

LXI



*Prison policy & Penological research
in the Netherlands*

Marla Brand-Koolen
Andre Rook

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Maria Brand-Koolen
Andre Rook

U.S. Department of Justice
National Institute of Justice

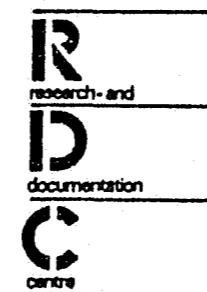
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1. INTRODUCTION

In the last ten years our research has been concentrated on two main topics. First of all we evaluated some measures taken by the prison administration on special issues. Examples of these studies are the evaluation of the decision making concerning the isolation of trouble makers (Van der Linden, 1981^b) and the evaluation of a special program for drunken drivers (Bovens, 1982). The second topic concentrated on comparative studies between treatment oriented and custodially oriented institutions.

As there is now a nation wide discussion emerging on the objectives of prison policy, we will dwell on this discussion, its history and the questions that are arising. Consequently we will mainly pay attention to the comparative studies mentioned. This does not mean that we will altogether neglect the first mentioned studies, because -fortunately- they also brought some fruitful insights to be used in the discussions about prison policy.

The main reason for the renewed debate about prison policy is the publication of a governmental report, in which the main features of prison policy are outlined for the next few years (Ministry of Justice, 1982). In the report a lot of attention is paid to the objectives which should underlie the policy. What is most striking in this reflection is that resocialization of inmates as objective of prison policy is more or less abandoned and replaced by some less ambitious objectives. In this paper we will outline the developments preceding this change of policy. Special attention is paid to the results of studies in which the effectiveness of resocialization policy is the main theme. Attention will also be given to the consequences of the change of policy for our research. Which objects of research emerge considering the recent developments in prison policy?

2. PRISON POLICY SINCE 1945

Dutch policy concerning the execution of prison sentences has since the end of World War II been strongly determined by the objective of rehabilitation of inmates. In 1946 the Minister of Justice set up a committee whose task was to develop proposals to come to an appropriate

execution of imprisonments. In its report the committee argues that imprisonment should be organized in such a way that the inmate, after his detention, returns to society 'as a socially less disturbing element and, if possible, better human being'. In 1951 this principle was embedded in the legislation concerning the execution of sentences: the imprisonment should also contribute to the return to normal life in the community (Prisons Act section 26).

Starting in the fifties one tried to realize this objective by decreasing the cellular system and increasing the communal sense of the prison regimes. Moreover, one aimed at organizing detention in such a way that the freedom of movement and responsibility of the inmate would increase as the end of the detention approached. Especially for long-term prisoners it was made possible to spend the last part of their detention in an 'open' prison. In addition to that more possibilities were created for individual (psychological and social) assistance to prisoners.

During the sixties and seventies the emphasis shifted. More than before one focused on the possibilities of rehabilitating inmates using 'institutional therapy' and 'correctional group work'. In practice this meant that better opportunities for education and development were given to inmates and that the aspect of custody was decreased.

Several institutions became treatment oriented (Cressey, 1968): emphasis is put upon inmate welfare and, more generally, upon protection of inmates from conditions which might interfere with their rehabilitation. Characteristic for the treatment orientation in prisons is:

- an active staff response to prisoner's problems and needs;
- a large measure of autonomy for staff in their dealings with prisoners;
- an atmosphere of tolerance
- frequent informal contacts between staff and prisoners;
- a large measure of freedom for inmates within the institution.

Along with the treatment oriented prisons there remained the more custodial oriented prisons. Though in these institutions there was a certain increase of possibilities for different activities and non-custodial staff over the years, custody remained the most important aspect. This stands out most clearly in the strict regulation of the relations between staff and inmates, the strict maintaining of prison

discipline and the limited freedom for inmates.

The developments as outlined above, have led to a differentiated system of penitentiaries in the Netherlands. At the moment more than 40 penitentiaries are in use with a total capacity of 4000. The following criteria figure in the differentiating between institutions:

- the *status* of the inmates (awaiting trial or convicted)
- the *age* of the inmates (there are special institutions for inmates under 23)
- the *sex* of the inmates
- the *length of the sentence*. (there are special institutions for long-term prisoners, i.e. for those who have been sentenced for six months or more)
- the '*open-ness*' of the institution (there is a distinction between closed, half-open and open institutions. In open institutions there is a minimum of security measures; the inmates essentially work outside the institutions and they can go on leave every weekend)
- the *treatment or custodial orientation*.

3. EFFECTIVENESS OF THE RESOCIALIZATION POLICY

3.1 Recidivism as criterion

In prison policy -as stated earlier- emphasis has been put on the resocialization function of prison sentences. By resocialization is meant, as a rule, the bringing about of changes in behaviour in detainees, which should lead to decrease or termination of criminal behaviour. Viewed in that light it is natural to look upon recidivism as a criterion for the effectiveness of prison policy.

Unconditional prison sentences (UPS) and recidivism rates

In the Netherlands little research has been done on the influence of prison sentences in general on recidivism rates. Only in the research project 'Recidivism and special deterrence' (Van der Werff, 1978) some remarks are made on the total recidivism rates of those sentenced to unconditional imprisonment. Sixty percent of the group convicted in 1966 was convicted again within six years of their previous conviction. The recidivism rates for the group with unconditional custodial sentences (60%) are higher than for the group fined or given only conditional

custodial sentences. But when controlled for sex, age, number of previous convictions for serious offences and type of offence the differences between recidivism rates partly disappear.

If the unconditional sentences are broken down according to their duration the recidivism rates of the comparative long-termers are generally found to be somewhat higher than for the short-termers. But it is not entirely impossible that the greater likelihood of recidivism found with long-termers is not attributable to these sentences but that it was the very reason why the severe sentences were imposed.

Open prisons and recidivism

More important for judging the effectiveness of resocialization oriented policy are the comparative studies concerning the effects of different regimes on the recidivism of ex-inmates.

One of the first comparative recidivism studies carried out in the Netherlands refers to the comparison of recidivism rates of detainees who have spent the last part of their detention in open prisons, to those who have been released from closed institutions without passing through an open institution (Fiselier, 1969). From this study it becomes evident that from those detainees, who have been released from open prisons, 19% (N=156) is convicted for the second time to an unconditional prison sentence within two years, whereas from detainees released from closed prisons, 32% (N=287) is convicted again to a UPS; The differences are significant ($\chi^2 = 7.6$; $df = 1$; $p < .01$). However, there also appears to be a relation between recidivism and factors like number of previous convictions to a UPS, age and the existence of an alcohol problem.

To keep the influence of these factors under control, Fiselier has developed an index for recidivism proneness and used that to classify the detainees into four categories. Subsequently he has compared the differences between detainees released from open and closed institutions, per category (table 1).

On account of this comparison Fiselier comes to the conclusion that there is no proof that open detention has the effect of decreasing recidivism.

The noted difference in recidivism rates cannot be attributed to the type of detention, but must be attributed to the background variables of detainees, which also figure in the selection of open institutions.

TABLE 1: Recidivism per category

redicivism proneness	institution	recidivism percentages	N	χ^2	df	p
I (feeble)	open	0,0	48	.005	1	.90 < p < .95
	closed	2,4	42			
II	open	17,6	51	.005	1	.90 < p < .95
	closed	20,0	60			
III	open	30,3	33	.005	1	.90 < p < .95
	closed	33,0	60			
IV (strong)	open	45,8	24	.236	1	.50 < p < .70
	closed	54,1	85			

Source: Fiselier, 1969

Treatment and custodially oriented institutions

Of more recent date is the study of Van der Linden (1978). He has compared institutions intended for adult convicts who are serving custodial sentences of 1-6 months after deduction of the time spent on remand awaiting trial. The three prisons to which the project relates are the 'Boschpoort' prison in Breda, a prison in Arnhem and the 'Nederheide' training prison in Doetinchem. The Nederheide prison is a so-called treatment oriented prison: inmates serve their sentences in a group with other prisoners and take part in a training programme. The prisons in Arnhem and Breda are so-called custodially oriented prisons: strict security establishments in which inmates have far less freedom of movement than in Doetinchem and sometimes even do their work in their cell. It appears that there are differences in recidivism between the prison in Doetinchem and the one in Breda (see table 2).

TABLE 2: Recidivism per institution

from	number of ex-inmates	number of recidivism
prison in Doetinchem	535	245 (45.8%)
prisons in Breda and Arnhem	563	301 (53.5%)
total	1098	546 (47.7%)

Source: Van der Linden, 1978

In Van der Linden's study it has also been verified to what extent these differences prove stable when checked on recidivism proneness. For that Van der Linden, too, has constructed an index, into which background variables relating to age, criminal record and detention experiences have been incorporated. On that ground detainees have been classified into five categories and per category a comparison of recidivism percentage has been made (table 3)

TABLE 3: Recidivism per category

recidivism proneness	ARNHEM AND BREDA recidivism (N = 571)		DOETINCHEM recidivism (N = 535)		sign.
I feeble	14 (15.1%)	93 (100%)	20 (15.7%)	127 (100%)	n.s.
II	40 (39.2%)	110 (")	47 (42.7%)	110 (")	n.s.
III moderate	68 (64.8%)	105 (")	50 (49.0%)	102 (")	5%
IV	70 (61.4%)	114 (")	82 (65.1%)	126 (")	n.s.
V strong	109 (73.2%)	149 (")	46 (65.7%)	70 (")	n.s.

Source: Van der Linden, 1978.

Although the pattern is rather confusing, it may be concluded that, only for prisoners who are moderately likely to become recidivists, the treatment oriented regime of the Doetinchem prison has a relatively favourable effect on recidivism after release.

From this study it also becomes evident that the rate and gravity of the recidivism are not really influenced by the institution where the detention is served.

3.2 Other criterions

Particularly in recent years one has begun to realize that, besides recidivism, other standards can be applied, by which the success of the resocialization policy can be measured. Which is to say that changes in attitude and personality during imprisonment (Caminada, 1973; Van der Linden, 1981) and changes in post-prison experiences (jobs, social relations, etc.) (Van der Linden, 1981; Berghuis, 1981) could also be indicators for some kind of resocialization.

In some studies in which comparisons are made between treatment oriented and custodially oriented institutions, these measures are used along with or instead of recidivism rates. Van der Linden (1981) examined a large number of aspects of attitude and personality -such as neuroticism,

impulsiveness, sense of responsibility, sociability, self-knowledge, aggression, social disorientation, view of the future, etc.- with inmates from the treatment oriented prison in Doetinchem and the custodially oriented prison in Breda. The study showed that the treatment oriented regime, as compared to the custodially oriented regime, had neither a favourable nor an unfavourable effect on any of these aspects. He also examined the impact of the regimes on changes in post-detention experiences. About a year after their release only minimal changes were found in the lives of the ex-inmates of both institutions as compared to the period before imprisonment. Where changes did occur, they were mostly attributable to general effects of imprisonment. A few changes, however, were regime linked and these were to the advantage of ex-inmates of the treatment oriented prison. One of these was that ex-inmates of the Doetinchem prison were more likely to have a steady partner.

Berghuis (1981), who examined the differences between a treatment oriented and a custodially oriented remand centre, also found some effects attributable to the treatment oriented regime. He compared the experiences of inmates of both remand centres, who were released immediately after their stay in the remand centre. Several of them have had a follow-up interview a year after the termination of their detention. From these interviews no differences between ex-inmates of both institutions could be ascertained with respect to job, lodging or income. There were indications, however, that ex-inmates of the treatment oriented remand centre have a more positive attitude towards life.

3.3 Conclusion

The conclusions of the studies discussed so far all pointed in the same direction as many of the English and American studies (Martinson, 1974; Home Office, 1976): treatment oriented institutions do not have a more resocializing effect than custodially oriented institutions.

In some studies slight differences have been found for certain sub groups of detainees; the only consistency in these results is that they always turn out in favour of the treatment oriented institutions (e.g. Berghuis, 1981; Van der Linden 1978). In other countries similar differences have been ascertained. But there, too, a regular pattern in the sub groups could not be determined. What is more, sometimes it became apparent that, when a study was replicated, earlier established differences could not be found again (Council of Europe, 1982).

4. RECENT DEVELOPMENTS IN PRISON POLICY GOALS

As explained, expectations of a policy aiming at resocialization used to be high. Also influenced by the disappointing results of the studies discussed above, over the years a certain scepticism has arisen concerning the attainability of the resocialization objective. As early as 1976 a governmental report on policy problems concerning prison administration was published, in which doubt was expressed about the attainability without, however, drawing the conclusions with regard to the policy objectives (Ministry of Justice, 1976).

The institutions, however, did draw these conclusions. As early as 1975 Denkers concludes in a policy analytical study that the objectives in the various penitentiaries do not so much relate to resocialization of inmates, as to a humane execution of the sentence.

Berghuis (1981) and Van der Linden (1981) find, regarding the institutions studied by them, that the objectives pursued by the treatment oriented regimes not only refer to the prevention of recidivism, but also to the humane execution of prison sentences and the prevention of ill effects of the detention situation.

Some suppose that the very characteristics of a treatment oriented institution (tolerance, relative freedom, active staff response, etc.) can be viewed as means to realize a humane execution as well as means to realize resocialization of inmates. In effect it is sometimes argued that a humane execution is the first condition if one ever wants to resocialize (Denkers, 1975). So what actually happens is that the same means that were originally seen as means to resocialize are now looked upon as means for a humane execution.

These developments can be seen in a recently published governmental report, in which extensive attention is paid to the objectives of prison policy (Ministry of Justice, 1982). On resocialization as an objective of prison policy it says: "It seems correct to give a less ambitious meaning to the commission of resocialization of detainees, than used to be done. The idea that the detainee should be transformed into a better human being, doesn't seem to be very realistic. Detention is, as scientific research has borne out, not the most suitable or appropriate means for that. What detention can be used for is a better preparation of the detainee for his return into society, so that he will be accepted sooner in that society and -perhaps- be able to hold his own better than before". To give concrete form to this 'return principle' it is

considered of importance to create educational and other possibilities and opportunities for inmates, and to offer a helping hand with the solution of psycho-social problems. Moreover, one wants to aim at preventing estrangement symptoms as much as possible, e.g. by enlarging possibilities of contacts with relatives and friends of the inmate. What is less ambitious about this readjusted objective is the fact that the policy is no longer focused on bringing about resocialization effects but on creating conditions for resocialization of inmates.

In addition to the preparation for return, two more main objectives of prison policy are mentioned. That is first of all the *humane execution of the prison sentence*. The principle underlying this objective is that detention in itself is the punishment and that all extra suffering must be prevented as much as possible. In other words, the inmate should not be restricted any further in his personal freedom and well-being than is necessary in view of the objective of the detention.

In addition, a *maximum prevention of ill effects of detention* is mentioned as a 'new' objective of penal policy. The two objectives -humane sentence execution and prevention of ill effects- are not clearly defined. Neither is indicated which detention effect must be considered harmful. It does appear from the governmental report that hospitalization, criminalization, victimization and drug addiction in any case must be considered as such. The existence of most of these effects is connected with the existence of a subculture in the institutions. The objectives of prison policy, as they have been formulated now, have in common that they are focused on short-term effects, that is to say on the bringing about or, on the other hand, preventing certain effects *during the detention*. This change of policy also has consequences for policy oriented research. Policy oriented penological research will have to be focused on short-term effects of detention.

5. SHORT-TERM EFFECTS

5.1 Reactions to imprisonment

The question if a certain type of execution is or is not regarded as a form of humane execution can partly be answered by checking how their detention is judged by the inmates. The reactions to imprisonment have been the object of research in the already mentioned studies by

Berghuis(1981) en Van der Linden (1981). In both studies a distinct connection was found between the appreciation of the detention and the institutions where the detention was served.

In both research projects the results show that in many respects imprisonment in a treatment oriented institution meets prisoner's needs better than imprisonment in a custodially oriented institution and that the prisoner's opinions of the regime in treatment oriented institutions are much more favourable than the opinions of their fellow-sufferers in other institutions. Important factors, which contribute to the positive -or, at any rate, less negative- reactions to imprisonment are:

- the degree of contact with fellow inmates
- the degree of contact with the staff
- the degree of contact with the outside world.

A fourth factor refers to the activities which can be taken part in during the stay at the institution. The results of both studies are, for that matter, not the same. Van der Linden concludes in his study that job satisfaction is considerable, especially if the work is done in the open air, but that the appreciation of training activities is less.

Although prisoners had very favourable views of the programme on entering the prison, their enthusiasm gradually waned in the course of their imprisonment. At the end of the programme about half the prisoners would have preferred a different way of spending their time: they would rather have worked full time from the beginning of their imprisonment. Especially the appreciation of verbal activities (social activities, informative activities) was rather low. Berghuis, on the other hand, concludes that detainees placed in a wing where there is a strong emphasis on the functioning of the group, appreciate the detention period better than those who are placed in a more conventional setting (table 4).

TABLE 4: Reactions to imprisonment

	treatment oriented institutions emphasis on group functioning N = 59	conventional setting N = 42	custodially oriented institution N = 60
positive	61%	31%	3%
neutral	36%	62%	26%
negative	3%	7%	70%
	100%	100%	100%

Source: Berghuis, 1981

It also becomes evident from the group of detainees examined by Berghuis that there is a certain want of informative activities. Especially legal affairs, drugs, work and education were named as objects about which the inmates would like to receive more information.

From other studies, too, it appears that activities focused on giving information, would be appreciated positively by inmates (Bovens, 1982; Meyboom, 1981). Possibly the differences between the results of the study by Van der Linden and the other studies must be attributed to differences in the populations of inmates: Van der Linden's study is concerned with *adult, medium-term convicts*; the one by Berghuis with *youngsters under remand*. Bovens (1982) evaluated a special information programme for *drunken drivers*. He found that there was a considerable appreciation for the programme. Meyboom (1981) evaluated a special programme for *drug addicts* in remand centres, which also seemed to do very well. In these cases the programmes were specially tailored on the crimes or circumstances of the subjects concerned. So it could be argued that these findings indicate that programmes are effective if they are tailored to the circumstances of special groups and that there are no 'good' programmes for just everybody.

5.2 Subculture and ill effects

A second important aspect of penal policy is the prevention of ill effects. Under ill effects, as we have mentioned already, we understand undesirable consequences for the personality of inmates (e.g. prevention of hospitalization symptoms) and for the safety of the inmates in the institution (inmates must not fall a victim to behaviour of fellow-inmates of the institution). As to the latter one tends to think in the first place of victims of violent actions in the penitentiaries. Though the importance of fighting aggression among detainees themselves is being discerned in prison policy (Ministry of Justice, 1982), aggression in the institutions has not yet been an object of research in the Netherlands. This is probably linked up with the fact that the use of violence, until recently, has not been experienced as a problem. Since 1973 no extensive violent actions (riots, etc.) have occurred. The amount of incidents, reported by the institutions to the Department of Prison Administration in which using of or threatening with violence by inmates occurred, is not very high either. Every year there are less than a hundred incidents, usually not very serious. Recently, however, more and more signals come from the institutions showing that the amount of aggressive detainees has increased considerably

(Ministry of Justice, 1982; Rook, 1982).

Victimization is not only an inmate falling victim to acts of violence, there are also other types of victimization which, for that matter, are often accompanied by threats of violence. Bowker (1980) distinguishes between victimization by physical violence and psychological, economical and social victimization. A special type of victimization, nowadays given a lot of attention in the Netherlands, is victimization connected with the trade and use of hard drugs in penal institutions. It appears from a recent inventarisation of problems in institutions for long-termers that about 30% of the population of those institutions occasionally uses hard drugs like heroin or cocaine and that some inmates started this habit in the institution (Rook, 1982). It has also been established that in closed institutions there is talk of 'import of, traffic in and use of drugs, of which terror situations, 'pushing' and improper financial transactions.... are elements' (Nyborg, 1982).

For further development of policy it is of vital importance to examine to what extent the existence of such symptoms are dependent on the circumstances in which the detention is executed. Policy oriented research should contribute to the increase of knowledge in this field.

In Dutch penal research, however, up till now little attention has been paid to this problem. Future research, therefore, should be focused on this subject.

In other countries, however, research concerning the circumstances which cause a certain oppositional or violent subculture in institutions, has been carried out. The results of the various studies are by no means consistent.

It can be concluded that there are at least two complexes of factors which explain the development of a certain subculture or the existence of misconduct or acts of violence among inmates. In some studies a connection has been found between characteristics of the populations of the institution and the subculture in the institution. Relevant characteristics of inmates are among other things the (sub)cultural background of the inmates and their age, race, criminal experience, education, time spent in 'total institutions', social status before detention and sex (Irwin and Cressey, 1962; Cline, 1968; Ellis, 1974; Meyers and Levy, 1978; Bowker, 1978; Bonta and Nanckivell, 1980).

In other studies a connection has been found between detention-dependant variables and the development of an oppositional or violent subculture. Some of these variables -like the time of actual sentence already served (Ellis a.o., 1974)- have to do with detention as such and not with circumstances in which the detention is executed. Most of these variables however, refer to the regime under which and the institution in which detention is served. There appears to be a connection between, on the one hand, the subculture and aggression in institutions and, on the other hand, variables such as the attitude of institution's staff with respect to the detainees, the relations between staff and inmates, the ratio staff/inmates, the density of population in the institution, the material provisions in the institution and the possibility of keeping in contact with the outside world (Street, 1965; Akers a.o., 1974; Ellis a.o., 1974; Megargee, 1976; Nacci a.o., 1977; Farrington a.o., 1980; Feld, 1981). The earlier introduced distinction between treatment oriented and custodially oriented regimes is connected with a number of these variables. The research results can in the light of this distinction be summed up as follows: in treatment oriented institutions the subculture is of a less oppositional and violent character than the one in custodially oriented institutions (Feld, 1981).

In recent years the relation between the circumstances in which the detention is executed and violence in the institutions has drawn special attention. On the basis of research done up till now it is plausible that there is no direct connection between the size of the institutions and violent behaviour.

There does seem to be a connection, however, between factors like (over)crowding, population density and the ratio staff/inmates and prison violence (Farrington a.o., 1980).

Recently several efforts have been made to integrate the various explanation models (Thomas, 1977; Zingraff, 1980). In doing so it became apparent that the variables referring to circumstances of detention have the most explanatory value, but that nevertheless the population-tied variables, too, are significantly related to the subculture in the institutions. There is sufficient indication that other, personal factors, too, can influence the originating of the subcultures in the institution, both independently and in connection with the institutional and regime-bound variables (Thomas, 1977).

From the policy aspect especially the regime- and institution-dependant detention variables are of importance, because those are the factors which can be influenced by the prison authorities. Research into the relation between detention circumstances and the originating of an oppositional subculture is also particularly important at this very moment, because due to the economic recession and the increasing supply of convicts (Van Hijlkema, 1981) pressure is put on prison administration to take in more detainees with less means. Research into the factors influencing the originating of subcultures, can make clear which consequences the various steps considered in that context, will have for the atmosphere in the penitentiaries.

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