

Guidance Note 8

Prison staff and their training

Summary

- The way prison staff treat prisoners is central to human rights observance. Without appropriate behaviour by staff other reform measures will flounder. Yet prison staff training is often non-existent, minimal or inappropriate.
- Changing staff attitudes and behaviour is usually central to the success of prison reform. Training is often seen as the solution. But without a visible commitment from the senior management and the establishment of a clear ethical framework for the prison service such training may well be ineffective.
- Human rights training is often seen as a low-cost reform measure. However, its effectiveness depends on how it is delivered, by whom and within what context.
- Done inappropriately it can be counter-productive.
- Training that involves freeing up prison staff to control their work and make decisions is most likely to reap benefits.
- Other factors important to staff such as their employment conditions and access to redress if their rights are denied must also be given attention.

“ All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.”

— *Article Ten, United Nations International Covenant on Civil and Political Rights*

Guidance Notes on Prison Reform

This guidance note is number eight in a series designed to give practical help to those developing and delivering prison reform projects. All the guidance notes:

- are set within the international human rights framework
- apply in a variety of cultural and political environments
- propose solutions that are likely to be sustainable in a variety of socio-economic situations and do not involve a significant increase in resources
- take account of the realities of prison management

The production of these guidance documents on how to undertake prison reform projects is supported by the UK Foreign and Commonwealth Office.

The crucial importance of staff

The two most important groups in prisons are the prisoners and the staff who deal with them. The key to a well managed prison, which observes standards of decency and humanity for all, is the relationship between these two groups of people.

If prison staff are to carry out their important public service in a professional manner, they need to be carefully selected and properly trained.

“ *The main problems are with staff, who see prisoners as the enemy. Arrangements for transport are symbolic; prisoners have to lie on the floor of the vans “like dogs”. There is a need to train staff.*

ICPS Needs Assessment Report 2000

Professions of good intention by government ministers and heads of prison services, the production of pocket-books or small cards on human rights observance for every member of staff or putting extracts from the United Nations Standard Minimum Rules for the Treatment of Prisoners on posters on the prison walls are all worthwhile but will not in themselves affect and improve the interactions between staff and prisoners.

The crucial people are the first line prison staff who deal with prisoners on a day to day basis. They are the ones who unlock the prisoners' cells in the morning, who are with them most of the day and who lock them up at night. They see prisoners when they are at their strongest and when they are at their lowest. Whether prisons are decent and humane or brutal and coercive will be determined by the way they treat prisoners. They will speak to prisoners regularly, either respectfully or disrespectfully. They will control allocation to the beds and cells, access to meals, family visits, parcels, letters, telephones, work, education, doctors and transfers to other prisons. It is the staff who defuse potential disorder or deal with hostage-taking incidents, either violently or through negotiation.

If prison staff are to treat prisoners well and respect their rights it is essential that they themselves are respected by the prison service management and valued by the government. They also need to operate within a clearly stated and publicly valued ethical framework that defines the parameters of acceptable behaviour.

“ *Improvement and Respect, Corrections is about Putting Human Beings First. Inmates' human rights are respected, starting with living space and every effort is made to ensure inmates are treated with dignity.*

Ministry of Justice of the Republic of Korea, *Corrections in Korea 2004*¹

The Jamahiriyan society proscribes punishments which attack the dignity and the integrity of the human being...

The Great Green Charter of Human Rights in the Jamahiriyan era, Libya 1988²

Her Majesty's Prison Service serves the public by keeping in custody those committed by the courts. Our duty is to look after them with humanity and help them lead law-abiding and useful lives in custody and after release.

Mission Statement of the Prison Service of England and Wales 2003³

These are very high standards to achieve. Not all those who wish to work in prison will be able to deal with the complexities of prison life and the required standard. In the first

place, it is important that there is a selection process which ensures that the applicants who are selected will be able to carry out the difficult responsibilities of working in a prison.

Staff need to be given appropriate training to a professional level. Some training must be given when staff are first appointed and before they take up their duties in a prison. There should also be further training at a later stage to help staff to develop specific skills.

Training is necessary to enhance staff skills and professionalism but also to make it clear that the senior authorities regard an increase in the professionalism of prison staff as an important investment. Formal certification by a recognised educational body can encourage take-up of training.

Training and attitude change

Providing prison staff with additional training is often regarded by those who support prison reform projects as one of the best ways to improve the management of prisons and ensure greater human rights observance. It is recognised that the attitudes of the staff are the key to how prisoners are treated and that providing staff with training and one opportunity for professional development is an important way of changing their attitude to their work.

“ ‘Warders’ (or ‘Constables’ as the guarding staff is called in Rajasthan jails) join the prison service for reasons that are quite different from those of senior staff: Lack of education and the backgrounds from which they come motivate them differently. They neither feel nor recognise the need for lofty ideals in the running of prisons. For them it is a job and some of them feel too much fuss is made about prisoners’ rights. Given their own needs and requirements they resent being expected to give prisoners so much attention. This attitude and the fact that they have maximum day-to-day interaction with prisoners often reveals the kind of friction that results when a set of persons is compelled to provide benefits for persons they resent... Warders/Constables are a vital link in the chain of good prison environment: however their attitudes are often negative and become the reason for a prison regime to be labelled ‘positive’ or ‘negative’.

Rani Shankardass and Saraswati Haider, *Barred from Life, Scarred for Life* 2004⁴

Training programmes in human rights are, therefore, often chosen as efficient ways of beginning the reform of prison systems effectively, quickly and at low cost. Even when resources are scarce, a change in the way staff deal with prisoners can radically improve the treatment of prisoners. Even in a crumbling overcrowded prison, proper staff training can result for example in:

- eliminating physical violence to prisoners
- allowing prisoners out of their cells for longer periods
- cutting down the number of humiliating strip searches and internal searches
- ensuring HIV positive prisoners are not segregated or held in isolation
- allowing reading material and mattresses in punishment cells
- permitting prisoners to have personal possessions, such as watches and radios
- allowing prisoners to organise cultural activities, such as concerts

Training is a problem for many systems

The absence of trained staff is a fundamental problem in many prison systems.

“ **Prison A** Main problem is with staff who have no training; they do not know what their job is. No career progression for staff.

Prison B 600 prison staff are all police officers; no training in prison work.

Prison C No specialist staff and no staff training.

Prison D Poorly trained staff, mostly from military police.

ICPS Mission Report 2000

Training arrangements vary greatly between countries. Some prison services provide two years graduate level training for new staff. Others, such as some of those of the former Soviet bloc, train new senior prison staff to graduate levels and draw junior staff from conscripts to the militia who are doing two years sub-military service.

In countries where there is training for basic staff, the emphasis is often on the law, the maintenance of security, and use of firearms and methods of riot control. Some countries have professional training schools but the curriculum is academic and remote from the everyday realities of work in prisons.

Those who provide the training should know the subjects they are teaching. It is important that at least some senior training staff should have worked in prisons and know what the job involves. In some countries staff are specially selected as trainers and the best prison staff are expected to spend a few years training new staff. In other countries staff are sent to teach in the training school when they can no longer cope with day to day work in prisons or have worked for so long that they deserve a quieter, less stressful life.

The effectiveness of human rights training

Human rights training can be ineffective or counter-productive if it is not done well.

- A course that instructs staff about the need to respect the human rights of prisoners without placing it in a context that includes the rights of prison staff can cause resentment. This is particularly understandable if prison staff are underpaid, ill-managed, not respected and not properly protected from violence and disease.
- Describing the human rights entitlements of prisoners in isolation without reference to the need for people to live together in an institution or an understanding of the realities of prison life can lead to cynicism and a rejection of the whole human rights message.
- Lecturing on the Standard Minimum Rules for the Treatment of Prisoners and the desirability of each prisoner having a single cell will not go down well with a group of prison staff who themselves live with a large family in two small rooms.
- Describing human rights entitlements in the abstract, without relating them to how prison staff go about their daily business, can make little impact.

“ *At the outset of this project ...I was satisfied that we delivered adequate human rights training for junior staff – a set number of hours in the curriculum – on the International Standards and how they are reflected in Federal law. However, my staff and I soon came to realise that human rights training was not about just teaching the letter of the law*

which many young recruits were less interested in than practical training. It was about demonstrating practical application, for example retaining respect for a person's dignity when searching them and attitude when communicating with prisoners.

To this end we have devised a new training programme, where most aspects of practical training make references to how human rights standards apply to each situation, and how staff can function effectively whilst maintaining respect for the dignity of prisoners and each other.

Elena Popova, Former Head of Staff Training, Moscow Prison Administration speaking at a workshop in 2004⁵

Who should deliver human rights training to prison staff?

The credibility of those coming from outside to provide training for staff is important. Prison staff are likely to be sceptical of lectures from outsiders who may be very knowledgeable about human rights but who have never had to spend ten hours in charge of a large group of volatile prisoners or had to cut a prisoner down who has succeeded in committing suicide by hanging from a window frame or upturned bed.

Benefits can also come from involving people with other professional and personal experiences in training prison staff. The involvement of a local university law faculty, for instance, can bring advantages by showing the staff that prison work is a university-level subject, by giving the university tutor an understanding of and interest in prisons, and leading perhaps to a long-term commitment from the university to the staff of the prisons.

Involving civil society groups and human rights organisations can be beneficial depending on their understanding of the wider objectives of the training course and the need to increase the self-esteem and confidence of prison staff, rather than to crush it.

Where should training be delivered?

Emphasis is sometimes placed on providing funds to build a prison staff training school or to support such a school. Other projects concentrate on what is called 'training the trainers'; this means training a small group of staff, who are then used to train their peers. It is not clear how effective such projects are. Certainly, it is rare that what is taught in training schools to new recruits stands up to the counter-pressure of the culture of the prison staff in the prison where the recruit is sent.

Even in developed countries, there is often a dissonance between what new recruits are taught by trainers, who either have no knowledge of what actually happens in prisons or whose knowledge is years out of date, and what they are told by senior staff when they start to work in a prison.

In countries where resources are scarce, better value might be obtained from mobile training units with staff who go to prisons and from using the institutions of the general community such as higher education institutions for any advanced training, rather than building up a specialised prison training institution.

Effective training activities

Training should be integrated into practice

Human rights training is often an add-on, a two-hour session at the end of a month's course. Sometimes it is a subject in a list, coming after instruction in the use of firearms and the prevention of the spread of infectious diseases. It may be taught by people who come in from outside organisations, thus confirming that the prison administration does not regard it as integral to operations.

“Codes of ethics are useful, but only where they are ‘bought into’ by the staff in question. They must be involved in the drafting of them, and training programmes for all must be conducted.

Transparency International, *TI Source Book 2000*⁶

Human rights training is more likely to be effective if it is integrated into each subject in the training programme and the human rights framework is used as the guiding principle for the design of all courses aiming to improve the performance of prison staff.

Training should be integrated into action

Human rights training is also more likely to be effective if the training is linked to practical aspects of the work of prison staff and to a programme of changing the overall environment in the specific prison where the staff who are being trained work. For example, many things have to be done in a prison to ensure security is maintained. These things, such as cell-searching, body-searching, urine-testing and putting disturbed people in restraints intrinsically infringe the personal integrity of the prisoner. However, they are sometimes essential and staff can be taught ways to do them that are less intrusive and more respectful.

One method of doing such training is that which considers an international human rights requirement, for example, that torture and ill-treatment should always be prohibited; and asks the staff on the course to analyse this obligation in the context of their own system. Can they produce a list of changes they could make to achieve the goal of eliminating torture and ill-treatment? Staff are likely to respond initially by insisting that there is no torture or ill-treatment in their prison. Through further discussion they can be brought to an understanding that some of their daily practices do amount to inhuman treatment of prisoners, even if it has not been recognised as such.

In response to such a process, staff in a prison system in Central Asia proposed the following measures:

- a specific prohibition of torture and coarse, inhuman and humiliating treatment and punishment in existing practice
- elaboration of a training programme and attendance by all staff on a special course of study
- strict measures to prosecute any staff members accused of torture
- strict observance of lawfulness in the prisons
- creation of a medical service independent of the prison administration
- provision to the prisoner of full rights of complaint to a higher authority

These measures were to be supplemented by a clear plan of action setting out who was to be responsible for the changes, how and by when. By this method of training, prison staff were helped to see clearly that human rights is not an abstract set of ideas, nor a criticism of them and their attitudes, but a method of transforming their working environment and their daily activities into a beneficial outcome.

Training should be linked to personal development

Prison staff in many prison systems are expected to obey orders, keep order, lock and unlock doors, keep corridors and units under surveillance and have an ear open at all times for signs of disturbance. In other words, they are merely expected to carry out rules. It is sometimes argued that in such a hierarchical unquestioning environment a human rights approach can be introduced by using the hierarchical structure so that staff will adopt it simply because they are expected to do what they are told. While this may on occasion be a useful starting point, it is more likely that a human rights approach will take hold in a prison system if the prison staff are freed from the strict, unthinking, hierarchical mode and human rights training becomes linked to personal development and capacity-building.

If prison staff accept the premise that prisoners are to be treated as equal human beings their performance will improve. Human rights training can turn prison staff from employees who passively obey orders into teachers, counsellors, organisers and people who can use their own initiative.

“ *The changed environment, due to intervention by court and Human Rights Commission, has forced the staff to alter traditional uses of power namely coercive, reward and referent power. They now have to use legitimate and expert power to function effectively. Hence there is an urgent need for training to counter feelings of helplessness and perceived loss of control. Training programmes help staff to become more empowered individuals... and increases their expert power.*

Dr Upneet Lalli, *Impact of Human Rights Training Programme on Prison Staff 2002* ⁷

The confidence-building and capacity-developing approach is also essential if staff are to be able to move from their traditional view that the prisoner is the enemy to be feared and kept at a distance. If prison staff do not believe in the changes they are expected to make, they will not make them, as the risks will seem to them to be too great. There is a need for substantial support for prison staff who get involved in major training programmes based on human rights principles. They will encounter scepticism and hostility from many colleagues.

“ *...previously I thought my job was merely to lock up prisoners. Now I realise that it is much more. My staff will think I have been brainwashed here. I will need your continuing support.*

Latin American Prison Director with a military police background,
ICPS Mission Report 2000

The best human rights training projects are set up over an extended time-scale, of at least three years, with the people bringing the training making regular visits to follow up, support, encourage and strengthen the resolve of those who have made a commitment to the training and are often facing considerable criticism.

Other staff issues

There are a number of ways of encouraging prison staff and helping them to feel able to use their initiative. In some countries, for example, there are schemes that reward prison staff for outstanding achievements or give them travel bursaries to learn from other countries.

“ *The Butler Trust was set up as an independent charity in 1985. It identifies and celebrates the achievements of people who work in prisons...who have shown exceptional skill or initiative in their work with prisoners. They include not only members of the Prison Services...but doctors, teachers, librarians and volunteers. Their work, which is so often unrecognised, maintains the morale of prisoners, helps them to use their time in prison to good effect by learning or acquiring skills, and prepares them to re-establish themselves on release.*

The Butler Trust recognises these outstanding efforts through a number of major awards which enable winners to develop and disseminate their work ... HRH The Princess Royal has been the Trust's Royal Patron since 1985.

The Butler Trust UK⁸

References

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