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# Governing the governors?

## The impact of New Public Management on Belgian prison governors' leadership

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### Introduction

Notwithstanding the considerable academic interest in prisons, little is known about the people who govern these institutions.<sup>1</sup> Though, *prison governors*<sup>2</sup> are seen as key actors who have a considerable impact on prison life and 'set the tone of an establishment'.<sup>3</sup> In Belgium, this topic remains largely unexplored.<sup>4</sup> Given the dynamic nature of prisons subject to continuous change,<sup>5</sup> one can assume that the function of the prison governor and the way he or she governs prison, has changed. Belgian prisons are subjected to several societal and penal changes such as growing and changing prison populations leading to overcrowding since the 1980s and causing more tensions for staff and prisoners;<sup>6</sup> a shift from authoritarian to post-authoritarian prisons with more horizontal oriented relations between staff and prisoners and a greater emphasis on dynamic security;<sup>7</sup> an increasing regulation of prison praxis, including the recognition of prisoners' rights and more precisely the (partial) implementation of an internal and external legal

position of prisoners<sup>8</sup> along with several administrative rules; the changing influence of staff unions on prison management;<sup>9</sup> a humanisation of prison regime from 1975 onwards, and contacts with the outside world were fostered and led to the introduction of external services;<sup>10</sup> increasing 'psychological power' and importance of psychological expertise;<sup>11</sup> an increasing influence of the media and public opinion; a wave of managerialism which has affected several criminal justice agencies and changed their orientation, value base and ways of working,<sup>12</sup> etc. However quite a lot is written about the impact of managerialism on various criminal justice organizations, very little has been done to assess its impact on the deliverers of criminal justice.<sup>13</sup> In this article we will elaborate the implementation of managerialist techniques in the Belgian Prison Service and more precisely its impact on Belgian prison governors' leadership. After a brief explanation of the concepts management and leadership, we will have a closer look at its implementation in the public administration in Belgium.

1. A. Coyle, 'Change management in prisons' in J. Bennett, B. Crewe, A. Wahidin (eds.), *Understanding Prison Staff*, Cullompton, Willan Publishing, 2008, 231.
2. Prison governor: A public servant who is entitled with the local government of an (entire) prison or a prison department. (Based on article 2, 13° Belgian Prison Act 2005: "De ambtenaar die belast is met het lokaal bestuur van een gevangenis of een afdeling ervan").
3. S. Snacken, 'Forms of violence and regimes in prison: Report of research in Belgian prisons' in A. Liebling & S. Maruna (eds.), *The effects of imprisonment*, Cullompton, Willan Publishing, 2005, 335.
4. P. Kennes, 'De gevangenisdirecteur in zijn zoektocht naar orde in de gevangenis', *Fatik: Tijdschrift voor Strafbeleid en Gevangeniswezen* 2010, 28(1), 13-22; S. Snacken, 'Réaction' in P. Mary (ed.), *Le système pénal en Belgique: Bilan critique des connaissances*, Bruxelles, Bruylant, 2002, 241-252.
5. A. Coyle, see fn. 1., 238.
6. S. Snacken, 'Penal Policy and Practice in Belgium' in Tonry, M. (ed.), *Crime, punishment, and politics in comparative perspective*, Chicago, The University of Chicago Press, 2007, 145-148.
7. D. van Zyl Smit & S. Snacken, *Principles of European Prison Law and Policy*, Oxford, Oxford University Press, 2009, 263-267.
8. See Prison Act of 2005 and Act on the External Legal Position of Prisoners of 2006.
9. T. Daems, 'Editoriaal: De ene staking is de andere niet: over (de gevolgen van) syndicale acties in de Belgische gevangenissen', *Fatik: Tijdschrift voor Strafbeleid en Gevangeniswezen* 2011, 29(2), 3-4.
10. H. Tournel & S. Snacken, *Vorming, opleiding en arbeidstoeleiding in zeven Vlaamse gevangenissen*, Brussel, Koning Boudewijnstichting, 2009, 86; A. Hellemans, I. Aertsen & J. Goethals, *Externe evaluatie Strategisch Plan Hulp- en dienstverlening aan gedetineerden*. Leuven, KULeuven, 2008, 109.
11. B. Claes, *Herstel en detentie: een etnografisch onderzoek in de gevangenis van Leuven-Centraal*, Brussel, VUB, 2012, 449 p.
12. R. Van De Voorde & R. Bas, 'Gevangenismanagement voor dummies', *Panopticon: Tijdschrift voor strafrecht, criminologie en forensisch welzijnswerk* 2011, afl. 4, 42-47; J. Raine en M. Willson, 'Beyond Managerialism in Criminal Justice', *The Howard Journal* 1997, 36, afl. 1, 94.
13. L. Cheliotis, 'Penal managerialism from within: Implications for theory and research', *International Journal of Law and Psychiatry* 2006, 29, 398; A. Liebling, *Prisons and their Moral Performance: A Study of Values, Quality, and Prison Life*. Oxford, Oxford University Press, 378.

## Management, leadership and managerialism

Aware of the interconnectivity between both concepts, leadership can be described as 'the ability to influence a group toward the achievement of a vision or set of goals' while management refers to 'implementing the vision and strategy provided by leaders, coordinating and staffing the organization, and handling day-to-day problems'.<sup>14</sup> In this article, we will focus on the prison governors' role in creating an operational plan. This plan reflects partly, as we will explain later, the leadership task of the prison governor.

While scholarship on leadership is vast, literature on correctional leadership remains very thin.<sup>15</sup> According to Jacobs and Olitsky professional correction leadership is the key to establishing humane prisons. Intelligent, competent and inspiring prison leadership is crucial in order to create constructive prison environments and operations.<sup>16</sup> Given the changing context mentioned above, governors have to provide leadership<sup>17</sup> and have to manage the interface between several stakeholders (prisoners, prison officers, central administration, psychosocial service, external services, etc.), creating a working balance of the various forces operating in their prisons.

Jailcrafting or influencing the 'softer elements of a prison such as culture, emotions, tensions, expectations' is crucial in order to regulate its daily operation.<sup>18</sup> Administration (or the operational work of executive government),<sup>19</sup> management and leadership are thus three related concepts and overlap in terms of their scope. However appealing, there is

no simple linear history in which 'administration' has led to 'management' and, in turn, has led to 'leadership'. The ways in which these terms are used is a matter of debate and do not need to be mutually exclusive: public managers operate in some ways as administrators, in some ways as managers and in some ways as leaders.<sup>20</sup>

We also need to make a clear distinction between the concept of management (what prison governors always had to do over time) and 'managerialism' which 'encompasses a pragmatic, technologically-supported, and quantification-oriented political construction that has subjected the police, courts, probation, and prisons to a regime of efficiency and value-for-money, performance targets and auditing, quality of service and consumer responsiveness'.<sup>21</sup> The concept of managerialism can

also be connected with the well-known concept of 'New Penology'.<sup>22</sup> More precisely, it can be seen as a development which helps to give rise to the New Penology or as Liebling puts it: 'a paradigm shift in criminal justice away from a concern for individuals, and from notions of guilt and reform, towards the identification, classification and management of unruly and dangerous groups'.<sup>23</sup> According to penologists, managerialism and its increasing hierarchical

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division of labour (one of the managerialistic forces Cheliotis identifies) in prison policy, confines 'professionals to narrow sets of formal tasks' and prevents them 'from gaining full comprehension of the overall strategy and the ultimate goals of the organization'.<sup>24</sup> Day-to-day practice has been standardized and subjected to greater managerial

14. S. Robbins en T. Judge, *Organizational behavior*. Upper Saddle River, Prentice Hall, 2007, 402.
15. J.B. Jacobs & E. Olitsky, 'Leadership & Correctional Reform', *Pace Law Review* 2004, 24(1), 477-496.
16. For examples of prison leaders who made a difference throughout prison history, at least for a time, we can refer to *Stateville: The Penitentiary in Mass Society* of Jacobs (see e.g. the role of governor Ragen in Texas); J. Jacobs, *Stateville: The Penitentiary in Mass Society*, Chicago, The University of Chicago Press, 1977, 300 p.
17. A. Coyle, see fn.1, 238-244.
18. S. Bryans, 'Prison governors: new public managers?' in J. Bennett, B. Crewe & A. Wahidin (Eds.), *Understanding Prison Staff*, Cullompton, Willan Publishing, 2008, 226.
19. C. Hood, 'Public Management: The Word, the Movement, the Science' in E. Ferlie, L. Lynn & C. Pollitt (Eds.), *The Oxford Handbook of Public Management*, Oxford, Oxford University Press, 2007, 9.
20. O. Hughes, 'Leadership in a Managerial Context' in R. Koch & J. Dixon (Eds.), *Public Governance and Leadership*, Gabler Edition Wissenschaft, Wiesbaden, 2007, 321.
21. I. Loader & R. Sparks, 'Contemporary Landscapes of Crime, Order, And Control: Governance, Risk, and Globalization' in M. Maguire, R. Morgan & R. Reiner (Eds.), *The Oxford Handbook of Criminology*, Oxford, Oxford University Press, 2002, 88.
22. M. Feeley & J. Simon, 'The New Penology: Notes on the Emerging Strategy of Corrections and Its Implications', *Criminology* 1994, 30, 449-474.
23. A. Liebling, 'Governmentality and Governing Corrections: Do Senior Managers Resist?' in L. Cheliotis (Ed.), *Roots, Rites and Sites of Resistance: The Banality of Good*, New York, Palgrave MacMillan, 221.
24. L. Cheliotis, 'Resisting the scourge of managerialism: on the uses of discretion in late-modern prisons' in J. Bennett, B. Crewe & A. Wahidin (eds), *Understanding Prison Staff*, Cullompton, Willan Publishing, 2008, 249.

control by the use of 'government-at-a-distance'<sup>25</sup> techniques such as budgetary limits, guidelines, etc. Consequently, central authorities exert broad control over decision-making. However, there is still space for the exercise of localized judgment on the part of individual professionals.<sup>26</sup> As Cheliotis indicates, we have to be aware of the risk of portraying this evolution with greater internal unity than may appear in empirical reality. We need to take the role of human agency in the implementation of criminal justice policy into account. Prison governors may only work consistent with their preferences and values, and may thus hamper managerialist reforms through a wide variety of ways, such as manipulating bureaucratic structures and exercising considerable degrees of discretion outside the immediate gaze of their superiors.<sup>27</sup> We define discretion as 'the way in which individuals and/or groups of officials use their own judgment within a given situation, to take action or not'.<sup>28</sup> Following Gelsthorpe and Padfield, we acknowledge the possibility of an official, organisation or individual to decide, discern or determine to make a judgment and decision, about alternative courses of action or inaction.<sup>29</sup> Further, we also have to be aware of the positive aspects of managerialism. With regard to Belgium, we will give a very brief overview of some important benchmarks which have influenced the prison praxis of prison governors.

### Managerialism in Belgium?

During the post-world war II — period, the Belgian prison governor gained a considerable amount of discretionary power to shape prison life certainly after the introduction of the Royal Decree of 1965. This period can be characterized by a low level of bureaucratic accountability and managerial control by

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the central administration resulting in a large variety of local policies and prison cultures.<sup>30</sup> Until 2000, several (managerialistic) initiatives were *ad hoc*, not always coherent and lacked an overall strategy. The major reforms started in 1999-2000. A new government launched a plan to modernize the federal administration. This so called 'Copernicus plan' was strongly influenced by the New Public Management discourse and intended to convert the federal administration from a closed, rigid bureaucracy into a modern, customer-oriented organization with the citizen at its centre (instead of the administration). The central catalysts for this Copernican change were to be

(1) the radical revision of the organizational structure, (2) a new organizational culture, (3) new 'work methods' and (4) the introduction of a modern human resources (HR) policy.<sup>31</sup> However, these reforms were often perceived as fundamental and drastic followed by a difficult period of internal constraints, civil service reform has arrived on the agenda. Since this reform many initiatives have taken place such as the restructuring of the ministries, the appointment of new top managers and leading officials, implementation of business process re-engineering (BPR) on the level of the organization, strategic plans, new budget and control system, new evaluation procedures, internal audits, etc.<sup>32</sup>

At the level of the Belgian Prison Service, several processes were monitored and changed, the organizational structure was changed, management and operational plans were implemented, etc. The emphasis on 'integral management' has also led to more responsibilities for local prison governors. This concept assigns a strategic role for the central direction (Director-General), a tactic and operational role for area managers and operational competences for (local) prison governors. According to Bas and Van De Voorde, this can be remarked as a positive

25. D. Garland, 'Governmentality and the problem of crime: Foucault, criminology, sociology' in E. McLaughlin, J. Muncie & G. Hughes (Eds.), *Criminological Perspectives: Essential Readings*, London, Sage Publications, 2003, 461.

26. A. Liebling, *Prisons and their Moral Performance: A Study of Values, Quality, and Prison Life*. Oxford, Oxford University Press, 375-430; S. Bryans (2008) see fn 18, 221.

27. L. Cheliotis, see fn. 24, 248.

28. L. Gelsthorpe & N. Padfield (Eds.) *Exercising discretion: decision-making in the criminal justice system and beyond*, Cullompton, Willan Publishing, 2003, 3.

29. L. Gelsthorpe & N. Padfield, see fn. 28.

30. E. Maes, *Van gevangenisstraf naar vrijheidsstraf: 200 jaar Belgisch gevangeniswezen*, Antwerpen, Maklu, 2009, 1088-1094.

31. C. Pollitt & G. Bouckaert, *Public management reform: A comparative analysis*, Oxford, Oxford University Press, 2004, 219.

32. *Ibid.*

evolution. Prison governors gained more responsibilities for the management of prisoners, staff, budget, ICT and logistics in order to achieve organizational goals.<sup>33</sup>

Nonetheless we can identify a greater managerial control from above by the use of budgetary limits and several guidelines. In a certain way, this can also be seen as an increasing hierarchical division of labour. The basic operational responsibilities flow downwards to numerous officials: from the Director-General to the Area Manager, local prison governors and lower-level managers and officers. Moreover, in Belgium, a lot of external services are active in local prisons. Due to the federalisation a lot of these services do not operate under the authority of the prison governor. Consequently, it becomes very difficult for prison governors to manage the interface between several stakeholders. In the following sections we will discuss this apparently hierarchical division of labour and the role of the central administration and area managers in relation to prison governors.

### The strategic role of the Director-General

Because of the modernisation of the public administration, each Director-General has to develop its own mission statement and accessory strategic goals. These strategic goals need to be translated in operational goals which in turn has to be implemented in local prisons.<sup>34</sup> During his first mandate, the Director-General of the central administration has defined several priorities: the implementation of the legal framework, an adapted governance model, optimisation of the management of prisoners and resources, investments in general resources, the introduction of modern management techniques such as operational plans, Balanced Scorecards (BSC),<sup>35</sup> project management and Business Process Management (BPM).

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During his second term five strategic themes were prioritised: relationships;<sup>36</sup> internal rules,<sup>37</sup> transparent core processes,<sup>38</sup> investing in opportunities to work for prisoners<sup>39</sup> and proactive staff management. Prisoner governors had to develop their own operational goals which fit these themes. However, no general indicators were defined by the central administration in order to achieve these goals. Governors had the ability to develop indicators by themselves in accordance with the legal framework.<sup>40</sup>

### The operational plan of the governing governor

As mentioned above, prison governors have to translate the strategic vision statement of the Director-General to operational goals. These goals are defined and written down in an operational plan. Each governing governor has to make an operational plan every two years. The first part of this plan consists of a SWOT-analysis of their prison. Based on the results of this analysis, governors have to develop projects and achieve goals in order to improve the quality of services. These goals need to fit the strategic themes, which the Director-General has defined. This 'strategic card' is built upon four perspectives:

- Customers: dynamic life, classification and differentiation of prisoners/prison sentences, integral criminal justice and image-forming;
- Processes: implementation and regulations, harmonized processes, risk management, policy and participation;
- Resources: proactive human resources policy, delocalised resources management; adapted infrastructure and business intelligence;
- Innovation: permanent development, partnerships and using technological renovation.

33. R. Bas en R. Van De Voorde, 'De modernisering van de Belgische Federale Overheidsdiensten en de impact ervan op de organisatie en de werking van het gevangeniswezen onderzocht aan de hand van een vergelijkende gevalstudie over de rol van de regionale directie', *Fatik: Tijdschrift voor Strafrecht en Gevangeniswezen* 2006, afl.12, 20-21.

34. The chairman of the Board of directors of the Federal Administration defines the general mission, vision and translation in ten strategic themes which Directors-General have to take into account over a period of six years. (Cf. Managementplan 2013-2019 FOD Justitie, [http://justitie.belgium.be/nl/binaries/20131023\\_MPM\\_2013-2019\\_N\\_tcm265-235562.pdf](http://justitie.belgium.be/nl/binaries/20131023_MPM_2013-2019_N_tcm265-235562.pdf)).

35. This tool allows prison governors to translate operational goals into concrete and measurable parameters. (Cf. R. Van De Voorde en R. Bas, see n.12, 44).

36. Relationships based on dialogue, respect and a dynamic interaction between different actors, building the necessary consultative bodies and stimulating interactions between prisoners and staff in order to achieve secure prisons.

37. Following the internal rules consistently and an evaluation on a regular basis.

38. Transparency and optimization of processes. Core processes refer to: Reception and information, control and searches, technological security, activities, employment, release, etc.

39. Expanding opportunities to work for prisoners as much as possible.

40. H. Meurisse, De strategische opties van EPI voor 2010-2015, internal document.

The governor has to define operational goals which cover these different domains and strategic goals. For example, each governor can create a communication plan, using a standardized method in order to implement new regulations. This plan can be linked to the perspective 'process' and the strategic goal 'implementation and rules'. Furthermore, this fits the perspective 'clients' and the strategic goal 'image-forming'. As mentioned earlier, the BSC allows the governor to develop concrete and measurable parameters in order to evaluate the progress of these organizational goals.

### **Quo vadis? The lack of moral language**

Given the emphasis on the concept of 'integral management' (cf. *supra*), the area managers have to provide tactical and operational control. However, throughout the years their role was rather limited to the distribution of information from local prison governors towards the central administration. According to several governors area managers have no clear additional value. After a BPR area managers received several additional responsibilities such as strategic guidance in accordance with the strategy of the Director-General, a more active role in policy implementation in prisons, risk management, coordination and communication. During his second term, the Director-General wants to involve local prison governors in policy making, give them more responsibilities and more explicit leadership from the area managers.<sup>41</sup>

Currently the central administration supervises the (implementation of) operational plans of local prison governors. We notice a lack of what Liebling and Crewe call 'moral language' and a shift from management to measurement, one of the defining characteristics of managerialism.<sup>42</sup> Instead, economic rationalism prevails. A shift has taken place from a rather organic, intuitive management towards a self-legitimizing management with an emphasis on quantification. Resource and process management has been prioritized over humane aspects of imprisonment. Given the (partial)

implementation of the Belgian Prison Act of 2005, an important role is currently given to the Legal Service (under the authority of the Director-General) to further interpret or explain basis principles and legal rules. Some prison governors ask their selves if the introduction of management techniques has contributed to a more effective and efficient detention. Not only has a governor do the things right, he also need to do the right things.<sup>43</sup>

Operational plans may have their advantages (higher transparency, awareness of processes and development of the organization) and provide the tools to manage prisons, it does not necessarily lead to a higher quality of prison life. Given the lack of an overall substantive perspective on imprisonment, it becomes very difficult to judge these operational plans.

Consequently, local prison governors have a significant space for decision-making in defining projects and the development of parameters. Their prison can make organizational progress (in theory) while the organization is evaluating in a rather negative way (in reality). Outputs are difficult to measure and outcomes are more likely to be used albeit with considerable caution due to possible attribution problems. In this context we can refer to the term 'gaming' or a strategic reaction of — in this case — individuals to

the use of measures. It entails the manipulation of the selected measures. In this case, the operations remain the same but its representation by means of the indicators is deliberately skewed resulting in a loss of the quality of the data.<sup>44</sup>

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### **Concluding remarks**

In this article we wanted to scrutinize the impact of New Public Management on leadership tasks of Belgian prison governors. An illustration of the managerialist techniques which were implemented is the operational plan or the policy plan of a local prison. Each governor has to translate the strategic vision of the central administration into operational goals for his or her prison. In this sense we can remark a higher managerial

41. H. Meurisse, Managementplan 2012-2018, 30.

42. A. Liebling & B. Crewe, 'Prisons beyond the New Penology: The Shifting Moral Foundations of Prison Management' in J. Simon & R. Sparks (Eds.), *The SAGE Handbook of Punishment and Society*, London, Sage Publications, 2013, 292.

43. R. Van De Voorde en R. Bas, see n.12, 42.

44. W. Van Dooren, N. Manning, J. malinska, D-J Kraan, M. Sterck & G. Bouckaert, *Issues in output measurement for 'Government at a Glance': OECD GOV Technical Paper 2*, OECD, 26.

control from above, one of the managerialistic forces identified by international scholars. This however didn't imply a severe limitation of governors' discretionary powers. Not only is there a lack of close supervision on the implementation process by the area managers, there is general lack of a substantive detention model about what imprisonment should be which organizational model would be preferable. Consequently, the central administration needs to play a more significant role in defining a such a detention model and reflect about how the core tasks of the Prison Service have to be fulfilled in accordance with the internal and external legal position of prisoners.

The lack of 'moral language' is probably related to another 'managerial force'. More precisely, 'the breeding of a new, up-and-coming generation of blasé professionals' as Cheliotis indicated for the United Kingdom. A younger generation of governors, more familiar with the culture of performance management, quickly climbs the ladder of the organisation hierarchy and outranks the older generation along with the undermining of the progressive ideology of the past.<sup>45</sup> In Belgium, the selection criteria of governors changed over time. Where governors initially grew through the internal hierarchy (i.e. as a prison officer or clerk), academics with a human sciences degree were allowed

to apply, leading to a whole generation of criminological trained governors. Recently, candidates with any other university degree can postulate.<sup>46</sup> Junior positions are consequently more and more taken by candidates with another degree. This does not have to be problematic nor imply that all criminologists adhere to a progressive ideology. The Director-General for example is a criminologist but also a strong believer of a managerialistic approach. Nonetheless he can be clearly distinguished from the older more progressive generation.

Creating an operational plan is of course not the only illustration of prison governors' leadership. As we already mentioned at the beginning, the way prisons are managed is connected to the leadership style of governors. Policy implementation largely depends on management capacities of prison governors. For example, Belgian prison governors can define the functional implementation of several staff positions in their prison. On the other hand governors have no impact on the number and selection of staff which brings us to all sorts of contextual factors which influence the possibility of the prison governor's policy making capability, for example the prisoner population, infrastructure, budget, industrial relations and other structural and organizational cultural factors.

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45. L. Cheliotis, see fn. 24, 250.

46. S. Christiaensen, 'Klassieke en hedendaagse beroepen en functies in de strafuitvoering' in D. Heirbaut, X. Rousseaux & K. Velle (Eds.), *Politieke en sociale geschiedenis van justitie in België van 1830 tot heden*, Brussel, die Keure, 2004, 326.