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**PRE-RELEASE
TREATMENT AND AFTER-CARE
AS WELL AS ASSISTANCE TO
DEPENDANTS OF PRISONERS**

GENERAL REPORT

by

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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.

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FOREWORD

This report on pre-release treatment was prepared, at the request of the Secretariat, by Mr. Bent Paludan-Müller, Deputy Prison Inspector, Sdr. Omme, Denmark, as the general report on this item for the Second United Nations Congress on the Prevention of Crime and the Treatment of Offenders, London, 8 to 20 August 1960.

It was written on the basis of material made available to the Secretariat, as well as of data collected by the expert himself. Information was requested from all regions of the world, primarily from a number of national correspondents with the United Nations Secretariat in the field of social defence, as well as from selected non-governmental organizations and individuals. In response to this request, the Secretariat received unpublished statements and other material from the following:

National correspondents: Mr. Carlos García Basalo, Inspector-General of Penal Institutions, Buenos Aires, Argentina; Mr. Paul Cornil, Secrétaire général, Ministère de la Justice, Brussels, Belgium; Mr. Ba Thein, Inspector-General of Prisons, Rangoon, Burma; Mr. R.B. Gibson, Commissioner of Penitentiaries, Ottawa, Canada; Mr. Evelio Tabío y de Castro Palomino, Judge at the Supreme Court, Havana, Cuba; Mr. H. Tetens, Director of Prison Administration, Ministry of Justice, Copenhagen, Denmark; Mr. Hans Heinrich Jescheck, Freiburg i. Br., Mr. Josef Schafheutle, Bonn, Mr. Rudolf Sieverts, Hamburg, Federal Republic of Germany; Mr. Robert Lhez, Directeur du personnel et de l'administration générale, Ministère de la Justice, Paris, France; Mr. B.N. Mullik, Director, Intelligence Bureau, Ministry of Home Affairs, New Delhi, India; Mr. Yoshinobe Watanabe, Director of the Correction Bureau, Ministry of Justice, Tokyo, Japan; Mr. E.A.M. Lamers, Director-General of the Prison Administration, Ministry of Justice, The Hague, Netherlands; Mr. S.T. Barnett, Secretary of Justice, New Zealand Department of Justice, Wellington, New Zealand; Mr. Johannes Halvorsen, Chief of the Prison Administration, Ministry of Justice, Oslo, Norway; Mr. V.R. Verster, Director of Prisons, Pretoria, Union of South Africa; Sir Lionel Fox, Chairman of the Prison Commission for England and Wales, London, United Kingdom; Mr. Sanford Bates, Consultant in Public Administration, Trenton, New Jersey, United States of America.

Non-governmental organizations: Catholic International Union for Social Service: Mr. P. Bibot, Namur, Messrs. R. Huvelle and De Buyst, Louvain, Belgium; International Association of Penal Law: Mr. J. van Bemmelen, Leyden, Netherlands; International Federation of Women Lawyers: Miss Marta Ossa, Chile; Mrs. Aune Mäkinen-Ollinen, Finland; Mrs. Susana Solano, Peru; unnamed representatives of the Women Lawyers Association, Thailand; Il Centro Nazionale di Prevenzione e Difesa Sociale, on behalf of the International Society of Social Defence: Mmes. Moglia, Renzi Guastalla, Messrs. Altavista, Beria di Argentine, De Vincentiis, Di Gennaro, Ferracuti, Fontanesi, Garofalo, Reale, Tartaglione, and Vassalli, Milan, Italy; The Salvation Army: Mr. Owen Culshaw, London, United Kingdom; Individuals: Mrs. Karen Berntsen, psychologist, Copenhagen, Denmark; the Rev. Martin W. Pinker, Chairman, Training Schools Advisory Board, Department of Reform Institutions, Ontario, Canada.

In addition, Mr. Paludan-Müller obtained unpublished statements from Mr. V.N. Pillai, Commissioner of Prisons, Ceylon; Mr. Vagg, former Director of the Prison Administration, New South Wales, Australia, and from the Prison Administration, Sweden.

When information concerning various countries is given in this report without quotation marks, it is taken from the unpublished statements mentioned above. All other sources are identified and a bibliography of published material is given at the end of the report.

Thanks are due to all who have contributed information for this report and to Mr. Paludan-Müller for having prepared it.

In addition to this report, the Congress will have before it a report by the Secretariat on the same topic (A/CONF.17/9), as well as other relevant papers prepared by the International Labour Organisation and by several non-governmental organizations.

CHAPTER I

PRE-RELEASE TREATMENT

A. Definition

1. Pre-release treatment may be defined as those measures which are applied in an institution during the period preceding release and which are specially designed to facilitate the difficult period of transition from institutional life to ordinary life outside the institution.^{1/}

2. This implies that the person in question is in the custody of a prison or similar institution, since non-criminal persons who are going to be discharged from other forms of detention, such as mental hospitals, prisoner-of-war camps,^{2/} face similar problems when changing from a strictly regulated institutional life to a life in freedom. Pre-release treatment is therefore discussed entirely here as a penological measure designed to facilitate the prisoner's transition from the highly controlled and simple life of a penal institution to the freedom of community living.

3. Pre-release treatment is limited to the measures applied in the final stage of imprisonment and is not identical with the general treatment applied during the serving of the sentence, irrespective of whether that treatment aims at fitting the prisoner psychologically, temperamentally, pedagogically, or in other ways for his release and for life in the free community.

4. Professor van Bemmelen, in an unpublished statement prepared for this report on behalf of the International Association of Penal Law, remarks that:

"the sentence and even the information report drawn up for the use of the judge, the choice of the sentence or measure to be applied and the character of the penal treatment should all be aimed at the rehabilitation and readaptation of the accused and the convict.

"The system of classification and individualization of prisoners, the application of the privileges granted them, the work assigned them, the methods applied in connection with their education and recreation, the

^{1/} Pre-release treatment is also defined as "The special measures taken in the last stage of a sentence to prepare the prisoner to face the world outside with all the social, domestic and personal problems which may then beset him". See "The Re-Adaption of Prisoners to Normal Life in the United Kingdom". Fascicule I. Rapports préparatoires. Cycle d'études de Strasbourg, 1959 (Berne, International Penal and Penitentiary Foundation, 1959), p. 398.

^{2/} Cf. World Health Organization, Expert Committee on Mental Health; Third Report. Technical Report Series No. 73 (Geneva, 1953), p. 22.

maintenance of their social and family relations, and the preparation for their after-care should all be based on the idea of the necessity of preparing prisoners for their release."

5. But however advanced the treatment applied may be, institutional life is an unnatural thing; return to life in the free community involves in addition, all the problems of resettlement in home and work, which institutional treatment may help to lessen but never can remove.

6. Pre-release treatment, like after-care, is the practical help and education given to persons who, for a longer or shorter time, have been excluded from normal life in the free community. It tends to help them to keep abreast of the developments in the community where they will live and to utilize the training and treatment they have received in the institution.

7. Pre-release treatment is closely connected with after-care. Both begin with the prisoner's admission into the institution, but they are mainly concentrated in the time just before and after release.

8. While general prison treatment aims at changing the individual inmate and influencing his character and personality, pre-release treatment and after-care endeavours to make the abrupt change from one sort of life to another a gradual transition.

B. Need for pre-release treatment

9. It is indisputable that prisons, however organized, remain unnatural environments, "a compulsive community of such a kind that no sane mind will prefer it voluntarily to the free society".^{3/} No matter how prisons are organized, or how much they try to resemble normal society, the prison situation itself, which will always involve a certain degree of automatism and simplifying of life, makes it impossible to avoid certain regrettable effects of imprisonment.^{4/}

10. Prison life is founded on various rules and regulations which are necessary to maintain discipline and order and to safeguard the general treatment applied, but this life will always become stereotyped and form its own static community apart from the free community, which changes from day to day.

^{3/} "Report presented by Professor G. Th. Kempe". Proceedings of the Twelfth International Penal and Penitentiary Congress, The Hague, 1950, vol. V., p. 273.

^{4/} "Report presented by Alfredo Molinaro". Proceedings of the Twelfth International Penal and Penitentiary Congress, The Hague, 1950, vol. V., p. 277.

11. This is excellently expressed by Professor Molinaro in the following words:

"In fact, while society increases and improves the methods for the observation of the prisoner, the prisoner can know little or nothing of what is happening in society. That is why, when the prisoner knows that he is about to regain his freedom, his mind suffers from the restlessness that every man feels when approaching the unknown.

"The ways and forms of social life, in the moral and material sense, change so quickly that, in a few years, societies offer a quite different aspect. Everything suffers transformation: housing, transportation, communication, work, even recreation. This is the reason why the prisoner about to return to what used to be his own community, experiences the sensation of coming to an unknown country." 5/

12. The arguments for pre-release treatment are much the same and have much in common with the arguments for parole and, as a matter of fact, the pre-release treatment in some states is identical with the preparation for parole (for instance, in the United States of America).

13. But while parole rests upon a social study and is granted in relation to the plans made by and for the individual, and takes into consideration not only institutional adjustment, but also the prisoner's personality and the potential danger which he constitutes to society, pre-release treatment in principle ought to be extended to every prisoner about to be released, irrespective of his personality, his institutional adjustment and potential danger to society. This transition from the closely-watched life inside the prison to the exigencies of the struggle for life is unfavourable and painful for all about to be released, and actually is more imperative for those whose release on parole is rejected, since they have to serve more time in the prisons than those found eligible for parole.

14. The period preceding release is the time for reviewing the general treatment applied and checking its effect upon the inmate, and for summing up the findings and suggestions for the period following release.^{6/} The Centro Nazionale di Prevenzione e Difesa Sociale, in a statement prepared for this report, on behalf of the International Society of Social Defence, wrote that:

5/ Ibid., p. 300.

6/ Cf. Handbook on Pre-release Preparation in Correctional Institutions. Prepared by the Committee on Classification and Casework of the American Prison Association (New York, 1950), p. 22.

"The treatment must be continued throughout the duration of the penal measure, primarily to avoid the psychological deterioration normally resulting from prison life, a fact established by psychologists, and, secondly, to help the prisoner to readapt himself for his return to society.

"Nevertheless, the treatment requires particularly delicate handling in the terminal phase of the sentence, that is, the period immediately preceding release. It is then essential to assess the results of all previous actions to establish whether the correct methods have been used to effect the desired improvement in the offender's personality and to try to complete the operation by remedying, as far as possible, any inadequacies or errors."

15. Pre-release treatment is carried out for the protection of society, which has to carry the burdens, deal with the difficulties, and suffer the detriment which results from the release of prisoners not properly prepared for living in a free society. The highest percentage of recidivism is found within the first few months after release and can be overcome only by proper preparation for release and extensive after-care.

16. Pre-release treatment may limit the negative effects of imprisonment, which are deleterious to the family and to society, as well as to the offenders:

"The great need for pre-parole preparation thus can be seen (where those who served so long in prison as to become habituated to its abnormal surroundings, its rigid rules, and its lack of self-reliance and freedom) to be not only necessary for the welfare of these prisoners, but essential for the safety of the public." 7/

17. Pre-release treatment is designed to shorten the period of readjustment which every released prisoner must experience, and from which so many never satisfactorily emerge.

18. Even if the prison sentence is actually a real preparation for liberty, and even if from the first to the last day the prisoner spends in a penal institution, everything is directed towards his release, the actual release will be such a change for the prisoner that if he is not prepared beforehand, it will probably undermine the entire treatment carried out within the institution.

19. Merely apparent trivialities are for the prisoner significant events, such as being dressed in ordinary clothes after having been used to prison uniform for years; possessing money and being able to spend it; being free to do what he likes

7/ Sanford Bates, United States national correspondent with the United Nations in the field of social defence, in an unpublished statement prepared for this report.

with his time and about his meals, company and behaviour; having a free choice and walking about without the feeling of being kept under constant supervision - all these contradict the argument that general prison treatment is a sufficient preparation of the prisoner for his release.

20. A prisoner released after about one year of imprisonment has lost real contact with free society and is worried by the unknown and strange. In addition, there is his feeling of being an outcast and his belief that it is possible to detect this from his appearance. He has lost that self-confidence and sense of security which knowledge of the unwritten rules of a community gives. He no longer knows and feels the real value of money, and he is unaccustomed to talk to persons with whom he is not familiar or acquainted. He has lived for a while in a world where only two groups existed: his fellow inmates, whom he regarded as equals and with whom he had a feeling of solidarity, and the officers and staff, towards whom he felt impersonal and inferior. He has forgotten how it is to be anonymous and to be treated as an ordinary person.

C. Termination of pre-release treatment

21. As already mentioned in the definition given above, the term pre-release treatment applies to the measures preceding release and should not be confused with the general treatment applied during the prisoner's stay in the institution. Naturally, the main features of pre-release treatment are reserved for the final period of imprisonment, but some measures of importance for the prisoner's transition from institutional life to ordinary life in freedom are of such a nature that they must be applied from a very early stage of his imprisonment, especially as regards his social and family relations - the point at which the pre-release treatment and the initial preparation for after-care meet.

22. The importance of preparing the prisoner for release from the beginning of his sentence by improving his social relations, is concisely expressed in the Standard Minimum Rules for the Treatment of Prisoners, Rule 80, which reads:

"From the beginning of a prisoner's sentence consideration shall be given to his future after release, and he shall be encouraged and assisted to maintain or establish such relations with persons or agencies outside the institution as may promote the best interests of his family and his own social rehabilitation." 8/

8. By resolution 663 C (XXIV) of 31 July 1957, the Economic and Social Council approved the Standard Minimum Rules for the Treatment of Prisoners, as adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Geneva in 1955.

23. Most of the elements of pre-release treatment begin within the period immediately preceding release. The length of this period varies greatly: Professor van Bemmelen sets it at about six months before the prisoner is actually released, in the case of a sentence lasting several years, while Ceylon starts its special pre-release training programme two to three years before a long-term prisoner becomes eligible for release.

24. As a rule, the start of pre-release treatment must depend on the individual case, but the aim of success upon the prisoner's release to the community should be in the forefront of the programme from the time of judicial commitment.^{9/} The treatment naturally terminates upon release. Measures applied to the prisoner after his discharge, similar to those used in Finnish Labour Camps for prisoners who have not been able to find work after release, or release on the condition of residing in a special home for released prisoners, must fall under the provisions of after-care described in the following chapter.

D. Pre-release treatment and the progressive system

25. In the execution of penal sentences, the progressive system still prevails throughout the world.

26. At the Twelfth International Penal and Penitentiary Congress, Mr. Dupréel (acting as general rapporteur) reported that one school of thought remains faithful to the principle of a progressive grade system of penitentiary treatment and considers that the first part of the punishment should be executed in a rather coercive manner and that a progressive amelioration should be arranged, arriving finally at the last grade prior to freedom, during which the prisoner is granted a certain responsibility and also certain favours.^{10/}

27. For the present study, five countries, Argentina, Burma, the Union of South Africa, the United States of America and the Federal Republic of Germany report an amelioration in the rigidity of the prison commitment as the sentence progresses.

28. In Argentina, the National Penitentiary Act of 1958 provides for a progressive régime comprising the following stages: (1) observation (2) treatment

^{9/} Handbook on Pre-release Preparation in Correctional Institutions, op.cit., p. 13.

^{10/} "Report presented by Jean Dupréel". Proceedings of the Twelfth International Penal and Penitentiary Congress, The Hague, 1950, vol. V, p. 186.

and (3) a probationary period. During the probationary period, the prisoner may be sent to an institution or to a section of an institution where the principle of self-discipline is applied and he may, simultaneously or successively, obtain temporary leaves of absence from the institution. Since 1947, there has been one block in the National Penitentiary at Buenos Aires where a relaxed prison régime has been applied so as to prepare the prisoner for release. Because this is a maximum-security institution, its régime is more like that of the other blocks than like that applied in the open sections of the penal colonies where minimum-security rules are applied. The prisoners being prepared for release carry on most of their daily activities with the other prisoners under the normal régime and are subject to the same regulations. The special régime is applied almost entirely in the block set aside for that purpose: the main feature is that in this block, during the hours which are not devoted to work or rest, prisoners can establish relations which are more like those of social life in freedom.

29. In Burma, the inmates of the Borstal institution are divided into three grades according to their degree of progress in the training given: (1) the ordinary grade (2) the star grade and (3) the special star grade, where the inmates are trusted. Promotion of the inmates from grade to grade is regulated by close personal observation of their amenability to the rules of the institution and of their progress. The inmates in the special star grade wear distinctive dress and act as prefects with responsibilities in different capacities. They are also placed in leadership positions over other inmates at parades, in the workshops or recreation rooms and other situations, where they assist the administration in various ways. They take part in athletic matches with outside teams on the playground outside the institution and may participate daily in ordinary institution games. They may write and receive letters and have visits once a month. They may earn badge money and are allowed to sleep in dormitories without being behind closed doors.

30. In the Union of South Africa, the treatment and training programmes are of a progressive nature throughout the period of imprisonment, subject only to the proper co-operation and normal progress of the prisoner. The treatment usually commences in a closed prison, from which the offender may progress to the less strict discipline and the greater privileges and indulgence of a semi-open

prison, and thence (subject only to sustained efforts on his part) to the comparative freedom and the maximum privileges and indulgence of an open prison well before the time of release.

31. Practice in the United States of America varies. In some States, men approaching the end of their sentence are given more trusted assignments, more responsible positions in the prison, more liberty, and (where wages are paid) a more remunerative job within the prison industries. The prisoners are divided into different categories, each subject to a particular régime of "maximum security", "medium security" and "minimal security". Transfers from one régime to another can be made at any time, but the granting of parole is normally reserved for prisoners subject to the "minimal security" régime. The latter may therefore be regarded as a pre-release régime under which the treatment assumes a form more specifically intended to prepare the prisoner for freedom.

32. There is every probability that most countries apply the progressive system of penitentiary treatment in one way or another, but at the Strasbourg Seminar, organized by the International Penal and Penitentiary Foundation in 1959, discussions revealed that various countries have now abandoned the progressive system as originally conceived, which was based on successive stages, each introducing gradually increased material benefits. This system is replaced by one involving a gradually increasing trust placed in prisoners within the prison community, combined with a corresponding increase in their responsibilities. This constitutes an evolutionary treatment system within which the offender, in the prisoner community, is led towards the material and moral conditions which are likely to help in his eventual rehabilitation.

E. Pre-release treatment through transfer from a more rigid system to open institutions

33. As the Centro Nazionale di Prevenzione e Difesa Sociale pointed out, it should, however, be borne in mind that some countries are more advanced than others in this field and have already embodied in official regulations modern ideas on the treatment of imprisoned offenders, particularly those soon due for release, or have at least instituted permanent organizations for working out specific types of treatment for the social readaptation of prisoners.

34. In Italy, prisoners whose conduct has been satisfactory may, while serving their sentence, be allowed open-air work; if they give proof of their willingness to abide by the rules of social life, they may be sent to special social

readaptation institutions. At institutions for social rehabilitation and those provided for the enforcement of security measures, the methods of treatment are primarily intended to prepare inmates for their return to society. At other penal institutions it is only during the final weeks of the sentence that care is taken to prepare for freedom the prisoners whose release is imminent.

35. In Switzerland, both penal and security measures have been applied since the unification of the cantonal penal systems. Provision is made for some prisoners while serving their sentence, to pass through a series of stages which might be described as progressive: the final stage - conditional release - is preceded by a régime which allows the prisoner some freedom of movement (opportunities for going outside the institution on official errands, organized walks, etc.).

36. In France, prisoners are treated under a variety of systems after a period of observation at a central institution. Those considered particularly amenable to social readaptation treatment are dealt with under a progressive system divided into distinct stages, each conferring greater advantages than the preceding one. The penultimate stage, which precedes conditional release, is known as the "semi-freedom" stage: the prisoners are allowed to spend several hours outside the institution, either to work or to engage in some activity designed to promote their social rehabilitation. This stage is particularly suited to preparation for freedom: during the time spent outside the institution the prisoner is not left to his own devices, but is accompanied by a social welfare officer to help him solve the problems arising out of his return to work and family life.

37. Similarly, several other countries report on transfer to open institutions as a pre-release measure and as part of a progressive system. This measure is used in Argentina in some medium-security colonies to which open sections are attached; in Belgium for certain young offenders and adult first offenders serving sentences of several years; in Ceylon for long-term prisoners eligible for release within two to three years; in Chile for selected prisoners who satisfy certain requirements concerning age, physical health, vocational training and who are serving terms of no more than three years; in Denmark for prisoners who are serving long terms of imprisonment or whose mental condition makes such transfer desirable, although most prisoners deemed suitable for treatment in open institution are, as a rule, assigned to such an institution at the outset of their sentences.

38. In Finland, a new system of colonies has been introduced since 1954 to give prisoners of the highest class in the ordinary closed prisons a chance, before their final release, to become accustomed to work in circumstances similar to those of free workers.

39. In the Netherlands, pre-release camps and open prisons are provided for four different groups of offenders: young male offenders between eighteen and twenty-three years of age, adult prisoners five months before the date on which parole is possible, some collaborators from the Second World War and offenders from the asylum for psychopathic offenders. A longer period of detention than approximately five months in these conditions for adult prisoners is felt to be a heavy burden by the detainees because adults are so keenly aware of the contrast between partial and complete freedom.

40. Besides the countries mentioned, the Federal Republic of Germany, India, Japan, New Zealand and Norway use transfer to open institutions for selected prisoners as a stage in a progressive system of penitentiary treatment.

41. Life in an open prison does not in itself satisfy the requirements of a pre-release treatment, but it gives better opportunities than does the closed prison for a gradual "tapering-off" process from life in an institution to freedom.

F. Elements of pre-release treatment

42. Pre-release treatment and after-care naturally merge into one another, since both aim at easing the transition from prison to freedom and helping the prisoner to adjust himself in the free community. Consequently, it is difficult to determine which of the provisions applied should be described as pre-release measures and which as after-care measures. The most logical solution is to draw a line at the time of release, in such a way that any measure applied before the release for the purpose of actually preparing the release and the return of the prisoner to a free society is classed as a pre-release measure, regardless of who is going to perform it - the prison officers or the after-care organizations - while any measure taken after the release is classed as an after-care provision.

43. The following are apparently the main elements of pre-release treatment as applied in different countries today:

- (1) Establishment and maintenance of family and social relations
- (2) Individual counselling
- (3) Group counselling
- (4) Vocational training

- (5) Short leaves outside the institution for shopping, applications, etc.
- (6) Leave for work
- (7) Home leave
- (8) Special pre-release régimes

(1) Establishment and maintenance of family and social relations

44. The importance for a prisoner to have the opportunity of maintaining contact with his relatives and closest friends must not be underestimated and may be decisive for his readjustment in a free society after release.

45. Prisoners usually belong to the poorest and less privileged sections of the community, and it is a well-known fact that family ties and influence are stronger in the uneducated classes than in any other group of the population. Accordingly, most prisoners are primarily interested in the family and the group to which they belong, the local community, the working shift, the street or the public house. Society as such does not interest the majority of prisoners: their attitude towards it is characterized by indifference, if not outright hostility.

46. During his imprisonment, the prisoner has been uprooted from his family and neighbourhood, perhaps for years. He has not been able to undertake his responsibilities and obligations towards his dependants. He may be extremely anxious regarding his future abilities as a bread-winner. He may overtly express this anxiety by bemoaning his evil fate, complaining that he cannot possibly go straight because he cannot make enough money to support his wife and children;^{11/} or his anxiety may result in the adoption of an almost negative attitude towards his family and friends in an attempt to escape his obligations towards them.

47. In order to intensify and enlarge the work of after-care, the Department of Prisons in Ceylon has organized a special section to co-ordinate the work. This section, which is known as the Welfare Section, includes in its functions the establishment and maintenance of relations between the prisoner and his family, since it is generally observed that when prisoners are admitted to prison with long sentences, they are unable to settle down to any training or work because of the anxieties, problems and emotional difficulties connected with the maintenance of their families, dependants and possessions. They find it difficult for long periods to adjust themselves to a prison sentence, resulting in their falling foul

^{11/} D.C.S. Reid, "After-care Pre-release Preparation of Prison Inmates".
The Canadian Journal of Corrections (Ottawa), vol. 1, No. 1, October 1958;
ibid., No. 2, January 1959.

of the prison staff, committing breaches of prison discipline and taking little or no interest in their vocational training. At the same time, the wives, children, and close relatives of the prisoner are equally distraught; and can easily be subjected to nefarious activities by any corrupt members of the subordinate prison staff, as the latter form the main source of liaison between the prisoner and the outside world. The "Welfare" officer should fill this gap in the existing system. He should be able to establish contact between the prisoner and his family, and with the assistance of local visitors, social service organizations, rural development societies, and rural and urban social workers, be able to solve as far as possible, some of the practical and most of the emotional problems of the prisoner.

48. In most countries it has been and still is considered good penal policy to limit the prisoners' communication with their relatives and friends as a part of the punishment^{12/}; visits and correspondence are totally forbidden through the initial period, and, later on, visits by the spouse are allowed to a very limited degree; only verbal contact under strict supervision is permitted.

49. The needs of personal life that marriage implies are usually left unfulfilled. Conjugal visits or real family life are found only to a very limited extent. In Europe, conjugal visits are officially allowed only in Sweden. This limitation is offset to a certain degree in many other countries by visits home.^{13/} This privilege is granted to classes of prisoners in Denmark, the Federal Republic of Germany, Greece, Switzerland and the United Kingdom.

50. With respect to conjugal visits, the most liberal practice is found in Argentina, Chile, Mexico and Puerto Rico. Mexico has also instituted a practice similar to that of India, Pakistan, and the Philippines in making provision for certain categories of prisoners to have their families live with them on the prison grounds in special prison colonies.

51. Cavan and Zemans come to the conclusion that home leaves and family residence in prison colonies place the emphasis on the whole complex of married life and

^{12/} In the Netherlands, restrictions bearing upon contact between the prisoner and the world outside the prison walls have, however, been mitigated. Every restriction, for instance, with respect to correspondence has been withdrawn.

^{13/} cf. for this and the information given in the two paragraphs below, Eugene C. Zemans, "Marital Relationships of Prisoners in Twenty-Eight Countries". The Journal of Criminal Law, Criminology and Police Science (Chicago), vol.49, No. 2, 1958, pp. 50-57.

family relationships - psychological and social as well as sexual, and that the trend is toward the expansion of total family contacts.^{14/}

(2) Individual counselling

52. Next in importance to the prisoner are the meetings with other persons who come to see him as, for example, members of the prisoners' aid societies or after-care agencies. Also important, though to a less degree than personal contacts, are the means of communication, like newspapers, radio and television, which keep the prisoner informed of events in the outside world.

53. Members of prisoners' aid societies and after-care agencies are of special importance in the pre-release treatment of the prisoner, forming as they do the link between him and his social relations outside the prison, except in countries where the prison staff takes care of this part of the treatment.

54. In Canada, for instance, at an early stage in the imprisonment of most penitentiary inmates, contact is established between the prisoner and certain agencies which stand ready to assist him in his efforts to rehabilitate himself on discharge. Thus, the John Howard and the Elizabeth Fry Societies, among others, devote their work largely to the welfare of prisoners and of their indigent dependents, and contribute to the inmate's mental and physical preparation for facing the day of his release.^{15/}

55. In England it is also emphasized that welfare work begins with the reception of the inmate. It is considered necessary, from the beginning, to handle an inmate's social and domestic problems sympathetically in order to give him an incentive to accept the opportunities for readjustment to a normal social outlook made available to him during the period of his sentence. The welfare officer of the appropriate after-care society attends the meetings of the reception board and is thus able to become aware of the inmate's problems and to take suitable steps to deal with them. The welfare officer may have frequent contacts with prisoner's families during the carrying out of his sentence and thus help to keep the home together by giving advice and assistance on problems as they arise.

^{14/} Similarly, the Catholic International Union for Social Service, in its unpublished statement for the present report, finds there is a trend towards the establishment of family groups in penal institutions and finds it worthy of recommendation.

^{15/} See D.C.S. Reid, "After-care pre-release preparation of prison inmates", op.cit. This article contains a survey of the special technique applied in the pre-release interview and of the problems arising in that connexion.

56. Similarly, other countries, in order to obviate further domestic disruption during the offender's imprisonment, preserve his contacts with the outside world through the assistance of welfare officers, prison personnel (frequently, the chaplain) or other interested persons who are authorized representatives of welfare organizations; by giving the prisoner permission to write and receive letters and to receive visitors, to move outside the compound of the institution accompanied by a prison employee; by granting leave of absence, or by other measures. In most countries these measures are applied from the very beginning of the prison sentence, but are regulated through a system of progressive stages.

57. In Belgium (according to the Catholic International Union for Social Service) the tuteur, who is the future supervisor of the freed prisoner, is responsible for contacting the prisoner's close or distant relatives. If, as is often the case, the prisoner's family is poor, the tuteur either visits them or puts them in touch with one of the charitable institutions and also with official agencies, such as the Public Welfare Boards.

58. In New South Wales, Australia, individual counselling is provided by parole officers, who are professionally trained social workers employed by the Department of Prisons. Their work, however, is limited to prisoners who are classified as remediable; contact is made with these prisoners at an early stage of their sentence, but the ultimate aim is an improvement in the prisoner's social functioning on release. Three months prior to release all prisoners in remediable classifications are interviewed by parole officers whose work is to ascertain material needs on discharge, and to see if a continuing relationship ought to be maintained when the prisoner returns to the community. Counselling by the parole officer has proved to be successful with this group of prisoners both for their adjustment to prison and for establishing a relationship which can be continued on their release into the community.

59. In the discussion of the inmates' contact with the outside world as part of the individual pre-release treatment, special attention should be paid to the system of prison visitors employed in some countries, e.g., England and Wales, Japan, the Netherlands and Norway.

60. The prison visitor is a private person who may be "one of the ties which continue to link the prisoner with the society; if necessary, he gets into touch with the prisoner's relatives, discusses with him future possibilities, begins

gradually to develop with him some general lines of action; in short, he is and should be a living symbol of the prisoner's hope for the future.^{16/}

61. Besides these arrangements to help the prisoner keep personal contact with the outside world, the preparation for his release by giving him practical help in the re-acceptance of his social obligations, providing clothes, tools, work, etc., which is usually carried out by the social workers in the prisons or by the representatives of after-care organizations, will be discussed later, in the chapter dealing with after-care.

62. Professor van Bemmelen finds that the treatment prior to release should be in the nature of individual psychological treatment, at least in the case of prisoners serving long sentences.

(3) Group counselling

63. Individual counselling is offered to prisoners in many countries and follows naturally from the increasing tendency towards individualization of the sentence, but since most correctional systems have insufficient staffs to meet, on an individual counselling basis, the needs of prisoners about to be released, and since many of the problems facing them upon release are identical, the introduction of group counselling has proved a useful tool.

64. Individual counselling in major institutions with thousands of inmates, and even in smaller institutions, tends to become sporadic and fortuitous and at best is limited to prisoners about to be released on parole and to those who apply for it themselves. If counselling for all inmates on their release is to be adequate, it must be organized in such a way that all can profit by it. This is possible through group counselling.

65. The Handbook on Pre-release Preparation in Correctional Institutions mentions the following suitable topics for group counselling in special pre-release courses:

- "(1) The reasons for parole supervision;
- (2) The parolee's personal responsibility for his success or failure;
- (3) Relationships with parole officers;
- (4) The conditions of the Ticket-of-Leave;
- (5) The most frequent causes of parole violation;

^{16/} "Report presented by Professor G. Th. Kempe", op.cit., p.274.

- (6) The nature of technical violations;
- (7) Economic problems, including the personal budget, the operation of social security, etc.;
- (8) Opportunities for educational and vocational training;
- (9) Attitudes toward employers and other employees; applications for work;
- (10) Adjustment to family life;
- (11) Health problems and sex hygiene, the work of Alcoholics Anonymous, etc.;
- (12) The value of religion in daily living;
- (13) Legal questions, including restoration of civil rights;
- (14) Enlistment in the military services;
- (15) Mental hygiene and personality development;
- (16) Relationships with law enforcement officials;
- (17) Leisure time activities;
- (18) The administration of justice, the purpose of courts, law enforcement agencies, penal institutions and parole authorities"^{17/}

66. The implementing of group counselling in some penal systems in Europe and the United States of America has, according to the Centro Nazionale di Prevenzione e Difesa Sociale, been very successful. It is, however, important to decide whether group therapy should be introduced during the final phase of imprisonment in cases where such treatment has not already been undertaken at an earlier stage, and whether group treatment already in progress should take a special form during the final phase of imprisonment, and, if so, what form. The Centro Nazionale di Prevenzione e Difesa Sociale considers that to reach a conclusive decision on these questions would require extensive experimental information, which is at present lacking, and that to propose a solution at this stage would involve a lengthy examination of the various experiments conducted by different methods and a detailed critical assessment of each experiment.

67. Group counselling is used in the preparation for release in some countries, among which are Argentina, Burma, Canada, Denmark, England and Wales, Finland, India, Japan, the Netherlands, Norway and the Union of South Africa, but in most countries it is as yet applied only to a very limited degree.

68. In England and Wales, pre-release courses are held at all types of establishments for inmates shortly before their release. These courses are organized on the basis of a series of talks directed towards the problems to be faced on release. Attendance by the inmates is voluntary and the atmosphere is

^{17/} Op.cit., pp.30-31.

informal; the talks are followed by discussion. They cover such subjects as home and family employment problems; the state welfare services; the use of leisure time; health; and the after-care and supervisory agencies. The speakers are usually expert on these subjects and are drawn from local services and organizations, such as the probation service, the Ministry of Labour, local government organizations and voluntary organizations. All inmates are eligible for pre-release courses.

69. In the Netherlands, a special form of group treatment for prisoners in the youth prison at Vught is used for those who have been judged suitable by the prison staff, and who are not far from the date when parole is permissible. These prisoners attend a course of about three days at a Social Training College where they are instructed in important developments which they will find in society after their discharge.

70. Group counselling has the advantage that several persons can be treated simultaneously, with more economical use of available staff; the Centro Nazionale di Prevenzione e Difesa Sociale finds it the most suitable means of overcoming the individual resistance of the offender. As the problems facing prisoners on release are to a certain extent identical, group preparation for release has the advantage of securing a more thorough preparation of every inmate, and through group discussion all will feel free to ask questions and get more questions debated.

71. The Catholic International Union for Social Service mentions the trend, found for instance in California, towards the establishment of family groups, which it finds worthy of attention. Furthermore, it finds that: "another interesting development is the simultaneous use of individualized sentences and group counselling. However, if it is decided to form groups of delinquents, this must be done on a flexible basis. For example, it may be an excellent idea to place a young 'gangster' among criminals who are older than he is. In such a milieu, he will soon abandon his gangster 'role', whereas if he had been placed in a reformatory school, he might perhaps have continued to 'play the part'."

(4) Vocational training

72. In some countries, vocational training is a part of the general treatment of prisoners and sometimes the only treatment given except for imprisonment itself. Vocational training may only aim at inculcating the habit of work, which breeds self-reliance and responsibility, to discourage the idleness that has

been traditional in so many penal institutions; but in some countries emphasis is also laid on giving the prisoners special training courses as a preparation for release.

73. In Belgium shortened courses of vocational training are given in some specialized institutions for young offenders, recidivists and vagabonds in the trades of mason, tile layer, cement-mixing worker, reinforcing-metal placer, concrete worker, carpenter, door hanger, sheet-iron worker, turner and fitter. The prison administration endeavours to arrange for the close of the training session, which lasts from six to eight months according to the trade taught, to coincide with the expected date of the prisoner's release. If his release is postponed, the prisoner has an opportunity of obtaining advanced instruction in the occupation for which he has already been trained, or of training for some related trade. The results achieved during the first two years of this programme have shown that two-thirds of the prisoners trained have, on their release, found work in the trade learnt during their imprisonment or in a related trade.

74. Female prisoners in Belgium are provided with domestic science courses of six weeks' duration, which are given by a domestic science teacher who belongs to the supervisory staff. The curriculum includes cookery, manners, washing, ironing, housekeeping, interior decorating, flower and vegetable gardening, pharmacy for the home, hygiene and first aid.

75. In the Federal Republic of Germany, arrangements are made at an early stage of the sentence to enable the prisoner to meet the requirements of a trade or profession. This is achieved by:

- (a) the exercise of the former trade or profession further training therein;
- (b) re-education in an appropriate trade or profession;
- (c) initial training in a trade or profession, especially one for which there are not sufficient trained workers; and by
- (d) completion of training in a trade or profession.

The certificates obtained in such circumstances are equal to those acquired in liberty. They do not contain any indication of the detention.

76. In the Union of South Africa, some of the open institutions provide advanced facilities for vocational training in a wide range of artisan callings, while others are equipped to provide intensive training in the modern techniques of all phases of farming, including animal husbandry, largely in view of the predominantly

agricultural economy of the country. The primary objective of these activities is to equip the potentially reformable prisoner for appropriate post-release employment.

(5) Short leaves outside the institution for shopping, applications, etc.

77. As a special pre-release measure some countries, in recent years, have introduced the idea of permitting certain prisoners to leave the institution for a couple of hours, in some cases for a day, to give them a chance of getting acquainted with life outside the institution, to re-establish lost contacts, to visit the future supervisor, to go to church, to go shopping, etc. In open prisons and semi-open institutions the inmates are frequently allowed to take conducted walks in the vicinity, visit a café in the nearby town, attend church services outside the prison, and enjoy similar liberties, but these liberties constitute a part of the treatment applied in the open institution, and are not to be regarded as a special pre-release treatment. Nevertheless, such measures aim at keeping the prisoners in contact with life in freedom and at obviating some of the detriments of institutional life.

78. In some countries, such as Canada, the Netherlands, New Zealand and England and Wales, inmates (usually female inmates soon to be eligible for parole or final discharge), may be given the opportunity to shop in a nearby town or city under the supervision of a staff representative or a member of some voluntary after-care society or of the official Welfare Society. By this means they are re-accustomed to the prices of household articles, and their return to family or job is facilitated. The first experiments with these shopping excursions have often been carried out with female "lifers", and later extended to include other inmates, both male and female.

79. In Canada, this experiment is known as "gradual release". In cases where the Remission Service of the Department of Justice has been satisfied that beneficial results might be expected, especially where a person has been imprisoned for several years and has lost to a considerable degree his or her sense of contact with the outside community, and particularly where early release on parole is contemplated, authority has been given for an inmate to leave the institution daily or even overnight during a pre-release period, for the express purpose of re-establishing lost contact. The "gradual release" programme includes female inmates and a substantial number of males in most Canadian penitentiaries, and it has been extended from one week to as much as three months before actual release. The programme involves real personal efforts and

sacrifices on the part of many persons drawn both from institutional staffs and from the voluntary prisoners' aid societies.

80. In New Zealand, a system has been in operation since July 1958 whereby an inmate who is a regular member of a prison Alcoholics Anonymous (A.A.) group may be allowed to attend four outside A.A. meetings during the month before his release, escorted by an approved A.A. member. This makes it easier for him to link up directly with A.A. on discharge from the prison, so that the rehabilitative work already begun in the prison through regular group meetings held by the A.A. can be continued without a break.

81. As another experiment, one institution in New Zealand began in 1957 a practice of allowing some inmates, in the last month of their sentence, to have a day's parole in the local township with twenty shillings' spending money from their prison earnings. Although so far tried on a small scale, this scheme is considered valuable in several ways. It gives the man an idea of current prices, and it is a useful exercise in self-control. By arrangement between the institution and selected shops, he may order clothing needed for release. He may visit prospective employers or others who can help him, and has the opportunity to alter his release plans accordingly. It may help him towards independence to find work himself rather than to rely on a ready-made job found by the probation officer. He must report once during the day to the local probation officer, and his preliminary visit helps to reduce any antagonism which a released prisoner may feel towards the man who has to supervise him for a further period.

82. A Borstal inmate may be given a pre-release outing instead of, or as well as, a period of home leave. This outing usually consists of a day's parole in the care of a staff member. The day may be spent shopping, at entertainments or visiting suitable friends.

(6) Leave for work

(a) Description

83. In recent decades, some European countries have experimented with a special pre-release measure and system of work which allows some inmates in penal institutions to work outside the institution as free workers with private employers during working hours, but under an obligation to return to the prison at the end of the day's work and to retain their status as prisoners. This measure, which is a sort of penal treatment in freedom, minimizes to a certain degree the most characteristic part of punishment as far as this has been understood as the loss of liberty, and approaches the practice of periodical imprisonment which is followed in the Union of South Africa to prevent a person from losing his job as the consequence of his detention in prison. It must not be confused with the lease system which was authorized in some American states at the beginning of the nineteenth century, and which resulted in serious abuses.

84. The system so far practised is a typical pre-release measure, since it is applied only at the final stage of the imprisonment, and is useful for trying out the inmate's ability and will power to be on his own before he is actually released.^{18/}

85. The measure is so new that it has no name as yet, but it may be called "leave for work", since the prisoner is actually on leave during his working hours.

86. Leave for work was probably first introduced for adults in Sweden by the Act of 21 December 1945 concerning the execution of imprisonment, which provides that:

"When it appears suitable, in view of the length of the sentence or for other special reasons, and it may be assumed that no risk of abuse is present, the Prison Administration, or by its authorization, the director, may, in preparation for release, permit a prisoner to engage in work with an employer outside the institution;"

At that time the system was already being tried out in the treatment of juvenile delinquents. Since then, leave for work has been introduced in Belgium, England and Wales, Denmark, the Federal Republic of Germany, France, the Netherlands, Norway, Scotland, and as well as in Argentina, Canada and Japan, but, in all the countries mentioned, only for selected prisoners ending their sentences and, until now, mainly as an experiment, although a promising one.

^{18/} cf. Strafflagberedningens Betänkande angående Verkställigheten av Frihetsstraff m.m.. Stockholm, Justitiedepartementet, 1944 (Statens Offentliga Utredningar 1944: 50).

(b) Aims

87. The principal aims of leave for work are: to accustom the selected prisoner to life in freedom; to reduce the traditional isolation from society which so far has been inevitable for offenders subjected to imprisonment; to create a natural transition from life in the institution to the inmate's life in freedom after release; and to expose the inmate to the routines and conditions of normal work without ignoring the persistent demand of society that offenders must be placed under bodily restraint.^{19/}

88. In the selection of the individual prisoner for leave for work, some additional reasons may be taken into consideration, such as the need for giving him special vocational training which the institution cannot provide, or of permitting increased earnings to enable him to provide for his dependants.

89. The type of prisoner eligible for leave for work varies to such a degree that all kinds of offenders are included. In Belgium, an experiment with leave for work has been conducted since 1957 for female prisoners at a special institution, but it is not applicable to mentally disturbed prisoners, while in Denmark, Norway and the Netherlands, leave for work is extended to detainees of institutions for psychopaths and abnormal persons. In England and Wales, it was first introduced for prisoners held in preventive detention, while in Sweden it is in practice mainly reserved for young offenders and first offenders. In the United States of America, a similar system has been known in Wisconsin since 1913, when the Huber Law was enacted, but only for prisoners in the county gaols. In other countries leave for work is mainly used for long-term imprisonment.

90. In Norway, drug-addicts^{20/} are entirely excluded from the programme. In Denmark, the provision has been found especially suited for the treatment of alcoholics in connexion with the medicament "Antabus", to give offenders inclined to drink an opportunity to be at large during their working hours but under strict control during their leisure hours, when most temptations for drinking usually appear.

91. In Denmark, it has also been found advisable to extend leave for work to those recidivists who behave too well in prisons, but do not know how to manage at large. The type is well known to all workers in this field, and is characterized by a long list of previous sentences with very short intervals in

^{19/} cf. Prison Labour. United Nations publication, Sales No.: 1955.IV.7.

^{20/} Ibid., para. 87.

between, but with a well-trained ability for conforming to prison rules and prison life - which is what the offender knows best. Such a prisoner may be afraid of living in the free society, which is practically unknown to him, but through leave for work he may have an opportunity to become adjusted to life outside the institution and, as a child through school and work slowly breaks away from home, the prisoner may emancipate himself from institutional life through the system of leave for work.

92. Since the system is of such recent origin, and is at the experimental stage in most countries, its practical application in different countries invites more detailed discussion.

(c) Duration

93. The prisoners granted leave for work are carefully selected, and are not far from their release on parole or their final discharge. In Norway, it is found that the daily return to the institution has proved to be a considerable mental strain, and that no inmate should be subject to this form of treatment for a period exceeding three months prior to release. In the Netherlands it is found that a period longer than five or six months is burdensome for the detainees. In England and Wales, the inmates spend six to nine months under this programme.

(d) Adjustment

94. The inmate is sent to work found for him by the prison authorities or other government authority. The place of work may be immediately in the vicinity of the prison or far from it, but the inmate should get himself there by the ordinary means of transport, like any other worker, and return by night. He should use public transport, bicycle or motorcycle, or, as in Sweden, he may even have his own car. There should be certain controls to ensure that he arrives at work at the right time and goes directly back to the institution or hostel after work. This is done in Sweden by designating a trusted person at the place of work, who is informed about the status of the prisoner and who accepts responsibility for his arrival and departure.

95. The prisoner should be dressed like other workers and there should be no discrimination of any kind. He should bring his lunch if the others do; he should be provided with pocket-money, like the others; be allowed and able to buy his coffee and cigarettes, and participate in collections where appropriate; he should be a member of the labour union and have appropriate papers such as his insurance

card. On pay-day he must receive his pay-packet, but it may be empty, and his earnings sent to the prison by the firm, as practised in Scotland, but this must be a strictly confidential arrangement.

(e) Salary

96. The wages paid in most countries are identical with those of free employees doing similar work. This is necessary to avoid complaints of unfair competition by using cheap prison labour.^{21/} The disposal of the wages is restricted in most countries. The prisoners on leave for work are obliged to pay a certain percentage to the prison for lodging, food and maintenance; in addition, they are frequently compelled to contribute to the upkeep of their families, and sometimes they are required to pay restitution, their social security contributions, etc.

97. While prisoners are not usually obliged to pay taxes from their remuneration, it seems quite logical that they should be taxable for income earned in this way.

(f) Housing

98. Apparently the housing of prisoners selected for leave for work has given rise to some difficulties, but the majority opinion is in favour of housing them apart from other prisoners, and under reduced security arrangements. In England and Wales and in Sweden they are housed in special hostels built outside the prisons to avoid illegal communication and smuggling between the ordinary prison population and the elected group of prisoners on leave for work. The inmates allowed to go on leave for work will be exposed to considerable pressure from their fellow inmates who are not allowed out, which it would be difficult for them to resist.

99. It would also be reasonable to give them some extra liberties in their leisure time and during visits from their families, so that they will not be tempted to take liberties themselves when at work. In England and Wales the inmates in these special pre-release hostels are allowed a fixed sum of money from their earnings for necessary expenses and for amusement. They live as much as possible like free men, are allowed out in the evenings and at weekends, and may at their own expense go home on public holidays or entertain their wives in the town.

^{21/} Ibid., para. 93.

(g) Results

100. In England and Wales the system of pre-release hostels and leave for work has proved so successful, since it was first started in 1953 for preventive detention prisoners who had reached the third stage of their sentence, that in 1958 it was extended to selected prisoners of all classes serving sentences of over four years. So far, eight more hostels have been established in suitable towns. Three of these (one for women) take prisoners from their own establishments only; one, which is outside the prison walls, take star (first sentence) men only; the others take recidivists.

101. The experiment for preventive detainees has been successful for men, in the sense that it has been possible to place them all in work, and the great majority have completed their sentence without unfortunate incidents. With women it has proved less successful, very few completing their sentences without further offence.

102. Unfortunately, it has not been as successful as was hoped in the rehabilitation of the inmates, since about half of those discharged have since been reconvicted and have returned to prison. It is considered too early to judge the effect of the wider scheme started in 1958.

103. In Belgium, the system of leave for work has been tried only with women prisoners thus far, but by contrast with the experience in England and Wales, most of the women thus tested have proved satisfactory and have usually been released altogether within four or five months.

104. In Norway, work outside the institutions with private employers is only practised at an institution for abnormal offenders (Ila Protective Institution), and an institution for young offenders (the Vocational Training School at Berg) in the age group eighteen to twenty-three years but, under the new Prison Act of 1958, this form of treatment will be applicable to all categories of inmates serving longer sentences in all institutions.

105. In Denmark, experience with this form of treatment is still negligible, since permission to accept outside work has been granted only in a few special cases.

106. In Scotland, the "training for freedom" scheme, under which long-term first offenders might go out to work during the last few months before release, under conditions similar to those of free workers, was extended to cover both specially

selected prisoners serving sentences of corrective training and other long-term recidivists in exceptional cases.^{22/}

(7) Home leave

107. Leave on compassionate grounds is probably known and has been used in many countries for several decades, but has been subject to severe restrictions, and usually the prisoners have been accompanied.

108. Leave on other special grounds such as happy family events (birthdays, weddings of close relatives, etc.), litigation, or attending special schools, is practised in some countries.

109. Leave as a real holiday, affording a break from life in prison and used as part of the general treatment, has been introduced in relatively few prison administrations within the last decade. In this sense, it is usual to allow the prisoners to keep in contact with the changing society; to provide a possibility for sexual intercourse and in this way defeat institutional homosexuality; to test whether the prisoner has acquired a sufficient sense of responsibility; and in some cases to test his ability to resist certain things that are forbidden to him personally, such as liquor for prisoners inclined to drinking.^{23/}

110. Leave as a pre-release measure is used to an increasing extent in various countries: Argentina, Burma, Denmark, England and Wales, the Federal Republic of Germany, India, Japan, the Netherlands, New Zealand, Norway, Sweden, etc. It is used to make arrangements for obtaining work, lodging, papers, to visit the home, to give the prisoner more confidence to face his release by enabling him to renew contacts with normal life. If he is to be under the supervision of a probation officer on release, he may also meet the officer if he has not already done so.

111. As a pre-release measure leave of absence, or home leave as it is also called, for the above purposes must be restricted to the time immediately preceding the release, i.e., two or three months before release.

112. The duration of home leave varies in different countries, but is limited either in hours or in days, depending on the distance the inmate must travel to reach his home and on other circumstances. An exception is to be found in India, where leave is granted up to a maximum of one month.

^{22/} International Survey of Programmes of Social Development (United Nations publication, Sales No.: 1959.IV.2), p. 109.

^{23/} International Penal and Penitentiary Foundation, Modern Methods of Penal Treatment. Berne, 1955.

113. Home leave may be granted in some countries only to first offenders and to offenders against whom security measures have been taken, while in other countries, it is limited to juveniles; the system is being gradually extended in most countries in the light of experience.

114. In England and Wales applications for home leave are considered by a board composed of officers of the prison and of the after-care service. Decisions are made after enquiries by the after-care service about home conditions, and in Norway special care is taken to arrange leaves so that the inmate has a certain destination or a specific task to prevent him from drifting.

115. The security measures for home leave also vary. In Argentina the law provides for three degrees of safeguards:

- (a) The prisoner is accompanied by an employee of the prison, who must never be in uniform;
- (b) The prisoner is entrusted to a relation or another responsible person, or
- (c) The prisoner is allowed out on his word of honour.

Hitherto (b) has been applied, with optimum results, in most cases of leave of absence. In other countries, as in Denmark, New Zealand and Sweden, the prisoner travels alone.

116. In England and Wales and India, the travel expenses of prisoners going on home leave who are unable to pay the cost themselves are paid by the prison authorities, but in England and Wales the prisoner is required to have saved at least ten shillings of his earnings for this purpose. In Denmark, the prisoner going on home leave is obliged to pay his travel expenses out of his savings from the remuneration he has received.

117. Prisoners going on home leave in Argentina and in Denmark must be provided with a pass establishing their identity and justifying their absence from the institution. In Denmark they must also report every day to the police or to the local branch of the welfare society.

118. The period of leave is taken as a period of sentence undergone, provided that the conditions of leave are not broken.

119. Experience gained with pre-release leaves is reported to be satisfactory in every way. Very few prisoners abuse the privilege, and most countries report their intention of extending this system to all kinds of inmates to prepare them for life in freedom.

(8) Special pre-release régimes

120. In recent years, new methods for defeating recidivism have been developed. Leave for work, home leave and group-therapy are examples of new experiments now tested in practice and approved, and the following statements provide examples of the progress of penology through pre-release measures still at the experimental stage.

121. In Canada, it is felt that when it is possible to assemble separate groups, of convenient size, of prisoners about to be released within a certain time, the chances of success for pre-release preparation are increased by subjecting each successive group to a full-time orientation course. The Director of the Federal Training Centre in Canada has conducted a four-weeks orientation course for each of eleven successive groups, and on the basis of that experience made the following comment:

"The relative success of these orientation courses points out the need for a definite pre-release programme, whose organization on a firm basis would be of definite advantage, particularly in the following matters:

- (a) withdraw from the main population those about to be released. The latter usually have a demoralizing effect on the rest of the population, their conversation referring almost exclusively to their forthcoming release;
- (b) afford more frequent contacts with accredited representatives of remission service and welfare societies, for pre-release plans including the finding and holding of a job;
- (c) make their quarters more home-like and possibly soften discipline, as a transition between regimentation and freedom;
- (d) possibly increase writing and visiting privileges;
- (e) issue discharge clothing upon admission to the pre-release wing, and give them a chance to get used to the 'feel of civvies'."

122. In the Kingston Penitentiary, built in 1833-34 on the Auburn pattern and thus providing individual cellular accommodation, another experiment has been going on. In December 1956, a permanent and suitably designed dormitory was provided, in combination with other facilities, in a new building. The warden adopted a plan whereby this new dormitory might serve as a pre-release unit, and to it he exclusively assigned prisoners whose release was expected to occur within one to three months. Although not used in conjunction with an organized full-time pre-release programme, this experiment has contributed satisfactorily to the intended purpose of promoting a sense of community in a relatively relaxed

atmosphere, especially during meals. Inmates quartered in the pre-release dormitory are served in cafeteria style at a serving point immediately adjacent thereto, and sit down in groups at small tables with dishes and cutlery of the kind normally encountered "outside". The group has been allowed a somewhat greater opportunity for summer evening exercise in the yard than it has been possible to give the rest of the population. All in all, the experiment seems to have been successful in reducing the abruptness of transition at release. Similar results have been experienced in other institutions where this plan, or a modification of it, has been tried out.

123. In Ceylon, a rural development society is organized within the open prison on the lines of similar societies which exist in the rural areas of the country. The rural development society in the village is part of the rural development movement introduced into the country about ten years ago. The aims of these societies are to co-ordinate governmental activities in rural areas, to provide impetus and encouragement towards the improvement of cottage industries and community services and to look after the general welfare of the inhabitants of the village. A special government department is responsible for the administration and organization of rural development work in the country.

124. The aim in the open prison is to treat the institution as a rural unit and the inmates as members of this rural unit. This miniature rural development society is organized by the inmates under the supervision of the staff. At their weekly meetings the inmates discuss ways and means to improve conditions and also welfare amenities in the institution. The institution is divided into groups for which leaders are appointed, each one of whom is responsible for a section of the institution as well as for particular activities. The inmates are encouraged to settle their differences in a peaceful manner, and to be as helpful to each other as possible. The staff members act as friends, advisers and helpers to the inmates.

125. A number of small cottages have been erected by the inmates themselves and selected groups live in these cottages, cultivating the land around each cottage and learning to live together. The individual members of the groups come from different parts of the country, but most of them have a similar background. It was expected that in these little groups they will face, in a small way, problems similar to those they will be called upon to face in their villages when they are released. It was felt that if an individual in a group could be taught to make adjustments for the benefit of the group, such an attitude would be helpful to him

later on. For example, in these groups the men are encouraged to prepare their meals, to arrange their work in such a way as to make the most of the resources available, and to co-ordinate their outdoor activities with those of other groups. So far, the experiment has been successful. The staff has always been on hand to tide over difficulties.

126. Experience in rehabilitation work in Ceylon has shown that one of the main problems in the rehabilitation of offenders from rural areas is that they have not been taught the art of living together and have lacked the ability to understand each other's problems and solve them in a co-operative manner.

127. With a view to facilitating the transition from the prison to a life in freedom an experiment has been undertaken in Denmark at the Kragshovhede State Prison to develop a form of release that will render this transition - which is often as much of a shock to the person concerned as the imprisonment itself - smoother and more natural.

128. In 1957 the prison established a pre-release division in a building situated outside the closed prison compound. Every Monday morning a group of prisoners, generally eight inmates, who are expected to be released in the course of the week, assemble in the division. They are given their personal clothing and other belongings and a certain amount of their earnings from the prison work. Just before their transfer to the pre-release section they have final talks with the members of the classification committee who have been responsible for treatment.

129. Each prisoner is given the key to his own room which is of a standard similar to that of modest hotels. The group is told that alcoholic beverages and women are not allowed in the section, and that card playing is undesirable. No other special rules apply in the division. Each man is thus practically free to decide what he wants to do, when he wants to get up and go to bed. He is not obliged to work, and his spare-time activities are left entirely to his own initiative. All this goes to emphasize that the regular prison life is over.

130. One staff member is present in the division during the daytime, but there is no staff between 11 p.m. and 7 a.m. The staff member is told to be friendly and helpful, but he must leave the inmates to solve their own problems as far as possible. Meals are taken to the division from the main kitchen of the institution. The inmates eat together in the same way as in a boarding-house, but the staff member takes part in the meal. Relations between the inmates and the staff member soon become natural and frank.

131. The prisoners are free to go to the adjoining village to buy supplementary food, tobacco, newspapers, etc. By arrangement, the inmates may go unaccompanied to the nearest large towns to do their shopping, go to the cinema and possibly to a restaurant. Of course they must not get drunk, but on the other hand the State Prison does not want to prohibit consumption of alcoholic beverages entirely. The inmates may send and receive uncensored letters and they may make telephone calls to relatives, employers and other persons.

132. On the first day the prisoners are often nervous and restless. On the second day there is a group talk in which the head of the institution takes leave of the group. The talk is concerned especially with the problems attending compulsory living in the institution, and the inmates are told that they are no longer to feel bound by the solidarity of the prison community. The leader of the social work of the institution meets the group on the third day. Release begins on Thursday, one prisoner being released at a time.

133. The results achieved in this new division have been surprisingly good. Only in one case has the permission to visit the town been abused. Observations made in the pre-release division suggest that even short terms of imprisonment have unfortunate consequences which are due to the regularity and simplicity of prison life. During this stay in the pre-release division the prisoner is again widely exposed to the necessity of making his own decisions.

134. The idea underlying this experiment is to alleviate the unfortunate repercussions of imprisonment on the inmate's respect for and confidence in himself, and to avoid the effects of an abrupt transition from imprisonment to freedom; the released person's initial urge for relaxation may thus be satisfied before he leaves the protection of the institution altogether. Upon his final release he is prepared to take up his future work.

135. In 1957 the State of Rajasthan in India founded a pre-release home for prisoners, where prisoners who are due for release are allowed to stay for a week before their release. A week's course in adjustment to the outside life helps the prisoners to settle down after their release.

136. In Japan, treatment preparatory to release for offenders who are reaching the end of their term is as follows:

- (1) The prisoner is accommodated in a special section or cell;
- (2) Besides the use of the radio, newspapers, magazines, etc., for information on current social matters, round table talks designed for social education are held and prisoners are thus enabled to envisage the world outside the institution;

(3) The daily life of the prisoner is made as near as possible to that of people in general, and thereby his mental and physical condition is adjusted to life in freedom, and at the same time counsel and guidance necessary for his return to the free society is given by means of individual counselling.

137. In the United States of America, at the Lewisburg Federal Penitentiary, Pennsylvania, a pre-release programme has been instituted which is designed to reorient men nearing their release.^{24/} Approximately ninety days prior to his release the prisoner enters the pre-release status. The prisoners participate on a strictly voluntary basis in the special programme, which includes housing in a special unit where some of the essential restrictions imposed on the general population are relaxed, and increased trust is placed in the members of the group.

138. Various approaches are possible in a programme of this sort. Essentially, the problem is to assist the individual to bridge the gap between institutional life and life in the free community; to help him to develop a feeling of self-confidence with respect to his readjustment to his family situation, and to cope with other personal problems. Mainly through the use of group discussions, an approach to these problems has been initiated by qualified members of the institution staff and by representatives of the legal communities. Various United States probation officers, who supervise federal parolees and prisoners on conditional release, have participated in this programme, explaining the role and function of their service, and solving many problems the pre-release prisoners might have as to supervision requirements. Extensive use is made of visual aids, including specially selected films, as well as of literature ~~XXXXXX~~ concerning employment trends, and of self-improvement publications in the area of mental hygiene. A series of "Social Problems" discussions and films about health, relationships with others, and credit and instalment buying have been particularly well received. Group discussions are led by caseworkers and cover the subjects: "Living with others", "Human relations", "Current Trends", and "Effective Community Living".

139. The Employment Placement Service is supplementary to the activities of the classification-parole staff in developing suitable release plans for prisoners who have family or other outside resources.

^{24/} Observations made by the author during a personal visit to the institution in 1958.

140. The prisoners participating in the pre-release programme are kept entirely isolated from the rest of the prison population in a special unit, but inside the prison. They live together with other prisoners shortly about to be released. Three or four inmates share each of the rooms which are suitably furnished as private rooms, and the prisoners are allowed to wear their own clothes and shoes.

141. The establishment of particular institutions known as pre-parole institutions or pre-release camps in several of the American states is of rather recent origin. Such institutions are in existence in Michigan, Wisconsin, Colorado, California and contemplated in Maryland. They are designed to house persons who have already been selected for parole or are about to be selected. The average population of these institutions is from fifty to one hundred men. Sometimes the camps are under the direct supervision of the Department of Correction or even of the prison from which the men come. In Michigan the pre-release camp is under the control of the parole department and is supervised by a parole officer.

142. In the Federal Republic of Germany, a special provision for juvenile offenders is to be found in Fliedner Haus at Gross-Gerau (Hesse). It has been used for a few years, for the completion of sentences of which three to nine months remain to be served. From the moment when the prisoner finds himself, in civilian clothing and without any escort, on his way from the juvenile prison to Fliedner Haus, he is, to all appearances, completely free. He himself makes his working contract with the employer, who must be approved by the director of Fliedner Haus. He goes to work without escort and lives in the house, subject to its rules. Only a few persons know that he is a prisoner serving a sentence. His ties are of a purely subjective nature and he has every opportunity to test himself. Results so far have been good.

143. In 1954, the Federation of Malaya opened a pre-release camp for long-sentence prisoners in closed institutions who are within six months of release. The work they do is chiefly agricultural, but they may also work at a nearby plantation or in construction and in the maintenance of the camp. They are given pre-release lectures and evening classes in elementary carpentry, tailoring and shoemaking.^{25/}

144. During 1954-55, a "discharge group" was initiated at Stanley Prison in Hong Kong. Star class prisoners who were within six months of discharge were put

25/ International Survey of Programmes of Social Development, op.cit., p. 109.

into a separate hall of the institution with more privileges than other prisoners, including expeditions outside the walls in their own clothes. They are allowed to have their own belongings in their cells, and are not locked up until the general "lights out". The following year an amendment to the Prison Rules, making possible the granting of home leave to prisoners serving sentences of four years and more who are within six months of discharge, was under consideration;^{26/} information on subsequent developments is not available.

145. Since 1954, the authorities in Finland have tried to moderate the transitional period by establishing special open institutions, so-called prison colonies, which can be used during the last stage of the sentence. On the recommendation of the Prison Board, the Prison Administration may transfer an offender of the highest class, who has been sentenced to a certain term of imprisonment, from prison to a prison colony. The nature of the crime and the underlying motives are taken into account, as well as the offender's former life, his behaviour, industry and co-operation he has shown in prison, and whether there are plausible reasons for supposing that he will not abscond from the colony. In a prison colony, the inmates have free lodgings and clothes. Work is provided by the State, the community, independent authorities, or private employers. The employer pays wages at the ordinary rate, but the prisoner is charged 40 per cent of the sum to cover the cost of food and maintenance, while 30 per cent is set aside as savings and wages; the remaining costs are debited to the State's account. Taxes and fees are paid from the prisoner's wages. The Prison Administration may order that, at the most one-half of the savings and wages shall be paid to the prisoner's family or other persons dependent on him, or that the sum shall be saved and given to him when he is released, or used for compensating for the injury caused by his crime. If the prisoner absconds, or tries to abscond, or commits a further offence in the prison colony, or does not observe the discipline required, the Prison Administration decides whether he shall be recommitted to prison. If so, the time spent in the prison colony is not included as part of the sentence, unless the Prison Administration decides otherwise for some special reason. Recommitment to prison occurs even when an offender ordered to a prison colony is not capable of performing the work required of him, gives way to laziness, or is in any other way unsuitable for such an institution, or if he is seriously suspected of having committed a crime. In these cases, the time spent

^{26/} Ibid.

in the prison colony is not included as part of the sentence. At the end of 1956, there were four prison colonies in operation, containing altogether 266 inmates. During the same year, 632 persons were transferred to these colonies.

146. The Prison Service in Israel maintains a minimum security camp which, without being an open institution, contains all the elements of a progressive one, such as self-government and adequate housing in single pavilions. In this camp, cultural activities are very extensive, and opportunities are given to spend leisure time in a cultural way at the well-furnished clubroom of the camp. To this camp prisoners are transferred after serving part of their term in other prisons, if they are found to deserve such treatment.

147. Sending prisoners outside for work during the daytime has been successfully tried out during recent years in the newly-established institution for young offenders at Tel-Mond, formerly a maximum security prison. Prisoners deserving such treatment are sent out to work for farmers in the neighbouring villages. They go to work each morning and return the same evening, without escort. On special occasions such as holidays, or the opening of new workshops, or cultural facilities in this prison, the farmers of the neighbouring villages are invited to attend, with a view to strengthening the ties between the young inmates of this institution and the neighbourhood, thereby creating ever wider opportunities for sending them to work outside as early as possible, and in this way preparing the offenders for their ultimate release and reintegration into society.

G. Trends in pre-release treatment

148. The importance to a prisoner of his social adaptation as well as of his adaptation to life in the institution and maintaining family relationships and contacts with the outside world is very great, but to establish and maintain such an adjustment demands individual counselling and help, which may be carried out by certain members of the prison staff, by members of the after-care organization or of other non-governmental organizations such as the Salvation Army, by religious and charitable organizations, or by the public welfare societies and social agencies which are often already maintaining contact with the dependants of the inmates in order to secure public assistance for them.

149. In countries without organizations of this kind it may be advisable to select some intelligent officers from among the prison personnel and train them to care for the inmates' individual needs and to help them maintain communication with their families. Special consideration may be given in this respect to

illiterate prisoners who need help to write to their dependants and should not have to turn to their fellow inmates for assistance of this sort. Due consideration should be given to easing visiting facilities and to securing funds to meet the travel expenses of relatives visiting the prisoner.

150. The system of prison visitors has proved valuable, but it requires so much time and patience to win the confidence of the inmates and to establish a friendly relationship with them that an adequate supply of prison visitors able and willing to undertake this difficult task is unlikely to be available. According to Sir Lionel Fox, visitors provide an essential element and close co-operation should be encouraged between them and after-care organizations.^{27/}

151. Social casework has emerged in the pre-release programme and brings to the forefront an individual treatment of the prisoner's personal problems.

152. Group counselling as a pre-release measure is of rather recent origin while group therapy, as part of the general treatment applied, has found its place in modern practice and has already become indispensable. As pre-release preparation, group counselling is used through pre-release courses, and also seems to be of value in preparing larger groups of prisoners facing release through instruction about certain general aspects of life in the free community. Due consideration must be given to the experiments now being carried out for the group treatment of families.

153. Vocational training is particularly important in institutional programmes. In the United Nations study on prison labour, it is observed that "there is substantial sentiment that emphasis should be directed toward the effective utilization of constructive skills possessed by prisoners, and that prison work and training should be of such kinds as will improve the prisoner's employment opportunities upon release".^{28/} But the evidence has shown that this principle is applied only to a very limited extent, since most countries have few alternatives to offer prisoners in work assignments. The lack of appropriate work in the prisons is in some countries overcome by giving prisoners an opportunity of "leave for work".

154. In considering short leaves outside the institution for shopping, applications, etc., it is felt that the experiment of day parole has proved worth-

^{27/} Lionel Fox, The English Prison and Borstal System (London, Routledge and Kegan Paul, 1952), pp. 206 and 207.

^{28/} Prison Labour, op. cit., p. 71.

while in helping prisoners to overcome the barrier between prison routine and the responsibilities of life in the community.

155. Various countries have shown restraint in introducing leave for work, and it has not yet been fully tried out. But judging by experience so far, it may be concluded that leave for work is principally designed for prisoners who have served long periods of confinement and who are nearing the time of release, which must fall within a period of from three to nine months from the start of the programme. It is felt that such prisoners should be paid normal wages; they should be allowed a certain amount of pocket-money to meet necessities and amusement; they should contribute to their own maintenance and to that of their dependants; when at work they should be treated like normal workers; when back in the prison they should be housed separately from the main population; during leisure hours they should be given certain liberties outside the hostel and be allowed to see their families under freer conditions than are usually permitted.

156. Pre-release home leave is another development of rather recent origin in the preparation of prisoners for their return to the community. In the countries which apply it, the system has proved successful, and is now about to be extended to all inmates, in some countries (e.g. Norway) also to those serving short sentences.

157. It seems good policy to ensure ahead of time that the inmate has a real purpose for his leave and does not merely loiter; it is also advisable to have some sort of control that he reached his place of destination. To avoid trouble it is a good idea to provide the prisoner with an identification paper showing his identity and justifying his absence from the prison. The period away from the institution should be limited to a few days, but naturally prisoners whose homes are far from the institution should be given more time off.

158. The usual practice, with few exceptions, is to pay the travel expenses for the prisoner's home leave. After all, the prisoner is doing a job in preparing his own release and relieves the prison authorities and after-care organizations of some work. At least, expenses should be paid for prisoners who have long distances to travel so that they do not feel unfairly treated compared with those who happen to live near the prison.

159. It is also good policy to supply the inmate going on leave with pocket-money so that he can buy his necessities and food without being tempted to beg or steal. The pocket-money should be taken out of the prisoner's savings from the remuneration he has earned in the prison.

160. The special pre-release régimes mentioned above show a clear tendency throughout the world to break the rigidity of the strict and automatic life in prisons.^{29/} This together with other measures throughout the period of confinement, such as encouraging the prisoners to keep in contact with the outside world; increasing the number of specialists from outside (psychiatrists, psychologists, teachers, social workers); giving the prisoners the opportunity to watch television and moving pictures, to listen to the radio, to have access to newspapers and magazines; to participate in sports, chess and other games and contests with outside teams; all this and more tends to mitigate the strict isolation and artificial life of the prison. Furthermore, the increasing use of open prisons, which in Denmark are used for 50 per cent of the prisoners, shows that the prison walls which for so many years have not only enclosed the prisoners but also excluded the outside life have now started to crumble and, it is to be hoped, will soon fall.

^{29/} Cf. Paul Cornil, "Trois Aspects de l'Action pénitentiaire, Préface".
Fascicule I. Rapports préparatoires. Cycle d'études de Strasbourg, 1959
(Berne, International Penal and Penitentiary Foundation; 1959) VII.
p. VII.

CHAPTER II

AFTER-CARE, INCLUDING MEASURES TAKEN AT THE TIME OF RELEASE

A. Definition

161. After-care is the attention and assistance bestowed on an individual after his discharge from confinement, for the purpose of helping him rehabilitate himself in the free community.^{1/}

162. After-care, like pre-release treatment, may be carried out for persons discharged from hospitals, mental institutions or any other forms of confinement, but in this paper the discussion is limited to persons released from a penal institution.

163. Originally, after-care was aimed at helping prisoners released on final discharge, by providing them with food, clothes, shelter and work and by lessening the impact of the transition from the strict life in prisons, which at the time when the first after-care societies grew up, was aimed solely at the punishment and deterrence of the prisoners.

164. With the introduction within the last seventy-five years of conditional release, and with the general humanization of punishment, the aim and the organization of after-care has changed and is still changing. Conditional release when first invented was designed primarily as a measure to keep the released prisoner under control, and accordingly his supervision was often entrusted to the police, who had to control his place of work and where he lived. This practice is still found in some countries.

165. Today, after-care has almost become identical with conditional release, and is mainly concentrated upon the care of prisoners released on parole. Some countries, however, apply two different systems of after-care; one for prisoners released on parole and another for persons who have been finally discharged (e.g., U.S.A., England).

166. According to some schools of thought, it would be desirable to extend after-care to all persons mandatorily released from prison after a fixed part of the sentence has been served or alternatively to sentence offenders simultaneously to a fixed term of imprisonment and to a period of supervision in freedom.

^{1/} The term "after-care" has been criticized by the Rev. Martin W. Pinker in an address given at the Fourth International Course in Criminology, London 1954. The Rev. Pinker prefers the term "correctional welfare".

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167. The Centro Nazionale di Prevenzione e Difesa Sociale in commenting on after-care writes that it can justifiably be considered a triumph of our times: whereas, formerly, ex-prisoners were virtually regarded as social outcasts, against whom every precaution should be taken, it has been recognized for the past century that the best way of protecting the community against the chance of future transgressions by these persons is to maintain a careful watch on their conduct, although not in the form of police supervision, and to give them the necessary moral support and material assistance to enable them to overcome their difficulties.

168. After-care may be compulsory or optional. Compulsory after-care is understood to be the after-care required as a condition for release on parole, whether such release is optional or mandatory.

169. Optional after-care is after-care which is given to discharged persons who apply for it, and which they are free to accept when the initiative rests with the relevant organizations. There is no difference in purpose between compulsory after-care and optional after-care, but optional after-care lacks sanctions, and is thus entirely dependent upon the client's wish to receive the assistance offered, whereas compulsory after-care is usually linked to supervision and the threat of reimprisonment.

170. Supervision in itself is only a formality, and as such does not differ much from the obligation to report addresses and means of livelihood to the police which discharged prisoners of certain categories still have to do in some countries. To supervision must be added not only material help when this is needed, but also the human approach to "redevelop emotional roots, to achieve a reduction in hostility to the heightened frustrations of prison life, to secure acceptance by others, and to achieve a tolerance making possible the acceptance of others".^{2/}

171. The Centro Nazionale di Prevenzione e Difesa Sociale also considers that, in view of their common purpose, both supervision and assistance must be closely interrelated; it might even be said that the best formula is complete integration of the two operations, which is easiest when supervision and assistance are the responsibility of one and the same organization.

^{2/} A.M. Kirkpatrick, The Human Problems of Prison After-Care. Toronto, John Howard Society of Ontario, [s.d.].

B. Objectives

172. The primary object of after-care is the prevention of recidivism, but in addition there is a humane desire to help social outcasts by giving them the necessary moral support to overcome the difficulties they will inevitably face upon their release.

173. This point of view is also expressed in the Standard Minimum Rules for the Treatment of Prisoners, Rule 64, which reads:

"The duty of society does not end with a prisoner's release. There should, therefore, be governmental or private agencies capable of lending the released prisoner efficient after-care directed towards the lessening of prejudice against him and towards his social rehabilitation."

174. After-care has two distinct aspects: to grant material help in the form of clothes, money, housing, employment, tools, etc., and to give moral help to overcome the prisoner's emotional problems on release and in the period following it. After-care is not the mere granting of financial aid; in some cases financial aid may even be detrimental for the recipient, who simply regards the after-care agency as another target for confidence tricks. Some experienced or misinformed releaseses not only expect the agency to support them with material help, but order it in a demanding way, assuming the help to be a right, and when refused or questioned, they "threaten" to return to crime and indicate that this would be the fault of the agency.^{3/} Today there is a tendency to limit material aid from the after-care organization as much as possible, and leave it either to the prison to give it on discharge or to the social organizations which assist any destitute citizen, but the after-care agencies may still provide further material help and grant loans. In addition, supervision has almost become an integral part of after-care, as part of the conditions for release on parole.

C. Need for after-care

175. Since optional after-care is accepted only by a minority of prisoners, who frequently "do so only to obtain such material benefits by way of cash or services as may be forthcoming on their discharge, and thereafter cease to co-operate further and soon lose touch altogether",^{4/} compulsory after-care becomes the solution when it is possible to extend after-care to a large number of offenders.

^{3/} Ibid.

^{4/} United Kingdom. Home Office, The After-Care and Supervision of Discharged Prisoners. Report of the Advisory Council on the Treatment of Offenders (London, H.M.S.O., 1958), para. 12.

176. The real value of after-care in the prevention of recidivism has not so far been made the subject of any research project, but according to the evidence received in the United Kingdom by the Advisory Council on the Treatment of Offenders, and according to the general view and experience, after-care is the only proper answer to the challenge of recidivism.^{5/} It is a well recognized fact that release without parole or any means of supervision, control or help, is detrimental to the community as well as to the individual released. Moreover, it is less costly to the community to release a man on parole than to keep him in prison. Not only are the prison expenses cut down but the parolee relieves society of the burden of supporting his family.

177. If society is determined to prevent recidivism, there is no other way known today than to assist the ex-convict to make a new start in life. That is not done by "turning him loose at the prison gate with five dollars, a prison-made 'I hope it will not rain suit' and a 'tongue in the cheek' command not to come back", as James Bennett, Director of the Federal Bureau of the Prisons of the United States of America, put it at the National Parole Conference in Washington, 1939.^{6/} Imprisonment, in itself, however excellent the programme and treatment, will often prove worthless if not followed up by a well organized release programme, and no parole system will succeed if it extends only to some of the prisoners released.

178. The principle that every prisoner released from prison should be released on parole was adopted by the American Parole Association as early as 1934 and at the Second Spanish-Portuguese-American-Filippino Penal and Penitentiary Congress at Sao Paulo, Brazil, 1955, it was felt that every former prisoner should receive after-care unless there was evidence that he did not need it.

5/ Cf. J. Carlos García Basalo, "The Re-adaptation of Prisoners to Normal Life in Argentina". Fascicule I. Rapports préparatoires. Cycle d'études de Strasbourg, 1959 (Berne, International Penal and Penitentiary Foundation, 1959), p. 315, note 1: "It is of course very interesting to realize the truth of the generally admitted fact that there is more likelihood of immediate recidivism when the prisoner leaves the institution after serving his term than in the event of conditional discharge or release. The statistics for the period 1951 - 1956 compiled with recidivist prisoners admitted to federal institutions (in Argentina) fully confirm this assertion".

6/ Proceedings of the First National Parole Conference, Washington, D.C., April 17-18, 1939, p.41.

179. In this connexion, Mr. Sanford Bates, one of the correspondents of the United States of America with the United Nations Secretariat, stated that even in the case of prisoners who do not merit leniency, many states follow the practice of providing, at the time of release, for some period under supervision for offenders, rather than turning them out without control and without the possibility of a quick return to prison in case of violation.

D. Extension of after-care

180. Despite the authoritative recognition of the necessity for compulsory after-care and despite the acceptance of the conditional release by most nations, the fact remains that only a relatively small percentage of prisoners are released on parole. In the United States of America, only about 55 per cent are released on parole sooner or later, and in other countries the percentage is either equal or less.

181. Many restrictions are placed upon the jurisdiction of the parole authorities. Almost every conceivable type of offence, from murder to drug addiction, acts as a bar to parole consideration in one country or another. Some have sentencing laws which make it possible for a court to prevent the consideration of parole by imposing a minimum sentence so close to the maximum that the prisoner is released automatically through mandatory release before he becomes eligible to be considered for parole; others, such as Argentina, exclude recidivists from release on parole, while several countries release only young offenders on parole. These and other arbitrary distinctions often result in final release without any safeguard for the very offender who is most in need of supervision.

182. Very few countries apply a system of mandatory release on parole for all prisoners serving sentences exceeding a certain minimum. In Sweden, all prisoners sentenced to a fixed time of imprisonment are compulsorily released on parole when five-sixths of the prison term has been served, and in Finland a similar provision exists unless, on the recommendation of the Prison Board, the prison administration has specifically decided that a prisoner is not to be released. The period of parole is equal to the unserved portion of the sentence plus one year, subject to a maximum of five years, and the released prisoner is under supervision during this period.

183. This provision makes it possible to extend after-care to all releasees irrespective of their personal desires. The Strasbourg Seminar organized by the International Penal and Penitentiary Foundation in 1959 found that the

system of mandatory conditional discharge has been variously appraised. On the one hand, it was felt that a conditional discharge that is unwelcome to the prisoner could be regarded as of only doubtful value from the point of view of rehabilitation, while on the other hand, if regarded as merely one phase of the sentence, it did not require the consent of the prisoner. The Study Group at the seminar did not take up a definite position either for or against the system.

184. Conditional release or parole is treatment in freedom and a test of the treatment applied in the prison to ensure proper readaptation to social life. For this reason it would be better if guidance and help on release were freely accepted but; as noticed by the Centro Nazionale di Prevenzione e Difesa Sociale, a person undergoing treatment in freedom cannot be allowed the option of accepting or refusing the intervention of the authorities responsible for maintaining supervision and giving assistance.

185. In the United Kingdom, the report of the Advisory Council on the Treatment of Offenders on the After-Care and Supervision of Discharged Prisoners found that:

"although a small minority might remain alienated by any form of compulsion, however beneficial and attractively put over, in the other pan of the balance must be put the large number of discharged prisoners, the penitent, the feckless, the drifter, who according to the (our) evidence ... will greatly benefit by the guidance, help and supervision of compulsory after-care. To these must be added the minority who now accept voluntary after-care".7/

186. In countries applying the Borstal system there are usually legal provisions for compulsorily placing the releasee on parole for a period of at least one year, even after he has served the maximum time of detention. Similarly, there are certain provisions in the legislation of New Zealand under which a judge can add to a sentence of imprisonment a further period of one year's supervision, to assist and keep check on prisoners discharged, whether finally or conditionally. According to the conclusions of the Strasbourg Seminar, the practice is found to make short-term imprisonment, as a treatment, more effective.

187. In contrast to these efforts to give compulsory after-care to as many ex-prisoners as possible and to extend it to all persons released from imprisonment irrespective of their personal desire and need for after-care, hesitations arise about the capability of the after-care organizations to take care of all these prisoners and to serve them properly and adequately. If the after-care organizations are not able to do this it would be wise to limit compulsory after-care to groups which experience has taught us are most in need of help and

7/ The After-Care and Supervision of Discharged Prisoners. Report of the Advisory Council on the Treatment of Offenders, op. cit., para. 25.

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guidance, and which want to receive the service offered. If after-care is extended to larger groups than it is possible to serve adequately, it tends to become an empty promise.

188. In the United Kingdom, the Advisory Council on the Treatment of Offenders made general observations on the groups of offenders for which after-care should be provided. These are summarized in the following paragraphs.^{8/}

189. Prisoners who are serving their first sentence are usually a "good risk". About 75 per cent of them do not return to prison, and it is not recommended that as a class they should have priority in any extension of compulsory after-care.

190. Prisoners serving their second sentence of imprisonment offer scope for compulsory after-care. It is believed that the second sentence is the crucial point in the career of a potential recidivist, and that the ensuing period of freedom is equally crucial and deserves priority in any extension of after-care. Although sufficiently antisocial to have repeated their crimes, and not shocked into keeping out of prison after their first sentence, they are still not acclimatized to prison, and satisfactory rapport can be established with them both in and out of prison. It is not likely that they have the hardened attitude of many recidivists, who have tried after-care in the past without any satisfactory result.

191. What has been said about prisoners serving their second sentence applies with equal force to a large number of prisoners serving their third sentence and the Advisory Council regarded the latter as next in priority to the former, but only in the case of prisoners whose third sentence is one of twelve months or more.

192. Prisoners serving a fourth or subsequent sentence are given a low priority. By this time a prisoner is usually hardened to prison life and is either a recidivist or will very shortly become one. He is badly in need of firm guidance and supervision if he is ever to be diverted positively from a life of crime, but the chances of success are small.

193. For prisoners serving a long sentence (this means four years or more), the very length of their period in custody presents special difficulties of readjustment and rehabilitation, and it is recommended that they should be given equal priority with the category of prisoners serving their second sentence.

^{8/} The observations which follow in the next ten paragraphs are taken from The After-Care and Supervision of Discharged Prisoners ..., op. cit., paras. 41, 43, 46, 48, 50, 52, 53, 79(b) and (d) and 6.

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194. The Advisory Council suggested extension of compulsory after-care to include prisoners in the 21 to 26 age group and considered that this group deserved priority equal to those of prisoners serving their second or third sentence, since this group, according to the statistics, has a higher reconviction rate than older age groups.

195. The Advisory Council drew the following conclusion among others:

"We agree with the overwhelming weight of opinion before us that for certain prisoners compulsory after-care is a necessary complement to prison training. The disadvantage of its alienating those prisoners who resent any form of compulsion on release would be outweighed by the benefit that would be derived by those who need it, but do not accept it voluntarily."

196. The Advisory Council felt that it could not recommend that the prisoners to receive compulsory after-care should be selected by the sentencing court or, towards the end of their sentence, by a case-committee, or that they should be allowed to opt for it with consequent earlier release. It recommended that the categories of prisoner to receive compulsory after-care should be defined by statute, and that they should be in the following order of priority:

"(i) Adult prisoners serving a sentence of imprisonment of twelve months or more who have served only one previous sentence of imprisonment;

"(ii) Adult prisoners serving a sentence of four years or more;

"(iii) Adult prisoners serving a sentence of more than three months who have served only one previous sentence of imprisonment;

"(iv) Adult prisoners serving a sentence of imprisonment of twelve months or more who have served only two previous sentence of imprisonment;

"(v) Adult prisoners under 26 at conviction and serving a sentence of more than three months; and

"(vi) Adult prisoners serving a sentence of imprisonment of twelve months or more who have served three or more previous sentences of imprisonment."

197. In addition, the Advisory Council indicated that the following groups already receive compulsory after-care:

(a) Prisoners under twenty-one on conviction who are released on licence (in practice only those with a sentence of three months or more are released on licence).

(b) Corrective training prisoners;

(c) Preventive detention prisoners, and

(d) Prisoners serving a sentence of life imprisonment whose licence included a condition that they receive after-care.

E. Earlier eligibility for parole and after-care

198. Release on parole means release from the institution at an earlier date than that originally fixed. It lessens the strain of imprisonment, reduces the overcrowding of prisons found in most countries, and enables the state to provide employment for the prisoner, a place for him to live and a period of supervision and control. Earlier release and shortening of the institutional period usually imposed by the courts do not seem to represent a danger to society.

199. In the Department of Corrections and Youth Authority in California, United States of America, a permanent research unit has been established, which has carried out research projects for some years; among these is the "Special Intensive Parole Unit" (SIPU), in which an attempt is made to test the possibility of reducing early parole violation by intensifying parole supervision, and also to test the possibility of releasing prisoners on parole three months in advance of the usual time, without endangering the public safety. The first results of this experiment show that there has been no difference in parole violation between the SIPU group and the control group. This implies that there is no harm in releasing the prisoners earlier, but it was also shown that the lower case load of the parole officer did not lead to a reduction in the number of parole violators.^{9/}

200. In a paper entitled "The U.S. Crime Problem and the Correctional Task" presented by Dr. Lloyd Ohlin at the Missouri Conference on Prisons and Crime Prevention, held in December 1958, the author considered that

"one effective way to reduce the size of criminal populations or handle an increased volume of criminal cases without major expansion of facilities is to shorten the length of time which offenders are retained within the treatment process and increase markedly the rates of release on parole ..."

201. Release of the prisoner on parole when he is ready for it may naturally have two results: it may lead either to the advancing or to the postponement of release into the community. A committee in the Netherlands under the direction of Professor W.P.J. Pompe studied this matter and proposed a reduction of the period usually fixed for eligibility for parole.^{10/}

^{9/} Excerpt from an unpublished report to the United Nations at the termination of a fellowship awarded to Karen Berntsen, Psychologist, Denmark, 1958.

^{10/} Ch. J. Enschedé, "The Re-adaptation of Prisoners to Normal Life in the Netherlands". Fascicule I, Rapports préparatoires. Cycle d'études de Strasbourg, 1959 (Berne, International Penal and Penitentiary Foundation, 1959), p.372.

202. In Denmark, the possibility of fixing the psychologically appropriate time for release on parole has been greatly increased through the higher degree of flexibility provided by an amendment of the rules governing eligibility for release on parole, under which such release may take place at any time after half the sentence has been served.

F. Commencement of after-care

203. To meet the needs of the prisoners, the prison administration in many countries has appointed welfare officers with good academic training in social work to work in the prisons, or has given prisoners' aid societies and similar private organizations access to the prisoners at an early stage of the imprisonment. Such access is of particular importance and is preferable if the representative of the after-care society, the caseworker and the future supervisor are to be the same person

204. In Argentina, the Christian Prisoners' Aid Society begins to deal with the case two or three months before the prisoner's release; in New South Wales, Australia, parole officers, who are professionally trained social workers employed by the Department of Prisons, start planning for the release of prisoners classified as remediable at an early stage. Re-socialization is assisted through planning for:

- (i) appropriate environmental changes on release;
- (ii) the reduction of anxiety and tension through discussion;
- (iii) the clarification of particular problems and better understanding of reality;
- (iv) the promotion of a better understanding of the prisoner's attitudes and feelings, particularly those associated with his offence. This, of course, depends on the extent of the participation by the prisoner and his capacity for self-examination.

205. Environmental changes are based on a prior investigation by the parole officers of former disruptive social factors in the individual case, and the influence that can be exerted both within the prison and after release to help the prisoner modify or change these elements.

206. In Canada, representatives of the National Employment Service visit federal penitentiaries to make arrangements for employment upon release; field representatives of the National Parole Board visit them regularly to interview inmates seeking release on parole, and various private agencies such as the

John Howard and the Elizabeth Fry Societies, also contribute to the mental and/or physical preparation of the inmate to face the day of his release.

207. In England the welfare officer of the appropriate after-care society attends the meetings of the reception board and is thus able to become aware of the inmate's problems and to take suitable steps to deal with them. The welfare officer may have frequent contact with the offender's home during sentence and help to preserve it by giving advice and assistance on problems as they arise.

208. The Helmut Ziegner Foundation of the Federal Republic of Germany has established workshops in prisons in West Berlin. When prisoners working in these workshops are released, they are offered employment in the workshops and factories of the same foundation outside the prisons or are helped to find employment in industrial enterprises.

209. In Denmark, welfare officers employed by the semi-governmental Danish Welfare Society offer the prisoners assistance in personal problems as soon as they are arrested and brought to the local gaol. These officers take care of the children, visit the home, cancel current obligations etc.

210. In Italy, the social welfare service has recently extended its activities into the prisons to assist prisoners during the immediate pre-release period.

211. In Japan, the preparatory procedure for the release on parole of a prisoner begins immediately after his commitment to an institution. The important work at this stage is an investigation of the prisoner's probable environment when he is released and its amelioration so that he will be able to live a normal life.

212. In other countries also the social welfare service or the private after-care organizations have extended their activities into the prisons to assist prisoners during the immediate pre-release period. The results of this experiment suggest that when release is preceded by a period of preparation based on a thorough understanding of each case and is made in conjunction with appropriate financial and social aid, the prisoner has better prospects of successful rehabilitation.

213. Rehabilitation after a prison sentence cannot be achieved by giving material aid and nothing more. The modern approach to offenders seeks to establish personal relationship with each prisoner; the peculiar problems of each individual must be fully understood, and since this cannot be done effectively if it is left to the immediate pre-discharge period, the proper

time for after-care to commence is at the earliest moment possible. After-care thus becomes a continuous process, in which discharge from prison is only a stage - though a most important stage - on the road to final rehabilitation.

G. Termination of after-care

214. In some countries the end of the parole term is the same as the latest date on which the sentence would end if served in full; in others, the parole term is fixed by statutes or by the releasing authority at a certain period - one or more years after release on parole - irrespective of the remaining time due to be served in the prison when the prisoner is actually released.

215. In Denmark, the parole time is fixed by statute to be the same as the unserved time, but at least two years; the parole board (prison board) is authorized to prolong the time for habitual criminals by one additional year in cases of violation of parole conditions.

216. In New Zealand, a person released after having served a sentence of Borstal or corrective training is placed on probation for a period of one year. A person serving a sentence of imprisonment of one year or more is released on parole for one year or for the unexpired part of his sentence, whichever is the longer. A person released after undergoing preventive detention is on probation until the expiry of the maximum term for which he might have been detained, and a person serving a sentence of life imprisonment who is released by the parole board is on probation for the rest of his life.

217. The time at which after-care and supervision cease in France shows a distinction between limited sentences on the one hand, and sentences of life imprisonment, or those combined with a sentence of transportation, on the other. In the latter case the duration of parole may not be less than five nor more than ten years. In the former case it cannot be less than the period of the sentence which remains unexpired when the prisoner is released nor for more than a year in addition to this.^{11/}

218. In the United States of America, the parole period usually lasts until the expiration of the sentence originally imposed. This is the rule in the Federal system, which imposes a definite sentence, and it is also the rule in many states imposing an indeterminate sentence. This means that the parole period becomes

^{11/} J. Pinatel, "Notes and Criticism. New Possibilities for Criminology and Penal Reform in France". British Journal of Delinquency (London), vol. IX, No.4, April 1959, p.286.

extremely long and may last for life in cases where a sentence of from one to twenty years or life is imposed.

219. In the United Kingdom, the Advisory Council on the Treatment of Offenders recommended that the period of after-care be twelve months from the date of release in every case. When the purpose of after-care is thought to have been accomplished, and the parolee is considered able to make his own way as a law-abiding citizen, the after-care must cease, lest it become detrimental to him.

220. Mr. Ernest Lamers, in one of the general reports for the Strasbourg Seminar,^{12/} found that by continuing supervision no longer than is necessary the working capacity and time of those who supervise is not wasted and can be transferred to other delinquents.

221. The termination of compulsory after-care should be more flexible. An example can be found in Denmark as far as prisoners released from special detention for psychopaths are concerned: release on parole is decided on by a judge, and no time-limit for the period of supervision and after-care is fixed; but the parolee himself, or the authorities, are free at any time to bring before the judge the question of the final cessation of after-care.

H. Elements of after-care

(1) Clothing

222. The Standard Minimum Rules for the Treatment of Prisoners recommend that released prisoners should be suitably and adequately clothed with due regard to climate and season. (Rule 81 (1)). This seems to be generally accepted in most countries from which information is available. Some countries find suitable means of employing prisoners in making clothes for each other. Such clothes, of course, may be made as well as in any tailorshop, but prison-made clothes have a tendency to look alike, to be made from the same sort of cheap material, and to be of an inferior quality to those bought in the free market. And, as A.M. Kirkpatrick, of the Ontario John Howard Society has noted, "there is an urge to acquire the visible symbols of success such as expensive watches or rings, and a desire for a 'good front' seen in stylish and expensive clothes". This results in a desire to get rid of prison-made clothing, which links a man to his past.

^{12/} Ernest Lamers, "Re-adaptation of Prisoners to Normal Life". Fascicule II. Rapport généraux. Cycle d'études de Strasbourg, 1959 (Berne, International Penal and Penitentiary Foundation, 1959), p.479.

223. In supplying the releasees with clothing, it is necessary to remember working clothes, which also must be of an ordinary sort, not too new nor discarded prison uniforms.

(2) Tools

224. Prisoners released as apprentices to jobs provided before release have to be supplied with tools. In Canada it is realized that the tool kit must have already been used as a new kit betrays the beginner. In some occupations the workers are expected to bring their own tools, and failure to do this may result in questioning and the disclosure of the released prisoner's past.

(3) Board and lodging

225. The securing of board and lodging at release is one of the main objectives of after-care and particularly of discharge.

226. For those who are able to return to their homes, the question of preparing the home environment arises. Due consideration is given to this in Japan, where the probable environment of the prisoner when released is investigated while he is still deprived of freedom. Provision is made for preparing the home for the prisoner's return but there have been instances in which it has been difficult to obtain understanding and co-operation, in cases when the offence committed has roused strong animosity among the people of the local village community.

227. In New South Wales, Australia, the parole officer may also visit the prisoner's home to ascertain the strength of family relationships, and he may, if requested by the family, give appropriate help and advice.

228. In Denmark, some institutions let their welfare officers visit the homes of all inmates to ascertain if they can return there at release; in some cases where the environment has had a very bad influence, the family may be persuaded to move to another place or to another part of the town, the expenses being paid by the social service or the prison authorities.

229. The after-care organizations in some countries have created housing facilities of one sort or another for the parolee, who has no family or acquaintance to whom he can go on release. Some countries, for instance New South Wales, Australia, accomodate the releasee in private homes or boarding houses; but the most common facility is a hostel or a special home for former prisoners.

230. The problem of shelter for discharged persons without employment was discussed at the International Penal and Penitentiary Congress held in Rome in 1885, but was not solved. At the eleventh Congress in Berlin in 1935, it was again on the agenda and the majority opinion was in favour of creating homes for releasees without work.

231. The chief objections to such homes were:

(a) They would undo the good achieved by any segregation of prisoners during their penitentiary treatment;

(b) Residence in them must always mean a restriction of freedom and would be looked upon as a prolongation of the exclusion from normal free society.

(c) They would place released prisoners without employment in a privileged position as compared with law-abiding men in the same circumstances. ^{13/}

232. Today such homes exist in many countries, including Argentina, Australia (New South Wales), Denmark, Finland, the Federal Republic of Germany, India and Norway. In Norway the semi-governmental welfare societies in some larger towns have established release-homes or have hired rooms which are kept at the disposal of ex-prisoners in need of lodging.

233. In India, the Bombay After-care Association runs hostels in several districts, and the West Bengal and Kerala After-care Associations each have a hostel. Released prisoners are housed in these hostels and are given educational and vocational training.

234. In New South Wales, Australia, the provision of accommodation for released prisoners is limited; when necessary it is provided by member agencies of the Civil Rehabilitation Committee as a temporary measure, until the released man is able to secure more suitable lodgings of his own. Hostel accommodation is not always considered suitable, as it may renew undesirable associations, but it serves a valuable purpose by providing immediate shelter.

235. In Argentina, the Christian Prisoners' Aid Society has its own home, opened in 1957, where released prisoners may stay for the first few days while they are becoming socially readjusted. It is situated in a residential area of Buenos Aires and there is no external indication of its purpose. It has eighteen beds. Released prisoners do not usually stay there more than one week. In the near future, another home will be opened for women.

^{13/} Proceedings of the International Penal and Penitentiary Congress, Berlin, 1935, vol. I.

236. In Denmark, the Danish Welfare Society runs two homes for ex-prisoners, who are always free to stay there; they are provided with work and food, and in addition they can earn a small amount of money. These homes are open for former prisoners irrespective of the conditions of their release and of how long a time has passed since they left prison.

237. The Handbook on Pre-release Preparation in Correctional Institutions, published by the American Prison Association, draws attention to the fact that, because of the small amount of money which most inmates have at release, it is obvious that they will be inclined to go to cheaper hotels or lodging houses, which are usually in the least law-abiding areas of the community. In such places ex-prisoners are liable to contract or renew anti-social associations and have greater inducements to return to criminality. Some of the special housing facilities established in the larger cities by private welfare agencies have been criticized by penologists as not meeting the needs of parolees.

238. The Handbook declares that too great an emphasis cannot possibly be placed upon the need to establish means of assuring adequate housing for men newly released from prison, and informing them of available social resources.

(4) Employment

239. The statement received from New South Wales, Australia, points out that it is necessary for a releasee to obtain work as soon as possible after discharge from prison, both for economic reasons and as an aid towards the development of confidence, independence and self-respect.

240. In the State of New York, United States of America, the law for many years provided that no man could be considered for parole unless a certified position that could pay him wages was open for him. Almost all states in the United States of America recognize the great difficulty facing a prisoner attempting to qualify for a job while he is locked behind prison bars. To overcome this, employment agencies have been set up in many states in connexion with the parole machinery, and have secured for prisoners a great many work opportunities under regulations of varying strictness.

241. In Finland, an important factor since 1948 in providing employment for prisoners released on parole has been the labour camp system, which has yielded good results.^{14/}

^{14/} These labour camps follow closely the principles laid down in the resolution adopted at the Eleventh International Penal and Penitentiary Congress in Berlin, 1935, which says that assistance should be given by the provision of work.

242. In Belgium, the Catholic International Union for Social Service has some supervising committees (Comités de Patronage) which are continually endeavouring to increase their contacts with the various branches of industry and commerce with a view to securing the readaptation of prisoners. Furthermore, the Social Prison Service, an agency under the Ministry of Justice, has set up a labour exchange to which freed prisoners or their supervisors (tuteurs) may address requests for employment. Finally, there are some private institutions which take in individual released prisoners and endeavour to find employment for them either within their own charitable organizations (e.g., the communautés Emmaüs of Abbé Pierre) or by supporting their applications to employers.

243. The Catholic International Union for Social Service further remarks that:

"The results of such efforts vary according to circumstances, and the success of readaptation to work will depend on several factors: the conscientiousness and initiative of the supervisors (tuteurs), the economic situation, and the attitude of the prisoner and of the employer".

244. The statement received from Canada says that:

"Any discussion of after-care arrangements in Canada would be incomplete without some mention of the attitude displayed by organized labour, especially in relation to inmates who have taken Vocational Training Courses in the prisons and penitentiaries. Not only has close liaison been maintained between the vocational training staffs and the provincial Directors of Apprenticeship, but a high degree of understanding and acceptance of the prison efforts has been shown by labour itself, as evidenced by the establishment of central Trade Advisory Councils and of local Evaluation Committees, whereby the achievement of inmates in Vocational Training may be recognized where deserved, and their entry into the ranks of labour may be facilitated".

(5) Transportation and gate-money

245. The Standard Minimum Rules for the Treatment of Prisoners recommend in Rule 81 (1) that services and agencies, which assist released prisoners, should ensure "that they have sufficient means to reach their destination and maintain themselves in the period immediately following their release".

246. While most countries report that the transportation home or to another destination is provided for in one way or another, only very few mention what provision is made to ensure that the releasee can maintain himself in the period after release. The transportation is paid for by the Government or by private after-care organizations.

247. In Argentina, the social assistance division of the Directorate-General for the prisons grants the prisoner, among other material help, a free passage to whatever part of the country he wishes to reside in when he regains his liberty.

248. In Canada, the releasee gets his transportation paid to the place of sentence or to any other place in Canada to which the transportation cost is not greater.

249. In Denmark, prisoners whose savings out of the daily remuneration do not exceed 200 kr. have their home journey paid by the State. In India, convicts who have insufficient money of their own to go home are given railway fare and diet money for their journey to their homes. In France as well, needy prisoners have their travel to their home paid by the prison administration.

250. Some countries, such as Canada, Japan and New Zealand, always transfer a prisoner nearing his release to an institution closer to his home; the prisoner is also provided with a travel warrant to his home or to the town where he was sentenced.

251. Only a limited number of countries provide released persons with sufficient money to meet their requirements. In Argentina, part of the money the prisoner earns by his work, which constitutes his own capital, is given to him for immediate use only when he leaves the institution; if he is on conditional release, the Patronate (a private institution) takes care of sums exceeding 1,000 Argentine pesos.^{15/}

252. In New South Wales, Australia, the prisoners are paid for the work they perform. Furthermore, a gratuity for each completed week of imprisonment is payable on discharge. These payments provide some money for the prisoner on release. If assistance is sought from the parole officers and the Civil Rehabilitation Committee, care is taken to ensure that the released man has sufficient money to live on until he is placed in employment. Financial assistance of this nature is granted only when it is warranted by necessitous circumstances, and the released prisoner is encouraged to repay the money advanced to him.

253. In Belgium, the after-care organizations are entrusted with the administration of funds held by prisons for the account of prisoners at the time of their release and which, for one reason or another, it has not been considered advisable to hand over entirely to the prisoners. The organizations assisting former prisoners draw on these funds as needed.

^{15/} According to the memorandum presented by the Centro Nazionale di Prevenzione e Difesa Sociale it is compulsory for each prisoner on release to contribute part of his prison earnings to the after-care societies in Argentina.

254. In Canada, the prisoner gets his savings at release; the minimum is ten dollars irrespective of what deductions may have been made because of damage to institutional property caused by misconduct.

255. In Denmark, the prisoners are always paid for work performed in the prison, and all are supplied with work. Usually one half of their earnings are compulsorily saved for release; this covers the cost of their outfit of clothing, health insurance, union fees etc., and what remains is paid at the time of discharge. If this exceeds 150 to 200 kr., which is the average weekly pay of a workman, the remainder is handed over to the Danish Welfare Society to be administered exclusively for the benefit of the releasee. No prisoner is released with less than what would be a week's normal pay for a free worker. If the prisoner's savings are less than this, the sum is made up by the authorities.

256. In England, prisoners at release are provided by the prison authorities with money to pay the expenses of their journey home. The after-care agencies may give additional money according to individual need, but for his normal maintenance until he has started work, the discharged prisoner must look to the National Assistance Board, as would any other citizen in a similar position. The Board gives maintenance grants and vouchers to enable the released prisoner to secure hostel accommodation if he has no home to go to, and assists him in the same way as it would any other person needing its help, but with a special understanding of his difficulties.

257. In countries where wages are earned by prisoners, what they have saved is usually paid to them at release. Only a few countries, however, have furnished details as to how much this is.

258. In Norway, payment for work done in prison is intended, among other things, to give the inmate the opportunity to save money to meet his necessary expenditures in the first period after release. His expenditure during imprisonment is kept as low as possible for this purpose. If it is found to be to his interest, the administration of his earnings is given to the Probation Association at his future domicile; as for example, if the amount is so great that it seems inadvisable to let him dispose of it freely at the time of release.

(6) Escorting to destination

259. It is a well known fact that some released prisoners do not find their way home if left to themselves. Some start stealing as soon as they are outside the

prison gates; some just muddle around, confused by their newly gained liberty and the unknown life in freedom, get drunk, and find themselves a day or two after released robbed of everything, far away from their place of destination and involved with prostitutes and criminals; some are picked up at the railway station or similar places by former inmates who hang around such places and who possess a special psychological ability to recognize ex-convicts on their way home.

260. To avoid this and to ensure that the parolee gets started on his work and is adequately supplied with board and lodging, a few countries apply the system of escorting the prisoner to his place of destination. This is done by several institutions in Denmark, especially in the cases of young offenders, habitual criminals and offenders released from institutions for psychopaths, and in the Federal Republic of Germany.

261. In Denmark the welfare officer attached to the prison usually accompanies the parolee to his place of destination; but it might be useful if the probation officer who will supervise the parolee, and who perhaps has previously been in contact with his home, could receive him at the prison gate and take personal care of him during the first few days in order to get him on the right track.

(7) Provision with papers, etc.

262. The Standard Minimum Rules for the Treatment of Prisoners (Rule 81 (1)) also recommend that a released prisoner should be provided with the necessary papers. Only a few countries have given information about their practice in this respect.

263. In Argentina, general measures which may be considered as an integral part of any programme of after-care include, for example, steps being taken by the prison authorities, as a matter of routine, to discover whether the prisoner has law suits pending or whether any warrants have been issued for his arrest; provision of personal papers; appointment of an official guardian when the prisoner is unable to look after his own interests and personal affairs and has no one to do it for him; and other similar actions.

264. In Chile, under Supreme Decree No. 605 of 10 February 1943, the Director General of Civil Registration and Identification is authorized, upon the request of the interested parties and upon receipt of a report by the Central Bureau of Identification, to instruct the Identification Offices to issue a personal

certificate containing no criminal entries, provided that the certificate is not to be used to obtain a driver's licence or to enter the armed forces, the police, the prison service, the civil service or certain other governmental or semi-governmental agencies. This privilege may be granted at the request of the heads of the establishments to prisoners who are about to be released conditionally, or released because of the remission of their penalty or the expiry of their sentence.

265. In Denmark, all prisoners at release on parole or at the expiration of their sentence are provided with a statement that they have served their sentence; in cases of release-on-parole the conditions are included in this statement.

(8) Conditions for release

266. While the conditions of release must depend to some extent on the individual, some of them are mandatory, such as the requirements to live a law-abiding and decent life and to submit to supervision. Further stipulations must depend on the individual; a person who has committed criminal acts under the influence of intoxicating liquor may be required to abstain from the use of intoxicants and even to continue the treatment for alcoholism started in the prison, where such treatment exists, or a prisoner sentenced for embezzlement in the used car trade may be prohibited from taking up such a trade on his release.

267. In the United States of America as well as in Denmark, prisoners released on parole generally have to obtain permission to change their job or residence. It is, however, very important not to lay down conditions with which the parolee can not reasonably be expected to comply. Conditions must be imposed with the purpose of helping the parolee to avoid temptations which might lead to renewed criminality, but these conditions must not hamper his readjustment to such a degree that he abandons them all.

I. Organization of after-care

268. The various aspects of after-care may all be looked after by one person where the prison authorities are responsible for pre-release preparation, aid and supervision after release through social workers or welfare officers attached to the prison. This is what happens in Denmark and in New South Wales, Australia. In many of the states of the United States of America, these duties are entrusted to the releasing authority which is the parole board. These are

independent governmental agencies which employ their own officers in the prisons to prepare for release through individual counselling and establishing social and family relations; at release, supervision and after-care is entrusted to officers who are employed by the same parole board but who are located in different places in the state. This system ensures a continuation of the after-care work and the worker responsible for it is sure of getting the fullest information available to the parole board about the treatment given in the prison and the prison records of the paroled person.

269. Another system gives the after-care worker access to the prison while the prisoner is serving his sentence, and during these visits the after-care worker learns from the prison authorities what treatment is being following and becomes acquainted with the prison welfare officer and the prisoner whom he is to supervise after release.

270. The most practical system is probably that in which the after-care organization entrusted with the supervision is given full information by the prison authorities and passes this on to the case-worker who undertakes the after-care and supervision. It seems to be imperative for effective after-care that the after-care worker should have all available information about his charge at as early a moment as possible.

271. In the United Kingdom, the Advisory Council on the Treatment of Offenders mentions the need for a satisfactory rapport between the after-care worker and the parolee before any crisis arises.^{16/} There are, of course, practical difficulties that may hinder the case-worker from knowing enough about the parolee to enable him to deal satisfactorily with his problems if a crisis comes almost immediately after release.

272. The Advisory Council considers that the fullest preparation, both in prison and in the home to which the prisoner will go on release, is needed to make a smooth transition. This can be made only by the fullest liaison between the social workers concerned, and should be strengthened where possible by personal contact. The Council would like to see the preparation in prison extended to cover the prisoner's own attitude to after-care, and regards it as essential that before release the prisoner should be helped to understand the purpose of after-care and his part in it. He should be told what it will try to do for him and that the after-care worker will already know all about him and his needs. If the

^{16/} The After-Care and Supervision of Discharged Prisoners ..., op.cit., para. 75.

prisoner's trust could be gained while he was in prison, the process of transferring this trust to the after-care worker could in this way begin before the start of his period of licence, and the tendency to harbour resentment against compulsory after-care might be reduced.^{17/}

J. Responsibilities of after-care workers

273. The duties of the after-care worker, which frequently include supervision, differ from country to country. In the more developed countries they may cover three different stages set out by Sir Lionel Fox as: (1) pre-release casework, (2) reception casework and (3) supervisory casework.^{18/}

(1) Pre-release casework

274. Pre-release preparation has been dealt with in Chapter I, and the importance to the caseworker of obtaining the fullest information about his future client, his record during previous periods under supervision, his character, his family relations and so on, has been pointed out.

275. Preparation for release, as has been said, must include preparation of the home to which the prisoner will return. This may be made by visits to the home by the after-care worker or by a person from some other agency collaborating with the prison, who either sends his report to the prison, or participates in the treatment of the prisoner, perhaps as a visitor to the institution, perhaps as a member of the staff.

276. According to Mr. Lamers, the after-care agency should extend its activities to the prisoner's family even before release.^{19/}

(2) Reception casework

277. Mention has already been made of the importance of taking over the prisoner immediately upon release, if this is possible, and escorting him to his destination. But many plans made in prison and even prepared before release turn out to be unrealistic and unworkable when the prisoner first feel himself free and many practical steps can be taken only after he is at liberty.

^{17/} Ibid., para. 77.

^{18/} Lionel Fox, The English Prison and Borstal System (London, Routledge and Kegan Paul, 1952), p. 270.

^{19/} Ernest Lamers, op.cit., p. 476.

278. In some countries the paroled prisoner is required to obtain and to stay at work to join a trade union, to register for health insurance and so on; but it is frequently found that if nobody helps him to do these things he will not be able to manage them himself, with the result that he falls back into unemployment and an anti-social way of living.

279. It is also of the greatest importance to have the released person's economic position under control; it is not to be expected and it would not be desirable if by going to prison persons could expect to have their economic obligations settled, their taxes remitted and their private debts forgiven, yet it is understandable that a released person might feel inclined to throw in the sponge if he were met immediately on release with overwhelming demands for taxes, alimony, debts., etc.

280. It is important for the caseworker to help the prisoner to get his economic situation under control at the time of his release, to obtain a respite or to come to an arrangement with his creditors.

281. The fundamental problems of adaptation to a free society which arise at the reception stage can well be thought of as adaptation to the family and its environment, adaptation to the conditions of work and the planning of leisure.

282. As far as adaptation to the family and its environment is concerned, if the released person is a bread-winner, he may be frightened and anxious as to how he is to make enough money to support his family. If his wife has been able to support herself and the children during his period of custody, he may face a certain resistance from his wife at his return to her and he may also have troubles in reassuming his role as a father. These problems are naturally greater if he has been absent for several years, but the caseworker may play an important role in preparing the family as well as the prisoner for this situation.^{20/}

283. Adaptation to working conditions outside prison raises several problems which require skilful guidance on the part of the caseworker. Many released persons who have been found work by the prison wish to change employment as soon as possible because they fear something may become known about their prison record.

284. The major problems in this respect are listed by Reid as:

"(a) An inability to use constructively the job-placing services in the community, such as the National Employment Service.

"(b) Disillusionment about the employment situation, i.e., lack of job, and length of job hunting process.

^{20/} Cf. D.C.S. Reid, "After-care Pre-Release Preparation of Prison Inmates" in Canadian Journal of Corrections (Ottawa), vol.1, No.2, January 1959, p. 49.

"(c) Inability to find work, to sell oneself to an employer.

"(d) When in employment, inability to face up to employer and barter for the best working arrangements.

"(e) General feelings of insecurity in employment, such as fear of employees, someone coming in off the street and facing him, and fear of police visit to the employer". 21/

285. If the work is found with the assistance of the after-care organization or the prison, this raises the special question of whether the fact of his being a former prisoner ought to be disclosed as well as the category and the details of his crime.

286. In New South Wales, Australia, it has been the policy to give help in obtaining employment only if the prisoner is willing to have his past record made known to the prospective employer, on the understanding that such information is confidential to the employer or his representative and will not be disclosed to other members of the staff. Such a step has resulted in a greater measure of security for the released prisoner. Employment obtained has ranged from skilled clerical positions to trades and labouring work. At present many men assisted through the after-care services are employed in positions of trust throughout the State.

287. Similarly in Canada it is normally considered good practice to acquaint the prospective employee with the true picture of the prisoner or ex-prisoner for whom work is being sought. It is found that a degree of mutual understanding is thus developed, which not infrequently facilitates the future placement of other ex-prisoners when the first placement has proved satisfactory.

288. According to the statement received from Canada, there has been a considerable amount of discussion concerning the possibility that released offenders might have some eligibility for unemployment insurance benefits in their immediate post-release period, if suitable employment had not been found.

289. Under existing legislation, which is based upon the principle that the unemployed worker must have been in the labour force as a contributor to the Unemployment Insurance Fund immediately prior to his loss of employment, it has been ruled that a prisoner's enforced removal from gainful employment is an insurmountable barrier to his immediate participation in benefits on his release from imprisonment.

290. It has been suggested that this might be overcome by regarding his prison work as employment under the Act, and by arranging to have the necessary

21/ Ibid., p. 47.

contributions to the Fund made on his behalf. Such a step would appear to place the wrongdoer in a preferential position as compared with a worker whose loss of benefits was due to extended illness.

291. Some thought has been given to the possibility of allowing those prisoners (rather limited in number) who were entitled to benefits at the time of arrest and conviction to retain such rights unimpaired until the time of their release.

292. The third important problem at the reception stage is the planning of the paroled person's leisure time so as to avoid relationships and activities involving a danger of renewed criminality. This is mainly the problem of a lonely man, but many prisoners are lonely at release. In prison they were never alone, for today the policy of locking prisoners up in cells, isolated and segregated, is generally used only as a disciplinary measure;

293. Most prisoners today have opportunities for companionship with fellow inmates during working hours or leisure time. But at release they frequently find themselves left alone in an environment that seems strange to them. They need company but are too shy to find it themselves; some go to the public houses and get drunk simply to overcome their shyness and thus get into contact with others; some just muddle around, lonely and depressed.

294. For these prisoners it would be invaluable to know a place where they would go to find friends who would accept them without embarrassing questions and where they could feel themselves at home. The World Health Organization recommends the establishment of "Old Patients Clubs" where former patients can meet each other, and discuss common problems and have opportunities of meeting the social worker or interviewing the psychiatrist.^{22/}

295. In the early thirties, at the close of the reform period in Germany, such provision was made by the "Ring Associations" of ex-prisoners in Berlin, which provided economic self-help, legal aid and social intercourse,^{23/} and in Singapore a "Former Prisoners Club" existed in the period before the Second World War. The Club worked in association with the probation officers but was financed by former prisoners; it also functioned as a prisoners' aid society and even extended its activity into the prison through visits by former prisoners to present prisoners.

296. An important part of the after-care caseworker's role in establishing a released prisoner in a free society is to help him to find friends of good moral

^{22/} World Health Organization, Expert Committee on Mental Health; Third Report. Technical Report Series No. 73 (Geneva, 1953), p.13.

^{23/} Max Grünhut, Penal Reform (Oxford University Press, 1948), p.322.

standing and character, to introduce him to clubs, libraries and other organizations and to assist and befriend him; not to act as a sort of policeman.

297. Some prisoners need more than anything else to be received at release by somebody who regards them without prejudice of any kind. A few private persons in some countries have opened their homes to such prisoners, letting them stay without payment, and without rules and regulations, simply receiving them with trust and an open mind and letting them stay until they have overcome the psychological trauma produced by the penal procedure.

(3) Supervisory casework

298. This third aspect of after-care primarily deals with the conditions imposed at release. If the released person goes straight, there will be no problems. But after-care aims at assisting those who do not go straight, and in such cases it means "understanding, watchful sympathy, bracing oversight - for some a friend at hand to advise and help, for others a supervisor to admonish and warn, with the sanctions of authority behind him."^{24/}

299. During the period of supervision a released person may again find himself in a position similar to that when he first left prison: without work, living-place, money or the means to make a living. The after-care caseworker must help him to obtain these things. The help may be similar to that extended to any citizen in the same situation or it may be provided through special after-care agencies. Even if an ex-prisoner, compared with a law-abiding citizen, has certain advantages in getting help, he always will have the disadvantage of being an ex-prisoner.

300. But the caseworker has not only to assist the releasee; he also has to check the information reported to him by his client. He must make certain that the released person does not violate the conditions of his release and at stipulated times he must hand in reports about the releasee to the after-care agency or the releasing authority.

301. A fundamental rule of the Danish regulations for supervisors is that, "the caseworker must meet his client in a friendly but also a determined manner and he must not forget the gravity of the situation, and the self-respect and rights of his client".

302. Since after-care is invariably individualized treatment, the caseworker must get to know the attitudes and outlook of his client, and he must always be ready to act quickly in a critical situation, to instil courage or give a warning or, as a last resort, remind him that he may have to return to prison.

^{24/} Lionel Fox, op. cit., p.257.

303. The Centro Nazionale di Prevenzione e Difesa Sociale made the following comments in connexion with after-care:

"The assistance given to a released prisoner can take one of many forms, depending on the particular needs of the individual case. In some cases, first consideration must be given to the physical and mental condition of the prisoner, who should be encouraged to seek treatment to avoid irreparable harm to his health, if necessary by arranging for his admission to a suitable hospital. In other cases, it is particularly important to ensure that the released prisoner is able to obtain employment; if he has no profession or is barred from practising his former profession (a soldier or civil servant dismissed as a consequence of his conviction), or is not qualified to engage in any other occupation, he must be given facilities for acquiring or renewing the necessary vocational qualifications."

K. Specialized after-care

304. For certain prisoners it has been found necessary to provide specialized after-care to ensure continuation of special treatment. This is found to be particularly necessary in the treatment of psychopaths. As the Standard Minimum Rules for the Treatment of Prisoners say in Rule 83:

"It is desirable that steps should be taken, by arrangement with the appropriate agencies to ensure if necessary the continuation of psychiatric treatment after release and the provision of social-psychiatric after-care."

305. This is the practice in Denmark in the case of release from the special institutions for criminal psychopaths. Such prisoners are always released on parole and are kept under supervision by the institution itself and the psychiatrists attached to it. In the Netherlands, special after-care provision is made for mentally disturbed delinquents in the Dr. F.S. Meyers-Vereniging, and in New Zealand an experimental centre for psychological counselling is functioning at Wellington. Here psychologists of the Department of Justice continue treatment begun in the institutions; attendance by released inmates is entirely voluntary, and regular attendance is stopped after six months to prevent a backlog of clients, although occasional consultations are permitted after that. It is hoped to extend this work in the future to other centres.

306. A similar experiment has been made in Denmark at Copenhagen. Parolees who have been participants in group therapy in a certain prison and have settled down in Copenhagen on release have been offered a continuation of that group therapy. All have the same supervisor who participates in the group meetings held twice a month under the guidance of a professional psychologist. Up to the end of 1959, twenty parolees in all had participated in this treatment; of these, two

had fallen back into renewed criminality and four had stopped participating for other reasons. The participants discuss common and individual problems and try to teach each other how to solve the problems alone. Some participants had been cases of a total social defeat but through the group discussions they regained their will-power and a desire to keep out of prison in the future. The association with other former criminals has not proved detrimental.

307. So far as alcoholics are concerned, ex-prisoners are put in touch with clubs like Alcoholics Anonymous, which are found, for example, in the United States of America and in New Zealand.

CHAPTER III

ASSISTANCE TO DEPENDANTS OF PRISONERS

A. Economic help

(1) Basic considerations

308. One of the unfortunate results of the imprisonment of an adult offender is the consequent harm to his dependants. In most countries, when the housewife is taken from the home and sent to prison, some child welfare organization is ready to take care of minor children, and the husband is presumed to be able to take care of himself. Although the imprisonment of the wife may entail as much or more psychological harm for the families than the imprisonment of the husband, his imprisonment may result more frequently in economic hardship for the rest of the family; this raises the question of providing assistance to alleviate the most acute of the material consequences of his absence.

309. The reasons for which men are sentenced are as diverse as are the family situations, and so it is not possible to generalize and make one single valid rule as to the kind of help required for dependants. So far this problem has not been the subject of research. But it is evident that, in all cases when the imprisonment of the bread-winner results in destitution for his dependants, the destitution of these dependants must be relieved in one way or another as in the case of other indigent people. Since imprisonment aims at educating offenders to understand and meet their social obligations, it would seem illogical for a society to neglect its poor and indigent members, whatever the reason for their destitution. A thorough study of the prisoner's family relations and obligations is, therefore, necessary, and where needed assistance must be sought from the organizations working in that field.

(2) Using the prisoners' wages

310. In countries where prisoners have an opportunity to earn some wages they are also usually permitted to assist their dependants out of this remuneration; however, such earnings are usually small as compared with those of free workers, and these earnings are often devoted to other requirements such as paying civil

damages, providing clothes for release, dental care, the purchase of supplementary goods and comforts and the saving of release money.^{1/}

311. In practice only a few prisoners are prepared to forego any of the supplementary goods and comforts available to them in prison so that they may save for their dependants. An official report published in 1959 concerning prisoners' remuneration in Sweden considered that it is preferable for prisoners to save their earnings from prison labour to meet their dependants' living costs in the period immediately following release, rather than to send the money home to help the dependants while the bread-winner is still in prison. The same report proposed an increase of prisoners' wages, but found that even with considerably higher remuneration, the prisoners' ability to maintain their families would not be greatly improved. To enable prisoners to maintain their families, they would have to be paid at the same rate as free workers; it was proposed that an attempt should be made along these lines with an experimental group of prisoners. The report expressed the hope that all prisoners would gradually come to be paid at the same level as free workers, as institutions increasingly become equipped as modern, well-organized industrial enterprises.^{2/}

312. In Argentina, a certain proportion of the prisoner's earnings is earmarked for his family. At the present time, this amounts to 25 or 40 per cent of his earnings, according to whether the prisoner has been sentenced to pay damages; this, however, is not often ordered by the judge.

313. If he has a wife, minor daughters, male children under eighteen or, lacking these, parents, the allocation is made simply by the prisoner giving his consent and the presentation of proof of relationship and of need; the allocation is paid monthly. In order to verify the existence, relationship and need of the family designated, a family study is carried out, on the responsibility of the prison social service. When the prisoner does not give his consent, or other relationships are involved, a judicial order is required for such an allocation.

314. These percentages have, however, been modified recently by the National Penitentiary Act, 1958, (Decree No. 412 of 14 January 1958), but the relevant

^{1/} For further information about remuneration of prisoners, regulations governing the expenditure of income and aid to dependants, See Prison Labour (United Nations publication, Sales No.: 1955.IV.7), chap. V. See also the reports prepared for item 6 of the agenda of the second United Nations Congress for the Prevention of Crime and the Treatment of Offenders.

^{2/} "Fänges Arbetsersättning". Stockholm, 1959 (Statens Offentliga Utredningar 1959:18).

provisions have not as yet been applied because the implementing regulations are being drawn up. The new percentage of the prisoner's financial assistance to his family will be 35 or 45 per cent of his earnings, depending on circumstances.

315. In article 64, this Act provides that:

"The regulations shall determine the relation between these earnings and salaries in freedom. The amount shall be such as to make possible the full achievement of the various purposes for which such earnings are intended according to article 11 of the Penal Code." 3/

316. In the world as a whole, however, prisoners are not allowed to fulfil their obligations to maintain their dependants, even to a partial extent. If the dependants themselves are not able to provide food and shelter, aid must be sought from some charitable organization or from such national social services as may exist, or prison social services.

317. In New South Wales, Australia, provision for assistance to a prisoner's family is made by the State's Department of Child Welfare and Social Welfare in the form of food relief orders or cash sustenance payments. This provision is made prior to the grant by the Commonwealth Department of Social Services of a pension to the prisoner's wife, subject to certain conditions, after the husband has served a period of six months' imprisonment. The Commonwealth pension may be supplemented by an allowance for children under the age of sixteen, by the State Department of Child Welfare and Social Welfare, subject to certain conditions.

318. There are many social welfare and religious agencies in New South Wales which, if requested, give considerable help to the dependants of prisoners. Their assistance provides immediate help until statutory benefits become available.

319. Belgium has the following provisions for economic assistance to dependants of prisoners:

(1) Each district has a public assistance board whose funds are provided from the local budget with the purpose of affording financial support to needy inhabitants. If it is established that a prisoner's family is in need, a request is made to the local board by the organization in charge of the case. The public assistance board provides assistance in accordance with the funds at its disposal and the needs of the family concerned.

3/ According to Article 66 of the same Act, these purposes are:

- (1) indemnification of the victims of the prisoner;
- (2) aid to dependants;
- (3) expenses incurred for him in the penal institution;
- (4) release fund.

(2) The family allowances fund pays directly statutory allowances for the children to the prisoner's family if a member of the family can, by reason of his employment, be considered to have replaced the head of the family during the latter's imprisonment.

(3) A prisoner who has saved a small sum of money from the proceeds of his work is authorized to send part of the funds held by the prison on his behalf to his family.

(4) Social service funds have been established in many institutions by means of gifts from prisoners and private benefactors; such a fund is at the disposal of the prison governor to provide assistance to the families of prisoners. This assistance may consist of the payment of railway warrants for family visits from a distance, emergency financial assistance, Christmas parcels, toys, clothes, etc.

320. In Burma there are no provisions for assistance to dependants of prisoners from either official or private bodies. Prisoners are not paid any wages for their work, although such a wage system is at present under consideration by the Government. The dependants of prisoners must rely only upon their own chances of getting work or upon the assistance of relatives and neighbours.

321. In Canada there is no organized or official scheme for the relief of prisoners' dependants as such, but they are not debarred from participating in equality with other citizens under the existing social enactments for family allowances, old age pensions and the like. All provinces have statutory provisions for allowances to enable certain needy mothers to remain at home to care for their dependent children, and legislation also exists for the protection of neglected children.

322. Similarly in Denmark the law includes no special provision for dependants of prisoners. Under the social security laws, the public authorities must assist every person who is unable to provide the necessities of life for himself and his dependants, and must provide them in case of sickness. Such assistance is available to the families of offenders and non-offenders alike. It may consist of fixed weekly payments and, if necessary, assistance in the payment of rent, purchase of clothing, etc., the amount granted being graduated according to the number of dependent children.

323. In special cases the Danish Welfare Society will give limited financial aid to the dependants of prisoners, as for instance to see them through an acute crisis, but normally the Society will refer them to the appropriate municipal social security office.

324. If the prisoner's spouse is in financial difficulties, the prisoner may be allowed to send some earnings home; but as it is found essential for prisoners to have a suitable amount saved up for their release, such remittances to prisoners' homes would, in practice, be quite small. Institutions may also make contributions to the travel expenses of relatives for visits to prison inmates. Funds for such contributions derive from profits from prison commissaries. Institutions buy goods in large quantities, thus earning a discount on bulk purchases, but they sell the goods to prison inmates through commissaries at ordinary retail prices.

325. In England and Wales a prisoner's family during his sentence, and indeed after his release until he has again become a wage-earner, is eligible if in need for assistance from the National Assistance Board. After-care agencies may also assist. For instance, the National Association of Discharged Prisoners' Aid Societies has a voluntary "wives and families fund" which is used both to help families in particular need during sentence and also to defray the expenses of visits to prisoners by wives or close relatives in exceptional cases of need where the National Assistance Board is not making a grant to the family. The most pressing needs of a prisoner's family are in general arrears of rent or similar domestic bills (e.g. for gas and electricity), payments on hire purchase or clothing for children. Although it is not always possible to meet such needs in full, the position can often be somewhat alleviated by approaching the various authorities concerned. There is another voluntary fund from which it is possible to pay for visits by parents to Borstal boys, should the parents be unable to afford the visit.

326. In Finland, it is the duty of the communal social welfare board to help prisoners' dependants who are in need. The Association for Prisoners' Welfare or other organizations are not likely to undertake this kind of activity.

327. Prisoners in India are allowed to send to their dependants a portion of the earnings accrued under the wage-earning schemes in force in a number of prisons and open camps in the various states. It is found that this practice keeps family ties intact. Discharged prisoners' aid societies and similar organizations give financial and other assistance to dependants of prisoners.

328. In Japan, in general, public welfare laws apply to dependants of prisoners. The gratuity for prison work is not a wage and is kept on account and given to the prisoner at release, but if he requests that his dependants be aided, up to one-third of his gratuity money is generally thus disbursed while he is in prison.

329. In the Netherlands, social legislation is so regulated that when the detention of the bread-winner leaves the persons dependent on him with no means of subsistence, they are supported by the public social services. The amount is fixed in relation to the salary he previously earned and to the needs of the family. The support does not exceed a certain fixed maximum.

330. In addition to this support by the public social agencies, incidental help is given by religious and other private social agencies. The wages of prisoners are not such that a part can be remitted to their family. In case of arrest and detention those dependent on the detained person apply to the local public social service. On the basis of reports made by its inspectors, this agency acquaints itself with the family situation and makes a reasonable arrangement for support.

331. In New Zealand, state assistance to prisoners' dependants is provided under the Social Security Act, 1938. The prisoners' dependants allowance is regarded as an emergency benefit, payable at the discretion of the Social Security Commission, and in practice it is granted to a wife who has dependent children and who is not receiving sufficient income from other sources to maintain the family while her husband is in prison. When there are no children and the wife is able to work, she is encouraged to earn her own living. If, by illness or for other reasons, she is prevented from doing so, she may receive the allowance, even though there are no children.

332. A prisoner's wife with two dependent children, receiving no other income and with less than £1,500 in savings, will receive a total of £9/5/- a week tax free; compare with this the earnings of a skilled tradesman with a dependent wife and two children who will have approximately £12/10/- a week after taxation. If the normal expenses of the home such as rent and living costs (but not instalment payments or debts) make it impossible for the wife to manage on the allowance, she may be granted extra assistance of up to £1/10/- a week. The allowance is payable from the date of the husband's first being taken into custody and may be continued, if necessary, for a short period after his release, while he is seeking employment.

333. A woman who is not legally the prisoner's wife, but who, with her children, is dependent on him for support, may be paid the allowance at the discretion of the Social Security Commission.

334. Grants for special purposes may be available from other sources. A regular income would reduce the social security allowance, but an occasional grant does not affect the allowance. The Child Welfare Division of the Education Department may give a grant for children's clothing, in the neighbourhood of £20. The Prisoners' Aid and Rehabilitation Societies may give money for such necessities as food, children's requirements, or occasional travelling expenses to allow visits to the husband. A prisoner's earnings are not paid to his family. However, in special circumstances such as the birth of a baby, he may be allowed to send some money to his wife.

335. Norway has no special form of social assistance to the dependants of prisoners. Under the law they are in the same position as other citizens, and they obtain public assistance to the same degree, provided that the general conditions for assistance are present. The inmate may contribute to the upkeep of his dependants out of his earnings in prison, which may even be handed over to his relatives in cases of need, without the consent of the prisoner. The earnings, however, are small.

336. In the Federal Republic of Germany also there are no special provisions for the dependants of prisoners. It is exclusively a matter of the general welfare regulations. The penal institution is obliged to grant assistance to prisoners' families in need. Counted among the necessities of life is help for the education of minor persons until they are physically, mentally and morally ready and able to earn their own money or start training for an appropriate trade or profession. In addition, prisoners' aid and after-care associations and charitable societies assist the prisoners' dependants by gifts in money and in kind. The prisoner is entitled to use half of his remuneration for work to support his dependants.

337. In the United States of America when the prisoners receive wages from work in the prison industries, it is often permitted, or in fact required, that part of the wages be sent home to the prisoner's family. Otherwise the prisoner's family is dependent on private charity or the help of some child welfare or family welfare agency in the home community. Only as regards the children have the needs of the prisoner's family received official recognition, through the adoption of the Social Security Program on a national basis in 1936. The wife can apply to the county welfare department on behalf of her children, and she will be given a minimum allowance in accordance with the established rates of assistance which will continue during the term of her husband's imprisonment.

(3) Withholding of aid

338. It must be added that no State which acknowledges its obligations towards dependants of prisoners excludes any dependant from help because the bread-winner is a prisoner; provided that the general prerequisites for assistance are present, such dependants are in the same position as other citizens and obtain public assistance to the same extent.

339. In India several states emphasize that no considerations of status, religion, caste or creed may affect aid given to prisoners or their dependants. As the Finnish report points out, it is the need for social assistance and not the cause for the need that is the deciding factor in granting the assistance. The Belgian statement notes that the help may occasionally be refused or delayed in special cases: if the investigation of the case shows that the family's lack of means is the consequence of negligence or poor budgeting, the persons concerned are requested to remedy that defect before asking for assistance; if it is established that a person requesting assistance is physically fit but unwilling to work, assistance will be provided only on condition that the person commences work without delay. Financial assistance is generally made conditional on compliance with requirements laid down by the organization which is prepared to help in the case.

340. The Centro Nazionale di Prevenzione e Difesa Sociale draws attention to the importance of preventing prisoners from developing what might be called the "public assistance mentality"; in other words, the prisoner should not lose interest in the welfare of those previously in his care on the too-convenient pretext that they will henceforth be in the care of the authorities or of assistance organizations. Assistance in the form of grants should be considered only in exceptional cases.

B. Non-economic help

341. The Centro Nazionale di Prevenzione e Difesa Sociale points out that the problem of aid for prisoners' dependants should be considered from two points of view: first, as a marginal function complementary to the full course of treatment undergone by the prisoner at the penal institution and, secondly, as a general social defence measure.

"Viewed from the first standpoint, assistance granted to the dependants gives the prisoner a sense of security regarding the position of those dear to him and eliminates factors likely to cause him anxiety. It also has the effect of strengthening his faith in the authorities and in public administration in general - an essential prerequisite of complete social rehabilitation ...

"Assistance given to prisoner's dependants ultimately benefits the prisoner himself: it has the effect of providing a better environment for him to return to on release, sparing him the possibility of having to face difficulties on two fronts: those which will hinder his reintegration in society and those which beset the family circle in which he has to live.

"From the standpoint of social defence, it must be recognized that the criminal acts of an offender are often the consequence of environmental factors; an effort must therefore be made to change the environment in which the prisoner formerly lived, to prevent people living in that environment from experiencing conditions that are conducive to crime. The scope of assistance should therefore be extended even beyond the limits strictly necessary for the purpose of supplementing the treatment applied to the prisoner."

342. In Argentina, non-economic assistance includes guidance; solution of any housing problems of the prisoner's family; placing the children in educational institutions; obtaining official documents and work for the wife and the other children; registering marriages and births; arranging for medical care; carrying out the formalities to obtain social benefits; tracing other relatives and helping the prisoner and his family to resume and improve their relations.

343. Great attention is paid in Denmark to efforts to maintain contacts between the prisoner and his family. The penal institutions may intervene in any problems which may arise in the relationships between prisoners and their families. Such intervention may take the form of a counselling service where the problems are discussed in detail, both with the prisoner and his relatives, and visits may be paid to the prisoner's home in order to become acquainted with his environment. Further, as has previously been mentioned, efforts may be made to change the environment by helping the family to find another place to live.

344. Non-economic assistance in New Zealand consists of giving counsel, support and friendship to the family during the husband's sentence, and often after his release. Clothing and Christmas gifts may be provided and legal advice offered.

345. In India free legal aid to the prisoner and his family is given in cases of an urgent nature by the Discharged Prisoners' Aid Societies. In Kerala, the State Government provides free legal aid to poor prisoners at government expense.

346. The universal policy of the Salvation Army includes visiting the wives and families of prisoners and offering counsel and, when necessary, helping materially until government assistance is available. Such visits also give confidence to a prisoner who may be anxious about his family and often help to prevent a break-down of the marriage. Accommodation may be provided for destitute mothers and holidays may be arranged for mothers and children.

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