



Best Practices in Prisons

International Scenario

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PROLOGUE

“If you want to be successful, find someone who has achieved the results you want and copy what they do and you'll achieve the same results.”

Tony Robbins

American life coach and self-help author

INTRODUCTION

Good practice.

“A good practice is not only a practice that is good, but a practice that has been proven to work well and produce good results, and is therefore recommended as a model.”

Best practices.

“Best practices are a set of guidelines, ethics or ideas that represent the most efficient or prudent course of action

CONTINUED.....

- There are best practices in Prisons of every country including India.
- All best practices cannot be emulated.
- However, some best practice relevant to our country should be adopted to make our prison system more progressive.
- Only such best practices are discussed here.

INDEPENDENT MONITORING BOARD(IMB)-UK



IMB members are **independent, unpaid and work an average of 2-3 days per month.**

- Their role is to monitor the day-to-day life in their local prison or and ensure that proper standards of care and decency are maintained.
- Members have **unrestricted access** to their local prison or immigration detention centre **at any time and can talk to any prisoner or detainee they wish to.**
- Board members also play an important role dealing with problems inside the establishment.
- If a prisoner or detainee has an issue that he or she has been unable to resolve through the usual internal channels, he or she can put in a confidential request to see a member of the IMB.

IMB CONTINUED...

- A system of regular visits to places of detention by independent monitoring bodies constitutes the **most innovative and effective means to prevent torture and corruption** in the criminal justice system.
- Good step for bringing transparency and faith in prison system.
- The same may be done in India too.
- Presently we have Non Official Board of Visitors. But they hardly visit. CJM or District Judge visits occasionally.

Prisoners Health under National Health Service-UK



- In UK Prison health issues is taken care by the **National Health Services** directly which is really very good.
- In India, prisoner's health is a prison matter. We always face shortage of Doctors, Medicines and proper infrastructure.
- As is a serious problem for proper health care of prisoners inside the prison, we always depend on State General Hospitals.
- Prison administration are always answerable for any mishap happened inside the Prison
- State Medical services should be entrusted with Prisoners health care

PRISONER CLASSIFICATION SYSTEM-UK

- Classification system is based on an assessment of the risks and needs to not only determine appropriate placement and security regime, but also to identify and address the factors related to the individual's involvement in criminal behaviour.
- This enables the development of individualized case and sentence plans that promote rehabilitation and social reintegration prospects as well as to reduce reoffending upon release.
- In UK prisoners are classified as Categories A,B,C,and D at the time of admission and placed accordingly in Prisons categorized as such

PRISONERS CLASSIFICATION SYSTEM CONTINUED.....

- In India, only few states follow the system though Model Prison Manual 2016 recommended.
- We categorize Prisoners into 5 categories, i.e., S1-S5 which is based only Risk analysis and not on need analysis.
- We also missed Sentence planning which is most important feature in advanced countries.
- We need to introduce proper Risk analysis , Need analysis and Sentence planning.

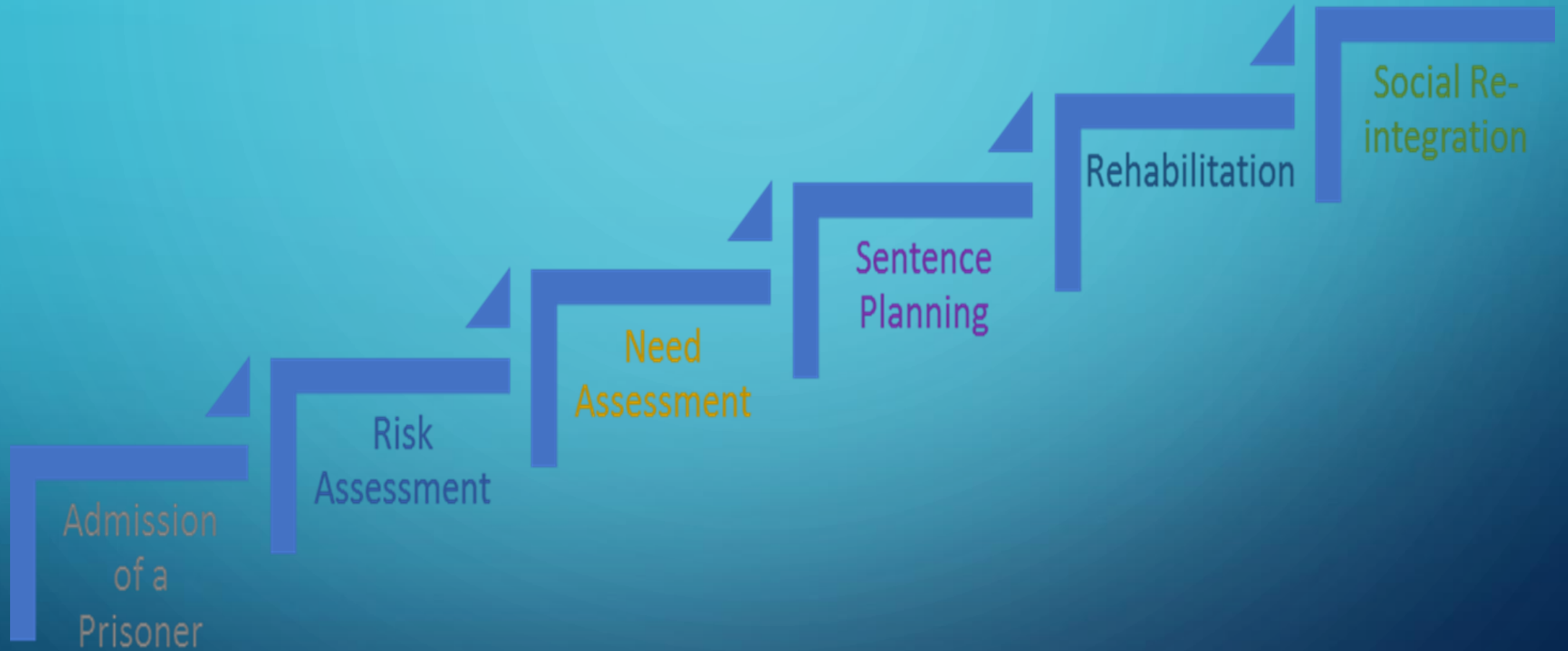
Sentence plan

It is an action plan to address the identified risks and needs

The purpose is

- to provide a structure to prisoners' time in prison;
- to set targets to achieve with the aim of reducing possibility of getting into trouble in the future;
- to explore certain “pathways”;
- to provide additional support in areas of identified need;
- to help prisoners avoid offending again in the future.

SENTENCE PLANNING-HOW IT WORKS



Contact with outside world-UK Model

A visiting system **focused on privacy is in place** so that prisoners and family members may feel the closeness and privacy and share their thoughts at the most appropriate manner.

The visiting system in India is very **traditional** one where the **visitors get minimum access to their dear ones who are behind the bars.**

High time to improve the present system **by introducing a humane approach.**

Visits with close family members are not to be regarded as privileges but as basic human right.

“Interviews cut” as a punishment should not be resorted except in grave situations.

Reintegration in Society-UK Model

In UK from the beginning of a prisoner's sentence, consideration is given to his or her future after release and prisoners are assisted in ensuring their future reintegration into society

- NGOs like **St Giles Trust, Prison Reform Trust, Howard League** are working to ensure that all prisoners have means and available resources to maintain themselves in the period immediately following their release.
- National Association for care and rehabilitation of offender (NACRO) an NGO with Queen as the head takes care of the needs of released prisoners

HMP-GLENDON

► **Therapeutic Care in Prison: Intensive Therapy program for prisoners**

Prison operates as a therapeutic community. substantially reducing reoffending rates.

Each wing of up to 40 men has its own psychologist and psychotherapist.

Inmates are asked to sign up for one of a selection of group therapy sessions.

Entirely group-focused

SINGAPORE-

Yellow Ribbon Project (YRP) for rehabilitation of released offenders

▶ **Yellow Ribbon Project (YRP) for rehabilitation of released offenders**

- seeks to engage the community in accepting ex-offenders and their families;
 - giving them a second chance at life; and
 - to inspire concerted community action.
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- The YRP's moniker is adapted from a 1973 pop song "Tie a Yellow Ribbon Round the Ole Oak Tree", which describes a released prisoner's desire for forgiveness and acceptance.

SINGAPORE CONTINUED.....

► **The objectives of the Yellow Ribbon Project is summarized in 3'A's: –**

- 1) Raise **Awareness** of the need to give second chance to ex-offenders and their families;
- 2). Generate **Acceptance** of ex-offenders and their families in the community;
- 3). Inspire community **Action** to support the rehabilitation and reintegration of ex-offenders back into society.

BRAZIL

- ▶ **Reduction in sentence for reading of books**
 - known as "Redemption Through Reading"
 - inmates can get four days off their sentence through each book they read, up to 48 days per year, as per a new law.
 - requires the inmates to write a book report.

BRAZIL Continued....

Reduction in sentence for pedaling stationery bikes generating electricity:

- Inmates are given the chance to lower their sentences by exercising on customized stationary bikes attached to car batteries that charge as they pedal.
- The batteries are used to power street lights in the local plaza.
- For every 16 hours of pedaling, inmates have their sentences reduced by one day, with no maximum on how much they can bike



GERMANY AND NETHERLANDS

- ▶ **Broad options of alternatives to imprisonment:**

- Greater use of community-based sanctions

- Deliberate policies to keep most offenders out of prison

- ▶ **Diversion:**

- Prosecutors have broad power to divert offenders away from prosecution.

- In the Netherlands, a **transaction** is a widely used form of diversion

- An offender pays a sum of money or fulfills one or more financial conditions in order to avoid criminal prosecution.

- Available for offenses for which the maximum penalty is less than six years.

GERMANY AND NETHERLANDS CONTINUED...

► **Penal Order**

- Prosecutors in the Netherlands and Germany can impose a penal order,
- which can comprise a fine, community service, compensation, driving restrictions, mediation,
- Or forfeiture, or confiscation of assets obtained by or used in the conduct in question.

► **Fines:**

- Serve as a stand-alone—and often preferred—sanction.
- In the Netherlands, the Financial Penalties Act (1983) expresses the principle that a fine should be preferred over a custodial sentence

GERMANY AND NETHERLANDS CONTINUED....

- **Suspended sentences and other community sentences:**
 - Even when a custodial sentence is given, a relatively large percentage are suspended.
 - In the Netherlands, custodial sentence up to two years are be suspended.
 - In Germany, prison sentence of up to two years, the court typically suspend the execution of that sentence and place the offender on probation.

GERMANY AND NETHERLANDS CONTINUED...

▶ **The Practices**

- Offenders in prison not stripped of their rights as members of society.
- Prisoners retain their right to vote and receive social welfare benefits.
- Do not suffer the collateral consequences of conviction.
- Opportunities to spend time outside of prison.

▶ **In the Netherlands – weekend leave**

▶ **In Germany – short term or extended home leave**

- ▶ Prisoners consider denial of leave as a more severe sanction than detention in solitary confinement.

CANADA: NATIONAL PAROLE BOARD

- ▶ **Centralized system of granting paroles:**

An **independent administrative tribunal** - has the sole authority under the Corrections and Conditional Release Act

to grant, deny, terminate or revoke day parole and full parole.

The Board also has the authority to hold certain offenders in prison until the end of their sentences.

- ▶ **Headed by a chairperson who reports to Parliament through the Minister of Public Safety.**

Minister does not have statutory authority to give direction to the chairperson or other members of the NPB in the exercise of their decision-making powers

It ensures the Board's independence, impartiality and the integrity of the parole decision making process.

