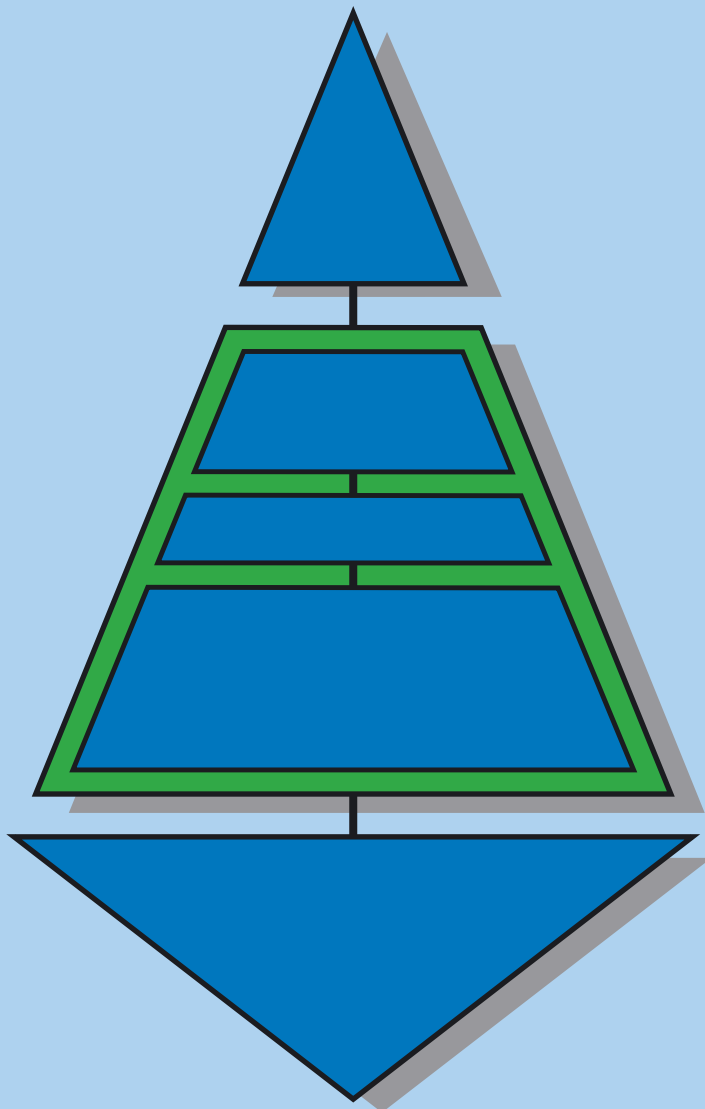
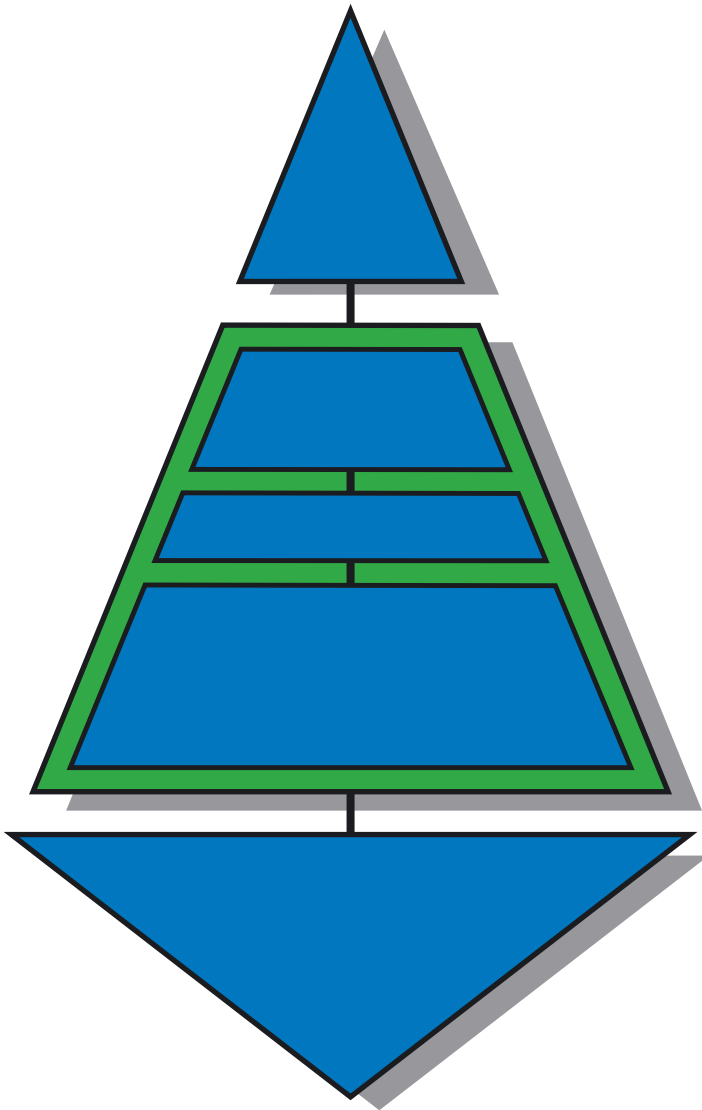


A Programme of Principles for Prison and Probation Work in Denmark



A Programme of Principles for Prison and Probation Work in Denmark



Foreword

Prison and probation work has a *main purpose*.

Society lays down certain *requirements* for the fulfilment of this main purpose upon which prison and probation work must build. These requirements should therefore be accepted by all employees of the Danish Prison and Probation Service.¹

The requirements for the fulfilment of the main purpose enable a *primary task* to be formulated.

The requirements also provide the frames of reference for carrying out the primary task and achieving the main purpose. They can be seen as *principles* for accomplishing the primary task.

Each of the principles can have as *outcome a number of* practical precepts and directives, i.e. the principles become operationalised.

Outcomes in terms of precepts and directives can be formulated for the

Prison and Probation Service as a whole, for its *various service stations (prisons, probation offices, etc)*, for *particular units within service stations* and finally, in relation to the daily conduct of *individual staff members*, i.e. outcomes can relate to different levels of the organisation.

The present programme of principles concludes with outcomes for the whole prison and probation system. Outcomes in relation to service stations, constituent units and individual staff members can be formulated at the appropriate organisational levels.

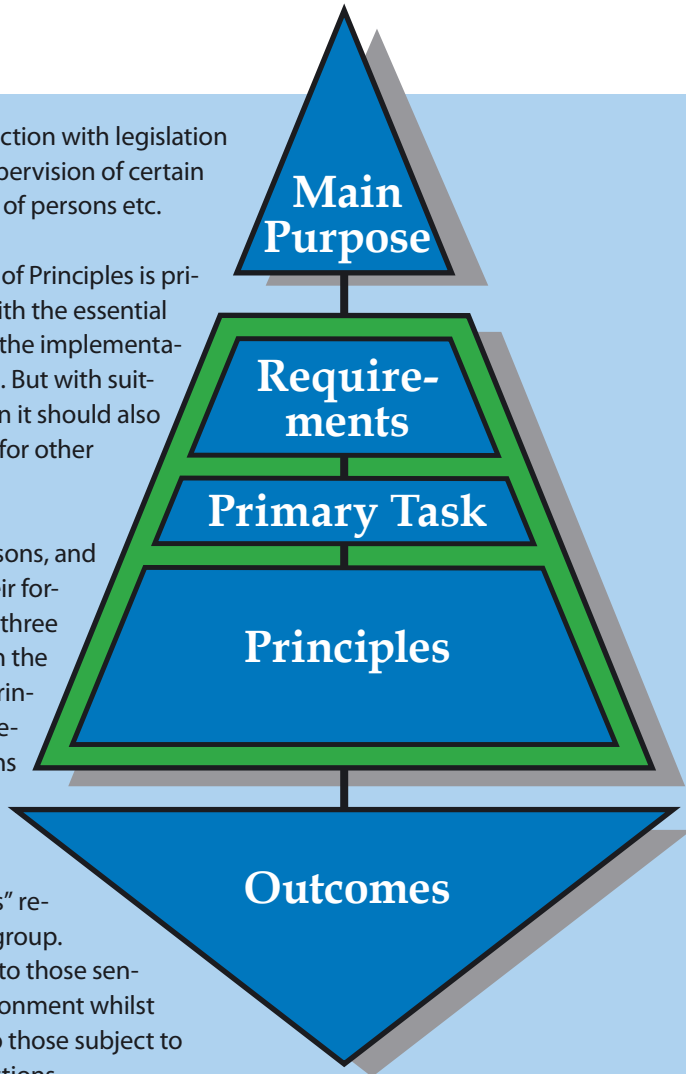
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The essential task of prison and probation work is the implementation of the sanction imposed, i.e. imprisonment (including supervision of parole cases), probation and community service. But the Danish Prison and Probation Service also undertakes other tasks such as providing social inquiry reports to the courts, deprivation of liberty or de-

tention in connection with legislation on aliens, the supervision of certain other categories of persons etc.

The Programme of Principles is primarily written with the essential task in mind, i.e. the implementation of sanctions. But with suitable modification it should also serve as a guide for other forms of activity.

For practical reasons, and regardless of their formal legal status, three terms are used in the Programme of Principles to characterise those persons who are the object of prison and probation work. "Offenders" refers to the total group. "Inmates" refers to those sentenced to imprisonment whilst "clients" refers to those subject to community sanctions.



Main purpose

The main purpose of prison and probation work is to contribute to reducing criminality.



This main purpose is valid for the entire criminal justice system – the police, the prosecution authorities, the courts and the prison and probation system.

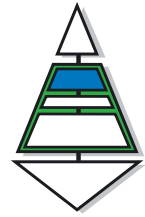
It is essential to the understanding of this main purpose to realise that the criminal justice system is not alone in influencing criminality and patterns of crime. Attitudes to criminality, demographic trends, family relationships, the general living conditions of the community and many other factors also play an important part.

The notion of “reducing criminality” means that the main purpose is to bring the level of criminality down to an acceptable level. What is to be considered an acceptable level is, in the final analysis, a political question.

Requirements

1. HUMAN WORTH

All prison and probation work shall respect the individual person and generally accepted human rights.



These generally accepted human rights relate, for example, to the right to work and rest from work, social security, a reasonable living standard, medical treatment, access to education and cultural opportunities and the prohibition of torture, inhuman treatment and discrimination. They come to expression in, *inter alia*, the Danish Constitution and other legislation as well as the United Nations Convention on Human Rights, the United Nations Convention on Civil and Political Rights, the United Nations Convention on Torture, the European Convention on Torture, the European Prison Rules, *et al.*

2. NON-ENCROACHMENT

Prison and probation work shall not place more restrictions on offenders than follow from legislation and the implementation of the sanction.



The principle implies firstly that all administration shall be based upon the principle of legality.

In addition, the principle asserts that the sanction or other lawful decision shall be implemented in accordance with its content, i.e. the content as defined in legislation.

It is not therefore permissible to encroach upon the daily life of an inmate or client unless this is necessary for the implementation of the sanction or the safety of some other person.

This standpoint has already come to expression in certain earlier official Danish reports on the enforcement of imprisonment, on occupational activities in prison establishment and, more recently, in a draft Bill on Implementation of Sanctions. The same standpoint is also to be found in the European Prison Rules.

3. ENFORCEMENT OF LAW

When arranging for the implementation of sanctions, prison and probation work shall respect the generally accepted considerations which underlie the sanction.



The requirement makes reference to the generally accepted aims of sanctions – general prevention, individual prevention, punishment, etc. In particular, day-to-day prison and probation work shall seek to protect citizens from criminality. The requirement also means that decisions taken in other parts of the criminal justice system shall be loyally supported. Contrariwise, the Prison and Probation Service has the right to expect other parts of the criminal justice system to respect its own activities.

This requirement is *inter alia* a point of departure for the necessary control activities associated with the tasks of the Prison and Probation Service.

4. SENSE OF JUSTICE

The Prison and Probation Service shall take account of the general sense of justice in society and among the victims of crime.



To a large extent this requirement is satisfied when the court makes its decision. But to some extent the requirement is carried over into the implementation of the sanction. Legislation and administrative regulations make clear, where this is the case, to what extent a general sense of justice can or shall be given weight.

Primary task

The primary task of the Prison and Probation Service is the implementation of the sanction.



In this connection, the Prison and Probation Service will:

- exercise such control as is necessary for the implementation of the sanction
- support and motivate the offender to live a crime-free life by assisting personal, social, vocational and educational development.

CONTROL AND SECURITY

SUPPORT AND MOTIVATION

These two facets of the primary task are complementary. Thus, there can be no question of asserting that one is more important than the other.

Principles

1. NORMALISATION

The daily activities of the Prison and Probation Service shall in general, and whenever specific agreements are reached, be related to normal life in the general community.



Experience has shown that the **traditional prison situation** can endanger attempts to help prisoners. A variety of side-effects associated with a traditional sojourn in prison can put a stop to positive effects which may be achieved through efforts to provide assistance measures.

By establishing conditions which differ as little as possible from those obtaining in daily life outside prison, the grounds for aggression and apathy are reduced and the negative effects of a prison sojourn are limited. A better basis for assistance measures, undertaken in a spirit of broad agreement, is thereby obtained.

This principle is both fundamental and broad and can be said to embrace several of the following principles. Precisely because the principle is so broad, it can be useful to distinguish a number of independent principles such as, for instance, openness and responsibility.

The normalisation principle implies, *inter alia*, that both the inmates and clients are included in general societal guarantees of justice and fairness. Having regard to the very nature of imprisonment there is a special need to ensure such guarantees for inmates.

The principle also means that the physical conditions of the prisons should be related to those obtaining in the general community. They should, therefore, be altered in accordance with changes occurring in the community.

2. OPENNESS

Prison and probation work shall be organised so that the offender is offered good opportunities to make and maintain contact with the ongoing life of the community. Similarly, contact between the various parts of the Prison and Probation Service and society shall be strengthened to the greatest possible extent.



This principle contains two elements of equal importance. The first concerns the inmate, the second the system as such.

The principle of openness lies close to that of normalisation and is, together with the latter, a cornerstone of the sanction system in a democratic society. So far as the inmate is concerned, openness is especially important since deprivation of liberty *under traditional circumstances* results in a number of side effects extending beyond those arising from the purpose of the sanction. These side effects include, for example, the risk that the offender will be deprived of his family, his work and his self-respect. They arise primarily because the traditional prison is a total institution in which the prisoners' daily life consists of following fixed routines which limit the possibilities for personal development.

Openness is a condition of the necessary interaction between the Prison and Probation Service and its collabo-

orative partners in the community. It is also necessary if ordinary citizens, politicians and the massmedia are to be able to follow the work and activities undertaken. Openness is the best antidote against any suspicion of the misuse of power, a suspicion which easily arise when a system, and the staff working in that system, are endowed with as much power as is the Prison and Probation Service.

3. EXERCISE OF RESPONSIBILITY

Prison and probation work shall be so organised that the offender has the opportunity to develop a sense of responsibility, self-respect and self-confidence and become motivated to actively strive for a crime-free life.



The background to this principle is, *inter alia*, that the so-called lodging and service functions which traditionally are an integral part of imprisonment, lessen the inmate's capacity to cope with daily life after release. The principle is, however, applicable to situations other than those of deprivation of liberty.

The essential content of the principle is that offenders shall themselves take responsibility for their own lives. The staff's helping efforts shall in the first place consist of motivating, counselling and guiding those in their charge. Guidance includes assisting offenders to be aware of their rights and obligations in the context of implementation of the sanction. These activities must be combined with a general human concern and support for individual inmates or clients, who may not be in a position to deal with their problems by themselves.

A necessary condition for offenders to learn and exercise a sense of respon-

sibility is that there shall be a logical and sensible context within which the prison or probation work is carried out.

4. SECURITY

Prison and probation work shall ensure that the sentence of the court is carried out with due attention paid to the protection of the community from crime as well as protecting the inmate from aggression or damaging influences emanating from other persons.



The principle of security is chiefly of weight in relation to the enforcement of imprisonment. The purpose of security is partly to ensure that the sentence is carried out and partly to prevent inmates from committing further offences during the period of imprisonment or in connection with granted absence from the prison.

It is important to keep in mind that the maintenance of security has multiple aspects. It does not depend on physical barriers and technical means alone (passive security) but also on the staff's personal contact with inmates and its knowledge of what is going on in the institution (dynamic security).

The security principle is also relevant to work in connection with community sanctions. In this context the aim is to provide supervision which will lessen the risk of fresh criminality and violation of the rights of others to the greatest possible extent. The principle is therefore of importance

for the control aspects of the work of the probation service.

*5. LEAST POSSIBLE INTERVENTION
The Prison and Probation Service shall choose
the least intervenient means for dealing with
any particular task.*

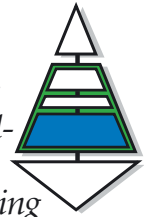


Day-to-day work with inmates, clients and their problems is characterised by the fact that there exist a variety of ways of performing the necessary tasks. To make use of maximum resources of powers is not necessarily the most effective method. On the contrary, the aim should be to develop problem-solving methods which make use of the least possible intervention in the lives of the inmates or clients whilst, at the same time, ensuring that the difficulties which have to be faced are effectively dealt with.

It will often be the case that effectiveness is ensured by undertaking an early intervention so as to prevent the development of unacceptable situations.

6. OPTIMUM USE OF RESOURCES

The Prison and Probation Service will use resources effectively, flexibly and in relation to perceived needs. It will therefore make all necessary provision to have well-qualified staff who are capable, both in terms of professional training and personal competence, of carrying out their tasks in accordance with the Programme of Principles.



No social system can obtain all the resources it might wish to use in the fulfilment of its goals. The way in which allocated resources are used is, therefore, of great significance. The most valuable resource of the Prison and Probation Service is its staff. Hence it is of decisive importance that the conditions of entry into and work within the Prison and Probation Service are such as enable the recruitment and retention of genuinely proficient personnel at all levels and for all functions.

Outcomes



The six principles for prison and probation work which have been described are independent principles. But at the point where they culminate in practical outcomes it is important to remember that there is an underlying relationship between them. When dealing with day-to-day problems, therefore, it is not sufficient to apply only one or two of the principles. ***All of them should be used as a basis for daily work.***

Although in what follows each principle has its own outcome, this is primarily for pedagogical reasons. Thus, for instance, the outcome precepts which follow from the principle of normalisation must also be consonant with the other five principles.



1. NORMALISATION

The outcome precepts from this principle are as follows:

- 1.1 The Prison and Probation Service will strive to ensure that offenders are given the opportunity to exercise their civil rights and to the greatest possible extent are given the same opportunities as other citizens for training and education, work, social help and benefits, medical assistance, cultural and leisure activities, etc.
- 1.2 Inmates will be allocated to prisons that, at far as possible, enable them to maintain contact with their own home environment (“proximity principle”). When there are special reasons for doing so, inmates will be differentiated on grounds of age, gender, criminality, mental or physical health etc.
- 1.3 The Prison and Probation Service will strive to ensure that the physical conditions of the prisons (size of institutions, wings, rooms, etc.) conform, to the greatest possible extent, to contemporary standards and to the requirements of the community in general.
- 1.4 The Prison and Probation Service will work to eliminate a climate of institutionalisation by allowing inmates reasonable opportunities to have personal property in their possession. Staff clothing and ways of behaving and speaking to inmates shall be such as will promote sound social contact between the staff and the inmates.
- 1.5 The Prison and Probation Service will utilise the helping services of the community to the greatest possible extent rather than set up parallel services. However, where inmates have no possibility to make use of community services, the Prison and Probation Service will endeavour to provide relevant forms of help and treatment.



2. OPENNESS

The outcome precepts from this principle are as follows:

- 2.1 The point of departure for the allocation of inmates is that they shall be placed in open prisons where the possibilities of contact with the community are greatest.
- 2.2 Opportunities for correspondence, visits and leaves, etc shall be given which enable inmates to maintain and develop their contacts with relatives and with life in the community.
- 2.3 Inmates shall be given opportunities for association to the greatest possible extent.
- 2.4 The Prison and Probation Service will collaborate both generally and in practical matters with other parts of the criminal justice system and other relevant sections of society. It will strive to provide as full an information as

possible on criminal policy and the content of, and conditions for, its work.

- 2.5 The Prison and Probation Service will give full co-operation to external inspectorial and supervisory bodies and be open for visits by the press and generally accepted humanitarian organisations.



3. EXERCISE OF RESPONSIBILITY

The outcome precepts from this principle are as follows:

- 3.1 Every effort will be made to ensure congruity in the work of the different sectors of the Prison and Probation Service (“continuity and co-ordination principle”). This shall at all times seek to motivate offenders to take responsibility for their own lives.
- 3.2 Inmates will be required to the greatest possible extent to take responsibility for daily doings such as preparing food and the laundering and repair of clothing (self-management).
- 3.3 Guidance will be given to offenders so that they may solve their own problems rather than having problems solved for them. They will be allowed to choose between relevant offers of help rather than having specific arrangements thrust upon them.
- 3.4 Offenders will be given the opportunity to exercise influence on the planning of measures of help and to carry out the particular parts of such plans.
- 3.5 Inmates will be given flexible opportunities to exercise influence and share responsibility for conditions in the prisons.



4. SECURITY

The outcome precepts from this principle are as follows:

- 4.1 Control and security tasks will be dealt with using a combination of technical, disciplinary and helping measures and close contact between staff and inmates.
- 4.2 Every effort will be made to try to prevent absconding and escapes, elusion of supervision and the commission of further offences during the period of implementation.
- 4.3 Good order and necessary discipline will be upheld in the prisons *inter alia* in order to try to avert the risk of inmates being exposed to aggression or harmful influence by other inmates.
- 4.4 Efforts will be made to prevent offenders from using narcotic drugs or misusing alcohol or medicines.
- 4.5 Efforts will be made to reduce the risk of recidivism by assisting in preparing for the release situation so as to help inmates lead law-abiding lives.



5. LEAST POSSIBLE INTERVENTION

The outcome precepts from this principle are as follows:

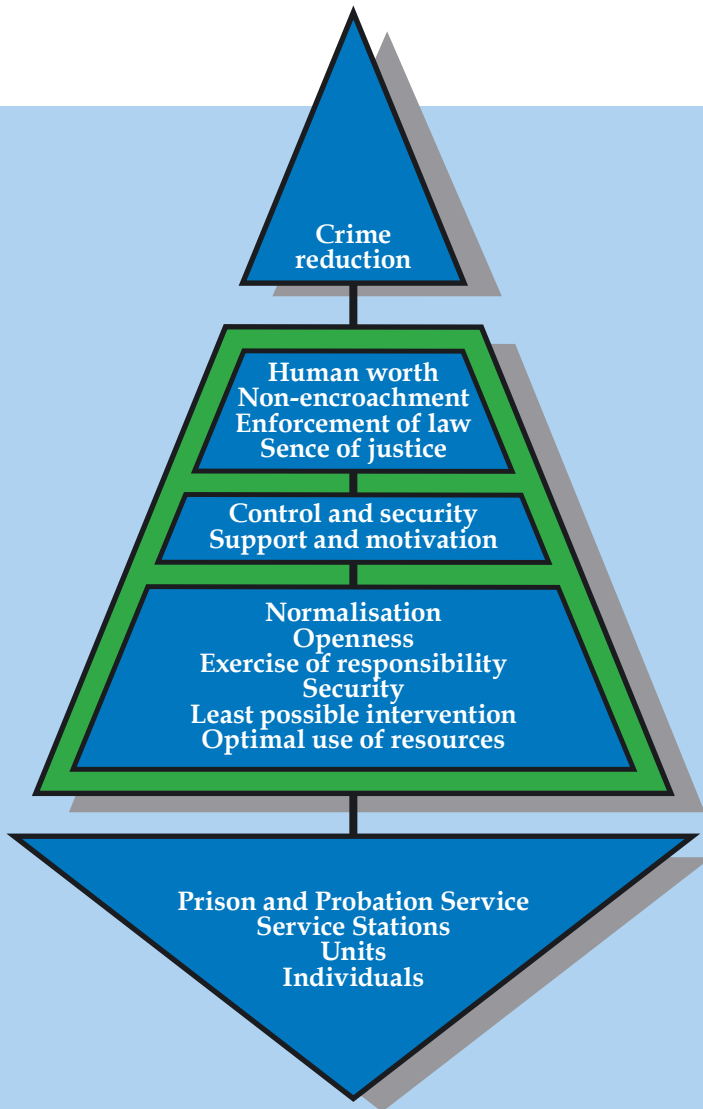
- 5.1 The necessary professional knowledge and skills shall be acquired which will enable conflicts to be prevented or dealt with using pacific means so that the use of disciplinary punishment or other similar reactions by authority are avoided to the greatest possible extent.
- 5.2 The notion of proportionality will be used in connection with disciplinary punishment or other reactions by authority so that reasonable interventions are achieved in concrete situations. Similar considerations apply to the imposition of conditions in connection with conditional release etc.
- 5.3 The quality of forbearance will be used with all interventions by authority so that any given intervention is as lenient as circumstances permit.
- 5.4 Control, special conditions and other measures not involving deprivation of liberty, will be used in conjunction with supervision to the extent necessary to ensure the effective carrying-out of supervision.
- 5.5 Resources will be brought into use at an early stage ("early prevention principle"). The Prison and Probation Service will play an active part in general preventive efforts, *inter alia* through collaboration with schools, the police and social agencies and through general information activities.



6. OPTIMAL USE OF RESOURCES

The outcome precepts from this principle are as follows:

- 6.1 The staff policy of the Prison and Probation Service shall be one of assisting the staff to deal with their responsibilities and tasks, enhancing job satisfaction and ensuring a good staff practice compatible with contemporary standards.
- 6.2 Staff facilities shall be of good quality as shall conditions of work, in particular with regard to personal safety.
- 6.3 A staff structure will be established that makes possible a close contact with inmates and a suitably differentiated contact with clients.
- 6.4 Responsibility and the exercise of competence will be delegated as thoroughly as possible so as to stimulate staff to independent and creative initiatives.
- 6.5 Staff policy will promote opportunities for the further training of staff – in particular for management training – using both the internal system of training as well as external courses and developmental activities.







The Danish Prison and Probation Service is part of the Ministry of Justice. It is a single administration, which deals with sanctions involving deprivation of liberty as well as community sanctions and measures.

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