

# **ASIAN AND PACIFIC CONFERENCE OF CORRECTIONAL ADMINISTRATORS**

**2008**

**Malaysia**

## **DISCUSSION GUIDE**

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# **PART ONE**

## **DISCUSSION GUIDE FOR AGENDA ITEMS**

This Discussion Guide identifies some of the issues that may be discussed in relation to each Agenda Item and provides a list of suggested questions. Delegates at recent conferences have found this approach helpful in the preparation of papers and we request that you follow the suggested format as closely as possible, especially with respect to Agenda Item One.

All delegations should provide a paper on Agenda Item One but not all of the other Agenda Items will be equally relevant to everybody. For this reason, you may decide to provide discussion papers only on selected topics from Agenda Items Two to Four. However, we do ask that you provide discussion papers on as many Agenda Items as possible.

### **PLEASE NOTE**

**For planning purposes, it would be very helpful if you could provide, at the front of each Agenda Item paper, a brief summary of the paper (which may be in point form).**

## **AGENDA ITEM ONE**

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

#### **Introduction**

##### **1. Preparing Written Papers**

This Agenda Item provides an important part of the knowledge base of APCCA. The written papers consider major trends and issues in their jurisdiction, especially over the past twelve months. Over the years, these national reports have revealed a wide range of issues that reflect not only different traditions with respect to corrections, but also the cultural, historical, economic and political diversity of the region.

Nevertheless, correctional administrators face many common themes. **We ask that, as far as possible, you follow the format of the various questions, insofar as they are relevant.** This will allow the Conference to develop a good cross-jurisdictional and long-term understanding of trends and contemporary issues.

## **2. Preparing Conference Presentations**

The formal conference presentations are limited to around 8 minutes' duration for each country. Given this short timeframe, delegates should consider focusing on one or two key issues rather than attempting to summarise their full written papers. For example, the presentation may just highlight the most pressing challenges or some key recent developments, such as major legislative or policy change (see also heading 2 below). Alternatively, the paper may choose to showcase one or two initiatives which have proved particularly successful (see also heading 5 below)

## **Framework for Discussion Paper**

### **1. Catering for External Factors**

Correctional systems can be directly affected by the general socio-economic and political climate of a society. For example, at times of political upheaval or economic difficulty, prison systems may face particular pressures and financial constraints. Globalization also presents many challenges. Furthermore, terrorist threats and natural disasters (such as the Indonesian earthquake and the ensuing Tsunami in December 2004, floods in China and Indonesia in 2005 and a Tsunami in the Solomon Islands in 2007) can present serious problems.

*Do you face any particular issues as a result of recent socio-economic changes, political crises or other external factors?*

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

Many papers at recent Conferences have emphasized the importance of having good modern prison legislation, and have commented on the fact that legislation often seems rather outdated. Several papers have also noted the growing regional influence of human rights standards and the role of human rights organizations and other external accountability agencies in examining prison operations.

*Have there been major policy reviews (including inspections or reviews by external agencies) in your jurisdiction in recent years?*

*Have there been significant changes over recent years with respect to your prisons legislation?*

### **3. Prison Populations**

All jurisdictions provide the Secretariat with statistics on matters such as the total number of prisoners, the number of male and female prisoners and the imprisonment rate per 100,000 of the population. This information is presented in tables in each Conference report. However, this Agenda Item gives delegates an opportunity to reflect on trends in this critical area.

**(a) General Trends**

*Has your total prison population increased or decreased over recent years?*

**(b) Sentenced and Unsented Prisoners**

There is considerable regional variation with respect to the position of unsentenced prisoners (in other words, people who are remanded in custody prior to trial or during trial, or who are detained for some other reason, including national security reasons). In part, these differences reflect different investigative procedures, legal requirements and criminal justice traditions.

*What is the proportion of unsentenced prisoners compared with sentenced prisoners (and what are the trends)?*

**(c) Offender Demographics**

The characteristics of offenders vary between each nation and territory. However, a number of common themes can be identified for discussion:-

**Sex**

*What is the proportion of female compared with male prisoners in the total prison population (and what are the trends)?*

**Age**

*Are there any identifiable trends with respect to the age of prisoners (for example, are you seeing more young prisoners or more older-aged prisoners)?*

**Indigenous and other ethnic status**

In some parts of the region, certain groups are over-represented in the prison system compared with their numbers in the population as a whole.

*Do you face any issues in this regard (for example, with respect to Indigenous prisoners or other groups)? Please provide statistics, if available.*

### **Foreign prisoners**

At recent APCCA conferences, a number of jurisdictions have expressed concern about the growing number of foreign nationals in their prisons.

*Do you face any issues in this regard? Please provide statistics, if available.*  
*Are there any developments with respect to the international transfer of prisoners?*

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

*Do you face problems with respect to overcrowding in your prisons? If so, what are the 'pressure points' (for example, are there particular problems with female prisoners or remand prisoners)?*  
*Has any increase in the prison population affected security and control in prisons?*

### **(e) Accounting for the trends**

*Do the changes in the prison population reflect changes in crime rates?*  
*Are there any significant changes in terms of the offences committed by prisoners? (For example, are there more prisoners serving sentences for serious crimes, such as sexual, violent, drug or terrorism offences?)*  
*Have there been significant legislative or policy changes that have affected the prison population? (For example, with respect to bail, sentencing, remissions, parole and home detention.)*

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

Delegates should outline any concerns they have with respect to prison conditions, and update the conference on construction and renovation programs.

*How adequate are your current prison facilities in terms of accommodating the number and type of prisoners?*  
*Do you have a major prison building or refurbishment program? If so, what are the priority areas?*

## **5. Showcasing a 'Success Story'**

All correctional services have to face the challenge of 'doing more with less' – in other words, of managing limited resources in a way that brings about improved correctional outcomes. Many important initiatives are being pursued across the region and delegates may wish to discuss one initiative that has proved particularly successful. Examples can be drawn from any area of corrections, including

technology relating to security and information systems, prisoner programs, staff development, new legislation and release programs.

## **6. Other Issues**

Please identify and comment on any other issues that are of special concern.

## **AGENDA ITEM TWO**

### **BALANCING EFFECTIVE PRISON MANAGEMENT WITH THE INCREASING SCRUTINY OF CORRECTIONS BY EXTERNAL BODIES**

#### **1. Introduction**

This topic reflects concerns that have been raised at all recent APCCA conferences, especially since the 2005 conference in Korea. Correctional departments in several countries (including the 2008 host, Malaysia) have noted that, although they have improved their internal processes for dealing with complaints and assessing standards of service delivery, external bodies are increasingly involved in scrutinizing correctional services.

These bodies include the courts, human rights agencies, independent prison Inspectorates and the Ombudsman (or similar official). They appear, in many countries, to be playing greater roles in reviewing decisions about individual prisoners, considering prisoners' complaints and assessing general performance. Specific committees of inquiry (such as Royal Commissions) are also sometimes established in the wake of high profile incidents.

Finally, international human rights bodies, such as the United Nations Committee against Torture, may also play a role in those countries that are signatories to the relevant UN convention.

The purpose of this Agenda Item is to discuss the following issues:

- What factors have influenced the increase in external scrutiny (if any)?
- What external bodies are involved and what is the role of each body?
- What are the main issues that external agencies have examined?
- Overall, what have been the advantages and disadvantages in the involvement of external bodies?

Specialist Workshop One ('Developing Correctional Standards that Reflect International and Regional Best Practice, and Measuring Performance') complements this Agenda Item in that it provides an opportunity for delegates to consider how correctional standards (which will include reference to human rights and other expectations) can be developed and measured.

## 2. Factors Influencing External Scrutiny

The increasing scrutiny of corrections, especially by bodies that operate independently of correctional services, reflects a number of factors. These factors include the following:

- Incidents attracting public concern in the particular country (for example, assaults on staff or escapes).
- General community expectations with respect to greater accountability and transparency. (The introduction of privately operated prisons in some countries has tended to lead to greater scrutiny of public sector as well as private sector prisons).
- The enactment of modern prisons legislation which generally emphasises prisoners' rehabilitation and treatment as well security and control.
- The growing global influence of a range of United Nations human rights covenants and standards. These include the International Covenant on Civil and Political Rights (ICCPR), the Convention Against Torture (CAT), the Convention on the Rights of the Child (CROC), the United Nations Standard Minimum Rules for the Treatment of Prisoners (UNSMR's) and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the 'Beijing Rules').
- The introduction in many countries of domestic human rights legislation (which generally reflects the principles of the ICCPR and other international instruments).

*What are the main factors, both local and international, that have affected the extent of external scrutiny in your country? (For example, have there been changes to the constitution, human rights legislation and prison legislation?)*

*Have there been changes in public and political expectations?*

*What are the reasons behind such changes?*

## 3. Areas of Scrutiny by Different Agencies

In this section, countries are asked to briefly outline the role of the various external agencies and the main areas that they have scrutinized.

### (a) Courts

At recent conferences, some countries have suggested that prisoners are mounting more challenges to the decisions of correctional agencies and parole boards through the courts. These challenges can take a number of forms, including seeking judicial review of decisions on 'natural justice' grounds, or compensation for alleged ill-treatment. In those countries with domestic human rights legislation, challenges are also likely to be made on human rights grounds.

*Are the courts now more frequently involved in reviewing decisions relating to the treatment of prisoners? What are the main areas of challenge before the courts?*

*What has been the constitutional and legal basis of such challenges (for example, are they based on new human rights requirements, or on principles such as 'natural justice'?)*

**(b) Human rights agencies**

Over the past 10-20 a number of jurisdictions have introduced general human rights laws in the form of a Human Rights Charter or its equivalent. Some have not introduced such a Charter but have introduced legislation to entrench human rights principles in specific areas (such as racial and sexual discrimination).

*Has the legislative framework for 'human rights' in the field of corrections changed significantly in the past 10-15 years (for example, through the introduction of an Act or Charter that seeks to entrench human rights or through other legislation)?*

*What are the main areas of correctional management that have been the subject of scrutiny by human rights agencies?*

**(c) Ombudsman**

The office of the 'Ombudsman' has been established in a number of countries to consider individual complaints about decisions made by government departments and officials. The Ombudsman usually has no power to change a decision but will liaise with the relevant department, and will also report to Parliament. The Ombudsman generally investigates individual complaints but may sometimes also conduct a review of an issue of more general concern.

*Do you have the office of the Ombudsman (or equivalent) in your country?*

*What are the main areas of correctional management that have been the subject of scrutiny by the Ombudsman?*

**(d) Specialist Inspectorates**

Some countries have introduced specialist prison 'Inspectorates'. Prison Inspectors sometimes operate within the corrections department. Under this model, the Inspectorate is answerable to the head of the department itself. However, in some other jurisdictions a stronger model has been adopted in which the Inspectorate lies outside the corrections department and is directly responsible to the legislature / Parliament. Examples of this second model include the United Kingdom and Western Australia.

Inspectorates of this sort tend to inspect and report upon the operation of prisons (and sometimes related services) and to conduct systemic reviews of issues of concern (these might include the use of force against prisoners and assessment and classification methods). They do not tend to be involved in investigating individual complaints.

*Do you have a corrections Inspectorate in your country? If so, is it answerable to the head of the corrections department or directly to the legislature?*

*What are the powers of the Inspectorate and what have been the main areas on which the Inspectorate has reported?*

**(e) Other national bodies**

Other forms of external scrutiny from within the country itself include the appointment of special committees of inquiry (such as Royal Commissions). These tend to be appointed following serious incidents such as escapes, serious disturbances and acts of serious violence towards staff or other prisoners. Committees and Commissions of this sort can have a significant impact on the development of prison regimes – for example, by arguing for changed assessment and classification practices.

*Have specialist committees or commissions been established to examine correctional services in your country in recent years? What has been the effect of such committees / commissions?*

**(f) International bodies**

International human rights bodies may also become involved on occasions. The UN Convention Against Torture (CAT) has been signed by a number of countries in the region. CAT is potentially relevant to prison systems in that it outlaws ‘cruel, inhuman or degrading treatment or punishment.’ Even more significantly, the Optional Protocol to CAT (to which fewer countries, but including New Zealand and the United Kingdom, are signatories) sets up a system of visits by national and international bodies to ‘places where people are deprived of their liberty’.

Sometimes United Nations organizations may become more indirectly involved in raising concerns in the context of funding development projects.

*To what extent have international human rights bodies been involved in scrutinizing corrections in your country?*

**4. Evaluation of External Scrutiny**

Having outlined the various forms of external scrutiny, you may wish to reflect on the advantages and disadvantages of such scrutiny. There are likely to be many different perspectives on this question. Some may see external scrutiny as a problem because they feel that it tends to be too ‘one-sided’, favouring prisoners rather than staff and hindering effective management. On the other hand, others may welcome a stronger focus on external scrutiny because they believe that better accountability and transparency (including a balanced focus on the rights and responsibilities of prisoners and staff) can enhance service delivery and can also assist in obtaining resources from governments.

*Overall, what are the positive aspects of your recent experience with the external scrutiny of corrections, and what have been the negative aspects? Do the benefits outweigh any possible detriment?*

## **AGENDA ITEM THREE**

### **BEST PRACTICES IN REHABILITATION FOR WOMEN AND OTHER SPECIAL GROUPS OF PRISONERS**

#### **1. Introduction**

The main aim of this Agenda Item is to focus on the problems that are experienced across the region in developing rehabilitation programs for women prisoners, and to provide examples of positive initiatives and effective practices. Women were chosen as the primary focus for the Agenda Item for three main reasons. First, in many countries the number of female prisoners is increasing rapidly. In several, the proportion of female prisoners compared with male prisoners is also on the increase. Secondly, it is some time since women prisoners were a topic at APCCA conferences. Thirdly, there is growing recognition globally that female prisoners raise different problems from male prisoners in terms of treatment and rehabilitation.

Although the primary focus of this topic is female prisoners, this Agenda Item also provides an opportunity for delegates to showcase an effective rehabilitative intervention that has been developed for another special group (examples of which might include terrorists and Indigenous prisoners).

#### **2. Women Prisoners: the Issues**

Female prisoners, like male prisoners, have committed many different crimes and it is therefore rather difficult to generalize about the issues that they face. However, it is widely recognised that many women prisoners have faced very serious difficulties in the community and have a high level of needs.

Some of the problems faced by women prisoners are similar to those that face many males, such as a history of substance abuse, dysfunctional upbringing and a lack of work skills and work history. However, these issues are often compounded by factors that are more female-specific. They include the following:

- Suffering physical and sexual abuse (often at the hands of their male partners).
- Responsibilities with respect to children.
- Higher general health needs, including access to gynaecological services.
- High levels of mental illness and distress.
- Being a relatively small proportion of a prison system that has tended to be male-dominated.

*What are the main issues that are commonly faced by women prisoners in your country? Are these problems different in nature or extent from those that are commonly faced by male prisoners?*

### **3. Policies, Assessments and Programs for Women Prisoners**

It is suggested that in this section of the paper, delegates should first discuss any general policies that have been developed with respect to the rehabilitation of female prisoners in their jurisdiction and the principles that underpin these policies. The papers should then outline how these policies are actually being implemented. The discussion should include the difficulties that have been faced as well as any examples of particularly successful interventions.

It would be helpful to address some or all of the following questions:

#### **(a) Policies**

*Have you developed policies that are specific to the treatment and rehabilitation of female prisoners?*

*What are the main principles that underpin these policies?*

#### **(b) Assessment, classification and placement**

*What are the main differences (if any) in the tools that are used to assess the risks and needs of female prisoners as opposed to male prisoners?*

*Are women housed in separate prisons or are there some prisons that house both men and women?*

*Are your female prisons designed in a different way from male prisons or are the designs generally similar?*

#### **(c) Rehabilitation programs**

*To what extent have you developed rehabilitation programs that are specific to female prisoners and to what extent do they undertake the same programs as men?*

*Have you found it possible to modify rehabilitative programs that were originally developed for male prisoners so they are more relevant to female prisoners or have you designed new female-specific programs?*

*Since women prisoners in some countries are the victims of domestic violence as well as offenders, what strategies have you adopted to address such problems?*

*What are the most successful rehabilitative initiatives that you have pursued with respect to female prisoners?*

#### **4. Rehabilitative Programs for Other Special Groups**

Recent APCCA conferences have considered a range of special groups, including prisoners with a mental disorder and dangerous and high profile prisoners. It is not intended to repeat those topics here. However, there may be other special groups for whom rehabilitative initiatives have been developed (such as prisoners from minority groups and terrorists). If you do not discuss the question of female prisoners, you may instead focus on successful initiatives with respect to one of these groups

### **AGENDA ITEM FOUR**

#### **ENGAGING FAMILIES AND COMMUNITIES IN THE REHABILITATIVE PROCESS (INCLUDING RESTORATIVE JUSTICE APPROACHES)**

##### **1. Introduction**

A number of recent APCCA conferences have examined ways to engage the community and families in promoting offenders' reintegration after their release from prison. The purpose of this topic is rather different. The aim is to consider the ways in which families and communities may be engaged in the rehabilitation process *while the offender is still in prison*, including their engagement in 'restorative justice' initiatives.

It is recommended that papers address this topic by selecting one or two initiatives that have proved successful, and exploring the reasons for the success of these initiatives.

##### **2. Why Engage Community and Families in Rehabilitation?**

In recent years, much of the international research on rehabilitation has reflected what is known as the 'What Works' school of thought. In essence, the focus is on assessing prisoners' risks and needs, and then targeting prison-based programs at those risks and needs. The programs that are delivered under this philosophy tend to reflect the discipline of behavioural psychology and to be delivered to prisoners in groups. The program facilitators are generally psychologists or specially trained prison staff. 'Cognitive skills' programs have become particularly common.

As the 'What Works' literature indicates, well-targeted programs of this sort appear to be of value in reducing recidivism rates. Completion of such programs is therefore often treated as a prerequisite for access to early release programs such as parole. However, there is also a growing interest in the potential for other programs to be developed that are not founded on a behavioural psychology model, but engage family and community groups.

There are many reasons for seeking to engage community members and families, including the following:

- Prisons are an unreal environment.
- Prisoners remain members of the community even though they are temporarily removed from it.
- Most will, at some point, resume their place in the community.

- Prisoners may gain real insights into the impact of their offending behaviour from people who have themselves been victims.
- Family and community may have been factors in the person being imprisoned (for example, if a man is imprisoned for violence towards his wife, it may make sense to engage the wife in joint counselling prior to the man's release)

### **3. Family engagement: dilemmas and opportunities**

Families are generally seen as a positive factor, and prisoners will often talk in strong terms about the importance of their family. However, it must be said that family influences are not always positive, and that family circumstances can sometimes be a problem rather than an asset. Nevertheless, there are many ways in which families may be engaged in order to assist in the rehabilitative process. They can include family counselling, 'family visit' days (where the normal visit security arrangements are relaxed so that families can mix more readily) and conjugal visits.

*Please discuss one or two successful initiatives of family engagement during prisoners' incarceration. Examples may include:*

- \* *Engagement in counselling to address family violence and other issues;*
- \* *The introduction of 'Family Days' at the prison;*
- \* *Conjugal visits and similar initiatives.*

### **4. Community engagement and restorative justice approaches**

There are a number of ways in which the broader community can be engaged during a person's incarceration. Some of these are of long-standing. For example, churches and other religious organisations have always played a role in visiting prisons and providing spiritual support and guidance. A number of countries have also recognized that there can be value in engaging community based organizations from the arts, such as theatre groups, and that acting and other forms of art can be very meaningful to prisoners.

More recently, the concept of 'restorative justice' ('RJ') has attracted considerable interest. RJ is difficult to define as it tends to mean different things to different people. At one time it was seen as a process where the offender would be brought face to face with his or her victim, in the presence of others, to discuss the effects of the crime and to aim for better understanding between the two parties. However, some RJ models now extend more broadly beyond the particular victim and offender. For example, people who have been victims of violence may meet with perpetrators of violence, even though they are not in a direct offender-victim relationship. RJ tends to focus on the consequences of the behaviour, and aims for reconciliation, restitution and reintegration. 'Professionals' such as lawyers and psychologists tend to play a limited role, as the views and perspectives of ordinary people are highly valued. RJ processes may take place during a person's imprisonment or as an alternative to imprisonment.

*Please discuss one or two successful initiatives of community engagement during prisoners' incarceration. Examples may include:*

- \* *Community and religious groups;*
- \* *Community groups from the arts;*
- \* *Restorative justice initiatives.*

# **PART TWO**

## **DISCUSSION GUIDE FOR THE SPECIALIST WORKSHOPS**

As at other recent conferences, delegations are invited to prepare papers on one or more of the Specialist Workshop topics. This Guide provides some general suggestions about the scope and possible content of the 'Specialist Workshop' topics.

### **PLEASE NOTE:**

**For planning purposes, it is important to indicate, on the relevant section of the conference registration form, the topics (if any) on which you intend to make a Workshop presentation.**

## **SPECIALIST WORKSHOP ONE**

### **DEVELOPING CORRECTIONAL STANDARDS THAT REFLECT INTERNATIONAL AND REGIONAL BEST PRACTICE AND MEASURING PERFORMANCE**

#### **1. Introduction**

There are two parts to this Workshop. The first is to consider how correctional standards may be developed that reflect regional and local best practice. One of the questions that arises here is whether general international standards such as the United Nations Standard Minimum Rules for the Treatment of Prisoners (the UNSMR's) have relevance to individual countries, and whether those general standards can be developed so that they more closely reflect local circumstances.

The second part of the Workshop involves considering how best to measure the performance of correctional services against the standards in question. There are two aspects to this: *who* should be responsible for measuring performance and *how* performance is to be measured?

## 2. Developing Correctional Standards

### (a) UNSMR's and other international standards

The preamble to the UNSMR's explicitly recognizes the limitations of the Rules. They are not intended to provide a 'model' of how penal institutions should be operated and recognize that 'legal, social, economic and geographical considerations' will impact on the local application of the Rules. Nevertheless, the UNSMR's do provide an important general benchmark and are well known across the Asia Pacific region. Most of the principles contained in the UNSMR's are probably accepted and would be regarded as relatively uncontroversial.

However, there are two problems with using the UNSMR's alone. First, they are usually general in tone and more detail may be desirable. For example, locally developed standards might build in more specific requirements regarding issues such as health, food, education and contact with the outside world. Secondly, some aspects of the UNSMR's may need modification. For example, Rule 9(1) states that it is generally undesirable to have more than one prisoner in a cell. However, some cultures may regard cell sharing as a positive matter (provided the cells are properly designed) as it can reduce the sense of isolation.

*What do you consider to be the strengths and weaknesses of the UNSMR's in terms of prison design and management in your country?*

### (b) National and local standards

A number of countries have used the UNSMR's as the basis for developing more specific local or regional standards. For example, the Council of Europe has developed the European Prison Rules (latest version: 2006).<sup>1</sup>

Australia provides a particularly interesting example of how standards can be developed at different levels. There are 'Standard Guidelines for Corrections in Australia' (latest version: 2004) to which all Australian jurisdictions are signatories.<sup>2</sup> These Guidelines build on the UNSMR's, the European Rules and other models but are intended to be Australia-specific. However, in Western Australia, a further level of detail has been added by the Inspector of Custodial Services in the form of a much more detailed 'Code of Inspection Standards.'<sup>3</sup> These standards have been developed as a guide for conducting Inspections of individual prisons as well as reviews of system-wide issues.

*Have you developed standards within your own country or region? Do you think that such standards are, or would be, of value?*

### (c) Private prisons and contractual standards

It is worth noting that in some countries, the introduction of private prisons has been one factor in promoting a stronger focus on standards and performance

<sup>1</sup> [www.uncjin.org/Laws/prisrul.htm](http://www.uncjin.org/Laws/prisrul.htm)

<sup>2</sup> [www.aic.gov.au/research/corrections/standards/aust-stand.html](http://www.aic.gov.au/research/corrections/standards/aust-stand.html)

<sup>3</sup> Available under 'publications' at [www.custodialinspector.wa.gov.au](http://www.custodialinspector.wa.gov.au)

expectations. This is because it has been assumed that the private sector needs to be monitored to ensure that the profit motive does not lead to a reduction in services. When governments enter contracts for services with the private sector, they can build in requirements that the contractor meets certain standards. This proved to be a challenging exercise as it required correctional services departments to work out expected standards with a degree of specificity contract. Some contracts are publicly available so that the conditions and standards can be perused and are open and accountable.<sup>4</sup> Contracts can also contain incentives for achieving the required standards and penalties for non-compliance.

*Do you have any experience in setting contractual standards for the provision of prison services? If so, what form do these requirements take?*

### **3. Measuring Performance**

There is little point enunciating correctional standards if there is no attempt to monitor performance against such standards. However, some intriguing questions arise with respect to who should measure performance and what is meant by performance 'measurement'.

#### **(a) Who should measure performance?**

There are two schools of thought on this question. Some would argue that the corrections department itself is in the best position to measure performance. Others would say that this can be problematic (because the department will want to be seen to be doing a good job) and that an independent Inspectorate offers a better model. It may be that the best option is in fact a combination of both: that the department conducts audits of performance against some benchmarks and that an independent Inspectorate is responsible for other standards and for assessments of overall performance.

*Who should carry out assessments of performance against standards? What do you consider to be the best model?*

#### **(b) How to measure performance?**

Some performance measures are open to a simple quantitative audit process. For example, it is possible to work out how many escapes or serious assaults occurred during a particular period. However, many of the standards are phrased in ways that require a qualitative assessment rather than a quantitative audit. For example, it may be necessary to reflect on how particular groups of prisoners (such as foreign prisoners and prisoners with a mental illness) are coping with the experience of imprisonment, or to consider whether the quality of education programs is adequate (not just whether they ran).

For these reasons, the prison Inspectorates in the United Kingdom and Western Australia adopt a more qualitative approach.

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<sup>4</sup> For example, the contract in Western Australia for Acacia Prison is available at [www.correctiveservices.wa.gov.au/a/acacia\\_security\\_management\\_contract.aspx](http://www.correctiveservices.wa.gov.au/a/acacia_security_management_contract.aspx)

*What performance measures do you use? What other measures would you like to be able to use?*

#### **4. Moving Forward**

*Does APCCA have any role to play in the development and promulgation of regional correctional standards?*

*Or is the issue best left to individual countries or groups of countries who can draw on existing models such as the UNSMR's, the European Prison Rules and the Australian Standards?*

## **SPECIALIST WORKSHOP TWO**

### **DESIGNING PRISONS TO PROMOTE EFFECTIVE REHABILITATION AND ENVIRONMENTAL SUSTAINABILITY**

#### **1. Introduction**

APCCA conferences have rarely considered questions of prison design except, in passing, as part of another topic such as the management of special groups of offenders. The reasons for this are obvious to anyone who has attended APCCA conferences and has visited prisons in the region: appropriate and acceptable prison design in a given place will reflect climatic, geographical, socio-economic, cultural and other factors. For example, many prisons in Australia, New Zealand and Canada occupy large tracts of land that would be unfeasible in smaller, densely populated countries such as Singapore, Korea and Hong Kong (China). And prisons in small island nations are likely to have different needs and a different 'feel' from prisons in urbanized Asian countries. There will also be wide differences in the extent to which different systems rely on modern electronic security systems as opposed to human security, and in national expectations on questions such as cell-sharing and cell-space.

However, there are two imperatives for all jurisdictions in the 21<sup>st</sup> century. The first is how to promote environmental sustainability in the design of prisons. The second is how to design prisons in a way that best promotes rehabilitation. Papers that are prepared on this topic may address one or both of these issues.

#### **2. Prison Design and Environmental Sustainability**

The questions that may be considered include the following:

*Has the design of prisons evolved in recent years to take more account of environmental sustainability as well as considerations of security and control (please provide examples)?*

*Do your prisons make provision for the treatment and recycling of waste water and the recycling of paper and other goods?*

*Have you instituted any initiatives to reduce waste, power consumption and water usage?*

*Do you provide training and incentives to prisoners and staff to reduce waste, water usage and power consumption?*

### **3. Prison Design and Rehabilitation**

Everyone would agree that decrepit old prisons are not conducive to rehabilitation even if the programs that are offered are in theory promising. However, there may well be debates as to the most appropriate design to meet rehabilitative objectives for different groups of prisoners. It may also be difficult to persuade governments to commit to the levels of expenditure that may be involved in designing and operating prisons that focus very intensively on rehabilitation for particular groups.

The questions that may be considered include the following:

*Do you have any policies with respect to the optimum size of prisons to promote rehabilitation?*

*Have you designed and built prisons with specific rehabilitative objectives in mind? If so, what are the essential design features?*

*Are there advantages in delivering some rehabilitation and re-entry programs in low security facilities?*

*Is there a philosophy that rehabilitation is best served by prisoners moving to low security facilities for a period prior to release rather than being released directly from higher security facilities?*

*In designing prisons with a view to rehabilitation, do you take account of specific cultural and spiritual needs?*

## **SPECIALIST WORKSHOP THREE**

### **BUILDING CAPACITY THROUGH THE RECRUITMENT, MANAGEMENT AND RETENTION OF TALENT, AND THROUGH GOOD SUCCESSION PLANNING**

#### **1. Introduction**

This Workshop topic embraces two related issues. The first is to consider how best to recruit talented individuals into corrections and then to manage and retain that talent pool. The second is how to plan successful succession from one generation of leaders to another.

It is suggested that papers on this topic should focus on one or other of these two questions. Since we all learn from our mistakes as well as from success, it would be valuable if the papers provide examples of initiatives and practices that have proved unsuccessful as well as those that have proved to be successful.

#### **2. Recruitment, Management and Retention of Talent**

Most correctional systems face some difficulties in recruiting high quality employees to work in corrections. The problem becomes particularly acute at times of economic prosperity when other trades and professions appear to offer better status, financial rewards and career opportunities.

Some APCCA members have therefore started recruiting campaigns overseas, and may target existing corrections staff as well as new recruits. However, whilst this may alleviate their immediate concerns, it can create problems for those countries whose staff (or potential staff) are targeted. In countries with private prisons, there may also be a tendency for the public sector to try and 'poach' staff from the private sector and vice versa.

Once good staff have been recruited, it is obviously important to provide job satisfaction, career prospects and a sense of worth in order to avoid people leaving to take up other careers.

It is suggested that papers might consider some or all of the following questions:

##### **(a) Recruitment**

*What difficulties do you face in terms of recruiting high quality staff to work in corrections?*

*Do you think it is important to recruitment and retention to promote a positive image for correctional officers? How successful have you been in promoting such an image?*

*What have been the most successful strategies for the recruitment of talented officers?*

**(b) Management and retention**

*What strategies have you developed to manage and nurture talent? For example, do you provide:*

- \* *Clear and appropriate career paths;*
- \* *Opportunities for staff to be seconded to other jobs to gain experience;*
- \* *Study opportunities (at home or overseas)?*

**3. Succession planning**

It is obvious that many heads of correctional services will serve a limited time at the head before they retire or move to other positions. In some countries, the succession process appears to be relatively clear and tends to involve promotion from within the correctional services department. However, this is not always the case. In some countries, there is a policy of recruiting from outside corrections or of Chief Executives switching jobs every few years in order to ensure innovation and to reduce the risks of potential corruption.

*What strategies are in place for ensuring a smooth succession from one group of leaders to another?*

*What are the strengths and weaknesses of your current succession planning systems?*