# Model Prisons

Attorney hopes to import the best of European practices to the United States By Rebecca Beyer

National Pulse

**Attorney Donald Specter spent** more than three decades working to protect the rights of incarcerated people before he finally saw a prison he believed in.

He was in Europe, having just won perhaps the biggest ruling of his career—a 2011 U.S. Supreme Court decision in *Brown v. Plata* that required California to reduce its inmate population by more than 40,000. But Specter, executive director of the Berkeley-based Prison Law Office, wasn't there to celebrate. He was a co-instructor on a study-abroad trip about correctional practices with University of Maryland students.

This trip included visits to prisons in Denmark, Germany and the Netherlands. Specter says he was blown away. The prisons were nothing like those he had spent his career trying to change in the United States. For starters, they were physically different—built to resemble life on the outside. Inmates had their own rooms and, in some cases, were allowed to cook in communal kitchens. But what struck Specter most was that the prisoners were treated differently, too.

"They still regarded the people in prison as members of the community who were going to return to the community," he says. "That has a whole bunch of implications."

Specter, who began his legal career as a volunteer at the Prison Law Office, had long been frustrated by the limits of litigation to bring about meaningful change. In Europe, he began to wonder whether there might be a different way to approach his life's work.

"By the end of the trip, [the students'] basic question was: Why do we have such lousy prisons when they can be so much better?" he says. "I started thinking about whether the same kind of transformation could happen with people who were a little older and more experienced—hardened correctional officers and the like."

### A PROGRAM IS BORN

In 2013, Specter launched the U.S.-European Criminal Justice Innovation Program, sponsoring weeklong tours of European prisons for U.S. corrections officials, judges and lawmakers. He funds the trips using fees from his lawsuits, including some of the $2.2 million his office was awarded after the high court's ruling in *Brown*.

In that case, Specter represented prisoners who challenged the delivery of health care in the California prison system. The high court affirmed an earlier appeals court ruling that overcrowding was the primary cause of the deficient system and ordered the state to reduce its inmate population.

Specter's first overseas trip was with representatives from Colorado, Georgia and Pennsylvania and included stops in Germany and the Netherlands. Subsequent tours, including one this fall with officials from Alaska, have focused on Norway, which is known for the freedoms it grants eligible inmates.

So far, officials from eight states have participated, including the executive director, president and vice president of the Association of State Correctional Administrators, which has members who oversee 400,000 correctional personnel and 8 million inmates or former inmates.

Although the United States has the highest incarceration rate in the world—676 inmates per 100,000 people, according to the United Nations Office on Drugs and Crime—Specter thinks Americans still have a lot to learn about how to prepare prisoners for life on the outside. (Norway's incarceration rate is 80 inmates per 100,000 people.)

At least 95 percent of inmates in U.S. state prisons will return to their communities upon release, according to the Bureau of Justice Statistics,

and more than two-thirds of those will be rearrested within three years. In Norway—where no life sentences exist—the recidivism rate is about 25 percent after two years, according to Kim Ekhaugen, director of international cooperation for the country's prison system, who helps arrange Specter's trips.

Participants in Specter's program learn about the principles of normality—the idea that life on the inside should be as similar to life on the outside as possible—and dynamic security, which is based on interpersonal relationships between guards and inmates.

In Norway, correctional officers are trained to de-escalate potential conflicts, Ekhaugen says. Each officer is assigned to oversee no more than four inmates and make conscious efforts to engage with those inmates on a human level, including participating in recreational activities.

Differences in the American and Norwegian systems are so great that Specter's program has been met with plenty of initial skepticism. "Quite frankly, I didn't think what happened over there would translate here," says John E. Wetzel, the Pennsylvania secretary of corrections.

Kevin Kempf, a former director of the Idaho Department of Correction who went on the 2016 trip, says he thought Norway's prisons would be "soft." But he was struck by the many responsibilities inmates had—cooking, cleaning, going to work or school.

As a young warden, Kempf, now executive director of the Association of State Correctional Administrators, once ordered all the trees removed from the grounds of an Idaho prison to get a better line of sight. In Norway, when someone asked a guard at the maximum security Halden Prison what would happen if an inmate climbed a tree on the forested property (surrounded by a security wall), the guard said, "He'll climb back down at some point."

## RECRUITING REFORMERS

Through applications and personal invitations, Specter selects officials who have demonstrated a commitment to reform—sometimes as a result of lawsuits like the ones he oversees in his day job.

The idea is to set "the bar to which all jurisdictions can aspire," says Dr. Brie Williams, director of the Criminal Justice & Health Program at the University of California at San Francisco, whom Specter hired to help run the program.

"Once it's clear this is not just what happens in Norway ... that experience has meaning for systems here," Williams says.

Indeed, the trips seem to be quietly revolutionizing corrections departments across the United States.

In Idaho, prison officials started small: adding carpeting, plants and color, including murals along the hallways. In North Dakota, "man camps" left over from the state's oil boom have been repurposed as independent housing units (which also eased overcrowding), and a new law allows the state to prioritize inmate admissions based on the offense's severity.

In Pennsylvania, Wetzel, who is vice president of the ASCA, created transitional housing units that have expanded re-entry and counseling services for inmates nearing release. Changes of varying degrees are being made across each state's system, including reducing the use of solitary confinement or administrative segregation.

Rebecca Witt, a re-entry specialist and corrections counselor who helped design the transitional housing unit at Pennsylvania's State Correctional Institution at Laurel Highlands, says re-entry used to be simply about helping inmates obtain Social Security cards or other identification.

Now, Witt's voluntary unit provides a range of services. Her 90 inmates (150 are on a waiting list) have their own library and computers with limited internet access. There are parenting classes, mentoring opportunities and extended family visits.

Witt also tries to tailor services to specific needs. When one inmate approached her with concerns about how he communicated, Witt launched a public speaking competition. Most programming used to be done in-house. Today, outside agencies come in, a practice known in Norway as the "import model."

"Before, the focus was on keeping the community out and keeping the prisoners in," Witt says. "Now, it's bring the community in, so we can get [the prisoners] out. It's a complete paradigm shift."

Witt's transitional housing unit has a recidivism rate of 10 percent since 2016, compared to the state's average of 60 percent.

## TREATING INMATES AS PEOPLE

Before it began its own reform process about 30 years ago, Norway's recidivism rates mirrored those of the United States. Ekhaugen says his country isn't trying to impose its practices but rather to share knowledge. "Correctional services is kind of a monopoly organization," he says. "You need to look out of your own box to learn something new."

Inmates who are in states that have participated in Specter's program are learning, too. In Idaho, Sean Patrick Cambron, who's serving 25 years to life for a murder he committed when he was 18, will be eligible for parole in 2019. To prepare for re-entry into society, he takes part in as much programming as he can, including painting murals.

"You stop acting like an inmate when you're not treated like an inmate," Cambron says. "When you're treated like a human being that made a mistake, that's when change occurs."

Of course, not all inmates can be rehabilitated, as Specter, Ekhaugen, Cambron and others admit. But policy shouldn't be based on extremes, Specter says. The prisons he tours are the perfect rebuttal to the common perception that harsh correctional practices are a response to poor behavior among inmates, he says.

"Norway and Germany and Denmark and all these other places show that the exact opposite is true," Specter says. "If the staff behave in a more humane, respectful, productive and constructive way, the people who are incarcerated will respond in kind." ■