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**Müller Thomas****Мюллер Томас****TREATMENT OF PRISONERS  
AND PRISON PERSONNEL TRAINING  
IN GERMANY****ПРАКТИКА ОБРАЩЕНИЯ С ЗАКЛЮЧЕННЫМИ  
И ПОДГОТОВКА ПЕРСОНАЛА  
ДЛЯ ПЕНИТЕНЦИАРНЫХ УЧРЕЖДЕНИЙ ГЕРМАНИИ**

**Abstract.** The article devoted to one of the topical problems of penitentiary institutions – the return to society of a prisoner who has served a sentence, provided that he or she will never commit crimes. This is the most difficult problem that arises in the course of the implementation by the penitentiary system of its main function – to ensure the safety of society. In many countries, the degree of prisoners' isolation is determined by their categorization. German practice is based on a risk assessment of illegal conduct in relation to a particular person. The risk of violent acts is not necessarily related to the nature of the committed crime or the length of the sentence. The prison administration makes its own decision on the choice of the regime of detention. The penitentiary system (not the court) develops flexible security measures that can be changed in relation to the prisoner's personality. All measures taken against prisoners should be based on the proportionality principle. The analysis of various rehabilitation programs for prisoners, used in Western Europe, leads the author to the conclusion that the most effective of them is individual therapy, which reduces the risk of recidivism by almost half. As a standard used in Germany, the author specifies the principle of "risk – need – quick response". The higher the risk of recidivism, the more intense the impact on the prisoner's behavior should be. However, the application of this principle will be effective only when the selected cognitive techniques and practical training technologies coincide with the individual characteristics and the prisoner's ability to learn. In addition, the results achieved by the prison administration must be supported by post-penitentiary rehabilitation programs. The article also describes the system of selection and training of prison personnel in Germany.

**Keywords:** international standards for treatment of prisoners, prevention of recidivism, training of prison personnel, German penal system.

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**Аннотация.** В статье рассматривается одна из актуальных проблем деятельности пенитенциарных учреждений – возвращение в общество заключенного, отбывшего срок наказания, при условии, что он или она более не совершит преступлений. Это наиболее сложная проблема, возникающая в ходе реализации пенитенциарной системой своей главной функции – обеспечения безопасности общества. Во многих странах степень изоляции заключенных определяется их категоризацией. Практика Германии основана на оценке риска противоправного поведения в отношении конкретной личности. При этом риск насильственных деяний необязательно связывается с характером совершенного преступления или продолжительностью срока наказания. Администрация тюрем самостоятельно принимает решение о выборе режима содержания. Именно пенитенциарная система, а не суд разрабатывает гибкие меры безопасности, которые могут быть изменены применительно к личности заключенного. Все меры, предпринимаемые в отношении заключенных, должны строиться на базе принципа пропорциональности. Анализ различных программ реабилитации заключенных, применяемых в государствах Западной Европы, приводит автора к выводу о том, что наиболее эффективной из них является индивидуальная терапия, которая позволяет снизить риск рецидива почти наполовину. В качестве стандарта, используемого в Германии, автор указывает на принцип «риск – потребность – быстрое реагирование». Чем выше риск рецидива, тем более интенсивным должно быть воздействие на поведение заключенного. Однако применение данного принципа будет эффективным только в случае, когда выбранные когнитивные методики и практические технологии обучения совпадут с особенностями личности и способностью заключенного к обучению. Кроме того, достигнутые результаты работы администрации пенитенциарного учреждения обязательно должны подкрепляться программами постпенитенциарной реабилитации. В статье также описана система набора и подготовки тюремного персонала Германии.

**Ключевые слова:** международные стандарты обращения с заключенными, профилактика рецидива, подготовка тюремного персонала, пенитенциарная система Германии.

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### **1. Challenges for Prison Work Regarding International Human Rights Standards**

I would like to draw your attention to general guiding principles and ideas behind international rules like SMR of the United Nations or European Prison Rules as basic papers for prison work.

Though people in institutions are taken out of society they do not lose their rights, they should not be excluded from society and social relations. Their individual needs should be taken care of. Imprisonment is not a revenge society takes on a criminal but a measure to achieve goals under a humanistic approach namely resocialization. Thus the rules emphasise efforts to be taken for rehabilitation programmes within the institutions as well as post-release aftercare programmes. So the rules give us the aims to follow for a good prison work.

When is this work well done? Answering this question we have to see that prison service fulfils an important task and service to society. We provide security which is most important in our complicated world. Security not only by keeping up safe custody but also by releasing a prisoner after the term into society in a condition that he or she does not commit any further crimes. And this seems to be the even more difficult part for providing security.

Concerning safe custody the question arises whether all inmates have to be secured on the same high or low level. In many countries there is a differentiation into categories of prisoners, in my country risk assessment is done regarding personality of the inmate. The risk for violent activities not necessarily is connected to crime or duration of the sentence, a prognosis is done concerning the risk for violent attempts due to individual criteria and out of that the prison institutions decide about transfers into higher or lower secured institutions, prison system and not court also decide flexible security measures which also can be changed and adapted to changes of personality or acts of the inmate.

We should have in mind that the higher security level is kept up to the outside the higher the risk might be for dangerous activities inside namely hostagetaking or attacks against others or staff.

We put an emphasis on what we call social security. This means that all measures taken against the inmate should take place under the principle of proportionality, inmates should find acceptance and respect.

Social Security concerns the way of interaction and the atmosphere within the institution. Experienced prison workers can feel the culture of interaction often after a short visit in a prison. We need a good communication with inmates and among the staff, prisoners should have regular conversations with staff members what reduces the risk for attacks among each others and against the staff. Especially with long-term inmates we try to avoid a lack of perspectives which might lead to aggressive behaviour and uncertainty. Sentence planning may give a suchlike perspective, our philosophy is to grant the inmates' possibilities and freedoms within the system which they will lose in cases of misbehaving. In our experience this leads to a more responsible behaviour within the institution.

So we are good and successful when during imprisonment neither prisoners nor staff colleagues suffer any harm and when leaving the institution that released inmate is equipped with what he or she needs to lead a life as a fruitful member of society without committing crimes again. I am no dreamer so I say at least we should take efforts to reach this goal as close as possible.

This leads to the question what good and effective rehabilitation programmes are and how they can be implemented.

For many years in Western Europe there was the discussion if anything works at all (there was nothing works theory claiming that all treatment efforts in institutions were nothing but a waste of money ) with which approach what should be changed in the prisoners.

We now know that we cannot change characters or entire personalities, and disturbances like alcoholism or pedophilia we cannot heal but we can train different attitudes and behavior. We also know that there is not only one type of sexual or violent offender but there is a bigger variety in sources for criminality. As to the approach until late into the 1990s psychoanalysis was prevalent with long-lasting procedures where often the term was a not lasting long enough to bring it to an end. Though the discussion never formally was closed (I sometimes still have it among my psychologists) it seems that the more modern approach of behaviourist therapy gained most of the ground with flexible intervention and standardized programmes which can be implemented in shorter periods of time.

We now have several testing tools to measure the efficiency of changes and the lasting of effects as well as researches on efficiency of programmes.

From researches we know that the very fashionable American scared-straight programmes and Boot Camp programmes with military drill are not efficient and do have negative effects.

Individual treatment in a good prison atmosphere can reduce recidivism rates to at least half of the rate for untreated inmates – for sexual offenders from about 24 % to 12 %. We cannot reduce to zero but actually this is the best what is on the market in the moment. Maybe in some years there will be further progress but this is also depending on the question how much money a state wants to spend on prisons and their treatment programmes – but this could be a topic for another conference.

One standard in my country is to follow the risk – need – responsivity principle. This means the higher the risk of recidivism is the more intensive intervention should be. This risk we measure by standardized testing tools. Criteria for example are violent lifestyle, peer groups, emotional self-control, personality disturbances, social surroundings, empathy and compliance, substance abuse, development

in school and work and leisure time activities.

As to the needs of the criminal we have to analyze the criminogenic factors which lead into criminality. Though most of us have the same needs not every one of us becomes a criminal and not all having committed the same crime show the same criminogenic factors. So treatment goals and measures should meet the individual needs of the inmate.

Responsivity we only can achieve when chosen measures are matching to the inmate his learning styles and capacity in a mixture of cognitive and practical training approaches.

We do that in a sentence planning process and conferences which are regularly updated in a pluridisciplinary team of jurists, psychologists, social workers, prison officers and workmen masters. This conference discusses the diagnosis and chooses out of the different available programmes (often also in specialized other prisons) which ones should be applied. In the same way they measure and discuss the effect after a certain period of time to see whether the programmes can be continued or should be changed. These conferences also decide about preparation of release programmes, leaves and recommendations for conditional release and they give recommendations for security measures. By cooperation in all this thus the inmate can influence his situation which also regularly causes motivation as well as the above mentioned social security.

Besides individual and group talks as well as social and life practical training courses we are using a standardized behaviourist therapy programme in a modular design which lasts about two years for sexual and one year for violent offenders. It contains modules like self-realization and self assurance, life patterns and goals, background and scenario of criminal activities, empathy as well as self management. This programme was developed in New Zealand, modified in Canada and England and then adopted to the needs in my country. This also means it cannot just be copied but it should be modified and developed according to the mentality differences in the country applied.

Another important aspect for the efficiency of such programmes is that gained effects may vanish after the release which is also proved by several researches especially when post-release life conditions are suboptimal. Our responsibility ends at the prison gate. Therefore good after-care programmes offered by probation service as well as civil society organizations to continue and support the started processes and effects are needed. Most valuable after-care work is according to researches when there is a close network with prison system and procedures already are started within the release preparation programme of the prison so that there is no gap when the prison door opens.

Speaking about treatment I also want to touch the topic of ambulant sanctions. Undoubtedly implementation of ambulant sanctions like electronic monitoring are a good measure to reduce prison population. In Germany only 5.4 % of court sentences are for unconditional imprisonment, 71.7 % are fines. I know that in Eastern countries the imprisonment rate is higher and so there is a market to think about ambulant alternatives as we should only have those people within the prisons for whom it is absolutely necessary to avoid negative effects of imprisonment. Applying these alternative measures we should also have in mind not just to leave the sentenced persons with house arrest or electronic monitoring but also have treatment measures for them to achieve a change within the criminogenic needs and not to increase recidivism rates so these programmes should not only stick to control.

I am well aware that there are a lot of problems how to deal with difficult inmates and how to organize an effective prison system but having worked for almost 30 years in prison system I am still sure that with well-trained staff and well-equipped prison institutions it will be possible to provide good and effective prison work regarding human rights as long as governments are willing to spend appropriate budgets on that system.

## **2. Status, recruitment and training of staff in German practice**

As Germany has a federal structure prison legislation is a federal task but each federal land has to execute prison law under own authority as well as to finance prison system out of the own budget. Thus nearly all of the federal lands run their own training centres some small federal lands cooperate with others due to financial reasons. So there are local differences in training concepts within the federal lands but general goals are the same.

Some federal lands run central boards for staff recruitment so that this work has not to be done in every prison for possibly only a few applicants with the consequence that the new staff member can be allocated in the prison where is need also far away from the place he is living.

In other federal lands recruitment is individually done by each prison and the chosen applicants are to the ministry to be employed for the very prison.

Both systems have advantages and disadvantages. Though it means more work for the prison I am in favour of the second system because people can apply for the work in the prison nearby which leads to more identification with the place of work, the governor can decide whether an applicant is matching to the prison team and the special philosophy of the prison. Often employees are in the second or third generation in the prison or proposed by some reliable staff.

Differences in concepts of the training centres especially are on staff philosophy. Some centres work with own permanent staff to lecture which provides professional teaching qualities, others nearly exclusively recruit lecturers from staff out of the prisons having the all day working experience in the subjects they represent but not always pedagogical qualities.

Again both systems show advantages and disadvantages. Still I consider the solution with the practitioners as preferable as these lecturers know about the needs of future staff and this system can avoid being trained by per-

sons who have not been inside a prison since several years.

Prison governors and high administrative staff usually are not trained within prison system but at public university or special institutions for higher education for all jurisdictional personnel. Governors usually are jurists, psychologists or sociologists. After studies they join prison system as deputy governors or high level administration staff. For them it is not common to start a career as prison officer and then get promoted to governor at least.

In some federal lands a changing of career within justice system is possible so many governors or deputy prison governors have been judges or prosecutors before or quit prison system to become chief judges or senior prosecutors.

In the following I will refer to the Baden-Württemberg practice which is comparable to that in other federal lands.

Applicants for work in prison have to be between 18 and 32 years of age. Reason for the maximum is the possibility to reach the maximum pension, retirement age is 60. They have to apply in written form giving additional informations about development, school and professional career up to this time. They have to have a completed apprenticeship in another profession or higher education.

#### *Training*

Initial training lasts for 2 years including 3 months in the training centre in the beginning followed by practical training in at least two prisons of different types. It is ending with a final 6 months course in the training centre with a final examination on practical and theoretical subjects. There is written and oral examination.

Main subjects lectured during these courses are criminal law, prison law, law of criminal procedure, psychology, communication, conflict management, criminology, administrative subjects, sports and shooting more or less under the aspect of self defence not as military drill; but also practical subjects are included as controls, monitoring of visits or letters etc.

For the practical training within the prisons usually one staff member is responsible as

trainer accompanying the trainees but also conducting theoretical and practical lessons. For each trainee a curriculum is done to get acquainted with and work in all different departments of the prison. In each department one person is responsible for the training programme and has to evaluate work and progress of the trainee and report this to the governor. The governor also has to sign the curriculum. In some prisons additionally a “godfather-system” has been installed and proved to be successful as there is a young and qualified staff member taking care of a trainee guiding and giving advice.

The training centres usually also offer on the job training for skill improvement of all staff in seminars on special topics which are published in an annual programme so staff of all prisons of the federal land can apply for.

Nearly all prisons themselves offer additional staff training courses or seminars for skill improvement. All staff of the prison is invited to these courses organized and managed by pluridisciplinary staff teams. Usual topics are solving of certain problems development of new structures or measures, taking over responsibility, development of teams, leadership courses. Having passed such courses or seminars in some prisons is necessary to be promoted to certain leading tasks.

Main ideas of this training system are that all staff should be qualified for all possible tasks within the prison so no differentiation in apprenticeship takes place between security or perimeter guards and work with prisoners. In our philosophy all staff is responsible for treatment as well as for security. Good treatment in prisons also causes security and security as such is undividable. If staff is well trained and have a high and broad qualification they feel more self assured in their work and more responsibility for their task in public interest. Staff needs this qualification as our programme is to involve all those staff members into decision processes who deal with or have knowledge about the concerned prisoner (such as sentence planning, allocation, security and disciplinary measures).

*Recruitment*

Finding applicants takes place by newspaper advertisement, information on home page in internet or often by personal recommendation.

The recruitment procedures last for two days including check of the formal criteria as education, medical checks, writing of an essay to see how the applicant can express him/herself, standardized psychological tests to find out about intelligence and personality.

Main part of the procedures is an assessment centre to give informations about social competences of the applicant. A group of applicants is given a common task (to solve a case) are they are monitored by the recruitment team (psychologist, teacher, trainer) in what way they deal with the task, how they present themselves, how able they are to communicate and to cooperate.

Recruitment criteria are:

- motivation for work in prison system;
- being likely to take over loads physically and psychologically;
- intelligence, being ready to take responsibility;
- showing friendly and correct manners;
- understand necessities of security;
- being capable for contacts and work in teams;
- capability to solve conflicts and accept criticism;
- ability to keep the necessary distance but also near to prisoners;
- ability to react properly in critical situations;
- being ready to use force or weapons;
- dealing with given power in a responsible way;
- ability for subordination but also to express own points of view and follow them.

Finally after the results of all the tests are prepared there is an interview with the prison governor and the head of personnel where the final decision about the application is taken.

Important is to gain self assured, professional staff who are ready to take over responsibility as our idea is to delegate as many as possible tasks away from governor level into

pluridisciplinary conferences where we can make use of different professional skills. We want to achieve as much transparency as possible so good communication between staff and prisoners but also among staff is needed. Our philosophy is to have many specialists in prison work on a common way, they should all feel responsible for treatment and not only for locking doors. Since this communicative approach towards inmates was introduced there was a significant reduction of self injuries and suicides among the prisoners. We need qualified staff as we established fixed teams in wards and other departments to feel responsibility for the work they execute and they are given a frame of discretion for own decisions which leads to higher acceptance among the prisoners but also to more reflected and efficient work and finally to more satisfaction with the daily tasks and the job.

*Status*

Within the last 20–30 years in our country a change was noticeable in public opinion that acceptance and estimation is not any more connected with just wearing an uniform. On the other hand with the present economical decrease it becomes more valuable to have a safe job which only can be lost when making severe mistakes or committing crimes. Thus working for prison system became more prestigious again. Without any doubt an acceptable salary and social security are valuable but in longer terms there are better and more stable and lasting factors to create motivation and satisfaction for a good status and the feeling of estimation. This we create by delegation of responsibility, frames of discretion, involvement of staff in decisions and several processes to evoke identification with work and the prison they work in. We try to build up corporate identity also by taking part in sports tournaments with staff teams and try our best to transport to the media that our staff is not doing some stupid work but a responsible and important one for the society. Our idea is to improve status as inner and emotional factor in a more effective way by these measures.