



Executive summary of the public audit report

IMPLEMENTATION OF THE PENAL SYSTEM PROGRAMME

28 November 2016, No. VA-P-40-3-24



Full audit report in Lithuanian available on website
of the National Audit Office
: www.vkontrole.lt

DEFINITIONS AND ABBREVIATIONS

Institutions of the penal system: all institutions implementing the Penal System Programme.

Hospital bed functionality: an indicator calculated by dividing the annual number of bed-days by the average annual number of beds. It shows the number of days a year a ward bed was occupied.

Correctional institutions: correctional institutions, juvenile correctional institutions, prisons, open penal colonies¹.

Measure: means of implementation of the objective of the programme implementing the strategic action plan and actions, for which human, financial and material resources are used².

Programme: the strategic action plan programme that is an essential part of the strategic action plan designed to implement a strategic objective, which sets the programme's goals, objectives, measures (projects), and assessment criteria as well as their values and appropriations³.

Documents regulating strategic planning: the Strategic Planning Methodology and Methodology for the Development and Application of the Assessment Criteria Used in Strategic Planning Documents⁴.

Strategic action plan: an activity planning document that (taking into consideration long- and medium-term goals specified in planning documents and conclusions drawn from the environment analysis) shapes the mission, strategic changes and strategic objectives, describes programmes to be implemented and results to be achieved, and establishes appropriations and human resources⁵.

The goal: a goal specified in long-, medium- or short-term planning documents, showing a result to be achieved during the planning document implementation period.⁶

The objective: activities to be carried out within a certain period, ensuring implementation of the programme and the management goal⁷.

The assessment criteria: an indicator that provides information about implementation of the goal and the objective⁸.

Public healthcare establishments: State or municipal healthcare establishments.

¹ Criminal Code of the Republic of Lithuania, Art. 21, p. 1.

² The Strategic Planning Methodology approved by Resolution No. 827 of the Government of the Republic of Lithuania, 06/06/2002, p. 2.

³ Ibid.

⁴ Approved by Order No. 1K-330 of the Minister of Finance, 25/10/2010.

⁵ Ibid.

⁶ Ibid.

⁷ Ibid.

⁸ Ibid.

SUMMARY

Penalty is a coercive measure used by the State against a person guilty of a criminal or punishable offence on the basis of a court ruling. Court-appointed punishments are carried out by detention institutions and probation services.

The Ministry of Justice is the institution that shapes the punishment execution and probation policy. The Ministry instructed its subordinate the Prison Department to participate in the process of shaping the punishment execution and probation policy, i.e. to organize, coordinate and control proper and uniform application of probation, punishment, correctional and penal measures as well as interim measures (such as arrest) in subsidiary institutions of the Prison Department. All of these institutions implement the Penal System Programme and carry out activities directed at resocialization and social integration of persons guilty of criminal offences. These activities aim at changing offenders' thinking via introduced behaviour modification programmes in a way that would make them pursue their life goals by lawful means and in a lawful manner, thereby reducing criminal disposition of such persons. The programme also aims to ensure respect for human rights and provide adequate (i.e. complying with legal requirements) imprisonment conditions. For this purpose, new detention institutions are built and existing detention institutions are reconstructed.

The purpose of the audit was to assess whether the programme was drawn properly, and whether 67,098.1 thousand euros of state budget appropriations allocated for its implementation in 2015 were used sparingly to create an effective penal system. Seeking a detailed and comprehensive assessment, we audited data from 2015 and, in certain cases, analysed data from 2013–2016.

Essentially, state budget appropriations allocated for the programme implementation in 2015 were used to achieve the goals and objectives established by the programme, with the exception of certain shortcomings. While assessing its making, we discovered that the assessment criteria system requires improvement as it fails to provide possibility for assessing whether the results of activities of the penal system institutions contribute to the creation of a more economical and effective penal system. The prison modernization did not produce the expected results because it was more process-oriented. There is no clear and coherent prison modernization strategy, it changes constantly, with modernization going on for more than ten years, and its costs are rising. There is no sufficiently focused approach to preparation and implementation of investment projects, the scope of work to be carried out is not being assessed and the work procedure is not being established. Prison hospitals are ineffective, as their funding increases, while the number of patients and cases of necessary medical assistance as well as ward occupancy decreases. In addition, we observe the situation, when not all opportunities are used to provide as many offenders as possible with employment, because information about their work level and profession is not being collected, and companies that employ offenders outside correctional institutions receive the employment mediation fee.

Having assessed the evidence collected during the audit, we hereby present conclusions and recommendation which, if properly implemented, should help creating a more economical and effective penal system.

CONCLUSIONS

1. The strategic planning system of the Ministry of Justice failed to adequately ensure the programme's coverage of all activities related to the penal system and provide adequate condition for monitoring of exercised functions, because:
 - Over 30 percent of the programme's assessment criteria values are not progress-oriented. 15 programme assessment criteria (out of 23 evaluated) do not have reliable data sources. The assessment criteria found (if any) are fragmented and lack interconnectedness. As a result, the entirety of the programme's assessment criteria does not allow to evaluate whether the results of activities of the penal system institutions contribute to the creation of a more economical and effective penal system (Subsection 1.1).
 - The programme does not cover all related costs and activities, as amounts paid due to unsuitable imprisonment conditions are paid under other – the Legal Framework – programme (Subsection 1.2).
 - The correctional institution carries out a certain activity, i.e. organizes production and supply of drinking water and heat, which is not related to the function of detention institutions. Therefore, such activity does not aim at creating a modern penal system (Subsection 1.3).
2. There is no clear and coherent prison modernization strategy, it changes constantly, with modernization going on for more than ten years, and its costs are rising. In 2015, numbers of persons petitioning the courts for unsuitable imprisonment conditions increased more than sixfold compared to 2013. During the same period, the amount paid to such persons increased more than nineteen times. Accordingly, the State incurs additional expenses (Subsection 2.1).
3. The planning of investment projects prevents from achieving results, on which the creation of a modern penal enforcement system depends, because investment projects are being developed without assessing the scope and prices of the work planned or establishing the progress and priorities of the work planned. The investment project implementation prices do not comply with the actual need for funds for building reconstruction and infrastructure renewal, work is being planned after receiving funds rather than by preparing investment projects (Subsection 2.2).
4. We noticed the lack of effective use of prison hospital infrastructure and resources, as funding allocated for hospital staff increases, while the number of patients and cases of necessary medical assistance as well as ward occupancy decreases (Subsection 2.3).
5. Not all opportunities are used to provide as many offenders as possible with employment, because information about their work level and profession is not being collected, and companies that employ offenders outside correctional institutions receive the employment mediation fee. As a result, employment on the labour market remains unattractive (Subsection 2.4).

RECOMMENDATIONS

For the Penal System Programme assessment criteria to show the benefits of most significant activities and allow to assess the impact the results of activities of the penal system institutions have on the creation of a more economical and effective penal system, and in order to coordinate and control prison modernization:

To the Ministry of Justice of the Republic of Lithuania

1. Reviewing and improving the programme's system of assessment criteria so that results of assessment criteria used to assess implementation of the strategic objective would depend on results of institutions of the penal system, also, so that assessment criteria would provide conditions for assessment of all exercised functions and implementation of the programme's objectives. Establishing ambitious criteria and indicators allowing the evaluation of the progress (Conclusion 1).
2. Establishing activity assessment criteria and measures within the programme (for amounts paid due to unsuitable imprisonment conditions), directly linked to the penal system (Conclusion 1).

To the Ministry of Justice of the Republic of Lithuania and the Prison Department under the Ministry of Justice

3. In order to ensure efficient and effective functioning of the penal enforcement system, taking the initiative to establish clear prison modernization scopes and directions (Conclusion 2).

In order to ensure reliability of data used to calculate the Penal System Programme assessment criteria and better result-oriented investment projects as well as better management of resources allocated for the programme:

To the Prison Department under the Ministry of Justice

4. To establish a unified data collection system to be used to calculate values of the programme assessment criteria, which would ensure accuracy and adequacy of data to be used to calculate results of the programme (Conclusion 1).
5. Taking measures to ensure that correctional institutions do not be carry out activities not related to the function of detention institutions (Conclusion 1).
6. Ensuring that investment projects are drawn after fully assessing the scope and prices of the work planned, and that the progress and priorities of the work planned are established (Conclusion 3).
7. When providing healthcare services, taking measures to ensure that prison hospital infrastructure and resources are effectively used (Conclusion 4).
8. Ensuring that correctional institutions organize employment of offenders outside the correctional institution territory as well as collect and systematise information about prisoners' work level and profession (Conclusion 5).

Measures and time frames for the implementation of the recommendations are presented in Annex 9, 'Plan for Implementing Recommendations'.