



## Annex F

### Survey of State Prison Practices in other Countries: the United States, Finland, Singapore and Hong Kong

Among government ministries and institutions around the world, *benchmarking* with foreign counterparts is a common way of assessing if their internal systems and practices are at par with international standards. Usually, this is done by agencies from developing countries looking for models that they could adopt from among those set by similar offices in industrialized countries, but even government organizations from high-income countries sometimes have to study the methods of those from developing countries to find solutions to unprecedented glitches cropping up in their systems. Most often, however, agencies look for best practices from among countries more or less akin to their own in terms of level of development and/or cultural orientation that they could adopt to improve the performance of their functions.

The BuCor may also perform this type of exercise in line with its efforts to improve its processes, particularly in the aspect of corruption prevention. In fact, the assessment team is encouraging the agency to do so, as this activity could very well help in identifying areas where there is need for internal reforms while automatically suggesting tried and tested solutions.

To help the Bureau gain a jumpstart, the team made a survey on how some foreign state prisons – particularly those from the United States, Finland, Hong Kong and Singapore, manage their affairs. This appendix presents the practices deemed to be relevant to the BuCor's goal of improving its safeguards against corruption while enhancing the delivery of its services. This was intentionally not made part of the main report in order to allow BuCor to review the social, cultural and resource implications of these recommendations. At any rate, the Bureau may modify these practices to suit the Philippine setting. On the other hand, those that cannot be applied at present due to resource constraints may be considered as something that the institution can look forward to in the future when our government becomes more financially stable, and may form part of the agency's long-term goals.

#### Inmate Rehabilitation

The Prison Service manages Finland's national prisons. It has its own version of the BuCor's Reception and Diagnostic Center, which is called the Assessment and Allocation Unit (AAU). In the AAU, the prisoners receive a detailed plan of the sentence term, which is based on a risk and needs assessment and an assessment of the functioning capacity of the prisoner. The inmate's prison facility/colony of assignment is determined according to his activity and rehabilitation needs and the required level of security in the facility/colony. The facility where the inmate is confined is responsible for implementing and *updating* his/her sentence plan.<sup>1</sup>

In order to find the best suited, targeted form of activity, the inmate's work and functioning capability is assessed together with him/her. It is provided under the country's Sentence Enforcement Act that the inmate must be heard whenever a decision is being made concerning his/her treatment. Generally, the aim of rehabilitation is to address the inmate's problems of life control, educational background and work and functional defectiveness shown in the assessment by placing him/her in an appropriate activity.<sup>2</sup>

Inmates' studies are organized in prison in coordination with nearby educational institutions. They receive their certificates from these institutions, thus it is not apparent that their studies have been taken in prison.<sup>3</sup>

In one of the country's prison facilities, the Riihimaki Prison, there is a program meant for sexual offenders aimed to reduce the risk of re-offending a sexual offence. The said program uses psychological models connected to sexual offences and strives to make the offenders aware of their victims' experiences.<sup>4</sup>



An inmate sentenced for a violent offense may be given one of two activity programs depending on his/her need: a longer Cognitive Self Change which is intensive and meant for prisoners with difficult history of violent behavior and a shorter anger management course which aimed at controlling feelings of anger and aggression.<sup>5</sup>

Like Finland's Prison Service, Hong Kong's Correctional Services Department (CSD) closely liaises with external educational bodies to facilitate prisoners to sit for external examinations and to attend external courses organized or run by recognized examination/ academic bodies. The CSD believes that pursuit of academic qualifications is conducive to the successful rehabilitation of offenders. To support and assist motivated prisoners, who however are in need of financial resources to pay for the required fees, the Prisoners' Education Trust Fund was established under the Prisoners' Education Trust Fund Ordinance (Chapter 4678, Laws of Hong Kong) in December 1995. The Fund is administered by a Committee composed of a Chairman and a member who are not public officials, appointed by the Secretary for Security, the Commissioner of Correctional Services or his representative as ex-officio member and the officers in charge of the Prisoners' Welfare Section and the Education Unit of the Department.<sup>6</sup>

In the United States, it is the policy of the Bureau of Prisons that inmates who do not have a high school diploma or a General Educational Development (GED) certificate should participate in the literacy program for a minimum of 240 hours or until they obtain the GED. Non-English-speaking inmates should take English as a second language course.<sup>7</sup>

Parenting classes are also offered to help inmates develop appropriate skills during incarceration, while recreation and wellness activities encourage healthy lifestyles and habits. Prison libraries carry a variety of fiction and nonfiction books, magazines, newspapers, and reference materials. Inmates also have access to legal materials to help them conduct legal research and prepare legal documents.<sup>8</sup>

### **Inmate Post-release Assistance**

In Singapore, the help extended to inmates does not end with their release from prison. In the area of post-release assistance, the Prison Service have brought together various agencies under the Community Action for the Rehabilitation of Ex-offenders (or CARE) Network to provide for aftercare counseling and assistance to released offenders. The network includes organizations such as the Singapore Aftercare Association, Singapore Anti-Narcotics Association, National Council of Social Service, and Industrial and Services Co-operative Society Limited, which help prepare the inmates for return to society during the pre-release phase, and continue to support them after their release. The Singapore Corporation of Rehabilitative Enterprises also provides job placement assistance to former inmates.<sup>9</sup>

### **Inmate Grievance**

All penal facilities of Hong Kong's CSD are replete with announcements informing inmates of their right to lodge complaints. These announcements are posted in all areas of the prison compounds including punishment cells, and are translated into languages spoken by almost all prisoners, such as English, Chinese, and Vietnamese.<sup>10</sup>

Any inmate who has a complaint may approach the Superintendent or any prison staff on duty or, if he desires, may direct his complaint to the CSD's Complaints Investigation Unit, the Office of the Ombudsman or the Office of Members of the Legislative Council.<sup>11</sup>

All correspondence between prisoners and "specified persons" – which include legislators, justices of the peace, the Ombudsman, and various other government authorities – cannot be read by prison staff, and cannot even be opened to check for contraband except in the presence of the inmate.<sup>12</sup>



As suggested by the Ombudsman, the CSD posted announcements in the prisons informing inmates of their right to lodge complaints with the Ombudsman and made confidential aerogramme (an airmail letter) available to them for this purpose.<sup>13</sup>

#### *Inmate Health Care*

In Finland, an inmate's state of health is *monitored* during the whole period of imprisonment. Immediate measures are taken to get an inmate to medical examination and/or treatment whenever necessary. Prisoners in need of hospital treatment are usually sent to Hameenlinna Prison Hospital. In urgent cases and in need of specialist services, both public and private services are availed of.<sup>14</sup>

It is also the duty of the institution to secure dental care for an inmate if it is necessary to treat an illness or prevent considerable harm. When a sudden dental illness occurs, however, it is always treated at the cost of the inmate.<sup>15</sup>

The healthiness of work and overall prison environment is also monitored. Inmate meals are planned by specialists to be healthy, varied and containing enough energy.<sup>16</sup>

#### *Inmate Dwelling*

In the context of renovations, inmate dwellings in Finland are fitted out so that they comply with the requirements set in the country's general construction legislation.<sup>17</sup>

#### **Inmate Communication**

When using the telephone in a Finland prison, the inmate should disclose whom he/she is going to call if prison authorities ask him to. The call may be tapped if abuse is suspected, but the prisoner and the recipient of the call should be informed beforehand about the tapping. Calls to the supervising authority of the prison facility, the inmate's lawyer or legal counsel, however, should not be tapped.<sup>18</sup>

With regard to inmate mail, there are no restrictions to the amount of correspondence, but the post received or sent by a prisoner may be checked. Letters should not be read unless it is important for specific reasons.<sup>19</sup>

A prisoner may also be given permission to leave the facility when half the sentence was served or when there is a very special reason. An inmate may apply for a permission to participate in an event held outside prison.<sup>20</sup>

In the United States, inmates are encouraged to write to family, friends and other community contacts to maintain these ties during incarceration. Inmate correspondence is classified as either "general" or "special" mail. "General correspondence" is opened and inspected by staff for both contraband and content that might threaten the security or good order of the institution. Meanwhile, incoming "special mail" is opened only in the presence of the inmate and is inspected for physical contraband and the qualification of any enclosures as special mail.<sup>21</sup>

#### **Prison Staff**

Hong Kong CSD's 7,000 personnel, nearly 4,000 of whom are custodial staff working in the prisons, approaches the size of the prison population it manages. It is a quasi-military force, with uniforms, ranks and military discipline. Unlike the military, however, the only weapons that CSD officers carry are wooden batons, and these are only carried in the men's prisons. All prison staff wear *nametags*.<sup>22</sup>



CSD's custodial personnel are trained at the CSD's Staff Training Institute before commencing their duties in the penal system. Officers and assistant officers undergo a twenty-six-week and twenty-three-week recruit training course, respectively, which covers self-defense, first aid, counseling, and management skills, among others, and include field placement to prisons.<sup>23</sup>

CSD officers working in contact positions in the penal facilities are of the same sex as the prisoners under their authority.<sup>24</sup>

In Singapore, newly recruited prison officers undergo twenty-two (22) weeks of residential training, twelve (12) weeks of OJT and one (1) week developmental training. Candidates for Singapore Prisons Emergency Action Response (SPEAR) Force have to undergo another four-month selection training conducted by SPEAR officers. After their training, members of the SPEAR Force are involved in the challenging role of prison contingencies, prepared to quell any occurrence of riots or fights within the prisons. High-risk escort duties within and outside the prisons also form part of their duties.<sup>25</sup>

### Legislation on Prison Management

In some foreign countries, the operations of state prison facilities are governed by specific national legislation. The Sentence Enforcement Act, for instance, guides the operations of Finland's Prison Service. In Hong Kong, several pieces of legislation regulates the CSD's operations over the territory's penal facilities: the Prisons Ordinance, the Detention Centres Ordinance, the Training Centres Ordinance, and the Drug Addiction Treatment Centres Ordinance. As their names suggest, these laws correspond to the various types of facilities that make up the Hong Kong correctional system. Statutory authorization for the detention of Vietnamese migrants is found in the Immigration Ordinance.<sup>26</sup>

The Prisons Ordinance, which was enacted in 1954 but since then amended numerous times, is the oldest of these laws. It provides the basis for the Prison Rules, a much more detailed set of provisions also enacted in 1954, but has since been amended dozens of times. Together, these documents lay out the basic ground rules of Hong Kong's correctional system. The other ordinances, and their subsidiary regulations, include additional provisions tailored to the institutions under their scope; otherwise they largely incorporate the Prisons Ordinance and the Prison Rules.<sup>27</sup>

### References for the Survey of Foreign Prisons

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<sup>2</sup> Finland Prison Service (Undated). Activities. In *Vankeinhoitolaitos*. Retrieved June 20, 2007, from <http://www.vankeinhoito.fi/tulostus/16941.htm>

<sup>3</sup> Finland Prison Service (Undated). Studies. In *Vankeinhoitolaitos*. Retrieved June 20, 2007, from <http://www.vankeinhoito.fi/tulostus/16990.htm>

<sup>4</sup> Finland Prison Service (Undated). Rehabilitative Activities. In *Vankeinhoitolaitos*. Retrieved June 20, 2007, from <http://www.vankeinhoito.fi/tulostus/16991.htm>

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<sup>6</sup> Hong Kong Correctional Services Department (2006). Rehabilitation. In *Hong Kong Correctional Services*. Retrieved May 4, 2007, from [http://www.csd.gov.hk/english/reh/reh\\_petf/reh\\_petf.html](http://www.csd.gov.hk/english/reh/reh_petf/reh_petf.html).



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<sup>7</sup> US Federal Bureau of Prisons (Undated). Education, Vocational and Job Training. In *Federal Bureau of Prisons*. Retrieved June 20, 2007, from [http://www.bop.gov/inmate\\_programs/edu.jsp](http://www.bop.gov/inmate_programs/edu.jsp)

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<sup>9</sup> Government of Singapore (2006). Care Network. In *Singapore Prison Service*. Retrieved September 18, 2007, from [http://www.prisons.gov.sg/coordinated\\_aftercare.html](http://www.prisons.gov.sg/coordinated_aftercare.html)

<sup>10</sup> Human Rights Watch (Undated). Monitoring of Treatment and Conditions. In *Hong Kong Prison Conditions in 1997* (Part VIII). Retrieved May 4, 2007, from <http://www.hrw.org/research/hongkong/hk-monit.htm>

<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

<sup>13</sup> Ibid.

<sup>14</sup> Finland Prison Service (Undated). Health Care. In *Vankeinhoitolaitos*. Retrieved June 20, 2007, from <http://www.vankeinhoito.fi/tulostus/17495.htm>

<sup>15</sup> Ibid.

<sup>16</sup> Ibid.

<sup>17</sup> Finland Prison Service (Undated). Dwelling. In *Vankeinhoitolaitos*. Retrieved June 20, 2007, from <http://www.vankeinhoito.fi/tulostus/17497.htm>

<sup>18</sup> Finland Prison Service (Undated). Contacts with the Outside World. In *Vankeinhoitolaitos*. Retrieved June 20, 2007, from <http://www.vankeinhoito.fi/tulostus/16942.htm>

<sup>19</sup> Ibid.

<sup>20</sup> Ibid.

<sup>21</sup> US Federal Bureau of Prisons (Undated). Visiting, Telephones and Correspondence. In *Federal Bureau of Prisons*. Retrieved June 20, 2007, from [http://www.bop.gov/inmate\\_programs/visiting.jsp](http://www.bop.gov/inmate_programs/visiting.jsp)

<sup>22</sup> Human Rights Watch (Undated). An Overview of the Prison System. In *Hong Kong Prison Conditions in 1997* (Part II). Retrieved May 4, 2007, from <http://www.hrw.org/research/hongkong/hk-ovrv.htm>

<sup>23</sup> Ibid.

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<sup>25</sup> Government of Singapore (2006). Uniformed Positions. In *Singapore Prison Service*. Retrieved September 18, 2007, from <http://www.prisons.gov.sg/positions.html>

<sup>26</sup> Human Rights Watch (Undated). An Overview of the Prison System. In *Hong Kong Prison Conditions in 1997* (Part II). Retrieved May 4, 2007, from <http://www.hrw.org/research/hongkong/hk-ovrv.htm>

<sup>27</sup> Ibid.