Developments in prison and probation practice

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Abstract

In this article, recent developments in prison and probation practice are investigated on their consequences for the future. Traditionally, prisons locked up offenders in isolation from society, whereas probation controls offenders living in society. Modern prisons try to bridge the gap between prisoners and society. Current developments in prison and probation practice in different countries are ordered along different dimensions: the individual offender and his social network, the institutional environment, the professional context, national regulations, and the political/societal context. At all levels, interactions can be found indicating intertwinement of prison(er)s and society in the near future.

Key Words: prisons of the future, comparative analysis, alternatives to detention, reentry society

1. Introduction

Public opinion polls usually show strong feelings of citizens with regard to prisons and offenders. There still is a public call for locking up offenders and using prisons as a first resort. The public image of prisons is hardly based on facts or personal experiences. For citizens and the public in general, it is difficult to find out what is taking place behind the walls of prisons. In other words, 'prison is hidden from the public view' (Wilson, 2014: 86).

Goffman (1961) was one of the first authors who tried to disclose the black box of prisons. He analysed what was going on in prisons and other 'total institutions'. Amongst others, he found that in prison practice, an 'upper' world and an 'underworld' can emerge. The upper world corresponds to the formal prison rules and prisoners adaptation to these rules. The underworld relates to the informal culture and informal networks that emerge within the prison, between prisoners mutually and in their relation to staff. Goffman designated the behaviour of prisoners in the 'upper world' as primary adaptation and the behaviour of prisoners in the 'underworld' as secondary adaptation.

From Goffman's analysis, as well as from studies hereafter on prisoners experiences (e.g. Liebling, 2011), it can be learned that prison practice can differ from formal prison policy. In

other words, the 'espoused policy' differs from the 'theory-in-use' (cf. Argyris and Schön, 1974; Schön and Rein, 1994). In this article, we try to reconstruct the theory-in-use of prison and probation practice.

The article is based on the results of the European project Prisons of the Future. The project aimed to get insight into developments in current prison and probation practices in different European countries. Developments were analysed in order to assess promising practices and to attain challenges for the future.

The project started in 2014 and ended in Spring 2016 with a final working conference[1] and a final report (Joldersma, 2016). Prison and Probation Services in Sweden, Denmark, Finland, Belgium, and The Netherlands contributed to the project. The project was organised as a participatory policy analysis (Geurts and Joldersma, 2001), consisting of three working sessions and a final working conference. The contributing countries composed national teams, consisting of a policy maker, a prison governor, and a scientist. Also a team from the Confederation of European Probation (CEP) participated in the project as well as the executive director of EuroPris. Additionally, an expert team was established.[2]

This article analyses and reflects upon developments observed in these five North-West European countries in order to understand their implications for prisons of the future. Firstly, the model for comparative analysis is introduced. Subsequently, the project results are illustrated along the layers of the model. The article ends with an impression of the future landscape of prison and probation practice.

2.   Comparative analysis of prison and probation practice

During the project, we learned that it is not so easy to get insight into developments in current prison and probation practices in different European countries. There are so many aspects and elements that can be taken into account, so that the overview and focus on what really matters can be lost easily. Additionally, looking back at the recent past, we did not find real new developments, but mostly evolutionary and incremental changes in our prison and probation practice. We also realised that, sometimes, we were not aware of our own tacit and implicit underlying assumptions. What is common in our own country can be different in another country.   Consequently, we had to find a 'common language' to discuss our prison and probation practice with people from different countries with different backgrounds, focusing on different levels of abstractions.

Analysing and comparing current developments in prison and probation practice, we searched for underlying patterns and principles of the theory-in-use in prison and probation practices. In order to compare developments in prison and probation practice in many countries, it became clear that more than one dimension has to be taken into account. The multi-layered socio-ecological model of Bronfenbrenner (1994) was helpful in considering many dimensions of prison and probation practice. Bronfenbrenner's model was originally developed to understand the child's development in relation to different contexts. The socio-ecological model distinguishes the contexts of: the child, its micro system (i.e. daily

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[1] Summary of the final working conference of Prisons of the Future 2-4 March 2016: www.Europris.com/projects.
[2] The expert team consisted of Alison Liebling (UK), expert on moral quality of prison life; Eric Maes (Belgium), expert on electronic monitoring; and Bas Vogelvang (The Netherlands), expert on probation and circles of accountability and support.

environment); the mesosystem (i.e. the combination of daily environments), the exosystem or indirect environment, and the macro system. Oberwittler (2005) used Bronfenbrenner's model to explore how social exclusion can affect people. Here, we use the model to explore how developments in prison and probation practice influence the intertwinement between prison(er)s and society. The following contexts can be distinguished: the individual offender; his social network; the institutional context of applied sanctions; the professional context of the national prison and probation service; the criminal justice law and other regulations; and the political/societal context (see Figure 1).

Each layer is more comprehensive than the previous one. Between the layers, forward and backward influences occur. The different layers are explained as well as illustrated by the project results in the next sections.
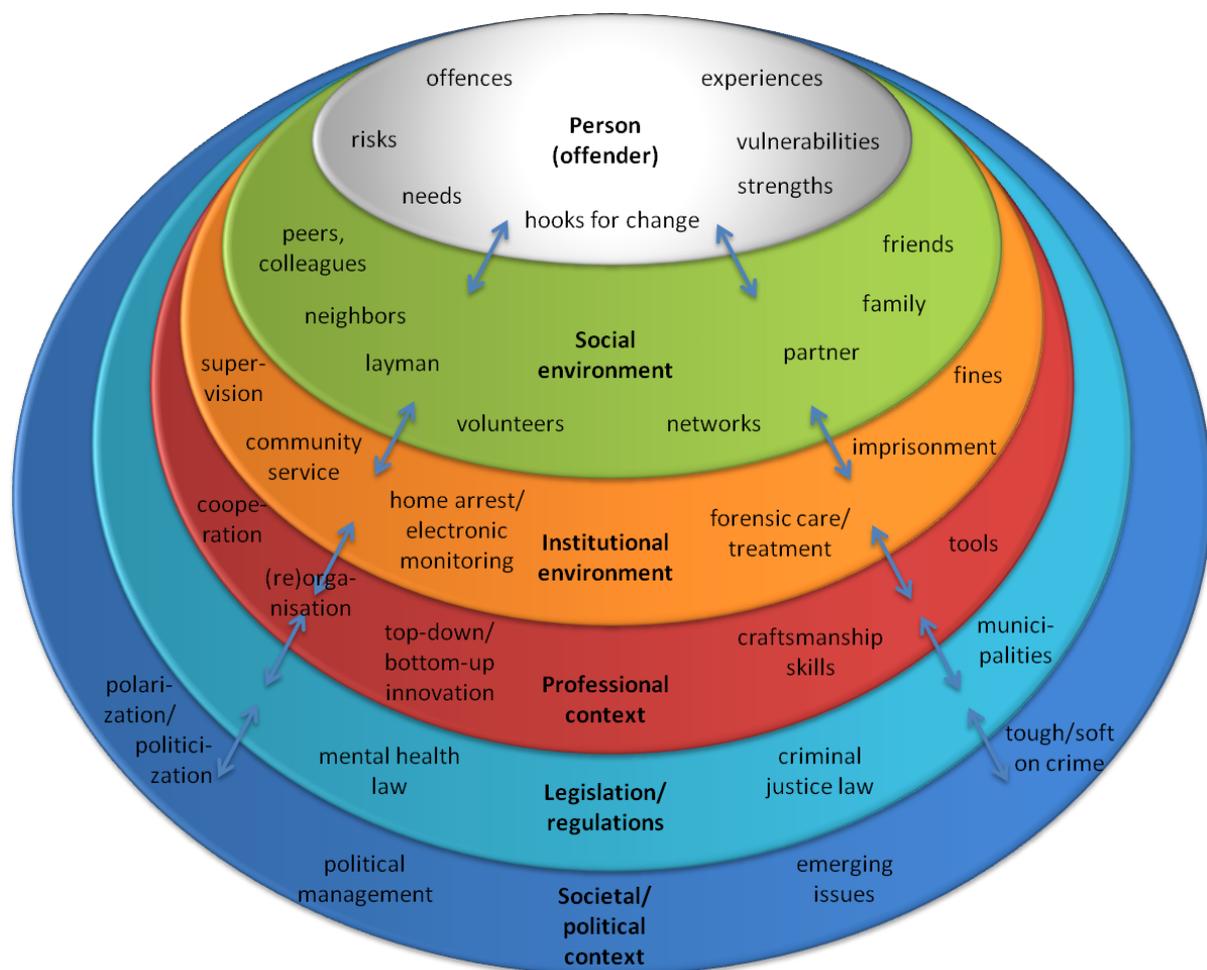
Figure 1 Different interrelated contexts with regard to prison and probation practice
(Final Report, Prisons of the Future, 2016: 146)

3. Offenders and their social network

The first layer of prison and probation practice concerns the offender. Different characteristics of the offender can be taken into account, such as risks and needs, and offenders experiences of pain of imprisonment (i.e. prisons moral quality of life). Attention

can also be given to personal development issues such as self-direction, motivation, and possibilities for change. The second layer of prison practice concerns the offender's social network.

In practice, we found that not all these characteristics of prisoners and their social networks are taken into account. Most countries focused primarily on prison and probation rates. Prison rates differ per country. Whereas in Denmark prison population remained stable over time in the last years, the number of prisoners decreased in Finland, Sweden, and The Netherlands. The Belgian prison population gradually increased and overcrowding is still an issue to solve for the Belgian government. The general trend in European countries seems to be that the number of clients of probation service is still increasing.

It is increasingly recognised that current prisoners have more complex problems and are more in need of support and treatment than in the recent past. Many prisoners are vulnerable, due to suffering from addiction and mental disorders. Also, the most 'dangerous' offenders can be found in prison. A more complex prison population can partly be explained by the fact that offenders of light offences are able to stay out of prison due to alternative measures, such as community service. However, in countries like Finland and The Netherlands, still a large part of the prison population consists of short term prisoners.

More and more, prison practice seems to adjust to personal characteristics of offenders. In the countries that were studied, prisoners have personal sentence plans or 'detention and reintegration plans'. Each prisoner has his own personal plan with activities during the day and preparations for reentry in society. Until now, the plans still primarily focus on criminogenic needs and risks; there is still less attention for desistance factors and opportunities for change and restoration.

Additionally, offenders are more and more stimulated to keep or enlarge their societal responsibilities and social identities. One of the focal points for prisoners is to get along with family contacts and relational issues. Family contacts are facilitated by Skype and, for example, PrisonCloud, as in the new Belgian prisons.

A challenge for the near future is to realise more and more personalised trajectories for prisoners facilitating desistance and promoting rehabilitation. Personal development and self-direction can be keys for future trajectories in which prisoners and their natural network are enabled to take the lead.

4.   Institutional environment

The third layer of prison and probation practice concerns the kind of sanctions and measures that have been applied to the offender, be it forensic care/treatment, electronic monitoring, detention, fines, suspension, probationary supervision and/or community service.

In due course of time, we found that only a few alternatives to imprisonment come to the fore in prison and probation practice in different countries. Currently, the most favourite alternatives to detention in the five European countries are community service and electronic monitoring. Traditionally, community service emerges as a sanction for light offences in particular. Probation, more and more, replaces and complements imprisonment. In comparison to 'real' imprisonment, probationary supervision can be viewed as 'virtual'

imprisonment, in which offenders stay in society and are controlled at a distance. Nowadays, probationary supervision as well as electronic monitoring are frequently used as alternative, autonomous stand alone sanctions. Probationary supervision also accompanies many of the other alternatives to detention. Forensic care and treatment are one of the alternative sanctions that are used in different countries more or less intensively. The increased use of probation can be a result of net widening and can broaden the impact of the criminal justice system.

In practice, it was found that alternatives to detention are not mutually exclusive and are used in combination with each other. Additionally, alternative sanctions are used as a front-door option or a back-door option for shortening prison time. Consequently, prisons are getting more open and community sanctions are more and more accompanied by probationary control.

In all countries involved in the project, particular attention is given to penitentiary labour or possibilities for work outside prison. Also, other activities are taking place in relation to the outside world, such as restorative justice activities and penal mediation (e.g. mediation between offender and victim as proposed by the Public Prosecution Service) in Belgian prisons. More and more, prison service does not take anymore, the full responsibility of prisoner's lives, but provides 'leftovers', to be divided between the prisoner, his family and other network partners. Consequently, in the course of time, the difference between detention, implying exclusion from society, and community sanctions, implying inclusion in society, seem to disappear more and more.

A challenge for the near future is to create more opportunities for prisoners to get (virtual) access to the outside world. Belgium wants to make more use of the opportunities of technology, such as in the field of healthcare (e.g. monitoring blood pressure). In Denmark, a more victim-based approach in the execution of sentences is expected.

5.   Professional context

The fourth layer of prison practice concerns the (national) prison and probation service. We found that what matters is professional development of skills and tools of staff as well as organisational developments, such as (re)organisation, cooperation and inter-agency collaboration.

In many countries, reorganisations of prison and probation services have taken place.[3] The countries involved in the project, emphasise the need for cooperation and (inter-agency) collaboration with municipalities and network partners, such as non-profit organisations. Also, in addition to prison professionals, volunteers are involved in prison and probation practice, such as layman probation supervisors in Sweden. In many countries, (ex-)prisoners are supported by volunteers in their reentry into society. A promising practice is the circles of support and accountability (COSA), in which volunteers control and support sex offenders during their reentry in society (Höing, Bogaerts and Vogelvang, 2013. The volunteers are coached by professionals.

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[3] Contribution of CEP to the working sessions of Prisons of the Future, based on a small survey amongst their members.

In addition to prison and probation staff, professional staff of other network partners in care and safety are involved in prison and probation practice. One of the innovations, in Sweden as well as in The Netherlands, is to improve case management. For example, in The Netherlands, a pilot has taken place in cooperation with local municipalities and care providers.

During detention, a case manager from inside the prison, together with a case manager from one of the network partners, assist the prisoner in carrying out his reintegration plan. As a consequence, prison and society become reconnected.

Nowadays, professionalisation of prison concerns staff and management skills with regard to particular innovations and interventions, such as evidence-based interventions, educational opportunities within prisons, case management, and inter-agency collaboration. A challenge for the near future, is to train staff in applying skills derived from desistance theory. Part of the training can be establishing a positive working alliance and being aware of the risk of becoming too instrumental with regard to applying instruments and techniques. Another challenge is professional staff development in issues of understanding and dealing with (cultural) diversity. Staff should also be supported in handling radicalisation issues (Joldersma, 2016: 83).

6.   Societal and political context and legislation

The fifth layer of prison practice concerns changes in criminal justice law and regulations with regard to related systems, such as (mental) health care and civic law. Changes in law influence the other layers, such as the kind of sanctions that can be applied and possibilities for reintegration activities. The sixth layer of prison practice concerns political and societal developments. What matters is the political culture and the level of polarisation and politicisation of prison and probation issues. Consequently, prison and probation practice can be viewed as part of larger societal transformations.

In the Swedish contribution to the project, it was put forward that an upcoming issue is whether the assumed Scandinavian exceptionalism (Shammas, 2014; Joldersma, 2016: 85) will continue in the near future. In the recent past, the political will and consensus in Finland and the reasonable role of media enabled to decrease the prison population. The Danish team (Joldersma, 2016: 83) expects that in the near future, the political focus might shift from alternative sanctions and resocialisation to a greater focus on public protection. Politicians can become more 'tough on crime' and the increased need of efficiency may influence focus and direction of prison and probations work. Consequently, Scandinavian societies may be more diverse and less predictable than in the recent past.

In Belgium and The Netherlands, new measures in prison practice are introduced, that are inspired by public security as well as by extending prisoners reintegration activities and contacts with the outside world. Main concepts behind the Belgian Act on the Principles of Prison Administration are standardisation, rehabilitation/reintegration and restorative justice, and maintaining order and security. One of the measures is PrisonCloud in which prisoners get virtual access to the outside world (Joldersma, 2016: 122). In The Netherlands, a so-called 'plus-program' has been introduced with more opportunities for activities outside the cell. Dutch prisoners are encouraged to show appropriate behavior in order to attain privileges. Subsequently, a pilot hasstarted in which network partners are invited to do their work inside the prison (Joldersma, 2016: 129-136). Together, these kinds of measures broaden the continuum

between closed and austere prisons and community based sanctions. Subsequently, the demarcated tasks of prison and probation service in relation to municipalities and local authorities and (forensic) care providers blur.

A challenge for the near future is how basic general values, such as public safety, punishment, reintegration, restoration and humane treatment, will be balanced in prison and probation practice. An increasing political focus on efficiency and evidence-based research can be accompanied by an increased application of alternatives to detention, due to their efficacy (Joldersma, 2016: 82). However, due to public emotions, politicians can feel the pressure to increase punishments and tighten the rules and promote imprisonment as the appropriate, ultimate sanction (Joldersma, 2016: 57).

6.   Conclusions and Discussion

Current changes in prison and probation practice and challenges for the near future can be analysed along the layers of a socio-ecological model as presented in this article.

With regard to the prisoner and his social network, personalised trajectories for offenders are expected as well as more involvement of the offender and his social network. The institutional boundaries between prisons and alternatives as community sanctions and probation are less demarcated. Cooperation between prison and probation services and other agencies will increase as well as cooperation between prison staff, volunteers, and other (health care) professionals. However, in the political/societal environment of the near future, current coalitions and perspectives can become less stable and related emerging political issues can influence politicians views with regard to penal and probation policy. Due to forward and backward influences between the layers of the model, and, each next layer being more comprehensive than the previous one, the most comprehensive layer, the societal/political context can influence the other layers. Consequently, prison and probation practice can become more dependent on polarisation and politicisation of crime issues and related issues.

The national prison and probation services offer a professional context for applying imprisonment and probationary supervision in practice. National prison and probation services have a crucial position between offering service to offenders (layer of the institutional environment) as well as implementing penal and probation policy (layers of regulation and societal/political context) (Joldersma, 2016: 145). They can reconcile needs of offenders and needs of victims and can use their discretionary power in either a more conservative or a more innovative way to (re)connect prison(ers) and society.

Where prison boundaries seem to become less rigid and more permeable to society, prison(er)s and society can become more intertwined. The start of detention also demarcates the start of reintegration. In this regard, prisons of the near future could be rebranded as desistance centres, where prison and probation services work closely together.

References

Argyris, C. and Schön, D. A. (1974). *Theory in practice: increasing professional effectiveness*, San Francisco: Jossey Bass. *www.actiondesign.com/assets/pdf/AScha3.pdf*

Bronfenbrenner, U. (1994). Ecologic models of human development. *In International Encyclopedia of Education*, 3. 2nd Ed, Oxford: Elsevier.

Goffman, E. (1961). *Asylums: Essays on the social situation of mental patients and other inmates*. England: Penguin Books.

Geurts, J. L. A. and Joldersma, C. (2001). 'Methodology for Participatory Policy Analysis', *European Journal of Operational Research*, vol. 128, pp. 300-310.

Höing, M., Bogaerts, S. and Vogelvang, B. (2013). Circles of support and accountability: How and why they work for sex offenders. *The Journal of Forensic Psychology Practice*, *13*(4), 267-295.

Joldersma, C. (Ed) (2016). *Final Report Prisons of the Future*, DJI: The Hague.

Liebling, A. (2011). 'Moral performance, inhuman and degrading treatment and prison pain.' *Punishment and Society,* vol. 13, pp. 530–550.

Oberwittler, D. (2005). 'Social Exclusion and Youth Crime in Europe: The Spatial Dimension', Presentation, held at the *Fifth Annual Conference of the European Society of Criminology*, 31 August to 3 September, Krakow, Poland.

Schön, D. A. and Rein, M. (1994). *Frame Reflection: toward the Resolution of Intractable Policy Controversies*, Basic Books: New York.

Shammas, V. L. (2014). 'The Pains of Freedom: Assessing the ambiguity of Scandinavian penal exceptionalism on Norway's Prison Island', *Punishment and Society*, vol. 16, January, pp. 104-123.

Summary of the final working conference of Prisons of the Future 2-4 March 2016. www.Europris.com/projects.

Wilson, D. (2014). *Pain and Retribution: A short History of British Prisons, 1066 to the Present,* London: Reaktion Books.