

SPECIAL INTEREST GROUP BUSINESS CASE

It is widely recognised that resettlement work should be undertaken with prisoners both during sentence and following release to secure their reintegration into the community and to reduce the risk of harm to others by re-offending. A substantial number of prisoners are held in countries from which they will be deported on release. There are few countries in Europe where the country to which they will return has any planned services to assist with their resettlement. This paper draws on the experience of countries where resettlement services are provided for 'prisoners abroad' and demonstrates that there is both a humanitarian and a business case for this work.

1. Council Framework Decisions 2008/909 and 2008/947 provide for the transfer of prisoners to their country of residence within the EU and for the transfer of alternative sanctions. The declared purpose of FD 2008/909 concerning the transfer of prisoners is to facilitate the social rehabilitation of the sentenced person (*article 3.1*). The objectives of FD 2008/947 include facilitating the social rehabilitation of sentenced persons and improving the protection of victims and the general public (*article 1.1*).
2. The framework decisions recognise that the rehabilitation of convicted persons is most effective in their country of residence, and it may be assumed that this recognises that family ties, housing, employment and a wide range of community resources are critical to the process of rehabilitation.
3. The CEP invites its member organisations to consider the need for a strategic approach if the rehabilitation of prisoners is to be achieved not just with EU residents but with all those imprisoned away from their country of habitual residence and those of foreign nationality liable to deportation. The CEP believes that a strong case can be made for this work and that the cost of providing services should be more than balanced by savings associated with reductions in recidivism.
4. Within Europe the proportion of prisoners of foreign nationality is considerable. The most recently available figures (2007-9, depending on country) show that they comprised more than 30% of the prison population in 10 out of 38 countries (source: International Centre for Prison Studies, London). Some were habitually resident in the country in which they were imprisoned but many of those so resident are subject to deportation at the completion of sentence. Some of those in EU countries are eligible for transfer to their country of residence under FD 2008/909 but many are not covered by the provisions of FD 2008/909 as they are either not habitually resident in the EU or are serving too short a sentence.

5. No comprehensive statistics are available concerning the numbers of European citizens imprisoned away from their country of nationality and/or habitual residence. However, the figures for the Netherlands and the UK are illustrative. 2,600 Dutch citizens are imprisoned abroad of whom 1,610 are within the EU and 90 in the rest of Europe. 2,600 people of British nationality are imprisoned abroad, including 730 in the EU (September 2009).
6. The difficulties in the eventual rehabilitation of prisoners held away from their country of residence or facing deportation are considerable. The framework directives explicitly recognise this. Casework undertaken with these prisoners illustrates the nature of the difficulties. The maintenance of ties of kinship and friendship are crucial to rehabilitation but they are placed under great strain when a family member or friend is imprisoned a long way from home. They may be severed by deportation when a prisoner is removed from their country of habitual residence. Effective prison rehabilitation programmes require preparation for release and establishing links with community resources, crucially housing, training and employment, but prison staff are poorly placed to make these links across national boundaries. Language problems and lack of information about administrative and legal procedures place the foreign national prisoner at a considerable disadvantage. Some prisoners are held in countries where prison conditions represent a real threat to health and even to life: prisoners experiencing these conditions may experience considerable personal trauma and they are likely to suffer from post traumatic stress after release.
7. In spite of these long recognised problems, prison rehabilitation work continues to be largely geared to the needs of those to be released within the country in which they are imprisoned and there is an even more startling lack of provision by countries for their citizens who are imprisoned abroad. And yet the risks to the individual and to society of the prisoner who returns 'home' to broken or absent community ties is considerable.
8. Prison administrations can and, in some places, have developed strategies to reduce the disadvantages experienced by foreign national prisoners and such strategies normally include attention to language difficulties (providing both interpretation and language teaching); help with maintaining contact with families; the involvement of consular services and specialist organisations; the provision of literature, information and cultural materials from the country to which the prisoner will return; opportunities to value cultural diversity and the grouping of prisoners of similar background to reduce isolation. Best examples are in prisons where education and training provision is focussed on the specific resettlement needs of foreign national prisoners. Such an approach, however, requires reciprocity from the country to which the prisoner will return. Indeed there are many things crucial to rehabilitation which cannot be provided at a distance.

9. While an increasing proportion of EU prisoners will become subject to compulsory transfer to serve their sentence in their home country when the Framework Decision becomes fully operational it will continue to be the case that the majority, and for some all, of their time in custody will be in another EU member's prison system. For this reason, prison regimes need to maintain and extend their targeted work with this prisoner group as well as developing liaison with prisons and probation systems in other EU states.
10. CEP members have experience of providing services designed to meet the needs of their citizens imprisoned abroad and to assist with their rehabilitation. The costs of providing these services differ from one country to another but two examples of the services provided and the costs involved are illustrative.
11. **Reclassering Nederland**, the Dutch probation service, is an NGO financed by the Dutch Ministry of Justice (95%). The **Bureau Buitenland** of Reclassering Nederland, was founded in 1975: the bureau is active in the field of probation capacity building in other countries and provides guidance to the increasing number of Dutch residents in prison abroad (2500 worldwide in 2009). The Bureau Buitenland is funded by the Dutch Ministry of Justice and the Dutch Ministry of Foreign Affairs.
12. Services by the Bureau Buitenland to Dutch prisoners abroad are co-ordinated in close cooperation with the Ministry of Foreign Affairs. The Bureau Buitenland is supported by probation service volunteers, who reside in the countries where the Dutch prisoners are, and visit them. They work closely together with the staff of Bureau Buitenland and the consular departments of Dutch Embassies and Consulates
13. In 2009, over 300 probation service volunteers were active in 52 countries worldwide. They paid a total of 7,000 visits to 1,890 prisoners. After each visit, volunteers report on the general situation of the prisoner and identify issues that need attention. In this way, the prisoners are kept in the picture, as visiting takes place once every 5 weeks. At the same time they receive counselling and are stimulated to address their problems.
14. Counselling by Bureau Buitenland takes place in roughly three different stages. *The arrest and remand stage*: this stage is characterized by the fact that the prisoner is suddenly cut off from their home which often causes emotional stress as well as problems arising from financial obligations (housing and other), loss of job and income, children that are left behind and so on. In case the prisoners themselves or their family or contacts in The Netherlands are unable to make arrangements, the prisoners may ask a regional co-ordinator of Bureau Buitenland to take action on their behalf. Making (temporary) arrangements at an early stage may prevent greater damage for the future.

15. *The detention stage*: during this phase, the prisoner is often allowed to regularly see probation service volunteer visitors. Also, Bureau Buitenland offers the opportunity to take a written course (languages and pre-vocational training). During this stage, the emphasis is on reducing the damage caused by detention through supportive visiting, offering courses and anticipating bottlenecks and helping with problems the prisoner identifies.
16. *Preparing for return and after care*: the stages described above, form an important basis for a successful re- integration upon return. To stimulate preparing for the actual return by the end of the detention period, Bureau Buitenland has developed a 'return brochure' that gives an overview of all the arrangements that need to be made. It also contains tips, useful addresses and forms. Aftercare is initially provided by the local authorities of the last residence before their detention. Where possible, Bureau Buitenland mediates through timely notification. In case initial accommodation has not been arranged, Bureau Buitenland will mediate so there will be at least a temporary reception. The ex-prisoner can count on support (information, advice and mediation) from Bureau Buitenland, during a period of three months after their return
17. About 600 Dutch residents return to the Netherlands each year on release from European prisons. About 400 of them have made use of the services of Bureau Buitenland during their detention. After return, 300 make no further use of these services and it has been estimated that 50% of them re-offend. By contrast it is estimated that only 30% of the 100 making further contact re-offend. It can thus be argued that post release intervention by Bureau Buitenland prevents re-offending in 14 cases each year. The cost of prisoner counselling provided by Bureau Buitenland is 1M Euros or 400 Euros per case. Using an estimate of 15,000 Euros as the cost of recidivism it can be argued that investment in working with these 14 prisoners saves $14(15,000 - 400) = 204,400$ Euros.
18. **Prisoners Abroad** is a non-governmental organisation in the UK which provides services to British men and women in prison abroad, to their families and to those returning or deported to the UK on release. 40% of the costs of Prisoners Abroad are met by government (the Ministry of Justice and the Foreign and Commonwealth Office); the remaining 60% is raised from charitable and private sources.
19. Services to prisoners are provided in collaboration with the consular service and include the provision of information aimed at helping prisoners to cope with incarceration and to prepare for release (on line, in brochures or through private correspondence); a three times a year newsletter; personal support through pen pals, birthday cards and letters; books, magazines and newspapers; cash grants to those in prisons where private funds are needed to buy necessities; grants for medical treatment where this is not available free

of charge. Feedback from prisoners, both informal and through structured survey, demonstrates the importance of these services to prisoners. Needs are especially acute in countries where prison conditions are poor. Also prisoners facing deportation from their country of residence welcome a link to the country in which they will need to resettle as strangers.

20. Services to families recognise the anxiety and difficulties faced by the parents, spouses and children of prisoners and help to maintain the family links which are crucial to effective rehabilitation. Services include information (that provided for prisoners and additional material for families); a free telephone helpline; assistance in arranging visits; organising days when families can meet together for mutual support. Again feedback is good.
21. Prisoners Abroad provides a dedicated resettlement service to those experiencing high need on return or deportation. These are former prisoners who no longer have community supports in the UK. Many have lived abroad for long periods. All are homeless and need help to access income support, housing and employment. Many have medical problems. Some can be identified as at high risk of committing a serious offence either because of their history of offending or because of mental health problems. Most, it is considered, would be at high risk of some form of recidivism if they were left homeless and without means.
22. Prisoners Abroad does not have access to data about the medium or long term recidivism of this group. However, the Metropolitan Police, with whom Prisoners Abroad collaborates over the highest risk group, recognised the quality of the work in preventing reoffending by making a Public Protection Award to Prisoners Abroad in 2007.
23. The cost of the dedicated resettlement service in 2008/9 amounted to £285,839 or £1,159 for each person receiving a service. The cost to society of a released prisoner committing and being convicted of a further offence depends on a variety of factors, including the nature of the offence and the sentence passed. According to a 2002 report of the Social Exclusion Unit of the Cabinet Office *'a re-offending ex-prisoner is likely to be responsible for crime costing the criminal justice system an average of £65,000. Prolific offenders will cost even more. When re-offending leads to a further prison sentence, the costs soar. The average cost of a prison sentence imposed at a crown court is roughly £30,500, made up of court and other legal costs. The costs of actually keeping prisoners within prison vary significantly, but average £37,500 per year.'* While there has been no calculation of the statistical risk of reconviction of ex prisoners who have served sentences abroad the average two year rate of reoffending for adults released from prison in the UK has been calculated by the Ministry of Justice to be 47% (2009). It is clear that the investment needed to reduce the risk of reoffending is extremely modest in comparison with the cost of recidivism to the criminal justice system alone.

24. The CEP recognises that its EU members will be investing resources in the implementation of the two framework directives but draws attention to the great number of foreign prisoners who will not be affected by these provisions. The prospects of the eventual rehabilitation of these prisoners can be considerably improved by the development of services recognising the principles on which the framework directives are based. There is experience among CEP members of how these services can be developed at costs which are a small fraction of the costs of recidivism.

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