custody of another country. In this connection we have also received a Report on Repatriation of Prisoners prepared by an Inter-Departmental Working Party set up by the British Home Office, which lays down guidelines for a possible scheme for repatriation of prisoners. The whole question of such repatriation is still under consideration by the Government of India. It is only when all aspects of the matter have been duly examined that it would be possible to proceed further in the matter.

It may be mentioned here that India had a bilateral agreement with Pakistan in the initial stages of partition in 1947 when certain classes of prisoners detained in jails in the two countries were exchanged. This agreement was later given the shape of legislation, namely, Exchange of Prisoners Act, 1948.

PROBLEM OF DRUG OFFENDERS

In India the basic criminal law and procedure are codified in the India Penal Code, Code of Criminal Procedure and the Indian

Evidence Act. The Indian Penal Code classifies offences and the major classified crimes in this Code are murder, culpable homicide, dacoity, rape, kidnapping and abduction, robbery, burglary, thefts, riots, criminal breach of trust, cheating and counterfeiting. In addition there are a series of special and local laws such as the Arms Act, Opium Act, Gambling Act, Excise Act, Customs Act and the like.

Though the presence of drug addicts in prisons has come to light, their number is not very large. Even the offences under the Opium Act, Drugs Act, Excise Act, Customs Act, etc. which deal with drug offenders and not necessarily with drug addicts have not been much and it may not be true to say that jails in India have a sizeable number of drug offenders. According to 'Crime in India, 1977' brought out by the Bureau of Police Research and Development, Ministry of Home Affairs the incidence of offences under the Opium Act recorded a decline of 15.4 per cent in 1977 over 1976. Under the Act 12,102 cases (a small fraction of 1 per cent of the total offences reported), were reported in the year 1977 as against 14,301 in 1976. The highest number of cases under this Act were recorded by the State of Punjab (6,722) accounting for 55.5 per cent of the total offences registered in the country. The other States which recorded substantial number of offences under the Act were Haryana (2,729) and Uttar Pradesh (313). The volume of offences per 100,000 of population under the Opium Act was the highest for Punjab (44.6) followed by Haryana (23.7) as against the all India average of 1.9. Among the Union Territories, the maximum offences were recorded by Delhi (362) followed by Chandigarh (109) but the volume of offences per 100,000 of population was the highest for Chandigarh (27.2) followed by Delhi (6.8). Among the Metropolitan Cities, Delhi recorded (350) offences while Ahmedabad, Bombay, Calcutta and Hyderabad did not record any offence. The volume of offences under this Act was the highest (9.6) for Kanpur followed by Delhi (7.2). There were 12,208 persons arrested in the year 1977 for contravention of the provisions of the Opium Act. Their State-wide distribution is as follows.

Similarly under the Excise Act a total number of 90,461 cases were reported in 1977 against 100,381 reported in 1976, thus showing a decline of 9.9 per cent over 1976. The highest number of offences registered under the Excise Act were recorded by

Table 2

States		
1.	Andhra Pradesh	7
2.	Assam	31
3.	Bihar	15
4.	Gujarat	–
5.	Haryana	2,734
6.	Himachal Pradesh	38
7.	Jammu and Kashmir	1
8.	Karnataka	21
9.	Kerala	–
10.	Madhya Pradesh	339
11.	Maharashtra	7
12.	Manipur	1
13.	Meghalaya	4
14.	Nagaland	7
15.	Orissa	36
16.	Punjab	6,765
17.	Rajasthan	613
18.	Sikkim	–
19.	Tamil Nadu	62
20.	Tripura	–
21.	Uttar Pradesh	1,075
22.	West Bengal	–
TOTAL		11,756
Union Territories		
1.	A and N Islands	1
2.	Arunachal Pradesh	10
3.	Chandigarh	109
4.	Dadra and Nagar Haveli	–
5.	Delhi	331
6.	Goa, Daman and Dui	–
7.	Lakshadweep	–
8.	Mizoram	–
9.	Pondicherry	1
TOTAL		452
GRAND TOTAL		12,208

Table 2 – continued

Cities		
1.	Ahmedabad	–
2.	Bangalore	15
3.	Bombay	–
4.	Calcutta	–
5.	Delhi	302
6.	Hyderabad	2
7.	Kanpur	137
8.	Madras	12
TOTAL		468

Uttar Pradesh (30,038) followed by Punjab (22,435), Haryana (9.606) and Madhya Pradesh (7,446). The volume of offences per 100,000 population was the highest in the State of Punjab (148.9) followed by Manipur (85.5), Haryana (83.6) and Himachal Pradesh (56.3) as against the all India average of 14.5 per cent.

During the course of visits of the recently formed Committee on Jail Reforms to various jails in the country sporadic cases of drug addicts having been lodged along with other prisoners have come to light. Mixing up of this category of prisoners with other prisoners creates a lot of administrative problems. In some jails their number is significant but no arrangement exists for their specialised treatment. Their presence in the jails without proper care and control devices could easily be associated with smuggling of drugs, opium, charas, liquor etc. inside the prisons. In a recent study made with regard to Tihar Central Jail, Delhi, the Committee on Jail Reforms came to the conclusion that the presence of drug addicts not only gave rise to the smuggling of narcotics, charas, opium etc. inside the prison but also created other management and disciplinary problems. Accordingly, the Committee has recommended their segregation from the rest of the population and their treatment through services of psychologists and psychiatrists and other medical staff at the de-addiction clinics. The presence of drug addicts leads to an increased incidence of aggression and rioting in the jails. Perhaps it would be more appropriate if drug offenders instead of being incarcerated in jails are treated under medical supervision.

As is widely known crime knows no national borders. With improved communications and travel facilities the scope of transnational crimes has increased tremendously. India being one of the countries producing Opium, Charas, etc. is prone to transnational crime on this account. Massive effort is, therefore, necessary to meet this crime challenge. Every country in Asia and the Pacific region has to devise strategies for prevention of this crime in accordance with its social and political systems and conditions.

ANNEXURE I

Revenue from Jail Industries (In Rupees)

Sl. No. *1.*	*State/Union Territory* *2.*	*1974* *3.*	*1975* *4.*	*1976* *5.*	*1977* *6.*	*1978* *7.*
1.	Andhra Pradesh	1,508,500	1,767,270	2,023,930	2,401,440	2,602,870
2.	Assam	43,865 (1973-74)	16,617	100,180	176,312	263,140 (1977-78)
3.	Bihar	6,233,276 (1973-74)	7,826,986	7,077,403	4,155,000	6,234,400 (1977-78)
4.	Gujarat	1,675,000	2,350,000	2,824,000	2,950,000	3,500,000
5.	Haryana	3,634,724	3,048,193	4,334,765	3,747,531	2,683,681
6.	Himachal Pradesh	40,826	68,509	63,714	73,033	35,224
7.	Jammu and Kashmir	5,000	4,000	5,042	4,933	—
8.	Karnataka	2,600,863	3,045,931	3,344,027	3,071,254	3,138,000
9	Kerala	675,295 (1973-74)	730,694	874,688	1,672,426	1,398,629 (1977-78)
10.	Madhya Pradesh	1,555,164	1,950,300	2,733,099	2,050,855	2,600,000
11.	Maharashtra	9,773,900	12,520,400	12,053,700	14,012,200	9,011,800
12.	Manipur	3,100 (1973-74)	2,900	2,100	4,000	3,875 (1977-78)
13.	Meghalaya			Rs.30,000 Total		
14.	Nagaland	—	—	—	—	—
15.	Orissa	656,793	831,655	929,015	1,106,977	1,062,695
16.	Punjab	3,223,103	3,682,008	3,414,610	3,533,173	3,716,417
17.	Rajasthan	1,147,470	1,406,576	1,170,510	1,147,303	1,199,064 (1977-78)

ANNEXURE I – continued

18.	Sikkim	–	–	–	–	–
19.	Tamil Nadu	8,794,000	10,061,000	9,988,000	11,855,000	12,698,000 (1977-78)
20.	Tripura	20,261	43,149	97,338	73,752	76,073
21.	Uttar Pradesh	538,322	643,939	944,545	876,514	926,573
22.	West Bengal	258,860 (1973-74)	361,352	234,661	1,173,583	304,482 (1977-78)
Union Territories						
23.	Andman and Nicobar Islands	1,088 (1973-74)	1,383	1,721	1,000	2,125 (1977-78)
24.	Arunachal Pradesh	–	–	–	–	–
25.	Chandigarh	–	–	–	–	–
26.	Dadra and Nagar Haveli	–	–	–	–	–
27.	Delhi	583,565	573,333	123,796	412,233	N/A
28.	Goa, Daman and Diu	–	–	–	–	–
29.	Lakshadweep	–	–	–	–	–
30.	Mizoram	–	–			
31.	Pondicherry	1,000	5,700	5,100	9,800	1,199,064 (1977-78)

ANNEXURE II

Period of Stay of Undertrials in Jails as on 31 December 1978

Sl. No. *1.*	*State/Union Territory* *2.*	*Below 6 Months* *3.*	*6 Months – 1 Year* *4.*	*1-2 Years* *5.*	*2-3 Years* *6.*	*More than 3 Years* *7.*	*Total* *8.*
1.	Andhra Pradesh	–	2,810	8	9	–	2,827
2.	Assam	2,587	454	296	125	81	3,543
3.	Bihar	–	–	–	–	–	–
4.	Gujarat	1,503	101	1	–	–	1,605
5.	Haryana	1,387	172	17	8	2	1,586
6.	Himachal Pradesh	43	39	3	1	–	86
7.	Jammu and Kashmir	40	217	114	51	26	448
8.	Karnataka	–	438	41	12	–	492
9.	Kerala	983	102	9	14	–	1,108
10.	Madhya Pradesh	5,057	524	106	10	9	5,706
				Information for 13 jails has not been received.			
11.	Maharashtra	–	–	–	–	–	–
12.	Manipur	–	–	–	–	–	–
13.	Meghalaya	–	–	–	–	–	–
14.	Nagaland	55	156	45	17	45	318
15.	Orissa	–	1,810	400	97	16	2,323
16.	Punjab	5,914	424	71	2	1	6,412
17.	Rajasthan	2,370	233	130	42	20	2,795
18.	Sikkim	–	–	–	–	–	–
19.	Tamil Nadu	–	170	23	7	1	201
20.	Tripura	157	13	4	–	–	174

ANNEXURE II – continued

21.	Uttar Pradesh	5,315*	2,059	1,574	251	100	9,299
22.	West Bengal	–	753	509	339	32	1,633
23.	A. and N. Islands	28	2	1	–	–	31
24.	Arunachal Pradesh	–	–	–	–	–	–
25.	Chandigarh	1,032	–	–	–	–	1,032
26.	Dadra and Nagar Haveli	6	1	–	–	–	7
27.	Delhi	1,548	229	27	8	1	1,813
28.	Ladshadweep	–	–	–	–	–	–
29.	Goa Daman and Diu	–	52	8	–	–	60
30.	Mizoram	–	135	23	10	17	185
31.	Pondicherry	46	–	–	–	–	46
TOTAL		28,071	10,895	3,410	1,003	351	43,730

* For 56 jails only out of 63 jails.

ANNEXURE III

Pay Scales of Prison Personnel in States and Union Territories

Sl. No.	*State/Union Territory*	*Inspector General*	*Deputy Inspector General*	*Superintendent Central Jail*	*Superintendent District Jail I/II*	*Welfare Officer*	*Jailors/ Deputy Superintendent*
1.	*2.*	*3.*	*4.*	*5.*	*6.*	*7.*	*8.*
1.	Andhra Pradesh	2,000-2,250	1,600-2,100	1,250-1,800	1,250-1,800	750-1,300	750-1,300
2.	Assam	1,200-1,725	–	–	550-1,225 450-1,025	–	1,050-1,600
3.	Bihar	–	400-1,250	–	–	–	510-1,155 415- 720
4.	Gujarat	2,000-2,250	1,300-1,700	1,300-1,700	650-1,200	425- 800 425- 700	900-1,500 650-1,000 425- 700
5.	Haryana	2,000-2,250	–	–	–	200- 500	300- 700
6.	Himachal Pradesh	–	–	–	–	–	–
7.	Jammu and Kashmir	2,125-2,250	–	520- 900	–	450- 700	450- 700
8.	Karnataka	2,000-2,500 + Special Pay 200/-	1,725-2,000	900-1,785	750-1,725	–	660-1,300 500-1,120
9.	Kerala	1,300-1,900	1,125-1,725	910-1,550	650-1,150	650-1,150	650-1,150 520- 900
10.	Madhya Pradesh	1,200-2,000 (Rs. 200 Spl. Pay)	950-1,350	500-1,150	–	169- 300	440- 575 375- 575
11.	Maharashtra	2,250-2,500	1,500-1,925	1,100-1,700	680-1,150	–	600-1,150 500- 800
12.	Manipur	1,200-2,000	–	500-1,350	–	–	325- 910
13.	Meghalaya	–	–	–	–	–	–
14.	Nagaland	1,200-1,725	1,200-1,525 900-1,525	(Asst. I.G.)	550-1,255 450-1,025	450-1,025	450-1,025 600- 950

ANNEXURE III – continued

15.	Orissa	–	–	–	–	500- 825	500- 825
16.	Punjab	2,000-2,400	1,200-1,775	1,200-1,775	940-1,700	570-1,000	825-1,400 750-1,300 700-1,200
17.	Rajasthan	1,700-2,000	1,250-1,700	1,000-1,600	650-1,200	–	620-1,100 450- 770
18.	Sikkim	–	–	–	–	–	–
19.	Tamil Nadu	1,600-2,250	1,300-2,000	–	–	600-1,050 525- 925	600-1,000
20.	Tripura	500-1,300 + Rs. 75/-	–	500-1,300	425- 900	325- 775	425- 900 325- 775
21.	Uttar Pradesh	1,600-2,000 1,200-1,800	1,900-1,600	800-1,450	550-1,200	200- 320 230- 335 280- 460	450- 850 450- 750
22.	West Bengal	1,600-1,900	825-1,475	–	–	375- 650	600- 850 375- 650
Union Territories							
1.	A. and N. Islands	–	–	–	650-1,200	–	550- 750
2.	Arunachal Pradesh	–	–	–	–	–	–
3.	Chandigarh	–	–	–	750-1,300	–	–
4.	Dadra and Nagar Haveli	–	–	–	–	–	–
5.	Delhi	–	1,200-2,000 Rs.150/- Spl. Pay	1,200-2,000 Rs.150 Spl. Pay	–	–	650-1,200
6.	Goa, Daman and Diu	–	–	–	–	–	–
7.	Lakshadweep	–	–	–	–	–	–
8.	Mizoram	–	–	700-1,300 550- 900	–	–	550- 750
9.	Pondicherry	–	–	650-1,200	–	–	–

ANNEXURE III – continued

Sl. No.	*State/Union Territory*	*Deputy Jailor* 9.	*Assistant Jailor* 10.	*Chief Warder* 11.	*Head Warder* 12.	*Warder* 13.
1.	Andhra Pradesh	550-900	–	450-700	425-650	350-550
2.	Assam	–	325-650	255-400	240-380	205-325
3.	Bihar	–	296-460	220-315	205-284	190-254
4.	Gujarat	–	–	330-480	300-430	200-260
5.	Haryana	–	200-500	–	100-160	90-140
6.	Himachal Pradesh	–	–	–	150-180	125-150
7.	Jammu and Kashmir	–	–	–	270-400	240-340 210-300
8.	Karnataka	–	–	400-900	340-800 340-900	300-700
9.	Kerala	520-900	450-755 390-685	350-580	350-580	310-490
10.	Madhya Pradesh	–	205-375 + Rs. 25/-	155-252	109-300	135-190 131-272
11.	Maharashtra	365-760	–	260-495	250-435	205-355
12.	Manipur	–	260-440	240-390	215-340	205-310
13.	Meghalaya	–	–	–	–	–
14.	Nagaland	–	325-550	265-400	240-380	205-325
15.	Orissa	–	375-620	–	240-315	215-265
16.	Punjab	–	–	–	450-700	400-660 with a start of Rs.420

ANNEXURE III – continued

17.	Rajasthan	370-590	355-570	355-570	280-455	250-360
18.	Sikkim	–	–	–	–	–
19.	Tamil Nadu	450-800	400-700	350-600	295-478	280-450
20.	Tripura	325-665	260-495	240-440	220-380	205-290
21.	Uttar Pradesh	300-500	250-425	230-385	200-320	175-250
			200/- Approx.			
22.	West Bengal	300-600	230-425	230-425	–	160-250
Union Territories						
1.	A. and N. Islands	–	–	260-400	210-290	210-270
2.	Arunachal Pradesh	–	–	–	–	–
3.	Chandigarh	–	–	–	450-750	420-660
4.	Dadra and Nagar Haveli	–	–	–	–	–
5.	Delhi	550-900	550-900	550-900	210-290	210-270
6.	Goa, Daman and Diu	–	–	–	–	–
7.	Lakshadweep	–	–	–	–	–
8.	Mizoram	–	425-700	330-560	260-400	210-270
9.	Pondicherry	425-700	330-560	260-400	210-290	210-270

JAPAN

Japan

YOSHIO SUZUKI

PRISON INDUSTRY

General Information

In Japan, there are 74 main prisons, and 115 branches, each of which comes under the administrative jurisdiction of the main prison. Out of 115 branches, 106 are remand institutions. The average daily population of these institutions is indicated in Table 1.

In our prison administration, the importance of prison industry has been all the time realised and stressed since the modern prisons system was established.

The majority of prisoners under sentence are those sentenced to 'imprisonment at forced labour' who are required to work by the Penal Law. As of the end of 1979, 41,922 or 99.2 per cent out of 42,277 sentenced prisoners are those sentenced to imprisonment at forced labour. While it is as a matter of course that prisoners sentenced to imprisonment at forced labour are employed, prisoners sentenced to 'imprisonment' who are legally not obliged to work are also employed with few exceptions because they so desire.

Table 1 – Daily Average Prison Population – 1975-1979

Year	*Total*	*Sentenced Prisoners*	*Prisoners Under Trial and Suspects*	*Detainees in lieu of Payment of Fine*	*Others*
1975	45,690	37,850	7,605	183	52
1976	46,931	38,469	8,225	203	34
1977	47,903	39,225	8,462	189	27
1978	49,885	40,796	8,872	190	27
1979	50,846	42,041	8,626	151	28

Prison industry is organised and undertaken with such purposes as cultivating prisoners' will to work, giving them vocational skills and knowledge, training their perseverance and concentration and contributing to the national finance and to the improvement of their living conditions. But the importance of prison industry as a means of maintaining good order and discipline should not be ignored.

Employment

It is reported that in some countries, many prisoners are out of employment for various reasons although the importance of prison industry is fully understood.

In Japan, however, 90 per cent or more of the prisoners under sentence were employed as indicated in Table 2, except for several years just after the Second World War when our country suffered from disturbances and disorder in social, economic, political and other fields. The percentages show that all prisoners who can work are actually employed in our prison administration.

Employment of all workable prisoners contributes, to a great extent, to establishing good order and discipline in our prisons, which enables the prison authorities to develop other correctional activities.

Financial Contribution

Table 3 indicates the national revenue brought on by prison industry for the past three years. Although our country was not in the best economic and financial circumstances for these three years, the proceeds of prison industry showed a steady increase.

The costs of prison industry for the same period are indicated on the bottom line of Table 3. The increase of the proceeds overtook the increase of the costs.

By the way, in each year, about 44 per cent of the proceeds of prison industry are from the state-account system and approximately 56 per cent from the contract system.

Prison Industry Proceeds and Costs of Maintaining Prisoners

Comparison of prison industry proceeds and the maintenance costs of prisoners in 1980 is made as an example in Table 4. As

Table 2 – Daily Average Population of Sentenced Prisoners and Percentage Employed – 1947-1979

Year	*Sentenced Prisoners*	*Employed*	*Percentage*
1979	42,041	39,939	95
1978	40,796	38,840	95
1977	39,225	36,920	94
1976	38,469	36,205	94
1975	37,850	35,277	93
1974	38,598	35,196	91
1973	39,949	36,479	91
1972	40,509	37,348	92
1971	40,039	36,418	91
1970	40,917	37,149	91
1969	44,438	39,825	90
1968	48,094	42,976	89
1967	51,928	46,285	89
1966	53,736	48,521	90
1965	52,813	47,800	91
1964	53,024	47,618	90
1963	54,897	49,390	90
1962	56,400	50,985	90
1961	59,620	53,813	90
1960	63,329	58,164	92
1959	66,194	60,923	92
1958	65,406	59,901	92
1957	67,170	61,760	92
1956	68,901	63,614	92
1955	66,505	62,345	94
1954	63,934	57,272	90
1953	65,378	57,512	88
1952	72,339	47,362	65
1951	80,743	53,326	66
1950	85,254	52,164	61
1949	78,834	49,187	62
1948	73,399	48,105	66
1947	61,092	40,069	66

seen in the table, the costs of maintaining sentenced prisoners are almost covered by the prison industry proceeds. Needless to say, the costs of maintenance only cover living expenses for prisoners. The total budget, including payments for prison officers, was approximately 84 billion yen in the same year.

Table 3 – Proceeds of Prison Industry – 1977-1979

Types of Industry	*Year 1977*	*1978*	*1979*
Woodwork	2,272,035	2,752,850	3,050,872
Printing	1,898,874	2,059,687	2,127,531
Sewing	1,608,178	1,913,647	2,409,396
Metalwork	3,408,774	3,794,820	4,208,979
Car-repairing	214,480	231,842	242,505
Agriculture and Stock-farming	307,215	367,940	380,746
Chemical work	312,143	414,247	511,869
Paper work	512,945	558,184	626,030
Ceramics	144,449	171,437	197,486
Leather work	434,904	511,619	572,140
Miscellaneous	397,744	516,775	641,211
Extramural work	146,885	174,176	198,269
Vocational Training	119,092	145,209	158,735
Others	397,929	455,634	472,933
TOTAL	12,175,647	14,068,067	15,798,702
Compared with Previous Years	+ 7.5 per cent	+ 15.5 per cent	+ 12.3 per cent
Costs of Prison Industry	3,956,495	4,336,177	4,593,897
Compared with Previous Years	+ 5.2 per cent	+ 9.6 per cent	+ 5.9 per cent

Note: The last figure stands for 'thousand' yen.

Costs of Prison Industry

The breakdown of costs of prison industry for the past three years is shown in Table 5. As indicated in the table, costs of materials were highest, occupying about 70 per cent of the total. Renewing of machines is done every year with costs of about 40 million yen, and main machines now in use in prison industry amount to 7,342 which cost 5,980 million yen.

As mentioned before, about 56 per cent of prison industry proceeds came from the contract system in 1979. It should be noted that in this system, necessary materials as well as machines and tools are provided by contractors.

Table 4 – Proceeds of Prison Industry and Costs of Maintaining Prisoners – 1980

Proceeds of Prison Industry	*Costs of Prison Industry*	*Costs of Maintaining Prisoners*
16,865,423	4,937,211	14,295,554

Note: The last figure stands for 'thousand' yen.

Table 5 – Costs of Prison Industry – 1977-1979

Breakdown	*Year 1977*	*1978*	*1979*
Materials	2,716,111	2,946,980	3,197,473
Machines and Tools	370,925	404,707	428,243
Electricity, Water and Fuel	309,000	324,456	340,679
Vocational Training	68,156	68,270	68,348
Prevention of Pollution and Safety Measures	70,214	70,104	72,614
Others	422,089	521,660	486,540
TOTAL	3,956,495	4,336,177	4,593,897

Note: The last figure stands for 'thousand' yen.

Remuneration

Prisoners engaged in work are paid. In calculating remuneration, the top priority is given to the skills which are classified into 10 grades. An amount of remuneration per hour for each grade is provided for by an ordinance. Remuneration is at first calculated by multiplying the amount per hour by monthly working hours. To this monthly basic amount, various additions and reductions are made, taking into consideration prisoners' behaviour, diligence, sense of responsibility and so one, and also for overtime or dangerous work additional remuneration is given.

The average monthly amount of remunerations of a prisoner was 1,628 yen in 1977, 1,816 yen in 1978 and 2,152 yen in 1979.

Prisoners are allowed to use part of their remuneration according to the Ministry of Justice Ordinance, and the rest is given to them on release. Table 6 shows the amount of remuneration brought out by prisoners on release.

Table 6 – Amount of Remuneration Possessed by Prisoners on Release – 1979

Terms served	*Total*	*5,000 and less*	*7,000 and less*	*10,000 and less*	*15,000 and less*	*Yen 20,000 and less*	*30,000 and less*	*50,000 and less*	*Over 50,000*	*None*
TOTAL	28,648	6,684	2,541	3,093	3,746	2,494	3,081	2,878	3,748	383
3 months and less	1,223	1,089	8	2	3	2	1	2	–	115
6 months and less	4,227	3,338	508	219	72	16	15	14	4	41
1 year and less	9,251	1,952	1,778	2,245	2,039	700	342	67	31	97
2 years and less	8,537	248	223	553	1,489	1,577	2,257	1,652	468	70
3 years and less	3,231	36	20	52	104	159	391	935	1,510	24
5 years and less	1,477	16	3	17	32	31	59	185	1,113	22
7 years and less	382	4	1	3	5	6	12	16	329	6
10 years and less	182	1	–	2	1	2	3	5	164	4
Less than 15 years	91	1	–	–	1	1	1	1	84	2
15 years and more	47	–	–	–	–	–	–	1	45	1

Vocational Training

Stress has been placed on vocational training in our prison administration, and seven prisons out of 74 are designated and organised as 'general vocational training centres'. Special consideration has been given to staff and financial arrangements for these centres. Candidates of 54 courses in all are selected from among prisoners of all institutions. In organising and carrying out vocational training, special care is paid so that prisoners may obtain licences or certificates issued not by wardens but by the Ministry of Labour and other authorities responsible for employment problems.

In 1979, for example, the numbers of prisoners indicated in Table 7 obtained licences or certificates.

In addition to general vocational centres, 66 prisons organise some vocational training courses. In other words, there is only one prison which provides no vocational training course.

Table 7 – Licences and Certificates Obtained by Prisoners – 1979

Licences or Certificates	*Those Who Obtained*
TOTAL	2,323
Boiler operation	114
Barber	51
Hair-dressing	15
Cooking	36
Laundry	34
Car-repairing	169
Car-driving	95
Refrigerator operation	3
High-voltage Electrical work	11
Dangerous Objects dealing	365
High-pressure Gas dealing	12
Fire-fighting Appliances dealing	16
Welding	629
Ship-steering	17
Wireless-telegraphy	7
Electrical work	82
Poisons dealing	6
Crane operation	17
Others	644

REMANDS

Treatment of Alleged Suspects and Defendants

Alleged suspects and defendants are detained to insure their availability at the time of their trial and in some cases to prevent their destroying evidence.

They are detained in a section separate from convicted prisoners, and principles and methods of treatment for them are substantially different from those for convicted prisoners. The major different points are as follows:

Suspects and Defendants	Sentenced Prisoners
(a) The alleged suspects and defendants shall be placed in individual cells as far as circumstances permit.	(a) The prison inmate may be placed in individual cells, except if he is deemed unfit for such treatment because of his mental or physical condition.
(b) The accused person shall use clothing and bedding at their own expense, but to those who are unable to do so, they may be lent.	(b) The convicted person shall use clothing and bedding provided by the Government.
(c) The accused may be permitted to take food at their own expense.	(c) Necessary food shall be supplied to the inmates.
(d) A person applying for permission to interview an inmate shall be given it. A prison official shall attend an interview. However, this shall not apply in the case of interview of the accused with his defence counsel.	(d) A convicted prisoner may be permitted to have an interview with a relative or a person who is concerned with his rehabilitation.

Correctional Institutions

Correctional facilities serve not merely as places where penalties meted out by the courts are administered; they also provide settings in which offenders can acquire attitudes and skills necessary to a successful reintegration into society following release. The Japanese correctional system includes seven major detention facilities in larger cities, 106 branch detention houses in smaller communities, 58 main prisons, nine branch prisons and nine juvenile prisons.

Inmate Populations

(1) Average Daily Population: The average daily population of penal institutions in 1979 was 50,846, an increase of 961 over the preceding year. If only sentenced prisoners are calculated, the average daily census in 1979 amounted to 42,223 or 1,209 more than the average figure in 1978. Unconvicted prisoners, however, amounted to 8,626, 246 less than in 1978. Figure 1 shows the

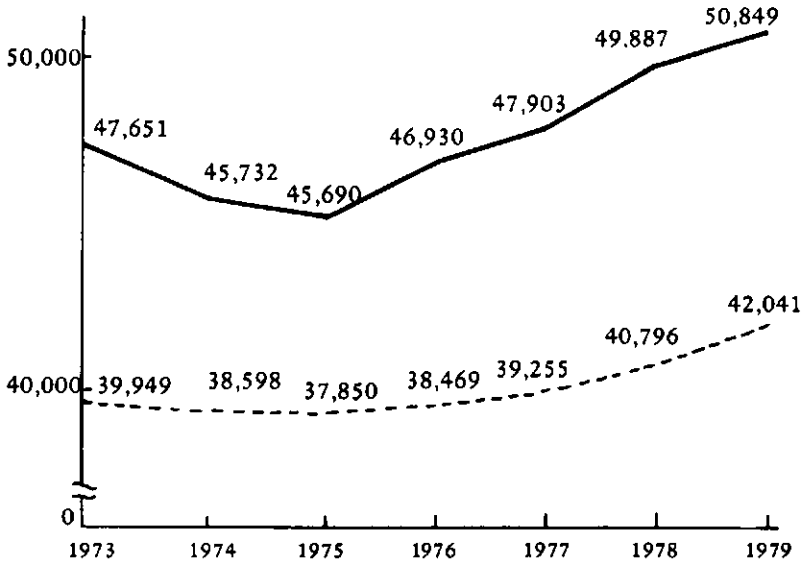


Figure 1 – Trends in the Average Daily Population in Penal Institutions – 1973-1979

trends in average daily population from 1973 through 1979 and Table 8 shows the trends in average daily inmates population from 1945 through 1979.

Table 8 — Average Daily Inmate Population — 1945-1979

	Males		*Females*		
Year	*Unconvicted*	*Convicted*	*Unconvicted*	*Convicted*	*Grand Total*
1945	4,371	47,933	181	1,171	53,656
1946	12,282	43,288	266	1,039	56,875
1947	14,691	59,840	341	1,343	76,215
1948	17,735	71,883	471	1,638	91,727
1949	15,870	77,305	425	1,711	95,311
1950	16,829	84,125	429	1,787	103,170
1951	14,084	79,997	353	1,348	95,782
1952	12,923	71,717	366	1,192	86,198
1953	11,936	64,825	384	1,097	78,242
1954	11,963	63,411	508	1,230	77,112
1955	14,029	65,815	552	1,472	81,868
1956	12,875	68,222	368	1,404	82,869
1957	12,263	66,458	343	1,292	80,356
1958	12,727	64,757	430	1,277	79,191
1959	12,259	65,401	465	1,409	79,534
1960	11,479	62,515	444	1,383	75,821
1961	10,926	58,741	467	1,341	71,475
1962	10,461	55,448	407	1,443	67,759
1963	10,003	53,999	382	1,418	65,802
1964	9,285	52,247	340	1,317	63,189
1965	9,775	52,069	386	1,285	63,515
1966	9,571	52,990	369	1,269	64,199
1967	8,170	51,146	300	1,221	60,837
1968	7,551	47,377	259	1,070	56,257
1969	7,754	43,788	233	962	52,737
1970	7,779	40,325	248	857	49,209
1971	7,634	39,485	224	788	48,131
1972	7,891	39,908	284	812	48,895
1973	7,242	39,324	238	847	47,651
1974	6,716	37,977	213	826	45,732
1975	7,380	37,262	235	813	45,690
1976	7,964	37,839	269	859	46,931
1977	8,171	38,525	299	908	47,903
1978	8,497	39,982	375	1,031	49,885
1979	8,240	41,032	386	1,188	50,846

Note: Sentenced Prisoners include fine defaulters, unexecuted capital offenders.

Among the average daily census of 8,626 persons in pre-adjudication status in 1979, 7,939 defendants (against whom prosecutions had been instituted) reflected a slight decline of 248 as compared with those in 1978, and also 368 suspects (those detained by order of a judge but not yet formally charged) were 13 fewer than during the previous year.

(2) Total Inmate Population: A total of 50,985 defendants were received by detention facilities during 1979 and only 17,997 suspects were so held. The trend of gradual decrease has been observed since 1977 in the total number of both suspects and defendants newly held at detention facilities (Table 9).

Table 9 – Total Number of Both Suspects and Defendants Newly Held at Detention Facilities – 1977-1979

		In	*Out*
1977	Suspects	22,299	22,006
	Defendants	51,543	53,918
1978	Suspects	20,129	19,767
	Defendants	52,565	55,168
1979	Suspects	17,997	17,628
	Defendants	50,985	54,282

Custodial facilities attached to police stations, not constituting detention facilities in the formal sense, accommodated a total of 1,804,670 arrestees in 1979, an average daily population of 4,944.

Notes

(1) Code of Criminal Procedure S60: (1) the court may detain the accused when there are reasonable grounds to suspect that he has committed a crime and the case falls under any one of the following categories:

(1) He has no fixed dwelling;

(2) There are reasonable grounds to suspect that the accused may destroy evidence; and

(3) The accused escapes or there is reason to suspect that he may escape.

(2) The detention term shall not exceed two months after the day of the institution of prosecution. Where there is special necessity for continuing further detention, the term may be renewed on the last day of each one month period by means of a ruling with a statement of the concrete reasons for the renewal.

(2) Penal Code S21: The number of days of pre-judgement detention may be calculated wholly or in part in an imposed punishment.

THE STATUS OF PRISON OFFICERS AND HUMAN RIGHTS

General Information

The correctional system of Japan comprises prisons (74 main institutions and 115 branches), juvenile training schools (60), juvenile detention and classification homes (51 main institutions and one branch) and women's guidance homes (3). The total number of personnel of these institutions was 20,624 as at the end of 1980.

Out of 20,624, 16,877 work in the prison service. Of these, 14,645 are prison officers (including wardens), to whom the so-called public security payment scale is applied. In addition to prison officers, there are 650 trade instructors and psychologists, 498 doctors, pharmaceutists, and other medical officials, 125 instructors and 959 clerical officials.

It should be specially noted that in our prison administration, prison officers are engaged not only in security and disciplinary work but also in such works related to the treatment of prisoners as consultation, guidance, education and so on.

The Status of Prison Officers

Prison officers are part of the public service and not a separate security discipline service, but they are selected from among those who have passed the prison officers recruitment examination specifically conducted by the National Personnel Authority, which is authorised to carry out the general public service examinations.

Recruitment Conditions

Prison officers are recruited from among those who have succeeded in the prison officers recruitment examination.

1. Anyone who comes under any one of the following items is disqualified to sit for the examination, as in any other recruitment examinations for the public service.

   (a) One who has not Japanese nationality;

   (b) One who was adjudicated incompetent or quasi-incompetent;

   (c) One who was sentenced to imprisonment without forced labour or a heavier punishment which is under execution or the possibility of the execution of which remains; and/or

   (d) One who was dismissed from the public service as a result of disciplinary punishment within two years.

2. In addition, anyone who falls under any one of the following items can not pass the examination.

   (a) One who is less than 160cm in height;

   (b) One who is less than 47kg in weight;

   (c) One whose girth of the chest is less than 78cm;

   (d) One whose eyesight of either eye is less than 0.6 (except one whose eyesight of both eyes is 0.1 or better and 1.0 or better with glasses).

   (e) One who is colour-blind;

   (f) One who has trouble in movements of legs and arms; and/or

   (g) One who has no scholary attainments equivalent to senior high school graduate level.

Terms of Service

1. Working hours – 48 hours per week, but prison officers, particularly those assigned to security side have to work overtime. Allowance is paid for overtime work.

2. Payment – indicated in Table 10.

   (a) It is rather difficult to make an exact comparison of payment between prison officers and police or firemen, because junior officers of police and firemen belong to local governments such as prefectures, municipalities or towns, and their payments differ from government to government. However, senior officers of police constitute part of the national service and the same payment scale applied to prison officers is also applied to them. Therefore, it may be concluded that there must be only little, if any, difference between the payments of prison officers and police or firemen.

   (b) The payment scale applied to secretarial and clerical officials is shown in Table 11. Compared with this scale, prison officers earn about 13 per cent more than those officials.

   (c) What we call 'bonus' which is equivalent to the amount of about five-months pay, is paid to the public service including prison officers.

   (d) Prison officers, as public service employees, are paid various kinds of allowances such as family allowance, residential allowance, urban-life allowance, commuting allowance and so on. In addition to these, special allowances for mid-night duty, prison workshop duty, escort duty and so on are paid to prison officers.

3. Paid holidays – 20 days a year.

4. Official quarters – Official quarters located near a prison are free of charge for those officers who work at the prison.

5. Uniforms – Uniforms suitable for work and seasons are provided.

Table 10 — Public Security Officials Payment Scale — (Monthly)

	Grade								
Rank	*1*	*2*	*3*	*4*	*5*	*6*	*7*	*8*	*9*
1	294,700	246,300					112,200	99,500	
2	304,200	255,800	230,500	214,900	185,600	144,300	118,500	103,300	92,000
3	313,700	265,500	238,400	222,700	192,500	150,900	124,900	107,200	95,500
4	323,200	275,200	246,300	230,500	199,400	157,600	131,400	111,900	99,300
5	332,800	284,600	254,700	238,400	207,100	164,300	137,900	118,000	103,100
6	342,500	294,000	262,900	246,300	214,900	171,200	143,900	124,200	107,000
7	354,500	303,000	271,100	254,400	222,700	178,100	149,900	130,400	111,600
8	366,400	311,100	279,300	262,600	230,500	185,000	155,900	136,500	117,400
9	378,300	319,200	287,500	270,800	238,300	191,300	161,900	142,100	123,400
10	390,200	327,200	295,500	279,000	246,100	198,600	167,900	147,700	129,400
11	399,100	335,200	303,500	287,200	254,000	205,300	173,800	153,500	135,400
12	405,200	343,100	311,400	295,200	261,900	212,000	179,700	159,300	140,900
13	411,300	350,900	319,300	303,200	269,700	218,600	185,600	165,100	146,400
14	416,900	358,700	327,100	311,000	277,500	225,100	191,500	170,900	152,100
15	421,700	366,400	334,800	318,600	285,100	231,500	197,200	176,600	157,800
16		373,800	342,100	325,600	292,600	237,700	202,900	182,200	163,400
17		378,200	349,300	331,600	297,800	243,900	208,700	187,700	168,000
18			353,400	335,500	303,000	250,000	214,800	193,000	174,400
19			357,500	339,300	307,800	256,000	221,000	198,300	179,600
20				343,100	311,400	261,500	227,200	203,600	184,600

Table 10 – continued

21	315,000	266,700	233,400	209,000	189,600
22	318,600	271,900	239,500	214,400	194,600
23	322,200	277,000	245,500	219,800	199,700
24		281,600	251,000	225,200	204,700
25		284,600	256,200	230,600	209,700
26		287,600	261,400	236,000	214,700
27		290,600	266,500	241,000	219,700
28		293,600	271,100	246,000	224,400
29		296,600	274,100	250,400	229,100
30			277,100	254,700	233,000
31			280,100	258,900	236,800
32			283,000	261,600	240,600
33			285,900	264,300	244,400
34					247,000

Note: This scale is roughly applied as indicated below.

Grade 1, 2, 3 = Warden
Grade 3, 4 = Assistant Warden
Grade 4, 5, 6 = Captain
Grade 6, 7 = Assistant Captain
Grade 7, 8 = Senior Guard
Grade 8, 9 = Guard

Table 11 – Secretarial and Clerical Officials Payment Scale – (Monthly)

	Grade							
Rank	*1*	*2*	*3*	*4*	*5*	*6*	*7*	*8*
1	282,400	218,600				122,900	97,000	
2	294,500	227,800	194,300	164,600	137,700	118,600	101,600	79,600
3	306,500	237,000	201,900	171,500	143,900	124,400	106,900	82,000
4	318,500	246,300	209,500	178,600	150,100	130,400	112,800	84,600
5	330,500	255,800	217,100	185,700	156,700	136,200	118,100	87,200
6	342,500	265,500	225,000	192,900	163,400	142,000	122,600	90,300
7	354,500	275,200	232,900	200,100	170,000	147,700	127,000	93,600
8	366,400	284,600	240,800	207,500	176,600	153,400	131,200	97,000
9	378,300	294,000	248,800	215,000	183,000	158,300	135,200	100,200
10	390,200	303,000	256,800	222,500	189,400	163,100	138,800	103,300
11	399,100	311,900	264,700	230,100	195,700	167,800	142,300	106,200
12	405,200	320,500	272,600	237,700	202,000	172,400	145,800	108,800
13	411,300	328,300	280,500	245,200	208,300	177,000	149,200	111,300
14	416,900	334,400	288,000	252,500	214,300	181,300	151,900	113,500
15	421,700	340,500	295,400	259,200	220,100	185,400	154,600	115,700
16		344,800	301,400	265,800	225,400	189,500	157,200	117,800
17			307,100	271,100	230,400	193,100	159,700	119,400
18			311,000	276,100	234,200	196,200	162,100	
19			314,800	279,700	237,500	199,200	164,100	
20			318,600	283,300	240,600	201,500		
21				286,900	243,100	203,800		
22				290,500	245,500	206,000		
23					247,900	208,200		
24					250,300			

6. Retirement age – As a matter of administrative custom, prison officers retire at the age of 60.

7. Retirement allowance – The amount differs depending on the period of service, reasons of retirement and so on, but, for example, if one becomes a guard (basic officer) on graduation from senior high school (at the age of 18) and retires at the age of 60 as a guard, his retirement allowance amounts to about 17 million yen.

8. Pension – The scale is shown in Table 12.

9. Promotion

   (a) A guard of two years or longer experience is entitled to sit for the examinations for junior key-staff course of the Prison Officers Training College. If he succeeds in the examination and completes the course, he is qualified to be promoted to Assistant Captain after some years service as a Senior Guard.

   (b) A Senior Guard or Assistant Captain of three years or longer experience in the prison service is entitled to sit for the examination for senior key-staff course of the College. If he succeeds in the examination and completes the course, he is qualified for Captain.

   (c) Regarding the qualification for sitting for the examinations of these courses, there are some exceptions, namely, college graduates may sit for them with shorter experience in the prison service.

Table 12 – Pension

Years in Service	*Percentage of Payment of One Year Previous to Retirement*
20	40
25	47.5
30	55.0
35	62.5
40	70.0

(d) Promotion to Assistant Warden and Warden is made mainly on the basis of achievement and performance.

Note: Ranks of Prison Officers: Guard, Senior Guard, Assistant Captain, Captain, Assistant Warden, Warden.

Means and Structures of Complaints from Prisoners

1. Means by which prisoners can protect their rights and the number of cases in which they actually exercise such means are indicated in Table 13.

   In short, prisoners can make use of all such means that can be exercised by ordinary citizens, and moreover, they can use such other means as are particularly provided for prisoners.

2. It is provided in the Prison Law Enforcement Regulations that a letter of petition to the Minister of Justice should be sealed by the prisoner himself, and no prison officials including the Warden can open it.

   When a prisoner makes petition orally to an inspector dispatched by the Minister of Justice, no prison official can attend.

3. Letters concerning suits, appeals and other complaints made by prisoners, except petitions to the Minister of Justice, may be censored by a prison official, but the prison authorities are prohibited from stopping or deleting them.

Abuses of Rights by Prison Officers

1. In appeals or complaints made by prisoners, there are a number of cases which refer to the abuses of their rights by prison officers. However, for the 1977-79 period, no officer was prosecuted, although about 1,000 complaints or accusations were filed or lodged by prisoners with prison officers as indicated in Table 13.

2. However, for the three year period mentioned above, disciplinary action was taken against nine prison officers who assaulted prisoners, but no case was so serious as to be prosecuted.

   The cases of assaults on prison officers by prisoners are shown in Table 14.

Table 13 – Petitions, Complaints, etc. by Prisoners

Types	*1977*	*1978*	*1979*
Petitions			
Petitions to Minister of Justice	510	481	678
Oral Petitions to Inspector dispatched by Minister of Justice	319	315	318
Petitions to Warden	1,470	1,974	2,231
TOTAL	2,299	2,770	3,227
Suits, Complaints, etc.			
Administrative Suits	46	64	50
Civil Suits	71	67	61
Complaints or Accusations (Criminal Procedure Law)	351	321	359
Appeals to Human Rights Protection Organisations (H.R.P. Committee of Japan Bar Association etc.)	97	81	90
Petitions to Parliament	101	155	226
Others	100	91	99
TOTAL	766	779	885
GRAND TOTAL	3,065	3,549	4,112

Table 14 – Assaults on or Injuries to Prison Officers by Prisoners

Acts	*1977*	*1978*	*1979*
Assaults	379	374	374
Injuries	45	37	30
(Serious)	(2)	0	0

Note: 1. The figures are those of disciplinary punishments in 'Annual Correctional Statistics'.
2. 'Serious' means such an injury as takes one month or more to heal completely.

Assaults on Prisoners by Prisoners

1. Table 15 indicates the cases of assault among prisoners for the past three years.

2. In remand prisons, particularly in newly-built institutions,

Table 15 — Assaults on or Injuries to Prisoners by Prisoners

Acts	*1977*	*1978*	*1979*	*Remarks*
Assaults	4,685	5,144	5,441	
Injuries	265	242	297	
Obscene Acts	105	85	88	All of them are not sexual offences.

Note: The figures are those of disciplinary punishments in 'Annual Correctional Statistics'.

about 60 per cent of the prisoners are housed in individual cells. However, speaking of prisons for convicted prisoners, only 20-25 per cent of the prisoners are confined in individual cells, although there are a few exceptional institutions. Moreover, the majority of convicted prisoners work together at workshops in the daytime. For such reasons, the probability of assaults on prisoners by fellow prisoners is not small.

3. In order to prevent such offences, special care based on the results of classification surveys is taken in the cell and workshop assignment.

   How to prevent such offences is a more serious problem in prisons for recidivists where more than 30 per cent of the prisoners belong to what we call organised gangster groups. Not a few prisoners of this category are assigned by the central authorities to certain prisons, regardless of the established classification system.

4. In our prisons, a prisoner who committed a disciplinary offence is punished with disciplinary punishment. But if the case is serious, it may also be reported to the public prosecutor, and the offender may be punished according to the Penal Law. Table 16 stands for the number of prisoners prosecuted for such offences.

PRISONERS' EXCHANGE ARRANGEMENTS

Exchange of Prisoners

At present, there are no arrangements between Japan and other countries for the exchange of prisoners. Conclusion of such

Table 16 — Prisoners Prosecuted for Offences Referred to in Table 6

	1977	*1978*	*1979*
Homicide	0	1	0
Death resulted from Injury	0	1	1
Injuries	111	126	135
Assaults	7	9	11

Note: 'Homicide' and 'Death resulted from Injury' are included in 'Injuries' in Table 6.

agreements pose some legal as well as social problems to the administration of justice in Japan.

On the one hand, the correctional authorities in Japan lack jurisdiction over those offenders convicted and sentenced in other countries. Some constitutional provisions, such as those guaranteeing due process of law and access to competent courts (Arts. 31, 32 of the Constitution), might be interpreted as prohibiting the incarceration in Japanese prisons of those offenders not duly convicted by Japanese courts. Although the doctrine of waiver of constitutional rights might provide a legal basis for the confinement of Japanese nationals convicted by foreign courts who specifically consent to be subjected to the Japanese correctional authorities, the question has not been authoritatively settled.

On the other hand, retributive sentiment among the general public may be offended by the transfer of foreign prisoners to their native countries. In particular, with regard to foreign nationals who committed offences which might not be criminal in their own countries such as certain drug offences and violations of immigration regulations, it is feared that they might not be subjected to appropriate punishment after transfer to their countries.

It should be stressed, however, that prisoners confined in institutions of foreign countries may suffer from aggravated pain because of unfamiliar living conditions, and that their resocialisation may be more effectively facilitated in an environment where they have easy access to their own relatives and communities. Thus, the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Caracas, 1980, adopted a resolution to the effect that exchange of prisoners be encouraged. Under the resolution which required the consent of both the

country where the prisoner was sentenced and his native country as well as that of the prisoner himself, most of the legal and social problems attendant to the transfer will be avoided. Although the Government of Japan is not yet prepared for implementing transfer arrangements, the first step will be to study the feasibility of entering upon bilateral agreements with countries whose criminal justice system in general and prison regulations in particular have common features with ours.

Foreign Prisoners in Japanese Prisons

Table 17 shows the number of foreign prisoners confined in Japanese prisons at the end of the year, 1976-80. The majority are Koreans, most of whom are permanent residents in Japan.

Foreign prisoners receive special consideration in view of their different mode of life compared with Japanese prisoners. Except Koreans and some Chinese who are accustomed to the living conditions in Japan, convicted foreign prisoners are confined in three prisons at Fuchu, Yokosuka and Tochigi (females), and provided special food in accord with their customary diet. Other considerations for foreigners may extend to hair-cutting, bedding, clothing, bathing and medication.

A foreign prisoner may communicate with a consul of his country through visits and mails. No limitation is placed on such

Table 17 — Number of Foreign Prisoners at the End of the Year — 1976-1980

		Nationalities				
	Year	*Korea*	*China*	*U.S.A.*	*Others*	
Convicted Prisoners	1976	1,374	18	96	21	1,509(52)*
	1977	1,397	31	74	46	1,548(63)
	1978	1,501	40	62	34	1,637(67)
	1979	1,529	49	96	41	1,695(68)
	1980	1,512	50	96	32	1,690(79)
Unconvicted Prisoners	1976	288	7	26	35	356(11)
	1977	325	10	12	26	373(19)
	1978	354	22	11	35	422(41)
	1979	367	26	20	7	420(20)
	1980	332	8	17	8	365(20)

* Number of female prisoners in parenthesis.

communication with respect to nationals of those countries which have treaties on consulate services with Japan.

THE PROBLEMS OF DRUG OFFENDERS IN THE PRISONS

Increase of Prisoners for Stimulant Drug Law Control Violations

Since the end of World War II, Japan had two distinct periods of drug abuse: the first was around 1954 when stimulant drugs were misused by many people, and the second was in the early 1960s when heroin abuse spread to a sizable proportion of the populace. Heroin abuse became negligible thereafter. Since 1970, however, trafficking and abuse of stimulant drugs have been again on a rapid increase as shown in Table 18.

Table 18 — Number of Offenders Referred to Public Prosecutors and Convicted by Criminal Courts for Violation of the Stimulant Drug Control Law — 1979-1980

Year	*Referred to Prosecutors*	*Convicted by Courts*
1970	1,905	336
1975	13,287	4,903
1976	17,354	6,948
1977	23,711	9,296
1978	28,187	11,682
1979	29,629	12,629
1980	31,473	(yet unknown)

Consequently, the number of offenders sent to prisons for violations of the Stimulant Drug Control Law has been steadily increasing in the past several years (Table 19). The increase of such prisoners well accounts for the recent increase in the prison population as shown in Table 18 and Figure 1 under Remands.

In addition to prisoners convicted of violations of the Stimulant Drug Control Law, there are a considerable number of prisoners who have a history of either trafficking or abuse of stimulant drugs. Similarly, many prisoners convicted of stimulant drug offences were at the same time convicted of other offences such as assault or theft.

Table 19 – Prisoners Admitted for Violations of the Stimulant Drug Control Law – 1975-1980

Year	*New Admittance*	*Population at the End of the Year*	
		Number	*Proportion to All Convicted Prisoners Percentage*
1975	1,590	1,707(53)*	4.5
1976	2,344	2,381(84)	6.2
1977	3,408	3,639(159)	9.2
1978	4,787	5,155(275)	12.6
1979	5,674	6,446(408)	15.3
1980	6,247	7,370(485)	17.5

* Number of females in parenthesis.

Treatment of Drug Offenders

Addiction to stimulant drugs gives rise to various kinds of abnormal mental conditions such as anxiety, powerlessness, inability to sleep, depression, delusion and hallucination, which in turn often lead to violent outbursts including murder, rape and assault. By the time of their arrival in prisons, however, most prisoners who used stimulant drugs have become free of physiological effects of drugs. Therefore, treatment programs for such prisoners are geared to remove their psychological dependency on stimulant drugs and to fortify their resistance to the temptation of using drugs. In addition to educational programs on the dangers of using drugs, some prisons organise special treatment courses for drug offenders, consisting of psychological counselling, psychodrama, and group discussion about their past contact with drugs and its adverse effects on their mental and physical conditions as well as on their social life. Otherwise, drug offenders are offered the same treatment programs as for other prisoners. There is no special institution for drug offenders. However, a small number of prisoners who show schizophrenic or other psychotic symptoms as a consequence of addiction to stimulant drugs are transferred to medical prisons to receive medical treatment.

A serious management problem is posed by those prisoners convicted of trafficking in stimulant drugs who are related to the so-called organised gangster groups. As shown in Table 20, members of such groups hold an extraordinarily high proportion among newly admitted prisoners for violations of the Stimulant Drug

Table 20 – Members of Gangster-Groups Among Newly Admitted Prisoners – 1979

New Admittance	*All Offences*	*Violations of Stimulant Drug Control Law*
TOTAL	29,087	5,674
Members of Gangster-Groups	7,150	2,344
Proportion	24.6 per cent	41.3 per cent

Control Law. A closer study in a prison at Takamatsu revealed that, out of 175 drug offenders, 98 were members of gangster groups, 38 were ex-members, and 39 were affiliated in some way with such groups.

Members of organised gangster groups, whether convicted of drug offences or of other crimes, attempt to bring their life style even into prisons, and make every effort to maintain the organisational cohesion of their own groups, to fight members of rival groups, to subordinate other prisoners through the use of force and threat, and to smuggle in contraband including stimulant drugs. The basic measures against disturbances likely to be engendered by such prisoners are to confine them in different institutions or sections so as to prevent their contact with fellow group members as well as with members of rival groups, and to place them under close observation both in living quarters and workshops. These measures, along with general programs for security maintenance and re-education applicable to all prisoners, have been effective in reducing serious incidents of misbehaviour by members of organised gangster groups.

ACCREDITATION AND INTERNATIONAL STATUS

Standards and procedures for the treatment of prisoners in Japan are provided by the Prison Law of 1908, supplemented by the Prison Law Enforcement Regulations, the Ordinance for Prisoners' Progressive Treatment, and a number of administrative circulars. The basic premise according to which correctional practices have been developed is that legislation should establish the fundamental principles, detailed execution of which should be left for administrative action. Thus, the Ministry of Justice has

sought the full implementation of the United Nations Standard Minimum Rules for the Treatment of Prisoners through amended ministerial circulars. As a consequence, most of the Rules are already in effect.

However, the principal concern of the present Prison Law is the maintenance of institutional security and the discipline of inmates. This does not comport with the thrust of contemporary correctional administration, which is to protect the legal status of prisoners and promote their resocialisation. Moreover, it is difficult to base some effective measures for correctional treatment, such as open institutions, on the statutory language. Therefore, a comprehensive revision of the Prison Law has been in preparation since 1976, with the Standard Minimum Rules as an important background document. In 1980, a new draft for the revised law was completed by the Legislative Council, an advisory organ to the Minister of Justice.

Among the principal features of the proposed new law are: individual treatment of prisoners implemented by refined classification procedures; formal authorisation of open institutional treatment; adoption of provisional release measures like work release, unescorted visits outside the confines of institutions, temporary furloughs and home visits; a guaranteed right of correspondence and visits for prisoners; an improved system of inmate discipline; and effective review procedures of prisoner grievances.

Upon adoption in the near future, the new statute will enhance the level of correctional treatment in this country, and fully implement the United Nations Standard Minimum Rules.

MALAYSIA

Malaysia

DATO' IBRAHIM BIN HAJI MOHAMED

PRISON INDUSTRIES

Introduction

In the past prisoners were made to break stones or perform other hard labour as punishment for the crimes they had committed. Such practices had been stopped since 1952 and prisoners are now given trade training instead, with the purpose of helping them to earn a living through the skills they have learnt while undergoing prison sentences. In other words, prisoners are now being rehabilitated through trade training.

Types of Industries

Many types of trade training have been provided in the Malaysian Prison Department in order to make our rehabilitation programs more effective and also to meet the needs of prisoners with diversified interests and aptitudes. Most of these industries as mentioned below are skill-orientated and at the same time meet part of the requirement of other Malaysian Government Departments.

Industries include: (a) Tailoring; (b) Sock knitting; (c) Towel knitting; (d) Wood-working and carving; (e) Welding; (f) Brasswork and Copper Tooling; (g) Printing; (h) Book-binding; (e) Mattress-making; (j) Coir-work; (k) Laundry; (l) Orchard farming; (m) Animals husbandry; (n) Fish-rearing; (o) Fishing; (p) Boat-making; (q) Rattan furniture making; (r) Motor mechanics; (s) Radio and TV servicing; (t) Cake making; and (u) Cottage industry.

With the exception of a few industries, most of the industries mentioned above are on a small scale in order to provide training for prisoners and are therefore not profit-orientated; the sum total

revenue including the cost of raw materials amounts to $1.5 million (Malaysian) per annum.

New Industries

Cattle farming on a large scale and a plastics industry will soon be introduced. At the moment a pilot scheme on cattle farming is being carried out in the Detention Camp at Taiping. The purpose of this pilot scheme is to gain experience in order to equip ourselves with expert knowledge on cattle farming before we launch a much larger scheme at Kuala Lipis in due course. Allocation for the purchase of two small plastics machines, Injection Moulding and High Speed Blow Moulding Machines, had been approved under the Fourth Malaysian Plan and tenders have been invited for the supply and installation of these two machines. If found profitable, the plastics industry will be expanded to a much larger scale in the future. The sweater knitting industry has recently been launched in Penang Prison under a joint-venture scheme between the Prison Department and the Afasia Knitting Factory (M) Sdn.Bhd. The Prison Department provides the manpower and workshop while the company provides the machines and expertise. Under a similar arrangement, the Eastern Garment Manufacturing Company Sdn.Bhd. also makes use of the prisoners in Penang to farm (trim) their garments of unwanted loose threads. The Henry Gurney School in Teluk Mas is presently launching a new scheme for the printing of batik cloth.

Organisation and Administration

The prison industries are currently headed by the Director of Prison Industries whose office is also at the Prisons Headquarters in Taiping. He is assisted by the Senior Superintendent of Prison Industries and two senior instructors. Both the Director and Senior Superintendent of Prison Industries are uniformed posts whereas the two senior instructors are civilian posts and their combined duties and responsibilities include the following:

(a) Overall in-charge of the prison industries;

(b) Giving advice to the Director-General of Prisons on Policy matters regarding prison industries;

(c) Planning, research and expansion of prison industries;

(d) Purchase and control of stores, machines and equipment;

(e) Administration and control of allocations for prison industries;

(f) Control of prices of prison products;

(g) Training and transfer of instructors;

(h) Signing contracts with customers and channelling orders to the various prisons; and

(i) All other matters concerning prison industries to be carried out at headquarters level.

Instructors and Other Prison Industries' Officers

The actual imparting of knowledge and skill of the various trades to the prisoners are performed by the instructors themselves. Each and every workshop has one or more instructors who are qualified in their own fields and whose primary responsibilities are to impart technical skill and knowledge to the prisoners under their charge. These instructors are civilian staff and they are not transferable to other Departments. They are assisted by uniformed prison officers known as Warder Trade Assistants who are paid trade allowances besides their normal salaries. Their trade allowances are categorised into Grades A, B and C with the more experienced officer drawing the Grade A allowance and the least experienced drawing the Grade C allowance. A prison officer must have a minimum of three years trade experience in a prison workshop or elsewhere before he can draw a Grade C trade allowance. The security side of the workshop is taken care of by a higher ranking prison officer known as the Officer-in-Charge of the workshop. Except for the imparting of skills to the prisoners, the officer-in-charge of the workshop is in control of the workshop. Each prison also appoints an Assistant Superintendent to be the Industry Officer to look after the industries of the prison. The Industry Officer is the head of Prison Industries of the institution. He is responsible to coordinate the work of all the workshops of the

prison and he also acts as the liaison between customers and the prison as well as between Prison Headquarters and the prison.

Working Hours and Earning Schemes

The working hours for the Malaysian prisons are rather short, only five hours a day starting from 7.30am to 10.30am and from 1.30pm to 3.30pm. Saturday is a half-day and Sunday an off day. After deducting the time required for mustering, marking attendance, and checking of tools, the actual working hours in the workshop are much less than five hours in a full working day.

However, prisoners are required to work overtime whenever it is found necessary. They are given extra rations if they have to work overtime. The prisoners are paid daily wages at nominal rates only on working days. No wages are paid for Sundays, public holidays or when they are in hospital. Their wages are divided into skilled, semi-skilled and unskilled. The skilled prisoners earn twice as much as the unskilled prisoners and the semi-skilled prisoners earn one and a half times as much. They can spend two-thirds of their earnings in the prison and one-third must be saved till they are released. Piece rates are also fixed for certain items such as common articles in the tailoring, sock knitting, wood-working and welding workshops. Whenever there are plenty of orders to be completed, piece rates will be paid to prisoners as an incentive. Facilities of trade training are given to all prisoners whose sentences exceed six months.

Trade Certificates and Special Gratuity

On completion of their sentences prisoners can apply for trade certificates from the Prison Department. The Director of Prison Industries will issue trade certificates to all prisoners who request them on their release. These trade certificates are issued in three grades, namely, Grade I, II and III. Grade I certificates will be issued to those prisoners who had been placed in the skilled earning scheme whereas Grades II and III go to those in the semi-skilled and unskilled schemes.

In addition, a special gratuity in the form of tools to the value of $40 (Malaysian) will be given to deserving cases, namely, skilled prisoners of good behaviour who are recommended by the prison to the Prison Headquarters to be awarded the special gratuity.

Expenditures and Revenues

The following votes or allocations are provided by the Government to the Prison Department to run the Prison Industries and these votes are administered and controlled by the Director of Prison Industries:

(a) for the purchase of tools and materials;

(b) for the maintenance of machines;

(c) for the purchase of capital assets; and

(d) for travelling and training.

Revenues obtained by the sales of prison workshop products are credited straight to Government revenues and cannot be used to incur expenditure. Different revenue codes are allotted for revenues obtained from Government Departments and private customers.

Sales of prison workshop products to private customers are paid by cash on delivery. No credit sales are permitted for private customers. Government Departments however are permitted to pay the Prison Department by means of Journal Voucher adjustment through the Accountant General of Malaysia. Local purchase orders have to be issued by Government Departments before the Prison Department can fulfil their orders. This is to ensure payment for no Government Department can issue their local purchase orders unless they have sufficient allocation for their orders.

Purchase of Stores and Central Industry Store

Stores of related items costing less than $5,000 (Malaysian) per year can be purchased directly from the suppliers without having to invite quotation from at least five firms or invite tenders. Purchase of stores, of related items costing more than $5,000 (Malaysian) but less than $25,000 (Malaysian) per year can be purchased thorugh the process of quotation, namely, by inviting quotation from at least five firms dealing with the articles required to be purchased by the Prison Department. Purchase of stores of related items of value more than $25,000 per year has to be done through the tedious process of inviting tenders from registered suppliers of the Prison Department.

Common stores are usually purchased in bulk and are stored at the Central Industry Store at Taiping Prison. These stores are then redistributed to the various prisons who requested them by means of Requisition Forms. Any requisition for stores will be checked and approved by the Director of Prison Industries or his assistant before the stores could be issued.

Treasury Contracts and PWD Store

The Treasury normally signs contracts with contractors for the supply of common stores to all Government Departments. The Prison Department must purchase such controlled items through the Treasury contracts and is not allowed to purchase such controlled items from any other sources.

Certain common stores such as common tools and basic hardware items are purchased in bulk and stored at the Public Works Departments central store. All Government Departments including the Prison Department must indent for such controlled items from the Public Works Department and are not allowed to indent for them from any other sources.

Hobby Classes

Skilled prisoners in the prison are provided with workshop facilities known as the hobby class to make finished articles outside their normal working hours for sales. These products are sold in the Prison Showrooms and 50 per cent of the net profit will go into the account of the prisoners who made these products in the hobby class. These hobby classes are operated under a Trust Fund and administered by prison officers. Part of the profits so obtained are utilised for the welfare of the prison staff as most of the finished products from the hobby classes are bought by prison staff.

Problems Faced by Prison Industries

(a) Training for Instructors: Our instructors though qualified need to be trained further to upgrade their skills. Local facilities for training instructors are limited and we need to find training grounds for them overseas.

(b) Trade Certificates for Prisoners: The trade certificates issued by the Prison Department to the prisoners are of limited value. Prisoners need to take external trade tests such as those conducted by National Institute of Trade Test Certification Board (NITTCB). Facilities for prisoners to take the NITTCB tests are yet to be arranged.

(c) Orders from Government Departments: The quality of prison products generally speaking cannot compare with that of the private sector. It is not easy for prison industries to compete with the private sector. Government Departments should give priority to our products rather than obtain their requirements elsewhere on the pretext that prison products are of inferior quality.

(d) Joint-Venture with Private Firms: The Government should encourage the Prison Department to set up more joint-venture schemes with the private sector. Such schemes can help us train more prisoners and help the prisoners to fully utilise their energy and time. Under such schemes prisoners can earn better wages on discharge and work in factories.

(e) Employment of Prisoners: Prisoners still find much difficulty in getting employment when they are released despite the fact that they have attained trade skills. Employers must give prisoners a chance to earn a living or else they will soon return to their old ways simply because they are unable to earn a living by going straight.

REMANDS

Table 1 gives a 10 year picture of the number of unconvicted prisoners and convicted prisoners.

At present there are about 2,400 persons falling in the category of persons awaiting trial and under remand that are being held in the prisons serving as unconvicted prisoners. Very often they remain in the prison for over one year, sometimes as long as three years. This category of persons accounts for about 25 per cent of the total number of prisoners (prisoners alone, excluding inmates of borstal schools, rehabilitation centres and centres for protective custody).

(iii) Not less than 105 lb. (for males) and 90 lb. (for females);

(iv) Chest 32" and 34";

(v) Normal vision V/6/9 for both eyes without spectacles; and

(vi) Normal hearing.

Upon successful appointment, all candidates will be under probation from one to three years. These candidates will be required to undergo a three month basic training course as directed by the Head of the Department and will also be required to pass the departmental examination.

On the basis of passing the necessary departmental examinations, satisfactory performance of duties and other criteria, a Prison Officer Grade II can rise to the rank of Principal Chief Warder in 14 years, that is, having served a minimum period of so many years in the various below mentioned positions:

Prison Officer Grade II	5 years
Corporal	5 years
Sergeant	2 years
Chief Warder	2 years

However, apart from the above, there is a much more rapid way of promotion, that is, by way of Cadet Principal Officer. A Prison Officer Grade II who has been confirmed in his post, and has put in a minimum period of three years (if he is a holder of the School Certificate) and a minimum of seven years (if he is a holder of the Lower Certificate of Education) can apply to be considered for Cadet Principal Officer.

If successful at the interview, he will be required to attend a six months' intensive course at the Prison Officers' Training Centre. If he successfully completes the course and passes all the departmental examinations, he will be appointed as a Principal Officer by the Public Services Commission. On the basis of good performance of his duties, having been confirmed in his post and recommended by the Head, and having put in at least eight years of service as a Principal Officer, he will be eligible to appear for interview

with a view to promotion to Assistant Superintendent of Prisons. The period of eight years can be relaxed by the Public Services Department if there are insufficient candidates to appear before the Promotion Board.

The post of Deputy Superintendent of Prisons can be attained in two ways:

(a) Serving Assistant Superintendents of Prisons who have demonstrated their ability and efficiency and have passed a special examination; and

(b) University graduate with a Pass or Honours Degree.

A Deputy Superintendent of Prisons who has put in five years of service may be considered for promotion to Superintendent. Again, the period of five years can be relaxed by the Public Services Department. A Superintendent who has put in two years of service may be considered for promotion to Senior Superintendent. A Senior Superintendent who has proved his capability may be considered for promotion to Director. Similarly, a Director who has proved his capability may be considered for promotion to Deputy Director-General and upwards if there is a vacancy.

The Prison Rules stipulate the duties of prisoners consisting of an obligation to observe the provisions of the Prison Rules, the rules on work and social discipline and others issued by the prison authorities. For the maintenance of order and discipline in penal institutions, the Prison Rules also provide disciplinary punishment, proclaiming at the same time that only those restraining measures which are indispensable for maintaining security and sound functioning of communal life in the institution may be employed against prisoners. The disciplinary punishments are as follows: reprimand, segregation, demotion in stages, deprivation of social privileges and earnings, restricted diet, and committal to solitary confinement for up to seven days. Physical punishments that may cause serious consequences to the health of a prisoner are not used in the system of disciplinary measures in Malaysia.

The following are some extracts from the Prison Rules 1953 as regards provisions for complaints by prisoners:

Rule 113 A prisoner may make complaints to the Visiting Justices, the Director-General of Prisons, the Officer-

in-Charge of a prison or his Deputy but not to any subordinate officer, except to report sickness.

Rule 114 Arrangements shall be made that any request by a prisoner to see the Director-General of Prisons, the Officer-in-Charge of a Prison, or a member of the Visiting Justices, shall be recorded by the officer to whom it is made and conveyed without delay to the Officer-in-Charge, who shall inform the Director-General of Prisons or member of the Visiting Justices when he next visits the Prison of every such request of a prisoner to see him.

Rule 118 A prisoner shall before a report is dealt with be informed of the offence for which he was reported and shall be given an opportunity of hearing the facts alleged against him and of being heard in his defence.

The Department takes a serious view of prison officers who abuse prisoners or assault prisoners. There is a provision in the Prison Rules (Rule 312 and 314) which may be summarised that any prison officer guilty of using personal violence to any prisoner save in the case of repeated refusal to obey a lawful order, self-defence or defence of any other prison officer, person or prisoner, after the case has been heard and the charge proved, may be given any one or more of the following punishments:

(a) dismissal, subject to confirmation, in the case of pensionable officers, by the Public Services Department;

(b) reduction in rank;

(c) stoppage, deferment, or forfeiture of any increment of salary;

(d) deduction of pay not exceeding one month's pay;

(e) extra duties;

(f) extra drills;

(g) severe reprimand; and/or

(h) warning.

By the very nature of their duties, prison officers are daily exposed to risk of life and limb in the course of their work. However, it is proudly to be noted that there has been no such incident for the last 30 years or so. This can be attributed to the good staff-inmate relationship and the provision of proper administrative channels through which inmates can air their grievances.

Assault by one prisoner on another prisoner normally happens because of carry over of grudge/hostility from the outside society prior to admission to prison, misunderstandings arising from stealing of canteen articles or due to boredom and idleness. Assaults are overcome by the following measures:

(a) temporary physical segregation;

(b) provision of recreational facilities designed to overcome boredom, monotony and tensions living in an artificial environment;

(c) provision of vocational programs to keep inmates fully occupied;

(d) provision of educational and religious classes teaching inmates the virtues of patience, harmonious living, maturity etc.; and

(e) disciplinary punishments such as reprimand, demotion in stage system, forfeiture of privileges, restricted diet and solitary confinement.

PRISONERS' EXCHANGE ARRANGEMENTS

The number of foreign prisoners held in Malaysian Prisons as of 30 April 1981 are shown in Table 2.

The treatment of foreign prisoners in Malaysia may be summarised as follows:

(a) There is no one special prison catering for them;

(b) They are treated just like any other Malaysian prisoner, the only exception being they are entitled to have a European diet (if they are European); and

Table 2

Country	*Convicted*	*Remanded*	*Immigration*	*Total*
Indonesia	221	159	156	536
Philippines	20	47	376	443
Thailand	37	80	5	122
Singapore	14	5	13	33
India	–	–	9	9
Hong Kong	–	2	5	7
Vietnam	5	–	–	5
Pakistan	2	1	–	3
Burma	–	2	1	3
Taiwan	1	–	1	2
Macau	–	–	1	1
Japan	–	–	1	1
Bangladesh	1	–	–	1
Australia	5	1	–	6
U.S.A.	1	–	–	1
Britain	–	–	1	1
France	1	–	–	1
Kenya	–	2	–	2
Stateless	–	–	19	19
TOTAL	308	299	588	1,195

(c) Efforts are taken to inform the foreign prisoner's consulate, whose consular officer will have the right to visit him in prison. Any such visit will be conducted in accordance with prison regulations, which shall permit reasonable access and opportunity of conversing with such national. The consular officer shall also be allowed, subject to the prison regulations, to transmit communications between the prisoner and other persons.

At present no agreement has been entered into between Malaysia and other countries for the exchange of prisoners.

The Prisons Department of Malaysia is not very keen on the above mentioned subject. Even if prisoners exchange arrangements become feasible, it is felt that foreign prisoners should at least spend half of their sentence in Malaysia (that is, the country where the offence was committed). The Department feels that if there are to be any exchange arrangements made in respect of foreign prisoners, it should be done through official government channels.

DRUG PROBLEMS

Of late, there has been a marked increase in the number of drug addicts and drug pushers/traffickers that are being contained in prisons. Today, overall in the various penal institutions, the number of drug offenders stands at about 2,078. As regards drug addicts, 81 per cent of them are heroin abusers and 80 per cent of them belong to the below 30 age group.

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

(a) Seremban Prison has been converted to a Special Prison for convicted drug addicts 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. To date, the results have been favourable with only about 16 per cent return to prison in 1979 and 1980 after release.

(b) In other prisons, drug addicts who are sentenced to less than six months are segregated from other types of inmates and given a lot of physical exercise and kept in their cells most of the time so that they have time to meditate and make an effort to discard their negative attitudes when released from prison.

(c) Sixty-nine prison officers had been given intensive training in drug counselling by two American drug counselling experts. Another batch of 91 prison officers will be given training in counselling in January and July 1982.

(d) Work is also under way for the construction of the Negeri Sembilan Drug Detention and Rehabilitation Centre. When completed in 1982 it will cater for about 1,000 drug addicts who are ordered by the court to undergo treatment at the centre.

(e) In addition to the above, there are proposals to set up a number of drug centres with emphasis on training in agriculture for inmates.

In Malaysia, the Prison Department has discovered that drug programs founded on discipline with a humanitarian approach and with the aim of rehabilitation can achieve much. It is envisaged that the Prisons Department will be playing a more significant role in the near future in the area of treatment and rehabilitation of drug offenders.

ACCREDITATION (STANDARD MINIMUM RULES)

For Malaysia the essentials of penal administration and the treatment of offenders are provided for in the Prisons Ordinance and the Prison Rules which were passed in 1952 and 1953 respectively. This prison legislation embodies a modern approach to the treatment of offenders and conforms in almost nearly every respect to the Standard Minimum Rules of the United Nations.

Stating that the purpose of the enforcement of a sentence involving deprivation of liberty is to enable an offender, upon his return to society to live and work as a regular normal citizen, these prison regulations also spell out principles concerning legality, humaneness, a uniform penal system for the country as a whole and for all convicted persons regardless of the offences committed.

The general principles of penal administration in Malaysia can be summarised as follows:

(a) Discipline and order shall be maintained with fairness, and with no more restriction than is required for safe custody and to ensure a well-ordered community life.

(b) In the control of inmates, prison officers should seek to influence them through their own example and leadership, so as to enlist their willing cooperation.

(c) At all times, the treatment of inmates shall be such as to encourage their self-respect and a sense of personal responsibility so as to rebuild their morale, to inculcate in them habits of good citizenship and hard work, to encourage them to lead a good and useful life on discharge and to fit them to do so.

The principles arising out of the Prison Ordinance and Rules call for a system of 'training for freedom' and also allows for a

highly flexible system, which can be adapted without any difficulty to new and modern ideas. The contemporary philosophy of the system is developed from these five basic ideas. First, that for all prisoners with sentences of suitable length, the prison regime should be one of constructive training, moral, mental and vocational; second, that such training can be fully carried out in particular establishments; third, that since experience has proved that a high proportion of prisoners can be trusted to exercise their sense of responsibility in conditions other than a high security establishment, there should be established for the purpose open prison camps and minimum security prisons; fourth, that the participation and services of the community outside the prison should be enlisted to demolish the tradition that the prisoner is a cast off from society; and fifth, that this continuing responsibility of the community should be maintained after his discharge by effective help towards his social reintegration.

The present legislation has abolished once and for all penal servitude, and sentences of hard labour. All prisoners are sentenced to varying terms of imprisonment without the distinction of hard or light labour. The court determines the length of imprisonment, and all measures for classification and the individualisation of treatment are left to the prison administration within the framework of the Prison Rules.

The penal legislation also guarantees the following rights to a convicted prisoner:

(a) Remuneration for work;

(b) Sixteen hours of rest in every 24 hours, as well as one and a half days rest per week;

(c) Health and medical services;

(d) Opportunity to carry on correspondence and to receive parcels and other items coming in by mail or otherwise;

(e) Normal working hours;

(f) Hygienic conditions of work;

(g) Visits by a legal adviser in order to protect his rights; and

(h) Opportunity to complain, if he has any feelings or dissatisfaction, to the Officer-in-Charge of the penal institution, to a higher supervising officer or directly to a Visiting Justice making an inspection of the institution.

Implementation of the Standard Minimum Rules

(a) Today, in every penal establishment in Malaysia, all facilities and conditions for living, work, recreation, educational, spiritual and mental upliftment conform to the standards prescribed by medical authorities and social conscience.

(b) Under the Development Plans, much money has been expended to renovate and improve old prisons to make them conducive to the practice of modern correctional methods as prescribed by the Standard Minimum Rules. In addition, with a view to overcome the overcrowding problems of inmates and to replace existing old, ill-adapted prisons, the Department has proposals to build a number of new, modern penal institutions including open prisons.

(c) Improved penal measures have been introduced to meet the needs of the changing times. A good example is the setting up of an agricultural farm in Malacca for juveniles. This is one of the first of its kind in this country and is in accord with the premise that since Malaysia is a primary producer of raw materials, therefore training in agriculture is more likely to encourage them to work the land instead of seeking employment in towns. There is a proposal to extend this farming scheme to adult prisoners when the Kuala Lipis Open Prison becomes operational in 1983.

(d) In conformity with the spirit of the Standard Minimum Rules, the diet scales for inmates received the attention of the Government. The diet scales were revised in 1976, in consultation with the proper health and

medical authorities with the result that there is now a better variation of food items and meals are all more palatable. Similarly there had been a revision of rates of wages for prisoners to raise them to a more rational level in line with living standards outside.

APPENDIX A

Establishment Strength (Uniformed Officers)

Designation	*Approved Strength*
Director-General	1
Deputy Director-General	1
Deputy Director-General (Inspectorate)	1
Director	6
Senior Superintendent	10
Superintendent	21
Deputy Superintendent	43
Assistant Superintendent	106
Principal Officer	190
Principal Chief Warder	27
Chief Warder	71
Sergeant	258
Corporal	491
Prison Officer Grade II	3,114
TOTAL	4,340

APPENDIX B

Prisons	*$*	*Police*	*$*
Prison Officer Grade II	270- 645	Constable	270- 585
		Lance Corporal	615- 645
Corporal	435- 745	Corporal	435- 745
Sergeant	645- 845	Sergeant	645- 845
Chief Warder	795- 945	Sergeant Major	795- 945
Principal Chief Warder	945-1,095	Sub Inspector	945-1,095
Principal Officer	520-1,120	Inspector	620-1,280
Assistant Superintendent	1,195-1,570	Chief Inspector	1,355-1,730
Deputy Superintendent	880-2,140	Assistant Superintendent	940-2,140
Superintendent	1,660-2,240	Deputy Superintendent	1,635-2,160
Senior Superintendent	2,095-2,495	Superintendent	2,470-2,770
Director	2,650-2,770	Assistant Commissioner	2,920-3,040
Deputy Director-General	2,920-3,040	Senior Assistant Commissioner II	3,190-3,310
Director-General	3,460-3,610	Senior Assistant Commissioner I	3,460-3,610
		Deputy Commissioner	3,760-3,910
		Commissioner	4,060-4,210
		Deputy Inspector-General	4,510-4,660
		Inspector-General	5,560-5,760

Note: (a) The above denotes the starting and maximum pay, excluding allowances, housing subsidy etc.
(b) The salary scale for junior prison officers are similar to the police but senior prison officers are one step below the police in respect of salary.

APPENDIX C

Development Projects (New Prisons)

Name of Institution	*Expected Year of Completion*	*Inmate Capacity*	*Land Area (Acres)*	*Estimated Cost (million dollars)*	*Remarks*
1. Kajang Prison Complex	1982	2,500	300	50	Complex will eventually also comprise of Prisons Headquarters and Training College.
2. Lipis Prison, Pahang	1983	500	1,227	20	Open Pre-release Prison — cattle rearing and agriculture.
3. Pokok Sena Prison, Kedah	1983	2,000	200	50	Closed Prison.
4. Henry Gurney School, Pahang	1983	1,000	400	22	Open Borstal.
5. Drug Rehabilitation Centre, Negri Sembilan	1983	1,000	200	7	Open Institution.
6. Centre of Protective Custody, Simpang Rengam, Johore	1983	1,500	200	60	Closed Institution.
7. Kluang Prison, Johore	1984	2,500	450	55	Closed Prison.
8. Kuantan Prison, Pahang	1985	2,000	200	55	Open Prison.
9. Tapah Prison, Perak	1985	2,500	200	60	Open Prison.
10. Marang Prison, Trengganu	1985	1,000	200	55	Open Prison.

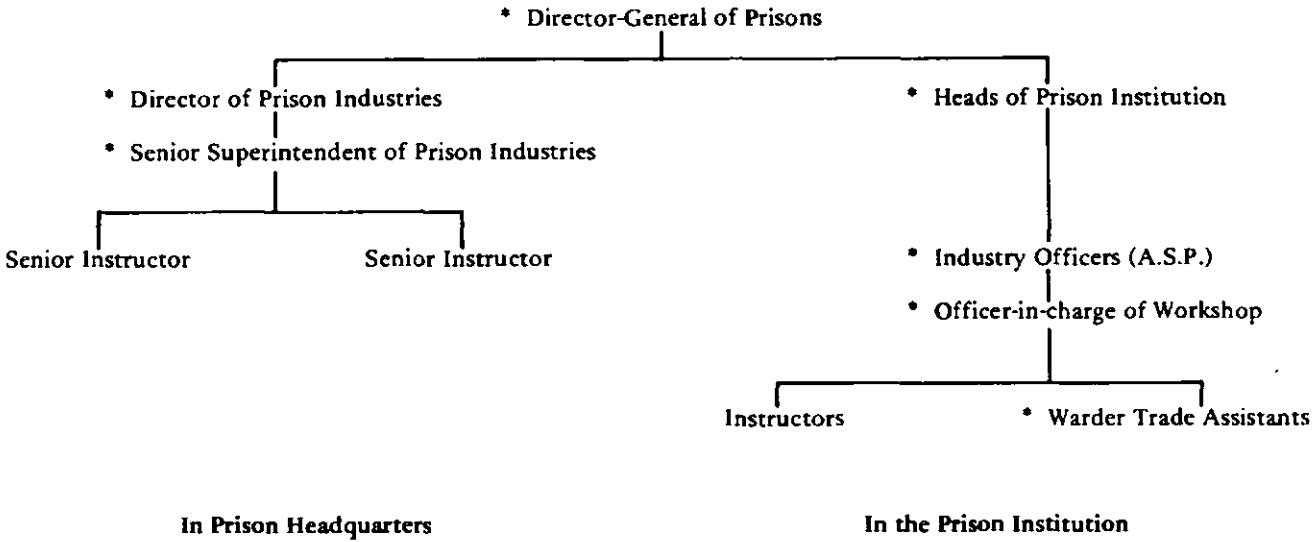
APPENDIX D

Prisons Department of Malaysia
Annual Expenditure (Million Malaysian Dollars)

Year	*Operating Expenditure (Million $)*	*Development Expenditure (Million $)*	*Total Prisons Expenditure (Million $)*	*Total National Expenditure (Million $)*	*Percentage*
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
1980	44.0	32.0	76.0	21,324	0.36
1981	59.3	28.6	87.9	23,077	0.38

APPENDIX E

Organisational Chart of Prison Industries in Malaysia



Note: * Uniformed Staff

APPENDIX F

Prison Statistics – Malaysia Including Sarawak Dan Sabah

Year	*Prison*	*Henry Gurney School*	*Rehabilitation Centre*	*Detention Camp*	*Drug Rehabilitation Centre*	*Grand Total*
1970	3,097	606	866	1,271	–	5,840
1971	2,978	558	537	1,491	–	5,564
1972	3,020	466	242	1,608	–	5,336
1973	3,177	448	148	1,163	–	4,936
1974	3,334	496	186	700	–	4,716
1975	4,302	566	417	428	–	5,713
1976	5,150	734	906	593	–	7,383
1977	5,799	847	1,004	772	–	8,422
1978	7,220	913	814	755	–	9,909
1979	8,314	865	687	780	–	10,646
1980	9,225	801	701	608	61	11,396
1981	10,321	758	741	545	50	12,415

NEW ZEALAND

New Zealand

DEPARTMENT OF JUSTICE

PRISON INDUSTRY

The Purpose of Prison Industry

The purpose of prison industry in New Zealand prisons was defined in the Justice Department's Annual Report of 1975, as follows:

> In its broadest sense, the term 'prison industries' involves the full employment of all inmates to give them useful constructive work and increase the revenue of the department, thus reducing the cost to the taxpayer. The development of good work habits is an important part of our penal policy and can be applied even to the most menial tasks.

Although trade instruction is undertaken by the educational division of our penal section, trade skills are not, as such, taught as part of the industrial program.

Description of Penal Industry

The basic pattern of this country's penal industry was laid down in the 1910-1925 period, when rapid growth in the farming industry led to the development of rural prisons providing rural industries, both as a source of income, and for offering training in some minimal farming skills.

Farming has for many years been the only significant export earner for this country, and as such has been a fruitful source of prison income. The therapeutic value of outdoor work has also been beneficial to the inmate. In the earlier years of this system the penal industry program could offer valuable training for employment, semi-skilled labourers being much in demand in farming industries.

Farming still continues to be an important prison industry, being carried out in eight of our present institutions. At the same time, it has been recognised since the 1950s that it no longer offers realistic employment opportunities, and must be justified in terms of its healthiness, and inculcation of good work habits.

At the same time, although farming remains an important industry, the percentage of credits it has returned has dropped from c.60 per cent in the 1950s to c.40 per cent in the last few years. This has been caused by national difficulties over which the penal division has no control.

This drop in credits from farming has largely been off set by the development of a tinsmithing industry, so far as maintaining credit returns is concerned, and from the point of view of inmate deployment, by the development of a forestry industry in a number of institutions. This is a slowly developing industry and returns have not yet been sufficient for this item to figure significantly in the financial returns. However, as well as the financial factor the training this work gives inmates may be occupationally useful on release.

The fact that in the 1950s an attempt was made to relate industry to trade training, that from a security point of view some inmates are not suitable for placement in rural institutions, and that, in any case, some prisons must be built in towns, a number of urban industries have been developed. Apart from tinsmithing, bootmaking, cabinet making, printing, tailoring, laundry work, and the production of canvas bags are the main industries of this kind. Fifteen institutions also provide food for their own use from their gardens.

Table 1 shows the combined internal and external credit returns for the year ending 31 March 1980. (It is not possible to distinguish between internal and external credits but because of the policy of seeking self-sufficiency within institutions much of the food related activity credits would be internal).

Financial Aspects of Prison Industry

Until recently, although it has been possible to isolate the total credits received by penal industries, it has not been possible to accurately ascertain their profitability. For what they are worth, Table 2 shows the annual credits for the period from 1 April 1972 to 31 March 1980.

Table 1

	$		$
Bootmaking	103,300	Concrete Products	700
Cabinet Making	323,200	Engineering	9,200
Canvas Goods	60,600	Orchard	12,500
Farming	2,149,800	Printing	117,400
Forestry	17,800	Timbermilling	29,400
Gardening	145,300	Plastic Sealing	42,300
Laundry	359,900	Multi-wall Paper Bags	30,700
Poultry	164,300	Tinsmithing	271,100
Tailoring	296,400	Tubular Steel Furniture	29,500
Tobacco	13,400	TOTAL	4,176,800

Table 2

Year	*$*	*Year*	*$*
1973	1,746,366	1977	2,824,700
1974	2,000,194	1978	2,953,000
1975	2,038,843	1979	3,379,700
1976	2,472,845	1980	4,176,800

The average annual increase over this period of c.14 per cent is in fact in line with the annual inflation rate, and suggests that over the last eight years, penal industries in this country have been relatively stable.

The department has found from experience that prison industries should always be under the control of the division responsible for the administration of penal policy. At the present time the management structure for the penal division is under review with the intention of making it more adaptable than has been the case, to the assessment and development of profitability.

Payments to the Prisoner

The amount of earnings to be credited to any inmate is calculated on the number and value of marks allotted to inmates daily. Except for variations approved by the Secretary, each inmate serving a sentence of over one month, may be allotted up to eight marks per day, to a total of 40 marks per week.

The allotment of marks is based on the conduct and industry of the inmate. The object of the earnings scheme is the encourage-

ment of good conduct and industry, and the more closely the daily allotment of marks can be related to these the better is the value of the scheme. Marks are allotted daily by the officer-in-charge.

The value of the mark ranges from 2-9 cents and is applied according to a scale which is common to all institutions. Any value of mark, within the limit of the lower levels of the scale, may be granted by the officer responsible for assessing an inmate from the first day that marks are allotted. Increase in the upper levels of the scale requires the personal approval of the Superintendent. Limits are set as to the numbers of inmates in an institution who may occupy a given grade. Superintendents are expected to reserve the upper levels of the scale for inmates who usually work only a five day week in workshops, trades, or other productive industry. Other inmates who work a nominal seven day week in coveted positions which afford special status, light congenial duties, or other requisites are restricted as to the maximum place they can obtain in the scale. Unless this is done, the incentive for industry is lost.

Marketing the Produce from Prison Industries

New Zealand's early penal history was marked by vigorous resistance on the part of organised labour to penal industry. In more recent years the Government has adopted a policy of protecting private enterprise. As a result the official policy is that penal institutions must supply goods and services only to Government departments, public corporations, agencies financed wholly or partly from Government funds, and members of the staff of the Penal Division of the Justice Department. These restrictions limit the scope of penal industry considerably. Farming has been thus a favoured industry. The use of its products for internal use, or their direct export has largely enabled the department to by-pass the problem of competition with outside industry. Most industrial produce is marketed directly to other government departments. The Government Stores Board is obliged to take a limited amount of penal produce, but this has diminished in recent years.

The majority of inmates are of New Zealand European extraction. There is, however, a high proportion, c.40 per cent of Polynesian extraction. These cultural differences however create no problems in the area of penal industries.

Background and Departmental Recommendations on Future Objectives

Penal Policy in New Zealand is currently under review by a committee chaired by a High Court Judge. The object of the review is to propose policy guidelines that will allow for a humane and affective penal policy capable of adjusting to the needs of our society through until the next century.

The department has proposed to the Review Committee that prison industries should incorporate the following objectives.

Proposed Objectives

To ensure that institutional organisation and arrangements for provision of employment encourage inmates to engage actively in work, develop good work habits, and facilitate productivity.

To provide the types of industries, facilities, organisation and methods of work which resemble as closely as possible those of private industry and opportunities for inmates to learn work skills which will be useful in the community.

To develop a system of accounts which will indicate the profitability of each prison industry and encourage effective management, on the basis that profitability of prison industry is a significant factor in assessing its effectiveness within the context of overall penal policy.

To initiate and maintain industries and services of such a nature that products, other than farm and forestry produce, are acceptable primarily within government departments and corporations and government-subsidised organisations and that expansion of markets for prison products be continuously reviewed.

Summary of Objectives

In essence, the department proposes a more vigorous and effective prison industry policy pursuing initially the full market potential in the state sector but exploring other outlets for production or services as appropriate to circumstances existing from time to time.

Remuneration for Work

It is believed that within the present structure of prison work activities, a system of financial reward should operate which is

sufficiently substantial to offer genuine motivation to the inmate. Increased profitability should cover extra cost.

The principle of paying inmates award wages comparable to private industry so that they can support their dependants is attractive in theory but there are difficulties in practice in implementing such a scheme. Overseas experience indicates that a lot of clerical work is generated for little gain. Such questions as charges for board, maintenance of dependants, medical and dental costs, etc, are virtually impossible to calculate fairly on an individual basis.

Cottage Industries as an Optional Alternative to Prison Industries

The department recognises the value of hobby work and in the situation where work is not available to all inmates hobby work has the tendency to become cottage industry.

It has recommended that formal recognition be given to such industry on an individual inmate basis or as a work cooperative among a group of inmates. For instance, inmates serving long sentences might be allowed to organise their own work projects on a full-time basis when their produce or service is saleable. Where an inmate or group of inmates could convince the Department that a project is suitable, both premises and resources could be provided at a pre-determined cost, and the Department receive an agreed proportion of the receipts from the sale of goods. This would help free the department from some capital expenditure for the purchase of machinery and lessen the chances of sabotage of expensive equipment.

Summary

(i) The purpose of prison industry in New Zealand prisons is to provide useful and constructive work for inmates and increase the revenue of the department thus reducing the cost to the taxpayer.

(ii) Farming is the largest single industry in terms of credit returns.

(iii) Inmate earnings are based on the conduct and industry

of inmates. The rates have no parity with external wages.

(iv) Difficulties in marketing produce have been experienced in some areas. In recent years the Government has adopted a policy of protecting private enterprise which has restricted the scope of penal industry.

(v) The Penal Policy Review Committee are currently reviewing the objectives for prison industry and will be reporting to the government on 31 December 1981.

REMANDS

Introduction

Remand inmates pose special management problems for custodial staff and some of these issues are discussed in the following paragraphs.

Predicting Numbers

While there is a strong correlation between remand numbers and prosecutions until recently no effort has been made to predict remand totals and thus assist management planning by custodial staff. A predictions model has now been developed and is available on request.

Separation According to Age

Every effort must be made to ensure that remand prisoners are kept separate from those inmates who may be a disturbing influence on them or pose a threat to their personal safety. This had led to the implementation of a policy of keeping juvenile offenders, those under 21 years of age, in separate facilities.

Separation for Security Reasons

Gang members, transvestites, some sex offenders and potential witnesses often have to be segregated for their own safety or to

ensure that they do not threaten others. Identifying these people and then providing separate and secure facilities can be difficult especially for those institutions with high musters.

Medical or Psychiatric Problems

Potential suicides, those suffering drug withdrawal symptoms and persons with infectious or social diseases must be identified and provided with appropriate facilities. Treatment may necessitate removal from the institution with the attendant problem of arranging escorts.

Visitors

Visiting arrangements for remand inmates are different from those for sentenced inmates. Visits can be made for up to half an hour five days a week, special care must be taken to screen for contraband including illegal drugs and there is a higher level of supervision exercised.

Provision of Separate Facilities

Prisons are operating under considerable pressure at the present time and musters often exceed the desirable capacity. Remand facilities are so stretched that for most institutions it is not possible to allow these inmates out of their cells at night and they are in fact locked up at 4.30pm.

Remand inmates do not have to work but if they wish, and suitable jobs are available, every effort is made to assist them relieve the boredom of doing nothing. However many in fact have no option but to sit out the time and this may explain the high incidence of petty vandalism within remand facilities.

In summary it could be said that there are too many remand prisoners received within institutions. The period of remand is not sufficient for them to adjust to the regime and consequently they pose a particular management problem for custodial staff.

Available Information

Little is known about the nature of remand in the New Zealand context. Only in the last four years has statistical data been

systematically collected for general research use and even this is undergoing change in an attempt to develop the most efficient mode of data collection and information presentation.

Other sources of information are usually on the basis of *ad hoc* research and because of this the measures used do not necessarily measure the same aspect of remand and/or remandees.

Measurements Used

In this paper, the three measurements used relate to different aspects of remand.

The first measurement is the number of distinct persons received as opposed to the number of receptions over a whole year by all receiving institutions in New Zealand. The population that is thus measured is composed of two groups; 'Distinct Remandees' and 'Distinct Sentenced Remandees'. The first group comprises those held on remand but subsequently bailed, acquitted, sent to a mental institution, deceased, imprisoned at an institution other than the institution at which they were remanded.

This group as well comprises remandees handed over to the police to be taken for hearing where the final sentence disposition is not known by the remand institution. With this group, it is assumed that they have not received a custodial sentence (as there is no record of them being received by any institutions) but it is possible that they may have been sentenced to a non-custodial sentence.

The second group includes those held on remand at a certain institution who start their sentence at the same institution after their hearing. The second measurement averages the weekly remand populations to give a monthly weekly average.

The third measurement measures the remand population at one point in time, namely, 31 December.

Annual Remand Populations

Statistics of this type have been collected by the New Zealand Department of Statistics for only four years (1977-1980). However, this data provides some useful insights into the 'turnover' of remandees through the 'remand system' over the last four years, (males only).

Total Annual Remand Population

The total annual remand population has declined by 4.4 per cent between 1977 and 1980, from a total of 4,744 to 4,537.

Table 3 provides a breakdown of this remandee population into those receiving a custodial sentence and those who do not.

As can be seen from the table the proportions between those who recieve a custodial sentence and those who do not has remained approximately 50:50.

The group that does not receive a custodial sentence includes a large proportion categorised 'handed to police, nothing further known' and 'bailed, nothing further known'.

It is assumed that these remandees are either acquitted, have cases dismissed or sentenced to some form of non-custodial sentence. However this is not known because the result is not recorded although it is relatively certain that these remandees are not sentenced to a custodial sentence because their names do not reappear on institution records.

Ethnicity of Total Annual Remand Population

Table 4 provides a breakdown in a rudimentary way, of the total annual remand population into two ethnic groups; maori (the largest minority group) and non-maori (comprising mainly caucasian and the remaining minorities). In this context a maori is a person who deems him/herself a maori.

The maori proportion of those on remand over the three years has increased from 1865 (40.8 per cent) to 1956 (43.1 per cent) while the overall population has decreased. Concomitantly the non-maori population has decreased from 59.2 per cent to 56.9 per cent of the total.

Age Structure of Total Annual Remand Populations

In 1977, 68 per cent of the 4,744 people held on remand over that year were under the age of 25 years (See Table 5). By 1980 this equivalent figure was 65.1 per cent (or 2,954 remandees). It can be noted that all age groups over the four years (1977-1980) have retained their approximate proportion of the total age structure.

Only 5.9 per cent of remandees in 1977 were over 40 years of age. In 1979 this proportion was 4.5 per cent.

Table 3

Year	*Remandees who did not receive a Custodial Sentence*		*Remandees who did receive a Custodial Sentence*		*Total Annual Remand Population*	
	n	*Percentage*	*n*	*Percentage*	*n*	*Percentage*
1977	2,317	48.8	2,427	51.2	4,744	100.0
1978	2,433	53.1	2,150	46.9	4,583	100.0
1979	2,373	52.1	2,179	47.9	4,552	100.0
1980	2,292	50.5	2,245	49.5	4,537	100.0

Source: Justice Statistics 1977-1980

Table 4

	Maori Remandees		*Non Maori Remandees*		*Total Remand Population*	
	n	*Percentage*	*n*	*Percentage*	*n*	*Percentage*
1978	1,868	40.8	2,715	59.2	4,583	100.0
1979	1,932	42.4	2,620	57.6	4,552	100.0
1980	1,956	43.1	2,581	56.9	4,537	100.0

Table 5 – Age Structure of the Total Annual Number of Remandees

Age Group (years)	1977			1978			1979			1980		
	n	*Per cent*	*Cum Per cent*	*n*	*Per cent*	*Cum Per cent*	*n*	*Per cent*	*Cum Per cent*	*n*	*Per cent*	*Cum Per cent*
15	–	–	–	7	0.2	0.2	4	0.1	0.1	4	0.1	0.1
15-19	1,628	34.3	34.3	1,445	31.5	31.7	1,459	32.0	32.1	1,511	33.3	33.4
20-24	1,598	33.7	68.0	1,551	33.8	65.5	1,518	33.3	65.4	1,439	31.7	65.1
25-29	650	13.7	81.7	683	14.9	80.4	698	15.3	80.7	751	16.5	81.6
30-34	290	6.1	87.8	320	7.0	87.4	330	7.2	87.9	332	7.2	88.7
35-39	185	3.9	91.7	224	4.9	92.3	175	3.8	91.7	191	4.2	92.9
40-44	116	2.4	94.1	134	2.9	95.2	134	2.9	94.6	120	2.6	95.5
45-49	103	2.2	96.3	80	1.7	96.9	90	2.0	96.6	72	1.6	97.1
50+	124	2.6	98.9	115	2.5	99.4	130	2.9	99.5	119	2.6	99.7
Not Known	50	1.0	99.9	24	0.5	99.9	14	0.3	99.8	8	0.2	99.9
TOTAL	4,744	100.0	100.0	4,583	100.0	100.0	4,552	100.0	100.0	4,537	100.0	100.0

Age Structure of Maori/Non-Maori Annual Remand Populations

When the age structure of maori and non-maori remand populations are compared with the total annual remand population and each other, the existing differences are magnified.

Table 6 shows the differences between the maori and non-maori populations.

Over the three years 1978-1980 approximately 75 per cent of maori remandees were less than 25 years of age. The concomitant figure for the non-maori population is approximately 60 per cent over the three years.

Over the same three years only 2 per cent of maoris on remand were over 40 years of age compared with 7 per cent for the non-maori remand population.

Duration of Remand

Over the four years 1977-1980 on average 91.2 per cent of remandees were detained less than four weeks (See Table 7). When comparisons are made between remandees who do not receive a custodial sentence and those that do, it can be seen that the modal categories are different. Table 8 indicates the differences.

As can be noticed the modal category for the two groups is different – for those not sentenced to a custodial sentence it is less than one week; for those receiving a custodial sentence it is the second category – one to two weeks.

Over the period 1977-1980 those on remand for more than nine weeks were only 2.2 per cent (on average) for those not receiving a custodial sentence, but 6.8 per cent for those receiving a custodial sentence.

This suggests of course that overall those who are remanded and sentenced to custody spend longer on remand than those who are not sentenced to custody.

Remand Musters 1977-1981

As stated earlier not all measures of the level of remandees in New Zealand are equivalent.

Research undertaken by the Justice Department in 1980-81 disclosed that on an annual basis, the monthly average of weekly prison musters between 1977 and 1980 had continued to increase.

Table 6 — Age Structure of Remandees

Age Group (years)	1978 Maori Remandees n	1978 Maori Remandees Per cent	1978 Maori Remandees Cum Per cent	1978 Non Maori Remandees n	1978 Non Maori Remandees Per cent	1978 Non Maori Remandees Cum Per cent	1979 Maori Remandees n	1979 Maori Remandees Per cent	1979 Maori Remandees Cum Per cent	1979 Non Maori Remandees n	1979 Non Maori Remandees Per cent	1979 Non Maori Remandees Cum Per cent
15	3	0.2	0.2	4	0.1	0.1	2	0.1	0.1	2	0.1	0.1
15-19	869	46.5	46.7	576	21.2	21.3	768	39.8	39.9	691	26.4	26.5
20-24	517	27.7	74.4	1,034	38.1	59.4	672	34.8	74.7	846	32.3	59.8
25-29	240	12.8	87.2	443	16.3	75.7	248	12.8	87.5	450	17.2	76.0
30-34	100	5.3	92.5	220	8.1	83.8	107	5.5	93.0	223	8.5	84.5
35-39	59	3.2	95.7	165	6.1	89.9	56	2.9	95.9	119	4.5	89.0
40-44	43	2.3	98.0	91	3.3	93.2	36	1.9	97.8	98	3.7	92.7
45-49	18	1.0	99.0	62	2.3	95.5	19	1.0	98.8	71	2.7	95.4
50+	13	0.7	99.7	102	3.8	99.3	24	1.2	100.0	106	4.0	99.4
Not Known	6	0.3	100.0	18	0.7	100.0	—	—	100.0	14	0.5	99.9
TOTAL	1,868	100.0	100.0	2,715	100.0	100.0	1,932	100.0	100.0	2,620	100.0	100.0

Table 6 – Age Structure of Remandees – continued

Age Group (years)	1980 Maori Remandees n	Per cent	Cum Per cent	Non Maori Remandees n	Per cent	Cum Per cent
15	2	0.1	0.1	2	0.1	0.1
15-19	779	39.8	39.9	732	28.4	28.5
20-24	637	32.6	72.5	802	31.1	59.6
25-29	292	14.9	87.4	459	17.8	77.4
30-34	106	5.4	92.8	216	8.4	85.8
35-39	64	3.3	96.1	127	4.9	90.7
40-44	39	2.0	98.1	81	3.1	93.8
45-49	14	0.7	98.8	58	2.2	96.0
50+	21	1.1	99.9	98	3.8	99.8
Not Known	2	0.1	100.0	6	0.2	100.0
TOTAL	1,956	100.0	100.0	2,581	100.0	100.0

This measurement, of course, averages the measurement of a population at discrete points in time and essentially is measuring a different population from the remand population previously discussed.

Males on Remand

In 1977 the annual average of the monthly average weekly muster levels for males on remand stood at 180.2 per month. By 1980 this had increased to 217.8 (or a 20.9 per cent increase). This increase was not regular over time with marked highs and lows and it was found by decomposition of the data that there was strong evidence of a cycle 7.65 months long (on average) for males on remand.

From this, predictions were calculated on the basis of past movements of the data.

Females on Remand

Similar figures for females on remand showed an increase of 54.3 per cent over the four years (1977-80), from an annual average of the monthly weekly average of 8.1 females on remand to a level of 12.5. There was high irregularity of the data which made it

Table 7 – Duration of Remand

Duration of Remand (weeks)	*1977*		*1978*		*1979*		*1980*		*Mean*
	n	*Percentage*	*n*	*Percentage*	*n*	*Percentage*	*n*	*Percentage*	*Percentage*
0-4	4,350	91.7	4,267	93.1	4,110	90.3	4,072	89.8	91.2
5-9	210	4.4	176	3.8	239	5.2	257	5.7	4.8
10-14	72	1.5	61	1.3	81	1.8	77	1.7	1.6
15-19	44	0.9	36	0.8	41	0.9	33	0.7	0.8
20-24	22	0.4	25	0.5	19	0.4	17	0.4	0.4
25-29	16	0.3	3	0.1	9	0.2	11	0.2	0.2
30+	30	0.6	2	0.1	14	0.3	15	0.3	0.3
Not Known	–	–	13	0.3	39	0.8	55	1.2	0.7
TOTAL	4,744	100.0	4,583	100.0	4,552	100.0	4,537	100.0	

Table 8 – Duration of Remand (Weeks)

	1	*1-2*	*2-3*	*3-4*	*4-5*	*5-6*	*6-7*	*7-8*	*8-9*	*9+*
Remandees who did not receive a Custodial Sentence										
1977	45.4	31.0	11.4	4.3	3.1	0.9	1.0	0.5	0.3	2.2
1978	49.7	29.4	10.3	4.1	3.0	0.9	0.4	0.3	0.2	1.6
1979	49.0	28.7	11.5	3.5	2.4	0.9	0.7	0.5	0.6	2.2
1980	48.5	27.7	11.4	4.2	2.7	1.0	0.7	0.6	0.4	2.8
Remandees who did receive a Custodial Sentence										
1977	23.4	35.4	18.5	7.1	3.9	2.1	1.6	1.0	0.6	6.2
1978	25.6	34.9	15.9	8.2	4.7	1.8	1.8	1.0	0.8	5.4
1979	22.3	32.1	17.4	8.7	4.5	2.7	2.3	1.2	0.9	7.9
1980	20.5	32.0	17.6	9.5	5.2	3.4	1.6	1.3	1.2	7.5

difficult to highlight any cycle and consequently no predictions were made of future female remand levels (musters).

Remands as at 31 December Each Year 1966-1979

Table 9 shows the proportion of remandees to total prison population as at 31 December for the years 1966-79.

Table 9

Year	*Male Remandee Proportion of Total Male Prison Population Percentage*	*Female Remandee Proportion of Total Prison Population Percentage*
1966	3.4	–
1967	3.4	–
1968	3.3	–
1969	3.9	–
1970	3.5	6.6
1971	3.5	1.6
1972	3.3	3.6
1973	7.5	12.4
1974	5.8	12.9
1975	5.6	9.5
1976	4.5	6.3
1977	5.2	5.8
1978	6.5	8.6
1979	5.5	3.4

Male Proportions

These figures show that the male proportion of the total prison population has increased slowly from 3.4 per cent of all males imprisoned in 1966 to 5.5 per cent in 1980. This proportion was highest in 1973 when 7.5 per cent of the total male prison population were remandees.

Female Proportions

Female levels as can be seen have fluctuated a great deal with no really observable trend.

Summary

(i) There is little research data available on remand and/or remandees in New Zealand.

(ii) This paper looks at:

(1) Total annual number of remandees received by New Zealand institutions during the years 1977-1980.

(2) The monthly average number of remandees based on weekly prison musters during the years 1977-1980.

(3) The numbers on remand as at 31 December for the year 1966-1979 represented as a proportion of the total prison population.

(iii) Of the first group it has been found that:

(1) Total annual levels have declined.

(2) The maori proportion of this has increased.

(3) The non-maori proportion has decreased.

(4) Of this group there are distinct differences between those remanded and not receiving a custodial sentence and those that do.

(5) In terms of age structure the majority of remandees are under 25 years of age.

(6) In terms of age structure there is a greater proportion of maori remandees under 25 years of age than non-maoris.

(7) The majority of remandees are remanded for fewer than four weeks.

(8) Remandees who are not sentenced to custody spend less time on remand than remandees who are sentenced to custody.

(iv) (1) Of the second group (that is, the monthly weekly average of those on remand) it was found that the number of remandees has increased both for males and females between 1977-1980.

(2) Although this population of remandees is increasing over time this increase has not been regular and has been marked by monthly highs and lows around an upward trend line. When the monthly data for the years 1977-1980 was decomposed it was found that in the male population the irregularity was largely explained by a cycle 7.65 months long. For females the irregularity was not explained by a strong cyclical component.

(3) These results were used to make monthly predictions for 1981.

(v) The numbers on remand as at 31 December for the years 1966-1979 represented as a proportion of the total male and female prison population shows that:

(1) The male proportion is increasing.

(2) The female proportion has been irregular and shows no distinctive trend.

THE STATUS OF PRISON OFFICERS AND HUMAN RIGHTS

Introduction

The aim of this paper is to explore human rights in relation to prisoners and prison officers. Conditions of work in the prison service are discussed as well as means by which a person in custody can protect his human rights and the relationship of these provisions to those enjoyed by prison officers. Of particular concern are the provisions made to prevent assaults between inmates, and also the extent to which prison officers have been charged with an abuse of their powers in relation to inmates.

Conditions of Work for Prison Officers

Entry to Prison Service can be as an adult recruit (23-45 years), junior recruit (19-22 years), as a trade instructor, or as a nurse.

All applicants for appointment as prison officers must sit and pass the approved pre-entry test prior to appointment. Where an applicant for a vacancy is acceptable and where necessary has passed the pre-entry test, he or she is medically examined. Appointment to one of the institutions depends on where there are vacancies and on an individual's aptitudes and personal preference.

Prison officers are members of the permanent staff of the Public Service and once appointed a trial period of one year's probation must be served. Promotion is then on merit and by passing examinations.

Salary and Allowances for Prison Officers

Prison officers have a separate occupational classification within the Public Service and when negotiating salary and conditions or work, prison officers are actively represented by their own sub-group of the Public Service Association. Recognition is given to the similar role played by prison officers and police but conditions of work do vary and a direct comparison of salaries is not possible. Police officers' salaries have overtime allowances built into their basic salary, whereas prison officers receive a lower basic salary but are entitled to special allowances for overtime, shift work, work at weekends and work in special conditions.

Prison officers' salaries compare favourably with those for

public servants in executive, clerical or trade occupations, and it is apparent that salary negotiations for prison officers over recent years have successfully stabilised staff turnover.

Superannuation for Prison Officers

Special provisions apply which are similar to Police Officers. All officers with custodial supervisory responsibilities are required to join the Government Superannuation Fund, and retire at 60 years of age.

Dress for Prison Officers

Uniforms, including shoes, are provided for males. Female prison officers do not wear uniforms but receive a clothing allowance.

Accommodation for Prison Officers

Some staff qualify for a departmental house. If accommodation cannot be provided immediately, an allowance may be paid to married officers. Accommodation is also available for single staff.

Leave for Prison Officers

All prison officers are granted four weeks annual leave a year on full pay, plus the normal statutory holidays (or days in lieu when an officer is rostered to work).

Sick Leave for Prison Officers

In accordance with the usual Public Service scale.

Accidents to Prison Officers

Staff who are injured during working hours are covered by the Provisions of the Accident Compensation Act 1972 which compensate all eligible New Zealanders for accidents at work. Officers injured as a result of being assaulted by inmates may receive extra consideration.

Protection of Human Rights: Inmates

Appeal Against Conviction or Sentence

An inmate may lodge an appeal within 28 days of sentence or such further period of time as the court allows. Legal aid is available in respect of such appeals. A voluntary legal advice and assistance service is provided in most institutions by the local legal practitioners to help inmates contemplating lodging an appeal.

Inmate Appeal Structure

The statutory offences against discipline with which an inmate may be charged are set out in section 32 of the Penal Institutions Act 1954. Any charge against an inmate is handed to the First Officer for action. The inmate must be advised of the charge in sufficient time to enable him to prepare his defence.

If the inmate pleads not guilty to the case against him he may then present his own case and call witnesses on his behalf.

The Superintendent must ensure that the inmate is informed immediately after the hearing of a charge, that he has the right of appeal to a Visiting Justice.

If an inmate is dissatisfied with any finding of the Superintendent or the penalty imposed by him, the inmate may request that this case be referred by way of appeal to a Visiting Justice.

Legal Aid for Inmates

An inmate may not employ a lawyer to represent him in respect of breaches of institution discipline. However, if he is charged before an ordinary Court for something he has done in an institution he may be legally represented.

Other Means by which an Inmate can Protect his Human Rights

Penal Institution Regulations provide for every inmate to air his grievances with the prison superintendent, a prison inspector from Head Office or a Visiting Justice.

Every inmate also has a right to make application to the Ombudsman to investigate any complaint which comes under his jurisdiction.

Accommodation Arrangements

It has been departmental policy to provide single cells for inmates and separate wings or parts of wings are divided to limit movement of inmates.

Inmates received from courts are classified according to the degree of security that is needed and are transferred to an appropriate institution. They are then allocated accommodation and work according to the degree of supervision required. This process not only helps to prevent absconding but also enables officers to maintain close supervision of those inmates with a propensity for violence – either toward other inmates or officers. During classification, consideration is also given to an inmate's past associates and efforts are made to separate vulnerable inmates from those who may wish to pursue personal vendettas. If this is not possible, inmates may also request segregation for their own protection.

Protection of Human Rights: Prison Officers

Conditions of Work

A prison officer may initially take any complaints about his conditions of work to his superintendent. If still unsatisfied he has recourse to the Secretary for Justice. As a union member an officer can also take any grievances to the Public Service Association. A prison officer may also have recourse to the Ombudsman where the Ombudsman has jurisdiction.

Protection from Physical Risk

Inmates are classified according to the security and supervision they require and this ensures that officers are aware of what procedure and discipline is required in order to ensure the officers' own safety.

In addition, when considering officers for a vacancy, regard is given to their temperament and experience in dealing with people in relation to the type of inmate they will be required to supervise.

Prison officers and administrators are aware that officers are exposed to 'risk of life and limb' by the very nature of their work. This is in part recognised by prison officers being granted more generous leave than most of the remainder of the Public Service.

Abuse of Powers

Prison officers may be dealt with for an abuse of their powers in relation to prisoners but incidents giving rise to the necessity for such action occur rarely. Such an incident usually only arises every two to three years. When it does, the officer may be charged with contravention of the appropriate section of the State Services Act or Crimes Act and either reprimanded, fined, dismissed or required to appear in a criminal court. The Crimes Act applies to all members of the public and the State Services Act applies to all public servants. In all cases the employee has a right of appeal.

Summary

(i) Employment as a prison officer is subject to pre-entry tests and progression through the ranks is on merit and subject to the passing of prescribed examinations.

(ii) Prison officers are a recognised occupational group with a specified salary structure and conditions or work. These compare favourably with other public servants.

(iii) Prison inmates have a statutory right to appeal against conviction and sentence and can apply for legal aid to meet the costs of legal representation.

(iv) There is no provision for legal representation in respect of internal disciplinary hearings. However where the superintendent conducts the hearing there is a right of appeal to a Visiting Justice. The rules of natural justice must be applied and proceedings can be challenged by way of writ of review to the High Court.

(v) Inmates have the right to air grievances with the prison superintendent, a prison inspector, a Visiting Justice or to write to the Ombudsman.

(vi) Prison officers have the right to air grievances with the prison superintendent, the Secretary for Justice, the Public Service Association and, where there is jurisdiction, the Ombudsman.

PRISONERS' EXCHANGE ARRANGEMENTS

Introduction

In June 1980, there were 137 foreign nationals serving terms of imprisonment in New Zealand penal institutions. Approximately 34 of these came from cultural backgrounds quite different to New Zealand.

The number of New Zealand nationals serving terms of imprisonment in other countries is not known although we are aware that there are quite a number in Australia and others have been imprisoned for drug-related offences in other Asian and Pacific countries.

Requests have been received from New Zealand and foreign nationals seeking repatriation to their home country to serve out a sentence. However in the absence of a recognised exchange procedure it has not been possible to accede to any such requests.

Treaty Negotiation with Canada

Agreement in principle to enter into a repatriation treaty with Canada has been negotiated at departmental level. However the detailed development required before legislative approval can be sought is still under review.

Issues which will have to be considered in detail include:

Consent: In principle the department is of the view that a request to be repatriated should be initiated by the inmate.

Nationality: A set procedure for establishing nationality would have to be devised. Perhaps the test could be 'normally resident' in the country.

Nature of Offence: Applicability to short sentence inmates and those convicted of crimes against the State would have to be carefully considered. The department is of the view both categories should be excluded from such a scheme.

Juvenile Offenders: The care/custody ambiguity in this area creates particular difficulty in comparing sanctions between one country and another.

Enforcement of New Zealand Sentence: A sentence imposed in the transferring country should not be reviewable by the receiving country and, except on the question of remission or parole should be applied without alteration.

Nature of Foreign Penal Regime: The harshness of another country's penal regime and its possible influence on the inmate's application to be repatriated needs consideration.

Remission: Rules relating to the crediting of remission earned to the receiving country would have to be considered.

Transfer Costs: Will these be a charge on the receiving country? Should the inmate seeking repatriation be required to contribute to the costs either in whole or part?

Treaty Negotiations: General

The transfer of inmates between Australian States and New Zealand has been discussed at meetings of Australasian Attorneys-General but has not proceeded beyond the discussion stage.

While mindful of the humanitarian nature of such proposals, New Zealand is concerned to ensure that less scrupulous offenders should not be able to offend the law of foreign states secure in the knowledge that if convicted they could return to this country to serve out a term of imprisonment.

Such a measure should only apply in circumstances where there are special circumstances which warrant the granting of repatriation. Current thinking is that there should be a review authority established to consider applications for repatriation having regard to the conditions that may be fixed by the Government.

The Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders passed a resolution urging member states to consider the establishment of procedures whereby such transfer may be effected, recognising that such procedures cannot be undertaken except with the consent of sending and receiving countries and with the consent of the prisoner or in the interests of the prisoner.

The Committee on Crime Prevention and Control was requested

to give priority to the development of a model agreement for the transfer of offenders with the view to presenting it to the General Assembly for consideration as soon as possible.

Repatriation of Mental Defectives

A certified mental defective serving a term of imprisonment comes under the jurisdiction of both the departments of Justice and Health. The approval of both would be required for the transfer of such a person. The Secretary of Health has the necessary discretionary powers but not the Secretary of Justice.

Transfers of this nature will be considered in relation to the general policy of repatriation. However there are special features involved which will have to be taken into account such as the policy of some transport operators with regard to the carriage of such people, the need for medical supervision while travelling and the provision of suitable holding facilities en route.

Repatriation of Persons in Custody who have not been Convicted

The only persons in this country who fall into this category are remand prisoners – except to the extent that such a situation is already covered by legislation relative to deportation.

The situation regarding extradition of those who have offended in other countries and then travelled to New Zealand where they were apprehended is covered by existing legislation.

In the view of the department it is most unlikely that a remand prisoner would be repatriated. A person who offends in this country should be dealt with according to the laws of New Zealand. The issue of repatriation only becomes relevant after due process of law.

Problems Associated with Inmates from Different Cultures

The inmate population of this country includes a significant number of persons from other countries. In particular there are a large number of inmates from Pacific Island nations.

Special arrangements have been made from time to time to cater for diet, clothing and religious requirements. It is considered that the penal system is sufficiently flexible to cater for a diversity of population without undue stress.

Summary

(i) New Zealand is currently considering the issue of repatriation of prison inmates. A draft treaty has been signed with Canada but legislation is required before negotiations can proceed further.

(ii) There are many issues which must be resolved before the department can recommend a course of legislative action to the Government. These include a definition of nationality, the need for consent, the nature of the offences to be considered under such a provision, the numbers involved, remission and the costs involved.

(iii) The department is also concerned to ensure that the effectiveness of another country's judicial system is not undermined by a provision which allows offenders to transfer to a less oppressive penal system. Transfers should only be granted on humanitarian grounds.

(iv) The special needs of mentally defective inmates will have to be considered, especially the problems associated with their physical transfer from one country to another.

(v) The department is not favourably disposed to any proposal that would allow for the transfer of an inmate on remand only. A person who offends in a particular country should be dealt with according to local law. The issue of repatriation only becomes relevant after due process of law.

(vi) New Zealand recognises the problems associated with holding inmates from other cultures who have different diet requirements and clothing or religious needs. However it is considered that the penal system is sufficiently flexible to cater for a diversity of population without undue stress.

THE PROBLEMS OF DRUG OFFENDERS

Introduction

For each New Zealand prison, Figure 1 shows the number of prisoners at 12 May 1981 who were sentenced to imprisonment on drugs charges, and the proportion that these offenders were of the total prison muster. Persons sentenced to Borstal Training or detention in a Detention Centre were not included, as these sentences are being phased out. Persons sentenced to the new custodial sanction, Corrective Training, are also not included as only a few persons, as yet, have been given this sentence.

The difference between the proportion of male prisoners (13.9 per cent overall) and the proportion of females (22.5 per cent overall) who were sentenced to imprisonment for drug offences was statistically significant.

Placement of Drug Offenders

In the case of males, the opportunity to transfer drug offenders to selected prisons in isolated localities is made use of, as indicated by the relatively high proportions of drug offenders in Ohura, Rolleston and Waikune Prisons and Tongariro Prison Farm. In the case of Wi Tako prison, this is a prison for males not previously sentenced to imprisonment and who are not considered security risks. For offenders sentenced to long terms of imprisonment for drug offences involving an element of professionalism, the policy has been adopted to retain these in relatively more secure prisons such as Wellington.

For women prisoners, the relatively higher proportions of drug offenders at Christchurch Women's prison and Mt Eden compared with Arohata reflects the lower security rating and the younger ages of Arohata inmates.

Suspected or Proved Cases of Incidents Involving Drugs in New Zealand Prisons

Background

Prison officers do not have the power to make internal body searches other than to look in the mouth cavity with the consent of an inmate. Concern mounted during 1978 at the growing incid-

Figure 1 — Number and Proportion of Drug Offenders Serving Prison Sentences in Each New Zealand Prison at 12 May 1981[1]

Prison	*Number of Prisoners Sentenced for Drug Offences*	*Total Muster*	*Proportion of Prisoners Sentenced for Drug Offences Percentage*
Male Prisons			
Auckland Max. Security	24	220	10.9
Christchurch	31	247	12.6
Dunedin	4	31	12.9
Invercargill	0	13	0.0
Manawatu Youth	7	97	7.2
Mt Eden	44	333	13.2
Napier	0	27	0.0
New Plymouth	7	56	12.5
Ohura	11	44	25.0
Rangipo Prison Farm	8	114	7.0
Rolleston	13	51	25.5

Figure 1 – continued

Tongariro Prison Farm	31	112	27.7
Waikeria Youth	4	140	2.9
Waikune	19	101	18.8
Wanganui	23	175	13.1
Wellington	28	110	25.5
Wi Tako	31	175	17.7
Female Prisons			
Arohata	2	25	8.0
Christchurch Women's	10	33	30.3
Mt Eden Women's	6	22	27.3
TOTAL	303	2,126	14.3

1. Drug offenders include persons sentenced to imprisonment for theft or burglary of restricted drugs.

ence of drug smuggling into prisons and drug usage by prisoners. In 1979 several new measures were effected which, it appears, have brought about a reduction in these activities.

Four specific measures have been effected:

(i) Gifts of food to both sentenced and remand inmates, have been prohibited, and replaced with a system under which institution staff can purchase permitted food items on behalf of inmate's friends and relatives.

(ii) Random searching of grounds and buildings using drug dogs from the Police and Customs Departments has been introduced.

(iii) Random searching of inmates after visits has been intensified.

(iv) Provision has been made in the legislation for the taking of sputum, finger swab, and urine tests from inmates suspected of taking drugs.

Testing for Suspected Drug Use

Sections 36B and 32(2)(j) which in 1979 amended the Penal Institutions Act to provide for inmates suspected of using illicit drugs to be required to supply urine or sputum samples and submit to finger swab tests, also provide that the results of any such tests are not admissible as evidence against the inmate or any other person in any proceedings under any enactment. However, an inmate can now be charged under section 32(2)(j) with refusing to submit to these urine, sputum or finger swab tests.

The purpose of the tests is to determine the types of drugs being used by inmates so that steps can be taken to stem the supply of these drugs.

Under New Zealand law, if tests carried out on urine, sputum or finger swab samples were to be used as evidence of drug abuse by inmates, provision would have had to have been made for the accused inmate to have independent testing done in the same manner. This course was not thought to be worth pursuing. Inmates found actually in possession of drugs may be prosecuted under the Misuse of Drugs Act.

Figure 2 – Proven or Suspected Incidents involving Drugs in New Zealand Prisons, 1977-78 to 1979-80 Financial Years – (April to March)

	1977-78	*1978-79*	*1979-80*
Arohata	–	7	3
Auckland	3	20	10
Christchurch	17	26	24
Christchurch Women's	–	1	2
Dunedin	–	3	1
Invercargill	–	–	5
Mount Eden	12+	23	15
Napier	2	1	0
New Plymouth	–	–	4
Ohura	–	1	2
Rangipo	12	3	5
Rolleston	–	4	0
Tongariro Prison Farm	5	9	2
Waikeria	4	8	2
Waikune	–	4	2
Wanganui	2	9	3
Wellington	12	32	17
Wi Tako	1	6	8
Waipiata	1	–	–
TOTAL	71	157	105

Whereas it seems reasonable to suppose the new measures make detection of drugs and drug usage in penal institutions more likely, these figures indicate the amount of drug smuggling into prisons and the amount of illicit drug usage by prisoners has been reduced by these new measures.

Legislative Provisions for Detecting Drug Usage by Prison Inmates

The 1979 amendments to the Penal Institutions Act providing Superintendents with the power to require inmates suspected of using drugs to supply sputum or urine samples, or to submit to a finger swab, are as follows:

Section 36B: Inmate may be required to submit to sputum test or finger swab.

(1) In this section 'drug' means a controlled drug as defined in Section 2 of the Misuse of Drugs Act 1975.

(2) Where any Superintendent, or other officer authorised for the purpose by the Secretary, believes on reasonable grounds that an inmate is under the influence of drugs, he may direct that inmate to submit to a sputum test or finger swab, or to supply a urine specimen.

(3) Without limiting the general power to make regulations under section 45 of this Act, regulations may be made under that section for either or both of the following purposes:

(a) Prescribing the procedures to be followed in the carrying out of sputum tests and finger swabs under this section, and analysing any sputum or other substance obtained thereby for the presence of drugs; and/or

(b) Prescribing the method or methods to be used in the taking or urine samples under this section, and analysing such samples for the presence of drugs.

(4) Neither the fact that any inmate has been required to submit to a sputum test or finger swab, or to supply a urine sample, pursuant to this section, nor any information obtained from any such test or swab or sample, shall be admissible as evidence against the inmate or any other person in any proceedings under this Act (except under section 32(2)(j)) or any other enactment.

Section 32(2)(j): Every inmate commits an offence against discipline who having been directed, pursuant to subsection (2) of section 36B of this Act, to submit to a sputum test or finger swab, or to supply a urine specimen, refuses, after that section has been read to him, to comply with that direction.

Reception of Inmates Under the Influence of Drink or Drugs Duty Imposed on Police: In terms of section 44 of the Police Offences Act 1927, police have a duty to ensure that when they arrest an intoxicated person he is adequately supervised and

medical assistance procured if necessary prior to his court appearance; and if an intoxicated person is brought before the court, the Justice has the power to remand him to a hospital or other suitable place for treatment and care.

Hence, it is only under exceptional circumstances that an arrested person who is drunk and in obvious need of immediate medical attention is brought to a prison.

Powers and Responsibilities of Prison Superintendent: However, if police insist on lodging in a prison a person who has been satisfactorily identified and is the subject of a valid committal order, then the Superintendent is required to accept the person even if that person is intoxicated or in obvious need of medical attention.

Where a person is remanded either to a hospital, or accepted into custody at a prison from whence he is removed to hospital, he is considered to be in the custody of the prison Superintendent by virtue of both section 27(2) of the Penal Institutions Act and section 44(4) of the Police Offences Act. Where necessary, the Superintendent is required to provide a guard.

Special Problems Posed by Drug Offenders

Drug Users

Persons sentenced to imprisonment for offences relating to their personal use of drugs generally pose no special problems that cannot be solved by their transfer to a more isolated minimum security prison, or by the new measures to stem the smuggling of drugs into prisons outlined above. However, professional drug dealers are often highly intelligent and their control and supervision brings a new dimension to the management of prison inmates.

Prisoners Under the Influence of Drugs

Prisoners under the influence of alcohol often present difficulties, being prone to violent behaviour. Prison staff also need to be on the alert for prisoners who may have overdosed before being received into the prison but who do not show the effects of this until later.

Professional Drug Dealers

Of major concern is the presence, within prison, of professional drug offenders who may have access to large sums of money and to a network of ruthless associates outside the prison walls. Under these circumstances there exists great potential for bribing and threatening prison staff as well as other inmates. As yet there has been no evidence of prison staff having been corrupted but there have been incidents where other inmates have been intimidated to the extent that they fear for their lives. These professional drug offenders are usually retained under medium or maximum security even though they may present as cooperative, trustworthy inmates.

Prison Medical Supplies

Very tight controls are kept on prescribed drugs within the prison, to ensure these are not hoarded by inmates and used for trading. In almost all cases drugs must be taken immediately on issue and under supervision. Stocks of prescription drugs are kept to a minimum and held under very secure conditions. Prison medical staff are aware of the need to be competent in handling cases of drug withdrawal and overdosing.

Summary

(i) There were 303 inmates in New Zealand prisons on 12 May 1981 who had been sentenced to imprisonment on charges relating to drugs. This was 14.3 per cent of the total prison population. There were only 81 female prison inmates on that day, compared with 2,101 males, but a higher proportion of female prisoners (22.5 per cent compared with 13.9 per cent of males) had been sentenced to imprisonment on charges relating to drugs. The proportion of prisoners who are drug offenders varies from prison to prison. Drug offenders tend to be transferred to several very isolated prisons, or retained in relatively secure prisons.

(ii) During 1979, concern mounted over an increase in the incidence of proven or suspected drug circulation and usage in New Zealand prisons. Four specific measures

have been effected which appear to have reduced this problem:

(1) Gifts of food to inmates must now be purchased by prison staff on behalf of inmate's friends and relatives.

(2) Random searching of prison grounds and buildings using drug dogs has been introduced.

(3) Random searching of inmates after visiting has been intensified.

(4) Provision has been made in the legislation for the taking of sputum, urine and finger swab samples from inmates suspected of taking drugs. The results of these tests are to determine the types of drugs being used so that steps can be taken to stem the supply of these drugs and cannot be used as evidence in any proceedings against the inmate. An inmate can, however, be prosecuted for refusing to submit to these tests.

(iii) If police insist on lodging in a prison a person who has been satisfactorily identified and is the subject of a valid committal order, then the Superintendent of the prison is required to accept that person even if the person is intoxicated or in obvious need of medical attention.

(iv) A person remanded to hospital or removed from a prison to a hospital is considered to be in the custody of the Superintendent who is required to provide a guard where necessary.

ACCREDITATION AND INTERNATIONAL STATUS

Introduction

New Zealand ratified the International Covenant on Civil and Political Rights on 28 December 1978 subject to reservations in respect of four articles.

New Zealand recognises the principles and guidelines for practice set out in the Standard Minimum Rules for the Treatment of Prisoners and reports to the United Nations on progress made in implementing the rules.

Insofar as New Zealand is concerned, our attitude to international norms, guidelines and standards in the field of criminal justice and the treatment of offenders is that, while they are instruments for the maintenance of an effective and humane administration of criminal justice, many are only in the nature of guideposts as to acceptable minimum standards. Actual conditions in New Zealand are often already in advance of such provisions. Where they are not, positive affirmative action is already under way to remedy the situation or, in a few cases, while agreeing with the fundamental principle we have chosen to focus attention on some other method of resolving the situation.

An example of this divergence of views is found in our attitude to Article 10.2(b) of the International Covenant on Civil and Political Rights, which refers to the separation of juveniles from adults while in custody. New Zealand is entirely in agreement with the call for humanity and respect when dealing with persons deprived of their liberty. However, we have reservations about the need for separation of offenders according to age group and prefer the Council of Europe Rules which more flexibly provide that young offenders be detained under conditions which protect them from harmful influences and take account of the needs peculiar to their age. It is also an example of the wisdom of setting realistic goals. Given the present resources and the shortage of suitable facilities, the mixing of juveniles and adults is at times unavoidable. The article does focus attention on the need for improvement with which New Zealand does not agree. However strong representations were made to the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders for a review of the article in line with the Council of Europe Rules and the following resolution was adopted.

> Pretrial detention should be used only as a last resort and no minors or juvenile offenders should be held in a gaol or other facility where they are vulnerable to the negative influences of adult offenders during this period and account should always be taken of the needs peculiar to their age.

Where New Zealand has preferred an alternative approach to that recommended by a rule, covenant or sanction this has been communicated to the United Nations via the Ministry of Foreign Affairs.

Penal Philosophy

Current penal philosophies in New Zealand are at a watershed. A comprehensive review of all penal policies is currently underway. The terms of reference will allow for the most comprehensive examination of penal policy ever undertaken in New Zealand and the outcome is expected to provide the blueprint for future planning. The terms of reference are set out in Annex A. The report of the Review Committee is to be presented to the Minister of Justice by 31 December 1981.

As a statement of general intention the likely future trends in penological thinking in New Zealand will be toward the diversion of minor crime from the formal court processes (preserving the rights of appeal), reducing the number of persons sentenced to imprisonment to the minimum possible having regard to the public interest and mobilising community support and involvement in the treatment and prevention of crime.

In the opinion of the Department of Justice in New Zealand a prison sentence serves first and foremost to punish. Wherever possible the rehabilitation of offenders will be sought but this can only be regarded as a secondary aim. The Department would prefer to focus attention on rehabilitation through the medium of non-custodial sentences such as probation and community work orders.

Implementation of Norms

In New Zealand there has been little difficulty in implementing the various norms issued from the United Nations. However, the Department of Justice recognises that developing nations may experience problems as a consequence of lack of expertise etc. New Zealand feels a sense of responsibility to assist other nations secure basic human rights. In positive and practical moves towards providing such assistance the Department has offered to participate in a bilateral aid program which will offer assistance within our sphere of expertise.

Resource implications have meant that we must generally restrict our offer to the Pacific region although we would consider requests from other nations on the basis that we are under no obligation to assist. The type of assistance envisaged and in some cases already provided, is the provision of expert advice in the formulation and/or implementation of systems and procedures and the training of staff to work within the criminal justice system.

Regional Accreditation

New Zealand is unaware of the background to this agenda item. The department's reaction is that, subject to Governmental approval and the availability of resources, it would be willing to participate in such a venture on the clear understanding that advice and assistance would be solicited rather than imposed.

Summary

(i) New Zealand has ratified the International Covenant on Civil and Political Rights subject to reservations on four articles.

(ii) The Standard Minimum Rules for the Treatment of Prisoners are recognised and implemented wherever possible, often to a standard far in advance of such provisions.

(iii) Where there is disagreement with rules, sanctions or covenants the issue has been taken up with the United Nations. An example would be Article 10.2(b) concerning the separation of juveniles from adults where New Zealand has urged the adoption of the more flexible Council of Europe Rules.

(iv) Penal Policy in New Zealand is undergoing a most comprehensive review with a report due on 31 December 1981.

(v) Future trends are likely to lead to lower prison popul-

ations and increased community participation in the criminal justice system.

(vi) New Zealand has no difficulty implementing the various norms of the United Nations and is willing to assist developing countries, resources permitting.

(vii) New Zealand would be willing to participate in any move to gain accreditation from the United Nations subject to Governmental approval, the availability of resources and on the clear understanding that such activities that accreditation might precipitate would in no way impinge on the sovereignty of other nations.

ANNEX A
PENAL POLICY REVIEW: TERMS OF REFERENCE

Aims of Review

(i) To examine the existing means of dealing with offenders and to make recommendations as to penal policy and measures for the future.

(ii) To consider the means by which the incidence of imprisonment can be reduced to the greatest degree consistent with the maintaining of public safety.

(iii) To establish clearly the criteria for placing offenders in prison or other forms of full time custody, and to define the nature and characteristics of the forms of detention recommended.

(iv) To investigate means of increasing the availability of sanctions that keep the offender in the community.

(v) To consider the extent to which there should be flexibility of movement of inmates between custodial and non-custodial sentences and the means by which this may be achieved.

(vi) To ensure that all penal programs take account of the need to integrate offenders into society and make the greatest use of society's existing organisations and activities.

(vii) In the light of the cultural diversity existing in New Zealand, to consider the desirability and practicability of making appropriate provision for offenders from different cultural groups and the nature of any such provision.

(viii) To consider the place in the criminal justice system of victims of offending and to make recommendations as to a policy in respect of victims.

The review is to confine itself to policy as distinct from administration, and is to exclude from its considerations the work of officers in the exercise of their duties other than incidentally and to the extent necessary to examine aspects of existing policy and measures in accordance with the aim of the review.

In furtherance of the general aims the Review will in particular:

(a) Consider the sanctions and dispositions available to the courts in criminal cases (in particular those involving violence, the supplying of drugs, and major white collar crime) and evaluate their effectiveness from a deterrent, punitive, incapacitative, rehabilitative, and cost point of view.

(b) Consider and recommend what changes should be made to the existing range of sanctions and dispositions and to determine what new sanctions if any should be introduced, and establish objectives for any so recommended, taking into account the manner in which they should be related to particular offences or classes of offences, (in particular offences involving violence, the supplying of drugs and major white collar crime) and whether they should vary according to age or sex or cultural or ethnic or other characteristics of offenders.

(c) Consider and recommend the types of prisons, hostels and other facilities that might be needed, and the criteria that should be applied in determining the size, nature and location.

(d) Consider and recommend appropriate programs for offenders dealt with other than by imprisonment and a policy whereby members of the public and community organisations can participate therein.

(e) Consider and recommend the criteria by which offenders sentenced to imprisonment are to be classified for detention in various types of institution.

(f) Consider and recommend a policy for parole, statutory probation and remission of sentence.

(g) Consider and recommend on the rights and privileges of prison inmates with particular reference to release to work in the community, home leave and other forms of temporary absence from prison custody.

(h) Consider and recommend a policy for the provision of work in prisons, remuneration for work, and to clearly determine the objectives of a prison industry scheme.

(i) Examine the need for and recommend a policy relating to the provision of information by way of social, medical and psychiatric reports to the Courts, Parole Boards, institutions and other agencies within New Zealand and overseas who deal with offenders, and to recommend rules relating to the availability of such reports.

(j) Examine the need for and recommend policies relating to the provision of medical, educational, social and other services for persons coming before the Courts, or on probation or in custody including aftercare services following release from any custodial sentence and the manner by which those should be provided and coordinated.

(k) To consider and recommend a policy for reparation and assistance to the victims of criminal offending as part of the process of prosecution and the imposition of sanctions.

(l) To consider the principle of expunging criminal records after an appropriate period of time in respect of persons who have appeared before a court.

(m) Consider and recommend means for a continuous evaluation of penal policies and their operation.

PHILIPPINES

Philippines

BUREAU OF PRISONS

PRISON INDUSTRY

Introduction

Foreword: The Prisons Agro-Industry is designed to assist the Bureau of Prisons in its struggle for financial and economic improvement. Other government agencies under the Ministry of Agriculture, Ministry of Natural Resources, Budget Commission, National Economic Development Authority, Office of the President, Ministry of Justice, Commission on Audit etc. provide technical and financial assistance.

The major functions of the Prisons Agro-Industries are the rehabilitation and maintenance of national prisoners. In the rehabilitation phase, inmates are given free education up to secondary level, spiritual and moral aids to reformation and are provided with development skills in agriculture and industry to help them become an asset to the community and useful citizens. The idea is to equip them for a decent and honest means of livelihood upon their release from prison.

For the maintenance of prisoners, the government provides for basic needs like food, clothing, shelter, and medical assistance. Even with judicious spending, ₱50,000,000 annually barely supports 14,705 prisoners. The aim is therefore to transform inmates into self-reliant and law-abiding citizens and community-conscious builders. Therefore, while in prison they are equipped with the necessary vocational skills, attitudes and habits of regular work. To this end the Prison Service organises large scale integrated production projects. There are coconut, cashew nut and coffee plantations, schemes for growing rice and corn, provisions for poultry farming, fish breeding and lands set aside for sorghum, soybeans and other cash crops. In addition, industry and handi-

crafts are organised. The total scheme of agricultural and industrial production contributes to the realisation of President Ferdinand E. Marcos's program for development in the countryside and national self-reliance.

Historical Background of Prison Agro-Industries

The Prison Industries and Salvage Warehouse Revolving Fund, (now Prisons Agro-Industries), started in 1950. It was created not by any special legislation but as a mere appropriation in the General Appropriation Act. Congress did not provide the Fund with any working capital. Its nucleus was built around the assets of the former Industrial Revolving Fund operating the different carpentry shops in Muntinlupa. The assets comprised of old machine shops, odd carpentry tools, a very negligible quantity of sales stock, work-in-process, new materials, and certain accounts receivable. With these insignificant assets, the planners of the Revolving Fund succeeded in convincing Congress that it was feasible to create a Revolving Fund with an estimated outlay of ₱3,000,000.

PD. 711 abolished the Prison Industries and Salvage Warehouse Revolving Fund, but, subsequent budget authorisation gave birth to the creation of the Prisons Agro-Industries, to give job and training opportunities to prisoners.

Brief History of the Bureau of Prisons and Each Penal Farm

The Bureau of Prisons was created by reorganising Act No. 1407 of the Philippine Commission on 26 October 1905. This combined into one office, the Old Bilibid, San Ramon Prison and Penal Farm and the Iwahig Penal Colony which became the nucleus of the present Bureau of Prisons. Its main office was first established in the heart of the City of Manila on Oroquieta, Santa Cruz, Manila. The transfer of the Old Bilibid Prison and the headquarters of the Bureau of Prisons to the New Bilibid Prison took place the year before World War II broke out.

The Bureau now has seven Prisons and Penal Farms and Penal Institutions as follows:

New Bilibid Prison: Situated in Muntinlupa, Metro Manila about 30 kilometers south of Manila. It has an area of 551 hectares. The

New Bilibid Prison was completed on 15 November 1940 but it was only on 22 January 1941 that it was officially named the New Bilibid Prison by the Cabinet to distinguish it from the Old Bilibid Prison. This main prison was originally intended to accommodate 3,000 inmates. With some innovations and further construction, it now accommodates 5,816 prisoners. The New Bilibid Prison has 736 officers and men (male and female). The complex at Muntinlupa includes a reception and diagnostic centre, the Manila Office of the Bureau, a maximum security prison, a medium security prison, a minimum security prison and also a 450 bed capacity hospital.

The Correctional Institution for Women: Purposely established in a 10-hectare land in Mandaluyong Metro Manila, by Act No. 3579 of the 27 November 1929, to segregate the female prisoners. There are 41 employees and 144 women prisoners.

Iwahig Penal Colony: A prison and penal farm by virtue of PD No. 28, was founded on 16 November 1904. An American foreman, Mr R.J. Shields, and a pioneering contingent of 61 prisoners from the Old Bilibid Prison. It was first named Iuhit Penal Institution, after the chosen site west of Puerto Princesa City. It first began with an approximate area of 9,000 hectares. It now has 38,611 hectares.

Iwahig Prison and Penal Farm will have by the year 1984 at least three million coconut trees. It is also a rice and corn production area and will be a source of fish and livestock within the next three years. There are 209 employees and 3,632 prisoners.

San Ramon Prison and Penal Farm: Founded on 31 August 1870 by the Spanish Governor-General Ramon Blanco. Its original area under Executive Order No. 47 dated 19 November 1906 by Governor-General Smith was 1,414,68 hectares. In 1973, 500 hectares were leased to the Philippine Coconut Authority, thus leaving 914.68 hectares. It has 114 employees and a prison population of 808. Its potential products are coconut, coffee, fish, and corn. There are negotiations for another 2,500 hectares to be added to the area.

Davao Prison and Penal Farm: Became a prison and penal farm by

virtue of PD No. 28. It was established on 21 January 1932 under Act No. 3732 and a Proclamation (No. 414) of Governor-General Dwight F. Davis on 31 October 1931. It is situated within the municipality of Panabo, Davao del Norte, some 50 kilometers north of Davao City. It has 6,256 hectares for its penal farm. Of this 4,500 hectares is a Banana Joint Venture with Tadeco. Davao Prison consists of two sub-colonies, namely: Panabo Sub-Colony and Kapalong Sub-Colony and has a total personnel of 243 and 2,386 prisoners.

Sablayan Prison and Penal Farm: Contains an area of 16,190 hectares, situated in the municipality of Sablayan, Occidental Mindoro. The site was proclaimed under Proclamation No. 71 on 26 September 1954 by President Ramon Magsaysay. It lies 17 kilometers from the town proper of Sablayan. Today this penal farm has 103 personnel and a prison population of 767.

The main crops of this penal farm are rice and corn, but the present administration intends to plant 1,000,000 coconut trees as a part of its long range program.

Leyte Regional Prison: A new prison created under Proclamation No. 1101 dated 16 January 1973. It has an area of 861 hectares and is situated 16 kilometers north of Abuyog, Leyte del Norte. The terrain is irregular and hilly and is also surrounded by high mountains. Rainfall takes place from the month of January to April and dry season from May to July.

Aside from growing the albesia palcata trees, coconut, abaca, and pineapple, cassava can also be grown favourably in this prison. This prison has 62 personnel and 507 prisoners.

Project 1 – Coconut Production***

The Bureau of Prisons has 80,000 fruit bearing coconut trees in Iwahig, Davao, San Ramon and Sablayan Prison and Penal Farms. On 13 March 1976, the Bureau initiated a crash program to expand this coconut project. The target is now four million trees. Three million trees should be planted by the end of 1984. Already at the end of 1980, an additional one million trees had been planted.

It is intended that in 1984, a crushing and expelling machine

with a capacity of 100 tons daily will be installed in the Iwahig Prison and Penal Farm. The bulk of coconuts that will be processed by this machine will come from the products of Iwahig Prison and other prisons and penal farms. It is estimated that by 1986, the Bureau's own coconut plantations will be able to keep the crushing and expeller machine fully supplied. Then it will be possible to begin manufacturing coconut oil, laundry and toilet soap, coir, copra meals, charcoal and to extract other coconut by-products with the technical assistance of the National Coconut Authority, NACIDA and other related agencies. Probably, these four million coconut trees will be the biggest income producing industry of the Bureau in its long-term development plan.

Project 2 – Rice Production**

The objective here is to bring under cultivation all the arable lands suitable to upland and lowland rice culture. The harvest will be used to feed prisoners and part of the production will be sold to the officers and employees at a minimum cost to boost productivity and heighten morale.

Project 3 – Corn Production**

The Bureau will also go to intensive production of corn to supply in part the prisoners subsistence and the feed requirements of the poultry and swine projects. The Bureau will install its own feed mill and manufacture its own feed requirements for swine and poultry projects as soon as substantial rice, corn, fish, sorghum and other feed grains have been produced.

Project 4 – Large Animal Production**

The Bureau will expand its existing large animal project by procuring some 1,000 large animals consisting of carabao, cattle and horses for foundation stock. In conjunction with this project, a dairy farm and tannery will be developed with an estimated capacity of 1,000 hides a year by the end of 1987. The leather products will be used in the manufacture of shoes. After 1987, the Bureau should be able to produce enough milk and meat for all prisoners and for sale to the employees and civilians through its

trading post in the Food Terminal Market. This project will be linked with the projects for coconut planting. These latter areas providing suitable grazing land.

Project 5 – Poultry Production**

The poultry project shall remain one of the principal areas where prisoners can be taught modern methods of poultry raising, generate incomes for themselves and supplying part of the Bureau's institutional requirements for chickens and eggs.

Project 6 – Swine Production**

This project is similarly undertaken by the Bureau for training prisoners in the scientific managements of a piggery project. Again this generates income and produces pork for the subsistence of prisoners. Any excess production will be sold to the civilians or to the Food Terminal Market or through the nearest trading posts.

Project 7 – Fish Production**

By turning part of idle swamplands into fishponds, prisoners will be taught modern methods of fish culture, and the trawl and deep sea fishing techniques.

Project 8 – Coffee and Cashew* Production**

The Bureau is anxious not to become dependent as a single crop. Therefore in the interests of diversification these other crops will be provided.

Project 9 – Sorghum, Soybeans and Other Cash Crop Production

The demand for feedstuffs increases at a faster rate than present production in the Philippines. Therefore as an insurance against any future shortages of feed, the Bureau plans to develop extensively the production of its own feed grains, manufacturing feedstuffs with the technical assistance of the Bureau of Animal Industry, the Bureau of Plant Industry and other related agencies. The Bureau will also, go into the production of other cash crops

that will substantially supply the requirements of the food service program of each prison and penal farm in order to reduce the burden on the national budget and at the same time will increase our production income.

Project 10 – Albizzia Falcateria, Almaciga* and Minor Forest Products

In accordance with the reforestation program of the New Society in the Philippines, the Bureau of Prisons is going into the extensive planting of albizzia falcateria and almaciga in our forest reservations in Iwahig, Palawan; Abuyog, Leyte; and Sablayan, Occidental Mindoro. The objective will be to supply raw materials for the manufacture of paper and varnish. The Bureau will also exploit minor forest products principally for the materials that will be absorbed by industrial shops where our prisoners are doing their on-job training.

Project 11 – Industrial Shops*

The maintenance of an industrial shop in each of the different prisons and penal farms is designed to provide opportunities for vocational training and to develop the skills of prisoners.

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* See Appendix 2.
** See Table 1.

Table 1 – Assets

		P	P
A. Agricultural			
A-1. Farm Tractors	55 Units	5,500,000	
A-2. Motor Vehicles	10 Units	500,000	
A-3. Existing Plants	1,625,355 Trees	1,625,355	7,625,355
B. Industrial			
B-1. Tailoring Machines	50 Units	50,000	
B-2. Machine Shops	100 Units	500,000	550,000
C. Animal			
C-1. Population	6,270 Hds.	1,095,000	
C-2. Incubator and Hatchery	1 Unit	100,000	1,195,000
D. Fishery			
D-1. Fishing Equipment and present stock			50,000
E. Forestry			
E-1. Forest Machineries			50,000
F. Office Equipments			500,000
G. Ship	1 Unit		4,500,000
TOTAL ASSETS			14,470,355

Prisoners Welfare

Prisoners Share: Prisoners working with the Prisons Agro-Industries are compensated at various rates depending on each ones ability, job attitude and skills. A plantilla for compensated inmates is well kept and their earnings are properly accounted for and audited in the same way as it would be on any private enterprise. The money earned by each prisoner is deposited in the Trust Fund. Any compensated inmate, upon his request and with prior approval, may withdraw part of his compensation in term of goods through the inmate commissary and exchange post. All of the remaining monies of each prisoner can be withdrawn in cash only upon his

final release in prison. The total money deposited in the Trust Fund for the year 1980 is ₱464,778.42.

Benefits and Privileges: Prisoners assigned to the Prisons Agro-Industries have the privilege of being classified as colonists. A colonist is one who has shown very good conduct and attitude in his work assignments and as a token of appreciation of his good conduct he may have his family live with him in a place designated by the Bureau of Prisons. The basic subsistance of the penal colonists and their families is shouldered by the Bureau of Prisons.

Other than this, a colonist upon his release from confinement, and upon his request and prior approval, may own a six hectare of farmland which he should till and live on, subject to certain conditions. These parcels of land for cultivation are in the Tagumpay Settlement at Iwahig, Palawan and the Tanglaw Settlement at Davao del Norte. This special settlement privilege is given as a token to a released colonist who has shown exemplary conduct and excellent behaviour while serving his term in prison and has shown outstanding performance and habit in the accomplishment of his assigned duties. This farmland cannot be sold but, it can be transferred through inheritance. At present, there are 299 colonists with 287 dependants.

Aside from all of this, a prisoner working in any prison industry who may suffer any accident resulting in death or injury not due to negligence, shall receive a pecuniary aid, as embodied in Section 2 of Republic Act No. 1955, Administrative Order No. 19, series of 1957. The schedule of which is as follows:

1.	For loss of life	₱500.00
2.	For loss of two hands	375.00
3.	For loss of two feet	375.00
4.	For loss of sight of two eyes	375.00
5.	For loss of one hand and one foot	250.00
6.	For loss of one hand and sight of one eye	250.00
7.	For loss of one foot and sight of one eye	250.00
8.	For loss of sight of one eye	125.00
9.	For loss of one hand or one foot	125.00
10.	For any other serious physical injury not covered or enumerated above	100.00

Cost-Benefit Analysis

On the basis of past demand the anticipated demand for the products of the Bureau's agro-industry can be projected. The straight line graphical method which is the simplest among the more popular methods, allows the future movement of demand to depend solely on the demand trends in the past. This equation is represented mathematically by : $Y = a + bx$.

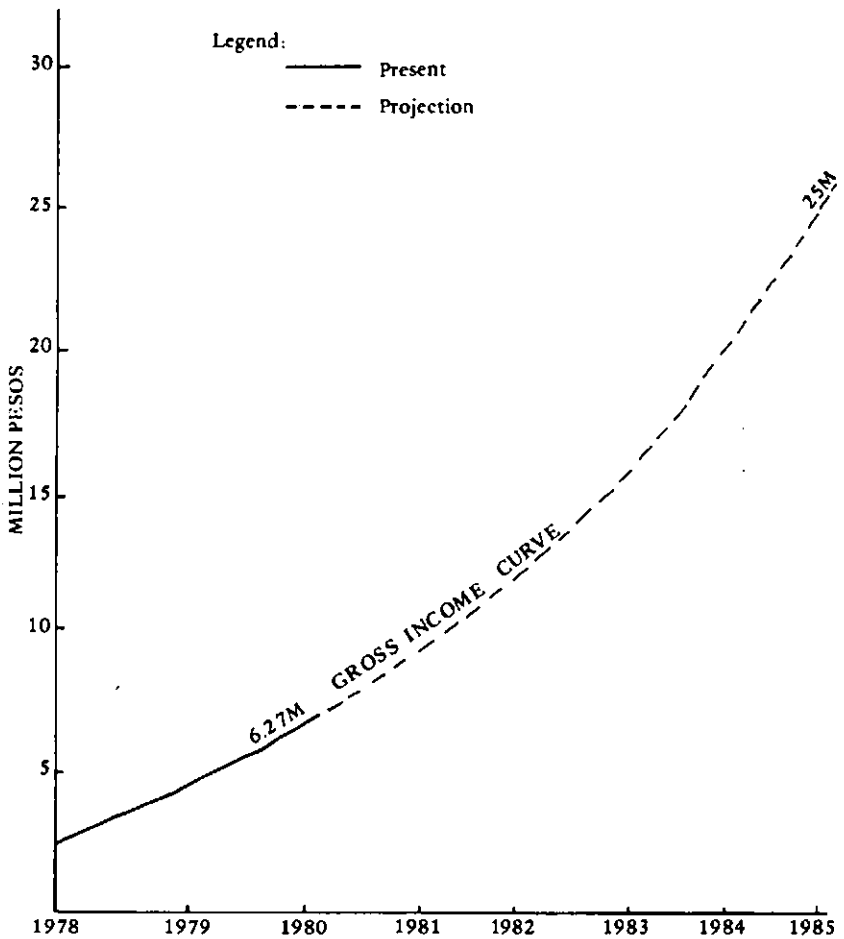


Figure 1 — Gross Income Graph

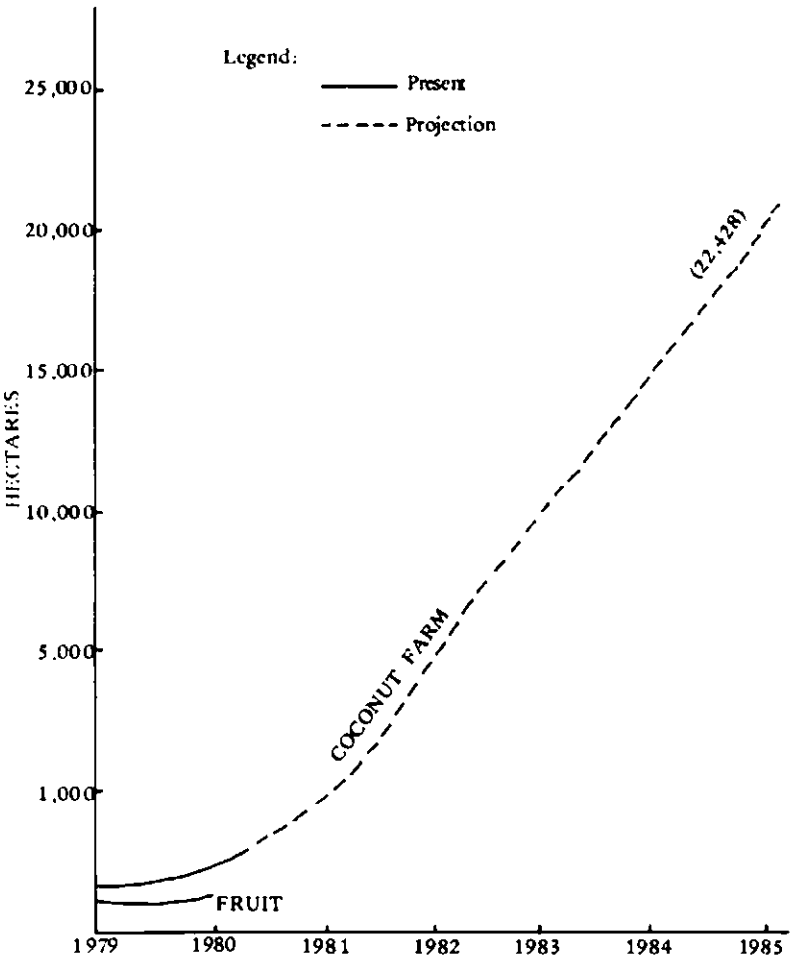


Figure 2 – Coconut-Fruit Farm Graph

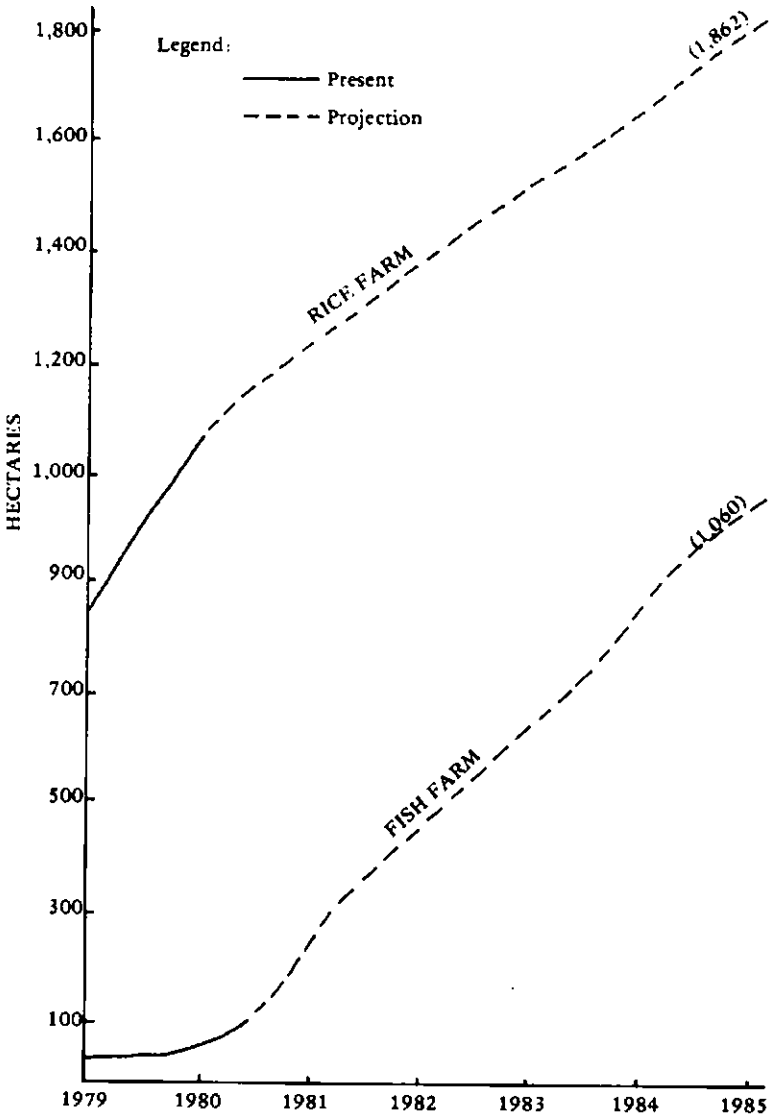


Figure 3 – Rice-Fish Farm Graph

Table 2 – Prisons Agro-Industry Farms
Present and Future Targets

Location	*Total Land Area (ha)*	*Area Utilised by Prison Industry*	
		Present Area (ha)	*Projection (ha)*
NBP	551	326	–
CIW	10	3	–
IPPF	38,661	1,197	14,700
SPPF	16,190	455	7,672
DPPF	6,256	4,841	230
SRPPF	1,414.68	650	500
LRP	861	102	500
TOTAL	60,893.68	7,574	23,602

Legend: NBP – New Bilibid Prison
CIW – Correctional Institution for Women
IPPF – Iwahig Prison and Penal Farm
SPPF – Sabalyan Prison and Penal Farm
DPPF – Davao Prison and Penal Farm
SRPPF – San Ramon Prison and Penal Farm
LRP – Leyte Regional Prison

Note: 6,000 hectares of coconut farm area in IPPF had already been planted with coconut yearlings which is expected to generate income after the 5-year development plan.

20,000 Cashew hills had also been planted last year at IPPF which is to generate income after five years.

(These are not yet included in the 7,574 hectares since these are not yet income producing).

(See Appendix 1)

Table 3 – Manpower Distribution

Station	Employees		Prisoners	
	A	B	C	D
New Bilibid Prison	736	20	5,816	1,500
Correctional Institution for Women	41	6	194	100
Leyte Regional Prison	62	6	507	200
Iwahig Prison and Penal Farm	209	30	3,632	2,300
Davao Prison and Penal Farm	243	30	2,386	1,500
San Ramon Prison and Penal Farm	114	20	808	500
Sablayan Prison and Penal Farm	103	15	767	600
Director's Office*	23	–	–	–
Administrative Division*	61	–	–	–
Penal Production Coordinator*	62	62	–	–
Budget Division*	24	–	–	–
Supply Division*	30	–	–	–
Accounting Division*	28	–	–	–
General Services Division*	96	–	–	–
NBP Hospital*	56	–	–	–
Army Camps and other outside stations	–	–	145	–
TOTAL	1,986	189	14,705	6,700

* Stationed at New Bilibid Prison, Central Office

Legend: A – Overall employee population
B – Number of employees involved in Prison Industry
C – Overall prisoner population
D – Number of prisoners involved in Prison Industry

Table 4 – 1980 Expenditures

	₱
Personal Services	1,252,941.31
Travelling Expenses	98,498.00
Com. Services	9,910.00
Other Services	246,724.88
Supplies and Materials	1,184,565.76
Water, light and power	419,710.63
Maintenance of Motor Vehicles	103,195.63
Repairs and servicing	13,972.54
Gasoline and oil	1,635,454.97
Representation expenses	23,450.00
Spart parts	127,237.34
Equipments	124,876.00
TOTAL	5,228,537.06

Table 5 – Profitability Analysis – 1980

	₱	₱
Gross Income		
(a) Production	5,975,021.26	
(b) Others; Tailoring, blacksmith, and related services	294,100.00	6,269,021.26
Less Operational Expenses		
(a) Personnel Services	1,252,941.31	
(b) Travelling Expenses	98,498.00	
(c) Com. Services	9,910.00	
(d) Other Services	246,724.88	
(e) Supplies and Materials	1,184,565.76	
(f) Water, light and power	419,710.63	
(g) Maintenance of Motor Vehicles	103,195.63	
(h) Repairs and servicing	13,972.54	
(i) Gasoline and oil	1,635,454.97	
(j) Representation expenses	23,450.00	
(k) Depreciation	25,211.34	5,013,635.06
NET INCOME		1,255,386.20

(See Appendices 2 and 3)

APPENDIX 1

Agro-Industry Farms

A. Existing Prison Industry Farm Area Utilised in Agricultural Projects

	Agricultural Projects						
Location	*Coconut Area (ha)*	*Rice Area (ha)*	*Corn Area (ha)*	*Fish Area (ha)*	*Fruit Area (ha)*	*Banana Area (ha)*	*Total Area (ha)*
NBP	1	10	290	5	20	–	326
CIW	–	–	2	–	1	–	3
IPPF	362	480	230	25	100	–	1,197
SPPF	1	174	170	30	80	–	455
DPPF	21	70	200	–	50	4,500	4,841
SRPPF	120	400	100	–	30	–	650
LRP	2	48	50	–	2	–	102
TOTAL	507	1,182	1,042	60	283	4,500	7,574

APPENDIX 1 – continued

B. Projected Prison Industry Farm Area for Agricultural Projects

	Agricultural Projects						
Location	*Coconut Area (ha)*	*Rice Area (ha)*	*Corn Area (ha)*	*Fish Area (ha)*	*Fruit Area (ha)*	*Banana Area (ha)*	*Total Area (ha)*
NBP	–	–	–	–	–	–	–
CIW	–	–	–	–	–	–	–
IPPF	13,900	300	–	500	–	–	14,700
SPPF	6,952	220	–	500	–	–	7,672
DPPF	70	160	–	–	–	–	230
SRPPF	500	–	–	–	–	–	500
LRP	500	–	–	–	–	–	500
TOTAL	21,922	680	–	1,000	–	–	23,602

APPENDIX 2

Statistical Data
Accomplishments of the Prisons Agro-Industries for the Year Ending 1980

1. Agricultural Production
A. Animal Industry

Location	*Beginning Balance*	*Mortality*	*Disposal*	*Birth*	*Purchased*	*Ending Balance*
(a) Cattle						
SRPPF	12	1	5	2	–	8
SPPF	200	13	29	43	–	201
DPPF	31	3	3	2	–	27
NBP	9	–	–	2	–	11
IPPF	227	6	16	37	–	242
TOTAL	479	23	53	86	–	489
(b) Buffalo						
SRPPF	38	7	16	7	–	22
SPPF	55	9	2	15	–	59
DPPF	70	12	14	6	–	50
NBP	51	–	9	5	–	47
IPPF	362	20	68	37	20	331
TOTAL	576	48	109	70	20	509
(c) Horses						
SRPPF	1	–	–	–	–	1
SPPF	19	1	1	3	–	20
NBP	8	–	–	–	–	8
IPPF	18	12	9	–	10	7
LRP	7	–	–	–	–	7
TOTAL	53	13	10	3	10	43

APPENDIX 2 – continued

(d) Carabao						
SPPF	49	4	6	14	–	53
LRP	7	1	–	–	–	6
TOTAL	56	5	6	14	–	59
(e) Swine						
LRP	–	–	–	–	2	2
SPPF	8	6	5	14	–	11
NBP	235	166	225	279	–	123
IPPF	6	–	10	19	–	15
TOTAL	249	172	240	312	2	151
(f) Goat						
SPPF	9	1	4	6	–	10
IPPF	92	3	34	–	25	80
TOTAL	101	4	38	6	25	90
(g) Poultry						
NBP	3,732	6,384	2,639	–	10,000	4,709
IPPF	60	–	30	110	–	140
TOTAL	3,792	6,384	2,669	110	10,000	4,849
(h) Duck						
IPPF	80	–	13	13	–	80

APPENDIX 2 – continued

Poultry Production

	Quantity Pieces	*Amount P*
A. Eggs		
A-1. Production		
Large	89,761	44,880.50
Medium	101,005	45,409.15
Small	128,956	51,582.40
Small (Broken)	8,813	3,172.68
TOTAL	328,535	145,044.73
A-2. Disposal		
Eggs issued to prisoners	10,864	5,093.50
Eggs sold (Sales Section)	317,671	139,951.23
TOTAL	328,535	145,044.73

	Heads	*Kilos*	*Amount P*
B. Chicken			
B-1. Disposal			
Issued to prisoners	2,626	5,536.0	55,360.00
Sold to customers (Sales)	33	79.8	798.00
TOTAL	2,659	5,615.8	56,158.00
TOTAL VALUE OF PRODUCTION			201,202.73

APPENDIX 2 – continued

2. Plant Industry
A. Agronomy

Location	Planted		Harvested			
	Area (ha)	Trees	Kilos	Pieces	Sacks	Others
(a) Palay						
SPPF	200.00	–	126,372.0	–	–	–
DPPF	34.17	–	83,755.0	–	–	–
IPPF	131.88	–	537,446.4	–	–	–
TOTAL	366.05	–	747,573.4	–	–	–
(b) Corn						
CIW	–	–	–	888	–	–
SRPPF	5	–	3,034	–	–	–
SPPF	138	–	138,387	–	–	–
DPPF	11	–	–	–	157	–
IPPF	20	–	10,429	–	–	–
NBP	10	–	10,672	–	–	–
TOTAL	184	–	162,572	888	157	–
(c) Coconut			(Copra)			
LRP	–	1,562	–	–	–	–
SRPPF	–	–	459,587	482,806	–	–
SPPF	–	3,007	–	140	–	–
DPPF	–	–	–	976	–	–
IPPF	–	82,774	60,535	684,481	–	–
TOTAL	–	87,343	520,122	1,168,403	–	–
(d) Mongo						
IPPF	–	–	225	–	–	–
LRP	2	–	–	–	3	–
SRPPF	1.5	–	102	–	–	–
SPPF	5	–	4,395	–	–	–
TOTAL	8.5	–	4,722	–	3	–

APPENDIX 2 – continued

(e) Cassava						
NBP	3	–	1,586	–	–	–
SPPF	3	–	1,104	–	–	–
SRPPF	2	–	3,460	–	–	–
IPPF	18.75	–	23,292	–	–	–
LRP	27	–	35	–	–	–
TOTAL	53.75	–	29,747	–	–	–
(f) Peanuts						
CIW	–	–	12	–	–	–
SPPF	–	–	28	–	–	–
SRPPF	2	–	598	–	–	–
NBP	0.25	–	100	–	–	–
TOTAL	2.25	–	738	–	–	–
(g) Sincamas						
IPPF	0.75	–	662	–	–	–
(h) Coffee						
IPPF	–	352	176	–	–	–
SRPPF	–	5,758	100	–	–	–
DPPF	–	5,305	–	–	–	–
TOTAL	–	11,415	276	–	–	–
(i) Abaca						
DPPF	5	–	2,010	–	–	–
(j) Alvessia Falcata						
LRP	–	2,000	–	–	–	–

APPENDIX 2 – continued

B. Horticulture

(a) Assorted Vegetables

CIW	–	–	1,773.5	–	–	–
SRPPF	3	–	8,084	–	–	–
SPPF	58.7	–	117,819	–	–	–
DPPF	210.64	–	182,791	–	–	–
NBP	10	–	26,429	–	1,822	–
IPPF	121.96	–	308,890	–	–	–
LRP	23	–	112	–	60	–
TOTAL	427.30	–	645,898.5	–	1,882	–

(b) Banana

CIW	–	–	–	714	–	–
NBP	–	–	–	18,527	–	–
SPPF	–	20,876	16,577	–	–	–
IPPF	27.25	–	72,692	–	–	–
LRP	20	–	–	–	–	112 bunches
TOTAL	47.25	20,876	89,269	19,241	–	112

(c) Sugarcane

IPPF	0.25	–	58	–	–	–

C. Fruit Projects

(a) Mangoes

NBP	–	–	35	1,445	–	–
SRPPF	–	–	1,376	–	–	–
IPPF	–	166	7,317	–	–	–
TOTAL	–	166	8,728	1,445	–	–

(b) Starapple

SPPF	–	–	2,009	–	–	–
IPPF	–	18	1,120	–	–	–
TOTAL	–	18	3,129	–	–	–

APPENDIX 2 – continued

(c) Papaya						
IPPF	–	473	16,794	–	–	–
NBP	–	–	564	–	–	–
SPPF	–	–	6,935	–	–	–
DPPF	–	1,464	522	–	–	–
TOTAL	–	1,937	24,815	–	–	–
(d) Jackfruit						
IPPF	–	32	14,423	–	–	–
SPPF	–	–	3,901	–	–	–
TOTAL	–	32	18,324	–	–	–
(e) Watermelon						
IPPF	8.45	–	12,614	–	–	–
SPPF	–	–	2,629	–	–	–
TOTAL	8.45	–	15,243	–	–	–
(f) Avocado						
CIW	–	–	72	–	–	–
(g) Melon, Guava, Citrus, Santol, Camias, Breadfruit, Mandarin, Tieze, Suha, and Pineapple						
IPPF	10.25	1,568	65,491	517	–	–
Recapitulation (Plant Industry)						
Agronomy	620.3	100,758	1,468,422	1,169,291	160	–
Horticulture	474.8	20,876	735,225	19,241	1,882	112
Fruit	18.7	3,721	135,802	1,962	–	–
TOTAL	1,113.8	125,355	2,339,449	1,190,494	2,042	112

APPENDIX 2 – continued

3. Fishery Projects

Total fishpond developed		60 Ha.
Harvested: (Kilos)		
SPPF	23,368.5	
SRPPF	2,303	
IPPF	18,807.5	34,379

4. Forest Projects

SPPF	14,202.7 Bd. Ft.	
LRP	6,164 Bd. Ft.	4,640 Pcs. Rattan
TOTAL	20,366.7 Bd. Ft.	

5. Industrial projects

Handicrafts	17,474 Pcs.
Baskets	
Bottle Craft	
Tambo Craft	
Cloth Hamper	
Desk Sign	
Walking Cane	
Furnitures	310 Nos.
Sala Set	
Dining Set	
Tea Table	
Centre Table	
Beds (single and double)	
Chairs	
Tables	

APPENDIX 2 – continued

Salt	151,748 kg.
Charcoal	20,945 kg.
Rope	605 m.
Sawali	207 Rolls
Vinegar	24,807 Litres
Hallow Blocks	10,000 Pcs.

Legend:

SRPPF – San Ramon Prison and Penal Farm
SPPF – Sablayan Prison and Penal Farm
DPPF – Davao Prison and Penal Farm
IPPF – Iwahig Prison and Penal Farm
NBP – New Bilibid Prison
CIW – Correctional Institution for Women
LRP – Leyte Regional Prison

APPENDIX 3

1980 Production Income

Products	*CIW* ₱	*IPPF* ₱	*SRPPF* ₱	*DPPF* ₱	*SPPF* ₱	*NBP* ₱	*LRP* ₱	*Total* ₱
Palay and by-products	–	1,039,850.56	–	97,607.60	283,822.30	–	–	1,421,340.46
Corn and by-products	124.32	6,915.65	2,864.00	3,842.80	105,489.45	–	–	119,236.22
Coconut and by-products	–	351,353,30	305,604.55	4,989.25	70.00	–	–	662,017.10
Animal and by-products	–	130,978.51	–	35,838.00	4,657.50	358,731.76	–	530,205.77
Vegetables	3,578.50	126,666.30	18,322.10	93,780.50	–	104,069.68	3,200.00	349,617.08
Minor Farm Products	460.20	140,140.30	17,169.80	13,925.40	35,647.30	–	–	207,343.00
Forest Products	–	120,010.67	–	18,520.00	32,969.25	–	15,628.00	187,127.92
Fishery Products	–	86,115.62	9,404.00	–	44,777.25	–	–	140,296.87
Other Products (Misc.)	–	36,463.50	9,312.00	–	–	–	–	45,775.50
Fruit Products	241.36	–	–	432.70	–	–	–	674.06
Abaca	–	–	–	562.50	–	–	–	562.50
Industrial Products	56,442.65	–	–	–	5,710.20	1,406.00	–	63,558.85
P.C.A.	–	–	240,000.00	–	–	–	–	240,000.00
Tradeco Joint Venture	–	–	–	2,007,265.93	–	–	–	2,007,265.93
TOTAL	60,847.03	2,038,494.41	602,676.45	2,276,764.68	513,203.25	464,207.44	18,828.00	5,975,021.26

REMANDS

History of the Electric Chair

The electric chair was acquired by the Bureau of Prisons from the United States, manufactured by Carr and Schultz Electric Company. It arrived in Manila on 17 December 1923 on board *SS Elkton* with a value of ₱10,080.90. It was originally installed by the Bureau of Public Works. Upon completion of the same on 25 June 1924, it was used in executing Juan Bucog who committed robbery with six-fold murder.

Prior to this date, the mode of execution was by hanging, but by Act 3104 passed by the Philippine Legislature on 17 March 1923, this method of execution was changed to that of electrocution. The provisions of this Act are now embodied in the present Revised Penal Code. The electric chair was transferred from the Old Bilibid Prison at Azcarraga to the New Bilibid Prison, Muntinlupa, Rizal and was reinstalled in November 1941. Since then, it had been used off and on depending on the temper of Presidential Clemency. The minimum voltage of the electric chair is 500 and the maximum is 3,300. The number of people executed so far were 84 including Marcelo San Jose, sentenced by the Military Tribunal and was electrocuted at 3.15pm on 21 October 1976.

Meaning of Probation

As applied to modern Courts, probation seeks to accomplish the rehabilitation of person convicted of crime by returning them to society during a period of supervision rather than sending them into the unnatural and too often socially unhealthy atmosphere of prison or reformatory.

Probation means that it is to the community, rather than to the prison, that the convicted criminal must be assigned for treatment, ideally he is assisted in this adjustment by a probation officer well-trained in human behaviour problems. This officer is not a policeman or guard, but is a helpful, well-integrated personality, thoroughly acquainted not only with the case but with what the community has to offer in the struggle for self-respect. Probation work calls for resourcefulness, patience and tact.

Table 6 – Classification of Sentence and the Prison Population – 1977-1980

Year	1977	1978	1979	1980
Prison Population	18,564	16,654	15,418	14,705
Classification by Sentence				
1. Death Penalty				
(a) Affirmed by the Supreme Court	19	19	64	95
(b) Under Review by the Supreme Court	655	694	711	671
2. Life Imprisonment	2,477	2,603	2,380	2,259
3. Sentence over 3 years and one day	13,969	11,959	10,535	9,748
4. Sentence below 3 years	730	674	1,045	1,263
5. Detention	614	605	517	570
6. Safekeeping	100	100	166	99

Explanation of Terms

1. Shown as 'Death Penalty' are those persons convicted by a Court of First Instance for the crimes of rape with homicide, robbery with rape etc. – which crimes are punishable by death under the Revised Penal Code. After conviction their cases are automatically referred to the Supreme Court for review. Aside from the examples given, the death penalty can be awarded for kidnapping with murder, illegal possession of firearm with murder, abduction with rape etc.
2. 'Life Imprisonment' are those persons convicted of crime and sentenced to the imprisonment of Reclusion Perpetua, examples of which are crimes like
parricide, murder, rape etc.
3. 'Sentence over 3 years and one day', are those persons convicted of crimes and sentenced to the imprisonment of sentence over 3 years and one day, examples of which are estafa, homicide, robbery, qualified theft, theft of large cattle, violation of the dangerous drugs act, etc.
4. 'Sentence under 3 years' are those persons convicted of crime and sentenced to imprisonment for under 3 years, examples are simple theft, robbery by snatching, physical injuries, etc.
5. 'Detention' are those persons convicted of a crime but whose sentences are appealed to either the Supreme Court and Court of Appeals or from the City of Municipal Courts to a Court of First Instance.
6. 'Safekeeping' means those persons confined in jails but not yet convicted or sentenced by the Court. Their confinement in this prison has been ordered either for hospitalisation or for security reasons. Sometimes the reasons might be that the local jail may not be good enough or may not have good facilities to insure good custody, and it may come through the request of the Jailers.

Table 7 – Percentage of Parole/Conditional Pardon, Habitual Delinquents and Recidivism Beginning 1977-1980

Year	*1977*	*Percentage*	*1978*	*Percentage*	*1979*	*Percentage*	*1980*	*Percentage*
Prison Population	18,564		16,654		15,418		14,705	
Parole/Conditional Pardon Violators	85	0.4	38	2	24	0.2	49	0.3
Habitual Delinquent	726	3	534	3	343	2	44	0.3
Recidivist	284	1	171	1	124	0.7	8	0.05

Definition of Terms

1. Habitual Delinquent – a person shall be deemed to be an habitual delinquent, if within a period of 10 years from the date of his release or last conviction of the crimes of serious or loss, serious physical injuries, robs, hurts, estafa, or falsification, he is found guilty of any of the said crimes three times or more.
2. Recidivist – is one who, at the time of his trial for one crime, shall have been previously convicted by final judgement of another crime embraced in the same title in the Revised Penal Code.
3. Probation – is a privilege granted by the court to a person convicted of a criminal offence to remain in the community instead of actually going to prison.

   Any sentenced offender, 18 years of age and above, can apply for probation before serving the sentence. They must be first offenders and their sentence must not be over six years and one day; but there is an exception to this law which occurs in the cases of habitual delinquent, recidivist or those with previous convictions. In such cases, although their sentences are not over six years and one day, they are not entitled to Probation.

THE STATUS OF PRISON OFFICERS AND HUMAN RIGHTS

Prison Officers are Part of the Civil Service

The Director, Assistant Director and all the personnel compliment of the Bureau of Prisons of the Republic of the Philippines are among the men and women employed in the government to carry out public services in all its branches, subdivisions and instrumentalities.

The Correctional System in the Philippines with the infusion of new concepts, becomes more challenging as a career. It is progressing with the new innovations introduced into prison life. Above all, it is a secured job and a lifetime career.

Level of Recruitment

The Director and Assistant Director are Career Executive Service Officials (CESO) and from the Division Chief, down to the rank and file, are open career positions, appointment to which requires passing an appropriate civil service examination. The levels of positions in the open career service are:

(1) first level positions which includes clerical, trades, crafts and custodial positions which involve non-professional or sub-professional work in non-supervisory or supervisory capacity requiring less than four years of college work which means that a high school graduate can be recruited into the service provided he is of good moral character and must pass the physical and mental examination; and

(2) second level positions includes professional, technical and scientific positions which involve professional, technical and scientific work in a non-supervisory or supervisory capacity requiring at least four years of college work up to Division Chief level.

Terms of the Service

Correctional services in the Philippines are primarily the responsibility of the Bureau of Prisons, which is an office within

the Ministry of Justice. The Correctional System consists of six Regional Prisons and one Correctional Institution for Women.

Prison Officers are Exposed to Risk of Life and Limb in the Course of Their Work

Prisoners are people, a special kind of people and sometimes a very difficult kind of people. It is a community in miniature. During the entire prison regime, prison officers move and work in the midst of the prisoners.

In the past, several untoward incidents happened involving prison officers. Members of their families including their wives are sometimes exposed to risk. Thus a Superintendent died in the line of duty together with his wife. Because of the risk involved in the performance of custodial duties, the government at present gives a hazard pay to every correctional employee as well as a medicine allowance which is given at the end of the year.

Generally the use of force is prohibited. However, the use of force is permitted in self-defense but even then only to the degree necessary to stop the aggression and to subdue a prisoner applying equivalent force.

When prison officers abuse their right to shoot and mis-apply force, they are formally charged administratively and/or criminally. The moment the respondents are found guilty as charged, they are awarded the appropriate penalty. But when the respondents feel aggrieved of the decision, they may appeal the decision to the appropriate court or to the proper administrative bodies such as the Ministry of Justice and/or the Civil Service Commission whose decision is final and executory.

To prevent untoward incidents, provisions have been promulgated to ensure custody. Female national offenders are received and confined in the Correctional Institution for Women, a separate institution while male offenders are received in the Reception and Diagnostic Centre of the New Bilibid Prison.

Proper segregation based on the following classification is also observed:

(1) sentenced prisoners;

(2) detention prisoners;

(3) juvenile prisoners;

(4) third class prisoners;

(5) habitual delinquents and recidivists;

(6) sexual deviates;

(7) infirmed, aged and invalids;

(8) patients;

(9) mentally abnormal or insane; and

(10) those sentenced to a capital punishment.

Likewise prisoners are classified and assigned to a security group for the institution of proper security measures.

Structure of Appeals, Legal Aid and Any Other Means by which a Person in Custody can Protect his Human Rights

Every violation of discipline important enough to necessitate action shall be reported and the erring prisoner is given a hearing before any punishment is administered by a Board of Discipline presided by the Superintendent or by any ranking officials of the institution so designated by him. It is an established policy no prisoner shall be punished unless he has been informed of the offense alleged against him and he is given the opportunity of presenting his side of the case. Before a decision is rendered a thorough examination of the case is undertaken and even when a decision is reached it is subject to review and approval by the Superintendent. It would also be noted that all decisions of the Board of Discipline are appealable to the Director of Prisons.

Persons who are under arrest or awaiting trial (untried prisoners) are allowed visits only by his appointed lawyer. For the purpose of his defense, an untried prisoner shall be allowed to apply for free legal aid when such aid is available and to prepare and receive confidential instructions. For this purpose, he shall if he so desires be supplied with writing materials. It has always been the prevailing practice that interviews between the prisoner and his legal adviser are conducted within sight but not within the hearing of a prison officer. Every prisoner shall be allowed to

make a request or complaint without censorship to the Director of Prisons. An untried prisoner is presumed to be innocent and shall be treated as such.

For misconduct of a serious nature such as assault, attempt to escape, escapes or other offences, disciplinary or correctional punishments such as handcuffing and/or the use of leg-irons may be imposed by a Board of Discipline. At the discretion of the Institutional authorities the case may be prosecuted in a Court of Justice. A prisoner has access to the Courts with assistance of a lawyer if he so desires.

ACCREDITATION AND INTERNATIONAL STATUS

In 1955, the Philippines became a signatory together with other member nations attending the Geneva Conference held in 1955, and agreed in principle to observe the United Nations Standard Minimum Rules for the Treatment of Prisoners; and since then, the Philippine Correctional System has maintained as far as possible its objectives based on the standard rules. In 1960, the Philippine government through the Ministry of Justice issued a handbook on prison rules and regulations with provisions anent to the declarations stipulated under the United Nations standard.

In 1976, the Philippines submitted to the United Nations a paper in response to a questionnaire sent inquiring as to the extent of compliance by member nations with the United Nations Standard Minimum Rules for the Treatment of Prisoners. In the said response, the Philippine Correctional System issued a favourable implementation report having taken into consideration all the minute details in the rules of general application and the rules applicable to special categories. The implementation has further improved since then and this is noted in the following.

Registry: The Philippine Bureau of Prisons has maintained three separate divisions, all coordinating with each other to provide the institutions with an efficient registry system. It has a Documents section, which is in charge of the individual prisoner's record of commitment and court papers; an Overseers section, which is in charge of adjusting the respective information and assignment activities of each prisoner; and a Reception and Diagnostic Centre which is charged with the task of providing thorough individualised

information about the prisoner's identity together with his personality and social background.

Accommodation and Personal Hygiene: Prisoners are generally kept according to three security provisions: the maximum, medium and minimum, which are distinguished by the classification assignment provided for by the Institution's Classification Board.

Security wards are built in dormitory style barracks which are monitored according to their basic capacity. Appropriate types of association are taken into account and light, ventilation and adequate water facilities for baths are amply provided. Cleanliness is generally enforced and hygiene is maintained.

Separation of Categories: Prisoners are categorised and given their respective dormitory assignments and security supervision. Male prisoners are separated from female prisoners. Untried prisoners are housed in a separate building and youth prisoners are segregated from adults.

Clothing and Bedding: With the skills development program launched to provide the prisoners with income-generating skills, they are organised into shops and work centres. Tailoring expertise is used to supply the uniform clothes to the prison community in conformity with rules of identification. Prisoners are given a set of materials for their bedding needs.

Food: Prisoners are provided at the usual regular hours with food of nutritional value. The food is prepared by nutritionists and personnel who are trained in the preparation of nutritional food. Drinking water is amply provided.

Exercise and Sport: Every penal institution has its own regular sport activities on its roster of schedule. Exercise is encouraged by way of recreational facilities built for the purpose.

Medical Services: Prisoners are given a regular and routine medical examination in every prison and penal farm. Sick prisoners requiring specialist treatment are referred to government hospitals outside the prison under proper guards. Sick prisoners confined at the prison hospital are accommodated according to the type of

medical attention needed taking all the necessary measures. Prisoners who are sick physically are segregated from those who are sick mentally. Prison hospitals are provided with facilities and pharmaceutical supplies which are proper for the medical care and treatment of sick prisoners. The prison hospital is composed of a staff suitably trained for the purpose.

Discipline and Punishment: There is a Board of Discipline in every institution to take care of erring prisoners. The decisions of this Board are appealable to the Director of Prisons.

Instruments of Restraint: Handcuffs, chains, irons, strait-jackets and other instruments of restraint are no longer used nor applied as a punishment. The Board of Discipline gives the due penalty which range from reprimand to additional sentence but definitely no infliction of physical harm on the prisoner. The instruments of restraint are however resorted to only in exceptional circumstances like precaution against escape, medical grounds or by order of the Director.

Information to and Complaints by Prisoners: Prisoners upon arrival at the central prison compound are given a series of orientation lectures on the rules and regulations of the prisons by the staff of the Reception and Diagnostic Centre.

Contact with the Outside World and Books: Prisoners are allowed to receive visitors regardless of their security status at regular intervals. They are allowed to communicate with their family and reputable friends both by visitation and through correspondence. Generally, every prison and penal farm operates a small library to which each inmate is allowed access. Piped radio keeps the prisoners informed regularly of the more important items of news.

Religion: Each prison and penal farm has a prison chaplain to minister to its religious needs. Prison Chaplains provide religious services at designated times and according to a regular schedule. Institutional arrangements have made it practical for two religions to supply full-time chaplains. The Catholic and Aglipayan which has the greatest number of followers, have full-time chaplains. All other sects are allowed to minister to prisoners on a voluntary basis provided they have followers.

Retention of Prisoners' Property: Articles and money are prohibited in the prison compound. Such articles and cash are deposited in the Trust Fund as provided for in the handbook of prison rules and regulations.

Notification of Death, Illness, Transfer, etc.: Relatives of prisoners are notified in cases of death or serious illness, serious injury and removal to an institution for the treatment of mental affliction. Every prisoner is given the right to inform at once his family of his imprisonment or his transfer to another institution.

Removal of Prisoners: Prisoners who are appearing in court and are therefore transported outside the prisons are brought in conveyances with adequate ventilation and light.

Institutional Personnel: Employment is under the auspices of the Civil Service Commission and efficiency is maintained by continuous in-service training. Discipline and behaviour of officers are kept on a high level and erring personnel are removed or punished.

Inspection: Prison Inspectors are assigned to all dormitories within the prison compound to supervise institutional and custodial services being rendered.

The Philippine Correctional System believes in the guiding principles of the Standard Minimum Rules. This is indicated by the policies and measures being applied in the correctional process.

Treatment: The Reception and Diagnostic Centre as a research arm of the Bureau of Prisons seeks continuously to improve the delivery of treatment services based on the United Nations norms. The three major programs of education, religion and physical activities, allow the prison community to help inmates to become productive and better adjusted citizens of a free community.

Classification and Individualisation: In an effort to avoid overcrowding and in the interests of efficiency, inmates are classified and individualised treatment is offered. The Reception and Diagnostic Centre provides the initial findings which are used in the later deliberation of the Calssification Board and in the individual treatment of prisoners.

Privileges: Prisoners are given a number of privileges. They are entitled to a good conduct time allowance. If their services are directly needed to assist the institution, prisoners are given due compensation. If a prisoner be considered a colonist in the penal farm, he can apply to have a six hectare homestead to develop as his own.

Work: All prisoners who are confined in the minimum security institutions and camps are given the opportunity to work. Work is given a particular time schedule whereby all those physically and mentally fit are given work assignments based on their interests aptitudes and training. Those prisoners with security limitations are organised in shops and are engaged in handicrafts.

Education and Recreation: Illiterate prisoners are subjected to a compulsory Basic Literacy course. Secondary schooling is offered. Vocational courses also are encouraged and prisoners can select from the ten vocational courses which are available.

The courses and academic requirements taken in the prison are accredited by the Philippines' Ministry of Education and Culture while vocational courses being offered are supported by state-managed Manpower and Youth Council.

Social Relations and Aftercare: The prison administration has encouraged private organisations to assist in the task of helping the prisoner to achieve his own social rehabilitation. The government's Bureau of Rehabilitation also promotes this through their coordinated aftercare programs organised through several civic as well as religious organisations.

Insane and Mentally Abnormal Prisoners: Prisoners who are mentally sick are either confined in a special ward in the hospital designated for the purpose or are referred to a government mental hospital where mentally sick prisoners are placed under psychiatric management. Prisoners who are observed behaving abnormally are placed under the special supervision of a medical officer with a penal psychiatrist and psychologist assisting in the application of the treatment procedures.

Prisoners Under Arrest or Awaiting Trial: Unconvicted prisoners

are segregated from those convicted and are exempted from prison rules and regulations relating to work unless the person requests in writing that he be considered.

Civil Prisoners: The Philippines has no civil prisoners, because it has no imprisonment for debt.

In assessing therefore the extent of compliance by the Philippines with the United Nations' Standard Minimum Rules in the Treatment of Prisoners, it can be claimed that the Philippine correctional services have implemented said rules incorporating them into its system with due focus on further developments.

SINGAPORE

Singapore

QUEK SHI LEI

PRISON INDUSTRIES

Introduction – Historical Development

In the years after the end of the Second World War, the development of prison industries in Singapore grew out of *ad hoc* efforts by those who saw the long range benefits that might accrue from this new approach of reforming offenders. During these years, prison officers were also responsible for work therapy, in addition to their primary role of providing custodial and institutional care of prisoners.

It was not until 1955 when a separate Prison Industries Division within the Prisons Department was set up, thus giving a distinct structure to the role of prison industries in the rehabilitation process. This Prison Industries Division was headed by an industrial manager and assisted by a complement of craft-trained staff.

The 1960 Prisons Inquiry Commission

The rehabilitative value of prison industries was recognised by the 1960 Prisons Inquiry Commission when it recommended the following improvements:

(a) expansion of Prison Industries;

(b) strengthening and streamlining of the management;

(c) introduction of a suitable accounting system to ensure that production goes on without undue procedural difficulties; and

(d) introduction of a proper system of charging consumers, including Government departments.

The Commission's recommendations, though not fully implemented, had nevertheless, given the concept of prison industries a powerful thrust and increasing recongition and attention were given to the need to import some work skills to incarcerated persons and also to instill in them the value of work. Most of the existing industrial activities, such as wood-working, canework, printing and book-binding services, laundry services, and garment manufacturing were expanded. New ones such as concrete making, metal work and spraypainting, were added in. Some industrial activities were also duplicated in more than one penal institution to cater to the needs of the various institutions and to provide a continuity of training and work for inmates transferred from one institution to another.

The rapid industrialisation of Singapore in the 1960s had had its social effects which saw a rising trend of admissions into the prisons. Increased budget and staff were allocated to the Prison Industries Division to meet the training and work needs resulting from the increase in prison population. Because of the country's economic growth, prison industries also benefitted as more prison products and services were in demand.

The Problems of Expansion

The expansion of activities and volume of products and services in the 1960s had put a tremendous strain on the Prison Industries Division. It led the 1974 Prison Reorganisation Committee to observe that the Prison Industries had over the years been handicapped by a number of major problems. These included problems of staff, operational difficulties and inadequate workshop facilities.

The 1974 Prisons Reorganisation Committee

The Committee had emphasised that work should be the primary medium through which the rehabilitation of prisoners is to be achieved. It also noted that the enhancement of the existing skills of prisoners and the provision of Vocational and Industrial training would help prisoners in their readjustment to society and eventual rehabilitation. Work in prisons would also enable every employable inmate to be a productive, economic unit of society

and thus help him to make a contribution to the national output.

The Committee stressed that as work within the prisons had an important rehabilitative value, it was necessary that it be organised on effective and efficient lines. As mentioned earlier, the Prisons Industries Division had, over the years, been hampered by three major problems which are briefly described below.

Problem of Staff: There was understaffing in the Division, particularly in the industrial grades. The Prisons Department was not very successful in recruiting enough or qualified technical staff to train and supervise prisoners in the workshops. The failure to recruit and retain staff had to be expected because the private sector could offer far more attractive wages to industrial staff.

Operational Difficulties: The restrictive Government procedures governing procurement of raw materials and maintenance services often hampered the planning of production schedules and this resulted in the inability of the Division, on many occasions, to meet orders in time.

Workshop Facilities: Many of the workshops and industries in the prisons were developed on an *ad hoc* basis and they had increasingly outgrown the range and volume of industrial activities. Many of the workshop equipment and machinery had become obsolete and breakdowns were quite common.

Creation of a Statutory Board

The Committee examined the various alternatives of reorganising the Prison Industries Division in light of the limitations and constraints faced by the Division over the years. The Committee recommended that the Prison Industries be reorganised into a statutory board, a semi-autonomous body that would be given greater flexibility in its operations and in the provision of providing vocational and technical training to prisoners.

In August 1975, the Singapore Parliament enacted the Singapore Corporation of Rehabilitative Enterprises Act 1975, thus giving birth to the Singapore Corporation of Rehabilitative Enterprises (with the acronym: SCORE).

assembly line methods of production which were prevalent in outside industries. In short, many inmates under the past system could not adjust to the normal conditions of a manufacturing environment outside.

Changing this attitute called for a new philosophy of 'rehabilitation through work and work discipline'. Not only have the prisoners to be trained in appropriate industrial skills, they also have to be imbued with the proper work attributes required by industry. Work discipline is an important element in the rehabilitation of an offender, for, if he has had inculcated personal discipline through work, he would be able to hold on to a job on his release and this will eliminate, or at least reduce, any incentive to go back to crime.

Participation of Private Sector

The Corporation thus set the inculcation of work discipline as a prime objective. Actual working conditions are brought into the prisons. Prisoners are taught to account for their productivity, just like normal production workers. They are exposed to the daily eight-hour normal work-life (or 44 hours a week) with the introduction of modern production line methods in the prison workshops. Because the need for custody precluded prisoners from receiving on-the-job experience outside prison walls and because it was felt that private industries could offer a wider and better range of industrial activities and skills training, industries are brought in by an arrangement whereby private manufacturing companies set up factories in the prisons under the Corporation's supervision. These private enterprises provide technical know-how, supervisory staff, equipment and material. The Corporation is responsible for labour management, earnings structure, industrial safety and health, and promotions. Today, seven private enterprises have set up 13 manufacturing facilities in five penal institutions. Together, they provide employment for about 800 inmates. Their activities include the following:

(a) manufacturing of rosewood furniture – this is a very skill-intensive industry which involves intricate carving, expert staining and skilled polishing. The final products are fine, exquisite traditional antique furniture;

(b) manufacturing of wooden knock-down furniture – here considerable skills are required in operating modern wood-working machines;

(c) assembly work – such as bicycle parts assembly and electronics components assembly; and

(d) garments manufacturing – manufacturing of jeans and knitted woollen garments.

These industries complement the Corporation's traditional industries of manufacturing of cane furniture, printing and bookbinding services, laundry services, bakery, metalwork and tailoring services; some 2,500 inmates are today working in these traditional industries and in maintenance chores.

A hardworking inmate working in an industrial workshop can now earn as much as S$200 a month compared to the maximum S$40 an inmate could earn before the establishment of the Corporation. The Prisons Department has also introduced a compulsory savings scheme whereby each inmate must save at least 40 per cent of their earnings in the national Post Office Savings Bank. Immediate family members could, with consent of the inmate, draw on these savings to help their upkeep while the inmate is serving his sentence.

Investment in the Prison Work Programs

Investment in plant, equipment and facilities in the prisons during the past four years has been considerable. The private enterprises alone invested an estimated S$2 million in equipment and machinery, fixtures, and technical personnel. The Corporation and Government together contributed S$850,000 to build additional workshops. The Corporation itself spent S$1.045 million to acquire new equipment and machinery and to upgrade other existing manufacturing facilities. In fact, the Corporation, in late 1980, completely upgraded the bakery by installing new bakery equipment costing S$500,000. The Corporation will continue to upgrade its facilities from time to time.

Sale of Products and Services

The products and services generated from the prison industries are not given any preferential treatment by Government or any organisations. The Corporation competes on an equal footing like any other industrial organisation. It is a fact that productivity in the prisons, given the make-up of the labour force and the security constraints and limitations, still very much lags behind the outside industries. This lower productivity has affected, to some extent, the competitive edge of the products and services of prison industries. Still, the Corporation has been able to stand on its own by offering reliable products and services. For example, the cane products manufactured by the Corporation enjoy a reputation in Singapore for its quality and consistency.

Conclusion

With the consistent application of the philosophy of 'rehabilitation through work and work discipline' the prisoners will be able to acquire good work habits. And with the acquisition of proficiency in certain skills, a discharged prisoner will have a better chance of adjusting to an honest living outside, and ultimately, complete reform. In the years ahead, the Corporation will be upgrading the skills and abilities of prisoners even further to keep up with the fast changing social and economic landscape of Singapore.

SRI LANKA

Sri Lanka

J.P. DELGODA

PRISON INDUSTRY

In the correctional system in Sri Lanka, Prison Industry forms an integral part of the program of rehabilitation of criminal offenders. Every convicted offender sentenced to rigorous imprisonment is required to work for approximately eight hours per day. This requirement is met both in the form of vocational training in industries as well as on-the-job training in workshops. The dual objective is to train the offender in order to enable him to find employment on discharge from prison as well as to utilise his services for the State. The system in operation is the 'State use system' whereby the output of all prison labour is utilised by the State and supplies are made largely on government orders to various government departments.

As far as the accounting procedures are concerned, Prison Industries operate under the Prison Industries Advance Account with centralised control from Headquarters. Funds are provided for the purchase of raw materials under the Advance Account and the proceeds from the sales of produce are credited to the Advance Account. The annual expenditure on the operation of Prison Industries is approximately Rs.4,000,000 and annual value of output is approximately Rs.5,000,000 per year. A separate branch with an Accountant at Prison Headquarters supervises the operation of the Prison Industries Advance Account. In each prison the Superintendent and the Jailor Industries supervise the activities and accounting matters in connection with the operation of the Prison Industries Advance Account and matters in respect of the workshops in their prisons.

The Prison Industries branch operates as a separate stream throughout the department under a Superintendent of Industries who is directly responsible to the Commissioner of Prisons for all

matters pertaining to training, output and the operation of the workshops as well as the farms and agricultural outlets. In each prison the Superintendent in charge, functions in a dual capacity as the officer-in-charge of Industries as well as the officer responsible for the administration of the prison. Each prison has under the Superintendent, a separate Industries branch under a Jailor designated as Jailor Industries with a separate staff for running the Industries branch. Each industrial workshop has a Foreman, Vocational Instructors Grade I and II and Industrial Supervisors whose business it is to manage the workshop with prison labour as well as to give the prisoners vocational training.

In addition to working on the orders placed with each workshop the Vocational Instructors give classes as well as practical training for the prisoners. In many of the trade parties the training provided is largely on-the-job where the prisoner is required to work on a specific order placed with the workshop for the production or manufacture of finished goods. A system of specified tasks operates whereby each inmate is required according to his skill and degree of training to produce at the end of the day the required number of finished goods or the specified daily task.

In addition to the government orders, members of the Prison staff are allowed to place private orders with the industrial workshops. They are billed separately and the proceeds credited to the Prison Industries Advance Account. Private orders are of course very limited. The prisoners are paid wages according to a graded scheme depending on their skill and training. The wages scheme in Sri Lanka has just been revised and action is being taken to pay the prisoner a realistic wage, making allowance for the cost of his maintenance and taking into consideration the wage scales in free society.

In the work camps for short and medium-term offenders and the open prison camps for long-term offenders who are near discharge, the training is largely in agriculture and animal husbandry. These are open institutions without boundry walls and consist of several acres of land where prisoners are employed on th cultivation of paddy, vegetable and cash crops and the rearing of cattle, goats, pigs and poultry. The training provided is actually on-the-job in the maintenance of these farms which are also operated under the Prison Industries Advance Account. In the closed prisons the prisoners are employed in industrial workshops.

In the closed prisons in Sri Lanka prisoners are afforded training in nearly 20 industrial activities such as tailoring, carpentry, laundry, motor-mechanics, soap-making, coir goods and rattan goods, printing and book-binding and so on. In each of these workshops in addition to disciplinary officers there is a vocational instructor or other member of the Industries Staff.

Promotion facilities for the Industrial Staff are available from Grade II to I up to the rank of Foreman within the different workshops. The wages of these officers employed exclusively on industrial work is met under a separate project which is listed separately under the objectives of the Department of Prisons.

It will thus be seen that in Sri Lanka, Prison Industry is organised with centralised control and supervision from Prison Headquarters and the training is provided in both Industries and Agriculture in keeping with the needs of the offender, with the ultimate objective of enabling him to find gainful employment on discharge from prison and keeping him usefully employed while he is in prison.

THE PROBLEM OF REMAND PRISONERS

In Sri Lanka the law requires that the police shall not keep a person suspected of a criminal offence held in police custody for more than 24 hours. Whenever it is necessary for the suspect to be detained for more than 24 hours the police are required to produce the suspect before a magistrate together with a report of evidence available against such person and the magistrate may, by warrant addressed to the superintendent of the prison in that province, authorise the detention of that suspect in prison custody for a term not exceeding 14 days. Persons thus detained in prison are commonly described as remand prisoners.

The problem of remand prisoners continues to be the single largest problem in the correctional system in Sri Lanka. There is acute overcrowding in the prisons in Sri Lanka owing to the large number of remand prisoners. The number of remand prisoners admitted annually is nearly six times the number of convicted prisoners. The daily average number of remand persons in custody is over 50 per cent of the entire daily average prison population. Tables 1-3 are intended to give some indication of the growth of the problem during the past decade.

The foremost reason for the large number of untried offenders in Sri Lanka is the procedure adopted by the police and the ease with which the police can get suspects remanded. The police are today making maximum use of the provisions of the law whenever they cannot complete an inquiry within 24 hours and the magistrates are remanding a large number of persons pending the completion of police inquiries. In 1977 special legislation was introduced precluding bail for certain offences.

Table 1 — Number of Convicted and Unconvicted Prisoners Admitted to Prisons in Sri Lanka Annually

Year	*Number of Convicted Prisoners*	*Number of Remand Prisoners*	*Total Admissions*	*Percentage on Remand*
1970	12,416	36,730	49,146	74.7
1971	10,642	41,677	52,319	79.7
1972	18,138	58,327	76,465	76.3
1973	22,370	61,580	83,950	73.4
1974	12,067	70,880	82,947	85.5
1975	15,015	80,786	95,801	84.3
1976	12,479	64,234	76,713	83.7
1977	12,393	73,245	85,638	85.5
1978	12,005	65,948	77,953	84.6
1979	11,381	64,182	75,563	84.9
1980	11,558	64,099	75,657	84.7

Table 2 — Daily Average Number of Convicted and Unconvicted Prisoners in Sri Lanka

Year	*Daily Average Convicted Prisoners*	*Daily Average Remand Prisoners*	*Daily Average Prison Population*	*Percentage of Remand Prisoners*
1969-70	4,300	3,312	7,612	43.5
1970-71	3,800	5,061	8,861	57.1
1971-72	3,394	4,322	7,716	56.0
1973	3,505	6,332	9,837	64.4
1974	4,595	5,383	9,978	53.9
1975	5,726	4,856	10,582	45.9
1976	5,732	4,903	10,635	46.1
1977	5,161	4,732	9,893	47.8
1978	4,907	4,529	9,436	48.0
1979	5,179	6,204	11,383	54.5
1980	4,777	6,005	10,782	55.7

Table 3 – Authorised Accommodation and the Percentage of Overcrowding

Year	Daily Remand Numbers	Authorised Accommodation for Remand Prisoners	Percentage Overcrowding Among Remand Prisoners
1969-70	3,312	757	337.5
1970-71	5,061	757	568.6
1971-72	4,322	757	470.9
1973	6,332	757	736.5
1974	5,383	757	611.1
1975	4,856	757	541.5
1976	4,903	982	399.3
1977	4,732	982	381.9
1978	4,529	982	361.2
1979	6,204	982	531.8
1980	6,005	982	511.5

A recent survey has shown that there are a fair number of persons on remand who are detained for even bailable offences. Offenders of this type are those who are unable to furnish bail ordered by the magistrate or are either too ignorant or too poor to obtain the service of lawyers to seek bail. Yet another reason for the large number of remand prisoners is the fact that inadequate use is made of personal bail and the high bail often ordered by the magistrate. There is also a long delay in the disposal of cases due to frequent postponements owing to non-completion of police inquiries, the non-availability of technical reports or non-availability of witnesses. There is also the fact that the courts have not been able to cope with the tremendous increase of work which has devolved on them in recent years. There has been no corresponding increase in the number of court houses established and the result must necessarily be delay and slowing down of the process of justice.

Table 4 shows that prisons in Sri Lanka are overcrowded owing to the large number of prisoners detained on remand. This increase in the remand population is reflected among female remandees also. The daily average number of unconvicted female prisoners is nearly three times the convicted female prisoners. Normally remand prisoners should be detained in separate remand prisons, but owing to the large numbers remanded it has become necessary to detain them in separate sections of normal prisons.

Table 4 — Number of Persons held for Different Periods Awaiting Trial on a Given Date

Year	*Under 6 Months*	*Between 6 and 12 Months*	*Between 12 and 18 Months*	*Between 18 and 24 Months*	*Over 24 Months*
1970	2,713	307	122	22	21
1971	4,167	617	114	08	–
1972	1,590	545	165	37	21
1973	5,251	2,076	685	170	51
1974	6,034	1,858	416	223	1,236
1975	3,224	993	751	572	180
1976	4,199	822	350	165	152
1977	3,714	1,039	644	231	163
1978	4,661	2,118	822	694	685
1979	5,206	2,632	1,781	1,631	1,005
1980	3,848	2,004	384	219	271

This has created several problems for the administration. The segregation of remandees from convicted prisoners has been very ineffective when they are detained in the same prison. There is no effective segregation between first offenders and recidivists on remand. Even the segregation of young offenders is not very effective.

When such a large number of remand prisoners are detained, accommodation and facilities for convicted prisoners are curtailed. Even funds which could be better utilised for the rehabilitation of convicted prisoners are expended in feeding, guarding and producing in court a large number of remand prisoners. There is also the problem created by the fact that remand prisoners are not obliged to perform any kind of task and remain idle throughout the day. Just a handful of them volunteer to help in the preparation of food and maintenance work. The gravity of the problem is realised fully when one compares the remand figures in Sri Lanka with those of other countries. It is ironical that although so many are remanded, fewer than 20 per cent of remandees are eventually admitted as convicted prisoners. Although the number of remand prisoners is steadily increasing the number of convicted prisoners has been decreasing in Sri Lanka.

The gravity and implications of the problem have been brought to the notice of government and the need for coordinated action between the police, prisons and the judiciary has been pointed out. The government has appointed a special committee to look into the question of overcrowding in prisons and the recommendations of this committee are now being implemented. The committee recommended additional accommodation as well as certain proposals to reduce delays to provide for faster disposal of cases and the wider use of bail.

THE STATUS OF PRISON OFFICERS AND PRISONERS

In Sri Lanka the Prison Department is a closed service within the Public Service. This implies that the officers recruited by the Department, remain throughout in the Prison Department and are not transferable to serve in other Departments. They remain career officers of the Department of Prisons.

The Commissioner of Prisons, as head of the Department, is

responsible for appointments, dismissals, transfers and disciplinary control of all officers below staff rank in the Department. Recruitment is normally done for certain grades through the Job Bank and for other grades by direct recruitment by advertisement in the Gazette and the newspapers. Departmental Standing Orders and the Establishment Code for all public servants govern the conduct of officers in service. The Establishment Code lays down the procedure to be followed in case of violations of departmental regulations by officers. It lays down the procedure to be followed in connection with the conduct of inquiries and punishments that can be imposed.

The procedure safeguards the rights of the accused in the conduct of the inquiry. Any officer who is not satisfied with the order made by the Commissioner of Prisons has a right of appeal to the Public Service Commission which is an independent statutory body. An officer who is dismissed from the service has a further right of appeal to the Cabinet of Ministers.

Promotion from one rank to another is by seniority and merit as well as by examination. There is also direct recruitment in certain grades in order to ensure the introduction of fresh blood into the service. Thus promotion from the lowest rank of guard to overseer is by seniority and merit as well as by examination. There is no direct recruitment to the rank of overseer. However, into the next higher rank of jailor, there is promotion by seniority and merit and by examination, and also direct recruitment. Further into the next higher rank of Assistant Superintendent, promotion is by seniority and merit and also by direct recruitment. Into the higher ranks at the Department such as Superintendent, Deputy Commissioner and Commissioner, the promotions have invariably been filled by promotion although there is provision for the direct recruitment of outsiders. Therefore, the rights of promotion to higher ranks of officers within a closed service are adequately protected.

Since the establishment of the Centre for Research and Training in Corrections in 1975, all officers recruited directly are given a basic training before they are employed. Also all officers who are promoted to higher ranks are given a course of training on promotion. Prison officers in Sri Lanka are considered members of the Public Service. They are considered to be members of a uniformed, disciplinary, essential service. Very often their terms of employ-

ment and wages are comparable with those of the police force. However, the bone of contention has been that members of the police enjoy a number of fringe benefits which prison officers do not enjoy. Police officers on the contrary, point out that prison officers receive payment for overtime work while they are not paid overtime. Other fringe benefits which police officers enjoy are accelerated merit promotions, good conduct allowances and a number of special allowances for special duties. Although all clerical work in prisons are performed by uniformed officers they are not paid any special allowance.

As members of an essential service, prison officers in Sri Lanka are not permitted to form trade unions. But they are allowed to form a Welfare Association and a Mutal Benefit Association. There is also a Prison Department Recreation Club which all members of the service are required to join. There is also a Staff Welfare Unit attached to Prison Headquarters. This unit provides a counselling service and operates a death donation scheme for officers. It also operates an accident and sickness insurance scheme.

Officers who are charged departmentally, have the right to answer charges, call witnesses and cross-examine them. They also have the right to have another public officer or a retired public officer to defend them. Once the order is made by the Commissioner, they have a right of appeal to the Public Service Commission and to the Cabinet.

Housing is one of the most serious problems confronting prison officers in Sri Lanka. Government housing is available only for about 10 per cent of the officers. Housing is very expensive in Sri Lanka and police officers and prison officers are allowed a special rate for housing which is not allowed to other public servants.

However, there is one disadvantage in that there is no recognition of prison officials as professionals like lawyers and doctors. However, attempts are being made to educate the public in this direction and the establishment of the Centre for Research and Training in Corrections has helped considerably to make both officers and members of the public realise that this is a vocation for which special training is essential.

As far as prisoners are concerned, their human rights are safeguarded in the provisions of the Legislative Enactments of Sri Lanka. Their conditions of imprisonment, their diet, their clothing,

their working hours, their rights of visits and their access to lawyers are all specified in the Legislative Enactments, more specifically in the Prison Ordinance. In day to day practice the Superintendent in charge of the prison is required to visit every workshop once a day so as to be accessible to prisoners and to listen to any representations they have to make. Prisoners have also the right to petition the Commissioner, their Member of Parliament, the Minister of Justice or the President of Sri Lanka.

At all inquiries against prisoners for breaches of prison discipline, the inquiring officer who is invariably the Superintendent of Prisons is required to follow the rules of natural justice. The prisoner is allowed the right to defend himself at the inquiry and cite witnesses for the defence or cross-examine the prosecution witnesses. He has the right to appeal to the Commissioner against the punishment imposed by the Superintendent, and the Commissioner has the right to vary his punishment.

Prisoners' rights are further protected by a scheme of Local Prison Visitors for each prison. These visitors are required to visit the prison regularly and inquire into any complaints made to them by prisoners. In cases of serious breaches of prison regulations there is provision for the prisoner to be tried before a tribunal presided over by a District Judge sitting with two members of the Local Visiting Committee. Also prison superintendents have no right to order corporal punishment for any violations of prison regulations. Such punishment can only be ordered by a prison tribunal.

Remand prisoners have their rights laid down specifically. Access to lawyers, daily visits and the right to wear their own clothing are all specified. A Magistrate can remand them for a period not exceeding 14 days at a time. Even for certain non-bailable offences they have the right to appeal to the Supreme Court for release on bail. Remand prisoners are also not required to work unless they wish to do so.

A code of conduct for prison officers specifies their relationships with prisoners. They are forbidden from using excessive violence even on occasions when they are permitted to use force to quell a disturbance. There have been instances where prison officers have been charged in court for assaults on prisoners. On the contrary there are also instances where prisoners are charged for assaults on prison officers but it would appear that the relation-

ship between officers and inmates in Sri Lanka is much better than in Australia, America or England and the number of such instances is very small. This may be due to certain cultural factors which are beyond the scope of this paper.

THE PROBLEM OF DRUG OFFENDERS IN PRISONS

In Sri Lanka drug offences as well as offences connected with the sale and illicit manufacture of liquor are all classified under the heading 'excise offences'. Excise offences constitute the second largest category of offences for which persons are admitted to prisons in Sri Lanka annually. Out of approximately 12,000 persons convicted and admitted to prison nearly 2,000 were for excise offences. In addition there are also a large number of persons who are convicted and fined for excise offences. Normally persons are sentenced to prison for this category of offence only if they are repeaters or if they fail to pay the fine or if the quantity of illegally manufactured liquor or unauthorised substance caught is very large. Therefore the total number of persons convicted for excise offences is much larger than the number admitted to prison.

However, in 1980 the Prisons Department separated the statistics and found that 584 persons were admitted to prisons for offences connected with possession, sale or use of illegal drugs such as opium, ganja (cannabis sativa) or other imported drugs such as LSD. On any given date there were approximately 150 prisoners serving sentences of imprisonment offences connected with illegal drugs.

Although the actual number of convicted prisoners sentenced for drug offences in Sri Lanka is not large it is a well known fact that in Sri Lanka there is a heavy traffic inside the prisons in cannabis sativa (ganja). Searches conducted in prison invariably reveal that ganja is somehow or other being smuggled into the prisons. This is possible because there are certain dishonest officers and also because in the local set-up, there are prisoners working outside the prison who somehow smuggle the contraband into the prison. Also among contraband in the prison, the heaviest traffic is in ganja. In the recidivists' prisons it is well-known that there are hardened ganja addicts. They are often identified by the 'ganja geta' or callosities which these people are known to have and

which is commonly attributed to ganja addiction. It is well-known that in the local prison setting there is a high incidence of ganja use among prisoners.

In the past there was no separate treatment given to drug offenders. They were treated like other short-term offenders. Very often they were employed, except in the case of foreigners, in jail services labour and often in extra-mural parties on prison premises. There was no special medical or other treatment as such. They merely served their sentence or 'did their time' and went away very often to carry on the same business.

The largest number of these offenders are for possession and transportation of ganja. Opium which is largely smuggled from India does not appear to be a serious problem. Other drugs like LSD, heroin etc. are mostly used by tourists although there is evidence that in tourist areas, there are locals who are beginning to use these drugs. There are hardly any persons in prison (except when a foreigner is caught attempting to smuggle such items) for possession or sale of these drugs.

Recently, however, plans have been prepared to start a separate unit in Colombo for the location and treatment of drug offenders in prison. All persons convicted for drug-related offences throughout the island will be brought to this unit to serve their sentence. This separate unit will provide for treatment, work therapy and aftercare of those sentenced to prison for drug-related offences.

THAILAND

Thailand

DEPARTMENT OF CORRECTIONS

PRISON INDUSTRY

Aims and Objectives

In order to combine the rehabilitative and punitive ideologies of the treatment of offenders, all convicted prisoners in the Thai corrective system are assigned to engage in certain prison works operated in institutions. During 1980 there were approximately 45,000 convicted prisoners engaged in more than 20 types of prison work. The aims of the working programs provided in institutions throughout Thailand are to instill in prisoners good working habits, to provide basic skills in a trade which will assist them in earning a living after discharged, and to make the best possible economic use of prison labour. The Department of Corrections accepts three major assumptions in planning and developing its prison industry programs:

(1) upon release, the ex-prisoners would be less likely to return to crime if they earn a legitimate living;

(2) the inmates' employment potential would be increased if they had work skills for which there is a ready demand; and

(3) these work skills could be provided through effective institutional trade training programs.

The Department of Corrections encourages all penal institutions to set up the prison work programs within its institution. In order to establish the prison work programs in certain institutions, the following criteria have to be taken into consideration:

Table 1 – Number of Prisoners Engaged in Prison Works Throughout Thailand in 1979 and 1980

Type of Work	*1979 Number*	*1980 Number*
1. Carpentry, Wood Work	17,236	18,235
2. Wood and Bamboo Craft	16,934	17,642
3. Tailoring	1,475	1,302
4. Leather Work	543	514
5. Welding	276	279
6. Mat Making	1,302	1,423
7. Agriculture	1,792	1,834
8. Prison Employment	2,139	2,342
9. Miscellaneous	1,577	1,823
TOTAL	43,274	45,394

(a) Skill, knowledge and intelligence of the inmates in the institution.

(b) Background and the former environment of the inmates before being confined in the prison.

(c) The location of the institution itself.

(d) The industrial safety in the workshop and the custodial security.

(e) Supply of raw materials for the prison industries.

(f) The profitability of the prison industries.

Apart from the above criteria, the following details of the prison work programs have to be examined closely before establishment.

(1) The type of industries.

(2) The objective of the program.

(3) The location of the workshop within the prison.

(4) The labour force in the institution.

(5) The equipment for the prison works.

(6) Budgeting.

(7) Annual estimated revenue.

(8) The operation scheme.

The General Character of Thai Prison Industry

Prison industry in Thailand is closely linked to vocational training, although the emphasis is more on productive capacity than on providing programs of training for the inmates. In other words, the organisation of prison work in Thai prisons puts maximum emphasis on industrial productivity. Since 1971, the Department of Corrections has put forward a prison products exhibition as a yearly activity. Productivity is now monitored and to a certain extent targets for each unit are set.

Prison industry in Thailand is operated on the basis of institutional investment. Lacking a supportive budget from the government, Thai penal institutions have to struggle independently for investment capital. So prison work is not assumed to be simply a way of keeping prisoners occupied but a greater performance emphasis has been imposed upon productivity.

Table 2 – Revenue Received from Prison Industries Throughout Thailand for Fiscal Year Ending 1979 and 1980

	Type of Work	*1979 Babt*	*1980 Babt*
1.	Carpentry, Wood Work	24,376,542	28,326,436
2.	Wood and Bamboo Craft	24,923,476	27,432,645
3.	Tailoring	21,376,475	19,436,745
4.	Leather Work	2,367,544	1,463,093
5.	Welding	278,253	324,609
6.	Mat Making	2,765,036	2,864,341
7.	Agriculture	7,649,643	8,474,308
8.	Labour Employment	4,343,564	3,943,743
9.	Miscellaneous	3,242,377	3,674,364
TOTAL		89,322,910	95,910,284

Incentive Payment Scheme

Every prisoner and officer who engages in prison industries receives incentive payment according to a Ministry of Interior Regulation 1978 which has been exercised under the Prison Act 1936. In accordance with this regulation, net profit will be distributed to prisoners, officers and the institution as follows:

A. Fifty per cent of the net profit will be shared among the prisoners who engage in prison works according to their working performances and classes. However, the regulation has approved the principle of incentive payments up to a maximum of 12 units of the distributed net profit.

The major categories of working performance which are taken into consideration under this system are as follows:

(i) The prisoner who performs an excellent category will be paid up to a maximum of six units of the distributed net profit.

(ii) The prisoner who performs a good category will be paid up to a maximum of four units of the distributed net profit.

(iii) The prisoner who performs a fair category will be paid up to a maximum of two units of the distributed net profit.

The major categories of prisoners' class which are taken into consideration under this system are as follows:

(i) The excellent class prisoner will be paid up to a maximum of six units of the distributed net profit.

(ii) The very good class prisoner will be paid up to a maximum of five units of the distributed net profit.

(iii) The good class prisoner will be paid up to a maximum of four units of the distributed net profit.

(iv) The fair class prisoner and the detainee will be paid up to a maximum of three units of the distributed net profit.

(v) The bad class prisoner will be paid up to a maximum of two units of the distributed net profit.

(vi) The worst class prisoner will be paid up to a maximum of one unit of the distributed net profit.

B. Fifteen per cent of the net profit of the prison products will be distributed to the officers who engage in the prison work. This 15 per cent of the net profit will be paid to the officers by taking their duty and the responsibility into consideration.

According to the regulation of the incentive payment scheme, the major categories of duty of the officers under this system are as follows:

(i) The officers who are assigned directly for both controlling and instructing in the prison work program will be paid up to a maximum of six units of the distributed net profit.

(ii) The officers who are assigned indirectly for both controlling and instructing in the prison work program will be paid up to a maximum of four units of the distributed net profit.

(iii) The officers who are assigned directly only for controlling or instructing in the prison work program will be paid up to a maximum of four units of the distributed net profit.

(iv) The officers who are assigned indirectly only for controlling or instructing in prison work will be paid up to a maximum two units of the distributed net profit.

The major categories of responsibility of the officers under this incentive payment scheme are follows:

(i) The superintendent or the officers at the same level of responsibility will be paid up to a maximum of six units of the distributed net profit.

(ii) The senior officers will be paid up to a maximum of four units of the distributed net profit.

(iii) The junior officers will be paid up to a maximum of three units of the distributed net profit.

Hence, the regulation has approved the principle of incentive payment for both the prisoner and the officers who engage in prison work up to a maximum of 12 units of the 50 per cent and 15 per cent of the net profit respectively.

C. Thirty-five per cent of the net profit will be reserved for future capital investment.

Expansion Program

An expansion program for prison labour has been exercised under the Prison Act 1936 (the 4th amendment in 1980). This specific act authorises the Department of Corrections to employ prison labour for public and community work projects outside the institutions. The scheme has seen significant progress since mid-1980. The employment of prison labour under this scheme covers the various types of public and community works including: drainage pipe installing and cleaning, shelter construction, public park maintenance, etc.

During August 1980 and June 1981, 1,179 convicted prisoners from 25 institutions were employed under 38 public and community work projects for various public sector organisations with a total value of 10,442,000 Baht. Slightly different from other prison work programs, the prisoners who engaged in this scheme would obtain not only the incentive payment but remission of sentence as well.

Some Difficulties of Thai Prison Industry

The major difficulties of prison industry are as follows:

(1) Limitations of the prison industry budget. Generally, in the rather small prison, the prison industry budget does not start off with sufficient money to set up enough working programs to usefully employ all prisoners willing to work.

(2) Insufficient number of industrial instructors. In order to meet the increasing demand for professional competence in the management of the systems, a great number of both instructors and supervisors for prison industries are needed.

(3) The prisoners are an unskilled workforce. It is not unusual that the skill levels of the prisoners engaged in prison industries are very low mainly because the prisoners are typically uneducated, lacking in vocational skill, and often have a history of chronic unemployment.

(4) The markets for prison products are very limited. It is inevitable that prison industries will not be as productive as comparable enterprises outside.

REMANDS

Excessive Number of Remand Prisoners in Thai Prisons

On any particular day over the last five years, there were in Thai Prisons approximately 15,000 unconvicted prisoners out of a total population of 70,000 prisoners. That makes slightly more than 23 per cent of the total prison population. Although the number of both convicted and remand prisoners in 1980 had doubled from the previous 10 years, the proportion of prisoners on remand has remained constant.

During the last 10 years the number of remand prisoners in Thailand has been steadily increased as illustrated in Table 3.

Remand prisoners who are under the supervision of the

Table 3 – The Ratio of Convicted and Remand Prisoners Confined in Penal Institutions Throughout Thailand from 1971 to 1980

Year	*Convicted*	*Remand*	*Total*	*Percentage of Remand to Convicted*	*Percentage of Remand to Total*
1971	30,751	8,279	39,030	27	21
1972	34,867	8,702	43,569	25	25
1973	35,136	11,758	46,894	33	25
1974	45,723	12,760	58,483	28	22
1975	42,254	14,455	56,709	34	25
1976	46,459	15,556	62,015	33	25
1977	49,875	14,415	64,290	29	22
1978	51,820	15,275	67,095	29	23
1979	51,241	16,388	67,629	32	24
1980	58,320	16,260	74,580	28	22

Department of Corrections are mostly confined in the remand section of penal and correctional institutions. These include the central prison, special prisons, provincial prisons, district prisons, the correctional institution for women and young offenders, and the rehabilitation centres for drug addicted offenders. Because of overloading of the courts, remand prisoners may wait many months or years for the hearing of even relatively trivial charges.

According to the provision of the Prison Act 1930, remand prisoners shall be kept separately from convicted prisoners. For a long time the Department of Corrections has encouraged all penal and correctional institutions to set up special sections within their walls for the confinement of remand prisoners. However, this arrangement within institutions has brought up several management difficulties.

Recently, a special place of detention for remand prisoners has been established. At the moment, there are 19 special prisons for remandees spread in nine regions throughout the country.

Among these 19 special prisons, there are only three major institutions which have been operated purely as remand prisons. These maximum security institutions receive mostly pre-trial and awaiting trial persons from the courts in three regions of Thailand.

(1) Bangkok Metropolis Special Prisons. This historical institution of Bangkok was converted to a remand

prison in 1973 for pre-trial and awaiting trial persons from the courts in Bangkok Metropolis.

(2) Pitsanuloke Special Prison was established in 1978 for remand prisoners in the Northern region.

(3) Songkhla Special Prison was established in 1974 for remand prisoners in the Southern region.

The Supervision of Remand Prisoners

Similar to other countries, remand prisoners are legally treated differently from convicted prisoners. According to the criminal code, remand prisoners are presumed to be innocent until found guilty and shall be treated without restrictions. The Prison Act 1936 is considered the major provision regarding the handling of remand prisoners. Under Section 11 of this act, the Minister of the Interior is empowered to discriminate among classes of prisoners and specify conditions for transferring from one kind of class to another by way of promotion or retrogression as well as different treatment to be attributed to prisoners. In order to do so the remand prisoners shall, as far as possible, be kept separate from convicts.

In practice, housing the remand prisoners in the penal institutions in Thailand as specified in the act is not realistic, mainly because of the excessive number of remand prisoners as well as the prison population. Up to this stage, only a small fraction of remand prisoners are confined in the 19 special prisons. The figures are illustrated in Table 4.

Regarding work, most of the remandees are retained for maintenance work which includes cooking, cleaning, and general care of the institution. However, remand prisoners are not required to work but they have the option of employment and those willing to work are given the opportunity to do so. The provisions dealing with work for remand prisoners are different from convicted prisoners. These differences are specified in Sections 22 and 23 of the Prison Act 1936 as follows:

Section 22: Convicted prisoners shall have to work according to the order of the prison official.

Table 4 — The Remand Prisoners Confined in 19 Special Prisons for January 1981

Name of Special Prison	*Number of Remand Prisoners*
Central Region	
Bangkok Metropolis	1,104
Nontha-Buri	63
Samuthprakarn	194
Meenburi	47
Eastern Region	
Chachaung Sao	61
Chonburi	177
Lower Northeastern Region	
Ubon Rachathanee	36
Nakorn Rachasrima	190
Upper Northeastern Region	
Udornthanee	38
Khon Khan	101
Upper Northern Region	
Chiang Mai	205
Lum Pang	64
Chiang Rai	80
Lower Northern Region	
Pitsanuloke	64
Nakhonsawan	143
Southwestern Region	
Nakhonpathom	83
Rachaburi	99
Upper Southern Region	
Nakhonsrithammaraj	298
Lower Southern Region	
Songkhla	99
TOTAL	3,146*

* About 20 per cent to the total number of remands. The total number of remands at the same period was approximatley 16,000.

Section 23: Detained persons and entrusted persons, including remandees, shall have to work only in so far as such work concerns their cleanliness or health, or the sanitary conditions in any part of the prison.

Any prisoners (including remand prisoners) who desire to do other work may be allowed to do so. Similarly to convicted prisoners, remand prisoners engaging in prison work would be paid an incentive payment according to their working performance.

Conclusion

Awaiting trial in custody – apart from disrupting the accused person's family life and his employment, and costing the government money – is said to raise the chances of innocent persons learning criminal behaviour within the institution. Remand prisoners have brought a great burden to the corrective service system in Thailand in both rehabilitative and custodial senses. The problem of handling the excessive number of remand prisoners might be endured if non-custodial punishment for trivial charges and speedy trial were practised and accepted in the judicial process. In summary, the greatest difficulties concerning remand prisoners is the large number of them compared to available facilities. It is very hard for institutional management to keep remand prisoners completely separate from convicted prisoners. However, at this stage, the rights and privileges of remand prisoners are widely recognised and respected within the corrective service system in this country.

THE STATUS OF PRISON OFFICERS AND HUMAN RIGHTS IN THAILAND

The Scope of Human Rights in Criminal Justice

This paper is intended to cover only human rights in criminal justice. Individual rights are protected by the Constitution and other laws, particularly discrimination on the grounds of race, colour, sex, language, religion, political or other opinion, nationality or social origin, property, birth or other status.

Human Rights and The Constitution

The Constitution of the Kingdom of Thailand provides the basic principles of protection of human rights in the administration of criminal justice as follows:

(1) A person shall not be criminally sanctioned unless he commits acts considered offences with penalties by the law enforced at the time of the commission of such acts, and the penalties imposed shall not be heavier than those prescribed by such law.

(2) In criminal cases, the suspect or accused person is assumed to be innocent. Such a person shall not be treated like a convicted person unless the final sentence is so passed.

(3) A person is entitled to all the freedoms relating to this body. Arrest, custody, or seizure of body irrespective of cases shall not be allowed unless so authorised by the provisions of laws.

(4) In cases when the suspect or accused person in criminal cases is indigent so as to secure a legal defence lawyer, such person is entitled to legal aid.

(5) Any person who suffers criminal penalties by final sentence and is found innocent in a retrial is entitled to compensation and restoration of all the rights forfeited as a consequence of the sentence.

Human Rights and the Criminal Procedure Code

The Criminal Procedure Code of Thailand provides measures of human rights protection of the suspect as follows:

(1) No means of restraint shall be applied to an arrested person more than is necessary to prevent his escape.

(2) An application for provisional release, without bail or with bail, with or without security, of an alleged offen-

der or accused, whether kept in custody or detained under a warrant of detention, may be filed by the alleged offender, accused or any interested person.

(3) The inquiry official has the power to summon to appear before him at the time and place specified in the summons, the injured person or any person where there is reason to believe that his testimony may be useful to the case. Such person shall then be examined. In such examination, the inquiry official may require the person giving testimony to take an oath or make an affirmation before giving testimony; and the provisions of this Code governing oral evidence shall also be complied with. No inquiry official shall advise, discourage or use any fraudulent means to prevent any person from making any statement of his own free will.

(4) When the alleged offender is summoned or brought or appears voluntarily before the inquiry official or when a person appearing before him happens to be the alleged offender, the inquiry official shall ask his name, surname, nationality, protection, parentage, age, profession, place of residence and place of birth, and inform him of the offence charged, and he shall be made aware than whatever he shall say may be used as evidence against him in his trial. Any statement voluntarily made by him shall be noted down. If the alleged offender is unwilling to make any statement, this shall also be noted down.

(5) No inquiry official shall make or cause to be made, any deception, threat or promise to any alleged offender inducing such person to make any particular statement concerning the charge against him.

(6) Any material, documentary or oral evidence likely to prove the guilt or the innocence of the accused is admissible, provided it be not obtained through any inducement, promise, threat, deception or other unlawful means; such evidence shall be produced in

accordance with the provisions of this Code or other laws governing production of evidence.

(7) Execution of imprisonment may be suspended until the cause of suspension has ceased in the following cases:

(a) when the accused is insane;

(b) when it is feared that the life of the accused will be endangered by imprisonment;

(c) if the accused is pregnant for seven months or over; and/or

(d) if the accused has given birth to a child and a period of one month has not yet elapsed.

Pending such suspension, the Court shall order an administrative or police official to arrange for the keeping in custody of such person in a suitable place.

(8) 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 counsellor in charge of the Ministry of the Interior.

Human Rights and the Penitentiary Act 1936

In accordance with the constitutional protection whereby the accused in criminal cases shall be presumed innocent, such persons shall not be treated as offenders. Therefore the Penitentiary Act 1936 provides means of human rights protection in prisons as follows:

(1) The suspect or accused person shall as far as possible, be kept separately from convicts.

(2) Convicts shall have to work according to the order of the prison official, but the suspect or accused person

shall have to work only in so far as such work concerns their cleanliness or health, or the sanitary conditions in any part of the prison. Persons detained pending determination of appeal or dika may be subject to work for the better maintenance of the prison. Any prisoner who desires to do other work may be allowed to do so.

(3) Ways and means of treatment of prisoners confined in Thai penal institutions have been set forth in the Penitentiary Act of 1936. Most provisions of the Act are in accordance with the United Nations Standard Minimum Rules for the Treatment of Prisoners. For instance, Section 10 of the Penitentiary Act provides that the medical officer shall see and examine every prisoner upon his admission to the institution and that the medical officer shall regularly inspect the hygiene and sanitation of the institution, etc. Procedures and practices which are recommended by the Standard Minimum Rules but are not provided in the Act have also been practically complied with to the extent permitted by national resources and circumstances.

(4) The Penitentiary Act provides that the Minister of the Interior shall appoint prison inspection committees responsible for supervising and giving practical suggestions on matters relating to correctional activities.

Civil Service Status of Prison Officers

(1) Prison officers of Thailand are under the Department of Corrections, Ministry of Interior. They have the status of civil servants.

(2) Prison officers will be recruited under the rules of the Civil Act 1974 by means of competitive examination.

(3) Prison officers have security of tenure but subject only to good conduct and physical fitness.

(4) Prison officers have permanent status and are entitled

to the advantages of a civil service career like other civil servants, such as the chance of promotion, social security allowances or retirement and pension benefits.

Recruitment of Prison Officers

(1) The Department of Corrections is particularly careful in the recruitment of prison officers, selecting only persons having the requisite qualities of integrity, humanitarian approach, competence and physical fitness.

(2) Before making a permanent appointment candidates must serve about six months probation to allow the competent authorities to form an opinion of their character and ability.

(3) Before commencing duty, prison officers will be given a short course for orientation in general and specific duties. After they have served a period of one year or more, they will be given a three months course for in-service training, and they shall maintain and improve their knowledge and professional capacity by attending other courses of in-service training to be organised at suitable intervals.

Prison Officer Discipline and Human Rights in Prison

(1) There are two acts concerning discipline of prison officers in using their authority against offenders. It is the Civil Act 1974 and the Prison Discipline Act 1939 and certain rules under those laws.

(2) In order to supervise and give practical suggestions to prison officers in using their actions under the laws and rules, the Department of Corrections has two committees. The first committee is appointed by the Minister of the Interior, which consists of representatives from various ministries and departments, such as the Ministry of Justice, Ministry of Agriculture, Ministry

of Health, and the Public Prosecutor. The second committee is departmental; it is composed of the Deputy Director-Generals and Directors of divisions, and also there is a group of six inspectors who are in charge of inspections of institutions in each region throughout the country.

PRISONERS' EXCHANGE ARRANGEMENTS IN THAILAND

The Desirability and Incentive Factors

The idea of prisoners exchange arrangements has been introduced to Thailand since late 1976, after the treaty of exchange of prisoners between the United States and Mexico entered into force. The scheme for arrangement was first initiated by the American Consul, the Department of Corrections and the Ministry of Foreign Affairs who shared experiences in handling a number of foreign prisoners confined in the penal institutions of Thailand. After visiting the foreign prisoners at Klong Prem Central Prison from time to time, the American Consul has made several recommendations to the Department of Corrections on matters of treatment of foreign prisoners in the said institution. Along with those recommendations, the treaty between the United States and Mexico on the execution of penal sentences which was signed in Mexico City in November 1976 was also tabled. And the Department of Corrections was encouraged to put forward a similar scheme for exchange of prisoners with the United States.

Upon consideration of the recommended treaty and all the circumstances, the Department of Corrections and the Ministry of Foreign Affairs decided to support progress towards such an agreement with those countries with foreign prisoners in Thailand. And, in order to support the scheme for exchange of prisoners, the Department of Corrections also put forward certain principles for such agreement. Those principles partly derived from the United Nations Standard Minimum Rules and the Recommendations from the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in Caracas in August 1980. The principles which serve as a guideline for exchange of prisoners arrangements are as follows:

(1) The exchange of prisoners shall be commenced by a request from the government of which the prisoners are the citizens or nationals.

(2) The exchange of prisoners shall only be effected under approval by the government of the transferring country.

(3) The probability that exchange of prisoners will contribute to the social rehabilitation of the prisoner or otherwise be in his best interests.

Apart from these principles, there were also other incentive factors for the prisoners exchange scheme. Those incentive factors are as follows:

(i) To develop humane and effective rehabilitation in the correctional system. Prison work and vocational training are assumed to have value simply as a way for prisoners to maintain a good life and good working habits in the society. So it would be desirable to have the prisoners confined and rehabilitated in the country of his own.

(ii) To improve good relations with the country which offers an entering into such agreement.

(iii) To bring about international cooperation on matters of corrective service in accordance with the recommendations of the United Nations. The treaty of exchange of prisoners was widely encouraged among the United Nations members in the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in Caracus in August 1980.

(iv) To reduce the number of foreign prisoners. With the increasing number of foreign prisoners confined in Thailand, the special arrangements and treatment for foreign prisoners would be economised by expediting transfer of the foreign prisoners back to their home countries.

The number, status, and the type of offence of foreign prisoners confined in the institutions in Thailand are as shown in Tables 5-7.

Table 5 – Number of Foregin Inmates who are Detained in 31 Institutions Throughout Thailand by Nationality for Year Ending 31 December 1980

The United States	30	Burma	83
Italy	28	Lao	47
France	27	Cambodia	3
Australia	17	Malaysia	14
West Germany	10	Singapore	6
England	12	Hong Kong	10
Israel	3	Japan	5
Canada	10	India	5
Spain	5	Nepal	4
Netherlands	2	Bangladesh	2
New Zealand	8	Vietnam	5
Portugal	2	Sweden	3
Switzerland	8	Others	8
Austria	2		
China	38	TOTAL	397

Table 6 – Status of Foreign Inmates in Thailand for Year Ending 31 December 1980

Convicted	273
Pending Appeal	29
Awaiting Trial	64
Pre-trial	31
TOTAL	397

Table 7 – Type of Offence of Foreign Inmates in Thailand for Year Ending 31 December 1980

Drug Law violation	231
Illegal Immigrant	72
Arm and Explosive Matters Law violation	32
Crime against property	66
Crime against persons	14
Miscellaneous	31
TOTAL	446

The Chronological Steps Toward the Exchange of Prisoners

Although the concept of exchange of prisoners in Thailand was first introduced by American authorities, the scheme of exchange of prisoners between Thailand and the United States had not been initiated until 1980.

In July 1978 the Canadian Embassy in Bangkok proposed an arrangement for entering into an agreement for exchange of proisoners through the Ministry of Foreign Affairs. The Canadian authorities also informed that Canada had already made such an agreement with the United States and Mexico. After considering the proposal, the Ministry of Foreign Affairs and the Ministry of the Interior decided to call for a committee for setting up a guideline for drafting the treaty. The committee consisted of representatives from the Ministry of Justice, the Ministry of the Interior, the Ministry of Foreign Affairs and the Office of Juridical Council. At the same time, the Ministry of Foreign Affairs proposed that Cabinet examine whether the Thai representatives would be permitted to negotiate with the Canadian authorities on the exchange of prisoners. After reviewing the proposal, Cabinet agreed in principle and permitted the Thai authorities to negotiate with the authorities of any country who proposed to enter into an agreement on the exchange of prisoners.

In order to set up a guideline for negotiating with Canada on the exchange of prisoners, the Ministry of Foreign Affairs had formed a working group to draft the treaty. In November 1978, a draft treaty between Thailand and Canada on the Execution of Penal Sentences was completed. The draft treaty permitted citizens of either nation who had been convicted in the courts of other countries to serve their sentences in their home country. In each case, the consent of the offenders as well as the approval of the authorities of the two governments would be required. The committee agreed to have the Ministry of Foreign Affairs propose the draft to the Canadian authorities in order to arrange for negotiation. But, up till now, no further actions have been taken.

It was in October 1980 that the United States authorities informed the Thai authorities, after their reviewing the Thai draft treaty proposed by the Ministry of Foreign Affairs, that the United States Government would like to enter into an agreement for exchange of prisoners with the Thai Government. Most of the draft treaty was acceptable to the United States. So, in November

1980, the Thai delegation led by Mr Dhavee Choosup, Director-General of the Department of Corrections, and the delegation of the United States led by Mr Robert Dalton, Assistant Legal Advisor of the Department of State, met in Bangkok to discuss cooperation in the execution of penal sentences. The two delegations worked out the draft treaty between the Government of Thailand and the Government of the United States and agreed to submit the final draft treaty to their government for consideration.

The ideology of the draft treaty reviews the consideration of laws and regulations in force regarding law enforcement of the two countries and the desirability of enhancing their cooperative efforts in law enforcement and the administration of justice. It also expresses the desire for cooperation in the execution of penal sentences by enabling prisoners to serve sentences of imprisonment or parole or supervision in the country of which they are nationals, where such service of sentences wold be likely to facilitate successful reintegration into the society.

According to the draft treaty, the two delegations have agreed on the following provisions:

(1) The prisoners who are entitled to exchange under the treaty must be convicted prisoners who, in the territory of either country, have been convicted of a crime and sentenced either to imprisonment or to a term of conditional release, parole, probation or some other form of supervision without confinement.

(2) The offence for which the prisoner was convicted and sentenced in one country is one which would also be punishable as a crime in the other country if such an offence had been committed in that country.

(3) The prisoner is a national of the receiving country and not a national of the transferring country.

(4) There is at least six months of the prisoner's sentence remaining to be served at the time of the request for transfer.

(5) That no further or other legal proceedings relating to

Conclusion

Although the scheme of exchange of prisoners arrangements in Thailand has come up to the stage of draft treaty negotiation to certain agencies of the criminal justice system, as well as to a certain part of public opinion, the concept of exchange of prisoners is still strange and unwelcome. Transferring foreign prisoners to their own countries is considered as a sort of lenient treatment of the Thai jurisdiction toward foreign prisoners. Another weak point of the idea of exchange of prisoners is the lack of evidence to show that the treaty would provide advantages to Thai prisoners who serve their time in the countries in which the confinement facilities are considered more advanced and modern than in Thailand. Besides, there is also the ambiguity about the jurisdictional procedures for this specific arrangement and the legal effects after the transferring of the prisoners to their own countries. In summary, the concept of exchange of prisoners in Thailand at present is still at the stage of 'wait and see' which is mainly because of the lack of acceptance by certain parts of the criminal justice system and by the general public as well.

THE PROBLEMS OF DRUG OFFENDERS IN THAI PRISONS

For many thousands of years man has been involved with various kinds of drugs. Use of narcotics is not a recent phenomenon. The earliest usage of opium is said to be prior to 2,000 years before the birth of Christ. In the seventh century after Christ, the poppy plant was used by the Assyrians in a solution for eye wash and for plasters. In the seventeenth century opium smoking became popular at all levels of Chinese society. It was also used for sniffing or eating and even as suppositories. Cocaine was the first local anaesthetic that was discovered and used as such in Vienna in 1884. Some of the historical events cited above indicate that the use of drugs has been around for a very long time. This may be reinforced by Glatt's statement that:

> Man has employed drugs since time immemorial in an attempt to banish pain and discomfort, to attain a state of oblivion, or alternatively euphoria or ecstasy, or to get away from unpleasant reality into a much more agreeable state of phantasy.

If we look at most societies at present we will see that drugs

are playing an important role in our lives because several kinds of drugs are available in a medicine-box in nearly every house. Drugs can be used for many purposes as it has been stated that, 'We have pills to sedate us when we are nervous, excite us when we are dull, slim us when we are fat, fatten us when we are thin, wake us when we are sleepy, put us to sleep when we are awake, cure us when we are sick, and make us sick when we are well.' It is apparent that drugs have infiltrated nearly every part of our lives. Some of these drugs being unduly or arbitrarily used without a proper medical direction may ultimately lead to drug abuse which has been one of the most important social problems for several decades.

Drug abuse has become a serious and growing problem for almost every society especially in the United States of America, Thailand and other countries where 'black markets' of illicit drugs are abundant. In fact, it might be said that the drug problem has infiltrated every sector of our society. Moreover, in any country where poppy plants and cannabis sativa are cultivated, and where most drugs are still freely available and can be bought at any local chemist without prescription, such as Thailand, the problem of drug abuse will apparently become much more serious and widespread. It was approximated that in 1973 there were more than 300,000 drug addicts in Thailand. Though definite numbers of drug addicts are not yet available at present, it has been estimated that there are not fewer than 500,000 persons.

In Thailand, drug addiction or drug abuse has not only been widespread among normal people in the society, but it has also spread into many prisons and correctional institutions. The number of drug addicted prisoners rose from 1,631 in 1959 to 8,811 in 1980. The ever increasing numbers of drug addicted prisoners have become a major obstacle in prison administration, especially in the field of treatment and rehabilitation.

In Thailand, 140 categories of drugs have been declared illicit by laws, the details of which may be seen in Annex I. Both drug trafficking and drug consumption are illegal and are liable to severe punishments which range from six months to capital punishment. The Central Bureau of Narcotics Control Board was established in 1961 in order to cope with the increasing narcotics problem and many Narcotics Acts were also revised with the aim of imposing more severe penalties on both drug trafficking and drug consumption. Although the penalties are very severe, the

problem of drug addiction has not yet been solved.

Since opium smoking was declared illegal in 1959, the number of opium addicts has not decreased, but on the contrary has increased year by year. Moreover, heroin which was first found in Thailand on 3 May 1960 has taken the place of opium and the number of heroin addicts grew rapidly within a short period. Moreover, there has been thriving illicit trafficking in drugs, with large numbers of addict-crimes and widespread drug abuse among juveniles. In Thailand, every kind of drug can be easily purchased from any local chemist without a prescription. Even though the sale of prohibited drugs is illegal, they are still available and can be secretly purchased at a normal price especially the Chinese heroin. This drug and cannabis are also very popular among prisoners and their prices in prisons are several times higher than the normal price. This has attracted some groups of people, especially prison guards, to smuggle them into prisons. Other drugs whch have been occasionally found among prisoners are tranquillisers, meprobamates and barbiturates. In addition to the drugs, the inhalation of chemical substances including glue, gasoline, alcohol and other volatile solvents is also very popular among prisoners and has become a problem in correctional administration.

The number of offenders who commit offences against the narcotics law has increased rapidly. The Department of Corrections, realising the ever-increasing number of drug offenders and also the special treatment of these inmates, constructed the first Rehabilitation Centre for Drug Addicted Offenders at Thanyaburi, Prathoomthani Province in 1963 which was in operation by February 1965. This institution is intended to serve as a rehabilitation centre for drug addicted prisoners sentenced to prison terms of two months to three years from prisons all over the country who suffer from withdrawal symptoms and need long-term specialised care and treatment. The main objective of the centre is to treat and reform the convicted addicts so that they become law-abiding citizens and lead more industrious and positive lives when released. The centre is almost exclusively for drug addicts and those who commit the offences of possessing or using narcotic drugs. The capacity of the centre is about 1,500 inmates. However, owing to the widespread use of narcotics and the ever-increasing number of drug offenders, five more centres were later established in several parts of the country, including one remand centre for drug

Table 8 – Number of Drug Offenders in Thailand between 1974-1981

Year	*Inmates*
1974	7,069
1975	6,633
1976	8,394
1977	8,632
1978	9,980
1979	9,217
1980	8,811
1981	8,319

Source: Department of Corrections, Thailand

offenders in Bangkok and also one women's centre. Each centre has a capacity of 1,000 to 1,500 inmates.

The treatment programs provided in these centres are as follows:

Medical Treatment: For those who are heavily addicted and suffer from severe withdrawal symptoms, tranquilisers and sedatives are used. The average period of detoxification in severe and chronic cases is about a week, but it may range from one or two days to three or four weeks. Methadone is only used as a last resort where there is no other alternative to save an inmate's life during his acute withdrawal phase. Other complications from drug addiction are also treated at the same time by full-time physicians who work in the centres.

Educational and Vocational Training Programs: Inmates who are illiterate will be provided with several levels of adult education under the cooperation of the Ministry of Education. At the end of each year they can sit for final examinations and certificates will be given to those who pass the exams. Several kinds of vocational training such as carpentry, rattan and bamboo work, metal work, tailoring and embroidery, engine repair, barbering, farming and animal husbandry are also provided for inmates according to their fitness and willingness. The aim of the training is to provide them with a work skill in order that they can find a job more easily on release.

Religious Training: Inmates are also encouraged to attend any kind of religious activity according to their beliefs. For those who are Buddhists, some priests and preachers or chaplains from the Thai Buddhist Association and other organisations are also invited to give them special lectures. Moreover, three grades of Buddhist religious training courses are also provided for the inmates who want to study. Those who pass the exam at the end of each course are awarded with certificates.

However, in dealing with drug offenders many problems still occur which may be summed up as follows:

1. The Rather High Rate of Recidivism: Although several kinds of treatments are provided for drug offenders in the centres, the rate of recidivism is still rather high. In 1981, it was 36.18 per cent. This may result from the lack of community treatment or intensive aftercare program. Before 1978, the inmates were released immediately after the termination of their terms of sentences. On release, they can go anywhere they want and are free from supervision. Even though the staff have some reasonable grounds to believe that an inmate has not yet given up his drug-abuse habit at the termination of his term of imprisonment, they have no power to detain him any longer.

According to the Criminal Law, a drug offender must be released immediately when his term of sentence ends or else the authority is liable to be prosecuted. Although a sentence remission system has been brought into operation by the Penitentiary Act of 1978 which enables release before the termination of their sentences and placement under supervision for a period of time (not more than the termination of their original sentences), the effectiveness of the treatment cannot be evaluated in the near future. Owing to the shortage of correctional staff, especially social workers, voluntary social workers have been used in the supervision of those released under the sentence remission system. Since this kind of work is still quite new and most of the voluntary social workers are not accustomed to it, so a period of time is needed to enable them to work more effectively. The Department of Corrections is trying hard to promote the ability and effectiveness of voluntary social workers. Many seminar courses have been arranged for the voluntary social workers in several places all over the country.

However, it is remarkable that the period of supervision may be too short and is not adequate for supervision. Moreover, after the end of the period, the inmates are no more under the supervision. They can go anywhere they want and do whatever they like including return to their drug-abuse habits. Since narcotics may be easily purchased in the society, the high rate of recidivists can be expected. In order to cope with this problem, the period of compulsory supervision must be expanded for at least one or two years regardless of the termination of their sentences. In doing this, many laws have to be revised. However, the Narcotics Act of 1979 has enabled the Criminal Court to inflict more severe punishment on the offender who offends for the second time. But for those who commit the offence for the third time, after the termination of their sentences the authority is empowered to detain them in a treatment institution which is especially established in order to receive treatment until it is apparently assured by the authority that they have fulfilled all the requirements needed for the treatment. This measure may be useful for dealing with recidivists, but for first offenders, community treatment or intensive aftercare programs are needed. These have not yet been introduced by the Government.

2. The Availability of Narcotics in Society and Correctional Institutions: Although severe punishments have been used as an important legal measure in coping with the problem of drug addiction, it has not yet been eradicated. This measure has been criticised by Ploscowe:

> It is doubtful whether drug addicts can be deterred from using drugs by threats of jail or prison sentences. The belief that fear of punishment is a vital factor in deterring an addict from using drugs rests upon a superficial view of the drug addiction process and the nature of drug addiction. . . Severe penalties and strict enforcement may deter or discourage some drug peddlers. But there will always be others attracted by the lure of the large profits to be made in the drug traffic. . . it is the belief of the author of this report that no matter how severe law enforcement may be, the drug traffic cannot be eliminated under present prohibitary repressive statutes.

This criticism may be true in the case of Thailand where severe punishments have been used but many narcotic drugs, especially heroin, are still available in society as well as in some correctional institutions. As long as narcotic drugs are still abundant in the

society, it is impossible to prevent them from being smuggled into prisons since a large amount of profit from the trafficking will surely attract most of the prison guards whose incomes or salaries are usually very low. Though the Department of Corrections has tried its hardest to suppress trafficking by using strict legal and disciplinary measures on the traffickers, it is still available in some prisons and correctional institutions. Plenty of prison guards, who are concerned with trafficking are also dismissed each year. In order to cope with this problem, strict measures have to be used and closer cooperation must be gained from all related organisations in prevention and suppression.

3. Problem of Management Occuring from Foreign Drug Offenders: It is remarkable that the steady increase in drug or narcotic offenders, both consumers and traffickers, may result from the fact that narcotics, especially heroin, opium and marijuana in Thailand, are very cheap when compared with those of western countries. This situation has induced many foreigners especially the westerners to come to Thailand in order to buy narcotics at cheap prices or to make a lot of profits by smuggling them for selling in their own countries. In 1981, 291 foreign drug offenders were captured and detained in several correctional institutions the details of which may be seen in Table 9.

In dealing with these foreign drug offenders, many problems have arisen both to the offenders and to the Department of Corrections. For the offenders, they have to suffer from their living conditions inside prisons. Since they cannot speak Thai and are not accustomed to Thai food and way of life, they cannot contact both Thai inmates and prison officers and have difficulty eating and sleeping on mats. Moreover, the problem of their families' visits is also a crucial one. These situations have caused a lot of trouble and anxiety to them and are not good for their rehabilitation. On the other side, the language barrier has also deterred the Department of Corrections from rehabilitating and instructing them to work. This situation has caused an unfairness among Thai inmates since all of them have to work according to the Penitentiary Act. In order to alleviate the problems, the Department of Corrections has allowed them to cook or to buy their own meals, to wear their own clothes and to bring in their own mattresses.

Table 9 – Numbers of Foreign Drug Offenders in Thailand in 1981

Countries	*Inmates*	*Countries*	*Inmates*
U.S.A.	43	Argentina	2
France	39	Denmark	1
Italy	34	Peru	1
Australia	22	Finland	1
Germany	14	China	34
Canada	13	Malaysia	11
Switzerland	13	Hong Kong	8
England	11	Japan	5
Spain	11	Burma	3
Sweden	5	India	1
Netherland	4	Iran	1
Israel	3	Albania	1
New Zealand	3	Singapore	1
Greek	2	Bahrain	1
Portugal	2	TOTAL	291

Source: Department of Corrections, Thailand

Table 10 – Prison Populations in 1980

Categories	*Inmates*
1. Convicted	55,839
2. During Appeal	2,481
3. During Trial	9,225
4. During Investigation	7,035
5. Others	163
TOTAL	74,743

Source: Department of Corrections, Thailand

Table 11 – Categories of Offences of Convicted Inmates in 1980

Categories	*Inmates*
1. Offence against property	28,524
2. Offence against life	6,971
3. Offence against body	2,218
4. Narcotic offence	8,811
5. Sex offence	1,997
6. Others	7,308
TOTAL	55,839

Source: Department of Corrections, Thailand

ANNEX I

List of Illicit Drugs as Declared by Thai Laws

1. Heroin
2. Acetorphine
3. Desomorphine
4. Etorphine
5. Ketobemidone
6. Acetyldihydrocodeine
7. Acetylmethadol
8. Allylprodine
9. Alphacetylmethadol
10. Alphameprodine
11. Alphamethadol
12. Alphaprodine
13. Anileridine
14. Benzethidine
15. Benzylmorphine
16. Betacetylmethadol
17. Betameprodine
18. Betamethadol
19. Betaprodine
20. Bezitramide
21. Clonitazene
22. Coca Leaf *Erythroxylon coca lam*
23. Cocaine
24. Codeine
25. Codoxime
26. Concentrate of poppy straw
27. Dextromoramide
28. Diampromide
29. Diethylthiambutene
30. Difenoxin
31. Dihydrocodeine
32. Dihydromorphine
33. Dimenoxadol
34. Dimephetanol
35. Dimethylthiambutene
36. Dioxaphetyl butyrate
37. Diphenoxylate
28. Dipipanone
39. Drotebanol
40. Ecgonine
41. Ethymethylthiambutene
42. Ethylmorphine
43. Etonitazene
44. Etoxeridine
45. Fentanyl
46. Furethidine
47. Hydrocodone
48. Hydromorphinol
49. Hydromorphone
50. Hydroxypethidine
51. Isomethadone
52. Levomethorphan
53. Levomormide
54. Levophenacylmorphan
55. Levophanol
56. Metazocine
57. Methadone
58. Methadone-Intermediate
59. Methyldesorphine
60. Methyldihydromorphine
61. Metopon
62. Moramide-Intermediate
63. Morpheridine
64. Morphine
65. Morphine Methobromide
66. Morphine-N-Oxide
67. Myrophine
68. Nicocodine
69. Nicodicodine
70. Nicomorphine
71. Noracymethadone
72. Norcodeine
73. Norlevorphanol
74. Normethadone
75. Normorphine
76. Norpipanone
77. Medicinal Opium
78. Oxycodone
79. Oxymorphone
80. Pethidine
81. Pethidine-Intermediate-A
82. Pethidine-Intermediate-B
83. Pethidine-Intermediate-C
84. Phenadoxone
85. Phenampromide
86. Phenazocine
87. Phenomorphan

ANNEX I — continued

88. Phenoperidine
89. Pholcodine
90. Piminodine
91. Piritramide
92. Propiram
93. Proheptazine
94. Properidine
95. Recemethorphan
96. Recemoramide
97. Recemorphan
98. Thebacon
99. Thebaine
100. Trimeperidine
101. Dextropropoxyphene
102. Sufentanil
103. Tilidine
104. Cannabis (*Cannabis sativa L. and Cannabisindica Auth.)*
105. *Mitragyna speciosa* Korth
106. Acetic Anhydride
107. Acetyl Chloride
108. DET
109. DMHP
110. DMT
111. LSD
112. Mescaline
113. Parahexyl
114. Psilocine or Psilotsin
115. Psilocybine
116. STP or DOM
117. Tetrahydrocannabinol all Isomers
118. Amphetamine
119. Dexamphetamine
120. Methamphetamine
121. Methylphenidate
122. Phencyclidine
123. Phenmetrazine
124. Secobarbital
125. Methaqualone
126. Amobarbital
127. Cyclobarbital
128. Glutethimide
129. Pentobarbital
130. Meprobamate
131. Amfepramone
132. Barbital
133. Ethchlorvynol
134. Ethinamate
135. Methylphenobarbital
136. Methyprylon
137. Phenobarbital
138. Pipradrol
139. SPA
140. Diazepam Injection

ACCREDITATION AND INTERNATIONAL STATUS

This sub-paper dealing with accreditation and international status is intended to serve two main purposes. The first is to provide information on the extent of the implementation of the Standard Minimum Rules for the Treatment of Prisoners in Thailand at the present time. The second purpose is to propose views and opinions for further discussion in relation to the implementation of the Rules.

In this country, the Rules are fully supported in principle but in practice they are partially applied. The difficulties in implementing the Rules are of different kinds and of varying degrees of gravity.

The problems, some of which might be indigenous to this contry while others might not be dissimilar to those of other countries in the region, arise largely from the following factors: ambivalent attitude of the public toward offenders; lack of adequate community participation in correctional work; lack of a humanitarian movement for penal reform; insufficient number of more enthusiastic and more enlightened correctional administrators; lack of bona fide supporters who are in a position to introduce changes in correctional practice; limited resources with regard to funds, trained or specialist personnel as well as physical facilities; correctional programs are given too low a priority; legal and administrative rigidities; significance of the Rules is not appreciated; and overcrowding in prisons.

In spite of the problems outlined above, continuous efforts are being made by the Department of Corrections to overcome these difficulties in the knowledge that the Rules represent, as a whole, the minimum conditions accepted as suitable.

Relating to the extent of implementation of the Rules in Thailand, it is important to note that the Rules have been translated into the official language since 1961 – only six years after they were adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders in 1955. The Rules are now also used as materials for staff training and development in addition to their availability in all the penal and correctional institutions throughout the country.

It should be noted here also that more and more attention has been paid to community-based alternatives as a means to reduce the prison population so that greater care can be given to those

who deserve institutional treatment. This makes it more feasible for the Department to observe the Rules in a more precise way.

It is, therefore, difficult to escape the conclusion that full implementation of the present Standard Minimum Rules is less likely to occur in the near future. This is due not to irrelevance of the Rules but to various obstacles already discussed.

The question of implementation of the Rules deserves serious consideration. Presently, most countries are not in a position to implement all the provisions fully. The need for the revision of the Rules was raised by the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders held at Geneva, Switzerland in 1975. It was concluded that:

(a) The Standard Minimum Rules were a vital document.

(b) The failure in many regions to implement the Rules resulted from economic constraint, from the overcrowding of institutions, from the lack of availability of trained staff, from cultural difference among the regions of the world, and from the fact that at the time of the adoption of the Rules in 1955 there were only 50 member states, while the total today was nearly 150. Thus, all current member states did not have the opportunity to collaborate in the formulation of the Rules.

(c) The Rules should not be substantively revised because by doing so would tend to reduce their influence in bringing about necessary changes in prison administration in some parts of the world.

There are at present two opposite views relating to the problem of implementation. One favours slight revision to make the Rules more relevant to various places and modern times. The questions of application derive principally from a lack of resources. There would be no problems in applying the Rules if resources permitted, even in the poorest countries.

The other argues in support of substantial revision to meet changing circumstances in the rapidly changing world. In their own words, they contend, 'Minimal adjustment of the Rules is

totally inadequate. We are in new times, with new attitudes and priorities, so that the document needs serious and substantial revision.' According to this radically-changed view, there is a need for a new look at the total penal structure and at the criminal justice structure as a whole and the present Rules must be redrafted in such a way that their effect is heightened and diffused over larger numbers and types of persons and conditions.

Both points of view are logically sound in argumentation. The view opposing substantial change is more realistic in its approach to the problem of implementation. The present Rules which have been adopted for almost 30 years now still fall far short in practice. The newly-redrafted Rules might complicate the problems already existing in implementation of the present Rules rather than resolving them.

In relation to implementation of the present Rules, the Thai Department of Corrections proposes that:

(a) The present Rules need some modification or adaptation to changing circumstances to be more relevant to conditions in most countries of the region. This calls for a research study to identify the specific areas in which change might be needed.

(b) To ensure better implementation of the Rules in the region, funds and technical assistance should be readily available for countries in need of them.

(c) To enhance the international status of the Rules which are now generally accepted as being good principles and practice in the treatment of prisoners and the management of institutions, consideration should be given to the possibility of converting the Rules into a convention which will be binding and enforceable.

In conclusion, the present Standard Minimum Rules in this country are highly respected in principle and practice although their full implementation has been hampered by difficulties of different kinds and of various degrees of graveness. To overcome the problem of inadequate implementation of the present Rules in the region, it is recommended that some slight modification of the

Rules is required and a research study should be carried out to highlight needed changes, that funds and various kinds of assistance should be made available for countries in need of them, and that if it is appropriate and feasible, it is advisable that the Rules be transformed into a convention with binding effect.