

PRIVATISING CUSTODY

Private prisons: pushing up the prison population

It is difficult to over-dramatise the changes now facing the prison system in England and Wales. In 1877 the prison system was nationalised at a stroke, and thereafter run by Ministers and civil servants at the centre. The present Government is embarking on a policy to reverse this highly centralised monopoly. Area managers and prison governors are to be given greater autonomy over their budgets and staffing, operating to a new Agency once removed from Ministerial control, and most dramatic of all, two new prisons are already in place and fully operational (Blakenhurst and the Wolds). Thus, in place of a once unified, some might say insular system, in which competition and profit had no place, two decentralised, competing systems seem set to emerge by the year 2000.

While the decentralisation of the prison system has not raised too much argument - indeed, it was one of the central recommendations of the highly acclaimed Woolf Report - the introduction of private prisons has sparked off a fierce debate. For example, there are those who believe that making money - apart from a living wage - out of inflicting pain is questionable on ethical grounds. Still others, like ourselves, worry about the delegation of punishment at the deep end of the penal system -

where force is routinely used and human rights frequently violated - to private interests whose first and main duty is to shareholders. Would it not be better to leave the running of our prisons to state employees who are, in theory at least, more answerable to the community?

In addition to these essentially principled arguments, there is the contingent and practical worry that private prisons will lead to an increase in Britain's already escalating prison population. Simply put, the argument is that profit hungry entrepreneurs will lobby governments to sanction even more private prisons, thus expanding the overall number of prison places available which, if history is anything to go by, the judiciary will almost certainly fill with the enthusiastic support of Conservative backbenchers.

This line of argument is not entirely implausible, but it requires at least two important qualifications. First, and most obvious perhaps, is that the private sector hardly needs to rely on private prisons for its rake off from inflicting pain. For example, a recent Parliamentary question revealed that a small group of construction companies, including McAlpine, Mowlem and Shepherd Construction, had taken the lion's share of the over £1.25 billion the government has had to fork out in contracts to build 23 new prisons since 1985, the biggest prison building programme since Victorian times (Hansard October 19, 1993). To this limited extent, whether prisons are in public or private hands is of no great significance.

The second qualification is that what determines the overall level of the prison population at any given time in Britain (or elsewhere) is a complex interaction of social, political and judicial forces which cannot simply be reduced to the lobbying power of construction companies even though these companies all make significant contributions to the Conservative Party (Labour Research July 1993). For example, public and press reaction to the consequences of the 1991 Criminal Justice Act, and the



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Conservative Government's determination to restore itself as the party of 'law and order' has far more to do with the recent increase in Britain's prison population than the lobbying power of certain corporate interests. In America, to take another example, where private operators are well entrenched in the prison business, its burgeoning prison population is more to do with the government's misguided 'War on Drugs' policy than any other single factor.

However, to acknowledge these important qualifications, and to emphasise complexity is not to deny that the private sector's willingness to finance as well as to build and manage new private prisons may provide governments with an additional incentive to press ahead and expand the Gulag even further. For example, it is surely reasonable to assume that the British Government which is currently grappling with a huge public deficit of around £50 billion would have balked at the idea of building six extra prisons, that is, in addition to those already in the scheduled building programme, had it not been for the private sector's willingness to foot the initial bill (Hansard 19 October 1993).

Of course, whether prisons on the 'never, never' will really turn out to be cost effective is another matter. But one thing is certain, once built, they will almost certainly be filled, and their very existence will owe a lot to the private sector's willingness to come up with the cash and will, conveniently, have saved politicians from thinking hard about more sensible alternatives - alternatives aimed at reducing rather than increasing the present level of the prison population.

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