

## Evaluation Abstract

### Prison facility and Children detention campus

In 2019, the Office of Evaluation of the Council of Europe Development Bank (CEB) evaluated a loan approved by the CEB Administrative Council to one of its member states with the objective of part-financing the replacement of an existing outdated prison facility with a modern facility and the construction of six new residential units in a campus dedicated to children detention. While the loan was channelled through the national treasury, the loan financed two completely separated facilities with different governmental bodies responsible for the construction, management and supervision.

The final aim of the evaluation was to identify a set of lessons and recommendations to be used in future similar operations. The evaluation assessed whether the two facilities enabled compliance of the national judiciary infrastructure, system and regimes with international standards in line with the objectives stated in the CEB Loan Document<sup>1</sup>. Moreover, the evaluation analysed the broader effects generated or expected to be generated at the level of the final beneficiaries. Multiple sources of information were used during the evaluation process: documentary evidence, data collected by the

management bodies of the two facilities, reports from public authorities, international organisations and civil society organisations. Moreover, the evaluation team conducted meetings and interviews with manifold interlocutors including field-based stakeholders, implementing agencies and final beneficiaries/end-users (residents of the children detention campus, detainees, staff, service providers). The findings from field-based interviews were triangulated and verified during meetings with infrastructure management services to promote dialogue on emerging evaluation issues and to validate preliminary findings.

### New prison – Evaluation findings

**Relevance.** At the time of CEB loan approval, the prison was subject to national and international criticism for multiple infractions of detention standards. The facility was characterised by chronic overcrowding (doubling-up of prisoners and later tripling-up in single cells) and major structural inadequacies as part of the prison dated back to the beginning of the 19<sup>th</sup> century. The prison did not have in-cell sanitation, forcing detainees to “slop-out”<sup>2</sup>. The construction of a new fit-to-purpose facility was not only necessary but also long overdue in order to

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<sup>1</sup> The “CEB Loan Document” is a concise report containing the Bank’s assessment of the requested loan, including information on the project, its technical and financial characteristics and on the credit risk associated to the CEB loan.

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<sup>2</sup> This is the manual emptying of buckets containing human waste when prison cells are unlocked in the morning.

address unquestionable and pressing needs. In terms of process, the evaluation noted that the design and construction of the new facility did not foresee a structured consultation with staff and detainees. With hindsight, preparatory work would have helped prison staff adapt to the new facility, which represented a completely new working environment with new standards, tools and practices<sup>3</sup>.

**Effectiveness.** Under the effectiveness criterion, the evaluation also assessed the level of realisation of the objectives explicitly stated in the CEB Loan Document. With respect to the objective of *“elimination of chronic overcrowding”*, the new prison opened in February 2017 and, since then has operated with a stated operational capacity of 296 detainees. From February 2016 to December 2017, the occupancy rate, calculated on stated bed capacity in the prison, was 92% on average. Starting from 2018, this rate came closer and closer to 100% and, on some occasions, the facility operated above its capacity. While far from the situation of chronic overcrowding that characterised the old prison, the high occupancy rate of the new facility is a phenomenon to which many factors contribute and that requires careful monitoring.

Regarding the objective of *“eliminating fire, health and safety risks”*, the investment appears to have been effective: many hazards evident in the old facility have been eliminated. Moreover, the fact that the new prison was purpose-built enabled various innovations pertaining to the use of modern technologies and/or the prison’s physical layout. The new modern facilities are fully in line with the objective of *“ensuring adherence to modern standards of design to meet*

*national and international obligations regarding the treatment of prisoners”*.

As described by the prison’s chief administrator and by many stakeholders interviewed during the evaluation, the new facility marked “a new dawn”: it represented a radical re-think of what a prison might look like and reflected contemporary penal principles and design standards. The physical design of the new prison received very positive feedback from interviewed staff, detainees and other stakeholders. The elimination of slopping-out was the “big win” of the investment<sup>4</sup>. The landings are bigger and brighter compared to the old facility. Double-occupancy cells were a planned design feature of the new building. In principle, this contravenes the preference for single cells enshrined in the 2006 European Prison Rules. However, the size of the cells in the new prison – approximately 12 m<sup>2</sup> and 36 m<sup>2</sup> – exceed the minimum living space standards established by national and international authorities. Health facilities are superior in many respects compared to the old prison. The design and equipment of the educational facilities and workshops are a distinguishing element of the new prison; they have the potential to deliver a variety of classroom-based subjects, vocational education, creative and cultural activities. Yet the school and workshop facilities are significantly underused due to resource constraints. This has inevitably curbed achievement of human development and rehabilitation objectives.

**Efficiency.** The design and construction process of the new prison was very swift. The minor delay in the original implementation schedule was acceptable given the size and complexity of the investment. The timely completion of construction works warrants an additional important observation. The

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<sup>3</sup> All the more so since, with the appointment of a new chief administrator, the new facility contributed to promoting a more progressive approach to detention, with increased attention to detainees’ rights and a stronger focus on rehabilitation.

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<sup>4</sup> Nonetheless, this should be considered as a “minimum”, since the practice – particularly in conditions of overcrowding – was inhuman and degrading.

prospect of construction of a new facility inevitably lowered the incentive to invest in the old facility. This meant that detainees had to endure continually deteriorating conditions until they were moved to the new building. The capacity of national implementation partners to minimise time overruns had therefore not only an economic but also an important social and human value. The total construction cost of the new prison increased by 28% over the estimated amount at loan approval. As regards operating costs, the current running costs per detainee are below the national average. By contrast, costs for repairing and maintenance show an upward trend over the same period. Figures should however be analysed with circumspection. The before-the-project figures might in fact include a downward bias due to the disincentive to invest in upgrading the old facility. At the same time, the new facility proves costlier to maintain given its larger size and the intense use of modern technologies.

**Impact<sup>5</sup>.** The new prison has not yet reached its full potential regarding access to education and workshops for the detainees. The percentage of detainees enrolled in education fell from over 60% in 2014 and 2015 (before-the-project) to slightly above 40% in 2018<sup>6</sup>. The low enrolment rate is inevitably linked to low staff number. The staff-to-prisoner ratio in the new prison is lower than the national average but staff shortages affect the entire national prison system. Understaffing also affected the level of use of the visits garden that was meant to facilitate visits and interaction for families with children. Both staff and detainees reported an improved sense of dignity stemming from the elimination of slopping-

out. The innovative technologies adopted in the new prison have contributed to a greater sense of safety and security. However, as the prison operates with a lower number of staff per landing, this has created a sense of “loneliness” and “isolation” among staff during adaptation to the new premises. For detainees, the psychological repercussions of the low level of use of education and other facilities should not be underestimated: the gym is not always sufficient for the numbers wanting to use it and yards are quite small. The absence of alternatives such as going to school or workshops has caused frustration and a sense of diminished well-being. Anecdotal improvements have been noted in terms of physical health of detainees and low incidence of transmittable diseases. At management level, the intensive use of technology increased transparency and accountability of the prison system.

**Sustainability.** The sustainability of the benefits generated by the CEB-financed investment will be influenced by two factors. The first is the consolidation of the management approach and innovations triggered by the new facility: innovative working practices will take time to bed down but, if sustained by positive staff morale, they have the potential to generate further efficiency gains and positive impact. The second factor is the ability to meet expectations in terms of quality of detention and outcomes for detainees. The high occupancy rate requires careful monitoring since it may affect the already limited access to regimes and, in the long run, jeopardise the physical conditions of the facility. Successful preparation for release will crucially depend on effective use of available schooling and training opportunities which, in turn, will depend on the capacity to mobilise the required number of staff.

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<sup>5</sup> Since the evaluation took place two and a half years after the opening of the new facility, it was not possible to assess the long-term impact of the investment. Some initial effects have, however, been recorded.

<sup>6</sup> The prison’s chief administrator described access to education and workshops as the “biggest challenge” in the new prison.

## Children detention campus - Evaluation findings

**Relevance.** The purpose of the children detention campus financed by the CEB loan was to ensure that all young people ordered to be detained on criminal matters could access a secure facility capable of delivering an appropriate care model, as required by national laws and international standards.

Before approval of the CEB loan, three children's detention schools operated in the country. While practices in these schools were not subject to substantive criticism, the facilities were quite dated and faced important limitations in terms of physical, safety and security conditions which made them unfit for accommodating all under-18-year-old children remanded or sentenced. For this reason, at the time of CEB loan approval, 17-year-old children were detained in a facility that was part of the adult prison system. The practice of holding underage alongside adult detainees contravened both national law and international standards. Beyond the mere compliance with legal obligations, however, there was a dire need to provide sentenced youth with an age-appropriate setting and care model where their sense of worth and dignity could be promoted. In practice, there was no alternative other than to construct a new facility that could implement an adequate system and approach to care and rehabilitation of young detainees. However, a strategic choice had to be made regarding its size. Agreement on a lower capacity (90 places) was a positive development, aligned to the principle that custody for under-18s should be used as a last resort. The decision of fixing accommodation capacity to 90 places has proved correct: after it entered into operation, the number of detained children never reached full capacity.

The setting-up of the children detention campus was complex: it entailed the construction of a new physical facility and

the amalgamation of the previous three schools under a single legal, management and staffing structure. A broad-based process of consultation around the design of the new facility took place since 2008. The layout of the campus comprises two separate parts. The first part comprises a total of 30 places that were retained in the only secure facility among the ones operating before the construction of the campus. This is currently used to accommodate remanded children. The second part comprises six brand new residential units that were constructed for sentenced children.

Some stakeholders interviewed during the evaluation fieldwork pointed out that, due to the high external fencing, the campus felt *"more like a prison"*. The high security fencing was however considered necessary to increase the security standards of the facility and enable the transfer of older children. Measures were however taken to mitigate the visual perception of the external fencing by placing the perimeter fencing at a lower part on the back of the site and making it not directly visible from the residential units (i.e. children can see open fields). Aside from this design features, operational practices are geared toward ensuring that the campus does not emulate adult custodial establishments. The evaluation also highlighted that the unit accommodating remanded children was not upgraded to the level that is now available in the committal side of the campus. As a result, this unit has poorer physical conditions and poorer regimes, including lesser outdoor and recreation facilities.

**Effectiveness.** The evaluation gauged progress against the objectives stated in the CEB Loan Document. With respect to the objective of *"providing the care model to all under-18s"*, since 1 April 2017 the practice of holding children in the adult prison system has ceased. The new facility has been constructed in line with the objective of *"ensuring safe and secure detention facilities"*

*that meet best practice and international standards".* Inspired by the standards set in the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty and the European Rules for Juvenile Offenders, the design of the new residential units received a lot of positive feedback from the children, staff and external stakeholders. The set-up of the campus is fully appropriate for realisation of the stated care and reintegration objectives, although adaptation to the new tools and systems is still ongoing.

Lastly, *"suitable education and recreational facilities"* are provided in new appropriate settings with significant investment in staffing and resources. All children who reside on campus are required to go to school – an opportunity for many to re-engage with learning and obtain qualifications. The low pupil-to-teacher ratio allows children to benefit from individualised programs. The campus includes a new medical facility and a healthcare team comprising a wide range of specialists. Visiting arrangements and the underlying approach to family visits have been designed bearing in mind the objectives of ensuring and promoting family contact. The number of family visits to the campus has markedly increased in recent years: from 274 in 2015 to 1 238 in 2018.

**Efficiency.** The construction of the campus took six years instead of three. The delay was caused by various factors, including an incident caused by residents that reduced the capacity of the facility and delayed the transfer of the juvenile males detained in adult prisons. Total construction cost amounted to €48 million (+6.6% increase compared to the amount estimated in the CEB Loan Document). The evaluation could not draw firm conclusion based on the analysis of quantitative data. The before-the-project period refers to separated institutional structures for which data could not be merged. The setting-up of the campus required a long transitory period during

which new facilities became progressively operational. Moreover, the CEB loan financed the establishment of a detention campus where a completely new child-centred model of assistance was established; this is not comparable with the facilities and approaches that characterised the before-the-project period. The campus provides young detainees with an appropriate care model in which access to state-of-the-art education, training and rehabilitation programmes is ensured and where life for the residents resembles as closely as possible, under the circumstances, a "normal family/community life". This means that realisation of the highest standards of care and assistance to children prevailed over cost-related considerations. Nonetheless, the campus is a highly-controlled and closely-scrutinised organisation in both the public and policy domain. The campus' capability to effectively rehabilitate underage offenders and promote their reinsertion into society still needs to be demonstrated: research over a three-year period on the patterns of reintegration into society for the released children is ongoing.

**Impact.** To enable the transfer of all under-18s, there was clearly a need to increase security and strengthen safety measures on the campus. The security of the campus is thus geared towards the maximum, notwithstanding the differing security needs of campus' residents. The new facility introduced innovative technologies, which enabled new and better methods of dealing with episodes and situations of danger. The establishment of the children campus coincided with the development and application of a new model of care that guides the placement of each child through his/her time in detention in a highly-individualised and integrated manner, ultimately preparing the child for reintegration into the community upon release. Although no quantitative data are available, changes have been observed in terms of improved patterns of sleep, better



nutrition, more exercise and weight management, and increased attention to addressing substance misuse. As for education, after-school activities have visibly and significantly changed in the framework of a consistent model of care.

**Sustainability.** After the period of intense organisational change and social turbulence (including the necessity of dealing with residents' and staff unrest), the facility began to function in a settled manner that should allow the full potential of the campus to be realised. The child-centred assistance model – developed in 2015 – is progressively being embedded into day-to-day practices. The facility has been functioning well under its full capacity, with an average monthly population of 40-45 in line with the commitment of using custody as a last resort. At macro level, sustainability of the benefits will be supported by national and international inspection and monitoring bodies (including by parliament bodies) which contribute to pinpointing issues that may arise in relation to youth justice and detention of children.

### Role of CEB

At the time of loan approval, the tendering process for the two infrastructures was already initiated. For this reason, no appraisal mission was carried out. The CEB Loan Document includes the development objectives of the two CEB-financed facilities but no analysis of factors that might hinder realisation of the social benefits (the so-called risk to development outcomes) or of the reputational risks. The CEB technical monitoring reports provided a useful basis for this evaluation. They stressed the fact that, during implementation, no assessment of social results can actually be reported, since said social results are only verifiable at some point in time *after* the facility is fully operational. The list of indicators included in the CEB project performance monitoring sheet went into very specific (and probably

unnecessary) detail on aspects such as type of ventilation, composition of staff, and type of furniture in the bedrooms. Only a very few number of outcome indicators<sup>7</sup> were included and, for these indicators, no information was ever provided at approval and completion.

Visibility of CEB was ensured, with dedicated press releases and in speeches by Government officials at the respective opening ceremonies of the two facilities. In 2018, CEB published a Thematic Review, drawing upon the technical monitoring missions carried out during the projects' implementation. One of the merits of the publication is its emphasis on the importance of rehabilitating regimes (bearing in mind the final objective of increasing the likelihood of reintegration into society and reducing the risk of recidivism), although rehabilitating regimes were not included in the financing framework of the evaluated loan.

### Lessons learned

The following lessons are laid out for general reflection by CEB staff, sector experts, and representatives of the national and international community dealing with financing and management of, and support to, judicial infrastructure programmes.

- **Recognise the enabling role of the detention estate.** This evaluation has shown that the transfer to new facilities marked new opportunities for the two institutions: the new state-of-the-art prison was centred on the idea of creating an environment that would enable rehabilitation and preparation for social reintegration. The construction of the children campus enabled the closing of an outdated prison facility and marked the beginning of a new approach to children's detention. In both cases, the construction of

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<sup>7</sup> These looked at the frequency of family visits, the level of use of health care services and the frequency and outreach of working, vocational and education activities.

new judicial estates played a key enabling role: these changes could not have been implemented in the old facilities.

- **Recognise the social relevance of swift infrastructure construction and delivery.**

The prospect of construction of new judicial infrastructure may trigger underinvestment in the existing to-be-replaced facilities including declining repair and maintenance, and diminished incentives for improvement of available regimes. For this reason, the efficient management of the design and construction phase and the timely transfer to the new facility is to be considered of strong social relevance.

- **Devote highest attention to change management.** Transfer to a new facility requires thorough preparation. This not only refers to logistics and security aspects but also to intangible aspects associated with living or working in conditions of detention. If and where possible, care should be given to preserving such symbols of emotional attachment in the new facilities. At the same time, adequate attention should be given to training, preparation and capacity building for staff by providing opportunities for reflection on what changes might concretely entail.

- **Strengthen investment in data generation and evaluation.** Investment in data and research around penitentiary facility need to be promoted in order to foster evidence-based approach to management, accountability and learning. Gaps in relevant data need to be filled, including on the core subject of recidivism and social reintegration patterns.

- **Promote empowering tools.** Consultation with final beneficiaries should be considered an important pillar in the design process of new infrastructure and facilities. Structured exchanges with detainees and staff should be envisaged where feasible, taking into account security issues and the specificity of

the population concerned. Undertaking consultative processes with detainees can be a means of promoting their rights as final users of the facility.

## Recommendations

The following recommendations are tabled for consideration by CEB.

- **Avoid merging two or more large single infrastructures into one loan.** In case of projects consisting of two or more large, self-standing infrastructures – responding to different objectives, having different management structures and reference organisations/ministries – merging them into the financing framework of a unique loan can be regarded as a suboptimal and risky choice. This is because, due to divergences between facilities, analysis and attribution of scores during approval and monitoring can become highly problematic.

- **Ensure proper preparation for evaluation.** Assessing the social results of large infrastructure projects during technical monitoring is unrealistic, for the simple reason that results only become visible a few years after the facility enters into operation. To prepare the ground for evaluation, CEB might consider agreeing with its implementing partners upfront, at the time of approval, on a complete set of social outcome indicators to be identified on the basis of the project's intervention logic. The outcome orientation of CEB's monitoring framework needs to be strengthened, whilst reducing the list of indicators focused solely on describing the physical facility. At the same time, a reasonable timeframe – e.g. up to three years after entry into operation – should be determined between completion of works and launching of an evaluation.

- **Explore ways of contributing to the growth and improvement of available regimes.** Whilst improvement of physical

infrastructure constitutes an enabling factor for realisation of social results of judicial infrastructure, a commensurate effort needs to be in place for promoting rehabilitation and reintegration of detainees by making use, if possible, of CEB grants. At the same time, CEB might consider requesting, at the time of loan preparation, detailed information on the allocation and deployment of staff to education and training facilities.

- **Recognise the importance of consultation with beneficiaries.** In the context of forthcoming infrastructure projects, CEB should underscore, with its implementing partners, the importance of consultation with final beneficiaries as an integral part of the stakeholder consultation process already foreseen in the screening forms prepared under the CEB Environmental and Social Safeguards Policy.

- **Determine CEB's degree of leverage with regard to European Prison Rules and other relevant standards.** Early involvement of CEB staff at appraisal, and regular exchanges with the implementing authority are crucial for gaining an independent assessment of the proposed project's compliance with relevant principles on penitentiary infrastructure. Compliance clauses should be included in the Framework Loan Agreement, as a means of strengthening the pressure from the international community on such principles.

- **Determine and agree with the borrower on a schedule for cost reassessment.** At loan approval, CEB should consider establishing, with the borrower, a timeline for reassessment of the total project cost. This should allow the Bank to monitor the risk of cost overruns and their causes, as well as discuss remedial options.