

## **Book review**

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**Release from Prison: European Policy and Practice**

**Willan Publishing, 2010, 460pp**

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In November 2008, the Council of Ministers of the European Union adopted a Framework Decision on custodial sentences, which national governments are required to implement by the end of 2011. Its objective is greater consistency between EU states dealing with the likely greater movement of EU prisoners across national jurisdictions who can now be repatriated without their consent. Historically, repatriation of prisoners has been difficult to achieve, partly because of the problems of reconciling the needs of each national bureaucracy, and partly because different rules applied across countries could lead to considerable unfairness, either to prisoners or victims: the former might be transferred to serve harsher sentences than they could reasonably have expected at the point of sentence, and the latter might see people who have offended against them treated with more leniency than expected.

An important element of increased fairness is more consistency between national systems of early release, which currently vary from almost universal release at some stage in the sentence [Finland], to none at all for most prisoners [Spain]. Similarly, the granting of early release can be in the gift of prison authorities or semi autonomous bodies formally independent of the prison system, or even, in the case of the Netherlands, the public prosecutor. The use of remission also varies from six days per year in Germany to a quarter of the sentence in Ireland. The main aim of this book is to increase understanding about such differences in national systems and to that end the approaches of 13 (mostly west) European countries are considered, mainly by legal academics. Given the authors' backgrounds, it is not surprising that most chapters in this volume describe rules and systems, and make frequent reference to legal cases. Although a few provide a more fluid and analytical criminological discussion (e.g. the chapters on Greece and Spain), the descriptions of sometimes painfully complicated developments in national systems do not always make for easy reading.

One emergent theme is that the bewildering array of practices and policies across Europe have come into being more because of a desire to reduce prison populations than any higher sentiments about effective rehabilitation and criminologically literate sentencing policy. It is pity that rehabilitation has not been accorded a more important role in early release policy and this may explain to some extent why many jurisdictions report a lack of resourcing for probation officers to work constructively with people during imprisonment and post-release. It is perhaps also salutary that the

lack of a more comprehensive concept of early release has in fact produced little success in achieving significant reductions in prison populations. Even in countries where there has been some progress, numbers are creeping up again. For example, in Austria, before significant reforms in 2008, most prisoners stayed in prison up to the last day of their sentences and were released without any form of probation supervision. The reforms led to a rise in conditional release (and less pre-trial detention) followed by a reduction in the overall prison population. However, after 2008, the population stubbornly rose once again. The suspicion must be that, as in other jurisdictions, there is a destructive tension between the huge pressures on criminal justice actors to avoid appearing 'soft' on crime and the desire to use early release to reduce prison numbers.

A useful concluding chapter provides a welcome if limited comparative analysis. Its value is demonstrated by the variations even in basic concepts such as 'prisoner'. For example, in Belgium anyone sentenced to under three years may be electronically tagged from the outset and never set foot in a prison, yet be regarded as a prisoner. In other jurisdictions people cease to be prisoners as soon as they leave confinement, regardless of the level of restriction placed on them in the community.

This book helpfully brings together data on different systems and shows how ambitious a project more cross-European consistency will be. Perhaps an even greater challenge will be achieving conceptual integrity and coherence for systems that have developed in a piecemeal fashion, often in response to internal political pressures. Perpetual reform and somewhat haphazard legislating (see for example the chapters on Greece and England and Wales) has further confounded the aim of coherent national systems and feels like an intimidating obstacle to constructive wider collaboration.

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