

Notes
Workshop on Foreign Nationals in Prison
20-22 October 2014
National Probation Service, London

20 October 2014

Morning

First optional visit to HMP Maidstone
Optional visit to offices of Prisoners Abroad

Afternoon

Plenary session

Chair: Kirsten Hawlitschek (Executive Director EuroPris)

Kirsten opened the workshop and gave a short presentation on EuroPris and its collaborative work with the CEP which this Foreign National Prisoners Workshop is an example.

Welcome by Michael Spurr, CEO National Offender Management Service and EuroPris Board member.

The increasing proportion of FNPs in EU countries means it is a significant issue for prison management, with a high profile and a sensitive area with political attention. Pleased that EuroPris & CEP have chosen this subject for this Workshop. NOMS representatives look forward to both contributing to discussion and learning from other European prison and probation systems. The FNP population in England and Wales is approximately 12% which is the same as the proportion of foreign nationals in the population as a whole. In many other EU countries represented here, the proportion of FNPs is significantly higher. We should learn from each other about managing safe, decent and human regimes for FNPs. European States are increasingly looking to transfer FNPs to serve their sentences in their home country and this requires increasing cooperation. I am sure that this Workshop will contribute to that greater cooperation and the development of better understanding of the management of this group of prisoners.

Introduction Foreign Nationals expert group by Pauline Crowe, Chief Executive Prisoners Abroad.

The EGPA (European Group of Prisoners Abroad¹) became a Special Interest Group (SIG) of the CEP, 7 years ago. This grouping comprised of a small number of organizations, statutory and charitable, which provide services and maintain contact with their nationals imprisoned abroad. They are our citizens and your FNPs. As such our members have a unique perspective on how prisons in Europe and indeed outside, manage FNPs, how such prisoners are humanely imprisoned and best prepared for their release and return home. This FNP Workshop is the first collaborative result of this 'SIG' since the CEP and EuroPris decided to jointly work on this topic. CEP & EuroPris acknowledge that FNPs are one of the most pressing issues facing European prison systems and prison governors and SIG members are looking to working together with both Pan-European CJ organizations to promote better outcomes for FNPs.

¹ Founding members, The Netherlands, Republic of Ireland, UK.

Presentations on Comparing Practices: Foreign Nationals in Prisons in Europe

FN-only prisons in Norway and England & Wales-

Gaute Enger, prison governor Norway

Dave Atkinson prison governor England and Wales.

Prisons with a high proportion of FNPs-

Esther Montero Perez de Tudela, Assistant Director, Spain

Gaute Enger, Governor, Kongsvinger Prison, Norway

Gaute provided a clear presentation on the only FN-only prison in Norway, established 2012, and one of the few such prison in Europe. Out of a national prison system of 3,900 cells with 3,600 staff, this FN-only prison can hold 120 prisoners and has 100 full time staff. His general observations were that staff and prisoners managed well in the prison with less disciplinary problems. Staff had become more knowledgeable about issues related to this prisoner group, such as culture and religious needs, and more skilled at identifying and dealing with radicalization & extremism. The regime enabled better cooperation with the Immigration Service and with voluntary groups outside the prison.

Dave Atkinson, Governor, HMP Maidstone, England & Wales

Dave described governing a Victorian built prison holding 600 FN prisoners with 82 prison officers and 32 staff of other grades. He described the advantages and disadvantages of a FN-only prison. Advantages being in terms of staff better understanding the needs of FNPs and the regime meeting those needs, (visits from voluntary groups and Embassy staff) along with excellent working relations with embedded Immigration staff. Challenges were how to prepare FNPs being deported against their wishes for resettlement and rehabilitation abroad.

In answer to a question on preventing radicalization, Dave said that the way to prevent radicalization was by recognizing the risk, gathering intelligence and monitoring individuals when necessary.

Esther Montero Perez de Tudela, Assistant Director, Huelva Prison, Spain

Esther described the Spanish prison system of 66,000 inmates with a current FNP population of 30% . Her prison manages a higher than average proportion of FNPs. While approx. 40% of their FNP population have Spanish residency, the remainder can be a challenge to to the Immigration service to remove post-sentence completion and the majority remain in the country. Esther described the challenge to prison regimes for maintaining good order and discipline and constructive resettlement and rehabilitation work when a prisoner faces the prospect, if not the reality, of being removed from the country.

To a question, Esther commented that while the deportation procedure could be straightforward in in theory, in practise, many FNPs return and reoffend.

1st World Café session: Comparing practices between FN-only and other prisons

21 October 2014

Plenary session

Chair: Willem van der Brugge (Secretary General CEP)

Summarized comments from 1st World Café session

John Walters, Patron of Prisoners Abroad

1. What are the advantages or disadvantages of a FN-only prison? What are the advantages/disadvantages of a 'mixed' (FN & non-FN prisoners) prison?

Advantages

- enables the development of specialized, targeted resources;
- staff and education can be specialized;
- can be centre's of expertise in a field of work which often has low priority elsewhere
- can be a resource for prisons with less opportunity to develop special knowledge and expertise;

Disadvantages

- main focus tends to be on safe holding until deportation with no focus on rehabilitation;
- managing FNPs is more difficult when they are held together with greater risks of both gangs and self-harm;
- 'mixed' prisons may give more general attention to rehabilitation and offer a wider range of services but they may find it harder to reach FNPs;

So what do we think?

- depends on what FN-only prisons are trying to achieve; ie better deportation rates, cost reductions, housing FNPs in a 'safe, decent and secure' environment until they can be deported?
- what are resettlement objectives for FNPs bearing in mind that many will face much greater resettlement challenges than local prisoners?
- felt that 100% prisons would not be appropriate in some countries – clearly there is no model that is universally appropriate – issues of culture and political vision are relevant here
- no clear conclusion but an awareness that we can learn a lot from those 100% FNP prisons that have been set up

2. Specific problems of negative group culture and problems relating to uncertainty about delays in deportation decisions, specific problems of FNPs

- uncertainty about deportation and the difficulty of preparing for release in this situation;
- Lack of resettlement activities;
- Self harm, destabilization and conflicts with other prisoners and staff
- following release, the absence of contact between the country of detention and the country of return;
- few organizations feeling responsible for this particular group;
- Importance of early decision and of information for the prisoner about the progress of immigration decision making;
- Early deportation decision makes it possible to target intervention/resettlement/offending behavior programmes;
- how much interest is there really in engaging with the resettlement needs of those who will be deported?
- where FNPs face deportation there is a tendency to opt out of engaging with their resettlement needs;
- if all FNPs face deportation there is a risk of creating a population with nothing to lose and becoming non-compliant.

3. What are these prisons doing differently? What are the specific needs within FN-only prisons and any differences for male or female establishments?

- Discussion here tended to return to the question of 100% or largely specialist provision in mixed prisons.
- Suggestion that FNPs' needs tend to be better met where there are at least a significant percentage of them, otherwise needs tend to get lost
- Specialist prisons can be centre's of best practice for other prisons – resettlement practice, tailored education and training – maybe even prison staff with language skills and relevant cultural skills and knowledge and maybe even secondments to different countries;
- but most European prison systems have FNPs in normal prison allocation;
- Italy has mixed gender prisons so FNPs can be supported across the male/female divide;
- In Sweden some prisons near Stockholm have up to 60/70% FNPs and have been able to develop better links with embassies etc.
- Equality of opportunity for FNPs -every prisoner should have the same rights regardless of nationality – key

3. Which examples are there of best practise? Are there procedures required - custom made or standardize? Are there special skills and training needs for prison staff?

- Access to phones and family contact;
- Basic education; Learning language of country;
- Good information in their own language;
- Meaningful activity;
- Access to good legal advice;
- Mediators in prisons (perhaps NGOs);
- Focus on resettlement needs

Presentations on Release – Resettlement – Reintegration

Expectations and Needs for Resettlement of Dutch FNPs

Femke Hofstee-van der Meulen, Prison Watch, Netherlands

The Netherlands has a relative high number of its nationals imprisoned abroad, 2,300, mainly drug related offences. Good established system of statutory probation organization – Foreign Office Probation Service (BBU)- and trained volunteers organised by BBU and Consulates around the world, providing support and preparing prisoners for release and resettlement. 86% of Dutch prisoners abroad return to the Netherlands; problems are also related to re-registering in a municipality. Face problems of exclusion and bureaucratic obstacles on return. Ten recommendations for better resettlement outcomes in powerpoint presentation.

The Challenge of the Resettlement and Reintegration of FNPs

Hindpal Singh Bui, HM Inspectorate of Prisons, England & Wales.

Hindpal gave a wide ranging talk drawing comparisons across European countries of the position and treatment of FNPs. He summarized the findings of previous inspections of FN-only prison in England & Wales. Criticisms were crucial though not solely, based on the lack of resettlement and rehabilitation work undertaken by FNPs. Whether or not FNPs are deported or released into the host country, (as he stated are 40% of FNPs in UK prisons), resettlement and rehabilitation work should be undertaken to best protect the communities where FNPs are being released into. The focus on FNPs in Europe, is too often on

deportation, restricted regimes and deportation rather than resettlement. Uncertainty and late decision making, further restricted resettlement planning and impacted on regime management. Hindpal questioned the impact on all prisoners and especially FNPs, of the changes to NOMS through the MoJs Transforming Rehabilitation Programme.

Impact of the imprisonment abroad of a family member

Chrissie, mother of Foreign National Prisoner in Spain

Chrissie provided a personal account of the impact on her and family members, of their son's imprisonment. The value of the support provided by Prisoners Abroad, and similar organizations in other countries, was highlighted by Chrissie.

2nd World Café session

Discussion topic: Release - Resettlement - Reintegration: what do they mean for FNPs?

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Summarized Comments from 2nd World Café; John Walters, Patron of Prisoners Abroad

1. Release preparation -what can and should be done for FNPs? What is done in your country?

- Access to resettlement information
- Country return sheets
- Importance of facilitating family contacts
- Offender management units working with FNP – FNP should be included in the programmes
- Support ngo's financially as they have a huge role to play
- Seconded probation officers in different countries
- Access to translated information – a start can be made at least with some documents

2. Transfer preparation, (FD 909 and other prisoner transfer arrangements); what is the role of prisons/statutory resettlement staff in prison and the community? What is the role of community based probation?

- Very few transfers take actually place – long bureaucratic procedures
- Prison authorities and staff are poorly informed about the FD's
- Lots of authorities are involved in the transfers
- Hardly any links with the receiving countries prison
- Challenges are related to transfers into countries where prison conditions are of poor standards
- Information is key and there should be information available in prisons

3. Are there special training needs for probation staff?

- Training is of limited value if there is no leadership, resources and a clear strategy
- Immigration law – understand how the law works in your country
- Understand the FD 909
- Importance of cultural diversity training
- Possibility to mobilize community resources
- Joint training for prison and probation staff
- Importance of building links with other countries
- Importance of being able to consult experts and to build a network of experts that can be consulted

- Prison staff should have FNP focussed training as part of their cv considering the large number of FN in prisons

4. Impact on the individual -how to provide safe, decent, humane regimes? What can be done to address the CoE Recommendations on FNPs?

- Large gap between the CoE recommendations and the real situation were prisoners are waiting in 'deportation centers' for the end of their sentence: most countries still have a long way to go
 - Access to information for prisoners; using secure internet
 - Charities and ngo's have a big role to play
 - Dutch volunteers visiting prisoners are a very good example
 - Determine immigration status as early as possible
 - Language barriers
 - Extended lengthy visit for families
 - Regulations for use of phones take into consideration of time zones
 - Temporary release not possible most of the time for FNPs
 - Particular training needs concerned diversity and equality, cultural training, immigration issues
 - Assessing peoples need on release: do they need medication, documents and contacts for welfare services that can support them back in their home country?
- there are very specific training needs but it needs more than a few minutes to design a programme and that it will only make sense as an integral part of a full professional development programme for prison staff

Presentations on Lack of information in prisons for FNPs

Luisa Ravagnani, Criminology Researcher University of Brescia, Italy

Luisa entitled her presentation 'Lack of Information in Prisons for FNPs' and summarized the results of a research questionnaire of prison staff and FNPs she undertook. Lack of information on how to manage in the prison system were prominent in responses. A summary of the legislative framework for FNPs showed the complex background facing Prison managers. The issues for FNPs were consistent with those described in other countries, especially the impact of the lack of knowledge of the prevalent language used in Prison. Similarly, community resettlement conditions if not translated into a FNPs language, are difficult to understand and comply with.

Marloes Kuiters, International Office, Probation Service, The Netherlands.

Marloes provided a clear description of the work of the International Office of the Dutch Probation Service. The support they provide for Dutch prisoners abroad is based on the services of volunteers, trained and supported by the staff of the International Office and local Consular officers.

Laura Bevan, Prisoners Abroad, London UK

Established in 1978, PA is an NGO, funded by Government Departments (40%) and charitable funds (60%). It provides a valued service to British prisoners abroad; 346 who are in European prisons. Laura provided a comprehensive outline of the problems British prisoners abroad and their families faced and how PA works to alleviate them.

Prison based perspective, Stefan Eriksson, Prison and Probation Service, Sweden

An experienced prison governor at different prisons, Stefan described the areas of concern facing the 30% of FNPs in Swedish prisons and the challenges for prison staff. He mentioned that a high proportion of his staff have been born abroad themselves and have particular social, cultural and language skills which assist with managing a diverse group of prisoners including FNPs. Like many present, his staffing levels were much lower than the Norwegian prison which was a challenge to them.

'Picture it in Prison' Femke Hofstee-van der Meulen, The Netherlands

Femke described an initiative she had developed herself through her prison inspection work, in designing a pictorial handbook to improve communication between prison staff and FNPs without adequate use of the host countries language. The handbook will be available starting 2015.

Demonstration of 'Tracks' NOMS/Praxis Electronic Toolkit, Bethan Lant, NGO Praxis, London

Bethan presented the electronic toolkit 'Tracks', which is a Resource for the Resettlement of Foreign National Prisoners. This electronic toolkit is designed especially for NOMS for FNPs with immigration issues and to help FNPs, prison staff and probation staff to find detailed information related to the country of release and to procedures that need to be followed. Web-based, it is designed using different pathways to find the specific information that is relevant to the circumstances of individual FNPs. The information and resources section is for both staff working with FN and for FNP themselves and can be accessed through the internet or a CD.

Presentation on A Foreign National Prisoner Network -what might it look like?

Kirsten Hawlitschek, EuroPris

- Future strategy / Future FNP projects
- How to expand and maintain the network / Steering group
- How can you help

3rd World Café session

Development of a Network organization to assist European prisons in their work with FNPs?

1. Existing/missing information on and for FNPs, in Prisons?
2. Existing/missing information on and for FNPs, in Probation?
3. Who should be part of the network -how can it be maintained?
4. What should the network be working on and in what way? Are there any ideas for specific projects on FNPs? What information would be relevant for the CEP/EuroPris websites?

Summarized Comments and Recommendations from 3rd World Café

John Walters, Patron of Prisoners Abroad

- Internet portal that provides access to more information on and for FNPs – 'Tracks' is one example that is being used;
- Good practice with FNPs, that is around, being accessible through the portal;
- Resource issue could arise from the suggestions – who can realize what is needed? Is there any hope for getting special project funding (EU)?
- Electronic forum – using social media – keep in touch with persons that attended the workshop – share the e-mail list of workshop participants;
- buy-in & active involvement of Director Generals required – leadership from the top to make things actually happening;
- Consular access should be improved – involve them in the network;
- Design of a basic training package – e-learning module such as 'Bangkok Rules' for women
- Immigration could be invited for a next event to present their position and perspective
- Bring service users / FNPs into the network;
- Involve ICPA for organization of a next conference to involve world wide experiences and best practices (maybe next to a more focused workshop for Europe);
- design and promotion of Community options / community services for foreign national offenders, (otherwise all FNOs become FNP)
- very big idea: European funded FN prisons with a mix of staff from different countries
- prisons to seek staff with language skills and cultural knowledge to better manage FNPs.
- consider having seconded prison staff working abroad in other prison systems

Closing of the workshop by Willem van der Brugge

22 October

Second opportunity to visit HMP Maidstone