

Youth Justice Reform Select Committee inquiry into youth justice reform in Queensland

Submission No: 26
Submitted by: Glen Milliner
Publication: Making the submission and your name public
Attachments: See attachment
Submitter Comments:

From: [REDACTED]
To: [Youth Justice Reform Select Committee](#)
Subject: Fwd: Submission to Youth Justice Committee
Date: Wednesday, November 22, 2023 12:27:38 PM
Attachments: [Report on Visit to Germany Holland and England.pdf](#)

----- Original Message -----

From:

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Sent:

Wed, 22 Nov 2023 09:48:24 +0800

Subject:

Submission to Youth Justice Committee

Dr Amanda Beem,
Committee Secretary,
Youth Justice Reform Select Committee

Dear Dr Beem

As Minister for Justice and Corrective Services from 1989 to 1992 I had the ministerial responsibility to implement the recommendations of the Kennedy Commission of Inquiry into the then failed Queensland Prison system. In implementing those recommendations I undertook a study tour of Germany, Holland and England to look at initiative ways to introduce reform into the Queensland Correction system with the objective of providing offenders with the necessary skills to correct their offending behavior.

I have attached my report to the Parliament for your information. If you would like to contact me my mobile number is [REDACTED]

Yours sincerely

Glen Milliner
Former Minister for Justice and Corrective Services

23/10/90



REPORT ON OFFICIAL VISIT TO

GERMANY,

HOLLAND

AND

ENGLAND

BY THE HONOURABLE G.R. MILLINER, M.L.A.

MINISTER FOR JUSTICE AND CORRECTIVE SERVICES

OCTOBER 1990

PURPOSE OF VISIT

To study correctional philosophies in Germany, Holland and the United Kingdom to:

- . assess their relevance for Queensland;

- . test the Queensland Corrective Services Commission's philosophies against the European model;

- and

- . make recommendations for change/improvement to the Queensland system of corrections and to other relevant sections of the criminal justice system based on successful European initiatives.

INTRODUCTION

It has been said that it is possible to assess the quality of a civilisation by the manner in which the aged, the sick and the incarcerated are treated.

The Fitzgerald and Kennedy Inquiries raised serious issues of concern in relation to elements of the criminal justice system in this State; issues which struck at the heart of the democratic process and shook the confidence of citizens in the law, an institution which is fundamental to our system of civilisation.

Corrective services is but one part of the criminal justice system. Prior to the formation of the Queensland Corrective Services Commission, the state's prison system had been content to be the passive recipient of human debris plucked from mainstream society and channelled to it by the Police and the Courts.

The Queensland Corrective Services Commission, in its relatively short life of some 22 months, has raised for public discussion issues fundamental to the question of State inflicted punishment and has begun to create an awareness in the community that prisons are expensive, inefficient institutions which are largely ineffective for purposes of rehabilitation.

The Commission has championed the cause of prison being used only as a last resort mainly for violent offenders, and advocated for emphasis to be placed on community supervision sanctions which include compensation for victims and for society.

Community attention has also been drawn to the over representation of Aboriginal and Torres Strait Islanders in our State's prisons and initiatives have been commenced to address this shameful problem.

Already the Queensland Corrective Services Commission has saved the Queensland tax payer many millions of dollars by reversing the trend of an increasing prison population and has taken two prisons off the States capital works program.

The majority of people in Queensland prisons today are there for non-violent crimes. They are not a physical risk to citizens of this State and it is simply a waste of tax payers funds to be keeping them in prison and to be putting more of their type behind bars.

The Queensland Corrective Services Commission's philosophy is to develop rigorous community based supervision sanctions which will relieve the tax payer of the financial burden of "prison storage" and to get the offender working in the community to pay something back to victims/society while addressing the problems which caused the offending behaviour.

It was against this background that I decided to visit Germany, where for the past 15 years they have been reducing their prison population, Holland, where for many years they have had one of the worlds lowest imprisonment rates and the United Kingdom where they are attempting to address prison problems of mammoth proportions.

The Queensland Corrective Services Commission is at the cutting edge of correctional reform in this country. However, jurisdictions in Europe have been going down this path for a number of years and we have much to gain by learning from their experiences.


It is of interest to note that one of my many predecessors in this portfolio, the Honourable Geoff Muntz, travelled extensively through Europe in 1985 to study prison reform. I can find no record of any recommendations or impact arising out of his study tour in spite of the fact that he must have observed policies and practices which were well ahead of the Queensland scene at that time.

This report provides an overview of the information I obtained and will form the basis for recommendations for change which will impact not only on the Queensland Corrective Services Commission, but also on other areas of the criminal justice system, some not within my area of responsibility.

I am currently in the process of preparing recommendations for discussion with my Cabinet colleagues and their departmental officers with the aim of developing an integrated plan of action across the criminal justice system.

I would appreciate any feedback or constructive suggestions which Honourable Members or people from the community may wish to make in relation to any of the matters raised in this report which could be of assistance in implementing reform in Queensland.

I wish to express my appreciation for the opportunity to undertake this study tour and I trust the recommendations which will flow from this report will enhance the State's criminal justice system.



GLEN MILLINER
Minister for Justice
and Corrective Services

GERMANY

I visited the State of Lower Saxony and the City/State of Bremen, where I had been advised I would find developments of interest to Queensland and meet people who are in the forefront of corrective services reform. This information proved to be accurate.

I now present details in chronological order of the people I met, the Centres visited and information obtained.

Thursday, 12 July 1990 - Lower Saxony - Hannover

Met with Mr Hartmann, Head of the Correctional Services Division, Lower Saxony Justice Department. The following is a summary of the main points made by Mr Hartmann, together with my comments:-

- * Greater use by courts of community supervision options has reduced the need for open institutions and has resulted in a "harder" prison population, being mostly violent offenders.

Comment - With Courts in Queensland making greater use of community supervision options, this issue is one which will need to be addressed here.

- * There is no regular or compulsory screening of inmates for drugs.

Comment - The Queensland Corrective Services Commission (QCSC) has a regular, compulsory random drug testing program for inmates of all Correctional Centres. This is seen as essential for security and rehabilitation reasons.

- * The Correctional Services Division is responsible for all offenders, whether minors or adults, i.e. all offenders 14 years and older. Children under 14 years are not dealt with by the criminal justice system. If an offender is convicted as an adult for an offence committed when under the age of 18, the sanction imposed is that which would have been inflicted if convicted as a juvenile.

Comment - This is in contrast to Queensland where responsibility for juvenile offenders rests with the Department of Family Services and Aboriginal and Islander Affairs. The issue of sanctions imposed on adults for offences committed as juveniles should be examined in the Queensland context.

- * Out of a population of 7 million, Lower Saxony only has 53 juvenile offenders (i.e. aged between 14 and 18 years) in institutions, with another 40 held in short term youth detention centres.

Comment - Queensland compares unfavourably with Lower-Saxony in this regard. I am advised that Queensland has 112 juveniles currently in detention under the control of the Department of Family Services and Aboriginal and Islander Affairs, as well as 38 serving sentences in adult institutions run by QCSC.

- * Probation and Parole Officers are officers of the Court and are not under the control of the Correctional Services Division.

Comment - In Queensland, in accordance with the Kennedy recommendations, Probation and Parole Officers are a part of the QCSC and work in close co-operation with custodial correctional authorities as well as with the various Courts. I consider the Queensland system to be superior.

- * Leave of Absence is used extensively for prisoners to allow them to maintain family relationships and for work. This is covered by legislation which prescribes for "ordinary leave of absence" for up to 21 days, with the capacity to give other leave in excess of this. A detailed study of the scheme in 1984 showed that only 1.6% of prisoners granted leave during that year failed to return at the allotted time.

Comment - Subsequently I obtained a research paper by Professor Dirk Van Zyl Smit, Director, Institute of Criminology, University of Cape Town, in which he reviews the German Leave of Absence Scheme.

It is clear from this paper that, as in Queensland, there are differences of opinion in the German community concerning Leave of Absence for prisoners with objections of various kinds being raised in particular by police and political parties. However, the paper indicates that criminologists still support the concept of leave of absence. This was reinforced by my discussions with criminologists and prison administrators who advised that leave of absence:

- .. can be shown not to be a threat to public safety;
- .. reduces homosexual assaults in prisons and takes away much of the sexual tension from inmates participating in the scheme;
- .. serves as a major disciplinary tool (bad behaviour results in cancellation of leave) and therefore makes for calmer and smoother running of institutions;

- .. *has an educational effect upon the public in that it proves that most prisoners are not as dangerous as they have been led to believe;*
- .. *maintains family relationships and obviates the necessity to bring children to the prisons to visit "Dad" or "Mum", thus not socialising them to accept prisons as a normal part of life.*

I intend to ask the QCSC to look at an expansion of the guidelines for leave of absence to move more towards the German system.

- * Lower Saxony has 35 known HIV positive prison inmates. However, as there is no compulsory testing Mr Hartmann feels that the actual figure would be much higher. Because of the lack of testing, he was not in a position to say whether or not any of the inmates had contracted the disease in prison. However, he was of the view that the great majority would have come to prison with the infection, mostly gained via intravenous drug use. There is no segregation of HIV positive inmates in prisons, with the only restriction being that they cannot work in kitchens or as barbers. If their illness progresses to a serious stage, they are released from prison under "special circumstances". They do not issue condoms or needles to prisoners, although they are currently considering this.

Comment - By comparison with Lower Saxony, I believe Queensland's approach to the HIV problem has much to commend it. Queensland has compulsory testing of all inmates on admission, three months after admission, annually thereafter and on discharge. To date, no case has been identified where a prisoner has become infected while in prison. Queensland has at present only three cases of HIV infection which is well below the rate of Lower Saxony, allowing for population differences. The Lower Saxony rate obviously reflects the major drug crisis facing Europe.

- * Some German prisons have up to 80% foreign inmates. There is a growing problem with East Germans now that the wall has disappeared. There is a prediction that prisoner numbers could well rise over the next few years as the East and West German cultures merge. There is concern that the East German authorities have now released large numbers of criminals from their prisons and many of these have moved to West Germany, including terrorists who had sought refuge in the East.

Comment - There is no like situation in Queensland. However, I am sure that all Queenslanders join with me in wishing the German people the very best in overcoming any difficulties associated with the reunification of their country.

- * Initial training for correctional officers extends over a two year period with six months in an academic setting. Heavy emphasis is placed on psychology and interpersonal skills. From figures given, there is a higher ratio of program/professional staff in German prisons than in Queensland.

Comment - Initial training for correctional officers in Queensland covers a period of eight weeks. The effectiveness of this training is currently being evaluated. There is a need in Queensland to increase the number of programs/ professional staff in correctional centres.

- * General Managers or heads of institutions/prisons are either legally qualified or are trained psychologists. Legal officers from the Prosecutions Service transfer in as prison managers and then after a period can transfer back to the Prosecutions Service.

Comment - In Queensland General Managers of correctional centres are selected on merit from applications for advertised vacancies. Heavy emphasis in selection is placed on "general management skills".

Friday, 13 July 1990 - Lower Saxony - Hannover

Met with Dr Steinhilper, Lower Saxony Justice Department. Discussions with Dr Steinhilper centred around the question of juvenile offenders and she made the following points:-

- * In relation to age classifications for offending behaviour, the following are specified in legislation -
 - Under 14 years - Children
 - 14 years and under 18 years - Juvenile
 - 18 years and under 21 years - Adolescent
 - 21 years and over - Adult

Comment - This is different to Queensland where there are basically three categories - children, juveniles and adults.

I believe there are advantages in the German age classification system as it allows for better focus for treatment options for young offenders, particularly those in the 18 to 21 year age group who are able to be dealt with as a "target offender" group separately from adult offenders.

- * Correctional Services deal with all "correctional sanctions" for offenders aged 14 years and above. Welfare Services deal with the social, welfare and psychological needs of the families and where necessary provides support services to Correctional Services for the offender. All cases of alleged child neglect are handled through welfare authorities.

Comment - In Queensland the roles of administration of "correctional sanctions" are split between the QCSC and the Department of Family Services and Aboriginal and Islander Affairs, depending on the age of the offender. At present, offenders under 17 years are dealt with by the Department of Family Services and Aboriginal and Islander Affairs and all offenders 17 years and over are classified as adults (soon to be raised to 18 years and older) and are controlled by the QCSC.

The issue of which Government agency in Queensland should be responsible for administering "correctional sanctions" for juveniles has been raised in two major inquiries. The Bredhauer inquiry into the Queensland prison system in 1974 recommended that this responsibility should be transferred to the one corrective services agency and saw it operating as a discreet area of the then adult prison service. The Kennedy inquiry also raised the issue and suggested that the Government of the day again look at the possibility of amalgamation of juvenile and adult corrections into one agency.

- * Sanctions for offenders classified as juveniles or adolescents are based on a 4-tier approach as follows:-

1st offence - Admonished)	Can be administered
)	by police or by prosecutors
2nd offence - Become subject to)	without reference to a
an order with)	Judge although Judges
special conditions)	also have powers in this
)	area.
3rd offence - Detention for short)	
terms up to 4 weeks)	
or weekend detention))	Can be administered
)	by Judges only.
4th offence - Detention up to two)	
years)	

Every endeavour is made not to institutionalise young offenders. Social Workers prepare pre-sentence reports.

They have a scheme of youth training courses for juveniles and adolescents which covers weekend and short term detention. The weekend detention/ courses include adventure training. These schemes are focussed towards constructive use of leisure time and developing life skills appropriate to the needs of young people at risk.

The youth training courses can be three, six or twelve months. Most live at home and attend two nights per week plus a certain number of weekends. An element of community service is included in the courses. The courses are located to cater for specific geographic areas and in all 21 such "projects", as they are known, exist in Lower Saxony. They did not have figures available as yet on success or failure rates.

In relation to minor crimes (mostly property offences) emphasis is placed on restitution and, with the consent of the victim, the offender and victim are brought together in the presence of a mediator, at the direction of a prosecutor, to work out a satisfactory compensation arrangement. If successfully undertaken, the case is dropped and no conviction is recorded.

One of the major advantages of this approach is seen to be the "personalising" of the criminal justice system in that the offender is confronted "eyeball to eyeball", in a controlled situation, by the anger of the victim. This has a significant impact on young offenders and can serve as a major deterrent when coupled with compensation and suitable community service. Visible community service is seen to have a more positive effect, through shaming in the eyes of peers, than imprisonment where the offender gains an image of toughness in his or her peer group.

Comment - I believe that the foregoing system of sanctions, diversion from custody and mediation for young offenders has much to commend it for Queensland.

- * Community service is calculated on the basis of six hours work being equal to one day in prison. Community groups are established to control and monitor each local "youth project or training course" and are partly funded out of revenue from fines directed to the groups by the Courts. Where appropriate the families of the youth undergoing the courses are also counselled by social workers from the Welfare Department.

Eight social workers are employed at the Police Precinct at Hannover, to be on-call on evenings and weekends to assist Police with calls to domestic violence, issues with victims and children and to overcome co-ordination and co-operation problems between Police and Welfare agencies.

Comment - I believe Queensland can learn much from the German experience in dealing with juveniles and adolescents. I am strongly of the view that we must take a more proactive and directive community-based approach in dealing with the unfortunate growing number of youth who are drifting aimlessly into the criminal sub-culture.

I believe there is merit in the German system of "youth training courses" under the control of local community groups for those who are not coping with traditional education or who have dropped out of the education system. These courses focus on -

- . self-esteem and adventure training;*
- . living skills;*
- . basic leadership;*
- . interpersonal and coping skills;*
- . money management;*
- . sex and drug education;*
- . community service; and*
- . the work ethic.*

As far as Queensland is concerned, appropriate courses covering the above are either available or could be developed through SKILLSHARE and T.A.F.E. Colleges.

For too long this problem of the "wayward youth" has been allowed to drift and fall between the stools of various Government and community agencies. The comment was made to me in Germany that if the community does not address the problem, socially abnormal behaviour will become accepted as normal with resultant deterioration of the quality of life for the whole community.

What is needed is leadership aimed at swift and decisive action with a co-ordinated approach by the community and all support agencies.

Meeting with Mr Jesse

This meeting dealt with vocational training for adult prisoners. Prisoners must apply for vocational training and are then assessed. Trade courses are offered only if the course can be completed during the prisoner's sentence. Most trade courses can be completed in 1 1/2 to 2 years. The approximate percentage of prisoners by length of sentence in Lower Saxony is as follows:-

<u>Sentence</u>	<u>Percentage</u>
Up to one year	30
One to two year	20
Two to five years	25
Five to ten years	12
Over ten years	10

Trade training courses are restricted to prisoners serving sentences in excess of two years.

While some of the prisons serve particular geographic regions, others offer specialised vocational training opportunities. This means that a prisoner may have to travel away from his local/family environment if he wishes to pursue trade/vocational training. No special assistance is given should he volunteer for this. The Hannover Training Prison is funded jointly by Correctional Services and the Manpower Department which appears to have some similar responsibilities to the Queensland Department of Employment, Vocational Education, Training and Industrial Relations.

The training programs are run by teachers (equivalent to Queensland TAFE teachers) and prisoners go to outside work placements near the end of their courses. Women prisoners are fitted into the same courses as male prisoners and work together.

The trade certificates issued cannot be identified as having been obtained in a prison. There is a 50% dropout rate from training programs. They say this is to be expected for this type of client. It was stressed to me that trade training must be complemented by interpersonal/social skills training which is also provided by specialist agencies.

As an example of staff to prisoner ratios, the Hannover Training Prison, which caters for between 150 to 180 maximum security prisoners, has the following establishment:-

- 65 security staff
- 1 security manager
- 14 trade instructors
- 5 teachers (full-time)
- 30 teachers (part-time - running specialist courses)
- 1 lawyer
- 1 psychologist
- 5 social workers

i.e. **92 full-time staff plus administrative support staff.**

As a comparison example, the staff establishment at the Woodford Correctional Centre which houses 240 inmates is:-

- 131 Security Staff
- 5 Managers
- 1 Temporary Alcohol and Drug Counsellor
- 1 Psychologist
- 2 Correctional Counsellors
- 2 Education Officers
- 1 Activities Officer
- 6 Trade Instructors
- 1 Supervisor Food Services
- 7 Farm Officers
- 3 Nursing Staff

i.e. 160 full-time staff plus administrative support staff.

Comment - The above comparison highlights the over emphasis which has been placed in Queensland upon security to the detriment of appropriate and necessary rehabilitative programs. It was made very clear to me in Germany that they are able to maintain security within their institutions through ensuring that inmates are heavily involved in work, training and education. There is no doubt that the old adage "idle hands create mischief" applies where prison inmates are concerned. The Queensland Corrective Services Commission is working to change the inherited inappropriate staffing and operational practices in our State's correctional centres.

Saturday, 14 July 1990 - Lower Saxony - Hannover

I met with Professor Christian Pfeiffer, a Barrister and Criminologist from the Institute of Criminology, who is also Chairman of the Juvenile Court Judges Association.

This meeting proved to be one of the most valuable of the entire trip from the point of view of understanding the conceptual framework underpinning the success Germany has achieved in reducing its prison population without suffering an increase in crime in the community.

Professor Pfeiffer's thesis is that it is necessary to understand that, while the criminal justice system has a responsibility to inflict punishment and to provide protection for society, its real and fundamental role should be to **KEEP PEACE IN SOCIETY**. He argues that if we approach the administration of justice from this perspective with the support and involvement of the community, then the focus tends to shift from punishment to compensation and correction.

By way of illustration he cites the story of two Bavarian farmers who had been friends since their school days and who had grown up together in a small village where they had spent all their lives. One evening they both attended a dance in their village where, after a few schnapps, one farmer made some very public and very insulting comments about the other farmer's wife which caused the wife's husband (his old friend for many years) to draw his ceremonial dagger from his leather breeches and stab the person who uttered the insults. The farmer who was stabbed did not die, but was hospitalised for some six weeks with his injuries. The village population was devastated. The farmers had been friends for many years and the action was completely out of character and occurred in the heat of the moment after alcohol had been partaken of. Also present at the function was the local magistrate, police chief and village mayor. Everybody agreed that, should the perpetrator of the assault be charged with attempted homicide, then the peace of the village would be shattered, through families who had once been close friends becoming bitter enemies, with hatred living on for many many years. Accordingly, a plan of action was determined as follows. A delegation from the village went to the injured party's sickbed and informed him that, in their opinion, his remarks had been grossly insulting and terribly hurtful to his old friend and that he should agree to apologise for his actions and apologise publicly. They informed him that, should he agree to do this, his old friend's son would work on his farm for 12 months for no pay and also that he could select one cow from the other farmer's herd. This solution was agreed to by all parties, no criminal charges were pursued, and peace was maintained within the local community. As Professor Pfeiffer pointed out, the story did not have an entirely happy ending in that the assailant's son did not marry the injured party's daughter.

While the above story may or may not be based on fact, it certainly illustrates what can be achieved if common sense can prevail and a more personal approach is taken to the administration of justice, even in the case of a serious crime.

Professor Pfeiffer asserts that reform of the system must commence by convincing the hardline conservatives in society (in Queensland the people with these views can be found across the whole political spectrum and amongst employees at all levels within the criminal justice system).

If these people can be convinced that reform will ensure:-

- . protection for the public;
- . compensation to victims and/or to the community; and
- . major economic savings;

then they will support reform and success will be assured. This in fact is what has happened in Germany.

I have summarised below the main points made by Professor Pfeiffer during his discussions with me:-

- * The role of the criminal justice system is to **keep peace in society** (not to punish).
- * The system should move towards conflict resolution and victim compensation and move away from a focus on punishment.
- * In Germany, the trend for "property crimes" is to bring offender and victim together to negotiate compensation which can take the form of restitution or community service. If successfully carried out then criminal charges are not proceeded with.
- * An organisation exists under chairmanship of Professor Pfeiffer (Lawyer/ Criminologist) which brings together all of the organisations interested in dealing with juvenile crime, e.g. Judges, Police, Corrections, Social Workers, Academics etc. This is used to develop a team approach to solving problems affecting juveniles.
- * Across the whole of Germany "Community Projects" have been established involving Community and Government Agencies and individuals to develop and administer interesting and creative community supervision options for offenders.
- * Traditional parole/probation supervision by weekly/monthly interview is seen as a waste of time and money. Instead, emphasis is placed on involving offenders in community projects which they find interesting and challenging, e.g. assisting the elderly, the blind, bicycle repairs, building structures, seats etc. in city parks.
- * Private sector sponsorship is obtained for these community projects.
- * Studies have shown that -
 - . 7% of juvenile offenders cause 50% of juvenile crime. Therefore, much is to be gained from identifying and focusing on this group;
 - . 90% of juveniles who have been institutionalised go on to adult prisons. Every effort must be made to keep juveniles out of institutions;
 - . Recidivism is caused more by rejection from family, friends, society than by anything that happens in prison;
 - . A prison sentence has little effect on the 79% of adults and the 47% of juveniles who have already spent time in a correctional institution, while community based correctional schemes appear to have more success;

- . 85% of armed robbers have a previous record. The incidence of armed robbery is decreasing, therefore the level of recidivism appears also to be dropping in Germany.
- * Reform of the criminal justice system must start by convincing influential people who hold hardline conservative views.
- * In developing "Community Projects" for offenders, care should be taken not to have punitive sanctions for non-performance except for compelling the offender to attend the first interview for allocation to a project. This shifts the onus of responsibility to the Corrective Services system to design interesting and challenging "projects" which will capture the interest of the offender.
- * Traditional counselling approach concentrates on problems of offenders and tends to reinforce in the offenders' minds that they are "problem people". The focus should be on identifying strengths in the offender and placing them in "projects" where they can use their strengths and grow in self-esteem.
- * Absolutely essential to have a strong statistical data base on all aspects of the criminal justice system, in particular, crime rates and trends in these rates under all categories, costs of policing, costs of imprisonment, costs of community supervision and individual statistics for each Magistrate and Judge on their use of all the sentencing options available to them. Copies of all case decisions go directly from the court to the Institute of Criminology. This data is used to prepare statistical analyses. Close co-operation exists between officials in the criminal justice system and academics.
- * Courts must be encouraged in all cases to use the lowest possible punitive option.
- * Society must work towards "disarming the criminal justice system" by getting rid of punitive attitudes and replacing them with "constructive compensation" and, as much as is possible, not recording convictions.
- * Studies in Germany have shown that citizens want compensation to victims first and payment of fines second.
- * Must regularly publish research data on all aspects of the criminal justice system to educate the public on what is really happening. For example, most people in Germany thought that violent crime was increasing on the basis of media reports. Statistics actually proved that the reverse is occurring.
- * Reform must be based on -
 - .. sound research;
 - .. good statistical information; and
 - .. innovative community service projects.

- * Regular seminars/forums are held on sentencing philosophies, criminology etc. to which judges, magistrates, prosecutors, police, corrective services officials and others interested in the criminal justice system are invited;
- * Over the last six years Germany has achieved a reduction of 30% for adult offenders and 20% for young offenders going to prison;
- * Germany currently has its lowest rate of rape since the Second World War. Homicide has dropped and Bank Robbery has dropped. There is a view that, in part, this can be attributed to changes in sentencing and correctional policies, e.g. 60% of Rapists have prior convictions for crimes not related to sexual offences. There is evidence to suggest that institutionalising them for these prior crimes led to them becoming rapists.

The overriding principle in Germany in relation to social cohesiveness is that the hierarchy of responsibility is:-

- . firstly the family;
- . then the local community;
- . then the wider community; and
- . finally the Government as the last option.

Professor Pfeiffer also indicated that German crime figures are now starting to be distorted by an increase in crimes of theft relating to the increasing drug problem in Europe. The issue of drugs is of major concern, not only in Germany, but in Holland and other European countries.

(Note: I witnessed drug deals taking place in broad daylight in the shopping mall in Hannover. The situation seems almost out of control in that, in this particular area, approximately 100 young drug dealers were openly dealing with clients in close proximity to a police station. While I was observing these activities, an official from the Ministry for Justice explained to me that because of the extent of drug usage, police tend to only act if any outrageous behaviour occurs or if they can identify a particularly big dealer. Citizens generally in Europe are very concerned about the increasing drug problem, but at this stage seem to lack a concerted plan of action to deal effectively with it.)

Comment - Professor Pfeiffer made a number of points which I believe are particularly relevant to Queensland's criminal justice system and I will be incorporating a number of his thoughts in recommendations I am currently preparing.

Regarding the drug problem, I believe the European situation reinforces the need for greater reliance on educational campaigns here in Australia. To those who would argue that the use of drugs can be controlled by legislation, police and punitive sanctions, I would say that such an approach utilised alone will fail. While sanctions must exist, these must be coupled with a comprehensive and effective education campaign which changes people's attitudes and more importantly entrenches positive living styles in the minds of the young. No one can argue that the most appropriate form of discipline is self-discipline, and this can only come through proper education and training.

Monday, 16 July and Tuesday, 17 July 1990 - Visits to Hameln Institution for Young Offenders, Burgdorf Minimum Security Institution and Hannover Vocational Training Centre

On visiting the above centres, I was impressed by the standard of training being provided, the interest shown by prisoners in their work and by the general air of good order and discipline.

In these institutions it was apparent that if emphasis is placed upon training and personal development of inmates, then the number of specialist security officers can be reduced. German prisons generally have less security staff and more programs staff than Queensland's correctional centres.

Comment - This is an issue which the QCSC must address in consultation with the State Service Union and the Professional Officers' Association.

The institutions have obtained a number of lucrative work contracts with electronics companies for the assembling of component parts for television sets which prisoners perform on a piece-work rate. The more the prisoner does, the more he is paid. I found it very difficult to get prisoners to stop work to talk to me during my visit to these workshops as they did not wish to reduce production and thereby affect their earnings. This type of industry requires very little capital cost set-up and the initial training is provided by the electronics company.

Comment - Obviously this is an avenue which should be explored by the QCSC.

In these institutions 20% of the inmates were foreign nationals, with Turks representing the biggest foreign ethnic group. Most of the foreign nationals are serving sentences relating to drug trafficking.

Staff of the corrective services authority are able to purchase goods manufactured in institutions' workshops under approved arrangements.

Comment - This is also something which the QCSC should investigate as staff do provide a ready available market to assist with the correctional economy.

I saw examples where in certain cases particular inmates who were nearing the end of their sentence were allowed to actually live at home, but report to the prison each day for work.

Comment - I believe this to be an interesting innovation which has particular relevance for inmates who have no job to go to, who are at risk of reoffending and require easing back into society. What can happen is that they are allowed to live at home under curfew conditions and their reporting to prison for work is phased back from a full day to a half day over a period of time up to their full release. This is obviously a cost-effective way of controlling the offender's behaviour.

This is an innovation which I will be asking the QCSC to consider.

In the trade shops the staff ratio was basically two trade instructors to each group of 18 inmates. In the Hannover Vocational Training Centre, inmates are accommodated in living units of 60 which are managed by:-

- . one professional manager,
- . one social worker, and
- . ten security officers who are spread over three shifts.

The social worker for the living unit also assists in the trade shops in dealing with interpersonal and social issues. The Hannover Vocational Training Centre has a total of seven social workers employed for the 200 inmates, four of whom are paid for by the Department of Labour. The centre is actually recognised as a college by the Department of Labour of equivalent status to our T.A.F.E. colleges.

Concerning industrial relations, in the larger institutions, the officers elect a Workers' Council which is in fact an advisory committee to management. The council does not have the responsibility to negotiate on wages, only on local social issues and general issues of employment. The chairperson of the Workers' Council works full-time on "union matters".

While visiting the Hannover Vocational Training Centre I took the opportunity to hold discussions with staff from the treatment centre for sexual offenders, which is located at this institution. This centre deals with perpetrators of rape, incest and other miscellaneous sex offences.

They have structured courses extending over six and twelve months with a thematic structure.

The courses emphasise four areas:-

- . socialisation,
- . personal relationships,
- . offences/offending behaviour,
- . personality.

There is also an overriding theme of coping with conflict and conflict resolution.

At the end of the course the professionals look at assessments from all of the above areas to try to bring together solutions to break the particular offender's offending cycle. Heavy emphasis is placed on group counselling/interaction and groups of offenders, together with professional facilitators meet twice per week for the six or twelve month course which can involve up to 80 sessions.

This particular program is in its early stages and there is no documented evidence at this stage of the success or otherwise of their work.

I found the concept of "protection prisoners" to be virtually unknown in German prisons. This is because very few prisoners are ever idle. They are either in their cells or busily engaged in workshops, education or other activities. Inmates have very little free time and there is a high degree of staff/inmate interaction.

The other issue is leave of absence which, as I have said earlier, is widely used and accepted by the German community. Staff in the institutions were generally very supportive of the leave of absence scheme not only as an important management tool for purposes of discipline, but also for maintenance of the inmate's family situation.

Another innovation which I feel may have merit for our system is that prisoners on parole who may have formed a trusting relationship with staff at the correctional centre are encouraged to come back to the centres to seek counselling and support from those staff during their parole period if they find themselves in situations of personal pressure or at risk of reoffending.

Comment - I believe that this is a very useful concept, as in some cases prisoners have formed a relationship with correctional centre staff extending over some years and it seems a waste that this relationship cannot be utilised during the parole period.

All of the centres I visited had a core personal development course called the Social Life Skills Course. The course covered the following six topics:-

- . drugs/alcohol
- . work
- . leisure
- . family
- . debts and
- . civil obligations.

The course centres around problem analysis, collecting information and seeking solutions in a role play situation. All staff I spoke to see this course as fundamentally important for assisting inmates to deal with everyday life situations for which most of them unfortunately have not received early developmental skills in their normal family life.

Comment - I believe this is something that the QCSC should investigate.

Wednesday, 18 July and Thursday, 19 July - Visit to the City/State of Bremen and met with Mr Maver-Schwinkendorf, State Secretary, Mr Kreig, General Director of Correction Services and Professor Dr Feest

The visit to Bremen and discussions with the above officials were most productive. The following represents a summary of the information obtained during this visit:-

- * Up to the early 1970s, the prison system in this State was a closed system. During the 1970s, new corrections legislation was developed and promulgated. The new legislation included extended visiting rights for prisoners, home leave, official visitors and specified rights for prisoners.
- * As a result of the legislation the system became more open, with the emphasis on treatment/social training. Priority was given to the establishment of open prisons, the theory being that a more normal environment was needed to prepare prisoners for release to the open community. Emphasis was also placed on attempts to humanise the closed prisons, where these are necessary.
- * The new legislation is claimed to be a product of the social revolution of the late 1960s. I was advised a number of German States do not interpret the act as liberally as is done in Bremen or as was intended by the legislators. One part of the act which it has not been possible to meet is the section where it was proposed that prisoners should be paid award wages.
- * Some prison administrators in Germany have become sceptical of some of the "treatment" proposals contained in the legislation. The argument against the "treatment" approach is that most prisons tend to be big and treat inmates on the basis of "groups" rather than as individuals. It is claimed that this causes a criminal sub-culture to develop and also that it is not possible to simulate the conditions of outside society in this environment. Therefore, it is argued that the concept of "treatment" in prisons is flawed. However, community attitudes to open institutions in the past has tended to be negative, particularly when the media gives emphasis to isolated sensational events.
- * In the 1980s, overcrowding in prisons gave increased political leverage to the need for reform. It was found that a significant proportion (in fact 10% of prisoners) were held in custody for fine default. This resulted in the introduction in 1982 of a community service scheme for fine defaulters.

- * Open institutions gained impetus during the late 1970s/early 1980s and progression of inmates through these institutions was encouraged as a means for prisoners to obtain parole.
- * Parole decisions are made by Judges with parole eligibility being at half time as it is here in Queensland. Units exist in the closed prisons to prepare inmates six months prior to their anticipated release date. These units take a very individual and personalised approach, with specific parole officers being allocated to particular prisons. The parole officer involves other professionals and correctional officers in a team approach to decision making in relation to recommendations dealing with parole, leave etc.
- * Contracts are entered into between the prisoner and the assessment team in relation to expected behaviour. It is regarded as essential that the prisoner knows what will happen next in the system. Prisoners must be able to foresee what is going to happen to them, subject to their behaviour.
- * Because of the practice of using prison only as an option of last resort for violent or difficult offenders, the clientele in the closed institutions, by definition, tends to be the "hard group". However, remarkable success has been achieved with these prisoners through a heavy use of community agencies in the delivery of programs to the centres. As a result of this community input, 60% of prisoners achieve early release under supervised programs, with lower recidivism rates than one would expect from this type of group (at the time of my visit it was not possible for them to give me specific figures on recidivism, but it was claimed that the general recidivism rate in Germany was between 50% to 60% which is similar to Australia. Their figures for this "hard group" were not immediately available, but the officials claimed they were less than this general figure.).
- * There was evidence that an increasing number of non-profit community groups were being drawn into the corrective services system, as is occurring now in Queensland, and the efforts of these groups are proving most effective, not only in opening the system up, but in achieving worthwhile results with offenders. The point of view was put to me that non-profit agencies had the advantage of being "non-authority" and closer to the real model of society. A point was made to me on a number of occasions that, in the past, observers of the criminal justice system have placed too much weight on the question of recidivism and not enough emphasis on "crime free periods" by offenders on release from institutions. By this it is meant that, given the nature of the offenders generally, there is always the strong possibility of recidivism. However, the longer the offenders can be kept under some form of community supervision and particularly if community agencies are involved, there is every likelihood that the offender will remain "crime free" during this supervision period.

- * Increasing use is being made of the concept of community hostels for offenders. In fact, in many cases Judges and Magistrates are sentencing people direct from court to community hostels, rather than to closed institutions. This is particularly so where hostels have been established with programs for target offender populations such as people suffering from alcohol or drug addiction.
- * There is strong awareness in the German community that prisons are not a deterrent and also are a very costly imposition on the taxpayer. A concerted effort has been made by the community and at all levels within the criminal justice system to use prisons only as an option of last resort, and indeed total cell capacity in Bremen has dropped from 1,200 cells immediately after the war, to now 950 cells, and they aim to go below 900 cells over the next few years;
- * In 1983 Bremen had 986 prisoners in custody and this figure has dropped to 650 during 1990 for a State with a population of 650,000 people. This represents an imprisonment rate of 65 per 100,000 of population, compared to Queensland's current figure of 118 per 100,000 of population.

Comment - The Bremen figures show that there is still a potential for considerable improvement in Queensland, even though the QCSC has been instrumental in reducing the rate from 140 per 100,000 of population to the current figure of 118 per 100,000 of population.

- * As in the rest of Germany, heavy emphasis in Bremen has been placed on dealing with the problem of juvenile offending. Every endeavour is made not to institutionalise juveniles. For example, during the mid 1960s, juvenile institutions were built with the capacity of 300 beds. In 1985 they achieved their highest number of juvenile incarcerations, being 176. That figure has now been reduced in 1990 to 60. While some of this reduction can be contributed to an aging population, the major influence has been the realisation amongst the judiciary and crown prosecutors that the use of imprisonment, particularly for juveniles, is counter-productive.

- * The Ministries of Justice and Welfare work in close co-operation, with the Justice Ministry being responsible for all of the punitive sanctions, whether they be for juveniles or adults, while the Welfare Ministry provides the necessary social support and assists in administration of the many non-custodial programs. There are some inter-departmental tensions as one would expect. However, an inter-departmental working party is currently producing a plan which should be available by the end of this year on better ways of co-ordinating relationships between the Justice and Welfare Ministries. Correctional administrators were critical of the tendency of the Welfare Department to deliver services via State employees rather than through strengthening of the service delivery capacity of the private non-profit sector. Correctional administrators were of the view that it is more effective and economical to increase subsidies to the voluntary private sector and encourage them to deliver many of the programs traditionally provided by State social workers.
- * The Government, in line with its philosophy of reducing the number of people in prison, has directed the correctional service to reduce its staff by 10% during the current financial year, thus forcing initiatives aimed at transferring inmates in custody to community corrections.
- * Correctional administrators and academics to whom I spoke in Bremen were united in the view that it was necessary to have all of the sanctions for offenders, whether they be juvenile or adult, under the one administration. There was common agreement on this matter throughout Europe and England.
- * For some time courts had been practising the concept of "short sharp shock" for juvenile offenders by sending them to institutions. This concept is strongly opposed by correctional administrators and academics as they believe it exposes young people to the corrupting influence of institutions. They have set about a deliberate policy of closing juvenile institutions so that the courts cannot use them for this purpose.
- * Prosecutors and Judges in Bremen tended to be in the younger age group, i.e. late 30s and early 40s and their thinking has been influenced by the social revolution of the 1960s and 1970s.
- * There is clear agreement at the political level in the three Ministries of Justice, Interior and Social Welfare that prison must be used as an option of last resort. There is a ministerial direction to prosecutors and courts that all other options must be fully explored before the use of prison is contemplated.

- * Heavy emphasis is placed on mediation between the offender and the victim, and if the parties are satisfied with the outcome, the matter does not proceed to court. This is in line with the concept that the role of the criminal justice system is to **KEEP PEACE IN SOCIETY**, rather than to punish. They are currently working towards establishing formal organisations to mediate in relation to juvenile offences.
- * The State prosecutors have sweeping powers not to proceed to trial if they are satisfied that appropriate remedial action has been taken and that the victim feels satisfied with the outcome.
- * It was stressed to me that, while alternatives to prison are most desirable, care has to be taken that some of these alternatives do not become too punitive for the offence. For example, it has been found that judges are tending to use some of the community programs because they are available, when in the past, given the nature of the offence, they may merely have issued a caution or a fine. This, of course, is net widening and is a problem of which correctional administrators in all countries have been aware of for many years. It can be dealt with by appropriate education for judges and magistrates.
- * Home detention is used reasonably widely and is operated by the correctional authorities under leave of absence provisions. Much of this home leave or home detention is linked to specific treatment programs for individuals with identified social and/or personal problems.
- * It was stressed to me that the focus of the criminal justice system in Europe has now changed from the major emphasis being solely on offenders to high priority now being given to a balanced approach to offenders and victims.

On the afternoon of Wednesday, 18 July, our hosts arranged for us to visit a voluntary organisation which provides a number of programs for offenders as follows:-

Accommodation for Released Prisoners

Under this program, the organisation provides supervised hostel accommodation, generally in small flats in appropriate areas. The accommodation is supervised by qualified social workers who encourage the offenders to participate in suitable programs, including drug rehabilitation, methadone programs, alcohol counselling, marital counselling, interpersonal skills etc. Where the offender graduates from a supervised hostel to their own accommodation, the social workers continue to visit the offenders in their own flats under an intensive supervision program. In this program the social worker supervises no more than twelve offenders and maintains close contact with them.

This program has merit in the Queensland context.

Remand Program

The names of all offenders who are remanded in custody are provided to this agency. A representative of the agency then visits the offender in the remand prison and attempts to develop an appropriate case to take to the judge and/or to the prosecutor to have the person released into their custody in supervised accommodation. They have a reasonably high success rate in getting the judges to agree to release people into their custody, particularly those who are too poor to meet bail conditions. It is up to the agency to convince the judge that adequate supervision will be provided and that they will be exposing the offender to appropriate programs. They have found that if the offender co-operates fully in the programs and goes to trial from the community, rather than from the remand prison, then there is a greater chance of the judge awarding a community-based sentence.

I was particularly impressed with this program.

Community Service Work

This non-profit organisation is responsible for finding community work for offenders, convincing offenders that community service work is a worthwhile option and then supervising the offenders on the particular projects. They actually go into the prisons to find offenders who would be suitable for release on community programs and then convince the relevant authorities to release them. They deal with between 300 to 500 offenders per year on this program.

Comment - I regard this concept as a very important initiative in that we have a community agency actively seeking to get people out of prison into worthwhile supervised activities.

Soup Kitchen

The organisation runs a soup kitchen, using offenders as the workers, to provide three meals per day for homeless people, and particularly for prostitutes. They pay 2 Deutsch Mark per meal if they can afford it, otherwise it is free. This particular soup kitchen feeds from between 100 to 120 people per day, seven days per week. There is a social worker in attendance to give counselling to those who want it. The offenders who prepare the meals are given employment for up to two years and gain formal qualifications in meal preparation. The particular kitchen which I visited employed 14 offenders.

This appeared to be a worthwhile initiative.

Housing Help

The agency works with other voluntary agencies to maintain a stock of housing for offenders.

Political Influence

The agency works with a range of other community groups to continue to bring pressure to bear on politicians concerning all aspects of the criminal justice system.

Administration of the Agency

The agency is run by a steering committee consisting of three community volunteers, a judge and an administrator from the Justice Department. The committee works on a consensus basis and employs 20 professional staff and up to 20 offenders. They are partly funded by revenue diverted to them from fines collected through the courts system. Originally, the agency started off as a voluntary group attempting to locate housing for offenders, but over the past 11 years, has expanded into the programs outlined above.

They say that of the offenders they deal with, only about 10% actually again come under adverse notice of the Bremen criminal justice system. However, this is not a true figure of their success, as a proportion would re-offend in other German States. Nevertheless, their success rate would seem to be very commendable.

Maximum Security Prison. Bremen

Whilst in Bremen I had the opportunity to visit a maximum security prison for 250 inmates. The staffing of this centre was as follows:-

8	social workers
2	psychologists
2	full-time teachers, plus a number of part-time teachers
1.5	medical doctors
10	security staff
130	uniformed supervisory staff involved in day to day prisoner management
30	non-uniformed tradesmen
183.5	Total

All of the prisoners are entitled to apply for one to 21 days home leave as prescribed by legislation. In addition, numerous other day and weekend leave periods can be granted for a wide variety of purposes. The criteria for leave is based on whether there is serious danger of the prisoner absconding or re-offending while on leave. The practice is that the majority of inmates receive leave except for difficult offenders, serious sex offenders, drug addicts whose behaviour has not been stabilised and foreign prisoners. Lifers must serve ten years before being eligible for home leave.

Approximately 40% of prisoners in Bremen are eligible for leave at any one time. Many prisoners get up to 50 days leave per year.

Professor Feest stressed that leave is one of the most important initiatives in German prisons, particularly from the point of view of reducing tension in prisons and educating the public that the great majority of prisoners are relatively normal human beings who will abide by the trust placed in them. Professor Feest also believes that the success of the leave of absence scheme has done much to influence the courts to give lighter sentences, particularly for non-violent crimes because the myth of the dangerous prisoner has been debunked.

I also had the opportunity to visit an open institution in the suburbs of Bremen which contained 120 inmates, including six females. Inmates graduate to this centre from closed institutions. However, in addition there was an initiative where offenders, particularly for non-violent offences, who plead guilty, get a relatively short sentence and have a job or are continuing an education, are sent direct to this institution by the courts and are required to live here to continue with their outside lives.

The 120 inmates are managed by 32 staff as follows:-

- 1 Governor who is a psychologist
- 1 social worker
- 1 typist/secretary
- 2 clerks
- 27 supervisors who work in individual houses

The emphasis in the centre is not to focus on the criminal background of the offender, but rather on future prospects, particularly in relation to work, education and family.

Of the 120, 70 go out to work every day. They are tested on a random basis for drug or alcohol abuse. The centre is currently running at a 25% failure rate because of this type of abuse. It has been found that institutions such as this are not suitable for long term stays. For example, once prisoners have spent up to six months in such an institution, they tend to become very restless as they feel they have demonstrated that they can live properly and regard the restrictions of institutions as too onerous. All of the inmates are entitled to weekend leave and they actually leave for home on the Friday morning and do not return to the institution until Monday night. The administration tends to go to the absolute limit of the law to give as much freedom as possible to the inmates. The inmates are required to pay board out of their earnings, as in Queensland, and to pay off their debts.

Female and male offenders are housed in the same blocks with no major problems.

Comment - I believe that a number of the Bremen initiatives have relevance for Queensland.

HOLLAND

I visited Holland on Friday, 20 July and Saturday, 21 July and met with Mr H.B. Greven, Director-General for Prisons and Youth, Alma Van Heest, Director of HALT Netherlands, and Mr N.J.D. Jansen, Chairman of Direction of HALT Netherlands.

Holland has traditionally had one of the lowest imprisonment rates in Europe. This rate is currently on the increase and is expected to rise to approximately 47 per 100,000 of population due largely to the influence of the drug problem. This, of course, will still be a remarkably low imprisonment rate, particularly when it is compared to Queensland's current rate of 118 per 100,000.

Mr Greven advised me that after the German occupation during the Second World War, the Dutch developed a strong psychological aversion to imprisonment and since that time have done everything in their power to deal with offending behaviour through community supervision options.

Holland has no mandatory life sentence and when life is awarded, the maximum term served is 20 years. For other sentences, the absolute maximum is 15 years.

Ten years ago, the number of drug offenders per annum was 400. This has now, unfortunately, increased to 1,500 and offences against property are rising mainly due to the influence of the drug trade. They classify their institutions by length of sentence of the inmates. During the last six weeks of a prisoner's sentence he/she lives at home, but comes back to the prison each day to participate in programs. Their overriding philosophy is to provide the least restrictive form of supervision. They transfer dangerous prisoners each six months to disrupt possible escape plans.

They are attempting to normalise life in institutions by encouraging inmates to participate more in the functioning of the centres. *Note: This concept is already being trialled in Queensland at the Brisbane Women's, Lotus Glen and Wacol Correctional Centres. The trial will shortly be expanded to other centres.*

Ten years ago they introduced a community service order scheme in lieu of short term custodial sentences for periods up to six months. In these cases the judge must specify the length of imprisonment being negated by the number of hours of community service work imposed. This is a requirement to assist in avoiding net widening (where judges may impose community service work even though they did not intend to send the offender to prison).

As part of the community service order scheme, police officers can direct juveniles to perform up to 20 hours community service work without reference to a prosecutor or to a court, and successful completion of the work means that the offender is not charged or formally reported. Most of this work is directed towards repairing vandalism. They have a specific program of up to 400 hours for juveniles which includes education and work. The general feeling of administrators in Holland was that community programs where the offender can live under supervision in open society have far more positive effects than programs operating from custodial centres.

The Dutch philosophy is that the theory of putting people in prison to rehabilitate them is false and impracticable. They strongly believe that imprisonment must be an option of last resort used mainly for violent offenders and that the criminal justice system has a responsibility to develop community based alternatives for other types of offenders.

As with Germany, all corrective sanctions for juveniles and adults are administered under the one corrective services system. The programs for juveniles place heavy emphasis on education. Every effort is made not to formally place juveniles in the criminal justice system by labelling them as offenders. Wide use is made of cautions and community service which are not recorded in the criminal justice system.

Violent offenders are not necessarily excluded from these programs, instead, each case is considered on its merits. The administrators are doing everything in their power to ensure that the community service orders really do replace prison sentences, thus reducing the prison population.

Probation conditions only apply when an offender receives a sanction which does not involve going to jail. No supervision conditions are imposed on offenders who are released from jail, which is automatic after two-thirds of the sentence. If the offender reoffends he/she is dealt with by law.

There is a strong academic and civil liberties objection to electronic surveillance and it is not used at all in Holland.

From my discussions, it seems that everybody involved in the criminal justice system, judges, prosecutors and administrators, and also the public, accept that prison does not work. It was continually stressed to me that prison must be used as absolutely the last resort. Their arguments were based on a pragmatic business-like approach in that they say it costs too much, does not help and therefore why spend money on it, particularly when there is compelling evidence that in many cases it makes people worse?

It is virtually unheard of in Holland for a first offender to go to jail unless the crime is of a severe violent nature.

For white collar criminals, prison is rarely used and is replaced by very high fines and community service. If prison is used, it would be very rare for a sentence to exceed two years.

Judges are included on the committees which develop and implement community supervision options.

Holland does not have a jury system and cases are decided by judges only. Many of the judges are young and a considerable proportion are female.

Private foundations have been established in districts to supervise probation and are fully paid for by the Government, subject to specifications for performance. Reports are given to judges on the success or otherwise of the community service alternatives.

Once again heavy emphasis is placed in Holland on mediation between victims and offenders to resolve the problem without the need for charges being laid.

It was stressed to me that it is essential to gain community support through good communication from the criminal justice system to the general community. It was pointed out that in Holland for many years they had concentrated on releasing detailed information to the public covering the nature of crimes, the success of alternatives to imprisonment and the failures of imprisonment. They publish magazines and the Ministry holds regular press conferences on these matters. The Ministry hosts forums and symposiums on topics associated with the criminal justice system. The administrators have developed relationships with the various universities and encourage the publishing of papers on research topics on matters of public interest in penology and criminology.

A proactive image has been developed in the criminal justice system which promotes prevention of crime and the need for higher community standards. The public are made well aware of the limitations of the criminal justice system and society is encouraged to take more responsibility. They have employed external advisers who have specific skills to promote the message and the product to get the information to the general public in a way that it can be best appreciated.

Comment - Holland's pragmatic and business like approach to administration of the criminal justice system has much to commend it. In particular, the emphasis on communication with the community to enhance community understanding and to reinforce attitudes concerning the futility of prison for those who are not a physical risk to society is worthy of note.

ENGLAND**Sunday, 22 July to Wednesday, 25 July 1990**

While in England I had the opportunity to meet with The Right Honourable David Waddington, the Home Secretary, Mr Chris Train, Director-General of the Prison Service, Ms Vivien Stern, Chief Executive Director of NACRO, The Honourable Justice Tumin, Chief Inspector of Prisons, and officials from the office of the Agent-General for Queensland in London.

The British prison service is going through very difficult times indeed. One-third of the prisons are overcrowded. 50% of the prisons have no sanitation. Over the period 1983 to 1988, the prison population in England increased from 43,000 to 51,000 adult males. Changes to sentencing policies during 1988 for young offenders has seen a large reduction in the prison population from the peak of 51,000 now down to 45,600. Reduction has occurred in three categories, i.e. the remand population, young offenders and women. The only current growth area for adult offenders is in those serving four years plus sentences, mostly for violent crimes.

Apart from the changes in sentencing policies, the other influences on the reduction in the prison population has been the establishment of bail hostels, some serious disasters in prisons which have caused judges to regard them as a form of cruel and inhuman punishment, and a change in public opinion towards the European perception that prison should be seen as an option of last resort.

Britain has built 20 new prisons over the last eight years at enormous cost to the taxpayer. Even so, 30% of their prisons are over 100 years old and need to be refurbished.

The well publicised riot in the Strangeways Prison at Manchester has shaken the nerve of the prison administrators in England and has caused a major public outcry. There is now widespread debate concerning the appropriateness of prisons and how they should be managed. There is a feeling that management of the corrective services system has lost control to the prison officers' union. Overtime and sick leave are endemic in the prison system and the union has used the Strangeways riot against management by demanding increased security and more staff. The prison system is plagued by poor work practices. Indeed, many of the things I heard related directly to the situation found in this State just over two years ago.

Britain has over 2,000 prisoners serving life sentences. Out of their 45,600 prisoners, administrators feel that perhaps 200 are really bad, with another bigger group who can be influenced and "wound up" by the bad ones. There is a general feeling amongst administrators that there are still too many people in prison and the courts are aggravating this problem by giving longer sentences in inappropriate circumstances.

My visit to NACRO (National Association for Care and Resettlement of Offenders), which commenced functioning in 1966, was a most worthwhile experience. I had a lengthy and productive discussion with Ms Vivien Stern, a criminologist of international reputation, who is at the forefront of prison reform in England. She was most interested in and impressed by what we are doing in Queensland. NACRO's major emphasis is in the area of locating accommodation for offenders, development of training schemes and work projects for young offenders and adults, and focussed education programs which help young offenders back into the mainstream education system through local colleges.

They also provide a professional forum through which academics address issues associated with penology and criminology with the aim of bringing pressure to bear upon Government and Government agencies for reform.

In administering many of its projects, NACRO works closely and in a complementary manner with probation and parole officers. They act as a focal point for the integration of activities for offenders from a wide variety of Government agencies, thus ensuring that overlap and duplication of service delivery does not apply.

They distribute information leaflets to prisoners and provide a link between prisoners and outside agencies. They provide training programs for prison officers and volunteers on the needs of prisoners, particularly in relation to housing and employment benefits.

The British Parliament has an all party backbench penal reform group and NACRO briefs members of all parties through this group.

NACRO regularly uses the media to draw attention to issues on penal reform and also to gain support for community projects of assistance to offenders.

The experience in Britain in the 1970s early 1980s showed that even though a wide range of community supervision alternatives were developed, prison numbers were not reduced. This meant, of course, that judges were not using these options in lieu of imprisonment, but merely net widening by dragging more offenders into the community alternatives.

Ms Stern advised me that the real impact on imprisonment occurred when Government support and funding was obtained to establish up to 100 local area committees to administer treatment projects for juveniles/young offenders. These local committees included police, magistrates, probation officers, social workers, local authority representatives and community people. The committees established a whole range of suitable projects for young offenders and, involving the magistrates on the committees, encouraged greater judicial use of these alternatives in lieu of imprisonment. A system of pre-sentence reports was also introduced so that magistrates were better informed on the likelihood of success should an offender be sent to the project.

Emphasis has been placed on intensive supervision programs for juveniles. Courts are given regular feedback on the success or otherwise of these programs on young offenders.

As a result of these initiatives, the number of juveniles going into custody has fallen dramatically. The law has been changed so that if a magistrate or judge places a juvenile in custody, reasons must be given to demonstrate that this decision was taken as a last resort. Their categories for young offenders are as follows:-

Under 17 years	- Juveniles
17 to 21 years	- Young Adults
Over 21 years	- Adults

In 1981, there were 7,900 juveniles in custody in England. By 1989, this figure had been reduced to 2,200, a remarkable achievement given the social problems England has gone through over those years. Currently, England is operating at 97 per 100,000 of population in custody compared to West Germany's figure of 85 per 100,000.

Black people make up 16% of the prison population, compared to their presence in the general community of 4.7%. This is similar to our situation with Aborigines and Torres Strait Islanders. Programs are beginning to address racist attitudes in the criminal justice system in Great Britain. There is still a widespread view that police harass black people in various ways. A society of black lawyers has been formed and has become a very constructive pressure group.

Over recent years, the British Government has allocated 15 million pounds to set up 160 projects for juvenile offenders across Great Britain. The project committees, as previously outlined, market themselves to the courts on the basis of - "If you sentence this person to us, this is what we will do for him/her". It is called "intermediate treatment" as an option prior to imprisonment. These projects have made a huge difference to the treatment of juveniles and young adults. There is a strong view that young adults, the 17 to 21 age group, should not be treated as adults. Overall, NACRO impressed me as a very professional body doing a very good job.

Meeting with the Honourable Justice Tumin

During my meeting with the Honourable Justice Tumin, Chief Inspector of Prisons, he made the following points:-

- . Wants to see the system of unsupervised remission of sentence replaced by supervised parole;
- . Is strongly of the view that there should be less people in custody and more people supervised in the community;

- . Wants to see more understanding between judges, prisons and probation and parole officers. He wants to see judges visiting prisons, as many of them have never seen a prison, let alone been in one;
- . Feels that there is a need for better communication within the criminal justice system and for everybody in the criminal justice system to know what other sections are doing;
- . Argues strongly for automatic parole at half time providing the sentence does not exceed four years. For sentences four to ten years, he feels they should go to a parole board based on half time eligibility. He argues that once an offender is released on parole, he should be supervised for a period which does not exceed two-thirds of the whole of the offender's sentence.

Judge Tumin is an independent Chief Inspector of Prisons who reports directly to Parliament. He does 20 full inspections per year and many other short visits/inspections. His program provides for a full inspection of each prison at least once in a five-year period.

He has found that over the years, the press concentrates on adverse reports and tends to ignore good reports.

He is concerned that there are far too many suicides in prisons. He claimed that over the years various Ministers had used the Chief Inspector of Prisons as a pressure point for gaining funds for reform.

He was concerned that there was a major problem with prison medical services. Once again it was Kennedy revisited as he talked of untrained nurses and inadequate services by medical officers.

He was concerned that the prison officers' union seemed to be in a continual state of war with the Home Office. He also expressed the view that in England there was a lack of consensus on prison reform which is not the case in Europe.

He expressed the view that he wants to see considerably more focus on training and education for offenders.

Meeting with Ms Jean Goose

Ms Jean Goose from the Home Office is an expert on the legislation, particularly in relation to penalties for young offenders. She confirmed much of the information provided to me by Ms Vivien Stern of NACRO and expanded on the operations of the "intermediate treatment" schemes for young offenders.

She described how these schemes provided the opportunity for professionals to discuss with young offenders how they came to offend and provide them with personal strategies to enable them to avoid offending in the future. It is an unfortunate fact of life that many young people, due to poor family circumstances, receive inappropriate training during their formative years on matters of ethical and moral standards and how to cope with peer group pressure.

Ms Goose claimed that these "intermediate treatment" schemes played a major part in the sharp reduction, previously mentioned, of young offenders going into institutions.

She also drew attention to the fact that police have been encouraged to make wider use of the system of cautions to keep young people out of court. The amendments to legislation in 1988 tightened up restrictions on the use of custody.

More resources have been put into intensive probation supervision and schemes for young offenders.

Ms Goose drew attention to a problem she sees in sentencing practices. It is her view that recidivist thieves and burglars are being given a length of sentence not based on their current crime, but on their record. She advocates a statutory framework for sentencing with criteria limiting custodial sentences to cases only where violence or other specified, serious offences occur. Legislation in this regard is currently being drafted in the United Kingdom which will include the need for judges to give reasons for custodial sentences.

She argues that judges have no idea of the cost of what they are doing and it is planned to circulate information to judges on an annual basis on the cost of their decisions.

She said that the length of sentences for violent crimes is increasing and, for example, rape, which once averaged three years, is now averaging six years.

Ms Goose made the point that the reform process required:-

- . Legislation change;
- . Policy change;
- . Key people committed to reform; and
- . Money for the reform.

Ms Goose feels that British public opinion is starting to change towards the European model. In fact, she claimed that a survey of victims in England has shown that they were nowhere near as punitive towards perpetrators of crime as the media would have people believe. The survey showed that victims support community service/restoration/compensation, rather than custody. The survey also showed that the older and less well educated people are, the more punitive they tend to be.

She advised me that the new national curriculum for education will include "citizenship", "enabling people to cope in society", social awareness", "skills in negotiation/communication", and "personal and social education".

She felt that Germany had easier mechanisms to influence the thinking of judges than are available in the British system of justice. She said that in Britain, judges seem to be isolated from general society.

Meeting with the Right Honourable David Waddington

I had a half-hour meeting with the Honourable David Waddington, Home Secretary, and while politically we are poles apart, we found that we shared compatible views on penal philosophy. He made it very clear to me that it was his view prisons must be used as an option of last resort for violent offenders and that where possible, non-violent offenders should be supervised in the community. He made the telling point that to sell this philosophy politically it is necessary for a trade-off to be achieved. That is, it was his view, and one which I identify with, the public will only accept the concept of imprisonment as a last resort providing the truly violent and evil offenders are kept away from society for long periods of time. He expressed the view that the British public are very sick of seeing violent people released after what seems to be relatively short periods of time and then recommit their crimes.

He expressed keen interest in the Queensland approach and, in particular, in relation to the prison under "contract management" at Borallon. By the time this report is published he will have visited Queensland to gain information firsthand concerning our system. I found that in England there was considerable knowledge of the very creditable work being done by the QCSC.

CONCLUSION

My visit to Europe and England has reinforced my view that in Queensland our process of reform adopted following the Kennedy Enquiry, and built upon by the Queensland Corrective Services Commission, is on the correct path.

There are a number of areas where we can learn from the European experience, particularly in relation to:-

- . the role of the criminal justice system;
- . community attitudes to imprisonment;
- . initiatives for young offenders;
- . the emphasis upon compensation and mediation;
- . the leave of absence scheme for prisoners;
- . community committees to supervise community service schemes;
- . the integrated approach to statistics and research;
- . the "live at home - go to prison during the day scheme";
- . the work and social training programs in correctional centres; and
- . bail hostels for remand prisoners.

As I said in the introduction to this report, I am currently in the process of preparing recommendations on the above and other matters for discussion with my Cabinet colleagues, their officers and the Queensland Corrective Services Commission. In this regard I would welcome any constructive input.

In conclusion, the people of Queensland can be well pleased with progress made by the Queensland Corrective Services Commission to date. I look forward with anticipation to the next three years as the Commission, with Government and I trust bipartisan political support, continues this important process of reform.