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SOME FACTS ABOUT PRISONS

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SOME FACTS ABOUT PRISONS

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Overcrowding in penal institutions in Hong Kong has been a perennial problem. If compared to the latest figure available from the United Kingdom — for England and Wales — and allowing for the difference in the size of population, it is now some 150% higher. The number of prisoners in England and Wales is approximately 72 per 100,000 of the population while in Hong Kong the figure is 182 per 100,000.

This, of course, not only reflects the crime situation in Hong Kong but also the resulting measures that are being taken to combat it with longer sentences and an emphasis on incarceration as punishment.

Stanley Prison, Hong Kong's only maximum security institution, has always been grossly overcrowded. Originally designed to accommodate 1,600 prisoners, Stanley Prison has, almost from the start, housed prisoners well in excess of this figure. In January 1975 for instance, the muster stood at over 3,300!

Despite the high population density in the institutions, the penal system in Hong Kong is second to none. Furthermore, Hong Kong has been leading the world in the treatment and rehabilitation of drug addicts in recent years with the strong emphasis on its own after-care service. That Hong Kong is in the forefront amply reflects the ability of the staff. For it is they who have destroyed that once popular and taunting myth that the role of a Prison Officer is simply that of a turn-key. If there was a grain of truth in this, then surely it would not be necessary to have so many different types of institutions. For each has its own particular feature and its own separate role to play in rehabilitating offenders before returning them to conventional life.

The average citizen may have the impression that prisoners live in sub-human conditions and are often ill-treated by the staff. This ugly, medieval practice is

history. Ill treatment is a method of the past and it will stay that way. Such treatment is not condoned and anyway, such practice is not only negative but would have an extremely adverse effect.

Many prisoners are anti-social and prone to violence; a great percentage having a violent background and others who are desperate with nothing to lose. With overcrowding already a constant threat, acts of ill-treatment on the part of the staff will be met with violence by prisoners. Few people are aware that there is a low escape rate from Hong Kong penal institutions, a fact that is probably the envy of many countries in the Commonwealth and probably in the world.

How is it achieved? Well, again an excellent reflection on the ability of the staff backed up by its own impressive Staff Training Institute. Firmness, consideration and complete impartiality is their motto and, it is to their credit that the greater majority of the prisoners are confined in minimum security institutions at a great financial saving to the taxpayer.

It is with some satisfaction to note that 1974 saw the lowest number of assault cases in Stanley Prison for the past 22 years which have averaged 62 per year. Last year, there were only 10, and all were referred to the police for prosecution in court.

A far cry from 1953 when there were 90 cases of assault and none were referred to the police; or even as recently as 1971 when there were 91 cases of assault and only 17 taken to court. It is, in fact, the present policy to refer all such incidents to the police for court action that brings publicity.

The steady decline of such incidents despite the overcrowding and other problems which the staff must contend with, clearly indicates the degree of control now existing in Stanley Prison.

The department, in addition to maintaining a half-way house and a staff training institute, administers 15 institutions under four different ordinances. These are the Prisons, Training Centres, Detention Centres and Drug Addiction Treatment Centres Ordinances. Prisoners confined within institutions under a

specific ordinance are interchangeable. Therefore, we can have an inmate transferred from one training centre to another or one prison to another. However, because the prison system is made up of different types of establishments, transfers within the system are restricted.

It is necessary to bear this in mind when considering the problem of overcrowding and the reason why some institutions are more overcrowded than others. In any case, only marginal relief can be gained by re-allocation of prisoners in the face of the present overcrowding.

It is generally not recognised just how numerous are the problems to be overcome in administering and managing an institution with an overcrowding factor. Security, of course, is the major problem. However, sleeping accommodation also creates difficulties. So too does pressure on kitchen facilities and raises the question whether it is capable of handling the number of meals required — the time they take to cook and the time necessary to issue the food without getting cold.

Working space is it sufficient; does it allow for proper working conditions? For, it must never be forgotten that prisoners are still people who require adequate light and air. There are many other problems such as drainage and sewage systems which are installed to cater for a specified number. Staff working in a confined space cannot give the proper degree of supervision necessary for good control. However, such problems and much more must be faced because a prisoner cannot be refused admission on the grounds that a prison is overcrowded. The Prisons Department is probably one of the very few, if not only department which is not master over its own commitment and growth.

The department has recently brought into use a new minimum security prison for 600 at Pik Uk on Clear Water Bay Road. Towards the end of this year, a second institution will open in the same area. The latter was originally designed as a maximum security training centre having been first proposed in 1968. However, it is now anticipated that it will operate in a dual role as a prison and training centre. It will cater for young male offenders who require a varying degree of security including young offenders on remand.

With a forecast that the prison population will continue to grow there is no hope in the foreseeable future of the department overcoming the problem of overcrowding. Prisons take a long time to build and are very expensive. For many years, the department has been able to manage by taking over old buildings and utilising them as prisons. But this type of take-over is only suitable to house Category D prisoners who require a minimum degree of security. Consequently, for prisoners in Categories A, B and C, which are growing in number, it is essential that purpose-built prisons be constructed. In most countries, if not all, and Hong Kong is no exception, funds for prisons carry a low priority. However, the service is expected to meet commitments over which it has no control and for which it must be prepared at all times!

The department has recently taken over Hei Ling Chau for use as a treatment centre for drug addicts and for which it is admirably suited. However, it was not the intention to take over this island on the sole grounds of expanding our drug addiction treatment facilities. The prime reason was to revert Ma Po Ping Treatment Centre, back to its former function as a prison.

The department has been concentrating on security and while this is a matter of priority placed higher than rehabilitation, the latter is by no means forgotten. This is a much different emphasis from what is currently being done in many other countries which now sacrifice rehabilitation for security. It is the strong belief of the department that if the prison service is to function efficiently, the two must be inter-related.

Since the detention centres—Sha Tsui in June, 1972 and Tong Fuk in June, 1973—came into operation, more than 1,600 young offenders between the ages of 14 and 21 have been admitted. The greater majority were admitted for offences associated with crimes of violence. The success rate continues to hold at around 88%. This is no mean achievement and indeed, a credit to the staff who have put so much effort into it.

Co-operation from parents is excellent and is no doubt part of the reason for our success. There have been several cases where parents have requested that their sons be recalled for further training when they have noticed that their be-

haviour has begun to deteriorate. This clearly shows that parents do care for their children who get into trouble although it is often said that they do not. This is seen not only because of their comments and co-operation with the staff but it is also borne out by the fact that almost all the detainees received visits from their parents. Only a negligible few failed to receive visits during their detention.

With the understanding that it is necessary for a number of institutions to be able to vary their role in the penal system, the Tong Fuk Detention Centre has also been gazetted as a drug addiction treatment centre. This was made possible by a decline in the number of inmates being admitted to such centres. However, should the need arise, Tong Fuk can be made to operate in that role at short notice. Meanwhile, it now plays a full part in treating young addicts under 21 years of age. This is the first time Hong Kong has been able to provide a completely separate programme for this age group. Yet another first for the department.

The prison service linked as it is to the courts offers a good example of interdependence in the *Criminal Justice System*. No prisoner can be sent to prison who does not pass through a court, for the court is the means by which it is determined who will be sent to prison. In fact, whether prisons will be given an impossible task or one within the scope of its facilities is determined in the first instance by the decisions made by the court — in other words, selecting the right tool of punishment for the job.

The role of an individual prison or other form of correctional institution is usually geared to the type of offender it is required to house — the first offender, a recidivist, a drug addict, a person on remand, a young offender or a geriatric. It can be a mixture of several different categories or the lot. Problems and pressures are numerous and while soundly constructed buildings are very important, the standard of the personnel engaged to carry out the task of running them will, in the main, determine their usefulness.

If our prisons and other forms of correctional facilities are going to have a real chance of success, either as a deterrent or a means of reformation, then men and women of good quality are required in order to carry the programmes out.

In this context, the department has been quite fortunate in that in the past two years, it has recruited 202 officers, 102 of whom have at least one 'A' level qualification and 100 with a diploma or University degree.

It is a fact that however good institutions might be, no real benefit will be derived from them except in a purely warehousing sense unless staff are willing and able to take the opportunity for reforming offenders: the more progressive a penal policy is, the more demands it will make on the staff. They must not only be confident to discharge the custodial aspect of their duties for the protection of the community — which must always be the first consideration — they must also possess the qualities and skills which will enable them to play an effective part in the rehabilitation of offenders.

The prison service must be capable of carrying out efficiently and effectively varying types of programmes designed to meet the needs of different types of offenders and their problems. While the ideal approach is based on the individual offender, from a practical view due to numbers, it is in essence a group approach with aspects of individualism woven within the programme. In Hong Kong, we probably have one of the world's most complete programmes. For, in addition to those offenders already in penal institutions, we are currently following up more than 3,000 on after-care. This is a total commitment by the department to the rehabilitation of the offender.

Today, we have permissiveness creeping into many aspects of our society. In some countries this has created great difficulty in community standards. We must not allow this to invade the prison community for we cannot afford a situation in prison, where the prisoners are dictating to the authorities. This can be seen elsewhere and must not be allowed to happen in Hong Kong.

The question of the responsibility that the prison service has in relation to the community must never be in doubt. There is a distinct dividing line between the responsibility for the carrying out of programmes in prisons based on humanitarian principles and the responsibility of the prison to the community for the maintaining of a deterrent. Once the dividing line is crossed, then the prison service has ceased to function efficiently. It can be said that while the easing of conditions

in prisons in some countries has been brought about by so-called "prison reform", in truth the change in conditions has been more in the nature of buying prisoner co-operation than in a genuine spirit of prison reform. This is an easy way out of a difficult situation for, trouble in prisons catches the headlines very quickly and no one wants trouble or unfavourable publicity.

The disregarding of old values within the prison service is not necessarily a change for the better. The lack of discipline in a prison community will bring upon it the same problems that exist in communities which lack discipline. We cannot live without set standards and while these may be criticised by some, they are essential if we are not to degenerate into jungle type law where there is only survival by the cunning and the physically strong.

Prisons in one form or another will always be with us. The design may change and will; their function and role need to be examined from time to time and revised. There will always be some people who, because of their offence, must be sent to prison. The emphasis then, except for a few must be on utilising the time that they spend in the best possible way which will assist the offender towards re-integration within the community after discharge.

Pre-release centres and half-way houses have yet to be fully developed. So too has parole, periodic detention and other forms of punishment. We know that man can influence man for bad but, we often forget that the reverse is also true — that man can influence man for good. This is a difficult but not impossible task. We cannot be successful with all, but isn't it a fact that we are all different? None of us are perfect — some less than others — therefore, standards must be set accordingly.

One final point. The department is made up of 15 institutions and major problems are generally confined to one or two, particularly those which hold the worst prisoner elements. Such problems which come to light are tackled vigorously and energetically. Insomuch as there is a never ending war on crime, so too, is there a never ending battle of wits between prisoners and staff.

June, 1975.

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