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National Offender
Management Service



Developing an Offender Handbook

STEPS2 Resettlement: Support for Transfer of European Prison Sentences towards Resettlement

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Table of Contents

INTRODUCTION..... 3

BACKGROUND..... 3

FOCUS GROUPS, INTERVIEWS AND TESTING..... 5

RECOMMENDATIONS FOR MEMBER STATES 6

CONCLUSION 7

AUTHOR CONTACT DETAILS 7

INTRODUCTION

As part of the STEPS2 Resettlement project funded by the European Commission, the National Offender Management Service agreed to research and conduct focus groups with Foreign National Offenders on what they know about Framework Decision 909. The intention of this research and focus groups was to develop an offender handbook for all Foreign National Offenders in EU Member States that would not only inform them on the Framework Decision transfer process but also explain some of the differences and what they should prepare themselves for if being transferred.

A larger aim of the handbook was to relieve the anxiety of transfer and make sentenced persons aware that the framework decision exists and their rights within the decision.

The National Offender Management Service worked with many different project partners to aid the development of the handbook including EuroPris, University of Bucharest, National Administration of Penitentiaries, Ministry of Security and Justice, Huelva Prison, HMP Maidstone, HMP Huntercombe, HMP Wandsworth and De Montfort University. All these partners provided contacts, testing or focus groups within their own jurisdictions so that the handbook could be developed with a European perspective rather than country specific.

The process for developing the handbook was as follows:

1. Research into current handbooks, guidance for sentenced persons on any kind of transfer from one prison to another
2. Focus Groups with sentenced persons in two UK prisons, one Romanian prison, one Spanish prison and one Italian prison
3. Draft handbook developed for review by the project board
4. Draft handbook reviewed by two separate EuroPris FD909 Expert Groups
5. Re-draft of handbook developed by NOMS
6. Re-drafted handbook tested in two UK prisons, one Spanish prison, one Italian prison and one Romanian prison
7. Handbook sent for translation to EuroPris Expert Group members and all EU Member States sent template for information sheet
8. Handbook and information sheets for each language and country uploaded onto EuroPris website

This report details the findings from the focus groups, the rationale for developing the handbook into its final version and research into current handbooks for prisoner transfers.

BACKGROUND

In 2014, the EuroPris FD 909 Expert Group recommended that a one page basic information sheet be produced aimed at staff and prisoners. This would be further enhanced by a more detailed offender handbook. Through Workstream 2, the STEPS2 Resettlement project aimed to equip staff and prisoners with increased information about FD909 and the possibility of transfer. Specifically for offenders this information needed to be linked to the information staff would also receive so that they could explain in further detail if the prisoner needed further clarification. This has been done by workstream 2.1 and workstream 2.2 working closely together to produce both the

prisoner information (offender handbook) and the staff information (e-learning training package). Both the Ministry of Security and Justice in the Netherlands who have developed the staff training package and the National Offender Management Service who developed the offender handbook made sure that each complements the other so that both prisoners and staff have the correct information.

These are being produced by NOMS through Workstream 2 of STEPS2 Resettlement and the need has been further endorsed through the EuroPris expert group on FD909. In 2012, experts recommended that information documents be produced in the format of a flyer/booklet for prisoners including a short description of the transfer process, early release schemes and summary information on prison conditions. The expert group also stressed that given many prisoners have lower levels of education and literacy, documents that are too long, legally complex or poorly translated will be of little use to the person they are designed to benefit.

Research was conducted with the help of the STEPS2 project partners and associate partners and EuroPris expert group members into what guidance or handbooks already exist in individual countries regarding the transfer process for sentenced persons. The following information was gathered from different member states, this is not however a complete and exhaustive list of what guidance exists:

Romania have a short brochure that explains the Framework Decision 909 and the process for transfer. It uses some illustrations to demonstrate some of the more complicated points and also points to a more detailed brochure available in the prison library. This was developed within the scope of STEPS2 Resettlement project based on previous work done with the National Administration of Penitentiaries.

The Netherlands has produced a 4-page information sheet, written from the purpose of Dutch prisoners abroad who might be interested in transferring. This contains summary information on the requirements needed to satisfy a transfer, conditional release arrangements, and the time-scale for transfer. It is a succinct summary of the process and clearly signposts how prisoner can access further information – by phone, email or post.

Whilst the terminology and language used are complex and the information is only relevant to Dutch nationals, this has been useful reference point for what information the STEPS2 Offender Handbook should look to include.

Denmark have produced a booklet 'Serving Your Prison Sentence' which is available in a range of languages (Arabic, Czech, Dari, English, Estonian, Farsi, Finnish, French, German, Greenlandic, Latvian, Lithuanian, Mandarin, Pashto, Polish, Russian, Romanian, Serbian, Somali, Spanish, Turkish, Urdu). The booklet can be downloaded from the internet and so would be easily accessible to families (if provided with the link) and prison staff could download the relevant version for the prisoner.

The document is a comprehensive overview which clearly explains rights and responsibilities and directs prisoners where they can find out further information on specific topics, preparing prisoners for serving their sentence in Denmark. The structure of this could be used as a framework for individual Member States to develop their own country-specific literature.

<http://www.kriminalforsorgen.dk/Serving-a-prison-sentence-387.aspx>

UK – Foreign and Commonwealth Office send official representatives to countries where UK nationals are imprisoned to talk to them about being transferred back to the UK and what the conditions and facilities will be like. They provide one on one contact to relieve any anxiety on the prisoner's half and answer any questions they might have about the process.

Finland developed a two sided A4 document that answers the basic questions about transfer not only under FD909 but also to other Nordic countries. The document is called 'Notification to foreign prisoners' was also translated into English as well as being available in Finnish.

Italy had produced a booklet in association with the University of Brescia that contained information of sentences in Italy, general prison conditions, prisoner rights and possibility of transfer. The leaflet was in Italian and meant for Italian prisoners only but provided useful information for prisoners already serving their sentence in Italy.

Belgium had produced a document that contains information about being transferred, not specifically under Framework Decision 909 but it does give some information about the process of transfer to a number of countries both within and outside the European Union.

FOCUS GROUPS, INTERVIEWS AND TESTING

Working alongside workstream 1 and the University of Bucharest, focus groups were conducted using a tried and tested questionnaire that the University of Bucharest had used in Romania, Spain and Italy on Romanian prisoners that either had the choice to transfer or were due to transfer to Romania. Using this questionnaire focus groups were held in HMP Maidstone and HMP Huntercombe in the UK with wider questions used to gauge the understanding of prisoners on FD909, their rights in relation to this, the process and also what information they deem most important to know prior to transfer or prior to asking for transfer under FD 909. The results of these focus groups showed that prisoners were very clear on what they wanted to know prior to a decision about transfer:

- Information on what Framework Decision 909 is
- What their sentence will be if transferred
- How long the process takes
- Whether they can appeal any decision
- Where can they go when they return

NOMS conducted focus groups at HMP Huntercombe – a foreign national only prison in England, to speak to prisoners about what information they would like to know prior to transfer and to capture understanding from staff who have experience of working with foreign national offenders (19 August 2015, Jim Walker and Nick Flynn).

Following this consultation, NOMS produced an initial working draft of the Offender Handbook which was designed as a tri-fold leaflet. This format however did not enable further explanation of the range of subject areas that experts felt was necessary (as discussed at EuroPris expert group 2015). The heavy use of colour blocking was also inaccessible and would not reproduce well.

Staff working with prisoners and those who process requests for transfers have cited the lack of knowledge amongst staff and prisoners as being one of the barriers to the transfer process, increasing delays as additional information is sought to enable prisoner consent.

Prison regimes vary across Member States and the lack of knowledge about what conditions might be like in another country can be daunting for a prisoner looking to transfer. Competent authorities have cited that they receive a lot of questions from prisoners about the transfer process, including: what the induction process will be like; sentence calculation and early release schemes; family visits; and, resettlement support. To enable prisoners to make informed consent and to increase the use of transfers under FD909, Member States have recognised that country-specific prisoner information documents would benefit prisoners.

The onus will be on the specific Member State to produce their own document and have responsibility for maintaining and updating their information that is country specific.

The amended draft of the handbook was tested in several prisons in November 2015 including two in the UK, one in Italy and one in Romania. The result of these tests led to some minor alterations to make the handbook more widely understandable but the test also showed that the general language of the handbook suited sentenced persons and was easily understandable without being too detailed or too general.

Therefore a detailed handbook was developed split into the two dimensions of compulsory and voluntary transfer and a further smaller and simpler leaflet about the framework decision with a decision flowchart which points towards the handbook for further details.

RECOMMENDATIONS FOR MEMBER STATES

The produced Offender Handbook and Country Information Sheets will be available on the EuroPris website for all Member States to access www.europris.org. It is up to each individual Member State to check the information for their country and update this accordingly through the EuroPris website.

Language

When translating handbooks of information sheets into their own language Member States should remember that all literature should be written in simple language that does not rely on any prior legal knowledge or understanding. Visual aids should be used where relevant to enhance the text.

Accessibility

Consideration should be taken to the fact that the booklet may be photocopied/printed in black and white and so any adaptations should not overly rely on use of colour. Large print versions should also be produced for prisoners.

Format

Whilst some jurisdictions allow prisoners to access the internet, many will not have this opportunity and it is recommended to keep a few hard copies of the handbook in the prison library or with staff if possible so prisoners always have access to a copy. Each prison cannot be expected to retain copies of the individual country sheets relating to each Member State, and so therefore EuroPris has offered to host this information on their website. Prison staff should be

made aware of this resource and should download and print the relevant information when requested by a prisoner or preferably be made available with the handbook when requested.

Training

It is recommended that all staff in prisons where offenders have the possibility to transfer should undertake the e-learning module available via the EuroPris website, this is a free resource and therefore should be utilized to equip staff with the knowledge of the process under FD909.

CONCLUSION

The finished offender handbook has been produced using as much knowledge as possible from prisoners, staff and Prison Administration experts. Taking into consideration handbooks and guidance already in existence for prisoner transfers and the social rehabilitation of offenders when transferred. In conclusion the handbook must not be used on it's own to make a conclusive decision on transfer if the transfer is the decision of the prisoners as they must also be shown and consider the information sheet on their 'home' country they wish to transfer too. Therefore all Member States should consider training their staff not only using the e-learning training package but also in the offender handbook to guide offenders affectively to a reasoned decision or if the decision is not theirs at least relieve some of their anxieties.

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