

AFTER WOOLF?

Prisons: policy and reality

Last year I was confidently writing about a 'new realism' in sentencing policy. The new doctrine, which seemed almost to have achieved the status of orthodoxy, had three ingredients and was carefully spelt out in the Green and White Papers that preceded the Criminal Justice Act 1991 (Home Office 1988; 1990). First, sentencing offenders to custody is not justified on grounds that it will in any sense improve them: to the extent that sentencers have improvement as their objective, it will invariably be achieved better in the community. Second, the idea of employing imprisonment, or harsh conditions in prison, as a deterrent - in an individualistic calculative sense - has lost credibility: that is not how most offenders engage in criminal behaviour and in any case what the Home Office describes as the attrition rate - the low likelihood that an individual offender will be detected, convicted and punished in a particular way - makes that calculus largely implausible (Home Office 1993, p 29). Thus, third, the primary objective for sentencing is denunciation of and retribution for crime, supplemented in certain circumstances by the need for public protection. Custody should be used parsimoniously.

Carceral rhetoric

Yet within a year of its implementation the Government has amended key aspects of the Criminal Justice Act. We are told that 'prison works'. The Home Secretary does not accept his predecessors' doubts about the deterrent power of the prison, the character of which he intends making

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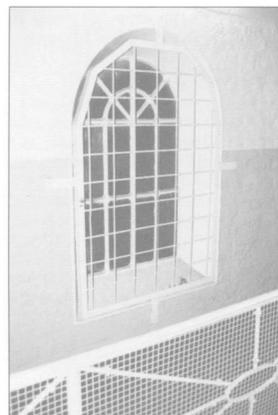
'more austere'. Moreover, he is to re-introduce a youth-saving form of custody for 12-14 year olds, the 'secure training order'. We are confidently to expect a significant increase in the custodial population in preparation for which a major new (contracted out) prison building programme has been

announced.

This carceral rhetoric is already impacting sentencing practice and the size of the prison population. System (as opposed to institutional) overcrowding is back and we are on the verge of using police cells for Home Office prisoners again. Many prisons are already having to take backward steps from the progress achieved over the past three years. Further, the population pressure on local prisons and remand centres, is making untenable the operationalisation of Woolf's 'community prison' concept. Once again an increasing proportion of prisoners are being shipped off to distant locations.

Rising tension

The clutch of institutional reports published by the Prisons Inspectorate during the summer provides a disturbing litmus test of rising tension and precarious order. At Wayland, a Category C prison with a CNA of almost 600, for example, prisoners expressed anxiety about their safety. The prison was reported to be unacceptably violent: stabbing and slashings were said to be commonplace (HMCIP 1993a, para 2.1). At Lincoln, the prison in which the Woolf Inquiry chose in 1990 to hold its prisoner and staff seminars because it was considered an example of what could be achieved in a progressively led prison, the Inspectorate were 'filled with disquiet' by the sight of 100 young prisoners crammed into the basement of a small wing suffering a 'threadbare' regime (HMCIP 1993b, para 4.65). The inspectors 'were not surprised to hear of extensive bullying and a serious unprovoked attack on a member of staff' (ibid, para 7.01). At Wandsworth, not for the first time, the regime was found to be monotonous and mechanistic. There was still no prisoner association, a situation which the Inspectorate found 'totally unacceptable' (HMCIP 1993c, para 3.4). At Ranby, a Category C prison which the Inspectorate last inspected in 1989, the physical environment had not improved and there was serious drug-taking and bullying with a hint of impending disruption (HMCIP 1993d, paras 4.2-4.3). At Reading, recently designated a remand centre and which experienced a serious disturbance last December, the young prisoner occupants, many far from home, continued to occupy



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a prison with no scope for expansion, limited facilities and having to adapt to its new role without additional resources (HMCIP 1993e).

The Wymott incident

These warning signs should be taken seriously, as events at Wymott on September 6th showed. Michael Howard might pay close attention to what Stephen Tumim's enquiry team found (HMCIP 1993f). First, this was the third major disturbance at this large (certified accommodation for 816 prisoners) Category C prison. The riot in April 1986 followed the decision to overcrowd the prison - parallel with an overall increase in the prison population. The corollary was a relaxation in allocation criteria and the use of 'more hasty and less thorough procedures' (Ibid, para 2.18). The riot in October 1986, once again at a time of significant system overcrowding, was preceded by 'a large number of receptions... from London and the South East (Ibid, para 2.25): Wymott is ten miles from Preston in Lancashire. Similar factors preceded events in September this year. Wymott normally takes 40 receptions per week. In the three weeks before the riot Wymott received 249 new prisoners, a surge caused by 'an increase in custodial sentences in the North West' - Howard's rhetorical chickens already coming home to roost - combined with Home Office 'pressure not to resort to the use of police cells' (Ibid, para 3.41). There is no need to go much further into operational detail - the use of the prison for prisoners for

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which it was never designed or staffed, more prisoners far from home, the creation of an insecure environment for prisoners and staff and a gradual breakdown of order (open drug use and trading, frequent incidents of violence and intimidation, loss of staff confidence, etc) - it is all perfectly predictable. As one prisoner told the Inspectorate: "I have never experienced a more frightening or barbaric place... the whole place was a battleground" (Ibid, para 3.49).

As a result of the Wymott incident the whole system was disrupted: the accommodation at Wymott was temporarily lost (and thus accommodation elsewhere was correspondingly overcrowded) and the Wymott population was dispersed to no

fewer than 23 prisons throughout the country - as far afield as Winchester, Blundeston and Exeter. The knock-on implications for the rest of the prison system are not numerically calculable: they will become apparent in the months ahead.

The Woolf reform agenda has been substantially abandoned and the raised expectations of prisoners and prison officers of decent living and working conditions are likely to be dashed. There is a real likelihood that we are in for a new round of disturbances. Mr Howard may soon pay a high price for his political rhetoric and short-termism.

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References

Her Majesty's Chief Inspector of Prisons:
(1993a) HM Prison Wayland, London: Home Office
(1993b) HM Prison Lincoln, London: Home Office
(1993c) HM Prison Wandsworth, London: Home Office
(1993d) HM Prison Ranby, London: Home Office
(1993e) HM Remand Centre Reading, London: Home Office
(1993f) Report of an Inquiry into the Disturbance at HM Prison Wymott on 6 September 1993, CM 2371, London: HMSO
Home Office (1988) Punishment, Custody and the Community, Cm 434, London: HMSO
Home Office (1990) Crime, Justice and Protecting the Public, Cm 965, London: HMSO
Home Office (1993) Digest 2: Information on the Criminal Justice System in England and Wales, London: Home Office.

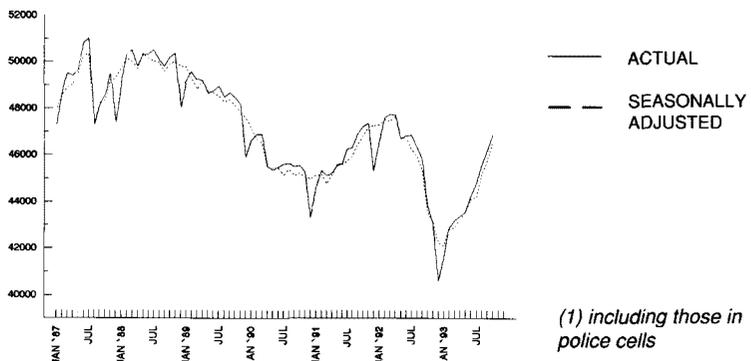
PROJECTIONS OF LONG TERM TRENDS IN THE PRISON POPULATION TO 2001

The results of the Home Office's projections of the prison population, calculated in March 1993, were as follows:

- The total prison population is projected to increase to 51,600 by the year 2001, an increase of 5,700 from the average 1992 population of 45,800.
- The sentenced adult male population is projected to rise from 28,900 in 1992 to 32,100 in 2001.
- The population of sentenced male young offenders is projected to rise to 4,700 in 2001, after falling to under 4,000 between 1994 and 1997 from 5,300 in 1992.
- The remand population is projected to increase to 13,300 in 2001 compared with 10,100 in 1992.

Source: Home Office Statistical Bulletin, 30 March 1993

TOTAL PRISON POPULATION AS AT DECEMBER 1993 (1)



Source: Home Office Research & Statistics Department, December 1993

(1) including those in police cells