

THE PRINCIPLE OF NORMALITY – IN REGULAR AND EXTRAORDINARY TIMES

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I. INTRODUCTION

The principle of normality is a guiding principle in the Norwegian Correctional Service. The purpose of this presentation is to explain the basic components of the principle and its bearing on two aspects of the Norwegian Correctional Service, namely the import model and staff recruitment and training. Whereas the pandemic has caused constraints on the application of the principle of normality in prison life in most aspects, it has also promoted it other ways.

The Norwegian Correctional Service is in charge of both the prison and the probation services. Some of the key characteristics of the Norwegian system are the large number of small-sized units located all over the country, low number of inmates and a high staff–inmate ratio. There are 33 prisons on 58 locations with a total capacity of 3,850 cells (average occupancy rate of 86%) and 60 prisoners per 100,000 inhabitants in Norway. 22 per cent of these are on remand, whereas 6 per cent are female prisoners. The average length of sentenced new admissions is 1.1 years. High-security prisons constitute 71 per cent of the total capacity, lower-security prisons, 26 per cent and halfway houses, 3 per cent. There are approximately 3,000 staff.

There are 15 probation offices, with 470 probation officers responsible for 7,000 community sanctions annually. Out of these, electronic monitoring constitutes 3,500 sanctions. In addition, there are sanctions as a response to drunk-and-drive behaviour and special sanctions directed towards heavy drug abusers under the supervision of the court.

A recent study on recidivism among persons released from prison in Norway 2015 – 2018 show positive results. The results show a summed-up recidivism for all who have been released up to 8 September 2020 of 13.4 per cent for female offenders and 22.9 per cent for male offenders.

II. THE PRINCIPLE OF NORMALITY

Punishment is the restriction of liberty and no other rights have been removed by the sentencing court. Therefore, the sentenced offender has all the same rights as all others who live in Norway. No one shall serve their sentence under stricter circumstances than necessary for the security in the community, and offenders shall be placed in the lowest possible security regime. During the serving of a sentence, life inside should resemble life outside as much as possible.

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The possibility to implement the principle of normality is of course limited by security reasons and the framework of the correctional management, the differences in the prisons and personnel, infrastructural and financial resources.

III. THE IMPORT MODEL

The import model is a key element in normalizing life in prison and bridging the gap upon release. The import model means that crucial services for reintegration are delivered to the prison by local and municipal service providers. Prisons do not have their own staff delivering medical, educational or library services. These are imported from the community. Also, different faith and clergy services are provided through the import model.

A. The Import Model – Legislative Basis and in Numbers

The Act on the Execution of Sentences ensures the legislative basis of the import model:

§4. Administrative cooperation

The Correctional Services shall be engaging in cooperation with other public services arrange for the convicted persons and persons in custody on remand to receive the services to which they are statutorily entitled. Such co-operation shall lead to a coordinated effort to supply the needs of convicted persons and persons in custody on remand and to assist them to adjust to society.

There are currently a little less than 500 staff working in Norwegian prisons who do not report to the governor of the prison, but to welfare service suppliers outside the prison:

Full-time employed teachers, county	276
Librarians	47
Priests	33
Nurses	106
Doctors	14
Social services agents	21

B. Education in Prison – An Example of the Import Model in Practice

The principle of normality means that prisoners have the same right to education as any other citizens. In practice that means the right to complete primary and lower secondary education. This also includes adults: Anyone over the age of 25, who has completed lower-secondary school – but who has not completed upper-secondary education – has a right to upper-secondary schooling.

An ordinary upper secondary school takes the overall responsibility for the education offered in each prison. The prison school operates as a branch of that main school. Formally, the teachers are in the employment of the main school, which also issues testimonials and certificates for the prison school students. Prison education is an earmarked state measure – the county administration who is responsible for the education in prison, receives extra funding directly from the state to cover the cost of operating a “prison branch” of the school. This means that the local school which hosts the “prison branch”, cannot defund this part of their responsibility.

There is a school department in every prison. At any given time, about 1,400 of the on average 3,600 prisoners are in one way or another doing some form of education while they are serving time. Because prisoners have equal rights to education as the rest of the population, teaching competence should also be equivalent to ordinary education.

As of 2016, about half of the population in prison had comprehensive school as their highest level of completed education, whereas this applies to only a quarter of the population in society at large. Approximately 66 per cent of the “prison population” has a right to education after the Norwegian Education Act, but more than half of those again refrain from using that right – meaning, they do not participate in education. According to a 2014 survey, 30 per cent of prisoners reported that they had reading and writing difficulties.

The rehabilitative impact of the import model on educational practices in prison is that it in reality ensures these needs of the prison population. By importing the services there is also a guarantee that prisoners have the same education as regular citizens in the community and that they can continue that education following their release.

C. Advantages and Criticism of the Import Model

The main advantage of the import model is that it ensures a better continuity in the deliverance of services throughout the sentences and the time after. The offender will already have established contact during his time in prison. In addition, it ensures involvement from the community with the prison system – more and better cross-connections. It also provides practical advantages in that other bodies finance it as they are part of the rights of any inhabitant of Norway.

However, the import model also has some limitations and may at times challenge local cooperation. Some critics have argued that it limits the role of the prison officers to security matters. At times there is lack of clarity as to which institution is really in charge of the services and prisoner needs may remain unaddressed. Often security concerns of the correctional services may at time be in conflict with the purpose of the imported services, and confidentiality issues keep relevant information from the prison management. Over the last decade or so, we have also noticed that digitalization at different paces makes interaction at times more challenging.

In sum though, the import model ensures a higher quality of services inside the prison, keeping pace with the development outside of prisons. It is also a constant reminder that prisoners will one day be released, and it is a common responsibility of the correctional and imported services to prepare them for that day.

IV. THE STAFF IMPLEMENTING THE PRINCIPLE OF NORMALITY: PRISON OFFICER TRAINING

The University College of the Norwegian Correctional Service provides a two-year paid and accredited education required to become a prison officer. The training is a combination of campus training and work in carefully selected training prisons. The main theoretical topics range from psychology, sociology, criminology, law, social work, conflict management, ethics and human rights. Every year some 175 students are admitted

from between 1,200 and 2,500 applicants. It is now possible to expand with another year to bachelor level which is not compulsory yet.

Some of the key features of the staff recruitment and training promote the focus on normality. First, recruitment over several years has ensured a high number of female uniformed officers. Second, there is no specialization between officers working on security and those focusing on rehabilitation. This ensures the high focus on rehabilitation among all prison officers. Moreover, a lot of attention is paid to ensure good communication skills on the side of the prison staff. All staff have for example been training in motivational interviewing. This is to motivate inmates to deal with their way of life, but also an important element in dynamic security approaches keeping a calm environment in the prison. This, together with the high inmate – staff ratio ensures a low number of negative incidents.

V. COVID-19 CHALLENGING THE PRINCIPLE OF NORMALITY – AND PROMOTING IT

As most countries, Norway imposed a number of limitations on prison life following the outbreak of Covid-19. It has limited the contact with the outside world including refusal of visits and day-leave in individual cases or in areas with high risk of infection. Occasionally committals to prison and intake of inmates have been suspended. This measure will only take effect if it is regarded as safe, although pre-trial confinements have continued as before. Life in prison has also become more constrained in terms of the higher degree of isolation and limited activity, including the absence of teachers at times.

Early in the pandemic it became clear that contact with the outside world should be ensured in spite of the limited possibility to receive visitors and undertake leave. For that reason visits could be undertaken digitally through safe iPad solutions. A number of prisoners reported that this improved contact with their families in comparison to pre-Covid regulations. The prisons were also instructed to allow a greater degree of flexibility when it came to phone calls (allowing some amount of free calls). The correctional service set up a hotline for family members and relatives. In order to compensate for the lack of activity, inmates could work in their cells, as well as giving them extended time in fresh air and outdoor physical exercise. For minors it was also possible to continue their education schemes digitally. Finally, it has also been possible to transfer inmates from prison to execution of sentence by means of electronic monitoring for a larger group of inmates than what the ordinary regulations allow for.

In sum, Covid-19 measures have placed an additional burden on inmates and staff, which the correctional service has not been able to fully compensate for. That being said, the given circumstances also triggered changes in the practice of the correctional service which may not have otherwise happened especially when it comes to using digital means to stay in touch with the outside world, being that of family and friends or the imported services.

VI. CONCLUDING REMARKS

Principles and values matter. The principle of normality is a good guiding principle when we deal with our dilemmas. It is not always possible to ensure normal life in prison, but it sets a standard that we should strive for.

Importing regular services may increase quality of life inside of prisons and will improve transition to the community after prison. Service providers ensure not only services at the highest level possible but constitute constant supervision and a need for transparency – challenging the correctional services' understanding of normality.

It is not possible to apply the principle of normality without careful recruitment and extensive training of staff.