

The impact of COVID-19 pandemic on our work in prison and probation service

Preliminary conclusions from Bremen Federal State, Germany and prospects for research

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Abstract:

This article deals with aspect of recent police during Corona (SARS-COV-2) in prison and probation service in Bremen, federal state of Germany. How do prisoners and probationer cope current Challenges? Which further research is needed for practise? The aim of the article is to draw the attention of a specific criminological method for further research and casework in prison and probation service.

I. Instruction

“Corona” (COVID-19) has now been a concern of the prison and the probation service for more than six months, with ongoing implications for professionals working in our prison and probation service. The aim of this contribution is to describe the risk management process adopted in Bremen Prison and probation service over the previous six months since the outbreak of Covid 19 pandemic. Although we are not yet able to see the full impact of our work, the first developments of prison and probation service are clear.

II. Preventative measures in Bremen prison during the first month

1. Bremen prison in history and today

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Bremen Prison was founded 1874. Built on the site of the former Prison (“Zuchthaus”) in the beginning of 17th Century, it was the first penitentiary in Germany. From the middle of the 19th Century, the French Revolution brought a rise in human rights; reforms were made to criminal legislation and the penal system. Some of these developments subsequently moved in the background, and in the 19th century, preventative aspects reappeared. After the relapse into dictatorship from 1933 to 1945 (see Bock 2019, § 1, p. 44), the idea of resocialization rose to popularity again in the 1960’s. The modern penal system relies on evidence-based practice. Therefore, practise is dependent on useful knowledge for casework in prison and probation service.

Bremen prison currently has the capacity to house 717 prisoners in two institutions in Bremen and a further facility in the district of Bremerhaven. We have a pre-trial detention area, a wing for sex- and violent offenders, a youth prison, a wing for female offenders and an open regime. The Department of Social Therapy is responsible for organizing treatment in so-called ‘therapeutic communities’. Whilst in Social Therapy² as well as in the youth prison, prisoners live together and organize parts of their daily life and duties as a group. We assess the risk of reoffending as well as the individual needs and responsibilities of each inmate. Our treatment addresses individual criminal tendencies, such as violent behavior, sex offense, drug addiction as well as extremism.³ For this to work, a default criminological assessment must take place. Bremen prison is working with a specific criminological method for then diagnostic of the offender in his social interdependencies and for prognostic statements in penal law. According the concept of applied criminology (Göppinger 1987, Bock 2019b) ideal types (“Idealtypus”, according Weber 1904/1949), formed by research with a comparison of the social

² Vollbach (2013).

³ Vollbach (2017). The Bremen Ministry of Justice is involved in different projects on topic of radicalisation. See f. e. the project Way Out, evaluating exit programs. www.prisonssystems.eu/wayout-integrated-exit-programme-prisons-probation/. See RAN – P&P-practitioners working paper – Approaches to countering radicalisation to countering radicalisation and dealing with violent extremist and terrorist offenders in prisons and probation, 2019, by Torben Adams, Ministry of Justice and Constitutional Affairs Federal State Bremen/Germany.

background and situations of offenders and non-offenders and the recidivists and non- recidivists within the offender group prison officers have analytical constructs. They can measure, in every single case, the distance between reality and ideal type. This strategy produce a comprehensive picture of the offenders strengths and weaknesses and treatment needs (Vollbach / Hoppe 2009; Vollbach 2015). The prison administration's responsibilities for rehabilitation and staff training in Bremen is important. Our employees need to upskill in assessment and treatment, because crime and criminal offences are changing (Vollbach 2017).⁴

During detention, we work very close with the probation service, with the prisoner support and with the stakeholders from civil society.⁵To prevent recidivism, the reintegration of a prisoner in the community after release is important. The prison population in Germany, just as in Bremen, is on a downward trend, because we use alternative measures for sentencing. Nevertheless, in the closed prison regime, Bremen Prison was fully occupied until the beginning of SARS-COV-2-pandemic. The Bremen Prison Act (in the German Federal State Bremen, the BremStVollzG, BremJVollzG, BremUVollzG, and BremSVVollzG) is an important milestone. Recently the parliament adopted the Prison Data Protection Act. We also evaluated our resocialization program (Vollbach 2016b, 2017b; 2019c), because the Bremen Prison Act (§ 8 BremStVollzG) stipulates an evaluation during detention and after care.

2. Health and safety in Bremen Prison

The average age of our inmates is 35, but 12% of prisoners are over 55, and they have to manage multiple health problems. Given that Covid-19 affects this risk

⁴ Bremen is partner in the project „PO21 – European Prison Officers for the 21st Century“, of the ERASMUS Programme of the European Commission.www.prison-officers21.org/

⁵ Bremen is organising the ERASMUS project „VolPris - , Prisons Managing Volunteers in EU“. www.volpris.eu/

group, and that the prison was working at capacity, prison administration is also responsible for assessing and managing the healthcare risks to prisoners.⁶

What has been done to protect the health and well-being of prisoners and staff over the first six months of the pandemic? From the beginning, we followed recommendations made by the WHO⁷. Due to the federal structure of Germany, there is no shared concept of a ‘healthy prison’. However, we shared our experience with all prison administration in the federal states (see Arloth 2020; Bieneck 2020, Bode 2020). First, it was important to create space in prison. We reduced intake. For minor offenses or non-payment of fines, a custodial sentence was no longer given. We reviewed and released vulnerable prisoners on a case-by-case basis, according to medical recommendations and as a preventative measure to reduce the spread of COVID 19. We limited daily entries of visitors into the prison. But we maintained prisoners contact with family and friends – we increased access to phone calls, instated access to video calling. We introduced systematic screening on entry in prison to detect infection. If there is a suspected case, prisoners would go into isolation for 14 days (quarantine). Should infection occur in our open regime, prisoners would be released under certain conditions (that they stay at home, and stay available). Prison officers kept contact with released prisoners. Prison officers do their work and took on some responsibilities of a probation officer.

If a prisoner gets seriously ill, they would either go to the hospital wing of the prison or be transferred to a hospital outside the prison. About three hundred of our prison officers and staff are not locked in with inmates. They commute in and out of prison. We trained the staff to safely use personal protect equipment; all prison officers now routinely wear masks. Risk management requires a good

⁶ Bremen is organising the ERASMUS project AWARE -Cross-sectoral awareness building on mental health in the criminal justice system and on release“ www.aware-project.org

⁷ [http:// www.euro.who.int/-ddata/assets/pdf_file/0019/434026/Preparedness-prevention-and-control-of-CO-VID-19-in-prisos.pdf?ua=1](http://www.euro.who.int/-ddata/assets/pdf_file/0019/434026/Preparedness-prevention-and-control-of-CO-VID-19-in-prisos.pdf?ua=1): Guidelines of European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT).: <https://rm.coe.int/16809cfa4b>.

coordination with the prison administration. We developed a case monitoring process and we cooperate with local health department. We have an understanding of the pathway of COVID-19-disease in prison and after release.

Within a very short time, there have been incredible developments in prison. We reduced the prison population in the face COVID-19 temporarily by around 10 % of our prison population (but this includes all releases, so includes those inmates who were anyway coming to the end of their prison sentence).⁸ We had in Bremen prison three cases of COVID-19 in the prisoner population, plus two prison officers. We did not pursue a plea or a general amnesty, because we have also to protect the general population. But we have had fewer recalls to prison during this period of release. The risk management strategy adopted by Bremen prison system in response to health has been - so far as we can see - successful. We hope we are well prepared for the next wave of Covid 19 pandemic. Though we have a risk management strategy, we need to remain alert and aware; we remain attentive to developments outside the prison. At present, we have isolated the prison. During the pandemic, a closed prison still granted security, but we have freedom of movement within the prison. Outside the prison, we have already a return to normality. We must recognize social developments.

III. What is going on in the probation service?⁹

Probation officers of Bremen, mainly social workers or social pedagogues are caseworkers and have to assist, guide and supervise prisoners if their custodial sentence is suspended or they are put on conditional release. Probation officers are also responsible for the supervision of a prisoners' behaviour according to a care order for recovery and protection (in German, *Maßregel der Besserung und*

⁸ See for this issue Aebi & Tiago (2020).

⁹ Thanks to Helmut Schwiers and Zehra Imamoglu, Senior Probations Officers and Head of Probation Service in the Federal State of Bremen.

Sicherung). The aim of the probation officer's role as caseworker is to grasp the individual problems of each person on probation, including their difficulties and his strong points, in order to be better able to work with the probationer successfully. The probationer is often caught in a vicious circle of multiple interrelated needs and risks. If one particular difficulty is overcome under the probation officer's guidance, the probationer may be better able to tackle his other problems and thereby progress in all problem areas. Our probation officers are fully equipped for this job (in terms of case analysis and case reporting) and have to introduce social and behavior science research - particularly criminological research - directly into implementation and treatment organization.¹⁰

Health care during the pandemic in prison is at present successful. But what do we know about probation in Bremen? Bremen Probation Service is a social service, working within the criminal justice system.¹¹ We have 35 probation officers, who are responsible for people on suspended sentence (Code of Criminal Law, Article 56) or conditional release (Code of Criminal Law, Article 57, 57a). These officers support conditions set forth by the court and the public prosecution services by supplying investigative statements of and the convicted person's personality and his or her social relations. Social work in prison is legislated by prison act (§ 5 BremStVollzG). However, in Bremen prison we work close with probation services throughout imprisonment, because it is understood, that the first day in prison is the first day to prepare for release.

Since COVID-19, probation services have developed new forms of communication with strict rules for meetings, physical distancing and masks in probation service. Probation officers, who are at risk because of age and/or health issues, have been working from home. They have notebooks from the probation office and access to all information from the case file. They are on-call, because the telephone is redirected to their private phone. Former high-risk prisoners,

¹⁰ For the needs in Probation Training, see Bock (20019a) Durnescu (2020).

¹¹ For further details, see the chapter of Germany in Kalmthout & Durnescu (2008 / eds.), p. .381 ff.

especially sex- and violent offenders on parole or after release, need help and control in a face-to-face (F2F) environment. This is ensured.

Social Work in probation service is different to our experience with F2F contact. F2F contact and a good relationship with clients is important for good social work and good results. We know the impact of Face-to Face contact from an impact we know of from research in the field of psychotherapy. Now using new non-F2F practice, we need new social work skills, such as how to speak to clients, how to conduct a telephone interview, and how to use digital tools for probation duties.

The clients of probation service have fewer opportunities for employment and less income. They have more leisure and problems with the access to social agencies or treatment. Clients are worried about COVID-19, just the same as everyone. The difference is that probation clients are more likely to relapse into old coping behaviors such as alcohol and drugs. The agencies of social work and health service, which ensure reintegration, are currently closed. In prison and probation service we have a limited preparation for release (see Schlebusch 2020). Probation officers are therefore responsible for every problem in the daily life of their clients, and for managing their anxiety during the pandemic. We are already aware that psychiatric problems increase when public life is restricted. In this time of curfews and physical distancing, probation officers have a special, confidential relationship to their clients, and vice versa.

IV. Return to Normality? What should we do in the future?

In the ‘Post Corona Era’, we cannot return to normality. In Germany, how we handle external contacts in prison during Corona is under discussion. Feest¹² demands plea or a general amnesty and “keep on pursuing the aim of

¹² Feest (2020).

abolitionism”. Can we avoid fine defaults imprisonment? Should we use house arrest or digital monitoring as an alternative sanction to imprisonment? The post-COVID-19 probation service will be a new kind of profession. Whilst previously we have worked face-to-face, post Corona we will use new tools in our implementation, such as a mobile phone application to manage all information about probation, newsletters or new online tools for therapeutic intervention. We have to be prepared to transfer supervision from the office to the telephone. After Corona, we will work with new applications in counseling. We have new technological demands in the probation service - but digitalization cannot replace the face-to-face contact in probation service.

One conclusion can be drawn from the Bremen example, that it was possible to release many offenders during the corona crisis from the prison. We do not know how these early releases have fared as the corona crisis has developed. It seems, however, that we overestimate the risk of absconding or of recidivism. Alternatively, has there been a shift in criminal behaviour, for example from analog crime (traditional crime) to digital crime (“cybercrime”) due to more leisure time or crime that is more domestic? Due to social distancing, there is less social control in urban areas. Habits have changed in the last six months; prisoners on early release have restricted access to support and treatment, especially substance misuse treatment. How do young probationers and prisoners cope the pandemic?

IV. Coping Covid19 – which further research is needed?

According to criminological theories, crime is expected to increase. We do not know yet the impact of economic pressure and the relationship with self-control, especially since there are no alternatives to relieve pressure (e.g. youth gatherings). In addition, a whole group have had no school and restricted daily life has been boring. We have no current statistics of crime for the first six month

of 2020.¹³ But we can compare the group which did not receive a custodial sentence for minor offenses/ non-payment of fines during Corona, and that group of inmates released during corona as well as the group of probationers, under pressure during Covid-19. Daily boredom within the prison has increased during the global pandemic. How do the prisoners cope new challenges without contact to their family, social distancing in prison? Probationers were under curfew. The current situation is therefore an unexpected opportunity to test prisoners in freedom and to evaluate our treatment under pressure.

For this issue we need a methodological approach, which is appropriate to the subject and beyond the neo-positivistic approach, which create only statistical evidence for groups, but not for individual phenomena, which we have to assess in the penal system according to the law. For this issue, we can use the quality approach based on the applied criminology of Hans Göppinger, one of the founding fathers of modern criminology in Germany.¹⁴ According to this most recent criminological research, we can see the dynamic component of the life courses of offenders and those, who are resistant to crime.¹⁵ This approach describes with ideal types (“Idealtypus”) the behavior including their social areas of prisoners and a control-group of corresponding population, the average person, who cope challenges in daily life without crime. Here the individuals are not merely the “victims” of the circumstances or society, but decide what is best for them. The ideal type analysis started out from the single analysis based on biographic interviews. All cases were compared, so that the results could be generalised in rules according to Max Weber (“objective possibility”, Weber 1904/1949, p. 80). The results demonstrated for practice in prison and probation service the importance of being

¹³ For the current discussion in Germany, see Neubert u.a. (2020).

¹⁴ Göppinger (1987), Applied Criminology describes an established criminological school in German-speaking area, which Hans Göppinger (1919-1996) and Michael Bock, criminologists in Tübingen Institute of Criminology, in the 1980s. See Vollbach (2019) with further references.

¹⁵ The concept of applied criminology is further developed by Bock (2019b). With this specific criminological method for the diagnostic of the offender in his social interdependencies and for prognostic statements in penal law, we can assess empirically the offender beyond the psychiatric or psychological perspective. With my own experience in research and practice with applied criminology (Vollbach 2015, 2016a, 2016b, 2017), I have no doubt about the benefit of this approach, because this approach considers the special situation of the case.

familiar with the dynamic of the individual life courses of offenders in order to find a link to those resources, which can be traced in single case studies. Only with the knowledge of the individual processes, social workers in prison or probation service can work at finding – together with their clients – sustainable coping strategies.

What does this mean for our question? With this approach, we can reconstruct biographical processes and dynamics during the current crisis COVID-19. How do prisoners and probationers solve the recent problematic situation? How they experience the role of public institutions including prison and probation service? We can compare the development under probation, instead of prison in case of minor offenses or after release. This idiographic perspective enables the researcher to observe the solution of problematic situations during COVID-19. For empirical science of reality (“Wirklichkeitswissenschaft”, Weber 1904/1949), this project is a link to the reality in which we under given situations move.¹⁶

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¹⁶ This „verstehende“ approach remains important, because e. g. psychopathology uses the concept of the ideal types for diagnoses (Schwarz & Wiggins 1987). A comparison between them shows similarities and differences (Vollbach 2006).

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