

‘What works in correctional industries? A comparative study of European, Canadian and US correctional industries, educational, and vocational training programs at the start of the 21st century.

A paper by Ursula Smartt¹ for the Australian Department of Corrective Services, the New South Wales Correctional Industries (CIs). Keynote speech at a CIs day conference in Sydney, 30 January 2002.

Executive Summary:

- Most European countries have had large increases in prison populations (except for Scandinavian countries);
- In spite of recessions in some countries (Germany), labor markets inside correctional industries are doing well in Europe in terms of providing adequate work for prisoners;
- About 25% of prisoners in European prisons are provided with ‘meaningful’ and industrial work which replicates the work environment outside;
- 20-25 % of workplaces remain unfilled (except for France);
- All European countries are dealing with different sizes and types of prison population (e.g. high unit costs in Germany and UK for large number of young offenders), resulting in high costs in the short term; but this ‘investment’ can pay off, in terms of prisoner rehabilitation and resettlement;
- Post-release work schemes and prisoner employment data bank: working-out schemes [day-release] with private companies (Germany; The Netherlands; Belgium; Canada), which can aid offenders’ rehabilitation and recidivism rate;
- Increased integration of correctional industries with education, psychology, offending behavior programs, therapeutic communities etc. (Germany; England; Belgium);

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- France's prison labor market is completely privatized with wide-ranging training provisions;
- The *internal* labor market provides varied and elaborate work provision in all European correctional industries;
- The *external* market (public-private partnerships) varies considerably from country to country, and appears particularly extensive in Germany, England, France. USA, Spain, Italy are more limited in Joint Venture Programs;
- Prisoners' earnings and non-monetary incentives vary considerably (e.g. England versus France);
- Higher pay rates do not necessarily lead to higher productivity.
- Deductions from prisoners' earnings are an important legislative issue (e.g. social security, tax, savings and family and/or victim support).
- Accounting Practices (Profit & Loss Accounts) vary greatly. Some countries do not enter staffing or material costs fully (e.g. Germany; Spain);
- In spite of 'loss' in all correctional industries (Profit & Loss Account), correctional industries in all countries provide useful occupation of prisoners, who would otherwise be locked in their cells; this in turn, can lead to prisoner unrest (riots), hostage-taking, suicides, self-harm, assaults etc.

1.1 Introduction - Rise in the world prison population in the 1990s. Growth and trends.

An overview of world imprisonment and therein the very specialist topic of correctional industries is a broad subject. In this paper, I will concentrate on presenting some statistical information of my own research findings, supplemented by data supplied by Heads of Industries, Ministerial and national statistical data from a number of states over the past two months. Since this workshop is not only about facts and trends but also about solutions, I will go on to offer some suggestions as to how to tackle some of the problems which are revealed by this factual information by citing some case studies and examples of good practice from a number of countries. Since statistics can be rather dull, I have limited this presentation to just a few slides; but the scale and trends in world imprisonment are such, that few criminal justice experts can remain uninterested.

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Prison populations grew during the 1990s particularly in the developed industrial countries. In Europe, the growth was generally about 40 per cent, with the exception of Scandinavia, where Finland, for instance, has shown a consistent downward trend in the prison population throughout the 1990s. In the Americas the growth in the six most populous countries was between 60 and 85 per cent in the United States, Mexico, Argentina, Brazil and Colombia, but only 12 per cent in Canada. In Australia, the prison population has risen by over 50 per cent, 38 per cent in New Zealand, 33 per cent in South Africa but only ten per cent in Japan.

What then is the scale of world imprisonment? The latest figures available from the *World Prison Brief* (2001) indicate that there are at least 8.7 million people held in penal institutions throughout the world, either as pre-trial detainees (remand prisoners) or having been convicted and sentenced. Since there are just over 6.1 billion people in the world, this means that the world prison population rate is approximately 140 per 100,000 citizens. The United States is the country with the highest prison population rate in the world, 700 per 100,000 of the national population, or five times the overall world rate. In announcing these figures recently, the US Department of Justice reported that this means that one in every 142 US residents is being held in a penal institution. This incarceration rate is closely followed by the Russian Federation which in January this year had a rate of 688 per 100,000. After these two nation states, come a group including Belarus, Kazakhstan, Kyrgyzstan, the Pacific island of Guam and four small states in the central America-Caribbean region, whose very high rates are said to be largely attributable to the imprisonment of drug smugglers who are not nationals of those countries – the Cayman Islands, the Bahamas, the US Virgin Islands and Belize. These ten countries all have rates of at least 460 per 100,000.

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Table 1 Total prison population of selected world countries (Official Sources: Ministries of Justice, the Home Office, the Council of Europe; Australian Statistical Office; United Nations; World Prison Brief 2001)

Country	1992 (rate per 100,000 popul.)	1995	1998	2000/01	No. Prisons	Untried % (2001)	Juveniles % (2001)	Women % (2001)	Legislation/other Info
England	45,817 (90)	51,04 7 (99)	65,298 (125)	68,452 (128)	138	18	3.5	6	Crime & Disorder Act 1998
Scotland	5,357 (104)	5,657 (110)	6,082 (119)	6,116 (120)	17	16	2.8	4	
Northern Ireland	1,811 (112)	1,740 (105)	1,531 (91)	896	3	30	2.6	2	Closure of HMP Maze
Belgium	7,116 (71)	7,561 (75)	8,271 (81)	8,671 (85)	32	22	1.1	4	40% foreign; 117% overcrowded
Germany	57,448 (71)	66,14 6 (81)	78,584 (96)	79,348 (97)	222	23	9.6	4.5	German Unification 1990
Land Baden- Württ.	N/A	N/A	8,290 (80)	8,162 (78)	N/A	N/A	N/A	N/A	
Land Lower Saxony	N/A	N/A	5,600 (76)	6,562 (83)	N/A	N/A	N/A	N/A	
Netherlands	7,397 (49)	10,24 9 (66)	13,333 (85)	13,847 (87)	74	40	0.8	6	New Prison Act 1993
France	48,113 (84)	51,62 3 (89)	50,744 (86)	46,376 (78)	185	30	1.5	3.6	No compulsory prison labor since 1994
Italy	46,152 (81)	49,64 2 (87)	49,050 (85)	53,481 (93)	282	26	0	4.2	29% foreign prisoners
Spain	35,246 (90)	40,157 (102)	44,763 (114)	46,637 (118)	85	21	0.3	8.2	
Portugal	9,183 (93)	12,343 (124)	14,598 (146)	13,106 (131)	54	29	1.6	9.4	115 % overcrowded
Denmark	3,406 (66)	3,438 (66)	3,413 (64)	3,279 (62)	58	22	0.3	5	
Finland	3,295 (65)	3,018 (59)	2,569 (50)	2,703 (52)	36	14	0.4	5.3	
Sweden	5,431 (63)	5,767 (65)	5,290 (60)	5,678 (64)	84	25	0.2	5	
India	N/A	N/A	381,147 (39)	N/A	1,064	86	N/A	3	128% overcrowded
Russia	7,22,63 6 (487)	920,68 5 (622)	1,009,8 63 (688)	977,700 (676)	1,000	N/A	1.9	4.7	
USA	1,295,15 0 (505)	1,585,5 86 (600)	1,816,9 31 (669)	1,933,503 (700)	5,033 [3,365 jails; 1,558 state prisons; 110 fed.pris.]	18	4.4	8.2	
Australia	15,559 (118)	17,428 (127)	19,906 (139)	N/A	N/A	N/A	56 per 100,000 popul. [10- 17]	N/A	72% Community sentences [of 76,520 total in 2000]
Canada	30,723 (113)	33,759 (116)	32,951 (112)	31,600 (103)	221	19	N/A	N/A	

1.2 Reasons for the prison population growth

As I began my prison research in the early 1990s, prison populations in Western Europe were rising considerably. The most pronounced increases in prison populations could be observed in the UK, Portugal, The Netherlands, Belgium and Germany, where prison populations often doubled between the early and mid 1990s (see Table 1). This, in turn, led to severely overcrowded prison conditions, particularly on pre-trial detention (remand).

Why are prison populations so high and why are they growing? Consider England and Wales² where the prison population is now more than 50 per cent higher than it was in the early 1990s, producing the highest rate in Western Europe. Consider the Netherlands, which has long been renowned for its low prison population rate. In the 1990s, it has had the largest rise of any West European country, and its prison population has almost doubled. The increase is again attributable to a rise in the use of custody and in the length of the sentences imposed. Consider the countries of central and eastern Europe such as Poland, the Baltik States, the Ukraine or former Yugoslavia. Throughout the Eastern European region, there was a marked rise in criminality in the early 1990s, as the barriers of the previous repressive communist regimes were removed, which in turn is reflected in an increasing use of imprisonment. A climate of fear of crime in these countries, where the legal provisions had not yet caught up with new forms of criminality, led to crime in general being more likely to result in pre-trial detention, subsequent imprisonment, longer terms of imprisonment and conditional release being more sparingly allowed.

Why, then, the continued rise in the prison population when crime rates were generally fairly stable or even falling? The most commonly believed explanation is attributable to public anxiety, aggravated by media reaction to particularly serious murders, sex crimes and the fear of crime in general; that although the overall crime rates were not rising, the public, the media and the politicians were all alarmed by the changes in the nature of crime, with the emergence of new and previously unheard of forms of criminality, such as transnational organized crime, economic crime and, in some countries, contract killings.

Changes in legislation brought about longer sentences and increased imprisonment of particularly very young offenders in Britain and Germany. In the mid-1990s, Britain lowered its age of criminal responsibility from 13 down to 10 years old. This followed the abduction and subsequent brutal killing of 18-month old Jamie Bulger by two ten-year old boys, Thompson and Venables, in 1993. After the Bulger-murder in 1993 and extensive press coverage of the ten-

² By 'England' and 'English' is meant 'England and Wales' not Scotland or N. Ireland. The latter have separate Prison Services. Scotland has completely separate legislation and thus a separate criminal law and penal codes.

year-olds trial at an adult Crown Court, the British reaction to the dreadful murder was to establish greater control in relation to misbehavior of young children. Criminal youth legislation was changed by the *Crime and Disorder Act 1998*, removing the doctrine of *doli incapax*. This made children criminally responsible from the age of 10 onwards in English law.

Belgium too changed its criminal legislation after the Dutroux affair during the summer of 1996, when the country experienced the horrors of child abuse, abduction and murders by the pedophile Dutroux. Following the events, the Justice Minister had to resign due to the exposure of a malfunctioning judiciary and criminal justice system. Legislation which would keep violent and sex offenders often beyond their sentence inside secure prisons was passed in 1997 in Belgium and replicated in Germany in 1998. Following these new legislations, there was a dramatic rise in the prison population in Belgium and Germany, keeping sexual and violent offenders often well behind their completed sentence in prison. Most Western European countries have now adopted the US penal policy of 'prison works' with the incapacitation model: the more criminals you lock up for a long time, the less crime they can commit. This of course is at vast public expense.

It is well established that crime rates alone cannot explain the movements in prison populations. Looking at the recent British Crime Survey 2001 (Home Office), the crime rate in England actually fell by 12 per cent between 1999 – 2000. This indicated the lowest crime rate for twenty years. The Home Office study further established that crime had fallen consistently by one third over the past five years – an historic departure from the five per cent average rise in crime over the past century. Whilst the victim survey found that house burglaries and car-crime had generally fallen, violent and street crime had gone up. The most vulnerable victim group in Britain now consists of young men between the ages of 14 and 24, who are five times more likely to become victims of violent crime than adults. One of the most common street crime is now mobile phone-theft. Some 700,000 mobile phones were reported stolen in 2001, a crime which is not uncommon to Primary School playgrounds. The growth in the US prison population can partly be explained by tough law and order policies of American governments, fuelled by public opinion and emotions generated by moral panics and long-term cycles of intolerance, and by what Professor Michael Tonry (1999) argues that "America's unprecedented and unmatched taste for imprisonment and harsh criminal justice policies" has little to do with offenders and everything to do with the public.

Some countries record very low crime and imprisonment rates. Reasons for this vary. One of the reasons why India's crime and imprisonment rates are seemingly lower than anywhere else in the world, is that crime reporting is uncommon, due to poor methods of communication (many Indians still do not have a phone) and mistrust in the police force, held to be corrupt; another reason is the lack of house

contents insurance, for crime reporting in Western industrial countries is also linked to insurance companies' requests to report the incident to the police.

These are some of the factors that seem to have affected the growth in the prison population in certain countries where there have been major increases. As I said above, this is not necessarily due to a rise in the crime rate, but a change in sentencing legislation, and even for incoming socialist-labour European governments, a 'get tough on crime' stance. The conclusions that can be drawn from such examples is that the growth is the result of changes in penal policy. It is because of more use of imprisonment, longer sentences and, in many European countries at least, because of more restricted use of parole, probation, bail or conditional release.

1.3 What are the implications of a high prison populations?

Does prison work? A by now rhetorical question which is answered by statistics on reconviction rates. Australian government³, the various European Ministries of Justice or the British Home Office official statistics all show that about two-thirds of all released prisoners reoffend within the first two years of leaving prison. The average cost to each state amounts to \$-Aust. 280million each year. Research has further established, that about 40 and 55 per cent of the current inmate population of industrialised nations have a long history of unemployment and about 65 per cent have literacy and numeracy skills lower than the average primary school child.

What does this tell us about the nature of a nation that finds it necessary to lock up a high proportion of its people? It was Gladstone who coined the phrase in the late 1880s: 'you can judge a nation by the way it treats its prisoners'. Increased prison populations have invariably led to prison-overcrowding, particularly on remand, where some conditions have amount to inhumane and degrading treatment of the untried. When I researched the prison conditions for untried prisoners in Germany and Britain in the early 1990s, I would some appalling conditions with very restricted living space, poor conditions of health and hygiene, poorer sanitation arrangements, and less time out of cell for recreation than for convicted prisoners.⁴ Not surprisingly, there was a rise in tension, more violence between prisoners, hostage-taking (Germany), more violence against staff (Italy), increased prison riots (England), higher incidences of self-injury (Scotland) and an increase in suicides (UK; Italy). The answer to prison overcrowding was that the wealthier nations managed to build more prisons. Another was prison privatization, particularly in the US, Britain, France and part

³ Australian Government Statistics: www.aic.gov.au/stats as at 6 January 2002.

⁴ The English local [victorian] prisons still had 'slopping-out' [no in-cell sanitation, but just a bucket] until 1995, e.g. HMPs Pentonville, Wandsworth, Brixton and Wormwood Scrubs in London; Leeds; Nottingham; Leicester; Manchester-Strangeways; Liverpool. Barlinnie Prison in Glasgow, Scotland still 'slopped-out' in 1997.

privatization in Germany (e.g. kitchens or laundry). What does this say about the social cohesion of these countries? Does social cohesion matter? Should the emphasis be more on promoting social cohesion and less on locking people up? Fact is, the more prisons a government contracts out to the private sector, the more prisoners it needs to fill them.

The scale of imprisonment has important financial and human rights implications. Imprisonment is an expensive option, both because of the cost of running a prison system and because of the loss of the productive output of the people who are kept imprisoned, for they are not included in overall employment figures and macro economy of a country. Yet tens of thousands of prisoners work productively inside penal institutions. Since the early 1990s, it has been the main objective of most prison departments in Western Europe, Australia, Canada and the United States to involve prisoners in industrial work in order to instill a positive work habit in the offender.

2.1 What are Correctional Industries?

For those of you who may not be altogether familiar with the term ‘prison’ or ‘correctional’ industries – as indeed I wasn’t some ten years ago – let me give you an introductory example: Did you know that English prison farms produce 20 million pints of milk each year? That 60 per cent of all national football goal nets are made in British prison and that 1,000-Km of cloth is tailored in adult male prisons in England, the distance from London to Berlin? That 13 female inmates of the Kentucky Correctional Facility became certified Braille printers for elementary textbooks in 2000, and that half of Southern England’s hospitals and holiday camps’ laundry is serviced by prison laundry’s? That the entire court rooms of Northern Germany are furnished by prison industries around Hanover, and that a number of precision engineering bits for BMW or Janguar cars are manufactured by long-term high security prisoners? Or how about this advertisement which is put out to businesses all over the United States by the Bureau of Justice:

“Correctional industries is a viable alternative to meeting your production needs. By partnering with correctional industries, your business will gain the competitive edge it needs to grow. The employment force [the inmates!] will cut no corners and will deliver high quality production to meet the standards you set. Correctional industries programs use sophisticated, state-of-the art equipment as well as more traditional manufacturing equipment

When you choose to utilize inmates to manufacture your goods and services, you are accessing a pool of skilled individuals who are available to be trained in your business. These individuals are hard working and reliable. They choose to work with the correctional industries program. As in the private sector, many of these individual work regular shifts, but

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depending upon your production needs, others work varying shifts within a seven-day period. These inmates receive excellent on-the-job training and supervision from trade-skilled individuals who work with them side-by-side ... Your partnership with correctional industries provides an economic benefit to the public. Inmates become taxpayers. They often pay part of their earned salary toward crime victim restitution and pay a part of their salary toward their own room and board. They accumulate savings to be used upon release, and they earn compensation that is utilized to pay family support.

Your partnership provides societal benefits. Inmates develop sound work habits and gain job experience and references. Nearly all inmates will one-day return to our neighborhoods. These partnerships allow inmates the opportunity to return to society well-trained with employable skills, which can help decrease recidivism and the recurrence of crime in the community.” (Correctional Industries Association ‘Cutting-Edge Partnership’, publication 2001, Baltimore, Maryland, USA)

Whilst the US economy is booming, such opposition is contained, and the prison labor market looks to be growing, stated California’s Assistant Director of Corrections, Noreen Blonien to me when I visited the Department and San Quentin, San Francisco in November 2000. At that time, a Bill was going through Congress, as proposed by Republican Bill McCollum (Florida) which would increase inmates’ wages from 21 cents to \$-US 1.15 per hour for those working on ‘real’ jobs for private companies and would allow for more public-private partnerships.⁵

Whilst the US prison population is booming and nearly reaching the two million mark, Correctional Industries of American (CIA) serving most jails and state prisons are trying to force the government to loosen the reins on strict correctional industries legislation in order to bring market incentives to prisons. In the United States prison labor is coming to mean much more than the manufacturing of license plates. As inmates undertake everything from telemarketing (e.g. Central Correctional Facility, Cincinnati, Ohio) to the manufacturing of computer circuit boards (Lockhart Facility, Texas), the change has caused some angry debates, played out in state legislature and in two bills before Congress, over the role the nation’s nearly 2 million prisoners should play in its economy. Private sector programs now exist in 36 states and employ about 3,500 inmates. Across the United States more than 80,000 inmates now work in correctional industries, earning from 25 cents to \$-US 7 per hour. UNICOR, the federal industries, employ about 21,000, with \$-US 600 million in annual sales.⁶

⁵ Source: New York Times, 19 March 2000, ‘As Prison Labour Grows, So Does the Debate’.

⁶ Source: Wisconsin State Journal, 19 March, 2000 ‘Increase in prison labour draws both support and criticism.’

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Why do we put prisoners to work? A simple answer could be: because the law says so. Most prison or 'correctional' legislation requires the sentenced prisoner to either work or 'educate', except for France, where the law was changed in this respect in 1994. However, it is not legislation alone which drives prison departments, for most strongly believe that putting a prisoner to work means teaching him the work ethic, increase his employability after release, reduce the boredom and therein suicide and self-harm levels inside the prison establishments, and to benefit society at large by reducing inmate costs by generating income through inmate industrial labor programs.

There are, of course, opponents to such prison labor schemes. Some say, it is both a potential human rights abuse (slave labor), and a threat to workers outside the prison walls. Inmates have no bargaining power and are easily exploited, these critics say. In one California lawsuit, two prisoners have sued both their employer and the prison, saying they were put in solitary confinement after complaining about working conditions in the prison factories. These opponents also argue that the programs offered by correctional industries have stolen jobs from outside workers and have held down wages for other workers. But the reality is that most programs are small.

My research established, that Western European correctional departments now provide between 20 – 25 per cent real industrial work places for their prison populations. But the majority of the world's prisoners is still occupied in kitchens and mundane cleaning and maintenance jobs, for which they receive little remuneration. Since the end of the 1990s, some of the industrialized nations have also started to address issues such as 'basic skills' education and realistic on-the-job training within the correctional industrial workplace, to increase the inmate's employability after released. Some prison services like the two German federal states of Northrhine Westphalia and Lower Saxony, The Netherlands and the Correctional Service of Ontario, Canada, have begun joint venture programs with outside firms (e.g. oilrig workers from Dutch Prisons for BP and Shell in The Netherlands), where jobs are found for the released inmate. But some industrial prisons in Germany, England or Scotland still provide unrealistic jobs or make sure that the 'internal' market is catered for. All prisoner and staff uniforms are still tailored in some high security adult male prisons (see Table 4).

A year ago, I found 250 men at sewing machines at HMP⁷ Featherstone near Birmingham. What chance will the 40-year old prisoner have when he returns to the industrial heartland of Britain after having learnt to operate a sewing machine, having learnt French and German in the education department? At HMP Coldingley in the leafy rich stockbroker belt of Surrey in Southern England, the heavy engineering plant with sophisticated welding booths and places for 300

⁷ HMP stands for 'Her Majesty's Prison'.

prisoners was virtually at a standstill in 2000. Prisoners were drinking endless cups of tea, playing cards or dominoes and the internal drug trade was rife. Germany's prison authorities in most of the 16 federal states still believe in traditional trade training and apprenticeships, which take at least four years. Since the treasury pays for staff salaries and raw materials, industrial managers do not (yet) have to worry about such luxurious training schemes, which only employ a handful of prisoners. I found extensive vocational training and superb pieces of master-craftsmanship in book-binding, printing, carpet weaving, riding saddle, high precision engineering, wrought iron work, welding and even hand-made leather riding saddles, in some of the high security adult male prisons in Northern and Southern Germany (e.g. JVA⁸ Straubing, Bavaria, JVA Freiburg, Baden-Württemberg and JVA Celle, Lower Saxony), but once again, this did not mirror the world of work outside and could not employ a large number of prisoners, because of the high level of instructional supervision needed for such specialist trades.

Whilst inmates in the Dutch prisons were largely unoccupied because prisons were built without any workshops at all, a few kilometres down the road in Northern Belgium, prisoners worked incredibly hard in the very varied workshops, and did not even look up from their work as I tried to talk to them. Similarly in France, where prisoners' wages and non-monetary incentives such as the 'good time' regulation have been introduced. Such positive introductions of a work ethic and the realistic chance of the prisoner's future employability skills are now being addressed by some Ministries of Justice. England has started to address literacy, communication and numeracy with its 'Basic Skills' educational and vocational training programmes in some Young Offender Institutions (YOIs) in order to address the offender's rehabilitation. Escalating prison populations, particularly in the UK, Germany, the Netherlands, Spain, Portugal and Belgium have thus driven the need to provide for even more correctional industries and vocational training. At the same time, we have to bear in mind, that some countries in Western Europe (e.g. unified Germany for instance) are experiencing a recession and that correctional industries and prisoner labour activities, particularly for the private sector, will be viewed with some suspicion by certain members of the public. There are those long-term unemployed who complain that they do not have a job, but an offender inside a prison does; some trade unions, particularly in the United States and Italy, remain the biggest stumbling block. It was against this background that I began my research into correctional industries, which allowed me to gain an insight into a large number of prisons in Europe, the United States and even India.

2.2 The European Prison Industries Forum 1996

In 1993, the then Director General of the English Prison Service, Derek Lewis, had asked me to investigate European correctional industries. Together with some

⁸ JVA stands for *Justizvollzugsanstalt* – German official term for 'prison establishment'.

very dedicated Industrial Managers (all Senior Civil Servants to the Home Office), I began to visit a number of European Ministries of Justice and industrial prison complexes, in order to find out whether reports about profit-making in correctional industries (Germany in particular) were justified. This was followed by a number of visits to the USA (state and federal prisons) and finally the Ontario region of Canada in 1998. This allowed me to make comparisons and to disseminate best practice. The Home Office then commissioned an extensive comparative study, the *European Prison Industries' Questionnaire* of 1997-8, resulting in an extensive report to all Ministries of Justice and the Home Office (also widely published in US and Canadian journals). There is no doubt that a questionnaire and empirical research exercise of this kind had never been undertaken before. This paper will summarize some of the findings and give an up-to-date account of the findings from European countries, with comparative data from the USA and Canada.

In March 1996, the *European Prison Industries Forum* met for a first time in a central London Hotel, instigated by a far-sighted and enthusiastic Senior Civil Servant, Robert Fulton, and facilitated by myself. It was a multi-lingual (and rather costly) event when even the interpreters were challenged with not only prison, but also rather technical vocabulary. Hardly anyone spoke each other's language. Countries represented were: the English HM Prison Service (i.e. the Home Office), Germany, represented by two federal states (*Länder*), namely Lower Saxony in Northern Germany (*Niedersachsen*) and *Baden Württemberg* in the South⁹, Spain¹⁰, The Netherlands, Sweden, France and Belgium¹¹. In 1998, Italy joined the Forum. The Correctional Service CORCAN of Canada and the federal (UNICOR) and state correctional industries services of the United States have continued to be very helpful indeed.

The main topics of discussion were the analysis of possibilities and limitations of prison labor; the relationship between the production in prison workshops and the production in the outside (free) world; correctional services' liaisons and working with outside private contractors, the extent of prisoner vocational training linked

⁹ Germany comprises 16 federal states (*Länder*) in total; each are autonomous and the prisons are governed by a Ministry of Justice in each state. Lower Saxony and Baden Württemberg were represented by two different Ministries of Justice, from Hannover and Stuttgart.

¹⁰ Spain is divided into several autonomous ethnic and linguistic regions, the Catalunya (Barcelona) and Basque (Bilbao) regions being most distinct from the rest of 'Castilian' speaking Spain. Senor Beltran Catala, the then Director General, represented the Ministry of Justice and Interior of the Central Spanish Prison Service [*Ministerio de Justicia e Interior Secretaria de Estado de Asuntos Penitenciarios*] in Madrid.

¹¹ Belgium is distinctly and linguistically divided into the Northern (Flemish) part where 'Flemish' (Dutch) is spoken, and the Southern Part (Walloon) where French is spoken. Over the years, there have been either French or Flemish – speaking representatives at the Forum. Literature and data sets are published in *one* language only. To date, it was in Dutch from the Northern Flemish office.

to outside work-provisions (i.e. job creation schemes); standards, types and production of goods produced in prison, prisoner wages and other types of incentives. The resolution of the March 1996 meeting was, to balance the need to accomplish its role as a correctional program with the need to minimize any negative impact of its operations on outside employment. Furthermore, the *European Prison Industries Forum* (eight countries) agreed in 1996 that it could play a valuable part in improving relations with the private sector stakeholders and trade unions, and encourage long-term business relationships between private industry and the prison establishments.

Subsequent annual meetings adhered to the primary role of correctional industries in Europe to effectively, but peacefully, control the ever increasing prison populations in each country (except for the Scandinavian countries) by meaningful industrial work, in order to maintain peaceful control, good working practices inside within increased prison security in each state. Though it was generally felt during the early to mid-1990s meetings that work (i.e. correctional industries) should be paramount in all countries' prison regimes, some countries (e.g. England, Sweden and Italy) introduced enhanced offending behavior programs during the late 1990s mirroring the Canadian cognitive skills and educational programs, paramount for most of the prisoners sentences at the time. At the start of the 21st century, it can be observed, that correctional programs in Germany, Northern Belgium, Sweden and England are mirroring a 'normalization' position of the outside world, including extensive educational and vocational programs inside long-term high security prisons. In order to achieve the, for most of the European prison administrations' main objective, which is the re-integration of the prisoner into the 'real' world, a substantial part of day-time correctional activities are based on 'real life' enhanced work regimes which include high school education (Germany and England) linked to trade and vocational training certification of the world of work outside. Sports and 'association' activities, as well as graduate study or 'life style' activities (pottery, music etc) are left for *after* a day's work or the weekend.

3 Results from the *European Prison Industries Questionnaire 1998*

To give you an overview of the complexity of undertaking comparative research amongst Europe's correctional industries, here is an overview of the different systems. The French *Régie Industrielle des Etablissements Pénitentiaires (RIEP)* is similar to *Prison Enterprise and Activities Services* in England and CIS in New South Wales, Australia. Lower Saxony's and Baden Württemberg's (Germany) *Justizvollzugsarbeitsverwaltung* is a similar venture. Spain's prison industries' organization is an autonomous organization, the *Organismo Autonomo Trabajo y Prestaciones Penitenciarias* within the Ministry of Justice in Madrid, and there are completely separate prison services for the regions of Catalonia and the Basque country. The Swedish Prison and Probation Service, the *Kriminalvarden Kriminalvårdsstyrelsen (KrimProd)* comprises all prison industries. In all

countries, work is undertaken in prison workshops. Some countries, such as England, Lower Saxony, Baden Württemberg and Sweden, also operate farms, gardens and forestries (Sweden), and in the case of open prisons, there are some day-release schemes, paying the prisoners real or enhanced wages (e.g. the *Freigänger*- scheme in Germany).

All countries had some work ‘contracted in’(so-called *Contract Services*) by outside private firms, where inmates assembled parts of or joblots for the outside contractors – this is also known as ‘piecework’. A large part of the piecework or contract services assembly also occupied unconvicted (remand) prisoners. Though by law, untried prisoners do not have to work, many of these, particularly the large foreign contingent in the European prisons choose to work in order to earn a daily wage. Many of the foreigners had to work in order to keep families back home in Latin America or the Eastern European states such as Poland or Russia.

3.1 Types of industries and work provided

The questionnaire survey actualized and translated into seven different languages by myself, including some 70 different data sets and open-ended questions, was sent to each Senior Prison Administrator in charge of Correctional Industries towards the end of 1997. Since some questions were not easily understood, or could in certain cases not be answered at all by some countries, follow-up telephone calls with members of the European Prison Industries Steering Committee were held, in order to explain certain questions. Problems arose particularly when trying to collate types of work done in each country. Here England turned out to be the only country where ‘weaving cloth’ or ‘tailoring’ was undertaken (see Table 4), whilst Spain’s ‘cottage’ (Artisan) industries became rather unique and unquantifiable. The terms ‘internal’ and ‘external’ market had to be explained in a roundabout way, meaning work for the prison departments’ own use (‘internal’) and for outside ‘private’ contractors, i.e. contracting-work into the prison (‘external’). At that time, England, Germany, France and Belgium¹² were probably the leaders in contracted-in (‘external’) work provision for its prisoner population (see Tables 2 and 3).¹³

¹² The leading prisons in this respect are Merksplas, Mons, Lantin and St. Gilles (Brussels).

¹³ In England this comprises ‘engineering services’ for instance. For example at HMP (Her Majesty’s Prison) Featherstone near Birmingham, Midlands, or HMP Coldingley near Woking, Surrey, all the grids, grills, security doors and iron bedsteads are manufactured in the engineering plants for the whole of the new prison buildings. At prison farms and gardens (e.g. HMPs Hollersley Bay or Camp Hill) the entire supply of prisoners’ vegetables, eggs, milk and foodstuffs are provided. HMPs The Verne or Albany’s extensive furniture plants provide all the cell furniture as well as office furniture for the Prison Service Headquarters at Cleland House in London. HMPs Featherstone, Hull, Wandsworth, Lincoln’s tailoring services provide the prisoners’ and prison officers’ uniforms, as well as bed and table linen. Similar workshop provision can be found at prison establishments in Lower Saxony (Germany) and Sweden.

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Table 2: Types of work provided for the *internal* prison market

	England	Bad.Württ.	France	Low.Sax.	Spain	Sweden	Netherl.
Tailoring	X ¹⁴	X		X			
Laundry	X	X	X	X		X	X
Weaving	X						
Engineering	X	X		X		X	X
Woodwork/ Carpentry	X	X	X	X	X (Artisan)	X	X
Printing/ Book binding	X	X		X	X	X	X
Plastic/Signs / Screen Print.	X	X		X		X	
Textiles	X	X		X	X	X	
Domestic work	X	X	X	X	X	X	X
Light assembly	X	X		X	X	X	
Farms/Garden	X	X		X	X	X	
Motor mechanics	X	X		X	X		
Food provision		X		X	X		X

Table 3: Types of work provided for the *external* prison market

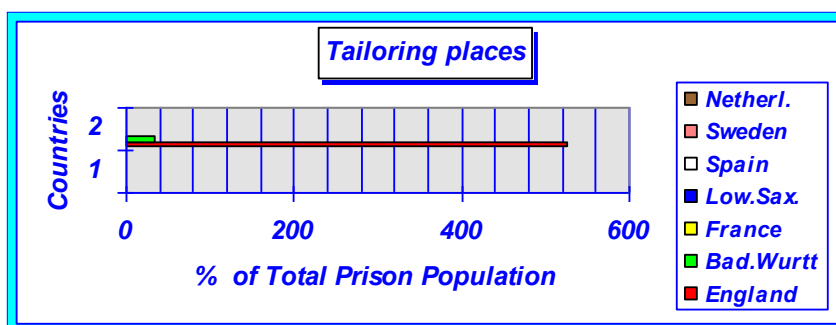
	England	Bad.Württ.	France	Low.Sax.	Spain	Sweden	Netherl.
Tailoring	X	X	X	X			X
Laundry	X	X	X	X		X	X
Weaving	X						
Shoes/ Leatherwork	X	X	X	X	X (Artisan)		
'Contract Services ' (Piecework)	X	X	X	X	X	X	X
Engineering	X	X	X	X		X	X
Woodwork/ Carpentry	X	X	X	X	X	X	X
Printing/ Book binding	X	X	X	X	X	X	X
Plastic/Signs / Screen Print.	X		X	X		X	X
Textiles	X	X	X	X	X	X	X
Farms/Garden	X	X		X			
Motor mechanics	X	X		X			
Furniture/ Upholstery	X	X					
Recycling	X			X			X
Light assembly/ manual labor	X		X	X	X	X	X
Food provision	X	X		X	X		X

Table 4 Tailoring and Weaving

Country	England	Bad.Württ	France	Low.Sax.	Spain	Sweden	Netherl.
Tailoring %	0.9%	0.4%	Not given	not given	not given	not given	not given

¹⁴ By 'X' is meant 'Yes'.

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3.2 Provision of correctional industries, prisoners' earnings and other incentives

One of the major findings of the 1998 Questionnaire was, that correctional industries of continental Europe are managed by a variety Ministry of Justice and therein prison administrative structures. England, the two German states, Northern Belgium and Sweden were run on similar lines to the Correctional Services of New South Wales, a kind of 'prison enterprise' or entrepreneurial structure with separate departments and agency status and a corporate office, similar to the one of the CSI in Holker Street, Silverwater NSW. The Italian Service was run more on rehabilitative lines, as enshrined in the Penal Code, covering 'rehabilitation parameters' of inmates work programs at least in some of the North Italian industrial prisons near Milan. Not so, however, in the Southern or Sicilian Prisons, where continued trade-union action was hampering any industrial work considerably.

The most outstanding example of totally privatized correctional labor could be seen in France where prisoner pay levels were also the highest (see: Table 5). Since the law was changed in France in 1994 (i.e. prison labor not compulsory), work inside is very much sought after, and there is a competitive element amongst prisoners to obtain work

Table 5 Prisoners' Earnings (In £ - Sterling) ¹⁵

Country	England	Bad.Württ	France	Low.Sax.	Spain	Sweden	Netherl.
Prisoner Wages per hour [£]	0.30	0.63	1.33-2.78	0.67	1.79	0.71	0.89 unconvct. 0.92 convicted

Pay rates varied considerably within the 1998 Questionnaire results, with England and parts of Germany paying the lowest rate at the time. This changed

¹⁵ The rate of exchange against the currencies given as at 1 April, 1997.

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drastically with the introduction of the UK *Prisoners' Earnings' Act 1996* and the challenge of prisoners' earnings in the German Constitutional Court in 1998.¹⁶ Both statutes in English and German law respectively now give prison governors or industrial managers the power to pay enhanced wages to prisoners who perform 'realistic' and 'enhanced' work inside penal institutions. At the same time, prison managers are permitted to make 'reasonable' deductions from prisoners' total earnings (wages), provided inmates are working voluntarily on enhanced wages schemes and have signed work 'compacts'.

In France all prisoners' earnings are subject to the same national deductions (tax, National Insurance etc.). Pay rates in long-term prisons in France (*Centres de Détention*) continue to be very high (averaged £12.50 per day in 1998). All workers in the *Service Générale* (kitchen, laundry, cleaning services) have to pay a statutory deduction of 10 per cent for board and lodging, and reduced social security rates are deducted; 20 per cent have to be paid into a victim-support fund. German day-release prisoner (*Freigänger*) is paid real wages and signs a direct contract with the outside contractor or firm. Inmates who are 'high' earners, have to pay weekly board and lodging to the prison authority. Compulsory savings schemes are enshrined in law (about 10% of total earnings) in Germany, France, Belgium and England. Regrettably, the English Prison Service was challenged by a group of former day-release prisoner in 1999, when it came to deducting 'board and lodging' from prisoners' earnings. The following report thus appeared in the Times newspaper:

Thousands of serving and former prisoners are expected to claim an estimated £1 million from the Prison Service after a legal claim over deductions from their wages for board and lodging. The service is preparing for a flood of compensation claims after an admission that it had been unlawfully deducting cash from wages earned by offenders for 40 years. It is estimated that at least 10,000 serving and former inmates in jails in England and Wales are eligible for refunds. The service is currently deducting £26,000 per month for board and lodgings from inmates' wages. Prison governors have been instructed by the Prison Service to stop making the weekly deductions amounting to an average £18.25 per week. In the past, more than £40 a week per prisoner has been deducted. The prison Service admitted that it had been acting unlawfully after four prisoners, now at Whitemoor top-security jail in Cambridgeshire, began judicial review proceedings over the decision to deduct the money. John Duggan, serving life for murder, George Daly, Glen MacPherson and Craig Preece, also lifers, launched the challenge after the service began taking a cut from their wages while they were at

¹⁶ For an article in the German Prison Service Newsletter see: Ursula Smartt's 'Kommentar zum Thema Gefangenearbeit und Gefangenenlohn'[Commentary about prison labour and prisoners' earnings], *Der Vollzugsdienst*, Heft 4-5, 1999, pp. 5-6.

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Wakefield jail in 1994. The prisoners who were on the enhanced earning scheme, were receiving up to £120 a week for contract work in the prison's workshops. The prison took up to £40 a week to help towards board and lodgings at the jail, where the cost of keeping an inmate is almost £700 a week. The Prison Service stopped deducting board and lodging costs from inmates on the enhanced earning scheme as soon as the legal proceedings began in 1995, but continued taking the money from prisoners' earning wages as part of the pre-release work in the community. However, in preparing for the court case, the service was advised by its lawyers that all the deductions were unlawful. Although deductions have been made for board and lodgings since the mid 1950s, the service is liable only for claims going back to 1993. A Prison Service spokesman said: "Our view was that these prisoners were taking part in these schemes voluntarily and therefore we were entitled to charge for board and lodgings." (The Times, 23 February 1999).

The Dutch Prison Service Agency (*Ministrie van Justitie Dienst Justitiele Inrichtingen*) in Den Haag, continues to have problems in providing enough and suitable work for its ever-rising prison population. During the 1997-8 investigation, only day-release prisoners from Open Prisons could work 'out' for private enterprises (e.g. the *Penitenciaire Inrichting Het Keern* near Nijmegen). 40 per cent of their wages were paid by the government to the employers or contractors. Every prisoner received unemployment benefit if no work was available inside (which was the majority of prisoners at the time); sickness pay was also received if certified by a doctor. The prisoner working in a Dutch prison has to pay social security and tax contributions. Long term prisoners in The Netherlands and Germany are entitled to one day a month off work (called 'holiday' or 'rest day' which is a paid day's leave). The problem continues to exist in Dutch prisons, that these were built without adequate (if at all) workshops, and continued efforts are being made to alleviate this problem.

It was the non-monetary incentives for prisoners who worked and/or educated which made interesting comparative reading, with Sweden providing no incentives at all and Lower Saxony (Germany) providing the most incentives for prisoners, which even included better 'in-house' shopping facilities (e.g. at the JVA Celle). The state of Southern German state of Baden Württemberg (JVA Freiburg) and France were even operating the Texan model of 'good time' i.e. calculating worked-time against sentence deduction (see Tables 6 and 7)

Table 6 Deductions from prisoners' wages/ earnings

	England	Bad.Würt.	France	Low.Sax.	Spain	Sweden	Netherl.
Compulsor. Savings	X	33%	10%	X		X	X
Board/ Lodging	X		10% [MAX 300 F p. month				X

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Victim support	X		20%			X	X
Family support	X					X	X
Debts	X	X		X		X	X
Social Security/ State		3.25%	X	X			X
Tax							X

Table 7 Non-monetary incentives for prisoners

	England	Bad.Würt	France	Low.Sax.	Spain	Sweden	Netherl.
Good time ¹⁷			X	X	X		
Better accommodation		X	X				
Increased time out of cell			X	X			X
Better/more programs				X			X
More home leave		X		X			
Parole		X	X	X			
None	X					X	

3.3 Prisoner activity places in correction industries

One of the most alarming results from the 1998 questionnaire was that prisoner work and educational/ vocational training places were not fully taken up. This has not changed with the exception of France where a hundred percent of prisoner employment continues (see Tables 8 and 9). Overall it can be said, that, to date, about 25 per cent of prisoner work places remain unfilled. This has various reasons, and the main ones are as follows: clash between activities, e.g. PE activities and prison industries. The clash results from activities running at the same time, and the prison administrators time-tabling their activities for the same clientele. Absence at work through doctor's or official visits. Holding back of inmates to clean landings or sweep up toilet recesses by prison staff. Continued clashes between prison officers (landing staff) and industrial (civilian) instructional staff (or outside factory instructors). Visits that are organized during work hours.

Prison labor in France, Northern Belgium and Lower Saxony (Germany) can now be seen as an incentive, where the prison labor market is akin to the outside world of work labor market. Vocational training schemes and proper vocational skills training is undertaken here, and inmates have to apply for the job inside with a further incentive, in that probation and the prisoner's release date depend on his work conduct and work track record. Work undertaken and the inmate's behavior inside the prison workshop are taken into account during the prisoner's sentence review (see Table 7). Of the 32 prisons in Belgium, there are two open prison

¹⁷ Meaning time off the sentence for work undertaken productively.

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institutions (such as the Penitentiary at *Hoogstraten*, a resettlement center for long-term prisoners), where work and vocational training is paramount, particularly for young or ‘youthful’ offenders (aged 18 – 26). Like all other Prison Acts (except for France), the Belgian statute states that *convicted* prisoners have to work. The work done for outside (private) contractors inside the prisons, particularly in Northern Belgium, is impressive with long-standing contracts and inmates working at considerable pace. The Ministry of Justice in Brussels with its separate Prison Services for Flanders allows a large number of private contractors to rent the space and set up workshops with their own machinery and instructional staff at a number of prisons.¹⁸

Table 8 Total number of work places available for prisoners (1998)

Country	England	Bad.Württ	France	Low.Sax.	Spain	Sweden	Netherl.
Places	13,828	6,103	10,700	2,800	not given	2,000	4,400

Table 9 Total number of work places taken up by prisoners (1998)

Country	England	Bad.Württ	France	Low.Sax.	Spain	Sweden	Netherl.
Places taken	10,265	4,739	10,700	2,600	not given	1,600	4,400

With the increasing prison populations in most of the European countries (except for Scandinavia) it is a fact that none of the countries can provide enough work places for its prisoners. Most countries can only provide between 20 and 25 per cent of truly ‘enhanced’ i.e. industrial work for their inmates. England, for instance, now has close to 70, 0000 prisoners, with approximately 25,000 industrial work places available.¹⁹ France with a prison population of 53,000 was providing 10,000 places in 1998, The Netherlands with 12,000 prisoners provided 4,000 places etc. (see Table 8 for further comparisons). Yet, at the same time, all countries (except for France) do not present a full capacity of prisoner employment (see Table 9).

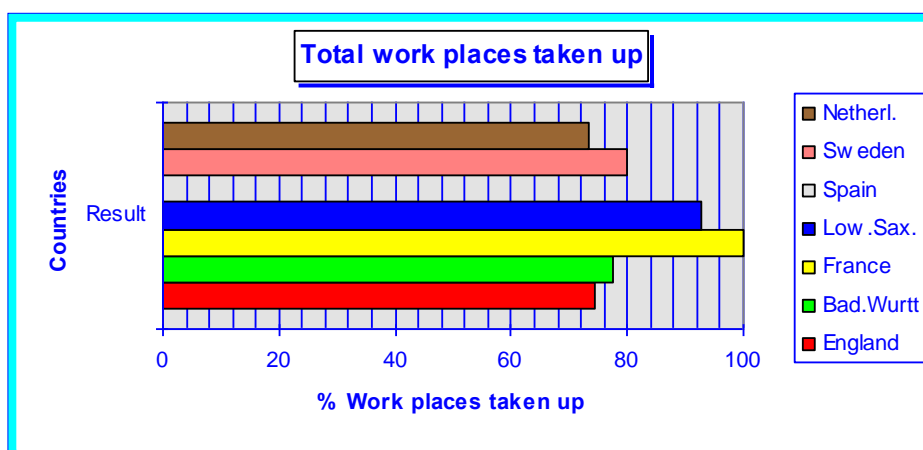
Table 9 Percentage of work/ industries places taken up by prisoners (1998)

¹⁸ Ursula Smartt and Tony Gillcris from the HM Prison Service visited the Belgian Prison Industries in 1995 and 1996, and compared these at the time with the Dutch Correctional Industries, which, at that time, were virtually non-existent.

¹⁹ The total prison population of England and Wales stood at 59,000 at the time of the 1997-1998 Prison Industries Questionnaire, and was providing 13,000 industrial work places (incl. 2,000 in farms and gardens) at the time.

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Country	England	Bad.Württ	France	Low.Sax.	Spain	Sweden	Netherl.
Places taken[%]	74.23%	77.65%	100%	92.85%	not given	80%	73.33%



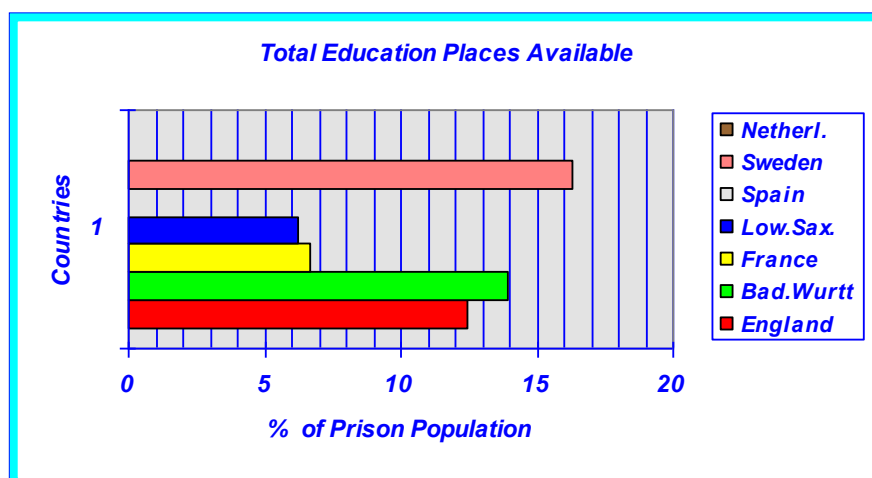
4 Vocational training and education

Whilst the picture regarding the provision of ‘education’ and ‘vocational training’²⁰ varied considerably among the European prison services in 1997-8, times have changed, particularly in Germany and England at the beginning of the new Millennium. The education provision for each country looks encouraging, particularly in England, Germany and Sweden (see Table 10).

Table 10: Vocational/ educational places available in each country

²⁰ By ‘education’ in an English and Continental European prison is meant the equivalent of ‘high school’, where reading, writing and arithmetic skills are paramount. Since many prisoners do not have any formal leaving school qualifications, most prison departments now enable adult prisoners to undertake this form of study as part of a day’s work. This is then also referred to as ‘vocational training’ (VT) which additionally comprises courses which are usually certificated as a national vocational diploma or certificate (often granted by local Chambers of Commerce). Trade training is undertaken in e.g. Bricklaying; Computing; Printing; Tailoring; Bookbinding; Car Maintenance etc.

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5 Accounting methods for correction industries

Methods of accounting practices vary considerably from country to country and this became an almost immeasurable task. England operates as the only true 'accountable' and autonomous country with each budget devolved to the individual prison establishment, with each prison governor having his own budget and profit and loss account. When I asked the Director of a Bavarian or Lower Saxony prison in each German federal state to show me his profit and loss account, I was met with shoulder shrugging, and incredulity. The Director of the Straubing Prison in deepest Southern Germany (Bavaria) gave me what he thought was an annual account, only to provide me with a diary and photographic account of his prison year. This then left the German and Italian prison services and individual 16 Länder Ministries of Justice naturally making a 'profit' in their correctional industries, for they did not include prison staff (instructors') wages or the cost for stock and raw materials (e.g. wood for furniture production) in their profit and loss accounts. Currently, all correctional industries in Europe, with the exception of England, operate with central funding from the Treasury. Similarly all income (especially from 'external' contracts) has to be returned to the Treasury of each country too (see Table 11).

Lower Saxony's Ministry of Justice in Hanover (N. Germany) has however introduced a similar system to the introduced in England in the late 1990s, which means that some of the revenue from outside (private) contracts can be kept at local level for (capital) re-investment in that particular prison establishment. English Prison Enterprise Services (PES) introduced this system into its work-enhanced (so-called Pathfinder) prisons (13 in total) where up to 50 per cent of external income from prison industries can be 'kept' by the local prison governor. He can then decide where to spend this money (e.g. new gymnasium flooring or enhanced alarm and personal security systems for prison staff). This then becomes an incentive for correctional industries to obtain more external work in addition to the 'mandatory' work for the 'internal' market. Sweden and The Netherlands were able to state an actual figure of an operating loss, whereas all other countries were not able to state profit or loss, due to the fact that this is

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calculated by the Treasury (Department of Finance) for each Prison Administration. France, Sweden and The Netherlands all operate under some form of Private Finance Initiative (PFI). Though this system of contracting-out (privatizing) whole prison industries was tried in England (HMP Coldingley between 1996 and 1999 to Wackenhut UK), it failed.²¹

Table 11 Accounting Methods (as at 31.12.1997)

Country	England	Bad.Württ	France	Low.Sax.	Spain	Sweden	Netherl. ²²
Prof./Loss	Not available	not available	not available	Not available	not available	113m SEK - Loss	33m Dutch Guilder Total Volume
Sales volume	Yes	No	Yes	Yes	Yes	No	not given
Sales value	Yes	No	Yes	Yes	Yes	Yes	not given
Produce	Yes	No	Yes	Yes	No	No	not given
Service type	Yes	Yes	Yes	Yes	Yes	Yes	not given
Material cost	Yes	No	Yes	No	Yes	Yes	not given
Prison labor cost	Yes	Yes	Yes	Yes	Yes	Yes	not given
Electricity	Yes	Yes	Yes	Yes	Yes	Yes	not given
Staff salary	Yes	No	Yes	No	No	Yes	not given
Rent/rate	Yes	No	No	Yes	Yes	Yes	not given
State finance	Yes	Yes	Yes	Yes	Yes	Yes	Yes (personnel only)
Private finance	Some	No	Yes	No	No	Yes	Yes

6 Case studies of correctional industries from various countries

As stated at the beginning, some prison services are now addressing the poor basic skills base of its prison population, particularly with young offenders (18-24). At the English HM Prison Service Conference in January 2000, the then Home Secretary Jack Straw announce in his speech to all prison governors of the 138 prisons (incl. eight private prisons), that twelve Young Offender Institutions (YOIs)²³ would launch the 'Welfare to Work' Scheme, which would address

²¹ Ursula Smartt undertook an extensive study between 1996 and 2000 into the contracting-out of the HMP Coldingley prison industries to Wackenhut and a separate report is available.

²² The Dutch Report states that prison industries are completely de-centralised by the end of 1996. Every prison director is responsible for making work available for convicted prisoners. Any positive financial result (Profit) belongs to the prison. The Department responsible for Prison Industries in Prison Service Headquarters in The Hague will disappear in 1997.

²³ The Young Offender Institutions (YOIs) are: Deerbolt; Glen Parva; Huntercombe; Lancaster Farms; Moorland; New Hall; Onley; Portland; Stoke Heath; Dover; Guys Marsh; Usk and Prescoid.

basic educational skills such as literacy and numeracy, health and safety training (incl. kinetic lifting), drugs and alcohol awareness, communication and first aid.²⁴ It was his, aim, so Jack Straw, that 2000 young offenders would receive basic skills training each year at the 'University of Industry' under the 'LearnDirect' scheme which would include access to Information Communication Technology (ICT) to support the educational programs in all prisons for 18 – 24 year olds. At HMP Cardiff, 116 young prisoners (out of 120) successfully completed the eight weeks' Basic Skills training program.

In 1998, the English Department for Education and Employment (DfEE) headed by the Minister Baroness Blackstone) announced that prisoner education was to revert to DfEI from the HM Prison Service.²⁵ Whilst all prisoner education had effectively been privatized in 1992, the educational provision in each prison establishment, particularly in the YOIs varied considerably, some education still being provided by local colleges, some by specialized prison education providers. Any attempts to provide a national curriculum for prisoner education in 1995 had failed, and the result was a largely illiterate prisoner population by the end of the 1990s. In August 2001, the new Home Secretary David Blunkett launched the 'LearnDirect'²⁶ prisoner vocational training scheme together with the new Prisons and Probation Minister Beverley Hughes. Blunkett stated:

Many offenders lack key skills, the absence of which prevents them finding work. At present, two-thirds of prisoners do not have basic literary skills we would expect from an eleven- year old or younger child. Our [the Home Office's] aim is to ensure that they leave prison equipped to get a job and turn their backs on crime. Current figures show that 58 per cent of offenders are reconvicted within two years of release from prisons. If we are to reduce the high levels of reoffending, we must increase the prisoners' ability to read, write and do basic maths. (Report on the HM Prison Service Website, 8 August 2001).

HMP Holme House even received 'Beacon Status' a government incentive scheme for national centres of excellence for its educational programme "Time for our kids", where adult male prisoners recorded their self-written stories and fairy tales on tape for their children back home. Leyhill Prison won the silver and gold medals once again at the Chelsea Flower Show (2000 and 1998) with prisoners' elaborate gardening displays and skills.

²⁴ Courses are provided by a College Network and are certificated by a number of awarding bodies such as 'City & Guilds' or the 'Royal College'.

²⁵ Source: Prisoner Education Services Business Plan 2000 – 2001. Department for Education and Employment, Directorate Strategic Plan.

²⁶ The *LearnDirect* pilot prisons are the following prisons: HM YOIs Feltham and Wellingborough; HMPs Hindley; The Mount and Styal (women's prison).

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A little further afield, the first privately run (contracted-out) prison in Ontario, Canada was opened in December 2001. The Central North Correctional Centre (CNCC) ‘Penetanguishene’ for 1,184 high security prisoners was opened by the Correctional Minister Rob Sampson with the words that the facility boasts extensive industries which are run on public-private partnership lines. Skills training includes carpentry, power-tool use, blueprint reading and computer-aided design.²⁷ Moreover, the ‘Ontario Earned Remissions Programme’ is worth mentioning, where the inmate can earn up to one-third remission from his sentence where he is seen to actively participate in work, skills training, education, community service and rehabilitative treatment programmes. Ontario has long undertaken prisoner work programmes, be they with the state industries CORCAN or in joint venture programmes (since 1995), such as the “Keeping Ontario’s Roadside Clean” venture with the Ministry of Transportation, where 879 inmates cleaned some 9,000 Km roadside and highways of garbage using 16,000 garbage bags, or the joint venture programme with the Toronto Police Service where hundreds of day-release offenders are used to clean off graffiti from public buildings. Such joint ventures are for low-risk offenders who are sentenced to less than 120 days imprisonment.

The idea of keeping prisoners in work is to reduce the cost of prisoner accommodation and care by about 15 per cent to the public purse. California’s Department of Corrections too has introduced some joint venture programs (JVP) for the implementation of inmate work initiatives. The first enterprise was launched in July 1991 following special legislation in 1990. Here some twelve employers and firms took part in the scheme, providing 351 inmates with work.²⁸ This meant that over \$-US 6,171,846 were returned to the public within the past nine years. Out of the total wages paid \$-US 12,564,586.18, \$-US 1,910,825.83 were withheld in taxes. The following makes interesting reading:

Table 12 Joint Venture Payroll Distribution: California Dept. of Corrections (July 1991 – 30 September 2000)

Total inmate wages	\$-US 12,564,586.18
Taxes withheld	1,910,825.83
Room and Board	2,130,510.05
Victim Compensation	2,130,510.05
Family Support	1,473,996.28

²⁷ Source: Ministry of Correctional Services, Canada: www.corrections.mcs.gov.on.ca of 5 January 2002.

²⁸ Some of the work involved furniture packaging (Northern CA Women’s facility Stockton); Medical Laboratory assemblies (CA State Prison San Quentin); electronics component manufacturing (women’s facility Chowchilla); crop gathering and ground covering (men’s facility at Chino and Claremont Community Correctional Facility Coalinga); sewing (Richard J. Donovan Correctional Facility, San Diego) and modular office furniture assembly (Chuckawalla Valley State Prison). Source: Department of Corrections, Sacramento, California, 30 September 2000, Joint Venture Programs.

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Inmate Savings	2,759,407.53
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Female prisoners at the Correctional Facility of Chowchilla, in Silicon Valley, Northern California are assembling circuit boards for Server Technology, a Joint Venture Programme with the California Department of Corrections. All 45 women work from 8 a.m. to 4 p.m. and remain in the work program as long as they wish. The wages average \$-US 6 per hour, and the inmates also receive 'good time' rewards in sentence reduction for good work. The prison gets 20 per cent of their wages for board and lodging, a further 20 per cent goes to family support, and 20 per cent goes towards a release savings fund. The rest is for free use to spend in the commissary.²⁹

Such joint venture programs as provided in California (particularly in San Francisco) are relatively small, and only provide a handful of prisoners with some meaningful industrial work and training, but they could be replicated elsewhere. The 'good time' regulation where a prisoner's sentence is reduced considerably by the time worked in correctional industries (as practised in Texas or Oregon) is seriously studied in some European Ministries of Justice. In Oregon State correctional facilities, if prisoners do not work, they even serve longer sentences, lose privileges and risk solitary confinement. But all is not well in some correctional facilities. In 1999, inmates at Youngstown, Ohio Prison, sued the private contractor Corrections Corporation of America (CCA) over poor work conditions and abusive treatment they received at the facility. The lawsuit was settled costing the state \$-US 1.65 million.³⁰

7 Restorative justice in prisons

A further approach is to incorporate restorative justice within the management of a prison institution. One such example can be seen in Belgium, where the new Minister of Justice introduced restorative justice concepts in 1998 as a pilot into six prisons (e.g. Leuven Central Prison³¹; Hoogstraten Penitentiary³²; Leuven

²⁹ Source: San Jose and Silicon Valley Business Journal, 17 December 1999 'Server goes behind bars to train workers'.

³⁰ Source: Prison Policy Briefings, Department of Corrections, Sacramento, California of 27 November 2000.

³¹ Leuven Central is a radial prison built in the mid-19th century, which provides a long-term high security setting for 300 male prisoners. Its unique regime enables a full day of unlocked movement with access to industries and education. Prisoners are selected by the Prison administration of Northern Belgium (Flanders) to come to the prison, which is seen as a privilege. Therefore, places are valued by inmates because of the relaxed regime and the proximity to their home.

³² Hoogstraten is a remarkable setting of a moated medieval castle; an open prison for 150 medium term prisoners, including youthful offenders (18 – 24), provides a 'community regime' based on a full working day, which starts at 7 in the morning. There is an immense range of vocational training to ensure good preparation for realistic release (e.g. baking; brick laying; carpentry; horticulture). The prisoners are prepared for a full reintegration into society in the

Hulp Prison ³³) and later into all 32 prisons. As part of the industrial workshop training at all prisons, there is awareness training for the prisoner to understand the harm he has caused to his victim; he is made to develop new empathy skills, in order to reflect and respect cultural and ethnic differences within the prisoner community. Some of the industrial workshops even have instructors who were themselves victims of a crime; in discussion groups, victims give their testimony. Guided visits for outsiders encourage the introduction of the community into the prison with the intention that citizens become involved in the rehabilitation of offenders inside the prison.

Concepts of victim-offender-mediation within the prison institution were brought about with the complete involvement of the prison director, the therapeutic and social services, prison officers and eventually, the community, so that inmates could be enabled to take responsibility for their criminal actions. Each Belgian prison now has a Restorative Justice Counselor, who works directly to the prison director, in order to introduce concepts and practices in line with those developed within the prison community. The program is called 'Victim in Focus' and involves a confrontational approach aimed at changing attitudes of offenders. This is achieved through individual guidance and group-therapy work. Prisoners are given awareness training so they are conscious of the psychological, emotional and physical consequences their offence has caused the victim. Staff must actively take the responsibility of dealing in a very open way with the inmate in order to confront him with the aftermath of his crime right from the beginning of his time in custody. The ultimate aim is for the offender to take charge of his crime and the consequences of the offence for the victim/s. When a victim and/or the offender request a direct contact with each other, a trained victim-offender mediator is called upon. However, in most cases, it is realistic to assume that indirect communication by go-betweens takes place, particularly in serious crimes such as sex offences. The Belgian Ministry of Justice in Brussels made sure that victims were fully informed of this new project. This was achieved by distributing a leaflet to inform victims about the pilot project within the prison and probation system. It was most important to raise public awareness in this way. Society was made to understand concepts of restorative justice, not only the debt incurred by the offender to the state but also to the victim. It was not only the burden of imprisonment, but also to alleviate his crime through

expectation that they will improve community safety. The regime is integrated to support this creative and resettlement approach.

³³ A busy, overcrowded support prison to Leuven Central, Hulp Prison accommodates 165 prisoners, 90 of whom are awaiting trial (on remand), with 35 psychiatrically ill prisoners and about 50 locally based men who are held as close to home as possible. In Hulp, the 'Focus on Victims' project starts as soon as the prisoner enters custody and forms an integral part of his sentence plan. Community groups of eight prisoner work for about 30 hours a month with staff and victims coming into the prison. Although there is often some initial resistance and indifference towards, most offenders and their victims experience multi-lateral growth in sensitivity towards each other.

industrial labour inside prison and community work (wherever possible), to earn money to pay off these debts.

Since restorative justice emphasizes criminality as an inter-relational event (offender and victim, not the punishment of the offender solely by the state), the Belgian Ministry of Justice felt that mediation and victim involvement should be part of the rehabilitative process inside the penal establishment. The prisoner is thus made aware, that a crime is the result of, or leads to a conflict situation between the offender and the victim and their neighborhood. In this conflict damage is caused to the victim and the neighborhood. Handling this conflict by punishment through the justice agencies is not sufficient. Restorative justice means that both conflicting parties, victim and offender, should have the opportunity to express their needs to each other and to search together as to how to deal with the conflict and its implications for the future. In prison, the whole community (or at least a wing or 'living unit') can be involved in this problem-solving process. This practice is also undertaken in the one and only therapeutic prison community at HMP Grendon, and extensively at some 40 socio-therapeutic prison units in Germany.³⁴

8 Conclusions and some recommendations

Hundreds and thousands of prisoners now work in correctional industries around the world, which in itself is becoming a growth business. Whilst in the federal US (UNICOR) and Canadian (CORCAN) prison industries, all products are made and have to be bought by government agencies, the open labor market in other countries (and US-state prisons) is not always as easily catered for. Increasingly, private companies hire prisoners and prison workspace (Germany; France; Belgium) in order to manufacture or assemble their goods for private profit. With an ever-increasing prison population in most countries, it is paramount for prison administrators and managers to maintain security, discipline and control in some rather over-crowded prison establishments. Some critics have accused Ministries of Justice and the English Home Office, that they are exploiting prisoners, by providing few real skills, and hurling prisoners into direct competition with civilian workers on the outside. Whilst the paternal laws of the 1950s underlined that prison labor was strictly rehabilitative, most of these laws have now disappeared. Only France has abolished 'forced' prison labor since 1993, and its correctional industries are now completely privatized and run like an outside labor market with high profits and high wage incentives for inmates. Here prison labor is proving highly competitive.

³⁴ For further reading see Ursula Smartt (2001) *Grendon Tales: Stories from a therapeutic prison community*. Waterside Press, Winchester, UK. Here the therapeutic community (TC) is explained and highlighted through prisoner interviews and compared with socio-therapeutic prisons in Germany.

American trade unions are quick to criticize prisoner labor as ‘exploitation’, because they see direct competition from certain industries such as furniture manufacture or circuit board assembly for computers. Prisoner labor can be a source for potential profit for outside firms, but the prison industrial boom can equally backfire, as the part-privatization of the English Prison HMP Coldingley by Wackenhut UK showed in 2000. The intended profit in the prison’s engineering plant estimated at about £-Sterling 2mio per year did not materialize and Wackenhut pulled out of the operation (1996-2000). Though Wackenhut in the US believes that “privatization of correctional industries is a viable alternative”.³⁵

Theoretically, any prison job which involves good training, enhanced by what England calls ‘Basic Skills’ training, can potentially threaten outside employment, and any well-manufactured prison product can end up undercutting sales of a small company. But some prison administrators would give the following answer to such problem and thus not get involved with trade unionism: “I am employed by the Ministry of Justice [Munich, Bavaria, Germany] and it is my duty to employ as many prisoners in meaningful labor as possible. That’s the law. All [German] prisoners have to work by our law [Prison Act 1977]”.³⁶ Indeed, some trade union officials work with Ministers and prison reformers, as was the case with the introduction and passing of legislation of the *Prisoners’ Earnings Act 1996* in England and Germany in 2000. German and English trade unions have thus assisted to break the cycle of crime.

Prison conditions can give rise to human rights concerns and it is not at all certain that the interests of victims are usually best served by the prolonged incarceration of the offenders. There are some crimes where it is clear to everyone that imprisonment is inevitable and necessary. But the financial and human rights considerations suggest that imprisonment should only be used where it is indeed inevitable and necessary. Non-custodial measures are often a more constructive alternative; coupled with constructive community work, this can be a form of restorative justice which benefits the victim and the offender. We have seen from the Belgian example that restorative justice can be part of the prison setting. Other ways of making good towards the victim, or the victim’s family are victim or ‘restoration’ funds, which have been introduced by a number of countries through incoming Prisoners’ Earnings Acts (e.g. England; Germany; Belgium; France; Canada [Ontario]). By earning money in the industrial workshops, prisoners not only have to compulsorily save towards their release, but also pay a certain percentage of their earnings into national victim funds. Some restorative and financial benefit can also be achieved through prisoners’ carrying out some form of community work either in the prison or in the community (see the

³⁵ Quote by Scott Comstock, warden of the Lockhart Work Program Facility, Texas from on-site interview in Jan. 1999.

³⁶ Quote by the Industrial Manager of JVA Straubing, February 1994.

Canadian highway cleaning project). This gives the offender the possibility to express his wish to restore and makes the local community aware of such projects; for restorative justice requires respect, the assuming of responsibility and the freedom to solve the problems by those involved in the conflict.

Since the current trend is to fill the prisons in Europe, Canada, the USA and in certain parts of Australia, Ministries of Justice and prison administrators are duty-bound to provide their prisoners with adequate work, education and vocational skills training. Furthermore, it is vitally important, that post-release planning takes place, as has already been started in New South Wales (CIs) and Northrhine Westphalia, Germany. Here, work administrations are attempting to provide prisoners with realistic and *suitable* work, as well as assess inmates' work potential. One thing which all prison services still have to address is the provision of a broader and more realistic work environment, which replicates the world of work outside. The service industry is such an example. Only if inmates are given the chance to prepare for post release work, enhanced by education and offending behavior programs, will the recidivism rates – which currently stand at about 58 per cent within two years of release – actually go down.

It should be the intention of any prison department to hold its inmates in such a way that their social contacts remain intact as far as possible, that they are offered opportunities to develop empathy towards their victims and society at large during their custody and that there is attention paid to develop the quality of interactions between prison staff, fellow inmates and if at all possible the victim. Furthermore the public has to be made aware of the advantages, which arise from doing something worthwhile with prisoners inside, such as work, education and vocational training. The public is not generally aware of the problems faced in prisons, nor of the dangers of the uncontrolled use of imprisonment, nor of its human and financial costs. The most obvious is the assistance that proper training in the work ethic, gaining skills and enhancing the offender's employability and social skills, must surely aid the process of reintegration into the community and the reduction of future victims in society.

Policy makers and legislators must be helped to understand what imprisonment can achieve, what its limits are and what its dangers are. They must also fully understand the financial costs entailed by a high level of imprisonment. If they are not impressed by the arguments for greater humanity and social reintegration they will sometimes be impressed by the expense of imprisoning so many people. The judiciary too has a key role to play. Magistrates and sentencing judges must become fully aware of what imprisonment can and cannot achieve, and of the harm it can do. Above all, the media needs to play a crucial role in many developed countries, for they are the source of much information, both true and false, and can make a true difference to the public's fear of crime. France has attempted to extend its media coverage from sensational and rare offences to a more balanced view of what goes on inside prisons. This includes such coverage

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as the 'exciting' products made in prison industries. Scandinavian prison industries too have adopted measures to advertise their prison-made goods.

The concept of restorative justice is recognized increasingly as the way forward in a number of circumstances, not all of them involving minor offences, as the Belgian example has shown. Although there is so far no concrete evidence that restorative justice has led to the reduction of prison populations, it is believed that it will play an increasing role in doing so, as it is used more and more, even as part of the rehabilitative treatment in prison as a measure which is likely to create the conditions in which earlier release becomes possible.

11,065 words

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Appendix 1

The highest prison population rates (per 100,000 of the national population)

1.	United States of America	700
2.	Russian Federation	635
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3.	Cayman Islands	600
4.	Guam (US)	585
5.	Belarus	575
6.	Kazakhstan	495
7.	Bahamas	485
8.	Virgin Islands (US)	475
9.	Belize	460
10.	Kyrgyzstan	460
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11.	Bermuda (UK)	445
12.	Suriname	435
13.	Ukraine	435
14.	Dominica	435
15.	Maldives	415 (sentenced prisoners only)
16.	South Africa	405
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17.	Botswana	400
18.	Puerto Rico (US)	400
19.	St Vincent and the Grenadines	380
20.	Netherlands Antilles (Neth.)	365
21.	Latvia	355
22.	Trinidad and Tobago	350

Source World Prison Population List (Walmsley 1999 and 2000) and World Prison Brief (2001)

Appendix 2

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Growth in prison populations during the 1990s

Western Europe

Netherlands	89%
Italy	53%
Greece	47%
Portugal	46%
Germany	40% +
Turkey	40%
UK	40%
Ireland	39%
Spain	34%
Belgium	27%
Switzerland	24%
Norway	19%
France	13%
Austria	12%
Denmark	8%
Sweden	0%
Finland	-17%

Central and Eastern Europe

Belarus	345%
Czech Republic	282% (since 1991)
Romania	100% (since 1991)
Ukraine	81% (since 1991)
Bulgaria	62% (since 1991)
Lithuania	61%
Russia	44%
Slovakia	44% (since 1991)
Croatia	32%
Hungary	23% (since 1991)
Poland	13% (since 1991)
Latvia	9%
Estonia	3%
Moldova	-17%
Macedonia (FYROM)	-20% (since 1991)
Slovenia	-23%

Americas

Argentina	83% (since 1992)
Brazil	70% (since 1992)
Colombia	70% (since 1992)
U.S.A.	62%
Mexico	60% (since 1992)
Canada	13%

Elsewhere, for example

Australia	51%
New Zealand	38%
South Africa	33%
Japan	9%

Sources: World Prison Population List, World Prison Brief, Council of Europe Annual Penal Statistics, United Nations Latin American Institute (ILANUD), information from various countries' prison administrations and statistics departments.