







PRISON REFORM

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NORWAY PRISON TOUR

Lessons learned on criminal justice reform

By Donovan Foughty, District Court Judge

In October 2015, I was invited to participate in a tour of the prison system in Norway. The delegation from North Dakota included Ray Holmberg, North Dakota State Senator; Dr. Rosalie Etherington, Superintendent of North Dakota State Hospital; Karianne Wolfer, Director of Correctional Practices; and Leann Bertsch, Director of the North Dakota Department of Corrections. The other state delegation that participated in the tour was from Hawaii. Because of the Hawaii connection I now have an open invitation to go fishing in Hawaii “bro when you come to Hawaii, I will take you fishing.” I hope someday to take him up on his offer, but I digress.

The program leadership that arranged this tour was The Prison Law Office, a non-profit public interest law firm based out of California and the University of California Criminal Justice & Health Consortium. These two groups work on prison reform and specifically on health-focused criminal justice reform. Six individuals from these organizations traveled with us to Norway. Their professional and academic credentials in law, health, and research were impressive.

We toured several facilities in Norway and listened to several speakers about their system. We also heard from representatives from Ireland, England, and Sweden including the “President” of the Swedish Court of Appeal about their correctional systems.

The overarching goal of the correctional system in Norway is to enable offenders, through their own initiative, to change their criminal behavior. Assistance is provided to offenders by corrections and other government entities in achieving this goal.

In Norway punishment for committing a crime is the loss of liberty—you go to jail. No other rights have been removed by the sentencing court. All sentenced offenders have the same rights as others who live in Norway. For example, offenders retain the right to vote. Consider what is lost in this country once you have been convicted of a felony. Under the principle of “normality” no inmate in Norway will serve their sentence under stricter circumstances than necessary for the security of the community.

As inmates progress through the system the security regime decreases. Institutional efforts are made to create life inside the facility to resemble life outside the facility as much as possible. For example, individuals serving time do not wear prison garb, but rather their own clothing. In many facilities they work to earn income and cook their own meals. Progression through a sentence is aimed

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at returning offenders to the community with learned skills and appropriate community based services in place.

Crucial services for reintegration by inmates are imported to the prison by local and municipal service providers. Prisons in Norway do not have staff to deliver medical, educational, employment or library services. Doctors that provide service in prison also provide service in the community. Addiction treatment services come from community-based treatment programs. The library in the prison is a branch of the city library.

Prison officers in Norway go through a two-year education program at the staff academy where they are on payroll. They are trained to engage with the prison population. Every prisoner in Norway is assigned a contact officer whose job it is to assist the prisoner in making contact with appropriate service providers. Prison staff is unarmed and 40% of prison officers are female.

In Norway there are 3,900 cells in 43 prisons spread over 61 locations. The largest prison in Oslo has 392 cells and the smallest 13 cells. The average is about 70 cells. The reason for so many facilities is to locate prisoners near their homes, social networks, and service providers. Almost two-thirds of the facilities are high security. Norway has a strict policy of one person one cell. There is no double bunking.

Almost 90% of prison sentences in Norway are less than a year.

An independent study showed that the recidivism rate in Norway is 20% in two years after release. In the United States according to the Bureau of Justice statistics one-third are arrested in the first six months after release and two-thirds after three years. The United States incarcerates people at a rate of 700 per 100,000. In North Dakota it is between 200 and 300 per 100,000. In Norway it is 71 per 100,000.

If you want to learn more about the prison system in Norway go to YouTube and type in "Halden Prison Norway Documentary." Halden Prison has been described as the nicest prison in the

world. When you are inside the wall it looks more like a college campus than a prison. One of the more entertaining stories on YouTube is the critical analysis of a New York State warden on Halden Prison. He thought it was just too nice and seemed upset with what Norway had done. He was lecturing them on their security. An interesting fact is that no guard in Halden has ever been attacked and inmate fights are rare. The correctional system in Norway works. I think we all could learn from their experience.

In Norway, a conscious and deliberate decision was made to do what is necessary to assist offenders in returning

to the community to be productive members of society. There is uncertainty in the U.S. about imprisonment. What do we really want to do? Do we want to punish or rehabilitate? The New York warden was confident in his approach to corrections. He recognized the importance of developing and implementing policy. The question is, does policy relate back to the goals you are trying to achieve? Policies in corrections should be driven by the goals. If North Dakota incarcerated people at the same rate as Norway, the ND Department of Corrections would have 320 prisoners

instead of the 1,800 presently incarcerated.

What did I learn as a judge looking at the correctional systems in Norway, England, Ireland and Sweden? The answer is this: as a judge, I have the power to take away a person's freedom. I have no right to take away their human dignity. For our benefit and security, we should remind those imprisoned of their potential and human dignity. We also need to remind ourselves that they are a part of the community.



Example of a cell at Halden Prison in Norway.



The group tours the recording studio, Criminal Records, inside Halden Prison.