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Israel Prison Service: Traditions and Perspectives

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Abstract

Introduction: the article addresses problems of organizing, functioning and developing the Israel Prison Service in the context of maximum proximity to national realities and appropriate terminology. *Purpose:* on the basis of analysis of the current state and results of the Israel Prison Service activities, to identify and describe its structural and functional features, current problems of administrative management and further development prospects. *Methods:* comparative legal, formal legal, empirical interpretation methods. *Results:* the analysis of Israeli penitentiary system development has shown that its functioning is in line with the so-called evidence-based policy. This science-based policy is focused on managing activities of the department on the basis of identified and scientifically proved patterns. It is possible to work out an effective strategy for fulfilling the functions assigned to the department, resist modern challenges and threats, and determine ways to improve and develop the country's penal system. *Conclusions:* the modern Israel Prison Service is in the stage of development and transformation. Changing expectations and demands of society determine cyclical changes in penitentiary and legal policy, and as a result, a deep public reassessment of the role that the Prison Service plays in the Jewish state. Solution of the tasks, such as raising the status and authority of the Prison Service, as well as purposeful creation of an attractive and socially respected image of civil servants (employees) of the penitentiary system has become an urgent necessity. The conclusion is made that nowadays in Israel cooperation of Israel Prison Service and fundamental science has ensured development of departmental penitentiary science that reasonably determines prospects and trends in the development of the Prison Service.

Keywords: Ministry of Public Security; Israel Prison Service; prison department; evidence-based policy; penitentiary science; administrative management.

12.00.14 – Administrative law; administrative process.

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Introduction

Considering the Israeli Prison Service, it is necessary, first of all, to introduce some terminological certainty. Due to the fact that the official language of Israel – Hebrew – belongs to the Semitic lexical family and is fundamentally different from languages of the Romano-Germanic group. The widespread English language has been widely used in various spheres of life of this state, including in covering activities of state bodies, digital environment, various branches of scientific knowledge, and the media. Therefore, a Russian researcher who has to read original Israeli scientific literature and the press, use websites of Israeli law enforcement agencies, deals with specifics of translating terms and notions.

As a rule, names of Israeli law enforcement agencies and security forces are abbreviated ones in Hebrew. For example, the Israel Prison Service in this language is called *Sherut Batei HaSohar*, or *SHABAS* for short. At the same time, the English version of the Israel Prison Service (IPS) is actively used. At an inexperienced glance, it may seem that *SHABAS* and *IPS* are different departments. In many Russian-language scientific papers, the Israel Prison Service is translated as “Israel Prison Administration” or “Israel Prison and Penitentiary Administration” [8], which is essentially semantically true, since this is the agency (service) that manages prisons.

The problem of translation also lies in the fact that Israeli state bodies, including law enforcement, are not always similar in purpose to Russian structures with similar names. For example, the Ministry of Public Security is often translated into Russian as the Ministry of Internal Security, which makes it comparable to the Ministry of Internal Affairs (MIA). However, the Ministry of the Interior in Israel performs other functions than the Ministry of Internal Affairs in Russia.

It should be noted that in this article, following the established Russian terminology, the concepts of “Israel Prison Service”, “Israeli Prison Department” and “Israeli Prison Administration” are used as synonymous, which does not contradict the Israeli counterpart. A “penitentiary system”, “prison system” and “penal enforcement system” are

terminologically identical to each other in this context.

We find it important to consider the Israel Prison Service, as at present the penitentiary system of this country, as well as Russia, besides addressing urgent issues, requires systematic, consistent and scientifically based administrative upgrade. Law enforcement departments of our countries solve similar tasks in many ways and confront common challenges and threats of our time. Israel’s experience is important and useful in terms of scientific developments and practical methods in the field of various aspects of prison activities [2]. In accordance with Section 21 of the Concept for development of the law enforcement system of the Russian Federation for the period up to 2030, approved by the RF Government Decree No. 1138-r of April 29, 2021, study and implementation of international experience of penitentiary systems in the penal system is one of the critical tasks in the process of further improving activities of the Federal Penitentiary Service of Russia.

Russian authors, such as A.M. Bobrov, S.A. Borsuchenko, E.S. Ilyushina, V.I. Katsuba, A.V. Stepanov, A.M. Sysoev, E.A. Timofeeva, M.A. Yavorskii, devoted their research to various aspects of the Israeli penal system functioning. As for foreign studies, David Weisburd and Badi Hasisi’s paper “The Winding Road to Evidence-Based Policy in Corrections: a Case Study of the Israel Prison Service” is of great interest [28]. At the same time, it should be noted that the overwhelming number of scientific works by Israeli authors, such as D. Walk, I. Davidesco, Sh. Mizrahi, O. Tal, T. Jonathan-Zamir and others⁶ are currently not translated from Hebrew into other languages, which creates additional communication barriers to penitentiary scholars.

The modern Israel Prison Service (*SHABAS*, *ISP*), a state body for the execution of punishments and detention, manages 32 prisons with a total population of 22,000 prisoners. In addition, this department is responsible for various alternatives to imprisonment – community service and house arrest, it carries out electronic monitoring and supervision of criminals previously convicted of sexual crimes. Its key activity areas include the following:

1. Safe custody – supervision of convicts inside and outside prisons in order to prevent escapes and protect them from physical violence.

2. Proper maintenance – enhancement of convicts' living conditions through reasonable use of available resources and alternatives to imprisonment.

3. Correction – provision of medical and psychological assistance to convicts for successful social rehabilitation.

4. Prevention – minimization of prison crimes and recidivism.

5. Professionalism – perception of the entire staff of the prison department as the basis for improving efficiency of its activities in the most complex, constantly changing prison environment and, accordingly, continuous improvement of staff training quality.

6. Technologization – use of cutting-edge, including digital, technologies to improve the work of the Israel prison service.

As of the beginning of 2022, the IPS staff accounted for 9,500 employees. The head of the service is called the Israel Prison Service Commissioner with the rank of Lieutenant General [11].

According to the Prisons Ordinance (New Version), 1971, the penitentiary Service of Israel is under jurisdiction of the Ministry of Public Security. The legal basis for activities of the Israel Prison Service is the Penal Code, 1977; Prison Ordinance, 1971; Prison Regulations, 1978; Proceedings Directive (Arrest and Search), Granting Powers of Arrest to Prison Officers, 1983; Prisons Regulations, (Establishments of IPS Units), 1982; Prisons Regulations, (Proceedings of Disciplinary Hearings), 1989; Prisons Regulations, (Prison Officer Ranks, as amended in 2007), 1990; Commissioner's Resolutions and other relevant norms, rules and regulations [7].

Results. Each society addresses the task not only to fight crime, but also boost effectiveness of execution of punishment for a particular illegal act. Imprisonment is one of the most severe one. According to the authoritative Britain researcher Michael Von Tangen Page, the key goals of the prison are execution of punishment, prevention of harm to society by distancing prisoners by keeping them in custody, satisfaction of their ba-

sic needs and rehabilitation [25]. Besides, in accordance with the instructions posted on the official website of the Ministry of Public Security of Israel, maintenance of detainees and prisoners in custody should be safe and decent; include respect for human dignity, necessary means and opportunities to return to a law-abiding life [11].

Despite the trend to minimize punishment in the form of imprisonment in some countries (Finland [6], Spain [9]) this type of punishment still remains the only way to ensure public safety in certain cases. For Israel and a number of other countries, including Russia, this issue is especially relevant in connection with permanent threat of terrorism and extremism, and growth in drug and arms trafficking. In Israel, this was clearly manifested during the anti-terrorist operation "Guardian of the Walls" (May 2021), resulted in elimination of 232 gunmen and detention of a significant number of terrorists and their further imprisonment [22]. However, in September 2021, the image of the Israel Prison Service was seriously undermined due to the escape of 6 particularly dangerous prisoners from the Gilboa Prison. They had dug a tunnel for several months with the help of spoons, plates, metal hangers, construction debris [15]. And although the fugitives, after a two-week search, were detained by the joint efforts of army units, special services, border and prison departments, the incident raised the question of failures in the security system, which led to the escape from one of the most guarded prisons [13]. The Gilboa Prison break, called the most disastrous event in the history of the Israeli penitentiary service, revealed a number of flaws, including inability to learn lessons from previous escape attempts and promptly correct mistakes; placing prisoners with a high risk of escape in one cell; lack of vigilance during duty; irregular searches, and roll calls; "deserted" watchtowers due to a lack of personnel. This can also include rather free behavior of prisoners with the knowledge or connivance of prison staff. In its defense, the Israel Prison Service stated that the escaped prisoners had been sentenced to life sentences and had had nothing to lose. The Head of the IPS Planning Department Ch. Markovich com-

mented that “these and other prisoners in a similar situation take pains to plan their escape. It is a battle of wits between prisoners and prison staff. In this case, we lost, but we became stronger” [18]. The resonant event has been widely discussed, including in the media, conclusions have been made. The architectural design of the prison with unacceptable construction and technological flaws has also been criticized.

In addition to the escape, the Gilboa prison was shaken by another reputational scandal connected with coercion of female soldiers serving here to provide sexual services to prisoners [24]. Similar problems occur in other penitentiary institutions, which allowed the Israeli media to conclude that today Israeli prisons have become both interest clubs and military headquarters for terrorists, from where they continue to direct military operations and terrorist acts [10].

The most important problem of constructive development of the penitentiary system in Israel, according to both experts and Israelis themselves, is that service in the IPS has never been respectful in society. From the first days of its existence, the State of Israel had been facing serious external existential threats, the predominant solution of which largely hindered and hinders focusing on internal security affairs, in particular, on penitentiary service functioning. All these years, three titans of the Israeli security apparatus enjoyed respect and authority, such as Israel Defense Forces (IDF) – Tzahal, the Israeli Secret Intelligence Service – MOSSAD, Israel Security Agency – SHABAK, which is a counterpart of the FBI of the USA or the FSB of Russia. So, the IDF soldiers were and are icons of courage and security. The image of a Jewish military fighter was successfully introduced into the mass consciousness of Israeli citizens, but, by no means, that of a Jewish policeman or an employee of the prison department. Politicians, journalists, representatives of art and mass culture showed little interest in such issues as law enforcement, policing, and the prison system. Consequently, the police and the prison department are not highly respected in the Israeli society at the present time [14]. This is also facilitated by the extreme closed nature of these de-

partments, in particular the prison service. No doubt, activities of the penitentiary system involve a significant amount of secrecy in order not to disclose confidential information affecting national security. At the same time, this should not hinder establishment of mutual trust and respect between society and the penitentiary system.

The situation began to change in connection with the COVID-19 pandemic, when the police and the prison department found themselves in the very center of Israeli society’s attention. If for the police, increased interest in it, one way or another, was triggered by the coronavirus crisis (anti-covid restrictions that caused widespread clashes between citizens and the police, Balfour protests [3], Meron disaster [5]), then for the Israel Prison System the covid factor was just a coincidence. Problems of various kinds had been brewing for a long time and, apparently, reached a critical mass, and therefore the Israeli authorities, politicians, the media, and the Prison Service leadership contemplated on conducting the administrative reform of the penitentiary system, including creating an attractive image of an employee of the prison system. At the same time, the following questions were proposed to a wide discussion of the public: correlation of Jewish values and work in prison; education of Jewish children in the spirit of understanding and respect for penitentiary system activities; means and methods of establishing trust between the prison department and society. For the same purpose, Israeli television launched dramatic talk shows “Maniac” and “Pasta”, demonstrating work of the police and prison personnel [14].

In many ways, the penitentiary service is unpopular not only in Israel, but also in other countries, as the very word “prison” causes almost all extremely negative associations. Still, the word “war” is perceived no less, or even more negatively. At the same time, warriors – defenders of the Motherland, fighters for independence are revered by all peoples as genuine heroes. Prison in a certain context can also become a bright, positive symbol, such as the storming of the Bastille – the central event of the 1789 Great French Revolution and the national holiday of the French Republic, celebrated annually on July 14 since 1880.

The Acre Prison break is called the Israeli Bastille; it was the operation to organize the escape of Israeli rebels from the British prison the spring of 1947 (during the British mandate in Palestine), which had a strong moral impact on the Yishuv (Jewish population), raising it to fight for the foundation of the State of Israel [1]. In other words, image specialists and communication technologies have something to think about [12].

Undoubtedly, creating an attractive image of an employee of the prison department, raising the status and authority of penitentiary activities are not the only ways to solve problems. Leaders and specialists in the field of public security in Israel already at the beginning of the 21st century expressed the opinion that development of the penitentiary service requires serious scientific support. Since the penitentiary policy of any state is determined by the national legal system, socio-economic, institutional and cultural environment, not only practitioners, but also representatives of fundamental and applied science should be involved in determining prospects for prison department development. After a long search for the most optimal strategic paradigm, the so-called evidence-based policy was taken as the scientific and theoretical basis for improving law enforcement, including penitentiary activities. This policy is focused on managing activities of the department on the basis of scientifically proven facts and patterns, thus making it possible to develop an effective and efficient strategy for functioning and development. Its key component is recognition of scientific values by law enforcement agencies [20], with academic freedom in the production of scientific knowledge being one of them. Despite the substantial amount of classified information in the field of public security, science should be as transparent and open as possible. However, it was the principle of academic freedom that caused the greatest concern to the Ministry of Public Security, whose chief researcher demanded the right to additional censorship of scientific materials, which could significantly affect quality of scientific results [27].

The policy based on factual, evidence-based data requires fundamental and applied research be taken into account when making

decisions in the field of criminal justice, law enforcement and penitentiary activities. This requirement is due to the fact that large-scale special and correctional programs cannot be fruitfully implemented without convincing scientific evidence of their expediency and profitability. In addition, the implemented programs should regularly undergo a multi-level assessment for effectiveness and compliance with the IPS goals [4, pp. 117–120].

Basic principles of the penitentiary policy based on scientifically proven data were presented in 2018 by researchers from the Hebrew University of Jerusalem D. Weisburd and B. Hasisi in their Scientific Report [28]. The scientific and methodological basis of the mentioned research was the theory of the American criminologist Lawrence William Sherman, who in the scientific search for the best methods of police work in 1998 for the first time presented a definition of “evidence-based policing”, and then developed its principles [23]. While conducting the study, he widely used statistical analysis of empirical studies (randomized controlled trials) that reduce likelihood of system errors, as well as testing, analysis and tracking of police resources in conditions of budget cuts and public control, monitoring of the implementation and measurement of key results, cost and benefit analysis of implemented results, etc. At the same time, traditional research methods were applied as well.

The Head of the Israel Prison Service Benny Kaniak in 2007–2011 played a key role in promoting evidence-based policy in penitentiary activities. Despite some resistance from the Ministry of Public Security, he considered this policy as an important tool for promoting penitentiary practice, relying on science. B. Kaniak invited Professor D. Weisburd of the Hebrew University in Jerusalem to discuss how evidence-based science could be better integrated into activities of the prison service. In turn, D. Weisburd made a proposal to create the Academic Advisory Council of SHABAS, consisting of scientists from universities and colleges in Israel. Commissioner Kaniak accepted this recommendation, and the first meeting of the Academic Advisory Council was convened on November 15, 2009. Further, a special research unit was created in

the structure of the Prison Service, headed by PhD Dror Walcom. The department served as a guide to the strategy of evidence-based policy and a link between science and penitentiary practice.

Scientists believe that successful implementation of such a policy in penitentiary activities depends on fulfillment of 3 main conditions. First, the prison department should appreciate scientific achievements and be committed to its values. Second, the department and its employees should be familiar with science and its methodological approaches. At the same time, it is not enough to involve only external researchers: the Prison Service should encourage its scientists, develop internal knowledge and capabilities that would allow evaluating the quality and processes of research used to make sensible decisions. At the same time, evidence-based policies should not be imposed on the Department from the outside; on the contrary, the department itself should become a key player and co-owner of the scientific process. Third, the department and practitioners should participate more actively in scientific life, take part in scientific events, meet with colleagues from universities and research centers, and publish research results [21, pp. 15–20; 29].

The SHABAS research unit focused on strengthening a social mission of the Prison Service by developing rehabilitation programs for prisoners. In order to transform the formal role of prison, consisting in isolating convicts from society, special emphasis was placed on their treatment, psychological assistance, educational activities, participation of convicts in labor, increasing their ability to integrate into society after release. Already in 2009, there were 276 formal education classes in the penitentiary system, 4,300 prisoners were engaged in the programs (more than a third of their total number in 2009 – 12,000 people). In 2010, about 2,200 prisoners were covered by vocational training and work programs. In addition, about 3,000 prisoners performed daily economic and technical work in prisons, and 2,300 worked at 54 enterprises subordinate to the Prison Service. Medical and psychological rehabilitation programs included treatment for drug addiction, alcoholism and other types of addiction, con-

sequences of domestic violence and sexual crimes.

Religious rehabilitation programs based on positive criminology principles were of particular importance. They were aimed at transforming spirituality of prisoners, provoking personal changes, and encouraging repentance, thereby attracting them to a non-criminal lifestyle and facilitating their return to society [19, p. 154].

At the same time, due to a lack of scientifically-based methods, effectiveness of the implemented measures was evaluated irregularly, which violated one of the basic principles of the evidence-based policy of penitentiary activities. In this regard, in December 2010, the Prison Department announced a call for proposals to develop a methodology for evaluating correctional and rehabilitation programs. Funding in the amount of 1 million shekels was awarded to a group of researchers from the Hebrew University of Jerusalem and a team from the Ashkelon Academic College. A 5-year study began in 2012. In its conclusions, the research group emphasized that its work was not to assess and criticize activities of the Prison Department, but to provide scientifically sound information that could be used in the development of stronger and more effective programs, and could also help the IPS determine its budget requests to the Government of Israel.

In implementation of the evidence-based strategic policy, the Human Agency occupies a decisive place, which, first of all, is manifested in the importance of the role of key persons of the department. IPS Commissioners are key figures in it. At the same time, the human factor implies the role of personality of a leader, his “ability to justify his functioning and influence the course of events by his actions” [26, pp. 371, 373–375]. It is the influence and charisma of key individuals that determines whether the department will be in a state of “holidays or hunger” [16]. Commissioner Kaniak was a key figure in the creation of an evidence-based strategy for the Israel Prison Department. Without him and his decision to work with high-ranking academicians, the evidence-based policy would not have appeared at that time. There is a high rotation of managers in the Israel Prison Ser-

vice, with 2–4 year-service, as a rule. Therefore, it was very important that Commissioner Aaron Franco (2011–2015) pursued the policy initiated by his predecessor. They had been colleagues in the Israeli police, and Kaniak convinced Franco of the need to continue implementing a new strategic project and a new approach to the prison service. It is obvious that the human factor also played a certain role; the policy under consideration was applied on a regular basis.

A firm statement of the Prison Service's commitment to an evidence-based, science-oriented policy was also made by another IPS Commissioner, Ofra Klinger (2015–2018), who appointed Doctor of Criminology Catherine Ben Zvi, initially participated in this project, to the post of head of the Prison Department's research unit [28].

Nowadays, the Israel Prison Service (IPS) continues its evidence-based policy by detailing processes and working out a large-scale research program in the Prison Department and the Israeli penal enforcement system as a whole. So, in October 2017, for the first time in world practice, Bar-Ilan University in Ramat Gan concluded an agreement with the Ministry of Public Security to use the Rimonim Prison northeast of Tel Aviv as an object of scientific research. The aim of the study was to help prisoners in rehabilitation and reduce their sentences in prison.

For the first time, the prison administration co-authored the study. Prison guards not only collected and studied the data, but also published results on a par with university professors. Some employees of the Rimonim Prison were given the opportunity to obtain a degree in accordance with their education and the right to teach at the university. Many foreign universities have shown interest in this program [30].

Employees of the Israel Prison Service conduct scientific research not only in social and managerial sciences, but also achieve high results in the field of digital technologies. Development of electronic devices for the needs of the Israeli Prison Department, conducted by the SHABAS Technological Development Department, is aimed at promoting public safety and creating a safe environment for prisoners. At the same time, laws and hu-

man rights are strictly observed, human dignity is respected. Thus, a group of scientists from the Prison Department and the Technion University of Technology in Haifa realized a project to create an innovative device "Electronic Nose" that recognizes foreign objects inside the convict's body by his/her breathing. If earlier an aggressive and humiliating invasive procedure with medical intervention was required to detect drugs, miniature mobile phones and other prohibited items inside the body of a convict or his/her visitors, then the "Electronic Nose" helps to accurately, quickly and painlessly (by person's breathing) confirm or deny the presence of a foreign object [11].

One of the most important elements of the modern strategy for the penitentiary system development is to increase attention to the human factor and human resources. The structural unit of the Israel Prison Service, the Department of Human Resources and Training, had long been called the "Department of Labor Forces", reflecting an outdated, impersonal and technocratic approach to working with people. According to the Minister of Public Security Omer Bar-Lev (appointed June 13, 2021), at present, human resources are precisely the main condition for achieving success in the field of public security. In order to implement this fundamental policy, processes of thoughtful strategic reorganization are necessary, the main principles of which are prioritizing employees' needs and understanding the specifics of work in penitentiary institutions. This approach is a real breakthrough for the power structure with a staff of more than 9,500 people in various positions, allowing each employee to be trained with an emphasis on their specialization [17].

Promotion of women to leadership positions is a characteristic feature of the modern personnel policy of the Prison Service. In 2021 Katy Perry, who had had a wide experience in the Israeli army, special services and the penitentiary system, was appointed the Commissioner of the Prison Department. In fact, women had already been appointed to this leadership post. The first female Commissioner of the Israel Prison Service was Orit Adato (2000–2003). In 2015–2018, the Prison Department was headed by Ofra Klinger.

In 2021, an indisputable authority on personnel work, Brigadier General Frumit Cohen, was appointed the Head of the Human Resources and Training Branch. Her appointment is not just management transition, but a symbol of changes that, according to the leadership of the Ministry of Public Security, will be proved over time [30].

Conclusions. Summarizing the above, we can conclude that the modern Israel Prison Service (SHABAS) is in the stage of development and transformation. Changing expectations and demands of society determine cyclical changes in penitentiary and legal policy. The time has come for deep organizational and social reassessment of the role of the police and prison service in the Jewish State. The solution of such tasks as raising the status and authority of the Prison Service, as well as purposeful creation of its attractive and respected image in society, has become an urgent necessity.

Taking into account modern challenges and threats, the Israeli Prison Department, along with traditional tasks such as ensuring public order by executing sentences in accordance with the law, preventing public danger by isolating prisoners and keeping them in custody, meeting their basic needs and rehabilitation, faces the need to boost effectiveness of correctional

and rehabilitation programs aimed at social rehabilitation and adaptation of released convicts.

It can be argued that today, thanks to Israel Prison Service–fundamental science cooperation, along with strengthening of human resources, there has evolved departmental penitentiary science, which justifiably determines prospects and trends in the Prison Service development. It is evidenced by the following facts:

- taking as a basis for improving penitentiary activities the so-called evidence-based policy, focused on managing the department's activities on the basis of scientifically proven facts and patterns to work out an effective and efficient strategy for functioning and development of SHABAS;

- decision-making in the field of criminal justice, law enforcement and penitentiary activities with regard to results of fundamental and applied research;

- involvement of not only external researchers in scientific projects, but also SHABAS practitioners, encouraged by the leadership to research activities (systematically take part in scientific events, meet with colleagues from universities and research centers, introduce scientific research results into practical work of the Department).

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