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AGENDA ITEM 3: OVERCROWDING IN PRISONS AND
NON-INSTITUTIONAL TREATMENT OF
OFFENDERS

IDENTIFICATION OF THE PROBLEMS OF OVERCROWDING OF PRISONS :

Prison overcrowding is a real problem in Fiji. Fiji consists of 300 islands only 100 of which is inhabited. This has a total land area of 18,272 square kilometres. Our population stands at 775,000. Our total prisoner population stands at 1,180 compared to a capacity room for 950 prisoners. Our imprisonment rate per 100,000 population stands at 152.2 which is similar imprisonment rate with New Zealand which stands at 152.2 - against the population of 3.7 million. This is very high compared to the total capacity available. This high imprisonment rate with static capacity development brings about a crude overcrowding problem which will strain essential facilities as sanitation, water, accommodation space, medical and recreational facilities, educational facilities and other areas. This needs to be addressed to conform to the United Nations Minimum Standard Rules for the Treatment of Offenders.

WHAT IS OVERCROWDING IN PRISON?

The Fiji Prisons Service administers 13 prison institutions located in most Government centres around the country. Of the 13 institutions, there are 7 Receiving Centres and 6 Classified Prisons.

PRISON	NO. OF OFFICERS	PRISONER CAPACITY	POPULATION AS AT 15/11/99
RECEIVING CENTRES			
** Labasa Prison	22	58	86
** Suva Prison	10	20	302
** Lautoka Prison	33	131	154

Prisons in densely populated town and cities, always exceed the authorised capacity of the prison. These prisons are also Receiving Centres, and the people committed here are those being sentenced to 18 months or less. The high traffic in these prisons also makes it unrealistic to be able to do sustainable rehabilitation programmes with them. There is a flow-on effect to the prisoners who have to be locked up for longer hours at a time, as the number of prisoners against officers are insufficient for proper utilisation due to security reasons. For example, the 5 Suva Prison dormitories can hold up to 166 prisoners. Of this number, 88 normally go to work outside of the prison. The remaining 78 are locked up inside, being idle doing nothing constructive because we do not have the number of officers who will be able to bring them out and manage them effectively with adequate security.

Such acute level of overcrowding is surely bound to contradict United Nations Standard Minimum Rules for Treatment of Offenders in terms of accommodation, personal hygiene, clothings and beddings, food, exercise and sport and medical services.

According to our numbers alone, our structural designing layout and manpower level, Suva Prison was built for the capacity of 250 prisoners but accommodates about 300 prisoners. This in itself is overcrowding. However, the other criteria used to measure overcrowding are as follows :-

Floor space - There should be 40 square feet per adult prisoner.
There should be 8 feet space between floor and ceiling height.

Ventilation - 10% of the total floor area should be provided for natural ventilation. This should also provide for natural lighting sufficient for prisoners to enjoy reading and writing without discomfort. In a tropical climate like Fiji this specification should allow for natural climatic condition to be between 18 - 20 degrees Celsius.

Lighting - Lighting should not be below 250 lumens (unit of light measurement).

Noise - Should not be more than 40 - 45 decibels.

Ablutions - In a dormitory-type situation every 20 prisoners should qualify for one toiletry and every 25 prisoners should share one urinal.

Although the United Nations Minimum Standard Rules for Treatment of Offenders are silent on this type of specifications, this detail specifications could be obtained from the Building Regulations in the Public Health Act of individual member countries. These legislations are also in conformity with internationally acceptable standards and can be used as a yardstick to measure overcrowding in prison institutions.

Is there a level that can be identified as tolerable overcrowding situation both for prisoners and prisons officers? I am of the opinion that any extra prisoner over

and above the authorised capacity should be an intolerable situation for prisoners and prison staff alike. The excess and overcrowding will render the accommodation in the institution unhygienic for human habitation. The effect may not be immediately apparent to life inside prison institutions but may have long term effect if not attended to as a preventive action. Overcrowding also presents a threat security in the lives of prison officers. They should not be allowed to continue unchecked and should be addressed as soon as possible.

In Fiji we do not have a separate Remand Centre for prisoners remanded in custody or prisoners awaiting trial. Remand and await trial prisoners are housed together in the same prison institution but are accommodated separately from the convicted prisoners. However, the overcrowding problem mentioned above included both categories of prisoners. As an example for Suva alone while I have a capacity to hold 24 remand prisoners and those awaiting trial I currently hold 33 in the same space available. A similar situation is reflected in other receiving centres.

REASONS FOR OVERCROWDING OF PRISONS :

One of the main reasons for overcrowding in Prisons currently experienced is the old designs of the prison institutions around the country. The current design reflected growth and increase in crime rates projected in the 1960s where different factors and progress of developments being taken into consideration. The old prison in Suva was built in 1912 and these has outlived their usefulness because of rapid growth and development. Now 40 years later with different focus, criteria and standards used to gauge the suitability or effectiveness of our prison system, it shows quite clearly that the prison facilities need to be re-designed and improved to cater for the present and future needs guided by the Unite Nations Minimum Standard Rules for the Treatment of Offenders.

Increase in education and the level of awareness of the community as to their legal and human rights dictates and demand for the protection of their rights of which our current outdated structural design cannot provide.

Recent increase in Police effort on crime prevention, the increase in manpower, resource and operational effectiveness with no relative increase in the judiciary and prison facilities realised the eventual overcrowding of our prison institutions. The overcrowding in our Remand Centres and prisoners awaiting trial, some for more than 3 years indicates a heavy backlog in the judiciary that must be addressed. Our high imprisonment rate of 152.2 per 100,000 population also indicate the emphasis on imprisonment as crime prevention. These policies while it is good it should be matched with adequate prison facility designed to enable the correction of offending behaviours of prisoners before they are released back to the community. The problem of overcrowding also indicate the absence of corrective programmes to imprisonment offered by the Courts. The Community Work Act enacted by Parliament in 1994 provides to send convicted offenders to appointed community leaders to do community work instead of being sent to prison. Apart from community involvement this will enable the convicted offender to rehabilitate amongst members of his own community. This is a welcome development and is being facilitated for implementation.

EFFECTS OF OVERCROWDING OF PRISONS :

The prisons are the states legal institutions for holding those that have violated society's law for containment, retribution and restitution. The structural design, layout including the type of work and activities the prisoners are engaged in should be designed to be an environment for healthy and humane living. It should also be designed to correct offending behaviour of prisoners and prepare them for re-integration back with society upon release. Every prison administration even if it cannot guarantee to make better people of those

committed to its charge, it must at least not make them worse. It is therefore a primary purpose of modern design and methods to counter the danger of deterioration - moral, mental or physical which are inherent in prolonged confinement in overcrowded prisons.

The effects of overcrowding on prisoners can be detrimental to their health in the long term for inadequate floor space less than 40 square feet per adult prisoner in a building with a floor to ceiling height of less than 8 feet is an indicator of the level of resources committed for prison facilities. Other services like ventilation, lighting, water and ablution facilities will also be reduced to a condition unfit for human habitation. The air they breathe will be unhygienic and they are likely to suffer from damaged ears, eyes, nose and throat in the long term. The strain on meagre resources is a deprivation of basic necessities of humane living and not in conformity with United Nations Standard Minimum Rules for the Treatment of Prisoners.

The other effects will be that all categories of prisoners will be housed together due to lack of space. Contamination of first offenders and non-violent prisoners from violent and hardened criminals cannot therefore be avoided. Secure inhumane containment is not enough if prisons are seen only as a cloakroom in which the enemy of society is duly deposited for a fixed period of time. The person may return to society more embittered and anti-social than before incarceration. It is our duty to release offenders better men and women physically and morally than when they came in. Therefore overcrowding has detrimental effects, not only to their health, but also towards these objectives.

The effects of overcrowding in prisons also have similar effects on prison administration and staff morale. The accepted ratio of staff to prisoner is 1:4. With the current strength of 466 officers and 1,180 prisoners this would seem to fall within the accepted ratio. However, the inadequate number of prison

officers on direct daily contact with prisoners is brought about by custodial officers being deployed to other necessary administrative duties in the Department. This increases the ratio to one (1) prison officer to 8 - 10 prisoners. This does not only pose a threat to security but exerts unbearable pressures on staff to work in insecure conditions. This results in low morale amongst officers and consequently brings about low discipline amongst prison officers and prisoners alike. This is a dangerously volatile situation that does not only disrupt rehabilitation effort of our system but threatens our very existence to maintain command and control of prison institutions. Overcrowding should be addressed early to prevent any deterioration to an unacceptable level.

MEASURES TO REDUCE OVERCROWDING :

One of the first measures to reduce overcrowding in prisons is a change in Government policy from containment to corrections policy. This will require the review of all legislations to reflect these changes and to use imprisonment as a last resort instead of using it as the main weapon of crime prevention. The main deterrence in crime should be “the certainty of being caught and adequately punished”. This will affect the Police, the Prosecution service and the Courts. I will come to them later.

These changes are currently underway in our country. In 1994 a Community Work Act was passed by Parliament whereby convicted offenders are ordered to perform community work supervised by appointed community leaders. This was in recognition of providing an alternative to imprisonment and also involving the community in the rehabilitation of offenders. New Law Reform Commissioners have been appointed who are conducting research into a new Bail Act and a new Sentencing Act. This indicates the change in Government policy.

A proper gauge must be made of our Police strength, professionalism and work output to be able to structure our criminal justice system and the Courts to handle the volume of consequent criminal cases brought before it to be able to dispense swift justice. The overcrowding in our remand centres and the unconvicted prisoners indicate the inadequacy of our current judicial system. Justice delayed is justice denied.

The changes must be complete with a new prison design and construction to correct specifications to ensure conformity to United Nations Minimum Standard Rules and hygienic, humane living conditions. This will greatly assist in reducing overcrowding in prisons.

NON-INSTITUTIONAL TREATMENT OF OFFENDERS :

Existing legislations provide non-institutional treatment of offenders in the form of fines, probations and bonds to be of good behaviour for a certain period of time. Continued breach of these opportunities to reform will eventually end up in prison. Recent introduction of the Community Work Act 1994 is another effort to use alternatives to imprisonment. This is the scheme I mentioned above whereby convicted offenders are ordered to do 20 to a maximum of 400 hours community work depending on the severity of the offence, to be supervised by appointed community leaders. This is a significant shift in penal policy development where emphasis is the re-direction of the responsibility to the community to counsel and correct offending behaviours of the convicted persons. Many a times community effort have been minimal or remain unsolicited towards this wanted change in personal behaviour.

Our recidivism rate over the last 9 years have been fluctuating between 47% and 53%. So if our current prison system can only cure 50% of the offending behaviours of our prisoners, perhaps community responsibility and participation can and should cure the other 50%. The ordering of offenders back into the community is a welcome opportunity to strengthen ties between the offender and the community. The opportunity to live together, learn together and change together. The offender can learn from the community elders and the community can learn from the offender of where it went wrong in family values and upbringing, cultural and traditional values and identities and strengthen family units. Both groups must learn to change and live together in peaceful co-existence thereby reducing crime and advance our progress towards reducing overcrowding in prisons and PROSPERITY WITHOUT CRIME.

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