5.1. INTRODUCTION

Crime and Criminal activity range from local to global. Crime directly or indirectly touches everyone in the nation and in order to bring society in to an order these criminal activities shall be countered. Every society has found its way of countering the criminal activities, by punishing those who have violated the established rules and laws. The prime object of punishment was to give a lesson to either the person, who had committed an offence or the person who was mentally preparing for commission of crime. The concept of incarceration or imprisonment has been widely accepted form of punishment which is being widely accepted by the world at large comparing to any other form of punishment in the Criminal Justice System. Imprisonment always aimed to cure the criminals of the society. Imprisonment is intended to prevent crime by incapacitation and deterrence. Incapacitation refers to crime prevention resulting from the physical isolation of offenders. Deterrence refers to a behavioral response. Imprisonment, in the present penological context, it is a process of treatment, reformation, and rehabilitation of the offender with a view to converting him into self respecting law abiding and socially responsible citizen of a particular society.  

162 “A person who is once a criminal, need not always be a criminal”, is one of the main agenda

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of the existing criminal justice system. Perhaps, this view has global acceptance. This Chapter is devoted to comparative study of the prison system and prison reforms in United States of America (U.S.A), England, Russia and Australia with India and tries to figure out the possible adoption of the various ideas for the productive and effective management of our prisons.

5.2. PRISONS IN UNITED STATES OF AMERICA

The American society believes in punishment. When an individual violates another individual’s person or property, Americans believe a penalty must be exacted. When people band together as friends, families, societies or nations, social rules are developed and applied to all members. This system requires submission to be accepted mores, and, in turn, demands a sanction if a person does not comply with expectation. Non-obedience has a price, i.e., Punishment. Prisons and jails play a big role in punishment today, short of capital punishment, confinement is the most serious sanction utilized by American courts. Imprisonment as punishment is a concept developed in the United States of America and subsequently been adopted throughout the world. The rate of incarceration in America 743 per 1, 00,000 is highest in world. Economic penalties, probation, and incarceration are the basic punishments used by the current United States Criminal justice system.

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5.2.1. ECONOMIC PENALTIES

Fines are monetary sanctions imposed by courts for offenses ranging from misdemeanor violations such as shoplifting up to and including felony offences such as arson, murder and rape. Fines may be the only sanction imposed by the court; they may be combined with probation, restitution, or confinement. Another monetary punishment is a requirement to make restitution to the victim or the community. Restitution is often required as a partial sanction and can be used as a condition of another punishment such as probation. This sanction involves paying an amount of money to the person damaged by a criminal act or repaying the local community by the performance of services. Opting for a different economic punishment, many judges require offenders to pay for the court costs or to forfeit certain assets that they may have. The owned property that must be forfeited is often associated with the crime. For example, in federal courts it is commonplace for an offender to forfeit an automobile or airplane if the vehicle was associated with criminal activity.

5.2.2. PROBATION

The probation supervision allows the offender to remain in the community with special conditions and accountability requirements. The probation generally associated with incarceration in the sentencing process, if individuals do not meet all the conditions of the probation, they have their probation revoked and serve their sentence in the jail or prison. Intensive probation is another form of this community supervision sanction. It is occasionally used when courts consider
individuals to be high risk. In general, intensive probation means the supervising probation officer has a smaller caseload and, therefore, is able to spend more time supervising and assisting the offender. This variation of probation also demands more intense reporting requirements and often involves more structured accountability for the probationer’s whereabouts and living and working conditions.

5.2.3. INCARCERATION

Incarceration is a criminal sanction that involves the sentencing of an offender to a term of confinement in a prison or jail. Courts impose this sanction when the offense or the individual’s personal characteristics lead a judge to believe that society must be protected from the possible further victimization by the criminal. Today, confinement is the primary punishment of American society. It is almost the only sanction used to punish serious and repeat offenders. The incarceration of a convicted individual, the taking one’s liberty, is what people believe correction is all about. The placement of a criminal behind bars is believed to have the most significant effect on the crime. The evolution of U.S. prisons and jails has followed the shifting social forces at work in the country. Those who have advocated reform of these institutions believe that an individual’s social deviance is a problem that can be addressed and corrected. They have argued that correctional institutions must provide a healthy environment and work towards the goal of reforming criminals.\textsuperscript{164} The two

\textsuperscript{164}\textit{Ibid}, p.6.
opposing forces, one advocating punishment and the other advocating rehabilitation, have driven the many changes that have beset the operation of American penitentiaries. Yet the primary focus of the confinement has remained a custodial function. The citizens of the United States of America have always viewed imprisonment as the punishment of choice.165

5.2.4 EARLY SANCTIONS IN USA

American colonist tended to view crime as a sinful act, not a social problem. Criminals were viewed as sinners, not as individuals who were led astray by the imperfections of the society. Punishments imposed in colonial times resembled those used in England. America drew upon English law, and the colonist relied primarily on corporal and capital punishment. Punishments for violators were harsh, because they were enacted publicly, these punishments were also humiliating, public whipping, branding, the stocks, pillories, mutilations, and hangings were frequently used as visible reminders to the public of the consequences of violating the law. The severity of the punishment often dependent upon whether the offender was a town resident. Colonists never considered the possibility of rehabilitation, their aim was to frighten the offender into law abiding behavior. Imprisonment during this period was rare. Jails in America did exist but were primarily intended to detain those awaiting trial or sentencing, or those unable to pay their debts.

In 1790, the Pennsylvania legislature declared a wing of the Walnut Street Jail a penitentiary where convicted felons would be confined as punishment. The Walnut Street Jail in Philadelphia was the first penitentiary in America. At the time, a penitentiary was a prison where the incarcerated were given the opportunity to repent for extended periods of time. There was an earlier attempt to develop a prison facility in an abandoned copper mine in Simsbury, CT, but this 1773 effort eventually failed because of chaos management disorganization and institution riots. The Walnut Street Jail enjoyed a popular following because of its humanitarian approach. It was heavily influenced by Dr. Benjamin Rush, who advocated single ceiling and the manufacturing of goods by prisoners to reduce operational costs. Rush believed that imprisonment could do more than just deter criminals, he believed that imprisonment could help to control crime, protect society, and reform those imprisoned. In the 1820s, two prison models came to the forefront in the United States, the Pennsylvania system and the Auburn system.\textsuperscript{166} The Auburn system, better known as the congregate system, was a harsh program where inmates were kept in solitary confinement during the evenings but worked together during the day. Throughout all the activities, inmates were expected to maintain total silence. This program was implemented at New York State prisons at Auburn and Ossining. Captain Elam Lynds was the disciplinarian who developed the Auburn system. He believed that all the inmates should be treated equally, and he used a highly regimented schedule of inmate

\textsuperscript{166} Carlson. Peter M & GarretSimon Judith, supra note - 4, p.9.
activities, including lockstep marching and extremely strict prison discipline. Inmates were dressed alike in black and white stripped uniforms, worked and prayed during the day, received no visitors, could not send or receive mail, and for those who could read, read only bible. Advocates of the Auburn system believed that the strict routine would transform violators into law abiding citizens. Through hard work, isolation, religious instruction, penitence, and prison discipline, the offenders would change their ways and become productive members of the society. This system was well received, it was cost effective because of the inmates work and it is maintained firm order and control in the institutional setting.

The Pennsylvania system was another model of prison management that was introduced in 1820s. This model was initially established in Pittsburgh and later spread to Philadelphia. In Pennsylvania’s penal operations, proponents of the “silent system” advocated total silence and complete separation of each prisoner. Inmates were confined to their cells during their entire imprisonment; they ate, worked, and slept in their small cells.

A walled exercise yard was located adjacent to each cell for the prisoner’s use twice per day. The Pennsylvania system was based on the belief that prisoner interaction would hinder the reformation process. Rehabilitation was a goal that could be best achieved through isolation, contemplation, silence and prayer. The pervasive idleness and isolation throughout these prisons in Pittsburgh and Philadelphia led many inmates to have emotional breakdowns. Given these
problems and its high cost, the Pennsylvania system lost its wide public acceptance. With its cost effective congregate work, the Auburn system eventually emerged as the prison model adopted by most states. While the Auburn system prevailed, the Pennsylvania system’s emphasis on reformation still affected the modern philosophy of prison management. This desire to resocialise prisoners, as well as the widespread conclusion that incarceration helped resolve social disorder, propelled the growth of U.S. prisons. The prisons in the United States began to experience major problem in the mid 1850s, overcrowding, poor management, and insufficient funding led to the demise of the original models of prison management. The prison officials found the rule of silence difficult to enforce, and corporal punishment became more excessive and violent. Rehabilitation was overwhelmed by the increased focus on discipline and control, because wardens could not successfully achieve both competing goals. Eventually, the rehabilitation of inmates became secondary, and the custodial concerns of operating a prison became dominant throughout the country.

To encourage positive change in institutions, the reformatory system was developed, reformatories were to assist young adult offenders and emphasize educational and vocational programming. In 1870, leaders in prison management and management and penology met in Cincinnati, to plan the ideal prison system. This meeting was a part of the National Prison Association, later known as the American Correctional Association. Some of the major concerns included corporal punishment, overcrowding, and the current physical conditions of
prisons. These experts decided to replace prisons with reformatories. In early 1900s, as the populations of prisons and reformatories grew, work programs that kept prisoners busy and productive became major assets to the institution administrators. The Auburn and reformatory models but had both had focused on congregate work, and funds that could be earned with inmate labor were welcomed. In 1930, the congress created the Federal Bureau of Prisons. This new agency pursued innovative programmes and operations that were eventually adopted by state and local governments. This bureau developed a diagnostic and classification system that required the use of professional personnel psychiatrists and psychologists. New institutions were built for all security classifications, including a supermax prison for hard-core gangsters at the United States Penitentiary, Alcatraz Island, California. Identified by professional classification procedures, the most hardened and dangerous convicts were sent to this remote island prison. The Bureau of Prisons sought more humane treatment of prisoners and promulgated better living conditions in clean, well-managed institutions.

5.2.5. THE AMERICAN CORRECTION SYSTEMS

Federalism, a system of government in which power and responsibility are divided between a national government and state governments, operates in the United States. All levels of government, national, state, county and municipal are involved in one or more aspects of the corrections system. The national

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167 Ibid, p.11.
government operates a full range of correctional organizations to deal with the people who have broken federal laws, likewise, state and local governments provide corrections for the people who have broken their laws. However, most criminal justice and correctional activities take place at the state level. The Federal Bureau of Prisons was established in 1930 to provide more progressive and humane care for Federal inmates, to professionalize the prison service, and to ensure consistent and centralized administration of the 11 Federal prisons in operation at the time.

Today, the Bureau consists of 118 institutions, 6 regional offices, a Central Office (headquarters), 2 staff training centres, and 22 residential re-entry management offices (previously known as community corrections offices). The regional offices and Central Office provide administrative oversight and support to Bureau facilities and residential re-entry management offices. In turn, residential re-entry management offices oversee residential re-entry centres and home confinement programs. The Bureau is responsible for the custody and care of approximately 219,000 Federal offenders. Approximately 81 percent of these inmates are confined in Bureau-operated facilities, while the balance is confined in secure privately managed or community-based facilities and local jails. The Bureau protects public safety by ensuring that Federal offenders serve their sentences of imprisonment in facilities that are safe, humane, cost-efficient, and appropriately secure.
The Bureau helps reduce the potential for future criminal activity by encouraging inmates to participate in a range of programs that have been proven to reduce recidivism. Approximately 38,000 BOP employees ensure the security of Federal prisons; provide inmates with needed programs and services, and model mainstream values. The U.S. Prisons and jails are a strange, decentralised collection of systems. The federal government, each state, and most countries and cities operate individual correctional network. The administration of justice in the United States is truly a potpourri of styles and management structures. The general oversight and control of correctional agencies varies throughout the United States. A brief about the Federal Bureau of Prisons in United States of America is discussed as under with various headings: 169

5.2.6. INSTITUTION SECURITY

The Bureau of Prisons divides facilities into various security levels ranging from Average Directional Index (ADX), Maximum Security (supermax), through High, Medium, Low, and Minimum, to Community Corrections Centers. Examples are the Average Directional Index (ADX), facility in Florence, Colorado; High security such as Lewisburg and Atlanta, and numerous other lower level facilities throughout the United States. Federal prison camps are now more commonly referred to as Federal Prison Camps ("FPC") or Satellite Prison Camps ("SPC"). The Federal Prison Camps ("FPC") are usually stand-alone facilities that are self-contained and, more often than not, found adjacent to a

military or other government installation. The Satellite Prison Camps ("SPC") is usually co-located with a higher security BOP facility (ADX-High) and is designed to provide the workforce to assist in maintaining the infrastructure of the entire facility providing landscaping, repair services, and a host of other daily duties.\textsuperscript{170} The Bureau ensures institution security through a combination of direct staff supervision, physical features, security technologies, and classification of inmates based on risk factors. The Bureau operates institutions at four security levels (minimum, low, medium, and high) to meet the various security needs of its diverse inmate population and has one maximum-security prison for the less than one percent of the inmates who require that level of security.

It also has administrative facilities, such as pretrial detention centers and medical referral centers that have specialized missions and confine offenders of all security levels. The characteristics that help define the security level of an institution are perimeter security measures (such as fences, patrol officers, and towers), the level of staffing, the internal controls for inmate movement and accountability, and the type of inmate living quarters (for example, cells or open dormitories). The Bureau’s graduated security and medical classification schemes allow staff to assign an inmate to an institution in accordance with the inmate’s individual needs. Thus, inmates who are able to function with relatively less supervision, without disrupting institution operations or threatening the safety of staff, other inmates, or the public, can be housed in lower security level

\textsuperscript{170} Clear R. Todd, et al., “American Corrections in brief” Wadsworth Learning, Belmont, CA (USA) 2012, p.151-152.
institutions. Regardless of the specific discipline in which a staff member works, all employees are “correctional workers first.” This means everyone is responsible for the security and good order of the institution. All staff is expected to be vigilant and attentive to inmate accountability and security issues, to respond to emergencies, and to maintain proficiency in custodial and security matters, as well as in their particular job specialty.

This approach allows the Bureau to operate in the most cost-effective manner with fewer correctional officers and still maintain direct supervision of inmates; it also maximizes emergency preparedness. Architecture and technological innovations help the Bureau maintain the safety and security of its institutions; and the Bureau routinely evaluates emerging technologies to determine which might further improve the physical security of its institutions. To facilitate direct supervision of inmates, the Bureau has eliminated structural barriers (such as bars and grilles) between staff and inmates where possible. In addition, many staff offices are located near areas where programs and services are delivered. Staff circulate freely and constantly through all areas of the institution, continually interacting with inmates. This promotes a more normalized environment within the institution, with staff serving as law-abiding role models, and places staff in a better position to observe and respond to inmate behavior. Many institutions also rely on surveillance through CCTV cameras to augment direct staff supervision of inmates.
5.2.7. LEVELS OF SECURITY FOR PRISONS

There are five general levels of security within U.S. penal institutions\textsuperscript{171}:

- Minimum security: these institutions are utilized to house offenders with no history of violence or sex offenses and generally serving short sentences. They have a reduced staff and no perimeter security, such as a fence. The prisoners are typically housed in dormitory like settings.

- Medium security: inmates serving different types of sentences are housed here. Those who have demonstrated good adjustment at higher levels, more confining levels of control or misbehaved at minimum security facilities may be housed here. There is a security fence and armed vehicles that patrol the outside perimeter.

- High/close security: this is for offenders who have had a history of violence, or are a threat to others. Generally, these prisons have double fences and often come equipped with armed towers. Prisoners are typically housed in cell blocks.

- Maximum security: this is a lock down facility, or a last resort facility, for the small percentage of inmates who exhibit extremely disruptive behavior. It is extremely secure, with all inmate movement and activity being controlled tightly. Inmates here are typically secured in their solitary cell 23 hours each day, with one hour for recreation and a shower.

\textsuperscript{171} Ibid.
Supermax security: supermax is the name used to describe ‘control-unit’ prisons, or units within prisons, which represent the most secure levels of custody in the U.S. prison system.

The term ‘supermax’, however, originated in the United States as a contraction of ‘super-maximum’, and the concept developed from the 23-year lockdown of the U.S. Penitentiary in Marion, Illinois. The lockdown, which began in 1983 and lasted until September 2006, was initiated when two corrections officers at that prison were murdered by inmates in two separate incidents on the same day. During the lockdown, typically, prisoners are in their cells for 23 hours every day with just one hour for showers and limited exercise. A standard cell is just eight by ten feet (2.5 x 3 meters) and inmates are required to eat, drink, sleep and defecate in them. Standard vocational and educational activities are virtually nonexistent. At times the lockdown lasts a few or several days or longer. However, in the so-called ‘control units’ the lockdown is permanent. The objective is absolute physical and psychological control over the prisoners. Since Marion, some maximum-security prisons have gone to full lockdown as well, while others have been designed, built and dedicated to the Supermax standard.

5.2.8. INMATE MANAGEMENT

Staffs are the key component to effective inmate management. Constructive and frequent interaction and communication between staff and inmates are critical to maintaining accountability, ensuring security, and
managing inmate behavior. Bureau staffs are expected to talk with and be available to inmates and to be receptive to inmate concerns. Unit management is one hallmark of the Bureau’s inmate management philosophy. Unit management gives inmates direct daily contact with the staff who make most of the decisions about their daily lives.

These staff (the unit manager, case manager, and correctional counselor) have offices in inmate living units, thereby facilitating inmate access to staff and vice versa. This also facilitates identification of significant inmate concerns and potential problems.

Unit staff are directly responsible for involving inmates, who housed in their units, in programs that are designed to meet their needs. Unit staff receive input from other institution employees (such as work supervisors, teachers, and psychologists) who work with the inmate, and meet with the inmate on a regular basis to develop, review, and discuss their work assignment, appropriate program opportunities, and progress, as well as any other needs or concerns.

These regularly scheduled meetings do not preclude inmates from approaching a member of the unit team or any other appropriate staff member at any time to discuss their particular issues. Bureau staffs are the inmates’ primary role models during their incarceration, and the Bureau emphasizes employee ethics, responsibility, and standards of conduct. The Bureau expects its employees to conduct themselves in a manner that creates and maintains respect for the agency, the Department of Justice, the Federal Government, and the law. Bureau
employees are expected to avoid situations that create conflicts of interest with their employment and to uphold and comply with the ethical rules and standards that govern their specific professions, as well as the laws, regulations, and procedures that ensure institution security and protect the safety of inmates and the general public.

Another significant way the Bureau maintains security and the safety of staff and inmates is by keeping inmates constructively occupied. Meeting the challenges posed by an increasing and changing inmate population involves more than just providing bed space, meals, and health care. Correctional programs and activities not only reduce inmate idleness and the stresses associated with living in a prison, but also play a major role in preparing inmates for their eventual return to the community.

5.2.9. INMATE PROGRAMMES

The Bureau also has a responsibility to provide inmates with opportunities to participate in programs that can provide them with the skills they need to lead crime-free lives after release. The Bureau’s philosophy is that release preparation begins the first day of imprisonment. Accordingly, the Bureau provides many self improvement programs, including work in prison industries and other institution jobs, vocational training, education, substance abuse treatment, parenting, anger management, counseling, religious observance opportunities, and other programs that teach essential life skills. The Bureau also provides other structured activities designed to teach inmates productive ways to use their time. Through its Inmate
Skills Development initiative, the Bureau has identified those skills (e.g., daily living, interpersonal, and cognitive skills) that appear to be essential to successful community reintegration. Identifying an inmate’s strengths and weaknesses allows Bureau staff to guide the inmate to selectively work on improving deficit areas. By targeting inmates’ specific need areas, the Bureau strives to maximize programming effectiveness for each inmate, thereby improving the likelihood of success upon release. Prison work programs provide inmates an opportunity to acquire marketable occupational skills, as well as learn and practice sound work ethic and habits. All sentenced inmates in Federal correctional institutions are required to work (with the exception of those who for security, educational, or medical reasons are unable to do so). Most inmates are assigned to an institutional job such as a food service worker, orderly, plumber, painter, warehouse worker, or grounds keeper. Federal Prison Industries (FPI) is one of the Bureau’s most important correctional programs. It significantly reduces recidivism and contributes to institution security and safety by engaging inmates in constructive activities. The goal is to have 25 percent of the Bureau’s eligible sentenced inmates work in Federal Prison Industries (FPI) factories. They gain job skills through specific instruction in factory operations related to a variety of product lines and services. Inmates are compensated for their work and can receive raises based on their performance.

Inmates confined in Bureau facilities can also access a broad range of other programming opportunities. For example, Bureau institutions offer religious
services and programs for the approximately 30 faith groups represented within the inmate population. Inmates are granted permission to wear or retain various religious items, and accommodations are made to facilitate observances of holy days. Bureau facilities offer religious diets designed to meet the dietary requirements of various faith groups, such as the Jewish and Islamic faiths. Most institutions have sweat lodges to accommodate the religious requirements of those whose religious preference is Native American. Religious programs are led or supervised by staff chaplains, contract spiritual leaders, and community volunteers. Chaplains oversee inmate worship services and self-improvement programs, such as those involving the study of sacred writings and religious workshops. Bureau chaplains also provide pastoral care, spiritual guidance, and counseling to inmates. Inmates may request visits and spiritual counseling from community representatives. Additionally, the Bureau offers inmates the opportunity to participate in its Life Connections Program, a residential re-entry program implemented by the Religious Services Branch in partnership with various faith communities nationwide. Inmates are considered responsible for their own behavior, including that which led to their incarceration, and therefore, they are strongly encouraged to participate in self-improvement programs that will provide them with the skills they need to conduct themselves as productive, law-abiding citizens upon release.

Inmates show responsibility through their behavior and conduct in prison, through active and constructive involvement in programs, and by living up to
their financial commitments and responsibilities. The Bureau encourages inmates to help meet their family and financial obligations with their earnings from work or other financial assets. The Inmate Financial Responsibility Program requires inmates to make payments from their earnings to satisfy court-ordered fines, victim restitution, child support, and other monetary judgments. The majority of the court-ordered fine and restitution money goes to crime victims or victim support organizations. The Bureau strives to create an environment for inmates that are conducive to change. In addition, Bureau facilities are well-maintained, clean, and orderly in order to provide inmates and staff a healthy, normalized living and working environment.

5.2.10. IMPROVING INMATES’ LIVES AND REDUCING RECIDIVISM

The industrial work programs, vocational training, education, and drug treatment in prison play a major role in improving public safety. These programs reduce recidivism and misconduct in prison. Drug treatment programs also decrease offenders’ relapse to drug use after release. Many correctional systems, including the Bureau, have documented the success of these programs.

5.2.11. THE POST-RELEASE EMPLOYMENT PROJECT

The Post-Release Employment Project is a long-term study designed to evaluate the impact of Federal Prison Industries (FPI) prison industrial work experience (alone and in conjunction with vocational and apprenticeship training) on former Federal inmates’ post-release adjustment.
A significant early finding of the research was that Federal Prison Industries (FPI) program participants showed better institutional adjustment -- they were less likely to be involved in misconduct and, when involved, misconduct was less severe. Early data analysis also focused on the ex-inmates’ first year in the community. (The first year after release from prison is critical to successful reintegration and to remaining crime free.) The major findings at the one-year follow-up point were that Federal Prison Industries (FPI) program participants: (1) were significantly less likely to recidivate (i.e., be rearrested or have their post-confinement community supervision revoked) than comparison group members, (2) were more likely to be employed during their first year after release, and (3) earned slightly higher wages, on average, during the first year after release. Ongoing research has found that, as many as 8 to 12 years after their release, inmates who worked in prison industries were 24 percent less likely to recidivate than inmates who did not participate. The results further indicated that work program participants were 14 percent more likely to be employed following release from prison than those who did not participate. In addition, minority groups that are at greatest risk for recidivism benefitted more from industrial work participation and vocational training than their non-minority counterparts. Inmates who participated in either vocational or apprenticeship training were 33 percent less likely to recidivate than inmates who did not participate. Education: Participation in education programs also has a positive effect on post-release success. The findings showed a significant decline in recidivism rates among
inmates who completed one or more educational courses during any six-month period of their imprisonment. *Residential Substance Abuse Treatment*: Residential drug abuse treatment programs (RDAPs) are offered at more than 60 Bureau institutions, providing treatment to more than 17,000 inmates each year. Inmates who participate in these residential programs are housed together in a separate unit of the prison reserved for drug treatment. Residential drug abuse treatment programs (RDAPs), provide intensive half-day programming, 5 days a week, for 9 months. The remainder of each day is spent in education, work skills training, and other inmate programs. *Specific Pro-Social Values Programs*: Encouraged by Residential drug abuse treatment programs (RDAPs), positive results, the Bureau implemented a number of other residential programs for special populations (including younger offenders, high security inmates, and intractable, quick-tempered inmates) that are responsible for much of the misconduct that occurs in Federal prisons. The cognitive restructuring approach used in the drug treatment programs served as the foundation for programs designed to change the criminal thinking and behavior patterns of inmates. These programs focus on inmates’ emotional and behavioral responses to difficult situations and emphasize life skills and the development of pro-social values, respect for self and others, responsibility for personal actions, and tolerance. Each program was developed with an evaluation component to ensure the programmes meet the goals of promoting positive behavior. While it is too early to assess the programs’ effects in terms of reducing recidivism, the Bureau has found that these
cognitive restructuring programs significantly reduce inmates’ involvement in institution misconduct. *Inmates for Release:* Inmate release programmes involvement is ultimately geared toward helping inmates prepare for their eventual release. The Bureau complements its array of programmes with a specific Release Preparation programmes, with inmate participation occurring near the end of his/her sentence. This program includes classes on resume writing, job search strategies, and job retention. It also includes presentations by representatives from community-based organizations that help ex-inmates find employment and training opportunities after release from prison. The Bureau places most inmates in residential reentry centers (also known as halfway houses) prior to their release from custody in order to help them adjust to life in the community and find suitable post-release employment.

The Bureau’s Inmate Transition Branch provides additional post-release employment assistance to inmates. It helps inmates prepare release portfolios that include a resume, education and training certificates and transcripts, diplomas, and other significant documents needed for a successful job interview. Many institutions hold mock job fairs to provide inmates an opportunity to practice and improve job interview techniques and to expose community recruiters to the skills available among inmates. Qualified inmates may apply for jobs with companies that have job openings. *Community-Based Confinement and Community Activities:* Residential Re-entry centers (RRCs) are used by the Bureau to place inmates in the community just prior to their release. These centers provide a
structured, supervised environment and support in job placement, counseling, and other services. They make it possible for inmates to gradually rebuild their ties to the community and allow correctional staff to supervise offenders’ activities during this important readjustment phase. Inmates in Residential Re-entry centers (RRCs), are required to work and to pay a subsistence charge of 25 percent of their income to defray the cost of confinement. Some Federal inmates are placed in home confinement for a brief period at the end of their prison terms. They serve this portion of their sentences at home under strict schedules, curfew requirements, telephonic monitoring, and sometimes electronic monitoring. Through public works projects, some minimum security inmates from Federal Prison Camps perform labor-intensive work off institutional grounds for other Federal entities, such as the National Park Service, the U.S. Forest Service, and the U.S. armed services. These inmates work at their job site during the day and return to the institution at the end of the work day. Some carefully-selected Federal inmates speak to youth groups at schools, universities, juvenile offender programs, and drug treatment programs to give juveniles and young adults a first-hand understanding of the consequences of drug use and crime.

Other inmates volunteer to help the communities near their institution, providing services that otherwise would not likely be performed, such as repairing or rebuilding dilapidated buildings and cleaning up or beautifying streets, roadsides, parks, schools, ball fields, and other public grounds. Under limited circumstances, inmates who meet strict requirements are allowed
temporary releases from the institution through staff-escorted trips and furloughs. The Bureau permits approved inmates to go on staff-escorted trips into the community to visit a critically-ill member of their immediate family; attend the funeral of an immediate family member; receive medical treatment; or participate in other activities, such as religious or work-related functions. A furlough is a temporary authorization for an appropriate inmate to be in the community without a staff escort. Inmates near the end of their sentences who require minimal security may be granted permission to go on trips into the community without escort to be present during a crisis in the immediate family, to participate in certain activities that will facilitate release transition, and to re-establish family and community ties. Furloughs are not very common, and inmates are carefully screened for risk to the community before they are released on a furlough.  

Community Involvement with Inmates and the Bureau: The Bureau welcomes community involvement in its institutions and offices. Volunteer’s help inmates adapt successfully to imprisonment and prepare for their eventual adjustment into the community after release. Volunteers provide a variety of services, such as spiritual counseling, assistance with family and marriage issues, substance abuse counseling, education and vocational training, and health education. Most institutions have Community Relations Boards that facilitate information flow between the facility and the local community, advancing public awareness and an understanding of any issues of concern at the prison.
All Federal prisons have arrangements with state and local law enforcement agencies and other emergency services in the rare event of an escape or other security concern. Bureau institutions are involved in a variety of joint training activities with state, local, and other Federal law enforcement agencies; they often allow these agencies to use training areas in their institutions. The United States, Federal Bureau of Prisons is the principal agency in the administration of the correctional system of the United States of America with the increasing load of work, the Federal Bureau of Prisons doing an outstanding service as public service organization to achieve the goals of ensuring public safety and providing appropriate, efficient, safe and human correctional service and programs.

5.3. PRISON SYSTEM IN ENGLAND

The Government of the United Kingdom (UK) is complicated. While the UK is governed overall from Westminster, some of the Home Secretary’s responsibilities in England and Wales are discharged by the Secretaries of State for Scotland and Northern Ireland in those countries. Her Majesty’s Prison Service (HMPS) covers England and Wales, while Scotland and Northern Ireland have their own Prison Services and there are some differences in their legal frameworks. Although Wales also now has an elected Assembly with some devolved powers and responsibilities, it does not have its own Prison Service. England and Wales does not have a Justice Department as many other countries do. Policing and the delivery of punishment are the responsibility of the Home Office, while courts and sentencing come under the Department of Constitutional
Affairs, formerly the Lord Chancellor’s Department. The judiciary is staunchly independent of Parliament and the Executive.

5.3.1. STATES OF EXECUTIVE AGENCY

Historically the Prison Service has always been linked with the Home Office but the closeness of this link has changed; at times it has been largely independent, at others it has been a fully integrated department within the Home Office. In the 1980s the British Government first introduced the concept of Executive Agencies, separating out those former Government Departments and organizations whose role is to deliver specific services from the main policy-making Departments of State. Executive Agencies have wide delegated authority within a formal Framework Document. Parent departments set budgets and standards, and give Executive Agencies delegated authority and responsibility for delivering the service, while Ministers retain overall accountability to Parliament. The decision to make the Prison Service an Agency dates back to 1991. In 1990 there was a major riot at Manchester prison, then known as strange ways, with outbreaks of lesser copycat disorder elsewhere. Lord Justice Woolf’s investigation into the disturbances identified issues about the management structures of the Prison Service. In August 1991, the then Home Secretary appointed Admiral Sir Raymond Lygo to conduct a review of the managerial effectiveness of the Prison Service. He reported in December 1991. In his report he said: “The Prison Service is the most complex organization I have encountered and its problems some of the most intractable”. He went on to list a number of
problems that were outside the control of the Prison Service - overcrowding, neglect of buildings, increase in violent crime and terrorism, and public attitudes to sentencing. However, there were also internal managerial issues: leadership, independence and unity. Lygo said “If the Prison Service is to achieve the direction and unity for which successive reports have called, it must be allowed to operate much more independently of day to day Ministerial control and more separately from the Home Office”. He went on “The critical factor in the success or failure of any new arrangement will be the ability of Ministers to allow the Prison Service to operate in an almost autonomous mode while retaining their responsibility to Parliament for the overall policy and conduct”. Lygo strongly recommended Agency status for the Prison Service – a recommendation that was accepted. He also set out a number of structural devices to ensure the correct balance between operational independence and Ministerial accountability.

5.3.2. THE PRISON SERVICE BECAME AN EXECUTIVE AGENCY IN 1993

“Reducing Crime - Changing Lives” is the motto of the Prison Service in England. Earlier this year the Government published the report “Managing Offenders - Reducing Crime”. Its recommendations, which the Government has accepted, aim to ensure a more seamless service between prison and probation to do more to reduce re-offending through the creation of a National Offender Management Service (NOMS). The National Offender Management Service is an Executive Agency of the Ministry of Justice. Our role is to commission and
provide offender services in the community and in custody in England and Wales, ensuring best value for money from public resources. National Offender Management Service (NOMS), work to protect the public and reduce reoffending by delivering the punishment and orders of the courts and supporting rehabilitation by helping offenders to change their lives. National Offender Management Service (NOMS), keeps the public safe by ensuring that around 260,000 offenders each year securely undertake the punishment of the courts through custodial (prison) or community sentences provided through the prison and probation services and an increasingly wide range of partner agencies in a developing mixed economy of providers. There are currently 133 prisons in England and Wales (including three immigration removal centers that are operated by National Offender Management Service (NOMS), on behalf of UKBA). The management of 14 prisons is contracted to private sector partners and the rest are run by the public sector through Her Majesty's Prison Service. Probation services are provided by 35 Probation Trusts across England and Wales. These receive funding from National Offender Management Service (NOMS), to which they are accountable for their performance and delivery.¹⁷²

The key elements of this are:

i. To cap the prison population at 80,000 by encouraging more use of fines and other non-custodial sentences. This is going to be challenging. A Sentencing Guidelines Council is to be created but it

remains to be seen how far this will influence the judiciary and magistracy. And the report also proposes measures to increase confidence in alternatives to custody and fines.

ii. To develop seamless links between prison and probation so that offending behavior programmes can be continued in the community. The Prison Service and the Probation Service will both be part of the National Offender Management Service.

iii. To create “contestability” to ensure a wider base of providers of both custodial and non-custodial programmes. Providers will be from both the public and private sectors.

iv. To introduce a model of commissioning services with the creation of Offender Managers (commissioners/purchasers) who are separate from community and custodial providers.

v. To introduce a new sentencing framework including:

vi. Custody Plus a sentence part served in prison and part in the community.

vii. Intermittent custody where low risk offenders are imprisoned at weekends so as not to lose their job and home; or during the week only so as to maintain family ties.

In organizational terms this will mean that the Prison Service will no longer be an executive agency but will be part of National Offender Management Service (NOMS), and thus will revert to being an integral part of the Home
Office. This is because of the different legal position of the Probation Service, which cannot become part of an executive agency.

5.3.3. THE MANAGEMENT STRUCTURE OF HER MAJESTY’S PRISON SERVICE

_Directors and Area Managers:_ The Prison Service will continue to operate as a discrete public sector provider within National Offender Management Service (NOMS) with significant ‘operational freedoms’, headed by the Director General, Phil Wheatley, a permanent Civil Servant and former Prison Governor who reports to the Chief Executive of the National Offender Management Service. He chairs the Prison Service Management Board. The Director of Operations line manages most of the public sector prisons through 13 Area Managers. The only prisons not managed in this structure are the nine High Security Prisons that are managed separately by the Director of High Security Prisons. Otherwise all prisons are managed on a geographical basis regardless of their function. However there are two Assistant Directors who retain a functional lead responsibility for female prisoners and juveniles (under-18s) respectively. The Directorate also includes the Estate Planning and Development Group whose main functions are to monitor actual and forecast prison population changes and to identify, plan and manage programmes to develop and expand the prison estate to meet population needs; and the Population Management Unit whose most immediate daily task is to ensure that spaces exist in appropriate places for all the prisoners committed to custody by the courts that day.
The Prison Governor: The individual Prison Governor has a legal status conferred by the Prison Act 1952 and has considerable delegated authority to manage their prison within a budget agreed with their Area Manager. They have to meet a range of Key Performance Targets, also agreed with the Area Manager, and which contribute to the Prison Service as a whole meeting its targets. In addition to the ongoing management oversight exercised by the Area Manager, prison establishments are subject to regular Standards Audits by the Prison Service’s own Standards Audit Unit and to a range of external checks and inspections described later in this paper. Governors are managers of an operation, of people and of resources and to the “normal” manager role is added the need to interface personally with the client population to a degree unprecedented in most other occupations. The Governor has to be “a Manager with a Social Purpose”. The Governor must understand and take personal responsibility for everything that happens in a goal; a medium sized goal may have a budget of £19m, 250 staff and 600 prisoners. The Governor is supported by a management team which includes the Deputy Governor and other senior operational managers who are responsible for specific functions (such as Residential care; Regime/Activities; Operations). Health Care in prisons is now provided in partnership with the National Health Service who commission provision of services in prisons.

The Private Sector: Nine out of 137 prisons are privately managed. Two of these were built by Her Majesty’s Prison System (HMPS), but are privately operated; the other 7 were procured under Design, Construct, and Manage & Finance (DCMF),
arrangements whereby the contractor – usually a consortium – has a contract under which they raise the capital, design and construct the prison as well as operate it. Private sector prisons are managed separately within the National Offender Management Service. The Director General and Management Board of Her Majesty’s (HM) Prison Service are only responsible for the management of the 128 public sector prisons. High security prisoners are only held in public sector prisons. The private sector is likely to grow for two reasons. Firstly, for some time now it has been Government policy to fund most major capital expenditure through the Private Finance Initiative, which means new prisons are likely to be constructed under Design, Construct, and Manage & Finance (DCMF), And secondly, “Reducing Crime – Changing Lives” envisages more contestability by encouraging a thriving private sector. The main ways in which the private sector makes efficiencies in comparison with the public sector is through greater use of technology and also by setting local pay rates which can be lower in some parts of the country. The Prison Service is tied to national pay agreements, albeit with some local pay additions in areas where the cost of living is particularly high. The private sector has succeeded in winning contracts for the running of a number of new prisons, and competition has brought efficiency improvements to the public sector too. However, over recent years the Prison Service has an excellent record of success where it has been able to compete with the private sector to run existing goals. The Prison Service has never lost to the private sector in any competition to run an existing public sector prison; and
where the early private sector contracts have come up for renewal, the Prison Service has won the contract to take over two prisons previously managed by private companies.

5.3.4. THE SYSTEM FOR SECURING TRANSPARENCY AND ACCOUNTABILITY IN THE ADMINISTRATION OF INSTITUTIONS AND IMPLEMENTATION

Although the Courts have historically had ‘authority over all the Prisons in the land’ until the late 1970s there was a policy of ‘judicial abstention in public cases’. Prisoners were limited in their access to communicating with any other persons without the permission of the Secretary of State, and this included their legal advisers. From 1977, and the relaxation of the rules applied by the Supreme Court for those wishing to seek redress through Judicial Review, there has been an increase in the intervention of the Courts in how Prisons are administered and the emergence of an ‘active judiciary’. The predominant opinion has moved from ‘prisoners do not have the same rights as other individuals’ to that of ‘a prisoner retains all his civil rights that are not taken away expressly or by necessary implication … by his imprisonment’. They have the right of access to the Courts and the right of access to legal advice to make that access a reality. The incorporation of the Human Rights Act into domestic law on 2nd October 2000 took this a step further, opening up opportunities to make legal challenges on issues previously outside the remit of the British Courts, such as the administration of the Prison and Prison rules. Parliamentary Accountability: The
Home Secretary is accountable to Parliament for the operation of the Prison Service. Individual Members of Parliament can ask questions in writing, orally or by letter; while this may often appear to be a token gesture, the question and answer will be published in Hansard\textsuperscript{173}, the record of Parliamentary proceedings.

\textit{Questions and Complaints from Prisoners:} Any prisoner can make either an oral or written request or complaint at any time. They are encouraged to raise their complaints orally and informally so that staff can listen to a prisoner’s problem, give advice and deal with straightforward matters quickly. However they have the right to use the formal written complaint system straight away. Until about three years ago, prisoners had to ask staff for a form on which to make a request or complaint, but there were concerns that prisoners were being obstructed or deterred from doing so. Complaint forms are now freely available for prisoners to pick up, complete and return without having to ask a member of staff, and the boxes must not be in or directly outside the wing office. All informal applications and formal complaints have to be recorded and must be answered within strict time limits. Most complaints are answered by an appropriate member of staff in the prison, and the prisoner has a right of appeal to the Governor if they are unhappy with the reply. Complaints with a racial element are monitored by the prisons’ Race Relations Liaison Officer. Certain subjects – appeals against disciplinary adjudications and a few key decisions that are handled at Prison Service Headquarters – are described as reserved subjects and complaints about

\textsuperscript{173}Hansard is the name of the printed transcripts of parliamentary debates in the Westminster system of Government.
these are referred to Prison Service Headquarters. Prisoners can also make a complaint under confidential access which means it goes unopened to the Governor or the Area Manager. This enables prisoners to report serious matters such as alleged harassment by staff to a senior manager without fear that it will be intercepted and lead to retribution. Of course, there is nothing to stop prisoners or their relatives raising complaints directly with Prison Service Headquarters, through solicitors or with their Members of Parliament. *Prisons Ombudsman:* Lord Justice Woolf’s inquiry into the Manchester riots in 1990 identified lack of prisoner confidence in the complaints system as a contributory factor in prisoner unrest. This led to the creation of a Prisons Ombudsman who is independent of the Prison Service. Prison Service procedures have been exhausted, and the prisoner must apply to the Ombudsman within 30 days of the Prison Service reply. However he can also investigate any case where the Prison Service has not replied to the prisoner within the appropriate time limit. The Ombudsman has full access to prison staff, records and prisoners. Prison staff must provide him with documents and information. However he must clear his reports with the Prison Service to ensure that they do not reveal any information which would compromise the security of the prison. He can make recommendations to the Prison Service. These are not binding but the Prison Service is committed to accepting most recommendations, and in practice this is what occurs. The Prisons and Probation Ombudsman also deals with complaints against the Probation Service and since 1 April 2004 he has also been given the responsibility for
investigating all deaths in prison custody. In 2003-03, the Ombudsman received 3,132 complaints about the Prison Service, a 15% increase on the previous year. The most common subject (17%) is lost or damaged property, followed by 12% about general conditions. 33% of complaints are upheld, but the Ombudsman reports that increasingly the problem is put right locally by the Governor when the problem is pointed out and he does not need to make formal recommendations to the Prison Service. *Independent Monitoring Boards:* The Prison Act, 1952 created Boards of Visitors made up of lay members of the local community who have unfettered access to the prison and were described as the eyes and ears of the Home Secretary. They were able to raise any matter whether about the welfare of prisoners or staff or the fabric of buildings. They were expected to visit regularly, talk to prisoners and hear their complaints. They met regularly with the Governor and aim to resolve matters at the appropriate level locally, but they had access to the Home Secretary and a duty to report to him on anything they feel they need to. In any event they were required to submit an Annual Report to Home Office Ministers containing their assessment of the prison, issues of concern to the Board, and an account of their activities. Boards of Visitors were independent of the Prison Service. They were made up of volunteers, appointed by the Home Secretary for three years at a time, and paid expenses only. Understandably it proved difficult to recruit Board members because only a limited number of people could make the time available, especially during the normal working day. Recruiting members from minority ethnic groups and others representative of the
prison population was particularly difficult and boards tended to be made up of white middle class middle aged people, such as those running their own business or the active retired. Boards of Visitors used to hear the more serious disciplinary charges – they had more serious penalties available – but this was withdrawn as it created conflict with their role in support of prisoners. They were also required to approve the continued segregation of any prisoner for longer than 72 hours. Boards of Visitors have now been replaced with Independent Monitoring Boards (IMBs). While broadly similar, they are no longer responsible for authorizing segregation. Whereas the old Boards of Visitors operated largely independently, IMBs have a new National Council with the authority to direct Boards rather than just advise, so ensuring greater consistency. They have a particular role in the complaints process and are bound by law to be satisfied with the treatment of prisoners, including examination of the complaints records and statistics as well as individual replies. Prisoners may raise confidential access complaints with the IMB. There are about 1800 volunteer Board members in 137 prisons and 9 immigration detention centers. Inspection of Prisons: Her Majesty’s Inspectorate of Prisons was established in 1980 following recommendation of the May Committee of enquiry into the United Kingdom Prison Services. It provides independent scrutiny and public assurance and reports in public. At times in the past, various Chief Inspectors of Prisons have indeed taken a high and controversial public profile, although at the present time the Inspectorate combines robust inspection with a constructive approach to guiding and
encouraging improvements in the care and treatment of prisoners and in reducing re-offending. The Chief Inspector is appointed by the Home Secretary from outside the Prison Service; although some of the Inspectorate staffs are seconded from the Prison Service. She is the Inspector of Prisons, not of the Prison Service; she and her team will comment on the management structures and practices of the Prison Service, and indeed on the policies of the Government, where they consider that they adversely affect conditions for prisoners, but they do not inspect Prison Service headquarters. The Inspectorate inspects for outcomes not processes. It inspects against published criteria, and focuses on four tests of a healthy prison: Safety; Respect; Purposeful Activity; and Resettlement. The Inspectorate’s focus is therefore different from the Ombudsman, who is concerned with individual prisoners, and the Prison Service’s own Standards Audit Unit, who are more process-oriented and provide Prison Service Managers with assurance about adherence to procedures and standards. The Inspectorate provides infrequent but in-depth inspection, in contrast to the IMB who provide continuous monitoring. Inspections always include surveys and interviews with prisoners. The Inspectorate carries out a five year cycle of full inspections (three yearly for juveniles), together with a programme of short inspections, usually unannounced, in-between to check progress. In 2003-04, their programme provided 24 full announced inspections and 24 unannounced, 17 juvenile inspections, six immigration removal centers and one Military Training Centre inspection, and five thematic inspections. Between September 2002 and August
2003, unannounced inspections followed up 2237 recommendations of which 54% had been achieved and 14% partly achieved. Commission for Racial Equality: The Commission for Racial Equality has a statutory role to monitor application of Race Equality legislation. It recently conducted a formal investigation into racism in the Prison Service. This arose out of a number of allegations of racist incidents including in particular:

i. The murder of a young Asian prisoner in Felltham Young Offender Institution by his cellmate in March 2000. It was found that the murderer had a history of displaying racist behaviour and violence but had been located in the same cell as an Asian prisoner.

ii. An Employment Tribunal that found against the Prison Service for the victimization and harassment of a black member of staff at Brixton prison.

Following completion of the Investigation the Prison Service is now working closely with the Commission to implement a Joint Action Plan to promote Race Equality and ensure that Race discrimination is eradicated. This is one of the Service’s highest priorities. Minority ethnic prisoner’s account for 17% of the prison population (compared to 7% in the community) and ensuring that the Prison Service treats all prisoners fairly and promotes good race relations is absolutely essential in this context.  

At last, Her Majesty’s Prison Service is an organization for management of prisons and the rehabilitation of prisoners. The Executive Agency National

Offender Management Service is doing the job to protect the public and reduce reoffending by delivering the punishments and the orders of the courts, helping offenders to reform their lives and in doing so prevent future victims of crime.

5.4. PRISON SYSTEM IN RUSSIA

The first body that was dealing with maintenance and security of detention and prison facilities in Russian Empire was the Main Prison Administration of the Russian Interior Ministry which was first established on February 27, 1879. On December 13, 1895 the Department was part of the Ministry of Justice of the Russian Empire, and in April 1917 the prison system become to the Main Administration Penalties Sites. On 25 December 1917, the Prisons Administration was organized and in January 1918 became to the prisons directorate. In April 7, 1930 the Main Administration and repair labour camps was established (the Gulag), which existed until 1958. In 1960, the Main Administration for Punishments Executives was born under the Soviet Interior Ministry. In 2006 the organization became to the Federal Agency of Execution of Punishments (Abbreviated in Russia as FSIN) and was placed under the Russian Ministry of Justice. The Federal Penitentiary Service is a federal executive body responsible for law enforcement, control, and oversight of functions involving the punishment of persons who have been convicted of crimes; the maintenance of individuals suspected or accused of crimes and of the accused in custody, guarding and escorting them; supervision of persons on probation or serving a suspended sentence; supervision of persons suspected or accused of crimes kept under house

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arrest to ensure that they comply with the bans and/or restrictions imposed by the court. The Federal Agency of Execution of Punishments is the federal enforcement authority which is carrying out functions on control and supervision in sphere of execution of criminal punishments concerning condemned, functions under the maintenance of the persons suspected or accused of fulfillment of crimes, and the defendants who are in custody, their protection and a convoy, and also function on control over behavior conditionally condemned and condemned, which court gives a delay of serving of punishment

Primary goals of The Federal Agency of Execution of Punishments are:

i. Execution according to the legislation of the Russian Federation of criminal punishments, holding in custody of the persons suspected or accused of fulfillment of crimes, and defendants (further - the persons held in custody);

ii. Control over behavior conditionally condemned and condemned, which court gives a delay of serving of punishment;

iii. Maintenance of protection of the rights, freedom and legitimate interests condemned and the persons held in custody;

iv. Maintenance of the law and order and legality in the establishments executing criminal punishments in the form of imprisonment (further - the establishments executing punishments), and in pre-trial detention centers, safety containing in them condemned, the persons held in custody, and

also workers of criminally-executive system, officials and the citizens who are in territories of these establishments and pre-trial detention centers;

v. Protection and a convoy condemned and the persons held in custody, on the established routes of a convoy, a convoy of citizens of the Russian Federation and persons without citizenship on territory of the Russian Federation, and also foreign citizens and persons without citizenship in case of their extradition;

vi. Creation condemned and to the persons held in custody, the conditions of the maintenance corresponding to norms of international law, to positions of the international contracts of the Russian Federation and federal laws;

vii. The activity Organization on rendering condemned the help in social adaptation;

viii. Management of territorial bodies FSIN of Russia and directly subordinated establishments.

5.4.1. DUTIES OF THE FEDERAL PENITENTIARY SERVICE (FSIN) RUSSIA:176

Federal Penitentiary Service (FSIN) provides, in accordance with the legislation of the Russian Federation: the rule of law and legitimacy in the institutions of penal and detention facilities, as well as the safety of persons in their territories security of the correctional system, as well as the Ministry of

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(Last visited on December 3, 2012).
Justice of Russia in the manner prescribed by the Minister Justice of the Russian Federation, precise and unconditional execution of judgments, decisions and court decisions regarding prisoners and persons in custody; routine penitentiary and detention, execution regime requirements in the institutions of penal and detention facilities, supervision of inmates and persons in custody. Execution of international obligations of the Russian Federation on the transfer of sentenced persons to their countries of citizenship and extradition, legal, social security and personal safety of employees of the correctional system and their families, protection of information constituting a state or any other legally protected secret in the penal system, prison conditions and persons detained in institutions of penal and detention facilities, preparation of the correctional system to act in an emergency, response to the subordinate objects the forces and means of criminal correctional system, as well as interaction with the federal authorities, the operation and development of a network of open and encrypted communication, the provision of telecommunications services to prisoners and persons in custody; convicts to work and to create conditions for their moral and material interest in the outcome of labor. Federal Penitentiary Service (FSIN) provides, sending convicts to the place of punishment, their location, and the transfer of convicted persons and persons held in custody, some of penal institutions and detention centers in the other in the order established by the legislation of the Russian Federation, and measures to ensure the employees of the correctional system weapons and special means to comply with the rules of arms trafficking in the
penal system in the order established by the Russian Federation to ensure the health of convicts and persons in custody, supervision over the implementation of health legislation of the Russian Federation, as well as the use of convicted of compulsory medical measures and mandatory treatment, training materials about the undesirability of stay (residence) in the Russian Federation. Foreign citizens and stateless persons released from prison, to be submitted to the Ministry of Justice of Russia, permitting, monitoring and supervisory role in the field of industrial safety production facilities of the correctional system, as state procurement, including in the area of the state defense order, in accordance with the legislation of the Russian Federation and a pension, retired from the service of the penal system, as well as their families, logistics maintenance of the institutions and bodies of the correctional system, the enterprises of penal institutions, and other enterprises and institutions, especially created for the operation of the penal system. The departmental examination of feasibility study into the construction and design documentation for the renovation and construction of the penal system, as well as the repair of buildings and structures, powers of ownership over federal property transferred to institutions and bodies of the correctional system, the enterprises of penal institutions, as well as other companies and institutions, specially created for the operation of the correctional system, in accordance with Russian law, control of the institutions and bodies of the correctional system, as well as enforcement of laws and the rights of prisoners and persons in custody; protection agencies and bodies of the correctional system,
prisoners and persons in custody, an organization within the competence of special transport convicts and detainees, their escorts and security escort for the period, the development and implementation of measures to ensure fire safety, fire prevention and extinguishing facilities at institutions and bodies of the correctional system, and measures to ensure mobilization preparation and mobilization, as well as for the civil defense measures, improve the sustainability of the Federal Penitentiary Service of Russia and its territorial agencies, Penal institutions and detention facilities in wartime and emergencies in peacetime informational support agencies and of the penal system and the maintenance of a unified data bank on matters relating to the penal system, the coordination of educational and research institutions under the Federal Penitentiary Service (FPS) of Russia, in accordance with Russian legislation, operation, maintenance and protection of property of the penal system, and the necessary measures for its conservation and sustainable use; arrangements for the consideration of proposals, applications and complaints convicted and detained, the organization of accounting and statistical reporting in the prison system, control of expediency held financial and business transactions and their compliance with the legislation of the Russian Federation, the organization of economy and efficiency of budget spending, contractual and complaints.

Federal Penitentiary Service(FSIN) will take part in the preparation of the materials necessary for the consideration of applications for pardon convicts, in the development and implementation of legal examination of draft laws and other
regulations relating to the activities of the correctional system, on behalf of the Russian Ministry of Justice, and in the development of federal programs for the development and strengthening of the penal system, in accordance with the legislation of the Russian Federation, in the development of special equipment, special tools used in the penal system, and performs their procurement, storage, maintenance and disposal. Federal Penitentiary Service (FSIN) will Organize, general and initial vocational education and training, as well as part-time and distance learning sentenced in educational institutions of secondary and higher education; outstanding performance in enterprises and own production of penal institutions, orders for products, goods for state needs and the interaction of territorial bodies of the FSIN of Russia with regional offices of other federal executive authorities, state authorities of the Russian Federation, local authorities, law enforcement agencies, as well as with civil society and religious organizations, to carry out the criminal-executive system of operational search activities in accordance with Federation and a holding of prisoners and persons in custody, educational work to fix them, and the interaction with the media and publishing activities in order to fulfill the tasks assigned to the penal system, the central office staffing FPS Russia and its territorial bodies, penal institutions, and pre-vocational training, retraining, skills upgrading and training of personnel; work on acquisition, storage, accounting and use of archival documents related to the activities of the Federal Penitentiary Service of Russia, as well as paperwork in accordance with the law the Russian Federation; inputs to the Minister of
Justice of the Russian Federation, the President of the Russian Federation and the Government of the Russian Federation on the status of the execution of criminal penalties, to ensure conditions of convicts and detainees, as well as the rule of law and human rights in the institutions executing punishment and detention facilities; execution of acts of amnesty and pardon. Federal Penitentiary Service (FSIN) to establish, reorganize and liquidate the company of penal institutions, in accordance with the legislation of the Russian Federation. FSIN to act as the chief administrator of the federal budget provided for the maintenance of the correctional system and the implementation of its functions. Federal Penitentiary Service will perform the functions of the state customer for capital construction, reconstruction and overhaul of the correctional system, as well as on housing. Federal Penitentiary Service has a duty to request and receive the prescribed manner the information required to make decisions on matters relating to the established field of activity. Federal Penitentiary Service will organize the reception of citizens, provides a timely and in full consideration of the oral and written appeals on matters relating to the activities of the correctional system, the adoption of appropriate decisions and direction of the responses to the legislation of the Russian Federation. Federal Penitentiary Service (FSIN) to perform other functions in the established field of activity, if such functions are provided by the federal constitutional laws, federal laws, acts of the President of the Russian Federation and the Government of the Russian Federation.
5.4.2. BRIEF DESCRIPTION OF THE RUSSIAN PRISON SERVICE

As of January 1, 2011, penal institutions held 819.2 thousand people including: 755 penal colonies held 694.5 thousand people serving sentences. 160 settlement colonies held 49.3 thousand serving sentences. 5 penal colonies for those sentenced to life imprisonment held 1,739. 228 remand prisons and 165 remand wings in penal colonies held 118.9 thousand persons. 7 prisons held 1.8 thousand convicted persons. 62 juvenile colonies held 4.0 thousand persons of 14-19 years old. 66.4 thousand Women were incarcerated in penal institutions, including 55.4 thousand held in penal colonies for convicted persons and 10.9 thousand on remand; at women’s penal colonies there are 13 nurseries that accommodate 863 babies up to 3 years old. Medical care of convicts and defendants is provided by 133 hospitals of various specialization as well as at medical units and medical stations in each institute, in 59 medication-correctional facilities for tuberculosis patients, 9 medication-correctional facilities for drug addicts. The organization of the penal system also consists of: 2,467 penal inspections that supervise 491.9 thousand people convicted to non-custodial sentences; 182 state-run unitary enterprises at correctional institutions, 551 working adaptation centers for convicts, 49 medication-production and 46 training and production workshops. In correctional and juvenile colonies there are 319 evening schools, 546 educational and consulting units and 339 vocational schools, 523 churches and 705 prayer rooms. Full-time staff of the penal system

is 346.3 thousand people, including certified employees - 257.1 thousand persons and 7.1 thousand of a temporary staff. Medical service for employees is provided by 56 public health institutions, including 34 social-medical centers, 14 hospitals, 5 military medical commissions and 3 health resorts. The penal system also contains 8 higher schools of professional education with 7 branches, including the Academy of Law and Management, 74 education centers, Institute of Advanced Studies, Research Institute of the Penal System, a Research Institute of Informational and Production Technologies (with 3 branches).

5.5. PRISON SYSTEM IN AUSTRALIA

Australia served as Britain’s penal colony from 1787 until 1852. When gold was discovered in New South Wales and Victoria in 1851, the notion of sending convicts to this prospective El Dorado seemed self defeating. At the same time it had become less cost effective for England to ship its prison population to Australia. The first convict ship unloaded their cargo of 750 convicts at Botany Bay on January 26, 1788. The number of convicts transported to Australia has been estimated at 187,000, most after 1815 and the end of Napoleonic Wars\(^\text{178}\). During the era of transportation only South Australia and Western Australia were settled without the stimulus of convict prisoners. Although Australia was created as a virtual prison populated by both free and convict settlers, it was necessary to create penal institutions for convicts who could not be controlled under the existing system. In response early Australian officials devised a homegrown

system of transportation by which these offenders were removed to remote communities such as Van Diemen’s Land and Norfolk Island. Australia’s correctional system varies from state to state, with no unified or federal system. Australia’s correctional system composed of six (6) states and two (2) territories each having its own laws and procedures; Australia is unique in its lack of correctional conformity179. The Correctional systems in Australia are the responsibility of State and Territory governments. Australia is a federation comprised of six States and a number of Territories. The two main land Territories, the Northern Territories and the Australian Capital Territory, are self-governing and have their own correctional systems. Acts of the Commonwealth Parliament have determined the status of constitutionally, originally deriving their power from Acts of the British Parliament. These six States, when agreeing to form a nation, delegated certain powers to the Commonwealth Parliament. They delegated their external affairs powers but retained their criminal justice powers. The relevance of this to our discussion is that corrections is a local matter and that there are at least eight separate Acts of eight parliaments establishing and regulating Australian correctional systems, which provides for considerable individual variation180.

Today, Australia has 8 stat correctives services. The list of 8 Australian Corrective services is as follows: Australian Capital Territory Corrective Services, Corrective Services New South Wales, Department of Justice,

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179Ibid, p.20.
Correctional Services, Northern Territory, Queensland Corrective Services, Department of Corrective Services, Western Australia, Corrections Victoria, Department of Correctional Services, South Australia, The Department of Justice, Corrective Service, Tasmania. The Department of Justice, Australia laid down some Standard guidelines for corrections in Australia\textsuperscript{181}.

5.5.1. ENSURING SAFETY MEASURES TO EACH PRISONER

Prisons should implement systems by which the general location of all prisoners is known at all times. Prison should provide for the personal safety of staff and prisoners by ensuring a prison environment that protects the physical, psychological and emotional well-being of individuals.

Prisons should develop and implement a prisoner safety regime which:

i. prevents bullying and targets perpetrators;

ii. provides an immediate and effective incident response;

iii. identifies prisoners who present a risk to prison staff or other prisoners;

and

iv. Places prisoners in situations which minimize their opportunities to be harmed or harm others.

Prisons should have in place a current emergency management plan. Discipline and order shall be maintained with firmness, but with no more restriction than is necessary for safe custody and a well ordered prison. All

necessary measures should be taken to ensure that no prisoner injuries or unnatural deaths occur. In the case of a prisoner death, an independent investigation should be conducted. Prisons should provide a management system that meets the different and particular needs of all prisoners including “at-risk” prisoners.

5.5.2. MAINTAINING SECURITY, MANAGEMENT AND GOOD ORDER

Consistent with the security and good order of the prison, interaction between staff and prisoners should promote dignity and respect. The behaviour required of prisoners should be made clear and be available on reception in a prisoners’ written code of conduct that is clear and concise. Good industry and conduct by prisoners may be rewarded by a privilege incentive scheme that is equitable and available to all prisoners. Effective security systems and procedures should be established to prevent escapes, so that within the prison perimeter, prisoners’ safety and freedom of movement may be optimised, consistent with the need for security and good order. Effective systems should be established to ensure the appropriate gathering, recording and management of intelligence information. Appropriate systems should be established to detect and confiscate weapons, drugs and other contraband that have been introduced, manufactured, carried or secreted by prisoners, visitors or others. Searches, including strip searches, should be conducted by staff members of the same gender, wherever practicable. Searching should be carried out ensuring the dignity and privacy of the person being searched, as far as practicable. Rehabilitation Strategy in
**Australia Corrections:** Each Administering Department should administer a system of individual case management of prisoners that enables the assessment, planning, development, coordination, monitoring and evaluation of options and services to meet the individual needs and risks of persons as they move between community corrections and prisons. Where possible, case management systems should be consistent across all sections of the Administering Department, so that a relatively seamless approach to the management of people occurs across community corrections and prisons. All sentenced prisoners other than those serving a very short term, should have a sentence plan (or case plan) developed as soon as practical after receipt into custody. Case plans, including classification and placement plans of prisoners, should be regularly reviewed allowing for the prisoner as well as staff to provide updated information and should contain measurable and achievable short term and long term goals. **Rehabilitation Programmes and Education:** Prisoners should be provided with access to programmes and services, including education, vocational training (and employment), that enable them to develop appropriate skills and abilities to lead law abiding lives when they return to the community. Prisoners should be actively encouraged to accept full responsibility for the consequences of their offending behaviour. Prisoners who are approved to be full time students should be remunerated equivalently to prisoners who are employed in full-time work. A high priority should be accorded to programmes addressing illiteracy and numeracy. Relevant prisoners should be encouraged to engage in such
programmes but should not be compelled. Programmes and services provided to address criminogenic needs should be based on best practice and have solid evidence as to their efficacy. All programmes should be periodically evaluated in relation to the achievement of their objectives and the views and experiences of prisoners. Where an Administering Department makes use of community resources for the assessment, treatment, counseling, education and training of prisoners, the Department should regularly assess and monitor the service provided by such agencies to ensure that the quality is adequate and consistent. Programmes and services provided to prisoners, especially women, indigenous prisoners and prisoners from non-English speaking backgrounds, should be established following close consultation with the appropriate community groups and experts. 

Prerelease programmes: Prisoners, particularly longer-term prisoners should be provided with programmes and services that will assist them make a successful transition from custody to community life. Such programmes and services should address such matters as housing, employment and community support and should be developed in conjunction with community corrections where appropriate. Where appropriate, pre release programmes should include work release, day leave, weekend leave, education and family leave.

After care services should be provided that ensure that prisoners are provided with appropriate documents. Prisoners should be provided with suitable clothes for their release and have sufficient funds or means to reach their destination and to sustain themselves in the immediate period following release.
After care programme staff should have access to prisoners during their sentence. **Community Contact including Visits:** Prisoners shall be able to daily access news of the outside world and keep themselves informed through a variety of media approved by the prison management. Contact between prisoners and the community should be encouraged in recognition of the important role families and communities have in assisting the reintegration of prisoners back to the community upon release and the advantages to be gained from reducing the isolation of prisons and prisoners from the community. Prisoners should be encouraged and where practicable, assisted to develop and maintain their family ties and relationships through visits to the prisoner by family and friends and through the controlled use of telephones and letters. Where possible, prisoners should be permitted a minimum of one visit each week. Unconvicted prisoners should be permitted increased visits where practicable and where to do so does not unfairly restrict the visits of other prisoners. Effective systems should be implemented to control access to the prison, including the identification of persons entering the prison. Visitors should be treated with respect and visiting facilities should be provided that are conducive to prisoners receiving visitors in as dignified a manner as is consistent with the security and good order of the prison. Where possible, proper planning and booking arrangements should be established to minimize visitors waiting to commence a visit and to enable the length of visits to be extended, subject to not disadvantaging other prisoners and visitors. Unless there is a breach of security, rules or protocols directly associated
with a visit, all prisoners should be permitted to have direct contact with their visitors. The arrangements for visits should take into consideration different family structures particularly in relation to indigenous prisoners. Prisoners should not be denied access and/or visits with their children, unless the access is not in the best interests of the children. Where possible, prisons should provide for visitors to take refreshments in the company of prisoners and for suitable play facilities, equipment and toys to be made available for visiting children. The searching of visitors should only be implemented as part of a strategy to deter and detect contraband entering the prison. Searching should never be used as a punishment. The strip-searching of visitors should be conducted by a person of the same gender and with due regard to protecting the dignity of the person being searched. The searching of children under the age of 16 should only be undertaken with the consent of the child's parent or guardian and in the presence of an adult nominated by the child or the child's parent or guardian. Prisoners who are foreign nationals, refugees or stateless persons should be allowed reasonable facilities to communicate with the diplomatic and consular representatives of the country to which they belong, or the national or international authority whose task it is to protect them.

Community Involvement: The effectiveness of the correctional system is improved through openness and transparency of operations. Community stakeholders should be directly involved in the delivery of correctional services and be encouraged to visit prisons. Inquiries from the community should be dealt
with promptly and courteously while respecting the entitlement of prisoners to privacy. Information about prisoners may only be released with approval of the Administering Department. The local community should be aware of the role and function of adjacent prisons and volunteer groups should be encouraged to participate in service delivery, where appropriate. Community and volunteer group’s participation in programme delivery and pre-release planning for prisoners should be structured and co-ordinate to emphasize to prisoners their continuing role in the community. Community and volunteer groups or individuals should be provided with a comprehensive orientation and security awareness induction prior to involvement with prisoners.

5.6. CONCLUSION

The prison system across the world has been subject to changes from day by day with the increased awareness of rights among the people all around the world. In order to bring the changes which are necessary for the sound management of prisons in India a comparative analysis of prison system and prison reforms in USA, England, Russia, and Australia needs to be done. The ideas like community servicing, Inmate Management, programmes, prison ombudsman and steps to increase inmate lives, Post Release Employment Plans and setting of private prisons are the key notable reforms under taken by the other countries. The problem of overcrowding is very high in USA, England, Russia and Australia when we compare it to India. But the organizational structure in all the above mentioned countries is very strong unlike India. Each enforcement authority in
the countries above mentioned does their job in very scientific ways. All the
prison set ups in the above mentioned countries have moved on with the
technological advancement and every enforcing authority are very committed in
implementing the reform policies in their respective countries. In the countries,
selected for the comparative study are facing prison overcrowding which is a very
big threat or obstacle for the reformative prison setup. Even though they are
managing well in administering the prisons and in every country the prison
inmate’s lives are guaranteed just as it was in normal life. The respective
Governments have taken all such measures for the better management of prisons
in their country whereas; in India the measures are being taken now. The concept
of modernization of prisons at each level should be encouraged in India unlike the
above compared countries. India needs to modernize the prisons by installing all
the advanced technology in giving security, timely medical facility, women and
children care, ensuring better inmate lives in Indian prisons. Since in India the
problem of overcrowding is very much low when we compare to other countries
above mentioned but the Prison officials show less character in bringing enough
reforms in the field of Prison Administration. Even with the highest percentage of
overcrowding in the USA, Federal Bureau of Prisons, the Principal agency for
prison administration has been doing a tremendous job in bringing the Prison
inmates to the mainstream of the society. We can find out a few things which
will be adopted in our prison system to bring all such necessary measures to
ensure a better prison management.