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OPEN INSTITUTIONS

THE PLACE OF THE OPEN INSTITUTION
IN THE PENAL SYSTEM AND IN THE COMMUNITY

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UNITED NATIONS

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Table of contents

	Page
FOREWORD	2
CHAPTER I. THE OPEN INSTITUTION IN THE PENAL SYSTEM	
1. Previous international examination of the subject.....	3
2. Principles of modern penal systems.....	4
3. Application of principles.....	5
4. Development of custodial differentiation.....	10
5. The open institution	13
6. Regime of an open institution.....	14
7. Requirements for successful operation.....	16
8. Advantages of open institutions.....	19
9. Problems related to the open system.....	21
CHAPTER II. THE OPEN INSTITUTION IN THE COMMUNITY	
1. The penal system and the community.....	23
2. The open institution and the community.....	24
3. Measures to be taken to counteract public hostility.....	25
CHAPTER III. OPEN INSTITUTIONS IN PRACTICE	
1. Young adults	32
2. Men	37
3. Women	43
CHAPTER IV. CONCLUSIONS	
1. Results of open institution systems.....	46
2. General conclusions	48
APPENDIX A	50
APPENDIX B	53
APPENDIX C	56
APPENDIX D	59

Statements of fact in this report are the responsibility of the author, and opinions expressed are not necessarily those of organs or Members of the United Nations.

In accordance with the tradition of past Congresses, it has been possible to secure the co-operation of certain national prison administrations for the printing of documentation for the First United Nations Congress on the prevention of crime and the treatment of offenders, which is from an historical point of view the Thirteenth International Penal and Penitentiary Congress. Thus the present report has been generously printed by the Federal Bureau of Prisons of the United States of America, in the prison printing plant at Leavenworth, Kansas.

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Note by the Secretariat

The preparation of documentation for the Congress was considered in June 1953 by the United Nations *ad hoc* Advisory Committee of Experts in the field of the prevention of crime and the treatment of offenders convened in pursuance of General Assembly Resolution 415 (V). With regard to open institutions, the Committee declared that in addition to the report by the Secretariat on the conclusions of United Nations regional conferences on the subject, it would be appropriate to submit to the Congress special reports on certain aspects of the problem of open institutions in relation to the prison system as a whole (Report of the Committee, document E/CN.5/298, paragraph 19).

The Secretariat was fortunate in being able to secure the co-operation of two consultants to prepare reports dealing respectively with *The selection of offenders suitable for treatment in open institutions* and with *The place of the open institution in the penal system and in the community*. The preparation of the present report, which deals with the latter of these subjects, has been entrusted to Sir Lionel Fox, C. B., M. C., Chairman of the Prison Commission for England and Wales, London, Correspondent for the United Kingdom with the United Nations Secretariat in the field of the prevention of crime and the treatment of offenders.

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Foreword

This study has taken into account primarily such international documentation as was available in the time at the writer's disposal; in particular, the relevant proceedings of the Twelfth International Penal and Penitentiary Congress held at the Hague in 1950, and the report by the United Nations Secretariat on the first session of the European Regional Consultative Group held at Geneva in 1952, together with the summary of replies to a questionnaire on open prisons issued by the Secretariat in preparation for the discussion of this question during that session. This primary material has been supplemented for some countries by the official annual reports of the administrations, and for others by up-to-date information kindly furnished by colleagues to whom the writer is most grateful for this help.

Of necessity, however, the opinions expressed, and most of the experience on which they are based, are largely derived from the writer's personal knowledge of the open prison system in England, with the post-war development of which he has had the privilege of being continuously associated. He has also been able to visit certain of the prisons in other countries dealt with in the text, including Belgium, Scotland, Switzerland, Tanganyika, and the United States.

Under most penal systems the age-group generally known as young adults (about 17 to 21) are liable to imprisonment, though in some countries they may be committed to institutions which in law are not prisons (e. g. reformatories, Borstals). It seemed right, however, to include in the study any open institutions for this age-group, including Borstal institutions, whether they be legally prisons or not.

Chapter I

THE OPEN INSTITUTION IN THE PENAL SYSTEM

1. *Previous international examination of the question*

In the years since the late war there has developed a growing and widespread international interest in the idea of 'open prisons'. At the Twelfth International Penal and Penitentiary Congress held at the Hague in 1950, one of the questions on the agenda was 'how far open institutions could replace the traditional prison', and a full and comprehensive resolution was adopted.¹ Since the further consideration to be given to this question by the United Nations Congress to be organised at Geneva in 1955 will be a natural continuation of this earlier examination, the Hague Resolution is printed as Appendix A to this paper.

The question was further examined, at the request of the United Nations Secretariat, by the various United Nations Conferences in the field of the prevention of crime and the treatment of offenders, i.e., the European Regional Consultative Group, Geneva, December 1952, the Latin-American Seminar, in Rio de Janeiro, April 1953, the Seminar for the Arab States in the Middle East, in Cairo, December 1953, and the Seminar for Asia and the Far East, in Rangoon, October 1954. The conclusions of the regional conferences are discussed in a special report prepared for the Congress by the United Nations Secretariat.²

The open institution has long been an established feature of penal systems in various continents, notably in Europe, in Australia, in New Zealand and in the United States of America. It has also been developed with success in certain non-self-governing territories of the British Commonwealth in Africa and Asia. But interest today centres not so much on the many and various forms which the open prison has assumed in the course of its world-wide development, as on the conception of the fully-developed prison visualized in the resolutions passed at the Hague and in the United Nations regional conferences: that is to say, a prison which provides in entirely open conditions all the facilities required for the treat-

(1) Proceedings of the Congress, Vol. II, pages 586 to 588.
(2) Document A/CONF.6/C.2/L.1.

ment of prisoners in accordance with the standards required by the contemporary movement of international thought.

2. Principles of modern penal systems

This movement is based primarily on two conceptions—the individualisation of treatment, and the social rehabilitation of the prisoner. An authoritative exposition of its principles is to be found in the General Principles which precede the Draft of Standard Minimum Rules for the Treatment of Prisoners prepared for the United Nations by the former International Penal and Penitentiary Commission in 1951,³ and in certain of the resolutions adopted by the United Nations Seminar on the medico-psychological and social examination of offenders held at Brussels in 1951.⁴ These statements, which are fundamental to the present study, are printed as Appendices B and C to this paper.

In considering how these principles are applied in practice in progressive penal systems, it is necessary first to take account of two conditions which may materially qualify them.

The first relates to the legal situation in a particular country. The conception of individualised treatment, based on a scientific diagnosis, is of little value where the law does not in fact provide the courts with a variety of treatments suitable to various categories of offenders. The value of diagnosis is limited if it is open to the court to do no more than send the offender to prison. This situation may be even more difficult where the law is still based on the classical conception of punishment, and therefore provides not for a variety of types of institutional treatment but merely for a gradation in the supposed severity of the punishment, as by the traditional sentences of hard labour, penal servitude, reclusion, etc. These considerations, as will appear later, may be the cause of difficulty in making full use of the open prison system.

The second qualification is that the General Principles of the Standard Minimum Rules are, necessarily, expressed in such general terms as to appear to apply, as a whole, to all categories of convicted prisoners. But one of the major problems

(3) A revision of the Rules approved by the Commission in 1933 and endorsed by the League of Nations in 1934, this Draft has been submitted to all United Nations Regional Conferences in the field of the prevention of crime and the treatment of offenders held between 1952 and 1954. The conclusions of the Regional Conferences with regard to the Draft of Standard Minimum Rules are presented to the Congress by the United Nations Secretariat in document A/CONF.6/C.1/L.1.

(4) United Nations, *International Review of Criminal Policy*, No. 3, January 1953, pages 148 to 154.

of penal administration, which gives rise to concern in many countries in many continents, is the high proportion of prisoners received with such short sentences that constructive treatment in the sense of the Principles simply cannot be applied. There is also a substantial proportion for whom, owing to age, or to mental or physical handicaps, a full and normal course of institutional training is not really practicable. But whereas these categories are a source of difficulty in the normal prison, the open prison, as will later be shown, will offer at any rate a partial solution.

Nevertheless, bearing in mind that probably in no system can the Principles be applied to all of its prisoners all the time, it can be accepted that these are not simply pious aspirations, but are deduced from the actual practice of the more progressive systems of the day, though it may be that none would yet claim a full application of every one of them. And if we are to examine the place of the open institution in a penal system, in the light of these Principles, we must first see how they are applied in the normal prisons.

3. Application of principles

Classification—The first essential is to separate the prisoners into categories or groups for which different systems of treatment are indicated. This process, commonly known as classification, must in a fully developed system be somewhat exhaustive and complicated. It must take account of the length of sentence to be served; of the criminal record and personal character—so that those of comparatively good character shall not be contaminated by the more incorrigible and debased; of any mental or physical handicaps or abnormalities that may contra-indicate particular programmes; and of the suitability of the prisoners for particular forms of employment, taking account of his probable future after release.

A description of the classification system in the English prison system is printed, as an Appendix to the report on open prisons in the United Kingdom,⁵ and may be referred to in order both to give an example of one classification system such as has been described, and to serve as a help in following the reference in chapter III to the open prison system in the United Kingdom.

(5) Document A/CONF.6/C.2/L.6.

It will be observed that this example of a classification system follows Principle 6(a) in arranging that the "groups should be distributed in separate institutions suitable for the treatment of each group." Some such arrangement will be seen to be essential to a system which wishes to make full use of open institutions. The treatment within all these diversified institutions will be informed by the general spirit of the Principles, but in those reserved for prisoners with short sentences and others whom a positive and constructive 'training for freedom' is, on a realistic view, scarcely practicable, much that is now to be described will not be applicable. Prisons of this type form the least hopeful institutions of any penal system, and it is largely the consciousness of this that moves prison administrators to press the search for alternates to the short sentence of imprisonment.

Within prisons not subject to these limitations, the classification system should have ensured that the group under treatment will be there long enough to benefit, will have work and education available appropriate to their capacities and needs, and will be so selected that they can mix freely together without undue risk—for some risk must always and consciously be taken—of a bad influence being exercised either on individuals or on the general morale of the establishment. For it is only in such a prison community that an effective approach can be made to so much of Principle 3 as requires the prison "to minimize any differences between the life inside its walls and normal life outside which tend to lessen the self-responsibility of the prisoners or the respect due their dignity as human beings."

Staff—But it is necessary to emphasize here that the true effectiveness of this approach depends not so much on principles, not so much on methods, not so much on buildings, but very much on the men who in daily and hourly contact with the prisoners are going to interpret these principles and apply those methods. "A school is a teacher with a building round him, not a building with a teacher inside." It is perhaps a defect in the Principles that they do not generalize the specific and essential requirements of the draft Standard Minimum Rules 40-43 that it is on the integrity, humanity, capacity and personal fitness for the work of every grade of the personnel that the proper administration of the institution depends; that

pay and conditions such as will attract and retain suitable men and women are therefore essential; that the personnel shall before entering on duty be fully trained in their duties; and that they shall at all times so conduct themselves as to influence the prisoners for good by their example and command their respect.

Scientific examination—If prisoners are to be separated into groups to facilitate their training in accordance with these principles, and if the staff responsible for their training are to have that personal knowledge of their histories, temperaments and potentialities which is necessary if each is to receive the treatment best suited to secure his rehabilitation, it is essential that the staff should from the outset know all that can be known about them.

This was the object of study of the Third Section of the Brussels Seminar, which concluded that "the medical, psychological and social examination must be the keystone of the treatment of adult offenders." So much of its conclusions as are relevant to treatment in custody are printed in Appendix C and need not be repeated here.⁶

These conclusions have a special importance in relation to the difficult task of selecting prisoners for treatment in open conditions.

Methods of treatment—The purpose of the prison staff, in relation to this selected group of prisoners, is to ensure, so far as possible, that when they are—as they must be—returned to society outside the prison wall they are "not only willing but able to lead a normal, well-adjusted and self-supporting life as a good member of society."⁷ "To this end, the institution should utilize all remedial, educational, moral, and spiritual forces which are appropriate and available, and should seek to apply them according to the special needs of each prisoner."⁸ and in this task "the normal agencies of the community should, wherever possible, be enlisted to assist the staff of the institution."⁹

(6) Examples of systems which follow the lines of these recommendations may be found in the *Centre national d'orientation* set up by the French Prison Administration at Fresnes prison, as described in Annex I of *Rapport General du Directeur de l'Administration penitentiaire au Ministere de la Justice sur l'exercice 1953*, and in the English Borstal Reception Centres described in the report on *Open prisons in the United Kingdom* (Document A/CONF.6/C.2/L.6).

(7) Principles, paragraph 1.

(8) Principles, paragraph 2.

(9) Principles, paragraph 4.

Among the remedial forces which are to be applied, by general expert consent not the least important is work—training by work and training for work. The requirements of the Draft of Standard Minimum Rules in this matter are set out in Appendix D (Rules 56 to 61), and since this is one of the questions to be separately considered by the World Congress it will not be further elaborated here.

The provision of further education for all prisoners capable of profiting thereby¹⁰ is most important. And education should not be considered in a too strictly academic sense, nor as merely vocational, but rather as seeking to open the mind and enlarge the interests, to counter-act the restrictive and deformative influences inherent in prison life, and to help after release in a wise use of leisure as well as in the daily business of life. Thus the training of the illiterate and backward to a reasonable standard will be important at one end of the scale, while at the other provision should be made for taking normal public examinations, even up to university degree standard, for those who will be helped by such qualifications. Education should also be closely linked with vocational trade training in suitable cases. There should be ample provision for hobbies and handicrafts. And English experience at least has shown that an important place can with great advantage be given to the arts: painting, modeling, music and drama are extensively studied and creatively practised in almost all prisons of all types, and have been found to have a valuable therapeutic effect with many difficult personalities.

In education, and the recreational activities into which education almost imperceptibly shades, there is a special opportunity for enlisting the help not only of voluntary social workers, but of "normal community agencies." In the English system the teachers may be either voluntary workers, or members of the prison staff or even prisoners, provided the individual teacher has the necessary qualifications: but the great majority are professional teachers paid and employed by the education authority of the district, either full-time (in certain special institutions, notably Borstals) or in the evenings when the greater part of the education takes place. The whole education scheme is arranged in collaboration with the Ministry of

Education, whose Inspectors regularly inspect and advise on the work.

A collateral service managed on similar lines is the prison library, which is commonly run as a branch of the local public library, and managed in a similar way, the prisoners having open access to the library shelves.

Equally on the medical side English prisoners have full access to all the specialist services of the National Health Service, whether medical, surgical, psychiatric, ophthalmic, dental, venereal, tubercular or otherwise, being taken out to clinics or temporarily released for hospital treatment as required.

All such measures are valuable not only in themselves, but for their contribution to breaking down the idea of 'exclusion from the community'. Even more can be done in this way through "moral and spiritual forces" exercised by clergy and religious workers, and especially through the social workers and agencies "charged with the duty of maintaining and improving all desirable social relations of a prisoner with his family and with valuable social agencies."¹¹

To the same end it is proper that prisoners should be allowed reasonably frequent communication with their relatives and reputable friends by letter and by visit, and that the arrangements for visiting should be in the most humane and relaxed conditions that can be arranged. They should also be kept in touch with what is going on in the world generally "by the reading of newspapers, periodicals or special institutional publications, by hearing wireless transmissions, by lectures or any similar means."¹²

Limiting conditions—A prison which, animated by these Principles, is sincerely and skillfully applying such methods, through an adequate staff, to a properly selected group of prisoners in accordance, so far as possible, with their individual needs, may well be going as far as contemporary penal science can take us toward the fulfilment of its task. But here we come to a limiting condition of primary importance in relation to the conception of open institutions. In most countries the prisons normally available to serve these ends are still the buildings erected, often a hundred years ago, to serve the quite different ends of the repressive systems of their age. They can

(11) Principles, paragraph 4.

(12) Draft Standard of Minimum Rules, Rule 33.

(10) Draft of Standard Minimum Rules, Rule 62.

rarely, even with skilful and costly adaptation, be made to serve otherwise than clumsily; their very atmosphere is a negation of their present purpose; and it is difficult to exercise the traditions of evil and corruption that linger among the prisoners and may well infect the staff. Even in a prison informed with the spirit of today these conditions may still persist to a harmful degree. The crime-breeding 'inmate social system', so revealing analysed by McCorkle and Korn,¹³ may well continue, underground, to dominate the attitudes of most prisoners.

There is another condition inherent in these prisons. They are intended above all for safe-custody and security. Every feature is designed to keep men in and keep them down. The staff themselves are necessarily security-minded, and the reaction of public opinion to escapes may well tend to keep them so. Counting, checking, locking and unlocking punctuate the day. In such conditions self-respect and self-responsibility are unlikely to do well. The tensions inherent in the system are intensified, and where the main duty of the staff seems to be to prevent evasion of safe-custody or regulations, the minds of many prisoners turn naturally towards any and every way of outwitting the staff, the last triumph of course being to get away completely.

These conditions may be markedly mitigated in a prison where a selected staff work with selected prisoners in a system deliberately designed to break down the worst prison traditions and actively to promote trust and co-operation between prisoners and staff. But the effect of the prison wall, and the classical ambience of a prison, can never be wholly overcome.

4. *Development of custodial differentiation*

It is not therefore surprising that, among other aspects of classification, there should have developed that of 'custodial differentiation', under which prisoners may be allocated to various degrees of physical security, generally known as maximum, medium and minimum. It is not necessary for the present purpose to trace this development historically, but since it is still continuing, and almost every phase can still be found in the different systems of the world, it is desirable to give a generalised view.

(13) Lloyd McCorkle and Richard Korn; "Resocialization within Walls"; in *Prisons in Transformation*, Vol. 293 of *The Annals of The American Academy of Political and Social Science*, Philadelphia, May 1954.

The beginning may be found in the common practice of allowing prisoners to work outside the prison wall in the service of the prison, whether on farms or otherwise about the prison estate. From this comes the much more significant step of employment away from the prison, though still returning daily within the wall. Some early forms of this phase have been objectionable, in that they involved the exploitation and degradation of the prisoners; others as practised today, with proper safeguards and directed to the training of the prisoners rather than the exploitation of their labour, are a valuable development of self-respect and self-responsibility, as well as a useful preparation for freedom. To take examples from United Kingdom practice, parties of ten to twenty may be employed on work for public authorities, or even private employers (usually farmers) at considerable distances from the prison, being conveyed to their work by motor transport under the token supervision of a single prison officer.¹⁴ In some institutions the men may go out singly, unsupervised, to work for local farmers: in others, they may in the same conditions go to work in local factories, garages, etc. At one time a party of women prisoners went regularly to work, in the same conditions as other employees, in a local cotton mill, accompanied by an officer in plain clothes who worked with them. All such arrangements are made through the local office of the Ministry of Labour, which ensures that the employer pays the correct rate for the job, and that there is no conflict with local labour interests.

The next stage may be said to be the detachment of these working parties from the prison in small camps, set up solely for the purpose of the work, and liable to be moved as the work requires. Examples are road camps and forestry camps, and camps set up in connection with public works projects. Such camps are freely used today in the United States of America and several European countries, and have an undoubted value for certain categories of prisoners; but unless used with care they run the risk of failing to provide for the prisoners all the "remedial forces" which may be necessary, and of concentrating too much on work, so that the prisoners exist for the work, not the work for the prisoners.

(14) Prison officers in the United Kingdom are never armed.

Similar in nature to these *ad hoc* camps are small permanent camps more closely connected with the parent prison, usually of an agricultural nature, to which selected prisoners may be sent, towards the end of their sentences, as a sort of 'half-way house to freedom'. These however are perhaps more closely related to a development arising in a different way—from a wish to break away from the traditional walled prison altogether. An internationally famous pioneer of this movement was the Swiss prison at Witzwil, which has the main accommodation in secure buildings of cellular type, but has no security wall and places all its men at work, under unobtrusive supervision, on the surrounding agricultural estate with its complementary workshops. Similar institutions have been observed by the writer in e. g. Germany (Hamburg) and in the United States of America. The total effect on the prisoners of this type of modified security may well depend on the nature of the supervision when they are outside physical security: where, for example, this is provided by armed guards, the effect on "self-respect and self-responsibility" may be little less propitious than that of a prison wall, though other obvious advantages may remain.

Of this modified or medium security another type may be seen in two English prisons which provide quite open conditions within a secure perimeter, having been adapted from former military forts in which the prisoners use the accommodations provided for the garrisons.

A further development which has found favour in some countries is the prison which combines maximum, medium and minimum security in different blocks or sections, through which the prisoners may pass in a progressive system.

5. *The open institution*

All these parallel developments illustrate the world-wide tendency to seek some physical framework for the application of modern penitentiary science which shall be more in harmony with its spirit than the walled cellular prison of the classical 19th century type. And it is clear that the logical outcome of this movement would be a separate, self-contained institution providing all the facilities for the treatment of prisoners required by accepted standards, and yet entirely open in the sense that it provides no physical security against

escape. The security would lie not in walls, locks or guns, but in the minds of the inmates and of the staff, as has been well expressed by the Director General of the Belgian Penitentiary Administration:

"Dans un établissement ouvert digne de ce nom, bien organisé et fonctionnant convenablement, les détenus ont la possibilité matérielle de s'évader mais ils refusent de le faire, pour des raisons d'honneur et de dignité personnelle.

Par rapport aux geôles classiques, le contraste est complet puisque l'impossibilité théorique de s'échapper engendre le désir de le faire, pour des raisons d'intérêt, de prestige ou d'honneur autrement conçus!" (15)

An open institution in the fullest sense, in fact, is not constituted only by the nature of its buildings: its regime must also be "based on self-discipline and the inmate's sense of responsibility towards the group in which he lives, which helps him to use the freedom accorded to him without abusing it." (16)

This logical outcome has in fact been reached in certain prison systems, and has materialized in institutions conforming broadly with the conceptions of the resolutions adopted at the Hague and in the United Nations regional conferences. Indeed these resolutions were largely based on a study of the actual practice of such institutions. They are a fact of modern penitentiary practice in different parts of the world.

But if the present study is concerned principally with the fully developed open institution of this type, it remains true that the various types of treatment in modified or minimum security already described, which in one way or another fall short of the Hague and other international specifications, may

(15) J. Dupréel, "Critique des Prisons sans Barreaux", address delivered to the Institut des Hautes Etudes de Belgique on 12 November 1953 and published in the *Revue de l'Université de Bruxelles*, Jan.-Mar. 1954.

(16) Resolution adopted by the European Regional Consultative Group, Article 1.

still have their value. Flexibility of treatment and variety of types of institution are of the essence of modern penitentiary science, and it is superfluous to spend time in debating whether a given institution is or is not an 'open institution' in the strict sense of the term. The only material question is whether it fulfils as well as possible the purpose allotted to it in relation to the type of inmate assigned to it. The purpose of the international resolutions was to set out the standards which should be aimed at by penal systems seeking to develop the open institution system, not to establish an exclusive definition.

6. *Regime of an open institution*

What then is the nature and regime of an open institution conceived in this sense? It has three main features. It seeks, as does any other prison, to bring to bear on the inmate all the 'remedial forces' likely to further his rehabilitation. Among these, by its very nature, it emphasises the development of self-control, self-responsibility, and self-respect. And it achieves these two purposes so much better because again, by its very nature, it minimises the exclusion of the prisoner from the community.

Work—In a typical institution of this sort the inmates will have a full working day in well organised workshops, where they will be trained in useful trades, or on the farms and gardens of the estate if the institution possesses sufficient ground for cultivation. It is by no means necessary that the institution should possess such an estate—indeed only one of the English open prisons does so. It is an error to conceive of the open institution as necessarily or primarily an agricultural institution. Training for work cannot be effectively carried out, save for certain categories of prisoners, on a basis of agriculture alone.

Education and Recreation—Education will be on the same basis as in any prison where constructive training is carried out. But in its wider aspects, especially on the margins of education and recreation, there should be much wider scope than is possible in a closed prison. For example, in one such prison for long-sentence Star Class men in England there are to be found an amateur dramatic society; a debating society; an orchestra, a dance band and a military band; a monthly maga-

zine; a cricket club, a bowls club and a football club—all managed by the prisoners themselves. And of course there should be a well-stocked and well-balanced library to which the prisoners have full access: it is an advantage to have a quiet reading-room attached to the library in which a suitable selection of periodicals is available.

But while the prisoners should be encouraged to provide their own entertainment in every constructive and valuable way, there will still be place for the concert, dramatic show, or lecturer from the outside world.

Social relations—The maintenance of social contacts by the prisoners with their families and friends is perhaps even more important in an open than in a closed institution. Prisoners are prone to brood unduly over mischances at home, real or imagined, and to make a mountain out of every molehill. Many a man, unsettled in this way, has made an impulsive escape which he could not have made from prison security. It is one of the duties incumbent on the staff to watch for signs of this sort, and to know through mail censorship when to look out for them. Indeed the need for individual knowledge of and tactful personal work with the inmates is intensified, for it is in this way, and not by the weight of authority, that control and morale must be maintained.

Discipline—And here it must be emphasised that an 'open' system by no means implies an absence of discipline. On the contrary, a high state of discipline, in the sense of quick and willing response to authority, is absolutely necessary. Morale must be high, and it is only high when prisoners and staff are in complete co-operation, and when the total result, both in outward smartness and efficiency and inward interest and satisfaction, is something in which both can take a proper pride. Discipline of this sort must come from within, and it may then endure when the props and stays of institutional life are removed.

Women—This general impression of the regime of an open prison is given in terms of men, but it is broadly applicable also to women and young adults. For women, in English experience, it has however been found preferable to have small homely units of not more than about sixty inmates. The work situation is also different, being based mainly on the occupa-

tions that are usually rated as 'women's work': there seems to be little scope, except in dressmaking, for training in skilled trades. And the majority will either return to their homes or if they are still unmarried will hope to make homes. But training in home management, cooking, laundry, dress-making, gardening, looking after animals and useful handicrafts, if carried out on a homely and personal rather than an institutional basis, form a useful basis for the lives of most women after release: special arrangements can always be made for exceptional individuals. And for most of these occupations public examinations can be taken calling for a high standard if certificates are to be gained—and these certificates are useful in gaining employment.

Young adults—In open institutions for young men, such as are found in Borstals of the United Kingdom system, there must of course be such modifications of approach as the different age-group requires. But otherwise there are remarkably few differences of principle between an open Borstal and an open prison for men serving longish sentences. Indeed the practice of the prisons has largely developed out of the earlier practice of the Borstals. Perhaps the major difference is the greater freedom and variety of outside social contacts which are both possible and desirable for young people.

7. Requirements for successful operation

What then are the basic requirements for the successful operation of an open institution?

Selection—The first, in the writer's opinion, is the proper selection of the inmates. This question, however, as befits its importance, is the subject of a separate report.¹⁷ It will be necessary here only to make the point that in a penal system of which open institutions form an integral part, there may be several different types serving different purposes, and the criteria of selection may be different for each type. For example where there are open institutions for short-sentence prisoners, previous observation and methods of selection can be less rigorous than for institutions taking long-sentence prisoners. But in any case, as is stated in Article 4 of the Geneva resolution, the criterion is finally the suitability of the of-

(17) See G. A. Mendez, *The Selection of offenders suitable for treatment in open institutions* (Document A/CONF.6/C.2/L.3).

fender as an individual for this form of treatment. Is his rehabilitation more likely to be achieved in an open institution than in other types of prison? The extent to which the interests of the individual prisoner may have to be subordinated to external considerations is discussed in the next chapter.

Staff—The next requirement is the understanding and acceptance by the staff of the special needs of the system, and of the importance of personal knowledge and understanding of the individual human beings in their charge. This does not necessarily mean that the staffs of open institutions should be a class apart from those of other prisons, or that they need a special training: that will depend on the quality of the staff generally and the type of training they receive. But it will be well to select carefully the governors and their immediate assistants, on whom the morale and tone of the institution must primarily depend. Nor does it mean that psychiatrists, psychologists and other specialists are exceptionally necessary: indeed the contrary should be the case.

Size—But if the staff are to carry out this work effectively, and if the morale of the institution is to be kept as it should be, it is important that the number of inmates should be small enough for this to be possible. Opinion on what is the right size varies in different systems. English experience suggests somewhere between 100 and 200 as the optimum, with about 300 as a maximum. Sweden appears to favour very small colonies of about 30, and the United States of America much larger numbers. What is necessary, if the institution seriously aims to provide all the requirements of training, is a proper balance. If the numbers are too small, facilities must evidently be restricted and other disadvantages must be faced. Larger numbers may well be dealt with adequately if they are broken into smaller units with suitable staffs for each unit: examples of this method are the 'cottage' system favored in the United States of America, and the 'house' system of the English and Scottish Borstals, where each house of some 50-60 boys is a separate physical unit with its own house-master, matron, and separate house staff. But even this sub-division cannot without risk be applied to numbers so large that the governor himself cannot exercise finger-tip control based on personal knowledge.

Site—The site and surroundings, and the nature of the buildings, will be to some extent conditioned by the foregoing considerations. It is perhaps unnecessary to say that the situation of the institution should not be such that from the point of view of the prisoner it has the effect of banishment or transportation. An institution on a remote island, or widely separated from normal civilization, may possess some advantages, but it will not have the same effect as an open institution such as is here under consideration. Exclusion from society may be even more emphasised in such an institution than in a walled prison. These considerations apply with even greater force to the staff and their families, who may reasonably expect to enjoy the normal amenities and facilities of life, though this expectation will naturally vary with the nature of the country concerned.

If therefore the institution is sited in the country, it should be in such a situation as will provide reasonable access to such amenities and facilities for the staff, and if it can be in touch with an urban centre that can provide educational, recreational and social contacts for the prisoners, so much the better. On the other hand, there are disadvantages in being too close to an urban centre: the danger of undesirable contacts, and of greater temptation to escape, or at least slip away unnoticed for a time, call for careful consideration. The advantage of such a situation lies in the possibility of inmates being able to go out to work at industrial employments, where the system allows this: even so it may be better for the workers to go by public transport, or on bicycles, than for the institution to be too closely connected with the town.

Premises—The nature of the buildings will depend on whether they are built for the purpose, or adapted from camps or large houses or institutions. In the former case all necessary accommodation and facilities will naturally be provided in accordance with the functions allotted to the institution. These should include, in addition to sleeping accommodation, workshops, kitchen, dining rooms, administration and the normal basic needs of any prison, ample provision for education and recreation—class rooms, hobby rooms, library and reading room, and recreation rooms. It is very desirable to have a 'quiet room' where men can read and write and get away from

the hurly-burly of institutional life. A large hall for use as a theatre, gymnasium and assembly room is also important. The medical and hospital provision will depend on the possibility of using outside facilities. The provision of a Chapel may be thought desirable, to provide a centre for the religious life of the institution, even if it is usual for the prisoners to go to neighbouring churches for divine service.

The grounds should provide ample space for sport, and to diversify them with pleasant gardens is not only attractive but provides interesting light outdoor work for suitable prisoners. It is useful, where possible, to allot some space which the prisoners can cultivate themselves as small personal vegetable or flower gardens.

In English experience, at least, all these facilities can be adequately provided by adapting a hutted camp of suitable size and in good condition. Large country mansions, or institutional buildings, have also been used, but they do not adapt so well as camps, and the addition of huts in the grounds is often necessary. If the institution is to be built, it can be built on inexpensive camp lines.

The use of huts implies sleeping in large dormitories, unless they lend themselves to division into cubicles. This is not necessarily the best arrangement from the point of view of the prisoners, for most men prefer their own rooms, and for institutions where the longer sentences are served this may well be the best solution. From the administrative point of view, large dormitories are cheaper to build and easier to supervise. It is also possible to have small dormitories for up to six inmates, though this compromise does not seem to offer any special advantages. From the point of view of control of homosexuality, there seems to be little to choose between the systems, though it may be that single rooms or cubicles present greater opportunities.

Work—The provision of facilities for suitable employment, whether in workshops or in agriculture, present no special problems in an open institution, except that if industries requiring electric power are to be installed, it is necessary to be sure that power can be available if the site is remote from an urban centre.

8. *Advantages of open institutions*

It has been suggested earlier in this chapter that many of the evil effects of the classical prison can be mitigated, if not entirely removed, by a system sincerely based on trust and self-responsibility, operated by a properly trained staff with a well-selected group of prisoners, even in a cellular prison within a maximum security wall. But not every penal system is able to arrange its classification in this way, and even so such a prison will usually take only prisoners serving sentences of a certain length. It is therefore right to consider the value of open institutions against the closed prisons as a whole.

The advantages claimed by those who have experience of the system, fully considered and confirmed by the groups of experts gathered together at the Hague and the United Nations regional conferences, are set out in the resolutions emerging from those meetings. They may be summarized as follows.

An open institution is more likely than any system that has yet been tried to ensure the effective application of the General Principles of the Standard Minimum Rules, and to send its prisoners out again to society better men and women, physically, mentally and morally, than when they came in.

It presents great advantages to the staff, who are equally subject to the deformative effects of normal prison life. They are not only more effective, but happier and healthier in their work.

It is more economical to construct and in personnel costs.

Since it is possible to place in open institutions the great majority of those who come to prison for the first time, and many others, with short sentences, it resolves many of the problems arising from the prevalence of short sentences.

Open institutions may also serve to remove from the normal prisons a number of aged and infirm prisoners, who present no escape risk. While they may not derive the maximum benefit from open treatment, they may well be healthier both in body and mind, and remove from the closed prisons an element which tends to slow down the pace and presents problems which hamper the general life of the prison.

Finally, but of some importance, it is possible to provide in an open institution very much pleasanter conditions for the

prisoners to receive their families and friends. These visits can take place in a completely informal and relaxed atmosphere,¹⁸ and may in this way do much not only to spare the families from what may otherwise be a painful occasion, but to help the prisoners to keep or restore good family relations—and few things may be more important than this for a great many prisoners.

9. *Problems related to the open system*

The first and most obvious problem raised by this system is the risk of escape. This has two aspects. It is evident that if the prisoners were to escape in sufficient numbers the system could not continue, both because of the alarm to the local community, the trouble caused to the police, and the fact that the institution would not be fulfilling its primary function. In fact this does not happen, as will appear in Chapter IV: but unless the institution is properly conducted it might happen, and it is necessary to convince those among whom such an institution is to be established that it will not happen. There is a second aspect, deriving from the likelihood of offences against local inhabitants, that will be discussed in the following chapter.

The second is also related rather to public opinion than to the requirements of the penal system, but it is stated sufficiently often—and frequently by those concerned in other fields of the administration of criminal justice—to make it desirable to consider it. It is, in effect, that detention in an open prison does not partake, or does not sufficiently partake, of the element of punishment. Superficially, such a view might well be formed by one who has not considered and accepted the principles of modern penitentiary science: indeed he might—and frequently does—take a similar view of a good modern prison inside a wall. But “the punishment inherent in the sentence is primarily the deprivation of liberty,”¹⁹ and for this it is not necessary to furnish locks and bars. There is in the Zoological Gardens at Antwerp an aviary in which the birds fly about quite freely in compartments of which the fronts are entirely open. But they do not fly out. The explanation is that the compartments are kept light, while outside it is dark. An open institution is still a prison, and the prisoner suffers no less the

(18) See on this *Prisoners are People* by Kenyon J. Scudder, Doubleday, New York, 1952 pages 156 *et seq.*

(19) Principles, paragraph 1.

consequences inherent in the deprivation of liberty—compulsory labour, subjection to discipline, separation from home, and deprivation of the normal amenities and activities of social and family life.

And though the life of an open institution is healthier, mentally and physically, it is a mistake to think that it is easier. It requires considerably greater moral effort on the part of the prisoner than the life of a closed prison, where discipline consists largely of automatic compliance with routine. Nor are the physical amenities necessarily any greater—indeed they may well be less attractive to some men.

There is a third question which is closely related to this view. It is sometimes argued that the nature of imprisonment in open conditions is so far different from the normal conception of imprisonment that the selection of prisoners for this form of treatment should not be left to the administrative processes of classification but should be regulated by law or determined by the tribunal which passes sentence. In the present writer's submission this view lacks validity for the reasons stated above. He would further submit, though this is a question within the field of another paper to be presented to the Congress, that it is essential that the penal administration should have complete and absolute control, as a normal part of its classification system, of the selection of prisoners for treatment in open conditions, and an absolute discretion to return to closed conditions any who show that they are unable to co-operate in these conditions or to resist the temptations which they present. Such prisoners should be unhesitatingly returned, in their own interests and in those of the prison community, to a closed prison where it is easy to be good.

A variation of the third question arises where the penal law still provides for variations in the severity of the punishment such as hard labour, penal servitude, etc. The arguments in favour of the 'single sentence' of imprisonment have been internationally examined and stated on more than one occasion, and need not be repeated here. But it is evident that the operation of the open system in any satisfactory manner must be gravely hampered where such a state of law prevents the administration from placing in open conditions prisoners placed in certain legal categories which bear no relation to the type of treatment most suitable for them.

Chapter II

THE OPEN PRISON IN THE COMMUNITY

1. *The penal system and the community*

It was an American, Abraham Flexner, who wrote that "A University, like all other human institutions, is not outside but inside the general social fabric of a given era," and an Englishman, Sir Winston Churchill, who said "The mood and temper of the public with regard to the treatment of crime and criminals is one of the most unfailing tests of the civilization of any country." So far as we accept these statements as valid, we shall accept that the prison, like the University, must be something "inside the social fabric": a society which is ready to accept Sir Winston Churchill's test cannot shelve responsibility for the criminals it produces by putting them behind a prison wall. It must continue to look to the conditions in which they are confined, and to the conditions in which they will, in due course, return to it. Its prison system should be as well integrated in its social fabric as its education system.

And this responsibility is not discharged by seeing that there are sufficient and suitable buildings and staff, and well-based laws and regulations, and then leaving it to the staff to get on with the job. It must be accepted that "prisoners are people", and not some sinister sort of being cut out of the common life. They must be made to feel that they still "belong", and never deprived of hope that the common life will be fully open to them again if they too are willing to do their part.

Many of the implications of this conception have been touched on in the preceding chapter, notably the value of making normal community services available to prisoners during their sentence, of bringing in voluntary workers to help the staff, and of encouraging all helpful and desirable social contacts. International opinion, on various occasions, has also stressed the desirability of maintaining continuity in any social security schemes and benefits in which a prisoner shared before he was sentenced. And when the time for release comes, the role of society in relation to the prisoner becomes even closer and more direct. For it is in and to society that he then has to make his difficult adjustment.

But perhaps in the course of practical administration the outstanding question here is that of work. As we have seen, training for work and training by work is at the root of all successful prison treatment. The prisoners should be employed, for a full working day, in well-organised workshops or farming enterprises, on work that will help them to be fit to earn their livings usefully and honestly when they go out. They should, so far as the needs and qualities of the individual may indicate, be given a recognized course of trade training, and where conditions allow this should lead to some publicly recognised certificate or standard of qualification. And unless all this costly effort is to go to waste, they should be helped to find work in that trade when they go out. So much, no doubt, may be accepted in most countries by informed opinion—at least in principle. But how much support will the prisons administration get in putting it into practice, whether from governments, employing organizations, or labour organizations? How far does society really accept that if prison industry is to be operated in this way, it must be rationally integrated in the national economy? It is to be feared that prison administrations in general would regard this as a merely rhetorical question. Yet this is the most practical test of the reality of the community's acceptance of Sir Winston Churchill's criterion.

2. The open institution and the community

The realisation of these conceptions is even more essential when the wall which visibly separates the prison from the community has been removed. Indeed open institutions can be successfully operated only in a society which is ready to accept them. This needs a two-way effort, by the institution to adapt itself to the community, and by the community to understand and accept and co-operate with the purposes of the institution. Good-neighbourliness is essential, and the institution, as the new neighbour, has the duty to make itself acceptable.

It may be expected, if experience in the United Kingdom is repeated elsewhere, that when it is proposed to establish an open institution for men in a particular locality, the immediate local reaction will be one of alarmed hostility. And whatever measures are taken in advance, this attitude is likely to meet the institution when it is first established. This reaction has in general two causes. First, the damage expected to the

amenities and social fabric of the neighbourhood by the intrusion of an alien institution, particularly one with all the sinister connotations that in the general public mind surround the idea of a prison. Second, the fear of a sort of reign of terror in the neighbourhood due to the unconfined presence of "hundreds of criminals" who are expected to be escaping and committing burglary and rape in all directions.

These fears are genuine. The writer has time after time attended, or read accounts of, public meetings in which they were pressed with the greatest force: this happy and fertile neighbourhood, it was said, would be deserted, and agriculture would cease, if this nefarious project were pursued. Men would not dare to leave their wives and families unprotected. How could the children go unescorted to school, and how could solitary women sleep at night? Yet in every case, once the institution has settled down, no more has been heard of all this. The prisoners are welcomed in the parish church; men bring their wives to see the institution cinema show; the governor is asked to judge the local beauty competition; the chief objectors play an active part on the Board of Visitors of the institution; and the farmer who said at the public meeting that he would shoot the first prisoner he saw on his land is begging for the privilege of having a party of prisoners to work on his farm.

These results can be achieved, and are. But elsewhere the writer has visited what was intended to be an open 'youth prison' and found it caged with barbed wire, and armed guards in towers at each corner. Public opinion, he was told, would not have it otherwise.

3. Measures to be taken to counteract public hostility

What then are the measures to be taken to secure the one result rather than the other? These must clearly depend on the state of opinion, law, customs, social conditions and many other elements of the culture and tradition of each country. But broadly they must always fall into three groups; first, the education of public opinion both generally, and particularly in the neighbourhood affected; second, the careful adaptation of the institution to local conditions; and third, but of first importance, to ensure that the things which are feared do not in fact happen.

And on this last point it is necessary to make a qualifying statement. The favourable United Kingdom experience above described relates primarily to institutions for adult men and to prisons and Borstal institutions for women and girls. With open Borstals for young men the experience has been less happy, in that escapes are frequent and are too often attended by offences against the local people. Why this should be so is a difficult question which this is not the place to pursue. The point to be made is that in spite of this situation, which causes much concern in the neighbourhood of some of these institutions and equal concern to the prison administration, it is still possible to maintain enough 'good-neighbourliness' for the institutions to carry out their work unhampered and with valuable local co-operation. This is an even greater tribute both to the public spirit of the people and the real efforts of the institution staffs.

But this situation always tends to a state of what sometimes seems rather precarious balance, and it is evident that it would not be possible to maintain open institutions if the balance fell too badly on the wrong side.

Selection—The first essential then must always be to ensure that the state of morale and control in an open institution, of whatever type, is such as to keep this balance right. This depends first and foremost on proper selection, which is not the subject of this paper, but it is nevertheless necessary here to emphasise that this selection must be conditioned not only by the proper classification of individuals under the normal processes of the prison system, but also by the relation of the open institution to the community. This means that bad escape risks and men convicted of offences of violence and offences against women, even if they might personally do better in open conditions, may have to be excluded, or at any rate admitted only after the most careful observation and examination.

Education of public opinion—The methods to be followed here will be those found most suitable to the circumstances and traditions of each country, and are not to be considered solely in relation to the establishment of open institutions. They require, as a background, the development of an enlightened and informed body of opinion throughout the country in relation to the purposes and methods of the penal system. This may be

sought through a system of public relations which is prepared to make full use of the Press and every other useful means of public communication. If there is not such a background, the administration may find itself without adequate public or political support if it has to deal with particular difficulties in connection with institutions.

Handling local hostility—This again is a problem which each country will solve in its own way, but it may be useful to describe the United Kingdom practice in the hope that it may suggest points of interest to others. Although this depends on the law relating to Town and Country Planning at present in force, the general method may be adaptable even where no comparable law exists. When it is desired to use a site or buildings as an open institution, it is necessary to obtain the consent of the 'planning authority' for the county or district. In the first place, officials of the prison administration will go and discuss the scheme with the officials of the planning authority, hear their objections, and consider the best ways to meet them. When this stage has gone as far as it can, the authority will decide whether or not to agree. Usually the pressure of public opinion will prevent agreement, and the Minister responsible for administering the Act will then cause a public inquiry to be held by an appointed official, who will hear the case both for the administration and for the objectors, and report to the Minister, who will then advise the Minister responsible for the prison administration of his decision.

The essence of this procedure is not the legal framework, but the preliminary consideration of local views and interests, the attempt to meet them so far as can be done without prejudice to the project and the public hearing of objections and the public reply to them. It is in this last that much can be done to remove public misunderstandings and groundless fears.

Adaptation to local conditions—The preliminary local consultations will most usually be concerned with the difficulties described above as arising from "the intrusion of an alien institution." The site may be unsuitable or objectionable for reasons which the prison administration may not have foreseen, and some changes of boundaries or other adaptations may be necessary. Local views on the preservation of amenities are

also to be considered, and this may involve agreement as to the type of buildings to be erected.

Staff and local society—The most suitable sites for staff housing in relation to local housing and social conditions must also be considered. Mention has already been made of the desirability of ensuring that the staff and their families have all reasonable facilities for shopping, education, entertainment, etc. They have a valuable part to play, in securing the acceptance and 'integration' of the institution, in their home-life and their social contacts as well as in their work.

Acceptance by public opinion after the institution has been established will nevertheless depend more on what happens next than on the preliminary preparation of the ground—and first and foremost on a realisation over a period of time that their fears about the behaviour of the prisoners were groundless. To this end, apart from the factors of selection and morale already emphasised, it may be found useful to build up the population of the institution slowly and carefully, not more than about twenty at a time, starting with very carefully selected men who are 'good risks' from every point of view. Once the institution is settled down, it may be a good thing to invite the local Press to come and look round, and to talk with them freely and frankly. And then will be the time to start discreetly but confidently on a more constructive policy designed to secure co-operation as well as acceptance.

Good-neighbourliness—The cultivation of free and friendly contact between the institution and local society is necessary not only to secure initial acceptance, but to ensure that the regime of the institution acquires all the advantages that are so important a feature of the open system. It is more than a by-product of this that if men do escape they are less likely to create offence in a community to which they feel to belong. There should be the fullest possible two-way traffic between the institution and local society in every way that will help the institution to discharge its dual responsibility—to its inmates and to its neighbours.

If the penal system provides for a board of magistrates or others from the outside to supervise the management, then well-selected local people on the Board will be of the greatest

help in interpreting the institution to the locality and the locality to the institution.

If the parish priest is the chaplain of the institution he may be glad to have prisoners in his congregation. It is good for them to feel that they are welcome there; to form the habit of going into a church; and to see—what many have never seen—that divine service is a habit of ordinary people and not just a part of prison routine. And they may give something in return. In some English Borstals the young people are a mainstay of the church—singing in the choir, ringing the bells, cleaning the furnaces, and even painting the church.

Where the institution presents plays, concerts, or cinema shows for its own entertainment, it may well invite its local friends to share the pleasure. And the performers will take the greater pride and interest in their work. Sport too is an excellent means of bringing the inmates into friendly and refreshing touch with ordinary people. In English Borstals it is common for the institution teams to play in the local league matches. And where the institution has taken over some great country house, it will do well to continue the family tradition, and welcome in its grounds the village fete or flower show. It may also be found possible to allow selected prisoners to attend neighbouring educational institutions in the evening.

And when, as may unfortunately happen, damage is done by an escaping inmate to some local inhabitant's person or property, it is well that fair compensation should be paid as quickly as possible, and that a senior officer should immediately visit the victim to apologise and see what can be done to help.

Relation of employment to local conditions—In deciding the situation of an open institution, special attention will necessarily be paid to the nature of the work to be provided for the prisoners, if the institution is to be one providing full training facilities for prisoners serving sentences long enough to require such facilities. In such cases, it may be that local conditions will not play an important part: the workshops to be set up in the institution can operate independently of local industry provided they are producing under their own management. But where it is desired to employ the prisoners in production for private employers, evidently the site will have to be sufficiently close to a centre where employers who can provide suitable

work are operating. Proximity to an industrial centre will also be sought where it is intended to allow selected prisoners to go out to work in private factories, etc.

In training institutions of this type a mixed economy of industry and agriculture is however valuable, if it can be attained. For this it is not necessary that the institution should itself have an extensive agricultural estate, if it is possible to arrange for prisoners to go out to work on neighbouring farms, either individually without supervision or in supervised parties. Where agricultural work is not sufficiently available, it may be possible as an alternative or in addition to arrange with local authorities responsible for highways, drainage, etc. for the employment of supervised parties.

It is assumed that all arrangements for the employment of prisoners by outside authorities or individual employers will be subject to all safeguards necessary to ensure that such employment could in no sense be regarded as exploitation of prison labour, or contrary to the Forced Labour Convention, or in conflict either with the interest of local free labour or the interests of the prisoners themselves. These conditions are secured by many penal systems which use some or all of the various methods above mentioned.

To sum up, it is necessary to make a careful survey of the possibilities of employment in relation to the conditions of the neighbourhood in which it is proposed to place the prison, and the methods of employment which it is desired to use.

There is a second type of open institution, more suitable in general for prisoners serving shorter sentences, in which the prison is established in order to serve the work, rather than the other way round. Examples of these are forestry camps, and camps set up so that prison labour may be employed on public works, land reclamation, etc. So far as these are of a temporary nature, with comparatively small groups of prisoners, many of the foregoing considerations will not apply, and questions of fitting them into the local economy scarcely arise.

A third type of open institution is exemplified by the permanent prisons set up in the United Kingdom for short-sentence prisoners. These do not attempt to provide trade-training, but otherwise all the considerations arising in this paper apply to them, and it is particularly necessary to ensure that the local

conditions are such as to ensure adequate employment. Ground for cultivation attached to the institution is an asset.

For women's institutions, the situation is different. Camp conditions are unsuitable, and the institution is likely to be self-contained and largely independent of the local economy for employment. It may however be useful, especially for younger women, if local employment in agriculture is available.

Chapter III

OPEN INSTITUTIONS IN PRACTICE

The purpose of this chapter is to give an impression, by the presentation of selected examples, of the way open prisons are being used in different parts of the world. The selection has been conditioned largely by the documentation immediately available, and should not be taken to imply that there are not other equally interesting examples in other countries.¹

There appeared to be some justification for particular attention to the systems for adults in Sweden and the United Kingdom, since it would seem that it is in these two countries that, at least in Europe, open prisons have been most fully developed as an integral part of the prison system.

On the treatment of young adults in open conditions, the information available to the writer is unfortunately confined to Europe and certain parts of the British Commonwealth. The examples have been selected as showing a variety of types and interesting features of training.

If the section on women is even more limited in its geographical scope, that is because, so far as has hitherto appeared, few countries have yet gone very far in developing open prisons for women. This, if it be so, is somewhat surprising, since the open system presents all the advantages for women which it does for men, while most of the disadvantages are absent. It is clearly in the United States of America that the greatest progress has been made here.

1. YOUNG ADULTS

AUSTRALASIA

Australia

Langi Kal Kal (Victoria) resembles an English Borstal for up to 200 inmates under 21 sentenced to reformatory treatment. The estate of 4300 acres is in a rural district. There is trade training in carpentry, mechanics (farm and auto) build-

(1) Further examples of open institutions in operation are to be found in the reports on open institutions in various countries issued under the symbols A/CONF.6/C.2/L.4 et seq.

ing trades, etc. Community relations are good, the boys playing in local cricket and football associations and attending local churches.

New Zealand

Arohata is a Borstal institution designed for 75 girls, situated a few miles from Wellington. The average sentence is two years. Training is in the domestic field, including dress-making, laundry, horticulture and poultry-keeping.

Association with the local community is extensive through education, recreation, visits from social and drama groups, etc., and relationships are very good, a great deal of interest being shown.

EUROPE

Belgium

*Marneffe*² and *Hoogstraten* are twin institutions, for French and Flemish speaking inmates respectively. Each takes up to about 120.

The sentences may be from 9 months to 20 years.

The young adults are under 25. A special feature is the inclusion of selected 'first-timers' under 40 with sentences not exceeding 10 years.

Selection is based on preliminary examination and observation. There is a further examination after admission to determine treatment and, if necessary, to correct the preliminary selection.

Employment is partly agricultural, partly in trades such as carpentry, building trades, smithing, printing, and baking. There is special trade training in auto-mechanics, electricity, radio and central-heating.

A special feature of the training is that it is based on the Scout movement, although admission to this is voluntary. The Scout spirit which inspires the institution leads to voluntary gifts of food, cigarettes, etc. to the poorer prisoners on an anonymous basis, and much voluntary leisure-time work in making objects which are sold to maintain a fund for various common purposes.

There is a monthly magazine published and illustrated by the inmates, and a weekly study circle.

(2) See a detailed description of this institution in the report by Jean Dupréel, *Les établissements du type ouvert en Belgique* (Document A/CONF.6/C.2/L.5).

The situation of both institutions is rural, but there are many local contacts through walks outside, matches against local teams, scouting activities, fetes held in the institution, etc. The relationship with the outside community is excellent: escapes are very rare and cause no local reaction. The inmates of Marneffe earned the gratitude of the neighbourhood by their help when it was devastated by a hurricane.

Netherlands

Werkse Veld is an open satellite of the closed prison for adolescents (16 to 25) in Zutphen. Inmates of the closed prison are committed direct by the Courts for sentences from one to three years. *Werkse Veld* is the final stage of training for this prison, providing a half-way house to freedom. The number of inmates is 24. It is thought that they should spend a minimum of three months in open conditions.

For the first 10 days or so the boys are employed on the institution farm and gardens, to get used to open conditions; then they go out to work with private employers in the neighbourhood at the trades they have learned in the prison or followed before arrest.

Personal relationships with the staff of the closed prison are continued at *Werkse Veld*, but the boys are trained in self-discipline and responsibility for their own problems, whether at work or in the institution.

There are normal social contacts outside the institution not only at work, where the boys are in the same position as other employees, but in sport, recreation and attending local churches, when they wear their own clothes.

The institution is so completely integrated in its surroundings that it passes unnoticed, and is accepted with sympathy and helpful interest. Even misbehaviour at work and the very rare escapes are treated with sympathy rather than hostility.

Norway

Berg is a vocational training institution for 60 inmates between the ages of 18 to 23 in rural surroundings about 5 kilometres from the nearest town. The work is entirely vocational trade training and the institution is organised like an ordinary boarding school for boys. The boys are allowed short holidays away from the institution, and may go to work in outside factories.

The school was opened in 1952, and in the first two years there were many escapes, accompanied by crimes, which caused local concern. The municipal authorities organised a public meeting, at which members of the school staff explained their problems. An improvement followed in the relations between the school and the community.

There are many contacts with the community through working out, sport, visits to the school from youth organizations, and visits by the boys to the homes of interested people in the neighbourhood.

United Kingdom

The Borstal system of training young adults, boys and girls, makes full use of open institutions. In England, 10 of the 14 Borstals for boys are open, and one of the two Borstals for girls. In Scotland, two of the three Borstals for boys are open. Since full details of this system are given in the report on open prisons in the United Kingdom prepared for the Congress,³ the present account will be limited to an impression of the contacts and relations of the institutions with the surrounding community.

Work—At several English boys' Borstals some of the boys work for local farmers. It is usual for them to go to work, unsupervised, on bicycles, and return to the institution at the end of the day. At the girls' Borstal, the girls help the local farmers at harvest time, especially with the hop-picking. At four Borstals boys work for local authorities concerned with river control, drainage, etc. Boys who have had vocational training courses in motor mechanics, bricklaying, etc. may go to work daily in local garages, etc. to practice their trades: in one of the Scottish Borstals most of the boys work out in the neighbouring town.

Education—At all institutions evening education is taken by teachers from local schools, or in some cases by the boys attending local schools or technical colleges.

At the girls' Borstal courses are taken at a Nursery Training College.

Religion—In addition to the ministrations of the local clergy of various denominations within the institutions, there are

(3) Document A/CONF.6/C.2/L.6.

several Borstals where the boys or girls regularly attend the local churches.

Social activities—These are various and extensive, according to the nature of the locality. Apart from such common activities as annual sports days which are open to visitors, and visits by local chess clubs, etc., boys and girls often take part in local games and festivities, belong to local music, natural history, archaeological or similar societies, attend youth organisation social meetings and hold social meetings in the institutions, visit homes of friends nearby, etc. One institution runs a social club managed by 'youth leaders' from outside.

Entertainment—It is usual for parties to visit places of local interest, and for inmates to be allowed to visit local cinemas, football matches, etc. Local concert parties and drama clubs visit the institutions, and neighbours are invited to entertainments within the institutions.

Sport—All forms of indoor and outdoor games are played against local teams and clubs by both girls and boys. Football clubs are usually members of the local league, playing both home and away games. Institution gymnastic teams are invited to give displays in the neighbourhood.

Other activities—The institutions for younger boys have Army Cadet companies, which form part of the local battalion. They attend the week-end and annual camps of their battalions. Agricultural institutions have branches of national Young Farmers Club, which have meetings with other local clubs and enter county competitions. Week-end and annual camps, visits to youth hostels, and similar expeditions also bring inmates into friendly contact with other young people.

NON-SELF-GOVERNING TERRITORIES OF THE BRITISH COMMONWEALTH

Gold Coast

In a separate report prepared for the Congress⁴ the writer has described a selection of open institutions in the non-self-governing territories of the British Commonwealth. Among these was the *Borstal institution at Maamobi* for boys age 16 to 21, which follows closely the lines of open Borstals in the

(4) Document A/CONF.6/C.2/L.7.

United Kingdom. There is training in a variety of skilled trades, and a Scout troop.

Federation of Malaya

In the separate report mentioned above there is a description of the *Henry Gurney Schools* for boys and girls (17 to 21) which follows closely the lines of an open Borstal in the United Kingdom. Some 15 trades are taught, and there is a high degree of self-government and contact with the surrounding community.

2. MEN

NORTH AMERICA

United States

Chino, California, is a large institution with over 1500 inmates of the institution proper and over 300 assigned to 'honor camps' operated in co-operation with highway and forestry services. Inmates may be received either direct from one of the State Reception Guidance Centers or transferred from other institutions on the recommendations of the institution's Classification Committee as approved by the Director. 78 per cent are classed as 'first-offenders'.

Selection is based on full medico-social-psychological examination in the centres, to ensure that those selected are without disabling physical or emotional problems, in need of the training, and able to benefit therefrom.

Sentences in California are indeterminate, the period to be served being fixed by the Adult Authority. There is, therefore, no fixed period of sentence to qualify for admission, nor does the length of sentence imposed relate to the length of stay in the institution. The average time served there in 1953 was just over 15 months.

The institution is on a 2400 acre site, and provides farm work, a piggery, and vegetable canning. The vocational training program includes brick-laying, plastering and tile-setting. Training is also provided for welding, shoe-repairing, auto-mechanics and laundry work.

An interesting feature is the arrangements for family visitation, which takes place in an open park area furnished with arbors, picnic-tables, etc. Toys are provided to amuse the children, and visitors may bring picnic lunches. These arrange-

ments are believed to help the inmates a good deal in maintaining suitable home and community ties.

The prison fire-fighting crew and equipment is available to fight forest fires and to assist the fire-force of the City of Chino.

There is an annual exhibit at the Los Angeles County Fair which is built by inmates to present the training aspects of the program to the public.

Education is provided by the local school district through its own school teachers.

Community contacts are also maintained through advisory committees, recreational activities, sport, social clubs, and visits to individuals by the American Friends Service Committee.

Original local opposition changed in time to friendly interest and co-operation, helped by the fact that most of the staff families live in the city or nearby. Escapes excite little attention. On one occasion when some escaping inmates damaged a local family the inmates of the institution collected a fund to compensate them.

Seagoville (Federal)—This institution was built as a women's reformatory on the cottage plan, and taken over for men in 1945. The present capacity is 500, but it is planned to extend this to 650.

Prisoners are received direct from courts or transferred from other prisons where they have been selected as suitable, and may be serving sentences up to life. They range from first offenders to several previous convictions.

There is an admission and orientation unit, and at the conclusion of this phase the classification committee decides whether a prisoner is suitable for retention and settles his training program if he is retained.

All movement about the institution is unsupervised, and the co-operation of inmates is enlisted through an inmate advisory council.

The educational, industrial and vocational training programs reach the usual high standard of the Federal penitentiaries. Apart from a 500 acre agricultural estate, and much building construction, there is a garment factory; an industry devoted to salvaging furniture, typewriters, etc; and vocational training in a variety of trades.

It is stated that "there is no institution in the Federal system where the morale of the inmates is higher or where they work harder." There were only four escapes out of 1514 men received during the first 3 years of the institution's operation (Federal Prisons Report 1948).

ASIA

Ceylon

Pallekelle prison camp is still under construction on an estate of about 40 acres, which will be gradually extended. The buildings are erected by the prisoners who also make the bricks. Employment is in agriculture, brick-making, carpentry, building-work, fish-breeding, etc.

Education is provided in an Adult Education Centre under the Department of Education, while members of the staff and students of Trinity College, Kandy, also conduct education and art classes, physical training, etc. There is special training in rural development methods.

Volley-ball matches are played against outside teams, and visits are made to points of local interest and local festivities and religious occasions.

AUSTRALASIA

Australia

Open prisons have long been an established feature of the systems of New South Wales, Queensland and Victoria. The following examples are taken from Victoria.

McLeod Training Centre takes about 100 prisoners of age group 21 to 25 sentenced to reformatory treatment for an indeterminate period (one and a half to two and a half years). It is situated on an estate of 11,000 acres in a rural district some miles from a town. Trade training is provided in carpentry, farm and auto mechanics, and building trades: there are also correspondence courses in trade training. The nature of the neighbourhood provides little opportunity for social contacts.

*Coorimungle Prison Farm*⁵ was established in 1939 to enable prison labour to be used in a state land development project, while at the same time providing training with the primary aim of rehabilitation. The camp has well-designed per-

(5) See a detailed description of this institution in the report by A. R. Whatmore, *An open institution in Victoria, Australia* (Document A/CONF.8/C.2/L.8).

manent buildings on a site of 140 acres, set in pleasant lawns and gardens. There is accommodation for 40 in single cubicles. The work consists of clearing, fencing, cultivating and grazing farm sites to be allotted to settlers.

The prisoners are men selected as suitable for minimum custody, physically fit, with sentences of not more than 18 months and likely to benefit by this type of work rather than by trade training. Long-sentence prisoners are also sent here as pre-release training for 6-12 months before release.

There is a staff of 6 officers, who work with the prisoners, and develop personal counselling. One is trained to supervise the educational programme, leisure activities and sport.

Out of 800 men who had been at the camp to 30.9.54 only 15 had absconded (about one per year) and very few had returned to prison after release.

New Zealand

*Tongariro*⁶ and *Waikune*⁶ are camps designed for 100 and 84 inmates respectively, in remote situations. Tongariro is entirely a farming camp: Waikune was established to pioneer roadmaking, and is now engaged mainly in quarrying and road maintenance, but also provides work in motor mechanics, farming, baking and house building.

The prisoners are selected from those serving a year or more, not convicted of offences of violence, who after study in the reception prisons are thought to be suitable and likely to benefit from this type of treatment.

The majority of the prisoners work without direct supervision some distance from the camps.

Education is carried on through correspondence courses and hobby classes.

The situations preclude much contact with local society. Escapes are rare.

Wi Tako,⁶ designed for 70, stands in a populous residential area 20 miles from Wellington. The prisoners are 'first-timers' selected as trainable and as good escape risks: sentences as above.

Work is in farming, carpentry and joinery.

There are full educational and sporting activities.

(6) See a detailed description of this institution in the report by S. T. Barnett, *Open institutions in New Zealand* (Document A/CONF.6/C.2/L.15).

This prison is said to be well integrated with the surrounding community, with a fair exchange of social contacts, and good local interest and relations. There have been no escapes.

EUROPE

Sweden

The Swedish penal system holds a special place in the development of open prisons in that the Prison Act 1945 gives by law a primary place to open prisons in the treatment of offenders.

There are some 52 penal institutions taking about 3200 prisoners of all categories. Of these 27 are open, with about 920 prisoners, men, women, and young adults.

All prisoners sentenced to simple imprisonment under 6 months are assigned direct to open prisons, others after careful examination and observation. Prisoners sentenced to hard labour may be transferred after 3 months in a closed prison.

Detainees under preventive detention may also be placed in open prisons: in 1952 there were 86 out of 398 so placed. For these there is a special prison at Hall, to which they may be transferred after a period in a closed prison if they are found suitable.

The other open prisons are all small farm colonies for from 10 to 50 prisoners, since small institutions are best adapted to individualised treatment. The work is mainly agriculture, lumbering, roadmaking, etc: industrial work is however being developed in some. There appears to be no formal education, but prisoners are encouraged in and allowed every facility for self-education in leisure hours.

The public attitude is co-operative, though it sometimes becomes hostile to open prisons for young adults and subnormal prisoners, since these often escape and commit crimes.

The staff can do much to maintain good relations by e. g. allowing inmates to help at harvest time, or allowing neighbours to repair machines in the workshops.

As the colonies are in thinly populated districts, there are few opportunities for social contact except in sport.

United Kingdom

A detailed account of this system is given in the report on open prisons in the United Kingdom.⁷ The English penal sys-

(7) Document A/CONF.6/C.2/L.7

tem provides for three types of prison: local, regional and central. The regional prisons are 'training' prisons for sentences from 18 months up to three years. Central prisons are for longer sentences. There are five open local prisons to which short-sentence prisoners are transferred. There are for men five regional prisons, of which two are open, one of medium security, and two closed with small open camps attached. Of the two central prisons for the 'star class' one is closed and one is open: an open prison of this type is also under preparation in Scotland. These prisons all correspond closely with the recommendations of the Hague and Geneva, and here, as for young adults, no more will be given than a brief impression of their relations with the community.

Work—At all prisons a number of prisoners work outside, either individually or in supervised parties, for farmers or local authorities, or in forestry or reclamation schemes.

Education and pre-release training is carried out by teachers and lecturers from outside.

Religion—The position is the same as in the institutions for young adults.

Social activities—These do not take the men outside the camps, but neighbours take part in many activities inside, e. g. they attend concerts and dramatic society productions by the inmates, or bring similar entertainments to the inmates. Chess clubs and other groups also visit.

Sport—Visiting teams are entertained at cricket, football, bowls, badminton and table-tennis.

NON-SELF-GOVERNING TERRITORIES OF THE BRITISH COMMONWEALTH

Gold Coast

In the separate report dealing with open prisons in those territories,⁸ there are descriptions of the farm-camps at *Ankaful* and *James*. The former, in addition to farming, gives training in five skilled trades. The latter is agricultural.

Tanganyika

The same report also gives a description of the large (over 1000 inmates) open agricultural prison at *Kingolwira*.

(8) Document A/CONF.6/C.2/L.8

Federation of Malaya

In the separate report mentioned above there are descriptions of two open prisons. *Telok Mas* (250) takes 'first-timers', from 12 months up to life. There is trade training in skilled trades and a farm, and good local contacts. An interesting feature is a *Pre-release camp* for 150 long-sentence prisoners from closed prisons in the last six months of their sentence.

3. WOMEN

NORTH AMERICA

United States

The institutions described are typical of a number designed on the same cottage plan and pursuing similar systems of training with similar facilities, e. g. Westfield Farms, N. Y., Framingham, Mass., Corona, Cal. and others.

It is noteworthy that these institutions are commonly required to receive all women aged 16-30 sentenced by the courts to reformatory treatment, for indeterminate sentences with a 3-year maximum.

Alderson (Federal Reformatory)—For about 440 women, built on the cottage system, with workrooms, laundry, education block, assembly hall and hospital.

Employment is in the needlework room; kitchen; a laundry equipped up to commercial standards; handicrafts room (weaving, pottery, etc.); and on the farm, which is on a large scale and highly mechanised, including a dairy.

The education block provides not only school work but technical instruction, e.g., typewriting and hairdressing. There is a well-stocked library and reading room.

There is a special hospital unit for mothers with babies.

One cottage for difficult women has a segregation wing.

The situation of the institution provides little scope for community contacts.

Clinton Farms (N. J.)—A State Reformatory for about 370 (normal capacity) on an estate of 340 acres built on the cottage plan (designed for 35 to a cottage).

Each cottage has 20 single rooms, two dormitories, day-room, dining-room, kitchen and offices.

There are separate workshops, hospital, education block and chapel.

There is a separate isolation block which serves both for the 'orientation' of newcomers and the segregation of inmates who need it.

Employment, in addition to the farm and dairy, is in the dress-making room and a well-equipped laundry. There is a "beautician's" training course leading to a State certificate. Inmates are also trained in the hospital as assistant nurses and laboratory assistants.

The education block, with five qualified teachers on the staff, provides facilities for graduation through the usual educational channels, special training for the backward and illiterate, and more general education.

There is a system of 'student government' based on a grade system. Probationers (for 3 months) cannot go about unescorted and their privileges are restricted. They may then be elected to the Honour Group by the members of the Group, the cottage officers and the Superintendent. From this group are elected 'student officers' who are placed in positions of responsibility.

EUROPE

United Kingdom

There are two open prisons for women. Askam Grange serves as a regional training prison, and also takes selected long-sentence 'stars' and corrective trainees. Hill Hall, opened more recently, will also take the same categories in due course: meanwhile it is taking mainly short-sentence 'stars' from the southern region. In time both prisons will take all categories suitable for open conditions.

Askham Grange is a large country house with extensive grounds and a market-garden, situated on the edge of a village in rural surroundings. It will take up to 65 women. The training is based on home management, cookery, laundry, dress-making, poultry-keeping, and gardening.

Examinations in the various branches are held, leading to public certificates. There is a programme of evening education, including many useful hand-crafts. The prison is an ac-

cepted part of the local life. Toward the end of their sentences women are allowed to go for walks or for trips into York, unsupervised.

Hill Hall is in similar premises but more remote in situation. The training and education are on similar lines, but since it has dealt with short-sentence prisoners it has not developed so far as at Askham Grange. Local relations are good, but again they have not yet allowed of many contacts for the women.

Chapter IV

CONCLUSIONS

1. *Results of open institution systems*

The results of open institution may be considered under three headings—internal management; external, in relation to the community; and rehabilitation, in relation to their effect on the after-life of the prisoners.

Internal—There is general agreement among those with experience that open institutions are more economical to establish and run than normal prisons. Mr. J. V. Bennett, Director of the Federal Bureau of Prisons, United States of America, says “. . . it is less costly to operate than an ordinary prison. Not so many guards and all the other paraphernalia of the prison are required. All in all it is an economical way to run a prison.¹” In Sweden it has been estimated that the per diem cost is 10 crowns in an open prison against 25 in a closed prison. In New Zealand it is said that “there is a considerably lower ratio of staff to inmates than in security prisons and for that, and other reasons, they are cheaper to run.” Experience in the United Kingdom is similar.

While economy is important, even more important is the effect on the morale of the prisoners. The tensions, suspicions and corruptions of the normal prison largely disappear. The 1948 report of the United States Federal Bureau of Prisons, Washington, says of the open institution at Seagoville, “There is no institution in the Federal system where the morale of inmates is higher or where they work harder . . . One cannot spend a few days at the institution without the realization that the atmosphere is healthy; that attitudes of the men are changing from suspicious, disgruntled and anti-social to those of self-respect and regard for the rights of others.” The Secretary for Justice, New Zealand, in a letter to the writer, says “It is noticeable that the more open the conditions the fewer the escapes . . . one cannot help noticing that the more trust and responsibility given to inmates the greater the response.” Experience in the United Kingdom entirely supports these views.

(1) Proceedings of the Hague Congress, Vol. IV, page 41.

The same is true of the morale of the staff who are not subject to the depressing surroundings of a walled prison, and by entering into more normal and human relations with the inmates are able to exercise a positive leadership. This is subject to the reserve that if the situation of the institution is such that either the staff must be separated from their families, or the families must live in conditions of remoteness and lack of amenity to which they are not accustomed, then the morale of the staff may be adversely affected.

External—The general impression of the examples given in Chapter III is that good community relations can be and commonly are established, and that these are of great value in the running of the institution. While many open institutions obtain valuable results in situations which do not allow of such relations, their additional advantage is summed up by the Secretary for Justice, New Zealand, in the letter above quoted, as follows, “I would not of my choosing build another open institution, unless it were placed near a sub-centre of population or within a reasonably closely populated area. We miss nearly all the value that is to be got through integration with normal society, and there are many inconveniences.” The practice followed in several countries of allowing inmates, especially young adults, to work at their trades in normal outside employment, appears to be one of the most significant developments of the open system, and this clearly calls for ‘integration’ in a community offering the necessary facilities.

External relations are closely connected with frequency of escapes, and more particularly with offences committed by escaping inmates. The general experience suggests that at any rate with properly selected adult men and women, this risk is in practice negligible. With young adults, however, unless the selection for open conditions is strictly limited to “good risks” by careful preliminary examination, there is likelihood of frequent escapes accompanied by offences. This at least is the experience of the United Kingdom,² and also of Sweden: in his reply to a United Nations questionnaire of 1952 the Director of Swedish Prisons said “This group includes a great number of persons who do not have the necessary firmness to resist the

(2) See Document A/CONF.6/C.2/L.6.

special temptations connected with greater freedom . . . in open treatment many of them escape, the escapes often being connected with crimes."

Rehabilitation—The European Consultative Group, in its report on this question, recommended "the compilation of statistics which would permit an evaluation of recidivism and social rehabilitation in open institutions." So far as the writer is aware, no such statistics are available, and to make them available even for one country would clearly call for a social research project on a considerable scale. It may well be practicable to give the absolute results of recidivism among prisoners treated in open conditions, and this is in fact done in the United Kingdom where the figures are extremely encouraging.³ But to give comparative results of treatment in open and in closed conditions evidently introduces considerable difficulties of statistical and scientific methodology, since it is not clear how appropriate control groups could be selected. If scientific comparisons of value are to be made, like must be compared with like, and it would hardly be desirable, simply to enable such a research to be made, to take—say—half the prisoners found to be suitable for open conditions in a given year and treat them in closed conditions, so as to compare the recidivism of the two groups.

It may be therefore that we must remain content with the firmly held opinion of those who have experience of the open system that its effect on every aspect of the prisoner's personality is greatly more beneficial than in even the best of closed prisons, and that this method of treatment is less likely than any that has yet been tried to produce those deformative effects on the mind and the spirit that are inseparable from any form of captivity, and more likely to succeed in sending its prisoners out better men or women than when they came in.

2. *General Conclusions*

The treatment of prisoners in open conditions, in its great variety of methods and phases of development, has long passed out of the stage of novelty and is a firmly established feature of contemporary penal systems. But as fresh thought is constantly brought to bear on the methods by which the social rehabilitation of offenders can best be sought, fruitful experi-

(3) *Idem.*

ment continues in many directions. Among these is the establishment of open prisons in the sense of the recommendations of The Hague and of the United Nations regional conferences.

The experience of many penal administrations in all parts of the world and with many different races, cultures, and levels of social and economic development, shows that such institutions can be satisfactorily established and managed, that they are more economical than closed prisons, and that they are more likely to achieve the social rehabilitation of the prisoners.

It is desirable to envisage open institutions not as isolated and cautious experiments, but as an accepted and integral part of a penal system in which they will occupy a primary place, providing treatment for all suitable prisoners irrespective of legal category, length of sentence, or any other consideration extraneous to the personal suitability of the individual. To this end, many different types of open institution may be found useful, not only the fully developed prison defined in the Hague resolution.

The success of such a system must depend on the careful selection of the prisoners, and here the recommendations of the Brussels Seminar are of special interest.

Success must also depend on the development of a public opinion that will be prepared not only to accept the risks inherent in open institutions but to co-operate in their work, and on the integration of the institution to the greatest possible extent in the society of which it forms part.

Appendix A.

Resolution on open institutions adopted by the Twelfth International Penal and Penitentiary Congress, The Hague, 1950.

1. (a) For the purposes of this discussion we have considered the term "open institution" to mean a prison in which security against escape is not provided by any physical means, such as walls, locks, bars, or additional guards.
(b) We consider that cellular prisons without a security wall, or prisons providing open accommodation within a security wall or fence, or prisons that substitute special guards for a wall, would be better described as prisons of medium security.
2. It follows that the primary characteristic of an open institution must be that the prisoners are trusted to comply with the discipline of the prison without close and constant supervision, and that training in self-responsibility should be the foundation of the regime.
3. An open institution ought so far as possible to possess the following features:
 - (a) It should be situated in the country, but not in any isolated or unfavourable location. It should be sufficiently close to an urban centre to provide necessary amenities for the staff and contacts with educational and social organizations desirable for the training of the prisoners.
 - (b) While the provision of agricultural work is an advantage, it is desirable also to provide for industrial and vocational training in workshops.
 - (c) Since the training of the prisoners on a basis of trust must depend on the personal influence of members of the staff, these should be of the highest quality.
 - (d) For the same reason the number of prisoners should not be high, since personal knowledge by the staff of the special character and needs of each individual is essential.
 - (e) It is important that the surrounding community should understand the purposes and methods of the institu-

tion. This may require a certain amount of propaganda and the enlistment of the interest of the press.

- (f) The prisoners sent to an open institution should be carefully selected, and it should be possible to remove to another type of institution any who are found to be unable or unwilling to co-operate in a regime based on trust and self-responsibility, or whose conduct in any way affects adversely the proper control of the prison or the behavior of other prisoners.
4. The principle advantages of a system of this type appear to be the following:
 - (a) The physical and mental health of the prisoners are equally improved.
 - (b) The conditions of imprisonment can approximate more closely to the pattern of normal life than those of a closed institution.
 - (c) The tensions of normal prison life are relaxed, discipline is more easy to maintain, and punishment is rarely required.
 - (d) The absence of the physical apparatus of repression and confinement, and the relations of greater confidence between prisoner and staff, are likely to affect the anti-social outlook of the prisoners, and to furnish conditions propitious to a genuine desire for reform.
 - (e) Open institutions are economical both with regard to construction and staff.
5. (a) We consider that unsentenced prisoners should not be sent to open institutions, but otherwise we consider that the criterion should not be whether the prisoner belongs to any legal or administrative category, but whether treatment in an open institution is more likely to effect his rehabilitation than treatment in other forms of custody, which must of course include the consideration whether he is personally suitable for treatment under open conditions.
 - (b) It follows that assignment to an open institution should be preceded by observation, preferably in a specialized observation institution.

6. It appears that open institutions may be either :

- (a) separate institutions to which prisoners are directly assigned after due observation, or after serving some part of their sentence in a closed prison, or
- (b) connected with a closed prison so that prisoners may pass to them as part of a progressive system.

7. We conclude that the system of open institutions has been established in a number of countries long enough, and with sufficient success, to demonstrate its advantages, and that while it cannot completely replace the prisons of maximum and medium security, its extension for the largest number of prisoners on the lines we suggest may make a valuable contribution to the prevention of crime.

The rules and regulations obtaining in open institutions should be framed in accordance with the spirit of point 4 above.

Appendix B.

Excerpts of the Revised Draft of Standard Minimum Rules for the Treatment of Prisoners prepared by the International Penal and Penitentiary Commission at the request of the United Nations, 1951.

GENERAL PRINCIPLES

1. The purpose and justification of a sentence of imprisonment is to protect society against crime. The punishment inherent in the sentence is primarily the deprivation of liberty with the inevitable consequences of compulsory confinement and segregation from normal society. The purpose of the prison in carrying out that punishment should be to ensure, so far as possible, that its intention is fulfilled by the return of the offender to society not only willing but able to lead a normal well-adjusted and self-supporting life as a good member of society.
2. To this end, the institution should utilize all the remedial, educational, moral and spiritual forces which are appropriate and available, and should seek to apply them according to the special needs of each prisoner.
3. The regime of the institution should seek to minimize any differences between the life inside its walls and normal life outside which tend to lessen the self-responsibility of the prisoners or the respect due to their dignity as human beings.
Before the end of the punishment it is desirable that the necessary steps be taken to ensure for the prisoner a gradual return to normal life in society. This aim may be achieved, depending on the case, by a pre-release regime organized in the same institution or in another appropriate institution or by release on trial under effective supervision.
4. The treatment of prisoners should emphasise not their exclusion from the community, but their continuing part in it. The normal agencies of the community should, therefore, be enlisted wherever possible to assist the staff of the institution in the task of social rehabilitation of the prisoners; there should be in connection with every institu-

tion social workers charged with the duty of maintaining and improving all desirable relations of a prisoner with his family and with valuable social agencies; steps should be taken to safeguard the civil rights, social insurances, and other social benefits of prisoners.

5. The medical services of the institution should seek to remove any physical or mental defects which may hamper a prisoner's rehabilitation. In particular, they should include a psychiatric service for the diagnosis and, in proper cases, the psychotherapeutic treatment of states of mental abnormality. It is desirable that a separate institution, under medical management, should be used for the observation and treatment of the mentally abnormal. It is also desirable that steps should be taken, by arrangement with the appropriate authorities, to ensure the continuation of treatment after release and the provision of social-psychiatric after-care.
6. (a) Since the fulfilment of these principles requires individualization of treatment and a flexible system of classifying prisoners in groups for this purpose, it is desirable that such groups should be distributed in separate institutions suitable for the treatment of each group.
(b) These institutions need not provide maximum security for every group. It is desirable to provide varying degrees of security according to the need of different groups. Open institutions, which provide no physical security against escape, but rely on the self-discipline of the inmates, provide the conditions most favourable to rehabilitation for carefully selected prisoners.
(c) It is desirable that the number of prisoners in maximum or medium security institutions should not be so large that the individualization of treatment is hindered. In some countries it is considered that the population of such institutions should not exceed five-hundred. In open institutions the population should be as small as possible.
(d) It is equally undesirable to maintain prisons which are so small that proper facilities cannot be provided.

7. It is desirable in principle that young persons¹ should not be sentenced to imprisonment. Where this is unavoidable, every precaution should be taken to separate them from older prisoners, if possible in separate institutions accommodating no more than two hundred inmates, and their re-education and rehabilitation should be the sole aims of the regime.
8. A humane, efficient and well-organized system of after-care is essential to the success of a system of penal institutions. It should be recognized that the responsibility of the system does not cease with the liberation of a prisoner, but continues until he is re-established as a self-supporting citizen.

(1) The maximum age for young prisoners must be fixed according to the legislation of each country, but should include at least all young persons who come within the jurisdiction of juvenile courts.

Appendix C.

Excerpts of the Conclusion of the United Nations Seminar on the medico-psychological and social examination of offenders, Brussels, 1951.

I. *Report of the Scientific Section (First Section).*

The term "examination of offenders" is here used in the sense indicated below. There are four main types of examinations of offenders—biological, social, psychological and psychiatric. The detailed nature of each is described in the communications submitted to the First Section and in the report on its deliberations.

By the examination of an offender is meant the application of one or more of these types of examination to the offender by a person with expert knowledge of the type of examination used.

III. *Report of the Administrative Section (Third Section)....*

The general conclusions reached by the Section are set forth below:

A. *Where the offender is sentenced to imprisonment.*

(1) The prison administration requires (at least in the case of offenders sentenced to a term of imprisonment of a certain duration) information based on scientific examination which would enable it to deal with:

- (a) The classification of the offender;
- (b) The individualization of his treatment;
- (c) His adjustment to the regime of the prison, particularly by helping him to arrange his family and personal affairs outside the prison; and
- (d) His social rehabilitation and way of life after release.

(2) For these purposes the administration may require a report including some or all of the following elements: an analysis of the criminal record of the offender; a social investigation; a medical examination; a psychological examination which should include educational and vocational tests; and a psychiatric examination.

(3) To ensure continuity, and to avoid duplication of work, any report made to the court before sentence should be placed at the disposal of the administration.

(4) The administration itself should have available suitable establishments and expert staff to enable it to make complete examinations of offenders as described in paragraph 2 above. This should preferably be done in special centres, but at least all prisons where prisoners serve long sentences should have at their disposal certain categories of experts to ensure continuity of observation and treatment.

E. *Suggestions on principles and procedure.*

The following suggestions were approved by the Section:

I. *Basic principles:*

(1) The medical, psychological and social examination must be the keystone of the treatment of adult offenders.

Consequently, it must render possible:

- (a) The determination of the nature of the treatment;
- (b) The determination of the necessary methods of treatment, particularly as regards the assignment of the offender to a specific institution;
- (c) The determination of the total duration of the treatment, as well as the successive stages involved.

(2) The programme decided upon in the light of a medico-psychological and social examination must be flexible and capable of being revised and modified, either on the initiative of the person or service responsible for carrying out the treatment, or on the initiative of the authority responsible for deciding on the treatment and directing its implementation.

(3) The scope of the medico-psychological and social examination is so broad that it is necessary to make provision for the complete observation of adult offenders either in freedom or in custody.

III. *Practical methods of observation in custody*

(1) For each geographical area of sufficient size an observation centre should be established. The centre may or may not be physically connected with an existing penal institution,

but should be organized independently as if it were a hospital, to bring out the distinction between administration and technical operations.

(2) The personnel of the centre should be under the direction of a physician specializing in criminology, and should be composed of social workers, psychologists, psycho-technicians and teachers (*éducateurs*).

(3) Observation should be carried out by means of closely co-ordinated teamwork.

Appendix D.

Revised Draft of Standard Minimum Rules for the Treatment of Prisoners Prepared by the International Penal and Penitentiary Commission at the request of the United Nations, 1951.

Rules 56 to 61

WORK

56. (a) All prisoners under sentence shall be required to work, subject to their physical fitness as determined by the medical officer.
- (b) Sufficient work of a useful nature shall be provided to keep prisoners actively employed for a normal working day.
- (c) So far as possible the work provided shall be such as will maintain or increase the prisoners' ability to earn an honest living after liberation.
- (d) Vocational training in useful trades shall be provided for prisoners able to profit thereby and especially for young prisoners.
- (e) Within the limits compatible with proper vocational selection and with the requirements of institutional administration and discipline, the prisoners shall be able to choose the type of work they wish to perform.
57. The organization and methods of work in the institutions shall resemble as closely as possible those of similar work outside the institutions, so as to prepare prisoners for the conditions of normal industrial life.
- The interests of the prisoners and of their industrial training, however, must not be subordinated to the purpose of making a financial profit from an industry in the institution.
58. (a) It is preferable that institutional industries and farms shall be operated directly by the administration and not by private contractors.
- (b) Where prisoners are employed in work not controlled by the administration, such labour shall always be under the supervision of the institution's personnel, and unless the work is for other departments of the

Government the full normal wages for such work shall be paid to the administration by the persons to whom the labour is supplied, account being taken of their output.

59. (a) The precautions laid down to protect the safety and health of free workmen shall be equally observed in institutions.
- (b) Arrangements shall be made to indemnify prisoners against industrial accident or disease on terms not less favourable than those extended by law to free workmen.¹
60. (a) The maximum daily and weekly working hours of the prisoners shall be fixed by law or administrative regulation.
- (b) The hours so fixed shall leave one rest day a week and sufficient time for education and other activities required by the system of training in force.
61. (a) There shall be a system of remuneration to stimulate the industry and interest of prisoners in their work.
- (b) The system shall allow of the prisoners spending at least a part of their earnings on approved articles for their own use during their sentences and of sending a part of their earnings to their family.²

(1) 'Consideration should be given to allowing prisoners to participate to the greatest practicable extent in any social insurance schemes in force in their countries.' (From a resolution adopted in August 1950 by the Twelfth International Penal and Penitentiary Congress at The Hague).

(2) 'Prisoners should receive a wage. The Congress is aware of the practical difficulties inherent in a system of paying wages calculated according to the same norms that obtain outside the prison. Nevertheless, the Congress recommends that such a system be applied to the greatest possible extent. From this wage there might be deducted a reasonable sum for the maintenance of the prisoner, the cost of maintaining his family and, if possible, an indemnity payable to the victims of his offence.' (From a resolution adopted in August 1950 by the Twelfth International Penal and Penitentiary Congress at The Hague).

PREMIER CONGRÈS DES NATIONS UNIES EN MATIÈRE DE
PRÉVENTION DU CRIME ET DE TRAITEMENT DES DÉLINQUANTS
GENÈVE 1955

ETABLISSEMENTS OUVERTS

LA PLACE DE L'ÉTABLISSEMENT OUVERT DANS LE SYSTÈME PÉNITENTIAIRE ET DANS LA COMMUNAUTÉ

par Sir Lionel FOX, C.B., M.C.,
Président de la Commission des prisons
pour l'Angleterre et le Pays de Galles, Londres



This archiving project is a collaborative effort between United Nations Office on Drugs and Crime and American Society of Criminology, Division of International Criminology. Any comments or questions should be directed to Cindy J. Smith at CJSmithphd@comcast.net or Emil Wandzilak at emil.wandzilak@unodc.org.