
CORRECTIONS

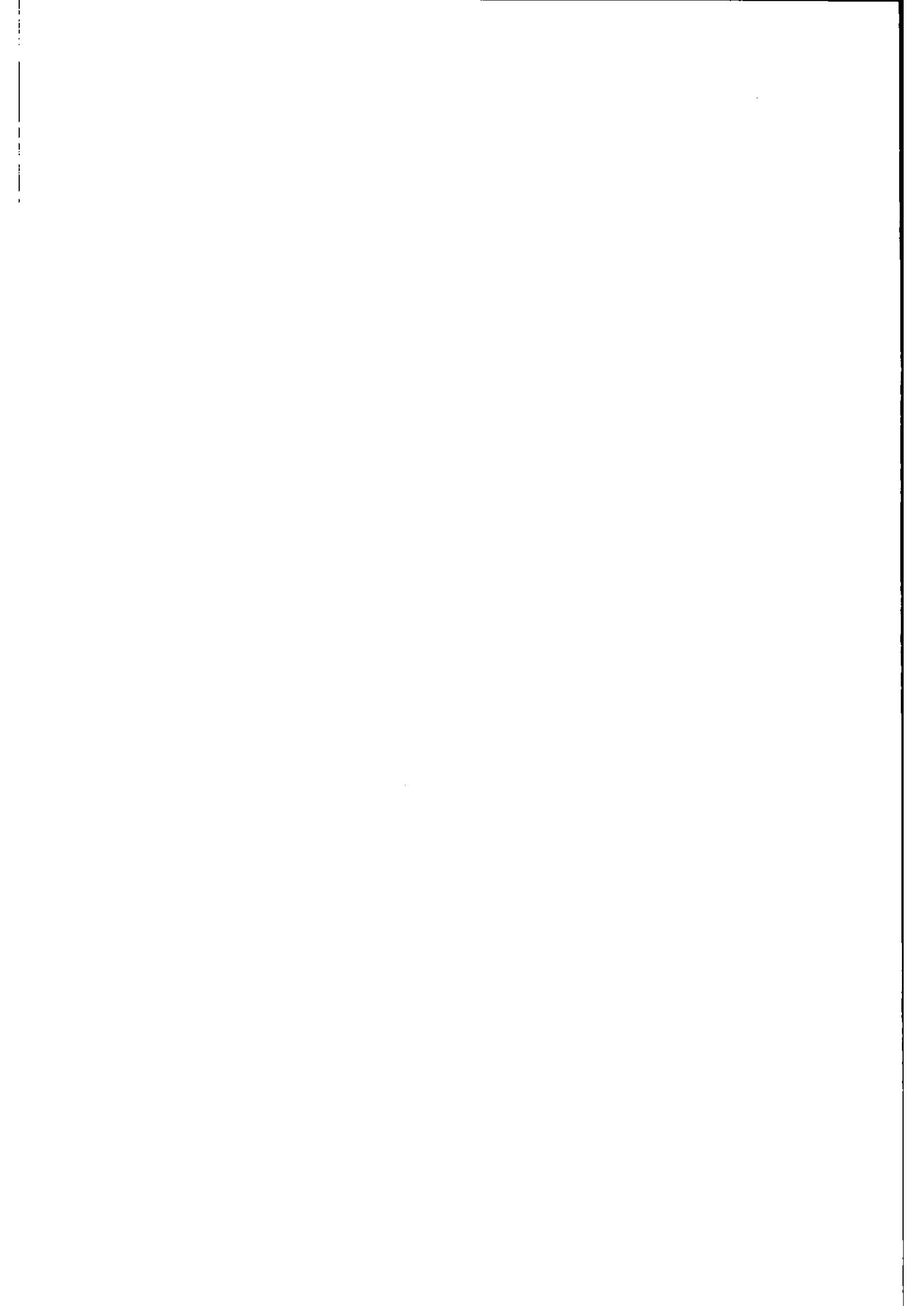
IN ASIA AND THE PACIFIC

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

Fiji, May 1985

Edited by Jane Mugford

AUSTRALIAN INSTITUTE OF CRIMINOLOGY



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CORRECTIONS IN ASIA AND THE PACIFIC

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JANE MUGFORD

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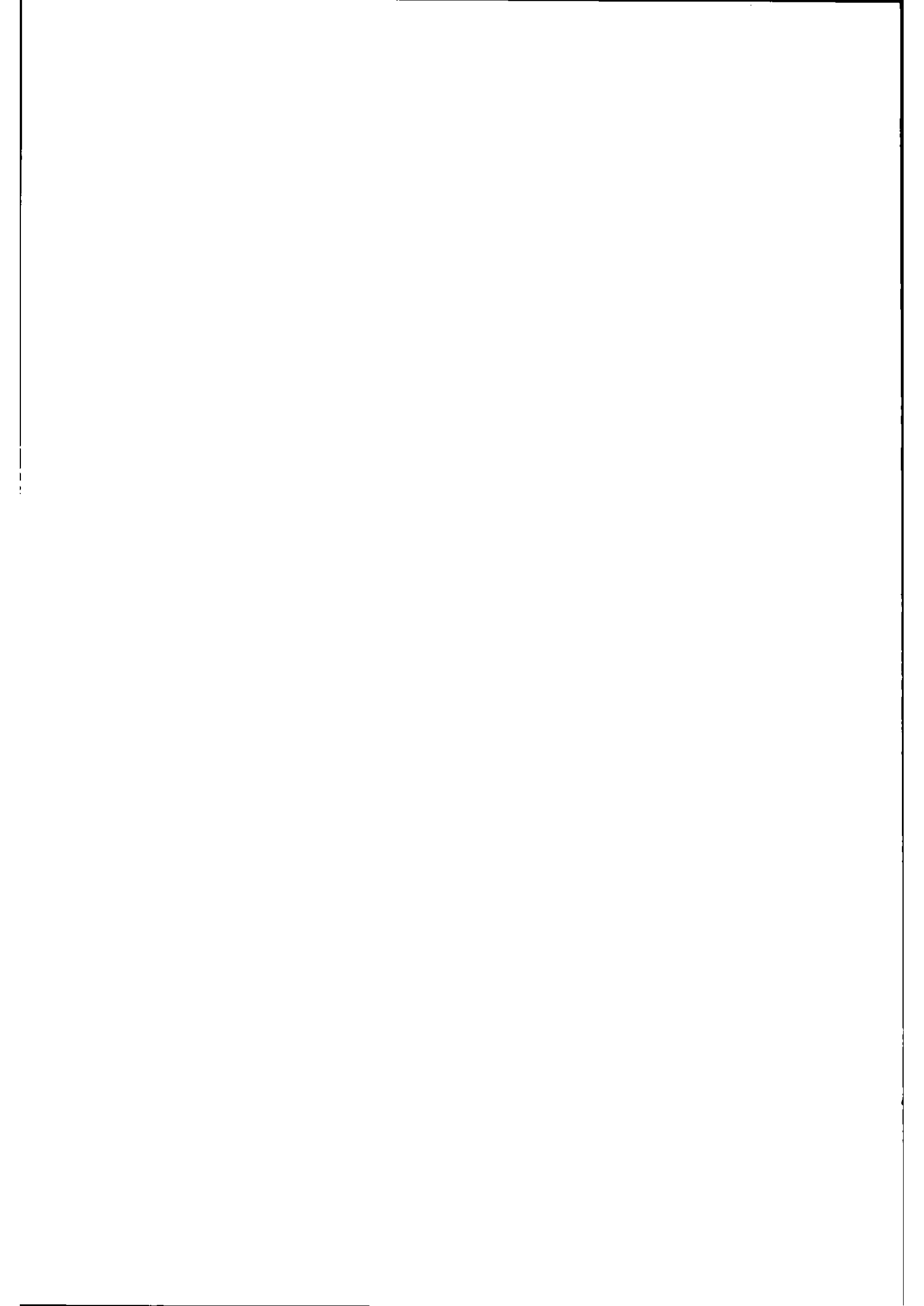
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INTRODUCTION

It is fair to say that the Conference of Asian and Pacific Administrators has reached maturity. After six years it is still the only meeting of its kind in the region and it receives enthusiastic support from participating countries, as evidenced by the continued presence of a range of nations large and small; continental, intra-continental and island states. Sixteen countries were represented in 1985, and Negara Brunei Darussalam was welcomed for the first time.

The history of the Conference is well covered in previous published proceedings and therefore does not warrant further description here. However, it is good to note that the meeting has been so successful that it has raised keen interest elsewhere. At a meeting of Commonwealth Law Ministers in Sri Lanka, 1983, it was decided to establish a conference of Commonwealth Correctional Administrators, the first meeting of which took place in Hong Kong in March 1985. The rationale for this development was that it should be possible to do inter-regionally what the Asian and Pacific Conference has done regionally, especially in view of the fact that Commonwealth nations share legal and judicial traditions. Twenty-seven Commonwealth nations sent delegations, and for the first time anywhere all continents and regions were represented. Topics on the agenda for discussion were the transfer of convicted prisoners between Commonwealth countries, the use of imprisonment following recent trends in crime in the Commonwealth, alternatives to imprisonment and their effect on the prison population, training of staff to meet changing needs, the management of crises in prison, and International Youth Year.

Agenda items discussed at the Sixth Conference of Asian and Pacific Correctional Administrators were:

- I Investigation of Incidents in Prisons
- II Facilities and Programs for Female Prisoners including those Inmates with Children
- III Extent and Use of Minimum Force in Prisons
- IV Recruitment and Development Training
- V Changing Responsibilities of Correctional Administrators.

Each country presented a formal, detailed paper on the above topics and all of the contributions are included in these proceedings. In addition, there is a report by the Executive Director, Mr William Clifford, which summarises and distils the discussions which took place.

Issues at the core of the week's debate were the changing nature of the role of correctional administrators and the recognition of human rights in the prison system. In the specific agenda item on the former it became clear that correctional administrators are not simply holders of keys, but increasingly more than that. They may be responsible for work and education programs, recreational activities and all organisational matters that ensure the smooth passage of daily routine. They are also responsible in many ways for the total welfare of the inmate, necessitating a practical knowledge of interpersonal relationships.

A major reason for this trend towards an expanded role for the correctional administrator is the recognition of human rights referred to above, which was exemplified in discussions on the minimum use of force and on dealing with incidents in prisons. The incarcerated individual may have lost the right to freedom but nonetheless maintains the right to participate in rehabilitation programs and, simply, to be treated in a civilised fashion as another human being. Correctional administrators are supportive and, in fact, at the forefront of this trend. For example, there was an evident reluctance amongst those present to use any more force than necessary to restrain inmates when incidents occurred, and a concern to be vigilant in properly applying investigation procedures.

Increasingly, correctional administrators are expected to be well-educated, well-motivated, flexible and professional workers. It was not surprising therefore, that in discussions of training and development needs there was a feeling that present facilities are insufficient for the demands made upon them. Full use is made of local training centres, and visits across and outside the region are made to other centres offering courses. In addition, opportunities are taken for informal visits between correctional administrations of countries within the region. Even so, a case can be made for increased opportunities for development. It was noted, for example, that the Australian Institute of Criminology no longer provided courses and its Director was asked to investigate the possibility of re-instating such a program.

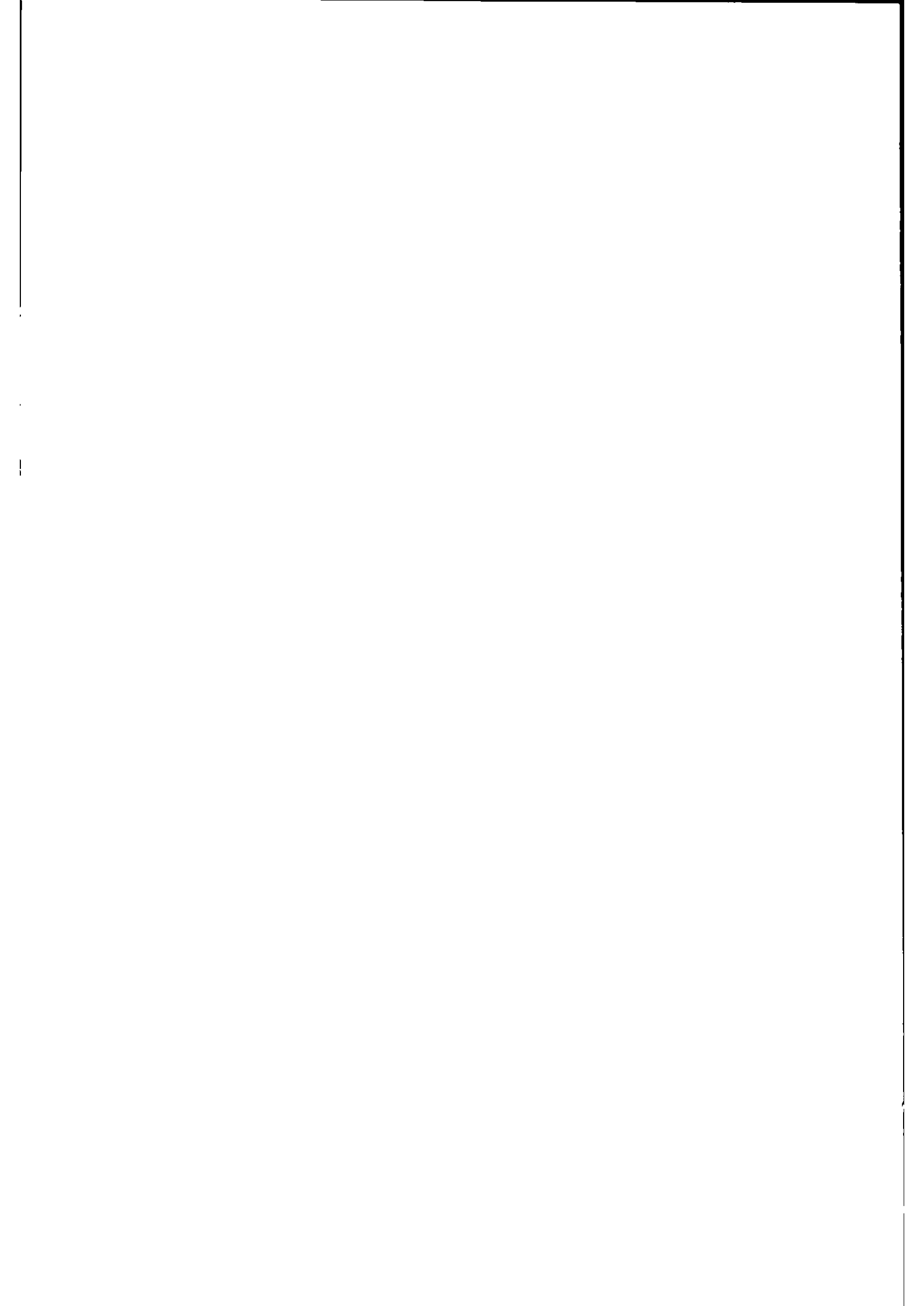
The fifth item on the agenda related to facilities and programs for female inmates and their children. Conditions and circumstances varied from country to country but the common theme was the relative absence of programs compared with those for male inmates. The problem is one of economies of scale, because there are consistently far fewer female than male prisoners. The question arises of how to provide some kind of equality for treatment of female prisoners. Would they benefit, for example, from incarceration in co-correctional or co-ordinate circumstances, rather than in separate institutions as most of them are now?

It was, as always, of great benefit to the participants to be able to share their experiences and ideas around a regional meeting table. The Conference this year was held in Suva, Fiji and hosted by the Fiji Prisons Service. The Commissioner of the Service, Colonel Buadromo, and his staff welcomed participants with a warmth and generosity that will be remembered always. During the week every comfort and courtesy was afforded, and the opportunity to participate in traditional ceremonies was a delight and an honour. Other nations in the region which have not yet had an opportunity to host the Conference will look forward to such an event, and to returning the hospitality of Fiji and those other countries which have convened the meeting during its first years.

ELECTION OF OFFICERS

In accordance with past procedure the Conference unanimously elected Colonel M.V. Buadromo, Commissioner of Prisons, Fiji, as Chairman of the Sixth Conference and as a Co-Director on the Council of the Conference.

Jane Mugford



OPENING ADDRESS

The Hon. Militoni V. Leweniqila
Minister for Home Affairs
FIJI

The Fiji Prisons Service has already accorded you our traditional ceremony of welcome. In their presentation they expressed greetings and wished you all good health, a successful meeting, and an enjoyable stay here in Fiji. They indeed spoke for all of us, the people of Fiji. I too would like to join them by saying 'Ni sa bula - Welcome'.

I should also like to mention a special welcome to the distinguished delegates from Brunei who, I understand, are attending this Conference for the first time.

Fiji is both proud and honoured to host this, your sixth Conference.

Crime in Asia and the Pacific is increasing at an alarming rate and you have no doubt deliberated on many occasions on the many possible causes of crime and the ways and means of controlling it. I am sure you appreciate the complexity and size of the problem.

The problem of crime in the community is, as I mentioned, a complex one and different people perceive different causes and different remedies. Some people attribute crime to an inherent flaw in society's character: the sin problem in people that manifests itself to a greater or lesser degree in the actions of every person. The proponents of this theory would therefore say that the only way to eradicate crime is to bring about a fundamental change in everyone's character.

Others perceive the problem as a sociological one and would point to social problems, such as unemployment, broken homes, abuse of alcohol, and urban drift as the underlying causes. The proponents of this theory would say that if we can deal with the underlying social problems then we will begin to come to terms with the crime problem.

There are others who take a pragmatic view of the problem, who accept the presence of crime in the community as a fact of life, and who say that the way to deal with the problem is to take a hard line and concentrate on strict law enforcement, deterrent sentences and harsh prison conditions.

There are others who, while taking a pragmatic view of the problem of crime, take a different view on how offenders should be dealt with. They see imprisonment as an exercise in futility and harsh prison sentences as inhumane, negative, and counter-productive in the rehabilitation process.

Obviously, the elusive, ideal solution would be a combination of two or more of these perspectives.

In Fiji's case, one of the contributing factors to the increasing crime rate is the unfortunate breaking up of the finer fabrics of Fijian society. The values which once governed the community and firmly held it together have been shaken and in some cases, are no longer valid.

Custom and tradition are now seen as impediments to economic advancement, village life, and the communal responsibilities entailed by it. They are also regarded as obstacles to be overcome rather than a way of life to be strengthened and enhanced.

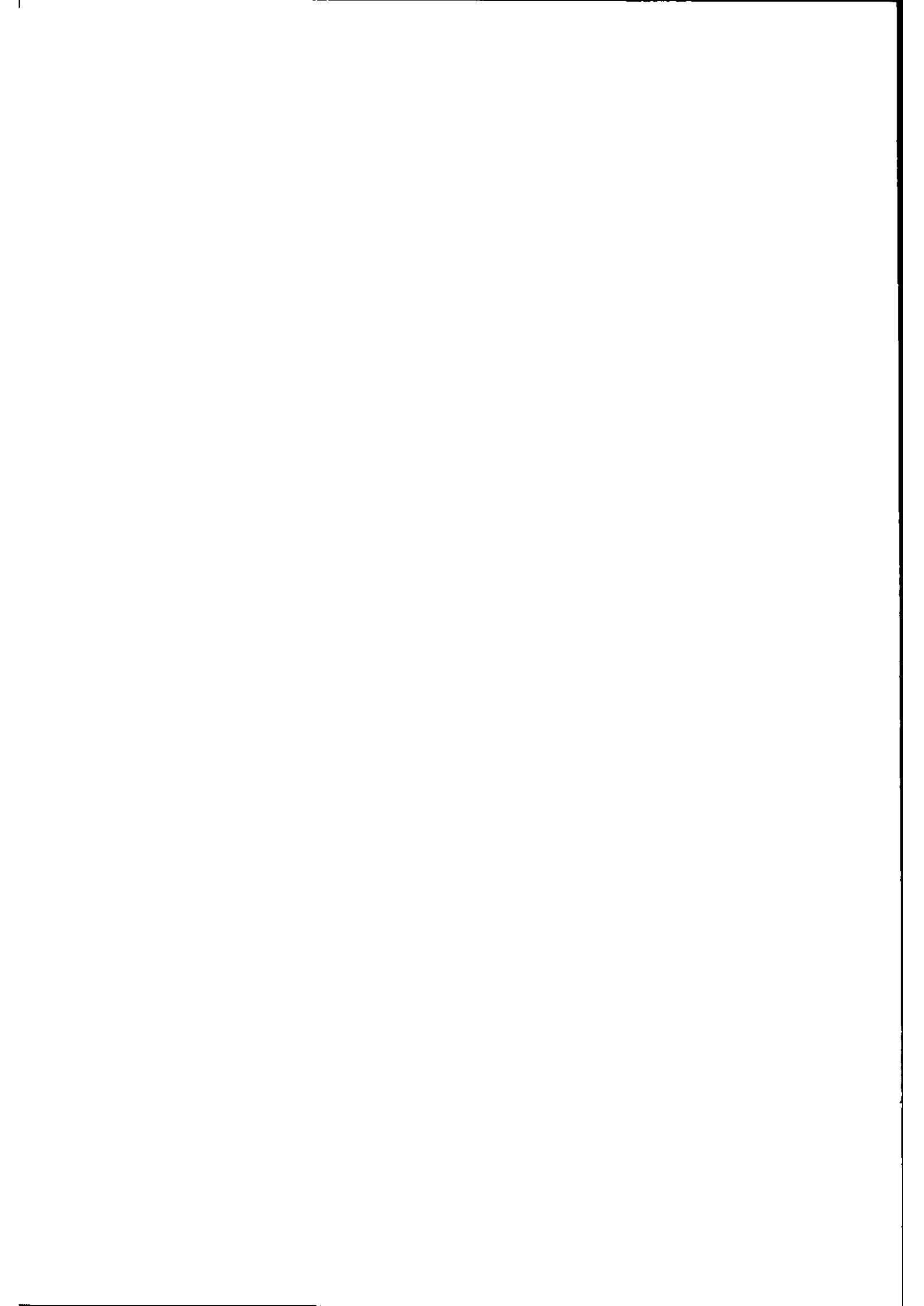
The Government is conscious of this and in an effort to improve matters, has reorganised the Provincial Fijian Administration in order to strengthen its base and reintroduce many of the customs and traditions which were once very highly respected and rigidly adhered to. In short, this builds on the real foundation of the Fijian system. We are really a communal society, and share and care was once the order of the day. Today, however, through the advent of the cash economy, individualism has crept in and our communal ties which once kept us together have been eroded. We are, nevertheless, optimistic that all is not lost and that our efforts today will divert our children from the criminal justice system.

I note that during the next few days you will be looking at the procedures involved in investigating incidents in prisons, the use of minimum force, staff development, and training and many other broad aspects of correctional administration. For Fiji, discussions on these topics will be most timely and I will indeed be anxious to see the outcome of your deliberations. The public at large is very sensitive to reported incidents in our prisons and to the use of minimum force, and often in my capacity as the Minister responsible, I have had to allay public fears of irresponsible action by our prison officers. Fortunately, these instances are becoming fewer. Perhaps we have learnt to deal with these situations.

Our Prisons Service has transformed tremendously over the last decade for the better and, I am pleased to note, is still progressing. It is beginning to receive the recognition it deserves and our commitment and involvement in regional conferences such as this underlines the importance with which the

service is now accorded. We need to be reminded constantly of Sir Winston Churchill's famous speech in which he said, and I quote, 'The mood and temper of the public with regard to the treatment of crime and criminals is one of the most unfailing tests of civilisation of any country...'

On that note, I now declare the Sixth Asian and Pacific Conference of Correctional Administrators open, and I wish you well in your deliberations.



REPORT OF THE CONFERENCE

Mr William Clifford
Executive Director
Asian and Pacific Conference
of Correctional Administrators

AGENDA ITEM 1 INVESTIGATION OF INCIDENTS IN PRISONS

Introducing this item, the Executive Director explained that there had been a transformation in the way that incidents in penal institutions are investigated. Most of the changes have arisen from the heightened concern with human rights and from the concern of prison personnel that their actions should not be misinterpreted. What is 'reasonable force'? What evidence can be presented to court? Should independent witnesses be called in when incidents arise? Should recorders or video tapes be used? How speedily may or should administrations and ministers be informed? When should the media be permitted access to (a) the information about the incident, (b) the institution itself, and (c) the prison staff and inmates?

New South Wales suggested that the more serious the incident, the more independent should be the investigation. New South Wales has to deal with many allegations about missing property as well as assaults and other incidents within the prison environment. But, over the years, the department has progressively developed mechanisms to investigate these in an effective and systematic manner. Of course, where there are allegations of serious assaults which amount to a criminal offence the police are asked to investigate and prosecute if necessary. New South Wales has video recorded many incidents to overcome exaggerated claims by the inmates, and this also served to protect the staff involved.

To begin with, India drew the attention of the chair to their position papers which had been distributed with respect to all the agenda items. India takes the view that where the allegations are against the prison personnel and of a serious nature, outside investigations might be needed. Incidents amounting to crimes would also lead to investigation by the police and perhaps prosecution. On the other hand, there are many incidents which are the clear responsibility of the prison authorities themselves.

India said that the problem has two aspects. First there are incidents perpetrated by prisoners. Such occurrences are dealt with effectively by set procedures in the gaol manuals ending, where necessary, in the 'orderly room inquiry'. The police can also be called in, and prosecutions launched when required. Where there are allegations against the prison staff the procedures require provisions which take into account the special situation in which prisoners are placed. Of late, the Supreme Court has been treating cards and letters from prisoners as formal written petitions, and this has brought a necessary pressure on the different levels of administration. The press has been playing a useful role in highlighting excesses. The system of complaint boxes in prisons, which are opened only by the appointed visitors, also helps.

Hong Kong suggested that there is a clear distinction to be drawn between offences against the prison rules and regulations (which are the responsibility of the correctional authorities) and incidents exceeding the scope of prison rules and regulations (which would be investigated by the police, visiting justices or other outside bodies).

New Zealand pointed out that some countries have Ombudsmen. New Zealand has made use of the Ombudsman system but it created difficulties as the numbers of cases increased. A better approach seems to be a reliance on an internal inspectorate to try to prevent incidents arising before the need for outside inspection is needed.

New Zealand has been on a collision course with the Ombudsman about the interpretation of the Freedom of Information Act. Prisoners have asked to see the documents relating to the reports of incidents in the prison. If, however, these are to be made available to anyone who likes to ask for them, then the officers charged to investigate cases will become careful about what they write, and the result will be not a more efficient but a less efficient investigation of cases.

Sri Lanka depends upon its own internal investigators, and manages quite well with this and with a board of prison visitors to provide an independent view when this is required.

Fiji explained that in the past years, investigations were conducted by officers in charge of prisons. More often these investigations did not really achieve their objectives, and facts were either distorted or omitted. The police were also involved in the investigation of more serious cases. A new system of investigating incidents has been introduced. A senior prison officer who is based at prison headquarters now investigates

all untoward incidents occurring in prisons. In this way, it is hoped that a better picture of the incident will be made available to the authorities.

In Japan every prison has officers nominated as judicial police officers. Therefore, any prison incident, criminal or merely disciplinary, can be dealt with by prison officers. Every serious incident or any incident in which a prison officer is the accused will be reported to the office of the public prosecutor to avoid any possible public doubt or misunderstanding.

In Papua New Guinea incidents are investigated by the prison staff. However, prisoners have such a ready access to the Ombudsman that they prefer to complain to the Ombudsman. The prisoners are also referring their allegations increasingly to their own lawyers or the public defender's office. The minister responsible for prisons has been accused in the media of obstructing the constitutional authority of The Ombudsman. The Ombudsman, however, claimed his rights under the Constitution and it has been accepted that he should have untrammelled access to the prisons.

Brunei has had no serious incidents in the prison in the past twenty years or so. There have been minor incidents only, which are reported to the superintendent of the prison who can usually deal with them under the prison rules and regulations. Judicial safeguards are respected in a superintendent's hearing of a case. Where an incident is more serious, the matter can be dealt with by the director of prisons or by the visiting justices. Should there ever be a serious offence, such as murder, it would be reported to the police.

Hong Kong raised the issue of the danger of the judiciary getting involved in the routine of prison administration. In the United States the judiciary has sometimes intervened in the actual running of a prison and it was felt that the line between the responsibility of the correctional administrator and the judiciary should be clearly drawn.

The Director of the Australian Institute of Criminology thought that attention might also be given to patterns of incidents and the possibility of gleaning management lessons from this broader approach. The various correctional authorities in Australia have collectively asked the Australian Institute of Criminology to do a study of deaths in prisons, and already some useful points are emerging. Thus a murder of a prisoner committed by other prisoners in a hobby shop demonstrated that the time taken for the authorities to take effective action was too long, and corrective measures have been introduced as a result. The Australian experience, therefore, is that incidents in general provide material for managerial improvements. It is also

recognised that such long-term evaluations of incidents may do something to head off media misunderstanding and exaggeration of particular incidents as they occur.

In Tonga, any incident in prisons must be thoroughly investigated. Most incidents of minor nature are dealt with by the wardens, and anything beyond their jurisdiction and considered too serious as an offence or in the interest of the prisoner is reported to the superintendent, who may deal with it personally or delegate a subordinate officer to investigate. Anything more serious than that, for example bodily harm, must be reported to the minister, who may request the police to investigate. A board of visitors, whose chairman is a judge of the Supreme Court, also deals with prison problems.

Macau generally followed the same procedure as Hong Kong. The opinion was expressed that staff in a small institution are often too near the reality of the situation, whereas the judges or court officials are too far removed. Often it is not easy to get a satisfactory disposal of an incident.

Malaysia was concerned that there should be no move to independent tribunal or investigators which would lower the morale of the prison staff. In Malaysia, where there is a complaint against a prisoner, he or she is given a week's notice of the charges. Allegations against prison staff are investigated internally but the prisoners have other channels of complaint: via their MP, their lawyer, their family, or the justices (who visit every month). Notices are prominently displayed in the prisons advising prisoners that they must report immediately any assault by a prison officer. It is noteworthy that there have been many allegations of drugs being brought into the prison by prison officers, but in no case in Malaysia have the complaining inmates given either the name or the number of the prison officer concerned. Suicides can occur of course but in all public inquiries of suicide in prison in Malaysia no prison officers have been found to have neglected their duty or overstepped their authority.

Hong Kong pointed out that underlying the discussion is the question of faith or confidence in the prison administration. The right people have to be chosen for this work but then they should be trustworthy. There will be errors anyway, but if these are dealt with honestly there should be no diminution of trust.

Participants supporting the remarks of Hong Kong about the need for trust in the correctional services observed that the judiciary itself is composed of human being who are not infallible. Of course, there have to be proper channels of complaint for inmates but there should also be some restraints on the extent of judicial intrusion into the process of administration.

New South Wales warned, however, that in its experience the tendency is for the media to focus attention on incidents occurring in prisons, so that administrators must ensure that appropriate investigative procedures are established and that any suggestion of a 'cover-up' of the incident is avoided.

In general the meeting wished to record its concern that in the drive to vindicate rights there has been an over-emphasis on judicial mechanisms without a proper appreciation of the effect of all this on correctional administrations. It was resolved that this matter should be explored more fully at a future meeting of the Conference.

AGENDA ITEM 2 FACILITIES AND PROGRAMS FOR FEMALE PRISONERS
INCLUDING THOSE INMATES WITH CHILDREN

New South Wales recognised that the needs of female prisoners in that state have been neglected for too long. One institution for females in New South Wales used to be a hospital many years ago and has cell accommodation for only 60, yet at times houses more than 120 females. There are special problems arising from the fact that, relative to the male prisoner population, the range of programs and services for females is narrower than for their male counterparts.

The Australian Institute of Criminology drew attention to a seminar which had been held at the Institute in 1984 on the problems of female prisoners. This studied the relationship between the changing role of women in society generally and their position in prisons. The complications of women with children also had been discussed. It was agreed that a copy of the report would be sent to all participants in this Conference.

Brunei has few prisoners and at the moment there are only four women. Women prisoners are kept absolutely separate from male prisoners and confined in a different building. They are employed in domestic duties such as cooking. If a pregnant woman is to deliver a child she will be sent to hospital outside for attention and care.

Fiji has only one institution for women, this being a converted building which formerly was used by the prison officers. The accommodation was originally for 12 but it has held as many as 35 and today accommodates 25. Fiji realised that the facilities are far below what is desirable but if improvements are to be made, more resources will be required.

Hong Kong commented that it had found a great measure of understanding and humanitarianism in the prison services of the Asian and Pacific region with respect to women inmates. In Hong Kong, the prison service tries to keep mother and child together when a relatively short term of imprisonment has to be served, and sometimes an early release is permitted to keep mother and child together. A child can be taken into an institution with its mother for up to nine months. After that, a report from the medical officer is required, stating if it is necessary or desirable to keep the mother and child together. The Commissioner has the authority to keep a child with its mother up to three years of age. Great progress has been made in recent years with the training programs and professional development of both women and girls. They are now well prepared for employment on release, especially the younger females.

In India women are less prone to commit crime. There are only six institutions in the country intended exclusively for women. These gaols have a greater capacity than the number of women prisoners, but as the women prisoners are spread throughout the country, the number of locations is insufficient. The training and correctional programs for females are dealt with very differently from those devised for men. On the topic of children, India is liberal about those who have no other guardians than their mother, and the children can stay until they are six years of age. There is, however, a fear that this may expose the children to the sub-culture of the prison. To help reduce the presumed detrimental effect, day creches are being used and it is hoped that the system will be well established by the time of the next meeting of the Conference.

In Japan in 1983, there were 45,000 prisoners, 1,665 of whom were women. With this comparatively small number of women the classification system used for men cannot apply. There is, in effect, no classification for women at all. Old and young, long-term and short-term prisoners are all together. Japan believes that there are really two types of women prisoners. There are those (usually young) serving long sentences for violent or serious crime and those who are serving shorter sentences but who are more professional offenders. Japan can see little hope of reducing recidivism amongst this latter group with its present lack of individualised treatment for women. As children, Japan takes a view which is the opposite to that of Hong Kong, that is, children are separated from their mothers as soon as possible, though they can stay with the mother for up to one year of age. However, experience has shown that the longer a child stays with its mother, the more difficult it becomes to separate them later.

Kiribati has a special problem with females arising from its geographical dispersion across the islands, so that prisoners are likely to be scattered over hundreds or even thousands of miles. There is at present a total of 118 prisoners in the four prisons, but only one woman. The desired approach is to keep prisoners and especially women in their home islands, but the only accommodation there is in police lock-ups with only one officer to cover the 24-hour supervision of either men or women. The prisons in Kiribati are overcrowded, and whilst there are all kinds of expedients being used to keep women offenders out of prison, it is increasingly difficult. In addition to the usual offences for which women are imprisoned, such as fighting, infanticide, or repeated theft, there is now the possibility of younger women (who are in larger numbers in the public service) being imprisoned for fraud. No real training is given to women prisoners and they are generally given menial tasks to perform. However, efforts are being made to get them back to their home islands as quickly as possible. Since 1984, the last six months

of a sentence after remission can be served in community work in the offender's home island, and a parole board is being considered for longer term offenders. There is no set policy for keeping together or separating women inmates and their children. If the children are considered to be dependent upon the mother, they can stay with her. However, in Kiribati the preference is to keep the women out of prison if at all possible.

Korea has about 2,500 female prisoners in its correctional institutions. Of this number, 1,150 are convicted and 1,350 are unconvicted. However, Korea has no prisons exclusively for females, who are accommodated in the designated housing units of the large institutions, separated by walls from the male areas.

Mirrors, flowerpots, and wardrobes are part of the furnishings of the female dormitories and the inmates are permitted individual cells and can have their doors unlocked. They are provided with sanitary napkins and permitted to wear brassieres; they are also provided with all their cosmetic requirements including free hairstyling. If a newly committed female prisoner wants to live with her baby, the warden of the institution may grant permission for the child to stay up to the age of 18 months. This also applies to children delivered whilst a woman is in prison. Baby foods and clothes, toys and other child-care equipment are also provided.

Korea has various kinds of educational programs for women prisoners, covering 20 subjects including cookery, the art of rearing infants, etiquette, calligraphy, tea ceremony, family planning, and special cultural studies. Other activities include needlework, knitting, embroidery handicraft, toy making, laundry, beauty techniques, and so on.

Korea has at present a special vocational training course in each institution for female prisoners who wish to become professional beauticians. Three hundred and ten inmates have already qualified as beauticians, passing the requisite examinations, and another 80 will qualify this year. Other vocational training courses for dressmaking and embroidery will be made available soon.

Malaysia gave a full account of the provisions made in that country for women and provided a paper giving full details. Of 16,991 prisoners, there are 479 females. These include 395 convicted or remanded females, 37 in the approved schools, and 27 held on an island under the Prevention of Crime Ordinance. They are scattered in various institutions, only one being exclusively for women. At present this holds 183 females serving sentences for one year and above, but the present maximum capacity is for 500. The others are held in annexes to male institutions. Children can remain with their mothers until they are three years old. After that, the aid of welfare is sought to get alternative accommodation for the child.

Macau has very limited facilities for prisons generally and this dictates the provision for women, which is poor. As the numbers have increased, an older building on a neighbouring island has been converted. Individual accommodation has been converted to dormitory accommodation but it is still insufficient. At the moment it houses 29 women. However, efforts are being made to improve conditions and to provide better programs for the women. On 14 March 1985, certificates were awarded for first aid, public health, nursing, and so on, after appropriate training programs. Children can be kept with their mothers up to three years of age. This seems to accord with Chinese tradition.

In New Zealand only 100 of more than 3,000 prisoners are women. The New Zealand representative supported the remarks made by Japan about the desirability of not having children in prisons. In the New Zealand situation prison is not considered an acceptable place for a child to start life. It is resisted there, and alternative sanctions are used to take care of the mother with a child. Other countries and cultures would essentially differ from this viewpoint.

Tonga keeps its female inmates in a separate wing of the prison farm. There are only 18 women prisoners serving sentences for offences ranging from theft to burglary. The law of Tonga does not allow children in prisons, and the problem has never arisen of a child being conceived outside and born in prison.

Sri Lanka has an average of 100 female inmates in its total prison population. These are kept in separate wings of male institutions and given mainly domestic employment. There are also about 250 women on remand, who are mainly prostitutes. They do not stay long but are a floating population, giving more problems than the longer term inmates. If children come to court with their mothers it must be on a court order which permits 'with child in arms' orders to be made. In prison, children are permitted to stay with mothers until they are four years of age.

Thailand allows children to stay with their mothers in prison until the child is three years old. However, no separate budget is provided and donations from families or the public do not cover the additional food, clothing, and other costs connected with children.

Thailand highlighted its problems with foreign women in the prisons, who are usually there for drug trafficking. These problems are:

- (1) Language difficulties. The foreign female inmate does not speak Thai and most of the Thai prison staff do not speak English.
- (2) Stubbornness. Foreign women frequently refuse to work and they create obstacles to the routine work of the institution. This has led to prison regulations having to be translated from Thai into European languages.
- (3) Privileges. Providing in any way for the different cultures of foreign women doing more for them than the indigenous inmates. Inevitably, therefore, they receive more privileges, and yet they are not satisfied and demand more. This obviously creates problems with Thai inmates who soon resent the discrimination, no matter how much it may be justified by cultural differences.

Following this detailing of the experience of Thailand there was an animated discussion of the difficulties arising from the several cultures.

The Director of the Australian Institute of Criminology provided the supplementary information that for Australia as a whole there had been 9,600 prisoners on 30 June 1984, of which 380, or four per cent, were females. This is the recent position but in earlier years the proportion of female prisoners in Australian institutions has been lower. It is interesting that the discussions at this meeting have disclosed a similar position in most countries of the region. In Japan, for instance, the female prisoners represent 3.5 per cent of the total prison population; in Hong Kong it is 4.3 per cent; in Korea 3.5 per cent; in Malaysia between 3 and 4 per cent; and in India 2.6 per cent. Of course, in some of the island nations - particularly Brunei and Kiribati - the proportion of females is at this stage almost negligible. Allowing for all the cultural and demographic differences there seems to be a structural factor of some kind at work which in effect holds down the female percentage of total prison populations. It seems likely, however, that the Australian percentage of females in prison will soon increase and participants might wish to consider whether this is the possible future for their own services, and whether this question of future trends in female imprisonment might be a subject for some future agenda of the Conference. In Australia, the increasing percentage of female prisoners is due to (a) women's participation in the illegal drug trade which breaks through the normal reluctance of the courts to imprison women, (b) women's changing socioeconomic roles, so that opportunities for them to commit more property crime leads to more than usual having to be sent to prison, and (c) the change in women's roles in society which could possibly be having a subtle effect on the judiciary, making them treat women in a way more similar to men.

There is a paradox in the fact that females are the most expensive group of prisoners because of the high capital cost of the smaller numbers. Therefore increases in numbers would reduce this per capita cost. But this is hardly a consolation. Certainly the changes that are taking place in the roles of women probably mean that the experience described in trying to have women keep the children that are dependent upon them when they come to prison could begin to change. Australia seems to be in the same position as Japan, New Zealand, and Tonga in wanting to keep infants out of prisons at all costs. It is argued that if the mother cannot be kept out of prison her child should be taken from her because a prison is no place to bring up a child.

Some participants mentioned the experiments in the United States of mixing men and women prisoners and its possible value. It was felt that there were no firm conclusions on the topic. A statement from an Australian Institute of Criminology seminar*, however, suggests that co-correctional policy had not worked in the U.S.A. Results of some co-correctional experiments indicate that women prisoners were harassed by male officers, and the fear of sexual contact between male and female prisoners led to tighter restrictions and controls for women. Additionally, women prisoners tend to revert to dependent sex objects and do not take advantage of educational and vocational programs. Women staff also lose out because male staff usually dominate the higher ranks in a co-correctional prison. A co-ordinate prison policy has been suggested as a viable alternative, that is, a separate male and female prison that is close enough to permit the sharing of services and programs.

In Kiribati, life-sentenced prisoners may be sent 2,000 miles to an institution far from their families and traditional supports. Women inmates may also have to be separated from the traditional family and this will affect the decisions on having children with the mother.

*Dr Clarice Feinman, 'A Statement on the Issues - united States View', in Suzanne E. Hatty, Women in the Prison System, Seminar Proceedings No. 3., Australian Institute of Criminology, 1984, p. 31.

In Papua New Guinea the tradition is that children remain close to their mothers from birth until the age of two to three. In fact during this time the children are always in bodily contact, they are breast fed and remain held physically close to the mother. It would therefore be unthinkable in that country for a woman to be separated from her child when she is sent to prison.

In the discussion it was stressed that the desirability of having children with their mothers would depend very much on cultural considerations. The possibility of increases in the female prison population with consequent difficulties arising from court decisions to separate a mother going to prison from the custody of her child were aired.

However, Hong Kong felt very strongly that the principle should be that the welfare of the child should dictate the question of whether it should be left with the mother or not. This should not be decided on a purely legal basis.

In this, Hong Kong was strongly supported by New South Wales and the discussion turned to the need for attention to be paid to the differences between the industrialised and non-industrialised countries in the Asian and Pacific region. When it come to decisions about women in prisons or the keeping of children, consideration has to be given to the fact that in many countries there are no welfare allowances, no unemployment payments, and no regular provisions for a person, child, or otherwise, to be apart from the traditional family group. When a person is imprisoned without access to such traditional supports there could be no future for the person concerned.

Differences arose too from the fact that in the Asian and Pacific region, countries take a different line on the controversy about 'just deserts' and 'rehabilitation'. The region has been reluctant to relinquish the ideal of rehabilitation simply because this is thought to be more hopeful and constructive than a bleak policy of fixed sentences and just deserts which could create many rigidities in the system.

Indeed, there are flexible features of the Asian and Pacific region which are not to be found any more in the industrialised countries. The mistakes of the industrialised countries were now becoming so conspicuous that many of the developing areas have already made decisions to seek ways and means of slowing the social disintegration which comes with technological contact with the industrial world.

Participants considered a question which frequently arises as to the extent to which conditions within prisons should be worse than the conditions outside. It was explained that this is a legal problem and if it is true in modern law that a prisoner goes to prison as a punishment and not for punishment, then there could be little legal justification for trying to make the conditions worse. On the other hand, there could be considerable justification for keeping the conditions within the economic resources of the countries concerned even if this means some inconvenience for those who have been sentenced. It was also explained that the principle of 'less eligibility' applies. That is, even when attempts are made to make the conditions worse inside than outside the prison, it is practically impossible to avoid the imprisonment of someone who would consider the prison conditions infinitely superior to his or her own conditions outside.

Bearing in mind, therefore, the United Nation's Minimum Standard Rules for prisoners, it is probably necessary to seek to achieve reasonable conditions. What these are would differ according to culture and this is already provided for in the Minimum Standard Rules.

AGENDA ITEM 3: EXTENT AND USE OF MINIMUM FORCE IN PRISONS

Outlining the background to this subject the Executive Director of the Conference drew attention to the fact that the extent and use of minimum force has implications for many other areas of correctional administration. For instance, the use of force and the definition of what is minimal or reasonable could depend very much not only on the officer applying the force but also on the violence of the inmate or inmates to whom it is applied. Recent techniques have been developed in the United Kingdom for special 'holds' which officers might use to subdue the prisoner with no danger that the prisoner could hurt himself. It is also important to appreciate that the question of force involves the question of restraints, and the entire range of restraints from handcuffs to fetters, or the use of drugs to quieten the prisoner are likely to have an effect on the extent to which physical force might be necessary. Moreover, prison officers generally are deeply concerned about risks to themselves and increasingly anxious about their actions being misinterpreted in later investigations. This could affect therefore not merely the design of prison building but also the relationship between inmates and staff. As investigations of maltreatment and the excessive use of force by officers in the industrialised countries continues, there is a general tendency for officers to avoid contact with prisoners and to seek protection and greater professional security behind more remote controls of prisoners and their conduct. Mechanical devices, cameras, communications systems, instruments of detection, and other means of controlling offenders without personal contact are being sought. There are instances of prison buildings having been developed where the contact between the officer and the prisoner is technically unnecessary, and a central board of control could be manipulated to open and shut doors and to move prisoners into and out of controlled corridors. These have sometimes meant that when this became necessary, the officers could not get quickly to the inmates. There was at least one case of murder where the officers saw what was happening through the windows onto the exercise yard but simply could not reach the men before one of them was strangled. However, this lack of personal contact between officers and inmates, and the resultant breakdown in communication, is diametrically opposed to modern policies for the training of staff, which are based on the development of human relations and fostering of interpersonal communication (that is, the unit management concept). Thus, the whole question of whether one uses personal relationships to control behaviour or whether one relies more and more on physical controls would be very much at issue in this discussion. Fundamentally, the question would become what is 'reasonable' force.

In some instances, decisions have to be made in a few seconds in the turbulent conditions of prison disturbances and courts might be arguing for months as to whether the decisions taken and the force used had been reasonable or not. It is essential for better correctional management that this matter be clarified in both law and discipline.

New South Wales had a Royal Commission into prisons in 1978 which arose partly as a result of intractable prisoners being placed in a separate institution staffed by officers who were issued with batons. (There had been a riot at another prison and allegations of brutality by the prison officers.) Since the Royal Commission, agreed guidelines have been provided governing the use of force where necessary, and allowing as appropriate the use of instruments of restraint with the permission of the prison superintendent. Each incident in which force is used has to be reported to the superintendent with full details of the force used and the reasons for it. The Corrective Services Commission has approved the use of gas but only such amount as is judged sufficient to control a riotous situation. Warning must be given, and there has to be at least one channel of escape for those subjected to the use of gas.

The Director of the Australian Institute of Criminology suggested that this item of the agenda ties in with item 1 of the agenda, on the investigation of incidents occurring in prisons. Sometimes the procedures, the formalisation, and the outcome of investigations can help to avoid the use of force in the future. A second point was that the use of force and decisions regarding it does not only affect the inmates, but also causes stress and tension amongst prison officers, as it does amongst police.

Brunei described its regulations forbidding the use of force against prisoners except in self-defence or to protect another person from attack. However, there has been no need to apply force in the Brunei prison for the past 21 years.

In Fiji the use of force by a prison officer is governed by prison regulations. However, although more recently simplified guidelines have been provided, it is realised that this cannot cover every conceivable course. It is stressed that no public servant is above the law and that he or she will be held accountable. The use of force must always be justified.

In India the use of force has to be justified within the laws which operate within the framework of the Constitution. No one is above the law, and violence perpetrated on the prisoner is treated the same way as violence perpetrated on an ordinary citizen. The restraints to which a prisoner can be subjected, therefore, have to be no more than is necessary to prevent his or her escape as per the laws in force. In India the mechanisms to bring to the notice of the courts the injustices perpetrated by public functionaries is well developed, and this is especially facilitated by the political system under which a multi-party system operates. The press has also been very helpful in acting as a watchdog of human rights while displaying a sense of responsibility as well. India described experiments with open prison villages based on trust which have been highly successful. Kiribati expressed great interest in this for the Pacific.

In Japan the laws and regulations are being revised because there is a gap between the older laws and modern practices. The Prison Law Enforcement Regulations provide for the use of straitjacket, gag, handcuffs, and arresting rope. Straitjackets, however, have not been used since the end of World War Two and gags, handcuffs, and arresting rope are not usually necessary because protective cells are now available. Gags were used just once recently when violent demonstrators at Narita airport had to be restrained and protective cells were not sufficient. In general, Japan applies restraints on the use of force and it has to be justified as absolutely necessary.

Apart from appreciating the contribution by India, Kiribati said that it has constant requests from officers for more forms of restraint and it thought that a conference of this kind should give attention to the possibility that batons, arms, and other such instruments might create problems unnecessarily.

Hong Kong Correctional Services referred to unnecessary force. The matter is about necessary or unnecessary force and the decision to use force depended on the situation. In Hong Kong, every use of force is followed by an investigation which decides whether the force - or the amount of force - used was necessary or not. In their experience, the use of force is nearly always followed by an allegation of assault, so that in the investigation, particular attention is paid to the medical officer's report on the physical evidence of the use of force.

In general, firearms and restraining devices to maintain institutional order can be used in Korea, but the justification for employing force is very restricted in scope. Firearms are used as a last resort to prevent escape, to prevent the loss of life or serious bodily harm, or to protect government property. In the event of an escape or attempted escape, verbal orders to halt must be given first. If the orders are not obeyed, a warning shot has to be fired as a necessary step to deter or prevent escape. Should the inmate continue the attempt to escape despite the warning shot, firearms may be used in an effort to disable the inmate. Issues taken into consideration are prevention of loss of life or serious bodily harm, and situations in which the actions of an inmate may pose a threat of injury to staff, to other inmates, or to visitors. Similar procedures, that is a shot to disable following verbal orders and a warning shot, are used for the protection of property, for example where weapons or other security items are stored. In all cases where a firearm is discharged, a full written report of the circumstances and results have to be submitted by the warden of the institution to the Minister of Justice.

Korea has four primary restraining devices - arresting ropes, handcuffs, chain, and gag - and there are three reasons for using restraints inside prisons. They are used for violent inmates, for transferring inmates to segregation, and for inmates' entering or leaving prisons when transferring. Restraining devices are used only with the permission of the warden of the prison.

The use of force is strictly based upon the idea of humanism. It is Korea's belief that every use of force in the institutional setting should be humane and not infringe upon the fundamental human rights of the inmates. Every effort is made through repeated training and education for the correctional staff not to infringe the inmates' personal human rights when the use of force in the correctional institutions becomes necessary.

Macau's correctional institutions, like others of their kind elsewhere, cannot avoid the occasional use of force. However, this is kept to a minimum and is applied only when strictly necessary and in special instances when motivation, persuasion, and other means of force fail. It is appreciated that, at times, the use of force can instigate further force, and staff are subject to disciplinary action when the force is unnecessary. Macau also pointed out that besides the obvious use of physical force, there is the problem of psychological force.

Malaysia feels that its officer training program has reduced the need for the use of force. There has not been any great problem in recent times and, in fact, prisoners who may be physically abused rarely complain. A prisoner recently released wrote to the Director-General who investigated the complaint immediately and transferred the officer responsible within three days.

In New Zealand the regulations are clear and precise. Only sufficient force may be used to restrain. Violence creates violence; the training approach therefore emphasises the importance of interpersonal relationships. Stress is placed on minimising the use of force and baton training has been modified to avoid officers having ready recourse to use of batons. The use of gas has been used also, to restore order without physical force and injury to staff or inmates.

Papua New Guinea has had prison officers reported for the unnecessary use of force. Many of the problems were associated with (a) the inadequate ratio of staff to offenders, (b) the inadequacy of institutions with poor perimeter structures which permit escapes, and (c) the fact that on escape the prisoners have to be pursued into the jungle where the risk to the prison officer may be very great when the officer catches up with the escapee.

Papua New Guinea also drew attention to the fact that unnecessary use of force in correctional institutions is related to the quality of the staff. In Papua New Guinea the officers are not of high calibre and their morale is not terribly high. The administration has difficulty therefore in teaching and developing the finer points of prisoner control.

Sri Lanka also felt strongly that the control of inmates is a function of the quality of staff. The Commissioner knows perfectly well that he carries the responsibility for securing the offenders and controlling behaviour - by force if necessary - but he dreams of the day when he will have the resources to hire better educated officers who could be more comprehensively trained to control his charges by the skilful negotiation of personal relationships.

Hong Kong also supported the need for this kind of care. In Hong Kong, although prison officers carry batons they well know that if for any reason they draw their baton whilst on duty they will have to submit a report; if they do not, they will be subject to disciplinary action.

Japan intervened to explain that although there is a gap between law and practice, the fact is that in Japanese prisons discipline is good and there have been few incidents provoking the use of force. Only in 1961 was a prison officer killed by an inmate and the officers did not carry weapons, not even batons.

Hong Kong, responding to New Zealand, believed that any institution - not only penal institutions - needs discipline to protect prisoners as well as to contain them. Hong Kong has had experience of prisons both with and without discipline and discovered the latter preferable, to the prisoners as well as prison staff.

Tonga reported little or no problem of the use of force in the prisons. In that country the use of force is governed by prison regulations, but there are few if any incidents.

Thailand, however, had had some difficulties and believed that the use of force in Thai institutions is still necessary for the suppression of some serious incidents. Fetters, handcuffs, and chains can be used still, and details have been made available in the paper submitted by Thailand. Prison officers who use force in Thailand are protected by the law but they are nonetheless subject to disciplinary action when the force used is unnecessary. At present nine officers have been disciplined for assault.

The discussion reflected the diversity of conditions in the various countries of the region. Actually, there appear to be three main differences. First, the industrialised countries of the region (with the exception of Japan) have serious problems in the prisons arising from the lack of respect for authority becoming increasingly prevalent in both the institutions and in the society outside. These are countries which have also not been able to avoid the gradual and progressive intrusion of politics into the prison communities. Order and the maintenance of order inside the penal institutions have often become the cutting edge of radical and reactionary confrontation. In addition, the media, particularly the electronic media, is so highly developed that it greatly affects what happens within the penal institutions of the industrialised nations. Incidents might be instigated by prisoners merely to attract the attention of the media, interpreting their right to do this as a legitimate protest against the conditions of their incarceration or the attitudes of staff.

In some of the industrialised countries unions are highly developed and the divisions between interests of the prison officers and the inmates crystallised by such groupings make quite sure that there will be material for a polarisation of views in any conflict situation, leading to violence and sometimes to riot. In these industrialised areas, bedevilled with such deep divisions, the authorities' approach to the use of force is dictated by the situation that confronts them. That is, sometimes brutality and violent aggression is to be expected and there have to be reserve measures for such emergencies as frequently arise. In such circumstances, the reliance upon the control of prisoners simply by the manipulation of personal relationships is likely to prove inadequate. Even where the prison authorities and the prison personnel want to avoid direct confrontation this might be frustrated by the inmates' desire to cause trouble in order to attract attention to their predicament.

Experience has shown that in such situations it is a wise precaution to have a cadre of specially trained personnel on hand to deal expeditiously and efficiently with violent or potentially dangerous situations. Sometimes, as in New South Wales, these specialised 'trouble-shooting' units have been trained in hostage negotiation for escorting violent and dangerous inmates, and in handling a variety of prison problems swiftly and with a minimum use of force. The Director of the Australian Institute of Criminology gave an example of a situation of strike and disturbances in the main Victorian institution which had been overcome by giving specialised training to the personnel who were to intervene (to regain control within the perimeter). They were trained for a period of one week in the precise extent and limitations of the action that would be required. Then they went in with recorders and video cameras as well. The result had been a classical model of how such incidents might be dealt with expeditiously and with minimal force. No one had been hurt, the ring leaders had been segregated and the strike had been brought to an end. Without the care given in these circumstances to working out in advance all the moves necessary and considering the minimal use of force that would be required, there could have been bloodshed and very serious political as well as economic and social implications.

At the other extreme could be found countries in the region like Kiribati and Tonga where violence in the prison is extremely rare. In fact in most of the Asian countries, the respect for authority and the recognition that obligations are as important as rights means that less attention can be paid to training officers in the proper use of force and more attention paid to developing effective controls through the promotion of understanding and mutual respect between prison staff and inmates.

In these countries it is perfectly possible to dream of a future time when the conditions of the prison staff, their quality, and the standard of their training would make it quite possible to eliminate the use of force except in rare instances and to prevent conflict situations arising. Where this is possible it virtually precludes the need for the authorities to expend time and resources on the organisation of force and on the difficult question of its minimal application.

Between these two groups of countries there is Japan and Hong Kong with rather special problems of their own but with extremely effective systems of control of their prisoners. There is respect for authority and an acceptance of discipline with relatively few political complications in these two countries. They had therefore developed excellent systems of penal administration, efficient techniques for ensuring the minimal use of force and regimes to control the day-to-day activities. These could well be observed and imitated by other countries as soon as the resources become available. However, for the reasons already given, it would not be easy for either of the other two groups of countries to adopt the measures used in Japan and Hong Kong without careful and judicious adaptation to their own circumstances.

The discussion revealed that throughout the region incidents of violence requiring the use of force are comparatively rare. However, there was general recognition that personality clashes occasionally lead to physical confrontation. Consequently, it is important that officers and prisoners be fully aware of the circumstances in which the use of reasonable force will be justified. When this does occur, the circumstances must be fully investigated and the administration has a responsibility to satisfy itself that the force used was both reasonable and necessary.

AGENDA ITEM 4: RECRUITMENT AND DEVELOPMENT TRAINING

The Director of the Australian Institute of Criminology suggested that an underlying cause of the riots in prisons in Australia, the U.S.A. and the U.K. during the 1970s has been the fact that the controls inside the perimeter had been surrendered to the inmates. The reasons for this are not easy to pinpoint, but they include low self-esteem and ambivalence about objectives amongst prison officers. This is, in turn, a symptom of unsuitable recruitment and inappropriate training. On the developmental side, in Australia, seniority and trade union conservatism have been problematic and difficult to overcome. However, the seniority aspect of promotion has been broken down to allow merit to gain more recognition of the tasks for which the uniformed staff might be or could be trained and the tasks which should be left to professions recruited either temporarily or permanently from outside.

New South Wales' 1978 Royal Commission had touched upon the need for upgrading staff training. The prison officers' union interpreted this to mean that their own members should be better trained - including better training in riot control, practice in the use of firearms, and so on. Whilst it has agreed that all staff should be given better training, the lack of resources has meant that not all that was sought could be covered. Now there is an initial 10 weeks' induction course with two of these weeks spent on-the-job in the prisons. After 40 weeks there are some further weeks of training before being confirmed as a prison officer after one year's service. Selective training is then provided for officers after they have been promoted. (The unions have also accepted efficiency rather than seniority as a criterion for promotion.) Young officers with the potential for appointment at the highest level may apply for inclusion in an Executive Development Training Program which can operate for as long as one year and can involve work on projects connected with any problem before the Commission.

Negara Brunei Darussalam leaves recruitment in the hands of the Director of the Prison. He leads a selection board of his senior officers and written tests are administered. Training is difficult because the small number of staff does not warrant the service mounting its own training course. Discussions and seminars are held, however, and advantage is taken of opportunities for training abroad. Attending this conference from Brunei, for example, were two officers who had just recently completed training in Malaysia.

Fiji gives a high priority to recruitment and training. In-service training is the normal pattern but prison officers go to the government training institution for management and supervisor

training. Instructors in the prisons have qualified at the instructors courses in the government training centre in Suva. Other staff are sent to management courses in Singapore or for training in Wellington, New Zealand, whilst others go from time to time to the United Nations Asia and Far East Institute for Prevention of Crime and the Treatment of Offenders in Japan. Also there are senior staff sent, as the opportunity arises, to the Administrative Training College at Mount Eliza, Victoria, Australia. Besides initial training, experienced officers are periodically recalled for management training.

Hong Kong felt that this was the most significant of the agenda items. 'The service was the people and people were the service.' Training is expensive, however, as it is for any other profession. It takes two years to equip a person adequately for service in a prison and it is three years before such an officer can be really competent. It may be five years before an officer is reliable and fully effective in all the situations which might arise. The funds must be available for the necessary training courses to be held and it would be a mistake to imagine that training for the prison service could be provided on the cheap. The standard of public relations is tied to effective recruitment and good quality training, and the status of the officer is frequently determined by the public attitude to the prisons. Hong Kong has been fortunate to have two of its women officers involved with beauty competitions and one of these now has her own Saturday night television program. This publicity is of great value to the prison service.

The question of recruitment and training always has been important in the context of prison management in India. Now that there is a modernisation project, the problem of recruitment and training has become crucial. To develop effective treatment programs for the inmates, there has to be an upgrading of the staff at all levels. Attention has to be paid not only to the prisoner/officer relationship inside the institutions but also to the need for quality aftercare. Recruitment is according to the systems determined by the various public service commissions. The government has taken up the question of personnel planning to ensure a flow of qualified recruits and efforts are being made to achieve common standards for recruitment and training for the country as a whole.

Japan during the Meiji era established many new services, including those for the prisons. The first prison training centre was established in 1880 and instructors were invited from Europe. There are now eight prison officer training schools for junior courses and one college for senior courses. These are working well but there are still problems, some of which are mentioned in the paper already submitted.

Another problem, however, is arising because in the women's prison service all the older officers have retired and there are now only young women officers. Although standards are higher now - 50 per cent of the women are university graduates and the others have finished high school - the recruits are so young that they can expect to leave the service to get married within the first five years. Actually the initial eight months of co-educational training for prison officers of both sexes is the best period for these young women to find a husband. So wardens suddenly find themselves bereft of some of their women officers. Japan invited anyone with ideas to overcome a problem of this kind to let them know. Sri Lanka later volunteered that a similar problem has been dealt with by having the young women officers marry the young men officers!

Kiribati has had many troubles with its prisons, usually attributable to the smallness of the service and to the limited resources and scope for development. Earlier, prison management was part of the police service but this was later separated with a consequent loss of discipline and morale. It has now been returned to the police and a number of police officers may have to be transferred to the prisons to strengthen and develop the service. The disciplinary code for the prisons had been excised from the prisons law and has had to be restored to the statute. Kiribati needs training facilities abroad but the officers need time to settle down to the different environment of a foreign country before being launched into training there.

Correctional officers in Korea are recruited through competitive examinations open to the general public. No special restrictions are placed on the qualifications of those applying for the examinations and everyone of 20 years of age or more is permitted to sit for the test. Modern corrections work is complex and difficult, calling for a wide variety of skills. This has led to officers being viewed as professionals, and it is important that the appropriate skills and knowledge are acquired through effective training.

The 'Research and Training Institute', which comes under the Ministry of Justice, is the only staff training centre in Korea. Supplying training solely for correctional officials, it offers more than six courses, including management, and several supplementary training courses for senior correctional officers. These extend from a three-week course for newly recruited correctional assistant supervisors to a basic training course of 16 weeks. There are also specialised professional training courses of three weeks duration. It is mandatory for newly recruited correctional officers at the level of guards to receive three weeks of orientation and training prior to entering service before they are employed. This training covers subjects such as penology, penal administration law, criminal policy, criminal code, counselling, and traditional martial arts like taekwondo.

There is also a scheme for the academic education of correctional officers who have bachelor's degrees. This is conducted by graduate schools in Seoul, the capital city of Korea. To date, 33 correctional officials have already obtained master's degrees in corrections. Nearly all of their school expenses are paid by the Correctional Bureau. In addition to this domestic academic education, a few correctional officials have been sent abroad for training each year, either for long-term training for a two-year master's course or for short-term training for less than one year at foreign correctional agencies. One senior correctional official is sent every year to take part in the group international training courses conducted at UNAFEI in Japan.

Macau described the training provided in Macau in so far as the limited resources permitted. Without doubt training is of vital importance for the development of the service but there are many problems for a poor country with limited facilities.

Malaysia described a recruitment system similar to that of other countries dependent on public service boards. The Director-General of prisons is invited to selection boards which recruit personnel for the prison. Apart from the local training of recruits, Malaysia has been very adept at taking advantage of all the formal and informal, regular and ad hoc channels for the training of staff in Malaysia and abroad. Local, broadly-based management courses, local university courses and local seminars are also used. Assignments abroad made possible by technical assistance, by the British Council or by Australian agencies and UNAFEI are all well used.

New Zealand reported that it has good facilities at the National Staff College with internal and external tutors being involved in staff development training. Management courses are also provided at the National College and use is made of university courses for staff to gain diplomas and certificates in criminology. Broad social understanding is necessary for officers to appreciate not merely their role in the prison but also their responsibility to the community. New Zealand felt that the time may well have come to establish courses for corrections at a university for the Asian and Pacific region. There were common areas of concern which would need enlightened training approaches for the officers who would be expected to deal with the future.

Papua New Guinea tries to make use of specialised services provided by the government. The country has its own training centre which, for reasons explained in the paper, is not properly funded. An attempt was made to amalgamate police, army, and prison officers' training but this has not been very satisfactory. Papua New Guinea follows the Fiji pattern of taking advantage of training facilities offered by other countries through technical assistance and ad hoc arrangements. Since these Conferences began, it has been possible to send a

few people to New South Wales for training and Papua New Guinea would be very happy to consider any future offers available.

Significantly, the discussion revealed that there is a very reliable degree of mutual training within the region. For example, in addition to visits by groups of officers, Sri Lanka has had a course for its senior officers provided by Hong Kong; Singapore has accepted officers from Fiji; and as a result of this Asian and Pacific Conference and the contacts it has encouraged, India has picked up ideas for improvements, Australia has developed ideas on prison industry from Singapore and Samoa has used Australian aid.

Sri Lanka provided information on its own training system and the way in which it uses international openings for training of personnel. However, Sri Lanka was deeply concerned about the whole question of training in the region and its contribution to the discussion initiated a very lively and rewarding exchange of views on the measures that should be taken to improve training facilities for the Asian and Pacific region. It regretted very much the decline in the services which used to be provided by the Australian Institute of Criminology and it deplored the low priority accorded to correctional services by the various sources of technical assistance. For years, it had been hoping that more could be done through the United Nations, through the Colombo plan or through other sources of bilateral technical assistance. As far as corrections were concerned, all these attempts to obtain more attention and understanding of the training needs have failed and in fact practically nothing had been done until the Asian and Pacific Conference was established and the countries had begun to help each other, albeit on their own shoe-string budgets.

Kiribati, where a meeting of technical assistance donor countries will be held soon, has already appealed for a wider interpretation of technical assistance to include law and order as an essential part of economic and social development.

The Director of the Australian Institute of Criminology accepted criticism of the decline in the Institutes's services over the years due to financial cuts and political events beyond the control of either himself or the previous director. However, in view of the improved financial climate and the improved understanding in the region of the need for law and order to be included in definitions of technical aid the outlook is not so bleak. One of the reasons for a better understanding and the need for change in priorities has arisen from a recent report on the economic effects of lawlessness and disorder in Papua New Guinea. This revealed that economic and social development is being hampered in that country by a climate of general insecurity.

The Director felt that the time is right to obtain a better appreciation by the Australian Government of its responsibility to help improve the levels of law and order in the region and to seek help with the improvements which have to be made in crime control and in particular in correctional services. The Director undertook to place at the disposal of the Conference the services of the Institute not merely to edit and publish the annual report of the Conference as at present but also to act as a clearing house, distribute notes, and letters and if possible, to run middle and senior management courses for correctional personnel. He felt that the Institute could co-ordinate training at the different technical and professional levels in Australia, which might be provided by the correctional administrations in the various states.

In sum, there were expressions of frustration and dissatisfaction with the present training situation in the region and eventually agreement was reached on the following resolution which was proposed by Sri Lanka, seconded by Hong Kong and carried with acclamation:

This Conference resolves that regional training facilities for senior and middle management personnel in correctional services are urgently in need of supplementation. In this context, it notes with regret the decline in international training courses arranged by Australian Institute of Criminology. In view of the importance of law and order to social and economic development, the Conference requests the Director of the Australian Institute of Criminology to convey to the Australian Government its view that development assistance should be made available for these purposes both in the short-term and as a long-term commitment.

It was considered to be absolutely essential that some action now emerge to improve training in this area.

Hong Kong added, however, that there is a need to make full use in the meantime of whatever services there might be available already in the region by developing mutual co-operation between the countries attending this Conference. Responding to this, New South Wales invited the countries participating to consider the possibility of finding the fares to send some of their staff for short courses in New South Wales. Their accommodation would be provided and there would be no fee for the training.

In Thailand, recruitment of staff is under the responsibility of both the Department of Corrections and the Office of the Civil Servant Commission. Those who pass the examination and are appointed are put on a practical trial period for one year during which a pre-service training course is provided. After the successful completion of this practical trial period they are appointed as permanent staff.

In addition to the pre-service training courses there are in-service training courses, both of which are the responsibility of the Correctional Staff Training Centre. Some in-service courses also correlate with promotion, in that those who have not yet attended the courses of deputy prison warden or prison warden cannot be promoted to such positions. Some qualified staff are also sent for training courses abroad, with the co-operation of many countries such as Singapore, Japan, Australia and England.

In addition to the training courses just described, two activities have been arranged in order to attract a better class of recruit for the service. There are (1) the annual exhibition of prison products which has been held since 1971 (this exhibition earns considerable revenue for the Department and is very well known to the public); and (2) prison observation in foreign countries which is also known to the public. Those who have worked hard and made large profits from prison exhibition products are rewarded with an observation tour abroad at the government's expense. At present eighteen staff are observing prisons in Denmark, Sweden, and West Germany.

Tonga felt that the changing role of penal institutions from the purely punitive and custodial to one in which prisoners can reintegrate more positively into community life after discharge, now demands more efforts and energy not only from the staff but also from the senior administrators. Nonetheless the training of staff is vital and it is felt that it is only by this route that the organisation will function more efficiently in the discharge of its duties and responsibilities. The staff need a new outlook and a new approach which can be achieved through training. Great care is now taken to select people of the right calibre for prison service and the requirements are clearly laid down in the prison directives. Once appointed, the officer is on probation for two years and given a basic training course of ten months at the police training schools, simultaneously with on-the-job training supervised by a warden. After the initial training there are other various assessment courses to provide regular training supplements.

AGENDA ITEM 5 CHANGING RESPONSIBILITIES OF CORRECTIONAL
ADMINISTRATORS

In view of the limited time available, the Executive Director of the Conference suggested that the most that could be done would be to highlight the different aspects of this important problem for further consideration and development at some future meeting.

Kiribati asked for information as to the scope of the correctional administrator's responsibilities: in what countries do they extend to responsibility for parole, after-care, probation and so on. It emerged from a quick count that eight of the countries represented have administrations responsible for institutions only. Hong Kong does place after-care and release under supervision under the authority of the Commissioner; it also has responsibility for illegal immigrants being detained, for refugees and for treatment centres for drug addicts.

Hong Kong also drew attention to the United Nations Standard Minimum Rules for the Treatment of Prisoners which sought to improve the image of prison officers from mere guards to a social service function. Hong Kong felt that this should be developed and, as in Hong Kong, the public should be made aware that correctional services employ experts in the handling of people and the humane management of centres for the detention of individuals.

The Director of the Australian Institute of Criminology explained that in Australia three times the number of offenders are dealt with by non-institutional measures than are sent to prison. Yet far less officials are employed to supervise offenders outside the institutions than to deal with the inmates of institutions. In Western Australia, for example, proposals for amalgamating the custodial and probation services have been resisted because the officers of the non-institutional services feared they would be disadvantaged industrially because of their smaller numbers.

In New South Wales the Correctional Services Commission is responsible for probation and parole as well as for prisons. Despite some organisational difficulties initially, combining the probation and parole service and the custodial division has had excellent results. Simply to mention the fact that probation and parole officers serve on various classification committees inside the prisons and prepare reports for the parole board is to indicate the value of this form of integration. It dilutes the likelihood of professional rivalries and provides for 'through treatment' of offenders, linking work with them before and after a period of incarceration.

In India, parole is handled by the home departments of state governments but probation is dealt with by the prison administrations. However, in some states probation is under the welfare departments. India is in the process of improving its correctional structure and seeks guidance from other countries on certain cost/benefit aspects of different types of personnel policies in correctional administration.

New Zealand has had a recent review of criminal justice policy which has led to legislative changes involving the prison service more closely with the community. New regional committees will have authority relating to programs and will recommend releases from penal institutions. In New Zealand the probation and parole service is a distinct service from that which manages institutions but both services come under the Secretary for Justice. The changes will contribute to greater cooperation, and the integration of external and internal services into the wider community setting.

New South Wales pointed out that frequently the most experienced and capable administrators are lost long before they reach the age of retirement. This is a grievous loss of expertise and of persons in whom governments have invested valuable resources. One of the reasons for this is the administrative workload expected of higher levels of administration and the abdication of responsibilities by governments which do not make clear to the administrators just what they really expect of their correctional systems. The difficulty is that senior administrators no longer have the confidence that they are supported by their governments when their decisions come under media attack and they therefore have to act cautiously in situations that require prompt decisive action.

Sri Lanka raised the important point that far too much is expected of correctional administrators and this is why there are so few able to fulfil the roles. For example, internal cleanliness and a cheerful combination of colours is expected, which requires administrators to show some flair for interior decorating; if the food is not satisfactory, administrators will not keep their job long, so they have to be able to understand something of cooking and the presentation of dishes; and on entering a prison it is expected that the garden should be properly tended so that administrators have to know something about gardening. One could go on with examples. There are also other areas of expertise and competence such as social counselling, psychiatric treatment, group therapy, vocational training, and a variety of technical trades which have come to the fore in recent years. One danger is that too much is expected and it will not be possible to find the people able to measure up to the expectations. The other danger is that these different tasks would be split into a variety of specialisations, at great cost and probably with a need for coordination which would exclude effective administration.

This subject therefore is of vital importance for the future improvement of prison services.

Papua New Guinea described the complications which had arisen in that country as a result of many senior positions having to be filled quickly by local staff as expatriates withdrew. The result has been that there have been serious problems in the middle management levels and the Government has recently announced a series of new measures which will be taken to strengthen the existing services, appointing to the positions people who have the necessary qualifications and who have experience in operating services at that level. Permission has been given for a small number of expatriates to be recruited to the prison service and for training facilities to be extended. Permission has also been given for the prisoners' accommodation to be extended.

Macau pointed out that there has been a rapid change in some countries from the older concepts of the administrator as a custodian to the broader concepts of the administrator as a person responsible for the services required to rehabilitate and reintegrate the offender into the community. Whilst the profundity of this may not have been immediately appreciated, it certainly is a dramatic reorientation of the duties expected of the administrator and the responsibilities which are placed upon them. In some respects, these are greater in the smaller countries with a single prison and few resources for segregation, classification and specialised treatment than they are in the other countries where provision can be made for the separate and even individualised treatment of inmates. Forms of adaptability, ingenuity, and a capacity to respond quickly to emergency situations are increasingly necessary and these complications of the new roles of commissioners should be very widely understood.

In Tonga, the present system has not encouraged people of higher education to join the prison service. On the one hand, the prison service offers insufficient inducement; on the other hand, people who have acquired a negative notion of the prison have no desire to have their children in the service.

Malaysia described a scheme for employing university graduates and offering advanced promotion. At present there are only five direct appointees to the post of deputy superintendent of prisons. This post is also open to qualified serving assistant superintendents of prisons. The university graduates are given three months of basic training at the ordinary officer level and then six months of training at a higher management level. They are then posted to institutions but have to work for a minimum of five years before being promoted to the rank of superintendent and taking charge of a prison. It is hoped that this will provide a core of better quality administrators for the future.

Malaysia stressed that no administrator can be successful without the recognition of higher authorities and the confidence of the ministers.

Hong Kong said that in addition to their primary tasks, the administrators need to have skills in handling the press and dealing with public relations. They have to be a diplomat, a politician, a 'father' figure to the staff, a counsellor and always the boss.

In Fiji, prison staff are not supplemented with all the professional services of psychologists, psychiatrists, educationalists and therapists that are available in the correctional services of many countries. In Fiji, the prison officers have to do everything. This has not been appreciated by the general public in the past but as time goes on the people in Fiji are beginning to realise what prison work entails.

Japan made the important point that prison administrators have the task of protecting the human rights of inmates but in any large prison population what this means in practice is protecting the human rights of the strongest prisoners, and the better organised and more vociferous ones. This raised many issues in relation to the public which often knows about the rights but has no conception of the complications of maintaining order in an institution and the need for a balance between human rights and obligations. In Fuchu prison, for example, there are 2,500 inmates, 50 per cent of which are gangsters with continuing links with outside leaders of organised crime, little remorse for the offences they have committed and every inducement to disrupt or exploit the situation under the pretext of human rights and to the disadvantage of other inmates of the institution. Kiribati intervened to inform the Conference that a new human rights movement has recently been established for the Pacific and had been formed in Fiji. It was obvious that this could mean human rights groups will pay more attention to the prisons and perhaps demand better conditions. In the circumstances of the less developed countries where the conditions in the prisons are already considered to be relatively better than subsistence living outside the prison, this could lead to some interesting development of principle.

The Director of the Australian Institute of Criminology sought clarification from Kiribati as to the form of human rights organisation which is being established and its possible scope. The answer indicated that little more was known from regional news reports other than that the source had been Fiji, but it probably is a development of interest in human rights by the academic community, the churches, the legal profession and a number of politicians.

This was recognised as a desirable and expected development and Kiribati was anxious that the Conference should not give a misleading impression that it is in any sense concerned about a movement for the protection of human rights or the development of measures which would ensure a wider recognition and application of them throughout the region. However, Kiribati, like some other island states has yet to develop the procedural channels which could effectively handle and regulate the approaches to the President or other relevant authority on the basis of individual cases. It is now making arrangements which would cope with this, and undoubtedly, Kiribati will soon be able to process any human rights applications and appeals with greater efficiency and in an enlightened way.

The Conference in general noted the importance of human rights and obligations in a prison service. These matters have been discussed at earlier meetings and the Conference properly desired to keep human rights at the forefront of its attention.

Brunei Darussalam observed that prison establishments vary considerably in size, roles, functions, type of population, regime, and management. In creating an organisation to suit certain types of prison, the director of correctional administrators must be clear on the roles and functions of his own establishment. Having defined clearly what is expected the director of correctional administrators then knows how he and his staff should respond.

In Negara Brunei Darussalam, as in other countries, the dual roles of the penal system are safe custody and rehabilitation. This is specified in section 3(1) of the Prison Rules, 1978. The basic principles and guidelines for the management of penal institutions are also provided for in the UN Minimum Standard Rules. In the light of these basic principles, various needs of prisoners - social, educational, vocational, spiritual - have been catered for in prisons, and all these areas require staff of specific knowledge for their implementation.

Management issues are also included in the responsibilities of correctional administrators. It is expected that they will make contributions to the performance of their organisations and in this respect, they cannot escape from being involved in planning, evaluating, controlling, motivating, briefing, organising (delegating), decision making, defining the task and setting examples. All these responsibilities have a significant impact on penal management, and the role of the correctional administrators has changed accordingly. It is essential that correctional officers are trained to be able to achieve a balance between the complicated and sometimes conflicting tasks of custody and rehabilitation. However, in order to realise this, the department must be prepared to spend time and money for such training and the directors or the heads of correctional services must be better trained.

In Thailand, correctional work has seen great changes in the last two decades. Formerly, the only policy of the Department of Corrections was to keep all inmates in safe custody. There was no real recognition of the inmates' need for vocational training and eventual rehabilitation. In addition, those who graduated from the universities did not want to join the prison service owing to the feeling that working in prison is disgraceful.

It is only a few years since the public realised that correctional services in Thailand have been improved and the Department became quite well known when a professional officer of the service was promoted for the first time to the position of director-general. Since that appointment, many sophisticated measures and new activities have been introduced and it was important that these should be recognised by the public.

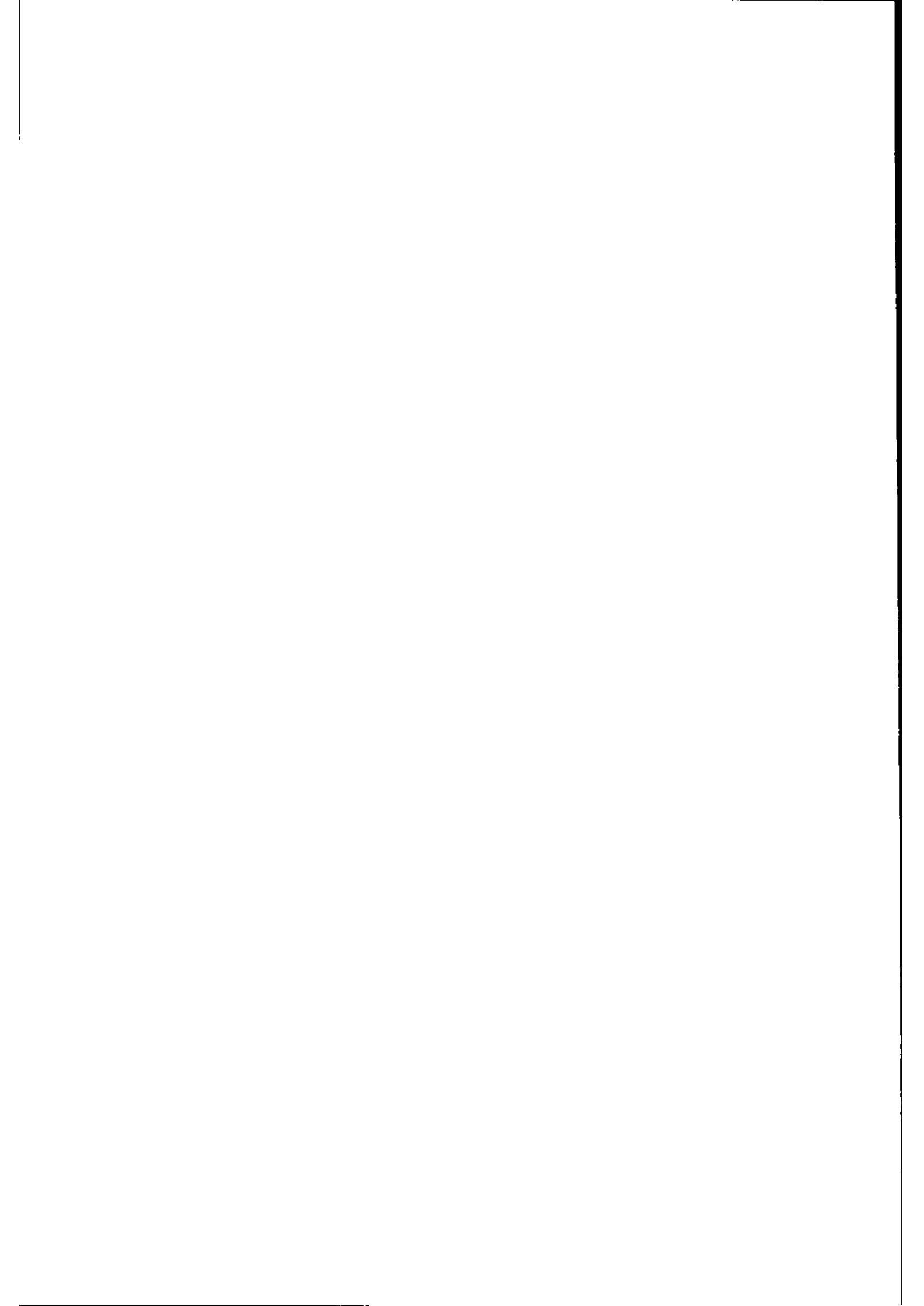
For example, in addition to the inmates' rehabilitation and vocational training, a large public exhibition and sale of prison industrial products involved participation by all wardens (this has also correlated with their promotion or demotion). So, correctional administrators in Thailand have developed from those who have a knowledge limited to keeping inmates in custody, to those who have a broad knowledge of correctional administration, commerce and marketing.

GENERAL BUSINESS

The Director-General of the Correctional Services Bureau of the Republic of Korea expressed his appreciation to Colonel Buadromo and his staff for the success of this Conference and extended an invitation to all present to attend the Seventh Conference which will be held in Seoul from 15-19 September 1986. The Conference then decided upon the following agenda for the Seventh Conference.

- i Remandees: management, accommodation and facilities;
- ii Draft standard minimum rules for the treatment of prisoners in Asia and the Pacific;
- iii Education opportunities in prison with particular reference to reintegrative and primary education;
- iv International transfer of prisoners within the Asian and Pacific region;
- v Providing employment for inmates.

The Conference took note that the American Correctional Association was initiating a side meeting at the Seventh United Nations Congress in Milan in August with a view to the proposed foundation of a new 'Corrections International'. It noted this and resolved to take no part in its activities.



CLOSING ADDRESS

Mr Q.B. Bale
Attorney-General and Minister for Justice,
FIJI

My address to you this morning brings to a close the Sixth Asian and Pacific Conference of Correctional Administrators. While this happens to be the first formal occasion during your Conference that I, as Attorney-General and Minister for Justice of this country, have met you, I can assure you that I am extremely interested in the matters you have been deliberating on throughout the week and I look forward to reading the papers that have been presented during the course of your Conference as well as the comments and views which you have expressed. I was, therefore, delighted to receive the invitation of Fiji's Commissioner of Prisons, Colonel Mosese Buadromo, to participate in the closing ceremony of your Conference.

My interest in the Conference, and the matters you have been deliberating on, is not a passing one. Throughout my professional career I have had a real interest in the correctional system and also a very deep concern about the treatment and rehabilitation of offenders in Fiji as well as in the region. Indeed, in these days of improved media publicity on crime there would be few people who are not concerned with these issues, especially when we view the problem in human terms.

It is tragic to see so many young people of our nation without any aim, direction, or ambition in their lives turn to crime and inevitably become sad statistics in our criminal justice system. Young people that get caught up in an imprisonment cycle only waste the best and most productive years of their lives. Thereafter they are marked with the stigma of their criminal convictions.

It is because I care about these issues, because you care about these issues, and because our nations care about these issues, that the Asian and Pacific Conference of Correctional Administrators met this week in Suva, Fiji, its sixth such meeting to discuss ways and means of dealing with the problems and difficulties our prisons face.

We all realise, as the people responsible for the prison systems in our respective nations, that we are not just talking about abstract notions. What really is at stake is something much more than an institution or system. At stake are the lives of human beings who have been unable, for one reason or another, to live

law-abiding lives in our societies. Because of this, we must be ever mindful that our correctional institutions are collections of individuals, of human beings, and the problems we are concerned about are therefore human problems. It is for that reason that we in Fiji regard our prisons system as one of our more important social institutions, that increasingly demands greater expertise and commitment if it is to properly fulfil its social function.

I have already commented that my interest in prisons and related matters is not just a passing one. Earlier in my public service career I became involved with the prisons system in Fiji and played a part in what I regard as the rebirth and regeneration of the Fiji prisons system. That was early in 1980 after the unrest, riots, and disturbances that had erupted in prisons throughout Fiji late in 1979. As so often happens, and ironically perhaps, out of something bad came something good!

At that time I was Solicitor-General and I was appointed by Cabinet to inquire into those disturbances, determine their cause, or causes, and to make recommendations with particular reference to the prevention of similar disturbances in the future.

As a relative novice in penological matters, I found my reference a challenging and complex one, and as I carried out my task and prepared my recommendations I came to have a new insight and understanding into the complexity of our prison system. I recognised the importance of the various parts that comprise the prison system, and the need for each of those component parts to understand the nature of their contribution. There is a need for discipline both among staff and among inmates, and for training so that all clearly understand the nature of their function and can exercise their responsibility confidently and firmly. I also saw the need for an effective overall scheme of administration and the need to explore ways and means of reducing prison numbers by examining alternatives to imprisonment. There is a need to continually seek ways and means of minimising the dehumanising effects of imprisonment.

One of the first recommendations I made to Government arising out of my inquiry was that steps be taken immediately to recruit an expert in penology to help develop the potential of the Fiji Prisons Service. The eventual outcome of that was the recruitment of an expert and the ultimate publication of a Report of the Prison Advisor which came to be commonly known as the Nash Report. It is that Report which has become the blueprint for the restructuring of the Prisons Service in Fiji, a restructuring which is now almost totally complete.

My interest in the prisons service in Fiji did not stop there, and you may be interested to know that one of my first tasks as

Attorney-General and Minister for Justice was to appoint a Special Committee under the provisions of the Law Reform Commission Act to undertake an examination of the laws and practice relating to penal policies in Fiji. The composition of that Committee reflects the importance that my Government attaches to that reference. It is a committee of high standing and includes our own Commissioner of Prisons, Colonel Buadromo.

That Committee is in the midst of its deliberations and among the topics it is examining is the Prisons Act and its subsidiary legislation. In particular, under that topic, the Committee is examining two forms of early release available in Fiji, that is release on extramural punishment and release under a compulsory supervision order, both of which have given rise to some difficulties in the past. In addition, there were recommendations in the Nash Report relating to matters other than administrative restructuring, such as gratuities, privileges, and disciplinary matters, that require further consideration with a view to their eventual legislative implementation. The Committee is looking at these matters too.

In addition to the Prisons Act and its subsidiary legislation, the Penal Policy Review Committee is looking at a number of other related matters. It is considering the formulation of a broad policy relating to the use of imprisonment in Fiji; reviewing the use of corporal punishment in Fiji; and looking at the possibility of widening the sentencing options of the courts by introducing communitybased alternatives to imprisonment. (Indeed, I should point out that a pilot community work order scheme has been operating in Fiji now for over a year and is showing encouraging and positive results.) The Penal Policy Review Committee is also looking at the question of alternatives to imprisonment for nonpayment of fines or nonpayment of maintenance, and at various rehabilitation schemes with a view to considering 'through care' and 'after care' programs.

In this respect I could mention in passing that certain provincial councils, which are the administrative organs of native Fijian communities in this country, have also become concerned about the rehabilitation of prisoners and have embarked on their own community-based programs. The Lau Province 'half way house' in Suva and the Kadavu Province Prisoner's After-Care Committee are examples of the increasing community involvement, as is the work of other groups such as Prison After Care and Prison Fellowship. I have been delighted to note that a number of these community-based programs are being co-ordinated by groups of youths. I regard this community involvement as a healthy sign and a very definite step in the right direction, because for too long the community has ignored its responsibilities in this regard, preferring to leave the responsibility entirely with the formal correctional institutions.

The report to Parliament of the Special Sub-Committee on the Penitentiary System in Canada observed that one of the failures of the prison system is to encourage the idea that offenders can be removed from the community and made the responsibility of 'somebody else'. That is not the case and the Canadian Report emphasises, very properly in my view, the importance of community involvement in dealing with those who have broken society's laws.

The importance of community involvement has now been recognised in many other jurisdictions. In the past, in building prison walls to keep the prisoner in, the effect of those same walls in keeping the community out was both not understood and underestimated. We now realise the importance of inmates maintaining meaningful contact with family and other members of the community, notwithstanding due regard to matters of security.

Finally, amongst other matters the Penal Policies Review Committee is examining the problem of old convictions.

It will be apparent to distinguished delegates to this Conference, from the comments that I have made, that matters relating to penal institutions and penal policy in general are presently very topical in Fiji and it is entirely appropriate that at this time Fiji should host this Conference. I believe that the formal matters that have been discussed during the course of this Conference will be of immense value both to those present here and to all those in the South Pacific Region who are involved in penal administration and the review of penal policies. The informal exchange of ideas and local information which takes place at a Conference such as this will likewise be of real mutual benefit.

We here in Fiji and our Government are proud of our Prisons Service and consider ourselves fortunate in having a person of the calibre of Colonel Buadromo as Commissioner. I know your visit can only assist in improving the standard of our prisons service even further, and I trust that you too will leave Fiji enriched by your deliberations during the Conference and by the fact that you have experienced Fiji's famed friendliness. We wish you guests to our shores a very safe and pleasant journey home.

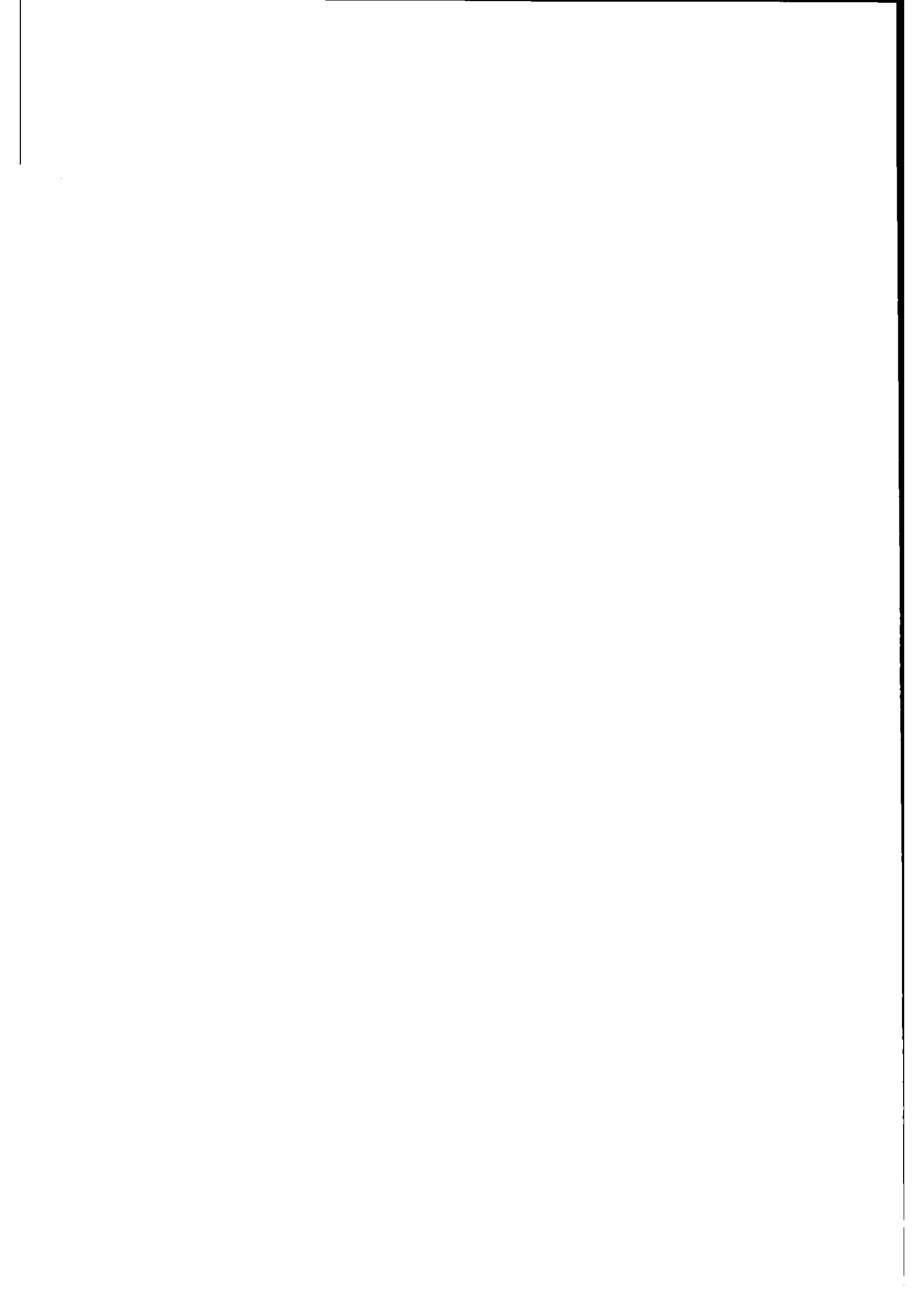
RESPONSE

Mr T.G. Garner, C.B.E.
Commissioner of Correctional Services
HONG KONG

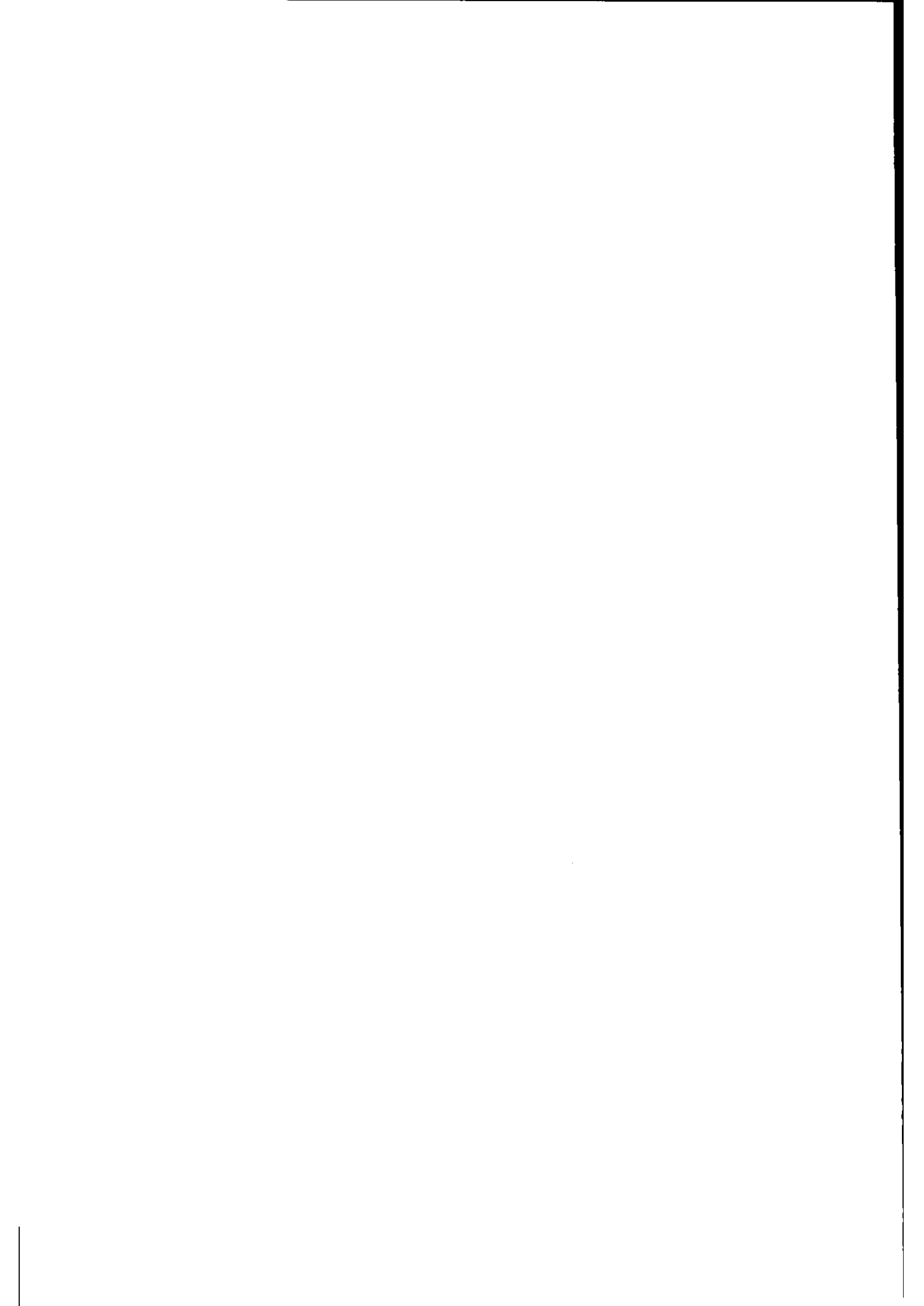
At the conclusion of the meeting Mr Garner thanked Colonel Buadromo, the Fiji Prisons Service and the Fiji Government on behalf of those present. He said that their generosity as hosts was received with honour and with the very greatest of pleasure, and that the week's meeting had been a most successful experience. Before closing, he referred to the next meeting, due to be held in Korea in September 1986, and said that he looked forward to meeting again with his friends and colleagues, the delegates of the Asian and Pacific Conference of Correctional Administrators.

RETIREMENT OF MR T.G. GARNER

The meeting noted that Mr Garner would be retiring from the Hong Kong Correctional Services in July 1985. The matter of his continued participation in the Conference was raised for discussion and a unanimous decision made to retain Mr Garner as Co-Director of the Conference Council. The opinion was expressed that as co-founder and principal member of the Conference, his contributions would continue to be valued highly.



AUSTRALIA



AUSTRALIA
NEW SOUTH WALES

INVESTIGATION OF INCIDENTS IN PRISONS

For the purpose of this paper incidents include such major matters as assaults, murders, drugs and allegations of corruption, all of which are criminal offences whether they occur inside or outside prison. In New South Wales all such incidents occurring within prison are referred to the police as a matter of course, although the initial investigation may be undertaken by officers of the Department of Corrective Services.

Until recently, police investigating incidents in prisons removed prisoners from the gaol to local police stations to facilitate obtaining statements. However, advice from the State Crown Solicitor held that this practice could not be sustained under the (then) provisions of the Prisons Act. In consequence, the Act has been amended to provide that prisoners may be removed to police stations for the purpose of investigating offences which occur in gaol.

Where police determine that an incident is of a sufficiently serious nature to warrant their involvement, they assume responsibility for the investigation, and if appropriate lay charges. In cases where the police indicate that they decline to investigate the matter or, having carried out an investigation, that no police action will be taken, it is the responsibility of the superintendent to consider alternative action. This may include having the matter heard and determined by a visiting magistrate, or in the case where an assault on a prisoner is alleged, advising the prisoner that he/she may seek an interview with a chamber magistrate for the purpose of laying an information.

When police do not intend taking action, it is imperative that a thorough investigation into all aspects of the incident be undertaken by departmental officers. Where possible, this investigation is conducted by officers attached to the Special Response Unit who are trained by the Australian Federal Police and State police in criminal investigation procedures. Irrespective of who conducts the investigation, the superintendent is responsible for obtaining written statements from witnesses as soon as possible after the incident, as well as noting the names of officers and/or prisoners who may have been in the area at the time of the incident and, if necessary, arranging for a medical examination.

If it is alleged that a prisoner was involved in an assault on another prisoner or an officer, the superintendent may direct his/her segregation from other prisoners or obtain approval for the prisoner's transfer to another prison. Such action is not a

form of punishment nor a retaliatory measure but may be necessary for the personal safety of another prisoner or a prison officer or for the security of the prison. The circumstances whereby a prisoner has been placed in segregation must be reviewed fortnightly to returning the prisoner to normal discipline either within that gaol or at another prison.

To assist in the investigation of matters of a criminal or quasi-criminal nature, including allegations of corruption, four detectives from the Police Department's Internal Affairs Branch are seconded to the department. This unit works in co-operation with departmental staff but before investigating matters referred to it by the Corrective Services Commission.

The incidence of drugs in prisons is a matter of grave concern to the Corrective Services Commission. To investigate the supply and distribution of drugs the Commission has recently established an Internal Investigation Unit, comprising twelve departmental officers and two detectives seconded from the Police Department's Drug Squad. The unit will undertake investigations into drug trafficking in gaols as well as any allegation referred to it by the Commission, especially in the area of alleged corruption, and where the nature of these enquiries may lead to criminal charges being laid the unit will work in close co-operation with the Police Department. This unit will also be responsible for conducting 'special' searches which are unannounced searches of gaols to detect drugs and other contraband. During such searches, prisoners may be required to subject themselves to urinalysis testing, and failure to do so constitutes an offence against prison discipline.

Notwithstanding the outcome of investigations conducted by the Department, prisoners have various avenues of review available to them. A prisoner who has been found guilty of an offence by a visiting magistrate has the right of appeal to a higher judicial authority. Prisoners who are dissatisfied with the investigation of their allegation or who consider they have been unjustly treated by a superintendent with regard to a minor incident may make representations to the Ombudsman, who can initiate further inquiries and examine documents and reports pertaining to the investigation.

FACILITIES AND PROGRAMS FOR FEMALE PRISONERS, INCLUDING THOSE INMATES WITH CHILDREN

The general aims of the Programs Division of the department, as outlined in the Education Officer's Manual, are:

1. to contribute to the rational and humane containment of prisoners in New South Wales;

2. to assist prisoners in the development of functional skills (for example, literacy, numeracy), social skills (for example, budget management, parenting, understanding of current events, self-expression), vocational skills (for example, pre-trade and trade training) and leisure skills (for example, hobbies, crafts, sport, music, drama).

The effective implementation of these aims in women's prisons, which have a combined inmate population of 200, is limited by several factors. These include the non-conducive nature of prison and inadequate facilities; the competing interests and timetabling of work, education and activities programs; the administrative difficulties associated with providing appropriate resource materials; and inadequate custodial staff for supervision and the continued stereotyping of what are considered 'women's occupations and interests'.

Women with children experience particular difficulties and stress associated with separation, concern over custody and a sense of parental failure. Currently there is no provision for live-in accommodation for inmates' children, and visiting facilities for families generally are inadequate.

Mulawa (maximum security prison)

Education programs currently running can be divided into the following categories:

- . Vocational - 'industrial sewing machinists' course (60 hours held over a period of 12 consecutive days);
- . Recreational - artex, pottery, hair care, life skills (stress and/or - management and assertiveness), basic education, a cooking program, fashion and design, occupational therapy.

In addition to the classes outlined above, some of the women are enrolled in a wide range of correspondence courses from the College of External Studies. These include courses in certificate and diploma entrance, motor maintenance, freelance journalism, languages, showcard and ticket writing, and shorthand and typing.

An important development at Mulawa Prison is the creation of twelve full-time inmate student positions - six attached to the needleroom training facility and six undertaking general education courses.

The Senior Education Officer is working on two new courses, childcare, and a life management skills course involving staff from welfare, psychology, education, probation and parole divisions of the department.

Education facilities consist of two classrooms which service all classes except those serviced by the needleroom. One of the rooms contains equipment for the cookery, hair care, pottery and typing programs. With the full-time students requiring a quiet study environment and with the number of courses there is a need for the creation of more classrooms.

The activities program offers a variety of organised sport and exercises, such as tennis, netball, volley ball, hand ball, yoga and aerobics. In addition, films and videos are shown, indoor games are provided and courses on tapestry and Alcoholics Anonymous are organised. The organisation of such programs rests with the activities officers of which there are two at Mulawa.

At present there is no provision for full-time care of children in gaol. In the past a mothers and babies unit was set up within the institution, accommodating children ranging from 12 months to 3½ years. After a hostage incident, administrative problems and overcrowding, however, it was gradually phased out. It is estimated that in Mulawa at least 12 women have babies or small infants.

All day visits between women at Mulawa and their children are permitted once a fortnight between 8.30 a.m. and 3.30 p.m. on weekdays only. Weekend visits may only last 2½ hours. One corner of the visiting area, a large 30 metres long room, is set aside for children. The situation is improved in warm weather, as there is a large grassy area with playground equipment available for children on whole day visits. Because of the inadequate and depressing prison situation, the restrictive regulations based on security requirements (for example, children are not permitted to bring their own toys or food; nor is the carer of the child on the outside allowed to be present on all day visits), and the spasmodic nature of the visits, they are sometimes unrelaxed, hurried and frustrating. An exception to this has been the four successful 'activities' days, held in 1984.

Norma Parker (minimum security institution)

Because Norma Parker is the minimum security institution in New South Wales for women, its educational and activities orientation is different from that of Mulawa. Much of the emphasis is on day release for work and study, and on pre-release schemes.

The classes currently operating within Norma Parker are mainly in the recreational/developmental areas of craftwork (spinning, screenprinting, needlework), guitar, artex, aerobics, fashion and design, cooking, pottery, and remedial English as a second language. In addition, between six and eight women are doing correspondence courses and five women are attending Meadowbank

Technical College either full-time (higher school certificate, introduction to retail, fashion) or part-time (ceramics). Occasionally, pre-release courses have been run covering self-development and practical everyday management. There is one fully equipped classroom with six sewing machines and ten typewriters.

As at Mulawa there is no provision at Norma Parker for women to care for their children within the institution. All visiting takes place at the weekend on the basis of either one full day or two half days. If the weather is fine, visits can take place outdoors. If not, then the assembly hall is used. Those eligible can also apply for weekend or day leave.

Bathurst 'X' Wing (medium security)

Because of its recent establishment, education and activities programs are still being developed at Bathurst. Courses available include literacy and basic maths programs, guitar, art and pottery, aerobics, drug education and hairdressing. Proposals for new courses are leatherwork, light woodwork, art metal and showcard and ticket writing, hairdressing, beautician work, jewellery, tie-dyeing and screen printing.

Parramatta (maximum security prison for disruptive prisoners)

There are seventeen women at Parramatta whose needs are presently being catered for by one pottery teacher who visits once a month. Apart from access to the oval for an hour and a half each day, there are no other forms of formal exercise, that is, sport such as softball or tennis.

EXTENT AND USE OF MINIMUM FORCE IN PRISONS

In New South Wales, the circumstances in which force may be used by prison officers are specified in the Prison Regulations (extract appended). Force is defined in the regulations as including the threat of the use of force and the carriage and use of instruments of restraint. While instruments of restraint include handcuffs, batons and chemical aids, they do not include chains and irons.

Prior to the amendments to the Prison Regulations in 1982, the use of force in New South Wales prisons was governed by the Prison Rules, which are made pursuant to the Prisons Act and relate to the duties of officers. Prison Rule 4, the only rule which dealt with force, provided that:

An officer shall not strike a prisoner unless and compelled to do so in self defence. In any case in which application of force to a prisoner is required, no more force than is necessary shall be used.

In the report of the Royal Commission into New South Wales Prisons, 1978, Justice Nagle criticised the wording of this rule for being imprecise and ambiguous. While it did allow the use of force in self-defence, it did not recognise and allow for those situations in which use of force, other than for self-defence, is necessary. In cases where a prisoner has refused to comply with a lawful order, it may be necessary to use force to oblige him to carry out the order. Further, the rule did not allow the use of force to quell a disturbance or riot or to prevent an escape.

Notwithstanding his recognition of the need for force in certain circumstances, Justice Nagle considered that the use of batons or other forms of physical violence should never be permissible except in self-defence. Nagle also stated that substances such as mace should only be used if there is a reasonable fear of injury to the officer concerned.

The setting of limits and the specifying of circumstances in which force may be used is necessary not only for prison officers but also for prisoners. The absence of such limits may cause confusion in prison officers and lead them to regard the use of force as a retaliatory measure as unofficially approved. Prisoners must also have full knowledge of the rules that bind them. Custodial staff cannot expect prisoners to respect the law if the prisoners are unprotected by any formal code of conduct.

As previously stated, the Prison Regulations have been amended to define force and to specify the circumstances in which force may be used. The legislation stipulates that no more force than is reasonably necessary will be used and lists 13 circumstances in which a prison officer may have recourse to force. However, the Regulations also recognise that there may be situations which are not specifically covered but in these unforeseen circumstances the degree of seriousness is to be assessed before force is used. Instruments of restraint may only be used with the concurrence of the prison superintendent.

The use of gas to quell disturbances by prisoners has been approved by the Corrective Services Commission. However, its use must only be as a last resort and after prisoners have been warned of its imminent use. In circumstances where the use of gas is contemplated, an escape route to an area not affected by the gas must be available and prisoners informed of the route. Only sufficient gas to control the situation is to be used and must cease immediately the prisoners begin to disperse.

Justice Nagle also criticised the absence in New South Wales gaols of riot plans. Since then, riot plans have been prepared for each gaol and are regularly rehearsed. Emergency units have been established and are staffed by specialised officers on secondment. There are five such units throughout the State,

strategically located so they may quickly respond at any gaol. When required to attend a disturbance, the emergency unit assumes total control of the gaol and does not return control to the gaol superintendent until the gaol has been pronounced secure. Although officers attached to the emergency units receive specialised training, all prison officers are trained in emergency procedures and control and must pass courses in these before being eligible for promotion.

EXTRACT FROM PRISON REGULATIONS, NEW SOUTH WALES

PART A.

Prison Discipline.

Interpretation

96C. In this Part, except in so far as the context or subject-matter otherwise indicates or requires -

'force' includes the threat of the use of force and the carriage and use of instruments of restraint;

'instruments of restraint' includes handcuffs, batons, chemical aids, firearms, and such other articles as may be approved and issued by the Commission for use as instruments of restraint, but shall not include chains and irons.

Inspection of prisoners confined to cell

97. During any period that a prisoner is confined to cell pursuant to section 23A or 24 of the Act, the governor of the prison shall see him daily and the medical officer shall see him on each normal visit to the prison.

Monthly returns of punishments

98. The governor of the prison shall forward to the Commission at least once a month a copy of the entries in the book referred to in section 26 of the Act in so far as those entries relate to the imposition of punishment during the preceding month.

Records relating to segregated prisoners

99. Where pursuant to section 22 of the Act the Commission determines that a prisoner segregated pursuant to that section shall be deprived of any rights or privileges, the governor of the prison shall record in his journal the details of that determination.

Prohibited punishments

100. (1) A prisoner shall not -

- (a) be put in a dark cell, or under mechanical restraint, as a punishment;
- (b) be subjected to -
 - (i) solitary confinement;
 - (ii) corporal punishment;

- (b) be subjected to -
 - (i) solitary confinement;
 - (ii) corporal punishment;
 - (iii) torture; or
 - (iv) cruel, inhuman or degrading treatment; or
 - (c) be subjected to any other punishment or treatment that may reasonably be expected to affect adversely his physical or mental health.
- (2) For the purposes of clause (1) (b) (i) -
- (a) segregating a prisoner from other prisoners pursuant to section 22 of the Act;
 - (b) confining a prisoner to cell in pursuance of an order made under section 23A or 24 of the Act;
 - (c) keeping a prisoner separate from other prisoners pursuant to Regulation 26; and
 - (d) keeping a prisoner alone in his cell, where the medical officer considers that it is desirable in the interest of the prisoner's health to do so.

shall not be regarded as subjecting the prisoner to solitary confinement.

Maintenance of order - generally

- 100A. (1) Order and discipline shall be maintained with firmness, but with no more restriction or force than is required for safe custody and well ordered community life within the prison.
- (2) In the control of prisoners, prison officers shall seek to influence them through their own example and leadership, and to enlist their willing co-operation.
- (3) At all times, the treatment of prisoners shall be such as to encourage their self-respect and a sense of personal responsibility.

Use of instruments of restraint

- 100B. As an aid to the use of force, a prison officer may, with the concurrence of the governor of the prison, use instruments of restraint where the circumstances so require it.

Use of force

- 100C. (1) In dealing with a prisoner, a prison officer or prison officers shall use no more force than is reasonably necessary in the circumstances, and the infliction of injury on the prisoner is to be avoided if at all possible.
- (2) The extent and nature of the force will be dictated by the situation and shall be limited to that essential for the purposes of control and protection, but with due regard to the personal safety of prison officers and others.
- (3) Where a prisoner is satisfactorily restrained, force shall not be used against the prisoner except any force necessary to maintain that restraint.
- (4) A prison officer shall not act deliberately in a manner calculated to provoke a prisoner.
- (5) A prison officer may have recourse to force in the following circumstances:-
- (a) the searching, where necessary, of a prisoner or the seizure of a dangerous or harmful article;
 - (b) to prevent the escape of a prisoner;
 - (c) to prevent any unauthorised attempt to enter a prison by force or to free a prisoner;
 - (d) to defend himself if attacked or threatened with attack, where he cannot otherwise protect himself from harm;
 - (e) to protect other persons, including prison officers, prisoners, administrative officials, and members of the public from attack or harm, where there are no other immediate or apparent means available for their protection;
 - (f) where there is a reasonable apprehension of an imminent attack upon the prison officer or some other person;
 - (g) to prevent a prisoner from injuring himself;
 - (h) to ensure compliance with a proper order, or maintenance of discipline where a prisoner is failing to co-operate with any prison requirement which is not unlawful, in a manner which cannot otherwise be adequately controlled;

- (i) the forcible movement of prisoners who decline or refuse to transfer from one location to another in accordance with an order which is not unlawful;
- (j) to achieve the control of prisoners acting in a defiant manner;
- (k) the avoidance of imminent violent or destructive behaviour, or both, by prisoners;
- (l) to restrain violence directed towards the prison officer or other persons by an uncontrollable or disturbed prisoner;
- (m) to prevent or quell a riot or other disturbance;
- (n) in any other situation which has a degree of seriousness comparable to the degree of seriousness of any of the situations referred to in paragraphs (a) to (m).

Report on use of force

- 100D. (1) Where force is used on a prisoner or prisoners by one or more prison officers, a report in relation to that use of force shall be furnished without delay to the governor of the prison by the prison officer or prison officers, as the case may be.
- (2) A report referred to in clause (1) shall -
- (a) be in writing;
 - (b) specify the name or names of the prisoner or prisoners and the name or names of the prison officer or prison officers involved in the use of force;
 - (c) specify the location in the prison where the use of force occurred;
 - (d) describe the nature of the force used and the circumstances requiring its use; and
 - (e) be signed by the prison officer involved in the use of force or, where more than one prison officer was involved, by one or more of the prison officers involved.
- (3) Nothing in clause (2) requires a prison officer to furnish any information in a report where it is impossible or impracticable for him to obtain the information.

RECRUITMENT AND DEVELOPMENT TRAINING

In the aftermath of the Nagle Royal Commission into New South Wales Prisons in 1978, the Department of Corrective Services has significantly up-graded its policy and practice in relation to the recruitment, training and subsequent development of custodial staff.

In common with other New South Wales Government organisations, the department has also committed itself strongly to implementing government policy on equal employment opportunity.

Recruitment

Equal employment opportunities begin with non-discriminative media advertising for recruits. Respondees are checked for sight and height (1.7m for men and 1.62m for women). They are then aptitude tested by psychologists using approved psychometric testing instruments. Successful candidates then complete formal applications and after being photographed and finger-printed, are invited to attend a medical examination and a formal interview.

Considerable importance is placed on the interview which is conducted by a panel comprising the recruitment officer, a psychologist and an executive officer (at assistant superintendent level or above). Interviewees are assessed separately by each member of the panel, making use of a standardised rating chart. Whilst the rating does not automatically decide the suitability or otherwise of the candidate, it provides a useful comparative basis for the panel's final collective decision.

The last stages of the recruitment involve a check on the applicant's police record and medical report, after which an offer of employment is made. Such employment is on a probationary basis for the first year of service; full permanent employment is only confirmed on satisfactory completion of all primary training course examinations and satisfactory performance in institutional placements during that period.

Primary Training

The aim of primary training is to provide the new trainee with adequate knowledge, skills and attitudes to function effectively as a base grade officer within the institutional environment. To this end, a primary training course of ten weeks duration has been developed, which provides a balance of practical skills and understanding in all relevant areas.

Conducted mainly at the Malabar Officers' Training School at Long Bay, the course begins with induction and orientation at head office and includes two weeks supernumerary training in an institution.

There are five major core-strands in the primary course:

1. Institutional Procedures: The objectives of this strand are to introduce and familiarise recruits with practical procedures and skills necessary in the daily management of correctional institutions. Subjects include security, searching, movement control, reception and discharge, gate control, armed post duty and escort procedures. The Prisons Act and Prisons Regulations and Rules are introduced, in line with the procedural responsibilities of a base grade prison officer's duties.
2. Legal Procedures: In this strand recruits receive training on those elements of criminal law necessary to meet their responsibilities as law enforcement officers. Subjects include report writing, statements of evidence, court procedures, evidence gathering, procedures before a visiting justice and powers of arrest. The criminal justice system is introduced and discussed, particularly in reference to the responsibilities and role of the correctional officer. Sections of the Criminal Act and Prisons Act are covered.
3. Human Relations: The emphasis in this strand is on understanding prisoner behaviour, and on learning effective techniques of inmate supervision. Interpersonal communication, group dynamics and individual problem-solving are all explored. An underlying objective of this core strand is to assist trainees to become more aware of and sensitive to individual needs and drives. Self-awareness and self-understanding is encouraged, with assertion training and stress management forming a significant element in the learning experience.
4. Self-Defence and Physical Training: Throughout the primary training program, self-defence and physical training are promoted on a sessional basis. The objectives of such training are to develop the physical fitness of the trainee to an approved standard, and secondly, to instruct the recruit in basic self-defence techniques which will assist the officer in the effective management of his or her personal safety within the institutional environment.
5. Weapons and Riot Control Training: This final strand of the primary training course encompasses all technical,

procedural and safety aspects associated with the handling and use of weapons employed by the department. Basic riot control techniques and instruction in the use of emergency equipment, including personal riot equipment and chemical agents, are also covered.

Recall Training

On completion of the ten weeks primary training course, trainee officers are still classed as permanent-on-probation for twelve months. During this period they are attached to various institutions throughout the State, where they receive on-the-job training. At week 40 of the probationary period, trainees are recalled for a further week of training in Sydney.

The objectives of the recall program are to confirm and clarify initial training segments in the light of subsequent work experience, to address any issues/problems that have arisen, and to provide supplementary learning which will assist the trainee's further development. An opportunity is also provided for essential skills practice in the use of firearms.

Satisfactory completion of all training segments and the successful performance of duty requirements within the institution during the probationary period, lead to the officer being eligible for permanent appointment.

Development Training - Modular Courses

To meet the developmental needs of serving officers, the department has established nine distinct training modules, each of five days duration. Officers are required to attend these modules as they progress to areas of greater responsibility.

Each module covers specific areas of skills and knowledge which correlate fairly closely with responsibilities relevant to each of the ranks of first class prison officer, senior prison officer and assistant superintendent.

First class prison officer modules cover report writing, rules of evidence, disciplinary charges and court procedure (Module 1); interviewing skills, counselling and welfare work (Module 2); and institutional procedures appropriate to that level, including an introduction to the responsibilities of the next senior rank (Module 3).

There are three senior prison officer modules. The first (Module 4) deals with knowledge and skills in relation to leadership and supervising. The officer learns methods of how to exercise

leadership in a variety of situations. Module 5 reviews procedural responsibilities, placing emphasis on reception and discharge procedures as they relate to prisoners, public relations and the duties of an officer-in-charge during night shifts. Module 6 is preparation for the next promotional rank. Subjects include search procedures, gaol hygiene, selection procedures for filling promotion positions, staff rostering, and disciplinary interview techniques. General administration functions are also covered.

Modules 7 to 9 are at assistant superintendent level. Module 7 teaches necessary skills in handling emergency situations. Officers gain knowledge in riot formations, use of emergency equipment, and the assessment of hostage and siege situations. Module 8, titled 'The Skills of an Executive Officer', provides an essential grounding in managerial skills and understanding. Officers are encouraged to apply such techniques in solving real life managerial problems. Module 9 examines the duties and responsibilities of an executive officer vis-a-vis legal procedures, particularly those relating to prisoners' rights, disciplinary breaches and prosecutorial responsibilities.

Although prior completion of relevant modules is no longer an essential requirement for progression, departmental policy requires all promoted officers to receive such modules within 12 months thereof. In a career path from recruitment to the executive level of assistant superintendent, officers complete a total of 20 weeks full-time training.

Executive Development Program

In addition to the standard pattern of officer development outlined above, the department also provides opportunities for accelerated development of individual officers who have outstanding executive potential. Such development is provided under the aegis of the department's Executive Development Program.

Open to officers in any division of the department, the program begins by inviting applications from eligible officers. In the Custodial Division, eligibility begins at or above the level of senior prison officer.

In addition to completing a detailed application form, the program calls for a confidential report on performance from the applicant's superintendent. All applications are then examined by a representative panel, and selected applicants are invited to participate in a testing and interviewing program.

Successful applicants in this phase are then invited to participate in one of a series of 'Assessment Centres', designed

to comprehensively demonstrate the candidate's abilities and potential as an executive. The assessment process involves exposure to a wide range of individual and group 'test situations' which fully explore the participant's capabilities.

The most outstanding performers are then recommended to the Corrective Services Commission for inclusion in the Executive Development Program. Membership of this program offers significant opportunities for qualified personnel to receive accelerated development, via courses, seminars, secondments and special assignments.

CHANGING RESPONSIBILITIES OF CORRECTIONAL ADMINISTRATORS

One of the most difficult aspects of a correctional system is to balance the containment of prisoners in highly secure gaols against their planned progressive re-entry into the community, by utilising medium and low security accommodation, and where appropriate, involving inmates in community based programs away from the prison. The problems of gaining public and political acceptance of measures which will not be seen to be as deterrent as others are not new, but are accentuated as new initiatives are developed.

The Nagle Royal Commission into New South Wales Prisons dealt substantially with this issue and finally recommended that:

Alternatives to imprisonment should be used as extensively as possible and prisons should be used only as a last resort.

Facilities should be provided as soon as possible to extend work release and periodic detention programs.

The value of day leave to help prisoners cope with transition into the community was also identified as an important component of pre-release training.

Consequently, the Corrective Services Commission has persisted with the use of medium and low security prisons and prison camps, day leave, educational training at technical colleges in the community, industrial training and work release as important correctional programs purposefully designed for each prisoner on an individual basis to facilitate successful re-entry into civilian life after release.

However the recent escape of a life sentence prisoner (who had been convicted of an horrific crime some years ago) whilst on an unsupervised program away from the institution, has once again revived community concern about the principles of such activities and has been used to extensively attack proper common sense attempts to meet the needs of individual prisoners who, with few

exceptions, will at some time be released into the community. Whilst the assumption has been drawn from this example that correctional administrators act irresponsibly, nothing could be further from the truth. In fact, they are seen by many, including well-informed members of the community as well as vocal minority 'reformist' groups, to be unusually conservative and restrictive.

When such escapes occur, inevitably community reaction, as expressed by the media, leads to a reduction in the number of prisoners involved in unsupervised programs and in turn, aggravates overcrowding in the secure prisons. In New South Wales, for instance, for various reasons the prison population has increased by 30 per cent during the past 12 months, and since the majority of offenders reside in the metropolitan area the effects of overcrowding are more pronounced in the prisons adjacent to the major cities. Regrettably, variations in prison populations usually occur with little warning, are difficult to predict, and as a consequence resources (which are sought in a market that is always highly competitive) are never entirely adequate. Overcrowding and the difficulties which occur as a direct result remain a continuing and seemingly insoluble problem to the administrator.

The report of the Royal Commission into New South Wales Prisons publicised a range of problems which were not peculiar to this system alone. Many of the deficiencies had been recognised by successive administrations for several decades. However, inadequate resources, opposition to new and extremely expensive prison facilities, community opinion and entrenched staff attitudes constantly made any reforms difficult.

By highlighting the problems, the 1978 Royal Commission report, whilst providing the blue print for future direction for the department that was so badly needed, in the process raised the expectations of prisoners and staff alike to levels which simply could not be realised in the short term. Implementation of such recommendations as:

- . contact visits in all institutions;
- . telephone calls by inmates;
- . expansion of the work release program;
- . extension of day-leave;
- . longer periods out of cells;
- . access to personal television receivers, radios, etc.;
- . provision of legal representation to prisoners charged with offences against prison discipline, and right of appeal against punishments;

- . no restriction on the number of letters an inmate may write; and
- . prisoners' mail to no longer be subject to censorship except on security grounds, etc.

required a heavy commitment of additional resources and considerable demands upon staff at all levels.

Furthermore, antiquated prisons are not conducive to the introduction of reforms. The costs of refurbishing or replacing them are prohibitive, as are the recurring costs of operating them as modern correctional facilities, and historically the magnitude of such expenditure has little appeal to governments.

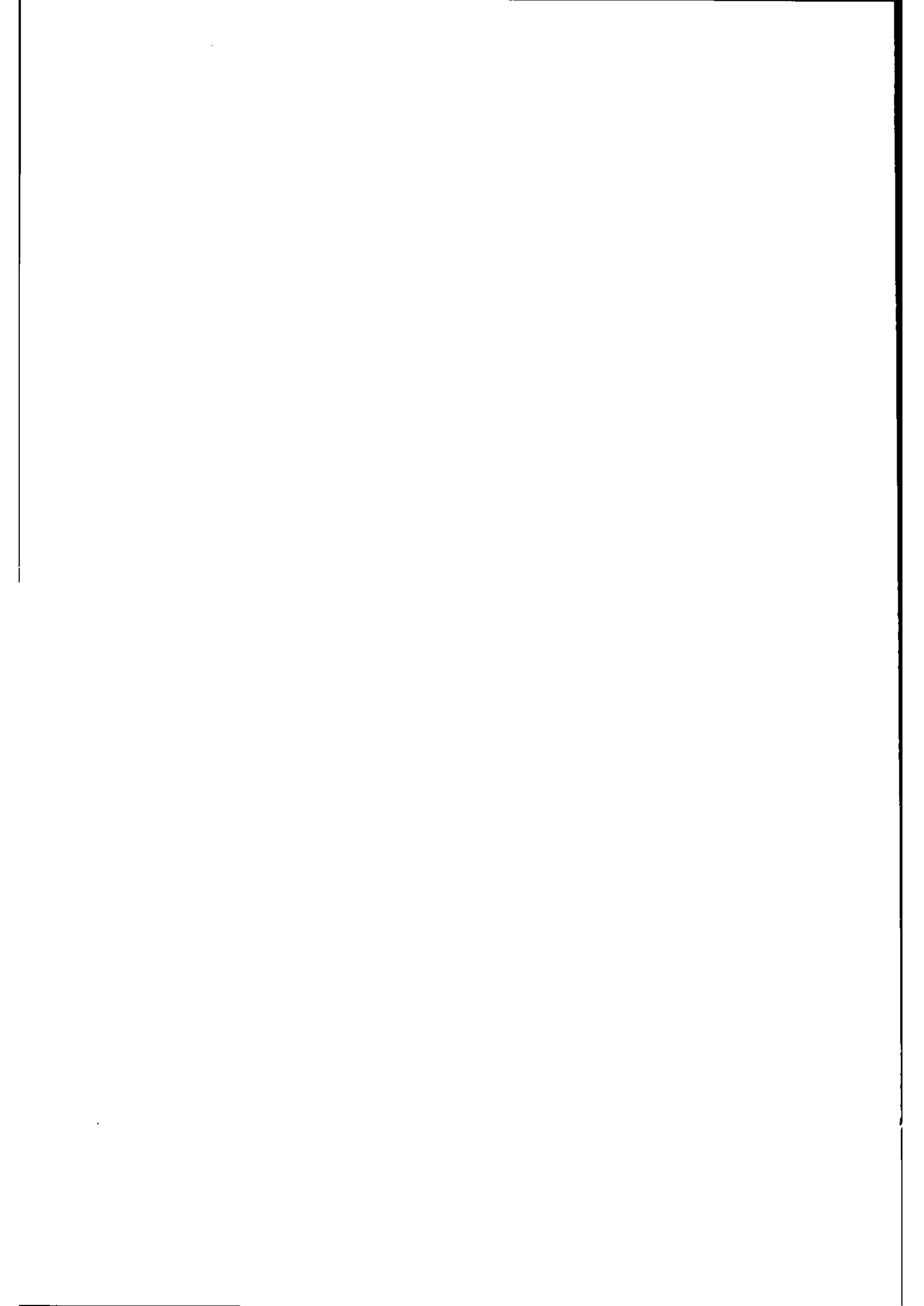
Implementation of the Royal Commission recommendations in this climate was achieved only after a period of unprecedented industrial turmoil and a series of strikes in the prison service, and industrial harmony has eventually been restored only through the unrelenting efforts of the correctional administration.

Whilst there seems to have been a general acceptance within the department now that the security of those committed to its care remains paramount so far as the public interest and safety is concerned, the fact that persons in custody retain basic legal rights is becoming widely recognised, and this in turn has led to far greater stability within the organisation.

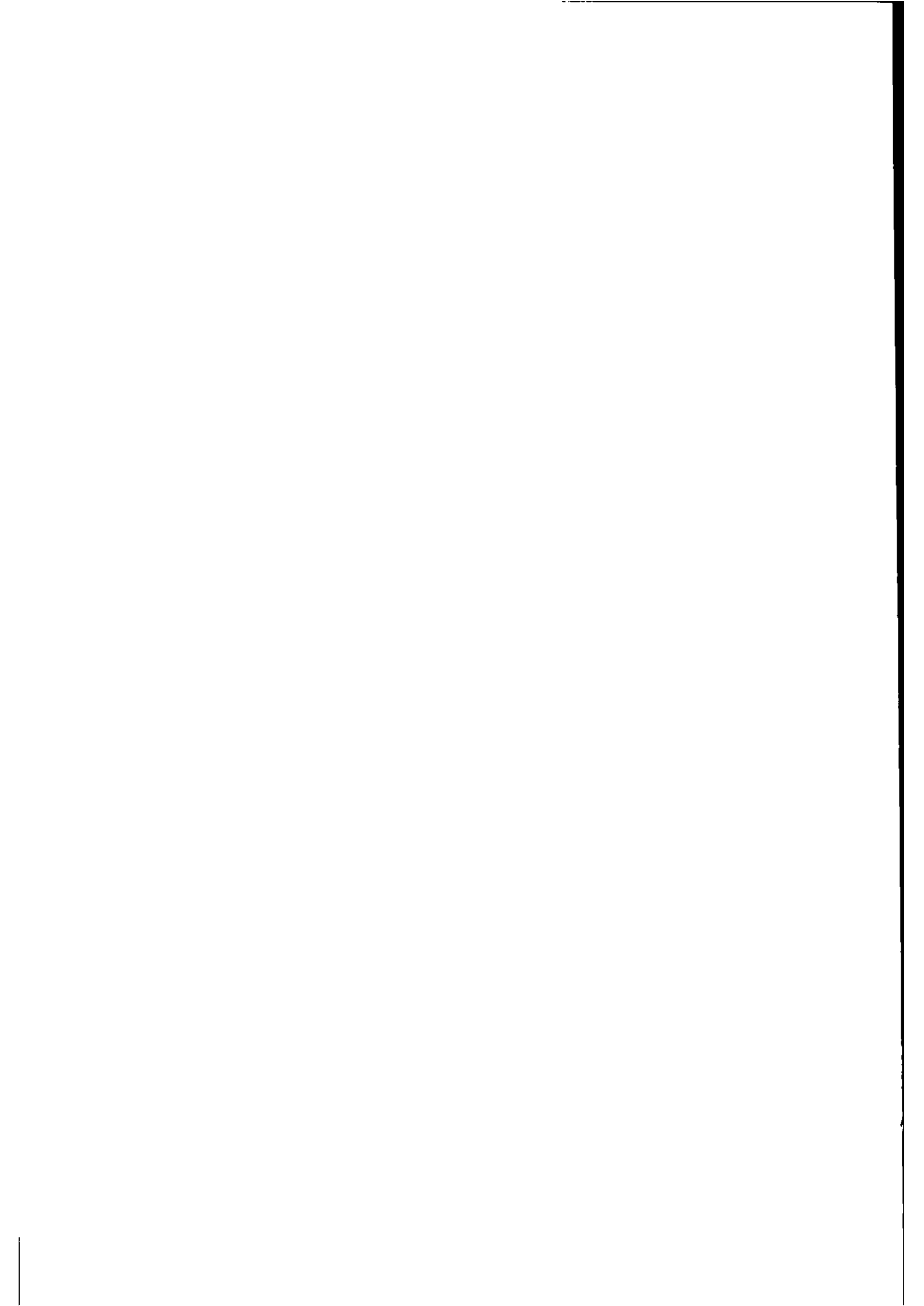
This position, however, leaves no room for complacency within the correctional system, and much of the administrators' time continues to be devoted to such issues as responding to administrative inadequacies highlighted by the Ombudsman through his investigations; assessing the implications of impending freedom of information legislation (as a consequence of which any person may obtain copies of correspondence relating to and containing departmental decisions); providing meaningful employment for an increasing population of prisoners in the face of pressures from unions and industry; organising appropriate training courses for all classifications of staff to meet the emerging needs of the department, etc. At the same time new prison accommodation must be planned, designed and budgeted for if the problem of prison overcrowding is to be addressed.

These developments reflect a fundamental change over the past decade in the way correctional systems are administered in this country.

Any incident occurring within a prison, regardless of its perceived importance at the time, is open to public and/or government scrutiny through a variety of means, and much of the correctional administrator's time is devoted to ensuring that appropriate investigations into incidents are effectively undertaken as they occur, in reviewing the results of such investigations, and in instituting remedial measures when deficiencies are detected.



BRUNEI DARUSSALAM



BRUNEI
DARUSSALAM

INVESTIGATION OF INCIDENTS IN PRISONS

There is only one prison in Brunei Darussalam, and there have been no serious incidents. There have been, however, a few minor offences against prison discipline committed by the prisoners.

When a prisoner is reported for a minor prison offence, the incident is reported to the officer-in-charge of the prison and the prisoner is kept apart from other prisoners pending adjudication. Written statements of those involved are taken. The charge is entered in the punishment book without delay. The officer-in-charge hears the charge on the day following the committing of the offence. The prisoner is informed of the offence for which he has been reported and is given an opportunity to hear the facts against him, and to be heard in cases of a prisoner who has been reported for an aggravated offence or an incident of a serious nature, the incident will be reported to the officer-in-charge immediately. The officer-in-charge is of the opinion, that in the circumstances of such a case, he may either submit a report of the investigation together with a recommendation to the Director of Prisons for necessary action, or report the incident to the Board of Visiting Justices (which would investigate the incident and take necessary action).

Prisons provide an arena for the full gamut of incidents, ranging from the single prisoner who is a control problem because of his inability to cope with the situation in which he finds himself, right up to the serious prison riot where staff have lost control of the prison. However, by careful appreciation and planning, it is possible to reduce the impact of an incident; response to it will be quicker, better controlled, better disciplined; staff will become more confident in their ability to control an incident; and prisoners will learn that they cannot win.

FACILITIES AND PROGRAMS FOR FEMALE PRISONERS INCLUDING THOSE INMATES WITH CHILDREN

Women prisoners constitute only a very small section of the prison population in Brunei prison. They are kept absolutely separate from male prisoners and confined in different buildings. Women prisoners are attended by women prison officers. The number of women prisoners is very small and

therefore a proper program of training could not be designed. However, they are employed and taught domestic duties such as general cleaning of the female prison, cooking, tailoring and embroidery. Prisoners receive payment for their work at the rate of B\$1.50 per day for unskilled, B\$2.00 per day for semi-skilled and B\$2.50 per day for skilled prisoners.

Muslim female prisoners are given the facilities and are encouraged to say their prayers inside the prison, and during the fasting month of Ramadan they are allowed to observe the fast. Non-Muslim prisoners are also allowed to follow their religious observances in the prison if they so desire.

Books may be borrowed from the prison library and newspapers in Malay, Chinese and English are also available. Facilities for physical activities and recreation are also provided.

Visits and letters are permitted according to the stage in which the prisoner is serving. All visits are to take place in an open condition in the presence of a prison officer.

Subject to the conditions the Director may determine, a female prisoner may have her baby with her in prison during the normal period of lactation, and longer if required in special circumstances. The baby will be supplied with clothing and other necessities at the public expense. Under normal circumstances a child will not be kept in prison with its mother after attaining the age of three years.

Ante-natal and post-natal care are not provided in the women's prison but arrangements are always made for babies to be born in the government hospital rather in the penal institution. All cases requiring medical attention are referred to the government general hospital for treatment.

EXTENT AND USE OF MINIMUM FORCE IN PRISONS

As previously indicated, no serious incidents have occurred in Brunei prison. The majority of incidents were minor offences against prison discipline and did not involve violence. Therefore, force has never been used in the prison.

However, all prison officers are given training in basic judo as well as the Malay art of self-defence during their training period. This is to enable them to defend themselves if being attacked by prisoners. Prison officers are strictly forbidden to strike prisoners unless compelled to do so in self-defence, or in defence of another person or prisoner, or when ordered to inflict corporal punishment.

If violent incidents should occur, prison officers will be equipped with arms, riot shields, and batons as well as tear gas. Mechanical restraints such as strait jackets may also be used in cases of urgent necessity. Such restraint is not to be continued for more than 24 hours without order in writing from the Director specifying the cause thereof and the time during which the prisoner is to be kept in such restraint, and a certificate from the medical officer certifying the fitness of the prisoner to undergo such restraint. However, such restraint has never been used in our prisons.

Fetters may be employed only as a means of restraint or to prevent escape, and not as punishment. Only fetters approved by the Director may be used. However, no prisoner is to be kept in fetters unless they have been previously examined and certified fit to undergo such restraint by the medical officer.

The officer-in-charge may order any refractory or violent prisoner to be temporarily confined in a special cell for the safe custody and well-being of the community in the prison.

RECRUITMENT AND DEVELOPMENT TRAINING

The Prisons Department of Brunei Darussalam is responsible for recruitment of prison officers into the Prison Service. Vacancies are normally advertised in the government newspapers (Pelita) which draw a good response. If the applicants appear to satisfy the basic requirements, they are invited to the prison where they are interviewed by a selection board consisting of a number of senior prison officers headed by the Director of Prisons. They are also given a short, written test. Names of selected candidates are then submitted to His Majesty The Sultan and The Yang Di-Pertuan for his approval.

The importance of training should not be taken lightly as the lack of it could cause or create problems in prisons. Training of staff at all levels should be comprehensive and be given sufficient priority.

Through training, all staff will understand the nature of their jobs and will obtain all the necessary skills and knowledge required for the effective management, control and treatment of offenders. Furthermore, training gives confidence and self-respect to staff in performing their duties. This is the basis of job satisfaction.

Modern prison concepts are the reformation and rehabilitation of offenders so that they can return to the community as law-abiding and useful persons. In view of these facts, various

training schemes such as carpentry, tailoring, brick laying, motor mechanics, laundry, metal work, education and religious classes, etc., were introduced in the prison, hoping that by employing and teaching schemes suited to individual needs, the prisoners would be socially rehabilitated.

In the light of this modern concept it is felt that the purpose of rehabilitation can only be carried out by properly trained staff with a knowledge of social, economic and psychological causes of crime. If we want our prisons to produce good results we must ensure that the prison staff, especially senior officers who are responsible for the treatment and rehabilitation of prisoners, is well selected and trained in modern methods of rehabilitation.

In considering the training of prison staff it is appropriate to divide them into two groups. The first group consists of senior officers from the ranks of principal officers right up to the top level (Director), while the second group consists of junior officers from the ranks of chief warder down to the warders.

The tasks of senior officers in this present prison climate are complex and demanding, and in order to meet this situation the officers must possess a relatively advanced level of education. The training of officers should be to generate thinking about the whole penal system. This could be achieved through lectures and discussion on objectives of the prison system, such as historical objectives, ideas about crime and society, and different systems of prisons and alternatives to prison. The programs must include lectures on a variety of relevant subjects on prison enactment and rules; structures and organisation of prison services, such as the functions and responsibility of senior prison officials; the social and economic framework of the country and its influence on crime and delinquency; the treatment of prisoners; and problems of reform and training. The training should also include visits to various prison establishments, the Social Welfare Department, courts, hospitals, etc., as this will enable them to have accurate knowledge of prison and other services. Other practical skills desirable in prison officers are first aid, craft and hobbies, recreational skills, self-defence, riot drills, etc., and these are included in the training programs. The period required for this training would be between six and eight months. Wherever possible, senior officers should be encouraged to take up further studies in social science.

The junior officers would be trained and given lectures on prisons enactment and rules, security, routine procedures on locking and unlocking, escorts, court duties, supervision, party control, searching, patrolling, and use of firearms, besides

semi-military training. Other practical skills desirable and included in training programs are self-defence, first aid, riot drills, fire drills, and so on. This training would take between four and five months.

At the end of the training it is assumed that the officers will have acquired sufficient knowledge on the mechanics of the prison job, from which they will be able to put it into practice.

In Brunei Darussalam, the senior officers are sent overseas for training because the number of officers does not warrant local training programs. As such, the department is always looking for suitable courses. Apart from providing officers with relevant skills and knowledge of the prison job, the officers are also encouraged to attend seminars and short courses on management within the country, run by the training unit of the Establishment Department. It is felt that knowledge of management will greatly help officers in carrying out their duties more efficiently and effectively. Junior officers are also sent overseas for training after completing basic departmental training for a period of four months.

Finally, the following suggestions may help prison staff, particularly in the small countries of the Asian and Pacific region, to be more effective in the running of their institutions:

1. Promote technical co-operation among countries in the Asian and Pacific region, to share relevant common experiences and exchange information.
2. Developed countries in the Asian and Pacific region, ie, those with capability and resources, should provide and extend their activities in organising conferences, meetings, seminars and short courses.
3. There is a need to provide information in the form of a newsletter or journal dealing specifically with the problems of prevention of crime and treatment of offenders in the Asian and Pacific region.

CHANGING RESPONSIBILITIES OF CORRECTIONAL ADMINISTRATORS

The prison system consists of a variety of closed or open establishments organised and designated individually to serve various purposes such as to provide courts with facilities for remand or short term detention, or to provide protection for

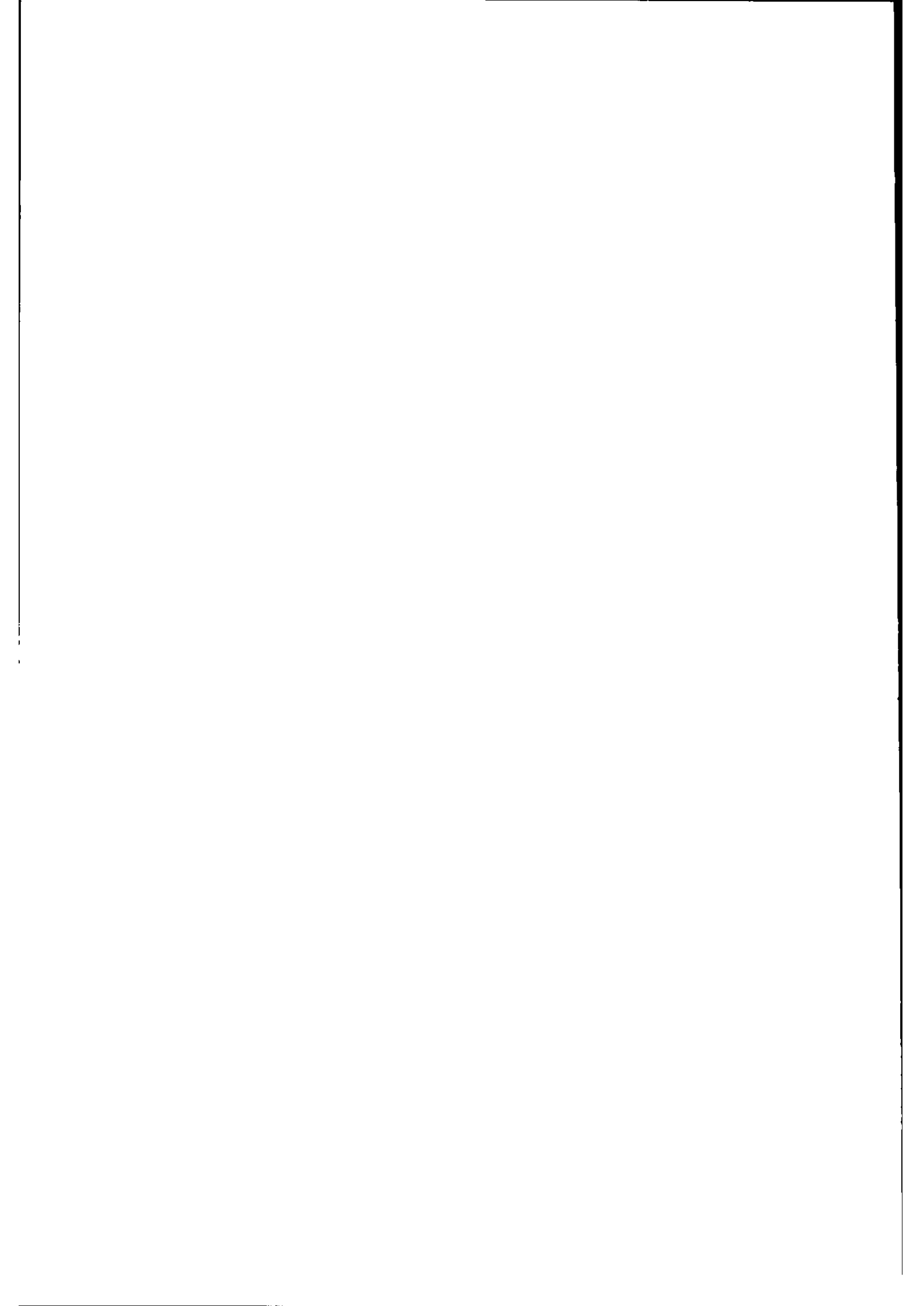
society by confining of offenders, or to offer a range of training to long term prisoners. Prison establishments vary considerably in size, role, function, type of population, regime and management. In creating an organisation to suit a certain type of prison, the Director or correctional officers must be clear on what the roles and functions of the establishments are. Having defined clearly what is expected of the establishment, the Director or correctional officers then know what is expected of them.

In Negara Brunei Darussalam, as in other countries, the dual roles of the penal system are safe custody and rehabilitation. This can be found under section 3(1) of the Brunei Prison Rules 1978.

The basic principles and guidelines for the management of penal institutions are provided for in the United Nations Standard Minimum Rules. In the light of this modern concept it is clear that the purposes of rehabilitation can only be carried out by a properly trained staff which has an understanding of the social, economic and psychological causes of crime, and which has the will and the ability to implement effective rehabilitative measures. Prisoners respond to rehabilitative measures by the way they are treated and by the attitude of staff with whom they come into contact most, and as such it is the people that play the most important part in the rehabilitation of the offenders. Various needs of prisoners have been catered for in prisons - social, educational, vocational, spiritual, etc. - and all these areas require of staff specific knowledge for their implementation.

The other responsibility of correctional administrators is management. Here, they are expected to contribute to the performance of their organisations and in this respect they cannot escape from being involved in planning, evaluating, controlling, motivating, briefing, organising (delegating), decision making, defining the task, and setting of examples. All these have a significant impact on penal management and the role of the correctional administrators has been changed accordingly. It is essential that correctional officers are trained to be able to provide a balance between the conflicting jobs of custody and rehabilitation. Looking at the complexity of the tasks of correctional officers it is impossible to equip each individual officer with all the necessary skills and knowledge required by their potential role. However, it is probably right that the initial training remains basic. In order to achieve this the department must be prepared to spend time and money for such training and the Director or the head of the correctional services must be more training minded.

COOK ISLANDS



COOK ISLANDS

INVESTIGATION OF INCIDENTS IN PRISONS

An investigation normally begins when a violation of some rule of law is found. Sometimes it is preceded by mere suspicion. In some cases, however, it is when violation and suspicion are absent; and fact finding is the excuse. Such are the ways that an investigation may begin.

In the Cook Islands, investigation of incidents in prisons may be ordered by the Minister, or the Director, or the superintendent where it refers to matters relating to the general administration of the prison.

Where it involves staff matters, the Public Service Commissioner may order an investigation; and where it relates to financial matters, the Financial Secretary may order such investigation.

Where it refers to judicial matters, a visiting justice may initiate an investigation. In fact, nearly anyone can cause an investigation to be held by reporting a 'suspicion'; or by having a violation established; or by having someone framed in order to have a correctional administrator (or some other) removed. The latter, of course, is an indicator of decay settling in the system. It normally occurs where apoliticality and other virtues are subdued by politics.

For instance, when the incidence of escapes begins to increase, a reprimand of those directly responsible for the neglect of duty is unthinkable, particularly where political affiliation may be jeopardised. But instead, the administrative head is blamed as there is, allegedly, some suspected weakness in the administrator (not the culprit responsible). Moreover, it is an accepted administrative principle that whilst authority is exerted 'downwards', responsibility for the actions of subordinates must be accepted by those 'upwards'. While that may have some merit, it will not serve any curative measure to eradicate neglect of duty.

Sometimes, an investigation can serve as a means to justify the further employment of expatriates whose terms have ended. The findings, of course, can be framed in that light and it is not impossible for the intended (rather than the facts) to be reflected in the findings, especially when an expatriate has a part to play as a member of the investigating team.

One trivial incident was when a prisoner tipped out whole pots of food prepared for lunch. Because of such behaviour, the

superintendent ordered the prisoner to be locked up with no food (except water) until the following morning (missing two meals). The Chief Justice investigated this as a breach of the United Nations Charter on Human Rights. The superintendent was subsequently transferred to a position in another department and demoted.

On some occasions, the expected revenue targets of the prison service may not have been achieved. At one such time, an investigation into the activities of the prison service was called for. As a result, lists of 'do's' and 'don'ts' were given but without realising that if one puts all one's eggs in one basket, the eggs will break if the basket falls. Prisoners were hired out once on private jobs to earn revenue; but that had to be stopped. Funds were requested to purchase equipment and machinery to assist revenue-generating activities; but that cannot be allowed. We had to fall back on agricultural products; but market prices and natural hazards served as impediments to progress in revenue generation. The end result of course was the obvious - the target not achieved, and an investigation called for.

In whatever way an investigation is called for, the permanent head of the department is informed in writing of what will take place, and the investigation then rolls on. Much time is wasted and programs are upset just because of lack of foresight and political games.

FACILITIES AND PROGRAMS FOR FEMALE PRISONERS INCLUDING THOSE INMATES WITH CHILDREN

Female prisoners have been very rare indeed. The highest number of female prisoners has been two, in 1973 and 1985.

The highest term served by any female prisoner has been 12 months (for theft). The severity of that penalty was because of repeated offending. Because of such insignificant occurrences, facilities for female prisoners have been minimal (two cells). The programs designed for such prisoners are somewhat impromptu in nature. It can be sewing, weeding, cooking, washing, cleaning windows, sweeping and dusting chores.

Where a female prisoner has a child, she normally ends up being recommended for parole.

In some instances, humanitarian considerations are accorded female prisoners. This is when arranged marriages are encouraged.

A case in point here is a female prisoner (aged 22 years) who was married off (after release) to another male prisoner. This

has proved to be a success and the couple is now living overseas and has a happy family. Courtship was a minor part of the rehabilitation program for both.

Perhaps there is merit in the belief that God does not look at what one has been in the past, but rather, at what one can be in the future.

EXTENT AND USE OF MINIMUM FORCE IN PRISONS

The assumption here is use of minimum security, which also implies minimum force.

Prisoners in the Cook Islands are not the hardened types of criminals. They are basically young, not well educated, have fallen into drinking habits, and in some cases, are hard-up and have been tempted to steal in order to right his or her financial needs.

Some prisoners are sometimes sent on errands. They are trustworthy prisoners who are being put to the test - and they succeed. Whilst this appears rather relaxed, it is an indisputable fact that escapes come from working groups out on the field or from the cells. Such escapes arise normally out of a need to consume liquor or meet a girl-friend.

An area comprising two cells has been set aside and marked as 'maximum security'. This was formerly the female area but it has been renovated and new iron bars welded on to give it that psychological effect on prisoners. It has been empty for the last two years and it has been used when the prison becomes over-crowded. The maximum security area was also used when New Zealand and American prisoners (previously on drug charges) were imprisoned.

Cook Islanders who were considered as maximum security prisoners were those imprisoned for murder, the last murder case being in the 1950s. Such maximum security prisoners are sent to a New Zealand maximum security prison.

RECRUITMENT AND DEVELOPMENT TRAINING

The recruitment of prison officers is guided by the following principles:

- . aptitude for hard work
- . height and health
- . temperance
- . educational background

- . absence of criminal record
- . sound hearing and eye-sight
- . unarmed combat ability (or record).

In some cases, it is not possible for a new recruit to satisfy all criteria for recruitment but exceptions can sometimes be made if, for example, it relates to height, unarmed combat ability or education. Height problems are normally solved by mother nature. The unarmed combat and education criteria are satisfied by training.

The training of staff centres on lectures by officers assigned those tasks or by guest lecturers or speakers. Training with the aid of appropriate literature is provided. Acts, regulations, manuals, karate and boxing books, weight-lifting books and such other books of interest, are provided.

Overseas training at the Prison Staff College at Trentham, Wellington (New Zealand) as well as the International Training Institute in Mosman, Sydney (Australia) provides other avenues for training of Cook Islands correctional staff.

Personal efforts to better oneself are strongly encouraged. Examinations are conducted in order to establish comprehension and proficiency. Such training and examination is preceded by induction.

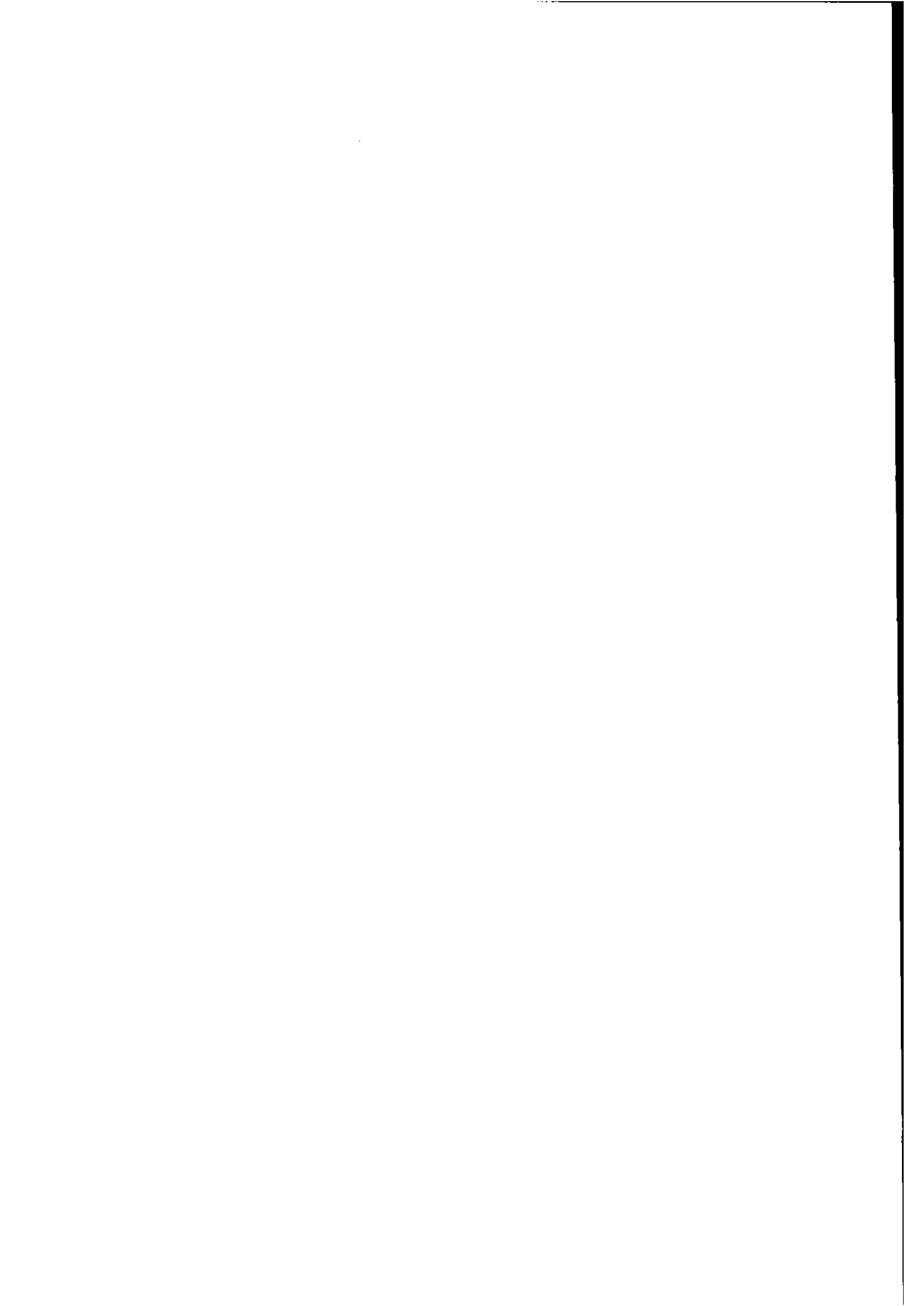
CHANGING RESPONSIBILITIES OF CORRECTIONAL ADMINISTRATORS

Correctional administrators on the highest echelon of the organisation invariably deal with matters other than policy, legislation, advice and control. They are basically responsible for planning, organising, directing, staffing, co-ordinating, reporting, budgeting (Urlick's PODSCORB), as well as communication, policy implementation, legislation drafting, and other duties not organised by the Minister.

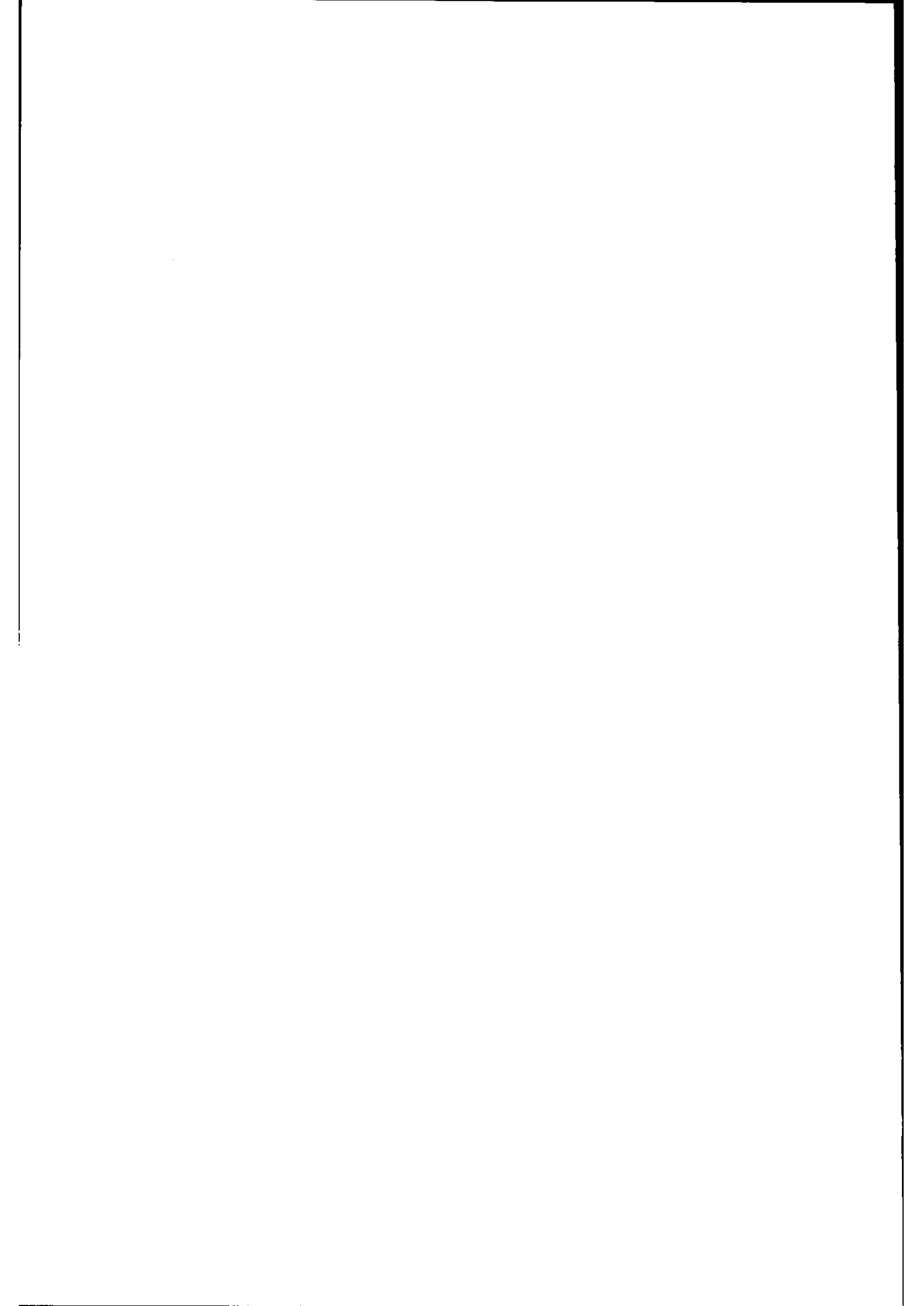
Changes in the duties of correctional administrators become more regular and pronounced over time as Ministers become more dependent on them. This normally leads to overloading and the inevitable excessive delegation in the department. Development in the context of rapid socio-economic changes and political instability spurs a climate of flux and change. It brings about more challenging but manageable administrative and financial constraints. It is these influences of 'change' that affect and compel a change to be brought about in the responsibilities of correctional administrators. So long as this is seen to be for the better, such a change will be said to have been timely and good.

CONCLUSION

It will seldom be observed that investigations of incidents in prisons does not fluctuate (in number); or that facilities and programs for both sexes are inadequate; or that the use of minimum security should not be observed in penal institutions; or that the recruitment and training of recruits is very poor; or that the responsibilities of correctional administrators have not changed in any way. Certainly, a comparative observation of several correctional institutions and administrators will highlight a range of differences in size, time, legislation, policy, systems, successes, failures, and a host of other criteria. But whichever way one views this subject, change is rampant in all dimensions, unleashed for the sole purpose of achieving the best for society. Are we not all, products of a society? But with a difference?



FIJI



FIJI

INVESTIGATION OF INCIDENTS IN PRISONS

In past years investigations were conducted by officers in charge of prison institutions. More often the investigations did not really achieve their objectives. In certain cases, facts were either distorted or omitted. Investigation reports invariably contained favouritism, bent in some ways towards prejudiced recommendations.

The police were also involved in investigating cases of physical and sexual assault. This procedure was later revoked by the Commissioner of Prisons.

In view of the inaccuracy and inadequacy of some of the internal investigation reports, the investigation format has been overhauled. It is hoped that the new system will help in taking appropriate to ensure security and the safety of the prison community and the general public.

In this new system, a senior officer (Assistant Superintendent of Prisons) is directly responsible to the Commissioner of Prisons in carrying out investigations of incidents when directed to do so by the Commissioner. These duties are in addition to the officer's overall security responsibilities and he has the liberty to travel from one prison to another in the process of the investigations. The officer compiles the investigation reports and forwards them to the Commissioner of Prisons for perusal and decision.

The system has been proved effective. Investigations of incidents are thoroughly carried out to highlight the true circumstances of the case and decisions are made to suit the gravity of the incident. This is achieved because the investigator is an independent person directly responsible to the Commissioner of Prisons. There is, therefore, no favouritism and no interference within the hierarchy of an institution.

Reporting procedures for untoward incidents were changed on 20 December 1983 when the Commissioner of Prisons, in accordance with the powers under section 8 (2) of the Prisons Act (Cap 86), revoked an order for the police to carry out investigations of all complaints alleging assaults. To replace that order, the following classes of complaints are referred to Administrative Headquarters:

- . assaults (of any kind) by prison officer upon a prison officer;
- . assaults (of any kind) by prison officer upon a prisoner;

- . assaults (of any kind) by prisoner upon a prison officer;
- . assaults (of any kind) by prisoner upon a prisoner.

This decision has been reached because of the unnecessary burden placed on the Royal Fiji Police Force on matters that can be dealt with internally; and because of the need to take appropriate action on matters such as this whilst the incident is still fresh.

When a complaint of the above nature is received, the duty officer receiving the complaint records the complaint immediately in the occurrence book and gatekeeper's books. The duty officer reports the incident to the officer-in-charge or the most senior officer available at that time, and the officer-in-charge reports the incident to the supervisor immediately. It is the responsibility of the officer-in-charge or the senior officer reporting the incident to ensure that a medical examination is arranged forthwith and the relevant medical report obtained no matter how trivial the injury appears to be. A separate incident report diary is also opened by the officer-in-charge for each incident to be logged, indicating time, date, nature of assault and any other relevant information.

On receipt of the allegations, the supervisor reports the incident directly to the Commissioner of Prisons, then follows this up in writing. The supervisor ascertains if there is a need for medical examination, and ensures that this is carried out. The supervisor also makes preparatory arrangements for an inquiry should the Commissioner so order.

When ordered to do so by the Commissioner of Prisons, the Assistant Superintendent (Security) proceeds without delay to investigate with the view to ascertaining the truth, making appropriate recommendations. The investigation provides information to enable the Commissioner to decide whether or not there is a case to be answered. If the case involves a senior officer, a special investigator will be appointed.

In conclusion, it is suggested that if justice is to prevail, investigations of incidents should be conducted thoroughly and precisely to establish the truth of the case.

FACILITIES AND PROGRAMS FOR FEMALE PRISONERS INCLUDING THOSE INMATES WITH CHILDREN

Within the Fiji Prisons Service there is only one prison that caters for female offenders. Daily programs that are being set out for the offenders do not differ much from the male prisons. Very slight changes are made by the management to suit the general running of the institution.

There is no known program of training that will ensure the reformation of criminal offenders. Successful rehabilitation results from the efforts and self-realisation of individual prisoners themselves and for a wide variety of reasons. What is known is that physical and mental idleness are destructive to the human personality and it is therefore necessary to provide occupation and recreation for the prisoners, hoping at best to stimulate positive personal growth and to prevent psychological and physical deterioration. The following are regarded as important elements of a training program for female offenders.

The work program in the female institution is designed to improve the inmates' health and to instil in them the sense of hard work and self-respect. While inmates work they learn how to cope with and sustain the efforts required. They also learn that work is a practical alternative to criminal activity. Inmates do vegetable and flower gardening and weeding. They also do the general cleaning of the dormitory and collect fire wood.

As industrial occupation is not available, training in useful skills such as sewing, including handicraft, is encouraged. Inmates do basket and mat weaving, crocheting and embroidery. Such will assist them to retain and develop work skills that they may already possess, or to acquire skills adequate in assisting them to gain useful work when released. Volunteers from religious organisations also visit the prison to teach prisoners handicraft.

Every effort is being made to improve the basic standard of literacy of the prisoners. Illiterate prisoners are being taught the basics by volunteer workers every Sunday for the duration of one hour. A section of the prison building is stocked with books, magazines and periodicals, and this is well maintained by the staff. All prisoners are encouraged to use the library facilities.

The prison chaplain provides moral and spiritual guidance and conducts religious services every Sunday. Bible study co-ordinators conduct bible study sessions in the afternoon for the duration of one hour. During the Christmas and Easter holidays, prison visitors from various religious organisations stage dramas for the prisoners. Every encouragement is given to responsible representatives of various religious denominations who seek to visit the prisoners.

Recreational facilities are adequate. Recreational programs are done after labour hours. Volleyball, table tennis, draughts and crumboard games are included in the program. Letter writing, listening to the radio, crocheting and embroidery are also part of the program.

Apart from the provision of medical services, volunteers from the Nurses Association teach prisoners the value of good diet, cleanliness, hygiene and sanitation, physical and mental exercise. This group visits the prison once a month. The visiting medical officer visits the prison daily to examine newly admitted prisoners and/or see sick prisoners. Cases requiring specialist care are referred to outside specialist clinics. Any person in custody with a medical complaint requiring in-patient treatment is generally hospitalised in a public hospital.

According to the provision of the Act, women may bring their infant children into prison provided the medical officer certifies that the normal period of lactation has not expired and that the child is dependent on the mother for nourishment.

Although there is provision in the Act to receive and take care of children, there are no suitable facilities in the prison to cater for them. Whenever a woman is admitted with her child, every endeavour is made by the authority to grant her an early release, either on extramural punishment or under compulsory supervision order. If, however, the above arrangements cannot be met, the Social Welfare Department makes arrangements for the child's welfare and upkeep.

EXTENT AND USE OF MINIMUM FORCE IN PRISONS

In Fiji, the use of force by a prison officer in dealing with any prisoner is governed by section 19 of the Prisons Regulations which reads as follows:

No prison officer shall use force in dealing with any prisoner except -

- (a) in self defence;
- (b) in the defence of another prison officer, or prisoner or visitor; or
- (c) when reasonably necessary to prevent any prisoner from escaping or to preserve the peace or to compel obedience to lawful orders which such prisoner refuses to obey or in order to maintain discipline in prison;

in which case no more force than is necessary shall be used ...

Due to an excessive number of prison officers falling victim within their own interpretation of this provision of the Regulations, the Fiji Prisons Service has drawn up specific guidelines in relation to the use of force by a prison officer in dealing with any prisoner.

The use of force by a prison officer in dealing with a prisoner is governed by prisons regulation 19. An officer in dealing with a prisoner should not use force unnecessarily, and when the application of force to a prisoner is necessary, only the very minimum force may be used. Officers should look to this rule as the only authority under which a prison officer is entitled to use force.

The crucial words here are 'unnecessarily' and 'minimum'. Force must not be used on a prisoner unless it is necessary in all circumstances of the case, and if used, no more force should be used than is necessary in all circumstances to achieve the objective.

The use of force when it is not necessary, or the use of more force than is necessary to achieve the objective, is a criminal offence. An officer who uses unnecessary or excessive force is accordingly liable to disciplinary action and also to criminal prosecution.

Since no two sets of circumstances are exactly the same, it is impossible to provide precise guidance on the use of force which will cover every eventuality. The best that can be done is to set out some general principles. In a democracy, no public servant can be above the law. What can be said, however, is that an officer who decides to use force in the prevailing circumstances, and in accordance with the principles laid down in the preceding paragraphs, will continue to receive the Service support.

Only the officer on the spot can decide what is necessary in the circumstances and it is therefore rarely useful to ask anyone not at the scene whether and how much force may be necessary. However, examples of when a prison officer is most likely to be called upon to use force may be helpful:

- . in self-defence;
- . in the defence of another prison officer;
- . in the defence of any prisoner;
- . in the defence of a visitor;
- . when reasonably necessary to prevent any prisoner from escaping;
- . to preserve the peace;
- . to compel obedience to lawful orders which such prisoner refuses to obey; and
- . to maintain discipline in prison.

This is not intended to be an exclusive list. There will be other less common circumstances in which force is necessary and to which the general principles set out in this guidance will apply.

The general principle in all circumstances is that if the objective can be achieved (for example, the escapee recaptured; the prisoner moved) without the use of force, then force must not be used. If the objective cannot be achieved without the use of force, then force may be used to the extent to which it is necessary in the circumstances to achieve the objective but no more.

The following points may help to illustrate this principle by indicating the sort of factors to be considered:

- (a) If a prisoner is judged to be making serious threats to kill another prisoner or an officer and is in a position to carry out those threats immediately, it is obviously necessary to use such force as is consistent with the gravity of the situation.
- (b) Where it is necessary to apply a restraint, minimum force only for that purpose may be used; this minimum force could well be persuasion.
- (c) If a prisoner is willing to go to or from his cell, it would be an assault to carry the prisoner, whereas it would be quite proper to carry a prisoner who refused to go.
- (d) If a prisoner is inciting other prisoners to breaches of good order, though that prisoner is not being violent, it may be necessary to use minimum force to prevent the prisoner from continuing to do so.
- (e) If a prisoner escapes, no more force than is necessary may be used to prevent the escape.
- (f) Once the necessary force used has achieved its objective, it is unlawful to continue to use force.

In all cases where physical force has to be used by an officer in self-defence or to restrain a prisoner, a report will be made to the Commissioner giving a description of the kind of force and the reasons why it was considered necessary in the circumstances.

Incidents involving the use of violence by inmates may occur in any prison establishment. The action to be taken to deal with any threat or act of violent behaviour is a matter of judgement, in light of the particular circumstances and of the general principles set out above, by the most senior officer present.

Violence must always be dealt with promptly and positively. While the Service will not condone or seek to defend unnecessary force it will not hesitate to support officers who have acted lawfully

and consistently in the performance of their duties. It is entirely up to the officer then to prove it to the Commissioner beyond any reasonable doubt that minimum force was used. If any more force is used, as previously noted, the officer is guilty of an offence.

The Service is aware that staff dealing with violent incidents or with potentially violent prisoners in certain situations are subject to the danger of unfounded complaints about their conduct. It is in the interests of the whole Service that complaints should be fully investigated, and if false, shown to be so. It is also in the interest of the Service to show that where a complaint is justified, unlawful behaviour will not be tolerated.

It is not possible for guidelines to cover this subject in any but the broadest terms and action taken in individual incidents must be left to the discretion and initiative of staff. It is only possible to reiterate that the degree of force applied should be the minimum required to control the violence offered by the prisoner. It is recognised that even physical injury may be caused in a violent episode.

In Fiji's context, therefore, the principles being adopted and ones continually stressed to the officers are:

- . Prevention. Peace within the institutions must prevail. Any act of violence or incident that might lead to the use of force must be curbed and ironed out at its 'infancy'.
- . Minimum Force, as explained above.
- . Legal Powers, under section 19 of the Fiji Prisons Regulations.
- . Justification. If an officer must use force, it is for the officer alone, to prove beyond doubt that the force used was the minimum under the circumstances.

RECRUITMENT AND DEVELOPMENT TRAINING

Staff training and development within the Fiji Prisons Service has been given a high priority. This is an organised procedure by which officers learn knowledge and skills for a definite purpose, and it can be very wasteful if it is not carefully planned and supervised. Training takes place on the job and off the job.

The objective of training in the Fiji Prisons Service is to teach prison officers at various levels those things that they must know and to introduce them to those matters about which they will need greater knowledge in the future. The 'must know' area includes the essential knowledge and technical skills necessary to enable an officer to carry out efficiently the assigned duties and responsibilities. The 'should know' area will prepare the officer for the next level of training and for future duties at a higher level. Additionally, the training will create greater awareness of the important functions of the Prisons Service and its place in the administration of the criminal justice system.

It is important that what is learnt at one level of training provides at the same time a foundation for the next level. This linking process creates career interest in the trainee and assists in sustaining enthusiasm. Each level of training should conclude with realistic assessment and examination so that the trainee's performance is measured objectively and so that potential for higher rank can be identified, encouraged and developed. Satisfactory completion of each training course should qualify the trainees for appointment to the next ranking level. That is, the training and examinations should relate directly to promotional opportunity subject always, of course, to other important factors such as work performance, relevant experience and individual merit.

In the past, staff training and development in the Fiji Prisons Service has been severely hampered by the lack of effective manpower planning, a permanent training facility, staff shortages, qualified training staff, training aids and finance. Over the past three years, however, every endeavour has been, and continues to be, made to acquire the necessary funds and aids to develop staff who display potential. The aim is to mould prisons staff into an effective working unit with wide and varied experiences which will be productive in the work area and from which future senior management resources can be drawn.

The sequence and levels of examinations currently listed under Prison Standing Order 279 are logical and suitable for the purposes of the Service. Training courses therefore should be structured in such a way as to give officers the opportunity to satisfy those examination requirements.

The major levels of training include:

- . Induction Training. This aims at settling the new officers in the job, and is a vital part of the staff development program. The induction process includes a tour of the offices; talks on the history, aims, objectives and functions of the organisation etc; explanations of organisational policies relating to leave, sickness, promotion etc; and job description, as a preliminary to subsequent job training.

- . Job Training. This is a specialised instruction of how to do a specific job.
- . Supervisory Training. Aims at teaching officers the skills of supervision, control and training of others.
- . Management Training. This seeks to enable suitable officers to qualify for higher level posts in the organisation.

Staff development is a process of helping officers in the organisation to develop their capabilities and this can involve helping staff members to improve their work performance; fitting staff members for greater responsibilities; developing supervisory and management skills and knowledge; and influencing attitudes of staff members towards their job and organisation.

Staff development is necessary in order to foster and use all the potential talent in the organisation, and to be able to meet the needs of expansion in the organisation. It is also necessary for suitable staff members to be available to fill manpower gaps created by promotions and retirement. If such a developed staff exists, the promotion rate of the supervisor is enhanced. Secondly, supervisors will be able to delegate effectively and thus concentrate on the really important aspects of their jobs.

A program of staff development involves every staff member in the organisation. All supervisory staff are responsible for the development of their subordinates, and top management must have a special commitment to the scheme.

Staff development takes place both within and outside the organisation but at least 80 per cent of the process takes place on the job. It is a continuous process from the day a new officer is recruited in the organisation.

Before staff development for any officer commences, a career plan is made out. Then for each stage of that career a staff development program is drawn. This serves as a guide for the supervisors. The following are some of the methods of staff development:

- . Job Rotation. Officers are trained in several minor skills and exchange jobs with each other at intervals. The purpose here is to ensure that the officers know the jobs of others.
- . Delegation. This is the transfer of personal performance of duties to another officer.
- . Coaching. This consists of the more or less frequent daily flow of comments, constructive communication, instructions, questions and suggestions used by a supervisor to guide subordinates. This is a normal and critical part of the

supervisory job which provides an extremely effective contribution to officers' development. The purpose of coaching is to make positive comments for future improvements, and not to fix blame for errors.

In addition to these methods, there are staff meetings and conferences, where supervisors and participants discuss problems and work out solutions.

Acting appointments are also used towards staff development, and these can be effective if the appointee is constantly supervised and guided by an immediate supervisor.

In summary, the development of prisons staff in Fiji continues to be a high priority and will be pursued to the fullest extent possible within the resources and finances available. Whilst there is a range of talent available in the Fiji Prisons Service, it is unfortunate that most lack the specific training and experience required of senior management in the Prisons Service.

It is considered that exposure to more developed systems and participation at international training conferences and seminars, where exchanges of views, study of management techniques and other correctional prison settings and the creation of awareness of modern trends, policy and procedures can be experienced, may attribute to a greater understanding amongst future potential prison administrators, broaden their overall outlook towards their responsibilities and functions and upgrade their skills in overall areas of prisons administration and management. The need to develop senior officers may have to be met in part by overseas courses and placement at institutions such as UNAFEI, the Australian Institute of Criminology, the Prisons Staff College at Wakefield, United Kingdom, Melbourne Staff College or Trentham College in New Zealand, to name some of the various institutions which Fiji is interested in pursuing for staff development purposes.

The extent of placement of Fiji prisons staff at these institutions, if accepted, would be largely dependent upon overseas aid and finances being made available. Indeed Fiji will be exploring these avenues to the fullest possible extent.

The Fiji Prisons Service is aware of its staff deficiencies but at the same time it is aware that it does have human resources capable of responding well to staff development programs.

CHANGING RESPONSIBILITIES OF CORRECTIONAL ADMINISTRATORS

Correctional administrators in Fiji were given a low public image in the past. In fact they were known to be stubborn and cruel birds who insist on imposing very rigid rules on contained offenders without any thought of rehabilitating them. The prison officers, or warders as they were called in the early days, would

regard themselves as governors of a separate kingdom from the rest of the society. There was a tradition of correctional administrators being the sole decision makers even on trivial matters which we would rather see handled by lower ranking officials than them. The system was run to such an extent by the administrators that there was no thought of improving the correctional environment or the officers' working conditions.

As time went by a lot of ideas began to emanate from officers and inmates as well from the public. There was a vigorous move to change prison conditions, which undoubtedly resulted in some prison riots and also implementation of prison reform legislation which allowed greater scope for autonomy and improvement in institutions. All this was a result of dissatisfaction with the ways correctional administrators have been administering penitentiaries and prison institutions, especially in the early 60s.

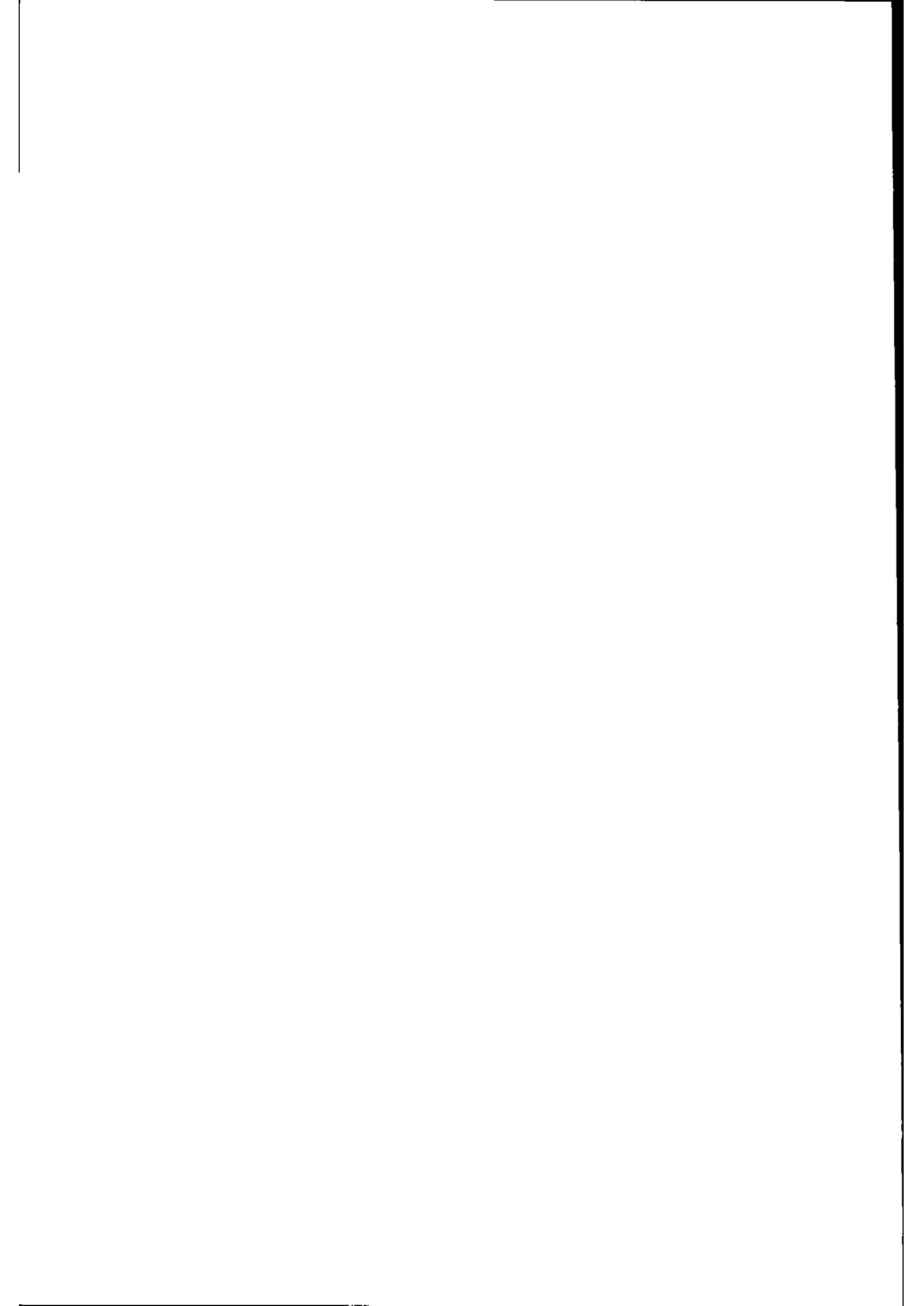
It was from this period, however, that changes began to show results. Correctional administrators would now mirror themselves not as despotic rulers but rather as administrators who would set objectives consistent with the other societal changes. There was teaching of sociological knowledge and the need to recognise that inmates do not cease to be human beings upon admission as prisoners, coupled with the need for a closer scrutiny of the person's own historical life background to be able to rehabilitate an offender in prison. More and more emphasis was put on setting up rehabilitative programs in prison as against the old regime of locking inmates up as a way of correcting them. All of these factors gradually penetrate into the minds of correctional administrators and admittedly change their attitudes and minds on ways they administer correctional institutions. Instead of believing in retribution, they believe in meaningful rehabilitation within the prison environment.

Correctional administrators also began to consult their immediate subordinates on policy matters and to delegate authority so that the work load could be evenly distributed. Public views sought before major policy changes were made on the objectives of imprisonment and the conditions of officers received preferential consideration. On the whole there was a general trend towards acting more responsibly and responsively on matters which would be regarded as very delicate issues. Information regarding institutional management began to infiltrate the media, leading to public awareness of the system, so that the responsibilities of correctional administrators turned from those of a harsh and articulate decision maker to those of an administrator who takes into account the proper management of penal institutions and the human rights of the individuals. Thus the responsibilities of correctional administrators have changed tremendously, to the point where they are as innovative and creative as any other administrator.

Today the responsibilities entrusted to the correctional administrators leave much to be desired. They are required to operate under the guidance of the standard minimum rules set by the United Nations and are constantly harrassed by the number of independent watch-dog mechanisms set up by the government of the day to monitor day to day operations. Besides, there are other organisations which constantly use the mass media to exaggerate any untoward incidents regarding violations of the treatment and services offered in penal institutions, in order to get the sympathy of others. The correctional administrator is often required to operate under this strenuous and frustrating experience, which in real life presents a big challenge.

Correctional administrators are therefore required to be more immune to the immediate needs of the contained offenders as well as correctional officers and at the same time retain impartiality in their treatment. They are to ensure that there are no chaotic situations prevailing in penal institutions and above all, in implementing the institutional objectives, they must try and enlist the willing co-operation of the officers and inmates at all times. If inmates and officers respond positively to their own satisfaction, then the responsibilities embraced by correctional administrators will be more amenable to change.

HONG KONG



HONG KONG

INVESTIGATION OF INCIDENTS IN PRISONS

In any organisations, in either the private or public sector of the community, incidents occur requiring investigation to establish the facts in an impartial, unbiased and rational manner. Equitable conclusions must be reached and recommendations made in order to prevent such incidents recurring. In a penal setting, incidents generally fall into two categories:

Major - those affecting the security of an institution; acts which breach the criminal law and those that would jeopardise the safety and well-being of both staff and prisoners.

Minor - matters which the head of the institution believes should be brought to official notice but can be dealt with at an institutional level.

The policy for reporting incidents is promulgated in departmental standing orders, which may be supplemented by headquarters instructions, both having equal validity. These orders lay down procedures to be followed and provide for the systematic, efficient and accurate transmission of information enabling the Department to account for such incidents and accelerate the implementation of necessary counter-measures.

Procedures for the investigation of incidents have always been included in the Department's standing orders. However, following a disturbance in a maximum security institution, an in-depth inquiry culminated in the setting up of an inspectorate and a reappraisal of policy in the investigation of incidents.

The recommendations called for the appointment of security officers in each institution, with special responsibility for familiarising themselves with all security measures; considering the routine of the institution and any new routine proposed; keeping staff aware of their personal responsibility for security; keeping abreast of developments in security devices, methods of escape and establishing security intelligence reservoirs to receive and interpret information gleaned from staff and prisoners. From this recommendation, five security officer posts were established to oversee the activities of 15 institutions, whilst at the headquarters level a chief officer (security) and an inspector of prisons (now known as senior superintendent (inspectorate)) were appointed.

In 1979, in addition to the security role, a complaints investigation unit was added to the inspectorate. Its responsibility is to monitor all complaints made against the Department and/or staff members and to investigate complaints relating to:

- (a) the conduct of staff whether on or off duty;
- (b) incidents where any person or body proposes to institute civil proceedings or lay information before a magistrate against any member of staff relating to action taken by the Department; and
- (c) departmental procedures or methods which do not necessarily give rise to an allegation of misconduct by staff.

The investigation of incidents other than those stipulated above remains the responsibility of the security section of the inspectorate.

From the original concept of five security officers in 1974, the section has developed into the present organisation to provide for 26 positions:

Correctional Services Headquarters

- Assistant Commissioner
- Senior Superintendent (Inspectorate)
- Superintendent (Inspectorate)
- Chief Officer (Security)
- Chief Officer (Complaints Investigation Unit)
- 4 Principal Officers (Security/Inspectorate)
- 2 Principal Officers (Complaints Investigation Unit)
- 2 Officers (Complaints Investigation Unit)
- 3 Assistant Officers (Security)

In addition, 10 Principal Officers (Security) who are based at key institutions have in addition to their own institution a requirement to oversee activities in nearby smaller institutions where an officer, in addition to normal duties, deals with security matters. An organisational chart is appended.

Major incidents can broadly be divided into three categories:

- . those affecting security and the management of the institution;
- . those being investigated by the police, eg. deaths and suicides, serious breaches of the criminal law, unlawful introduction of contraband; and

- . those arising from complaints made by prisoners/staff or outside bodies.

When a major incident occurs, the senior officer on duty is required to report the facts immediately by telephone, giving essential details to the senior officer at headquarters level who is responsible for the institution. This initial report is confirmed in a written first information report. Depending on the nature of the incident, a team from the inspectorate may be despatched immediately to conduct an investigation, prepare a report and make recommendations.

The need for prisoners to have the opportunity to make complaints, and to have them considered by the authorities, is recognised in legislation for the administration of penal institutions by provisions for applications to the head of institution, visiting justices of the peace and the Commissioner for Correctional Services. Arrangements for the consideration of prisoners' complaints are among the safeguards contained in the United Nations Standard Minimum Rules for the Treatment of Offenders, and the handling and investigation of complaints against staff by prisoners is therefore one of the most sensitive areas of administration for any correctional system. The purpose of this requirement is to ensure that prisoners with grievances raise them promptly through channels which enable the institution or headquarters management to consider the complaints, make such inquiries as necessary and where appropriate, take action to remove the grievance, remedy any defect in the administration and take any corrective action that may be justified.

The making of false and malicious allegations against members of the staff constitutes an offence against discipline. When incidents involving allegations of misconduct by staff are made, the prisoner should be advised of the consequences of making false and malicious allegations. An allegation is malicious as well as false if the prisoner makes it knowing it to be false and acts without regard for the risks involved in terms of the end sought.

The disciplinary offence exists to discourage prisoners from making false allegations but the very restricted circumstances in which such a charge can be brought should ensure that no prisoner, who has good grounds for complaint, needs fear that he or she may be punished as a consequence.

In carrying out an investigation, the investigating officer should bear in mind that the primary objective is to establish the facts of the matter and reach a conclusion as to whether or not the facts substantiate the root cause of an incident or complaint. With this in mind, a thorough study of available evidence should be made, and as far as possible a plan should be

devised for the investigation before proceeding.

Normally the initial evidence will comprise written statements, which should be considered so as to ascertain whether more information is needed to clarify points at issue. Witnesses should be questioned so as to cover relevant points in their statements and where discrepancies become evident, these should be pursued and, as far as possible, resolved. The investigating officer should continue this process until satisfied that it would be profitless to take them any further.

In many investigations, it may be necessary to examine official records which may contain helpful information. Additionally, contemporaneous records are usually an important source of information. Visiting the scene of an incident, examining exhibits, and where necessary preserving the scene to enable photographs to be taken as documentary support, are all useful steps. Where injuries are sustained, the medical officer's findings are important, and his or her diagnosis on the injuries and their possible cause must be studied and attached to the record of investigation. All reasonable efforts must be made, despite possible embarrassment, to establish the facts so that the interests of the department, the staff and the prisoners are best served.

After the evidence has been gathered and tested, the investigating officer should carefully consider it and determine the causes of the incident, or in the case of an allegation or complaint, whether it is true or not and what were the grounds, if any, for it to be made. There can be occasions when there may be insufficient evidence to conclude whether or not an allegation is well-founded, and under such circumstances the investigating officer should not refrain from saying so. What is of utmost importance is for the investigating officer to make impartial, fair and unbiased conclusions.

The report is a medium for providing information and/or advice to those responsible for taking action. This means that the document must be practical, easily understood and its contents should lead to instructions which will achieve necessary results. Irrelevant material should be avoided, and only facts are required with as much and no more comment than is needed to render it concise and fully understandable. The investigating officers must ask themselves when compiling the report whether the information leads to any conclusions or recommendations, or whether it contains anything of value to the background against which the soundness of recommendations may be judged.

The structure of the report is of great importance and should contain the following:

PART I Introduction

- (a) Appointment and terms of reference, containing the brief and the appointing authority.
- (b) Procedure - when and where the investigating team first met and what action they took. This chapter should include visits to the scene of an incident, examination of official documents, routines, medical reports, and interviews of witnesses.

PART II (a) Background to the event This section should contain background information touching upon such aspects as current offence and sentence, interviews, transfers and behaviour of prisoners involved. Descriptions of buildings as to the site, size, security and usage, will enable the reader to have a clear picture of the institution and those involved.

(b) Events prior to the incident Here should be described the situation existing prior to the incident and relevant to the inquiry, containing information on routines, procedures, staff deployment and particulars of who did what, when and why and whether any procedures were omitted or not followed.

(c) Description of the incident A description of events that took place is required, detailing persons involved, witnesses, damages and injuries.

(d) Events after the incident It is pertinent to record what happened after the incident, and whether all security requirements, relevant instructions and orders were followed.

PART III Investigation This chapter may include, depending on the incident, information on the population state; the detailing and deployment of staff; a critical but constructive observation of routines and procedures and confirmation that all relevant instructions and orders were carried out

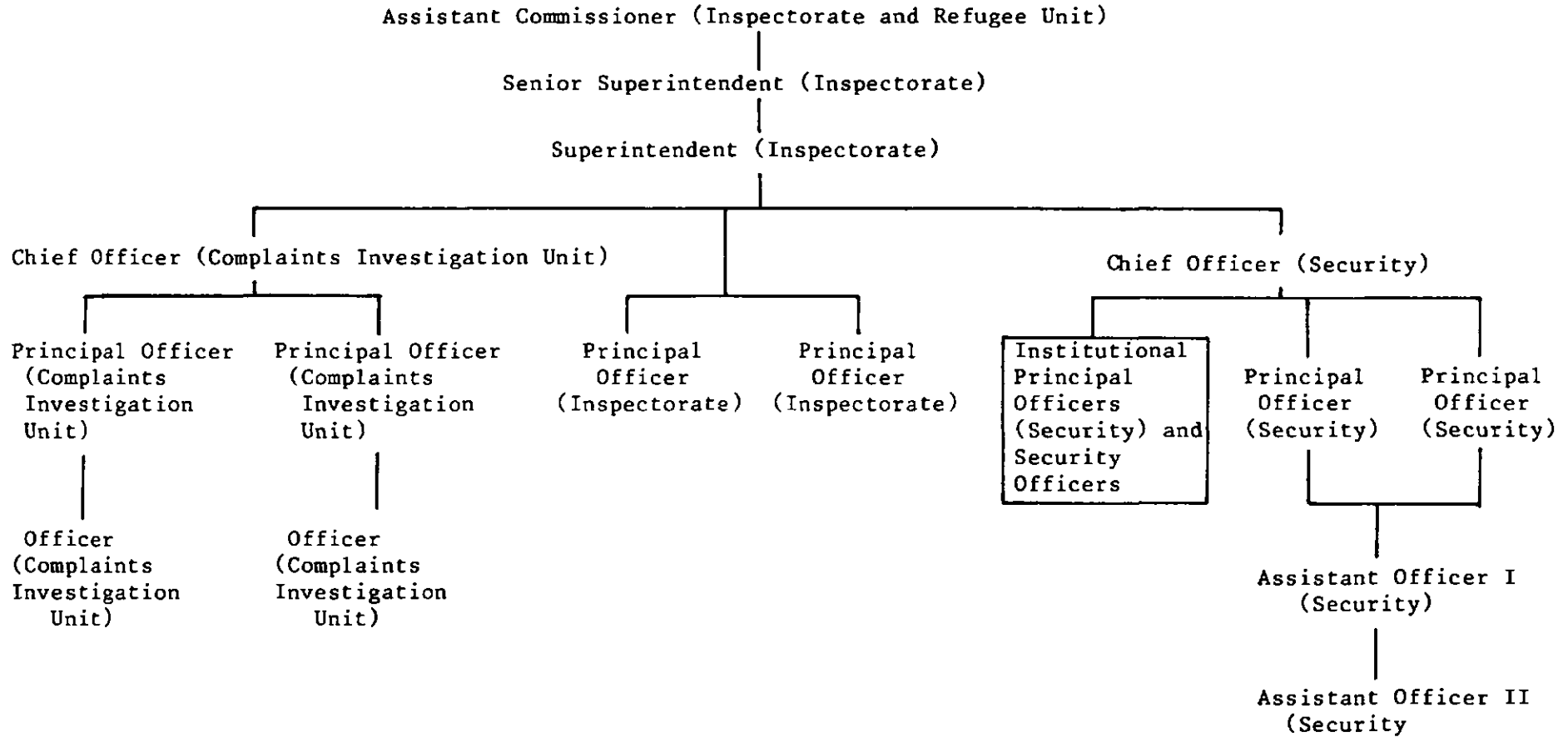
or otherwise. Other factors that may apply include the extent of prisoner involvement, negligence or outstanding diligence on the part of the staff that may have a direct bearing on the consequences of the incident, its implications and the contribution of the physical environment to the incident.

PART IV Conclusion The conclusions must be drawn upon the content of the preceding aspects of the report and all should be logical and readily apparent to the reader. The conclusions should contain deliberations on misconduct and involvement of prisoners, negligence or misconduct on the part of staff, inadequacies in the administration, orders and procedures, and discrepancies of any kind.

PART V Recommendations Recommendations must be constructive and logically based on the conclusions drawn. Such recommendations may call for rectification or improvements in security, procedures or routines to prevent a recurrence, the disciplining of prisoners or staff, and improvements to buildings and physical barriers.

In conclusion, incidents in prisons stem from complaints raised by inmates in most cases. The establishment of an independent complaints investigation unit and security section therefore becomes an indispensable management tool for complaints and incidents to be investigated impartially and expeditiously. By so doing, prisoner confidence is gained and frustrations placated, benefiting the institution by such preventive action. However, the absence of investigatory machinery and channels of communication between prisoners and the administration can only provide the impetus and opportunity for prisoners' frustrations to ferment and often leads to collective rebellious reactions to try to change the custodial regimes by compromise.

Organisation Chart
 Inspectorate
Correctional Services Headquarters



□ - Institutional posts

FACILITIES AND PROGRAMS FOR FEMALE PRISONERS INCLUDING THOSE INMATES WITH CHILDREN

The Correctional Services Department administers two institutions for female prisoners, Tai Lam Centre for Women and Tai Tam Gap Correctional Institution. On 1 March 1985, there were 341 females in custody, representing 4.3 per cent of the total penal population. Tai Lam Centre for Women houses adult remandees and prisoners and those remanded or sentenced to a drug addiction treatment centre, whilst Tai Tam Gap Correctional Institution looks after young persons under 21 years of age who are remanded or sentenced to a prison and those who have been remanded or sentenced to a training centre. The two institutions operate under the Prisons Ordinance (Chapter 234, Laws of Hong Kong), the Training Centres Ordinance (Chapter 280) and the Commissioner's Standing Orders, which are in line with the United Nations Standard Minimum Rules for the Treatment of Offenders.

The Department also runs Bauhinia House which is a half-way house providing accommodation for up to eight female offenders needing assistance or guidance during the transition period from institutional to community life. In addition, the Department looks after women and children who are refugees in closed centres, detained under the Immigration Ordinance. However, programs and facilities for refugees are not included in this paper.

Tai Lam Centre for Women

This institution has accommodation for 280 inmates. They are housed mainly in dormitories but there is some cell accommodation. Supporting facilities include workshops, a large industrial laundry, kitchen, dining hall (which is also used as an indoor recreational and assembly hall), chapel, beauty salon, a 29-bed hospital, stores and administrative offices. The routine of the institution is designed to ensure that the three categories of offenders - prisoners, remands and drug addiction treatment centre inmates - have the absolute minimum of contact between them.

Programs for Remandees and Prisoners

The Prison Ordinance and Prison Rules statutorily provide for the rights, privileges, conduct and welfare of those detained and include such matters as communications, exercise, medical treatment, general treatment and discipline. Many women on remand have never been in a penal institution, and some quite naturally harbour misgivings and even fear of what may be ahead. Reception office staff are therefore very careful and

thorough in briefing all admissions on their rights, including those relating to their protection and well being. If required, arrangements are made for them to be visited by their legal representatives and family. Letters are unrestricted, and a remandee may be allowed to telephone her lawyer or members of her immediate family. Life and routine in the institution are also clearly explained to the remandees so that they know what they can expect and what is expected of them. Remandees have the option of paid work in a reception centre. As this is not compulsory most prefer not to work, participating only in sports and recreational activities.

Immediately after admission, convicted prisoners undergo a week-long induction program designed to assist them in adapting and adjusting to the prison environment. During this period rights and privileges including those in respect of appeals and legal aid are fully explained. They are also acquainted with the daily routine, procedures, rules and regulations. Following this period they are introduced to the activities of the prison community including employment, educational, recreational and social activities.

The program is directed towards encouraging and instilling self-respect and a sense of responsibility, and strengthening the persons involved to lead a law abiding and self-supporting life after release. The emphasis of the work program is to provide satisfying and demanding tasks which stretch minds and abilities. The industrial laundry and garment-making workshops provide adequate work and diversity to meet this requirement. However, difficulties are encountered in training prisoners with short sentences in specific trades or skills, so good working habits are cultivated instead. On the other hand, prisoners with long sentences require more personal care and attention and have the time to develop skills which can assist them after release.

Welfare officers working within the institution help in solving personal or other problems and in coping with difficulties caused by imprisonment and isolation from friends and families. Women with adjustment problems are given special counselling by a psychologist and other staff so that they can derive the maximum benefit from the program.

Program for Drug Addiction Treatment Centre Inmates

The Drug Addiction Treatment Centres Ordinance empowers the courts to sentence a person who is found guilty of a minor or drug related offence (such as smoking drugs or possession of drugs) and who is certified to be a drug dependant, to a period of compulsory treatment of not less than four months and not more than a year with 12 months after-care supervision following release.

The Ordinance requires, after a finding of guilt and before sentence, that the person is remanded into the custody of the Commissioner for a period not exceeding three weeks for a report on their suitability for cure and rehabilitation. During this period, the person is interviewed by an after-care officer and her family, employer and other relevant persons are visited. She is also examined by the medical officer to determine her state of health and degree of addiction to drugs. The after-care report, the medical report, and if necessary a psychological report, together with the Commissioner's recommendations, are finalised during this remand period and forwarded for the consideration of the court.

As the offenders are drug dependants on admission, the program must initially focus on building them up both physically and psychologically. The basis of the program is an orderly and regular routine combined with the personal influence of the staff in a disciplined and work-oriented environment in which counselling, both individually and in groups, is an important aspect. The program is divided into three phases:

- (i) the restoration of physical health;
- (ii) the uprooting of psychological and emotional dependence on drugs; and
- (iii) re-adjustment into the community.

Immediately on admission, medical treatment is given for withdrawal symptoms and other ailments which are often present. Recovery is normally rapid and is followed by an induction period of one week. Adult inmates are then allocated employment which is mainly tailoring, gardening, hair-dressing, cooking and other domestic services. Inmates under 21 years of age follow a different program of half-day educational classes and half-day vocational training which is complemented by a comprehensive range of recreational and hobby activities.

Vocational and workshop training is undertaken by qualified instructors and each inmate is assigned to an available trade best suited to her. The training is important in cultivating and retaining good working habits in addition to preparation for release.

Certified schoolmistresses run the educational program following a syllabus devised in conjunction with the Education Department. Adult inmates in the Drug Addiction Treatment Centre take remedial classes provided by qualified teachers from the Adult Education Section of the Education Department. Attendance at these classes is voluntary and those who are interested may also pursue correspondence, self-study or other special courses.

The inmate's progress, attitude and conduct are closely monitored throughout her stay and each inmate must appear before a board of review at least once a month and in some cases more often. The board is chaired by a senior superintendent from headquarters and other members include the superintendent of the Centre, the medical officer, an after-care officer and others who are closely involved with the inmate's treatment. Progress and shortcomings are thoroughly discussed in her presence, and recommendations touching upon release are made taking into consideration, health, progress and the likelihood of remaining drug-free upon release. Suitable employment and accommodation are arranged by an after-care officer before an inmate can be released, ensuring a good start during the first and most vulnerable months of supervision. Ongoing guidance continues until the expiration of the statutory period of supervision. However, failure to comply with conditions of supervision may result in recall for further treatment.

Tai Tam Gap Correctional Institution

This girls' institution accommodates up to 170 inmates in dormitories. Other facilities include classrooms, library, workshops, kitchen, dining hall, sick bay, chapel, stores and administration offices. Open exercise areas are provided within and adjacent to the institution.

Program for Training Centre Inmates

The Training Centre Ordinance empowers the courts to sentence a person of 14 but under 21 years of age to a period of training from a minimum of six months to a maximum of three years, followed by three years' statutory after-care supervision from the date of release.

After conviction, the person is remanded into the custody of the Commissioner for a period not exceeding three weeks for a report on her physical and mental condition and suitability for training.

Upon admission to a training centre the inmate is introduced to the program during a period of induction. Following this, the inmate is integrated into centre life following a laid-down program of vocational and educational training which stresses achievement within a disciplined environment. Half-day educational classes are supplemented by half-day vocational training classes. Vocational training includes restaurant services, tailoring, cooking, secretarial studies, typing and book-keeping. Recreation and hobby classes also form an important aspect of the program.

Of the hobby activities available, the precision marching team and the girls marching pipe band are the most popular. Both of these activities are an excellent form of recreation and have assisted considerably by generating a good team spirit and co-operation amongst the girls. They give many performances a year at both departmental, formal and informal functions such as parades, staff family days and sports meets. They are also very active in giving performances to the public which are organised by government departments and other well recognised organisations. Their performances are always very well received and, in fact, so popular that many requests for performances have to be turned down.

The staff give individual attention to each inmate throughout their stay. All inmates are required to appear monthly before a board of review, once again chaired by a senior superintendent from headquarters, and other members include the superintendent of the institution, an after-care officer, a teacher, a trade instructor and other staff who know the inmate well. A grading system has been adopted and the inmates must progress through four stages.

Promotion to the various grades is determined by the monthly board of review and progress is dependent, amongst other things, upon effort, performance at vocational training, educational classes, general attitude, dress and deportment. Recommendations for release are made when it is considered that positive progress has been made and a peak in standards has been reached.

Bauhinia House provides accommodation for girls who require a more gradual integration into the community when released under supervision from a training centre. A board chaired by the senior superintendent in charge of young offenders in headquarters reviews the progress of each resident and decides on her release from the House. Normally they are required to live in the House for not less than a month but not longer than the statutory period of the supervision order. Residents go to school or work during the day and return to the House in the evening where they are given assistance and support in regular group and individual counselling sessions held by after-care officers. Recreational activities, hobby activities and educational classes are also organised at the House.

Program for Young Prisoners

The program for young prisoners closely follows the training centre program but with emphasis on correctional training. Under the provisions of the Criminal Procedure Ordinance (Chapter 221, Laws of Hong Kong) prisoners who are sentenced to imprisonment for three months or more and are under 21 years of age on admission are placed under statutory supervision by the

Department's after-care officers for one year following release, provided that they are not over 24 years of age.

Prisoners and Inmates with Children

One of the unique problems encountered by a female prisoner in custody is when she has or gives birth to a baby. In such cases the baby may be admitted into an institution with its mother for a period of nine months. However, once the child is nine months old, the medical officer is required to make a recommendation to the Commissioner of Correctional Services as to whether it is necessary or desirable for the child to be kept for a longer period in the institution. If approved by the Commissioner of Correctional Services the child may remain with its mother until she has completed her sentence or the child is three years old. After this age, and if the mother is still in custody, the child will be placed in the care of relatives or a welfare organisation.

Infants living within the institution are provided with all the normal things that babies require at public expense, but there is no objection to the mother receiving items brought in by their families.

Both Tai Lam Centre for Women and Tai Tam Gap Correctional Institution have maternity wards and nurseries fitted with child care equipment in addition to normal hospital facilities. Attention and care is given to both mother and child by medical officers, registered nurses with midwifery experience and the hospital staff. Mothers are left with their babies as much as possible after birth but when they are older one of the mothers, on a roster, remains in the nursery looking after all of the babies, permitting other mothers to go to work and participate in the activities of the institution.

Prisoners or their babies who are convalescing or suffering from minor ailments are treated within the institutions' hospitals while those requiring specialist treatment or operations are sent to outside government hospitals and normally (except in special cases) are admitted into the hospitals' general wards.

At times female prisoners require special considerations. In one such case a prisoner was given a special release by the Governor of Hong Kong on the recommendation of the Board of Review for Long Term Sentences. When the child reached three years of age and the mother still had 11 months of her sentence to serve, the superintendent initiated the action because of the prisoner's exemplary conduct and the special compassionate grounds that justified the prisoner's early release to be with her child.

Communication and Visits

Prisoners may write to their friends and relatives once a week but may receive any number of letters. They may also be visited twice a month but additional letters and visits may be approved by the superintendent. Inmates in training or treatment centres are encouraged to write more often and relatives are encouraged to visit frequently so as to build up good family relationships as these are frequently strained or non-existent. In cases where the husband of a female prisoner is serving a sentence, arrangements are regularly made for one of them to visit the other.

Justice of the Peace

Justices of the peace, appointed by the Governor, visit all institutions to observe living and working conditions, welfare, and the general efficiency of the service, and to report abuses. Their duties and responsibilities are specified in the Prison Rules which are a part of the Laws of Hong Kong. They visit in pairs, without notice, once fortnightly to prisons and treatment centres and once a month to training centres.

Earnings

All remandees, appellants, prisoners and inmates who work are paid on a weekly basis. Remandees and appellants who do not elect to work do not receive any payments. All others receive payments ranging from a basic of HK\$3.43 per week for those who are hospitalised or unable to work, to a maximum of HK\$27.45 per week for skilled workers. Training centre inmates and young prisoners receive a minimum of HK\$1.75 per week up to a maximum of HK\$6.85 per week. They are permitted to spend up to 75 per cent of their earnings in the form of remittances to their family or to purchase goods for their own use from a comprehensive list of articles which includes amongst others, sweets, cigarettes, writing materials and cosmetics.

After-care

The law prescribes after-care supervision for young prisoners and persons released from training and drug addiction treatment centres. This supervision is an important integral part of the overall programs helping inmates to lead a law-abiding and industrious life after release. After-care commences soon after an inmate is admitted, when assistance with immediate problems is provided. Steps are then taken to establish a sound relationship between the inmate, her family and the after-care officer. After release, the same after-care officer continues with supervision, helping with the adjustment from institutional to community life. Thereafter regular contact is maintained and assistance is given according to individual needs. Persons who do not readily conform

are subjected to more intensive supervision and counselling. Those who respond well and settle down are contacted at less frequent intervals while those who contravene supervision conditions may be recalled by the Commissioner for further treatment or training.

Psychological Services

A psychologist on the institution's establishment provides therapeutic assessments and counselling as a means of early identification of adjustment problems. Such counselling is conducted immediately following admission and continues where necessary until release. Those who exhibit adjustment problems or deepseated personality difficulties are given in-depth, follow-up counselling.

Hong Kong Discharged Prisoners' Aid Society

The Hong Kong Discharged Prisoners' Aid Society provides a variety of services and facilities for discharged adult prisoners (who are not subject to supervision by the Department's after-care officers) including hostel accommodation, employment advice and job placement. They perform an 'after-care' function which fills an important gap in the rehabilitation process. Case-workers from the Society visit on a regular basis to explain their services.

Conclusion

Both the facilities and programs for women and girls have been considerably improved over the years and there is no overcrowding in either of the institutions. There is no doubt that inmates on release from these institutions are well prepared to face the future and the continued assistance which is given after their release by the very effective departmental after-care officers provides an essential support to both the inmates and their families. The success of the programs is evident from the 91.75 per cent of inmates who are not convicted of any offence during their three-year follow-up on release from the training centre and the 72.34 per cent who are not convicted of any offence during their one-year follow-up release from the Drug Addiction Treatment Centre.

The staff who work in these two institutions are very interested in their work and get a great deal of job satisfaction because they are actively involved with the inmate right from the start and actually see the end results. As Superintendent in charge of Tai Lam Centre for Women the writer is very proud of the interest and the high standard of professionalism of the staff and of the results that have been achieved. However, the staff do not rest on their laurels, and facilities and programs are constantly

reviewed with the aim of further improvement and to reflect as far as possible changes in social and community needs. The Commissioner has personally been deeply involved in the preparation of the programs, in each progressive step that has been taken, and it can be said with certainty that it is through the Commissioner's devotion and leadership that the institution and achievements are where they are today.

EXTENT AND USE OF MINIMUM FORCE IN PRISONS

The United Nations Standard Minimum Rules for the Treatment of Offenders advocates that the regime of a penal institution should seek to minimise any differences between prison life and life at liberty (Rule 60). In reality, the differences are often great, there being obvious constraints which are difficult if not impossible to overcome, including the loss of liberty and consequently mobility, enforced isolation from the community and necessary security requirements. Prisons originally functioned in order to stop crime, protect the community and punish offenders with the hope that they would be deterred from committing further crimes. It was argued that strict order and discipline would have an important educational value. Consequently prisons have traditionally adopted this principle in order to give imprisonment a punitive emphasis. However, in recent years there has been a trend towards rehabilitation rather than punishment so that prisoners after release may function normally within the community. Nevertheless, tradition still tends to shape the basic structure of most penal systems.

Prisons by their very nature foster distrust between two parties, often with polarised views working and interacting with each other - the inmates on the one hand who are detained against their will, and on the other hand the management who must detain and protect them as well as ensure law and order by persuasive and at times coercive means. Not surprisingly, prison can be a volatile ground where conflict can be a fact of day-to-day life. Non-conforming inmates often require staff intervention and most correctional administrators have at times resorted to force in coping with deviant behaviour. The important question has always been at what point should force be employed and to what degree.

The United Nations Standard Minimum Rules stipulate guidelines for the use of necessary force in the interest of good law and order, preventing injury and preserving life. They also make recommendations for the training of correctional personnel, including special physical training for restraining aggressive prisoners.

The shock on some people when they are confined within a disciplined setting can often be substantial and lead to feelings

of rejection, aggravated further by the deprivations of prison life. This can have a profound effect on personal esteem, leading to discontentment, frustration and sometimes anger. This anger may then be vented by acts of physical violence against other prisoners or staff.

The pressure of an enforced stay in prison may also be intrinsically unpleasant or otherwise, to a degree determined by the character of individual prisoners and the physical conditions in which they are held. The nature of a prison routine can lead to prisoners living on their own for longer periods than usual and this can lead to a very self-centred approach to life causing deterioration of their social skills. A possible result is that an inmate who has been in prison for some time no longer has the necessary skills to handle a situation or inter-personal relationship to his or her satisfaction.

In Hong Kong, the increase in crime over the past five years has been accompanied by an increase in violent crimes, which constituted 28.5 per cent of all crimes reported in 1983 (Crime and Enforcement Report, Royal Hong Kong Police Force, 1982). There is also evidence that persons between 31 and 40 years of age were increasingly involved in crimes of violence. The exact meaning of having more 'older' violent offenders is not known at this stage, although a possible implication is the emergence of a group of mature offenders with a tendency towards violence, who eventually may form a group of sophisticated hard-core criminals. This may in turn culminate in an increasing number of violent offenders being admitted into Hong Kong institutions.

The Hong Kong penal population is characterised by a growing number of criminally-sophisticated offenders and a build-up of prisoners serving long-term or life sentences (following the suspension of capital punishment). Breaches of rules, resistance (whether passive or active), and occasionally violence (whether among inmates or by inmates against staff), have become an ever-present reality of day-to-day prison life. In 1983, in order to ensure a high standard of firm but fair discipline in Hong Kong penal institutions, a total of 7,269 disciplinary offences were recorded in an average daily penal population of 8,162 (Statistics Section, Correctional Services Department, Hong Kong). In terms of the number of persons involved in such disciplinary offences, the 1983 figure of 4,270 showed an increase of 14 per cent over that of 1982.

Various forms and degrees of force and restraint, in addition to administrative measures such as classification and categorisation, are used to maintain good order and discipline. Experience shows that the following situations are often closely connected with inmates displaying resistance and demonstrating violent behaviour:

- . following first admission and subsequent periods of depression;
- . after searches involving physical contact;
- . during incidents when an individual prisoner believes he or she has been unjustly treated;
- . at hearings of institutional disciplinary charges for breach of rules;
- . as a result of the sudden imposition of orders or a change in routine; and
- . after receiving bad news.

The New Webster's Dictionary defines force as physical strength, coercion or violence exerted upon a person against his or her will, for the purpose of influence or control, in order to bring about a desired effect or to overcome resistance. The use of force or arms is considered an exceptional and extreme measure in the management of prisoners in Hong Kong and there are carefully laid down instructions in prison rules and standing orders regulating their use. Policy dictates that physical force and fire-arms be used exclusively to protect life, and to deal with serious challenges to good order which cannot otherwise be overcome. The legislation clearly lays down that when force must be used, no more force than is necessary shall be used. The degree of force permissible is determined by the prevailing circumstances at the place and time but will always be the minimum necessary to achieve the objective. Fire-arms may only be used to disable and not to kill.

The various forms of force used by the correctional services in Hong Kong can be classified as follows:

- (a) for prevention of violence
 - . canvas garment and canvas restraint jacket
 - . handcuffs
 - . protected room
- (b) for stopping violence and overcoming resistance
 - . physical force (unarmed combat)
 - . batons
 - . arms.

Use of Minimum Force for Prevention of Violence

Prisoners of either sex who continually destroy their clothing or cause other damage may, with the approval of the superintendent or medical officer, be clothed in canvas garments for a specific

period so as to protect prison property, to maintain decency or to prevent the prisoner suffering from cold. These canvas garments are not restraints and should not be confused with canvas restraint jackets (strait jackets).

Canvas restraint jackets are used to restrain prisoners who are mentally ill and liable to injure themselves or others, or cause severe disturbance and damage property. These jackets are used only on medical grounds when recommended by a medical officer and authorised by a superintendent. They are never used longer than is necessary and cannot be used continuously for more than 24 hours. The restraint must be removed and left off for at least one hour before it is re-applied.

Handcuffs are used to restrain a prisoner who is indulging in violent conduct or when a prisoner threatens violence and whose manner, language and previous history show that it is probable, that unless restrained, he or she will carry out threats they have made. They will be used only on the order of the superintendent with agreement, or the recommendation, of the medical officer. Handcuffs are applied with the prisoner's hands in front of his or her body and may be used only behind the body on security grounds. When this is necessary, the handcuffs will be removed to the front during meals and bed time. This restraint must not be continued longer than necessary and never for more than 24 hours. At least one hour must lapse before they may be re-applied.

A prisoner under mechanical restraint of any kind must be observed by the officer in charge at least once every 15 minutes and temporarily released from restraint to attend calls of nature. Particulars of every case of restraint must be formally recorded and headquarters must be informed immediately.

The superintendent or medical officer may also order any refractory or violent prisoner to be temporarily confined in a protected room (padded cell) certified for that purpose. The purpose of this measure is to ensure that such a prisoner does not cause harm or hardship to him or herself or to other persons and it is not intended as a punishment. Confinement in protected rooms should cease after the prisoner no longer poses a threat. Particulars of every confinement must also be entered into the official records.

Use of Minimum Force for Stopping Violence

All situations where physical force is used are considered to be abnormal or serious incidents even if the purpose is only to counter acts of violence. These incidents have to be reported immediately to a senior officer and the head of the institution, who will then initiate an investigation and forward, within 48

hours of the incident, a written report to headquarters. Incidents or allegations involving assaults or the use of unnecessary force must be reported at once to the senior officer on duty, who will arrange for the injured, assaulted and/or complaining officer or prisoner to be taken to the prison hospital for examination by the medical officer. The result of the examination will be recored in writing and an injury report form will be completed. Normally the extent of the injuries and the circumstances of the case will give some indication as to whether the force applied was the minimum necessary in the circumstances. An investigation may be initiated by headquarters in order to ensure that any force used was justified and that unnecessary force was not involved.

The use of unarmed physical force may be necessary when a prisoner refuses to be moved. While all correctional officers are trained in self-defence and physical restraining techniques, these may not be used except in self-defence or when ordinary measures have failed with a prisoner who is violently resisting removal.

While staff in most institutions carry batons, their use is an exceptional and extreme measure. They may only be used as a last resort either to protect staff or other persons from the likelihood of serious threat or injury or to enable the officer to meet a concerted threat to good order or security. Two or more officers, when dealing with a single, unarmed prisoner, may not draw their batons without an order from the senior officer present, except when a situation such as a general melee requires an individual discretion. Whenever batons are used, an immediate report must be made to the superintendent of the institution and when several staff are involved, each officer must submit a report through the senior officer present to the superintendent.

Under normal circumstances, correctional officers in Hong Kong are not issued with fire-arms while on duty. However, arms may be used against any prisoner escaping or attempting to escape who cannot otherwise be stopped, and on any prisoner rioting, involved in a combined breakout, an attempt to force or break open outside doors, gates or prison walls. Fire-arms may also be used against any prisoner attacking an officer or other person who is in danger of life, or limb, or grievous harm. The use of arms is then to disable and not to kill. An officer, in the presence of a superior officer, will not use arms of any description except on the express orders of the superior officer. It must be reiterated that fire-arms are the extreme degree of force to be used when there is no other reasonable course of action. However, before using arms against a prisoner, the officer must warn the prisoner through every available means that he or she is about to fire, in anticipation that the act might be stopped without actually needing to open fire. Arms available for

use by the Hong Kong Correctional Services include revolvers, shot-guns, and anti-riot equipment such as chemical mace, tear-smoke grenades and pepper-fog generators.

In conclusion, prisons will remain a coercive environment where the prisoners are generally unwilling participants, who will fight the system from time to time. Therefore discipline and the use of force have a necessary and constructive function in prison discipline. The problem is determining how much or how little, and how discipline is administered in order to accomplish optimum results. The degree of force necessary to prevent or stop violence or restore order will always be the minimum degree likely in the circumstances to achieve the objective. Staff at all levels must be confident in its use, and prisoners should be aware of the willingness of management to use it should administrative or persuasive measures fail.

RECRUITMENT AND DEVELOPMENT TRAINING

The job of a correctional officer is working with people - the inmates and other staff. Officers have to maintain close contact with inmates who are social deviants with little motivation to reform, and who are always ready to challenge authority and order. They are, in some cases, more sophisticated and mature than the average officer by virtue of their social experience and age. Therefore, the officer must be able to deal with human problems with a positive and innovative attitude. The introduction of treatment goals within a traditionally coercive setting has resulted in ambiguous and contradictory role definitions of correctional staff. The custodial duty is to 'keep' the inmates so as to protect the community. This requires the maintenance of security and control over inmates for their containment by means of primarily punitive control techniques. The emphasis on custody indicates that the principal rule of interaction between officers and inmates is to maintain maximum social distance and impartiality. On the other hand, the treatment philosophy enforces protection of the community by rehabilitating the inmates. This ideology requires non-punitive control of inmates and professional competence in social science techniques in human influence. A treatment milieu demands that staff form affective ties and involved relationships with inmates, and exercise discretion based on individual differences so as to maximise the influence of the treatment agent. Thus, correctional officers are expected to remain socially distant from inmates for custodial interest while they are also required to establish a close and supportive treatment relationship with the inmates. They have to preserve their own authority and simultaneously encourage inmates to make their own decisions. A delicate balance has to be drawn between maintaining

discipline on one side and contributing to a rehabilitative atmosphere on the other. Such a balance is hard to achieve and attempts to fulfil the conflicting role expectations will most likely result in role strain or conflict. For the foregoing analysis, the complexity and difficulty of a correctional officer's job is evident.

In order to fulfil the function of corrections, therefore, the Correctional Services Department of Hong Kong has to maintain and develop an ever improving work force. Like any other organisation, the Department has to enhance both its 'acquisition ability' and 'retention ability', and a good recruitment and training policy is indispensable.

'Acquisition ability' refers to an organisation's power to attract and select suitable persons to join its work force. It involves the ability to publicise and maintain a good organisational image, and to be able to set up an efficient and valid staff selection process. However, selection can only take place if there are sufficient applicants to make it a reality. Thus it can be seen that a successful recruitment policy is the essential precursor to both an efficient selection procedure and an effective work force. Recruitment in the Department is a continuous process, going hand in hand with the maintenance of a good Departmental image and favourable public relations. The recruitment section and the public relations unit in the Department are given the responsibility of carrying out this important task. Information on recruitment is often communicated to the public through the mass media in the form of television broadcasts, display of posters, advertisements in newspapers or announcement of public interest through the radio. Career exhibitions are also regularly held in the City Hall, the universities and other post-secondary institutions. Through these means, the image of a correctional officer doing a meaningful, challenging and promising job is conveyed to the public.

Except for some specialist posts such as staff in the correctional services industries, clinical psychologist, school masters etc., all other posts in the Department are filled by staff from the two entry points of Officer and Assistant Officer II. It is noteworthy that the Department has successfully integrated the professions of social work and nursing into the grade of Officers. Recruitment in the Department is, therefore, mainly concerned with the two basic ranks of Officer and Assistant Officer II. Under the present policy and improved public image, large numbers of applications for joining the service are received. Furthermore, quite a number of these applicants are people with a high level of education and correspondingly good personal characteristics. Although the minimum qualifications for application for the ranks of Officer and Assistant Officer II

remain at matriculation level and completion of primary school education respectively, the Department has managed to recruit staff with much better qualifications. From April 1984 onwards, all Officers recruited are either university graduates or graduates from post-secondary institutions. On the other hand, all new appointees to the rank of Assistant Officer II have completed at least three years' secondary school education with well over 80 per cent of them having actually completed five years of secondary school education.

Higher education and better personal characteristics are conducive to post-recruitment training because a person's ability to respond to training depends very much on his or her own qualities, which in turn are determined to a significant extent by the level of education he or she received.

The majority of senior posts in the Department are filled by staff promoted from the ranks of Officer and Assistant Officer II. There are several advantages to a policy of promotion from within. These include:

- . the maintenance of high employee morale, as employees know they have the opportunity to advance upwards through the organisation;
- . reduced labour turnover, as employees do not find it necessary to leave in order to progress in their careers;
- . the procedure for selection of higher rank staff is simplified, as the personnel department will have records of the skills and abilities of each employee; and management will have had previous experience of their behaviour and attitudes; and
- . both the number of new entrants to the Department and the number of different levels of entry are reduced.

With the policy of promotion from within, it is essential to have a reserve of trained and experienced staff ready to fill vacant positions of authority and responsibility or to occupy such positions when they are created throughout the Department. Therefore, an intensive and planned training program for the development of existing staff is required.

Other than the policy of promotion from within, a good development training program can also help to enhance the Department's retention ability. The 'retention ability' of an organisation refers to its functional success in retaining competent staff. It is not simply reflected in the wastage rate

of the organisation because those who leave may be incompetent in their job. It is the phenomenon of 'good guys quit and bad guys cannot quit' that has to be prevented.

The modern concept of training is 'human resource development'. It denotes not only the concept of providing each post with the suitable staff but also includes the concept of developing capable staff for career advancement. Generally, it is oriented to help an organisation to achieve its objectives more effectively. In broad terms, it has two objectives. First, to provide the knowledge, skills and attitudes needed for jobs at all levels to be undertaken effectively. Second, to assist in the development of individuals and to help them to reach the limits of their untapped talents, to make decisions, to use their imagination and to understand the implications and significance of the role which they are playing.

As we look at training through this wide-angle perspective of human resource development, the training activities should have a relationship to both the broader concept of organisational development and also to the more confined concept of self-development training. Organisational development is a process for developing an organisational climate based on social science principles for diagnosing and coping with inadequacies in interpersonal, group and inter-group behaviour in the organisation's culture (normative system structure, work-flow patterns, etc.). The process leads to behaviour changes in formal decision making, communication, planning, problem solving, and the exercise of authority and responsibility. Organisational development focuses also on improving and reinforcing existing strengths of the organisation. With respect to approach, organisational development follows a two-phase process of diagnosis, then intervention. In other words, information about the organisation's climate and culture is gathered as a foundation for diagnosis, and then on the basis of these diagnostic data, a plan is developed for organisational improvement. On the other hand, organisational management will need to appreciate how the self-development of individuals fits into these processes, the goals and directions of change, and identify the content and how it will be encouraged. Effective encouragement implies allowing individuals more freedom and room to explore their roles, and providing time and resources for personal development. In identifying the extent to which this should be actively encouraged, the organisational management will need to consider how it can best maximise its self-development investment, such as being selective by promoting self-development for its better managers and potential managers. It will also need to see its investment in the wider context of the careers of individual managers and the stage through which managers pass in their total managerial career.

The Correctional Services Department in Hong Kong adopts a diversified approach to administering correctional programs for the treatment of offenders. The objectives of treatment programs are manifold. Custodial programs are administered as a form of punishment to deter other people from committing crime. In addition, rehabilitation services are provided to reform the offenders so as to prevent their further commission of crime and to turn them into productive citizens. Therefore, correctional officers are not only responsible for maintaining the safe custody of inmates, discipline and security in penal institutions, but also for fulfilling the goal of rehabilitating the offenders and facilitating their re-integration into the community. Hence, correctional officers have been given increased responsibilities and have to play a variety of roles in the performance of their duties, that is, law enforcer, disciplinarian, supervisor, counsellor and so on. In addition, the penal population comprises people from all walks of life with various social, economic and educational backgrounds. While some inmates are obedient, diligent and co-operative, many others have low motivation for reformation and adopt a hostile and anti-authoritative attitude towards correctional officers. The nature of correctional work today requires the ability to stand up to stress, to have logical reasoning and personal initiative, to exercise flexibility and adaptability, and to possess skills in interpersonal relationships. The goals of staff training thus aim at facilitating correctional officers to acquire the skills and knowledge which are particularly essential to the realisation of Departmental objectives. Training, in this respect, is geared towards meeting the needs of the service and the individual officer, and it constitutes the significant part in the human resource development in the organisation.

The staff training institute is responsible for the planning and development of staff training programs for the Department. Staff training is organised into two distinct phases, basic training and development training. The former, as its name suggests, aims at preparing new recruits for the job while the latter is characterised by a process of up-dating and expanding the individual's professional knowledge as well as career development.

All newly recruited Officers and Assistant Officers II are required to undergo a basic training program which lasts for one year and which is structured into three different stages, the initial stage, the intermediate stage and the final stage, with intermittent field placements in the institutions. The three stages of training are held in the staff training institute on a residential basis which necessitates a total involvement of the trainees in the training program. The basic training program aims to achieve the following:

- . to orientate the new staff to the structure, operation, and goals of the service;
- . to help the trainees develop the necessary attitude for the realisation of the goals of correctional treatment;
- . help the trainees develop technical and operational skills for the effective discharge of the day-to-day duties; and
- . to promote growth in the professional skills through practical field placements.

There is a constant need to supplement and update the knowledge acquired in basic training. This is particularly true in view of rapid social change and innovations, which will create a demand for training to meet the rising needs. It is also accepted that people need to achieve and to feel that they are advancing, which means promotion in rank and taking on greater responsibility or functional specialty. Training is thus required to facilitate such career development.

Courses for development training in the Hong Kong Correctional Services include in-service training, refresher training, training in special areas of work, and training for promotion. In-service training is organised by individual penal institutions on a weekly basis for all their staff under the co-ordination of the staff training institute. Policies and institutional management matters are dealt with in the training sessions. This is considered important in promoting team work and commitment as people tend to support what they have helped to make.

Short term refresher courses are organised regularly for frontline staff at the Principal Officer, Officer, Assistant Officer I and Assistant Officer II levels to refresh and update their operational knowledge. It also serves to inspire a renewal of interest in their daily duties.

Special training is organised according to operational needs, such as the treatment of special categories of offenders like drug dependants, training centre inmates, detention centre detainees and handicapped prisoners. Other courses include, for example, security and control, correctional psychology, social work, aftercare duties, group counselling techniques, and control room duties.

Developmental training courses for promotional purposes are organised for selected staff to help them realise their work potential for a higher level of responsibility. They include the

assistant officer development course and the officer cadet development course for the rank and file. The system of promotion from within has provided positive motivation for career development through self-development. Middle management courses for the middle and senior management personnel are for enhancing their administrative and management capabilities, such as the principal officer development course, chief officer development course and the command course for superintendents.

In addition, both local and overseas training in academic and professional institutes are sought to develop staff of special calibre. They include attachments to correctional institutions in the United Kingdom, training in the United Nations Asian and Far East Institute for the Prevention of Crime and Treatment of Offenders (UNAFEI), and international seminars, workshops and conferences. Locally, the Civil Service Training Centre, the University of Hong Kong, the Chinese University of Hong Kong, Hong Kong Polytechnic, Hong Kong Management Association etc., also provide courses for the staff. Furthermore, senior management of the service holds regular seminars to keep themselves abreast of recent developments and outside speakers such as university lecturers and professors are also involved at times.

To a large extent, it is true to say that any organisation is only as effective as its workforce. This is particularly true for the correctional services since by nature its work to influence the inmates, either in a benign or adversary way, depends nearly completely on the professional competence of correctional officers. Therefore, theoretically, the acquisition ability and the retention ability of the service with respect to its work force must be great. Practically, the implementation of both a good recruitment policy and training policy is essential in enhancing the mentioned abilities. In this way, the work force of the service will be strong and ever improving in quality.

With high quality staff, the quality of correctional work will also be high and the role of corrections in the criminal justice system (viz. the police, the court and the correctional services) can be fulfilled. It is only with this fulfilment that the goals of the criminal law, which reflects the attitude of the society towards crime, are realised. Otherwise, all the efforts of the criminal justice system will become futile and wasteful.

CHANGING RESPONSIBILITIES OF CORRECTIONAL ADMINISTRATORS

Reference to the United Nations Standard Minimum Rules for the Treatment of Offenders reveals that the prison administrator does have some important guidelines to which he or she can work. These can also be referred to at suitable times when preparing annual budgets for the correctional service.

Of particular importance to the most senior correctional administrators is the reference to the modern conception of the prison service being in the nature of a social service; this can be found in the Annex to the Rules under the heading of 'Recommendations on the Selection and Training of Personnel for Penal and Correctional Institutions'. However, bearing in mind that the United Nations Standard Minimum Rules were first adopted by the United Nations under a resolution on 30 August 1955, it appears rather superfluous to refer in 1985 to the concept as being 'new'.

The Annex draws attention to the change in the nature of prison staffing resulting 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. It goes on to refer to the necessity to arouse and keep alive in the minds of the public and the staff an understanding of the nature of modern prison service. It also draws attention to the increasing use of other specialists such as doctors, psychiatrists, psychologists, social workers, teachers and technical instructors, adding that this is a healthy tendency and is recommended to be favourably considered by governments even though additional expense may be involved. The points brought out in the Annex, however, under paragraph III Co-ordination, may have been valid at the time but in reality should not be valid now, for reference to increasing specialisation hampering an integrated approach should have been overcome 30 years later.

The correctional administrator of today is faced with a variety of complicated issues. For example, the point that a sentence of imprisonment is aimed at punishing and deterring as well as reforming is a contradiction in terms. It is, however, but one of the many difficulties which the correctional administrator must face and resolve. In order to function effectively, and so efficiently administer the correctional service, the correctional administrator must in every sense of the word be a 'professional', for only a professional can fully understand and meet the challenge of the conflict of aims and the variety of problems which are found in that area of reform now better known as 'corrections'. Down through the years and more especially in recent years, there is ample evidence that changing responsibilities are making new demands on the correctional administrator and to meet these new demands he has had to re-structure and must continue to re-structure the service in keeping with these changing responsibilities.

The widely held view that a prison is a place for holding offenders who have virtually little to do and who are molly coddled requires to be eradicated. Today, even in some of the countries which are still developing, the correctional service provides programs which are much more positive than that.

The correctional administrator must ensure that the needs of the staff and the prisoners are fully understood by the government, which in turn has the responsibility to take care of the requirements of those who work within the service. Clearly, the latter should not need to resort to industrial action in view of the detrimental effect it will have on other human beings who, by virtue of their incarceration, cannot react except negatively. It is within this area more than any other where the necessity for governments to come to grips with reality and fully understand the requirements of professional correctional officers is best illustrated.

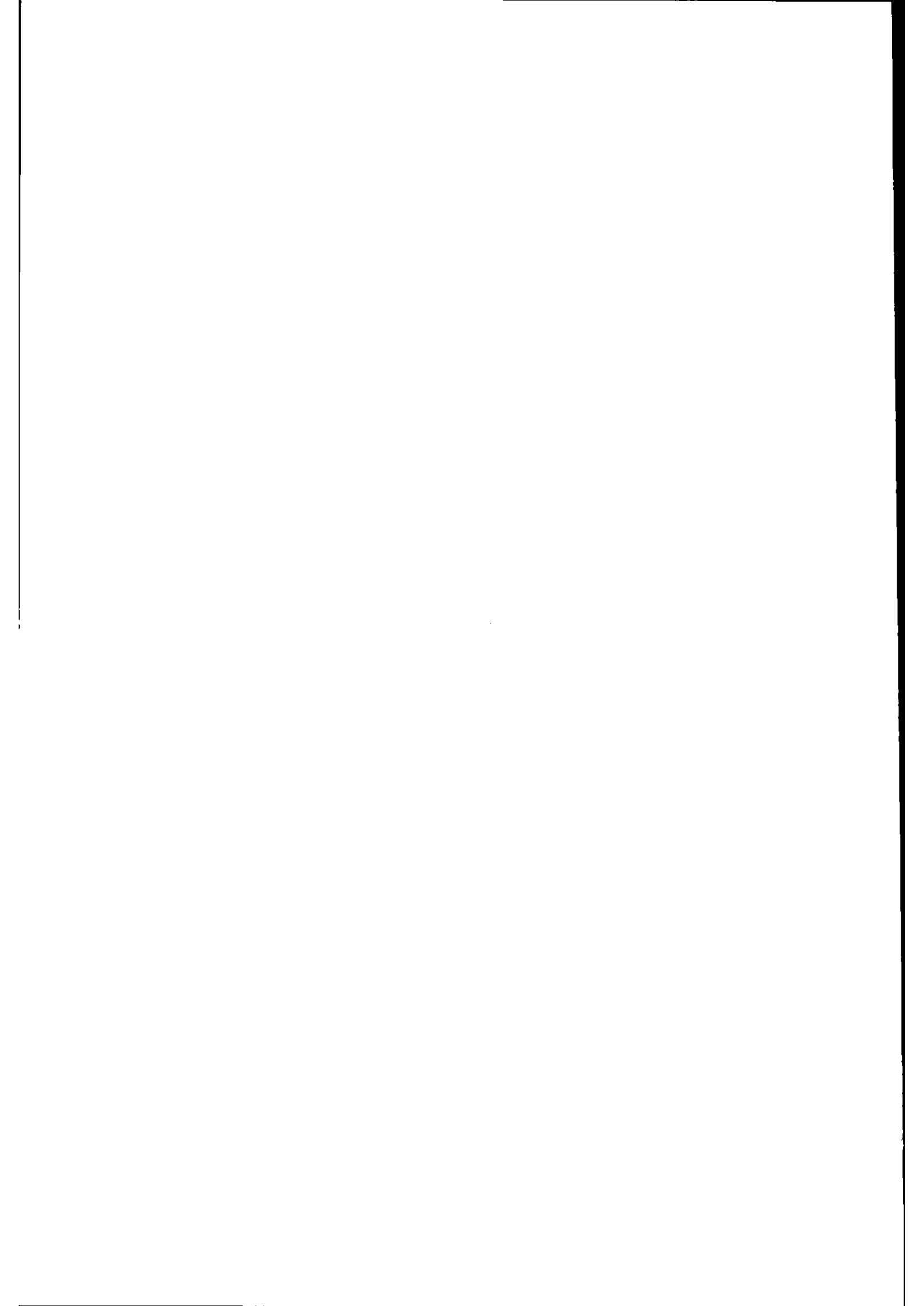
Many prison services today also have as part of their responsibility other types of institutions which are not classified as prisons, and also administer other correctional programs involving such work as after-care. Additionally, in recent years a number of governments have been faced with the problem of refugees, particularly those from Vietnam, and the correctional service has been charged with the responsibility for administering the camps where the refugees are held. This new responsibility has arisen as a result of the recognition that a correctional service is involved in taking care of the needs of people, particularly where these are in large numbers. The necessary logistics and back-up, coupled with the knowledge of what is required to meet the needs of men, women and children, can be found in a professional correctional service. The government, however, does have the responsibility to ensure that funds for such requirements are made available along with accommodation and the other necessary facilities in line with government policy.

It follows, therefore, that in some cases the title 'prison service' is a misnomer and is liable to confuse members of the public who have little knowledge of the full range of activities of the service. This is one of the reasons why in Hong Kong, in February 1982, the then 'prison service' was retitled 'Correctional Service', thus highlighting in the best possible way the increased demands on the service and the new and increasing responsibilities of the correctional administrator.

Generally speaking, there is a demand by the public for correctional administrators to ensure that imprisonment acts as a deterrent but at the same time they are expected to implement programs leading to rehabilitation. Clearly, therefore, professional administrators today must have the public on their side and it is in their interest to make known and understand what does and does not work and what can and cannot be done. The work of the correctional administrator must be balanced with, on one hand, the support of the community, while on the other providing positive programs for offenders which, if they are to work to the good of all, must be within a disciplined setting.

The rising expectations of prisoners must also be met but their expectations should never be allowed to lead to a situation of buying prisoner co-operation, which some administrators have found to their cost not only proves expensive but also disastrous.

INDIA



INDIA

INVESTIGATION OF INCIDENTS IN PRISON

The Prisons Act 1894, which contains rules for the regulation of prisons in India, and the prison manuals of various states which lay down instructions and guidelines for the day-to-day administration of prisons, recognise certain acts of prisoners as 'prison offences'. These are:

- . such wilful disobedience to any regulation of the prison as shall have been declared by rules made under section 59 to be a prison offence;
- . any assault or use of criminal force;
- . the use of insulting or threatening language;
- . immoral or indecent or disorderly behaviour;
- . wilfully disabling themselves from labour;
- . continuously refusing to work;
- . filing, cutting, altering or removing handcuffs, fetters or bars without due authority;
- . wilful idleness or negligence at work by any prisoner sentenced to rigorous imprisonment;
- . wilful mismanagement of work by any prisoner sentenced to rigorous imprisonment;
- . wilful damage to prison property;
- . tampering with or defacing history tickets, records or documents;
- . receiving/possessing of or transferring any prohibited article;
- . feigning illness;
- . wilfully bringing a false accusation against any officer or prisoner;
- . omitting or refusing to report, as soon as it comes to their knowledge, the occurrence of any fire, any plot or conspiracy, any escape, attempt or preparation to escape, and any attack or preparation for attack upon any prisoner or prison official; and

- . conspiring to escape, or to assist in escaping, or in committing any other of the offences aforesaid.

The punishments for the prison offences are also laid down in the Act as well as the prison manuals. These include a formal warning, change of labour to some more irksome or severe form for a specified period, loss of privileges under the remission system and of other facilities, imposition of handcuffs and fetters, and separate confinement for any period not exceeding 14 days penal diet. Any two of these punishments may be awarded in combination for any offence subject to certain exceptions. For example, formal warning cannot be combined with any other punishment except loss of privileges; penal diet cannot be combined with change of labour; confinement in cells and separate confinement cannot be combined so as to prolong the period of seclusion and so on.

The investigation of incidents has two components, detection of the trouble and inquiry. Modern techniques of detection of crime with devices such as closed circuit television are not widely available in India. There is reliance on conventional techniques such as interrogation of the offender with the involvement of psychologists and social workers, searches and inspections and invoking the help of police, detective and intelligence agencies. The methods of interrogation are not always effective because when determining the reasons for the criminal behaviour, the prisoner may not give an objective and truthful account of what happened and why.

As regards inquiry into incidents, it is necessary to understand the organisational structure of prison administration and the duties and responsibilities of those who manage the affairs of prisons. At the head of the prison administration is the Inspector-General and at the institutional level, a superintendent assisted by one or more deputy superintendents/assistant superintendents and other guarding and technical staff, who manage the prison in all matters relating to discipline, punishment, control, expenditure and labour, subject to the orders of the Inspector-General or the directions given by the local administration. The superintendent inquires into and adjudicates upon all alleged prison offences by prisoners and cases of neglect of duties and breach of rules, regulations, etc. by prison staff and punishes those found guilty. The superintendent also has the discretion to use punishment or to move the magistrate exercising jurisdiction in the area to inquire into cases which constitute both a prison offence and an offence under the Indian penal code or any other criminal law. However, in certain cases involving offences relating to rioting, escape, those affecting human body as also those triable exclusively by the Court of Sessions, a prosecution will have to be initiated.

The superintendent conducts an inquiry through a discipline board set up in central and district prisons. These boards consist, besides the superintendent, of one deputy superintendent and one senior assistant superintendent. The functions of the boards are to conduct the inquiry known as the orderly room inquiry to decide about the disciplinary action to be taken, to review cases of prisoners undergoing punishment and to evaluate periodically the level of institutional discipline and plan suitable measures.

The orderly room inquiries are conducted as promptly as possible. The accused is given a proper opportunity to present his defence. Witnesses are allowed from both sides. In cases of serious violation of prison discipline, the superintendent may order the recording of statements of the persons concerned. When the superintendent considers that recording of statements is not necessary, a brief account of the salient points of the case should be recorded in the orderly room register. After all relevant facts of the case have come to light, the superintendent's decision will be recorded in the register and the punishment will be implemented promptly.

The orderly room inquiry is to be conducted in a fair manner and is not intended to become a mechanical process for the mere awarding of punishment. No prisoner shall be punished unless they have been informed of the offence alleged against them and given a proper opportunity to present their defence. Further, no prisoner shall be punished except in accordance with the terms of law or regulation or punished twice for the same offence. Any security measure (separate confinement, fetters, etc.) taken for the safe custody of a refractory and dangerous prisoner, or for preventing the prisoner from committing mischief, or the stopping of privileges which are otherwise admissible to well-behaved prisoners only, are not to be construed as prison punishment for this purpose.

The punishments that can be awarded by the superintendent include forfeiture of part or total remission, stopping of recreational and canteen facilities, warning, change of labour for a specified period, fatigue drill or work, segregation in a completely detached yard, separate confinement, and imposition of handcuffs and fetters. The punishment of confinement in cells, separate confinement, fetters, fatigue work or change of labour is not imposed unless the medical officer has examined and certified in writing, that the prisoner is fit to sustain it. Women offenders are also not awarded fetters, confinement in cells or fatigue work as punishment for prison offences, but violent women and those who are likely to harm themselves or others may be handcuffed.

Offences committed by prison staff may be inquired into by the superintendent whose opinion is recorded on the conduct. The superintendent will report all cases involving serious breaches of prison discipline to the Inspector-General. Cases involving violation of laws, rules and regulations or wilful neglect of duty may also be referred to courts. Any subordinate officer, desiring to make any complaint of any kind, can do so in writing to the superintendent within a specified time from the occurrence of the cause of complaint; but the making of frivolous, vexatious or false complaints is prohibited. Further, the subordinate officers are also forbidden from taking part in any joint or combined action to agitate for the redress of any grievance or supposed grievance, or for any other purpose.

Apart from the investigative machinery available at prisons, the prisoners now have increasing opportunities to get their genuine grievances aired and redressed. Grievance boxes have been kept in prisons at places easily accessible to the prisoners. These boxes are opened by the district and sessions judges or their surrogates during their monthly visits to prisons and the grievances are looked into and suitable orders passed for necessary action. Prisoners have also taken recourse to legal remedies to restore their rights as human beings if violated by prison personnel. It is significant that cases of gross abuse of power resulting in the violation of human rights of prisoners and grievous hurt to their bodies have come to light through this method. The Supreme Court of India, the highest judiciary in the land, has taken cognisance of complaints brought to their notice and has treated simple letters listing complaints as writ petitions. The court has passed orders to redress the grievance and to ensure that there is no recurrence or repetition of such incidents. In suitable cases, it has also ordered payment of compensation to the victims.

FACILITIES AND PROGRAMS FOR FEMALE PRISONERS INCLUDING THOSE INMATES WITH CHILDREN

The world community is faced with an increase in the volume of criminality. New forms and dimensions of criminality are emerging. There is progressive involvement of women in crimes. They are succeeding at crimes which traditionally have been committed primarily by men. There is a change in the form and dimension even among some of the more traditional female offences. Female offenders are broadening their patterns of criminal behaviour, ranging from cheating to embezzlements, from pick pocketing to banditry. Drug abuse is also increasing. What is true about adult female criminality holds even more true for female juvenile delinquency. Young girls are now following in the footsteps of their criminal mothers and older sisters.

Though in India, women have traditionally refrained from professional crime, there is recent evidence of involvement in the commission of these offences.

In India, women form a very small percentage of the total prison population in the country. As at 31 December 1980, there were 4,073 women prisoners, forming 2.6 per cent of the total population. Two years later, at 31 December 1982, the number of such prisoners was 3,467 which is about 2.16 per cent of the total prison population. Again, on 31 December 1984, their number was 1,517, constituting about 2.10 per cent of the prison population in those states and union territories for which information is available.

Out of about 1,200 prisons in 22 states and 9 union territories, there are six separate institutions for women prisoners. They have a total capacity for 975 inmates. The available accommodation is sufficient for holding the total female convict population in the country. However, as the women prisoners are located in six states only, and the total female population consisting of convicts and under-trials exceeds the total capacity even in those six states, many women prisoners are lodged in prisons meant for male prisoners. In these circumstances, efforts are made to segregate different categories of women prisoners such as prostitutes, procuresses and hardened women criminals from others. However, such segregation is not always possible because of insufficient space.

It has been felt that because their numbers are small, the needs of women prisoners have been neglected. They are scattered in small clusters in gaols. Establishing separate institutions at every district or sub-divisional headquarters for two to five women offenders is financially prohibitive and administratively difficult. On the other hand, any attempt to concentrate women offenders of a given state at any one place so as to give them systematic and sustained correctional treatment would be open to criticism on the ground that these women are being removed from their home districts and placed far away from their kith and kin. A balance, therefore, has to be struck between these two alternatives. Apart from the inadequacy of segregation facilities, certain other basic facilities of women medical staff for sick women in prisons are lacking. There are no creches for the children of women prisoners. Work programs and educational and recreational activities are sometimes inadequate. Consequently, women inmates idle away their time. During their post-release period, they face problems of rehabilitation. Social customs make them more vulnerable to suspicion and rejection. The stigma of having been in a prison has much more adverse consequences for women than for men in India.

Woman in India has, through the ages, been given a great deal of importance as the nucleus of traditional family life, and therefore, of the society in general. She has played a key role of wife and mother to bind the family together and to stand by it in adverse circumstances. She has been identified as the supporting post of the family structure in all circumstances. In view of the status of women in the family and in society, their special needs and problems, and their vulnerability, special consideration is being given to their segregation, protection, care, treatment, training and rehabilitation. It is in this context that the government of India has identified certain programs to ameliorate their lot in prisons. These, among others, include the establishment of separate prisons for women offenders to be serviced by female staff; introduction of vocational and training programs to provide them with gainful employment; creation of educational and recreational activities; availability of adequate and proper medical facilities and care for pregnant and nursing women; organisation of creches for children outside the prison buildings; and encouragement to social voluntary organisations and agencies to assist the women prisoners in their release on bail and in their rehabilitation after release.

The Indian government has decided to give substantial financial assistance to various state governments over the period 1985-89 for the creation of adequate capacity for women inmates by constructing separate prisons. Until such prisons are introduced and women prisoners are shifted there, arrangements are to be made for the complete segregation of women prisoners in the existing prisons. Women staff - custodial, medical and occupational - are to be appointed to ensure protection against the possible exploitation of inmates and they will provide adequate medical coverage and train women prisoners for their final rehabilitation in society after release. In order to keep the children of inmates who are below six years of age outside the gaols, creches are to be constructed in the existing six women's prisons and in six more prisons housing a sizeable number of women prisoners in the country.

The above measures when implemented over the next few years will go a long way towards providing safe custody and useful correctional services to women prisoners.

EXTENT AND USE OF MINIMUM FORCE IN PRISONS

Every mature legal system of the world accords certain basic protection to its citizens who may be deprived of their personal liberty by way of imprisonment. This protection takes the form of constitutional safeguards. In India, such safeguards are

included as fundamental rights in Chapter III of the Constitution. The objective of including these safeguards in the Constitution is that the administration does not tend to become tyrannical or arbitrary.

The doctrine of equality and equal protection of law guaranteed in article 14 of the Constitution is a resounding expression of the rules of law and constitutes the foundation of a just society. It is also an inhibition against the possible arbitrary action of the state and its functionaries. Article 20 provides protection in respect of conviction for offences by laying down that no person shall be convicted of any offence except for the violation of a law in force at the time of the commission of the offence. Another guarantee under this article is the prohibition of prosecuting and punishing an individual for the same offence more than once. The principle of immunity from self-incrimination is yet another fundamental right guaranteed under the same article. Again, article 21 of the Constitution guarantees against the deprivation of life and liberty except according to the procedure established by law.

Apart from ensuring pre-trial and trial rights and privileges of an individual accused of a crime, the Constitution also provides post-trial remedies under articles 132, 134 and 136. The right to appeal is to ensure the propriety and sustenance of the verdict of conviction or acquittal. Further, it is to ensure that innocent persons do not suffer the consequences of conviction for offences and that the guilty do not go unpunished.

The various Constitutional safeguards have received statutory expression through the Criminal Procedure Code, 1973; and the Indian Evidence Act, 1872. Section 27 of the Indian Evidence Act and section 313 of the Code provide that an individual cannot be forced to be a witness against him or herself. Further, the Evidence Act does not recognise confessions made to a police officer and goes to the extent of not recognising as evidence a confession made to a magistrate in the presence of a police officer. Section 50 of the Code requires the authorities to furnish forthwith the grounds of arrest to those arrested without a warrant from a court. Section 49 of the Code ensures that after a person has been arrested 'he shall not be subjected to more restraints than is necessary to prevent his escape'. Under section 54 of the Code an arrested person has the right to be medically examined by a medical practitioner where such an examination will disprove the commission of any offence committed by that person, or 'will establish the commission by any other person of any offence against his body'.

In addition to the provisions of law, the prison manuals of the different states contain detailed instructions either prohibiting or restricting the use of force while maintaining prison discipline and security. The model prison manual, prepared by the government of India and commended to various states and union territories to serve as a book of guidance for preparing their own manuals, emphasises that the supreme aim of punishment is the protection of the society through the rehabilitation of offenders and that institutional treatment should aim at social re-education of the offenders for the purpose of re-aligning and re-organising their life for smooth resettlement in society. It envisages that the prison system should not, except as incidental to justifiable segregation or maintenance of discipline, aggravate the suffering inherent in the situation. The gaol manuals require the use of minimum necessary force according to circumstances in cases of prison offences committed by prisoners. Where it is found that the gaol authorities have resorted to the illegitimate use of force an immediate inquiry has to be conducted into the circumstances of the case. If prima facie evidence of excessive or illegitimate use of force is found, the delinquent officials are liable for penal action as provided under the law.

For the long term planning of measures of control of discipline and of situations leading to the impairment of security, it is essential to arrange for basic training, orientation and periodical refresher courses for the prison personnel. In order to create a relaxed atmosphere in prisons, as an antidote to disorderly behaviour on the part of personnel, treatment programs with a well prescribed procedure of communicating prisoners grievances, problems and difficulties of a personal nature, or arising from administrative practices, are taken up. An attempt is made to see that prisoners feel the fair-mindedness of the prison staff. An effort is made to enlist the participation of prison inmates in the management of prisons and for giving them a voice in well-defined fields such as recreational activities, cultural programs, sports and games. Periodical leave, parole and remission, are used to give an opportunity to prisoners to be with their families.

The Indian socio-legal system is based on the recognition of the human dignity of the individual and the prisoner in gaol continues to enjoy some of the privileges which a citizen enjoys. In case rights are unlawfully questioned by the law-enforcing authority, individuals have every right to approach the court for a redressing of their grievances. Realising the practical difficulties in getting proper justice through the courts, the Indian judiciary has been striving to be more realistic in its approach. New schemes have been introduced such as free legal aid camps and public interest litigation

programs. The doors of the courts have been thrown open to the public to complain directly without counsel of the injustices perpetrated on them by the law-enforcing authorities. This enables the courts to mete out justice to the complainants without delay.

The writ jurisdiction of the court is an important provision which is available to ensure proper restraint in the use of force. The Supreme Court and the High Courts, within their jurisdiction, have the power to issue writs in the nature of 'habeas corpus', 'mandamus', prohibition, 'quo warranto' and 'certiorari' for the enforcement of any of the fundamental rights. These writs are also available when the order of imprisonment or detention is 'ultra vires' the statutes under which the authorities order the imprisonment or detention.

In a country like India, where a multi-party system exists, the role of an active opposition is sometimes effective in bringing about restraint in the use of force by various functionaries. The party in power at the centre may not be the ruling party in a state, and the voices raised in the parliament or the legislature against illegal detention or torture in custody have serious implications and consequences. Calling attention motions in parliament and the state legislative assemblies, whereby a member calls the attention of a minister to any matter of urgent public importance, is an effective method to bring to the notice of the powers that be the injustices meted out by lower functionaries in the various parts of the country.

In India's rapidly changing society, where the repositories of wisdom (viz. the executive, the judiciary and the legislature) may sometimes disagree, the press has a vital role to play. It acts as the mirror of the society, reflecting problems truthfully and campaigning for the redress of the grievances of the common people. Through the press, the three limbs of the state invariably come to know of the injustices meted out, excesses committed and of the wrongs perpetrated on the citizens by the law-enforcing authorities. In India, the press has played a laudable role in ensuring restraint in the use of force. Voluntary organisations have also been instrumental in some cases in ensuring that the law-enforcing authorities respect the rule of law.

RECRUITMENT AND DEVELOPMENT TRAINING

The modern objectives and accepted goals of the criminal justice system are the prevention of crime and the reformation of offenders. For an offender to reform, it is necessary that they recast their habits and redirect their approaches and value

schemes in order that they may become adjusted in society as useful social beings. For this, all appropriate means - remedial, educational and moral - are applied according to the needs of the offender. In planning treatment programs, the offender's social and criminal history, physical and mental capacities and aptitudes, personality, length of sentence and prospects after release, are taken into account. It must, however, be remembered that the institutional care and the treatment of the offender is not enough. A humane, efficient and well-organised system of after-care is also essential for the success of the correctional program. In order to achieve all this, the selection of the right type of personnel for prison services and their training, assumes paramount importance in the system of correctional administration.

It has to be remembered that even the best rules and regulations and the most progressive measures of prison reform may be nullified by unsuitable personnel. In fact, the effectiveness and success of any administration, particularly of the prison administration, depends upon the faith, philosophy, calibre, training and motivation, interest and flair for human relationship, and the leadership qualities of the persons staffing it. Very special care therefore, is taken in the selection of correctional personnel. Some of the fundamental requirements for correctional personnel are their physical fitness and capacity for endurance and hard work, their capacity for personnel-management and for maintaining and developing constructive and firm discipline; courage, leadership and trustworthiness; interest in human welfare; and a belief in the philosophy of correctional treatment.

The building up of a professionally competent cadre of prison personnel requires proper training and orientation of correctional staff. It has been said, rightly, that untrained personnel are not only ineffective but often detrimental to the implementation of correctional policies and programs. Training improves personnel attitudes and abilities, creates a proper cultural atmosphere and goes a long way towards establishing good traditions and practices in institutional management.

The government in India has taken up proper planning to ensure a continuous flow of qualified and trained personnel in prison departments. It is proposed that the system of recruitment and promotion is to be rationalised on an acceptable and reasonably uniform basis throughout the country. Direct entry into the prison organisation is to be restricted to only three levels, ie, warder, assistant gaoler and the lowest levels of superintendent. This will ensure infusion of fresh blood laterally, at suitable levels of the rank structure. The custodial staff alone cannot bring about in the offender

constructive changes which would have profound and lasting effects on their habits, attitudes, approaches and their total schemes of values. Therefore, a significant number of professional services such as education, medical, psychiatry and psychology, agriculture and industries, are to be incorporated into the prison department to run the multifarious activities essential for the care and treatment of offenders. Efforts are directed towards making the service conditions of the prison department more attractive by rationalising the pay structure; providing better, humane and less exacting working conditions; initiating staff welfare schemes; creating better housing facilities; and so on.

Steps have been initiated to provide training at the lower level of prison officer such as gaolors and warders. The first training school for prison guards and executive staff was started in 1940 in the State of Uttar Pradesh at Lucknow and the second was started in Poona in Maharashtra State in the year 1955. At present, there are 12 such training schools. The general syllabus for the training of prison staff at the guards level is intended to promote a professional and efficient service, and to improve the efficiency of individuals in the specific part of the program assigned to them.

In the state training schools the guards are trained in, for example, physical training, weapon training, drill, unarmed combat, staff management and discipline, police administration, the administration of justice, prison management including classification of prisons, categorising of prisoners, prison premises care, maintenance of registers and records, first aid, and dealing with violent situations in the prison.

In the year 1979, an institute called the Regional Institute of Correctional Administration, a joint venture of the four southern states of India, namely, Andhra Pradesh, Karnataka, Kerala and Tamil Nadu, was established at Vellore in Tamil Nadu. This institute gives integrated training courses to all the officers at the middle and higher level of the prison and correctional departments of the four southern states. In the regional training institute the syllabi of the courses have been designed to suit the functional requirements of the correctional departments. In this institute the syllabus consists of subjects like law, sociology, social work, psychology, criminology, penology, institutional management, personnel management and training, and is designed to meet emergencies in prisons like escapes, hunger strikes, accidents, assaults, suicides, fire, strikes, epidemics, and control of violent prisoners. Outdoor physical training, drill and weapon training are also given. In addition, special training in self-defence is provided so that the officers may learn to meet such emergencies if and when they

are taken hostage by violent prisoners.

The training courses have been specially designed to equip the staff for meeting treatment requirements of special categories of prisoners, such as those posing security risks, with due care for their custody and for protecting the staff from their violent and other activities.

The establishment of a 'national academy of correctional administration' to meet the training needs of very senior officers at the policy making levels is also under consideration.

CHANGING RESPONSIBILITIES OF CORRECTIONAL ADMINISTRATORS

The objectives of punishment are diverse: namely, deterrence, retribution, reformation and rehabilitation. The deterrent and retributive concepts are based on the brutal approach of pain and terror. These punishment objectives aim at completely breaking and cowing down convicts and cutting them off from the community with no possibility of their return to its fold. This line of thought has been holding the field from time immemorial, and is not yet dead. Nowadays, however, the concepts of vengeance, retribution or atonement have receded into the background and the reforming element has come to predominate. It is now recognised that imprisonment and other measures which result in cutting off an offender from the outside world are afflictive by the very fact of taking away the right of self-determination. Therefore, the prison system should not, except as incidental to justifiable segregation or maintenance of discipline, aggravate the suffering inherent in such a situation. In keeping with this, a humanisation phase based on sympathy and understanding is being established in correctional administration. The objectives of punishment have, therefore, been redefined as the protection of society and reduction of crime in the community through resocialisation of the offender. For the reformation of offenders, it is necessary to recast their habits and redirect their approaches and value schemes so that they may become adjusted in society as useful social beings.

The achievement of the modern objective of re-socialisation of the offender poses a formidable challenge to the correctional administrators. The new forms and dimensions of criminality such as abuse and corruption of economic power, illegal trafficking in arms and drugs, computer crimes involving dishonest and fraudulent manipulation, terrorism involving taking of hostages, kidnapping, violence resulting in death of religious and political leaders, have made the tasks of the correctional

administration more difficult and complex. The technological developments and modernisation of communication and transport system have created new vulnerabilities. Progressive involvement of women and youngsters, even in those fields of criminality which traditionally had primarily involved men, has added to the enormity of the problems faced by the correctional administrators.

The escalation of crime and violence and the new dimensions of criminality, through their impact on society, are impairing the overall development of nations, undermining people's spiritual and material well-being, compromising human dignity and creating a climate of fear. Crime in its new dimensions and ramifications has become a major preoccupation of governments, of specialists and of the public at large. The responsibilities of the correctional administrators have shown a shift from custody and security to reformation and rehabilitation of offenders. The penal institutions are no longer seen as mere custodial institutions but are centres of correctional treatment aiming at producing constructive changes in offenders to bring about profound and lasting effects in their habits, attitudes, approaches and their total scheme of values.

In India the changing responsibilities of correctional administrators has been recognised and whenever the rights of persons in detention or custody have been threatened, the highest courts of the land including the Supreme Court have effectively intervened on their side. Some time ago the Supreme Court declared that:

Imprisoned persons do not become non-persons. The way they are handled should not, therefore, undermine their fundamental rights.

It has also pronounced that:

Punishment, in civilised societies, must not degrade human dignity or wound flesh and spirit. The cardinal sentencing goal is correctional, changing the consciousness of the criminal to ensure social defence. Where prison treatment abandons the reformatory purpose and practices dehumanising techniques it is wasteful, counter-productive and irrational, hovering on the hostile brink of unreasonableness. Nor can torture tactics jump the constitutional gauntlet by wearing a 'preventive' purpose. Naturally, inhumanity, marked as security, is out-lawed beyond back-door entry because what is banned is brutality, be its necessity punitive or prophylactic.

No prisoner can be personally subjected to deprivation not necessitated by the fact of incarceration and the sentence of the court. All other freedoms belong to him - to read and write, to exercise and recreation, to meditation and chant, to creative comforts like protection from extreme cold and heat, to freedom from indignities like compulsory nudity, forced sodomy and other unbearable vulgarity, to movement within the prison campus subject to requirements of discipline and security, to the minimum joys of self-expression, to acquire skills and techniques and all other fundamental rights tailored to the limitations of imprisonment.

Inflictions may take many protean forms, apart from physical assaults. Pushing the prisoner into a solitary cell, denial of a necessary amenity, and, more dreadful sometimes, transfer to a distant prison where visits or society of friends or relations may be snapped, allotment of degrading labour, assigning him to desperate or tough gangs and the like, may be punitive in effect. Every such affliction or abridgement is an infraction of liberty or life in its wider sense and cannot be sustained unless Article 21 is satisfied. There must be a corrective legal procedure fair and reasonable and effective. Such infraction will be arbitrary, under Article 14, if it is dependent on unguided discretion; unreasonable, under Article 19 if it is irremediable and unappealable; and unfair under Article 21 if it violates natural justice.

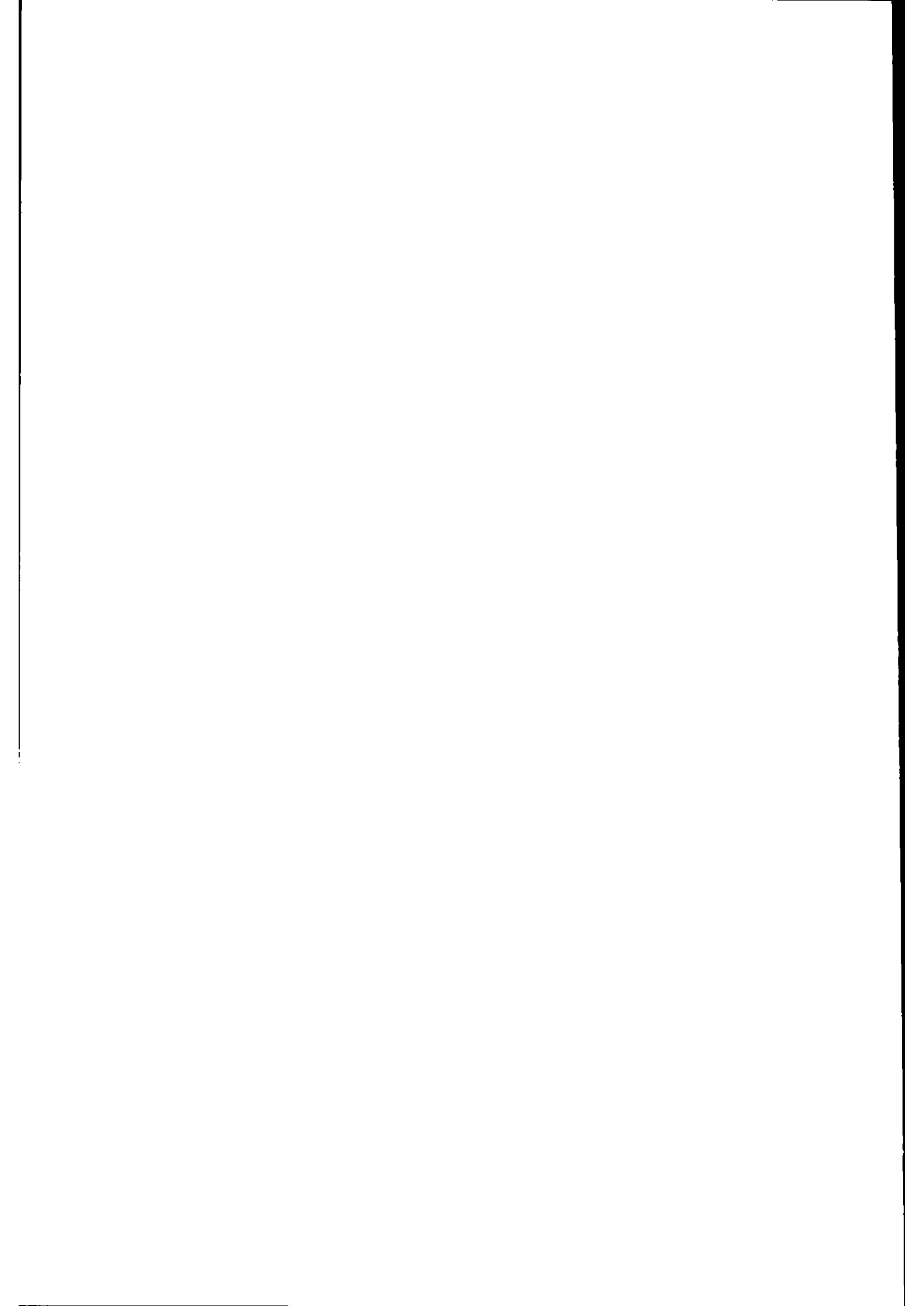
These observations and directives are binding on all the constituent states. It follows therefore that respect for the basic human rights of prisoners is well-established law in India. Any abuse by prison authorities will invite the wrath of the judiciary.

Apart from upholding and ensuring the human rights of prisoners, the correctional administrators pay attention to proper classification of prisoners. Classification is a set of organised procedures by which treatment programs are co-ordinated for the individual according to his or her needs. It is an essential concomitant of a modern prison system. It improves the morale of the staff and prisoners and has a direct bearing on the tone of discipline and security, and permits maximum efficiency in the utilisation of prison resources. The purpose of classification is intended to:

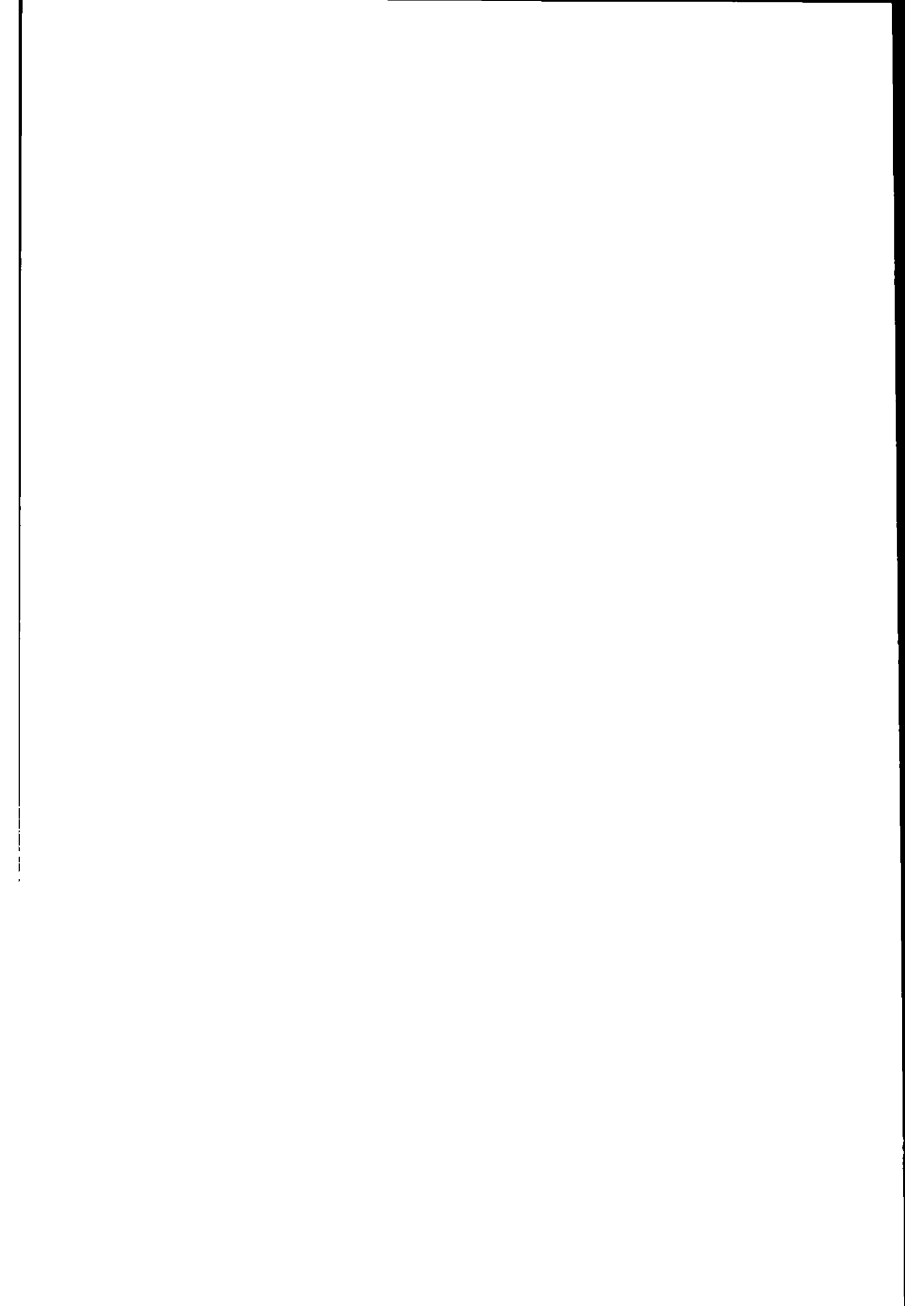
- . study the offender as an individual; to understand the sequence of his or her criminal behaviour and the problems presented by the prisoner;
- . segregate inmates into homogeneous groups for the purpose of treatment;
- . organise an overall, balanced, integrated and individualised training and treatment program;
- . review inmates' response to institutional regime and treatment and to adjust the program to suit their needs; and
- . co-ordinate and integrate all institutional activities and develop a system of constructive institutional discipline to maintain an informed continuity in the various phases of institutional management.

The contemporary approach to the treatment of offenders in Indian prisons is no longer a mass approach. The individualised approach has been made in most of the states but it is still at a rudimentary stage. A proper system of classification based on age, physical and mental health, degree of criminality, sequence of the criminal behaviour, social processing, educational and vocational training needs is being developed.

Another urgent and immediate problem engaging the attention of correctional administrators is the preparation of a typology of crime. Criminologists have recognised that criminal behaviour is heterogeneous in character. Classification of criminal behaviour under legal categories such as murder, dacoity, robbery, forgery, etc, does not give a clear picture about the genesis and ramifications of criminal behaviour. Criminologists hold that there is no single cause of crime; it is an outcome of multiple factors. In order to understand the problems of offenders, the sequence of their criminal behaviour is being studied. In order to give a sound foundation to the prison system in India so that it can play the role of a corrective and rehabilitative system, it is necessary to undertake further extensive and deep studies of criminal behaviour patterns in the country. Such continuing studies will provide the basic material on which the foundations of criminology can be built.



JAPAN



JAPAN

INVESTIGATION OF INCIDENTS IN PRISONS

Incidents in penal institutions not only cause grave hindrance to their existence and function, but also generate social anxiety, making the general public lose trust in penal institutions and their social defence function. Therefore, prison incidents must be prevented as far as possible, and their immediate and remote causes thoroughly investigated; in order that the same kinds of incidents are not repeated.

Investigation authorities are as follows:

1. The Superintendents of Penal Institutions

The chief executives of penal institutions, who have the right and responsibility to manage and control their institutions, should duly investigate the incidents immediately after their occurrence.

2. The Higher Administrative Authority

As a matter of course, the superior administrative authorities exercising control and supervision over penal institutions reserve the right to investigate and take appropriate countermeasures to prison incidents. In Japan, the higher administrative authority includes the Correction Bureau of the Ministry of Justice and the Regional Correctional Headquarters. The latter are intermediate supervisory organs located in each of eight correctional regions.

3. The Special Judicial Police Officer

Government officials in particular geographical regions or institutions or on specific duties may be appointed special judicial police officer by the Public Prosecutor's Office in view of effective enforcement of the Code of Criminal Procedure. There are a certain number of correctional officers in each penal institution appointed as special judicial police officer by the competent District Public Prosecutors Office. They have some specific rights as to law enforcement in penal institutions, including investigation. When an incident in prison involves a criminal offence or offences, the special judicial police officer investigates the case and refers it to a public prosecutor, if necessary, with related documents and evidence. The investigation by the special judicial police officer is of a purely criminal judicial nature, and is different from administrative investigations. Even so, the superintendent of each

institution has to report the findings of special judicial police officers to both the Director-General of the Correction Bureau and the Superintendent of the Regional Correctional Headquarters.

There are many kinds of prison incidents, which the superintendents of penal institutions investigate and report to higher authorities by telephone or telegram according to the Correctional Urgent Report Rules of 1971 (The Minister of Justice Instruction):

- . states of emergency caused by earthquake, storm, flood, and other natural calamities;
- . bodily injuries upon correctional officers inflicted by prison inmates that will take more than two weeks to cure;
- . disturbances, riots and group sabotage;
- . escapes (including attempted escapes involving serious physical destruction or violence, or attempted escapes from courts or conveyances and others that are likely to attract public attention);
- . seizures of prison inmates by outsiders (committed or uncommitted);
- . unnatural deaths and self-mutilations including such deaths as suicide, accidental death during prison work or vocational guidance, death caused from food poisoning, as well as unusual self-mutilations;
- . murders, attempted murders, and bodily injuries (those which will take more than one month to cure, or those of vicious nature) by or against inmates;
- . fires (excluding those which should be reported in the Urgent Report of Natural Calamities);
- . subversive activities against penal institutions;
- . trespasses on the premises of penal institutions;
- . sending and throwing dangerous objects into penal institutions;
- . bodily injuries, assaults, or intimidation by outsiders inflicted upon correctional officers or their families for the reason that seems to be linked with the execution of their duties;
- . accidents related to prison industries; and
- . hunger strikes of prison inmates.

The superior authorities initiate investigations when (1) the superintendent of a penal institution has made an incident report according to the Correctional Urgent Report Rules; and (2) the authorities have possession of the related information directly, through hearsay, anonymous letters, and so on.

In addition to an appropriate disciplinary action against the inmate concerned, the institutions and their supervisory authorities take measures to prevent the recurrence of the same kind of accidents and to administer the institutions more appropriately. These measures include:

- . re-examination and improvement of the security management system;
- . staff development and training for rigorous duty performance and the enhancement of morale; and
- . publication and distribution of 'Security Information', a booklet containing the findings of investigations concerning recent incidents in penal institutions.

FACILITIES AND PROGRAMS FOR FEMALE PRISONERS INCLUDING THOSE INMATES WITH CHILDREN

There are four prisons and a branch prison for women in Japan. All of these facilities have been overcrowded since around 1982 due to a rapid increase of prisoners convicted of stimulant-related offences. Stimulant-related offenders now account for just about a half of female inmate population.

Though female prisoners have actually increased, the number of them is far smaller than that of male prisoners. As with male prisoners, female prisoners are not detained in separate institutions on account of degree of criminal tendency, length of sentence term, age, and so forth. Where they should serve their sentences is determined automatically by where they are convicted. Consequently, in the same institution there are diverse categories of prisoners such as first offenders and recidivists who repeated offences more than two times, short-termers of several months, life prisoners, and all age ranges from minors to those more than 70 years old. At every one of these institutions, however, efforts have been made to house women inmates in separate living quarters and assign tasks in different workshops, taking account of degrees of their criminal tendency.

The facilities for females, with low walls and infrequent locking devices and iron bars, gives an impression that they are open institutions as a whole. This is possible because of the relatively small scale of the institutions and of our understanding from experience that female inmates rarely act violently. However, since

there are youthful offenders and long-termers, security is not treated lightly. Staff members make every effort at all times to comprehend the feelings of inmates through careful observation and counselling. In order to treat various categories of prisoners, it is necessary for prison facilities to have a considerable number of rooms of a proper capacity such as classrooms and assembly rooms. Fortunately, new or renovated institutions have fairly ample space for correctional treatment. It is especially necessary for women's facilities to have kitchens for cooking classes or nursery rooms for infants carried by inmates. The number of such infants has risen with the increase of inmates, and nursery rooms are now cramped with increasing numbers of beds and toys. More space should be allocated to nursery rooms in future.

As to the location of prison construction for females, it is desirable to build them in the region with a temperate climate. More important is the need to locate them in those areas that are not isolated from community and culture. As there are no medical centres for female prisoners in the correctional system, inmates have to go to outside hospitals very often for pre-natal care and treatment, delivery, and for other reasons. Moreover, it will be convenient for family visitors and staff commuters if the facility is close to a population centre. It will also be convenient for the implementation of such programs as work release and social excursion.

Some important aspects of correctional programs for females are as follows. First, inmates need to acquire good work habits and enable themselves to lead normal occupational life without anxiety after release. Many female prisoners, supposedly due to some kind of problems in their life history, have no normal job experience. Their former occupation is limited to employment in the entertainment trade if any. They usually feel uneasy about occupational life following release because they have no experience to live wholesome or ordinary lives. Though they know that they will not be able to continue the same trade as before because of their age, they are not sure that they will be able to get an ordinary job. Still, many female prisoners have to earn their living after release and, therefore, the aim of programs is to train them to work continuously and to get along with work-mates. To this end, sewing by machine on an assembly line is effective for them, and many prisoners are engaged in this work. It is more desirable for youthful offenders up to their thirties to obtain some kind of vocational skills, and they are encouraged to take vocational training in useful trades like dressmaking, knitting, clerical work, cosmetology and so on. Inmates are allowed to commute to assigned work places outside institutions for a couple of months before release to demonstrate their achievement in their prison work and vocational training, thus enabling them to gain more confidence in their skills obtained during imprisonment.

Second, inmates should be trained to widen their mental horizon and to gain attitudes of thinking and living for themselves by cultivating various interests for personal and social activities and enhancing the general level of their culture. They are socially immature for their age. Many of them have been mentally dependent on men they met by chance. These dependent women will live miserable lives just like they did before as long as they do not come across trustworthy men. In order for them to live for themselves and not depend on others, they have to broaden their outlook on life by cultivating interests for diverse activities, and to have pride and confidence in their own lives. Thus, in female prisons, by making the most of days off and spare time in the evening, inmates are allowed to avail themselves of various kinds of club activities, assisted by volunteers and staff members, including tea ceremony, tanka or a Japanese poetry of 31 syllables, and instrumental music. Moreover, meaningful information is offered to them as much as possible through lecture meetings at public halls in the community, or educational and cultural courses of lectures within the institutions. Long-termers are especially eager to join these programs and activities, notwithstanding the fact that participation is left to their free will. Some of them are making efforts to broaden their intellectual horizon, taking correspondence courses in parallel with participation in these programs.

The third point relating to the importance of correctional programs for female prisoners is intensive and thorough education organised for stimulant-related offenders. Detailed programs are prepared for the prevention of recidivism, and such psychotherapeutic techniques as counselling and psychodrama are also applied to the inmates in this educational program. Audio-visual aids are utilised to teach them the ill effects of drugs. Owing to this specialised educational program, they make up their mind at least during imprisonment never to be concerned with drugs again. However, for those prisoners that have close relations with affiliates of underworld syndicates or gangster organisations, it is difficult to avoid contact with drugs after release.

The fourth point is to make them aware that they should take a motherly interest in child care. Many of them have already gone through the period of child care. However, there are also not a few inmates in the period of child care who have left their children in the care of relatives or nursing homes, due to imprisonment. Some of these mothers are inclined to behave so selfishly that one cannot help doubting their affection for their children. Usually, they got married easily, gave birth to children without any psychological or material preparation for child care, and have been absorbed in new lovers as if they forgot about the past. At every opportunity, they are guided not to behave irresponsibly toward their children. Inmates carrying nursing infants, in particular, are taught the consequence of touching and caressing their children, and guided to take care of them affectionately. They are

encouraged to visit their children regularly after trusting them to outside infant homes.

Finally, one important problem under review concerning the treatment in female facilities is to increase the number of medical specialists, staff psychologists and program instructors. Recently, the number of disciplinary offences of those inmates convicted of stimulant-related crimes is on the upward trend, and they are said to be caused by pharmaceutical sequelae of stimulant drugs. Effective measures cannot be taken for this problem without increasing the above-mentioned staff specialists.

EXTENT AND USE OF MINIMUM FORCE IN PRISONS

In case a prisoner is about to harm himself or herself or others, escape, commit violence, resist correctional officers executing their duties, or go into a grave action jeopardising the security of penal institutions, minimum force may be used as a means of ensuring the purpose of detention and maintaining discipline and order.

'Use of force' refers to the execution of necessary and appropriate physical force to control anti-disciplinary behaviour. The patterns and manner of use of force depends on the kind and degree of violation; it is appropriate that not only physical power of prison officials but certain kinds of supplementary instruments may be used. On the other hand, the permissible extent of the use of force should be specified by law, taking into account the seriousness of possible results of the use of force.

In Japan, no principle for use of force against prison inmates is provided for in the prison law, while there are specific provisions for the use of instruments of restraint, swords, and firearms. The provisions are as follows:

The Prison Law

(Instrument of restraint)

Article 19. In case there is a fear of escape of an inmate or of his committing violence or suicide, or in case an inmate is outside the prison, instruments of restraint may be used.

2. The kinds of the instruments of restraint shall be provided for by Minister of Justice Ordinance.

(Use of Sword or Firearm)

Article 20. A sword or firearm which the prison official carries with him under law, cabinet order or ordinance may be used against the inmate only in the following cases:

1. when the inmate commits or threatens to commit violence dangerous to the body of another person;
2. when the inmate carries an article which can be used to commit a dangerous act and does not comply with a direction to throw it away;
3. when many inmates are raising a disturbance with intent to escape;
4. when the inmate attempting to escape from prison is trying by force to escape arrest, or to run away, disregarding the order to stop.

The Prison Law Enforcement Regulations

Article 48 The instruments of restraint shall be of the following four kinds:

- (1) strait jacket;
- (2) gag;
- (3) handcuffs;
- (4) arresting rope.

2. The make of restraining devices shall be stipulated by the Minister of Justice.

Article 49. No restraining devices shall be used without the order of the warden, provided that this shall not apply in case of emergency.

2. In the case of the proviso to the preceding paragraph, the use of devices shall immediately be reported to the warden.

Article 50. The strait jacket may be used only for an inmate feared to behave violently or commit suicide, the gag only for an inmate who utters a loud voice defying an order to stop, the handcuff and arresting rope only for an inmate feared to behave violently, escape or commit suicide or an inmate under escort, if it is deemed necessary.

2. The strait jacket shall not be used over 12 hours and gag over 6 hours. However, in case it is especially necessary to continue their use, the period of use may be extended every three hours.

3. The strait jacket shall not be used for a prisoner under escort.

Article 51. In case a prison official has used a gun to control an inmate, the warden shall immediately make a report to the Minister of Justice to that effect.

Since the use of physical force is one of the last measures to control anti-disciplinary behaviour, it must be kept within the limits reasonable and appropriate for a particular situation. Moreover, physical force shall never be used beyond the limits or necessity. In other words, physical force should be used in accordance with appropriateness, balance of legal interests, and proportion of means and end.

In order to help meet the above-mentioned requirements, the following subordinate regulations are stipulated:

The Regulations on the Use and Handling of Firearms of 1955 (The Minister of Justice Instructions)

Unless otherwise provided in the related statute, the use and handling of firearms in penal institutions is controlled by the above instructions. However, no case has been reported in recent years in which firearms were used.

The Regulations on the Use and Handling of Truncheons of 1949 (The Minister of Justice Instructions)

The use and handling of truncheons is based upon Article 20 of the Prison Law, which stipulates the use of swords. Unless otherwise provided in the related statute, the use and handling of truncheons is controlled by the above instructions. [Incidentally, swords have not been carried in practice after World War II.]

On Recording of the State of Use of Force, 1970 (A Circular of the Director-General of the Correction Bureau)

This circular requires the precise record of use of force by prison officials against inmates and outsiders who committed violence or impeded the duty performance of prison officials.

On the Establishment of the Technique and Training Method of Self-Defence Arts, 1959 (A Circular of the Director-General of the Correction Bureau)

This circular provides the technique and training method of the art of self-defence formulated for prison officials.

In Japan, recruits are given on-the-job training at their own institutions for the first 20 days following their appointment. Then they take the primary training course for one year at the Training Institute for Correctional Officers in order to obtain the knowledge and technique necessary for the execution of their duty, and to attain their mental and physical fitness. During this training, stress is placed on various kinds of training of or pertaining to the practical use of force.

A total revision of the present prison law is now under way, and the following problems concerning use of force are being discussed.

1. Legal Grounds for Use of Force

As already mentioned, there are no basic regulations in the existing statute regarding use of force against prison inmates. At present, provisions are limited to the use of instruments of restraint, firearms, and swords. This situation seems to derive from the philosophy or principle of the prison law, which was enacted in 1908. In those days, use of force without instruments was supposedly taken for granted from the standpoint of law enforcement. Today, use of force is regarded as one of the controversial means of restraining prison inmates, and consequently, it is now under review to provide use of force with definite grounds and criteria for practical purposes.

2. Objects of Use of Force

According to the existing statute, as already discussed, the action for security and the maintenance of order in penal institutions is stipulated on the assumption that it is taken mainly against the inmate or inmates concerned for the well-being of the rest of the inmate population. However, the violation of security and order in penal institutions is not always brought about by prison inmates. In fact, we have often seen the third party infringing security and order of penal institutions. Moreover, due to the change of circumstances with public security in our society, there exists a considerable possibility that the third party may disturb or destroy the management of penal institutions. In such a case, it is necessary for the prison administration to have legal provisions for excluding assault on penal institutions by force. Formulation of such legal provisions is also under review.

RECRUITMENT AND DEVELOPMENT TRAINING

Correctional administration of Japan is based on its staff. The state imprisons criminals by its legal power, and maintains order in correctional institutions by solid physical constructions, careful manning and strict regulations. In the history of Japanese corrections, we have experienced few cases of escape, intramural

strife among inmates, violence against correctional officers or destruction of facilities. Thus, generally speaking, order and discipline have been well maintained. This favourable situation is due not only to the overt structure such as solid physical constructions and well-formulated legal regulations as well as Japanese noncontentious nationality, but also to correctional personnel possessing broad knowledge and experience, a strong sense of responsibility and high morale. The regular working hours for the personnel of correctional institutions are 48 hours a week, longer than those for other government officials and employees in private industry. Moreover, correctional officers usually work overtime at the sacrifice of their own pastime, pleasures at home and with their friends and so forth, giving a first priority to occupational life. They share confined hours with inmates and do their best to rehabilitate and resocialise them by giving guidance and acting as their parent, teacher, friend or senior.

In recent years, however, the age structure of correctional personnel has radically changed especially in penal institutions. For the last decade, inexperienced young officers have been allocated in the front line in place of retiring experienced officers. As of April, 1984, prison officers under 30 years of age occupy 30.2 per cent of total prison officers, while those in their 40s only 17.4 per cent. This imbalance is seen particularly at the institutions in large cities. In the case of Fuchu Prison, one of the major penal institutions in Japan, staff members under 30 years of age account for 48 per cent and those in their forties for 11 per cent. In the case of Osaka Prison, which is also a major institution, those under 30 amount to 52 per cent and those in their 40s to only six per cent.

As a matter of course, recruitment is an important matter for correctional administration. Correctional facilities in large cities have difficulties even in filling vacant positions, to say nothing of difficulty in attracting capable persons. In advertising for applicants, help with recruitment is sought from schools, related public organisations, and news media. Japanese people look upon correctional service as an occupation worthy of respect with covert hardship and difficulty inherent in it, but disadvantageous working conditions and a relatively low salary make it hard for the correctional administration to attract candidates. As a rule, prison officers are recruited from among those who have passed a national examination annually administered by the National Personnel Board to high school graduates and equivalents. However, this examination for prison officers is less popular than other governmental examinations open to high school graduates. What is worse, the demand for recruits exceeds the supply of them in large cities, while the situation is opposite in the provincial areas. Thus, there exists an extreme imbalance between the demand and supply of recruits. Being unable to fill a vacancy by the national examination only, the administration is forced to recruit officers

by its own examination from among relatives or friends of the personnel. Moreover, when business is brisk and private companies are full of vitality, it gets harder for the administration to receive applications because the free and diverse atmosphere of private companies attracts more youths.

Fortunately, the change in the above-mentioned age structure has passed its peak. At the peak, around 1,000 new officers per year were recruited throughout the country. But, in the last couple of years, the number descended to 600-700. It seems that the situation is moving beyond the stage of securing mere quantity, and that staff development is coming to be a major concern.

Separately from the Research and Training Institute of the Ministry of Justice, the Ministry has the Training Institute for Correctional Officers for the development of correctional staff. The Training Institute for Correctional Officers is rich in its tradition and has eight branches across the nation. Recruits take the primary training course provided by the Training Institute to obtain basic knowledge and skills required for duty performance during the period of one year following appointment. Although the duration of the primary course is one year under the existing provisions, the capacity of the Training Institute is almost insufficient to hold all the trainees for one year. Consequently, the length of the course is cut to eight months and a practical part of training is committed to each facility. The Training Institute also provides a training course for senior officers. This course is offered only to those who have taken and passed an examination for promotion. Without completing the course, no one can be promoted to the executive level. This promotion system, strictly based upon the principle of competition and merit, suits the spirit of correctional personnel, who set value on integrity and impartiality. Thus, the rational system of personnel management, which puts aside private considerations and mere chance and luck, has deeply planted its roots in Japanese corrections.

Besides these systematic training courses offered by the Training Institute, each correctional institution offers various kinds of independent training to its personnel, with the better understanding of the importance of staff development. Each institution mainly conducts orientation and guidance for recruits, regular workshops to improve professional capacity, and preparation of training and reference manuals. However, correctional officers are extremely busy in carrying out their assigned duties, and this is true especially in the security section. The majority of officers in this section are fixed at their posts during duty hours and unable to participate in training or workshops without substitute officers. Therefore, such training and workshops are often conducted during off-duty hours. Thus, it is difficult for correctional institutions to carry out systematic and well-planned training for staff members.

Under such conditions of recruitment and development training as already mentioned, there are three important problems awaiting immediate solution. The first one is how to retain competent personnel. As we have been confident in our staff development, major attention has been paid to filling vacant positions anyway, and there has been success in maintaining a certain level of achievement in staff training. However, the gradual increase of inmate population, the deterioration of qualities of inmates and the increasing request for more careful consideration of fundamental human rights of inmates are making correctional treatment more complex and difficult. At present, the majority of correctional officers are employed through an official examination for high school graduates or equivalents but in order to cope with the above-discussed difficulties it is of urgent necessity to institute a new system to permit recruitment through diverse categories of official examinations for those of higher education. It is also necessary to improve the recruitment system so that the administration can examine not only intelligence and knowledge of applicants, but also their physical and mental capacity to become correctional officers.

The second problem is the improvement of the training system for recruits. Judging from experience and in comparison with the training for new police officers, a full year of training is indispensable. There are several shortcomings in the existing training system other than the duration of training. The Training Institute cannot receive all recruits at the same time, due to its insufficient capacity; there are not enough instructors at the Training Institute who can give practical training; and during the training, trainees are included in the official staff strength of each correctional institution, meaning more work for the remaining staff members. Thus, the consequence of the training is not always as good as expected. Therefore, both the staff of the Training Institute and of each correctional institution should be strengthened, making the whole training system separate and independent from correctional facilities and lessening the burden on the facilities.

Finally, it is important to enable all correctional officers to receive continuing in-service training and education. Under the present training system, most correctional officers do not have a chance to receive systematic training after the completion of the primary training course. Being distant from the community, correctional facilities are apt to isolate their personnel from what is going on in society. But prison inmates, upon whom correctional officers should exercise their good influence, are to return to the community sooner or later. Keeping up with the times is essential to efficient duty performance in corrections. The establishment of a training system is needed to provide all correctional officers with re-training or education at intervals of ten or fifteen years.

Regretfully, financial difficulties of the government have been hampering the solution of these problems. Even to maintain the existing training system strains the present extremely reduced correctional budget. Nevertheless, utmost efforts are dedicated to solving the problems by promoting a better public understanding of correctional service, which is not conspicuous but vital to maintain public safety.

CHANGING RESPONSIBILITIES OF CORRECTIONAL ADMINISTRATORS

'Prison is a place where a criminal is confined and disciplined ... where a person is disciplined, but not tortured'. This is a part of the forward of the prison rules promulgated in 1872, shortly after Japan had established a modern governmental system.

Few differences are found between correctional aims of today and of about a hundred years ago: they are isolation of criminals from society, correction of their antisocial tendency, and their rehabilitation. Basically, the aim of correction itself has not changed in recent years and will not change in the near future. However, various methods of actualising the correctional aim have developed and it is easily foreseen that more of them will be developed in future. Hence, the responsibilities of correctional administrators have altered naturally to adapt themselves to these developments, and they will continue to change accordingly.

Based on experience, the following describes why the responsibilities of correctional administrators change, how they have changed and how correctional administrators should respond to changing situations.

The concept of value and ways of thinking have been changing as a result of scientific development, economic growth, improvement in living standards, higher education, advanced communication media and traffic systems, wider international exchange, and so on. These social developments have brought about qualitative change and quantitative increase in the demands for governmental administration including correctional administration. Although the basic aims of correctional administration (that is, assuring confinement, reforming antisocial tendency of convicted prisoners and preventing destruction of evidence for untried prisoners) have been unchanged, administrative aspects such as what kind of criminals should be confined and how, what is the concrete content of antisocial tendency, how correctional treatment should be given, and how a proper balance can be achieved between the protection of human rights and the prevention of destruction of evidence, alter with the times.

The advancement of civilisation with scientific and technological developments, the qualitative and quantitative changes of the demands for the governmental administrations, and the wider inter-

national exchanges, as mentioned before, will cause alterations in the administration of correctional personnel, the relationship of correctional administration with related governmental sections and with correctional administrations of other countries, and the management of correctional institutions. Hence, it is a matter of necessity that responsibilities of correctional administrators alter accordingly.

There have been so many changes in the responsibilities of correctional administrators that it is impossible to describe all of them. Therefore, essential and drastic changes only are mentioned below.

1. Protection of Human Rights of Prisoners

One of the most distinctive changes is seen in the protection of human rights of prisoners. With a world-wide human rights movement, people's interest in protection of human rights of prisoners is increasing day-by-day. However, a certain restriction on human rights of prisoners is necessary to accomplish the aims of correctional administration. It is one of the important responsibilities of correctional administrators to find a suitable balance of these two competing requirements. For their proper judgement, they are required to consider public opinion as well as expert opinions and related practices in other countries.

2. Guarantee of Living Conditions of Prisoners

Living conditions of prisoners have been improved as the living standard of the general population has risen. It is necessary for the prison administrators to maintain reasonable living conditions of prisoners in comparison with the living standard of the general population.

3. Development of Correctional Treatment Methods

Various correctional treatment methods have been developed in recent years. Prison administrators are required to make the best use, in correctional treatment, of accumulated knowledge of psychology, pedagogy, sociology, medical science, psychiatry and other related sciences, and fruits of technological developments. Individualised treatment based on classification should be also encouraged. Furthermore, correctional administrators should always endeavour to rationalise the management of prison industry, taking into consideration trends in the worlds of industry and labour.

4. Development of Public Understanding of Correctional Administration

In earlier days, the ruled were entirely obedient to the ruler. Nowadays, however, the government cannot perform effective and

smooth administration without public support. Correctional administration is not an exception in this regard. The correctional administrators should realise the importance of public relations to foster public comprehension and support for their work.

5. Reduction of Financial Burden

Diverse and increasing demands upon governmental administration produce financial stress. Therefore, every administration is required to use its allocated budget more efficiently these days. From this point of view, the prison administration in Japan established a new state account system of prison industry in July, 1983. In the new system, which is operated by a division of the Japanese Correctional Association, the capital budget can be rotated twice or three times a year. This was impossible in the old system. In this way, half or one-third of the capital budget allocated in the old system is sufficient for operating the new system. In the new system, prison products are sold with the brand 'CAPIC' (Correctional Association Prison Industry Cooperation).

6. Promotion of Co-operation with Related Government Sections

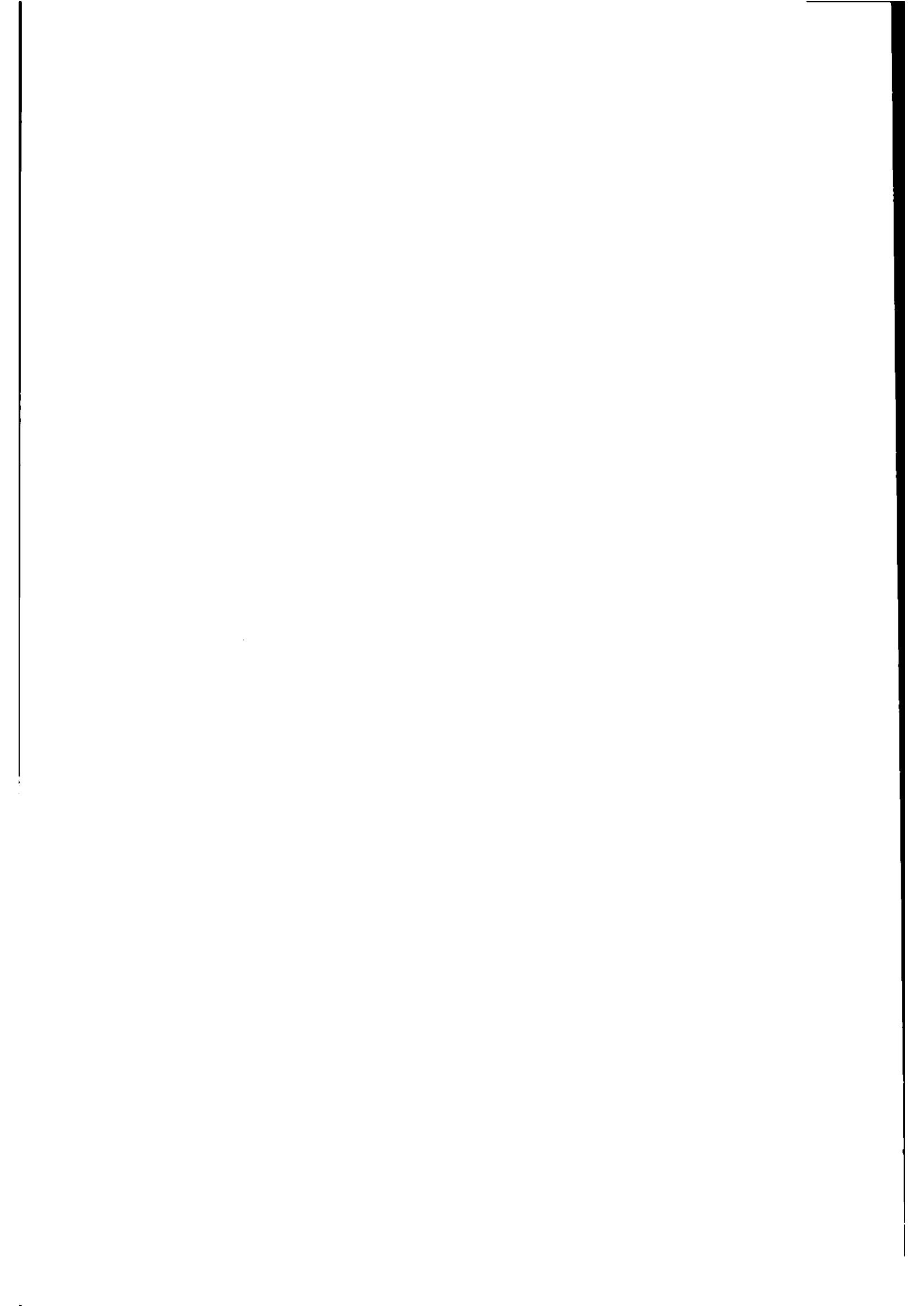
In the old days, correctional administration was able to be self-contained and self-sufficient. Nowadays, however, co-operation with other government sections is indispensable for the effective operation of corrections. Among those sections there is the Ministry of Education, the Ministry of Labour, the Ministry of Health and Welfare, and so on, and co-operation with courts, public prosecutor's offices, police and rehabilitation services are especially important.

7. Promotion of International Co-operation

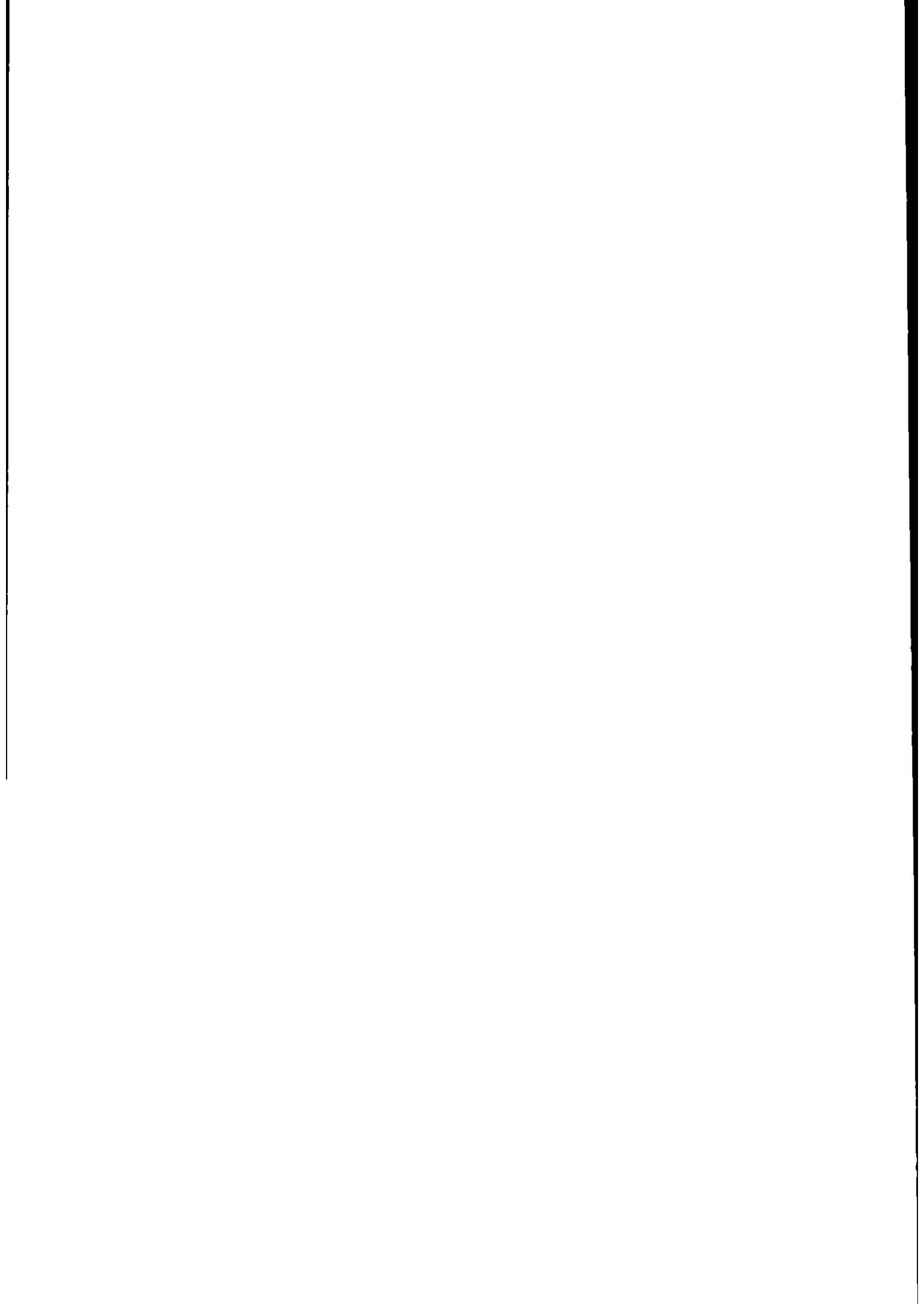
Correctional administrators should be aware of the increasing importance of international co-operation and a world-wide view in correctional administration symbolised by the 'Standard Minimum Rules for the Treatment of Prisoners' approved by the United Nations or this 'Asian and Pacific Conference of Correctional Administrators'.

8. Application of Technology to Correctional Management and Operation

Office automation machines and mechanical surveillance systems have developed remarkably in recent years. Though the ultimate correctional task can be accomplished by 'personal interaction', some aspects of correctional administration such as office management, surveillance, etc. can be more efficient with use of such equipment. Correctional administrators should be positive in introducing these newly developed products of technology and allocating surplus staff to correctional treatment.



KIRIBATI



KIRIBATI

INVESTIGATION OF INCIDENTS IN PRISONS

The Kiribati Prison Service is a very small one serving four prisons located in different parts of the country. Staffing levels are low and the prisons are very basic and of a relatively low security level.

Although the conduct of prisoners is generally compliant and conflicts are few there are occasions when incidents occur which require investigation either with a view to criminal proceeding or internal disciplinary procedures against prisoners and/or staff.

In all matters of a criminal nature the investigation will be conducted by police at the request of the Superintendent of Prisons and after consideration of the case papers by the Commissioner of Police would usually be referred to the Attorney General for advice and decision as to proceedings.

Other incidents of a lesser nature are reported by prison staff and the investigation is carried out by senior prison officers and considered by the Superintendent of Prisons for action by way of appropriate disciplinary proceedings against prisoners or staff.

In all cases involving injury or alleged injury the victim and alleged assailant would be medically examined by a government medical officer.

Complaints by inmates can be channelled through the officer in charge of the prison or may be initiated by the Peoples' Lawyer who has ready access to inmates.

FACILITIES AND PROGRAMS FOR FEMALE PRISONERS INCLUDING THOSE INMATES WITH CHILDREN

The Kiribati prisons have one unit available for seven female prisoners at Bairiki Tarawa. Very few women in fact are sentenced to terms of imprisonment although in 1983 a total of 10 women were admitted to prison during that year.

There are no special facilities and programs arranged for them. They are supervised by temporary female staff employed while women are in custody and during that time they are encouraged to engage in local craft work, sewing, etc. In all other respects they have to look after themselves.

Should a pregnant woman be imprisoned efforts would be made to secure her release by obtaining a judicial review of the case and transferring her to hospital near the time of the confinement.

In the case of a woman nursing a dependent baby the child would be permitted to remain with the mother for an indefinite period although efforts would be made to have the child taken to the care of relatives as soon as practicable. This is not normally difficult to arrange through the extended family.

Although basic facilities exist every effort is made to find alternative ways of dealing with female offenders other than committal to prison.

EXTENT AND USE OF MINIMUM FORCE IN PRISONS

The Kiribati prisons are of medium security standards incorporating perimeter fencing and secure communal sleeping quarters with some separate cells. Staffing levels are minimal and the relationship between inmates and staff is singularly lacking in tension.

It can be argued that whilst this regime is relatively free from conflict it is altogether too liberal and does not serve the purpose of punishing offenders for their wrong doing or dissuade them from committing further offences when released.

In a typically South Pacific way harmonious relations prevail and are seldom disturbed. Therefore it is generally only in outer islands where lock-up facilities available to police have been inadequately secure that there has been resort to using methods of restraint such as handcuffs, leg irons, ropes, and chains.

With improvements in such cell accommodation the need for the more extreme measures has diminished and leg irons and chains, although sometimes requested, are no longer supplied.

The limited scope for escape beyond early re-capture is almost absolute, and there is little incentive to use violence to secure freedom.

Kiribati has no recent experience of using force to deal with prison disturbances other than occasional minor scuffles between prison inmates when minimal restraint suffices.

RECRUITMENT AND DEVELOPMENT TRAINING

The Kiribati Prison Service has enjoyed only a very basic standard of training in the past. Recruitment has not attracted a very high standard of officer and the job requirements have not required more than elementary abilities.

This is changing as the prison population increases, the type of inmate changes and the demands of the job of custodial officers involves better academic and professional qualities among staff at all levels.

The training of correctional staff has been minimal but steps are now being taken to correct this deficiency.

Based on Fiji Prisons Service instructions the Standing Orders for the Kiribati Prison Service have been totally revised and these now form the basis of in-service training on a regular basis.

While custodial staff are receiving this attention, other staff employed by the Ministry of Home Affairs and Decentralisation, Community Affairs Division, receive training in social welfare related work which includes aspects of community service supervision, probation and after-care procedures. These arrangements, however, are not highly developed in a country such as Kiribati.

Future policy will focus on recruiting able young people to embark on correctional services training to meet the needs of the service in years ahead. For the time being it must suffice to review existing procedures, improve the standing of the prison service in the eyes of the public and of would-be entrants to the service, and search for ways to make the custodial and correctional treatment of offenders more effective and appropriate to the economic and social conditions prevailing in Kiribati at this time.

Small states such as Kiribati will require to train individuals in a number of different aspects of corrections administration in order to conserve resources and yet cover the range of activities involved in a developing country environment.

Therefore it is unlikely that existing training courses developed in larger states and for overseas services will adequately meet the needs of the prison staffs from the smaller countries of the region. The individuals training needs are likely to be relatively more diverse and less specialised than experienced elsewhere. It will be necessary therefore to consider their training needs in ways which will reflect the realities of small states' experience, culture and practice in future training programs.

CHANGING RESPONSIBILITIES OF CORRECTIONAL ADMINISTRATORS

The historical situation in Kiribati was that prisons existed to incarcerate offenders and remove them from society for the duration of their sentences.

More recently alternatives to imprisonment, for example, extra-mural work and community service, have provided an under-used alternative to imprisonment.

Development has brought with it an increase in the number of persons appearing before the courts and over a period of about 10 years has almost doubled the prison population to its present level

of about 100. This is proving to be a considerable economic burden on the country and an operational burden on the small prison service which has not expanded sufficiently to cope with a larger number of prisoners.

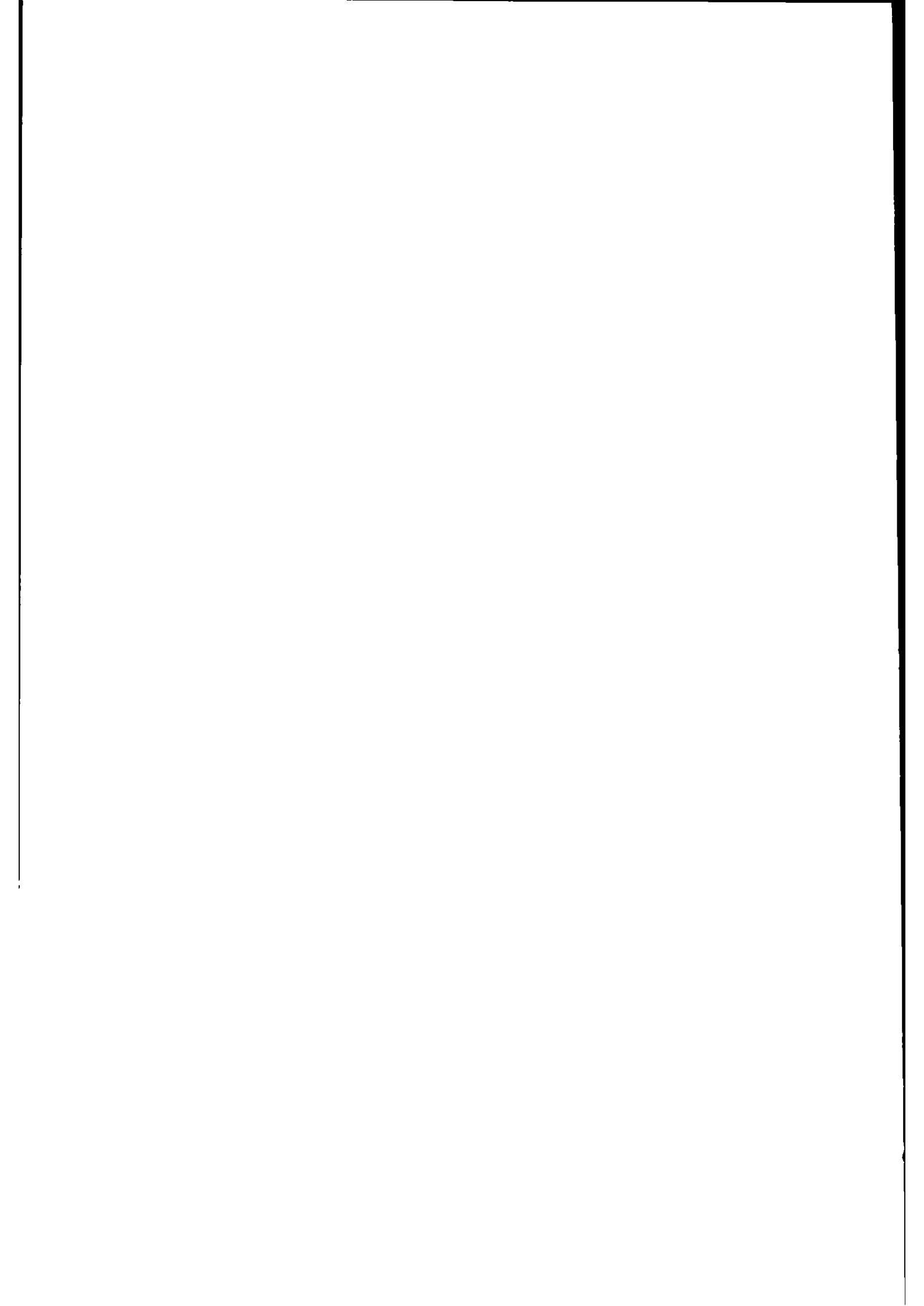
Therefore, there is pressure upon the prison system to find ways of making prisoners less of a burden on the state and to find productive and useful work for those able to work.

At the same time there are better educated inmates being admitted to prisons and this could give rise to new tensions and problems where work suitable to their level of ability is not readily available.

Parallel development of non-custodial arrangements such as community service, the introduction of parole, and arrangements for release on licence of prisoners serving long term sentences, create a demand for probation and after-care staff which is only just beginning to be recognised.

Against this background the Kiribati authorities have been studying ways of accommodating these developments and meeting the needs for training and support services whilst recognising the limitation of available economic resources to finance such appointments and programs.

KOREA



KOREA

INVESTIGATION OF INCIDENTS IN PRISONS

When an incident happens in a correctional institution, investigation starts in the following way. First, in case of a slight discipline breach, the investigation sub-section (security section), of the correctional institution concerned starts an investigation. One senior official and some junior officials skillful in investigation are posted to the investigation sub-section, so that the investigation proceeds promptly and should be completed within five days. In case the investigation needs more than five days, the period can be lengthened with permission of the warden. In the investigation process, the suspected inmate is confined to a segregated cell. If clear proof of discipline breach is provided, the suspected inmate is brought to the disciplinary committee for questioning, or, can explain the circumstances and invite witnesses. The committee then determines the degree of disciplinary penalty based on various statements and circumstances. Because the committee is not directly connected with the investigation, the determination is objective.

Second, in case of a serious incident, a senior official appointed to a judicial investigation starts on detection personally, and brings the inmate concerned to public prosecutors or to the disciplinary committee. Incidents belonging to this category are:

- . disturbances, riots, escapes, suicides, and accidental deaths of inmates; and
- . violence and injury among inmates.

During 1984, there were nine incidents in correctional institutions, that is, seven acts of violence, one escape, and one riot. These were committed to public prosecutors after being investigated.

FACILITIES AND PROGRAMS FOR FEMALE PRISONERS, INCLUDING THOSE INMATES WITH CHILDREN

Female prisoners in Korea number 2,467 as of March 1985. Among these, there are 1,134 convicted inmates, and 1,333 unconvicted. They receive special treatment separately from male prisoners, in conformity with the Penal Administration Law.

Korea has no female prison; however, female prisoners are accommodated in the designated section isolated by walls in each correctional institution. Living rooms of female prisoners are furnished with wardrobes, flowerpots, mirrors, etc., and those of

well-behaved female prisoners are unlocked. Female officers are posted in female areas, and male officers (except supervisors) cannot go there without permission.

Female prisoners are provided with hygienic bands and medicines for women, and permitted to wear brassieres. They are supplied with basic cosmetics such as lotion contained in a plastic vessel, and daily necessities such as toilet paper, soap, toothpaste, and toothbrushes. Their hairstyles are free from restriction.

If a new female prisoner wishes to live with her child in the institution, the warden may give permission until the child reaches the age of 18 months. The same applies in case of children born in the institution. Female prisoners with children are provided with extra food supplies and daily necessities needed for nursing, and the children are supplied with milk, baby food, and clothes, and are permitted to play with toys.

Special cultural courses applicable to women, such as cookery, childcare, daily manners, health and hygiene, are operated in the correctional facilities housing female prisoners by expert instructors from outside. In some correctional institutions, female prisoners receive special education through a temporary school for housewives which is regularly operated for one week twice a year by instructors, professors, or women celebrities invited from the community. There are about 20 lecture subjects including female manners, diet improvement, flower arranging, the population problem and family planning, beauty care, health and hygiene, the traditional tea ceremony, children's education, calligraphy, common sense of disease and medicines, and so on.

Work programs for female prisoners include needlework, knitting, embroidery, handicraft, toy-making, laundry and institutional landscaping.

At present, the only training course established for female prisoners is in beauty care, and 310 inmates have passed the national qualification examination for beauticians. A further 80 inmates are scheduled to be trained in 1985. Training courses in dressmaking, embroidery, etc. will be added gradually.

EXTENT AND USE OF MINIMUM FORCE IN PRISONS

In case of need for security, that is, for the prevention of escapes, violence, riots, and suicide of inmates, correctional officers may use restraining devices or weapons. However, the law provides that the use of force should be performed within the minimum needed for the maintenance of institutional order and should be under the strict control.

For the prevention of escapes, violence, riots, and suicide or in cases of special need, correctional officers can use restraining devices such as arresting rope, handcuffs, chain, and gag. However, the officers should clarify the kind of restraining devices to be used and the reason for their use, and obtain the warden's permission before using these devices. In case of emergency after using restraining devices, the officers should report to the warden and follow their directions.

Arresting rope and handcuffs are used on inmates when there is a possibility of riots, violence, escapes, or suicide, and on inmates under convoy. Gags are used on inmates who shout at random continuously, but these cannot be used continuously for more than six hours. In cases where restraining devices are no longer needed, the officer should report the situation to the warden and remove them without delay.

Because of potential fatal damage to life or body a weapon may be used only when there is no alternative in order to protect life, body, and property of inmates or officers from illegal and urgent threats or violation. The following situation can involve the use of weapons in conformity with the Penal Administration Law of Korea:

- . when officers are being assaulted or threatened, or there are enough reasons to presume they are in jeopardy;
- . when inmates refuse to abandon a weapon that may be used in the situation described above;
- . when a group riot or disorder occurs in an attempt to escape; and in addition to the above situation, in case of need to prevent danger to life, body, property, facilities, or machinery and tools, officers may use weapons under the directions of the warden or an acting warden, but without such directions in unavoidable and urgent cases.

Where weapons are used, officers should warn the inmate concerned in order to minimise injury, and report the situation to the Minister of Justice immediately afterwards.

Force must be applied on humanist principles. That is, force must be kept to a minimum and used only in unavoidable cases to protect life, body or property of others against unreasonable threats or infringement. Correctional officers are educated repeatedly on the above-mentioned principles and all possible measures are taken in order that the rights of inmates may not be infringed by the use of force.

RECRUITMENT AND DEVELOPMENT TRAINING

Correctional officers are recruited through competitive examination in accordance with the National Public Service Law. As there is no special restriction in applying for the examination, everyone of 20 years and over can try it. If applicants pass a written examination, a physical examination, and an oral test to judge personality and aptitude, they are appointed as correctional officers.

Expert knowledge and a clear sense of duty are required of correctional officers because of the special characteristics of their duties, that is, segregation, correction, and education of offenders. Therefore, various kinds of training are conducted so that they may acquire practical and theoretical knowledge necessary for execution of their duties. The types of training are as follows.

1. Research and Training Institute

The Research and Training Institute is the special agency for correctional staff education and conducts education and training courses appropriate to the duty and the functional rank of all staff. There are several courses, that is, the course for senior administrators, the course for supplementary education of senior staff or junior staff, the course for recruits, and the course for professional education.

The course for senior administrators is conducted for three weeks so that those who are to become top administrators may improve their administrative ability to meet social development. The course for educational supplement of senior staff is conducted for three weeks so that senior staff who have not received any subsequent training for five years may improve their administrative ability and gain exper. knowledge to enhance their capacity to fulfil their duties. The course for junior staff is a supplementary course for three weeks for those who have not received any subsequent training for five years. A course for recruits helps them acquire the theoretical and practical knowledge necessary for the execution of their duties, and is conducted for 4-12 weeks for junior staff recruits and for 16-22 weeks for senior staff recruits. The course for professional education is conducted for three weeks, which helps the staff in charge of professional affairs such as classification examination, prison industry, etc., acquire professional and scientific knowledge necessary for the execution of their duties.

2. Graduate Course

Since 1981, senior correctional staff have been encouraged to enter graduate schools, to major in correctional administration or penal policy. Part of their school expenses are supplied as a scholarship

This system has made a great contribution to the improvement in quality of senior staff. So far, 33 correctional officers have obtained a master's degree, majoring in correctional treatment of inmates, prevention of recidivism, and so on.

3. Training Abroad

Korean correctional administrators have kept abreast of the age of internationalisation by endowing selected able correctional officers with opportunities for long-term training abroad (two year masters course), short-term training abroad (training at a foreign correctional administration agency for one to six months) or inspection abroad.

4. Others

Experts such as professors, lawyers, etc. invited from the outside as lecturers, give lectures to correctional officers in each correctional institution on subjects necessary for the execution of their duties, such as the Penal Administration Law, the Criminal Procedure Code, criminal psychology and so on. Practical training is also conducted for two hours weekly, including the use of restraining devices and weapons, military arts, etc., necessary for the execution of duties.

CHANGING RESPONSIBILITIES OF CORRECTIONAL ADMINISTRATORS

Correctional administration aims at contributing to the development of the nation and the stability of society as well as realising the rehabilitation of inmates. Therefore correctional administrators need to act positively. That is, they have to see through the phenomenon of society at large with the wide insight of criminal policy and adapt correctional policy accordingly. From this point of view, correctional administrators must care about the following affairs.

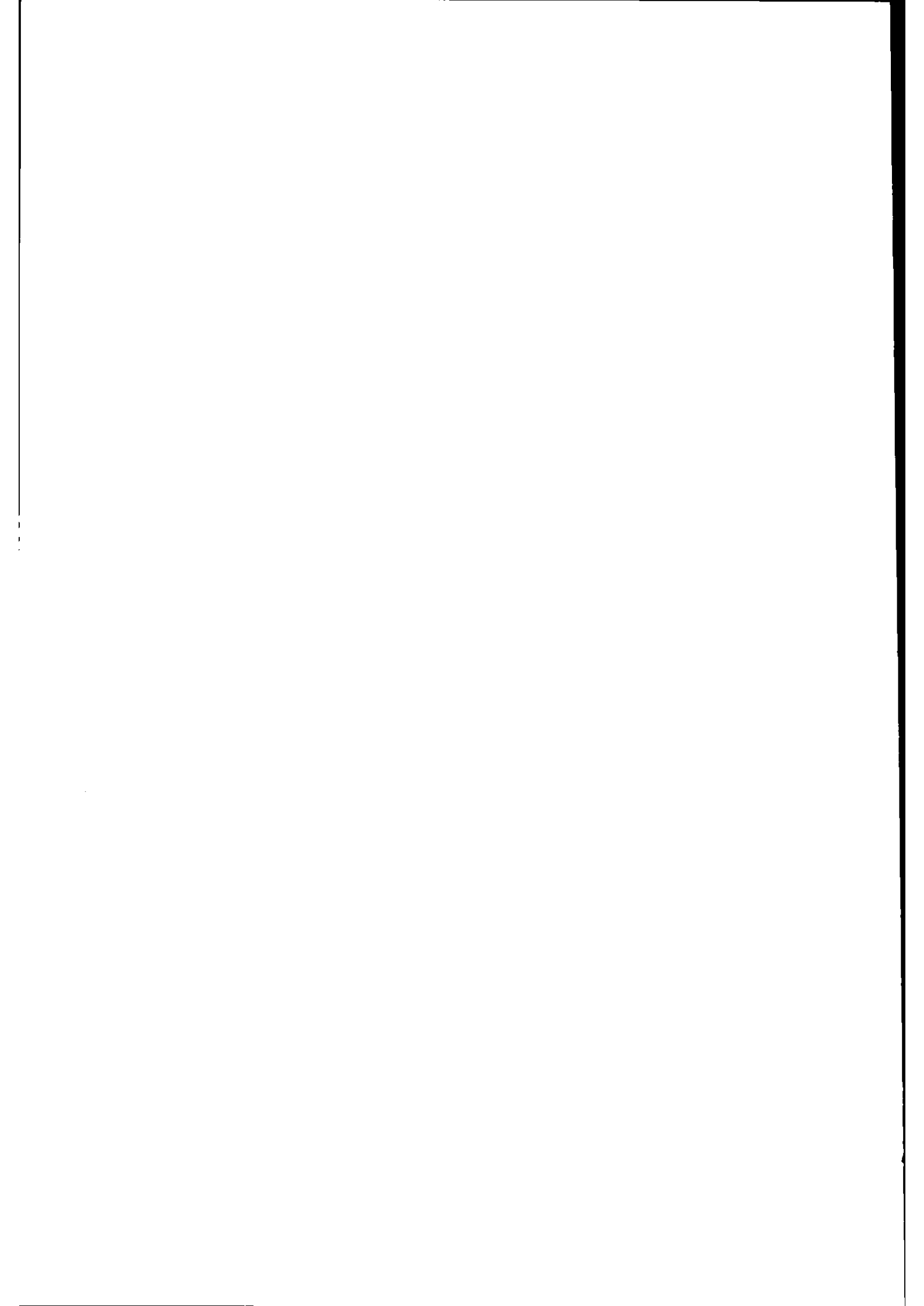
First, able men should be recruited. Above all, able staff who are capable of personnel management, and who can handle scientific machinery and measure and deal with all sorts of information are needed for correctional administration. Young men who are well educated and have a sense of duty should be recruited. Unfortunately, however, most people want to get a job guaranteeing them comfort and leisure time owing to economic development and improvement of the standard of living, so they have a tendency to avoid the correctional posts which are hard in comparison with other posts. Considering this present situation, correctional administrators need to take measures to attract capable men to correctional positions.

Second, vocational training for inmates to get a job immediately after release should be made available. In order to achieve the correctional purpose, referred to as rehabilitation of inmates, practical training which helps inmates adapt to industrial society is necessary. As outworn equipment, or a low level of vocational training which is useless in a high level of industrial society, cannot contribute to rehabilitation of inmates, correctional administrators have to take every measure in co-operation with leading enterprises in the community to make vocational training available.

Third, various social resources should be actively applied to correctional works. It is a well-known fact that correctional institutions alone cannot succeed in correction and edification of inmates. A true rehabilitation of inmates is possible only when home, society, and correctional institutions co-operate closely with one another. From this point of view, correctional administrators have to display much enthusiasm for achieving the work which even the government cannot do because of the limited budget, by promoting social interests in correctional activities and actively applying various social resources to correctional works.

Fourth, correctional administrators have to be well acquainted with international information about corrections. They have to be aware of trends in other countries, have the chance to discuss corrections with not only neighbour countries but distant countries, and exchange information with foreign countries. From this viewpoint, this conference is thought to be a very useful meeting.

MACAU



MACAU

INVESTIGATION OF INCIDENTS IN PRISONS

In the Macau Central Jail every effort is made to investigate incidents immediately in order to establish proof and verify facts while evidence is still fresh and unaltered. According to the gravity of the incident, one or two staff members are assigned to investigate it. If the investigation is satisfactory a decision is made to resolve it; and if not, another investigation will have to be done by the same people or by someone else. The Director makes the decision about the incident and gives the order.

In Macau, problems pertaining to prisons are similar to other countries. The jail is a complex world in itself, and sometimes it is very difficult to know the truth. Take, for example, an apparent case of suicide which may seem to be a simple act of opting out of this life on the part of the victim, yet may also involve another criminal act played by another person. In this case, the judiciary police or the court is informed so that a special investigation may be conducted. However, internal investigations can be carried out independently and simultaneously. This can be quite satisfying as they become complementary where findings are compared.

If a prisoner is found guilty of committing another crime in the jail, they will be tried in court and given another sentence. The minor offences and incidents in the jail which are handled on the local level can be resolved and punishment meted out according to the disciplinary rules of the jail.

The degree of seriousness of incidents is defined in the prison rules.

FACILITIES AND PROGRAMS FOR FEMALE PRISONERS INCLUDING THOSE INMATES WITH CHILDREN

Since there are few facilities in Macau for female prisoners our programs for them are limited. The main concern for the moment is a lack of space. For example, although women prisoners were transferred to Coloane Island in February 1984, which appeared to have ample space at that time, the place became overcrowded because the inmates are now more than doubled in number. Rooms originally designated for particular purposes were converted into dormitories, and even these are overcrowded.

In order to remedy these cramped living conditions of the female prisoners, a large section in the compound in Coloane is being remodelled to accommodate them. The dormitories will be much larger, there will be more workrooms, a dining room, and the recreation room will be much larger.

A section is also being prepared to accommodate the mothers and their children up to three to four years if the female prisoner has absolutely nobody else in Macau to take care of the child and the child cannot be sent to other relatives. This is the case of those women who are illegal immigrants from China.

It is hoped that the female prisoners will be moved into the new premises before the end of this year so that their program can be expanded.

The present program includes occupational therapy for which two female instructors were hired last year. They do tapestry, sewing, embroidery, crochet work, knitting and other handicrafts. They do their own laundry and are assigned cleaning duties as much as possible. The program is planned to suit the needs and personalities of the inmates. Their cultural and educational backgrounds are taken into consideration.

On 14 March, 1985 a simple graduation ceremony was held for the first time in the female prison. A certificate was awarded to each of the 14 who completed the course on First Aid, Public Health and Prevention of Communicable Diseases, Pregnancy and Child Care. A volunteer American registered nurse conducted the course.

The women do a bit of cooking in the kitchenette. They receive family visits once a week for an hour, they can select their television program and they are provided with reading materials in the common room.

At present all programs for the female prisoners are held indoors. However, when they move into the new premises, they will have a yard for gardening and more outdoor activities.

A doctor visits the female prisoners regularly to check their health. In addition, the female prisoners have regular interviews and counselling sessions with the prison social workers.

In view of the expansion of the program for female prisoners, more female prison officers will join the staff.

EXTENT AND USE OF MINIMUM FORCE IN PRISONS

In correctional institutions where there are many types of people possessing a wide variation of personalities, some of whom exhibit violent tendencies, it is not possible to avoid completely the use of force. Where it is necessary to enforce discipline in this way, it can serve to prevent more unpleasant or harmful situations occurring in the prison. Conversely, of course, even where it is at a minimum it might also spark off more unruly conduct among the inmates and might even cause a riot

I therefore suggest that this Conference defines the term 'minimum force' in order to determine the extent of its use in the prisons. I think it will be beneficial to form a guideline for Asian and Pacific correctional administrators. Such a guideline could take into account the cultural differences within countries in the region in regard to the use of force. Secondly, it is important to distinguish 'necessary' force from 'unnecessary' force.

There are many ways of using force. There is physical force, and there is also psychological force. The latter can cause greater stress and more serious damage to a person's personality and behaviour than that of bodily hurts.

Force should be employed only in special instances when motivation, persuasion, and other means fail. In the event of a riot, for example, a gun may be fired in the air as a warning to restore order. As much as possible, however, the trust and cooperation of prisoners is gained without force and they are encouraged to take active part in making their life in the prison more tolerable.

RECRUITMENT AND DEVELOPMENT TRAINING

Prisoners behave differently with different prison officers and other prison workers. If there is to be a high standard of service in correctional institutions, using only a little force when necessary and preventing conflicts and stresses for the inmates and their guardians, it is important to plan the recruitment program carefully.

Prison officer recruits should be screened thoroughly, trained, observed and evaluated carefully, since they are the ones who will be directly in contact with the inmates during their duty. They are graded according to their moral and psychological maturity, intelligence, alertness, resourcefulness and initiative, their ability to communicate, assess situations quickly and be in control of themselves. The candidate has to be mentally and physically fit for the job in the prison.

In Macau, in order to further the training or the on-going development of the staff, men and women are being recruited to work in the prison. With these additional personnel (23 at present) it will be possible to relieve from duty some of those requiring leave of absence for higher development training.

CHANGING RESPONSIBILITIES OF CORRECTIONAL ADMINISTRATORS

With changes in the concept of prison care it is inevitable that the responsibilities of correctional administrators also change. As the institution grows, more people are involved, more facilities required and acquired, and more power and means of control to run the institution are needed, so greater responsibilities are imposed upon the correctional administrator.

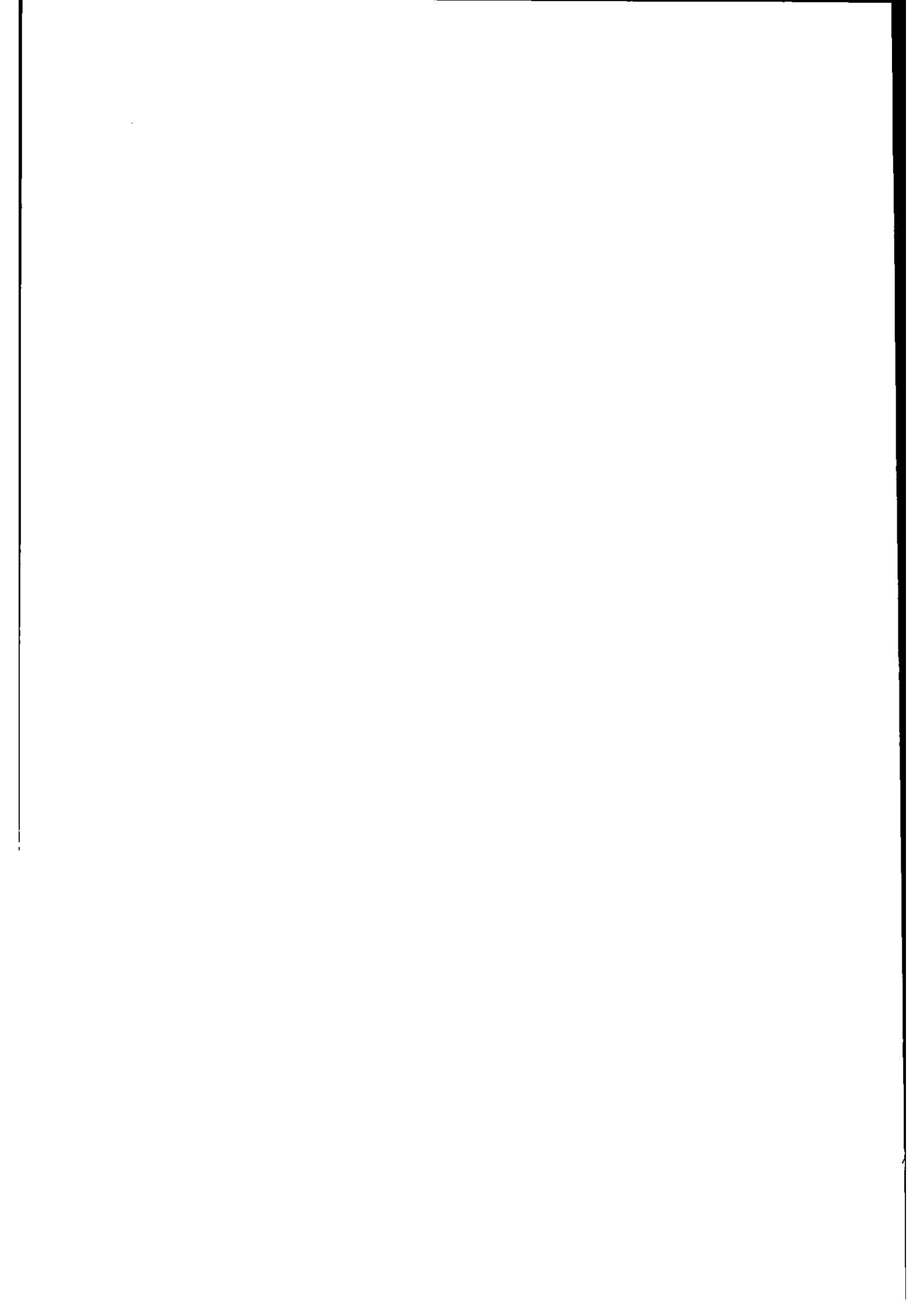
In the past the prisoners were in for custodial care. At that time the main concern of the administrator was to ensure that prisoners did not escape, that they received food and clothing and that they did not get involved in other troubles.

Now, however, the trend in prison service is towards correction or rehabilitation in an attempt to return the criminals to their own communities as reformed individuals who will be able to cope with challenges which life will present to them. It is the correctional administrator's responsibility, therefore, to provide a program which will correct or modify the bad habits of the criminal, even though the emphasis of the program is still correctional. The correctional administrator's primary concern is to restore the self-respect of the inmate, confidence in themselves and in others, their own self-worth and dignity.

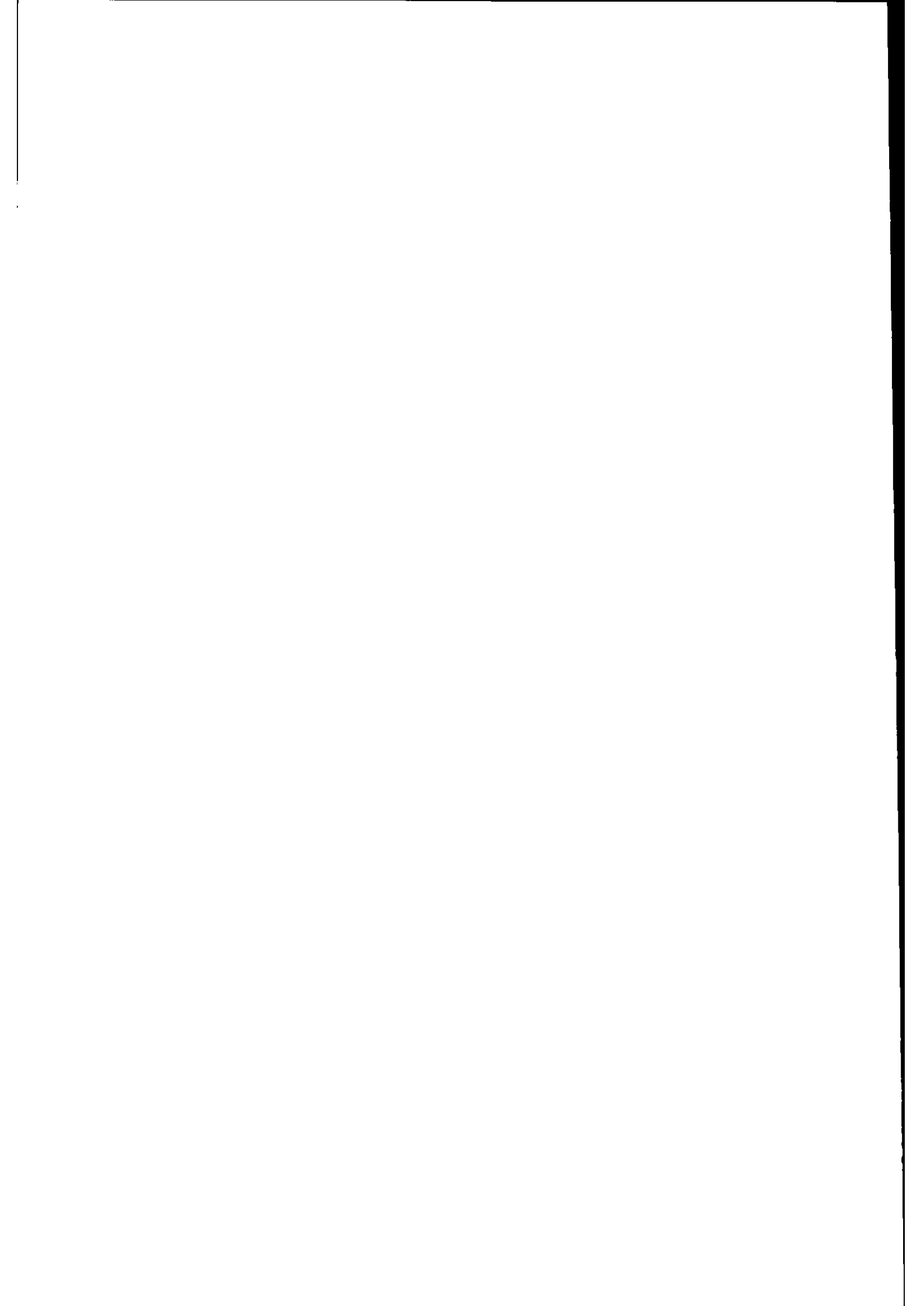
It is also the correctional administrator's responsibility to maintain the respect of all prison personnel and the inmates by their own comportment. In many cases, orderliness in the institution depends on the amount of respect inmates and staff have for the administrator.

As administrators of correctional institutions, more demands will be made on them by their own work, by prisoners, and by the staff in the service. Many will go to the administrator for consultation and representation. In order to obtain greater cooperation for the smooth operation of the institution, administrators have the obligation to find time to meet with them.

In former times, prison administrators may have been the authority on prison service in their own right by virtue of their position. This is no longer enough to manage the institution. They have the responsibility to keep up-to-date their knowledge on current trends in correctional programs and treatment of prisoners. There are many things which the administrators can learn from their colleagues and from meetings such as the Asian and Pacific Conference of Correctional Administrators.



MALAYSIA



MALAYSIA

INVESTIGATIONS OF INCIDENTS IN PRISONS

In respect of investigations of incidents in Malaysian prisons, a brief summary of procedures is given below:

Suicide by inmate

Procedures:

- . Set up an investigation committee (headed by the head of institution or deputy);
- . Make sketch map of the location where the incident took place;
- . Take photographs of the deceased and location of incident;
- . Make inquiries of cell mates and close friends of the deceased prisoner as regards personal problems, fears, anxieties etc;
- . Check the deceased's records as regards background, psychiatric history etc.;
- . Secure statements from the officer on duty and other officers;
- . Make study of the materials used in the suicide including how the deceased gained access to it;
- . Report case to the police. The coroner, doctor and a police officer will visit the institution and confirm death;
- . Study the post mortem report derived from the hospital authorities;
- . Compile all the information gathered and give an overall view or conclusion;
- . Forward report to the Prison Headquarters for its necessary action;
- . Prison Headquarters will submit the report with appropriate remarks to the Ministry of Home Affairs after full investigation by its own board members.

Escape of inmates

Procedures:

- . Set up an investigation committee;
- . Make sketch map of the location where the incident took place;
- . Take photographs of the location of incident;
- . Check the prisoner's record;
- . Check the latest incoming letters of the prisoner and visitors of the prisoner;
- . Make inquiries of prisoner's cell mates and close friends;
- . Secure statements from prison officers involved;
- . Study the materials used in the escape (if any) including how prisoner gained access to it;
- . Report the case to the police;
- . Compile all the information gathered and draw an overall verdict;
- . Forward report to the Prison Headquarters for its necessary action;
- . Prison Headquarters will submit the report with appropriate remarks to the Ministry of Home Affairs and relevant State Deputy Public Prosecutor after full investigation by its own board members.

Hunger Strike

Procedures:

- . Set up an investigation committee;
- . Secure statements from inmates concerned as to the reason for hunger strike;
- . In the case of immigrant detainees, if the cause for hunger strike is due to dissatisfaction over the overdue delay in deportation by the immigration department, inform the authorities concerned and invite them to the prison to explain the actual position and to expedite action;

Hunger Strike continued:

- . Meanwhile, encourage inmates to call off hunger strike;
- . Ensure constant surveillance of their physical fitness by the Prison's Medical Officer;
- . Compile all information gathered and give an overall view or conclusion;
- . Forward this report to the Prison Headquarters for its necessary action;
- . Prison Headquarters will submit the report with appropriate remarks to the Ministry of Home Affairs after full investigation by its own board members.

FACILITIES AND PROGRAMS FOR FEMALE PRISONERS

As of 31 January 1985 there are 350 female prisoners in the country. Of this number 173 are found in the main Kajang Female Prison while the rest are found in the female section of the male prison in several regional prisons throughout the country. The majority of the female prisoners are convicted for crimes such as drug possession or prostitution or 'khalwat' (close proximity) offences.

In respect of accommodation, the Prison Rules 1953 provide for the following:

Male and female prisoners shall be kept absolutely separate from each other and shall be confined in different buildings. The wards, cells and yards where women prisoners are confined shall, if possible, be secured by locks different from those securing the wards, cells and yards allotted to male prisoners. Women prisoners shall in all cases be attended by women prison officers. A male prison officer shall not enter a prison or part of a prison appropriated to women prisoners except on duty or unless accompanied by a woman prison officer.

The main female prison in the country is housed within the new prison complex at Kajang which is located about 28 kilometres from the nation's capital city. In the Kajang Female Prison, inmates are housed in H-shaped, three-storey, single cell blocks with modern sanitation. Convicted female prisoners occupy one of the blocks while unconvicted female prisoners occupy the other block.

Convicted and unconvicted female prisoners are housed one or three persons per cell. In all, there are 186 such cells (that is, 62 cells per floor). The workshops are found on the ground floor.

In Malaysia, particular attention is paid to the rehabilitation of female offenders. The program is geared towards the preparation of inmates for their eventual return to the community as law abiding citizens and socially productive persons.

Principles of treatment and rehabilitation are as follows:

- . discipline and order shall be maintained with fairness and firmness and with no more restrictions than are required for safe custody and to ensure a well ordered community;
- . in the control of inmates, prison officers will seek to influence them through their own example and leadership so as to enlist their willing cooperation;
- . 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 and to encourage them to lead a good and useful life on leaving the prison after completing the rehabilitation program.

Areas added in the rehabilitative program include vocational training, recreation, spiritual welfare, counselling, public relations, inmates with children and future plans.

Convicted female inmates are also provided with vocational opportunities to equip themselves with a form of skill or trade. Trades which are available are tailoring, handicraft, laundry, domestic science and vegetable gardening. Under the prison rules, unconvicted prisoners are not required to participate in the vocational training program. However, in practice, over 90 per cent of them expressed their desire to learn a trade. There are two workshops (tailoring and handicraft) which cater for this need.

It is realised that recreational and extra mural activities not only contribute towards physical and mental well being but also provide constructive means of spending leisure time and help relieve tensions, anxieties and monotony. For these reasons, several recreational facilities are made available such as ping pong, carrom, draughts, television and video. Singing and cultural activities are also encouraged.

It is recognised that religion can function as an important agent in rehabilitation. With this in view, religious teachers of various faiths visit the prison to impart religious instruction to the inmates.

Of late, counselling has been introduced. In Kajang Female Prison, there are two female officers who have been trained as counsellors. Inmates find this service very helpful and it helps to alleviate emotional problems.

The Department maintains excellent relations with the public. Service clubs such as the Lioness have contributed much to the inmate rehabilitation program. They have launched day trip projects whereby selected inmates are afforded opportunities to visit places of interest such as the airport or Mimaland. With respect to aftercare assistance and job placement, organisations such as Selangor Discharged Prisoners' Aid Society, Malaysian CARE and Lioness Club have rendered meaningful assistance. Donations too, are received from certain agencies and church organisations. These include sewing machines, typewriters and milk powder.

Under the prison rules female prisoners are permitted to keep their children who are under three years of age with them while they are in prison. At any one time there will be usually be three to five inmates with babies. The department provides for the milk. Sometimes milk donations are also received from charitable bodies.

Future plans include an increase in the variety of recreational facilities. In the near future, a netball court, a badminton court and a volleyball court will be built.

There are also plans to increase the joint venture vocational programs as well as a children's nursery project.

EXTENT AND USE OF MINIMUM FORCE IN PRISONS

In Malaysia, particular attention is paid to the treatment of offenders. Great importance is attached to the use of minimum force and staff are constantly reminded to exercise the use of minimum force in their dealings with inmates. This principle is enshrined in the prison rules, extracts from which read as follows:

- Rule 3 (1) - General principles of prison administration and application of rules
- (a) Discipline and order shall be maintained with fairness but firmness, and with no more restriction than is required for safe custody and to ensure a well ordered community life;
 - (b) In the control of prisoners, prison officers should seek to influence them, through their own example and leadership, so as to enlist their willing cooperation; and
 - (c) At all times the treatment of convicted prisoners 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.
- Rule 56 - Duty of prison officers It is the duty of all prison officers to treat all prisoners with kindness and humanity, to listen patiently to and report their complaints or grievances, at the same time to be firm in maintaining order and discipline and enforcing the provisions of the rules and ordinance.
- Rule 57 - Use of force No officer shall strike a prisoner unless compelled to do so in self-defence or in defence of another person or prisoner or when ordered to inflict corporal punishment.
- A prisoner struck by a prison officer in self-defence or in defence of another person or prisoner shall be examined as soon as possible by the medical officer and an immediate report of the incident shall be made to the officer-in-charge.
- Rule 26 - Use of weapons Every prison officer may use weapons against any prisoner escaping or attempting to escape provided that resort shall not be had to the use of any such weapons unless such officer has reasonable ground to believe that he cannot otherwise prevent the escape. Before using firearms against a prisoner, the officer shall give a warning to the prisoner that he is about to fire on him.

No prison officer shall, in the presence of his superior officer, use arms of any sort against a prisoner in the case of an outbreak or attempt to escape except under the orders of such superior officer.

The use of weapons shall be, as far as possible, to disable and not to kill.

- Rule 113 - Complaints by prisoners A prisoner may make complaints to the visiting justices, the commissioner, the officer-in-charge or the chief officer but not to any subordinate officer.
- Rule 114 - Requests by prisoners to see commissioner or a visiting justice Arrangements shall be made that any request by a prisoner to see the commissioner, the officer-in-charge, 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 commissioner or member of the visiting justices when he next visits the prison of every such request of a prisoner to see him.
- Rule 116 - Officer-in-charge to deal with reports No report against a prisoner shall be dealt with by any officer of the prison other than the officer-in-charge or in his absence the officer appointed to act for him.
- Rule 118 - Information to reported prisoner A prisoner shall, before a report is dealt with be informed of the offence for which he has been reported and shall be given an opportunity of hearing the facts alleged against him and of being heard in his defence.
- Rule 127 - Medical examination of prisoner awarded punishment Every prisoner sentenced to dietary or corporal punishment shall be sent to the medical officer for examination, and a certificate that its infliction is not likely to produce any serious or permanent injury shall be obtained by the officer-in-charge before it is carried out.
- Rule 128 - Clothing and bedding for prisoners under punishment A prisoner undergoing punishment shall be supplied with such clothing and bedding as may be certified as essential by the medical officer.

- Rule 129 - Full diet after three days punishment diet Whenever a prisoner is sentenced to undergo close confinement in a punishment cell for a period exceeding three days on a punishment diet, he shall be given full diet on every fourth day.
- Rule 134 - Rules for infliction of corporal punishment At the infliction of every sentence of corporal punishment, the officer-in-charge and the medical officer shall be present and the medical officer shall give such directions for preventing injury to health as he may deem necessary, and the officer-in-charge shall carry such directions into effect. Corporal punishment shall not, except by special order in case of emergency, be inflicted within twenty-four hours of the sentence being awarded.
- Rule 135 - Remission of corporal punishment At any time after the infliction of corporal punishment has commenced the medical officer may, if he deems it necessary in order to prevent injury to the prisoner's health, recommend that no further punishment be inflicted, and the officer-in-charge shall thereupon remit the remainder of the punishment.
- Rule 140 - Restraint No prisoner shall be put under mechanical restraint as a punishment.
- Rule 141 - Restraints not to be used as punishment Fetters shall be employed only as a means of restraint or to prevent escape, and not as a punishment, and only fetters of a pattern which has been approved by the commissioner shall be used. No prisoner shall be kept in fetters unless he has been previously examined and certified fit to undergo such restraint by the medical officer.

RECRUITMENT AND DEVELOPMENT TRAINING

The prison service requires men and women who are physically fit, self controlled and resourceful in emergencies, with some interest in social service and with some potential for higher responsibilities. It is felt that the armed forces, the police, the fire services, and the prison service are in competition for much the same kind of recruit. However it should be noted that prospects for promotion in the prison service are much better.

The majority of prison officers are employed on 'discipline' duties, that is the basic jobs in an establishment, but those with the rank of principal officer and upwards perform duties which are more managerial in nature. All prison officers are required to be prepared to serve anywhere in Malaysia.

The rank structure of the prison officers is as follows:

Director-General
 Deputy Director-General I
 Deputy Director-General II
 Director
 Senior Superintendent
 Superintendent
 Deputy Superintendent
 Assistant Superintendent
 Principal Officer
 Sub Officer
 Sergeant Major
 Sergeant
 Corporal
 Prison Officer Grade II

At the bottom of the hierarchy of ranks is the prison officer grade II. All applications for the post are to be addressed to the Public Services Commission who will do all the necessary procedures. Only at the interview stage is a representative from the prisons department involved.

The entry requirements are as follows:

- 1.. All direct entry candidates should be within the ages of 18 to 25. (In the case of serving officers they should not exceed 50 years old and in the case of ex-army and police personnel they should not exceed 45 years of age).
2. Lower Certificate of Education (Credit in Bahasa Malaysia) (9 years of education).
3. Good health and physique; minimum height of 1.57m (5'2") for males and 1.53 metres (5') for females;
 Not less than 48 kg (105lb) for males and 46.3kg (90lb) for females;
 Chest 79 cm (32") and 84 cm (34");
 Normal vision V/6/9 for both eyes without spectacles; and
 Normal hearing.

Upon successful appointment, all candidates will be under probation from one to three years. These candidates will be required to undergo three months basic training course as directed by the head of 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 further ranks in the hierarchy such as corporal, sergeant, sergeant major or sub-officer.

However, apart from the above, there is a much more rapid way of promotion, that is, by way of cadet principal officer. Prison officers grade II who have been confirmed in their posts and have put in a minimum period of seven years can apply to be considered for cadet principal officer.

Upon being successful at the interview, they will be required to attend a six months' intensive course at the Prison Officers' Training Centre. If they successfully complete the course and pass all the departmental examinations, they will be appointed as a principal officer by the Public Services Commission. They will have to pass a government examination before they can be confirmed in their post. On the basis of good performance of their duties, having been confirmed in their post and recommended by the Head, and having put in at least five years of service as a principal officer, they will be eligible to appear for interview with a view to promotion to assistant superintendent of prisons.

The post of deputy superintendent of prisons can be attained in two ways, by being (a) a serving assistant superintendent of prisons who has been in that post for at least two years and who has demonstrated ability and efficiency, and has passed a special examination, and (b) a 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. A superintendent who has served at least two years in that post may be considered for promotion to senior superintendent. A senior superintendent with proven capability may be considered for promotion to director if there is a vacancy. Similarly, a director with proven capability may be considered for promotion to deputy director general and upwards if there is a vacancy.

In respect of training, in general it can be defined as the process of aiding employees to gain effectiveness in their present and future work through the development of appropriate working habits, actions, skills, knowledge and attitudes. Currently the Prison Department of Malaysia provides in-service training which may be divided into two general types.

(a) Orientation Training

This training, often referred to as indoctrination, probationary training or basic training is intended to adapt prison officers to their new working environment in order that they may become productive correctional officers as quickly as possible.

Orientation training also serves to furnish the new prison officers with information concerning the conditions of their employment, the background and development of modern correctional programs, and the history, present organisational set-up, philosophy and goals of the development.

This preliminary training also encompasses instruction in the use and care of firearms, physical training, employee-inmate relationships, lectures, group discussions, visits and observations of institutional programs, followed by an examination to ensure that information presented has been properly learned and understood.

This period of early training, in addition to teaching the mechanics of operation, is also a time for shaping desirable employee attitudes, transmitting to new prison officers their role in the organisation and assisting them to apply their knowledge and skills in the correctional setting.

(b) Refresher Courses

Refresher courses are conducted for senior and subordinate officers from time to time to assist officers increase their knowledge and skills. This is also aimed at keeping them abreast of new developments in the field of corrections and of procedures, practices, problems and as a means of growth in service and generally to develop each individual to their full capacity and to prepare them for positions of higher responsibility.

Apart from the above, senior prison officers are from time to time given opportunities to receive training at institutions of higher learning be it locally or abroad.

The prison Department of Malaysia recognises the importance of the recommendation in the United Nations Standard Minimum Rules for the Treatment of Prisoners which reads as follows:

- (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.
- (2) An effort should be made to arouse and keep alive in the minds of the staff an understanding of the nature of modern prison service.

Until recently, the Prison Officers Training School in Taiping (built in 1952) could cater for only 60 trainees at any one time.

Today, four new dormitories have been added making it a total of eight. This has enabled the training school to conduct more training courses catering for up to 160 trainees at any one time. More steps will be taken to improve the school physically as well as upgrade the teaching skills of the lecturers and instructors.

Currently senior prison officers are given opportunities from time to time to pursue training in the various related fields as follows:

- . diploma courses or short courses in effective management, management science, personnel management, and financial management at the National Institute of Public Administration;
- . diploma courses in counselling at the National University of Malaysia;
- . advanced prison administration courses in Japan, Australia and United Kingdom; and
- . study visits to penal establishments in Thailand, Hong Kong and South Korea.

Realising that training is of paramount importance to equip officers in positions of higher responsibility as well as to orientate officers to the modern conception of correctional service in contemporary society, the Prison Department of Malaysia has set up a training college for senior prison officers.

When in full swing, it is envisaged that senior correctional officers from neighbouring countries will be encouraged to participate in the courses and seminars. In this way, it is foreseen that there will be meaningful exchange and sharing of knowledge and experiences which would undoubtedly have favourable impact on the correctional systems of the various countries. The college also aims to embark on a course at diploma level for senior officers of the department.

THE CHANGING RESPONSIBILITIES OF CORRECTIONAL ADMINISTRATORS

Vernon Fox defines correctional administration(1) as referring to:

... the organisation and management of the delivery system that brings the basic necessities and treatment programs of the correctional institutions or agencies to the correctional client.

However, some correctional experts argue that, to view the correctional client as the ultimate consumer of correctional services, as suggested in Fox's definition, is too narrow and does not take into account the issue of public and political accountability; neither is it consistent with the open system view. They favour the following definition:

Correctional administration refers to the broad processes of managing social, economic, political forces, pressures and influences which are external to the formal structure of the correctional organisation, yet impinge on or affect the internal operations of the organisation as well as system of delivery of correctional services, its goals, objectives and policies.

Whatever definition is preferred, it is most apparent that functions or work tasks performed by correctional administrators are numerous and complex. Generally speaking the following functions can be identified:

- . formulating policy and setting goals and objectives for the organisation;
- . implementing policy, goals, objectives, and standards;
- . supervising personnel;
- . supervising programs and operations;
- . planning, budgeting, allocating and controlling resources;
- . maintaining physical plant and equipment;
- . protecting the organisation from litigation;
- . maintaining public relations;
- . decision making; and
- . co-ordination.

1. In this paper, the terms 'correctional administration' and 'correctional management' are used interchangeably.

In Malaysia before the Second World War, the old concept of corrections stressed the idea of utilising prisons as places of punishment for those who violate the laws of the country. It aimed at making lives for offenders hard, oppressive, and unpleasant. Efforts at reformation, if they existed at all, were limited. However, it was discovered that this system had neither deterred nor reformed law breakers but instead had brutalised and embittered those who were released from prisons.

This necessitated the introduction of new methods of treatment of offenders which conformed with modern ideas. Since then, undoubtedly, rehabilitation has become the overriding goal and cornerstone of correctional policy.

The growth of behavioural sciences or social sciences has had considerable impact on correctional policy making. The punishment model of corrections became discredited and a new model of corrections, with its emphasis on rehabilitation and reintegration, increasingly won favour.

A new image of the offender evolved. Crime became viewed as an illness of society or of the individual offender. The offenders are viewed as sick or the product of social, economic or psychological forces, to some extent beyond their rational control. Consistent with this image of offenders, the mission of corrections is to 'cure' or rehabilitate them as well as reintegrate the offenders into society.

In the Malaysian context, therefore, correctional staff have been given totally different, more difficult and responsible duties, they are no more mere turnkeys or disciplinarians, but have become social workers devoted to a social service of greater importance and deep human interest. It is a vocation of a high order, calling for patience as well as firmness, for understanding as well as knowledge of human behaviour.

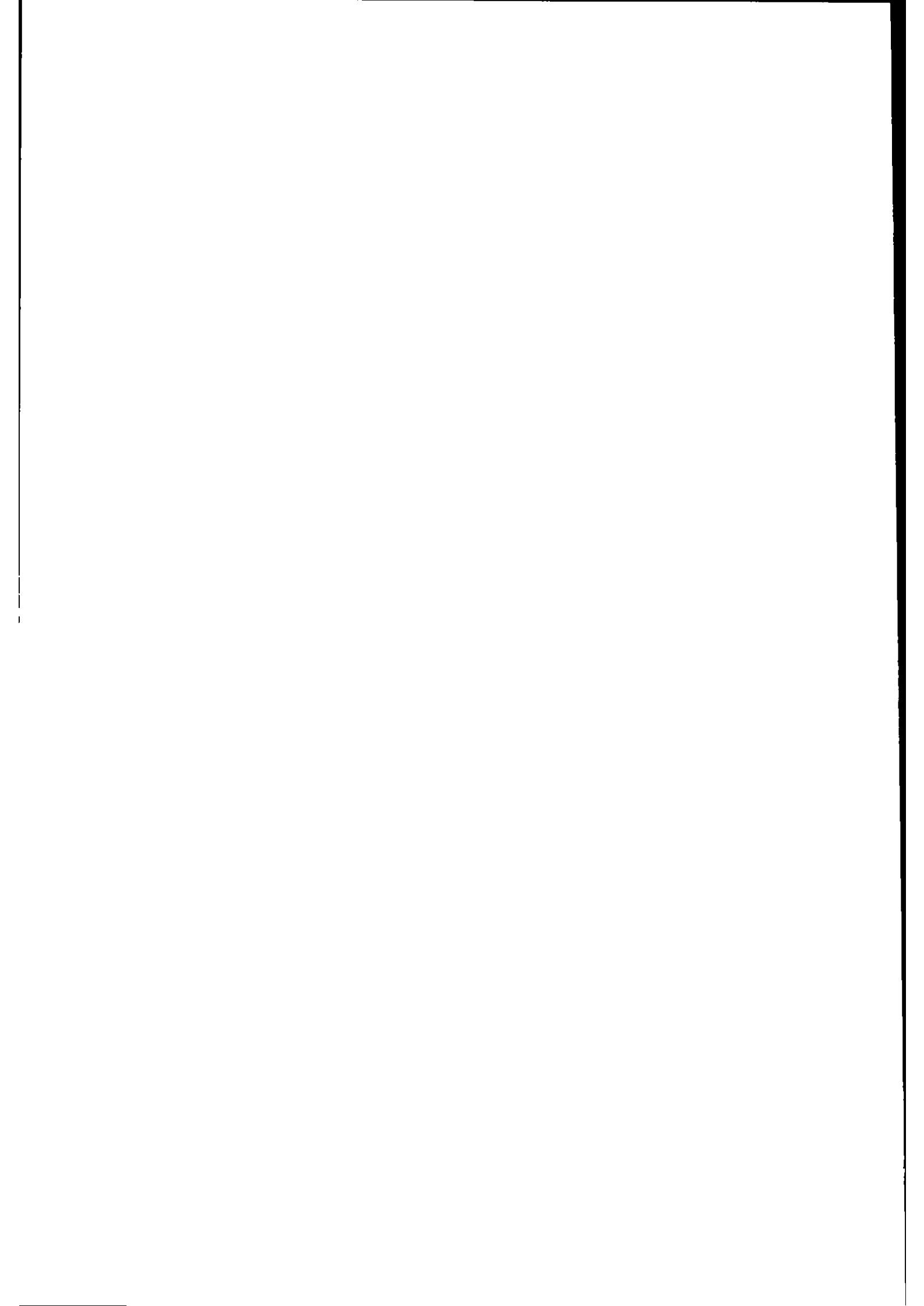
Great importance therefore, is attached to the changing responsibilities of correctional managers. For instance, it can be seen that the present day correctional managers can no longer be contented to confine their responsibilities and activities to the area within the four walls of the prison or regard the prison as an isolated segment of society.

It is of vital importance that they increasingly realise that the prison community is part and parcel of the outside larger community. Rehabilitation or reclamation of offenders is a difficult and complex task. The prison service cannot tackle this mammoth task unaided; it must also have the full support of the community.

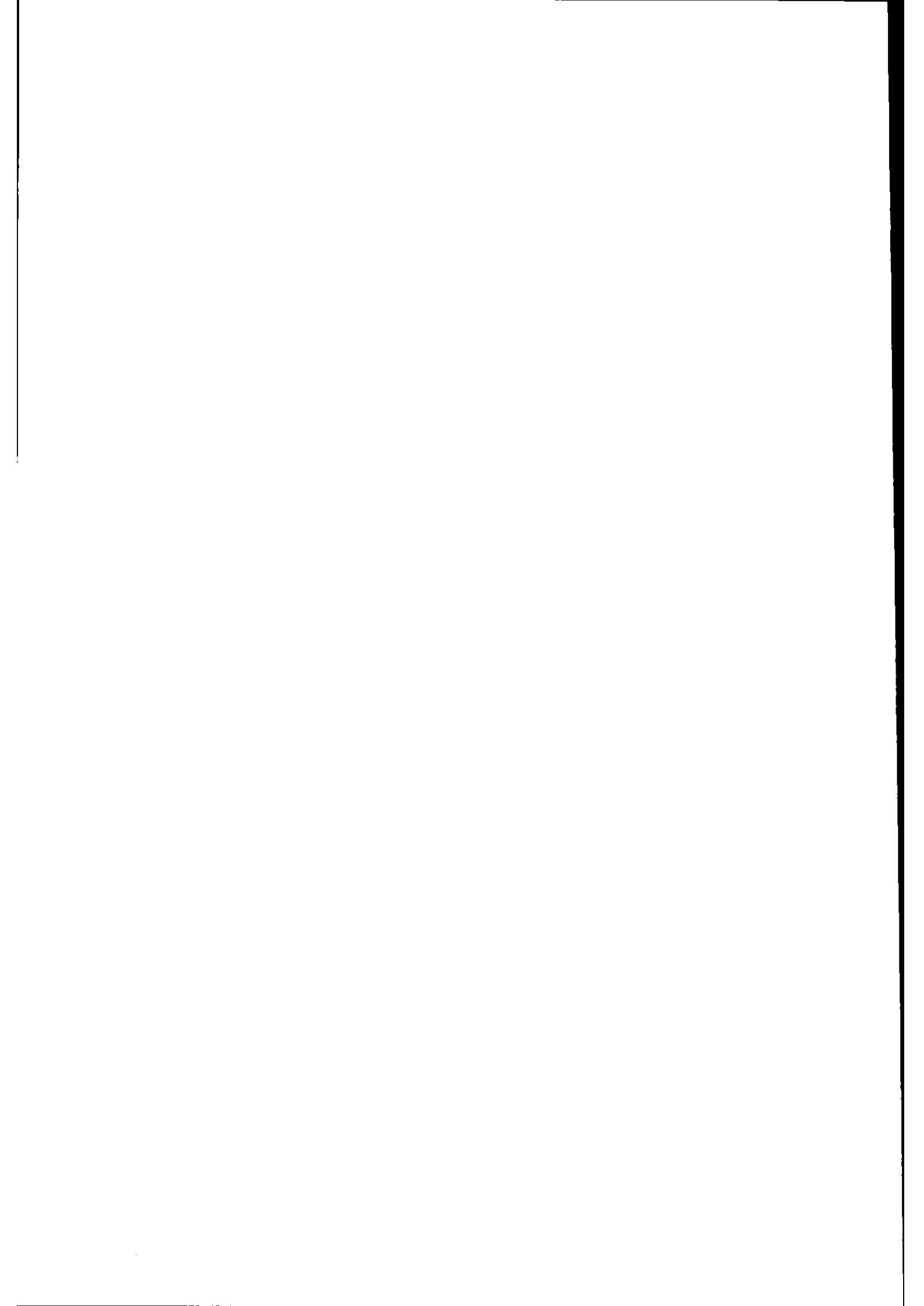
For the above-mentioned reasons, the present day correctional administrator is confronted with the added responsibility of fostering close ties with the community at large to ensure the successful rehabilitation and resocialisation of inmates. Close co-operation between prison and society is especially vital in the areas of aftercare of discharged prisoners, community service projects by inmates, and industrial training programs for inmates in the form of joint venture projects.

Rising crime rates, crowded prisons, fear for public safety, budgetary constraints and the development of new ideas in treatment of offenders have all had their effects on corrections in Malaysia. Given this situation and the present rate of change, training of correctional managers assumes a most vital role. The correctional managers of today must be adequately trained to expect and to cope with change.

If they are expected to function effectively and efficiently, they must be trained to analyse policy and to identify the factors that are currently shaping the organisation's policy and operations. They need to be taught to redefine organisational goals, objectives, priorities and structures. Only in this way will they be able to cope with the increasing strains affecting the organisation and with the challenging responsibilities of the future.



NEW ZEALAND



NEW ZEALAND

INVESTIGATION OF INCIDENTS IN PRISONS

In New Zealand, there has been concern for some time over inmates' lack of ready access to having complaints heard.

Sections 5 and 10 of the Penal Institutions Act 1954 empower (inter alia) prison inspectors and visiting justices to visit and inspect institutions from time to time, to interview any inmate on disciplinary charges, and to hear any inmate grievances.

Inspectors are officers of the department (there are presently two) and visiting justices comprise all district court judges as well as justices of the peace appointed by the minister for particular prisons.

Under regulation 73 of the Act, an inmate can make a complaint to the superintendent which must be heard within a week. There is also a right to complain to an inspector or visiting justice who is visiting the institution. To do so inmates must first apply to the superintendent to have their name put on the list for that purpose (regulation 74). A further avenue of review of any decision or procedure is afforded by written request through the superintendent to the secretary for justice.

The right of the inmates to write to the Ombudsman without reference to the superintendent also exists (s.16(2) Ombudsman Act 1975) but only where all channels of complaint have been exhausted (s.17(1)(a) of this Act).

It is recognised that the dual role of dealing with inmates' discipline and grievances is a difficult one for visiting justices to fulfil, especially when an individual inmate falls in both categories. Further, the delays in having complaints heard by a visiting justice might be resolved more easily if the functions were separated.

The consideration of complaints by the inspectors might be facilitated if inmates were permitted to write uncensored letters to them in the same manner as they may presently write to the Ombudsman. This has many practical problems, however, not the least of them being a need for a substantially increased inspectorate to cope with the workload. In the meantime we have taken action to recruit one additional inspector so that all institutions may be visited more frequently. This could mean it would be unnecessary for inmates to be allowed uncensored access.

Furthermore, following the enactment of the Criminal Justice Bill (No. 2) we will be seeking a general revision of the Penal Institutions Act 1954 and it is proposed to separate the two roles

carried out by visiting justices at that time. To achieve this there should be a repeal of section 38 of this Act which gives any justice of the peace the power to visit and examine a local penal institution and its inmates. In addition, provision would have to be made for the appointment of justices of the peace to fulfil specific functions either to hear disciplinary charges or to deal with inmates' grievances and inspections as required.

There would also need to be a commitment to training justices of the peace in the particular role they would be expected to fulfil.

The introduction of the abovementioned proposals will afford inmates ready access to both inspectors and visiting justices to have complaints heard.

FACILITIES AND PROGRAMS FOR FEMALE PRISONERS INCLUDING THOSE INMATES WITH CHILDREN

There are three separate female institutions in New Zealand, one in the South Island and two in the North. The Women's Division at Mount Eden Prison holds remands, short term inmates, and prisoners awaiting transfer to either Arohata or Christchurch; Arohata Youth Institution holds remands, corrective trainees, youths and selected adult inmates who are likely to be a good influence on young prisoners; and Christchurch Women's Prison houses remands and all adult female prisoners from South Island and all those from the North Island who do not fit Arohata's criteria.

In addition to the standard home leave, work parole, and early release that are available in accordance with Penal Institution General Orders there are a number of specific facilities and programs available at both the youth institution (Arohata) and at the main women's prison (Christchurch). Special authority has been granted to the superintendents to approve these.

At Arohata the superintendent may approve for minimum security inmates serving up to and including two years imprisonment, and three years imprisonment if approved for release to work parole, the following paroles and escorted outings.

Paroles (s.21 Penal Institutions Act 1954):

1. Day paroles to an approved sponsor, eg., family member, church member or member of local community on one non-working day each week between hours of 8.00 a.m. and 9.00 p.m. within 20 km radius of institution.
2. Paroles up to three days over weekend in care of interested people to visit local maraes.

3. Paroles on daily basis to attend education classes.
4. Involvement in community projects and activities between 8.00 a.m. and 9.00 p.m.
5. For those under 20 and serving less than three years imprisonment, compassionate parole at any time on death or serious illness of parents, brother or sister, husband or child.

Authority has been delegated to the secretary for justice to allow carefully selected inmates to attend Outward Bound courses in the latter part of their sentence under the sponsorship of community or business organisations, as a pre-release measure or prior to a period of release to work.

Group Outings Under Escort (s.28 Penal Institutions Act):

1. Educational outings, eg., schools, museums.
2. Cultural outings eg., theatre, ballet, cultural concerts.
3. Sports teams or individuals playing for a club/team participating in local competition.
4. Involvement in community projects and activities.
5. Visits to home of an approved member of a church congregation once a month between 8.00 a.m. and 9.00 p.m.

Christchurch Women's Prison is New Zealand's main women's prison, and it caters for every type of adult female offender. The prison is relatively pleasant, spacious and comfortable. Many at Christchurch Women's Prison come from the North Island and distance makes visiting and other contacts very difficult. Because of the isolation of inmates from families and the lack of recreation facilities, the superintendent can approve the following outings for minimum security inmates eligible for home leave under his delegation or inmates approved by Head Office for inclusion in outdoor activities.

Paroles:

1. Day paroles from 8.00 a.m. to 9.00 p.m. with PARS visitors, relatives, friends, approved community sponsors, or female staff members.
2. Release to work shopping paroles for two hours weekly.

Group Outings Under Escort:

1. Participation in local netball and softball competitions.
2. Visits to the Rehua Marae for tuition in Maori protocol.
3. Rock climbing from 10.00 a.m. to 4.00 p.m.
4. Attendance alternating with Christchurch Men's Prison at an annual debating contest for the prison's debating team.

Under regulation 55 of the Penal Institution Act 'any female inmate who gives birth to a child, or who on admission has a child less than six months old, may keep the child with her until proper provision is made for its care'.

However, it has not been departmental practice to admit children to prisons with their mothers. As a result there are no special facilities provided for children in prison although there is no general restriction on visits by children accompanied by an adult. In fact it is departmental policy to endeavour to place offenders in prisons close to their families so that family relationships may be maintained. Visits are one way such contact can be maintained although with the majority of women offenders in Christchurch prison these are often infrequent due to the travelling involved.

Generally all women who give birth during their sentence are granted early release by the Minister of Justice.

EXTENT AND USE OF MINIMUM FORCE IN PRISONS

In New Zealand, the purpose of imprisonment can be seen as the containment of individuals who are being punished by the loss of their liberty under humane, fair and restrained conditions, whilst inflicting the least possible physical, mental and social harm. This objective is clearly reflected in the regulations regarding the day-to-day running of institutions.

Under regulation 64 of the Penal Regulations Act 1964 no prison officer is permitted to use force in dealing with any inmate except in self-defence or in the defence of another person, or where there has been an escape or attempted escape or passive physical resistance to a lawful order. Where force is used pursuant to this regulation, it must be no more force than is necessary in the circumstances. Furthermore the officer must report the incident as soon as possible to the superintendent of the institution. No officer is permitted to deliberately act or speak in a manner likely to provoke an inmate.

In regard to conducting searches under regulation 9(4) of the Act reasonable force may be used for the purpose of carrying out the search which is to be conducted in as seemly a manner as is consistent with the necessity of discovering any concealed article.

To ensure that this objective is maintained, prison officers are taught basic communication skills and the importance of inter-personal relationships in staff training programs, so that they maintain discipline and order with firmness and fairness and in so doing, enlist the willing co-operation of inmates.

A humane approach towards the treatment of inmates and consideration of inmates as individual human beings by prison officers through example and leadership is necessary at all times.

RECRUITMENT AND DEVELOPMENT TRAINING

New Zealand combines local on-the-job training under institutional staff training officers with centralised backup courses, so providing resources for standardisation checks. Officer development is assured through the provision of centrally administered examinations, selection boards, staff training officers' and superintendents' conferences, and specialist and refresher courses for officers who have been in the service for several years.

The economy and efficiency of avoiding the duplication of services already available are appreciated and growing use is being made of outside training facilities at the same time as the internal staff training facilities are being developed. External courses that are considered relevant to penal policy and institutional needs are those involving criminological study, the human sciences and management skills, all of which are undertaken at university.

Furthermore, there is a continuing need for the introduction of new courses as social conditions and penal policy change. Each year, changes in emphasis to aid policy planning are introduced at appropriate levels. For example, the latest courses provide psychiatric training for prison nurses because of the current problems relating to inmates suffering from psychiatric disorders. Eventually it is intended to include psychiatric training at all levels of training, commencing with basic grade officers.

The formal promotion examination system is currently under scrutiny so that more qualifications from recognised educational authorities are granted equivalence to internal courses, thus giving portability to all qualifications. The overall aim in staff training and development is to ensure that all staff are equipped to cope with immediate or perceived needs and to encourage potential for higher responsibility.

CHANGING RESPONSIBILITIES OF CORRECTIONAL ADMINISTRATORS

Until recently, correctional administrators in New Zealand have considered their main responsibility to be one of inmate control. However, since the introduction of the justice management system in 1981 their role has changed to one of administrative management. Each year, superintendents will formulate specific objectives relevant to their institutions that will work towards the attainment of overall penal objectives as published in the Justice Department's Annual Report.

This system allows management to know where money is being spent in order to assess areas where changes are required. It involves the superintendent of each institution forwarding three management reports per year to the Secretary for Justice.

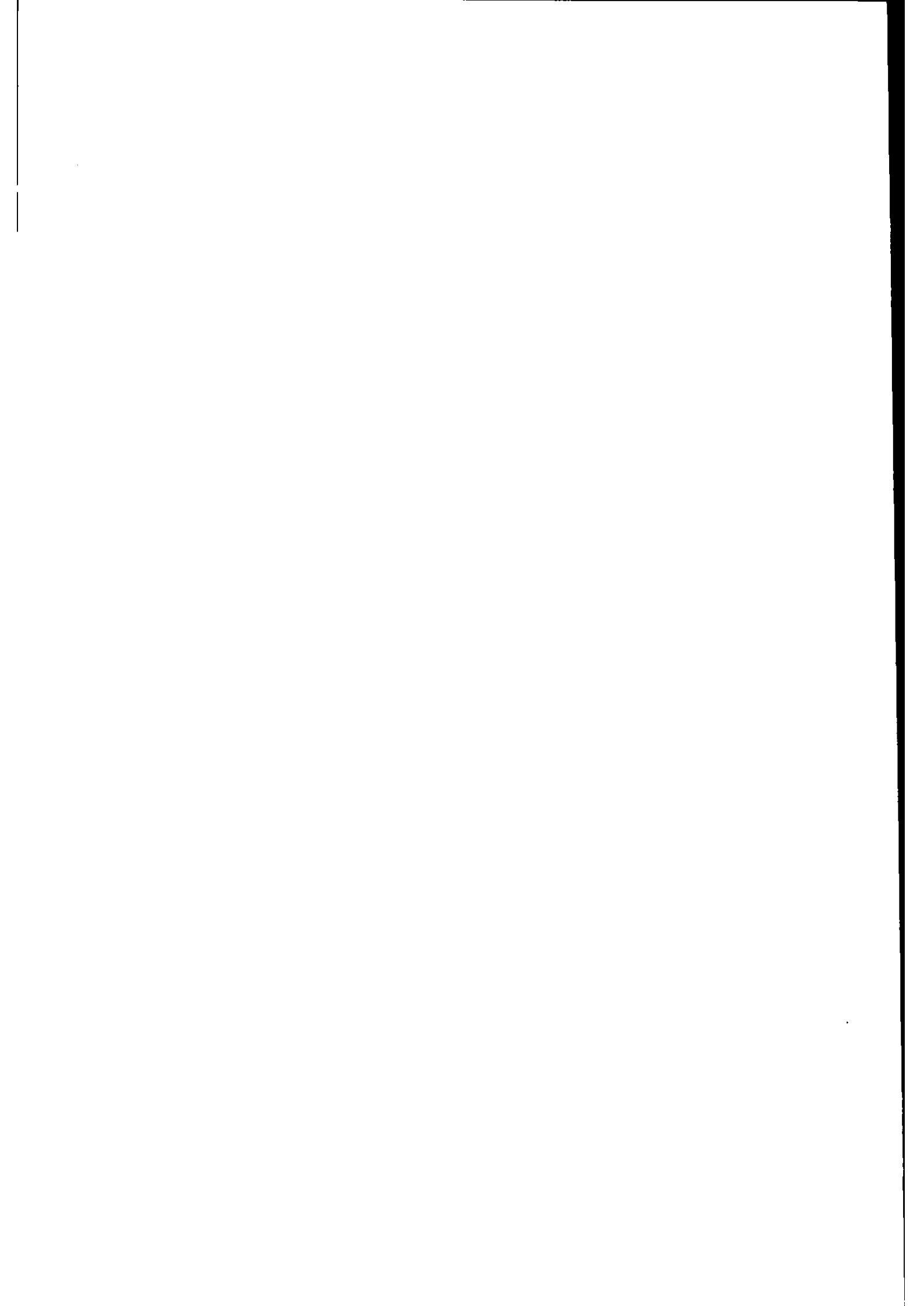
The first report covers the period 1 April to 30 September. It includes an expenditure report as at 30 September, draft estimates and farm and forestry programs along with a list of objectives requiring a resource commitment (financial, staffing, plant and equipment) beyond the current level of the institution for approval. Notes on the equivalent savings in staff and finance are included.

The second report covers the period 1 October to 31 December. Attached to this is the annual statistical return giving detailed information on staffing, inmates and inmates' health for the previous 12 months, an updated version of the draft estimates, and comments on areas where high levels of commitments are involved, where applicable.

The third report is the final expenditure report for the year ending 31 March. Attached to the third report is a list of objectives for the following year which do not require the secretary's approval, a report on the achievement of all objectives for the year, and a concise general review of the institution's activities.

Overall, the justice management system involves the delegation of responsibility to include those at lower staff levels. The setting of objectives is a team effort and staff feedback is encouraged. This broad participation has led to a more willing acceptance and a deeper commitment to the objectives set by staff and, in turn, goal attainment.

PAPUA NEW GUINEA



PAPUA NEW GUINEA

INVESTIGATION OF INCIDENTS IN PRISONS

Commission of Inquiry

A commission of inquiry was set up as a result of the considerable disturbances in several of the corrective institutions in September 1979. The commission was appointed to inquire into and report upon the basic causes of disturbances occurring in corrective institutions in Papua New Guinea since 6 September 1979, and the commissioners were also required to consider and report on other matters set out in the terms of reference appointing the commission.

Three commissioners were appointed: a senior magistrate, a city lord mayor, and a secretary of a department. To assist the commissioners, a senior public servant and a legal officer were appointed as secretary and counsel respectively.

The terms of reference were:

- (a) whether present government arrangements for security in corrective institutions are satisfactory, and if not, how they can be brought to a satisfactory standard through training and other means;
- (b) where present government arrangements for security in corrective institutions are found not to be satisfactory, whether it would be preferable to have a few larger corrective institutions rather than have the number of corrective institutions which Papua New Guinea has at present or which are planned for the future;
- (c) who were the persons or organisations within or outside the Papua New Guinea corrective institutions who may have contributed to those disturbances;
- (d) what were the motives or apparent motives of the persons and organisations referred to in clause (c) of this commission;
- (e) whether any of the disturbances arose or were increased by any broadcast or published media report; and
- (f) whether there are any other matters of a cultural, economic or social nature that have helped to cause the present disturbances.

The commission took almost six months to complete its report, in which it sets out a summary of findings and a summary of recommendations.

Findings of the Commission

The first finding was that the basic causes of disturbances in September 1979 in corrective institutions was that the prisoners in some institutions were in a state ready to express their unhappiness by whatever means were available including strike action and escape; that this discontent was in need only of some sort of spark to set it into active operation; and that such a spark was provided by the unusual situation of a Minister for Justice being committed to prison after conviction by the supreme court and being released 24 hours later by executive action of the Prime Minister in his newly-assumed role as Minister for Justice. In the body of the report there is detailed various grievances of the prisoners about their conditions.

The second finding of the commission was that security arrangements in corrective institutions in Papua New Guinea are completely inadequate. The report makes it clear that this view is not a novel opinion but has long been held by the Corrective Institutions Service. The second, third, and fourth findings in summary all deal with security arrangements, and the body of the report indicates that security is unsatisfactory in many ways. Physical security is most inadequate, with, in many cases, a complete absence of security fences, laxity in control of prisoners, lack of equipment in the way of weapons to control disturbances, unserviceable firearms, and an absence of standing plans of action in the case of riots or disturbances. The report also indicates that the inadequacy of security reaches right back to questions of staff and staff training.

The fifth finding of the commission was that there should not be any general movement towards fewer and large corrective institutions. The report makes it clear that a variety of factors such as population distribution, transport facilities, location of criminal activities and availability of land combine to require some large institutions and a number of small institutions as well. The summary ends with an indication that no evidence appeared that the disturbances in the corrective institutions had been influenced or contributed to by persons or organisations outside the institutions.

Recommendations of the Commission

There are 12 major recommendations set out at the beginning of the report. The first one is that the Corrective Institutions Service take steps to be more aware of the movements of prisoners in the Bomana Corrective Institution. It states that laxity in the control of movement of prisoners appears to be capable of being used by prisoners to promote mischief. In the body of the report it is indicated that the Commission heard evidence from prisoners that they moved around fairly freely from one section of Bomana to another, and were able to pass through gates guarded by staff

simply by saying without any corroboration that they were required elsewhere. The Corrective Institutions Service agrees that there was laxity at the time the commission made its inquiries and the matter is under examination by the commissioner, who considers that a shortage of staff is one factor in this lack of control.

The second recommendation was that certain events of September 1979 at Bomana should be the subject of further inquiry with the aim of disciplinary action against certain members of the Corrective Institutions Service. That day followed two days of disturbance in Bomana Institution. The report states that the disturbance among the detainees finished with the events on 19 September. The commission indicated that it heard evidence that on the morning of 20 September 1979, when the Bomana Institution was under control again, there was a morning roll call when numbers of prisoners were made to run the gauntlet and were assaulted by two lines of warders. Father Kevin Murphy, Chaplain and Acting Assistant Commissioner at the time of the disturbances, gave his version of these events to the commission and the commission also heard from three prisoners about the same events. The report indicated that at least one assistant correctional officer could be named. While the commission's report calls for an inquiry for disciplinary purposes within the Corrective Institutions Service, it is clear that the power of the Service to make its own inquiry in this regard is limited. It is naturally within the powers of the commissioner to appoint an officer to investigate for the purpose of possible disciplinary charges but the Corrective Institutions Service does not appear to have sufficient powers under the Corrective Institutions Service Act to conduct an official inquiry in the appropriate way, that is, to take sworn evidence.

The commission expressed that perhaps it may be possible for the Justice Department to make available a magistrate or other person clothed with judicial powers to take evidence on oath. Alternatively a minister could set up a body such as a committee of review to take evidence and recommend any prosecutions.

The third recommendation of the report is that immediate steps be taken to terminate the dangerous propensities at the Kuveria Institution which is near Kieta in the North Solomons Province. The report indicates that at that institution, staff appear to be exposed to more than average dangers because of the very low standard of security and the remoteness of the institution. The report indicates that there is no electricity supply at Kuveria, and at night, coleman lamps are used. If there is rain or substantial wind even these are removed and the staff are reduced to moving around with hand torches, which means there is no real possibility of patrolling the area. The Commissioner for Corrective Institutions has indicated that while Kuveria is an example of the difficulties and dangers which his staff face, there are several problem institutions, which because of their location, their size,

and particularly of the absence of the physical aspects of security, such as fencing, are a danger to his staff. He mentions among these, Bomana, Baisu, Boram, Buimo, and Beon institutions. At all these, he indicates, the immediate problem is lack of finance to bring physical security to appropriate standards, and also to provide a level of staff sufficient to handle prisoners satisfactorily. The Commissioner for Corrective Institutions has indicated that in general, security in corrective institutions is restricted to compounds, that is to say, only the sleeping compounds, and in some cases officers' and mess facilities are fenced. Once a prisoner is outside these compounds there are no security fences and the way is open to escape, if they wish. The commissioner has indicated that he has made no general submission about security fences to cover whole institutions as it is realised that this would prove extremely expensive, and he has been unable to secure adequate fences for even the compound areas. Security is not, however, only a matter of physical security such as fences. It also involves adequate staff, adequate arms, and riot-control equipment, and also the ability of staff to handle prisoners in any circumstances. This indicates that almost all the commissioner's problems are financial in the long run.

The fourth and fifth recommendations relate also to security and are to the effect that there should be an assessment of the need for firearms and other riot-control equipment in the institutions, and that an overseas prison security expert be invited once in about every two years to inspect one or two of the larger corrective institutions on each visit, to advise on current security methods and trends.

This no doubt means that such a visiting expert should recommend particularly the installation of additional security as he sees it is required. The Commissioner for Corrective Institutions agrees generally with this proposition. The Commissioner is strongly in favour of outside advice upon security, and it certainly appears there is a considerable amount of liaison between the prison services of various countries. The commissioner has pointed out that the question of money is also involved in such a recommendation.

The Commissioner indicates that he has no firearms experts. Staff instructors are able to teach recruits to use firearms, but there is no follow-up by way of refresher training in the use of firearms. There is in fact not much in the way of arms in the Service, the average being about one shotgun per institution. There are some .303 rifles which are used for ceremonial purposes but not all of these can be safely fired. Some superintendents have a pistol, but not all. The Commissioner has indicated that late last year an order was placed overseas for new riot control equipment, money having been approved and allocated. The Commissioner has indicated that he will be reluctant to distribute

all these items, because there are few if any secure armories in the Service except at Bomana. He does not see the need for a full-time firearms expert. He is in favour of refresher courses for all staff in the use of firearms but has pointed out that few institutions have shooting ranges and therefore refresher courses in firearms would involve a certain amount of travel of officers to get their refresher training at the few ranges available in Papua New Guinea.

The sixth recommendation is that the Corrective Institutions Service recruit overseas experts on short-term contracts to hold key positions, especially in staff training and in selected fields of training for prisoners and financial planning. The Commissioner for Corrective Institutions has indicated that he has asked the Public Services Commission to advertise overseas and nationally for such positions as he has approved. So far, suitable personnel have not been secured. A further problem may have arisen with the freezing of overseas recruitment by the Public Services Commission.

The seventh recommendation is that the Corrective Institutions Service be changed in name to 'Prison Service' or 'Penal Service', and that the corrective institutions be changed in name to 'prisons'. The commission of inquiry noted that only in one state in Australia does the penal authority have any title suggesting it is corrective and even there corrective institutions are called prisons and staff are prison officers.

It would appear that prison services in Australia do not claim to be corrective, as correction is generally considered to be a matter for the prisoner himself. It would certainly be simpler to use the simple word 'prison'.

The eighth recommendation is that the report of the Royal Commission into New South Wales Prisons in 1978 should be examined by the Corrective Institutions Service with a view to its being a standard reference for the time being for training staff. The Commissioner for Corrective Institutions has indicated his agreement with this proposition.

The ninth recommendation is that close consideration be given to the establishment of a board of commissioners to head the Corrective Institutions Service. This, it is suggested, should consist of three to five commissioners of whom a majority should be full time, the others being chosen from persons not necessarily with a background of prison service but with some specialised experience such as finance, social work, psychology, probation or parole. The Commissioner has indicated that this recommendation interests him. However, he is also of the view that the Corrective Institutions Service should have greater independence. It is at the moment entirely responsible to the secretary for justice for its day-to-day operations while of course being very much subject to

the dictates of the Department of Finance in view of the considerable amount of money which is required to operate the Service, and the even greater amount of money which would be required to put into operation moves towards additional security and higher standards of housing prisoners and protecting them.

The tenth recommendation is that remissions of sentences be introduced. Remissions of sentences was a standard procedure until it was abolished in 1973 by the decision of the Honourable Dr John Guise as Minister responsible for the Corrective Institutions Service. By a decision of the National Executive Council recently the Corrective Institutions Service Regulations have been amended once more to provide for remission of sentences. Unlike the situation previously operating, these remissions will not be automatic but are intended to be earned by prisoners, particularly by good behaviour.

The eleventh recommendation was that the total ban on smoking in corrective institutions be removed. Smoking in corrective institutions was also banned on the decision of Dr John Guide in 1973. So far as can be interpreted from newspaper reports of that time, it appears that no question of health hazard or fire hazard was involved, but that Dr Guise was determined to make prison life a little harder for prisoners. The Commission of Inquiry has expressed its views that to refuse smoking to prisoners is to be seen as a denial of rights. The Commissioner for Corrective Institutions has indicated that he personally is opposed to a relaxation of the no-smoking rule particularly for reasons of fire hazard. So many corrective institutions are still largely made of flammable bush materials, and smoking in compounds is seen therefore as a fire danger. Although smoking in the open would be less dangerous the question of retention of smoking materials and matches by prisoners is still an aspect of fire hazard.

The twelfth and final recommendation in this report is not related to corrective institutions but recommends that consideration be given to the establishment of a permanent body to control and service the overall administrative requirements and functions of commissions of inquiry.

Other Investigation of Incidents in Prisons

The above summary of the commission of inquiry into disturbances in Papua New Guinea Corrective Institutions in 1979 is regarded as the major investigation of incidents in prisons in Papua New Guinea since Independence.

There are of course investigations of incidents and of complaints within prisons by other constitutional or statutory bodies such as the Ombudsman Commission, the state Solicitor's Office, and the Public Solicitor which are conducted when incidents are brought to their notice.

The Ombudsman Commission under section 17(1) of the Organic Law on the Ombudsman Commission is required to conduct investigations of incidents and complaints in prisons even if it realises that these are of trivial nature.

RECRUITMENT AND DEVELOPMENT TRAINING*

The Correctional Institutions Service is a ministerial body which until recently formed one part of the Justice Department. Similarly, the Justice Department also has a minister and so the Corrective Institution Service served two ministers. It is pleasing to note that his dual responsibility ceased as of February this year.

At the apex of the Service's structure is a single commissioner, who is assisted by a deputy and three assistant commissioners.

The Service enjoys a two-tier system of officer, these being commissioned or correctional officer and non-commissioned or assistant correctional officer. Commissioned officers are employees of the Public Service Commission whereas non-commissioned officers are employed directly by the Commissioner. This second dual responsibility should vanish during this year as the Parliament passes a bill leading to the establishment of the Commissioner as sole employer of members of the Department of Corrective Institutions Service.

Present total membership of the Service is 1,500 of which 120 are commissioned officers. Unlike many other correctional services, clerical, administrative and support staff are uniformed members of the Service.

The Service caters for a population of 6,000 detainees spread throughout 23 institutions of various capacities.

The operational budget for 1985 as appropriated is 11 million kina and through the National Public Expenditure Plan, a further 1.4 million kina has been allocated towards capital works and various project developments.

Most of the institutions were built in the 1960s and although comparatively new compared with other Commonwealth countries' facilities, they do not incorporate such things as brick walls or electronic devices and thus were relatively inexpensive to construct. Barbed wire and double cyclone fencing were the security

* This paper was first presented at the First Commonwealth Correctional Administrators Conference in Hong Kong, March 1985, under the title 'Advances in the Training of Papua New Guinea Correctional Staff'.

of the day. With the exception of a few of the smaller institutions, the facilities allow for the production of cash crops such as tex, coffee, cocoa and palm oil, and subsistence items such as chickens, pigs and cattle as well as market crops.

Vocational training is available for detainees in the largest of the prisons and apprenticeship schemes are widely used. Papua New Guinea constitutional requirements demand the separation of offenders and at the same time direct an offender to the institution nearest to his/her home province. Hence, each institution provides separate accommodation for juveniles, females, and remand prisoners.

In 1984, a newly declared institution at Kainantu in the Eastern Highlands Province was given over to the housing of female detainees. This experimental institution is the first of its kind devoted to the sole care of female detainees within Papua New Guinea.

The Service up until 1982 enjoyed its own training facility at Bomana, outside Port Moresby. The facility was officially closed down by the Government as part of its rationalisation program at the time. Despite this direction by the government, the Training College operates on a limited basis and it is hoped that it will officially re-open in early 1986.

The Training College is an ideal facility for it has the buildings presently required and the space in which to expand when needed. More importantly, its proximity to the Service headquarters, a maximum security institution and a major central corrective institution augurs well for any practical or on-the-job training.

From this brief description of the Service, it may be argued that it is moving in the right direction towards meeting its obligations, given the constraints upon a developing country. Correctional services in the more developed countries have difficulty in fulfilling their role and Papua New Guinea as a developing country has had its share of similar problems and some more.

In 1979 a Government-sponsored review of the total Correctional Institutions Service of Papua New Guinea commenced. The present training program was developed in the days when warders had little formal education and when the detainee population was largely uneducated. Under these conditions, it has proved adequate. However, with greater numbers of sophisticated detainees, this basically custodial training is becoming (and being seen to be) insufficient. The committee of review identifying the inadequacies went on to suggest the corrective steps required to bring about a metamorphosis within the training system.

At the time the report was considered by the majority of correctional staff to be reasonably accurate in describing the prevailing conditions of the Papua New Guinea Correctional Service. Furthermore, the recommendations made by the report were seen as being a positive step, albeit a small step, towards improving the situation.

At the same time, Papua New Guinea was (and still is) experiencing a deteriorating law and order problem. An increase in gang activities involving relatively sophisticated crimes such as armed hold-up, break and enter and malicious damage alerted the government into taking positive action to curb the increasing problem. A greater proportion of the budget was diverted to the police and courts but unfortunately no action was taken on the corrective institutions review.

Needless to say, the 'insufficient' training as identified by the review did not improve but tended to degenerate marginally. The gap between the training given to members of the Service and the actual needs of the members became wider.

A commission of inquiry into disturbances in corrective institutions of Papua New Guinea occurred in 1979. This second inquiry once again identified the same types of problems as previously identified by the committee of review. Once again there has been no action taken on the implementation of their recommendations.

Training was being conducted both at the Training College and throughout the use of the Joint Services College in Lae. However, these courses were considered inadequate for recruits and officer cadets. Indeed at the Joint Services College, for cadet commissioned officers, only two of the 50 weeks of training dealt with issues specific to the Corrective Institutions Service. The second year of the cadet training was primarily spent in two six-month placements to selected institutions, sometimes broken by short courses in agriculture, forestry and animal husbandry. As for the non-commissioned recruits there was no set curriculum within the Training College and very few training aids. Instructors did not possess teaching skills and lacked the expertise to develop more appropriate syllabi.

A few commissioned officers found places on external courses but in the absence of any career path planning, the benefit derived by the officers was limited.

Given certain budgetary constraints, the problems confronting the training of staff were not insurmountable but they could not be overcome overnight.

In 1982 moves were made to have a number of officers trained at the Goroka Teachers College. Simultaneously a search began for a person

who could take over as commandant of the Training College and develop the training, recruitment and assessment program. In 1983 a second officer, from the New South Wales Corrective Services, was appointed and given the appropriate task to complete.

After being made aware of the Papua New Guinea Corrective Service's goals and functions, the officer set about the task of identifying the training and development needs. It was obvious that the training programs both at recruit and promotional level were inadequate to the point of being practically non-existent and, as previously stated, did not meet the needs of the Service.

Due to the Training College being officially closed by the Government in 1982, any funds that were required for course development had to be found from non-training budget items.

By mid-1984 a series of recruit training manuals were produced covering a 16-week recruit program. New objectives had been set, evaluation and assessment instruments designed and the complete course structure finalised to the required detail. Instructors graduating from the Goroka Teachers College joined the Training College staff.

As far as the in-service programs were concerned, it was necessary to decentralise the operations to avoid the costs of travel. Papua New Guinea is somewhat unique to the extent that travel from centres outside Port Moresby has to be by air. It was a case of the College going to the course participants in their respective regional centres.

An in-service promotional course was designed for the first level of assistant correctional officer.

A peculiar problem confronting the promotional course content was caused by the previous years of neglect. It was found that many of the staff had not enjoyed a basic education, were not fluent in either Pidgin or English and had been inadequately trained upon joining the Service.

The only immediate answer to the problem was to produce a mini version of the recruit training program and at the same time attempt to meet the needs of the job requirements they were expected to undertake. Unfortunately, this situation will apply to all future promotional courses until such time as graduates from the new recruit program are ready to take up promotion.

At the time the recruit and promotional courses were being designed it was recognised that to be effective and efficient, training of any type must be provided only to employees or potential employees who have been carefully screened and selected.

Recruitment procedures that involved the measurement of the candidates' suitability were non-existent. Candidates were being selected on intangible assets, such as who they knew in the Service, nepotism, wantokism, etc. Minor guidelines for recruiting officers were available but these only covered areas such as basic physical requirements, minimum qualifications and a rather dubious province-by-province recruitment ceiling, with some emphasis placed upon the need for specialists such as tradesmen, clerks, agriculturists (didimen) etc.

The recruitment procedures were changed to the extent that the following components are now present:

- . a standard pre-requisite level of education, grade 10;
- . a compulsory pre-recruitment test that enables the recruiting officer to differentiate the candidates and select the top tenth percentile;
- . a critical incident interview assessment that allows for a consistency of situations between candidates; and
- . a centralised checking and validation of candidates' results to neutralise any possible bias.

The recruitment procedures are experimental at this stage and measures will be taken in the future to validate the system. As it is, there does appear to be a good correlation between the recruitment test and the level of success enjoyed on the recruit training course.

Commissioned officers do not have any in-service training program at this time. External courses are made available to a few and these comprise university and diploma courses.

From time to time the Service has been fortunate in sending some commissioned officers to Japan and Australia but in the absence of proper career path planning, selection is based upon the queue method or wait-your-turn system.

The future of the training system is not entirely at the discretion of the Corrective Services. For the system to progress further into the field of training and development the Papua New Guinea Government must make available adequate funds. What has been achieved to date has occurred with little funding and consequently some corners have had to be cut. Should adequate funding be available the following plans may be implemented:

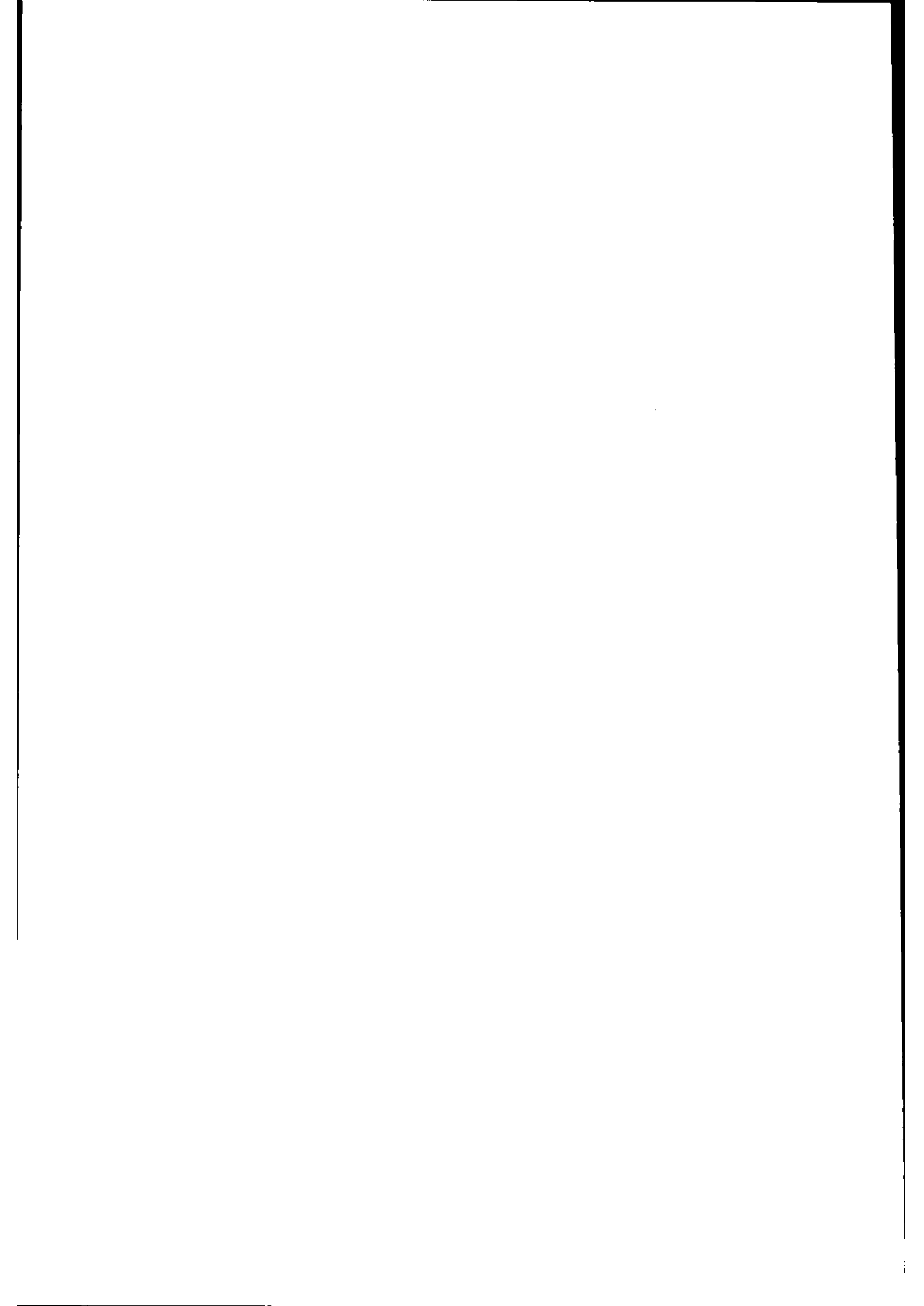
- . the re-establishment of the Training College;
- . the further development of the in-service training program;
- . the development of a career path planning operation;

- . the restructuring of the training division;
- . a greater use of job exchange and overseas training programs;
- . the setting up of four regional staff development offices;
- . an increase in scholarships;
- . employment of overseas specialists on short-term contracts;
- . training the trainer programs; and
- . evaluation of the recruitment tests and recruit training program.

The previous list is far from exhaustive but does give a clear illustration of the infancy of the program.

If previous experience is a good indication of future progress, it could be envisaged that five years will pass by before the training system can meet the challenges of the changing prison environment. Much work has yet to be done and naturally Papua New Guinea will be grateful for any assistance it can receive from outside services.

SRI LANKA



SRI LANKA

INVESTIGATION OF INCIDENTS IN PRISONS

In Sri Lanka the Prisons Ordinance specified the procedure for inquiry into all incidents in the prisons. Technically it is the responsibility of the superintending officer in administrative charge of a prison to investigate or cause to be investigated every incident that occurs inside a prison. The procedure of investigation is so specified as to ensure that an inquiry will reveal actual facts and at the same time ensure that every prisoner will have an equal opportunity of making whatever representation they wish to make regarding the incident without intentional suppression of material facts. This would therefore imply the existence of a system whereby every investigation is conducted by a senior officer in writing where ample opportunities are available for prisoners to make representations even against the administration.

In actual practice and whenever there is an incident in a prison the jailor on duty is required to make a brief immediate report to the superintending officer, and thereafter proceed to record statements and conduct an inquiry into the incident with a view to ascertaining either the reason for the incident or the prisoners responsible for it. The superintendent may in the meantime forward an interim report to the Commissioner if the incident is considered to be of a serious nature.

The jailor is therefore a responsible officer whose primary task is the maintenance of order and the holding of inquiries into incidents. Therefore an integral part of their training consists of techniques of holding preliminary inquiries, eliciting information, and making reports to their superior officer. The jailor who conducts the inquiry must give an opportunity for all prisoners, or any prisoner who witnessed the incident, an opportunity of giving an account of the facts. The jailor must be capable of sifting the evidence and making a decision regarding the truth or otherwise on the fact of the evidence.

After the preliminary inquiry the jailor is required to submit a report and recommendation as to further action to the superintendent of the prison. If the further action recommended by the jailor calls for disciplinary action against the prisoner or any particular officer there is provision for the accused officer or the accused prisoner to summon witnesses for their defence. Therefore, the procedure in Sri Lanka safeguards the interests of the accused even though they may be a prisoner.

The formal inquiry or disciplinary action against a prisoner may either be before a tribunal, in the case of serious offences, or before a superintending officer in charge of the prison. The powers

of the tribunal and the superintending officer with regard to punishment are specifically stated. At the tribunal or disciplinary inquiry, as in a court house, the evidence for the prosecution is formally led by the prosecuting officer. Thereafter the accused has a right to cross-examine these witnesses and if necessary call evidence in rebuttal. On the evidence led at the formal inquiry the inquiring officer makes a decision as to punishment. The prisoner has a right to appeal to the Commissioner of Prisons against any punishment imposed. Thus it will be seen that the procedure for investigating as well as the procedure to be followed is laid down so as to ensure the protection of human rights and personal liberty.

FACILITIES AND PROGRAMS FOR FEMALE PRISONERS INCLUDING THOSE INMATES WITH CHILDREN

In Sri Lanka the number of female prisoners at any given time is only about 250 remand prisoners and approximately 125 convicted prisoners. Since the numbers are small and the large majority of them are remand prisoners who have to be produced before local courts for petty offences the female prisoners are invariably detained in a small female section in each of the main prisons. It is not considered worthwhile to build a separate institution for female prisoners in Sri Lanka. However, all female prisoners sentenced to over six weeks imprisonment are transferred to the section of the main prison in Colombo, which therefore serves as the largest single unit for female prisoners. On a typical day the number of convicted women in this unit is less than 100, with sentence lengths as follows: under six months - 50; six months to three years - 12; three years to five years - 1; and over five years - 8.

All convicted women are expected to work eight hours a day. Where the sentence is less than six weeks they are invariably employed in jail services which means cleaning and sweeping the premises. Those sentenced to over six weeks imprisonment are all located in the female section of Welikade Prison in Colombo and they are given training in tailoring, batik printing, and coir and mat making. The numbers do not justify the setting up of a large industrial workshop.

Apart from on-the-job training in the trades specified above, facilities are provided after normal working hours for remand prisoners to study needle work and embroidery, flower making, and manufacturing of jams, cordial and pickles. These classes are conducted by a social service organisation known as the Soroptimist International, which is an international organisation of professional women. This organisation funds its own program through a sales room where prison produce is sold to the public, and also makes payment out of their profits to the women in their needle work classes.

Even remand prisoners are allowed to participate in the classes conducted by Soroptimists. In the outstations, women's organisations, such as the Mahila Samithiya or the local branches of the Prisoners' Welfare Association, organise the provision of services rendered by the Soroptimists in Colombo.

Sometimes women with children in arms are admitted both as remand prisoners and convicted prisoners. Invariably the warrant of commitment contains an endorsement from the magistrate with the words 'with child in arms'. In such cases the women are allowed to retain the child with them in the female section. Children are only separated from their mothers when they are no longer being breast fed and only if some near relative or home is willing to take them in. Otherwise they sometimes remain with their mothers even until they are two or three years old. A special program available for these children is a pre-school set up for the department by the Sarvodaya Organisation. This school is in the vicinity of the prison in Colombo and every morning children are sent to the school in charge of a female prison officer.

Facilities are also provided for indoor games such as carrom and drafts for female prisoners. They are also provided with library facilities, newspapers, radio, and television. In a number of institutions these television sets have been donated by the members of the public or social service organisations such as Rotary Club or the Lions Club.

Facilities are also available for the observance of different religions. A large majority are Buddhists and invariably every Sunday a Buddhist chaplain visits the female sections. All female sections have separate places of worship.

It will thus be seen that action is being taken to teach female inmates vocations which have been traditionally performed by females in Sri Lanka. These do not include the more sophisticated vocations such as hair dressing or beauty specialists which would not suit the type of women admitted to prisons in Sri Lanka. They are taught a trade and provided the basic requirements of educational and leisure time activities.

EXTENT AND USE OF MINIMUM FORCE IN PRISONS

All prison systems throughout the world have made provision for the use of some force in certain situations and circumstances. As a general rule it is possible to obtain compliance with prison rules and regulations without the use of force. However, all prison officers are aware that at any moment a situation may develop which requires the use of force. In every prison system there is at least a small percentage of recalcitrant prisoners who require the use of force.

The definition of minimum force varies with the situation and the incident and the number of prisoners involved. There is also a risk that once the decision to use force has been made it is very difficult to determine what is the minimum. If the situation arises from disobedience of orders than the minimum required is a compliance with the order. If, on the other hand, it is decided to use force to prevent an escape it would involve the incapacitation of the prisoner concerned.

However, one has to bear in mind the fact that society is ever ready to use the term 'prison brutality' just as much as 'police brutality'. In the Sri Lankan situation the reasonable use of force is allowed under the following circumstances:

- . to prevent an escape;
- . to save the life of a prisoner or an officer who is being attacked;
- . to prevent damage to government properties; and
- . in self defence.

If the use of force results in the death of a prisoner in Sri Lanka it is necessary to have a magisterial inquiry, and there have been cases where magistrates have upheld the use of force and brought in a verdict of justifiable homicide. The four circumstances mentioned above are adequate to cover most situations which arise in a prison. Nonetheless, sometimes prison officers do use force at the wrong time, such as after an escape has taken place and the escapee has been rearrested.

The danger in such a situation is that it is not possible to fix responsibility if the prisoner succumbs to injuries. There are also occasions when it becomes necessary to order a baton charge or to open fire. In these circumstances the order is always given by a senior officer who is able to justify the need for the use of force. Therefore it might be stated that this provision is necessary for the maintenance of law and order in a prison setting.

RECRUITMENT AND DEVELOPMENT TRAINING

In Sri Lanka, recruitment of prison staff is done through the Job Bank Scheme, with minimum educational standards for different ranks laid down in the scheme of recruitment. Candidates with these requirements are sent to the prison department for interview and selection and selection is done by the superintendent of the training centre through an interview board consisting of two staff officers. Thereafter, all prison officers are given a training at the Centre for Research and Training in Correction before they are sent out to work in the prisons.

The centre is headed by a superintendent of prisons and is responsible for all training programs. In addition to the basic

training given to all officers on recruitment, training is also provided at different levels. For instance, there are training programs for officers holding specific posts such as gate keepers, store keepers and vocational instructors.

Training is also provided on promotion from one rank to another. Therefore the Centre for Research and Training in Correction offers training on intake as base grade prison officers and thereafter offers in service training.

Promotions within the department are based on seniority and merit, and also on written and oral examination. A proportion of the vacancies in the superior ranks is also by direct recruitment. This method ensures the infusion of new blood into the system while at the same time providing opportunities for promotion of senior hands.

During the ten years of its existence the Centre for Research and Training in Correction has provided training for approximately 2,500 officers. This has gone a long way towards providing a new image of correctional officers in Sri Lanka.

CHANGING RESPONSIBILITIES OF CORRECTIONAL ADMINISTRATORS

It is an accepted principle anywhere in the world that the tone of an institution, its program, its cleanliness, its layout and even its very atmosphere depends on the administrator in charge of the institution. This is a vocation that calls for round-the-clock dedication, enthusiasm and interest. Therefore, it requires people with commitment, who have faith in the concept of rehabilitation and the humane treatment of the offenders, and who are not mere clock-watching public servants.

In Sri Lanka as in many parts of the world, the prison service ranks very low in the allocation of funds in the national budget. Therefore, funds, materials and staff are very limited. Prison administrators in the local setting are therefore called upon to play many roles and have many skills if they are to maintain standards required of a modern prison where human beings are corrected and rehabilitated and not merely punished. Thus in order to maintain a reasonable standard of food they are expected to have a knowledge of diet and cooking; similarly they must be a layout artist and an architect; and have to be social workers in order to treat their prisoners humanely. At the same time, in order to ensure security and discipline, administrators to have a knowledge of security; in order to prevent untoward incidents they have to be psychologists. All this means that a prison administrator today must be a combination of carpenter, electrician, construction engineer, architect, social worker, psychiatrist and politician all rolled into one.

Furthermore, the correctional administrators in the developing world, particularly in the Asian region, are called upon to play

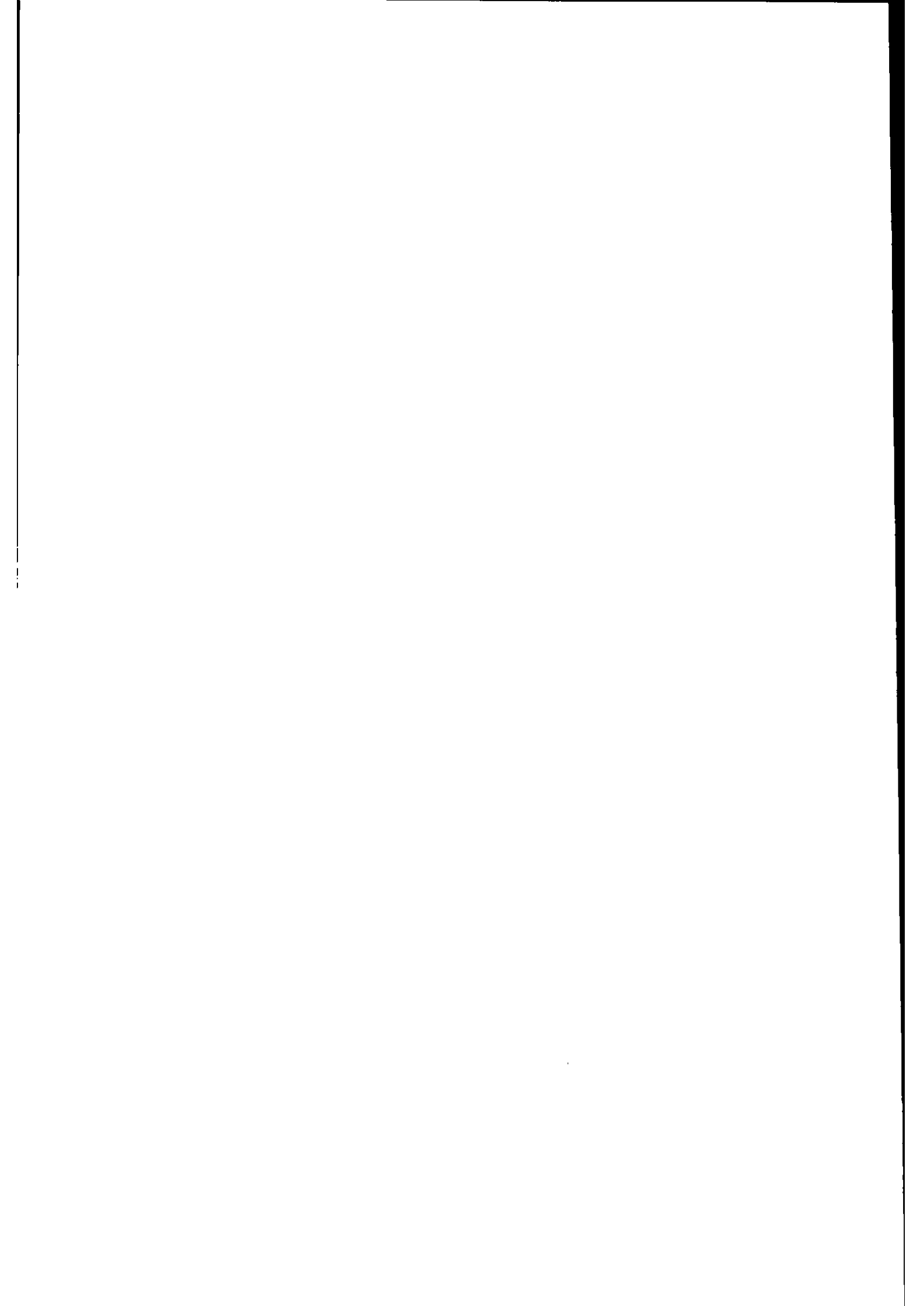
a vital role in planning and developmental strategy. They are required to have skills in forecasting crime trends, and in planning and crime prevention strategies. They are called upon to design new prisons with the latest gadgetry to meet changing needs, so they must familiarise themselves with new technology and security devices. Finally, where the old correctional administrator could get by without much knowledge of research techniques today's administrator needs these skills to prepare plans for a developing situation and changing world.

It is not always possible to find such people and the terms and conditions of service offered in the prison service do not attract the right type of person. These are some of the problems confronted in the service today in Sri Lanka. In order to meet these problems an intensive program of training is the only answer, to equip an administrator with all these skills. Very often this requires the training of prison administrators in foreign countries on scholarships. Therefore, adequate scholarships for training abroad for correctional officers at all levels is a sine qua non.

A recent problem for many correctional administrators is the rapid movement of staff as a result of employment opportunities in the Middle East and other developing countries. This means that even trained staff do not remain in the prison service and in many countries the prison staff is depleted.

From a more positive angle there is also a growing tendency towards professionalism. In Sri Lanka as well as in some other countries in the region the prison service is no longer a segregated service. With the growth of the concept of community treatment of offenders, prison administrators are called upon to develop skills to work with the community and to obtain community assistance for their programs.

THAILAND



THAILAND

INVESTIGATIONS OF INCIDENTS IN PRISONS

The term 'incidents in prisons' is too broad and may include several kinds of activities for which investigation is not necessary. In order to make it clear, therefore, a definition should be given. In Thailand, 'incidents in prisons' have been defined as 'any activities of both prison staff and inmates which violate prison regulations or are illegal and need investigation'.

According to the Ministerial Regulations of 1936, the warden and deputy warden are empowered to deal with prisoners who commit a breach of discipline. In such cases, an opportunity should be given to prisoners to explain their fault and before a punishment is ordered a committee which is composed of three prison staff must be appointed in order to investigate the case. A deputy warden of a prison is empowered to punish a prisoner who commits a breach of discipline. After punishment has been ordered by the deputy warden a report must be sent to the warden who also has the power to cancel, reduce or increase the punishments. This must be done, however, within three days.

Types of punishment are as follows:

1. Suspended sentence and binding over the prisoner to good behaviour, used where:
 - . the offence is not so serious;
 - . the prisoner has realised his/her mistake.
2. Ordering the prisoner to have no visit for two months or three months, used where the prisoner:
 - . violates the prison regulations concerning the visit;
 - . attempts to escape or escaped but was captured later;
 - . brings in or possesses contraband;
 - . takes anything which does not belong to him or her out of prison without permission.
3. Denying class promotion for six months, used where the prisoner:
 - . attempts to escape or escaped but was captured later;

- . brings in or possesses contraband;
 - . takes anything which does not belong to him or her out of prison without permission;
 - . damages prison and other properties by negligence;
 - . obstructs other prisoners' work by negligence.
4. Putting the prisoner in solitary confinement for one month or six months, used where the prisoner:
- . resists a prison officer's order from the ranks of deputy warden upwards;
 - . quarrels with others for the second time;
 - . becomes banker in a gamble or gambles with others for the second time;
 - . drinks alcohol, smokes cannabis, opium or other intoxicating drugs for the second time;
 - . possesses contraband which can be used as instruments of escape;
 - . traffics in contraband.
5. Reducing the prisoner's classification, used where the prisoner:
- . intends to damage prison and other properties by negligence but there is no serious damage;
 - . intends to obstruct other prisoners' work by negligence but there is no serious damage;
 - . resists a prison officer's order;
 - . quarrels with other prisoners but there is no serious injury;
 - . gambles;
 - . drinks alcohol, smokes cannabis, opium or other intoxicating drugs;
 - . traffics in contraband.
6. Reducing or cancelling all or some privileges and rewards, used where the prisoner:
- . damages property of others;

- . quarrels with others while working;
- . deserts his or her duty.

(Cancellation will be used where the prisoner commits any of these offences with intention to cause damage.)

7. Putting the prisoner in a dark cell for not more than two days in a week, used where a prisoner

- . quarrels with others frequently;
- . assaults or attempts to assault a prison officer;
- . causes an uprising where there is no serious damage;
- . intends to desert his/her duty;
- . intends to resist a prison officer's order;
- . attempts to escape.

8. Flogging the prisoner with no more than 20 strokes, used where the prisoner

- . joins others in causing or uprising;
- . assaults or attempts to assault a prison officer;
- . attempts to escape;
- . resists a prison officer's order suddenly;
- . intends to cause damage to others or to the prison and the damage occurs;

(Note This kind of punishment has been abolished since 1948.)

9. Reducing the prisoner's accumulated days of sentence remission.

In cases where a prisoner commits other offences, prison wardens can use any punishment measures except flogging at their own discretion.

Prison wardens are empowered to use flogging with other punishment measures at their own discretion where a prisoner commits a breach of discipline and is also a stubborn person in that he or she:

- . violated prison regulations for the third time within nine months;

- . intended to resist a prison officer's order not less than twice within six months;
- . was imprisoned more than three times (except for minor or neglectful offences) and committed a breach of discipline not less than twice within six months.

Appeal procedures exist for inmates to protest against a prison warden's decision. An appeal can be made verbally and in writing and must be sent to a deputy prison warden.

If the appeal is not confidential, the deputy prison warden must investigate the case, correct or assist the prisoner as much as possible, or refer it to the prison warden. If the appeal is confidential, a prison officer has no power to open it but has a duty to send it to the addressee. If the addressee is the Minister, or the King, it must be sent to the Director-General of the Department of Corrections for consideration.

The result of an appeal must be communicated to the prisoner who has to sign that he/she received it.

The following incidents in prison can be dealt with by a prison warden but they must also be reported to the Director-General of the Department of Corrections:

- . prisoner's escape;
- . prisoner's uprising;
- . prisoner's death and assault;
- . prisoner's drug trafficking;
- . accidents which cause injury or death;
- . arson;
- . flood;
- . damage to prison property.

The Director-General will use discretion to report any incident to the Permanent Secretary of the Ministry of Interior or the Minister depending on the seriousness.

In cases where a breach of discipline has been committed by a prison officer who works in a provincial or a district prison, the governor of the province is empowered to appoint a committee which is composed of three persons to investigate the case. If a

punishment has been ordered, it must be reported to the Director-General for consideration. The Director-General also has the power to reduce or increase the level of such punishment.

In cases where a prison officer works in a correctional institution or a central prison, the Director-General is empowered to appoint a committee which is composed of three persons to investigate the case. When the punishment has been ordered, it must be sent to the Ministry of Interior and the Office of Civil Servant Commission for consideration. Both organisations are also empowered to use their discretion to reduce or to increase the level of the punishment.

However, appeal procedures also exist for those who have been punished because of a breach of discipline.

Such an appeal must be sent to an authorised person within 15 days if the punishment is lower than a sack with pension and 30 days if the punishment is from a sack with pension and upwards. If the officer is not satisfied with the result of the appeal, he may refer the case to the Administrative Court for consideration. (At present, this court has not been established.)

FACILITIES AND PROGRAMS FOR FEMALE PRISONERS INCLUDING THOSE INMATES WITH CHILDREN

In Thailand, female prisoners are detained separately in three women's correctional institutions. The first is in Bangkok, which accommodates about 2,000 inmates; the second is in the southern part of the country and detains about 200 inmates; and the last is in a province near Bangkok (Pratumthani Province) in which about 600 drug addicted female inmates are detained. At present there are 4,633 female inmates in all. Those who are not sent to the institutions are detained in separate women's sections in 73 central, provincial and district prisons scattered all over the country.

In dealing with these inmates, several categories of programs have been provided. Vocational training programs include tailoring and embroidery, beautification, cloth and silk weaving, cooking, farming, laundering and art.

Inmates who participate in such programs and whose work produces profits are granted 50 per cent of the net profits. In 1984, the highest amount of money which an inmate can get from women's correctional institutions in Bangkok is 3,850.00 baht (\$US142.59); the lowest is 980.00 baht (\$US36.29); and the average is 1,487.04 baht (\$US55.07).

Several kinds of educational programs are also available for those who have no desire to join vocational training programs. These are conducted in very close cooperation with the Department

of Outside School Education and the Religious Department in the Ministry of Education. Programs include an elementary course for illiterates, a first level course which is equivalent to Primary 2 (6 months), a second level course which is equivalent to Primary 4 (6 months), a third level course which is equivalent to Primary 6 (1 year and 6 months) and religious courses in Buddhism which have 3 levels (4 months each).

In addition to these courses, two vocational education courses are available in co-operation with the Ministry of Education. These are tailoring (six months) and beautification (six months).

Those who pass the examinations and fulfil all the requirements are awarded with certificates issued by the Ministry of Education.

In leisure periods, several kinds of recreation programs are also available, including library, radio, television, video tapes, movies, traditional dancing, and various types of indoor and outdoor sports and games.

Each women's correctional institution has a nursing home with several nurses and assistant nurses, and doctors and dentists also visit the institution twice a week. Facilities for minor treatment are available but serious medical or psychiatric cases requiring emergency treatment or intensive care are referred to either outside hospitals or the Central Hospital of the Department in Klongprem Central Prison which is located nearby. All pregnant female prisoners are brought to outside hospitals in order to give birth to their children.

Those inmates' children who were born during their mother's detention, or who have nobody to look after them outside, are allowed to stay with their mothers inside the institutions until the age of 16 according to the law. In practice, however, their ages will be limited to only three years old. In cases where there is no-one to look after them outside, responsibility for children of three years of age is transferred to the Department of Public Welfare.

In dealing with these children in the institutions, some problems may also arise. The most important one is the shortage of money to buy supplementary foods for them such as eggs and powdered milk. Since this budget has not yet been supported by the Government, there is a dependence on private donation, and this is not enough for the operation.

In addition to these problems the women's correctional institution in Bangkok is confronted with the problem of foreign female inmates. This presents a language problem. It is apparent that most of the Thai correctional staff cannot speak

English and most foreign prisoners cannot speak Thai. This has become the main obstacle for their communication. In order to alleviate the problem, English and Thai language courses have been provided for both Thai correctional staff and foreign prisoners respectively.

Foreign female inmates also tend to be more stubborn than Thai prisoners. They usually violate prison regulations or refuse to work. The main reason may result from the above mentioned language obstacle. In order to alleviate the problem, prison regulations should be translated into English and distributed to all of them. For those who still refuse to work, some leniency has been given insofar as this is not treated as a breach of discipline or violation of regulations.

Furthermore, foreign prisoners tend to acquire more privileges than Thai inmates. They usually ask for daily newspapers or radio which are against prison regulations. They also ask for western meals which are not possible according to budget limitations. In order to alleviate the problem, western foods are provided in the institution canteen from which they can buy at their own expense.

Ninethless, female prisoners in the institutions have to follow the normal inmates' daily routine (except Saturday, Sunday and national holidays) as follows:

6.00am	Unlock
7.00am	Breakfast
8.30am	Attend vocational training or educational programs
12.00pm	Lunch
1.00pm	Attend vocational training or educational programs
3.30pm	Recreational or personal activities
4.00pm	Dinner
6.00pm	Lockup
9.00pm	Go to Bed

A convicted prisoner will be released on any one of the following three major grounds:

- a. on the expiration of her term of sentence or by the order of competent authorities;
- b. on royal pardon which may be granted occasionally; or
- c. on parole after two-thirds of her term of sentence have been served or when her accumulated days of sentence remission are equal or more than the rest of her term of sentence.

Released prisoners, with the exception of those released on parole, are not subject to a statutory period of after-care supervision. Clothing and travelling expenses as well as subsistence allowances will be granted to inmates upon their request.

EXTENT AND USE OF MINIMUM FORCE IN PRISONS

In Thailand, the extent and use of force in prisons is specified in the Penitentiary Act 1936, and the Ministerial Regulations the details of which are as follows:

1. The Minister of the Interior is empowered to specify types of weapons which can be used by a prison officer according to the prison regulations.
2. A prison officer is empowered to use weapons except a gun when:
 - . a prisoner is escaping or is trying to escape and there is no other way to prevent him or her except by using weapons;
 - . prisoners cause an uprising or are trying to use force to open or to break a prison gate, fence or wall;
 - . a prisoner is going to use force to assault a prison officer or others.
3. A prison officer may use a gun when:
 - . a prisoner resists a prison officer's order to lay down any weapons;
 - . an escaping prisoner resists a prison officer's order to stop and there is no other way to capture the prisoner;
 - . more than two prisoners cause an uprising or are trying to use their force to open or to break a prison gate, fence or wall, or assault a prison officer or the others and resist a prison officer's order to stop.

If there is a prison officer's superior available at that time, a gun can only be used by the prison officer where an order has been granted by the superior.

4. Weapons, including a gun, can be used by a prison officer for the capture of escaped prisoners within 24 hours of their escape.

5. Prison officers who use their power as specified in the Penitentiary Act, that is with honesty and according to the specified conditions, is not liable to be sued in either the civil or the criminal court for the result of their actions.

6. There are three types of weapons which can be used by a prison officer:

- . pistol;
- . rifle;
- . round club which is 50 centimetres long and has a diameter of 2.50 centimetres.

7. The following prison officers are empowered to use the weapons:

- . A pistol can only be used by a prison officer with a position of prison deputy warden upwards. Those who have lower positions than that must get special permission from a prison warden in case of emergency only.
- . A rifle can be used by a prison officer who controls a prison or while working on a prison tower in case of emergency only.
- . A round club can be used by a prison officer who controls a prisoner or while being on duty.

8. In addition to these weapons, instruments of restraint (fettters, handcuffs, and chains) are specified in the Ministerial Regulations as follows:

- . There are two sizes of fetter: the first size has a diameter of 10 millimetres and the second has a diameter of 17 millimetres. The first size will usually be used except for a convicted prisoner whose term of sentence is from three years upwards or whose offence is a serious one.
- . Handcuffs must be used in conformity with the type and size specified by the Department of Corrections.
- . Chains used with either fettters or handcuffs must not be shorter than 50cm or larger than 75cm or with a diameter larger than 17mm.

In cases where it is believed that prisoners will hurt or kill themselves or others, and there is no better way to prevent them, a handcuff or a chain can be used in addition to a fetter.

In cases where a detained person has been brought outside a prison and an instrument of restraint is deemed necessary, a handcuff should be used except for those whose offences are serious ones when a fetter can be used instead of a handcuff.

Instruments of restraint cannot be used except when a prisoner:

- . is a person who is likely to hurt or kill themselves or the others;
- . is insane or abnormal and therefore potentially dangerous to the others;
- . is a person who is likely to attempt to escape;
- . has been brought outside a gaol and a prison officer who controls the prisoner deems it suitable to use an instrument of restraint;
- . has been ordered by the Minister that an instrument of restraint is necessary owing to prison or local conditions.

In the last two cases, a deputy prison warden is empowered to order the use of an instrument of restraint and also to cancel the order.

The specified instruments of restraint cannot be used with a prisoner whose age is more than 60 years or a female prisoner except where such person is fierce or insane and must be prevented from causing danger.

Instruments of restraint which are not specified in the Ministerial Regulations cannot be used except in some necessary cases where a prison warden may be allowed to use other kinds which are deemed lighter.

In dealing with prisoners, some prison staff may have also been accused of using too much force which may result in disciplinary punishment or court action or both. Most accusations refer to tortures and assaults on prisoners by prison staff, and these must be reported to the Director-General of the Department of Corrections.

Complaint or appeal procedures are widely open to prisoners who are victims, as detailed above under 'Investigations of Incidents in Prisons'. If the victims have no confidence in prison officers, they can tell their relatives during the visits or send a confidential complaint to the Director-General, the Minister or even the King. Upon receiving the complaint, a committee composed of three persons will be appointed in order to

investigate the case. This should be done within 30 days. If the committee, after considering all witnesses and evidence believes that the case is true, disciplinary punishment or criminal prosecution or both will be suggested to the Director-General who will make the decision. In 1985, nine prison officers were punished after accusations of torturing or assaulting prisoners.

RECRUITMENT AND DEVELOPMENT TRAINING

In Thailand, recruitment of correctional staff is under the responsibility of both the Department of Corrections and the Office of Civil Servant Commission. Recruitment can only take place for vacancies at levels PC1 and PC3 within the civil servant range of PC1 to PC11. If there are vacancies in any correctional institutions, central prisons or the headquarters, the Department is responsible for the recruitment of staff at level PC1 only. For vacancies at level PC3, recruitment must be done by the office of Civil Servant Commission.

The office is also responsible for the recruitment of provincial and district prison staff at PC1 and PC3 levels. Those who want to join prison service at the PC1 level in provincial or district prisons must graduate from a secondary school and their age should not be lower than 18 years old; those who want to join the service in correctional institutions or central prisons or the headquarters must graduate from a vocational school. (This has been an agreement of the Department and the office since 1984 in order to raise the level of qualification.) In addition to the lower age limit of 18 years, university graduation is a necessary qualification for those who want to join the Department at level PC3. Qualified candidates who pass the recruitment examination can join the service. The appointment of such persons depends on their fitness and also the priority that they have attained in the examination. They are liable to be appointed within two years; after this period the list will be automatically cancelled.

Those who are appointed are on a probationary period for one year during which they will have to attend a pre-service training course (45 days for level PC1 officers and three months for level PC3 officers). After the probationary period is over and the officers have been approved by their superiors, they will be appointed as permanent civil servants.

In addition to the pre-service training course, in-service training courses are also available to correctional staff. These are courses for:

- . deputy prison wardens (45 days, 75 persons)
- . prison wardens (45 days, 50 persons);

- . correctional administrators (45 days, 30 persons);
- . prison registrars (30 days, 75 persons);
- . prison chaplains(30 days, 75 persons);
- . prison accountants (30 days, 75 persons);
- . parole officers (30 days, 75 persons);
- . vocational training officers (45 days, 75 persons);
- . prison assistant nurses (45 days, 75 persons);
- . woodwork and furniture (45 days, 20 persons); plus
- . national security training courses for correctional officers from levels PC1 to PC5 (4 days, 80 persons); and
- . national security training courses for correctional officers from level PC5 (4 days, 80 persons).

All the courses are the responsibility of the Correctional Staff Training Centre which was established at Nonthburi Province (near Bangkok) in 1963. In addition to the training centre, three sub-training centres were established in the north, the north-east and the south in 1982 in order to provide pre-service training courses for the newly recruited prison officers in these regions. The sub-training centres are also under the responsibility of the training centre.

Some in-service training courses have also correlated with the appointment of higher positions. It has been the department's regulation that those who have not yet attended the courses for deputy prison wardens (PC3-PC4), prison wardens (PC5-PC7) and correctional administrators (PC8) are not liable to be appointed to such positions. There are also some limitations in attending the courses which have made them become more meaningful. Besides their good conduct, prison officers have to work hard in order to be qualified for the courses.

In addition to the training courses, some important activities have been arranged by the Department in order to attract the outsiders to join the service. One of these is the annual exhibition of prison products. The exhibition has been established since 1971. Prisons and correctional institutions from all over the country are invited to bring their products to sell at the exhibition. The department could earn about 110 million baht (\$US407,407.40) from the last exhibition. This exhibition has become famous and has also attracted people from

all walks of life. It may also be the case that in bringing the correctional service to public notice it will contribute towards attracting a better class of recruit for the service.

A second activity involves prison observation in foreign countries. Prison wardens who have worked hard and have made a lot of profits from prison products throughout the year, especially in the annual exhibition, will be awarded an observation tour abroad. In each year, permission will be granted to them to visit prisons in Asian and European countries at the government's expense. The aim of this activity is not only to reward them for their hard work but also to enable them to gain more knowledge and experience which will ultimately be useful to their careers and the department as a whole. This activity has also been known to the public and will also attract a better class of recruit for the service.

THE CHANGING RESPONSIBILITIES OF CORRECTIONAL ADMINISTRATORS

Correctional work in Thailand has changed a lot in the last 30 years. Formerly, the Department of Corrections had only a policy to keep all prisoners in custody. There was not so much stress on the rehabilitation and vocational training of prisoners. Prison staff needed only a limited education and were qualified provided they were tough enough to keep inmates in custody. University graduation was not necessary for either prison staff or correctional administrators and only a few of them graduated from universities. Furthermore, those who graduated from a university did not want to join the prison service. Most of them had a feeling that working in prison was disgraceful so they would quit the service as soon as they could find other better jobs. Some correctional administrators were also upset when they were transferred to work as chiefs of the prison service and they would quit in order to protest against the order. Correctional work at that time was disgraceful and no qualified persons wanted to join the service.

It was just ten or fifteen years ago that correctional work progressed beyond this situation. Correctional work was improved in the eyes of the public when two prison staff were promoted to be directors-general of the Department of Corrections for the first time. During this period many sophisticated measures and activities were introduced which were fundamental to the department's progressiveness at present. Many campaigns had also been conducted in order to attract a better class of recruit for the service.

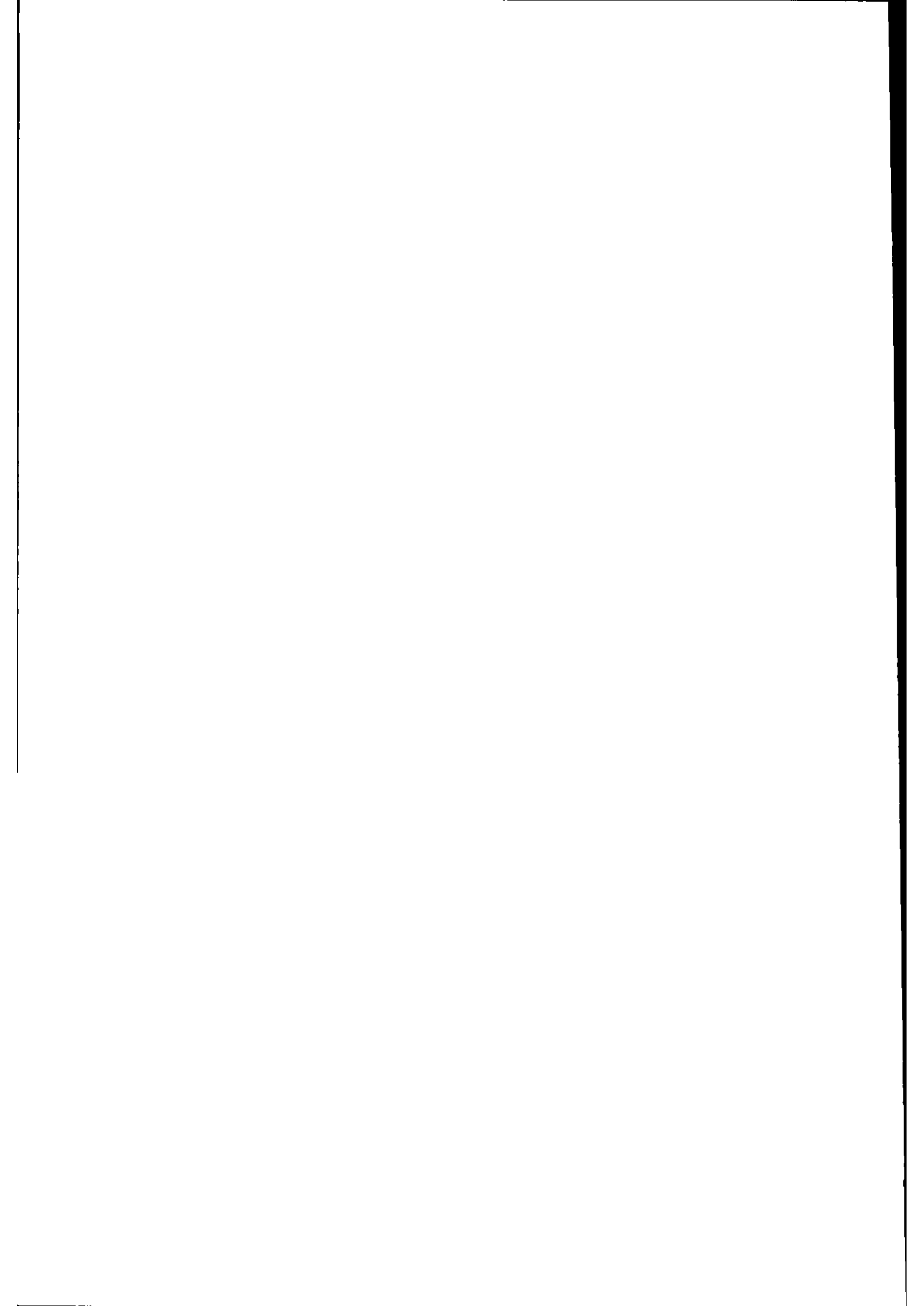
Correctional work at present still needs more qualified staff and administrators since the department has very close relations with other countries. The policy has also been changed from simply keeping inmates in custody to rehabilitating and training them in order that they will give up their bad habits and earn an honest

living after release. This kind of job demands a lot of skills and modern technology for which qualified officers are needed. At present, a group of well educated young officers has been kept in the headquarters, in order to help the Director-General to deal with foreign and all technical work. In addition to the better educated staff, inmates also have better education than before. They may ask for implementation of the UN Standard Minimum Rules for the Treatment of Prisoners and Related Recommendations or there may be some complications introduced by foreign prisoners held on drug charges. Furthermore, the negotiation of treaties for the exchange of prisoners is also necessary for the present circumstances.

So, in order to deal with correctional work more effectively, higher educational background and experience are required for good correctional administrators. Besides the educational background, good relationships and coordination are also necessary for correctional administrators since correctional work is involved with many organisations. In Thailand, knowledge of commerce and marketing is also necessary for correctional administrators since they have to plan for the produce of prisons to be sold in the annual exhibition. If it is well planned, most of the prison products will be sold which will ultimately bring a lot of money and fame to the department.

In summary, correctional administrators in Thailand nowadays have changed their roles and responsibilities from persons who have a mere education in keeping an inmate in custody to persons who must have a broad knowledge and experience in correctional administration, including rehabilitation and vocational training, sophisticated correctional measures and commerce and marketing. In other words, their roles and responsibilities have changed from being just warders to also being administrators and merchants.

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INVESTIGATION OF INCIDENTS IN PRISONS

Warders in charge are encouraged to deal with any minor incident out in the field. If they are able to deal with it appropriately, they will do so, such as in cases of malingering, quarreling, inattentiveness, or minor wilful damage to crops. Anything beyond their jurisdiction and which is considered too serious an offence, or in the interest of the prisoner, is reported to the duty officer, who may either deal with it or, if of a grave nature regarding either the prisoner or staff, report it to the superintendent. If it is an allegation against the staff, the superintendent deals with it personally. If it is an allegation against the prisoner, the superintendent may delegate it to a subordinate officer to investigate. The superintendent may impose a penalty of 42 marks deducted from a prisoner's remission of sentence. Anything more serious than that (for example, bodily harm or prisoner escaping, or staff assaulted by prisoners or prisoner assaulted by staff) must be reported to the Minister, who has the power to dismiss staff after a tribunal or conviction in an open court; and in the case of a prisoner to withhold 720 marks, or forfeiture of remission of sentence.

Any prisoner or prison officer may lay before the Board of Visitors, whose convenor is a judge of the Supreme Court, a complaint or grievance of any nature whatsoever. The board may request the police to investigate, direct the superintendent to investigate, or direct that the matter be submitted to the Minister for investigation.

The superintendent or the Minister may request the police to investigate any criminal offence committed by staff or inmate. There is a very close working relationship between police and prisons.

Incidents requiring police attention have averaged four per year in the last five years throughout the Kingdom.

FACILITIES AND PROGRAMS FOR FEMALE PRISONERS

Programs for female prisoners revolve around Tongan handicraft, horticulture and religious activities, and rehabilitation through regular visits from families, friends, volunteer groups, and free associations. The intention of the programs is to continue or rekindle interest in Tongan handicraft or horticulture so that the women have the ability to pursue a cash, self-employed, cottage-industry style of living on departure from the prison. There are no physical facilities and Tongan handicraft programs are conducted in a hall within the women's compound.

Association with male inmates is limited to church organised meetings and sports afternoons, but free association with males who are relatives, or are from the same village, as well as female friends and relatives is much more common.

EXTENT AND USE OF MINIMUM FORCE IN PRISONS*

Crises or emergencies emanating from prisoner action are unlikely and difficult to envisage. Ethnically, Tongans do not demonstrate en masse, there being no such occasions on record since 1845. This background characteristic of the Tongan people also applies to the criminal prisoner and gives rise to considerable optimism. It serves as a built in safety valve to any tension building up, whether from overbearing staff, excessive use of force or authority or division of labour, or any other conditions.

Other features which defuse tensions in the prisons are:

- . a statutory visiting committee, including a judge and magistrate which is available at any hour of the day;
- . free association between prisoners, relatives and friends for one hour every day if requested by prisoner;
- . free association with staff, their families and prisoners' friends and relatives one afternoon a week;
- . free association with relatives every Sunday;
- . large numbers of prisoners working in public places on civic projects with limited freedom to talk with members of the public on site;
- . large numbers of visitors visiting the prisoners every week (for example, a whole village may turn up on a Saturday or Sunday to visit a prisoner from that locality); and
- . counselling which is available around the clock.

The moment prisoners begin to think they are home-sick, a warder would pick this up immediately. The information comes either from personal knowledge or from a prisoner closely associated with the subject, and whose intention might be to alleviate their suffering.

* This section is extracted from the paper delivered under Item V - Management of Crisis in Prison - at the Commonwealth Correctional Administrators Conference, Hong Kong, 18-22 March 1985.

Under such conditions of prison life, it is unlikely that a crisis or emergency would arise without forewarning, so that there would be ample time to deal with it in a constructive and helpful manner.

No prison contingency plan exists to deal with riots or serious disturbances. Prison escapes average one to two per year, with the prisoners returning 'home' to their cells after visiting their family or collecting money to pay off a civil debt and part of a penalty. Prison staff backed up by police search parties may be required to search for an escaped prisoner, although it is more usual today to send two or three warders to pick the inmate up.

In the event that serious disturbances occur requiring restoration of order by force, the armed police mobile unit would intervene quickly and severely to stop any nonsense, followed by an investigating Cabinet subcommittee.

No prison officer is armed. No batons are stored at any prison, much less CS or any other gas. On reflection, the only people armed in prison are the prisoners, who are issued with very sharp cane knives (steel-bladed knives about 30 inches long for cutting grass and vegetation) every day when working in the plantations accompanied, of course, by the unarmed officer.

Because the next time will be the first, it is planned to surround the affected area, give the troublemakers five minutes to surrender, failing which the mobile force will take their target by assault. Tolerance is very great, but because of that, the ending may be abrupt, severe, and final.

RECRUITMENT AND DEVELOPMENT TRAINING
THE CHANGING RESPONSIBILITIES OF CORRECTIONAL ADMINISTRATORS*

To be in the junior to middle ranks of the Tonga Prison Department up to 19689 must have been discouraging, unrewarding, and soul-destroying, for all senior posts were filled from the police service, by officers with a reputation for being disciplinarians and hard as flint. Training was by way of attachment to a senior and experienced warder. Nothing happened or ceased to function unless it was in the book or through written orders. Imprisonment at this time was synonymous with retribution and punishment.

* This section is taken from the paper delivered under Item IV - Training of Correctional Staff to Meet Changing Needs - at the Commonwealth Correctional Administrators Conference, Hong Kong 18-22 March 1985.

In 1968 prison staff joined police recruits in the eight month probationer course on general police duties, followed by a four week course of instruction at the general prison at Hu'atolitoli, Tongatapu. The small prison staff did not warrant a separate training institution. It was also necessary to know basic law and police procedure as they possessed the same powers of arrest and seizure as police, in addition to their own powers and responsibilities under the Prison Act. Police and prisons are under one Minister, but otherwise function as two separate departments which work in extremely close co-operation.

It is of paramount importance that the type and style of prison management alters to reflect policy and treatment of prisoners. Implementation of a radical change such as that encountered after 1968, for example, required that staff training be directed not primarily at security and confinement of inmates but at personal interaction and restoration of prisoner confidence in society.

Rehabilitation, or the art of persuading offenders to return to society reformed, to accept their obligations and responsibilities, and to conform to generally accepted standards of behaviour, was the set target. I personally threw the prison laws and regulations through the window. When I last looked out of the same window, they had perished with years of rain and wind.

Next was the abolition of the lateral transfer of senior police officers to fill vacancies at prisons, coupled with training at all levels by way of promotion courses at the police school and lectures at the central prison on rehabilitation, the introduction of a prison chaplain (Tonga is a christian country and religion is a major factor in rehabilitation) and overseas studies for officers competent to apply through competition.

Currently, the superintendent of prisons, a career officer with over 30 years service, and trained in Great Britain, administers the service for the Minister. Other officers trained in Australia, West Indies, (United Nations sponsored courses on rehabilitation and treatment of offenders covering 18 months) and of course that marvellous institution UNAFEI in Tokyo, Japan. Tertiary education for the qualified officers is now established; they depart overseas to a university on full pay whilst the prison service looks after the family, providing them with free lodgings, security and food.

Both government and the public have witnessed the overwhelming success of the rehabilitation scheme. They have accepted my views on the meaning of imprisonment, which is that punishment is inflicted on the criminal by the courts through conviction and hard labour, and that the moment they leave court, hard labour must be adhered to but in a humane manner. The prisoners are immediately aware that the service is ready to help them back on their feet, retaining self-respect with humility, for very rarely can a person accept rehabilitation without first being humble. To err is human,

but to accept obligations and responsibility one must first be humble and true to one's self.

The prison regime is one of efficiency through informality. Training teaches discipline through interaction of officer and prisoner. They mix easily, relax after official working hours, more in the line of a school prefect rather than the very correct and official approach adopted by so many institutions.

Does it work? Beyond expectation. Is it approved? Both by government and the public. Where else have prison staff collected money to build a chapel for prisoners, or ex-prisoners formed a registered society to collect money to give to prison officers to help prisoners who are needy?

Training today and for the future is based on the following principles:

- (a) To turn out physically, mentally, and psychologically prepared officers to adopt, officially and unofficially, penal reforms centred on rehabilitation of criminals (and prisoners in general, some of whom may not be criminal prisoners, for example, civil debtors).
- (b) To understand the principles that governed and held Tongan society together for a thousand years; the extended family, and how it applies to prison reform by way of supervision and control of prisoners. Briefly, by leadership, example, empathy, genuine concern and sympathetic but very firm discipline, prisoners very rapidly judge how far they can go. In Tonga, this is a long way, provided that when it is time to stop, there can be no extension, argument or resistance.
- (c) To gain strength from understanding the need for personal fitness, clarity of purpose, and discipline in the service. This requires patience, participation, and informal but firm control of men and women from diverse backgrounds and aspirations who are bound together by a common factor - the sanction of the extended family system which also applies in prisons.

It is the prison officer's duty, through training to substitute as head of that extended family at all times, whenever supervision or control of one or more prisoners is required.

- (d) To train in Christian principles. In the past, mention of this phase of training for prison staff and police at training school has been the cause of an ill-concealed demonstration of utter disbelief, consternation and revulsion. I am, however, a strong supporter of this approach.

Faith through the ages was a beacon; in Tonga, it continues to be so, unashamedly and with vigor and meaning.

It must happen sooner or later that a non-Christian prisoner will challenge the system. There should be no trepidation for the Tongan Constitution guarantees freedom of worship. Until then Tonga believes in the serious contribution of Christianity to the successful implementation of rehabilitation. I have no-doubt that Muslim countries will find the same is true in their institutions, or similarly in other Commonwealth countries with different religions.

Basic or recruit training is now extended to ten months to reflect government and public expectations. Prison officers are required to be as well trained and prepared for the service as government employees of ministries with training facilities, for example, medical, educational, and agricultural. They must be an expert in their field and a good all-rounder, competent to hold their own in society, able to discuss economics, fishing, crop rotation, case laws on theft, relevancy of the Ascension of Christianity, merits of Chubb security locks, effects of CS gas on the lungs, the New Zealand school system and the future of Hong Kong. Gone are the days of the purely professional approach. This was very technical and perhaps appropriate to the safe custody of those whom the courts have committed, but much more is now expected of the prison officer, particularly with respect to rehabilitation.

To gain empathy with the prisoner, the officer must know what makes the world go round. A good officer will have composure, flair, a high level of intelligence, and a keen interest in environmental changes such as changing customs and national aspirations. Tertiary education for the officer who seeks it is strongly encouraged.

Training in all these issues covers ten months. Intakes are small, averaging 25-30 including 5-6 warders. With a training staff of 8, this gives an average of 3.5 trainees per instructor.

